
Task Force Meeting

of

ASSEMBLY PRISON GANG VIOLENCE TASK FORCE

*"Discussion on communications and intelligence gathering
within State correctional facilities"*

LOCATION: Committee Room 11
State House Annex
Trenton, New Jersey

DATE: January 12, 2006
10:30 a.m.

MEMBERS OF TASK FORCE PRESENT:

Assemblyman Jeff Van Drew, Chair
Kerry Riebe, Vice Chair
Bob Balicki
Frank Crose
Michael DeBellis
Mike Makara
Tom Moran
Lt. Bill Paglione
Fred Vineyard



ALSO PRESENT:

Mellany Alio
Wendy S. Whitbeck
*Office of Legislative Services
Task Force Aides*

David Eber
*Assembly Majority
Task Force Aide*

Dana Conrad
*Assembly Republican
Task Force Aide*

***Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey***

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ASSEMBLYMAN JEFF VAN DREW (Chair): I'd like to call this Assembly Prison Gang Violence Task Force meeting to order.

May we have a roll call, please?

MS. ALIO (Task Force Aide): Fred Vineyard.

MR. VINEYARD: Here.

MS. ALIO: Bruce Sapp? (no response)

Lieutenant Bill Paglione?

LIEUTENANT PAGLIONE: Here.

MS. ALIO: Tom Moran?

MR. MORAN: Here.

MS. ALIO: Mike Makara?

MR. MAKARA: Here.

MS. ALIO: Michael DeBellis?

MR. DeBELLIS: Here.

MS. ALIO: Frank Crose?

MR. CROSE: Here.

MS. ALIO: Bob Balicki?

MR. BALICKI: Here.

MS. ALIO: Kerry Riebe?

MR. RIEBE: Here.

MS. ALIO: Assemblyman Jeff Van Drew?

ASSEMBLYMAN VAN DREW: I'm here.

Please rise for the flag salute. (participants recite Pledge of Allegiance)

Thank you all for being here.

A very brief overview of our last meeting and some of the suggestions that came out of this: As you know, this is the second of three meetings; then there will probably be a fourth wrap-up meeting, which will be held at a location we haven't determined yet. We had our first meeting in Millville, in South Jersey. This is our central New Jersey meeting, here in Trenton. We will have a third meeting up in northern New Jersey, probably in Essex County. After that is all done, we'll have a series of recommendations, and draft legislation that will be presented as well.

After our last meeting, we had some suggestions. And three, I would guess, say, major suggestions that were made. Legislation is being drafted in that regard. And I just wanted to review that briefly. The first one would be that there be a minimum of 40 hours of training for corrections officers. It would be a minimum of 16 hours for safety training, to include, but not limited to, gang training, riot control, and counterterrorism -- not including any of the court-ordered or statutorily mandated training.

The second major recommendation would be that the TAC, the Training Advisory Committee, would approve the topics of the minimum 40-hour training, and that the training departments for the individual facilities will develop institution-specific training within those topics.

The third recommendation was to institute a 15-minute lineup at corrections facilities.

Those would be three separate pieces of legislation. And when we are completed with the entire Task Force, obviously we will have a package of legislation that will be presented at that time as well. We'll present that all at the same time.

Today's hearing, as I think all of you know, is in regard to communication and intelligence gathering, and along with education, obviously, is very important -- is a two-way street. It is important that at all levels -- among county, local, and State officials -- that communication and intelligence gathering is occurring, and that it's occurring and flowing in a way that really benefits everyone, as well, within the system and DOC itself. It is of no productive help if there is only one group or only certain individuals that have the information that is necessary to ensure the safety of both corrections officers and those that live within the communities that surround our corrections facilities.

As usual, we're going to have an order to this, and we will ask people to come forward and testify. We'd ask you to be concise, brief, but also make your point. And certainly, if you have something to say, we do want to hear it. We're not going to rush anybody.

Finally, we do have a transcript from the last meeting, if anybody needs this. And certainly the members up here have it. I would appreciate if we could gather a number of individuals -- the number of people who would like this transcript, at no cost to them, so that they can review it and go over it as well.

With that, we are going to start with Matthew J. Clark, if he could come forward and testify. He is a Senior Investigator, New Jersey Department of Corrections SID, the Special Investigations Division.

Thank you for being here.

And you know to press the red light. (referring to PA microphone)

MATTHEW J. CLARK: I do now.

ASSEMBLYMAN VAN DREW: Okay.

You can make your presentation.

MR. RIEBE: Investigator Clark is the one we invited to attend here, because of being the SID intelligence -- gang intelligence person there. We mainly brought him up here so that we could ask questions of him.

ASSEMBLYMAN VAN DREW: Answer questions, okay. Very good. I didn't know if you had a brief statement you'd like to make to begin. Since you don't, we will begin with questions, and we'll begin with Vice Chairman Riebe.

MR. RIEBE: How are you doing?

Investigator Clark, you are with the SID at Bayside State Prison, correct?

MR. CLARK: Yes, I am.

MR. RIEBE: What do your duties entail in your capacity there?

MR. CLARK: I'm the Special Investigations Division at Bayside State Prison. And my duties are, for lack of a better term, all things gangs. I gather information concerning gangs, disseminate information to those that request it. I make determinations on gang-related materials; and I'm in contact with our Department of Corrections, Special Investigations Division Central Office, which is in Trenton. And that information disseminated from Trenton is given to me, where it can be utilized at our facility as appropriate.

MR. RIEBE: Okay. What other duties do you have, as well as being the gang intelligence person there?

MR. CLARK: We investigate all claims given by inmates, or referrals sent from either Central Office or from the Governor's Office. And those claims include any claims by inmates or any claims by staff members that would entail any type of criminal matter.

MR. RIEBE: Okay. So in the course of your duties, you have to investigate not only inmates, but you also have to investigate custody staff or civilian personnel?

MR. CLARK: Yes, that's correct.

MR. RIEBE: Okay. Who do you, being in the gang intelligence area, who do you have to deal with as far as gathering your intelligence at the institutional level?

MR. CLARK: Gang intelligence at the institutional level is normally from three avenues. The first avenue is through custody staff members and the information that they pass on to us from what they hear, whether it be on inmate details -- which are job assignments -- whether it be from housing units, or things they overheard. The second avenue would be through institutionally approved mail monitoring, through 10-A. And the third avenue would be inmate informants. As statewide, the information that we gain is distributed to Central Office where it can be sent to other institutions. Whereas, if they have a similar circumstance or need such information, they can begin to do that.

MR. RIEBE: Do you find that, working with the custody staff at the institution, that there is, at times, a conflict -- say a conflict of interest or a conflict between you and the custody, because of you being Special Investigations and possibly having to investigate that officer who's supposed to be working with you gathering gang intelligence?

MR. CLARK: Personally, I haven't had that happen to me. I have a good relationship with custody staff. However, I have heard that some people don't wish to partake in the Institutional Intelligence Committee, because they don't want to deal with our Division. However, I have not had that happen to me.

MR. RIEBE: Do you have a problem with the movement of the information from -- not only coming up from inside the institution, but, say, coming down from uptown?

MR. CLARK: Any information that we request is sent down to us via either telephone, fax machine, whatever way is appropriate.

MR. RIEBE: Are you ever instructed not to share that information with custody?

MR. CLARK: No.

MR. RIEBE: You're never instructed not to share that?

MR. CLARK: Anything that is institutionally specific that -- in regards to safety of staff members or -- is shared if -- anybody who requests it through our Institutional Intelligence Committee.

MR. RIEBE: Okay. I have no further questions.

ASSEMBLYMAN VAN DREW: Thank you, Vice Chair.

I have a few questions. To the best of your ability, could you explain to me if the information flows as it should? In other words, the question that I have, I heard anecdotally from individual corrections officers that often they don't believe -- and I've heard this from corrections officers not at any one particular facility, but actually throughout the state -- that often they don't have the information that they need. In other words, my understanding of gangs, as a layperson, is that this is a very dynamic

situation -- that gangs change, their symbols, their signs change, obviously the members change, what they're doing changes; and that there can be gang members who are coming in as new inmates into a facility and have relationships with other inmates that may be within the facility, maybe on the street -- other individuals who are in the gang on the street -- or even in other institutions; that those that work in corrections, that the officers themselves very often don't have the information that they might need to protect themselves or to protect others. Could you speak to that?

MR. CLARK: Any information that's asked of me and I have available to me is -- would be given out. There is gang training that's been made available. However, the staff doesn't always get to go to all of them because of manpower numbers, but there is training that's available. Now, whether all of the officers that should receive the training are able to go, that is institutional operational.

ASSEMBLYMAN VAN DREW: In your estimation, are the officers given all the information that they need? Do they have all the training that they need? Are they as prepared as they should be, in your own individual estimation? Or do you believe that we could do better?

MR. CLARK: I believe that more training is always better in determining gang information. If there's a chance to give more training, it should be there, because you're at the -- gangs are very dynamic. What's good today is not good tomorrow. Or what happened last week is not valid this week. More training would be beneficial to line staff members, yes.

ASSEMBLYMAN VAN DREW: If there is someone being transferred from a county institution to a State facility and they are a member of a gang and that is known in the county facility, is that

information, at all levels throughout the State of New Jersey, is that information always flowing? Is there a dialogue between county facilities, which very often are the ones that, in my understanding again, that transfer these individuals to State facilities -- is -- that dialogue exist? Do the corrections officers and the staff at the State facilities have the information that they need when somebody is coming from a county facility?

MR. CLARK: To the best of my knowledge, when an individual comes from a county facility into the State facilities, he's received at our Central Reception Unit. I don't work at the Central Reception. However, once those inmates are identified at Central Reception, they are placed onto a statewide list, which is distributed each month by Central Office. I can't speak on whether that information comes from the county or not, because I'm not aware. It would have to go through Central Office if it was. It wouldn't be specific to Bayside. We don't receive inmates right from the county jail at Bayside. They go through Central Reception and assignment.

ASSEMBLYMAN VAN DREW: Are you are not aware if there is or is not a system in place, a statewide system, that exists, whether it be in Essex County, or Cumberland County, or any of the counties actually in the State of New Jersey, and exists -- that there is a system in place that ensures that any information that's been obtained at the county level is given at the State level?

MR. CLARK: No, I'm not aware.

ASSEMBLYMAN VAN DREW: You're not aware one way or the other?

MR. CLARK: No, I do not know.

ASSEMBLYMAN VAN DREW: If you had the ability to have an impact on the system, with your knowledge and expertise of gangs and the issues and the situation that exists now, and you were the supreme ruler and could do whatever you wanted to do to make the system better, what is it that you would do?

MR. CLARK: Well, I would say as much training as possible. And along with that, a way so that there's an instantaneous knowledge of whether an individual is a member of a *designated security threat group*, which is the departmental term for street gangs that have been identified and have caused problems. It would be attached right to one of our State systems, which we use, Novell, and you'd be able to identify them through that, as opposed to having to wait each month for a new list. That way, as soon as someone is identified, every institution knows about it. Because if he's identified, for example, at Bayside and he's transferred to Northern State, and he was only identified today, he would not be on any lists until the following month, that people would be aware of.

Now, there would be dialogue between, for example, myself and the gang investigator at Northern State. But there are so many inmates transferred in and out, if I transfer an inmate who has been identified as a gang member to another facility, we transfer so many-- I mean, we don't have the capability to make calls on every single person that's been identified. So we rely on the list that comes out the following month.

ASSEMBLYMAN VAN DREW: So in your estimation, there potentially could be a vulnerability for that month?

MR. CLARK: There could be gang members that are not known as gang members that have been identified. However, they would not be known by their institution until the following month.

ASSEMBLYMAN VAN DREW: Do you have any sense or thoughts on how you could change that to make that better?

MR. CLARK: Well, there has been talk of our institutional system being upgraded to show who's who, basically -- to show what gang members have been identified, what ones-- You could run a gang list up to the date, to the minute. And once that's in place, which I'm not sure when that will be online, that would do justice to that particular aspect, yes.

ASSEMBLYMAN VAN DREW: Do you have knowledge if they're working on such a system now?

MR. CLARK: I believe they are working on the system, but it's just a matter of when it becomes online. It's through the Office of Information Technology.

ASSEMBLYMAN VAN DREW: Okay.

Questions from the committee (*sic*)?

LIEUTENANT PAGLIONE: I have a few.

First of all--

ASSEMBLYMAN VAN DREW: Press your red button.
(referring to PA microphone)

LIEUTENANT PAGLIONE: I'm sorry.

First of all, can you explain, briefly, your training and background?

MR. CLARK: Sure. I have one prepared just so I could read it. All right. The New Jersey Department of Corrections, service from June

1997; I graduated the New Jersey Department of Corrections' Officer Training Academy in September of 1997; a member of the South Woods State Prison Institutional Gang Intelligence Committee from 1999 to 2001; completed the FBI-sponsored Gang Sociology course at the John H. Stamler Police Academy in Union County, New Jersey, January of 2002; attended the New Jersey State Police Street Gang Unit's Gang Awareness and Recognition Training seminar of June 2002; Counterterrorism and Intelligence and Awareness Seminar in September 2002; graduated from the Division of Criminal Justice Investigative Academy, February 2003; attended a security threat group-related terrorism and extremist group training seminar, sponsored by the Anti-defamation League, May of 2003; the New Jersey State Prison Institutional Intelligence Committee Chairman for Special Investigations Division, February 2001 to July 2003; institutional gang investigator for New Jersey State Prison, February 2001 until July 2003; the Bayside State Prison Institutional Intelligence Committee representative for SID, from July 2003 to the present time; the institutional gang investigator for Bayside State Prison from July 2003 to present. I attend monthly training at the Mid-Atlantic Great Lakes Organized Crime Law Enforcement Network headquarters, and that's from February '01 until present. And I attended the New Jersey Department of Corrections' Security Threat Group Training Seminar, July of 2005.

LIEUTENANT PAGLIONE: Okay, thank you.

Regarding the Institutional Intelligence Committee, is that specific to Bayside? I mean, is that a committee that you meet with, down there?

MR. CLARK: I meet with them. Yes, that's Bayside's. Each institution has their own Institutional Intelligence Committee. And the meetings at the Mid-Atlantic Great Lakes Organized Crime Law Enforcement Network, which is -- MAGLOCLEN is short for -- those meetings each month are to bring all the institutions together to share that information that you've gleaned from your institution.

LIEUTENANT PAGLIONE: Who's involved? Is a representative of each level of staff in this Committee?

MR. CLARK: Any staff members that are interested in coming to the Institutional Intelligence Committee are welcome. I just ask that they let either the ranking individual, which is usually either Captain Dilks or Lieutenant Riebe -- just let them know that -- to be added to the list. And once they're on that list, they're welcome to come, yes.

LIEUTENANT PAGLIONE: Is this a monthly meeting?

MR. CLARK: Yes, it is.

LIEUTENANT PAGLIONE: And is it well-attended? Do you get individuals--

MR. CLARK: It's sporadic. On normal terms, it's not well-attended. Normally, I've seen it as high as 15 to 16 members last month, and I've seen it as low as four, including myself.

LIEUTENANT PAGLIONE: And in that meeting, that's where you share--

MR. CLARK: That's where I, yes--

LIEUTENANT PAGLIONE: --recent intelligence information that you've gathered within the institution?

MR. CLARK: Right. I like to schedule the meeting on either the Tuesday, Wednesday, or Thursday following the MAGLOCLLEN meetings, so that I can share the information that I glean from MAGLOCLLEN with that Institutional Intelligence Committee. I rotate each month, whether it be a Tuesday, a Wednesday, or a Thursday, and then back to Tuesday, in order to account for a days off of individuals who may have Tuesday/Wednesdays off. If we held them on Tuesday every month, they would always miss it. So as it rotates, those that have either Tuesday/Wednesday or Wednesday/Thursday would be able to, at least, catch it every third month at the bare minimum.

LIEUTENANT PAGLIONE: Do you know what those individuals then do with that information?

MR. CLARK: Excuse me?

LIEUTENANT PAGLIONE: Do you know what those individuals then do with that information? Do they pass any along to their staff at that point?

MR. CLARK: Well, that's-- The way it's supposed to work is, that they can transfer that information to other line staff members. And any information that they glean from the compounds, whether it be our Minimum Farm Unit or Ancora Minimum Unit or our Medium Unit, can be passed to me. And that way, I have a central location.

Anybody who wants the information can always call me and ask for it. However, that avenue is used sometimes and other times it's not.

LIEUTENANT PAGLIONE: And the last question, do you conduct the assessment of an individual to designate him as a security threat group member?

MR. CLARK: It's a standardized procedure, when-- An individual is required to have two criteria in order to be identified. Those criteria could be either a self-admission or a security threat group-related tattoo, possession of paraphernalia, acting with the security threat group in any type of either activities or disturbance, anything like that. It's a standardized procedure. Now, with custody, we try to work with custody with that so that if they see someone who just may be associating with a lot of gang members, we may go talk to them and see if we can get them to at least admit to being a gang member, or we can check them for tattoos, any outward sign. And then we could also have custody search their belongings in order to find any security threat-related material that they might be holding.

LIEUTENANT PAGLIONE: Another question is, how many officers are employees in Bayside?

MR. CLARK: I could not give you an exact number, truthfully.

LIEUTENANT PAGLIONE: I'm just curious as to how many participate in this exchange of information.

MR. CLARK: Oh, including the Institutional Intelligence Committee? Like are you asking me how many people contact me on a monthly basis?

LIEUTENANT PAGLIONE: Yes.

MR. CLARK: Outside of the Institutional Intelligence Committee, I may get one, two calls a month at most.

LIEUTENANT PAGLIONE: Thank you very much.

ASSEMBLYMAN VAN DREW: Okay. Mr. Balicki.

MR. BALICKI: I just want to thank you for putting yourself in an uncomfortable position, I'm sure.

Are you familiar with the Department of Corrections' Web site that they have, that allows people outside the Department to get online and view a picture of an inmate and find out if he's allowed to have visits, or she's allowed to have visits -- all that sort of thing?

MR. CLARK: All right. Inmate locator, yes.

MR. BALICKI: Okay. That has quite a bit of information on it, if you're familiar with it. And it tells you where they're housed. It tells you possibly when their date of release might be, if they're getting close to parole. It tells you if they've escaped before. It tells you if they're allowed to have visits, if they're in a closed-custody status. Are you familiar with all those things?

MR. CLARK: I don't know about the visits and the closed-custody status, but the other things, I believe, yes, are on there.

MR. BALICKI: And anybody on the street can just get online and get on that Web site, and get all this information about all 28,000 inmates in the Department of Corrections. Is that right?

MR. CLARK: Anybody with Internet access, yes.

MR. BALICKI: Do you know if there is a method that an officer, a law enforcement officer in the Department of Corrections, can access something similar to that -- of course, that would be restricted only to law enforcement personnel, that would give the law enforcement officer information about that inmate? Or is that just something we give to the public?

MR. CLARK: I'm not sure of what you're asking. If you could repeat that?

MR. BALICKI: Do the correction officers have somewhere that they can go on a computer, either at home or in the institution, if they would like to know more classified information about an inmate?

MR. CLARK: No. There's-- Our institutional Novell has inmate histories, job assignments. You have to be approved to get access to our Novell system, in order to access that. That would give a lot of the inmate's history, charge history, things like that.

MR. BALICKI: Are all of the officers and sergeants and lieutenants, and everybody, are they allowed to go on that? They all have access to that somewhere?

MR. CLARK: Ideally, they do. However, they have to request that personally with the Office of Information Technology, in order to have their name cleared.

MR. BALICKI: Okay. So if I was an officer in a prison and I was trying to figure something out that was going on in a wing that I was at, and I wanted to just jump on a computer like anybody on the street can to find out if they can go visit somebody, I would not be able to do that. I'd have to go through some red tape to get that accomplished.

MR. CLARK: The system that we're talking about wouldn't identify a problem on any wings. It's just inmate history. It has their original charge, their parole eligibility dates, previous job assignments, prior charges, things like that.

MR. BALICKI: What I'm getting at is, that you had said earlier that if people come ask you about things, that you would freely tell them whatever they wanted to know.

MR. CLARK: Yes.

MR. BALICKI: And since, just at Bayside alone, you have three compounds and three shifts, and people are there when you're not there and they might not have access to you, is there anything that they can just go to on a computer and look up an inmate and find out information about him to help them do their job better?

MR. CLARK: No.

MR. BALICKI: Okay. Do you know of any reason that information would be kept from correction officers that you have? Is there any reluctance to share information with correction officers from your superiors, or through tradition, or whatever?

MR. CLARK: There's no reason to keep the information, as Mr. Van Drew stated. It should go both directions. I say, in my particular office, anybody who wants the information, I'd be glad to give it to them. It's just a matter of getting the information to those who need it. Whether they be reluctant to ask me -- now, if they're reluctant to ask me, then there's no way I can give them the information, because I don't know that they want it.

MR. BALICKI: Right.

And bringing a lineup into this, since they don't have a lineup and there's really no information to disseminate before they go to work, if they, on their own initiative, wanted to go to a computer and that

information was available, do you think, in your professional opinion, that that would be a good idea for them to have access to information like that?

MR. CLARK: Yes. As long as that information is kept out of the security perimeter, I think that would be a very good idea.

MR. BALICKI: Recently, there have been some incidents -- I don't want to name the institutions, but in the state -- where gang members were identified as being disruptive, and I believe that transfers have been made. And that's a fairly routine circumstance, where we identify a problem someplace and then the inmates are split up -- at least, that's the way it was when I used to work in the Department. Is that still a common practice today?

MR. CLARK: Yes it is.

MR. BALICKI: Okay. Do you know of the recent incident I'm talking about? In central Jersey, there was a problem where there was some leadership and five or six inmates have been transferred around the state. I don't know if you were familiar with it?

MR. CLARK: Was that Albert C. Wagner?

MR. BALICKI: Oh, I didn't want to get into a particular institution, but if you're familiar with one the last couple of weeks?

MR. CLARK: Yes, I am.

MR. BALICKI: Okay. Do you know where those inmates went?

MR. CLARK: No, not all of them.

MR. BALICKI: Do you know if any of them came to Bayside?

MR. CLARK: No, I do not.

MR. BALICKI: Would they normally, since they take this problem that is in an institution and they spread it out and they have leadership, would they normally then put it somewhere conspicuous where the officers who were receiving these inmates could have some idea that they're getting this kind of leader of a gang, or do they just get transferred and that's the end of it?

MR. CLARK: No. Normally, the only way that we know if they were transferred for cause would be if they had attached charges or if the investigator from that facility called our office and said, "Hey, I sent you a guy. He was noted as a leader and was causing a disturbance, and we, for lack of a better term, sent him elsewhere." They had not caused -- or if they hadn't caused a problem and gotten a charge, if they were just in a leadership position and they know they were leaders-- And for example, if it was the Bloods. If we had a number of Bloods causing a problem, and they wanted to break up a leadership, then the only way we would know, if they didn't have attached charges, is just by a telephone call.

MR. BALICKI: All right. And my last question. Do you think it would be a good idea to have the same priority attached to information to the officers who work in the prison as there is attached to the public finding out what inmates are about in the prison system? Do you think the computer system could be used effectively and would that be a benefit?

