

PUBLIC HEARING

before

ASSEMBLY LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

on

SAFETY OF NEW JERSEY STATE POLICE TROOPERS - VOLUME I

Held:
May 21, 1984
State Library
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Joseph L. Bocchini, Jr. Chairman
Assemblyman Nicholas LaRocca, Vice Chairman
Assemblyman Frank M. Pelly
Assemblyman John Penn
Assemblyman William P. Schuber

ALSO PRESENT:

Aggie Szilagyi, Research Assistant
Office of Legislative Services
Aide, Assembly Law, Public Safety and Defense Committee

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New Jersey State Library



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ASSEMBLYMAN JOSEPH L. BOCCHINI, JR. (Chairman): I guess we can get started. First of all, ladies and gentlemen and those of you here this morning to testify, we thank you for cooperating with the Law, Public Safety and Defense Committee of the Assembly. If I may, I have a couple of quick preliminary comments to make on behalf of the Committee, and then I would request that if any of my Committee members have any statements they would care to make, I would gladly accept them into the record.

This public hearing was scheduled because the members of the Assembly Law, Public Safety and Defense Committee felt it was the Committee's duty and responsibility to look into the shooting death of the State Trooper, Carlos Negrón; to review the current State Police safety procedures as to their effectiveness; and to review the financial situation relating to patrols by State troopers.

As you well know, on Monday, May 7, 1984, State Trooper Carlos Negrón was shot to death on the New Jersey Turnpike by two men. At approximately 8:15 a.m. on that Monday, Trooper Negrón was alone in his patrol vehicle patrolling the Turnpike. He spotted a van on the shoulder of the highway about one mile from Hightstown. Trooper Negrón stopped his patrol car, got out, and approached that vehicle and began talking to the driver. Suddenly shots were fired from inside the van; Trooper Negrón was hit three times in the chest and once in the lower rib cage. He died at the scene. The trooper had sent a radio alert to New Brunswick that he was making a stop. A plainclothes state trooper arrived at the scene just as the occupants in the van fled on foot from the Turnpike. In the police chase that ensued, the two suspects stole another van at gunpoint and drove at high speeds in an attempt to elude the police. During the chase, the driver lost control of the van and slammed into a utility pool. Both suspects were killed.

To reiterate, two important factors in this incident were that Trooper Negrón was alone in his patrol vehicle, and in addition, he did not have the benefit of his bullet-proof vest at that time. Trooper Negrón, age 29, from Hamilton Township, was the father of an infant son and had been with the State Police for approximately two years.

Our information is that the trooper was the tenth State trooper in the 63-year history of the State Police to be murdered in the line of duty. It is our feeling that such murders should not continue if we can help prevent them. The safety of our troopers must be ensured. In addition, if the State Police are to adequately protect society, we must be sure of their adequate protection in the performance of their duties. The methods to be implemented to ensure the safety of the state troopers must be reviewed and discussed in detail, in a forum which provides the opportunity for all interested parties to submit their information, to develop their ideas, and share their opinions. To that extent, this is what this public hearing hopefully is going to provide.

Whether changes need to be made and whether changes are to be handled through legislative action or department regulations -- through an increase in budgetary appropriations or some other means -- has not been determined at this point. I can say this, with the \$400 million budgetary surplus this year, we should make safe highways and well-protected troopers a priority in the expenditure of those funds. However, any decision made in this area should be based on such information as is elicited here today at this hearing and from information elicited on Thursday. This open forum for discussion will ensure that any decision made is a practical decision, an effective decision, and one worth everyone's effort to implement. We are not on any witch hunt here this morning, gentlemen. Before we begin, I want to announce that we will have a second hearing, to continue the discussion that we are beginning today, on Thursday, May 24, in the General Assembly Chambers at 9:30 a.m. On Thursday, Attorney General Kimmelman and State Police Superintendent Pagano will address the Committee. That concludes my opening comments.

At this time I will accept any comments from other Committee members. Vice Chairman LaRocca, do you have anything to add?

ASSEMBLYMAN LaROCCA: Mr. Chairman, I, too, can only reiterate what you have said as to the necessity of holding these hearings. It is unfortunate that we often hold them after the fact. My colleague, Chris, has been through an experience with the problem of

no vests, so much so that he led a campaign where he raised some voluntary funds to see that they would have them. I, too, am anxiously awaiting all of the testimony here and next Thursday so that hopefully we can make some meaningful decisions to carry out the best of what we think is necessary to solve this problem.

ASSEMBLYMAN BOCCHINI: Thank you, Nick. Mr. Pelly, any comments?

ASSEMBLYMAN PELLY: Yes, just briefly, Mr. Chairman, I want to reemphasize some of the comments that you made -- and certainly appropriately made. We all recognize that when a law enforcement officer enters his or her profession, be it on a local level, county level, state level or Federal level, they are entering a very unique profession. The profession of law enforcement, as we all know, is unlike any other profession, in that they are confronted with adversities and uncertainties on a daily, if not on an hourly basis. These law enforcement officers recognize that they have an obligation to avail themselves of each and every opportunity presented to them to prepare themselves to meet those adversities as best they know how. But more importantly than that, we in government have a substantial obligation. We have an obligation to provide those law enforcement officers on every level, every opportunity to gain an edge on their adversaries -- gain by means of the best possible training, the best possible equipment, the best possible weapons, and certainly the dollars that are necessary to provide everything that needs to be available to them, and lastly, the laws that are necessary for them to do their job and do their job effectively. These can be accomplished either by regulation or by legislation. As the Chairman pointed out, no decision has been made as to whether legislation is going to be necessary; it might mean calling attention for the need for amendments to the current regulations to those who are in places of authority. I would certainly hope that regulation adjustment would be the answer, and I look forward to these discussions so that we may gain insight into what is needed. Thank you for this opportunity.

ASSEMBLYMAN BOCCHINI: Thank you, Assemblyman. Assemblyman Schuber.

ASSEMBLYMAN SCHUBER: Thank you, Mr. Chairman. First, I would just like to express my appreciation to you for setting up this Committee session today and Thursday on this very, very important issue. As I sit here, basically it is going to be as a fact-finder to determine the facts of the particular incident you have talked about, and to determine what we can do as legislators to prevent it from happening again. I would really wish, as a result of our hearings, that we could bring Trooper Negron back, but I know that we can't. I wish, because of these hearings, that we could prevent these incidents from happening again. I would be very optimistic if I said that we could. But we, as legislators, have a very positive responsibility to those who work for the State; we probably have a higher duty to those who work in occupations of the State which put their lives in danger. Inote, from the incident reports that we have here, that more than 50 percent, possibly 60 percent, of all the incidents since 1972 involving State troopers, have occurred on the New Jersey Turnpike. As I said at the meeting we had last week, we know that New Jersey is a corridor state. Its highway system is used considerably for transporation between New York and the South. Certainly we have had, not only many good people who travel that road, but many who haven't been good, and who have not wished well for those who have taken up employment with the State Police. To allow Trooper Negron's death to go unnoticed or to have it become just a passing incident would be a travesty. I think if we are going to learn about what happened and what it means to us, in government and law enforcement, these hearings had to be held to determine what we can do to lessen the opportunity for any of our members of the State Police from being injured again. I appreciate that opportunity. Thank you, Mr. Chairman.

ASSEMBLYMAN BOCCHINI: Thank you Assemblyman. Assemblyman Penn.

ASSEMBLYMAN PENN: Just briefly, Mr. Chairman, I concur with Mr. Schuber and the other Assemblymen's remarks and I commend you for holding these hearings. I think it is important that the State Police know the position of the Legislature and that we are here to be a help to them. We are not here to tell them how to run their business; we

are here to listen today. Any remarks that I might have will be made after the hearing. Thank you.

ASSEMBLYMAN BOCCHINI: Thank you. At this time we will begin taking testimony. I know that Clyde Fear is listed first, but I am sure you don't mind, Clyde, yielding to a Senator friend of ours from Hudson County, who has another meeting to get to. So with that, at this time, I will call on Senator Chris Jackman. Good morning, Chris. It is nice to have you with us.

SENATOR CHRISTOPHER J. JACKMAN: Thank you very much, Mr. Chairman. May I, at the outset, commend you and your Committee for your awareness of the problem that is now confronting us. Let me at the outset make a statement that I think is very important. As most of you know, I was instrumental in raising approximately \$180 thousand awhile back in order to purchase vests, and then in conjunction with the State to buy additional vests. So that every member of this Committee knows at the outset, when a vest is issued, it is fitted and it becomes part of the equipment of a State trooper; once he gets that vest, he is morally obligated to wear it. So, let's get that straight and on the record. Once that vest is issued, he is supposed to wear that vest at all times. Unfortunately, Trooper Negrón did not wear his vest that particular day.

Now one of the problems that I know is confronting you, as a Committee, is why there is one man in a patrol car patrolling these State highways. I would recommend to this Committee that that subject matter be left in the police's hands, meaning the State troopers' hands. To try to legislate for one particular group may, in fact, as mentioned here before-- Policemen are policemen all over this State. If you try to mandate the amount of people in any one car, I think you then would have to face what would happen to every other community, where every policeman who rides individually at night, would say, "I want two;" knowing your feelings, you would then almost be morally obligated to try to mandate it. I don't think it is wise to try to mandate the amount of people in the car.

Unfortunately -- and I think Mr. Schuber mentioned it -- we talk about a corridor State and the highways that are being utilized --

the Turnpike specifically, the Parkway to some degree, and of course Route 80 which has been a subject matter. Again I say to the gentlemen of this Committee, that subject matter is something that has to be resolved by the people who run the Department. I think for us to try to legislate the amount of people in a car would not be advantageous at this time. Let me just make this one comment: You will find that the two troopers I remember -- Lamonaco and Negrón -- were both killed by terrorists, people who were cop killers, so to speak. The thing that would frighten me, more than anything else, is the great possibility -- had there been two men in that particular car and considering the nature of the individuals who were in that van -- that there could have been two troopers killed. As you are all aware, Negrón got out of his car to be of assistance. The people, in my thinking, were lying in wait, so to speak. There could have been the great possibility that maybe two troopers would have been killed instead of one.

Gentlemen, when you make your consideration I would recommend that a resolution, based upon the knowledge of some of my colleagues who sat in the Legislature with me, be attested to, be discussed, and brought to the attention -- and I think it already has been so -- of the Senate and the Assembly. Leave it in the hands of the State Troopers themselves to decide -- meaning the people who are in the superior capacity -- how many people should be in a car. In some instances, there may be a great possibility that you might use a van with four or five people in it, instead of one or two. That is my testimony. Thank you very much for being attentive.

ASSEMBLYMAN BOCCHINI: Thank you. Does anyone have any questions for Senator Jackman?

ASSEMBLYMAN SCHUBER: I just want to say that I very much appreciate Senator Jackman coming here today. I happen to respect his opinion considerably on matters of legislation, and especially those that deal with the State Police because I remember very well your fight for the vests. I appreciate your taking the time to be here with us.

SENATOR JACKMAN: Thank you.

ASSEMBLYMAN BOCCHINI: Thank you, Chris.

At this time we would like to hear from Clyde Fear from the New Jersey Expressway Authority -- Atlantic City Expressway. Good morning, Mr. Fear.

CLYDE FEAR: Good morning, Mr. Chairman and Honorable Legislators.

ASSEMBLYMAN BOCCHINI: If you would, for the record, please present your title.

MR. FEAR: Yes. I will. My name is Clyde Fear. I am the Executive Director of the New Jersey Expressway Authority. I have prepared a statement that may not necessarily reflect the opinion of the Expressway Commissioners. I have not had time to discuss their sentiments, but as it is, the trooper's tragic death that we are discussing occurred on Monday, May 7th, two weeks ago, should alert us to sit up and take notice to determine a solution, if possible. I hear recommendations for two troopers per vehicle, but I do not feel that this is the answer. To my knowledge, the majority of shootings have occurred in daylight hours. Questions do arise: Are the officers following prescribed methods of approach? Should the wearing of safety vests be mandatory? If a trooper is suspicious of encountering a problem, does he or she call for a back-up? In some cases, would we lose two troopers instead of one?

On the Atlantic City Expressway, our detachment of State Police consists of one lieutenant, one station commander, five sergeants, and twenty troopers. The cost of an average trooper on the Expressway, not including a vehicle, is \$36,045 per year. To double this force, on patrol only, would cost an additional \$720,900 annually at the present rate of pay. Court time, again, consumes many hours, and two troopers would be attending instead of one. Again, this is an additional expense.

I would like to digress for a moment to entertain another solution. Taking the Expressway as an example, I had stated that an additional expenditure of \$720,900 would be required; if that same amount of money were allocated, we could place an additional 13 troopers and 13 vehicles on patrol. This would increase our three-vehicle patrol per shift to a five-vehicle patrol per shift, making a call for back-up readily available and coverage of the road much better.

The other aspect is the nature of the job itself. In choosing a career or a profession, the person must take into consideration the risk involved versus the salary and the benefits. Joining the Army, Navy, Air Force, or municipal police force does not insulate an individual against violence. Our State Police are highly trained on a continuing basis; if they become careless, tragedy may occur. Any amount of money we might spend could be wasted. That concludes my statement.

ASSEMBLYMAN BOCCHINI: Thank you, Mr. Fear. I have some questions. Before I ask the questions-- I have heard from the last two speakers and it is in the back of my mind -- and I don't know if it is in the back of any of the Committee member's minds, who heard it; it might be -- but I have heard the statement made twice that if there were two troopers in the vehicle, we may have sustained two deaths. I have not heard the statement: If there were two troopers in the vehicle, we may not have sustained any death. And based on that, I would like you people who are going to be coming up, and who are going to say it -- fine -- but I want to know why you are not going to say we could have prevented a death? That is a question that has been haunting me since last week when we first began our discussions. I think it is something you can probably cut either way. I think if we are going to paint a picture, let's paint it with brushes in both hands. That is my only statement.

MR. FEAR: Mr. Chairman, I would like to answer in this respect, with regard to the same statement that Senator Jackman made; if a planned killing by terrorists occurred, I don't think it would matter too much whether there were two troopers or one. We have experienced planned killings by terrorists among these troopers; in fact--

ASSEMBLYMAN BOCCHINI: (interrupting) Can I ask you this?

MR. FEAR: Surely.

