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STATE OF NEW JERSEY
CORRECTIONS AND STATE POLICE SECTION

IN RE:
NEW JERSEY ADVISORY COMMITTEE ON :
POLICE STANDARDS - :

Public Hearing
October 24, 2006
Bordentown Senior Center
Bordentown, New Jersey
3:30 - 7:30 p.m.

B E F O R E: NEW JERSEY ADVISORY COMMITTEE
JAMES JOHNSON, Chairman

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1 CHAIRMAN JOHNSON: Good afternoon. I
2 think we are ready to get started. Would the
3 witnesses for the first panel step forward
4 please.

5 Ladies and gentlemen and members of
6 the Committee. My name is James Johnson and
7 it is my privilege to welcome you to the
8 2nd hearing of the N.J. Advisory Committee on
9 Police Standards. Our charge, that is the
10 charge of the Committee, for those who have
11 not attended earlier in the proceeding, is to
12 recommend to the Governor, whether and under
13 what circumstances the State of New Jersey
14 should join with the U.S. Department of
15 Justice in filing a motion in United States
16 District Court to terminate the Consent
17 Decree that was entered into in 1999 by the
18 State of New Jersey United States Department
19 of Justice to address the problem of racial
20 profiling by some state police officers.

21 Secondly, we are charged with
22 making recommendations on how to ensure that
23 the practice of racial profiling is not
24 engaged in or tolerated in the future in the
25 event that the consent decree is terminated

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1 by the United States District Court and
2 finally, we have been asked to make
3 recommendations to the Attorney General and
4 the Governor about how the programs developed
5 by the New Jersey State Police can assist
6 other law enforcement agencies throughout the
7 State in preventing all forms of racial
8 profiling.

9 At our last hearing on October 10,
10 2006, which was our first hearing, we heard
11 from the superintendent of the state police,
12 Colonel Fuentes, independent monitors
13 reviewing the procedures and actions of the
14 state police for the last seven years, and we
15 heard from representative of the Office of
16 State Police Affairs.

17 Those witnesses provided background
18 regarding the 1999 consent decree and brought
19 us up-to-date about the progress made by the
20 state police toward fulfilling its mandates.

21 In addition the Committee has
22 reviewed hundreds of pages of reports about
23 the management information systems in place
24 to ensure that the state police discharge
25 their duties safely, effectively and in a

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1 manner that instills confidence in all
2 members of our community.

3 One of the key issues that has
4 emerged from our discussions with those
5 witnesses and with other individuals who have
6 come to the speak to the Committee
7 informally, is the question of how to sustain
8 and build upon the progress the state police
9 has made.

10 The importance of leadership is a
11 theme that has emerged from these
12 discussions, leadership at the top and also
13 leadership from other sectors of the
14 organization. We heard during our last
15 hearing from Colonel Fuentes who, as
16 mentioned, is at the very top of the
17 state police.

18 This afternoon we will be hearing
19 from leaders from a different perspective. We
20 believe that the thoughts of these union
21 leaders on sustainability will be very
22 important to this Committee as we discharge
23 the task given to us by the Governor. What
24 is clear is that the question of
25 sustainability and the question of the

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1 advisability of lifting this Consent
2 Decree are not unrelated questions.

3 Over this hearing and the next and
4 in written comments that we receive we will
5 also be hearing from a wide variety of
6 perspectives on these issues from individuals
7 who are not necessarily within the state
8 police or a part of the state police or a
9 part of policing organizations but have
10 information and views to share with the
11 Committee as we work to respond to the three
12 issues that govern our inquiry.

13 On that score after we hear from
14 the union leaders today we will hear the
15 views of the National Organization of Black
16 Law Enforcement Executives.

17 Now, a couple of housekeeping
18 matters. We started at just after 3:30, if
19 you look at that clock, 3:35 if you look at
20 that one and we will continue until 5:45 or
21 so when we will take a 15 minute break. We
22 will resume promptly at 6:00 o'clock and
23 continue until about 7:00 or 7:30. Given
24 the lengths of the sessions I don't expect
25 that everyone will be able to keep their

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1 seats. I ask though if you do anticipate
2 having to leave during the proceedings that
3 you do so quietly to minimize disruption.
4 Please turn your cell phones and pagers to
5 silent mode now.

6 If anyone would like to ask a
7 question of the panel today we are requesting
8 that you write your question on one of the
9 index cards that should have been available
10 at the entrance, you can then leave the card
11 either with the staff member by the entrance
12 or with one of the other members who will be
13 circulating throughout the audience. If time
14 permits I will ask the panels to answer your
15 questions, if we run out of time we will,
16 incorporate the questions into the public
17 record of the committee's work and send
18 supplemental questions to the panels.

19 As I mentioned this is the second
20 of three proposed hearings. As you can see
21 from the hand-out available at the entrance
22 our third hearing is scheduled for November
23 13. Information submitted to the Committee or
24 discussed at these hearings will be made
25 available to the public on the Committee's

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1 website and a transcript of these proceedings
2 will also be posted on the web. We are
3 asking individuals who wish to offer
4 testimony to let us know and let us know
5 soon.

6 If an individual can't fit into the
7 hearing schedule that person's written
8 testimony will be made part of the record of
9 the committee's work and will be considered by
10 us as we deliberate. You can share your
11 comments or make a request to testify through
12 our website or via mail to the Governor's
13 Office. Our website can be found at
14 <http://www.state.nj.us/acps>.

15 On behalf of the Committee I would
16 like to sincerely thank today's panelists for
17 their time and the information and testimony
18 they will provide and with that I would like
19 to turn to the first of our witnesses.

20 First we will be hearing from
21 Dennis Hallion and then David Jones and also
22 we have a panelist Steve Flynn, who is the
23 President of the Lieutenant's Association.
24 Mr. Hallion is the President of the New
25 Jersey State Troopers Non-Commissioned

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1 Officers Association. That union represents
2 more than 900 Sergeants serving throughout
3 our state. David Jones is the President of
4 the State Troopers Fraternal Association of
5 New Jersey, he has more than 27 years on the
6 job and representing every trooper,
7 detective and specialist below the rank of
8 sergeant and as I mentioned Mr. Flynn is the
9 President of the State Troopers Superior
10 Officers Association representing the
11 Lieutenants within the State Police.

12 Mr. Flynn has agreed to sit as
13 a witness and answer any questions that we
14 put to him and I understand that he is
15 convalescing from a recent surgery and we
16 are happy that he was able to make it and
17 share with us. With that Mr. Hallion.

18 MR. HALLION: Chairman Johnson,
19 thank you. Ladies and gentlemen, I am
20 honored to speak to you on behalf of the more
21 than 900 sergeants that make up the Non
22 Commissioned Officers Association.

23 I am also grateful to this
24 Committee for the opportunity to speak for
25 several minutes on the impact of the Consent

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1 Decree from an Association perspective.

2 I have been President since August
3 2001, and have witnessed substantial and
4 significant change while acting in the role
5 of President. I am a member of the Advisory
6 Council for the New York and New Jersey Asian
7 American Law Enforcement Advisory Committee
8 and also a member of the Executive Board of
9 the National Troopers Coalition.

10 I have with me various members of
11 my executive board who, like all troopers are
12 stakeholders in this undertaking.

13 We are fast approaching the finish
14 line of this decree and after having spent
15 careers training for this marathon and having
16 run the race for our lives, we approach the
17 finish line ahead of all others with the end
18 in sight and someone has moved that finish line
19 back several miles.

20 In December of 1999, the
21 Department of Law and Public Safety embarked
22 upon a long term project that would change
23 the face of the Division of State Police and
24 local Police Departments throughout New
25 Jersey.

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1 During the years under the decree
2 the Sergeants and Troopers have worked
3 under four Governors, five Superintendents
4 and six Attorneys General.

5 We have worked through a myriad of
6 administrative overseers, from the numerous
7 federal offices that are part of the
8 monitorship to the offices within the State
9 of New Jersey. The Office of Professional
10 Standards, the Office of State Police
11 Affairs, the Equal Employment Office, the
12 Office of Governmental Integrity and of
13 course, the Office of the Attorney General.

14 The Troopers have remained tall in
15 the saddle conforming and complying with all
16 the terms of the Consent Decree.

17 Through the numerous high risk
18 missions such as what we endured during the
19 World Trade Center disaster and the duty now
20 to confront a new enemy; in what the Division
21 of State Police faced with the several years
22 of unfortunate flooding and statewide power
23 outages; with having worked through the
24 Republican National Convention; with the fact
25 that more often than not, we have been on an

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1 Orange alert status keeping us ever vigilant;
2 the Hurricane Katrina detail that saw many of
3 New Jersey's finest deployed to a state
4 unknown to them but knowing that this was
5 their obligation, we were still able to
6 maintain compliance with the decree.

7 Even with the deployment of our
8 resources into Camden and Irvington and the
9 fact that we face minority encounters
10 everyday we still have maintained a
11 community-embraced presence that has aided
12 and reduced crime rates throughout both
13 cities. We have witnessed our Troopers go
14 into the cities with brooms and trash cans
15 and sweep up basketball courts of needles,
16 empty baggies and shell casings on the court.
17 We have put up new nets, painted lines and
18 played ball with the kids, many of which
19 returned day after day to play. I will say at
20 this point not only the kids but the parents,
21 members of the community groups that are
22 trying to enact significant change also come
23 out and join us.

24 What surprises many of us that we
25 have not addressed during testimony is how we

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1 got to this point so quickly? The result of
2 our accomplishments can certainly be
3 attributed to the fact that approximately 75
4 percent of our road troopers went through the
5 academy and were instructed under the
6 mandates of the Consent Decree.

7 Many on this committee have
8 discussed how we have traveled to this point.
9 I propose that we be more concerned about
10 where we go from here.

11 When a trooper is worried more
12 about the mechanical aspects of the decree
13 than the motorist that they just stopped then
14 we suffer. Troopers' safety is paramount.
15 God forbid that I have to travel to another
16 home of a trooper to tell the family their
17 loved one may have been too concerned with
18 the little "red light" operating on the grill
19 area of their troop car. Because of that the
20 loved one did not see the motorist concealing
21 the weapon in a car that was just stopped.

22 Our Troopers must get over this
23 chilling affect. A mere procedural point is
24 not as important as personal safety. There
25 is a very sensitive balance test that must be

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1 performed. We must even encourage our
2 Troopers that have passed the test with
3 outstanding results that they have graduated
4 from a decree that was not earlier embraced
5 within the rank and file. The mixed message
6 of many years ago that spoke of zero
7 tolerance but with a blinders on approach
8 should now be a loud and clear statement of
9 enforcing the laws of the State of New
10 Jersey, constitutionally and within the
11 confines of a decree.

12 The evil of narcotics and guns
13 still rage on the streets of New Jersey.
14 We are tired of seeing our inner city youths
15 gunned down over nickel bags of cocaine. We
16 must prevent the scourge from continuing to
17 infect our urban communities. With the
18 lifting of the Decree our Troopers will know
19 that we have the confidence in them to carry
20 out the mission of making our streets safe.
21 They will feel that their efforts are more
22 appreciated than not.

23 I must take this time to thank all
24 the supervisors who have engaged this decree
25 since its implementation and have adopted the

1 concepts as a vision for the future of
2 policing.

3 It was reported by Monitors Ginger
4 and Rivas at the conclusion of the fourteenth
5 monitor's report that the State Police had
6 complied with the Decree during this period
7 under the direction of the sergeant at 125
8 percent compliance.

9 Every independent monitor's report
10 including the 14th, has shown time and time
11 again that the men and women of the State
12 Police have lived up to their end of the
13 bargain. We have steadily passed with flying
14 colors all aspects and terms of the decree.
15 We have performed in the words of the
16 monitors, "astonishing progress" and
17 "outstanding results."

18 We have accomplished all this with
19 many other aspects of the day-to-day routine
20 of the supervisor. Think of the two
21 Sergeants, first the road sergeant who is on
22 patrol supervising their squad during real
23 time to provide on the spot direction,
24 guidance and mentorship. Also playing an
25 integral role is the Staff Sergeant, who by

1 virtue of their expertise is reviewing motor
2 vehicle stop reports, performing evaluations
3 and constantly monitoring their squad's
4 activities.

5 With the aid of MAPPS and the Risk
6 Analysis process, this early warning system
7 has provided insight into not only preventing
8 or correcting inappropriate behavior, but has
9 provided positive interaction with Troopers
10 based upon concrete data. And I might add
11 that the key here is the communication down
12 the line, that is immensely affected, the
13 troopers in the cars with the advent of
14 logistics such as the motor vehicle computer,
15 in car computer but there are additional
16 tasks and responsibilities that must be
17 performed. What many would think of as
18 routine are far from that.

19 With the many other assigned
20 operational and administrative duties, the
21 time allotted that has been dedicated over
22 the years to the decree is considerable.

23 Our Troopers have lived it and
24 breathed it with the thirty stations situated
25 throughout New Jersey as well as the tactical

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1 Patrol Units, the Camden and Irvington
2 initiative, the Meadowlands and the Atlantic
3 City Airport, there are four sergeants
4 working every day, two on each shift covering
5 a 24 hour period.

6 Four Sergeants working four hours
7 plus or minus on Consent Decree related
8 matters equates to almost 500 hours per day
9 being spent on this decree by supervisors of
10 the State Police. The layers of scrutiny
11 that exist make it virtually impossible for
12 the road trooper to veer off course as
13 exemplified by the checks and balances that
14 are in place and reviewed at every level.
15 From the Buck Sergeant, Staff Sergeant to the
16 assistant station commander to the station
17 commander, to the regional troop commander
18 and finally to the troop commanders, you can
19 see the layers of examination utilized by our
20 supervisors. Supervision is essential, not
21 to say that some of the layers couldn't be
22 removed. Some deal with inordinate amounts
23 of paperwork for simple activities, others
24 with creating situations wherein the sergeant
25 must makes decisions with no established

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1 criteria. Time permitting, we would like to
2 offer specific examples to the chairman.

3 With leadership towards the future
4 in mind, we have seriously looked at the
5 current promotional system. We realize that
6 there is some work to do but we are confident
7 that those people in leadership positions
8 will carry on the mandates of the decree.
9 The value and significance of the hard work
10 that has been performed over the last six
11 years will not be forgotten nor taken for
12 granted. Within the one fifth minority
13 community now in the organization we have
14 promoted even more so than expected giving
15 those that have shown talent and capability
16 the same opportunity to progress in their
17 career. But whatever the race, creed, color
18 or ethnicity, we must continue to promote
19 only those qualified to ensure buy-in of the
20 system.

21 We continue to encourage our
22 minority community to enter the application
23 process as is evidenced by our recruiting
24 efforts. We are looking for the best and
25 the brightest from all walks and directions

1 of life. There must be within the
2 Legislative Branch a commitment that will
3 allow us the funding to carry on the
4 logistical end of the Decree. The means
5 appropriations to enhance our already state
6 of the art systems with early warning
7 detection. We are already looking to
8 save substantial cost with the departure of
9 the two monitors. This savings could be
10 dedicated to continuing the mechanical end of
11 the process. The redundancy of the Office of
12 State Police Affairs and the elimination of the
13 same as it exists today, would also provide
14 additional funding for future sustainability.

15 All of the remaining
16 responsibilities could be assumed by the
17 Office of Professional Standards. We can
18 also look at the codification of many of the
19 concepts not yet in place under the law.
20 The associations have sat down with many
21 legislators throughout the last five years in
22 assisting to craft many racial profiling laws
23 on the books now. We have also had
24 discussions concerning laws to be enacted
25 when the Decree is lifted.

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1 This package could be written and
2 instituted with an implementation date as
3 early as the day of the decree "sign-off."
4 Time permitting, we would like to offer
5 specific articles for consideration to the
6 chairman. Many have testified regarding
7 sustainability. With the advent of an auditor
8 we accomplished several things. First and
9 foremost, we have stated to the rank and file
10 who have borne the task of the Decree on
11 their backs, that they have completed what
12 was set out before them. It is a fair and
13 righteous reward. We will relinquish the
14 current monitorship as was agreed upon at the
15 signing of the Decree. We will take to
16 auditorship that will continue to work with a
17 "board of directors" to sustain oversight on
18 a periodic basis.

19 As would be in a business-like
20 approach, the Auditor should be independent
21 of the State Police and the Attorney
22 General's Office. That being said the
23 Auditor should have critical interaction with
24 the Colonel and his staff, the Attorney
25 General and our Legislature as well as

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1 community-based groups who would comprise the
2 "board of directors."

3 We must be careful with the
4 selection of the Auditor as was evidenced by
5 the previous administrations and their
6 attempts to secure vendors by a less than
7 critical process. The auditors should be of
8 a public policy group, from a higher
9 education arena, or other reform-based law
10 enforcement group.

11 We would be more than ready to
12 assist in this regard. With the practices
13 and procedures listed above, it can be assured
14 that the practice of racial profiling is not
15 now engaged in nor will be tolerated in the
16 future, even with the dissolution of the
17 Consent Decree.

18 I am sure there are those who will
19 doubt the sincerity of our statements. Those
20 who profess that we are de-policing or have
21 not taken the Consent Decree seriously need
22 only look at what we have accomplished during
23 the last six years and see the remarkable
24 statistics of not only lawful arrests, but
25 convictions that were court attested.

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1 We have made this process as
2 transparent as possible bringing in all our
3 critics and naysayers to have them view the
4 progress time and time again. Within the
5 last two years, following the 12th and 13th
6 monitor's report, we held a symposium at
7 Troop C Headquarters to show all interested
8 of our progress and the transparency of our
9 efforts, and yet though we show the increased
10 embracing of the decree we are still
11 challenged with the accusations that "we
12 still need to do more."

13 We are still concerned with and
14 most leery of those who would testify and
15 parade around with years old anecdotal
16 accounts, not based upon fact, that would
17 only stir up the emotions of the public, who
18 now believe in us and are satisfied with our
19 progress.

20 We, on the other hand, will have
21 the statistics, the reports, and the compiled
22 information, basically the "data" to relate
23 to the Commission of the six years of
24 compliance of the numerous tasks set forth in
25 this mandate.

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1 We call our efforts in New
2 Orleans that gain National attention this was
3 a mission of mercy. Troopers who answer the
4 call of the homeless, whether black, white,
5 hispanic, Asian-in a community where the
6 needs of the many outweighed the needs of the
7 few.

8 The overwhelming number of
9 volunteers within the ranks of the State
10 Police is indicative of our resolve to aid
11 our fellow man. Remember, when a company
12 loses hundreds of employees due to unforeseen
13 circumstances, there is a definite impact on
14 productivity.

15 The New Jersey State Police under
16 less than full staffing, continually performs
17 its new missions while still maintaining its
18 numerous other directives.

19 Our association has met with both the
20 State Troopers Fraternal Association and the
21 Superior Officers Association and we have met with
22 community and faith based group leaders and
23 have sat down with them to understand the
24 decree from their perspective. In these
25 meetings as early as two years ago, the

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1 sentiment from councils and churches was that
2 the number of complaints coming in from
3 members regarding disparate treatment had
4 significantly diminished. We are proud to
5 know that the confidence of the community is
6 well underway of being fully restored.

7 We have sat down with minority
8 members of my own association and we
9 discussed issues of the Decree. We have come
10 away with positive thoughts of not looking at
11 this as separate groups but as Troopers. We
12 the division, after having been admonished in
13 past years have survived the onslaught of
14 criticism and emerged an unbiased, homogenous
15 group, winning back the public trust.

16 We would hope that all law
17 enforcement departments in New Jersey embraced
18 the articles of the Decree as seriously and
19 effectively as we did. I do not accuse any
20 local or county department of disparate
21 treatment. I am associated with a number of
22 departments, and I am nothing but impressed by
23 the attitude of the law enforcement in this
24 state. Through the chairman, prior to and
25 upon implementation of the concepts of this

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1 Decree at those levels we are ready to assist
2 in this endeavor.

3 For the above reasons, our
4 recommendation is that we should and will
5 join the United States Department of
6 Justice in filing a motion to terminate the
7 Consent Decree.

8 In conclusion I must thank each
9 and every Sergeant and Trooper who early on
10 had felt oppressed or thwarted by the
11 concepts of the decree but chose to
12 aggressively enforce the law under its
13 mandates. I must also publically congratulate
14 the Troopers and the Sergeants for graduating
15 with honors.

16 We truly believe that the
17 recommendation out of this Committee will be
18 that the New Jersey State Police has
19 satisfied all the requirements of the Decree
20 and then some. We are, however, very
21 concerned about any additional over-tasking
22 that may be set upon an already accomplished
23 organization.

24 This has been a successful
25 undertaking and not a failed experiment like

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1 we have seen in some prior administrations.
2 It is one of a few programs that has been
3 received as a victory, not only for the New
4 Jersey State Police but as a model for the
5 entire nation. Thank you Mr. Chairman and
6 the Committee.

