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# *Task Force Meeting*

of

## ASSEMBLY PRISON GANG VIOLENCE TASK FORCE

*"The Task Force will meet to discuss safety issues at State correctional facilities"*

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**LOCATION:** University of Medicine and Dentistry of  
New Jersey  
Newark, New Jersey

**DATE:** May 9, 2006  
11:00 a.m.

### **MEMBERS OF TASK FORCE PRESENT:**

Assemblyman Jeff Van Drew, Chair  
Kerry Riebe, Vice Chair  
Bob Balicki  
Joseph Butler  
Michael DeBellis  
Mike Makara  
Lieutenant Bill Paglione

### **ALSO PRESENT:**

Mellany Alio  
Office of Legislative Services  
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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## TABLE OF CONTENTS

	<u>Page</u>
Cecile A. Feldman, D.M.D. Dean New Jersey Dental School University of Medicine and Dentistry of New Jersey	1
Michael Smith Private Citizen	5
Richard Szollar Private Citizen	38
William Davis Private Citizen	60
William Toolen Private Citizen	60
Sly Brown Private Citizen	85
George Adams Private Citizen	93
rs: 1-111	

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

Before we would begin-- We've been very fortunate to have these beautiful new facilities here. And we do have the Dean of the school here, Dean Feldman, who would just like to say a few words of welcome and hello.

**CECILE A. FELDMAN, D.M.D.:** Thank you.

Let me just take a moment to welcome everyone to the New Jersey Dental School. For those of you that are not aware of the school, we're the largest provider for oral health care services to the underserved throughout the state. We do everything from giving kids an opportunity to be in school and learning, helping with their oral health needs and keeping them out of emergency rooms; all the way up to manufacturing eyes, ears, noses for individuals who have survived oral cancer.

In the violence arena, we have a program called WISE Women, where we try to help women who have been subjected to abuse. Usually it's spousal abuse. For many of these women, this is their opportunity to get back on to their feet, to regain some self-esteem. So it's something that we're actively involved with. And from UMDNJ, we have a violence institute, which is dedicated to learning more about violence, trying to see what ways can be -- what things can be implemented in order to try to prevent violence from happening.

So, anyway, I just wanted to take the opportunity to welcome you to the Dental School. If there is anything we can do to make your stay

here a little bit more comfortable, please don't hesitate to ask. And welcome to the new 12th Avenue Oral Health Pavilion.

ASSEMBLYMAN VAN DREW: Dean, we appreciate the facility, and we appreciate your help.

What the members of the Task Force don't know -- and the policy commission -- is that after we have our meeting, you have all volunteered for experimental dentistry. (laughter) That will be held down the hall to your left.

Thank you very much, Dean.

DR. FELDMAN: Thank you very much.

ASSEMBLYMAN VAN DREW: Take care. (intercom interruption) You thought I was kidding. They're getting ready for you. (laughter)

MS. ALIO (Task Force Aide): Fred Vineyard. (no response)

Bruce Sapp. (no response)

Kerry Riebe.

MR. RIEBE: Here.

MS. ALIO: Lieutenant Bill Paglione.

LIEUTENANT PAGLIONE: Here.

MS. ALIO: Tom Moran. (no response)

ASSEMBLYMAN VAN DREW: He's on his way. I think he's on his way, so we'll just have to--

MS. ALIO: Okay. He'll be here shortly.

Mike Makara.

MR. MAKARA: Here.

MS. ALIO: Frank Crose. (no response)

ASSEMBLYMAN VAN DREW: I think he's on his way, as well.

MS. ALIO: Also on his way.

Joseph Butler.

MR. BUTLER: Here.

MS. ALIO: Bob Balicki. (no response)

Assemblyman Van Drew.

ASSEMBLYMAN VAN DREW: I'm here.

MS. ALIO: We have a quorum.

ASSEMBLYMAN VAN DREW: Okay.

I, again, want to welcome you all here. As you know, today's Task Force meeting is going to be about facilities and budget. We also have a transcript of the last meeting. I hope everybody did get a copy of that. Anybody that needs a copy, we do have copies of that.

We have two pieces of legislation. Just to review again what the end game here is, what our goal is-- After we are done with today's meeting, we will decide if we're going to have one final meeting, which would be either in central or southern New Jersey, or if we've had enough. We'll see when we get to that point.

We will then compile all the information that we have, and the result will be a package of legislation that will be presented to the Legislature, based upon all the testimony and all the hearings that we've had. And we're going to do our best to move that legislation forward.

We've also had conversations with the Governor's Office, as you know, when the transition team was in place -- that many of the same issues that we all have discussed at these Task Force meetings are the same

issues that the Governor heard about. And I believe that they're seriously interested in what we're doing here. We've had some meetings with them independently, just to review the results of our previous two Task Force meetings.

As you know, the shift overlap is something that was really felt to be important. We have a draft bill of that -- and anybody's certainly welcome to look in that -- as well as the training issues. I think those are two of the biggest issues that were the result of the last meetings that we had. We have two draft pieces of legislation. And as I said, if anybody would like to look at that, I welcome their input into it as well.

With that, I think we'll actually get started with testimony. I don't know if we have any opening comments from the members here.

Joseph, would you like to start with any opening comments?

MR. BUTLER: No.

ASSEMBLYMAN VAN DREW: Okay. Lieutenant Riebe.

MR. RIEBE: We have a number of new issues that we're going to be dealing with today, as well as old issues that we have already addressed in past hearings -- just to touch base on some of the things, in particular, concerning training, and the lineups, and so on.

Hopefully, by the time we're done we'll have a lot of information put out, made public, that really needs to be put out there so that everybody can see just what the state of affairs has turned into in our Department, how bad it's gotten. And, actually, some of the actions that have been taken to actually make things worse for the line staff inside the prison facilities. So, hopefully, we will be able to address some of these things and get them out today.

ASSEMBLYMAN VAN DREW: Very good. Thank you, Kerry.

Mr. Paglione.

LIEUTENANT PAGLIONE: Nothing at this time.

ASSEMBLYMAN VAN DREW: Mr. Makara, do you have anything?

MR. MAKARA: No.

ASSEMBLYMAN VAN DREW: Mr. DeBellis. (no response)  
Okay. I think we're ready to get started.

I don't think this will be quite the marathon that the last one was. I think that was about -- what -- I don't know how many hours. Six hours. This might be a little bit shorter.

We are going to start. And I guess this is the order of our testimony here, with Mike Smith first -- Lieutenant Michael Smith, from the New Jersey Department of Corrections.

Michael, if you could just identify yourself, what it is you do. Explain a little bit about that.

**M I C H A E L S M I T H:** I'm Lieutenant Michael Smith, Department of Corrections. I have 23 years of experience. The last six were spent with the Custody Recruitment Unit. I am currently a Lieutenant at Southern State Correctional Facility.

ASSEMBLYMAN VAN DREW: Okay. Just give us a little bit of background of what it is you do there, exactly what your day-to-day function is.

MR. SMITH: At the Custody Recruitment Unit, we do the processing of applicants to go to the training academy at Sea Girt. The

process starts with the list from the Department of Personnel, and from a certification. We receive a pool of applicants that we process. We do background checks, home interviews, medical and psychological interviews to determine candidates that are suitable to go to the training academy.

ASSEMBLYMAN VAN DREW: How is it going?

MR. SMITH: Currently, there is a class in session. There is a class to be prepared in September. But, currently, the processing has stalled.

ASSEMBLYMAN VAN DREW: Why is that?

MR. SMITH: Recently, the unit was put under the training academy. Before, it was under the Office of the Chief of Staff. But due to some circumstances unrelated to recruiting issues, it was moved to the training academy, of which the director of the training academy doesn't necessarily agree with the process as it is. And he has his own ideas on how he feels the process should be. So he is making a lot of changes.

ASSEMBLYMAN VAN DREW: I'm going to ask more questions later.

Mr. Butler.

MR. BUTLER: Lieutenant, as far as a core of the training academy, do you feel that it adequately prepares recruits for working in corrections?

MR. SMITH: For the most part, yes. I know the institutions have issues with certain aspects of training that aren't preparing the officers coming into the institutions for everything that they need.

MR. BUTLER: What, in particular, would you like to see more emphasis placed on in the academy, as far as preparing?



MR. SMITH: My expertise doesn't come with the actual process at the academy. Mine is getting the applicants to come into the academy. So from a training standpoint, I'm not involved in that enough to make those kinds of recommendations.

MR. BUTLER: Okay. As far as preparation is concerned, do you feel that the Department is getting the very best candidates?

MR. SMITH: I think the process is a good process. We've consulted with other agencies, such as the New Jersey State Police, Delaware State Police, New York, Nassau County, and other agencies within the state, as to how well our process is. Everybody does it basically the same, but everybody has small differences. But our process is considered to be sound, and we're considered to have one of the better recruiting units in the state.

MR. BUTLER: Thank you.

ASSEMBLYMAN VAN DREW: Mr. Balicki, welcome aboard.

MR. BALICKI: Thank you.

ASSEMBLYMAN VAN DREW: It's good to see you.

Do you have any questions, or do you want us to go around first, and then come back to you since you just stepped in?

MR. BALICKI: Go on around.

ASSEMBLYMAN VAN DREW: Lieutenant Riebe.

MR. RIEBE: Lieutenant Smith, you recently resigned your position with the recruitment center, correct?

MR. SMITH: Correct.

MR. RIEBE: Can you give us a little background on that?

MR. SMITH: Basically, the unit was moved back under the academy. It was formerly under the academy, but we were taken from the academy by the current Chief of Staff due to differences between the academy and our unit. Recently, we were put back under the academy. And the current director, who said that he didn't agree with the recruitment process as it was -- but since it fell under him, he was going to do things his way -- which I don't have a problem with. But considering the procedures as they are written--

For the past six years that I've been there, I've always tried to get the people that I work for to come and see the process, view the process, understand the process. And if they didn't agree with certain aspects of it, to make changes. And if they saw fit to make those changes, all well and good. But in the last six years, I haven't had anyone that has actually come to sit down and fully understand the process, as it is. So it's been a little frustrating, from that aspect.

Our training has come from various agencies -- State, private, county, police academies -- to become what it is today. And I feel confident that the process is stable in how it is. But, currently, changes are being made to it: displacement of the staff, eliminating of the home interviews, changing of the procedures as they are written.

MR. RIEBE: Okay. Let me ask you-- I'm going to back up a little bit. You stated that they're planning on eliminating the home interviews on both the recruits -- or potential recruits.

MR. SMITH: Yes.

MR. RIEBE: Now, do you feel that was an integral part of the recruitment process?

MR. SMITH: Yes, I do. I have written a memo to the Chief of Staff regarding home interviews, in which I tried to get as in-depth as I could as to the process.

Our point in doing home interviews is getting as much information as possible to allow the people involved in the process to make a decision on whether a candidate is acceptable for law enforcement or not. In doing away with home interviews, we eliminate not only the application of information that we get from the applicant, but also the information we get from the families, the information we get from the neighbors, the information we get from the local police departments. All of that is being put aside. In addition, there's also verification of residence, in the case of the applicants who are eligible for residential facilities.

MR. RIEBE: Now, who and why are-- Whose decision was it to do away with the home interviews, and why -- if you know?

MR. SMITH: The current director doesn't feel as though it's -- we're getting the most for the bucks out of doing home interviews. He doesn't agree with the process, and he feels as though regionalized interviewing would be better suited for the Department. But, again, in regionalized interviewing, you're bringing the applicant to you, as opposed to doing the interview in the home. It has been showed in studies that doing the interview in the home-- You're in the applicant's setting. He's a bit more comfortable. And they tend to give up more information, as opposed to being in a situation in an office where you have uniformed personnel in front of you. You tend to be a little more tense, a little bit more nervous, and you tend to give out less information.

We're finding that in doing the interview in their own setting, they're actually giving up more information to the point where they're actually telling on themselves and giving information on things that would eliminate them from the process. We use the home interview to verify the information that we receive when they come to the initial processing at the office. And, also, in doing the neighbor contacts, we're also verifying the previous information that we get. So it's a way of duplicating our efforts and seeing that, from phase to phase, we're getting the correct information.

MR. RIEBE: Now, do you feel that the director of the Bureau of Training is the one that made this decision to do away with the at-home interviews? Do you feel that this poses a significant threat to the institutions, or to personnel in the different institutions throughout the state?

MR. SMITH: I think we're at a point where the Department is about to begin to do a lot of hiring this year, with the 10th step being added to the salary ranges, and the retirements following that. Next year-- July begins the 25th year anniversary for several institutions. The Department stands to lose between 2,000 to 4,000 officers that are going to have to be hired for.

In changing the process the way they have, it's, to me, watering down the process at a time where you're going to be doing such a significant amount of hiring. Now is not the time to water down the process.

MR. RIEBE: Okay. But you didn't really answer the question. Do you feel, personally-- Do you feel as if doing away with the at-home interviews has the potential to actually allow individuals into the

Department or into the recruitment program who may have something against law enforcement, such as a gang member or so on?

MR. SMITH: Yes. I was about to inquire to -- getting actual gang training for the staff, since we are in a time where the gangs are so prevalent within the institutions. I wanted to prepare the staff on what to look for in doing the home interviews in reference to gang material, as well as any other materials that could be observed in the home interview.

MR. RIEBE: Now, you had not received any gang training prior?

MR. SMITH: None at all.

MR. RIEBE: Okay.

MR. SMITH: One of the things that we found in the home interviews, in talking to our psychologist, is that the more information that we can provide them with, the better able they are to make a decision on an applicant. Although there is nothing direct that an officer can look at and eliminate somebody for, all the information that can be documented in the home interview process can be provided to the psychologist to use in their decision on whether an applicant is suitable for hire or not.

MR. RIEBE: Okay. So you -- doing the actual at-home interview or investigation -- if you see things that should disqualify that person from employment as a law enforcement officer, you cannot make that decision to restrict them from employment? You have to pass it up to the psychologist?

MR. SMITH: Yes.

MR. RIEBE: And the psychologist is the one who makes that decision?

MR. SMITH: Yes.

MR. RIEBE: I'm going to pass it down for a minute. I want to think about this for a few minutes.

ASSEMBLYMAN VAN DREW: Okay.

Mr. Paglione.

LIEUTENANT PAGLIONE: Since we're focusing on the--

Thank you, Mr. Chairman.

Since we're focusing on the prison gangs -- that's what this body was put together for. Actually, Vice Chairman Riebe answered a couple -- asked a couple of the questions.

One was-- I just want to make sure I'm clear. You've received no gang training at all?

MR. SMITH: No.

LIEUTENANT PAGLIONE: Are you a unit of one?

MR. SMITH: Six officers, a sergeant, and a lieutenant.

LIEUTENANT PAGLIONE: Has anybody in the unit received any gang awareness training that you're aware of?

MR. SMITH: That I'm aware of, at least one of my officers has received gang training. But he had done that on his own. And he does provide the rest of the staff with information to look for, being that he has had it. But our unit, as a whole-- We have not received any gang training.

LIEUTENANT PAGLIONE: And about how many interviews -- these home interviews have you conducted yourself?

MR. SMITH: Our ratio in processing is 10 to one. For every 10 people we process, we usually hire one. We hire approximately 350 a year. So we're processing anywhere from 3,000 to 4,000 people a year.

LIEUTENANT PAGLIONE: You felt that, obviously, the gang training would be beneficial to you in these interviews?

MR. SMITH: Yes, I do in the fact that we're in the applicants' homes. And to be observant of everything that's in the home would definitely send a message and give us more information than just what the person could tell us.

LIEUTENANT PAGLIONE: And in this day and age, with the gangs -- the level of what they are right now with the numbers in the state, and what their method is of infiltrating different organizations -- it's really not unthinkable to think that they'd like to maybe get into the Corrections system in some way, shape, or form--

MR. SMITH: Definitely.

LIEUTENANT PAGLIONE: --in order to conduct additional recruitment, or make things a little bit -- life a little bit easier for the members inside, in the walls.

MR. SMITH: Yes.

LIEUTENANT PAGLIONE: So I think it is vital to understand that eliminating the home interview is something that really has to be rethought. Because that's where you're going to see the person in their home environment, in their neighborhood. You can see the surroundings and see a lot of the stuff that would be present within their family structure at the time.

MR. SMITH: I have consulted other agencies about the interviews. Everybody does it a little bit differently. The State Police is governed by the Attorney General, so they can remove anyone for any reason. We fall under civil service. And anybody we remove has appeal

rights to the Department of Personnel. Delaware uses lie-detector tests. New York does it a little bit differently. But almost every department now is using the home interview because of the information that you can get on the applicant to help you make a better decision on whether to hire them or not.

LIEUTENANT PAGLIONE: At the same time, as part of the interview or your process of encountering these individuals, do you-- Are you able to check for tattoos? Do you ask if they have any tattoos, anything of that nature? Does that get too invasive?

MR. SMITH: During the second part of our process, we have fingerprinting. At that time, they are asked for tattoos. And it is put on the back of the cards that we do the fingerprinting on. And if we were to see a tattoo, or at another time a tattoo showed up -- even as late as in the academy -- and it wasn't recorded at the time they were asked about it, that is considered falsification, and they can be removed from the process for it.

