

1 STATE OF NEW JERSEY
2 COMMISSION OF INVESTIGATION

3 PUBLIC HEARING

4 -----
5 IN THE MATTER OF:
6 SUBVERSION OF FIREARMS
7 AMMO SALES
8 -----

9 State House Annex
10 West State Street
11 Trenton, New Jersey 08608
12 December 12, 2006

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	I N D E X	
	WITNESS	PAGE
1		
2	COMMISSIONER FLICKER Opening Statement	4
3		
4	CHARLOTTE GAAL THOMAS MALTESE By Mr. Lackey	7
5		
6	CONFIDENTIAL INFORMANT By Ms. Gaal	59
7		
8	CHRISTOPHER CHRISTIE Statement	73
9		
10	FRANK GUIDO FRANK CLAYTON By Mr. Kurzweil	102
11		
12	COMMISIONER HOBBS Statement	132
13		
14	GREGORY PAW Statement	134
15		
16	CHARLES A. KUYL By Mr. Ferreira	143
17		
18	BRIAN RUBINO JAMES A. SCULLY ROSENDO PEREZ By Mr. Kurzweil	161
19		
20		
21	FRANK RODGERS JOHN CUNHA By Ms. Gaal	194
22		
23		
24	COMMISSIONER FLICKER Closing Statement	242
25		

1		E X H I B I T S	
2	NUMBER	DESCRIPTION	PAGE
3	A-101	Chart, Requirements to purchase gun v. ammunition.	4, 12
4			
5	A-101A	Application for Firearm Purchase ID Card and Handgun Purchase Permit.	4, 14
6			
7	A-102	Map.	4, 21
8			
9	A-103	Photograph - ammunition purchased by confidential sources.	4, 31
10			
11	A-104	Photograph of hollow-points.	4, 32
12			
13	A-105	Photograph of hollow-points.	4, 33
14			
15	A-106	Photograph - ammunition purchased over Internet.	4, 48
16			
17	A-107A	Copy of Order for purchase of ammunition via the Internet, Cabela's website.	4, 49
18			
19	A-107B	Xerox copy of product description from Cabela's website.	4, 50
20			
21	A-107C	Warning Label.	4, 51
22			
23	A-108	Photograph of Dick's Sporting Goods bag and ammunition.	4, 105
24			
25	A-109	Photograph of ammunition "shopping list."	4, 105
	A-110	Sample Firearm Purchasers ID Card.	4, 210

1 (Exhibits A-101 through A-110 marked
2 prior to Hearing.)

3 COMMISSIONER FLICKER: Good morning,
4 ladies and gentlemen. My name is Kathy Flicker. I
5 am the Commissioner with the State Commission of
6 Investigation, and I welcome you to our Hearing on
7 ammunition. The Chair of our Commission, Cary
8 Edwards, apologizes profusely for not being here,
9 but any of you who live in New Jersey understand
10 what it's like when you're sitting on 287 in a
11 traffic jam caused by a major collision with a
12 tractor trailer. So he will be here as soon as he
13 can.

14 We are talking this morning and today
15 about ammunition. As many of you know, New Jersey
16 has some of the toughest gun control laws in the
17 nation. That's because as a state, we have taken
18 great pains over the years to try to ensure that
19 firearms; particularly, handguns do not fall into
20 the wrong hands. But what about ammunition? What
21 about the actual bullets? How well do we regulate
22 the bullets that make those guns lethal?

23 As this Hearing will show, the
24 Commission, through extensive investigation, has
25 found disturbing answers to those and other

1 questions; critical questions that bear directly
2 upon the government's fundamental duty to safeguard
3 the public.

4 On any given day in the State of New
5 Jersey in any county, anyone, anyone, can walk into
6 a gun shop or a sporting goods store and purchase
7 firearms ammunition in about as much time as it
8 takes to purchase a soccer ball. All you have to do
9 is display some form of personal proof of age
10 identification, pay the clerk, and away you go with
11 ammunition. You don't even need to demonstrate that
12 you possess the kinds of credentials you need to buy
13 a firearm. Even if you are expressly prohibited by
14 law from owning a gun, ammunition is another matter
15 entirely. You could be a convicted felon, a gang
16 member, someone with a history of violence, someone
17 with a history of mental disease, even a terrorist;
18 it doesn't matter. Bullets are yours for the buying
19 and it's legal.

20 This Hearing will detail an array of
21 alarming instances in which criminal informants
22 acting at the direction of our SCI investigators
23 bought a small arsenal of handgun ammunition from
24 retail outlets all over the state with no questions
25 asked. We found that individuals later identified

1 as members of the Bloods, a notorious street gang
2 purchased ammunitions at stores, in New Jersey, then
3 took target practice at a legitimate indoor firing
4 range.

5 A statewide analysis of crude
6 handwritten sales logs, the only form of record
7 keeping required of our stores revealed the purchase
8 of ammunition by dozens, dozens, of persons with
9 criminal records ranging from assaults on police
10 officers to domestic violence, to sex offenses and
11 ties to organized crime. In one case, 42 convicted
12 felons bought an estimated 15,000 rounds of
13 ammunition from the same store; and if staying at
14 home shopping is your preference, ammunition of all
15 sorts including particularly deadly hollow-nose
16 bullets, is just a few clicks away on an Internet
17 site.

18 This is a phenomenon which shows this
19 problem is not at all unique to one region or to one
20 state. Joining us today, as we examine these
21 profoundly troubling issues, are representatives of
22 local, state and federal law enforcement agencies.
23 They are here to help us understand the scope and
24 seriousness of the stark threat posed by readily
25 obtained guns and ammunition particularly in the

1 context of the exploding violence on our streets and
2 cities, and in our suburbs all throughout the state.
3 We are very grateful for their assistance and their
4 participation.

5 Finally, ladies and gentlemen, let me
6 remind all of you that the objectives of this
7 proceeding, as with all of the work we do at the
8 SCI, is to establish the facts dispassionately and
9 without regard to where they may lead us.

10 Ultimately, that factual record will
11 enable the State Commission of Investigation to
12 complete its statutory mandate to formulate and
13 recommend systemic reforms in the service of the
14 public.

15 Mr. Counsel, will you please call the
16 first witness.

17 MR. LACKEY: Thank you very much,
18 Commissioner. The Commission calls Charlotte Gaal
19 and Tom Maltese.

20
21 CHARLOTTE GAAL and THOMAS MALTESE, were
22 examined and testified as follows:

23 BY MR. LACKEY:

24 Q. Good morning, Ms. Gaal.

25 A. Good morning.

1 Q. Can you please state your name
2 and position for the record, please.

3 A. Yes. My name is Charlotte Gaal.
4 I'm Deputy Director and Chief counsel of the
5 State Commission of Investigation.

6 Q. How long have you been employed
7 with the Commission?

8 A. I've been employed at the
9 Commission since 1984. At that time, I held the
10 position of counsel.

11 Q. Can you tell us about your
12 relevant legal experience?

13 A. Sure. Prior to joining the SCI, I
14 was a Deputy Attorney General at the Division of
15 Criminal Justice here in New Jersey in the
16 Special Prosecution section. We handled
17 organized crime and official misconduct; and
18 prior to that, I served six and-a-half years as
19 an assistant prosecutor in the Camden County
20 Prosecutor's Office where we handled virtually
21 everything that we handle in a prosecutor's
22 office; and just prior to that job, for one
23 year, I was on the other side of the fence, and
24 I was a deputy public defender, also in Camden.

25 Q. Good morning to you, Mr. Maltese.

1 A. Good morning.

2 Q. Could you please state your name
3 and position for the record, please.

4 A. My name is Thomas Maltese. I'm
5 the Administrator of investigations for the State
6 Commission of Investigation.

7 Q. How long have you been employed
8 with the Commission?

9 A. I've been employed for three
10 years.

11 Q. Tell us about your relevant law
12 enforcement experience.

13 A. I'm entering my 37th year of law
14 enforcement experience. I was a Deputy Chief of
15 the Middlesex County Prosecutor's Office, Police
16 Director of North Brunswick Police Department,
17 and I was a contract agent for the National Drug
18 Intelligence Center, US Department of Justice.

19 Q. Going back to you, Deputy
20 Director Gaal, tell us how this investigation
21 began.

22 A. One of the functions the
23 Commission performs is the monitoring of
24 organized crime and other criminal activity in
25 the state; and in connection with that function,

1 we decided to take a look at street gangs and
2 criminal activity, just to see what the
3 situation was.

4 I think the backdrop of it is that
5 in 1993, the Commission issued what was then a
6 ground-breaking report -- in '94 we issued the
7 report, rather; and in '93, we held what was
8 then a ground-breaking Public Hearing on the
9 emergence of criminal street gangs in the
10 States. We were looking to see what was going
11 on. We were well aware of the fact that there
12 was and has been a continuing upward trend in
13 problems in that area.

14 So in connection with that
15 function, we learned from some law enforcement
16 folks that we talked to that they were concerned
17 that ammunition was so easily obtainable in New
18 Jersey. So that prompted us to start to take a
19 look at the problem.

20 Q. Let's look at the requirements to
21 purchase a gun in New Jersey. What are those
22 requirements?

23 A. I'm sort of going to summarize it
24 for Commissioners today. Essentially, we have a
25 fairly rigorous, I would say, protocol to

1 purchase a gun. There is an application, a
2 detailed sophisticated application process with
3 respect to handguns. You actually have to
4 obtain a permit to purchase each individual
5 handgun. So even if I'm cleared to buy a gun,
6 every time I want to buy a handgun, I need to
7 get a new permit to purchase that gun, and I
8 need to be over 21 years of age to do that.
9 There's also, with respect to long guns,
10 shotguns and rifles, a Firearm's Purchasers
11 Identification Card.

12 Again, you use the same
13 application; but in that case, you get one card,
14 which is essentially issued to you for life, and
15 you need to be over 18 to purchase those
16 weapons.

17 There's one other area, we're not
18 really going to be addressing it today, but it
19 should be mentioned, and that is with respect to
20 the purchase of machine guns and certain assault
21 weapons. Those require a license and a judicial
22 determination by a superior court judge.

23 Q. In all of the instances, all
24 three of the instances that you just explained,
25 must the individual be fingerprinted?

1 A. Yes.

2 Q. During the course of the
3 investigation, did you find a disparity between
4 requirements to purchase a gun and requirements
5 to purchase ammunition?

6 A. Disparity is probably a mild word.
7 We just found that there's an extraordinary
8 difference between what it takes to buy a gun in
9 the state legally and how easy it is to buy
10 ammunition.

11 Q. Well, let's look at some factors,
12 and instead of looking at it in a positive,
13 let's look at the prohibitions. Are there any
14 factors that can disqualify an individual from
15 purchasing a gun in a state?

16 Mr. Bodder, can you please put on
17 the screen Exhibit A-101.

18 Ma'am, I'm showing you what has
19 been marked as A-101. Do you recognize that
20 heading?

21 A. Yes, I do. It's the beginning of
22 a chart that we prepared for this Hearing. It
23 says Sales Prohibitions, and it compares the
24 prohibitions in place in New Jersey, guns versus
25 ammunition.

1 With respect to the prohibitions,
2 the first one, it really has to do with a
3 criminal record, criminal background. There is
4 a criminal history obtained for each individual;
5 and if you've been convicted of virtually first,
6 second, third or fourth degree crimes, you're
7 not to be able to purchase a gun.

8 The next, and we sort of
9 summarized these here for the Commissioners, is
10 anything affecting the public health, safety and
11 welfare. That's pretty wide open, but there are
12 a number of different reasons which could be
13 considered, which would prohibit an individual
14 from being able to buy a gun.

15 The next we have put there
16 "Mental, Medical and Alcoholic Background."
17 Now, that covers a number of disabilities. For
18 example, if a person is what's commonly
19 described as an alcoholic or a habitual
20 drunkard, a person who has been in a mental
21 institution or is in a mental institution,
22 things along that line.

23 Next is "Narcotics, Offenses,
24 Narcotics Use, Use of Controlled Dangerous
25 Substances." Any of those types of backgrounds

1 or criminal convictions in those areas would
2 prohibit an individual from being able to buy a
3 gun.

4 Next, the next category is an
5 interesting one. It's falsification of the
6 application itself. So if the applicant
7 provides false information, that, alone, can
8 prohibit them from being able to purchase a gun.

9 One of the things that's required
10 is for the individual to waive any rights they
11 have with respect to confidentiality concerning
12 prior mental or medical and so forth history.
13 It might be useful just at this point to show
14 the application; it's up on the screen now, it's
15 Exhibit A-101A.

16 I'm not going to go through it in
17 detail; but suffice it to say, that if you look
18 at it closely, it captures the kinds of
19 information we just talked about, and it
20 requires the individual to provide it and to
21 disclose it and to certify it, and if there's
22 any inaccuracies or falsehoods there, that could
23 result in the prohibition also.

24 If we could go back to the chart.
25 The next item we put -- I put up there is

1 domestic violence. That includes convictions
2 for it, as well as being the subject of a Court
3 Order. So we have situations where people have
4 Court Orders against them for domestic violence.
5 Those are the types of individuals that are not
6 permitted to buy guns in the state.

7 Q. We're looking at that long list
8 of prohibitions. What happens if a person
9 suffers the prohibition after they receive their
10 permit or firearm card?

11 A. Well, under the law, they are to
12 turn in their firearm card to the superintendent
13 of the state police who in turn is to notify
14 local police officers -- the local police
15 department, excuse me.

16 There's one more which we just put
17 up, "Other" up there. That includes a variety
18 of possible prohibitions. It could be physical
19 defects, which would make the person unable to
20 utilize or handle weapons. It also could be
21 persons that have renounced their citizenship,
22 things like that.

23 Q. And in contrast, what factors can
24 disqualify a person from purchasing ammunition?

25 A. This is pretty interesting. If we

1 put on the other side of the chart the
2 prohibitions for ammunition, it's essentially
3 being underage, and that's it. It doesn't
4 matter whether you have a criminal record. It
5 doesn't matter whether you've got any other
6 disabilities that would be a concern. The only
7 issue is really are you underage; are you under
8 21 trying to purchase handgun ammunition or
9 underage trying to purchase long-range
10 ammunition. That's it.

11 Q. Let's actually look at the other
12 side of the transaction and talk a little bit
13 about the retailers. Are there any limitations
14 on the physical structure of an ammo retailer's
15 place of business?

16 A. Yes, there are. The only
17 limitations are really security that needs to be
18 provided to secure weapons and handguns. And I
19 mention weapons, because often an ammunition
20 retailer is also a handgun seller; but other
21 than that, it's pretty open. They're sold from
22 a variety of facilities, from homes to stores
23 and large shopping malls.

24 Q. Do any specific examples come to
25 mind of some of the establishments?

1 A. Yeah. I thought a few of them
2 were of interest. We found a place which was a
3 luncheonette that sold ammunition. We found a
4 place that sold ammo and trailer sales, and
5 another one was auto parts and ammo were sold at
6 the same facility. So there's a wide range of
7 places.

8 Q. What are the requirements of a
9 retailer when he or she sells handgun ammunition
10 to an individual?

11 A. Essentially, the retailer is
12 required to be satisfied that the person is of
13 age to purchase the ammunition, and that they
14 have some type of acceptable identification.
15 That's essentially it. They have to be
16 identified. The retailer is required to log
17 information into a bound logbook; and as I've
18 mentioned earlier, there are specific security
19 requirements that are promulgated by the state
20 police, and there's also, you know, local
21 zoning laws and so forth; if they're not allowed
22 to retail out of home in their local community,
23 that would be a prohibition.

24 Q. Are these limitations
25 statutory -- these requirements I should say?

1 A. No. It's also interesting to note
2 that they're promulgated via the Administrative
3 Code almost alone, I guess alone, via the Code, and that
4 the Code is expiring in May of 2007.

5 Q. One of the things you mentioned
6 was a bound notebook. What information is
7 required to be captured in that notebook?

8 A. The retailer is to log into the
9 notebook at the time of the purchase, the date
10 of the purchase, the name of the purchaser, the
11 purchaser's address, the caliber and quantity
12 and manufacturer of the ammunition purchased,
13 what identification is supplied.

14 For example, if it's a driver's
15 license, they might note DL. If it's a
16 firearm's purchaser's identification card,
17 they'll note that, and the date of birth of the
18 purchaser is noted.

19 Q. Does the Administrative's Code
20 specifically require any type of identification,
21 does it require a photo ID, or does it give any
22 guidance in that area?

23 A. No.

24 Q. How many stores sell ammunition
25 in New Jersey?

1 A. As of my check yesterday. I think
2 there are 330, approximately 330 licensed
3 retailers. There are also wholesalers and
4 manufacturers. Those are not the type of
5 facilities we focused on today; but just for the
6 record, there are, I believe, about 22 licensed
7 wholesalers and manufacturers in the state, and
8 it should be known that each employee at a
9 facility who sells the ammunition also must go
10 through a rigorous process, and they get a
11 license or what's commonly known as a Pink Card.

12 It also should be noted that there
13 doesn't seem to be anything that relates or
14 covers Internet sellers.

15 Q. How many stores did the
16 Commission survey?

17 A. We surveyed 60 retail
18 establishments in the State of New Jersey.

19 Q. Was the number 60 sufficient for
20 the Commission to come to the conclusion that
21 there's a systemic problem with ammunition sales
22 in the State of New Jersey?

23 A. In our mind, there was. As you
24 will see and as we will demonstrate later in
25 this proceeding, there was overwhelming

1 information just in the 60; and I would note
2 that 60 is about 20 percent of the total. So
3 it's pretty significant.

4 Q. Was it in all of the counties in
5 the State of New Jersey?

6 A. We looked at establishments in 19
7 out of 21 counties.

8 Q. During the course of the
9 investigation, did the Commission staff analyze
10 the logs of the various stores that it surveyed?

11 A. Yes, they did. That was part of
12 the project.

13 Q. Did the Commission staff find any
14 discrepancies in the ammunition sales logs they
15 examined?

16 A. Well, what we found, first of all,
17 is what you would typically find when you were
18 looking at handwritten information. Some of it
19 looked like it was hastily written, difficult to
20 read in some cases, but discernible.

21 So they're all handwritten. They
22 didn't always capture the same information.
23 Sometimes we would find complete information as
24 what the driver's license was, other times we
25 didn't. Not all of them had the information,

1 not all of them, I think were written at the
2 same time, and I would note that most of them
3 seemed to use driver's licenses. At least as I
4 recall, driver's licenses were the form of
5 identification.

6 Q. Did your analysis of the handgun
7 ammunition logs reveal purchases by convicted
8 criminals?

9 A. Absolutely.

10 Q. Out of the 60 stores, how many
11 had sold ammunition to individuals with criminal
12 convictions?

13 A. Out of the 60 stores we surveyed,
14 we found 43 of the 60 stores had sold ammunition
15 to persons with criminal histories, which is
16 nearly, nearly, three-quarters of the stores we
17 looked at.

18 MR. LACKEY: Mr. Bodder, can you
19 please put Exhibit A-102 on the screen, please. Ms.
20 Gaal, I'm showing you what's been previously marked
21 as A-102. Do you recognize it?

22 A. Yes, I do.

23 Q. What is it?

24 A. It's a map of the State of New
25 Jersey that we prepared for this Hearing. It

1 shows in the form of red dots, which we call
2 "hits," retail establishments throughout the
3 state in which we found individuals with
4 criminal histories had either purchased
5 ammunition, found via the logs, or confidential
6 sources utilized by the Commission were able to
7 purchase ammunition.

8 So this represents the 43 hits
9 that I referred to a moment or two ago.

10 Q. Just to be clear, each red dot
11 represents a store that sold ammunition to
12 individuals with criminal convictions. Correct?

13 A. That's right. Each store -- each
14 dot represents one store. I just want to
15 clarify or elaborate on that answer. For
16 example, at one store alone, at one store alone,
17 we found 42 convicted persons had purchased over
18 15,000 rounds of ammunition in a four-year
19 period. Now, we didn't put up 42 dots. We put
20 up one dot. I just want to emphasize that each
21 of those dots can well represent multiple
22 individuals purchasing there.

23 Q. What types of criminal
24 convictions did the people on the ammunition
25 logs have?

1 A. It was a virtual shopping list of
2 convictions; but particularly, the kinds of
3 convictions that would, I think, concern the
4 average citizen for that individual to have
5 ammunition, and certainly the kinds of
6 convictions that would have prohibited the
7 individuals from being able to buy a gun.

8 Such types of crimes as aggravated
9 assault, drug convictions, domestic violence,
10 which you just heard a little while ago, is one
11 of the key prohibitions. Sexual offenses,
12 illegal possession of firearms and even child
13 abuse.

14 Q. Do any particular examples of
15 criminal convictions or individuals stand out in
16 your mind?

17 A. Yes. I picked three for today.
18 We had one individual who had convictions for
19 aggravated assault, possession of a handgun,
20 assault on a police officer, unlawful use of a
21 body armor vest, and possession of a weapon for
22 unlawful purpose.

23 In another instance, we had one
24 individual that had 18 arrests for a variety of
25 charges, and was at the time, and is currently a

1 fugitive from justice; so we have a fugitive
2 buying ammunition in New Jersey.

3 In another case, we had an
4 individual that had 12 felony convictions,
5 including assault, carrying prohibited weapon,
6 possession of a dangerous weapon, possession of
7 certain unlawful bullets, resisting arrest and
8 possession of burglary tools.

9 Q. Just so I'm clear, in each of the
10 three examples that you gave us, these
11 individuals were able to purchase handgun
12 ammunition in the State of New Jersey. Correct?

13 A. That's correct, and I probably
14 should emphasize that the logs that are
15 maintained are logs of sales of handgun
16 ammunition; that's the requirement. It's
17 handgun ammunition or ammunition for a rifle or
18 some other gun, long gun, that could be used in
19 a handgun. That's what's logged in.

20 Q. Just because the Commission of
21 Investigation was solely focused on handgun
22 ammunition; is that correct?

23 A. Yes, that was our sole focus,
24 handgun ammunition, and that's because that's
25 the kind of thing that's a serious problem on

1 the streets.

2 Q. Let me take you back to A-102.

3 Did the Commission determine if any of the
4 people with criminal records also had firearm
5 permits?

6 A. Yes. We took a look at that and
7 what we found is that relatively few of them had
8 a firearms permit at any time, and I'm going to
9 be very conservative and generous here with my
10 statistic, but I would say that less than ten
11 percent had ever had a firearms -- excuse me,
12 identification card. What's interesting about
13 that is that they now have criminal convictions.

14 So it highlights the problem where
15 individuals in New Jersey get a card, it's good
16 for life, because it has no expiration date, and
17 then they subsequently suffer some type of
18 disability including a conviction, but they
19 could still go out and buy ammunition and use it
20 as an identification.

21 Q. This actually supports our
22 discussion earlier about the long list of
23 prohibitions, and what happens if a person gets
24 a prohibition after they get the firearms card.

25 A. Exactly. Just as I said for

1 disabilities, it's also true for convictions.
2 The cards or the identification is supposed to
3 be surrendered at the time of the conviction,
4 but obviously things happen that local
5 department doesn't get it, or maybe it's a
6 federal conviction and they don't get it turned
7 in.

8 I would estimate -- you know, this
9 is just an estimate based on my conversations
10 with the state police, there's probably
11 thousands of people out there right now with
12 cards or identification that should have
13 surrendered it.

14 Q. Let's focus a little bit more on
15 the Commission's investigation. Did the
16 investigation reveal instances where juveniles
17 were able to purchase ammunition?

18 A. Yes.

19 Q. Did the Commission of
20 Investigation also reveal instances where people
21 under the legal age to purchase handgun -- I'm
22 sorry, to purchase a handgun were able to buy
23 handgun ammunition, and they were also on the
24 logs?

25 A. Yes, that's correct. We found

1 that people under the age of 21 were able to buy
2 handgun ammunition in the state.

3 Q. And lastly, did the investigation
4 reveal instances where documented street gang
5 members were able to purchase ammunition in the
6 State of New Jersey?

7 A. Yes.

8 Q. Chief Maltese, let's talk a
9 little bit about how this investigation was
10 conducted.

11 Did the Commission use undercover
12 operatives in its investigation?

13 A. Yes, we did, under the supervision
14 of SCI special agents.

15 Q. Did those operatives have
16 criminal convictions?

17 A. Yes, all of them did. Let me
18 highlight two. One was an affiliate, a strong
19 affiliate of a gang, street gang, and the other
20 one was another affiliate of organized crime.

21 Q. How were these operatives used?

22 A. What we did is under the
23 supervision of the special agents, they went
24 into retail stores and purchased ammunition.

25 Q. How many undercover purchases

1 were made?

2 A. We purchased 22 out of 25
3 attempts.

4 Q. Now, can you explain that a
5 little bit? What do you mean?

6 A. We went in and we bought
7 ammunition from 22 of the vendors. Three we
8 tried to push the envelope a little bit with
9 different identifications and they were refused.

10 Q. In how many counties over the
11 state did you attempt or did buy ammunition?

12 A. Eleven counties.

13 Q. Now, you told us about three
14 instances where your undercover operatives were
15 not able to purchase ammunition. You said you
16 did something with the identification?

17 A. Correct. It was an identification
18 problem. They would not sell, because, again,
19 we were pushing the envelope and tried to use
20 different types of identification.

21 Q. What types of identification did
22 the operatives have with them when they
23 attempted to purchase ammunition?

24 A. Well, they had several types.
25 They had driver's licenses, they had an ID card

1 from a county that looked like it went through a
2 washing machine a couple of times, the picture
3 kept falling off; they used that. They used
4 fraudulent identification, and one of our
5 undercover agents, special agents, has an ID
6 that puts him approximately 30 years older than
7 the undercover operative that we used and
8 probably about 30 pounds heavier and we used
9 that, gave that to the operative, he went in and
10 purchased, no problem, ammunition.

11 Q. Just so I'm clear.

12 A. Go ahead.

13 Q. You had an undercover operative
14 go in with an identification that showed him 30
15 pounds heavier and 30 years older, yet he was
16 still able to purchase, or she, purchase
17 ammunition in the State of New Jersey?

18 A. Yes. That's correct.

19 Q. How much handgun ammunition did
20 your operatives buy?

21 A. We bought approximately 2000
22 rounds, but we could have purchased 20,000
23 rounds. The State is in a bit of an economic
24 crunch so we tried to economize.

25 Q. Two thousand rounds?

1 A. Two thousand rounds, yes.

2 Q. Is that ammunition here today?

3 A. Yes.

4 Q. Can you show us?

5 A. Absolutely.

6 Q. Okay. Chief, if you could, could
7 you stand by the cart I'd like to walk through a
8 little bit of what is on that cart. You told us
9 that your operatives -- this is all ammunition
10 that your operatives bought. Correct?

11 A. That's correct.

12 Q. And could you walk us through the
13 different types and calibers that you have
14 there?

15 A. Yes. We have 9 mm -- most of the
16 ammunition is 9 mm. We have .40 caliber and
17 .357 magnum.

18 Q. Were any of those ammunition in
19 the form of the hollow-point bullet?

20 A. Yes, most of them are. Most of
21 them are hollow-points, hollow-point ammunition,
22 yes.

23 Q. What you pulled from those
24 containers were examples of hollow-point
25 ammunition; is that correct?

1 A. That's correct.

2 MR. LACKEY: Mr. Bodder, could you
3 put Exhibit A-103 on the screen please. Sir, I'm
4 showing you what's on the screen. If you could,
5 Mr. Maltese, take a look at the screen. Does that
6 represent the ammunition that was purchased and
7 that's represented on that cart?

8 A. Yes, that's it.

9 Q. That's all ammunition that was
10 purchased through the undercover operatives;
11 correct?

12 A. That's correct.

13 Q. All right. You can take your
14 seat, sir.

15 A. Okay. We also have one bullet
16 taken out of each rack. We fired them to make
17 sure that they were all okay and they all fired.

18 Q. Just so we're clear, you took
19 from each one of those different boxes, you said
20 rack, from each one of those boxes of ammo?

21 A. Yes.

22 Q. You test fired it?

23 A. Yes, we did.

24 Q. And in each one of those
25 instances, the bullets worked?

1 A. Yes.

2 Q. Looking at that cart and also
3 looking at Exhibit A-103, is that the same type
4 of handgun ammunition that is prevalent on our
5 streets today?

