

Dear Chairman Johnson and distinguished commission members,

On behalf of all the Troopers of the State Troopers Fraternal Association, I want to thank you for your service to our state in dealing with this most important of issues.

My name is David Jones and I have the great honor of being the President of the State Troopers Fraternal Association. I represent every Trooper, Detective and Specialist below the rank of Sergeant. I am a 27 year Trooper, having spent a decade on the road, mostly the Newark and New Brunswick Turnpike Barracks and since then I have been assigned to the Intel/Organized Crime sections. I believe I have the unique qualifications to give an accurate assessment of exactly how we found ourselves in the position we are now. The consent decree and following reforms did not happen in an instant or a vacuum. What takes place on the road now is testimony to the most constitutional and unbiased policing in the country. In order for this committee to fulfill its mandate we must answer three fundamental questions.

(1) The obligation of the State to join with the Justice Department

to make application to terminate the consent decree.

(2) Sustainability; The need to ensure all parties that those reforms, statutes, policies, procedures and reviews are adhered to, thus eliminating the concern of “backsliding” which has been discussed.

(3) How to further embrace these reforms and technologies across a broader base of public safety professionals, allowing everyone to share in what is the greatest success story in constitutional compliance and critical review ever accomplished by any police department

A quick review of the consent decree and accompanying enumerated task, points out the glowing deficiencies that existed in our methodologies and technical support systems that could have and should have been able to identify, correct or refute, and review behavior and interactions that came into question and reinforced amongst the public we serve serious concerns about disparate application. Simply put, we lacked the ability to accurately assess

what was occurring on the road relative to the areas of concern.

Let me stop here and say that if because of this, anyone who was treated unconstitutionally has my most sincere apology.

Because the best systems available anywhere in America are now being employed full time, never again will such concerns dealing with race, gender, enforcement discretion and an army of other categories be able to exist under the technological radar and review. It is virtually impossible to engage in systemic disparate behavior across any demographic. This committee has had an opportunity to review MAPPS, CAD, MVR, Early Intervention, SP 632's (Upper and Lower control graphs) SP 525 (reportable incident) and a host of other systems, policies and Standard Operating Procedures that have been permanently memorialized in the Division of State Police. To recognize the incredible accomplishment that this represents, one must note that these computer systems and collection data programs did not exist five years ago. When challenged to create a methodology to conform to the consent decree, unlike any other police department in the

country, the NJSP went above and beyond the requirements of the consent decree and created the most intensive and accurate system to date. We did not settle for the minimum benchmarks set by the monitors, but instead far exceeded the mandates in order to have the absolute best system anywhere. And when the programs and technology did not exist, we persevered by painstakingly inventing the needed programs. This clearly demonstrates the professionalism and commitment of the State Police in embracing now, and in the future that the spirit of the decree is always complied with. These are not only my sentiments, but those of Dr. Ginger and Mr. Rivas, the federal monitors charged with ensuring compliance with the decree. Both gentlemen were before this committee and they heaped high praise on the job we are doing. Without equivocating, they spoke of a record of accomplishment and innovation unlike any they have observed. Dr. Ginger's testimony about the dedication and professionalism of the State Police and its efforts to date, being a reflection of the overall

exceptional quality of the women and men of the State Police is a very important observation. When we discuss sustainability and record reforms, those who doubt us and those who have legitimate concerns, must both realize that the reason, more than any other, that the reforms are permanent is that people in the State Police are fine people, people of high moral character and individuals whose commitment to their oath holds no bounds. In the State Police alone, during my tenure, thirteen of my dear friends and fellow troopers have made the ultimate sacrifice. "Greater love hath no man, than to lay down his life for his fellow man." (John 15:13) Every fifty-seven hours a police officer in this country lays down his life and leaves shattered families and unanswerable questions. Clearly the overwhelming majority of law enforcement and especially State Troopers are of a good and giving heart. Long after I am dead and gone, the strides that the State Police have taken will continue to be the gold standard of constitutional policing. Dr. Walker (Phd. DOJ/ Univ of Nebraska) talks about how, unlike other departments, the State Police have gone beyond

