
Public Hearing

before

SENATE LAW AND PUBLIC SAFETY COMMITTEE

“Testimony regarding recent administrative and personnel actions taken by the Department of Corrections and the impact of such actions upon the safety of corrections officers and the efficient administration of certain state correctional facilities”

LOCATION: Vineland City Hall
Council Chambers
Vineland, New Jersey

DATE: September 12, 2000
1:30 p.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Louis F. Kosco, Chairman
Senator James S. Cafiero, Vice-Chairman
Senator Anthony R. Bucco



ALSO PRESENT:

Anne M. Stefane
Office of Legislative Services
Committee Aide

Ken Raatz
Senate Majority
Committee Aide

Todd Dinsmore
Senate Democratic
Committee Aide

Hearing Recorded and Transcribed by
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Assemblyman Nicholas Asselta

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SENATOR LOUIS F. KOSCO (Chairman): We'll call the meeting to order. Could we have a roll call, please?

MS. STEFANE (Committee Aide): Senator Bucco.

SENATOR BUCCO: Here.

MS. STEFANE: Senator Cafiero.

SENATOR CAFIERO: Here.

MS. STEFANE: Senator Kosco.

SENATOR KOSCO: Here.

MS. STEFANE: We have a quorum, Mr. Chairman.

SENATOR KOSCO: Thank you, Anne.

We set up this public hearing today for the Law and Public Safety Committee at the request of myself and Senator Don DiFrancesco. The Senate President requested the hearing because of the recent proposal made by the Department of Corrections regarding the reducing of the guard tower shifts, allowing civilians to take over positions held by corrections officers, and implementing changes that affect correction officers' preparation time as they begin or end their shifts. The Senate President is responding to concerns that the changes proposed by the DOC may affect the safety of correction officers and civilians.

The purpose of this public hearing is to provide an opportunity for a public airing of the proposed changes, to listen to the concerns of the public, concerns of the corrections officers, law enforcement representatives, as well as prison officials. The Committee anticipates receiving testimony from the representatives of the Department of Corrections, representatives of the correction officers, law enforcement officials, and local residents who live in

the shadows of the State prisons. The testimony received will be evaluated, and it will be -- subsequently be determined whether or not we need future legislation.

Before we begin the hearing and the testimony, I want to make it perfectly and absolutely clear that testimony will only be heard that relates to the safety and security concerns stemming from the proposed DOC administrative and personnel changes. Specifically, testimony will be strictly limited to the following issues:

Staffing -- in particular, ratios of officers to inmates, staffing of the towers, and having civilians perform functions which have been performed by corrections officers. The second issue will be lineup -- in particular, exchanges of information, review of the suitability to perform in a position, review of their uniform including their wearing a vest, and the status of facility. The third will be the community concerns -- safety and security.

Out of deference to county and local community leaders who have announced their plans to hold public hearings regarding the DOC proposal to build a new sex offender correctional facility in Maurice River Township, no testimony will be heard on that issue today.

Again, let me reiterate that testimony will be strictly limited to the aforementioned areas as they relate to questions of safety and security. I will not hesitate to halt immediately any testimony that appears to be going off of that target.

I want to acknowledge that we have two Assemblymen here, Assemblymen Nick Asselta and Jack Gibson. Jack is here. Nick is -- where? -- okay.

The first person-- I have four people signed up here to speak. If there's anyone else who wishes to speak, they must fill out the form that I have up in the front here so I know that you're here. If you haven't filled out the form, you will not be called on. I also want to point out that this testimony is being transmitted from over here (indicating) so you must speak from the microphone in order for it to be heard. If you speak from the audience, first of all, we'll not acknowledge it, and it will not be picked up on the microphones.

Jamie Goff, the President of PBA Local 105, will be the first person that I'm calling up to speak. Right up to this one here, Jamie. (referring to PA microphone)

JAMES P. GOFF: Good afternoon. I'd like to take this opportunity to thank the President of the Senate, the Chairperson--

SENATOR KOSCO: Is your mike on? (referring to PA microphone) Okay, whoever has their microphones out there, make sure they're on. Go ahead, that will be fine.

MR. GOFF: Once again, good afternoon. I'd like to take this opportunity to thank the Senate President, Donald DiFrancesco, the Chairperson, and the Chair Committeemen of this Law and Public Safety Hearing. I am thankful for this opportunity to engage in meaningful and opportune discussion, the discussion, hopefully, that will achieve the goal of a safer workplace for the prison employees and safety for the communities and the people in the State of New Jersey.

The Department of Corrections has continued its long-standing policy of cutting staff and increasing inmate population for approximately the

last seven years. There appears to be no rationale for these cuts. It appears an undisclosed amount of money is to be saved, but at what expense? I am concerned for the safety of my officers, of which I am the President of the PBA Local 105 which represents the State correction officers, and for the safety of the general public.

My concerns are due to the following issues. Number one is prison overcrowding. We are currently operating at 139 percent of capacity right now. There are 4000 State inmates in county facilities, in addition to the 139 percent that are in the State facilities. That's more than enough to fill the latest prison that was built in the State of New Jersey, South Woods. Yet, we still have no plans for a major institution to be built. Under current statutes right now, we are incarcerating 125 more inmates per month than are being released. The length of time for a new facility to be built in order to curb these overcrowding and safety problems are five to seven years.

Instances that help increase overcrowding are the mandatory minimum sentences the legislation has done, persistent offender acts, and other various laws that have extended the times to keep the inmate population in longer and longer. At the same time, the Department of Corrections is reducing staff and civilianizing officer positions.

Parole, which is another factor of the overcrowding-- Parole has 3400 cases that are beyond their time of being mandatorily reviewed. Most of these cases are more than six months old, but some are as much as five years behind. Needless money is being spent on inmates who should have been paroled, released on parole, and it is my belief that the parole backlog is due to some staffing cuts, as well as the Department of Corrections.

Next, I'd like to talk about staffing. Staffing-- It has been the past practice of the last commissioner in the Department of Corrections that it was cheaper to hire overtime than it was to fill the vacancies. Right now, officers are being hired to fill the vacancies of past, which are approximately 500, but some of the officer positions are being cut and/or civilianized. Cutting the staff places the rest of the staff in grave danger. The institutions are severely overcrowded.

Civilianization, officers through -- are thoroughly trained. A corrections officer for the State of New Jersey, Department of Corrections, has to pass a psychological-- First, they must pass a Civil Service test, a psychological test, a background check, 12 weeks of intensive supervision training in Sea Girt. They must also pass academic and physical trainings. They are required to do mandatory refresher courses yearly. They're required to yearly qualify for firearms and are available for random urine tests. Civilianization, or changing a position, a custody position where the position holds custody equipment -- keys, weapons, gates, doors, such of that -- to replace them with a civilian counterpart is putting the staff and the population surrounding the areas in a great risk. These people are not trained as law enforcement officials, do not carry the same powers that were granted to us by the legislation. They are merely a cheap alternative to custody personnel.

The civilianization position, through their lack of trainings and problems, it will take time for their problems to develop as it has with the communications operators and the civilian ID positions. There is no dollar savings. There is not a figured-in relief factor as there is in a custody person. If a custody person calls off, another custody personnel has been hired or

replacing them, whereas civilian personnel, they don't have that manpower, the daily staffing levels that they would have with a custody personnel.

In the case of the communications operators, they use supervisory personnel at premium rate to replace them when they can't find replacements. I find this-- I fail to see that there is any cost savings in that aspect.

As far as talking about prep time, prep time is what's basically a lineup for an officer. Lineups, as they are in police departments, they have a roll call. Information is given to the staff regarding problem areas where individuals in the prison, much like police supervisors, would enlighten his officer that is going on the street. This is a crucial period of time for staff to communicate and understand what they are walking into prior to them assuming their post for the day. The elimination of the Department was to save money and needs to be resumed immediately.

Information as regards to if an inmate had a problem during the night, if there were some changes in the security of the facility, if there were problems with power outages, any departmental policy changes. The memo that was read that stopped the lineups was read in lineup. There is nothing to replace that at this time.

The Department's position is that a supervisor will come by your specific post within the first hour or two and try to give you the information. That doesn't help you if you're going into a hostile situation, if you've already been in that hostile situation for over an hour.

As to demanning the towers, no one here is going to say that any new security equipment, any modern technology, shaker systems, are bad. What we are trying to say is the need for a superior viewpoint for the towers

to provide security to the staff inside the institutions and the community surrounding is of grave need. Fences don't stop escapes. Armed personnel do.

At this time, there are more and more inmates being put into facilities. There are less and less custody people in. We need to have as many as we can to make sure that the institutions are safe.

As to position cuts, a number of officer per inmate has decreased over the last 10 years. The Department is continually misleading the public by stating that they are adding 500 officers. In actuality, they have only filled the vacancies that have existed for some time that have been allowed to exist by previous department heads. There are fewer officers now in the institutions than there were 16 years ago when I began. The inmate population has steadily increased. Other than legislative changes, there is going to be no stop to the amount of incarcerated inmates.