6 A. Absolutely, yes.

7 Q. How do you come to that
8 conclusion?

9 A. Well, through studies that have
10 taken place throughout the state and the
11 country, physical evidence used in many
12 homicides and throughout the state, intelligence
13 from gang experts in the field that personally
14 told me that this is the ammunition that is out
15 there right now.

16 Q. Chief, let's focus our attention
17 for a moment on hollow-point bullets. I know
18 you touched on a couple of examples there.

19 Mr. Bodder, could you please
20 place Exhibit A-104 on the screen.

21 Sir, I'm showing you what's been
22 previously marked as Exhibit A-104 on the
23 screen. Do you recognize that?

24 A. Yes, I do.

25 Q. What is it?

1 A. That's a hollow-point bullet.

2 Q. Now, is that one bullet or four
3 bullets?

4 A. That's four different bullets at
5 different stages, yes.

6 Q. Could you walk us through the
7 various stages going from the furthest right to
8 left.

9 A. Okay. This is a side portion of
10 the head of the bullet taken off its cartridge
11 here. This is a top view showing the
12 hollow-point exposing the lead inside. This is
13 how it hits. It's unlike a round ammunition,
14 which I don't know if I could demonstrate here.

15 A ball ammunition, a round ball,
16 can hit the human body and if it doesn't hit a
17 bone or anything, it could actually go right
18 through. In this case, these bullets are made
19 to -- as soon as it hits the human body, to
20 flatten out and cause destruction.

21 Q. Mr. Bodder, could you please
22 place Exhibit A-105 on the screen, please.

23 Sir, I'm showing you what's been
24 previously marked as A-105. Do you recognize
25 that?

1 A. Yes, that's just what I'm talking
2 about. It flattens out, as soon as it hits
3 tissue and creates havoc inside the human body.

4 Q. Sir, you're no ammunition expert,
5 though?

6 A. Absolutely not.

7 Q. But you have 37 years of law
8 enforcement experience. Correct?

9 A. All done mostly on the streets of
10 New Jersey, yes.

11 Q. And now going back to our
12 investigation, isn't it true that the cop -- undercover
13 operatives were readily able to purchase the
14 type of ammunition that's shown on A-105 in
15 retailers in the State of New Jersey?

16 A. Yes. Surprisingly, in essence,
17 it's quite easy for these individuals with
18 criminal records to simply purchase this type of
19 ammunition, yes.

20 Q. Ms. Gaal, are there any laws -- I
21 guess any laws that govern the sale of
22 hollow-point bullets?

23 A. Yes. Hollow-points are
24 specifically referenced in the statute. It's
25 somewhat interesting in light of what we found.

1 Essentially hollow-points are not supposed to be
2 out on the street, and I think it looks from the
3 legislation, like the intent was to prohibit
4 their sale in general and to prohibit them from
5 being on the street to anyone other than law
6 enforcement. It's a fourth degree crime for
7 individuals to have hollow-points other than in
8 certain places. One of the places is at home.
9 So you can buy hollow-points if you take them
10 home or to a place that you control.

11 On the other hand, we found
12 hollow-points readily available through the
13 procedure that we used, and we also found an
14 extraordinary disparity in the understanding of
15 the retail sellers. They said we have different
16 things coming from different sellers.

17 In one case, we attempted to buy
18 hollow-points and I think the seller said I
19 can't sell it, I can only sell it to a police
20 officer. In other cases, they just were not
21 sure what had to be done. They do have to log
22 it, put it in the logs. I think in one case
23 they told someone make sure you take this home.
24 So hollow-points are covered in the statute.

25 Q. Your investigation revealed that

1 there was some confusion at the retail level as
2 to how this ammunition is to be handled?

3 A. Yes, and that it is readily
4 available for anyone who wants to buy it.

5 Q. Chief Maltese, were there ever
6 any instances where your undercover operatives
7 were denied hollow-point purchases?

8 A. Yes, the three times I told you
9 about with the identification problem.

10 Q. When your operatives and your
11 agents were on the street, were there comments
12 made by some of the retailers about the purchase
13 of the hollow-point bullets?

14 A. Well, one of the operatives went
15 into the store, the retailer was talking to
16 another customer, sold him a box of ammunition
17 and did not log it in because he said he was too
18 busy. He said I'm too busy, just take the ammo.

19 Another one, upon giving and
20 handing it over to our operative -- now you have
21 to understand, our operatives were dressed down,
22 looked like they did come off the street in some
23 cases, and the retailer said who are you going
24 to kill with this box? So these are just little
25 comments that we heard, and I thought would be

1 noteworthy.

2 Q. Moving away from the hollow-point
3 bullets and talking about repetitive purchases,
4 during your investigation, did you find
5 instances where repetitive purchases of
6 ammunition were made over a short period of time
7 by one individual?

8 A. Yes. Actually, we saw several
9 individuals buying repetitive times. One
10 individual purchased 120 times in three years
11 for a total of over 7,000 rounds, and he had a
12 series of serious weapons charges, convicted.

13 Another individual purchased 600
14 rounds in six and-a-half months; plain English,
15 this guy's rap sheet or as we know his criminal
16 history is longer than both of my arms including
17 sex offenses, drugs, weapons offenses, failure
18 to register as a sex offender at least on two
19 occasions, and he had this available to him,
20 yes.

21 Q. So a convicted felon was able to
22 buy, did you say, 600 rounds?

23 A. Six hundred rounds in six months.

24 Q. In six months, in the State of
25 New Jersey. Correct?

1 A. Yes.

2 Q. What is a "straw" purchase?

3 A. Well, let me put it in context of
4 this investigation. A straw purchase is simply
5 somebody else buying ammunition for, again,
6 someone else, acts as an intermediary for the
7 purpose of basically hiding their identity.

8 Q. Well, we have talked for the last
9 30 minutes or so about the requirements to
10 purchase ammunition, and they seem, at best,
11 lax. Why would an individual need to use
12 someone to purchase ammunition for them in light
13 of those lax requirements.

14 A. The most obvious is to avoid law
15 enforcement scrutiny. Another one is to avoid a
16 paper trail. If you do a crime and then go into
17 a store to find out if that purchase took place
18 by an individual, they wouldn't be able to find
19 them.

20 Q. Did the Commission's
21 investigation reveal any specific examples of
22 this type of conduct?

23 A. Yes. Let me highlight. One is
24 that a Latin King member, a bona fide Latin King
25 gang member at a retail store with his

1 girlfriend told the retailer I'll take a box of
2 this type of ammunition, she'll sign for it.
3 She looked at him and supposedly, according to
4 the retailer, said again? And he said, yeah,
5 just sign your name to it. So in essence, she
6 bought it under her name for him.

7 Another one was a female Blood
8 affiliate; same thing, made several purchases;
9 as a matter of fact, over 22 that we can
10 document for other gang members. Then also a
11 Blood male, when I said Blood affiliate, of the
12 Bloods, purchased a large amount, actually had a
13 shopping list, which you'll hear about later.

14 Q. All of those examples talk a
15 little bit about some type of gang affiliation.
16 Are there any other reasons that a person would
17 purchase ammunition for another that you
18 uncovered during this investigation?

19 A. Well, according to a very reliable
20 federal agent, he has seen it in portions of the
21 state being exchanged for heroin on the street,
22 ammunition for heroin, using that person's
23 identity, I guess to purchase the box and then
24 trading it for heroin, for cash, and also for
25 protection.

1 We have some people that live in
2 neighborhoods that are gang riddled, and they
3 are told to go in and purchase a box of
4 ammunition occasionally.

5 Q. So actually the ammo purchases
6 act as some form of protection for them?

7 A. Absolutely, yes.

8 Q. Did you ever find any examples or
9 hear of anything on the street about people
10 actually getting paid to purchase ammo for
11 another?

12 A. Yes.

13 Q. Deputy Director Gaal, clearly
14 those examples that Chief Maltese just gave us
15 were suspicious purchases. What recourse do
16 store owners have when they feel someone is
17 suspicious and they are purchasing handgun
18 ammunition?

19 A. Before I answer the question, I
20 think it might be useful if I just clarify the
21 role of the store owners. I think I would like
22 to mention that they were overall very
23 cooperative. We found them to be doing, you
24 know, what the law required in general; and
25 frankly, the way the system is setup in New

1 Jersey, they're essentially the front line of
2 defense.

3 It's up to the retail store owner
4 to make some kind of determination as best they
5 can as to whether this person is suspicious or
6 not. They don't have any information as to
7 someone's criminal history or background or
8 anything else. We also found that the state
9 police who oversee this are doing a good job.
10 They're out there, they're inspecting these
11 places, checking the logs. We went out to many
12 store owners that had just been inspected. So I
13 think everyone is doing what they're supposed to
14 do.

15 However, when we talk to the
16 retail shop owners and store owners and sellers,
17 they don't know whether they can or cannot sell
18 in some instances. They think they're required
19 to sell to everyone because they have a store,
20 and they think they have to sell to everyone.

21 Now, arguably, they're not
22 required to sell if they're suspicious of
23 someone, or if they see someone that, say, is
24 visibly intoxicated. Maybe then it's easy for
25 them to say no. But otherwise, they feel

1 they're required to sell. They also feel
2 intimidated. When they see an individual that
3 looks scary, that looks perhaps to be of a
4 criminal element or a person off the street,
5 perhaps someone that's wearing gang colors.

6 They're intimidated; and they feel
7 if they don't sell, there could be retaliation
8 to them or their store later. They're scared.
9 They're also afraid of legal ramifications, and
10 they've told us that. They're afraid if they
11 don't sell to somebody, they're going to get
12 sued, and so that's another issue for store
13 owners.

14 Q. During the investigation, did you
15 find instances where retailers had attempted or
16 did make contact with their local police
17 department?

18 A. Yes, we did. We found instances
19 where store owners or shopkeepers notified their
20 local police department after a suspicious sale
21 or a suspicious individual was in their store.

22 Q. Do you have any examples
23 specifically that you can tell the Commissioners
24 about?

25 A. Yes. I should mention that one of

1 the reasons we cannot give a lot of information
2 out about specific scenarios is because many of
3 these scenarios involve open and active criminal
4 cases, as it's turned out, which is particularly
5 interesting that criminal cases in this state
6 involve ammunition lawfully bought at New Jersey
7 stores. Not through the black market, not
8 brought in from another state, but bought right
9 here in New Jersey.

10 To give you just one example of
11 what happened, an individual went into a store
12 in New Jersey and asked to buy handgun
13 ammunition. When the shopkeeper put out the
14 ammunition, he noticed that the buyer used his
15 t-shirt or undershirt to pick up one of the
16 bullets. So in other words, he shielded his
17 fingertips from the bullet; he used the shirt.
18 Seemingly, to prevented his fingerprints from
19 being placed on the bullet. Then the buyer
20 asked the shop owner why he was logging in the
21 information and the buyer said to the shop
22 owner, this stuff isn't traceable.

23 All of that caused the shop owner
24 to be concerned about this individual. He
25 contacted his local police department, the shop

1 owner reported the sale, reported the caliber of
2 the handgun ammunition and his concerns. A full
3 six months later, six months go by, and there is
4 an attempted murder in another county in New
5 Jersey.

6 The police officers in that county
7 were trying to solve that murder and put out, I
8 believe, an intelligence bulletin or request for
9 anyone having any information about the
10 particular caliber ammunition that had been
11 utilized in that attempted murder. The police
12 department back in the shop owner's hometown saw
13 the bulletin, contacted the other department,
14 put those folks in contact with the shop owner,
15 and it turns out that that ammunition apparently
16 was the ammunition that was utilized in the
17 attempted murder.

18 I should also like to mention that
19 the buyer was not believed -- I don't believe
20 was the shooter. Both the gun and ammunition
21 were transferred to someone else who used it in
22 the attempted murder. So that's an example of
23 what shop owners see and what they do. The
24 purchaser in that case, by the way, had a
25 criminal record.

1 Q. Let's stay on the local police
2 issue just for a moment. Let's actually talk
3 about it by example. Can the Cherry Hill Police
4 Department, for example, go into their local gun
5 retailer locations in their jurisdiction and
6 look at the logs?

7 A. No, they cannot. The logs are
8 only available for, I believe it's called
9 administrative purposes, to the New Jersey State
10 Police. Any jurisdictional office cannot have
11 access. So that would mean prosecutor's
12 offices, police departments, sheriff's
13 departments; they can't get access to the sales
14 records.

15 Q. Chief Maltese, back to you. We
16 have talked extensively about brick and mortar
17 as it's called these days, sales, in the State
18 of New Jersey, but that's not the only way that
19 ammunition can come into this state. Correct?

20 A. That's correct.

21 Q. It can actually be purchased via
22 the Internet. Correct?

23 A. Yes.

24 Q. During this investigation, did
25 the Commission staff make any purchases over the

1 Internet?

2 A. Yes, we did.

3 Q. Can you tell us about that?

4 A. We purchased 9 mm and .357 magnum
5 handgun ammunition.

6 Q. How many Internet purchases,
7 individual purchases, were made?

8 A. Between four and six. What we did
9 is actually we wanted to see how easy it was to
10 purchase over the Internet. I had one of my
11 agents, I assigned him that task; and in 20
12 minutes, came back into my office and said he
13 made his first purchase. I didn't believe it
14 was that easy so I tried it myself and found out
15 it was like buying a toaster or a coat over the
16 Internet. It was very simple, very easy.

17 Q. So you, yourself, Chief,
18 purchased handgun ammunition over the Internet?

19 A. That's correct, yes.

20 Q. How many purchases did you make?

21 A. I made two. I made my first
22 purchase was relatively small. It was, I
23 believe, 50 9 mm hollow-points.

24 Q. What about your subsequent
25 purchase?

1 A. I'll show you what the second one
2 was. It was from a national retailer. This is
3 1,200 rounds of .357 magnum ammunition. It's
4 one of the most powerful handgun ammunitions,
5 hollow-points. Each one of these cases are
6 filled with them.

7 Q. So you bought 1,200 rounds of
8 hollow-point ammunition over the Internet?

9 A. As easy as buying a toaster or a
10 coat, yes.

11 Q. From the web page, and they
12 shipped it directly to your home or office, sir?

13 A. Well, again, I was pushing the
14 envelope. I had them deliver it right to my
15 office.

16 Q. You had them deliver it to the
17 State Commission of Investigation?

18 A. Yes. Not under that name, under
19 my own name, yes.

20 Q. Well, let's talk a little bit
21 about the purchase itself. You've got 1,200
22 rounds of hollow-point ammunition. What was the
23 identification requirements in order for you to
24 make that purchase?

25 A. My credit card; that was it.

1 Q. Let me ask you a different
2 question. I asked for identification. They
3 didn't ask for identification?

4 A. My name and a credit card; that
5 was it.

6 Q. No driver's license?

7 A. No.

8 Q. Actually, you hold a firearm
9 card. Right?

10 A. Personally, yes.

11 Q. Did they ask for that?

12 A. No.

13 Q. No DL. Did they ask for your
14 date of birth?

15 A. No.

16 Q. So it got no firearm card, no
17 date of birth and no driver's license. Correct?

18 A. That's correct.

19 MR. LACKEY: Mr. Bodder, can you put
20 up Exhibit A-106 on the screen. I'm showing you a
21 photograph that has been previously marked for
22 identification as A-106. Do you recognize that?

23 A. Yes, that is the ammunition that
24 was purchased over the Internet. Let me draw
25 your attention to the middle one here. This box

1 here says, and it's quite distinctive right on
2 the box, it says "For Law Enforcement Only." We
3 purchased that over the Internet, too. That's a
4 hydroshock ammunition, which is even a little
5 more powerful, it's my understanding, a little
6 more powerful than the hollow-points.

7 Q. And you were able to buy that
8 ammunition over the Internet?

9 A. Yes.

10 Q. You said you had some of your
11 staff make purchases. They had that ammunition
12 delivered within the State of New Jersey as
13 well. Correct?

14 A. That's correct.

15 MR. LACKEY: Mr. Bodder, can you put
16 up Exhibit A-107A.

17 Q. I'm showing you what's been
18 previously marked for identification as A-107A.
19 Do you recognize that exhibit?

20 A. Yes, I do.

21 Q. That actually takes us back to
22 your Internet purchase. Correct?

23 A. That's correct.

24 Q. Now, is that the way the Internet
25 screen looked when you made your Internet

1 purchase?

2 A. Yes, that page was a little longer
3 but yes, that's it.

4 Q. Taking a step back, we see
5 there's a retailer there listed. How did you
6 select the vendors that you purchased from? You
7 made two purchases. Correct?

8 A. Randomly. I looked for a national
9 company. See, again, after I bought the first
10 time, I just wanted to see if a national
11 company -- I'm sure they had more restraints
12 than what came up.

13 Q. Just so we're clear, this
14 specific retailer and the other retailer you
15 chose were done completely randomly. Correct?

16 A. That's correct.

17 MR. LACKEY: Mr. Bodder, could you
18 please put up Exhibit A-107B.

19 Q. Now, is that the remainder -- I'm
20 showing you A-107 B. Do you recognize that?

21 A. Yes, that's the continuation of
22 that page.

23 Q. That's actually the rest of that
24 web page that you purchased your ammunition
25 from. Correct?

1 A. That's correct.

2 Q. All right.

3 MR. LACKEY: Actually, Mr. Bodder,
4 can you take us back to A-107A. Looking back at
5 A-107A, that actually shows the caliber and the type
6 of ammunition you bought; is that correct?

7 A. That's correct.

8 Q. Is that a .357 magnum?

9 A. Yes.

10 Q. And just to make sure we're
11 clear, hollow-point ammunition. Correct?

12 A. Jacketed hollow-point ammunition.
13 Yes.

14 MR. LACKEY: Now, Mr. Bodder can you
15 take us to Exhibit A-107C. When you looked at B,
16 there was a little yellow blurb there. What we have
17 done in Exhibit A-107C, we have kind of blown it up.
18 Do you recognize that Warning, sir?

19 A. Yes, it was on that page, yes.

20 Q. That was on the web page that you
21 purchased from the large retailer. Correct?

22 A. That's correct.

23 Q. Could you tell us what that
24 Warning says?

25 A. It says, "You must be 18 or older

1 to purchase ammunition. All ammunition will be
2 shipped ground UPS. For safety reasons, we do
3 not accept returns on ammunition." That was
4 highlighted. "Always make sure that you use the
5 correct ammunition for your specific firearm.
6 Check your local laws for any other
7 regulations."

8 Q. Is there more? Doesn't it say
9 "Attention"?

10 A. Underneath that there is another
11 box that says, "Attention residents of Delaware,
12 Washington, DC, Illinois, Massachusetts, New
13 York and Ohio. Please check your local laws for
14 restrictions before ordering any ammunition
15 products."

16 Q. Let me take you back up to the
17 first box. It says, "You must be 18 or older to
18 purchase ammunition." That's the first
19 sentence. Correct?

20 A. That's correct.

21 Q. But didn't you tell us that they
22 didn't take your DOB, your date of birth?

23 A. That's correct.

24 Q. They didn't take your driver's
25 license. Correct?

1 A. That's correct.

2 Q. So how did they verify that you
3 were over 18?

4 A. As far as I know, they did not.

5 Q. Deputy Director Gaal.

6 A. Yes.

7 Q. Taking a look at Exhibit A-107C.

8 Do you have any comments regarding the legal
9 sufficiency of that warning?

10 A. I think it's ludicrous. The idea
11 that an individual who is to read that, if you
12 were bent on buying ammunition, whether you were
13 under 18 or under 21 and you were going to buy
14 ammunition, I don't think that is going to stop
15 anybody from buying anything; obviously, it
16 doesn't.

17 The other thing I would note is
18 that in New Jersey, you're not supposed to be
19 able to even get handgun ammunition if you're
20 under 21. So that doesn't even apply to us.

21 Also, I note that there are other
22 states listed there. They have a little
23 different requirements than we do. New Jersey,
24 you'll notice isn't even listed up there as one
25 of the ones that would have any prohibitions on

1 buying it this way.

2 Q. Talking about those other states,
3 are you aware of any other states that have
4 actually banned the selling of ammunition via
5 the Internet?

6 A. I haven't seen it per se. We're
7 looking at it. We have a project now. We'll
8 have it analyzed completely by the time the
9 final report comes out. I haven't seen, per se,
10 a ban on Internet sales. They seem to be
11 dealing with it in a variety of ways.

12 Other states, I think, are dealing
13 with the problem. For example, we saw
14 Massachusetts using civil remedies to block
15 Internet sales to unlicensed purchasers, and
16 doing it by requiring the seller to have a
17 proper state license and facility in the state,
18 so that's one way to do it.

19 Another state -- you'll see
20 Illinois is up there. That state requires
21 that -- well, this particular seller wouldn't be
22 able to sell to an Illinois resident. An
23 Illinois resident would have to call in their
24 order, and then follow the order up with a copy
25 of their driver's license, which I believe has a

1 photo, as well as a Firearms Purchaser Card by
2 mail or fax. Again, they can only purchase as
3 long as those cards are valid.

4 In DC, I think the ammunition
5 purchase must actually match the caliber on the
6 certification that you carry. So individuals
7 get certifications for certain type of weapons.
8 They can only purchase ammunition that matches
9 that weapon.

10 With respect to Illinois, the
11 ammunition can only be sent to the address on
12 your purchaser's identification card and the
13 firearms ID card there has a photograph. So a
14 variety of things are going on across the
15 country.

16 Q. So it looks as though some states
17 have taken action to be able to at least put
18 some restrictions on the Internet sales,
19 because, as Chief Maltese found, it was very
20 easy to purchase ammunition over the Internet.

21 A. Actually, I think it's still tied
22 to the proliferation of violence.

23 MR. LACKEY: Mr. Bodder, could you
24 take us back to Exhibit-101.

25 Q. Ms. Gaal, in summary, can you

1 tell the Commissioners the highlights of what
2 this investigation revealed.

3 A. Well, I think the most significant
4 highlight probably was the ease with which
5 people can buy ammunition in this state. And
6 this is a personal comment, but it's the seeming
7 disparity between the way we treat ammunition,
8 and the way we treat other concerns of the
9 public.

10 As our executive director has been
11 wanting to say throughout this investigation,
12 guns don't kill, bullets do. Yet, they're
13 available for everyone. We thought about this
14 investigation, and it almost seems like it's
15 ammunition for the masses; anybody can get it.

16 If you think about, for example,
17 the way we police the sale of cigarettes to
18 underage individuals, and I'm not saying we
19 shouldn't be doing it; that's an important
20 public health issue. We really have stricter
21 statutes, we have real penalties, we have
22 undercover people going in to see if people are
23 selling to juveniles. We don't have that with
24 respect to ammunition.

25 On an almost humorous note, I

1 would mention that I, myself, went through an
2 incredibly rigorous process this year to adopt a
3 dog that had been abandoned at an animal
4 shelter. I had to supply so much more
5 information to keep that dog than people buying
6 hollow-point ammunition in the state. We had to
7 provide driver's licenses, proof of residence,
8 we had home visits, we had to apply to everybody
9 in the family and it took weeks.

10 So you had that cooling-off
11 period, which is really important for ammunition
12 sales. I think that was the most startling
13 thing, the ease with which it's available, and
14 here we are going into 2007, and nothing has
15 really changed with respect to the ease with
16 which people can get ammunition.

17 One last comment: Last week I
18 happened to speak to a New Jersey State Trooper
19 who spontaneously said to me when he learned
20 this Hearing was coming up, he said to me he was
21 so glad that someone was dealing with this and
22 talking about it, because he can remember when
23 he was out on the street, you know, he spent
24 years on the road, and that he remembers
25 attempting to arrest a perpetrator who had

1 ditched the gun, and all he had on him was the
2 bullets, and there was nothing he could do.

3 He knew the guy was a bad guy, and
4 there was nothing he could do. So he thought it
5 was a long time coming. That's all I have.

6 Q. Thank you so much. Thank you
7 Chief Maltese. Thank you Deputy Director Gaal.
8 I have no further questions for these witnesses.

9 Commissioner Mariniello, do you
10 have questions, sir?

11 COMMISSIONER MARINIELLO: I think in
12 light of the time, we're going to move on to the
13 next set of witnesses. Thank you both for your
14 presentation, but we are on a strict time limit
15 today. Thank you both very much. We just need a
16 short break.

17 (Recess occurred.)

18 COMMISSIONER FLICKER: Ladies and
19 gentlemen, would you please take your seats again.

20 Director Gaal, are you prepared to
21 proceed?

22 DEPUTY DIRECTOR GAAL: Yes, I am.

23 COMMISSIONER FLICKER: Please call
24 your witness.

25 DEPUTY DIRECTOR GAAL: The next

1 witness is a confidential informant who is going to
2 be testifying in another location. We are shielding
3 his identity. In order to make sure this works
4 electronically, I want to ask a few questions to
5 make sure we hear the person and the person hears
6 me.

7
8 CONFIDENTIAL INFORMANT, was examined and
9 testified as follows:

10
11 EXAMINATION BY MS. GAAL:

12 Q. Mr. Smith, can you hear me?

13 A. Yes.

14 Q. You can hear me?

15 A. Yes. Good morning.

16 Q. Give me that answer again.

17 A. Yes. Good morning.

18 Q. How was the weather today?

19 A. The weather was nice.

20 Q. Did you come in a car? Did you
21 ride in a car today?

22 A. Yes, I did -- yes, I did.

23 Q. We're going to get started. You
24 remember we spoke before, and I'm going to ask
25 you some questions concerning your purchasing

1 ammunition in the State of New Jersey, okay?

2 A. Okay.

3 Q. Mr. Smith, did you purchase
4 ammunition at several gun shops in New Jersey
5 over the years?

6 A. Yes.

7 Q. Were the majority of your
8 purchases made at one particular store?

9 A. Yes.

10 Q. Approximately how many times did
11 you make a purchase from that one particular
12 store?

13 A. Between 30 to 50 times.

14 Q. Thirty to 50 times?

15 A. Thirty to 50 times.

16 Q. Now, did we come to you about
17 these purchases?

18 A. Yes.

19 Q. And, Mr. Smith, do you have any
20 criminal convictions?

21 A. Yes.

22 Q. How many do you have?

23 A. Two.

24 Q. Are they for firearms violations?

25 A. Yes.

1 Q. Do you have any firearms or
2 handguns registered to you?

3 A. No.

4 Q. Did anyone ever ask you for
5 identification when you made purchases for
6 ammunition at these stores?

7 A. Sometimes.

8 Q. Sometimes they do, sometimes they
9 don't?

10 A. Correct.

11 Q. Can you give us your best
12 estimate of how it breaks out, is it half --

13 A. I would say 75 percent of the
14 time.

15 Q. Seventy-five percent of the time
16 they ask you for identification?

17 A. Correct.

18 Q. The rest of the time they don't?

19 A. Correct.

20 Q. Now, when you provide
21 identification, what do you provide?

22 A. Just a driver's license.

23 Q. You provide a driver's license?

24 A. Correct.

25 Q. Does it have a picture on it?

1 A. Yes.

2 Q. Did you actually start purchasing
3 ammunition in this state when you were underage?

4 A. Yes.

5 Q. Did you make a number of
6 purchases of ammunition while you were still
7 underage?

8 A. Yes.

9 Q. Was it handgun ammunition?

10 A. Yes.

11 Q. Were you ever denied a purchase
12 of ammunition in this state while you were still
13 underage?

14 A. No.

15 Q. When you were underage, did the
16 employees at the stores fill out the logs?

17 A. Yes.

18 Q. Did they fill out the logs
19 incorrectly?

20 A. Yes.

21 Q. Did they fill out the logs to
22 show that you were a different age than you
23 actually were at the time?

24 A. Correct.

25 Q. Now, how do you know that?

1 A. Because when they filled out the
2 log, I was standing in front of them and changed
3 my year.

4 Q. When they were filling out the
5 logs, were you standing in front of them?

6 A. Correct.

7 Q. What did you see, that they were
8 incorrect?

9 A. Yes.

10 Q. So in other words, they put down
11 a different date of birth?

12 A. Correct.

13 Q. Okay. Now, our staff, the SCI
14 staff, did an analysis of logs from one store in
15 which you made the majority of your purchases.

16 Our analysis revealed that you
17 made 129 separate purchases of nearly 8,000
18 rounds of ammunition in the last three years
19 alone. Does that sound accurate to you?

20 A. Yes.

21 Q. So it sounds right?

22 A. Yes.

23 Q. Do you recall the types of
24 ammunition; and by "types," I don't mean the
25 manufacturer, I mean the caliber of the

1 ammunition you bought?

