
Committee Meeting

of

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

*"Testimony from public officials and representatives of invited organizations
concerning the impact of budget cuts on public safety"*

LOCATION: New Jersey City University
Jersey City, New Jersey

DATE: April 25, 2012
11:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Charles S. Mainor, Chair
Assemblyman Sean Connors
Assemblyman Joseph Cryan
Assemblyman Jason O'Donnell
Assemblyman Jack M. Ciattarelli
Assemblyman John DiMaio



ALSO PRESENT:

Wendy S. Whitbeck
*Office of Legislative Services
Committee Aide*

Nicole Brown
*Assembly Majority
Committee Aide*

Natalie A. Collins
*Assembly Republican
Committee Aide*

***Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
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ASSEMBLYMAN CHARLES S. MAINOR (Chair): Good morning.

At this time I'm going to ask if everyone can please stand and salute the flag. (all recite Pledge of Allegiance)

Thank you.

We're going to start the meeting -- the hearing -- by allowing Honorable Mayor Healy, who wants to welcome us all to his great City of Jersey City.

Mayor Healy. (applause)

MAYOR JERRAMIAH T. HEALY: Thanks, Chairman Mainor.

We want to thank the Chairman, of course, all the Committee for coming, bringing the (indiscernible) -- this session to our city here, Jersey City, and we want to thank everybody for coming down. I wanted to welcome the attendees who are here to our city and to this session.

Briefly, I'd like to point out a few things. I know that some legislation which brought savings to us in the form of pension and health insurance -- and I know it was hard-fought -- the good thing about that is that it was a big relief to our city and all the taxpayers throughout the State of New Jersey. The downside of that was there was a stampede to the door of some of our most experienced people, and we haven't been in a-- We're not in a position to rehire. In addition, when a lot of our senior people left we were faced with, of course, the payout of accrued vacation and unused sick time, and that has been something of a burden. Fortunately, a couple of years ago an idea came to the Legislature -- and we appreciate that that

was passed -- that would allow our city and others to bond over the course of years to pay, to make sure that we could make those payouts.

Here in Jersey City the men and women of JCPD and JCFD are doing a terrific job every day, and the ironic thing is that because of the great work they've done over the years -- even though we've lost a whole host of both fire and police through attrition over the last couple of years -- the safety factor in Jersey City continues to improve. My point is, by virtue of their success -- by their hard work, their skill, their forbearance, and the courage of our police and fire personnel -- crime has continued to trend down in our city. So that when we apply to our friends down in Washington, D.C., for the COPS grants and the other Federal aid, they have cited to us, "Well, you didn't lay off any cops or firemen." And, thank God, we avoided those things through some long and very difficult negotiations with our police and fire unions. And they say, "You didn't lay anybody off. Other towns in the state laid people off, crime spiked; you laid nobody off and crime has continued to trend down somewhat in your city. As a result, we have no money to give you."

My point is, because of the good work of our police and fire folks we have been, I would say, punished for our success by the folks in Washington. So we're asking for your help with the State, and also with any of your friends down in Washington, D.C., to reward good performance by, what I would say, investing rather than throwing money. When you give it to our police and fire, good things happen.

We were fortunate-- About a year ago we got a SAFER grant from the Federal government because, as our firemen and police officers ran out the door, the SAFER grant allowed us to hire 64 young firefighters who

are now on the job. We were thrilled; that was Federal money. I don't have to tell you folks-- You know about the UEZ battle that's been going on for a couple of years now. Urban Enterprise Zone-- Our city had the largest and most successful Urban Enterprise Zone in the state. It generated about \$12 million a year to give back to our city. We used that money largely-- A good part of it was used for the crime cameras which have been a great success, and also to put police officers on the streets. That money has been frozen and seized, and we know that the State is in trouble and that the Administration and the Governor needed that money to plug holes. But what we're trying to do is keep-- What we always say is "amend it, don't end it." Amend the program if there are abuses -- straighten out the abuses. I know, speaking for our city -- Jersey City -- and a couple of the other large cities, it was run very, very well by our people. There were no abuses. And also it cost about \$90 million a year to run all of the UEZs throughout the state. We had asked the State Legislature and the Administration -- they can achieve some savings; we'll take half a loaf -- say, \$45 million -- to partially fund-- That would halfway fund all the UEZs; we could do a lot with that.

So we're asking to address those things: continue to look to help cities that spend money wisely and achieve successes, and do that through the State; lobby the Governor's Office to look at those things; and, once again, our COPS grant with the Federal government -- whatever influence you folks can bring to that subject, we'd certainly appreciate it.

I'm done talking. Thank you very much. (laughter and applause)

ASSEMBLYMAN MAINOR: Thank you, Mr. Mayor. Thank you for saying good morning and welcoming all of our visitors. (laughter)

MAYOR HEALY: Thanks, Charles.

ASSEMBLYMAN MAINOR: Let me just say good morning, and I want to thank all of you for attending the Assembly Law and Public Safety public hearing. I'd like to welcome you to my hometown of Jersey City and I want to thank NJCU for their hospitality. It is important that I note that this is a hearing about fact finding. It is my hope that at the end of the day we can all pull together and find solutions to maintain public safety efficiently and economically within our respective municipalities. It is no secret that we are in a financial crunch, but safety cannot be jeopardized in lieu of saving money.

So again, after setting that tone I wanted to say again thank you to all of you for coming to this public hearing.

At this time I'm going to ask if Mayor Healy would come back; Chief Comey from the Jersey City Police Department and Chief Rivers from the Jersey City Fire Department will come forward.

If you can, prior to speaking, just state your name and your affiliation for the record, please.

MAYOR HEALY: I've already made my appearance. (laughter)
Jerramiah Healy, Mayor of Jersey City.

CHIEF THOMAS J. COMEY: Tom Comey, Chief of Police; and in these tough economic times, also the Director -- since government is getting smaller and smaller. And I'd like to also thank the members of the Committee for coming up. You just saved my creaky back a ride down to

Trenton, which I've done on numerous times. But good morning and thank you for the opportunity to address you.

CHIEF DARREN RIVERS: Good morning; Darren Rivers, Fire Chief, Jersey City Fire Department. I'd like to welcome the Committee here to Jersey City. I think it's a wonderful thing that we're doing here, to be able to voice our concerns that we have in our departments; and it's very important that the State knows the difficulties that we've been dealing with, with all the cuts and the losses of crucial manpower which makes our job very difficult. Thank you.

ASSEMBLYMAN MAINOR: Would you like to start, Chief?

MR. COMEY: Yes.

First I'd like to say that we understand, as administrators in present-day economic times, that we have to get more prudent with the fiscal resources we're offered; we have to get smarter, and we have to get smaller. But there comes a time when we have to understand, as an agency, that smaller doesn't count anymore. I constantly go out now-- We've been holding town hall meetings about public safety in Jersey City. And I hear over and over again, "Chief, why do I not see a police officer walking a beat in my city?" And I have to be--

ASSEMBLYMAN MAINOR: Could you move the mike closer?

MR. COMEY: Which one, this one?

ASSEMBLYMAN MAINOR: It's the big one.

MR. COMEY: And I have to be very honest with them, and tell them I was a beat cop in 1981. I walked the beat from 6 p.m. to 2 a.m. The difference was, in 1981, there were between 1,050 and 1,100 police officers in this city. So walking beats were, at that time, permissible. I now

run an agency that's down to 803, and at the end of this week I will sign an order and it may go below 800 to 799; I know it will go to 800 because we have 3 individuals who are already scheduled to retire and have completed their last tour. So we continue to go down.

But as the Mayor indicated, we're victims of our own success. We've gotten smaller, we've gotten smarter, and we've been able to stabilize crime. This was not an easy task. We saw this fiscal crisis coming at the end of 2009, the beginning of 2010, and we began immediately to negotiate with our unions and bare our souls to them. Through some, as the Mayor indicated, arduous negotiations we were able to get sacrifices on both sides and we were able to prevent any layoffs or demotions within our agency, which to me was a tremendous godsend to the citizens and residents of this city.

However, every grant we applied for, I think what's occurring is people are realizing that cities like Camden, Paterson, Newark have laid off police officers and they're getting the first bite of the apple before they even look at us. So we've become, as the Mayor indicated, a victim of our success. We're not only seeing crime stable -- and look, I believe we can get it down further if we have more resources -- we're being penalized for success. And that, in my opinion, is unfair. And in the rule of unintended consequences, when the Mayor discussed the UEZ, I don't think anybody within the city, or within this panel, could truly understand that on July 1 of this year all the assets in regards to CCTV will become burdened on my budget because they will no longer be funded by the UEZ. We have the largest camera system in the state. Some of it is rather old. Maintenance on that equipment, repairs on that equipment, are fairly costly. So effective

July 1 that is going to be our responsibility -- to pay all those bills. So any chance I have of tweaking the budget in order to hire more police officers, in addition to the grant we're seeking, is going to be effected by that rule of unintended consequences. Nobody expected that burden to be thrown on their back. And I figure it has to be in the area of about \$800,000 that will be put on my budget on July 2 that I didn't have on June 30. Where do I get that \$800,000 from under the present conditions? I don't. I have to make further cuts within my agency to sustain the use of that camera system, because we have to understand: If we have less cops, we have to utilize the cameras more -- and we have.

And I've spoken to several people; I believe I even spoke to you, Assemblyman Cryan, when we were going through it. Another problem with the rule of unintended consequences is every time a rumor comes out of Trenton, my retirements go off the charts. In July of 2010 I had scheduled retirements for August 1: seven. At the end of July, I signed 30 retirement orders. If another rumor was to come out of Trenton, I'd probably sign 80, which would devastate this department.

So we understand. And I've had the good fortune of having a Mayor who supports me, and I've run this organization for six years now, okay? I'm a 32-year veteran. I could have gone home long before these battles ever started. But I believe in what we do, I believe in what the men and women who I work with every day do. And we're just saying, "We understand there are problems. But together we can resolve them." And it can no longer be kneejerk reactions, and before we do stuff with the UEZ, please invite us to the table so we can then show you what's going to happen.

I thank you for your time. I'm here to answer any questions anybody has relevant to the agency. But I just ask that you make the men and women of law enforcement, fire services, EMS -- those who are responsible for the lives of the citizens of this state -- part of the resolution. Because we're really not part of the problem (indiscernible).

ASSEMBLYMAN MAINOR: Chief, I have one question.

CHIEF COMEY: That figures, Charles. (laughter)

ASSEMBLYMAN MAINOR: Did you have to make any major adjustments within your department--

CHIEF COMEY: Oh, sure.

ASSEMBLYMAN MAINOR: --to maintain the manpower?

CHIEF COMEY: Sure. My motorcycle squad is probably about 50 percent of what it was. I disbanded my community relations unit. We were on the precipice of forming what would probably be a model, to be utilized throughout this state, of a crime intelligence unit that has now been tabled. We've downsized a lot of the units that are out there previously, but that's just some of the cuts we had to make to make this situation work. And understand -- we saw this coming, and in 2010 we were the first city agency to lay off people because we saw the end coming. We laid off 40 civilians before anybody else in the city had done it because we had to make the necessary choice to save police officers. It was one of the toughest decisions I made because, you understand, you impact families when you do that. But I still had a responsibility to public safety.

ASSEMBLYMAN MAINOR: You said July 2 you're going to have an \$800,000 bill attached to your budget?

CHIEF COMEY: I'm in the process right now-- I've asked the EDC to give me exactly what they pay annually, and what my anticipated costs would be effective July 1. Because on July 1, all that equipment will be transferred from the EDC's budget -- every camera out there right now is maintained, serviced, and under the care and control of the EDC. On July 2 that will come under the care and control, and the police department will be responsible for all the financial purchases related thereto.

ASSEMBLYMAN MAINOR: Is there a possibility that might create layoffs and/or the CCTV not being utilized?

CHIEF COMEY: Well, the thing is this: We're fortunate right now, because we did get a State grant -- and I'm very grateful for that -- from the Attorney General for \$500,000. We were able to reemploy three CCTV operators under that grant that we had laid off during our tough economic times. That grant expires in November of this year. The problem is, it's not a decision I can make until I see what the cost of the UEZ -- the camera maintenance will be.

But I'll again have to make the prudent decision: They may have to be laid off if I'm forced to bear more costs on the maintenance of the system.

ASSEMBLYMAN MAINOR: Other than requesting more money, do you have any suggestions for this Committee that we could explore in reference to creating more manpower: any cost savings, removing some barriers, or even different ways to negotiate within our contracts?

CHIEF COMEY: Well, the suggestions I would make -- the education I got sitting here for six years was: Contracts vary greatly from municipality to municipality. Like some people talk about, they consider it,

in the civilian world, a golden parachute -- sick days. Well, I don't have one sick day on the record. I've taken, on an average in a 32-year career, eight days off sick. Some of the things people talk about, Jersey City corrected in 1988. In 1988, you could freeze under that present contract all the time you had in vacation time until you retired, but from that point on, you were no longer able to keep more than 30 days on the books for the current year you were in. So we corrected that. And the other things have been corrected through various contracts. So we're not an agency that people-- But again, we're lumped together with every law enforcement entity in the state. We've already taken the prudent steps in the past to make sure-- And I've told the Mayor, based on contractual conditions that have changed throughout my 32-year career, these payouts will begin to go down as we lose people from 1981 and 1985, because the city took the corrective action earlier.

So as far as that goes, I wish I could, but contracts vary from municipality to municipality. I would only say that I would urge each municipal leader, as Mayor Healy has done, to be forthright and honest in contract negotiations.

ASSEMBLYMAN MAINOR: Looking at the contracts that the Jersey City Police Department has, I'm quite sure there's some type of cost-cutting savings within that contract that could possibly be negotiated between the unions and the Mayor. If there was some type of legislation form that would allow you to reopen the contract and not be subject to any pending litigation or any new rules that are going to come into effect at the end of a contract, do you think that will be something that we can possibly explore and see if it can happen?

MAYOR HEALY: Chairman, we can reopen negotiations as long as both sides agree -- the union leadership and-- We've been talking about that with both of those unions, and down the road the next couple of months we may be able to do that. So I really don't think we need legislation to do that; it's all about the contractual situation and the bargain that is struck.

CHIEF COMEY: And I think part of the problem is there is a lot of apprehension now on both parts; that the minute you go to unions, based on what has occurred over the last 18 months, that they are a little apprehensive that something would occur the minute they open that up -- that they would be part and parcel to additional fees.

ASSEMBLYMAN MAINOR: This is what I was saying.

CHIEF COMEY: That's apprehension; I do believe there are ways that can be dealt with, but I don't know if legislation can effectively deal with that. I would have to give that due consideration.

ASSEMBLYMAN MAINOR: Understood.

Any members?

Assemblyman Connors.

ASSEMBLYMAN CONNORS: Through the Chair, Chief, thank you first for coming here and supporting this Committee.

Through the reductions of in-house services in Jersey City, are we still maintaining services to the other municipalities and jurisdictions throughout Hudson County that call upon us for services at various times?

CHIEF COMEY: Yes, yes. And I've had to adapt the policy where previously if it impacts the city financially, I do seek reimbursement from the municipality we go to. In other words, we understand -- and to

put it in layman's terms -- we're the big dog on the block. We have the equipment that some of these other agencies may not have and we'll go anywhere, anytime for public safety. However, if I incur a cost above and beyond what my reasonable costs would be to have those officers out there for that tour, I do seek reimbursement from the agency we respond to. And I have to be honest with you, most of the chiefs understand it in this day and age, and they have reimbursed us when necessary. For instance, Hoboken -- we sent 40 additional police officers down there to Hoboken and I told them I couldn't afford it. They had to pay for it, and Hoboken paid for it.

ASSEMBLYMAN CONNORS: Right. So while our reductions in services -- that hasn't reduced on the county level as well? We're still being called upon frequently and stuff?

CHIEF COMEY: That is correct, that is correct.

ASSEMBLYMAN CONNORS: Okay.

CHIEF COMEY: Well, I'd say it's probably happening more, because of the reductions that are occurring in some of these smaller towns that may have downsized their emergency services units, such as Union City.

ASSEMBLYMAN MAINOR: Assemblyman Cryan.

ASSEMBLYMAN CRYAN: Thanks. I have a couple for you.

One of the ideas that we consistently hear is that technology is a great saver. And I want to explore with you just for another moment about picking up these costs, because I don't think people understand, at a real-time level, what cameras cost, what technology costs.

This transfer of money into you is from the UEZ cuts, right?
This unconscionable--

CHIEF COMEY: We're not getting the money; we're getting the equipment.

ASSEMBLYMAN CRYAN: You're getting the equipment and the maintenance.

CHIEF COMEY: Yes.

ASSEMBLYMAN CRYAN: Right? So you have folks that literally are able to cover a wider ground, with the proper training, that are -
- I just want to understand it--

CHIEF COMEY: What we did is we rigged up the system, Assemblyman. When we looked at the system, as I said, in 2009 and 2010, we saw this coming so we were able to make the appropriate adjustments there. So we brought CCTV from its present location into our central communications room. Now, understand: I believe, technology-wise, we're probably one of the most premier departments in the entire state. Because if we want to get smaller, we have to get smarter. In CCTV, when we revamped it, it used to be continually observed by the same computer operators, the same system operators, in a satellite office. Now when we bring it in to our command center, it's tiered. What we do is we have the precinct commanders have video displays in all their precincts and they determine the priority of the camera. So they may have the desk sergeant watching camera one and two that are two high-crime areas. They will then advise CCTV to not pay attention to these cameras. Additionally what we did is -- getting smarter and smaller -- we then hooked up a video link -- and we've had a lot of technological problems with the third aspect of it -- where

if a crime occurs at Van Nostrand and MLK the dispatcher is immediately given the CCTV feed on a 52-inch color monitor on the board in front of him so we can advise responding units exactly what they're going into. The third aspect with that, which we have an extremely difficult time with technology-wise, is in a two-man unit, that CCTV feed could go directly to the radio car so the passenger would be able to brief the driver, as they were responding, on what was occurring.

So yes, we've tried to-- And we face another problem being there are 60 more cameras coming online in the next year that were signed off on over a year ago. We don't know if we have the personnel to watch them. So it's going to become difficult. But we have taken the appropriate steps to try to relieve the burden on the CCTV operator and prioritize it to where it's more integrated in uniform personnel.

ASSEMBLYMAN CRYAN: So while you're down from a high of approximately 1,100 to 800--

CHIEF COMEY: No, we're down from 905 in my tenure to 103 (*sic*). (Indiscernible)

ASSEMBLYMAN CRYAN: Okay. But technology is a part of a solution, but not the solution, and certainly not a complete cost profile that doesn't (indiscernible).

CHIEF COMEY: That is correct.

ASSEMBLYMAN CRYAN: I just want to make a couple of other-- One other quick question, one other quick comment.

At least in my experience so far, no matter what the unions are, I see folks that are more than willing to open up, that understand a cost profile when it comes to what cities and governments are going through.

That's been my experience, at least so far, not only in my day job but around this state. I have seen folks willing to open up contracts. I think our incentive, in terms of whether it's new hires and a disproportionate cost on health care that we provided -- we've created a number of disincentives to do that. Well, maybe this Committee could look at opportunities to create incentives. It might be an available option to us because, let's face it, every new hire pays a different amount than the others. You create a different standard and that's something we should look at in trying to make opportunities barrier-free, as opposed to, frankly, a difficult position that we're in now.

And then finally: just the Port Authority stuff; you know, the Holland Tunnel and the rest. Do you create a lot of extra-- Do you get extra-- Is there an additional burden to you as a result of, frankly, the geography and the access to New York City that's unique to Jersey City in any way for your costs?

CHIEF COMEY: Yes. I actually took the very, I guess, not agreed upon position -- is that I asked the Mayor--

ASSEMBLYMAN CRYAN: Not you. (laughter)

CHIEF COMEY: --several years ago to consider-- What occurs is we probably become, inclusive of Newark, during the daylight hours the largest-- The East District is probably the largest precinct -- district -- in the state in the daytime hours. And we've lobbied the Federal government; I've gone through meeting after meeting at Homeland Security and said, "Enough with the toys; 700,000 people come through this city every morning. How am I supposed to protect them on the waterfront if you give me a lovely piece of equipment but I don't have the personnel to put in it?"

We have to start realizing if we're going to get smarter, it means the utilization of personnel. Because if you look at Jersey City's waterfront, it's a satellite of the financial district in New York City. It is a prime target if they can't strike in New York City. It would be considered a prime target. And that's something I'm always concerned about. And it increases the volume of traffic into this city; you're talking motor vehicle accidents, motor vehicle stops, that draws an inordinate amount of services on my Department. You are correct.

ASSEMBLYMAN CRYAN: That's the final point I wanted to make -- is that we should be aware, especially in our cities and in our larger communities. The town I live in has 57,000 people during the night when heads go to sleep, but it has 145,000 people during the day. Jersey City is in the same boat. And as much as most of our cities are, we need to understand that when we talk about caps and cuts, that they're disproportionate because we encourage people to come into work who expect a level of service. And yet these cuts, I think, become disproportionate, whether it's in UEZ or other areas, because we're asking a work population to be there, and yet we're not providing the available resources to make sure that everybody has the same equal public safety options.

CHIEF COMEY: That's correct.