LIEUTENANT PAGLIONE: As I understand it from you, though, that anything that you see or bring to the table that may be of question -- that's not something that is automatically disqualification -- they end up going through the psychological process, you said?

MR. SMITH: Yes, that's part of our process. And, as officers, the only thing they can do is record the information. Even if we remove them for it, they do have appeal rights. But we usually give the information to the psychologist to use as part of their review to see if they feel as though the person is suitable or not.

LIEUTENANT PAGLIONE: And how many years have you been doing this -- assigned to the Custody Recruitment Unit?



MR. SMITH: Six years.

LIEUTENANT PAGLIONE: Six years.

And in those years, have you seen anybody denied a position based upon your interview, or based upon what you've recommended?

MR. SMITH: Absolutely. Once the officers make a recommendation, the folder then comes to me for a recommendation. We discuss the folder. And if there's information that we feel as though we could give to the psychologist to make a determination, we forward it to them. Sometimes they tell us that there is not enough information. Then, other times, they definitely feel as though there is enough information not to hire the person.

LIEUTENANT PAGLIONE: So the system does work, as you believe, as it stands now. But as it gets watered down, there is -- subject to abuse.

MR. SMITH: Right. We're opening it up for many people to get in that shouldn't.

LIEUTENANT PAGLIONE: That's it, Mr. Chairman.

ASSEMBLYMAN VAN DREW: Thank you.

Mr. DeBellis.

MR. DeBELLIS: Lieutenant, thanks for coming today.

I am presently familiar with the cancellation or the suspension, I guess you could call it, of home interviews. The director claims that there was no logical reason to continue the interviews.

I think you presented to this panel today quite a lot of reasons. It's also to my knowledge that we have residential hiring. Would doing a home interview show if someone falsified where their address was? I mean,

I know for a fact Bayside, Southern State, South Woods, Riverfront, Northern-- These are all institutions that you have to live in the immediate residency in order to get employed for those institutions. Have you ever found an individual, at this point, that possibly might not have been in the location that they said they were in?

MR. SMITH: Yes. We've come across several incidences where people have put down an address that wasn't accurate. In fact, in Bridgeton, there is actually a trailer park where half of the park is in Bridgeton City, and half of the trailer park is outside of Bridgeton City. And the ones that are in Bridgeton City are eligible for South Woods State Prison before the rest. We have other areas where one side of the street is in one city, the other side of the street is another city, which also makes them not eligible for that residential facility.

Camden and Pennsauken border each other. We have many people from Camden that put down Riverfront as their residential facility, but are not eligible. And we find, once we go to the home, that the address they give is not actually a Camden address. So you have people who are trying to get hired ahead of people who scored higher on the test by putting a phony address, just so that they're eligible for that institution.

MR. DeBELLIS: You mentioned that with the system being watered down right now-- Could you explain what you meant by, we may have a great amount of officers -- or recruits, I should say -- being processed soon? Why would that happen?

MR. SMITH: I'm sorry, could you repeat that?

MR. DeBELLIS: Why would we have a mass hiring coming up?

MR. SMITH: Again, with the-- We have a 10th step being added to the salary range. We have people who are going to be retiring in July. That's going to put a big hit on the Department. Next year, with the 25th anniversary for several of the institutions, the hiring is going to be really, really large. We stand to need between 2,000 to 4,000 or more within the next few years. So the amount of hiring is going to be increased triple, even more.

MR. DeBELLIS: Is there a projected date as to when the Department may be looking at that?

MR. SMITH: The 25th year is July of next year.

MR. DeBELLIS: Now, you mentioned you had a staff of yourself and five officers. Is that even enough staff for, possibly, what you may have been in line for?

MR. SMITH: We've always been able to process and keep the numbers that the academy needed, because we've always been allowed to process. We've always kept a pool of applicants ready for when the academy needed a class. And the only way to do that is to have the pool built up always, because we never know what institution is going to need how many. So if we wait until they give us the numbers, then it will be too late to process the individuals in order to get them into the academy in time. So it's been very important in the past to have a pool of people ready so that you can select from the pool what institutions -- whatever numbers the institutions need.

MR. DeBELLIS: When you're doing background checks there, is there a certain procedure as to how they're done? Would that be a custody officer, a civilian?

MR. SMITH: We do several background checks. One is NCIC, which is through State Police; ACS, which is through the courts; traffic; and Promise Gavel; and domestic violence. All of the officers need clearance to do all of them. NCIC is through the State Police. That clearance is done through the State Police, and no one has access to those computers except people with clearance to do so. And it's in a secured area -- only allowed access to the people that have the clearance to use it.

MR. DeBELLIS: With the combination of the two areas right now, could that possibly deplete the amount of people that have a clearance to use that?

MR. SMITH: Definitely. It has been suggested that during downtime at the academy, the academy staff be allowed to help with recruitment. But considering the access that you need, and the training that you need, and the amount of time it takes to spend on the computer to actually become comfortable with it, it's very unlikely -- it's not possible to get that many people trained and fully acclimated with how to do the process in the amount of time that's given.

So you're limited to the amount of processes that you have. We have phases. Phase I is where the background is done. We do them in groups. We may do a group of six or seven this month. We may not do another group of Phase I's for another six months. So to dump large amounts of people into the process is not good, because then the officer is not fully trained, and you wind up missing information.

MR. DeBELLIS: When you were not one unit, and you had the recruitment unit, and you also had the Sea Girt academy, who was your current supervisor for the recruitment unit?

MR. SMITH: At what point was that?

MR. DeBELLIS: When you were-- Before you were combined, which-- At the time when you were just under recruitment, who was the overseer?

MR. SMITH: Charles Ellis, Chief of Staff.

MR. DeBELLIS: Okay. Mr. Ellis has custody background.

MR. SMITH: Yes.

MR. DeBELLIS: Now you're under the director of the academy.

MR. SMITH: Yes.

MR. DeBELLIS: And is this person a custody-oriented person? They're a director, correct?

MR. SMITH: He's an academy director, that I know of -- a school director. That I know of, he has no custody background.

MR. DeBELLIS: But he's in charge of custody.

MR. SMITH: Yes.

MR. DeBELLIS: Okay. Thank you very much.

ASSEMBLYMAN VAN DREW: Thank you, Mr. DeBellis.

Mr. Makara.

MR. MAKARA: Lieutenant, how are you doing?

It sounds as if the Custody Recruitment Unit has been a successful unit. It's confusing to me as to why the change. What is your take on why we're changing something that seems to have worked?

MR. SMITH: Well, that was a decision made by the Chief of Staff, so I really can't say as to why. I know there were some incidents, unrelated to the process, which led to the move being done. I also know

that the current director of the academy did not agree with the process as it was. And about three to four years ago, he wanted to make changes. And when the discrepancy came up, that's when the Chief of Staff moved the unit from under the academy under him, until recently, when it was put back under him. And now he still feels the same way -- as though the process needs to be changed. And I would have to--

MR. MAKARA: Not to interrupt you, but this is being driven, you believe, by Craig Conway?

MR. SMITH: He's in charge, and he's the one making the decisions on what has to be done.

MR. MAKARA: And Chief of Staff Ellis is Craig Conway's boss, correct?

MR. SMITH: Correct. And Mr. Conway has told me, personally, that he does not agree with the recruitment process. And as long as it falls under him, he's going to do it his way. So, as the director, he has that right.

MR. MAKARA: Just one other question. When Mr. Conway took over, did he do any brainstorming with any of the custody recruitment people before he changed this home interview process? Or was this a unilateral decision made by him, without consultation of the people that were already there?

MR. SMITH: The first time, I'm not sure. Basically, I was told that he was going to learn the process and then make recommendations.

MR. MAKARA: So the boss is learning the process while we already have a set up that is working well?

MR. SMITH: Correct. And that was the first time, initially.

The second time, I was told by the Chief of Staff to go down -- sit down with Mr. Conway, Mr. Fiori (phonetic spelling), and the current captain, and to explain the process. I attempted to do so, but a quarter of the way through they informed me of the changes they wanted to make, and that's as far as it got.

MR. MAKARA: No further questions.

I just appreciate your honesty with this. Thank you.

ASSEMBLYMAN VAN DREW: Thank you, Mr. Makara.

Mr. Balicki.

MR. BALICKI: Yes, I've got a few things.

Good morning, Lieutenant Smith. I want to, first, compliment you on a great job of the recruitment and hiring of thousands of officers, I guess, since you started. I think that the people that we have in uniform are a reflection on your group and the fine job that they do.

I know it's been an uphill battle for years, trying to maintain your strength and your power to do the things that you know you need to do. So I had a couple of questions about things. And they're kind of basic, but this is not for those of us who worked in the system, really. This is for the public to understand and for the Legislature to understand, who is not in law enforcement.

Why do you think-- Let me start with this. What's the importance of your screening, as compared to the State Police? Now, if the State Police have ultimate authority, and they can say, "You're just out, because you don't feel right" -- what's the importance of that? And how does that compare to the importance of working in a State prison?

MR. SMITH: The State Police fall under the guidelines of the AG, we don't. We fall under civil service, which gives the applicants a right to appeal anything that we might remove them for. So they'll appeal to the Department of Personnel. They'll have a hearing with the merit board and, at which time, they'll either agree or disagree with us. And then, at that time, the Department has a decision on whether they want to appeal or--

MR. BALICKI: Let me stop you there. That's not what I meant. What I meant was, the State Police -- their interview team can just scrap you, just because they want to, correct?

MR. SMITH: Yes.

MR. BALICKI: Now, if they have someone that they suspect of being a gang member, or someone they expect to be a drug addict, or someone they just suspect doesn't have law enforcement in their heart and soul, they can just get rid of them.

MR. SMITH: Correct.

MR. BALICKI: Do you feel that that's-- How valuable is that, in order to get the best of the best people that you want in your Department?

MR. SMITH: That's why they get the best, because they can do that. We do not have that authority to do that.

MR. BALICKI: Now, with the differences between the way they're allowed to do things and the way the State prison system is allowed to do things, what-- How does that hurt us? I mean, how does that-- Where do we get our hands tied? Why should that be-- Is the impact greater for the State Police if they have somebody who is bad? Is that any



greater than the impact of a bad egg or a bad apple in the State prison system?

MR. SMITH: No. It's probably more for us, because we have to deal with them for a longer period of time.

MR. BALICKI: What kinds of things would happen, say, if someone who's not on the law enforcement team happens to get a badge, and a uniform, and come to work for us? What sorts of things can result from that?

MR. SMITH: Well, you're having drugs introduced into the institutions, you have the gangs being introduced into the institutions even more prevalent than maybe the drugs at this point. So we stand to lose a lot, because you're talking about officers' lives, in addition to running the institutions.

MR. BALICKI: Even though your team didn't have the authority that the State Police's team had, do you believe that your team was able to weed out some of these people, even though they didn't have the same amount of authority?

MR. SMITH: I think we're doing an excellent job. You're not going to get every one, but we try to keep it to a minimum. If they clear the process, then we feel as though they're qualified to go. And if they get in through a falsehood, then that's just it. They got in on a falsehood. We try to get the majority of the people into the academy that are qualified to go, and our process allows us to do that.

MR. BALICKI: Let's say-- Here's one more question.

Let's say that you were-- Let's say that the Department decided that they wanted to bring these home interview teams back. How would

you improve that process so that you're at least as likely as the State Police are to keep a terrorist, or a gang leader, or a dope dealer, or any of those things out of the State prison system?

MR. SMITH: We need additional training. We take advantage of training as it becomes available. It's not always available. But on the gang situation, we need extensive training, because nobody in the unit has had extensive training in recognizing gangs, myself included. There's always new information. New technology is always coming out. So it's very important to keep up on the training. And that's not something that has happened on a regular basis.

MR. BALICKI: Okay. Thank you very much.

ASSEMBLYMAN VAN DREW: Thank you, Mr. Balicki.

I have a few questions. I just want to make sure that I understand everything properly.

Starting with the home interviews-- And I don't know if anybody can answer this question. Is there a cost factor involved with that? Is that any part of the decision that's being made here? Is it to save dollars?

MR. SMITH: I believe it's being alluded to that. We do interviews all over the state. I have officers assigned to various regions. So we do them within regions. But everybody gets done. So two officers have a vehicle, and they schedule four to five interviews a day. And that's how we do the interviews.

ASSEMBLYMAN VAN DREW: So would it be your sense that the cost savings-- First of all, do you think any cost savings has been realized by doing away with them? And, secondly, do you think the cost

savings would be somewhat negligible? It sounds to me that it would be negligible.

MR. SMITH: Yes. When you're talking about what you're putting into the jails, and officers lives. Can you put a price tag on that?

ASSEMBLYMAN VAN DREW: I also wanted to make sure there was something else I understood. As far as background checks, making sure-- I know I've had some dealings with our police academies in my district, and we've had some issues where we actually did legislation to make sure that there would be standards, even physical standards, for those people -- you might be familiar with that -- that go into the police academies. Because, very often, what was happening -- and still happens, unfortunately -- and I hope within the next year or two, as we put some real meat on the bones of this -- is that people get into the police academies that you know aren't going to make it to the finish line. So we're spending tax dollars to start the process. Unfortunately, we can't weed them out in the very beginning, which we should be able to do. They go part way through the process, fail to make it to the finish line of the process. We don't graduate the number of people we would like and expend time and money in doing that.

With the people in the process, as it works now with Corrections-- As far as those individuals, how do we ensure that they are the types of individuals that we want to see working in corrections facilities, number one? Number two, is there a potential for them to be working in the facility and not have had the background check completed, and they're already going through the educational process? I'm sorry, not through the facility yet, but they're already being recruited.

MR. SMITH: The physical portion is something that we've tried to address. When they come for processing, I tell them at each and every phase that they need to be preparing themselves for academy life and physical fitness.

Unfortunately, all we can do is tell them. And they're subject to getting into the academy by passing the physical from the doctor. We tell them, and tell them, and tell them to get ready, to get ready, to get ready. But when they get to the academy, and they fail, we really had no way of testing them prior to them going to see if they're physically fit for academy life. So that is one downfall of our process that we cannot--

ASSEMBLYMAN VAN DREW: That's not only a fault with you, that's a fault throughout the system. And just so you know, we did do legislation which is now law. But, again, the actual regulations haven't been put in place to ensure that there can be those types of testing -- that there can be that type of specificity to it without being discriminatory. And that was the problem with-- And I'm sure you're familiar with that, with the issue. But hopefully, in a relatively short period of time, those qualifications will be there to ensure that we have less waste.

But I want to get more specifically to the background checks. In other words, I want to understand-- Are the individuals who are going through the process and are being trained-- And I know, ultimately -- I would hope -- I know that by the time they were in the facility working, that their background check had been completed.

But is there the potential, the way the system is now -- or the way the system has become now -- to be training individuals that are not qualified because of previous experience? In other words, perhaps they have

had some issues in their background that should not allow them to be a corrections officer. Is that possible?

MR. SMITH: It's possible, but it doesn't happen very often. We do an initial background when they come to the first phase. Following that, we do a second background prior to going to the academy. In addition to that, the information that we get from the home interviews, and from the application itself, and from the information from the neighbors, and from the information from the local police -- if it comes to that -- plus the information from the employer as to what kind of employee they are-- All of that is taken into consideration prior to putting the applicant into the academy.

ASSEMBLYMAN VAN DREW: It's my understanding-- The reason I asked that question -- and I've heard from some individuals within the system, I guess off the record -- I don't know how else to say it -- that currently, there are people being processed, and that it may not be quite up to date -- that the background checks aren't keeping pace with them, as they go through the process.

MR. SMITH: I don't know that I would agree with that. Like I said, we do the background at various stages of the process. It takes five to six months to process enough people to get an academy class. And we're checking at the very beginning; we're checking in the middle; and we're checking at the end, prior to them going to the academy. So it's not likely. It does happen, but it's not likely it happened on a large basis.

ASSEMBLYMAN VAN DREW: Going to the home interviews, again-- With the background checks that are done, you would feel confident -- even currently with it being under the academy -- that at

the very least, the individuals who were going in don't have any previous experience, i.e., a record or something of that nature. But I just want to make sure I understand-- There is a potential, even though they may not have, officially, anything on their record, that you can see something when you do the home interview that leads you to believe that this could be a problem individual within the system.

MR. SMITH: Correct. They don't have to have a negative record in order to be in a gang. So if they are in a gang, and they don't have a record, that's still-- That's the type of information we need to get from a home interview to make a determination. We've run the background, nothing has come up, but there are still signs that they're either gang related or maybe involved in some drug activity. And that could be-- We may realize that from talking to a neighbor. Maybe they've given us information and didn't realize we were going to talk to the neighbor. We talked to the neighbor, and then we go to the local police department, and we find out that there has been police activity at the home that they haven't told us about.

So those are the kinds of things that we get at the home interview that we would be eliminating from the process by doing away with the home interviews.

ASSEMBLYMAN VAN DREW: And just to clarify, as well; before you stated that-- I think someone had asked you a question, that those groups -- that there are certain gang members in gangs that would like to be in the enforcement end of what happens in corrections. That is accurate in your opinion, correct?

