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STATE OF NEW JERSEY  
CORRECTIONS AND STATE POLICE SECTION

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IN RE:

NEW JERSEY ADVISORY COMMITTEE ON :

POLICE STANDARDS - :

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Public Hearing  
October 24, 2006  
Bordentown Senior Center  
Bordentown, New Jersey  
3:30 - 7:30 p.m.

B E F O R E: NEW JERSEY ADVISORY COMMITTEE  
JAMES JOHNSON, Chairman

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Hearing 10/24/06

1                   CHAIRMAN JOHNSON: Good afternoon. I  
2 think we are ready to get started. Would the  
3 witnesses for the first panel step forward  
4 please.

5                   Ladies and gentlemen and members of  
6 the Committee. My name is James Johnson and  
7 it is my privilege to welcome you to the  
8 2nd hearing of the N.J. Advisory Committee on  
9 Police Standards. Our charge, that is the  
10 charge of the Committee, for those who have  
11 not attended earlier in the proceeding, is to  
12 recommend to the Governor, whether and under  
13 what circumstances the State of New Jersey  
14 should join with the U.S. Department of  
15 Justice in filing a motion in United States  
16 District Court to terminate the Consent  
17 Decree that was entered into in 1999 by the  
18 State of New Jersey United States Department  
19 of Justice to address the problem of racial  
20 profiling by some state police officers.

21                   Secondly, we are charged with  
22 making recommendations on how to ensure that  
23 the practice of racial profiling is not  
24 engaged in or tolerated in the future in the  
25 event that the consent decree is terminated

Hearing 10/24/06

1 by the United States District Court and  
2 finally, we have been asked to make  
3 recommendations to the Attorney General and  
4 the Governor about how the programs developed  
5 by the New Jersey State Police can assist  
6 other law enforcement agencies throughout the  
7 State in preventing all forms of racial  
8 profiling.

9 At our last hearing on October 10,  
10 2006, which was our first hearing, we heard  
11 from the superintendent of the state police,  
12 Colonel Fuentes, independent monitors  
13 reviewing the procedures and actions of the  
14 state police for the last seven years, and we  
15 heard from representative of the Office of  
16 State Police Affairs.

17 Those witnesses provided background  
18 regarding the 1999 consent decree and brought  
19 us up-to-date about the progress made by the  
20 state police toward fulfilling its mandates.

21 In addition the Committee has  
22 reviewed hundreds of pages of reports about  
23 the management information systems in place  
24 to ensure that the state police discharge  
25 their duties safely, effectively and in a

Hearing 10/24/06

1 manner that instills confidence in all  
2 members of our community.

3 One of the key issues that has  
4 emerged from our discussions with those  
5 witnesses and with other individuals who have  
6 come to the speak to the Committee  
7 informally, is the question of how to sustain  
8 and build upon the progress the state police  
9 has made.

10 The importance of leadership is a  
11 theme that has emerged from these  
12 discussions, leadership at the top and also  
13 leadership from other sectors of the  
14 organization. We heard during our last  
15 hearing from Colonel Fuentes who, as  
16 mentioned, is at the very top of the  
17 state police.

18 This afternoon we will be hearing  
19 from leaders from a different perspective. We  
20 believe that the thoughts of these union  
21 leaders on sustainability will be very  
22 important to this Committee as we discharge  
23 the task given to us by the Governor. What  
24 is clear is that the question of  
25 sustainability and the question of the

Hearing 10/24/06

1           advisability of lifting this Consent  
2           Decree are not unrelated questions.

3                         Over this hearing and the next and  
4           in written comments that we receive we will  
5           also be hearing from a wide variety of  
6           perspectives on these issues from individuals  
7           who are not necessarily within the state  
8           police or a part of the state police or a  
9           part of policing organizations but have  
10          information and views to share with the  
11          Committee as we work to respond to the three  
12          issues that govern our inquiry.

13                        On that score after we hear from  
14          the union leaders today we will hear the  
15          views of the National Organization of Black  
16          Law Enforcement Executives.

17                        Now, a couple of housekeeping  
18          matters. We started at just after 3:30, if  
19          you look at that clock, 3:35 if you look at  
20          that one and we will continue until 5:45 or  
21          so when we will take a 15 minute break. We  
22          will resume promptly at 6:00 o'clock and  
23          continue until about 7:00 or 7:30. Given  
24          the lengths of the sessions I don't expect  
25          that everyone will be able to keep their

Hearing 10/24/06

1 seats. I ask though if you do anticipate  
2 having to leave during the proceedings that  
3 you do so quietly to minimize disruption.  
4 Please turn your cell phones and pagers to  
5 silent mode now.

6 If anyone would like to ask a  
7 question of the panel today we are requesting  
8 that you write your question on one of the  
9 index cards that should have been available  
10 at the entrance, you can then leave the card  
11 either with the staff member by the entrance  
12 or with one of the other members who will be  
13 circulating throughout the audience. If time  
14 permits I will ask the panels to answer your  
15 questions, if we run out of time we will,  
16 incorporate the questions into the public  
17 record of the committee's work and send  
18 supplemental questions to the panels.

19 As I mentioned this is the second  
20 of three proposed hearings. As you can see  
21 from the hand-out available at the entrance  
22 our third hearing is scheduled for November  
23 13. Information submitted to the Committee or  
24 discussed at these hearings will be made  
25 available to the public on the Committee's

Hearing 10/24/06

1 website and a transcript of these proceedings  
2 will also be posted on the web. We are  
3 asking individuals who wish to offer  
4 testimony to let us know and let us know  
5 soon.

6 If an individual can't fit into the  
7 hearing schedule that person's written  
8 testimony will be made part of the record of  
9 the committee's work and will be considered by  
10 us as we deliberate. You can share your  
11 comments or make a request to testify through  
12 our website or via mail to the Governor's  
13 Office. Our website can be found at  
14 <http://www.state.nj.us/acps>.

15 On behalf of the Committee I would  
16 like to sincerely thank today's panelists for  
17 their time and the information and testimony  
18 they will provide and with that I would like  
19 to turn to the first of our witnesses.

20 First we will be hearing from  
21 Dennis Hallion and then David Jones and also  
22 we have a panelist Steve Flynn, who is the  
23 President of the Lieutenant's Association.  
24 Mr. Hallion is the President of the New  
25 Jersey State Troopers Non-Commissioned

Hearing 10/24/06

1           Officers Association. That union represents  
2           more than 900 Sergeants serving throughout  
3           our state. David Jones is the President of  
4           the State Troopers Fraternal Association of  
5           New Jersey, he has more than 27 years on the  
6           job and representing every trooper,  
7           detective and specialist below the rank of  
8           sergeant and as I mentioned Mr. Flynn is the  
9           President of the State Troopers Superior  
10          Officers Association representing the  
11          Lieutenants within the State Police.

12                         Mr. Flynn has agreed to sit as  
13          a witness and answer any questions that we  
14          put to him and I understand that he is  
15          convalescing from a recent surgery and we  
16          are happy that he was able to make it and  
17          share with us. With that Mr. Hallion.

18                         MR. HALLION: Chairman Johnson,  
19          thank you. Ladies and gentlemen, I am  
20          honored to speak to you on behalf of the more  
21          than 900 sergeants that make up the Non  
22          Commissioned Officers Association.

23                         I am also grateful to this  
24          Committee for the opportunity to speak for  
25          several minutes on the impact of the Consent

Hearing 10/24/06

1 Decree from an Association perspective.

2 I have been President since August  
3 2001, and have witnessed substantial and  
4 significant change while acting in the role  
5 of President. I am a member of the Advisory  
6 Council for the New York and New Jersey Asian  
7 American Law Enforcement Advisory Committee  
8 and also a member of the Executive Board of  
9 the National Troopers Coalition.

10 I have with me various members of  
11 my executive board who, like all troopers are  
12 stakeholders in this undertaking.

13 We are fast approaching the finish  
14 line of this decree and after having spent  
15 careers training for this marathon and having  
16 run the race for our lives, we approach the  
17 finish line ahead of all others with the end  
18 in sight and someone has moved that finish line  
19 back several miles.

20 In December of 1999, the  
21 Department of Law and Public Safety embarked  
22 upon a long term project that would change  
23 the face of the Division of State Police and  
24 local Police Departments throughout New  
25 Jersey.

Hearing 10/24/06

1                   During the years under the decree  
2                   the Sergeants and Troopers have worked  
3                   under four Governors, five Superintendents  
4                   and six Attorneys General.

5                   We have worked through a myriad of  
6                   administrative overseers, from the numerous  
7                   federal offices that are part of the  
8                   monitorship to the offices within the State  
9                   of New Jersey. The Office of Professional  
10                  Standards, the Office of State Police  
11                  Affairs, the Equal Employment Office, the  
12                  Office of Governmental Integrity and of  
13                  course, the Office of the Attorney General.

14                  The Troopers have remained tall in  
15                  the saddle conforming and complying with all  
16                  the terms of the Consent Decree.

17                  Through the numerous high risk  
18                  missions such as what we endured during the  
19                  World Trade Center disaster and the duty now  
20                  to confront a new enemy; in what the Division  
21                  of State Police faced with the several years  
22                  of unfortunate flooding and statewide power  
23                  outages; with having worked through the  
24                  Republican National Convention; with the fact  
25                  that more often than not, we have been on an

Hearing 10/24/06

1 Orange alert status keeping us ever vigilant;  
2 the Hurricane Katrina detail that saw many of  
3 New Jersey's finest deployed to a state  
4 unknown to them but knowing that this was  
5 their obligation, we were still able to  
6 maintain compliance with the decree.

7 Even with the deployment of our  
8 resources into Camden and Irvington and the  
9 fact that we face minority encounters  
10 everyday we still have maintained a  
11 community-embraced presence that has aided  
12 and reduced crime rates throughout both  
13 cities. We have witnessed our Troopers go  
14 into the cities with brooms and trash cans  
15 and sweep up basketball courts of needles,  
16 empty baggies and shell casings on the court.  
17 We have put up new nets, painted lines and  
18 played ball with the kids, many of which  
19 returned day after day to play. I will say at  
20 this point not only the kids but the parents,  
21 members of the community groups that are  
22 trying to enact significant change also come  
23 out and join us.

24 What surprises many of us that we  
25 have not addressed during testimony is how we

Hearing 10/24/06

1 got to this point so quickly? The result of  
2 our accomplishments can certainly be  
3 attributed to the fact that approximately 75  
4 percent of our road troopers went through the  
5 academy and were instructed under the  
6 mandates of the Consent Decree.

7 Many on this committee have  
8 discussed how we have traveled to this point.  
9 I propose that we be more concerned about  
10 where we go from here.

11 When a trooper is worried more  
12 about the mechanical aspects of the decree  
13 than the motorist that they just stopped then  
14 we suffer. Troopers' safety is paramount.  
15 God forbid that I have to travel to another  
16 home of a trooper to tell the family their  
17 loved one may have been too concerned with  
18 the little "red light" operating on the grill  
19 area of their troop car. Because of that the  
20 loved one did not see the motorist concealing  
21 the weapon in a car that was just stopped.

22 Our Troopers must get over this  
23 chilling affect. A mere procedural point is  
24 not as important as personal safety. There  
25 is a very sensitive balance test that must be

Hearing 10/24/06

1 performed. We must even encourage our  
2 Troopers that have passed the test with  
3 outstanding results that they have graduated  
4 from a decree that was not earlier embraced  
5 within the rank and file. The mixed message  
6 of many years ago that spoke of zero  
7 tolerance but with a blinders on approach  
8 should now be a loud and clear statement of  
9 enforcing the laws of the State of New  
10 Jersey, constitutionally and within the  
11 confines of a decree.

12 The evil of narcotics and guns  
13 still rage on the streets of New Jersey.  
14 We are tired of seeing our inner city youths  
15 gunned down over nickel bags of cocaine. We  
16 must prevent the scourge from continuing to  
17 infect our urban communities. With the  
18 lifting of the Decree our Troopers will know  
19 that we have the confidence in them to carry  
20 out the mission of making our streets safe.  
21 They will feel that their efforts are more  
22 appreciated than not.

23 I must take this time to thank all  
24 the supervisors who have engaged this decree  
25 since its implementation and have adopted the

1 concepts as a vision for the future of  
2 policing.

3 It was reported by Monitors Ginger  
4 and Rivas at the conclusion of the fourteenth  
5 monitor's report that the State Police had  
6 complied with the Decree during this period  
7 under the direction of the sergeant at 125  
8 percent compliance.

9 Every independent monitor's report  
10 including the 14th, has shown time and time  
11 again that the men and women of the State  
12 Police have lived up to their end of the  
13 bargain. We have steadily passed with flying  
14 colors all aspects and terms of the decree.  
15 We have performed in the words of the  
16 monitors, "astonishing progress" and  
17 "outstanding results."

18 We have accomplished all this with  
19 many other aspects of the day-to-day routine  
20 of the supervisor. Think of the two  
21 Sergeants, first the road sergeant who is on  
22 patrol supervising their squad during real  
23 time to provide on the spot direction,  
24 guidance and mentorship. Also playing an  
25 integral role is the Staff Sergeant, who by

1 virtue of their expertise is reviewing motor  
2 vehicle stop reports, performing evaluations  
3 and constantly monitoring their squad's  
4 activities.

5 With the aid of MAPPS and the Risk  
6 Analysis process, this early warning system  
7 has provided insight into not only preventing  
8 or correcting inappropriate behavior, but has  
9 provided positive interaction with Troopers  
10 based upon concrete data. And I might add  
11 that the key here is the communication down  
12 the line, that is immensely affected, the  
13 troopers in the cars with the advent of  
14 logistics such as the motor vehicle computer,  
15 in car computer but there are additional  
16 tasks and responsibilities that must be  
17 performed. What many would think of as  
18 routine are far from that.

19 With the many other assigned  
20 operational and administrative duties, the  
21 time allotted that has been dedicated over  
22 the years to the decree is considerable.

23 Our Troopers have lived it and  
24 breathed it with the thirty stations situated  
25 throughout New Jersey as well as the tactical

Hearing 10/24/06

1 Patrol Units, the Camden and Irvington  
2 initiative, the Meadowlands and the Atlantic  
3 City Airport, there are four sergeants  
4 working every day, two on each shift covering  
5 a 24 hour period.

6 Four Sergeants working four hours  
7 plus or minus on Consent Decree related  
8 matters equates to almost 500 hours per day  
9 being spent on this decree by supervisors of  
10 the State Police. The layers of scrutiny  
11 that exist make it virtually impossible for  
12 the road trooper to veer off course as  
13 exemplified by the checks and balances that  
14 are in place and reviewed at every level.  
15 From the Buck Sergeant, Staff Sergeant to the  
16 assistant station commander to the station  
17 commander, to the regional troop commander  
18 and finally to the troop commanders, you can  
19 see the layers of examination utilized by our  
20 supervisors. Supervision is essential, not  
21 to say that some of the layers couldn't be  
22 removed. Some deal with inordinate amounts  
23 of paperwork for simple activities, others  
24 with creating situations wherein the sergeant  
25 must makes decisions with no established

Hearing 10/24/06

1 criteria. Time permitting, we would like to  
2 offer specific examples to the chairman.

3 With leadership towards the future  
4 in mind, we have seriously looked at the  
5 current promotional system. We realize that  
6 there is some work to do but we are confident  
7 that those people in leadership positions  
8 will carry on the mandates of the decree.  
9 The value and significance of the hard work  
10 that has been performed over the last six  
11 years will not be forgotten nor taken for  
12 granted. Within the one fifth minority  
13 community now in the organization we have  
14 promoted even more so than expected giving  
15 those that have shown talent and capability  
16 the same opportunity to progress in their  
17 career. But whatever the race, creed, color  
18 or ethnicity, we must continue to promote  
19 only those qualified to ensure buy-in of the  
20 system.

21 We continue to encourage our  
22 minority community to enter the application  
23 process as is evidenced by our recruiting  
24 efforts. We are looking for the best and  
25 the brightest from all walks and directions

1 of life. There must be within the  
2 Legislative Branch a commitment that will  
3 allow us the funding to carry on the  
4 logistical end of the Decree. The means  
5 appropriations to enhance our already state  
6 of the art systems with early warning  
7 detection. We are already looking to  
8 save substantial cost with the departure of  
9 the two monitors. This savings could be  
10 dedicated to continuing the mechanical end of  
11 the process. The redundancy of the Office of  
12 State Police Affairs and the elimination of the  
13 same as it exists today, would also provide  
14 additional funding for future sustainability.

15 All of the remaining  
16 responsibilities could be assumed by the  
17 Office of Professional Standards. We can  
18 also look at the codification of many of the  
19 concepts not yet in place under the law.  
20 The associations have sat down with many  
21 legislators throughout the last five years in  
22 assisting to craft many racial profiling laws  
23 on the books now. We have also had  
24 discussions concerning laws to be enacted  
25 when the Decree is lifted.

Hearing 10/24/06

1                   This package could be written and  
2                   instituted with an implementation date as  
3                   early as the day of the decree "sign-off."  
4                   Time permitting, we would like to offer  
5                   specific articles for consideration to the  
6                   chairman. Many have testified regarding  
7                   sustainability. With the advent of an auditor  
8                   we accomplished several things. First and  
9                   foremost, we have stated to the rank and file  
10                  who have borne the task of the Decree on  
11                  their backs, that they have completed what  
12                  was set out before them. It is a fair and  
13                  righteous reward. We will relinquish the  
14                  current monitorship as was agreed upon at the  
15                  signing of the Decree. We will take to  
16                  auditorship that will continue to work with a  
17                  "board of directors" to sustain oversight on  
18                  a periodic basis.

19                  As would be in a business-like  
20                  approach, the Auditor should be independent  
21                  of the State Police and the Attorney  
22                  General's Office. That being said the  
23                  Auditor should have critical interaction with  
24                  the Colonel and his staff, the Attorney  
25                  General and our Legislature as well as

Hearing 10/24/06

1 community-based groups who would comprise the  
2 "board of directors."

3 We must be careful with the  
4 selection of the Auditor as was evidenced by  
5 the previous administrations and their  
6 attempts to secure vendors by a less than  
7 critical process. The auditors should be of  
8 a public policy group, from a higher  
9 education arena, or other reform-based law  
10 enforcement group.

11 We would be more than ready to  
12 assist in this regard. With the practices  
13 and procedures listed above, it can be assured  
14 that the practice of racial profiling is not  
15 now engaged in nor will be tolerated in the  
16 future, even with the dissolution of the  
17 Consent Decree.

18 I am sure there are those who will  
19 doubt the sincerity of our statements. Those  
20 who profess that we are de-policing or have  
21 not taken the Consent Decree seriously need  
22 only look at what we have accomplished during  
23 the last six years and see the remarkable  
24 statistics of not only lawful arrests, but  
25 convictions that were court attested.

Hearing 10/24/06

1                   We have made this process as  
2                   transparent as possible bringing in all our  
3                   critics and naysayers to have them view the  
4                   progress time and time again.    Within the  
5                   last two years, following the 12th and 13th  
6                   monitor's report, we held a symposium at  
7                   Troop C Headquarters to show all interested  
8                   of our progress and the transparency of our  
9                   efforts, and yet though we show the increased  
10                  embracing of the decree we are still  
11                  challenged with the accusations that "we  
12                  still need to do more."

13                  We are still concerned with and  
14                  most leery of those who would testify and  
15                  parade around with years old anecdotal  
16                  accounts, not based upon fact, that would  
17                  only stir up the emotions of the public, who  
18                  now believe in us and are satisfied with our  
19                  progress.

20                  We, on the other hand, will have  
21                  the statistics, the reports, and the compiled  
22                  information, basically the "data" to relate  
23                  to the Commission of the six years of  
24                  compliance of the numerous tasks set forth in  
25                  this mandate.

Hearing 10/24/06

1                   We call our efforts in New  
2                   Orleans that gain National attention this was  
3                   a mission of mercy. Troopers who answer the  
4                   call of the homeless, whether black, white,  
5                   hispanic, Asian-in a community where the  
6                   needs of the many outweighed the needs of the  
7                   few.

8                   The overwhelming number of  
9                   volunteers within the ranks of the State  
10                  Police is indicative of our resolve to aid  
11                  our fellow man. Remember, when a company  
12                  loses hundreds of employees due to unforeseen  
13                  circumstances, there is a definite impact on  
14                  productivity.

15                  The New Jersey State Police under  
16                  less than full staffing, continually performs  
17                  its new missions while still maintaining its  
18                  numerous other directives.

19                  Our association has met with both the  
20                  State Troopers Fraternal Association and the  
21                  Superior Officers Association and we have met with  
22                  community and faith based group leaders and  
23                  have sat down with them to understand the  
24                  decree from their perspective. In these  
25                  meetings as early as two years ago, the

Hearing 10/24/06

1 sentiment from councils and churches was that  
2 the number of complaints coming in from  
3 members regarding disparate treatment had  
4 significantly diminished. We are proud to  
5 know that the confidence of the community is  
6 well underway of being fully restored.

7 We have sat down with minority  
8 members of my own association and we  
9 discussed issues of the Decree. We have come  
10 away with positive thoughts of not looking at  
11 this as separate groups but as Troopers. We  
12 the division, after having been admonished in  
13 past years have survived the onslaught of  
14 criticism and emerged an unbiased, homogenous  
15 group, winning back the public trust.

16 We would hope that all law  
17 enforcement departments in New Jersey embraced  
18 the articles of the Decree as seriously and  
19 effectively as we did. I do not accuse any  
20 local or county department of disparate  
21 treatment. I am associated with a number of  
22 departments, and I am nothing but impressed by  
23 the attitude of the law enforcement in this  
24 state. Through the chairman, prior to and  
25 upon implementation of the concepts of this

Hearing 10/24/06

1 Decree at those levels we are ready to assist  
2 in this endeavor.

3 For the above reasons, our  
4 recommendation is that we should and will  
5 join the United States Department of  
6 Justice in filing a motion to terminate the  
7 Consent Decree.

8 In conclusion I must thank each  
9 and every Sergeant and Trooper who early on  
10 had felt oppressed or thwarted by the  
11 concepts of the decree but chose to  
12 aggressively enforce the law under its  
13 mandates. I must also publically congratulate  
14 the Troopers and the Sergeants for graduating  
15 with honors.

16 We truly believe that the  
17 recommendation out of this Committee will be  
18 that the New Jersey State Police has  
19 satisfied all the requirements of the Decree  
20 and then some. We are, however, very  
21 concerned about any additional over-tasking  
22 that may be set upon an already accomplished  
23 organization.

24 This has been a successful  
25 undertaking and not a failed experiment like

Hearing 10/24/06

1 we have seen in some prior administrations.  
2 It is one of a few programs that has been  
3 received as a victory, not only for the New  
4 Jersey State Police but as a model for the  
5 entire nation. Thank you Mr. Chairman and  
6 the Committee.

7 CHAIRMAN JOHNSON: Thank you  
8 Mr. Hallion. Next we will hear from  
9 Mr. Jones, again the President of the State  
10 Troopers Fraternal Association of New Jersey  
11 Mr. Jones.

12 MR. JONES: Thank you sir. Thank  
13 you Mr. Chairman and distinguished members of  
14 this committee. On behalf of all the State  
15 Troopers and the State Troopers Association I  
16 want to thank you for your service to our  
17 state in dealing with this most important of  
18 issues.

19 My name is David Jones and I have  
20 the great honor of being the President of the  
21 State Troopers Fraternal Association. I  
22 represent every trooper, detective and  
23 specialist below the rank of sergeant. I am  
24 a 27 year trooper, having spent a decade on  
25 the road, mostly in the Newark and New

Hearing 10/24/06

1 Brunswick Turnpike barracks, since then I  
2 have been assigned to the intel and organized  
3 crime sections.

4 I believe I have the unique  
5 qualifications to give an assessment of exactly  
6 how we found ourselves in the position we are  
7 in now. The Consent Decree reforms did not  
8 happen in an instant or in a vacuum. What  
9 takes place on the road right now is  
10 testimony to the most constitutional and  
11 unbiased policing in the country.

12 In order for this committee to  
13 fulfill its mandate, we must answer three  
14 fundamental questions. First is the  
15 obligation of the State to join with the  
16 Justice Department to make an application to  
17 terminate the Consent Decree.

18 The second is sustainability. We  
19 need to ensure all parties that those  
20 reforms, statutes, policies, procedures and  
21 reviews are adhered to, thus eliminating the  
22 term of "backsliding" which has been  
23 discussed.

24 Third, we need to know how to  
25 further embrace these reforms and

1 technologies across a broader base of public  
2 professionals allowing everyone to share in  
3 what is the greatest success story in  
4 constitutional compliance and critical review  
5 ever accomplished by any police department. A  
6 quick review of the consent decree and  
7 accompanying enumerated tasks, points out the  
8 glowing deficiencies that existed in our  
9 methodologies and technical support systems  
10 that could have and should have been able to  
11 identify, correct or refute, and review  
12 behavior and interactions that came into  
13 question and reinforced amongst the public we  
14 serve serious concern about disparate  
15 application.

16           Simply put, we lacked the ability to  
17 accurately assess what was occurring on the  
18 road relative to these areas of concern.  
19 Let me stop here and say this from the  
20 bottom of my heart, because of this anyone  
21 who has been treated unconstitutionally by my  
22 members or anyone in the state police all I  
23 can do is apologize. It should have never  
24 happened, we failed you and we failed  
25 ourselves by not having these technologies

1 and certainly these systems in place and  
2 again I sincerely apologize.

3 Because of the best systems  
4 available anywhere in America now being  
5 employed full time never again will such  
6 concerns dealing with race, gender  
7 enforcement discretion and an army of other  
8 categories be able to exist under the  
9 technological radar and review.

10 It is virtually impossible to  
11 engage in systemic disparate behavior across  
12 any demographic. This Committee has had a  
13 opportunity to review MAPPS, CAD, MVR,  
14 early intervention systems, SP632's (upper  
15 and lower control graphs) SP525 (reportable  
16 incident) reports and certainly a host of  
17 other systems, policies and standard  
18 operating procedures that have been  
19 permanently memorialized in the Division of  
20 State Police.

21 To recognize the incredible  
22 accomplishment that this represents one must  
23 note that these computer systems and  
24 collection data systems did not exist five  
25 years ago. When challenged to create a

Hearing 10/24/06

1 methodology to conform to Consent Decree,  
2 unlike any other Police Department in the  
3 country the New Jersey State Police went  
4 above and beyond the requirements of the  
5 Consent Decree and created the most extensive  
6 and accurate system to date.

7 We did not settle for the minimum  
8 benchmarks set by the Monitors, but instead  
9 far exceeded the mandates in order to have  
10 the absolute best system anywhere. And when  
11 the programs and technologies didn't exist,  
12 we persevered by painstakingly inventing the  
13 needed programs.

14 This clearly demonstrates the  
15 professionalism and commitment of the State  
16 Police to embracing now and in the future  
17 the spirit of the decree and making sure it  
18 is always complied with.

19 These are not only my sentiments but  
20 those of Dr. Ginger and Mr. Rivas, the  
21 Federal Monitors in charge of ensuring the  
22 Decree. Both gentlemen were before this  
23 committee and they heaped high praise on the  
24 job that we were doing. Without  
25 equivocating, they spoke of a record of

Hearing 10/24/06

1 accomplishment and innovation unlike any  
2 other they have observed.

3 Dr. Ginger's testimony about the  
4 dedication and professionalism of the state  
5 police and its efforts to date being a  
6 reflection of the overall exceptional quality  
7 of the women and men of the State Police is a  
8 very important observation.

9 When we discuss sustainability and  
10 record reforms, those who doubt us and those  
11 who have legitimate concerns, both must  
12 realize that the reason more than any other  
13 that the reforms are permanent is that the  
14 people in the state police are fine people,  
15 people of moral character and individuals whose  
16 commitment to their oath knows no bounds.

17 In the State Police alone during my  
18 tenure 13 of my friends and fellow Troopers  
19 have made the ultimate sacrifice. "Greater  
20 love hath no man, than to lay down his life  
21 for his fellow man."

22 Every 57th hour a police officer in  
23 this country a police officer lays down his  
24 life and leaves shattered families and  
25 unanswerable questions. Clearly the

Hearing 10/24/06

1           overwhelming majority of law enforcement and  
2           especially State Troopers are of a good and  
3           giving heart. Long after I am dead and gone  
4           the strides that the State Police have taken  
5           will be the gold standard of  
6           constitutional policing. Dr. Walker's case  
7           talks about how, unlike other departments,  
8           the State Police has gone beyond everything  
9           that is asked of them.

10                       None of this comes as a surprise to  
11           me, as I know how blessed we are with outstanding  
12           people. When the debate of sustainability is  
13           put forth, with the Pittsburgh and Steubenville  
14           decrees placed alongside of our  
15           accomplishments, Dr. Walker cites that the City of  
16           Pittsburgh did not create any oversight  
17           agency or procedure related to the terms of  
18           the Consent Decree. In regarding  
19           Steubenville, no new oversight procedures were  
20           created following the end of the Consent  
21           Decree. He further stated that there is no  
22           evidence or informed opinion regarding the  
23           status of accountability standards.

24                       Any attempt to use these cases as  
25           an argument that the State did not hold up its

1 end of the Consent Decree requirements and  
2 time frames is somewhat disingenuous.

3 The comparisons are not analogous  
4 due to substantial differences and  
5 deficiencies noted by the Monitors in the  
6 Walker Report. Foremost is that the fact  
7 that none of these agencies has the  
8 memorialized tracking system that we  
9 invented.

10 No one is advocating abandoning the  
11 review systems currently in place and several  
12 recommendations have been put forward by  
13 Colonel Fuentes and the Monitors and people  
14 such as myself and others all including,  
15 regardless of structure, a new Auditor with  
16 autonomy and power. After all that we have  
17 been through, I would never endorse any plan  
18 that did not include the ongoing collection  
19 of data reviews of MVR's and reporting.

20 This would both give concerned  
21 constituent group a level of reassurance and  
22 aspersions cast upon my members could  
23 readily be set aside by strong science and  
24 evidence rather than anecdotal review.

25 In 1999 I issued a statement

Hearing 10/24/06

1 welcoming, not condemning the cameras in the  
2 cars. Our sole concern was that we buried a  
3 trooper who was shot while there was the  
4 strong possibility that his decades old  
5 handgun weapon had failed. While we were  
6 fighting for new weapon funding, over \$4  
7 million was funded immediately for the new  
8 MVR's. As we predicted, the MVR's have gone  
9 on to exonerate hundreds of Troopers against  
10 complaints of disparate treatment which were  
11 false and a little more than a defense  
12 attorney attempting to gain a  
13 "bargaining chip" for his client. These  
14 systems are good for my members, and I would  
15 do anything to ensure their continued use.

16 This separates us from any other  
17 agencies and the issues with "backsliding" as  
18 is indicated by the Walker Report. To talk  
19 about Cincinnati and LA is really mixing  
20 apples and oranges as neither of the agencies  
21 is close to the institutionalized reforms.

22 In reality the DOJ is sharing the  
23 successes with these departments in the hopes  
24 of assisting them to reach some of our goals.

25 It is very important to realize

Hearing 10/24/06

1 that approximately 1269 Troopers have joined  
2 the State Police after the turnpike incident  
3 in 1998.

4 They constitute over two thirds of  
5 my membership and have only operated with the  
6 MVR CADS and reviewed revamped Office of  
7 Professional Standards and dozens of new SOP  
8 implementations. They know of no other type of  
9 policing than the constitutional and  
10 compassionate record that has been  
11 highlighted by the monitors and the DOJ as  
12 well as the pride of the State Police.

13 Again I must stop to acknowledge  
14 the outstanding people that I represent. In  
15 the midst of the turmoil surrounding the Consent  
16 Decree, the State Police have met every  
17 challenge in a fashion that makes them the  
18 envy of the country.

19 The 9/11 strategy brought forward  
20 a response that included the very first police  
21 to arrive outside of New York City to rescue and  
22 ferry the victims. Over 400 detectives dropped  
23 their assignments and joined the Joint  
24 Terrorist Task Force.

25 I recall running all over NJ,

Hearing 10/24/06

1 tracing all sorts of planes and people trying  
2 to identify the scope of these terrorists,  
3 working six or seven days a week, 12 hours a  
4 day and no one in my group asking for any  
5 considerations for overtime, travel and many  
6 of the other hardships that ordinarily would  
7 be accounted for.

8 To this day the New Jersey State  
9 Police has the greatest presence of any  
10 department outside the Federal Government and  
11 NYPD on these task forces that are protecting  
12 us all. The Department of Justice chose a  
13 New Jersey State Trooper to be the key witness to  
14 testify in the Moussaoui trial, the only  
15 conviction in the United States of a 9/11  
16 terrorist. The DOJ later thanked this  
17 Trooper and Attorney General Rabner, I  
18 apologize sir, I didn't know you were going  
19 to be here, in a Washington, D.C. awards  
20 ceremony for the outstanding work on this  
21 case. The recent Katrina situation is well  
22 documented as to our ability on to serve and  
23 save our fellow man.

24 No other police department  
25 accomplished what was done with operation

Hearing 10/24/06

1 LEAD. A 1400 mile supply line from NJ to New  
2 Orleans involving over 600 troopers, local  
3 and county officers, medical and technical  
4 support staff performed more checks rescues and  
5 patrols then any other group lending support  
6 from neighboring states.

7 Acting Governor Codey took time out  
8 with his State of the State Speech to  
9 acknowledge the praise and thanks heaped upon  
10 him when he went to visit the troops in New  
11 Orleans. FEMA is still reviewing what our  
12 homeland security and rank and file were able  
13 to accomplish over such adversity. Almost  
14 everyone in America from the State and local  
15 levels, loves and respects the New Jersey  
16 State Troopers.