ASSEMBLYMAN BOCCHINI: I may be a legislator, but you aren't going to take the lawyer out of Schuber, LaRocca, or Bocchini, so to speak. You're making a presumption based on that. Is there any statistical information in relation to the Negron killing, when you

speaking in reference of terrorists-- It is not a fair question to ask you, Clyde, from the standpoint of where it occurred and so forth. When we say terrorists and planned killings-- A planned killing -- I'll concede that. But, are we conceding at this juncture -- and probably Mr. Flanagan can keep this in mind -- that we had a planned killing, to the extent that we were dealing with terrorists who were determined to take out a State trooper? I don't know if that is essentially the facts in the Trooper Lamonaco situation, even though those people who were associated with the killing bear witness to the fact that they were associated with certain terrorists groups, groups that certainly have not shown themselves to be standout law enforcement people. So, I toss that right back at you. I think as we proceed with this, we are not talking about just that incident. How about the possibilities-- How many assaults, as an example, do they have of officers on the Expressway -- if you have that information.

MR. FEAR: We haven't had any.

ASSEMBLYMAN BOCCHINI: What is the length of total patrol on the Expressway?

MR. FEAR: Forty-four miles. We try to cover it with three vehicles per shift, but with the doubling-up on our midnight--

ASSEMBLYMAN BOCCHINI: (interrupting) Is that 44 miles in each direction or is that 22 miles--

MR. FEAR: (interrupting) No, it is 44 miles the length of the eastbound and 44 miles the length of the westbound. One thing that is better on our road than the Parkway, is the fact that our troopers can observe both sides while traveling in one direction. There are many places on the Parkway, where you have your aesthetics of the wooded section in between, so they cannot observe the other direction. I think it requires many more troopers there.

ASSEMBLYMAN BOCCHINI: What is the cost of one vehicle?

MR. FEAR: Mr. Chairman, we are instituting a new system right now to give an exact operational cost. We have gone into what is called the Lexington Plan; each trooper is issued a vehicle. No one else drives that vehicle, as long as that trooper is with us. We are keeping exact operating costs on it that way. We feel it is cheaper

for us to do that, than it is for a trooper to jump into any vehicle at all and use it for their shift. The initial cost of the vehicle is approximately \$9,000. The life of the vehicle is estimated differently on each of the roads. We have instituted this plan, as I said, and we are trying to prove that we can do it at a cheaper cost with a man assigned to each vehicle for the full term he is there. The cost that we used to determine how many troopers and how many vehicles would be put on the road was something like \$19,000 a year to operate; now, this does not advertise the initial cost.

ASSEMBLYMAN BOCCHINI: Nineteen thousand dollars-- I'm sorry, could--

MR. FEAR: This is all mechanical parts, whatever is necessary.

ASSEMBLYMAN PENN: The operating costs of a vehicle is what you are referring to?

MR. FEAR: Right.

ASSEMBLYMAN BOCCHINI: In other words, you are talking about the car and the maintenance. Are you including the salary of the mechanic who is going to work on that car?

MR. FEAR: Yes, positively -- the full cost.

ASSEMBLYMAN BOCCHINI: Out of that \$19,000, what is broken down in salary, if you have that available -- as to working hours and labor hours that are put into that?

MR. FEAR: Well, I couldn't, offhand, give that to you, but we do have full records on that. We keep records on every and each individual vehicle.

ASSEMBLYMAN BOCCHINI: In relation to the Expressway, the salary of the troopers is borne by whom?

MR. FEAR: We pay the total cost of the troop attachment of the Expressway -- their full costs, all benefits, the cost of the vehicle, right down to the shoe polish.

ASSEMBLYMAN BOCCHINI: When you gave the figure of \$36,045, what was that representative of?

MR. FEAR: That is the average cost of a trooper. This does not include administrative officers, such as sergeants and higher-up.

ASSEMBLYMAN BOCCHINI: When you say that is the average cost of the trooper, what percentage of that--

MR. FEAR: I have a breakdown here. The salary is \$22,130.

ASSEMBLYMAN BOCCHINI: Without overtime? That is base salary?

MR. FEAR: Yes. He receives a maintenance cost of \$4,000 per year.

ASSEMBLYMAN BOCCHINI: What is maintenance?

MR. FEAR: The way I understand it, this was a cost given to the troopers instead of an actual outright raise. They all receive the same amount; it is to--

ASSEMBLYMAN SCHUBER: (interrupting) Clothing and equipment?

MR. FEAR: They also get a cost for that, if you'll let me proceed. We have a shift differential cost of \$300; we have a mileage cost that they are allocated of \$100 a year; their pension is \$7,525; the uniforms and equipment are \$600; their medical insurance \$13,090, for a total of \$36,045. I have copies of this for you if you care to have them.

ASSEMBLYMAN BOCCHINI: Yes. For those of you who are going to be making statements, if you have information that you are going to pass out to us, I would appreciate it we could have it when you come up as opposed to after you have completed your testimony.

Do any members of the Committee have any questions?

ASSEMBLYMAN SCHUBER: I have a couple, if I might, Mr. Chairman. Very briefly, based on your statistics, you have three vehicles per shift; is that correct?

MR. FEAR: That is what we are scheduled to have. There are times when they have court appearances, but we schedule three per shift.

ASSEMBLYMAN SCHUBER: That is every shift?

MR. FEAR: Every shift. That has been diminished on our midnight shift for the simple reason that we were required to double-up the troop patrols, so it reduced us to two cars from midnight to eight in the morning.

ASSEMBLYMAN SCHUBER: That is two men to a car?

MR. FEAR: That is correct.

ASSEMBLYMAN SCHUBER: Ideally you would like to have five per shift; is that correct?

MR. FEAR: That would be an excellent coverage.

ASSEMBLYMAN SCHUBER: Basically you are just talking about your expressway -- the AC Expressway?

MR. FEAR: That's right.

ASSEMBLYMAN SCHUBER: The \$720,900 was the cost for that?

MR. FEAR: That would do it, at the present salary. Of course, it will increase every year.

ASSEMBLYMAN SCHUBER: So your recommendation to us would be to increase the amount of troopers who are available to you, as opposed to the two-man patrol?

MR. FEAR: Yes.

ASSEMBLYMAN SCHUBER: That is all I have, Mr. Chairman.

ASSEMBLYMAN BOCCHINI: Anyone else? Mr. Pelly.

ASSEMBLYMAN PELLY: I have just one or two questions. By way of background, Mr. Fear, are you a law enforcement officer?

MR. FEAR: No, I never have been.

ASSEMBLYMAN PELLY: Never have been? I notice that in your last statement, you say that our State Police are highly trained on a continuous basis; if they become careless, tragedy may occur and any amount of money we might spend is wasted. Could you give us some background as to your statement of "our State Police are highly trained on a continuous basis." Do they have mandatory, continuous training?

MR. FEAR: They have a continual training program that our troopers continually go to. We are normally sending two troopers constantly.

ASSEMBLYMAN PELLY: Is that a mandated program?

MR. FEAR: Yes, it is, and they offer them educational opportunities to go to also. There are certain functions that they must attend; they are mandatory.

ASSEMBLYMAN PELLY: Are you attesting to the fact that the State Police Training Program, the initial training and the continuous education training, both are adequate--

MR. FEAR: (interrupting) I thought they were well done--

ASSEMBLYMAN PELLY: (continuing) to meet the needs of the State Police in the State of New Jersey?

MR. FEAR: Yes.

ASSEMBLYMAN PELLY: Thank you.

ASSEMBLYMAN BOCCHINI: Nick or John, any questions?
(negative response)

I have a couple more questions, Mr. Fear. You indicated that you were required to go to two men in a car on the third shift; is that correct?

MR. FEAR: Yes.

ASSEMBLYMAN BOCCHINI: When did that requirement come into effect?

MR. FEAR: When Trooper Lamonaco was killed.

ASSEMBLYMAN BOCCHINI: So that was in 1981?

MR. FEAR: In that vicinity.

ASSEMBLYMAN BOCCHINI: Who came down with that regulation?

MR. FEAR: We follow our regulations out of Troop A. We are sort of a detachment out of Troop A, and that was a regulation--

ASSEMBLYMAN BOCCHINI: (interrupting) Do you know if that was a statewide mandate?

MR. FEAR: That I couldn't answer. I don't know, but I know--

ASSEMBLYMAN BOCCHINI: (interrupting) If somebody knows when they come up to testify, I would appreciate hearing it. It is midnight to eight?

MR. FEAR: Midnight to eight in the morning.

ASSEMBLYMAN BOCCHINI: You pay-- Is the Expressway running in the black presently?

MR. FEAR: Oh yes.

ASSEMBLYMAN BOCCHINI: Where is their surplus presently?

MR. FEAR: At the present time we have just refunded, and we are in the throes of the Transportation Trust Fund which is one of the administrations's bills; we have testified before the Committees on Transportation, both the Senate and the Assembly. Now the surplus funds would be allocated to this Trust Fund -- or a great majority of

them. The Expressway's contribution would be two and a half million dollars a year. The other authorities have also signed an agreement with them for a considerable amount of more money. So after that, there would be no surplus.

We have our capital expenditures and a priority list of future expansion, which is totally necessary.

ASSEMBLYMAN BOCCHINI: Let me ask you this. You have a priority list; where do State troopers stand on that priority list? Are they on it?

MR. FEAR: We try to make sure that we can properly police our highway to the best of our ability. We have had discussions with Colonel Pagano in our offices, where they have suggested changes; we have suggested changes to them. We have put on a power shift, as they call it, which is five additional troopers for a four-day period, and this is an additional cost. We are trying to work something out with their Division.

ASSEMBLYMAN PENN: Mr. Fear, who do your troopers report to?

MR. FEAR: We have our own lieutenant, the station commander, and five sergeants. We are under Troop A in Hammonton, Captain Purgavie.

ASSEMBLYMAN PENN: If you wanted to use some of your additional money, because you pay for your troopers, you would then go to Troop A and request that additional--

MR. FEAR: (interrupting) I think in a case like that we would go directly to the Superintendent, Colonel Pagano.

ASSEMBLYMAN PENN: And request the additional cars--

MR. FEAR: (interrupting) Yes. Now I may add that whenever we put on an additional trooper, we have to pay to train a new trooper, which is approximately \$19,000.

ASSEMBLYMAN PENN: My question is, if you have a surplus now, and you feel you would be better off with five men on the road instead of three men, why haven't you requested the additional--

MR. FEAR: (interrupting) That wasn't exactly my statement. I said we could -- with that \$720,000 -- increase it by two vehicles per shift. I don't naturally recommend that, but if we are forced to it, this would be a better solution in my estimation.

ASSEMBLYMAN PENN: That is going back to the point that you made -- if I understood you correctly -- that you felt it would be a better approach to have additional cars. You said that you now have three cars per shift on the road, and that you feel it would be better to have five cars per shift on the road. Then you said that there was a surplus at this time. I then asked you who you reported to. If you could request those additional cars now, or if you requested these additional cars in the past, do you feel that is a strong recommendation and one of the priorities that you would foresee? Have you considered this?

MR. FEAR: You may have misunderstood my statement. The intent of my statement was that if we had to double up -- two troopers to each vehicle -- my recommendation would be, rather than double up, to use that money and buy additional cars and additional troopers, not that this would be entirely necessary with this full amount. But if we did have to do it, let's utilize that money in a different direction.

ASSEMBLYMAN PENN: In other words, you are saying that right now you think you can adequately patrol it with three cars?

MR. FEAR: Yes. And we put on a power shift with additional cars four days a week.

ASSEMBLYMAN BOCCHINI: Getting back to the question I had originally asked. At this time, and forgetting for the moment the Transportation Trust Fund -- or not forgetting it--

MR. FEAR: (interrupting) I can't.

ASSEMBLYMAN BOCCHINI: (continuing) Let's assume that you make your contribution to the Transportation Trust Fund; is it your indication to me, at that point in time, you are then at an even bank account, or is there still some surplus?

MR. FEAR: Well, in other words, we have to form our budget the same as every other agency. Presently we would not have any room in our budget for the \$420,000, so it would mean cutting back some place else, probably in a capital improvement.

ASSEMBLYMAN BOCCHINI: Do you think you could make available to us a copy of your budget in the next couple of weeks?

MR. FEAR: Surely. In fact, you have it up there; we send them all up. But, I will send you an additional copy, if you like.

ASSEMBLYMAN BOCCHINI: I am sure Revenue Finance may have it.

MR. FEAR: They surely do.

ASSEMBLYMAN BOCCHINI: We don't have it, but we can touch base with Revenue Finance, but if you could help us with that--

MR. FEAR: Surely.

ASSEMBLYMAN BOCCHINI: It may provide us the information. On 44 miles of highway, right now you have three vehicles and three troopers per shift -- do you know what the response time is for back-up on the Expressway?

MR. FEAR: We operate on three 15-mile loops per trooper, per vehicle. The farthest distance in doing that with a back-up would be 15 miles -- that would be the absolute farthest distance. Should a back-up be called for in a very suspicious situation, our headquarters is centrally located on the road, where the sergeant has a vehicle which he patrols with occasionally to check on his troopers out there. So, we are probably talking about 12 minutes, maximum.

ASSEMBLYMAN BOCCHINI: Twelve minutes?

MR. FEAR: Yes. They do drive them 80 or 90 miles an hour, you know.

ASSEMBLYMAN BOCCHINI: You said 15 miles is the farthest distance. If you have three segments, and let's assume that during the course of the patrol, I stopped and issued a speeding summons and Trooper Szilagyi stopped and issued a speeding summons. We are each heading on our patrol, and she is in the first group, Unit One -- I'll call it -- and I am in the second block and I am proceeding-- How does that run -- east and west or north and south?

MR. FEAR: It is east and west.

ASSEMBLYMAN BOCCHINI: Ok. I'm heading east and she is heading west, and I get to the end of 15 miles and she gets to the end of her 15 miles--

MR. FEAR: (interrupting) Now you have the other one on this end within 15 miles of you.

ASSEMBLYMAN BOCCHINI: If you have three segments -- one, two and three. I have left this trooper alone for the time being; we may be only a mile apart. But, isn't there the possibility that Trooper One and Trooper Two could be 30 miles apart?

MR. FEAR: That is true. But he could be covered by Trooper Three at the maximum of 15 miles.

ASSEMBLYMAN BOCCHINI: Did you understand what--

ASSEMBLYMAN PENN: (interrupting) What he is saying is that you are going to have a trooper on the other loop that is the third man and that you always want to be within 15 miles of one or the other two troopers.

ASSEMBLYMAN BOCCHINI: That is impossible. If you have a 44 mile stretch of road--

MR. FEAR: (interrupting) Well, I see what you mean--

ASSEMBLYMAN BOCCHINI: (continuing) --and we are breaking this table into three equal parts (demonstrating); that's mile one, that's mile forty-four, and you are down there at mile one. I'm at mile thirty and even if this trooper here is at mile thirty, that goes from thirty-one to forty-five, you have two troopers right next to each other, but one trooper is thirty miles away.

MR. FEAR: But I do have one coming out of the central station.

ASSEMBLYMAN BOCCHINI: If he happens to be on patrol.