MR. SMITH: That is accurate. There have been instances where officers have been found to have been involved with gang activities within the institution and have been removed from the facility. So it does happen. And at this point, we have not used anything in our background process to try to find out these people before they get into the institutions.

ASSEMBLYMAN VAN DREW: And with the increase in prevalence of gangs, and, with some gangs, the increasing sophistication and the desire in certain ways and levels to be more mainstreamed into certain activities in our society, it would be more important than ever to ensure that we are protecting against that?

MR. SMITH: Absolutely.

ASSEMBLYMAN VAN DREW: I believe that's all the questions I have.

Lieutenant Riebe, did you have some further questions?

MR. RIEBE: I have a couple more questions for you.

I want to touch on one of the questions you had asked.

Currently, at the present time, you are no longer the recruitment lieutenant, correct?

MR. SMITH: Correct.

MR. RIEBE: Also, currently, the recruitment staff is under the Bureau of Training, correct?

MR. SMITH: Correct.

MR. RIEBE: Talking to you previously, you had told me that you have six staff members, a sergeant, and yourself -- or, at that time, yourself as a lieutenant. Once you were placed under the authority of the Bureau of Training, your officers that were assigned to recruitment were

actually pulled from the recruitment area. Can you explain to me a little bit about that?

MR. SMITH: Once we came under the academy, the director pulled all of the staff from the unit in Lawrenceville to the academy in Sea Girt. We were told that we would process when work was available and when needed. The academy had priority, and when the academy wasn't busy, then they would be allowed to do recruitment work.

We've always had work, larger amounts at busier times, being as this is probably the first time in the six years that I've been here that, between December and March, there was no academy class -- which was the first time in the six years that I've been involved in recruitment.

But the perception that was being put out was that there was no work in recruitment. There is always work in recruitment. And being that the officers were assigned to Sea Girt, and Sea Girt was put ahead of the recruitment work, job fairs were cancelled. Work is just sitting.

Currently, there is-- The class that's going to be going in, in September, includes a large amount of staff with Northern State. Newark is currently putting in a class. So we're competing with Newark for the same applicants.

MR. RIEBE: Newark PD?

MR. SMITH: Newark PD.

So our processing of that work is just sitting. In addition to that, we're doing additional processing, as allowed by the academy when they're not busy. And that work is being added to the work that is already sitting there. So work that I feel needs to be done now is being put aside



with the assumption by the academy that it could be made up at a later time, which I don't feel is going to happen.

MR. RIEBE: So, currently -- right now -- how many officers or law enforcement personnel do you have screening or doing background checks on potential candidates?

MR. SMITH: The week that I left, they allowed me two of the six officers to do processing.

MR. RIEBE: Only two officers to do your processing?

MR. SMITH: For two days.

MR. RIEBE: For two days? That's out of the entire week?

MR. SMITH: Yes.

I'm sorry, three days. We had three processes. That's three days. I was allowed two officers for three days.

MR. RIEBE: Okay. You're also stating that within the next year, they're going to have to be hiring up to 2,000 to 4,000 new officers for the Department?

MR. SMITH: Correct.

MR. RIEBE: And yet they have-- The Bureau of Training is only allowing two officers to do the background checks and screening.

MR. SMITH: Yes. I spoke to the Chief of Staff in reference to that. And I told him that I was only allowed two officers. He said that he was under the assumption that all of the officers were back at Spruce Street. And I informed him that that wasn't the case. I was told that because of the academy's schedule, I would only be allowed the number of officers that they could afford to let me have.

MR. RIEBE: Since you have left the recruitment, did they replace you with another lieutenant or another supervisor to take over the duties that you had?

MR. SMITH: No.

MR. RIEBE: So who is doing the background checks? You stated earlier that you had to have specific qualifications to have the NCIC access, as well as the other accesses. Who is doing that now?

MR. SMITH: That I know of, there is nobody currently in custody that's qualified to make those decisions, because nobody was trained to take over for me when I left.

MR. RIEBE: So we have all these potential recruits coming through with nobody doing proper background checks on them, correct?

MR. SMITH: Correct.

MR. RIEBE: So that alludes to the question that you had asked earlier.

Right now, apparently you have nobody doing proper, thorough background checks on any potential recruits.

MR. SMITH: Correct.

ASSEMBLYMAN VAN DREW: Which would go to my question before. Are there people going through the process now-- I'm not saying they're going to make it all the way to the finish line. But are there people going through the process now that -- perhaps we're spending money on training them, or beginning the process with them -- that towards the end of the process, they're actually going to have to be removed?

MR. SMITH: I would dare say there is approximately 100 to 150 people that are currently in the process that was begun but has not

been finished: some that are almost ready to go to a medical, some that haven't even been interviewed. As far as I know, a determination hasn't been made, at this time, as to when they're going to be allowed to do those interviews, and whether it's going to be at the home, or whether it's going to be at a regional site. Those determinations haven't been made as of yet.

MR. RIEBE: One more question -- just a follow-up question to go with this. In the past six years you have been doing this -- the Department has been going through this process for the screening of applicants or potential candidates -- not one of your staff has any official training in STG identification, or anything as far as dealing with STG gangs -- security threat groups? You've had no kind of training whatsoever in that by the Department?

MR. SMITH: Not as a unit. I know that one officer in particular has taken it upon himself to get involved in that kind of training. But the unit, as a whole, has not had that kind of training.

MR. RIEBE: So any of you, even going in to interview one of these individuals at their home residence, or even in an atmosphere such as this-- You wouldn't know whether he is a member of a gang or not, even if he was flaunting colors or anything else. You wouldn't know what you were looking at.

MR. SMITH: Correct. And even if we did have that training, and you eliminated the home interviews, you're sure not going to find it in an office setting.

MR. RIEBE: I have no further questions at this point in time.

ASSEMBLYMAN VAN DREW: Thank you.

I want to thank you for being here again. And before-- We'll just see if there are any other questions before we wrap up with you.

If it was the best of all worlds, and you were the supreme ruler and could change the system in any way that you wanted to, with the experience that you have, what would you do?

MR. SMITH: Like I said, I've been doing this for six years. I've had training from various agencies to include the State Police of New Jersey, Delaware, New York, and outside agencies, different police academies. I believe our process is a good process. The procedures are explicit. They've been revised, and they work.

I think the recruitment unit is a good unit, and we are respected in the state and the nation. We do share information with other state agencies all over the United States. And I know we are looked upon as one of the better units in the United States. So I think we have a good process, and I don't think this is the time to try to water it down.

ASSEMBLYMAN VAN DREW: So if it was up to you, you would keep recruitment, obviously, not under the academy. It would be as it has previously been.

MR. SMITH: I don't have a problem being under the academy. We've been under the academy before, but we've always been allowed to process applicants, which is our function.

I had a talk with the Chief of Staff about not being able to process, and even he stated to me that recruitment is under the academy, but it's not part of the academy. We fall under, but we're a separate unit under the umbrella, which is the way it should be. There's no problem

reporting to the academy, but to be allowed to do the work that recruitment does in order to prepare the applicants to go to the academy.

ASSEMBLYMAN VAN DREW: So if we were to make recommendations, which we are going to -- both legislatively -- the Legislature, through legislation -- and also to the Governor in the Executive Branch. If we were to make recommendations, your recommendations would be to maintain the autonomy of recruitment, even if it is under the academy; to keep the home interviews. Would that be correct?

MR. SMITH: Yes.

ASSEMBLYMAN VAN DREW: And also to make sure that those-- And the third piece of these recommendations would be to ensure that those who are in this process -- who are making these decisions, who are doing the interviews -- have a thorough knowledge of, and training of, gangs, gang symbols, gang activities, and so forth. Because it's all of our sense-- I've learned a lot through this process, as I've sat here through hours of testimony, now and in the past, that the gangs are trying to infiltrate different areas of our society. And, certainly, this would be very valuable for them and very dangerous for us -- area for them to infiltrate. It's more important than ever to make sure that gangs are not actually infiltrating at that end.

So would you agree with me that that should be a recommendation, as well -- that those who are doing the recruiting have a very, very good knowledge of what's going on in the world of gangs?

MR. SMITH: Definitely.

ASSEMBLYMAN VAN DREW: Would you agree with the other recommendations, as well?

MR. SMITH: Absolutely.

ASSEMBLYMAN VAN DREW: Would you add anything to that?

MR. SMITH: Training, as a whole, should be done on an annual basis, as it becomes available, not only with gangs, but also with drugs and any other background training that could be obtained.

ASSEMBLYMAN VAN DREW: Thank you.

Further questions?

Mr. Paglione.

LIEUTENANT PAGLIONE: Not a question, just a comment.

I believe I was appointed to this body because of my background as a law enforcement officer in street gangs and knowledge in that. And I just-- I believe I can state with certainty that the Department -- the criminal street gangs would really welcome the opportunity to infiltrate any part of law enforcement. And I really believe that the Department is walking a dangerous line, if they're interested -- or considering minimizing the recruitment process. Because I think the consequences would be too great at this point.

ASSEMBLYMAN VAN DREW: I think Mr. Paglione is correct.

What frightens me in the process is just the idea -- to have those that are making the decisions in the enforcement end actually to be gang members, to infiltrate this. And I don't know, quite frankly, what's true or not. I've heard that it's happened to a very limited degree in certain facilities, specifically even here in northern New Jersey. And that's an area of tremendous concern. I mean, that would be the--

As we go through this process of trying to protect those in law enforcement, and to protect the public, the cruelest of all hoaxes would be to have the authority to protect to be those that are trying to promulgate the pain. So this is something that we don't want to happen. I think it's a very important part of the recommendations that we're going to make in this process.

Thank you very--

Any other questions? (no response)

Thank you very much for being here.

Yes, I'm sorry, Mr. Makara.

MR. MAKARA: I just have one thing.

Lieutenant, I just want to be a little bit more specific than the Assemblyman. If a phone call could be made today -- because doing things legislatively takes time. And from what you're telling us, we really don't have the time. We're going to be recruiting. We have to do background checks.

If a phone call was made today-- I hear a confusing chain of command here. Who can reverse what has happened -- the Chief of Staff, the Commissioner, or the academy director? Who is in charge here?

MR. SMITH: At this point, all three are involved in the decision to do this.

MR. MAKARA: Naturally, the Commissioner could make the change.

MR. SMITH: Yes.

MR. MAKARA: But we have an Acting Commissioner, so there's a leadership vacuum right now.

MR. SMITH: Right.

MR. MAKARA: We have a Chief of Staff, so he would be able to make that decision, am I correct?

MR. SMITH: Correct.

MR. MAKARA: Okay. Thank you.

ASSEMBLYMAN VAN DREW: Again, thank you very much for being here. It was very informative. You were a very good witness, and we really do appreciate you taking the time, and having the courage and the energy to be here.

Thank you.

MR. SMITH: Thank you.

ASSEMBLYMAN VAN DREW: I am going to ask Richard -- and Richard, you're going to have to forgive me -- how to pronounce your last name.

**RICHARD SZOLLAR:** Szollar. (indicating pronunciation)

ASSEMBLYMAN VAN DREW: Szollar. (indicating pronunciation)

Okay, Richard, if you could come forward, please.

MR. SZOLLAR: How are you doing?

ASSEMBLYMAN VAN DREW: I'm doing well.

And thank you for being here. Please identify yourself, and what you do, and why you're here.

MR. SZOLLAR: I came here because I'm retired off the job -- 26-and-a-half years. I was in the training department in Northern State Prison. I was a manpower sergeant in the ad-seg block of East Jersey State Prison. I also was -- retired State range master out of Sea Girt. I also was



the disciplinary sergeant in the ad-seg at East Jersey, as we call it now. I've met all these gentlemen through the years.

In sitting here, listening to the questions you asked of Lieutenant Smith, who I worked for down at the academy. I have a couple overviews. One would be as far as the academy itself -- the trainees coming in -- the physical aspect. We are not like the State Police. They wash people out. We bring people in now -- I call it -- even the State Police have to do it to some degree -- *the kinder, gentler correction academy*. As long as the person is making some type of progress, they can't wash them out. These people can't even run a mile. I expect them to come to codes. For the laymen and civilians in the room, code -- and we used to call it, back in the day, a riot bell -- like they don't-- I need a person to respond because it might be my life, or somebody else's life.

I think that might be one of the issues you might want to look into, when they're doing these physicals. These people should be coming through the door. There's no way they're going to respond. There's no way, if they set the times and regimentation they're supposed to, at the academies, at a higher level, which it should be-- Because this is a physical job -- more mental than physical -- but if you're going to have to react, you have to be in some type of shape. And, therefore--

And then the cost factor, and the SLI injuries, people's lives-- It could be considerable. And it's not being recognized.

As far as-- Let's see, there are a couple other things here. As far as the training down at the academy, it's come a long way. I have to give them that. It has come a long way.

As far as the backgrounds, it is an important issue. Gangs are a serious problem. Can you do it in a big room? Personally, in my experience, no. You really need to go out there and talk to the people, talk to the neighbors, and see what's going on in the area.

And one of the big problems in your hiring is that you regionalized in the north. Like here in Newark, I've been to hearings where we have to hire X amount of people from the town of Newark, Camden. They're high gang areas. At some time, if they went to the public schools, they had contact with gangs. To what degree is anybody's guess. But the screening, like Lieutenant Smith said-- There's no training. And part of that problem is, we have this other little unit. It's called -- it used to be Internal Affairs, now they're SID. I guess they got more money at contract time, because they got to change their title there. But they share no knowledge with any staff.

I was a line person. I was on floor -- line supervisor for over 15 years. I became a lieutenant over there. Any officer over there will tell you, anytime you call SID, it's on a need-to-know basis. We get nothing. They're the ones that are supposed to have all this knowledge. They could give the training, and it wouldn't cost the State a dime.

You want to use this overlap, give the overlap to everybody. Take that 15 minutes and have SID, instead of hanging out down in their office, come in there and give the gang training. In 15 minutes a day, in a week how many hours of training do you have? Maybe they'll be able to identify some problems before somebody gets hurt.

The (indiscernible) process-- Like Lieutenant Smith-- One of my concerns, just sitting there, is how much of a pool do you have, to hire

for 4,000 people? What is the pool right now? You only can process so many recruits down at Sea Girt.

The way it was set up back in the day, we were going to hire *X* amount of individuals over the years to address this problem. Somehow, it fell through the cracks. When I retired, a mass exodus all went. Mr. Butler, Mr. Balicki -- we were all in the same boat. You started changing the medical, you started changing this and changing that, you lost thousands of years of corrections experience. A lot of us might have stayed on, but it wasn't beneficial anymore. You could utilize a lot of these retired people to give the classes. Open the doors. And you don't have to pay the medical, you don't have to pay the dental. This is something--

This job here, you cannot walk into. Because once you walk through that door, you hear that door slam, you're not the same person. And you have outside organizations trying to come in and give this type of training, that type of training. Unless you were -- like I tell the cops -- "Right now, you're a corrections officer, but really you're a prison guard." I used to say, professional hostage, political prisoner, depending on the contract. You want more money, but-- Getting a little off base there.

But if you utilize people with corrections background to give the training, you're going to get the proper training. You bring in an outside agency that has no experience in the correctional environment, are you getting training? Yes, you're paying a lot of money for something that most of the staff is going to fall asleep in. So nobody is benefiting there. And with this type of gang activity you have going on here, you need people that really have dealt with this type of environment, this type of people, to weed them out.

As far as an overall thing, there are some things that need to be done at the academy to bring out the highest quality person. We're paying big money here. This is--

And another place we're losing a lot of money -- and I see a lot of police academies-- You went through-- We give them the training, and within that year they're gone. You've got to have them start signing contracts. "You've got to stay on with us for two years." A lot of your states that have a very recognizable law enforcement-- Before they even become a police officer on the street, you have to do two years in a jail. Everybody should be doing two years in a correctional facility before you strap on one of these guns. We're going to see how psychologically fit you are.

I know California, Florida-- Before you even go on the street to do this job, you have to use your badge, your pen, and your mind. If you can handle the type of mental and physical strains that you come into in everyday life and in that prison system -- if you can handle that for two years -- you're ready for the streets. Because I now know you're not going to do anything -- going overboard. It used to be called, in the psychology background, the *Wyatt Earp* syndrome.

There are a lot of issues. And I really thank you for letting me say a couple of words, and thanks for letting me stop by.

ASSEMBLYMAN VAN DREW: Thank you.

Stay, because I'm sure we have some questions for you.

I just want to make sure -- I want to wrap up your testimony -- that I understand it correctly. The physical standards, hopefully, will get

better. And I agree with you. That's a real problem throughout. And that's not just in corrections, but that's in law enforcement.

Sharing the knowledge-- That's something that we've heard in all three -- this is our third Task Force meeting. And I just-- We've heard it from all segments, and from different facilities, and from different individuals. And I just want to emphasize that's something that I think, as a committee, when we make our final recommendations -- both legislatively and to the Governor -- we just have to do a much better job with. Because we've heard it consistently, over and over again. It's not helpful if SID are the only ones that have the information, and all the people that are dealing with it every day don't. It's just common sense. So you would agree that we obviously need to do better with that?

