

**FEDERAL ROLE IN CRIMINAL JUSTICE
MATTERS**

HEARING
BEFORE THE
SUBCOMMITTEE ON CRIME
OF THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
NINETY-SEVENTH CONGRESS
SECOND SESSION

ON
FEDERAL ROLE IN CRIMINAL JUSTICE MATTERS

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FEDERAL ROLE IN CRIMINAL JUSTICE MATTERS

MONDAY, MAY 17, 1982

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to call, at 9:50 a.m., at the Gothic Room, Rodino Institute of Criminal Justice, Jersey City State College, Jersey City, N.J.

Present: Representatives Hughes [presiding], Rodino, and Guarini.

Staff present: Hayden W. Gregory, chief counsel, and Virginia Sloan, assistant counsel.

Mr. HUGHES. The Subcommittee on Crime of the House Judiciary Committee will come to order.

For the record, my name is William J. Hughes. I am chairman of the Subcommittee on Crime and we are just delighted to have this morning's hearing hosted at the Peter W. Rodino Criminal Justice Institute at the Jersey City State College. We are deeply indebted to John Kennedy, the institute's director, for permitting us to use this beautiful facility this morning. I do not have to tell you that we are very proud of the chairman of the full House Judiciary Committee, Peter Rodino. The fact that this particular institute is named after the distinguished chairman of the House Judiciary Committee, Peter W. Rodino, I think is rather significant.

When I came to Congress back in 1974, Chairman Rodino, who also happens to be the dean of our New Jersey delegation, took me under his wing, showed me around the tunnels, took the time to try to brief me on the things that were important in the Congress. So in addition to being a very distinguished Congressman and a great dean of our delegation, he also is a tremendous human being who has time for people. More time for other people, often, than for himself.

So with that, I am going to at this time recognize the chairman of our full Judiciary Committee, the Honorable Peter W. Rodino.

OPENING STATEMENT BY HON. PETER W. RODINO, JR., CHAIRMAN OF THE FULL JUDICIARY COMMITTEE

Mr. RODINO. Thank you very much, Mr. Chairman.

It is a privilege to be here with you today for this hearing on the state of the criminal justice system. I thank you and our colleague who represents this congressional district, Frank Guarini, for pro-

viding this forum for dialog between Washington and top New Jersey criminal justice experts.

I hope you won't think me immodest if I say that I am proud you chose this setting for this hearing. I'm grateful that the Jersey City State College established this institute some 5 years ago—and honored that it bears my name.

Under the conscientious leadership of John Kennedy, and with the strong support of his small staff and the faculty of the college's criminal justice department, the institute has provided valuable technical and research assistance to criminal justice agencies in the State. The student enrollment in the criminal justice department attests to the quality of the work of the college. The department is now one of the largest of the school, and I was most pleased to learn that the school soon will offer a master's degree in criminal justice.

I want to mention specifically its contributions in assisting Hudson County courts in resolving juvenile justice problems and in publishing its volumes on sentencing and juvenile justice reform. These volumes grew out of conferences on these issues. Subsequent conferences on urban tensions and violence and vandalism in our schools have also been conducted. I was privileged to participate in the latter some 2 years ago. That participation convinced me that these conferences provide valuable insight into the problems we face for all participants—for the students, for the community residents, and for the professionals.

Congressman Hughes, thank you for indulging me, and now let me throw a little praise your way.

Mr. Chairman, I want to commend you again today for your tireless efforts in securing House passage of important legislation to help our States and cities fight street crime—the Justice Assistance Act of 1981. The overwhelming bipartisan margin by which this legislation was approved is a tribute to the effectiveness of yourself and your colleagues on this subcommittee.

Similar legislation has been introduced in the Senate, as you know. I know that you will stress today that final passage is an uphill battle and that representatives of the criminal justice system can play a vital role by impressing upon Senators the need for providing this help for local law enforcement. This legislation must be enacted. It is a step the Federal Government must take to help in the continuing struggle to make the homes and neighborhoods of all our citizens more secure * * * no matter where those homes and neighborhoods may be.

For those here who might not be familiar with this legislation, Mr. Chairman, let me outline briefly its main features.

The total cost of this program is \$170 million, a price tag that does not even approach the magnitude of a modest Pentagon cost overrun. Of this sum, \$150 million is earmarked for a simplified, scaled-down grants program. This money would go to States and communities—on a 50-50 matching basis—for programs designated in the law—programs that have proved effective under the Law Enforcement Assistance Administration. New Jersey would get \$4 million under this formula grant. The designated programs include:

Career criminal prosecutions. This program has been operating in 50 cities since 1975. Under it, 11,000 repeat offenders have been put in prison. Eighty-eight percent of the criminals prosecuted under this program have been convicted and sentenced to an average of 13 years and 8 months.

Treatment alternatives to street crime. This program has diverted thousands of drug-addicted offenders to treatment and has dramatically reduced the recidivist rate among this group.

Community anticrime programs, which have drawn high praise from local police departments across the country for their effectiveness in making neighborhoods safer and more stable.

"Sting" operations. LEAA-sponsored "stings" in 47 cities since 1975 have recovered \$300 million in stolen property and yielded 9,856 arrests, with a 90-percent conviction rate.

The remaining \$20 million will be for discretionary grants—with no matching requirement—for research, training, and technical assistance and for helping States and cities that face an emergency crime situation.

We do not claim this legislation will solve our national crime problem. But Federal money, modest in sum and carefully targeted, can be a useful weapon in our crime-fighting arsenal.

Our local police officers know well that the burden of enforcing the law and administering justice rests largely on their shoulders. They are the primary symbol of the law and of justice. They are the direct bridge between the Government and the people. They represent the Government in our citizens' daily lives.

But they cannot and should not bear alone the burden of controlling crime. Crime is a national problem. It cuts across State lines, and its roots reach beyond our shores. It requires Federal dollars, and we are kidding the public if we say otherwise. If we do not provide help, we will risk further distrust of and disillusionment with our criminal justice system.

In conclusion, Mr. Chairman, let me thank you for arranging this hearing today, so that we in Washington might continue to learn of the concerns and needs of those entrusted with the effective operation of our criminal justice system.

Thank you very much, Mr. Chairman.

OPENING STATEMENT BY HON. WILLIAM J. HUGHES, CHAIRMAN OF THE SUBCOMMITTEE ON CRIME

Mr. HUGHES. Thank you, Mr. Chairman.

Chairman Rodino mentioned H.R. 4481, which is the Justice Assistance Act, which passed the House of Representatives by a vote of about 4 to 1. So it got a lot of support in the Congress. It involves something that I first learned about when I went to Congress a few years ago. I was a prosecutor for about 10 years in Cape May County. Out of the old LEAA program came a number of very significant programs that really worked, such as the career criminal program that Chairman Rodino mentioned; the sting operations, which are a very legitimate and important tool for the law enforcement community to utilize in ferreting out crime; PROMIS, a prosecutor's police tool; TASC, a treatment alternative to street crime, and neighborhood involvement programs. There are about

12 or 13 categories that we really tested in the marketplace over a period of time and found to be very successful.

So the Justice Assistance Act took those programs that were tested and proven to be effective and put them in a matching program for State and local units of government on a population and a crime rate basis.

What we are saying, in essence, to other communities that have not tried these innovative programs, is "Look, these programs have worked in these other jurisdictions and we think you ought to try it." The program is very modestly funded, and has as title II of the bill a provision that I think is important. It is what I call "an emergency response mechanism." It is a procedure whereby a municipality, like Jersey City, that finds that it has a crime problem beyond its ability to handle and needs help from the Federal Government, can, through a formalized procedure, petition for Federal assistance through the State. The Attorney General must respond within 10 days.

We found, for instance, that when the child killings in Atlanta were going on, and Atlanta made a request for assistance, it took the Federal Government about 2 months to respond. The request went from desk to desk and nobody seemed to respond. There was no formalized response mechanism. Yet we have such a response mechanism for emergencies such as droughts and hurricanes. There is a procedure whereby municipalities can get help for problems beyond their ability to handle. So it only makes sense for us to do the same thing with the crime epidemic that is facing America.

Many of the programs that are in LEAA and which now are in the Justice Assistance Act actually were implemented by many of the witnesses we are going to hear from today. I, personally, look forward to hearing the testimony of our various panels and witnesses, who I am sure will add a great deal to the record on H.R. 4481.

Now I want to recognize the gentleman who has made this hearing possible. Really, he made the request. A man who has developed in stature in just a couple of short terms and is becoming one of the outstanding Members of Congress. I have the pleasure of working with him day in and day out. He worked with Chairman Rodino and myself on H.R. 4481. Chairman Rodino was the prime sponsor of the Justice Assistance Act and Frank Guarini was very actively involved on the floor in securing passage of this legislation. In fact, he has been very helpful to us on the entire crime package that we are trying to move through the Congress. So we are indebted to him and I recognize the Congressman from this area, the Honorable Frank Guarini, for such statements as he wants to make.

OPENING STATEMENT OF HON. FRANK GUARINI

Mr. GUARINI. Thank you very much, Mr. Chairman. I am very delighted and proud that two of the most knowledgeable and distinguished Members of the House are here. Two of the people who perhaps have the most to do with our efforts toward the most im-

portant domestic issue facing Congress. That is the crime rate in our country today.

I am the junior of the three here today. We have our subcommittee chairman, who is Bill Hughes, from Atlantic County, and is the chairman of the Subcommittee on Crime. He is the person who shepherded and spearheaded the Justice Assistance Act, which we will hear more about. Of course, there is no greater man than Bill and I can serve with than Peter Rodino, who is the chairman of the Judiciary Committee and one of the most respected senior statesmen in Washington today. I am very, very proud to be sitting along-side these two splendid gentlemen.

Crime does not know any political boundaries and we all recognize the fact that it is, in all the polls, one of the most important and foremost subject matters in the minds of people today. People are afraid. Afraid to walk the streets. They are afraid to go about their daily business. There is fear in the communities. In 1981 the statistics show that the crime rate has gone up 5 percent in New Jersey involving violent crimes, murder, aggravated assault, arson, rape, and robberies. This is costing the taxpayers a great deal of money, and at the same time, is causing us great problems throughout our entire State, particularly in urban areas such as Hudson County where people are living in the most dense part of our Union. We are very seriously concerned with the thrust of Congress and of our State legislature because this is a problem that, on every level, has to be attacked and on every level we should have an effective program.

Of course, I am very happy to see so many citizens here, because it is your responsibility as well as the lawmaker's responsibility to see that the right kind of programs are implemented. It is important that you participate as much as you possibly can to see that the right thing is done for our society.

Without saying any more, I want to say that I am very, very proud that I have had these two very distinguished gentlemen here and the subcommittee staff, Hayden Gregory, who is the chief counsel, who is here from Washington and also Virginia Sloan, who is assistant counsel for the Subcommittee on Crime.

Last but not least, I would like to thank my good friend, Bill Maxwell, who is the President of Jersey City State College, for making the Gothic Room and these facilities available, together with the institute.

So thank you very, very much and I imagine the next thing to do is to start calling our witnesses, Mr. Chairman. Thank you.

Mr. HUGHES. Thank you very much, Mr. Guarini.

Let me just also just single out John Keeley, who is a member of my professional staff in the district and who is with me today.

We have had a slight change. Colonel Paganó has a very pressing commitment and we promised him that we would get his panel on first. So, Colonel Pagano, who is the superintendent of the Department of Law and Public Safety, if you will come forward, along with Detective Charles Jackson of the Community Relations Unit, Jersey City Police Department, and Ms. Catherine Frank, the executive administrator of the New Jersey Association of Chiefs of Police.

Good morning and welcome, Colonel Pagano, Detective Jackson, and Ms. Frank. We are delighted to have you with us. Your statements, without objection, will be made a part of the record in full and you may proceed as you see fit.

**TESTIMONY OF COL. C. L. PAGANO, SR., SUPERINTENDENT,
DEPARTMENT OF LAW AND PUBLIC SAFETY**

Colonel PAGANO. Thank you very much, Congressman Hughes. I am not a stranger, really, to either the system or the people that are here this morning.

I do believe that for the purpose of the record and for the purpose of my presentation that it will probably not be necessary to read into the record the material that I have provided the committee. However, there are several points that I would like to highlight.

I think that the various states have become accustomed through LEAA to Federal support. We have become accustomed to Federal fundings. We do not find ourselves in New Jersey, in my view, completely cut off as we see the budget cuts occurring, although there is a need, without question, for continuing support, both financial and philosophical, moral, and whatever. In my view, our situation here in New Jersey, when we look back upon what we have learned and what the experience with LEAA is, the considered opinion of the people in my organization that, despite some of the failings of LEAA around the country, our New Jersey experience was excellent.

We have had a broad range of successful programs in New Jersey. In recapping, I think probably the two areas that we can point to very quickly are the areas of planning, because we had an excellent State law enforcement planning agency; and the kind of work that we have done here in New Jersey in the organized crime area. As was said earlier, New Jersey is the densest populated State in a densely populated Nation, so to speak. But in New Jersey we have 7 of the 24 identified organized crime families active. In New Jersey, we have been able to do a better job in that area through LEAA funding and the support coordination of Federal agencies.

I think that those are the two highlights, really, in the entire presentation. When we speak in terms of H.R. 4481, and when we speak in terms of where we are going to be going in the future, I think we have to recognize that, in addition to the funding that we have come to enjoy from the Federal system, we need a clear partnership. I think that this is where we find ourselves today with the President's seven point program, his mandate to coordinate better the activities of the various levels of government, to address the problems of crime in our State.

I do believe that your particular bill, although it is modestly funded, if it is directed toward the type of programs that have been successful in New Jersey, will go a long way toward assisting us. But just as important is the need for the Federal system to overview what is occurring in the various States and give us the assistance that we need, either legislatively or otherwise. This embodied in part in the statement that I presented you with today.

I think we have to face the reality of the situation. Part of the reality is going to be in the area of budget cutting. Inasmuch as I have had the opportunity to assess the accomplishments of our State in the past decade, and I know some of the people in the room who will be offering testimony today, I think that you are going to find that we, in New Jersey, have been successful and that we want to go forward accordingly.

Our efforts in organized crime and intelligence activities amply demonstrates the assistance that has been provided the New Jersey State Police. Both the Organized Crime and Intelligence Bureaus were able to develop programs which addressed a need that was heretofore unmet because of inadequate funding at the State level. For example, we have actively pursued several major investigations, which I have enumerated in the States that I prepared here today, and which have had a significant impact on the organized crime problem in New Jersey.

I think the system that was developed in New Jersey over the past decade, aided in the main by Federal funds, has gone a long way toward permitting persons in positions such as mine to be able to say that we have met the challenge of controlling the organized crime problem. We have not eradicated it. I do not think we ever will. But I think we have gone a long way toward controlling it. This is ever so important in New Jersey because of the change in the complexion of the State, because of the problems we have had in the past, and because of the development of the casino industry.

Furthermore, our organized crime intelligence program has, without doubt, represented an innovative approach to addressing a necessary law enforcement function, while remaining fully cognizant of the sensitivity of protecting civil liberties. That is very important to us. Intelligence gathering is not necessarily that well accepted anywhere in free society. But, if properly done, it is an absolutely essential part of any law enforcement response to an organized crime problem.

It might be appropriate to point out that while we have provided a balance of the competing interests, we have found that there is a distinct need to modify the existing Freedom of Information Act. Then we get in the kind of conversation that I had with your staff people before this hearing today, to the heart of some of the issues that are not funding issues, and may be somewhat away from H.R. 4481. But we have problems in our State that, without question, come as a result of dangerous offenders knowing too much about the inner workings of the law enforcement system, going beyond what should be provided in our view as trial necessary discovery and going into areas where they are permitted to develop strategies to offset apprehension or prosecution.

We do look forward to continued support from the Congress and continued support in the revisions of the Freedom of Information Act, which I know is controversial, but nonetheless has got to be looked at. It is important to us in New Jersey to see H.R. 4481 go through as it is important to anyone else in the Nation. But it is important to us especially in the kind of sophistication that we have developed and the kind of problems that we have, to see the philosophical and the moral support occur also in Washington.

There have been a number of highly successful programs in New Jersey that were jointly addressed by Federal and State law enforcement. We have developed training processes that, without question, have been important to us. In fact, today in Sea Girt we are beginning a training session on intelligence gathering and intelligence analysis. The deputy administrator of the New Scotland Yard is one of our students. That I think attests not just to the quality of training we offer, but also to the kind of training development that occurred here in New Jersey as a result of funding under LEAA.

We have done a lot. Our systems are LEAA supported systems and our investigative techniques have been adopted by other prestigious law enforcement agencies and they do stand as models and they are looked upon as New Jersey innovations. When you speak in terms of the current legislation and address it to innovative programs, I think you are getting to the heart of what was accomplished under LEAA and what should be continued in the future.

Project Alpha was a 3 year cooperative investigation with Federal authorities and it did impact on cargo theft, labor racketeering, gambling, loan sharking, and we arrested and prosecuted 34 upper echelon organized crime figures.

My written presentation outlines a number of other projects that were successful. But they came about as a result of basic planning, basic intelligence gathering, and cooperative effort between the law enforcement agencies at every level. That coordination occurred within the State police, within the FBI, but within the State of New Jersey, where we think we were successful in the projects that we undertook.

The current State/Federal partnership in planning a coordinated attack on the problems of crime in New Jersey is part of President Reagan's seven point plan. I think I agree that when we speak in terms of crime, and that was a presentation here this morning, that it transcends party lines and goes to the basic domestic security of this Nation.

In New Jersey we had begun a coordinating committee long before it came out as part of the seven point plan presented by the President, before the chiefs at New Orleans last year. This is continuing and this is, again, an area where the Federal Government has to show leadership across this Nation in bringing together a scattered group of law enforcement agencies in many States where coordination really does not exist at all.

I think in closing I can say that we have made great use of the Federal funds that were provided us in New Jersey. More than that, we have taken it beyond the dollar and taken it to the philosophy of what LEAA was intended to do. We developed and we presented to the legislature and to the administrations during the LEAA period a cogent plan of where we should be in the development of a strategy to overcome crime of every description—organized crime, street crime. New programs that were proven innovative and which were proven beneficial to the people of this State.

Thank you.

Mr. HUGHES. Thank you very much, Colonel, for a fine statement.

[The prepared statement of Colonel Pagano follows:]

PREPARED STATEMENT OF COL. C. Z. PAGANO, SUPERINTENDENT, NEW JERSEY STATE POLICE

SUMMARY

Gentlemen, in addition to the submission of my prepared statement, I would like to brief what my purpose is here today.

What I hope to accomplish is to garner continued support for HR 4481, as submitted by Congressman Hughes.

New Jersey has been the recipient of financial assistance from the United States Government in the past, and with it, has embarked on many major law enforcement efforts. These efforts, which translate into federally funded programs, are ongoing, and in the best interests of the citizens of our state. They should not be terminated.

Our efforts in organized crime and intelligence activities amply demonstrates some of the assistance provided the State Police. In my prepared statement, I hope to have shown some of the past worth of federal assistance; to identify some of the problem areas facing the law enforcement community in our state today; and to urge your support for continuation of federal assistance in the future.

I have great confidence that, when the facts are presented, Congress will again, as it has in the past, make a substantial commitment to the fight against crime.

Thank you.

STATEMENT

First, let me thank the members of this Committee for inviting me to testify on behalf of H.R. 4481. With the demise of LEAA, and the worthwhile programs that were innovated and implemented with LEAA monies, I personally believe that the Office of Justice Assistance can take advantage of the progress and knowledge which the criminal justice community has gained over the past decade. Had it not been for the commitment of fiscal and moral resources on the part of the Federal Government, it would be questionable whether we could do more with less, given the current fiscal constraints. However, we in law enforcement are now in a better position to know and understand the limitations of the criminal justice sanctions and allocate resources accordingly.

Inasmuch as I have had the opportunity to thoroughly assess our accomplishments in the past decade, I am convinced that had it not been for the fiscal support of the Federal Government, any of the programs which have brought about a more conducive climate for business, government, and ultimately society in New Jersey would never have been conceived nevertheless implemented. While the critics of LEAA were quick to address its inevitable failings—failings I might add which were brought about by unreasonable expectations—I do not share their sentiments. In the last decade we have learned not only what doesn't work in our efforts to control crime, we in New Jersey have also learned what does work. Let us briefly review our principal accomplishments, all of which were achieved as a result of LEAA monies.

Our efforts in organized crime and intelligence activities amply demonstrates the assistance provided this Division. Both the Organized Crime and Intelligence Bureaus were able to develop programs which addressed a need that was heretofore unmet because of inadequate funding at the State level. For example, we have actively pursued several major investigations (enumerated below) which have had a significant impact on organized crime in New Jersey. Furthermore, our organized crime intelligence program has without doubt, represented an innovative approach to addressing a necessary law enforcement function, while remaining fully cognizant of and sensitive to protecting civil liberties. It might be appropriate to point out that while we have provided a balance of these competing interests, we have found that there is a distinct need to modify the existing Freedom of Information Act to permit a more meaningful exchange of data between State and Federal agencies. For fear of intelligence falling into the hands of offenders, as we recently demonstrated in the Joanne Chesimard investigation, agencies are reluctant to exchange needed intelligence. Because we were afforded the unique opportunity to research this dilemma and adopt appropriate guidelines, our intelligence capabilities have been rated by a group of independent researchers as the "sole but outstanding exception" among intelligence agencies in the nation.

I should point out that because of the fiscal commitment and faith that LEAA placed in the Division of State Police, we acquired in excess of \$900,000. These monies were used to train personnel in the latest and most sophisticated methods in

intelligence analysis; the acquisition of trained and competent intelligence research analysts; and the necessary technological equipment (e.g., computers), to adequately undertake rigorous studies and research of organized crime. The F.B.I., Scotland Yard, and a number of other Federal, State and local law enforcement agencies have benefited from the analytical methods and techniques which were provided to these agencies through a continuing training program. In fact, New Scotland Yard has adopted *in toto* our intelligence program in their existing operations. This recognition and success is directly attributed to the financial support to LEAA.

Project "Alpha", a three year cooperative investigation with federal authorities into cargo theft, labor racketeering, gambling, "loansharking", and corruption, culminated in seventy indictments, thirty-four of which were upper-echelon organized crime figures.

Project "Dallas", a joint cooperative operation involving the New Jersey State Police, U.S. Bureau of Alcohol, Tobacco and Firearms, and the U.S. Bureau of Customs targeted organized crime. Stolen property recovered exceeded one million dollars in value.

Project "Omega", a two year investigation into "loansharking", gambling, and murder resulting in the conviction of seven organized crime members/associates, one of which was subsequently murdered.

Project "Seashore", a joint cooperative operation with federal authorities targeted organized crime activities in bookmaking, narcotics trafficking, illegal lottery, loansharking, and fencing stolen property. Results, 138 indictments returned by a State Grand Jury.

In the technical arena we have been able to expand our laboratory facilities, (three regional laboratories) and extend a more efficient service to the 567 municipalities that make up New Jersey.

The first phase of radio communications were advanced to provide a State-wide Emergency Network eventually linking police communications between all police agencies within the State. The second and third phase now presents funding problems.

Computerized Criminal Histories, Court Disposition Reporting, and Offender Based Transactional Statistics Systems were all developed in cooperation within the Bureau of Justice Statistics.

Arson, one of the most under-reported crimes, has been made an investigative priority and significant prosecutions have resulted.

Our Fugitive Unit was established in response to the growing number of career criminals who have avoided criminal prosecution or escaped from our penal institutions. This Unit more recently has become involved in the nationwide search for several "domestic terrorists" who were responsible for the savage death of two New Jersey State Troopers. The monies to initiate this program were obtained once again, from LEAA.