MR. FEAR: No, he will call him right out. All of our troopers-- I'll give you the procedure: When a trooper stops for an aide, his procedure is to pull up behind the vehicle, give the identification of that vehicle to our dispatchers, and if he asks for it -- which is 95 percent of the time -- within 30 seconds, we can give him the registration of the vehicle. If he proceeds to the driver and asks for his driver's license, within another minute, we give him the full identification of that. Now before that trooper gets out of his vehicle, we have the description of the vehicle and the license plate of the vehicle; we can get that information out of any one of the states. We also use social security numbers and get that out of the Washington headquarters, if necessary.

ASSEMBLYMAN BOCCHINI: I don't want to overburden you with any more questions, Mr. Fear. Are there any other questions from the Committee? (negative response) We might, at some later date, request some additional information and perhaps have some other questions. I appreciate your taking your time to be with us this morning. We, on behalf of the Committee, appreciate your cooperation and hopefully your testimony will be of benefit to us in drawing some conclusions at the end of this series of hearings.

MR. FEAR: I would like to be excused. I have to appear in court at 1:00.

ASSEMBLYMAN BOCCHINI: At this time the Committee would like to hear from William J. Flanagan of the New Jersey Turnpike Authority. Good morning, Mr. Flanagan. Thank you for joining us.

WILLIAM J. FLANAGAN: Good morning Chairman and gentlemen of the Committee. My name is William Flanagan. I am the Executive Director of the New Jersey Turnpike Authority, and this my twenty-third year in that position. Echoing Senator Jackman, I, too, commend the members of the Committee for their interest. It is extremely encouraging to see public officials expressing their concern. I don't have a prepared statement, Mr. Chairman. However, if the members of the Committee wish to ask any questions, I would be pleased to answer them.

ASSEMBLYMAN BOCCHINI: I have several. Fine. Let us start then. You have nothing that you would like to say by way of opening comments?

MR. FLANAGAN: No, Sir.

ASSEMBLYMAN BOCCHINI: Mr. Flanagan, what are the expenditures -- if you have that available -- of the Turnpike Authority with regard to fiscal responsibility for State troopers monitoring the Turnpike?

MR. FLANAGAN: The Authority's budget for State Police protection on the Turnpike is \$7,200,000.

ASSEMBLYMAN BOCCHINI: \$7,200,000? That is for--

MR. FLANAGAN: (interrupting) It includes all of the items mentioned by the previous witness.

ASSEMBLYMAN BOCCHINI: What is the Authority's responsibility for the trooper? Are we talking vehicles, other equipment, training, clothing, protective vests, and salaries?

MR. FLANAGAN: Salary and benefits, troop cars, equipment, proper insurance, indemnification for any altercation or anything that happens on the Turnpike.

ASSEMBLYMAN BOCCHINI: Do you have a breakdown? Are your numbers exactly the same as the numbers Mr. Fear gave us?

MR. FLANAGAN: Not exactly in total amount. You will find as you talk to each of the toll roads that that will differ; it all depends upon the trooper who is assigned to the toll road and his years of experience to determine which salary grade he falls into. So there will be a fluctuation in salaries.

ASSEMBLYMAN BOCCHINI: Do you have that information available for us?

MR. FLANAGAN: We don't have that broken down. I can give you the individual costs; the individual costs of the New Jersey Turnpike Authority for each trooper is \$41,618.

ASSEMBLYMAN SCHUBER: What does that represent again, Mr. Flanagan?

MR. FLANAGAN: It represents everything the previous witness alluded to -- salaries, benefits, troop cars, guns, equipment--

ASSEMBLYMAN SCHUBER: (interrupting) For one officer?

MR. FLANAGAN: Yes, Sir.

ASSEMBLYMAN SCHUBER: Thank you.

ASSEMBLYMAN BOCCHINI: That includes the vehicle?

MR. FLANAGAN: Yes.

ASSEMBLYMAN BOCCHINI: I don't think Mr. Fear's statement included the vehicle.

ASSEMBLYMAN SCHUBER: He had a separate amount for that.

MR. FLANAGAN: I don't know what his total amount was, but our total amount includes all equipment.

ASSEMBLYMAN BOCCHINI: And that includes the vehicle?

MR. FLANAGAN: Yes, Sir.

ASSEMBLYMAN BOCCHINI: Mr. Flanagan, I would like to see if you could provide, subsequent to the hearing, a breakdown of item-by-item on the cost factor.

MR. FLANAGAN: Simply done. It'll be in the mail this afternoon.

ASSEMBLYMAN BOCCHINI: Are troopers required to wear bullet-proof vests on the State Turnpike?

MR. FLANAGAN: I am not aware of the regulation. The Turnpike Authority has nothing to do with regulating the troopers who patrol the roadways. It has nothing to do with the State Police detectives who are assigned to the roadway. They are under the command of Colonel Pagano and the State Police staff. There is no interference whatever, or suggestions whatever, on the part of the Authority.

ASSEMBLYMAN BOCCHINI: So, all of the regulations that are promulgated, as far as equipment, procedure and so forth, would come under the auspices of the State Police itself, through the direction of Colonel Pagano; is that correct?

MR. FLANAGAN: That is correct. And, in my 22 years plus experience on the Turnpike, the Authority has never refused a request of the Superintendent of the State Police, regardless of his identity. That also includes the approval of two men to a car back in 1963 following the assassination of Trooper Werner Foerster on the Turnpike. Prior to that time, the nighttime shifts had one man to a car.

ASSEMBLYMAN BOCCHINI: So you have two men to a car since 1963?

MR. FLANAGAN: Yes, Sir. When the request was made, the Turnpike readily agreed to it. As I started to tell you, the assassination of Trooper Foerster by the Joanne Chesimard group, which was associated with the most recent execution of Trooper Negron--

ASSEMBLYMAN SCHUBER: (interrupting) It was 1973, I think, wasn't it?

MR. FLANAGAN: I beg your pardon. Excuse me, 1973. 1963 was Tony Lucas. I'm sorry. 1973, ten years ago. That incident took place immediately outside the Administration building of the New Jersey

Turnpike Authority. On that occasion, as I stated a moment ago, the regulation was to have one man per car on all shifts. Mr. Fear, the previous witness, indicated that the regulation -- and he is correct in that -- is when a stopping occurs, the trooper radios the identification of the vehicle, that is the make of the car, the license plate number, and if we can determine, the number of occupants. That information is immediately transmitted to a national center in Washington to determine whether that vehicle has been stolen or whether it has been used in the commission of a crime. The trooper, before he approaches the subject, is aware of whether the vehicle is clean or whether it has been involved in a crime. The procedure, as Mr. Fear stated, is for the back-up to proceed to the spot to assist the trooper. In the killing of Trooper Foerster in 1973, not only was Trooper Foerster killed, but the back-up vehicle of the second man resulted in the second man being seriously wounded by gunfire as well. Following that, the Superintendent of the State Police promulgated a regulation and requested that the Authority approve two-man patrols during the hours of darkness. And that request, of course, was acceded to.

ASSEMBLYMAN PENN: Mr. Flanagan, by hours of darkness, is that twelve midnight, or what times are your two-man patrols?

MR. FLANAGAN: That is known as the One Shift; it covers from 10:30 p.m. to 6:30 a.m., the following morning.

ASSEMBLYMAN PENN: Okay. It's 10:30 at night until 6:30 the next morning?

MR. FLANAGAN: Yes, Sir.

ASSEMBLYMAN PENN: That is different than Mr. Fear's; they go on at midnight.

ASSEMBLYMAN BOCCHINI: Statistically, do you have any information that you could give to us as far as the number of stops that are made on each of the shifts?

MR. FLANAGAN: I don't have it broken down by shift, but I can tell you that in 1983, there were over 200,000 occasions when the State Police patrolling the Turnpike had face-to-face contact with the public.

ASSEMBLYMAN BOCCHINI: Could you describe what face-to-face contact is.

MR. FLANAGAN: Face-to-face contact with the public is the trooper approaching the vehicle and either talking to the driver or an occupant of the vehicle. Those 200,000 occasions cover some 80,000 plus summonses, investigations of over 3,000 accidents, and stopping to report disabled vehicles -- as Trooper Negrón was doing when he was executed. In 1983 they totaled approximately 110,000. There are other dry runs where people stop and ask troopers for assistance.

ASSEMBLYMAN BOCCHINI: Okay, let's see here. The information I have in front of me indicates that there are three troop stations on the Turnpike--

MR. FLANAGAN: (interrupting) Yes, Sir.

ASSEMBLYMAN BOCCHINI: (continuing) and the full complement is 110 troopers.

MR. FLANAGAN: Our full complement from the Bureau of State Police is 175 troopers.

ASSEMBLYMAN BOCCHINI: Patrol troopers?

MR. FLANAGAN: Pardon?

ASSEMBLYMAN BOCCHINI: Patrol troopers.

MR. FLANAGAN: Well, patrol troopers, yes, approximately 110.

ASSEMBLYMAN BOCCHINI: So 110 troopers were involved in 200,000 incidents of confronting or assisting vehicles on the Turnpike?

MR. FLANAGAN: That is correct.

ASSEMBLYMAN BOCCHINI: That is approximately 19,000 to 20,000 apiece. What is the length of the Turnpike?

MR. FLANAGAN: The Turnpike, including the extension which connects the New Jersey Turnpike to the Pennsylvania Turnpike and the extension which connects the Turnpike to the Holland Tunnel, has a total mileage of 131 miles.

ASSEMBLYMAN BOCCHINI: Do you have the same procedure as the Expressway, that the troopers patrol in loops of certain mileage?

MR. FLANAGAN: Oh yes. All the roads follow that procedure.

ASSEMBLYMAN BOCCHINI: What are the loops?

MR. FLANAGAN: Down at the southern end of the Turnpike, the Moorestown station patrols the first 60 miles of the Turnpike, including the six miles of the Pennsylvania extension. That contingent contains five squads, consisting of 30 troopers, with six troopers per squad. These five squads cover 21 shifts per week. Dividing the number of miles between each vehicle, each patrol vehicle covers approximately 22 miles per shift. It is 22 miles in either direction -- or rather 22 miles divided between either direction.

ASSEMBLYMAN BOCCHINI: It is 11 miles on each side of--

MR. FLANAGAN: (interrupting) That is correct.

ASSEMBLYMAN PENN: How many per shift did you say, Mr. Flanagan?

MR. FLANAGAN: There are five squads consisting of 30 troopers, with six troopers per squad. There are six cars on the road in that area.

ASSEMBLYMAN BOCCHINI: So the third shift has six cars with two men in each car.

MR. FLANAGAN: No, there are only three cars with two men in each.

ASSEMBLYMAN PENN: They reduce the number of cars?

MR. FLANAGAN: Yes.

ASSEMBLYMAN BOCCHINI: Let me ask you this. Is there any information that would indicate that the three cars on the third shift are less effective than the six cars on the first two shifts?

MR. FLANAGAN: To a degree they are; however, since it is the hours between 10:00 p.m. and 6:30 a.m., when traffic is lightest on the roadway, the effect is not felt that greatly. It would require the troopers to take a longer time to reach a disabled vehicle, however.

ASSEMBLYMAN BOCCHINI: Do you know what the average number of troopers per Turnpike mile is on each shift?

MR. FLANAGAN: No, I don't, Sir. It varies from one end of the Turnpike to the other, and it is all based on the density of traffic and the frequency of occasion. For instance in the New Brunswick station, which covers 37 miles, from milepost-60 to milepost-97, that contingent contains seven squads, so it is a lesser

number of miles, but a greater number of troopers. It contains seven squads, consisting of 35 troopers, seven on each squad. Each trooper vehicle covers fourteen and a half road miles, that is seven and a quarter miles one way and seven and a quarter miles the next way, per shift.

ASSEMBLYMAN BOCCHINI: Was Trooper Negrón in the New Brunswick squad at the time of his demise?

MR. FLANAGAN: Yes, Sir.

ASSEMBLYMAN BOCCHINI: In general, what is your opinion as far as the amount of troopers that we have on the Turnpike? Do you feel as if we are sufficiently covered with State Police on the Turnpike at this time?

MR. FLANAGAN: Mr. Chairman, it is really not my position to say whether or not we are sufficiently covered.

ASSEMBLYMAN BOCCHINI: Whose position would it be then, Mr. Flanagan?

MR. FLANAGAN: That is the determination of the Division of State Police. They have patrol standards which they follow, and they most certainly do. They never hesitate to ask for permission to amend the agreement between the Turnpike and the Division of State Police or between the Turnpike and the Attorney General if more men are required or if an additional sergeant is required. And as I stated earlier, the Turnpike has always agreed to those requests. That is their responsibility. We pay the bills. They are entirely responsible for the patrolling of the Turnpike and for the safe conduct of the traffic on the Turnpike.

ASSEMBLYMAN BOCCHINI: Don't you have any feeling of obligation as a member of the Authority, or working for the Turnpike Authority, as to the safety of the passengers in the vehicles on the Turnpike, as to how the Turnpike Authority-- I know the State Police is responsible for staffing it, but what I would like to know is how does the Turnpike Authority feel about how it is staffed? I would hope that you would have a feeling one way or the other, as to whether or not you are sufficiently covered or if you are insufficiently covered, or whether there is an additional need for more coverage. Since you

are paying the bill, and the people who are traveling it pay those tolls--

MR. FLANAGAN: (interrupting) I don't know how sufficiently aware you are of the Turnpike's safety record. The Turnpike, mile for mile, is one of the most heavily traveled facilities in the United States, which has a mix of passenger traffic and commercial traffic. The New Jersey Turnpike's safety record consistently has been one of the best in the Nation.

ASSEMBLYMAN SCHUBER: I appreciate that to be the case, Mr. Flanagan; I have traveled it quite often. But the Chairman asked some interesting questions, and let me just carry that a little further. As I understand it then, to get a handle on the whole situation, the Authority pays the bill for the troopers; is that correct?

MR. FLANAGAN: Yes, Sir.

ASSEMBLYMAN SCHUBER: Okay. The troopers are provided by the State Police; is that correct?

MR. FLANAGAN: That is correct.

ASSEMBLYMAN SCHUBER: And their training and all the regulations that govern them come from the State Police Director; is that correct?

MR. FLANAGAN: That is correct as well.

ASSEMBLYMAN SCHUBER: During the course of the time that you have been with the Authority -- I know it is more than 20 years -- has the Authority made recommendations to the State Police with regard to any changes or recommendations for upgrading or training or anything like that?

MR. FLANAGAN: That would surely be "carrying coals to New Castle," to try to attempt to tell the State Police how to run their business, and I think that the Chairman referred to that in his opening remarks, or one of you gentlemen did, that you are not here to tell the State Police how to run their business. Surely the Turnpike is not there to tell them either.