MAYOR HEALY: Can I just emphasize something the Chief said? I'm sure everybody here understands it, but anytime we get a State grant or a Federal grant, in particular, it's all to buy machines, cars, super trucks that can do everything other than jump over the moon. But what we really need are personnel or boots on the ground. We need funding to

allow us to hire firefighters -- I mean, police officers to address public safety. So if we could get that message across that would be great. If you're going to give us any kind of grant from the State or the Feds, give us some discretion and allow us to hire personnel rather than to buy another, as the Chief said, another toy with bells and whistles that you can use, maybe, once a year that becomes practical. And a lot of funding, I think, goes down the drain because of that. We don't have the discretion to use the funds to hire and put people out on the streets to continue to provide the best level of public safety.

CHIEF COMEY: And in conclusion, I'd just like to say one thing. I'm encouraged by what I heard here today, because the benefit I have of meeting with this Committee is there is resolution to all these things. And I guess, perhaps, the vilification period is now over and we understand. And as I said, I could have gone home years ago. That we can resolve this if we stop the blame game. We have to stop the blame game and start the resolution game. It is not a fault of the unions, nor is it the fault of the Assembly. It is what we must deal with together today -- and there's a way around that -- or tomorrow, ladies and gentlemen, is very, very bleak in law enforcement.

ASSEMBLYMAN MAINOR: Assemblyman.

ASSEMBLYMAN CIATTARELLI: Thank you, Mr. Chairman.

The Chief said he is very encouraged by what he heard today, but that was before I spoke. I hope I haven't ruined it. (laughter)

CHIEF COMEY: I'll let you know if you did.

ASSEMBLYMAN CIATTARELLI: I get the sense you will, which I appreciate.

I also appreciate how well you articulated your state of the State, as you were specific to your police department.

Chief, when you talk about a minimum of 30 people possibly retiring, possibly a maximum of 80 people retiring--

CHIEF COMEY: I could have 80 retirements.

ASSEMBLYMAN CIATTARELLI: And, listen, I appreciate the challenge that is associated with the brain drain and losing all that experience. But that's the glass half-empty. The glass half-full is the potential financial benefit of replacing someone with 25-plus years on the force with somebody who is a new hire. We just completed a very detailed analysis in Somerset County where we're looking to regionalize our police department from the 19 separate municipal departments. And for every single employee who retires -- and we have 137 who will probably retire over the next seven years -- every time one of them is replaced we save at least \$50,000. Now, you can either pass that savings on to the taxpayers or maybe you hire two cops for every one who retires. So when you talk about the challenge associated with the brain drain, doesn't it also present an opportunity?

CHIEF COMEY: Yes, it does, but the problem is that the opportunity destroys our assets at that particular moment of time, and the curve would actually be two to three years. So the potential savings, when I look at it -- and I'm now going to put on my Director's hat, which deals with the fiscal side of the house -- is the savings I would anticipate would not be for four years out, based upon, again, you're getting rid of the high-end talent who were on -- many years ago -- who are now our financial responsibility to live up to our contractual obligations. Which means we

don't see a potential savings on them being gone because I'm paying that \$50,000 to \$60,000 a year for the next three years. So I can't compound that savings out until the fourth year. That's when I'll actually receive that savings.

So yes, in the long run, you are 100 percent correct, Assemblyman. But that is not, in a city the size of Jersey City, going to come for about five years, based upon the way we're set up in steps with the number of offices we have at each level. But that savings will come, projected out here to about five years. Initially it would create an undue hardship on this city if you had 80 police officers who go out the door.

ASSEMBLYMAN CIATTARELLI: The last thing I want to do is seem prosecutorial, but let me tell you some of the findings. And I just want to use that as a lead-in to a couple more questions.

What we found in Somerset County when we put together 19 police departments, which forms the size of one large city department almost the size of--

CHIEF COMEY: Well, how many would you have if you added the 19?

ASSEMBLYMAN CIATTARELLI: If you add up the 19, we have 594 sworn officers--

CHIEF COMEY: Okay.

ASSEMBLYMAN CIATTARELLI: --so three-quarters of the--

CHIEF COMEY: We're comparable; it's comparable.

ASSEMBLYMAN CIATTARELLI: Yes. And what we found was that the supervisor/rank-and-file ratio, aggregately, is 1:2. So one of the ways we're looking to save is by transforming the labor force to get to what

we believe is a more reasonable one-to-four or five. And when I say we, I don't necessarily mean policy makers, I mean the local law enforcement leadership as well.

CHIEF COMEY: I agree with you, but, again, those are nine individual agencies that you referenced, or 19--

ASSEMBLYMAN CIATTARELLI: Well, I'm wondering what your supervisor-to-rank-and-file ratio--

CHIEF COMEY: Our supervisors are more comparable to what you just said. It's about, right now, 1:4.8--

ASSEMBLYMAN CIATTARELLI: Okay, that's good news.

CHIEF COMEY: --in a line of sergeants. You know, I mean, it's about 4.8. I'd have to go back to my office and do the math because we've had some retirements, but last time we checked it was about 4.6 -- 1:4.6. And then it gets-- There's one lieutenant per eight sergeants and so on and so forth. We're more aligned with New York City's ratios than anybody else throughout the state.

ASSEMBLYMAN CIATTARELLI: That's good news.

The second thing was, we found that there were sworn officers doing civilian jobs.

CHIEF COMEY: That's the law of unintended consequences. It's a rule of unintended consequences. I'll give you a for instance: We've tried to hire civilian dispatchers over and over again. We're in a position now where I have police officers who are dispatching units because we cannot get people to take the dispatching job. So I have no other alternatives.

ASSEMBLYMAN CIATTARELLI: In this economy?

CHIEF COMEY: In this economy. Because it's not as easy as people think. Training for a dispatcher, with a State certification, is six months. People get tired in the six-month training period and pack it in, because as they begin to go further into the job they're doing they realize they really can't do it. It's a high-stress job when you have, in an inner city, an individual responsible for the lives of 12 police officers at any given time at a lull. So we're finding, as they come on, they're not completing the training process. So we've gone to -- and the Mayor supported my position -- I've offered it to retired firemen, retired sheriff's officers, retired police officers, because I understand in the scheme of things they're a little bit more used to the high-stress position. But again, now, I got beat up publicly and politically as it's always the police and fire that you're hiring. But I can prove to you that an inordinate number of people fail the training process or withdraw from the training process. What we find historically is everybody wants to stop at a 9-1-1 call taker. Nobody wants to go to that next level, because it is a high stress position. So I have to have competent people dispatching my officers' safely. So right now I have, I'm going to say-- Four years ago I had two police officers assigned to dispatching police personnel. I have that now up to 12, because I cannot stop that.

ASSEMBLYMAN CIATTARELLI: It just seems to be a certain inefficiency when having sworn officers doing civilian-type jobs, but I--

CHIEF COMEY: I do agree with you. And I'm a proponent of it. But the problem is we're not getting the caliber of people. And that's what shocks me. I agree with you 110 percent, in this economy, that we're not getting the competent people to do these jobs.

ASSEMBLYMAN CIATTARELLI: I've heard a number of references made to the UEZ. And in fairness to the UEZ program-- In terms of the catalyst for its creation years back, it was for the proceeds to come back to the city where the UEZ resides, where it is to be used for economic development to create the ratables that pay the property taxes that pay for the ongoing expenses in any municipality. It sounds like what was going on here is UEZ proceeds were being used, in fact, for ongoing municipal operations.

MAYOR HEALY: Well, in Jersey City-- First of all, our Urban Enterprise Zones -- I'm not going to go into the history, but you know when they came about it was under Governor Kean and it was at a time when cities were-- Everyone was running from the cities. The tax base was eroded, the streets were filthy, the sidewalks were filthy, crime was out of control, and it was a good response and it actually worked.

ASSEMBLYMAN CIATTARELLI: But it was meant for economic development.

MAYOR HEALY: Yes, okay, but I'm getting there.

If you don't have a safe Urban Enterprise Zone-- If you don't have a safe city, you're not going to have investment, you're not going to have jobs, you're not going to have businesses there. So I think that particularly in some of our larger cities, economic success has to be tied to safe streets and safe sidewalks. And that's all we've done -- is used the crime cameras, which allowed us to put some of those police officers in the shopping areas. And I think that's perfectly legitimate. If you don't-- If you have a place that people are afraid to shop in or people don't want to

open a store in, you're not going to produce economically. So I think it's a legitimate use.

And, by the way, we welcome any spotlight or any searchlight that's come to our city and our UEZ because, as I said, we've done it the right way, and we're proud of it and it was a big success. I can't speak for some of the others. I've read about them and I agree: Sometimes they were used as a patronage mill in some of these. We didn't do that, and it's been very successful. And as I said, don't listen to me or anybody here. Talk to the people who have been in business in Jersey City for the last 35 years and they'll tell you what a tremendous difference the UEZ meant to their shopping areas.

ASSEMBLYMAN CIATTARELLI: I mean, I hear you loud and clear--

CHIEF COMEY: Could I add one thing to that?

ASSEMBLYMAN CIATTARELLI: --you don't want to be punished for your success. And it's a very compelling statement. It's a statement that resonates with everybody. But we have no choice but to try and be as successful as we can.

CHIEF COMEY: Sure.

ASSEMBLYMAN CIATTARELLI: My last comment, Mr. Chairman, is Assemblyman Cryan has forgotten more than I will ever know, and I have great respect for him. But when we talk about the population going from 60,000 to 175,000 during the workday, that's because there's viable businesses here that people come to and make those businesses productive. And that makes for more valuable ratables, and more valuable ratables, as we know, produces more property taxes. So it's not a direct

corollary as that population doubles and triples during the course of any workday that there isn't another type of windfall to the municipality because of the attractiveness of those corporate ratables.

CHIEF COMEY: Can I add something?

ASSEMBLYMAN CIATTARELLI: Yes. You're no longer encouraged by everything (indiscernible)

CHIEF COMEY: No, I'm still encouraged, I'm still encouraged; very much so. (laughter) But there's always the devil's advocate. Because as Mr. Cryan said, when you dealt with the UEZ-- I explained to Mr. Cryan that we get an inordinate number of people that come in here and work. Well, if we want an inordinate number of people to come in here and shop and get those ratables that you just referenced, we had to put the police officers there to make it a safe environment. So to that degree I felt it necessary to go to the UEZ and say if we're trying to revitalize an area, it's drawing on police services. It's actually causing the perimeter areas of the city to possibly lose services because we have to concentrate in that UEZ zone. We can hit a happy medium if you can help offset the cost of some of the police officers we put there; and we see a direct correlation to the decrease in crime in the UEZ areas by the State saying, "You know what? You have a good point. Let's do it." And it did work -- so.

ASSEMBLYMAN CIATTARELLI: Your point's a valid one. Mine is that economic development is a crime fighter as well.

CHIEF COMEY: Yes.

ASSEMBLYMAN CIATTARELLI: And UEZ funds were supposed--

CHIEF COMEY: I do not disagree.

ASSEMBLYMAN CIATTARELLI: --geared toward economic development.

CHIEF COMEY: Yes, yes. And I think in this particular case, as the Mayor said, in Jersey City it worked. I'm still encouraged.

ASSEMBLYMAN MAINOR: We have one question.

Assemblyman O'Donnell.

ASSEMBLYMAN O'DONNELL: Chief, if we were to develop some type of feeder program and codify it with legislation, say, with NJCU, who has a criminal justice degree, to feed these younger people into the dispatch program -- and maybe we could couple that with the testing -- would that be something that you would be interested in?

CHIEF COMEY: Sure.

ASSEMBLYMAN O'DONNELL: To get people who are obviously interested in this field into the Jersey City Police Department.

MAYOR HEALY: Sure. That would be great.

Can I just tell you why we like retired firemen and retired police officers? First of all, they've been trained. Second of all, they have something at stake, okay? They have a pension; maybe they're getting \$50,000 a year. They have benefits if they've been on the job for 25 years. So we not only get some who are already trained and a sworn officer. We're getting somebody who doesn't need \$40,000 or \$50,000 a year and doesn't need benefits. So we can hire these trained, sworn officers very cheaply. And as a result, that's what we've been trying to do. And if people criticize us you just have to keep doing the right thing, and full speed ahead and damn the torpedoes. But that's why we prefer to get sworn officers like

that. It's much cheaper for us and we get them more trained, and it's someone with a lot to risk and more at stake.

CHIEF COMEY: And what I find -- and I have to be a realist here, folks -- is that when we get the older, more mature individual, on a Friday night in the middle of July when it's 80 degrees, the more mature individual has a habit of coming to work, where a younger individual is like, "I'm enjoying the day." And even if they don't get paid they call out -- a day without pay. If they have no more time available to them, they call out without pay because younger individuals believe that what they're doing now is a priority over their occupation. And we see an inordinate value to that. It costs me money for the people who don't want to come to work. And historically, from my perspective, they have been the younger employees who we have taken the diligence and time to train, and they have not hit the maturity level or the responsibility factors that we want yet. Not all of them -- a select few. And I will say that. We do have a good degree of solid employees.

ASSEMBLYMAN MAINOR: Chief Rivers.

CHIEF COMEY: He's got guys, he shouldn't have much to say. (laughter)

MAYOR HEALY: He got his 64.

CHIEF RIVERS: Again, I would like to thank the Committee for allowing me to sit here before you and voice some of the concerns with the Jersey City Fire Department and other fire departments that we have in the county.

About three years ago when the city started to have some of the financial problems, not only did it affect the police department, but it

diversely affected the fire department as well. We normally have 26 units with a fire boat, but due to the financial constraints of the city we had to move all the way down to about 20 units. Also, with some of the legislation that was coming down it created a lot of fear within the ranks of losing the time that they have accrued over the years. So there was a mass exodus of more than 110 members.

Jersey City Fire Department, at its peak, was 610 members strong. At its lowest point it got down to approximately 492, approximately a year and a half ago.

With a city this size it's extremely difficult. With the fire department we are a service agency. We not only fight fires, we do medical calls, we do service calls, water leaks. So we have-- Our runs are between 22,000 and 30,000 a year. Once we went down to 20 companies, if we have a second-alarm fire we would have to call for help outside of Jersey City. We do mutual aid agreements throughout the county and with New York City, and if it wasn't for those other communities we would be in a lot of trouble. If we get-- At that time, if we had a second-alarm fire, we would have to cease our medical calls. So that put a little bit more of a strain on the medical center and their EMS services.

So with the help of the Mayor and City Hall, we work diligently and, also with the SAFER grant, we were able to hire 64 new firefighters and that brought our numbers back up to approximately 552. And also, the city was able to increase our minimum coverage to 22 companies. Was that a help? Yes. Is it enough? No. Any help that we can get from the State to assist with this would be greatly appreciated.

Safety is paramount with the fire department. We need to make sure that we have the companies necessary to protect the citizens of this city. All it takes-- As you can see, lately we've had a rash of fires, not only in Jersey City but throughout the state, the county. And if it wasn't for, like I said, other communities we'd be in a lot of trouble. We need funding to get back to our maximum strength, which is 26 companies, as well as putting the marine unit-- We have a vibrant waterfront with a lot of high rises. During the summer we have a lot of activity now down at Liberty Park and that activity is growing. And it's very important that we have the marine capabilities to protect our citizens when they are enjoying themselves during the summer months.

At this time due to the-- Last year due to the cuts, any rescues that needed to be done on our shores were done by New York City. Now, as a State, I find that to be embarrassing that we have to count on another state to assist us. The State of New Jersey, you need to do what we -- you -- can to give us what we need to protect the citizens of this city. We have had grants, as the Police Chief stated -- but grants for equipment. You know, we have all this high-tech equipment but no manpower to put it to use. So we warehouse it and use it once or twice a year, when it could be utilized regularly if we had the manpower to keep it active.

Fortunately for me, I have a Director that handles a lot of the financial issues with the city so I can concentrate all my efforts on the operational standpoint of the fire department. At this time, being the Hudson County Fire Coordinator, I am working with all the chiefs of Hudson County to develop a more definitive plan for mutual aid. Two weeks ago we had a six-alarm fire; we lost 10 buildings. We had every

Jersey City unit at that fire. So we had virtually no coverage. If it wasn't for the help of Kearny, North Hudson, Hoboken, and Bayonne, Jersey City was in trouble. The residents were in danger. I also had to call in three companies from Newark, as well as a task force of four companies from Essex County.

Now, with that being said, all the chiefs of Hudson County decided that we needed a more comprehensive plan to assist in situations where if one municipality doesn't have enough resources, that we can pull together and have a plan to cover the county, as well as send other counties help when they are in need.

So basically, my biggest issue is manpower. Equipment is not a problem, like I said. We have grants -- Federal grants -- that have assisted us with that. But what's paramount is to make sure that our ranks stay strong. As I said, we lost 110 people; we lost more than 3,000 years of experience. Now, maybe with the police department it may be a little easier. I know they have a lot of difficulties. But with firefighting it takes at least five to six years to have a clear understanding of what to do when you're in dangerous situations. A lot of times when you're in the fire building you rely on your senses. And it takes time to develop those senses.

So again, I'd like to thank you. If you have any questions concerning the fire service, I would be more than happy to answer them.

ASSEMBLYMAN MAINOR: Chief, let me take you back to the fire that was on Claremont Avenue. It was brought to our attention that on that particular day Engine 17 and Ladder 8 were closed. And I wanted to ask if that was the case, were they closed because of the lack of manpower?

CHIEF RIVERS: That was closed for the lack of manpower; that's correct.

But let me speak on Engine Company 17. Engine Company 17 is located on Kearny Avenue. Even though that was the first engine company that was due to that particular location, there were already three units in that house at that time. So there was no delay in any companies getting to that fire. The delay in that fire was due to the time of day and the fact that it was not recognized in any-- It wasn't recognized early enough and it got significant headway. And once it got up into the cocklofts it took over those 10 buildings.

ASSEMBLYMAN MAINOR: I understand. And I do understand that property, because I used to live in one of those homes, and I do know that in the attic area there is no wall separating. So I can understand how the fire went the way it did.

But my question is in reference to mutual aid. Mutual aid was pretty much developed for major fires; that's when everyone would come in. Am I correct?

CHIEF RIVERS: That's correct. What we normally do is we try to maintain a minimum coverage throughout the city. Jersey City is broken down into four battalions. And we even discussed this at a meeting that we had yesterday -- that with every battalion we need at least two engine companies and a ladder company for coverage. Now, if we get below that, we will then call to neighboring communities to have an engine company or a ladder company come in and bring us back to that minimum amount of coverage.

ASSEMBLYMAN MAINOR: So it's safe to say that mutual aid is being used for regular fires now because of the lack of--

CHIEF RIVERS: Oh, it's been-- Well, actually, mutual aid is being used even more so now because of the cuts in Jersey City as well as the surrounding communities -- instead of having companies come in for coverage, you're having companies come in and actually help you fight your fires.

ASSEMBLYMAN MAINOR: I understand that.

Now, my last question is, because of the mutual aid that we're using, how vulnerable does that leave other cities?

CHIEF RIVERS: It not only leaves other cities vulnerable, it leaves Jersey City more vulnerable because, like I said, we're a service agency. So not only do we fight fires but we also do medical calls. We also do dangerous conditions. And we're a pretty busy fire department, and when you get down to only 10 companies in a city this size it's extremely dangerous.

ASSEMBLYMAN MAINOR: Thank you.

CHIEF COMEY: I just would like to say something; I feel the need.

ASSEMBLYMAN MAINOR: This is the fire department, though, Chief. (laughter)

CHIEF COMEY: The cerebral side of the house is going home (indiscernible).

To put it in a nutshell, I once told the Mayor if we couldn't stop the rhetoric out of Trenton he would have to face a devastating situation. I presently have -- I'm going to round the numbers out -- there is

one chief, I have four deputy chiefs; I have approximately 18 captains, 36 lieutenants, and 106 sergeants. If rhetoric was to come out of Trenton, chief, deputy chiefs -- everybody who is eligible to retire tomorrow morning -- they could walk in and say, "We're going home." Ninety percent of my captains can go home tomorrow; 60 percent of my lieutenants can go home tomorrow; 40 percent of my sergeants can go home tomorrow. The next question is: How do you get a sergeant to a captain, and where is the learning curve involving that jump?

So that's how devastating it would be to a police department if we didn't resolve this. Jersey City would hit a downward spiral over the next several years that no one -- no one -- would be able to stop. Because we're pruning our ranks, and I think if you did the math, if you added up those small towns, you're probably impressed with the number of captains we have. It's not that high, is it? So take into consideration that if legislation was to come out, 90 percent of them probably would go home. The entire upper rank structure of this state's second-largest city could walk out that door tomorrow and not look back. They've paid their service.

CHIEF RIVERS: Let me add to that. At this point right now, the Jersey City Fire Department has approximately 110 members who are eligible for retirement. It's my fear-- I believe in July we have about 20 retirements coming in. It's my fear that at the end of this year, with the legislation on them paying for their health insurance, that I may get a mass exodus of almost 100 members leaving this department. That would decimate us.

Now, right now about two-thirds of this department has less than 10 years on the job. Now, to lose that many people with that amount

of experience would make it very dangerous for the citizens of this city because you don't have the seasoned veterans to come and do the job as they need to. I mean, really, as I stated before, it takes five years to really develop the senses necessary to do this job. And to decimate the leadership - Because most -- I think more than 50 percent of the eligible members are high-ranking officers. These are the leaders. These are the people who make the calls when they get on the scene. And that only comes through experience -- that knowledge comes through experience. And to allow that to happen would destroy this department.

ASSEMBLYMAN CIATTARELLI: Chief, I would challenge you to say that--

ASSEMBLYMAN MAINOR: I'm sorry?

ASSEMBLYMAN CIATTARELLI: I'm sorry, Mr. Chairman.

ASSEMBLYMAN MAINOR: Assemblyman O'Donnell.