MR. SZOLLAR: Definitely. SID -- anytime they put in for any type of training on where -- when I was with the Department, no matter where it was, it wasn't a cost factor; except for the last six months, maybe -- where there was a Governor change coming in. They were allowed to go.

Now, the lieutenants who run the gang unit-- I think they should be going there, too -- the people running the weapons programs, the people doing the physical makeup of what the academy should be about. There should be some type of physical incentives to keep people in shape, like PDs. "We're going to give you five days extra a year if you come in the right time." Because what it's going to cost the Department over the years-- If you have people in shape, they don't use SLI, they don't call in sick, they feel better about themselves. It's a win-win situation.

I used to tell-- To be a good supervisor, you have to give respect to get respect. It's the same thing with dealing with the inmates.

And that's a tough idea to sell until you get about five years on the job. But once you have that--

It doesn't cost the supervisor that's well-trained, or the officer that is well-trained, to say, "You're doing a good job." It didn't cost a dime. And you're going to get 150 percent from them. We get no recognition here. We used to tell them, when we went over and above, "That's your job." "Okay. That's my job? Next time, I'll look the other way. That's my job, too." You become complacent.

But with the SID, they get all the training. They should need to share the training, or let the people who work in -- like disciplinary sergeants -- let them go with these people -- SID -- the gangs, the physical. There's so much training out there. It's big. And people don't understand. Society, as a whole, doesn't want to spend the money. But it's probably the best dollar you're ever going to spend. The more trained you are, the less lawsuits you have, the less payouts we have.

And I went to the Commissioner's meeting, right before I retired, with the (indiscernible). We wrote the whole weapons program for the state -- went to the new H&Ks. My recommendation was go with a Glock, because 80 percent of my staff carries a Glock off duty. So the transition would probably save about \$5.5 million. But the powers that be -- whatever the thing was going on -- the chief at the time -- said there would be no more conversation. We had one of the leading experts at the meeting. We went, so it cost the Department millions of dollars. Their reaction was, "Well, it doesn't have a magazine disconnect." I said, "Let me explain something. If you don't put your finger on the trigger, the gun doesn't go off."

We had a remediation rate that was killing the State in overtime. When these guys and girls, men and women, had the Glocks, they had no problem shooting them. But now we spent all the money on this. That's water under the bridge. But this is an aspect of training. We have a lot of talented people in this Department, but they're not allowed to express it in an open forum without retribution.

ASSEMBLYMAN VAN DREW: We know about that.

Thank you.

Questions?

Mr. Butler.

MR. BUTLER: Rich, you made a comment, which is an interesting point about ex-correctional personnel coming in and-- I guess, more or less, they'd be volunteering to talk to these classes, because they would have vital information. Would you expand on that?

MR. SZOLLAR: I didn't hear the last part. I'm sorry.

MR. BUTLER: Would you go into detail as what you feel these people could offer recruits?

MR. SZOLLAR: I have a lot of friends that retired. They're sitting on that side of the table, too. A lot of them are bored. They need to get out of the house. They'd probably volunteer their time, like Mr. Butler said. Some of them want to be compensated. But just to come in and give the classes an overview on inmate manipulation, how to go for contraband, SWAG -- unless you were in the military or prison system you wouldn't know what SWAG is. SWAG is *stolen without a gun*. Where do you go look for SWAG, where do you go look for the contraband? I found it in the bottom of powder containers. It's just stuff that's not normally covered in

regular correctional overview. They have a certain amount of hours that need to be done, this has to be covered.

But there are things that you need to look for in interpersonal communication skills. By one person making a bad decision by, I call it -- excuse my language -- *diarrhea mouth syndrome*, making the wrong -- disrespecting the wrong person, you just started a major incident in the mess hall, and a whole bunch of people got hurt. But if you had the proper training--

Listen, I was told a long time ago, by one of our guys that just passed away, unfortunately -- God rest his soul. He said, "All we wanted to do was be heavy-hitters." He said, "Is that inmate hurting you?" I said, "No." "Is he hurting himself?" "Probably not. At this point, he's bouncing off the thing. We'll take care of him." He said, "You're going to understand some day." It took me five years to actually grasp that discretion is the greater part of valor. Our side always wins. And that's something they don't teach at the academy. Something -- when you get into the rank and file, when you're moving around in prisons, you learn from the old heads, the old-timers. This maybe could be put out in the academy. And it would probably save some people's lives, and maybe even serious harm to both staff and inmates.

MR. BUTLER: Another one you talked about was out-of-shape personnel. Not only is it detrimental to the individual, it can also be detrimental to his brother officers.

MR. SZOLLAR: That's correct. You've seen it.

MR. BUTLER: What would you-- What kind of program do you think should be implemented to keep these people in shape? Because it



is a paramilitary organization. And as a military organization, you have to be in some type of shape.

MR. SZOLLAR: Correct. The institutions-- Until I left, some institutions were more -- depending on the chief -- was in tune about letting the officers be -- to work out. So, rather me go and take my lunch hour, I went upstairs and worked out. That saved me a half hour when I had to go home, so I could be with my family. You work this job for eight or 10 hours, mentally it's very taxing. But if you have the opportunity, and you have down time, let-- They let the inmates work out all the time. They're in great shape. That's why we get hurt, because they stay in shape.

But, I'll tell you what. You're probably going to have 70 percent of your staff, if you allow them to use the facilities -- the weight training -- or get-- We have guys that are professional boxers. Let them teach us how to box. They give you probably 12 hours of hand-to-hand. These guys in the street have been doing hand-to-hand all their lives. I came from a middle class environment. The first thing I saw -- and there's this name, Trouten (phonetic spelling). There was a stabbing going on in the mess hall. He said, "You're going in." Two days on the job, no academy then. I got two weeks of orientation. They throw me-- He goes, "You're going in." I said, "What about you?" "Oh, I've been there." And he slides me into the middle of a murder. I'm like this (indicating). He says, "Stick around, kid. It only gets better." And I stuck around for 26-and-a-half years.

But the thing is, we have the resources there. Give them an option that (indiscernible) like a lot of the police departments. "You come back in shape, and we'll give you a \$500 bonus, or we'll give you two days

off.” Give them eight hours. They’d be happy with eight hours. You’re going to tell me you’ll let me work out on my lunch hour or whatever, or you’re going to compensate me if I put in eight hours of training; give me a couple of hours here at the end. And then you’re going to have-- The money you’ll save just in sick calls will far supersede what you’re giving out -- the little bit of time. And there are other institutions -- they just won’t let you use comp. That’s a no-no. Why? I don’t understand.

MR. BUTLER: Thank you.

ASSEMBLYMAN VAN DREW: Mr. Balicki.

MR. BALICKI: I don’t know if you’re familiar or not with the State Police’s fitness program that they use. I know you’re probably down in Sea Girt.

MR. SZOLLAR: I’ve seen them. They don’t play. They’re the real deal.

See, like the Lieutenant said before, the State Police is under the DAG. They can let you go for any reason. With the lawsuits that the Department of Corrections-- When I was down there for the three years as the range master, just doing the overview, watching what was going on-- As long as they’re making some type of progress -- because they fire people, they go down to the merit board, they give them their job back, now we have to give them back pay. It’s just simpler to graduate them, do whatever you’ve got to do. As long as you’re making marginal-- So say you ran that quarter mile in 30 seconds, for the sake of argument. Now you get it down to 29. You’re good, but realistically you should be running it at 22. And that’s just average. I’m just throwing out numbers. And that’s how it is down there right now. It’s not fair to the staff that’s at the institution.

Now, look. We're all retired, we're all in pretty good shape. But we stayed in shape all our lives, because that's how we were brought up. I've seen guys that are 300 pounds. How is this guy, who is 300 pounds, going to run four flights of steps up to save me if we're up at Rahway State Prison? It's not happening. I'm dead.

MR. RIEBE: How long were you involved in training with the Department?

MR. SZOLLAR: Well, I started with weapons, so-- I was the training supervisor at Northern State Prison for about six years. But I've been training over 15, mostly with the weapons. But, of course, when I became the training supervisor at Northern, I was running, like, five different classes for-- *CF versus Terhune* -- we got slammed in that lawsuit. So we had to bring in training for that. And Hazmat and other things were mandated. And the only reason they were mandated was because we don't get Federal funding -- we don't give the training, we don't get the funding. Or the Federal judge says, "We're going to come in, and you're going to pay X amount of dollars."

MR. RIEBE: While you were up at Northern State, you were running the training program -- or training department over there.

MR. SZOLLAR: Correct.

MR. RIEBE: Did you conduct any training -- in-service training for your officers, aside from what was mandated by the Department or by the courts?

MR. SZOLLAR: What I tried to do was, with the in-service -- because you do have down time at any institution. I liked to practice for cell moves, because the better trained the officers are on how to handle the

different mechanical devices that we need to place on the inmates, and the coordination that's involved, takes practice. You certify officers, and they haven't done it in a long time. There's a lot of issues there.

Overutilizing-- I got the mats down there. I started that. Unfortunately, we're not going full speed, slamming people, like we would have to do -- but just walking through it. Of course, you're going to have one guy -- "Here's an out for me to fall down and get hurt. I'm going out." Now we've got to pay them for two weeks. So they said, "Okay. We're not going to do that anymore." So a lot of the in-service things that we utilized-- We can do walk-throughs.

Once again, if you hire a higher class of officer-- And we are getting a lot of respect as correction -- now we are correction officers. We've come a long way since I started. And they respect their jobs. I think you can do a lot of in-service training, because you do have -- probably, in a given day -- and it's probably in these smaller institutions you have a lot of time. You can do the in-service right there in your manpower area, your ED areas, or your break rooms, or where you have your people congregated at in case they have to respond to a situation that might arise inside a facility.

MR. RIEBE: But you had the powers, the training, Lieutenant, to set up a training set of -- or a course of training inside the institution, or in-service training?

MR. SZOLLAR: Well, I'll tell you what. I think if you had the cooperation of the administration and downtown, and they let the training lieutenants-- See, one of the other problems is training lieutenants-- Sometimes, it's like a bidding process -- for you civilians -- to go by seniority. That is not the best applicant for training. I know several

lieutenants in this state that usually -- lieutenant rank runs a training department, but some sergeants do, too. But we have different individuals where-- And I'm pro-union, very pro-union, but there are certain positions, like Lieutenant Smith has here, that you need qualified and capable people in. I know a lot of people within the Department now -- they go out and they spend their own time and their money. Those are the ones that should be the training lieutenants, because they're going to take that extra step. And it's not costing the Department a dime. They're going to set up the training, they're going to bring in the officers who want-- This is where the downside of the unions are. They say, "No, it has to go by bid."

Now you can get somebody in there -- they're just moving through the motions -- where you could actually (indiscernible) this Department to be at the degree, or pretty close to the degree, of where the State Police are with their training and everything. And it's not costing you a dime, because you have the people there. You're paying them anyway, so let's utilize their talents.

MR. RIEBE: All right. I want to back up a little bit. The question that I asked you was, as a training lieutenant, did you have the authority to perform training -- or in-service training for your officers in the institution.

You stated that yes, if it was okay with the administration -- your chief, the administration, and downtown. In particular, you're speaking of the Bureau of Training or the central office of the Department of Corrections?

MR. SZOLLAR: Well, let's say-- Everybody should be advised of what's going on, because God forbid somebody should get hurt. But if

you do a training, your overview plan should go down to the academy, because they're in charge of all training. Just see if they want to tweak it.

I know there's a lot of people who don't like the president of the academy, the administration down there. So I'm sure there's animosity there. But still, that training does fall under the academy. And if you do an in-service training, they shouldn't have a problem. You send down your lesson plan, they look it over, and then-- But you have to get permission from the Chief, and the administrator, and downtown to central office, as you say, because you're utilizing people that are on the job. So they might feel that this is not germane to what they think should be going on.

MR. RIEBE: At what point-- When did you leave the Department? When did you get out of the training aspect of working in the Department of Corrections? When did you leave the training position that you had?

MR. SZOLLAR: I was at Northern State Prison. And when Mr. Ortiz took over Northern State Prison, he upgraded the slot of training, and he gave it to a lieutenant. And I was--

MR. RIEBE: And you were in what position at that time?

MR. SZOLLAR: I was a training lieutenant/sergeant.

MR. RIEBE: Okay. You were a sergeant, actually, at that time.

MR. SZOLLAR: Right.

MR. RIEBE: And then they actually gave that to a lieutenant to operate.

MR. SZOLLAR: Right. And he didn't have the (indiscernible)

MR. RIEBE: In particular, the question I'm asking is, when -- what years were you involved in the training program over there -- or in the training Department over at Northern State?

MR. SZOLLAR: That was from '95 to 2002, I guess.

MR. RIEBE: Okay. Now, at that time-- Again, correct me if I'm wrong, the in-service training fell under the institutions to conduct.

MR. SZOLLAR: Correct.

MR. RIEBE: Departmental training fell under the training department of the Department of Corrections.

MR. SZOLLAR: Correct.

MR. RIEBE: So the in-service training was actually left up to the training officers at the individual institutions, correct?

MR. SZOLLAR: Correct.

MR. RIEBE: All right. Now, you retired how long ago?

MR. SZOLLAR: About two-and-a-half years ago.

MR. RIEBE: About two-and-a-half years ago. And as of that time, it was still -- that was how things were done. In-service training was still done at the institutional level?

MR. SZOLLAR: If you had the right people in the training department -- they wanted it, and they wanted to take the steps to do it -- which, at Rahway, we always had a good rapport with the administration and Chief. We were doing in-service training. We were doing the in-service at the ad-seg.

MR. RIEBE: The question I'm asking is, you were actually allowed to perform in-service training at the institutional level?

MR. SZOLLAR: Correct.

MR. RIEBE: Are you familiar with what's going on inside our Department now?

MR. SZOLLAR: No.

MR. RIEBE: At this point, all in-service training and departmental training has to be authorized or approved through the Bureau of Training, which is out of Sea Girt.

Now, you being in that position that you held, how do you think that will affect the training of the officers at the institutional level?

MR. SZOLLAR: Just to digress for a second, when I was there they were talking about regionalizing training, which I didn't agree with. They would send out staff from the academy. The problem with that is, the academy staff-- Every institution runs different. Trenton is Trenton, Rahway is Rahway -- the right way or the wrong way -- I hate to say that -- Annandale. You're dealing with different offenders. You cannot regionalize this type of training. The type of training you need for in-services are the types of individuals you're dealing with. You're dealing with juveniles at one of them, you're dealing with a medium-custody type of inmate -- he's only doing 10 years. Rahway, Trenton -- you're dealing with a totally different animal. The in-service needs to be done within that institution, because every institution, as I like -- used to say, is their own little kingdom. They have different needs and different goals that need to be accomplished throughout the day. So there has to be a different type of training. You can't regionalize something like that.

MR. RIEBE: Now, as far as regionalization that you're talking about, are you talking about centralization, like centralizing the training out of one particular area?



MR. SZOLLAR: That's correct. That's what they wanted to do.

MR. RIEBE: Regionalizing would be breaking it down into the different areas. Say the southern region does their own training, the central area does their training, the northern region does their training -- handles their recruit training, or in-service training, or whatever else. How do you feel that would be for the Department? Do you feel it would be beneficial or it would detract from the quality or the training of the staff at the institutional level?

MR. SZOLLAR: In the southern area -- from all the years I dealt with all the gentlemen here that are from South -- you guys always had a good working rapport with all your institutions. And I never spent any time there, so I can't speak on what happens down -- what type of inmates you have there. But it seems you have a good working relationship. That type of regional training would probably be good for the south.

Now, when you get up to the north, you've got Annandale, you've got Clinton. When I had them-- When I was doing the regional training up there, when we were doing -- I was running the ranges up there at Mountainview -- I had officers from Clinton and Annandale that never used a set of cuffs. I'm sure they had some training at some point, but in day-to-day operation, they were putting them on backwards; they never saw a black box. I mean, this is the type of training that the Trenton and Rahway officers are going to need, because we're dealing with high-profiles, high-escape type inmates. Do they need to be exposed to that? Yes. So regional training-- I would think regional training is one -- you take

Rahway/Trenton. That would be a region, not so much as a geographic -- demographic type of situation.

MR. RIEBE: You need training to be more consistent throughout the entire state, in itself. But if you were to break it down into different regions -- say, you have three regional ranges. You have the southern region, central region, and northern region ranges or training facilities.

MR. SZOLLAR: Correct.

MR. RIEBE: If you were to take, say, the northern region and break it down -- from Rahway, or East Jersey, Northern State, Mountainview, Clinton -- and centralize their training together for that region -- you understand?

MR. SZOLLAR: I'm following you so far.

MR. RIEBE: You would have all these officers receiving the same type of training, which is approved by the Department, which is more consistent with the Department regulations, and so on. Then everybody would be receiving that same type of training together, whether it's the northern, central, or southern region.

MR. SZOLLAR: Correct.

MR. RIEBE: Do you feel that that is -- would be more beneficial to the individual institutions, or going back to -- or staying with the centralized training, where--

MR. SZOLLAR: It comes out of the academy, you're saying?

MR. RIEBE: Correct.