17 The above outlined position as to  
18 why sustainability is not an issue -- because  
19 institutionalized reforms, technology, recent  
20 codifications of laws surrounding these  
21 issues and a host of other permanent  
22 commitments such as new SOPs are ensuring  
23 that guaranteed conformity to the Consent  
24 Decree ideals -- because more than any other  
25 reason the overwhelming majority of the State

Hearing 10/24/06

1 Police, the Troopers as a matter of  
2 professionalism and personal pride will never  
3 allow or endorse any form of systemic  
4 disparate treatment. Understanding  
5 sustainability is etched in cement, one must  
6 ask why in the world would New Jersey not  
7 join the Department of Justice in a joint  
8 application to end a decree.

9 The contract that was struck with  
10 the DOJ mandated tasks that were impossible  
11 to comply with until the technology was  
12 created and refined. Every hurdle and mission  
13 that the decree required has been met 100  
14 percent. What is the message that you are  
15 sending to the rank and file who have worked  
16 so hard and so diligently to earn the  
17 recognition that they are not racist, not the  
18 enemy of people of color and they irrefutably  
19 do not engage in the ugly practice of racial  
20 profiling?

21 I listened in dismay to many other  
22 leaders talking about not caring for the  
23 morale of the State Police. The only reason we  
24 achieved the incredible compliance record was  
25 because morale and duty were the hallmark

Hearing 10/24/06

1 traits of everyone in the State Police facing  
2 this new challenge.

3 Hemingway gave us all an outline  
4 to accomplish dominating tasks. People,  
5 money, materials, maintenance and morale,  
6 this formula are the sinews of war.

7 This formula mirrors the  
8 discussions had with the Federal Monitors  
9 about political will and commitment. It is  
10 no coincidence in this war on disparate  
11 treatment that morale was totally  
12 dismissed when it's a necessary ongoing element to  
13 preserving the gains and reforms already  
14 accomplished. Perhaps the silly axiom about  
15 floggings will continue until the morale  
16 improves. It's a management style outside the  
17 State Police but it flies in the face of every  
18 great leader's recipe for success and any  
19 current upper level management instructional  
20 program being implemented and followed by the  
21 most successful people in the country.

22 The message will not only be clear  
23 to the Troopers but to every local department  
24 that we are going to ask to buy in to these  
25 reform techniques. No matter what you do,

Hearing 10/24/06

1           how righteous and compliant you are, even if  
2           you over-achieve and go the extra mile we do  
3           not trust you. You can never be trusted for  
4           that matter and we will insult your efforts  
5           and good name for the sake of our cottage  
6           industry.

7                               Previously we spoke of the chilling  
8           effect on law enforcement the decree has had.  
9           I am gravely concerned pre-consent decree  
10          1996 and current 2005 murder rates in our  
11          urban 15 cities went from 219 to 297, plus  
12          36 percent, in victims in our "major urban"  
13          areas it went from 182 to 238 victims. All  
14          the while all the crime across New Jersey  
15          decreased including as much as 40 percent in  
16          our urban areas for non-violent crimes. It  
17          is not my intention to get into the drug  
18          enforcement act and subsequent endorsed  
19          policing techniques that resulted from it but  
20          rather to cast a spotlight on the competing  
21          interest of the police desperately trying not  
22          to accidentally violate a decree while trying  
23          to ensure public safety.

24                              Jefferson put it best when he said  
25          "Rightful liberty is an unobstructed action,

Hearing 10/24/06

1 according to our will, within limits drawn  
2 around us by the equal rights of others." It  
3 will take every legal mind on this committee  
4 to gain the balance necessary to serve  
5 everyone. Yet we ask the cop on the street  
6 to make instant judgments. I do not have the  
7 all encompassing answer but I do know that by  
8 being over vigilant to everyone's rights and  
9 interests, we are on the correct course.

10 This brings to us to portability of  
11 the new systems for other law enforcement  
12 groups, and they are more than willing to  
13 take those parts that would fit into their  
14 policing responsibility. Office of State  
15 Police Affairs should be transformed into an  
16 instructional entity dealing with the county  
17 prosecutors in identifying locales of concern  
18 and prioritizing a mentoring program while  
19 relying on the expertise of the State Police  
20 so when departments have questions or  
21 concerns about the system's implementation we  
22 can answer them.

23 This is the direction which law  
24 enforcement is going and after all we have  
25 been through it would be wonderful to be on

Hearing 10/24/06

1 the cutting edge of ensuring constitutional  
2 policing for everyone. Thank you very much I  
3 will be happy to answer any questions.

4 CHAIRMAN JOHNSON: Thank you very much  
5 Mr. Jones. As I mentioned before Mr. Flynn,  
6 we won't be requiring an opening statement  
7 from you but we appreciate you making  
8 yourself available to us for questions.

9 Our procedure in these proceedings  
10 is to, after the witnesses of given their  
11 opening statements, to then go down the line  
12 of panelists, permit each of them to engage  
13 in a question and answer with the witnesses.  
14 For today it will be six minutes and we will  
15 have as many rounds as we can fit in, in the  
16 time that we have. We know that we have at  
17 least one other panel of witnesses after this  
18 one. We will move on to Ms. Brown. Ellen  
19 Brown, New Jersey Institute for Social  
20 Justice.

21 MS. BROWN: Thank you very much  
22 Mr. Chairman and thank you both for your  
23 testimony this afternoon. The question that I  
24 have has to do with the ongoing review of the  
25 activity of the State Police and you have

1           stated in your comments, particularly  
2           Mr. Hallion, the need for an Auditor going  
3           forward and also that Auditor would report to  
4           a Board of Directors made up of community  
5           groups. I wonder if you can say a little  
6           bit more about what you would expect an  
7           Auditor to do different from what the  
8           Monitors have done over the period of time,  
9           and also what authority you would expect  
10          a Board of Directors consisting of community  
11          groups to be able to exercise.

12                   MR. HALLION: Beginning with the  
13                   board of directors, what I spoke about was a  
14                   Board of Directors consisting of not only  
15                   members of community-based groups but also  
16                   the Colonel's staff and I think it is important  
17                   to realize it's got to be a concerted  
18                   cohesive effort of those groups. Also  
19                   Legislators as well as the Attorney General's  
20                   Office.

21                   When I talk about auditorship we  
22                   talk about a process by which we are  
23                   reviewing, we're evaluating, basically  
24                   numbers, statistics on a periodic basis,  
25                   based upon the performance dynamics of our

1           troopers on the road. Unlike the monitors  
2           who were more of a hands-on application where  
3           they came in and visited stations and  
4           traveled throughout the State, the Auditor  
5           would be one who would just basically work  
6           off of the numbers that are already available  
7           and would be readily available at the time  
8           it's needed to do his review or her review.

9                       MS. BROWN: I'm sorry if I review  
10           your testimony again. The composition of the  
11           board of directors being more comprehensive,  
12           what kind of authority though would you  
13           expect it to engage? How would it work with  
14           the State Troopers?

15                      MR. HALLION: Meaning the Auditor?

16                      MS. BROWN: No, the board of  
17           directors that you were talking about.

18                      MR. HALLION: They would comprise  
19           the group that would work with but not be in  
20           charge of so to speak the audit. The  
21           Auditor must be independent, autonomous of  
22           any group, any stakeholder in this project.  
23           So the Auditor would have absolute  
24           interaction with those groups but continue to  
25           remain autonomous and be charged with an

1 independent review on their own, again of the  
2 numbers, statistics, et cetera that will  
3 continue to be reviewed as we move forward.

4 MS. BROWN: I'm sorry. I  
5 understand the independence of the Auditor -  
6 that is clear. I am asking you what would  
7 the role of the Board of Directors be?  
8 Suppose they receive a report from the  
9 Auditor that they are not happy with, what  
10 would their role be vis-a-vis the State  
11 Police?

12 MR. HALLION: The Board of Directors  
13 would have the authority to advise the  
14 Auditor based on interaction with the Auditor  
15 that they would have to provide direction,  
16 they would have to provide guidance, you  
17 know, to allow the Auditor to go out and  
18 perform his task.

19 So in essence if you are asking  
20 about the chain of command regarding the  
21 Auditor, that person would have to be  
22 independent but would be of that collective  
23 group.

24 MR. FLYNN: May I say something? I  
25 think we are looking for a partnership to

Hearing 10/24/06

1 continue as the Colonel said, to keep the  
2 transparency of what we have done so we would  
3 like to involve the community groups, the  
4 so-called Board of Directors, that they would  
5 review the Auditor's findings and to assure  
6 the public that we are continuing to maintain  
7 the standards we are now setting for  
8 ourselves.

9 MS. BROWN: Thank you.

10 CHAIRMAN JOHNSON: Ms. Carroll.  
11 This is Michelle Carroll, the President of  
12 Survivors of the Triangle.

13 MS. CARROLL: Thank you  
14 Mr. Johnson. I hate to be redundant but we  
15 have spoken a great deal in this Committee  
16 about the leadership and how Colonel Fuentes  
17 has been paramount in making this Consent  
18 Decree work and I wonder if you could review  
19 for me the way a trooper is promoted up the  
20 ranks and is there testing involved and what  
21 kind of ranking system is that and if there  
22 is not testing involved would you be willing  
23 to say that may be something that we could  
24 look at?

25 MR. JONES: For anyone?

Hearing 10/24/06

1 MS. CARROLL: For anyone. A  
2 trooper, does he have to take a test to be a  
3 Sergeant? Could you help us understand how  
4 that process works?

5 MR. JONES: And again some of the  
6 most dry and boring part of law is Labor Law,  
7 and is defined by the law on who gets  
8 promoted. The systems that are in place,  
9 certain aspects are negotiable certainly  
10 whether or not there is a test -- management  
11 has every right to test, that has never been  
12 defeated but whether or not there is a test  
13 and whether or not there are other standards;  
14 the current system that we have in place just  
15 like everywhere else just about has its  
16 strengths and has its weaknesses.

17 The strengths being that if you  
18 have a good leader, good managers and you  
19 have good mid-level managers and you are  
20 identifying your best people then it is an  
21 arbitrary application of criteria; 15 minutes  
22 in the category, ten points in that category  
23 has great weight, but again because it is  
24 arbitrary it is only as good as the leader,  
25 the few hurdles that you have to jump over is

Hearing 10/24/06

1           there no written test right now, although we  
2           are ready for one and we have been ready for  
3           one and we touched on the fact because of the  
4           other issues and I don't want to spin off  
5           anywhere, having to do with contracts handed  
6           out here. We are four years and half a  
7           million dollars later without a test because  
8           of a vendor, and how the guy got the job I  
9           have no idea, but so we have no test right  
10          now, but a lot of police departments will  
11          tell you that is a two way sword. Also in that  
12          the test taker who studies and leapfrogs  
13          over the guy doing the job, isn't necessarily  
14          the high performer. The flip side is it  
15          ensures a minimal amount of reportable  
16          aptitude. We can go on forever as to what  
17          the best system should be but until  
18          management relinquishes that prerogative it  
19          is not just not going to happen.

20                   I gave the example in our private  
21                   setting last time of how we were trying to  
22                   enforce a mandatory college education  
23                   requirement that a lot of departments had  
24                   several high performers; women who are out-  
25                   standing, lifelong 25 year troopers who were

Hearing 10/24/06

1 in a position to get promoted.

2 So management set aside the college  
3 promotion requirement for this particular  
4 list and instead chose to exercise, which I  
5 thought was the right prerogative, to say it  
6 is very important to maintain the diversity  
7 of the upper ranks by moving these females  
8 into these field operation positions, so  
9 while we compromised the requirement for  
10 college degree, we achieved a very important  
11 goal for the public that we served.

12 Is there an absolute answer to  
13 what the best testing mechanism is? No. Is  
14 management going to relinquish that right?  
15 You can talk to the Attorney General, you can  
16 talk to the Colonel, and you can talk to all  
17 the other people in career development and  
18 they are going to tell you no. As long as  
19 the law of the land is that they maintain it  
20 no matter what we put forward as an equitable  
21 system, and most of the times the promotions  
22 are well deserved and they are very fair but  
23 there's always going to be those handful of  
24 promotions, somebody who drove this guy or  
25 somebody who is related to that guy

Hearing 10/24/06

1 throughout the system, and when I say to you  
2 no matter what the debate is, until  
3 management relinquishes that right and we  
4 decide what proper way it is going to be  
5 applied, we are never going to have a perfect  
6 system, and with deference to Mr. Sklar, he  
7 is going to acknowledge that all the systems  
8 are in place other than the ones that do have  
9 tasks and the ones that have interviews, they  
10 all have a certain amount of arbitrariness that  
11 defeats ensuring absolutely positively that  
12 the right person got the job.

13 So we can go on for hours about  
14 testing alone and testing in the State Police  
15 and promotions in the State Police.

16 While it is certainly part of a  
17 reform project and identified by the monitors  
18 I don't think we want to spend three hours on  
19 something that may very well be a moot point,  
20 respectfully.

21 MS. CARROLL: Thank you.

22 CHAIRMAN JOHNSON: Mr. Dauber who  
23 is a partner of Dauber Epstein and Tucker,  
24 and the Former First Assistant Attorney  
25 General.

Hearing 10/24/06

1 MR. DAUBER: Thank you  
2 Mr. Chairman. I'd like to thank the  
3 witnesses for their testimony and for the  
4 hard work they did to get us to this point --  
5 the level of compliance that the monitors  
6 have identified.

7 I am interested from your testimony  
8 and a couple of concepts that you expressed  
9 in what would happen if your proposals would  
10 be put into effect. One is you talked about  
11 over-tasking and I think Mr. Hallion, you  
12 testified that there's 500 hours a day,  
13 approximately, spent on supervision and you  
14 talked about the different levels of  
15 supervision.

16 My understanding though from your  
17 proposal is that while the outside monitors  
18 would be eliminated and OSPA's role would be  
19 changed to more education or mentoring role,  
20 within the State Police, are you also  
21 recommending any changes that would affect  
22 what you have described as over-tasking? Are  
23 you recommending eliminating any of those  
24 levels of supervision, and if so, which ones  
25 and why?

1 MR. HALLION: Only the enhancement  
2 of the systematic mechanical applications  
3 that we have in place now, such as MAPPS,  
4 such as the Risk Analysis portion. The  
5 day-to-day operation of a normal shift at a  
6 barracks not only does a Sergeant devote that  
7 much time to Consent Decree related issues,  
8 but there's always a myriad of other tasks  
9 that must be performed and carried out during  
10 that shift.

11 So, you know, is the Consent Decree  
12 and everything that comes with that first and  
13 foremost, of course it is because that's  
14 what, you know, we have as our, you know, our  
15 guiding light so to speak. So I do not  
16 encourage any diluting of the processes we  
17 have in place for supervision. Some of what I  
18 call, you know, the inordinate amount of  
19 paperwork and some of the other forms that we  
20 do on a regular basis we can certainly  
21 discuss, but the point is that I will not  
22 allow or wouldn't advocate that there be any  
23 watering down whatsoever. That we keep  
24 upping those processes and all those levels  
25 of examination we will call it but just

1 enhance the process that we have now.

2 MR. DAUBER: So then except for  
3 maybe some of the changes in the paperwork  
4 which you say are subject to discussion,  
5 basically that time commitment wouldn't vary  
6 that much from what it is today within the  
7 Troopers.

8 MR. HALLION: Not at all.

9 MR. DAUBER: The second question and  
10 maybe it is related and maybe it is not.

11 Mr. Jones testified about a  
12 chilling effect on law enforcement the decree  
13 has had and you cite certain statistics which  
14 I don't know if you are saying they are  
15 related or not in terms of murder rates in  
16 the urban 15. There's always been the  
17 discussion about whether there's de-policing  
18 or not de-policing as a result of it.

19 First of all I would like to hear  
20 your views on why and to what extent you  
21 think there was a chilling effect, and  
22 secondly, why you think that the proposal  
23 that you are making will remove that chilling  
24 effect?

25 MR. JONES: Twofold. First I

1 think I was very careful, I think Dennis and  
2 other people used the word de-policing, I  
3 didn't. I am talking about that age old  
4 argument -- one of the reasons I refer to  
5 Jefferson, this has been going on forever:  
6 civil liberties versus public safety. The  
7 First Amendment you can't yell fire in a  
8 crowded theater, are you making a  
9 constitutional stop or by choosing not to  
10 make that stop for fear of review are you  
11 allowing criminal activity and furthering  
12 victimization? It is a different balance and  
13 that's why I talk about Solomon in those  
14 comments. I don't know and I don't think  
15 anybody knows exactly what the solution is.

16 When I talk about the chilling  
17 effect on law enforcement as we discussed  
18 earlier, every trooper and officer safety,  
19 obviously we talked about that and what a  
20 dangerous job it is, but every trooper is  
21 more concerned with being the individual who  
22 may violate, may bring into question, may  
23 cause for review and perhaps rebuttal or  
24 reprimand, somebody looking at a tape because  
25 he may not be perfectly constitutionally

1 compliant on his stop.

2 Sergeant Wallerman talked about  
3 something that goes on all the time where we  
4 have a stop report, so when we are dealing  
5 with people initially and we are trying to  
6 decide if they are under the influence or  
7 not, quite often the trooper will leave that  
8 individual much to the Trooper's disadvantage  
9 in the car rather than have to worry about  
10 whether or not he should have gotten him out  
11 until he makes further observations about the  
12 amount of impairment due to alcohol to the  
13 point where they are actually taking the cane  
14 and waving it back and forth with the  
15 horizontal test that we see on TV and that is  
16 part of the chilling effect.

17 The other thing is if I am going  
18 to be the guy who is on the road involved in  
19 something that causes the entire outfit's  
20 good name to be, you know, because I crossed  
21 a fine line, is it worth it? That's what  
22 these people are asking themselves.

23 When we draw the nexus between the  
24 spike in inner city murders and the  
25 de-policing if you want to call it, chilling

Hearing 10/24/06

1 effect as I refer to it, I am not tagging, I  
2 am not locking them hand and fist.

3 What I do know is when we look at  
4 all of these numbers we are talking about  
5 three or four things that are consistent.  
6 It is gang-related, it is almost always  
7 minority and it is certainly based upon the  
8 gun and drugs. So how we divorce ourselves  
9 from the interdictions of weapons and drugs  
10 and proactive policing and still maintain a  
11 depression rather than a spike in these  
12 things, I don't know. I don't think that  
13 anybody knows. This is that delicate balance  
14 that I talked about.

15 I do not want to say that because  
16 the State Police stopped seizing kilos on the  
17 turnpike after the Consent Decree that that's  
18 why we have the situation that just occurred  
19 where the town fathers were actually calling  
20 for the State Police to go into Asbury Park  
21 to lend stability there.

22 I am not that bright. I am a guy  
23 on the street who can interpret the data and  
24 tell you what I have seen over the 27 years  
25 and I don't know anybody who can talk in

1           absolutes about what the solution is, but is  
2           there a chilling effect, and is there a  
3           nexus? I am putting it out there for you to  
4           decide. I am comfortable with my  
5           observations.

6                   MR. DAUBER: But your proposals  
7           wouldn't change those kinds of supervision of  
8           those situations because they will still have  
9           that kind of review from within the  
10          department.

11                   MR. JONES: Just the opposite. You  
12          will not have a Consent Decree, that is, not  
13          a contract between the Department of Justice  
14          and the State Police. So if you err you are  
15          not going to be the person who creates a  
16          failure in one of the task obligations that  
17          would continue the Consent Decree. You are  
18          actually saying to the individual not that we  
19          are taking off the reins because all the  
20          systems that are in place have to remain in  
21          place; but you are giving them a little more  
22          flexibility to be human, to make those split-  
23          second decisions on constitutional arguments  
24          that will be Monday morning quarterbacked for  
25          years and years in the Courts.

Hearing 10/24/06

1                   Really the fear of being the person  
2                   that fails the State Police is what would be  
3                   removed by having a system in place that is  
4                   educational, instructional early  
5                   intervention, rather than a violation of an  
6                   agreement, a contract, a bond between  
7                   ourselves and the Department of Justice.

8                   MR. DAUBER: Thank you.

9                   CHAIRMAN JOHNSON: Next we will  
10                  have Kevin Donovan, former FBI Special Agent  
11                  in charge.

12                  MR. DONOVAN: Good afternoon  
13                  gentlemen. Thank you for your testimony. I  
14                  would like to echo some of the comments that  
15                  my colleague, Mr. Dauber made about the  
16                  success of New Jersey State Police members in  
17                  moving forward to comply with the consent decree;  
18                  the leadership starts at the top and goes to  
19                  the bottom, but I think that the men and  
20                  police of the State Police have done a great  
21                  job moving forward.

22                  I think there are some questions  
23                  that need to be raised as to how we go  
24                  forward from here and I think a lot of it  
25                  centered around the Office of State

Hearing 10/24/06

1 Police Affairs in a lot of the testimony that  
2 we have heard from the view of the average  
3 road trooper. How do they perceive the Office  
4 of State Police Affairs? Do they have much  
5 interaction with them?

6 MR. JONES: There has been an  
7 evolution in the Office of State Police  
8 Affairs. Originally it was mandated in its  
9 design and there are people here who could  
10 talk about how it was evolved that they  
11 were going to be the mechanism between the  
12 State Police, the Attorney General's Office  
13 and the Monitors in putting together these  
14 programs.

15 The evolution has been that they  
16 have been able to identify some areas such as  
17 in education, concur with the monitors in  
18 certain areas of review and kind of help us  
19 build a better mousetrap, that was the  
20 initial onset.

21 Now it is essentially viewed as  
22 the deal was that this "gotcha squad" is no  
23 longer necessary because we are the ones who  
24 do the work. We are the ones who prepare the  
25 paperwork. We are the ones who do the

Hearing 10/24/06

1 reviews. We are the ones who submit the  
2 reviews and what the monitors talk about,  
3 especially in the 12th and 14th Monitor  
4 Reports they talk about how we self-report,  
5 in other words, how we catch ourselves. How  
6 it is that every time they come in to find a  
7 failure it is Dennis' people or Steve's  
8 people who have already identified that  
9 questionable behavior and articulate why it  
10 happened and what remedies were put forward;  
11 we really don't need them.

12 Not only do we not need them, they  
13 are the last vestige of this 1998 horrific,  
14 absolutely shame on us period of time where  
15 we weren't doing the best that we could  
16 possibly do, hence, their remaining there is  
17 demoralizing and especially in light of the  
18 fact that their sole creation was based upon  
19 that relationship in the Monitors, the Decree  
20 and the State Police. So it would be like  
21 saying, you know, you are out of jail now I  
22 am putting you in a halfway house but you  
23 have done your ten years because you are  
24 still going to maintain this vestige of that  
25 problem, troubling period of time.

Hearing 10/24/06

1                   So while there's many, many  
2                   wonderful people who all have their hearts in  
3                   the right place and trying to do the right  
4                   thing, working in the Office of State Police  
5                   Affairs -- there is no getting around it. It is  
6                   still detention.

7                   MR. DONOVAN: I guess as it relates  
8                   to moving forward, you would just see the  
9                   Office of State Police Affairs as an  
10                  instructional, an entity that would go out  
11                  and provide guidance on what they had done in  
12                  monitoring the Consent Decree?

13                  MR. JONES: Except for a couple  
14                  people like Captain o'Shea and Lieutenant  
15                  Schaller who have been the nuts and bolts  
16                  right into the MAPPS systems, creating them,  
17                  right into the CADS and the charts and  
18                  everything, the people in the Office of State  
19                  Police Affairs, probably have a finger tip  
20                  knowledge on how these systems can be  
21                  employed, shared, what they prevent, what  
22                  they enhance more than any other agency;  
23                  while it no longer serves a purpose for us  
24                  because we created it, shared it with them  
25                  and complied with the monitors, something

1           that would absolutely have a role for those  
2           police departments and agencies that have  
3           that, either have a problem or want to be  
4           ahead of the curve, we don't do a very good  
5           job, started talking about the counsel that  
6           is provided to the police departments.

7                         There's 566 towns and give or take  
8           450 police departments, and every one, every  
9           one of them at the top kind of has their own  
10          flavor. Some of them are vanilla that have  
11          chocolate on them and some are vanilla  
12          without chocolate, way over here you have  
13          tutti fruity; the scope of how police  
14          departments run is equal to whatever area  
15          you are in and what the constituent base is.

16                        A long time ago I said that  
17          generally the community gets the police  
18          departments that they bargain for, that they  
19          deserve, and that they wasn't when you have  
20          problems in police departments. Quite often  
21          it is linked to the problems in the  
22          leadership in the community. When they are  
23          in a position right now to go out to the  
24          police departments, no matter what their  
25          management style is, and give them those

Hearing 10/24/06

1 mechanisms that are in place to kind of steer  
2 them in that direction.

3 MR. DONOVAN: Where does the  
4 Attorney General's Office fit into this.

5 MR. JONES: I was thinking that the  
6 Attorney General should actually be moved out  
7 of this -- no. I think that the Attorney  
8 General, as dictated by the law, will always  
9 be the boss, will always have the final say  
10 and his relationship with the Superintendent,  
11 even though we are entitled to agency title  
12 53, does supply certain powers,  
13 responsibilities and certainly a different  
14 policing style than a lot of other agencies.

15 The Attorney General is the boss  
16 and the Attorney General will always have a  
17 significant role in this. What we have to  
18 look at and I don't know if I should go down  
19 this road or Mr. Johnson will throw a rock at  
20 me. What happened in the past --

21 CHAIRMAN JOHNSON: Not going to  
22 happen.

23 MR. JONES: About the Attorney  
24 General and the Superintendent of State  
25 Police were perhaps not on the same page,

1 were totally on the same page where we didn't  
2 have that healthy system of checks and  
3 balances that we talk about with an Auditor.  
4 In, but not of the State Police. In, but not  
5 of the Attorney General and submitting  
6 whatever paperwork that would have ordinarily  
7 been filtered through to the Monitors to a  
8 panel that, you know, this body would decide  
9 eventually what it looks like, but the  
10 Attorney General has a charged  
11 responsibility, he is the boss and he will  
12 always be the boss. He is the only one with  
13 a hammer; not a Deputy Attorney General and  
14 only when he supersedes the Colonel.

15 MR. FLYNN: Mr. Donovan, one quick  
16 thing. Dr. Ginger said one of the tenets of  
17 good leadership is when you make a contract  
18 or you promise something or you ask somebody  
19 to work toward something and you do it, you  
20 then deliver. You don't want us to  
21 backslide. We don't ever want to backslide.  
22 We have the technology to keep us from doing that  
23 but to keep the State Police Affairs as it, is  
24 seems like we'd never accomplish what we did.  
25 For them to move on and teach the rest of the

Hearing 10/24/06

1 state what we have learned, I think is a  
2 critical mission that they could accomplish  
3 and allow us to go on with reviewership  
4 through an auditor that we would continue the  
5 progress that we have made.

6 CHAIRMAN JOHNSON: Thank you.  
7 Next we will hear from Reginald Floyd, who is  
8 both a pastor and employee -- Pastor, Allen  
9 AME Church and Chief Public Defender for the  
10 City.

11 REV. FLOYD: Thank you. I would  
12 like to say Mr. Johnson other than Reverend  
13 Stanley Justice I was impressed with the  
14 Biblical reference there, touched me, but I  
15 want to talk about sustainability, going  
16 forward.

17 We grieve over the egregious  
18 actions that took place in the past and we  
19 are thankful for the progress that has been  
20 made, but what is your recommendation, your  
21 first recommendation about sustainability?  
22 What do you recommend that we should do first  
23 in terms of keeping the progress and moving  
24 forward?

25 MR. JONES: If I may and I think

1 this is really the large issue before the  
2 group here. First there is a lot of things  
3 that have already been accomplished. The  
4 SOP's aren't going anywhere unless a  
5 Superintendent and an Attorney General sign  
6 off on them.

7 The systems that are in place, the  
8 technologies aren't going anywhere as long as  
9 we maintain our Ernest Hemingway, but we  
10 talked about earlier, the political will. If  
11 we have the resources and we don't allow the  
12 systems to break down and we allow the system  
13 to be upgraded and modernized, all the  
14 issues, the MAPPS and the CAD and the mobile  
15 data terminals and all that, as long as we  
16 have the political will which to me translates  
17 to money, put your money where your mouth is,  
18 those things would be fine. Those are etched  
19 in stone.

20 The other thing that is important --  
21 we have a breed of trooper heretofore unseen,  
22 they only know the strict  
23 constitutional compliant-type interactions.  
24 They have never had the flexibility -- kind of  
25 sad in some sense because discretion is a

Hearing 10/24/06

1 great tool for the police officer -- but on the  
2 other hand to ensure public confidence we  
3 find ourselves in an area that this is all  
4 these troopers know.

5 So basically the footprint of  
6 sustainability is already there. The next  
7 thing is this is the codification of a lot of  
8 laws, and I actually worked with Assemblyman  
9 Cohen and Reverend Jackson and we put  
10 together the AST-72 which is the Civil Rights  
11 cut and paste out of the Federal code. As  
12 long as we continue to do that, identify areas  
13 and make sure that everybody, the Legislature  
14 is on the same page and to codify, we are in  
15 great shape. We have actually codified  
16 something as simple as making the State  
17 Police opportunities public record.

18 Now to me that might be a little  
19 over-kill in that gee, they are out there,  
20 take the time out and we have an Office of  
21 Career Development, et cetera, is it  
22 necessary? But in order to ensure that  
23 happened and to answer the question as to  
24 whether or not certain people were being  
25 whispered in our ears, this opportunity

1 exists for this individual, but not another  
2 individual which is what we talked about in  
3 the monitor reports early on. We turned it  
4 into a law. I have a copy of 50 bills that  
5 were proposed, I endorsed that bill not  
6 because I wanted to see here is another law  
7 being passed but because I want to assure the  
8 public that we are not afraid of  
9 memorialization.

10 REV. FLOYD: I would like to raise  
11 another issue. Thank you for that  
12 comprehensive answer. You raised the issue  
13 to me that the Consent Decree in some way  
14 hinders law enforcement. For example, a  
15 State Trooper comes upon a car, the driver  
16 might be intoxicated, and is concerned about  
17 whether or not he is going to violate the  
18 Consent Decree. Given the fact that we have  
19 sustainability, do you feel that going  
20 forward, the same level of all of the, you  
21 know, all the MAPPS and all the systems in

x

22 place, do you feel that law enforcement will  
23 be hindered now because you still want to  
24 basically, the Consent Decree being lifted,  
25 you still have the mechanisms in place, do

Hearing 10/24/06

1           you feel that the troopers are going to be  
2           hindered in the future?

3                       MR. JONES: I think not so for the  
4           reasons I explained. First the contract  
5           between us and the Department of Justice for  
6           the Consent Decree and our obligation to the  
7           public to ensure them that we are engaging in  
8           constitutional policing will be and was  
9           addressed by virtue of the Monitor Reports  
10          and the Department of Justice is saying they  
11          have done it, they finished the race and did  
12          everything that was asked of them.

13                      Now you are going to have a  
14          trooper out there while it is still -- if he  
15          gets the guy out of the car, it is a stop  
16          report for him, a stop report for the  
17          sergeant, an MVR report, et cetera. We are  
18          going to have that overview that occurs.

19                      What we will have is a person on  
20          the road, a young trooper who says you know  
21          what, I am going to err on the side of public  
22          safety and get the guy out and err on the  
23          side of the trooper safety, get the guy out  
24          and not worry about the monitors coming in  
25          and saying you violated your contract, your

Hearing 10/24/06

1 end of the deal, but instead know that there  
2 are systems that we talked about, the early  
3 intervention-type things and the training and  
4 everything else that is going on. The  
5 reviews are going to put him in a position  
6 that he is going to go get instructed.

7 Let me tell you that absolutely  
8 with 3,000 human beings out there, somebody  
9 is going to screw up and somebody is going to  
10 jump up and say "I told you so" but it is  
11 impossible to take the human element out of  
12 law enforcement and do our job. We are not  
13 robots and don't want robots out there.  
14 Somebody is going to make a mistake and I  
15 will be back before the Committee saying see  
16 Mr. Jones, you said we should leave and we  
17 left and now look what this guy did. There is  
18 nothing I can do to control 3000 human beings  
19 dealing with nine million people, somebody is  
20 going to have a bad day and there are some  
21 people that have evil minds, and we talked  
22 about this.

23 What we want to accomplish is to  
24 ensure the behavior, change the behavior.  
25 You can't ensure what is in somebody's heart,

Hearing 10/24/06

1 we have been doing that and we have ensured  
2 that and we will make a mistake. The bottom  
3 line is will this enable the trooper to  
4 prioritize for public safety as opposed to  
5 violating the Consent Decree? Absolutely.  
6 Will it make him more aggressive? I hope  
7 that it will not in the sense that it is  
8 reckless, but certainly in the sense that he  
9 knows this isn't going to be a fatal blow to  
10 his fellow trooper if he makes the mistake  
11 happen.

12 MR. HALLION: Once that activity  
13 occurs we will capture it. We will  
14 memorialize it. We will deal with it, we  
15 will take appropriate action whatever it is,  
16 remediation, and we will correct it. The  
17 mechanisms are in place through all the  
18 systems that we currently have and when that  
19 happens and it will happen and I agree with  
20 David, we will act quickly to remedy that.

21 MR. FLYNN: Sir, if you do  
22 remember and I repeat what Dr. Ginger and  
23 Mr. Rivas said, we are a learning  
24 organization, it is not a carrot and the  
25 stick. Before as he put it, a trooper would

Hearing 10/24/06

1 go out and a supervisor would have no idea  
2 what occurred in that eight, ten, twelve hour  
3 shift when the trooper was out there.