MR. CLARK: Absolutely. I think it's imperative for their safety to have all the information that they either (*a*) need, or want.

MR. BALICKI: Thank you.

ASSEMBLYMAN VAN DREW: Thank you, Mr. Balicki.

I just wanted to follow up on that and make sure that I understand, which was a good line of questioning. If someone is transferred, and they are a known gang leader, from one institution to another, the receiving institution, you, for certain reasons -- but they haven't been charged with anything, I understand that -- you may or may not know, as a receiving institution?

MR. CLARK: If they're a known gang leader, they would be a member of the gang. You would know they were a member, but there's no designation as to what their leadership position would be if they held one. There's so many leadership positions within these gangs, it's--

ASSEMBLYMAN VAN DREW: Yet the very reason they were transferred could be because of that reason?

MR. CLARK: Yes. But there's no system in place to do that. The system that's in place is the investigator from the facility where the disturbance may have happened would forward the information to the receiving institution -- that there was a problem here. He was a leader. We didn't give him any charges because he wasn't directly involved, but we had information that he may have been, so we're going to move him to quell any future situations. But without that call, no, there is no way you could know.

ASSEMBLYMAN VAN DREW: Would you believe it would be beneficial to have a standing operating procedure where that -- there was always a system in place where that information was transferred to the receiving institution?

MR. CLARK: Yes.

ASSEMBLYMAN VAN DREW: Okay, thank you.

MR. RIEBE: I'd like to ask something along the same lines here. Are you aware of any, say, database or information center that contains any information concerning the STGs, or security threat groups, or gang members that is available from -- to each institution, whether it's just for SID, or Special Investigations, or whether it's available to custody; or if there is any, sort of, database out there that contains any kind of information which is accessible to the people who need the information? Is there any sort of database out there that you're aware of?

MR. CLARK: Do you mean institutionally?

MR. RIEBE: Yes.

MR. CLARK: Institutionally, we do have a database that we update each month with the new security threat group member list. That list is -- also on there is any new nicknames that the individual may have, and it's just-- Excuse me. When inmates come in, we don't know if they are gang members until we get that new list. Now, each day or so, Central Office may send a fax out updating that list. But as far as ranking individuals that -- there's no ranking individual list. The faxes that we receive each day are updated as soon as we get them. But if the fax doesn't come in, then we won't know about it until we receive that information or until the next month's list comes out.

MR. RIEBE: Where does database come from? Is it SID's or is it custody's?

MR. CLARK: The database that we have right now is actually shared between the two.

MR. RIEBE: You're kind of avoiding my question here. The question I'm asking you is, who created this database? Is it SID's, or was it something that, say, people from custody created?

MR. CLARK: Actually, it was in place before I got there. I don't know the origin of it.

MR. RIEBE: I know for a fact it was created by custody--

MR. CLARK: Okay.

MR. RIEBE: --okay, because I was involved in that. The reason it was created by custody was because custody had no access to the information. Now, inmate management has a computer, or a program, written into their system that has STG information in it. The Novell system, or ITAG, has been in place for how many years -- eight years, nine years? I'm not exactly sure. Why is it that SID -- okay, special investigations or internal affairs -- has not had that information put into the system and made that accessible to not just SID but to custody personnel as well?

MR. CLARK: I can't answer that question. I don't know.

MR. RIEBE: You don't know? You have no idea why it would not be made accessible to custody?

MR. CLARK: I don't know why the system isn't in operation. It's clearly indicated on Novell's dropdown menus, however that module was never installed on it.

MR. RIEBE: Okay. Does SID, special investigations, have a database that contains all this information about the STG members in?

MR. CLARK: Yes, at Central Office.

MR. RIEBE: At Central Office. Do you, at an institutional level, have access to that database?

MR. CLARK: No, I do not.

MR. RIEBE: Okay. So all the information that's contained in that database is solely controlled by Central Office?

MR. CLARK: That's correct.

MR. RIEBE: Okay.

MR. CLARK: Any information that we need from it, we just call them and they can look it up on their database and forward that information to us.

MR. RIEBE: From your perspective, okay, being at the institutional level, okay -- I'm not asking what your SID stance is, I'm asking about your stance or your opinion on this is -- would it be beneficial to you to be able to access that database?

MR. CLARK: Yes.

MR. RIEBE: Okay.

MR. CLARK: That's why I'd like that module installed on our Novell system. That would open it up so that we would have instant knowledge without having to make the call. If we had -- say, we had an incident at 10:30 at another institution, and they're transferred to our facility at midnight, SID isn't on, nobody's on, and we won't know about it until we make the calls. If we're not aware of exactly who was transferred in at midnight the night before, we wouldn't even know to make those calls.

MR. RIEBE: Okay, all right.

Thank you.

ASSEMBLYMAN VAN DREW: Mr. Moran.

MR. MORAN: Matt, again, I'd like to thank you for testifying, because I know you're in a very compromising position with your boss sitting behind you. I feel for you. And I did have the pleasure of working with you at New Jersey State Prison.

On the Novell system, I just have some questions, just for clarification. The Novell system completely has no information whatsoever pertaining to gangs?

MR. CLARK: That's correct.

MR. MORAN: And you say there is a database at Central Office that is maintained by whom?

MR. CLARK: The Special Investigations Intelligence Unit.

MR. MORAN: What hours of operations is that unit open?

MR. CLARK: It varies, but standard business hours. There's usually someone there between 7:00 a.m. and as late as 5:00 a.m. (*sic*), because there's different investigators and/or clerical staff there at those times.

MR. MORAN: Okay. So would it be fair to say, at 6:00 at night, you were called back to Bayside because of a gang-related incident and you needed some information and you rang the Central Office phone, the information would then not be available to you?

MR. CLARK: If I needed it, I would not get access through Central Office. I'd have to go through Central Communications. And if it was imperative that I have it at that time, I'd have to go through Central Communications and contact one of the intelligence unit investigators who could then get that information to me.

MR. MORAN: Okay. How long would that take?

MR. CLARK: It could take you--

MR. MORAN: Realistically, how long would that take?

MR. CLARK: Estimating, probably about an hour. Best case scenario, an hour, if they were contacted immediately and they went right there. Depending on their commute time, if they had to go to Central Office, if it was something that Central Office knew off the top of their head, we could get it instantly. But if it's something they had to get from the office, then it could take quite a bit longer.

MR. MORAN: Okay. And just to reflect back on some of this stuff, you talked about the information-sharing with the officers -- and as you know, I was a member of the Intelligence Committee at New Jersey State Prison, along with you, when you chaired it. I'm just kind of flustered of the fact that you testify here that somebody could actually just come to your office and ask for gang intelligence information, and that that information would be free-flowing. Are you telling me that's accurate?

MR. CLARK: You worked with me. If you ever had a chance to come up and ask me anything, I would always give that information out.

MR. MORAN: As a part of the Intelligence Committee, would you say it's fair to say that the people who sit on the Intelligence Committee have a higher level of access than the actual line officer who is not a part of that Committee?

MR. CLARK: They have a higher access because they attend the meetings and they are given all the information at those meetings that other individuals may not even know to ask.

MR. MORAN: Now, has there ever been a situation where, if an officer asked you some information, that you had to get clearance to give that information to an individual?

MR. CLARK: I'm not sure what you mean by that.

MR. MORAN: Oh. If somebody asked you information pertaining to a gang member that may be questionable, do you feel that-- In other words, do you have the ability to just share all information, or there's some certain things that come into question whereas you have to report to your superiors to see if that information can be released?

MR. CLARK: As long as it's information that's related, like security threat groups or in their memberships, or materials that they may have been found in possession of, odd tattoos, anything like that, that's instant. Like I said, you've been aware that if you come to me, I'll give you anything that I have access to. And if it's something that's of a confidential nature, whether it be criminal charges or things like that, that's just a given. That can't be given out. But as far as security threat group-related materials, I'd be more than willing to give any materials to anybody. And anybody that's worked with me can attest to that.

MR. MORAN: Now, you had said that with the MAGLOCLLEN meetings, I guess you get an update on the gang database that was, what, monthly?

MR. CLARK: Monthly. And there's faxes that come in the meanwhile of known transfers.

MR. MORAN: And that information, I would assume that that's coming off that Central Office database?

MR. CLARK: Yes, it is.

MR. MORAN: I know you had said that you don't necessarily -- you personally don't -- have a problem as far as the dual role that internal affairs plays, or SID plays; as far as you, as yourself, you basically handle the gang intelligence at Bayside State Prison. I know when you were at Trenton State Prison you had the same role -- the dual role of also this investigating staff for allegations. And you talked -- you personally don't have a conflict or have a problem with that, but have you in your experience with other investigators, have you seen that that sometimes could be a roadblock with opening up good relations with the line staff?

MR. CLARK: Any time somebody is in fear of being investigated, it's going to put a roadblock up. To the best of my knowledge, I've been told that it does happen, but personally it hasn't happened to me. I just find that honesty is the best way to go.

MR. MORAN: Ideally now, if you had -- would you, as far as your role and responsibility at SID, would you feel, as far as your role with gathering gang intelligence and having better knowledge-- You had testified, if you had access to the database that that would be beneficial to you. Would it also be beneficial to you if you were strictly assigned duties strictly of gang intelligence and all the other things, as far as investigating staff and things like that -- those duties would be left to other individuals and you could focus solely on gang intelligence, gathering information, and things of that nature?

MR. CLARK: I'm not sure what you mean by beneficial to me. In other words, in the mission of--

MR. MORAN: In other words, if you came to work everyday, and you said, "Well, my main focus today, and all I have to worry about

doing today, is strictly -- everything that I do has to deal strictly with gangs. I don't have to worry about the other stuff that comes across the desk." You had talked about investigations from the Governor's Office and investigations from Central Office and things of that nature. Would it be beneficial to you to just focus solely on one role, and that is of gang intelligence?

MR. CLARK: Well, any time that there's a specific mission involved, dedication to it would be beneficial to the one that's trying to complete that mission. If the mission is controlling gangs, then having more time to do gangs would be extremely beneficial, if that's your sole purpose for being there is gangs.

MR. MORAN: That's all I have. Thank you.

ASSEMBLYMAN VAN DREW: Thank you, Mr. Moran.

Mr. Vineyard.

MR. VINEYARD: The first question is, at Bayside an administrator meets with the chief and a captain -- is that 9:00 in the morning? -- and again he meets at 3:00 in the afternoon. Do you meet with an administrator in that group to discuss the gangs every day?

MR. CLARK: My principal investigator is part of that meeting in the morning at 9:00 a.m. We don't go in as the gang investigator. If there's any information that has to be passed on, I would pass that to my principal and it would be transferred to that meeting that way. They've instituted a -- I don't want to say another meeting, but-- Our Institutional Intelligence Committee meeting is now going to be held in the administrator's board room with the administrator present, so that he can be abreast on all the information, at least at that meeting. Any other

information that's transferred would either have to be through -- if I tell him information that -- relating to gangs, it would have to either be through a phone call or through my boss, which would be the principal investigator.

MR. VINEYARD: Okay. The next question is, noncustody staff, such as social workers, teachers, chaplains, how do they convey the information to you and do you meet with them?

MR. CLARK: I do not meet with them. If anybody wanted to convey information, they can call. But I don't know that they know to call.

MR. VINEYARD: Okay. So if a noncustody staff -- they don't even know that, "Hey, I have this information from a couple of inmates that I know." Who do we actually call then?

MR. CLARK: Well, I'm sure their first thought would be to contact the officer in the area, but I'm not sure if they know to call us on information such as gang stuff. And if it's anything questionable, most people know either contact the area supervisor for custody or contact SID, because somebody needs to know all that information.

MR. VINEYARD: Okay. Do you have any noncustody staff on your gang groups?

MR. CLARK: No, we do not.

MR. VINEYARD: Okay. In, like, different prisons -- like SID Central Office to communicate information, like, to Yardville, or for Yardville back to SID, is that standard in all 14 prisons? Do they convey the same information or-- Now, do they do it different styles? Do they go by computers? Do they use the phones? Do they meet?

MR. CLARK: Information that's shared between the facilities, like through Central Office?

MR. VINEYARD: Right.

MR. CLARK: Central Office disseminates the information to all institutions that may be involved. If the information is developed at Bayside, when -- if we act on that, if we say we had an incident, or we found new hand signs, or we had information that came up for a new tattoo that's security-threat related, we would send that to Central Office. After Central Office receives it, then they would disseminate that information to all the other prisons so that they would know that, for instance, a new tattoo -- would say, "Hey, the Bloods, or the Crypts or the Kings are using this tattoo now." And that information would have to be shared so that other institutions would benefit from it.

MR. VINEYARD: Okay. Do you think it is a good deal to put a noncustody staff on to this group, to share information from teachers? How do we notify these noncustody staff that if they have information to actually know to call inside the-- Should we have some kind of a training program for that?

MR. CLARK: Well, like I said earlier, any training is good training -- all training is good training. The more you get the better. As far as civilian staff on the Institutional Intelligence Committee, I'd have to check the rules on that. I'm not sure if they're to be included in the Institutional Intelligence Committee. I'm not sure if it's custody only. I couldn't tell you the answer to that, whether they can be included or not.

MR. VINEYARD: Okay. Recently, I've been hearing that one prison will have a problem with inmates and the other 13 prisons don't even know anything about the problem, like if there's a fight or a riot, or a

fire, the other prison doesn't know anything about what's actually happening. How can we actually stop that problem?

MR. CLARK: Oh, there is a new system in place that can help with that, within SID offices. It's an all-fax, which is, if you have a major disturbance, that the information needs to be passed through all the prisons through SID. There's a standardized form that would be just put out. You would fill out that form, put it on your fax machine, and just hit all 14 institutions, and it would go out. But right now, I guess that would be the best thing we have.

MR. VINEYARD: Is that being used today?

MR. CLARK: It is being used, yes--

MR. VINEYARD: Okay.

MR. CLARK: --for major disturbances or things that all prisons would need to know.

MR. VINEYARD: Okay. That's it for me.

ASSEMBLYMAN VAN DREW: Thank you, Mr. Vineyard.

Mr. Crose.

MR. CROSE: Thank you, Mr. Chairman.

I'm a little confused as to your chain of command, Investigator. Could you please explain? Do you answer to the facility superintendent, or do you answer to somebody down in Central Office?

MR. CLARK: My chain of command is I answer directly to my principal investigator, and my principal investigator answers to the chief, and the chief to the Governor's Office and the Commissioner.

MR. CROSE: So what about the facility head in that process?

MR. CLARK: The administrator of the facility is not in our chain of command. We work alongside the facility, but they're not within our chain of command, no.

MR. CROSE: How many people are in your unit at the facility that you're at?

MR. CLARK: Including the principal investigator, there are six.

MR. CROSE: Six of you.

When there's an incident in another facility and they're obviously cleaning house, they're sending their problem makers, troublemakers any which way they can, am I correct in assuming that you don't know who you're getting immediately?

MR. CLARK: Immediately? Define immediately. I mean, as soon as they're able to let us know, they would let us know.

MR. CROSE: What does that mean, *as soon as they're able*?

MR. CLARK: Excuse me?

MR. CROSE: What does that mean? Does it mean 24 hours, 48 hours, 72 hours? What does it mean?

MR. CLARK: As soon as they're able to contact us and can contact us, whether they be, like you said, cleaning up an incident, so to speak. Once they're done, they can contact us and let us know if who we received is in a leadership position or is the one that caused the major disturbance. Most of the time, if someone caused a major disturbance, they would be sent to an administrative segregation facility, things like that. However, charges would be attached. And if charges were attached, then we would know through those charges.

MR. CROSE: Now, on this list that's promulgated monthly and updated monthly regarding the gang membership, is that list made available to all the staff at the facility?

MR. CLARK: That list is available through, which I believe is what Mr. Riebe was referring to, as a custody-based list. They do have a custody database -- now that I was thinking about it. There is a database that's kept by custody concerning inmates and their identifications and whether they be suspect or not. That list is held on what they call a *hot board*, which if an officer is curious as to an inmates identification, he can either be relieved from his job, if manpower persists, or he could call the individual that's taking care of that list and try to find out the information, if he can't get a hold of us.

MR. CROSE: Would you agree that it would be a good idea for, let's say, on a weekly basis that that list be updated and provided to the unit -- let's say at the minimum, the housing unit officers, so that they at least know who's in their housing unit?

MR. CLARK: The list cannot enter the security facility. It can't go past the first set of (indiscernible) gates. That information is closely guarded by the Department. And should that list fall into the wrong hands -- any individual inside the prison -- it would be a major problem. Because if you had, for instance, a Crypt who gets a hold of the list, now he has a list of every identified Blood, and that could cause a bigger problem.

MR. CROSE: So you can't even come up with a generic gang list that you could provide a housing unit officer, so at least the officer -- he or she -- would know that they have--

MR. CLARK: The list that I stated earlier, which is kept by Mr. Riebe and his Intelligence -- for lack of a better term. I don't even know what term -- the ones that work with you.

MR. RIEBE: The Intelligence Committee.

MR. CLARK: Yes. His Committee -- that they have a list that they keep up and they update to the best of their ability. But there isn't anyone dedicated to that, custody-wise, to make sure that information is passed on. If an officer is curious as to it -- like I said, he could be relieved to go and see it. However, we can't give out a list of all the identified gang members to a housing unit officer, because that list has to be maintained. It has to have--

MR. CROSE: How about allowing the officer in the unit to know which gang members that he or she has in their housing unit?

MR. CLARK: That's fine. He can get that from that list. The list is broken down by housing unit. So if you worked on C Unit, then if you looked on the list for C Unit, it would have all the identified inmates on there and suspect inmates.

MR. CROSE: Do you think that -- you're obviously the exception -- but do you think that, generally, there is a reluctance on the part of custody staff to talk to IA? I know it's always been, in my case.

MR. CLARK: Right. I have heard that, yes. And I'm sure there is a reluctance, whether that's a founded reluctance or not, I don't know. But I guess that there is a reluctance there on some parts, yes.

MR. CROSE: Do you think that there's possibly -- that it's an automatic barrier that's placed in the way of you receiving all the

information you think you could do, to do your job properly, as it regards gangs?

MR. CLARK: I don't know about an automatic barrier, but I'm sure there is something there, yes.

MR. CROSE: So would you agree that it could be instituted better having people just dedicated to gangs?

MR. CLARK: Well, like I said earlier, any time you have a mission in mind, to be dedicated to that mission would always be beneficial.

MR. CROSE: I don't wish to badger you, and I'm really not trying to, but I'm just trying to understand.

MR. CLARK: Yes. I'm not sure what else you're asking.

MR. CROSE: That here you are -- you're functioning as an investigator, as an internal affairs investigator, and you're also wearing the second hat of the gang intelligence officer. And I'm just saying that I could see that there would be some difficulty getting a free flow of information into you, given that contradictory -- not contradictory, but those two unusual duties that are assigned to you.

MR. CLARK: Yes, they are two totally different duties. Yes.

MR. CROSE: Thank you.

Thank you, Mr. Chairman.

ASSEMBLYMAN VAN DREW: Thank you, Mr. Crose.

Mr. DeBellis.

MR. DeBELLIS: I promise not to badger you. You'll probably get that after you leave today.

MR. CLARK: Everybody else did, too. (laughter)

MR. DeBELLIS: On September 27, we met before as the Gang Task Force, and one of the things that we definitely came up with was the fact that there was a lack of training for custody. You started off as an officer before you went to SID, and you have a vast list of the committees and just different things you've attended, have been certified. And how much of that was before you entered SID as an officer?

MR. CLARK: Actually, the only thing prior to SID was just a membership in the South Woods State Prison and Institutional Intelligence Committee.

MR. DeBELLIS: As an officer myself, I've tried to attend things. And I've been told you're going to use your own time, or you're going to pay for it out of your own pocket. How much of that list that you've been through have you had to use your own vacation, sick time, comp time for it, or have you used your own funding for?

MR. CLARK: I believe the things on this list I have not had to. There are things that they do say that we have to pay out of our own pocket.

MR. DeBELLIS: The other committees, also, such as like the South Woods Committee -- a lot of it's also volunteering your own time to be there for. I've noted instances where no one's actually showed up to the classes at all because the administrator has basically said, "You're going to go on your own time or you're not getting the information." Were you around at South Woods at those times?

MR. CLARK: At the time when I was there, I believe it was an hour-for-hour compensation time. Whereas, if you came in an hour early to go to -- because I was on second shift -- so if the meeting was 1:00 and you

came in an hour early, then you could have an hour of compensation time credited to you.

MR. DeBELLIS: The committees, the gang committees themselves, again when you were an officer, how were you able to get involved in these?

MR. CLARK: I expressed an interest to my housing sergeant. And then once I expressed that interest, she just said, "If you'd like to be a part of it, then come out to the meeting and see if we can get you involved." And once I was involved in it, I just kind of couldn't get out of it anymore. I didn't want to be out of it, because I was interested in it.

MR. DeBELLIS: Absolutely. And again, one of the reasons why we're all here today is because of the Bayside riot. After the riot was over with -- and as an officer I say the word *riot*, instead of *fracas* -- I was also at Bayside State Prison when the officers were involved with the questioning. As to certain -- whether this was a gang altercation or not, is it to my understanding that Central Office's SID were the only ones that were allowed to investigate that and they eliminated Bayside's SID?

MR. CLARK: I'm not sure what you mean there. As far as the January 1 incident, right now that's--

The thing turned off. (referring to PA microphone)

ASSEMBLYMAN VAN DREW: You're on now, sorry.

MR. CLARK: Right now, that incident is an open case. I can't discuss anything on that, because there have been indictments made. And I can't answer any questions regarding the January 1 incident from 2005.

MR. DeBELLIS: Yes. My question was--

They're not working. (referring to PA microphone)

ASSEMBLYMAN VAN DREW: Yes, I don't know why. I might have hit something.

MR. DeBELLIS: It's awfully coincidental. (laughter)

ASSEMBLYMAN VAN DREW: No, it's not. It's not. We're getting you. Hold on, hold on. Try now. Hit your red button. Now hit your red button. Now try it. You're good. (referring to PA microphone)

MR. DeBELLIS: Yes. Again, I don't want to interfere with that investigation. My question was, who is investigating this? Was it SID from Central Office or has it been SID from Bayside?

MR. CLARK: The incident itself was investigated -- actually, I was the lead investigator on those. It was investigated locally.

MR. DeBELLIS: Thank you.

ASSEMBLYMAN VAN DREW: Thank you, Mr. DeBellis.

Mr. Makara.

MR. MAKARA: It's a follow-up on something that Mr. Vineyard has asked. Being the only noncustody person up here, there is gang training available for noncustody staff -- I myself have received, three different times through Mr. Holvey's Gang Investigative Unit. But it is at the discretion, I understand, from -- of the administrator. If the administrator can make the time, then the Gang Investigative Unit is there. And it's been very helpful at South Woods State Prison. Now, if they don't have it at Bayside, they certainly should institute it, or anyplace else. Because the one thing about the noncustody training is that it doesn't cost the Department anything. Because what they do -- it's just like a detail -- they just don't call our inmates out. It has been helpful. I believe that there have been many times where people have seen things at South Woods

that they've been able to, in confidence, go to supervisors and custody people and SID. So it is available, but like many things, unfortunately, in the Department of Corrections, it doesn't seem to be system wide.