MR. SZOLLAR: I think the centralized training is a bad idea for what you're -- into the system, in-service. The regional training-- I

think you'd have to -- it would work. It would expose everybody to what the other institutions do. I think at your higher custody -- your max-type environments -- they need a little more training in certain, different avenues, because we're dealing with a different type of inmate. We have-- When they had the females at Northern State Prison, I never ran a female cell block. I was a supervisor down there. And I'm not even going to get into what those girls-- But I was never exposed to it. Now, if I was exposed to what the females -- I would probably have been better able to-- I made the right decisions, but it was something I would never -- I had 20-something years and I said, "What?" I was just taken aback. In that aspect, yes.

What I think you guys might want to think about, too, is that everybody, maybe once every five years, get rotated to a different institution -- to a higher institution for two weeks. We'll pay your gas, your time, your travel. And you're going to see the difference of what a Trenton officer does, versus an Annandale officer, versus a Clinton officer -- even into the female segs. Once every five years. You go for two weeks. "We're going to pay you time and travel time. And we're going to pay your gas. And you can go down there for two weeks. When you come back, you're going to be a better officer when you go back to your institution, because you're going to understand how lucky you have it at this institution versus that institution." I think it would benefit everybody involved in the State. And Mr. Butler, Mr. Balicki, I'm sure, could verify that this is probably the best training -- culture shock for a lot of the -- probably for 60 percent of the officers in this State. Because they've never been in an environment where they really had to rock.

MR. RIEBE: I have no further questions. Thank you.

ASSEMBLYMAN VAN DREW: Thank you, Mr. Riebe.

Mr. Paglione.

LIEUTENANT PAGLIONE: No questions at this time.

ASSEMBLYMAN VAN DREW: Mr. DeBellis.

MR. DeBELLIS: I just wanted to comment on one question. Throughout your time in training, has it mostly been custody -- training custody?

MR. SZOLLAR: I don't follow. I'm sorry, I don't follow you. You have to talk a little louder.

MR. DeBELLIS: When you were a sergeant--

MR. SZOLLAR: Right.

MR. DeBELLIS: And you were based in many aspects of the training -- and, again, that was a different time. And I understand it. I'm an officer, but I've been brought up in a different way, with the new way.

I've had a lot of training, and it seems that it's not custody that does it, or even designs it. It seemed like in the older days, and years before, it was custody that designed it and it was custody that did it. One of the things that I had mentioned when the Lieutenant testified was, under the way that the old recruiting used to be, it was under someone who had custody orientation. The way it is now, someone doesn't. And now it seems like we're seeing problems with the system. And, again, when you were a training sergeant, did it seem like there was more opportunity for training at that point, at that time, than currently? And I know you're not in the system now, but--

MR. SZOLLAR: That's like a two-part question.

I believe -- in the last part of your question, there is more opportunity for training. I'm saying there is. There is opportunity there.

As far as having-- Like you said, custody was doing the training. We didn't have the support services, and the outside agencies, and the people with the educational backgrounds. Because, back then-- When I started this job, we were making \$9,800. So we weren't drawing a lot of people into this job. And that didn't go off for like five or six years that I was on there.

But what you're saying is-- Yes, I think that you get training outside of custody. But you know a lot of custody people that take the time, and go out, and get their own training. And when they go to see the Chief because they're at odds with him -- I call it *feelings* -- they have feelings -- they don't utilize this individual who could do an outstanding job. And it's not costing you (indiscernible). It's not costing you an outside agency to come in and give the training.

I don't know if that answered your question.

MR. DeBELLIS: Yes. Thank you.

ASSEMBLYMAN VAN DREW: Mr. Makara.

MR. MAKARA: No questions. Thank you.

ASSEMBLYMAN VAN DREW: Thank you very much for being here. It was very informative. We appreciate your viewpoint. It was good. Thank you.

MR. SZOLLAR: Thank you, Mr. Chairman.

ASSEMBLYMAN VAN DREW: We are going to take no more than a five, at most 10, minute break. And we will be back for the two more testimonies.

(RECESS)

**AFTER RECESS:**

We are going to continue with our testimony. And I will ask William Toolen, and Bill Davis as well. Both of you come up.

Thank you for being here.

And as with everyone else, if you could, tell us who you are and why you're here.

**WILLIAM DAVIS:** I'm Bill Davis, Sergeant, Bayside State Prison.

And Kerry just told me to sit up here. (laughter) No, I'm going to help him out to testify, that's all.

**WILLIAM TOOLEN:** My name is Will Toolen. I'm the Northern Region Vice President for the Officers Union. I'm also an Officer at East Jersey State Prison.

**ASSEMBLYMAN VAN DREW:** Thank you for being here.

And we'll get right into-- Do you have any statements -- opening statements? Would you like to--

Yes, thank you.

**MR. TOOLEN:** Yes, I would.

The following statement is a compilation of suggestions and information from my fellow officers from around the state, northern region, and especially East Jersey State Prison. We'd like to state that all officers should be utilized to gather and disseminate information between

supervisory staff, their fellow officers in the Department, as well as State, county, and local law enforcement agencies.

Officers must be allowed to conduct searches of cells or areas to gather information on possible security threat group members, on incidents or possible future incidents. The gathering of information is very important so that possible incidents of security threat groups can be averted.

Since the Senate Law and Public Safety Committee meeting was held concerning gang activity within the State prison system, officers have listened carefully to all the testimony, especially Mr. Ron Holvey, as well as former Commissioner Devon Brown. According to the testimony, Commissioner Brown quoted Mr. Holvey as being an expert in State prison gang intelligence. Mr. Holvey testified that there was one group, and at least two committees, that have been established within our State prisons.

With these statements on the record, the officers would like to state that they recognize that a section or division needs to be made up of gang intelligence officers -- officers, not IA or special investigations. But every officer should be involved in gathering intelligence. Every officer should be given the information, and every officer should be given the chance to collect and disseminate the information. The gang intelligence officers should not be secretive and unknown to the majority of officers.

By keeping them secretive, this creates a selective group that is not made known to the entire custody staff, and this is discriminatory. Furthermore, formal selective and secretive committees that partake in disclosing vital gang information to the various law enforcement officers, or agencies and the public, while not sharing the same vital information with

the entire staff -- corrections officers, as well -- is also an act of discrimination, and a violation of our contract regarding our safety.

In 2004, there was a letter written to the administrator of Northern State Prison. In this letter, it talked of killing an officer in every prison on the East Coast. If you took a poll right now of every officer in every institution, and asked if they knew about this letter, they would tell you that they knew nothing about it. This information should have been passed on to the rank and file, investigated, and the results should have been passed -- of the results to the rank and file, even if the threat is not valid.

Also in 2004, at East Jersey State Prison, an inmate threatened a supervisor with the words, "What comes around, goes around. If you want a war, we'll give you an all-out blood war." No one here can tell me that the officers were advised of this statement by any supervisor who held lineup on all three shifts, or any supervisor that went to the post and talked to the officers that don't have lineups. This information was not disseminated.

It's very obvious that the Department of Corrections can supply its custody staff with ample gang information, ranging from formal training to passing this information to every officer that stands lineup. Let me reiterate, every officer -- wing officer, special assignment officer, general assignment officer, special detail officer, shop officer, mobile -- every officer needs that type of information. Because while they're going around their regular duties, if they're not given that information, their life could be jeopardized.



Lineups and roll calls -- or roll calls, whichever you prefer -- are an important tool to the survival of every officer. But another important tool is radios, in cases where an emergent situation arises as a result of gang violence. Not every officer is, or can be, assigned a radio. And that causes a legitimate concern that the radios may not serve their intended purpose. And that's to provide a line of communication for immediate assistance whenever the need arises. The resulting delay can make the difference between safety and disaster for the officer under duress.

Depending upon the situation, use of a whistle, yelling, or seeking assistance -- even from inmates -- cannot be relied upon to get help. The training of correction officers, as well as the presence of safety vests and escape routes for officers, while important, cannot substitute for adequate communication and assistance in times of crisis.

Gang inmate assaults on staff total approximately 500. Certainly, 500 assaults annually, inflicted on a workforce of over 6,000, indicates that statistically each officer has more than a 7.5 percent chance of being attacked in a given year. And given a 20-year career, it's like they'd be attacked over 1.5 times. Do we want to take the chance an officer could suffer serious bodily harm or even death?

The technological assistance unavailable to an officer cannot ensure an immediate avenue for communication and assistance. Although there are telephones, duress buttons and/or riot bells, an officer cannot be assured access to these lines of communication in times of emergency, where a radio can provide an immediate line of communication. On the average -- at least in the northern region -- there is one radio for every five officers. One radio.

In closing, the gathering of gang intelligence, lineups, and radios are important lifesaving tools. What price is there to prevent one body from being seriously damaged? What price do we put on life?

Thank you.

ASSEMBLYMAN VAN DREW: Thank you, Bill.

And you should know that we agree with you. And some of the issues that you just mentioned now, in our previous two meetings we discussed -- especially the lineups and, certainly, the intelligence. That's a theme, as I said before, we've just heard over and over, whether it was in central, southern, or now in northern New Jersey. We've heard the same issue. And while we had some individuals testify from the Department that it was being done, and it was being done sufficiently, I believe that it's not the opinion of this committee that it is being done. And we're going to make that clear, again, through both -- hopefully through legislation, and also through recommendations to the Governor's Office. I know that they are aware of it, as well. With that transition team, there were discussions of some of these issues, especially with the lineup issue.

I think it's important, though, as we go forward, to make it very clear, as far as the spreading of the information about gangs, that that has to get all the way through the line. And that, I think, we need to reemphasize with the Governor, as well as the Legislature.

MR. TOOLEN: And let me emphasize, Mr. Van Drew, that in that lineup, they can take that 15 minutes of overlap and pass out a vast amount of information so that every officer's life will not be jeopardized. And it's not just every officer, because we're also relied upon to protect the staff -- the noncustody staff, as well, such as CMS, social workers, teachers,

ITIs -- training instructors for plumbing, carpentry, and all the other classes that we offer the inmates.

And I want to thank you, and this Task Force, for all the help in trying to introduce legislation in changing the vast problems that we have in our Department.

ASSEMBLYMAN VAN DREW: Thank you for being here.

With that, Mr. Butler.

MR. BUTLER: Yes.

Officer, I have-- Did I understand you correctly? You want to see each officer have a radio in his possession?

MR. TOOLEN: Yes, sir, you did.

MR. BUTLER: And what would that accomplish, in your opinion?

MR. TOOLEN: In my opinion, it's another tool for that officer to give the alarm, in case of gang violence, if it suddenly erupts, to protect the other officers that are around him, to alert the proper supervisory personnel to start a response team going. And most of all, it's to protect that officer's life. Because so often, in different institutions, there are areas where an officer could easily be attacked and would not be found for at least 15 minutes.

MR. BUTLER: Let me ask you this. You feel that-- I know some institutions call them SAs, some call it manpower. You feel that every manpower and every SA officer should be in possession of a radio?

MR. TOOLEN: Yes, I do. Because those officers are--

MR. BUTLER: Even if they're in a congregated area?

MR. TOOLEN: Yes, because they're also called upon, at times, to perform reliefs. And they have to travel from Point A to Point B, or they're given a certain duty, or they're given escorts. And they have to travel from Point A to Point B, and not in a group.

MR. BUTLER: If someone from those pools had to go to a particular area, what would be the difference in them having a radio for eight hours, and them being issued a radio prior to going into there? I'm not talking about on an emergency.

MR. TOOLEN: The difference would be, if the Department had a radio for every officer, versus issuing the officer one-- All too often, now, there is not a radio to issue to the officer.

MR. BUTLER: I don't have any questions.

ASSEMBLYMAN VAN DREW: Mr. Balicki.

MR. BALICKI: Just wondering, how long have you been an officer?

MR. TOOLEN: I've been an officer with the State, now, seven years. I was a county correction officer for five, in Hudson County.

MR. BALICKI: And did this circumstance with the radios change at some point? I mean, were there ever--

MR. TOOLEN: As long as I've been with the State, now, there's always been this problem with the radios.

MR. BALICKI: And how about when you were with the county?

MR. TOOLEN: No, we were issued-- When you came on duty, every officer was issued a radio.

MR. BALICKI: So is it worse, or better, or different?

MR. TOOLEN: It's better if every officer has a radio.

MR. BALICKI: No, no, no. I mean from when you started.

MR. TOOLEN: It's worse.

MR. BALICKI: And how many officers would you estimate take on a shift-- If there's a hundred people on a shift, how many don't have radios?

MR. TOOLEN: I'd say over half. There's one radio for every five officers.

MR. BALICKI: And your point, I guess, is that you never know -- regardless of what your position is -- what you're going to be called on to do.

MR. TOOLEN: Exactly.

MR. BALICKI: So you should be equipped properly in order to do that when an emergency comes up.

MR. TOOLEN: You're right, sir.

MR. BALICKI: Thank you.

ASSEMBLYMAN VAN DREW: Mr. Riebe.

MR. RIEBE: Okay. I've got a big problem with this one radio for every five officers. Again, when you're working inside the institution, you need communications, especially -- you're halfway down a tier, you're halfway between Point A and Point B where there's no duress button, or red phone, or whatever the different institutions have. You have no way to communicate that you're being assaulted, or that there is, say, even an inmate-on-inmate assault taking place, or so on. How do you get that information out?

Now, in your particular institution, do all your housing officers have radios?

MR. TOOLEN: Yes, they do. But the problem there is, the batteries keep going dead. There are no battery chargers on the wing. So you have to-- Hopefully, during that course of duty, you don't have an emergency happen. And when you do notice that your battery is dead, you have to send out to go get another battery.

MR. RIEBE: So we have a failure at the institutional level to maintain the proper equipment then, is what you're telling me?

MR. TOOLEN: Yes, sir. Exactly.

MR. RIEBE: Is there any reason why this is occurring?

MR. TOOLEN: The only thing I can think of is budgetary reasons, failure to order more radios, failure to order better battery chargers. That's the only thing I can--

In the past, when I've tried to investigate it-- A radio is out to get fixed -- they have a long turnaround time -- and budget reasons.

MR. RIEBE: Mr. Davis, this is for you.

MR. DAVIS: Okay.

MR. RIEBE: In your position, in the training department over there, you handle the maintenance and acquisition of radio equipment, correct?

MR. DAVIS: That's correct.

MR. RIEBE: What is the price for a standard radio?

MR. DAVIS: I think everybody knows, radios are a big expense. There's no getting around it. I think, probably, they're \$2,500, or maybe even more for some specialized radios like, maybe, SAG has or

internal affairs. There are some little, intricate things on there that make them a little bit more expensive.

But what I've seen with the purchase orders is that every time you order a radio -- a walkie-talkie -- along with that order, you have to order software and a maintenance contract. Well, to the best of my knowledge, our radios are repaired by central communications. And software is the same for this radio as it is for that, as long as they're the same model number.

In my hobby, I program radios every day. And I can't see why we should buy new software. So that jacks up the price. I have no idea what happens to those purchase orders, or why they're set up that way, but that is what's on the purchase order.

MR. RIEBE: You're actually not only paying for the radio, but you're paying for software for each individual radio?

MR. DAVIS: That's the way it reads.

MR. RIEBE: And you're also paying for maintenance fees? Am I correct? But yet we service our own radios.

MR. DAVIS: And we program them. The central communications programs them, excepting for the trunking radios. I think they have to go to the State Police.

MR. RIEBE: So in other words, we're being charged for things for these radios that--

MR. DAVIS: I can only tell you what's on the purchase order. That's what's on there.

MR. RIEBE: Okay. And we're being charged for these radios, above and beyond what we really should be paying. Thereby, that's cutting back on the amount of radios that we can order for the institutions, correct?

MR. DAVIS: Oh, yes. It's just going to jack up the price of the radio.

MR. RIEBE: I'm having a problem with this. Because, to me, that's affecting the safety of the officers -- because we're -- we have something additional in there that should not be. I don't know if that's by agreement. Do you know?

MR. DAVIS: I have no idea.

MR. RIEBE: Is that by agreement with the carrier, or what?

MR. DAVIS: I know that when you want to order radios, the specifications that you put on your purchase order come down from central communications.

ASSEMBLYMAN VAN DREW: Excuse me for one second. But are they specifying that? I mean, I would certainly think you could order them without those -- without the software -- and each one of them without the maintenance agreement. I mean, that must be in the specs.

MR. DAVIS: They'll send you down a fax. You place that information on the purchase order.

MR. RIEBE: Okay. So, roughly, the cost of one radio is approximately \$2,500?

MR. DAVIS: Give or take.

MR. RIEBE: Give or take.



MR. DAVIS: Because a lot of times, you'll put a price in there. And when they go through the system, the State's computer automatically gives a discount or whatever it is for the State contract.

MR. RIEBE: So what is the average lifetime of one radio, say?

MR. DAVIS: If you keep the radio in good shape, it will run forever.

MR. RIEBE: Say an initial cost output by the Department of \$2,500 for a radio, per officer, or for a fully manned shift -- one radio for each officer -- \$2,500 for a one-time cost is -- doesn't sound too unreasonable?

MR. DAVIS: Not to me.

MR. RIEBE: It doesn't sound unreasonable to you?

