

PUBLIC HEARING

before

ASSEMBLY LAW, PUBLIC SAFETY, AND DEFENSE COMMITTEE

on

SAFETY OF NEW JERSEY STATE POLICE TROOPERS - VOLUME II

Held:
May 24, 1984
Assembly Chamber
State House
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

ALSO PRESENT:

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

New Jersey State Library

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ASSEMBLYMAN JOSEPH L. BOCCHINI, JR. (Chairman): If I may, I would like to call this hearing to order. First of all, I would like to thank those of you who are here this morning to render your testimony to the Assembly Law, Public Safety, and Defense Committee. I would like to thank you for coming out to put your thoughts concerning the investigation into the possibility of two-man patrols by the State Police on the record.

Basically, this is my opening comment. This public hearing is to continue the discussions which began on May 21, 1984, concerning the safety of State Police troopers who patrol the major highways of this State. Included in the topics for discussion will be the use of two troopers per motor vehicle while on patrol, and the use of bulletproof vests by State troopers on patrol. Obviously, any other pertinent testimony or information that anyone desires to give to the Committee this morning will be gratefully received and appreciated.

The first witness this morning is our Attorney General, Irwin Kimmelman. Good morning, Mr. Kimmelman. We're glad to have you with us, and we appreciate your taking time from your busy schedule to be here this morning.

ATTORNEY GENERAL IRWIN KIMMELMAN: Good morning, Mr. Chairman, and members of the Committee. I appear here this morning at your invitation, obviously in response to the shock and sense of revulsion experienced by every decent citizen of New Jersey upon learning of the senseless and brutal murder of State Trooper Carlos Negron while patrolling the New Jersey Turnpike on the morning of Monday, May 7, 1984.

A justifiable call has been raised for public officials to take whatever steps necessary to protect our dedicated troopers from this kind of unprovoked and vicious attack. All of us, from Governor Kean on down, have the utmost concern for the safety and welfare of these brave troopers, who daily put their very lives on the line for the safety of our citizens and in a defense against lawlessness.

That concern of ours for their well-being extends to their families as well. The question is how that concern for their safety is being carried out, and how best that concern might be further

implemented in the future. Currently, there is a total of 760 troopers assigned to general patrol duties throughout the State, covering the highways, the major interstate routes, and the toll roads. Many protective measures have been taken and will continue to be taken to promote and ensure the safety of these personnel. For example, in March, 1979, bulletproof vests were first introduced to the force. After some period of experimentation, shotguns were placed in all patrol vehicles, following the murder of Trooper Lamonaco on Interstate Route 80 in December, 1981.

In August, 1982, following the magnanimous and generous donation of a concerned, deeply-moved, and publicly-spirited citizen, with the help of the Legislature, additional vests were purchased and issued to the entire force. Their use is highly recommended, although not mandatorily required, the option being left to the discretion of the individual trooper. As you now know, Trooper Lamonaco was wearing a bulletproof vest at the time of his shooting; Trooper Negrón was not.

Commencing last year, and completed earlier this year, all State Police members were trained to use, and were issued new nine millimeter semiautomatic handguns. Other equipment, including a new form of night stick called a Monadnock, has been issued. Two-man patrol units are generally being utilized at the present time, and have been for some time past, on the night shift, the hours from 12:00 a.m. to 8:00 a.m.

You will ask, and properly so, should the use of bulletproof vests, technically referred to by the professionals as "body armor," be made mandatory? Bulletproof vests are now readily available to all law enforcement units nationwide. They are not infallible, but are, most definitely, a valuable item of equipment. Their use can be cumbersome and, at times, uncomfortable. I know of no jurisdiction in this country that requires the mandatory use of bulletproof vests. Here, I would welcome the input of professionals and those in the field, in the front lines so to speak, before making a recommendation to this Committee as to their required use.

You will also ask, should the utilization of two-man patrols be further implemented on our interstate and toll roads? The answer to

the question, in my considered judgment, turns on whether around-the-clock use of two-man patrols will result in a positive and concrete enhancement of the safety factor for our troopers. The record will show that the incidents of shootings involving troopers on our highways have been the acts of fanatics and terrorists, hellbent on carrying out their ghastly attacks without regard to the consequences to themselves.

I pose the question: Would such madmen, or women, as in the case of Joanne Chesimard, be dissuaded from their murderous intent by the presence of another, or even a third, or a fourth trooper? Or, would we, however well-intentioned, be doing a disservice to our troopers under such circumstances?

As the Attorney General, I do not profess to be an expert in these matters. The State Police are a highly-trained, paramilitary type organization. They are headed by an experienced professional, an expert in his field, in whom I have every confidence. Our Superintendent is devoted to the men and women under his charge. He is acutely concerned with their safety. Colonel Pagano's goal is certainly the same as yours and mine, and that is, the utmost protection of troopers patrolling our highways. How that goal is best to be achieved is a matter to be decided by reasonable and rational deliberation after dispassionate consideration of all pertinent facts and circumstances.

I have requested from the Colonel a full report and recommendation and, until that report is received, Mr. Chairman, and given due consideration by me as the head of the Department of Law and Public Safety, I cannot take a position -- a formal position -- on this matter. Colonel Pagano is sitting here with me at my right, and I think he will be able to supply you with more details than I have. However, if the Committee has questions, I certainly would welcome them.

ASSEMBLYMAN BOCCHINI: Let me, if I might, Mr. Kimmelman, indicate to you that I can appreciate the sentiments in your statement this morning. I am inclined to agree with you that, yes, we do have to analyze and wait for the reports from the Colonel. However, it is my

opinion -- and I do not speak for the Committee, they may each have their own opinions -- that the quicker we can come up with some answers, the better the State Police will be, and the better the State of New Jersey will be as a result of that. I certainly understand that the integrity of Colonel Pagano and the State Police cannot be questioned. They are, without any reservation as far as I am concerned, one of the best, if not the best policing unit in the United States. Obviously, I have some concerns, and the Committee will have some questions to address to you and the Colonel. What I might suggest to the Committee members, in view of the fact that we do have Colonel Pagano present at this time, is that we might take the Colonel's testimony and, if we may, General Kimmelman, we will address our questions to the two of you. Then, whoever feels best informed or most inclined can answer a particular question. I understand that you do work together, you as the head of the Department of Law and Public Safety, obviously for the State.

So, with that, unless there are any specific questions at this time from any member of the Committee, I would be inclined to ask Colonel Pagano to offer his statement, if he has one to make at this time.

MR. KIMMELMAN: Mr. Chairman, I would also like to introduce Lieutenant Colonel Justin Dintino, who is the Deputy Superintendent of the State Police, and who sits at my left.

COLONEL CLINTON L. PAGANO, SR.: Mr. Chairman, I think, in advance of some of the reports the Attorney General has asked for, some of which will be relating to specific issues he wants to cover, we can answer 95% of any questions you pose. I think because of the kind of people I have with me here today, there really should not be any questions any of you have that should be left unanswered.

ASSEMBLYMAN BOCCHINI: May I interrupt for one moment, Colonel? This is a serious Committee hearing; we are all aware of that. But, there are some times in our lives when some nice things happen. I would like to publicly acknowledge and congratulate you, Colonel, on the fact that your son graduated yesterday from West Point and is now a Lieutenant. You have every reason to be proud of him, and

we are just as proud of you and your family today. I congratulate you on that. Please continue.

COLONEL PAGANO: Thank you very much. I appreciate your good thoughts. I appreciate, too, all of you understanding why I couldn't come here on Monday. I wouldn't have come here on Monday if you told me to come here on Monday.

But, we can answer your questions. We understand the concern that is being voiced. Quite honestly, I think we are probably a lot more concerned than anyone else could be concerned over an issue of this type.

Justin Dintino has been introduced to you. Justin is a long-time member of the State Police. He is a member of the forty-second class. He has approximately six months less by way of time than I have. He is probably one of the best thought of experts in the area of organized crime in this nation today, and he acts as our Deputy Superintendent. Behind me is Lieutenant Colonel Joe Flynn, who is our Executive Officer, and who is essentially in charge of all activities relating to patrol. To his right is our Assistant Operations Officer, Captain Tony Blanda; to his right is our Administrative Officer, Major Jack Wambold; and, there is another trooper over here, Major Lou Taranto, whom I have worked with since he came into the organization as a recruit some 30 years ago.

We have people here who can answer any question you raise, I think with a high degree of expertise. Let me say this very clearly. I am honestly very happy that someone in the Legislature has taken the time to ask some of the questions which I think your probing minds may ask us. I am not happy -- and I have said this before the Appropriations Committee, and tried to say it as privately as I could -- I am not happy about the fact that we lose people, or about the fact that we are going to be exposing some of our patrol tactics publicly. I am not happy, ever, to speak about the use of body armor, because in the past two shootings we have suffered, our people have suffered wounds that would not have been offset by body armor. Trooper Phil Lamonaco was shot in the upper shoulder, and that one fatal bullet traversed downward; several others hit the body armor and were offset.

Trooper Negrón, although he was not wearing body armor, was a devoted wearer of body armor, and I cannot explain to you in total why he wasn't wearing it that day. What I can say to you as a result of our investigation is, had he been wearing the body armor he would have been in the same situation that Phil Lamonaco was in, because the body armor would have been circumvented by at least one inch. The fatal wound was outside the area covered by the body armor. Was that an accident, or was it intentional? I really don't know. I suspect it was intentional.

I would like to confine my remarks this morning to two general areas, and I think that your questions will probably fall into two general areas. The Attorney General has already mentioned the radical groups we have had confrontations with. I am going to go into those in detail, so that you will have some idea not only of our experience with these groups, but so that you will have some idea as to what other police agencies across this nation have faced, and the kinds of issues we are trying to resolve with the heavy expenditure of funds that New Jersey has experienced in the Lamonaco case, and in the difficulties we have had since 1973 when we first ran into the Black Liberation Army.

Since the late 1960's, police throughout this nation have been struck down in ambushes and assassinations committed in the name of revolutionary justice. That is what I am going to speak to first, the radical groups and their so-called "revolutionary justice."

The second part of what I would like to discuss -- and which my own people will discuss with you -- is the fact that we have made a case on a number of occasions, a case that should have added a lot of safety to our people through the past several years since our first contact with these groups in 1973. I am going to retrace that and bring you up to date in that area.

But, first the radical groups. In 1973, we confronted Joanne Chesimard and Clark Squire, who were two major figures, along with an individual by the name of Coston, who did not survive. From the trunk of that automobile came a passage that I think is very pertinent. These attacks are focused primarily on people in law enforcement, but

the targets are not selected by race. In the words of Joanne, "Revolutionary executions are not a question of black and white. They are a question of who wears the midnight blue." These kinds of quotations do not really stick in the minds of a free citizen, because you are so safe in this nation that you do not really concern yourselves each and every day. The members of my organization do.

The same individual told us, "You can look for pitched battles between militant groups and the pigs, on a scale that will make anything in the 1960's look like a Sunday school picnic." Has this come to pass? I doubt it. I am really not that disturbed by the ideology of these groups. I am not that impressed that they will ever overcome or overthrow established government in this country. But, I am impressed by the fact that they will continue to earn their livelihoods by robbing banks and robbing armored cars, and that whenever they confront a policeman, you can expect blood to flow.

I am going to retrace some of these incidents for you, including ours, because I think they are pertinent to the question you asked about two-man patrols. In the trunk of Joanne's car, in the so-called "writings" of Joanne, and others (and they were extensive), there was a passage that indicated that if you confront a policeman, don't take him on right away -- I'm paraphrasing this -- wait until the second patrol arrives. It will arrive in about a minute. Then, kill two pigs. This has been pretty much the history of what we have confronted.

In May, 1971, in New York City, and New York City is without a doubt the center or the focal point of all of this activity, Patrolmen Thomas Curry and Nicholas Binetti were on a security detail. They were wounded by gunfire as they pulled alongside a vehicle they were pursuing for a traffic violation. The driver of the suspect vehicle slid down, the passenger leaned across, and opened fire on the officers with a .45 caliber machine-gun. BLA member, Frank Fields, identified as the driver, was later killed in Florida by the FBI. BLA member, Richard "Dhoruba" Moore, was convicted and sentenced to life imprisonment. It was Dhoruba Moore who was the close friend of James Edward Daniels, the individual who murdered Trooper Carlos Negron on May 7, 1984.

In May, 1971, Patrolmen Waverly Jones and Joseph Piagentini were shot and killed in Harlem as they walked toward their patrol vehicle. They passed a group of young people who were leaning against a parked car, and as the officers passed them, the group opened fire with semiautomatic weapons and killed both officers. Later, Herman Bell and Anthony Bottoms were convicted of the actual crime, along with Albert Washington and Francisco Torres, who were convicted for their complicity. Those killings were widely celebrated by the so-called BLA group. Those killings were credited to that group long before the convictions occurred.

In January, 1973, prior to our meeting them, New York City Police Department Patrolmen Gregory Foster and Rocco Laurie were shot and killed while on foot patrol by three black men who allowed the officers to walk by them, and then attacked them with a .45 caliber pistol and a .22 caliber automatic weapon. Foster was shot eight times, four times in the back. Laurie was shot six times, three times in the back. Three BLA members took part in the murders. They were alleged to be Twymon Meyers, Henry Brown, and Ronald Carter.

What I am talking about now are not confrontations with violators, not confrontations with known felons by policemen. I am talking about assassinations that are in keeping with the so-called ideology and plan of this group.

In January, 1973, just prior to the loss of Patrolman Foster, New York City Police Department Patrolmen Carlo and Vincent Imperato were shot and wounded by three black males, who again stepped from behind a parked vehicle and shot them unmercifully. In January, 1973, Patrolmen Roy Pollina and Michael O'Reilly were shot and wounded in a similar ambush in New York City. Then, on May 2, 1973, Trooper James Harper, patrolling the New Jersey Turnpike, saw a vehicle that we ultimately found to be occupied by Joanne Chesimard, Clark Squire, and James Coston. He stopped them because the inspection sticker -- this was a nighttime stop -- did not match the plates on the vehicle. That was the violation for which the automobile was stopped. He had a backup patrol, Trooper Werner Foerster, who came on the scene. Nothing occurred until there were two troopers on the scene. Again, in keeping

with the ideology and the plan of these groups, it was when Trooper Foerster found an ammunition clip in the pocket of Clark Squire, whom he had outside the vehicle-- It was when he found that clip and held it up to Trooper Harper that Joanne Chesimard -- and she was ultimately convicted for this act -- fired through the roof of the vehicle wounding Trooper Harper. There was a wild exchange of gunfire; the automatic weapons were being used ultimately one by one -- for what reason is not material to this discussion -- but a weapon jammed and Trooper Foerster was shot to death with his own pistol. James Coston was killed, Joanne Chesimard was wounded, and Clark Squire was captured some 36 hours after a pursuit by members of my Division.