4 Now we have the consent reviews and  
5 we are not advocating doing away with them at  
6 all. We are only advocating becoming more  
7 efficient and proficient in reviewing them  
8 and targeting somebody who might be starting  
9 to go astray and getting the learning,  
10 getting the teaching, and getting the correct  
11 way of doing things and now that that's how  
12 we are going to sustain.

13 Now we have in place, we are now a  
14 learning organization. We made the dramatic  
15 shift. We didn't know how to do it before -- we  
16 weren't encouraged to do it. Before we were  
17 just encouraged to go out and get the drugs,  
18 get the bad guy get them off the street. Now  
19 we know how to do it correctly and we want to  
20 do it correctly.

21 REV. FLOYD: Thank you.

22 CHAIRMAN JOHNSON: Thank you  
23 Reverend Floyd. Next we will hear from our  
24 next panelist Mr. James Harris, the President  
25 of the New Jersey Chapter of the National

1 Association for the Advancement of Colored  
2 People.

3 MR. HARRIS: Thank you  
4 Mr. Chairman. First of all I would like to  
5 thank you very much for your testimony. We  
6 had copies of it. One question that is really  
7 important to me: this was about race. It was  
8 about some things that happened with folks  
9 who got shot.

10 The Monitors came in and what I  
11 hear you say is you want the Monitors to go  
12 away. I represent an organization where the  
13 perception is that there is still a problem,  
14 but part of the problem is the lack of  
15 progress in diversifying the police force,  
16 the State Police force.

17 Could you tell me what you think  
18 the relationship is between the confidence of  
19 the public and the diversification of the  
20 force itself?

21 MR. JONES: I'd be happy to.  
22 It's funny because I have watched  
23 efforts from across the board; people such as  
24 yourself make a very salient point that you  
25 have to be reflective of the community you

Hearing 10/24/06

1           serve or it is difficult for people to  
2           believe in what you are doing, especially  
3           when you are enforcing laws and restricting  
4           liberties upon them.    Something that I  
5           watched the prior Attorney General spend four  
6           million dollars over four years, taking the  
7           entire recruitment issue into his house and  
8           he and the Deputy Attorney General, nights,  
9           weekends, holidays, down to colleges in the  
10          south, \$400,000 recruiting bus, everything  
11          that he could do, certainly into the churches  
12          and into the organizations and groups that  
13          have a vested interest in this and we still  
14          haven't seen the numbers move.

15                    Do we need to be reflective of  
16           the community that we serve?  Absolutely  
17           positively.  It is not going to work unless  
18           people have that partnership with police.  
19           Can we do anything in the short term and  
20           government solution is throw money at it,  
21           throw money at it.  I am looking for new  
22           cars.  We are spending four million dollars  
23           on a recruiting effort that quite honestly in  
24           1979 when I we graduated from the academy we  
25           had more diversity in my class than some of

Hearing 10/24/06

1 the classes we are recruiting. I can go back  
2 as to why it occurred, but it is water under  
3 the bridge.

4 What I do want to say is that the  
5 Superintendent took it into his house and he  
6 charged the responsibilities of the Captain  
7 that we have to do something, we are not  
8 getting enough members of the society in  
9 among the ranks. Let me proffer this, this  
10 is not something that is special that just  
11 goes on in the State of New Jersey. This is  
12 happening everywhere in the country for  
13 whatever reason, and I can go into the whole  
14 societal reflective, you know what your  
15 father did. We don't have the people in the  
16 African American community. Our numbers are  
17 a little bit better with the Hispanic  
18 communities, coming out and saying I want to  
19 be a trooper. I offered them a great salary  
20 I worked hard on that.

21 It makes it very hard with the  
22 conditions that we work under, an honorable  
23 spot to be where you can feed your wife and  
24 kids. We go into the areas and put up  
25 posters. If you take a predominantly African

Hearing 10/24/06

1 American Community such as New York  
2 Department of Corrections, you take the other  
3 smaller police departments in their inner  
4 cities and they are suffering from the same  
5 exact problem that we have. That young men  
6 and young women in the community don't see  
7 this as a natural progression.

8 My family came over in a potato  
9 famine, they fought with a rifle. Here is a  
10 rifle and get in line and out they go, and  
11 what is the next thing they do, day laborers  
12 and then their kids become cops and that  
13 progress took place for years and years. The  
14 old Irish cop on the corner, there is a lot  
15 of merit to it. It is not just an anomaly or  
16 an anecdote as the African Community has the  
17 opportunity presented to him, that may not  
18 have been there 30 years ago. We weren't  
19 knocking on doors 30 years ago like we are  
20 now, as the opportunity is presented to them  
21 and the pay is higher than ever and the  
22 professionalism is higher than ever and the  
23 chance to serve is an honorable one.

24 We are not having our sons and  
25 daughters in these communities turn out for

Hearing 10/24/06

1 the job no matter who is in charge, no matter  
2 it is you or I, or the prior Attorney General  
3 or Captain. Right now that is a phenomenon  
4 that occurs across the board, not just the  
5 State Police and while just like I talk about  
6 other subjects, we have to be vigilant. I  
7 don't know what the solution is and if you  
8 have it, I will be happy to embrace it.

9 MR. HALLION: I will use a quick  
10 example. Again I noted in my testimony was  
11 our efforts in Camden and Irvington, not only  
12 are we going in there and trying to quell  
13 what I see is a continuing surge of narcotics  
14 that absolutely and some will debate me this,  
15 leads to, you know, that is the grassroots of  
16 gang violence is the narcotics. We have gone  
17 in there and we have done our best to quell  
18 that but we also, as part of that Camden  
19 urban initiative, have provided outreach  
20 programs where we are going in there and  
21 partnering with the community leaders and  
22 saying you know, if you have somebody you  
23 wish us to look at, bring him in, please.  
24 You have a stake in this as much as we do  
25 is what I am trying to say.

Hearing 10/24/06

1                   If you have people out there  
2                   please, we are doing our efforts, of New  
3                   Jersey Transit Bus that goes by you see a  
4                   huge poster advertising please join us. We  
5                   want the best and the brightest, but again I  
6                   throw it back to the communities to say you  
7                   know, if you have people out there that you  
8                   think we would be willing to look at, please  
9                   do your part and bring them to us.

10                   MR. HARRIS: I thought you I heard  
11                   a loud statement from both of you that if the  
12                   Decree doesn't disappear, the morale will be  
13                   destroyed of our only State Police force.  
14                   Did I hear you clearly?

15                   MR. JONES: I think that is a  
16                   characterization. What we said and what we  
17                   continue to say is morale is as important a  
18                   function of productivity in any group but  
19                   especially in a group like this where people  
20                   go out by themselves and put their lives on  
21                   the line, as to how productive they are and as  
22                   to how professional they are, and if you  
23                   destroy the morale by sending this message  
24                   that you will always be considered a failure  
25                   and you will never meet these requirements by

Hearing 10/24/06

1           having the decree remain in place, then  
2           there has to be a cause and effect.

3                         We will always constitutionally,  
4           professionally, as evidenced by Katrina and  
5           as evidenced of 9/11 go out and do our job but  
6           are you going to see people taking that extra  
7           opportunity on that, take the extra chance  
8           doing something, and for that fact you will  
9           see guys on the road saying I am tired of  
10          being on the road eight hours watching the  
11          tapes. Are we going to see that guy with  
12          constitutional knowledge leave? Probably. We  
13          saw it turn the corner and let's face it we  
14          have some people who were naysayers, weren't  
15          buying into the fact that there was a problem  
16          and that created a problem for a lot of us  
17          trying to move forward.

18                        We are now in a position right now  
19          that people are staying 26, 27, 28 years, it  
20          is not like, you know, four or five years ago  
21          where guys were alright, I got four months  
22          three days until I retire. We don't see  
23          that anymore. Is morale a necessary element  
24          of ensuring all the things that we want?  
25          Absolutely. Will this be demoralizing to

1           have something like this happen? Absolutely  
2           but will we continue to be professional?  
3           Absolutely. Is it in the best interest of  
4           the State Police or the people that we serve  
5           or the people that gave their word that this  
6           was the end of the commitment to leave the  
7           Consent Decree in place? Absolutely not.

8                         MR. HARRIS: My final question, the  
9           balance between trooper safety and public  
10          confidence; where do you see that, because  
11          you have a public out there and the public  
12          evaluate that and what was most negatively  
13          affected was the African Americans.

14                        It showed that the African  
15          American community perception of racial  
16          profiling by the State Police was very high.  
17          When the same question was given to the  
18          white community they doubted whether or not  
19          racial profiling existed. So given that you  
20          have been in two communities and the rest of  
21          the communities have no interaction with  
22          State Police as you say in Irvington and  
23          Camden, what do you think has caused or  
24          caused the African American community to have  
25          any greater confidence that if the monitors

Hearing 10/24/06

1 go away that those things that have been  
2 embedded will stay in place?

3 MR. JONES: I am glad you brought  
4 that up. First there was a police poll done  
5 in 2003; who do you trust? And it started at  
6 the Federal Government and went down to the  
7 local government and the State Police was the  
8 highest ranked agency in the "who do you  
9 trust" on top of which the Federal Government  
10 and then the local department and then we  
11 didn't trust the Senators and we even trusted  
12 the White House less. Whatever the idea of  
13 the poll was it is exactly what you are  
14 saying, the eye of the beholder.

15 All of the people out there telling  
16 us we generally love to have the safety and  
17 the well-being of the State Troopers out  
18 there with all their professionalism, all  
19 their equipment and keeping us safe from  
20 harm, but that wasn't so from the African  
21 Community. Instead they saw this driving  
22 while black issue, how come my son is out on  
23 the road getting patted down when everybody  
24 in the high school knows it is little Johnny  
25 who is the dope dealer. These were the

Hearing 10/24/06

1 concerns, but when you are talking about two  
2 communities, we are in dozens of communities  
3 our Operation Ceasefire, our gang initiative  
4 and I can go on and on to the recruiting and  
5 the training programs are in every major city  
6 in the State of New Jersey. The posters are  
7 in every high school and the community  
8 partnerships are throughout, while we are in  
9 Irvington and in Camden because we are trying  
10 to stem the tide of the victimization of  
11 those people, we are actually in every town  
12 and we have been in and out of those  
13 communities.

14 What that perception is based upon --  
15 their real life experience and until they see  
16 what is going on now and they have something  
17 to change that mindset, there's not a lot  
18 that I can do besides you know, well wishes  
19 and kind words. It is going to take the  
20 interaction of the public with the modern day  
21 trooper to convince the African American  
22 community that this is a loyal public servant  
23 with their best interest in mind. And if  
24 their prior interaction was a negative one  
25 there is not a lot I can do about that. I

Hearing 10/24/06

1 mean now because it is based upon their  
2 personal experience and again, I will  
3 apologize for it but I can't rectify the  
4 mindset, I can only rectify the behavior.

5 CHAIRMAN JOHNSON: Thank you,  
6 next we will hear from Mr. Carmelo Huertas, a  
7 retired Major with the New Jersey State  
8 Police.

9 MR. HUERTAS: Thank you all for  
10 your testimony and your services. I have a  
11 couple comments and questions. First of all  
12 we use the term constitutional policing like  
13 an oxymoron. I thought constitutional  
14 policing was constitutional policing, never  
15 used that term.

16 Is the union advocating no reviews,  
17 fewer reviews, elimination of some of the checks  
18 and balances that have been in place to the  
19 Consent Decree in operations, because if you  
20 noted the 500 hours spent on doing certain  
21 things, I just want to understand and I think  
22 it is important that people on this panel  
23 understand when you say fewer reviews or no  
24 reviews or eliminations, what you are  
25 referring to because I think that any impact

Hearing 10/24/06

1 in those areas would have an impact not only  
2 on attitude and behavior, but also on  
3 integrity and behavior and corrections.

4 MR. JONES: Again sir, I have  
5 Trooper Huertas in the barracks, he is  
6 working days, has a drunk driver and he  
7 arrests him under the Consent Decree. There  
8 is a series of mandatory reviews that have to  
9 take place. I am present when the arrest  
10 takes place, I am comfortable with his level  
11 of professionalism, his 632 are great,  
12 evaluations are super, his boss is a good guy  
13 I know that Trooper Huertas did a good job  
14 with that drunk.

15 Now I have another crisis. I have  
16 an issue with a school lockdown, I have an  
17 issue with an overturn, I have an issue with  
18 a problematic employee. Under the current  
19 system that boss has to get to those tapes  
20 and those reviews mandatorily within a given  
21 time frame and spend exactly the same amount  
22 of time plus the write-up time as the Trooper  
23 Huertas making that constitutional drunk  
24 driving arrest.

25 What we are saying is because the

Hearing 10/24/06

1 Consent Decree mandates that we do that the  
2 flexibility that would be brought in that  
3 review synopsis in less time or maybe in a  
4 week or two weeks from now rather than having  
5 to drop everything and do that because that  
6 is what is required. That is the kind of  
7 flexibility and that is the kind of while  
8 there would still be the system of checks and  
9 balances in place, you know, if a manager has  
10 an issue like that, that he is aware of, he  
11 doesn't have to run and grab that tape  
12 because it constitutes a stop report, an  
13 arrest report and an MVR review right away.  
14 He knows what happened.

15 Right now we have to do it because  
16 the Consent Decree says we have to do it.  
17 These are the kind of flexibility and more  
18 productivity, more righteous use of our  
19 resources that we can glean once we are out  
20 of the Consent Decree.

21 MR. HUERTAS: The system that is  
22 basically in place, what you are trying to do  
23 is extend the time frames to allow better --

24 MR. HALLION: I believe that the  
25 enhancements and MAPPS and Risk Analysis and

Hearing 10/24/06

1 all the early warning detection systems that  
2 it is going to get more sophisticated. The  
3 sophistication of the systems will improve so  
4 it will mean less. It will be less  
5 burdensome on the supervisor.

6 MR. HUERTAS: You talked about  
7 systems, everybody is talking about systems  
8 and the system is a check on everybody's  
9 behavior, is it not? When we look at the  
10 cameras but in pointing out the contract,  
11 Consent Decree, contract, you know, does it  
12 dictate behavior or does it dictate attitude  
13 or does it dictate morale? And are the  
14 systems themselves responsible for the  
15 successes of what you have achieved?

16 I think what is getting lost here  
17 is the fact that the systems are part of the  
18 process and it is the people behind that  
19 process. Those systems could be first class and  
20 if we have the wrong attitude or the wrong  
21 behavior, it is just not going to make any  
22 difference what is in place.

23 I think what you said was the  
24 Consent Decree may have had a chilling effect  
25 on how a trooper does or doesn't do his job

1 or what actions he may or may not take to  
2 further enhance that stop. My question  
3 would be this; if in fact the Consent Decree is  
4 lifted, if in fact the systems are still in  
5 place and we see what we find to be a  
6 behavior that we are going to note that the  
7 individual took in order to either be more  
8 proactive on that stop and take those off the  
9 streets, what I think the concern is, is that  
10 going to be acceptable behavior on every  
11 other review? You understand what I am  
12 saying? Are we sending the message that it  
13 is okay to take those challenges and do those  
14 things because now it is going to be  
15 acceptable?

16 MR. JONES: No, the opposite. If I  
17 can get back to the original point. I think  
18 I was very clear that the reason that the  
19 systems are so important in both my notes and  
20 Dr. Walker's reports we talk about  
21 sustainability and he earmarks certain things  
22 that weren't done in Pittsburgh and  
23 Steubenville such as technologies and  
24 methodology that is critical to realize when  
25 we talk about the difference between the

1           backsliding fear based upon some of the  
2           issues that these departments have had, and  
3           we do.    So removing the Colonel, removing  
4           the human element, removing the decree, one  
5           of the assurances that we have that didn't  
6           occur in these other departments is that we  
7           do have a mechanized structure, a physical  
8           structure with these things.

9                         That's what we are harping at.  I  
10           thought I was very clear when I talk about  
11           the biggest reason that we are going to have  
12           sustainability is because the State Police  
13           have too much pride, too much professionalism  
14           and too many individuals who are just  
15           outstanding wonderful people and that's why,  
16           more than any other reason, that's why we are  
17           going to continue to hit these gold standards  
18           of this type of policing.

19                        I totally agree the only type of  
20           policing I was taught in the academy was  
21           constitutional policing.  How people lost  
22           their way is beyond me and again subject for  
23           longer debate.

24                        MR. HALLION:  Sir we need to get  
25           away from walking on egg shells.  I will

Hearing 10/24/06

1 bring up something Mr. Harris brought up and  
2 that is morale, and if you go back to 1997  
3 the morale, the issue there if you think  
4 about the heap that had to be swallowed with  
5 the trooper out there with this brand new  
6 decree coming down with 126 mandates and  
7 almost feeling like you were handcuffed.

8 MR. FLYNN: Sir, you said the  
9 system, the system is not the problem, it is  
10 how the system is used and we need the  
11 effort, the political will, to allow us to  
12 continue using it. If we can go to digital  
13 cameras, the sergeant in an arrest when it is  
14 called in, will be able to put in real time  
15 what the camera is actually seeing then and  
16 there and helping advise. So it is how we use  
17 the system. We don't want to do away with  
18 eliminating them or cut them back. We want  
19 to enhance them and use them to our  
20 advantage. We want the public to know that  
21 we have everything that we need out there and  
22 we are going to use it in the correct way to  
23 enhance policing.

24 MR. HUERTAS: One last comment.  
25 You stated that on the college requirement

Hearing 10/24/06

1           there were certain people who did not meet  
2           that criteria yet that was set aside for them  
3           to move forward and for them to be promoted  
4           on?

5                         MR. JONES: SOP358 has minimum marks  
6           for certain grades.

7                         MR. HUERTAS: My comment would be  
8           is this same opportunity to be afforded to  
9           other minorities within the division at all  
10          ranks, whether it is Sergeant, Staff  
11          Sergeant, Captain, Major, Lieutenant.

12                        MR. JONES: Across the board there  
13          was a temporary lifting of those mandates if  
14          a trooper didn't have it, he was making  
15          sergeant no matter if he was black or white  
16          male or female. He or she was afforded the  
17          same opportunity to move forward as what  
18          occurred at the top.

19                        CHAIRMAN JOHNSON: Thank you.  
20          Reverend Stanley Justice, the Pastor of Mt.  
21          Zion Church.

22                        REV. JUSTICE: Thank you  
23          Mr. Chairman and thank you Panel for your  
24          presentation.

25                        Mr. Jones I did check with Reverend

Hearing 10/24/06

1 Jackson, and he was in concurrence that you  
2 all did share and we were in agreement that  
3 it was confined to his congregation only and  
4 we have, there was about 1,500 other  
5 congregations across the State of New Jersey  
6 just in the African American community.

7 Question, you have been again with  
8 the State Troopers about 27 years or so. Has  
9 there ever been a Consent Decree imposed upon  
10 New Jersey State Police?

11 MR. JONES: I don't want to  
12 mis-identify those actions that the  
13 Department of Justice or that other parties  
14 have engaged in. I know that we had a  
15 hiring issue, I believe the charging party  
16 was the NAACP having to do with recruitment  
17 and availability. I know that we had a  
18 group of Hells Angels who claimed that we  
19 were picking on them and there was some sort  
20 of MOU or agreement in place as a result of  
21 that pursuit, that talked about, you know, if  
22 they promise not to kill anybody we will  
23 promise not to pick on them. One of those  
24 silly things that where somebody had enough  
25 resource to put forth an argument, and it was

Hearing 10/24/06

1 dismissed. I shouldn't say dismissed. It  
2 was worked out in 1996, those two I am  
3 familiar with because there was public record  
4 of it. Anything else I am in a rank and  
5 file position. If there is something and you  
6 have, something that you want to share maybe  
7 it will jog my memory.

8 REV. JUSTICE: I would ask to be  
9 corrected by Mr. Harris, I believe you said  
10 one of them was well as it relates to rank  
11 and file promotions, I think that was one of  
12 the terms of that particular MOU and my  
13 question is again, was that met  
14 satisfactorily? Let me ask this question, was  
15 there a backsliding, was there negative --

16 MR. JONES: Just the opposite. If  
17 you take a look at our field operations and  
18 if you take a look at the amount of people  
19 available for positions, and the amount of  
20 people promoted, quite honestly on a regular  
21 basis I get the other end of that stick.

22 I get people telling me how this  
23 person or that person got parachuted into a  
24 spot for promotion because the agency, the  
25 State Police is bending over backwards to

Hearing 10/24/06

1 make sure that we move along, you know,  
2 diversified members of our force. So a  
3 person who may be junior or not totally  
4 aligned with what a promotion may be,  
5 suddenly gets a promotion in three or six  
6 months. And the complaint that I get from  
7 the other side is how is it that this  
8 happened, obviously it is done to try to  
9 satisfy these diversity issues and is that  
10 fair?

11 It is a discriminatory practice as  
12 evidenced by the argument that is put forth  
13 by the NAACP and then it is a reverse  
14 discrimination argument that people feel they  
15 are more deserving and hit all the criteria  
16 of the promotional system. It is a two edged  
17 sword. My observation and my experience in  
18 the last 27 years is this outfit bends over  
19 backwards on a regular basis to be reflective  
20 as much as it can and let me not say the last  
21 27 years, let me correct myself, in the last  
22 seven or eight years where I have been in a  
23 position to look at these things as a union  
24 leader, you know at the top in the last seven  
25 or eight years to be fair and yet to be as

Hearing 10/24/06

1 much as I can, reflective and compliant with  
2 the MOUs that are out there, it is a two  
3 edged sword, it is very difficult.

4 REV. JUSTICE: But I am just a  
5 little unclear, it seems ambiguous that you  
6 did the best that you could as it relates to  
7 diversifying the rank and file, you did the  
8 best that you could, under the conditions, is  
9 that safe to say?

10 MR. JONES: I think currently where  
11 I have had my fingers in the pile, my  
12 observations in the last three or four years,  
13 the efforts, the resources the commitment has  
14 been gigantic, more so than if I had four  
15 million dollars I might want to see a class  
16 out of it for two-and-a-half million dollars,  
17 and spend the other million and a half  
18 dollars to get the bodies; black, white, male  
19 female, Hispanic, Asian at the work force  
20 rather than spend the money trying to  
21 recruit.

22 Now obviously management, partially  
23 because of issues of concern and MOUs and the  
24 like, have decided to use the sources  
25 elsewhere in the recruiting fashion. I am

Hearing 10/24/06

1 not the keeper of the key, I am not the boss,  
2 I don't get the final say.

3 REV. JUSTICE: So you are saying  
4 monies have been put in the recruitment line,  
5 more monies ever been put in the recruitment  
6 line?

7 MR. JONES: All time high in  
8 recruiting was experienced under the prior  
9 Attorney General's administration, by far,  
10 millions and millions of dollars.

11 REV. JUSTICE: You said something  
12 else; you said that as relates to African  
13 American Troopers coming on and joining the  
14 force, you said that there is a single  
15 reluctance. Did they tell you why, the ones  
16 that you interfaced with or the ones, the  
17 recruitment team interfaced with, as to why  
18 or what were some of the reasons?

19 MR. JONES: I am not in recruiting,  
20 so I can't make any anecdotal references to  
21 what I am telling you. I went to Roselle High  
22 School, very diversified high school next to  
23 Elizabeth in Newark and I had my 33rd reunion  
24 and I talked to people, now brothers of  
25 troopers, and one particular individual, he

Hearing 10/24/06

1 would never think about joining the State  
2 Police.

3 One of the arguments made if I can  
4 go to work for Lucent and not work weekends  
5 midnights and holidays and have dealers assault  
6 me and throw up into my shoe, and I can go to  
7 Lucent and there is no ceiling as to how much  
8 I can earn, I am going to take the 9:00 to  
9 5:00 job with the Cadillac and skip the  
10 Chevrolet. That is the one of the things  
11 expressed to me quite honestly there are  
12 opportunities in the last quarter century for  
13 African Americans that didn't exist before,  
14 so the other ethnically evolving choices were  
15 you kind of worked your way up, jobs were  
16 always sort of based upon, you know except  
17 for the exceptional person, based upon your  
18 status in life and the cop's kid is the one  
19 that goes to the school and has the lawyer,  
20 and the lawyer has the actor, that kind of  
21 thing.

22 One of the things that I have been  
23 told in these communities, if there is an  
24 opportunity out there that didn't exist  
25 before, I am going to jump on it because it

Hearing 10/24/06

1 is a better softer position for me now. If  
2 you are in the community and you see the  
3 successes of so many wonderful people that 25  
4 years ago, you talk about glass ceilings they  
5 were barred doors but now, you know, private  
6 industry, corporations, government, there's  
7 much more of an inclusion-type attitude  
8 rather than exclusion-type attitude and if  
9 guys or gals aren't taking this job because  
10 they have a better opportunity elsewhere,  
11 can't blame them.

12 I can tell you a million horror  
13 stories as everybody here knows, and I talked  
14 about the reality of every 57 hours somebody gets  
15 killed. If you want to pay me \$250,000 in a  
16 Lucent job or pay me my salary, and cross  
17 your fingers that you go home, the common  
18 sense approach would be I am going to Lucent.

19 REV. JUSTICE: I think you would  
20 agree and I don't disagree with you, however,  
21 what I hear too is there are in some  
22 instances, and you mention it in your report  
23 with regard to the Consent Decree serving  
24 almost like an oppressive tool to the  
25 Troopers but that is the same way that

Hearing 10/24/06

1 African Americans feel as it relates to the  
2 State Trooper, and so their thing is why  
3 should I go join the State Troopers when they  
4 were oppressing me. I am afraid of State Troopers,  
5 I am afraid of them. That is something that  
6 is continuously ringing.

7 The other thing too, Mr. Hallion, I  
8 heard the both of you say that you tie, you  
9 continue to tie stops to drugs, persons  
10 suspecting of drugs and so forth. I know you  
11 said you probably get in trouble like that  
12 and I think Mr. Flynn you said it too and we  
13 know very well that if we look back to 1998  
14 and even above that, there were a whole lot  
15 of folks who were stopped, preachers  
16 included, that didn't have any drugs at all  
17 on them, at all on them, but they were  
18 stopped on the Turnpike, Garden State Parkway  
19 had nothing to do with drugs and had to do  
20 with their, you know, color. It was as  
21 simple as that.

22 MR. HALLION: My point is that  
23 today I truly believe that interdiction  
24 efforts are necessary because of what I see  
25 in the urban communities, and this is just a

Hearing 10/24/06

1 humble opinion on my part. One of the  
2 biggest things that we have to overcome as  
3 far as hiring is getting that individual away  
4 from the gang mentality. Right now today's  
5 youth considers the group more than they do  
6 the individual. When these kids in the  
7 cities are part of a group that is standing  
8 for them that is where they belong, they feel  
9 that presence of being with other kids and  
10 assimilating with that group, and for me to  
11 go in and try to pull that prospective  
12 trooper out of there, that is a big decision  
13 on their part, a difficult decision, and one  
14 of the things that we have to do on our  
15 outreach programs is try to convince them  
16 yes, it is a major step, an individual step  
17 because you are going to be frowned upon as  
18 leaving that gang atmosphere.

19 I am not talking about the kids  
20 that are down right violent, I am talking  
21 about even the peripherals, even the kids on  
22 the fringes of deciding, should I go this way  
23 or that way. We are offering you a big  
24 opportunity, that is a big step in the kid's  
25 life.

Hearing 10/24/06

1 MR. FLYNN: Sir, you mentioned my  
2 name. We used to make mistakes. We made a  
3 lot of them. The Trooper of the Year, who  
4 made the most arrests, confiscated the drugs,  
5 and that was wrong, that was totally wrong on  
6 our part. We learned, like I said we are now  
7 a learning organization, we have done away  
8 with the carrot and the stick. We learn if  
9 you make the mistake you get the instructions  
10 you need to overcome it. If you continue to  
11 make the mistake more than likely you are  
12 going to be gone from this outfit.

13 Before, anybody that would have  
14 been covered, carried, whatever, I am talking  
15 10, 15 years ago, it doesn't happen anymore,  
16 thank God, but the fact is that now we know,  
17 our Trooper Of the Year could be somebody who  
18 developed a great community project and in  
19 fact one year I think a Trooper Of the Year  
20 was in Woodbine or, somewhere a great  
21 community project. So we made mistakes and  
22 we are learning and unfortunately, you know,  
23 they continued on for awhile and now we don't  
24 do that.

25 REV. JUSTICE: One more, that was

Hearing 10/24/06

1 half of one. Half a question.

2 I think you made reference to  
3 piggybacking on Reverend Floyd and Mr. Harris  
4 with regard to 1200 Troopers joined with the  
5 Consent Decree and you said all they know is  
6 the reforms have been put in place but then  
7 you said when the question was asked about if  
8 it were not lifted, I think Mr. Harris said  
9 if it were not lifted with regard to the  
10 morale and all the other stuff. And I know  
11 the difference, you know, but if all they  
12 were, all they know is the reform and how to  
13 do it right, now with all of the technical  
14 support and the MAPPS and the CADS and the  
15 MVRs, if that is all they know, how does the  
16 morale affect you --

17 MR. JONES: Let me.

18 REV. JUSTICE: -- to the extent  
19 where morale is not going to--

20 MR. JONES: In order to understand  
21 this what I have to ask you, respectfully, is  
22 do you believe, do you recognize, do you  
23 understand unlike some other people that  
24 morale is one of the critical components of  
25 the successes that you have, we have. Do you

1 buy into that concept? The rank and file with  
2 all those technologies aren't out there  
3 feeling that this is the right thing to do.  
4 They are doing the right things for the right  
5 reasons. Doesn't make any difference. They  
6 will find a way to circumvent the greatest  
7 technologies. Bad guys do it every day, no  
8 matter what systems we put in place, bad guys  
9 manage to break into the bank.

10 We have a system now that is in  
11 place that ensures all these things. What  
12 you said earlier about reference to being  
13 stopped has nothing to do with drugs, I  
14 apologize for those stops being occurred  
15 because somebody either sent a mixed message  
16 or wasn't supervised or however it occurred.  
17 I never did it, I never engaged in that  
18 activity and the vast majority of people I  
19 know didn't engage in it. Doesn't mean it  
20 didn't happen.

21 What I am saying is that morale is  
22 going to be affected. That is like going to  
23 college and not going to get your degree.  
24 They know what it is, don't screw it up,  
25 don't screw it up. Just like a mother

Hearing 10/24/06

1           guiding an individual in school or college or  
2           away from a life of drugs and crime, same  
3           exact thing that is going on everyday while  
4           they only note this aspect of policing, it is  
5           drilled into us on a regular basis. Don't  
6           blow it for those of us who want to see the  
7           polish back in our good name, and that morale  
8           issue is there.

9                        And if you go back to what I said  
10           initially, that fundamentally it is because  
11           of morale that we have assurances of  
12           sustainability, they are married at the hips  
13           and that's why it is important.

14                       CHAIRMAN JOHNSON:    We are  
15           fortunate to have with us Attorney  
16           General Rabner who made time to come down and  
17           spend time with this Committee.

18                       MR. RABNER:    Thank you.  I am going  
19           to try to use that technique at the next  
20           trial, ask a half question and see if I get  
21           away with it.  I want to thank the witnesses  
22           for your testimony, your services and  
23           appearing here today.

24                       Mr. Hallion, in your testimony you  
25           proposed an auditorship and a board of

Hearing 10/24/06

1 directors to go along with that and I wonder  
2 if you have more thoughts on this to submit  
3 and I would like, if you have more thoughts  
4 to submit, if you could provide us more  
5 thoughts about the type of work, the  
6 specifics of the type of work that you  
7 propose, the type of work the Auditor would  
8 do, how frequently that work would be done,  
9 the structure of the Board that you refer to  
10 here, the relationship between the board and  
11 the Auditor and the relationship between the  
12 Board and the State Police; and let me say  
13 clearly this is not a directive, this is an  
14 invitation and if you are able to, at your  
15 convenience to give us more details, that  
16 would be helpful.

17 MR. HALLION: Sure.

18 CHAIRMAN JOHNSON: Next from  
19 Michael Rambert, counsel of Parker McCay and  
20 also President of the Garden State Bar  
21 Association.

22 MR. RAMBERT: Thank you for  
23 appearing here today and your testimony and  
24 answering questions. I believe that everyone  
25 who's answered questions today of the panel,

1 I believe you admitted there was a problem  
2 with racial profiling and one of the things I  
3 was trying to clear in my mind before, why do  
4 you think that there was racial profiling  
5 within the State Police ranks?

6 MR. FLYNN: Sir, if I can for a  
7 brief second. I am not making excuses but  
8 the FBI, various organizations, the DEA used  
9 to feed us information; this is coming up the  
10 highway, look for this vehicle, look for this  
11 type of dress, look for that. We fell into  
12 that mold of taking the easy way out and just  
13 looking for those indicators that would,  
14 might lead to an easy arrest or a stopping of  
15 drugs rather than doing the good hard tough  
16 police work. We partially took information  
17 that was fed to us and I am not using this as  
18 an excuse, but it was kind of self-fulfilling  
19 and you know, white Mazdas were generally  
20 used by drug trafficking people, there was a  
21 likelihood particularly traveling the  
22 turnpike or going up major highways, there  
23 might be drug activity. We took the easy way  
24 out.

25 MR. RAMBERT: What you are telling

Hearing 10/24/06

1 me is the reason why this practice that you  
2 have adopted was encouraged by the FBI and  
3 they gave us the profiles.

4 MR. FLYNN: Not necessarily  
5 encouraged and I didn't mean to insinuate  
6 that as a full excuse but there was a  
7 likelihood that based on the information that  
8 we thought and other government, a respected  
9 government organization was giving us, would  
10 lead to an arrest, then we would look for an  
11 arrest.

12 MR. JONES: I would never think of  
13 blaming the Attorney General's Office for  
14 anything but what I will say in 1986,  
15 Attorney General guidelines zero tolerance,  
16 zero tolerance, and did we have troopers that  
17 were over zealous, yes but that was the  
18 command of the day, zero tolerance, all drugs  
19 will lead to an arrest.