Mr. Clark, I just have a question about-- I'm kind of confused about your role. And again, I'm not familiar with everything that happens in SID. You mentioned that you work at Bayside and there are six SID investigators at Bayside, correct?

MR. CLARK: There are five investigators, and one principal investigator.

MR. MAKARA: Okay. And you are a part-time gang investigator? Am I correct in saying that?

MR. CLARK: That's one of the, as mentioned earlier, hats that I wear, yes.

MR. MAKARA: How many inmates are at Bayside State Prison?

MR. CLARK: Approximately 1,800.

MR. MAKARA: Eighteen hundred at Bayside, and we have one part-time investigator. You must never stop running around. Would I be correct in saying that?

MR. CLARK: Yes.

MR. MAKARA: What percentage of your time is dedicated, not sporadically, but dedicated to gang investigative work?

MR. CLARK: There is no dedicated time. You do as necessary. If the information comes in -- if you're in the middle of doing work on a different investigation and information comes in concerning gang information, you put this to the side for a minute. You do your gang stuff,

and then you can go back to it. There is no dedicated portion of the day for that, no.

MR. MAKARA: Okay. I just found that hard to believe -- that there's not a dedicated time towards that. And it's not a fault of yours, apparently. Has there ever been any discussion about -- I'll deal specifically with Bayside, because you can't speak for anything else -- has there ever been discussion about dedicating a certain amount of time for you to do gang investigative work? Because I don't do investigative work, but it seems to me that you have to do some investigating. That takes some time. Has there ever been discussion at Bayside about freeing you up?

MR. CLARK: Not that I'm aware, no.

MR. MAKARA: Okay. That's all the questions I have.

Thank you.

ASSEMBLYMAN VAN DREW: Thank you, Mr. Makara.

Any other questions?

LIEUTENANT PAGLIONE: Just one. Are any of the other five investigators -- do any of the gang investigations?

MR. CLARK: I have one backup. Whereas if something happens and I'm not there, or just something takes precedent where I can't do it then -- such as today -- I have a backup that's there now.

LIEUTENANT PAGLIONE: Okay. Thank you.

ASSEMBLYMAN VAN DREW: Mr. Clark, thank you very much for being here. And we hope we didn't badger you. It really is just an open and honest attempt to gain as much information as we can. And we want this to be a very productive process, and we do appreciate your time.

Thank you.

If I could ask Mr. Ron Holvey to come forward, please.

Thank you for being here, Mr. Holvey.

R O N H O L V E Y: Good morning.

ASSEMBLYMAN VAN DREW: Good morning.

I don't know if you have a prepared statement or just would rather go right into some questions.

MR. HOLVEY: No, I don't have a prepared statement.

ASSEMBLYMAN VAN DREW: All right. Thank you.

We will start with this side this time.

Mr. Crose.

MR. CROSE: Hello, Mr. Holvey.

MR. HOLVEY: Nice to see you, Mr. Crose.

MR. CROSE: Nice to see you, too.

How many officers do you have assigned to you in your unit?

MR. HOLVEY: I have, right now, three full-time investigators.

Two of them are strictly involved in full-time gang intelligence throughout the whole Department of Corrections and elsewhere, and I have one full-time investigator who is strictly dedicated to a community-based program that I designed, called GAP, Gang Awareness and Prevention Program. He's out on the street, in schools, everyday. And I also have a full-time analyst and one secretary.

MR. CROSE: Now, the validation process goes through your office, correct?

MR. HOLVEY: By validation, you mean?

MR. CROSE: Validating an inmate as a gang member or gang leader.

MR. HOLVEY: We call it identification.

MR. CROSE: But you're the one that does the validating, your unit does that, correct?

MR. HOLVEY: We -- not necessarily, no. No.

MR. CROSE: Well, how else can it be done?

MR. HOLVEY: It's done on the institutional level by investigators, like Investigator Clark, and it's also done quite a lot at the Reception Unit, CRAF, by my investigators with the assistance of several uniformed correction officers.

MR. CROSE: But who approves the final lists?

MR. HOLVEY: The final lists?

MR. CROSE: Yes. Isn't there somebody in the Department that has to approve the validation process?

MR. HOLVEY: You mean each gang member identification?

MR. CROSE: Correct.

MR. HOLVEY: I do.

MR. CROSE: Okay. So all that falls within your shop with you and two other people, correct?

MR. HOLVEY: Yes.

MR. CROSE: How many inmates in the system?

MR. HOLVEY: Approximately 25,000, 26,000, all totaled.

MR. CROSE: I probably wouldn't be stretching it if I said we have probably -- a third of them may be gang members, correct?

MR. HOLVEY: Right now, we have identified -- confined right now, there's approximately 5,000 identified gang members in the Department.

MR. CROSE: In all of the process, to make sure that these individuals go to where they're supposed to go and are moved when they're supposed to be moved -- falls within your domain?

MR. HOLVEY: I'm not following you.

MR. CROSE: In other words, if there's a problem in a facility--

MR. HOLVEY: Yes.

MR. CROSE: --and gang members, or gang leaders, have to be moved, who does that?

MR. HOLVEY: Who does that?

MR. CROSE: Yes. Who approves those moves? It certainly isn't at the local level, I don't believe.

MR. HOLVEY: Well, normally it would be a combination of between our office locally, the administrator of the facility, and my office at Central Office.

MR. CROSE: Do you have enough investigators?

MR. HOLVEY: No.

MR. CROSE: Just to do the validation process -- would seem to me that you'd be pretty busy doing that.

MR. HOLVEY: Very busy.

MR. CROSE: When a gang leader presents himself and you feel that they should go to the gang unit, how does that process work?

MR. HOLVEY: Well, it's a long process. It's an exacting process. The process was developed through large part by myself. What happens is, we first must have a proper identification of that individual. As Investigator Clark mentioned, we have a list of eight criteria that we use to identify all of our gang members. The inmate must meet at least two of

those eight criteria. It must be documented, and that's very important. And once that phase is done, that information comes to my office, to me personally, and I review it and I approve it, whether this is a good identification or not. At that point the information gets put into our stand-alone database. And we maintain a file with that documented information. At some point down the road -- and this is the way it's set up, according to our administrative code -- in 1998, we opened up what we call a *Security Threat Group Management Unit*, or what we call *STGMU*, at Northern State Prison in Newark, and it's a special gang management unit. It's a program developed to try to help these individuals get out of gangs. And also, more importantly is to control the gang violence in our prisons.

In order to place an inmate into that facility, he must first be identified, as I've explained, as an identified gang member. At that point, if he's identified further as a leader of one of our designated security threat groups, or he gets any serious disciplinary charge, which could be something as simple as a dirty urinal -- any of them which we consider to be a serious disciplinary charge -- he becomes eligible for placement into the Security Threat Group Management Unit. That information comes to my attention. We do the proper paperwork to recommend that individual for placement into the Security Threat Group Management Unit, and we make the notices, and that inmate is shipped to Northern State Prison for pre-STGMU placement.

MR. CROSE: Is that unit full?

MR. HOLVEY: Right now, I believe there's probably about a dozen or so vacancies.

MR. CROSE: Out of -- what would be the maximum there?

MR. HOLVEY: The maximum is 320.

MR. CROSE: So you have approximately 300 people in that?

MR. HOLVEY: Yes. It's been a very effective unit for us. We also have, right next door to the Security Threat Group Management Unit at Northern State Prison, we have a special administrative segregation unit strictly for -- well, we call these individuals *core members* of the security threat groups, the leaders and the troublemakers. We have a special administrative segregation unit for those individuals. Instead of keeping them scattered all over the state and causing problems at one facility or another, in even our administrative segregation units, we put them in one place to try to localize our problem instead of having it all over the state. And these individuals in the ad seg unit are pretty much what you might want -- you could phrase it, "They're on deck to go to the Security Threat Group Management Unit phase program."

MR. CROSE: So they go from ad seg into the gang unit program?

MR. HOLVEY: That's usually the way they go, but there can be direct placements into the Security Threat Group Management Unit. For instance, if we find out that an individual is a leader, even though there may not be a disciplinary charge on that inmate, we could place him right into the Security Threat Group Management Unit. We've done that even with some inmates right from the courtroom at sentencing.

MR. CROSE: So, if they don't successfully complete the program, what happens to them?

MR. HOLVEY: They stay there.

MR. CROSE: In the program or in ad seg?

MR. HOLVEY: Yes, to a completion. Until completion, they will stay in that program.

MR. CROSE: Wouldn't it make more sense to move them out of the program into ad seg at that point?

MR. HOLVEY: Well, normally, that's where they end up, yes.

MR. CROSE: So do they stay in the program or do they go to ad seg?

MR. HOLVEY: It all depends on the individual. In order to place an inmate in administrative segregation, he must have some type of a disciplinary charge. We can't just arbitrarily put him in administrative segregation. So if the inmate refuses to program, and go through the -- he'll remain in administrative segregation.

MR. CROSE: Why couldn't you put a stipulation that if he stayed in the program a year and doesn't decide to participate, why then don't you move them into ad seg for a year?

MR. HOLVEY: That's a possibility. It could be done. We'd have to--

MR. CROSE: It seems to me that you could have some guys in the program who really don't want to be in the program, they don't want to play ball, they don't want to play the game, and they'd just be like a cancer in the program, just--

MR. HOLVEY: Exactly. And those individuals will end up in administrative segregation, because they'll refuse the program. And that's how we can disciplinarily put them in and keep them in the administrative segregation unit.

MR. CROSE: But it's not an automatic? If you fail the program or decide not to participate in the program, then you automatically go to admin segregation for, let's say, a year.

MR. HOLVEY: Usually that's the -- I don't know about the year, but whatever the sanction may be.

MR. CROSE: It seems to me that inmates understand clear, clear, clear lines in what they can expect if they don't do something. In this program, there seems to be nebulous areas -- that you may go to ad seg and you may not go to ad seg, you may do this, or you may do that. It would seem to me that it should be clear that if they mess up here, then they go there. And if they mess up there, they go there. They don't just seem to stay in the one facility.

MR. HOLVEY: I think maybe we're misunderstanding each other. It is very clear to them. They understand that if they don't program, they're going to remain in what we call *phase one* of STGMU, which is ad seg.

MR. CROSE: Yes. But isn't phase one the phase that you're trying to really get them to start -- to come to an understanding, to go along with the program? And if you have guys in phase one that have already played the game with the program and they aren't going to play ball, and you mix them in with new people coming in, I don't see how you can have--

MR. HOLVEY: Believe me, it has worked. It takes it toll over time. A lot of times with the hard-nose cases, time will take its toll. Keeping these guys in phase one of the program will have an effect.

MR. CROSE: I wouldn't be concerned with those you are keeping in phase one. I'd be concerned with the new people coming in that

are just beginning phase one. If they sit there -- and you know as well as I do, some guys wear a year in admin seg as a badge of courage. If you have those types of people in phase one and you're bringing in new people to begin the program and they see people there, right in front of their eyes, that aren't playing ball, it seems to me that could be -- it could send mixed messages.

MR. HOLVEY: It could be true.

MR. CROSE: That's it for me, thank you.

ASSEMBLYMAN VAN DREW: Thank you, Mr. Crose.

Mr. DeBellis.

MR. DeBELLIS: How are you doing, Mr. Holvey?

MR. HOLVEY: Hi.

MR. DeBELLIS: I've been an officer for almost eight years, not a long time, but this is actually the first time I'll actually get to talk to you about gangs, because I just don't see the opportunity available as much as others. I hear you do a phenomenal job.

MR. HOLVEY: Pick up the phone and call me.

MR. DeBELLIS: Okay. Do you feel, in your own personal opinion, that the -- well, the popular consensus right now is that the information is not being disseminated to custody. Do you feel as though everything is the way it should be right now?

MR. HOLVEY: Of course not.

MR. DeBELLIS: What would you do to change things?

MR. HOLVEY: Well, I would have -- in an ideal world, if I had a wish list -- and I know you've asked Investigator Clark -- my wish list is that I had a full-time gang investigator at each one of our facilities. And

that full-time gang investigator was dedicated to nothing other than collecting gang intelligence information and disseminating it with custody staff, and not having any involvement in any other type of investigation. That is the most optimum way to maximize what we have. Will that happen? Hey, maybe with your help it will happen. But that's, in my mind -- you can't do it unless you have that. I've been trying to get that for years. I've been involved in this since 1994, when the Department assigned me to do what I do. I did it for four years by myself. I've jumped up and down for these types of things.

The whole idea of the Institutional Intelligence Committee was my idea. Because I understand that unless we share the information, unless there's a two-way street here, a give and take, this whole idea of gangs inside of our prisons and fighting the violence that goes along with them is -- we're up against a brick wall. Unless we share and communicate, we're fighting a losing battle. And that's what I'm about. And anybody that knows me will tell you that.

The idea of the Intelligence Committee coming together once a month -- all the Institutional Intelligence Committees together once a month -- was my idea. We did that in 1996. We've been doing this for the inner Institutional Intelligence Committee for 10 years now. There are states in this country, many states, that call me on the phone, that come to visit us. And they say, "Wow, look what you guys have. Look what you guys have done with gangs." We are the envy of many states. And it just troubles me that we have this group -- a Prison Gang Task Force -- and I'm not on it.

MR. DeBELLIS: Well, I don't think I'm qualified to answer that.

ASSEMBLYMAN VAN DREW: Mr. Holvey, if I just may, for that -- and I'm very happy that you're here today, and we do appreciate it. As I remember, if I remember correctly, and my recollection is good that when we were moving the legislation to establish this Task Force at a very difficult time in Corrections' history, that you testified against the Task Force.

MR. HOLVEY: Not -- against the Task Force?

ASSEMBLYMAN VAN DREW: Your Department did -- not that you individually did, but that your Department did. And it was, I believe, in behalf of you. So because of that reason, as we went through the process, I had a sense that perhaps you wouldn't want to be a member of a Task Force that the administration in your Department testified against.

Nevertheless, we're moving on to a new administration and a great deal of change. And I think, as you've seen in our first meeting and you've seen in this meeting, this is going to be, without question, a productive process. I'm committed to that, and I will not allow it to be anything other than a productive process. And as I've said before and you've heard today, we are going to have a series of pieces of legislation that is going to make the system better and make it work better. We welcome your input. We welcome you to every meeting that takes place. We welcome your knowledge and appreciate your knowledge, but we do want to have a very candid and open discussion of the issues as they exist and the problems as they exist. And for that reason -- and that would be -- I would take the responsibility for that, as Chairman now. I did not have

knowledge or the sense that this was something that you would want to be on. However, you are welcome to be a part of it each and every time. We would like to have you testify each and every time, and listen each and every time.

We want this to be a real open dialogue. This is not going to be a political process. This is going to be a process in good government. We are going to make this system better. We're going to do everything we possibly can to do that, and that's why we're here today.

MR. HOLVEY: Well, thank you. And I think, as you may be able to see, I'm all about being open and honest for this process.

MR. RIEBE: Mr. Holvey, I would also like to interject something. I personally had approached you several months back, and approached you as far as becoming involved in this -- what we have here -- and you basically rejected the invitation to come on. And I'm not going to go into details now, here, and you know why, okay, but you at that point stated flatly to me that, "No, you did not want any part of it." Okay? So as far as being open and honest, we have to make sure that we are open and honest here, and we do put out the proper and truthful information.

MR. HOLVEY: Absolutely. Absolutely.

MR. RIEBE: Thank you.

MR. HOLVEY: And if you recall our conversation, your question to me was can we sit down and talk about this. You made no mention of me being part of any Prison Gang Task Force.

MR. RIEBE: That's incorrect. I (indiscernible) approach you and speak to you concerning that subject, okay?

MR. HOLVEY: That's not how I recall the conversation.

ASSEMBLYMAN VAN DREW: Thank you, Vice Chairman, and thank you, Mr. Holvey. We're not going to discuss this further, other than to say we are going to have a new Commissioner, a new administration. I have personally, as other people have in this room, spoken to the Governor-Elect about that, and I believe that we're going to go forward in a very positive way -- all of us together.

Mr. DeBellis, were you finished?

MR. DeBELLIS: No. I just wanted to end it by saying the committees themselves were great ideas within the institutions. Again, I can certainly speak for South Woods that you have a lack of participation there. Mainly because we, as officers, are told that if you don't do it on your own time, you're not going to get it. Is there any way that you know of that we can help to correct that issue?

MR. HOLVEY: It's sad, but you're right, you're right. A lot of times, with the Institutional Intelligence Committees, the officers do go on their own time. Should it be that way? No, no. But unfortunately, those are things that are beyond my control. I'm an investigator. I work in Special Investigations. But I'm not an administrator. I don't make those types of policy decisions. So I'd love to help you, but unfortunately, in that regard, I can't.

MR. DeBELLIS: And again, I just want to clarify that. That it's not an issue of the moneys for -- such as an overtime opportunity. The information that I've collected from people that have testified in the past, people that have called me and wanted to speak about their issues here, was, more or less, it's a stressful environment. You're taking your life into

your hands every day you come to work. So in a sense, why would they want to volunteer to be there any longer than they have to?

But thank you for your answers.

MR. HOLVEY: Thank you.

ASSEMBLYMAN VAN DREW: Mr. Makara.

MR. MAKARA: Yes. Mr. Holvey, I wanted to thank you for being here, also, today. I also want to state that from what I've heard so far, as a teacher, I just want to congratulate both custody and SID. Because with the lack of manpower, with the resources, with the confusion, it seems with certain things, I don't know how you guys keep a lid on things and keep me protected as you have done. It really disturbs me. You said you had three full-time investigators, correct?

MR. HOLVEY: That's correct.

MR. MAKARA: Twenty-six thousand inmates, correct?

MR. HOLVEY: That's correct.

MR. MAKARA: And you have part-time help at some of the institutions?

MR. HOLVEY: That's correct.

MR. MAKARA: And not even at all the institutions, am I correct?

MR. HOLVEY: No, that's not correct. We do have an investigator who is designated as the gang intelligence officer at each one of our SID field units, but they are, as Investigator Clark is -- it's not a full-time job. They're not strictly dedicated to that function.

MR. MAKARA: Okay.

MR. HOLVEY: And that's at every facility.

MR. MAKARA: And you mentioned, I think the quote was, "You've been jumping up and down for help." How many times have you asked Devon Brown for an increase in your manpower and budget over the last three years?

MR. HOLVEY: In writing, or personally, or--

MR. MAKARA: In the bathroom. It doesn't make a difference to me. (laughter) How many times?

MR. HOLVEY: Well, I don't have, as much as a surprise as it may be, I don't -- I didn't and I never have had that much access to any of the four Commissioners that I've worked under. But I've put it in writing, though -- I don't know how many times over the years -- in preparations for budgets and--

MR. MAKARA: And what happened each time that you put it in writing? What was your written response?

MR. HOLVEY: I didn't get a written response.

MR. MAKARA: You never got a written response from them, from the Commissioner of the last three years, as to help, yet--

MR. HOLVEY: From any Commissioner.

MR. MAKARA: From any Commissioner.

MR. HOLVEY: Right.

MR. MAKARA: Colonel Fuentes with the State Police, over the last year, I believe -- and you might know better than me, as far as the numbers -- but I believe he has created a 24/7, 23-man Task Force to deal with gangs. Is that correct? Am I around the numbers with that?

MR. HOLVEY: I believe he's got about 30 detectives, and street gang bureau, yes.

MR. MAKARA: Thirty detectives, and we have-- And DOC has three with some part-timers when they get a chance. And the Commissioner knew this. The administration and DOC knew this. And after Bayside, everybody was acting shocked. It kind of just disturbs me. And when we do legislation, maybe we could think about something along the lines of really looking at not the personal problems or conflicts, but the reality of, do we have enough manpower to offset what seems to be a highly organized and getting better organized group of people in the institutions. Because I don't think there's any better way to investigate gang members than if you already have them locked up. We control just about everything that they do, yet we seem to be the people behind. And we're more involved it seems, from an outsider's viewpoint here, in worrying about turfs than in worrying about making sure that we get this right.

Again, I don't know how both sides end up keeping a lid on this thing, so far, from what I've heard in this particular testimony and the last testimony. I just want to thank you again for being here, for being open, and I am really glad that it is an open discussion here today. Because I think that at the end of this particular Task Force, that DOC is going to be a better place for it. And maybe a lot of the things that need to be taken care of are going to be taken care of. So, again, I just want to thank you.

MR. HOLVEY: Thank you.

ASSEMBLYMAN VAN DREW: Thank you, Mr. Makara.

I just have a couple of brief questions, then we'll go on to this side.

There were some recommendations that would be made, and I would just wonder what your consideration would be of them, how you feel

about them. Do you believe it would be beneficial to develop a system, when someone is transferred and is a known leader of a gang, or if they're even not known but had an issue in the last facility -- if that information could be transferred to the facility to where they are going almost instantaneously, rather than have that lag time? Do you think that would be beneficial?

MR. HOLVEY: Oh, absolutely. Absolutely.

ASSEMBLYMAN VAN DREW: So you would believe it would be good to work a system where we would be able to do that, so that there wouldn't be, up to even that month, where literally you could have someone there who is -- for lack of a better term I'll use, as a layperson -- a real *troublemaker*, and you may or may not know that.

MR. HOLVEY: Absolutely, positively. And in further answer to that question, I can expound a little bit on what Investigator Clark talked about. We have since, going on three years now, we have in my office -- actually, my analyst has been deeply involved with the redevelopment of the Department's intranet system in processing a gang module into that system. Because we understand that that information has to get out. We have a stand-alone database that was created back in 1994. That information is -- we probably destroy a couple trees every month with the lists that we print out to distribute at our monthly meeting. And I've realized for several years that we've got to get automated. So when the Department, back in 2000, when they went to the automation system that we currently have, they put not a very good gang module in there. And I rejected it immediately. And I have been pushing -- finally got somebody to pay attention. That in 2003, they really, actually with Commission Brown,

took the initiative to really push this thing and try to get the gang module updated.

We will have, and it's in the final stages right now, within the next -- I would say three or four months, maybe sooner -- we will have a state-of-the-art gang module in the New Jersey Department of Corrections that I guarantee, everyone sitting here today, will be the envy of any state department of corrections, as far as a gang module. Now the question is, who will have access to that data? Okay? It's ludicrous to think that every single rank and file correction officer and every single computer station in the Department of Corrections would have access to that information. That is not safe. That's not the way to run a safe and secure operation. There will be limited access to that information. There will be custody access to that information. And contained in that information will be reports on individual gang members, who the leaders are, what the rank structures are, what's the hierarchy, incident reports, and things like that. That will be available. We've been working on that for almost three years now. I can't make the wheels of government go faster.