7 CHAIRMAN JOHNSON: Thank you
8 Mr. Hallion. Next we will hear from
9 Mr. Jones, again the President of the State
10 Troopers Fraternal Association of New Jersey
11 Mr. Jones.

12 MR. JONES: Thank you sir. Thank
13 you Mr. Chairman and distinguished members of
14 this committee. On behalf of all the State
15 Troopers and the State Troopers Association I
16 want to thank you for your service to our
17 state in dealing with this most important of
18 issues.

19 My name is David Jones and I have
20 the great honor of being the President of the
21 State Troopers Fraternal Association. I
22 represent every trooper, detective and
23 specialist below the rank of sergeant. I am
24 a 27 year trooper, having spent a decade on
25 the road, mostly in the Newark and New

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1 Brunswick Turnpike barracks, since then I
2 have been assigned to the intel and organized
3 crime sections.

4 I believe I have the unique
5 qualifications to give an assessment of exactly
6 how we found ourselves in the position we are
7 in now. The Consent Decree reforms did not
8 happen in an instant or in a vacuum. What
9 takes place on the road right now is
10 testimony to the most constitutional and
11 unbiased policing in the country.

12 In order for this committee to
13 fulfill its mandate, we must answer three
14 fundamental questions. First is the
15 obligation of the State to join with the
16 Justice Department to make an application to
17 terminate the Consent Decree.

18 The second is sustainability. We
19 need to ensure all parties that those
20 reforms, statutes, policies, procedures and
21 reviews are adhered to, thus eliminating the
22 term of "backsliding" which has been
23 discussed.

24 Third, we need to know how to
25 further embrace these reforms and

1 technologies across a broader base of public
2 professionals allowing everyone to share in
3 what is the greatest success story in
4 constitutional compliance and critical review
5 ever accomplished by any police department. A
6 quick review of the consent decree and
7 accompanying enumerated tasks, points out the
8 glowing deficiencies that existed in our
9 methodologies and technical support systems
10 that could have and should have been able to
11 identify, correct or refute, and review
12 behavior and interactions that came into
13 question and reinforced amongst the public we
14 serve serious concern about disparate
15 application.

16 Simply put, we lacked the ability to
17 accurately assess what was occurring on the
18 road relative to these areas of concern.
19 Let me stop here and say this from the
20 bottom of my heart, because of this anyone
21 who has been treated unconstitutionally by my
22 members or anyone in the state police all I
23 can do is apologize. It should have never
24 happened, we failed you and we failed
25 ourselves by not having these technologies

1 and certainly these systems in place and
2 again I sincerely apologize.

3 Because of the best systems
4 available anywhere in America now being
5 employed full time never again will such
6 concerns dealing with race, gender
7 enforcement discretion and an army of other
8 categories be able to exist under the
9 technological radar and review.

10 It is virtually impossible to
11 engage in systemic disparate behavior across
12 any demographic. This Committee has had a
13 opportunity to review MAPPS, CAD, MVR,
14 early intervention systems, SP632's (upper
15 and lower control graphs) SP525 (reportable
16 incident) reports and certainly a host of
17 other systems, policies and standard
18 operating procedures that have been
19 permanently memorialized in the Division of
20 State Police.

21 To recognize the incredible
22 accomplishment that this represents one must
23 note that these computer systems and
24 collection data systems did not exist five
25 years ago. When challenged to create a

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1 methodology to conform to Consent Decree,
2 unlike any other Police Department in the
3 country the New Jersey State Police went
4 above and beyond the requirements of the
5 Consent Decree and created the most extensive
6 and accurate system to date.

7 We did not settle for the minimum
8 benchmarks set by the Monitors, but instead
9 far exceeded the mandates in order to have
10 the absolute best system anywhere. And when
11 the programs and technologies didn't exist,
12 we persevered by painstakingly inventing the
13 needed programs.

14 This clearly demonstrates the
15 professionalism and commitment of the State
16 Police to embracing now and in the future
17 the spirit of the decree and making sure it
18 is always complied with.

19 These are not only my sentiments but
20 those of Dr. Ginger and Mr. Rivas, the
21 Federal Monitors in charge of ensuring the
22 Decree. Both gentlemen were before this
23 committee and they heaped high praise on the
24 job that we were doing. Without
25 equivocating, they spoke of a record of

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1 accomplishment and innovation unlike any
2 other they have observed.

3 Dr. Ginger's testimony about the
4 dedication and professionalism of the state
5 police and its efforts to date being a
6 reflection of the overall exceptional quality
7 of the women and men of the State Police is a
8 very important observation.

9 When we discuss sustainability and
10 record reforms, those who doubt us and those
11 who have legitimate concerns, both must
12 realize that the reason more than any other
13 that the reforms are permanent is that the
14 people in the state police are fine people,
15 people of moral character and individuals whose
16 commitment to their oath knows no bounds.

17 In the State Police alone during my
18 tenure 13 of my friends and fellow Troopers
19 have made the ultimate sacrifice. "Greater
20 love hath no man, than to lay down his life
21 for his fellow man."

22 Every 57th hour a police officer in
23 this country a police officer lays down his
24 life and leaves shattered families and
25 unanswerable questions. Clearly the

1 overwhelming majority of law enforcement and
2 especially State Troopers are of a good and
3 giving heart. Long after I am dead and gone
4 the strides that the State Police have taken
5 will be the gold standard of
6 constitutional policing. Dr. Walker's case
7 talks about how, unlike other departments,
8 the State Police has gone beyond everything
9 that is asked of them.

10 None of this comes as a surprise to
11 me, as I know how blessed we are with outstanding
12 people. When the debate of sustainability is
13 put forth, with the Pittsburgh and Steubenville
14 decrees placed alongside of our
15 accomplishments, Dr. Walker cites that the City of
16 Pittsburgh did not create any oversight
17 agency or procedure related to the terms of
18 the Consent Decree. In regarding
19 Steubenville, no new oversight procedures were
20 created following the end of the Consent
21 Decree. He further stated that there is no
22 evidence or informed opinion regarding the
23 status of accountability standards.

24 Any attempt to use these cases as
25 an argument that the State did not hold up its

1 end of the Consent Decree requirements and
2 time frames is somewhat disingenuous.

3 The comparisons are not analogous
4 due to substantial differences and
5 deficiencies noted by the Monitors in the
6 Walker Report. Foremost is that the fact
7 that none of these agencies has the
8 memorialized tracking system that we
9 invented.

10 No one is advocating abandoning the
11 review systems currently in place and several
12 recommendations have been put forward by
13 Colonel Fuentes and the Monitors and people
14 such as myself and others all including,
15 regardless of structure, a new Auditor with
16 autonomy and power. After all that we have
17 been through, I would never endorse any plan
18 that did not include the ongoing collection
19 of data reviews of MVR's and reporting.

20 This would both give concerned
21 constituent group a level of reassurance and
22 aspersions cast upon my members could
23 readily be set aside by strong science and
24 evidence rather than anecdotal review.

25 In 1999 I issued a statement

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1 welcoming, not condemning the cameras in the
2 cars. Our sole concern was that we buried a
3 trooper who was shot while there was the
4 strong possibility that his decades old
5 handgun weapon had failed. While we were
6 fighting for new weapon funding, over \$4
7 million was funded immediately for the new
8 MVR's. As we predicted, the MVR's have gone
9 on to exonerate hundreds of Troopers against
10 complaints of disparate treatment which were
11 false and a little more than a defense
12 attorney attempting to gain a
13 "bargaining chip" for his client. These
14 systems are good for my members, and I would
15 do anything to ensure their continued use.

16 This separates us from any other
17 agencies and the issues with "backsliding" as
18 is indicated by the Walker Report. To talk
19 about Cincinnati and LA is really mixing
20 apples and oranges as neither of the agencies
21 is close to the institutionalized reforms.

22 In reality the DOJ is sharing the
23 successes with these departments in the hopes
24 of assisting them to reach some of our goals.

25 It is very important to realize

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1 that approximately 1269 Troopers have joined
2 the State Police after the turnpike incident
3 in 1998.

4 They constitute over two thirds of
5 my membership and have only operated with the
6 MVR CADS and reviewed revamped Office of
7 Professional Standards and dozens of new SOP
8 implementations. They know of no other type of
9 policing than the constitutional and
10 compassionate record that has been
11 highlighted by the monitors and the DOJ as
12 well as the pride of the State Police.

13 Again I must stop to acknowledge
14 the outstanding people that I represent. In
15 the midst of the turmoil surrounding the Consent
16 Decree, the State Police have met every
17 challenge in a fashion that makes them the
18 envy of the country.

19 The 9/11 strategy brought forward
20 a response that included the very first police
21 to arrive outside of New York City to rescue and
22 ferry the victims. Over 400 detectives dropped
23 their assignments and joined the Joint
24 Terrorist Task Force.

25 I recall running all over NJ,

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1 tracing all sorts of planes and people trying
2 to identify the scope of these terrorists,
3 working six or seven days a week, 12 hours a
4 day and no one in my group asking for any
5 considerations for overtime, travel and many
6 of the other hardships that ordinarily would
7 be accounted for.

8 To this day the New Jersey State
9 Police has the greatest presence of any
10 department outside the Federal Government and
11 NYPD on these task forces that are protecting
12 us all. The Department of Justice chose a
13 New Jersey State Trooper to be the key witness to
14 testify in the Moussaoui trial, the only
15 conviction in the United States of a 9/11
16 terrorist. The DOJ later thanked this
17 Trooper and Attorney General Rabner, I
18 apologize sir, I didn't know you were going
19 to be here, in a Washington, D.C. awards
20 ceremony for the outstanding work on this
21 case. The recent Katrina situation is well
22 documented as to our ability on to serve and
23 save our fellow man.

24 No other police department
25 accomplished what was done with operation

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1 LEAD. A 1400 mile supply line from NJ to New
2 Orleans involving over 600 troopers, local
3 and county officers, medical and technical
4 support staff performed more checks rescues and
5 patrols then any other group lending support
6 from neighboring states.

7 Acting Governor Codey took time out
8 with his State of the State Speech to
9 acknowledge the praise and thanks heaped upon
10 him when he went to visit the troops in New
11 Orleans. FEMA is still reviewing what our
12 homeland security and rank and file were able
13 to accomplish over such adversity. Almost
14 everyone in America from the State and local
15 levels, loves and respects the New Jersey
16 State Troopers.

17 The above outlined position as to
18 why sustainability is not an issue -- because
19 institutionalized reforms, technology, recent
20 codifications of laws surrounding these
21 issues and a host of other permanent
22 commitments such as new SOPs are ensuring
23 that guaranteed conformity to the Consent
24 Decree ideals -- because more than any other
25 reason the overwhelming majority of the State

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1 Police, the Troopers as a matter of
2 professionalism and personal pride will never
3 allow or endorse any form of systemic
4 disparate treatment. Understanding
5 sustainability is etched in cement, one must
6 ask why in the world would New Jersey not
7 join the Department of Justice in a joint
8 application to end a decree.

9 The contract that was struck with
10 the DOJ mandated tasks that were impossible
11 to comply with until the technology was
12 created and refined. Every hurdle and mission
13 that the decree required has been met 100
14 percent. What is the message that you are
15 sending to the rank and file who have worked
16 so hard and so diligently to earn the
17 recognition that they are not racist, not the
18 enemy of people of color and they irrefutably
19 do not engage in the ugly practice of racial
20 profiling?

21 I listened in dismay to many other
22 leaders talking about not caring for the
23 morale of the State Police. The only reason we
24 achieved the incredible compliance record was
25 because morale and duty were the hallmark

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1 traits of everyone in the State Police facing
2 this new challenge.

3 Hemingway gave us all an outline
4 to accomplish dominating tasks. People,
5 money, materials, maintenance and morale,
6 this formula are the sinews of war.

7 This formula mirrors the
8 discussions had with the Federal Monitors
9 about political will and commitment. It is
10 no coincidence in this war on disparate
11 treatment that morale was totally
12 dismissed when it's a necessary ongoing element to
13 preserving the gains and reforms already
14 accomplished. Perhaps the silly axiom about
15 floggings will continue until the morale
16 improves. It's a management style outside the
17 State Police but it flies in the face of every
18 great leader's recipe for success and any
19 current upper level management instructional
20 program being implemented and followed by the
21 most successful people in the country.

22 The message will not only be clear
23 to the Troopers but to every local department
24 that we are going to ask to buy in to these
25 reform techniques. No matter what you do,

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1 how righteous and compliant you are, even if
2 you over-achieve and go the extra mile we do
3 not trust you. You can never be trusted for
4 that matter and we will insult your efforts
5 and good name for the sake of our cottage
6 industry.

7 Previously we spoke of the chilling
8 effect on law enforcement the decree has had.
9 I am gravely concerned pre-consent decree
10 1996 and current 2005 murder rates in our
11 urban 15 cities went from 219 to 297, plus
12 36 percent, in victims in our "major urban"
13 areas it went from 182 to 238 victims. All
14 the while all the crime across New Jersey
15 decreased including as much as 40 percent in
16 our urban areas for non-violent crimes. It
17 is not my intention to get into the drug
18 enforcement act and subsequent endorsed
19 policing techniques that resulted from it but
20 rather to cast a spotlight on the competing
21 interest of the police desperately trying not
22 to accidentally violate a decree while trying
23 to ensure public safety.

24 Jefferson put it best when he said
25 "Rightful liberty is an unobstructed action,

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1 according to our will, within limits drawn
2 around us by the equal rights of others." It
3 will take every legal mind on this committee
4 to gain the balance necessary to serve
5 everyone. Yet we ask the cop on the street
6 to make instant judgments. I do not have the
7 all encompassing answer but I do know that by
8 being over vigilant to everyone's rights and
9 interests, we are on the correct course.

10 This brings to us to portability of
11 the new systems for other law enforcement
12 groups, and they are more than willing to
13 take those parts that would fit into their
14 policing responsibility. Office of State
15 Police Affairs should be transformed into an
16 instructional entity dealing with the county
17 prosecutors in identifying locales of concern
18 and prioritizing a mentoring program while
19 relying on the expertise of the State Police
20 so when departments have questions or
21 concerns about the system's implementation we
22 can answer them.

23 This is the direction which law
24 enforcement is going and after all we have
25 been through it would be wonderful to be on

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1 the cutting edge of ensuring constitutional
2 policing for everyone. Thank you very much I
3 will be happy to answer any questions.

4 CHAIRMAN JOHNSON: Thank you very much
5 Mr. Jones. As I mentioned before Mr. Flynn,
6 we won't be requiring an opening statement
7 from you but we appreciate you making
8 yourself available to us for questions.

9 Our procedure in these proceedings
10 is to, after the witnesses of given their
11 opening statements, to then go down the line
12 of panelists, permit each of them to engage
13 in a question and answer with the witnesses.
14 For today it will be six minutes and we will
15 have as many rounds as we can fit in, in the
16 time that we have. We know that we have at
17 least one other panel of witnesses after this
18 one. We will move on to Ms. Brown. Ellen
19 Brown, New Jersey Institute for Social
20 Justice.

21 MS. BROWN: Thank you very much
22 Mr. Chairman and thank you both for your
23 testimony this afternoon. The question that I
24 have has to do with the ongoing review of the
25 activity of the State Police and you have

1 stated in your comments, particularly
2 Mr. Hallion, the need for an Auditor going
3 forward and also that Auditor would report to
4 a Board of Directors made up of community
5 groups. I wonder if you can say a little
6 bit more about what you would expect an
7 Auditor to do different from what the
8 Monitors have done over the period of time,
9 and also what authority you would expect
10 a Board of Directors consisting of community
11 groups to be able to exercise.

12 MR. HALLION: Beginning with the
13 board of directors, what I spoke about was a
14 Board of Directors consisting of not only
15 members of community-based groups but also
16 the Colonel's staff and I think it is important
17 to realize it's got to be a concerted
18 cohesive effort of those groups. Also
19 Legislators as well as the Attorney General's
20 Office.

21 When I talk about auditorship we
22 talk about a process by which we are
23 reviewing, we're evaluating, basically
24 numbers, statistics on a periodic basis,
25 based upon the performance dynamics of our

1 troopers on the road. Unlike the monitors
2 who were more of a hands-on application where
3 they came in and visited stations and
4 traveled throughout the State, the Auditor
5 would be one who would just basically work
6 off of the numbers that are already available
7 and would be readily available at the time
8 it's needed to do his review or her review.

9 MS. BROWN: I'm sorry if I review
10 your testimony again. The composition of the
11 board of directors being more comprehensive,
12 what kind of authority though would you
13 expect it to engage? How would it work with
14 the State Troopers?

15 MR. HALLION: Meaning the Auditor?

16 MS. BROWN: No, the board of
17 directors that you were talking about.

18 MR. HALLION: They would comprise
19 the group that would work with but not be in
20 charge of so to speak the audit. The
21 Auditor must be independent, autonomous of
22 any group, any stakeholder in this project.
23 So the Auditor would have absolute
24 interaction with those groups but continue to
25 remain autonomous and be charged with an

1 independent review on their own, again of the
2 numbers, statistics, et cetera that will
3 continue to be reviewed as we move forward.

4 MS. BROWN: I'm sorry. I
5 understand the independence of the Auditor -
6 that is clear. I am asking you what would
7 the role of the Board of Directors be?
8 Suppose they receive a report from the
9 Auditor that they are not happy with, what
10 would their role be vis-a-vis the State
11 Police?

12 MR. HALLION: The Board of Directors
13 would have the authority to advise the
14 Auditor based on interaction with the Auditor
15 that they would have to provide direction,
16 they would have to provide guidance, you
17 know, to allow the Auditor to go out and
18 perform his task.

19 So in essence if you are asking
20 about the chain of command regarding the
21 Auditor, that person would have to be
22 independent but would be of that collective
23 group.

24 MR. FLYNN: May I say something? I
25 think we are looking for a partnership to

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1 continue as the Colonel said, to keep the
2 transparency of what we have done so we would
3 like to involve the community groups, the
4 so-called Board of Directors, that they would
5 review the Auditor's findings and to assure
6 the public that we are continuing to maintain
7 the standards we are now setting for
8 ourselves.

9 MS. BROWN: Thank you.

10 CHAIRMAN JOHNSON: Ms. Carroll.
11 This is Michelle Carroll, the President of
12 Survivors of the Triangle.

13 MS. CARROLL: Thank you
14 Mr. Johnson. I hate to be redundant but we
15 have spoken a great deal in this Committee
16 about the leadership and how Colonel Fuentes
17 has been paramount in making this Consent
18 Decree work and I wonder if you could review
19 for me the way a trooper is promoted up the
20 ranks and is there testing involved and what
21 kind of ranking system is that and if there
22 is not testing involved would you be willing
23 to say that may be something that we could
24 look at?

25 MR. JONES: For anyone?

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1 MS. CARROLL: For anyone. A
2 trooper, does he have to take a test to be a
3 Sergeant? Could you help us understand how
4 that process works?

5 MR. JONES: And again some of the
6 most dry and boring part of law is Labor Law,
7 and is defined by the law on who gets
8 promoted. The systems that are in place,
9 certain aspects are negotiable certainly
10 whether or not there is a test -- management
11 has every right to test, that has never been
12 defeated but whether or not there is a test
13 and whether or not there are other standards;
14 the current system that we have in place just
15 like everywhere else just about has its
16 strengths and has its weaknesses.

17 The strengths being that if you
18 have a good leader, good managers and you
19 have good mid-level managers and you are
20 identifying your best people then it is an
21 arbitrary application of criteria; 15 minutes
22 in the category, ten points in that category
23 has great weight, but again because it is
24 arbitrary it is only as good as the leader,
25 the few hurdles that you have to jump over is

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1 there no written test right now, although we
2 are ready for one and we have been ready for
3 one and we touched on the fact because of the
4 other issues and I don't want to spin off
5 anywhere, having to do with contracts handed
6 out here. We are four years and half a
7 million dollars later without a test because
8 of a vendor, and how the guy got the job I
9 have no idea, but so we have no test right
10 now, but a lot of police departments will
11 tell you that is a two way sword. Also in that
12 the test taker who studies and leapfrogs
13 over the guy doing the job, isn't necessarily
14 the high performer. The flip side is it
15 ensures a minimal amount of reportable
16 aptitude. We can go on forever as to what
17 the best system should be but until
18 management relinquishes that prerogative it
19 is not just not going to happen.

20 I gave the example in our private
21 setting last time of how we were trying to
22 enforce a mandatory college education
23 requirement that a lot of departments had
24 several high performers; women who are out-
25 standing, lifelong 25 year troopers who were

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1 in a position to get promoted.

2 So management set aside the college
3 promotion requirement for this particular
4 list and instead chose to exercise, which I
5 thought was the right prerogative, to say it
6 is very important to maintain the diversity
7 of the upper ranks by moving these females
8 into these field operation positions, so
9 while we compromised the requirement for
10 college degree, we achieved a very important
11 goal for the public that we served.