20 MR. RAMBERT: I understand, I  
21 believe in being zealous and trying to get your  
22 job done, but why is it that you are  
23 primarily only zealous with minority as  
24 opposed to not minorities?

25 MR. JONES: Sir, this is something

Hearing 10/24/06

1           that could be a two hour discussion and it is  
2           worthy of two years, because it is real, not  
3           imagined, it is a problem, was a problem.

4                        The institution itself, the State  
5           Police going back to 1921 was white male,  
6           from para-military backgrounds. We didn't do  
7           a lot of recruiting. I believe the first  
8           female trooper came on about 1975 or 1976,  
9           the Police Department had females for years,  
10          we had reputation based on pride and  
11          professionalism, only the best, only the  
12          toughest, the ex-marine and et cetera. That  
13          was nice except it created an environment  
14          where after the Civil Rights Act and after  
15          the, you know, the issues in the 1970's then  
16          we were looking at crime spikes and urban  
17          decay; we still had a State Police that  
18          wasn't moving in the same direction that the  
19          rest of society was. So then we finally find  
20          ourselves in the '80s with these types of  
21          policing issues, with the broken windows and  
22          the zero tolerance; what Rudy Giuliani was  
23          accomplishing in New York, ten years before  
24          you couldn't walk around certain  
25          neighborhoods in Manhattan, and ten years

Hearing 10/24/06

1 later a lot of things accomplished,  
2 unfortunately it was that ying and that yang.

3 What you had was a couple things to  
4 create a perfect storm. You had an older  
5 institution with very little diversity, you  
6 had a movement that wasn't embraced or  
7 recognized, not only by the Troopers but by  
8 the Attorney General's Office, Government  
9 Officials and the like, having to do with the  
10 Civil Rights Act; yet issues in the cities  
11 after the riots that created a crime and  
12 victimization that was problematic and  
13 recognized. Then you have the Comprehensive  
14 Drug Enforcement Act, so when this was on the  
15 Comprehensive Drug Enforcement Act and zero  
16 tolerance, we are already ripe for this sort  
17 of disparate application.

18 In other words, the mindset, the  
19 mechanism and the old network was in place  
20 and when that happened, coupled with the  
21 explosion of drugs, specifically an incident  
22 impacting on youth and certainly  
23 proportionately, you have to admit, it is  
24 crisis in the urban centers; not that there  
25 is more people of any color using it, but

Hearing 10/24/06

1 impact in the urban centers; you have some  
2 rich kid from suburban drives back home,  
3 another kid drives back to the inner city  
4 home; the suburban kid drives home and  
5 doesn't have a problem with it.

6 While all of this occurred and we  
7 were given this mandate we were given it  
8 without guidance. As Lieutenant Flynn talked  
9 about, that somebody should have recognized  
10 that there was a problem here and nobody did.

11 Like I mentioned earlier in my  
12 comments about the system and the  
13 methodologies and the recording and the  
14 concerns didn't -- they simply didn't exist,  
15 nobody cared. Again this could be a two  
16 hour discussion. There is a big difference  
17 between criminal profiling and racial  
18 profiling and criminal interdiction and  
19 constitutional interdiction. And when we had  
20 those people out of professional laziness  
21 cross over that line and stop using proper  
22 interdicting indices and when somebody rolls  
23 down the window and a smell of pot comes  
24 flying out, I have a problem. When somebody  
25 rolls down the window and has dreadlocks, I

Hearing 10/24/06

1 don't know if I have a problem or don't have  
2 a problem. I don't know anything. The guy  
3 is taking the short cut because that is what  
4 was endorsed and when it came time to address  
5 exactly what was going on, we were abandoned.

6 Now we find ourselves in a  
7 situation where we, as much as anybody else  
8 have embraced, identified and we have to know  
9 referring back to the comments, this didn't  
10 happen in a vacuum and didn't happen on the  
11 Drug Enforcement Act.

12 It was a perfect storm of  
13 opportunities and mindsets that created many  
14 of these things and it didn't happen in a  
15 day, and that's why it took us seven years to  
16 rectify it more than any other police agency  
17 because all the people who were engaged in  
18 the other end of checks and balances, in  
19 other words, the Department of Justice and I  
20 don't want to speak out of turn, their job is  
21 to come in and crack the whip if we are out  
22 of line, and instead they are saying this is  
23 like nothing we have ever seen.

24 Their job is to enforce that the  
25 State Police maintains its obligation of the

Hearing 10/24/06

1 contract and they are saying just the  
2 opposite. So the practice of partisan or  
3 disparate policing has a lot of societal,  
4 financial, criminal issues behind it, but it  
5 doesn't dismiss what did occur and because we  
6 have identified it we should celebrate where  
7 we are at now rather than continue this, you  
8 know; we know what the problem is more than  
9 any.

10 MR. FLYNN: Sir, we have learned  
11 to question our orders rather than just  
12 blindly following them. We have learned to  
13 look back, are we doing right? Unfortunately  
14 it was a tough lesson but we have learned it.

15 CHAIRMAN JOHNSON: Thank you.

16 Mr. Sklar, Executive Director of New Jersey  
17 State Association of Chiefs of Police.

18 MR. SKLAR: Thank you Mr. Chairman,  
19 good afternoon gentlemen. I want to extend  
20 my thanks to the rest of the panel for your  
21 testimony today, and 250 Police Departments  
22 are not civil service and I would be happy to  
23 produce oral assessment examinations, what  
24 other departments do over and above simple  
25 exams, and I know you have been working very

Hearing 10/24/06

1 hard on the process with the State Police as  
2 well.

3 I have a couple questions. I know a  
4 lot of questions have been asked. Sergeant,  
5 you talked about the amount of time and  
6 paperwork involved, the front-line  
7 supervisor. How has the job of front-line  
8 supervisor of State Police changed?

9 MR. HALLION: It's been impacted  
10 very, very significantly. Now the front-line  
11 supervisor is actually out on the road where  
12 we had prior to the Decree and prior to the  
13 implementation to the Staff Sergeant squads  
14 that were out there. What we call the Senior  
15 Trooper, but there was no guidance or  
16 mentorship. There was never any you know,  
17 one-on-one direction provided.

18 Now whenever a trooper makes a  
19 stop, if he has what he sees as a car that,  
20 through suspicion, that he wants to continue  
21 to investigate with the thought of some type  
22 of narcotic or gun, that Front-Line Sergeant,  
23 Road Sergeant must be at that stop.

24 Any major incidents where a  
25 trooper is detailed to, whether it is a

1 shooting or a major domestic violence,  
2 whatever the situation, that Sergeant, Road  
3 Sergeant, Buck Sergeant will accompany or  
4 respond to that complaint, again, so that we  
5 have another set of eyes, we have another set  
6 of ears and we have somebody there who is  
7 going to be able to show or tell or mediate  
8 that trooper real time. It also gave us now  
9 the ability to create the Staff Sergeant  
10 position, put that Sergeant in the station  
11 where now he can focus on specifically the  
12 administrative part of this.

13 Prior to this it was a dual  
14 responsibility, you had to make sure your  
15 guys and girls on the road were, you know,  
16 doing things accordingly, but you still had  
17 this pile of paperwork and it became very  
18 awkward trying to manage everything at once.

19 Now with the advent of the decree  
20 and the implementation of the Staff Sergeant  
21 and the Buck Sergeant we were able to handle  
22 both of those responsibilities.

23 MR. SKLAR: You think that  
24 institutional change has been positive?

25 MR. HALLION: Absolutely.

Hearing 10/24/06

1 MR. SKLAR: Do you think that has  
2 been a positive to having advocating the  
3 Staff and Buck Sergeant?

4 MR. JONES: Absolutely. We  
5 advocated and I waived a position in our  
6 Collective Bargaining Agreement to create the  
7 Senior Trooper before we were able to get the  
8 resources. Everybody's position in the State  
9 Police, kind of like the military, has to  
10 have a number. So it is cumbersome, for  
11 whatever reasons, department personnel and  
12 the like, it is cumbersome to get these  
13 additional ranks. What we did was waived  
14 those responsibilities and any obligation and  
15 we actually promulgated this concept as a  
16 Senior Trooper out there doing those duties  
17 with an active pay and whatever and finally  
18 got the numbers.

19 MR. HALLION: I am actually  
20 embarrassed it took us so long to get to the  
21 point knowing that the 500 plus  
22 municipalities out there, most of your local  
23 departments would not send a squad out there  
24 without a Sergeant on patrol. It took us  
25 that long to get there. Unfortunately it was

Hearing 10/24/06

1 the decree that ended up being a positive  
2 thing to have that mentorship.

3 MR. SKLAR: That's  
4 institutionalized now with the State Police.

5 MR. HALLION: Yes.

6 CHAIRMAN JOHNSON: Theresa Yang,  
7 past-president of the Asian-Pacific American  
8 Lawyers Association of New Jersey.

9 MS. YANG: Thank you gentlemen for  
10 appearing before us again and actually I had  
11 just two questions. If the Consent Decree  
12 were nullified and the MAPPS and CAD and use  
13 of the MVRs were eradicated, wouldn't that,  
14 in effect, have an extreme negative impact on  
15 the State Police? I recall the Colonel  
16 referring to the Consent Decree being a trooper's  
17 best friend and I want to ask you about that  
18 because for instance if citizens' complaints  
19 were to be filed and a particular motorist  
20 had a problem stop, couldn't the video tape  
21 be used to either substantiate or contradict the  
22 complaint against the trooper; how do you  
23 feel about that?

24 MR. JONES: First starting on page  
25 three of my testimony I clearly outline not

1           only are we advocating for the systems that  
2           are in place, we are not looking to nullify  
3           the Consent Decree. We are looking for the  
4           righteous fulfillment of the obligation of  
5           the Department of Justice in the State as it  
6           relates to what the Troopers did.

7                         The ideals, the beliefs, the  
8           spirit of the Consent Decree is going to  
9           stay. One of those things going back to my  
10          statement starting on page three, every  
11          single one of those systems that you talk  
12          about we are advocating for, that they stay  
13          and remain in place and nobody, nobody across  
14          the board thinks that any of them should be  
15          removed. So anybody who would come forward  
16          and suggest that, if you look at about page  
17          six of my testimony where I talk about the  
18          cameras are the best friends, I would never  
19          ever endorse removing those cameras because  
20          of the exoneration and because of the  
21          protection that it gives my troopers.

22                         I would never ever have any of  
23          those technological systems removed. It would  
24          be ridiculous and self-defeating and create  
25          all kind of problems. We are not looking to

1 nullify the Consent Decree, all we are  
2 looking for is the diploma that we rightfully  
3 earned which is the deal is completed. I  
4 gave you my money and you gave me your house  
5 that was it. We had the deal at both ends  
6 that's what we are talking about, not  
7 nullifying any of those things, as it relates  
8 to the Troopers with the Consent Decree, and  
9 where that will find us, we will never find  
10 ourselves in any of these areas without this  
11 equipment or without this technological  
12 support or supervisory overview. We are  
13 never going back there again for as long as I  
14 draw breath.

15 MS. YANG: One more question. In  
16 the United States we take pride in the great  
17 diversity and being past-president of the  
18 Asian-Pacific American Lawyers Association I  
19 actually had an opportunity to attend a  
20 picnic sponsored by the New Jersey Asian Law  
21 Enforcement and I did not notice a State  
22 Troopers table at this event. My question  
23 to you Trooper Hallion and to Trooper Jones  
24 is do you foresee that in the future you can  
25 have the Troopers get a little bit more

Hearing 10/24/06

1 active in informal events sponsored by the  
2 minority groups throughout the State and go  
3 out and actively recruit minorities? Is that  
4 something in the foreseeable future?

5 MR. JONES: I have been at multiple  
6 events up there, you can talk to a lot of  
7 people they have actually took the time out  
8 to identify and thank the Colonel for a lot  
9 of his efforts, so he's been an honoree at  
10 these things. I have been up throughout that  
11 as a lot of people are aware, we have a  
12 strong Asian community up along the Palisades  
13 from north to south, and that's generally  
14 where the law enforcement meets. I have been  
15 there on multiple occasions and had a chance  
16 to share a lot of thoughts.

17 I will tell you back in 1979 I had  
18 a classmate at the Academy Kim Lee, first  
19 generation from China and he talked to me  
20 about a lot of the issues where in China the  
21 police corruption was such and we see this  
22 also in Central and South America, where  
23 people are not wanting to become cops because  
24 of the oppressive nature of the dictatorial  
25 police force there. You didn't aspire to be

1 a cop there because it kind of meant that you  
2 were going to be picking on your family; same  
3 thing with Central and South America, there  
4 is an inherant distrust in law enforcement.  
5 This is something in America that we are  
6 moving away from and I give great credit to  
7 the Asian Law Enforcement community. Dennis  
8 and I have been there. We share with them on  
9 a regular basis, Mr. Chang is on my speed  
10 dial and I speak with him a great deal. This  
11 is something that we have to identify, we  
12 have to identify that we are going to have  
13 language issues, diversity issues, we are  
14 going to have people in the community where  
15 we need, we need sources. You go out in the  
16 job you need people in the community that you  
17 can trust.

18 I know this is something that the  
19 Colonel has identified and something that we  
20 have been involved with for quite a while,  
21 respectfully while it is not anywhere near  
22 where we want it to be, it is something that  
23 we are aware of and proactive in these  
24 relationships.

25 MR. HALLION: Since the beginning of

Hearing 10/24/06

1           2005 I have actually been on the Advisory  
2           Board for the Council, and to be honest with  
3           you I think the last two, three dinners we  
4           did purchase a table, so I will say that and  
5           David mentioned Mr. Chang's name, I have  
6           worked hand-and-hand and had many  
7           conversations trying to enhance the Asian-  
8           American community, the same thing I talked to  
9           Reverend Justice about getting those kids I  
10          will call them out of that group environment  
11          and having them step forward, but again I  
12          would say to you respectfully, if you have  
13          anyone out there in that community that you  
14          think would be of service to us please let us  
15          know.

16                   MS. YANG: I want to add one  
17           comment, I understand that the dinners, I am  
18           aware of the dinners, I have a friend who was  
19           part of your committee. My point is I think  
20           a setting such as a picnic would be a good  
21           idea because they tend to bring their family  
22           members and it is more of an informal setting  
23           and perhaps a little bit more relaxed and not  
24           such a formal presentation if people wanted  
25           to approach you to ask you questions;

1 certainly just a suggestion.

2 MR. JONES: If I may again we are  
3 the union, representative of the rank and  
4 file and whatever their concerns are there  
5 are people here from the Division and I will  
6 share with them and if you have an event that  
7 is transpiring or need them to organize  
8 something, I don't want to step on anyone's  
9 toes. I am a very compliant trooper. I  
10 never go outside the line. I would have to do  
11 it through those lines that are in charge of  
12 that; if it is just a matter of getting us up  
13 there we would be happy to help. If you get  
14 the information to us we will be happy to  
15 contribute monetarily, timewise and certainly  
16 the information and the programs the Division  
17 has at such functions. I don't think anybody  
18 has a problem with that at all.

19 MS. YANG: Thank you.

20 CHAIRMAN JOHNSON: We have Jerome  
21 Harris of the Harris Corporation; Chairman of  
22 the New Jersey Black Issues Convention and we  
23 will have Mr. Harris actually put his  
24 questions to the witnesses now and I will do  
25 some quick follow-up and then we will take

1                   our break.

2                   MR. HARRIS: I will try and be  
3                   brief. Thank you for your time with us. It's  
4                   been constructive and the hard work and the  
5                   organizational change that has come about  
6                   based on the work. Again I think about when  
7                   I hear you talk about the contract between  
8                   the State of New Jersey, State Police and the  
9                   Justice Department as a contract completed  
10                  and filled. I think about the initial  
11                  contract that each of the individual members  
12                  of the State Police are required to live up  
13                  to when they pass their oath and that is the  
14                  initial contract.

15                  Collectively you described a  
16                  situation that got us into a situation where  
17                  we were not living up to that contract so the  
18                  Consent Decree is kind of like a ticket and  
19                  have been paying the ticket in repairing that  
20                  situation, and I think that is an important  
21                  kind of different frame to look at in having  
22                  this discussions, because there is that  
23                  initial contract, and I think that's what  
24                  Reverend Justice and James Harris and some of  
25                  the others have been talking about; us

1 holding you to that initial contract and now  
2 we have kind of come back closer to what  
3 might be a reasonable situation and we are  
4 being asked to look at whether or not the  
5 current condition really lives up to the  
6 original contract with the State Police, with  
7 the citizens of the State of New Jersey. So  
8 for me that is kind of the context for my  
9 concerns.

10 But the change that has occurred  
11 has occurred as part of becoming a learning  
12 organization, but it's involved several  
13 departments; the Justice Department, Monitors  
14 represent one oversight level, you refer to  
15 the Office of Police Affairs as the "gotcha  
16 squad" and that gotcha squad was part of the  
17 interaction with the equipment that got us to  
18 where we are now.

19 My question is in order to  
20 continue that growth and make certain that we  
21 live up to our original contract and also  
22 that you suggested, pass the learning onto  
23 other police departments in the State, how do  
24 we avoid having the perception that there is  
25 a "gotcha" as opposed to we are all in this

1                   together? The model that you are presenting  
2                   in term of pulling the State Police Affairs  
3                   out of the monitoring and auditing function  
4                   would suggest to me, if I was a local police  
5                   operation, that you are saying the gotcha  
6                   squad to me as opposed to learning. If you  
7                   could respond.

8                   MR. JONES: Very important and I  
9                   had a chance to share this concept with  
10                  Mr. Johnson, while everything has kind of  
11                  gotten embedded and checked out, we are  
12                  talking about the evolution of the State  
13                  Police Affairs into truly a training entity,  
14                  there will be no contract reference  
15                  enforcements and if somebody is engaged in  
16                  disparity or unconstitutional behavior it  
17                  will be the charge of the prosecutor or  
18                  Attorney General to come in and say hey you  
19                  guys are breaking the law and now we have a  
20                  law that mirrors the Federal Standards and  
21                  now we are going to enforce it.

22                  The idea that we are sending out a  
23                  gotcha squad won't occur, just the opposite.  
24                  What you have is a resource of people who  
25                  understand these technologies, the concepts,

Hearing 10/24/06

1           what things in those methodologies allowed us  
2           to get to where we are now and then they  
3           could then share with the prosecutors, you  
4           would need buy-in, first political will,  
5           everything that I talk about has dollars and  
6           probably millions of dollars surrounding it;  
7           whether you are talking about adding and  
8           taking people, nothing is done without going  
9           back to the well and trying to reach in and  
10          find resources and there's only so much water  
11          in the well. By going through the  
12          Prosecutor's Office you are going to profit  
13          from a buy-in, generally the prosecutors are  
14          political appointees who have a relationship  
15          with the county, at least maybe not with the  
16          city but certainly with the county, so they  
17          have people who know them and trust them.  
18          Secondly, it is easier to train the trainer  
19          which is a federal program for years than to  
20          have one person teach 50 towns in a state.  
21          And third, the prosecutors will know by  
22          virtue of the complaints coming in from the  
23          town, people who are reporting to them, what  
24          issues are being driven in the courts, you  
25          know, in prosecutions, what allegations are

1 being asserted, you know as claims of  
2 defense, kind of where the hot areas are.

3 So these people would come in sit  
4 down and say to the Prosecutor's Office going  
5 from a hot zone to a cool zone, from a one to  
6 a ten where is it that you think you have  
7 problems and we want to start looking at or  
8 what sort of system do these departments have  
9 in place. If you have cameras and they have  
10 MVR reviews but they don't have MAPPS for  
11 instance, maybe some of that technology has  
12 to be made more portable and available, if  
13 you have people who don't have cameras and  
14 they want to know how to get into it maybe we  
15 can avoid a mistake going with a tape and  
16 saying wait a minute, save your money and go  
17 with the chip, go with the one that operates  
18 like your cell phone so you can get real  
19 time.

20 Just a conversation like that can  
21 be worth millions of dollars to a police  
22 department. I am going to get the cameras in  
23 the town next door to mine, while there is a  
24 better mousetrap, a better product out there,  
25 their role wouldn't be as a gotcha squad

1           there would be no enforcement of a decree but  
2           rather an educational relationship based on  
3           what resources that offices have and what  
4           needs the community talks about.

5                         Quite honestly, if you go into the  
6           far reaches and I hesitate to say some  
7           western county where the population is 98  
8           percent white and there's no toll roads and  
9           no issues with disparate application, you may  
10          not have a lot to offer this police  
11          department as opposed to, you know, towns  
12          that are very diversified and on a regular  
13          basis the Chief or the Local Prosecutor, the  
14          Attorney General or the U.S. Attorney getting  
15          complaints about disparate applications;  
16          that's where you are going to put your  
17          resources in a prioritized fashion. I don't  
18          think it would be a gotcha squad. I think it  
19          would be exactly what it should be, that is  
20          an educational and instructional-type of a  
21          set-up. I'd like to close my remarks, won't  
22          it be wonderful if New Jersey was the first  
23          state in the nation to have such a system in  
24          place?

25                         MR. HARRIS: I look forward

1 to your responses that the Attorney General  
2 asked for in detail, I think it would be  
3 helpful to the Committee, thank you.

4 MR. FLYNN: If I could add one  
5 thing Mr. Harris, the leadership of every man  
6 and women that got us here, it was the gotcha  
7 squad that kind of observed that we stayed on  
8 track, thank you.

9 CHAIRMAN JOHNSON: Before we  
10 break I have a couple questions that I would  
11 ask the panel and probably others that I will  
12 put to you that you need not respond right  
13 now. The first is on the issue of  
14 oversight, Lieutenant Flynn, could you  
15 address how you would tell the Office of  
16 Professional Standards in the new world, if  
17 and when the Consent Decree is gone and  
18 perhaps there is a change?

19 MR. FLYNN: Quite frankly, I don't  
20 think the role is going to change very much  
21 at all. They were the first to get out of  
22 the Consent Decree almost two-and-a-half  
23 years ago by showing that they fully complied  
24 with all the tenets of the Consent Decree  
25 that dealt with them.

Hearing 10/24/06

1                   CHAIRMAN JOHNSON:    Can I  
2                   interrupt?  Let me clarify.  We are  
3                   envisioning a world in which the State Police  
4                   is growing and different roles for all of the  
5                   components, if in fact the Consent Decree is  
6                   lifted.  The question really is in a new  
7                   world, not a question of whether or not the  
8                   Office of Professional Standards isn't  
9                   somewhat deficient, but in a new world where  
10                  the State Police is doing some of the job at  
11                  least of monitors and others, what role do  
12                  you see for the Office of Professional Standard?

13                  MR. FLYNN:  They can become more  
14                  proactive such as when the 800 number was  
15                  instituted about complaints, that could arise  
16                  that the public had an outlet to call in a  
17                  complaint rather than just go over and not  
18                  know what to do; more modernization, maybe  
19                  their own computer website.  It's got to be  
20                  twofold.  They should also list "what is  
21                  going right" and that was one thing with the  
22                  association was the 800 number, and it was  
23                  mostly Dennis and Dave, if a trooper has done  
24                  something right, to call, and they had bumper  
25                  stickers made up to that fact, but definitely

Hearing 10/24/06

1 the Office of Professional Standards needs to  
2 be more proactive, and also what is going on  
3 right, besides what is going on wrong. See  
4 what types of complaints are going in, analyze  
5 them, convert that to training and maybe even  
6 public awareness.

7 I think Dr. Ginger and Mr. Rivas  
8 said let's face it, if a trooper stops you  
9 more than likely you are not going to leave  
10 happy, but we need to educate the public that  
11 it is for the better good and I think the  
12 Office of Professional Standards could take a  
13 lead role in that.

14 CHAIRMAN JOHNSON: If you could  
15 and I raised this in the informal session, if  
16 you could come back to the Committee of how  
17 the Office of Professional Standards could  
18 actually be enhanced, its function enhanced  
19 if and when the Consent Decree is lifted that  
20 would be helpful to the committee in its  
21 deliberations.

22 MR. FLYNN: Yes, sir.

23 CHAIRMAN JOHNSON: I want to  
24 follow up on a question raised by Ms.  
25 Carroll earlier and that is about leadership

1           that has been in your remarks, in the  
2           Colonel's remarks and the questions,  
3           something that's been focused on a great  
4           deal, a fair amount to these hearings. I  
5           would be interested in your views, submit it  
6           to us in writing on how the leadership ladder  
7           that is the promotion ladder might be changed  
8           to actually embed within the leaders that you  
9           are looking for, the sort of dedication to  
10          principles that you Trooper Jones have spoken  
11          to, so eloquently.

12                       MR. JONES: Two quick points I think  
13           that because of the Pittsburgh/Walker Report  
14           raises a question that everybody is saying  
15           once you change jockeys, the horse is not  
16           going to perform as well, and I think that we  
17           have outlined some of the reasons that we are  
18           different than Pittsburgh and we are  
19           different than Steubenville, although it is a  
20           viable question and if you get the Colonel to  
21           sign a 20 year contract I think we will be  
22           all right, but that is not going to happen  
23           and hence I think we have already addressed  
24           in many ways the sustainability.

25                       I think we are going to be okay and

1 while Walker talks about it in Pittsburgh  
2 they are not analogous as I discussed in my  
3 report, and the other thing about OPS the  
4 relationship with OPS and the independent  
5 auditor will become immensely important.  
6 That partnership will be the thing that takes  
7 us into the future, the autonomous auditor to  
8 be able to have, you know, access and  
9 certainly a great working relationship with  
10 OPS is going to be critical. The individual  
11 to go down and say I want to see that report  
12 and what came in on Friday and whatever else  
13 they want to throw a dart at and want to look  
14 at, has to happen. It has to happen in order  
15 for us to be a board of directors or  
16 something closer to what I described,  
17 whatever we set up.

18 That relationship between OPS and  
19 the auditor is going to be very critical.

20 MR. HALLION: Just on the leadership  
21 front, sir, what I have seen in the last I  
22 guess four to five years and took us a couple  
23 years after the implementation of the decree  
24 was to get to understanding it, it wasn't the  
25 lower level troopers with the Staff

Hearing 10/24/06

1 Sergeants, Sergeants First Class that let's  
2 say needed to be reminded of what leadership  
3 mentorship direction is all about. Now we  
4 have advanced and now we have any rank  
5 promoted will even engage in executive  
6 leadership class. We realize we have to do  
7 this up the chain. We can't focus on the  
8 lower level managers such as my group. We  
9 have to make sure that this additional  
10 schooling, whether it is a week or two weeks  
11 of coming back to the Academy and just  
12 refreshing yourself of what you need to do as  
13 a supervisor to make sure that your people  
14 will do what you ask not because they are  
15 ordered to, but because they want to.  
16 There's a concept that I find to be, you will  
17 find a lot with the troops out there, they  
18 will do something not because you ordered  
19 them to do it, because you asked them to do it  
20 and they embrace you, so again, the  
21 leadership, executive leadership training is  
22 essential all the way up the chain not for  
23 the lower levels the higher levels as well.

24 CHAIRMAN JOHNSON: Then I want to  
25 follow-up on the Attorney General's question.

Hearing 10/24/06

1           The issue of oversight I am looking forward  
2           as well to your response on the nuts and  
3           bolts of the oversight but the one question  
4           that I have relates to the Attorney General's  
5           Office. The Attorney General has a broad  
6           span of control as we all know and the  
7           question in my mind is what sort of staffing  
8           support do you envision with the Attorney  
9           General should the Office of State Police  
10          Affairs not exist in its current form?

11                   MR. JONES: Clearly you need one  
12           person who has the skill sets to identify the  
13           tasks taking place now by the Troopers, when  
14           I say the Troopers right up to the Captain,  
15           until we turn in the reports, we write the  
16           reports, review the tapes, this is our work  
17           product essentially that is not going to  
18           change. That Auditor is going to have a  
19           talented experienced person in this area and  
20           that relationship with the OPS and the  
21           Attorney General and everything has to be  
22           ensured. Other than that we have the  
23           resources in-house to save a couple dollars,  
24           we have people doing these jobs right now. If  
25           the Attorney General has extra resources

Hearing 10/24/06

1 revenue, maybe wants to get a support staff  
2 with the Auditor, it really wouldn't be  
3 necessary. I am talking about housing  
4 somebody right at Division Headquarters every  
5 single day somebody shows up and whatever it  
6 is based upon their decision and their  
7 reporting issues, their current issues. There  
8 were reports and concepts that are going to  
9 have to be put forward, however they  
10 prioritize their day it is going to be in and  
11 not of, putting somebody in the chair, he has  
12 to stop at a station. This person should be  
13 in-house only because that is where the job  
14 is getting done and they need that autonomy  
15 and they are going to have the support of the  
16 General. It is a simple cost saving concept  
17 that would basically free up some of the  
18 other people under the General's command to  
19 do some of the other more progressive  
20 educational instructional time projects or  
21 concepts that we have.

22 CHAIRMAN JOHNSON: Thank you. We  
23 are going to take a break now for fifteen  
24 minutes.

25 (Recess.)

Hearing 10/24/06

1                   CHAIRMAN JOHNSON:    Back on the  
2                   record.  What we are going to do next is we  
3                   will have a second round of questioning, the  
4                   time for each question is going to be shorter  
5                   and the committee members,  if questions have  
6                   already been asked and answered you need not  
7                   feel the requirement to actually pose  
8                   additional questions.  The Attorney General  
9                   indicated there will be follow-up questions  
10                  that we can and will send to you in writing.  
11                  We will start with Ms. Carroll at this time.

12                  MS. CARROLL:  I'd like to briefly,  
13                  you mentioned about the 800 number regarding  
14                  complaints and I wonder if you could describe  
15                  a little bit further as far as if you get a  
16                  complaint what steps are taken and what  
17                  procedures from there?

18                  MR. FLYNN:  Basically if it is a  
19                  phone complaint it goes directly on OPS on  
20                  that 800 number and they will take it and  
21                  write down the information and try and  
22                  contact the person to call back if they left  
23                  the forwarding number,  but even if they did  
24                  not leave a forwarding number,  OPS is charged  
25                  to look into the allegation no matter how

Hearing 10/24/06

1           frivolous it seems to be on its surface.  
2           Once that is done what we call a 525 which is  
3           the internal complaint will be drawn up and  
4           they will assign that to someone on the unit  
5           to look at it to see whether it merits a  
6           full-blown internal investigation, maybe just  
7           a follow-up phone call, maybe a call down to  
8           the lieutenant to look at the tape if it is a  
9           motor vehicle stop, and then get back to OPS  
10          and advise them what is on the tape or as far  
11          as to go as to maybe send the whole tape up  
12          to OPS to review themselves to determine  
13          whether there should be a full-blown internal  
14          investigation, pretty much that is the  
15          generation of phone complaints.

16                   MS. CARROLL: Would you say it is a  
17                   successful campaign.

18                   MR. FLYNN: Absolutely.

19                   MS. CARROLL: And the public  
20                   response is?

21                   MR. FLYNN: The public has an outlet  
22                   I think it is a great response for them. I  
23                   don't know whether a survey or follow-up  
24                   study has ever been done to see the useful  
25                   necessary of the 800 number and whether their

1 complaints are getting handled to their  
2 satisfaction. Remember now that every  
3 trooper carries with them a complaint form  
4 and if they feel that the motorist is  
5 unsatisfied they will give that form directly  
6 to them while on the stop and if it failed to  
7 be done then on review of the tape, then the  
8 sergeant will get a hold of someone and offer  
9 to send them with one or provide them with  
10 one or take the information over the phone.

11 MR. HALLION: If I could, the flip  
12 side is that 800 number also takes  
13 compliments and we were vocal on that a year  
14 ago to make sure that the public understood  
15 that the troopers that were out there 12  
16 hours providing assistance to motorists  
17 whatever capacity, have the ability to call  
18 in that compliment if they so choose.

19 MR. DAUBER: No additional  
20 questions.

21 MR. DONOVAN: No additional  
22 questions.

23 REV. FLOYD: Ditto.

24 MR. HARRIS: Yes, I do have a  
25 question, on the issue of diversity, you most

Hearing 10/24/06

1 certainly encouraged groups to make  
2 recommendations to you and the recruitment of  
3 those groups into the force is the  
4 responsibility of someone else. I want to  
5 ask about your own organizations, what is  
6 diversity on your Executive Committee on  
7 African Americans, and I would like for each  
8 one of you to answer that question.

9 MR. JONES: My structure is ten  
10 elected officials, 75 stationed  
11 representatives, there's all kinds of people.  
12 Are you talking about the elected.

13 MR. HARRIS: The folks on your  
14 Executive Committee who make the major  
15 decision for your organization, how many  
16 African Americans are on your Executive  
17 Committee of your organization?

18 MR. JONES: Currently none.

19 MR. HALLION: I have one.

20 MR. FLYNN: I have a five board  
21 member elected by the membership and  
22 presently we have none, we have had members  
23 in the past.

24 MR. HARRIS: Do you think that  
25 might influence the way other minorities may

Hearing 10/24/06

1 view your organization, the fact that there  
2 is an absence of African Americans on the  
3 Executive Committee?

4 MR. JONES: Certainly I cry like a  
5 baby when some of my more qualified African  
6 Americans on the boards move along, because  
7 population alone have a difficult problem if  
8 you only constitute 14 percent of the outfit  
9 there's not just that many African Americans  
10 out there with enough time, that are going to  
11 engage in the group. I made an effort, 15  
12 years ago to bring in the first African  
13 American out to our board, Woody Clay the  
14 midnight partner in Newark at the time, going  
15 back 15, 16 years ago. I identified exactly  
16 what you were talking about, I would love to  
17 have more members involved. There's a  
18 paucity of overall numbers on top of which  
19 regular, now that things are good, the checks  
20 are clearing and we are kind of doing better,  
21 regular interaction in this job is a  
22 sacrifice. I have turned down six promotions  
23 in the last seven or eight years to be where  
24 I am nuts and my wife when she writes a check  
25 and wants to make sure it doesn't bounce

1 thinks I am nuts too. Something I identify  
2 with and absolutely concur "more is better"  
3 and I cringe when I do lose women or men of  
4 diversity but it is something where the door  
5 is always open, we embrace it.