As I've pointed out, the programs developed as a result of Federal revenues have had an appreciative effect on the quality of law enforcement in New Jersey. However, we must look toward building into the future, addressing problems that are on the horizon. Clearly, our agenda in the seventies have provided us with a future and direction in the eighties.

For example, through a Federal State Planning Council comprised of the U.S. Attorney and representatives of the New Jersey Attorney General's Office, new initiatives are continuously being assessed with an aim toward avoiding duplication of efforts and channelling our resources in mutually-effective directions. This coordinated mechanism is consistent with the current administration's Presidential mandate, and will permit both State and Federal law enforcement to maximize its efforts. Surely, the Federal Government can take credit and pride for joining with us in our cooperative effort to address the deleterious effects of crime. Perhaps it is appropriate to quickly review the provisions of H.R. 4481, particularly as they affect the operations of state government.

As I assess the broad mandates of this Bill, it is clear that "crime in the streets" and "crime in the suites" are adequately addressed. Equally important, the victims of crime and those who have unfortunately been addicted to the ravages of drugs, also victims of the professional criminal, have been included in this Bill. I find this moral commitment on the part of the Federal Government a welcomed addition to our efforts to aid victims of crime.

The scope of the grants to be awarded is certainly heartening in that innovative programs still remain a part of the vocabulary. Whereas the criminal justice community must have a degree of flexibility to experiment, this Bill provides monies for research and experimentation. For far too long, we in law enforcement have had to rely upon our instinctual feelings as opposed to broad-based empirical research. This

provision permits us to continue exploring non-traditional approaches to crime control.

While the monies being requested, \$170,000,000 appears to be substantially less than the \$750,000,000 which was initially requested, it does represent a healthy commitment to criminal justice, given the declining fiscal resources available. Provided the Office of Justice Assistance judiciously screens all applications, we can hopefully maximize the monies being provided.

I might also indicate at this time my continued support for the Bureau of Justice Statistics, for it represents the "eyes and ears" for criminal justice administrators as they plan crime control initiatives. Needless to say, criminal justice administrators are dependent upon statistics (no less than are economists) for making critical policy choices. The Bureau of Justice Statistics offers us the data needed to arrive at rational and conceptually-sound policy options.

In summation, I am in complete concurrence with the Bill. Philosophically, it represents a legitimate obligation of government; conceptually it is sound; and fiscally, it is responsible. The Division of State Police is committed to ensuring that the intent of the Bill is accomplished when this Bill becomes law.

Mr. HUGHES. Do I understand correctly that you are the spokesman for the panel?

Colonel PAGANO. Well, I guess knowing the new administrative director of the New Jersey chiefs and not really knowing our Jersey City detective that well, but I have to be identified, I suppose, as the spokesman. But I do not want to override the young lady to my right.

Mr. HUGHES. Why not do it this way? I do not want to deny anybody the opportunity, in addition to his or her prepared statement, to offer such additional comments as they might want to make.

So, why not start with you, Ms. Frank. Is there something else that you would like to add? We have your statement, which, without objection, will be made a part of the record. Are there some other things that you would like to bring to our attention?

TESTIMONY OF CATHERINE B. FRANK, EXECUTIVE ADMINISTRATOR, NEW JERSEY ASSOCIATION OF CHIEFS OF POLICE

Ms. FRANK. In listening to your opening statements, they kind of paralleled with the statement that I was about to say. It was almost as though you had written it because of your statements.

I would like to add that I am speaking not only for the New Jersey State Chiefs Association, the International Association of the Chiefs of Police, but also for the vast majority of all of those people who are interested in preventing anything that has to do with massive crime.

I would like to add a few things.

We recognize that we are living in a very fiscal austerity period right now. Measures to cut the budget have resulted in significant reductions in Federal assistance to crime programs. But we also recognize the need, not only in this State, but all over the country, for help from the Federal Government.

As you said, you have read it. I have very little to add to what Colonel Pagano said, because he said it all for us. I think that you gentlemen have the knowledge, you know what we need and you also will do what you can to help us.

Mr. HUGHES. Thank you. I might just add that we are indebted to the New Jersey Association of Chiefs of Police and to the International Association, because they were of tremendous assistance, as was the Troopers Association, in our efforts to pass H.R. 4481,

and especially by the margin of victory. The vote in favor was overwhelming.

[The prepared statement of Howard L. Runyon, Jr., follows:]

PREPARED STATEMENT OF HOWARD L. RUNYON, SR., CHIEF OF POLICE, PASSAIC TOWNSHIP POLICE DEPARTMENT, STIRLING, N.J.

Mr. Chairman and distinguished members of the Subcommittee on Crime, my name is Catherine B. Frank, executive administrator of the New Jersey Association of Chiefs of Police and I am making this statement on behalf of Howard L. Runyon, Sr., second vice president of the International Association of Chiefs of Police and Chief of Police of the Passaic Township Police Department, Stirling, New Jersey.

I sincerely appreciate the opportunity to appear before this important body. Your deliberations are vital to a better way of life for all of us. Hopefully, in some small way, my comments will aid your consideration of future improvements in the criminal justice service.

I would stress at this juncture that I am not expressing the views of myself or a narrow segment of police, but rather the thinking of the vast majority of law-enforcement officers.

As evidenced by the wide variety of community and other programs aimed at making this a safer nation, it is apparent that there is intense interest in public safety. Crime has affected each of us, whether as a victim or indirectly through increased costs or reduced personal freedom of movement.

At the same time, we must recognize that we live in a period of fiscal austerity. Measures to cut the budget have resulted in significant reductions in Federal assistance to criminal justice programs. A fiscal year 1981 budget was approved by Congress which results in the phase-out of the Law Enforcement Assistance Administration (LEAA), and which restricts funds for the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS). The fiscal year 1982 appropriation passed by the House of Representatives (H.R. 4169) provided no funds for the LEAA program. Such cutbacks threaten the operation of our already overburdened criminal justice systems.

As you know, I am the second vice president of the International Association of Chiefs of Police and although the AICP was a vocal critic of the LEAA when its programs and philosophies made it necessary, we also applauded its many great successes. The LEAA support programs against organized crime, major offenders, and repeat offenders, were unexcelled. Its support of Sting operations, the integrated criminal apprehension program (ICAP) and accreditation of law enforcement agencies are dynamic examples of projects that can only exist with Federal aid. The law enforcement education program (LEEP) and the public safety officers' benefits (PSOB) program directly affected street-level police services to the public in a positive and forceful way.

These programs have saved millions of dollars. In one case alone, the standards developed under an equipment technology program supported by LEAA funds, helped the U.S. marshal's service buy transceivers for half a million dollars less than the GSA catalog price—and, they obtained higher quality radios. Consider life-saving programs of LEAA, and you must immediately be reminded of its K-9 explosives-detection project which was directly credited with finding a bomb on a TWA jetliner. Their high-speed steel-belted tire warning avoided countless accidents in police pursuits. Finally, the Federal agency funded a long overdue study of police use of deadly force.

These lessons learned from the LEAA have provided us with the concepts necessary to improving the criminal justice system. An enormous amount of information, research, systems development, and programmatic entities have been generated by LEAA over the last decade. To ensure that these gains are not lost through dispersion and relocation, a coordinating Federal interface with local governments must be maintained.

While local and State governments bear the fundamental responsibility for dealing with crime and criminals, the Federal Government does have a role to play. These are issues which transcend the boundaries of any single State and which can only be addressed at the national level. Similarly, Federal funds and Federal know-how can assist jurisdictions in establishing programs which have been proven successful in other areas of the country.

Furthermore, many States simply lack the resources to obtain important training and technical assistance. It is important to remember that over 80 percent of this Nation's police departments are still staffed by less than a dozen sworn officers. There is no way these agencies can conduct their own research and development

without Federal assistance. The same is true for innovative projects. Such projects, which hold the promise of significant improvements for the entire criminal justice system, cannot be explored without help from the Federal level.

The greatest tragedy of the loss of a Federal program relates to the great challenges that still lie ahead:

Illegal drug trafficking and the resultant abuse of drugs continue to plague our communities. Drugs are directly related to a great proportion of street crime and, for the most part, they are introduced to the community from sources over which local authority has little or no control. Massive international efforts through every channel available, including treaties, must be used to bring this problem under control.

The inability of our current system in controlling juvenile crime is the single most critical element of recidivism. Influences of poverty, poor schooling, job opportunities, and the host of other factors designing our way of life leave the criminal justice system in an inadequate posture for addressing this phenomenon in a concerted manner.

A single incident of white collar or organized crime can result in such disproportionate economic loss compared to other crime, we feel compelled to consider them with equal priority. Often working from a headquarters far removed from the actual location of the incident, this burgeoning problem must be attacked by all disciplines of the criminal justice system, as well as all levels of government.

There is great inequity in our system regarding victims and witnesses. Too often, victims of crime (particularly violent street crime) are not justly treated when the offender (justly convicted) is released probationarily, or prematurely from a too brief prison term. The system unjustly exposes the victim to further retribution by his/her assailant. We must also give greater attention to witness protection and victim restitution in any consideration of reform.

As you can see by the brief accounts of these issues, a positive Federal involvement in criminal justice becomes critically apparent. Reinstatement of Federal assistance to State and local law enforcement must become a priority consideration of the Congress and the Reagan administration.

There is indeed reason to believe that this important Federal funding is forthcoming. Representative Hughes is the sponsor of this legislation, H.R. 4481, the Criminal Justice Assistance Act of 1981. The legislation was recently passed by the House of Representatives by a margin of four to one, which demonstrates its strong bipartisan support. The bill authorizes up to \$360 million in Federal assistance for State and local anti-crime programs over a two-year period. Many of the positive programs of the LEAA have been retained, but in a lean and scaled-down operation which does not impose Federal bureaucratic requirements on State and local recipients.

The categories of criminal justice programs which can be funded under this legislation reflect many of the areas addressed here today. The permissible categories include: (1) Community and police anticrime programs; (2) Sting operations; (3) arson programs; (4) white collar crime and organized crime programs; (5) victim/witness programs; (6) treatment alternatives to street crime (TASC) and (7) prosecutor and police management information systems (PROMIS). Funds will also be directed for training and technical assistance.

H.R. 4481 is important for it renews the Federal Government's partnership with State and local criminal justice agencies in the fight against crime. Obviously, we have a long way to go to bring rampant crime within controllable levels. Mr. Chairman and members of the subcommittee, we can establish a more safe and secure nation for all our citizens. I look forward to working with you toward that ideal.

Colonel PAGANO. In addition to my appearing, Congressman, as the superintendent of the New Jersey State Police, because you are having hearings in our State and you are a New Jersey subcommittee chairman, I represent the State and Provincial Division of the International Chiefs. That is a representation of all the 50 superintendents. The policy statement that we presented to this hearing today was cleared at a meeting on Saturday at Fort McClelland, Ala. with the President of IACP and with those superintendents assembled from the four regions of the Nation. We are interested as a State Police group, the 50 superintendents, in seeing to it that the innovative programs of LEAA, with the Federal assistance that

was provided, is continued. We do support it and we have been active as a State and provincial group in fostering H.R. 4481.

Mr. HUGHES. Thank you. I might just add that Senator Arlen Specter of Pennsylvania is the chairman of the Crime Committee on the Senate side that now has the legislation. He has had two hearings. He hopes to move it to markup, but I would encourage your associations to communicate with Senator Specter and with the administration, which is still opposed to the legislation, urging them to support the legislation so we can get it to the President before this session is out.

OK, Detective Jackson of the community relations unit, Jersey City Police Department. We are delighted to have you with us. Are there some things that you would like to add to your statement? Without objection, your prepared statement will be made part of the record.

TESTIMONY OF DETECTIVE CHARLES JACKSON, COMMUNITY RELATIONS UNIT, JERSEY CITY POLICE DEPARTMENT

Mr. JACKSON. The fact that this hearing is being conducted gives support and hope to the law enforcement officers that operate at my level, which is the street cop. As indicated in my remarks, I feel that with the support of Congress in dealing with some of the problems that we are confronted with every day, that perhaps maybe we will suffer less frustration.

One of the things that I want to put emphasis on in my report is, if Congress could aid us in getting IRS to move into play whereby they would work with our law enforcement agencies in helping to take away the resources of which most of the criminal activities are based on. This is our concern because in apprehensions, it appears that the culprits are able to tap these resources or have available the resources in order to hire the best legal minds available. Because of this, the whole situation gets tangled up in courts and as a result of it, it takes 5, 6, maybe 7 years in order to resolve them.

Just the other day on a report on TV, one of the reporters stated in Florida they have a backlog of cases down there which would take at least 9 years to resolve. You can imagine, as a police officer, we are dealing with these repeaters, repeaters, repeaters, that, in going through this frustration, that we wonder if there is really any hope.

So we hope that Congress will support us in helping us in dealing with this particular situation.

Mr. HUGHES. Thank you.

[The prepared statement of Detective Jackson follows:]

PREPARED STATEMENT OF DETECTIVE CHARLES J. JACKSON, SR., JERSEY CITY POLICE DEPARTMENT, JERSEY CITY, N.J.

The proposal on which my remarks are predicated, is focused on the habitual practice, of the lack of response, complaining, and procrastinating about the conditions we have allowed our society to succumb to.

In plain terms, in order to initiate a significant reform, Congress, being the law making body that dictates the mode of behavior, should look to changing the laws, in instances, where they are challenged to the degree of posing a threat of deterioration.

A commitment should be voiced by Congress for all to understand, that every effort will be made to provide a means of achieving a quality of life in America, second to none in the World.

Major contributors to the state of crime we are now experiencing, in my opinion are as follows:

(1) The fact that "God" is legislated out of the lives of our children, when they need to be taught that daily recognition of the Creator is the number one priority. "Change the law, don't challenge it".

(2) The cultural change that has caused us to lose the identity of the family not only in the household, but as a nation that doesn't experience nationalism as an expression of consciousness, loyalty and devotion; but only as a holiday from work or international competition. I am a American, should be changed to, I am an American of descent. Such an action would lead to the adoption of a national language, opening more avenues of communications, and reducing causes of racism, which results in crimes of rioting, lynching, mayhem, murder and property damage; also double standards. "Change the law, don't challenge it".

(3) Major crimes such as drug dealing, child abuse (both physical and sexual) and others of the same magnitude, should be given the same attention as an act of treason, because they are causing personal injury to the sovereignty of the family (in all aspects as such).

(4) Armed Forces with their sophisticated technology should be employed to supplement those agencies that are undermined in putting a stop to drugs being trafficked into this country. A page from history, should be referred to, as to the use of the IRS, which was effective during prohibition days, and was the only means of bringing criminals to justice, when they (the criminals) challenged the law, and because it was not changed, beat it.

Profit is the bottom line resulting from these criminal activities, and is known to produce billionaires as well as millionaires. Increasing the number of IRS investigating agents, would more than pay for itself a thousand fold, as they work in concert with drug enforcement officers to apprehend these culprits. A new weapon will have been invented to destroy the image of "La Dolce Vita" (The Good Life) from indulging in criminal activities, associated with drugs.

(5) Conditions that prevent economic growth, lie at the root of poverty, induce prostitution controlled by pimps, and moving illiteracy to a state of epidemic proportion, must be eradicated. Change the law instead of challenging it.

(6) A whole generation has been born and raised in a drug culture environment. The components of which are accepted as a way of life, has taken its toll, and is starting its infection on the coming generation. We must re-educate our children, spelling out clearly the evils and consequences of a drug related life. This must be implanted from head start and reiterated throughout the formative years.

(7) Illustrations, such as changing the law to implement mandatory sentences as punishment. Recognize a fail rate of 98 percent in rehabilitation. Redesign our penal institutions to be patterned after our military stockades, and making them a place of punishment, including hard labor where applicable.

(8) Congress should increase the amount of monies to continue to support those social programs which have proven effective, successful and cost responsive to the basic needs of this great American society. Good behavior should be rewarded. Prevention is the answer by changing the law, not challenging it.

Mr. HUGHES. The Chair recognizes the gentleman from New Jersey, Hon. Peter Rodino, chairman of the full committee.

Mr. RODINO. Thank you, Mr. Chairman.

Colonel, in reviewing the provisions of H.R. 4481, do you find that any of the funded items do not comport with the kinds of needs that you have expressed, involving Federal and State cooperation?

Colonel PAGANO. Not really. No, I think H.R. 4481 meets the test of the discussions that we have had. I think that we have to be realistic. We have elected a President who has come forward on a platform of fiscal austerity and change. This may be of different meaning to you than it is to us at our level, but we understand that this is the way things are going to be. Also, in the waning years of the Carter administration, there was great question about the manner in which LEAA had spent money across the Nation.

When 4481 was developed, we watched the development of the legislation, we saw the changes that were being made. Ultimately, when we supported it, what we felt we were supporting, what we know we are supporting is a program that is less in dollar, but aimed toward the successful end of the LEAA Federal/State relationship. I think that is what we are speaking about here today.

Mr. RODINO. Colonel, would you be able to pick up the slack if suddenly all Federal assistance were cut off in some of the areas where there presently is cooperation between the State and Federal agencies?

Colonel PAGANO. Well, not all of it. But New Jersey has done a lot. We have done a good deal in picking up the slack. We have, in many of our funded areas, developed programs and then moved toward State support of those programs.

I think the one issue that is of prime importance to me is the planning issue. That is where we have traditionally looked for Federal support. There are a couple of other areas still left hanging, so to speak, that may want more by way of support in the future. Probably one of the more critical as I just checked briefly, would be the statewide police emergency network (SPEN) which is in its second phase. We did not have enough. We do not have enough by way of money at this point to take this system to its ultimate goal. That goal being the policeman getting out of the car with a communicator that repeats through the car to a base station, providing security to the officer.

But the first two phases of SPEN are important. And the first two phases of SPEN are successful. That is an area where I do not know specifically that we would have the kind of funds that we had originally envisioned to complete the system.

There are other programs, computerized criminal history, that have been brought to us as part of a Federal funded scheme, that may not, in the long term, be able to be supported successfully. Our laboratory system, and we have one of the finest systems in the country here, came into being and is now being supported by State funds. But we are in dire need there. Because that impacts upon the ability of the patrolman on the street who makes the arrest, to see that arrest successfully prosecuted through the courts. It impacts in many ways on the success and the credibility of the law enforcement and criminal justice system in our State.

Mr. RODINO. Colonel, if there were a failure on the part of the Federal Government to provide any assistance at all, would this have a negative impact on our ability to treat the problem of crime?

Colonel PAGANO. Yes, it would, Congressman.

Mr. RODINO. Considering the fact that New Jersey is the kind of a community it is and that, proud as I am of the State, we have been, unfortunately, from time to time, singled out as having high crime rate, especially in our urbanized communities—do you believe that it is possible for the State, as such, to be able to support the kinds of programs that you feel are essential in combating crime. Do you feel that the State is able to do solely and alone? Recognizing the fact that all of us agree that at least in part, national problems cause the crime that infects this society.

Colonel PAGANO. No; I do not think the State can do it alone' either monetarily or in a purely philosophical sense. It requires the coordination, it requires added funding, it requires a payback, if you will, for want of a better word, of the tax dollars which the New Jersey taxpayer has already invested in the federal system.

I am not really the spokesman for tax policy. But for myself, I pay a tax the same as anyone else does, I think some of it should come back to my State and my community to support what I consider my problems to be. If someone is going to break into my home or threaten my wife, threaten my children, that is my problem. I want my Federal Government to pick up some of the load in that area. I think it is proper.

Mr. RODINO. Well, I want to thank you, Colonel, for your appearance here this morning. As one who has long applauded the kind of interest you have, I do appreciate what you have had to say. I thank you and the rest of the members of the panel for your appearance.

Thank you, Mr. Chairman.

Mr. HUGHES. Thank you, Mr. Chairman.

The Chair recognizes the gentleman from New Jersey, Mr. Guarini.

Mr. GUARINI. Thank you, Mr. Chairman.

I thank you, Colonel, for giving us the benefit of your thoughts and being here today. Just 1 day or 2 ago in the press it was reported that the statewide crime index dropped 3 percent for non-violent crimes, but had gone up from 44 to 47,000 violent crimes. So there was a 5-percent increase in the violent crimes in our State. Of course, there are some State Troopers that got caught up in those statistics, as you know from the terrible fatalities that we had on the highways.

We already have, before that statistic was announced, a larger index than is normal for our population as compared to other States of the country.

I am wondering whether or not there are some creative and new suggestions that you may be able to make, if you were to reorganize our crime setup. I will give you a thought and a suggestion.

We do not have the State police presence here in Hudson County. If we had barracks here where people would be going and coming from work somewhere in Hudson County, it might help considerably in thwarting any crime or create an atmosphere that would try to neutralize some crime because the presence of the State police in the most populated county and a first-class county, would be of considerable help. Has any consideration been given to that type of a suggestion?

Colonel PAGANO. Well, yes, there has and as part of the program that we experimented with during the Byrne administration and that we have discussed with the current administration, we have tried the use of troopers in urban areas. There are a number of philosophical problems to be overcome. I think, essentially, those philosophical problems were overcome in the experiment that we had. There are no real jurisdictional problems to overcome.

Mr. GUARINI. Is there a possibility in the future, though, sir?

Colonel PAGANO. I do not see a possibility of that kind of activity continuing unless there is a meaningful addition of resource to my

organization. This is what I told Governor Byrne when we completed the Trenton project and essentially what we discussed with the current administration. We are woefully short and I have heard the request in the past for a State police presence in this Hudson County area. But we are woefully short in the patrol area, to the point where over the past several years my division has been picking up in areas where new roads have developed, without the resource that we need and without the kind of support that we need, because of fiscal constraints. This is something that is to be discussed further with legislature and with the Governor.

Mr. GUARINI. Would it be that difficult to just relocate into another building or garage or headquarters a detachment of the State police?

Colonel PAGANO. First you need the detachment.

Mr. GUARINI. We have 10 percent of the population in Hudson County and some of the worst trafficked roads in the State are Connelly Avenue and other arteries in the county.

Colonel PAGANO. That is an argument that takes a good deal of discussion. But the issue itself is that the detachment has got to be made available. It just cannot over the long term be assumed that 10 percent, so to speak, of the State police resource ought to be sent to Hudson County. Because I think if you really look at the total State police resource, you will probably find that there is an excess of 10 percent possibly right in this county. Because the resource covers a very broad spectrum of criminal justice services, patrol being very important. But I do not see with today's resources given to my division that we are in a position to send a detachment here.

Mr. GUARINI. Are you short on resources concerning computer hardware and equipment? I say that against the background that organized crime has the most sophisticated equipment, to always stay one step ahead of the police if they can. They have the resources, the money and of course, it is their business to have the most sophisticated equipment they can buy, whether it is in airplanes or cars or computers or different types of devices. I am sure that they are not wanting for funding. I just wonder what your expression concerning those kinds of resources when you contend against organized crime.

Colonel PAGANO. There is no length to which the innovative thinking of my troopers will not extend. There is no area, including the computerization of our organization, that cannot be enhanced. I do believe, though, that if you speak in terms of the basic needs of the New Jersey State Police, you are speaking in terms of human resources. Now, we can talk about guns and we can talk about all kinds of equipment, but these can be accomplished without that much difficulty. It is the human resource, the expanding role of the State organization, the coordination being accomplished on basic systems by the State organization.

Mr. GUARINI. As far as science and technology, you do not think you are lacking at all from the funding on the State level or Federal level?

Colonel PAGANO. We are in need here of added resource in technology funding, I believe, more than anything from the Federal level—in need of human resource funding from the State level.