12 Is there an absolute answer to
13 what the best testing mechanism is? No. Is
14 management going to relinquish that right?
15 You can talk to the Attorney General, you can
16 talk to the Colonel, and you can talk to all
17 the other people in career development and
18 they are going to tell you no. As long as
19 the law of the land is that they maintain it
20 no matter what we put forward as an equitable
21 system, and most of the times the promotions
22 are well deserved and they are very fair but
23 there's always going to be those handful of
24 promotions, somebody who drove this guy or
25 somebody who is related to that guy

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1 throughout the system, and when I say to you
2 no matter what the debate is, until
3 management relinquishes that right and we
4 decide what proper way it is going to be
5 applied, we are never going to have a perfect
6 system, and with deference to Mr. Sklar, he
7 is going to acknowledge that all the systems
8 are in place other than the ones that do have
9 tasks and the ones that have interviews, they
10 all have a certain amount of arbitrariness that
11 defeats ensuring absolutely positively that
12 the right person got the job.

13 So we can go on for hours about
14 testing alone and testing in the State Police
15 and promotions in the State Police.

16 While it is certainly part of a
17 reform project and identified by the monitors
18 I don't think we want to spend three hours on
19 something that may very well be a moot point,
20 respectfully.

21 MS. CARROLL: Thank you.

22 CHAIRMAN JOHNSON: Mr. Dauber who
23 is a partner of Dauber Epstein and Tucker,
24 and the Former First Assistant Attorney
25 General.

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1 MR. DAUBER: Thank you
2 Mr. Chairman. I'd like to thank the
3 witnesses for their testimony and for the
4 hard work they did to get us to this point --
5 the level of compliance that the monitors
6 have identified.

7 I am interested from your testimony
8 and a couple of concepts that you expressed
9 in what would happen if your proposals would
10 be put into effect. One is you talked about
11 over-tasking and I think Mr. Hallion, you
12 testified that there's 500 hours a day,
13 approximately, spent on supervision and you
14 talked about the different levels of
15 supervision.

16 My understanding though from your
17 proposal is that while the outside monitors
18 would be eliminated and OSPA's role would be
19 changed to more education or mentoring role,
20 within the State Police, are you also
21 recommending any changes that would affect
22 what you have described as over-tasking? Are
23 you recommending eliminating any of those
24 levels of supervision, and if so, which ones
25 and why?

1 MR. HALLION: Only the enhancement
2 of the systematic mechanical applications
3 that we have in place now, such as MAPPS,
4 such as the Risk Analysis portion. The
5 day-to-day operation of a normal shift at a
6 barracks not only does a Sergeant devote that
7 much time to Consent Decree related issues,
8 but there's always a myriad of other tasks
9 that must be performed and carried out during
10 that shift.

11 So, you know, is the Consent Decree
12 and everything that comes with that first and
13 foremost, of course it is because that's
14 what, you know, we have as our, you know, our
15 guiding light so to speak. So I do not
16 encourage any diluting of the processes we
17 have in place for supervision. Some of what I
18 call, you know, the inordinate amount of
19 paperwork and some of the other forms that we
20 do on a regular basis we can certainly
21 discuss, but the point is that I will not
22 allow or wouldn't advocate that there be any
23 watering down whatsoever. That we keep
24 upping those processes and all those levels
25 of examination we will call it but just

1 enhance the process that we have now.

2 MR. DAUBER: So then except for
3 maybe some of the changes in the paperwork
4 which you say are subject to discussion,
5 basically that time commitment wouldn't vary
6 that much from what it is today within the
7 Troopers.

8 MR. HALLION: Not at all.

9 MR. DAUBER: The second question and
10 maybe it is related and maybe it is not.

11 Mr. Jones testified about a
12 chilling effect on law enforcement the decree
13 has had and you cite certain statistics which
14 I don't know if you are saying they are
15 related or not in terms of murder rates in
16 the urban 15. There's always been the
17 discussion about whether there's de-policing
18 or not de-policing as a result of it.

19 First of all I would like to hear
20 your views on why and to what extent you
21 think there was a chilling effect, and
22 secondly, why you think that the proposal
23 that you are making will remove that chilling
24 effect?

25 MR. JONES: Twofold. First I

1 think I was very careful, I think Dennis and
2 other people used the word de-policing, I
3 didn't. I am talking about that age old
4 argument -- one of the reasons I refer to
5 Jefferson, this has been going on forever:
6 civil liberties versus public safety. The
7 First Amendment you can't yell fire in a
8 crowded theater, are you making a
9 constitutional stop or by choosing not to
10 make that stop for fear of review are you
11 allowing criminal activity and furthering
12 victimization? It is a different balance and
13 that's why I talk about Solomon in those
14 comments. I don't know and I don't think
15 anybody knows exactly what the solution is.

16 When I talk about the chilling
17 effect on law enforcement as we discussed
18 earlier, every trooper and officer safety,
19 obviously we talked about that and what a
20 dangerous job it is, but every trooper is
21 more concerned with being the individual who
22 may violate, may bring into question, may
23 cause for review and perhaps rebuttal or
24 reprimand, somebody looking at a tape because
25 he may not be perfectly constitutionally

1 compliant on his stop.

2 Sergeant Wallerman talked about
3 something that goes on all the time where we
4 have a stop report, so when we are dealing
5 with people initially and we are trying to
6 decide if they are under the influence or
7 not, quite often the trooper will leave that
8 individual much to the Trooper's disadvantage
9 in the car rather than have to worry about
10 whether or not he should have gotten him out
11 until he makes further observations about the
12 amount of impairment due to alcohol to the
13 point where they are actually taking the cane
14 and waving it back and forth with the
15 horizontal test that we see on TV and that is
16 part of the chilling effect.

17 The other thing is if I am going
18 to be the guy who is on the road involved in
19 something that causes the entire outfit's
20 good name to be, you know, because I crossed
21 a fine line, is it worth it? That's what
22 these people are asking themselves.

23 When we draw the nexus between the
24 spike in inner city murders and the
25 de-policing if you want to call it, chilling

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1 effect as I refer to it, I am not tagging, I
2 am not locking them hand and fist.

3 What I do know is when we look at
4 all of these numbers we are talking about
5 three or four things that are consistent.
6 It is gang-related, it is almost always
7 minority and it is certainly based upon the
8 gun and drugs. So how we divorce ourselves
9 from the interdictions of weapons and drugs
10 and proactive policing and still maintain a
11 depression rather than a spike in these
12 things, I don't know. I don't think that
13 anybody knows. This is that delicate balance
14 that I talked about.

15 I do not want to say that because
16 the State Police stopped seizing kilos on the
17 turnpike after the Consent Decree that that's
18 why we have the situation that just occurred
19 where the town fathers were actually calling
20 for the State Police to go into Asbury Park
21 to lend stability there.

22 I am not that bright. I am a guy
23 on the street who can interpret the data and
24 tell you what I have seen over the 27 years
25 and I don't know anybody who can talk in

1 absolutes about what the solution is, but is
2 there a chilling effect, and is there a
3 nexus? I am putting it out there for you to
4 decide. I am comfortable with my
5 observations.

6 MR. DAUBER: But your proposals
7 wouldn't change those kinds of supervision of
8 those situations because they will still have
9 that kind of review from within the
10 department.

11 MR. JONES: Just the opposite. You
12 will not have a Consent Decree, that is, not
13 a contract between the Department of Justice
14 and the State Police. So if you err you are
15 not going to be the person who creates a
16 failure in one of the task obligations that
17 would continue the Consent Decree. You are
18 actually saying to the individual not that we
19 are taking off the reins because all the
20 systems that are in place have to remain in
21 place; but you are giving them a little more
22 flexibility to be human, to make those split-
23 second decisions on constitutional arguments
24 that will be Monday morning quarterbacked for
25 years and years in the Courts.

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1 Really the fear of being the person
2 that fails the State Police is what would be
3 removed by having a system in place that is
4 educational, instructional early
5 intervention, rather than a violation of an
6 agreement, a contract, a bond between
7 ourselves and the Department of Justice.

8 MR. DAUBER: Thank you.

9 CHAIRMAN JOHNSON: Next we will
10 have Kevin Donovan, former FBI Special Agent
11 in charge.

12 MR. DONOVAN: Good afternoon
13 gentlemen. Thank you for your testimony. I
14 would like to echo some of the comments that
15 my colleague, Mr. Dauber made about the
16 success of New Jersey State Police members in
17 moving forward to comply with the consent decree;
18 the leadership starts at the top and goes to
19 the bottom, but I think that the men and
20 police of the State Police have done a great
21 job moving forward.

22 I think there are some questions
23 that need to be raised as to how we go
24 forward from here and I think a lot of it
25 centered around the Office of State

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1 Police Affairs in a lot of the testimony that
2 we have heard from the view of the average
3 road trooper. How do they perceive the Office
4 of State Police Affairs? Do they have much
5 interaction with them?

6 MR. JONES: There has been an
7 evolution in the Office of State Police
8 Affairs. Originally it was mandated in its
9 design and there are people here who could
10 talk about how it was evolved that they
11 were going to be the mechanism between the
12 State Police, the Attorney General's Office
13 and the Monitors in putting together these
14 programs.

15 The evolution has been that they
16 have been able to identify some areas such as
17 in education, concur with the monitors in
18 certain areas of review and kind of help us
19 build a better mousetrap, that was the
20 initial onset.

21 Now it is essentially viewed as
22 the deal was that this "gotcha squad" is no
23 longer necessary because we are the ones who
24 do the work. We are the ones who prepare the
25 paperwork. We are the ones who do the

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1 reviews. We are the ones who submit the
2 reviews and what the monitors talk about,
3 especially in the 12th and 14th Monitor
4 Reports they talk about how we self-report,
5 in other words, how we catch ourselves. How
6 it is that every time they come in to find a
7 failure it is Dennis' people or Steve's
8 people who have already identified that
9 questionable behavior and articulate why it
10 happened and what remedies were put forward;
11 we really don't need them.

12 Not only do we not need them, they
13 are the last vestige of this 1998 horrific,
14 absolutely shame on us period of time where
15 we weren't doing the best that we could
16 possibly do, hence, their remaining there is
17 demoralizing and especially in light of the
18 fact that their sole creation was based upon
19 that relationship in the Monitors, the Decree
20 and the State Police. So it would be like
21 saying, you know, you are out of jail now I
22 am putting you in a halfway house but you
23 have done your ten years because you are
24 still going to maintain this vestige of that
25 problem, troubling period of time.

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1 So while there's many, many
2 wonderful people who all have their hearts in
3 the right place and trying to do the right
4 thing, working in the Office of State Police
5 Affairs -- there is no getting around it. It is
6 still detention.

7 MR. DONOVAN: I guess as it relates
8 to moving forward, you would just see the
9 Office of State Police Affairs as an
10 instructional, an entity that would go out
11 and provide guidance on what they had done in
12 monitoring the Consent Decree?

13 MR. JONES: Except for a couple
14 people like Captain o'Shea and Lieutenant
15 Schaller who have been the nuts and bolts
16 right into the MAPPS systems, creating them,
17 right into the CADS and the charts and
18 everything, the people in the Office of State
19 Police Affairs, probably have a finger tip
20 knowledge on how these systems can be
21 employed, shared, what they prevent, what
22 they enhance more than any other agency;
23 while it no longer serves a purpose for us
24 because we created it, shared it with them
25 and complied with the monitors, something

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1 that would absolutely have a role for those
2 police departments and agencies that have
3 that, either have a problem or want to be
4 ahead of the curve, we don't do a very good
5 job, started talking about the counsel that
6 is provided to the police departments.

7 There's 566 towns and give or take
8 450 police departments, and every one, every
9 one of them at the top kind of has their own
10 flavor. Some of them are vanilla that have
11 chocolate on them and some are vanilla
12 without chocolate, way over here you have
13 tutti fruity; the scope of how police
14 departments run is equal to whatever area
15 you are in and what the constituent base is.

16 A long time ago I said that
17 generally the community gets the police
18 departments that they bargain for, that they
19 deserve, and that they wasn't when you have
20 problems in police departments. Quite often
21 it is linked to the problems in the
22 leadership in the community. When they are
23 in a position right now to go out to the
24 police departments, no matter what their
25 management style is, and give them those

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1 mechanisms that are in place to kind of steer
2 them in that direction.

3 MR. DONOVAN: Where does the
4 Attorney General's Office fit into this.

5 MR. JONES: I was thinking that the
6 Attorney General should actually be moved out
7 of this -- no. I think that the Attorney
8 General, as dictated by the law, will always
9 be the boss, will always have the final say
10 and his relationship with the Superintendent,
11 even though we are entitled to agency title
12 53, does supply certain powers,
13 responsibilities and certainly a different
14 policing style than a lot of other agencies.

15 The Attorney General is the boss
16 and the Attorney General will always have a
17 significant role in this. What we have to
18 look at and I don't know if I should go down
19 this road or Mr. Johnson will throw a rock at
20 me. What happened in the past --

21 CHAIRMAN JOHNSON: Not going to
22 happen.

23 MR. JONES: About the Attorney
24 General and the Superintendent of State
25 Police were perhaps not on the same page,

1 were totally on the same page where we didn't
2 have that healthy system of checks and
3 balances that we talk about with an Auditor.
4 In, but not of the State Police. In, but not
5 of the Attorney General and submitting
6 whatever paperwork that would have ordinarily
7 been filtered through to the Monitors to a
8 panel that, you know, this body would decide
9 eventually what it looks like, but the
10 Attorney General has a charged
11 responsibility, he is the boss and he will
12 always be the boss. He is the only one with
13 a hammer; not a Deputy Attorney General and
14 only when he supersedes the Colonel.

15 MR. FLYNN: Mr. Donovan, one quick
16 thing. Dr. Ginger said one of the tenets of
17 good leadership is when you make a contract
18 or you promise something or you ask somebody
19 to work toward something and you do it, you
20 then deliver. You don't want us to
21 backslide. We don't ever want to backslide.
22 We have the technology to keep us from doing that
23 but to keep the State Police Affairs as it, is
24 seems like we'd never accomplish what we did.
25 For them to move on and teach the rest of the

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1 state what we have learned, I think is a
2 critical mission that they could accomplish
3 and allow us to go on with reviewership
4 through an auditor that we would continue the
5 progress that we have made.

6 CHAIRMAN JOHNSON: Thank you.
7 Next we will hear from Reginald Floyd, who is
8 both a pastor and employee -- Pastor, Allen
9 AME Church and Chief Public Defender for the
10 City.

11 REV. FLOYD: Thank you. I would
12 like to say Mr. Johnson other than Reverend
13 Stanley Justice I was impressed with the
14 Biblical reference there, touched me, but I
15 want to talk about sustainability, going
16 forward.

17 We grieve over the egregious
18 actions that took place in the past and we
19 are thankful for the progress that has been
20 made, but what is your recommendation, your
21 first recommendation about sustainability?
22 What do you recommend that we should do first
23 in terms of keeping the progress and moving
24 forward?

25 MR. JONES: If I may and I think

1 this is really the large issue before the
2 group here. First there is a lot of things
3 that have already been accomplished. The
4 SOP's aren't going anywhere unless a
5 Superintendent and an Attorney General sign
6 off on them.

7 The systems that are in place, the
8 technologies aren't going anywhere as long as
9 we maintain our Ernest Hemingway, but we
10 talked about earlier, the political will. If
11 we have the resources and we don't allow the
12 systems to break down and we allow the system
13 to be upgraded and modernized, all the
14 issues, the MAPPS and the CAD and the mobile
15 data terminals and all that, as long as we
16 have the political will which to me translates
17 to money, put your money where your mouth is,
18 those things would be fine. Those are etched
19 in stone.

20 The other thing that is important --
21 we have a breed of trooper heretofore unseen,
22 they only know the strict
23 constitutional compliant-type interactions.
24 They have never had the flexibility -- kind of
25 sad in some sense because discretion is a

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1 great tool for the police officer -- but on the
2 other hand to ensure public confidence we
3 find ourselves in an area that this is all
4 these troopers know.

5 So basically the footprint of
6 sustainability is already there. The next
7 thing is this is the codification of a lot of
8 laws, and I actually worked with Assemblyman
9 Cohen and Reverend Jackson and we put
10 together the AST-72 which is the Civil Rights
11 cut and paste out of the Federal code. As
12 long as we continue to do that, identify areas
13 and make sure that everybody, the Legislature
14 is on the same page and to codify, we are in
15 great shape. We have actually codified
16 something as simple as making the State
17 Police opportunities public record.

18 Now to me that might be a little
19 over-kill in that gee, they are out there,
20 take the time out and we have an Office of
21 Career Development, et cetera, is it
22 necessary? But in order to ensure that
23 happened and to answer the question as to
24 whether or not certain people were being
25 whispered in our ears, this opportunity

1 exists for this individual, but not another
2 individual which is what we talked about in
3 the monitor reports early on. We turned it
4 into a law. I have a copy of 50 bills that
5 were proposed, I endorsed that bill not
6 because I wanted to see here is another law
7 being passed but because I want to assure the
8 public that we are not afraid of
9 memorialization.

10 REV. FLOYD: I would like to raise
11 another issue. Thank you for that
12 comprehensive answer. You raised the issue
13 to me that the Consent Decree in some way
14 hinders law enforcement. For example, a
15 State Trooper comes upon a car, the driver
16 might be intoxicated, and is concerned about
17 whether or not he is going to violate the
18 Consent Decree. Given the fact that we have
19 sustainability, do you feel that going
20 forward, the same level of all of the, you
21 know, all the MAPPS and all the systems in

x

22 place, do you feel that law enforcement will
23 be hindered now because you still want to
24 basically, the Consent Decree being lifted,
25 you still have the mechanisms in place, do

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1 you feel that the troopers are going to be
2 hindered in the future?

3 MR. JONES: I think not so for the
4 reasons I explained. First the contract
5 between us and the Department of Justice for
6 the Consent Decree and our obligation to the
7 public to ensure them that we are engaging in
8 constitutional policing will be and was
9 addressed by virtue of the Monitor Reports
10 and the Department of Justice is saying they
11 have done it, they finished the race and did
12 everything that was asked of them.

13 Now you are going to have a
14 trooper out there while it is still -- if he
15 gets the guy out of the car, it is a stop
16 report for him, a stop report for the
17 sergeant, an MVR report, et cetera. We are
18 going to have that overview that occurs.

19 What we will have is a person on
20 the road, a young trooper who says you know
21 what, I am going to err on the side of public
22 safety and get the guy out and err on the
23 side of the trooper safety, get the guy out
24 and not worry about the monitors coming in
25 and saying you violated your contract, your

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1 end of the deal, but instead know that there
2 are systems that we talked about, the early
3 intervention-type things and the training and
4 everything else that is going on. The
5 reviews are going to put him in a position
6 that he is going to go get instructed.

7 Let me tell you that absolutely
8 with 3,000 human beings out there, somebody
9 is going to screw up and somebody is going to
10 jump up and say "I told you so" but it is
11 impossible to take the human element out of
12 law enforcement and do our job. We are not
13 robots and don't want robots out there.
14 Somebody is going to make a mistake and I
15 will be back before the Committee saying see
16 Mr. Jones, you said we should leave and we
17 left and now look what this guy did. There is
18 nothing I can do to control 3000 human beings
19 dealing with nine million people, somebody is
20 going to have a bad day and there are some
21 people that have evil minds, and we talked
22 about this.

23 What we want to accomplish is to
24 ensure the behavior, change the behavior.
25 You can't ensure what is in somebody's heart,

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1 we have been doing that and we have ensured
2 that and we will make a mistake. The bottom
3 line is will this enable the trooper to
4 prioritize for public safety as opposed to
5 violating the Consent Decree? Absolutely.
6 Will it make him more aggressive? I hope
7 that it will not in the sense that it is
8 reckless, but certainly in the sense that he
9 knows this isn't going to be a fatal blow to
10 his fellow trooper if he makes the mistake
11 happen.

12 MR. HALLION: Once that activity
13 occurs we will capture it. We will
14 memorialize it. We will deal with it, we
15 will take appropriate action whatever it is,
16 remediation, and we will correct it. The
17 mechanisms are in place through all the
18 systems that we currently have and when that
19 happens and it will happen and I agree with
20 David, we will act quickly to remedy that.

21 MR. FLYNN: Sir, if you do
22 remember and I repeat what Dr. Ginger and
23 Mr. Rivas said, we are a learning
24 organization, it is not a carrot and the
25 stick. Before as he put it, a trooper would

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1 go out and a supervisor would have no idea
2 what occurred in that eight, ten, twelve hour
3 shift when the trooper was out there.

4 Now we have the consent reviews and
5 we are not advocating doing away with them at
6 all. We are only advocating becoming more
7 efficient and proficient in reviewing them
8 and targeting somebody who might be starting
9 to go astray and getting the learning,
10 getting the teaching, and getting the correct
11 way of doing things and now that that's how
12 we are going to sustain.