6 I actually have, and you can talk  
7 to people recruiting, I have all the forms  
8 and all of the recruiting things in my Union  
9 office that we hand out and give out and try  
10 to get people, especially a diverse members  
11 of society into our group, we are very  
12 proactive in that area. My first Vice  
13 President is Puerto Rican. I have other  
14 Hispanics, but no African Americans at this  
15 time.

16 MR. HARRIS: Then the testimony  
17 that you gave, do you think that your views  
18 today reflect the views of the African  
19 Americans and the other minorities in the  
20 organization?

21 MR. HALLION: Yes, sir and I will  
22 say this because I have had conversations  
23 with minority members with the Sergeants,  
24 within the Sergeants group and when we get  
25 together and we talk about some of the things

Hearing 10/24/06

1                   that we do or we need to do to enact change,  
2                   progressive change, it is not a black/white  
3                   issue, it is a trooper, it is a sergeant  
4                   issue, it is something, an organizational  
5                   issue I should say. So those barriers are  
6                   not there, believe me, and I encourage  
7                   Sergeant Jeff Shaw, my African American  
8                   officer to go out and try to speak to other  
9                   minority members about coming on board and we  
10                  certainly encourage them to attend the  
11                  meetings and I know because I am at every  
12                  meeting that we have a strong presence there  
13                  although they may not be reflected on the  
14                  board they do come out and they do share with  
15                  us and they do interact.

16                         MR. JONES: To get to the heart of  
17                         your question, if it is an idea that we are  
18                         not doing the bidding of certain members of  
19                         my group  
20                         because they are not represented at the  
21                         executive level. I get that across the board  
22                         on a regular basis from everyone. So if you  
23                         have 2000 people there are going to be two  
24                         thought positions as to what I am doing well  
25                         and not doing well, and we deal with it by

Hearing 10/24/06

1 measuring the simple majority and as long as  
2 the troops will have them I am here and do  
3 everything I can to ensure that everybody is  
4 treated equally, and like I said every single  
5 time we have a list and say hey we have an  
6 opportunity in a management position to  
7 promote something and I get the flip side of  
8 it, I get guys saying why aren't you  
9 defending me, as a white male in my  
10 promotional spots. It is a damned if you do,  
11 damned if you don't. I would think that  
12 all people; white, black, Hispanic think that  
13 we are doing a pretty good job but there are  
14 always going to be people who sit in their  
15 chair and say I am not profiting, I am not  
16 being moved along, I am not being recognized  
17 as quickly as I can. Why isn't my union  
18 doing more for me? I get that across the  
19 board sir.

20 MR. HARRIS: I want to say this, I  
21 realize that it is very difficult to please  
22 everyone but what I am concerned about is  
23 where it's disproportionate.  
24 In other words, if people disagree, if  
25 10 percent of the people disagree then it

1           should be 10 percent of all of the people  
2           disagreeing. Where you get 50 percent of one  
3           group disagreeing and only 10 percent of  
4           another group that means that there's some  
5           type of imbalancing. The only reason I am  
6           raising this question is because the issue of  
7           public safety is critical in the state, but  
8           the issue of fair treatment is not  
9           proportionately shared in the State of New  
10          Jersey and as a member of this commission I  
11          think we really need to look at how do we get  
12          to that and what type of monitoring, and who  
13          should play the role and responsibility and  
14          who carries the primary responsibility. In my  
15          mind it is the responsibility of the State  
16          Government and it is very important to move  
17          the confidence level so it is an even perception  
18          in reality. In both of your reports you talk  
19          about the overwhelming perception of the  
20          public that the State Police is doing a great  
21          job and a lot of the issues have disappeared.  
22          I am not so sure that there is a shared  
23          balance of that perception and I really would  
24          like to believe that we are on our way to  
25          getting that and I do want to commend the

Hearing 10/24/06

1 reports that were made to us by the monitors  
2 but I am trying to get from you what do you  
3 think would ensure that disproportionate  
4 perception of the State Police not being fair  
5 will be moved forward and what role your  
6 organization in particular, can play in  
7 getting that done?

8 MR. JONES: I always try to explain,  
9 I have about 2000 guys and about 1800 of them  
10 go to work every day and do a great job and  
11 they never call the Union and are never in  
12 trouble and get along great with their bosses  
13 and very few issues and expect me to go out  
14 and negotiate a fair day's pay for a fair day's  
15 work. And I have a couple hundred guys who I  
16 deal with, some are problematic, some are  
17 unfortunate and I think what you are saying  
18 is that, I look at what is going on in Asbury  
19 Park and listen to the leaders and I have  
20 been to Asbury Park many times and I hear  
21 what they are saying, they are saying bring  
22 in the State Police and this conflicts with  
23 what you are saying. The Colonel came to the  
24 first hearing and he sat down and he said the  
25 first thing he was hit with at the

Hearing 10/24/06

1 Irvington town meeting was you guys aren't  
2 leaving, are you? I was up in Irvington at a  
3 shooting issue and the people on the streets  
4 were begging us to stay, going out of their  
5 way to walk up, are you with the State  
6 Police, are you with the Task Force? Do you  
7 work out of the place with the bus station  
8 and they thanked us. So the mindset of the  
9 person who was truly aggrieved, treated  
10 disparately; is going to take a lot of time  
11 to change that, a lot of prayer, a lot of  
12 open-mindedness and not everybody has that  
13 but what is taking place in these  
14 communities; Camden fears us, Irvington fears  
15 us leaving, we are asked in all these areas,  
16 and I know what the conversation was with all  
17 of the people I dealt with in the town, I  
18 think that there is a lot of slowly getting  
19 back to the center with the issue of mistrust  
20 just like I deal with 200 people all the time  
21 and I don't hear what the other 1800 are  
22 saying and they are kind enough, paying their  
23 dues and not talking about an issue. I think  
24 very much in your line of work it is kind of  
25 the same, that the people that come to you

1 truly feel aggrieved and truly feel treated  
2 differently but you are probably not hearing  
3 from a thousand people saying Camden, Trenton  
4 Newark cease fire with the AG's Office, we  
5 are glad to have a State Police here, we  
6 welcome them and partner with them.

7 Unfortunately in our line of work  
8 like police work in general, you are only  
9 dealing with the majority of negative  
10 interactions.

11 MR. RAMPERT: I believe that all of  
12 you gentlemen agree that there should be some  
13 type of voluntary monitoring and after a  
14 period of time let's say a couple years after  
15 a fall-off would you agree to going back under  
16 Consent Decree?

17 MR. JONES: I have never used the  
18 word voluntary. I think it should be  
19 institutional, memorialized, statutory  
20 codification, Attorney General, SOP however  
21 you want to do it, that should be a permit  
22 and for every part of the State Police that's  
23 what I would suggest. I don't think there  
24 should be anything voluntary about it. I  
25 think that should be a now and forever person

Hearing 10/24/06

1 within the State Police like our reforms in  
2 OPS and all these other things. I don't want  
3 to speak to the other two parties but I don't  
4 think anybody from my side is advocating any  
5 sort of voluntary, we will see what happens  
6 down the road type of things. These are  
7 permanent mandatory and etched in cement,  
8 etched in stone, reforms that have to  
9 continue to be monitored.

10 MR. FLYNN: The whole purpose of  
11 what we have been through is to constantly  
12 learn, constantly tweak and constantly  
13 correct and if that is not working then damn  
14 right we better go back to something. We can't  
15 afford to lose the confidence and the good  
16 will we have garnered so far.

17 The whole idea to becoming a  
18 learning organization and to have an auditor  
19 is to embrace the concept of some type of  
20 oversight that keeps us from ever going back  
21 to where we were.

22 MR. SKLAR: No questions.

23 MS. YANG: No questions.

24 CHAIRMAN JOHNSON: We have been  
25 joined by the Chief of Staff to the Attorney

Hearing 10/24/06

1 General.

2 MS. GORDON: No questions.

3 CHAIRMAN JOHNSON: Any additional  
4 questions that the panelists have, that are  
5 not here, we will send to you and we really  
6 appreciate the time that you spent with us  
7 today, we understand that there will be an  
8 ongoing dialogue between and among all of us  
9 but we thank you for your presence at this  
10 hearing. Thank you thank you.

11 MR. JONES: Thank all of you.

12 CHAIRMAN JOHNSON: I would like the  
13 next panel to step forward, they are the New  
14 Jersey Chapter of the National Organization  
15 of Black Law Enforcement Executives, NOBLE.  
16 We will have both Jiles Ship, who is the  
17 President of the Northern New Jersey Chapter  
18 of NOBLE and we have the testimony of Deputy  
19 Chief Brian Morris, the vice president of the  
20 Northern New Jersey Chapter of National  
21 Organization of Black Law Enforcement. We  
22 will have a short opening statement and then  
23 we will to go questions from the panel.

24 MR. MORRIS: First of all  
25 Mr. Chairman I'd like to thank you and

1 this distinguished panel for allowing us the  
2 opportunity to make a presentation here this  
3 evening.

4 My name is Brian Morris and I  
5 represent NOBLE, the National organization of  
6 Black Law Enforcement Executives. NOBLE was  
7 formed in 1976 by a number of African  
8 American Police Executives in response to  
9 increasing crime and violence rates created  
10 in communities of color.

11 As black law enforcement we knew  
12 then what is true today, the police can only  
13 be effective crime fighters when they have  
14 strong community support. Today, NOBLE  
15 represents over 4,500 law enforcement  
16 executives in 59 chapters across the United  
17 States, most of them are police chiefs,  
18 executives in local, county, state and  
19 federal law enforcement agencies. NOBLE has  
20 taken the lead in addressing many issues of  
21 mutual police and community concerns such as  
22 the use of force, minority recruitment,  
23 police hiring practices, teaching youth to  
24 survive, effective police contacts and the  
25 issue that brings us here today.

1                   In 2001 NOBLE published its report  
2                   on racial profiling and developed a training  
3                   course that has since been provided to  
4                   thousands of law enforcement officers  
5                   throughout the country. Think about it, our  
6                   members possessing, possess a most unique  
7                   perspective with regard to racial profiling:

8                   1) We are minorities and have  
9                   members that have been victims of racial  
10                  profiling.

11                  2) We are police officers and have  
12                  been acculturated, trained and directed to  
13                  engage in racial profiling.

14                  3) We are police chiefs and  
15                  executives which means we are responsible for  
16                  implementing strategies to prevent racial  
17                  profiling.

18                  This perspective is necessary to  
19                  temper and balance what are quite often two  
20                  extreme sides of the racial profiling  
21                  debates, those who say that racial profiling  
22                  exists and those who deny that it does.

23                  The issue, however, is much more  
24                  complex than either of those two extremes. So  
25                  as you can imagine we are somewhat surprised

Hearing 10/24/06

1 and very disappointed that a NOBLE member was  
2 not appointed to this Commission,  
3 notwithstanding that, we commend Governor Corzine  
4 on his decision to convene this panel. To lift  
5 the Consent Decree without an independent  
6 comprehensive review by those not involved in  
7 the Consent Decree would give cause for great  
8 public concern and would tarnish the efforts  
9 of the State Police over the past several  
10 years. After all the Consent Decree between  
11 the United States Department of Justice and  
12 New Jersey State Police was born from a  
13 public outcry denouncing racial profiling by  
14 the State Police. It will therefore take an  
15 equal level of community support to truly end  
16 the Consent Decree or the perceived need for  
17 it.

18 It would be unfair not to  
19 acknowledge the accomplishments of the State  
20 Police, the Department of Justice, the  
21 Monitors and the Attorney General's Office of  
22 State Police Affairs under the direction of  
23 Deputy Attorney General Jackson, in complying  
24 with the Consent Decree.

25 Much improvement has been made,

1           however, our concern is not limited to  
2           technical compliance with the Consent Decree.  
3           We do not believe that this is the only  
4           gauge.    The real core issue is change.    The  
5           real gauge is community satisfaction.

6                         As you evaluate the State Police  
7           your review must therefore delve deep into  
8           the heart and soul of the organization to  
9           identify if there have been real changes in  
10          the culture of the State Police and its  
11          operating systems.    For example, what steps  
12          have the State Police taken or recommended to  
13          continue independent monitoring of its  
14          activities?  The answer to this question will  
15          be extremely revealing.    If the goal of the  
16          State Police is to simply end the Consent  
17          Decree and the oversight it provides, the  
18          community must ask why the organization would  
19          oppose oversight.    Has the State police  
20          recommended continued data collection and  
21          analysis?  The State Police wants to end data  
22          collection.  This will suggest the culture  
23          remains the same.

24                        If they continue the data  
25          collection and analysis have they identified

Hearing 10/24/06

1           how it will be incorporated into the core  
2           operational systems of the organization?  
3           Has the State Police changed its attitude and  
4           actions with regard to community complaints?  
5           Are all complaints embraced, investigated and  
6           adjudicated in a timely manner? The answer to  
7           these questions, you may need to review- to  
8           answer these questions, You may need to know,  
9           to review an actual internal investigation  
10          and talk to complainants. This panel must  
11          take a hard look at the Department's early  
12          intervention system: how it was implemented,  
13          what type of intervention is provided, has it  
14          been effective.

15                    To better answer these questions  
16                    you must review the files of officers who  
17                    have been disciplined or terminated over the  
18                    past three years to determine whether there  
19                    were clear warning signals that should have  
20                    been identified by management. Do these  
21                    warning signals exist in centers that  
22                    continue to patrol and police our state  
23                    today? You must talk to the officers to  
24                    ascertain their true understanding of racial  
25                    profiling and identify if they truly believe

1           it to be wrong or are they just doing what is  
2           necessary to comply with the tenants of the  
3           Consent Decree? You must also talk to the  
4           unions and review the types of grievances  
5           filed over the past few years. In other  
6           words, are they, meaning the unit, fighting  
7           change in protecting officers to the extent  
8           it prevents accountability, or have they  
9           embraced the reforms and partnered with  
10          management to better serve the people.

11                    You must talk with crime victims  
12                    and crime suspects to evaluate their  
13                    treatment. Most of all you must review the  
14                    core operating systems to ensure that the  
15                    State Police have implemented industry best  
16                    practices.

17                    You must also identify what efforts  
18                    beyond those outlined in the Consent Decree  
19                    the State Police have taken to improve police  
20                    minority community relations. Has the  
21                    diversity of the State Police at all levels  
22                    of the department improved? If not, why?  
23                    If it has, what steps will the State police  
24                    take to ensure these measures continue? What  
25                    assurances does the community have that the

Hearing 10/24/06

1           efforts and gains over the past seven years  
2           will not be lost over the next seven years or  
3           even the next year?

4                         State Police, Superintendents and  
5           Governors come and go, but the need for the  
6           State Police to maintain good community  
7           relations and accountability remains  
8           constant.    The fact that so many want to  
9           extend the Consent Decree even in light of  
10          the accomplishments the State Police have had  
11          serves as an outcry for continued change.

12                        It is not necessarily a cry for the  
13          past or even a cry for the present, it is a  
14          cry for the future.    The Consent Decree has  
15          given many minorities hope and the State  
16          Police a second chance to garner their  
17          support and their confidence, however, a  
18          second chance is not a new opportunity to  
19          repeat the mistakes of the past.

20                        This Commission must provide  
21          recommendations to prevent the mistakes of  
22          the past that not only impact the State  
23          Police but the entire law enforcement  
24          profession.

25                        We ask that you keep this in mind

Hearing 10/24/06

1 when formulating your decisions and  
2 recommendations. Place politics, personal  
3 agendas and friendships to the side, and  
4 provide recommendations that will reinforce  
5 effective, ethical policing, and serve as a  
6 model for at all police agencies to follow  
7 now and in the future, thank you.

8 CHAIRMAN JOHNSON: Thank you  
9 Mr. Marks. What we will try to do is since  
10 there's only two witnesses on the panel one  
11 is giving a statement but I understand  
12 Mr. Ship you will be available to answer  
13 questions as well, we will have, try to keep  
14 it to four to five minutes per panelist, Ms.  
15 Carroll.

16 MS. CARROLL: Good evening, thank  
17 you. I'd like to know how you feel or what  
18 entity do you believe will have an  
19 independent review for the State Police if  
20 they are released from the Consent Decree?

21 MR. MORRIS: Independent entity?

22 MS. CARROLL: Yes. Who do you  
23 feel best to serve all communities, to serve  
24 in that position ?

25 MR. MORRIS: I believe that the

Hearing 10/24/06

1 current entity that watches the State Police  
2 conduct under the Office of the Attorney  
3 General would be the appropriate entity and  
4 that being said, over the last several  
5 years of the Consent Decree, there has been  
6 significant progress, I stand firm with that,  
7 however that did come as a result of strict  
8 monitoring by an agency under the Office of  
9 the Attorney General and I believe that's  
10 where it should be.

11 MS. CARROLL: Do you believe in  
12 a monitor versus an auditor and which do you  
13 feel would best serve.

14 MR. MORRIS: I guess right now I  
15 believe a monitor. The past has had good  
16 results and I believe that continuing in that  
17 vein at this particular time would be  
18 appropriate, so I do opt for the monitor.

19 MS. CARROLL: Thank you.

20 CHAIRMAN JOHNSON: Mr. Dauber.

21 MR. DAUBER: Have you had input  
22 from your members who are part of New Jersey  
23 State Police as to whether they share the  
24 view that it would be important for the  
25 monitoring effort under the decree to come to

1 an end at this point?

2 MR. SHIP: Well just to answer that  
3 question, I am going to have to answer it as  
4 simple as possible. Obviously we have some  
5 members of our organization who are members  
6 of the New Jersey State Police and other  
7 State Police agencies throughout the United  
8 States and certain members of the State  
9 Police have concerns about the Consent Decree  
10 being lifted and the Office of State Police  
11 Affairs.

12 We don't necessarily share that  
13 same perspective. The Office of State  
14 Police Affairs is a very vital entity, the  
15 Consent Decree if lifted -- if lifted we  
16 should also look at models that are used  
17 throughout other states and throughout the  
18 nation.

19 People who should be a part of  
20 whatever type of committee that is going to  
21 be performed should be representatives from  
22 the International Association of Chiefs of  
23 Police, also NOBLE, the police foundation,  
24 police education and research forum and  
25 persons of that caliber, in addition to law

Hearing 10/24/06

1 enforcement personnel, because to really  
2 evaluate something effectively you have to  
3 have a certain breadth of experience in that  
4 arena.

5 MR. DAUBER: How active and how  
6 frequent would you see the involvement of the  
7 kind of people you just described in the  
8 evaluation process?

9 MR. SHIP: I would say quarterly,  
10 and report back to the Attorney General's  
11 Office and have it further analyzed and  
12 evaluated from that point.

13 MR. DAUBER: Thank you.

14 MR. DONOVAN: As I understand you both  
15 represent NOBLE in New Jersey or NOBLE  
16 nationally.

17 MR. SHIP: NOBLE New Jersey.

18 MR. DONOVAN: I am going to assume  
19 that you do have members of the New Jersey  
20 State Police who are NOBLE members ?

21 MR. SHIP: Yes.

22 MR. DONOVAN: Do you regularly get  
23 feedback from them about the status of law  
24 enforcement and how the State Police are  
25 doing in progress.

Hearing 10/24/06

1 MR. SHIP: We went further than that.  
2 We have a great relationship with Colonel  
3 Fuentes, he came to our meetings before when we  
4 had monthly meetings, he made a presentation  
5 with respect to some of the improvements that  
6 the State Police are making and we also had  
7 Colonel Rogers appear at one of our recent  
8 meetings and share with us some of the  
9 improvements that the State Police are making  
10 and we commended them on that and in law  
11 enforcement there's continual change and  
12 there is a need for continual review; you  
13 know, we really support that and make every  
14 effort to work with them on that behalf but  
15 those individuals, those individual groups  
16 that I mentioned before are part of a  
17 national consortium and ACALEA is another  
18 group that basically monitors law enforcement  
19 agencies and makes reviews and  
20 recommendations as well, so this is something  
21 that couldn't, in our opinion, couldn't  
22 really be answered today because we have at  
23 this point limited information with respect  
24 to specific systems that have been put in  
25 place to ensure that the standards stay at

Hearing 10/24/06

1 the level they are today.

2 MR. DONOVAN: Clearly the members  
3 of the State Police who were members of your  
4 organization have seen the changes. Can you  
5 get feedback from those members to give, from  
6 their point of view, what progress the  
7 State Police has made? We heard from the  
8 Unions, we heard from the Superintendent who  
9 clearly talked about great progress. It  
10 would be very nice to hear from those  
11 Troopers within the State Police who are  
12 NOBLE members and are more part of this process how  
13 they see the progress going forward. Would  
14 their view be different than your view?

15 MR. SHIP: Best way to answer that,  
16 there are varied views; some who say that  
17 there's great progress being made and others  
18 say that progress is very slow. That's the  
19 best way I can answer that for you now.

20 MR. DONOVAN: Just a question on  
21 point number two in your prepared statement.  
22 We are cops which means we have been trained  
23 to engage in racial profiling; can you  
24 explain that?

25 MR. MORRIS: Actually there was a

1 change in that.

2 MR. DONOVAN: Page 1, paragraph  
3 three.

4 MR. MORRIS: In my statement I  
5 stated that we are police officers and we  
6 have been acculturated and trained to engage  
7 in racial profiling. To explain that over  
8 the years law enforcement has tried to find  
9 ways to one better the criminal element, and  
10 sometimes these methods are not necessarily  
11 constitutionally sound until they are tried  
12 in a Court of Law, by the courts. So we have  
13 been trained and we have been given orders  
14 that have been, in the past, unacceptable to  
15 the courts in the long term, however, and also as  
16 far as the acculturation, we are a group of  
17 people that are of ourselves, I think, I  
18 believe very strongly that law enforcement  
19 has to change that methodology, that thinking and  
20 thought process.

21 We have to put ourselves back into  
22 the community and in a very strong way.  
23 Have the State Police done that in the recent  
24 past? Yes, they have discussed earlier the  
25 Camden project, the Irvington project, the

1           Operation Cease Fire that is going on in  
2           Newark. Are they wanted? Yes, most  
3           definitely. Are we also in full compliance  
4           with the laws and the responsibilities that  
5           we have as police officers? We try to walk  
6           that gray line as best we can in order to  
7           keep the community safe, but it's true that  
8           we don't always operate completely within the  
9           guidelines that are directed by the Attorney  
10          General or by Federal or State Law.

11                   MR. DONOVAN: You would agree with  
12           the State Police presentation that through  
13           education and training of their Troopers they  
14           have been able to overcome that comment where  
15           acculturally they were trained in a certain  
16           line of operation but they have overcome that  
17           through education? I don't have a lot of the  
18           data that tells me about what happened as far  
19           as what they did to satisfy the Consent  
20           Decree and what training opportunities they  
21           presented to their Troopers, however, I am  
22           sure their presentation did give it, I  
23           unfortunately wasn't here during that period,  
24           but can training eliminate that? Yes, but  
25           also, you know, it is not just training, it

Hearing 10/24/06

1 is not a robotic situation, it is a situation  
2 where you have to, the trooper or the person  
3 has to take it to heart.

4 An alcoholic is never cured of  
5 alcoholism until they themselves believe they  
6 that they don't want to be an alcoholic  
7 anymore.

8 MR. DONOVAN: Is NOBLE's position  
9 lifting the decree from the New Jersey State  
10 Police?

11 MR. SHIP: We are still in the  
12 process of reviewing that. We were invited  
13 by the State Police to review the MAPPS  
14 system, so at this point we don't have a  
15 formulated position, but we will have one and  
16 make a recommendation back to the committee  
17 at a later date.

18 MR. DONOVAN: And you will include a  
19 survey of your members who are also New  
20 Jersey State Troopers.

21 MR. SHIP: Absolutely.

22 REV. FLOYD: Good evening  
23 gentlemen, good to see you here tonight. That  
24 last question by Mr. Donovan was really my  
25 last question, not to rehash but that is exactly

1           what I wanted to get to. We had the  
2           presentation by the State Troopers' Union and  
3           their position is that the Consent Decree  
4           should be lifted because the Troopers have  
5           complied with it and not just their position, of  
6           course we had documentation. So I want to  
7           know also what is your position, but I will  
8           ask another question then. This will go to  
9           Mr. Morris.

10                        I understand that you are the  
11           Deputy Chief in Newark.

12                        MR. MORRIS: Actually Deputy Chief  
13           retired effective about 20 days ago.

14                        REV. FLOYD: Some of the mechanisms  
15           that were put in place because of the Consent  
16           Decree with the Troopers, how do you feel  
17           about some of the mechanism being employed to  
18           urban police situations? Do you feel that it  
19           would be effective to address some of the  
20           concerns like the MAPP system applied to  
21           Newark and video in the cars?

22                        MR. MORRIS: I think those are all  
23           credible methods in order to ensure  
24           compliance. The internal affairs situation,  
25           for instance, the monitoring of police

Hearing 10/24/06

1 officers, there has to be -- I have to get my  
2 thought here. There has to be a strong  
3 element involved where there is a strong  
4 monitoring process that is involved. Let me  
5 see if I can qualify that.

6 In the Newark Police Department any  
7 complaint that comes in, for example, no  
8 matter how unfounded it may sound in its  
9 initial complaint still is investigated  
10 thoroughly, and an answer is responded.

11 The only time that is circumvented  
12 is when the chief executive or the chief  
13 operating officer negate that. There has to  
14 be, the process goes all the way to the top,  
15 literally on almost every complaint received  
16 by the department. We investigate everything.  
17 We want to know that our offices are  
18 compliant. We want to know that they are  
19 professional. We want to know that they  
20 maintain dignity and the dignity of the  
21 people that they serve. We want to know  
22 that if there is corruption -- and we accept  
23 that there is corruption okay, because any  
24 agency that doesn't accept it, that  
25 corruption exists is just ignoring it -- but we

Hearing 10/24/06

1 want to ensure that all of those things  
2 exist, okay, and that there's a review by  
3 the Department and no complaint goes  
4 unanswered and uninvestigated.

5 REV. FLOYD: Let me try to clarify  
6 my question, for example, as far as I  
7 understand with many of the operating  
8 procedures that the State Troopers have to go  
9 through, making sure that the camera is  
10 working and audio and having to identify the  
11 race of the occupant of the car, all of those  
12 steps and then they have to be reviewed by  
13 tapes, do you think that if the police officers  
14 in Newark had to go through all of that, how  
15 do you think that would be received?

16 MR. MORRIS: Actually we have  
17 recently developed a policy and it is going  
18 to implement it relatively soon, going  
19 exactly in that direction because we are  
20 going to the system, we encourage that, that  
21 is a good thing, it is protective of the  
22 police officer and his conduct and it is also  
23 protective of the individual and their  
24 constitutional protections. So it is good  
25 all around for everyone.

Hearing 10/24/06

1 MR. HARRIS: I want to thank you  
2 for being here this evening. Couple things,  
3 Mr. Morris, you have been with the Newark  
4 Police Department or were with the Newark  
5 Department how many years?

6 MR. MORRIS: 25 years.

7 MR. HARRIS: You have seen some  
8 directors come and go.

9 MR. MORRIS: Absolutely.

10 MR. HARRIS: What is the impact of  
11 the director on the culture of the Police  
12 Department?

13 MR. MORRIS: I think that directives  
14 are, they have their value.

15 MR. HARRIS: Not directives,  
16 directors?

17 MR. MORRIS: Directors, okay.

18 MR. HARRIS: What we have heard is  
19 that leadership at the top of the  
20 organization may be a critical aspect of how  
21 embedded things remain or how things might  
22 fall apart.

23 MR. MORRIS: I believe absolutely  
24 that to be true. The strengths and character  
25 of the leadership is the motivating force and

1 I think by sheer force of will sometimes and  
2 force of character, the leadership of the  
3 organization is the driving force and gives  
4 the direction of the organization and goes  
5 right from the top right down to the Deputy  
6 Chiefs in my organization. Captains right  
7 down through to the troops. It is that  
8 force and that person's belief that he is  
9 doing what's right for the organization which  
10 drives good policing in my estimation.

11 MR. HARRIS: In your opinion, what  
12 impact do you think the diversity of the  
13 police force has on the perception and  
14 confidence of people in the communities?

15 MR. MORRIS: I think diversity has  
16 a lot on perception, it may not have impact on  
17 the operations but on the perception of the  
18 community. I think people when they see  
19 people who look like them policing them,  
20 there may be a little bit of comfort involved  
21 there.

22 Still people of color would look  
23 and say well, it's still the State, it's  
24 still the institution, it is still the police  
25 and there's a certain amount of respect maybe

1 even apprehension that may go along with that  
2 marriage, if you will. But does diversity  
3 in organization help? I believe absolutely  
4 so. I think the things that I bring along as  
5 Brian Morris to the police Department,  
6 absolutely had a significant impact on the  
7 direction of the Newark Police Department  
8 over the last 25 years.

9 I have had the opportunity to  
10 instill my values in the organization over  
11 the years and I think it's done significant  
12 good for the overall organization and me  
13 having the opportunity to operate in the  
14 higher echelons of the department is no  
15 different than younger people and people who  
16 do not have the rank or the position. They  
17 still can implement their values, and if they  
18 have good value sets, I think you are going  
19 to have good policing.

20 MR. HARRIS: There's been some --  
21 I'm sorry.

22 MR. SHIP: I was going to answer,  
23 that it is quite frankly smart policing that  
24 builds trust in the communities that you  
25 serve.

Hearing 10/24/06

1                   MR. HARRIS: You have heard the  
2                   State Police Associations indicate that in  
3                   the issue of Newark, Irvington and Camden,  
4                   that the community has embraced and appreciated  
5                   the State police and I am wondering if that  
6                   is a factor of wanting anybody who can stop  
7                   the crime, particularly the killing, in those  
8                   cities. Is that a factor of that or is that a  
9                   factor of believing that the State Police has  
10                  changed their culture and is doing, has  
11                  really made a turn around? For the perception  
12                  of the majority of people in the African  
13                  American community, which do you think  
14                  applies?

15                 MR. MORRIS: I think that these  
16                 cities are financially stressed cities. That  
17                 their tax base are leaving managers in  
18                 difficult positions regarding public safety  
19                 and they are doing whatever is possible and  
20                 necessary in order to effect good policing in  
21                 their communities.

22                 The State Police stepped up on the  
23                 plate and became a part of the law  
24                 enforcement mission in those communities,  
25                 however, I firmly believe that if they didn't

Hearing 10/24/06

1 have the budgetary situations that they found  
2 themselves in, the tax base situation that  
3 they found themselves in, in the cities, that  
4 may not be necessarily a reality.

5 MR. HUERTAS: I am going to step  
6 back to the last page before I ask my  
7 questions. I am going to frame them in the  
8 context of your own words, "Place politics  
9 and personal agendas to the side." Which is  
10 what I am going to do. Couple questions you  
11 define perception versus operational. In  
12 other words, perception of whether it is a  
13 black or minority officer versus the actual  
14 officer or how that officer performs his job.  
15 Do you find that a community wants an officer  
16 that is a minority officer but also who is a  
17 responsible or good officer or do they care  
18 either way as long as it is a good officer  
19 that is doing the job?

20 MR. MORRIS: I believe that the  
21 community wants a good officer doing the job.  
22 Do they want to see the people in their  
23 community reflected there, doing  
24 the job? Yes, absolutely so and like Mr. Ship  
25 said it is good sound thinking when you do

Hearing 10/24/06

1           policing, having adequate representation of  
2           people in these communities to effectuate  
3           police.

4                       MR. HUERTAS: I agree with you 100  
5           percent and that is my next question. Is it  
6           NOBLE that did this racial profiling hand-out?

7                       MR. SHIP: Training program.

8                       MR. HUERTAS: Is that program, was  
9           that extended to the Attorney General's  
10          Office in the State of New Jersey? Is it  
11          utilized within the State of New Jersey?

12                      MR. SHIP: Not utilized within the  
13          State of New Jersey but other states  
14          throughout the United States and we can  
15          provide a copy to the Committee if you want.

16                      MR. HUERTAS: This is 2001 I see.  
17          The second question is has NOBLE reached out, I  
18          gather from your testimony that you are not  
19          too familiar with the internal mechanism that  
20          the State Police has put in place within the,  
21          since the Consent Decree has been in place.

22                      Has NOBLE reached out at any time  
23          to reach out or gather input with the State  
24          Police to have conversation with them at an  
25          early stage, to get input in terms of

Hearing 10/24/06

1 community or in terms of any other  
2 improvements; training, perceptions,  
3 leadership?

4 MR. SHIP: Sure we have reached out  
5 on various occasions and you know as well as I  
6 do, there has been a lot of changes within  
7 the last four years within the State of New  
8 Jersey and the State Police, but we have  
9 reached out to very different  
10 superintendents, Colonel Fuentes as being one  
11 and obviously the direction from him, the  
12 direction that he has to go forward with us  
13 is the direction that comes from the Attorney  
14 General's Office. We have reached out there  
15 also but also we don't feel that we have been  
16 embraced enough as we should be with the  
17 expertise that we bring to the table.

18 MR. HUERTAS: Attorney General's  
19 Office, Superintendent or both?

20 MR. SHIP: A little bit of both  
21 but obviously as I stated earlier, the  
22 Superintendent has to follow the directions  
23 of the Attorney General.