ASSEMBLYMAN SCHUBER: That is not what I am saying. I appreciate that fact. I know that you do not operate the State Police; I agree with that. That is why we have Colonel Pagano. The fact of

the matter is, it would appear to me, that during the course of your time-- As a result of the statistics that you gathered -- and I am sure you do gather them because I have seen some of your reports as to what happens on the Turnpike -- maybe something would occur to you, some type of recommendation or upgrading that is needed with regard to police law enforcement on the Turnpike. Maybe it doesn't; I don't know. But, it would appear to me that there would be information available to you that might ask you to make a recommendation, not to adopt a regulation -- I don't think you can -- but to at least make a recommendation that the State Police consider it. What I am trying to find out is, do you have any recommendation like that with the incident that happened to Trooper Negron.

MR. FLANAGAN: Not with regard to Trooper Negron, no.

ASSEMBLYMAN PENN: I think perhaps what Mr. Schuber is asking is, does the Turnpike Authority itself conduct any evaluation of the efficiency of how the Turnpike is being policed?

MR. FLANAGAN: I think, Assemblyman, the answer is obvious that the Turnpike's safety records surely indicate that the State Police are carrying out their responsibilities to the fullest.

ASSEMBLYMAN PENN: I agree with you. I think that they do, but I am just asking, do you from time to time evaluate the performance?

MR. FLANAGAN: Our only means of evaluating their performance is the safety record itself.

ASSEMBLYMAN BOCCHINI: Let me try this, John. I think the point we are all trying to get to-- Let's approach the question in a different direction. We have an "A" in safety on the Turnpike.

MR. FLANAGAN: "A plus."

ASSEMBLYMAN BOCCHINI: "A plus," fine. I have heard it time and time again. Do you have an opinion? Does the Turnpike Authority have an opinion, if we were to give a grade on how we are treating and handling the State Police who patrol the Turnpike, those who sustain that "A plus" for us. Are we an "A," "B," "C" or whatever, in relation to the staffing of the Turnpike, in your estimation?

MR. FLANAGAN: "A plus."

ASSEMBLYMAN BOCCHINI: So it is your feeling that there is sufficient coverage on the Turnpike--

MR. FLANAGAN: (interrupting) Yes, Sir.

ASSEMBLYMAN BOCCHINI: (continuing) and there is no need for additional manpower?

MR. FLANAGAN: That is correct.

ASSEMBLYMAN BOCCHINI: Assemblyman Pelly.

ASSEMBLYMAN PELLY: I wanted to ask the same question, but perhaps in a different fashion. Does the Turnpike Authority have any oversight over the expenditure of -- in the case, this year of \$7.2 million?

MR. FLANAGAN: Oh surely, the Turnpike has oversight on everything it spends.

ASSEMBLYMAN PELLY: So you do have an opportunity to question the expenditure of the \$7.2 million this year, such as where it is going and how it is distributed?

MR. FLANAGAN: Absolutely. The State Police contract agrees that the Turnpike has a right to audit, and the Turnpike certainly practices that right.

ASSEMBLYMAN PELLY: I understand with respect to auditing, that is with respect to how the \$7.2 million is spent in line-item figures, for example, such as the number of persons, how patrols are used, and those kinds of activities; so you do, in fact, oversee all of those activities?

MR. FLANAGAN: We do have that oversight to see that the money is being properly spent.

ASSEMBLYMAN PELLY: I understand you have the oversight; do you do it?

MR. FLANAGAN: We do not presume to tell the State Police that they need additional patrols in any area. Their own personnel are certainly more competent for that purpose than we are.

ASSEMBLYMAN PELLY: So, in other words, what you are saying is that if the State Police come to you next year and say they need \$9.2 million to increase their budget to provide more State Police for the Turnpike, that would be provided, would it not?

MR. FLANAGAN: That has happened in the past. The State Police -- when we sit down to negotiate those items -- realize that they must provide adequate justification, and they come well prepared.

ASSEMBLYMAN PELLY: I understand that that has happened in the past; I am projecting to the future.

MR. FLANAGAN: The Turnpike?

ASSEMBLYMAN PELLY: Yes, the future of the Turnpike. If--

MR. FLANAGAN: (interrupting) Even in the future. I told you gentlemen a short time ago, the Turnpike has never refused a request of the State Police for personnel nor expenditure.

ASSEMBLYMAN PELLY: So if they did, in fact, come for additional dollars for additional police on the Turnpike, that would be provided? Keeping that in mind, if, for example, they did come for \$2 million more for additional police on the Turnpike, would that require a toll increase?

MR. FLANAGAN: That is a difficult question to answer at this moment.

ASSEMBLYMAN PELLY: Would any increase require a toll increase, considering other commitments?

MR. FLANAGAN: I couldn't possibly answer that question at this time.

ASSEMBLYMAN BOCCHINI: When was the last time they had a toll increase?

MR. FLANAGAN: In 1980.

ASSEMBLYMAN BOCCHINI: How much or what percentage?

MR. FLANAGAN: It was approximately a 17 percent toll increase.

ASSEMBLYMAN BOCCHINI: Do you know, offhand, if that was a nickel, a dime or whatever?

MR. FLANAGAN: It is rounded off to the nearest five cents.

ASSEMBLYMAN PELLY: So you have no idea -- just going back to my question-- If additional appropriations were required, would it then trigger some mechanism whereby you would have to say that at this point in time, we need a toll increase?

MR. FLANAGAN: There is no way to tell that, Assemblyman, without reviewing the entire budget and without anticipating what our expenditures are going to be in the following year. There is no way to do it at this precise moment.

ASSEMBLYMAN PELLY: Let's see if I can approach it from a different fashion. What kind of a surplus do you anticipate in this year's budget?

MR. FLANAGAN: There again, traffic is undependable for measuring or for projecting what your income is going to be from year to year. You can only use the historical past.

ASSEMBLYMAN PELLY: Don't you have projections?

MR. FLANAGAN: Surely, we have projections, but they are not true projections.

ASSEMBLYMAN PELLY: Well, they reflect the very best numbers that you can possibly--

MR. FLANAGAN: (interrupting) The very best I can tell you, at this point in time, is last year the Turnpike Authority had a surplus of \$6.4 million, which is being turned over to the General Treasury of New Jersey. Next year we have an obligation to turn over \$12 million to the State if the Governor's Program is successful in this Legislature. We believe that we can make the \$12 million, based upon the traffic increases and the increases in revenue we have seen in 1984. However, should there be an Arab oil embargo, as struck back in the early 1970's, those projections are worthless.

ASSEMBLYMAN PELLY: So in other words, based on your projections of the best numbers that you have available to you, next year you would expect that there would be at least a \$12 million surplus--

MR. FLANAGAN: (interrupting) That is correct.

ASSEMBLYMAN PELLY: (continuing) in order to accommodate the \$12 million that is required. Do your projections show any surpluses in addition to the \$12 million?

MR. FLANAGAN: A slight surplus in addition to that.

ASSEMBLYMAN PELLY: What does that mean?

MR. FLANAGAN: A slight surplus in addition to that could mean anything from one dollar to one million dollars.

ASSEMBLYMAN PELLY: What does it mean in terms of the Turnpike Authority's projections?

MR. FLANAGAN: I don't follow your question.

ASSEMBLYMAN PELLY: I understand what when you say it means anywhere between one dollar and one million dollars, but what does it mean in terms of the Turnpike's projections with respect to surplus? What do your figures show you? I would suggest -- and while I am not an economist -- if your anticipated surplus is \$12,000,001, that you don't give \$12 million dollars for the Transportation Fund, because you may be in trouble. However, if it is \$14 million, then you might be able to do it. You know that, as well as I do.

MR. FLANAGAN: If traffic continues at the rate we have experienced in the first four months of 1984, we would be able to give the State its \$12 million and to accommodate the two and a half million dollars which is mentioned here. What I am saying is, during the remaining eight months that bad weather, or whatever, could happen and could interfere with those projections. So the projections are not chiseled in stone.

ASSEMBLYMAN PELLY: I understand that; we all understand that. Have you been fairly consistent with respect to your projections? Have you been fairly accurate?

MR. FLANAGAN: Fairly consistent.

ASSEMBLYMAN PELLY: Based upon your degree of accuracy, what do you anticipate your next year's surplus to be?

MR. FLANAGAN: I told you a moment ago, we will make the \$12 million, and anticipating our obligations for 1985, under our labor agreement on the improvements we intend to make, we should have approximately between a \$12 million and a \$13 million surplus.

ASSEMBLYMAN PELLY: So your anticipated surplus is \$12 million to \$13 million. You have committed \$12 million to the Administration's Transportation Fund, which leaves you pretty close to your operating budget. How are you going to pay additional expenditures, if required, if you are operating so close?

MR. FLANAGAN: That's a budgetary procedure. In other words, if it would be determined that there will be two troopers in a car at

an additional cost of two and a half million dollars to the Turnpike next year, it would require moving certain anticipated improvements around until we were able to accommodate that, until traffic could catch up with the expenditure.

ASSEMBLYMAN PELLY: It is accomplishable?

MR. FLANAGAN: Yes.

ASSEMBLYMAN BOCCHINI: Assemblyman LaRocca, do you have any questions? (negative response)

ASSEMBLYMAN PELLY: I just had one more question.

ASSEMBLYMAN BOCCHINI: I'm sorry.

ASSEMBLYMAN PELLY: One final question -- in your next year's budget, are you anticipating any additional State troopers?

MR. FLANAGAN: Any additional State troopers?

ASSEMBLYMAN PELLY: Yes.

MR. FLANAGAN: Not under the number provided for in a contract agreement.

ASSEMBLYMAN PELLY: So you anticipate the same number in your next year's budget as in this year's budget?

MR. FLANAGAN: Yes, Sir.

ASSEMBLYMAN PELLY: Okay. Thank you.

ASSEMBLYMAN BOCCHINI: Mr. Flanagan, can you tell me where the breakdown is in relation to administrative officers on the Turnpike. You have 110 patrol troopers; is that correct? How many do we have on the Turnpike who serve in relation to sergeants, lieutenants, administrative officers, etc.? The total force is 175; is that correct?

MR. FLANAGAN: Yes, Sir.

ASSEMBLYMAN BOCCHINI: So we have 65 administrative officers -- for lack of a better definition.

MR. FLANAGAN: Do you want me to read it off to you and perhaps that will answer your question. We have one captain, four lieutenants, three sergeants first class, one sergeant, one trooper assigned to office clerical work, one tactical patrol unit of twelve troopers, one tactical patrol unit radar which consists of nine troopers, two troopers on the wait detail, and four troopers and one

sergeant on the construction detail. In the criminal investigation section, there are one detective lieutenant, one detective sergeant first class, three detective sergeants, three detectives, and three clerical personnel. In the Moorestown station, there are one sergeant first class, five sergeants, and thirty troopers. In the New Brunswick station, there are one sergeant first class, five sergeants, and thirty troopers. In the Newark station, there are one district lieutenant, one sergeant first class, five sergeants, and forty-five troopers. This is a total of 175.

ASSEMBLYMAN BOCCHINI: Do you know the back-up time for State Police to respond to another trooper's request for assistance?

MR. FLANAGAN: No, Sir. That varies, of course.

ASSEMBLYMAN BOCCHINI: Taking the anticipated budget for Fiscal Year 1985, it would appear, obviously, that if you make your contribution towards the Transportation Trust Fund -- I guess you are talking \$12 million -- there certainly wouldn't be enough dollars to double your trooper patrols. Do you have an opinion? Do you think we need to double the trooper patrols out there?

MR. FLANAGAN: The Turnpike Authority's position on that, Mr. Chairman, is one of strict neutrality. If the Legislature determines-- And personally I think it is dangerous ground for the Legislature to tread upon. If you are going to solve these problems by legislation, which presents a rigid means of operating the State Police, surely every controversy is going to be at your doorstep, for instance whether or not vests should be mandatory or whether or not the Legislature should adopt standards for the length of road patrols. Any number of issues could come before the Legislature once the door is opened and the Legislature shows an inclination to participate in the solving of those issues by firm legislation.

We have, in our experience, believed that the professionals in the Division of State Police are best equipped to make those recommendations. There has never been any resistance on the part of the Turnpike Authority, the Garden State Parkway, or the Expressway Authority to refuse any request by the State Police.

ASSEMBLYMAN SCHUBER: Mr. Chairman, if I might. Then I assume that, Mr. Flanagan, you were here when Senator Jackman testified; were you not?

MR. FLANAGAN: Yes, I was.

ASSEMBLYMAN SCHUBER: And would you, therefore, agree with his sentiments with regard to the issue of the two-man patrol, etc., that it be left to the regulations of the State Police?

MR. FLANAGAN: I certainly believe that. Yes, Sir.

ASSEMBLYMAN SCHUBER: Let me ask you this. You alluded to a contract between the Authority and the State Police. What is the term of that contract?

MR. FLANAGAN: It is usually a three-year contract.

ASSEMBLYMAN SCHUBER: It is a three-year contract negotiated between the Authority and the State Police?

MR. FLANAGAN: Yes, Sir.

ASSEMBLYMAN BOCCHINI: I believe it is five years; is that correct?

MR. FLANAGAN: (turning to Mr. Olarsch) Mr. Olarsch is our Senior Attorney, and he would know; he says five years. A few years ago it was on a three-year basis.

ASSEMBLYMAN SCHUBER: Does that sets forth the obligations for funding and manpower between the State Police and the Authority?

MR. FLANAGAN: Yes, Sir.

ASSEMBLYMAN SCHUBER: Where are we in that five-year contract, the present time?

MR. FLANAGAN: I believe we are coming into the third year now.

ASSEMBLYMAN SCHUBER: And you are testifying that that contract is amended periodically?

MR. FLANAGAN: Yes, Sir.

ASSEMBLYMAN SCHUBER: The negotiation with the State Police with regard to pay and benefits, etc. is not done by the Authority, is it?

MR. FLANAGAN: No, Sir.

ASSEMBLYMAN SCHUBER: Okay. Thank you.

ASSEMBLYMAN BOCCHINI: Mr. Flanagan, we indicated that in 1983 there were 200,000 stops by the State Police. Do you know what it was in 1981 and 1982?

MR. FLANAGAN: I don't have that figure, but it would not have been much less than that number.

ASSEMBLYMAN BOCCHINI: Do you think you could supply to this Committee, the number of vehicles that annually traveled the Turnpike over the last five years?

MR. FLANAGAN: Surely. That would be no problem whatsoever. I will put that in the mail this afternoon also. If you are interested in the last two years I have those figures.

ASSEMBLYMAN BOCCHINI: Yes.