13 Now we have in place, we are now a
14 learning organization. We made the dramatic
15 shift. We didn't know how to do it before -- we
16 weren't encouraged to do it. Before we were
17 just encouraged to go out and get the drugs,
18 get the bad guy get them off the street. Now
19 we know how to do it correctly and we want to
20 do it correctly.

21 REV. FLOYD: Thank you.

22 CHAIRMAN JOHNSON: Thank you
23 Reverend Floyd. Next we will hear from our
24 next panelist Mr. James Harris, the President
25 of the New Jersey Chapter of the National

1 Association for the Advancement of Colored
2 People.

3 MR. HARRIS: Thank you
4 Mr. Chairman. First of all I would like to
5 thank you very much for your testimony. We
6 had copies of it. One question that is really
7 important to me: this was about race. It was
8 about some things that happened with folks
9 who got shot.

10 The Monitors came in and what I
11 hear you say is you want the Monitors to go
12 away. I represent an organization where the
13 perception is that there is still a problem,
14 but part of the problem is the lack of
15 progress in diversifying the police force,
16 the State Police force.

17 Could you tell me what you think
18 the relationship is between the confidence of
19 the public and the diversification of the
20 force itself?

21 MR. JONES: I'd be happy to.
22 It's funny because I have watched
23 efforts from across the board; people such as
24 yourself make a very salient point that you
25 have to be reflective of the community you

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1 serve or it is difficult for people to
2 believe in what you are doing, especially
3 when you are enforcing laws and restricting
4 liberties upon them. Something that I
5 watched the prior Attorney General spend four
6 million dollars over four years, taking the
7 entire recruitment issue into his house and
8 he and the Deputy Attorney General, nights,
9 weekends, holidays, down to colleges in the
10 south, \$400,000 recruiting bus, everything
11 that he could do, certainly into the churches
12 and into the organizations and groups that
13 have a vested interest in this and we still
14 haven't seen the numbers move.

15 Do we need to be reflective of
16 the community that we serve? Absolutely
17 positively. It is not going to work unless
18 people have that partnership with police.
19 Can we do anything in the short term and
20 government solution is throw money at it,
21 throw money at it. I am looking for new
22 cars. We are spending four million dollars
23 on a recruiting effort that quite honestly in
24 1979 when I we graduated from the academy we
25 had more diversity in my class than some of

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1 the classes we are recruiting. I can go back
2 as to why it occurred, but it is water under
3 the bridge.

4 What I do want to say is that the
5 Superintendent took it into his house and he
6 charged the responsibilities of the Captain
7 that we have to do something, we are not
8 getting enough members of the society in
9 among the ranks. Let me proffer this, this
10 is not something that is special that just
11 goes on in the State of New Jersey. This is
12 happening everywhere in the country for
13 whatever reason, and I can go into the whole
14 societal reflective, you know what your
15 father did. We don't have the people in the
16 African American community. Our numbers are
17 a little bit better with the Hispanic
18 communities, coming out and saying I want to
19 be a trooper. I offered them a great salary
20 I worked hard on that.

21 It makes it very hard with the
22 conditions that we work under, an honorable
23 spot to be where you can feed your wife and
24 kids. We go into the areas and put up
25 posters. If you take a predominantly African

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1 American Community such as New York
2 Department of Corrections, you take the other
3 smaller police departments in their inner
4 cities and they are suffering from the same
5 exact problem that we have. That young men
6 and young women in the community don't see
7 this as a natural progression.

8 My family came over in a potato
9 famine, they fought with a rifle. Here is a
10 rifle and get in line and out they go, and
11 what is the next thing they do, day laborers
12 and then their kids become cops and that
13 progress took place for years and years. The
14 old Irish cop on the corner, there is a lot
15 of merit to it. It is not just an anomaly or
16 an anecdote as the African Community has the
17 opportunity presented to him, that may not
18 have been there 30 years ago. We weren't
19 knocking on doors 30 years ago like we are
20 now, as the opportunity is presented to them
21 and the pay is higher than ever and the
22 professionalism is higher than ever and the
23 chance to serve is an honorable one.

24 We are not having our sons and
25 daughters in these communities turn out for

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1 the job no matter who is in charge, no matter
2 it is you or I, or the prior Attorney General
3 or Captain. Right now that is a phenomenon
4 that occurs across the board, not just the
5 State Police and while just like I talk about
6 other subjects, we have to be vigilant. I
7 don't know what the solution is and if you
8 have it, I will be happy to embrace it.

9 MR. HALLION: I will use a quick
10 example. Again I noted in my testimony was
11 our efforts in Camden and Irvington, not only
12 are we going in there and trying to quell
13 what I see is a continuing surge of narcotics
14 that absolutely and some will debate me this,
15 leads to, you know, that is the grassroots of
16 gang violence is the narcotics. We have gone
17 in there and we have done our best to quell
18 that but we also, as part of that Camden
19 urban initiative, have provided outreach
20 programs where we are going in there and
21 partnering with the community leaders and
22 saying you know, if you have somebody you
23 wish us to look at, bring him in, please.
24 You have a stake in this as much as we do
25 is what I am trying to say.

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1 If you have people out there
2 please, we are doing our efforts, of New
3 Jersey Transit Bus that goes by you see a
4 huge poster advertising please join us. We
5 want the best and the brightest, but again I
6 throw it back to the communities to say you
7 know, if you have people out there that you
8 think we would be willing to look at, please
9 do your part and bring them to us.

10 MR. HARRIS: I thought you I heard
11 a loud statement from both of you that if the
12 Decree doesn't disappear, the morale will be
13 destroyed of our only State Police force.
14 Did I hear you clearly?

15 MR. JONES: I think that is a
16 characterization. What we said and what we
17 continue to say is morale is as important a
18 function of productivity in any group but
19 especially in a group like this where people
20 go out by themselves and put their lives on
21 the line, as to how productive they are and as
22 to how professional they are, and if you
23 destroy the morale by sending this message
24 that you will always be considered a failure
25 and you will never meet these requirements by

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1 having the decree remain in place, then
2 there has to be a cause and effect.

3 We will always constitutionally,
4 professionally, as evidenced by Katrina and
5 as evidenced of 9/11 go out and do our job but
6 are you going to see people taking that extra
7 opportunity on that, take the extra chance
8 doing something, and for that fact you will
9 see guys on the road saying I am tired of
10 being on the road eight hours watching the
11 tapes. Are we going to see that guy with
12 constitutional knowledge leave? Probably. We
13 saw it turn the corner and let's face it we
14 have some people who were naysayers, weren't
15 buying into the fact that there was a problem
16 and that created a problem for a lot of us
17 trying to move forward.

18 We are now in a position right now
19 that people are staying 26, 27, 28 years, it
20 is not like, you know, four or five years ago
21 where guys were alright, I got four months
22 three days until I retire. We don't see
23 that anymore. Is morale a necessary element
24 of ensuring all the things that we want?
25 Absolutely. Will this be demoralizing to

1 have something like this happen? Absolutely
2 but will we continue to be professional?
3 Absolutely. Is it in the best interest of
4 the State Police or the people that we serve
5 or the people that gave their word that this
6 was the end of the commitment to leave the
7 Consent Decree in place? Absolutely not.

8 MR. HARRIS: My final question, the
9 balance between trooper safety and public
10 confidence; where do you see that, because
11 you have a public out there and the public
12 evaluate that and what was most negatively
13 affected was the African Americans.

14 It showed that the African
15 American community perception of racial
16 profiling by the State Police was very high.
17 When the same question was given to the
18 white community they doubted whether or not
19 racial profiling existed. So given that you
20 have been in two communities and the rest of
21 the communities have no interaction with
22 State Police as you say in Irvington and
23 Camden, what do you think has caused or
24 caused the African American community to have
25 any greater confidence that if the monitors

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1 go away that those things that have been
2 embedded will stay in place?

3 MR. JONES: I am glad you brought
4 that up. First there was a police poll done
5 in 2003; who do you trust? And it started at
6 the Federal Government and went down to the
7 local government and the State Police was the
8 highest ranked agency in the "who do you
9 trust" on top of which the Federal Government
10 and then the local department and then we
11 didn't trust the Senators and we even trusted
12 the White House less. Whatever the idea of
13 the poll was it is exactly what you are
14 saying, the eye of the beholder.

15 All of the people out there telling
16 us we generally love to have the safety and
17 the well-being of the State Troopers out
18 there with all their professionalism, all
19 their equipment and keeping us safe from
20 harm, but that wasn't so from the African
21 Community. Instead they saw this driving
22 while black issue, how come my son is out on
23 the road getting patted down when everybody
24 in the high school knows it is little Johnny
25 who is the dope dealer. These were the

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1 concerns, but when you are talking about two
2 communities, we are in dozens of communities
3 our Operation Ceasefire, our gang initiative
4 and I can go on and on to the recruiting and
5 the training programs are in every major city
6 in the State of New Jersey. The posters are
7 in every high school and the community
8 partnerships are throughout, while we are in
9 Irvington and in Camden because we are trying
10 to stem the tide of the victimization of
11 those people, we are actually in every town
12 and we have been in and out of those
13 communities.

14 What that perception is based upon --
15 their real life experience and until they see
16 what is going on now and they have something
17 to change that mindset, there's not a lot
18 that I can do besides you know, well wishes
19 and kind words. It is going to take the
20 interaction of the public with the modern day
21 trooper to convince the African American
22 community that this is a loyal public servant
23 with their best interest in mind. And if
24 their prior interaction was a negative one
25 there is not a lot I can do about that. I

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1 mean now because it is based upon their
2 personal experience and again, I will
3 apologize for it but I can't rectify the
4 mindset, I can only rectify the behavior.

5 CHAIRMAN JOHNSON: Thank you,
6 next we will hear from Mr. Carmelo Huertas, a
7 retired Major with the New Jersey State
8 Police.

9 MR. HUERTAS: Thank you all for
10 your testimony and your services. I have a
11 couple comments and questions. First of all
12 we use the term constitutional policing like
13 an oxymoron. I thought constitutional
14 policing was constitutional policing, never
15 used that term.

16 Is the union advocating no reviews,
17 fewer reviews, elimination of some of the checks
18 and balances that have been in place to the
19 Consent Decree in operations, because if you
20 noted the 500 hours spent on doing certain
21 things, I just want to understand and I think
22 it is important that people on this panel
23 understand when you say fewer reviews or no
24 reviews or eliminations, what you are
25 referring to because I think that any impact

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1 in those areas would have an impact not only
2 on attitude and behavior, but also on
3 integrity and behavior and corrections.

4 MR. JONES: Again sir, I have
5 Trooper Huertas in the barracks, he is
6 working days, has a drunk driver and he
7 arrests him under the Consent Decree. There
8 is a series of mandatory reviews that have to
9 take place. I am present when the arrest
10 takes place, I am comfortable with his level
11 of professionalism, his 632 are great,
12 evaluations are super, his boss is a good guy
13 I know that Trooper Huertas did a good job
14 with that drunk.

15 Now I have another crisis. I have
16 an issue with a school lockdown, I have an
17 issue with an overturn, I have an issue with
18 a problematic employee. Under the current
19 system that boss has to get to those tapes
20 and those reviews mandatorily within a given
21 time frame and spend exactly the same amount
22 of time plus the write-up time as the Trooper
23 Huertas making that constitutional drunk
24 driving arrest.

25 What we are saying is because the

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1 Consent Decree mandates that we do that the
2 flexibility that would be brought in that
3 review synopsis in less time or maybe in a
4 week or two weeks from now rather than having
5 to drop everything and do that because that
6 is what is required. That is the kind of
7 flexibility and that is the kind of while
8 there would still be the system of checks and
9 balances in place, you know, if a manager has
10 an issue like that, that he is aware of, he
11 doesn't have to run and grab that tape
12 because it constitutes a stop report, an
13 arrest report and an MVR review right away.
14 He knows what happened.

15 Right now we have to do it because
16 the Consent Decree says we have to do it.
17 These are the kind of flexibility and more
18 productivity, more righteous use of our
19 resources that we can glean once we are out
20 of the Consent Decree.

21 MR. HUERTAS: The system that is
22 basically in place, what you are trying to do
23 is extend the time frames to allow better --

24 MR. HALLION: I believe that the
25 enhancements and MAPPS and Risk Analysis and

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1 all the early warning detection systems that
2 it is going to get more sophisticated. The
3 sophistication of the systems will improve so
4 it will mean less. It will be less
5 burdensome on the supervisor.

6 MR. HUERTAS: You talked about
7 systems, everybody is talking about systems
8 and the system is a check on everybody's
9 behavior, is it not? When we look at the
10 cameras but in pointing out the contract,
11 Consent Decree, contract, you know, does it
12 dictate behavior or does it dictate attitude
13 or does it dictate morale? And are the
14 systems themselves responsible for the
15 successes of what you have achieved?

16 I think what is getting lost here
17 is the fact that the systems are part of the
18 process and it is the people behind that
19 process. Those systems could be first class and
20 if we have the wrong attitude or the wrong
21 behavior, it is just not going to make any
22 difference what is in place.

23 I think what you said was the
24 Consent Decree may have had a chilling effect
25 on how a trooper does or doesn't do his job

1 or what actions he may or may not take to
2 further enhance that stop. My question
3 would be this; if in fact the Consent Decree is
4 lifted, if in fact the systems are still in
5 place and we see what we find to be a
6 behavior that we are going to note that the
7 individual took in order to either be more
8 proactive on that stop and take those off the
9 streets, what I think the concern is, is that
10 going to be acceptable behavior on every
11 other review? You understand what I am
12 saying? Are we sending the message that it
13 is okay to take those challenges and do those
14 things because now it is going to be
15 acceptable?

16 MR. JONES: No, the opposite. If I
17 can get back to the original point. I think
18 I was very clear that the reason that the
19 systems are so important in both my notes and
20 Dr. Walker's reports we talk about
21 sustainability and he earmarks certain things
22 that weren't done in Pittsburgh and
23 Steubenville such as technologies and
24 methodology that is critical to realize when
25 we talk about the difference between the

1 backsliding fear based upon some of the
2 issues that these departments have had, and
3 we do. So removing the Colonel, removing
4 the human element, removing the decree, one
5 of the assurances that we have that didn't
6 occur in these other departments is that we
7 do have a mechanized structure, a physical
8 structure with these things.

9 That's what we are harping at. I
10 thought I was very clear when I talk about
11 the biggest reason that we are going to have
12 sustainability is because the State Police
13 have too much pride, too much professionalism
14 and too many individuals who are just
15 outstanding wonderful people and that's why,
16 more than any other reason, that's why we are
17 going to continue to hit these gold standards
18 of this type of policing.

19 I totally agree the only type of
20 policing I was taught in the academy was
21 constitutional policing. How people lost
22 their way is beyond me and again subject for
23 longer debate.

24 MR. HALLION: Sir we need to get
25 away from walking on egg shells. I will

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1 bring up something Mr. Harris brought up and
2 that is morale, and if you go back to 1997
3 the morale, the issue there if you think
4 about the heap that had to be swallowed with
5 the trooper out there with this brand new
6 decree coming down with 126 mandates and
7 almost feeling like you were handcuffed.

8 MR. FLYNN: Sir, you said the
9 system, the system is not the problem, it is
10 how the system is used and we need the
11 effort, the political will, to allow us to
12 continue using it. If we can go to digital
13 cameras, the sergeant in an arrest when it is
14 called in, will be able to put in real time
15 what the camera is actually seeing then and
16 there and helping advise. So it is how we use
17 the system. We don't want to do away with
18 eliminating them or cut them back. We want
19 to enhance them and use them to our
20 advantage. We want the public to know that
21 we have everything that we need out there and
22 we are going to use it in the correct way to
23 enhance policing.

24 MR. HUERTAS: One last comment.
25 You stated that on the college requirement

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1 there were certain people who did not meet
2 that criteria yet that was set aside for them
3 to move forward and for them to be promoted
4 on?

5 MR. JONES: SOP358 has minimum marks
6 for certain grades.

7 MR. HUERTAS: My comment would be
8 is this same opportunity to be afforded to
9 other minorities within the division at all
10 ranks, whether it is Sergeant, Staff
11 Sergeant, Captain, Major, Lieutenant.

12 MR. JONES: Across the board there
13 was a temporary lifting of those mandates if
14 a trooper didn't have it, he was making
15 sergeant no matter if he was black or white
16 male or female. He or she was afforded the
17 same opportunity to move forward as what
18 occurred at the top.

19 CHAIRMAN JOHNSON: Thank you.
20 Reverend Stanley Justice, the Pastor of Mt.
21 Zion Church.

22 REV. JUSTICE: Thank you
23 Mr. Chairman and thank you Panel for your
24 presentation.

25 Mr. Jones I did check with Reverend

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1 Jackson, and he was in concurrence that you
2 all did share and we were in agreement that
3 it was confined to his congregation only and
4 we have, there was about 1,500 other
5 congregations across the State of New Jersey
6 just in the African American community.

7 Question, you have been again with
8 the State Troopers about 27 years or so. Has
9 there ever been a Consent Decree imposed upon
10 New Jersey State Police?

11 MR. JONES: I don't want to
12 mis-identify those actions that the
13 Department of Justice or that other parties
14 have engaged in. I know that we had a
15 hiring issue, I believe the charging party
16 was the NAACP having to do with recruitment
17 and availability. I know that we had a
18 group of Hells Angels who claimed that we
19 were picking on them and there was some sort
20 of MOU or agreement in place as a result of
21 that pursuit, that talked about, you know, if
22 they promise not to kill anybody we will
23 promise not to pick on them. One of those
24 silly things that where somebody had enough
25 resource to put forth an argument, and it was

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1 dismissed. I shouldn't say dismissed. It
2 was worked out in 1996, those two I am
3 familiar with because there was public record
4 of it. Anything else I am in a rank and
5 file position. If there is something and you
6 have, something that you want to share maybe
7 it will jog my memory.

8 REV. JUSTICE: I would ask to be
9 corrected by Mr. Harris, I believe you said
10 one of them was well as it relates to rank
11 and file promotions, I think that was one of
12 the terms of that particular MOU and my
13 question is again, was that met
14 satisfactorily? Let me ask this question, was
15 there a backsliding, was there negative --

16 MR. JONES: Just the opposite. If
17 you take a look at our field operations and
18 if you take a look at the amount of people
19 available for positions, and the amount of
20 people promoted, quite honestly on a regular
21 basis I get the other end of that stick.

22 I get people telling me how this
23 person or that person got parachuted into a
24 spot for promotion because the agency, the
25 State Police is bending over backwards to

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1 make sure that we move along, you know,
2 diversified members of our force. So a
3 person who may be junior or not totally
4 aligned with what a promotion may be,
5 suddenly gets a promotion in three or six
6 months. And the complaint that I get from
7 the other side is how is it that this
8 happened, obviously it is done to try to
9 satisfy these diversity issues and is that
10 fair?

11 It is a discriminatory practice as
12 evidenced by the argument that is put forth
13 by the NAACP and then it is a reverse
14 discrimination argument that people feel they
15 are more deserving and hit all the criteria
16 of the promotional system. It is a two edged
17 sword. My observation and my experience in
18 the last 27 years is this outfit bends over
19 backwards on a regular basis to be reflective
20 as much as it can and let me not say the last
21 27 years, let me correct myself, in the last
22 seven or eight years where I have been in a
23 position to look at these things as a union
24 leader, you know at the top in the last seven
25 or eight years to be fair and yet to be as

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1 much as I can, reflective and compliant with
2 the MOUs that are out there, it is a two
3 edged sword, it is very difficult.

4 REV. JUSTICE: But I am just a
5 little unclear, it seems ambiguous that you
6 did the best that you could as it relates to
7 diversifying the rank and file, you did the
8 best that you could, under the conditions, is
9 that safe to say?

10 MR. JONES: I think currently where
11 I have had my fingers in the pile, my
12 observations in the last three or four years,
13 the efforts, the resources the commitment has
14 been gigantic, more so than if I had four
15 million dollars I might want to see a class
16 out of it for two-and-a-half million dollars,
17 and spend the other million and a half
18 dollars to get the bodies; black, white, male
19 female, Hispanic, Asian at the work force
20 rather than spend the money trying to
21 recruit.

22 Now obviously management, partially
23 because of issues of concern and MOUs and the
24 like, have decided to use the sources
25 elsewhere in the recruiting fashion. I am

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1 not the keeper of the key, I am not the boss,
2 I don't get the final say.

3 REV. JUSTICE: So you are saying
4 monies have been put in the recruitment line,
5 more monies ever been put in the recruitment
6 line?

7 MR. JONES: All time high in
8 recruiting was experienced under the prior
9 Attorney General's administration, by far,
10 millions and millions of dollars.