Mr. GUARINI. Let me ask you. We plan regional planning on highways and regional planning on population in the tristate area of New York, New Jersey, and Connecticut. Do we do any tristate planning on crime as in the other aspects of our society? And do we do it sufficiently in your opinion?

Colonel PAGANO. There are elements of tristate coordination. There are elements of tristate operational planning and, actually, operational implementation.

Mr. GUARINI. Now, I say this because there is an immense amount of spillover of organized families and people that flow across State lines.

Colonel PAGANO. Well, that, through better coordination right now in the Federal system. Probably an excellent case in point is, as you mentioned, we did suffer a terrible loss in the New Jersey State Police last December. We have looked to the basic coordinating mechanism that was developed during the course of the LEAA years to assist us in resolving this case. We have an excellent working relationship ongoing with the Bureau because we found very shortly after the death of our trooper that the perpetrators had been living in Pennsylvania. That has extended up into the New England area with the FBI. It has involved not just casual relationships between the New England State Police Associations, but a very formal and structured relationship, a NESPAC relationship, that is federally funded up there. Although we have not apprehended these people, we are a long way toward understanding them and getting down to apprehending. I would hope that will occur without too much more difficulty.

But without the Federal assistance passed, without the coordination that was encouraged and mandated by the Federal system, we could not have developed what we have developed at this point on that case.

Mr. GUARINI. I just have one last question, with the indulgence of my colleagues. We are 567 municipalities and of course, each of them has its own police force, whether it be volunteer or paid, and we have our State police and we have county police, and we have specialized kinds of police. Now, I know there is a great deal of cooperation between each of these organizations. But is there adequate coordination in responsibilities that we should have where we could put the finger on one particular person in the State and say that crime, if there is not an adequate program, if there is not adequate leadership, we could say that particular person would be responsible for what is happening in the State? Not have it diffused over hundreds of different individual responsibilities?

Colonel PAGANO. Mr. Guarini, I think I mentioned before that I am general chairman of the State and provincial division of IACP. As such, I interact on a daily basis, almost, with other superintendents. We do have such an individual in the New Jersey system. The New Jersey system coordinates the efforts of prosecutors and police, although, from time to time, admittedly, we have difficulty. But the New Jersey system coordinates the activities of the criminal justice systems through an attorney general. Regardless of policy or regardless of party changes which may occur, the New Jersey system and the Criminal Justice Act does designate one individual as the man who is the leader.

I think that with the attorneys general that I have worked with, Highland, Degnan, and DiZali, and now, Irwin Kimmelman, we have had an effective voice in coordination. I think that there is a voice that, from time to time, may become controversial, but the bottom line is that when there are problems to be faced and problems to be resolved, we have a strong voice.

Mr. GUARINI. But it is sufficient that he has civil matters to attend to, like riparian rights, and many other duties, where he gives only part of his energies to the crime issues. Not all of them, because he has a myriad of different types of responsibilities as attorney general.

Colonel PAGANO. That may be true. It is a very responsible job. But he discharges his civil duties through the division of law, he discharges his criminal justice through the division of criminal justice, his law enforcement through me. He has a close association with the New Jersey Chiefs and the IACP, as witnessed by Cathy representing the president of the association here today. But from time to time his activities are such that he reaches right down into the local level and works with the local chiefs on local problems and recognizes local problems from time to time and calls those chiefs into Trenton and says to them—or the act provides that at any point in time when a problem is to be resolved that the chief must respond to the attorney general. He does have the capacity and he does, on many occasions, call a local chief in on a specific local problem and bring him to task for having that problem resolved.

So I think the New Jersey system is the best in this Nation, without question. I think that is a study that is well recognized and well admitted.

Mr. GUARINI. Thank you most kindly.

Ms. FRANK. May I add one thing, colonel?

You asked about the liaison between working over State lines. I represent the New Jersey Chiefs Association. However, we have daily liaison with the Pennsylvania Chiefs Association; and New York, and also the New England, with regular meetings where our chiefs do meet with their chiefs and we do work very closely in the Northeast part of this country, working together.

Mr. HUGHES. Thank you very much. I just have a couple of questions.

First, let me just commend all three of you panelists for excellent statements.

Colonel, on page 6 of your statement you make a reference to the importance of the Bureau of Justice statistics.

Colonel PAGANO. Absolutely.

Mr. HUGHES. I think that inherent in that statement is your belief, and correct me if I am wrong, that one of the leadership roles that the Federal Government can play is to try to develop through the National Institute of Justice, through research, new and innovative ways of handling on a targeted basis the crime problem throughout the country and testing those techniques in the marketplace. Am I correct?

Colonel PAGANO. That is correct, and you are hitting at the heart. I do not know if you bugged us on Saturday or not, Congressman, but that is the heart of the discussion that we had in Ala-

bama on Saturday. That is the real concern right today of the chiefs of this Nation. What is going on with OJA? Is OJA a likely successor of the system past? But our real concern right now is that the planning that is being done by NIJ is a practical planning exercise. NIJ, because of very limited resources, moved away from the sociological planning and research that has gone in the past. How do we practically solve a given problem?

As important as anything in the entire OJA's philosophy to me and to my counterparts, however, is that BJS system. We need statistics, we need to be able to intelligently look at the problems of law enforcement and the criminal justice system and we cannot do it unless some place in this Nation they bring together all the material that is available. We could not live today in an economic sense without the Bureau of Labor Statistics. We need the same thing and it has got to be emphasized as part of OJA's in the justice area.

Mr. HUGHES. Well, I do not have to tell you that one of the great concerns that we have is that we have no program right now to test the research that is coming from the National Institute of Justice and other nonprofit organizations—to test them in the marketplace. We found that career criminal and TASC and the other programs that have been found to be successful had to be tested in the marketplace before we found out what really did work. So we have a major blind spot. H.R. 4481 is targeted to solve that blind spot.

Colonel PAGANO. We are well aware of that.

Mr. HUGHES. So we could not agree with you more. In fact, all of the law enforcement agencies that I am aware of, support H.R. 4481, for that and for other reasons—the National District Attorneys Association, the National Association of Attorneys General, the Chiefs Association—law enforcement through the country is behind the bill for that reason among others.

Let me just ask you a couple of more questions. What type of cooperation are you receiving from the various Federal agencies, the FBI, and DEA, and the Bureau of Alcohol, Tobacco, and Firearms, the Immigration and Naturalization Service, and the other Federal agencies?

Colonel PAGANO. We have an excellent cooperative effort going on here in New Jersey. We have voiced our concern in the past, during the administration of Bob Del Tuffo, that there was a need for a better working relationship. I think this has been done effectively. I think it is going to be done in a much more structured way under the mandate of the President. Because the President made this part of his seven-point plan.

The program that has been developed under the leadership of Attorney General Kimmelman and Hunt DuMont is a structured program of sorts, because the mandate requires a written structure. But loose enough and informal enough to let the personalities of the leadership in the various agencies emerge, including the local chief, which is very important to the continuous education as a representative, including all of the Federal agencies. Possibly this is a statement that ought to be made by Hunt DuMont or Attorney General Kimmelman. The plan is to orient the entire effort toward problem solving. Developing for each meeting a given problem and let all the personalities in the justice system at every level in the

State interact on those problems. And I think that is going to be a successful program.

Mr. HUGHES. Thank you. You know, during the years that I was involved in law enforcement I found that the task force operations were the most successful in getting that kind of coordination. We found with the DEA, the Drug Enforcement task force operations, the BATF task force operations, that by bringing the expertise of the agencies together to bear on one problem, we maximized that effort. Would you agree with that? That that is what we have got to look for more of?

For instance, the 18 DEA task forces around the country have been inordinately successful. The Philadelphia task force is a good example of that.

Colonel PAGANO. That is correct. This is why the chiefs and the superintendents have been so astute in examining the reorganizations at the Federal level. We have been able to meet with the Attorney General. I have been part of the meetings myself. We have been able to meet with Mr. Meese in the White House and make our voices heard. Because we do not want DEA merged with FBI and lost. The merger that is occurring now is businesslike and meaningful. But DEA and the DEA effort will not be lost.

We were concerned about BATF. The chiefs of this Nation, for the first time in history, 3 years ago, developed a Firearms and Weapons Subcommittee because we had never before faced up to the problem of explosives, of firearms control. We are sensitive to the divergent opinions on gun control. But we were very sensitive to what appeared to be an effort to scuttle BATF. That is why we made our voices heard and that is why we are satisfied with the reorganization that is taking place now. The placing of BATF in the Secret Service.

We are concerned that that task force effort draw together all the various disciplines, not losing sight of the needs of the individuals or of the agencies, or the systems involved. But in keeping together that task force kind of theory.

Mr. HUGHES. Well, I hate to be the bearer of sad tidings, but BATF is in serious difficulty right now, because that transfer to Secret Service is being held up on the Senate side. That agency is virtually immobilized right now. We just passed an urgent supplemental this past week that restored some funding, but there is still a major movement to dismantle the agency. In fact, there are 1,600 RIF notices, reduction-in-force notices, out now.

So, I know how important BATF and its operations are to the State and local units of government.

Colonel PAGANO. Let me say this, Mr. Hughes. I am aware of that holdup. I am as cognizant as any other chief of what is occurring. I am not cognizant of all the underpinnings and reasonings for the holdup. But I know as a chief that given one investigation, the one that I referred to before, the enforcement loss of one of our troopers, we would not be where we are now if it were not for the cooperation of the BATF people and the BATF system. Because it is not just the people in some cases. It is the system in place that gives you the investigative leads that you need to pursue a gang of people that eluded apprehension since 1975 and gone on with their robbing and their murdering.

I think it is important that that in itself is just as important as the funding that comes our way. Keeping that Federal system a viable system so that it can interact with State and with local police agencies. There are parts of that system that probably ought to be examined and maybe culled out. But that does not mean you throw the whole thing away. That is wrong. That is just absolutely wrong.

Mr. HUGHES. I could not agree with you more.

Well, let me just thank all three members of the panel. I congratulate you on your statements. You have been most helpful and we are grateful. Thank you so much.

Our next witness is the Honorable Joseph LeFante, a former colleague of ours in the Congress. In fact, he served as a Representative of New Jersey's 14th Congressional District in my second term in the Congress. I was delighted to be his colleague. After that, he served as commissioner of the New Jersey Department of Community Affairs.

We are delighted to have you with us. You may proceed as you see fit.

TESTIMONY OF JOSEPH LEFANTE, FORMER MEMBER OF CONGRESS, 14TH CONGRESSIONAL DISTRICT; FORMER COMMISSIONER OF NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

Mr. LEFANTE. Thank you, Mr. Chairman. First of all, I would like to thank you for the opportunity to appear here this morning. It is almost like old times to be with you again. I think that the mission that we are trying to accomplish here today is a most serious one.

In view of the fact that the record will show my statement in its entirety and the hour is growing late, I would like to jump around a little bit, if I may. I will only take a few minutes, I promise you.

Most folks that we talk to, particularly in the urban areas, know what the problems are and they identify with them and they relate to them. In many cases, we refer to the Constitution of the United States as it presently exists, whereby our Founding Fathers, when they wrote the Constitution, established distinct Federal responsibility for the workings of Government. The bulk of crime control and punishment was given to the local authorities. The Federal Government stays out of these areas of professional jurisdiction, as mandated by the Constitution. You are going to hear from many professionals today who have developed expertise in the various areas of law enforcement and the criminal justice system. I will not touch upon that, because I am not the expert in that field.

But let me tell you, there are areas where the Federal Government can help local authorities battle violent crime. First of all, they can begin by nipping a good portion of this crime in the bud by giving youth the training necessary to get a decent job and stay out of trouble.

When I served as the commissioner of the department of community affairs, one of the last duties I performed before leaving the office was meeting with urban mayors. At that time, they displayed to me a very serious and priority concern of youth and crime in

their cities this summer. They talked about government coming up with all kinds of dollars to enforce law, apprehend, indict, punish, send away. But they talked also about a program that New Jersey has received national awards on. It is called safe and clean streets. It is funded completely out of State dollars in the State budget. The commissioner of the department of community affairs, which I was privileged to serve as, had the unique ability, because I also served on the SLEPA Commission, the State Law Enforcement Planning Association. As a commissioner on SLEPA and as a commissioner of the department of community affairs, with these discretionary funds, we were able to channel those dollars into the areas where they were needed. Those funds went for walking patrolmen in high crime areas. We had to have a visibility. We could not, in an automobile, patrol streets. We needed walking patrolmen in the high crime areas.

Usually, the rule of thumb was the first couple of months there was a drop of about 7 percent in the violent crime as reported. Through the summertime, in some areas, it was cut 50 percent because of his high visibility.

So I think, Mr. Chairman and gentlemen, that the severe cutbacks of our summer youth unemployment program and its planned elimination in 1983 shows that this scarcity of jobs and training opportunities is a conscious policy embraced by the present administration in Washington, D.C., and it is a policy that will be disastrous for our cities.

Now, if we take a look at the numbers and I can say at the very least that they are shocking. Twenty-two percent of America's youth are unemployed and one-half of American minority youth cannot get a job. In this very area we sit this morning, in Jersey City, it is reported that a 75-percent rate of unemployment exists among the minority youth. The number of unemployed juveniles is even going to go higher this summer.

There are good kids and there are bad kids. Many of the young adults will not be able to find a job this summer. There is just not going to be any available. So what does a bored youngster do to keep himself occupied? Most of us know that they wind up getting involved with mischief.

So we do need programs like the summer youth employment program at full funding level. It will keep our young people out of trouble. We will save money in the long run. One, with tax dollars returned to the economy. Two, training and education equal jobs in the future. Three, kids learn self-discipline and responsibility. And fourth, I think a good job keeps a kid out of trouble.

Furthermore, thoughtful people are coming up with ideas for sound programs designed to prevent crimes before they happen. A Juvenile Crisis Counseling Center is one such idea.

So, gentlemen, I think that if we took the figure that exists today. For example, what is the good of sending a kid to jail, spending \$20,000 a year to keep him there, when for only a few dollars he can be counseled, trained for a job, and then given a job. I tell you, I would rather spend those few dollars now and save untold dollars and misery and unnecessary grief for the victims of crime later.

There is one bill recently passed by the House of Representatives now under consideration by the U.S. Senate, the Justice Assistance Act. It was sponsored by our good friend here, Congressman Hughes, and he made reference to where it is bogged down over in the Senate. I think that it gives our local authorities the means of combating the menace of crime by nipping crime in the bud through education, through community involvement, and with adequate resources to our law enforcement officials. So, if I were to, off the top of my head, make a suggestion here today and I volunteer my services in any way that I can be of service, I think we would have to direct ourselves immediately to making sure that that summer youth unemployment program budget is funded at the full level. Then we can go on to our duties at H.R. 4481 through the process as it exists.

Other than that, gentlemen, I will leave the other law enforcement areas to the experts.

Mr. HUGHES. Thank you very much, Joe.

The gentleman from New Jersey, chairman of the full committee.

Mr. RODINO. Thank you very much, Mr. Chairman. I merely want to thank my good friend and former colleague, Joseph LeFante, for his continued interest, as a concerned citizen, in this problem. I think he touches on an area that certainly has been of tremendous concern to all of us. That is the fact that in our current economic climate, with high unemployment, especially prevalent among minority groups and those in urbanized communities, where the lack of these programs that you make mention of certainly makes all of this so prevalent. Therefore, in pure logic, contribute to the opportunities to commit crime, to engage in the trafficking of illicit drugs, to do those things that we are seeking to prevent. I think you have hit on a very important area. What we are doing now is presenting to you and to this community, to the Congress, the evidence that is being presented by local experts and other people who are concerned about the crime problem. We want to, of course, meet head on the growing crime rate through a medium such as this, the Justice Assistance Act, which is a very modest but effective piece of legislation.

But unfortunately, I must say—and I do not say this in a partisan manner—unfortunately, while the crime rate continues to increase and unemployment continues to increase, we are doing nothing on either score. We are cutting out law enforcement assistance. We are not doing anything to train people and prepare them for what is going to happen to them.

So I applaud you. I remember too, Joe, and I am sure that you do too, the many times that you, as a Member of the Congress, came to me, deploring the lack of action on the part of the Congress and on the part of even the previous administration in doing the necessary things to effectively deal with what I consider to be a plague on our society. I appreciate your taking the time, as a concerned citizen, to come here and to address this very important question.

Mr. HUGHES. Thank you, Mr. Chairman.

Mr. LEFANTE. Thank you.

Mr. HUGHES. The gentleman from New Jersey, Mr. Guarini.

Mr. GUARINI. Thank you very much, Joe. I think that you have hit on a jugular that I have seen in statements by Chairman Rodino for so many years in the past concerning the high unemployment of minority youth and the problem that it has caused in our country today. Of course, that problem is exacerbating while it increases.

I deplore the fact that we do not have a national employment program for our youth. In the days of Roosevelt we had the CCC, which did an excellent job. Today, we are taking away student loans. Today we are taking away summer programs from the children. We are taking away meals in the schools. We are taking away programs that have taken long numbers of years to build up to where they are today.

Now, I am particularly concerned about the fact that neighborhood crime, the fact that senior citizens cannot walk the streets is going to be deeply affected. The fact that mobs of people in our high schools and elsewhere in our school system are the young people who will be hanging around on the street corners during the summertime where mischief starts. That is where the drug problem continues. That is where robberies start. All these energies that are pent up have no way of expending themselves, other than putting them into something that may turn out to be very detrimental to the welfare of our community.

There is fear in our town, in our communities. A great deal of fear. People used to talk about how they could go out at night, how they could go to movies, how they could go to dinner, how they could walk the streets during the daytime. They are locked in with many locks on the doors.

I think that one of the most important issues—that if we are going to address the crime problem, particularly in the streets and the neighborhoods—is to find a national youth program, a program particularly addressed to our minorities, but also addressed to all our young people.

I thank you for bringing this to our attention.

Mr. LEFANTE. I agree with you, Congressman.

Mr. HUGHES. I, too, want to join my colleagues in congratulating you. I think that any time you talk about crime you have to look at the root causes of crime. And unemployment, idleness, drug-related problems, lack of educational opportunities, lack of hope, are all aspects of the root cause of crime.

I might say that Chief Justice Robert Wilentz could not be with us today, because he has a schedule conflict this morning. But he wanted to be with us and he submitted a very fine statement which, without objection, I am going to make a part of the record. He points out on the third page of his statement just how important it is that we look at the probable causes of crime, and he singles out poverty, unemployment, poor education, broken families, which we all know contribute to the overall problem.

So I commend my former colleague for a very fine statement and we are grateful to you for attending this hearing.

Mr. LEFANTE. Thank you, Mr. Chairman. In parting I would like to make one suggestion, if I may, that perhaps maybe the committee would make a special effort to contact some of the mayors of our large urban cities, not only in New Jersey, but throughout the

Nation. Perhaps maybe you could strengthen the position for the budget support when the time comes to keep that youth summer employment program in that budget. I think that is the key to an immediate step to future involvement.

Mr. HUGHES. Thank you very much. I know that all three of us support the Job Corps program for summer youth.

Mr. LEFANTE. Thank you.

Mr. HUGHES. So we join in your hope.

Our next panel consists of Mr. Leonard Arnold, chairman of the criminal law section of the New Jersey State Bar and Mr. Harold Ruvoldt, prosecutor of Hudson County.

Gentlemen, we are happy to have you with us.

Mr. ARNOLD. Good morning. I do not see Prosecutor Ruvoldt here.

Mr. HUGHES. Well, he will be joining us, I am sure. We are delighted to have you with us, Mr. Arnold. We have your statement which, without objection, will be made a part of the record in full. You may proceed as you see fit.

TESTIMONY OF LEONARD ARNOLD, CHAIRMAN, CRIMINAL LAW SECTION, NEW JERSEY STATE BAR

Mr. ARNOLD. Thank you, Congressman. We believe, based on our trial experience, that the public, by and large, is concerned with street crime and burglary. We understand that there is going to be very little money available, either through this bill or elsewhere.

We suggest that one of the ways of attacking the problem is by attacking the drug problem, drug trafficking, and the importation of drugs, mainly through Florida into the State.

We suggest, and certainly you are very well aware of it, that the easy availability of handguns creates some very serious law enforcement problems in this State.

We also suggest that some long range, multistate planning is in order. Maybe that has been neglected. Let me give you an example.

Where do you suppose, gentleman, the jewelry that is stolen in Somerset and Hunterdon Counties today during the course of home burglaries is tonight? Well, I can tell you, based on my experience, that it is in New York City tonight and it has been sold at a fraction of its cost to what are called "second-hand jewelers," ostensibly and quite legitimately licensed in the city of New York. It is sold at a fraction of its value. It is extremely difficult to trace, and as a result, the easy sale of jewelry stolen throughout this State in New York City and in Philadelphia makes it very attractive to commit home burglaries.

Now, you might consider, in terms of long range planning, how to go about solving that problem. We think that that is an area where the Federal Government, without a tremendous expenditure of funds, could well coordinate the activities of a number of States that are involved.

For example, I have spoken with the prosecutors from South Jersey and they are convinced that, and they know from their experiences, that jewelry stolen in home burglaries in South Jersey will be in Philadelphia tonight and sold for a fraction of its value and resold to the general public at a fair markup.

The laws of these States are completely different. For example, in New Jersey the secondhand jewelry law basically provides that such jewelry has to be kept for 48 hours. In New York, generally speaking, 14 days. I do not know what it is in Philadelphia, since I am not concerned there.

But it seems to us that there are a number of areas that, considering the fact that you are going to have limited funds, you might attack, one, drug trafficking into this State. That could be done through Federal agents alone. If you do it through Federal agents alone, you avoid the interservice rivalry that sometimes is extremely expensive and not very productive.

Two, you have to attack the gun problem. We recognize there are some very serious political realities here, but nevertheless, you also recognize that the easy availability of cheap handguns is a serious threat to the citizens of this State.

Finally, we suggest to you some multistate planning which might not be expensive at all, would require some coordination, some innovative thinking and might be very, very productive.

We filed a statement with you. I do not want to take the time of this committee in an unnecessary way. I will be very happy to answer questions.

The concern of our group, the State bar association, is that we think there is an awful lot of room for new thinking. Apparently, with limited availability of funds, the reality of that situation may be all you have left to deal with; namely, getting new thinking, attracting people who are capable of doing that kind of thinking.

Mr. HUGHES. Thank you very much, Mr. Arnold.

[The summary statement of the New Jersey State Bar Association follows:]

SUMMARY OF STATEMENT OF NEW JERSEY STATE BAR ASSOCIATION

We are honored by your invitation to testify at this hearing. In our view, there is indeed room for a federal role in the State's fight against crime. We understand, however, that limited funds are available. Therefore, we recommend that federal efforts be primarily directed in three areas: drug trafficking, limiting the availability of handguns, and curbing the interstate transportation of stolen jewelry.

We believe, predicated upon our experiences in and out of the courtroom, that our citizens are primarily concerned about violent, or "street" crime, and the burglary of private residences. Furthermore, we believe, again predicated upon our experience, that such crime is committed because of the criminal's need for money to purchase drugs. What makes such crimes so dangerous is the easy availability of handguns. The efforts of the Federal Government should be aimed at combating drugs and handguns, and in thwarting the interstate transportation of stolen jewelry.

In the war against drugs, there are some things that individual states simply cannot do. New Jersey, for instance, cannot force Florida or North Carolina to patrol Interstate 95 more diligently. New Jersey cannot negotiate with the government of Colombia to help us in our fight. The Federal Government, however, can do these kinds of things.