MR. FLANAGAN: In 1982 there were 133,573,471 vehicles on the Turnpike. In 1983 there were 144,521,395, or an increase of 8.2 percent.

ASSEMBLYMAN BOCCHINI: Do you think you could go back as far as the last ten years? With that, could you give us the correct number of patrol troopers that were assigned to the Turnpike?

MR. FLANAGAN: Surely. You can get an answer on the traffic volumes on the Turnpike. We provide members of the Legislature with a copy of our annual report each year, and there is a listing of perhaps the last 20 or 25 years of total traffic on the Turnpike.

ASSEMBLYMAN BOCCHINI: In 1982 what was the complement? Was it 110 troopers?

MR. FLANAGAN: The contract provides for 178, but with transfers in and out, you usually have 175 active at one time. That contract, as Mr. Olarsch pointed out, is in its third year, so that number would have been identical in each of those years.

ASSEMBLYMAN BOCCHINI: In 1981, 1982, and 1983?

MR. FLANAGAN: Yes, Sir.

ASSEMBLYMAN PENN: Mr. Chairman?

ASSEMBLYMAN BOCCHINI: Yes.

ASSEMBLYMAN PENN: Just one point that I think he mentioned earlier-- If in this contract period, someone came to you through Colonel Pagano and said, "We feel that you need five or ten additional men," is the contract drawn in such a way that you could increase it?

MR. FLANAGAN: Surely. We would amend the contract. For instance, when they came out to establish the Tac-Pat on the Turnpike, we sat down with the State Police representatives and they presented their requests. They went over the justification for it, and there was an immediate agreement on our part; we could see the value of it, so we amended the agreement to provide for the additional troopers. And the same would occur in any instance in the future.

ASSEMBLYMAN PENN: In other words, the contract is flexible in that respect?

MR. FLANAGAN: Yes, Sir. It is.

ASSEMBLYMAN BOCCHINI: Would you happen to know what areas, as far as the criminal activities, appear to be more concentrated on the Turnpike, as far as apprehensions are concerned?

MR. FLANAGAN: Those figures have never been broken down.

ASSEMBLYMAN BOCCHINI: As least through your offices they have not.

MR. FLANAGAN: The State Police may have them, but we certainly do not.

ASSEMBLYMAN BOCCHINI: Are there any other questions for Mr. Flanagan? (negative response) Since there are no other questions, I thank you, Mr. Flanagan, for taking the time to come down here this morning to provide this information to us. If you could see that those requested items get to us as quickly as possible, we would certainly appreciate it. My only closing comment to you is very simply, if you recall our opening Committee statement, that we are not necessarily looking to legislate. At this point, we are certainly looking to investigate as to whether or not the safety of the troopers is being equally dealt with as well as the safety of the highway. It is nice to know that we are number one in safety, as far as the Turnpike itself is concerned. Hopefully, if anything needs to be done, you will not need to see it be legislated, but rather that those who have the authority and the power and the regulatory ability to do so, will do the right thing. I will also say to you, don't think we won't, if we have to. Hopefully we won't have to. This is only the first step of something that is going to take a little--

MR. FLANAGAN: (interrupting) It is entirely your decision.

ASSEMBLYMAN BOCCHINI: (continuing) --bit of time to put the facts and figures together. You have been a big help to us this morning. Once again, I thank you. Mr. Olarsch, thank you for your assistance. We will be in touch.

MR. FLANAGAN: Thank you, Mr. Chairman and gentlemen of the Committee.

ASSEMBLYMAN BOCCHINI: Give our best to Mr. Sullivan.

We will have two more witnesses this morning. The next witness will be Mr. Charles McManus from the Garden State Parkway Authority. And he will be followed by Tom Iskrzycki from the State Troopers Association.

CHARLES McMANUS: Good morning, Mr. Chairman and Assemblymen.

ASSEMBLYMAN BOCCHINI: Good morning, Mr. McManus. Thank you for joining us and taking the time out to be here. I am sure your information is going to be very helpful to us.

MR. McMANUS: My name is Charles McManus. I work in the Operations Department of the Parkway. We work directly with the New Jersey State Police in moving traffic on the Garden State Parkway. I would like to state, that due to the short nature of your request, what I may say today may not reflect the thoughts and views of the Commissioners of the New Jersey Highway Authority. I would like to give you some information and facts--

ASSEMBLYMAN BOCCHINI: (interrupting) I don't mean to cut you short. Even though I know you are here representing the Authority, obviously your statement will not be a definitive statement from the Authority itself. Rather, it will be an informational one which is very important to us. A definitive statement, if possible, I think, would be appreciated. If you could discuss that with them, we will eagerly await their comments, if they so choose to take a position. If they choose not to, we'll take that for whatever it may be interpreted to be.

MR. McMANUS: I'll bring that up today.

ASSEMBLYMAN BOCCHINI: I am sorry. I promise I won't interrupt for a while; I will give you a chance to make your presentation.

MR. McMANUS: Thank you.

One of the things that concerned us, if there is a mandated change, is that we would anticipate we would require another 105 troopers. And we would be concerned also, if this was mandated across the State, that there would be quite some time delay in the Authority getting these troopers. What would happen to the operation of the Parkway in the meantime?

In particular, when we went to two-man patrols during the one shift in the evenings, we cut the number of patrols in half and doubled up on the men; that was not a particular hardship since the traffic problems were not as severe during those hours. During the remaining two shifts, the Parkway is very heavily used. The number of aids, the number of speeders, and the number of different violations that occur on the road are great, and we are afraid that these different characteristics of our road would rise. Our drunk driving campaigns and our speeding campaigns might be affected with less patrols.

The cost for these 105 troopers -- the average trooper, let's say for the Parkway would be a trooper two -- would total us about \$35,700, per additional trooper, which would be about \$3.7 million. If we assume that these additional troopers would be filled through the training school ranks, we would have a first-year additional cost of around \$1,995,000, bringing a twelve-month -- rather than a calendar first year -- additional cost of about \$5.8 million.

In 1983 we had 144 troopers on the road. We just recently increased the complement by 7, to 153. At this point, if you have any questions that I am able to answer, I would be glad to do so.

ASSEMBLYMAN PENN: Mr. Chairman, I would like to ask one short question.

ASSEMBLYMAN BOCCHINI: Please.

ASSEMBLYMAN PENN: We have heard from Mr. Fear that their two-man patrols run from midnight to 8:00 a.m., and on the Turnpike they run from 10:00 p.m. to 6:30 a.m. What are your hours for the two-man patrol?

MR. McMANUS: They vary a little bit, but generally 11:00 p.m. to 7:00 a.m.

ASSEMBLYMAN PENN: That is also when you feel you have your least amount of traffic on the road?

MR. McMANUS: Certainly. The Parkway, as you know, runs north/south. We are a heavy commuter road. South of the Raritan River, for example, we are generally very heavy northbound in the mornings. North of Route 280 we are generally very heavy in that direction to reach Route 280. We are the missing link between the east/west roads, generally going to New York or Piscataway in off-hours. Atlantic City admittedly has given us some traffic in the off-hours, but not to any great extent.

ASSEMBLYMAN PENN: Thank you, Mr. McManus.

ASSEMBLYMAN BOCCHINI: From Memorial Day to Labor Day, you are jammed on the weekends.

MR. McMANUS: That's right, exactly. Then we have our summer business, on Friday nights, Saturdays, and Sundays.

ASSEMBLYMAN SCHUBER: Mr. Chairman, if I might, just briefly ask a question. Mr. McManus, you heard Mr. Flanagan's testimony with regard to the operation of the Turnpike and its relationship to the State Police. Do you operate the same way, by contract?

MR. McMANUS: Yes, we are very similar in every way.

ASSEMBLYMAN SCHUBER: You are not speaking, obviously, for the Commissioners of the Parkway. As a result of Trooper Negron's death -- which I take into account happened on the Turnpike, and which I recognize by statistics that I see in front of me, there have been no shooting incidents that I am aware of on the Parkway, at least not since 1972 -- do you have recommendations that you could make to this Committee?

MR. McMANUS: Well, recommendations-- I think we feel kind of strongly that more patrols give us better coverage rather than going to two men in a vehicle.

ASSEMBLYMAN SCHUBER: More patrols, rather than two men?

ASSEMBLYMAN BOCCHINI: Do you think there is a need for more patrols?

MR. McMANUS: I think we are fairly adequately covered right now. The Turnpike may be best in the safety record, but the Parkway is usually right on its heels; sometimes we beat them out.

ASSEMBLYMAN BOCCHINI: What is your total number of miles?

MR. McMANUS: One hundred and seventy three miles.

ASSEMBLYMAN BOCCHINI: You went from 144 to 151?

MR. McMANUS: One hundred and fifty-three.

ASSEMBLYMAN BOCCHINI: Is that based on contract, or what promoted that increase from 144 to 153?

MR. McMANUS: The State Police requested it for a program -- I guess it was one of their Tac-Pat programs. We just recently agreed to it. Power shift, the power squadrons.

ASSEMBLYMAN BOCCHINI: Of that 153, is that trooper patrols?

MR. McMANUS: I believe we have 105 patrolmen.

ASSEMBLYMAN BOCCHINI: Do you know statistically the number of stops or face-to-face confrontations with motorists that the troopers have?

MR. McMANUS: The exact number, no, but we can get it. It is very similar in numbers to the Turnpike. The magnitude is very similar.

ASSEMBLYMAN BOCCHINI: If you could supply us with that, we would appreciate it.

ASSEMBLYMAN SCHUBER: Mr. Chairman, if I might-- How many men per shift, Mr. McManus?

MR. McMANUS: That varies. That varies by time of year.

ASSEMBLYMAN SCHUBER: Obviously in the summer, I assume you have more than--

MR. McMANUS: (interrupting) It varies by station. Holmdel is very busy in the summers. Bloomfield is busy in non-summer periods. It just varies. Commuter hours up north are the biggest. Holmdel during the summer weekends is the biggest.

ASSEMBLYMAN BOCCHINI: Mr. McManus, what are the expenditures with regard to the fiscal responsibility of the State Troopers? I know you gave us the figure of \$35,700 per trooper. What is your total package into the State Police, under your contract?

MR. McMANUS: The State Police budget in 1982 was \$7,050,000. In 1983 is \$7,460,000. For 1984 we are projecting \$8,100,000.

ASSEMBLYMAN BOCCHINI: In relation to your own budget, how do we stand there? I know you may tell us that information comes through

in the budget, and so forth, and that you don't happen to have those things right here with us this morning. Do you have a surplus at this point in time?

MR. McMANUS: To the best of my knowledge, we don't operate with a surplus.

ASSEMBLYMAN BOCCHINI: You just clear up that checkbook at the end of the year; is that it?

MR. McMANUS: Money flows into the Construction Fund.

WILLIAM F. SMITH: Mr. Chairman, perhaps I can clarify that.

ASSEMBLYMAN BOCCHINI: Your name?

MR. SMITH: Bill Smith. I am Assistant to the Executive Director.

ASSEMBLYMAN BOCCHINI: Do you want to sit up here, Mr. Smith, so we can get your comments on the record.

MR. SMITH: Theoretically, we do not have any surplus. Our bond covenants require that we put the excess over the debt service and expenses into either construction funds for capital improvements or we return it to the bondholders. In order to be able to give the \$10 million to the Governor's Trust Fund that they want, we will have to, in effect, defease our present bond issues and get rid of the restrictive covenants.

ASSEMBLYMAN BOCCHINI: How are you going to do that?

MR. SMITH: That is a very good question. If that Trust Fund bill gets passed and the Governor signs it, we will have to defease the bonds.

ASSEMBLYMAN BOCCHINI: Does that mean you have to renegotiate or reissue them?

MR. SMITH: We will have to issue another bond issue which puts the proceeds of that issue in a fund that can be used to pay the bondholders of the outstanding issues. In this way you can change the covenants on your new bond issues.

ASSEMBLYMAN BOCCHINI: Does that necessitate paying off then the existing bonds?

MR. SMITH: Paying off is not the right word. Defeasing is the right word. We don't go out and buy back the bonds. We put

sufficient money in so that the present bondholders can get their interest and their principals out of that fund. In effect, they are guaranteed to be paid; they are not refinanced. They are defeased.

ASSEMBLYMAN BOCCHINI: In effect, it is like a second mortgage?

MR. SMITH: Not really, because they are guaranteed. Once you buy government--

ASSEMBLYMAN BOCCHINI: (interrupting) They are guaranteed over the life of whatever the bond is supposed to be; is that correct?

MR. SMITH: Right.

ASSEMBLYMAN BOCCHINI: That is interesting. Assemblyman Penn.

ASSEMBLYMAN PENN: I follow along with what he said about the bonds. I really think he has said that if there is a surplus, it is returned to the bondholders. But, he is saying that there wouldn't be a surplus, so the additional money would not go back to the bondholders. That is what he means by defeasing, to an extent; is that right?

MR. SMITH: No.

ASSEMBLYMAN PENN: No? Defeasing, to me, is a new word.

MR. SMITH: Instead of buying the bonds and retiring the bond issue -- you can't do that -- we have to defease it, which means that you issue an additional set of bonds that are then put into an escrow fund, the proceeds of which are interest bearing; the interest from that new issue is sufficient to pay the current bondholders.

ASSEMBLYMAN PENN: It is a piggyback. Okay, I understand what it is now.

MR. SMITH: Right. Legally, what it accomplishes is that you can change the covenants. In effect, they are guaranteed to be paid, under the rules that they were originally issued. Then a new covenant presumably would allow us to have \$10 million to give to the Trust Fund per year.

ASSEMBLYMAN SCHUBER: Is that what it is going to be?

MR. SMITH: Yes.

ASSEMBLYMAN BOCCHINI: Mr. McManus, what is the ridership per year? Do you have the numbers available from 1983?

MR. McMANUS: I can get them. Generally speaking, the Turnpike has longer trip-lengths, so the number of vehicles on the Parkway is much higher. We are over 230 million vehicles, but our trip-length is down around 16 or 17, where the Turnpike is up in the 40's. The vehicle miles usually correlates with revenue, so that their vehicle mile figure is more than ours, but the number of vehicles on our road is more than theirs. We have been increasing it nicely.

ASSEMBLYMAN BOCCHINI: Do you think you could supply us with that ten-year figure, along with the statistical information as to the comparable number of troopers that were assigned-- I would like to see the entire complement; the "X" number of total trooper power, broken down as to how many served in relation to trooper patrol vehicles.

MR. McMANUS: Okay.

ASSEMBLYMAN BOCCHINI: Has the Authority taken any position or does it have any recommendations for improving trooper safety?