11 REV. JUSTICE: You said something
12 else; you said that as relates to African
13 American Troopers coming on and joining the
14 force, you said that there is a single
15 reluctance. Did they tell you why, the ones
16 that you interfaced with or the ones, the
17 recruitment team interfaced with, as to why
18 or what were some of the reasons?

19 MR. JONES: I am not in recruiting,
20 so I can't make any anecdotal references to
21 what I am telling you. I went to Roselle High
22 School, very diversified high school next to
23 Elizabeth in Newark and I had my 33rd reunion
24 and I talked to people, now brothers of
25 troopers, and one particular individual, he

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1 would never think about joining the State
2 Police.

3 One of the arguments made if I can
4 go to work for Lucent and not work weekends
5 midnights and holidays and have dealers assault
6 me and throw up into my shoe, and I can go to
7 Lucent and there is no ceiling as to how much
8 I can earn, I am going to take the 9:00 to
9 5:00 job with the Cadillac and skip the
10 Chevrolet. That is the one of the things
11 expressed to me quite honestly there are
12 opportunities in the last quarter century for
13 African Americans that didn't exist before,
14 so the other ethnically evolving choices were
15 you kind of worked your way up, jobs were
16 always sort of based upon, you know except
17 for the exceptional person, based upon your
18 status in life and the cop's kid is the one
19 that goes to the school and has the lawyer,
20 and the lawyer has the actor, that kind of
21 thing.

22 One of the things that I have been
23 told in these communities, if there is an
24 opportunity out there that didn't exist
25 before, I am going to jump on it because it

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1 is a better softer position for me now. If
2 you are in the community and you see the
3 successes of so many wonderful people that 25
4 years ago, you talk about glass ceilings they
5 were barred doors but now, you know, private
6 industry, corporations, government, there's
7 much more of an inclusion-type attitude
8 rather than exclusion-type attitude and if
9 guys or gals aren't taking this job because
10 they have a better opportunity elsewhere,
11 can't blame them.

12 I can tell you a million horror
13 stories as everybody here knows, and I talked
14 about the reality of every 57 hours somebody gets
15 killed. If you want to pay me \$250,000 in a
16 Lucent job or pay me my salary, and cross
17 your fingers that you go home, the common
18 sense approach would be I am going to Lucent.

19 REV. JUSTICE: I think you would
20 agree and I don't disagree with you, however,
21 what I hear too is there are in some
22 instances, and you mention it in your report
23 with regard to the Consent Decree serving
24 almost like an oppressive tool to the
25 Troopers but that is the same way that

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1 African Americans feel as it relates to the
2 State Trooper, and so their thing is why
3 should I go join the State Troopers when they
4 were oppressing me. I am afraid of State Troopers,
5 I am afraid of them. That is something that
6 is continuously ringing.

7 The other thing too, Mr. Hallion, I
8 heard the both of you say that you tie, you
9 continue to tie stops to drugs, persons
10 suspecting of drugs and so forth. I know you
11 said you probably get in trouble like that
12 and I think Mr. Flynn you said it too and we
13 know very well that if we look back to 1998
14 and even above that, there were a whole lot
15 of folks who were stopped, preachers
16 included, that didn't have any drugs at all
17 on them, at all on them, but they were
18 stopped on the Turnpike, Garden State Parkway
19 had nothing to do with drugs and had to do
20 with their, you know, color. It was as
21 simple as that.

22 MR. HALLION: My point is that
23 today I truly believe that interdiction
24 efforts are necessary because of what I see
25 in the urban communities, and this is just a

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1 humble opinion on my part. One of the
2 biggest things that we have to overcome as
3 far as hiring is getting that individual away
4 from the gang mentality. Right now today's
5 youth considers the group more than they do
6 the individual. When these kids in the
7 cities are part of a group that is standing
8 for them that is where they belong, they feel
9 that presence of being with other kids and
10 assimilating with that group, and for me to
11 go in and try to pull that prospective
12 trooper out of there, that is a big decision
13 on their part, a difficult decision, and one
14 of the things that we have to do on our
15 outreach programs is try to convince them
16 yes, it is a major step, an individual step
17 because you are going to be frowned upon as
18 leaving that gang atmosphere.

19 I am not talking about the kids
20 that are down right violent, I am talking
21 about even the peripherals, even the kids on
22 the fringes of deciding, should I go this way
23 or that way. We are offering you a big
24 opportunity, that is a big step in the kid's
25 life.

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1 MR. FLYNN: Sir, you mentioned my
2 name. We used to make mistakes. We made a
3 lot of them. The Trooper of the Year, who
4 made the most arrests, confiscated the drugs,
5 and that was wrong, that was totally wrong on
6 our part. We learned, like I said we are now
7 a learning organization, we have done away
8 with the carrot and the stick. We learn if
9 you make the mistake you get the instructions
10 you need to overcome it. If you continue to
11 make the mistake more than likely you are
12 going to be gone from this outfit.

13 Before, anybody that would have
14 been covered, carried, whatever, I am talking
15 10, 15 years ago, it doesn't happen anymore,
16 thank God, but the fact is that now we know,
17 our Trooper Of the Year could be somebody who
18 developed a great community project and in
19 fact one year I think a Trooper Of the Year
20 was in Woodbine or, somewhere a great
21 community project. So we made mistakes and
22 we are learning and unfortunately, you know,
23 they continued on for awhile and now we don't
24 do that.

25 REV. JUSTICE: One more, that was

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1 half of one. Half a question.

2 I think you made reference to
3 piggybacking on Reverend Floyd and Mr. Harris
4 with regard to 1200 Troopers joined with the
5 Consent Decree and you said all they know is
6 the reforms have been put in place but then
7 you said when the question was asked about if
8 it were not lifted, I think Mr. Harris said
9 if it were not lifted with regard to the
10 morale and all the other stuff. And I know
11 the difference, you know, but if all they
12 were, all they know is the reform and how to
13 do it right, now with all of the technical
14 support and the MAPPS and the CADS and the
15 MVRs, if that is all they know, how does the
16 morale affect you --

17 MR. JONES: Let me.

18 REV. JUSTICE: -- to the extent
19 where morale is not going to--

20 MR. JONES: In order to understand
21 this what I have to ask you, respectfully, is
22 do you believe, do you recognize, do you
23 understand unlike some other people that
24 morale is one of the critical components of
25 the successes that you have, we have. Do you

1 buy into that concept? The rank and file with
2 all those technologies aren't out there
3 feeling that this is the right thing to do.
4 They are doing the right things for the right
5 reasons. Doesn't make any difference. They
6 will find a way to circumvent the greatest
7 technologies. Bad guys do it every day, no
8 matter what systems we put in place, bad guys
9 manage to break into the bank.

10 We have a system now that is in
11 place that ensures all these things. What
12 you said earlier about reference to being
13 stopped has nothing to do with drugs, I
14 apologize for those stops being occurred
15 because somebody either sent a mixed message
16 or wasn't supervised or however it occurred.
17 I never did it, I never engaged in that
18 activity and the vast majority of people I
19 know didn't engage in it. Doesn't mean it
20 didn't happen.

21 What I am saying is that morale is
22 going to be affected. That is like going to
23 college and not going to get your degree.
24 They know what it is, don't screw it up,
25 don't screw it up. Just like a mother

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1 guiding an individual in school or college or
2 away from a life of drugs and crime, same
3 exact thing that is going on everyday while
4 they only note this aspect of policing, it is
5 drilled into us on a regular basis. Don't
6 blow it for those of us who want to see the
7 polish back in our good name, and that morale
8 issue is there.

9 And if you go back to what I said
10 initially, that fundamentally it is because
11 of morale that we have assurances of
12 sustainability, they are married at the hips
13 and that's why it is important.

14 CHAIRMAN JOHNSON: We are
15 fortunate to have with us Attorney
16 General Rabner who made time to come down and
17 spend time with this Committee.

18 MR. RABNER: Thank you. I am going
19 to try to use that technique at the next
20 trial, ask a half question and see if I get
21 away with it. I want to thank the witnesses
22 for your testimony, your services and
23 appearing here today.

24 Mr. Hallion, in your testimony you
25 proposed an auditorship and a board of

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1 directors to go along with that and I wonder
2 if you have more thoughts on this to submit
3 and I would like, if you have more thoughts
4 to submit, if you could provide us more
5 thoughts about the type of work, the
6 specifics of the type of work that you
7 propose, the type of work the Auditor would
8 do, how frequently that work would be done,
9 the structure of the Board that you refer to
10 here, the relationship between the board and
11 the Auditor and the relationship between the
12 Board and the State Police; and let me say
13 clearly this is not a directive, this is an
14 invitation and if you are able to, at your
15 convenience to give us more details, that
16 would be helpful.

17 MR. HALLION: Sure.

18 CHAIRMAN JOHNSON: Next from
19 Michael Rambert, counsel of Parker McCay and
20 also President of the Garden State Bar
21 Association.

22 MR. RAMBERT: Thank you for
23 appearing here today and your testimony and
24 answering questions. I believe that everyone
25 who's answered questions today of the panel,

1 I believe you admitted there was a problem
2 with racial profiling and one of the things I
3 was trying to clear in my mind before, why do
4 you think that there was racial profiling
5 within the State Police ranks?

6 MR. FLYNN: Sir, if I can for a
7 brief second. I am not making excuses but
8 the FBI, various organizations, the DEA used
9 to feed us information; this is coming up the
10 highway, look for this vehicle, look for this
11 type of dress, look for that. We fell into
12 that mold of taking the easy way out and just
13 looking for those indicators that would,
14 might lead to an easy arrest or a stopping of
15 drugs rather than doing the good hard tough
16 police work. We partially took information
17 that was fed to us and I am not using this as
18 an excuse, but it was kind of self-fulfilling
19 and you know, white Mazdas were generally
20 used by drug trafficking people, there was a
21 likelihood particularly traveling the
22 turnpike or going up major highways, there
23 might be drug activity. We took the easy way
24 out.

25 MR. RAMBERT: What you are telling

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1 me is the reason why this practice that you
2 have adopted was encouraged by the FBI and
3 they gave us the profiles.

4 MR. FLYNN: Not necessarily
5 encouraged and I didn't mean to insinuate
6 that as a full excuse but there was a
7 likelihood that based on the information that
8 we thought and other government, a respected
9 government organization was giving us, would
10 lead to an arrest, then we would look for an
11 arrest.

12 MR. JONES: I would never think of
13 blaming the Attorney General's Office for
14 anything but what I will say in 1986,
15 Attorney General guidelines zero tolerance,
16 zero tolerance, and did we have troopers that
17 were over zealous, yes but that was the
18 command of the day, zero tolerance, all drugs
19 will lead to an arrest.

20 MR. RAMBERT: I understand, I
21 believe in being zealous and trying to get your
22 job done, but why is it that you are
23 primarily only zealous with minority as
24 opposed to not minorities?

25 MR. JONES: Sir, this is something

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1 that could be a two hour discussion and it is
2 worthy of two years, because it is real, not
3 imagined, it is a problem, was a problem.

4 The institution itself, the State
5 Police going back to 1921 was white male,
6 from para-military backgrounds. We didn't do
7 a lot of recruiting. I believe the first
8 female trooper came on about 1975 or 1976,
9 the Police Department had females for years,
10 we had reputation based on pride and
11 professionalism, only the best, only the
12 toughest, the ex-marine and et cetera. That
13 was nice except it created an environment
14 where after the Civil Rights Act and after
15 the, you know, the issues in the 1970's then
16 we were looking at crime spikes and urban
17 decay; we still had a State Police that
18 wasn't moving in the same direction that the
19 rest of society was. So then we finally find
20 ourselves in the '80s with these types of
21 policing issues, with the broken windows and
22 the zero tolerance; what Rudy Giuliani was
23 accomplishing in New York, ten years before
24 you couldn't walk around certain
25 neighborhoods in Manhattan, and ten years

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1 later a lot of things accomplished,
2 unfortunately it was that ying and that yang.

3 What you had was a couple things to
4 create a perfect storm. You had an older
5 institution with very little diversity, you
6 had a movement that wasn't embraced or
7 recognized, not only by the Troopers but by
8 the Attorney General's Office, Government
9 Officials and the like, having to do with the
10 Civil Rights Act; yet issues in the cities
11 after the riots that created a crime and
12 victimization that was problematic and
13 recognized. Then you have the Comprehensive
14 Drug Enforcement Act, so when this was on the
15 Comprehensive Drug Enforcement Act and zero
16 tolerance, we are already ripe for this sort
17 of disparate application.

18 In other words, the mindset, the
19 mechanism and the old network was in place
20 and when that happened, coupled with the
21 explosion of drugs, specifically an incident
22 impacting on youth and certainly
23 proportionately, you have to admit, it is
24 crisis in the urban centers; not that there
25 is more people of any color using it, but

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1 impact in the urban centers; you have some
2 rich kid from suburban drives back home,
3 another kid drives back to the inner city
4 home; the suburban kid drives home and
5 doesn't have a problem with it.

6 While all of this occurred and we
7 were given this mandate we were given it
8 without guidance. As Lieutenant Flynn talked
9 about, that somebody should have recognized
10 that there was a problem here and nobody did.

11 Like I mentioned earlier in my
12 comments about the system and the
13 methodologies and the recording and the
14 concerns didn't -- they simply didn't exist,
15 nobody cared. Again this could be a two
16 hour discussion. There is a big difference
17 between criminal profiling and racial
18 profiling and criminal interdiction and
19 constitutional interdiction. And when we had
20 those people out of professional laziness
21 cross over that line and stop using proper
22 interdicting indices and when somebody rolls
23 down the window and a smell of pot comes
24 flying out, I have a problem. When somebody
25 rolls down the window and has dreadlocks, I

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1 don't know if I have a problem or don't have
2 a problem. I don't know anything. The guy
3 is taking the short cut because that is what
4 was endorsed and when it came time to address
5 exactly what was going on, we were abandoned.

6 Now we find ourselves in a
7 situation where we, as much as anybody else
8 have embraced, identified and we have to know
9 referring back to the comments, this didn't
10 happen in a vacuum and didn't happen on the
11 Drug Enforcement Act.

12 It was a perfect storm of
13 opportunities and mindsets that created many
14 of these things and it didn't happen in a
15 day, and that's why it took us seven years to
16 rectify it more than any other police agency
17 because all the people who were engaged in
18 the other end of checks and balances, in
19 other words, the Department of Justice and I
20 don't want to speak out of turn, their job is
21 to come in and crack the whip if we are out
22 of line, and instead they are saying this is
23 like nothing we have ever seen.

24 Their job is to enforce that the
25 State Police maintains its obligation of the

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1 contract and they are saying just the
2 opposite. So the practice of partisan or
3 disparate policing has a lot of societal,
4 financial, criminal issues behind it, but it
5 doesn't dismiss what did occur and because we
6 have identified it we should celebrate where
7 we are at now rather than continue this, you
8 know; we know what the problem is more than
9 any.

10 MR. FLYNN: Sir, we have learned
11 to question our orders rather than just
12 blindly following them. We have learned to
13 look back, are we doing right? Unfortunately
14 it was a tough lesson but we have learned it.

15 CHAIRMAN JOHNSON: Thank you.

16 Mr. Sklar, Executive Director of New Jersey
17 State Association of Chiefs of Police.

18 MR. SKLAR: Thank you Mr. Chairman,
19 good afternoon gentlemen. I want to extend
20 my thanks to the rest of the panel for your
21 testimony today, and 250 Police Departments
22 are not civil service and I would be happy to
23 produce oral assessment examinations, what
24 other departments do over and above simple
25 exams, and I know you have been working very

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1 hard on the process with the State Police as
2 well.

3 I have a couple questions. I know a
4 lot of questions have been asked. Sergeant,
5 you talked about the amount of time and
6 paperwork involved, the front-line
7 supervisor. How has the job of front-line
8 supervisor of State Police changed?

9 MR. HALLION: It's been impacted
10 very, very significantly. Now the front-line
11 supervisor is actually out on the road where
12 we had prior to the Decree and prior to the
13 implementation to the Staff Sergeant squads
14 that were out there. What we call the Senior
15 Trooper, but there was no guidance or
16 mentorship. There was never any you know,
17 one-on-one direction provided.

18 Now whenever a trooper makes a
19 stop, if he has what he sees as a car that,
20 through suspicion, that he wants to continue
21 to investigate with the thought of some type
22 of narcotic or gun, that Front-Line Sergeant,
23 Road Sergeant must be at that stop.

24 Any major incidents where a
25 trooper is detailed to, whether it is a

1 shooting or a major domestic violence,
2 whatever the situation, that Sergeant, Road
3 Sergeant, Buck Sergeant will accompany or
4 respond to that complaint, again, so that we
5 have another set of eyes, we have another set
6 of ears and we have somebody there who is
7 going to be able to show or tell or mediate
8 that trooper real time. It also gave us now
9 the ability to create the Staff Sergeant
10 position, put that Sergeant in the station
11 where now he can focus on specifically the
12 administrative part of this.

13 Prior to this it was a dual
14 responsibility, you had to make sure your
15 guys and girls on the road were, you know,
16 doing things accordingly, but you still had
17 this pile of paperwork and it became very
18 awkward trying to manage everything at once.

19 Now with the advent of the decree
20 and the implementation of the Staff Sergeant
21 and the Buck Sergeant we were able to handle
22 both of those responsibilities.

23 MR. SKLAR: You think that
24 institutional change has been positive?

25 MR. HALLION: Absolutely.

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1 MR. SKLAR: Do you think that has
2 been a positive to having advocating the
3 Staff and Buck Sergeant?

4 MR. JONES: Absolutely. We
5 advocated and I waived a position in our
6 Collective Bargaining Agreement to create the
7 Senior Trooper before we were able to get the
8 resources. Everybody's position in the State
9 Police, kind of like the military, has to
10 have a number. So it is cumbersome, for
11 whatever reasons, department personnel and
12 the like, it is cumbersome to get these
13 additional ranks. What we did was waived
14 those responsibilities and any obligation and
15 we actually promulgated this concept as a
16 Senior Trooper out there doing those duties
17 with an active pay and whatever and finally
18 got the numbers.

19 MR. HALLION: I am actually
20 embarrassed it took us so long to get to the
21 point knowing that the 500 plus
22 municipalities out there, most of your local
23 departments would not send a squad out there
24 without a Sergeant on patrol. It took us
25 that long to get there. Unfortunately it was

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1 the decree that ended up being a positive
2 thing to have that mentorship.

3 MR. SKLAR: That's
4 institutionalized now with the State Police.

5 MR. HALLION: Yes.

6 CHAIRMAN JOHNSON: Theresa Yang,
7 past-president of the Asian-Pacific American
8 Lawyers Association of New Jersey.

9 MS. YANG: Thank you gentlemen for
10 appearing before us again and actually I had
11 just two questions. If the Consent Decree
12 were nullified and the MAPPS and CAD and use
13 of the MVRs were eradicated, wouldn't that,
14 in effect, have an extreme negative impact on
15 the State Police? I recall the Colonel
16 referring to the Consent Decree being a trooper's
17 best friend and I want to ask you about that
18 because for instance if citizens' complaints
19 were to be filed and a particular motorist
20 had a problem stop, couldn't the video tape
21 be used to either substantiate or contradict the
22 complaint against the trooper; how do you
23 feel about that?

24 MR. JONES: First starting on page
25 three of my testimony I clearly outline not

1 only are we advocating for the systems that
2 are in place, we are not looking to nullify
3 the Consent Decree. We are looking for the
4 righteous fulfillment of the obligation of
5 the Department of Justice in the State as it
6 relates to what the Troopers did.

7 The ideals, the beliefs, the
8 spirit of the Consent Decree is going to
9 stay. One of those things going back to my
10 statement starting on page three, every
11 single one of those systems that you talk
12 about we are advocating for, that they stay
13 and remain in place and nobody, nobody across
14 the board thinks that any of them should be
15 removed. So anybody who would come forward
16 and suggest that, if you look at about page
17 six of my testimony where I talk about the
18 cameras are the best friends, I would never
19 ever endorse removing those cameras because
20 of the exoneration and because of the
21 protection that it gives my troopers.

22 I would never ever have any of
23 those technological systems removed. It would
24 be ridiculous and self-defeating and create
25 all kind of problems. We are not looking to

1 nullify the Consent Decree, all we are
2 looking for is the diploma that we rightfully
3 earned which is the deal is completed. I
4 gave you my money and you gave me your house
5 that was it. We had the deal at both ends
6 that's what we are talking about, not
7 nullifying any of those things, as it relates
8 to the Troopers with the Consent Decree, and
9 where that will find us, we will never find
10 ourselves in any of these areas without this
11 equipment or without this technological
12 support or supervisory overview. We are
13 never going back there again for as long as I
14 draw breath.