MR. DAVIS: Like the officer was saying, they have problems with batteries running down. Well, I'm pretty sure that when you order a radio, the charger they give you initially with that new radio is a slow-charge radio. The only trouble is, those batteries sit there, and sit there, and sit there, and they get burned up. So they don't last.

MR. RIEBE: So that's something, really--

MR. DAVIS: You can order better chargers, but that's more expensive, because we've done that.

MR. RIEBE: Right. But that's something that should be handled at the institutional level, again -- something that's really not a department--

MR. DAVIS: Whoever does the communications equipment at the institutional level. Most of the time, it's the training department.

MR. RIEBE: My question here is, why is it that we don't have a radio for each of the line officers, or each of the officers that's out there working inside the institution on duty?

MR. DAVIS: At the time when I was working in a lieutenant's position -- it was a sergeant, because there was no lieutenant available -- when we became short on radios, it involved officers' safety. I just went in and laid it out to them. I told them how much I would like to spend on radios. And it took me a couple of months, but I got it. You've just got to go in and fight for it, that's all.

MR. RIEBE: How long ago was that?

MR. DAVIS: I think it was around 1998.

MR. RIEBE: So it was quite a while ago.

MR. DAVIS: Yes.

MR. RIEBE: And, of course, at that point in time, you probably didn't have anybody telling you that due to the cost, or due to the state of the Department's budget, that you couldn't order the equipment.

MR. DAVIS: No, at the time -- I can remember, I spent \$35,000 at one clip, just on radios.

MR. RIEBE: And you had sufficient radios ordered for all the staff at your institution at that time, correct?

MR. DAVIS: Pretty much so. And I believe, today even, Bayside is pretty well set for radios inside. A lot of the times, they may go out in a vehicle, and they may not have an HT or something like that to take with them -- a trunking radio.

MR. RIEBE: So a handheld trunking radio, which is used for communication between institutions, and so on.

MR. DAVIS: Right.

MR. RIEBE: But Bayside is pretty much caught up, or has sufficient -- approximately.

MR. DAVIS: Since that time, I know they've ordered some radios, but it's something you have to keep working on. Because you've got to remember, these radios don't get shut off every day after an eight-hour shift. They just keep going on, and keep going on, and keep going on. And sometimes, when you send them up to get repaired, central communications say, "We're just going to deadline it." Well deadlining a radio is all well and good if you can buy another one to take its place. And we found out before, when we had a different model radio, they were deadlining radios and nobody was buying any more.

MR. RIEBE: So it actually comes down to, again, the problem with funding, or the willingness to fund, at least to my belief. I'm an officer -- been a line officer throughout my career. You need the communications, you need the radios.

MR. TOOLEN: Yes, sir.

MR. RIEBE: And somebody is not willing to spend that money to get a necessary piece of equipment for us. That's pretty much what you're telling me here.

MR. TOOLEN: Pretty much.

MR. RIEBE: Okay. No further questions.

Thank you.

ASSEMBLYMAN VAN DREW: Thank you, Kerry.

Do we have any sense, at all, of what the cost difference would be if you order the radios without-- Since we are-- I want to make sure I

understand this correctly. To the best of your knowledge, we're paying a maintenance fee, a service fee, and also ordering the software for each one, when neither one is necessary, because these things are programmed--

MR. DAVIS: They're programmed right-- The ones you use inside the institution are programmed by central communications.

ASSEMBLYMAN VAN DREW: Okay.

MR. DAVIS: They're delivered there, they're programmed there, and then sent to the institution.

ASSEMBLYMAN VAN DREW: And they're maintained and repaired there.

MR. DAVIS: Yes. The trunking radios, I believe, are programmed by the State Police, because that's their own-- It's actually-- I believe our system is part of their system.

ASSEMBLYMAN VAN DREW: Do you have any sense of the cost difference, if you were to just order--

MR. DAVIS: It's been so long since I really dealt with the cost. I would have no idea. But it's got to be-- When you figure an institution doesn't order one or two radios, they order 10 or 15 at a time, you're probably talking a large expense.

ASSEMBLYMAN VAN DREW: They're more expensive than I would think they would be.

MR. DAVIS: Eight hundred megahertz is expensive.

ASSEMBLYMAN VAN DREW: So would you think it would be also a good recommendation -- and this, obviously, wouldn't be legislation, but it would be, perhaps, to Corrections itself -- to have them look into the way they're expending these dollars, and to do so more

efficiently, since they are repaired internally, and since they take care of the maintenance of them? It's duplicative and expensive, when they could order more radios and ensure that, hopefully -- try to get to the goal of everybody having a radio. Why waste the money doing this?

MR. DAVIS: It would be really ridiculous if I sat here and said that every officer should have a radio. It's not going to happen. I know it's not going to happen. It's just too expensive. But one to five? No. That's ridiculous. One to five is bad, real bad.

ASSEMBLYMAN VAN DREW: And that one to five, is that in just your institution, or is that statewide?

MR. TOOLEN: Well, that's in the northern region. That covers five institutions: Northern, East Jersey, ADT -- the Adult Diagnostic Treatment Center -- Mountainview Youth Correctional Facility, and Edna Mahan.

ASSEMBLYMAN VAN DREW: Okay.

Two questions with that: Is it a little bit different in the Southern area? Do we know?

MR. DAVIS: Can I refer back to-- How are we sitting right now? I have no idea.

MR. RIEBE: In actuality, there's no difference. As far as I'm concerned, there should be equal communications equipment for all staff.

I know-- I just heard that South Woods just recently acquired a number of radios so that they will have sufficient-- You might be more knowledgeable on that than I am. But they acquired enough radio equipment to supply all their staffing -- or all their custody staff with radios.

MR. DeBELLIS: Not all.

MR. RIEBE: Not all? Again, do you know why -- or have any reason why all of them are not being--

MR. DeBELLIS: Funding.

MR. RIEBE: Excuse me?

MR. DeBELLIS: Funding.

MR. RIEBE: Funding.

Okay. So we're going back to the same thing.

And, apparently, they ran out of funding for the northern region quite a while ago.

MR. TOOLEN: Budgetary constraints.

MR. RIEBE: Yes, that's their catchall, anymore.

ASSEMBLYMAN VAN DREW: Do all facilities need as many radios? Some of these facilities need-- I would think there would be a difference from facility to facility.

MR. DAVIS: Each facility -- they have different posts. But the--

ASSEMBLYMAN VAN DREW: Some facilities are more dangerous. I guess what I'm saying is, just educate me. Are there some facilities where you literally would want almost everybody to have a radio for sure, and other ones where the population is not as dangerous, and it might not be a necessity?

MR. RIEBE: Can I answer that one? I'd love to answer this one.

MR. TOOLEN: Be my guest. Go ahead, sir.

MR. RIEBE: There's a very famous saying that was stated to me a number of times during the course of my career, and it's, "Well, he's

only a full-minimum inmate,” or, “He’s only a gang minimum inmate; he’s a max-custody inmate.” It makes absolutely no difference whatsoever, when it comes to the safety of the officers. We have had, down at Bayside, in particular-- They had an officer killed in their full-minimum camp. No radio back then. That was 1968, though. We recently had a female officer who was raped and darn near beaten to death by an inmate at a full-minimum camp.

You cannot change the mentality of an inmate just by waving a wand and saying, “You’re no longer a max inmate, you’re a minimum inmate.” It does not make any difference whatsoever. It does not make any difference if you’re in a minimum camp or in a maximum institution. It does not make any difference whatsoever.

ASSEMBLYMAN VAN DREW: Thank you.

MR. DAVIS: Using Bayside like a tabletop thing-- We have a lot of-- Our area is outside. It’s not like built-in cells, except for the compound itself. If you have an officer out there, there are no duress buttons, no type of red phone out in the outside part. Without a radio, that officer is vulnerable. He’s got nothing. He’s got no contact at all.

MR. BALICKI: I think the other thing -- just to compare it -- is that you need radios for different reasons in different jails, but you need them everywhere. A place like Bayside and Southern State, that has a lot of minimum people -- they’ve got hundreds of inmates all over the place. So, for a management reason beyond the safety reason, you need to be able to communicate with people. So everybody needs a radio for that reason. Trenton Prison is a different thing. Everybody is kind of concentrated, but that’s a more dangerous unit. I guess it’s kind of like saying, “Maybe do the

police officers in Haddonfield not need radios as bad as the police officers in Camden?" I mean, they all still need them, it's just for a different purpose.

MR. TOOLEN: I'd like to add, Mr. Van Drew, even in those minimum security areas, there's gangs. So gangs are everywhere. Every officer needs a radio, because you never know when the word will go out that one of those officers needs to be harmed.

ASSEMBLYMAN VAN DREW: Bill.

LIEUTENANT PAGLIONE: Thanks, Mr. Chairman.

Just a couple of things.

I think I understand it -- that you're concerned about the communications, overall, top to bottom, which we've addressed before. I mean, establish the gang intelligence officers and the gang training for all officers. We believe in that.

I also understand that you have a concern about the unreliability of the radios, or the radio communications-- Is the problem that there is not enough radios, or is it that communications is unreliable?

MR. TOOLEN: No, the problem is that there is not enough radios, and the equipment, i.e. the batteries -- when they're not charged. So you can get what you perceive to be a fresh battery, and half an hour later it's dead. So you're just starting into your shift, you're relying on something that you hope to be working. Halfway down the tier, as Mr. Balicki had stated-- And, all of a sudden, an inmate comes flying out of his cell, and you start to get shanked.

LIEUTENANT PAGLIONE: Much like Sergeant Davis, I have a lot of experience in the radios, based upon my duties.



And the radios-- They're good, solid -- good-quality radios. They last a long time, but the batteries don't. You need to have replacements, and you have to have a program for the replacement of batteries and the rapid charges, and so on. I'm not here to pass judgment or know what the Department of Corrections does, but it's vital that that occurs.

I guess I was more concerned-- And hopefully they will do that.

Also, you talked about not-- When certain people go out on assignment, they could use a radio. You probably should have extras that can be pooled so, that way, when they go out, maybe-- I would like to see every officer have a radio.

Just thinking about it, there might be concerns that in certain areas of the institution, would it be prudent to have a radio where inmates can hear radio communications and traffic? I don't know if certain things are stated over the radio inside that you might want to limit or minimize the population to hear.

MR. TOOLEN: They could always go to a different channel.

LIEUTENANT PAGLIONE: That's good to know. And I'm not-- Again, not being familiar with them--

At the same time, you would at least have pooled radios you can replace when the radios get red-lined or down. You have something to replace it. You're going to need that. Definitely the batteries -- you have to have a supply of them, and a continuing renewal of them.

But inside the institution itself-- When you have a good, fresh radio and batteries, is the communication okay then? Do you have dead spots? Are there things inside that you need?

MR. TOOLEN: Well, speaking for East Jersey, they just recently -- in the last year, year-and-a-half -- updated their repeater system. Up until that point, there was a problem in communication. But once they updated the repeater system, it appears to be working properly.

LIEUTENANT PAGLIONE: There's certain characteristics -- the way the building is made up -- radio signals don't function properly. So at least that was addressed.

That's all, Mr. Chairman.

ASSEMBLYMAN VAN DREW: Thank you, Mr. Paglione.

Mr. DeBellis.

MR. DeBELLIS: Thanks.

Bill, in the beginning of your statement, you mentioned overall communication to all staff. As you're aware, the lineups and the overlap is being talked about to be returned. And a lot of it was through Assemblyman Van Drew pushing that.

Are you aware, right now, that they are taking into consideration there will be some posts that are relevant, and some posts that are not relevant? And how would that make you feel?

MR. TOOLEN: Well, as an officer, not just a union official-- Yes, I am aware that they're talking about that. And, again, I'll go back to what I stated before. Every officer should be in lineup. Every officer should be allotted that time to be passed on that information, during the overlap period -- 10, 15 minutes. That's every wing officer, every general assignment officer, every special assignment officer, every shop officer. Because they -- especially in the shops. They need to know if yesterday afternoon, while they were off, there was a small, little fight in the rec yard,

and it may continue today. So while they're in their shop -- let's take the clothing shop where, yes, there are sharp scissors in there, and yes, they're supposed to be chained to the table that they're working at-- When you have a hundred-and-some scissors around inmates, I'd like to be a little bit more aware of what's going on, to be on my toes. Yes, every officer should be on their toes every day when they come to work. But as I stated before, when you're going through your regular duties -- whether it's the clothing shop, or mechanics shop, or the wing officer -- you tend to concentrate on making sure that that particular inmate gets what they need. And while you're doing that, that's the point where you -- because you're not aware of your surroundings at that particular time -- you could become a victim.

So every officer needs to stand lineup, every officer needs that information passed to them. Even mobile officers. They're out there on-- They don't know when a gang member is going to come rolling into that visiting parking lot and decide that that's the time they want to take out a cop that's bothering their fellow gang member that's in the prison. Every officer needs that overlap. Every officer needs that time for that information.

MR. DeBELLIS: Thank you.

ASSEMBLYMAN VAN DREW: Thank you, Mr. DeBellis.

Mr. Makara.

MR. MAKARA: Thank you.

In the fiscal year budget, DOC asked for over a billion dollars for '07. And that's the second largest of all of the Departments in the State of New Jersey.

From sitting here, and from learning from the people at this table, and also listening to the Senate Budget hearings, I think I've come to a conclusion that the problem is not money in the Department of Corrections. The Department of Corrections has a lot of money. It's the prioritization of the money. They don't spend it correctly, and that's for a lot of reasons. Some people say it's leadership reasons, some people say it's just their own priorities -- that they want to do it this particular way. But after sitting here over three different Task Force meetings--

I was reading the OLS report, and it says that it's going to cost \$1 million a minute for you guys to have your overlap. And that sounds really daunting, a million dollars a minute. I figured, okay, we'll give you 15 minutes. I'll write that one. That's \$15 million. It sounds like a lot of money. In my rough math, you need about 3,000 radios, because not everybody's working. We have about 6,600 guys working -- custody officers, I think. So about 3,000 are working at one time. Rough math, that's about \$8 million. Wow, we're really up to a lot of money, \$23 million. It's less than 2 percent of the Department of Correction's budget.

A couple of weeks ago, I got to go with some of these other guys. We went to Fred Baker's memorial benefit down in South Jersey.

I'm a teacher. That's well-known. I'm not a custody officer here.

Twenty-three million dollars for a 15-minute overlap, and for a bunch of radios, in a \$1.-whatever-billion budget for the Department of Corrections-- I think we can find that up in central office. I think we can close some things up there. I think we can sell some cars. I think we can do

an awful lot to keep you guys safe, keep me safe, and to run the Department correctly.

This is not about egos. This is about simple budgets and prioritizations. We need the proper leadership to make the decisions to give you guys the necessary things for you to work with. And then it's your responsibility to make it work. And if you don't, you can't come back for more money, because there is no more money. We don't have any.

But the State is already giving the Department of Corrections over a billion dollars. We don't need anymore money. Corzine doesn't have to give us anymore. What we need to do is prioritize it. And I think, through the leadership here, through the unions, through all of the people together, maybe it's a way of doing that.

I don't know if you need the radios. I really don't. You're telling me you do, so you must need them. But I will tell you one thing, money should not stand in the way -- not in the Department of Corrections. If somebody ever did an audit, we'd be able to find \$23 million for a 15-minute overlap and for 3,000 radios real quickly.

That wasn't a question. That was more of a statement, but--

ASSEMBLYMAN VAN DREW: That was a speech. (laughter)

MR. MAKARA: Yes, I know. I'm sorry.

But I appreciate--

ASSEMBLYMAN VAN DREW: It was good.

MR. MAKARA: Again, I appreciate your honesty, coming up and bringing these things to the fore, because people that are not custody have to know. I'm also a taxpayer. I want my money going to the proper

spots. Assemblyman Van Drew is responsible for signing the check, so to speak, when the budget comes up.

This isn't a lot of money. This is really not a lot of money. And the prioritization of Corrections really need to change.

MR. TOOLEN: We appreciate that. Thank you.

ASSEMBLYMAN VAN DREW: Thank you.

MR. RIEBE: I just want to touch base on a couple of issues with this. Number one, we don't need to supply every single officer with a radio. You need to supply the institutions -- each institution with a sufficient number of radios for the most populous shift, which would most likely be the first shift. You need to have sufficient radio equipment to issue to all custody personnel on that shift. Thereby, you would have enough to supply the officers on the second shift, and then the latest shift, which would be the third shift.

MR. TOOLEN: Right.

MR. RIEBE: So you might be saying -- figuring \$8 million as a figure for radios. We might not need that amount.

MR. TOOLEN: You're right.

MR. RIEBE: We might only need \$2 million worth.

But going back, again, to what you were discussing earlier with the lineups. You're 100 percent accurate with that, as far as all personnel need lineups. They need to share the information. Not only that, we need to be able to see that the officers are fit for duty, that they're properly uniformed -- such as wearing a vest, the equipment that will keep them safe. These are all things that are imperative that we have, and that we ensure get -- or how should I put this -- given to all staff so that we maintain the safety

and security of each institution, or each jail, or each person that's inside that institution.