In summary, I'd like to say that there is a price tag for safety: safety for the public, safety for the officers that I represent, and safety for the prison staff. Legislation has led to longer sentences and more people to be put in prisons. We have the most expensive drug rehabilitation program in the world. That is jail. The extreme cost and burden to taxpayers is being shouldered by the employees in the prisons through inadequate staffing. The public safety is being jeopardized as well.

I am not here as a collective bargaining agent for the people I represent. I am not here looking for more benefits or for raises. I am here to ask for a reasonably safe working environment, safe for the communities and the people surrounding the facilities. I would appreciate anything that you could do on behalf of the staff that I represent to make the institutions safer,

to find moneys to build our budget to allow full staffing, to trained professional custody personnel, and not to allow the continuation of civilianized positions.

Thank you.

SENATOR KOSCO: Thank you.

Anyone have any questions? (no response)

I just have one question.

MR. GOFF: Yes, sir.

SENATOR KOSCO: We're mainly concerned about the safety of what's going on in the areas within and outside the prisons. Do you have any idea how many escapees we had in the year 1999 from our State prisons?

MR. GOFF: No, sir, not in front of me. No, I don't have that.

SENATOR KOSCO: Do you know if there were many or few or any?

MR. GOFF: I do not believe there were very many from behind the walls of the prison. Halfway houses are common occurrences.

SENATOR KOSCO: Yes, but I'm talking about the prisons. That's what we're discussing now.

MR. GOFF: I don't believe there were many at all.

SENATOR KOSCO: So, all in all, they're pretty safe?

MR. GOFF: As far as properly being staffed with overtime or properly being staffed with custody personnel, more and more inmates are being put in.

SENATOR KOSCO: I understand that, but they're also pretty safe. What goes on inside the prison is one thing. What goes on if someone leaves that prison or escapes from that prison is what the concern of the people

on the outside are. If I lived near a prison and someone told me that there was a lot of hostility -- for lack of a better word -- going on inside the prison, I wouldn't be as concerned as if somebody told me that there are a lot of people jumping over the fence and leaving.

MR. GOFF: There was an escape, right.

SENATOR KOSCO: So I'm talking about outside the prison walls. By and large, our State prisons have been pretty safe for the people in the surrounding areas.

MR. GOFF: Yes, sir. There are qualified personnel that have been keeping the inmates incarcerated. Yes, sir.

SENATOR KOSCO: So then there would really be no reason to change something that's working.

MR. GOFF: That is the opinion of this local, yes.

SENATOR KOSCO: Okay. Thank you.

No questions? (no response)

Thank you.

MR. GOFF: Thank you for your time, sir.

SENATOR KOSCO: Our Commissioner, Jack Terhune, originally from Bergen County, New Jersey.

COMMISSIONER JOHN S. "JACK" TERHUNE:
Duly noted, Mr. Chairman.

Good afternoon, Mr. Chairman, members of the Committee, Assemblyman Gibson, who was there when I started, but has since moved to the back with Assemblyman Asselta, and other distinguished elected officials from the county that have taken time to be here today. Let me begin, if I

might, with a somewhat spontaneous response to President Goff's comments, and for the Committee's sake share with you that, in my humble opinion, the correction officers in the State of New Jersey are without question the best in the country. They deserve a lot of credit for dealing with a very difficult population. Certainly, they are to be recognized as being one of the best, if not the best cadre of sworn correction professionals in the entire country.

With regard to the issues that were on the agenda provided by the Committee, I thought it might be helpful with a brief historical perspective on the Department of Corrections and when it began in 1976, when the State of New Jersey decided to separate then institutions and agencies into two separate branches of State government, the Department of Corrections and the Department of Human Services. At that time in 1976, there were approximately 6000 criminal inmates sentenced to the care and custody of the Department of Corrections when it was born. Today, as you've already heard, there are over 30,000 inmates sentenced to the care and custody of the Department of Corrections. In that 24-year period, a lot certainly has changed, not only within the system, but certainly in society as a whole.

Early in my tenure, in 1998, I heard from the Senate Budget Committee as well as from the Assembly Budget Committee. Both bodies were concerned about the alarming rise in the overtime costs expended by the Department of Corrections. I explained to Chairman Littell and Chairman Bagger at that time that overtime was not necessarily the issue, but perhaps symptomatic of the issue. And I went back in the records and I realized that never in the 24-year history of the Department of Corrections had anyone undertaken a comprehensive staffing analysis of both sworn and civilian

personnel within the Department. Today there are over 6000 sworn custody personnel and an additional 4000 civilian support personnel.

That having been said, we contacted the United States Department of Justice, the National Institute of Corrections, and requested a technical assistance grant for the sole purpose of evaluating system-wide the staffing needs of the State Department of Corrections. A consultant was approved by NIC and came to us in the spring of 1998. All of the bargaining units were invited to participate at that time in the opening sessions of the staffing evaluation, as they were encouraged to participate throughout the process.

The first report reflecting the first two facilities was issued as a draft in November of 1998. We requested a second technical assistance grant from the National Institute of Corrections, which was also approved, that resulted in a second report that was issued in May of 1999. That report was provided not only to both Houses of the Legislature, certainly to the Governor's Office, but was also provided to the various bargaining units, not only PBA 105, but certainly the sergeants, lieutenants, and captains that are independently represented.

The consultant recommended that we increase our sworn staff from what was then authorized in 1998, which was 6291, to 6400 total sworn custody personnel. That reflected an increase of FTEs of 109. This administration thereafter conducted no fewer than 10 meetings with the various collective bargaining groups -- certainly, the PBA was one of them -- the sergeants, lieutenants, and captains, as well. As a result of those collective meetings, the recommendations of the consultant to increase the sworn

custody from 6291 to 6400 was further increased with the support of the administration to 6491, which is where it stands today in our proposal for the next budget year. That reflects a net increase of 200 sworn persons in the authorized strength of the Department. As a result of this comprehensive staffing study, implementation commenced on April 1, 2000 and was thereafter phased in on July 29, the last phase being on August 12 of this year.

On your agenda, Mr. Chairman, there's indication of concern for inmate-to-staff ratios. It is meaningless to try to compare different housing units in different prison facilities, either within the same site or in different sites or in actuality in different states. What the American Correctional Association does is every year they provide a yearbook which has data on inmates in every state system. It also has data on every sworn correction officer in that system. I selected several states, and I certainly can provide the entire document to the Committee if you so desire.

The national average for inmate-to-staff ratio is 1 officer to 4.8 inmates. That's 1-to-4.8. In the State of New Jersey, their data reflects in mid-year 1998, which is the last year of the publication, an inmate-to-staff ratio of 1-to-3.8. The state of Florida is 1-to-4.4; Illinois, 1-to-5.0; the state of New York, 1-to-3.25; Ohio, 1-to-6.5; Pennsylvania, 1-to-4.90; and the last example I gleaned is Virginia at 1-to-3.7.

During this same time period and, in fact, it began, Mr. Chairman, in 1994, there was an architect retained for the sole purpose of evaluating the security perimeters at all of the State prisons. They put forth a proposal that received initial funding, and thereafter in 1998, it was decided that the security perimeter of Bayside State Prison would be enhanced. The State invested \$4.4

million to replace the 6000 feet of perimeter fencing around the entire secure perimeter of Bayside State Prison. That included the installation of two fences, a subterranean fence to prevent tunneling, shaker systems, shack lighting, overall lighting, and an electronic surveillance system to further protect the community of Maurice River Township, where that facility is located.

As a result of the discussions with the various bargaining groups and the completion of the fence, there was mutual agreement to reassign certain officers from the elevated towers at Bayside State Prison in favor of enhancing roving perimeter patrols and assigned additional custody staff to the interior assignments within the jail. That was agreed upon by not only the PBA, but certainly the sergeants, lieutenants, and captains. That was an agreement at a particular point in time. Since our environment is ever evolving, our staffing, programmatic, and security changes are almost a daily occurrence. Certainly, we amend staff as we need on an instant basis to deal with emergent events, which regrettably are something that go hand in hand with a prison environment. As we make broad programmatic changes, certainly staff is impacted either up or down.

With regard to the topic of civilianization, to the best of my knowledge, the civilianization of communication operators began in October of 1994. It is no different than that which we find in local and State Police barracks throughout the State of New Jersey. When I started in this business in 1970, we always had a police officer answer the phone and dispatch the radio calls. That is no longer the case in most police agencies with which I am familiar. Certainly, the civilians answer the phone, dispatch the radio calls

under the supervision of a sworn custody person in the correction environment, certainly a sworn police officer in the police environment.

With regard to lineup, the prep time -- overlap had always been a part of the Department of Corrections before the Fair Labor Standard Act was adopted in the mid-'70s. It had continued after Federal legislation mandated the paying of overtime. In previous contract negotiations, it had gone from 30 minutes, down to 20 minutes, down to 10 minutes. In this last round of collective bargaining, it was negotiated by the representatives of the PBA and the State of New Jersey that overlap was to be eliminated.