ASSEMBLYMAN BOCCHINI: Excuse me, Colonel. With regard to that particular matter just related to us, there were three perpetrators involved -- three suspects?

COLONEL PAGANO: There were three perpetrators and two troopers.

ASSEMBLYMAN BOCCHINI: Okay.

COLONEL PAGANO: On June 5, 1973, there was another shooting in New York. Transit Authority Patrolman Sidney Thompson was shot to death by so-called BLA members Frank Fields and Victor Cumberbatch, as he questioned them for jumping the turnstiles in an elevated subway station. Cumberbatch was wounded and was subsequently captured.

The period of January, 1971 through November, 1973, which included the death of our Trooper Foerster, was referred to by this group as their "Spring Offensive." Seven BLA members died in police shootings, and 18 were arrested. We feel that temporarily neutralized the organization. Only 25 to 30 members were believed to be hard-core BLA, coupled with a sympathetic group of approximately 75 people who were identified through Intelligence.

On April 16, 1981, and again we have an incident here which is indicative of the kinds of activities I am describing, New York City Police Department officers, John Scarangella and Richard Rainey, were ambushed in their patrol vehicle after they stopped a van in Queens. We cannot discuss too much of this publicly because, again, we find a tie-in right back to the Negron shooting, a tie-in brought about as a

result of the defense raised by the two perpetrators, who were charged, and who are still undergoing parts of this trial -- Anthony LaBorde and James Dixon York, both persons who have been in New Jersey. We cannot go into that too much, but I point here to two men in a police car who were involved in a shooting with these people and who lost their lives, in what is an otherwise out-and-out assassination of the so-called "men in blue."

On October 20, 1981, a roadblock was set up in Nyack, New York, for the purpose of ensnaring the perpetrators of an armored car robbery in Nanuet. Approximately 15 individuals, and again, we are still in the midst of a trial, representing the BLA, the May 19 Coalition, and the Republic of New Africa-- Nineteen people emerged from at least three vehicles to surround and attack the officers, using fully-automatic nine millimeter shotguns and .223 caliber weapons. All the perpetrators were wearing body armor. The use of white females from the May 19 Coalition was especially significant, because it was a white female, Kathy Bodine, who stood up and insisted to the supervisor of the policemen there that they put away their shotguns, that she was being terrorized. The policeman ordered that the shotguns be put down, whereupon the back of that van opened up, and they shot the living hell out of those cops. What happened after that is history.

On December 2, 1981, State Trooper Phil Lamonaco was murdered on a rural stretch of Interstate 80 near the Delaware Water Gap. We charged Thomas William Manning and Richard Charles Williams for that death. Again, we came across a group similar to the BLA, the so-called "Sam Melville/Jonathan Jackson Unit." The same ideologies, the same safe house configurations, the same weaponry, the same training, and the same hellbent intent to kill cops were illustrated in the findings at that safe house. We are not going to go into those findings beyond what we have already said, Assemblyman, because I don't think we want to lose that case based on pretrial public exposure. I'm sure you all understand that. But the point I want to make very clear is that the logic -- and, again, written logic -- we found following that death was, "If you are confronted by a policeman and you can overwhelm him, kill him or her. If you cannot overwhelm him, surrender and await

rescue." I point out to you very clearly that the New Jersey experience, although we probably all have a tendency to quickly forget, is that rescue is a way of operation.

In 1976, we had an assault on the New Jersey State Prison here in Trenton. We labored for a week and a half trying to figure out how that escape was taking place. Ultimately, we found that it wasn't an escape at all. It was a planned rescue that went awry, the planned rescue of Clark Squire. My Division, along with the Department of Corrections, went to court on several occasions for the purpose of convincing the court that Joanne Chesimard should be placed in a safe location, a location where she could be held safely. I cannot be critical of the court beyond where I have already been critical of the court, but history will show that we took the direction of the court. Commissioner Fauver placed Joanne in the Clinton Reformatory, and then we all waited for someone to come to get her, and they did. Fortunately, they did not kill anyone. As a result of the Nyack shoot-out following the rescue, and the information gained during the course of that investigation, we have identified and charged -- when I say we, I mean collectively, because this kind of investigative activity joins together law enforcement units at every level of government -- at least those individuals who rescued Joanne Chesimard.

On May 7, 1984, Trooper Carlos Negrón was murdered during an investigation of a "motorist aid," the simplest contact our patrols can have. Daniels, as you know, was a close associate of a major member of the BLA. From discussions this morning with staff people, all of whom are here, I believe we are in a position to say, without real concern about someone refuting what we say, that James Edward Daniels was part and parcel of the BLA.

I think what I want to say in this area is that the police officer -- whether you have one, as in the case of Negrón, two, as in the case of Foerster, eight or ten, as in the case of Nyack, and on and on -- is not really prepared on a daily basis to face the confrontations that he may have occasionally with these BLAs and other radical types. What I think I can say to you very clearly, and we have been supported by both the past Administration, and certainly by this

Administration following the loss of Phil Lamonaco, is that every dollar we spend, and we have spent a lot of money, doing what has to be done to pursue these groups because of the deaths of our troopers, has been money well spent, and we are going to continue to spend that money. What I am saying very clearly is that the patrol practices of my Division come as a result of long experience, and as a result of a Division facing an almost herculean task in providing service with scant resources. Based on what I have before me right now, and the collective experience you have here -- despite the fact that I know there seems to be a general feeling that we can solve very complex issues by very simple changes -- our patrolling practices, as they are currently constituted, are the best patrolling practices for an agency of this type. The trooper patrolling alone during daylight hours and other high-movement hours, with someone close at hand to assist him, a backup patrol, is the best patrol configuration in our judgment. The backup patrol becomes a problem for the State.

There have been 28 shootings in the New Jersey State Police since 1972 -- 28 shootings. Twenty-six of these shootings, or 93% of them, were one-man patrols, but I would point out that 17, or 65% of those 26, had backup troopers at the scene.

ASSEMBLYMAN BOCCHINI: Is that prior to--

COLONEL PAGANO: (interrupting) This would include the Negrón shooting. If you just look at statistics, our patrol practices bear out the position taken by our operational people and the position that I certainly subscribe to. I think we can be available for as much as you may have to ask as far as that issue is concerned. I would like to go into what has been going on with the State Police since I have been Superintendent, and really even before. I think this can be verified by virtually every man, regardless of the position he may take, one-man, two-man, whatever the patrol configuration.

I came into the State Police in 1952. One of my first assignments was Hightstown Station. We patrolled three counties, 21 municipalities. The Hightstown Station consisted of six people. We answered the desk first, blood came second, and after that I am not quite sure how the configuration of priorities went. It was not

unusual, and I am surrounded here by people of that era, to have a 36 or a 38-hour span during the course of the original complaint and a final response by a trooper. That was primarily because we prioritized even at that time. We took farm complaints, and that is where the trouble was in those days in this State, out on the farms, out with the migrant laborers down in South Jersey. We took those complaints in order of importance. Now we have fancy names for them -- prioritize, response time, and things like that. We did that by the seat of our pants. We still have a semblance of the same problem right here today.

In 1975, I was appointed Superintendent and was given the responsibility for implementing the first labor contract in this State that would take the troopers out of their barracks' environment and place them on a rotating basis -- a shift basis. Our judgment at that time was that in order to meet just the minimal needs of the organization in our response to calls for service, we would need 300 additional troopers. Since that point in time, we have gone on assuming new duties, assuming new responsibilities, asking each year for additions to our patrol complement. We have yet -- prior to the Negron shooting -- to really see any additions to the force. I think we can point to that period with a great deal of pride, and you can read those annual reports. We have improved the effectiveness of the organization, we have improved the productivity of the organization, and we have made significant inroads into the problem areas we have faced. I think a good deal of this came about only because of the dedication and hard work of the individual troopers, because without their real dedication to duty, we would not have the kinds of figures you see before you today.

The Augmentation Plan we presented to the Joint Appropriations Committee is a valid call for people to patrol the highways of this State, recognizing the vast stretches of the interstate system where there is no backup for our troopers. I have a concern everywhere, but my primary concern is not the trooper patrolling the Turnpike, because there is someone there who can come to his assistance, and I point out that there was someone fairly close at hand to assist Trooper Negron. I am concerned about the trooper who is

patrolling Route 78, some 45 miles from the Somerville Station, who half runs out of gas by the time he gets to his patrol area, and who is a long distance away unless some local officer comes to his aid, except on the midnight patrol when we have two people in the car. I am concerned about other stretches of interstate highways -- Route 280, Route 80, and Route 676 down around Camden, where Trooper Jacobs was shot, and where there is no help close at hand.

I think that is where our Augmentation Plan really has to come to the attention of the Legislature now because the Governor is supporting it, and we should see this kind of assistance come our way. If you will, do you want to put those charts up, fellows? (Colonel Pagano speaks to members of his staff.) What we are presenting to you today are the charts we used during the course of our presentation to the Appropriations Committee, showing the manpower levels of the organization, the patrol deployment as we currently see it, and what we call our "Augmentation Plan."

If you will look at the lower figures, you will see that in 1983, 1984, and 1985, for the individual troops we have consistently asked for more manpower.

ASSEMBLYMAN BOCCHINI: Excuse me, Colonel. By chance, do you have produced copies of those charts?

COLONEL PAGANO: I don't think we have, Assemblyman Bocchini, but we will get them.

ASSEMBLYMAN BOCCHINI: All right, because as part of the record I would certainly insert them if they were available. If you don't, then we'll--

COLONEL PAGANO: (interrupting) Do we have smaller copies? (Colonel consults with a member of his staff.) Assemblyman, we will get them; we will have them made.

ASSEMBLYMAN BOCCHINI: I don't need them today. All I am saying is that once we prepare a formal document, you know, for analyzing and further discussion, if they were available in the package--

COLONEL PAGANO: (interrupting) Surely; we will get them put together for you.

I think it is important for you to note that the New Jersey State Police is not just a patrol organization. We are not just a superhighway patrol operation. Take Blairstown Station for example, where Phil Lamonaco was working. His primary responsibility at that station was really not the patrol of Route 80. He was on Route 80 at the time he met his demise, but that station patrols the rural municipalities in that northwest sector of our State. There are 213 municipalities that are regularly touched by State Police patrols. There are 84 that have no full-time police organization. As the Superintendent, and having had the discussions I have had over the past several years, here is one of the reasons why we have not, in my view, had some of the response that we should have had to our calls for added manpower. I don't say that this is not a valid argument, but we are constantly, as an organization, being asked why we patrol rural municipalities. "Why should the State pay for it? Let the municipalities pay for it." That is no way to speak to someone like me, and that is no way to speak to my troopers.

We patrol those municipalities because the law requires that we patrol them. While everything else becomes involved in a tremendous discussion, we open new interstates. Small police departments go out of business. We go back in and do the best we can to provide service. Seventy-three municipalities have between six and ten police officers. That is not enough to do the job in those municipalities, and those men are out there around the clock in single patrols. Although they may not have the same experience we have, I would say they have the same exposure, and people should be looking to those municipalities also, and supporting the public safety of the communities because there is a need.

Our greatest need right now is to see the Augmentation Plan through, a plan which we have already presented to this Legislature, and a plan which is supported by both the Attorney General and the Governor. Unless I am shown something to the contrary, and I have yet to be shown anything in the past several years, I am not prepared to recommend two-man patrols around the clock, when, in fact, we have an ongoing, impeded demand for service. We have never failed to respond

to a citizen in need by whatever means it has taken, whether we take a trooper who happens to be running down the road assigned to a casino operation and being paid by that casino operation, and have him stop at the scene, or whatever. We have always met the need, but generally at the expense of an individual member of this organization, who, unlike most other State employees, has a sworn duty to respond, and my people do respond.

I don't think the day will come that the police officer, having an entirely different ethical underpinning, having a desire to assist a citizen, will be a match for the kind of gorilla that you find in these radical groups. Given the intelligence base, and given an opportunity to take them on, on our terms, I am certain we will prevail. The record to date, although we have lost a good number of people, is a good record, and I do not step back from that one inch. But, the helpful, friendly policeman is not, at first blush, a real match for the murdering types we have been confronting since 1973. I ask for your assistance, I appreciate your attention, and I would hope to see this Augmentation Plan through.

Is there anything you fellows want to add? (Colonel is speaking to his fellow officers from the State Police.) Lou? Major Lou Taranto was responsible for the investigation of the death of Trooper Negrón under the direction of Colonel Dintino, who happened to be out of town that particular morning. Do you have anything further you want to add, Lou?

MAJOR LOUIS H. TARANTO: I would just like to mention something again about the bulletproof vests. From our experience--

ASSEMBLYMAN BOCCHINI: (interrupting) Excuse me, Major. If you would, please step up by the Colonel so we can record your comments on tape for the permanent record.

MAJOR TARANTO: Basically, I just want to repeat what the Colonel said about the bulletproof vests. Trooper Negrón was shot five times. A bulletproof vest would not have saved his life where he was hit. Again, we do not know why Trooper Negrón opted not to wear it that particular day. Again, the Colonel went all over this. I don't see any defense. I was involved very deeply in the first confrontation

with the BLA members with the shooting of Werner Foerster and James Harper. These people have it on their minds; they know what they are going to do. Their actions are already planned. We never approach a car, any of our troopers, with this thought in mind unless we know who these people are. That is obvious. I think the Colonel really covered everything else.

COLONEL PAGANO: I would point out as a result of Lou's remarks that we have gone into some rather extensive retraining of our people as far as patrol stops are concerned. The in-service training is oriented toward the patrol stop. The in-service training has been oriented toward developing new procedures, procedures which are now mandated. We have put new supervisors in place to make sure that these procedures are followed.

As to the issue of body armor, I think it is somewhat akin to what you find when wearing a seat belt in a car. I wear a seat belt; many of my people wear seat belts; some don't. I would be of the opinion that, given the child restraint law this Legislature has enacted, 20 years from today every trooper in this organization will wear a seat belt. The Attorney General pointed out that body armor is not as comfortable as what it ought to be. Some people, because it is too heavy, and some people because they are lean and want to look lean, do not feel they want to use body armor. For the last few classes, however, when we get these young people in the framework where we can really impress upon them the need for body armor, we have had total subscription. I can tell you, and you already know, that once body armor is drawn, you must wear it. I would project as the succeeding classes graduate, that in the very near future you will see a total subscription to body armor, not by regulation, but as a matter of good training and good judgment. I encourage everyone to use body armor, but I have not mandated it, and I have no plans to mandate it.

ASSEMBLYMAN BOCCHINI: Colonel, thank you very much for your comments. I'm sure we have several questions, but before I begin entertaining questions from members of the Committee, there are a couple of things I think I would like to point out. First of all, by no means should it be construed by you, or the Attorney General, that

we are of a collective or singular opinion that the State Police are not doing their job, or that you are not doing your job.