MR. SMITH: We feel that the State Police themselves are best equipped to monitor that. The only way that we really get involved with police action is if, for instance -- from an operational standpoint -- we don't want the buses in the left-hand lane, we would then change our regulations and the State Police would enforce them. In terms of any of the State Police regulations, we don't get involved at all.

ASSEMBLYMAN BOCCHINI: So, I assume that your position is much the same as Mr. Flanagan's position; that is, if they were to come in and indicate to you that they were of the opinion that they needed "X" number of additional troopers and/or patrol vehicles, you would be in a position to accommodate them.

MR. SMITH: Yes.

ASSEMBLYMAN BOCCHINI: Assemblymen Pelly, do you have any questions?

ASSEMBLYMAN PELLY: Just one question. Mr. McManus, you stated that in 1983, you had 144 troopers, and in 1984, you have 153. What do you anticipate that number to be in 1985?

MR. McMANUS: The same number.

ASSEMBLYMAN PELLY: No increase?

MR. McMANUS: No increase.

ASSEMBLYMAN BOCCHINI: Are you also under the five-year contract?

MR. McMANUS: Yes.

ASSEMBLYMAN BOCCHINI: What year is your contract in?

MR. SMITH: I believe we are in our fifth year. The contract is really a very flexible document.

ASSEMBLYMAN BOCCHINI: I would think so, based on what I am hearing.

MR. SMITH: Colonel Pagano wanted us to put the Tac-Pat in and he wanted some other things, such as walky-talky radios, so that if the trooper did get out of his car, he could still maintain radio contact -- things like that. The Commissioners have invariably granted whatever the State Police have requested.

ASSEMBLYMAN BOCCHINI: The numbers that we have heard this morning -- and I was thinking about this after Mr. Flanagan left-- Taking the additional requests that you may have gotten recently from the Colonel, did that money -- the additional cost factor -- go through the Authority or did that come through some type of special funding project?

MR. SMITH: No, it came from the Authority.

ASSEMBLYMAN BOCCHINI: That is directly -- dollar for dollar -- coming out of the Authority?

MR. SMITH: Yes, Sir. We, in effect, amended the Authority budget to accomplish that.

ASSEMBLYMAN PELLY: I just wanted to finish up on the numbers of State policemen. When you make your increase from 1983 to 1984, who makes the increase for the numbers of State policemen?

MR. SMITH: Colonel Pagano.

ASSEMBLYMAN PELLY: So the increase is predicated upon the State Police's recommendation?

MR. SMITH: Yes.

ASSEMBLYMAN PELLY: And Colonel Pagano recommended for 1985 that there be the same number as 1984?

MR. SMITH: Since it has just been within the past few months that we have added these extra troopers, we are assuming that they will ask for the same number.

ASSEMBLYMAN PELLY: However, he, in fact, has not made any requests for 1985; is that what you are saying?

MR. SMITH: Yes. He has not made any requests for 1985.

ASSEMBLYMAN PELLY: And you are assuming it will be the same. In each case, it is predicated upon the State Police's request.

MR. SMITH: Yes.

ASSEMBLYMAN PELLY: Thank you.

ASSEMBLYMAN BOCCHINI: Statistically, would you happen to know how many assaults there have been on troopers on the Garden State Parkway in the past three years?

MR. McMANUS: No.

ASSEMBLYMAN BOCCHINI: So that would be information we would have to solicit from Colonel Pagano, I presume?

MR. McMANUS: Yes.

ASSEMBLYMAN BOCCHINI: Okay. I don't have any other questions, gentlemen. Does anyone else have any questions? (negative response) I apologize for the redundancy of questions that we have asked you. While they are similar, or exactly the same as those asked of the Expressway and Turnpike authorities, I think our feelings are that each section of these heavily traveled corridors needs to be analyzed independently and separately, as well as together. We need to know what your picture is by itself, and hopefully we will be able to get that.

MR. SMITH: We will send you the statistics.

ASSEMBLYMAN BOCCHINI: I would appreciate that information as quickly as possible.

MR. SMITH: We will put it in the mail today.

ASSEMBLYMAN BOCCHINI: That would be great.

MR. SMITH: We won't get you an opinion from the Commissioners, though, until Thursday. On Thursday they will meet and if they care to take a position, we will ask them to send it to you.

ASSEMBLYMAN BOCCHINI: Fine. There will be an additional hearing on Thursday. After Colonel Pagano and Attorney General Kimmelman have the opportunity to put their testimony on record, we will take any supplemental information you may want to provide to us, if you happen to think of anything. Okay?

MR. SMITH: Certainly. Thank you.

ASSEMBLYMAN BOCCHINI: Thank you for taking the time to be with us this morning. We appreciate it.

Our final person who will give testimony this morning is Thomas Iskrzycki of the State Troopers Fraternal Association. Good morning.

THOMAS J. ISKRZYCKI: Good morning, ladies and gentlemen. I appreciate the opportunity to testify before the Committee. My name is Thomas John Iskrzycki. I have been a New Jersey State trooper for the past 18 years. I represent the State Troopers Fraternal Association for collective bargaining, which consists of 1400 men and women. I am also the chairman of the National Troopers Coalition, which is comprised of 36 states and over 36,000 highway patrol and state troopers. I would like to have this opportunity to bring forward some statistics and, Mr. Chairman, after my testimony I will make copies of all the information so that you can pass it on within the Committee.

We spent the entire weekend trying to fill some gaps in some of the testimony which didn't come from police personnel, more or less, such as arrests, the miles, and the confrontations, which I think will really put the fuel on the fire.

I hate to start out on a sad note, but yesterday an Alaskan trooper was killed in the line of duty; he was shot from a helicopter on a fugitive search. Today is Carlos Negrón's son first birthday. And we just found out, that approximately last week, Carlos' cousin was killed in Puerto Rico in an accident. It seems that the tragedy appears to increase within the New Jersey State Police and our police business.

Let me say this, we start out with May of 1966, when Trooper Anthony Lucas was shot down at the southern end of the Turnpike. At that time the State Troopers Fraternal Association had an outcry for two-man patrols around the clock because of what we felt was the atmosphere of the sixties. It, of course, was renewed with the death of Werner Foerster, who was killed in 1973. As a result of 1973, internally, within the Division of State Police, we had two-man patrols during the hours of darkness.

I want to point out something. Everybody kept mentioning that we haven't had anybody shot during the hours of darkness or midnight shift. We have had, 99 percent of the time, two persons in a car during the hours of darkness since 1973. Now you could draw your own conclusions. I will have handouts of the FBI statistics of 1200 policemen shot and killed in the line of duty. I'll bring some testimony in and highlight it.

On March 28th of this year, at the quarterly meeting with Superintendent Pagano, we asked again to mandate in writing two-person patrols during the hours of darkness. I would say that, based on our experience, 97 percent of the time we have had the two-man patrols. If we didn't have the manpower because of sick leave, in-service training, vacation, court, and so forth, we would have a single patrol and we would, more or less, follow the Division's policy of not getting involved, but to just check aids and not to stop anything of a suspicious nature unless we have a back-up. We can see what happened with Carlos in stopping for an aid. It is like anything else; when you don't want to get involved, you are going to get involved.

For our point of view, we have singled out the Turnpike because, in my own connotation, I say the Turnpike is a city on wheels; it is a corridor state; it is where we have the action. In order to substantiate, you ask why pick on the New Jersey Turnpike? Why not the Expressway or why not the Parkway and so forth? Let me just read off some statistics to enlighten the press and the Assemblymen and the people of the Committee. From the New Brunswick station for 1983 -- this is just drugs-- You have to remember what we are dealing with in the eighties: drugs, terrorists, and the BLA. This is what we are facing in the eighties in the Garden State of New Jersey and possibly all over the country. Now let's go back to the New Brunswick station -- there was \$644,000 in recovered drugs. At the Moorestown station, which is at the southern end of the Turnpike located at milepost 37, there was \$6,624,000 in recovered drugs. At the Newark station, there was \$915,000 in recovered drugs. So just in drugs alone, the total value in 1983 was \$8,204,000.

We have a breakdown of the arrests on the New Jersey Turnpike. It is broken down per month. The total criminal arrests, per year, were as follows: In 1978, 2308 arrests; in 1979, 2178 arrests, in 1980, 2508 arrests; in 1981, 2863 arrests; in 1982, 2831 arrests; and between January and April of 1983, 805 arrests -- we don't have the statistics finished yet, or I don't have copies.

ASSEMBLYMAN PENN: You said criminal arrests; that doesn't include speeding?

MR. ISKRZYCKI: No, this is just for the following crimes: assault and battery, AWOL, breaking and entering, counterfeiting, and so forth.

ASSEMBLYMAN PENN: Nothing to do with traffic?

MR. ISKRZYCKI: Traffic summonses and drunken driving are separate issues. That is a separate issue in itself, which is basically the bread and butter of the New Jersey State Police -- traffic. Traffic is technically 90 percent of our daily activity; this includes summonses, aids, warnings, and drunken driving. This is just a sideline of the Turnpike, which generates the most criminal arrests per ratio of trooper because of the activity.

Colonel Pagano is also going to testify regarding some of the following information on criminal assaults. These statistics which I will give you are furnished from the Division of State Police. These are actual crime statistics which are drawn up by our people. In 1983, in the entire State Police, we had 68 assaults on troopers; that is, an assault on a police officer and is the big violation. For the first four months of 1984, we have had 55 assaults. The Turnpike had ten assaults on troopers last year, and so far, to date, they have had nine. Now, I have to qualify what I am saying; in all reality, for major crimes our Internal Affairs, who does the investigations, finds out -- believe it or not -- that our troopers are not squeamish, but suffer from a macho image, and an assault is almost part of the job. What the troopers have been doing if they are actually assaulted on the roadway, whether it was a traffic violation or an aid, was signing complaints for either resisting arrest, interfering or harassment, rather than signing for criminal assaults. As a result of this being

brought to light, now the Division of State Police is mandating that if you are actually assaulted and tussle with a motorist, anywhere in the State of New Jersey, you sign a complaint and let the judge and the jury dismiss or find the person guilty. So that is what is causing the big increase. I was told, "Tom, if you are going to say 68, it is more or less 268." It is really up there as far as figures.

Let me just go into the shootings.

ASSEMBLYMAN BOCCHINI: Tom, can I interrupt for one moment?

MR. ISKRZYCKI: Sure.

ASSEMBLYMAN BOCCHINI: In relation to the assaults, how many involved single-trooper incidents versus two-trooper incidents?

MR. ISKRZYCKI: On criminal assaults, I could not give you that information. It hasn't been broken down. I will tell of the shooting incidents, whether we had two or single patrols. Anything that is brought out today, could be, more or less, refined for you depending on what specifically you need to put together your recommendations.

In the last 28 shooting incidents of the New Jersey State Police, 15 were on the Turnpike; that is a gunfight or gun-play, whether someone is shooting at the trooper or the trooper is shooting at the perpetrators or fleeing felons. Five were on the state highways, and five were on the interstates. There were none on the Parkway, and there were three on routine GP matters, which are general police in the backroads.

Now, this is very important; I'll be referring to distances between the trooper and the offender. There were 9 cases out of this 28 where there was actual contact -- touching the person himself. Within 1 to 5 feet -- that is the trooper within 1 to 5 feet of the so-called violater -- there were 4 incidents; within 5 to 10 feet, 4 incidents; within 10 to 15 feet, 3 incidents; within 15 to 30 feet, 3 incidents, and within 30 feet plus, 5 incidents.

Response time -- Now we have heard testimony about back-ups, mileposts, and so forth, and I must say that the information that came across is basically objective, but it is not all true. Of course, everything is subject to abuse. In the internal workings of the State

Police, if a man is on sick leave or is on vacation, we might not have two or three patrols. On the Turnpike, if a trooper is out on an extended sick leave they pay the total freight for the contract. If I am assigned to the Turnpike, and I break both my legs and I am going to be on sick leave for two to three months, the magic number is 30 days. If the trooper cannot recuperate within 30 days, they transfer him off and they bring in a fresh body. After all, they are paying top dollar for State Police services.

I worked the Turnpike in the seventies. It is possible to have a situation where one trooper or double-patrol might cover 0 to 41, or might extend doubling-up his patrol capabilities, and that is servicing the public.

The time frame between the initial contact and shooting -- As they have testified before, a trooper pulls up, pulls a vehicle over, calls in the plate number, gives the make number, model, description, and so forth, and then he checks it. Immediately upon pulling up on the scene, in seven incidents they have opened fire. In one to five minutes, there were 11 incidents. Gentlemen of the Committee, there were 18 of the so-called documented shootings of the New Jersey State Police from immediate to one to five minutes. Put that in your mind for the so-called back-up capabilities of a trooper. If 15 guys come down 10 or 15 minutes later, it is not going to mean a hill of beans, in plain language. There are traffic patterns, depending on your location. Five to ten minutes, there were six incidents. Ten minutes plus, there were four incidents.

The shootings and the days of the week -- It is very important not to get mixed up with FBI statistics throughout the United States of America. We are dealing specifically with the New Jersey State Police, and from the Association point of view, we are focusing on the Turnpike. We have to create our own history and our own statistics to come up with a finding and a recommendation. What happens in Arkansas or Tennessee, is not going to be germane to what happens on our roadways. Days of the week -- we have six shootings on Monday, two on Tuesday, five on Wednesday, three on Thursday, three on Friday, three on Saturday, and six on Sunday. Right off the bat, 12 out of 28 occurred on Monday and Sunday.

Hours of the day -- the concentrated time roughly runs from 2:00 p.m. to 7:00 p.m. These statistics, which I will pass out, as I said before, will speak for themselves. Regarding the FBI statistics, referred to in a handout of a ten-year study of cops who died in the line of duty, 1202 police officers were shot and killed. With the national statistics, compared to the Turnpike and the New Jersey State Police, some basic facts are: The worst single hour for killings of police officers is 11:00 p.m. to midnight and the worst period of time is 9:00 p.m. to 3:00 a.m. We are covered basically four hours with a two-person patrol.

Statistically, out of the 1202 deaths, handguns were used in 765 cases. Rifles were used in 151 cases. Shotguns were used in 127 cases. Knives were used in 19 cases. Other weapons were used in 12 cases. Bombs were used in six. Hands, feet or fists were used in two cases. I say that Carlos Negron falls right into the so-called pattern.

Ages of roughly 1000 fallen troopers -- Under age 25, there were 130 killed in the line of duty. Between the ages of 25 to 30 -- which is the majority of our New Jersey State Troopers patrolling in our State -- there were 338 killed in the line of duty. Carlos was 29 years old. Between the ages of 31 to 35, 240 were killed in the line of duty. Between the ages of 36 to 40, 114 were killed in the line of duty. For over age 40, 282 were killed in the line of duty.