In preparation for today's hearing, Mr. Chairman, I reviewed the testimony of the interest arbitration, and certainly the agreed-upon arbiter gave a monetary value to the elimination of overlap, which resulted in a four-year contract with a 16 percent raise to the members of PBA 105. We have in its place, effective June 30, developed a variety of programs to share information, and perhaps the most poignant one is for the housing unit officers to read the logbook, which are maintained on every post in every institution, and it provides an overview of everything that happened for that particular post in the previous eight hours. Certainly, the concerns of the community, the concerns of the officers are first and foremost in the mind of not only this witness, but certainly this administration. I am proud to tell you that since 1998 there has been a 35 percent decrease in the number of assaults or frequency of assaults on staff by inmates and a 79 percent decrease in any group-related or gang-related violence that has occurred within our various prison systems.

I would like to close my prepared remarks with once again thanking the Chair, thanking the Senate President for this opportunity, and reiterating that without question the New Jersey State Department of Corrections is without question one of the best in the country.

Thank you, Mr. Chairman.

SENATOR KOSCO: Thank you, Commissioner.

Anyone have any questions?

SENATOR BUCCO: Yes.

SENATOR KOSCO: Senator Bucco.

SENATOR BUCCO: Thank you, Mr. Chairman.

Good afternoon, Commissioner. Thank you for your testimony here. The question I have is on the ratio of staffing. You gave some figures that the national average is 1-to-4.8 inmates, if I copy that?

COMMISSIONER TERHUNE: That is correct, sir.

SENATOR BUCCO: And New Jersey is 1-to-3.8?

COMMISSIONER TERHUNE: That is correct.

SENATOR BUCCO: One percent point less than--

COMMISSIONER TERHUNE: Well, yes.

SENATOR BUCCO: --basically, the national average. What was it, say, five years ago, ten years ago?

COMMISSIONER TERHUNE: I do not know, sir, but I would be happy to provide that answer to the Chair.

SENATOR BUCCO: I'd like to see that.

COMMISSIONER TERHUNE: Most definitely, sir.

SENATOR BUCCO: And with the hiring of civilian personnel, are they being hired to replace corrections officers, per se?

COMMISSIONER TERHUNE: In the case of the communication operators, traditionally that was, in fact, a function that was performed by a uniformed correction officer. As I indicated, beginning in 1994, there was a move to reassign those officers to other duties and replace that function with a civilian communication operator. That is correct, sir.

SENATOR BUCCO: But no civilians within the prison itself, with the mixing of inmates? Is that a direct supervision facility?

COMMISSIONER TERHUNE: Is South Woods?

SENATOR BUCCO: Yes.

COMMISSIONER TERHUNE: Yes. We would consider that a direct supervision facility for purposes of care and custody of the inmates. There certainly are civilians who interact with inmates on a daily basis in all of our prisons in the form of institutional trade instructors that supervise various inmate details, i.e., the kitchen, the grounds details, the vocational school. We have certified teachers that provide educational programs. Certainly, they are civilians and not sworn personnel.

SENATOR BUCCO: All right, but they would not be counted in the ratio?

COMMISSIONER TERHUNE: No, sir.

SENATOR BUCCO: Okay. Thank you.

Thank you, Mr. Chairman.

SENATOR KOSCO: Thank you, Senator.

SENATOR CAFIERO: Commissioner, in your judgment, you know that one of the big concerns is the community has been -- the detowering, the destaffing of those towers. That's a big concern. In your judgment, would the safety of that community, Maurice River Township, or the surrounding environment be compromised by the demanning of those towers?

COMMISSIONER TERHUNE: Absolutely not, sir. And I think, if I might, quite the contrary, that has actually been enhanced with the \$4.4 million investment of the enhancement of the security perimeter. I have personally, and I think I've shared this with you, had a conversation with the major and certainly a designee of the township committee, Mr. Franco (phonetic spelling), who is their designee. Since they only have three committeemen in that township, two of them cannot talk to you at the same time. Both have visited the facility and inspected the enhancements that have been made, and they were satisfied that it is an enhancement.

SENATOR CAFIERO: In your view, to what extent does logs from the tower provide better service or protection than security fence which is being offered in place, I understand?

COMMISSIONER TERHUNE: There is no plan to totally remove all of the towers. It is a number that is currently nine. The proposal we planned for or at least proposes that number be reduced. I don't want to go into specifics for security reasons, but they never would be totally abolished. There's no plans to remove them. There's no plans to completely eliminate them. It would depend, sir, on the time of the day and the day of the week as

to what the staffing pattern for those towers would be. But they never would be completely eliminated on any shift on any day.

SENATOR CAFIERO: What's the track record for those facilities in which these security fences have been installed?

COMMISSIONER TERHUNE: They have an excellent track record. It's the same or similar security perimeter that's at South Woods in the city of Bridgeton, not the same community, but certainly close. There has been not one escape from within the security perimeter since South Woods State Prison has been opened, three years.

SENATOR CAFIERO: We have heard, those of us in the Legislature and those who represent this district in particular, have heard, you know, either animals hitting those fences or winds hitting the fences or bats hitting the fences. I mean, what's the experience been with false alarms that get triggered in this electronic fence system?

COMMISSIONER TERHUNE: There is no question that there are false alarms, and it requires a response by a perimeter patrol officer or one of the interior officers to check it to ensure that it is a false alarm. There have been a number. I think I provided some information a bit ago about that. There were about 3000, which has been greatly reduced. But I certainly can provide you with the exact number annually since the facility has been opened.

SENATOR CAFIERO: Has there been any comparative statistics as to escapes from the fencing system that you have as opposed to escapes from areas which are protected by guard towers.

COMMISSIONER TERHUNE: Not that I'm aware of, but I will be more than happy to attempt to research to provide a comparative analysis.

The Senator, Mr. Chairman, asked a question before. Since I've been here, we've had no escapes over any of the secure perimeter, whether it's at those two facilities or any of the other ones. There have been walkaways from work details in the farm environment.

SENATOR CAFIERO: Thank you, sir.

COMMISSIONER TERHUNE: Thank you, sir.

SENATOR BUCCO: Mr. Chairman, may I ask another question?

SENATOR KOSCO: Sure.

SENATOR BUCCO: Since you're here, Commissioner, you said there has not been any escapes. Have there been any attempts?

COMMISSIONER TERHUNE: Yes, there have. I would have to research the exact number. There have been a few where staff has responded or detected the attempt. I don't know where you want to draw the line at the attempt. I mean, have we had anybody actually hit the fence, no. Have we had inmates contemplate and plan and perhaps put together some of the preliminary steps together to facilitate an escape, yes, we have, but certainly, the staff has detected and prevented it.

SENATOR BUCCO: Okay. Thank you.

SENATOR KOSCO: Commissioner, you know as well as I do that the truth is what the people perceive it to be. And if the people think that it's an unsafe condition without having a guard in their tower, then that's what they're going to believe until there is something -- and something is done to convince them otherwise. I mean, residents in the community that have a prison were -- accepted that prison years ago, or even the ones that were done recently, under certain conditions. And some of the conditions were that there

are going to be towers with armed guards in it. Now, to suddenly go in and say we changed that now -- I know that's what we told you, but we're not going to do that, because there is new technology and we found out that we really don't need the guards -- without a program to explain to the people and to the local officials that their security is not going to be breached presents a problem. And I think that what we are running into--

And I've done a lot of research throughout the whole country on different types of security programs. I've been to prisons where they have fences that have signs on them that say, "If you touch it, you die." They're electrified the same as the fence -- as an electric chair. I've been to prisons where the only deterrent they have is that instead of a fence being straight up with the barbwire around the front, they slanted it in this way (indicating). And they claimed that stopped people from trying to climb up the fence. So I've been through prisons all over the United States as part of my research in what's going on in the prison system.

It seems to me that a better solution or a better program of communications with the local officials and with the people of the communities that live near these prisons when a major change like this is going to be taken would -- may have solved a lot of the problems rather than just a program that would say, here, this is what we're going to do, and then the people get the feeling that, "Oh, this is what they're going to do whether we like it or not." And then the residents and the local governing bodies respond in a negative way.

I know that if I lived in an area where there were a prison nearby, I'd like to see some guard tower up there with movement in it. I don't know

if there's any thought of taking them out of the Trenton State Prison, where you have a tower here and house here. I mean, if any of you have been to see the Trenton State Prison, it's right in the middle of everything. I don't think that you've taken the guards out of those towers, have you?

COMMISSIONER TERHUNE: No, sir.

SENATOR KOSCO: Probably if you did, you'd probably have an awful lot of people being upset about it just likely.

COMMISSIONER TERHUNE: There's no plan to take the officers out of the towers at Trenton.