COLONEL PAGANO: I came here with that understanding. I have no thoughts like that in mind at all.

ASSEMBLYMAN BOCCHINI: I listened very intently to your comments concerning terrorists and revolutionary type activities, and they were very enlightening. Your statements concerning the entire scope of the coverage of the State Police across the State are also concerns of ours. I don't think it is a question -- at least from our standpoint -- of whether or not we can financially afford, or whether we can have it. There is no question in my mind but that we can't have two-man patrols across this State. It is not practical; it is financially infeasible. But, our question is, are there areas where the two-man patrols would be practical, where they could be implemented? When you talk about the terrorists and their hellbent design on doing what they are going to do, I understand that. With the Chesimards of this world, you could send in five troopers, and they would try to take out five troopers.

I think my concern is, as well as the concern of the rest of the Committee, does it make a difference to have the second trooper? Now, you gave us some numbers with reference to the 26 shootings. I believe you indicated that in 17 of those instances there was a backup. Am I correct?

COLONEL PAGANO: They had their backup there.

ASSEMBLYMAN BOCCHINI: My question is, in relation to those backups, were they there prior to, or at the time the trooper confronted or approached the perpetrator, the suspect, or the motor vehicle, or did they show up subsequently? I believe you indicated that the Negron situation was one where there was a backup, but the backup came afterward.

COLONEL PAGANO: The backup was not there at the time of the shooting.

ASSEMBLYMAN BOCCHINI: My question is, at the time of the shootings, how many backups were there?

COLONEL PAGANO: I believe the backups were on the scene during the course of the confrontations. Tony, do you know specifically?

CAPTAIN ANTHONY BLANDA: In some cases they were there, Colonel, but not all of them.

ASSEMBLYMAN BOCCHINI: Could you supply those numbers for us, Tony?

CAPT. BLANDA: Yes, sir.

ASSEMBLYMAN BOCCHINI: I would also indicate to you, Colonel, and Mr. Attorney General, that if we ask a question you think in the best interest of the State Police in matters in which your operations are concerned may be-- If we appear to be stepping into territory which may hurt your operations, I can understand that. I certainly would not want to jeopardize your men in uniform. Please, just advise us of that, and I think we will understand.

Now, we had testimony the other day--

COLONEL PAGANO: (interrupting) Did one question escape me about places and times for the two-man patrols? I wasn't quite sure whether that was a question or not, during the course of your remarks.

ASSEMBLYMAN BOCCHINI: No, it wasn't, but it will be forthcoming, so to speak, in relation to some specific areas. Taking the Turnpike, which obviously has been a large concern, we had testimony the other day that in 1983, there were 200,000 incidents where troopers stopped their vehicles, exited their vehicles, and had a confrontation with a motorist or a pedestrian, or what have you.

COLONEL PAGANO: I don't think you mean 200,000.

ASSEMBLYMAN BOCCHINI: That is the number I took down.

COLONEL PAGANO: Two hundred thousand incidents where confrontations occurred?

ASSEMBLYMAN BOCCHINI: When I say confrontations, I mean face-to-face confrontations, not physical arrests or assaults, you know.

COLONEL PAGANO: Do you mean contacts?

ASSEMBLYMAN BOCCHINI: Yes, contacts; I'm sorry.

COLONEL PAGANO: All right, contacts.

ASSEMBLYMAN BOCCHINI: Now, according to the financial report of the Turnpike Authority as of December 31, 1983-- I would like you to know that I keep things that come into my legislative office. I received this in February, and my aide was able to dig it out for me. It indicates that the total number of vehicles which entered the Turnpike through the 10 classes was 144,521,395. Out of that we talked about approximately 200,000 contacts. I remember the number that was presented to us of 110 patrol troopers. My question to you is simply, do you think, based on the number of vehicles, the number of contacts, and the number of troopers we have patrolling that particular highway, that there are sufficient troopers?

COLONEL PAGANO: Well, I would hope that given 144 million people, because there would have to be one driver in every car, that there would, in effect, be more than the 200,000 contacts. I think every time a marked patrol is seen by a motorist it has some deterrent effect. Obviously, that is the purpose of the marked contact. The contacts would be when we actually stop someone for a violation, stop to help someone, or, for that matter, stop some pedestrian on the highway. I think it is an issue you have to look at each and every time you renegotiate the contract, to make a case for more manpower based upon the development of new areas of roadway, new responsibilities, and things of that sort. I don't think you can really make a case based on the fact that 144 million vehicles traverse the roadway itself. Those are the positions we take, based upon our own activity dealing with the patrons on the Turnpike. We negotiate our contracts in a rather strenuous way. Jack Wambold is here. Jack, you have never had one yet that we haven't argued for more men and generally gotten them, have you?

MAJOR JOHN E. WAMBOLD: That is correct.

COLONEL PAGANO: But, we base it upon the activities of the organization and the problems we see. We base it, for instance, on a given year when we know there is going to be new construction. We say, "You need 'X' number of troopers to provide safety for that construction site," or, if there is going to be a new service area, or a service area change. I don't think we have ever really based our

contract arguments on gross revenue because there is no formula I am aware of which calls for an "X" number of percentage for patrol.

ASSEMBLYMAN BOCCHINI: I agree. I didn't get to the gross revenue which for tolls was \$139.9 million. My concern was the number of vehicles and the number of contacts. I found it interesting when we heard from the representatives of the various Authorities -- the Atlantic City Expressway, the Turnpike, and the Parkway -- that they all indicated if the State Police requested additional manpower, they would certainly be conducive to trying to accommodate you for the additional manpower. It certainly seems from some of the testimony we received -- and obviously we will supply that to you subsequent to this hearing -- that they appear to have the dollars. Now we are getting into a little gray area with the Governor's trust fund for transportation, but I just point that out to you.

COLONEL PAGANO: I have to say honestly -- regardless of the Administration -- that in a sense this Administration has been a real help, because Governor Kean was a part of the Highway Authority for a long time and he had an influence. So, he has been a little easier to negotiate the contracts with. But, regardless, we have found a generally receptive group. Bill Flanagan has been up there on the Turnpike for years, and rarely do we ask for anything that is justifiable that we do not get. He's been good. In fact, for many years, the road stations, in a rather sequacious way, fed off what the Turnpike provided. Flares and other things found their way from the Turnpike out onto the road because they knew the guys on the road needed flares. I have found that the toll authorities are generally cooperative, and we have very few late-night patrols on the Turnpike that are not two-man patrols.

ASSEMBLYMAN BOCCHINI: Is there any particular formula used to appropriate the number of troopers needed on these highways?

COLONEL PAGANO: Jack, do you want to go into that? This is Major Jack Wambold, our Administrative Officer.

MAJOR WAMBOLD: Of course, this comes from the Planning Bureau; I was in charge of the Planning Bureau for a number of years. Generally speaking, the formula is arrived at by calculating the amount

of time it would take a patrol to cover a particular patrol route. We like to have a particular place on the Parkway or Turnpike covered every half hour at the maximum. We look at the number of contacts and the kinds of contacts that are made from year to year on all of the toll roads, and from those data we calculate the kind of interruptions a patrol will have normally. So, we are basing it on a patrol route, as it were, generally of 15 miles one way, which would give a 30-mile loop.

ASSEMBLYMAN BOCCHINI: Is that standard for all of the major highways or the toll authorities?

COLONEL PAGANO: No, and that is where the trouble comes in, because the patron on the toll throughway becomes accustomed to a level of service that he has in no way experienced on our interstate highways. And, I would say that as far as State highways are concerned, I bless Bell Telephone Company because the patron is surely not going to get the service from the patrolling organizations. As a matter of redeployment, and because of the lack of manpower, we have moved off the State highways in most cases, and moved off major county roads down through the pine areas of the State because we have fed into the interstate system. So, therein lies a definite problem. We receive complaints on a regular basis: "Why did my wife sit at three o'clock in the morning for four hours freezing to death, with no State policeman to assist her?" The answer is, there was no State policeman. But, that wouldn't happen on the Turnpike, the Parkway, or the Expressway.

ASSEMBLYMAN BOCCHINI: Colonel, to you or one of the gentlemen with you, is there a ratio of trooper mileage on each of the respective toll roads, the Turnpike, the Parkway, and the Expressway?

COLONEL PAGANO: I don't know how to answer that question. Jack?

MAJOR WAMBOLD: Yes. It is rather complex; it is difficult to give you a simple answer. The answer I gave you is generally the method by which we determine the number of patrols on any of the toll roads. It is an accepted formula throughout the nation in terms of patrol coverage. Obviously, the data changes from year to year; we

have base figures to work with. That is just a progressive kind of examination of the patrol strength and coverage on any particular road, whether it be the Expressway, the Turnpike, or the Parkway. They are the three we deal with as far as toll authorities are concerned.

ASSEMBLYMAN BOCCHINI: I have a statement here which we obtained from the Budget Bureau, Division of Budget and Accounting, Department of the Treasury. For identification purposes, it is Priority Package Request No. 13, and it relates to Patrol Activities and Crime Patrol, Division of State Police. It indicates that the recommended patrol coverage on our interstate highway system is 1.5 men for every 10 linear miles of roadway. It quotes: "At present, due to manpower shortages, each trooper has been attempting to service 20 linear miles of interstate highways. The manpower shortage has adversely affected trooper safety, as is evidenced by the recent shootings of Troopers Lamomaco and Jacobs, and has limited our ability to provide adequate patrol coverage on the highway system."

COLONEL PAGANO: They are well-written words.

ASSEMBLYMAN BOCCHINI: Excuse me?

COLONEL PAGANO: They are well-written words, but we wrote them.

ASSEMBLYMAN BOCCHINI: I understand that; that is why I read them into the record. They are your words. We don't have that; at least that is what my feeling is in analyzing just general numbers. If we take the two-man patrols you have on the third shift, and the rest of the manpower you have for the other two shifts, at least in relation to the Turnpike, I do not believe you have that type of coverage, if I am correct.

COLONEL PAGANO: I think we have close to it on the toll throughways, don't we, Jack?

MAJOR WAMBOLD: I think so.

COLONEL PAGANO: I think we do. I think we were talking there about the interstate system, without even paying attention to the State system -- which has traditionally been a State responsibility -- and a good number of the major county roads.

ASSEMBLYMAN BOCCHINI: Do you look at the Turnpike as a separate breed?

COLONEL PAGANO: No, not at all.

ASSEMBLYMAN BOCCHINI: You don't see any difference? I am a layman when it comes to policing and patrolling the highways and so forth.

COLONEL PAGANO: I was in Natchez, Mississippi, last year and I heard a trooper tell me all about the New Jersey Turnpike. I think it has been romanticized around this country as some sort of a -- whatever.

ASSEMBLYMAN BOCCHINI: It's a big road, you know.

COLONEL PAGANO: Yes, it is a big road. It is one of our major highways. But, when you ask me as the State Police Superintendent, is it something I should look to more than I look to one of the interstates or more than I look to one of the State highways, I have to say "no," because I feel we have either optimum or near optimum patrolling of that area, and that the citizen to be served is being served much more expeditiously. My concerns are in the areas where I do not have the patrol force necessary to do the job that is expected of us.

ASSEMBLYMAN BOCCHINI: I understand what you're saying, Colonel. I think the citizen is being served; there is not too much of a question in my mind about that. I think the citizen is being served. My question is, are the troopers -- they're human beings as well -- being served? Are they being given the advantage or the best possibility for protection of themselves? I know we do not live in a perfect world where we can say we are going to have two people everywhere.

COLONEL PAGANO: I can say to you very clearly that the troopers are not being served. Those troopers out in those faraway locations are the ones with their necks sticking out. Every trooper, every policeman, male or female, has to accept the responsibility and has to accept that there is certain danger when he or she comes into this field. But, I think the effort ought to be to minimize those dangers. My primary concern is out on those stretches of roadway where these people are so far from help. That is not the Turnpike, that is not the Parkway, and that is not the Expressway. Would we be better

off if we had more people there? We may well be; we may be able to justify more people. We are looking at the Expressway with the build-up of the casino industry with regard to putting more people there. But, the question is, are those troopers being served and where are they being served? My response is, they are not being well served when they are being sent from the Somerville Station to patrol Route 78 in the City of Newark, and they have to circumvent a dozen different patrol routes to get there. And, once they are there, they are there alone all too long and all too often. We would do a better job if we had support for them.

ASSEMBLYMAN BOCCHINI: They are sent from Somerville Circle to Newark?

COLONEL PAGANO: They are sent from Somerville Station right now to patrol-- If you will go back into the kinds of research your staff fellow has done, and very properly, you will find that starting in 1976, the State of New Jersey accepted the responsibility for patrolling what we call "the spaghetti bowl." That is the confluence of Route 78, Route 80, the Turnpike, and Route 9. It is that complex of highways surrounding Newark Airport. We accepted the responsibility, and we have consistently, year, by year, by year, failed in our request for the men to do it, but we still have to do something. We can't just leave it alone and unattended. So, those troopers are going from Somerville now all the way over there, outside the range of assistance. They are not being served there; the public is not being served there. The Augmentation Plan we are speaking about now will give us a semblance of service there. I would point out that Route 78 is going to open in about a year, and you are going to have one more major artery traversing the State. Unless that Augmentation Plan is accepted and funded, and we have the lead time necessary to hire and train new troopers, we are going to be in a lot worse shape than we are right now. That road, in the minds of some people, because we didn't have that mile and a half open -- or three miles, or whatever it may be-- Maybe you know, Jack; I think it is three miles out there. Because we didn't have it open, people thought that Route 78 didn't exist, but it did exist. There are hundreds of thousands,

millions of vehicles traversing those highways. That spaghetti bowl works. There are cars running all over. They run into a dead-end street here and there because Route 24 is not completed and Route 78 is not completed. But, the troopers are out there.

ASSEMBLYMAN BOCCHINI: You made a comment, and I don't think you really meant it, but I have to ask you. I don't believe it happens that we send troopers out with half tanks of gas.

COLONEL PAGANO: I didn't say that; I said that by the time they got there the tank was half empty.

ASSEMBLYMAN BOCCHINI: Oh, all right. It just came to my mind.

COLONEL PAGANO: No, no. There may be a couple of guys going out with a half a tank of gas, but they would blame the girls and I wouldn't worry about it.

ASSEMBLYMAN BOCCHINI: My notes were inaccurate and I picked it up the wrong way. I said he couldn't have meant that, but I had to ask you.

Now, please let me open this up to the Committee members. Assemblyman Penn, you had a question, I believe.