Specifically, the Federal Government can negotiate with foreign governments, or even impose sanctions designed to achieve particular goals. Domestically, the Federal Government could encourage multi-state compacts designed to facilitate the flow of information. Indeed, an interstate, narcotics-pipeline, law enforcement agency could be created by the Federal Government and given the job of supplementing or enhancing state enforcement. Such an agency might be especially useful on a highway such as Interstate 95.

A second area which should concern the Congress is federal-state cooperation. It is no secret that many state, law enforcement agencies complain of the one-way flow of information when the United States Attorney's Office and state agencies pursue the same leads. (The United States Attorney's Offices are well-known for their of

demanding, but not releasing, information.) This area is one where change could be fast, meaningful, and cheap.

Similarly, the Federal Government can reduce the availability of handguns by doing things beyond the power of the states. Any nationwide ban of the sale or manufacture of handguns (except for law enforcement purposes) is peculiarly within the province of the Congress. Should such a necessary step be politically impractical, it is only the Federal Government that can take smaller steps: a ban on the importation of handguns or parts, reinforced by trade or other sanctions if necessary, or at the very least, a comprehensive, nationwide registration and tracing scheme.

A major problem in New Jersey is the burglary of private residences. These burglaries are committed to obtain cash and jewelry. The jewelry is then brought to either New York City or Philadelphia and sold for a fraction of its value to "second-hand jewelers." The second-hand jewelry laws in both these states and relevant federal law should be studied so that these laws could be "tightened" to make it much easier to identify the seller and to trace the jewelry. If it were difficult to sell stolen jewelry in New York and Philadelphia, there would be little reason to commit burglaries at private residences in New Jersey.

In our view, these steps would be valuable in the war against crime. We note that very few street crimes are federal offenses. The Federal Courts should not become involved in the trial of burglary and theft cases.

In short, the Federal Government can help us. It may take funding, it may take coordinating, it may take cooperating, and it may take vision. With that help, however, we can make our streets and homes safer.

Mr. HUGHES. The gentleman from New Jersey, chairman of the full committee.

Mr. RODINO. Thank you very much, Mr. Arnold, for your willingness to appear here this morning and give us the benefit of your experience as head of the criminal law section of the State bar association.

You mentioned a number of items that are of particular interest to me, and which I have been involved with for a period of time. I might point out that Congressman Hughes, as chairman of the Subcommittee on Crime, is already considering holding hearings on handgun legislation. You may or may not know that I, along with Senator Kennedy, have sponsored for a long period of time a handgun control bill which we think is very moderate, very modest. We believe it would go a long way toward curbing crime, or at least in reducing the number of deaths that take place, the killings that take place every year as a result of the use of illegal handguns. About 11,000 of such deaths take place every year. However, there is a move in the Congress, not only not to support this bill, but to actually weaken the present statute that has not been effective.

Hearings will enable us to again call this situation to the attention of the public, which is already supportive of this legislation. But because of the strong lobbying measures by the NRA, this legislation, which is supported by over 70 percent of the public, this legislation which is so important in fighting off crime and which is supported by police chiefs and law enforcement agencies, has been stalled in the Congress. We hope that the bill will soon see the light of day.

So I am happy to hear you make mention of that problem. Of course, we deal with reality. This bill that we have put together, the Justice Assistance Act, provides some discretionary funds to take care of the item that you mentioned, multistate planning, long-range planning. I think that it is important that this be the kind of vehicle that we can all support.

Let me ask one question, which I think is basic to this hearing. You have had experience in this area. Are you able to tell us

whether, if there were no Federal funding whatsoever in these areas that we have discussed, we could with any degree of success, continue our efforts against crime?

Mr. ARNOLD. Well, I would have to differ with Colonel Pagano. This is a personal opinion. It is not the view of the State bar association. It is based on my personal experience in 12 years in law enforcement. I think we could, but with difficulty. That is my answer, Congressman.

Mr. RODINO. Well, that is your personal opinion.

Mr. ARNOLD. With great difficulty. For example, one of the most cooperative Federal agencies was ATF. My experience with ATF was always a very positive experience. Of course, you made mention this morning of the future of ATF. Undoubtedly, that is going to make investigations, especially in the tracing of firearms, extremely difficult. So when I say "it is going to be difficult," I think we can do it.

Mr. RODINO. Well, let me put it another way. Do you think that the State is going to be able to find the resources to combat this ever-increasing problem of crime without having the assistance of the Federal Government in these particular areas that we have mentioned, and especially in areas that are designated here in this bill—the career criminals, the TASC program, the arson program, the anticrime community programs, sting operations, that have been so effective already. Do you think that the State governments would be able to do the job without these resources?

Mr. ARNOLD. Well, you keep saying "State government." But of course, in reality, what we are talking about here are county and municipal governments.

Mr. RODINO. Well, State, local, municipal governments.

Mr. ARNOLD. OK, I think it is going to vary a good deal from county to county. Some of the counties probably can and some could not possibly do so. It is going to depend on which county you are talking about. Some of the counties can handle their crime problem without the availability of Federal funds, in my opinion.

Mr. RODINO. Well, I do not want to press the point, but I doubt that communities, such as the community I live in, Newark, N.J., where we have had rising crime rates; will be able on their own to deal with the problem. While Newark has been able to maintain a certain level, I do not see that without the kind of cooperative effort that takes place with the State and Federal Governments, it would be able to continue to deal with the problem. At least, that is the evidence that is on the record.

Mr. ARNOLD. I would agree with you. I certainly would. In my judgment, you are absolutely correct. They could not deal with it. At the same time, I think there are other municipalities that can.

Mr. RODINO. Let me ask you just one final question, Mr. Arnold. Do you agree with the kinds of recommendations that have been made by the Attorney General's Task Force on Violent Crime, which is recommending that Federal funds be spent for research, development, demonstration, and independent evaluation of methods to prevent and reduce serious crime, for disseminating these finds and for implementing them on various government levels? Do you think that these recommendations ought to be implemented?

Mr. ARNOLD. In my personal judgment, yes. I think that is probably one of the most productive areas and probably where you are going to get innovative new ideas.

Mr. RODINO. I said I had a final question and I guess it is not so final.

Mr. GUARINI. Postscript.

Mr. RODINO. I remember that you mentioned the problem of drugs, especially. It is reported in various studies that crime is probably the outgrowth, in great measure, of drug addiction. It has been suggested that over 50 percent of street crime is drug related. Is this what you are pointing to when you talk about the fact that we need to address that in particular?

Mr. ARNOLD. Absolutely. There is no question about it. The problem is in attacking drug importation, you automatically drive the price of the particular drug up. In other words, the effort has to be so intense as to literally drive the drug off the market, so it is not available at any price. Whether you can do that or not is a very, very difficult question. Whether that is possible. But to merely attack it to the point where the street price rises so much that it serves only to encourage more and more crimes is counterproductive. But that is at the heart of the problem, at least in my experience.

Mr. RODINO. Thank you very much, Mr. Arnold.

Mr. HUGHES. Thank you, Mr. Chairman.

The gentleman from New Jersey, Mr. Guarini.

Mr. GUARINI. Thank you, Mr. Arnold. In speaking about drugs, we have the DEA, the U.S. Customs, the Coast Guard, the FBI, the Firearms and Alcoholic Division. We have so many headed attacks on the drug program that there probably is not any attack on the drug program that is effective. We have a special trade representative who has a direct link to the President, who has Cabinet status, but we do not have anybody who would put his full attention to the drug problem as a special representative of the President where all these forces could be coordinated and pinpointed. We do have a person, but a person who has many other responsibilities. It seems to me that there is a tremendous amount of overlapping and duplication in Government, and therefore, a national program that fails. It is often the street crimes that are affected a great deal by our uncontrollable drug problem that we have in our country here.

I see in the law enforcement of our State over 600 subdivisions, if you take municipalities and the different groups of people that are a part of our law enforcement with the attorney general at the head. All perhaps duplicating their own expenses. I am just wondering whether or not there is a thrust that is really sufficiently coordinated. Because with all of the money that we are spending and all the effort that we are making, it seems that our crime problem keeps increasing and increasing and increasing every year, to the fact that it has now become the No. 1 problem for our people. On the polls, employment and crime, or the polls I have seen, have equal concern with the public.

Now, as a member of the State bar association, do you see that there is a problem in the way we have structured our national thrust toward attacking our crime problem? Is it inadequate as to

how we have structured ourselves? Shall we give it some new creative thinking in order to get the best bang out of our dollar?

Mr. ARNOLD. Well, I really cannot answer your question, Congressman. That is a very, very difficult question.

Mr. GUARINI. That is why we have the hearings here.

Mr. ARNOLD. You asked about reorganization. But it is certainly worth a look at. I mean, after all, Congressman, 15 years ago if one were to ask "What is one of the best organized corporations in the United States?" one might respond, "One of the automobile companies." Yet today, we know that our automobile companies are not capable of meeting the thrust of foreign competition. Perhaps what we thought was a well organized organization was not, in fact, well organized. Maybe if people had taken a look at it, with that point of view 15 years ago, our automobile industry would not be in the kind of difficulty it is today.

Mr. GUARINI. Do you feel that there could be waste and lack of coordination in the way that we are attacking our crime problem in our country?

Mr. ARNOLD. My own personal view?

Mr. GUARINI. Yes.

Mr. ARNOLD. There is that possibility and it is worth taking a good hard look at. I have heard people say, Congressman, "Do we expect the Japanese to come over here and run our criminal justice system." Now, maybe it is worth taking a long hard look.

Mr. GUARINI. Now, I am glad the bar association is interested in a multistate approach and a way that they can use the information and facilities of the other States. And it is interesting to note that when I was in the State legislature 15 years ago, both Houses had passed the bill asking for that very one thing, a treaty amongst our States. It would be a form of a treaty which all the Governors would sign and which we would coordinate our efforts. For some unknown reason, the bill passed, but the treaty was never effected, because we did not get the cooperation from all the Governors of our neighboring States. I would like to see this implemented. I would like to see the State bar association keep going forward in our fight, because what was true then I think is still true today.

Thank you.

Mr. HUGHES. Thank you, Frank.

I, too, want to congratulate you on a good statement. I think that, as Colonel Pagano said, in order to develop effective strategies we have to look at a multistate approach to planning and to implementation. I think that the part of H.R. 4481 that directs itself to those discretionary funds for multistate planning is a very important one, because crime knows no geographic boundaries. So I congratulate you on that.

Mr. ARNOLD. Thank you.

Mr. HUGHES. Let me also just tell you that I think that one of our problems is that the Federal Government has not been a very good partner. Take the declination policy. For example, the declining to exercise jurisdiction in the southern Florida area, where we have a massive drug problem. We have devoted an awful lot of this committee's time to that problem. The subcommittee has been to southern Florida and we worked closely with the drug enforcement people in that area.

Up until recently, the Federal policy with regard to drugs in southern Florida was that if a case did not involve at least 2 tons of marihuana, we declined jurisdiction. Two tons. We get excited in New Jersey if we find 1 pound of marihuana. But the U.S. attorney, because of lack of resources, was declining jurisdiction over what essentially is a Federal matter, because marihuana is not grown in this country and neither is heroin. These are problems that are national in scope. Well, we were just passing them onto the State's attorney, who is up to his eyeballs right now with other matters. And our declination policy on bank robberies is the same. It varies from 10 percent to 90 percent of the cases throughout the country.

So, you know, we are lousy partners to begin with. And you put your finger on another problem. Sometimes we do not talk together enough. We have had the FBI running investigations that the DEA did not know about for a long time. And the same thing applies to other agencies. So we need a lot more coordination than we have had, to maximize our effort. And I think that is a point you make very well and it is a valid point.

Thank you very much.

Mr. ARNOLD. You are welcome.

Mr. HUGHES. Our next panel is a panel on corrections. It is well known that the country's prisons and jails are overcrowded and in some cases, dangerous, and money to build new facilities is in short supply. It is also a known factor that everybody wants new prisons, but they do not want them in their backyard.

The Attorney General's Violent Crime Task Force recommended \$2 billion to build new facilities. But this was the only recommendation the Reagan administration did not endorse.

Our panel this morning consists of William Fauver, the commissioner of the Division of Corrections for the State of New Jersey; Christopher Dietz, the chairman of the New Jersey State Parole Board; and Jack Cali, chief warden of the Hudson County Jail. We are delighted to have you with us. Please come forward. I understand Mr. Cali is not with us today.

Mr. Fauver, I understand that you are to be the spokesperson for this particular panel and that is not to take anything from Chris Dietz, who happens to be not only an excellent chairman, but also a good constituent of mine. Delighted to have you with us this morning.

We have your statements which will appear in the record in full, without objection. You may proceed as you see fit.

TESTIMONY OF WILLIAM FAUVER, COMMISSIONER, DIVISION OF CORRECTIONS, STATE OF NEW JERSEY

Mr. FAUVER. Thank you, Mr. Chairman. I will try to not read through the statement, but rather jump to some of the things that are recommendations later on.

Mr. HUGHES. We appreciate that.

Mr. FAUVER. The problem in corrections has been right now in the last few years really the overcrowding problem. Not just in New Jersey, but in the country, as well as with the Federal prisons. A lot of the programs that have been alluded to before, par-

ticularly by Colonel Pagano, and the aid that has come from SLEPA in the past and has also come to the department for aid within the State system of corrections, probably has done a good job as reflected by the number of people that are now incarcerated. So that I do not think a dropoff in that aid is going to affect the current rate. But I think that those programs are needed, and I would echo a lot of what the colonel said in support of the Federal programs for crime prevention.

The overcrowding problem, as I stated, is not just in this State. It is a national problem. Basically, it is an international problem. I have talked to some colleagues from other countries and they are experiencing the same thing. I think a lot of it goes back to what Mr. LeFante said about new training, programs for summer jobs, and so forth. There are a lot of people out there that, particularly youth, that are idle and who get into trouble because of the idleness.

The average educational level of people coming into the State system is about a 6th grade education. At that point, the system is expected to really turn around what may already be a committed life in a criminal lifestyle.

There are programs within the system that would be affected by loss of funds, by loss of Federal funds. It would primarily be in the treatment areas. I think that the State, in general, would pick up the custodial costs strictly for correction officers and security. But I think the program areas that will be affected would be in counseling, drug counseling, alcohol counseling, vocational training programs, which up until recently have been totally funded by the cooperating grants from the Federal Government.

So, I think if we hope to do more than just keep people in a warehousing style that if we try to make some progress with what the problems have been, whether it has been drug, lack of a skill, or whatever, that that funding will be needed.

Now, space becomes a major issue and I think that in skipping through this, I would like to go to some of the recommendations that I would propose be considered. This would be skipping to page 4 of my statement.

The first would be some type of Federal aid for new construction. You alluded to that, Mr. Chairman, in your opening remarks. I know that there was a Senate bill introduced by Senator Dole to give aid to the States for construction. My understanding is that that is not meeting with much success. I do not even know where it is right now in the Congress.

Mr. HUGHES. Dead.

Mr. FAUVER. Dead? But I think that that type of program is needed, both for the States and for the counties. We initiated last year out of a county assistance program to help counties with construction or renovations of county jails. The county jails in this State are severely overcrowded. Even before they were overcrowded, they were lacking in space, in program space in areas in which they could try to treat people and not just hold them. Even in things such as visit space was not available in some of the counties.

I think that with the cap on this State, that it really is an unfair burden to put on some of the counties. Particularly the counties

that need it the most, as Congressman Rodino mentioned earlier, with Newark and Essex County, to put that added burden on there. And State aid, in this case, comes on top of the cap, above the cap. And therefore, I think is valuable. I think the Federal Government should do the same type of thing in their aid. I would like to see the aid tailored to the States and to the counties or municipalities that agree to meet certain standards, and not just a warehousing type of thing.

The American Correctional Association has set up standards and State institutions can be accredited now, much the way the colleges and State hospitals can be accredited. And I think that should tie into the funding. But I think the funding is necessary.

Second, increase the availability by the Federal Government of Federal facilities and land that are currently not in use. Fortunately, as we sit here today, we are beginning to operate what we call "Mid-State Correctional Facility," which is the Fort Dix stockade, and it is through the efforts of a lot of gentlemen like yourselves that we were able to get this after many years of trying. We are transferring in today 80 inmates and all this will be to help relieve the overcrowding in the county jails. The capacity of that facility is 500 and we expect to reach that capacity by July 1.

There are surplus lands that have been identified by the Federal Government in this State, and I think that as these become available that this type of cooperation is going to be necessary for the States to meet the housing needs.

Third, I think there has to be a subsidy model for those that are not coming into jail. I think there is enough crime that is nonviolent crime that can be dealt with by alternative methods. But, I think there has to be some type of funding to be incentive to keep people out, whether it is a subsidy as has been tried in California years ago to beef up probation services and put people on intense probation and by that, I mean, seen daily, and to try to help them with jobs, getting jobs, getting places to live. Things like that. Getting training. This, I think, is extremely important and it will help to cut down on the numbers coming in. Which has to be done, as well as the construction.

As we have indicated in this State and Governor Kane has introduced a proposal which will address prison overcrowding, including alternative sentencing. My concern with the alternative sentencing is that it does not just go to white collar crime. The majority of the people in the prison system are minorities. My concern would be that if alternative sentencing is tied to a particular skill that it will be diverting just particularly whites from the system and will only reinforce the feeling of a lot of people in the system, that they are alienated from society in general. So I think it has to be more and all encompassing than just what we traditionally think of as a white collar crime.

Work and training programs is the fourth one that I mentioned. Mr. LeFante talked about this as a preventive measure, which I think is a plus and it should be. But also, for training for the unskilled person and for help with placement afterward. I am suggesting in this that possibly there could be some tax incentives for companies or corporations that would hire exoffenders once they

have been trained. We would welcome them having input into training programs within the correctional system.

Fifth, the enhancement of the planning capability. This is one of the things that I think we would not be quite where we are today with the overcrowding if our planning capabilities had been better years ago in projecting what was going to happen. Now, there are always unknowns, such as the Penal Code and things like that. But I think we would have been better off, without any question, if we had been able to plan in the future.

Mr. Cali has arrived, so he will speak for the counties. I will not pick up that part. He is an able spokesman for that.

Last, in these suggestions on the bill, the administration of juvenile justice programs, I feel it should be kept separate or I think it will get lost in the shuffle with the adult crime as it is. In New Jersey we have tried to do this in the last few years. We are in compliance with the Juvenile Separation Act from the Federal Government. We were able to do this, again, only through the use of Federal funds, or we would not be at the point of separation right now. We created a division within the Department of Corrections to address strictly juvenile problems. And I think that that kind of separation is necessary, even in the funding or it will get lost.

I would like to, in closing, just reiterate my support for this bill and the amendments and I think that if there are any questions, I will try to respond. My colleagues, I am sure, will have some comments.

Mr. HUGHES. Thank you, Mr. Fauver.
[Statement of William H. Fauver follows:]

STATEMENT OF WILLIAM H. FAUVER, HOUSE JUDICIARY COMMITTEE, MAY 17, 1982

My name is William H. Fauver, Commissioner of the New Jersey Department of Corrections. I would like to take this opportunity to express my appreciation for having been extended an invitation to testify at today's hearing.

Before addressing H.R. 4481 in particular, I would like to advise the Subcommittee of a serious problem affecting the State of New Jersey as well as many other States. Prison overcrowding has become a problem of massive proportion which, if not addressed, has the potential to wreak havoc on the nation's correctional systems. Approximately 30 state correctional systems are currently operating under Federal court orders requiring that relief be provided to conditions related to overcrowding in State prisons and correctional institutions. In addition, many county and local correctional facilities are operating under similar lower court orders.

In the State of New Jersey, the adult resident population in the State Correctional System has risen from 5,635 in January, 1981 to 8,265 in March, 1982. Current projections indicate that the population will continue to rise dramatically—to 13,000 by January, 1984 and 15,000 by January, 1985. The State's medium/maximum custody facilities are operating at 122 percent of maximum capacity—over 1,400 State inmates are backed-up in county jails due to lack of space in State facilities—the county jails are operating at an average of 126 percent of maximum capacity with several of the county facilities at twice their rated capacity. Even municipal lock-ups and detention facilities are being affected by this spillover.

The Honorable Thomas H. Kean, Governor of New Jersey, recently released an ambitious agenda to address this urgent problem entitled, "Prison Overcrowding—A Plan of Action." In spite of his proposals which would, among other things, increase State Correctional system capacity by more than 5,200 beds through 1988, projections indicate that we will continue to have at least a 5 percent bedspace deficit by 1988.

Overcrowding is a problem that won't go away if ignored—a problem that is unlikely to abate without commitment to address and resolve it that must begin at the Federal level and command support from a majority of citizens throughout the

country. Such a commitment must demonstrate to those who violate the law that they will suffer appropriate sanctions and must demonstrate to the public that we share their desire for safe and hospitable neighborhoods.

To that end, I believe that H.R. 4481 represents a step in the right direction. In terms of level of funding, perhaps not as big a step as I would like to see, but a positive step, nonetheless.

H.R. 4481 establishes a mechanism by which the Federal Government can resume a role in providing direction and coordination to criminal justice efforts nationwide, while allowing states some discretion to implement strategies that recognize their particular needs and priorities. In view of my previous comments, I am pleased to note that one of the permissible program areas articulated in H.R. 4481 focuses on alleviation of prison and jail overcrowding.

I am generally supportive of the funding categories identified in H.R. 4481. As you may be aware, New Jersey has been in the vanguard of the development of new and innovative criminal justice programs. Pre-Trial Intervention, Criminal Justice Information Systems (PROMIS, OBSCIS), Speedy Trial Programs, Community Service, Restitution, and many other criminal justice programs have been developed and implemented in New Jersey as a result of LEAA funding. Continued support of these program areas is necessary in order to fully develop and expand such programs to those state and local agencies which were unable to do so under prior federal assistance. This amendment will permit continued development in these key program areas.

One concern I have regarding the program areas identified in this amendment is that they are finite and may limit, or preclude, a State or local agency from using funds to address other identified program needs. Eight out of the nine categories identified in the amendment are areas in which the State of New Jersey has already initiated and developed viable programs. Although these programs may not have been expanded to their fullest, I feel that greater discretion should be permitted, since many states have already implemented programs in these categories. The latitude to determine which programs and alternatives are best for an individual state or locality should be greater than that provided in the amendment. The lack of flexibility inhibits State support for programs which may be felt to be the most viable and realistic to meet local needs.

Because of the overwhelming growth in the offender population being experienced in New Jersey and other states throughout the nation, it may be worthwhile to consider additional funding categories out of unspecified discretionary funds to address those interrelated problems associated with overcrowding.

The costs for new facility construction, expansion, or renovation in today's economy is overwhelming. Many states, including New Jersey, are unable to appropriate the necessary resources to build new facilities or initiate alternative programs to meet increasing correctional populations. In view of this situation, I submit the following recommendations for the Committee's consideration. I think these recommendations highlight major concerns from the perspective of a correctional administrator.

1. *Federal aid for new construction.*—New Jersey has recently developed plans to increase the state correctional bedspace population by 5,200 bedspaces. These bedspaces will include additions to existing state and county facilities, purchase of prefabricated housing units and new conventional construction. Under the Department's County Assistance Program initiated in 1981, County Correctional Systems are receiving state subsidies to help defray costs for construction and renovation of local facilities. In view of the urgent need to expand such programming, perhaps a similar program at the Federal level could provide subsidies to states to initiate or augment such programs. Only if a sufficient level of resources is brought to bear, can we begin to seriously address the severe overcrowding problems plaguing the majority of states throughout the nation.