2 A. A lot of times there was not 9
3 mm's or 45s.

4 Q. 9 mm's, 45s, what else?

5 A. Maybe .38, .357s.

6 Q. Mostly handgun ammunition?

7 A. Yes.

8 Q. Did you turnover most of that
9 ammunition to somebody else?

10 A. Yes.

11 Q. Did that person ask you to buy
12 that ammunition?

13 A. Yes.

14 Q. Did the other person provide you
15 the money to make the purchases?

16 A. Yes.

17 Q. Were you able to buy
18 hollow-points?

19 A. Yes.

20 Q. A lot of hollow-points?

21 A. Yes.

22 Q. How many times do you think you
23 bought hollow-points?

24 A. It depends. If it was on sale,
25 if they had a lot of it in stock, that's --

1 Q. If they had a lot in stock?

2 A. Yes.

3 Q. Now, we talked a moment ago about
4 logs. You know that the stores selling
5 ammunition keep a logbook. Right?

6 A. Correct.

7 Q. Are you saying that about
8 three-quarters of your purchases were written in
9 the log books?

10 A. Yes.

11 Q. Actually, you made a lot more
12 purchases than we knew about?

13 A. Correct.

14 Q. Now, in return for providing that
15 ammunition to the other person, the person we
16 just talked about, did it get you some comfort
17 or does it get you some comfort or security on
18 the street?

19 A. Yes.

20 Q. Did you ever tell the person that
21 you didn't want to buy the ammunition or you
22 couldn't buy the ammunition?

23 A. Yes.

24 Q. How did the person react?

25 A. Not too good. They wasn't happy.

1 Q. Wasn't happy. Did the person get
2 angry?

3 A. Yes.

4 Q. So you continued to buy the
5 ammunition?

6 A. Yes.

7 Q. Who controls the main streets in
8 your city today?

9 A. In my town, gangs, Bloods and
10 Crips.

11 Q. Let me make it clear; gangs,
12 Bloods and Crips?

13 A. Yes.

14 Q. That's in New Jersey?

15 A. Yes.

16 Q. Is there one particular gang that
17 stands out in your town?

18 A. Blood.

19 Q. Are you a member?

20 A. No.

21 Q. If you're not a Blood, can you go
22 out in the main street of your city?

23 A. No.

24 Q. Why?

25 A. Because if you're not apart of

1 their set, then you're not allowed on the main
2 drag.

3 Q. If you're not part of the set,
4 you're not allowed on the main drag?

5 A. Correct.

6 Q. Is it dangerous?

7 A. Very.

8 Q. Is the situation on the streets
9 where you live one of the reasons why you,
10 yourself, became involved with weapons?

11 A. Yes.

12 Q. Was it sort of for protection?

13 A. Correct.

14 Q. Okay. Have you seen street gang
15 violence first-hand in your town?

16 A. A lot of times.

17 Q. Have you seen shootings?

18 A. Yes.

19 Q. Have you seen people murdered?

20 A. Yes.

21 Q. Within eyesight of you?

22 A. Yes.

23 Q. Near you?

24 A. Yes.

25 Q. Now, do you feel by buying this

1 ammunition and turning it over to the other
2 person, it gives you some protection or a pass,
3 so to speak, from the Bloods on the streets?

4 A. Yes.

5 Q. That's because of the person that
6 you buy it for?

7 A. Correct.

8 Q. Okay. Have you actually
9 personally been confronted by gang members on
10 the street?

11 A. Yes.

12 Q. Was the only thing that saved
13 you, your physical security, the fact that you
14 knew that person?

15 A. Correct.

16 Q. Okay. I know we have touched on
17 it, but how bad, in your opinion, is the gang
18 situation in your city?

19 A. Well, in my city, the gangs rule,
20 because I feel as though law enforcement don't
21 really focus on the gangs. If -- they focus on
22 petty things, as far as traffic violations and
23 stuff that deter them from coming hands-on with
24 the gangs.

25 Q. So you're saying you don't feel

1 there's enough focus, law enforcement on the
2 gangs?

3 A. No.

4 Q. I think I heard you say they're
5 focusing on petty things?

6 A. Correct.

7 Q. Is it intimidating for people
8 like yourself who live in the city?

9 A. Yes.

10 Q. In your opinion, do people in
11 your town or your city actually need guns to
12 protect themselves or their homes?

13 A. Well, most of them do, because you
14 have the gangs in my city, they're trying to
15 take over the place of living, anything they can
16 to survive, sell drugs and get by.

17 Q. I think you told me when we spoke
18 before that gang members will actually take over
19 someone's home?

20 A. Correct.

21 Q. Correct; the residence?

22 A. Correct.

23 Q. They'll start selling drugs right
24 out of somebody's house?

25 A. Correct.

1 Q. The residents need guns to fight
2 off the gangs?

3 A. The ones that won't put up with
4 the gangs, yes, that's what they do.

5 Q. You said, yes, that's what they
6 do?

7 A. Yes.

8 Q. Okay. Now, you've purchased
9 thousands of rounds of handgun ammunition.
10 That's right?

11 A. Correct.

12 Q. You've got a criminal conviction?

13 A. Correct.

14 Q. You do it at the request of
15 someone else?

16 A. Correct.

17 Q. You turn it over to some other
18 person?

19 A. Correct.

20 Q. That's all I have, Mr. Smith. We
21 have four Commissioners here. They may or may
22 not want to ask you some questions. Sit tight
23 for a minute, and we'll see if they have any
24 questions, okay?

25 A. Okay.

1 COMMISSIONER HOBBS: Mr. Smith, I
2 have a few questions --

3 THE WITNESS: I can't hear him too
4 good.

5 COMMISSIONER HOBBS: Can you hear me
6 now?

7 THE WITNESS: Yes.

8 COMMISSIONER HOBBS: Just a couple of
9 questions. By your testimony, about 75 percent of
10 the time your purchases were logged?

11 THE WITNESS: Correct.

12 COMMISSIONER HOBBS: One store had a
13 record of about 135 purchases that you made over the
14 course of three years. So if we round that up,
15 we're talking about 180 purchases over a three-year
16 period. So you're walking into that store every
17 couple of days to buy ammo; is that correct?

18 THE WITNESS: Not every couple of
19 days, but I buy more than a box or two.

20 COMMISSIONER HOBBS: Often enough so
21 that the people that are operating that store
22 recognize you and know you coming in?

23 THE WITNESS: All the time.

24 COMMISSIONER HOBBS: So they greet
25 you, they know who you are; how you doing, and I

1 guess you're here for more ammunition.

2 THE WITNESS: Correct.

3 COMMISSIONER HOBBS: Do they ever ask
4 you what are you doing with all of this stuff?

5 THE WITNESS: Never.

6 COMMISSIONER HOBBS: No questions
7 about where you're getting the money to purchase all
8 of this ammunition? It has to be pretty expensive
9 to be making a purchase of literally in excess of
10 10,000 rounds of ammunition.

11 THE WITNESS: No, no questions.

12 COMMISSIONER HOBBS: No questions at
13 all?

14 THE WITNESS: No.

15 COMMISSIONER HOBBS: What type of
16 conversation would you have with this retailer as
17 you're going through these purchases?

18 THE WITNESS: Just basic what I need,
19 whether I'm going back and use the range, or was I
20 taking it with me.

21 COMMISSIONER HOBBS: Thank you.

22 DEPUTY DIRECTOR GAAL: Okay. That's
23 all we have. Just sit tight. Don't move wherever
24 you are until we shutdown the equipment. Thank you
25 very much.

1 THE WITNESS: You're welcome.

2 COMMISSIONER FLICKER: We're just
3 going to take one minute.

4 (Recess occurred.)

5 COMMISSIONER FLICKER: Ladies and
6 gentlemen, we'd like to proceed with the next
7 witness who is going to be testifying. We're very
8 privileged to have here with us today the US
9 Attorney for the District of New Jersey, and for
10 most of you, that is the only introduction you need.
11 Mr. Chris Christie, thank you, sir, for honoring us
12 with your presence here.

13 CHRISTOPHER CHRISTIE, U.S. Attorney,
14 testified as follows:

15 MR. CHRISTIE: Thank you, Kathy, and
16 Chairman Edwards, good to see you again. Dean Hobbs,
17 Mr. Mariniello, thank you for inviting me. I'm happy
18 to be here.

19 I'll just briefly talk to you a bit
20 about the way we view the gang problem at the
21 federal level and the United States Attorney's
22 Office, and then I'll be happy to answer any
23 questions that anybody has.

24 I think the best analogy to make to
25 the gravity of the gang problem today in New Jersey

1 is to analogize it to the situation that we had with
2 the Mafia in the 1960s and 1970s. The gravity of
3 this problem is displayed by a number of things;
4 one, the increasing membership in gangs in New
5 Jersey.

6 In 2000 when the state police did a
7 survey regarding those self-reporting as members of
8 street gangs in New Jersey, about 7,000 people
9 reported in the year 2000 that they were
10 self-reporting through a survey by the state police
11 that they were members of gangs. In 2005 when that
12 survey was redone by the state police, that number
13 is now increased to 17,500. So in a five-year
14 period, you've had a more than doubling of the
15 self-reported gang membership in the State of New
16 Jersey.

17 How does that manifest itself in the
18 streets of our state, the neighborhoods in each of
19 the counties in the state, and I mean each of the
20 counties in this state. There is not a county in
21 this state that is immuned from gang violence. I
22 was recently in Morris County where I live giving a
23 speech to a group of mayors about this problem, had
24 a number of mayors who came up to me skeptically
25 about having a gang problem in Morris County; and

1 gangs. Guns are what they use to protect their
2 turf. They also make some profit from guns as well,
3 but the majority of what they make their profit from
4 and why they're in the business is the sale of drugs
5 and the Double I Bloods is another good example of
6 that.

7 So how does it affect the quality of
8 life? It affects it across every possible area you
9 could think of. It has infected our schools to an
10 enormous degree. I went back to my old middle
11 school in Livingston, a suburban Essex County town
12 to the Heritage Middle School and with a group of
13 seventh and eighth graders, I asked them how many of
14 them could identify the colors for the Bloods, how
15 many for the colors for the Crips, how many for the
16 colors of the Latin Kings and what these gangs were
17 about? Over 75 percent of the kids in Livingston in
18 seventh and eighth grade could identify the colors
19 of the gangs.

20 Now, if we have that knowledge base
21 infected in a place like Livingston, which is
22 generally seen as a quiet suburban community in New
23 Jersey, imagine what the knowledge base is and the
24 disruption of the schools are in our major urban
25 areas; it's enormous.

1 It has infected our prison system in
2 the state prison system in particular. You have
3 gangs in many parts of our state prison system.
4 Membership in which is the prerequisite for staying
5 safe, inside state prisons. Lastly, I'll give you
6 one anecdote, which I think will put in context what
7 these people are all about and some of this was
8 reported in that story this past weekend.

9 Amir Wynn (ph) was one of the
10 defendants that pled guilty and is facing 30 years
11 to life in federal prison, was approaching an
12 eight-year old boy trying to get him to become a
13 drug mule, to carry drugs from one area of East
14 Orange to the other for the Double I set of the
15 Bloods. Mr. Wynn approached the young boy. The
16 young boy was fortunate enough to have a mother and
17 father who were both involved in his life. He went
18 to his father and told his father about the problem.
19 His father went to Mr. Wynn and told him to leave
20 his son alone, he was a good boy, didn't want to be
21 involved in a gang, he didn't want to have any
22 problem with Mr. Wynn, didn't want to get involved
23 in his business, but he just wanted him to please
24 leave his son alone.

25 Mr. Wynn took in that information and

1 the next day was waiting when this man came out of
2 his house to leave for work in the morning, and in
3 front of his wife and his son, he shot him dead in
4 the middle of the street in front of his house. His
5 young eight-year old son ran to the side of his
6 father bleeding to death in the middle of the street
7 in East Orange, and looked up and said to Amir Wynn
8 why did you kill my daddy? And this young boy to
9 today still blames himself for his father's death,
10 and believes that if he had just joined the gang and
11 not told his father, if he had become a drug mule at
12 the age of eight, that his father would still be
13 alive.

14 Now, I don't know what you do with
15 people like this. What we intend to do is to put
16 the same level of resources that the federal
17 government put behind the problem of fighting the
18 Mafia. And remember then that it took 25 years for
19 a significant eradication of the Mafia. Now the
20 Mafia still exists in New Jersey as we all know to
21 some extent, but not nearly in the level of power
22 and authority and influence that it had 25 years, 30
23 years ago.

24 We are facing, I believe, the same
25 measure of problem with street gangs in New Jersey.

1 They have to be attacked the same way, the
2 coordinated effort; local authority, state
3 authorities, federal authorities, and the federal
4 hammer has to be there, because if all we do is
5 prosecute these folks on a state basis, and I'll
6 have to say I think the state attorney general's
7 office is doing a great job along with the state
8 police in prosecuting gang cases, but it places them
9 back into the state prison system and into an
10 environment where all of their friends are there;
11 easily accessible to the gang members on the
12 outside.

13 So they come, they visit the prisons
14 and they conduct business, and the leaders of the
15 gangs are still running the criminal enterprise from
16 prison. And because of the parole laws in the state
17 system, they're paroled much more quickly; because
18 of the bail laws in the state system, they are
19 bailed much more easily than they are in the federal
20 system.

21 The thing the federal system intends
22 to provide, and we are providing it now, and we will
23 provide it in greater measure in years to come is
24 when arrested, we have a much greater chance to
25 detain these violent criminals until the time of

1 trial. That gets them off the street, away from
2 direct retaliation against potential witnesses and
3 further endangering those neighborhoods.

4 Second, when using the RICO statute,
5 which we intend to use with much greater frequency,
6 we're able to expose them to much more significant
7 sentences than they would otherwise be exposed to
8 under the normal drug and gun statutes that are
9 available.

10 Third, once we obtain a conviction
11 and sentence is secured, there is no parole in the
12 federal system, so they must serve 85 percent of
13 their sentence, if, at a minimum, if they are on
14 good behavior. For the people like the Double I
15 Bloods, none of them will be serving less than 20
16 years, and when they do get sentenced and assigned
17 by BOP, they're not going to a prison in New Jersey.
18 They're going to a federal facility somewhere across
19 the country; Oklahoma, Texas, Colorado, Louisiana.

20 It will be near impossible for them
21 to continue to operate their criminal enterprise.
22 We begin to start to create vacuums in these groups;
23 and as long as we continue to be aggressive about
24 it, I think we're going to be able over a long
25 period of time, and I'm talking about at least a

1 decade's worth of concerted effort with increased
2 resources beyond what we have now, I think we'll be
3 able to begin to make a dent in the problem, but
4 we're fighting from behind now.

5 If you, Dean Hobbs is in Newark every
6 day as I am, if you drive in areas of Newark, we
7 have lost portions of that city. There are portions
8 of that city that are now lost to the gangs; the
9 gangs control them.

10 So we're talking about with Mayor
11 Booker and his new police director developing a
12 strategy to take back areas of the city, let alone
13 start to become aggressive about protecting other
14 areas, we need to take back areas of Newark, East
15 Orange, Irvington, Trenton, Camden, Vineland.

16 I've been in Vineland any number of
17 times to talk to the local police down there about
18 their gang problems. They have a significant gang
19 problem in Vineland, significant gang problem in
20 Atlantic City, significant gang activity in Asbury
21 Park.

22 So this is all over the State of New
23 Jersey. And so, what we intend to do, I've
24 increased the resources in my office, we now have 11
25 full time AUSA's who are committed to prosecuting

1 gang-related violence, both on the most basic level
2 of charging them with federal gun and drug charges,
3 and then more elaborate investigations using the
4 RICO statutes.

5 So that's the measure of the problem
6 we face and at least some ideas about how we can
7 approach crafting a solution to the problem. But it
8 is a long-term difficult problem, and it's something
9 that all of us have to come to grips with no matter
10 where you live in the state that we have to take
11 ownership of this problem. It is a significant one,
12 and one that is growing, as you can tell, from the
13 state police statistics I cited earlier.

14 So I am very happy when all of you
15 called and asked if I would come down and speak. I
16 was anxious to do so. I think this is a new and
17 difficult problem, and I'm glad that the SCI is
18 focusing on this, as well. We need as much help as
19 we can get to focus public attention and law
20 enforcement attention on the issue. Thank you.

21 I'll be happy to answer any
22 questions.

23 CHAIR EDWARDS: Chris, one problem
24 that's always existed historically, and you know
25 this as well as I do, is an ability to work together

1 at different levels of government. Organized crime
2 was attacked really successfully because all levels
3 of government and law enforcement really got
4 together and decided to work on it. The problem of
5 street gangs is 20, 25 years old, in California and
6 its moved west and east.

7 To what extent is the federal
8 government into it and committed and what extent are
9 we able to work together? I heard what you said
10 about the US Attorney's Office, FBI, ATF. We're
11 dealing with one piece of it here in ammunition. We
12 have an obligation of the SCI of all organized
13 crime, and to report on it and to try to find
14 solutions to fix whatever the problems are.

15 I was very interested to hear your
16 comments on our cooperation and how we're working
17 together now. I think we're doing some stuff in
18 Camden. I know we're doing some stuff in Newark.
19 Maybe you can comment on it.

20 MR. CHRISTIE: Sure. There's a real
21 commitment now by Attorney General Gonzalez to this
22 issue. I think given his roots in Texas, where
23 there is a very significant gang problem, mostly
24 Mexican gangs that occupy Houston in particular,
25 he's had a particular sensitivity to this.

1 Increased funding has been given by
2 the congress and the president to the FBI and to ATF
3 specifically to partner with state and local
4 agencies through Project Safe Neighborhoods, and the
5 FBI Safe Streets Task Force. We now have six FBI
6 Safe Streets Task Forces here in New Jersey
7 operating in various parts of the state, in Monmouth
8 County, in Newark and the greater Essex County area,
9 in Camden, in Trenton. So we have a number of the
10 Safe Streets Task Forces that the FBI had.

11 In addition, the ATF has a violent
12 crime impact team, which is operating in Camden in
13 concert with all federal law enforcement, DEA, FBI,
14 Secret Service, United States Marshall Service
15 working in conjunction with the state police, and
16 the Camden City Police, and I think, quite frankly,
17 one of the results of that, we began that effort in
18 January of 2005 after the first time Camden was
19 named America's most dangerous city.

20 I think you've seen now that based
21 upon the 2005 statistics, Camden went from No. 1 to
22 No. 5. Now, we're not thrilled with Camden being
23 the fifth most dangerous city in America, but it's a
24 hell of a lot better than being the most dangerous
25 city in America. And I think, General, that's a

1 direct result of federal/state/local cooperation.

2 We went in there in 2005 with ATF
3 resources, FBI resources, DEA, met team resources,
4 and the United States Marshall Service Fugitive Task
5 Force. In just the year 2005, we asked the Camden
6 County prosecutor to give us their 100 most violent
7 state fugitives, and give them to the marshall
8 service, and we would try to start to round them up.
9 We went through that first 100 in two months and
10 apprehended all of them.

11 We are now up to through the early
12 part or half of 2006, the most latest statistics I
13 have, we have apprehended through the marshall
14 service 765 violent fugitives that were wanted for
15 violent crime by the Camden County Prosecutor's
16 Office.

17 There's no question in my mind that
18 getting those 765 people off the streets and into
19 custody is part of the reason that Camden went from
20 No. 1 to No. 5. Those are the kinds of efforts
21 you're going to see going forward.

22 We're trying to do that in Newark now
23 with Mayor Booker. I think we had some success
24 already, but the problem in Newark is much greater
25 than the problem in Camden, even though -- just

1 because the city is so much larger, it's much more
2 difficult area to try to deal with. You can get
3 your arms around the entire city in Camden both
4 literally and figuratively from a law enforcement
5 prospective.

6 Newark is a much bigger problem, and
7 I think the mayor and I, now working with his new
8 police director and the special agent in charge of
9 FBI, are devising a strategy to try to deal with the
10 problems in Newark, but those are probably goals for
11 2007.

12 COMMISSIONER HOBBS: Mr. Christie,
13 first thank you for your testimony this morning, and
14 thank you for your efforts in Newark and around the
15 state. We're focused in particular on ammunition.
16 We're hearing some pretty frightening statistics
17 this morning on the ability of people with criminal
18 records to go in and purchase ammunition using ID
19 cards of other people, ID cards that showed them
20 maybe 30 years older than they actually are,
21 literally thousands of rounds of ammunition.

22 Your thoughts on how that situation
23 needs to be addressed.

24 MR. CHRISTIE: Well, it has to be
25 addressed by us beginning to prosecute the folks who

1 sell the ammunition. In the same way we did it in
2 the Double I case, we were prosecuting the owner of
3 the hole-in-the-wall gun shop in Xenia, Ohio who was
4 selling to all of these students from Wilberforce
5 University in Xenia, Ohio.

6 But the way they would do it is, the
7 student from Wilberforce University would come in
8 with a member of the Double I Bloods next to him.
9 The gang member would say I want seven of those,
10 eight of those and 15 of those. The student would
11 look at the gun owner and say, yeah, that's what we
12 want. The student would fill out all the paperwork
13 and be a classic straw purchaser, walk out in the
14 parking lot, get some cash from the gang member for
15 having used his name, and off he went with the guns.

16 That problem is even greater than the
17 ammunition area because there are less laws that
18 cover the sale of ammunition than cover the sale of
19 guns. So the straw purchaser aspect of the
20 ammunition problem is enormous. Not only with fake
21 ID, but people who are just going in at the
22 direction of members of gangs and buying just
23 incredible amounts of ammunition, talking about tens
24 of thousands of rounds of ammunition that they will
25 use, and they will store in safehouses throughout

1 the city, separate from where they keep the
2 firearms, and then they have people who go back in
3 the gangs, some will collect the ammunition from the
4 safehouses for use.

5 So I think that a great service of
6 this group will be doing is to look at those laws
7 that cover the sale of ammunition, and I think the
8 federal government has to look at that, as well,
9 because you're only dealing with half the problem
10 when you're dealing with the gun issue.

11 The ammunition issue is another large
12 one, and there's even more ripe for the use of straw
13 purchasers and people with fake identification, but
14 I think the straw purchaser issue is the biggest one
15 and especially with college students.

16 You go into any college town in a
17 state where you have liberal gun laws, and it is a
18 growth industry for college students who are starved
19 for cash. Just go inside and buy this ammunition
20 for me, and I'll pay you \$200. You know, for a
21 college student to walk away \$200 in cash for going
22 in and filling out a couple of forms, a lot of them,
23 they're 18, 19 years old, not to make excuses for
24 them, they're breaking the law, but they're not
25 thinking about how that ammunition is going to be

1 used or what's going to be done.

2 We need to also start cracking down
3 on the straw purchasers to let them know that it is
4 not going to be a crime without consequence.

5 COMMISSIONER HOBBS: Do the sanctions
6 need to be increased for those kind of crimes?

7 MR. CHRISTIE: I think they do. I
8 think they need to be increased, and I think we need
9 to send out a message across the state to the county
10 prosecutors, as well, that this is a crime that they
11 should be looking to prosecute.

12 Quite frankly, you know, I think the
13 county prosecutors can do that in a very, very
14 effective way, given their contacts with local
15 police, and be much closer to on-the-ground than
16 often the federal prosecutors are. We are much more
17 concerned from a trafficking perspective where this
18 and guns goes across state lines. That's where we
19 have our exclusive jurisdiction and focus our
20 efforts.

21 In state, I think it's much more
22 appropriate for the state attorney generals office
23 and county prosecutors to be confronting that issue.
24 We'll help both by using ATF's resources for
25 intelligence and other things, but I think the

1 prosecutions are probably most appropriately done at
2 the state level, and increasing sanctions and
3 refocusing the county prosecutors and the state AG's
4 office on that issue probably will be helpful.

5 COMMISSIONER HOBBS: I have two more
6 questions. We also heard some testimony this
7 morning about Internet purchases and the ease with
8 which ammunition could be purchased on the Internet.
9 That also was both in the federal and state issue.

10 Is your office currently looking into
11 any of the challenges that we're having now with the
12 straw purchase or non-straw purchase of ammunition
13 on the Internet?

14 MR. CHRISTIE: You know, Dean, we
15 have not really spent any time looking at the
16 Internet aspect of this. I think in some measure,
17 we are so overwhelmed by the other stuff, we haven't
18 quite frankly had the time to look at it.

19 We're spending much more time dealing
20 right now with the Internet purchase -- of illegal
21 Internet purchase of prescription drugs than we are
22 with the Internet purchase of ammunition. I am sure
23 at some point we'll probably move onto that, but we
24 have not yet at this point.

25 COMMISSIONER HOBBS: Now, I wanted to

1 go to your testimony in terms of the gangs, because
2 one of the areas of concern, and certainly is a huge
3 concern in Newark, is the prisoner re-entry that
4 we're facing.

5 I think in 2000, 585,000 prisoners
6 reentered both in federal and state; and in any of
7 the studies that you've seen out there, they do this
8 mapping; where are these prisoners coming in, and
9 certainly Newark, Camden, those areas are receiving
10 the biggest influx of the prisoner re-entry problem.
11 How does that exacerbate this situation?

12 MR. CHRISTIE: In two ways.
13 Obviously, in a more associated economics sense, if
14 they're not coming back to having jobs to enter
15 into, they're going to wind up back doing the same
16 kind of conduct they were doing before.

17 On a way that I think we might be
18 able to address it even more directly is, as I said
19 before, the intersection of guns and drugs is not
20 something you can avoid. They're selling drugs, and
21 many of these people are using them, as well.

22 Part of what fuels their membership
23 in gangs, it's not only a sense of family that is
24 missing. Frequently in a lot of our cities and
25 these young men, predominantly, but young women

1 also, don't have a two-parent home. Sometimes
2 they'll have a one-parent home to go to. So the
3 gang provides a sense of family.

4 But also, frequently they're drug
5 addicts, and they perform these acts for the gang
6 either in direct receipt of drugs in return for
7 their own personal use or for money, which in turn
8 they use to buy drugs.

9 So when you talk about prisoner
10 re-entry, one of the things that really needs to be
11 focused on, I know it is to some extent now, but I
12 think it needs to be focused on in an even greater
13 extent, is drug treatment for prisoners before they
14 reenter the community. If they come back out of
15 prison drug addicted, I cannot imagine, I don't have
16 the statistics, but I would be willing to bet the
17 percentage of recidivism of those who come out of
18 prison still drug addicted is close to 100 percent,
19 because they have to continue to feed their drug
20 habit, they don't have a job to go to, they're going
21 to have to commit crimes to feed their drug habit.

22 So I think that while the prisoner
23 re-entry issue, I think, could be dealt within one
24 way that could be effective, is to try to make sure
25 as many of those folks who come in with a drug

1 addiction problem into the state prison system find
2 a way through the state prison system to be able to
3 get drug treatment before they leave; because if
4 they walk out and they're clean, I think their
5 opportunity to be successful, no matter how you
6 define that, and I will define it as just staying
7 out of jail and not committing anymore violent acts
8 increases geometrically if they get drug treatment.

9 I think we are naive to think, and
10 all of us who have some experience in law
11 enforcement know that drugs are present in our
12 prisons. We need to try to find ways to take these
13 prisoners out near the end of their term, whether
14 it's in the prison facility or in outside facilities
15 to allow them to get drug treatment. I think it
16 will make an enormous difference in our recidivism
17 rate and I think that will affect the overall
18 prisoner re-entry problems created in our cities in
19 particular.

20 COMMISSIONER HOBBS: I agree. To
21 your point, I think the current estimate is that 50
22 percent of prisoners are hard-core drug users, and
23 two-thirds of the prisoners who re-enter society
24 commit a crime within three years. So it's one
25 hundred percent of that group. I think you're

1 exactly right.

2 Thank you very much for your time.

3 MR. CHRISTIE: Thanks, Dean. I

4 appreciate it.

5 COMMISSIONER FLICKER: Chris, I know

6 that in the State of New Jersey they have come up

7 with a system in our corrections department to take

8 all of the known gang members and try to segregate

9 them in one prison.

10 Have they tried that in the federal

11 system; and if they have, has it worked? I don't

12 pretend to be a penologist, and I'm not sure of the

13 success or lack of success in New Jersey, but you

14 did mention that you take convicted drug -- excuse

15 me, convicted gang members and spread them around

16 the country. Has that been successful?

17 MR. CHRISTIE: I think BOP has found

18 a measure of success with that in terms of spreading

19 them to different facilities around the country.