ASSEMBLYMAN O'DONNELL: Thank you, Mr. Chairman.

Chief, just two questions: How many companies is a standard response for a second alarm? How many companies do you dispatch for a second alarm?

CHIEF RIVERS: On the first alarm we get four engines, two ladders, a rescue unit, and a battalion chief. If it's a working fire you get an additional engine company and you get a RIP team -- a rapid intervention team. Once the second alarm is struck, you get an additional three engines and another ladder company and another battalion chief.

ASSEMBLYMAN O'DONNELL: So at a second alarm you have 13 working companies, two battalion chiefs in a supervisory role. So

at 13 companies, that leaves you 9 companies left in the city to maintain the city?

CHIEF RIVERS: That's correct.

ASSEMBLYMAN O'DONNELL: So it's safe to say that any other incident in the city would require mutual aid automatically.

CHIEF RIVERS: That's correct.

ASSEMBLYMAN O'DONNELL: Have you found it difficult to get mutual aid over the past 6, 8, 12 months? I know not from Bayonne; we send every time. (laughter) But certainly from the others -- North Hudson or Kearny, or Harrison?

CHIEF RIVERS: Well, it all depends on what they have going on in their city. We had an incident where we had a five-alarm fire about a month ago. During our five-alarm fire we had Hoboken companies in our city covering our units -- our firehouses. Hoboken, in turn, had a four-alarm fire. They actually had to pull their companies out of Jersey City to fight their fire. Now, I had to make a call to New York to have companies come from Newark -- I'm sorry -- from Newark to come into Jersey City. Those companies had to be rerouted to go straight to Hoboken to assist them. So it's very difficult. Once we get to a multiple-alarm fire -- whether it's in Jersey City, whether it's in North Hudson, Bayonne -- it's very important that we cover each other, because with all the cuts in all these communities we just can't handle the volume like we used to.

When I came on the Jersey City Fire Department 30 years ago, we could have two, two-alarm fires going at the same time and not have help from out of town. That's not the case anymore.

ASSEMBLYMAN O'DONNELL: If I can ask: How many -- an estimate, and you may have the number on the top of your head -- but how many second-alarm fires did you have? How many incidents last year?

CHIEF RIVERS: I believe somewhere around 150 or more.

ASSEMBLYMAN O'DONNELL: And just to give you some perspective: Bayonne had 11. So you're considerably busier.

So at the very least, on 150 different occasions, you were calling for mutual aid, and that's aside from hazardous materials incidents and things like that.

CHIEF RIVERS: That's correct.

ASSEMBLYMAN O'DONNELL: So we could probably safely say, 175 to 200 times you're calling for mutual aid from the surrounding communities?

CHIEF RIVERS: That's correct.

ASSEMBLYMAN O'DONNELL: Okay. And in your career, can you say that you've seen that instance has risen since you first came on--

CHIEF RIVERS: It has risen dramatically since when I first came on the fire department, yes.

MAYOR HEALY: Mr. Chairman, Assembly people, I have another place I have to be. Thanks for coming to our city, and thanks for listening to us. Any help you could render, we'd certainly appreciate it.

ASSEMBLYMAN MAINOR: Thank you, Mr. Mayor.

ASSEMBLYMAN O'DONNELL: Thanks, Mayor.

ASSEMBLYMAN CIATTARELLI: Thanks, Mayor.

ASSEMBLYMAN O'DONNELL: That's all, Mr. Chairman.

ASSEMBLYMAN MAINOR: Are you done, Assemblyman O'Donnell?

ASSEMBLYMAN O'DONNELL: That's all.

ASSEMBLYMAN CIATTARELLI: Chief, the data you shared about the potential retirements -- those are pretty staggering percentages. The New Jersey State Pension Plan, based on historical data, works under the assumption that the average municipal police departments-- One officer retires after 27-and-a-half years of service. That's based on historical data over decades. And so what I would suggest is whether or not there's rhetoric or legislation out of Trenton, you're faced with retirements. It has a lot to do with the baby boomer generation approaching, right now, the 50-to-65 age bracket. And while 50 is young, it's not necessarily for police officers who can retire at full benefits after 25 years or so. So again, whether it's rhetoric or legislation coming out of Trenton-- I know in Somerset County we've done a very, very detailed analysis of our employee census. One out of every four officers is going to retire in the next four years in Somerset County in our 19 departments. And if they're retiring, that strongly suggests that they're at the upper echelons of the organizations: They're lieutenants, they're sergeants--

CHIEF COMEY: Not necessarily,

ASSEMBLYMAN CIATTARELLI: --they're captains. The vast majority are.

CHIEF COMEY: Not necessarily. In your research, yes. But in my organization, just the reverse would be true. The majority of officers that could retire today are the rank and file.

ASSEMBLYMAN CIATTARELLI: Well, you just gave me percentages--

CHIEF COMEY: No, no. I gave you percentages of supervisory; I did not give you percentages of the lower echelons.

ASSEMBLYMAN CIATTARELLI: But you were making a case that if 40 percent of sergeants and 50 percent of lieutenants and X percent of captains, you've got a significant brain drain on your hands whether or not there's rhetoric or legislation out of Trenton. And what I would say to any organization that's faced with a challenge is: You have to solve it.

CHIEF COMEY: Oh, I agree with you. And it's my responsibility to solve it. But the problem is you're in a position where you can compound it and almost make it happen immediately. If these guys believe that their service is-- Look, I guess I can summarize it for you in a nutshell: You believe in what you do, Assemblyman.

ASSEMBLYMAN CIATTARELLI: As do you.

CHIEF COMEY: The men and women who I work with every day, they believe in what they do. Together we believe in what we can do. But don't cause any knee-jerk reactions in law enforcement, because it's the rumor I can't stop.

ASSEMBLYMAN CIATTARELLI: Well, Chief--

CHIEF COMEY: It's the rumor I cannot stop because it's the economy we live in today.

ASSEMBLYMAN CIATTARELLI: Okay,

CHIEF COMEY: And I'm not trying to be adversarial, but let me ask you a question: In 1984 this city was trying to save money financially. So they came in to us, the rank and file, and with all due

respect some of you might have been in high school in 1984, others were (indiscernible) (laughter). But in 1984 they said, "We want to encourage you not to take summer weeks' vacation. So if you pass on a summer week vacation, we're going to give you a compensatory day that you can sell it the day you retire." Well, in 1984 I rode in this precinct that you're in five nights in excess of 80 degrees, handling approximately 42 calls a night; one time this close to being attacked by a pit bull that attacked the cop that stood next to me. Well, now the bill is due. I did it for the good of the city, I did it for my career, perhaps back then I might have done it with a little bit of insight of, maybe, some day I'd grab a benefit of that. But why are we being vilified, that if I paid my dues in 1984, with three cars to 50,000 people, and did my due diligence, now all of a sudden when my end of the day is here, we're being vilified. (applause) That's (indiscernible) seem to think. And that's what this (indiscernible). It's rhetoric--

Guys, I'm not looking for applause. It's rhetoric that has to stop. They want to resolve it, you want to resolve it -- talk to each other. Get the level-headed people in the room, because look: It can be resolved. Because the guys who have 27 years on the job, 28 years on the job, they want to continue to serve these communities, but they just want to make sure that when they go out the door they're not going to be looked at any differently when they go out the door as the day they showed up to help a constituent or a resident in their municipality. That's all I'm trying to say. I'm not trying to be adversarial, ladies and gentlemen. Please don't take it that way. I could go home today, but I believe in the men and women and what they do in law enforcement and public safety. Resolve it. That's what I would ask you to do.

ASSEMBLYMAN CIATTARELLI: But Chief, no one deserves being vilified.

ASSEMBLYMAN MAINOR: Through the Chair, please. Assemblyman. Through the Chair.

ASSEMBLYMAN CIATTARELLI: No one deserves to be vilified, but I would suggest this to anyone, personally. No one should ever make a retirement decision based on what they believe. Anyone should only make a retirement decision based on what they know. That is one of the three or four most critical and important decisions anybody makes in their lifetime. Don't do it based on what you believe; do it based on what you know.

CHIEF COMEY: Assemblyman, the problem is there comes a time in our occupations where you've seen enough death, you've seen enough destruction, and you walk into that precinct or that firehouse that day to say, "It's beginning to eat at the core of who I am. It's time I go home."

CHIEF RIVERS: But also you talked about--

ASSEMBLYMAN CIATTARELLI: Which is why we offer a 25-year retirement.

CHIEF COMEY: Yes; no disagreement. No disagreement here at all.

ASSEMBLYMAN CIATTARELLI: Okay.

CHIEF RIVERS: Mr. Assemblyman, you said it's all based on what you believe. Well, a lot of the legislation is being fast-tracked. And some of the things that have been coming before us put the guys in the position that if they don't act now that they can get caught up in that

legislation. And that's what makes the fear and that's what causes them to leave.

ASSEMBLYMAN CIATTARELLI: Chief, I mean, unfortunately--

ASSEMBLYMAN MAINOR: Assemblyman, I'm going to ask that we allow other Assemblymen who may have some other questions.

ASSEMBLYMAN CIATTARELLI: Oh, I'm sorry.

ASSEMBLYMAN MAINOR: If not, I'm going to ask-- I'm going to say thank you, because we have a lot of others who want to testify. If you are finished with what you have to say, I want to, again, say thank you for coming and for giving us that information. And we're going to move on at this time.

CHIEF COMEY: Thank you very much, ladies and gentlemen and Assembly. With all due respect, if you ever want to come up and have a cup of coffee, I love debate. Debate's good. It's what's going on.

ASSEMBLYMAN CIATTARELLI: I was hoping it would something stronger than coffee, but I'll take you up on that. (laughter)

CHIEF COMEY: Debate is good for what's going on right now, you know what I mean? And my door is always open. I will have my Chief of Staff give you my card. Please. you can come up at any time.

ASSEMBLYMAN CIATTARELLI: You have a Chief of Staff? I don't. (laughter)

CHIEF COMEY: I have an 804-man department, do you? (laughter) And 300 civilians.

ASSEMBLYMAN MAINOR: Thank you, Chief.
Go ahead.

MS. WHITBECK (Committee Aide): To move on with the meeting, the Chairman would like to call up some individuals: Ms. Jillian Barrick, the City Administrator of the City of East Orange. He would also like Mr. Nick DeMauro from New Jersey D.A.R.E. to approach the table, and Robert Apel from Rutgers University School of Criminal Justice. And while they're coming up to the table we're just going to be doing an administrative roll call.

Assemblyman Ciattarelli.

ASSEMBLYMAN CIATTARELLI: I'm here. (laughter)

MS. WHITBECK: For the record.

Assemblyman Peterson.

ASSEMBLYMAN PETERSON: Here.

MS. WHITBECK: Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Here.

MS. WHITBECK: Assemblyman Cryan.

ASSEMBLYMAN CRYAN: Here.

MS. WHITBECK: Assemblyman Connors.

ASSEMBLYMAN CONNORS: Here.

MS. WHITBECK: Assemblyman O'Donnell.

ASSEMBLYMAN O'DONNELL: Here.

MS. WHITBECK: And Assemblyman Mainor.

ASSEMBLYMAN MAINOR: Present.

MS. WHITBECK: Thank you.

ASSEMBLYMAN MAINOR: For the record, could you state your names, please?

MS. WHITBECK: Why don't we start from this side?

NICHOLAS R. DeMAURO: Nick DeMauro.

MS. WHITBECK: Okay, you're Nick; you're Jillian. I'm sorry, sir?

CHRISTOPHER T. WEISS: Deputy Chief Weiss.

ASSEMBLYMAN MAINOR: Are you--

JILLIAN C. BARRICK: He's with me, my Deputy Chief.

MS. WHITBECK: He's with you.

MS. BARRICK: Yes.

MS. WHITBECK: Okay, thank you.

ROBERT APEL, Ph.D.: Robert Apel.

MR. DeMAURO: Good afternoon. Thank you for allowing me the time to speak to everyone today.

My name is Nick DeMauro. I'm the Chairman and Chief Executive Officer for D.A.R.E. New Jersey, which is the largest drug and violence prevention program taught in New Jersey school systems, primarily by law enforcement officers. And we appreciate the support we've had in the Legislature over the past 23 years, and the support of many agencies in this room.

I'm here to, basically, just explain that the ramifications of this budget situation in New Jersey has reached beyond just patrolling the streets of this great state. The D.A.R.E. program and law enforcement is the number one community policing initiative in New Jersey at this point. And, unfortunately, over the past 18 months to two years we have been administratively attempting to deal with a lot of the budget restrictions and still try to offer this great service to the children of this state. We can't

forget that we're here to serve everyone, not just the people in distress or the people who have an issue with crime or public safety.

The children in this state need to have the resources and the services available to them through community policing and so on. While administratively we can all sit here and say we have to be creative, we have to be flexible -- I agree. I was a sworn police officer; I started my career 31 years ago. And I understand the issues that are needed to correct the problem.

But we can't forget that the ramifications of some of the budget issues go beyond just patrolling the street. It goes into the schools, it goes into crime prevention, it goes into keeping the schools safe. Let's not forget Columbine and what happened out there. We can't have that in New Jersey. There are many factors that we really need to address and look at as a whole.

I have to say that we've been working very closely with the PBA and the Police Chiefs Association to ensure that we can maintain as many services as we can, and we've been doing a good job. But it's starting to get very drained and we need your help.

Our position at D.A.R.E. New Jersey is, through our resources, to provide the best possible product to the communities and to the police officers who teach in the classrooms. And we're very proud that D.A.R.E. New Jersey has really worked hard to make sure that all of our curriculum is accredited and certified federally and that we're delivering a good product.

But we cannot get away from the thing that has made D.A.R.E. so strong in this state, and that's the strength of utilizing police officers in the classrooms. Now, I understand that public safety is important, but we

need to look at -- public safety goes beyond just answering a call; it's about being proactive, not just being reactive. It's really a universal issue. We all have to be flexible.

And I just wanted to share with you in your understanding that there are many different areas of concerns beyond just how many cops there are in a department. And I just wanted to stress that, and thank you very much for allowing me to speak today.

ASSEMBLYMAN MAINOR: Thank you, sir.

Let me just say to you that I was a D.A.R.E. officer. I do know the importance, and it's a great program.

But I do want to ask everyone, also, to please-- We are going to have to limit our testimony to at least -- maybe two minutes, because we have so many others who would like to testify. I thank you.

Do we have any questions at this point? (no response)

MS. BARRICK: Good afternoon. My name is Jillian Barrick; I'm the City Administrator for the City of East Orange, New Jersey, in Essex County.

I did submit to you a written summary of my comments and, in light of the time, I just wanted to highlight a couple of things.

East Orange is geographically small, but we're heavily populated and we have public safety needs much like an urban area would even though it's certainly geographically smaller. We have faced multi-faceted budget constraints over the past few years that are primarily driven by revenue loss, though there have also been pressures from increases in benefit costs, as well as debt service and other on-going expenses within which we don't have any control.

As a result, we've had to substantially impact the operations of both our police and fire departments. And I just want to highlight a couple of things. In the police department in particular -- there are sort of a couple of major impacts to our operations. We really had to redeploy almost every staff member to patrol, to ensure that we had adequate presence on the street. So anyone who was doing a special detail -- violent crimes task force -- was put on the street in a uniform. Any of our investigators who would ordinarily be in plain clothes were required to wear a uniform and be on the street and participate in patrol.

In particular, they worked on reducing the number of investigations and the amount of time it took to do investigations to ensure that we had adequate patrol coverage, but that still created a backlog of investigations for us for a short period of time.

Nonetheless, we also refocused towards violent crime, which meant that we had fewer officers focused on nonviolent crime. And while we saw double-digit decreases in our crime overall and we achieved 14 percent decreases in violent crime, for the first time we saw increases in burglaries -- first time, really, in the last 10 years, which is unusual for us and the successes we have achieved so far. So I think that goes to show that while we've done the best we can and we tried to redeploy and rebalance as much as possible, I think our department has really reached the max of the capabilities that we have without some sustained financial assistance.

Beyond police manpower, you mentioned the D.A.R.E. officers. We've also had to decrease the number of school resource officers in our schools, as well as cut the crossing guards that we fund by a third.

So we have really seen some substantial deterioration and, at the same time, morale has been impacted. And despite the fact that we've asked our police officers to do more with less, with fewer people they have still achieved double-digit reductions in crime-- But I have no way of rewarding them. I sit at the bargaining table and I sit with police officers all the time, and really our entire staff, and say, "You're doing a great job; keep up the good work," but I have no way of rewarding them. And at some point that's going to-- They're going to look at me distrustfully and think that there is just no way that we're going to support them.

So really, on the fire department side, we've seen decreases in staff. Our sworn personnel are at about 85 percent capacity. We've had to take one of our eight companies out of service permanently and so we've responded to the same amount of calls with fewer people. I know mutual aid has been discussed this morning, and we've similarly been impacted by increases in mutual aid calls. In the last five years our calls for mutual aid have increased by 63 percent despite the fact that we've had fewer staff and fewer apparatus. And we've certainly seen that particularly in our neighboring municipalities that have faced financial constraints even greater than ours. But we feel that we haven't really equally benefited from mutual aid in its current configuration. In fact, I've been told in one particular instance we responded to a mutual aid call in our neighboring municipality, and the neighboring municipality provided a truck and a driver and waited until our companies arrived to actually fight the fire. And I think that that really goes to show that there needs to be some substantial support for all departments and not just for those who are in dire straights; but it impacts everybody.

So really, I guess, in closing, we need some support. And I think I can echo a lot of the comments that have been made already about the need, really, for manpower support. We've got grants, we continue to seek grants, but most of those grants are now for personnel. And any savings we've gotten from attrition, really, has gone towards benefit costs and increasing expenses in other places in the budget. And we haven't really been able to benefit from that at all.

So I appreciate your attention and certainly offer any assistance that I can provide that may be helpful to you in finding a solution.

MR. WEISS: My name is Christopher Weiss. I'm a Deputy Chief with East Orange Fire Department.

I would like to say that I really appreciate, politically and in a lot of ways as a taxpayer, the fight to try and be more efficient with tax dollars and things like that. However, what I want to note is that what gets forgotten is, over the course of time, that's happened before. I went on the fire department 25 years ago when we had 204 uniformed personnel. There was a period where we looked to be more efficient; we made a lot of cuts. I believe we might have been a little top-heavy at the time. We cut a lot of our senior staff at that time, and we went down to a table of organization of approximately 170. And that's where we were in 2008. Right now, we're down to 143. So in the course of my career we've lost 30 percent of our personnel. That's a major cut. We haven't really gotten any slower, less busier, less work. We've made efficiency cuts in the past, but now we're getting to a point where I fear that it's going to be the straw that breaks the camel's back -- that we just can't take any more.

Highlighting what my boss, the City Administrator, was talking about -- mutual aid -- I don't blame any individual town or anything like that for mutual aid. We're all so stripped down, at least where I am in my surrounding communities, we're all relying on each other. We used to rely on mutual aid to come backfill our city and cover when we were putting out a fire. Then we relied on mutual aid to come and help us put out the fire. Now we're getting to a point where I've had mutual aid come into a scene to assist with search because we haven't accounted for all the possible people who are in the building. That never used to happen. Mutual aid, coming from another town-- If you're in a fire and we're searching for you, you can only hold your breath for so long. If mutual aid is coming to assist with that, it's a long ride from another town. And we've been fortunate that we have not had a catastrophe yet, but it's my job to worry about it.

And also, the last thing I'd like to add, because I've heard it so many times, I've read it so many times in the paper, regarding our pensions and our benefits and things like that. Everyone doesn't have paid hospitalization when they retire. We never had in East Orange. So I know some police officers do, some firefighters do, however we don't. So when my 25-- I have my 25 years, I can't afford to retire. I still have children to take care of and I need my benefits. So even though I have a good pension system, there's a cost factor there for me. So I'm going to do a minimum of 30 years because we're not getting-- We don't get a lot of perks. East Orange has been very efficient with us over the years -- not that I've always been happy about that--

MS. BARRICK: Sorry.

MR. WEISS: --however, it's the truth. So oftentimes I hear, "Oh, all police officers and firefighters are getting all of these great perks and benefits." We don't all get them. In East Orange most of the ones that I hear about, I only dream about. We don't have them.

So that's all I have to say.

ASSEMBLYMAN MAINOR: Thank you, sir.

Sir.

DR. APEL: Thank you for the opportunity to address you this morning. My name is Robert Apel, and I think I'm the only egghead on the panel this morning.

By way of background: I hold a Ph.D. in criminology and criminal justice from the University of Maryland, and I'm currently on the faculty of the School of Criminal Justice at the Rutgers University, Newark campus.

My substantive expertise largely concerns the impact of employment in the labor market on criminal behavior. I've also recently co-written a review of the research on criminal deterrence, in particular the degree to which police have a causal impact on crime rates. And I'd be happy to briefly share with the Committee some of the findings from academic research that might be of use in discussions about the impact of budget cuts on public safety.

So I'll begin by providing an overview of what we know about the impact of police manpower on crime rates. Research in the last 15 years has shown quite consistently that law enforcement has a substantial deterrent impact on crime. Specifically, putting more sworn personnel on the street, either by hiring new officers or by allocating existing officers in

ways that put them on the street in larger numbers or for longer periods of time, has a substantial deterrent effect on crime rates.

It's very important to point out that police manpower studies speak only to the number in allocation of police officers, and not to what police officers actually do on the street.