everything asked of them(15 June 2006 Post consent decree oversight report of NJSP sec II pgs 2/3, sec VI pgs 13/14). None of this comes as a surprise to me because I know how blessed we are with outstanding people. When the debate of sustainability is put forward with the Pittsburgh and Steubenville decrees placed along side of our accomplishments, Dr. Walker cites “the City of Pittsburgh did not create any new oversight agency or procedure related to the terms of the consent decree” and regarding Steubenville “No new oversight procedures were created following the end of the consent decree” he further stated “there is no evidence or informed opinion regarding the status of accountability standards” (15 June 2006 Post consent decree oversight of the NJSP report pgs 8/9 sec B). Any attempt to use these cases as an argument for the State not to hold up its end of the consent decree requirements and timeframes is somewhat disingenuous. The comparisons are not analogous for what is substantial differences and deficiencies noted by the monitors and

the Walker report. Foremost is the fact that none of these agencies has the memorialized tracking systems that we invented. No one is advocating abandoning the review systems currently in place and several recommendations have been put forward from Col. Fuentes, the monitors and people such as myself and others, all including, regardless of structure, a new auditor with autonomy and empowerment. After all we have been through, I would never endorse any plan that did not include ongoing collection of data, review of MVR's and reporting . This would both, give concerned constituent groups a level of reassurance and insure aspersions cast upon my members could readily be set aside by strong science and evidential rather than anecdotal review. In 1999, I issued a statement welcoming, not condemning the cameras in cars.(Star Ledger) Our sole concern was we had buried a Trooper who was shot while there was the strong possibility that his decades old handgun had failed. While we were fighting for new weapons funding, over 4 million dollars was found immediately for new MVR's.

As we predicted, the MVR's have gone on to exonerate hundreds of troopers against complaints of disparate treatment which were false and little more than a defense attorney's attempt to gain a "bargaining chip" for his client. These systems are good for my members and I would do anything to insure their continued use. This separates us from any other agency and their issues with "backsliding" and is outlined by the Walker report. To talk about Cincinnati or Los Angeles is really mixing apples and oranges as neither of the agencies is remotely close to our institutionalized reforms. In reality, the DOJ is sharing our systems and successes with these departments in the hope of assisting them to reach some of our goals.

It is very important to realize that approximately 1269 troopers have joined the State Police after the turnpike incident in 1998. They constitute over two-thirds of my membership and have only patrolled with MVR's, CAD, reviews, revamped Office of Professional Standards and dozens of new SOP implementations.

They know of no other type of policing than the constitutional and compassionate record that has been highlighted by the monitors and DOJ as well as the pride of the State Police. Again I must stop to acknowledge the outstanding people I represent. In the midst of all the turmoil surrounding the consent decree, the State Police have met every challenge in a fashion that makes them the envy of the country. The 9/11 tragedy brought forward a response that included the very first police to arrive outside of NYC to rescue and ferry the victims. Over four hundred Detectives dropped their assignments and joined the Joint Terrorist Task Force. I recall running all over New Jersey tracing all sorts of planes and people, trying to identify the scope of these terrorists, working 6 or 7 days a week, at least 12 hours a day and no one in my group asking for any considerations for overtime, travel and the many other hardships that would ordinarily be accounted for. To this day, the NJSP has the greatest presence of any department outside of the Federal government and NYPD on these and other task forces

protecting us all. DOJ chose a New Jersey State Trooper to be the key witness to testify in the Moussaoui trial, the only conviction in the United States of a 9/11 terrorist. The DOJ later thanked this Trooper and Attorney General Rabner in a Washington DC awards ceremony for the outstanding work on this case. The recent Katrina situation is well documented as to our ability to serve and save our fellow man. No other police department accomplished what was done with Operation LEAD. A fourteen hundred mile supply line from New Jersey to New Orleans involving over six hundred troopers, local and county officers, medical and technical support staff performed more checks, rescues and patrols than any other group lending support from neighboring states. Acting Governor Codey took time out in his State of the State speech to acknowledge the praise and thanks heaped upon him when he went to visit the Troops in New Orleans. FEMA is still reviewing what our Homeland Security Branch supervisors and rank and file were able to accomplish over such adversity. Almost everyone in

America from the Federal, state and local level loves and respects the New Jersey Trooper.