2. *Increased availability of dormant Federal facilities and land for State use.*—The use of surplus and/or dormant Federal facilities can provide additional relief to the prison overcrowding problem. The average time for construction of a new facility can be as high as 3 years. The use of existing Federal facilities can reduce this time frame to 6 months or less, depending upon the condition of the surplus facilities. Similarly, availability of vacant or surplus Federal land, such as vacant NIKE missile sites and unused military camps, could provide sites for new facilities or prison work farms.

3. *Subsidy programs for alternative sentencing models.*—There are many program models that have been developed to subsidize State, county, and local agencies for diverting offenders from state correctional facilities. Additional resources should be made available to encourage implementation and expansion of these programs to

ensure that State correctional facilities are used only for those offenders who are violent and pose a threat to the community. Less serious offenders convicted of property offenses should be diverted to community based options at the local level.

4. *Work and vocational training programs.*—Besides the obvious need to increase the number of correctional bedspaces to accommodate more offenders, another significant problem which immediately follows prison expansion is the need to provide meaningful inmate work and program activities. One of the most serious causes of prison unrest is idleness. Federal support for innovative institutional work and vocational training programs must be tied in with any resources appropriated for new prison construction or expansion. The need to provide meaningful work opportunities cannot be overemphasized, particularly in institutions which are seriously overcrowded. Efforts should be made to encourage private industrial and business organizations, possibly through tax incentives, to become involved in work and vocational training programs of this nature.

5. *Enhancement of planning capability.*—In order to provide a rational approach to accommodate the large increases in offender population, it is imperative to appropriate sufficient resources to insure optimal efficiency and minimal cost overruns. Several levels of planning are necessary. On a policy level, enhanced planning capabilities at both the State and local levels can provide direction and coordination in the application of limited resources. Programs to plan for the opening of new State or county correctional facilities, could result in developing of more effective methods for operating institutions and provide an impetus for new direction for all new proposed facilities. Local planning programs could include increased use of community participation through Citizens Advisory Boards, in order to address crime problems, and possible alternatives on a local level.

6. *Administration of juvenile justice programs.*—With respect to the administration of juvenile justice programs, it is my contention that funding for such programs should be allocated separately and distinctly from the other program areas prescribed in H.R. 4431. I share the concern of many correctional professionals and juvenile justice proponents that lumping juvenile justice funding and programming with many other competing program areas, might easily serve to detract from the emphasis required to develop truly effective juvenile justice strategies. Some of the major program areas, such as alleviation of overcrowding, demand such significant attention and allocation of resources, that juvenile justice initiatives could suffer by relegation to a relatively low priority.

In summary, I would like to reiterate my support of H.R. 4431 as a vehicle for assisting and coordinating the many and varied programs necessary to effectively administer the criminal justice system. I am confident that this bill will enhance the administration of criminal justice, not only in New Jersey, but throughout the nation. I would be happy to respond to any questions you might have.

Mr. HUGHES. Chris, do you have some things you would like to say?

TESTIMONY OF CHRISTOPHER DIETZ, CHAIRMAN, NEW JERSEY STATE PAROLE BOARD

Mr. DIETZ. What I have heard this morning and what I am sure all of you have heard before is the same crisis problem that society has faced ever since I can remember as a youngster. The war on crime does not seem to be one that we can win. Yet, the statistics are tragic. In about 2 months to 3 months I will have completed my 50,000th personal review of a case in the 7 years of my tenure as chairman. The characteristics that Bill Fauver talked about are horribly true. What Joe LeFante talked about, when he said, "75 percent of the minority youth in Jersey City are unemployed," I can tell you, that statistic is reflected in our prison in the minority percentages. So we know what the alternatives are.

We also see today a more violent, vicious youngster emerging. The characteristic of crime today seems to be something that absolutely is devoid of any sense of human decency or respect. It seems to stem from the fact, from the reviews that I have conducted, in an individual that is devoid of self-respect. That is not unusual.

When a person is devoid of self-respect, that person can very easily have no respect for anything else or anyone else.

Where can we go and what can we do? It is absolutely essential. It is ludicrous for us to think that unless there is a job waiting for a person, where he can support himself with a sense of personal dignity, he is going to go out. You have to eat. You have to live. If it is not in prison, it is on the street. There are no welfare agencies. There are no workhouses. There are no halfway houses that are taking care of these youngsters. We know what their alternative job skills are. We know exactly what they are going to do. Yet, we are shocked when the crime statistic increases. We know it was an ultimate, logical extension of what we have not done.

I think your block grant program is just outstanding. I applaud you for what you have done. You are the only hope across the Nation. I recently left to come here today a meeting of commissioners of the Commission on Accreditation, which were drawn from colleagues across the country. We were at Tyson's Corner, Virginia. They all asked me to express to you how important the hope you have given the criminal justice community, especially those of us in the corrections process. There are thousands upon thousands of dedicated people out there that desperately need the support.

We do not get the recognition, because we are the tail end of a system. No one really is concerned. Our successes are never front page stories. Our failures are always front page stories. Yet, they are not our failures. What society has failed to realize is that they are societal failures. Those individuals that cannot make out, they are personal failures. There are tragic consequences. The cost is astronomical. Yet, we continue to commit ourselves to the payment of those costs. We will keep a youngster locked up and may spend upward of \$100,000 or more. Had we funded, established a trust fund for that youngster, he would not have to work the rest of his life. Somewhere we have misordered our priorities.

That I had to say because of the excellent presentations that came across. There are four things I would like to share with you this morning.

We spent, over the last 10 years, a great deal of effort in the criminal justice community across the country and with the financial support of LEAA and with the support of the Congress, obviously a program of establishing standards for accreditation that go across every facet of corrections. For the first time, after maybe tens of thousands of hours of work and millions upon millions of dollars of research and preparation, we have approximately 3,000 standards that agencies can apply to a commission on accreditation which was substantially funded from the LEAA funds and under the supervision of the Justice Department.

I would think that there ought to be a gesture. It seems, again, not to make sense to say we have established that and not encourage agencies from across the country to apply. It is not an easy task to become accredited. Bill Fauver is, I think, distinguished in having some very unusual institutions accredited here in our State. But to say that we are going to give money, if there were going to be a block grant out, and not to say that at least you should have been in the process of meeting those high professional standards of your own profession, does not make sense. I would think that there

ought to be an addition, if possible, or some type of consideration given, where unless you are in the process of accreditation, or unless you are an accredited agency, much like the Joint Commission on Hospital Accreditation, you do not receive Federal block funds. Unless you are committed to doing the very best job you can do against standards that have been raised by your peer group across the country, tested over a period of one decade, you should not receive public money. It is not an "Old Boy's Club." I think it would go a long way toward building credibility.

In the 7 years I have been chairman, my second point of the paroling authority, I probably learned more. Not that I did not deeply appreciate the LEAA supported programs that took me to the warden's school for strategic management, development and corrections, or to any of the other institutions of higher learning. I think they are outstanding. I learned more from my colleagues when we got together, when we met.

You have currently, right now, a National Institute of Corrections much like the National Institute of Justice. They currently have a trial academy. It is only for a couple of years they are trying it out on the campus out in Denver, Colo. Perhaps you should think in terms of maybe establishing it on a permanent basis, on the grounds, maybe during the summer of one of our military academies. Certainly, we should make it available.

I can remember when I was an OCS candidate up at Newport, R.I. for the Navy. There was a War College. You just did not make flag rank unless you went to the War College. I think the war on crime requires a high intensity of development of the highest professional skills and tools available. Across this country we have magnificent professionals that have innovative programs that are absolutely marvelous. The one thing we have not done is shared them with another with the frequency that we should so that we can get the maximum beneficial use of them.

Could you imagine cancer research or any of the research programs that have been successful—the March of Dimes program on polio vaccine—where no one talked to each other, no one had an opportunity to get the other to share? There are many things that we should do. I would urge strongly an enhancement of the support for the National Institute of Corrections.

The other thing I would ask is that you consider when LEAA was functioning, there was a program where line field professionals, people that someday were going to occupy the positions of authority and administrative control of our criminal justice network across the country, could get financial assistance. We do not pay them a great deal of money to work as entry-level people in our criminal justice field. If we could meet them in a unique way that I would suggest to you, a tax credit, a 50-percent tax credit for any schooling that develops their professional skills as line professionals in criminal justice. It is money they would not get totally. They would be getting half of it, but it is coming out of the money they would have paid in taxes. I think something like that, to motivate and develop. Because, in the field, right now, though Bill Fauver and I do not like to think about it, are the people who will replace us. Absolutely and certainly—they are there. Hopefully, they are

going to have the trained skills to be able to do a job much better than what we have done and we have tried very hard.

The last thing I would ask—and I mentioned it briefly earlier—I think it would really be magnificent if maybe the Congress could consider, or in conjunction with the Federal Government, come up with an award system. Something that gives recognition to outstanding and distinguished achievement in the field of criminal justice. Our heroes, our planners, our people who go out and put themselves on the line and not for a great deal of money. Those people who have really done a great deal to make our society safe. Something that says, "Hey, fellow, well done." Something that is very important. Maybe a day set aside to bring these people to Washington for something that says, "Thank you very much for giving so much of yourself."

Thank you.

Mr. HUGHES. Thank you, Chris, for a very insightful and important statement.

Mr. HUGHES. Mr. Cali.

TESTIMONY OF JACK CALI, CHIEF WARDEN, HUDSON COUNTY JAIL

Mr. CALI. Thank you, Mr. Chairman, Congressman Rodino, Congressman Guarini.

I am in full support of the measure and I feel that I am perhaps just going to impose upon you to tell you exactly what is going on in the county facility. We have a facility that is approximately 54 years old. It was built to house 270 jail inmates. Approximately 25 years ago, the county of Hudson had a workhouse out in Secaucus, commonly known as "the Snake Hill area" up on that mountain. When they were blasting for the turnpike, one of the charges split that structure in half. No one was hurt, but they moved the workhouse into the jail that I am speaking about, on Pavonia Avenue, on a temporary basis. That condition still exists. Since the mid-1950's, we have housed jail inmates and penitentiary inmates. In 1975, while that temporary condition existed, the municipalities no longer were responsible for housing arrest reports, people who were locked up that day. Since 1975, the Hudson County Jail houses presentence detainees, sentenced prisoners, and what we call "arrest reports" for all the municipalities.

In recent years, the State, in their overcrowded conditions, could not take the State-sentenced prisoners that they were taking within 15 days. The result of that, you are aware of, is a backup in the county facilities in all counties. Sometimes we have as many as 70 sentenced prisoners.

So just to recap that situation, we now have pretrial detainees, sentenced prisoners, State prisoners, and what we call the "city lockup," the people who are getting locked up today to go to court tomorrow. I think, in Hudson, we made a very large step forward in the creation of the CJP system, where you could get arrested today and be in court tomorrow morning at 9 o'clock. Then, if you were arrested early enough today, you can be in court today. That was a great step forward and at least we got some of the cases handled faster and people went out on bail.

The result of all these problems is that the jail is seriously overcrowded. The jail cannot do what is asked of it. There is some problems that may be solved by our prosecutor. Hal Ruvoldt has come up with a plan that seems to have some very strong merit. I have good feelings about it. But everything that we talked about relates to money. My conversations with the county executive tells me that we do not have money. My conversations with the architects tell me that we need a lot of money, \$35 million, even to start. He is going to solve the whole problem.

I can tell you, Congressmen, that we are in desperate shape. The solutions that are long overdue have to be found. While we can plan and we can come up with ideas, we cannot come up with the funding mechanism. There is not even any light on the horizon, Congressmen, because, while the State has the bond issue coming up, I believe that there is only \$32 million going to be available for all the counties and some county's needs are more than others. But when you start splitting that down to all the counties that are in need, it is not enough. You know, they say, you talk \$1 million here, \$1 million there, pretty soon you are talking about real money. We need real money here. We need big money. We also need a mechanism for having a site chosen. If we had the money, we have an inability to come up with a site. People are confusing to me. They want longer sentences, they want mandated sentences, they want more people in prisons, but do not build a jail near them.

It is not only Hudson County and I am not saying that we are the only culprit that cannot come up with a site. The State of New Jersey owns thousands and thousands of acres. It took them an awful long time to come up with sites. I do not even know how successful they are at this point. This is after 5 or 6 years that I am aware of.

So to fight for a site when you do not have the money seems like a never-ending solution. You cannot come up with the solution, because maybe if we had the money, we could let people know we were serious.

I would like to close, Congressmen, by saying that we are sitting on a powder keg, as I see it, in most of the counties. In particular, in Hudson County, as it relates to the jail. We had this morning over 500 prisoners with the complexions that I described to you, which make it more difficult in a jail that, again, I will say was built to hold 270.

I thought I was doing a nice thing one day when we were overcrowded. I put some people in the gymnasium. I have 24. When I say "gymnasium," I know what you visualize. It is not that. It is a converted little prayer room that we call a gymnasium. We let them house in there and I am being sued. It is against someone's rights that I let them sleep in the gymnasium. I guess if I let them sleep on the floor of the cellar, it would not have been. But there is no more room at the inn. We cannot take any more or that place is going to blow up.

I appreciate your time and I am sure that your interest will be appreciated by our people.

Mr. HUGHES. Thank you for an excellent statement.

The gentleman from New Jersey, chairman of the full committee.

Mr. RODINO. Thank you very much, Mr. Chairman. I want to applaud each of you for very eloquent and excellent presentations. All I can say to you is that you have just fortified the thinking that I have had all along. I have continually, along with others, recognized what the problems are and have had some solutions in mind that we believe will not be as costly in the long run and will be an investment in human resources that will, I think, eliminate all of these concerns. Mr. Cali mentions the "powder kegs," and yet, we read that the Attorney General's task force is recommending preventive detention, which will result in even more overcrowding, and I wonder how we are going to cope with this situation, when they do not want to supply the money to provide more prisons, and not only the money to house people, but to house them properly. Because, while we do know that these are criminals, that these are people who have violated the laws of our society, nonetheless we know that it is in the interest of our own society not to treat them as animals, so that the problem is aggravated more and more.

Chris Dietz in his presentation points out how, if we had invested \$100,000 and set up a trust fund for some errant person, probably we might have saved ourselves all the grief that we are experiencing. Somehow or other, we have not grasped that point. We hear the voices say that we have to continue to imprison and to detain. Yet, when it comes to providing sums to be able to try to put the best brains of the governments together to find alternatives, we say "No, we do not have the resources."

And I find that over the 34 years in my service in the Congress of the United States, this problem has grown and grown and grown. While some of us insist that there are answers to these problems, nonetheless we face administrations that say, "We cannot supply the resources. We do not have them." On the other hand, they say that we have to deal with the subject of crime. It is a lot of rhetoric, in my judgment.

I merely want to thank you for coming here today. Commissioner Fauver, the various recommendations that you made, especially involving alternatives to incarceration, are certainly matters that we have to confront. I might say that this past January I attended a seminar which I am privileged to be part of, along with Congressman Hughes, and which originated some years back as a result of an idea that I had of bringing together people in the various branches of government, the legislative, judicial, and executive branches, to discuss the criminal justice system. We had a seminar in Williamsburg and a lot of ideas were discussed there. Some of the alternatives to incarceration that were presented were objected to by some who would say, "Oh, my God, no, you can't treat these people as though you are coddling them." No one wants to be charged with coddling criminals. But realistically you must try to get the best out of them and employ whatever talents they have and put them back into the system. Hopefully, maybe you will be able to make individuals who will again be part of society. We must, of course, deal with the others who are career criminals, and recidivists. They must be dealt with separately. But when it comes to getting money to set up these plans, this administration—and I

do not mind saying it and I do not charge only this administration—we have faced this problem even in the previous administration, much to my regret and my very vocal opposition—but they all say, "Well, we have no resources."

So I am happy to say, Mr. Chairman, that at least this hearing shows that we have broad support from individuals who are speaking with not only grass roots knowledge and experience, but with, I think, the understanding that they are trying to save the system and not to coddle the criminal.

Thank you very much.

Mr. HUGHES. Thank you, Mr. Chairman.

The gentleman from New Jersey, Mr. Guarini.

Mr. GUARINI. Thank you, Mr. Chairman. The last time we met, Chris and Bill, was when we were in transition and that was 5 years ago. You are now wiser and more experienced and the State is better off for it. I know the problems that you spoke about then are essentially the problems that we are speaking about now. Sometimes you wonder how much progress society has actually made in the field of corrections.

Do we, as a matter of philosophy, expect in our criminal system today to rehabilitate people? Or have we gotten away from that and now have a philosophy of punishment and not rehabilitation? Because we have so much recycling of our criminals and recidivism, I am just wondering whether or not we have gotten away from the concept of rehabilitation.

Mr. FAUVER. Well, I do not think we have gotten away from it. I know that there are not that many proponents of it any more. It is much more of just a lock-them-up-and-throw-the-key-away idea. But in New Jersey, I do not think we have gotten away from it. I think if we have it is because we have been overwhelmed by numbers of inmates and the unavailability of programs for the numbers of inmates that we have in the system. It is not that philosophically we have gotten away.

I do not think that, first, you can rehabilitate anyone that does not want to be rehabilitated. I think the best we can do is to provide the wherewithal for that person, for whatever skills he or she needs. Whether it is educational, vocational, drug or alcohol counseling, whatever the deficiency might be that brought that person to jail.

The people that speak against it say that it has been tried and it has not worked. I think that it really has never been tried on the basis of funding. I would agree with what Congressman Rodino commented that people have talked about these things for years and have given lip service, but no money. I do not think the States on their own can do this.

But the philosophy has not been given up as far as New Jersey is concerned, Congressman.

Mr. GUARINI. All right. Now, should we get into the taffy pull between the county prison system suing the State and fighting over where the room is to be? Is there overlapping requirements to have separate county systems, when we could have an Army base or some low security place where we may have a different approach to incarceration? The only reason we need a county jail is to have the people available to be taken over for trial. Do they have to be

deposited there within the county itself? Are we spending too much money in rebuilding new buildings and expanding our county systems, when we could have a singular State approach?

Mr. FAUVER. Well, I think there are a couple of responses I would like to make to that and then maybe the other gentlemen could.

One is that there is a county sentence in the State which, because of the lack of severity of that sentence, the person is sentenced to the county jail as opposed to the State system.

Mr. GUARINI. I am talking about low security. Should we get everybody together in one area and get it outside of the town where the people do not have the sphere of a prison being in their midst? We are a small State. We are only a few miles long and wide, one of the smallest States of the Union. Is it necessary for us to build 21 monuments to criminal justice in each of the counties, or could we really coordinate things and make it cheap to operate if we are talking about low security?

Mr. FAUVER. I think it could be coordinated. But I would point out that even in the rural areas in our States there is opposition to the prisons. I think that other factors, not generally recognized, are within the State system in particular. We have a very large number of people on minimum security, well over 1,000 of sentenced offenders. I am not sure that that, from the State's point of view, could be expanded any more and still meet the mandate of keeping those people in custody. That is a risk that occurs.

Now, with the county sentenced inmates, it may be able to regionalize. It has not happened. There have been discussions with counties in the past to try to regionalize a jail for two or three counties and those have continually fallen apart when it came down to it. I do not think the only reason is the necessity for the trial. There are penalogical reasons. There are reasons for being close to your family. If you can get on some kind of work release program, the program is in the local area and you just maintain that job when you get out. But I would not rule out that idea.

Mr. GUARINI. I was in Russia with the State bar association, Mr. Chairman. For minimum offenses, they confined people to their houses. Then, if they break that sentence, then they go to jail or they go out on the farm, or they go to Siberia if it is bad enough. But the fact is, they have a controlled society. We do not have that. We have an open society. We do not have a controlled society.

Chris, you wanted to make a statement.

Mr. DIETZ. Yes, I did. I wanted to make a point on your question about the philosophy of corrections today. I think across the Nation we have abandoned, more than ever before in our history, the rehabilitative or the medical model treatment. I think we are into the business of punishing and incapacitating and deterring. Overcrowding has made it worse, as Bill has pointed out.

As Warden Cali mentioned, when you use a facility that was designed to be used for treatment programs as a bedding and housing area, you have lost your treatment program.

One of the points I did not make earlier and I think it is important is that if we are going to have work programs and if we are going to have county substitute programs or programs as alternatives, I think once and for all we should make a commitment to

restitution. I am tired. I have said this publicly before. I am sick of hearing the thousands upon thousands of inmates that come before me for parole and I say, "Why should we grant you parole?" and they say, "Because I did my time. I paid my debt." The debt is not paid. I think the victim has absolutely a right to be made whole again. If we started insisting—if a person does not have the respect and understanding of the wrong he has done, then maybe we ought to think about some greater efforts to incapacitate him. Because those are the dangerous people, the people who do not care what they do.

Mr. GUARINI. What would those sanctions be?

Mr. DIETZ. You know, it appears as if we are just going to have to come to the certain reality that we need to build maximum security facilities for people who may not ever be released in their lifetime. It really is life without parole. One of the things I have said to people, and we have done in New Jersey, and one of the things I think contributes, much to Mr. Fauver's chagrin, to our lower recidivism rate than we have had in the past for people coming back, is we do not fail in the parole decision. The individual that went out failed. If they failed, the one thing I can promise, as I have said before in speeches to society, the parolee may make a mistake. We make sure that mistake does not happen soon. So they do more time. There is no other sanction.

Mr. GUARINI. England had Australia, and the French had Devil's Island and French Guinea. We use a Hilton Hotel. There is a big difference.

Thanks very much.

Mr. HUGHES. Thank you. I think that you have contributed as much as any panel that I have heard from in the short time I have been chairman of this subcommittee, on the subject of prison overcrowding, the basic philosophic underpinning of our whole system. I am grateful.

In H.R. 4481, as you unquestionably know, subsection 9 deals with prison overcrowding. In fact, that is an area that can be funded. Chris, we envision developing alternatives to incarceration. I appreciate, particularly, the recommendations you have made. All three of you. I, too, believe that we have unfortunately abandoned the goal of rehabilitation. We have just given lip service to it over the years. I want to share my colleague's sentiments when he talks about, not just this administration, but the Carter administration. You cannot do more with less in the area of criminal justice. That is the philosophy now. We are going to do more with less. That is impossible.

Law enforcement and the criminal justice system are labor intensive and they require more resources. We do need some new prisons, modern ones. We do need to do a better job of screening people in and out of prisons. We are not, in many areas, doing a very good job. People are in prison who do not belong there and people who do belong there are not in prison, because we do not have the space to provide for them. We are releasing people from prisons today because of overcrowded conditions that really do need attention.

We have not done a very good job in screening, as I think the warden has indicated, people that are there pretrial. We have just

passed the pretrial services bill, a bill that I developed in my subcommittee. We found in 10 demonstration Federal Districts throughout the country that if we learn a lot more about a defendant when he first comes into the system, we can make better bail and sentencing decisions. We have people in jail that do not belong there. If we had imposed conditions on them, and released them on bail, we could have saved the prison space. If we monitor them from the time that they come into the system until they appear before the court for trial, we will do a better job of making sure they appear for trial and that they behave themselves while out on bail. Instead of waiting until they are rearrested, if they have a drug problem, for instance, or some other problem, we can bring them back into the system beforehand, for treatment or more intensive supervision, or whatever is required.

The Pretrial Services Agencies have reduced the incidence of pretrial rearrest. We have saved money. We have saved precious space in our prisons. The judges have learned a lot more about defendants and are better able to make decisions as to whether defendants are fit subjects to be released on bail or to be sentenced to probation.

So that kind of service is something we certainly need a lot more of.

I could not agree with you more, Chris, and Mr. Fauver also, when you say that any prison program has got to have some very basic standards. If that jurisdiction does not have those basic standards, if they are not trying to move toward accreditation, then they do not deserve those Federal funds. That is the kind of carrot that we need in any legislation that moves through Congress.