That being said, most recent estimates reveal that a 10 percent annual increase in police manpower yields a reduction in total crime in the neighborhood of 3 percent, although reductions in violent crimes tend to range from 5 to 10 percent. The figures cited here are from studies that attempt to quantitative what's known as the *marginal deterrent effect* of police -- that refers to the impact of additions or subtractions from law enforcement personnel which are, by and large, incremental in nature. What might be of greater interest to this Committee are studies of the impacts of reductions in police manpower that are more substantial. Unfortunately, there is much less empirical evidence that addresses this; I can identify only a single direct study of the impact of law enforcement cuts on public safety. For example, in 2003 the Oregon State Police underwent a massive layoff in which 35 percent of troopers were cut. This led to a substantial decrease in citations and, as a consequence, an increase in the number of highway injuries and fatalities on the order of 10 to 20 percent.

Other indirect evidence for the impact of changes -- substantial changes in law enforcement staffing stems from studies of municipal police strikes. Regrettably, or perhaps fortunately, very little of this evidence comes from the United States, and what evidence there is is historical rather than contemporary. But the international research suggests that

large reductions in police presence due to strikes are often followed by short-term increases in assaultive violence, looting, and disorderly behavior.

So what necessarily complicates any assessment of the impact of law enforcement cuts on public safety is the current economic climate. The unemployment rate is as high as it's been since the early 1980s, and recovery from the recession has been slower than expected based on rate of growth following previous recessions. As we will see, high unemployment and periods of recessions are mildly criminogenic for at least certain kinds of crime.

Criminological research shows that the state of the economy is consistently correlated, albeit weakly, with so-called *acquisitive crimes*, which include robbery, burglary, larceny, and vehicle theft. For example, rates of acquisitive crime increase by about 1 to 3 percent when the unemployment rate increases by 10 percent -- say, from 8 percent unemployment to 8.8 percent unemployment.

Furthermore, based on national studies of the business cycle, we know that robbery and burglary are strongly countercyclical, meaning that they have a reliable tendency to increase during periods of economic contractions -- recessions -- and to decrease during periods of economic growth. Interestingly, economic conditions are not consistently correlated with certain violent crimes like murder, rape, and aggravated assault. So even in the absence of law enforcement cuts then, we would expect either a modest growth or otherwise slowed reductions in some crimes strictly due to short-term fluctuation in economic health. There's some potential to be exacerbated by large-scale cuts in police manpower. So that means, in this recession and recovery, it requires great attention to be devoted to law

enforcement staffing and initiatives that can mitigate the impact of the economy.

So I'm grateful for the opportunity to address the Committee, and I'm happy to volunteer my assistance and the assistance of the School of Criminal Justice in this and future deliberations where the state of research evidence relating to criminal justice is required.

Thank you.

ASSEMBLYMAN MAINOR: Thank you, sir.

Any questions?

ASSEMBLYMAN CRYAN: Thanks, Doctor.

I just want to be clear: To summarize, more cops equals less crime -- basically?

DR. APEL: That's correct. (laughter)

ASSEMBLYMAN CRYAN: Okay. I appreciate that.

DR. APEL: That's the non-technical terminology.

ASSEMBLYMAN CRYAN: That's the-- That's the legislative summary of that. Sorry about that. (laughter) Because the AP did an analysis of crime in New Jersey's cities that have laid off police, and in the first paragraph-- Is this a reasonable comment? The first paragraph, "Police in New Jersey's cities where departments have made layoffs -- and there are fewer arrests for minor offenses, a trend that experts believe could lead to a rise in more serious crimes." Is that something that your studies or your data along the way has shown to be a correlation?

DR. APEL: That is correct, that is correct. There are generally two ways that police have a deterrent impact on crime: one is through the use of arrest power, largely for minor offenses, misdemeanors, citations; but

also through presence -- police presence -- especially in what would be called *crime hot spots*.

ASSEMBLYMAN CRYAN: Right. So those-- And I think East Orange is one of those areas that highlights and uses CompStat to highlight crime spots and so on. That is an effective tool. Now, without speaking for Jerry, since he left, I mean, the reality is, one of the benefits of UEZs is actually a cop on the beat. Is it fair to say, from your analysis, that the visible police presence actually matters and is reassuring, not only to both patrons of business areas, but also to the business owners themselves?

DR. APEL: That's correct -- targeted police presence. Absolutely.

ASSEMBLYMAN CRYAN: So when I read a headline that says, "Trenton's 2012 crime rate surges in the wake of police layoffs," I can actually believe that headline.

DR. APEL: Yes.

ASSEMBLYMAN CRYAN: Okay.

And finally, what I wanted to ask you is, as we look at this and as you folks do your studies, you hear the real life issues, the sacrifices in D.A.R.E. -- which all of us agree has a long-term effect not only whether it's 5th grade D.A.R.E. like it is in the township of Union, (indiscernible) a company and community that's changing to actually embrace police early. And, therefore, when you lose-- And I heard the Mayor of Jersey City and the Police Chief talk about the cuts in community relations. At least one of the things they can fall back on -- you used to be able to fall back on with that was the relationship built through the use of the D.A.R.E. program,

with young people -- that there's not a fear factor moving into that. But yet, we lose that as well.

What other cuts-- Where do you see, as someone who studies this -- areas -- is it simply we need to put more funding in order to create that correlation? Are there any other areas we could look at that would have an opportunity-- Or is it pretty much do your job and do it right, and that would be a good way to handle it?

DR. APEL: There is an awful lot of evidence-- The evidence seems to suggest that a balanced portfolio of a variety of strategies -- school-based strategies, law enforcement strategies -- seem to be the optimum portfolio in terms of impacting crime. Now, my expertise doesn't deal so much with school-based and juvenile-oriented strategies as more police presence and police staffing. So it's difficult to speak to specific strategies other than that from my expertise.

ASSEMBLYMAN CRYAN: Thank you all for your leadership; thank you.

DR. APEL: Thank you.

ASSEMBLYMAN MAINOR: Anyone else? (no response)

Thank you.

MS. WHITBECK: The next panel we will be calling up: William Lavin, Elizabeth Fire Department and New Jersey FMBA; Paul Palumbi, Trenton Fire Department, New Jersey FMBA; Troy Powell, Montclair Fire Department; and Eddie Donnelly, New Jersey FMBA.

WILLIAM J. LAVIN: Thank you, Mr. Chairman. It's Bill Lavin, President of New Jersey State Firefighters Mutual Benevolent Association.

I'm also a Captain in the Elizabeth Fire Department. I also have Brian McGorty here, who is going to join us as well.

I want to thank you, Mr. Chairman, and thank this Committee. As you know, I had requested a number of the various committees in both the Senate and the Assembly to hold this, what I feel is, a very important open public hearing. I also want to thank the Speaker for her support in facilitating this. I think it's already been a success. I would hope, though, that the two minutes or the four minutes that we get to speak here today is not the end, but rather the beginning of the dialogue.

And with that said, I was very pleased to see a climate where a mayor, and the chief and the director of a police and fire department can sit in a panel like this and come to agreement. And I would hope that that would take place everywhere. Unfortunately, when we had asked a number of chief officers and union leaders across the state to attend this and speak, there isn't necessarily that type of climate that exists -- for fear of reprisals. We talked about the -- or discussed earlier, in terms of grants, the Federal grants, and people that are concerned that, should they say something that would be considered inappropriate here that their grants would be cut. And so I just hope that the climate becomes more of a dialogue. I would like the chief officers and the fire coordinators who are going to testify here today to understand that this is not a labor-management squabble; it is really the identifying of what I believe to be a crisis. And that's why it is so important that you held this here today.

It's clear to me, when you see the percentage of mutual aid instances go up just dramatically that the-- I was so happy to hear the Mayor and the Chief agree that we are, in fact, equipment-rich and

manpower-poor. We have not devised this technology yet, that replaces firefighters, to get off of a piece of apparatus and to drag a hose line or put up a ladder and to rescue somebody. There is no electronic robot that does that for us. We need boots on the ground.

There was a time when the advent of mutual aid and the creation of it was exactly to have the unique specific event of a major incident -- a fire that would cause the need for other departments to come in. And as you have mentioned earlier, Mr. Chairman, we went from having the once-in-a-year fire where we needed mutual aid, to incidents where we have a house fire, an attic fire requiring automatic -- what they refer to as automatic -- mutual aid. There's going to be discussions about regionalization; we are not far from a department that has regionalized. And it is one of our biggest problems -- one of our areas where it could have been the great success. However the cuts were so drastic afterwards that they were unable to deliver. So regionalization, a 15-letter word, isn't necessarily the panacea that we would think. It has to be done with labor and management support.

I just want to touch on -- and the individuals who are going to speak after me are going to talk about specific incidents -- but when the City of Elizabeth's fire department responds to Hoboken for a fire, which is 11-and-one-half miles away, and it impacts somewhere between 12 and 13 fire departments along the way. When Jersey City responds into Elizabeth, when Montclair responds into Union City, there is a problem. We have a serious problem. It takes two to three times the amount of fire apparatus to bring the amount of firefighters to a scene that it used to take. And I just want to have us create a dialogue with our fire coordinators, with our fire

chiefs, in an open forum to discuss what is happening. You heard testimony earlier from the East Orange Deputy Chief; it takes a significant amount of time to bring a company from a neighboring community. And then imagine coming from a not-so-neighboring community. Obviously, when we have bedroom fires that become entire house fires, house fires that become block fires we have a remarkable problem to take a look at.

It is staffing; it's also-- There was some discussion about civilian positions, Assemblyman. We have taken our fire prevention bureaus and civilianized them. We've civilianized our dispatch units, our arson units, in some situations. There is a cost to that. When you have dispatchers who are-- There is a transiency from there; they don't last very long. They are stepping stones to other jobs, so if they're there for a year they're not committed; it's not a career position. So you don't get somebody who is a firefighter on the scene who can anticipate things or who cares about getting the proper information or the right street. So we have delay in alarms. We have fire inspections that are not being done, so we create situations where we have tenement fires in areas that may have been inspected in an earlier climate where we had the manpower. So each of these cuts has a cumulative effect. Yes, we save the initial money on a reduction in salary, but there is a cost because now a fire that was a small incident now becomes a block fire.

And we have the news. The last thing I'll say is that our relationship with the press and with the community is inverse to how good of a job we do. The mayor and the chief of Jersey City mentioned that we're a victim of our own success. And I'd just like to end with: That is actually true. When we're burning down a block of homes, or when we

have a warehouse in Elizabeth that burns for a week or two weeks, we have media, we have attention, and firefighters are putting themselves out. That is a failure of government; it's a failure of the fire department. Our job is to get there in a reasonable amount of time with a group of firefighters who attack the fire and put it out at 2 a.m., before anybody knows what happened, and rescue the people. When we have a multiple-alarm fire, that is a failure. Those failures are becoming more and more everyday occurrences because we don't have the reach and the immediacy of manpower and boots on the ground.

So I could speak for a long time; I hope this isn't the last opportunity that we get. I hope we get an opportunity to speak to the Senate as well. I can't thank you enough, Mr. Chairman, for your previous meetings on this subject. I believe we are at a crisis. I believe there are solutions to it, as the Chief said. And the union stands ready with management to facilitate those solutions.

ASSEMBLYMAN MAINOR: Thank you, Mr. Lavin.

We'll start to my right, your left.

P A U L P A L U M B I: My name is Paul Palumbi; I'm a Trenton firefighter for 18 years,

Back on October 15 of last year, we're doing our regular thing, doing our job -- working -- went to several calls that day. Approximately 7:00 that night -- 7:30 that night we went to a reported house fire. Went to go do our job. Unfortunately that day will live with me forever. We pulled up to a house fire, it has smoke showing; reported fire on the second and third floors. We went in to do our job. As we were doing our job, we're working harder with less, because that's apparently the new norm. After

getting me another bottle to go back inside and fight the fire -- continue fighting the fire, because the manpower is not there like it used to be -- we were finishing our second bottle of air when my captain said, "We need to take a break." About -- I can't tell you time-wise -- maybe 30 seconds later I told my partner who I was working with, "Ryan, we have to get out. We have to get some more air and take a break." About 2 seconds later the roof came down and collapsed on us.

Unfortunately, I took the brunt of the injury -- I was knocked unconscious laying on the third-floor steps, not having a clue what was going on. Not knowing where my partner was, who got pushed forward into the fire, and my captain, who got pushed down the steps.

From what I'm told, about a minute later, after being carried out of that fire to the second floor, I woke up and I'm like, "Hey, what's going on here?" Not having a clue of what just happened because I was just doing my job. After going downstairs with assistance from the RIP team -- which is very important -- I got outside, and the medics took me immediately to the trauma unit. I come to find out that I had two compressed discs in my vertebrae that weren't there an hour before. After months of seeing doctors and pain specialists it was determined that the only way that this problem was going to be resolved was to have surgery. Now I'm thinking about my family, my children, am I going to be able to work again, or what's going to happen next -- how am I going to provide for my family?

On January 24 we had the surgery; thank God it was a success. Coming this Friday I will finally be able to go back to work after six-and-a-half months. Not only was the pain on me, but my poor wife who is doing

everything; my children who thought they lost their father. My Director, who is going to testify later on, had to backfill my position for six-and-a-half months. It's not just, when it happens to one person, it only affects that one person; there are a lot of people out there that it has to affect: it affected me, my family, my co-workers, my Director who now has to backfill spaces. I mean, I have the article here to show you exactly what happened that day. And if that wasn't bad enough, as we're waiting for the roof -- as we call venting, when they cut a hole in the roof -- they finally went out to go get the saw, someone was stealing the saw off the truck in the City of Trenton. He yelled to the gentleman, "Hey, stop!" The gentleman stopped, dropped the chainsaw, and took off. If that wasn't bad enough, that delayed our operations. Maybe because 110 cops were cut out of the City of Trenton, that we don't have the police force we used to have on a fire scene. But on top of that, as the one article said -- I'm not even sure this is the right article -- it said it was made for a movie or Hollywood screen set here, because five blocks away a man got shot. He ran to the lights for help. As we're fighting a fire we had some gentleman -- had to stop to assist this man with a gunshot to the chest. This is all happening within a 15-minute period.

I was fortunate enough to get to the hospital and get immediate help, but four other gentlemen that day also had to go to the hospital to get treated for their injuries. And there's nothing like sitting in the trauma room looking up at the bright lights and hearing a doctor say, "Get the chest cutter out." You could see my heart rate pound. It wasn't for me; it was for the guy who got shot next to me.

But the importance of this is that we can't keep cutting, expecting us to keep doing more, without making the ultimate sacrifice. I was lucky; Manny Rivera, two years ago, wasn't so lucky.

So I ask the Committee-- I appreciate you taking the time to listen to people, but if we don't have a working dialogue like President Lavin said, we're not going to get anywhere. And we need to get someplace before somebody else gets hurt or killed.

Thank you. (applause)

B R I A N M c G O R T Y: Brian McGorty, retired captain, North Hudson Regional; currently the Chairman for the New Jersey State FMBA Civil Service Committee, and Chairman for New Jersey FMBA Critical Incident Stress Committee.

I want to thank everybody for being here to hear our concern, but what that does is tell us we do have a lot to be concerned about. It's an interesting situation to see chiefs and heads of departments, mayors, stand up here and ask you exactly what we're asking you for -- and that's manpower.

We heard repeated references to mutual aid. Jersey City does require a lot of mutual aid, and they give a lot of mutual aid. What it really defines is that we're in a state of mutual inefficiency. We can't fight our own fires. We can't protect our own streets. We have to rely on each other.

And that doesn't change. You know, you'll hear, "Well, we're restructuring to do it this way, or that way." But anyone who knows fire science knows that the outcome is determined in the initial response -- you

still have to force entry, search, vent, and get water on the fire. And that requires manpower.

I'm in the department that was regionalized to address five different municipalities that had inadequate manpower. And initially it worked well because we had sufficient manpower. Now, instead of five individual towns with insufficient manpower, we have one large department that's been depleted through attrition, through not replacing; initially through rotational closings of companies, and then permanent closings of companies.

What we need to do, collectively, is seek solutions. I saw on the national level, when there was a crisis of teachers, the development of Teach America. What we need to do is use our collective minds to develop a program to protect New Jersey. And it could be done in various ways. We spend a ton of money in trying to develop tests, in trying to do things that make -- for the workforce to reflect our communities. I say we need to develop programs that give a path to protecting our cities and employing the personnel from those cities. We have to develop programs at young ages, not think afterwards, "Let's look at our department; we're inadequate." Let's develop programs that channel people into the emergency services. Instead of looking to cut, let's look at ways to efficiently, cost-effectively bolster our numbers. And that could be done with a little creative thinking and using funding that's going elsewhere to address these needs.

I thank you for your time on this.

ASSEMBLYMAN MAINOR: Thank you, sir.

Sir.

TROY POWELL: Good afternoon.

My name is Troy Powell, and I'm a 10-year veteran of the Montclair Fire Department, where I hold the rank of firefighter on Engine 1, and serve as Treasurer for Montclair Local 20. In addition, I've also served as Treasurer of the New Jersey State Firefighter's Mutual Benevolent Association since September of 2010.

I would first like to thank the Committee for allowing me to speak today and for the work they do on behalf of public safety.

On Thursday, January 19, at 03:32 hours, we were dispatched on mutual aid to Jersey City. Needing more information, my Lieutenant, John Grapes, called our dispatchers and ascertained the following: We were to meet up with five additional units from Essex County at the corner of Sip and Garrison Avenues, and form two task forces comprised of two engines and one truck each, and then we were to proceed to the headquarters of North Hudson Regional Fire and Rescue Ladder 4, located at the corner of 60th Street and Tyler Place. For the record, the other units were engines from Bellville, Bloomfield, and Nutley, and trucks from Irvington and East Orange.

According to Google Maps, this trip from our headquarters at 1 Pine Street to the staging area and then on to our assignment is 19.2 miles and would take 38 minutes. Imagine this drive as we travel through Glen Ridge, Bloomfield, East Orange, Newark, East Newark, Harrison, Kearny, Jersey City, Union City, and West New York. That's 11 different communities; that's 841,750 taxpayers who now have compromised fire protection. This is not effective mutual aid.

Retired New York Fire Department Battalion Commander and fire service author Dr. Harry Carter wrote an article back in 2000 entitled *Mutual Aid Mooch*, and he eventually rewrote it again in 2010 because nothing in fire service had changed. In both articles he describes the growing phenomenon of requesting but not providing mutual aid, of understaffed departments relying on neighboring towns during multiple-alarm incidents. He states: “Any group formed on the unequal footing of active versus moochy participants will collapse under the weight of the strain caused by the mutual aid mooch.”

We have very diverse communities in New Jersey, and the taxpayers who choose to properly fund their fire departments are ultimately subsidizing the ones who don't.

We didn't clear West New York until 09:59 hours, and we watched during shift change as North Hudson scrambled to swap out crews so as not to incur overtime. The taxpayers of Montclair weren't so lucky. They had to pay two firefighters and one lieutenant three hours of overtime for a fire almost 20 miles away.

Getting back to our drive: Google Maps estimates it would take 38 minutes. At 03:32 hours we thankfully did not have to navigate through any traffic. However, our apparatus is governed at 58 miles per hour so we cannot even go the speed limit on highways. If you add the time it took to gather the proper information before we left our firehouse, along with the time spent waiting for everyone at the staging area, it had to take us an hour to get to Ladder 4 headquarters.

According to the NFPA code 5.2.4.2 -- initial full alarm assignments -- the fire department shall have the capability to deploy an

initial full alarm assignment within a 480 second travel time to 90 percent of the incidents. I want to say that again: 480 seconds, or 8 minutes. Our drive was at least 38 minutes. It's a fairly simple concept: If there's more fire than water being applied to the fire, the fire is going to continue to grow. It's as simple as that.

Underwriters Laboratories states -- they use mathematical formulas when rating building materials for fire resistance. A graph included in my testimony will show the time-temperature curve. To simplify this concept, it is how long an item will maintain its structural integrity as compared to a standard baseline. It took us 38 minutes at least.

Now we have arrived in West New York, and we have to wait again to gain access to the firehouse. Our apparatus carries water and cannot freeze as it will damage the pump as well as disable us an engine company. When I attempted to put my engine in pump, I experienced trouble with the controls, and I could not operate the throttle at the pump panel. If we were dispatched to a fire, we would have been useless as an engine company and unable to put water on that fire. Our mechanics later diagnosed it to be a frozen electronic pump transfer module. It froze on the drive down there. These rigs were not designed to travel long distances to fires. We operate in urban settings, and we usually arrive to our fires within two to four minutes of dispatch. The distance and temperature caused a new mechanical problem in our apparatus, and it could have been catastrophic. After getting into the firehouse, our engine eventually began to work due to the thawing of the module.

However, our problems don't stop there. The next hurdle was interoperability of radios, couplings, and SOPs. The Battalion Chief of

North Hudson, who was serving as our guide, did not have a shared frequency, nor did he have enough radios to equip every firefighter at the scene. To overcome this, he provided one radio to each apparatus, so our officers would have to monitor two frequencies at any alarm. The other mutual aid units found a common frequency because we were all from Essex County, luckily, and we could then talk amongst ourselves. But the Battalion Chief still couldn't monitor that traffic.

The next problem was finding a common coupling to use on the fireground. Every department uses a different size thread to attach to their hydrants. So a decision needed to be made in order to ensure we would all get additional water on the fire. These interoperability problems should be worked out in an office by management-level officers, not in the dayroom at 4 a.m.

Lastly, we need to decide on the basic operating procedures. Each one of us does it a little different. We have over 100 years of history. And, again, we're finding common ground at 4 a.m. in the dayroom.