The above outlined positions as to why sustainability is not an issue because of institutionalized reforms, technology, recent codifications of laws surrounding these issues and a host of other permanent commitments such as new SOP's are insured to guarantee conformity to consent decree ideals, because more than any other reason the overwhelming majority of New Jersey State Troopers, as a matter of professionalism and personal pride, will never allow or endorse any form of systemic disparate treatment.

Understanding sustainability is etched in cement, one must ask why in the world New Jersey would not join the DOJ in a joint application to end the decree. The contract that was struck with DOJ mandated tasks that were impossible to comply with until the technology was created and refined. Every hurdle and mission that the decree required has been met one hundred percent. What is the message you are sending to the rank and file that have worked so

diligently to earn the recognition that they are not racist, they are not the enemy of people of color and they irrefutably do not engage in the ugly practice of racial profiling. I listened in dismay to other leaders talking about not caring about the morale of the State Police. The only reason we achieved the incredible compliance record was because morale and duty were hallmark traits to everyone in the State Police facing this new challenge.

Hemmingway gave us all an outline in accomplishing dominating tasks. "The sinews of war are five - people(men), money, materials, maintenance and morale." This formula mirrors the discussions had with the federal monitors about political will and commitment. It is no coincidence in this war on disparate treatment that morale was totally dismissed as a necessary ongoing element to preserving the gains and reforms already accomplished. Perhaps the silly axiom about "the floggings will continue until morale improves" is a management style outside the state police but it flies in the face of every great leader's recipe for success and

any current upper level management instructional program being implemented and followed by the most successful people in the country. The message will not only be clear to the Troopers but to every local department that we are going to ask to buy into these reform techniques. No matter what you do, how righteous and compliant you are, even if you overachieve and go the extra mile, we do not trust you, you can never be trusted for that matter and we will insult your efforts and good name for the sake of our cottage industry. Previously, we spoke of the chilling effect on law enforcement the decree has had. I am gravely concerned that pre-consent decree (1996) and current (2005) murder rates in our "Urban 15" cities went from 219 to 297 victims (+36%), in "Major urban" areas we went from 182 to 238 victims (+31 %) all the while, other crime across New Jersey decreased including as much as 40% in our some urban areas for non-violent crime. (UCR Sec. Six pg 105 "Crime in the Cities" NJSP). It is not my intention to get into the Comprehensive Drug Enforcement Act and subsequent endorsed policing techniques that resulted from it but rather to cast

a spotlight on competing interest of Police desperately trying not to accidentally violate a decree while trying to ensure public safety. Jefferson put it best when he said “Rightful liberty is an unobstructed action, according to our will, within limits drawn around us by the equal rights of others.” It will take every great legal mind on this committee and perhaps the wisdom of Solomon to gain the balance necessary to serve everyone, yet we ask the cop on the street to make instant, constitutional judgments. I do not have the all encompassing answer but I know that by being ever vigilant to everyone’s rights and interest we are on the correct course.

This brings us to the portability of the new systems for other law enforcement groups. I have shared with many professionals and they are more than willing to take those parts that would fit into their policing responsibility. The OSPA should be transformed into an instructional entity, dealing directly with the county prosecutors to identify locales of concern and then prioritize a

mentoring program while relying on the expertise of the State Police when departments have questions or concerns about systems Implementation. This is the direction in which Law enforcement is going and after all we have been through, it would be wonderful to be on the cutting edge of insuring constitutional policing for everyone.

I will be happy to answer any questions. Thank you for your time.