ASSEMBLYMAN PENN: Colonel, I have a couple of questions, but first of all, I would just like to say that we in the Assembly -- as well as everyone in the State -- are very proud of our troopers. We think we have the finest in the nation. I think what we are here today to do is to see how we can come up with recommendations that are going to be helpful to you. I don't think we are here to tell you how to run your business. We would like to see that you have the money to run it the way it should be run. That is basically what my understanding of this hearing is.

I do have a couple of questions and maybe you can help me. How do New Jersey trooper casualties compare to other states? Do you have any statistics on that at all, or is that an unfair question?

COLONEL PAGANO: Casualties? I just don't know the answer. I would say, without question, that the New Jersey organization has the most active patrol force in the nation. I think this is evidenced by the kind of activity you have seen off the Turnpike but on a regular

station patrol route, for example, down on Route 40 in South Jersey. We have made so many drug arrests lately that the media has begun asking why the other states from Florida north haven't been intercepting these drugs. We have, as a result of those kinds of pressures, been feeding information to and cross-training other states. How we actually stand on casualties, I don't know. If anyone does -- Jack?

MAJOR WAMBOLD: No. I just know from an average that the Southeast region has the heaviest experience in terms of assaults and deaths of police officers, as opposed to the Northeast section of which we are a part. I do not have specific state-by-state information.

ASSEMBLYMAN PENN: Okay. On the printout we received -- and I go back to a comment that Chairman Bocchini made in regard to the Turnpike -- as we look over the statistics, they show, for instance, that the Parkway hasn't had any shooting incidents on it since it has been in business.

COLONEL PAGANO: Well, that's not true. Trooper Jack Anderson was murdered in 1955 by Sammy Alvarez, who met his just rewards a short time later. So, we have had our problems out on the Parkway. Without question, the more activity we see down in that southern tier, down in our Atlantic City area, the more we see criminal actions and difficulties with our patrolling troopers.

ASSEMBLYMAN PENN: All right. So, the Turnpike is a highly volatile area, or an area where you see a possibility for more crime activity on a consistent basis?

COLONEL PAGANO: We have traditionally seen the movement of criminal activity across that roadway, and when I say traditionally, I mean in the purest sense of the word. You know, we began building a record of patrol-related arrests going back to the opening day of the Turnpike. But, as each of the new interstates opens, the Turnpike is less and less identified as the so-called "only road." Each of those interstates has had its problems with criminal activities. So, I guess maybe-- I am not minimizing the Turnpike activity at all, but I don't, in my mind as the Superintendent, segregate it, other than for the concerns I have over the kind of support we get in the other areas.

ASSEMBLYMAN BOCCHINI: May I interject one question at this point? Is there a difference in pay range for a trooper who serves on the Turnpike versus a trooper who serves in any other area of the State?

COLONEL PAGANO: No, sir.

ASSEMBLYMAN BOCCHINI: They do not get extra pay? There is no hazard pay, or anything like that?

COLONEL PAGANO: No, sir. I would imagine that if we were to pay hazardous duty pay for the Turnpike-- I couldn't in good conscience do that, because I know the guys on Route 78, Route 80, Route 676, and all the others. We would have a problem; you couldn't manage people. It wouldn't be the thing to do ethically.

ASSEMBLYMAN PENN: We have had testimony before this Committee that the Turnpike is unique; in fact, it is a corridor, it is like a city in itself. It is the most crime-prone road we have in the State. I think we are trying to get your feedback on this particular information.

COLONEL PAGANO: There is no doubt that we have made numerous arrests along the Turnpike, and we have had numerous confrontations. The stats may tell you that we have had more confrontations, but the stats ought to tell you also in the presentation I have made this morning that when you put someone out there, you are going to have a confrontation. If you don't put someone out there, you don't have a confrontation. It's just that simple. Obviously, where you have optimum patrolling and optimum contact, you are going to have confrontations. I think when we are given the opportunity, and I am sure we will be, you will see those same kinds of confrontations on the other roads. We have had them, obviously -- Trooper Jacobs, Trooper Lamonaco.

ASSEMBLYMAN PENN: Right now, I think that a town that reaches a population of 7,500 is mandated to have its own police force. Throughout the State, I think you have 213 municipalities patrolled by the State Police out of our 567 municipalities. Do you think this figure should be reduced to, say, a population of 5,000, and that they should each have their own force to relieve you, so you could

have more of your men in other activities instead of getting cats out of trees, etc?

COLONEL PAGANO: This is something that almost escapes good judgment. The 7,500 figure was a figure arrived at, probably by Jack Wambold, after the League of Municipalities confronted Governor Cahill and he said, "What's the figure?" Jack probably gave him the figure of 7,500. But, we have municipalities -- large, rural municipalities in the State which will never come near that, or have not come near that. I think it may boil down to a policy question by the Legislature and the Administration, but no one has ever really faced it. As a bottom line, what we ended up with in enforcing this as a policy situation was the development, if you will, of a number of very small police agencies. It's proper, and I do not say that in a denigrating way. But, when you have five, or six, or 73 police agencies of between six and ten officers, who take off for vacation, take off for training, take off for sick time, take off for whatever, suddenly you don't have anyone a lot of the time. Image-wise, that municipality has a police department, but actually you have State policemen in there doing the job.

MR. KIMMELMAN: Assemblyman, there is no law or regulation on the books which mandates that a municipality of so many people must have a police force. The 7,500 figure is just a convenient rule of thumb agreed to some years back. With respect to municipalities which have less people, the State Police, as is their obligation, will furnish the entire police service for those municipalities. They expect municipalities having a population over that figure to raise the money from their own residents to provide for their own police forces. Whether there should be a change is really, as the Colonel said, a legislative decision.

ASSEMBLYMAN BOCCHINI: We would gladly accept the guidance of the Attorney General and the Department of Law and Public Safety in relation to that. I can assure you, my gut reaction is that if one of the members of this Committee puts in a bill, we will hear from your office as to how you feel about it. So, in an area such as that, Mr. Kimmelman, before we would address it, I would prefer to see us work in

cooperation with your office. It might be something worth looking into.

MR. KIMMELMAN: Mr. Chairman, the cutoff figure would be something that the Legislature would decide, but we would take the position -- and I would hope properly so -- that with regard to the issue of police services for any given locality or municipality, the costs thereof should be borne by the residents, and should not be imposed upon the taxpayers at large in the State, as they are now.

ASSEMBLYMAN BOCCHINI: In other words, presently with regard to those municipalities where the State Police patrol for the municipality, those dollars are picked up, in full, by the State.

COLONEL PAGANO: May I jump in at this point? It is really not that simple, because if you look at the actual deployment of State Police personnel, you are going to find us -- and this is without question -- the most diversified state-level police organization in the nation. We probably work in 80 or 85 different program areas. So, while State policemen are patrolling a given township, State policemen working in a different capacity are doing a myriad of other things for the larger cities -- forensic work, specialized work, record keeping, and things of that sort. There are still State policemen. I made this argument to Mayor Smith, who wanted a State Police station in the City of Jersey City. You do not have a State Police station-- I am not going to recommend putting uniformed troopers in to patrol your cities so that you can have your share of the State Police largess. You have any number of other specialist types to keep your police department and your public safety operation going. Regarding emergency management functions, when the Jersey City City Hall burned down, the tarpaulin for the roof came from the State Police. So, whether he is patrolling the City of Jersey City, or carrying a tarp to cover a roof becomes somewhat semantic. The organization as an organization is at the hub of the entire public safety system in this State.

ASSEMBLYMAN PENN: There are many towns below that resident level which have their own police forces. I lived in a small town; we had a police force, and we only had 3,000 residents. Our neighboring town, Warren, which you patrolled for many years, didn't start a police force until they had almost 10,000 residents.

COLONEL PAGANO: That was one of the 7,500 policy enforcements.

ASSEMBLYMAN PENN: Right. We always had our own police force in Watchung, which is a neighboring town. I think when we had the 3,000 residents we felt it would be good to have our own police force. The point I am making is that perhaps the threshold -- this figure -- is something we should look at because it would certainly free up men for you, and possibly it would cut down on some of your expenses. You could use your funds in some other way. Now that I find it is not a definite figure, we can look at it in a different light.

We talked earlier about the bulletproof vests, and the fact that they are not a solution to everything. Testimony came out about the uniforms which are presently supplied. Has there been any thought given to a more comfortable summer uniform which might encourage the use of the bulletproof vests? I guess you could call these vests "armor plate," because the vests are not necessarily just for protection against gunshot wounds; I understand they are also helpful in the case of a collision or that type of thing.

COLONEL PAGANO: We have had one uniform policy for many years; it has not altered that much. We have had a number of discussions with troopers; and the bargaining units have done surveys. However, we do not have a consensus which is really an outstanding consensus. We have moved for the acquisition of-- How many new shirts, Jack?

MAJOR WAMBOLD: The entire issue.

COLONEL PAGANO: Yes, but how many?

MAJOR WAMBOLD: Five thousand.

COLONEL PAGANO: About 5,000 new shirts will be of a different material with different clips, fasteners, or whatever, but they will look the same. Hopefully, they will be more comfortable. Once we see how they work-- If you mean short-sleeved shirts, we do not have a consensus on them.

ASSEMBLYMAN PENN: I'm just saying a lighter weight shirt. I understand they are always wool shirts.

COLONEL PAGANO: No. We have already ordered and probably already have those 5,000 shirts in the field.

ASSEMBLYMAN PENN: Again, this is strictly a policy decision. I was just wondering if any thought had been given to it, that's all.

ASSEMBLYMAN BOCCHINI: Assemblyman LaRocca?

ASSEMBLYMAN LaROCCA: Through you, Mr. Chairman, I would like to ask the two experts here for their opinions. The bottom line, at least in my mind, is that a policy decision and certain recommendations have to be made by the Committee. One of them concerns the two-man patrol, and the other concerns the bulletproof vest. Previous testimony said there was a regulation that permits or allows two-man patrols during the night shift. Then the problem arises which, at least in my mind, is the basis for this Committee hearing -- should it be legislated, should it be mandated, or should it be optional and left to the expertise of the Department of Law and Public Safety and the Superintendent's Division? They have said there is a regulation. Is there such a regulation?

COLONEL PAGANO: There is an order which goes back to 1971 -- long before any of this activity occurred -- calling for two-man patrols after midnight. That order really memorialized the existing patrol practices of the organization after midnight. I remember two-man patrols when I was a trooper. But, that really wasn't your total question. That particular order is in the process of being revised as a result of conversations between ourselves and the bargaining unit prior to the Negron death. I don't think the Legislature should specifically mandate a Superintendent, either myself or my successors, into doing what really should be done by him. Those decisions are to be made by the man who knows what his problems are and what his resources are to offset or confront those problems. I do not think the Legislature should mandate or bind the organization with a given patrol configuration, because frequently you would then be violating the law. We do not always have that luxury. Anything could happen overnight. We can find any kind of emergency occurring where we have to respond.

MR. KIMMELMAN: Assemblyman, there is no regulation which has the force of law. It is strictly an operational order which can be

changed from time to time as circumstances dictate within the view of the Superintendent of the State Police.

ASSEMBLYMAN LaROCCA: And you, Mr. Kimmelman, as the chief legal adviser, what would be your opinion, as an expert? Would you mandate it or would you leave it to the operational discretion of your Department, of which you are the overall head, and to the Superintendent?

MR. KIMMELMAN: My recommendation, and my opinion, Assemblyman, would be the latter, not to mandate the details of the operation of a technical force, such as the State Police, by law. I would recognize that decisions have to be made based upon on-the-spot information which changes from time to time. If there is a regulation, or a law which cannot be changed, that could bind the operation or sometimes seriously impair the operation. I would recommend to the Committee -- I'm sure the Colonel can speak for himself -- that details such as that be left to the discretion of the head of the organization.

ASSEMBLYMAN LaROCCA: I respect the opinion of the experts, since I have been a lawyer for so long, and I will seriously weigh that opinion. I would also like to ask for your opinions, as experts, on the bulletproof vest. Should that be mandated, regulated, or left to the discretion of the experts?

COLONEL PAGANO: I think I would give the same response. You know, there is a saying, "You can't teach an old dog new tricks," and there are some people who, despite the availability of the body armor, the altruistic sense of the contributor, or the good intention of the Governor, are just going to say, "I don't want that. If you tell me I am going to have to wear it, catch me when I am not wearing it." So, why face those kinds of confrontations, when you realize ahead of time that you can bring in, inculcate, impress your younger people, and achieve the same goal? I draw the same analogy of the seat belt and the body armor. We could mandate it, but I do not find this the kind of issue I would really mandate knowing the kind of people I work with.

MR. KIMMELMAN: You have to accept that the basic proposition is that the Colonel has uppermost in his mind, as do I, maximum protection for the safety of these troopers. Not for a moment would

the Colonel omit doing something which would promote maximum safety and efficiency. So, equate that to the issue of wearing body armor. If the Colonel felt that the mandatory wearing of body armor would promote the utmost in efficiency and safety, then that would become a fact. But, it is questionable whether it would do that. Then you have to cope with the individual desires and sensibilities of the troopers, because they are your men in the field, and you have to rely on them.

ASSEMBLYMAN LaROCCA: I respect both opinions. At the last hearing we had, there was testimony from the Executive Directors of the Turnpike and the Garden State Parkway. They testified that there is a negotiating process by contract between the State Police, your organization, and the Executive Branch. They said, "We will have nothing to do with mandating anything. We're not interested in bulletproof vests, and we're not interested in three-man patrols." It was sort of a shock to me and some members of the Committee that there was such a callousness on their part. On reflection, I also thought that their job was to produce revenue, see that the bonds were paid for, and so forth.

I am wondering what your opinions as experts are. Are you satisfied with the arrangement that many of these nitty-gritty details are left to the bargaining procedure at the time of the contract between the two authorities and your organization?

COLONEL PAGANO: Let me just dispel very quickly the thought that many of you may have as to a certain callousness on the part of these officials, because nothing could be further from the truth.

We have found these people to be interested, we have found them to be responsive, and we have found them to be good businessmen. I think probably what was coming through, although I wasn't here, was the same thing that comes through during the bargaining process: "What do you think is best? You are the expert. You make these decisions."

If we really felt that any given issue had to be argued, the experience has been that if we justify it, we have always had the support. You have had people here from the Expressway, and there was a point in time when the Expressway was so poor that we gave them a good deal of service each year without charge. The road was there, there

were cars on it, and their levels of funding were such that they couldn't pay their bills. These decisions were made with the approval of the Treasury. The Treasurer knew what the problem was, and he approved it in an open forum.

ASSEMBLYMAN LaROCCA: Thank you. I have no further questions.

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

ASSEMBLYMAN PELLY: Yes, I have several, Mr. Chairman.

Gentlemen, I want to address three issues so that I can clear them up in my mind and perhaps in the minds of others.