In order for mutual agreements to work -- and I quote Dr. Harry Carter again -- "There should be provisions for regular meetings of all the signatories to the agreement, and drills among the participants should occur on a periodic basis. Fire departments work much better together when they are familiar with the manner in which their neighbors work."

In closing, the Governor called my President, Bill Lavin, a fearmonger and stated nobody is going to die. But according to the United States Fire Administration, an entity of FEMA, since January 1 there have been 816 civilian fire fatalities in residential structures. That's 113 days, or 7.25 people a day. Of those, 26 were in New Jersey -- 26. That's one of

our fellow residents perishing every 5.3 (*sic*) hours -- days, or 104 hours. That's one of our fellow citizens perishing every 4.3 days, every 104 hours.

Thank you.

ASSEMBLYMAN MAINOR: Thank you, sir.

EDDIE DONNELLY: Good afternoon, Committee.

And thank you, Assemblyman Mainor, for agreeing to this much-needed hearing on the demand that mutual aid has placed -- and due to the manpower reductions that are going on across New Jersey.

My name is Eddie Donnelly. I'm a career firefighter of 12 years working in Union. We have felt the effects of this Administration's misguided attempts at curtailing property taxes. Since this Governor has been in office, we have lost positions through attrition. Municipal leaders are applauding the facts of no layoffs or rehiring firefighters. It was rewarding to hear mayors today who were addressing the fact of the mass exodus in the fire service, in which positions are being eliminated.

We have seen the mutual aid system misused and abused at alarming rates. Municipalities surrounding my community and across New Jersey are operating at dangerously low manpower levels which clearly equates to the number one reason we are in this predicament. Unfortunately, the fire service in New Jersey was not staffed at adequate levels before the new norm -- of laying off firefighters and eliminating vital positions in our table of organizations -- was established.

We are here today to implore this Committee to take a long, hard look at the effects of such things as the 2 percent property tax -- which is handcuffing municipalities in forcing layoffs and lowered staffing levels through attrition.

Safety of firefighters and the citizens of New Jersey should be a top priority for this Governor and Legislature. In Union, we have done real cost comparisons in relation to property taxes and the cost of a professional and dedicated fire/EMS service. In some instances it equates to less a month than people pay for basic cable television. It equates to more (*sic*) a day than a good cup of coffee you could buy at a Starbucks or a Dunkin' Donuts these days.

Mutual aid occurrences are happening more frequently for longer periods of time and are taking our manpower and apparatus to further locations. I would like to give an example of a campaign fire and two Christmas Eve fires that occurred in Elizabeth. First was the fire of Berry Biscuit, that I'm sure many of you are aware of, and the two fires that happened on Christmas Eve in Elizabeth. My Department hired overtime for three days to operate at that fire at Berry Biscuit. We also hired overtime to send manpower to Elizabeth on Christmas Eve for the two structure fires they were fighting. Elizabeth was down close to 60 members at that time. Elizabeth did not incur any costs to reemploy firefighters to staff their municipality while units were operating to distinguish those fires. The reward for the taxpayers of Union was a bill of approximately \$30,000 of manpower and equipment costs, and longer response times for our residents in the Township of Union.

Please understand that mutual aid is needed. We've been using it for many years to lend assistance to municipalities in times of need. The problem today is the lack of manpower, which is putting a strain on that system. It is a time bomb waiting to explode. You can only stretch certain things so far before a tragedy happens. If a tragic situation was to occur due

to a constant abuse of mutual aid with the lack of manpower, the responsibility will lie on the elected officials. Is there a price tag for public safety? Do the numbers. Look at what taxpayers are really paying for professional, dedicated fire and EMS services in New Jersey.

I thank you for the opportunity to express a couple point on this issue today.

Thank you.

ASSEMBLYMAN MAINOR: Thank you, sir.

Let me just start by saying that I'm very happy that you're here with us today, and I'm happy that you're on your way back to work. I wish you the very best from this point forward.

MR. PALUMBI: Thank you.

ASSEMBLYMAN MAINOR: Mr. Lavin, you had made mention about regionalization, and I want you to understand something. That's something that's going on in different parts of the state right now, but it is not the answer. Because, again, if you take two understaffed departments and put them together, you have one understaffed department. And here in Hudson County we did the regionalization with Union -- with North Hudson Fire Department. And at that time, if I'm not mistaken -- prior to that, Union City was paying \$6 million for their Department. Once it all came together, they're now paying \$18 million. So there was no savings there. And that's one nightmare that we, here in Hudson County, would not like to go back down again. But I just wanted to make that -- bring that out, because I know that you had mentioned about regionalization.

With that, I'm not going to take up much time. We're going to open it up to any of the Assembly.

Assemblyman Cryan.

ASSEMBLYMAN CRYAN: I have a couple of questions.

First off, this is about -- you do a property tax cap in three days, which is what we all did. Yeah politics. Nobody here wants higher property taxes. You guys don't; we don't. But the reality is -- we've called it *unintended consequences*. We can call it anything we want, we just didn't plan it out properly. That's one of the net effects here.

I just want to-- The phenomenon that I've heard about consistently is that smaller departments don't replace personnel and, as a result, incur overtime costs, much like -- even though these are larger departments in the Union and Elizabeth example. Is that a phenomenon that you guys have seen -- where smaller communities who think they're saving money actually end up incurring overtime as a result because of mutual aid? Is that a common experience that you guys have seen?

MR. LAVIN: Assemblyman, there's a culture of-- It used to be where you had your anchor fire departments. You had your Paterson, Newark, Jersey City, Elizabeth, Bayonne. You're funding your departments responsibly. And the smaller departments could always count on them, in the event of a large-scale incident, to -- that we would have these men available in those instances. What has happened over time -- and a statement was made by a mayor who is no longer in office in Hillside at the time that -- "Why should I hire-- I'm not going to hire firefighters, because I have Elizabeth there and I have Newark. I could always call on them." Well, that type of attitude has become pervasive. Now in the event of the 2

percent property tax and the economy being what it is, we've seen the hardship in the anchor departments who we've traditionally counted on. The Chief of the Jersey City Fire Department said they used to be able to -- they'd have two big conflagrations in town and not have to call mutual aid. To think that we're traveling 11 communities to bring departments-- And what-- This is an instance -- when Troy speaks of Montclair responding -- every department that he mentioned, every city that he passed through had sent somebody there. Imagine the City of Harrison's Fire Department, which is down to one engine company; which has reduced their Department by one-half; which, at times, doesn't even have fire officers on duty.

ASSEMBLYMAN CRYAN: Really?

MR. LAVIN: Yes, they were 69, and they're now 29 members. They're sending companies outside of their community to help other departments. It's like asking the poor and the needy to give to another poor. There is an economy of scale here.

Here's the other thing that is an issue: When departments take their level of safety out of their community, they're at risk. We haven't had it yet. But to imagine taking a safe community -- a safely staffed community -- and the reward for Bayonne, the reward for Elizabeth, the reward for Jersey City of having a staffed department is, "Guess what? You get to give more. You get to be asked for more." And we continue to do more with less. And it's almost like the drug addict. We become an enabler to these communities to say, "You know what? We can rely on getting this in the middle of the night. What's the chance of us having a fire? Chief, don't mention that. Because if you do mention that, you won't be the Chief any longer." So we pretend, and we continue to pretend, until we are

here today telling you we can't do it anymore. We're stretched to the absolute limit. The givers are broke. They can't give it anymore. So we have to find a solution.

There is a cost to fire safety, but there's a cost to not having fire safety. Imagine the property-- We talk about property taxes. What are the property values of a house in Jersey City that is in the proximity of a block that is now blighted and has 10 burned-out buildings? Has the property value gone up or has it gone down? That is the consequence. If people don't feel safe, they're not going to purchase in that community.

ASSEMBLYMAN CRYAN: I just have a couple of other--

MR. LAVIN: I'm sorry, I just got a little carried away there.

ASSEMBLYMAN CRYAN: No, that's all right, Bill.

I have to ask: The couplings didn't fit from your-- I mean--

MR. POWELL: People use different couplings. Some people use National Standard, New York Corp, different size threads. Some people use five-inch, six-inch, four-inch on their hydrants.

MR. MCGORTY: Assemblyman, what happens is, when you're bringing people from further and further away, they're encountering something that is not their norm. For instance, within Hudson County, we're aware of that, and we use mutual aid so frequently our responding companies have adapters to deal with that problem. But now mutual aid is being used where it's never been used before. So new problems arise that haven't been anticipated. It's just, as Billy said, stretching things too thin.

ASSEMBLYMAN CRYAN: At least for me that was eye-opening. I don't want to lose sight of the story and the 11 towns and the number of residents that you went through -- the forest through the trees.

But between that and the other thing-- In a post-9/11 world -- and let's not even go there, even though we're in Jersey City -- let's just go post-2 percent cap. This inoperability thing with radios is just nonsense. There's got to be a way. Jesus Christ, we're the Legislature of the State of New Jersey. Enough is enough. We have to figure out a way. I don't pretend to have the answer; I admit it. And I don't want to grandstand here. But how many times can radios not be on the same bands and the same frequencies? If we're going to screw everybody, we ought to at least let them talk to each other while we're doing it. (laughter) (applause)

We've just got to figure out a way to-- This has to get mandated and be done, because it is one of the more frightening things out of all of them.

MR. LAVIN: Assemblyman, if I could just respond to that. We're in Jersey City University, where they have the finest fire science program going. Kevin Malley is the Chairperson here. We train our chiefs and our fire officers here to be safe, and to be able to communicate, and to have enough supervision and manpower. None of that is happening on the fireground.

Elizabeth wasn't meant to be in Hoboken unless we have a 9/11, unless we have an incident. We burned down a five-story historical occupancy there. We had the inability for Elizabeth to speak to Hoboken firefighters. And what you never do is put master streams into a fire when there are firefighters actively working on a suppression unit. We nearly killed a unit of Hoboken firefighters because they couldn't talk to one another, and they were giving hand signals back and forth. We're going backwards.

And if you hear some frustration in the voices-- And, again, we're not here to -- we're here to point out a problem. If government -- if the Legislature, if the cities do not want to-- We've done our job here today. We feel responsible to let the people know that we are hard-pressed to keep people safe. If we do nothing about it-- We'll continue to do our best. And that's been our problem. These guys behind me -- the firefighters and the police officers -- they don't know how to say no in an emergency. They will continue to put the mask on and go in until they're so exhausted that they put themselves in jeopardy. And that's been used against the fire service since its inception -- do more with less. Okay, we'll do more with less.

ASSEMBLYMAN CRYAN: My final piece, Charlie, is--

First off, like everybody, your story was incredibly moving. Thank God you're here. And thank God the folks who were in that fire are on this earth to talk about it. And we need to remember the heroes who aren't. And we tend to forget. We're in a new cycle. It's less than 24 hours. And we forget the folks who come in and save us. I just think we've got to actually focus more and more on the long-term.

And to my colleagues, the message, at least to me -- at least one of these is -- with what I opened with in this segment. We passed this thing in no time. I mean, let's face it, we all know this 2 percent cap came down with -- I don't want to say *closed door*, but let's just say *not wide open* and be polite. And it passed in almost no time. We do that far more often than we ever have to in the Legislature, and we constantly run into unintended consequences.

And I thank you, Chairman, for having this hearing to point this out in particular. This is real life, real life and death for folks. It truly is. But we need to keep that message -- not only in this particular aspect and the follow up -- in all the things we do. We ought to think it through all the time, especially with the issues that we have coming up. It's a lesson learned here and one that we have to fix for the safety of these heroes who are in front of us.

Thanks.

ASSEMBLYMAN MAINOR: Assemblyman, I agree with you 100 percent.

Mr. Lavin, I want to say that you've come here today and you've educated us on certain things that we had no knowledge of. It is a shame that things are going the way they are. But, again, let me just remind you that this meeting here was to bring about a dialogue. Knowing what we know now at this time -- that we take that information and we move forward. It's not to point fingers, it's to bring out the information that we didn't know, and we now take it and move forward to make things a little better than what they are. So I want to thank you, again, for coming and bringing that information to us.

MR. LAVIN: I appreciate that. Thank you.

ASSEMBLYMAN MAINOR: Assemblyman, please.

ASSEMBLYMAN DiMAIO: Thank you.

Through the Chair, if I may, a couple of points. First of all, I'd like to ask Mr. Lavin--

You head up the statewide organization. And certainly in your circles you must share information with some of the leaders from other states.

MR. LAVIN: Yes.

ASSEMBLYMAN DiMAIO: What are you hearing from your peers across the country? Because we're all in the same situation, economically. Are they coming up with solutions to their problems in a similar way, or are they doing something different? What are the best practices you're hearing about that you can share with us?

MR. LAVIN: Well, it's not unique to New Jersey, these issues. What is being addressed, I see, in a positive way-- We talked about regionalization a little bit. There are some good examples of that. If you look at the Cherry Hill model and how we went from fire districts to a department that is efficient-- It can be done, and it's a useful tool. What I'm saying -- it's not a panacea.

But the thing that I see is the focus being taken away from buying equipment. We have spent a significant amount of money buying equipment in other states and in New Jersey. I say we're equipment rich and manpower poor. To empower people like the Division of Fire Safety to have somebody, when they go to purchase a piece of equipment -- that maybe they would have to have a litmus test and go to the Division for approval for that, so that we don't have departments threatening not to either volunteer or we have five truck companies with 110 foot aerial ladders in a three-mile square -- which we have, by the way -- but nobody to respond. So I do see in some places a shift from equipment focus. We would like support in the area of the grants that are out there. The grants

are for capital improvements and for-- You know, it drives me crazy. The Governor is going to be at one of our firehouses in Springfield, in Union County. It is a wonderful facility. Unfortunately, there are twice as many toilets in the place than there are firefighters on duty. (laughter) I mean, that's just a fact.

We have the infrastructure. We have great firehouses built, we have equipment that are all millions of dollars, and yet we continue to lack the manpower. So it's a nationwide crisis. I do see that shift. My colleagues from the PFANJ and the International will be able to speak more on that. But clearly it's not just New Jersey, it's nationwide. And I just think that this is an elastic type of reaction. We're starting to see the fruits or the tragedy of our cutbacks, to the point of guys being 27 years -- and retiring at that age. And that's true. And we're concerned about people retiring. But those departments that have championed the fact that they have not laid off, haven't hired-- We shrunk our departments from the bottom rather than from the top. We don't replace the senior guys. When somebody retires, it's now a critical event. It used to be a celebration. Now it's, "Guess what? When you retire we're not--" We have municipalities now who are waiting for our members to retire so they can celebrate the fact that they're not going to replace them.

MR. POWELL: If I could just add on to that: I would say, What are we doing? We're not. We're failing. Again, according to FEMA, we have the second highest civilian residential fire mortality rate in the world -- United States. So we're the wealthiest nation, and we're the greatest nation, but we have the second highest civilian residential fatality rate.

ASSEMBLYMAN DiMAIO: If I may just follow up with a couple of points.

I don't sit on this Committee, and I volunteered to come down here today to listen -- not just to fill up a chair, I wanted to hear.

I come from a different part of the state than you fellows represent. We are primarily volunteer-driven, and we do mutual aid. I'm a former mayor, former freeholder, so I know the system and how it operates. We worked very hard to put together a radio system that works through the whole county now. And we can even talk to other counties in our area. It's just something that had to be done. Because when we have an incident-- For example, if it happens in my town, then units coming in from surrounding towns -- other units come in and they backfill the stations. And that's the world that we live in. We have to. We don't have the resources or the need, probably, to have paid personnel. So we rely on volunteers. And our volunteers do a great job. I can't deny that. They're trained the same as you guys are, and they do a very good job for us.

But it would seem to me that you need to start communicating within your own ranks and your own regions -- from inner counties to out in your whole area -- to work on that interoperability. And we need to maybe look at funding -- if we're going to put money in equipment, we should be putting money into radios. We put a lot of money in radios in our county, and it works well. We now interoperate with the State Police. We did, and we lost the State Police in our county a decade ago because we couldn't find them. And we got the radio system so now we can talk to them so we can get the job done.

I mean, if we need to be smarter to get through these times-- You know, let's keep something in mind. We're in tough economic times. It would be interesting -- before the doctor went, and I should have asked the question earlier -- what in the world did they do during the Depression to get through these types of times? It had to be just as bad or worse, because there was no money anywhere to pay anyone. So the point is, we will get through this, and it will get better, and money will come down the pike some day to backfill these positions. We need to work together now and to be smart about this to cover for each other.

And you, sir-- I'm very happy to see you here today, and all of your peers who have suffered as a result of the line of duty. We appreciate it. Don't think we don't.

MR. LAVIN: Assemblyman, if I could just respond to that. I think you're-- I agree 100 percent. The fire service in general -- the various management, labor-- The League of Municipalities needs to weigh in here as well. The problem is we're putting out fires, literally putting out fires. And we don't have the time. This is a time out for us today. We need to take a time out. We need the Legislature to be in the lead to allow us to have this type of dialogue.

Not so long ago, under the McGreevey Administration and then into the Codey Administration, there was a Fire Service Task Force where volunteer, career, labor, management all joined together and created a document that I did provide to all the members of this Committee. Hopefully you have it and read it. And if you haven't we'll get it to you. But it talked about all of these things -- the need. You can imagine, as we're struggling to put boots on the ground to fight a fire -- the discussion of

interoperability and anticipating -- three counties over Elizabeth going into Hoboken. We don't anticipate this. What we're finding is that what used to be the exception is now the rule. Mutual aid -- or mutual -- it's certainly -- it's not mutual anymore -- but this charity aid that we're giving to other communities used to be the rare incident, and now it's every week. And we've seen that since January 1, since the fire that Eddie talked about in Elizabeth. It's just an every week occurrence now.

MR. MCGORTY: Assemblyman, if I could, just for a second--

I appreciate that, and we want to work together on this. We know these are tough times. We would be naïve (*sic*) to think that. And we hope that it's a dual-track approach. Too often it's just looked at as an economic problem. And what we wish is that we would be brought in to discuss the firematic aspects of it, because it's a two-pronged problem, and we wish to be part of the solution.

ASSEMBLYMAN MAINOR: I understand. Thank you.

And without becoming too controversial here -- and I am just going to throw this out there -- we live in a world of volunteers. Is there any combination fire company where you have volunteers and paid personnel who work together?

MR. LAVIN: All throughout the state. We represent many of them. Carteret is one, Roselle is another. Absolutely. Edison is another. We have situations where the volunteers become kind of the feeder program for the career-- My experience with the volunteers is that a good three-quarters of them aspire to be -- volunteers aspire to be career. So we do work with them, and we try to understand their challenges as well as ours. The problem with the volunteer situation is, in a bad economy they're out

there hustling, trying to work two jobs to make ends meet. Volunteerism is down. That is the other drain on it. We used to be able to rely-- I'm in Union County, and we have Kenilworth, Roselle Park departments that are largely volunteer. Well, the lack of volunteers creates a greater need for the career guys. If we cut the career guys, these incidents become ever growing.

ASSEMBLYMAN DiMAIO: We'll get through this.

MR. LAVIN: I appreciate that.

ASSEMBLYMAN MAINOR: I'm going to ask if we can cut the questions short. We have another set of firemen who are going to come forward. So maybe they can answer the next set.

Thank you, gentlemen.

MR. LAVIN: Does that mean our two minutes are up?

(laughter)

ASSEMBLYMAN MAINOR: Yes.

MR. LAVIN: Thank you, Mr. Chairman. I appreciate it.

ASSEMBLYMAN MAINOR: Thank you, sir.

MR. MCGORTY: Thank you for your time.

MS. WHITBECK: The next group of persons we would like to come up to testify: Mr. Qareeb Bashir, Trenton Department of Fire and Emergency Services; Mr. Steven Dyl, Kearny Fire Department; Mr. Dominick Marino and Mr. George Borek, Professional Firefighters of New Jersey.

The Chairman would appreciate it if we could try to keep our comments under three minutes at this point because of time.

Would you like to start, sir? State your name for the record.

C H I E F S T E V E N M. D Y L: Good morning, Assemblyman Mainor, members of the Law and Public Safety Committee, distinguished guests, members of the law enforcement and fire protection community.

Thank you for allowing me to present my concerns concerning the impact of cuts on public safety.

My name is Steven Dyl. I'm a member of the fire service for 27 years, and I serve as Chief of the Kearny Fire Department.

While there are many areas impacted by the budgetary impacts, I'd like to speak to you about three areas affected by the lack of funding and the 2 percent budget cap on a medium sized department. These areas are administration, operations, and labor.

Administration: Funding reduction and cutbacks caused a reduction in administrative staff. Day to day operations are difficult to manage. The remaining staff members are overworked and cannot handle the work load. The result is a lack of oversight in many areas. Some examples include grants. A lack of staff personnel results in an inability to seek grants. There is a great deal of research required to apply for a grant. Once received, there are requirements to manage and oversee grants. Deadlines are not easily met and, at times, cannot be met. We're in jeopardy of losing grant funding.

Review and updating of SOPs-- There are delays in reviewing SOPs and department policies which should be done on an annual basis. The result is outdated policies and decreased efficiency in operations. Purchasing of equipment is delayed due to lack of research. Processing bills for payment is delayed, and the resulting vendors are not compensated for their work which can lead to increased costs. Managers are stretched to the

limit. The proper time cannot be devoted to thoroughly analyze and prepare all the issues placed in front of them. Decisions are forced to be made without complete attention.