I think it is so important for us to do what the Chief Justice suggested in Houston a few months back. He made a statement about the prison system which I think was one of the most important statements that has been made, at least in the last couple of decades. He said, in essence, that we have to start thinking of prisons as factories. I like the idea of paying a prisoner a minimum wage. Making him pay for his space in prison. Chris, I agree with you. We have got to start utilizing orders of restitution, so that the defendant pays the victim. We have to start paying more attention to the victim.

Mr. DIETZ. Absolutely.

Mr. HUGHES. That is one of the reasons why we hear so much of a hue and cry about warehousing prisons. It is because we have neglected the victims of crime. I could not agree with you more. I just think you have made a very important statement, all three of you. We are indebted to you.

Mr. RODINO. Thank you, gentlemen.

Mr. FAUVER. Thank you very much.

Mr. DIETZ. Thank you.

Mr. HUGHES. Our next panel, on funding, consists of Mr. Harold Damon, director of the New Jersey Law Enforcement Planning Agency and Mr. Michael Vuocolo, president of the New Jersey Criminal Planning Association.

Welcome. We have your statements which, without objection, will be made a part of the record. And you may proceed as you see fit. We hope that you can summarize them.

**TESTIMONY OF HAROLD DAMON, DIRECTOR, NEW JERSEY LAW
ENFORCEMENT PLANNING AGENCY**

Mr. DAMON. Thank you. I will certainly do that.

I also have on my right, Mr. Donald Apai. He is our assistant director in charge of planning. I have him here in case you ask any harder questions and I can turn it over to him.

Mr. HUGHES. Very good.

Mr. DAMON. I have been with the agency since 1968. Mr. Apai has been with us since 1971. As you know, the agency has administered the LEAA program. In addition to that, we also administer the Juvenile Justice and Delinquency Prevention Act here in the State of New Jersey.

I would just like to very briefly say that I was pleased at some of the remarks I have heard here regarding the quality of the administration of the program in New Jersey, and about the need for planning and coordination. These are things that I would like to say, but being the director of the State agency, I am sure it would come off as somewhat self-serving. So it did please me that other people, the consumers of our funds in this State, have been supportive.

I would like to say that our agency is in agreement with H.R. 4481, as are our professional colleagues. We are a member of the National Criminal Justice Association that is also supportive of this legislation.

I would just like to very briefly state four reasons why we are supportive of it. First, it would provide a justifiable appropriation. \$170 million, the national appropriation, is not going to turn the world around. It would bring to New Jersey about \$4 million worth of Federal funds, matched dollar for dollar, that would bring us an additional \$4 million, which would give us \$8 million in 1 year's time to develop and to continue programs that we have already proven in this State that come within the purview of that legislation.

Second, it preserves the State and local initiatives to design projects within a framework of proven, effective programs. The 12 specific areas of the legislation and the one area that would give us the latitude to develop programs ourselves are areas in that we have funded in the past, but areas in which we need more help to make these particular programs and projects a wider used technology here in the State of New Jersey.

Third, it promotes the continuation of coordination. And I would just like to say that that is a very important thing here. We are dealing with competing interests in the criminal justice system. Very rarely do you have a comprehensive criminal justice program inclusive of the total systems. For example, early on we had very great difficulty in getting the other branch of Government involved, that is, the judiciary. The judiciary early felt it did not want to become involved in a program that was basically controlled by the executive branch of Government. As we went along with the LEAA planning and development, we not only secured their informal participation, but their very active participation. And the chief justice and the administrative director of the court and a trial judge are members of our State law enforcement planning agency

government board and have participated very actively in the program here in New Jersey. We also have local government involved and all of the different components of the criminal justice system, who come together and who design projects and programs and monitor them and hear the results at our meetings. So I would like to say that this coordination is invaluable here in the State, where we can all work with each other.

And further, I would say that the success that the LEAA program has had here in New Jersey is not because we had an elitist group of professional know-it-alls at the top who were designing projects and telling everybody what they ought to do. It was not that way in this State. We had an active involvement of local government, local executives in the criminal justice system, as well as each component at the State level who got together and worked with us to develop effective programs and projects. It has been a magnificent effort here in the State of New Jersey, not because of SLEPA staff, but because of the practitioners who had the foresight and the knowledge to develop strategies that were funded here.

And, of course, another and the last important thing that I would like to mention is, I cannot emphasize the importance of having the Federal Government involved and expressing its concern in what is happening at the State and local level. The Federal Government should not divorce itself by saying that it is a local problem or a State problem. We need its active involvement, not only in research and statistics, but in providing funds and giving us the technical assistance that they can provide; in actually coming to the local scene and helping us to solve very critical problems. Crime is a national problem, and not exclusively a local problem.

So I would just close by saying I appreciate being here and having Chairman Hughes and Congressman Guarini and Congressman Rodino as New Jersey Representatives. These are people whose names I hear on our boards and in professional organizational groups when we are talking about legislation and what the government is doing. And very frankly, I am proud that you people are our Representatives, because when I hear your names I can say, "Hey, they are from New Jersey and we are really doing something about the problem." So I appreciate and thank you for this opportunity.

Mr. HUGHES. Thank you very much.

[Prepared statement of Harold F. Damon follows:]

PREPARED STATEMENT OF HAROLD F. DAMON

Thank you for the opportunity to present my views at this hearing. I am Harold Damon, acting executive director of the State Law Enforcement Planning Agency. Our agency administers the Juvenile Justice and Delinquency Prevention Act and is the State Planning Agency Responsible for the Closeout of the LEAA program. At the present time, there are about 500 grants that require final attention with approximately 160 still active under the two acts. There is a firm commitment to assure that the fiscal and programmatic responsibilities given to the State of New Jersey will be carried out during the phase out of the LEAA program.

What is the legitimate role of the Federal Government in the area of crime control? There are differences of opinion at all levels of Government. The great preponderance of criminal justice responsibility rests with State, county and municipal government, particularly in those aspects of crime that engender the greatest public concern, violent street crime. Our experience with the LEAA program has shown that State and local agencies are pleased to receive monetary and technical assist-

ance provided there is a minimum of Federal interference and compliance requirements that appear arbitrary and in some instances poorly suited to the local environment.

It has been said many times, and rightly so, that the expressed expectations of the 1968 Safe Streets Act to substantially reduce if not solve the Nation's crime problems doomed the program to fail. Nevertheless, the block grant mechanism that gave initiative to the State, and through the State to county and municipal governments to devise strategies for using Federal resources that forwarded goals and objectives particularized to the local needs and problems, was philosophically sound and remains valid today. By all reasonable standards, the Safe Streets Act of 1968 did not fail.

The role of the Federal Government today in providing Federal funds for crime control of course must be equated with the prevailing economic conditions, and prioritized among all the competing demands for the use of Federal dollars. Crime is an area of great concern throughout our Nation. As a person who has worked in this area throughout my working career, I am tempted to promote Federal support that will be sufficient to make a perceptible difference in strengthening criminal justice processes. While this position can be rationalized as legitimate for Federal investment, it may not be prudent in light of the current economic recession.

The bill H.R. 4481 introduced by Congressman William Hughes is an excellent vehicle to assert a reasonable level of Federal participation in the control of serious crime. First, it would provide a justifiable appropriation of Federal dollars. A national appropriation of \$170,000,000 is a modest sum but sufficient to meet the legislation's objectives. Secondly, it preserves State and local initiative to design projects within a framework of proven effective programs. Thirdly, it promotes the continuation of coordination among competing criminal justice entities; and, most importantly, it offers the means for the Federal Government to express its concern and to exercise its influence in an area that affects every American citizen.

I must state that our agency was very pleased that H.R. 4481 received such overwhelming support in the House of Representatives including a unanimous vote in favor by the New Jersey delegation. New Jersey would receive about \$4 million each year. With the required match, this would then produce \$8 million to provide funding to projects aimed at crime reduction or system improvement. State level control in cooperation with the counties and municipalities has proven successful over the last 14 years in this State.

The following is a listing of the 13 areas of permissible program areas included in the bill along with our perceptions of the continued need for funding and New Jersey's experience within these areas:

1. Community based programs in cooperation with the police for the control and prevention of crime have received support from our agency in many of the larger urban areas. Need still exists for the expansion of the suburban and rural areas where the crime problems continue to escalate. Crime prevention should be the job of every police officer in cooperation with the citizens of the communities they serve. To serve smaller areas, we were able to fund a few county-wide resource centers which provide public education materials and training for police departments. This need still exists and could be expanded statewide with the addition of Federal funds.

2. Several Sting operations have been run with categorical grants under the LEAA program. State funds were never available because of the declining block grants beginning in 1976. Passage of H.R. 4481 would permit a consideration of this program in the priorities of the State.

3. Arson was a priority in 1980 but again only a few of the larger jurisdictions received funding. A statewide effort received discretionary funding but there is an ongoing need to train qualified arson investigators from the enforcement and fire-fighting components. There continues to be the need to improve collection of data, investigation and prosecution of this serious crime which not only takes lives but affects every citizen of the State in terms of increased insurance premiums.

4. Prosecution of white collar crime, organized crime and fraud continues to be among the highest priorities of the attorney general of the State. New Jersey has a long history of actively pursuing these areas through to convictions. Assistance to augment State resources and the receipt of technical assistance are needed. An example of the State's commitment has been the vigilance shown in the oversight of the casino industry in Atlantic City.

5. Career criminal and improved case processing have been successfully implemented in this State. Again, resources were limited and the effort could not be expanded statewide. Related to the process used to target the habitual offender has been the outstanding effort of the system to combat court backlog and to provide

speedy trials. A cooperative venture is underway to assure the constitutional guarantee of the disposition of criminal complaints as swiftly as possible. As an aside, the New Jersey Legislature has appropriated \$500,000 to be distributed through SLEPA to reduce court backlog.

6. New Jersey has a statewide office to provide information to victims of crimes and also participated in the national program for the improvement of juror utilization and management. The juror pool has been expanded to include all licensed drivers and several counties have begun one-day-one-trial programs. There is interest in expanding this effort statewide and the addition of incentive funds would speed the process. The law abiding citizens' contact with the criminal justice system frequently comes only when they are victims or are asked to serve as jurors. Much work needs to be done to assure that both circumstances are handled with compassion and efficiency.

7. New Jersey has been one of the leaders in providing pre-trial intervention in both the adult and juvenile courts. These efforts were begun with LEAA funds and have become institutionalized. Need still exists for improved systems to screen these individuals in jails and detention centers as well as to provide community based alternatives to serve the needs of these individuals for whom incarceration is not necessary for either rehabilitation or public safety.

8. There is presently operating a treatment alternative to street crimes (TASC) project in the State. This discretionary program is the only program scheduled to receive Federal funding in the current Federal fiscal year. The need exists statewide but this effort is covering only part of the State.

9. Probably our most pressing need is the next area included in the bill—prison overcrowding. All of the juvenile and adult facilities have experienced populations over capacities. Approximately 1,300 prisoners sentenced to State facilities are being housed in county institutions awaiting openings. Needs exist to monitor the problem and seek solutions through alternatives or improved processing.

10. Training, management and technical assistance continue to be needed to assure efficient operations in times of limited resources. Too frequently government cuts back the training and planning budget when revenues become scarce. We are then left with employees who fall behind in their skills and cannot perform to the optimum of their abilities.

11. The need to continue the coordination among the various parts of the criminal justice system was perhaps the most valuable lesson learned through the LEAA experience. In New Jersey all 567 municipalities, the 21 counties and the three branches of the State government are involved in the administration of criminal justice. This State probably serves as the model for having the most components of the system which are unified to one degree or another. Our public defender system is totally unified, the court system has strong control by the Supreme Court but not total State funding, prosecution is under complete control by the Attorney General and the County Prosecutor is the chief law enforcement officer in each county. Even with this level of coordination and control, communication channels and an independent vehicle for the allocation of the Federal resources is needed.

12. New Jersey is the first State to implement a statewide PROMIS system in conjunction with a court management system (GAVEL). This system, funded with Bureau of Justice statistics grants, will be operational in 14 of the state's 21 counties by 1985. The remaining counties will receive technical assistance to improve their manual systems in anticipation of future needs when computerization might be needed. The most pressing need is to expand these systems to serve the Juvenile Justice System. The State has made a commitment to implement a nationally developed juvenile system (JISRA), but technical assistance and programing aid is needed.

13. This last section which allows a small portion of the funds to be used for innovative programs is an excellent compromise to allow the States flexibility to develop promising new efforts while using the remaining 90 percent to replicate projects of proven effectiveness.

I have concentrated on the part of the bill which addresses the block grant program because I feel that this is the place where New Jersey has the greatest need. In conclusion, this bill represents a major improvement over the JSIA Act. It can work and it will help in the difficult task to administer justice.

I would be happy to respond to any questions you might have.

Mr. HUGHES. Mike, do you have something?

TESTIMONY OF MICHAEL VUOCOLO, PRESIDENT, NEW JERSEY
CRIMINAL PLANNING ASSOCIATION

Mr. VUOCOLO. Thank you. The association that I represent is the New Jersey Criminal Justice Planning Association. The criminal justice planners are those people in the counties and municipalities throughout New Jersey who are responsible for developing programs and projects to improve the criminal justice system and to acquire Federal funds.

Naturally, our association overwhelmingly supports H.R. 4481, and in the event that this legislation is not approved, there are several serious concerns that I think have to be addressed.

First of all, someone asked the question before, I believe it was Chairman Rodino, as to another witness, if he felt that local government would be able to shoulder the burden in the future. I think in the absence of any type of Federal funding, they are not going to be able to. One thing that New Jersey has—you may be familiar with it—is the “cap legislation,” which limits the expenditures that counties and municipalities can lay out for new programs and for any type of service whatsoever. So as a result of that problem, unless something reached epidemic proportions, I do not think you would see anything on the preventative end from the municipalities to start any type of new services as far as law enforcement is concerned.

The second problem, should the legislation not be approved, is that we would not have the ability to replicate those programs throughout the Nation which we know were tried and proven and they work. One case in point is the career criminal prosecution bill, which I am sure you are familiar with. The others are the arson programs that have been implemented and the crime prevention programs and things like that. We do not have a situation where a county prosecutor in this county can say, “We really do need a career criminal program.” He lacks the financial resources to get that program off the ground.

Another problem is that in losing the ability to begin new services, we are not sure that we will have the capability in the future to divert those cases out of the criminal justice system that could be more effectively handled elsewhere. We have seen juvenile offenders placed in treatment programs so that probation officers can dedicate more time with those clients that need a greater effort. In the absence of this, I do not see how probation officers or other court personnel would be able to handle the increased caseload.

The final thing is that today in New Jersey there is a network of people in both State and county governments that have a comprehensive understanding of both the criminal justice system and Federal funding. People in my association, my counterparts in the other counties and people in Mr. Damon's agency, know what New Jersey and their respective jurisdictions need. They are familiar with all of the players and they are familiar with the administration of Federal funds. And I think that any delay in this appropriation or any vacuum that was created could possibly result in the elimination of those people. And some day, even if it is 2 or 5 or 10 years from now, we are going to talk about taking people to start a

new crime control program, that are going to have to be entirely retrained.

Mr. HUGHES. Thank you very much.

[Prepared statement of Michael F. Vuocolo follows:]

PREPARED STATEMENT OF MICHAEL F. VUOCOLO

Chairman Rodino, Members of the Committee. Thank you for providing me the opportunity to communicate on behalf of the New Jersey Criminal Justice Planning Association.

The Association is composed of individuals throughout New Jersey who are primarily engaged in upgrading the performance of the Criminal Justice System in the State. Traditionally, the Planners are those persons engaged in the acquisition of Federal Crime Control funds for use in their respective local governmental jurisdictions. Needless to say, we have become extremely familiar with presence of federal assistance for over more than a decade and the impact that such funds have in our counties and municipalities.

Today, we meet to examine the role of the United States government in responding to the ever increasing rate of crime in America. One could point to the fact that 10 years of L.E.A.A. efforts may not clearly demonstrate any reduction in the amount of criminal activity which occurs. But there are several relevant factors to be considered before making any final determinations.

Of primary concern is the ability of local government to adequately combat crime in the future.

Here in New Jersey, counties and municipalities must operate under a state imposed budget cap. The Legislation is designed to limit local spending in an effort to stabilize real property tax levies. Under such an arrangement, municipalities are not often in a position to add police manpower, initiate new projects or expand existing services.

A second item concerns the painful truth that several tried and proven remedies may never be applied to other locations.

The Career Criminal Prosecution Program is a case in point where, without some initial outside funding, a County Prosecutor may lack the financial resources to get such a program off the ground. Other examples are the programs designed to prevent arson and burglary that some areas may never be able to replicate due to the lack of start-up funding required.

The final concern is that we may some day lose the ability to divert those cases from the Criminal Justice System which may be handled in a more effective manner elsewhere.

We have seen minor juvenile offenders placed in treatment programs so that Probation Officers can concentrate their efforts on dealing with the more serious offender. There are plans on the board to place adults who have not committed serious offenses in Community Service rather than imposing a jail sentence on them. Measures such as this are extremely important as we are faced with the problem of overcrowded jails today.

I can assure you that it is not likely that such programs would exist had it not been for funds granted through L.E.A.A.

National forecasts indicate that crime will continue to increase. Without a Federal program to provide financial and technical assistance, one must ask if the Nation's best interests are being addressed.

H.R. 4481 appears to be a modest approach to the problem of crime which has plagued our society for too many years. Although I am certain that there are those who would prefer a larger appropriation, the specific, targeted plan seems to offer an appropriate “new beginning” for a National partnership in crime control.

Additionally, even a temporary vacuum caused by a delay in re-establishing a Crime Control Program could result in the loss of personnel throughout this state who have a comprehensive understanding of both the criminal justice system and the administration of Federal funds.

Thank you. I will be happy to answer any questions you may have.

Mr. HUGHES. I am indebted to both of you for your support, your strong support of H.R. 4481. I do not know whether the folks know Mike. I know your dad is a very able assistant to Congressman Guarini and we are just delighted to have you here.

Mr. VUOCOLO. I am very fortunate. I have two Congressmen.

Mr. HUGHES. That is right. And we are just delighted to have your statement. And speaking of being proud, Mr. Damon, if all the planning agencies throughout the country were as effective and had done as good a job as New Jersey has, we probably would not have had some of the problems we have had. And it is unfortunate that, I think we overpromised to some extent and underdelivered. LEAA was always billed as the program that was going to solve crime. Well, anytime you bill a program like that, it is bound to be oversold. You cannot do that. The most you can hope to do is to come to grips with the problem and minimize the impact of the criminal element on society.

But you are to be commended. You have done a good job as Director of the agency and we appreciate your work.

Mr. DAMON. Thank you very much. I would like to add one other thing. That is that we would also appreciate support and appropriation for the Juvenile Justice and Delinquency Prevention Act, which has been eliminated from President Reagan's budget. It was restored last year by Congress and we desperately need the funds that were given under that act.

Mr. HUGHES. I agree. You might be happy to hear that I appeared just about 10 days ago, and testified before the Budget Committee to ask them to restore \$9.5 million or thereabouts for the juvenile justice program.

The gentleman from New Jersey, Mr. Guarini.

Mr. GUARINI. Harold and Mike, I thank you very much for your testimony and appreciate your being here. In planning, I just wonder whether or not any consideration has been given to the education phase of our youth in grammar and high school, where they would be aware of what to do in the event there is a robbery, a burglary, in event there is an arson, in event there is a rape, in event there is an assault or a mugging. You know, we leave it to the parents to educate the youth in regard to sex, in regard to so many vital areas, in nutrition and things like that. But I am wondering whether or not there should be room in our planning to address the young people and minimize the impact of crime and sometimes even help to prevent the crime itself by their knowing what to do. Crime is not only for the adults to be aware of. You could bring the youth into the circle. I am just wondering whether or not any consideration in your planning has been or will be given to that aspect.

Mr. DAMON. We have funded a number of projects that at least partially address the concern you just stated. We have funded, for example, crime prevention programs where people go into the schools and school assemblies and through school counselors, do counsel children regarding problems that you mentioned.

Mr. GUARINI. All right. But I am talking about even going beyond that, by making it an educational requirement in their curriculum where the teachers themselves would be aware of it and that the student would be then more cognizant when a crime does occur and he is not in shock and taken by surprise, and that he already has a concept of what he should do.

Mr. DAMON. I would say we have not really gone into that.

Mr. GUARINI. But it is worth consideration, is it not?

Mr. DAMON. I would think so.

Mr. GUARINI. I would like to see you push it in the school systems.

Mr. DAMON. OK; fine.

Mr. GUARINI. It does not cost anything, because you have the school systems already in place. All you have to do is tell the teachers to extend their course for a couple of hours sometime during the term of the year as to how young people could handle themselves and how they could help their parents.

Mr. DAMON. Fine.

Mr. GUARINI. OK. Thank you very much.

Mr. DAMON. Thank you.

Mr. HUGHES. I think one of the things that we can do and I try to do it anyway is to go into the schools and talk with the young people about their rights and responsibilities. And I find they are very receptive.

Mr. DAMON. Yes.

Mr. HUGHES. Thank you. We appreciate very much your contribution.

Mr. GUARINI. Thank you very much.

Mr. HUGHES. Our final panel this morning consists of Mr. Robert Grayson, the director of the crime victims advocate program; Mr. Theodore Freeman of the Urban League of Hudson County; Mr. Arthur Fabian of the Concerned Senior Citizens Association; Ms. Lucy Parkes, president of the Hudson County PTA; Mr. Eliu Rivera, director of PACO, Inc.; and Mr. William O'Day of the Hudson County Citizens Against Crime.

Mr. Grayson, I understand you are going to be the spokesman.

Mr. GRAYSON. Yes.

Mr. HUGHES. Welcome. We are happy to have you. We have your statements which, without objection, will be made a part of the record and we hope that you can summarize then for us.

TESTIMONY OF ROBERT GRAYSON, CHAIRMAN, NEW JERSEY COUNCIL ON CRIME VICTIMS, CRIME VICTIM ADVOCATE, CITY OF PATERSON

Mr. GRAYSON. Yes; I will. Let me open by saying that 7 years ago, I was the victim of a violent crime in Parsippany, N.J. I was beaten up by four men as I was returning home from work. And as a result of that beating I was permanently blinded in my right eye. Just to say that in opening is to say that I have, unfortunately, been involved in the system as a victim.

And I found that crime victims are the forgotten element in the criminal justice system. I do not think we can talk about solving the crime unless we talk about doing something to help the victims of crime. I found, in working with crime victims and having gone through the system myself, that the criminal justice system is very insensitive to the needs of crime victims. And as a result, that insensitivity has led many victims not to report crimes, many witnesses not to come forward and testify. And what we have here is the system defeating itself.

Many crime victims feel that the most attention that they have gotten from anywhere in the whole process was while they were being mugged. The criminals focused their full attention on them.

But after that, the criminal justice system did not even treat them as a stepchild, just did not treat them at all.

And I think when we are talking about helping victims of crime, we are not talking about a lot of money. We are talking about doing things, extending the common courtesies, telling the victim of the progress of a case, for instance. Telling the victim when the date of sentencing is. If the victim cannot make it, making sure that they know what the sentence is. Involving the victim in the plea bargainings. Telling them that a plea bargaining is being made and why it is being made and what it has meant. Making sure that restitution works effectively. It does not work effectively now. Very few people ever see restitution made.

I will give you a very simple example of when we are talking about restitution. When your car is stolen in the State of New Jersey and it is found by the police department, when the victim goes down to get it back, there is a recovery charge. Usually about \$35, for towing that car in. If it had to be stored, there is a storage charge. Now if we apprehend the individual that committed this crime, the judge does not make that individual pay the victim that money back. And that was the person who caused the problem. And that is the least we could do on a level of restitution and we do not even do that.