The first issue deals with your proposal for the patrol augmentation. If my figures are correct regarding Troops A, B, and C for 1985, you anticipate an additional 175 troopers. Is that accurate?

MAJOR WAMBOLD: One hundred and seventy-five.

ASSEMBLYMAN PELLY: One hundred and seventy-five?

COLONEL PAGANO: Yes, one hundred and seventy-five.

ASSEMBLYMAN PELLY: Troops A, B, and C do not include the Parkway and the Turnpike?

COLONEL PAGANO: No, they don't.

ASSEMBLYMAN PELLY: What recommendations, if any, are you making with respect to those two roads?

COLONEL PAGANO: We would make those at the time we negotiated individual contracts. At this point, I don't know what they would be.

Jack just reminded me that we asked for eight additional people for the Parkway a short time ago, and they were granted. We negotiated with them, and they gave us eight additional people. I think there are still two or three more coming. These figures will bring us on the interstate system -- notwithstanding the State system -- somewhere within the level of service of this Augmentation Plan.

ASSEMBLYMAN PELLY: I want to just go back to the Turnpike for a moment. When are you negotiating with the Turnpike on issues such as--

MAJOR WAMBOLD: (interrupting) The contract allows us to reopen anytime we need to increase the manpower. If we saw the need this week or next week, we could open the contract for that purpose.

ASSEMBLYMAN PELLY: Do you currently see any need for additional patrols in the near future on the New Jersey Turnpike?

MAJOR WAMBOLD: As I explained before, the toll road manpower requirements are under constant review. If there is a need, we will certainly go forward. At this point, we do not have that request in mind.

ASSEMBLYMAN PELLY: You do not currently see a need for additional patrols?

MAJOR WAMBOLD: No, we don't.

COLONEL PAGANO: May I finish, just so that the figures are straight? The overall plan for the next three years is to add 310 people by way of augmentation.

ASSEMBLYMAN PELLY: In Troops A, B, and C? Does that exclude the toll roads?

COLONEL PAGANO: Right, that still excludes all the other areas. We have a number of other contracts which are not patrol contracts. I know you are talking about patrol contracts, but they all feed from the basic A, B, and C configuration. If we need another 15 people this coming year for the casinos, they have to come from that patrol area. There is no place else to draw them from. From time to time, we move people from other specialty operations, but mainly they come from the patrol configuration.

MR. KIMMELMAN: Assemblyman, can I just interject this, because we haven't touched upon it up until now? You don't just snap your fingers and find additional troopers -- eight for the Parkway, ten now for the casino operation, etc. It takes several years before experienced people come on line and are valuable in point of service.

The State Police operates a police academy at the National Guard site in Sea Girt. At least one class graduates each year. The Colonel can give you more exact figures, but an entry class consists of about 120, 125, or 130 people. The graduating class is somewhat less. Of the entries, you may have 65 or 70 graduates, whereas you had 130 who started.

We could have requested an additional State Police class. I believe there is a resolution to that effect before the Joint Appropriations Committee. Two classes a year would certainly help. The facility wouldn't permit more than two classes a year because it is also used for National Guard training purposes, and it is used for the training of policemen for our municipalities. So, you just don't have the capacity.

I think, on the average, if we had at least a class and one-half per year, it would help greatly in the augmentation; in the initial period, perhaps two classes a year would help.

COLONEL PAGANO: We generally run two. We have had some cut-back problems, and we have also had some major problems with our consent decree from the Federal government, all of which must be worked through.

As part of the capital improvement plan, we have an item that will provide for a new academy building. I think the cost is around \$5 million, and that is over the next four or five years. These things have all got to be done in order to meet some of the needs we are discussing here today and to also meet the needs of local police agencies whom we train. We train 65% of all the local police officers coming into the system. We do that at less than cost, but there is an expense incurred. We have been doing it for years. It also represents the dedication of assigning good numbers of State policemen to run those classes and to do it effectively.

We need a minimum of two classes a year just to-- Really, Mr. Pelly, we'll need more than that in order to go through the Augmentation Plan.

ASSEMBLYMAN PELLY: The training was my third area of concern, and I was ultimately going to address it. Several questions and statements were made with respect to training.

Going back to the original manpower situation, I think the issue that made this lay body so concerned was the number that came up during Monday's hearing with respect to the Turnpike. I think the Colonel addressed the issue that the numbers do not always reflect the entire situation. We received the figure that in the last 28

shootings, 15 occurred on the New Jersey Turnpike. Suddenly, as a Legislature, we want to react to that. You reacted to it earlier by telling us that that is not the entire situation.

COLONEL PAGANO: No, if you put your people in a given location, that is where the action is going to occur.

ASSEMBLYMAN PELLY: I want to clarify one or two issues with respect to the body armor. The statement was made that once body armor is drawn, you must wear it. Do you see that as a situation where a police officer may be reluctant to draw body armor predicated upon his or her mandate? For instance, "Once you take it, you must wear it, and there is no alternative to that."

COLONEL PAGANO: I think that is the best possible decision under the circumstances, because the ultimate goal would be to have every man on patrol wearing body armor. It is how you get from point A to point B that requires the decision-making. I think the best possible way of doing it would be to say, "Okay, fellows, we're at the height of emotion now. You've all had some two years to put this body armor on. Now that everyone wants it, this time when you take it, you must wear it." I thought that was reasonable. That decision wasn't made as a matter of snap judgment; it was made after long consultation with the Committee, with the staff people involved, and the troop commanders, as was the discussion I have had here today. These didn't come about off the top of my head, just as a result of coming here, and throwing things around. I think it was the way to go, and I think if we impress on the younger troopers the fact that they have to wear this body armor and that it is well-advised, ultimately it will be accepted. I think that is the way things will work.

ASSEMBLYMAN PELLY: Some of the problems with body armor were communicated to us at Monday's meeting, such as allergic reactions to it.

COLONEL PAGANO: Perhaps one or two, Frank. I don't know of any high number of allergic reactions.

ASSEMBLYMAN PELLY: Also, improper fittings and issues of that nature were brought up. I'm sure you are aware of all of the--

COLONEL PAGANO: (interrupting) Well, with every incident of this type where emotion rises, rumors fly. Each of these people are fitted with body armor. Adjustments are made if adjustments are required. I don't know of any case where either a different shirt was asked for, a different cover was asked for, or different body armor was asked for, that it wasn't taken care of.

We could discuss the issue of physical preparedness for the next three hours, but the proof of the matter is, there have been some changes lately in the law. We are going to be looking closer at the issue of physical preparedness and whether some troopers are too fat or too skinny. That also has a possible bearing on the issue of being fit. In a very practical sense, it also has a dollar figure attached to it. There is a need to maintain these expensive uniforms in good condition. I think we made the best possible decisions we could as we went along in this body armor area.

ASSEMBLYMAN PELLY: Earlier you addressed some of the issues with respect to training: the need for an additional site; \$5 million for an additional academy; and, the need for the time to prepare, recruit and train State policemen.

During Monday's hearing, some of the people, such as the President of the State Troopers' Fraternal Organization, said -- and, I asked each of them about the police training they were getting -- "It is the best in the country." The Executive Director of the Parkway Authority not only had high praise for the training the State Police were getting, but also for the ongoing and continual training.

Does the Attorney General or the Colonel have any comments to the contrary with respect to the type of training our State Police are getting currently?

COLONEL PAGANO: I think the training has to be adapted to the changing environment that the law enforcement officer functions in. As new developments occur, we have to retrain and constantly look to change.

The biggest change we have had is in the area of the basic training syllabus itself, and the affiliation that we developed with Seton Hall University, which was to make the primary training a bit of

an education. That came about as a so-called "revolutionizing" of what police training has been in the State in the past.

By and large, I agree totally that we have a cadre of some 40-odd instructors, all of whom are qualified by their educational credentials. We also have the adjunct professors at Seton Hall. They are people who are experienced in the field and people who see the need for the development of new training situations. I don't think New Jersey -- especially the New Jersey State Police -- need take a back seat to anyone as far as training is concerned.

If we have a death, we analyze what occurred. If we have a major incident, we analyze what occurred. We have post-action reviews, and we develop the information we need in order to go forward with new training. We have a Training Committee who sits and looks at everything we've done for a given year, and they make the recommendation for the in-service training for the year. We just went into the new P.R. 24 baton.

The New Jersey State Police has been in business for 63 years. We have never issued a blackjack, a slapjack, or zap gloves. I never remember a case where we were brought to task for using those kinds of things and where we won -- where the State didn't have to pay. There was never an intermediate force weapon available to a member of this organization. There is now, but that takes a tremendous dedication to training. It takes eight hours per man, with retraining each year, in order to certify him in the use of this device. Hopefully, we will never have the kind of issue come our way again with some sort of a cranial blow -- a riot situation like the picture you have all seen of a policeman with a big club coming down on someone's head. There is no need for that anymore. The policeman who relies on that intermediate force weapon for his safety is going to be better served.

Does everyone like it? No, they don't all like it. They don't like the scuffed up elbows, and they don't like the bruises and bangs they've gotten over the last six or eight months. The general acceptance of the device is excellent, and that goes for training too, Mr. Pelly.

ASSEMBLYMAN PELLY: I assume the Attorney General agrees.

MR. KIMMELMAN: Yes.

ASSEMBLYMAN PELLY: The reason I ask is because I have been reviewing a Police Training in New Jersey Prospectus, which was prepared by the Police Training Commission. This is dated November, 1983. On Page 10, the Police Training Commission recommends that all of the listed agencies be placed under the jurisdiction of the Police Training Commission for training purposes. One of the agencies included is the State Police. I don't quite understand, Mr. Attorney General, if, in fact, the training that the State Police is currently receiving is of the nature that we all know it to be. I certainly agree. Why would the Department of Law and Public Safety, Division of Criminal Justice, Police Training Commission want to accept the training of State Police? Why would they have it moved from the State Police to the Police Training Commission?

COLONEL PAGANO: That is a misnomer. The Police Training Commission does not train. The Police Training Commission is an advisory body. They have some evaluators and things like that, but they don't train policemen.

MR. KIMMELMAN: They set overall standards. The Colonel is a member of the Police Training Commission, and so is the Attorney General, by virtue of his office.

ASSEMBLYMAN PELLY: I understand that. Wouldn't that then place the jurisdiction for the training of State policemen, if this were implemented, under the auspices of the Police Training Commission?

COLONEL PAGANO: If that recommendation was enacted, yes, it would. The reason we are not under the auspices of the Police Training Commission, honestly, is because we have always wanted to go beyond the minimum standards set for police training in this State. We always have. My predecessors and I have felt that if we were under the control of the Police Training Commission, what we would find in the long term would be that our training standards would diminish, instead of being enhanced. It would be much more difficult to be under the control of the P.T.C. and function the way we have functioned.

Jack, you may have some further comments on that.

MAJOR WAMBOLD: No, I would agree.

ASSEMBLYMAN PELLY: Gentlemen, is it fair to assume that this aspect of the recommendation would not be implemented?

COLONEL PAGANO: It is still under discussion, Mr. Pelly.

ASSEMBLYMAN PELLY: I'm sorry, it won't be implemented, or it is still under discussion?

MR. KIMMELMAN: It is under discussion.

ASSEMBLYMAN PELLY: Do you see it as being a possible change in the--

MR. KIMMELMAN: (interrupting) No, my own view, apart from the other members of the Police Training Commission -- I'm only one member -- is that the Commission, as its charge, has to raise the general level of police training throughout the State. That doesn't mean that any particular organization is not able to go beyond the training requirements and do better. In the instance of the State Police, that certainly happens, as the Colonel pointed out before.

As compared to every other State Police organization in the nation, the New Jersey State Police -- I know this from my travels and meetings with other Attorneys General -- covers a much broader spectrum of activity than any other force. They are not confined just to highway patrol work.

There are narcotics investigations, general criminal investigations, an arson squad, and intelligence. We have personnel assigned to the police academy. We have forensic laboratories critically stationed throughout the State. We have men assigned to the Casino Control Unit, the Sports and Exhibition Authority, and the toll roads. As I indicated, it is the broadest spectrum possible of police activities.

ASSEMBLYMAN PELLY: I understand that, but I guess my basic question is: If, indeed, you have no anticipation of implementing this, why was the recommendation made in the first place?

MR. KIMMELMAN: It is under discussion. I didn't say there will be no anticipation. There are minimum standards. We have not prescribed the maximum standards.

COLONEL PAGANO: If I recall the report correctly, Mr. Pelly, that is a very broad recommendation for upgrading police training

requirements throughout the State. The fact that the State Police would be under that particular umbrella is only a very small part of it. I think that is what we are talking about.

ASSEMBLYMAN PELLY: Well, that was my concern. Although it is a small part of it, that was specifically my concern, because it is very specific with its recommendation. It recommends that it be placed under the jurisdiction of the Police Training Commission for training purposes, which would remove it from the jurisdiction of the State Police. That makes a substantial change.

COLONEL PAGANO: No, I don't think you are getting it quite right, Mr. Pelly. I haven't looked at the report in some time, but what it would mean is that the State Police would come under the umbrella of the training requirements set down by the P.T.C., and that much broader training requirements would properly encompass the State Police now.

When I say it is under discussion, realistically, if I recall the report correctly, if all those training accomplishments were to come to pass, and the standards were set in accordance with what I recall the report to say, it may be that we might want to comply. They go further than what we currently see in a local area. I think we had better both take a look at that report so I can refresh my recollection and discuss it intelligently.

ASSEMBLYMAN PELLY: Okay, I have no further questions. Thank you, gentlemen.

ASSEMBLYMAN BOCCHINI: I have a couple of questions I would like to address, if I may, Colonel.

In relation to the two-man night patrol implementation on the Turnpike, that goes back, I believe, to 1973. Is that correct?

COLONEL PAGANO: It was probably following the death of Werner Foerster, but I just don't recall.

ASSEMBLYMAN BOCCHINI: It was promulgated because of that death. Is that correct?

COLONEL PAGANO: I can't answer the question in that way. I just don't know.

ASSEMBLYMAN BOCCHINI: All right.

COLONEL PAGANO: I know we've traditionally had night patrols after midnight with two men. Obviously, there are times they don't have two men, so they go out with one man. We just did a survey a short time ago, and the overwhelming majority of all patrols after midnight are two-man patrols.

ASSEMBLYMAN BOCCHINI: Has the New Jersey experience with two-man patrols been effective as compared to any national averages?

COLONEL PAGANO: I don't know.

ASSEMBLYMAN BOCCHINI: Is that something we could ascertain?

COLONEL PAGANO: Jack or Tony, can you answer that?

ASSEMBLYMAN BOCCHINI: I'm talking about in relation to those other areas in this State and across the United States on major highways where they have two-man patrols.