ASSEMBLYMAN VAN DREW: Believe me, I'm aware of that myself. As part of that new system, though, will the officers who are most at risk have the information that they need? In other words, in plain English, let me just say this as simply -- I'm a country dentist. Let me say it the way that I understand it, okay? There's guys working in the prison, that are doing the day-to-day work, that may be dealing with people that are a little bit worse than they realize. Are they going to get the information they need to make sure that they are safe, because they have a worse-than-average guy or a particular problem person? And with this

system, is that information going to be transferred more rapidly? So if somebody is a troublemaker in Northern State and they are transferred to Southern State, or Bayside, or elsewhere, is that information going to be relatively instantaneous? Are we getting to that call?

MR. HOLVEY: You have to really qualify what you're talking about. It will be available to certain members of custody -- uniform staff at each prison. Now, and this is the whole idea behind the Institutional Intelligence Committee thing -- about sharing information. As Investigator Clark mentioned, our chain of command is different than the uniform staff chain of command. And in an effort to try to take a couple bricks out of that wall that was talked about, that's why we have those committees. Okay? So the answer to the question is, it's up to the uniform staff individuals that have access to this data to get it to their people.

As investigators, we can't -- and the way that the whole chain of command is set up, they don't work for us. I could walk into a prison and they could tell me to hit the road, the officer at the front door, because I don't work for them. And these are things that have to be worked out. There has to be cooperative situations here between us, and SID, and the uniform staff. This information is given to them.

ASSEMBLYMAN VAN DREW: I thank you for that.

Speaking about SID, would you agree -- and we've discussed this before, and I think that you do, but I want to make sure on the record -- that rather than have what I would call *internal affairs investigator*, the individuals who are investigating other Corrections officers are also responsible for investigating gangs, gang violence, and the gang issues. And isn't that clearly a conflict? Doesn't that create a barrier? Isn't it better to

have-- I understand there's need for that level of investigation, internal affairs, but shouldn't there be internal affairs investigators who are responsible for that, and shouldn't there be a presence at each and every prison of at least one expert, at least someone who is responsible for gangs and gang violence, and the issues that go with that, to ensure that there isn't that conflict?

Again, what I know of, and what I read of and understand -- that there is a natural conflict there and that there may be some Corrections officers that do feel uncomfortable at all levels, at every level, speaking with those who are also doing internal affairs investigations of their colleagues.

MR. HOLVEY: Sure, absolutely. Absolutely. It kind of follows that that would be one of the attitudes. But let me throw something else into the mix here, okay? And you have supervisors on your Task Force that work within the Department of Corrections. You have lieutenants, sergeants. They're involved in almost the same process.

If I'm the correction officer at any prison and I don't call off -- if I call off sick one day and I don't use the proper procedure, if I mess up in my housing unit and something happens because of my lack of attention, or whatever it may be, that supervisor is going to take disciplinary action against me. So you tell me if there's a major difference here. I think it's the same thing.

Now, do I think that we should have full-time investigators assigned to strictly gangs? Absolutely, absolutely. But, I mean, unfortunately, that's not the way it is right now. Hopefully, groups like this could change that. I'd be a happy guy.

ASSEMBLYMAN VAN DREW: I would respectfully disagree with you in that I think that there is a difference. I think when somebody's sole purpose and job is to investigate others within the system to see if they're doing what they should do, it is different than someone who has authority over you, and you don't do your job properly, and have to go through a process and report you. But it's not their focus or their job to do internal affairs investigation. I do think that's different. And I think, with the prevalence of gangs and the increasing number of gangs, as we've seen on the outside world -- and I think that was a good point that Mr. Makara made -- literally, on the outside world, we understand that we need a higher level and more intense level, a better level of investigation in monitoring what's going on there. Because our society is changing, unfortunately, and gangs are becoming more prevalent at every level in this system. And there is such a connection -- what occurs in the facility to outside the facility -- that we need a higher level. And this does not reflect on you. You're one person, but we need a greater number and a higher level of expertise in order to protect our Corrections officers, and they need a better level of information, as well.

With that, I should be done talking.

Vice Chairman, did you have some questions.

MR. RIEBE: Yes. I have a number of questions for you, Mr. Holvey.

MR. HOLVEY: Could I possibly, just for two minutes, respond to--

ASSEMBLYMAN VAN DREW: Sure.

MR. HOLVEY: I agree with you 150 percent about everything you've said, except for one thing. And I think maybe because -- I think we have to clear up exactly what the Special Investigation Division is. Okay? The commissioner before our last commissioner changed the name. There was a reason why he changed the name. We used to be called *Internal Affairs*, and I always hated that. I always hated that because it gave the connotations of just what you were talking about. We are not an internal affairs unit. We are the Special Investigation Division, and we are charged by statute, by law, to investigate all acts of -- not only criminal, but administrative wrongdoing inside of our facilities. Okay? It's kind of a strange situation, but it's not like Investigator Clark, at Bayside State Prison, when he's not doing gang intelligence work he's running around trying to find a Corrections officer doing something wrong. That's not the way it is.

We perform criminal investigations. We perform all types of investigations that are not-- Probably, I would venture to say, if you took the total of all investigations performed by investigators statewide -- and there's 100 of them -- probably about 20 percent of the investigations that are performed are against uniform staff. A large part of what we do is actually to assist uniform staff -- (laughter) -- to make sure that our prisons are run more safely, to prevent incidents from happening. That's a large part of what our unit, as a whole, does. And that's why I wanted to just make that one point.

ASSEMBLYMAN VAN DREW: Okay. Thank you.

Vice Chairman Riebe.

MR. RIEBE: Mr. Holvey, you stated that you have three full-time staff working for you, correct?

MR. HOLVEY: That's correct.

MR. RIEBE: As well as some secretarial, analyst, and so on?

MR. HOLVEY: An analyst and a secretary.

MR. RIEBE: In general, where do you get most of your information or intelligence from?

MR. HOLVEY: In general?

MR. RIEBE: Within our Department, the Department of Corrections.

MR. HOLVEY: It comes from uniform staff, absolutely.

MR. RIEBE: Do you have a lot of dealings with outside agencies when it comes to intelligence gathering and sharing?

MR. HOLVEY: Tremendous.

MR. RIEBE: Okay. Is that based solely upon Mr. Ron Holvey being just the gang intelligence person for the DOC, okay, and for the other memberships that you have, or other groups that you're affiliated with, or is that a departmentally sanctioned line of communications that you have with these other institutions -- or other agencies? I'm sorry.

MR. HOLVEY: As a law enforcement agency, we're kind of bound to work with other-- We are, by statute -- our unit, the Special Investigation Division, is a liaison to all other outside law-- I have to, yes.

MR. RIEBE: Okay. So that the three staff members, or four including yourself -- I'm going to assume are also responsible for communicating with the county jails, the, say, county prosecutors, local police departments, State Police, and so on?

MR. HOLVEY: Absolutely. And also, on the institutional level, the investigators there. They work with other agencies, too.

MR. RIEBE: Okay. Now you -- whatever intelligence you gather inside the institutions, which we concur it mainly comes -- I can't say mainly, but a lot of it comes from the custody staff -- a lot of the information that you gather there you do share with outside agencies then?

MR. HOLVEY: Absolutely.

MR. RIEBE: Okay. Is there some sort of system in place where you can just enter this information into it, where it will be accessible to not only the State Police, but the county prosecutors, or county jails, or anything like that?

MR. HOLVEY: Yes, there is.

MR. RIEBE: There is. And what is that?

MR. HOLVEY: That's the State Police system. It's called SIMS, or Memex, it's also called. The S-I-M-S, the Statewide Intelligence Management System, which is operated by the State Police. All of our gang information is contained in that database.

MR. RIEBE: Okay. So do you see, actually, inputs -- gang intelligence into that system?

MR. HOLVEY: We actually, with the initial inception of the unit, we actually pretty much populated it, yes.

MR. RIEBE: Okay. Now, going back a little bit to your statement concerning this database that you're planning on having coming out, you stated that there will be some custody access. If memory serves me correctly, it was supposed to be implemented with access to, at first, solely the gang intelligence investigators at the institutions. And then after the

system is found to be working properly, then access would be granted to, I believe, the chiefs at the institutions and possibly the captains. Correct, am I right?

MR. HOLVEY: I mean, the policy isn't written in stone yet, but that's pretty much how it's going to go, yes.

MR. RIEBE: Do you feel, personally, that any other custody staff should have access to that or the information contained thereof?

MR. HOLVEY: I think -- you know what? Personally, I'd like to give the information to everybody. I think that every uniformed Corrections officer should have all of this information. But looking at it realistically, too much information is dangerous. And I'm sure that you can all appreciate that. Okay? So to try to -- I don't know what other word to use but *pin me down* to say that these are the people who are going to get access. It's too -- we have to wait and see how this thing rolls out. I'd like all the lieutenants, all the area lieutenants, the center keeper of each jail, to have access -- all the captains, the chief, absolutely. This is vital information.

MR. RIEBE: How can you say, though, that too much information is dangerous? That -- I disagree with you highly. Okay? We understand, and I know your statements from the past have been that certain people cannot be trusted with this information that might be shared, okay? We can't really fight that or argue with that 100 percent, okay? But that's not just from custody, that's not just from SID, that's not just from the civilian standpoint, or any other law enforcement agency. The thing is, is that, don't we have a responsibility to keep all of our people informed, or filled with information that will enable them to protect themselves, the

fellow staff that they work with, whether it be custody or civilian, and as well as the public at large? That's our responsibility, is to protect these people, correct?

MR. HOLVEY: Yes. I agree with you.

MR. RIEBE: How is it that you feel that this information, which may be pertinent to the performance of these officers in their duties, that that information should not be fully shared with them? I don't understand.

MR. HOLVEY: It depends on what particular information are you talking about. I mean, if you want to know who all the gang members are--

MR. RIEBE: Correct.

MR. HOLVEY: --and who all the leaders are of all the different Blood sets, or Crypts sets, or the Latin King chapters--

MR. RIEBE: Within that institution.

MR. HOLVEY: --we can give you that. That's not a problem. But sometimes, sometimes, okay, there is information that is obtained that is maybe involved in investigations that are outside of the Department of Corrections that shouldn't be shared with everybody.

MR. RIEBE: We understand that.

MR. HOLVEY: There's information that we obtain in regards to gangs within SID that we don't even share with our own investigators. Because, again, too much information is dangerous. If you don't have a need to know, it shouldn't be shared.

Now, again, not to compromise the safety or security of our facilities, that's number one. That's job one. That's what our primary

mission is, and that's what it's all about. But you just can't turn around and give all that information to everybody.

MR. RIEBE: We're not talking, or I'm not asking you, about disseminating information concerning any investigations that are ongoing or pertaining to any individuals on there -- just the information concerning the affiliation or identification of any suspected gang members in that institution, okay, and/or whether or not they are suspected of being affiliated with such a gang or STG. Okay? Do you feel that there is a problem with staff being furnished with that information?

MR. HOLVEY: When you say furnished with, how do you -- you've got to qualify that.

MR. RIEBE: Provided access to that information.

MR. HOLVEY: Sure, they should have access to it, absolutely. Yes, absolutely. Should every officer carry around a list of gang members in his pocket, no.

MR. RIEBE: No. We all agree with that.

MR. HOLVEY: And you all agree with that, right, the reasoning behind that? But they should have it -- sure they should. Absolutely.

ASSEMBLYMAN VAN DREW: But may I just interrupt for one second, Vice Chairman? Excuse me?

Do they have access to that now?

MR. RIEBE: No.

ASSEMBLYMAN VAN DREW: They do not.

MR. HOLVEY: The information is given out every month. Like I said, we kill a couple trees every month. We print these lists out.

We distribute them at our monthly -- we just had it this passed Tuesday, by the way -- at our monthly intelligence committee meetings for the whole state. That information is brought back to the facilities. The idea behind the Institutional Intelligence Committee is, at that forum, for that information to go out to the custody supervisors or whoever is on that intelligence committee so they can arm their troops with that information. That's the whole plan. That's the idea behind all this.

ASSEMBLYMAN VAN DREW: My understanding would be, I would maintain that that particular part of the system is not working as well as it should, from what I understand.

MR. HOLVEY: I agree with you. (laughter) I agree with you.

ASSEMBLYMAN VAN DREW: That they don't feel that they have that information.

MR. RIEBE: Okay. All right. We do agree with that, that that information is not being passed along or shared.

MR. HOLVEY: But wait, can I interject?

MR. RIEBE: As far as?

MR. HOLVEY: Where is this lack of sharing coming? That's what I'm trying to bring out here.

UNIDENTIFIED PERSON FROM AUDIENCE: They're asking you.

MR. HOLVEY: From where? I give--

MR. RIEBE: That's what we're trying to look into here.

MR. HOLVEY: Every month we give the information to the committees. Now, making up the committee is not only the investigator, someone -- an administrator or associate administrator or assistant

superintendent, custody captains, lieutenants, sergeants, Corrections officer -- that information is available to them. That's why the committee was created. So where does it go from there? Who's responsible for that?

ASSEMBLYMAN VAN DREW: And that's why we're here -- excuse me, again, Vice Chairman, just for a second. The reason is, is because we want to put a system in place so that it automatically happens. So that we ensure, regardless of how any particular institution functions, or doesn't function, that the Corrections officers that work there are safe because they are receiving the information that they need. That's why we're here. That's why we're here.

MR. HOLVEY: I'm all for it. That's the idea behind the committee.

MR. RIEBE: Okay. As you spoke earlier, you're the sole person who can officially identify a STG member in the Department. In other words, all the information that can be recommended for identification by, or institutionally by, the investigators at each institution. But that all has to be forwarded up to you, personally, for you to make that recommendation that, "Yes, that individual is an identified Blood, or Crypt, or Latin King," or whatever?

MR. HOLVEY: That's correct.

MR. RIEBE: Okay. So what were to happen if, God forbid, something -- you were to walk outside today, get struck by a truck or something, now who would be making that decision?

MR. HOLVEY: One of my investigators. It's happened. It's happened.

MR. RIEBE: So one of your investigators then would step up and have to take over that position for you, okay?

MR. HOLVEY: Yes.

MR. RIEBE: Or he would be the one solely responsible for identifying or--

MR. HOLVEY: It's -- you're-- I think that you're--

MR. RIEBE: --validating the identification of that STG member?

MR. HOLVEY: There must be, in any intelligence model, okay -- I don't care where you go in law enforcement -- when you gather intelligence you have to funnel it to one centralized location. If you have little pilot units all over the state -- what we have, 14 prisons, okay -- and they're all doing their own thing and they're not funneling that information to one spot, you got a major problem. Okay? And the idea is for that information to come to one centralized location. Okay? In this case, my office, and then it goes back out. It gets disseminated back out. That's what we do. That's the whole plan in a nutshell.

MR. RIEBE: How quickly do you get this identification process done, being that you're the one solely responsible for doing that? If Investigator Clark sends up all the criteria for identifying a Crypt from Bayside, okay -- he sends it up to your office on Monday. As well as that one individual that he sent up, he also sent up the paperwork for five, 10, 15 other ones. How quickly will you get that response back of that identification -- or the validation of that identification made?

MR. HOLVEY: Good question. I'll explain to you the process. Right before I came here today, I was at my desk and I reviewed -- I guess

there was about 15 identifications that were done yesterday at CRAF, by my investigators. Okay? So they did the actual identifications yesterday, they put the packs together with all the documentation. They gave it to me. I reviewed it this morning, and I gave them -- and I gave my stamp of approval. I gave it to our clerical person, and they're being entered into the database right now. All right? Tomorrow, we will -- and there's a whole process that goes -- involved in this. We also enter these identifications into the old -- some of you may remember the old OpSys (phonetic) system, okay -- and every morning, the first thing in the morning, when the secretary comes in, the secretary runs an OpSys report. And that will give me all of the -- not only the brand new gang identifications that were put into OpSys -- it will also tell me where all the transfers of all the flagged gang members that we've got all over the state, where they were transferred to. That clerical person will fill out a transfer sheet. Investigator Clark referred to that transfer sheet, and it tells who the guy is, what gang he belonged to, and where he's transferred from -- if he's transferred to Bayside State Prison -- from Bayside State Prison to Albert C. Wagner, whatever it may be. And that is faxed that day to that facility. Actually to both facilities -- the sending facility and the receiving facility. That's pretty--

MR. RIEBE: To the SID department?

MR. HOLVEY: Yes, right. So what would happen was, that investigator on the other end, at whatever facility receives that fax, they update their list. Okay? This is a tough way to do business, but that's what we've been doing for -- I don't know how many years now. Okay? What will eliminate that whole process is, and I talked about it earlier, is when we automate that whole system and it's part of our intranet, or ITAG system.

So that information will be instantaneous. That's all in the works. That's all things that we've been working on to try to improve this system that we've set up.

MR. RIEBE: Mr. Paglione.

ASSEMBLYMAN VAN DREW: Mr. Paglione.

LIEUTENANT PAGLIONE: Mr. Chairman, if I may make a comment before I ask my questions.

I've been in law enforcement 30-plus years now, and much of that has been with -- in the intelligence arena. And I do know that there's a certain documentation process with intelligence and criteria you must follow. And I know you must maintain the integrity of that, and there's usually -- a basic principle is a need to know and right to know. I heard a comment about the central depository and that is vital to gathering that information. But then again, you have authorized access to be able to retrieve that information, too. And that's through the set of standards and all. I believe we will be hearing from an intelligence specialist later on today, which will probably comment further on that. But just to clear up some of the things that have been brought up before, there is certain things that need to be done -- a compliance with 28 CFR 23. I believe DOC is involved with or must comply with that. And that will be, I'm sure, be talked about later on, too.

A couple of questions I have is, Mr. Holvey, the gang investigators, you said they're full-time. There's been comments up here about, in your unit, there's been comments or discussion about internal affairs officers. These three gang investigators, they do not do internal affairs at all, they do not conduct any of those investigations?

MR. HOLVEY: I try not to let them do those things. Sometimes they get snatched away from me for that kind of stuff. Unfortunately, yes.

LIEUTENANT PAGLIONE: So really they're not full-time. I mean, would you indicate they wouldn't be full-time?

MR. HOLVEY: Well, they're designated as full-time investigators in my unit, but sometimes they, because of manpower shortages or whatever the need may be, they may do other investigations. Unfortunately, yes, that's true.

LIEUTENANT PAGLIONE: And this is throughout the state? There's four of you in SID?

MR. HOLVEY: In the gang intelligence unit, yes.

LIEUTENANT PAGLIONE: Central.

When you started -- you said in 1994 you started this process, right? How many of identified inmates were -- or inmates who were identified as gang members?

MR. HOLVEY: Officially, by this process?

LIEUTENANT PAGLIONE: Yes.

MR. HOLVEY: None.

LIEUTENANT PAGLIONE: None in 1994?

MR. HOLVEY: No. There was no process.

LIEUTENANT PAGLIONE: And you were the designated gang officer then?

MR. HOLVEY: Yes.

LIEUTENANT PAGLIONE: Okay. And since that time, how many have been identified now?

MR. HOLVEY: Over 10,000.

LIEUTENANT PAGLIONE: And there's three investigators statewide that do this, that order the documentation?

MR. HOLVEY: Yes.

LIEUTENANT PAGLIONE: It's kind of, like, we didn't keep up with the inmates population, I would say, as far as identification.

MR. HOLVEY: Without a doubt.

LIEUTENANT PAGLIONE: Is it also fair to say that with, as was commented earlier -- the State Police are more involved with gang investigations? They beefed up their agency operations. And you also have a lot more law enforcement agencies at the municipal, county, and State level conducting gang initiatives now. Is it fair to say that the inmate population is going to grow with documented gang members?

MR. HOLVEY: It's very fair to say that over the next couple of years, because of enhanced penalties on gang members because of the major focus by law enforcement on gang-related crime, that our inmate population -- it will definitely grow. In fact, we just completed a study on that. Over the next couple of years -- and it's going to present a problem for the Department of Corrections, for the taxpayers of New Jersey, because it's probably going to mean more prison beds.

LIEUTENANT PAGLIONE: Another question I have is: From the street, when an individual is identified as a gang member from the law enforcement agency anywhere in the state, and it goes through the system and then it's finally institutionalized with DOC, do you then have to re-qualify that person as an STG? Do you accept the local department or the

State Police's identification of that person as a STG and maybe save some time?

MR. HOLVEY: No. We do use that information, and we get a lot of it -- the county jails, the State Police, prosecutors offices. We try to get as much of that information ahead of time before we even get the individual into our reception unit. But what we also do is re-qualify that information, and we put it in our format and we standardize it. And again, sometimes I won't accept the information that another agency accepted to identify a gang member. We're a little more stringent, because we are prone because of the nature of our business and the gang management program that we have. I've realized that this information is going to end up sometimes in a courtroom, because we get sued a lot, civilly, by inmates who we place into our Security Threat Group Management Unit. And I understand the importance of the accuracy of this information.

We also use that information to testify in criminal cases in gang-related trials. The identifications that we have -- and I'm sure in your capacity you could speak on this better than I can -- has been used countless times in jury trials, in criminal matters. It is the gang identifications that we've obtained inside our prisons -- are very highly sought-after pieces of information in any gang-related criminal proceeding, because it's good stuff.

LIEUTENANT PAGLIONE: My last comment or question is, within the State system I know you have this monthly meeting which is, I guess, involved with not just your agency, but outside agencies. Is there any system in place to connect all the county facilities that have identified gang

members with your facility? Is there anything in place now or could you envision that in the future?

MR. HOLVEY: I wish there was. I've worked with the County Jail Wardens Association. We do have, and we have had, informal relationships that we've developed over the years with just about all the county jails. And a lot of time -- as a matter of fact, one of the counties was in my office on Tuesday afternoon, after our monthly meeting, to see our operation. This particular county had just formed its own gang unit within that county jail, and they wanted to see how we did it. And I encourage that, because the effect that it has is that it gets them-- We push this. We want the counties to identify the gang members the same way and with the same accuracy and documentation that we do in the State Prison system. So a lot of times we'll get these guys coming in from the county jail -- Union County, one example of a county that we do work with -- and we'll have this guy previously identified. We interview them again at CRAF and get another self-admission out of the guy, or whatever-- And that's the value of every county or jail doing all this the same way and standardizing the whole thing. I would push for that any day.

LIEUTENANT PAGLIONE: Thank you.

ASSEMBLYMAN VAN DREW: Thank you.

We are going to finish up with our line of questioning on this side. We're then going to take a 10-minute recess, so everybody gets a chance to do whatever they need to do, and then we'll finish up our entire Task Force meeting.

Mr. Balicki.

MR. BALICKI: Thanks. I didn't get the rest of the answer that was asked earlier about how someone gets into the gang jail and how decisions are made about who goes and who doesn't. And what I jotted down was that you first said that they must be ID'd, and that's obvious, and we ID lots of people. And the reason I'm asking this -- just so you know, I'll be right up front with it -- is that very often people don't agree with both the number of people who are in the gang jail, because they feel there are leaders who are still in the institutions that we're dealing with; and then they don't agree with who is identified as a leader. They feel they have a leader in their prison, and many leaders and many hundred leaders, but they're not selected. So I was wondering, besides IDing them, what's the process? Who goes to the gang jail, that only has the 300 beds, and who doesn't? And who makes that decision and what's the criteria?