20 Their focus, though, Kathy, is less about what gang

21 you belong to than it is to get you geographically

22 away from where you've come from, from where you

23 committed your crimes.

24 And so they're looking at gang

25 members and saying we would like to move them as far

1 away as we can geographically from where they
2 committed the crimes to prevent them from continuing
3 to participate in any way, meaningful way in the
4 criminal enterprise.

5 In terms of the segregation of gang
6 members who -- within a particular prison, I don't
7 think that's what they've done on a federal level.
8 I, quite frankly, don't know that we have enough
9 gang members in the federal system at this point for
10 that to have yet manifested itself as a problem as it
11 has in the state system when they're infecting each
12 one of our facilities here. I think there's enough
13 federal facilities, enough beds at this point that
14 that hasn't become a problem.

15 COMMISSIONER FLICKER: One other
16 question: I'm familiar from my years in the Mercer
17 County Prosecutor's Office that there was a program
18 where if there was a major case that involved the
19 use of a gun, that in recent, more recent years,
20 that would be looked at as well by the US Attorney's
21 Office to see if there were federal issues that
22 could bring the US attorney's office into play.

23 I was, of course, aware of it here in
24 Trenton. Is that also being done throughout the
25 state in all of the counties that do not have the

1 FBI task forces that you mentioned?

2 MR. CHRISTIE: It's being done in
3 those, and in ones that do have the task forces; in
4 fact, more of the ones that do have the task forces.
5 It is a program that has had a couple of different
6 names. I think when you were in Trenton, it
7 probably was the Trigger Lock Program. It's now
8 called Project Safe Neighborhoods, but it's
9 essentially the same program.

10 What it is is that we will, with each
11 county prosecutor's office who wants to participate,
12 we ask them at the same time that they get a police
13 report on a gun violation, that they send it to us,
14 as well. In my office, we have a 60-day up or out
15 policy, we call it. We take 60 days to review it,
16 talk to the witnesses, and we either take it up to
17 federal court or send it back out to the county
18 prosecutor. We did well over 150 gun cases last
19 year federally where we got either convictions or
20 guilty pleas from across the state.

21 We have just started a program this
22 past week in working with the Essex County
23 prosecutor's office and the new Newark Police
24 director. Previously, amazingly, in Newark, we were
25 attempting in the last administration to get more

1 gun cases because we saw the increasing crime
2 problem in Newark. Extraordinarily, we couldn't get
3 often Newark Police officers to come to our office
4 to be interviewed to discuss what kind of witness
5 they would make. We often wound up rejecting most
6 of the gun cases from Newark, because we couldn't
7 get an opportunity to interview the witnesses.

8 Mayor Booker and the new police
9 director have completely turned that situation
10 around, and we now have committed between now-- in
11 2007 to do at least 60 gun cases just from Newark,
12 federally. Put that in context, we did 155 last
13 year across the entire state. We're going to do 60
14 just from Newark this year. So that program is
15 still alive and well.

16 We're broadening it because what it
17 also leads for us is to the gang cases. Because
18 frequently, these people are felons in possession of
19 a firearm, wind up being gang members or affiliated
20 with gangs, they're facing a five-year mandatory
21 minimum in federal prison.

22 I've one story in Camden where the
23 Camden City Police, as part of this task force as I
24 was discussing with General Edwards just before,
25 arrested -- the City Police arrested -- they were

1 part of our task force, our federal task force, they
2 drove past the county jail with this guy, and he was
3 in the back of the squad car and so he said where
4 are you going? Can I go there? They said no, we're
5 with the feds, you're going federal. The guy
6 literally started to cry in the back of the car, and
7 said I cannot do federal time, tell me who I have to
8 give you, I'll give you anybody I have to to get out
9 of federal time.

10 So this program, the Trigger Lock or
11 Project Safe Neighborhood Program, is very effective
12 and I've committed with the mayor that once this
13 program gets rolling, we're going to start to do
14 some advertising as well in the City of Newark about
15 the fact that if you carry a gun illegally in
16 Newark, you are going to do federal time. We hope
17 that will send a pretty strong deterrent message, at
18 least to some elements of the community of Newark
19 that it's no longer worthwhile to be carrying a gun
20 in your waistband illegally; because if this federal
21 task force catches you, you're going far away from
22 home for a minimum mandatory of at least five years,
23 no parole.

24 COMMISSIONER FLICKER: I think just
25 the one point I want to emphasize is that it applies

1 to anyone with a gun, whether there is a gang
2 connection or not.

3 MR. CHRISTIE: Absolutely.

4 COMMISSIONER FLICKER: Chris, thank
5 you so much.

6 CHAIR EDWARDS: Chris, thank you very much.
7 We deeply appreciate you taking the time to come up
8 here. This is one segment of our organized crime
9 and corruption activity, and as you know, we're in
10 the middle of a cycle for a much more in-depth
11 report on organized crime of which gangs is now the
12 prominent organized crime threat to the state.

13 We appreciate your efforts that you
14 made, your office has made, and you're being here
15 today to help empathize it. We're going to invite
16 you back --

17 MR. CHRISTIE: Great.

18 CHAIR EDWARDS: -- for a much more in
19 depth review of the bigger issue. We appreciate you
20 taking the time out so we can put these pieces of
21 this because it's much too large for us to handle in one big
22 bite, and have the effect that we need to have. So
23 we appreciate your working with us now and as we
24 move forward over the next 12 to 18 months.

25 MR. CHRISTIE: Absolutely, General.

1 All you have to do is call. I'll be happy to be
2 here. And as I said before, having SCI focus on
3 this problem is an enormous help I think to get the
4 entire law enforcement structure focused on how big
5 and important these issues are.

6 And I can tell you that we, just as
7 an aside, your reports, not only on this, but on
8 other issues that you've all confronted, are
9 required reading in our office. The reports come in
10 and they go to the appropriate area in our office,
11 whether it's the corruption group or the violent
12 crime group or some of the others, the health care
13 fraud groups, some of the other areas that you've
14 all confronted, and they're required reading in our
15 office. We're happy to participate any time in any
16 way and Charlotte knows that, we've dealt with her a
17 number of times on a number of issues and we are
18 happy to be here and we appreciate your leadership.

19 CHAIR EDWARDS: We appreciate yours,
20 too. Thank you, very much.

21 MR. CHRISTIE: Thank you.

22 COMMISSIONER FLICKER: All right.
23 We'll be taking a few minute break because our court
24 reporter needs to stretch her fingers so we'll be
25 back in no less than ten minutes.

1 (Recess occurred.)

2 COMMISSIONER FLICKER: We are ready
3 to proceed. Our next two witnesses will be handled
4 by Counsel Kurzweil.

5 Counsel, are you ready to proceed?

6 MR. KURZWEIL: Yes, ma'am. Thank
7 you.

8

9 FRANK GUIDO and FRANK CLAYTON, were examined and
10 testified as follows:

11

12 EXAMINATION BY MR. KURZWEIL:

13

14 Q. Detective Guido, will you please
15 state your full name for the record and tell us
16 about your employment.

17 A. My name is Frank Guido, I'm a
18 detective with the City of Trenton Police
19 Department. I currently serve in the capacity
20 of a detective in the criminal intelligence unit
21 basically as an intelligence analyst and dealing
22 more specifically with gangs.

23 Q. For how long have you been
24 focusing on the issue of the street gang problem
25 in the state?

1 A. Exclusively on gangs, it would be
2 almost two years.

3 Q. Let me turn to Detective Frank
4 Clayton. Could you identify yourself for the
5 record and tell the Commission about your
6 background.

7 A. My name is Detective Frank
8 Clayton. I'm with the Mercer County
9 Prosecutor's Gang Unit, also crosses as an
10 intelligence unit. I worked for Trenton for
11 nearly 20 years; and the last two years that I
12 was at Trenton, I had done all of the gang
13 intelligence work over there, as well.

14 Q. Detective Guido, are you familiar
15 with the term straw purchase as it relates to
16 ammunition?

17 A. Yes.

18 Q. You were here, I think, and heard
19 some of the discussion about that by other
20 witnesses earlier today.

21 Do you understand the definition
22 that we're working with, is that one that you
23 work with during your duties as a police
24 officer?

25 A. Yes.

1 Q. And we're talking about one
2 person purchasing ammunition for another?

3 A. Correct. That would be for the
4 purpose of shielding the real purchaser's
5 identification.

6 Q. Tell us about a straw purchase on
7 April 11, 2005 here in Trenton.

8 A. On that particular evening,
9 Trenton Police Officers stopped a motor vehicle
10 that was being operated by a male who had active
11 arrest warrants, took him into custody, and in
12 doing a search of the vehicle, they located a
13 white plastic bag from Dick's Sporting Goods,
14 and inside that bag was four boxes of handgun
15 ammunition, a receipt from Dick's Sporting Goods
16 in West Windsor and what appeared to be a
17 handwritten shopping list detailing some of the
18 items that were actually located in that
19 shopping bag.

20 Q. How old was this man?

21 A. He was 22 years old.

22 Q. When you said a receipt, you're
23 talking about a sales receipt from Dick's. So
24 when somebody went to the cash register and a
25 typical sales receipt came up, and that was what

1 was found in the bag?

2 A. Yes, a sales receipt.

3 MR. KURZWEIL: Mr. Bodder, would you
4 please display what has previously been marked as
5 A-108.

6 Q. Detective, can you see that?

7 A. Yes, I can.

8 Q. Do you recognize what that's a
9 photograph of?

10 A. Yes, that is a photograph of the
11 items that were recovered from the 22-year old
12 male's vehicle on that evening.

13 MR. KURZWEIL: Mr. Bodder, could you
14 please display what has previously been marked as
15 Exhibit A-109.

16 Q. Detective, can you see that; and
17 if so, do you know what that's a picture of?

18 A. Yes, that is a picture of what we
19 believe to be the handwritten shopping list that
20 was located in the Dick's Sporting Good bag on
21 that evening.

22 Q. This is like when my wife says to
23 me, buy some bread, milk and eggs, and she
24 writes it down for me so I won't forget
25 something; but in this case, we're talking about

1 much more deadly products than the milk, eggs
2 and the bread?

3 A. Yes.

4 Q. Did the last three items that
5 were on that list match ammunition that was
6 seized from the car of this 22-year old?

7 A. Yes, they did.

8 Q. And did we see that in the
9 photograph, A-108? Maybe we should reshow that
10 again.

11 A. Yes. One of the boxes are a .380
12 caliber, 50 rounds. Two of them are boxes
13 containing 50 rounds each of 9 mm rounds, and
14 one is a box containing 50 rounds of .25 caliber
15 handgun ammunition.

16 Q. And in this case, the
17 manufacturer was Remington?

18 A. Yes, it was, in all four boxes.

19 Q. Did the driver make a statement
20 as to whose handgun ammunition was in the car?

21 A. Yes, he did. He stated that it
22 belonged to his cousin whom he had purchased it
23 for, and provided us with the name, and the name
24 is a well-known self-admitted Bloods gang
25 member.

1 Q. This self-admitted Bloods gang
2 member, is he believed by intelligence, law
3 enforcement intelligence, to be a high-ranking
4 member of the Bloods?

5 A. Yes, he is.

6 Q. They have a structure similar to
7 a military structure where they do have ranks
8 and commands and so forth?

9 A. Yes, they do. They follow the
10 military structure of sergeants, lieutenants and
11 generals.

12 Q. The car that was stopped and
13 where these items were found, who was that car
14 registered to?

15 A. It was registered to the mother of
16 the individual that he named that the ammunition
17 belonged to that was his cousin.

18 Q. That same high-ranking Bloods
19 member?

20 A. Yes, sir.

21 Q. This was the Bloods member's
22 mom's -- registered to her at least, her car?

23 A. Yes, it was registered in her
24 name.

25 Q. Was it known by law enforcement

1 that this high-ranking Blood typically used that
2 as his car, drove around in it, used it?

3 A. Yes.

4 Q. Now, before this Hearing, did you
5 look at a copy of pages from the ammunition log
6 of Dick's Sporting Goods in West Windsor, New
7 Jersey?

8 A. Yes, I did.

9 Q. What did you see when you looked
10 at it?

11 A. The individual that was taken into
12 custody that evening had identified himself at
13 Dick's Sporting Goods when he purchased the
14 ammunition.

15 Q. So they had his name, they had an
16 address, they had identification that showed him
17 as the buyer of this ammunition?

18 A. Yes.

19 Q. Do you know whether this person
20 has a criminal record himself?

21 A. Yes, sir, he's a convicted felon.

22 Q. Is it your conclusion as to this
23 retail purchase that we have been discussing,
24 that the car driver was a straw purchaser as we
25 have been using that term for the high-ranking

1 Blood member who he said was his cousin?

2 A. That was -- yes, that was the
3 determination we came to.

4 Q. Detective Clayton, let me turn to
5 you. Was more handgun ammunition recovered the
6 very next day?

7 A. Yes, the evening of April 12th,
8 the Trenton Police and Gang Task Force was out
9 that night in an area of Donnelly-Page Homes.
10 They observed an individual who is a
11 high-ranking Blood gang member that was
12 well-known to us standing out front of the
13 apartment entrance with a shotgun. As they
14 approached him, he ran back into the residence.
15 They followed him in there, and ended up
16 arresting him after a foot chase, but he ended
17 up jumping out of a window, but they recovered
18 lots of ammunition and weapons.

19 Q. Was there a search of a residence
20 in connection with this investigation?

21 A. Yes.

22 Q. And what was found at that time?

23 A. They found ammunition, 9 mm, .380
24 and .25 caliber, rounds, along with Dick's
25 Sporting Goods bags along with receipts.

1 Q. We heard Detective Guido talking
2 about a Dick's Sporting Good receipt. You're
3 talking about a separate bag and a separate
4 sales receipt?

5 A. Yes.

6 Q. Which would account for the
7 ammunition found in the house?

8 A. Yes.

9 Q. Were any of the firearms found
10 during that search?

11 A. Yeah, there was numerous, I
12 believe two shotguns, a .380 caliber pistol, an
13 AK47 and a Mack 11.

14 Q. Tell us about the AK47; what type
15 of weapon is that?

16 A. That's an assault rifle. It's a
17 military, basically, assault weapon.

18 Q. What about the Mack 11?

19 A. The Mack 11 is a machine pistol,
20 sort of like an Uzi, same thing.

21 Q. Is that what's known in the
22 community as a Street Sweeper?

23 A. Could be. There's numerous names
24 for different Street Sweepers, whether it's a
25 shotgun with -- an automatic shotgun or whatnot.

1 Q. In any event, these are extremely
2 dangerous weapons?

3 A. Absolutely.

4 Q. Later, did the Bloods member that
5 was holding the shotgun that triggered this
6 chase and arrest, did he admit that these items
7 were his?

8 A. Yes.

9 Q. Before this Hearing, did you also
10 look at the ammunition log pages from Dick's
11 Sporting Goods in West Windsor?

12 A. Yes, I have.

13 Q. Did you determine how many
14 purchases of ammunition were made on April 12th
15 of 2005, the day of the arrest?

16 A. There was only one.

17 Q. And who was the person that
18 signed and identified himself or herself as the
19 purchaser?

20 A. It was a female, that's a ranking
21 female and under set G-Shine, Bloods.

22 Q. So she is also a known Bloods
23 member?

24 A. Yes, very well-known.

25 Q. Did you conclude that she had

1 made a straw purchase from Dick's on behalf of
2 that same male Bloods member that we have been
3 talking about?

4 A. Yes.

5 Q. Detective Clayton, let me stay
6 with you for a minute and talk about a more
7 general subject.

8 What in your experience can you
9 share about the spread of street gangs in our
10 state capital and beyond?

11 A. I started investigating gangs
12 about four years ago, and we were looking at
13 that time what we call the corner boys or little
14 street neighborhood gangs. We were looking at
15 over 35 at one point. We've gone from that 35
16 little street gangs to an organization with
17 Bloods which we're talking well over a thousand
18 that we have documented.

19 A regular person is not going to
20 sell narcotics out on the streets in anywhere
21 around here. The homicide rate and violence
22 that has gone up, you've had homicides as of
23 last week, two blocks from the State Capital
24 here. You had four gang-related homicides in
25 the last week and-a-half, two weeks, in Mercer

1 County. 2003, we had one gang-related homicide.
2 2004, we had three gang-related homicides.
3 2005, we had 22 gang-related homicides in Mercer
4 County.

5 So the violence that has escalated
6 with the street gangs, especially the Bloods,
7 the Bloods here, the three sets, Sex, Money,
8 Murder, Nine Three and G-Shine are very large.

9 Ms. Flicker had said right
10 before this Hearing to me and Frank Guido that
11 at one time they said Trenton Police was the
12 biggest gang in the City of Trenton. Well,
13 we're here today to tell you right now that one
14 of these sets, a small set, got more members
15 than our police department. That's what we're
16 seeing here. It's become unbelievable and it's
17 not just here, every county in the state, and we
18 really need to take a look at it.

19 Q. What about the migration, can you
20 comment on how the gang membership has migrated
21 from area to area in New Jersey?

22 A. It's -- we're seeing our guys not
23 only in New Jersey, I mean we get phone calls,
24 Frank and I get phone calls from all over the
25 eastern seaboard. I'm talking all of the way

1 down from North Carolina, South Carolina, all of
2 the way up to New York, Connecticut,
3 Massachusetts. They're migrating throughout the
4 state but also through the States.

5 It's spreading because it's
6 lucrative as a gang member to make a lot of
7 money because the drugs are cheap, get the guns.
8 So they're migrating everywhere looking for
9 soft spots.

10 Q. We heard a reference from the
11 United States Attorney about the old Mafia, and
12 he said that this is now the current problem.
13 It's very similar to the old Mafia; and in the
14 old Mafia days, if I were a drug dealer, I could
15 pay a certain amount of money to the families to
16 give me protection, and they would get a cut of
17 my profit selling drugs and we could coexist
18 together.

19 Is that the way it works with
20 these street gangs, or do they have a different
21 way of dealing with the street corner drug
22 dealer?

23 A. Well, the way they're dealing with
24 the street corner, they're running the street
25 corners. They're getting their narcotics cheap,

1 making a great profit off of it. A regular
2 person is not going to go out nowadays and stand
3 on the corner and sell. These corners are
4 controlled by the Bloods and for the Bloods
5 gang.

6 Q. And what would you expect the
7 fate to be of someone who tried to be an
8 independent drug seller in an area controlled by
9 the Bloods or another street gang?

10 A. The terms in Trenton and
11 elsewhere, "get down or lay down." You either
12 get down with the gang, or they're going to run
13 you out of town, they are going to rob you, beat
14 you and end up killing you.

15 Q. What about the age of street gang
16 members, can you give us a range? Is there any
17 trend on that?

18 A. I'll have my colleague here answer
19 that.

20 Q. Sure. Detective Guido?

21 A. The dominant number we would say
22 are between 17 and 22. We have some older
23 members who have been incarcerated now for a
24 while and coming back home now. We are seeing a
25 downward trend in their efforts to recruit.

1 Part of that is again they do look for and
2 exploit soft spots in legislation and in our
3 laws and enforcements and statutes. Juveniles
4 are not going to go to prison for having weapons
5 or having drugs. They could have the juveniles
6 make the sales, have them hold the guns, and
7 they know that until they're 18, it's pretty
8 much not going to have a major impact on their
9 freedom or their life.

10 Q. Would you gentlemen agree that it
11 is much too easy for gang members to purchase
12 handgun ammunition in New Jersey?

13 A. Yes.

14 DETECTIVE CLAYTON: Yes.

15 Q. So what do we need to do to be
16 proactive and to keep ammunition out of the
17 hands of criminals or to take ammunition away
18 from criminals before the ammunition ends up
19 getting fired at the father of this eight-year
20 old who we heard about or the innocent bystander
21 who was hit during a fight between gangs?

22 What do you recommend, if
23 anything, to get a jump on that and to limit the
24 ammunition which is so readily available, we're
25 hearing from these retail stores. Either one.

1 Who wants to go first.

2 DETECTIVE GUIDO: Sure. There's a
3 lot of different things that can be done. This gets
4 tossed around among law enforcement officers all the
5 time.

6 I have to say, first of all, we
7 really appreciate the fact that the Commission is
8 looking into this and taking this seriously and
9 treating it the way it should be treated. It seems
10 to me right from the beginning and from the other
11 law enforcement officers that I've spoken to that
12 there is a huge disparity, as was stated before,
13 with the regulation of ammunition as compared to the
14 handguns themselves. One of the things that we
15 discussed among ourselves is that it really doesn't
16 make sense to us that a person who does not have the
17 ability or the legality to purchase a handgun or
18 permit to purchase a handgun should be allowed to
19 purchase handgun ammunition just because they're 18
20 years old and have identification.

21 Some of the things we thought maybe
22 are the prohibition of sales, if possible, to
23 individuals who do not own weapons. It seems to me
24 that that would be a common sense approach; if you
25 don't own weapons, there's no reason for you to own

1 ammunition, because there's nothing for you to do
2 with it other than to pass it on to someone else who
3 needs it for whatever their own purpose are.

4 What we saw with the stores in
5 particular when we we talked with Dick's, and they
6 were very cooperative with us, is that there was
7 inadequate training for their personnel as far as
8 not knowing when, or if they could refuse a sale,
9 and what the parameters were, and what the
10 ramifications would be.

11 Also, even though in our first
12 instance that we discussed, the 22-year old male was
13 a convicted felon and federally, he's prohibited by
14 statute from possessing ammunition. There's no
15 process in place for the people at the store, the
16 retail clerk to check on his criminal status before
17 they make the sale to him. They don't have the
18 ability or the wherewithal to check his criminal
19 history, which is as, you know, very protected in
20 the state, as throughout the country.

21 The photo ID card, when they do
22 present identification, it seems to us that even
23 with the firearm's purchaser's card, that there
24 should be an expiration where there's some type of
25 review period that's built-in. So that not

1 necessarily six months but every year or every two
2 years, they would have to go sort of through a
3 reapplication process, and it could be determined if
4 they had been arrested or been involved in anything
5 that would prohibit them from any longer possessing
6 weapons.

7 Some of the other things we discussed
8 were obviously tougher sentences. It is prohibited
9 at the federal level for a felon to possess, a
10 convicted felon, to possess ammunition, but it's not
11 so at the state level.

12 As you know, the federal system can
13 only handle so many people, and they have very
14 stringent and strict standards that they have to
15 adhere to, so even less people are actually adopted
16 into that. So it would be beneficial to law
17 enforcement if at the state level we had the same
18 kind of statute in place for we can use in place of
19 the federal statute.

20 Another thing that we thought is
21 ammunition being transported across the state line.
22 There are laws in place for transporting
23 cigarettes, fireworks, firearms themselves, alcohol
24 across state lines, but there isn't anything in
25 place for transporting ammunition across state lines

1 that I'm aware of.

2 The Internet thing just opens up a
3 huge Pandora's box, which is pretty appalling
4 considering what they were able to do in such a
5 short amount of time, and with no proof of who they
6 were or what they were going to do with the items.

7 We thought tied along with that,
8 there are a lot of databases available throughout
9 law enforcement and to the federal government, if
10 they could somehow red flag individuals who have
11 ties to security threat groups, we can call them,
12 whether gangs or hate groups or even terrorist
13 cells; but even along those lines, a red flag would
14 come up if you're purchasing too much ammunition or
15 if their purchases are too frequent, that it becomes
16 hard to explain what you're doing with all of that
17 ammunition, why someone over three years is going to
18 purchase 10,000 rounds, as your confidential
19 informant testified earlier, without no means of
20 showing what they're going to do with it, or how
21 they're paying for it.

22 I don't know if Detective Clayton has
23 anything he wants to add?

24 DETECTIVE CLAYTON: I was up in West
25 Windsor the other day. I walked into Joe Canal's, a

1 liquor store there. There was an officer in there
2 that was asking people in front of me who looked at
3 least 30 or 31 years old to go in there and purchase
4 alcohol, but you got an 18-year old kid that can walk
5 into Dick's Sporting Goods with a shopping list of
6 AK47's, 9 mm's, 45's, shot guns, .410's, and that age
7 is not even questioned. So I think what Frank had
8 spoke about as far as training for these staff in
9 these places, that really needs to be looked at.
10 Frank summed it up well.

11 Q. I just want to follow-up on one
12 thing that you said. We all know that when we
13 fly, that the airlines have some sort of a
14 system where they can check our names and see if
15 we're on a list of known terrorists, if there's
16 some other reason why it wouldn't be prudent to
17 have us fly on a plane. We know that when we
18 shop commercially for the soccer ball, the
19 toaster that we've heard about, that if we use a
20 credit card, there's a check made and somehow a
21 system comes back says I'm within or over my
22 credit.

23 We must have the technology to
24 run checks through those kinds of databases when
25 people come in to buy ammunition.

1 Would you gentlemen favor some
2 sort of a system whereby the seller, the retail
3 ammunition seller could swipe an ID card, an
4 ammunition purchasing ID card, something like
5 that, and have the benefit of this information,
6 even if he didn't know where it was coming from,
7 to be able to say to the potential buyer, I'm
8 sorry, I can't sell to you, you came up on the
9 list; or on the other hand, this person looks
10 clean, I can sell it to him. Do you think that
11 would help law enforcement?

12 DETECTIVE GUIDO: I think it would
13 help law enforcement and I think by and large, and
14 from the retailer owners and store owners we have
15 spoken to, they would appreciate something like that
16 being put into place to assist them because there is
17 a real concern with them about some of the sales
18 they make, and depending on who the clerk is at that
19 time, they do feel that they are obligated to make
20 that sale, because the only real requirement
21 presented to them is proof of age and
22 identification.

23 Q. And finally, I think you touched
24 on this: How do you feel about requiring photo
25 ID to be used? Right now there's no requirement

1 of a photo ID. This would actually be a photo
2 ID with a picture of the person attempting to
3 purchase the ammunition. If your idea was
4 adopted, there would be an expiration date, so
5 that they couldn't use one that was 20 years old
6 and gotten out of prison and here they are
7 making a purchasing, that this would have a
8 fairly current picture, they would have had a
9 fairly current background check; how do you feel
10 about that?

11 DETECTIVE GUIDO: I don't think you
12 would ever find a law enforcement officer who would
13 be against any kind of positive photographing
14 identification of an individual. Because, as you
15 know, one of the main problems that we have in law
16 enforcement is positive identification of
17 individuals.

18 MR. KURZWEIL: Mr. Chairman, that's
19 all I have at this time. I open the witnesses up to
20 questions.

21 COMMISSIONER FLICKER: I have to make
22 one comment, Detective Clayton, the quote I gave you
23 was not my quote. The quote I gave you is
24 attributable to a former deputy chief of the Trenton
25 Police Department who said probably ten years ago

1 that the Trenton Police were the baddest gang in
2 town. That was not my quote.

3 MR. KURZWEIL: But you liked it
4 anyway.

5 COMMISSIONER FLICKER: But having
6 said that, I would also repeat the other thing I
7 said to you and Detective Guido and that is I left
8 the prosecutor's office in the year 2000 having been
9 there for most of my career, and I am thrilled that
10 the prosecutor's office and the Trenton Police are
11 in the forefront of working against gangs, and I am
12 incredibly disheartened that they have to be.

13 I do not remember in all of the years
14 that I was prosecuting homicide cases that we ever
15 had a case involving the Bloods or the Crips. We
16 did deal with small corner gangs; but as of the Year
17 2000, my recollection is that Trenton did not have
18 the proliferation that we see today.

19 The statistics that you gave us,
20 Detective Clayton, of the number of homicides in the
21 last three months in Trenton that are attributable
22 to the gangs is testament alone to the problems that
23 we're seeing with the gangs; and of course, that
24 comes -- you can't kill someone with a gun unless
25 someone has purchased the ammunition. So thank you

1 for coming here today, and thank you for the work
2 you do every day.

3 DETECTIVE CLAYTON: Thank you.

4 DETECTIVE GUIDO: Thank you.

5 COMMISSIONER HOBBS: Detectives, I
6 also thank you for your testimony. Just a couple of
7 questions. I read a lot of military history, and my
8 first question would be it sounds like there's a war
9 on. If that's so, it sounds like you're losing in
10 the statistics you cited; is that true?

11 DETECTIVE GUIDO: I would have to
12 disagree that we're losing; because if you look at
13 what has happened this year as compared to last
14 year, I think last year was a watershed year, an
15 explosive year in violence.