24 MR. HUERTAS: My last question is,  
25 I guess Mr. Dauber and Rev. Floyd stole my

1 question earlier, I am going to make this  
2 half a question. Do you think that the  
3 collection of data, I notice that Mr. Morris  
4 you said that Newark is just now assembling  
5 some of the data collected by the State  
6 Police in the five or six years in terms of  
7 information, race; do you believe that those  
8 same principles, the selection of data along  
9 the same lines that the State police is  
10 collecting now and using as the basis, do you  
11 believe that same principle or those same  
12 guidelines should be applied to local law  
13 enforcement agencies throughout the State in  
14 order to have a better idea of what is going  
15 on in those 400 other municipalities? Has  
16 NOBLE considered that?

17 MR. SHIP: Absolutely. As a matter  
18 of fact I don't know the status of it now, but the  
19 Union County prosecutor - Union County I am a  
20 former director also in the City of  
21 Plainfield - and he has directed police  
22 departments to collect that data. I don't  
23 know - I am going back to when the racial  
24 profiling issue first became as prominent as  
25 it is in the State of New Jersey. The whole

Hearing 10/24/06

1 question of profiling or police conduct is  
2 not unique to the State Police, it is a  
3 problem that is not unique to New Jersey, it  
4 is a phenomenon not only in United States, it  
5 is world wide and in order to police  
6 effectively, we have to have the trust of our  
7 citizenry and that is one of the better ways  
8 to analyze the policing and the data that is  
9 collected. So managers, directors or  
10 superintendents or authorities can make sure  
11 that we are providing the best police service  
12 available.

13 MR. RAMBERT: Thank you for coming  
14 this evening, we appreciate your testimony.  
15 Given that New Jersey is probably one of the  
16 most densely populated states in the  
17 country, given that fact, there have been – the  
18 term best practices has been used quite a bit  
19 by the state police as well as yourself – are  
20 you aware of any states that have a  
21 monitoring system that is not on the Consent  
22 Decree that's been successful?

23 MR. SHIP: Not one that I have  
24 reviewed extensively. I believe Louisiana  
25 had some issues similar to New Jersey with

1 respect to diversity, and they, their numbers  
2 have increased with, as I said, I didn't  
3 review all of the processes, just reading,  
4 some things all actually from their website,  
5 different, best practices that they put in  
6 place have improved not only diversity, but  
7 confidence from the citizens in the State of  
8 Louisiana.

9 MR. SKLAR: Thank you. Good  
10 evening Chief. Thank you for your testimony.  
11 Just a bit of a brief response to Mr. Ship's  
12 comments. Union County does still collect  
13 data. As a matter of fact every stop that  
14 has a complaint is reviewed by the Prosecutor's  
15 Office similar to what they do by the State  
16 Police; Ocean County, Burlington and Camden  
17 have for the past five years and hopefully in  
18 the next hearing we will get more policing of  
19 what they have done.

20 You mentioned a new process  
21 implemented in Newark or about to be  
22 implemented. Prior to that, did your  
23 Department engage in any of the systems or  
24 processes that address the same issues the  
25 State Police have been addressing.

Hearing 10/24/06

1 MR. MORRIS: Sure we did, we have  
2 gone back several years ago, probably back in  
3 the late 90's, part of the Police Foundation  
4 of Washington and developed a program that  
5 monitored police officers. That was the RAMS  
6 Program and what it did was gave us early  
7 warning indications of different types of  
8 conduct, whether it be corruption, whether it  
9 be different types of problems that an  
10 officer may behaving that may be identified  
11 early on and maybe we can take corrective  
12 action to deal with those problems and/or  
13 take punitive action against the officer if  
14 it found that the problem was actually  
15 developing beyond the Offices of Internal  
16 Control, so when it came time what we would  
17 do is we would definitely look at police  
18 officers to ensure that when any criminal conduct  
19 would come up these flags would come up as a  
20 result of that, and I think that's one of the  
21 programs that was implemented long before  
22 this.

23 MR. SKLAR: The new programs you  
24 initiated over and above that?

25 MR. MORRIS: Yes, actually another

Hearing 10/24/06

1 program that they developed with another  
2 concern the name of the organization escapes  
3 me now, it is an updated version if you will,  
4 of the RAMS program.

5 MR. SKLAR: Mr. Ship you mentioned  
6 the IACP, NOBLE, PERF, the Police Foundation  
7 the four entities in regard to the State  
8 Police, do you have monitoring --

9 MR. SHIP: As I said we are going  
10 to prepare a statement to come back with the  
11 specific recommendations. Those are part of  
12 the National Consortium. As you know, those  
13 are the most respected law enforcement or  
14 respected associations throughout the United  
15 States by all levels of law enforcement.

16 MR. SKLAR: I know there was  
17 published a handbook, Racially Biased Policing,  
18 making serious recommendations, some of which  
19 have been acted on by the State Police, but they have  
20 given a lot of serious thought and have  
21 written extensively on that topic. Thank  
22 you.

23 MS. YANG: Thank you Mr. Chairman  
24 and thank you Deputy Chief Morris and Mr.  
25 Ship for testifying this evening. In my

Hearing 10/24/06

1 organization there are no Deputy Chiefs. In  
2 the Newark Police Department there are four  
3 Black Captains in the Department, three of  
4 which are female and the numbers, if you look  
5 at them going down the scale are similar,  
6 why?

7 MR. MORRIS: There's a number of  
8 reasons why I am sure, however, promotion,  
9 even through civil service and through the  
10 testing process has eliminated a number of  
11 candidates that might have been good  
12 candidates up for promotion but it just didn't  
13 happen for them.

14 MS. YANG: Since entry of the  
15 Consent Decree have police officers and  
16 Troopers been directed to attend culture  
17 sensitivity training programs? Are you aware  
18 of that? Are the local police officers and  
19 troopers since the entry of Consent Decree,  
20 have they been asked to attend culture  
21 sensitivity training programs in response the  
22 Consent Decree?

23 MR. MORRIS: I don't know about the  
24 State Police but in our agency we do have  
25 cultural programs it teach us how people use

Hearing 10/24/06

1 their communicative skills as well as other  
2 skills they may have learned at the Academy.

3 MS. YANG: Has that been  
4 implemented prior to 1999 or prior to 1989 or  
5 since --

6 MR. MORRIS: Since 1989, yes.

7 MS. GORDON: A brief request I  
8 would like to thank you gentlemen for  
9 appearing and testifying today. Mr. Ship  
10 you indicated that with previous Attorneys  
11 General you had offered your expertise and it  
12 really wasn't embraced. You don't have to  
13 elaborate as to what that particular  
14 expertise is today, but I would encourage you  
15 to submit whatever it is you would like the  
16 Attorney General to consider and I also in  
17 the spirit of finding common ground, ask that  
18 you also submit that information to  
19 Mr. Hallion, Mr. Flynn and Mr. Jones as well  
20 to encourage a dialogue amongst everybody  
21 involved that has an interest in that  
22 dialogue.

23 MR. SHIP: Yes, we will.

24 CHAIRMAN JOHNSON: Those were on  
25 the previous panel.

Hearing 10/24/06

1 I actually have just a couple of  
2 questions. One, the lifting of the Consent  
3 Decree I understand that NOBLE is formulating  
4 a position on that and clearly we know it  
5 will be a considered one. I was wondering if  
6 you could share with us what you think the  
7 factors ought to be in reaching your decision  
8 on any sort of recommendation?

9 MR. SHIP: Basically what systems  
10 are in place now that weren't in place  
11 before, what are the results of those systems  
12 put in place? Some other factors would be  
13 also going out to various different  
14 communities through Town Hall meetings and  
15 finding out what response or how does a  
16 community feel about those respective systems  
17 that have been put in place, that would be  
18 one aspect of it.

19 CHAIRMAN JOHNSON: So, farther,  
20 part of that would be a conversation of the sort  
21 that Mr. Donovan was talking about, with  
22 members of the African American and other  
23 members of the State Police.

24 MR. SHIP: Yes.

25 MR. MORRIS: I would like to add I

1           also believe that you will find that  
2           monitoring is a very, very important part  
3           while even if the decree is lifted that some  
4           type of monitor has to remain established,  
5           whether it be an independent monitor or even  
6           an auditor, there has to be some compliance  
7           that goes beyond the internal organization. I  
8           think that's just going to have to be a  
9           necessary evil to continue the process.

10                           CHAIRMAN JOHNSON:    Mr. Morris you  
11           talked about your abilities, even though you  
12           were never the top person in the Department,  
13           to affect the culture.  How could the State  
14           Police develop leaders that would continue  
15           this sort of tone that Colonel Fuentes is  
16           accredited with putting in place as the New  
17           York State Police.

18                           MR. MORRIS:    Without having their  
19           leadership training development, that is  
20           clearly what you should have is their  
21           leadership training and developing the skills  
22           of those management and ensuring that when  
23           they come up in the ranks they have a good  
24           approach of the department, of the agency and  
25           also of the community that they serve.

Hearing 10/24/06

1 I think it has to be a very, very  
2 strong component in that organization that  
3 separates them from being, from not being a  
4 part of the agency -- not being a part of the  
5 community. They have to be a part of the  
6 people of this state and if they are apart  
7 from the people of this state then I think  
8 that's where we have our problem. There has  
9 to be much more community input, much more  
10 public input.

11 CHAIRMAN JOHNSON: Thank you and  
12 finally with respect to your recommendations  
13 on oversight and other issues, I think we  
14 will find it helpful if you address what the  
15 role would be of the Attorney General in the  
16 oversight process, separate and apart from a  
17 process that may  
18 involve outside organizations.

19 MR. MORRIS: Yes, we are going to  
20 submit a position on that.

21 CHAIRMAN JOHNSON: I think we are  
22 the only thing standing between everyone here  
23 and dinner so I think if we have a second  
24 round -- we won't have a second round of  
25 questions but we will talk amongst ourselves

Hearing 10/24/06

1 and we may send you in writing additional  
2 questions. Thank you for your participation.

3 MR. HARRIS: I do have one  
4 question. I really appreciate your being  
5 here, do you think there is any reluctance on  
6 the part of members of your organization, in  
7 State Police to come and make personal  
8 testimony?

9 MR. MORRIS: In a word, yes.

10 MR. DONOVAN: One question about  
11 the members what do you represent in the  
12 State of New Jersey as to membership of NOBLE  
13 in real numbers?

14 MR. SHIP: I would have to go back  
15 and check with our membership chairperson to  
16 find out specifically. You asked me how many  
17 members of the New Jersey State Police are  
18 members of NOBLE?

19 MR. DONOVAN: I am trying to get a  
20 sense of the NOBLE Chapter in the State of New  
21 Jersey, what is your membership, who are you  
22 speaking on the behalf of, 100, 200 police  
23 officers?

24 MR. SHIP: There's two chapters in  
25 the State of New Jersey, Northern New

Hearing 10/24/06

1 Jersey and Southern New Jersey Chapter.  
2 Northern New Jersey Chapter, we have over a  
3 hundred members.

4 MR. DONOVAN: Thank you.

5 CHAIRMAN JOHNSON: Thank you both  
6 and we will reconvene at a place to be  
7 determined on November 13. Thank you.

8  
9 (Whereupon the hearing was  
10 concluded at 7:30 p.m.)

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Hearing 10/24/06

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**1** [:24] [151:8] [163:2]  
**1,500** [91:4]  
**10** [4:9] [100:15] [143:25]  
 [144:1,3]  
**100** [38:13] [174:4] [186:22]  
**1184** [:3]  
**12** [36:3] [138:15]  
**1200** [101:4]  
**125** [15:7]  
**126** [89:6]  
**1269** [35:1]  
**12th** [22:5] [60:3]  
**13** [7:23] [31:18] [187:7]  
**13th** [22:5]  
**14** [140:8]  
**1400** [37:1]  
**14th** [15:10] [60:3]  
**15** [6:21] [40:11] [47:21]  
 [53:16] [100:15] [140:11,15]  
**16** [140:15]  
**1800** [145:9] [146:21]  
**18003687652** [:24]  
**1-800-368-7652** [:24]  
**182** [40:13]  
**1921** [107:5]  
**1970s** [107:15]  
**1975** [107:8]  
**1976** [107:8] [150:7]  
**1979** [74:24] [118:17]  
**1986** [106:14]  
**1989** [182:4,6]  
**1996** [40:10] [92:2]  
**1997** [89:2]  
**1998** [35:3] [60:13] [98:13]  
**1999** [3:17] [4:18] [10:20]  
 [33:25] [182:4]

2

**2** [:] [151:11]  
**20** [131:21] [166:13]  
**200** [146:20] [186:22]  
**2000** [142:23] [145:9]  
**2001** [10:3] [151:1] [174:16]  
**2003** [81:5]  
**2005** [40:10] [120:1]  
**2006** [:9] [4:10] [:25]  
**219** [40:11]  
**2277** [:22]  
**238** [40:13]  
**24** [:9] [17:5]  
**25** [48:25] [97:3] [169:6]  
 [171:8]

**250** [111:21]  
**26** [79:19]  
**27** [9:5] [26:24] [56:24]  
 [79:19] [91:8] [93:18,21]  
**28** [79:19]  
**297** [40:11]  
**2nd** [3:8]

3

**3** [151:14]  
**3,000** [70:8]  
**3:30** [:12] [6:18]  
**3:35** [6:19]  
**30** [76:18,19] [:25]  
**3000** [70:18]  
**33** [:22]  
**33rd** [95:23]  
**36** [40:12]  
**368** [:24]

4

**4,500** [150:15]  
**40** [40:15]  
**400** [35:22] [176:15]  
**410** [:22]  
**450** [62:8]

5

**5:00** [96:9]  
**5:45** [6:20]  
**50** [68:4] [125:20] [144:2]  
**500** [17:8] [51:12] [83:20]  
 [114:21]  
**525** [137:2]  
**53** [63:12]  
**566** [62:7]  
**57** [97:14]  
**57th** [31:22]  
**59** [150:16]

6

**6:00** [6:22]  
**600** [37:2]  
**609** [:24]  
**632** [84:11]

7

**7:00** [6:23]  
**7:30** [:12] [6:23] [187:10]  
**75** [13:3] [139:10]

8

**800** [:24] [129:14,22] [136:13]  
 ,20] [137:25] [138:12]  
**80s** [107:20]

9

**9/11** [35:19] [36:15] [79:5]  
**9:00** [96:8]

**900** [9:2,21]  
**90s** [179:3]  
**98** [127:7]  
**989** [:24]  
**9899199** [:24]  
**989-9199** [:24]

A

**abandoned** [110:5]  
**abandoning** [33:10]  
**abilities** [184:11]  
**ability** [28:16] [36:22] [113:  
 9] [138:17]  
**able** [6:25] [9:16] [12:5]  
 [28:10] [29:8] [37:12]  
 [43:11] [59:16] [89:14]  
 [104:14] [113:7,21] [114:7]  
 [132:8] [164:14]  
**above** [21:13] [25:3] [30:4]  
 [37:17] [98:14] [111:24]  
 [179:24]  
**absence** [140:2]  
**absolute** [30:10] [44:23]  
 [49:12]  
**absolutely** [50:11] [60:14]  
 [62:1] [70:7] [71:5] [74:16]  
 [77:14] [79:25] [80:1,3,7]  
 [113:25] [114:4] [137:18]  
 [141:2] [165:21] [169:9,23]  
 [171:3,6] [173:24] [176:17]  
**absolutes** [57:1]  
**academy** [13:5] [74:24]  
 [88:20] [118:18] [133:11]  
 [182:2]  
**acalea** [161:17]  
**accept** [167:22,24]  
**acceptable** [87:10,15]  
**access** [132:8]  
**accidentally** [40:22]  
**accompany** [113:3]  
**accompanying** [28:7]  
**accomplish** [37:13] [39:4]  
 [64:24] [65:2] [70:23]  
**accomplished** [15:18]  
 [20:8] [21:22] [25:22]  
 [28:5] [36:25] [39:14]  
 [66:3] [108:1]  
**accomplishing** [107:23]  
**accomplishment** [29:22]  
 [31:1]  
**accomplishments** [13:2]  
 [32:15] [152:19] [156:10]  
**according** [41:1]  
**accordingly** [113:16]  
**accountability** [32:23]  
 [155:8] [156:7]  
**accounted** [36:7]  
**accounts** [22:16]  
**accredited** [184:16]  
**acculturally** [164:15]  
**acculturated** [151:12]  
 [163:6]  
**acculturation** [163:16]  
**accurate** [30:6] [:6]  
**accurately** [28:17]

**accusations** [22:11]  
**accuse** [24:19]  
**achieved** [38:24] [49:10]  
 [86:15]  
**acknowledge** [35:13] [37:9]  
 [50:7] [152:19]  
**across** [28:1] [29:11] [40:14]  
 [73:23] [77:4] [90:12]  
 [91:5] [116:13] [142:21]  
 [143:18] [150:16]  
**act** [40:18] [71:20] [107:14]  
 [108:10,14,15] [110:11]  
**acted** [180:19]  
**acting** [10:4] [37:7]  
**action** [40:25] [71:15] [179:  
 12,13] [:13,16]  
**actions** [4:13] [65:18] [87:1]  
 [91:12] [154:4]  
**active** [114:17] [118:1]  
 [160:5]  
**actively** [118:3]  
**activities** [16:4] [17:23]  
 [153:14]  
**activity** [42:25] [54:11]  
 [71:12] [102:18] [105:23]  
**actor** [96:20]  
**actual** [154:9] [173:13]  
**actually** [55:13] [56:19]  
 [57:18] [63:6] [67:8,15]  
 [82:11] [89:15] [112:11]  
 [114:15,19] [115:10] [117:  
 19] [118:7] [120:1] [121:23]  
 [130:18] [131:8] [136:7]  
 [141:6] [162:25] [166:12]  
 [168:16] [178:4] [179:14,25]  
 [183:1]  
**add** [16:10] [120:16] [128:4]  
 [183:25]  
**adding** [125:7]  
**addition** [4:21] [159:25]  
**additional** [16:15] [19:14]  
 [25:21] [114:13] [133:9]  
 [136:8] [138:19,21] [149:3]  
 [186:1]  
**address** [3:19] [110:4]  
 [128:15] [166:19] [178:24]  
 [185:14]  
**addressed** [12:25] [69:9]  
 [131:23]  
**addressing** [150:20] [178:25]  
**adequate** [174:1]  
**adhered** [27:21]  
**adjudicated** [154:6]  
**administration** [95:9]  
**administrations** [21:5]  
 [26:1]  
**administrative** [11:6] [16:20]  
 [113:12]  
**admit** [108:23]  
**admitted** [105:1]  
**admonished** [24:12]  
**adopted** [14:25] [106:2]  
**advanced** [133:4]  
**advancement** [73:1]  
**advantage** [89:20]  
**advent** [16:13] [20:7] [113:19]



## Hearing 10/24/06

- aspect** [103:4] [169:20] [183:18]  
**aspects** [13:12] [15:14,19] [47:9]  
**aspersions** [33:22]  
**aspire** [118:25]  
**assault** [96:5]  
**assembling** [176:4]  
**assemblyman** [67:8]  
**asserted** [126:1]  
**assess** [28:17]  
**assessment** [27:5] [111:23]  
**assign** [137:4]  
**assigned** [16:19] [27:2]  
**assignments** [35:23]  
**assimilating** [99:10]  
**assist** [4:5] [21:12] [25:1]  
**assistance** [138:16]  
**assistant** [17:16] [50:24]  
**assisting** [19:22] [34:24]  
**associated** [24:21]  
**associates** [:20]  
**association** [8:23] [9:1,4,10,22] [10:1] [23:19,20,21] [24:8] [26:10,15,21] [73:1] [104:21] [111:17] [115:8] [117:18] [129:22] [159:22]  
**associations** [19:20] [172:2] [180:14]  
**assume** [160:18]  
**assumed** [19:16]  
**assurances** [88:5] [103:11] [155:25]  
**assure** [46:5] [68:7]  
**assured** [21:13]  
**ast** [67:10]  
**ast72** [67:10]  
**ast-72** [67:10]  
**astounding** [15:16]  
**astray** [72:9]  
**atlantic** [17:2]  
**atmosphere** [99:18]  
**attempt** [32:24]  
**attempting** [34:12]  
**attempts** [21:6]  
**attend** [117:19] [142:10] [181:16,20]  
**attended** [3:11]  
**attention** [23:2]  
**attested** [21:25]  
**attitude** [24:23] [84:2] [86:12,20] [97:7,8] [154:3]  
**attorney** [4:3] [11:13] [20:21,24] [34:12] [36:17] [43:19] [49:15] [50:24] [59:12] [63:4,6,7,15,16,23] [64:5,10,13] [66:5] [74:5,8] [77:2] [95:9] [103:15] [106:13,15] [108:8] [124:18] [127:14] [128:1] [133:25] [134:4,5,8,21,25] [136:8] [147:20] [148:25] [152:21,23] [158:2,9] [160:10] [164:9] [174:9] [175:13,18,23] [182:16] [185:15] [:11,14]  
**attorneys** [11:4] [182:10]
- attributed** [13:3]  
**audience** [7:13]  
**audio** [168:10]  
**audit** [44:20]  
**auditing** [124:3]  
**auditor** [20:7,20,23] [21:4] [33:15] [43:2,3,7] [44:4,15,21,23] [45:5,9,14,17,21] [64:3] [65:4] [104:7,11] [132:5,7,19] [134:18] [135:2] [148:18] [158:12] [184:6]  
**auditors** [21:7] [46:5]  
**auditorship** [20:16] [43:21] [103:25]  
**august** [10:2]  
**authorities** [177:10]  
**authority** [43:9] [44:12] [45:13]  
**autonomous** [44:21,25] [132:7]  
**autonomy** [33:16] [135:14]  
**availability** [91:17]  
**available** [7:9,21,25] [29:4] [42:8] [44:6,7] [92:19] [126:12] [157:12] [177:12]  
**average** [59:2]  
**avoid** [123:24] [126:15]  
**awards** [36:19]  
**aware** [85:10] [118:11] [119:23] [120:18] [177:20] [181:17]  
**awareness** [130:6]  
**away** [24:10] [72:5] [73:12] [81:1] [85:13] [88:25] [89:17] [99:3] [100:7] [103:2,21] [119:6]  
**awhile** [100:23]  
**awkward** [113:18]  
**axiom** [39:14]
- 
- B**
- baby** [140:5]  
**back** [10:19] [24:15] [55:14] [70:15] [75:1] [78:6] [87:17] [89:2,18] [98:13] [103:7,9] [107:5] [109:2,3] [110:9] [111:13] [116:9] [117:13] [118:17] [123:2] [125:9] [130:16] [133:11] [136:1,22] [137:9] [140:15] [146:19] [147:15] [148:14,20] [160:10] [163:21] [165:16] [173:6] [176:23] [179:2] [180:10] [186:14]  
**background** [4:17]  
**backgrounds** [107:6]  
**backs** [20:11]  
**backslide** [64:21]  
**backsliding** [27:22] [34:17] [88:1] [92:15]  
**backwards** [92:25] [93:19]  
**bad** [70:20] [72:18] [102:7,8]  
**baggies** [12:16]  
**bags** [14:15]
- balance** [13:25] [41:4] [54:12] [56:13] [80:9] [144:23] [151:19]  
**balances** [17:13] [64:3] [83:18] [85:9] [110:18]  
**ball** [12:18]  
**bank** [102:9]  
**bar** [104:20]  
**bargain** [15:13] [62:18]  
**bargaining** [34:13] [114:6]  
**barracks** [27:1] [52:6] [84:5]  
**barred** [97:5]  
**barriers** [142:5]  
**base** [28:1] [62:15] [172:17] [173:2]  
**based** [16:10] [22:16] [23:22] [43:25] [45:14] [56:7] [60:18] [82:14] [83:1] [88:1] [96:16,17] [106:7] [107:10] [122:6] [127:2] [135:6]  
**basically** [22:22] [43:23] [44:5] [53:5] [67:5] [68:24] [85:22] [135:17] [136:18] [161:18] [183:9]  
**basis** [20:18] [43:24] [52:20] [92:21] [93:19] [103:5] [119:9] [127:13] [142:22] [176:10]  
**basketball** [12:15]  
**became** [113:17] [172:23] [176:24]  
**become** [76:12] [118:23] [129:13] [132:5]  
**becoming** [72:6] [123:11] [148:17]  
**begging** [146:4]  
**beginning** [43:12] [119:25]  
**behalf** [8:15] [9:20] [26:14] [161:14] [186:22]  
**behaving** [179:10]  
**behavior** [16:8] [28:12] [29:11] [60:9] [70:24] [83:4] [84:2,3] [86:9,12,21] [87:6,10] [124:16]  
**behind** [86:18] [111:4]  
**beholder** [81:14]  
**beings** [70:8,18]  
**belief** [170:8]  
**beliefs** [116:7]  
**believe** [5:20] [22:18] [25:16] [27:4] [74:2] [85:24] [91:15] [92:9] [98:23] [101:22] [104:24] [105:1] [106:21] [107:7] [142:6] [144:24] [147:11] [153:3] [154:25] [157:18,25] [158:9,11,15,16] [163:18] [165:5] [169:23] [171:3] [172:25] [173:20] [176:7,11] [177:24] [184:1]  
**believing** [172:9]  
**belong** [99:8]  
**below** [9:7] [26:23]  
**benchmarks** [30:8]  
**bending** [92:25]
- bends** [93:18]  
**besides** [82:18] [130:3]  
**best** [18:24] [29:3] [30:10] [40:24] [47:20] [48:17] [49:13] [60:15] [77:17] [78:5] [80:3] [82:23] [94:6,8] [107:11] [115:17] [116:18] [155:15] [157:23] [158:13] [162:15,19] [164:6] [177:11,18] [178:5]  
**better** [59:19] [75:17] [85:23] [97:1,10] [126:24] [130:11] [140:20] [141:2] [148:14] [154:15] [155:10] [163:9] [176:14] [177:7]  
**beyond** [30:4] [32:8] [88:22] [155:18] [179:15] [184:7]  
**biased** [180:17]  
**biblical** [65:14]  
**bidding** [142:18]  
**big** [99:12,23,24] [109:16]  
**biggest** [88:11] [99:2]  
**bill** [68:5]  
**bills** [68:4]  
**bit** [43:6] [75:17] [117:25] [120:23] [136:15] [170:20] [175:20] [177:18] [178:11]  
**black** [6:15] [23:4] [81:22] [90:15] [94:18] [121:22] [143:12] [149:15,21] [150:6,11] [173:13] [181:3]  
**black/white** [142:2]  
**blame** [97:11]  
**blaming** [106:13]  
**blessed** [32:11]  
**blinders** [14:7]  
**blindly** [111:12]  
**blow** [71:9] [103:6]  
**board** [10:8,11] [20:17] [21:2] [43:4,10,13,14] [44:11,16] [45:7,12] [46:4] [73:23] [77:4] [90:12] [103:25] [104:9,10,12] [116:14] [120:2] [132:15] [139:20] [140:13] [142:9,14,21] [143:19]  
**boards** [140:6]  
**bodies** [94:18]  
**body** [64:8]  
**bolts** [61:15] [134:3]  
**bond** [58:6]  
**books** [19:23]  
**bordentown** [:10,11]  
**boring** [47:6]  
**born** [152:12]  
**borne** [20:10]  
**boss** [63:9,15] [64:11,12] [84:12,19] [95:1]  
**bosses** [145:12]  
**bottom** [28:20] [58:19] [71:2]  
**bounce** [140:25]  
**bounds** [31:16]  
**branch** [19:2]  
**brand** [89:5]  
**breadth** [160:3]

## Hearing 10/24/06

**break** [6:21] [66:12] [102:9]  
 [122:1] [128:10] [135:23]  
**breaking** [124:19]  
**breath** [117:14]  
**breathed** [16:24]  
**breed** [66:21]  
**brian** [149:19] [150:4] [171:  
 5]  
**bridge** [75:3]  
**brief** [105:7] [122:3] [178:11]  
 [182:7]  
**briefly** [136:12]  
**bright** [56:22]  
**brightest** [18:25] [78:5]  
**bring** [54:22] [77:23] [78:9]  
 [89:1] [120:21] [140:12]  
 [145:21] [171:4] [175:17]  
**bringing** [22:2]  
**brings** [41:10] [150:25]  
**broad** [134:5]  
**broader** [28:1]  
**broken** [107:21]  
**brooms** [12:14]  
**brothers** [95:24]  
**brought** [4:18] [35:19]  
 [81:3] [85:2] [89:1]  
**brown** [42:18,19,21] [44:9,16]  
 [45:4] [46:9]  
**brunswick** [27:1]  
**buck** [17:15] [113:3,21]  
 [114:3]  
**budgetary** [173:1]  
**build** [5:8] [59:19]  
**builds** [171:24]  
**bumper** [129:24]  
**burdensome** [86:5]  
**buried** [34:2]  
**burlington** [178:16]  
**bus** [74:10] [78:3] [146:7]  
**business** [20:19]  
**businesslike** [20:19]  
**business-like** [20:19]  
**buy** [18:19] [39:24] [102:1]  
 [125:4,13]  
**buyin** [18:19] [125:4,13]  
**buy-in** [18:19] [125:4,13]  
**buying** [79:15]

### C

**c.s.r** [:19]  
**cad** [29:13] [66:14] [115:12]  
**cadillac** [96:9]  
**calls** [35:6] [61:17] [101:14]  
**caliber** [159:25]  
**call** [23:1,4] [52:18,25]  
 [55:25] [112:14] [120:10]  
 [129:16,24] [136:22] [137:  
 2,7] [138:17] [145:11]  
**called** [89:14]  
**calling** [56:19]  
**camden** [12:8] [17:1] [77:11  
 ,18] [80:23] [82:9] [146:14]  
 [147:3] [163:25] [172:3]  
 [178:16]  
**camera** [89:15] [168:9]

**cameras** [34:1] [86:10]  
 [89:13] [116:18,19] [126:9  
 ,13,22]  
**campaign** [137:17]  
**candidates** [181:11,12]  
**cane** [55:13]  
**cans** [12:14]  
**cant** [8:6] [54:7] [70:25]  
 [83:3] [95:20] [97:11]  
 [133:7] [148:14]  
**capability** [18:15]  
**capacity** [138:17]  
**captain** [61:14] [75:6] [77:3]  
 [90:11] [134:14]  
**captains** [170:6] [181:3]  
**capture** [71:13]  
**car** [13:19,21] [16:15] [55:9]  
 [68:15] [69:15] [112:19]  
 [168:11]  
**card** [7:10]  
**cards** [7:9]  
**care** [173:17]  
**cared** [109:15]  
**career** [18:17] [49:17] [67:21]  
**careers** [10:15]  
**careful** [21:3] [54:1]  
**caring** [38:22]  
**carmelo** [83:6]  
**carried** [52:9] [100:14]  
**carries** [138:3] [144:14]  
**carroll** [46:10,11,13] [47:1]  
 [50:21] [130:25] [136:11,12]  
 [137:16,19] [157:15,16,22]  
 [158:11,19]  
**carrot** [71:24] [100:8]  
**carry** [14:19] [18:8] [19:3]  
**cars** [16:13] [34:2] [74:22]  
 [166:21]  
**case** [32:6] [36:21]  
**cases** [32:24]  
**casings** [12:16]  
**cast** [33:22] [40:20]  
**catch** [60:5]  
**categories** [29:8]  
**category** [47:22]  
**cause** [54:23] [79:2] [152:7]  
**caused** [80:23,24]  
**causes** [55:19]  
**cease** [147:4] [164:1]  
**ceasefire** [82:3]  
**ceiling** [96:7]  
**ceilings** [97:4]  
**celebrate** [111:6]  
**cell** [7:4] [126:18]  
**cement** [38:5] [148:7]  
**center** [:10,21] [11:19]  
 [146:19]  
**centered** [58:25]  
**centers** [108:24] [109:1]  
 [154:21]  
**central** [118:22] [119:3]  
**century** [96:12]  
**ceremony** [36:20]  
**certain** [47:9] [50:10] [53:13]  
 [59:18] [63:12] [67:24]  
 [83:20] [87:21] [90:1,6]

[107:24] [123:20] [142:18]  
 [159:8] [160:3] [164:15]  
 [170:25]  
**certainly** [13:2] [29:1,16]  
 [47:9] [50:16] [52:20]  
 [56:7] [63:13] [71:8] [74:11]  
 [108:22] [121:1,15] [125:16]  
 [132:9] [139:1] [140:4]  
 [142:10]  
**certified** [:2]  
**certify** [:5,10]  
**cetera** [45:2] [67:21] [69:17]  
 [107:12]  
**chain** [45:20] [133:7,22]  
**chair** [135:11] [143:15]  
**chairman** [:15] [3:1] [9:18]  
 [18:2] [20:6] [24:24] [26:5,7  
 ,13] [42:4,22] [46:10] [50:22]  
 [51:2] [58:9] [63:21] [65:6]  
 [72:22] [73:4] [83:5] [90:19  
 ,23] [103:14] [104:18]  
 [111:15,18] [115:6] [121:20  
 ,21] [128:9] [129:1] [130:14  
 ,23] [133:24] [135:22]  
 [136:1] [148:24] [149:3,12  
 ,25] [157:8] [158:20] [180:23]  
 [182:24] [183:19] [184:10]  
 [185:11,21] [187:5]  
**chairperson** [186:15]  
**challenge** [35:17] [39:2]  
**challenged** [22:11] [29:25]  
**challenges** [87:13]  
**chance** [76:23] [79:7] [118:  
 15] [124:9] [156:16,18]  
**chang** [119:9]  
**change** [10:4,22] [12:22]  
 [57:7] [70:24] [82:17]  
 [113:24] [122:5] [123:10]  
 [128:18,20] [131:15] [134:  
 18] [142:1,2] [146:11]  
 [153:4] [155:7] [156:11]  
 [161:11] [163:1,19]  
**changed** [51:19] [112:8]  
 [131:7] [154:3] [172:10]  
**changes** [51:21] [53:3]  
 [153:9] [162:4] [175:6]  
**changs** [120:5]  
**chapter** [72:25] [149:14,17  
 ,20] [186:20] [187:1,2]  
**chapters** [150:16] [186:24]  
**character** [31:15] [169:24]  
 [170:2]  
**characterization** [78:16]  
**charge** [3:9,10] [30:21]  
 [44:20] [58:11] [77:1]  
 [121:11] [124:17]  
**charged** [3:21] [44:25]  
 [64:10] [75:6] [136:24]  
**charging** [91:15]  
**charts** [61:17]  
**check** [86:8] [90:25] [140:24]  
 [186:15]  
**checked** [124:11]  
**checks** [17:13] [37:4] [64:2]  
 [83:17] [85:8] [110:18]  
 [140:19]