Budget: The Town of Kearny has shown fiscal responsibility during these lean budget years. Replacing employees who retired was done on an case by case basis. The overall workforce was reduced by over 10 percent. Since 2009, the Town of Kearny had to use approximately \$17 million in surplus to balance the municipal budget. In 2011, Kearny was able to generate less than \$3 million in surplus funds. And in 2012, the estimate is that the town will generate less than \$1.5 million in surplus funds by the end of the year. In 2013, the estimated budget shortfall is over \$3.5 million. The result of our fiscal responsibility will be more service reductions and maybe even layoffs. We're not cutting fat, we're cutting bone.

Operating expenses are kept at a minimum and seldom rise. In Kearny, the operating budget is kept at a 2007 funding level, and was decreased in 2011. Maintenance is performed only when required, and preventative maintenance may not be completed. In order to replace equipment such as fire apparatus and self-contained breathing apparatus, we must first explore alternate sources. This causes a delay in replacement. We applied for grant funding in 2010 and '11, and were denied both times. We will try again in 2012 for AFG funding. This process takes a long time and the equipment keeps on aging. It can take up to two years to purchase an aerial ladder from the time of bid to delivery. Our ladder is 21 years old and would be 25 years old at the time of replacement if we're successful. The cost of the replacement is \$850,000.

Fire prevention: The main focus of the fire department is to prevent fires. Fire prevention consists of fire safety education, fire prevention, code enforcement, and origin cause. The trend is to reduce the number of uniform members serving in these positions. Uniform members are being reduced -- replaced by part-time civilians, not even full-time civilians. Use of part-time employees results in a higher turnover rate. Jobs are being used as a stepping stones pending full-time employment or people seeking higher paying positions. Benefits are rarely included in these employment packages. What was once a four-member department now has two full-time employees supplemented by part-timers.

Funding cuts require us to do more with less. Firefighters are forced to take more risk. During a recent three-alarm fire in Kearny, two firefighters were forced to jump from a first-floor window after their escape route was cut off by fire. Three additional firefighters were knocked down a flight of stairs by the advancing fire. All these members felt compelled to return to fighting the fire because there were no replacements available to relieve them. One firefighter received medical treatment after the fire. A firefighter, when confronted with a fire or other life-threatening emergency, will do whatever it takes to save a life or stop a fire. They will not think of the dangers of acting alone or putting themselves in harm's way to help others. It's common in smaller fire departments to see firefighters go through three or four tanks of air before being relieved. The recommendation is rehab after the second tank. In smaller departments such as Kearny, we're not able to meet the national standards for staffing -- NFPA 1710. The recommendation is four firefighters on each apparatus, one of which is an officer. A pumper and a ladder should arrive at the scene

within four minutes of the receipt of the alarm, the remainder within eight minutes, bringing a minimum of 14 or 15 firefighters. Due to budget cuts, Kearny will no longer be able to meet this standard without mutual aid. We are forced to operate with three firefighters on a pumper and only two on a ladder. The result of continued cutbacks and insufficient personnel is that we will not be able to keep a one-room contents fire from spreading beyond the room of origin.

Mutual aid: Budget cutbacks and mandates place an increased burden on mutual aid. In addition to the firefighters necessary to fight the fire, other critical positions are required to be staffed. Some include a rapid intervention crew, incident safety officer, accountability officer, OSHA mandated two in/two out, and firefighter rehab. Early in my career, mutual aid was an occasional experience. Now it's more of a routine response which happens almost daily. It's so common that recently we provided coverage to a neighboring community. The dispatcher advised over the radio to stand by at the firehouse and someone will respond to let you in. The response from the relocating company was, "That's not necessary, we have our own key."

Mutual aid is overrelied upon, even to the point of being abused. Mutual aid is necessary. Some issues are: The burden of a routine fire in one community places a drain on another. Example: If Kearny sends mutual aid out to another community, we will leave only nine firefighters should a fire occur in Kearny. Kearny may be forced to recall men to man a replacement apparatus at a cost of \$1,700 a fire. One municipality in our area cannot supply mutual aid unless they receive mutual aid coverage for their town. Mutual aid to provide mutual aid. Mutual aid companies

cannot communicate with each other due to lack of common radio frequencies. If a radio was shared with a mutual aid company, the other firefighters assigned to it will not hear the radio traffic that's going on.

There's a delay in response time for mutual aid. At a recent fire, it took us 17 minutes for a mutual aid company to arrive on the scene. The town may not be able to provide aid due to budget restrictions. Some communities able to supply an engine and a ladder for mutual aid, due to budget cuts may only supply one. The result is that we have to reach out further and further away to get the assistance that we need. Different towns may rely on the same towns for assistance. This happened recently with the two major fires in Jersey City and Hoboken. In order to fulfill the requirement of 15 firefighters on the scene, Kearny is going to require mutual aid to do so. In 2011 Kearny was called upon to provide mutual aid 68 times and received aid 8 times. In 2010 we provided aid 118 times and received aid 5 times. During the period from February 25 to March 15 of this year, we experienced four multiple alarm fires in Kearny that all required mutual aid.

On the labor front: Contracts were settled before the enactment of the new budget mandates. We were forced to fit the existing contracts into the budgets, which were required to conform to these mandates. This was an impossible task to complete without the combination of layoffs, retirements, and givebacks by the labor unions. New contract discussions are under way.

The budget cap and cutbacks are forcing us to negotiate lower salaries and other givebacks. In 2013, in the fire department budget, there will be only \$119,000 available to meet contractual obligations. This

includes the reduction of retirements that are going to take effect in 2012 and just moving on the (indiscernible) alone. The result is a reduced workforce and poor morale. By July, Kearny will face a 13 percent reduction in its firefighting force. We will be forced to close a fire company, reducing available companies from five to six -- from six to five, I'm sorry; and our on-duty staff will be reduced from 17 firefighters to 15 firefighters. There are three studies out there recommending a minimum staffing of 21 firefighters on duty in Kearny.

The fire service exists on the combination of the experience of senior personnel and the strength of junior personnel. Senior members extend their knowledge and experience to junior members. This is often referred to as on-the-job training during real-life situations. This combination allows junior members to gain valuable experience working side-by-side with a senior member during adverse conditions. There is no substitute for experience. Budget cuts cause layoffs. These young people become unemployed. The result is an older workforce, and an older workforce results in increased injuries.

Conversely, funding cuts and legislative changes to pensions and benefits result in reduced funding for salaries and benefits. Senior members who feel threatened by a reduction in benefits will retire early. Years of experience walks out the door without passing on this valuable information to junior members. The on-the-job training is lost and the result is injuries due to inexperience.

The constant threat of benefit reduction, layoffs, demotions, firehouse closings, and insufficient staffing results in poor morale. Poor morale results in an inefficient workforce, increased injuries, and legal fees.

The constant threat of layoffs-- Our members can't plan their future, their family needs, and home purchases knowing that they may not have a job next week.

One factor unfazed by these budget cuts is the fire. It is always hot and it is always vicious, and fire does not discriminate. It destroys everything in its path and can kill anyone.

I need your help. The fire I described to you happened on February 27, 2012, in Kearny. There are some pictures in the packet that I distributed to you that show the fire. Four firefighters were assigned to the first floor to search for residents and extinguish the fire. Five firefighters were assigned to search the second floor and extinguish the fire. Two were assigned to prevent the fire from extending to the building on the right, and two were assigned to prevent the fire from extending to the building on the left.

Due to budget cutbacks, they're forcing me to eliminate one of these assignments. Any recommendations on which one of these I can eliminate?

Thanks for the opportunity to address you. I look forward to working with the members of the Committee and be part of a solution.

Thank you.

ASSEMBLYMAN CONNORS: Thank you, Chief.

Before we go further, I know that we don't have a clock here. But if we can try to refrain to two minutes, if we can. We understand. Obviously your issues are very important to us, and we're getting the gist of it. But we do have three other panels that we would like to get to as well.

Thank you.

QAREEB A. BASHIR: Thank you very much.

Good afternoon, Chairperson and also the other Committee members.

My name is Qareeb Bashir. I am the Director of Fire and Emergency Services for the capital city of Trenton, New Jersey. I would like to thank all of you for having us here and giving us an opportunity to express some of our concerns. And I will try to be brief.

In the City of Trenton, the consolidated municipal property tax relief aid went from approximately \$42 million to currently \$20 million. Capital city aid went from approximately \$35 million to \$22 million. Of course some of that was replaced with what is known as *transitional aid*. But as you can see by just the preliminary numbers or figures I gave you, it does not even measure up -- not even remotely close to what we had traditionally been receiving from the State. And as a result of that, we've had, definitely, an adverse impact.

The name of our Department is Fire and Emergency Services. And I think it's important for me to bring this up because oftentimes we just look at -- "Okay, they're the fire department. There's a fire; you respond." But when we say *emergency services*, we also deal with high-angle rescue, confined space rescue, general rescue. We have a dive team, we have search and recovery, we have a hazardous materials team, and the list goes on, and on, and on. So all types of special operations-- We even respond to just basic lockouts. We respond to water in the basement. So there's a lot that we do. But because of the reduction in aid, we're looking at -- and have already experienced -- reduced manpower, closing of fire stations, a cutback in terms of some of the special operations that I just mentioned; pretty

much a nonexistent fire prevention bureau -- which all statistics nationally will show that an effective and continuous fire prevention program will reduce the amount of fires and also save lives. That's pretty much nonexistent because we do not have the manpower. It also affects response times, which is crucial and very, very important; which, again, could determine if someone remains alive or if they're killed in a fire.

Mutual aid -- and I'm not going to spend much time on that because, of course, many people have already spoken on that. But in Trenton we have several surrounding municipalities. I've already received letters from them stating that, "I'm sorry, but we cannot help you in the same way that we used to help you." When we have a second alarm fire, we're pretty much -- that's it. We really have hardly any units left. So we definitely rely on mutual aid, but they're experiencing some of the same things that we're experiencing. So, of course, there is a problem.

Also, too, in fire departments we're under the guidelines of PEOSHA laws and also NFPA guidelines. And to be perfectly honest with you, we are struggling to be compliant with those guidelines. And if some of the guidelines and/or some of the PEOSHA laws -- if we do not adhere to them, we could be -- we could actually get fined. Now, how can any municipality afford to pay fines when they can't even afford to keep the standard of manpower and provide the services that they're traditionally used to.

There's been a lot in the news lately about user fees. Municipalities are looking at that because they need the revenue. I just presented a preliminary study to my business administrator for implementing user fees. Unfortunately it was at the same time that it was

in the newspaper. I'm saying, man, I picked a bad time to really present this. But that's what we're looking at. We have to look at this.

And also, too, brownouts -- which is another hot topic. All of you are elected officials. You try to do things that -- what pleases your constituency. We're in the hot seat because we have to do things that people hate -- they literally hate -- but we're not getting the funding.

Also in Trenton, 110 police officers were laid off. That's about one-third of the Department. I'm in unison with all of my brothers and sisters here in the fire service and in public safety in general. However, I'd like to step to the side a little bit as I represent "the capital city." And when you walk out of the State House and all of the other buildings that are occupied by State workers, our police department has to actually redistribute manpower for their safety, but yet our funds are being reduced. We respond to -- based on percentages -- we respond to a State House-owned facility every single day, in terms of our fire service. Every single day we respond, but yet our aid has been reduced. So even though I stand in unison with everyone else, I say, "Take a special look at Trenton, because we provide services for--" (recorder malfunction).

One of my officers, Paul Palumbi, spoke about his injuries. Injuries are on the uprise because of-- One reason is because of rehab. We follow certain NFPA guidelines relative to rehab. That's being thrown out of the window. Firefighters are fighting fires and other emergency services tired, actually out of breath, not being able to actually perform. So the end result is injuries. Our overtime-- I think another Assembly person had mentioned it. Our overtime is on the rise, but our overtime is on the rise --

part of the reason is because of injuries. Just recently I had 12 firefighters who were out on long-term sick leave as a result of injuries.

So when we look at the big picture, who is going to look in the eye of these families and say, "They're dead; they're injured." But why? And it can somehow be tied into budget cuts.

And also, too, I want to bring this point up because I believe that it's important. In terms of the layoffs and people losing their jobs, oftentimes what's going to happen is, women and minorities are going to lose their job. Why? Because of a consent decree and recruiting efforts. Some of the newer firefighters are minorities. So therefore, when the layoff comes, they're going to lose their job. And as an end, direct result of that, some of the grants that some of the officers were mentioning-- Contained within the grants are questions that have to be answered. "How many minorities do you have on the job? What type of recruiting efforts do you have?" So that might even affect some of the departments receiving grants.

So there is a lot more that I could say, and I know I took more time than you asked me to take. But I really appreciate it. And also, too, one last thing is -- the cities -- their ISO ratings will also be reduced because of the reduction in manpower. So that means that now the cities are going to be taxed even more -- or the residents I should say -- will be taxed even more through their insurance companies because the ratables will go up.

Thank you very much. I appreciate your time.

ASSEMBLYMAN CRYAN: Sorry, ISO?

MR. BASHIR: Insurance Service Organization.

ASSEMBLYMAN CRYAN: I'm sorry, I lost an acronym there.

(laughter)

ASSEMBLYMAN CIATTARELLI: I knew that one, Joe.

(laughter)

D O M I N I C K M A R I N O: Dominick Marino, with the Professional Firefighters Association of New Jersey, President. We are the State organization for the IAFF, which is the International Association of Firefighters.

I am not going to go through everything that everybody's been doing. I will try to keep it as short as possible. I'll just give you a few pointers that I think may put a face to what we're talking about.

It was mentioned earlier that we're a task-oriented group. We have certain things that have to be performed right away -- attack the fire; search and rescue; water supply; ventilation; second attack lines; safety officer; a RIP team -- rapid intervention team; exposure protection. All these functions need to be done in a relatively short period of time in order to remedy the situation, in order to reduce that incident so it stays small and doesn't get larger.

When you omit some of these things, or most of these things, that fire now becomes bigger and bigger, and you start losing control of that building. So that's why we say our manpower is very important. And I guess since I do coaching on the side, I'll relate it to-- If you were going to go in a football game, and you're supposed to have 11 people on that offense or 11 people on that defense -- if you cut out 4 of them, you leave yourself vulnerable. Something is not going to work right. You're not going to be able to be successful. In order for us to be successful, we need the proper manpower in order to get the job done. So, I mean, it's a small analogy, but I'm just trying to put a little basis to it.

We did mention-- You know, somebody had talked about regionalization. I am from North Hudson, I am from that regional department. When we regionalized in 1999, we had 220 firefighters. We are down to 158. So in a little over 11 years they've reduced us by over 60 firefighters through attrition -- no layoffs, but through attrition. They're not hiring back. The manpower is not there, the apparatus is not there.

The incident in Hoboken where we were talking about response times and other towns coming in-- Newark was called. It was 7:00 at night. I believe it was -- I'm not sure what day it was, but the traffic was heavy. It took them 50 minutes from Newark to get into Hoboken to that fire scene. That's not mutual aid, that's just, "Come on down, and when it gets to the corner help us put it out." Mutual aid is no longer mutual aid. It's abused. It's now supplementing everybody's fire department. "This town isn't keeping the manpower up, so they're going to call the town next door. I know they can come and help me, so I will just call them. I won't hire back."

It's a problem. It does take money to work out these problems, and I know that's the big issue -- the economy. And we all understand that. But it's safety. Our lives and the lives of the citizens we're supposed to protect are the ones at risk. Our injuries are going up because we are doing more with less. We're asked to do a lot more in these fire situations, or rescue situations, or accident scenes. Whatever we're going to, we're doing more with less, and our injuries are going up.

So I will leave you with just the thought that we understand the economy, we understand the ramifications. The 2 percent cap really did not help in the way it should have helped. It helps as far as keeping the

number down as far as tax, but it did not give the avenue for the departments of public safety to do what needs to be done. Because, unfortunately, there's a cost factor. And to get the new techniques, the new technology, the cost factor goes up.

To answer the Assemblyman's question before -- he's not here right now -- there are different ways of-- The IFF has -- throughout the United States and Canada -- has a Health and Safety Committee. We are able to work with the Committee. So I offer that. When we can sit down -- that the Health and Safety department from the IFF has data from all across the United States, and that we would share that with the Committee whenever it's needed.

So with that, I thank you for your time.

G E O R G E B O R E K: Chairman, members of the Committee, my name is George Borek. I'm the Vice President of the Professional Firefighters. I'm also starting my 31st year as a firefighter here in this great city of Jersey City. And I'm also an elected official. I'm in my 5th year as a Councilman in West Windsor Township, Mercer County. So I bring a different perspective -- a rounded perspective on the issue. Because it certainly impacts us in different ways.

I want to go back to the opening statements this morning of Chief Comey and Chief Rivers. And one of the questions from the Assemblyman -- you know, we spoke about -- as far as people on the job and their experience. Five years ago this spring we had a fire -- multi-alarm fire on Randolph Avenue. I'm assigned to the rescue company. And the call came in at 12 noon and so forth -- what it was -- that there were people trapped. My job with my colleague and the other members of the ladder

company was to go to the roof and start ventilation. Well, we made that trek up to the roof. What happened was, before the officer was able to get up there, we were cut off. The fire came out and cut us off. Within a matter of two minutes, three minutes the fire came up on three sides. Now, I'm a 25-year veteran at that point. And you talk about experience. We had no officer. But I looked at my fellow colleagues and I said to them, "This is going down bad really quick. Get to the parapet." I issued the mayday. My chiefs who knew me in my career -- they knew, "When Borek calls a mayday, there's something here that's going on." It was going down quick. In my eyes, in 30 seconds, I'm saying, "If they don't get to us, we're going to have to make a decision here. We either have to jump off this roof, or if the roof collapses we'll go into the fire." The members heard the mayday, the chiefs heard the mayday. I got my members to the parapet, waiting for that rescue to come. They came and got us off.

So when you talk about what Chief Comey had said, as far as the rumors and so forth-- Rumors spread quickly. People make decisions based on what you're hearing. We can't afford that. What happens when people like myself and other people who already left -- they're gone? You're not going to -- and they don't have an officer up there. Who are they going to rely on? That day there could have been four firefighters that -- if I didn't look quick enough and see what was going on -- might have been a different outcome. There might have been funerals that day. But I knew enough through my experience in being on the Department for 25 years -- this is what we needed to do. But, again, that's just one snapshot.

The other point -- going back to what Chief Comey had said -- and one of the questions was -- is that, "Well, you have these big classes."

The Class of '92 -- that I came on -- we got 79 -- 89 firefighters in my class. So when you do something on a grand scale, it affects a much bigger population in urban cities. May not have that same affect in a small community, because you're only hiring two or three.

The Chief here spoke about consent decree. We have consent decree cities in this state. Those jurisdictions have a much harder time of hiring police officers and firefighters because there is so much more criteria you have to go through. You have Justice Department oversight of what -- you know, who is on the list, who's hired, and so forth. So it's not as readily easy for-- If Jerramiah Healy turned around tomorrow and said, "Let's hire 50," that 50 might take six months or eight months. So, again, just understand, not every city is the same, and there are complexities when we're talking about the manpower when you have a class of 60, class of 70. Because that's how we hire. We don't hire one or two when they leave. We hire or make promotions on a bigger scale. So that's just to answer some of your questions.

Going back as a-- Now I'm going to put my other hat on as a Councilman. We have a combination department. We have paid staff in the daytime, we have volunteers at night time. One of the difficulties that we're facing right now is that we can't get volunteers. Volunteers are slowly but surely -- they're retiring. I mean, they're leaving. They no longer can do it. We can't backfill. So as a governing body, it makes it very difficult for us as we go through the budget process. "Okay, how do we provide the services?" So certainly it may-- Again, it may work in some communities -- it may work. You have a trove of people that you can get to become volunteers. But certainly when you look at the 2 percent cap and the

impositions that are imposed on municipalities to do the best, there's problems on the horizon. Certainly we've done -- we're doing everything we can with our volunteers to try to encourage them. But one of the things-- And we passed our budget, and we kept it under the cap. We've done everything we need to do to make sure the taxpayers are taken care of.

But one of the things that the Assembly is -- you're talking about right now, which I think would help in a lot of these situations here. You have the energy tax receipts. West Windsor Township-- If you were to return that to us, that's \$1.2 million that we get. If we got that money back, certainly-- We're short three police officers. We haven't had them for the past three years because we've been trying to be prudent with our tax dollars. But if you gave us back the energy tax receipts-- And we're only \$1.2 million. What's Jersey City, what's Elizabeth, what's the other big cities? What do they get back out of it? That could help in some of the process here as far as getting police officers back, getting firefighters back, because you have this. I know we passed a resolution from the Mayor and Council. We sent that to the State House. Please, give us back our energy tax receipts, because-- Again, I'm not saying it's going to solve the whole problem, but certainly it can help us in this endeavor right now to put firefighters back, put police officers back, give the mayors and the councils the opportunity to try to provide to the citizens the essentials they need as far as police, fire, and EMS.

And I will just leave you with one more point.

Assemblyman Mainor, you may know, we had a mayor in Jersey City one time -- okay? -- they laid off 50 police officers. And this mayor's idea was this: "If I have less police officers on the street, then I

don't have a police car responding to someone when they pick up 9-1-1 to report a call." Because, again, if no one has gotten there, it's not reported. Let's not do the same thing here with our blinders. Let's provide the tools to municipalities so we can have someone respond when someone does pick up 9-1-1, and not have the mentality of the former mayor who said, "No, I'm going to lay them off. If they can't respond there, it's not reported." Let's do the right thing.

Thank you.

ASSEMBLYMAN MAINOR: I want to thank you for that, and I agree with you 100 percent. You are 100 percent right. That mayor did make that comment, and that's how he kept the crime stats lower, because there was no one answering those calls. (laughter) So we were the safest city at that time.