16 The city had never before May 10th of
17 last year, had never experienced a gang war. What
18 happened with that first gang war was that it
19 galvanized the city police department, the county
20 prosecutor's office, the county sheriff's department
21 and federal agencies and New Jersey State Police to
22 work together in a task force that has been running
23 since that time. We have taken down, working with
24 outside agencies and within ourselves, numerous
25 leadership blocks of families and heads of families

1 of these sets of Bloods. I think we can attribute
2 less homicides this year to a direct link of working
3 with the prosecutor's offices where we are charging
4 leaders with conspiracy for ordering these hits.

5 And I think they've seen on their end
6 that when these younger kids do get arrested for
7 murder and realize what they're looking at, that
8 they are going to turn on them and say yes, I was
9 told to do this, I had no choice. In that way, I
10 think we're winning. There is still violence.
11 We're still grappling with ways to deal with it, and
12 they are still adjusting with what we're doing.

13 COMMISSIONER HOBBS: Is it fair to
14 say you won a big battle, but given the way their
15 reorganizing themselves and the sophistication and
16 the membership and the hierarchies that are now
17 being developed and the increasing nationalization
18 of the gang structure, that the war certainly is not
19 over; and a big piece of this, what we're talking
20 about today, is the supply.

21 Any type of war, it's a matter of
22 supply. If you have your weaponry, fuel, whatever
23 you need, you have to be supplied in order to
24 continue. I'm not just talking about a war between
25 gangs and rival gangs, but the war between the

1 police department and these gangs, between
2 communities trying to live peaceful lives, and these
3 gangs and what you're doing, you're on the front
4 lines of that every day.

5 Now you made some great suggestions, and
6 I think many of them will find their way into our
7 recommendations.

8 How do you respond to the person that
9 says it doesn't matter, whatever you do, they're
10 going to get the guns, they're going to get the ammo
11 that they need and the problems will still be there.
12 What do you respond to that?

13 DETECTIVE GUIDO: My response, sir,
14 would have to be that everything matters. For us not
15 to try to do anything is a failure, not only on our
16 part but we're failing society, we're failing our
17 children and we're failing the future of this state
18 if we don't even bother to try.

19 COMMISSIONER HOBBS: Detective, thank
20 you for your service.

21 DETECTIVE GUIDO: You're welcome.
22 Thank you.

23 COMMISSIONER MARINIELLO: I also
24 would like to thank you two guys for coming down and
25 being so up front with us. We don't often -- at

1 least I don't often get an opportunity to discuss
2 these ideas first-hand with those of you who are out
3 there every day, day in and day out dealing with
4 these issues, so it is enlightening to me in
5 particular to have an opportunity to listen to what
6 you're telling us.

7 I just want to go back to the initial
8 example you gave us regarding the individual who was
9 pulled over and had the grocery list, if you will,
10 of items.

11 It's my understanding that had that
12 individual not had outstanding arrest warrants,
13 there may have been nothing you could have done with
14 the fact that he had the ammunition in the car and
15 the grocery list.

16 DETECTIVE GUIDO: Yes, we did have
17 that advantage. He was a convicted felon, which
18 made him eligible for federal prosecution; but due
19 to some brain injuries from a motor vehicle
20 accident, we were not able to even prosecute him
21 federally, so from that standpoint, yes we were
22 unable to do anything about him having that kind
23 of ammunition despite catching him with it and
24 being a convicted felon.

25 COMMISSIONER MARINIELLO: In any

1 other case, you pull a gentleman over, it could be
2 as crude as the list you had or a long list, he
3 could have had the whole back seat filled up; but
4 the fact that he had the ammunition in and of itself
5 without any specific reason for carrying it around
6 is not a crime, and there's virtually nothing you
7 would have been able to do about it outside of the
8 fact that in this particular case, you had a reason
9 to hold him for other reasons.

10 DETECTIVE GUIDO: Absolutely. And
11 that's the advantage we have with handguns. In New
12 Jersey, most handguns are contraband on their face
13 value.

14 COMMISSIONER MARINIELLO: Does it
15 occur -- I'm trying to get a feel for how often
16 something like this might happen where you come
17 across an individual either in their car or by
18 virtue of a search warrant, in their home or some
19 other place where you find ammunition but you don't
20 find the guns that go with the ammunition. Does
21 that happen?

22 DETECTIVE CLAYTON: Yes. There was
23 one, and Frank had talked about the gang war that
24 was between the two sets last year, and there was a
25 retaliation on an individual leadership. We went to

1 the house on search warrant because they shot the
2 house up, they were trying to get the leadership
3 from the one set, and we went in there and we found
4 cases of ammunition, empty brand new boxes of guns,
5 but they were empty. They had taken all their guns.
6 There was everything in there; .45, .380, 9 mms, you
7 name it and there were cases of it in the house.

8 COMMISSIONER MARINIELLO: Of
9 ammunition?

10 DETECTIVE CLAYTON: Yes.

11 DETECTIVE GUIDO: As you stated
12 before, there was nothing we could do with that, no
13 one that could be charged with that ammunition.

14 COMMISSIONER MARINIELLO: I realize
15 there's probably hundreds of potential suggestions
16 for amending statutes. I suppose there could be
17 limits on the quantity and what have you that an
18 individual could have. I would imagine there are
19 limitless opportunities for the legislature to be
20 creative on it, but the mere possession of it and
21 the volume of it in and of itself does not rise to
22 the level of a crime under our statutes currently.
23 Correct?

24 DETECTIVE GUIDO: That's correct.

25 COMMISSIONER MARINIELLO: That

1 gentleman or whoever it was that lived in that home
2 on that particular issue at least escaped any kind
3 of prosecution?

4 DETECTIVE CLAYTON: That's correct.

5 COMMISSIONER MARINIELLO: I have nothing
6 further.

7 DETECTIVE CLAYTON: Just to add on
8 that, that individual is incarcerated right now for
9 murder and attempted murder.

10 CHAIR EDWARDS: Gentlemen, I'd like
11 to thank you very much for being here today, for your
12 work with our staff. I'm going to make the same request
13 to you and your departments, and I know you'll
14 follow-up.

15 Beyond just the ammunition issue of
16 gangs, we have a responsibility as the SCI in
17 dealing with the complex issues of organized crime,
18 and this being the most complex one we're dealing
19 with today, and would like to be able to continue to
20 count on your assistance and cooperation and start
21 dealing with even the bigger and broader issues in
22 this. I know you and your departments would be just
23 as cooperative as you have in the past.

24 On this particular issue, there's no
25 reason why the control of guns and the ammunition

1 for guns shouldn't match. There's no reason for it
2 not to match as a controlled item and as a crime.
3 It seems like a relativey easy thing to fix.

4 I know you think it's an easy thing
5 to enforce if you have the laws to do it. And we
6 appreciate you coming on board and telling us that.
7 Thank you, very much.

8 DETECTIVE CLAYTON: Thank you.

9 DETECTIVE GUIDO: Thank you. We
10 appreciate your time.

11 CHAIR EDWARDS: I think it's now time
12 for lunch.

13 (Recess occurred.)

14 COMMISSIONER FLICKER: I think we're
15 going to start again, please. Before we begin with
16 Director Paw's comments, we have a statement from
17 Commissioner Hobbs.

18 COMMISSIONER HOBBS: Good afternoon.
19 As we heard this morning, one of the dire
20 consequences of New Jersey's weak regulation of the
21 trade in firearms ammunition is the ease with which
22 bullets of all kinds can fall into the hands of
23 gangs, criminals and others bent on real and potential
24 gun violence.

25 We heard from the staff of the SCI

1 where we learned that 60 ammunition retailers that
2 were visited, over three-quarters of them had sold
3 ammunition to individuals with criminal records.
4 One store that was held out alone sold to 42
5 individuals with criminal records, over 15,000
6 rounds.

7 We heard from a confidential
8 informant who told us that over a three-year period,
9 he made in excess of 150 purchases from the same
10 store with an excess of 7,000 rounds. We heard from
11 the United States Attorney, Christopher Christie,
12 who described the increasing gang activity, the
13 difficulty with both guns and ammunition, and their
14 contribution to the drug trade, as well as two
15 detectives from the Trenton Police force who
16 described the difficulties that they face on the
17 front lines.

18 Under the statutory framework as
19 currently written, store owners have little recourse but
20 to complete sales transactions even when approached
21 by suspect individuals. The police are legally
22 restricted in their ability to intervene under most
23 circumstances involving ammunition sales.

24 This afternoon we will continue this
25 important line of inquiry with expert testimony from

1 key state law enforcement officials, including
2 Gregory Paw, Director of the New Jersey Division of
3 Criminal Justice, and Lieutenant Colonel Frank
4 Rodgers of the New Jersey State Police.

5 We will also hear from investigators
6 who will describe the troubling circumstances in
7 which handgun ammunition was legally obtained in New
8 Jersey by individuals linked to gang and drug
9 activity. As a Commission, we are particularly
10 interested in the perspective of these law
11 enforcement officials with regard to the full scope
12 of this problem, as well as the very real challenge
13 of establishing an effective oversight system that
14 closes the loopholes, the contradictions and the
15 inconsistencies.

16 Director Paw, welcome. You may
17 proceed.

18
19 DIRECTOR PAW TESTIFIED AS FOLLOWS:

20
21 DIRECTOR PAW: Thank you,
22 Commissioner. Chair Edwards, members of the
23 Commission, it's my pleasure to be here. I met you
24 all informally, but it's a pleasure to be here now
25 formally working with each of you.

1 This is such an important project
2 that you've undertaken, and I'm proud to see the
3 work and hear about the results of this morning's
4 hearings.

5 We're here today on the very plain
6 truth; and that is, that guns don't work without
7 bullets. And we all know far too well the affects
8 across this state of what guns and bullets have
9 done, particularly in our urban areas, and most
10 particularly among violent gang members across the
11 state.

12 Without doubt, New Jersey has the
13 toughest gun safety and gun control laws in the
14 nation. We have tough registration standards,
15 waiting periods and background checks for gun
16 permits. We banned sale and possession of
17 semiautomatic and automatic weapons, and we have
18 been a leader in demanding development of the
19 so-called Smart Gun Technology. This will make it
20 so that nobody can just pick up a gun, you have to
21 be a registered owner of a gun, and we have been
22 working with the New Jersey Institute of Technology
23 to come up with this very innovative technology that
24 will limit the improper use of handguns.

25 Despite these efforts, we are still

1 overrun by illegal handguns and other firearms in
2 this state. We still suffer daily from the toll of
3 that. Partially the reason for that is because our
4 vigilance is not matched by other states. Partially
5 it's because some of the regulatory background on
6 firearms themselves has changed over the course of
7 the years, including the ability to trace where
8 firearms come from in other states. But without a
9 doubt, the issue that you have focused on is another
10 important issue here. The purchasing of ammunition
11 in such a free way makes firearms just far too easy
12 for criminals to use. Guns need their fuel and they
13 don't work without the ammunition.

14 Other states are far ahead of us on
15 the regulation of ammunition. I understand that in
16 Illinois there's a law that now says that no person
17 may acquire or possess firearm ammunition without
18 having in his or her possession a firearm owner's
19 identification card,

20 In Massachusetts, a permit is
21 necessary to purchase a firearm, rifle or shotgun
22 and to purchase ammunition.

23 The District of Columbia demands a
24 purchaser has a valid registration certificate, and
25 the kind of ammunition that you're purchasing must

1 be of the same caliber or gauge as the firearm
2 described in the registration certificate. These
3 are excellent ideas.

4 I understand further that New York
5 City prohibits the purchasing and possession of
6 ammunition by any person not authorized to carry a
7 weapon of that caliber. We need to look at the same
8 solution here in New Jersey. We have the toughest
9 laws on sale, ownership, possession and
10 transportation of firearms, but no statute
11 regulating sale of ammunition. For example, a
12 person with a prior felony conviction can't have a
13 firearm. We need to extend that to ammunition. It
14 is a crime in New Jersey to provide false
15 information to get a firearm. It should similarly
16 be a crime to obtain ammunition using false
17 pretenses; and a person who is under the age of 21
18 under the administrative regulations cannot sell or
19 buy a firearm in New Jersey. That should also be
20 extended to ammunition.

21 We need these regulations so that
22 gangsters and thugs have to worry about where
23 they're going to get their next round. It's not lost
24 on me as I looked at the exhibits from this morning,
25 that this box of 49 bullets and this box with 50

1 bullets equals almost exactly the death toll in
2 Newark this year from firearms deaths.

3 This is what is fueling these violent
4 street gangs, and I know that Prosecutor Christie
5 this morning spoke to you about the scope of this
6 gang problem, and how it's fueled with firearms.
7 There's no question day-to-day in our cities that
8 this is the number one issue facing law enforcement
9 in New Jersey. It's a long-term issue. It affects
10 the safety and quality of life for citizens across
11 this state, and it's turned parts of our urban
12 landscape into very tragically a killing field, and
13 it's because of these bullets and the guns that
14 those killing fields exist.

15 So I applaud your work. I look
16 forward to seeing the recommendations of the
17 Commissioners so that we can move forward in a
18 constructive manner with the legislature here, and
19 ask important questions like why not criminalize
20 possession of ammunition as we have with the
21 possession of certain weapons. Why not say to
22 retailers that you can't sell ammunition unless
23 proof is presented, that you also hold a valid
24 permit for a gun that uses that caliber of
25 ammunition.

1 And I turn to Assembly Bill 2602
2 sponsored by Assemblymen Manzo and Johnson that does
3 exactly some of those changes, makes exactly some of
4 those changes.

5 The attorney general's office has
6 already endorsed that bill and if the Commission
7 hasn't looked at it, I urge you to take a look at
8 that bill and consider whether it answers some of
9 the issues that you have on your agenda here.
10 Legislation, banning the sale of ammunition without
11 a permit would be one important weapon, and excuse
12 my pun there, in our fight against illegal guns and
13 our fight against gangs in New Jersey.

14 Guns, gangs and drugs are playing in
15 our state and we have to fight back. I appreciate
16 your attention to this issue, and I'm happy to
17 answer any questions you may have.

18 DEPUTY DIRECTOR GAAL: The witness
19 has more than covered the areas that I had hoped to
20 hear about, and I appreciate your coming so I'm
21 going to pass.

22 CHAIR EDWARDS: Greg, there is one
23 piece of legislation, and we're aware that one piece
24 is pending; it covers some of the issues, it doesn't
25 cover them all.

1 One of the things the SCI has worked
2 on over the last few years is to try to not just be
3 somebody who reports a problem, but someone who
4 works with solutions and real solutions to that
5 problem. I wonder, and I know you would, we talked
6 about these things before, but we would like to work
7 more closely with our final recommendations with
8 your office, if that's possible, on a list of
9 recommendations that are realistic, that address the
10 issues and that we can jointly communicate perhaps
11 with the legislature when we finish those
12 consultations.

13 Is that acceptable to you and the
14 attorney general? I know it is, but I'm asking a
15 question that I think needs to be on the record.

16 DIRECTOR PAW: Absolutely, Cary.
17 It's my pleasure to work with you and your staff on
18 those recommendations. I know the attorney general
19 will embrace that process; and as everyone is aware,
20 and we'll put it on the record, our offices have a
21 very strong working relationship and I expect that
22 will help us through this process.

23 CHAIR EDWARDS: We appreciate that
24 and we appreciate you being here, too, to continue
25 to highlight this issue. There's a lot of technical

1 pieces that, you know and I know, I think in looking
2 at the issue and I know our staffs do, that we can
3 refine and I think make a really positive proposal
4 when we come out with our final recommendations
5 besides the preliminary one.

6 DIRECTOR PAW: I think so, too. I
7 said to one of the Commissioners before the Hearing
8 started that some people may take a cynical view of
9 these kinds of changes and say, well, we have laws
10 that now prohibit the sale of firearms or restricted
11 sales of firearms under certain circumstances in New
12 Jersey, yet we're still facing this problem.

13 I think that's a synical view, and I
14 think it's the wrong view to take on this issue.
15 The more tools that we have in our box as
16 prosecutors to be able to address a criminal
17 problem, the better off we are. If we take a thug
18 over in the City of Newark who we think is
19 responsible for a gang slaying and he happens to not
20 have a gun in his pocket at the time, but he has
21 five bullets and is a prior convicted felon, it
22 should be available to the prosecutors of this state
23 to be able to prosecute him for the mere possession
24 of that ammunition.

25 Because you don't carry ammunition

1 around to keep track of numbers or something like
2 that. That ammunition goes inside of a gun and
3 sooner or later that ammunition is going to come out
4 of that gun and do damage.

5 CHAIR EDWARDS: Anybody else?

6 (No response.)

7 CHAIR EDWARDS: Greg, on behalf of
8 the Commission, you, the Attorney General, we
9 appreciate your cooperation and look forward to
10 working with you and through your office with the
11 Prosecutor's Association on their support also for
12 some of these recommendations so we are sure we
13 covered all those bases.

14 DIRECTOR PAW: It's my pleasure.

15 COMMISSIONER FLICKER: We would like
16 to acknowledge the presence of Prosecutor Kelaher,
17 from Ocean County, the current president of the
18 Prosecutor's Association, and a dear friend.

19 MR. KELAHER: Good afternoon. I just
20 left the prosecutor's monthly meeting, and they
21 asked me if I would just appear and echo what the
22 Director of Criminal Justice just said. All 21
23 county prosecutors unanimously support his position.
24 If you'll accept that, that's all I'll really have
25 to say.

1 COMMISSIONER FLICKER: We'll accept
2 anything you have to say, Prosecutor Kelaher. Thank
3 you.

4 We're going to move ahead now with
5 our next witness, Investigator Kuyl from the SCI who
6 will be handled by Counsel Ferreira from the SCI.

7 Counsel, are you ready to proceed?

8 MR. FERREIRA: Yes, I am. Thank you.

9
10 CHARLES KUYL, Special Agent, was examined and
11 testified as follows:

12
13 Q. Can you state your full name for
14 the record, please?

15 A. Yes, sir, Charles A. Kuyl.

16 Q. And who do you work for?

17 A. New Jersey State Commission of
18 Investigation.

19 Q. And can you give the Commission
20 the benefit of your professional background?

21 A. Yes, sir. I had the privilege of
22 serving 29 plus good years in New Jersey State
23 Police, achieved the rank of Captain, worked all
24 varieties of investigations covering corruption,
25 labor racketeering, organized crime, fulfilled (sic)

1 an intelligence room, and worked casino (sic) on the
2 street also.

3 Q. Anything else?

4 A. Yes, sir. Upon leaving the state
5 police, I was a confidential aid to the Ocean
6 County prosecutor, Deputy Chief of
7 Investigations where I oversaw all criminal
8 investigations.

9 Subsequently upon leaving there, I
10 worked a year at the Newark school district
11 where I was Chief of Investigations and staff
12 assistant to the state-appointed Superintendent
13 of Schools. Subsequently, I ended up at the
14 SCI.

15 Q. Special Agent Kuyl, you were
16 assigned to interview store owners and analyze
17 their ammunition logs at various retail stores
18 in New Jersey in connection with this case?

19 A. Yes, sir. I visited many stores
20 throughout the Central Jersey area, reviewed
21 their ammunition logs, analyzed them, and did
22 follow up investigations regarding the sales of
23 handgun ammunition.

24 Q. Did you interview a store owner
25 in August of 2006?

1 A. Yes, sir, I did.

2 Q. And what happened?

3 A. After talking to the store owner
4 as to my purpose of the visit, he indicated that
5 he had been in business for close to 20 years;
6 and most of his customers who buy ammunition, he
7 has known for many years.

8 On occasions, from time to time --
9 he used the word stranger, which would wander
10 into his business, and he would sell him
11 ammunition if they provided the proper
12 identification.

13 Q. Did this store owner tell you
14 about a recent incident in which he had sold
15 ammunition to a suspicious individual?

16 A. Yes, sir. I began the
17 conversation with the store owner, I said, of
18 some of the strangers, were there anybody that
19 you confronted, did any one of those individuals
20 seem suspicious to you? He says on one
21 occasion, there was one individual that it
22 bothered him that he had sold ammunition to.

23 Upon requesting to examine the
24 ammunition logbook, he immediately went to two
25 points of time where this certain individual had

1 purchased ammunition.

2 Q. What happened?

3 A. As a result of that -- I'm sorry.

4 He indicated that he was alone when he made the
5 first purchasing. Upon the second purchasing,
6 he was accompanied with another individual who
7 the owner felt suspicious of.

8 Q. So on how many different
9 occasions was ammunition purchased by this
10 suspicious buyer?

11 A. This individual made purchases on
12 two occasions. The first occasion, he was alone
13 when he made the first purchasing. The second
14 occasion he was accompanied by another
15 individual.

16 Q. And what type of ammunition did
17 he buy?

18 A. First time around, he purchased
19 two boxes of .22 ammunition, along with a box of
20 9 mm. The second time he arrived accompanied by
21 a Hispanic male and purchased another box of 9 mm
22 ammunition.

23 Q. What did this buyer use for
24 identification to buy this ammunition?

25 A. He used a Washington State

1 driver's license.

2 Q. Did you conduct a background
3 investigation concerning this buyer?

4 A. Yes, sir, I did; it turned out
5 rather interesting.

6 Q. What did you find?

7 A. I checked with the State of
8 Washington, Division of Motor Vehicle, and
9 learned that the subject had a valid Washington
10 State driver's license with an expiration date
11 of 2007.

12 Upon further checking, I found out
13 that this individual had illegally entered the
14 country. The final check turned out through the
15 federal government, along with Homeland
16 Security, that this subject was arrested for
17 distributing crystal Methamphetamine; and upon
18 his arrest, they recovered all of the boxes of
19 ammunition that he purchased from that previous
20 retailer.

21 Q. Did you do any further
22 investigation with regard to his background?

23 A. Yes, sir. Further checking, I
24 learned that he was part of a Hispanic
25 nontraditional organized crime group engaged in

1 smuggling crystal Methamphetamines and other
2 drugs from outside the country.

3 Q. So this buyer had ties to gangs?

4 A. Yes, sir. It subsequently was
5 learned that he was a member of MS 13.

6 Q. That's the Mara Salvatrucha
7 gang?

8 A. Yes, sir.

9 Q. What can you tell us about MS 13?

10 A. MS13 is one of the fastest growing
11 violent Hispanic street gangs in the United
12 States and Central America. MS13 was originally
13 formed in the mid 1980s by the El Salvadoran
14 immigrants living in Los Angeles, California.
15 Since then, the MS13 gang members had migrated
16 across the country forming new alliances,
17 gathering intelligence, engaging in criminal
18 activities. Law enforcement now reports that
19 they have a presence in 33 states, the District
20 of Columbia as well as El Salvador, Guatemala,
21 Honduras, Mexico, Canada, and there is an estimate of
22 approximately 50,000 gang members. Some have
23 been tied in and associated to foreign extremist
24 groups and also terrorist organizations.

25 Q. What's this buyer's current

1 status?

2 A. He's presently incarcerated; and
3 when he completes that, he'll be deported out of
4 the country.

5 Q. So is it fair to say that your
6 investigation determined that an individual who
7 was in this country illegally and is tied to
8 gang activity, possibly terrorists, purchased
9 ammunition on two occasions in New Jersey
10 through the use of an out-of-state driver's
11 license; is that correct?

12 A. Yes, sir.

13 Q. Did you conduct any other
14 investigations?

15 A. I went to one ammo store, and
16 after explaining my purpose of the visit, the
17 owner indicated that he had one sale that really
18 bothered him. He indicated the subject appeared
19 one day, first time visit to the store, and
20 asked if he would sell hollow-point ammunition
21 to him.

22 He requested to purchasing two
23 boxes of ammunition and asked the price of the
24 cost of the ammunition. He excused himself,
25 exited the business, went to a car. The owner

1 became a little concerned, peeked through the
2 window, because the car was parked out of his
3 view, felt that something was up, so he wrote
4 down the license plate number. This individual
5 conversed with a male that was sitting in the
6 front passenger's seat of his vehicle for
7 several minutes. Then he returned. He was
8 acting extremely nervous. The sale of the
9 hollow-points were consummated with the use of a
10 New Jersey driver's license as a use of
11 identification.

12 When he left, the owner called the
13 local police department, advised them of the
14 incident; a patrolman arrived shortly
15 thereafter, took down all of the required
16 information, including the registration number.

17 I asked if he heard anything back
18 from the police department, he says, no, it's
19 been several months. So I paid a visit there,
20 and I learned that the patrolman had filled out
21 a comprehensive general police report, noting
22 that the owner of the vehicle was this
23 particular person.

24 There was no indication if there
25 was any follow-up investigation in regards to

1 that. I subsequently did a follow-up
2 investigation, developed probable cause, did a
3 criminal look up, and was able to determine he
4 had a felony arrest for drugs and forgery.

5 Q. So, again, just so we're clear,
6 your investigation revealed that a convicted
7 felon had purchased ammunition, which included
8 the purchasing of hollow-point bullets on this
9 occasion?

10 A. Yes, sir.

11 Q. Did you conduct any other
12 investigations?

13 A. Yes, sir. This is an interesting
14 one. I identified another buyer who had
15 purchased ammunition, and learned that he had a
16 felony arrest for unlawful possession of a
17 weapon, receiving stolen property and possession
18 of CDS which is crack cocaine, and it was enough
19 crack cocaine which revealed he was probably
20 some type of a street level dealer.

21 The subject was also arrested for
22 possession of a stolen firearms ID card. So out
23 of curiosity I checked all of the logs to see if
24 a John Doe of a stolen credit card's name would
25 appear in any sales of the logs that I had.

1 Q. You mean the firearms ID card?

2 A. Yes. I did get a hit on that. I
3 revisited the store owner of the previous store
4 where he purchased ammunition. I learned that
5 he purchased a lot of ammunition over a period
6 of one year. For example, he purchased nine
7 boxes, 9 mm ammunition; three boxes of .25
8 caliber ammunition; two boxes of .45 caliber
9 ammunition; one box of .30 caliber ammunition;
10 two boxes of .380, and five boxes of 7.62
11 Russian ammo which is used for an AK47.

12 A follow-up investigation revealed
13 that this particular buyer who purchased all
14 this ammunition is associated with a suspected
15 gang member whose residence was raided; crack
16 cocaine, marijuana, ecstasy drugs were
17 confiscated along with an AK47 with 30-round
18 clips including a variety of other handgun
19 ammunition and long-rifle ammunition. Handgun
20 ammunition being .357 magnum ammo, .22 caliber,
21 .38 caliber ammunition, 223 ammunition, which is
22 used for an AR15 or M16, a military weapon; and
23 again, 7.62 which is used for an AK47.

24 I checked on the subject to
25 ascertain what type of record he had, the one

1 who was arrested for possession of the second
2 part. He had a prior arrest for resisting
3 arrest, distribution of drugs and unlawful
4 possession of a weapon.

5 Q. An AK47 is a military automatic
6 weapon; is it not?

7 A. Yes, sir.

8 Q. So on this last occasion, your
9 investigation revealed that a convicted felon
10 who was convicted of weapons charges and
11 possession of a stolen firearms ID card, among
12 other things, purchased ammunition including the
13 type designed to be used in an automatic weapon;
14 is that correct?

15 A. Yes, sir.

16 Q. In most instances, did the store
17 owners proceed with the sale of ammunition to
18 suspicious buyers?

19 A. A lot of these store owners
20 indicated that if they produced the required
21 identification, a firearms ID card, a driver's
22 license, they were compelled to sell the
23 ammunition.

24 Others indicated that if an
25 individual showed up and had a smell of

1 alcoholic beverage on his or her breath, they
2 would refuse to sell the ammunition.

3 I spoke to one store owner who was
4 pretty aggressive, and she indicated that if the
5 person looked suspicious or strange, she would
6 turn the individual away. She had no
7 repercussions of any individuals trying to sue
8 her.

9 Other store owners would be
10 concerned if they turned anybody away, they
11 would be sued.

12 Q. During the course of your
13 investigation, did you become aware of any gang
14 members using any ranges in New Jersey after
15 purchasing ammunition locally?

16 A. Yes, sir. Special Agent Roy
17 Daniels, who is here, and I visited a number of
18 law enforcement agencies who identified a fire
19 range which is suspected of being utilized by
20 gang members in the State of New Jersey. Went
21 to that range, reviewed the ammunition logs,
22 obtained copies, and Roy and I did a follow-up
23 investigation and met with -- continued to meet
24 with these various law enforcement agencies, and
25 were able to identify three suspected street

1 gang members that were utilizing that range.