MR. HOLVEY: What happens is, the initial criteria is when the inmate is identified as a member of one of our designated security threat groups. We have about 300 different gangs we've identified in the DOC. There are only seven gangs that have been designated as security threat groups. And only core members of security threat groups can be recommended for placement into the Security Threat Group Management Unit. In order to become a core member, you first must be identified as a member of one of the security threat groups. We've discussed that process, that's fairly easy -- two criteria, it's got to be documented.

And then, there's a second criteria that must be met. The inmate must be further identified as either a leader -- identified as a leader or, for lack of a better word, I'll use a *troublemaker* in our prisons. Okay? So, he's identified as a leader. Or if he gets any serious disciplinary charge,

that would make him qualify to be a core member and qualifies him for placement into the Security Threat Group Management Unit. That information is sent to my office, we write up the paperwork at my office, and he gets recommended for placement in the STGMU.

Now, and I think what you're getting at is, we have -- in your question, you talked about all these leaders that-- Well, if there are leaders identified, all we need to do -- and they're not in our Security Threat Group Management Unit and they have been identified as members of these security threat groups -- all we have to do is provide the documentation that shows that they are leaders, and I have no problem at all. We could fill that place up and we could move next door to the next unit, which is ready for another Security Threat Group Management Unit. That's no problem at all.

MR. BALICKI: So, for example, a fairly new group -- just, I know, in my area, a group called *30 Deep*, and they're not one of the seven - - but they are in prison and they are causing a problem. They would not be allowed to be in the gang prison, or they would?

MR. HOLVEY: Not at this time, no, not at this time. What we'd have to do -- and this has all been hashed out in the courts. We've been in court with cases in regards to STGMU 150 times. We have not lost a case. Okay? What has to be done is that that particular group -- 30 Deep, whatever it may be -- has to be designated as a security threat group.

MR. BALICKI: And whose responsibility would that be?

MR. HOLVEY: That's my responsibility. My responsibility is to write -- prepare documentation-- This is all spelled out in our administrative code: My responsibility is to write a report, prepare a report

which designates the membership of that gang, designates acts of violence committed by members of that gang, which designates the demographics of that gang and propensity for violence, whatever, in the prisons and on the street. And based on that report -- it gets given to the Commissioner of the Department, and the Commissioner declares that gang to be designated as a security threat group. Once that happens, then we're free to, what as I call, *STIGMUtize* these guys.

MR. BALICKI: I'm wondering then why there are only seven. We know that there are -- how many gangs would you estimate that there are in the state?

MR. HOLVEY: About 300 we've identified in our prisons.

MR. BALICKI: So that being the case, why haven't we identified more as being eligible to go to the gang management unit?

MR. HOLVEY: They don't meet the qualifications; they don't meet the criteria. And again, you have to be very cognizant of the courts when you do these kinds of things. Because you're going to take a group of inmates and you're going to segregate them from the entire inmate population. And we knew when we first opened up STGMU back in 1998, we knew we were going to be in court faster than we could turn around. And that's exactly what happened. But fortunately, we had all our ducks in a row. We've played by the numbers, by the numbers that we made, and we documented everything, single step along the way, and we reported as to why this -- and it's a pretty extensive report -- why this group is designated or should be designated as a security threat group. And so far, knock on wood, it has flown in the courts. We have not lost a case. That's why it's a

very -- you've got to be very careful with this process, because we have a lot more to lose than we have to gain.

Now, if there's a gang out there in our facilities that's raising all kinds of hell inside of our prisons, there's no reason why it shouldn't be a security threat. And if there is one that I don't know about, please tell me and we'll get to work on it right now, today.

MR. BALICKI: Well, that was going to be my next question. If there were any gangs that you were aware of, outside these seven, that would cause problems in the prison -- so I guess the answer to that is no.

MR. HOLVEY: Well, to kind of jump on that a little bit. We just had a gang that surfaced, and kind of -- we made a subgroup of one of our designated security threat groups. Because what we found out was that members of this particular gang were hiding out by calling themselves another gang, when, in fact, they were still the original gang. So what we did was, we prepared the report to make this particular group a subgroup of the original security threat group. And we had the Commissioner declare that subgroup part of that security threat group.

MR. BALICKI: Okay. My next question was, do you keep -- you said you had an analyst -- do you keep statistics on the leaders who go through that unit and see how many -- what percentage of them fail, and go back to the institution, and start recruiting again, and start getting involved again; and how many are successful? Do you keep information like that?

MR. HOLVEY: I wish, I wish. We do keep -- the one statistic that we looked at -- and if we had more time, we could do all that. If we had more manpower, we could do all that kind of stuff, because it's great information to have. What we did look at was the rearrest rate of inmates

that had completed the STGMU phase program. And we found out that the rearrest rate was 33 percent, which is just about half of what the national average is. These are inmates that had completed the program, that had gotten released from prison -- the average for rearrest was 33 percent. And that's just one of the statistics.

We looked at disciplinary charges. We looked at the amount of assaults on staff since we opened up the Security Threat Group Management Unit, statewide. Statewide, the assaults on staff have dropped 42 percent. Now, can you attribute that drop in percentage strictly to the existence of this gang unit? No. But you can -- in large part, you can attribute, because all assaults on staff are not committed by gang members, obviously. So you can't say that that's totally because of the existence of this unit. But there's another statistic that was compiled, which is the frequency and number of instances of organized violent behavior. And that you can pretty much all attribute to gang activity or security threat group activity. That statistic is a 84 percent drop, statewide. This is since 1998, since we opened up this unit. Now, those two statistics are pretty -- in my mind, they're pretty clear evidence that this unit is very effective.

I can understand, from the standpoint of a Correction officer who is working at one of our prisons, and his responsibility is a tier of 150, 100 inmates maybe-- And he doesn't see or she doesn't see the effect that this has -- I understand that. But in reality, in reality, the Security Threat Group Management Unit works. It's effective. Could it be better? Yes, absolutely, it could be better. But it does work and it is effective.

MR. BALICKI: Yes. And we're just trying to make it more effective. We're not saying it doesn't work.

Just a couple more. I'm sorry I'm taking so long, but I just have a couple more questions I have. The classification departments in each jail, who decide everything from where the guy works, to where he lives, to what he does all day, to which jail he's in -- all that stuff -- do they have any access to any of this information that these people are gang members? They have been identified? They may not be leaders, but they definitely are gang members? So that they can decide, for example, if they want to classify them in a prison that has one person to a cell, or two people to a cell, and is very restrictive; or do they want to put him in a place that is a dormitory, and they're just getting ready to put him in minimum custody, and it would be a little bit different kind of scenario. Do they have this information so that they can make these judgments in an intelligent way, with all the information that they need to make that kind of decision, to avoid problems rather than react to them? Does the classification get anything from your unit?

MR. HOLVEY: That's a great question, and unfortunately, the answer is no. Do I feel that? Absolutely. But, again, and this is something that maybe your Task Force can propose recommendations for, there should be a way to disseminate that information, but what is the way? Again, we've got to be very careful with this information -- too much information is dangerous in the wrong hands. Do we want all of our classification-- These are questions I'm throwing out. I don't have the answers to them. Do we want all of our institutional or classification committee at CRAF to have all this information?

MR. BALICKI: Obviously, we don't want them to know that this group is getting ready to hit this other group in Irvington and all the

stuff they don't need, but we would like them to know, "You know what, in this group of 130 inmates that you have in this dormitory setting, 40 of them are Bloods." We would like them to know that.

MR. HOLVEY: Sure.

MR. BALICKI: And maybe they would not have that many people in something like that, and avoid a problem.

MR. HOLVEY: I agree with you. I agree with you. And again, it all comes down to who is going to disseminate this information and where's the manpower going to come from? There's lots of things that I personally would like to have -- see done, in regards to gangs, department wide. But, as you are well aware of my position in the Department, I'm not a shot caller. I'm not a policymaker. I'm just a ground troop.

MR. BALICKI: Well, Assemblyman Van Drew is going to get us all the money we need. (laughter)

Thank you.

ASSEMBLYMAN VAN DREW: Thank you.

Mr. Balicki, thank you for adding that little last remark there. Thank you, Mr. Balicki.

Mr. Moran.

MR. MORAN: Mr. Holvey, let me just kind of bring this thing back a little bit. And for time constraints, just -- I have really one question. Why would you consider that the officers that participate in the intelligence committee feel that it's basically -- it's a facade? It's an instrument to make custody feel as though they're part of the process. Several custody staff members that we talked to -- and you talk about all this great information sharing, and things like that -- but realistically, it's not really happening.

Have you, yourself, ever -- when's the last time you chaired an Institutional Intelligence Committee meeting?

MR. HOLVEY: I just chaired one on Tuesday with all the intelligence committees.

MR. MORAN: No. I'm talking about actually at the institution. I've been to the MAGLOCLLEN meetings. I know what goes on there. But I'm talking about actually inside a facility.

MR. HOLVEY: I haven't. I haven't. I'm trying to-- You want me to respond to your question? I think it's a great thing. And I think if we make light of it and if we -- the idea is to share the information. That's what it's all about. I have not forgotten for one minute where I came from and what I am, and we're all part of the same Department.

MR. MORAN: Yes. And I've heard that a thousand times.

MR. HOLVEY: We all work for the same boss, and we're all about the same mission. And the mission is to have safe, secure, and orderly running operations and make sure every officer, every civilian staff member in our prison goes home safe every night. That's the mission.

MR. MORAN: And that sounds great. It's a good sound bite for the newspapers and things like that. But I want to, again, get back to reality and the fact that a lot of the things that we're hearing from you are not actually taking place. And we're going to get testimony from other individuals. But it just seems to me like it all sounds good that you come up here and talk about, "We share all this information--" And I really feel, honestly, and maybe I'm putting myself out on a limb here, but you're not being truthful with the Committee here. Because I've been in the inner workings, and I know the roadblocks that not only custody have, but also

some of your investigators who are at the institutions -- that there is an impression, statewide, that you have amassed this amount of power and you control the gang intelligence. And you say you have no power, you're just a trooper. But it's just, to me -- it's like this power base, that you seemed to have surrounded yourself with, is a breakdown. We are trying to kind of get through this barrier. And if, I don't think if you're going to give us truthful answers about how things are taking place, actually, in the institution, then how are we ever really going to get to the core or the problem with you?

You're saying that this information is being shared at these institutional committee meetings and that's -- and nothing could be further from the truth. You're telling me that you show up and every officer sits around, in an intelligence committee meeting, gets the stack of every gang member. I've seen them, okay. I've seen them from afar. But you disseminate that to every officer that sits at Institutional Intelligence Committee meetings?

MR. HOLVEY: If -- you work at New Jersey State Prison, right? So you're telling me that right now, when you leave here, leave this building right now, that you can't go to our office at New Jersey State Prison -- Investigator Dolce is the intelligence officer there -- and ask him if you could please view the gang list at New Jersey State Prison, that you couldn't do that?

MR. MORAN: That's what I'm telling you.

MR. HOLVEY: Well, I'm telling you that you could.

MR. MORAN: And I'm not telling you it's just at Trenton Prison. I'm telling you it's all over the place.

MR. HOLVEY: I disagree with you. I'm telling you that you could.

MR. MORAN: That's why I feel that we're really -- maybe-- I'll just move on so we can get some other testimony.

ASSEMBLYMAN VAN DREW: Thank you, Mr. Moran.

Mr. Vineyard.

MR. VINEYARD: You testified that the gang unit works really good. But then you also stated that there's no documentation on if the inmates actually go back to the gangs. So how can you say it's working great, and there's no backup?

MR. HOLVEY: And you want me to -- okay. To answer that question, I guess I would have to explain to you the theory behind the Security Threat Group Management Unit, okay? We offer a program called the Security Threat Group Management Unit. It's a program. It's not a punitive sanction. The inmates who participate, not willingly, in the program, don't do it again -- don't do it willingly. So the chances, in working with adult offenders at the stage that we -- not only adult offenders, but adult gang member offenders -- the chances of making them ex-gang members are pretty slim. Okay? When we developed the Security Threat Group Management Unit, we knew this. We did not -- our goal, and this is sometimes hard for the general public to understand, but our goal was not to make ex-gang members. That's a secondary -- that would be kind of a secondary benefit that we would get out of this. Our primary goal for establishing this unit was to have safer prisons. And in that regard, it's very effective.

MR. VINEYARD: My next question is, SIG -- do they tape the telephone conversations between the inmates and whoever they actually call? Do you tape it and do you monitor it?

MR. HOLVEY: I don't think that that's a question I should answer right now.

MR. VINEYARD: I just know that the Federal Government -- they actually tape and monitor it. I just didn't know--

MR. HOLVEY: I'd be happy to speak to you privately about that.

MR. VINEYARD: Okay. Okay, that's it.

ASSEMBLYMAN VAN DREW: Thank you, Mr. Vineyard.

And thank you. Thank you for being here.

We are going to take a very short -- very short -- recess. Nobody is going to go outside to see the activities in the front of the State House. We're all going to stay here and take a break, and we'll be back within 10 minutes.

RECESS

AFTER RECESS:

ASSEMBLYMAN VAN DREW: I call the meeting back to order. I know it has been long so far, but I think very productive. I think the testimony was very useful. And for that reason, I am glad that we did spend the time that we did.

Before I call more witnesses up, we may group a few people together, and if that -- I think will work, as well. I'm going to ask the Committee -- and certainly we'll stay here and go as long as we need to -- rather than me -- I've asked each person if they have a question, at this point that we're going now, if you have a question, if you could just look towards me and tell me that you do, that's fine. And certainly we'll entertain that question. If you don't, don't feel that for each and every witness you must have a question. If you don't have a question for that witness, that's fine as well.

We're going to try to limit the other witnesses now to 15 minutes duration for each one of them. And again, we may bring a few together. If there's something important and we need to go longer than that, we will. We're not going to shortchange anybody.

With that, I know that Richard Norcross is here from the Camden County Prosecutor's Office. And I believe he has been up and has had a very long night. So we did want to move him forward.

For God's sake, you need some sleep, right?

RICHARD NORCROSS: Yes, sir.

ASSEMBLYMAN VAN DREW: I appreciate your being here. Thank you.

MR. NORCROSS: My pleasure.

ASSEMBLYMAN VAN DREW: Do you have a statement or are you ready just to go into questioning?

MR. NORCROSS: I just had one statement. My name is Richard Norcross. I'm the Commander of the Intelligence Services Unit of the city and county of Camden. I'm also the national President of the East

Coast Gang Investigators Association. I'm also a policy board member of MAGLOCLIN. I deal with intelligence-related issues full-time. This is my job. This is what I do.

The one thing that I need to point out to the Committee is, there is no such thing as a perfect intelligence system and there's no such thing as a perfect intelligence network. There probably never will be. The key to remember is that intelligence is an evolving process. It's a living, breathing thing that we need to constantly maintain and constantly move forward and look to improve. And I'm glad that this body has been brought together, because the key goal of intelligence in law enforcement, in my opinion, is officer safety. And this Committee appears to be brought together to meet the age-old issue of getting information from the top to the bottom.

When I was a patrolman, I felt we didn't know everything. I'm sure when I speak to the COs, they don't know everything. And it's been an age-old issue of how do we get the information from the top to the bottom. And in Camden County, we've made a lot of steps and strides in that direction, however there's always room for improvement. And that's my opening statement.

Thank you.

ASSEMBLYMAN VAN DREW: Thank you, Mr. Norcross.

I will look to the left first. Questions for Mr. Norcross?

MR. RIEBE: I have several questions for you. You are with the Camden County Prosecutor's Office, correct, with gang intelligence?

MR. NORCROSS: Yes. We do general intelligence. We do all intelligence, such as gang. We take an all-crimes approach. We also handle homeland security issues.

MR. RIEBE: Okay. You have a number of people working with you, or under you, or--

MR. NORCROSS: I have a nine-member staff: I have four members of the Camden County Prosecutor's Office -- one agent, one senior investigator, one analyst; I have two members of the New Jersey National Guard -- their Counter-Drug Intelligence Program; I have one Corrections officer, who is cross-sworn as a county investigator; and I have a Camden City detective assigned to my unit; and we have a New Jersey State Trooper, who is assigned to our unit.

MR. RIEBE: And in your department, how do you go about gathering your intelligence? Do you -- just off of the streets, or do you utilize other agencies?

MR. NORCROSS: We have a multitude of ways that we gather intelligence. We gather intelligence from officers. The way we gather intelligence from officers -- we will gather intelligence from officers utilizing technology. Officers have enough paperwork to do. They don't need another piece of paper for me to shove under their nose. So what we will do is, we will get officers to e-mail us copies of their reports, e-mail us information. And we will then take that information, take that e-mail, include it into our intelligence system. That's one of the ways that we gather intelligence.

We gather intelligence by interviewing people. Last night I was interviewing a subject until the wee hours of the morning. That's why I'm a

little tired today. If I fall asleep, I apologize. But if -- we gather intelligence from interviewing these people. We gather a wealth of information from within the Camden County Department of Corrections. We have an outstanding working relationship with them. We gather a lot of information from the New Jersey Department of Corrections. We're in contact with Investigator Holvey's unit. We're in contact with Riverfront State Prison, which resides in our jurisdiction. We network with a multitude of people. We have public sources of information that we take, and we have civilians who contact us and give us information, as well as our own sources and our own informants that we have.

MR. RIEBE: Do you utilize some sort of statewide system, as well, to gather information or intelligence?

MR. NORCROSS: What we use -- what we use locally, is we use a system that's called PRO & TEL II (phonetic spelling), and that's a customized database that our unit created to answer the unique intelligence needs of our jurisdiction. We work countywide, but a bulk of our duties and responsibilities lie within the city of Camden, because of the violence and the gang activity that centers in the city of Camden. So our database was created to answer our day-to-day needs. And I'll get to our day-to-day needs in a minute. But we use that as our focal point database.

Now, that database is attached to what's called DIGS, which is Digital Information Gateway System, and that is through the Philadelphia/Camden HIDTA. And the Philadelphia/Camden HIDTA has this DIGS system, which is an overlay program, which data mines intelligence systems and, in essence, connects intelligence networks on both sides of the Delaware River that are part of the HIDTA Project. So we are

able to share information with our Pennsylvania counterparts, as well as our New Jersey counterparts, that are part of the HIDTA center.

In addition to that, the New Jersey State Police -- and I've heard many comments here about statewide intelligence sharing, statewide intelligence databases -- the New Jersey State Police and the New Jersey Department of Criminal Justice have created a system called the Statewide Intelligence Management System. SIMS is what it's called. It's also called Memex. It's a computer program that is going to be the statewide intelligence network. Right now, it is still in its infancy stages, and the New Jersey State Police will concede to you that it's in its infancy stages. But this statewide system, eventually what it's going to do is, it's going to allow for all of the intelligence databases that currently operate in the city, in the counties, and in the state to connect to one another.

Currently, we have to do a manual data dump into that. Your Internal Affairs Unit has dumped all the data that they have into the Statewide Intelligence Management System. We have dumped a great deal of data into this system. We are one of the first counties that's going to be tested for the live attachment to the statewide intelligence system, and we're looking forward to that. And it's all going to connect. And what that's going to allow is, it's going to allow us to connect Camden to Newark to Irvington to the entire state, and the Department of Corrections to connect also.

What we've worked for at a great deal in our unit, at least, is to break down the barriers between Corrections and the road. In my estimation we're all cops, we're all on the same side. I don't differentiate between the two. So we need to share the information amongst one

another. This statewide intelligence system, this SIMS, once it's finally constructed and once all the bugs are worked out, is going to answer that need of sharing information. There will always be a place for the local intelligence database to answer the local needs, but this statewide system will eventually answer everyone's needs.

Now, the statewide system, currently, is free of charge. It's up to the administrator of your facility. It's up to the individual chiefs of police. It's up to the individual agencies to go to the State Police at this time and say, "Hey, we want this system in our facility. We want these people trained." And you have to make the commitment to have the software installed and you have to make the commitment to have the personnel trained. And then, once the personnel are trained, there's levels of security: whether they can just read, whether they can just query, whether they can actually enter intelligence data, and things of that nature. So that statewide intelligence system is one of the projects that we participate in. And that system, I think, if it comes to fruition the way it's been put out on the whiteboard, is going to answer a lot of the needs of getting this information to where it's really needed -- and that's the guys walking the floors and the cops in the cars. Eventually, they're saying that it's going to go down to the MDTs, where the mobile data terminals will be able to access this system, which will be a tremendous asset for the police officer on the road. And I would assume that that same access will be granted to the officers inside your facilities. But again, your department is going to have to make the commitment to purchase the equipment that's needed for that type of system.

Did I answer your question?

MR. RIEBE: Yes. Yes, you did.

MR. NORCROSS: Okay.

MR. RIEBE: I really appreciate that; and you being here today, too, by the way.

MR. NORCROSS: Not a problem, sir.

MR. RIEBE: Thank you.

LIEUTENANT PAGLIONE: Mr. Chairman.

You mentioned 28 CFR 23 before. What regulations do you follow regarding your intelligence system?

MR. NORCROSS: We, as intelligence officers, we have to follow a very set guideline of intelligence information, how we gather our intelligence, how we store our intelligence. There's two guidelines we have to follow -- 28 CFR Part 23 is a Federal guideline. That Federal guideline came about as a result of the COINTEL operation conducted by the Federal Bureau of Investigation during the Vietnam conflict where, basically, the Federal Bureau of Investigation was collecting intelligence data on citizens of the United States who were not committing crimes. So as a result of that, the United States Congress and the United States Senate enacted laws managing how we gather intelligence. We have to show that's it part of a continuing criminal conspiracy. We have to show that there's a criminal nexus before we can gather data on people. It relates on how we grade that data, how we secure that data, who gets access to that data. You have to show that a person not only has a need to know, but a right to know.

And there are issues with sharing intelligence amongst civilians and law enforcement. I, as a law enforcement intelligence officer, am not allowed by law to share certain aspects of intelligence with civilians. And

that's a Federal regulation, and it's a civil rights violation to do it, which means it's a civil rights fine. And the fine is \$10,000. And you, as an individual, are personally liable for violating that Federal regulation. So there is a lot of responsibility on the intel officers to make sure that they follow these guidelines. And it's really important we do that so that American civil liberties aren't impacted upon. As much as we want to track people and we want to know about criminals, we still have a Constitution in this country that we have to follow.

In addition to those guidelines, we have the New Jersey Attorney General's guidelines. And those guidelines also dictate how we gather intelligence, how we store intelligence, where an intelligence unit can be kept. It even goes into, specifically -- when Investigator Holvey said that his system is a stand-alone system, our intelligence database is a separate system from our office computer system. You cannot comingle criminal information and intelligence data in the same database system. It's a violation of the law. Now, if we can get a change in that law so that we can comingle that data, that would be something that we could explore in the future. But currently, under the law, we cannot comingle intelligence data and criminal data in the same database.

So these are some of the guidelines and the regulations that we have to follow and fall under.

LIEUTENANT PAGLIONE: And any other database that is created or -- would have to follow, should follow?