So I feel that we can do a lot, because sensitivity does not cost anything. Extending the common courtesies does not cost anything. We have prosecutor's offices. We have secretaries and we have phones and we have postage. All we have to do is put in that element of the victim and include them in the system. And we do not do that right now.

And I often get the question, "Why should the Federal Government do that?" And the answer to that is, because the rights of the criminal are protected on the Federal level from the *Miranda* rights and a host of other landmark court decisions. Criminals are guaranteed that their rights are going to be protected anywhere they go in this country. Victims have to hope that, if they are mugged, they are fortunate enough to be in a locality that understands the needs of a victim of crime. And I think what the Federal Government has to do is take a stand in this area. Say that we want to see a mandatory way of informing victims of what the outcome of a trial is, of a grand jury action, of contacting victims whose property is found and getting it back to them.

When we train our police officers, to train them on, not only working with the person they apprehend, but with the victim. Because statistics show that only 19 percent of the criminals are ever apprehended, but the police come in contact with 100 percent of the victims. Yet, we do not have any training for the police on what to do when they do come in contact with that victim.

On one other note, I would like to add that I feel it is very important in working with victims and in crime prevention, as well, that we work with the community groups. And if we do have more funding available, that we give community groups priority consideration. Not in phase 2, but in phase 1, so that these community groups that are working in the neighborhoods can stay alive. Because they have the ability to make constant contributions. So often we see a community program that is going strong and that is

stopped dead in its tracks. And I think we have to work to make sure that these programs continue to function.

I do not only serve as a Crime Victim Advocate in the city of Paterson, I serve as chairman of the New Jersey Council on Crime Victims, which is a statewide civic volunteer group to help the victims of crime. And I have seen that group make great gains because it involves the citizens, it involves the communities, it involves volunteers. And it is an awful thing to see groups like that snuffed out. Because when funds do become available, first we run to Government agencies and these other groups fall by the wayside.

Just one other note along that line. It was disturbing to find out that 25 percent of the rape crisis units that were started in the early 1970's, all civic community groups, have gone out of business because of the lack of funds. And yet, the statistics on rape show that rape has gone up 13 percent. That is just one area where you see a civic group existed and died and the need is still there.

So, what I feel has to be made is a commitment, a commitment to the victims of crime and a commitment to the community groups that are out there to help them and help them from becoming victims of crime. And that commitment does not cost anything. The Federal Government takes a stand, these are procedures we would like to see followed. We have a system in place. It can be done. We just need someone to lead the way.

Mr. HUGHES. Thank you very much.

[Prepared statement of Robert Grayson follows:]

PREPARED STATEMENT OF ROBERT GRAYSON, CRIME VICTIM ADVOCATE, CITY OF
PATERSON, CHAIRMAN, NEW JERSEY COUNCIL ON CRIME VICTIMS

The federal government must get involved in protecting the rights of crime victims. The federal government's failure to do so up until now, has left the law-abiding citizen and the innocent victim of crime at a decided disadvantage. Why? Because the right of the suspect and the criminal are protected on the federal level. These individuals can look to the *Miranda* decision and numerous other landmark court rulings to protect their rights on a nationwide basis. They can depend on their rights being protected and services to assist them (such as the public defender's office) being available in any state in this nation.

Victims, unfortunately, have no such assurance that their rights will be protected. Victims must hope that they are mugged, assaulted or robbed in a state progressive enough to recognize the rights of crime victims. Those states are few, and even there the effort is superficial.

What is lacking is leadership—leadership that must come from the top: the federal government. The federal government must show that it is concerned about the innocent victim of crime. And concern does not only have to be shown in dollars and cents. Certainly money is an essential part of any program. But a great deal can be done to help the crime victim without spending any money at all.

For instance, those in the criminal justice system—the prosecuting attorneys, the judges, the police—are insensitive to the needs of crime victims. No wonder victims are disenchanted with the system. As it now stands, innocent victims who turn to the criminal justice system for help, have a good chance of becoming victims again—this time at the hands of a system that is blind to their needs.

Crime victims and witnesses are the most valuable asset the criminal justice system has. They are the nuts and bolts of the system. Without their testimony, there is no case, and criminals go free. But the criminal justice system does not treat victims and witnesses as though they were valuable assets. The system does not even extend the common courtesies to these people. No one lets them know the outcome of a grand jury action or a trial, or when the date of sentencing for a criminal is. Instead, we use victims and witnesses and then discard them.

What does sensitivity cost? What does common courtesy cost? These are things that can be instituted in the criminal justice system in every state and every jurisdiction immediately. And the federal government can lead the way by developing a

mandatory basis procedure that guarantees that crime victims' rights and the rights of the witnesses who come forward to testify are safeguarded. This procedure would be somewhat analogous to Miranda rights for the crime victim and witness. For instance, it should be mandatory that a crime victim be allowed to make a statement prior to the sentencing of a criminal. That statement, whether it be written or oral, would include the nature and extent of any injuries—both physical and emotional—that the victim suffered, as well as financial loss, and the impact of the crime on the victim's family. This can be done at no additional expense.

The victim and witness should be guaranteed protection from intimidation at the hands of the criminal. Tough laws with stiff penalties for those who intimidate victims and witnesses should be adopted in every state, with the federal government drawing up a national model.

The federal government should mandate that each state establish a formal procedure for notifying victims and witnesses of the progress of a case. This can be done at minimal expense and it's an outrage that in 1982 victims were kept in the dark about their own case. And it is their own case. Because even though the suspect is the one on trial, it is the victim who has suffered the injury. It is the victim who has suffered the loss. The victim makes the prosecution's case against the suspect. The least the prosecuting attorney's office can do in return, is keep the victim informed of the progress of the case.

Let's involve crime victims in plea bargains too, by telling them when a plea bargain is being offered, by explaining to them why it's being done, by explaining what it means. Why don't we include them? What's the cost factor here?

This is something that should have been done long ago and the federal government can lead the way to eliminating this injustice by mandating that the victim be included in plea bargaining procedures.

Any why not include the victim's viewpoint in parole hearings? Why shouldn't parole board members have the victim's input when deciding whether to grant a criminal early release? A parole board should know whether a victim has recovered before the criminal responsible for those injuries is released. A parole board should know the viciousness of a crime, the lasting injuries that were inflicted. A parole board should know if the victim was given a lifetime sentence by the criminal.

Let's take a look at criminal justice vs. victim justice.

The difference between the treatment the victim gets and the treatment the suspect or criminal receives is glaring. For instance, when the suspect is arrested he must be informed of his rights, he receives medical attention if necessary, he is provided with an attorney if he cannot afford one, and he may be released on bail or on his own recognizance. All this while the victim usually remains isolated and traumatized by the criminal act.

During or prior to the trial, the suspect has various rights he can count on, including the opportunity to plea bargain, to get a change of venue, to delay and postpone the trial, to invoke the Fifth Amendment, to move to suppress evidence, to move to be acquitted by reason of insanity, to move to dismiss charges, and if a guilty verdict is rendered, to enjoy the right to appeal.

At the time of sentencing, the criminal has a pre-sentence study presented to the judge on his behalf, and through his attorney, the suspect also has the opportunity to present alternatives to incarceration. If the criminal is sentenced to jail, he is provided with room and board, access to free medical treatment, psychological counseling, alcohol and drug rehabilitation, job counseling, educational opportunities, the opportunity to participate in work-release and other minimum security programs, and the eligibility for early parole. All this while the victim continues to suffer psychologically, financially or both, as a result of the criminal act.

The protection of the rights of an individual, criminals included, is important to the continuation of a democratic system of justice. The victims' rights advocacy movement does not advocate the curtailment of any of the rights that protect suspects and criminals. Victims and their advocates do ask, however, that the scales of justice be balanced.

In comparing the rights of criminals to the rights of crime victims, how far does the inequality go? To answer this question, consider what victims must endure in the aftermath of a crime.

First of all, victims are rarely treated with care and understanding by law enforcement officials. Because most police academies and even university-level criminal justice programs neglect the psychological demands of law enforcement, few police officers are equipped to handle the emotional needs of crime victims. A vast majority of counties and municipalities throughout the country do not have set procedures or even guidelines on how police should handle a crime victim: the problem here is that sensitivity cannot be legislated.

Too often the police look upon the crime victim as just another unfortunate statistic, another person in the wrong place at the wrong time. The victim's trauma is often dismissed as unfounded hysteria; the victim's concerns and questions are often disregarded. Tragically, the victim of a violent crime is treated in a lackadaisical fashion; those victims of non-violent crimes are barely acknowledged.

Consider, for example, how burglaries are commonly approached by police: If the victim was not hurt, the police often find it hard to believe that the individual is truly traumatized by the crime. The victim's shock and dismay as a consequence are frequently overlooked. Law enforcement officials, typically more concerned with violent crimes, rarely grasp the sense of personal violation felt by a burglary victim. Not only has the burglar broken into the victim's home, but he has also rifled through the victim's belongings. At the same time, the victim is left with many unsettling questions: What were they after? Have they been watching my home for some time? Were they specifically after my home? Who are they? Will they be back?

These victims turn to the police for reassurance. They want to feel that the police will be looking for their stolen items and for the criminals who violated their homes. And though the police often have hundreds of such cases a week, the victim wants to hear more than flip answers such as, "Well, this stuff is probably gone forever."

From the start, then, victims are given a glimpse of the hard road ahead if they are to pursue justice. But they require more than immediate reassurance, which is usually rendered in a glib or superficial manner, if at all; they also need continuing information regarding their case, and services which will allow them to effectively participate, and as painlessly as possible, in the judicial process.

Victims are responsible not only for solving their own physical, mental, and economic problems resulting from the crime; they are also responsible for assisting the criminal justice system by reporting the crime, identifying suspects, and testifying in court. But regardless of these demands, they are generally not informed of their case's progress.

In many cases, crimes involving small property losses are glossed over; the number of property crimes that reach the police usually precludes through investigations for each case. As a result, police officers may indicate at the scene that they will "try their best," but for many victims this is the last they will hear from the criminal justice system. Unless some hard evidence is found in the near future or a suspect is apprehended, victims are typically kept in the dark regarding the investigation of their case.

During the pre-trial period, victims and witnesses are responsible for providing their own transportation to the police department and prosecuting attorney's office. They also must absorb any financial losses that result from taking time off work to participate in pre-trial activities. The frustration is magnified if they continue to receive little or no information on the case's progress.

In all too many cases, victims who are unable to be present at the trial are not notified of the outcome of the proceedings. The are not notified or asked to be present at the time of sentencing. And of course, in cases of parole where the victim is rarely contacted or asked for input, once parole is granted, the victim is not even informed that the criminal is back on the street.

Overall, victims who are not satisfied with how the system handled their case have no recourse. The victim's attorney represents the state, not the individual—and the victim has no right to appeal the verdict.

Many victims live in fear of retaliation and are forced to continue living with the fears, damages and injuries connected with the crime. Psychological and vocational rehabilitation comes to victims at their own expense, and it is up to the victim alone to find these services. And, of course, through taxes, victims continue to support a system that places little importance on assisting them throughout their ordeal.

As a result of the criminal justice system's treatment of victims, many victims are reticent to report crimes that are committed against them. "Why bother?" they ask. "Nobody cares, nothing happens." Witnesses to crimes are even more hesitant to come forward, fearing involvement that will entail little more than frustration and inconvenience.

Testifying in court can be a frightening prospect if the victim or witnesses have never been involved in trial proceedings. But not knowing what to expect is only one of a number of intimidating or negative factors that await these individuals: waiting around in court to testify, lost wages, insensitive treatment on the part of law enforcement officials, lack of relevant information, and attacks on their credibility by defense attorneys, are all experiences that undermine victims' and witnesses' stamina as the case progresses. The result of the system's lack of assistance

to victims and witnesses is that fewer people are willing to cooperate with the system.

Does the federal government have an obligation to help crime victims and witnesses? The answer is definitely yes.

In cases that are reported, the police apprehend roughly 20 percent of the criminals; they come in contact with 100 percent of the victims. Yet most of the emphasis in law enforcement is on what to do when a criminal is apprehended, with little or no consideration as to the police/victim/witness relationship. Since the system turns to victims and witnesses to aid voluntarily in the arrest and conviction of criminals, the system's obligation to help these people in return is obvious.

The benefits of providing victim assistance programs are numerous: by responding to the needs of crime victims, a municipality furthers victim cooperation with the system. Victims who feel they can rely on law enforcement officials for assistance are more apt to take the time to file charges, make identifications, attend preliminary hearings or grand jury proceedings, and participate in the trial. But the fundamental value of victim assistance programs is that they combat apathy on the part of victims and witnesses by providing them with a special unit to give them advice and support.

These units can help victims and witnesses who are usually lost in the barrage of legal motions, paperwork and terminology. The system leaves them confused and frustrated. By taking a few minutes to explain what is happening and why, victim-witness assistance units involve these individuals fully in the case. Most important, the unit is often able to set aside some basic questions, misconceptions and fears.

Another benefit of having a victim-witness assistance unit on the prosecutorial level is that these units are able to keep victims and witnesses informed of the case's progress. In addition, the unit can keep the victim and all the prosecution witnesses informed of other court proceedings relating to the case, as well as a date for the trial, the outcome of that trial, and a date of sentencing.

So yes, the time has come for victim-witness assistance units to be a permanent part of the criminal justice system. And the federal government can help with seed money. Perhaps the money can be raised by reappropriating some of the funds generated by the excise tax on handguns. Perhaps some of the funds could be raised by imposing a penalty assessment on those convicted of federal crimes. But even more important than the seed money is the federal government making a commitment to victim-witness assistance programs as a permanent fixture in the criminal justice system. Seed money is fine, but the program must continue after the seed money is gone.

Any chief prosecuting attorney who wants to really serve all the people should know the importance of a victim-witness assistance unit. These units not only are important in prosecuting attorneys' offices, but they are needed in major police departments and can be run by community groups as well.

What is the federal government's obligation? To take a stand. To support the victim assistance concept. To get behind the crime victims' rights movement. And to show that yes, crime victims do have rights too.

On a personal note, I would like to add that I had firsthand experience as a crime victim. In January of 1975, I was attacked and brutally beaten by four men in Parsippany, New Jersey. As a result, I was left permanently blind in my right eye, given a lifetime sentence. I went through a cold and uncaring criminal justice system. Since that time, I have spoken with many crime victims, and I have found that most victims are more outraged and more bitter toward the criminal justice system than even toward the person or persons who committed the crime against them. The reason: what can you expect from a criminal? The criminal is there to hurt you. But you don't expect to be abused and hurt by the system you always believed was there to protect the victim and punish the criminal.

Thank you for this opportunity to address the Subcommittee on Crime of the House Committee on the Judiciary.

Mr. HUGHES. Any other comments? Anyone want to add anything to that?

TESTIMONY OF THEODORE FREEMAN, URBAN LEAGUE OF HUDSON COUNTY

Mr. FREEMAN. Thank you. I would just add several points that I would like to make.

There are certain things that I feel are extremely important as we view the issue of crime in our society. First of all, crime is probably the truest barometer to the economic situation of our society of the general population. People with no jobs, poor education, dilapidated housing, no health care capabilities, sporadic ability to obtain food and no apparent opportunities for the future are going to hurt, steal and destroy.

Since crime is as national as the gross national product, singular intervention would be ineffective. Initial confrontation has to be with national intervention. Our national intervention has to have a focus which is much more comprehensive than the scope of this committee. It is necessary for the inclusion of these critical components, and there are eight of them.

First, proper deployment of our law enforcement personnel within our communities. Physical presence of our police personnel, foot patrol, living where they work, things of that nature.

Second, a uniform approach to dealing with the truancy problem in our schools and other related matters.

Third, proper job and career development opportunities. What the private sector will not do, the public sector must.

Fourth, redefining the roles and functions of our penal system. Delineating between punishing and rehabilitating within our penal system.

Fifth, affordable health care services.

Sixth, decent and affordable housing.

Seventh, proper utilization of pretrial detention.

Eighth, revamping our archaic welfare system.

I believe if we begin to address some of these issues and concerns which are germane to our particular problem, we will begin to get a handle on the problems that we have been discussing here today. And I think there has been a voice from everyone that has spoken here today that we all are concerned, that we all want something done and we are willing to meet the challenge.

We feel extremely proud of you gentlemen coming here and taking your time to find out what our particular concerns are about at the grass root level. And whatever we can do to be of any help, we stand prepared and ready to do so.

Mr. HUGHES. Thank you very much, Mr. Freeman.

[Statement of Theodore H. Freeman, Jr. follows:]

STATEMENT OF THEODORE H. FREEMAN, JR., PRESIDENT AND CHIEF EXECUTIVE OFFICER, URBAN LEAGUE OF HUDSON COUNTY

Mr. Chairman, honorable members of the committee and friends, your subcommittee is trying to determine the proper role of the Federal Government in criminal justice matters. It is quite apparent to everyone here that crime has totally inundated our community. There are those folks who have retreated to the early 1900's for innate reasons for the causes of crime, such as race, color, ethnic origin, size and shape of one's cranium. While there will always be a small percentage of individuals who receive sadistic pleasure from maiming, killing or taking from other people; the presence and extent of crime in this country is the true barometer of the economic climate of our general population. People, with no jobs, poor education, dilapidated housing, no health care capabilities, sporadic ability to obtain food and no apparent opportunities for the future, are going to hurt, steal and destroy.

Since crime is as national as the Gross National Product, singular intervention would be ineffective, initial confrontation has to be with national intervention. Our national intervention has to have a focus which is much more comprehensive than the scope of this august committee.

It is necessary for the inclusion of these critical components:

1. Proper deployment of our law enforcement personnel within our communities—Physical presence of police personnel (foot patrol, living where you work, etc.).
2. A uniform approach to dealing with school truancy and other related matters.
3. Proper job and career development opportunities (what the private sector will not do the public sector must).
4. Redefining the roles and functions of our penal system (i.e. delineating between punishment and rehabilitation).
5. Affordable health care service.
6. Decent and affordable housing.
7. The proper utilization of pre-trial detention.
8. Revamping our archaic welfare system.

These components are not in any ranking order; some may be addressed directly by your committee and some will need to be directed by you to other House committees but with a comprehensive approach we can begin to address the issue of crime in our society properly and thoroughly. The Urban League stands prepared to assist you in that endeavor for the betterment of all our people.

Mr. HUGHES. Anyone else have anything that they want to supplement their statement with?

Arthur, you represent the senior citizens.

Mr. FABIAN. Yes, I represent the senior citizens.

Mr. HUGHES. You are the president of the senior citizens of our county.

Mr. FABIAN. Yes, and cosponsor of the Hudson Community Conference on the Aging.

TESTIMONY OF ARTHUR FABIAN, PRESIDENT, CONCERNED SENIOR CITIZENS

Mr. FABIAN. As the previous speakers said, I am very happy to be here, because if I had to select two pillars from New Jersey to represent our requests and our pleas, I could not ask for two or three better people than yourselves. And that is not a preface to sort of soften things up.

I would like to speak to you today as a person from the neighborhood, because is that not where it is all happening? I also feel that as in the past, the people have been putting their faith and their confidence in Representatives in Washington. That is our system. No reflection on anyone, believe me. My point is, if the people they are putting faith in and confidence in and the results are the conditions and situations that we are in today, I do not think there is too much of a bright horizon for the future.

Again, my point is I feel just maybe, just maybe, the right partner is not in, sitting on the Federal Government decisions in that respect. Not authoritatively, no pay attached to it, but just an input into this. Because I think the time has come, as Congressman Guarini said before, that it is an absolute fact that senior citizens cannot go out in the streets safely. That they are curtailed from trying to enjoy the few years they have left in entertainment and so forth. They are prisoners in their own homes. That is basically what it comes down to.

And just to go a step further, out there, gentlemen, it is a rat race. The latest reports that I have had is that the rats are winning.

With your permission, I would just like to go a little further. In reference to the senior citizens being mugged, raped, robbed, physically assaulted and what not, these very same people have little or

no insurance to meet this vicious happening, which they should not have to tolerate in the first place. Do you feel that the victim compensation is adequate enough to take care of such violent assault? I, for one, hardly think so. The irony of it all is that the senior citizen is so frightened to testify in cases where the criminal is caught that I would say, from my own experience in such cases, that criminals just go on their merry way. But if the law agencies could assure the senior citizen that they would be protected from any further future assault by these criminals, you would have more seniors willing to testify and more criminals would be incarcerated when and if we ever get enough room to put them.

Just as a very brief experience, two people in the ages of 80 years old, were burglarized and it was aggravated assault. No doubt about it. They are supposed to testify against them. These people are frightened to death. Not only from the first experience, but what they had to go through afterward to go and testify.

At 7 o'clock the night before they were supposed to testify, they did not know they were going to testify the following day. They were informed of it at 7 o'clock the night before the day they are supposed to testify. And they are supposed to appear in Rahway, N.J. Tell me, the man is paralyzed from his head down to his toes on the right side. The lady weighs about 75 pounds soaking wet. And there they are asking these people to go down to Rahway, N.J. Who thought—carrying out what this gentleman just said—who was going to give these people assistance? You had to run around trying to get a private individual from the bottom of his heart to offer this kind of help. Fortunately, I was able to get help. I am not saying "I." Believe, I am not.

But this is the point, Congressmen. This is what it is all about. This is what we are talking about. This is the input we would love to have on some of these task forces, or whatever you want to call them.

Just to go on. Victims complain that potentially stiff penalties are often negotiated away. Some of the highest jurists see extensive plea bargaining as tantamount to an invitation to crime. I am not telling you anything new. You probably know it already. Should we be surprised that the word gets around that you could commit two or three crimes for the price of one? These words were said by a man who holds the esteemed office as Chief Justice of the U.S. Supreme Court, Warren E. Burger. You know, after reading words like this, tell me, what does the senior citizen and for that matter, any citizen, have to look forward to? I would say not very much.

Concerning criminal justice and law enforcement agencies, in general, it is beyond me and millions of other people of our Nation how Washington could ever entertain the thought of cutting the budget of these most essential and urgently needed services. The criminal justice system of this State and for that matter many others, it is stated, have revised their penal codes and now, more criminals are going to jail and staying longer. I am certainly happy to hear that and I know other people are. But do we then have enough prisons? We do not have enough prisons in which to put the criminals.

Even though referendums and questions on the ballot can be approved or disapproved for more prisons, I feel that the Federal Gov-

ernment has to subsidize the States to show their interest in combatting crime. In other words, if there is not enough room to house the criminals, our whole purpose of curbing crime is defeated. The menace to society, the criminal, must be incarcerated and quickly if we are to achieve our goal of combatting crime. It is my feeling that the time has come when the Federal Government, not only has to, but must subsidize the State, county and city governments with the necessary funding to push their public safety departments to the fullest capacity.

We talk about national defense, and you are more acquainted with this than I am, gentlemen, of the money being poured into it. And I, for one, am in full accord for a defense second to none against the foreign enemy. But do we not have an internal enemy right here, known as the criminal? I feel that just as much emphasis should be focused on this, because this can destroy the very land that we are trying to protect.

My question is, what can we do about it? And we look forward to gentlemen such as yourselves, that represent everyone in this room, I think. We are behind you. We have the support. You have a lot of talent outside that does not demand one penny of the Federal Government's money.

Finally, I believe such a program such as this is getting community people on government task forces and such, again, at no expense to the government, no authoritative measures that they would have. They would be the partner that will decrease crime rapidly and you could take a perpetual inventory that would continuously go on, with the implementation of these funds, how the money is being spent. Sort of put it into the hands of the people that are suffering these things. And I believe that input would be most beneficial.