15 MS. YANG: One more question. In
16 the United States we take pride in the great
17 diversity and being past-president of the
18 Asian-Pacific American Lawyers Association I
19 actually had an opportunity to attend a
20 picnic sponsored by the New Jersey Asian Law
21 Enforcement and I did not notice a State
22 Troopers table at this event. My question
23 to you Trooper Hallion and to Trooper Jones
24 is do you foresee that in the future you can
25 have the Troopers get a little bit more

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1 active in informal events sponsored by the
2 minority groups throughout the State and go
3 out and actively recruit minorities? Is that
4 something in the foreseeable future?

5 MR. JONES: I have been at multiple
6 events up there, you can talk to a lot of
7 people they have actually took the time out
8 to identify and thank the Colonel for a lot
9 of his efforts, so he's been an honoree at
10 these things. I have been up throughout that
11 as a lot of people are aware, we have a
12 strong Asian community up along the Palisades
13 from north to south, and that's generally
14 where the law enforcement meets. I have been
15 there on multiple occasions and had a chance
16 to share a lot of thoughts.

17 I will tell you back in 1979 I had
18 a classmate at the Academy Kim Lee, first
19 generation from China and he talked to me
20 about a lot of the issues where in China the
21 police corruption was such and we see this
22 also in Central and South America, where
23 people are not wanting to become cops because
24 of the oppressive nature of the dictatorial
25 police force there. You didn't aspire to be

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1 a cop there because it kind of meant that you
2 were going to be picking on your family; same
3 thing with Central and South America, there
4 is an inherant distrust in law enforcement.
5 This is something in America that we are
6 moving away from and I give great credit to
7 the Asian Law Enforcement community. Dennis
8 and I have been there. We share with them on
9 a regular basis, Mr. Chang is on my speed
10 dial and I speak with him a great deal. This
11 is something that we have to identify, we
12 have to identify that we are going to have
13 language issues, diversity issues, we are
14 going to have people in the community where
15 we need, we need sources. You go out in the
16 job you need people in the community that you
17 can trust.

18 I know this is something that the
19 Colonel has identified and something that we
20 have been involved with for quite a while,
21 respectfully while it is not anywhere near
22 where we want it to be, it is something that
23 we are aware of and proactive in these
24 relationships.

25 MR. HALLION: Since the beginning of

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1 2005 I have actually been on the Advisory
2 Board for the Council, and to be honest with
3 you I think the last two, three dinners we
4 did purchase a table, so I will say that and
5 David mentioned Mr. Chang's name, I have
6 worked hand-and-hand and had many
7 conversations trying to enhance the Asian-
8 American community, the same thing I talked to
9 Reverend Justice about getting those kids I
10 will call them out of that group environment
11 and having them step forward, but again I
12 would say to you respectfully, if you have
13 anyone out there in that community that you
14 think would be of service to us please let us
15 know.

16 MS. YANG: I want to add one
17 comment, I understand that the dinners, I am
18 aware of the dinners, I have a friend who was
19 part of your committee. My point is I think
20 a setting such as a picnic would be a good
21 idea because they tend to bring their family
22 members and it is more of an informal setting
23 and perhaps a little bit more relaxed and not
24 such a formal presentation if people wanted
25 to approach you to ask you questions;

1 certainly just a suggestion.

2 MR. JONES: If I may again we are
3 the union, representative of the rank and
4 file and whatever their concerns are there
5 are people here from the Division and I will
6 share with them and if you have an event that
7 is transpiring or need them to organize
8 something, I don't want to step on anyone's
9 toes. I am a very compliant trooper. I
10 never go outside the line. I would have to do
11 it through those lines that are in charge of
12 that; if it is just a matter of getting us up
13 there we would be happy to help. If you get
14 the information to us we will be happy to
15 contribute monetarily, timewise and certainly
16 the information and the programs the Division
17 has at such functions. I don't think anybody
18 has a problem with that at all.

19 MS. YANG: Thank you.

20 CHAIRMAN JOHNSON: We have Jerome
21 Harris of the Harris Corporation; Chairman of
22 the New Jersey Black Issues Convention and we
23 will have Mr. Harris actually put his
24 questions to the witnesses now and I will do
25 some quick follow-up and then we will take

1 our break.

2 MR. HARRIS: I will try and be
3 brief. Thank you for your time with us. It's
4 been constructive and the hard work and the
5 organizational change that has come about
6 based on the work. Again I think about when
7 I hear you talk about the contract between
8 the State of New Jersey, State Police and the
9 Justice Department as a contract completed
10 and filled. I think about the initial
11 contract that each of the individual members
12 of the State Police are required to live up
13 to when they pass their oath and that is the
14 initial contract.

15 Collectively you described a
16 situation that got us into a situation where
17 we were not living up to that contract so the
18 Consent Decree is kind of like a ticket and
19 have been paying the ticket in repairing that
20 situation, and I think that is an important
21 kind of different frame to look at in having
22 this discussions, because there is that
23 initial contract, and I think that's what
24 Reverend Justice and James Harris and some of
25 the others have been talking about; us

1 holding you to that initial contract and now
2 we have kind of come back closer to what
3 might be a reasonable situation and we are
4 being asked to look at whether or not the
5 current condition really lives up to the
6 original contract with the State Police, with
7 the citizens of the State of New Jersey. So
8 for me that is kind of the context for my
9 concerns.

10 But the change that has occurred
11 has occurred as part of becoming a learning
12 organization, but it's involved several
13 departments; the Justice Department, Monitors
14 represent one oversight level, you refer to
15 the Office of Police Affairs as the "gotcha
16 squad" and that gotcha squad was part of the
17 interaction with the equipment that got us to
18 where we are now.

19 My question is in order to
20 continue that growth and make certain that we
21 live up to our original contract and also
22 that you suggested, pass the learning onto
23 other police departments in the State, how do
24 we avoid having the perception that there is
25 a "gotcha" as opposed to we are all in this

1 together? The model that you are presenting
2 in term of pulling the State Police Affairs
3 out of the monitoring and auditing function
4 would suggest to me, if I was a local police
5 operation, that you are saying the gotcha
6 squad to me as opposed to learning. If you
7 could respond.

8 MR. JONES: Very important and I
9 had a chance to share this concept with
10 Mr. Johnson, while everything has kind of
11 gotten embedded and checked out, we are
12 talking about the evolution of the State
13 Police Affairs into truly a training entity,
14 there will be no contract reference
15 enforcements and if somebody is engaged in
16 disparity or unconstitutional behavior it
17 will be the charge of the prosecutor or
18 Attorney General to come in and say hey you
19 guys are breaking the law and now we have a
20 law that mirrors the Federal Standards and
21 now we are going to enforce it.

22 The idea that we are sending out a
23 gotcha squad won't occur, just the opposite.
24 What you have is a resource of people who
25 understand these technologies, the concepts,

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1 what things in those methodologies allowed us
2 to get to where we are now and then they
3 could then share with the prosecutors, you
4 would need buy-in, first political will,
5 everything that I talk about has dollars and
6 probably millions of dollars surrounding it;
7 whether you are talking about adding and
8 taking people, nothing is done without going
9 back to the well and trying to reach in and
10 find resources and there's only so much water
11 in the well. By going through the
12 Prosecutor's Office you are going to profit
13 from a buy-in, generally the prosecutors are
14 political appointees who have a relationship
15 with the county, at least maybe not with the
16 city but certainly with the county, so they
17 have people who know them and trust them.
18 Secondly, it is easier to train the trainer
19 which is a federal program for years than to
20 have one person teach 50 towns in a state.
21 And third, the prosecutors will know by
22 virtue of the complaints coming in from the
23 town, people who are reporting to them, what
24 issues are being driven in the courts, you
25 know, in prosecutions, what allegations are

1 being asserted, you know as claims of
2 defense, kind of where the hot areas are.

3 So these people would come in sit
4 down and say to the Prosecutor's Office going
5 from a hot zone to a cool zone, from a one to
6 a ten where is it that you think you have
7 problems and we want to start looking at or
8 what sort of system do these departments have
9 in place. If you have cameras and they have
10 MVR reviews but they don't have MAPPS for
11 instance, maybe some of that technology has
12 to be made more portable and available, if
13 you have people who don't have cameras and
14 they want to know how to get into it maybe we
15 can avoid a mistake going with a tape and
16 saying wait a minute, save your money and go
17 with the chip, go with the one that operates
18 like your cell phone so you can get real
19 time.

20 Just a conversation like that can
21 be worth millions of dollars to a police
22 department. I am going to get the cameras in
23 the town next door to mine, while there is a
24 better mousetrap, a better product out there,
25 their role wouldn't be as a gotcha squad

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1 there would be no enforcement of a decree but
2 rather an educational relationship based on
3 what resources that offices have and what
4 needs the community talks about.

5 Quite honestly, if you go into the
6 far reaches and I hesitate to say some
7 western county where the population is 98
8 percent white and there's no toll roads and
9 no issues with disparate application, you may
10 not have a lot to offer this police
11 department as opposed to, you know, towns
12 that are very diversified and on a regular
13 basis the Chief or the Local Prosecutor, the
14 Attorney General or the U.S. Attorney getting
15 complaints about disparate applications;
16 that's where you are going to put your
17 resources in a prioritized fashion. I don't
18 think it would be a gotcha squad. I think it
19 would be exactly what it should be, that is
20 an educational and instructional-type of a
21 set-up. I'd like to close my remarks, won't
22 it be wonderful if New Jersey was the first
23 state in the nation to have such a system in
24 place?

25 MR. HARRIS: I look forward

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1 to your responses that the Attorney General
2 asked for in detail, I think it would be
3 helpful to the Committee, thank you.

4 MR. FLYNN: If I could add one
5 thing Mr. Harris, the leadership of every man
6 and women that got us here, it was the gotcha
7 squad that kind of observed that we stayed on
8 track, thank you.

9 CHAIRMAN JOHNSON: Before we
10 break I have a couple questions that I would
11 ask the panel and probably others that I will
12 put to you that you need not respond right
13 now. The first is on the issue of
14 oversight, Lieutenant Flynn, could you
15 address how you would tell the Office of
16 Professional Standards in the new world, if
17 and when the Consent Decree is gone and
18 perhaps there is a change?

19 MR. FLYNN: Quite frankly, I don't
20 think the role is going to change very much
21 at all. They were the first to get out of
22 the Consent Decree almost two-and-a-half
23 years ago by showing that they fully complied
24 with all the tenets of the Consent Decree
25 that dealt with them.

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1 CHAIRMAN JOHNSON: Can I
2 interrupt? Let me clarify. We are
3 envisioning a world in which the State Police
4 is growing and different roles for all of the
5 components, if in fact the Consent Decree is
6 lifted. The question really is in a new
7 world, not a question of whether or not the
8 Office of Professional Standards isn't
9 somewhat deficient, but in a new world where
10 the State Police is doing some of the job at
11 least of monitors and others, what role do
12 you see for the Office of Professional Standard?

13 MR. FLYNN: They can become more
14 proactive such as when the 800 number was
15 instituted about complaints, that could arise
16 that the public had an outlet to call in a
17 complaint rather than just go over and not
18 know what to do; more modernization, maybe
19 their own computer website. It's got to be
20 twofold. They should also list "what is
21 going right" and that was one thing with the
22 association was the 800 number, and it was
23 mostly Dennis and Dave, if a trooper has done
24 something right, to call, and they had bumper
25 stickers made up to that fact, but definitely

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1 the Office of Professional Standards needs to
2 be more proactive, and also what is going on
3 right, besides what is going on wrong. See
4 what types of complaints are going in, analyze
5 them, convert that to training and maybe even
6 public awareness.

7 I think Dr. Ginger and Mr. Rivas
8 said let's face it, if a trooper stops you
9 more than likely you are not going to leave
10 happy, but we need to educate the public that
11 it is for the better good and I think the
12 Office of Professional Standards could take a
13 lead role in that.

14 CHAIRMAN JOHNSON: If you could
15 and I raised this in the informal session, if
16 you could come back to the Committee of how
17 the Office of Professional Standards could
18 actually be enhanced, its function enhanced
19 if and when the Consent Decree is lifted that
20 would be helpful to the committee in its
21 deliberations.

22 MR. FLYNN: Yes, sir.

23 CHAIRMAN JOHNSON: I want to
24 follow up on a question raised by Ms.
25 Carroll earlier and that is about leadership

1 that has been in your remarks, in the
2 Colonel's remarks and the questions,
3 something that's been focused on a great
4 deal, a fair amount to these hearings. I
5 would be interested in your views, submit it
6 to us in writing on how the leadership ladder
7 that is the promotion ladder might be changed
8 to actually embed within the leaders that you
9 are looking for, the sort of dedication to
10 principles that you Trooper Jones have spoken
11 to, so eloquently.

12 MR. JONES: Two quick points I think
13 that because of the Pittsburgh/Walker Report
14 raises a question that everybody is saying
15 once you change jockeys, the horse is not
16 going to perform as well, and I think that we
17 have outlined some of the reasons that we are
18 different than Pittsburgh and we are
19 different than Steubenville, although it is a
20 viable question and if you get the Colonel to
21 sign a 20 year contract I think we will be
22 all right, but that is not going to happen
23 and hence I think we have already addressed
24 in many ways the sustainability.

25 I think we are going to be okay and

1 while Walker talks about it in Pittsburgh
2 they are not analogous as I discussed in my
3 report, and the other thing about OPS the
4 relationship with OPS and the independent
5 auditor will become immensely important.
6 That partnership will be the thing that takes
7 us into the future, the autonomous auditor to
8 be able to have, you know, access and
9 certainly a great working relationship with
10 OPS is going to be critical. The individual
11 to go down and say I want to see that report
12 and what came in on Friday and whatever else
13 they want to throw a dart at and want to look
14 at, has to happen. It has to happen in order
15 for us to be a board of directors or
16 something closer to what I described,
17 whatever we set up.

18 That relationship between OPS and
19 the auditor is going to be very critical.

20 MR. HALLION: Just on the leadership
21 front, sir, what I have seen in the last I
22 guess four to five years and took us a couple
23 years after the implementation of the decree
24 was to get to understanding it, it wasn't the
25 lower level troopers with the Staff

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1 Sergeants, Sergeants First Class that let's
2 say needed to be reminded of what leadership
3 mentorship direction is all about. Now we
4 have advanced and now we have any rank
5 promoted will even engage in executive
6 leadership class. We realize we have to do
7 this up the chain. We can't focus on the
8 lower level managers such as my group. We
9 have to make sure that this additional
10 schooling, whether it is a week or two weeks
11 of coming back to the Academy and just
12 refreshing yourself of what you need to do as
13 a supervisor to make sure that your people
14 will do what you ask not because they are
15 ordered to, but because they want to.
16 There's a concept that I find to be, you will
17 find a lot with the troops out there, they
18 will do something not because you ordered
19 them to do it, because you asked them to do it
20 and they embrace you, so again, the
21 leadership, executive leadership training is
22 essential all the way up the chain not for
23 the lower levels the higher levels as well.

24 CHAIRMAN JOHNSON: Then I want to
25 follow-up on the Attorney General's question.

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1 The issue of oversight I am looking forward
2 as well to your response on the nuts and
3 bolts of the oversight but the one question
4 that I have relates to the Attorney General's
5 Office. The Attorney General has a broad
6 span of control as we all know and the
7 question in my mind is what sort of staffing
8 support do you envision with the Attorney
9 General should the Office of State Police
10 Affairs not exist in its current form?

11 MR. JONES: Clearly you need one
12 person who has the skill sets to identify the
13 tasks taking place now by the Troopers, when
14 I say the Troopers right up to the Captain,
15 until we turn in the reports, we write the
16 reports, review the tapes, this is our work
17 product essentially that is not going to
18 change. That Auditor is going to have a
19 talented experienced person in this area and
20 that relationship with the OPS and the
21 Attorney General and everything has to be
22 ensured. Other than that we have the
23 resources in-house to save a couple dollars,
24 we have people doing these jobs right now. If
25 the Attorney General has extra resources

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1 revenue, maybe wants to get a support staff
2 with the Auditor, it really wouldn't be
3 necessary. I am talking about housing
4 somebody right at Division Headquarters every
5 single day somebody shows up and whatever it
6 is based upon their decision and their
7 reporting issues, their current issues. There
8 were reports and concepts that are going to
9 have to be put forward, however they
10 prioritize their day it is going to be in and
11 not of, putting somebody in the chair, he has
12 to stop at a station. This person should be
13 in-house only because that is where the job
14 is getting done and they need that autonomy
15 and they are going to have the support of the
16 General. It is a simple cost saving concept
17 that would basically free up some of the
18 other people under the General's command to
19 do some of the other more progressive
20 educational instructional time projects or
21 concepts that we have.

22 CHAIRMAN JOHNSON: Thank you. We
23 are going to take a break now for fifteen
24 minutes.

25 (Recess.)

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1 CHAIRMAN JOHNSON: Back on the
2 record. What we are going to do next is we
3 will have a second round of questioning, the
4 time for each question is going to be shorter
5 and the committee members, if questions have
6 already been asked and answered you need not
7 feel the requirement to actually pose
8 additional questions. The Attorney General
9 indicated there will be follow-up questions
10 that we can and will send to you in writing.
11 We will start with Ms. Carroll at this time.

12 MS. CARROLL: I'd like to briefly,
13 you mentioned about the 800 number regarding
14 complaints and I wonder if you could describe
15 a little bit further as far as if you get a
16 complaint what steps are taken and what
17 procedures from there?

18 MR. FLYNN: Basically if it is a
19 phone complaint it goes directly on OPS on
20 that 800 number and they will take it and
21 write down the information and try and
22 contact the person to call back if they left
23 the forwarding number, but even if they did
24 not leave a forwarding number, OPS is charged
25 to look into the allegation no matter how

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1 frivolous it seems to be on its surface.
2 Once that is done what we call a 525 which is
3 the internal complaint will be drawn up and
4 they will assign that to someone on the unit
5 to look at it to see whether it merits a
6 full-blown internal investigation, maybe just
7 a follow-up phone call, maybe a call down to
8 the lieutenant to look at the tape if it is a
9 motor vehicle stop, and then get back to OPS
10 and advise them what is on the tape or as far
11 as to go as to maybe send the whole tape up
12 to OPS to review themselves to determine
13 whether there should be a full-blown internal
14 investigation, pretty much that is the
15 generation of phone complaints.

16 MS. CARROLL: Would you say it is a
17 successful campaign.

18 MR. FLYNN: Absolutely.

19 MS. CARROLL: And the public
20 response is?

21 MR. FLYNN: The public has an outlet
22 I think it is a great response for them. I
23 don't know whether a survey or follow-up
24 study has ever been done to see the useful
25 necessary of the 800 number and whether their

1 complaints are getting handled to their
2 satisfaction. Remember now that every
3 trooper carries with them a complaint form
4 and if they feel that the motorist is
5 unsatisfied they will give that form directly
6 to them while on the stop and if it failed to
7 be done then on review of the tape, then the
8 sergeant will get a hold of someone and offer
9 to send them with one or provide them with
10 one or take the information over the phone.

11 MR. HALLION: If I could, the flip
12 side is that 800 number also takes
13 compliments and we were vocal on that a year
14 ago to make sure that the public understood
15 that the troopers that were out there 12
16 hours providing assistance to motorists
17 whatever capacity, have the ability to call
18 in that compliment if they so choose.

19 MR. DAUBER: No additional
20 questions.

21 MR. DONOVAN: No additional
22 questions.

23 REV. FLOYD: Ditto.

24 MR. HARRIS: Yes, I do have a
25 question, on the issue of diversity, you most

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1 certainly encouraged groups to make
2 recommendations to you and the recruitment of
3 those groups into the force is the
4 responsibility of someone else. I want to
5 ask about your own organizations, what is
6 diversity on your Executive Committee on
7 African Americans, and I would like for each
8 one of you to answer that question.

9 MR. JONES: My structure is ten
10 elected officials, 75 stationed
11 representatives, there's all kinds of people.
12 Are you talking about the elected.

13 MR. HARRIS: The folks on your
14 Executive Committee who make the major
15 decision for your organization, how many
16 African Americans are on your Executive
17 Committee of your organization?

18 MR. JONES: Currently none.

19 MR. HALLION: I have one.

20 MR. FLYNN: I have a five board
21 member elected by the membership and
22 presently we have none, we have had members
23 in the past.

24 MR. HARRIS: Do you think that
25 might influence the way other minorities may

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1 view your organization, the fact that there
2 is an absence of African Americans on the
3 Executive Committee?