SENATOR KOSCO: But I think that's the problem, and that's the way I would look at it from a practical standpoint, as far as removing the people -- the guards from the towers. I think that has the people and the municipal governing bodies very upset.

Let me ask another question about the exchange of information and lineups. Did I understand that you did research as far as cost-effectiveness and decided that in lieu of having a lineup you would save enough money to give a 16 percent raise in pay, or did I misunderstand that?

COMMISSIONER TERHUNE: Well, that's what the arbiter awarded through the collective bargaining process. It's not that we did that research. The arbiter determined that that would be the value of the 10-minute overlap that had been in the previous contract. That expired in June of 1999. And in the interest arbitration laws that we have in this state, the two sides are represented. They submit their final offer to an arbiter, and then the arbiter issues an opinion. And that was a product of an arbiter's opinion, not mine, not the Governor's or anyone else's, sir.

SENATOR KOSCO: But there's still this communication between the people going out and the people coming in.

COMMISSIONER TERHUNE: In some institutions, we have actually paid minute-for-minute overtime if officers are required to stay beyond their normal eight-hour workday. Some institutions we provide printed documents or we rely upon supervisors to provide any pertinent data. Or if a situation dictates, certainly we hold people and pay them accordingly.

SENATOR KOSCO: With the national average of 1.48 and the New Jersey average of 1.38, who does that include? Does that include the actual people in the prisons or does that include also the officers and all the personnel?

COMMISSIONER TERHUNE: It includes all sworn uniformed personnel, not civilians.

SENATOR KOSCO: All uniformed personnel?

COMMISSIONER TERHUNE: Correct.

SENATOR KOSCO: Including all the officers.

COMMISSIONER TERHUNE: All the officers, sergeants, lieutenants, captains, and every institution has a chief.

SENATOR KOSCO: Are there any statistics available to say how many chiefs we have as opposed to Indians?

COMMISSIONER TERHUNE: Well, the proposal has 6491 total officers, total sworn, and we have 14 chiefs. So take 14 off of that, and that's how many chiefs we have, and the rest are Indians. If it's titled chiefs-- If you mean sergeants, lieutenants, and captains, I can certainly get that information for you. Totally, off the top of my head, I do not know.

SENATOR KOSCO: Okay. Thank you.

Any other questions?

Senator Cafiero.

SENATOR CAFIERO: Commissioner, do you have any established PR policy in reference to communicating with the surrounding community, the host community, as to what the effectiveness is and maintaining some confidence level to them, that the security system is what gives them that confidence level.

COMMISSIONER TERHUNE: As I indicated, I appreciated the opportunity to further comment on Senator Kosco's question. Before we agreed to embark on the fence enhancements, perimeter enhancements, at Bayside State Prison, which is in Maurice River Township, we contacted the major and the council and informed them. We asked them to come look at the plans, which they did. We asked them to come look at the completed project, physically to visit the prison, which they have. And both of them have told me that they are extremely encouraged by the improvements that have been made.

SENATOR CAFIERO: Now, do you have in place some game plan if there is an escape as to what notification is given the surrounding community?

COMMISSIONER TERHUNE: There is an escape plan for every one of our facilities, including both of those in Maurice River Township. It varies from locale to locale. Some of the local police agencies-- That community, as you well know, does not, so the State Police become the point of contact together with the local officials, the mayor. And the volunteer fire companies participate in a search and rescue in that particular community.

SENATOR CAFIERO: So all the correction officers and personnel in those prisons know exactly what they're to do if there is an escape?

COMMISSIONER TERHUNE: There's a written escape plan for each and every one of the facilities, including us, too.

SENATOR CAFIERO: Thank you.

COMMISSIONER TERHUNE: Thank you, Senator.

SENATOR KOSCO: Go ahead.

SENATOR BUCCO: Yes, Mr. Chairman.

Commissioner, in your report, you had mentioned the NIC coming back with a report on the personnel. Going back to personnel again, you had 6291--

COMMISSIONER TERHUNE: Total--

SENATOR BUCCO: --and it was recommended to go to 6400, and administration said bring it up to 6490, 200 additional.

COMMISSIONER TERHUNE: Correct.

SENATOR BUCCO: What is your present strength today? Do you know offhand?

COMMISSIONER TERHUNE: I would have to get that for you.

SENATOR BUCCO: Is it more than 6291?

COMMISSIONER TERHUNE: No, sir. Ah, yes, 6291, yes.

SENATOR BUCCO: But it's not more than 64?

COMMISSIONER TERHUNE: No, sir.

SENATOR BUCCO: You haven't been able to get that up yet?

COMMISSIONER TERHUNE: No, sir.

SENATOR BUCCO: Any reason why?

COMMISSIONER TERHUNE: Well, we're running two basic classes at Sea Girt. We only have space there for 100 recruits in every class, so we can run generally about 200 at any given time. I think since we moved our training to Sea Girt we've put nine or ten basic classes through there, about 100 each. We have a graduation next week, and then there's one the following week, which would generate about, I think, a total of 180 officers, because there's an attrition rate in any training cycle. The week immediately following we would start another basic class.

SENATOR BUCCO: So then you're getting closer to that 6491?

COMMISSIONER TERHUNE: My goal, Senator, is to exceed it, because we always have attrition with an operation this large with 10,000 total employees. We always have separations for retirement, resignations, and the like. The administration supports that. We'd like to get over that number so that we can work ahead of the curve instead of behind the curve.

SENATOR BUCCO: Thank you.

SENATOR KOSCO: Thank you.

COMMISSIONER TERHUNE: Thank you, Mr. Chairman.

SENATOR KOSCO: Thank you, Commissioner.

Mayor Perry Barse, the Mayor of Vineland.

MAYOR PERRY D. BARSE: Mr. Chairman, members of the Committee, I thank you for the opportunity to briefly address you this afternoon.

My issue and my concern for my city of Vineland has to do with work details that were supposed to be performed within the city of Vineland. This goes back approximately 13 months ago, and we had concerns raised in

our community regarding the supervision of outside work details by local correction officers. This had to do with some farm labor programs. When concerns were raised in our city regarding the use of these work programs, the citizens of Vineland were told that, basically, armed corrections officers would be used, one armed personnel for every ten prisoners out doing farm labor work. We were told that this was not the policy that was normally followed by the Department of Corrections. That was not their policy. It took approximately six or seven months for us to finally get a straight answer. And I will say thanks to the help of our legislators, Senator Cafiero and Assemblymen Gibson and Asselta, we were able to get a straight answer. And we still haven't had our concerns answered, which is that if these programs are to come back into Cumberland County, and specifically to Vineland, what the security situation will be as far as these workers going out on these work details.

It took us approximately six months again to get a straight answer. Finally, on February 17, 2000, we received a letter indicating that armed guards aren't used. I'm not saying I am a proponent of armed guards or, as we were told, the use of radios with these groups, but listening to the Commissioner today talk about walkaways from work details, it just makes me more concerned about the potential of what could happen with these details in my community.

As the Chairman said earlier, the truth is what the people perceive it to be. We had the statements in August in our local media not refuted about the armed guards. Subsequently, after months of back-and-forth correspondences, we found out that really wasn't the case. I think it's very

important for our well-being and our concerns in our city that if we are going to have these work details in our community, we need to know what level of protection will be there for our citizens. To me, I'm still concerned about that, and hopefully, if we do have the use of these programs down the road, we will have ample security. That is my concern. I am concerned primarily about what appears to be two different stories on the same issue.

That's it. And I've enclosed a packet of the information and the paper trail we had for your perusal, and I appreciate your consideration.

SENATOR KOSCO: Anyone have any questions? (no response)

I find that in our area, and I'm from up in Bergen County, the program was begun years ago, as a matter of fact when the Commissioner was our sheriff in Bergen County, using the inmates to assist in the communities. And I know we never had any type of incidents, and I don't recall any incident throughout the state that we've had while we've had our inmates out working on, whether it would be cleaning up a street or streams.

The last major storm that we had with Hurricane Floyd, we had probably one-third of the Bergen County jail out helping residents -- helping them clean up, move their furniture, and take stuff out of their houses. So I think it's a very effective program. You can never have too much security, and I think that your concerns are very well based. I think that our Department is very concerned about that also. Because I know if I were head of a department and went out there trying to do some good service and we ran into a major security snag, I would be very embarrassed and upset about it. I think that by and large, I think our Department of Corrections does utilize our people, our inmates very effectively.

MAYOR BARSE: I appreciate those comments, Senator, because in our community of Vineland we're such a rural community. And this particular issue was about farms. And our farms are intermingled with our housing, and they just blend right with the neighborhoods in our community. That's the nature and the fabric of Vineland.

The concern about this supervision extends really to homeowners. It's just not like a business area or working, say, downtown, where it's right in the middle of a lot of activity. It is very disconcerting to a lot of residents. I know I had this feedback -- and this is during my time as a councilman last year -- where people are saying, "What's the true story? You hear one story here, another story here. Are you making it up?" No, we finally got that answered.