2 We also verified that they
3 purchased ammunition from that specific range.
4 For example, one individual, which is a lot of
5 ammunition, purchased two boxes of .44 caliber,
6 mags; two boxes of .40 caliber, and three boxes
7 of .357, magnum ammunition.

8 The second individual purchased
9 four boxes of .45 caliber, one box of .40
10 caliber, two boxes of 9 mm and two boxes of 10 mm
11 ammunition. The third individual purchased four
12 boxes of .40 caliber, two boxes of 9 mm
13 ammunition.

14 Q. Can you give us some of the
15 details of the background of these individuals?

16 A. Yes, sir, we're able to identify
17 that the three individuals had ties to the Blood
18 gangs, street gangs and all had lengthy criminal
19 arrests. Some of the arrests involved the
20 distribution of drugs, weapons violations,
21 robbery and sexual assault.

22 Q. Are the individuals in question
23 suspected of having been involved in any recent
24 shootings in New Jersey?

25 A. They are suspected of being

1 involved in quite a number of shootings.

2 Q. So in this last case, your
3 investigation determined that convicted felons
4 with ties to the Bloods street gang who are
5 suspected of being involved in several shootings
6 in New Jersey, used a New Jersey firing range,
7 purchased ammunition at that same range; is that
8 correct?

9 A. That's correct, sir.

10 Q. One last question, Special Agent
11 Kuyl, during your investigation, did you
12 determine whether the store owners or the range
13 owners had broken any laws by selling to the
14 individuals you mentioned in your testimony?

15 A. No, they did not.

16 Q. They did not?

17 A. No, sir.

18 MR. FERREIRA: Thank you. I have no
19 further questions.

20 COMMISSIONER HOBBS: Agent Kuyl,
21 you've been a state policeman for how many years?

22 MR. KUYL: Twenty-nine plus, sir.

23 COMMISSIONER HOBBS: At the SCI, how
24 many years now?

25 MR. KUYL: About seven years plus.

1 COMMISSIONER HOBBS: Pretty long
2 impressive record.

3 MR. KUYL: Thank you, sir.

4 COMMISSIONER HOBBS: Your thoughts on
5 this issue, what can be done, what effect will it
6 have, what are the broader efforts that need to be
7 brought into play in order to really start to
8 address the problem?

9 MR. KUYL: Well, my opinion, and
10 listening to some of the other witnesses, there's
11 got to be some form of a firearms ID card for the
12 purchasing of handgun ammunition with photograph
13 adhered to it where that card has to be renewed
14 every three years. There's got to be some type of a
15 data system in place where if a firearms dealer is a
16 little bit leery about the purchasing of ammunition,
17 that he could refer to.

18 COMMISSIONER HOBBS: The data system
19 is of great interest to me. Even though you may be
20 able to make purchases on the Internet and
21 out-of-state, if we have a system which tracks and
22 shows that an individual over the course of a year
23 has bought 10,000 rounds of ammunition, that would
24 be cause for concern. Right?

25 MR. KUYL: Yes, sir.

1 COMMISSIONER HOBBS: And it would be
2 nice if we had a system which as certain numbers
3 were hit statewide for purchases, that some type of
4 an alert was generated, not just to the store owners
5 so they can note the quantity because obviously
6 there's no limit on what you can purchasing, they
7 get a nice piece of information, but they don't
8 really learn anything other than this may be a
9 suspicious individual.

10 But the police force, the state
11 police, they're going to have a better sense of the
12 potential for this individual; is that right?

13 MR. KUYL: That's correct.

14 COMMISSIONER HOBBS: Other thoughts
15 how we might address this?

16 MR. KUYL: No, sir.

17 MR. FERREIRA: I have one question on
18 that line.

19 Q. Special Agent Kuyl when we were
20 in the audience, you made a comment about the
21 fact that local jurisdictions don't have access
22 to the ammo logs. Do you want to share your
23 thoughts on that?

24 A. That's correct. I spoke to a
25 number of law enforcement agencies, including

1 the local and county levels. They would like to
2 go in and check the books, but had been refused
3 because they suspect that certain gangs are
4 utilizing certain retail dealers.

5 CHAIR EDWARDS: Based on your years,
6 all of those years that you've been involved in law
7 enforcement, you've conducted a lot of
8 investigations; I know of a number you conducted
9 personally.

10 I know some of them have been very
11 difficult and some of them you really got to dig to
12 get to the bottom of the facts. I'm gathering from
13 your investigations here and from the rest of the
14 staff's investigations that it hasn't been that hard
15 to find examples of purchases of ammunition from all
16 kinds of retailers by anybody who wants them, and
17 I'm not diminishing the quality of your
18 investigative skills by saying that, but this has
19 not been the hardest investigation you've ever been
20 involved in.

21 MR. KUYL: Definitely not.

22 CHAIR EDWARDS: As a matter of fact,
23 it might classify as one of the easier ones that
24 you've been involved in to find the examples that
25 are there; is that correct, sir?

1 MR. KUYL: Yes, sir, definitely.

2 CHAIR EDWARDS: So consequently, it's
3 almost mind boggling to me and you, and everyone
4 else who has looked at this that it is so easy for
5 anyone to walk in and buy any ammunition in any
6 volumes they want one way or the other and there are
7 absolutely no roadblocks, hollow-points -- there is
8 some roadblocks, former police officers can't buy
9 hollow-point bullets, I think, if my memory serves
10 me correctly, but a gang member could do that, and
11 there's no prohibition for him to do that.

12 The law enforcement individual who
13 follows the law is not allowed to do it. It's kind
14 of ridiculous to me, I guess, to see that kind of
15 reaction. So I'm not wrong in concluding that this
16 is a pervasive and easy thing for anyone with a
17 criminal background to get any kind of ammunition
18 they really want within the State of New Jersey; is
19 that true?

20 MR. KUYL: That's correct, sir.

21 CHAIR EDWARDS: Thank you very much,
22 as always.

23 COMMISSIONER FLICKER: We're ready
24 for our next panel, which will include three very
25 distinguished gentlemen from the Monmouth County

1 Prosecutor's Office.

2 Are you ready?

3 MR. KURZWEIL: I am.

4 COMMISSIONER FLICKER: Please
5 proceed.

6 BRIAN RUBINO, JAMES SCULLY AND ROSENDO PEREZ,
7 were examined and testified as follows:

8

9 Q. Captain Rubino, why don't you
10 state your name and employment, and identify
11 your fellow panelists; and give us not only
12 their names, but their duties with the Monmouth
13 County Prosecutor's Office.

14 MR. RUBINO: Yes, sir. My name is
15 Brian Rubino. I'm a captain in charge of the
16 narcotics, Organized Crime and Gang Unit within the
17 Monmouth County Prosecutor's Office and been with
18 the office for 24 years. I spent my last 21 years
19 in the narcotics division before inheriting the
20 other two units.

21 To my left is Lieutenant James
22 Scully. He is the lieutenant in charge of the
23 Organized Crime and Gang Unit for our office, and to
24 my right is Rosendo Perez. He is a detective
25 assigned to our gang unit.

1 Q. Thank you. Lieutenant Scully, do
2 you have personal knowledge of efforts by the
3 members of the Bloods street gang to buy handgun
4 ammunition in Monmouth County?

5 A. Yes, I do.

6 Q. Would you tell us about such an
7 incident.

8 A. Yes, in December of 2004, I was
9 with two other people assigned to my unit, which
10 was the narcotics unit at the time. We just
11 finished executing a search warrant, and we were
12 still in our raid gear, and we stopped at a
13 local store that sells ammunition and sporting
14 goods.

15 As we were going in, three members
16 of the Blood street gang were exiting. They
17 became nervous when they saw us. We followed
18 them at the same pace that they were leaving;
19 and subsequently, they were arrested. One of
20 them was arrested with a loaded .22 handgun. We
21 observed them actually run away from us into a
22 parking lot across the street with a busy
23 shopping center, and he was attempting to load --
24 he wasn't attempting, he loaded the pistol as we
25 were running up on him.

1 Q. You said that you were wearing
2 raid gear?

3 A. Yes.

4 Q. Just to be clear, this identifies
5 you very clearly as police officers?

6 A. Military type pants, boots. We
7 wear black sweat shirts with "Police" in bold
8 letters written on the front and back.

9 Q. They took a look at that and
10 decided to leave the store?

11 A. Yes.

12 Q. When the searches were made on
13 the three men who were arrested, what was
14 revealed by those searches?

15 A. As I stated before, the one
16 individual was in possession of the loaded .22
17 handgun and .22 ammunition.

18 Q. Was that ammunition in a box?

19 A. Some of it was.

20 Q. Okay.

21 A. He spilled some of it.

22 Q. So it was like it started out in
23 the box?

24 A. It started out in the box. It was
25 in the box when he walked out of the store.

1 Q. Okay. So you recovered the box
2 and the handgun. Did somebody speak to the
3 store clerk and find out any information from
4 the store clerk?

5 A. Yes.

6 Q. And what did the store clerk have
7 to say?

8 A. The store clerk had said that they
9 purchased the .22 ammunition and that they had
10 been in there earlier looking for .32 caliber
11 ammunition.

12 Q. You may have said this, but what
13 was the age of the person who we now have a
14 confirmed sale to somebody; how old was that
15 person?

16 A. Seventeen years old.

17 Q. Were you, and by "you" I mean you
18 and the other law enforcement people with you,
19 told anything about .32 caliber ammunition?

20 A. I'm sorry, just to clarify, he was
21 19 years old, the other individual was 17 years
22 old. I was looking --

23 Q. Seven and nine look like alike.

24 A. I'm sorry, could you repeat the
25 question?

1 Q. Yeah. Did this teenager, this
2 19-year old from what you guys learned at the
3 store, did he also try to buy .32 caliber
4 ammunition?

5 A. Yes, he did.

6 Q. Was he questioned about why he or
7 No. 1, whether he tried to buy .32 caliber
8 ammunition; and if so --

9 A. Yes, he was and he admitted that
10 he tried, he said he was trying to buy it for a
11 friend.

12 Q. So I know you were here quite a
13 while today. You heard us talking about straw
14 purchases. This would have been another straw
15 purchase if he buys the .32 caliber ammunition
16 for his friend, that's what we have all been
17 calling a straw purchasing?

18 A. Yes, sir.

19 Q. Was a .32 caliber handgun
20 recovered?

21 A. Yes, from a second individual, not
22 the same one we were just talking about, signed
23 a consent, went back to his house and recovered
24 the .32.

25 Q. This is your 17-year old?

1 A. Yes.

2 Q. The 17-year old had it in his
3 home, a .32 caliber handgun?

4 A. Yes, he did.

5 Q. Do you remember what part of the
6 home that was in?

7 A. His bedroom.

8 Q. And what is his current status?

9 A. He's currently under arrest for
10 homicide that occurred approximately two months
11 ago.

12 Q. That's a murder committed by
13 shooting somebody?

14 A. Yes.

15 Q. In your experience, have you
16 become aware of retail sales of handgun
17 ammunitions to drug dealers who are not known to
18 be gang members?

19 A. Yes.

20 Q. Could you give us an example of
21 that?

22 A. Well, just recently during the
23 course of the investigation, we came upon an
24 individual actually currently incarcerated for
25 distribution of CDS who had purchased 9 mm

1 ammunition; same store, as a matter of fact.

2 Q. And this is a female?

3 A. Yes.

4 Q. Is she known to be a drug dealer?

5 A. Yes.

6 Q. Let me return to you, Captain

7 Rubino.

8 Are your detectives given access

9 to ammunition logs maintained by retail

10 ammunition sellers in Monmouth County?

11

12 A. No, I'm not. When I approach the --

13 Q. Why is it that your're not permitted to get

14 that?

15 A. When I approach the different

16 retail stores, I get a number of reasons;

17 predominantly, the first reason is it's not

18 required by law.

19 Secondly, a lot of the retail

20 owners believe it's a violation of civil rights

21 if they give us the opportunity to look at this

22 book and view the book.

23 Thirdly, the store owners, some of

24 the retail stores are in a little bit closer

25 area to some of our urban problems, indicate that

26 they're just afraid.

1 If, myself, or any of our
2 detectives are seen coming in or out of the
3 sporting goods store and there is a perception
4 that we looked at these or viewed these logs,
5 that they feel there would be some kind of
6 retaliation by individuals that use the store to
7 purchase.

8 Q. So the perception would be that
9 somebody dropped a dime on a Blood or someone
10 else gave information to police about them and
11 they don't want the Bloods coming back to
12 retaliate?

13 A. Absolutely, based on some of the
14 addresses that we would see; although, it might
15 be a straw purchaser with a different name, some
16 of the same addresses would come up and bring it
17 to our attention, to our intelligence bureau.

18 Q. Suppose our legislature decided
19 to change the law in that respect and made
20 available to state and local police and law
21 enforcement officers access to ammunition logs,
22 these bound books that we heard about that have
23 name, address, what they bought; would that be
24 of any help to your folks?

25 A. It would be a tremendous help to

1 our intelligence bureau, our narcotics, our gang
2 unit. In addition, if there was a legislation
3 of our laws, it would be of help to the retail
4 sellers also.

5 If they had an opportunity to post
6 some kind of warning or some kind of law that
7 indicates by law I am mandated to turnover, or
8 so to speak, to have the logs viewed, it would
9 take the pressure off of them to be afraid to do
10 it.

11 Also, it would be a deterrent to
12 put that out there that this is something that
13 is going to happen. It would be a great
14 benefit.

15 Also, we occasionally get
16 contacted by the forensic unit with timely
17 shootings where certain specific type ammunition
18 is found by our forensic officers. If we had
19 the opportunity to go back into these logs, so
20 to speak, or a database of these logs, we would
21 be able to match up some specific ammunition to
22 some shootings that have occurred.

23 Q. Thank you. Detective Perez, what
24 portion of your detective work is spent
25 investigating gangs and their activities in the

1 State of New Jersey?

2 A. I'm detailed to the Gang
3 Investigation Unit. So it's 100 percent of my
4 time.

5 Q. For how many years have you
6 focused on gangs and gang activities?

7 A. For approximately nine years out
8 of my 11 years in law enforcement.

9 Q. That's nine years, and where have
10 you worked -- before you came to Monmouth County
11 Prosecutor's Office, where did you also work and
12 look at gangs and gang activities?

13 A. I started my career in the
14 Middlesex County Sheriff's Office in 1995. I
15 was there in the capacity of an investigator
16 with the street gang investigation unit, and I
17 was sent to that unit with a few other folks.

18 In December 2002, I went to the
19 Passaic County Prosecutor's Unit, and I was
20 part of their gang unit for approximately
21 two-and-a-half years and subsequently moved on
22 to the Monmouth County Prosecutor's Office in
23 June of 2005.

24 Q. Do you consider yourself very
25 knowledgeable in the field of gangs and gang

1 activities?

2 A. Yes, I do.

3 Q. Are you called upon to instruct
4 other people in law enforcement about street
5 gangs and the gang problem?

6 A. Yes, on a regular basis.

7 Q. Are you considered by others an
8 expert on the subject of New Jersey street
9 gangs?

10 A. Yes, I am.

11 Q. From your interactions with other
12 law enforcement officers, are they finding
13 street gang members under 21 years of age in
14 possession of handguns and handgun ammunition?

15 A. Yes, they are on a regular basis.

16 Q. Tell me in your own words what
17 you think motivates the majority of street gang
18 shootings.

19 A. There's a few factors there. One
20 instance where a gun may be used is protective
21 gang territory; or since they are involved in
22 narcotics trafficking, a lot of times guns are
23 used to protect the drug stash or the money of
24 the proceeds that are made through those
25 transactions.

1 Often times guns are also used as
2 well to discipline some of their own members
3 that may have fallen from grace with either the
4 leader or other members of the gang.

5 Q. Is it your experience that when
6 street gang members shoot it out, that they are
7 careful not to harm innocent bystanders?

8 A. No. In fact, the contrary is
9 true. I've conducted a number of gang debriefs;
10 and almost every time when asked the question
11 whether or not there's any caution given to a
12 bystander or any innocent person that may be in
13 the way of an intended target that there's no
14 consideration given, they are focused on getting
15 to that rival, getting to that target, and they
16 don't have any consideration for any woman,
17 child or so forth that may be in their way.

18 Q. We heard earlier today, and you
19 may have heard this, because I know you were
20 here quite a bit of the day, the opinion that
21 street gang shootings and gang violence is on
22 the rise in the state.

23 Do you agree or disagree with
24 that view?

25 A. I absolutely agree with that point

1 of view.

2 Q. We heard it's too easy for gang
3 members to purchasing handgun ammunition in
4 retail stores in New Jersey. Do you have an
5 opinion on that?

6 A. Yes, I agree with that, as well.

7 Q. To the panel generally,
8 gentlemen, again, to be proactive, to get the
9 bullets either out of the hands of criminals or
10 to keep them from getting it in the first place
11 before there is a killing, and we're finding
12 shell cartridges and ammunition and trying to
13 trace back, but to get this stuff before it
14 hurts or kills somebody, you heard some
15 recommendations earlier.

16 Let me hear your view on it,
17 whoever wants to go first. What would really
18 help you? What would aid you in being proactive
19 and making a dent on these problems?

20 MR. RUBINO: I would like to say my
21 counterparts have all touched on different areas.
22 The firearms ID card, which is required for a long
23 gun in the State of New Jersey, if that had an
24 expiration date and a photograph on it, it would be
25 a great help.

1 This type panel here that we're
2 having now, if you talk to the average law-abiding
3 citizen, they would be amazed to hear how easy it is
4 to buy ammunition in the State of New Jersey. Not
5 many law enforcement officers understand how easy it
6 is to purchasing ammunition. So the education to
7 the public hopefully today and to the legislators
8 will help out a lot.

9 We have an interesting practice in
10 Monmouth County, and it's not unique to Monmouth
11 County. There is what is called a sharing of
12 firearms. There might be one firearm with six
13 individuals that have access to it. It's not
14 unusual over the last number of years to find
15 ammunition on individuals on the street or in their
16 houses. Most of them that we come across either
17 with the gang unit or narcotics units are convicted
18 felons, but they have access to the ammunition.
19 When they need their gun, they make a phone call,
20 and it's delivered to them or they go to a location
21 and pick it up.

22 Also, a lot of these individuals, if
23 they didn't have access to buy it, being required to
24 have a firearms ID card, they wouldn't get the first
25 step to get it in their hands.

1 MR. PEREZ: To echo my Captain's
2 opinion, until I came here today, I didn't realize
3 how easy it was to purchasing ammunition over the
4 Internet. I was surprised to hear from Chief
5 Maltese that it was so easy to go into Cabela's
6 website and purchasing hollow-point ammunition. So
7 I've learned quite a bit in coming here.

8 Also recently there were some I guess
9 counties that were involved in the tracking of beer
10 kegs to deter juvenile consumption of alcohol and
11 some strains that went through with that legislation
12 as well. I'm wondering if this would absolutely
13 help us with this struggle we are going through with
14 ammunition and something can be looked into a little
15 further with that.

16 MR. SCULLY: I can only echo as to
17 what Charlie Kuyl said before. It should definitely
18 be required to purchasing ammunition as well, my
19 firearms ID card I got many, many years ago, I'm not
20 going to say how far back.

21 CHAIR EDWARDS: Not as far back as
22 Charlie.

23 MR. SCULLY: Not quite. And it
24 should be renewed, and there should be a mechanism
25 where a flag goes up for certain individuals with

1 records to get ammunition, buying ammunition without
2 a card.

3 CHAIR EDWARDS: All right, gentlemen.

4 MR. KURZWEIL: All right, gentlemen.
5 That's all I have, sir. We'll see if the panel has
6 questions for you.

7 COMMISSIONER HOBBS: First of all,
8 thank you for coming here today and spending the day
9 with the SCI on this important topic.

10 Is it your sense, and I realize that
11 there's difficulty in tracking this, but is it your
12 sense that while the guns may be coming from a
13 variety of places, some out-of-state, some in state,
14 that just because of the availability, the
15 ammunition is overwhelmingly being just purchased
16 locally by the gangs?

17 MR. RUBINO: I would like to touch on
18 that. In our county, I believe so. There's not a
19 lot of retail locations, but there's some
20 unfortunately strategically-placed locations where
21 the majority we believe of our ammunitions are
22 coming out of just a number of stores.

23 COMMISSIONER HOBBS: When you say
24 strategically placed, they've been there a long
25 time, or they've opened up seemingly to cater to a

1 certain audience?

2 MR. RUBINO: No, they've been there a
3 number of years. It's an area that's very transient
4 and very close to some of our problem areas.

5 COMMISSIONER HOBBS: Have you had any
6 success, I guess, in determining any kind of raw
7 numbers for particular offenders on how many rounds
8 that they've been able to purchasing or acquire like
9 that? That kind of information doesn't seem to be
10 readily available to you in any way.

11 Certainly any of us not involved in
12 law enforcement would say gosh, if somebody could
13 pick up 10,000 rounds of ammunition, what are they
14 doing with that? But you can't even get access to
15 that information right now.

16 MR. RUBINO: No, sir.

17 COMMISSIONER HOBBS: My final
18 question is really more kind of like on the ground:
19 You've seen a tremendous change just over five years
20 in activity and organization in a county that has --
21 or communities -- where is this going? In your
22 estimation, your experience, where is this headed
23 without some serious addressing of these problems?

24 MR. PEREZ: As it pertains to violent
25 gang activity?

1 COMMISSIONER HOBBS: Yes.

2 MR. PEREZ: I started looking into
3 gangs probably 1996, 1997, and I actually thought
4 that it would take longer for us to reach where we
5 are today. I think one of the things that
6 contributes a lot to that in New Jersey is we're
7 actually a melting pot of the different gangs that
8 are here.

9 Some of them have their ideologies
10 based on the west coast fashions of the Bloods, for
11 instance. We even have a lot of gangs here that
12 attribute their history to the Midwest. So we have
13 this whole combination of the gangs and the very
14 concepts that they use as the gang code through this
15 gang subculture. It's just taken off a lot quicker
16 than I ever anticipated. Just in the last nine
17 years, I didn't think it would be nearly as bad.
18 We're actually seeing now just about cuspings on our
19 second generation of gang membership in New Jersey.

20 That means like the west coast and
21 like the Midwest now, we have kids that are going to
22 be born from parents or a parent that are gang
23 members.

24 MR. RUBINO: I would like to say that
25 within the last year, with the inception of our gang

1 unit, which we did not have before prior to a year
2 ago, we were involved in joint investigations with
3 the New Jersey State Police, and we're also a joint
4 task force with the FBI. It's something in Monmouth
5 County we did not really perceive, at least I
6 didn't, working in narcotics a number of years that I
7 would have a full fledged gang unit up and running
8 working co-op, state and federal investigations.

9 COMMISSIONER HOBBS: What role, if
10 any, is the explosive growth of prisoner re-entry in
11 all of this?

12 MR. PEREZ: As far as gang
13 membership?

14 COMMISSIONER HOBBS: Yes.

15 MR. PEREZ: Just to give you an
16 example, there were a few gang members that were
17 involved in the Double I case that Chris Christie
18 mentioned earlier. Some of those individuals were
19 held in federal custody for instance, and the
20 Monmouth County jail system.

21 They go there and they recruit people
22 that may be there from Asbury Park or the Monmouth
23 County area, and now they have their own set, their
24 own Blood set claiming Double I. That's something
25 that also lends some transiency to how these gangs

1 are active, in one area, or predominant in one area,
2 and then someplace like Monmouth County
3 where it may spark an interest and some of the
4 people incarcerated there in the county jail, and
5 then they have a full fledged chapter or set, if you
6 will, of the Blood street gang, of the Double I.

7 COMMISSIONER HOBBS: So the prison
8 system itself is acting as a networking --

9 MR. PEREZ: It's absolutely a place
10 where there's a lot of gang recruitment going on, no
11 doubt, within the county systems and state systems
12 as well.

13 COMMISSIONER HOBBS: Do you get good
14 information on re-entry so that you know individuals
15 coming back into the community, what affiliations
16 they've had prior?

17 MR. PEREZ: We work closely with the
18 gang intelligence unit at the county jail, and even
19 at the state facility level as well, investigators
20 that work there. There's a constant dialogue going
21 on between our unit and the members of their
22 intelligence investigative units as well to see if
23 any affiliations have changed, because that often
24 does happen as well, where there's a person who is a
25 Blood member from a specific set and goes to jail

1 and decide that they want to fly someone else's flag
2 and come out under another affiliation. That's
3 pretty much like that in a lot of counties that I
4 worked in and with the State of New Jersey, there's
5 a good dialogue going on.

6 COMMISSIONER HOBBS: Back to our
7 issue with that kind of landscape going on out there,
8 is it your sense that any of these retailers are
9 taking any proactive measures given the climate to
10 do better training, to do better preventative
11 measures or is it really, as you suggested earlier,
12 that they themselves seem kind of very in the dark
13 about what they're required to do and not required
14 to do.

15 MR. RUBINO: I think any legislation
16 or mandate would help them because they really are
17 in the dark. They are looking for an outlet to put
18 it on somebody. They are looking for when an
19 individual comes in there, that they don't feel
20 comfortable with, maybe they're intimidated by, they
21 want to be able to point and turn to that sign and
22 say, just to let you know, the Monmouth County
23 Prosecutor's Office, the New Jersey State Police,
24 the local police department is probably going to be
25 in here on Thursday and take a look at our records.

1 I don't think they're in a position,
2 in my opinion, in a position to discourage a lot of
3 people or turn them away and that's what we're
4 finding out.

5 MR. SCULLY: That's just not the
6 stores, but the ranges as well which are starting to
7 open up, as well. They're faced with the same
8 problem.

9 COMMISSIONER HOBBS: It amazes me
10 given the technologies available to us today. I was
11 recently traveling, and everyone who enters this
12 country gets a retina ID as you come through the
13 passport system; and you think with those types of
14 technologies available, there's a lot we could do
15 pretty easily to prevent some of this stuff.

16 Thank you.

17 COMMISSIONER FLICKER: Good
18 afternoon, gentlemen. When I think of Monmouth
19 County, I think of one of our overall more affluent
20 counties, and I certainly know you have communities
21 that are more urban, but you certainly have
22 communities that are wealthier, to use the more
23 common term.

24 Are you seeing any difference in
25 terms of gang infiltration in the urban versus the

1 wealthy counties, or are you seeing it across the
2 board these days?

3 MR. PEREZ: I think that maybe about
4 2004 we started realizing that it wasn't just an
5 urban issue, it's now a suburban issue, as well. So
6 there's opportunity for gang members to be involved
7 in criminal enterprising involving narcotics and
8 what have you where it's lucrative for them to move
9 into those areas and to make money, as well. I
10 moved from Brooklyn, New York to Staten Island to
11 Perth Amboy, New Jersey, and then finally got my
12 little piece of suburbia in Monmouth County only to
13 find within months that I was there that I was going
14 to respond to a gang-related homicide that
15 happened blocks away from my home. It certainly has
16 moved into the suburban area, by the way.

17 COMMISSIONER FLICKER: Captain, you
18 mentioned one phenomenon that I saw years ago in
19 Mercer County, and that is unlike television where
20 criminals, at least on TV, want to throw their guns
21 away after they used them. We would see cases where
22 the bad guys would brag about having guns with
23 bodies on them and they would keep them and loan
24 them out. Are you seeing numerous crimes being
25 committed with the same weapon; that is, I know you

1 can tell us that a certain kind of ammunition was
2 fired from a particular gun, and you can find that
3 ammunition even if you can't find the gun; are you
4 seeing that?

5 MR. RUBINO: Yes. With the NIBIN
6 system that's instituted by the New Jersey State
7 Police and more so with Operation Cease Fire that's
8 being implemented. We're getting what's referred to
9 as NIBIN hits, where the New Jersey State Police
10 will come back and say the weapon that you recovered
11 on the 300 block of A Street was also involved in a
12 shooting last October on the 400 block of B Street.
13 So we're actually putting that information together,
14 it's a tracking system of the spent rounds of the
15 shell casings. We're putting that together with our
16 major crimes unit and with our local police and
17 trying to track the gun.

18 It might not necessarily be the same
19 shooter as I explained before, but you see that that
20 one firearm has been involved in a number of
21 different instances.