COLONEL PAGANO: I don't know that other states have two-man patrols. It looks like the majority of the states, or at least half the states, have one-man patrols twenty-four hours a day. The states that have two-man patrols at least eight hours a day are New Jersey, New York, Pennsylvania, and Rhode Island. That is from the two-man patrol study we did.

ASSEMBLYMAN BOCCHINI: Is it a fair statement to say that the States which have one-man patrols have a higher death rate?

COLONEL PAGANO: I don't know that you can make that statement. I just don't know; I really can't answer that question. I'm looking at states here that I recognize where deaths occurred. West Virginia has had deaths, but whether there is a--

ASSEMBLYMAN BOCCHINI: (interrupting) It is my understanding, according to the the information we have -- I will double-check that -- that our death rate is higher with the one-man patrols during the day than it is with the two-man patrols in the evening. I don't know if that is purely coincidental.

COLONEL PAGANO: I don't know if that is supported by data. I think Jack's remarks some time back were consistent with my regulations. The preponderance of deaths occur in the Southeast.

But, as you can see, Connecticut, Maine, Maryland, Massachusetts, New Hampshire, Vermont, Virginia, West Virginia,

Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee have one-man patrols all the time. In fact, in some of these states I know of their patrol operations at least on a limited basis, and you will find a Carolina or Mississippi trooper probably working alone period. He would rarely work with another individual to even assist him. You know, they leave their houses in the morning, they work eight hours a day or whatever, and they see their sergeants once every two months. It depends upon the configuration of the state.

ASSEMBLYMAN BOCCHINI: Is there any appreciable difference in the accident rate versus the assault rate of those troopers who are on two-man patrols versus one-man patrols?

COLONEL PAGANO: I think that given the studies I've seen, and Jack has looked at a number of them, it is almost a toss-up. You can make arguments either way.

ASSEMBLYMAN BOCCHINI: Could you supply us with that information? Is that possible?

MAJOR WAMBOLD: Sure, we'll try to get it. The FBI publishes a national survey. I'm not sure how recent it is, but we'll try to get you the information.

ASSEMBLYMAN BOCCHINI: Wouldn't that be a statistic you would keep for your own purposes and analyze it?

COLONEL PAGANO: We may very well have it already.

MAJOR WAMBOLD: Of course, we are aware of the information. I'm just not sure how current it is.

ASSEMBLYMAN BOCCHINI: May I request that that information be supplied to us?

COLONEL PAGANO: Jack, didn't we have a one-man/two-man patrol study a while back?

MAJOR WAMBOLD: Yes.

COLONEL PAGANO: Then why don't we dig that up and see that it gets down here? Should we send the information to Aggie?

ASSEMBLYMAN BOCCHINI: Yes, direct it through Aggie, please.

It is my understanding that the Turnpike and the Parkway have experienced an increase in industry over the last several years in

relation to the mere fact that the corridors themselves make the traffic flow more convenient for industry. There has also been an increase, I believe, in the number of vehicles on the respective roads.

COLONEL PAGANO: I think you'll find an increase in vehicles on every road. I don't know if we have the demographics to show the increase of industry along the Turnpike and the Parkway. Obviously, just from my own observations, it is heavy in every area. Right now, Route 78 is building like mad.

ASSEMBLYMAN BOCCHINI: As I travel around the State, I see buildings rising and the economy growing. It is least obvious from the standpoint of just riding down the road. My concern is, if there is an increase in ridership over the years, shouldn't there be an increase proportionately in the staffing of State Police on those roads?

COLONEL PAGANO: I wouldn't agree with that, not necessarily. It may well be that if--

ASSEMBLYMAN BOCCHINI: (interrupting) That is what I want to find out.

COLONEL PAGANO: I wouldn't necessarily agree with that. I think if you found an horrendous increase in activity -- accidents, assaults, anything -- you would make the argument for more people. Other than that, I think we would pretty much stay with what we have.

I don't look upon the Turnpike as a pot of gold where all you need to do is write a check and somebody gives it to you. You know, they are running a business, and it is a business where any vendor -- we come in the sense of a vendor -- has to make a case for the bill we are going to present to them.

ASSEMBLYMAN BOCCHINI: You opened up an area that I think is a good one for discussion or at least questioning.

If we took-- I had that paper somewhere. You know, sometimes you get too many papers, and I'm in one of those situations right now.

Earlier today I received a list of arrests and the numbers involved. If we take notable arrests from January of 1983 through March of 1984 -- if someone will total this for us -- which relate to the Turnpike--

COLONEL PAGANO: (interrupting) Notable arrests are not on the Turnpike.

ASSEMBLYMAN BOCCHINI: Excuse me?

COLONEL PAGANO: The notable arrests were not on the Turnpike -- not in my recollection.

ASSEMBLYMAN PENN: I think he is saying that those are the arrests that were on the Turnpike.

COLONEL PAGANO: Oh, notable arrests on the Turnpike, okay.

ASSEMBLYMAN BOCCHINI: Yes, on the Turnpike. I'm sorry if I misled you. I would like to know the number of notable arrests consisting of 2-C. violations, etc. on the Turnpike by troopers versus those types of arrests by troopers who serve on the other highways.

COLONEL PAGANO: (interrupting) Let me give you a--

ASSEMBLYMAN BOCCHINI: (continuing) And, go into your other patrol deployment areas as far as the other locations in the State are concerned.

COLONEL PAGANO: Let me give you a seat-of-the-pants answer, because I don't know if I can figure that out. In many of those areas you are talking about, we don't have any troopers.

The more notable arrests during the beginning of 1983 were primarily -- there have been a good number on the Turnpike -- in the lower end of the State where they never got to the Turnpike, Route 295, or a State highway to circumvent the patrolling trooper. The Woodstown area, although a lot of people think it is the Turnpike, is not. It is a Troop A station.

ASSEMBLYMAN BOCCHINI: When I say notable arrests, I'm referring to 2-C. violations.

COLONEL PAGANO: Every arrest would have to be a 2-C. violation, unless it is a fugitive arrest.

ASSEMBLYMAN BOCCHINI: Not necessarily. If it is a DWI--

COLONEL PAGANO: (interrupting) We don't categorize those as notable arrests. The really notable arrests -- heavy drug seizures -- are basically Troop A arrests made by patrolling troopers out of that troop. They are not the Turnpike. That is not to denigrate the Turnpike; the Turnpike traditionally has had a good arrest record, but

I wouldn't categorize the Turnpike as overwhelming the other troops -- not by any means. Those troopers who are out on those other roads are doing an excellent job.

ASSEMBLYMAN BOCCHINI: Thanks to Assemblyman Penn, I notice that on the Turnpike in March of 1984, we had 65 arrests.

ASSEMBLYMAN PENN: Notable arrests.

ASSEMBLYMAN BOCCHINI: Notable arrests. Eighteen of them involved handguns. That is the type of thing we would like to develop as much information about as possible from the standpoint of making some type of well-thought-out, well-reasoned recommendation for your purposes, the Attorney General's purposes, and the purposes of those people who are involved in this whole process. In this way, the entire time we've been spending on this will be worthwhile.

COLONEL PAGANO: We'll try to dig it out as best we can. But, you say 2-C. Major Taranto just said that you are talking about patrol-related arrests, not notable arrests. The next thing you know, I'll have my detectives who make very notable arrests somewhat in a tizzy saying, "The only thing you've got are--"

ASSEMBLYMAN BOCCHINI: (interrupting) Yes, that is fair.

COLONEL PAGANO: (continuing) --patrol-related arrests. My feeling is that it is too finely spread across the spectrum of the Division. We'll try our very best to dig it out. Don't lose sight of the fact that if you don't have someone there, you don't have a notable arrest. That would figure in the formula you presented, and really knock it out of whack. I can't have notable arrests on Route 80 in the optimum if I don't have people out there in the optimum.

ASSEMBLYMAN BOCCHINI: When we say notable arrests, I think we have a definition problem. I'm assuming that a notable arrest is a 2-C. violation.

COLONEL PAGANO: They would all be 2-C. I would assume that is a given. A fugitive arrest for a major fugitive would not be a 2-C. arrest. He would be arrested under different-- Yes, I guess it would be a 2-C. arrest. You're right.

Justin makes a very important point. In a good number of these areas where you see some of these patrol-related arrests occur,

the troopers have a much broader responsibility. That, again, is not to denigrate the activity down in Woodstown, but they are answering calls in the home. They are answering calls that are not the kinds of calls that the Turnpike troopers may be answering.

ASSEMBLYMAN BOCCHINI: Colonel, what would be the needed increase of trooper strength if two-man patrols were to be instituted on the Turnpike?

COLONEL PAGANO: On the Turnpike?

ASSEMBLYMAN BOCCHINI: Yes, on the Turnpike.

MAJOR WAMBOLD: Well, if you double the number, it would be another 110 troopers.

ASSEMBLYMAN BOCCHINI: You have 110, but some of those are on two-man patrols on the eleven to seven shift.

COLONEL PAGANO: I don't have the figure here.

ASSEMBLYMAN BOCCHINI: Obviously, we are talking about the first and second shifts.

MAJOR WAMBOLD: It would be one-third less.

ASSEMBLYMAN BOCCHINI: Oh, cut it by one-third?

MR. KIMMELMAN: One-third less than double.

COLONEL PAGANO: Troop B says they need 95 people for around-the-clock patrols -- two men.

ASSEMBLYMAN BOCCHINI: Additional?

COLONEL PAGANO: Additional, yes.

ASSEMBLYMAN BOCCHINI: Statistically, do we have back-up time available to us for State troopers on each of the three toll roads?

COLONEL PAGANO: We would probably have a better chance of having that stat on the toll roads than we would on the interstates. Jack, do we have an average back-up time?

MAJOR WAMBOLD: I don't think we do.

COLONEL PAGANO: Jack says he doesn't think we do, and he has served many years as our Planning Officer. I don't think we would have actual times.

MAJOR WAMBOLD: It is probably something we shouldn't make public.

COLONEL PAGANO: Jack makes a very important point. It is something we shouldn't make public.

ASSEMBLYMAN BOCCHINI: I accept that as a reasonable statement.

COLONEL PAGANO: What you really try to do as an administrator--

ASSEMBLYMAN BOCCHINI: (interrupting) Excuse me. The problem is-- Believe me, I don't want to infringe on areas that could jeopardize your operation, but at the same time, I would sincerely like you to solicit as much information as is humanly possible for us. I understand your position, but I just wanted to point that out.

COLONEL PAGANO: What you try to do as an administrator is to impress or develop an omnipresence -- have everyone think that whenever they do something wrong, there is going to be a policeman there. I think you do that more in a P.R. way than you do in an actual way. Based on what we've told you today, I think the average citizen is going to realize that there are not the kinds of police services available in a number of critical areas where they thought there were. Obviously, there are going to be a number of offenders who are going to be able to say, "We should have moved you off the toll roads a long time ago, and on to the other areas." We have numerous cases of these apprehensions down around the Delaware Memorial Bridge where the luggers coming through in convoys -- at least one of those cars being a protection car -- had specific instructions to go another way.

We're doing an analysis now -- and we probably shouldn't say this, but since we've opened the door -- of all the intelligence data we've picked up, so that we can redeploy the patrol forces we have to offset this kind of activity. Even those people don't follow instructions because they were picked up in an area where they shouldn't have been. They should have gone a circuitous way. They didn't reach the Turnpike before they were apprehended.

I think the bottom line is that there is no roadway that is immune from being traversed by the criminal element, and the more we hit them in one area, the more the possibility is that they are going to go a different way. We're doing a study now to try to figure out which way they are going.

ASSEMBLYMAN BOCCHINI: May I ask this, which I think is true to some extent? Taking the two-man patrols you presently have on the third shift and comparing the ridership during those hours to the ridership on the other two shifts -- more particularly, I would say 6:30 in the morning to 9:30 in the morning, as well as 3:30 in the afternoon to 6:30 or 7:00 at night-- I think it is a fair presumption that they are the most heavily traveled times on the toll roads-- Wouldn't it seem in the best interest of the troopers to have two men in a car during those hours? An example of it is -- it was brought out in the hearing on Monday -- let's say there is an accident. Not just from the standpoint of protection in the violent crime category, but let's assume for the sake of discussion that there is a pretty heavy accident, and the trooper has to get out and put out the flares, he has to direct traffic, etc. Isn't the possibility of that trooper being injured because of the heavy traffic -- having to initiate the deployment of flares, direct traffic, etc. -- greater because he is by himself?

COLONEL PAGANO: Well, I think the notion that he is there alone forever is an improper notion. Granted, I am not recommending two-man patrols, but I am certainly recommending someone close at hand who can come in with another vehicle and do what has to be done -- be it an accident, aiding an injured person, or a violent confrontation.

The reason why we don't patrol after midnight alone is because experience tells us not to. I don't know if we have any grandiose studies to back that up, but I imagine we would be able to pick out a half dozen or so for you. We know the real difficulty lies in the lonely hours of the morning. That is when most crimes in the State occur. That is when people are out breaking into homes and doing all those midnight gun jobs at the local Seven-Eleven stores.

Just like you, I am looking for a paper. Oh, here it is right here. Joanne Chesimard said-- There is a plan; we talked about the plan, and we talked about radicals. But, she wrote--

ASSEMBLYMAN BOCCHINI: (interrupting) Before you give us that statement, in all due respect to everything you have said, I have to agree wholeheartedly with you when you talk about the Chesimard type

of people. My own opinion, Colonel, is that they are in a separate category, and God only knows how you handle that. My concern is in putting that aside, because the BLA and the terrorist groups are a very real concern. I think you pointed out to us that they are a separate category.

I am really concerned with taking the general incidents that occur on these highways.

COLONEL PAGANO: Then, let me tell you very clearly, Assemblyman, so we have an understanding between ourselves. We wouldn't be here today.

When I made the presentation, I meant that radical group to be an entirely separate situation. We have had a number of other troopers killed and injured along the highways, but we wouldn't be here today if it weren't for one of these kinds of incidents.

Our best judgment in the patrolling area is to have a man respond, because the overwhelming majority of responses are not the kinds of responses that would require two people. They require one man to take care of them, and as long as everything goes along fine, there is no problem. We have a second man available to come in, as soon as he either makes a stop or responds to an accident. He doesn't wait to call for help. He has a second man start in his direction. That is our patrolling practice now. It is far more effective, and you have much more coverage. You are offering more by way of service. You are more alert, and you are ready to perform. It is, in our judgment, the best way of functioning.

ASSEMBLYMAN BOCCHINI: Let me ask you this then. Assume you don't desire to go to two-man patrols. Let's say we have a section of the Turnpike. It is easier for me to work with 30 troopers, 10 on each shift, the third shift being five cars, two in each vehicle-- Would it be practical to increase the number, if not providing two-man patrols, rather than having to put 10 additional men on each shift in order to have two-man patrols? Could you increase the number of vehicles and troopers to fifteen on each shift in order to have a 50% increase in rotation and backup?