MR. NORCROSS: Correct. Any other intelligence database that's created has to follow that. And there's all types of checks and balances that are in it. For example, the criminal intelligence database has

to be reviewed every five years, and that information has to be reviewed. If it's no longer relevant, it has to be purged. It has to be completely destroyed, wiped clean. So we have, into our system, built in, where we can bring up all of our records that have occurred over the last five years, and share -- review that information.

LIEUTENANT PAGLIONE: Do you or any of your units' members conduct internal affairs investigations?

MR. NORCROSS: No, we do not. We have no contact with internal affairs other than I get the occasional visit. (laughter)

LIEUTENANT PAGLIONE: The last question is, how do you get the information from the top to the bottom?

MR. NORCROSS: We get the information from the top to the bottom in a number of ways. One of the ways that we do is, we're taking advantage of some of the technology that's out there and the initiative of a lot of the officers. We have what's called the *Camden County E-News Brief*. We prepare a weekly news briefing which categorizes a lot of criminal activity, as well as criminal intelligence that we can disseminate on a wide-scale basis. And we send that out via e-mail on a weekly basis, and we send it out to police officers, Corrections officers, probation officers, parole officers, chiefs, captains -- any law enforcement, we will send that news brief to. And they can have anything from -- we're looking to identify a shoplifter, to we're having a series of shootings in a neighborhood, to we're having riots inside the correctional facility, we're having fights inside our facility, we're seeing enhanced gang activity in this particular area, or it could be simply graffiti identification. We'll take whatever information we can, put it in that brief, and send it out to the officers.

Now, currently, we're at about 600-plus in the Camden County region that receive that directly. But that number isn't even accurate because we send it-- For example, we send it to one officer in the Cherry Hill Police Department. That officer then forwards it through the Cherry Hill intranet to all of the officers in the Cherry Hill Police Department. So then you have another 140 officers that are receiving this. And this document is printed out and shared at roll calls. And we provide that to as many officers as we can. Some officers, quite frankly, don't care, don't want to be bothered; they get enough, they don't want it. The officers that want it, we always encourage it. We give it to them. Yet, there's no charge, there's no fee, they get it every week without fail.

The other way we've done it is, we've started to network with the municipalities in our county. We had a choice with our intelligence database. With our intelligence database, we could open it up to everybody but, by the regulations, restrict the amount of information in that database to where it was really negligible; or we could train a contact, or a couple of contacts in each municipality, in the code of Federal regulations in intelligence, in the proper procedures, and then we give those access officers carte blanche access to our intelligence data.

Now, when we're talking intelligence data, we're talking everything from historical data to ongoing narcotics investigations. So there is intelligence information that's going across the gamut there. So there's a lot of operational security concerns there. So we have decided to, instead of giving a lot of people a very little information, we've decided to give a few people a lot of information. And then we make it incumbent upon those

officers to share the information amongst their departments. What we see is, we've gotten a lot of positive feedback.

We don't use internal affairs officers, quite frankly, in other agencies to share this stuff. We use regular detectives for the most part. We don't even have supervisors. They're regular beat detectives who are our intel guys. So they're not going to be conducting an internal affairs investigation. They're not in a supervisory capacity, so there's not that bridge there as far as a supervisory role goes. You always have to bridge that detective versus patrolman-type thing. But that's something that we have worked very successfully on. These are just a couple of the ways we do it. We also do it through MAGLOCLLEN projects. We're also very active in East Coast Gang Investigators Association, and we put a lot of information out through those programs also.

LIEUTENANT PAGLIONE: Thank you very much.

MR. NORCROSS: Yes, sir.

MR. BALICKI: I just wanted to know, are you familiar with the New World police information system, that some counties are using, that's being proposed in Gloucester County? I don't know if you had any--

MR. NORCROSS: The New World System, I believe, is what's used in Burlington County. And Burlington County has New World and that links all their police departments together so that they have a unified police reporting system. I believe it has an intelligence component to it, but I'm not that familiar with how their component is built into it. Many of the county prosecutors' offices use Infoshare, which is what we use. And the Infoshare module for intelligence is compatible with the other Infoshare modules, but the data itself is kept separate, if you're following?

MR. BALICKI: Okay.

MR. NORCROSS: They're all-- It's like an overlay system, but our data is in its own little separate can, and it keeps it separate from the other data. The New World System -- I'm not overly familiar with it, but I know that's it's being looked at by several counties.

MR. BALICKI: Thanks.

ASSEMBLYMAN VAN DREW: Just a couple quick questions I have. You mentioned the connection -- or actually, in comingling intelligence data and criminal data, and that there would need to be a change in legislation for that. Did I understand you?

MR. NORCROSS: Yes, sir.

ASSEMBLYMAN VAN DREW: Could you just expand on that a little bit?

MR. NORCROSS: Well, currently, you're not allowed to keep criminal intelligence information and criminal data in the same database.

ASSEMBLYMAN VAN DREW: And the reason -- is that a civil liberties--

MR. NORCROSS: It's a civil liberties, code of Federal regulations. It all falls into that 28--

ASSEMBLYMAN VAN DREW: It's Federal?

MR. NORCROSS: It's a Federal regulation. It's a civil rights thing. For example, if you run a criminal history on an individual, you will not get a hit back on a criminal history. It says that that subject is a gang member. Where if a Corrections officer or police officer runs a criminal history currently, it won't come back that the guy is a gang member. It will come back just as criminal history. So it would be possibly beneficial if we

were able to do a one-stop shopping search and come back with all that information at one time. But currently, you would require at least two searches, because you can't keep that information in the same compartment.

And even with our attorneys -- our attorneys at our office and at the Attorney General's Office -- have interpreted it to mean that we cannot, even in our case management systems -- Promise Gavel systems, our other case management systems that we use -- include gang information in the criminal case files, unless that information is part of the charge. If the person is charged under the gang statute, that would be different.

ASSEMBLYMAN VAN DREW: I got you now.

And the other question I had was, as you continue with this statewide system that's going to exist, and if I understand that properly, when it comes to its final fruition there will be a definite real connect between the cop on the street and the information that's on the very top when he needs to get that information. That's, hypothetically, what we're going towards, correct?

MR. NORCROSS: That is my understanding. I've sat on the Governor's Gang Land Task Force--

ASSEMBLYMAN VAN DREW: Right.

MR. NORCROSS: --and that is one of the ultimate goals of the SIMS system, is so that the cop on the street has that information.

ASSEMBLYMAN VAN DREW: Do you know or is there anyone that can tell me, are we ensuring as we go through that process that, without being duplicative, that the Department of Corrections is going to

be in the loop on that, is going to be utilizing that information to its fullest fruition, as well?

MR. NORCROSS: Absolutely. I am on the intelligence committee for the Task Force, and sitting on that committee with me are members of the New Jersey Department of Corrections, as well as several members of the county correctional facilities. And the goal is to eventually have this network where all the police departments, all the correctional facilities, State and county, are connected. We are even hoping somehow to bring the Federal Corrections in on this process, also. But that's a dream down the road. But currently, State and county Corrections are participating in this, and State and county Corrections are open to getting this system. And again, it's free of charge. The person who--

ASSEMBLYMAN VAN DREW: They are open to getting it. Are we getting it, are we doing it? Does anybody have the answer to that?

MR. NORCROSS: And this is a very new system. This system's only been out and operational for about a year now, sir, and it's still working out all the bugs.

ASSEMBLYMAN VAN DREW: Maybe we are, I'm not exactly sure, but -- this is not legislation that's needed. But I would suggest maybe it would be, whether legislatively mandated or just recommended, but that they should make sure that we are part of that system, obviously, and that we are getting that.

MR. NORCROSS: Absolutely.

ASSEMBLYMAN VAN DREW: It's wonderful that we can. But as administrations change and things change, I want to make sure that we absolutely are. That that's just part of the process.

MR. NORCROSS: And I know, with my conversations with Colonel Fuentes and Lieutenant Colonel Rodgers, who oversees the program, that Corrections is a big component in that.

ASSEMBLYMAN VAN DREW: Good.

MR. NORCROSS: And Corrections has already been a big supplier of that. Corrections, to my knowledge, is the single largest supplier of information of SIMS currently. Now what we have to ensure is at the facility level--

ASSEMBLYMAN VAN DREW: That's exactly right.

MR. NORCROSS: --they get access to the SIMS program.

ASSEMBLYMAN VAN DREW: And that's my point. I know at the upper levels -- I mean, all the way down to the facility levels, so that the Corrections officer, whatever the information is that he or she needs, that they're getting that information.

MR. NORCROSS: And I think that that's incumbent upon the supervisors at the different facilities to ensure that those systems get enacted. Because again, this is a free system.

ASSEMBLYMAN VAN DREW: Right. Well, we may have to mandate that. So that's a good point.

Thank you very much for being here.

MR. NORCROSS: Yes, sir.

ASSEMBLYMAN VAN DREW: I hope you get some sleep.

MR. NORCROSS: Thank you, sir.

ASSEMBLYMAN VAN DREW: I'm going to ask for four individuals to come up now -- Michael Mesi, Lou Hall, George Adams, and Donald Coughlan.

L O U I S H A L L: Chairman Van Drew? Mr. Holvey is not going to stay, maybe, if there's any questions? He's just going to leave, like the Senate hearing, for the ride?

ASSEMBLYMAN VAN DREW: He's done. Okay? I can't make him stay.

MR. HALL: Unbelievable.

ASSEMBLYMAN VAN DREW: We have two choices, and I'll leave this to the Committee. I have to have a very short, very important meeting in the back for, literally, five minutes. We can either take another five-minute recess or we can let the Vice Chairman go forward with the line of questioning.

MR. RIEBE: I'd rather go forward with the line.

ASSEMBLYMAN VAN DREW: Okay. I'll be right back.

MR. RIEBE: All right. Again, I'm going to start out by asking whether or not you have any statements that you'd like to open with. We'll start with Mr. Coughlan, from the end.

D O N A L D C O U G H L A N: Yes, I do.

Don Coughlin, Corrections Captain, currently assigned to Southern State. I'm appearing here today as Vice President of the New Jersey Superior Officers Association, Captains Unit. And first, I would like to say that my Association does support the three recommendations as read by Assemblyman Van Drew at the beginning of this Committee meeting. I'd like to see all of them pushed through.

My membership has asked me to come here today and speak about what we consider to be some problems with the intelligence gathering

information, and speak about the dysfunctional nature of the institutional and department intelligence committees.

We have concerns related to how the information is gathered, how it's cultivated. Currently, as we heard from testimony, the Department of Corrections' Special Investigation Division chairs the Institutional Intelligence Committees and runs things from Central Office. The complaint that came to me at my meeting, and was validated here today by the SID Investigator Clark, and even Ron Holvey, is that custody staff members are reluctant to forward information or contribute information to the process. They're reluctant because of, we'll say, I guess, the secret and sometimes ill-conceived antics of the investigators in the Special Investigation Division in relation to staff investigations.

Basically, if you look at the history of internal affairs in our department, I believe it was the very early stages of the Fauver administration where the Internal Affairs Department was created. And the idea was to have a separate and distinct unit outside of custody to investigate custody matters -- of complaints against custody. And you needed a separate impartial unit to ensure the integrity of the investigation. And then through the years, Commissioner Terhune came in and changed the title to Special Investigations Division. So if you remember that--

Now, if you look at how intelligence was gathered -- basically, in our Department at Southern State, in the early '90s, an Institutional Intelligence Committee was created. It was a custody-based committee. Mr. Balicki was part of the committee, had a big input on the committee. Basically, this committee met and it was comprised of custody people on various shifts, and you had a daily interaction. And you would have a

meeting weekly or biweekly. And the internal affairs was a component of the committee, basically to do mail cover or things of that nature, and that was very limited.

Well, in 1994, Mr. Holvey came to Southern State to review what we were doing, because the Department was looking for some kind of standardized mechanism. And Mr. Holvey took Southern State and decided that would be the model for the Department of Corrections. And it was a good model in '94. But as time went on, the model got somewhat perverted, and it was a steady move from custody to an internal affairs-based unit. And that's the problem with the model. Basically, the model now has become a self-perpetuating model.

I mean, if Mr. Holvey, here today, testified that he believes there's an information exchange problem -- and Investigator Clark testified -- and then when asked a solution, the solution was, "Well, we need to hire more investigators," well, I don't think we need to hire more people for us not to talk to. It's kind of senseless to me. It proves to me that the unit in place now is more of a self-serving, self-promoting unit, not really that concerned with intelligence for the line staff. And that's a big problem.

Getting information to the line staff -- now, Mr. Holvey testified that he's been in the process for about three years of developing a computer-based network that's going to be God's gift to Corrections, more or less. Well, I'm going to ask the Committee: What would we do if Bill Gates was never born? Okay? We used to run down to the hardware store and maybe get a magnetic board and put some information up there, so we can see it. We don't need a computer. We don't need a screen to facilitate information to the staff. There are many, many ways to facilitate

information to the staff. If I'm Chairman of the intelligence committee and I have all this information and it's very important that it has to get out there, and it could wait three years, come on, there's a problem here. There's a real problem here. And this is why people are getting hurt.

The recommendations I would like to give out to the Committee would be that the system has to be simplified. We've had testimony that there's information at the facility right now. Okay? But the line staff knows that this information does not get to the line staff, but it's there. So where's the disconnect? Well, the disconnect is the information is out in the Special Investigations Division. So first and foremost, we have to take the information they have and simplify it. There's models out there you can look at. I've been to the Federal prisons in the State of New Jersey and other states. And simple things like, what are you going to have in the computer? Well, let's put that up on a magnetic board where staff has some access. And for issues of confidentiality and the law, I don't think they would apply here, because this information is available to the custody staff now. There's just not a means of facilitating it until this great IT people come along and design the program. Well, let's get it out there now. It's very simple. You can -- and it's necessary. It's necessary for the custody staff. It's necessary for the safety of the population. When you go and put a member of one gang in a cell with two or three members from another gang because the officer does not know of the gang affiliation, because the housing sergeant does not know of the gang affiliation, you have a problem. So the inmate is injured. So there's an inmate safety issue. The staff have to respond. They get injured. There's a potential for blood and body fluid exposure. It's all unnecessary.

The information is in the Department right now. Another mechanism you may or may not be able to use is the Classification Department. We have a face sheet on an inmate. We put on there security threats: is he an escape risk, does he have an assaultive history? And Classifications makes assignments and treatment programs based on that. Well, why can't we add some kind of gang affiliation for housing assignment, work detail assignment to make our job easier, to let the Correction officer know what's going on? Very simple stuff, very simple stuff, and it could be done in a very short period -- amount of time. But we're empowering the Correction officer. We're taking the power away, knowledge is power. We're taking the power away from Central Office. We're taking the power away to make the phone call, that we need to know this information. So I guess that's the agenda of some people in this Department.

Lastly, we need to create -- well, it's not lastly, because I'm somewhat long with it -- but we need to create a dedicated custody-based intelligence unit like we had at Southern State in '94, like the model was originally designed, where custody interacts with custody on a daily basis and facilitates the information up and down the chain of command. Special Investigations already testified that an unspecified amount of information does not go up the chain of command due to their adversarial relationship with custody. And the old adage is, what goes up must come down. Well, that's not true either. Because the information that does come up, doesn't come down. This must be the one exception to that rule. So you have to take them out of the mix. They're fine to do the mail cover and duties specifically designed for the Internal Affairs Unit. But if they wanted to do

custody duties, they should have never left the custody ranks. And that's the bottom line here. They want their little title and they want to do all the custody duties, and it just doesn't work. It simply doesn't work.

And this is lastly. I think we have to expand the STGMU unit. Now, there's vacancies in the STGMU unit, but there's gangsters in all the jails. And when we have a thing, like Mr. Balicki mentioned earlier today, about four or five guys at a facility creating a problem that is security threat group-based, what do we do? We move them to five facilities. Well, what's to prevent us from-- Maybe the STGMU we have now is for core members, leaders, but maybe we can create a step-down unit or a step-up unit for validated members. Because once you're validated, you need the treatment, too. And you need the treatment so that you're not a threat to the other inmates in the institution and so that we can return a better product to the community.

What are we doing with the validated member? We're warehousing him until we can send him back out to where he came from. And are we fulfilling our obligation to the community? No, we're failing there. But I guess there's no glory in that, so that's not something that we're currently looking at. But that's something we should look at for community safety and for institutional safety.

I think what it comes down to is, if the basis of the intelligent unit is not changed that, due to the credibility issues with the Internal Affairs Unit, that the system is never going to work. So you have to address that, first and foremost, and simplify how the intelligence is sent back to the line staff. It's that simple.

Thank you.

ASSEMBLYMAN VAN DREW: Thank you, Mr. Coughlan.
Mr. Mesi.

MICHAEL MESI: Yes. A few things I'd like to say is, number one, we don't get the information. But what I really want to touch on is the gathering of the information. What you need to realize, expressly for the non-law enforcement members of the committee, these line officers in these institutions -- they're your best and they will always be the best source of information you can get. These guys spend eight hours a day on the tier, on the cell block, five days a week with these inmates. They observe everything, they see everything, they know everything that's going on. They know who is interacting with who. They know where the power shifts are. And part of SID's gang intelligence group there is not only to identify inmates, but it's also to quell disturbances and problems before they happen in the institution. So your best source of information would be those line officers.

Well, I've got 23 years in, and what you have to understand is, Internal Affairs -- one of their duties is to investigate inmate allegations on staff. And contrary to what Mr. Holvey said, it takes up far more than 20 percent of their investigations. I'm also the unit rep for lieutenants at Bayside State Prison. And there's not a day that goes by when staff aren't out there, as it should be. Their interrogation techniques can become a little bullying, a little harsh at times, so you build up a resentment with custody and SID. And that's been there since I've been there 23 years. It's never going to change. You're never going to have custody staff volunteer information to them. I don't figure we're ever going to have them work in an equal relationship with them. It's just not going to happen.

Investigator Clark -- he conducts investigations on officers, and they're not going to share information with them. And these line staff officers are where you're going to get most of your information from, especially when it comes to quelling problems before they occur. Now, if they're not getting information from line staff, that leaves inmates, as Investigator Clark testified. That's their next source of information.

Well, the problem is, when inmates are contacting the SID unit, inmates are very manipulative. Now, they know that these individuals in SID do not work inside the jails. They contact SID. They give them information. What people don't realize is, a lot of times they're giving them false information, because they're trying to knock somebody out of the picture -- maybe that has a little bit more power than they do, maybe belongs to a rival gang, maybe this guy is selling more drugs, he needs to get a piece of the action. There's no way for SID to check up on the allegations that the inmates are giving them, because custody does not cooperate with them. And they do not work in the jails. So now you're having inmates giving them information that for all purposes -- and I've seen it time and time again -- they're getting manipulated. And there's no way to cross-reference that.

That brings up the second problem. If custody had an involvement in this, it's just a simple matter. Here's the people that are working out there with these inmates every day. They're the ones that gather the information. They're the ones that the information needs to go to, not somebody who sits outside the facility, doesn't know who's who. It's just a flawed system. Something needs to be put in place that custody has a say in. The information needs to flow to custody, and then the

information can flow to SID. But we have to form the nucleus of that first. And the main reason is not to identify these gang members, but to quell disturbances before they happen. Like I said, it's just a flawed system.

The other thing that I found -- in fact, I found amusing -- was when they stated that we're sworn peace officers. We are not mall guards. Okay? Why can't we partake in the information that they're gathering? We're the ones out there putting everything on the line dealing with these people -- we can't have this information? It's different on the street. On the street, you have officers and everyday people who are walking around on there -- we're self-contained. We're facility. Why can't we know who the problems are, what they belong to, and what's happening? All the inmates know who each other are. The head Crypt knows who the head Blood is. They know who the second in command is. The secret's on us. We can't know? The inmates know, and we don't know. It's a flawed system, and the whole thing needs to be revamped. And that's basically all I have to say.

ASSEMBLYMAN VAN DREW: Very good.

Thank you, Mike.

Lou, Lou Hall.

MR. HALL: My name is Lou Hall. I'm a retired Lieutenant from Bayside State Prison -- retired with 28.5 years in. My last 10 years was first shift, shift commander at Bayside. Also, I was the first shift, shift commander at Northern State Prison in Newark.

And a couple of things I want to touch base on is basically to get a little deeper into what Lieutenant Mesi was talking about. And this is, in my 10 years as a shift commander, numerous officers are put in, through

myself -- I forward it to the captain, it goes to the chief -- for training, to go to different schools, whether it be drug school, gang schools. I never saw one gang school be approved to go to for any of the line staff or supervisors. Used to be able to go to drug schools -- that now has been nixed off because of the overtime. Also, in my 28 years, I have never had gang training, ever, not one day. Okay? They may be doing it now in the academy, but no one in Corrections, in custody, is getting gang training. Okay?

And a couple of things I want to point out, that Mr. Holvey said, was that the information was being funneled down through these meetings they have. Well, as a first shift, shift commander for the last 10 years, I've never seen one of these lists that they're referring to. Now, if I'm a shift commander, and I'm not pertinent -- I don't have that pertinent information for my access, okay -- they don't even give it to me, well how in the heck is my line staff, my sergeants, my officers, how are they ever going to get to see them? They don't trust me with it, then who can you trust? Okay? That's number one.

Number two is, as far as what Lieutenant Mesi stated about the trust, the line officers don't trust Internal Affairs. I'll give you one example. It's a little off base, but just to give you an idea for those who don't understand how Internal Affairs works. Some officers cultivate their housing units, they have rats. And they'll get information from these rats, and they'll make some drug busts. Okay? When the charges are written -- who's up in the disciplinary process for the inmates -- well, then it gets to IA. IA then calls you in. They want the name. We don't want to give up our names to Internal Affairs -- the guy is working with our people. Well, Internal Affairs then goes to the administrator, we're then ordered to give

the names up or we're going to be disciplined. And the reason why the inmates don't want to work with them is because they threaten them, when they stop giving information, to transfer them out.

Our people look at it as, if we can get three busts out of them and then they don't give up information anymore, three busts are better than no busts. So the inmates always ask -- the first thing they ask is, "Please don't give my name up. If you do, I won't give you anything else." And in the end, we get a few busts out of the guys. IA takes the names, they put pressure on them, the inmate clams up and he ends up getting moved. He gets shifted. That's just an example of how they work with the inmates, why inmates don't even want to deal with them half the time. Usually they're just in note forms, a lot of them anonymous. And like Lieutenant Mesi said, they came and investigate him because they don't work inside the institutions. They only have one thing, and that's the line staff that gives them the information.

And for Mr. Holvey to say that it's being funneled back down-- I don't know where it's going, because it never went to me and it never went to my line staff. Okay? And Investigator Clark also said something about, there was a list on a hot board. Well, the hot board is in Center Control, and that's under my control for the last 10 years. There was never, ever, no gang list on the hot board. I believe Lieutenant Riebe took my place as the shift commander after I retired, and I'm sure to this day there's no gang list on no hot board.

MR. RIEBE: No. We do have a list which is compiled by custody, that we utilized our own information intelligence for.