22 COMMISSIONER FLICKER: And are you
23 seeing that a firearm stays within a particular
24 gang?

25 MR. RUBINO: We've seen it within

1 sets, and I'm learning a lot about gangs from my
2 cohorts here -- I've spent a number of years in
3 narcotics -- but we are. Although the set might
4 change a little bit internally or because of some
5 neighborhood riff, the gun may end up in someone
6 else's hands, predominantly the same group of
7 individuals that originally used it, kind of hang
8 onto it.

9 COMMISSIONER FLICKER: Well, talking
10 about what can be done with our current state of
11 sophistication, if you knew that a particular type
12 of gun had been used by a particular set, and it
13 called for some unique ammunition, if you knew that
14 that ammunition had just been purchased at one of
15 your retail outlets, it might give you a heads-up
16 that they were planning something.

17 MR. RUBINO: Absolutely. Absolutely.
18 It would be advanced information if we had an
19 opportunity either electronically or through viewing
20 these records to have an idea, the officer, the
21 intelligence officer, would be able to say last
22 Thursday, such-and-such a store sold, and we have a
23 lot of shootings involving nine and 45s at the same
24 time. Obviously, there's two guns used or it is
25 exchanged gun battle, one or the other. If you see

1 a number of nines and 45s are purchased within a
2 pattern, with people in the same area, it would be
3 something absolutely we could use.

4 COMMISSIONER FLICKER: Gentlemen, on
5 behalf of the Commission, I would like to thank you
6 for your many days of assistance to us and for all
7 that you do for us every day.

8 COMMISSIONER MARINIELLO: Good
9 afternoon, gentlemen. I think I heard Detective
10 Perez talking about how he was surprised to hear
11 about how easy it is to buy ammunition today. I
12 consider myself to be much more of a layperson than
13 you. And other than hearing about this over the
14 last few weeks in preparing for this, I would
15 consider myself to be the typical member of the
16 public on this issue, not really knowing anything
17 about it.

18 But to echo some of what the
19 Commissioners have said and some of what you have
20 said, I actually sit here thinking that it's almost
21 negligent of us, and I don't mean to throw around a
22 legal term, I don't necessarily mean it in a legal
23 way, but it's almost a case -- negligent of us to
24 allow a system that literally allows these
25 handwritten log books to be the record of ammunition

1 sold in this state when you consider the technology
2 that is available to us. You might as well have
3 them chisel it in stone. It's really ridiculous.
4 What Commissioner Hobbs said about leaving the
5 country and what identification they had to do with
6 him, I had a similar instance in New York City
7 recently where I had a meeting in a business building
8 and despite being on the approved list and despite
9 having a valid license and attorney ID, I might add
10 I think I may have had my SCI ID on me. I had to
11 have a photo taken at that very moment and all of
12 my information inputted into a computer, which took
13 all about 20 seconds for them to do, and to printout
14 a new photo of me with my identifying information on
15 it.

16 So to think that we're allowing
17 people to hand write logs at this stage really is
18 deplorable. I appreciate what you're saying about
19 having these log books available to you; but quite
20 frankly, after what I'm hearing they need to be more
21 than just available to you. There should be a
22 database of some kind. They could put a barcode on
23 a Tic-Tac. This is ridiculous when you think about
24 it.

25 You've got to work with -- these are

1 the tools that you're being given. We need to
2 demand more of it, and everything that you've told
3 us today, and that other people have told us today,
4 I think that that is one area that's been
5 particularly highlighted, that we do not have the
6 proper controls on this; not just from a legislative
7 standpoint, but from a technology standpoint that we
8 should be demanding at this time.

9 I don't really have a question, but
10 thank you for that, for highlighting that, and
11 that's certainly an area that I and the other
12 members of the Commission are going to be looking
13 toward when we come out with our recommendations.

14 CHAIR EDWARDS: Thank you again for
15 your testimony today also. I've been struck by the
16 unavailability of the log issue and access to the
17 log issue. I understand the reasons why. I
18 understand that making it mandatory would make that
19 a whole lot easier. IDs and ID'ing people --
20 just try to fly an airplane today and see how far
21 you'd go without a valid ID and an ID system. And
22 we talk about individual rights and protection of
23 individual rights and you could buy bullets and you
24 don't have to give anybody the log and you could
25 shoot people and nobody cares or it seems like

1 nobody cares. That seems ludicrous to me.

2 I'll take it one step further: I'm
3 far from being an expert on gangs, in the days of
4 traditional organized crime and the investigations
5 we did, the SCI did a lot of them, and the state
6 police in New Jersey did a lot of them, and the FBI
7 did it all over the country; we knew who the members
8 of the organized crime were. We ID'd them over a
9 period of time.

10 Do we know who the members of all the
11 gangs are? Have we ID'd them? Are we ID'ing them? I
12 know we're working on it. Is there a possibility of
13 that happening with this technology and how far
14 along are we?

15 MR. RUBINO: I just want to say,
16 before I give it to Rosendo, I think every Monday I
17 ask our gang unit, I want to see that SCI book with
18 the organized crime like you used to produce. I
19 want to see that book so I want to know who
20 everybody is and where they live and their
21 information.

22 CHAIR EDWARDS: We're trying to
23 prepare one. That's next.

24 MR. RUBINO: He's trying. Our unit
25 is trying. The Lieutenant is working vigorously

1 with local departments. It seems that because of
2 the age group involved in here, it's not as easy.
3 It's not as easy. Not to say that tracking
4 traditional organized crime is easy, but some
5 families you're able to put together, and the same
6 family, give or take a couple of people, might stay
7 together a number of years.

8 This is an ever-changing dynamic
9 here. And I think Rosendo could explain it.

10 MR. PEREZ: We have a number of
11 resources that we utilize to identify gang members.
12 Within our county, whatever we have to do with the
13 Investigation Unit slash Intelligence Unit, to go out on
14 the street and encounter people that may be gang
15 members, those people are obviously logged into our
16 system. That information is disseminated and/or
17 shared to other gang investigators or intelligence
18 officers, various other law enforcement agencies, as
19 well.

20 State police has done a fantastic job
21 in getting together gang survey that they send out
22 to every municipality in the State of New Jersey;
23 and based on their feedback, they get a good ball of
24 wax figure on the type of gang membership that we're
25 looking at throughout the entire state.

1 Now, I'm not a big believer in
2 statistics, because I think you could use that to
3 refute or confirm a point, but in my experience in
4 the last nine years, as far as the counties that I
5 worked in, that normally our efforts to identifying
6 gang members have fallen two-thirds short of what we
7 have on paper.

8 That means if we go out there
9 collectively, myself and a group of people and a
10 suppression unit, and we work at it five or six days
11 a week eight hours a shift or more, trying to
12 identify gang members whatever total number we have
13 for that year probably falls about two-thirds short
14 of what's really out there. We're not working 24/7.
15 The gangs are out there recruiting in the jails and
16 on the streets 24/7.

17 We hope to be with the curve, a
18 little ahead of the curve, but we often found
19 ourselves behind the curve in terms of gang
20 identification. The state police has implemented a
21 statewide system known as SIMS. That's been very
22 useful to us. Different counties adopt different
23 types of software, databases that they utilize to
24 share that information with other municipalities
25 within their region.

1 So there's a number of ways, a number
2 of resources that we go about getting these numbers,
3 but the numbers often fall short of what's actually
4 out there.

5 CHAIR EDWARDS: We have sex offender
6 statutes in which we try sex offenders. Do we have
7 a system in the correction system where we equally
8 track gang members?

9 MR. PEREZ: I'd say it's very similar
10 to the one they use with the sex offenders. It
11 differs from county to county the type of system
12 that they've implemented within their gang
13 intelligence unit, but the end result is that we do
14 share each other's gang databases and the
15 information on gang membership, because we know that
16 there's such transiency involved with these gangs.

17 Recently we had gangs in the Monmouth
18 County area that come by way of Newark and come by
19 way of Trenton. So both Frank Clayton and Frank
20 Guido have become close colleagues and friends of
21 mine in this anti-gang effort. This always has to
22 be updated, this information, as well, so that we
23 are current on what particular person belongs to
24 what gang or gang set, or if an affiliation may have
25 changed either out on the street or within the

1 correctional facility. It's quite an effort.

2 CHAIR EDWARDS: It took us probably
3 40 or 50 years to do the organized crime gang list.
4 That was in the '60s and '70s that we did that.
5 They have been around since the '15, '20s, and the
6 1800's. So it's not unusual and it takes time to do
7 that. This is really a subject matter that's related
8 to the ammunition issue, but it's really related to
9 the bigger issue of gangs that we're working on.

10 I gather there's a lot being done.
11 As I did, from the US Attorney, he was talking about
12 some of the success and programs targeted to Camden,
13 moving from one to five is not a home run, but it
14 sure -- we're sure in the game, and we're hitting
15 some -- we are hitting some home runs in that
16 process.

17 I also gathered from you, which has
18 been an unusual event in the eyes of the law
19 enforcement that the cooperation among agencies is
20 good. Am I reading that right from all of you?
21 Good, better, how would you categorize it?

22 MR. SCULLY: Better. I was --

23 CHAIR EDWARDS: Better. We're not to
24 good. Yet, we're better, though.

25 MR. SCULLY: We're getting there.

1 CHAIR EDWARDS: Anybody else have any
2 other questions?

3 (No response.)

4 CHAIR EDWARDS: On behalf of the SCI,
5 thank you very much. You'll be hearing from us with
6 some more questions on recommendations as we go down
7 the line, but also on the bigger issue of gangs and
8 where we go with that.

9 Your efforts in Monmouth County are
10 to be applauded, and we appreciate it and your
11 efforts, if we have anything to do with that, will
12 resound further out beyond Monmouth County. Thank
13 you very much. Let's take a five or ten minute
14 break.

15 (Recess occurred.)

16 COMMISSIONER FLICKER: Good
17 afternoon. We are going to continue with our final
18 witness of the day, Lieutenant Frank Rodgers of the
19 New Jersey State Police. Lieutenant Colonel. Thank
20 you, Lieutenant Colonel, for coming here and
21 assisting us in this hearing. I'm going to turn
22 this over to Deputy Director Gaal.

23 DEPUTY DIRECTOR GAAL: Thank you.

24

25 LIEUTENANT COLONEL FRANK RODGERS, was

1 examined and testified as follows:

2

3 Q. Colonel, may we have your name
4 for the record, please.

5 A. Yes, ma'am. Lieutenant Colonel
6 Frank Rodgers, Deputy Superintendent for
7 Investigation, Division of the State police.

8 Q. I know you're joined by a fellow
9 member of the New Jersey State Police. Maybe
10 you could introduce him for the record, and
11 we'll spell his last name for the reporter.

12 MR. CUNHA: Detective Sergeant
13 first-class John Cunha, C-u-n-h-a.

14 Q. Colonel Rodgers, could you just
15 summarize for us, I'm sure you have many, but
16 could you summarize your overall duties.

17 A. I supervise the investigative
18 component of the division, all detectives, both
19 in the investigation section, which is largely
20 our reactive investigative component, our
21 intelligence section which is the proactive
22 component and our laboratory system known as the
23 office of forensic sciences, about nine hundred
24 people.

25 Q. Sir, the State Commission of

1 Investigation undertook this investigation, in
2 part to ascertain whether or not persons to whom
3 we would not sell a handgun in this state could
4 get access to ammunition by purchasing it
5 through retail stores, and one of the areas that
6 we looked at, and we spoke to Sergeant Cunha and
7 his folks out at the State Police Firearms
8 Investigation Unit was the role of the state
9 police in this area. Perhaps you could
10 summarize for us the role of the firearms
11 investigation unit.

12 A. In large part, our firearms unit
13 is regulatory. Just the sheer volume of what
14 we're responsible for, the retired police
15 officer's permits and regulating the
16 distribution or sale of firearms in or around
17 the state. They have a limited investigative
18 capacity for criminal investigations, but by and
19 large most of that work is done by organized
20 crime, narcotics and street gangs detectives.

21 Q. With respect to firearms and
22 ammunitions, ammunition sales, there's a
23 distinct difference, is there not, between the
24 prohibitions in New Jersey for buying a firearm
25 versus the prohibitions in the state with

1 respect to the purchase of ammunition.

2 A. That is correct. They are
3 materially different. Firearms, one of the
4 stronger states in the nation as far as our laws
5 go; and when it comes to ammunition, I describe
6 it as largely nonexistent.

7 Q. I'm having a little trouble
8 hearing you.

9 A. I'll speak louder.

10 Q. Is the mic on?

11 A. It is.

12 Q. With respect to the role of the
13 firearms unit in connection with both weapons
14 and ammunition, what exactly do they do; or if
15 you could just summarize for us the roles that
16 they have.

17 A. Ultimately, all firearms sales are
18 reported to the firearms unit. We have the
19 centralized records system of all firearms
20 sales, all permits ultimately are processed
21 through the unit.

22 When it comes to ammunition sales,
23 once again, as promulgated by the Administrative
24 Code, they have responsibility to conduct
25 audits, I guess, for lack of a better term of

1 those types of sales in and around the licensed
2 firearms dealerships in New Jersey.

3 Q. How many licensed retail sellers
4 of ammunition are there in New Jersey?

5 A. I would like to defer to John on
6 that one.

7 MR. CUNHA: There are approximately
8 330 licensed dealers in the state.

9 Q. And they range from folks selling
10 ammunition out of their homes to stores and
11 shopping centers, retailers?

12 MR. CUNHA: Right. Of those 330,
13 approximately 22 wholesale manufacturer dealers and
14 approximately 310 retail dealers.

15 Q. We heard today about the firearms
16 identification card, as well as the permit to
17 purchase. Perhaps one of you could just
18 outline the distinctions for us with respect to
19 those two.

20 A. Individual handguns sales require --
21 every handgun sale requires the individualized
22 permit which involves a comprehensive
23 investigation conducted germane to that
24 particular purchasing.

25 When it comes to a firearms ID

1 card which is used for long arms, once that's
2 issued, it's issued for life, and enables the
3 holder to purchase as many of those types of
4 weapons as he or she sees fit.

5 Q. Is there an age differential with
6 respect to handguns and the long guns?

7 A. Eighteen and 21.

8 Q. Okay.

9 A. 18 for the long arms and 21 for a
10 handgun permit.

11 Q. To your knowledge, does New
12 Jersey have any regulatory oversight over
13 Internet sellers? That would be Internet
14 sellers selling from another state or anywhere
15 else over the Internet?

16 A. As far as ammunition goes?

17 Q. Yes.

18 A. I'm told they do not exist. No
19 regulations pertaining to that.

20 Q. And may a person resell
21 ammunition to another?

22 A. He may provide or she provide,
23 they do not charge more than the procurer for
24 them.

25 Q. So they would not need to be

1 licensed? If I go out to buy ammunition and
2 sell it to someone else for exactly what I paid
3 for it, I don't have to be licensed?

4 A. That's correct. I would like to
5 add to that point, though, even if you made a
6 profit on it, I don't know who would be prepared
7 to do anything about that.

8 Q. The Division of Taxation maybe.

9 A. That may be the sum total of the
10 assets that would be allocated.

11 Q. How about the manufacturing of
12 ammunition? Can an individual manufacture
13 ammunition?

14 A. There are no rules prohibiting
15 that.

16 Q. Can it be wholesaled in this
17 state?

18 A. Yes, ma'am.

19 Q. Without any rules or prohibition?

20 A. None.

21 Q. When we undertook the
22 investigation, we weren't sure what we were
23 going to find. But what we did find is that
24 it's fairly easy for folks to buy ammunition in
25 the state from licensed retailers, and I know

1 you weren't here earlier today. I think
2 Sergeant Cunha was, but I would like to advise
3 you of some of the findings that the Commission
4 heard about earlier today by way of background
5 for you this afternoon.

6 We looked at a total of 60 retail
7 establishments in the state, and we found that
8 persons with criminal histories were able to
9 purchasing handgun ammunition in 43 of those.

10 We found examples where underage
11 persons were able to buy handgun ammunition and
12 juveniles were able to buy handgun ammunition.

13 We found that persons associated
14 or affiliated with street gangs were able to
15 purchase ammunition for handguns in this
16 state.

17 We found that straw purchases are
18 done in the state for persons who don't want to
19 be acknowledged or recorded as having made the
20 purchasing.

21 We found that people can and we,
22 ourselves did purchase handgun ammunition over
23 the Internet, including hollow-points, without
24 providing any means of identification.

25 We found that retail store

1 owners, some of them, feel that they have
2 limited resources when confronted with an
3 individual attempting to make a purchasing, and
4 I'm speaking specifically when they find a
5 suspect individual or someone that makes them
6 somewhat nervous; they feel intimidated, and
7 they're concerned that they might get sued if
8 they don't make the sale.

9 We found that ammunition lawfully
10 purchased in this state has been tracked to
11 subsequent crimes, including homicides and gang
12 related criminality.

13 We also found that there are
14 instances where individuals are making
15 significant repetitive purchases, individuals --
16 we heard from one who testified that he had made
17 well over 125 purchases in a three-year period
18 for a total of over 8,000 rounds, mostly handgun
19 ammunition.

20 We also found that people making
21 the purchases with criminal records have a
22 veritable laundry list of criminal convictions,
23 and they're the kinds of things that would be a
24 problem for the individual to buy a handgun; sex
25 offenses, domestic relations offenses, assault

1 on police officers, weapons violations and
2 violent crimes.

3 Does this surprise you to hear
4 what we found?

5 A. Unfortunately, not at all. I wish
6 I could represent to you that it does, but being
7 probably more familiar than most are what the
8 current state of affairs are out there, that
9 doesn't surprise me. I will add when I was 18,
10 I was a trooper; I couldn't buy bullets, but it
11 seems that things have gotten easier.

12 Q. Things have changed.

13 A. Yeah.

14 Q. Now the firearms unit, does it,
15 in some sense, act on behalf of the local police
16 departments in some cases with respect to
17 firearms and ammunition sales?

18 A. It does. We process all of the
19 investigations for, I guess about 90 police
20 departments that don't have their own PD; we
21 conduct those investigations for them, primarily
22 out of the barracks that serves that area. Once
23 again, all of the paperwork is centralized in
24 the firearms bureau.

25 The auditing of how weapons are

1 being stored are our responsibility.

2 Q. So your unit goes out and checks
3 on an audits retailers, wholesalers?

4 A. Yes, ma'am.

5 Q. They look for what, the security
6 system, they look at the logs and so forth?

7 A. They do.

8 Q. What is the Instant Criminal
9 Background Check System?

10 A. It's a compilation of criminal
11 records and mental health records that enables
12 the salesperson of a firearm to check the
13 background of a person wanting to purchase a
14 firearm.

15 Q. Does the state police ultimately
16 maintain the records for all of the State of New
17 Jersey?

18 A. We do, ma'am.

19 Q. Currently, what are the permit
20 fees with respect to ammunition, sellers or
21 wholesalers; do you know what the current fees
22 are?

23 A. I think the highest fee is 50
24 dollars now. Is that correct, John?

25 MR. CUNHA: For someone who wants to

1 engage in retailing the ammunition, you would have
2 to apply first for a retail license, which is a \$50
3 fee for a three-year period.

4 Q. How about the wholesaler fee,
5 what's that?

6 MR. CUNHA: That fee is \$150 for the
7 same three-year period.

8 Q. And an individual who actually is
9 the seller, I think they call it a Pink Card,
10 how much does that cost?

11 MR. CUNHA: That's five dollars;
12 that's an employee license.

13 Q. Are those fees dedicated to the
14 enforcement unit or the regulatory unit?

15 A. My understanding is that it goes
16 to the general fund, right John?

17 MR. CUNHA: By statute, it's mandated
18 to go to the state treasury.

19 Q. I would like to ask you to tell
20 us what penalties there are, if any, if you find
21 any problems or violations.

22 A. The violations as I understand it,
23 correct me if I'm wrong, John, is the
24 Administrative Code, I don't need to speak any
25 further on that.

1 Q. So there really aren't any teeth?

2 A. None.

3 Q. Are there any prohibitions other
4 than the age we just talked about with respect
5 to any individual that can buy ammunition,
6 setting aside hollow-points and so forth?

7 A. No. You could be a convicted
8 criminal, unfortunately, and go and buy as much
9 as you want.

10 Q. What about the side of the
11 retailer, if you found problems at a retailer,
12 maybe their logs weren't well kept or maybe
13 there were problems there, how do you handle
14 that?

15 A. Once again, as I understand it,
16 there are administrative code violations and we
17 rely upon the same system that we were speaking
18 of to be our teeth; and once again, it's non
19 existent.

20 Q. One of the things we talked about
21 earlier today was the disabilities which
22 prohibited individuals from buying handguns in
23 the state such as criminal records, medical,
24 mental and other disabilities. What happens if
25 an individual gets a firearms purchaser's ID

1 card or has a permit to purchase, and
2 subsequently suffers a disability, or I should
3 say what's supposed to happen?

4 A. As I understand, he's supposed to
5 surrender the card, and that preassumes that
6 either their health care provider or somebody
7 would notify the state in order to see that that
8 happened. To the best of my knowledge, I'm not
9 familiar with that ever happening.

10 MR. CUNHA: No.

11 Q. So do you think there are people
12 around the State of New Jersey that have cards
13 or permits that shouldn't have them?

14 A. Absolutely. I think that's
15 without question.

16 Q. Any estimate of how many?

17 A. I wouldn't be prepared to speak to
18 that. I'm sure it's a substantial number.

19 Q. If that came to your attention,
20 is it your unit that would have to go out and
21 try to locate the cards?

22 A. That is the case, and I've seen
23 that, you know, John go out at least to seize
24 some firearms in the past from people we found
25 out that purchased them improperly.

1 Q. So what looks like a tight system
2 is kind of loose in that area?

3 A. It's an antiquated system, one
4 that didn't anticipate our reality today, didn't
5 take into account the resources that we could
6 bear to tighten this up. It certainly was the
7 intention, I assume of legislature back then, to
8 put some provisions into place that would, you
9 know, keep this in check, and it's a whole
10 different world today.

11 Q. Do you think it's a significant
12 problem today, it's out of control, epidemic?
13 Can you characterize it for us?

14 A. I don't know if I would use an
15 adjective other than to describe it as I've
16 never seen anything like it on my 25 years on
17 the job.

18 Q. Is there anything that you can
19 share with us, I don't know if you can, but any
20 specific instances or cases or scenarios that
21 come to mind that you've heard about over the
22 years or recently which would illustrate some of
23 the issues we talked about today?

24 A. In the past 18 months our
25 division's had a fundamental shift in our

1 business process insofar as who we target for
2 investigation, and one of our priorities are
3 street gangs, one of our three specific
4 proactive priorities that the superintendents
5 promulgated.

6 We have brought more sophisticated
7 resources to bear to attack this problem in the
8 last 18 months resulting in the gathering of
9 some very explicit evidence from a variety of
10 means that -- how would I describe it -- really
11 shows the fearlessness of this criminal element.
12 Again, I can't emphasize enough. Nothing like
13 I've seen in the last 25 years.

14 I mean I listened to my fair share
15 of intercepted conversations over the years; and
16 reading what I read today, you know, Al Capone
17 didn't behave like this way, way, back. They
18 were reasonably intimidated so as not to
19 incriminate themselves, whereas this breed of
20 criminal is not concerned that way.

21 Q. I don't know if you can share
22 anything specific with us about ammunition,
23 anything you can tell us about the conversations
24 or cases involving ammunition?

25 A. Well, I can tell you they are not

1 intimidated in any way, shape or form. It seems
2 to me that it's incumbent upon us to do
3 everything we can to protect ourselves. To
4 leave this door wide open as it is, given the
5 scope of the problem, we're all familiar with
6 the statistics in Newark, Philadelphia,
7 Bloomington that we're reading about every day,
8 those crimes are directly impacting here upon
9 the populous here in New Jersey and we're making
10 it easy for them to shoot at us, it's that
11 simple.

12 Q. By selling them the ammunition?

13 A. Absolutely.

14 Q. One of the things that we talked
15 about was the firearms purchaser's
16 identification card.

17 If Mr. Bodder could put up
18 Exhibit A-110 while we're speaking. Can you see
19 that?

20 A. Yes.

21 Q. What is that? That's the card?

22 A. That's the purchaser's ID card.

23 Q. We have done it so that we have
24 one sheet, but the front of the card is at the
25 top, it's a buff color, and the back of the card

1 is at the bottom. You'll note and we've heard
2 today about the fact that not only is there no
3 photograph on it but there's no expiration date;
4 is that right?

5 A. That's absolutely correct.

6 Q. Do you have any thoughts about
7 that or recommendations?

8 A. I heard some testimony before I
9 came forward, it's almost unbelievable that post
10 9-11 we have taken all of the steps that we have
11 to protect ourselves and digital driver's
12 license and everything else, yet we let someone
13 walk into a business to purchase a firearm and
14 we don't exercise that same level of precaution,
15 you know, with the firearm.

16 Q. One of the things we found was we
17 looked at these various individuals with
18 criminal histories that were purchasing
19 ammunition either from the logs or elsewhere and
20 we checked them out to see whether they had
21 cards and there were some, a small number, but
22 there were some which suggests that they
23 suffered the disability later or they got a
24 conviction later, but they're still carrying the
25 card around as an identification information, I

1 guess, which would enable them to not only
2 purchase guns but ammunition.

3 So your recommendation would be
4 to change it in some way?

5 A. At minimum, you know, adopt the
6 same standards that we used to protect us when
7 we give a 17-year old the control of a car. If
8 we're going to give an 18-year old a control of
9 a gun, it seems logical that we at least do the
10 same thing.

11 Q. Thank you. We mentioned the
12 licensing fees. Do you have any recommendations
13 about those fees? Do you think they should be
14 increased?

15 A. I have to be careful speaking to
16 that, but what I would submit to you, though, is
17 if there are going to be revenues raised, we
18 would as an individual like to see that
19 dedicated to the unit that's responsible for,
20 principally responsible for enforcing these
21 statutes.

22 John, I know, has told you before,
23 you know, we're lacking resources like everyone
24 else and to take what's really what amounts to a
25 little bit amount of money in the big scheme of

1 things to the state, that would be a huge shot
2 in the arm to the firearms unit.

3 Q. Let me just reiterate; I went out
4 there and interviewed them with Chief Maltese.
5 I think we were astounded at the duties and
6 responsibilities and sheer volume of work that
7 unit has with the resources. It was astounding.
8 They need help in our view.

9 A. Yes.

10 Q. We have talked about the logs
11 today. One of the issues that was mentioned was
12 the fact that they're handwritten and the other
13 is that they're bound logs and people kicked
14 around, we have kicked around, thoughts about
15 computerizing them, doing them electronically.

16 I would like to ask you your
17 opinion about that and any thoughts you or the
18 unit has concerning the logs.

19 A. Well, I'll start with the logs
20 themselves. It seems to me that assuming that
21 we never went beyond the paper system that's in
22 place, they need to be standardized, and would
23 be incumbent upon us as a division to issue
24 something that requires the standard reporting
25 of certain identifiers, master index type of

1 data.

2 Taking it beyond that, I think the
3 logical step is moving to some sort of
4 electronic medium. I will caution you though,
5 the infrastructure needs to be in place. I deal
6 with this on a daily basis with some of the
7 other systems that rely upon the Garden State
8 Network to transmit information around, one of
9 which I would like to speak to you before we
10 break today which is SIMS, the State
11 Intelligence Management System. This relies
12 upon antiquated cabling, I guess for use of
13 laymen's terms, and the consequence is that the
14 data that we're used to seeing flow in our
15 personal lives in our computers and our homes
16 doesn't flow as quickly on the Garden State
17 Network.

18 If the business solution would be
19 to use that system to deliver this, that would
20 further exacerbate our problems. I'll tell you
21 we certainly support that. It would seem to me,
22 you know, there's no reason why every piece of
23 ammunition here, every box of it is not
24 barcoded.

25 The state has recognized its duty

1 and responsibility to regulate it. I would
2 suspect most of those regulations were
3 promulgated several decades ago at the earliest,
4 and we need to update that, bring the technology
5 that's available to us to bear today.

6 Q. I noticed you looked to your
7 right. I'll represent to you that that cart
8 contains ammunition that was purchased by
9 confidential informants or working at our
10 behest, all of whom had criminal records. They
11 purchased the ammunition for us. We paid for it
12 and so forth, and it's handgun ammunition and a
13 lot of hollow-points.