I'm going to open it up. Does anyone have a question?

ASSEMBLYMAN CONNORS: Through the Chair; Chief, the two grants that you said you were rejected for -- what are the names of those?

CHIEF DYL: They were assistance to firefighter grants.

ASSEMBLYMAN CONNORS: And that was through the State or Federal?

CHIEF DYL: Federal.

ASSEMBLYMAN CONNORS: Federal government?

CHIEF DYL: Yes.

MR. BASHIR: Could I just make a brief comment relative to that? Some of the grants that you've been hearing about -- they're matching grants. Some of the municipalities may have the revenue to say,

“Okay, we’ll pay the 20 percent, 25 percent, 30 percent, and the Federal government will give the balance.” I can speak for Trenton. We got an order from our Mayor and our Business Administrator. We cannot even apply for grants if it’s matching. We just don’t have the money.

ASSEMBLYMAN MAINOR: Assemblyman.

ASSEMBLYMAN CRYAN: Are you the first responder in medical emergencies as well, in Trenton?

MR. BASHIR: Yes, we do first response.

ASSEMBLYMAN CRYAN: All right. So you-- Many of you--

MR. BASHIR: We do 13,000 calls a year for first response.

ASSEMBLYMAN CRYAN: When we talk about these cuts, I think it’s one of the things that we kind of haven’t emphasized enough here. We’re also providing less support for that first responder. What is it, about 80 percent of fire around the state, or so, is first responder?

MR. BASHIR: I’m not really sure. I know it’s quite a few.

ASSEMBLYMAN CRYAN: I see a couple heads nodding yes. It’s pretty high, right?

MR. BASHIR: Yes, it is.

ASSEMBLYMAN CRYAN: Are all you -- for your communities that you represent?

CHIEF DYL: Yes.

MR. BOREK: Yes.

ASSEMBLYMAN CRYAN: So another factor in this that we need to understand--

MR. BASHIR: Without a doubt. And one of the things that we would possibly be looking at, in terms of cutting, is our first responder

program. And I can also substantiate or back it up with facts or stories where, because of our first responder program, lives have been saved.

ASSEMBLYMAN CRYAN: I suspect so.

I just have one other comment. You know, we're talking about experience. You can send all the experienced guys to a fire at my house any time you want. (laughter) I'll take them. And I can't imagine that we don't want the right mix or feel that doesn't work properly.

Thank you all for your service.

ASSEMBLYMAN MAINOR: Assemblyman.

ASSEMBLYMAN CIATTARELLI: Thank you, Mr. Chairman.

Sir, thank you.

I think you might have missed my point. What I was saying to the Chief was take the 2 percent cap out of the picture, take the great recession and its effects out of the picture. This country has an enormous brain drain going on over the next 10 to 15 years due to the baby boomer generation. And that is even more acute when you're able to retire at full benefits after 25 years. So whether or not the 2 percent cap and great recession, there is still going to be a brain drain that management has to deal with.

There has been a great deal of focus, it seems, in the last two sets of testimonies -- panels -- on the 2 percent cap. Let us not forget that you can exceed the 2 percent cap. We had three towns do that, and two failed last week, and one passed. So if the need is that great in your community to provide for the safety of its citizens, there is an outlet. So with all due respect to those who may feel that the 2 percent cap is flawed in every respect, I see it as being very flexible in that respect. It's up to the

community leaders to sell to its community, “We have a justifiable reason to exceed the 2 percent cap.” The same thing goes with school budgets.

I am thankful to Assemblymen Cryan and DiMaio for calling attention to the whole interoperability issue. Because I think it’s an oversimplification to say that we’re putting people at risk because of the 2 percent cap or because we’re down on manpower. I think it might be bad public policy to have mutual aid agreements with towns with which there isn’t interoperability.

I know in Somerset County we are working urgently to have all 19 police departments on one frequency, all fire departments on one frequency. And we just did a study in Somerset County. We have 19 police departments. We have 19 different sets of standard operating procedures. Now, I’m not asking you, but rhetorically I would say, “Can anyone explain to me why a road divides Bound Brook and Bridgewater?” The response would be different depending on what side of the road you are on. I mean, those are the kinds of things that our citizens don’t know, but those are the kinds of things we do need to address.

MR. MARINO: It does, but-- I’m sorry, but one size doesn’t fit all. So, I mean, the makeup of the community is going to determine how or what you’re going to be doing.

ASSEMBLYMAN CIATTARELLI: I’m not suggesting one size fits all. But what I am saying is that it is an oversimplification to just say this is about the 2 percent cap or manpower. It’s also about what Karcher referred to as *municipal madness* when you have 566 towns. So when we talk about doing more with less and working smarter, one of the things we need to do, and I suggest -- on a regional basis with county government, speak to

your county officials about getting regions consistent in their application of services.

MR. MARINO: And I hear where you're going with it, and I understand that. And yes, each town has the ability to exceed that 2 percent cap. I happen to live in one of them that did it. And we knew what they were doing, and that was fine. Elected officials decided that that's the route we were going to go. Elected officials, when they're going to their own constituents, tend to not really want to put a question to them that says, "I need to raise your taxes by this," because they're not going to be voted in the next time they get in.

ASSEMBLYMAN CIATTARELLI: I love what you're saying, because that's what the 2 percent cap is all about: making the local officials tell people the truth.

MR. MARINO: Exactly.

ASSEMBLYMAN CIATTARELLI: It's one of the reasons why State government took away the energy receipt tax and COMPTRA aid. What it's saying to local officials is, "We're not going to allow you to camouflage the true-blue cost of your municipal operation anymore with these other revenues," which towns are now trying to do with fees.

MR. MARINO: State government took away the ability of the local elected officials to do what really needed to be done. They put a blanket -- they put a one-size-fits-all, and it's not one-size-fits-all.

ASSEMBLYMAN CIATTARELLI: I would respectfully disagree. I think there's benefit.

Listen, a friend recently said to me, "I don't know why you got involved in elected office. I can't think of a worse time to serve." I can't

think of a better time to serve, because there's a fundamental assessment going on at every level of government as to how to deliver our services. I think it's a good exercise. Is it painful? You bet.

To Assemblyman DiMaio's comments, New Jersey is not immune. It's the entire nation right now. It's the entire nation. So we'll pull through this, but we really need to challenge ourselves.

The last comment I have to make, Chairman, before I leave is that -- and I'm sorry that I have to leave -- but this panel referred back to the Jersey City Police Chief's testimony. I heard him say, "We shouldn't be punished for doing better." They've got less cops, but yet had less crime because of the way they're deploying their cops. That kind of contradicts what the professor from Rutgers was saying.

So not in all situations does a reduction result in an increase in something else. And I think the Jersey City Police Chief's testimony was evidence of that.

ASSEMBLYMAN MAINOR: I want to thank you--

MR. MARINO: I can directly--

ASSEMBLYMAN MAINOR: Sir, excuse me.

MR. MARINO: I'm sorry.

ASSEMBLYMAN MAINOR: Assemblyman, I understand what you're saying, and I do remember the Chief saying that they have less cops and less crime. That's less reported crime, because the cops can't get there to take the reports. So we must keep that in mind.

Also, we have to remember that what's good for Somerset County is not good for Hudson County.

ASSEMBLYMAN CIATTARELLI: I couldn't agree with you more, Mr. Chairman.

ASSEMBLYMAN MAINOR: It doesn't work. It's two different animals. (applause)

ASSEMBLYMAN CIATTARELLI: They are.

ASSEMBLYMAN MAINOR: It's totally two different animals with Somerset County and Hudson County.

ASSEMBLYMAN CIATTARELLI: You're not suggesting that where there's mutual agreements -- mutual aid agreements in place that there shouldn't be interoperability?

ASSEMBLYMAN MAINOR: No, I'm not.

ASSEMBLYMAN CIATTARELLI: Or different sets of standard operating procedures or couplings that are different from town to town?

ASSEMBLYMAN MAINOR: Each town has a different circumstance.

ASSEMBLYMAN CIATTARELLI: Okay, but that should not be a regional issue. I don't think you're suggesting that.

ASSEMBLYMAN MAINOR: Well, that's a conversation that we need to have at another time.

But to end this here session at this time, I just want to say, in reference to Trenton, it's a shame to hear that you're saying there's a possibility that when something has to be cut, it may be the first responders. I mean, that's an issue that we really have to really, truly take seriously and look into. And I want to let you know that, again, you're

educating this Committee. And hopefully we can come together and make some suggestions for that not to happen.

MR. BARISH: Thank you very much. I appreciate it.

ASSEMBLYMAN MAINOR: Thank you, gentlemen.

MR. MARINO: Thank you.

ASSEMBLYMAN MAINOR: We're going to ask Anthony Wieners, from the PBA; and Robert Quinlan, New Jersey State Association of Chiefs of Police.

I'm going to remind you of our--

ANTHONY F. WIENERS: We have two minutes.

ASSEMBLYMAN MAINOR: --two minutes.

MR. WIENERS: I was hoping to open up today saying good morning, but good afternoon. (laughter)

I'm going to make it brief.

ASSEMBLYMAN MAINOR: Thank you, sir.

MR. WIENERS: And I could make it comical in saying that if you think I'm going to stick to two minutes while Billy Lavin had 25-- (laughter)

But we're all very passionate about what we do. And I want to start off talking about myself. I'm a 32-year veteran of the Bellville Police Department. I've been the PBA President for the State for the last five years. I'd like to think that I've been very vocal on the issue of police staffing.

But I want to talk about the Committee for a minute. This is the most important committee in the State next to Homeland Security, because your number one responsibly, being government, is to provide a

safe and secure environment for all the citizens. Before anything else; before education, before-- And all these other issues are important. The streets should be dirty before they're unsafe. I know a lot of your residents of Jersey City would rather see a police car than a street sweeper, although that is very important.

I am going to make it brief. I've provided written testimony that I was going to testify on today. Everybody has a copy of it, along with crime stats in the Uniform Crime report -- which I'd like to mention are a few years old -- and some recent newspaper articles referring to understaffing and how crime has risen. I think if we can--

I just want to note that it's a breath of fresh air to come before a committee and talk about crime and public safety along with the mayors, and the directors, and the chiefs. Because in the past it was the PBA, the FOP, the IAFF, and the FMBA, and we were labeled as alarmists, fearmongers.

In September of 2010 I had a press conference in the State House when we were facing the layoff of 60 Atlantic City police officers. At the time they laid off those 60 officers, they did away with their investigative unit. At that time there were nine unsolved homicides. I mean, where are we going? If we can put this in a nutshell, our cities are in turmoil and we're in trouble, and we need some help.

I had mentioned that the understaffing levels-- We did away with our gang units, our drug units, our warrant squads. And the Chief from Jersey City -- I think it might have been interpreted wrong. If you don't have a gang unit -- gang investigative unit -- you're not making arrests. And going along with gangs, you get drugs, and you get guns, you

get violence you get leads to homicides -- your drug units. And it only makes sense that when unemployment is up and the economy is down, and police staffing is at its lowest, and gold is at \$1,600 an ounce, you're going to get burglaries, you're going to have street crimes. We need some help, and we want to be a resource in providing some alternatives and some ideas, and to work along with you, Chairman Mainor, to work through these tough times. And I agree that it's all economy driven. But our cities are in turmoil.

December 26, the day of the big snow storm-- And I believe it was up in Randolph -- where the front page of the *Ledger*, they had the following day, where this-- They laid off a DPW worker, and some poor gentleman had to shovel himself out to the end of the street to get to work. But on Page 18 you had an incident in Newark where you had two kids who killed each other. Where are our priorities?

Like I said, our number one responsibility is to provide a safe and secure environment. And you -- when I mean you, I mean the government -- has an obligation to give us the tools to do so to make sure that my officers are safe and the people who we protect.

I just want to-- We've been labeled many things, me and Billy Lavin. We work very closely. We're very passionate about public safety. I had two unfortunate incidents in the last year and a half. And it can relate to understaffing. But when somebody is out on a warrant and kills one of my police officers, or out on a parole violation and kills a police officer -- and there's no warrant squad, no people out there making those arrests on the warrants, or we're not going after parole violators -- and my officers are losing their lives, I think it's a disgrace. On that issue, when I came out

very vocally when Officer Morgan was killed in Newark I was labeled as an opportunist to get more members.

What are we doing here? Just take a ride around our cities. When I did the press event on September 30 in Trenton, they were facing -- 110 officers were facing layoffs. It didn't happen at that time, but it happened at a later date. Just steps from the State House. Everybody goes into Trenton. They go in on 29 and they come down Calhoun and park on State Street, and get out. Hang a left, go for a cup of coffee, go for a piece of pizza. Let the Governor lose his State Troopers and go for a walk through those neighborhoods. We had an incident there where they put a hit out on the cops, and they had to take the cops off the street. What are we doing?

I thank you for your time. I look forward to working with each and every one of you. I'm going to leave my business cards. In my testimony I had-- Assemblyman Cryan said more cops equals less crime. I had the opportunity to go to Washington and the University of Omaha, Nebraska -- University of Nebraska, Omaha had a very in-depth study on that. I testified in Washington before then-Senator Biden. I urge you all to research that report. And this gentleman who sat next to me from Rutgers-- Listen to what he said. Maybe you should bring him in at a later date and on an individual basis and have him talk about crime and where we're going. But it's not good.

I come here today as not only PBA President, but I come here as a resident who loves this state. I come here as a husband whose wife works in the inner city. I have two children who both use mass transit. So I'm concerned. I care, we care, we all care together. But let's figure it out.

Thank you.

ASSEMBLYMAN MAINOR: Thank you, sir.

Mr. Quinlan.

C H I E F R O B E R T B. Q U I N L A N: Thank you, Mr. Chairman.

My name is Robert Quinlan. I'm Chief of Police of the Hillside Police Department, which is in Union County.

I'm here today on behalf of the New Jersey State Association of Chiefs of Police. Unfortunately I didn't have a lot of notice. I put a few notes together. I don't have a prepared speech for you, but I would like to share a few thoughts.

I first want to thank you for the opportunity to come here and speak before you.

I have just a little bit more seniority than my friend Mr. Wieners here. I have 34 years of experience in police work as a police officer in Hillside.

I'm here, though, out of concern not only for the policing profession in general, but on a personal level, because I have a son who is also a police officer. And he served four years in the Marines. Quite frankly I'm more concerned about his safety now as a police officer than I was when he was in the Marines. I'd like to explain why.

We've often heard the cliché that in public safety now we have to do more with less. I disagree with that statement. I think what we're being forced to do is less with less. Many speakers who have been up here today have been quite passionate in their statements. It's obvious that they care about what they do, and they want to do the best job they can, despite

some of the roadblocks that have been thrown at us in the past two years specifically.

About two years ago, the town where I work in Hillside had 77 police officers. We're not a large city; we're not like Jersey City or Newark. But out of 77, we lost 11 through attrition and layoffs. That's quite a few officers for us to lose. It had a very substantial impact on a town like Hillside.

From my experience, the budget cuts in municipalities like Hillside have caused a number of detrimental impacts. It's reduced police safety, I think it's impacted police performance and morale, I think it's impacted public safety, I think it's impacted the business community, and it's had various other impacts on the community. These are all interrelated.

I'd like to start off by talking about some of the ways police safety has been impacted by some of these cuts. With fewer officers on the streets, our officers are responding to crimes -- often violent crimes -- with less show of force. This often results in criminal suspects more likely to challenge police officers in their authority. Quite often this means more fights, more struggles, police officers putting their hands on more people. This equates to more lawsuits against townships. Almost every time the police have to drag somebody in forcibly, there may very well be a lawsuit. But there is some hope on the horizon for that. I'm very happy to hear that we're soon going to be having the tool of lasers available. And I hope that will reduce some of the need for physical confrontations.

I've also witnessed that many officers are increasingly stressed and fatigued not only by the stress of having less support, but by fatigue brought on by moonlighting. Many of our officers have to moonlight now

who never had to moonlight before. I'm talking about officers who normally work during the day moonlighting at night; I'm talking about officers who work during the night who moonlight during the day. It creates tired cops, fatigued cops. I don't want to get into all the intricacies of it.

I just want to reiterate, I want to remind everybody that unlike any other profession, police officers wield tremendous power. They have the power to take life, liberty, and property without -- or I should say before due process of law. We want officers out there who are clear-thinking, who are making these critical decisions with a clear head and with a good night's rest. So I see some of these budget cuts as forcing police officers to go out and moonlight. And the budget cuts I'm talking about may be freezes in salaries, they may be reductions in salaries, they may be demotions, they may be increased costs of healthcare benefits and pension deductions. My son is dealing with what I never had to deal with before. He's dealing with reductions in his salary, he's dealing with contributions to health care that I never had to make, and he has a family to support, and he's moonlighting. And I worry about him. I worry about him getting enough rest. And I don't think a lot of cops are getting enough rest. That's just one effect. And as I've often said, every day and night police chiefs across New Jersey are putting heavily armed men and women onto the streets of this state quite often without enough rest. We want them sharp, we want them ready to make those critical life decisions. They're out there on their own and they need every resource at their disposal. And we need them well-rested and sharp at all times. Again, my concern is not only as a police chief but as a father.

The impact on performance and morale, I think, is evident. Many police officers don't have the promotional opportunities that many of us have had in the past. They're losing ambition, they're showing less initiative, and they're not upwardly mobile as in the past. What this means to a lot of people in New Jersey is police officers coming to their houses that maybe don't have any hope of a future. And I've experienced that in my own Department where I have men and women who expected to be promoted who are on promotion lists. They've given up all hope. And I often ask people, "What would you rather have at your house -- coming to your house at 3:00 in the morning when you hear glass breaking? Do you want an officer just showing up, taking a report with a notebook in his hand, or do you want a police officer getting to your house as fast as he can, ready to chase somebody miles down a railroad track if need be?" I think the answer is obvious.

I'd like to talk about a few of the ways the budget cuts have reduced public safety. There has been a dramatic decrease in police visibility on the streets in a lot of towns like my own, like Hillside, in Union County. There has been a corresponding decrease in effectiveness, particularly affecting elderly residents. In Hillside, we've seen an increase in crime against the elderly, particularly the elderly walking in their own neighborhoods, walking from their homes -- from their cars into their homes. We've had delays in response times to emergency calls. We've had to reduce services dramatically.

The gentleman was here who is President of D.A.R.E. I'm ashamed to say that in Hillside we had to cut out the D.A.R.E. program for lack of funding. D.A.R.E. is no longer offered in the Hillside schools, and

we need the D.A.R.E. program. Hillside is located in a very busy, urban community. We're bordered by some of the highest crime areas in the state. Drugs are an influence, and they're influencing our children. We've been performing the D.A.R.E. program for well over 15 years. It's now a thing of the past, and I'm not proud to admit that.

We've had increased complaints from the public about quality of life violations that we can no longer address. We've had reductions in our detective bureau staff. Our narcotics investigations have been dramatically reduced. We no longer can respond to motor vehicle accidents unless there is somebody injured. Some departments have had to take more drastic measures than we've had.

ASSEMBLYMAN MAINOR: Chief, I'm going to have to cut you off. I'm going to ask that you summarize. We have to be out by 3:00, and we have a number of people behind you.

CHIEF QUINLAN: Okay, I will do that.

I just would like to say that this notion I often hear about taking cops out from behind the desks and putting them on the street-- Personally, I think that's a lot of bologna. The cops you're taking from behind desks are largely experienced police officers who are older and more mature. They're detectives. They're experts at what they do. To take these guys -- many of them older, older than me -- and put them on the streets doesn't help policing. It makes them-- It's just putting ineffective cops on the streets.

So I will cut my -- I'll cut it short. In closing, I'd just like to say that the police profession in this state has been very much impacted by these cuts, and I'm sure I'm speaking for police chiefs throughout New

Jersey. We've dealt with it in many different ways. Some of us have done our best to cut down our departments, to cut some fat where we can, but it's not easy. And we're going to continue to do our best with what we have.

But I would like to salute one man in this room who has been a steadfast supporter of the police, and fire, and public service, and that's Assemblyman Cryan. I want to thank him on behalf of the Township of Hillside and a lot of other police departments. He's been there for us, and I salute him for that.

If you have any questions, I'd be happy to take them. But, again, I want to thank you all for having us here today.

ASSEMBLYMAN MAINOR: Thank you, too, sir.

Assemblyman, do you have any questions? (no response)

Thank you.

MS. WHITBECK: The next person to be invited to the testimony table is Steven Demofonte, Fraternal Order of Police; and James Stewart, Fraternal Order of Police.

ASSEMBLYMAN MAINOR: I'm going to ask that you state your name for the record. And let us remember the time. I notice we have three people.

S T E V E N J. D E M O F O N T E: I'll explain.

Mr. Chairman, thank you very much.

I'm Steve Demofonte. I represent the 16,000 members of the Fraternal Order of Police in New Jersey. I have a prepared, three-page statement. I'm not going to read it. I think everybody who is still here --

unfortunately we don't have half the Committee still in attendance, but they can read it.

With me I have the honor to present Camden City FOP President John Williamson, and Newark City FOP President James Stewart. We have some interesting material, facts, figures that are all included in the packets that we've submitted. They're thick; I understand that.

So right off the bat, the purpose of government is to enable the people of a nation to live in safety and happiness. Government exists for the interest of the governed, not the governors. And that was Thomas Jefferson, one of our founding fathers who built this government -- was instrumental in its creation, in its formation of its rules -- recognized so many years ago -- that we are about providing for safety, and comfort, and happiness to our citizenry.