Years of service -- Carlos had two years of service in the New Jersey State Police. Of those who had less than one year, 60 were killed. Of those with one to five years of service -- the largest block -- and the one which Carlos falls into, 403 were killed. Of those with five to ten years, 351 were killed. Of those with over ten years, 279 were killed.

This shows what we are looking at in the future. We are talking about 1984 and I hear contracts. Mr. Flanagan and all the directors of the Expressway and the Parkway have been very, very cooperative, as far as helping the New Jersey State Police.

I hate to answer to wives who write letters and call, and who say, "Tom, my husband works in Cumberland County. Why not a two-man

patrol there?" We know it is almost impossible to do it throughout the country. I feel, at this point in time, that the two-man patrol should not be legislated, but I think pressure from the citizens of New Jersey and the Legislature will force the powers to be -- Attorney General Kimmelman, Colonel Pagano, Governor Kean, and the directors of the Turnpike -- to really sincerely bite down and see what is necessary to make that road a little safer.

I told Mr. Flanagan, who is a friend of mine because I worked out there, that I was going to testify and say that the Turnpike is the safest roadway in the world, not because of the toll collector, the guy that changes flat tires, or the person who makes hamburgers or hotdogs; you know why it is the safest. I would like to blow some smoke up for you, and say it is a combination of engineering and money, but it is the trooper getting to that broken-down vehicle as soon as possible to prevent a person from wandering or walking the roadway in order to save his life.

Many of the reporters that are covering this issue may ask, "Why two people in a car rather than one?" I want to go back to basic instincts. I want to go back to your youth. It is like all of us. If you had to have a fight or a confrontation, you were always better, two on one. In a situation of police work, when you come over a hill on the Turnpike and there is a vehicle down on the left lane and you have to hit the brakes, throw your overheads on, and flare out that scene, you can't be looking over your shoulder. That is why, when we have our major catastrophes, if we do get the people there, they save many, many lives. We flare out the scene and keep that roadway moving. That roadway is open faster than any other roadway in the United States of America because of the response time of the troopers working together.

Now going back to two people; you are going to work as a team or partners. I am considered a senior trooper in the New Jersey State Police. My position, and my fellow officers' position, is that unfortunately we want you on your toes in a life and death situation for the full 40 hours. That is what we have to do. As far as training, we have our in-service training; we have our stops, and we have our laws. Unfortunately it takes something like Carlos's death

and several of the other deaths and injuries to look again at the situation. If we go one step beyond, the Committee could say that we are going to have shootings of police officers all over the country. If you look at the amount of accidents, the Committee could ask how many troopers are injured on the Turnpike, how many assaults have occurred, and how many troop car accidents have occurred? It is quite obvious, because of the volume of traffic and the statistics of the breakdown of miles traveled and confrontations.

Out of two hundred thousand face-to-face contacts, say you had nine troopers assaulted and you had 30 accidents; maybe someone would say that is a pretty good rate, but the price of one's life on a day-to-day basis goes up. We can't put a price tag on the trooper's life, on a maintenance man's life, or a mechanic's life. We need your help and support. To get the public opinion, we have petitions that were started and letters to the editor. It is about time we do something. It is a personal goal of mine, representing the Association, for over 15 years. I was called out to the Turnpike. I was a recruit when Trooper Lucas was shot. Werner Foerster was my line partner. Philip Lamonaco was my Troop B executive board officer in the STFA. I didn't have the pleasure of knowing Carlos Negron personally. I did talk to him at union meetings. It hits home. I don't want to capitalize on his death. Nobody in this room does, but we know it is a tragedy like this that has to be brought forward. Like I said, I will give you statistics and make copies. Before anybody leaves today, the Committee Chairman can get it to the rest of the Committee; this will give you more of an in-depth look at the Division of State Police for the people who are really responsible: Colonel Pagano and Attorney General Kimmelman.

Any questions?

ASSEMBLYMAN PENN: You were saying before, that it shouldn't be legislated as to the number of people on patrol or how to run the State Police. I think in a way, that anytime legislation comes in, it does, in some ways, seem like a good thing, but then someone handcuffs you later on downstream. Do you feel from the statistics you have that a two-man patrol should be an around-the-clock two-man patrol, or do

you feel that the hours which we have now for a two-man patrol should be expanded? I don't think that Carlos fell into your statistics. The time of his death, I think, was the first thing in the morning, which usually -- from what you read before -- is a low period in that type of action. What would be your suggestion or thoughts along that line?

MR. ISKRZYCKI: Assemblyman Penn, from the first point of view, we should have two troopers in the car on the New Jersey Turnpike seven days a week, 24 hours a day.

ASSEMBLYMAN PENN: On the Turnpike?

MR. ISKRZYCKI: On the Turnpike. I would love to see the Expressway and the interstates in the future have the same thing. If the good Governor wants to cut out some of his surplus, I think we can make a lot of happy families.

Going back to Carlos, we are talking about a shooting death. I think it is very important to expand on that. It is like I said; there is an accident and injury rate for our troopers. We have had one trooper who lost one of his legs and had the other one completely cut off and broken. There are injuries out there where the troopers get rear-ended, just doing their job on the back of the roadway. If you gentlemen leave tonight and drive up the Turnpike, you will see a trooper on the shoulder of the road, either writing a summons, writing on a patrol chart, or calling in. He can't look behind him. When you make that initial approach to the car, the way we were trained, one trooper has to go up to the vehicle, and the other guy goes to the right-rear of the vehicle and looks inside. A question from civilians is why not change your procedure; why not let the motorist get out of the vehicle and walk back to the trooper? This is something that could be studied in the future in different areas. We cannot come out to an attack position. If your mother and father are out there on the Turnpike on a Sunday in April, coming back from cherry blossom time, we can't have a trooper walking out of there with a shotgun.

For \$50 a day take-home pay, the trooper goes out with four clips of ammunition, a nine-millimeter, a bullet-proof vest, a shotgun in the car, his briefcase, and his radar. If you look at the troopers with the bandoleer of extra rounds, you ask whether this man is going

to work with the New Jersey State Police or is he going to war? And really, you feel like a fly in the corner when you see what they are doing at age 24 or 27, going to work. It is a shocking observation. They take it for granted because they think it is their vocation. When you are young in your twenties, there is no obstacle you can't overcome. We even make up T-shirts, saying "One trooper, one riot." That is why we picked the New Jersey State Police. We are the most aggressive police force in the United States of America. This is from actual, practical experience, and from myself running the National Troopers Coalition. It comes from all the states. With the corridor, it is something we have to deal with. Safety is the key measure. Looking at that two-man patrol, we want it seven days a week, 24 hours a day.

On March 28th, as I said before, we asked Colonel Pagano to guarantee it and to put a rule and regulation in writing, that we must have two-man patrols at least during the hours of midnight. If someone calls in sick, the trooper should make a loop of the area and call for a back-up. In the time frame, it is very dangerous and disastrous.

ASSEMBLYMAN PENN: One other thing -- it was mentioned, I think, by Mr. Fear of the Atlantic City Expressway, that it is a rule and regulation to wear your vest once it is issued. Would you care to comment at all on the fact that Carlos was not wearing his vest at the time of the assault?

MR. ISKRZYCKI: Yes. Let me just go back. In December of 1981 Trooper Lamonaca was killed. In January 23, 1982, the STFA, at our union meeting in north Jersey, called for a four-point safety program for the New Jersey State Police. One hundred and six troopers attended this meeting, and they unanimously adopted our resolution for two-man patrols during hours of darkness, bullet-proof vests or body armor for every trooper, a shotgun in the vehicle -- and I must add that up until 1974, 40 out of 49 state police agencies had shotguns in the vehicles; New Jersey State Police did not have them -- and the adaptation of a nine-millimeter weapon which would fire more rounds. In February and March we received the two-man patrols and the shotgun in the vehicle. In some situations we are having internal problems

because the shotguns are in the trunk; we don't have the brackets, which will come out a little later in testimony. What can we do to speed it up to get that shotgun when we do have that two-person patrol during the hours of darkness?

Now to go back to the vests. Senator Jackman had testified; I put the article in the paper. Chris called me up and said, "Tom, what do you need?" I said that I needed 800 bullet-proof vests. He said, "How much?" I answered \$225, with a total cost of \$180,000. At that time Assemblyman Jackman put the bill in. We had a little problem with the State law, in that a civilian could not give money to the State Treasury, and the Senators and the Assemblymen, more or less thumbed their noses, and said, the heck with you, we will get that bill passed. We did get the 800 vests. At that time, we had 400 vests in the field. We, more or less, embarrassed the State Police, to buy an additional 800 vests.

I have read all the articles in the newspapers, just like you gentlemen, asking what about Carlos and his vest. The fact of the matter is, they adopted an operations instruction in 1982, that if you asked for a bullet-proof vest, you must wear it while you are on patrol in uniform. Now, I am a nonuniformed trooper assigned to headquarters--

ASSEMBLYMAN BOCCHINI: Is that a regulation, Tom?

MR. ISKRZYCKI: That is a regulation, internally from the Division of State Police, from the Colonel. It is an operations order. You want a vest, you must wear it.

ASSEMBLYMAN BOCCHINI: I assume that before you go out on the road, you report and line up for duty call--

MR. ISKRZYCKI: (Interrupting) Yes, we do.

ASSEMBLYMAN BOCCHINI: If you had requested a vest, you should have that vest on before you leave the barracks?

MR. ISKRZYCKI: Yes, unless-- We have had two troopers hospitalized because of a skin infection from the formaldehyde in the vest; they were very seriously ill. In the summer months, with the humidity in New Jersey, we must wear a long-sleeved woolen shirt with a vest. I have a problem myself with my membership; they say, "Tom, you

sit in division headquarters with a nice jacket on. You should come out here, wearing a woolen shirt and a liner, and work the Turnpike or the roadway when it is 98 degrees with the humidity." The thing must be washed and cared for. Carlos was one of the troopers that mandatorily wore that vest. He was a tall trooper, and at the tails of it, they said it was almost like a joke, it used to stick out from the back of his shirt. But Carlos had chafing under his arms, so he did not wear the vest that particular day. Rules can be broken; if you are going out on patrol and you went to the doctor with your arms ripped and raw, you might go out there and just hope to God, nothing happens.

One thing that was brought out is that the vest itself is not just to stop bullets. It has saved many, many lives with troop car accidents. The impact of a steering wheel-- In one case with a female trooper, there was broken glass from a windshield; the vest protected the body cavity to prevent injury and death. Our weapons and tactics committee, as a result of Philip Lamonaco's death, had researched everything we had asked for. We have what is called a field-tested shirt. It is called the street shirt. The shirt itself has the panels inserted, so there is movement. I have been an advocate of summer short-sleeved shirts because of the humidity. What was brought to my attention was that the cooling of the body is through the pores and the sweatglands; you must have air. The only thing that you actually cool would be your forearms and your neck, but not the body cavity itself. That shirt is being tested now in the street. I believe most of the Assemblymen here saw such a shirt when I held one up in the Assembly Chamber and presented it to Mr. Jackman. You could see that it had an open collar with panels along the line.

Trooper Lamonaco was shot nine times. When they opened his shirt, eight bullets were laying between his shirt and his vest. The ninth round went through his heart, his arm, and his lungs.

People ask me if Carlos was wearing the vest, would he be alive? I answer that I am not God. I don't know where the first round went. Perhaps if he got shot squarely with the vest on, he might have been able to open fire and the assailants would have run away. Nobody can answer that. All three people at the scene are dead. We will never be able to find out the answer to that.

I am for a mandatory wearing of the vest. In the National Troopers Coalition, my second-place chairman is from California, where their unit consists of 5000 men. They have a range of 800 miles along the coast. Their commissioner makes it mandatory to wear a vest. Their union took it to court regarding an option for the trooper to wear the vest; they are currently in litigation. Of course, in California, you are talking about a desert area and temperatures of over 90 degrees, and perhaps you can come up with some type of middle ground.

Colonel Pagano -- and I hate to testify for him -- has been saying that the vest itself is almost like personal underwear. It is personal equipment. I have urged the troopers' wives, loved ones, and children to get on their dad's derriere to make sure daddy -- or perhaps a female trooper -- wears the vest when he goes on patrol. I think that we should have it. I just hope that with scientific advancements, we could come up with something a heck of a lot more comfortable.

ASSEMBLYMAN PELLY: Could I just ask one question regarding the vest so that I completely understand it? If the trooper asks for a vest, he must wear it?

MR. ISKRZYCKI: Yes.

ASSEMBLYMAN PELLY: In other words, a trooper must request a vest; is that what you are saying?

MR. ISKRZYCKI: Yes.

ASSEMBLYMAN PELLY: They aren't automatically issued?

MR. ISKRZYCKI: We have them. When the vests came in, we asked who wants a vest -- yes or no and what size? Everybody was contacted.

ASSEMBLYMAN PELLY: And by what size, you mean that the vest--

MR. ISKRZYCKI: (interrupting) The size of the vest -- large or extra size. If we have troopers right now who did not request a vest, any time they want one, they can get one.

ASSEMBLYMAN PELLY: They can get one?

MR. ISKRZYCKI: We have extra vests in our supplies.

ASSEMBLYMAN PELLY: You have enough vests for every State policeman?

MR. ISKRZYCKI: Everybody, right up to the rank of colonel.

ASSEMBLYMAN PELLY: But, not every one wears them or has one by virtue of the fact that not every police officer has requested one; is that what you are saying?

MR. ISKRZYCKI: True. I cannot give you the actual numbers. We have maintained a low-key policy prior to Trooper Lamonaco's death because of the media. We don't want everybody to say that New Jersey State Police all wear vests; make sure if you shoot them, you shoot for the head. Any time I was asked that question, I have dodged the issue, and I had to retract it. That is for self-preservation. With Lamonaco's death, it has more or less come to the front.

We can't come out with numbers and say to the public, for example, that 40 percent -- talking hypothetically -- of the troopers on patrol do not wear vests. I hate to give that information out because we are dealing with terrorists and murderers.

ASSEMBLYMAN PELLY: Let me just continue with that for just a moment. Once a State policeman or policewoman requests a vest, is that his or her vest to keep, or must they return it at the end of their tour of duty?

MR. ISKRZYCKI: No, that is their personal body armor, just like their gun and their issued equipment. If they resign or retire from the State Police, they turn it in.

ASSEMBLYMAN PELLY: So, it is an arbitrary kind of situation -- if you want one, it is there, and you request it; if you don't want you, you don't have to take one.

MR. ISKRZYCKI: Yes, exactly.

ASSEMBLYMAN PELLY: What percent request a vest?

MR. ISKRZYCKI: I can't tell you that figure, but that figure could be determined in-house for the Committee's benefit; I would like to know myself. Colonel Pagano could get the number of vests we put out there. Out of the 2000 people we have in the organization, how many actually have a vest, and how many are out there actually wearing it? That information could be made available. I would hate to have something like that fronted out to the public.