I would like to thank Congressman Guarini and Congressman Hughes for listening. Thank you very much.

Mr. HUGHES. We thank you for your statement. I might say that both my colleague, Congressman Guarini, and I feel very strongly about a strong national defense. But I have heard your Congressman say from time to time that "We have not lost anybody to the Russians these days, but we lose them to the criminal element on the streets every day." And it points up, I think, the priorities that we need to look at.

[Statement of Arthur A. Fabian follows:]

STATEMENT OF ARTHUR A. FABIAN

In reference to the senior citizens being mugged, raped, and robbed, physically assaulted and what not, these very same people have little or no insurance to meet this vicious happening, which they should not have to tolerate in the first place.

Do you feel that the victim compensation is adequate enough to take care of such violent assault? I hardly think so.

The irony of it all is that the senior citizen is so frightened to testify in cases where the criminal is caught that I would say, from my own experience, in such cases, that criminals just go on their merry way, but if the law agencies could assure the senior citizen that they would be protected from any future assault by these criminals, you would have more seniors willing to testify and more criminals would be incarcerated when and if we ever have enough room to put them.

Victims complain that potentially stiff penalties often are negotiated away.

Some of the highest jurists see extensive plea bargaining as tantamount to an invitation to crime. Should we be surprised if the word gets around that you can commit two or three crimes for the price of one?

These words were said by a man who holds the esteemed office of Chief Justice of the United States Supreme Court, Warren E. Burger.

After reading words like that, tell me "What does the senior citizen, and for that matter, any citizen have to look forward to?" I would say not much.

Concerning the criminal justice system and law enforcement agencies in general, it is beyond me and millions of other people of our nation, how Washington could ever entertain the thought of cutting the budget of these most essential and urgently-needed services.

The criminal justice system of this state, and for that matter, it is stated have revised their penal codes and now more criminals are going to jail and staying longer.

I am certainly happy to hear that, but we do not have enough prisons in which to put the criminals, even though referendum and questions on the ballot can be approved for more prisons, I feel the federal government has to subsidize the states to show their interest in combatting crime. In other words, if there is not enough room to house the criminals our whole purpose of curbing crime is defeated.

The menace to society, the criminal, must be incarcerated and quickly, if we are to achieve our goal of combatting and curbing crime.

It is my feeling that the time has come when the federal government not only has to, but must, subsidize the state, county and city governments with the necessary funding to push their public safety departments to full capacity.

We talk about national defense and I, for one, and I am in full accord for a defense second to none against a foreign enemy, but do we now have an internal enemy known as criminals. I feel that just as much emphasis should be focused on this because this can destroy the very land we are trying to protect.

My question is what can we do about it? Thank you.

Mr. HUGHES. The gentleman from New Jersey, Mr. Guarini.

Mr. GUARINI. We would just like to make a quick wrap-up by Bill and Eliu and would you like to just make a statement and then I think the record would be fairly well complete.

Mr. HUGHES. Yes. In fact, we will leave the record open for 5 days for those who did not prepare or submit a written statement. Without objection they will be made a part of the record in full. We hope that you can keep your remarks very brief.

TESTIMONY OF BILL CONNELLY

Mr. CONNELLY. I would just like to make a few comments. One is from the ex-police director of Jersey City, Michael Bocesso [phonetic]. Tonnelle Avenue of Jersey City is known as Heroin Highway. The ex-police director estimated that 70 percent of the street crime in Jersey City was related to drug abuse, heroin addiction.

Another comment is that new definitions of crime are constantly emerging. What is considered criminal in one section of our State may be an acceptable behavior elsewhere. And I feel that that is something very evident for something as simple as pot smoking in Jersey. If we walked into Bayonne with half a joint, we would be arrested.

I think that the drug situation now is one of the most pressing issues in the urban area and it is a common problem to all of our urban areas. I think that the judges should have the authority to demand drug testing and it should be mandatory that methadone treatment be posted as position, as a treatment for the bail.

It is ludicrous that we can detect nuclear missiles tens of thousands of miles away, yet we cannot detect boats making million-dollar drug deals 2 and 3 miles off the New Jersey coast.

Another issue that should be a priority is civics, as Congressman Guarini stated before. It has been dropped from the curriculum. No longer is there an understanding of the court system, the judicial processes. It is no longer a respect for the law and the systems of courts.

Another priority that needs to be established is that of prevention. It is now currently mandated that in the New Jersey school systems, behavioral health philosophies be implemented in the curriculum. But when we talk of behavioral health as a means of prevention, we are not just talking of substance abuse. We are talking about the whole health realm. This includes juvenile prevention, drug prevention, alcohol prevention, and then there are the types of dysfunctional behavior which would prove a drain on the criminal justice system.

Presently, with the moneys that are coming down through the Federal grant, we have all these different category systems, the health, narcotics, alcoholism, mental health, criminal justice. Each system has prioritized prevention as a main emphasis through the current fiscal year. Yet, we are not moving in any focused attention and direction. Each system is establishing their own prevention base, their own research and statistical analysis and information obtaining. Presently, there are no linkages between these systems.

I think that this was one of the major problems which Congress faced when it tried to defend the budget in the budget cuts. Analysis and cost-effective benefit analysis were not available to be presented. A lot of the programs went through, but there was nothing showing from the benefits to be derived of all the money spent. I think that this is establishing the same mistakes that we have made with the other systems. With this emphasis, we need some mandates determined by the State systems so that we can move in a direction which will provide comprehensive prevention activities.

Thank you.

Mr. HUGHES. Thank you very much.

Mr. Rivera, do you have anything you would like to add?

TESTIMONY OF RAMON IRIZARRY, ATTORNEY, APPEARING ON BEHALF OF ELIU RIVERA AND PACO, INC., AND THE FAIR HOUSING FEDERATION OF JERSEY CITY

Mr. IRIZARRY. On behalf of PACO and the Fair Housing Federation of Jersey City, my name is Ramon Irizarry. I am an attorney.

We wanted to point out a very instant situation that has taken place in Hudson County and is international news. I think it is very important that the panel be informed about it. We have already requested, officially, through Congressman Guarini, congressional hearings specifically on the issue of arson for profit. Which we now call really murder for profit, because it has reached the level of specifically targeting the Spanish community of Hoboken.

Specifically, let me just give you some real quick statistics that I think will really impress and will really raise a lot of questions.

If you compare New York City that has a population of 7 million people with Hoboken that has a population of 40,000 only, and you compare the deaths by arson in the last 7 months, you will find

that New York City has lost 25 people while Hoboken has lost 28. This is in the last 7 months.

The people in Hoboken, the Spanish community Hoboken, at this point is very frustrated. There was a large demonstration in Hoboken this Saturday. There was a large demonstration in Hoboken last October, when approximately 16 people died as a result of arson for profit. But yet, the mechanism to deal with arson for profit is not there. Specifically, the roots of arson for profit have not been dealt with. Also, we have initiated our own independent investigation. We do not feel that the conditions that exist in Hudson County, in terms of our local government, in terms of the law enforcement agencies, are capable of stopping this epidemic.

Specifically, our investigation has shown the following: In six of the buildings, in the last few years, where you have multiple alarm fires, displacing tenants and killing many of the tenants, you have had immediately preceding these fires the building of condominiums. You have had, specifically, real estate agents involved in this process, in all the properties that they own, who are very suspicious in arson related fires.

Specifically, we have found that in the sale contracts—and there is at least two cases of this occurring—we have found that there have been specific provisions provided where the closing of the property will involve the total displacement of the tenants. In other words, in order for the process to take place the building will have to be totally empty. In the meantime, between the signing of the contract and the actual closing of the building, you have a fire with all the tenants displaced and several of the tenants have died.

Now, these specific instances are not just accidental. They are not accidental, because the situation in Hoboken shows that it is a booming real estate industry, that at least 25 percent of the stock in Hoboken, housing stock, has already been renovated. Probably the highest in the country. So you have a situation where the real estate industry is filling a gap of runaway factories and runaway shops. You have a situation where the local government has openly supported vacancy control, has not instituted any fire alarm ordinance that would at least attempt to prevent fires. You have a situation where the victims of fires, particularly of the fires in October, were walking the streets of Hoboken with 90-degree burns, with broken arms, broken legs, and there was not even a humanitarian effort to find them shelter. That is the kind of situation that you find.

Now, if there is an effort to bring middle-class people from New York and provide them with condominiums and housing, but yet, at the same time you have New Jersey with the most progressive tenant laws in the whole country, the most progressive tenant laws that prevent large-scale displacement, then the only alternative, the most logical alternative is arson for profit. And we have to understand that. We have to understand that it is not an accidental question, that 28 people in a population of 40,000 compared to New York, have died. It cannot be an accident, but it is a premeditated murder, it is just a murder, directed at a particular population to harass and to terrorize them.

I want to add to my presentation, by just giving you an example that ought to make people cry, if they are now willing to listen to our investigated problems.

Now, children normally, when they paint or when they draw, they draw nice pictures of homes and of flowers. Well, that is a problem in Hoboken. A problem in Hoboken that Spanish children have. And the children in Hoboken are no longer drawing flowers and nice buildings and houses. The children of Hoboken are drawing buildings burning with kids jumping out the windows and dying. Now, that is a psychological problem of the Holocaust in Germany. OK? So we have what we call a minimized genocide occurring in Hoboken.

And we do not feel at this point that our local authorities, Federal authorities, are capable or even willing to deal with the problem. It is going to take a direct congressional investigation into the problem.

We, therefore, recommend the following three points: No. 1, a full and thorough congressional investigation of arson for profit, focusing on the most hard hit areas in Hudson County, specifically Jersey City and Hoboken, as well as the majority of victimized populations which are the blacks, Hispanics, and low-income tenants. This investigation should be accompanied by public hearings utilizing congressional subpoena power and directed at those targeted areas. The records of the fire department, the records of the city, and records of real estate agencies that are functioning in the area should be subpoenaed.

No. 2, we ask for the immediate development and implementation of Federal financial commitment to enable community agencies and organizations, local government institutions, fire departments, and law enforcement agencies to identify potential areas of arson for profit and develop a preventive strategy in said areas, including the use of computerized statistical evaluation to centralize arson for profit data.

And No. 3, we call for a vigorous investigation of specific instances of arson for profit by means of a special Federal prosecutor assigned to Hudson County. And we have already begun some of this investigation and we will most gladly turn over to that Federal prosecutor.

Mr. HUGHES. We thank you for your statement. I did not realize that you had had such a high incidence of arson in your area.

[Statement of Eliu Rivera follows:]

STATEMENT OF ELIU RIVERA, EXECUTIVE DIRECTOR, PACO, PUERTORRIQUENOS ASOCIADOS FOR COMMUNITY ORGANIZATION, INC.

The focus of the statement to be made before the House Subcommittee on Crime is the need for a federal commitment to implement a long term strategy to reduce the opportunities and incentives for Arson For Profit. The strategy, Federal in Nature, should be based on a sharing of resources between the private sector and community organizations as well as coordination among city, state, and Federal Governments. The strategy will reach the higher risk buildings, that is, those in imminent danger of displacement and arson. Essentially the elements of the strategy include research, organizing, and community dedication tactics that are within the scope of residents and their community organizations.

The basis for a community based strategy supported by a Federal financial commitment is the belief that arson is really a housing question of what conditions, incentives, and opportunities give to the calculated destruction of the housing stock of

the inner cities in New Jersey. The answers are to be found in insurance practices and laws, methods of code enforcement, attitudes of the Courts toward slumlords, tax laws and other aspects of the deteriorating property situation in Jersey City, Hoboken and across the state, as well as in social factors, such as poverty and racism, that affect the way the problem is viewed.

Arson is often the last step in building and neighborhood decline following long histories of building neglect by landlords; lack of code enforcement by the city; complicated financial maneuvers to increase the values of buildings; insurance programs and practices which allow for the overinsurance of buildings; redlining by banks; and other actions which result in the withdrawal of services from specific neighborhoods.

There are several different scenarios for arson for profit, and these are the most important:

Insurance fraud.—This appears to be a major motive in arson for profit. This scenario finds a building being sold over and over among various owners, driving up the paper value of the building despite the real value of the building. Easy-to-get fire insurance is obtained for the paper value of the building, and the owner(s) is guaranteed a profit in insurance money. This type of insurance fraud can be perpetrated by a small ring consisting of a landlord and a few associates and family members, or may be the work of professional arson rings involving a variety of actors such as insurance agents, public adjusters, "straw" mortgagees, contractors, etc.

Stop loss fires.—This scenario also involves insurance fraud. This type is often used when owners are in a bind and need cash, or when properties are losing money. It often begins when a landlord has made as much money as he can from a building, and begins to cut back on repairs and services. Arson for profit is the last way for landlords like this to collect money from a building. A larger owner may use fires in selected buildings to provide the cash flow for work on his other buildings, or to acquire more property.

Parcelization and gentrification.—Parcelization fires may occur when the land is more valuable than the building on it, anywhere the building may be a liability in selling the land. Not only the insurance proceeds of the fire, but the sale of the land as well, may provide the profit. There fires would tend to occur where real estate values are rapidly increasing. Gentrification fires occur generally in urban areas where redevelopment is increasing the value of housing stock in rental areas. Such fires are a sure way to move the current tenants—often low-income minorities—out and to pave the way for rehab and rental to higher-income tenants. There fires may also be used to vacate building for conversion to condominiums, or to hasten vacancies in cities where rent control is followed by vacancy decontrol.

Partial loss or rehab fires.—This arson for profit scheme involves a partial fire in a building, occupied or vacant, which is being renovated. The insurance settlement helps to finance the rehabilitation work.

It is PACO's intention to concentrate on the problem of arson for profit in J.C. It is clear that Jersey City displays the conditions that provide the opportunities and incentives for most, if not all, of the arson for profit scenario illustrated above. Moreover, arson for profit is generally held to be the one type of arson most amenable to detection and prevention. The New Jersey Arson Task Force reports that, "Experts, on both the national level and within New Jersey, agree that of all forms of arson, arson for economic gain can be most effectively addressed . . ." Projects such as STOP (Symphony Tenants Organizing Project) and USE (Urban Educational Systems), both in Boston, have shown that neighborhood-based arson prevention projects can lead to a drastic reduction in arson.

Mr. HUGHES. You might be interested in knowing that in subsection 3 of the bill, we list arson as one of the major categories for funding. We are in the process of developing an "arson for profit" statute. We have some problems with Federal jurisdiction, because of the manner in which arson is defined, because it is related to explosives. We hope to be reporting out legislation in the very near future that will close that blind spot, so that we can have a very direct Federal involvement in arson investigations. So we appreciate your testimony.

Let me just say to the panel as a whole: Your testimony has been most helpful. I quite agree with you that we have just totally neglected witnesses and jurors. They are tremendously inconven-

ience. They are often harassed. They are not reimbursed for their actual expenses. And so I think it is very important that we develop a comprehensive strategy to try to assure witnesses that, first of all, they are important to the system. And second, to try to give them a better idea of what is occurring. They often do not know what disposition is made of the offense.

And your testimony was extremely important, Mr. Fabian, insofar as providing transportation, particularly for older witnesses, or others who do not have transportation. And to keep them abreast of what is happening in the case is extremely important.

One of the things subsection 11 of H.R. 4481 contemplates is that type of assistance, and we, too, think it is important.

So, again, we are grateful for your testimony.

The gentleman from New Jersey, Mr. Guarini.

Mr. GUARINI. Thank you, Mr. Chairman.

I am very pleased to have had the benefit of the testimony of this citizens' panel. You people are not the experts that have testified earlier, in that they spend their full time and effort and are paid in the system of administration of criminal justice. You people are the grassroots in that you understand the problems of the victim, the senior citizens, and the minorities, and the need for a more comprehensive program of criminal enforcement.

I am particularly happy to know, Mr. Chairman, that you were here to listen to the last statement that was made about arson. I show you a paper, a headline just this last week in the Jersey Journal, "The War Against Arson." It goes to show how important it is to all of us here, because arson for profit is one of the major crimes within the last few years in our community. And we list it in the categories as nonviolent crime. And if there is ever a violent crime where people are hurt and, indeed, murdered, it is this particular kind of a crime. I think they have pushed it into the wrong category. And our county here, where people are living so close together, so impacted upon each other, particularly in places like Hoboken and downtown Jersey City, where there is a fire, we have 10, 15, or 21 people wiped out at one time. I think that the newspapers in our county here have had more arson in the headlines in the last 2 or 3 years than any newspaper in any other part of our State or any other time in our own county.

So I think that arson is on the rise in this part of the State, with Newark having somewhat of a similar problem—is something that the Subcommittee on Crime should take cognizance of. And when they address themselves to arson and the whole criminal statute, they should take a particular hard look at this arson for profit, because it is one of the most insidious parts of our crime problem that we have in our State today.

Thank you, gentlemen.

Mr. HUGHES. I just want to add to that, that interstate arson rings are on the upswing. And you can almost track arson-related incidences with the unemployment rate and the bankruptcy filing rate. As bankruptcy filings go up and unemployment goes up, so does the incidence of arson.

So it is important for us to reinforce what the Bureau of Alcohol, Tobacco and Firearms has done. It is the prime agency in developing arson-related investigations, and particularly interstate arson,

and in rendering assistance to the fire and police departments. It is so important for us, No. 1, to try to insure that it is adequately funded, because it is essential to the local law enforcement agencies.

And No. 2, we do need an arson-for-profit strategy in this country. So I appreciate your testimony. It happens to be very pertinent, because we are in the process now of developing some arson legislation that will come before the House, hopefully before this session ends.

Mr. GUARINI. It also points out the fact that we do, indeed, need more multi-State planning.

Mr. HUGHES. No question about that.

Mr. GUARINI. We have been giving attention to each State as though it is a pigeonhole. I think, certainly, the time has arrived that we have to consider the interstate aspects of all forms of crime, because our country is a smaller country today than it was when it was in the Thirteen Original Colonies.

Mr. HUGHES. So we thank you for your testimony. You have been most helpful.

And I want to thank the audience for being so patient. I know that by this time you need to stand up. I apologize for running the hearing this long. I have a 3 o'clock appointment in Atlantic City, which I hope to make.

So at this time, the subcommittee will adjourn.

I want to say thank you, once again, to your Congressman Frank Guarini, because it was he who invited the subcommittee here and made the arrangements for the hearing. And to his fine staff, we say thank you, and to my own professional staff, thank you for doing a very good job.

Mr. GUARINI. May I thank you for your leadership and your staff for coming out of their way to come up to Hudson County and for all the good work you have been doing as a chairman. Thank you very much.

Mr. HUGHES. Thank you.

The subcommittee stands adjourned.

[Whereupon, at 1 p.m., the hearing was adjourned.]

[Additional statement follows:]

SUPREME COURT OF NEW JERSEY,
Perth Amboy, N.J., May 14, 1982.

Hon. WILLIAM J. HUGHES,
Atlantic Avenue,
Atlantic City, N.J.

DEAR CONGRESSMAN HUGHES: I appreciate very much your invitation to attend the hearings of the Subcommittee on Crime in Jersey City on May 17. Unfortunately, I will not be able to appear, but I would like to take this opportunity to share some thoughts on the role of the federal government in criminal justice.

As the House has recognized in passing your subcommittee's bill, H.R. 4481, earlier this year, the federal government has a legitimate role in assisting the states and local governments in their criminal justice efforts. While the primary responsibility for fighting crime is generally thought to be properly lodged with the state and local governments, there is no doubt that the problem of crime clearly is beyond the scope of individual states to resolve.

In New Jersey we have benefited from various LEAA programs through our State Law Enforcement Planning Agency. Whatever the faults of LEAA may have been, it spurred many states, including New Jersey, to develop significant improvements in criminal justice. Recently, using federal funds as seed money we have established an extremely effective statewide speedy trial program.

With only \$200,000 in federal funds and much concentrated effort from judges, public defenders, prosecutors, sheriffs, police and others, we have reduced in just one year the average time from arrest to trial of felony cases from twelve months to seven months. While the promising first year of our speedy trial program shows that a relatively small amount of federal assistance can make a big difference to the productivity of the criminal justice system, I must express my concern that diminishing resources threaten our effort to deal with an increased volume of cases at an accelerated pace.

During this first Speedy Trial year, we have demonstrated that better management and greater cooperative efforts can increase productivity, expedite cases, and reduce waste. But at some point, not yet clearly established, we will approach the limit of what can be done through internal management improvements. In some areas, such as defense and crime laboratory services, we have already reached that limit. There is no escaping the fact that more public defenders and more laboratory equipment are now needed in New Jersey. These cost money. The State in the past has willingly supported these efforts, but no one can be certain how much longer funds will continue to be available for these purposes given the fiscal constraints we now face. The additional investment required to sustain our Speedy Trial efforts is not large; yet without it the momentum we have established may come to a halt.

The subcommittee's bill offers a cooperative approach to increased funding for criminal justice. It establishes high matching requirements whereby the states and local governments would put their own resources alongside the federal funds in the projects they pursue. Our experience with Speedy Trial suggests that such funding should be considered, not for just one year alone, but on a longer term basis. Whether the four year limit prescribed in the bill is long enough can be debated, but the principle is sound. A federal offer of matching funds over a period of several years could yield the additional resources needed for continued and sustained improvement in criminal justice administration which otherwise might not be forthcoming.

The Judiciary must perform its criminal justice functions with maximum efficiency and effectiveness. As Chief Justice I have tried my best to see that it does so within available resources. The New Jersey Judiciary has speeded up dispositions, faithfully enforced the new sentencing code so that our jails are now bulging with prisoners, taken extraordinary steps to insure that mandatory prison terms are imposed on those carrying guns during the commission of crimes, and generally insured that our criminal laws are faithfully and strictly enforced to secure the deterrent effect of the criminal law.

Ordinarily my remarks would be limited to the points already raised. But the subcommittee has asked for general comments, and in that vein I will make one additional point in order to discharge my responsibility to the subcommittee. A strong criminal justice system addresses the problem of crime in terms of deterrence. Its thesis is that the certainty of apprehension, the swiftness of disposition, and the severity of sentence are the variables which can produce a significant reduction in crime. I would hope that the subcommittee would address, however, that body of opinion that holds it is equally important to address what some believe are the probable causes of crime and that indeed this may be the more promising federal role. It suggests that, at the very least, Congress should ask whether in addition to measures taken to directly strengthen the criminal justice system, it is essential, if any progress at all is to be made in this area, to address the problems of poverty, unemployment, poor education, broken families—all of the things that apparently have caused so many to lose all hope for a meaningful and productive life, to feel no stake whatsoever in society, the things that, when combined in an environment of racial hostility, have such potentially serious consequences for the country even beyond the statistics of crime.

It is obvious that whatever other approaches may accompany it, society's major response of greatly strengthening the effectiveness of the criminal justice system has the direct effect of overburdening our jails. It is critically important that the federal government remain available to assist our State financially if the prison statistics suggest that the prison space to be made available through the promising efforts of our state government may not be sufficient. Overcrowded prisons may have a substantial effect on the deterrent force of the criminal law, for they may not only force the early release of prisoners, they may also have an undesirable impact on the initial sentencing, no matter how hard anyone may try to prevent this.

The subcommittee's presence here in New Jersey is significant. It suggests that while the administration of criminal justice may be thought better left to the states, the problem of crime, both in scope and potential consequence, is a national problem. Whether this suggests the appropriate federal role is no longer restricted to assisting the states, but rather has become a primary role, is for the committee and Congress to consider. The fact that this is a national problem, however, must be the starting point in determining the appropriate federal role.

Sincerely,

ROBERT N. WILENTZ.

END