4 MR. JONES: Certainly I cry like a
5 baby when some of my more qualified African
6 Americans on the boards move along, because
7 population alone have a difficult problem if
8 you only constitute 14 percent of the outfit
9 there's not just that many African Americans
10 out there with enough time, that are going to
11 engage in the group. I made an effort, 15
12 years ago to bring in the first African
13 American out to our board, Woody Clay the
14 midnight partner in Newark at the time, going
15 back 15, 16 years ago. I identified exactly
16 what you were talking about, I would love to
17 have more members involved. There's a
18 paucity of overall numbers on top of which
19 regular, now that things are good, the checks
20 are clearing and we are kind of doing better,
21 regular interaction in this job is a
22 sacrifice. I have turned down six promotions
23 in the last seven or eight years to be where
24 I am nuts and my wife when she writes a check
25 and wants to make sure it doesn't bounce

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1 thinks I am nuts too. Something I identify
2 with and absolutely concur "more is better"
3 and I cringe when I do lose women or men of
4 diversity but it is something where the door
5 is always open, we embrace it.

6 I actually have, and you can talk
7 to people recruiting, I have all the forms
8 and all of the recruiting things in my Union
9 office that we hand out and give out and try
10 to get people, especially a diverse members
11 of society into our group, we are very
12 proactive in that area. My first Vice
13 President is Puerto Rican. I have other
14 Hispanics, but no African Americans at this
15 time.

16 MR. HARRIS: Then the testimony
17 that you gave, do you think that your views
18 today reflect the views of the African
19 Americans and the other minorities in the
20 organization?

21 MR. HALLION: Yes, sir and I will
22 say this because I have had conversations
23 with minority members with the Sergeants,
24 within the Sergeants group and when we get
25 together and we talk about some of the things

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1 that we do or we need to do to enact change,
2 progressive change, it is not a black/white
3 issue, it is a trooper, it is a sergeant
4 issue, it is something, an organizational
5 issue I should say. So those barriers are
6 not there, believe me, and I encourage
7 Sergeant Jeff Shaw, my African American
8 officer to go out and try to speak to other
9 minority members about coming on board and we
10 certainly encourage them to attend the
11 meetings and I know because I am at every
12 meeting that we have a strong presence there
13 although they may not be reflected on the
14 board they do come out and they do share with
15 us and they do interact.

16 MR. JONES: To get to the heart of
17 your question, if it is an idea that we are
18 not doing the bidding of certain members of
19 my group
20 because they are not represented at the
21 executive level. I get that across the board
22 on a regular basis from everyone. So if you
23 have 2000 people there are going to be two
24 thought positions as to what I am doing well
25 and not doing well, and we deal with it by

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1 measuring the simple majority and as long as
2 the troops will have them I am here and do
3 everything I can to ensure that everybody is
4 treated equally, and like I said every single
5 time we have a list and say hey we have an
6 opportunity in a management position to
7 promote something and I get the flip side of
8 it, I get guys saying why aren't you
9 defending me, as a white male in my
10 promotional spots. It is a damned if you do,
11 damned if you don't. I would think that
12 all people; white, black, Hispanic think that
13 we are doing a pretty good job but there are
14 always going to be people who sit in their
15 chair and say I am not profiting, I am not
16 being moved along, I am not being recognized
17 as quickly as I can. Why isn't my union
18 doing more for me? I get that across the
19 board sir.

20 MR. HARRIS: I want to say this, I
21 realize that it is very difficult to please
22 everyone but what I am concerned about is
23 where it's disproportionate.
24 In other words, if people disagree, if
25 10 percent of the people disagree then it

1 should be 10 percent of all of the people
2 disagreeing. Where you get 50 percent of one
3 group disagreeing and only 10 percent of
4 another group that means that there's some
5 type of imbalancing. The only reason I am
6 raising this question is because the issue of
7 public safety is critical in the state, but
8 the issue of fair treatment is not
9 proportionately shared in the State of New
10 Jersey and as a member of this commission I
11 think we really need to look at how do we get
12 to that and what type of monitoring, and who
13 should play the role and responsibility and
14 who carries the primary responsibility. In my
15 mind it is the responsibility of the State
16 Government and it is very important to move
17 the confidence level so it is an even perception
18 in reality. In both of your reports you talk
19 about the overwhelming perception of the
20 public that the State Police is doing a great
21 job and a lot of the issues have disappeared.
22 I am not so sure that there is a shared
23 balance of that perception and I really would
24 like to believe that we are on our way to
25 getting that and I do want to commend the

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1 reports that were made to us by the monitors
2 but I am trying to get from you what do you
3 think would ensure that disproportionate
4 perception of the State Police not being fair
5 will be moved forward and what role your
6 organization in particular, can play in
7 getting that done?

8 MR. JONES: I always try to explain,
9 I have about 2000 guys and about 1800 of them
10 go to work every day and do a great job and
11 they never call the Union and are never in
12 trouble and get along great with their bosses
13 and very few issues and expect me to go out
14 and negotiate a fair day's pay for a fair day's
15 work. And I have a couple hundred guys who I
16 deal with, some are problematic, some are
17 unfortunate and I think what you are saying
18 is that, I look at what is going on in Asbury
19 Park and listen to the leaders and I have
20 been to Asbury Park many times and I hear
21 what they are saying, they are saying bring
22 in the State Police and this conflicts with
23 what you are saying. The Colonel came to the
24 first hearing and he sat down and he said the
25 first thing he was hit with at the

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1 Irvington town meeting was you guys aren't
2 leaving, are you? I was up in Irvington at a
3 shooting issue and the people on the streets
4 were begging us to stay, going out of their
5 way to walk up, are you with the State
6 Police, are you with the Task Force? Do you
7 work out of the place with the bus station
8 and they thanked us. So the mindset of the
9 person who was truly aggrieved, treated
10 disparately; is going to take a lot of time
11 to change that, a lot of prayer, a lot of
12 open-mindedness and not everybody has that
13 but what is taking place in these
14 communities; Camden fears us, Irvington fears
15 us leaving, we are asked in all these areas,
16 and I know what the conversation was with all
17 of the people I dealt with in the town, I
18 think that there is a lot of slowly getting
19 back to the center with the issue of mistrust
20 just like I deal with 200 people all the time
21 and I don't hear what the other 1800 are
22 saying and they are kind enough, paying their
23 dues and not talking about an issue. I think
24 very much in your line of work it is kind of
25 the same, that the people that come to you

1 truly feel aggrieved and truly feel treated
2 differently but you are probably not hearing
3 from a thousand people saying Camden, Trenton
4 Newark cease fire with the AG's Office, we
5 are glad to have a State Police here, we
6 welcome them and partner with them.

7 Unfortunately in our line of work
8 like police work in general, you are only
9 dealing with the majority of negative
10 interactions.

11 MR. RAMPERT: I believe that all of
12 you gentlemen agree that there should be some
13 type of voluntary monitoring and after a
14 period of time let's say a couple years after
15 a fall-off would you agree to going back under
16 Consent Decree?

17 MR. JONES: I have never used the
18 word voluntary. I think it should be
19 institutional, memorialized, statutory
20 codification, Attorney General, SOP however
21 you want to do it, that should be a permit
22 and for every part of the State Police that's
23 what I would suggest. I don't think there
24 should be anything voluntary about it. I
25 think that should be a now and forever person

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1 within the State Police like our reforms in
2 OPS and all these other things. I don't want
3 to speak to the other two parties but I don't
4 think anybody from my side is advocating any
5 sort of voluntary, we will see what happens
6 down the road type of things. These are
7 permanent mandatory and etched in cement,
8 etched in stone, reforms that have to
9 continue to be monitored.

10 MR. FLYNN: The whole purpose of
11 what we have been through is to constantly
12 learn, constantly tweak and constantly
13 correct and if that is not working then damn
14 right we better go back to something. We can't
15 afford to lose the confidence and the good
16 will we have garnered so far.

17 The whole idea to becoming a
18 learning organization and to have an auditor
19 is to embrace the concept of some type of
20 oversight that keeps us from ever going back
21 to where we were.

22 MR. SKLAR: No questions.

23 MS. YANG: No questions.

24 CHAIRMAN JOHNSON: We have been
25 joined by the Chief of Staff to the Attorney

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1 General.

2 MS. GORDON: No questions.

3 CHAIRMAN JOHNSON: Any additional
4 questions that the panelists have, that are
5 not here, we will send to you and we really
6 appreciate the time that you spent with us
7 today, we understand that there will be an
8 ongoing dialogue between and among all of us
9 but we thank you for your presence at this
10 hearing. Thank you thank you.

11 MR. JONES: Thank all of you.

12 CHAIRMAN JOHNSON: I would like the
13 next panel to step forward, they are the New
14 Jersey Chapter of the National Organization
15 of Black Law Enforcement Executives, NOBLE.
16 We will have both Jiles Ship, who is the
17 President of the Northern New Jersey Chapter
18 of NOBLE and we have the testimony of Deputy
19 Chief Brian Morris, the vice president of the
20 Northern New Jersey Chapter of National
21 Organization of Black Law Enforcement. We
22 will have a short opening statement and then
23 we will to go questions from the panel.

24 MR. MORRIS: First of all
25 Mr. Chairman I'd like to thank you and

1 this distinguished panel for allowing us the
2 opportunity to make a presentation here this
3 evening.

4 My name is Brian Morris and I
5 represent NOBLE, the National organization of
6 Black Law Enforcement Executives. NOBLE was
7 formed in 1976 by a number of African
8 American Police Executives in response to
9 increasing crime and violence rates created
10 in communities of color.

11 As black law enforcement we knew
12 then what is true today, the police can only
13 be effective crime fighters when they have
14 strong community support. Today, NOBLE
15 represents over 4,500 law enforcement
16 executives in 59 chapters across the United
17 States, most of them are police chiefs,
18 executives in local, county, state and
19 federal law enforcement agencies. NOBLE has
20 taken the lead in addressing many issues of
21 mutual police and community concerns such as
22 the use of force, minority recruitment,
23 police hiring practices, teaching youth to
24 survive, effective police contacts and the
25 issue that brings us here today.

1 In 2001 NOBLE published its report
2 on racial profiling and developed a training
3 course that has since been provided to
4 thousands of law enforcement officers
5 throughout the country. Think about it, our
6 members possessing, possess a most unique
7 perspective with regard to racial profiling:

8 1) We are minorities and have
9 members that have been victims of racial
10 profiling.

11 2) We are police officers and have
12 been acculturated, trained and directed to
13 engage in racial profiling.

14 3) We are police chiefs and
15 executives which means we are responsible for
16 implementing strategies to prevent racial
17 profiling.

18 This perspective is necessary to
19 temper and balance what are quite often two
20 extreme sides of the racial profiling
21 debates, those who say that racial profiling
22 exists and those who deny that it does.

23 The issue, however, is much more
24 complex than either of those two extremes. So
25 as you can imagine we are somewhat surprised

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1 and very disappointed that a NOBLE member was
2 not appointed to this Commission,
3 notwithstanding that, we commend Governor Corzine
4 on his decision to convene this panel. To lift
5 the Consent Decree without an independent
6 comprehensive review by those not involved in
7 the Consent Decree would give cause for great
8 public concern and would tarnish the efforts
9 of the State Police over the past several
10 years. After all the Consent Decree between
11 the United States Department of Justice and
12 New Jersey State Police was born from a
13 public outcry denouncing racial profiling by
14 the State Police. It will therefore take an
15 equal level of community support to truly end
16 the Consent Decree or the perceived need for
17 it.

18 It would be unfair not to
19 acknowledge the accomplishments of the State
20 Police, the Department of Justice, the
21 Monitors and the Attorney General's Office of
22 State Police Affairs under the direction of
23 Deputy Attorney General Jackson, in complying
24 with the Consent Decree.

25 Much improvement has been made,

1 however, our concern is not limited to
2 technical compliance with the Consent Decree.
3 We do not believe that this is the only
4 gauge. The real core issue is change. The
5 real gauge is community satisfaction.

6 As you evaluate the State Police
7 your review must therefore delve deep into
8 the heart and soul of the organization to
9 identify if there have been real changes in
10 the culture of the State Police and its
11 operating systems. For example, what steps
12 have the State Police taken or recommended to
13 continue independent monitoring of its
14 activities? The answer to this question will
15 be extremely revealing. If the goal of the
16 State Police is to simply end the Consent
17 Decree and the oversight it provides, the
18 community must ask why the organization would
19 oppose oversight. Has the State police
20 recommended continued data collection and
21 analysis? The State Police wants to end data
22 collection. This will suggest the culture
23 remains the same.

24 If they continue the data
25 collection and analysis have they identified

1 how it will be incorporated into the core
2 operational systems of the organization?
3 Has the State Police changed its attitude and
4 actions with regard to community complaints?
5 Are all complaints embraced, investigated and
6 adjudicated in a timely manner? The answer to
7 these questions, you may need to review- to
8 answer these questions, You may need to know,
9 to review an actual internal investigation
10 and talk to complainants. This panel must
11 take a hard look at the Department's early
12 intervention system: how it was implemented,
13 what type of intervention is provided, has it
14 been effective.

15 To better answer these questions
16 you must review the files of officers who
17 have been disciplined or terminated over the
18 past three years to determine whether there
19 were clear warning signals that should have
20 been identified by management. Do these
21 warning signals exist in centers that
22 continue to patrol and police our state
23 today? You must talk to the officers to
24 ascertain their true understanding of racial
25 profiling and identify if they truly believe

1 it to be wrong or are they just doing what is
2 necessary to comply with the tenants of the
3 Consent Decree? You must also talk to the
4 unions and review the types of grievances
5 filed over the past few years. In other
6 words, are they, meaning the unit, fighting
7 change in protecting officers to the extent
8 it prevents accountability, or have they
9 embraced the reforms and partnered with
10 management to better serve the people.

11 You must talk with crime victims
12 and crime suspects to evaluate their
13 treatment. Most of all you must review the
14 core operating systems to ensure that the
15 State Police have implemented industry best
16 practices.

17 You must also identify what efforts
18 beyond those outlined in the Consent Decree
19 the State Police have taken to improve police
20 minority community relations. Has the
21 diversity of the State Police at all levels
22 of the department improved? If not, why?
23 If it has, what steps will the State police
24 take to ensure these measures continue? What
25 assurances does the community have that the

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1 efforts and gains over the past seven years
2 will not be lost over the next seven years or
3 even the next year?

4 State Police, Superintendents and
5 Governors come and go, but the need for the
6 State Police to maintain good community
7 relations and accountability remains
8 constant. The fact that so many want to
9 extend the Consent Decree even in light of
10 the accomplishments the State Police have had
11 serves as an outcry for continued change.

12 It is not necessarily a cry for the
13 past or even a cry for the present, it is a
14 cry for the future. The Consent Decree has
15 given many minorities hope and the State
16 Police a second chance to garner their
17 support and their confidence, however, a
18 second chance is not a new opportunity to
19 repeat the mistakes of the past.

20 This Commission must provide
21 recommendations to prevent the mistakes of
22 the past that not only impact the State
23 Police but the entire law enforcement
24 profession.

25 We ask that you keep this in mind

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1 when formulating your decisions and
2 recommendations. Place politics, personal
3 agendas and friendships to the side, and
4 provide recommendations that will reinforce
5 effective, ethical policing, and serve as a
6 model for at all police agencies to follow
7 now and in the future, thank you.

8 CHAIRMAN JOHNSON: Thank you
9 Mr. Marks. What we will try to do is since
10 there's only two witnesses on the panel one
11 is giving a statement but I understand
12 Mr. Ship you will be available to answer
13 questions as well, we will have, try to keep
14 it to four to five minutes per panelist, Ms.
15 Carroll.

16 MS. CARROLL: Good evening, thank
17 you. I'd like to know how you feel or what
18 entity do you believe will have an
19 independent review for the State Police if
20 they are released from the Consent Decree?

21 MR. MORRIS: Independent entity?

22 MS. CARROLL: Yes. Who do you
23 feel best to serve all communities, to serve
24 in that position ?

25 MR. MORRIS: I believe that the

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1 current entity that watches the State Police
2 conduct under the Office of the Attorney
3 General would be the appropriate entity and
4 that being said, over the last several
5 years of the Consent Decree, there has been
6 significant progress, I stand firm with that,
7 however that did come as a result of strict
8 monitoring by an agency under the Office of
9 the Attorney General and I believe that's
10 where it should be.

11 MS. CARROLL: Do you believe in
12 a monitor versus an auditor and which do you
13 feel would best serve.

14 MR. MORRIS: I guess right now I
15 believe a monitor. The past has had good
16 results and I believe that continuing in that
17 vein at this particular time would be
18 appropriate, so I do opt for the monitor.

19 MS. CARROLL: Thank you.

20 CHAIRMAN JOHNSON: Mr. Dauber.

21 MR. DAUBER: Have you had input
22 from your members who are part of New Jersey
23 State Police as to whether they share the
24 view that it would be important for the
25 monitoring effort under the decree to come to

1 an end at this point?

2 MR. SHIP: Well just to answer that
3 question, I am going to have to answer it as
4 simple as possible. Obviously we have some
5 members of our organization who are members
6 of the New Jersey State Police and other
7 State Police agencies throughout the United
8 States and certain members of the State
9 Police have concerns about the Consent Decree
10 being lifted and the Office of State Police
11 Affairs.

12 We don't necessarily share that
13 same perspective. The Office of State
14 Police Affairs is a very vital entity, the
15 Consent Decree if lifted -- if lifted we
16 should also look at models that are used
17 throughout other states and throughout the
18 nation.

19 People who should be a part of
20 whatever type of committee that is going to
21 be performed should be representatives from
22 the International Association of Chiefs of
23 Police, also NOBLE, the police foundation,
24 police education and research forum and
25 persons of that caliber, in addition to law

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1 enforcement personnel, because to really
2 evaluate something effectively you have to
3 have a certain breadth of experience in that
4 arena.

5 MR. DAUBER: How active and how
6 frequent would you see the involvement of the
7 kind of people you just described in the
8 evaluation process?

9 MR. SHIP: I would say quarterly,
10 and report back to the Attorney General's
11 Office and have it further analyzed and
12 evaluated from that point.

13 MR. DAUBER: Thank you.

14 MR. DONOVAN: As I understand you both
15 represent NOBLE in New Jersey or NOBLE
16 nationally.

17 MR. SHIP: NOBLE New Jersey.

18 MR. DONOVAN: I am going to assume
19 that you do have members of the New Jersey
20 State Police who are NOBLE members ?

21 MR. SHIP: Yes.

22 MR. DONOVAN: Do you regularly get
23 feedback from them about the status of law
24 enforcement and how the State Police are
25 doing in progress.

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1 MR. SHIP: We went further than that.
2 We have a great relationship with Colonel
3 Fuentes, he came to our meetings before when we
4 had monthly meetings, he made a presentation
5 with respect to some of the improvements that
6 the State Police are making and we also had
7 Colonel Rogers appear at one of our recent
8 meetings and share with us some of the
9 improvements that the State Police are making
10 and we commended them on that and in law
11 enforcement there's continual change and
12 there is a need for continual review; you
13 know, we really support that and make every
14 effort to work with them on that behalf but
15 those individuals, those individual groups
16 that I mentioned before are part of a
17 national consortium and ACALEA is another
18 group that basically monitors law enforcement
19 agencies and makes reviews and
20 recommendations as well, so this is something
21 that couldn't, in our opinion, couldn't
22 really be answered today because we have at
23 this point limited information with respect
24 to specific systems that have been put in
25 place to ensure that the standards stay at

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1 the level they are today.

2 MR. DONOVAN: Clearly the members
3 of the State Police who were members of your
4 organization have seen the changes. Can you
5 get feedback from those members to give, from
6 their point of view, what progress the
7 State Police has made? We heard from the
8 Unions, we heard from the Superintendent who
9 clearly talked about great progress. It
10 would be very nice to hear from those
11 Troopers within the State Police who are
12 NOBLE members and are more part of this process how
13 they see the progress going forward. Would
14 their view be different than your view?

15 MR. SHIP: Best way to answer that,
16 there are varied views; some who say that
17 there's great progress being made and others
18 say that progress is very slow. That's the
19 best way I can answer that for you now.

20 MR. DONOVAN: Just a question on
21 point number two in your prepared statement.
22 We are cops which means we have been trained
23 to engage in racial profiling; can you
24 explain that?

25 MR. MORRIS: Actually there was a

1 change in that.

2 MR. DONOVAN: Page 1, paragraph
3 three.

4 MR. MORRIS: In my statement I
5 stated that we are police officers and we
6 have been acculturated and trained to engage
7 in racial profiling. To explain that over
8 the years law enforcement has tried to find
9 ways to one better the criminal element, and
10 sometimes these methods are not necessarily
11 constitutionally sound until they are tried
12 in a Court of Law, by the courts. So we have
13 been trained and we have been given orders
14 that have been, in the past, unacceptable to
15 the courts in the long term, however, and also as
16 far as the acculturation, we are a group of
17 people that are of ourselves, I think, I
18 believe very strongly that law enforcement
19 has to change that methodology, that thinking and
20 thought process.