14 I guess from what you said
15 earlier, it doesn't surprise you but it troubles
16 you.

17 A. It doesn't surprise me. The
18 availability of weapons here in the State of New
19 Jersey could not be overstated. On any give
20 day, any one of my detectives that I have
21 assigned to that responsibility could go out and
22 essentially purchasing what they want; it's that
23 available.

24 Q. One of the questions that has
25 also come up today is whether the code, the

1 Administrative Code, should be amended or a
2 statute should be put in place to permit
3 jurisdictional officers to gain get access to
4 log information. Currently it's available only
5 to state police, I think almost as an
6 administrative tool. Do you have any thoughts
7 on that?

8 A. I think any law enforcement
9 officer has a right and a need to know that,
10 should have the availability of getting it.

11 I will add I'm not familiar, and
12 there may be someone that has not had the
13 opportunity, another officer to get it. As I'm
14 told, the police officer goes in and asks for
15 those books, is generally accommodated.
16 Nonetheless, I think the statute or regulation
17 should reflect that authority.

18 Q. Do you have any position on
19 whether or not the possession of ammunition,
20 particularly handgun ammunition, should be
21 unlawful for convicted persons?

22 A. I feel strongly that a convicted
23 offender should not be allowed to purchase or
24 be in the possession of ammunition for the same
25 reason that they shouldn't be allowed to own a

1 gun.

2 Q. How about the acquiring or
3 transferring of guns or ammunition by one
4 individual to another when the straw purchasing
5 situation or the purchasing for an individual
6 that maybe themselves has a disability, do you
7 think the laws should address that?

8 A. Those penalties have to be
9 substantially enhanced to bring to bear some
10 level of deterrence. Very specific facts that
11 I'm familiar with in ongoing investigations
12 demonstrate to me that there was no deterrents
13 whatsoever to the statutes that exist today.

14 Q. One of the issues that came to
15 our attention when we spoke with Sergeant Cunha
16 and Lieutenant Watson had to do with whether
17 there ought to be some additional requirements
18 in terms of the security at retail facilities,
19 after-hours security so you don't have those
20 break-and-grab types of crimes. Do you have any
21 thoughts on that?

22 A. Well, I do. When I was chief
23 commander down at H Troop, we had a business,
24 gun business that was one of those
25 smash-and-grab jobs where they took a bunch of

1 weapons out of there.

2 It seems to me that we should at
3 least use the same technology as available to
4 keep diamond rings from being knocked over at
5 night, to keep 9 mm weapons from being stolen
6 the same way.

7 Q. I saw in a news article within
8 the week that you referred to domestic terrorism
9 facing our citizens every day. Can you
10 elaborate on that? What do you mean by that?

11 A. Well, the results are very
12 similar. I mean I think everybody in this room
13 is familiar with the number of homicides, and I
14 always go back to Newark being our State's
15 largest city. We're at 104 as I said to you
16 before, today. The citizens of those
17 communities are absolutely terrorized and much
18 like the terrorists, international terrorists
19 that we have focused on over the years, these
20 gang members are just as little intimidated as
21 Al Qaeda members. They're not concerned for
22 anybody's safety and not concerned for whatever
23 penalties exist that may be brought to bear
24 against them.

25 Q. We've also seen some reports

1 relating to Operation Cease Fire. Can you tell
2 us about that?

3 A. Cease fire is a program that we
4 started in Newark and Irvington in cooperation
5 with the police institute at Rutgers where we
6 picked out the most violent area, cities of
7 Newark and Irvington and it was a border area.
8 And recognized that most of the shootings that
9 did not result in a homicide, which in many
10 respects was just a matter of poor aim on the
11 part of the person, that when they were
12 shooting, they intended to kill the person that
13 was hit, but because of the overwhelming number
14 of shootings in those areas, they were not
15 investigated.

16 In fact, if it wasn't a homicide,
17 you might have gotten a beat cop out there to
18 just make sure the person got in the ambulance
19 and whatever forensic evidence was there to be
20 collected was swept to the curb.

21 We filled that breach in a
22 collaborative effort with the Essex County
23 Sheriff's Department, Newark and Irvington
24 Police Department and now we investigate every
25 shooting in that cease fire zone as if it were a

1 homicide.

2 The consequence of which is we
3 have more than doubled the clearance rate. Our
4 clearance rate meaning we have even arrested the
5 person that's responsible for this shooting or
6 we know who it is and they remain a fugitive.
7 No shell game, no smoke and mirrors. It's more
8 than doubled the clearance rate.

9 That program has been expanded
10 down into the City of Camden where we have what
11 we call a special investigations unit. It's a
12 cooperative team between ourselves, Camden PD
13 and the Camden County Prosecutor's Office
14 focusing, again, on those types of shootings.

15 I think most importantly, we have
16 brought a number of other resources to bear in
17 the 13 cease-fire cities that help those
18 communities.

19 First and foremost was to expedite
20 any forensic evidence that was being collected
21 in those areas. We went to the evidence lockers
22 in those communities, and I'll use Camden as an
23 example. There were in excess of a thousand
24 handguns that were seized or recovered in a
25 variety of ways in the last few years that were

1 sitting in the evidence locker. They had been
2 test fired in order to establish for grand jury
3 that the weapon was operable; but the test
4 firing, the actual casings were never entered
5 into what is known as NIBIN, it's the National
6 Integrated Ballistics Information Network. It's
7 a computerized database that we maintained along
8 with the Bergen County Prosecutor's Office,
9 Somerset County Prosecutor's Office, Essex
10 County Sheriff's Department, and also the Newark
11 Police Department; we all have terminals. We do
12 the lion's share of the work, because most of
13 the state doesn't have the system.

14 Using Camden as an example, they
15 test fired the weapons, but they never bothered
16 to send the shell casings to headquarters to get
17 that into the database. So what we did is we
18 brought a bunch of 944 Employees, retired police
19 officers that we bring back for 944 hours at 25
20 bucks an hour, and had them test fire all of the
21 weapons in Camden and the other 13 cease-fire
22 cities, and we added all of their ballistics
23 evidence. I think we have one city to go, we're
24 working in Atlantic City now. We dumped all of that
25 data into the NIBIN database.

1 Q. Are you looking for a
2 recommendation there or some help there?

3 A. We are. Right now there is no
4 requirement on the part of law enforcement to do
5 that. I would like to apply to a specific
6 scenario that would help me explain it, and
7 maybe help you digest it a little more, and I'll
8 apply it to that specific crime scene in an area
9 that is more disproportionately affected by
10 violent crime.

11 Those shell casings that are
12 laying in the gutter, they need to be collected
13 and they need to be entered into the system so
14 that two weeks later when we arrest somebody on
15 the turnpike or a police officer in Atlantic
16 City picks up somebody that was from Newark and
17 they have a gun in their back pocket, an
18 automatic weapon, a 9 mm or a 45, when that
19 weapon is test fired for grand jury purposes to
20 demonstrate that it is in fact operable, that
21 shell casing needs to get into the database. As
22 you can see, we can begin to match this stuff
23 up.

24 There are, I'm told, 3,500
25 firearms seized in the State of New Jersey every

1 year. The lion's share of those are automatic
2 handguns. All automatic handguns lend
3 themselves to be entered into the database that
4 way.

5 I would submit to you that we need
6 some sort of teeth behind that, that either
7 mandates it through executive order or
8 legislation.

9 Q. Okay. I know you may have some
10 other recommendations that you brought with you
11 today. I want to give you an opportunity to
12 advance them to the Commissioners.

13 A. I appreciate that. If I may?

14 Q. Sure.

15 A. First and foremost, you know, I
16 sit before you today with the responsibility to
17 supervise our investigative assets, and I have
18 to admit to you that I'm not in a position to
19 speak to how many shootings there were in the
20 State of New Jersey yesterday, how many people
21 were murdered in the State of New Jersey
22 yesterday.

23 Today's day and age, I would think
24 that that is a reasonable expectation on your
25 part that I or somebody in my position should be

1 able to do. Lacking some requirement, telling
2 law enforcement that that needs to be reported
3 to a central place so that we have a true sense
4 of our situational awareness, that will never
5 happen.

6 So I submit to you that something,
7 whether it be either through legislation or an
8 executive order, needs to require the reporting
9 of all shootings and all seized weapons to the
10 regional operations and the intelligence center,
11 also known as The Rock at Division Headquarters.

12 We are now on a position as an
13 organization to take in that information and
14 provide information back to those allie agencies
15 that give us that. I want to use that to segway
16 into a thing known as E-trace, which is an ATF
17 program where it's principally used to identify
18 straw purchasers.

19 To give you an example, we can
20 have a Jersey City Police Department today seize
21 a weapon and submit it to the ATF to find out,
22 you know, trace that weapon back, and they came
23 out and identify John Smith as the purchaser
24 down in Georgia or over in Pennsylvania.

25 The same day the Camden Police

1 Department would have a similar seizure and
2 report it to the ATF, and I'm told under federal
3 regulation, the ATF is explicitly prohibited of
4 telling Jersey City Police Department and the
5 Camden Police Department that the same person
6 bought both of those weapons out-of-state.

7 The bridge of the solution to
8 that, because we have to account for the federal
9 regulations to prohibit the ATF from actually
10 telling them, this is all true, is requiring
11 that all E-traces emanate from the same place,
12 all requests for that information to the ATF
13 should come from The Rock; and by doing so, will
14 account for the federal prohibition from the ATF
15 sharing that information with different police
16 departments. If they report it back to one
17 place, which would be us, there is no legal
18 prohibition from us sharing that with the two
19 police departments.

20 Q. That's pretty clever.

21 A. It's a simple business resolution.
22 ATF, I guess I'm going to speak for them, they
23 firmly support that. That is something we have
24 collectively come up with.

25 Last but not least, I was hoping

1 to get an opportunity to speak a little bit
2 about SIMS, and that's the State Intelligence
3 Management System. A good friend of mine Brian
4 Rubino was here right before me and spoke a bit
5 about it, Brian being from Monmouth County.

6 When you look at the principal
7 recommendations from the 9-11 report, there were
8 two of them, one is the sharing of information
9 in intelligence, and the second being a unity of
10 effort. That's what SIMS is all about. It's a
11 network to bring intelligence from, you know,
12 different places into one centralized
13 repository, and, you know, law enforcement has
14 done a pretty good job since 9-11. The irony
15 being though that good job in some senses has
16 built silos that are very difficult to bridge.

17 There are probably 30 different
18 intelligent systems that exist in the State of
19 New Jersey right now. None of which talked to
20 one another other than ours. And what strikes
21 me, I guess it's about two weeks ago, I read my
22 morning brief on an investigation we were
23 conducting, it had to do with some intercepts
24 that we had made, and one particular individual
25 giving orders to gang -- subordinate gang

1 members in different cities around the
2 state in all different regions, both North,
3 South and Central New Jersey.

4 As you're well aware, the criminal
5 element does not respect the same boundaries
6 that we impose upon ourselves in law
7 enforcement. As we build these silos that don't
8 talk to one another, we're really hurting
9 ourselves. Much has been done with the SIMS
10 system in the last year.

11 I'll be the first to sit before
12 you and tell you in good conscious I couldn't
13 sit here a year ago and speak the same way I can
14 today about the system.

15 The entire business plan has been
16 revised; the system is much more user-friendly,
17 and the only way that system is going to be
18 really fully operationalized is either through
19 legislation or an executive order.

20 You know, General, I'm thinking of
21 our own experience of forfeiture over the years,
22 we seized a great deal of money, and there isn't
23 a month that doesn't go by that I don't meet
24 with a different county prosecutor who brings me
25 in to say, listen, I'm thinking about buying

1 some other system, and they're buying a system
2 with forfeiture dollars, and it's a system that
3 doesn't talk to the main system, the SIMS
4 system. SIMS is the Cadillac of all systems.

5 If we're going to have the type of
6 impact that I think the citizens truly expect
7 that we will, that's how we're going to do that.

8 I'll leave you with this, the last
9 piece: We need a robust analytical network that
10 sits over the top of this. We can have all of
11 the information in the world; but if we don't
12 have somebody that is putting together the type
13 of products, assessments, that will influence
14 law enforcement decision makers and the
15 legislator and others, we will continue to
16 expend resources in areas where we don't receive
17 the return on investment that the public
18 demands.

19 Q. Thank you, Colonel Rodgers. What
20 just occurred to me is perhaps you might be able
21 to reduce these to writings so that we have them
22 in the proper format for Commissioners to
23 consider.

24 We certainly will have a
25 transcript of what you're saying today, and what

1 we have in our notes, but I think we would like
2 to have you take a look at any possible
3 recommendations the Commissioners would
4 consider.

5 Do you have anything further?

6 A. No, ma'am.

7 Q. That's all I have.

8 CHAIR EDWARDS: Colonel, I was
9 stricken by a lot of things, but SIMS is the most
10 important one that I think you mentioned, at least
11 to me, and the fact that the rest of the law
12 enforcement world in New Jersey is not necessarily
13 buying or following a system that's compatible with
14 SIMS or using it; is that accurate?

15 MR. RODGERS: Some of counties are
16 better customers than others. In fact, all of the
17 counties are searching the system. There's a better
18 part of three-quarters of a million records in
19 there, and we are now networking other -- we call it
20 Record Management Systems, our drunk driver's
21 reports and other things are being pulled into that.
22 So when you conduct a search, you'll get potentially
23 four million hits.

24 CHAIRMAN EDWARDS: They're not putting
25 stuff in, though.

1 MR. RODGERS: Very few are putting
2 things in. I have to look at you and tell you that
3 our own people weren't putting things in a year ago,
4 but they are today. That's one of their principal
5 benchmarks every month.

6 There are some solutions to this.
7 There's a piece of software out there known as the
8 JUSTICE XM Loader. It's a piece of bridging
9 software that allows you to move what is known as
10 Master Name index type of data from one system into
11 SIMS, to migrate it into the program, but it's like
12 having a Porsche and driving it like a Volkswagen.
13 What we need is to use SIMS for everything that it's
14 worth.

15 We have had some substantial
16 improvements with the counties. We were out there
17 training police officers that just because of their
18 duties and responsibilities, they never had the time
19 to really work the system the way -- and you really
20 need to know the system to get the most out of it.

21 Most of the counties have people that
22 they can dedicate proactively, whether they be
23 analysts or others and we've concentrated on them
24 and we've seen a substantial return on that
25 investment.

1 The people who need to know how to
2 work the system, once they receive the formalized
3 training and backed up with some OJT up at The Rock,
4 they're using it; the return is substantial.

5 CHAIR EDWARDS: I had the benefit of
6 having you and/or others demonstrate that system to
7 me. Can I ask why there isn't a -- or what method
8 do you think would effectuate a mandatory
9 involvement of all the law enforcement agencies in
10 the state into that system?

11 MR. RODGERS: I would start with some
12 sort of public affirmation that we as a state buy
13 into the recommendations of the 9/11 report, and use
14 that as the foundation. You know, if we're going to
15 abide by those recommendations, we have to move
16 information and intelligence back and forth. So I'd
17 use that -- I'd start from there

18 I also, I don't know that I would let
19 anybody use taxpayer dollars to buy something that
20 would create a silo unless the taxpayer dollars
21 don't include forfeiture funds. Unless it's in the
22 best interest of the whole, I would submit to you it
23 shouldn't be done.

24 CHAIR EDWARDS: My knowledge of the
25 law and powers of the Attorney General in this state

1 are that they are not insignificant. While I was
2 there I issued a number of directives that involved
3 narcotics at the time. I know that the power exists
4 within the confines of the Attorney General by
5 executive order, to direct law enforcement to do
6 things. Has a plan ever been put together to an
7 Attorney General and submitted to him or to her to
8 accomplish that objective using the logic of the
9 9-11 report and others as a substantial way to do
10 it? I also know that the Attorney General has
11 control over forfeiture money ultimately, even if
12 there would be a debate as to whether it was prudent
13 for an Attorney General to exercise that power by
14 forcing other law enforcement agencies to do it
15 rather than bring them on. That is a debate, and a
16 reasonable one. But forfeiture money is a little
17 bit different.

18 Has a plan been put together and
19 submitted to the Attorney General for that purpose?

20 Mr. Rodgers: It has, sir.

21 CHAIR EDWARDS: Thank you.

22 COMMISSIONER HOBBS: Colonel Rodgers,
23 Sergeant Cunha, thank you for your time here today.
24 I just have a couple of questions.

25 One, I think if the average New

1 Jersey citizen heard the picture that you just
2 painted; particularly, the last part, they would be
3 horrified and think that it wasn't impossible,
4 different place not with what we're facing in today
5 as a society.

6 So I think it is time that those
7 recommendations come forward to support the
8 initiatives that you would like to see come forward.
9 And I think the SCI will be part of that coming
10 forward.

11 I have two questions, really: One,
12 as you look around, are there any -- and I direct
13 this to both of you, any states out there that you
14 think on the ammunition fund are getting it right.

15 MR. RODGERS: I would like to defer
16 to John.

17 MR. CUNHA: There are some states as
18 well as city assembly either local laws or state
19 laws to regulate -- what we don't do the actual
20 acquisition of the ammunition. We just regulate by
21 virtue of the admin code the sale of the ammunition.
22 That's where we kind of miss the boat, that there's
23 no regulation with the exception, of course, the
24 possession of the hollow-point bullets as a criminal
25 offense in the state. There's no other criminal...

1 COMMISSIONER HOBBS: Are they using
2 the latest technology, the most advanced technology
3 to do the monitoring and provide the reporting so
4 that they could assess how it's working, where the
5 flaws are, where the loopholes are.

6 MR. CUNHA: I don't have any
7 first-hand information. I know some states have
8 gone through identification cards for the purchasing
9 of ammunitions.

10 COMMISSIONER HOBBS: My last question
11 is: Your thoughts on this seemingly growing
12 availability on the Internet, and very, very, lax
13 rules on the Internet, because even if we are to
14 adopt some pretty strict rules in terms of the
15 retailers within the state, if we have a pretty big
16 loophole out there in terms of the Internet, I think
17 we're going to be challenged to stop the flow in any
18 significant way.

19 So thoughts about how we might
20 address that.

21 MR. RODGERS: I would like to offer a
22 comment. Our investigations have really
23 demonstrated to us over the last 18 months how
24 sophisticated this most violent sector of the
25 criminal element is. They've entirely embraced the

1 Internet. They've optimized it, no bones about it.
2 I've seen some things that, you know, I have very
3 limited capability but some folks that I wouldn't
4 necessarily think have even that limited ability are
5 far more sophisticated.

6 So if they're doing it to engage in
7 criminal activity to disguise their communications,
8 things of that nature, if they were familiar with
9 this availability, they would certainly exercise it.

10 COMMISSIONER HOBBS: Thank you both.

11 COMMISSIONER FLICKER: Gentlemen,
12 thank you for being here. You talked about the 9-11
13 report. One of the things the 9-11 report talked
14 about; and certainly I know you have experienced, I
15 know I experienced in law enforcement, is the
16 tradition for each agency to keep its own
17 information and work product separate; and, in fact,
18 the 9-11 report talked about the problems between
19 the FBI and the CIA and the other agencies, and
20 certainly New Jersey has had its own problems. But
21 I've heard and I'd like you to talk a little bit
22 more about the some of the state police efforts to
23 work with other agencies; local, federal, counties,
24 and what you've done in that regard, especially
25 regarding street gangs.

1 MR. RODGERS: Thank you. This is a
2 question I would really love to answer because it's
3 the thing I'm most proud of in the last 18 months.
4 You're familiar with our history having an
5 intelligence section that even within our own
6 organization was largely famous for not sharing
7 information with one another. That does not exist
8 anymore. We blew that up. There is no more
9 intelligence bureau in the division.

10 There's an intelligence section, and
11 what that represents is all of our proactive
12 investigative assets; narcotics, organized crime,
13 street gangs, things of that nature. That's
14 supported by the SIMS system.

15 Of the hundreds of thousands of
16 records in there, 95 percent of them are available
17 to any agency who has been trained. There's 1,700
18 police officers in the State of New Jersey that have
19 been trained in that system.

20 The terminals that you need to access
21 the system, because they're -- you need a secure
22 terminal to get to it, that's deployed to in excess
23 of 350 departments around the state, to include the
24 FBI, the Field Intelligence Group, the FIG up in
25 Newark, as well as every state police station in the

1 division.

2 The five percent that are proprietary
3 type of entries that if you ran Frank Rodgers' name
4 in the system and you would get a response back that
5 there's no record, the party that entered that
6 record would know that you were inquiring about
7 Frank Rodgers, and then it would be incumbent upon
8 the person that entered the record, to say well, do
9 I want to tell them we have something about it or
10 don't we? That ability is available to every
11 other police department that is a contributor to the
12 system.

13 So what I'm saying is I understand
14 that Bergen County may have a very sensitive
15 investigation for good reason, they need to keep
16 close to the vest. They could put that record into
17 the system, and then find out whether or not Frank
18 Rodgers or somebody they're not working with is
19 running that name. Not only would they find out,
20 but the system is setup and it's so sophisticated,
21 that you'll receive a Blackberry message from the
22 system telling you that a target that you've been
23 looking at had their name or address or their phone
24 number or whatever run, and you'll know about that
25 24/7.

1 It's a very small percentage of the
2 records that are in there that are not available and
3 to the best of my knowledge, and I press on this
4 pretty regularly, I'm not familiar with any example
5 in the last year where an agency ran a name even if
6 it was proprietary to us that we were keeping close
7 to the vest for investigative purposes that we
8 didn't reach out to them and say, look, what do you
9 got going and work it out.

10 COMMISSIONER FLICKER: I have to make
11 one comment from my personal experience with the
12 firearms unit, because I dealt with them a lot,
13 dealt with a lot of homicides in Mercer County, most
14 of them in Trenton unfortunately.

15 As a prosecutor, whenever I had to
16 call upon the firearms unit to do any type of work,
17 despite the fact that they were incredibly
18 overwhelmed, and they always were from time in
19 memorial, they were right there. They did what had
20 to be done and they did it professionally, and they
21 were one of the most responsive, most professional
22 units that I had the privilege of dealing with. So
23 thank you.

24 MR. RODGERS: Thank you.

25 COMMISSIONER MARINIELLO: Mr. Chair,

1 I don't have any questions. I would like to thank
2 both of you for coming down today and I also knowing
3 having spoken with the staff of the SCI how helpful
4 you've been leading up to today and in both sharing
5 information with us and also educating us.

6 We get our information through the
7 staff, and I know that they got a lot of their
8 information from yourselves and from some of the
9 other witnesses here leading up to today to prepare
10 us.

11 I want to thank you for the work that
12 you did before today, and also for coming in and
13 speaking with us today.

14 Mr. Chair, that's all I have.

15 CHAIR EDWARDS: How much revenue is
16 present? Do you have records of the revenues that
17 are being generated by the unit and by the licensing
18 process on handguns versus what your budgets are?

19 MR. RODGERS: Off the top of my head,
20 General, I don't, and I will certainly find that
21 out and get back to you immediately.

22 I understand it's not a lot of money
23 that's being raised. The fees are minimal in
24 today's --

25 CHAIR EDWARDS: I would also be

1 looking to see what they should be in order to
2 support the unit, which is a second question I was
3 going to ask you: If those revenues are not
4 sufficient, what would be -- if it were dedicated,
5 what would be sufficient to support the unit's
6 activities both on handgun and on ammunition?

7 MR. RODGERS: I'll have that
8 prepared. I will tell you there's certainly
9 precedent for that. Just most recently the Security
10 Guard Act was passed requiring the Division of State
11 Police private detective unit to license all
12 security guards in the State of New Jersey, and it
13 required a fee in order to be licensed. Those fees
14 were directed right back to the unit to support
15 doing the work that we need in order to license
16 those people. There's plenty of precedent for it.

17 CHAIR EDWARDS: I'm not sure, but if
18 I seem to get a sense there is less reluctance not
19 to dedicate fees. There had been an era when I was
20 involved; there was an incredible reluctance never to
21 dedicate fees put all the money into treasury, and
22 do the allocation. There's a number of
23 administrative -- there's a number of appellate
24 division cases that have required a fee structure,
25 and the money that's being collected for that fee

1 structure to go to or at least be reasonably linked
2 to the amount of money that's appropriated and if
3 it's not, then the fee structure has to be reduced.
4 So there's ample, legal precedent to make that work,
5 and it should at least be generating its own cost.
6 Even if it's not done budgetarily directly, it
7 should be done indirectly in order to support it.
8 If we have the data, we might be able to make a more
9 profound recommendation.

10 MR. RODGERS: We'll have that report
11 immediately to you.

12 CHAIR EDWARDS: We appreciate that.
13 Any more questions? Any other Commissioners? (No
14 response.)

15 CHAIR EDWARDS: On behalf of the
16 Commission, we appreciate your help particularly
17 you're unit's help. They have just been a marvelous
18 help to our staff on how the unit works; what's good
19 about it, what's about bad about it, their candor
20 and their insight has been very significant for us
21 in what we're doing and trying to accomplish and the
22 cooperation is just outstanding. I applaud you for
23 that, and I applaud the state police for its
24 involvement in a broad base across law enforcement,
25 and it shows a great deal of growth and maturity,

1 that's the way I'll put it.

2 We appreciate very much -- we
3 appreciate your help here and we appreciate your
4 follow-up and hopefully we can be of some assistance
5 to you and your agency in accomplishing what its
6 responsibilities are with reference to handguns and
7 ammunition, and also I've said to other witnesses
8 that are here, we'll be back to you with reference
9 to the issue on gangs, and it's a major part of our
10 responsibilities in organized crime, and we hope to
11 have justice as fruitful a working relationship on
12 that as we have on this one.

13 Thank you very much for coming.

14 MR. RODGERS: Thank you, General. I
15 appreciate it.

16 COMMISSIONER FLICKER: Ladies and
17 gentlemen, we would like to thank all of the
18 witnesses who came before us today. Without them,
19 we would not have been able to present the evidence
20 that you've heard. It is plain from what we've
21 heard today from the witnesses that you heard, that
22 public safety in New Jersey is threatened by a
23 flawed and troubled system that routinely and quite
24 easily delivers the raw material for gun violence
25 into the hands of criminals and others who should

1 have no business possessing it.

2 The testimony today was startling,
3 even shocking. Most citizens, I suggest, will be
4 outraged to learn that anyone with proof of age can
5 walk into any retail store and buy ammunition in the
6 State of New Jersey. A criminal, a gang member,
7 even a terrorist can buy ammunition in our state,
8 not just buy a box. They can buy startling and
9 disturbing staggering amounts of ammunition, and you
10 only have to look at the statistics in Newark and in
11 Camden to know what is being done with the majority
12 of that ammunition.

13 Our system requires a detailed
14 background check and official license to own a
15 handgun. But astonishingly, perplexingly and
16 disturbingly, there is nothing in our statutory law
17 that requires any such requirement for purchasing
18 ammunition. And what do you have if you have a gun
19 without ammunition? You don't have a lethal weapon
20 anymore. You have a hunk of metal.

21 The only check we currently have on
22 the sale of ammunition, and it isn't even a check,
23 it's more like a weight around the neck of the
24 retail seller, is that retail seller in our stores,
25 and you have heard across the board from all of the

1 law enforcement officials who testified today, the
2 quandary that most of our sellers face.

3 Do they sell the ammunition to
4 someone they don't know, someone they don't trust?
5 If they don't sell it, what kinds of threats are
6 they facing? If they do sell it, what happens to
7 that ammunition and to the citizens of the State of
8 New Jersey?

9 We have an obligation to protect the
10 citizens. We have an obligation to assist law
11 enforcement. We have an obligation to assist those
12 retail sellers.

13 The system today makes a mockery of
14 our gun control laws, and renders the streets of our
15 towns and cities that much more dangerous, and puts
16 the lives of our law enforcement officers in
17 jeopardy day after day after day.

18 And every citizen who lives in some
19 of those towns, we used to think some of those towns
20 were safe and that only the urban centers were
21 affected, but we know that's not true anymore.

22 Through this investigation and this
23 Hearing, we have developed a factual foundation on
24 which to base sensible and practical recommendations
25 for statutory and regulatory reform.

1 Indeed, some of the witnesses who
2 have testified have given us some recommendations
3 for those statutes.

4 As we move forward, we will take into
5 account their suggestions and recommendations, and
6 we invite additional input from all interested
7 parties as we craft a final report and
8 recommendation.

9 Thank you again for your time, and
10 thank you again for your attention to this most
11 urgent matter. The Hearing is adjourned.

12 (Hearing concluded at 3:45 p.m.)

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C E R T I F I C A T E

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