SENATOR KOSCO: What were they concerned about, though, that there were not enough?

MAYOR BARSE: Appropriate supervision for people going into the workplace. In this case, farms in the north or east Vineland area.

SENATOR KOSCO: Was there concern that one armed guard for every ten people was not enough or--

MAYOR BARSE: They were just concerned that it was brought to their attention -- in fact, it was brought to their attention by a member of the PBA -- and that is there ample supervision. I agree with the use of inmate labor. It's very important and useful. I would never decry that, but I am concerned about the security end of it, that's all, particularly in rural, residential neighborhoods such as we were potentially dealing with in Vineland. And that's all.

Thank you very much.

SENATOR BUCCO: Mr. Chairman.

SENATOR KOSCO: Senator Bucco.

SENATOR BUCCO: Mayor--

MAYOR BARSE: Yes.

SENATOR BUCCO: --good afternoon.

How long have the inmates been being used in the community?

MAYOR BARSE: This particular issue was a proposal that was brought up. And as it turns out after this back-and-forth paperwork was actually determined, they never made it into Vineland, as far as I can tell. But it was a proposal that was out there.

SENATOR BUCCO: Oh, so it was just a proposal and your concerns on the proposal?

MAYOR BARSE: At the time, it was a plan that had to do with gleaning certain crops late last summer. I think there was an eggplant crop, which is very much an issue in our city.

SENATOR BUCCO: Right.

MAYOR BARSE: But it was ultimately-- They were ultimately not used, but the issue was out there, and we had that concern.

SENATOR BUCCO: Okay. I have to reiterate what Chairman Kosco has said. Coming from Morris County and the sheriff starting this -- what we call the SLAP Program, the Sheriff's Labor Assistance Program. Before I was even a freeholder, that started. And it was very successful. It has continued to be very successful, and in my recollection, never had an incident. Because the people up there putting on these programs are screened

thoroughly to make sure that they're not just putting the average inmate in there. They're putting the above-average inmate in there.

SENATOR KOSCO: Thank you.

Cumberland County Freeholder Lou Magazzu. Did I say that right?

LOU MAGAZZU: Close enough.

SENATOR KOSCO: I got the Lou right.

MR. MAGAZZU: You got the Magazzu right, too.

Good afternoon, Senators, Commissioner, and thank you for joining us in Cumberland County. My name is Lou Magazzu. I am a Cumberland County Freeholder. I also have the honor to be the liaison for public safety among the freeholders, and I am also a former 15-year municipal prosecutor, so that I have some experience, although certainly I am not an expert in the area.

Let me first thank you for joining us here in Cumberland County. We always like to show off Vineland. I happen to be a Vineland. But with all due respect, I would suggest that this-- In fact, I would respectfully suggest this, that this is the wrong place and the wrong time for the hearing. I really believe it should have been an evening hearing where all the residents would have had an opportunity to attend, and I frankly think it should have been closer to Maurice River Township. I believe we would have had more officers here except for the time of the hearing, which as I understand it is between two shift changes, and I think that's unfortunate.

I've listened to many of your questions and your comments, as well as the testimony of the Commissioner, and let me say that although the

Commissioner and I disagree on many issues of substance, I always respect the fact that he comes and puts himself right in the middle of the line of fire, which is not always the case of people who are in either Federal, state, or county government.

We will be holding, as you alluded to, Senator, hearings on another issue relating DOC, as a county freeholder and as chairman of the Public Safety Committee, and we'll be doing that later this month at an evening closer to Maurice River Township.

I have a couple of observations I'd like to make. First of all, I noted that all three of you Senators are from Bergen, Morris, and of course, I know Senator Cafiero from Cape May County. I would make the observation that my understanding is that none of your counties, not one of your counties have a State facility within the borders of the county. If I'm incorrect on that, you can please correct me here. But I believe that not one of your counties holds a State facility. I therefore think--

SENATOR KOSCO: What would that have to do with this?

MR. MAGAZZU: I don't think you understand the implications--

SENATOR KOSCO: Then I'm wasting my time here is what you're telling me. Is that right?

MR. MAGAZZU: No. No. No. Senator, I would hope that you don't take my views in a way that you take exception to. What I think is that it is impossible to understand the frame of reference of the people or the residents of Cumberland County--

SENATOR KOSCO: I don't have to be blind to realize what a blind person goes through.

MR. MAGAZZU: All right, Senator, I didn't--

SENATOR KOSCO: I have prisons in my Bergen County--

MR. MAGAZZU: Senator, are you going to let me continue or are you going to interrupt me?

SENATOR KOSCO: I'm running this--

MR. MAGAZZU: What is your desire here?

SENATOR KOSCO: Excuse me, I'm running this meeting. Pay attention.

MR. MAGAZZU: You're not-- Well, are you going to let me continue, Senator, or are you going to interrupt me?

SENATOR KOSCO: I have a jail in my county that's probably bigger than some of the State facilities.

MR. MAGAZZU: But it is not a State facility.

SENATOR KOSCO: Okay. It's not a State prison, but it's just the same. They're probably bigger than some State facilities.

Continue.

MR. MAGAZZU: Thank you, Senator.

In Cumberland County, we have 2500 prisoners at Bayside. We have 1500 at Southern State. We have 3200 in South Woods in Bridgeton. We have a total of 7200 prisoners. What I find striking is I think I heard the Commissioner say that there are 30,000 prisoners statewide. I thought that was the number. I wrote it down. We have, in little Cumberland County, 7200 out of 30,000. I give you that by way of background just as a frame of reference to understand what that means in terms of ratio.

In Maurice River Township with Bayside and Southern State, there are as many prisoners as there are residents. I think it's just as important to understand that frame of reference. The reason I make that point is because on a couple of occasions I've heard a number of the Senators say, "Well, maybe there hasn't been sufficient communication, maybe it's an issue of public relations." It's not an issue of public relations alone, although I applaud the fact that you're concerned about communications. It's bigger than that. It's an issue of substance. It's not an issue of public relations. It's not an issue of spend. It's an issue of being concerned. And Senator, I want to applaud you and congratulate the fact that you, I think by your question, intimated that an understanding was made with the people of Cumberland County when we opened up our arms for these facilities to be located here. That understanding was, at least one part of that, is that there would be towers. And I don't know whether it was ever written, but clearly there was a moral commitment and an understanding that there would be sufficient protection for the residents.

I'm no expert on the ratios. The Commissioner, his staff, the union members, yourselves know a lot more about it than I do. What I do know is that I heard some interesting numbers, and one of the things that the officers tell me in terms of ratios is that on the floor of the facility there's one officer for every one hundred twenty-four prisoners. I don't know whether that's true or not. I don't know whether that's accurate. But if it is, that's a pretty compelling number it would seem to me.

With respect to the towers and the removal of the towers or the removal of the manning of the towers, the staffing of the towers, that's an issue

of great concern. Notwithstanding the electronic issues, and we understand that technology has increased and improved, but it's an issue of great concern, because quite simply if a prisoner is trying to escape, a guard person or security officer or corrections officer in a tower is a lot more effective in stopping that escape because that person has the ability to use a gun or the ability to try to stop it than does a fence. That to me is just common sense.

There's another issue that's incredibly compelling to me. In the last eight years under this administration, the budget has gone from \$14 billion to in excess of \$21 billion. There have been increases in the staffing of the Governor's Office, there have been increases in the staffing of the Legislature's Office, the people that work for you and the people that work for the Governor. Why is it then in this time of great economic bounty, in this great boom, that we have to talk about using such issues of economy when, in fact, the public safety and security is at risk either in reality or in perception?

And Senator, as you correctly said, perception oftentimes becomes a reality. And in a community that has as many prisoners as it has residents, in a county that has 7200 out of 30,000 prisoners, and that sounds to me somewhere about 20 percent of the whole state population, we deserve the utmost of security both in reality and in perception.

Many years ago, the people of Cumberland County, before I was a freeholder, opened its arms to the State of New Jersey, opened its doors to allow these facilities to be located here. We did that because this is a depressed area economically, and frankly, it was an opportunity to create good, well-paying jobs. And we're appreciative of that. But we needed those jobs then. We're improving our economy. We don't need them as much as we used to,

and we don't have to, frankly, take DOC -- and I don't mean this DOC, DOC generically -- we don't have to take what DOC says and just lie down and roll over, because we don't need the jobs as much anymore.

I'm here to tell you, Senators, and frankly, the Commissioner, to send to the Governor that we're just not going to roll over anymore. We're going to stand up and do what we think is in the best interest of our residents. And specifically, as I say, when there was a compact with the people of this county, to give the utmost of security. It's my wife. It's my children. It's my kids. It's my neighbors. It's all of us, and that gets to my earlier point.

I respect what you said, Senator, that you may have a county correction facility that's bigger than our State facility. What we have is a State facility that we have no control over that could impact in a positive or a negative way on our quality of life. And I do thank you for coming to Cumberland County, and I do thank you for the opportunity to testify.