COLONEL PAGANO: Every police administrator in the world would jump right into this room and say, "Absolutely. Sure, let's do that." I would say I could use more manpower everywhere, but I have to justify it both to the Legislature and to the authorities. I have to be able to show them by some statistical presentation that we need these kinds of people. I have yet to see a really heavy argument where we did not prevail. I don't know that I am prepared to defend another 15 men. I think that would be great, but 15 men means a lot more than 15 men, as you can see from the presentation we've made to you.

ASSEMBLYMAN BOCCHINI: I think if we could see these figures from someone, it may help the Committee. If we could analyze -- going back to the 26 shootings that were referred to earlier -- and take the number that were terrorist-type shootings, and separate them from the 26, I don't know what we would have left. You may be able to tell me.

COLONEL PAGANO: Every one of those shootings are equal to me as an administrator.

ASSEMBLYMAN BOCCHINI: I understand that.

COLONEL PAGANO: Only three of them have really gotten the notoriety, and that is the condition under which we function.

ASSEMBLYMAN BOCCHINI: I am concerned about that, but how about the assaults on troopers as well -- non-shooting related assaults? I don't know if we received those figures, but I would like to see them -- the assaults on the Turnpike and the Parkway in general.

COLONEL PAGANO: I think we've already provided those figures to Aggie. We'll check to see if we have.

ASSEMBLYMAN BOCCHINI: Please double check, all right? In addition, I would like to know the number of injuries related to accidents and the deployment of troopers who were dispatched to cover accidents -- non-assault types of injuries to the troopers. I would like to know that for the purpose of being able to judgmentally weigh whether or not additional manpower can help prevent that and if it can improve the line officer's chances of staying on the job. It does no good if someone is shot; you have a trained trooper who has gone through the academy -- a top-notch guy -- and he is going to be off the job for three months.

COLONEL PAGANO: It doesn't help us at all. In fact, I think all we would really have to do to present that would be to embellish upon the already provided material.

We have said to the Legislature on a number of occasions that we can reduce injuries and hazards to our officers if we are given more people to do the job.

ASSEMBLYMAN BOCCHINI: But, I think, maybe that argument you are looking to make can be made.

COLONEL PAGANO: I hope it has been made.

ASSEMBLYMAN BOCCHINI: Well, what I am saying is, in relation to the report and the recommendations we are going to try to compile, I think those numbers could be very important for us. Colonel, it may require the Committee calling you and saying, "Hey, look, we see these numbers. What do you think, Colonel?"

COLONEL PAGANO: We will sit down with you for whatever time it takes and provide anything you need. I just want to be certain that there is some deference shown to the areas where we have had people as opposed to the areas where people thought we had people. People have thought we had as many troopers out on the interstates and county roads as we had on the Turnpike, and we have not. That is why I have taken that position.

ASSEMBLYMAN BOCCHINI: I don't know who those people are because I've never had that opinion. I have to be honest with you.

COLONEL PAGANO: All too often that is what you hear, and all too often that seems to be the impression. It certainly has been the impression of a number of legislators who we have come to for these requests for added manpower.

ASSEMBLYMAN BOCCHINI: You said earlier, and I have to agree with you, that we are dealing with a herculean task with scant resources. We can't solve complex problems with simple solutions. I think that has become very obvious to this Committee. It isn't our opinion that there is a simple solution to this, Colonel. That is why our request for some of this material will help us in attacking this herculean task. We are not going to be the ultimate problem-solver, but hopefully we are going to be able to impart some helpful

suggestions on you, the Attorney General, and the Administration. I think we are probably one of the best bipartisan Committees in the lower house.

COLONEL PAGANO: We need your help; we do need your help, and we are asking for your help. We need this kind of support, and if it takes public exposure, then we'll do that.

ASSEMBLYMAN BOCCHINI: If I might, I am looking at my watch, and I know we have four other people who want to testify. If there are no other questions from the Committee members, that will be great. But, if you have a compelling question, please ask it now.

Attorney General Kimmelman, do you have anything else to say?

MR. KIMMELMAN: No.

ASSEMBLYMAN BOCCHINI: Colonel Pagano?

COLONEL PAGANO: No, thank you very much.

ASSEMBLYMAN BOCCHINI: All right. I can only express to both of you on behalf of the Committee that we appreciate your candidness, we appreciate the amount of time you have spent with us, and we appreciate the resources you are making available to us. I can assure you that after today, we will be in touch with you regarding some other information. Hopefully, you will continue to be as cooperative with us. With that, gentlemen, thanks once again on behalf of the Committee.

MR. KIMMELMAN: Thank you, Joe.

ASSEMBLYMAN BOCCHINI: Our next witnesses are Edward Negron and Michael Negron. Do you want to come up together?

Gerry, you'll be after the two brothers. Is Trooper Delozier here? (affirmative response) We have you on the list also, Trooper.

Let's take a two-minute break, and I mean exactly two minutes.

RECESS

ASSEMBLYMAN BOCCHINI: The next witnesses are Eddie Negron and Mike Negron. Ed and Mike, for the record, will you kindly state your full names and your address?

EDWARD NEGRON: My name is Eddie Negron, and I live on Calhoun Street in Trenton.

ASSEMBLYMAN BOCCHINI: Michael, do you live at the same address?

MICHAEL NEGRON: Yes, the same address.

MR. E. NEGRON: I have a petition here for the two-man trooper patrols. I have signatures of people who are interested in the safety of the State Police and the public.

I am speaking as a brother of Carlos Negron. I know my brother very well, and I know if another trooper had been there, he wouldn't have died the way he did.

Here are the petitions.

ASSEMBLYMAN BOCCHINI: Will you bring them over here, please?

MR. E. NEGRON: I have more, but they aren't all here today.

ASSEMBLYMAN BOCCHINI: For the record, let it be noted that I received-- How many are here?

MR. E. NEGRON: Approximately 3000, 4000, or 5000. I didn't count them.

ASSEMBLYMAN BOCCHINI: For the record, let it be noted that I received petitions that read -- I'll read the body into the record: "A Petition for Two-man Trooper Patrols: We, the undersigned, believe that the New Jersey State Police should have two-man trooper patrol vehicles on the New Jersey Turnpike, the Garden State Parkway, and other State highways in high-crime areas. We believe that two-man patrols offer better protection to the public and the safety of the State police in general."

Do you have copies of these for yourself?

MR. E. NEGRON: No, I don't.

ASSEMBLYMAN BOCCHINI: Aggie, will you see that these are reproduced? (affirmative reply) We will make sure that copies of these get back to you. We will also disseminate copies of these to the Superintendent of the State Police and the Attorney General.

Do have any other comments you wish to make at this time, Mr. Negron?

MR. E. NEGRON: No, sir.

ASSEMBLYMAN BOCCHINI: Mike, is there anything you would like to add to your brother's comments?

MR. M. NEGRON: No.

ASSEMBLYMAN BOCCHINI: Committee members, are there any comments from you?

ASSEMBLYMAN PENN: I just want to thank you for taking the time to come to deliver the petitions to us. I also want to let you know that we share in the sorrow of your brother's death.

MR. E. NEGRON: Thank you, sir.

ASSEMBLYMAN BOCCHINI: Frank or Nick, do you have anything to say?

ASSEMBLYMAN PELLY: I only want to reiterate my colleagues remarks. Our sympathy to you and your families on the death of your brother. You can be assured that he will not be forgotten.

MR. E. NEGRON: Thank you, sir.

MR. M. NEGRON: Thank you.

ASSEMBLYMAN BOCCHINI: If I might, Mike and Ed, I know you both personally from Trenton, and your brother lived in my legislative district. We have spoken before, but there is nothing either I or this Committee can add that could ever possibly change what has happened or soften the sorrow that you and your family experienced with the death of Carlos. I told you personally before, Eddie, that I, for one, knew of your brother's reputation, not just as a State trooper, but as a person in the community here in Trenton and the Hamilton Township area. He was a very respected person, not only within the Hispanic community, but in the general community of Hamilton Township, Trenton, and Mercer County. His acts and deeds will far outlive his time alive here with us.

We appreciate your taking the time to put this together. Whatever other petitions you receive, if you want to turn them in, please see that they either get to Aggie Szilagyι or myself. I'll make certain that copies of those get back to you, and in addition, we'll

see to it that copies of the petitions are forwarded to Colonel Pagano and the Attorney General's office.

Once again, gentlemen, on behalf of the Committee, our condolences. Thank you very, very much for taking the time to be here with us this morning. Please give our deepest sympathy and regard to your family.

MR. E. NEGRON: Thank you.

MR. M. NEGRON: Thank you.

ASSEMBLYMAN BOCCHINI: Next we have Girard McGrath. Mr. McGrath, for the record, will you give us your full name and address, please?

GIRARD McGRATH: My name is Girard McGrath, and I live at 411 Wilson Avenue in New Monmouth.

ASSEMBLYMAN BOCCHINI: Do you have a statement for the Committee?

MR. McGRATH: I think most of my concerns have been addressed by the Committee, Colonel Pagano, and Attorney General Kimmelman. However, I took a day off from work today because I am concerned about the safety of our troopers.

I am on the Turnpike quite often during the week, I see the job the troopers are doing, and the stress they are working under. Many times a trooper has to worry about stopping a car, holding onto his hat and a driver's license while he is questioning a person, and being concerned about traffic going by him at 60, 70, or 80 miles an hour.

There is barely enough room on the Turnpike for a trooper to operate safely when he pulls a car over. Perhaps if there was another trooper in the car or available quickly, his safety would be increased.

I hear the truckers many times on the CB actually attempting to see how closely they can come to a trooper who is standing outside his car. They joke about it on the CB. "Let's see if we can knock his hat off, or let's see how close we can get to him." If there were two troopers, I think there would be a better safety advantage.

A lot of times a trooper has an accident he has to handle, and before he is done with that, they are giving him one or two more

calls and telling him to hurry and get done with the accident. If there were more troopers on the road, they wouldn't be working under so much stress in having to rush from call to call.

The situation seems to be that we have to have more uniformed State Police personnel. Maybe we should legislate a mandatory minimum of 1000, or some other number, of uniformed troopers on the road. In the newspaper several weeks, they noted that there were approximately 700 uniformed troopers and 2000 people in plain clothes. I think we need more in uniform on the streets.

ASSEMBLYMAN BOCCHINI: If I might, can we get those statistics? I would like to make a note to find out the breakdown of actual uniformed troopers versus nonuniformed troopers? In addition, I would like to know the breakdown of the actual patrol troopers versus administrative or non-patrol troopers.

MR. McGRATH: Many times a trooper's backup may be 10, 15, or 20 miles away, and it takes a while for the backup to get there, because he may be involved in another situation. If we had two men in a car or more cars on the road, I think their safety would be increased.

ASSEMBLYMAN BOCCHINI: Is there anything else, Mr. McGrath?

MR. McGRATH: No, I would just like to thank you for allowing me to come before the Committee to speak.

ASSEMBLYMAN BOCCHINI: If I might, do you have any family members who are in the State Police?

MR. McGRATH: No, I don't.

ASSEMBLYMAN BOCCHINI: So, your testimony here today is strictly that of a private citizen whose concerns are in relation to the State Police in general.

MR. McGRATH: Yes, they are.

ASSEMBLYMAN BOCCHINI: I appreciate the viewpoint of someone whose association, or at least his perception, is totally removed from the matter, and that your objectivity comes only from your own personal feelings.

Does anyone else have anything to add?

ASSEMBLYMAN LaROCCA: Are the truckers really trying to see how close they can come to the troopers?

MR. McGRATH: I hear them on the CB on the Turnpike. They joke with each other and say, "Let's see if we can knock his hat off," or, "Hey, did you see that I almost blew the guy against his car?" Not all of the truckers do this, but there are a few out there who try.

ASSEMBLYMAN BOCCHINI: Thank you, Mr. McGrath.

At this time, I would like to call on Trooper Delozier. Trooper, will you give us your first name and the spelling of your last name?

TROOPER WILLIAM R. DELOZIER: I am Trooper William R. Delozier. The spelling is D-E-L-O-Z-I-E-R.

ASSEMBLYMAN BOCCHINI: Did I ever work with you in Washington Township when I was a prosecutor?

TROOPER DELOZIER: Yes, I believe so.

ASSEMBLYMAN BOCCHINI: At this time, will you give us your comments?

TROOPER DELOZIER: Yes, sir. I am off duty now. I just completed the 11:00 P.M. to 7:00 A.M. shift on the Turnpike. I am presently stationed at the New Brunswick station. In August I will have been on this particular tour for two years, but I have had two prior tours on the Turnpike. I went to the Turnpike on my own; I wasn't sent there by the Division of the State Police. I have no qualms about being there. In fact, I enjoy the job.

I currently reside in Trenton, so it is convenient, since I only travel to Interchange 7A.

I am basically here to express my personal opinion and the opinions of my coworkers. In all fairness, we do not all agree on the two-man concept. On my shift, there is one person who doesn't agree. The majority of the people I speak to, especially the senior troopers, are for the two-man concept.

I rode with another trooper last night because it was the eleven to seven shift. The ability to cope with any given situation is increased. I personally feel better with two people because I don't have to wait for a backup. There is no time element; the time element is instant. You have your second trooper there with you.

For example, one trooper on my shift was involved in a one-man incident. It was an assault, although it wasn't an assault with a weapon. It involved a fist. Upon approaching the vehicle, one of the individuals involved came up to him and punched him between the eyes. He had to recoil and draw his weapon. After drawing his weapon, the weapon was kicked out of his hand, so it was a dive to see who would get to it first. Luckily, in this instance, the trooper got to it first, and he was able to place the two individuals under arrest. After he had the situation as stabilized as possible, he called for a backup. At that particular time, I believe his backup was rather close -- just a matter of a few minutes away.

I had occasion to back up this same individual this past Sunday. He had three vehicles stopped which contained a total of four individuals. At the time he called for a backup, I was at mile post 81. He was located at mile post 71, some 10 miles away. Luckily I was in a position to make a U-turn; there is a turnaround at mile post 81. In many places, you have to go a little further before you come to a turnaround. It took me approximately 12 minutes to get to him. Luckily, nothing happened. Subsequent to my arrival, another trooper arrived, and the situation was maintained.

I personally find that when you have two troopers there immediately, you can hold the situation so that no one is going to get hurt. When you are outnumbered, things become uneasy. Whether or not something eventually happens -- most of the time it doesn't -- you have an uneasiness about you. It is difficult to perform properly when you think to yourself, "What could possibly happen?"

In the incident regarding the shooting of Trooper Negron, we were advised earlier of the Black Liberation Army. That is not always the case.