Before you are law enforcement officers of this state who have sworn to do that. We represent small departments, large departments all across this state. And frankly, you've already heard it enough today, I think. We're being worked to death. We're being forced to work more hours, we're being forced to endure hardships financially and emotionally because we have-- What we used to have was a support system in place with other officers, with backups. We don't have that anymore. We've been forced to accept contracts and collective bargaining negotiations that are not negotiations. We've been forced to make concessions on these contracts under the threat of layoff. We've had to take hits on our salaries, we've had to take hits on our pensions -- all things that were in place long before we were hired and after we were hired for almost 20 years. Now we're expected to make more financial payments. So are they angry? Are

my members angry? Yes. Are they disheartened? Yes. Every emotion that you can feel when you're under crisis my members are feeling right now.

Some of you who have a history in law enforcement who sit on this Committee understand that frustration. And I don't-- And I apologize for making it so blunt. But it's not fair, and something is going to give. It's going to come. Cops are dying, maybe from heart attacks, maybe on the job, maybe off the job. But cops are dying and they're hurting. And it's because of the way they're being treated by government and people in authority who say, "You're fat, you're lazy, you're slovenly, you're greedy public workers." It's not fair.

I implore you to do three things: restore State budgetary funding to the various public safety pension systems and restore the rules governing -- and remove the rules governing the funding of the pension system from politics. The days of pension holidays have to go. The days of underfunding the pension system have to go. My officers have to have an agreement when they get hired -- and complete confidence in this government -- they have to understand that when they get hired for this job, number one, they'll have back up and that their futures are assured if they do everything they're supposed to do. And every day I have officers out there doing everything they're supposed to do, and are rewarded with takeaways and out-and-out theft from their purses because somebody in authority decided that they should be paying for their health care, or they should be paying more for their pensions, or they should just be paying more for other benefits that they receive. It wasn't negotiated, it wasn't bargained. It was just taken.

Increase assistance to local governments for the purpose of hiring and retaining law enforcement officers. The State has a grant program in place. It's the Safe and Secure Communities Program. It was established in 1993 and provides funds for local governments to hire and retain cops. Plain and simple: You have to fund it and you have to keep funding it. In fact, we ask that you fund it more as part of the budgetary process.

Third: restore elements of collective bargaining to a fundamentally fair process. You have taken away, not personally but collectively, the ability of law enforcement and public servants in this state to negotiate fair contracts. You've done it by imposing arbitrary standards on arbitrators to cap those awards at a certain figure, even though salaries haven't been going up in proportion to the cost of living; yet they continue to maintain these arbitrary rules.

As you've heard already in this Committee, every community in this state is different. What I have is not what either officer on the side of me has. When I retired I didn't get health benefits upon retirement, yet people in this state still continue to believe that law enforcement officers in this state, by and large, receive health benefits after retirement. I pay for my health retirement, thank you very much -- and I'd like to make that a matter of record -- as others very well do.

And I'm going to close with Assemblyman Cryan's comment earlier on the report from the doctor from the Rutgers School of Criminal Justice. When you have more cops, you have less crime. When you lay off cops, people die, whether it's one of my guys or one of our citizens, and it has to stop.

Thank you very much.

I will answer any questions.

ASSEMBLYMAN MAINOR: Thank you, sir.

I'm going to ask one of you gentlemen to start speaking but to please adhere to the three minutes.

JAMES STEWART JR.: Yes, sir.

Thank you for the opportunity today.

I'm James Stewart, and I'm the President of Newark Fraternal Order of Police Lodge 12, the union representing the men and women in the state's largest city. I'm proud to say I'm a fourth generation Newark police officer. My great-grandfather came on the job in 1890, followed by my grandfather in 1940, my father in 1977, and I joined the Department in 1995. Subsequently, my younger brother came on in 2007.

If things don't change -- the way things are going in public safety today -- I will not be encouraging my children to follow in my footsteps. Things must change; things are getting dangerous out there. They need to be corrected.

Clearly the men and women of public safety are in the crosshairs of the politicians, both locally and in Washington. The perception from the public is that we are the reason for their blight. Their taxes are too high, their request for services aren't answered. Maybe the price of gas is too high. Everything seems to be pointed back at us. We are the reason for that. Cries that our benefits are too rich, our pay is too high is what we hear all the time. Clearly that's not the case. They seem to think that if our benefits are reduced they'll benefit financially.

We all took this job knowing the risks that we had -- the physical and mental stress that we have to deal with, missing kids plays, the things that go along with being a police officer -- we accepted that.

Last year we had the Legislature down in Trenton impose new penalties upon us -- increase in pension, increase in healthcare costs. Again, it was legislatively-- It's something we're dealing with.

Now, thanks to cuts in budgetary aid, the Newark Police Department is down 200 members at least in the last 17 months. That doesn't include the men and women who retired in 2010. Since November of 2010, when we lost 162 officers, another 36 who retired in 2011, and another 44 who are currently scheduled-- But like Chief Healy said earlier today, we also expect that number to balloon as we get closer to the beginning of 2013, due to the oncoming additional healthcare benefits the Newark Police Department officers are going to have to pay because our contract expires at the end of 2013. So that's easily over 200 men and women gone in the last 17 months, and I haven't even gotten out the calculator yet to be more specific.

The City of Newark has no provisions to hire anybody new. There is no hiring process in place. We're at levels that we had in 1987. The crime problem is not the level we had in 1987. Crime today is through the roof. We have a gang problem that is out of control. It is not uncommon to recover automatic weapons that our armed forces see in Afghanistan and Iraq in the streets in Newark. We have crime scenes with 50-plus shell casings scattered about. This is a war zone going on in Newark. We have a carjacking problem so prevalent we now have a task force to combat it. That task force consists of detectives who go out after

the fact. It's not really a task force. They're reacting just like the guys in the radio car are reacting. We no longer have the added personnel to have that -- every cop on the corner, the operation impact we had several years ago, utilizing members just out of the academy. We don't have those guys anymore, let alone that program. That's where the citizens of Newark are suffering. You all heard the term -- or some of you may have said the term -- "Wow, Newark; that's a tough place." Well, imagine it now down 200-plus members in the last 17 months.

Funding for new police officers is not a luxury, it is a necessity. At some point in every cop's career -- every cop sitting here behind me knows what I'm talking about -- you reach the point where you are no longer able to be the front-line officer. It doesn't mean you have to give up the job; there are other places for you. You can be a supervisor, the detective squad, the traffic squad, what have you. But you cannot be that front-line cop anymore. Age and injury takes its toll on all of us. The bad guy never gets older. He is always 22 years old.

ASSEMBLYMAN MAINOR: I have to ask you to close it out.

MR. STEWART: I'm going to close up, sir.

ASSEMBLYMAN MAINOR: Thank you.

MR. STEWART: The bad guy is always 22 years old. He's always eager to fight or run. When he gets arrested, another 22-year-old replaces him. When that guy falls victim to the streets, he's replaced by a 22-year-old. We need the funds to be able to hire younger police officers to keep us physically safe out in the street and doing the job we need to do.

My package is in writing. There are several attachments to it. I hope you review it when you have time. And I appreciate the time today.

ASSEMBLYMAN MAINOR: Thank you, sir.

JOHN D. WILLIAMSON: I'm going to keep-- I'm going to be very, very brief. I want to give you something -- give everybody something to think about.

We've been accustomed to doing more with less.

ASSEMBLYMAN MAINOR: Could you state your name just for the record?

MR. WILLIAMSON: John Williamson, President of the Fraternal Order of Police in Camden.

ASSEMBLYMAN MAINOR: Thank you.

MR. WILLIAMSON: The general atmosphere is: do more with less. But in our communities -- dealing with crime -- the criminals see that the numbers of police officers are slowly dwindling, but their numbers aren't dwindling. They're concept or their thinking is, "There's less cops, so it's time to recruit more of us." Cops go down, crime thrives.

And to have the mentality that public safety, first responders should do more with less is simply not fair to the residents of our community or your constituents.

Thank you.

ASSEMBLYMAN MAINOR: Thank you.

Assemblyman, anything? (no response)

Thank you.

ASSEMBLYMAN CRYAN: Laying off cops in Newark and Camden: How stupid can that be?

ASSEMBLYMAN MAINOR: I agree.

MS. WHITBECK: We have Gerald Lyons, Jersey City; and Esther Wintner, from Jersey City, to come up and testify.

ASSEMBLYMAN MAINOR: I'm going to ask that you just state your name for the record. And please remember our three minutes.

GERALD LYONS: Two is fine. (laughter)

ASSEMBLYMAN MAINOR: Great. Thank you, sir.

MR. LYONS: My name is Gerald Lyons. I live in Jersey City, and I've been an educator here for 25 years. And I thank you today for honoring my alma mater and my neighborhood by having the meeting here.

I live next door to the vacant Greenville Hospital. That's become a huge problem now because of drugs, violence, illegal dumping, and vandalism. Apparently there's 180 buildings in Jersey City that are now vacant, which adds to all the work that the police have to do.

I also teach at County Prep High School in Jersey City. The problem with gangs has infiltrated our school. We've been on lockdown several times. In fact, we now have five different levels of lockdown depending on whether it's going on within our grounds, within our school, in the neighborhood, which is now-- When we were kids we had duck and cover for nuclear bombs. Now we have all types of real situations where people are trying to break into our school to get at kids in there. It's gotten to the point now where we have to have cops waiting at the bus stops because the gang members are going on to the bus looking for the people they're after.

The kids stop coming to school if they feel they can't be safe. It's not just in the school; it's getting to and from the school. I know because we constantly contact the police, and we know how stressed they

are, how limited they are in what they can do with all the resources. I hope people start realizing that you cannot take money away from the police and the firemen, because these jobs are important to the inner city for us to successfully live here in the city. And I hope they do everything they can to reinstate any money they can so they can operate efficiently.

Thank you.

ASSEMBLYMAN MAINOR: Thank you, sir.

Ms. Wintner.

E S T H E R W I N T N E R: My name is Esther Wintner. I'm a resident of Jersey City.

Firstly, thank you all for coming. I hope this is the first of many other meetings here in Jersey City -- and invite other committees to our great city.

The issue of crime is an ongoing concern and is one that can only be combated when all factions agree to work in unison. It is neither a campaign issue nor a weapon to be used against political opponents for one's own benefit.

Jersey City, often referred to as the *economic engine of the state*, faces its own set of challenges, especially in the area of public safety. We have a wide range of socioeconomic strata with many varied constituencies seeking assistance for different needs.

To face these challenges due to economic downturns, Jersey City has been forced to live with the reduction in manpower in its public safety divisions. Unlike other cities, this was managed over a number of years through attrition rather than layoffs.

It is essential that as a city we begin focusing on rebuilding a diminished force. As a consequence of this reduced force, areas of the city have begun to see a spike in crime. I have experienced this upward trend. My car was broken into, my home burglarized; and just two months ago my child was mugged outside our home in the afternoon by two men who said they had a gun, on what is considered one of the safer streets in the area.

It is just within the last year that residents read about the savage beating and rape of a woman, the beating of a pastor in a robbery attempt, multiple carjackings, muggings of the elderly, robberies, shootings, and the list goes on. The recent town hall meetings held through various parts of our city by our Mayor and Police Chief have brought to light the concerns of residents who feel as if they live under siege. Is this our America?

We must be proactive, using the lessons of our own past so that we will never again resemble the broken city of the 1970s. Jersey City, due to its close proximity to New York, has the best potential for attaining economic liberty, self-determination, and continuing to remain the economic engine that the State depends heavily on. Our Gold Coast and Wall Street West have contributed the corporate revenue that has benefited not only our city, but the State as well.

We sit here at the crossroads of gangs, drugs, and terrorism. The first World Trade Center bombers used Jersey City as their home base. Our proximity to New York City and the lifelines of roads and rails that run to New York through here are always tempting targets. Jersey City is one of two cities and seven counties classified as a member of six Tier 1 urban regions considered at greater risk of terrorist attacks.

As per the 2010 municipal law enforcement response to the New Jersey State Police gang survey, Jersey City is listed as having large populations of three major gangs. In addition to its own gang problems, we also get the overflow of Newark's gangs coming down the pipeline of Routes 1 and 9. A police force stressed to handle its daily duties cannot be expected to do the necessarily intelligence and intervention work to keep these problems at bay. It puts all of our safety at risk, and you cannot allow that to happen.

It is for the reasons stated that I respectfully request the following for your consideration: Firstly, the support of all Committee members in assisting to attain the United States Department of Justice's COPS grant for the City of Jersey City's Fiscal Year 2012. As you heard our Police Chief and Mayor talk about this grant, our City was denied the past two times because of the fact that the City had suffered no police layoffs. The City did, in fact, experience furloughs and the layoff of 350 low-level employees who were made the sacrificial lambs, who allowed us to keep public safety first and foremost while at the same time halting the unsustainable level of tax increases we had experienced. Difficult decision-making such as this should be recognized and rewarded, not punished. As time is of the essence, your calls to our Federal representatives supporting this grant is essential in helping us to realize this request.

Secondly, as we've heard about the UEZ funding, our Police Department was supplemented in part by UEZ funding. That funding has gone from approximately \$15 million two years ago to \$7.5 million last year, and this year to zero dollars.

While I concur with our Governor's wishes to restrict the use of UEZ funding for its intended purpose of urban renewal, it is my belief that there will be no urban renaissance, no matter how much is invested, without first ensuring safe communities. It is the natural order of progression.

I request alternate funding, as a line item appropriation, dedicated solely to the Jersey City Police Department for Fiscal Year 2012 in the amount of \$1 million, and a commitment for the same amount for Fiscal Years 2013 and 2014 to fund manpower and cameras. This lifeline would allow the Administration to focus on strategically setting a course for economic expansion, which would benefit not only our city but the state as a whole.

Lastly, I invite you to join us on a tour of our city so you can understand better the challenges we face and see the gears that make the economic engine of this state run.

I would like to just add on one last note. After sitting here for the past couple of hours and listening to the many people who have come here on bended knee looking for money -- and we're blaming the 2 percent cap, and we're looking at budgetary cuts, and all of the issues that we face -- as an American, as a resident of Jersey City, I find it very upsetting, I find it sad, and I find it galling that our Federal government will find money to-- How we spend our money is how we set our priorities. When our Federal government gives out a \$592,000-plus grant to study the origin of behavior as to why chimpanzees throw food and feces; or when we spend \$375,000 over the course of two years to study the effect of cocaine and risky behavior in Japanese quails, I think we have a real problem. Much in the

same way that I put pressure on our local level -- and now I'm here before you and putting pressure on you -- I hope that this body will now turn and look upward and put pressure where it needs to be placed so that we can get the funding that we need at the local level. Because what we are doing here today should never happen in our great country of America.

Thank you.

ASSEMBLYMAN MAINOR: Thank you very much.

Seeing that there are no other slips, people to testify, I'm going to say thank you very much for coming out.

UNIDENTIFIED MEMBERS OF AUDIENCE: (indiscernible)

ASSEMBLYMAN MAINOR: Was there someone else?
(affirmative responses)

Did you fill out testimony slips?

UNIDENTIFIED MEMBERS OF AUDIENCE: Yes.

ASSEMBLYMAN MAINOR: Would you please come forward?
Are these the last two? Is there anyone else who filled out a slip? (no response)

If you would, just state your name, please, for the record.

CHIEF MICHAEL ROBERTS: Good afternoon, Chairman and members of the Committee.

My name is Michael Roberts. I'm the Chief of the Millburn Fire Department, in Essex County.

Assemblyman Cryan, I believe I represent that small fire department that you spoke about.

We're a small career -- combination career/volunteer fire department. We're not big, but I think we experience a lot of the problems

that larger cities have. We have a career department of 47 members, a community we serve of 20,000 people.

I think you've heard most of what's going on and the challenges with mutual aid and with staffing. And I don't think in a small department we're any different. In some ways I think it's worse. I just replaced seven people in our Department. Now, we're fortunate. And as Mayor Healy said, Millburn is a well-run community. We did not have to lay off. We saved for a rainy day. And as my boss says, we're spending that money in hopes to hold the line.

But we didn't have to lay off. So the punishment for that is the request that we receive for mutual aid. And I understand it's the cost of doing business. I have to give mutual aid in order to receive it. My town is willing to allow me to pay overtime for backfill. Now, last year I -- we responded to 186 requests out of Millburn for mutual aid to anywhere in Essex, Union. We did not go to Hudson County. In return, we requested mutual aid into Millburn 79 times. So when I sit at a budget meeting and my elected officials ask me to define that word *mutual*, and why are we subsidizing other departments that are not willing to make those staffing levels that are needed, I don't have that answer.

You know, I sit in the seat the same as many other chiefs, and we talk about response time and how critical it is. And that's why Millburn has a career department. We respond to about 2,000 calls a year, and that is not first responder. We do not involve ourselves in EMS, although we require our people to be EMTs.

I'm stuck with the same budget challenges. We're being as creative as we can. We've had a shared service with our dispatch center for

28 years, long before the word *shared service* became popular in the last 3 or 4. We've ask the Chief of the Department next to me -- and myself -- requested a shared service study to be conducted between our two departments to come up with a best practice sharing of services, with the possibility to look at combining our two departments. Our mayors didn't ask us to do that. We came up and asked to do it together. But the difference was looking at what happened in North Hudson. We wanted to do it the right way; we wanted to bring labor and management together and do it together. We have open communications. They're part of the committee. So we're trying to be creative in making strides.

But what keeps me up at night is the shell game that I never know where we're going to go on mutual aid. We have new people who still have to be trained. And as I said--

It's two minutes; it's been a long day. But I just want to go on record. Small towns are no different than larger communities. And you talk about response times. If I have to go into a community three towns away, our drivers don't know where they're going. So you don't have a short response time, even when our members are in other towns ready to respond.

So I thank you. I feel great today being here, along with other chiefs, mayors, and business administrators. I know I'm not in the same boat. I know we're all on the same playing field, and I appreciate your help.

I did testify last year in Trenton. I was disappointed that nothing came out of it, but I'm not willing to give up. So if you have another meeting, I'd be more than happy to be here.

Thank you all very much.

ASSEMBLYMAN MAINOR: Chief, I thank you. And I apologize for missing you, but you had noted there was no need to testify on your slip. That was the reason you weren't called. But I apologize.

CHIEF ROBERTS: I apologize for checking the wrong box.
(laughter)

ASSEMBLYMAN MAINOR: No problem.

Sir, if you could just state your name.

L A T H E Y W I R K U S: Yes, Lathey Wirkus. I'm the Union County Fire Coordinator.

And in order to stick to your time frame, I'll apologize in advance for being blunt.

I'm a battle-tested fireground commander with 35 years experience. If you look at the definition under the law of what *mutual aid* is, mutual aid is to be used after your community handles its expected emergencies. So if you have high rises, if you have planes that come into your community, shipping ports, you should be able to handle those emergencies.

How has mutual aid changed? You heard about the talk of the Hoboken fire. Well, I served at the Hoboken fire. And I'm the Union County Fire Coordinator. And I responded there at a request for assistance, which is not only going countywide, but it's now becoming statewide.

You heard about manpower reports. There is a 2 percent cap imposed by my wife, so I only have one copy for each of you that I will leave here. (laughter) But basically I'm telling you factual information. The fire companies that respond are undermanned. There is not enough personnel on board.

I will leave you three studies that will prove that, over the years, the fire trucks that pull up now don't have enough people to do the job. So when they question why the fires are getting larger, it's a no-brainer.

In 1990, there was a report from Union County Fire Mutual Aid where there were 88 requests for mutual aid. That's 1990. To date -- and this was done on Sunday, and we can add two to this -- the total requests are already at 72 out of Union County, with not 50 or 60 pieces of apparatus, but hundreds of apparatus being requested not only to the local community, but beyond our boundaries. These requests, and last year's requests, are in the 365 range, one per day. That is not what mutual aid was meant for.

So what does all this mean? And I can tell you this factually -- 35 years of experience. The fires are getting bigger. I'm seeing it firsthand. I'm there, I'm watching it. I can tell you, "Save your money for reports that you're going to request." I can tell you this: Injuries and deaths for firefighters and civilians will increase. It's a no-brainer. It's going to be there, so don't bother doing those studies. I'm telling you, factually, it's going to happen.

The overall problem with all of this is an ineffective response. We're responding to these fires with not enough people, we're relying on mutual aid, and the fires are getting bigger.

One thing that I heard mentioned here that I find interesting was the fact that everyone has different couplings. There is a fire chief who retired out of Union. His name is Charlie Hall. And 25 years ago he went before the Legislature and tried to push the fact that we need to standardized couplings and hydrants. Twenty-five years ago he brought

that up. And if you have time, stop by. He'll tell you the story. No one listened. So we're here today talking about hydrants that open different in Hoboken. When my guys got there -- trying to open the hydrant -- they're not getting any water. They open different from where I come from. So I need you to understand that.

In closing I will say this: All I ask everyone to do is tell the public the truth. We cannot serve you in the way we did in the past. Your fire will get bigger. It's proven. Look on the TV. We have never, never had as many multiple-alarm fires as we are having. The fires are growing, people's houses are burning that don't need to burn. This is a proven fact. So that's all I ask -- is tell the public the truth.

We have mandated things that we can't live up to. So they need to know that when we come, we cannot do an effective job.

Thank you very much for your time.

ASSEMBLYMAN MAINOR: Thank you.

Assembly people? (no response)

Thank you, gentlemen.

Seeing that there are no others, we are going to close out.

Meeting is adjourned.

(MEETING CONCLUDED)