**chevrolet** [96:10]  
**chief** [65:9] [127:13] [148:25]  
 [149:19] [166:11,12] [167:  
 12] [178:10] [180:24]  
**chiefs** [111:17] [150:17]  
 [151:14] [159:22] [170:6]  
 [181:1]  
**chilling** [13:23] [40:7] [53:12  
 ,21,23] [54:16] [55:16,25]  
 [57:2] [86:24]  
**china** [118:19,20]  
**chip** [34:13] [126:17]  
**chocolate** [62:11,12]  
**choices** [96:14]  
**choose** [138:18]  
**choosing** [54:9]  
**chose** [25:11] [36:12] [49:4]  
**church** [65:9] [90:21]  
**churches** [24:1] [74:11]  
**cincinnati** [34:19]  
**circulating** [7:13]  
**circumstances** [3:13]  
 [23:13]  
**circumvent** [102:6]  
**circumvented** [167:11]  
**cite** [53:13]  
**cites** [32:15]  
**cities** [12:13,14] [40:11]  
 [76:4] [99:7] [108:10]  
 [172:8,16] [173:3]  
**citizenry** [177:7]  
**citizens** [115:18] [123:7]  
 [178:7]  
**city** [14:14] [17:3] [32:15]  
 [35:21] [55:24] [65:10]  
 [82:5] [109:3] [125:16]  
 [176:20]  
**civil** [54:6] [67:10] [107:14]  
 [108:10] [111:22] [181:9]  
**claimed** [91:18]  
**claims** [126:1]  
**clarify** [129:2] [168:5]  
**class** [74:25] [86:19] [94:15]  
 [133:1,6]  
**classes** [75:1]  
**classmate** [118:18]  
**clay** [140:13]  
**clear** [5:24] [14:8] [39:22]  
 [45:6] [87:18] [88:10]  
 [105:3] [154:19]  
**clearing** [140:20]  
**clearly** [30:14] [31:25]  
 [78:14] [104:13] [115:25]  
 [134:11] [162:2,9] [183:4]  
 [184:20]  
**client** [34:13]  
**clock** [6:19]  
**close** [34:21] [127:21]  
**closer** [123:2] [132:16]  
**coalition** [10:9]  
**cocaine** [14:15]  
**code** [67:11]  
**codey** [37:7]  
**codification** [19:18] [67:7]  
 [147:20]  
**codifications** [37:20]

## Hearing 10/24/06

**codified** [67:15]  
**codify** [67:14]  
**cohen** [67:9]  
**cohesive** [43:18]  
**coincidence** [39:10]  
**colleague** [58:15]  
**collect** [176:22] [178:12]  
**collected** [176:5] [177:9]  
**collecting** [176:10]  
**collection** [29:24] [33:18] [153:20,22,25] [176:3]  
**collective** [45:22] [114:6]  
**collectively** [122:15]  
**college** [48:22] [49:2,10] [89:25] [102:23] [103:1]  
**colleges** [74:9]  
**colonel** [4:12] [5:15] [20:24] [33:13] [43:16] [46:1,16] [49:16] [64:14] [88:3] [115:15] [118:8] [119:19] [131:20] [145:23] [161:2,7] [175:10] [184:15]  
**colonels** [131:2]  
**color** [18:17] [38:18] [98:20] [108:25] [150:10] [170:22]  
**colored** [73:1]  
**colors** [15:14]  
**comfort** [170:20]  
**comfortable** [57:4] [84:10]  
**coming** [24:2] [69:24] [75:18] [89:6] [95:13] [105:9] [125:22] [133:11] [142:9] [177:13]  
**command** [45:20] [106:18] [135:18]  
**commander** [17:16,17]  
**commanders** [17:18]  
**commend** [144:25] [152:3]  
**commended** [161:10]  
**comment** [89:24] [90:7] [120:17] [164:14]  
**comments** [6:4] [8:11] [43:1] [54:14] [58:14] [83:11] [109:12] [110:9] [178:12]  
**commission** [22:23] [144:10] [152:2] [156:20]  
**commissioned** [9:22]  
**commitment** [19:2] [30:15] [31:16] [39:9] [53:5] [80:6] [94:13]  
**commitments** [37:22]  
**committee** [5,14] [3:6,8,10] [4:21] [5:6,22] [6:11] [7:17,23] [8:9,15] [9:24] [10:7] [13:7] [25:17] [26:6,14] [27:12] [29:12] [30:23] [41:3] [46:15] [70:15] [103:17] [120:19] [128:3] [130:16,20] [136:5] [139:6,14,17] [140:3] [159:20] [165:16] [174:15]  
**committees** [7:25]  
**common** [97:17] [182:17]  
**communication** [16:11]  
**communicative** [182:1]

**communities** [14:17] [75:18] [76:25] [78:6] [80:20,21] [82:2,13] [96:23] [98:25] [146:14] [150:10] [157:23] [170:14] [171:24] [172:21,24] [174:2] [183:14]  
**community** [5:2] [12:11,21] [18:13,22] [21:1] [23:5,22] [24:5] [43:4,10,15] [46:3] [62:17,22] [73:25] [74:16] [75:16] [76:1,6,16] [77:21] [80:15,18,24] [81:21] [82:7,22] [91:6] [97:2] [100:18,21] [118:12] [119:7,14,16] [120:8,13] [127:4] [150:14,21] [152:15] [153:5,18] [154:4] [155:20,25] [156:6] [163:22] [164:7] [170:18] [172:4,13] [173:15,21,23] [175:1] [183:16] [184:25] [185:5,9]  
**communitybased** [21:1] [43:15]  
**community-based** [21:1] [43:15]  
**communityembraced** [12:11]  
**community-embraced** [12:11]  
**company** [23:11]  
**comparisons** [33:3]  
**compassionate** [35:10]  
**competing** [40:20]  
**compiled** [22:21]  
**complainants** [154:10]  
**complaint** [93:6] [113:4] [115:22] [129:17] [136:16,19] [137:3] [138:3] [167:7,9,15] [168:3] [178:14]  
**complaints** [24:2] [34:10] [115:18] [125:22] [127:15] [129:15] [130:4] [136:14] [137:15] [138:1] [154:4,5]  
**completed** [20:11] [117:3] [122:9]  
**completely** [164:8]  
**complex** [151:24]  
**compliance** [12:6] [15:8] [22:24] [28:4] [38:24] [51:5] [153:2] [164:3] [166:24] [184:6]  
**compliant** [40:1] [55:1] [66:23] [94:1] [121:9] [167:18]  
**complianttype** [66:23]  
**compliant-type** [66:23]  
**complied** [15:6] [30:18] [61:25] [128:23] [166:5]  
**compliment** [138:18]  
**compliments** [138:13]  
**comply** [38:11] [58:17] [155:2]  
**complying** [11:15] [152:23]  
**component** [185:2]  
**components** [101:24] [129:5]

**composition** [44:10]  
**comprehensive** [44:11] [68:12] [108:13,15] [152:6]  
**comprise** [21:1] [44:18]  
**compromised** [49:9]  
**computer** [16:14,15] [29:23] [129:19]  
**concealing** [13:20]  
**concept** [102:1] [114:15] [124:9] [133:16] [135:16] [148:19]  
**concepts** [15:1] [19:19] [24:25] [25:11] [51:8] [124:25] [135:8,21]  
**concern** [28:14,18] [34:2] [41:17] [87:9] [94:23] [152:8] [153:1] [180:2]  
**concerned** [13:9,17] [22:13] [25:21] [33:20] [40:9] [54:21] [68:16] [143:22]  
**concerning** [19:24]  
**concerns** [29:6] [31:11] [41:21] [82:1] [109:14] [121:4] [123:9] [150:21] [159:9] [166:20]  
**concerted** [43:17]  
**concluded** [187:10]  
**conclusion** [15:4] [25:8]  
**concrete** [16:10]  
**concur** [59:17] [141:2]  
**concurrence** [91:1]  
**condemning** [34:1]  
**condition** [123:5]  
**conditions** [75:22] [94:8]  
**conduct** [158:2] [168:22] [177:1] [179:8,18]  
**confidence** [5:1] [14:19] [24:5] [67:2] [73:18] [80:10,25] [144:17] [148:15] [156:17] [170:14] [178:7]  
**confident** [18:6]  
**confined** [91:3]  
**confines** [14:11]  
**confiscated** [100:4]  
**conflicts** [145:22]  
**conform** [30:1]  
**conforming** [11:15]  
**conformity** [37:23]  
**confront** [11:20]  
**congratulate** [25:13]  
**congregation** [91:3]  
**congregations** [91:5]  
**consent** [3:16,25] [4:18] [6:1] [9:25] [11:16] [13:6] [17:7] [21:17,21] [25:7] [27:7,17] [28:6] [30:1,5] [32:18,20] [33:1] [35:15] [37:23] [46:17] [52:7,11] [56:17] [57:12,17] [58:17] [61:12] [68:13,18,24] [69:6] [71:5] [72:4] [80:7] [83:19] [84:7] [85:1,16,20] [86:11,24] [87:3] [91:9] [97:23] [101:5] [115:11,16] [116:3,8] [117:1,8] [122:18] [128:17,22,24] [129:5]

**consider** [182:16]  
**considerable** [16:22]  
**consideration** [20:5]  
**considerations** [36:5]  
**considered** [8:9] [78:24] [176:16] [183:5]  
**considers** [99:5]  
**consistent** [56:5]  
**consisting** [43:10,14]  
**consortium** [161:17] [180:12]  
**constant** [156:8]  
**constantly** [16:3] [148:11,12]  
**constituent** [33:21] [62:15]  
**constitute** [35:4] [140:8]  
**constitutes** [85:12]  
**constitutional** [27:10] [28:4] [32:6] [35:9] [42:1] [54:9] [57:23] [66:23] [69:8] [79:12] [83:12,13,14] [84:23] [88:21] [109:19] [168:24]  
**constitutionally** [14:10] [54:25] [79:3] [163:11]  
**constructive** [122:4]  
**contact** [136:22]  
**contacts** [150:24]  
**context** [123:8] [173:8]  
**continual** [161:11,12]  
**continually** [23:16]  
**continue** [6:20,23] [18:18,21] [20:16] [39:15] [44:24] [45:3] [46:1] [57:17] [65:4] [67:12] [78:17] [80:2] [88:17] [89:12] [98:9] [100:10] [111:7] [112:20] [123:20] [148:9] [153:13,24] [154:22] [155:24] [184:9,14]  
**continued** [34:15] [100:23] [153:20] [156:11]  
**continuing** [14:16] [19:10] [46:6] [77:13] [158:16]  
**continuously** [98:6]  
**contract** [38:9] [57:13] [58:6] [64:17] [69:4,25] [86:10,11] [111:1] [122:7,9,11,14,17,23] [123:1,6,21] [124:14] [131:21]  
**contracts** [48:5]  
**contradict** [115:21]  
**contribute** [121:15]  
**control** [29:15] [70:18] [134:6] [179:16]  
**convalescing** [9:15]  
**convene** [152:4]  
**convenience** [104:15]  
**convention** [11:24] [121:22]  
**conversation** [126:20] [146:16] [174:24] [183:20]  
**conversations** [120:7] [141:22]

## Hearing 10/24/06

**convert** [130:5]  
**conviction** [36:15]  
**convictions** [21:25]  
**convince** [82:21] [99:15]  
**cool** [126:5]  
**cop** [41:5] [76:14] [119:1]  
**copies** [73:6]  
**cops** [76:12] [96:18] [118:23] [162:22]  
**copy** [68:4] [174:15]  
**core** [153:4] [154:1] [155:14]  
**corner** [76:14] [79:13]  
**corporate** [:21]  
**corporation** [121:21]  
**corporations** [97:6]  
**correct** [28:11] [41:9] [71:16] [72:10] [89:22] [93:21] [148:13]  
**corrected** [92:9]  
**correcting** [16:8]  
**corrections** [:2] [76:2] [84:3]  
**corrective** [179:11]  
**correctly** [72:19,20]  
**corruption** [118:21] [167:22 ,23,25] [179:8]  
**corzine** [152:3]  
**cost** [19:8] [135:16]  
**cottage** [40:5]  
**couldn** [17:21]  
**couldnt** [107:24] [115:20] [161:21]  
**council** [10:6] [120:2]  
**councils** [24:1]  
**counsel** [62:5] [104:19] [:12,14]  
**country** [27:11] [30:3] [31:23] [35:18] [39:21] [75:12] [151:5] [177:17]  
**county** [24:20] [37:3] [41:16] [125:15,16] [127:7] [150:18] [176:19] [178:12,16]  
**couple** [6:17] [51:8] [61:13] [83:11] [108:3] [112:3] [128:10] [132:22] [134:23] [145:15] [147:14] [169:2] [173:10] [183:1]  
**coupled** [108:20]  
**course** [11:13] [17:12] [41:9] [52:13] [151:3] [166:6]  
**court** [3:16] [4:1] [12:16] [21:25] [163:12]  
**courts** [12:15] [57:25] [125:24] [163:12,15]  
**covered** [100:14]  
**covering** [17:4]  
**crack** [110:21]  
**craft** [19:22]  
**create** [29:25] [32:16] [108:4] [113:9] [114:6] [116:24]  
**created** [30:5] [32:20] [38:12] [61:24] [79:16] [107:13] [108:11] [110:13] [150:9]  
**creates** [57:15]  
**creating** [17:24] [61:16]

**creation** [60:18]  
**credible** [166:23]  
**credit** [119:6]  
**creed** [18:17]  
**crest** [:21]  
**crime** [12:12] [27:3] [40:14] [103:2] [107:16] [108:11] [150:9,13] [155:11,12] [172:7]  
**crimes** [40:16]  
**criminal** [54:11] [109:17,18] [111:4] [163:9] [179:18]  
**cringe** [141:3]  
**crisis** [84:15] [108:24]  
**criteria** [18:1] [47:21] [90:2] [93:15]  
**critical** [20:23] [21:7] [28:4] [65:2] [87:24] [101:24] [132:10,19] [144:7] [169:20]  
**criticism** [24:14]  
**critics** [22:3]  
**cross** [97:16] [109:21]  
**crossed** [55:20]  
**crowded** [54:8]  
**cry** [140:4] [156:12,13,14]  
**cultural** [181:25]  
**culture** [153:10,22] [169:11] [172:10] [181:16,20] [184:13]  
**cumbersome** [114:10,12]  
**cured** [165:4]  
**current** [18:5] [20:14] [39:19] [40:10] [47:14] [84:18] [123:5] [134:10] [135:7] [158:1]  
**currently** [33:11] [71:18] [94:10] [139:18]  
**curve** [62:4]  
**cut** [67:11] [89:18] [110:3]  
**cutting** [42:1]

**D**

**d.c** [36:19]  
**damn** [148:13]  
**damned** [143:10,11]  
**dangerous** [54:20]  
**dart** [132:13]  
**data** [16:10] [22:22] [29:24] [33:19] [56:23] [66:15] [153:20,21,24] [164:18] [176:3,5,8,22] [177:8] [178:13]  
**date** [20:2] [30:6] [31:5] [165:17] [:8,25]  
**dauber** [50:22,23] [51:1] [53:2,9] [57:6] [58:8,15] [138:19] [158:20,21] [160:5,13] [175:25]  
**daughters** [76:25]  
**dave** [129:23]  
**david** [8:21] [9:3] [26:19] [71:20] [120:5]  
**day** [12:19] [15:19] [17:4,8] [20:3] [36:4,8] [51:12] [52:5] [70:20] [76:11] [82:20] [102:7] [106:18] [110:15] [135:5,10] [145:10 ,14]  
**days** [36:3] [79:22] [84:6] [166:13]  
**daytoday** [15:19] [52:5]  
**day-to-day** [15:19] [52:5]  
**de** [21:20] [53:17,18] [54:2] [55:25]  
**dea** [105:8]  
**dead** [32:3]  
**deal** [17:22] [46:15] [59:22] [70:1] [71:14] [117:3,5] [119:10] [131:4] [142:25] [145:16] [146:20] [179:12]  
**dealer** [81:25]  
**dealers** [96:5]  
**dealing** [26:17] [29:6] [41:16] [55:4] [70:19] [147:9]  
**dealt** [128:25] [146:17]  
**debate** [32:12] [50:2] [77:14] [88:23]  
**debates** [151:21]  
**decade** [26:24]  
**decades** [34:4]  
**decay** [107:17]  
**december** [10:20]  
**decide** [50:4] [55:6] [57:4] [64:8]  
**decided** [94:24]  
**deciding** [99:22]  
**decision** [99:12,13] [135:6] [139:15] [152:4] [183:7]  
**decisions** [17:25] [57:23] [157:1]  
**decreased** [40:15]  
**decree** [3:17,25] [4:18] [6:2] [10:1,14] [11:1,16] [12:6] [13:6,12] [14:4,11,18 ,24] [15:6,14] [16:22] [17:7 ,9] [18:8] [19:4,25] [20:3,10 ,15] [21:17,21] [22:10] [23:24] [24:9,18] [25:1,7,11 ,19] [27:7,17] [28:6] [30:1,5 ,17,22] [32:18,21] [33:1] [35:16] [37:24] [38:8,13] [40:8,9,22] [46:18] [52:7,11] [53:12] [56:17] [57:12,17] [58:17] [60:19] [61:12] [68:13,18,24] [69:6] [71:5] [78:12] [79:1] [80:7] [83:19] [84:7] [85:1,16,20] [86:11,24] [87:3] [88:4] [89:6] [91:9] [97:23] [101:5] [112:12] [113:19] [115:1,11,16] [116:3,8] [117:1,8] [122:18] [127:1] [128:17,22,24] [129:5] [130:19] [132:23] [147:16] [152:5,7,10,16,24] [153:2,17] [155:3,18] [156:9,14] [157:20] [158:5 ,25] [159:9,15] [164:20] [165:9] [166:3,16] [174:21] [177:22] [181:15,19,22] [183:3] [184:3]  
**decrees** [32:14]

**dedicated** [16:21] [19:10]  
**dedication** [31:4] [131:9]  
**deep** [153:7]  
**defeated** [47:12]  
**defeats** [50:11]  
**defender** [65:9]  
**defending** [143:9]  
**defense** [34:11] [126:2]  
**deference** [50:6]  
**deficiencies** [28:8] [33:5]  
**deficient** [129:9]  
**define** [173:11]  
**defined** [47:7]  
**definite** [23:13]  
**definitely** [129:25] [164:3] [179:17]  
**degree** [49:10] [102:23]  
**deliberate** [8:10]  
**deliberations** [130:21]  
**delicate** [56:13]  
**deliver** [64:20]  
**delve** [153:7]  
**demographic** [29:12]  
**demonstrates** [30:14]  
**demoralizing** [60:17] [79:25]  
**dennis** [8:21] [54:1] [60:7] [119:7] [129:23]  
**denouncing** [152:13]  
**densely** [177:16]  
**deny** [151:22]  
**department** [3:14,18] [10:21] [24:20] [25:5] [27:16] [28:5] [30:2] [36:10,12,24] [38:7] [39:23] [57:10,13] [58:7] [69:5,10] [76:2] [81:10] [91:13] [107:9] [110:19] [114:11] [116:5] [122:9] [123:13] [126:22] [127:11] [152:11,20] [155:22] [167:6,16] [168:3] [169:4,5,12] [171:5,7,14] [178:23] [181:2,3] [184:12 ,24]  
**departments** [10:24] [24:17 ,22] [32:7] [34:23] [41:20] [48:10,23] [62:2,6,8,14,18 ,20,24] [76:3] [88:2,6] [111:21,24] [114:23] [123:13,23] [126:8] [154:11] [176:22]  
**departure** [19:8]  
**deployed** [12:3]  
**deployment** [12:7]  
**depolicing** [21:20] [53:17,18] [54:2] [55:25]  
**de-policing** [21:20] [53:17,18] [54:2] [55:25]  
**depression** [56:11]  
**deputy** [64:13] [74:8] [149:18] [152:23] [166:11,12] [170:5] [180:24] [181:1]  
**describe** [136:14]  
**described** [51:22] [122:15] [132:16] [160:7]  
**deserve** [62:19]  
**deserved** [49:22]

## Hearing 10/24/06

- deserving** [93:15]  
**design** [59:9]  
**desperately** [40:21]  
**desperly** [78:23]  
**destroyed** [78:13]  
**detail** [12:2] [128:2]  
**detailed** [112:25]  
**details** [104:15]  
**detection** [19:7] [86:1]  
**detective** [9:7] [26:22]  
**detectives** [35:22]  
**detention** [61:6]  
**determine** [137:12] [154:18]  
**determined** [187:7]  
**develop** [184:14]  
**developed** [4:4] [100:18]  
     [151:2] [168:17] [179:4]  
     [180:1]  
**developing** [179:15] [184:21]  
**development** [49:17] [67:21]  
     [184:19]  
**devote** [52:6]  
**dial** [119:10]  
**dialogue** [149:8] [182:20,22]  
**dictate** [86:12,13]  
**dictated** [63:8]  
**dictorial** [118:24]  
**didn't** [30:11] [36:18] [54:3]  
     [64:1] [72:15] [81:11]  
     [88:5] [90:14] [96:13,24]  
     [98:16] [102:19,20] [106:5]  
     [107:6] [109:14] [110:9,10]  
     ,14] [118:25] [172:25]  
     [178:2] [181:12]  
**difference** [86:22] [87:25]  
     [101:11] [102:5] [109:16]  
**differences** [33:4]  
**different** [5:19] [43:7] [51:14]  
     [54:12] [63:13] [122:21]  
     [129:4] [131:18,19] [162:14]  
     [171:15] [175:9] [178:5]  
     [179:7,9] [183:13]  
**differently** [147:2]  
**difficult** [74:1] [94:3] [99:13]  
     [140:7] [143:21] [172:18]  
**digital** [89:12]  
**dignity** [167:20]  
**diligently** [38:16]  
**diluting** [52:16]  
**diminished** [24:4]  
**dinner** [185:23]  
**dinners** [120:3,17,18]  
**diploma** [117:2]  
**directed** [151:12] [164:9]  
     [176:21] [181:16]  
**direction** [15:7,23] [41:23]  
     [45:15] [63:2] [107:18]  
     [112:17] [133:3] [152:22]  
     [168:19] [170:4] [171:7]  
     [175:11,12,13]  
**directions** [18:25] [175:22]  
**directive** [104:13]  
**directives** [23:18] [169:13,15]  
**directly** [136:19] [138:5]  
**director** [111:16] [169:11]  
     [176:20]
- directors** [20:17] [21:2]  
     [43:4,10,13,14] [44:11,17]  
     [45:7,12] [46:4] [104:1]  
     [132:15] [169:8,16,17]  
     [177:9]  
**disadvantage** [55:8]  
**disagree** [97:20] [143:24,25]  
**disagreeing** [144:2,3]  
**disappear** [78:12]  
**disappeared** [144:21]  
**disappointed** [152:1]  
**disaster** [11:19]  
**discharge** [4:24] [5:22]  
**disciplined** [154:17]  
**discretion** [29:7] [66:25]  
**discrimination** [93:14]  
**discriminatory** [93:11]  
**discuss** [31:9] [52:21]  
**discussed** [7:24] [13:8]  
     [24:9] [27:23] [54:17]  
     [132:2] [163:24]  
**discussion** [53:4,17] [107:  
     1] [109:16]  
**discussions** [5:4,12] [19:24]  
     [39:8] [122:22]  
**disingenuous** [33:2]  
**dismay** [38:21]  
**dismiss** [111:5]  
**dismissed** [39:12] [92:1]  
**disparate** [24:3,20] [28:14]  
     [29:11] [34:10] [38:4]  
     [39:10] [108:17] [111:3]  
     [127:9,15]  
**disparately** [146:10]  
**disparity** [124:16]  
**disproportionate** [143:23]  
     [145:3]  
**disruption** [7:3]  
**dissolution** [21:16]  
**distinguished** [26:13]  
     [150:1]  
**district** [3:16] [4:1]  
**distrust** [119:4]  
**ditto** [138:23]  
**diverse** [141:10]  
**diversification** [73:19]  
**diversified** [93:2] [95:22]  
     [127:12]  
**diversifying** [73:15] [94:7]  
**diversity** [49:6] [74:25]  
     [93:9] [108:5] [117:17]  
     [119:13] [138:25] [139:6]  
     [141:4] [155:21] [170:12,15]  
     [171:2] [178:1,6]  
**division** [10:23] [11:20]  
     [24:12] [29:19] [90:9]  
     [121:5,16] [135:4]  
**divorce** [56:8]  
**documentation** [166:6]  
**documented** [36:22]  
**doesn't** [78:12] [85:11]  
     [86:25] [100:15] [102:5,19]  
     [109:5] [111:5] [140:25]  
     [167:24]  
**doing** [30:24] [48:13] [60:15]  
     [64:22] [71:1] [72:5,11]
- [74:2] [78:2] [79:8] [83:20]  
     [102:4] [105:15] [111:13]  
     [113:16] [114:16] [129:10]  
     [134:24] [140:20] [142:18,24  
     ,25] [143:13,18] [144:20]  
     [155:1] [160:25] [170:9]  
     [172:10,19] [173:19,21,23]  
**doj** [34:22] [35:11] [36:16]  
     [38:10]  
**dollars** [48:7] [74:6,22]  
     [94:15,16,18] [95:10]  
     [125:5,6] [126:21] [134:23]  
**domestic** [113:1]  
**dominating** [39:4]  
**done** [36:25] [43:8] [46:2]  
     [58:20] [60:23] [61:11]  
     [69:11] [77:17] [81:4]  
     [87:22] [93:8] [100:7]  
     [104:8] [106:22] [125:8]  
     [129:23] [135:14] [137:2,24]  
     [138:7] [145:7] [163:23]  
     [171:11] [178:19]  
**donovan** [58:10,12] [61:7]  
     [63:3] [64:15] [138:21]  
     [160:14,18,22] [162:2,20]  
     [163:2] [164:11] [165:8,18  
     ,24] [183:21] [186:10,19]  
     [187:4]  
**dont** [6:24] [48:4] [50:18]  
     [53:14] [54:14] [56:12,25]  
     [60:11] [62:4] [63:18]  
     [64:20,21] [66:11] [70:13]  
     [75:15] [76:6] [77:7] [79:22]  
     [89:17] [91:11] [95:2]  
     [97:20] [100:23] [102:24,25]  
     [103:5] [110:1,2,20] [121:8  
     ,17] [126:10,13] [127:17]  
     [128:19] [137:23] [143:11]  
     [146:21] [147:23] [148:2,3]  
     [159:12] [164:8,17] [165:6  
     ,14] [175:15] [176:18,22]  
     [181:23] [182:12]  
**door** [126:23] [141:4]  
**doors** [76:19] [97:5]  
**dope** [81:25]  
**doubt** [21:19] [31:10]  
**doubted** [80:18]  
**down** [14:15] [16:11] [19:20]  
     [23:23] [24:7] [31:20,23]  
     [42:11] [52:23] [63:18]  
     [66:12] [74:9] [81:6,23]  
     [89:6] [99:20] [103:16]  
     [109:23,25] [126:4] [132:11]  
     [136:21] [137:7] [140:22]  
     [145:24] [148:6] [170:5,7]  
     [181:5]  
**dozens** [35:7] [82:2]  
**dr** [30:20] [31:3] [32:6,15]  
     [64:16] [71:22] [87:20]  
     [130:7]  
**dramatic** [72:14]  
**draw** [55:23] [117:14]  
**drawn** [41:1] [137:3]  
**dreadlocks** [109:25]  
**dress** [105:11]  
**drilled** [103:5]
- driven** [125:24]  
**driver** [68:15] [84:6]  
**drives** [109:2,3,4] [170:10]  
**driving** [81:21] [84:24]  
     [170:3]  
**drop** [85:5]  
**dropped** [35:22]  
**drove** [49:24]  
**drug** [40:17] [105:20,23]  
     [108:14,15] [110:11]  
**drugs** [56:8,9] [72:17]  
     [98:9,10,16,19] [100:4]  
     [102:13] [103:2] [105:15]  
     [106:18] [108:21]  
**drunk** [84:6,14,23]  
**dry** [47:6]  
**dual** [113:13]  
**due** [23:12] [33:4] [55:12]  
**dues** [146:23]  
**during** [5:14] [7:2] [11:1,18]  
     [12:25] [15:6,22] [21:22]  
     [31:17] [52:9] [164:23]  
**duties** [4:25] [16:20] [114:16]  
**duty** [11:19] [38:25]  
**dynamics** [43:25]
- 
- E
- earlier** [3:11] [14:4] [54:18]  
     [66:10] [102:12] [109:11]  
     [130:25] [163:24] [175:21]  
     [176:1]  
**early** [16:6] [19:6] [20:3]  
     [23:25] [25:9] [29:14]  
     [58:4] [68:3] [70:2] [86:1]  
     [154:11] [174:25] [179:6,11]  
**earmarks** [87:21]  
**earn** [38:16] [96:8]  
**earned** [117:3]  
**ears** [67:25] [113:6]  
**easier** [125:18]  
**easy** [105:12,14,23]  
**echelons** [171:14]  
**echo** [58:14]  
**edge** [42:1]  
**edged** [93:16] [94:3]  
**educate** [130:10]  
**education** [21:9] [48:22]  
     [51:19] [59:17] [159:24]  
     [164:13,17]  
**educational** [58:4] [127:2,20]  
     [135:20]  
**effect** [40:8] [51:10] [53:12,21  
     ,24] [54:17] [55:16] [56:1]  
     [57:2] [79:2] [86:24] [115:14]  
     [172:20]  
**effective** [150:13,24] [154:14]  
     [157:5] [166:13,19]  
**effectively** [4:25] [24:19]  
     [160:2] [177:6]  
**effectuate** [174:2]  
**efficient** [72:7]  
**effort** [43:18] [74:23] [89:11]  
     [140:11] [158:25] [161:14]  
**efforts** [14:21] [18:24]  
     [22:9] [23:1] [31:5] [40:4]

## Hearing 10/24/06

[73:23] [77:11] [78:2] [94:13]  
 [98:24] [118:9] [152:8]  
 [155:17] [156:1]  
**egg** [88:25]  
**egregious** [65:17]  
**eight** [72:2] [79:10] [93:22,25]  
 [140:23]  
**either** [7:11] [62:3] [87:7]  
 [102:15] [115:21] [151:24]  
 [173:18]  
**elaborate** [182:13]  
**elected** [139:10,12,21]  
**element** [39:12] [70:11]  
 [79:23] [88:4] [163:9]  
 [167:3]  
**eliminate** [164:24]  
**eliminated** [51:18] [181:10]  
**eliminating** [27:21] [51:23]  
 [89:18]  
**elimination** [19:12] [83:17]  
**eliminations** [83:24]  
**elizabeth** [95:23]  
**ellen** [42:18]  
**eloquently** [131:11]  
**else** [47:15] [70:4] [92:4]  
 [95:12] [110:7] [132:12]  
 [139:4]  
**elsewhere** [94:25] [97:10]  
**embarked** [10:21]  
**embarrassed** [114:20]  
**embed** [131:8]  
**embedded** [81:2] [124:11]  
 [169:21]  
**embrace** [27:25] [77:8]  
 [133:20] [141:5] [148:19]  
**embraced** [14:4] [24:17]  
 [108:6] [110:8] [154:5]  
 [155:9] [172:4] [175:16]  
 [182:12]  
**embracing** [22:10] [30:16]  
**emerged** [5:4,11] [24:14]  
**emotions** [22:17]  
**employed** [29:5] [61:21]  
 [166:17]  
**employee** [65:8] [84:18]  
 [:11,14]  
**employees** [23:12]  
**employment** [11:11]  
**empty** [12:16]  
**enable** [71:3]  
**enact** [12:22] [142:1]  
**enacted** [19:24]  
**encompassing** [41:7]  
**encounters** [12:9]  
**encourage** [14:1] [18:21]  
 [52:16] [142:6,10] [168:20]  
 [182:14,20]  
**encouraged** [72:16,17]  
 [106:2,5] [139:1]  
**end** [10:17] [15:12] [19:4,10]  
 [32:20] [33:1] [38:8] [70:1]  
 [80:6] [92:21] [110:18]  
 [152:15] [153:16,21] [159:  
 1]  
**endeavor** [25:2]  
**ended** [115:1]