SENATOR KOSCO: Thank you.

Any questions?

SENATOR CAFIERO: Just a statement. Lou, if I may, your opening statement was you didn't like the timing and the place of this meeting. As I understand it, Jamie is still here. And if I'm full of soup, you can tell me I'm full of soup, but I understood that it was the Senate President at the request of the union that this meeting was held and that they bounced off of Jamie. Because I understand that the timing and the place and the hour of the meeting that you fellows had no objections.

Is that correct, Jamie?

MR. GOFF: There were two times that were asked us? (speaking from audience)

SENATOR CAFIERO: At 1:30 or 1:00?

MR. GOFF: Excuse me.

SENATOR CAFIERO: At 1:30 or 1:00?

MR. GOFF: I believe there was one at 11:00 or 1:00.

SENATOR CAFIERO: Yes. So, just from your standpoint, though, this was not picked at this time to be arbitrary--

MR. MAGAZZU: I appreciate-- Thank you, Senator.

SENATOR CAFIERO: --and not to have anybody here, because the union is the one responsible for this meeting being held. And having held it, they were included in the decision as to when it was going to be, where it was going to be, and the hour it was going to be. So I say that.

MR. MAGAZZU: I appreciate that. My comments still stand, but I guess it's directed to the union, as well as to you and to Corrections.

SENATOR CAFIERO: Then you should direct them where they belong.

MR. MAGAZZU: But 11:00 would not have been a shift change, Senator.

SENATOR CAFIERO: Oh, as I said, this was done with the union's permission and input. Just so you got that clear.

SENATOR KOSCO: Okay. The decision and the time of the meeting is, whether you realize it or not, the decision of the Chairman, which is me. And if I had this meeting at 8:00 at night, people would complain that it was the wrong time because they have to stay home and take care of business

at home because that's the only free time. I would have legislators-- As it is, I had a couple of-- Whether you believe it or not, we also work for a living.

MR. MAGAZZU: So do I, Senator.

SENATOR KOSCO: So we have to take some time off. If we had to have a meeting at 8:00, which is ended up at 11:00 at night, some legislators, for example, Senator Bucco, travels three-and-a-half hours to three hours at least -- right? -- to get here. I traveled two-and-a-half, three hours to get here. So there's a time involved in it.

MR. MAGAZZU: We appreciate that.

SENATOR KOSCO: So no matter when we picked the time, someone would stand up and complain about it. So we do the best we can, and we try to satisfy most of the people. We know we can't satisfy all the people.

SENATOR CAFIERO: It wouldn't take Senator Bucco so long if you loaned him one of your Harleys. (laughter)

SENATOR KOSCO: Well, you know, he didn't want to come down with me on a Harley.

Thank you.

Any questions?

SENATOR BUCCO: Just a question for you, Mr. Chairman. I know you have a county facility in Bergen County, as we have in Morris County, just built a new one. Do you have State inmates in your facility, do you know?

SENATOR KOSCO: Yes.

SENATOR BUCCO: You have. I think Morris County has also. So we do have State inmates. Morris County does not. Bergen County does.

Okay, thank you.

MR. MAGAZZU: I don't think they let them in Morris County, Senator.

Thank you very much.

SENATOR KOSCO: Thank you.

Francis -- I think it's -- Fiore, Communications Workers of America, Local 1040, welcome.

FRANCIS J. FIORE JR.: Mr. Chairman, Senators, Assemblymen, Commissioner, I appreciate the opportunity to make these brief remarks. I'm speaking on behalf of the 3000 or so civilian employees within the Department of Corrections that Local 1040 represents. These are people in jobs such as teachers, maintenance department supervisors, administrative clerical staff, and I'm here with concern as to their safety. These are civilian employees. And as President Goff pointed out, they are not trained in the custodial function of the institution.

Our concern is that if there is a staffing cut in the corrections officers, this is going to directly impact our members in that they're not going to be protected by the correction officers as they are accustomed to. Some time ago when the issue of vests came up, our members had requested that they be given vests as well, with the idea that since the corrections officers now have a vest, they become an easier target for the inmates. We were assured then by the Department that they did not need vests because the correction officers were there to protect them.

What we're seeing now is that with the cutting of the corrections officers' staff there aren't as many officers there to protect the civilian staff at the institution. We have teachers that are on details supervising inmates alone, maintenance personnel that are out there on details supervising inmates alone, and none of these individuals are trained in the custodial function. They are afraid that something is going to happen to them. If they make a mistake as far as counting the inmates, which they're not trained to do, sending an inmate off to get something, they're going to be the ones that bear the responsibility of it. And we have a number of other concerns as well.

The Commissioner has stated that when they looked at these -- they did these staffing studies, that the Department had talked to the bargaining units. I can assure you no one spoke to the Communications Workers of America, Local 1040. We found out about this when our members called us to tell us that they were being given questionnaires to fill out as to what their job assignments were. So, you know, there hasn't been a real give-and-take here of any substance.

We are concerned, as I said, that if the custodial staff is cut, that it negatively impacts on our members. They took these positions in the Department of Corrections with the understanding that they would have the protection of the custodial staff. If that is no longer going to be the case, this creates a serious problem. We hope that you give that due consideration.

As far as civilians doing custodial work, we do not believe that a teacher who is a licensed teacher should be doing the work of a correction officer. We do not believe that a plumber or an electrician should be doing the work of a correction officer. They are not trained to do it, and they are not

compensated to do it. They are being paid to be teachers, plumbers, electricians.

So we ask that you consider this in determining what the outcome of this hearing is. And once again, I do thank you for giving me this opportunity to make these brief remarks.

SENATOR KOSCO: Have there been any instances that you know of that an electrician was doing the job of a custodial person?

MR. FIORE: Well, I can give you an instance of a painter at -- I believe it was Yardville -- no, it might have been Trenton State Prison or Yardville -- that was sent out on a detail to a school to paint a school fence. And he was sent out with an inmate detail by himself. He had happened to pick up-- He needed to open up the paint cans, and he didn't have the proper tool with him. He found something in the ground to open the paint cans up and used that to open the paint cans, brought it back to the institution. Next thing you know, he's in trouble for bringing this object into the institution that could be used as a weapon.

SENATOR KOSCO: But he wasn't there as a custodial person? He was there--

MR. FIORE: Oh, yeah. He was there with the inmates by himself. He did not have a correction officer with him. He was there to make sure that the inmates stayed where they were, that they did the work of painting the fence. That's just one instance. He was acting as a corrections officer. I don't believe he should have been out there with an inmate detail alone. Whether the inmates were full minimum inmates or not, they still should have had a correction officer with them who is trained to handle these things. Our

members aren't even trained in how to use the radios if they're out on -- with an inmate detail and call in that there is an escape. It just doesn't make sense. They're not paid to do that. They're paid to paint, to do the plumbing, to teach, to do the clerical work, not to be correction--

SENATOR KOSCO: And when this situation happened over at Yardville, was it reported to the head warden or the--

MR. FIORE: Oh, sure, yeah. They tried to fire this guy.

SENATOR KOSCO: And what happened to it?

MR. FIORE: I'm not absolutely positive--

SENATOR KOSCO: Did it ever occur again?

MR. FIORE: It wasn't one of my cases. I think he ended up resigning, if I'm not mistaken. I could find out for you, though, and let you know.

SENATOR KOSCO: Did it ever happen again? I mean, did it, you know, or just one instance that we're talking about?

MR. FIORE: There have been other instances throughout where civilian staff have gone out with inmate details where there have been instances. I don't have them off the top of my head. If you would like me to, I could poll the rest of the staff at the office and come up with a list and provide it to you.

SENATOR KOSCO: Yeah, because I think that -- I think you're absolutely correct. I mean, if that's taking place, I don't think the Commissioner wants that to take place. If I were Commissioner in a facility, I wouldn't want a painter being responsible to take care of inmates.

MR. FIORE: Neither would I.

SENATOR KOSCO: And I think that if you have some specific cases, more than one, let me know, because I would like that information and share it with the Commissioner's office.

MR. FIORE: I can make up an entire list for you within a few days and have it to your office. That would be no problem. That would be no problem, Senator.

SENATOR KOSCO: Okay.

SENATOR CAFIERO: Fran, did I understand what you said? When he was out painting the fence, he found something on the ground that he used to open the paint can?

MR. FIORE: Yeah.

SENATOR CAFIERO: And he took that in and turned it in?

MR. FIORE: He took it in and he brought it into the institution. Someone found it and tried to make a case with it -- he was introducing a weapon into the institution.

SENATOR CAFIERO: He found something in the yard that the prisoners could have found on their own?

MR. FIORE: No. No. No. This was out in the community, at the school where they were painting the fence, not in the prison itself, no. That's the concern. He was out in the community with a group of inmates by himself. It's not a good situation, as far as we're concerned, for our members to be in.