ASSEMBLYMAN PELLY: Can those vests be altered? You say they come in three sizes?

MR. ISKRZYCKI: They come in four or five sizes.

ASSEMBLYMAN PELLY: You are suggesting that some people have problems with the vest because they are somewhat inbetween those sizes and things of that nature. Could they be further refined for those persons having problems with the vests and who don't wear them by virtue of these problems? I can understand the chafing; maybe that is a size problem. Can they be refined and amended so that they are more acceptable by more State police officers?

MR. ISKRZYCKI: Conceivably yes, but the problem with the vests is the same problem you gentlemen have with your suits. In the wintertime, you might gain weight; in the summertime, you might lose weight. You are dealing with young troopers. They have the same problems. The same thing exists with our uniforms; when a guy graduates from the academy, he may weigh 172 pounds, then two years later he may go up to 180 pounds. If you had a vest tailor-made for a trooper-- It weighs three pounds and it is dead air on your body. A uniformed trooper, who you can see at the State House, wears a gun-belt, pouches, handcuff case, full necktie with two buttons, brown belt, and T-shirt or a liner; it is just a miserable way to go to work for a career. It would be the greatest thing in the world to say, "Let me have 80 vests real quick for the Assembly." And then let me see you gentlemen and ladies sit in that room with those vests on and see how miserable you would be.

ASSEMBLYMAN PELLY: Yes, but by the same token, if all 80 of us were patrolling the New Jersey Turnpike, I would like to see the assemblyperson not request or want that vest.

MR. ISKRZYCKI: That final decision, where you are coming from, Assemblyman Pelly, has to come from Colonel Pagano.

ASSEMBLYMAN PELLY: It has to be mandated?

MR. ISKRZYCKI: It has to be mandated. Now remember, I must explain something to you; I am 39 years old and I have had 18 years in the organization. The average age of a trooper is 27 years old and he has 5 to 6 years on the job. In our organization, because of the

expansion, we are in speciality units -- organized crime, arson, officical corruption, and so forth. An old trooper has 10 years on the road. The oldest trooper we have patrolling is 41 years old. We have the youngest, most aggressive force in the nation. It is tough to saddle someone with something like this.

Myself, personally, yes, 24 hours a day you wear the vest. That is my own personal opinion; however, I speak for the membership. They say to me, "Hey, Mr. President, you wear the nice business suits and the comfortable shirts; why don't you wear the vest?" If I was out there, I know myself, my wife would not let me leave the door unless I had that vest on. That is where we are coming from, from the association's point of view.

ASSEMBLYMAN PELLY: There have been some newspaper articles, and Senator Jackman also testified to the fact, which indicate that perhaps if there was a two-man patrol at the time of Trooper Negrón's death, that both troopers would have been shot and two troopers would now be dead instead of one. Would you comment on that?

MR. ISKRZYCKI: Yes. I disagree wholeheartedly. Chris is a friend of the State Police. I don't see how anybody, with an experienced point of view, could say that if we had two troopers on the scene, we would have had two shot or two injured. I could take the other approach and say that my opinion is that if Carlos had a back-up partner and two troopers were on the scene, those gentlemen would have thought twice before they made a move. We could probably, from a police point of view, have had two of them in custody or two of them would have run.

ASSEMBLYMAN PELLY: You made that point generically earlier on; I just wanted to get clarification of that. One last question, and that deals with training and continuing education of State police. Could you comment on the current training standards and the current level of training -- both basic training of the new trooper and the continuing education of the troopers? And, also I would like to hear any recommendations you may have pertaining to each of those.

MR. ISKRZYCKI: We have a class in the academy which we graduate in June. They go through 23 weeks of training. This includes

police vehicle stops, criminal law, judo, karate, and so forth. They are the best trained in the United States of America. People from all over come to observe our academy.

What you might be more interested in is, what do we do on a yearly basis for the seasoned trooper, one who has been out there for ten years or somebody who has been sitting in headquarters. We have in-service training. We were all just issued a PR-24, which is a night stick with a handle on it, as a middle-force weapon -- a psychological deterrent. If you are issued a night stick, which all of us were, you wear it on patrol. Each one of us received an eight-hour block of instruction by qualified instructors. We had to qualify. We had some of our people fail, and they had to be called back.

Last year at in-service training, we had skits of how to stop vehicles on, for instance, the Turnpike. We covered such things as where does the second man go; how do you cuff prisoners; who calls in; what happens on a bank job; and so forth. The troopers, sergeants, lieutenants, and captains, who attended that in-service, all observed, participated, and made recommendations. We are not embarrassed to say, "Well, I haven't been on the road in ten years; I am at in-service training, give me handcuffs and let me go through the policy." Remember, we are all police officers 24 hours a day. If I am riding down the Turnpike and see a trooper stop, I'll stop and back him up. Every one of my officers, and my officers are all detectives, deal with this on a day-to-day basis. We are out there to back up our men on a 24 hour a day basis. We do receive training. It is not that there is a void. We have to qualify every year with our weapons.

ASSEMBLYMAN SCHUBER: If I could follow that up with one question, please. Tom, my understanding is that, as a result of a year-long study, the State Police Academy conducts a survival training tactics course for approximately three days. Is that true?

MR. ISKRZYCKI: Yes, that is a new course, which they just initiated. I believe their second or third class just graduated.

ASSEMBLYMAN SCHUBER: Okay. Do you have any feeling with regard to that course as to its efficacy? I realize it is brand new and only a couple of classes have graduated.

MR. ISKRZYCKI: That class is not just for State Police. That is for police officers around the State of New Jersey, and it allows them to go back to their respective police departments and retrain their departments.

Of course we are prejudiced; we are State troopers. There are 22,000 cops and firemen. Everything we are talking about here, more or less, has to coincide with the local police. But, we are talking about roadways and interstates where we have total sole jurisdiction and control. If you had the representatives from the the State PBA, they could come with their statistics, and of course, the trooper is going to stick out like a sore thumb. We are the ones who get the job done. We are seven percent of the police force in New Jersey, but we do thirty percent of the drunken driving arrests. We do forty percent of the traffic summonses. Now granted, if you are a local policeman in the town of Deal or Bordentown, you have a different type of job. But that is just to show you where the New Jersey State Police are coming from, why we are so aggressive. We have the benefit of being more objective because of transfers. We are not working in our own community for 25 years, arresting our next door neighbor. Because of our transfers and the geography, we can look at our job more objectively. We could be more aggressive. We could go out there and dig.

ASSEMBLYMAN PENN: I think Frank asked you the question I was going to ask you, about a back-up. Do you think the incident would have gone down the same way, if Carlos had a back-up? I think you answered that question quite well.

This has nothing to do with that, but doesn't the State Police still have a number of municipalities that they still take care of? I know where I come from, up to ten years ago it was one of the towns that the State Police had responsibility for, as far as the police work in that community. Aren't there a number of municipalities you do this for?

MR. ISKRZYCKI: Yes, sir. There are 567 municipalities, and the State Police have total jurisdiction of 111 municipalities and townships. And of course, going back to Hoover, when they put the 7500

rule in, once you have 7500 people living or residing in a community, you now have to opt for a State police. We are going through that now with the Colts Neck area with a chief and three men. The State puts "X" amount of dollars in matching funds to establish it. Then again, we relocate. We are now into a new era with toxic waste in New Jersey. We are allocating men in this direction. It is a combination of everything. It is the Legislature. It is everybody pulling together for New Jersey. I can't say we are a backwards state, and I don't want to pick out one and say they are still living in the forties, but we deal with the problems on a day-to-day basis.

ASSEMBLYMAN PENN: The only other comment I want to make is, is there any study going on to do something with the uniforms you mentioned, the wool shirts on a year-around basis? There are a lot of new fabrics that are around today. It would seem to me because of the high humidity and the men being in the cars, that there should be some sort of a study done to regarding lightening their load with the type of uniform they have to wear.

MR. ISKRZYCKI: Right on the money. Our traditional winter blouse has the high waist line. Because of the new weapon that we were issued, we are now going to have a lower waist line tailored with elastic arm bands. As it stands now, if you put the vest on with our blouse and our cotton shirt, it is almost impossible to move and turn. The new blouses, that Colonel Pagano testified about at the Joint Appropriations Committee and which is \$400,000 in our budget, have the elastic and a little more comfort. That is, of course, for the wintertime. In the winter, the vest is going to give you warmth. For the summertime, we talked about the street shirt. You just put the panels in the shirt. You take the panels out and you take the shirt to the cleaners. The vest itself, the one we have now, has 24 layers of kevlar, and it goes into a so-called liner. So, when you wash it, you take out the kevlar and throw the vest in the washer and dryer, and that is it. I don't want to go into specifics, such as after "X" amount of washings or if the vest does have penetration, does it get weak, etc.? That is for a highly technical engineer. We are here basically on a concept basis, to give recommendations.

ASSEMBLYMAN PENN: You have been very helpful. Thank you.

ASSEMBLYMAN BOCCHINI: Are there any other questions for Tom?

MR. ISKRZYCKI: Mr. Chairman, I have with me a retired lieutenant from the State Police, who was the president of our Troopers Association. He was also the president of our STFA. He is now employed by the Troopers Association, and of his 25 years plus, 20 years have been on the New Jersey Turnpike, where he was in charge of CIS. His name is Steve Chermak; he is our executive secretary. He will be able to add to what I have said; he actually was on the Turnpike for two decades. He knows specifically what our real problems are.

ASSEMBLYMAN BOCCHINI: Let me ask you one more question. From your experience -- I know the statistical information will be coming in -- has there been a vast increase in the traffic flow on the Turnpike, at least from the troopers' standpoint? Is there an opinion from the troopers as to whether or not-- My feeling is that you may stop to have 200,000 confrontations because that is all that is humanly possible to do based on the manpower that you have. Is there an opinion as to whether or not they feel they have maxed out, as far as their ability to stop, confront, etc., in order to alleviate any pressures? Do they need more manpower?

MR. ISKRZYCKI: Let's put it this way, Mr. Chairman, the statistics for the last five years in all areas are up -- arrests, drunken driving, vehicles traveled, and so forth. We are now doing 200,000 so-called face-to-face stops with the public; you are asking if we had additional patrols or two-man patrols, would we be doing 225,000 or 250,000? As far as I am concerned, you could put another 110 troopers out there, all in two-man patrols, and still you are not going to be able to catch one percent of what is traveling up and down that roadway. We are all reading the papers about what is happening down in South Jersey on Route 40, I believe, with the bridge and the large number of narcotics and drugs; we are not even making a dent in what we are taking off that roadway.

ASSEMBLYMAN BOCCHINI: Is there any statistical information regarding narcotics and apprehensions or assaults on the Turnpike?

MR. ISKRZYCKI: I have every criminal arrest -- which I am going to furnish to the Committee -- made in 1982 and 1983, from assaults, forgery, sexual crimes, etc., all of 2c., everything in it. It is a shocker. I hate to say it, but the question is often asked, "You mean that little roadway out there that everybody goes so fast on; this is what you gentlemen are doing?" It is a shocker to see what it is like. I hate to say this in front of Mr. Flanagan, but it is amazing what goes on on that roadway. The Turnpike -- and this is our in-house jargon -- is called the "big road." Our own jargon, among the troopers, is: "Did you ever serve on a toll road? Yes, the parkway. Forget it, 'commuters.' You never worked the big road. This is where the action is." It is like a red badge of courage. And when you are dealing with your young aggressive troopers, it is like another shot in the arm; "Yes, I did two years on the Turnpike." Then again, we have the lifers out there who are just immuned. They are born and raised in that area, and they can handle it.

The 75 troopers assigned to Newark versus the 36 troopers in Moorestown, South Jersey, are almost a different breed of cat. The Turnpike is actually three different areas; you might say three states in itself. It works out pretty well either way. What Moorestown doesn't catch, New Brunswick or Newark catches, or vice versa.

ASSEMBLYMAN BOCCHINI: Did the lieutenant want to give any testimony? Please come up, Steve. We would appreciate your giving your full name for the record.

STEPHEN CHERMAK: My name is Stephen Chermak. I am a retired trooper. I am now the executive secretary to the Troopers Association.

As Tom pointed out, since the Tony Lucas shooting, in 1966, we have been pushing for these two-man patrols. We have done it in many different locations and settings and, of course, all responses are usually prefaced by the fact that everybody recognizes there is a manpower shortage in the State Police for patrol activity, and everybody recognizes that there is a dollar shortfall here in Trenton with the government. I think that Tom has covered everything, outside of that, about two-man patrols.

The operation order, governing the patrol activities, that is now in place in the State Police is dated 1971, and that calls for one-man patrols. As a result of the Lamonaco shooting, we had a verbal commitment from Colonel Pagano, but it has never been set in the rules or put in writing. Like Tom said, on the 28th of March, we asked for something, and he promised that it would be looked into and updated, but he always falls back on the position that there is a manpower shortage and there is a dollar shortfall.

I think Tom has covered everything else besides that. He made one point about the shotguns in the cars; if the shotguns are in the trunk, you can't expect a single trooper to approach a suspect vehicle with all that equipment he carries in his vehicle.

I don't have anything else to add, but like I said, after 20 years on the Turnpike, from a trooper to the time I left a few years ago, I do know that that road is the worst. Our troopers here in New Jersey are the class State Police outfit, if not in the country, at least on the east coast. We have had any number of arrests where we have stopped people and arrested them for contraband or as fugitives, where they had in their possession summonses from Virginia, Maryland, or Delaware and had been stopped by other outfits. We just have a lot of pride, but we do need to maximize that safety factor for our patrols on the Turnpike. I don't have anything else to add.

ASSEMBLYMAN BOCCHINI: Lieutenant, thank you for your additional comments. We don't have anyone listed who wishes to give testimony. With that, gentlemen, we will adjourn this until Thursday morning at 9:30 in the Assembly Chamber, at which time we will hear from Colonel Pagano and Attorney General Kimmelman. Are there any closing comments you would like to make for the record? (negative response) If there are no closing comments for the record, this meeting is adjourned.

(HEARING CONCLUDED)

REIMBURSEABLE COSTS FOR TWENTY STATE TROOPERS
ON THE ATLANTIC CITY EXPRESSWAY

1984

SALARY.....	\$ 22,130.00
MAINTENANCE.....	4,000.00
SHIFT DIFFERENTIAL.....	300.00
MILEAGE.....	100.00
PENSION.....	7,525.00
UNIFORMS & EQUIPMENT.....	600.00
MEDICAL INSURANCE.....	<u>1,390.00</u>
COST PER TROOPER.....	\$ 36,045.00