Within two miles of that particular place, there was another shooting. This time it involved two troopers on midnight patrol, with one individual shooting at them. The troopers came out of that incident unhurt, other than what they experienced mentally, and the suspect was mortally wounded. Trooper Donnelly was only a mile and a half down the road from this area, which is dark. Not only is it difficult to see, but you also have the traffic to contend with.

As was stated to you earlier, the truckers drivers and CBer's refer to "dusting." This is where they attempt to see how closely they can come to us in order to blow our hats off.

There was one incident where a lone trooper was aiding a broken down vehicle, just as was Trooper Negron. A tractor trailer came up behind him. The driver had fallen asleep, ran off the road, and struck both the trooper and the individual whose vehicle was broken down. The trooper sustained relatively minor injuries, although there was a good deal of pain involved. The driver of the vehicle suffered multiple fractures. Both of his legs were fractured, so he didn't come out of it as well.

Aside from the criminal element which you are constantly aware of, you have to contend with traffic. You never know what you are going to encounter. If someone wants to do something to a trooper, he already knows what it is. It could involve something criminal, or it may be just a crazy person, but he dictates what he wants to do.

My experience has been that if you are at least numerically even with these people, aside from the BLA-- The BLA is an organized thing. I can't foresee what is going to happen as far as they are concerned, but if you at least are even in the number of people you encounter, you come out better.

I will have completed 13 years on the twenty-sixth of next month.

ASSEMBLYMAN BOCCHINI: How many years have you worked on Turnpike duty?

TROOPER DELOZIER: My first tour consisted of 19 months, my second tour also consisted of 19 months, and I'll have completed two more years this August.

ASSEMBLYMAN BOCCHINI: So you have been there on and off for about six years?

TROOPER DELOZIER: Yes, basically.

ASSEMBLYMAN BOCCHINI: I imagine you have had other tours. Have you ever served in some of the remote areas that Colonel Pagano referred to earlier?

TROOPER DELOZIER: I've been stationed in Howell, Laurelton, the State House for a year and one-half, Hopewell, Bordentown, Ft. Dix, and I have served on the Metro Task Force.

ASSEMBLYMAN BOCCHINI: I know you can't speak for everyone else because I presume every person has his own opinion, but do you have an opinion regarding the comparison of duty on the Turnpike versus Howell Township -- forget the State House; that is a real hazard (laughter)-- I'm talking about the Turnpike versus other duty stations.

TROOPER DELOZIER: I find the Turnpike to be more active. I left my last Troop C assignment at the Ft. Dix station to go to the Turnpike. I feel even though the Turnpike is more active and it appears to be more deadly, it keeps you more alert. You go through your normal day with the awareness of the hazards going by you and what is mainlining up the road.

ASSEMBLYMAN BOCCHINI: If you had a choice to have a two-man patrol either on the Turnpike or on another major artery, would you have a preference?

TROOPER DELOZIER: Without a doubt, it would be the Turnpike where I am currently stationed. When I am in Bordentown, I have occasion to patrol Interstate 295. It is a busy road and it is parallel with the Turnpike, so you get quite a bit of spin-off traffic from it. There doesn't seem to be any comparison though between the Turnpike and Interstate 295. As you go further north toward the New York/Newark area, the traffic volume picks up tremendously. At Interchange 11 where the Turnpike meets the Parkway, there is a huge volume increase. In fact, the incident I told you about regarding the trooper who was aiding a broken down vehicle occurred just above Interchange 12.

The majority of our troopers are in the section north of the New Brunswick area. There is generally minimal coverage in the southern area. I am specifically interested in adding more troopers to the area south of New Brunswick. The areas are larger in the south, and although traffic is heavier in the north and there are twelve lanes to take care of it, there are only six lanes below Interchange 9. At Interchange 4, there are only two lanes in each direction.

When you travel to North Jersey, you have the eastern and western extensions and the Newark extension -- three major arteries which lead into New York City. I can't speak for the Newark troopers, although we have a common frequency on the State Police radios, but you can hear quite a bit of what goes on. We hear of a lot of, "Give me a backup." But, the backups are not always there. A one-minute response time is not always true. Sometimes you have an enormous area to cover due to uncontrollable circumstances, and you just don't have enough manpower. We have a multitude of townships. It is not uncommon to start off with 10 or 12 troopers, and then to end up with maybe two.

ASSEMBLYMAN BOCCHINI: Is it because the others are in court?

TROOPER DELOZIER: Some are in court, and some have other things that come up. You have criminal arrests. My particular shift is very heavily involved in criminal arrests. When you make a criminal arrest, you are off the road. You have to take the individual or individuals in to process them, naturally, so it removes another trooper. At that point, the area is increased.

ASSEMBLYMAN BOCCHINI: Does anyone have any questions of Trooper Delozier?

ASSEMBLYMAN PENN: I have just one question, Trooper. Do you monitor the CB channels at all?

TROOPER DELOZIER: Generally no, sir. We used to have CB radios in our cars, but between the CB radio, the State Police radio, and the AM radio which a lot of the troopers like to listen to, you couldn't really pay attention to it.

Now we have our Task Force personnel who deal strictly with commercial vehicle traffic -- buses and trucks. They have CB radios. In fact, it was from one of the Task Force troopers that information was received when Trooper Weidel was struck. That seemed to be a hilarious thing on the CB radio. Some things were heard like, "Good, greased a smokey," or, "He'll never be back to bother us."

ASSEMBLYMAN PENN: Thank you.

ASSEMBLYMAN BOCCHINI: Frank?

ASSEMBLYMAN PELLY: I have two brief questions. Do you wear a bulletproof vest?

TROOPER DELOZIER: I first received my bulletproof vest when I was in the Metro Task Force, and I wear it every day.

ASSEMBLYMAN PELLY: Do you have any problems with it?

TROOPER DELOZIER: No, I personally have no problems with it. If anything, it keeps me warmer in the wintertime. I really have no problems with it. I wore a flak jacket when I was in the Marine Corps, so I know the value of the bulletproof vest, and I do wear it.

ASSEMBLYMAN PELLY: If you stopped someone on the Turnpike or wherever, can you describe what the difference would be if you had one person in the car or two people in the car?

TROOPER DELOZIER: When you have two troopers in a car--

ASSEMBLYMAN BOCCHINI: (interrupting) Excuse me, Frank, are you referring to two pedestrians in a car or two troopers in a car?

ASSEMBLYMAN PELLY: Two troopers. I'm sorry.

TROOPER DELOZIER: First of all, you have a second set of eyes. On one particular shift, one trooper approaches the vehicle. We try to do it from the passenger's side because it is away from traffic. It alleviates us from being picked off or "dusted."

ASSEMBLYMAN PELLY: So, one trooper--

TROOPER DELOZIER: (interrupting) One trooper does the actual approach.

ASSEMBLYMAN PELLY: On the passenger's side?

TROOPER DELOZIER: We do it that way, but it is not mandatory.

ASSEMBLYMAN PELLY: Is there a policy?

TROOPER DELOZIER: No, there is no policy. It is up to the trooper's discretion at the time. If he felt he would be safer to approach the vehicle on the passenger's side, by all means, he would approach on that side.

ASSEMBLYMAN PELLY: So there is no policy with respect to what side you approach the vehicle?

ASSEMBLYMAN BOCCHINI: I would think, Frank, for the purposes of safety and so forth, if there was a given policy where someone would know the trooper was going to approach on one side everytime, it would certainly be to the trooper's disadvantage.

TROOPER DELOZIER: So, we would have one trooper approach the vehicle from the passenger's side. The second trooper is able to remain behind.

ASSEMBLYMAN PELLY: In the car?

TROOPER DELOZIER: No, out of the vehicle. He is generally at the rear of the vehicle where he can observe what is taking place inside the car. If something happened, he wouldn't, hopefully, be directly in the line of fire. If the first trooper gets hit, and the vehicle takes off, then he would be there to assist the hit trooper immediately. If the vehicle doesn't take off, he has to return fire, even though the first trooper may be hit. He could just start firing into the vehicle if he sees a threat which would justify force.

The people who are stopped more or less don't know that the second trooper is there. They know the first trooper is there, but they may not know the second trooper is there too. This could become a shock element when all of a sudden, here comes another line of fire into the vehicle. Hopefully, it causes confusion inside the car.

The same thing would be true if the situation was reversed. You could have one, two, or possibly three people against one trooper.

ASSEMBLYMAN PELLY: Is there a policy as to whether the driver or the passenger approaches a stopped vehicle?

TROOPER DELOZIER: No, it is not a policy. It is recommended, as I have been taught--

ASSEMBLYMAN BOCCHINI: (interrupting) If I might, I question whether or not we want to get into that area, Frank. I'll leave you to your own thinking, but I have some reservations about that area.

ASSEMBLYMAN PELLY: Okay, will you then just briefly describe what you would do if you were a single trooper stopping a car?

TROOPER DELOZIER: If you are going to stop someone for anything you feel you should, by policy, everything is called in. You transmit such things as car information, occupants, anything you can to your station. In this way, they are aware of what you are stopping. They will have the registration or as much as you can give them -- anything that would help to identify the car. Now they are aware of what you have stopped and approximately where you are located. At

nighttime, it is sometimes difficult to give them your exact location because it is dark.

At this point, you decide which side of the car you want to approach which would be to your benefit, and you approach the vehicle.

ASSEMBLYMAN PELLY: You don't have any backup yet?

TROOPER DELOZIER: If you want a backup, you request one at the time you call your station.

ASSEMBLYMAN PELLY: Doesn't there need to be a backup prior to that?

TROOPER DELOZIER: Not necessarily, because a backup might not be in the general area.

ASSEMBLYMAN PELLY: That is all I have to ask.

ASSEMBLYMAN BOCCHINI: The request for a backup, I think, is discretionary on the part of the trooper. In other words, you may call in that you have stopped a vehicle at a certain mile post, and at that time, you may or may not request a backup.

TROOPER DELOZIER: In the State Police there is a minimum mandatory requirement that you do 18 months on a toll road. All of the troopers on my shift have completed that minimum mandatory time. None of them have transferred, so consequently, you learn to work with one another. If we hear of something and a trooper doesn't request a backup, we will start heading in his direction. Hopefully, if a backup is needed, that will somewhat expedite it.

ASSEMBLYMAN BOCCHINI: Are there any further questions? (negative response) Trooper, we appreciate your comments. I think, they give a perspective that we did not really have an opportunity to analyze, at least in my estimation -- no disrespect to the Troopers' Association. Even though you have been on the road and represent the line guys, you are not on the line this week, so to speak. It was good to hear from a guy who was out there. I think the Committee ought to acknowledge the presence of Mrs. Delozier. We appreciate your being here today with your husband. Trooper, thank you very much.

TROOPER DELOZIER: Thank you.

ASSEMBLYMAN BOCCHINI: I know Trooper Tom Iskrzycki would like to give another statement, and he will be our final witness.

TROOPER THOMAS JOHN ISKRZYCKI: Mr. Chairman, I would like to have just two minutes; that's all, just two minutes, because it is quite obvious you are all troopers to sit through this testimony. I know I couldn't do it. Maybe I'm too young.

I really want to thank the Committee for putting in its time. I had the opportunity of sitting through the two days of hearings. The Superintendent and the Attorney General, of course, are our leaders, but it is obvious to us that there isn't one person on Colonel Pagano's staff who ever served on the Turnpike. The comment we just heard from the Chairman-- Trooper Delozier just came off his shift at seven o'clock this morning. Myself, I haven't been on the road in eight or nine years.

With a sense of reality, I look at the picture our Colonel is trying to depict with regard to, in some way, attempting to use these hearings to come up with a concept of recommendation for additional manpower in all areas. That would be fine and dandy if this Committee had the power to put the "arm," -- that is the word we use in Hudson County -- on the Joint Appropriations Committee to get the additional funds, and so forth and so on.

I say that the testimony has to speak for itself. I could easily give you a report of a 10-year survey on two-person patrols throughout the country. It is totally useless. The Turnpike creates its own statistics; it is its own roadway. The arrests you have in front of you speak for themselves. Each one is a confrontation, a possible shoot-out, or an assault on a trooper. No one wants to go to prison in 1983 or 1984; that is quite obvious. To point out the dusting instances, Assemblyman LaRocca has a picture -- or the NTC Newsletter has a Connecticut trooper on the front cover who is wearing a Smokey Bear hat. One month before Lieutenant Thomas Kearny was killed in Connecticut, because of a game the truckers play while driving up the East Coast of trying to knock off the hat of a trooper who is on the side of the roadway, the Superintendent made it optional to wear the Smokey Bear hat outside of the car. We have the same situation in New Jersey.

I don't want to belabor the issue, and I hate to single out the Turnpike and not the Parkway, the Expressway, and so forth and so on, but I think with the voluminous information and arrests -- and the information you are going to request when you have the opportunity to dissect and analyze what we have brought before you -- you will see that this is not a joke. We all know it; this is life and death, and we are trying to save bodies.

On behalf of myself, my fellow officers, the troopers in New Jersey, and their families, I cannot thank you enough for taking the time to put these hearings together. I sincerely appreciate it.

ASSEMBLYMAN BOCCHINI: That, I believe, concludes the testimony portion of these hearings. I would indicate to my Committee members that I have requested Aggie to put a priority on these transcripts. As soon as these transcripts are prepared, I will see that they are disseminated to you as promptly as possible, with a cover letter indicating to you that within a certain period of time of your receipt of the transcripts, I would like us to have some type of an executive session, if that is possible under the rules, to discuss what we have read, because, obviously, it is going to take some digesting of all these materials.

I also request the Committee members, if you have additional requests for pertinent information you think we may have overlooked, or may not have covered properly, to please contact Aggie between now and the time we receive the transcripts. Your requests, as far as I am concerned, need not be directed through me. They will be important requests because they will be questions you have, and, hopefully, we will be able to obtain any information for you.

Subsequent to that, after we have reviewed the transcripts and any other available information, if we need anything additional, we will look into it. It is my hope that by the middle of July this Committee will have concluded its reviewing of the testimony and all of the information which has been disseminated to us, and that we will have some type of a statement as a Committee to put out to the State Police, the Attorney General, and the public.

With that, this hearing is concluded. If anyone has any comment he would like to make for the record prior to our adjourning, please do so at this time.

ASSEMBLYMAN PENN: I would just leave you with a quote from H. L. Mencken, who said, "For every complex problem, there is a solution which is simple, neat, and usually wrong." So, let's hope that doesn't happen this time.

ASSEMBLYMAN BOCCHINI: We don't think that will happen. I appreciate the time, especially from my Committee members. You know, I only live and work 10 minutes from here. You have traveled great distances to be here, and you have served your constituencies well. Thank you.

(HEARING CONCLUDED)