Right now, it's being discussed -- with the lineup -- that only certain people inside the institution should receive this overlap, or the lineup, which is a blunder, from any aspect. Again, they're trying to figure out ways to save a dollar here, or a dollar there. They're winding up looking in the wrong areas. They're trying to save that dollar here or there in the wrong spaces.

Mr. Makara, you had a great statement in there. That was excellent. But they do need to look in the right areas to save that money, not in the wrong areas, especially when it comes to the safety of the staff. Period.

ASSEMBLYMAN VAN DREW: Thank you, Kerry.

Thank you for being here. Thank you for taking the time.

MR. TOOLEN: Thank you.

MR. DAVIS: Thank you.

ASSEMBLYMAN VAN DREW: Mr. Brown.

**S L Y B R O W N:** Hello, everybody.

I'm here to talk about communication for the officers. Why we need it-- It does work.

Officer Diaz and myself are liaison officers to the Dominican Republic. We help that country deal with their gang problems. And they just came out with a new book to deal with their gangs. It's in Spanish. It's not in English yet. And it talks about the problems that they have in their prison system; how the communication does work; how, from the city jails,

if there's a problem, it's automatically sent back to the state prisons. There's six prisons in the Dominican Republic.

If there is a problem inside that jail -- the city jail -- the prisons are notified immediately. If a state prison has a problem, the officers are notified immediately what to look for -- gang problems, weapon problems.

We have, what we call, *alert*. We don't have this in our system. This tells about all the different weapons. The officers need to see a lineup -- what kind of weapons are being made and what to look for. They're simple things: a bottle of water, a buckle. I have all kinds of pictures here of weapons that are made, that we don't even think about, that are inside the institutions. Do the officers know what to look for? No. They see a bottle of water, and they don't realize that that has a weapon or drugs.

We get a lot of alerts from different prosecutors, but it's not disseminated to the officers at all. It's only given to certain people that are in gang intelligence at our institution. And they won't give it to the other officers to let them know what to look for. It is a bad example. And today is a bad example, because today is election day in the major cities: Newark, Camden, and Trenton.

Trenton just recently had 11 inmates -- 11 gang members locked up. The Bloods made an announcement that they were going to retaliate. The street cops are going to get it. The institution cops should also be notified. There is an alert, but there is nothing posted, whatsoever, in our system to let them know that 11 gang members were sentenced to jail, and there's a problem.



I have William Sparrow, also from Trenton State Prison. They got a new inmate that just came from another state. He is a high-profile Mexican general, a gang member. Should the officers of that institution be notified what to look for? He's not in PC, he's walking around. He is able to communicate, and he's able to get more members. Even though he's from another state, he's going to get members. He's becoming powerful here. The officers need to be alerted of what's going on.

I have guys who go to halfway houses, central trans. They come to Newark. "Do you guys know about the alert in Newark?" "Oh, no. We didn't know." I tell them. Communication from our institution -- or from our Department does not go on to every cop. We have lieutenants and sergeants at different institutions who are on the gang intelligence. They don't let the officers know what is going on.

We have officers who have been on the job-- Mr. Szollar said the same thing.

What do you look for?

Lieutenant Smith, do your guys know what the inmate's gang materials are, what the colors are? Every day they change colors. Today it's supposed to be black, or it might be black and gold, which is the Latin Kings. Well, guess what. The Latin Kings now changed their colors to something else. Do the officers know about it? No. Intelligence does, but they won't let the officers know. This is the vital information that we need to have in our system.

Does it work? Yes. The Dominican Republic shows it does work. It shows that when they have a problem out in the street, they notify their officers in their state prisons of what to look for. And it's not just five

officers here that might know about it. The entire system and officers know what to look for.

We need to have more communication with our officers. We need the Task Force to strongly write it up and let the Department know -- help us. Help the officers so we don't have to go to Baker's funeral, or another officer's funeral.

That's about it, gentlemen and ladies. Thank you.

ASSEMBLYMAN VAN DREW: Thank you.

I'm going to start with Mr. Makara.

MR. MAKARA: Just as a complete wrap-up of what everybody else has said, I just want to say thank you for being here. And the information and the communication over the three different Task Force meetings has been to the point where it sounds like it's vitally critical. And I just hope that everybody here is able to do something to make it all work so that you guys are safer, and to make it just as safe for us when we're out there.

Thank you for being here.

ASSEMBLYMAN VAN DREW: Mr. DeBellis.

MR. DeBELLIS: No questions.

ASSEMBLYMAN VAN DREW: Mr. Paglione.

LIEUTENANT PAGLIONE: No questions.

ASSEMBLYMAN VAN DREW: Mr. Riebe.

MR. RIEBE: I do want to kind of stress something, or ask a question, really.

Out of the three separate hearings that we've had, one of the issues that we've stressed highly in each one is the lack of communication.

Apparently, our Department has not learned yet, or has not instituted anything in order to make the communications better from institution to institution, or level to level?

MR. BROWN: No. At East Jersey, we have an intelligence sergeant and officer that does their little findings. But they don't notify the officers of what they find and what to look for.

And when you go to an officer who wears blue, and you say, "Who are the new players? Who are the new gang leaders?" "I can't inform you of that. You've got to go to the sergeant." When you go to the sergeant who's in charge, he says, "That's on a need-to-know basis." But the SAs who are out there on the floor need to know, when the leader is walking through the institution, what to look for: who is the leader associating with, who is he talking to, or who is talking to the leader. But, yet, the officers at East Jersey are not notified what to look for. They're not notified that the inmates who are part of a Blood sect -- they changed their shoelaces around. "Oh, I didn't know that. We thought it was a new fad." "No, that tie tells that they're related to a Blood sect."

MR. RIEBE: I was on the gang intelligence unit at Bayside. I was also on it at BRER (phonetic spelling) or CRAF. Then, when I was on it, we were encouraged to get this information out. Most of the information we got, we acquired ourselves, passed up the line. We didn't get too much back then. If you're telling me now that you actually have custody staff members there that have this information--

MR. BROWN: Yes, sir.

MR. RIEBE: --and are not passing it on--

MR. BROWN: That's correct. We have a custody officer that goes out there. He checks for gang materials to let them know who is the gang member and what is going on. But the wing cops who are around don't know what's going on. They just see him do his thing, and that's about it.

MR. RIEBE: Now, when they ask him about it, or somebody questions him about it, he tells them he can't tell them.

MR. BROWN: He can't tell anything, because you've got to go to the sergeant and let the sergeant tell you.

MR. RIEBE: Who is telling him that he cannot communicate this information?

MR. BROWN: I guess the supervisor is telling him that. That's the way it is.

MR. RIEBE: Who is telling these supervisors not to communicate this?

MR. BROWN: I have no idea, sir. The only thing I know is, when I came back into the system and I wanted to know who the new players were -- who the new gang leaders are -- I went to the officer. He said, "No, you've got to go see the supervising sergeant." I went to the sergeant. I said, "I was one of the original gang intelligence when we first started years ago. I've been out of the game. Tell me what's going on." "I can't tell you. It's a need-to-know basis, and you don't need to know." That came from his mouth.

MR. RIEBE: Thank you. I think we definitely need to have that addressed.

MR. BROWN: They do not want the officers to know -- let a lot of officers know what is going on.

ASSEMBLYMAN VAN DREW: Well, it's the same theme that's been running through each of our meetings, although a little bit different here. Sometimes there is nobody that knows. At least you have someone. But it doesn't help them, because they're not disseminating the information.

MR. BALICKI: I don't have any.

ASSEMBLYMAN VAN DREW: Thank you very much, Sly.

If you have any copies of information you wanted to pass to the committee--

MR. BROWN: Yes, I'm going to get some made at--

ASSEMBLYMAN VAN DREW: Either that, or you can give us one copy, and we can certainly make sure it's disseminated.

LIEUTENANT PAGLIONE: Mr. Chairman.

ASSEMBLYMAN VAN DREW: Yes, Mr. Paglione.

LIEUTENANT PAGLIONE: Just one question.

This person who goes around and gathers -- he's assigned to go gather the information within the institution?

MR. BROWN: Yes, sir.

LIEUTENANT PAGLIONE: Does he stand at lineup and pass that along? Has he been asked to do that?

MR. BROWN: No.

LIEUTENANT PAGLIONE: He hasn't been asked, or he--

MR. BROWN: He hasn't had lineup, but he hasn't been asked either. When you look, he's not there at lineup. He's pulled from his

manpower day to do something. And he's out there. When he comes inside, he's walking around, gathering papers. But we have no idea what he's looking for, what's going on, or is there something in the wind that something is going to happen -- what to look for.

LIEUTENANT PAGLIONE: Is he then there, charged to document his findings and pass it up somewhere?

MR. BROWN: We don't get it.

LIEUTENANT PAGLIONE: But does he do that?

MR. BROWN: I have no idea, sir.

LIEUTENANT PAGLIONE: So we don't know if that's documented somewhere, and it's passed along out of the institution or somewhere else.

MR. BROWN: That's correct. We know that he works for SID. We know that he goes over there every day.

LIEUTENANT PAGLIONE: This is an SID officer.

MR. BROWN: He's not an SID, he's a regular line officer.

LIEUTENANT PAGLIONE: But he works for SID.

MR. BROWN: He goes over there every day. He reports, probably, to SID at all times.

LIEUTENANT PAGLIONE: That's all I have, Mr. Chair.

ASSEMBLYMAN VAN DREW: Okay.

Yes.

MR. BUTLER: Does he report-- His supervisor -- is he uniform?

MR. BROWN: Yes, sir.

MR. BUTLER: So he reports to a uniform supervisor and SID.

MR. BROWN: That's correct, sir.

ASSEMBLYMAN VAN DREW: Thank you, Mr. Butler.

Thank you, Sly.

Mr. Adams.

**G E O R G E A D A M S:** Good afternoon.

ASSEMBLYMAN VAN DREW: Could you give your full name, your Social Security number-- No, I'm only kidding.

MR. ADAMS: George Adams, East Jersey State Prison, 20 years.

ASSEMBLYMAN VAN DREW: Thank you for identifying yourself.

Do you have a prepared statement to begin?

MR. ADAMS: Not a prepared statement. I'm just going to go over some issues that I feel are relevant, as to--

ASSEMBLYMAN VAN DREW: Okay. That's prepared enough for us, George.

MR. ADAMS: It has to do with budgets and funding.

Whether it's the STG unit at Northern State, or the ad-seg units, which are located at Bordentown, East Jersey, Trenton -- Trenton has MCU -- and Northern State has an ad-seg unit, ACSU -- inmates do not receive any work credits while they're in ad-seg, which I believe would be the same for the STG. But at the same time, each inmate is paid \$1.20 a day. So if he assaults you, a civilian staff member or a custody staff member, he's going to get sanctioned for charges, and he's going to go to ad-seg. But the State turns around and pays him \$1.20 a day to sit in his

cell, to watch radio or TV, and get his five hours rec. And his meals are brought to him and a phone brought to him.

Now, jails are supposed to be self-sufficient. So they pay inmates in general population per day for the job tasks that they perform. But there are no jobs at STG or ad-seg units. So if you calculate, the figures I come up with-- There's approximately -- I believe -- somewhere around 1,300 inmates in STG, MCU, and ACSU units -- are getting paid \$1.20 a day. It comes under just about a half a million dollars spent. How can you reward and pay an inmate for charges, infractions of their actions, while they're sitting in a disciplinary or STG unit for their actions? The State sits there and pays them.

ASSEMBLYMAN VAN DREW: George, so I understand that right-- In other words, normally this inmate might be performing some task or function, and that's why they're getting paid. But when they've acted out in some way, then they are isolated and are not allowed to continue to be productive for that period of time. And they are still getting paid.

MR. ADAMS: Their job, back in general population, would be paying approximately more than \$1.20 a day.

ASSEMBLYMAN VAN DREW: Sure. I understand.

MR. ADAMS: Because, whether they're working food service, if they're doing grounds, vo-tech, auto -- they may get paid more. Like I said, jails are self-sufficient. So you have inmates with ITIs doing plumbing problems, doing landscaping problems, auto problems on the State vehicles, or whatever. But, yet, they cannot function in a general population setting. They receive a charge, whether it's a gang-related charge, an STG charge, or



it's just a disciplinary charge that has a sanction -- and they're sent to an ACSU unit -- they still get paid \$1.20 a day to sit in a cell.

I looked under 10A. I can't find any justifying paying an inmate in 10A. But I do know that in 10A, it says inmates in ACSU do not receive any work credits. Why? Because they can't work.

ASSEMBLYMAN VAN DREW: Is everybody getting paid? I mean, the majority of incarcerated individuals are getting paid?

MR. ADAMS: Yes. In general population they get paid. But the issue we're talking about is STG and ACSU. They sit there and get paid, sitting in the cell, \$1.20 a day.

ASSEMBLYMAN VAN DREW: I just want to make sure I understand. Sometimes I'm thick, so you have to help me a little bit. Almost everybody who is incarcerated, then, is getting paid, right?

MR. ADAMS: Correct.

ASSEMBLYMAN VAN DREW: Is anybody not getting paid?

MR. RIEBE: All the inmates are paid.

MR. BALICKI: They do have idle people.

MR. RIEBE: Even the idles are paid.

MR. ADAMS: Idles are paid, too.

MR. RIEBE: Even idle status inmates are paid.

MR. ADAMS: That's correct.

MR. BUTLER: Indigent -- then you would have to pay for their (indiscernible). And there's no one that I know of that can legitimately get indigent pay, unless medically something is wrong. I guess that's the way it falls down. Indigent -- we have to pay. If they're going to do the law library stuff and send out stuff, like that, then the institution has

to pay for it. But there is no one-- There are very, very few that would fall under indigent status.

MR. ADAMS: Assemblyman Van Drew, we look at it this way. All inmates, whether in ACSU, STG, MCU, or general population are afforded law library, recreation, phone, showers, shaves, and commissary. So they all have accounts where they can buy stuff out of the commissary, which is sodas, potato chips. So if he can spend his money -- he gets \$1.20 a day, which comes out to -- I believe it's somewhere around \$24 a month. After he assaults you, it's like he is rewarded.

ASSEMBLYMAN VAN DREW: What's the rationale for that? In other words, if you're no longer -- and, again, just educate me. I want to understand. I know it's an extremely minimal amount of money. I obviously understand that. But I thought the rationale was that you were performing some function and getting paid for that function. If you're not functioning at all, if you're being isolated for whatever reason, you're not allowed to continue, what's the rationale for getting paid? Do you not know the--

MR. ADAMS: I don't know the answer. I mean, it's been that way since I started. Maybe someone in the Department hasn't looked into it because it's been that way. They run the jails and pay the inmates over decades. But it's something that maybe should be looked into, because how can you reward somebody for their actions -- whether he's possessing drugs or assaults someone.

ASSEMBLYMAN VAN DREW: Mr. Butler.

MR. BUTLER: When I was there, it was called *cell sanitation*. And that's how they were able to be paid. Whatever it is -- whatever the amount of money is -- cell sanitation -- keeping their cells clean.

ASSEMBLYMAN VAN DREW: Okay.

MR. BUTLER: And you're right, at one time, they used to get work credits. That was eliminated. Work credits were eliminated. However, they did not -- as far as I know -- curtail cell sanitation, because they don't let--

ASSEMBLYMAN VAN DREW: So, hypothetically, they're getting paid for cleaning their own cell.

MR. BUTLER: They're supposed to be cleaning their own cell. Because, at one time, they used to let them out and clean the cells. But they don't -- clean tiers and things, or food service. They don't do that anymore. They just stay in their cell. And they call that *cell sanitation*.

ASSEMBLYMAN VAN DREW: So why do we do that? I mean, what's the redeeming social reasons for doing that?

MR. RIEBE: There isn't any. As a matter of fact, you're actually rewarding an inmate who has disciplinary problems. You're rewarding him for his actions for misbehaving. It's a lot easier for him to go and sit in the cell, and watch TV, and eat, and not have to do any work than it is to go out and scrub trays -- food trays. So what are you actually doing? You're actually encouraging the inmates to be disruptive if you're paying them to do this, which, to me, doesn't make sense. And probably 99.99 percent of the officers or custody personnel agree with that. It's just a decision that's made higher up than us.

ASSEMBLYMAN VAN DREW: Do they get-- I mean, I know they get a certain amount of recreation? I mean, I know they get a certain amount of recreation time.

MR. ADAMS: Under 10A, they're entitled to five hours of recreation a week.

ASSEMBLYMAN VAN DREW: Even if they've done something bad?

MR. ADAMS: In ad-seg.

ASSEMBLYMAN VAN DREW: So what is my punishment if I assault an officer, I assault another inmate, whatever it is -- I've done something that's inappropriate?

MR. ADAMS: You're segregated.

ASSEMBLYMAN VAN DREW: I'm segregated.

And I guess for some inmates that's a punishment, and for some it's not.

MR. ADAMS: It's supposed to be somewhat of a punishment.

ASSEMBLYMAN VAN DREW: For all of them. But I imagine some of them like it.

MR. ADAMS: Of course some like it.

ASSEMBLYMAN VAN DREW: If I was in with those folks, I would like it. I'd rather be segregated.

MR. BUTLER: I can tell you -- I ran Wagner. The general population did not have -- I guess they call it *climatized* -- it's not air conditioned, but I call it air conditioned. They did not have air conditioned, large cells. The general population had the old cells that, when it gets 90 degrees, you bake inside of those prisons.