MR. HALL: Right. But I'm talking about the one that Internal Affairs states that they share with custody. Is it in Center?

MR. RIEBE: Right. We do have that in Center for -- and that's something that custody took upon themselves to do, so that the information can be shared or accessible. But now that's only in our institution, that's not statewide.

ASSEMBLYMAN VAN DREW: Is that coming from SID, or is that something you--

MR. RIEBE: It is taken from information that we have gathered, custody, utilizing some information from SID; but for the most part, it is our intelligence. And we do share our intelligence with SID.

ASSEMBLYMAN VAN DREW: Which is the point. Just from an outsider -- and then I'll let you go on -- it seems to me that there's this -- I hate to use this term -- *haphazard way*, like you guys are doing it now. It might not have been done before. People come and go. There should be a system in place that mandates that this happens all the time--

MR. HALL: Exactly.

MR. RIEBE: Exactly right.

ASSEMBLYMAN VAN DREW: --regardless of whomever the Commissioner is, who's ever in charge of SID, whoever happens to be in charge of the board, whatever. This system should always be there, not in this haphazard -- it may or may not be, or it might be there because you guys compile it, but another institution doesn't.

MR. HALL: To finish up, the main thing I wanted to put out to this Committee today is that -- there's two points I have to make. And that is, number one, you have to try to push to get trained for Corrections.

Mr. Makara said that the civilians are getting training, and that's a good thing. He explained that one of the things that -- how they get to do it is they shut down the details in order to -- so they can go to these trainings. And they do need the training as well as custody do. They work around inmates too, they need to know these things also. And they bring a lot to the table also. Unfortunately with custody, because we're essential personnel, we don't get the training, because it costs overtime. Everybody knows with overtime -- you say that dirty word in Corrections and everybody freaks out. But you have to try to get training, whether it be the 40-hour training a year, eight-hour -- you got to get something, we got to get something. Because nothing is coming to the table for the line staff.

And the second thing is what Captain Coughlan brought to the table -- is, the only way, in my opinion, you are ever going to change how information is put together is you need custody to take back the gang intelligence unit, so custody is working with custody. Because no one is ever -- I mean, to sit here and blow smoke up everybody's rear end is a waste of time, because custody and Internal Affairs are never going to work together. When we're all dead and buried, it's still going to be the same way. Because they investigate the staff. The tactics they use, no one trusts them, and that's the way it is.

MR. MESI: If the information is for custody, it only makes sense we should gather it. And since we're inside the facilities, we have the avenues to do that.

ASSEMBLYMAN VAN DREW: Do we know what other states do?

MR. HALL: I do not, no.

MR. RIEBE: We do have somebody right here on our own panel who can assist us with that, up in Connecticut.

ASSEMBLYMAN VAN DREW: And we can also just research it, as well -- not just what one or two other states do, but just in a broad level, what they do.

MR. HALL: And just one final note, I just want to point this out. It's very disheartening that Mr. Holvey and the people that came with him left before we got to testify, so maybe he could clear up some of these issues. To me, that shows me that he doesn't want to have to answer these questions. That's all I have.

ASSEMBLYMAN VAN DREW: Thank you, Mr. Hall.

George.

G E O R G E A D A M S: I'm George Adams, from the Department of Corrections at East Jersey for 20 years. The issue I'm about to testify on has to do with communication problems and the gathering of information. I work an ad seg unit, where everybody is sent with disciplinary problems. Classification will set a form up. It will list the name of the inmate, his state number, SBI number, and the amount of ad seg time he gets. That's it. That's all the information you have. Before the inmate gets there, he has to be housed -- getting a housing assignment. That's all done before he gets there. When he gets there, his classification folder is looked through by an administrator, or a lieutenant or a captain, to do a prescreening to find out what his charges are on the street, his sentence, find out what disciplinary charges he's coming to ad seg for, his assaultive history, his psych history, medical history -- whatever is in the CC folder -- and they can find out if he's an STG.

The problem hasn't happened yet, but it's come close is, they're about to put a guy in a cell, like Mr. Balicki said, he's an STG Blood and he's scheduled to go in a cell with a Crypt, or whoever else. That is potentially dangerous for not only the inmate, but the staff that are moving. The question could -- clarify would be-- The sending institution should do some kind of prescreening, so before the inmate gets there, you're well aware of what the disciplinary history is, if he's an STG, so you know where properly to house. In the past three weeks, we've had, let's see, one Blood, one Ñeta, and one Latin King come. None of that was known until he was already here.

We had, let's see, three from South Woods come -- were scheduled to come as the sheet said -- three names, their ad seg time. Only two show up. Question on why the one was left behind. Our Center Control calls down and they say, "Oh, he's on his way." He shows up four hours later. That's all the information -- they say, "He's on his way." But yet, he was scheduled to go in the same cell as one of the other guys, but they were two separates and they fought together. None of the information is shared from the sending institutions prior to the guys coming. Why? If they did that prescreening and gave the disciplinary history, his background and everything, it would be a lot safer to place the guy in a cell, or to accept him because you know what the status is of him coming -- if he assaulted staff, also within three weeks-- If an inmate assaulted a staff at Bordentown, all we know -- he's on a trip sheet with two others from Bordentown. He's just PH emergency housing. We don't know why. We just know he has a charge. The information is not fully gathered and sent to, I know, our ad seg unit. It has to be the same way for all of them. And

that's very -- the situation could cause a major problem. And it's something as simple as -- that classification can do. Because they know days before when the guy is coming. We get the orders, but that's all we get. The order saying who, how much ad seg days he has, that's it. Why can't the sending institution provide the information and send it before the inmate gets there and arrives? That would protect the safety of other inmates and staff.

ASSEMBLYMAN VAN DREW: That's a good point.

MR. RIEBE: I'd like to ask a question for all the people out there, for all of you. Do you have any open line of communication between the different institutions? Is there any way -- or say, an incident occurs over in State Prison, Trenton -- do you know about what's occurring up there, whether it's a riot, just a major incident, a staff assault?

MR. MESI: We've never had that. Where they testified they faxed information out, we usually get it through the grapevine. We'll get a call from an officer who knows another officer, "Hey, did you hear what happened up at our facility today? Two inmates were stabbed." We never get that information. I've never seen one thing come over the fax machine addressing problems in another institution, especially gang-related problems that could potentially affect your facility. When the inmates hear that the Bloods are going off at Northern State, sometimes they might act out at another facility. We don't get that information, never have.

MR. COUGHLAN: I concur. There's no mechanism in place to routinely share any information between the facilities.

MR. RIEBE: So there is absolutely nothing at all in place that you can share information from -- or statewide, or departmentally -- there's nothing at all in place, nor any way now that it can be done?

MR. COUGHLAN: If you have the means and the ability to track down Ron Holvey once every other month and get an appointment in his office, you could probably look through a couple of books that look like bibles, but what use is it?

MR. RIEBE: Okay.

MR. ADAMS: The only thing about that information is -- that we get in ad seg -- is if that incident happened at 3:00 and they ship him out and we get him at 4:00, we'll know before he gets here. That's the only way we know prior to someone coming. If he assaults -- if there was a disturbance with three guys, or whatever, in the yard, a stabbing, that's the only way we'll know it -- if they ship that day.

MR. RIEBE: So you're not receiving the information prior to that individual coming up there? You don't know?

MR. ADAMS: No. And he's scheduled to come-- Let's say, they do classification on Friday or Thursday, and they have the moves from Monday, Tuesday, and Wednesday, and they have so many inmates coming from so many facilities, all you know is the name and number.

MR. RIEBE: Okay.

ASSEMBLYMAN VAN DREW: Thank you. Which is mind-boggling.

Any questions on this side?

Mr. DeBellis.

MR. DeBELLIS: Lieutenant Mesi, when you used to have Baker Unit open for an ad seg status detention, did you used to house a lot of gang inmates there, that were identified, to keep them away?

MR. MESI: Yes, there was gang members in there.

MR. DeBELLIS: So what has Bayside been able to do?

MR. MESI: We had to depend on the officers to ID them. We never got any information from SID, Internal Affairs, whatever you want to call them. We had to depend on the officers to ID these guys, to make sure we don't put two conflicting gang members in the same cell.

The information does not get back to us. It was just unbelievable. I apologize, because I snickered a couple of times in the back. But for them to sit there and say that it does, it doesn't. We get no information on gangs whatsoever. We get no training. But the most outrageous thing is information. And probably because -- why we get no information is because the officers are hesitant to give it up to them. They're probably not getting it themselves, the information they get off the inmates. It's like I told you, it's probably flawed.

MR. DeBELLIS: There's a lot of people in the audience here today that aren't familiar with situations with custody and SID, in terms of why one considers themselves night and the other considers themselves day. Is there any just quick example? And maybe Captain Coughlan--

MR. MESI: Well, some examples I have is, a lot of times Internal Affairs will have an informed officer -- will write him up. Charges disappear, and it also becomes bitter over that. You have false allegations put in by inmates, which happens quite a bit, the officer gets called out there. Like I said, sometimes they use harsh tactics to interrogate the officer, even though they know that it's a false allegation. You get bitterness there. Sometimes an inmate will drop a note in saying that an officer's life is in danger. In our facility, we don't do it, but in other facilities -- they'll just pull that officer out until it's investigated, allowing

the inmates, basically, to run the facility. It's manipulation. But it's SID that conducts that investigation, does that. Bitterness evolves there. You're never going to have a working relationship with that. It's--

MR. COUGHLAN: The relationship between custody and SID is one of, say, fire and water -- the two can't productively coexist. Either the water is going to evaporate from the fire or the water will douse the fire.

But for an example, I had a vacation day yesterday, so we'd have to go all the way back to Tuesday for an example of why we don't trust Special Investigations, but they happen on a daily basis. I was involved in an investigation on Tuesday where the Special Investigation and the principle investigator was producing documents that -- and was passing them off as authentic documents from the prosecutor's office, when they had no value or authenticity, once they were questioned. So then how do you go back and continue a productive relationship when the investigation is over the following day? It just doesn't happen. And unfortunately, that's fallen on the deaf ears of--

MR. MESI: And to make it clear, they do have their place. You do need SID. You did need a special investigations to investigate allegations on staff. But you can't have a working relationship between the two, especially when it comes to sharing information. It would be like me sitting here and accusing you of murdering somebody, and you did this, and you did that. I'd get all done beating you up, and say, "Hey, how do I get down to that corner restaurant there on the street?" What are you going to tell me? You're going to send me all around the other way.

MR. COUGHLAN: So as I said earlier, they were formed -- special investigations was formed to meet a certain need. And they

volunteered to leave the custody ranks, and so they should volunteer to leave the custody work behind, is what it comes down to. You can't have the best of both worlds.

MR. DeBELLIS: So as we heard from Mr. Norcross today, he testified that throughout his workings, they don't have SID, or he called them Internal Affairs, involved in his way of discovering information. So I guess we could agree here today that you agree with him?

MR. HALL: Yes.

MR. COUGHLAN: One hundred percent.

MR. DeBELLIS: And that Mr. Holvey also testified, "Just pick the phone up and give him a call if you need him."

Anyway, I'm finished. Thank you.

ASSEMBLYMAN VAN DREW: Thank you, Mr. DeBellis.

Mr. Makara.

MR. MAKARA: You guys are speaking for your union, I presume, right? Is that -- am I correct in saying that?

MR. MESI: No. I'm not here as a-- I'm affiliated with the union, but I'm not with the union.

MR. COUGHLAN: I speak for the union.

MR. MAKARA: Okay. Because of what you guys feel is irreconcilable differences between the basic operations of SID and custody, your answer to this is that the custody -- that the gang investigative unit would be better off disbanded and taken over by custody, and custody then does that? And therefore, SID, IA, however it is described, is completely separate. And then custody will now be doing all gang investigatory work. Am I correct in saying that, or did I gather that right?

MR. COUGHLAN: I think that's pretty much what we're trying to get across. It's a custody-based function, and it should be done by custody.

MR. MESI: And you're never going to get accurate information from an outside source. If somebody is not working with those inmates every single day and in there with them -- and that's us. That's custody. Why does the information have to get back to us? To protect us and the other inmates. If we're the main source, we're the ones that need that information, doesn't it make sense we should be the ones gathering it?

MR. MAKARA: And just as a follow-up, as union officials, you feel that the other way is not the best way either, is to-- Some of us, or some people have proposed that -- separate the gang investigatory unit from SID. You still think, because of the way that information is moved, that that would not be as positive a move, as opposed to what you guys are proposing?

MR. MESI: Well, how about we do it just the other way? We put custody in charge of it and we have members from SID -- we funnel the information to them.

MR. COUGHLAN: Maybe you're missing the point. Does this go on the record? Predominantly in law enforcement -- but I'll speak right for our Department at Corrections -- the custody line staff does not have a rapport or a relationship with the investigators in the Special Investigations Division, for the most part because we don't feel -- the people I've interacted with -- don't feel that they are credible individuals and don't feel they have much integrity when it comes to doing their jobs. So if you

remove them from that unit and put them in part of the intelligence committee, are we going to then interact with them? No.

MR. MAKARA: Okay. That's all.

Thank you. Thanks.

ASSEMBLYMAN VAN DREW: Okay.

Yes. Mr. Balicki.

MR. BALICKI: I'm going to put you on the spot a little bit here, and I'm sorry for that, but I just don't know how to do it another way. And this doesn't relate to Holvey and Internal Affairs or anything. This is a separate topic, but I think it's as important. Some of you were shift commanders when there were lineups. And I don't think that this process has yet explained to people who don't work in the prisons how important that lineup was. And the only thing, since it is playoff time of year, the only thing I can compare it to is, as a shift commander, you're the coach and you're talking to the team who's getting ready to go do battle. And really that's what you do with your officers every day. It is kind of a war with some of the inmates every day, because they're dedicated to defeating you. And so lineups got to be how you kept people up to date on who the leaders are, who's after you, who's mentally having problems lately, what officers maybe are not doing such a good job, and all these kinds of things. So would some of you, or all of you, or one of you mind explaining -- when you left that center control area as a shift commander and you went out to where the officers were waiting to hear -- just explain what happens and why, and why it's a good idea?

MR. HALL: Basically, Mr. Balicki is absolutely correct. I really didn't touch on the lineups only because they don't exist. They need to

exist. However, even with a lineup, if we're not going to get officers funneling more on this gang information, if it's not going to be given to us, then we still wouldn't be taking it to lineup anyway. Okay? First, I want to correct the problem on how we're -- to get the information on gang intelligence. And then, as Mr. Balicki stated, it does need to go to lineup. And what we would do is, when the lieutenants get to work in the morning or afternoon, you review the hot board, review all the last three shifts.

MR. MESI: Tell them what the hot board is.

MR. HALL: The hot board is all information -- it's an incident that happened over the last 24 hours. Sometimes up to 72 hours, depending on different jails -- do different ways. You would then review the hot board, all the incidents that occurred over the last 24 to 72 hours, get all the information passed on from the previous lieutenant, and then go out, get his shift ready for lineup, go over his schedule for the day, put the officers where he needs them, and then go out to lineup and share all that information. After the lieutenant would get done reading the roll call and read off the hot board, he would also let the other supervisors go down the line -- the housing sergeant, trailer sergeant -- depending on the institutions, they have different names -- and those supervisors would also kick out the information that they've been working on over the last 24 hours.

It would then be given to the officers -- do they have anything they want to put out at the lineup? So if you have 70 officers at lineup, you may have three or four guys who say, "Yes, I have a problem with gangs, or a problem with two guys in my unit. Just so you guys know, he works in the kitchen. He's been stealing." Or "These two gang members from A and C Unit have been having a conflict. You guys need to keep an

eye on him.” Now all the unit cops, all the supervisors, everybody’s aware of what’s going on and all that’s coming out.

As of right now, since the lineup was taken away, we don’t have any of that. All you have is the little bit of information that filters out through word of mouth at lunch, or before work, after work. That’s the only way it gets out.

MR. COUGHLAN: It would be very instrumental to bring them back, especially until we fix this problem with us getting information. Because a lot of times, what happens is, an inmate will be moved out of his unit to another unit, and at lineup he’ll let that guy know, “Hey, that guy is a lieutenant in the Bloods, and you need to keep an eye on him.” That would be very helpful if we could get the lineups back.

MR. HALL: I appreciate that, Mr. Balicki, for bringing that up.

ASSEMBLYMAN VAN DREW: Thank you, Mr. Balicki.

Mr. Moran.

MR. MORAN: Just-- As I talked to Mr. Holvey -- and I don’t know if any of you gentlemen have ever had the honor of sitting on one of the Institutional Intelligence Committees that Internal Affairs chairs, but the perspective that some people who maybe don’t know would be, like, anybody and their brother could just walk in and have a seat, and all of a sudden all this gang intelligence was going to be dumped into your lap.

For example, in New Jersey State Prison, the process was you had to be selected to get onto this committee. And what happens is, you have an officer, a supervisor, some people just have a knack, and they like the gang intelligence and like to get involved in it. So they take a liking to it, and they express an interest. They get on this committee and they

realize that it's, basically, a facade. And as somebody had talked about earlier -- I think it was Mike -- they don't even pay you, as far as you have to come in on your own time. The meetings take place after the shifts. So it kind of puts into character the priority level that they put on these committees. So if they're so important, then why do you hold it after the shift and require the individual just remain beyond his shift? If there was a higher priority on it, possibly you would conduct it during his shift. But nonetheless, the information in this database and all these information sheets of these gang members, have any of you had the experience of having that information shared with you? And if you could just kind of let me know, is this intelligence committee -- is your institution like mine was, whereas nobody could just have access to this? And just kind of shed some light on some of these things that were talked about by Internal Affairs, and kind of bring it back down into perspective.

MR. COUGHLAN: All right. Tom, as -- I'll take the first part. As I testified earlier, I was part of the committee that Internal Affairs came down and reviewed and based the Department's model on. We were the original committee. And I stayed part of that committee once the departmental model went into place. And after several years, I saw it go from a custody model to an Internal Affairs model. And as it went in that direction, the information going back to the line became more and more scarce, and it got into only a few people can have it, and you can call us. And they were the investigators on site, which was self-serving, because it did generate a lot of overtime for those investigators, because they had to be called every time there was an alleged gang incident or a possible gang incident.

I eventually left the committee because I made multiple recommendations over a period of years on ways to facilitate information to the line staff. And it was resisted every step of the way, just as it is today, where the people in charge look for legal ground to stand behind to resist giving anything back. And that's more or less what I saw again today. I know there are some legal precedents, but I think they're exploited against the correctional staff and against the line staff so that the people who have the information retain the information. And is that to make them experts in demand? I don't know their motivation. But as far as I'm concerned, it's very ill-conceived motivation. And so I did leave my intelligence committee for those reasons.

MR. MORAN: As did I. And like I said, most people that I know that were on it, they get so burned out and frustrated with it, that that's why the turnover rate is what it is. Because it's really a facade for the most part.

I'd like to thank you for answering the question.

MR. RIEBE: Could I interject something in there? And this is something that's become helpful. Over at Bayside, it's kind of changed a little bit. They had their Intelligence Committee where they work with the SID, allegedly, that comes in. I believe there's maybe a half dozen or a dozen members on that. At any of their meetings, you might find maybe a half dozen there. One of the captains, or security captain there, recommended that it's going to be changed over so that something would be done to get more custody staff involved. And one of the things that was done was to leave the Internal Affairs part out. And it jumped from

approximately a dozen, like I said, to I believe there was 45 at the last meeting that we had. I mean, and that was just the first one.

So you take the part where there's the animosity towards SID or Internal Affairs, you take that part out of the Intelligence Committee, and you'll find that more custody staff, or custody personnel, want to become involved. And we've seen that down at our jail in particular, because of taking them out of it. So you'll see more cooperation amongst the custody personnel than you would otherwise. So some food for thought.

ASSEMBLYMAN VAN DREW: Thank you, Vice Chairman.

Mr. Moran, is somebody still on? (referring to PA microphone)

There we go. Thank you.

Mr. Vineyard.

MR. VINEYARD: Is this thing working? (referring to PA microphone)

ASSEMBLYMAN VAN DREW: It should be. Press the red button.

MR. VINEYARD: It's not going on.

It's just really hard to imagine that with the fax machines, with the computers tied in from one prison to another prison, and we don't have one prison notifying another prison that there was a problem. That's one of the things that bothers me, that three, four days later somebody says, "Oh, yes, we had a fight and two officers got hurt," and the other prisons don't even know it. The e-mails and the fax machines are actually there, and there's no methods to actually communicate between one and the other.

MR. MESI: Well, it's a simple fix. All they have to do is start a central office. They get all the information. They immediately have to be called any time there's a problem in another facility. All they have to do is type up a fax, goes out to all the institutions to the center controls. It goes on the hot board, and that information will be passed along. It's such a simple thing -- don't have it.

MR. VINEYARD: It doesn't have it.

And the other thing is, these dormitory-type buildings that mostly all the prisons have. If you guys have gang members in there, but you don't even know if they are gang members, unless you have guys actually find that out personally-- I mean, the SID -- every 30 days they have this documentation. But in 29 days, nobody talks to you guys. Is that correct?

MR. COUGHLAN: Yes, 100 percent correct. And we've made suggestions, like I said earlier, to just put a board up, break down by housing unit, with the inmates picture and gang affiliation so that the officers will be cognizant and the housing sergeant will be cognizant of moving which inmate to what unit to avoid problems and conflicts. And it's pretty much been ignored.

MR. VINEYARD: If there was a method, and you guys know that certain inmates were gang members, would it be better to put the gang members into a dormitory, or was it better to put them into one single main cell?

MR. COUGHLAN: If they're gang members and we have a model in place, such as STGMU, for treatment -- where we've already determined that these people need treatment, the best course of action

would be to funnel them to a treatment facility. And it might not have to be as intense as STGMU, but they should be getting treatment. So they should be funneled to a facility somewhat like STGMU so they can deal with the issue at hand.

MR. MESI: And you have to keep in mind, with what Investigator Holvey testified to -- he himself said there's over 5,000 validated gang members in the prison system in New Jersey. The STGMU unit holds 320 inmates -- very inadequate.

MR. VINEYARD: My last question is, do we have to propose a bill to have the correctional line officers to handle the gang activities? Because if you get another commissioner, and then three years later you get another commissioner, they may change their views on this. Would a bill be the way to go with that?

ASSEMBLYMAN VAN DREW: I believe it would. I don't mean to answer for you guys -- you say what you think -- but I think the point of what we're doing here is to try to put a system in place. And this is not going to be easy, by the way. It's not going to all happen at once. But if we get a series of recommendations that I believe will last throughout the years, which I don't know if this had been done-- That's why I was so -- and I don't mean to digress, but just for a second, Fred -- intent on doing this. Because by the time we're done, even though things will change -- administrations will change, commissioners will change -- we're going to have, set in perpetuity, in essence, because the transcripts are always going to be there, and these recommendations are always going to be there -- something that we can come back to, most of which -- now, some things

change, and it's a dynamic process -- but most of which is going to be good. And it's going to have value.