SENATOR CAFIERO: Okay.

MR. FIORE: Thank you.

SENATOR KOSCO: Any other questions? (no response)

Thank you.

MR. FIORE: Thank you.

SENATOR KOSCO: I have Don Fauerbach from Maurice River Township.

D O N F A U E R B A C H: Good afternoon, Senators, Commissioner. I speak to you today as a resident of Maurice River Township, as a member of the Maurice River Township Economic Council, and apologize for my attire, but it's on purpose. For the purpose of the press that are here, I am not speaking as Executive Director of the New Jersey Conference of Mayors.

SENATOR KOSCO: You have to get a little bit closer to the microphone and speak up a little bit.

MR. FAUERBACH: For the purpose of the press--

Is this one working or what? (referring to PA microphone) Is that any better? How about this one? (referring to recording microphone) Is that better? Things always break when I get near them. Is this the one that counts?

SENATOR CAFIERO: Hey, Don, we had turned it off for Magazzu. That's all right, use it.

SENATOR KOSCO: Go ahead.

MR. FAUERBACH: I don't know. We had a mike that worked Saturday real good. How about now?

SENATOR KOSCO: Go ahead.

MR. FAUERBACH: Got it?

As I started to say, I speak to you today as a resident of Maurice River Township and a member of the Maurice River Township Economic

Development Council. I am not here as the Executive Director of the New Jersey Conference of Mayors. That is very important for the purpose of the press. I can't mix that job with this job.

I really appreciated hearing some of the history from the Commissioner. And to also give you a little history, I don't really know when the first prison farm was built in Maurice River Township.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Nineteen twenty.

MR. FAUERBACH: Nineteen twenty, there you go. I remember going down there in the early '50s, as a little boy, and playing baseball with the prisoners, playing softball. They were welcomed to our community. They used to make rings and stuff in machine shop. I still have a ring that was made by a prisoner. So there is a history of cooperation, and we want to continue that.

I appreciate your comments about having an open dialogue. That's very important. We need more communication, more open dialogue. As regards to the meeting time and place, everybody's got schedules. They're all crazy. But I do welcome you at any given time if you do care to have a meeting of this sort in Maurice River Township. We very much would like it to be in the evening, and we're very good at bringing people out in the evenings for meetings. And we have some very nice hotels and motels that you could stay at, if you choose to come down for that purpose. And I think you would hear a great deal more than you saw today, but I respect you for your job and your travel time.

One of the things that is very important in Maurice River Township in terms of economic development and county-wide is -- and I spoke to this a few weeks ago at a hearing -- this perception. We really need to have the perception when we're talking to potential developers. And as you may or may not be aware, due to the very, very large amounts of State-controlled lands and environmentally sensitive lands in our county, we're severely restricted in development down here, as we say, or you would say, up there and pointing down here. As a result, we've changed our focus in Cumberland County greatly in the last decade, and that is to try to develop our tourism industry. So for developers that are interested in coming here, perhaps, to build either golf courses or town houses associated with golf courses or PGA-caliber golf courses, world-class motor sports facilities, any number of those things, we need to make sure that we can assure potential developers that their employees and their potential home buyers are living in a secure environment. That perception is very important.

Personally, privatization using civilians to replace government workers in many cases works very well. When you're talking about sewer and water facilities, privatization of those facilities is a good thing. And any number of other -- street sweeping, dog catching -- those are good things for privatization. We are concerned in Maurice River Township about privatization when it comes to our guards. We strongly believe that the training that is done so well by the Department of Corrections continues. We strongly believe that our guard towers should be manned and also with the most up-to-date sophisticated scientific instruments that are available, but we still want the human element. Our residents feel that way.

I've been enlightened this week to numbers that I've never really paid attention to before. In Maurice River Township we are on a one-to-one relationship, residents to people that are committed there as prisoners. I'm surprised to know that as a county we house nearly 25 percent. I know in Maurice River Township it's roughly 12 percent. I was trying to do the math back there, and I think I'm right. Our residents in Maurice River Township, those who live there, our civilian residents, we represent 0.0004 percent of the population in this great state. That's a pretty small amount for the amount of prisoners that we have, but it is a good economy, and it's helped us.

We are cooperative to the best extent we can be with the Department of Corrections. We will work with them. We only ask that you do give full regard to the kinds of development we're trying to bring into the area. It's very important to developers. We're working with some very large developers right now that are watching a lot of the issues going on.

I heard you say earlier, Senator-- And I was going to ask you if you rode your Harley down here, but somebody else beat me to that. We'll let you ride your Harley down when we have the grand opening ceremonies for our motor sports facility here. You and I have discussed that.

You said if you were a resident of an area you might not be too concerned if there was hostility on the inside versus potential on the outside.

SENATOR KOSCO: What-- Say that again?

MR. FAUERBACH: You mentioned earlier, or one of you mentioned, might have been Senator Bucco, that if there was -- if you had heard that there was maybe some hostility going on inside the prison versus hostility outside the prison you may be perhaps less worried.

SENATOR KOSCO: Right. I said that

MR. FAUERBACH: I, too, on a comparative basis certainly, but we have -- because we do live in this environment, we do hear about hostility on occasion in the prison.

SENATOR KOSCO: You don't have a bunch of choir boys or alter boys in those facilities, so you have to expect that to happen. And that's why we want to make sure that the personnel that are in there are trained and properly trained so that they don't come outside and vent their hostilities.

MR. FAUERBACH: We agree. We agree. The point I wanted to make is that if we hear in our Township that there is hostility on the inside, we get very concerned. We get greatly concerned. We lost a guard as a result of hostility on the inside not too long ago. What's on the inside affects our friends and our relatives who are employed there. So when there's hostility on the inside, it throws up a pretty heavy red flag to us. I just wanted to get that on the record. Certainly, we don't want it on the outside either.

One last thing for the record, and I have no hostilities at all toward my good friend Ron Riggins, who was our mayor. We have been disagreeing publicly over some things lately. But for the record, I don't think, based on some legal advice that we've sought, that it's a good idea to include any of our mayor's testimony or his opinions after having toured the facility in any way, shape, or form, because he is employed as a prison guard. I believe he's a sergeant. I respect his opinion very much personally, but from a legal perspective, because we are facing some legal issues as regards our prisons, I do recommend that any of his testimony or opinions be struck from the record,

as it would be in conflict of the New Jersey State laws of ethics for elected officials. Nothing personal, I think Ron's a very good mayor.

With all that said, lineup. I'm looking at the four things we're allowed to talk about. I have a lot of friends and relatives that are guards, and they tell me that they really miss lineups. I guess it's a source of information. I guess it's a source of time. I've heard guards just say, "You know, half the time we don't know what's going on, or we missed that communication." I can't speak to that as an expert, and I will only pass that on as a comment that I do hear that they do miss their lineups. And I don't even know if they all-- Are all the prisons without lineups or is it just a select few?

SENATOR KOSCO: You have to talk through the Chair, because whatever he says (referring to audience member) won't go on the record.

MR. FAUERBACH: Yes, excuse me.

Do we know how many of the prisons now do not have lineups for their guards?

SENATOR KOSCO: They all go under the same bargaining program that was established. I mentioned that before, that when they eliminated the lineup because they were picking up 16 percent in raise, so I would guess that that has to do with all the prisons in the State of New Jersey.

MR. FAUERBACH: So is it your belief that probably all the prisons now don't have lineups for their guards?

SENATOR KOSCO: I would say--

MR. FAUERBACH: Okay.

SENATOR KOSCO: --they don't have the same type of lineup that they used to have. That would be my guess.

MR. FAUERBACH: Okay. I don't see that as a major issue, but I do hear that as a concern. So we've talked about staffing of towers. We think it's very important that all the towers remain fully staffed. We need our potential developers to know that we're working to the most of our security. Privatization is a good thing. We don't think guards should be privatized. And community concerns, I've tried to express them as best I can.

We appreciate you coming down here. It's another great day for people like myself. I don't have to drive all the way to Trenton today. Thank you very much. Any questions?

SENATOR KOSCO: Thank you.

Anyone have any questions? (no response)

Thank you.

Assemblyman Nick Asselta.

A S S E M B L Y M A N N I C H O L A S A S S E L T A: Good afternoon, Mr. Chairman. Thank you for-- First of all, let me thank the city of Vineland, the Mayor of Vineland, Mayor Barse, for allowing this meeting to be hosted here in the city of Vineland, the largest city in area in the State of New Jersey and the second capital of the State of New Jersey if, in fact, something does happen to the city of Trenton. Let me begin by first--

I was able to sit back, and really, I think that's what our role is. This is a public meeting, and public officials should sit back, let the public come before a Committee of this nature and express their views, and then maybe at the very end kind of summarize and come away with some productive dialogue.