MR. RIEBE: Or 120 degrees inside.

MR. BUTLER: You bake in there. The only thing they can do is put the windows up. They have much smaller cells, versus when you go to ad-seg, or you go to MCU. They have the most modern buildings that we have, other than South Woods State Prison.

MR. RIEBE: Which are climate controlled.

MR. BUTLER: Climate controlled.

MR. ADAMS: Condo living.

MR. RIEBE: And they get paid to sit in the air conditioning.

ASSEMBLYMAN VAN DREW: Okay. I know other people have other questions. But if we're looking -- and we really don't know what the budget number is. You estimated that you thought it might be \$500,000, which is-- It's an old joke, half a million here, half a million there, it all adds up. I mean, would it be inappropriate -- and we could discuss this further -- to recommend that that no longer is a policy?

MR. RIEBE: That would definitely be appropriate.

MR. ADAMS: It would be appropriate because you're paying somebody for their actions. It would be-- For example, if I got a parking ticket -- excuse me, a speeding ticket -- and I go in front of the judge, and he goes, "You're guilty, but we're going to pay you for getting a ticket," I'm going to get a ticket all the time.

ASSEMBLYMAN VAN DREW: Do they care if they get the \$1.20 a day, one way or the other?

MR. RIEBE: Oh, yes.

MR. ADAMS: If you're hitting somebody in their pocket--

MR. RIEBE: Yes, they do.

MR. ADAMS: Mr. Van Drew, if you're hitting someone in their pocket, whether it's us or them, they're going to feel it. And you have to constrain yourself and budget yourself for the moneys you have.

ASSEMBLYMAN VAN DREW: Has anybody brought this up before, besides internal discussions?

MR. BALICKI: I think what you've got to-- I think what the philosophy has been is that if you don't provide certain things for the inmates, and then you don't give them money to buy it themselves, it's going to cause you problems. It's going to make things more difficult, because they're going to be frustrated and that sort of thing.

But I don't think it's a good idea to give everybody a \$1.00 a day, or \$1.20 a day. Obviously, the worst of the inmates who cause the most trouble should have to pay for that. And then they should be in a unit that is staffed appropriately to deal with people who are going to be hostile, and angry, and who have nothing to lose because you've taken everything from them.

MR. RIEBE: Just so you--

MR. BALICKI: You can't do it all over the whole state and take everything from everybody who is locked up.

ASSEMBLYMAN VAN DREW: I don't even think you should, Bob. That's why I'm trying, again, to be educated here. I just don't understand, if you've done something like that, why you would still pay that person. I mean, the idea behind it was supposed to be -- you were being productive, you were doing something. Even if it was cleaning your cell, but you were being productive in some way.

MR. RIEBE: There's also another reason behind that. That was to provide them with the means to furnish themselves with personal care items.

ASSEMBLYMAN VAN DREW: Okay.

MR. RIEBE: Here's the catchall. Our Department furnishes them with these personal care items while they're in the lockup unit. They issue them State toilet paper, they issue them State soap, they issue them a toothbrush, they issue them toothpaste, shaving cream, a razor blade, towels.

MR. DeBELLIS: Body gel.

MR. RIEBE: What's that?

MR. DeBELLIS: Body gel.

MR. ADAMS: All their personal hygiene is issued.

ASSEMBLYMAN VAN DREW: Body gel? Come on.

MR. RIEBE: Body gel? I wasn't even aware of that.

MR. DeBELLIS: It's even in the floral fragrance now.

(laughter)

MR. RIEBE: You are kidding me.

MR. BALICKI: That's up north. They don't do it down south.

MR. ADAMS: The issue you're talking about--

MR. BALICKI: But to some degree, if you don't-- What I'm telling you is, sure, they provide this. But a lot of the inmates don't use it, because they buy their own, because they don't want to use the State stuff. So, yes, you can save a little bit of money if you don't give some of the inmates their \$1.20 a day. But now it's going to cost you more, because

now you're going to have more of these kits to give out for the basic necessities.

So the amount of money you're going to save is minimal. Should it be done? Yes, it should. But it should be done selectively for the worst inmates, so that their confinement is harsher than everybody else's. And then you need to take those areas and man them properly.

ASSEMBLYMAN VAN DREW: And I agree. In a billion-dollar budget, it's a very small amount of money, even if you could save that amount of money. So I realize that. I just don't know, philosophically -- and I don't know, that's why I'm asking the questions -- whether you should reward people who've done the wrong thing. I don't understand why they would do the right thing.

MR. BALICKI: Right.

MR. RIEBE: Let me just-- I have to state something.

Everybody keeps saying that it's a minimal amount. Five hundred thousand dollars is such a minimal amount, and it should be okay. Yet, I have, right in here in my folder -- I have denials due to budgetary constraints for officers who are attempting to acquire some training, whether it's training -- STG training, physical fitness instructors--

ASSEMBLYMAN VAN DREW: I agree. You're right.

MR. RIEBE: --handcuffing instructors, or whatever it is. I have denials due to budgetary constraints, because the cost of this course happens to be \$100. It's denied. But yet it's okay to spend \$500,000 to pay inmates who are disciplinary problems -- either weapons, drugs, assaults, whatever the case may be -- to sit in a cell and receive payment for it. To me-- And, again, to my mind, that's totally wrong. I actually feel



that they should be penalized, financially, for committing some sort of disciplinary infraction, whether it be an assault -- that should be at a higher rate than something minor such as refusing to obey an order. But you start hitting them in their pockets, versus the Department's or the taxpayers pockets, you will probably -- I can almost guarantee -- you will see a drastic reduction in the amount of inmates who are committing these assaults or different sorts of disciplinary infractions.

ASSEMBLYMAN VAN DREW: First blush I would think so, as well. It would be interesting--

MR. ADAMS: You're only talking about approximately 1,300 inmates. The Department of Corrections has -- what -- how many thousands?

MR. RIEBE: Twenty-eight thousand.

MR. ADAMS: Twenty-five thousand-- So you're only talking 1,300. And the 1,300 I'm talking about are the ones that are disciplinary problems. That's why they're in those units. We're not talking about anybody in general population that-- They go to work seven days a week. They go in the kitchen, they prepare the food. Those guys are fine, because they're running the -- they are actually the ones running the jails to be self-sufficient.

But it's the ones that are going to sit there, Mr. Balicki, and punch you or stab you.

MR. BALICKI: I agree. That's what I'm saying. Selectively, you pick the worst ones.

MR. ADAMS: But the selective ones--

MR. BALICKI: Correct.

MR. ADAMS: The units that I'm talking about are the selective units. Why should somebody get paid if they punch you or stab you? And they sit in their cell, and they're getting paid \$24 a month, after they punch you.

MR. RIEBE: I believe it works out to \$32 a month.

MR. ADAMS: I don't know.

MR. RIEBE: Roughly.

ASSEMBLYMAN VAN DREW: Go ahead.

MR. ADAMS: A dollar-twenty a day -- you have to figure it's basically-- They get paid five days a week. They don't get paid on Saturday, and Sunday, and holidays. So I figured out there is basically 22 days in a month they get paid. So \$1.20 times 22.

ASSEMBLYMAN VAN DREW: You don't get paid on the weekends, but you do get paid if you assault somebody. That's interesting.

MR. ADAMS: There you go.

Any questions?

ASSEMBLYMAN VAN DREW: No.

MR. ADAMS: The next thing has to do with cost, also, because the Department still operates on stuff from the past. They haven't really moved to the future.

You have courtline, which is a disciplinary courtline hearing officer that does hearings for all the disciplinary charges inmates receive, whether in general population, or in ACSU, or in STG units.

If you go to courtline, and you receive a charge -- we'll use an asterisk charge -- they're the most serious charges -- whether it's possession of weapon or assault-- Courtlines cost money to run. You have a hearing

officer, the paperwork, the disciplinary officer, disciplinary sergeant. They're not free.

On the other hand is, just like a municipal court, why doesn't disciplinary operate like a municipal courtline, or a county courtline? If you go to court, you're going to be paying a fine and court fees. I'm not talking about fining \$100 for a disciplinary charge. But maybe for an asterisk charge, maybe charge \$10 if they're found guilty. If they're not found guilty, fine. The State eats it. If it's a small charge, they get lockup -- five days lockup because whenever they fail to perform work -- a \$5 fine.

Just like myself-- I know if I drive down the road, and I'm speeding-- If I get caught, I'm going to pay a fine. I don't want to get caught. I don't want to pay a fine. So I make sure I don't hit that criteria where I'm going to have to pay a fine. You have to pay for your actions.

ASSEMBLYMAN VAN DREW: Yes, come forward.

Reintroduce yourself for the record.

MR. SZOLLAR: I'm sorry. Rick Szollar.

Just on a note-- I was a disciplinary sergeant in ad-seg. And I had to run my numbers over to the disciplinary sergeant over in the main building. And at East Jersey, probably on a down month, we're talking thousands of charges. If you started hitting these inmates \$10 for an asterisk charge, your asterisk charge would probably drop by 40 percent, because now you're taking money out of their pockets, just like any other human being. Whether you're a bad guy or a good guy, you take money out of your pocket, you're going to think twice about it.

It's an avenue I never even thought of over the years. But I'm just telling you, the volume-- Mr. Balicki or Mr. Butler, probably -- when

they were assistant commissioners -- probably could actually give you the numbers for the state. We're probably talking 12,000 or 15,000 charges for throughout the whole state. Half of them are asterisk. At \$10 a pop, we can buy radios.

ASSEMBLYMAN VAN DREW: It's interesting.

MR. SZOLLAR: Well, it's still State money, but it's money that's going back to a good cause.

MR. ADAMS: You have to pay for your actions. I mean, it was yesterday-- When we're in ad-seg -- and you've got guys getting charges in ad-seg, where they were sent from general population on charges, have ad-seg time. But now they're getting more charges. A guy was found with gang material. So that was sent to SID. A guy was found with a weapon, a shank-- They're not learning, even when they get sent to ad-seg or an STG. They're not really particularly learning from their prior actions that sent them there. But they still do actions to cause more disciplinary--

The State did, several years ago-- They made an issue where ad-seg was becoming too burdensome, where you constantly had people coming. So they came up with a level system: level one, level two, level three. It's kind of like an honor system. Well, it hasn't stopped anybody coming. In fact, what do we do? We double-bunk now.

There has to be an answer to stop. And I would think if you started charging them for their actions, and stop paying them while they sit in the ad-seg unit, some people are going to realize, "My actions are costing me money." You know they don't get work credits when they're in ad-seg. So they're losing their work credits to get time knocked off. But now, if you don't pay them, they can't get their little moneys to go to the commissary

and buy what they want to buy, or their soda, bag of potato chips, tuna fish.

It's the same thing with the courtline sanctions. When you go to courtline-- Run it like a municipal court. Courtline costs money. You have courtline for all the jails throughout the state.

ASSEMBLYMAN VAN DREW: What is-- Again, I thought I knew most of this stuff. I don't know what this is.

MR. ADAMS: Courtline is run like a court. It's a disciplinary-- You have a hearing officer that comes in and adjudicates the charge on an inmate. An inmate receives a charge, whatever -- say an assault charge, 002. They have all the paperwork, the ops reports. The inmate may have his statement saying he didn't do it, or whatever -- it was somebody else. And they go through it, and the hearing officer adjudicates it, and he decides you're guilty. And he sentences you to, let's say, a year ad-seg, a year loss of computation time. So now your next bus is going to an ACSU unit. So you're going to sit there and pay him \$1.20.

But that courtline costs the State money to run. You've got to pay for the hearing officer. You've got to pay for all the paperwork it does. Mr. Butler would know -- in courtline, there's a lot of paperwork. It's not just one piece of paper. He knows there are several sheets.

MR. SZOLLAR: Rick Szollar.

On courtline-- Before the inmate even goes to courtline, the charge is written. The disciplinary sergeant goes out and has to interview the inmate and gives a plea of guilty or not guilty. We're not even talking about them going into pre-hearing detention. On a serious asterisk charge, we'll lock them up in pre-hearing detention. So now you're taking a

supervisor that has to run around the institution, because you can have up to three witnesses on the back of this charge. The sergeant has to go around -- or the supervisor, whoever it might be -- goes around and takes statements from all these individuals. Then, when the supervisor comes back to the office, he gives it to his disciplinary officer. This is a self-entity-- This is a full-time operation, seven days a week -- except for the hearing officer. He works five days a week. He gets weekends and holidays off.

So now the amount of paperwork to process one charge is about this (indicating) big. Probably for each inmate -- with the hearing officer -- you're tying up manpower hours. On a minor charge, it's like a half-hour for each hearing. On a major charge -- if they want a confrontation -- I might even have-- If the hearing officer says there's enough valuable information in here so that we want a confrontation hearing, now I have to bring officers in on overtime to be confronted. We used to let the inmates confront the officers, but then it got ugly, especially in ad-seg. Now I'm bringing officers in, and they have to-- The hearing officer will ask the question if he feels it's germane. Some of these hearings run three or four hours. I've got people waiting in the wings to come in to testify for somebody -- over an assault on another staff member.

The costs-- I don't know what the major cost-- But it's got to be costly. The average hearing officer probably makes \$70,000 or \$80,000 a year. When you have five of them-- When I left, I think we had five of them. They go on a rotational basis. This way, the inmates can't take us into court and sue us. If they make a bad decision, they sue the State. They don't sue the hearing officer. Who pays? We do, the taxpayers.

So that's a totally different element of Corrections in itself. Everybody still has rights. And if we violate the rights, we get sued.

I just wanted to give you a little more insight on what the hearing process is about.

ASSEMBLYMAN VAN DREW: Yes, Mr. Balicki.

MR. BALICKI: I was a hearing officer in courtline. So I just want to let everyone know that there are some legal complications that you're going to have to deal with the courts. There's case law that has decided what you're allowed to take from the inmates as punishment. And 10A spells out what the sanctions can be. So this is no minor task to add a fine to that. I'm not saying it's impossible.

Then you have to deal with -- if a guy becomes indigent -- which, very frequently, the guys that you find in ad-seg are -- now you're only, by law, allowed to take a percentage of whatever money he has. And so what happens a lot of times with the worst actors is, they owe more money than they're ever going to be able to pay. And now it's not a deterrent anymore. So in some cases, I agree, I think it would be a good idea. In some cases it just won't work. And in some respects it's going to take more than legislation. You're going to have to deal with legal cases that have been decided in the past.

ASSEMBLYMAN VAN DREW: But it wouldn't be a legal -- or would it? Would it be a legal case? Is even, going back to the very simple -- paying them whatever it is, \$32 a month -- just going back to that simple issue-- If they're in ad-seg or, for some reason, they shouldn't be paid, that wouldn't-- I don't think that would be a legal case, do you?

MR. BALICKI: I mean, I don't know. You've got to read 10A. I haven't read it recently. But you've got to read that specific part of 10A that spells out who gets paid and when. There's a whole schedule of payments that go up to -- I don't even know what the highest payment is anymore -- but in a percentage, of how many of the population have to be at the lowest, and the medium, and the highest, and all that sort of thing. It's a very complicated system that probably could use some revision. But I just want everybody to know it's not that simple.

There is a sanction in there, that should be used more, for restitution. I remember getting restitution from a guy who escaped and went to Florida. And I charged the inmate to have the officers fly down there and get him. So I think that could be used more often than it is, possibly. And that would get you some revenue. But you're not talking about a large pool of money to draw from either. The inmates don't really have that much money.

MR. RIEBE: Some of them do have--

MR. BALICKI: Some do, yes.

MR. RIEBE: And some don't have anything.

MR. BALICKI: And if you start doing that, you'll find they don't.

MR. RIEBE: Yes.

MR. ADAMS: In our ad-seg, the commissary truck comes once a month. He's got boxes. He comes in with nine big boxes, crates. So it's not like they don't have money. They have family members that send money to put into their account.



MR. BALICKI: Right. And by law, you can only take a certain percentage of that. So you would have to change that if you wanted to keep them from having all the goodies while they're locked up.

MR. ADAMS: It's just an issue where the Department spends money unwisely. This is something that hasn't been looked at in God knows how long.

ASSEMBLYMAN VAN DREW: We would all agree, I think. And this has just been very good testimony.

I think we would all agree that we certainly should-- And that may even be something this Task Force does not do. I don't know. That seems pretty involved. I'm not sure; we'll have to think about that. But that section of the statute should be reviewed thoroughly to see if it would be made more efficient, up-to-date, and appropriate. I mean, I think everybody would agree with that. I hope. We'll leave that to Mr. DeBellis to do and report back to us. (laughter)

MR. DeBELLIS: No problem.

ASSEMBLYMAN VAN DREW: Any questions? (no response)  
I think we're good.

Thank you very much. It was very good.

I believe that is the end of our testimony. I want to thank everybody for being here. We may have -- we have to decide. We may have one final meeting, just to accumulate all the information and to discuss what our final recommendations and report will be.

And, once again, I thank you for all the help -- of all the members on the Task Force, as well as all the people that testified.

The meeting is adjourned.

**(MEETING CONCLUDED)**