Since I have digressed this far, I think one of the problems is that -- unfortunately, I don't know why this is; it's in government and it's at all levels, and the worst level I've seen it at is in Corrections -- we just don't seem to listen to the people who are involved and know the most. I have absolutely no idea why we do that. Sometimes we do it with teachers in education, but not to the level that it is with all of you. A lot of the things that you're speaking about here are common sense. I don't know a lot about Corrections. I just learned a lot more in the last few years, but it's all commonsense stuff, most of it. And it's something that should be done. So I think that we should try to do it legislatively.

Because as you said, Fred -- you know what? -- administrations come and go. You have the commitment of one particular commissioner. There are good commissioners and there are bad commissioners. We're going to get more good ones, and we're going to get more bad ones. That's the way it is. That's the real world. So we have to do our best to try to put something that's going to last forever.

That's my answer. I don't know what you all have, but--

MR. RIEBE: We agree with it.

MR. HALL: No. God bless you.

MR. COUGHLAN: It sounds like the answer.

MR. VINEYARD: Okay. That's it for me.

ASSEMBLYMAN VAN DREW: Thank you very much. It was very good.

MR. HALL: Thank you.

MR. MESI: Thank you.

MR. COUGHLAN: I just have one final comment, because you're trying to search for what the problem is. And we had the person today, like Lou said, that's in charge of the gang units, and you have a subcommittee, or you have a committee here, a Task Force, trying to figure out what the problems are. You would think the person in charge would want to stay around and hear some testimony just to get a flavor or what might be going on, just to catch some criticism of what maybe he could improve or not improve. And I think that his walking out is indicative of the whole problem.

ASSEMBLYMAN VAN DREW: Every day I make mistakes. The mistake I think I made today is, I should have had all of you come first and him come second. But, it's history.

Thank you.

If Sergeant Walter Wronink could come forward, and Donald Dudich and Scott Derby.

Do any of you have anything prepared you'd like to say to begin?

Sergeant begin.

WALTER WRONINK JR.: I do. I have some-- I'm ready.

How's everybody doing this afternoon? My name is Sergeant Walter Wronink Jr. I'm from the Cumberland County Department of Corrections, Special Investigations Unit and training department. We're kind of unique. We, basically, are like the Special Investigations Division, but we are incorporated with the training department. We actually do all

in-house training also at our department, and we do all in-service training. We also provide training at the Police Academy too.

And further, we oversee the gang training at our facility. We also oversee our gang intelligence unit at our facility, and that is comprised of, basically, correctional line officers, staff that actually gather our information. And they actually put the information together. They identify the gang members, basically on the same system that the State system does. We just change the letterhead, basically, on what the State identification system is -- the criteria is met by the State DOC.

From there, we oversee the department, so we get the information and we look at it, just to go over it and make sure it was done correctly and everything is proper. After that, how we disseminate the information to our line is that we have a board at our central unit. Every inmate that's identified as a gang member is placed in a certain color on this board, and the name of the gang they belong to. We have other gangs besides just security threat groups. We have 30 Deep, Southside -- these are our main problem gangs, which are local gangs. They're local teenagers, local adults that have street wars that flow into our correctional facility.

The other way we disseminate information to our line staff is we have a CCIS database -- County Correctional Information System, which is a statewide system -- recently has an STG screen placed into that system. To this date, I don't believe all county correctional facilities are utilizing the system, but every county facility has access to the system. And that's one of the ways that this information could be shared, through this system. When we have a State inmate who is going to be transported to State Prison, a copy of that CCIS STG screen is printed out and is placed

into their package that is sent to them -- to CRAF -- to make CRAF aware that they are STG-identified by our department.

To date, we have not received any of the SID detectives or investigators -- call us in regards to any information on signed admission sheets, anything of that nature, to these STGs. They just use our initial information, from what I gather, that we identify them as an STG. And then they further do their own investigation to identify them in the State system.

We also share information with outside agencies on a constant basis. One of the ways we do that is, we have a detectives meeting every month, set up through our prosecutor's office. During those meetings, we share all gang activity inside the facility with all the outside detectives from all the local PDs, State Police, prosecutor's office. I'm also in constant contact with the FBI, the State Police Gang Unit, other county correctional facilities in regards to gang problems, gang identification. We're constantly sharing information. I have even attended South Woods State Prison Intelligence Committee meetings and given testimony to the custody staff, in regards to what's happening around your prisons. That's one of the main concerns that -- not only what's happening inside a prison, what's going on outside your prison. Because you have a lot of gang activity going on around your prisons, especially South Woods. That's in the center of Bridgeton. And right now in Bridgeton, we have about eight gangs identified, from Mexican, to Dominican, to local gangs, to Bloods.

Another aspect we oversee is the Juvenile Detention Center. We actually do investigations at the Juvenile Detention Center, and we gather information from the juveniles. Just a case in point, we had a

criminal investigation on a sexual assault at the juvenile center. While interviewing an Hispanic juvenile, he gave us information, basically, on a Crypt set out of Vineland. He gave us information on his brother, who's one of the members; and who the leader was, who actually migrated from the West Coast and started his Crypt set. After looking further into that and contacting the local Police Department, we identified about 30 members in the Crypt set in Vineland, New Jersey. And that's some of the ways we disseminate our information out there.

I've also -- our department has reached out to local schools. We've given training to teachers. We've given training to students on gang problems, gang awareness training. Recently, I trained the whole Salem County Correctional Facility on a Basic Gang 101 training, free of charge. I went out and trained their whole facility.

As of February of this year, we're going to train our whole entire department, on a yearly basis, on gang training -- for a whole department. And that's some of the things I came to talk about today -- on what we're doing at the county level to address these problems. And like most, we wear 50 hats, so it's kind of hard. It's kind of hard. We have budget restraints. We don't have manpower, just like everybody else. Our guys who are identifying these inmates are also our C-TAC officers. They're our mission officers. They're doing several other tasks besides just gang intelligence, so we're lacking in that, also, just like everybody else. But we do our best to get a handle on the situation and get the information out to our line officers.

And one other thing that we do, there's basically our security threat form. If we have an inmate who's violent -- it could be a gang

member or just a violent inmate -- these forms are filled out and put into that unit where that officer works. It's put into a book, or it's on the board for that officer who comes on that day, who doesn't work in that area normally and doesn't know what's going on in that area -- can open this book and see this inmate. It has a picture of the inmate on there, and basically gives him precautions on how to deal with this inmate. Should this inmate be handcuffed, and shackled, and restrained while he's being escorted out of that unit? These are the types of precautions that we put out for our line guys.

And that's all I have to say. Thank you.

ASSEMBLYMAN VAN DREW: Thank you.

Now, it sounds like you're -- I know that. It sounds like -- I know you have less resources, but with the resources you have, it sounds like you're doing more.

Thank you.

Mr. Derby.

S C O T T D E R B Y: Well, I've been an 18-year veteran for the Department of Corrections, currently assigned to Bayside State Prison. During my tenure in the Department, I've seen what I call or have observed as a power grab. It's been discussed already, but I think it needs to be accentuated and emphasized. And that is, when I started with the Department of Corrections, William Fauver was the Commissioner, and that was in the later days of his administration. Internal Affairs performed the function of internal affairs. (indiscernible) over time, they've evolved in -- and this is the perception from the unions and from custody staff -- into the secret police of the Department of Corrections. If you think they do

fair and impartial investigations, I could take up the rest of the day and give you examples of how that is not the case. The fact of the matter is, they have slowly and incrementally taken over duties that used to be performed by correction officers, and used it to consolidate and amass a lot of power into one division.

For instance, correction officers, on a daily basis, do contraband interdiction. They're responsible for canine, metal detectors. Now, they come up with an iron scan, drug detection. That's now a responsibility of SID. They are now also in charge of the fugitive unit, which used to be a function that used to be performed by correction officers. And the infamous Executive Protection unit, that protects the Commissioner -- the last time I checked, personal protection had nothing to do with an investigator's responsibilities. And seemingly, there is a certain amount of institutional resistance when they have amassed such a power grab from the duties of correction officers.

And what have they done with that? Well, as we've seen here today, there's been a breakdown in information going back to those who need it most -- the line officer. But that's been discussed to death, I think. What I'd like to concentrate on is that we now have what I consider, in the institutions, inadequately trained corrections officers. While the Academy may be 16 weeks at a school of instruction approved by the Police Training Commission, what we've seen is, the senior officers and their supervisors receive little or no training. When all you give correction officers on a yearly basis is fire arms and use-of-force updates, well, you get out what you put in. The nationally accepted standards, most recently as promulgated by the American Correctional Association, is that they require all state

correction officers to undergo a minimum of 48 hours of in-service training annually, whether it be gang intelligence, gang management, gang collection, riot control. That could all be incorporated into those 40 hours.

As has been mentioned, the correction officers here in New Jersey are fully-sworn law enforcement personnel. As such, they're deemed first responders by the Attorney General's Office. And in our post-9/11 world, there's even training that would be augmented upon what we would consider basic in-service training that should be provided to every correction officer. Is 40 hours perfect? No, but it's a great start. And that's something I'd like to see the Task Force take an additional look at.

ASSEMBLYMAN VAN DREW: Thank you, Mr. Derby.

Yes, Mr. Dudich.

D O N A L D D U D I C H: Mr. Makara, I'd like to -- something you said a couple of minutes ago was that you referred to us as having irreconcilable differences with Internal Affairs. I'm a lieutenant at New Jersey State Prison. I'm a shift commander. Prior to that, I worked the floor the entire time, and I can't wait to get back to the floor, because I hate pushing papers. So anything you could do for that, I'd appreciate that.

But you said that we had irreconcilable differences. Let it be known that there is no custody staff that would ever let those differences jeopardize our safety, nor would it be tolerated. With that said, we can't say the same thing from the SID division.

Mr. Holvey testified that there's been an 80 percent reduction in the number of assaults in the prison system since the STGMU was opened. That may have to do with something called *C.F. versus Fauver*, or Terhune -- *C.F. versus Terhune*, which was where our special needs inmates

were identified, and they were taken out of the general population and taken to units. The STGMU unit has failed. I was at Northern State Prison when that first opened. I was there. I helped build that unit. I put the fencing up and everything that went in there.

The model that came out of Connecticut -- and that is one tough model -- it got to this state and it got liberalized. And I know it's a bad word, probably, to use up here, but it's what happened to it. Inmates in the STGMU unit were given no privileges. Well, that's a little too hard for New Jersey to do. So they gave them their televisions. They let them get mail. They let them get visits. They let them use the phone. You made it a country club, and you also made it a badge of honor to go to the gang unit. There are inmates, in their correspondence, can't wait to get to the GU -- that's the Gang Unit -- that's how they refer to it, and they look forward to going up there.

The same individuals Mr. Holvey spoke so highly of, the STGMU unit, were taking Crypts and Bloods, and Crypts and Latin Kings, and Bloods and Latin Kings and intermixing them with each other, making them lock together. They no sooner got into a cell with each other, and they had to fight for their lives in that cell. And then your custody staff would have to get suited up, and they actually-- After a while, they started this process -- the custody staff would be suited up before they got into the cell. And then they would get suited up and they'd wait for them to start fighting, because of this brilliant plan. And then we'd go in and rip them apart and drag them out, and start them all over again in Phase 1 and run them through the three phases.

The problem we have, and I know it's been raised numerous times, is you cannot have a unit that is bent on removing me from State employment and affecting my family, and think that I'm going to be nice to them and share information with them. It doesn't happen. We do the physical searching, information gathering of all the information that comes up to us, and then we forward it up to SID. When that relationship becomes strained, SID no longer gets that information. And it usually becomes strained because of something they've done -- a bullying tactic to someone, a threat, a simple threat -- "You don't tell me who your snitch is, I'm going to fire you." "You're going to fire me? I don't have a snitch, I don't know what you're talking about." And that's what this boils down to, of what we go through day in and day out. They are under the assumption that they must have total control over everything. And when that happens, all consuming power is corruptible. Them guys -- it's unbelievable.

We can have information that would flow freely to me from an inmate that will not flow to them. I think when Investigator Clark testified, it was a beautiful example. I spent 16 years of my career on the floor, the majority of that at New Jersey State Prison, except for two years when I was at Northern State Prison. Mr. Clark started in the Department in 1997, and went to Internal Affairs in 2000. He's got three years in this department. He doesn't know any inmates. He doesn't know nothing. My boots have more time than Mr. Clark has.

That's all I have.

ASSEMBLYMAN VAN DREW: Thank you.

Questions? We will start with Vice Chairman Riebe.

MR. RIEBE: Sergeant, over at the county jail, you kind of have a unique situation over there, especially with your manpower or lack of. You state that in your intelligence gathering, you gather your information from your officers that are there, and you, in turn, collect it all in your department, and you disseminate it back down the line to include the unit or the officers that are on the housing units, the ones that are sitting at the desk overseeing the inmates on a daily basis. Now, do you feel that by doing that, that you're in some way jeopardizing the security of your jail or jeopardizing the security of the other inmates that are in there, or anything, by you disseminating that information back down the line?

MR. WRONINK: No. Most inmates know who the other gang members are, for one thing. That's a give-me. But we get our information from our line guys. Our officers give us the information, so why not have it back. It just makes sense.

Just to give you a little bit of background, which I didn't, I have 17 years experience in Corrections. I started out as a corrections officer for eight years. I was promoted to sergeant, a shift commander. I've been a sergeant for nine years now and have been in the Special Investigations Unit, going on my fifth year. So I have a lot of correctional experience. And that's one of the things that makes us unique, as our Special Investigations Unit. Yes, we're IA. We do internal investigations, but we haven't forgotten where we come from. We know the daily tasks that officers go through, and that goes back into our judgment of the officers when we're doing an internal investigation, and what policies they might have violated -- or they may not have violated the policy, it just looks like they violated the policy. So that's kind of unique for us. We have a lot of

respect from our line guys towards myself; my lieutenant, Lieutenant Mike Palau; and our officer assigned, Officer Jerry Abbott (phonetic spelling). So we're kind of unique in that sense.

And besides that, our training, I think, makes a big difference with our line guys, because we're the ones who give them their three-week orientation. They spend three weeks with us first. And we go over everything with them and to get them online to start as a correction officer. So I think that has a big thing to do with cutting that barrier down between the Special Investigations Unit and the correctional staff, the line guys.

MR. RIEBE: By you being also their training officer, as well as the intelligence officer, and the Internal Affairs, they still feel comfortable enough where they can communicate with you and so on. Is that correct?

MR. WRONINK: Absolutely.

MR. RIEBE: Now, how often do you give your custody personnel over there training, or gang familiarization training, or intelligence gathering training, or whatever?

MR. WRONINK: Certain officers that actually do our intelligence gathering and do our interviews with the inmates, they get a training every year. We try to get as much training as possible, but budget restraints-- One of the new things that we were-- As of this year, we're going to start annual training for every officer out of our department, which I have created a PowerPoint presentation -- which I actually gave that PowerPoint presentation to Salem County Correctional facility, because they were ready for me to give the training. We weren't set up yet to do the training, to get the money allocated to provide our officers with the training. But the training will be paid for, our officers, and it's not going to

be a mandatory training, because not every corrections officer is interested in it. So it's going to be open up to our guys as: "Here goes the training. This is the day it's going to be available. Let us know if you're going to be able to attend this training." And that's how we're going to set up our gang training, as of this year.

MR. RIEBE: Now, do you have a minimum amount of training per year, per correction officer, over at the county level?

MR. WRONINK: We don't have a set time, no.

MR. RIEBE: No?

MR. WRONINK: No.

MR. RIEBE: Okay. Thank you.

ASSEMBLYMAN VAN DREW: Thank you.

Mr. Paglione?

LIEUTENANT PAGLIONE: No questions.

ASSEMBLYMAN VAN DREW: Mr. Moran?

MR. MORAN: Thank you.

This, I guess, question goes out to Lieutenant Dudich, and my question would be: Given the current structure of the gang intelligence, with SID and things like that, from your perspective, how do you think the department should restructure that to -- whereas to become a more effective unit, based on your experience, your 18 years at New Jersey State Prison, and being on the floor? I've had the pleasure of working with you, and we talked about Investigator Clark's two years as a corrections officer. So I just basically, for the Committee -- in an ideal world, how would you see the department structuring this gang intelligence to become more effective?

MR. DUDICH: It would have to be structured so that the line staff is able to move freely about. There's a lot of constraints placed on us. So we have a core group that are *special searchers*, we call them. These guys are very diligent in what they do. They will go and search something. And because we work the floor, you're able to -- you pick out things a little easier, that are a little bit more suspicious. You hand it to SID, they're like, "Well, what do you want me to do with this?" "Well, I'm giving you the beginning portion of, potentially, what could be an investigation for you. You might want to look at this." "I ain't got time for that." And that's what happens. It has to stay with the custody staff where it is. We have to have that freedom to reach out to the outside agencies, to be able to say to them, "Hey, listen, I have this going on."

Case in point, at New Jersey State Prison, my guys were sent out on a special mission, at my direction. During the process of that mission, we ran across a name, some information that appeared that we may have had a problem in a law enforcement academy in the State of New Jersey. And from what we had read and what we had learned, it was potentially the Department of Corrections' academy -- and the reason being is that in the letter it had stated that the person was only allowed home on the weekends. Well, that's our academy, and we started looking at that. "And my chief this and my chief that--" Well, potentially, this could be our academy. So through the grapevine we made a call. "Hey, do we have this person in our academy?" "No, she's not in ours."

The State Police have one. So, well, we don't want to call them just yet, until we find out what's going on. Members of my team are allowed -- they go to MAGLOCLLEN, what they've talked about. So they

reached out to the gang for the State Police -- the State Police Gang Task Force there -- and they're like, "No, she's not in our academy, but we have an interest in that name." They say, "How do you know her?" So we tell them that one of the Blood leaders in the State of New Jersey, we just caught with a cell phone in the jail and the phone is registered to her. So right away, the State Police start asking questions. We stopped the guy who was on the end of that State Police line and said to him, "You know what? We can't deal with this. You have to get all that information from our Internal Affairs Division." He said, "What are you talking about? You guys found me." "I can't talk to you. I'm going to get in trouble."

So we immediately go over and we tell our associate administrator what we have and what's going on. And not like it's a good find, not that it's this, not that it's that, but come to find out that the officer is actually in the county corrections academy. Her brother is the number two Blood leader in the State of New Jersey. What that said -- instead of IA saying, "Hey, go look at that. You guys found this out by doing a little research." We got in trouble and a big memo came out -- for us contacting an outside law enforcement agency. We didn't contact them. We just made an inquiry onto something, to find out if we're running in circles, so we could present this to you, to say, "Hey, look. Here's everything that we have." Because from the moment they told who she was and they were interested in her, we ran to our Internal Affairs Division and our associate administrator and said, "This is what we have. This is something big. This is above us." Instead of an "Atta-boy-and-a-half," you're now looking at time off. That's why we have problems with SID. That's the issue that we have with SID. And that's a prime example.

There's many more like that. But the issue-- And I want to go back to another thing -- I know I'm going to digress here real quick. But Mr. Holvey testified about the gang leader list that we have. That does not exist in New Jersey State Prison, where we have the worst of the worst criminals in the State of New Jersey, including inmates from county jails that aren't sentenced yet because they're gang leaders, and they're sitting up in our management control unit. They come to us, and we get them under control until they go to court.

But that list does not exist. That list is maintained in our SID unit. And if I ask them, "Hey, can I see that real quick?" "What do you want it for?" "I want to check on this guy, so-and-so--" I'll get this -- and they'll fold the papers in half, and he's like -- I'll get one name of what I want. It's like it's top secret. It's ridiculous. Gangs operate -- are allowed to flourish because they operate under a cloak of darkness. You expose a gang and their gang leaders, and they scurry like cockroaches when a light comes on. Nobody wants to get tagged with that name -- not in the prison system.

MR. MORAN: Thank you.

ASSEMBLYMAN VAN DREW: Thank you, Mr. Moran.

Mr. Makara.

MR. MAKARA: The changes that you're proposing, would they be legislative changes? Because I'm kind of confused. They were talking about 22 CFR and some of the things -- I don't understand what they are. If you were to eliminate and take over the areas that you would want to do, as pre-'94, I think Lieutenant Derby said, would they be

legislative things that have to be done, or is that at the discretion of, say, the Commissioner?

MR. DUDICH: I'll let Scott answer that one.

MR. DERBY: It's my understanding that when the gentleman from, I believe, the Camden County Prosecutor's Office testified, Mr. Norcross, that the Federal regulations, the CFR Code that he cited, referred to limiting such sensitive information to law enforcement officers only. I believe that was, basically, the gist of how he paraphrased the regulations. All of us here are law enforcement officers. I would think that it would just take a -- it would be at the discretion of the Commissioner. And he could restructure the Department as he deemed appropriate.

MR. MAKARA: That's all. Thanks.

ASSEMBLYMAN VAN DREW: And I think we're going to do both, which is what I was saying before. I think we'll make the recommendations to the new Commissioner, as well as try to do it legislatively, because commissioners come and go. So we don't want to fall into this trap again. And hopefully-- I'd love to see it done by-- It would be a wonderful symbol with the new Commissioner to do that. But very often when somebody new comes on board, they're afraid to make that kind of aggressive change -- whether it be a governor, or a commissioner, or anybody else -- immediately. So we're also going to try the legislative end, as well.

Thank you very much, very enlightening.

Thank you.

Before I get onto anything else, who here would like transcripts? We need a number of extra transcripts -- that we need -- if you

could raise your hand, please -- of the last meeting, and of this meeting -- actually of both meetings. Keep them up just for a couple of minutes so we know. Eleven -- so I would ask for 15, just in case -- so maybe there's a few extras. And everybody up here got one, correct? Because there may be some other folks that are on the other part of this that want it as well.

I would particularly like to thank my Vice Chairman for doing a very good job. He worked very, very hard on this in assembling a wonderful group of witnesses. And of course, my deputy chief of staff, Allison Murphy, and the Office of Legislative Services for the good work that they do, and all of you for going through a very long hearing.

Our next hearing is going to be in Northern New Jersey. We haven't determined a location yet. My assumption is, it would be in the Essex County area. We will work on that some more. It will be within a few months. I would say within three months we'll have that next hearing. It will be on facilities, funding, and equipment -- those three things.

We welcome any other input, obviously. And we can still -- that was the other question somebody just asked me before -- whether we were done with some of these issues. Well, we're going to have a fourth meeting -- and we haven't determined where the location for that final fourth meeting would be -- as an overview to all that we've done, as a list of recommendations both that would be in State statute and some through Code, as well as any other information that we would receive. And that would be the fourth and final meeting.

So, in this process, even though we may-- For example, we already spoke about training in the last meeting. And we've spoken about intelligence gathering in this. Still, if anybody else has further information

or thinks that there's more to add that we might have missed, we certainly are going to welcome that -- well, either in written form or in testimony form.

Again, I thank you for being here.

Do any of the other members of the Committee have any other comments at this point? (no response)

Thank you.

Oh, and you can get the transcript online. Let me find that. It's on the New Jersey Legislative Web site, but we'll also get you copies.

The meeting is adjourned.

Thank you.

(MEETING CONCLUDED)