It's almost ironic. I agree with Commissioner Terhune on many issues that he talked about today. The quality of the staff at the State prisons, the enhancements that are taking place are all positive things. And in some respects, I disagree with some speakers earlier that said, "We don't need the jobs." I would beg to differ that the jobs that are created by this particular prison complex in this county are very important to Cumberland County and will remain important. Those particular jobs continue to help families grow and pay taxes in this county, and we will continue, my colleagues, Senator Cafiero and Assemblyman Gibson, will continue to fight to keep and maintain those jobs.

And that leads me to probably a situation that has been an arthritic situation. At least prior to myself being in the Assembly in 1995, former Assemblyman LoBiondo and my two colleagues here have faced this issue in Cumberland County for maybe a decade, maybe longer. And they can speak to that issue, that the issue of declassification, the issue of security in our State prisons in this particular legislative district and around this district have always been an issue, prior to this Commissioner being here. And I think it's going to continue to be an issue. That's why today I'm coming to you with a belief that a legislative solution is finally in order, and I think we've come to that realization that no matter who is in control in the administration in this state and who is the Commissioner of Corrections in this state, local communities and local areas and counties must have some type of advisory role and some type of control over what happens securitywise in those facilities.

We know the background. We know in the last two years what happened to the first legislative solution, and that's history. And I think we've

accomplished a lot with that, at least, bringing to the forefront and bringing to fellow legislators the need for something like this. And I think regardless if there were three people in the audience today, Senator, it didn't matter what time this meeting took place. It's all about you, and it's all about Senator Bucco and bringing that message back to your colleagues on the Senate side as Assemblyman Gibson and myself have been bringing that message back to the Assembly side.

We need a legislative solution. We have proposed a bill, A-2732, at the end of June in our House that will enhance, call for public hearings, economic impact analysis, and most importantly, an approval mechanism of an advisory board that would be set up in any county that a State facility currently resides in. And that particular board will have nine members and will have a cross-section of people; our county sheriff, people that have law enforcement background; our county prosecutor, someone who prosecutes the people that are in those facilities. It will have the mayor or designee of that community in which that particular facility is housed, and most importantly, obviously, representatives of the people who work inside those facilities.

We speak to the issue of the people that are outside the prison if, in fact, someone does escape. But think about the people who go between those gates every day, the custody people, and the noncustody people that have no way of protecting themselves if there is a problem, except looking upward and looking at the people in those towers that are armed. There is no substitute, Senator, for the bullet-in-the-back theory. I believe in that. I believe the justification behind that. And as neighboring states now have engaged in enhancement in tower protection -- in New York state alone, has

now enhanced their tower security. What this bill will do with members of our prison workforce, the prosecutor, the sheriff, and also three local people -- people that have no connection to the prison system at all that can judge fairly and justifiably if a security initiative that will impact that facility is proposed by the Department of Corrections or the administration in power -- they will have a sign-off, and I think that's critical to what we're talking about today.

It's all about education, Senator, and it's all about helping you to understand. And in no way-- I think you made some good points with the freeholder here, who was completely out of line, as to you don't need to know what it's like if, in fact, you're not walking in that person's shoes. You are here to be educated. We commend you for coming down here, a three-hour drive down here. This is important to this area, to this county. We are a county that has not only three prison facilities, we also have a developmental center and one of the three only veterans' homes in the State of New Jersey. We are concerned about state employment. We are concerned about state initiatives that are harmful to our area.

So with that being said, Senator, I would appreciate if you have any questions about this legislation, I will hope that the Senate side does get onto this particular piece of legislation that I feel has long been needed, and we will be pushing when we get back in session in a few weeks to move this legislation forward.

Thank you very much.

SENATOR KOSCO: Thank you.

Any questions? (no response)

Thank you.

Anyone else have any remarks that they would like to make?

Jamie.

MR. GOFF: Thank you, sir.

SENATOR KOSCO: Yes.

MR. GOFF: Just two points that I'd like to reiterate on to clear up some discrepancies. As far as an arbitrator's decision for our contract, yes, in fact, we did receive 16 percent, and the arbitrator's decision was to eliminate a mandatory overlap, which was for 20 minutes. That is separate and distinct from a lineup, a lineup where important information is disseminated to the manpower that runs the jail. I'm not talking about a cash overlap. I'm not looking for more benefits or an increase in salary, sir. I'm asking to be informed so we can be protected and we can be safe.

SENATOR KOSCO: That was a good point. Thank you.

MR. GOFF: Okay.

The second issue was ratios that the Commissioner and other speakers have mentioned, specific ratios as to how many inmates and how many officers there are at any given time. I can speak specifically for the institution of which I am from, which is Southern State Correctional Facility. In 1983, the institution was built for 1088 inmates. They had 425 officers. At the current time, there are 1666 inmates and approximately 400 officers. That's real ratio. That's real statistics, sir.

I appreciate you and your Committee coming all the way down to South Jersey to hear the concerns of the citizens and myself in the various areas. I appreciate the opportunity. I am looking forward to having a more

safe and better staffed correctional facility for the approximately 5500 members that we represent and the families and households of them.

Thank you again, sir, for your time.

SENATOR KOSCO: Thank you very much.

Any more questions? (no response)

Commissioner, do you have anything else you want to add or subtract or sum us up?

COMMISSIONER TERHUNE: Let me just, in closing, once again reiterate the opportunity to be here, to you, certainly to your Committee aides that have been instrumental in putting this together. Let me thank Officer Goff and his executive board for being here and certainly taking a very active role and interest in topics that I think we all share.

I have a list of those issues that came as a result of questions or comments from the Committee that I will provide to the Chair. I don't know that I have anything other than the ones that came from the Senator. Perhaps, maybe the Committee aides can provide them if I don't have notations as to what the Department owes the Committee.

But let me just sum up and say, I think really what's happened here is in the 24-year history of the Department, no one has ever decided to put their arms around this issue of staffing. Certainly, a lot of people can have a lot of different opinions as to what's required, what's not, what's required in this particular facility as opposed to that one. That's why we went and sought an independent third-party expert from the Federal government to provide some guidance and direction. I think notwithstanding some of the misperceptions we've actually, and it will come out certainly in the next budget

cycle, recommend it plus 200 correction officers, not civilians, but correction officers at a time when we all are aware that crime has been reduced in the last seven years and certainly so, too, has the prison population reached perhaps a plateau. Yeah, they're staying longer, but there aren't as many coming in as there once was.

Again, if I can impose upon the Chair, through the Committee aide, to provide those documents that we owe the Committee, I would be most thankful, since my memory is failing, Senator.

SENATOR KOSCO: Thank you.

COMMISSIONER TERHUNE: Thank you.

SENATOR KOSCO: Anyone have any further questions? (no response)

Thank you.

COMMISSIONER TERHUNE: Thank you.

SENATOR KOSCO: Anyone want to make a statement before we close out? (no response)

As the Commissioner pointed out, we are extremely proud in the State of New Jersey of all our law enforcement agencies, because the crime in the State of New Jersey is the lowest as it has been in 40 years. Years ago, when we-- Ten years ago, when we did surveys and asked the people of the State of New Jersey what was the most important thing that was concerning them and what was the most important issue facing their family, the number one issue that came up consistently was safety, being safe when they walk the streets, being safe when they're in their own home.

Today when we ask that same question and if you ask-- If you do a poll-- And the way that I do polls is I don't ask the people. I don't give them a list of five things and say tell me what's the most important out of these five to you. I ask the people, what's the most important issue facing you and your family in your home? And that -- safety now is down to like number four. Environment is like number three. And the number one issue is education. The second issue, of course, that always comes into the top five are taxes.

But the safety issue now has dropped to the bottom, and it's because of what's taken place as far as the legislative standpoint, putting people in tougher sentences and keeping people in prison longer, because the recidivism rate that was so out of sight, that people were getting out of prison only to go back to prison and getting out of prison to go back to prison. And now where we have the legislation in New Jersey that goes 85 percent of your sentence for a violent crime, where we have the three strikes legislation, people are not coming and going as quickly as they were. So they are staying in and the prison system is increasing and we're addressing that issue. Possibly the answer may not be to increase the prisons and build new prisons, but to revisit what we do, why we put people in prison for nonviolent crimes and go more to the rehab programs and outside programs.

I think that we have a situation here where both of our people that we're talking to are doing an outstanding job. Our Department of Corrections is doing an outstanding job, and certainly the people that work inside those prisons are doing an outstanding job. What we want to do as legislators is what we're doing here, find out what we think the problems are, try to come up with solutions, whether it's a legislative solution or whether it's an

administrative solution. We don't like passing legislation. We like to do things from an administrative standpoint. That way you can adjust quicker than you can adjust to a legislative situation.

So hopefully we got something out of this Committee hearing. We'll certainly sit down and review it. We will be talking with you, Commissioner, and your staff. We will also be talking to our workers and to you and to find out what we can do to have something positive come out of this hearing that we're having.

So having said that, we will adjourn this meeting, and we will say thank you to everyone that participated.

Have a safe trip.

(HEARING CONCLUDED)