21 We have to put ourselves back into
22 the community and in a very strong way.
23 Have the State Police done that in the recent
24 past? Yes, they have discussed earlier the
25 Camden project, the Irvington project, the

1 Operation Cease Fire that is going on in
2 Newark. Are they wanted? Yes, most
3 definitely. Are we also in full compliance
4 with the laws and the responsibilities that
5 we have as police officers? We try to walk
6 that gray line as best we can in order to
7 keep the community safe, but it's true that
8 we don't always operate completely within the
9 guidelines that are directed by the Attorney
10 General or by Federal or State Law.

11 MR. DONOVAN: You would agree with
12 the State Police presentation that through
13 education and training of their Troopers they
14 have been able to overcome that comment where
15 acculturally they were trained in a certain
16 line of operation but they have overcome that
17 through education? I don't have a lot of the
18 data that tells me about what happened as far
19 as what they did to satisfy the Consent
20 Decree and what training opportunities they
21 presented to their Troopers, however, I am
22 sure their presentation did give it, I
23 unfortunately wasn't here during that period,
24 but can training eliminate that? Yes, but
25 also, you know, it is not just training, it

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1 is not a robotic situation, it is a situation
2 where you have to, the trooper or the person
3 has to take it to heart.

4 An alcoholic is never cured of
5 alcoholism until they themselves believe they
6 that they don't want to be an alcoholic
7 anymore.

8 MR. DONOVAN: Is NOBLE's position
9 lifting the decree from the New Jersey State
10 Police?

11 MR. SHIP: We are still in the
12 process of reviewing that. We were invited
13 by the State Police to review the MAPPS
14 system, so at this point we don't have a
15 formulated position, but we will have one and
16 make a recommendation back to the committee
17 at a later date.

18 MR. DONOVAN: And you will include a
19 survey of your members who are also New
20 Jersey State Troopers.

21 MR. SHIP: Absolutely.

22 REV. FLOYD: Good evening
23 gentlemen, good to see you here tonight. That
24 last question by Mr. Donovan was really my
25 last question, not to rehash but that is exactly

1 what I wanted to get to. We had the
2 presentation by the State Troopers' Union and
3 their position is that the Consent Decree
4 should be lifted because the Troopers have
5 complied with it and not just their position, of
6 course we had documentation. So I want to
7 know also what is your position, but I will
8 ask another question then. This will go to
9 Mr. Morris.

10 I understand that you are the
11 Deputy Chief in Newark.

12 MR. MORRIS: Actually Deputy Chief
13 retired effective about 20 days ago.

14 REV. FLOYD: Some of the mechanisms
15 that were put in place because of the Consent
16 Decree with the Troopers, how do you feel
17 about some of the mechanism being employed to
18 urban police situations? Do you feel that it
19 would be effective to address some of the
20 concerns like the MAPP system applied to
21 Newark and video in the cars?

22 MR. MORRIS: I think those are all
23 credible methods in order to ensure
24 compliance. The internal affairs situation,
25 for instance, the monitoring of police

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1 officers, there has to be -- I have to get my
2 thought here. There has to be a strong
3 element involved where there is a strong
4 monitoring process that is involved. Let me
5 see if I can qualify that.

6 In the Newark Police Department any
7 complaint that comes in, for example, no
8 matter how unfounded it may sound in its
9 initial complaint still is investigated
10 thoroughly, and an answer is responded.

11 The only time that is circumvented
12 is when the chief executive or the chief
13 operating officer negate that. There has to
14 be, the process goes all the way to the top,
15 literally on almost every complaint received
16 by the department. We investigate everything.
17 We want to know that our offices are
18 compliant. We want to know that they are
19 professional. We want to know that they
20 maintain dignity and the dignity of the
21 people that they serve. We want to know
22 that if there is corruption -- and we accept
23 that there is corruption okay, because any
24 agency that doesn't accept it, that
25 corruption exists is just ignoring it -- but we

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1 want to ensure that all of those things
2 exist, okay, and that there's a review by
3 the Department and no complaint goes
4 unanswered and uninvestigated.

5 REV. FLOYD: Let me try to clarify
6 my question, for example, as far as I
7 understand with many of the operating
8 procedures that the State Troopers have to go
9 through, making sure that the camera is
10 working and audio and having to identify the
11 race of the occupant of the car, all of those
12 steps and then they have to be reviewed by
13 tapes, do you think that if the police officers
14 in Newark had to go through all of that, how
15 do you think that would be received?

16 MR. MORRIS: Actually we have
17 recently developed a policy and it is going
18 to implement it relatively soon, going
19 exactly in that direction because we are
20 going to the system, we encourage that, that
21 is a good thing, it is protective of the
22 police officer and his conduct and it is also
23 protective of the individual and their
24 constitutional protections. So it is good
25 all around for everyone.

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1 MR. HARRIS: I want to thank you
2 for being here this evening. Couple things,
3 Mr. Morris, you have been with the Newark
4 Police Department or were with the Newark
5 Department how many years?

6 MR. MORRIS: 25 years.

7 MR. HARRIS: You have seen some
8 directors come and go.

9 MR. MORRIS: Absolutely.

10 MR. HARRIS: What is the impact of
11 the director on the culture of the Police
12 Department?

13 MR. MORRIS: I think that directives
14 are, they have their value.

15 MR. HARRIS: Not directives,
16 directors?

17 MR. MORRIS: Directors, okay.

18 MR. HARRIS: What we have heard is
19 that leadership at the top of the
20 organization may be a critical aspect of how
21 embedded things remain or how things might
22 fall apart.

23 MR. MORRIS: I believe absolutely
24 that to be true. The strengths and character
25 of the leadership is the motivating force and

1 I think by sheer force of will sometimes and
2 force of character, the leadership of the
3 organization is the driving force and gives
4 the direction of the organization and goes
5 right from the top right down to the Deputy
6 Chiefs in my organization. Captains right
7 down through to the troops. It is that
8 force and that person's belief that he is
9 doing what's right for the organization which
10 drives good policing in my estimation.

11 MR. HARRIS: In your opinion, what
12 impact do you think the diversity of the
13 police force has on the perception and
14 confidence of people in the communities?

15 MR. MORRIS: I think diversity has
16 a lot on perception, it may not have impact on
17 the operations but on the perception of the
18 community. I think people when they see
19 people who look like them policing them,
20 there may be a little bit of comfort involved
21 there.

22 Still people of color would look
23 and say well, it's still the State, it's
24 still the institution, it is still the police
25 and there's a certain amount of respect maybe

1 even apprehension that may go along with that
2 marriage, if you will. But does diversity
3 in organization help? I believe absolutely
4 so. I think the things that I bring along as
5 Brian Morris to the police Department,
6 absolutely had a significant impact on the
7 direction of the Newark Police Department
8 over the last 25 years.

9 I have had the opportunity to
10 instill my values in the organization over
11 the years and I think it's done significant
12 good for the overall organization and me
13 having the opportunity to operate in the
14 higher echelons of the department is no
15 different than younger people and people who
16 do not have the rank or the position. They
17 still can implement their values, and if they
18 have good value sets, I think you are going
19 to have good policing.

20 MR. HARRIS: There's been some --
21 I'm sorry.

22 MR. SHIP: I was going to answer,
23 that it is quite frankly smart policing that
24 builds trust in the communities that you
25 serve.

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1 MR. HARRIS: You have heard the
2 State Police Associations indicate that in
3 the issue of Newark, Irvington and Camden,
4 that the community has embraced and appreciated
5 the State police and I am wondering if that
6 is a factor of wanting anybody who can stop
7 the crime, particularly the killing, in those
8 cities. Is that a factor of that or is that a
9 factor of believing that the State Police has
10 changed their culture and is doing, has
11 really made a turn around? For the perception
12 of the majority of people in the African
13 American community, which do you think
14 applies?

15 MR. MORRIS: I think that these
16 cities are financially stressed cities. That
17 their tax base are leaving managers in
18 difficult positions regarding public safety
19 and they are doing whatever is possible and
20 necessary in order to effect good policing in
21 their communities.

22 The State Police stepped up on the
23 plate and became a part of the law
24 enforcement mission in those communities,
25 however, I firmly believe that if they didn't

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1 have the budgetary situations that they found
2 themselves in, the tax base situation that
3 they found themselves in, in the cities, that
4 may not be necessarily a reality.

5 MR. HUERTAS: I am going to step
6 back to the last page before I ask my
7 questions. I am going to frame them in the
8 context of your own words, "Place politics
9 and personal agendas to the side." Which is
10 what I am going to do. Couple questions you
11 define perception versus operational. In
12 other words, perception of whether it is a
13 black or minority officer versus the actual
14 officer or how that officer performs his job.
15 Do you find that a community wants an officer
16 that is a minority officer but also who is a
17 responsible or good officer or do they care
18 either way as long as it is a good officer
19 that is doing the job?

20 MR. MORRIS: I believe that the
21 community wants a good officer doing the job.
22 Do they want to see the people in their
23 community reflected there, doing
24 the job? Yes, absolutely so and like Mr. Ship
25 said it is good sound thinking when you do

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1 policing, having adequate representation of
2 people in these communities to effectuate
3 police.

4 MR. HUERTAS: I agree with you 100
5 percent and that is my next question. Is it
6 NOBLE that did this racial profiling hand-out?

7 MR. SHIP: Training program.

8 MR. HUERTAS: Is that program, was
9 that extended to the Attorney General's
10 Office in the State of New Jersey? Is it
11 utilized within the State of New Jersey?

12 MR. SHIP: Not utilized within the
13 State of New Jersey but other states
14 throughout the United States and we can
15 provide a copy to the Committee if you want.

16 MR. HUERTAS: This is 2001 I see.
17 The second question is has NOBLE reached out, I
18 gather from your testimony that you are not
19 too familiar with the internal mechanism that
20 the State Police has put in place within the,
21 since the Consent Decree has been in place.

22 Has NOBLE reached out at any time
23 to reach out or gather input with the State
24 Police to have conversation with them at an
25 early stage, to get input in terms of

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1 community or in terms of any other
2 improvements; training, perceptions,
3 leadership?

4 MR. SHIP: Sure we have reached out
5 on various occasions and you know as well as I
6 do, there has been a lot of changes within
7 the last four years within the State of New
8 Jersey and the State Police, but we have
9 reached out to very different
10 superintendents, Colonel Fuentes as being one
11 and obviously the direction from him, the
12 direction that he has to go forward with us
13 is the direction that comes from the Attorney
14 General's Office. We have reached out there
15 also but also we don't feel that we have been
16 embraced enough as we should be with the
17 expertise that we bring to the table.

18 MR. HUERTAS: Attorney General's
19 Office, Superintendent or both?

20 MR. SHIP: A little bit of both
21 but obviously as I stated earlier, the
22 Superintendent has to follow the directions
23 of the Attorney General.

24 MR. HUERTAS: My last question is,
25 I guess Mr. Dauber and Rev. Floyd stole my

1 question earlier, I am going to make this
2 half a question. Do you think that the
3 collection of data, I notice that Mr. Morris
4 you said that Newark is just now assembling
5 some of the data collected by the State
6 Police in the five or six years in terms of
7 information, race; do you believe that those
8 same principles, the selection of data along
9 the same lines that the State police is
10 collecting now and using as the basis, do you
11 believe that same principle or those same
12 guidelines should be applied to local law
13 enforcement agencies throughout the State in
14 order to have a better idea of what is going
15 on in those 400 other municipalities? Has
16 NOBLE considered that?

17 MR. SHIP: Absolutely. As a matter
18 of fact I don't know the status of it now, but the
19 Union County prosecutor - Union County I am a
20 former director also in the City of
21 Plainfield - and he has directed police
22 departments to collect that data. I don't
23 know - I am going back to when the racial
24 profiling issue first became as prominent as
25 it is in the State of New Jersey. The whole

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1 question of profiling or police conduct is
2 not unique to the State Police, it is a
3 problem that is not unique to New Jersey, it
4 is a phenomenon not only in United States, it
5 is world wide and in order to police
6 effectively, we have to have the trust of our
7 citizenry and that is one of the better ways
8 to analyze the policing and the data that is
9 collected. So managers, directors or
10 superintendents or authorities can make sure
11 that we are providing the best police service
12 available.

13 MR. RAMBERT: Thank you for coming
14 this evening, we appreciate your testimony.
15 Given that New Jersey is probably one of the
16 most densely populated states in the
17 country, given that fact, there have been – the
18 term best practices has been used quite a bit
19 by the state police as well as yourself – are
20 you aware of any states that have a
21 monitoring system that is not on the Consent
22 Decree that's been successful?

23 MR. SHIP: Not one that I have
24 reviewed extensively. I believe Louisiana
25 had some issues similar to New Jersey with

1 respect to diversity, and they, their numbers
2 have increased with, as I said, I didn't
3 review all of the processes, just reading,
4 some things all actually from their website,
5 different, best practices that they put in
6 place have improved not only diversity, but
7 confidence from the citizens in the State of
8 Louisiana.

9 MR. SKLAR: Thank you. Good
10 evening Chief. Thank you for your testimony.
11 Just a bit of a brief response to Mr. Ship's
12 comments. Union County does still collect
13 data. As a matter of fact every stop that
14 has a complaint is reviewed by the Prosecutor's
15 Office similar to what they do by the State
16 Police; Ocean County, Burlington and Camden
17 have for the past five years and hopefully in
18 the next hearing we will get more policing of
19 what they have done.

20 You mentioned a new process
21 implemented in Newark or about to be
22 implemented. Prior to that, did your
23 Department engage in any of the systems or
24 processes that address the same issues the
25 State Police have been addressing.

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1 MR. MORRIS: Sure we did, we have
2 gone back several years ago, probably back in
3 the late 90's, part of the Police Foundation
4 of Washington and developed a program that
5 monitored police officers. That was the RAMS
6 Program and what it did was gave us early
7 warning indications of different types of
8 conduct, whether it be corruption, whether it
9 be different types of problems that an
10 officer may behaving that may be identified
11 early on and maybe we can take corrective
12 action to deal with those problems and/or
13 take punitive action against the officer if
14 it found that the problem was actually
15 developing beyond the Offices of Internal
16 Control, so when it came time what we would
17 do is we would definitely look at police
18 officers to ensure that when any criminal conduct
19 would come up these flags would come up as a
20 result of that, and I think that's one of the
21 programs that was implemented long before
22 this.

23 MR. SKLAR: The new programs you
24 initiated over and above that?

25 MR. MORRIS: Yes, actually another

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1 program that they developed with another
2 concern the name of the organization escapes
3 me now, it is an updated version if you will,
4 of the RAMS program.

5 MR. SKLAR: Mr. Ship you mentioned
6 the IACP, NOBLE, PERF, the Police Foundation
7 the four entities in regard to the State
8 Police, do you have monitoring --

9 MR. SHIP: As I said we are going
10 to prepare a statement to come back with the
11 specific recommendations. Those are part of
12 the National Consortium. As you know, those
13 are the most respected law enforcement or
14 respected associations throughout the United
15 States by all levels of law enforcement.

16 MR. SKLAR: I know there was
17 published a handbook, Racially Biased Policing,
18 making serious recommendations, some of which
19 have been acted on by the State Police, but they have
20 given a lot of serious thought and have
21 written extensively on that topic. Thank
22 you.

23 MS. YANG: Thank you Mr. Chairman
24 and thank you Deputy Chief Morris and Mr.
25 Ship for testifying this evening. In my

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1 organization there are no Deputy Chiefs. In
2 the Newark Police Department there are four
3 Black Captains in the Department, three of
4 which are female and the numbers, if you look
5 at them going down the scale are similar,
6 why?

7 MR. MORRIS: There's a number of
8 reasons why I am sure, however, promotion,
9 even through civil service and through the
10 testing process has eliminated a number of
11 candidates that might have been good
12 candidates up for promotion but it just didn't
13 happen for them.

14 MS. YANG: Since entry of the
15 Consent Decree have police officers and
16 Troopers been directed to attend culture
17 sensitivity training programs? Are you aware
18 of that? Are the local police officers and
19 troopers since the entry of Consent Decree,
20 have they been asked to attend culture
21 sensitivity training programs in response the
22 Consent Decree?

23 MR. MORRIS: I don't know about the
24 State Police but in our agency we do have
25 cultural programs it teach us how people use

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1 their communicative skills as well as other
2 skills they may have learned at the Academy.

3 MS. YANG: Has that been
4 implemented prior to 1999 or prior to 1989 or
5 since --

6 MR. MORRIS: Since 1989, yes.

7 MS. GORDON: A brief request I
8 would like to thank you gentlemen for
9 appearing and testifying today. Mr. Ship
10 you indicated that with previous Attorneys
11 General you had offered your expertise and it
12 really wasn't embraced. You don't have to
13 elaborate as to what that particular
14 expertise is today, but I would encourage you
15 to submit whatever it is you would like the
16 Attorney General to consider and I also in
17 the spirit of finding common ground, ask that
18 you also submit that information to
19 Mr. Hallion, Mr. Flynn and Mr. Jones as well
20 to encourage a dialogue amongst everybody
21 involved that has an interest in that
22 dialogue.

23 MR. SHIP: Yes, we will.

24 CHAIRMAN JOHNSON: Those were on
25 the previous panel.

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1 I actually have just a couple of
2 questions. One, the lifting of the Consent
3 Decree I understand that NOBLE is formulating
4 a position on that and clearly we know it
5 will be a considered one. I was wondering if
6 you could share with us what you think the
7 factors ought to be in reaching your decision
8 on any sort of recommendation?

9 MR. SHIP: Basically what systems
10 are in place now that weren't in place
11 before, what are the results of those systems
12 put in place? Some other factors would be
13 also going out to various different
14 communities through Town Hall meetings and
15 finding out what response or how does a
16 community feel about those respective systems
17 that have been put in place, that would be
18 one aspect of it.

19 CHAIRMAN JOHNSON: So, farther,
20 part of that would be a conversation of the sort
21 that Mr. Donovan was talking about, with
22 members of the African American and other
23 members of the State Police.

24 MR. SHIP: Yes.

25 MR. MORRIS: I would like to add I

1 also believe that you will find that
2 monitoring is a very, very important part
3 while even if the decree is lifted that some
4 type of monitor has to remain established,
5 whether it be an independent monitor or even
6 an auditor, there has to be some compliance
7 that goes beyond the internal organization. I
8 think that's just going to have to be a
9 necessary evil to continue the process.

10 CHAIRMAN JOHNSON: Mr. Morris you
11 talked about your abilities, even though you
12 were never the top person in the Department,
13 to affect the culture. How could the State
14 Police develop leaders that would continue
15 this sort of tone that Colonel Fuentes is
16 accredited with putting in place as the New
17 York State Police.

18 MR. MORRIS: Without having their
19 leadership training development, that is
20 clearly what you should have is their
21 leadership training and developing the skills
22 of those management and ensuring that when
23 they come up in the ranks they have a good
24 approach of the department, of the agency and
25 also of the community that they serve.

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1 I think it has to be a very, very
2 strong component in that organization that
3 separates them from being, from not being a
4 part of the agency -- not being a part of the
5 community. They have to be a part of the
6 people of this state and if they are apart
7 from the people of this state then I think
8 that's where we have our problem. There has
9 to be much more community input, much more
10 public input.

11 CHAIRMAN JOHNSON: Thank you and
12 finally with respect to your recommendations
13 on oversight and other issues, I think we
14 will find it helpful if you address what the
15 role would be of the Attorney General in the
16 oversight process, separate and apart from a
17 process that may
18 involve outside organizations.

19 MR. MORRIS: Yes, we are going to
20 submit a position on that.

21 CHAIRMAN JOHNSON: I think we are
22 the only thing standing between everyone here
23 and dinner so I think if we have a second
24 round -- we won't have a second round of
25 questions but we will talk amongst ourselves

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1 and we may send you in writing additional
2 questions. Thank you for your participation.

3 MR. HARRIS: I do have one
4 question. I really appreciate your being
5 here, do you think there is any reluctance on
6 the part of members of your organization, in
7 State Police to come and make personal
8 testimony?

9 MR. MORRIS: In a word, yes.

10 MR. DONOVAN: One question about
11 the members what do you represent in the
12 State of New Jersey as to membership of NOBLE
13 in real numbers?

14 MR. SHIP: I would have to go back
15 and check with our membership chairperson to
16 find out specifically. You asked me how many
17 members of the New Jersey State Police are
18 members of NOBLE?

19 MR. DONOVAN: I am trying to get a
20 sense of the NOBLE Chapter in the State of New
21 Jersey, what is your membership, who are you
22 speaking on the behalf of, 100, 200 police
23 officers?

24 MR. SHIP: There's two chapters in
25 the State of New Jersey, Northern New

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1 Jersey and Southern New Jersey Chapter.
2 Northern New Jersey Chapter, we have over a
3 hundred members.

4 MR. DONOVAN: Thank you.

5 CHAIRMAN JOHNSON: Thank you both
6 and we will reconvene at a place to be
7 determined on November 13. Thank you.

8
9 (Whereupon the hearing was
10 concluded at 7:30 p.m.)

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