**endorse** [33:17] [38:3]  
 [116:19]  
**endorsed** [40:18] [68:5]  
 [110:4]  
**ends** [117:5]  
**endured** [11:18]  
**enemy** [11:20] [38:18]  
**enforce** [25:12] [48:22]  
 [110:24] [124:21]  
**enforcement** [4:6] [6:16]  
 [10:7] [21:10] [24:17,23]  
 [29:7] [32:1] [40:8,18]  
 [41:11,24] [53:12] [54:17]  
 [68:14,22] [70:12] [108:14  
 ,15] [110:11] [117:21]  
 [118:14] [119:4,7] [127:1]  
 [149:15,21] [150:6,11,15,19]  
 [151:4] [156:23] [160:1,24]  
 [161:11,18] [163:8,18]  
 [172:24] [176:13] [180:13,15]  
**enforcements** [124:15]  
**enforcing** [14:9] [74:3]  
**engage** [29:11] [38:19]  
 [42:12] [44:13] [102:19]  
 [133:5] [140:11] [151:13]  
 [162:23] [163:6] [178:23]  
**engaged** [3:24] [14:24]  
 [21:15] [91:14] [102:17]  
 [110:17] [124:15]  
**engaging** [69:7]  
**enhance** [19:5] [53:1] [61:22]  
 [87:2] [89:19,23] [120:7]  
**enhanced** [130:18]  
**enhancement** [52:1]  
**enhancements** [85:25]  
**enough** [75:8] [91:24]  
 [140:10] [146:22] [175:16]  
**ensure** [3:22] [4:24] [18:19]  
 [27:19] [34:15] [40:23]  
 [67:2,22] [69:7] [70:24,25]  
 [143:3] [145:3] [155:14,24]  
 [161:25] [166:23] [168:1]  
 [179:18]  
**ensured** [71:1] [134:22]  
**ensures** [48:15] [102:11]  
**ensuring** [30:21] [37:22]  
 [42:1] [50:11] [79:24]  
 [184:22]  
**enter** [18:22]  
**entered** [3:17]  
**entire** [26:5] [55:19] [74:7]  
 [156:23]  
**entities** [180:7]  
**entitled** [63:11]  
**entity** [41:16] [61:10] [124:13]  
 [157:18,21] [158:1,3]  
 [159:14]  
**entrance** [7:10,11,21]  
**entry** [181:14,19]  
**enumerated** [28:7]  
**environment** [107:13]  
 [120:10]  
**envision** [134:8]  
**envisioning** [129:3]  
**envy** [35:18]  
**epstein** [50:23]

**equal** [11:11] [41:2] [62:14]  
 [152:15]  
**equally** [143:4]  
**equates** [17:8]  
**equipment** [81:19] [117:11]  
 [123:17]  
**equitable** [49:20]  
**equivocating** [30:25]  
**eradicated** [115:13]  
**erased** [66:9]  
**err** [57:14] [69:21,22]  
**escapes** [180:2]  
**especially** [32:2] [60:3,17]  
 [74:2] [78:19] [141:10]  
**essence** [45:19]  
**essential** [17:20] [133:22]  
**essentially** [59:21] [134:17]  
**established** [17:25] [184:4]  
**estimation** [170:10]  
**et** [45:2] [67:21] [69:17]  
 [107:12]  
**etched** [38:5] [66:18] [148:7  
 ,8]  
**ethical** [157:5]  
**ethnically** [96:14]  
**ethnicity** [18:18]  
**evaluate** [80:12] [153:6]  
 [155:12] [160:2]  
**evaluated** [160:12]  
**evaluating** [43:23]  
**evaluation** [160:8]  
**evaluations** [16:2] [84:12]  
**even** [12:7] [14:1] [18:14]  
 [21:16] [40:1] [63:11]  
 [81:11] [98:14] [99:21]  
 [130:5] [133:5] [136:23]  
 [144:17] [156:3,9,13]  
 [171:1] [181:9] [184:3,5,11]  
**evening** [150:3] [157:16]  
 [165:22] [169:2] [177:14]  
 [178:10] [180:25]  
**event** [3:25] [117:22] [121:6]  
**events** [118:1,6]  
**eventually** [64:9]  
**ever** [12:1] [28:5] [64:21]  
 [76:21,22] [91:9] [95:5]  
 [110:23] [116:19,22] [137:  
 24] [148:20]  
**every** [9:6] [15:9] [17:4,14]  
 [25:9] [26:22] [31:22]  
 [35:16] [38:12] [39:17,23]  
 [41:3] [47:11] [54:18,20]  
 [60:6] [62:8] [82:5,7,11]  
 [87:10] [97:14] [102:7]  
 [116:10] [128:5] [135:4]  
 [138:2] [142:11] [143:4]  
 [145:10] [147:22] [161:13]  
 [167:15] [178:13]  
**everybody** [67:13] [81:23]  
 [86:7] [97:13] [131:14]  
 [143:3] [146:12] [182:20]  
**everybodys** [86:8] [114:8]  
**everyday** [12:10] [103:3]  
**everyone** [6:25] [28:2]  
 [37:14] [39:1] [41:5] [42:2]  
 [104:24] [142:22] [143:22]

[168:25] [185:22]  
**everyones** [41:8]  
**everything** [32:8] [52:12]  
 [61:18] [69:12] [70:4]  
 [74:10] [85:5] [89:21]  
 [113:18] [124:10] [125:5]  
 [134:21] [143:3] [167:16]  
**everywhere** [47:15] [75:12]  
**evidence** [32:22] [33:24]  
**evidenced** [18:23] [21:4]  
 [79:4,5] [93:12]  
**evil** [14:12] [70:21] [184:9]  
**evolution** [59:7,15] [124:12]  
**evolved** [59:10]  
**evolving** [96:14]  
**ex** [107:12]  
**exact** [76:5] [103:3]  
**exactly** [27:5] [54:15] [81:13]  
 [84:21] [110:5] [127:19]  
 [140:15] [165:25] [168:19]  
**examination** [17:19] [52:25]  
**examinations** [111:23]  
**example** [48:20] [68:14]  
 [77:10] [153:11] [167:7]  
 [168:6]  
**examples** [18:2]  
**exams** [111:25]  
**exceeded** [30:9]  
**except** [53:2] [61:13] [96:16]  
 [107:13]  
**exceptional** [31:6] [96:17]  
**exclusion** [97:8]  
**exclusiontype** [97:8]  
**exclusion-type** [97:8]  
**excuse** [105:18] [106:6]  
**excuses** [105:7]  
**executive** [10:8,11] [111:16]  
 [133:5,21] [139:6,14,16]  
 [140:3] [142:21] [167:12]  
**executives** [6:16] [149:15]  
 [150:6,8,16,18] [151:15]  
**exemplified** [17:13]  
**exercise** [43:11] [49:4]  
**exist** [17:11] [29:8,24]  
 [30:11] [96:13,24] [109:14]  
 [134:10] [154:21] [168:2]  
**existed** [28:8] [80:19]  
**exists** [19:13] [68:1] [151:22]  
 [167:25]  
**exmarine** [107:12]  
**ex-marine** [107:12]  
**exonerate** [34:9]  
**exoneration** [116:20]  
**expect** [6:24] [43:6,9] [44:13]  
 [145:13]  
**expected** [18:14]  
**experience** [82:15] [83:2]  
 [93:17] [160:3]  
**experienced** [95:8] [134:19]  
**experiment** [25:25]  
**expertise** [16:1] [41:19]  
 [175:17] [182:11,14]  
**explain** [145:8] [162:24]  
 [163:7]  
**explained** [69:4]  
**explosion** [108:21]

## Hearing 10/24/06

**expressed** [51:8] [96:11]  
**extend** [85:23] [111:19]  
 [156:9]  
**extended** [174:9]  
**extensive** [30:5]  
**extensively** [177:24] [180:21]  
**extent** [53:20] [101:18]  
 [155:7]  
**extra** [40:2] [79:6,7] [134:25]  
**extreme** [115:14] [151:20]  
**extremely** [153:15]  
**extremes** [151:24]  
**eye** [81:14]  
**eyes** [113:5]

### F

**face** [10:23] [12:9] [39:17]  
 [79:13] [130:8]  
**faced** [11:21]  
**facings** [39:1]  
**fact** [11:24] [12:9] [13:3]  
 [22:16] [33:6] [48:3] [60:18]  
 [68:18] [79:8,15] [86:17]  
 [87:3,4] [100:16,19] [129:5,  
 25] [140:1] [156:8] [176:18]  
 [177:17] [178:13]  
**factor** [172:6,8,9]  
**factors** [183:7,12]  
**failed** [25:25] [28:24] [34:5]  
 [138:6]  
**fails** [58:2]  
**failure** [57:16] [60:7] [78:24]  
**fair** [20:12] [49:22] [93:10,25]  
 [131:4] [144:8] [145:4,14]  
**faith** [23:22]  
**fall** [147:15] [169:22]  
**falloff** [147:15]  
**fall-off** [147:15]  
**false** [34:11]  
**familiar** [92:3] [174:19]  
**families** [31:24]  
**family** [13:16] [76:8] [119:2]  
 [120:21]  
**famine** [76:9]  
**far** [16:18] [30:9] [95:9]  
 [99:3] [127:6] [136:15]  
 [137:10] [148:16] [163:16]  
 [164:18] [168:6]  
**farther** [183:19]  
**fashion** [35:17] [94:25]  
 [127:17]  
**fast** [10:13]  
**fatal** [71:9]  
**father** [75:15]  
**fathers** [56:19]  
**fbi** [58:10] [105:8] [106:2]  
**fear** [54:10] [58:1] [88:1]  
**fears** [146:14]  
**fed** [105:17]  
**federal** [11:7] [30:21] [36:10]  
 [39:8] [67:11] [81:6,9]  
 [124:20] [125:19] [150:19]  
 [164:10]  
**feed** [75:23] [105:9]  
**feedback** [160:23] [162:5]

**feel** [14:21] [68:19,22]  
 [69:1] [93:14] [98:1] [99:8]  
 [115:23] [136:7] [138:4]  
 [147:1] [157:17,23] [158:13]  
 [166:16,18] [175:15] [183:  
 16]  
**feeling** [89:7] [102:3]  
**fell** [105:11]  
**fellow** [23:11] [31:18,21]  
 [36:23] [71:10]  
**felt** [25:10]  
**fema** [37:11]  
**female** [90:16] [94:19]  
 [107:8] [181:4]  
**females** [49:7] [107:9]  
**ferry** [35:22]  
**few** [23:7] [26:2] [47:25]  
 [145:13] [155:5]  
**fewer** [83:17,23]  
**field** [49:8] [92:17]  
**fifteen** [135:23]  
**fifth** [18:12]  
**fighters** [150:13]  
**fighting** [34:6] [155:6]  
**file** [14:5] [20:9] [37:12]  
 [38:15] [92:5,11] [94:7]  
 [102:1] [121:4]  
**filed** [115:19] [155:5]  
**files** [154:16]  
**filing** [3:15] [25:6]  
**filled** [122:10]  
**filtered** [64:7]  
**final** [63:9] [80:8] [95:2]  
**finally** [4:2] [17:18] [107:19]  
 [114:17] [185:12]  
**financial** [111:4]  
**financially** [172:16] [15]  
**find** [60:6] [67:3] [87:5]  
 [102:6] [107:19] [110:6]  
 [117:9] [125:10] [133:16,17]  
 [163:8] [173:15] [184:1]  
 [185:14] [186:16]  
**finding** [182:17] [183:15]  
**findings** [46:5]  
**fine** [31:14] [55:21] [66:18]  
**finest** [12:3]  
**finger** [61:19]  
**fingers** [94:11] [97:17]  
**finish** [10:13,17,18]  
**finished** [69:11]  
**fire** [54:7] [147:4] [164:1]  
**firm** [158:6]  
**firmly** [172:25]  
**first** [3:3] [4:10] [8:19,20]  
 [15:21] [20:8] [27:14]  
 [35:20] [50:24] [52:12]  
 [53:19,25] [54:7] [65:21,22]  
 [66:2] [69:4] [73:4] [81:4]  
 [83:11] [86:19] [107:7]  
 [115:24] [118:18] [125:4]  
 [127:22] [128:13,21] [133:  
 1] [140:12] [141:12] [145:24,  
 25] [149:24] [176:24]  
**fist** [56:2]  
**fit** [8:6] [41:13] [42:15]  
 [63:4]

**five** [11:3] [19:21] [29:24]  
 [79:20] [132:22] [139:20]  
 [157:14] [176:6] [178:17]  
**flags** [179:19]  
**flavor** [62:10]  
**flexibility** [57:22] [66:24]  
 [85:2,7,17]  
**flies** [39:17]  
**flip** [48:14] [138:11] [143:7]  
**floggings** [39:15]  
**flooding** [11:22]  
**floyd** [65:7,11] [68:10]  
 [72:21,23] [101:3] [138:23]  
 [165:22] [166:14] [168:5]  
 [175:25]  
**flying** [15:13] [109:24]  
**flynn** [8:22] [9:8,12] [42:5]  
 [45:24] [64:15] [71:21]  
 [89:8] [98:12] [100:1]  
 [105:6] [106:4] [109:8]  
 [111:10] [128:4,14,19]  
 [129:13] [130:22] [136:18]  
 [137:18,21] [139:20] [148:  
 10] [182:19]  
**focus** [113:11] [133:7]  
**focused** [131:3]  
**folks** [73:8] [98:15] [139:13]  
**follow** [121:25] [130:24]  
 [133:25] [136:9] [137:7,23]  
 [157:6] [175:22]  
**followed** [39:20]  
**following** [22:5] [32:20]  
 [111:12]  
**followup** [121:25] [133:25]  
 [136:9] [137:7,23]  
**follow-up** [121:25] [133:25]  
 [136:9] [137:7,23]  
**footprint** [67:5]  
**forbid** [13:15]  
**force** [35:24] [73:15,16,20]  
 [78:13] [93:2] [94:19]  
 [95:14] [118:25] [139:3]  
 [146:6] [150:22] [169:25]  
 [170:1,2,3,8,13]  
**forces** [36:11]  
**foregoing** [5]  
**foremost** [20:9] [33:6]  
 [52:13]  
**foresee** [117:24]  
**foreseeable** [118:4]  
**forever** [48:16] [54:5] [147:  
 25]  
**forgotten** [18:11]  
**form** [38:3] [134:10] [138:3,  
 5]  
**formal** [120:24]  
**formed** [150:7]  
**former** [50:24] [58:10]  
 [176:20]  
**forms** [4:7] [52:19] [141:7]  
**formula** [39:6,7]  
**formulated** [165:15]  
**formulating** [157:1] [183:3]  
**forth** [22:24] [32:13] [55:14]  
 [91:25] [93:12] [98:10]  
 [9]

**fortunate** [103:15]  
**forum** [159:24]  
**forward** [3:3] [33:12] [35:19]  
 [43:3] [45:3] [49:20] [58:17,  
 21,24] [60:10] [61:8] [65:16,  
 24] [68:20] [79:17] [90:3,17]  
 [116:15] [120:11] [127:25]  
 [134:1] [135:9] [145:5]  
 [149:13] [162:13] [175:12]  
**forwarding** [136:23,24]  
**fought** [76:9]  
**found** [8:13] [27:6] [173:1,3]  
 [179:14]  
**foundation** [159:23] [179:3]  
 [180:6]  
**four** [11:3] [17:3,6] [48:6]  
 [56:5] [74:5,6,22] [79:20,21]  
 [94:12,14] [132:22] [157:14]  
 [175:7] [180:7] [181:2]  
**fourteenth** [15:4]  
**frame** [84:21] [122:21]  
 [173:7]  
**frames** [33:2] [85:23]  
**frankly** [128:19] [171:23]  
**fraternal** [9:4] [23:20] [26:10,  
 21]  
**free** [24] [135:17]  
**frequent** [160:6]  
**frequently** [104:8]  
**friday** [132:12]  
**friend** [115:17] [120:18]  
**friends** [31:18] [116:18]  
**friendships** [157:3]  
**fringes** [99:22]  
**frivolous** [137:1]  
**front** [112:6,7,10,22] [132:21]  
**frontline** [112:6,7,10,22]  
**front-line** [112:6,7,10,22]  
**frowned** [99:17]  
**fruity** [62:13]  
**fuentes** [4:12] [5:15] [33:13]  
 [46:16] [161:3] [175:10]  
 [184:15]  
**fulfill** [27:13]  
**fulfilling** [4:20]  
**fulfillment** [116:4]  
**full** [23:16] [29:5] [106:6]  
 [137:6,13] [164:3]  
**fullblown** [137:6,13]  
**full-blown** [137:6,13]  
**fully** [24:6] [128:23]  
**function** [78:18] [124:3]  
 [130:18]  
**functions** [121:17]  
**fundamental** [27:14]  
**fundamentally** [103:10]  
**funded** [34:7]  
**funding** [19:3,14] [34:6]  
**funny** [73:22]  
**further** [27:25] [32:21]  
 [55:11] [87:2] [136:15]  
 [160:11] [161:1] [10]  
**furthering** [54:11]  
**future** [3:24] [15:1] [18:3]  
 [19:14] [21:16] [30:16]  
 [69:2] [117:24] [118:4]

## Hearing 10/24/06

[132:7] [156:14] [157:7]

### G

**gain** [23:2] [34:12] [41:4]  
**gains** [39:13] [156:1]  
**gals** [97:9]  
**gang** [56:6] [77:16] [82:3] [99:4,18]  
**gangrelated** [56:6]  
**gang-related** [56:6]  
**garden** [98:18] [104:20]  
**garner** [156:16]  
**garnered** [148:16]  
**gather** [174:18,23]  
**gauge** [153:4,5]  
**gave** [39:3] [48:20] [80:5] [106:3] [113:8] [117:4] [141:17] [179:6]  
**gee** [67:19]  
**gender** [29:6]  
**general** [4:3] [11:4,13] [20:25] [36:17] [49:15] [50:25] [63:6,8,15,16,24] [64:5,10,13] [66:5] [74:5,8] [77:2] [103:16] [106:15] [124:18] [127:14] [128:1] [134:5,9,21,25] [135:16] [136:8] [147:8,20] [149:1] [152:23] [158:3,9] [164:10] [175:23] [182:11,16] [185:15]  
**generally** [62:17] [81:16] [105:19] [118:13] [125:13]  
**generals** [20:22] [43:19] [59:12] [63:4] [95:9] [106:13] [108:8] [133:25] [134:4] [135:18] [152:21] [160:10] [174:9] [175:14,18]  
**generation** [118:19] [137:15]  
**gentlemen** [3:5] [9:19] [30:22] [58:13] [111:19] [115:9] [147:12] [165:23] [182:8]  
**gets** [47:7] [62:17] [69:15] [93:5] [97:14]  
**getting** [61:5] [72:9,10] [75:8] [81:23] [86:16] [99:3] [120:9] [121:12] [127:14] [135:14] [138:1] [144:25] [145:7] [146:18]  
**gigantic** [94:14]  
**ginger** [15:3] [30:20] [64:16] [71:22] [130:7]  
**gingers** [31:3]  
**girls** [113:15]  
**giuliani** [107:22]  
**give** [27:5] [33:20] [62:7,25] [104:15] [119:6] [138:5] [141:9] [152:7] [162:5] [164:22]  
**given** [5:23] [6:23] [42:10] [68:18] [80:17,19] [84:20] [109:7] [156:15] [163:13] [177:15,17] [180:20]  
**gives** [116:21] [170:3]

**giving** [18:14] [32:3] [57:21] [106:9] [157:11]  
**glad** [81:3] [147:5]  
**glass** [97:4]  
**glean** [85:19]  
**glowing** [28:8]  
**go** [12:13] [13:10] [40:2] [42:11] [45:17] [48:16] [50:13] [56:20] [58:23] [61:10] [62:23] [63:18] [65:3] [70:6] [72:1,9,17] [73:11] [75:1,13,24] [76:10] [78:20] [79:5] [81:1] [82:4] [89:2,12] [96:4,6] [97:17] [98:3] [99:11,22] [103:9] [104:1] [118:2] [119:15] [121:10] [126:16,17] [127:5] [129:17] [132:11] [137:11] [142:8] [145:10,13] [148:14] [149:23] [156:5] [166:8] [168:8,14] [169:8] [171:1] [175:12] [186:14]  
**goal** [49:11] [153:15]  
**goals** [34:24]  
**god** [13:15] [100:16]  
**goes** [55:3] [58:18] [75:11] [78:3] [96:19] [136:19] [167:14] [168:3] [170:4] [184:7]  
**going** [36:18] [39:24] [41:24] [43:2] [48:19] [49:14,18,23] [50:4,5,7] [54:5] [55:17] [57:15] [59:11] [60:24] [63:21] [65:15] [66:4,8] [68:17,19] [69:1,13,18,21] [70:4,5,6,9,14,20] [71:9] [72:12] [74:17] [77:12,20] [79:6,11] [82:16,19] [86:2,21] [87:6,10,14] [88:11,17] [89:22] [96:8,25] [97:18] [99:17] [100:12] [101:19] [102:22,23] [103:3,18] [105:22] [107:5] [110:5] [113:7] [116:8,9] [117:13] [119:2,12,14] [124:21] [125:8,11,12] [126:4,15,22] [127:16] [128:20] [129:21] [130:2,3,4,9] [131:16,22,25] [132:10,19] [134:17,18] [135:8,10,15,23] [136:2,4] [140:10,14] [142:23] [143:14] [145:18] [146:4,10] [147:15] [148:20] [159:3,20] [160:18] [162:13] [164:1] [168:17,18,20] [171:18,22] [173:5,7,10] [176:1,14,23] [180:9] [181:5] [183:13] [184:8] [185:19]  
**gold** [32:5] [88:17]  
**golden** [21]  
**gone** [32:3,8] [34:8] [77:16] [100:12] [128:17] [179:2]  
**good** [3:1] [32:2] [34:14] [40:5] [47:18,19,24] [55:20] [58:12] [62:4] [64:17] [84:12,13] [103:7] [105:15]

[111:19] [120:20] [130:11] [140:19] [143:13] [148:15] [156:6] [157:16] [158:15] [165:22,23] [168:21,24] [170:10] [171:12,18,19] [172:20] [173:17,18,21,25] [178:9] [181:11] [184:23]  
**gordon** [149:2] [182:7]  
**gotcha** [59:22] [123:15,16,25] [124:5,23] [126:25] [127:18] [128:6]  
**gotten** [55:10] [124:11]  
**govern** [6:12]  
**government** [36:10] [74:20] [81:6,7,9] [97:6] [106:8,9] [108:8] [144:16]  
**governmental** [11:12]  
**governor** [3:12] [4:4] [5:23] [37:7] [152:3]  
**governors** [8:12] [11:3] [156:5]  
**grab** [85:11]  
**grades** [90:6]  
**graduated** [14:3] [74:24]  
**graduating** [25:14]  
**granted** [18:12]  
**graphs** [29:15]  
**grassroots** [77:15]  
**grateful** [9:23]  
**gravely** [40:9]  
**gray** [164:6]  
**great** [26:20] [39:18] [46:15] [47:23] [58:20] [67:1,15] [75:19] [84:11] [100:18,20] [117:16] [119:6,10] [131:3] [132:9] [137:22] [144:20] [145:10,12] [152:7] [161:2] [162:9,17]  
**greater** [31:19] [80:25]  
**greatest** [28:3] [36:9] [102:6]  
**grievances** [155:4]  
**grieve** [65:17]  
**grill** [13:18]  
**ground** [182:17]  
**group** [21:8,10] [23:22] [24:15] [33:21] [36:4] [37:5] [44:19,22] [45:23] [66:2] [78:18,19] [91:18] [99:5,7,10] [120:10] [133:8] [140:11] [141:11,24] [142:19] [144:3,4] [161:18] [163:16]  
**groups** [12:21] [21:1] [24:11] [41:12] [43:5,11,15,18] [44:24] [46:3] [74:12] [118:2] [139:1,3] [161:15]  
**growing** [129:4]  
**growth** [123:20]  
**guaranteed** [37:23]  
**guess** [61:7] [132:22] [158:14] [175:25]  
**guidance** [15:24] [45:16] [61:11] [109:8] [112:15]  
**guidelines** [106:15] [164:9] [176:12]

**guiding** [52:15] [103:1]  
**gun** [56:8] [112:22]  
**gunned** [14:15]  
**guns** [14:12]  
**guy** [20] [48:8,13] [49:24,25] [55:18] [56:22] [69:15,22,23] [70:17] [72:18] [79:11] [84:12] [110:2]  
**guys** [79:9,21] [97:9] [102:7,8] [113:15] [124:19] [143:8] [145:9,15] [146:1]

### H

**half** [48:6] [94:17] [101:1] [103:20] [176:2]  
**halfway** [60:22]  
**hall** [183:14]  
**hallion** [8:21,24] [9:17,18] [26:8] [43:2,12] [44:15,18] [45:12] [51:11] [52:1] [53:8] [71:12] [77:9] [85:24] [88:24] [98:7,22] [103:24] [104:17] [112:9] [113:25] [114:19] [115:5] [117:23] [119:25] [132:20] [138:11] [139:19] [141:21] [182:19]  
**hallmark** [38:25]  
**hammer** [64:13]  
**hand** [7:21] [22:20] [56:2] [67:2] [120:6] [141:9] [174:6]  
**handandhand** [120:6]  
**hand-and-hand** [120:6]  
**handbook** [180:17]  
**handcuffed** [89:7]  
**handed** [48:5]  
**handful** [49:23]  
**handgun** [34:5]  
**handle** [113:21]  
**handled** [138:1]  
**handout** [7:21] [174:6]  
**hand-out** [7:21] [174:6]  
**hands** [44:2]  
**handson** [44:2]  
**hands-on** [44:2]  
**happen** [27:8] [48:19] [51:9] [63:22] [71:11,19] [80:1] [100:15] [102:20] [110:10,14] [131:22] [132:14] [181:13]  
**happened** [28:24] [60:10] [63:20] [67:23] [73:8] [85:14] [93:8] [108:20] [164:18]  
**happening** [75:12]  
**happens** [71:19] [148:5]  
**happy** [9:16] [42:3] [45:9] [73:21] [77:8] [111:22] [121:13,14] [130:10]  
**hard** [18:9] [38:16] [51:4] [75:20,21] [105:15] [112:1] [122:4] [154:11]  
**hardships** [36:6]  
**harm** [81:20]  
**harping** [88:9]  
**harris** [72:24] [73:3] [78:10]

## Hearing 10/24/06

[80:8] [89:1] [92:9] [101:3,8]  
 [121:21,23] [122:2,24]  
 [127:25] [128:5] [138:24]  
 [139:13,24] [141:16] [143:  
 20] [169:1,7,10,15,18]  
 [170:11] [171:20] [172:1]  
 [186:3]  
**hate** [46:14]  
**hath** [31:20]  
**having** [74:14]  
**having** [7:2] [10:14,15]  
 [11:23] [24:12] [26:24]  
 [28:25] [48:5] [58:3] [76:24]  
 [79:1] [85:4] [91:16] [108:9]  
 [114:2] [120:11] [122:21]  
 [123:24] [168:10] [171:13]  
 [174:1] [184:18]  
**headquarters** [22:7] [135:4]  
**healthy** [64:2]  
**heap** [89:4]  
**heaped** [30:23] [37:9]  
**hear** [6:13,14] [26:8] [53:19]  
 [65:7] [72:23] [73:11]  
 [78:14] [83:6] [97:21]  
 [122:7] [145:20] [146:21]  
 [162:10]  
**heard** [4:10,15] [5:14] [59:2]  
 [78:10] [98:8] [162:7,8]  
 [169:18] [172:1]  
**hearing** [:8] [3:8] [4:9,10]  
 [5:15,18] [6:3,5] [7:22]  
 [8:7,20] [145:24] [147:2]  
 [149:10] [178:18] [187:9]  
**hearing.txt** [:]  
**hearings** [7:20,24] [131:4]  
**heart** [28:20] [32:3] [70:25]  
 [142:16] [153:8] [165:3]  
**hearts** [61:2]  
**held** [22:6]  
**hells** [91:18]  
**help** [47:3] [59:18] [121:13]  
 [171:3]  
**helpful** [104:16] [128:3]  
 [130:20] [185:14]  
**helping** [89:16]  
**hemingway** [39:3] [66:9]  
**hence** [60:16] [131:23]  
**hereby** [:5]  
**hereinbefore** [:8]  
**heretofore** [66:21]  
**hes** [118:9]  
**hesitate** [127:6]  
**hey** [124:18] [143:5]  
**high** [11:17] [30:23] [48:14,24]  
 [80:16] [81:24] [82:7]  
 [95:7,21,22]  
**higher** [21:8] [76:21,22]  
 [133:23] [171:14]  
**highest** [81:8]  
**highlighted** [35:11]  
**highway** [105:10]  
**highways** [105:22]  
**hindered** [68:23] [69:2]  
**hinders** [68:14]  
**hips** [103:12]  
**hiring** [91:15] [99:3] [150:23]  
**hispanic** [23:5] [75:17]  
 [94:19] [143:12]  
**hispanics** [141:14]  
**hit** [88:17] [93:15] [145:25]  
**hold** [32:25] [138:8]  
**holding** [123:1]  
**holidays** [74:9] [96:5]  
**home** [13:16] [97:17] [109:2  
 ,4]  
**homeland** [37:12]  
**homeless** [23:4]  
**homogenous** [24:14]  
**honest** [120:2]  
**honestly** [74:23] [92:20]  
 [96:11] [127:5]  
**honor** [26:20]  
**honorable** [75:22] [76:23]  
**honored** [9:20]  
**honoree** [118:9]  
**honors** [25:15]  
**hope** [24:16] [71:6] [156:15]  
**hopefully** [178:17]  
**hopes** [34:23]  
**horizontal** [55:15]  
**horrific** [60:13]  
**horror** [97:12]  
**horse** [131:15]  
**host** [29:16] [37:21]  
**hot** [126:2,5]  
**hour** [17:5] [31:22] [72:2]  
 [107:1] [109:16]  
**hours** [17:6,8] [36:3] [50:13  
 ,18] [51:12] [79:10] [83:20]  
 [97:14] [138:16]  
**house** [60:22] [74:7] [75:5]  
 [81:12] [117:4]  
**housekeeping** [6:17]  
**housing** [135:3]  
**however** [25:20] [97:20]  
 [102:16] [135:9] [147:20]  
 [151:23] [153:1] [156:17]  
 [158:7] [163:15] [164:21]  
 [172:25] [181:8]  
**http.www.state.nj.us/acps**  
 [8:14]  
**huertas** [83:6,9] [84:5,13,23]  
 [85:21] [86:6] [89:24]  
 [90:7] [173:5] [174:4,8,16]  
 [175:18,24]  
**huge** [78:4]  
**human** [57:22] [70:8,11,18]  
 [88:4]  
**humble** [99:1]  
**hundred** [145:15] [187:3]  
**hundreds** [4:22] [23:12]  
 [34:9]  
**hurdle** [38:12]  
**hurdles** [47:25]  
**hurricane** [12:2]  


---

**i**  


---

**iacp** [180:6]  
**id** [51:2] [73:21] [127:21]  
 [136:12] [149:25] [157:17]  
**idea** [48:9] [72:1] [81:12]  
 [120:21] [124:22] [142:17]  
 [148:17] [176:14]  
**ideals** [37:24] [116:7]  
**identified** [50:17] [51:6]  
 [60:8] [110:8] [111:6]  
 [119:19] [140:15] [153:25]  
 [154:20] [179:10]  
**identify** [28:11] [36:2] [59:16]  
 [67:12] [118:8] [119:11,12]  
 [134:12] [141:1] [153:9]  
 [154:25] [155:17] [168:10]  
**identifying** [41:17] [47:20]  
**ignoring** [167:25]  
**im** [44:9] [45:4] [171:21]  
**imagine** [151:25]  
**imagined** [107:3]  
**imbalancing** [144:5]  
**immediately** [34:7]  
**immensely** [16:12] [132:5]  
**impact** [9:25] [23:13] [83:25]  
 [84:1] [109:1] [115:14]  
 [156:22] [169:10] [170:12,16]  
 [171:6]  
**impacted** [112:9]  
**impacting** [108:22]  
**impairment** [55:12]  
**implement** [168:18] [171:17]  
**implementation** [14:25]  
 [20:2] [24:25] [41:21]  
 [112:13] [113:20] [132:23]  
**implementations** [35:8]  
**implemented** [39:20] [154:  
 12] [155:15] [178:21,22]  
 [179:21] [182:4]  
**implementing** [151:16]  
**importance** [5:10]  
**important** [5:22] [13:24]  
 [26:17] [31:8] [34:25]  
 [43:16] [49:6,10] [66:20]  
 [73:7] [78:17] [83:22]  
 [87:19] [103:13] [122:20]  
 [124:8] [132:5] [144:16]  
 [158:24] [184:2]  
**imposed** [91:9]  
**impossible** [17:11] [29:10]  
 [38:10] [70:11]  
**impressed** [24:22] [65:13]  
**improve** [86:3] [155:19]  
**improved** [155:22] [178:6]  
**improvement** [152:25]  
**improvements** [161:5,9]  
 [175:2]  
**improves** [39:16]  
**inappropriate** [16:8]  
**incident** [29:16] [35:2]  
 [108:21]  
**incidents** [112:24]  
**include** [33:18] [165:18]  
**included** [35:20] [98:16]  
**including** [15:10] [33:14]  
 [40:15]  
**inclusion** [97:7]  
**inclusiontype** [97:7]  
**inclusion-type** [97:7]  
**incorporate** [7:16]  
**incorporated** [154:1]  
**increased** [22:9] [178:2]  
**increasing** [150:9]  
**incredible** [29:21] [38:24]  
**independence** [45:5]  
**independent** [4:12] [15:9]  
 [20:20] [44:21] [45:1,22]  
 [132:4] [152:5] [153:13]  
 [157:19,21] [184:5]  
**index** [7:9]  
**indicate** [172:2]  
**indicated** [34:18] [136:9]  
 [182:10]  
**indications** [179:7]  
**indicative** [23:10]  
**indicators** [105:13]  
**indices** [109:22]  
**individual** [8:6] [54:21]  
 [55:8] [57:18] [68:1,2]  
 [87:7] [95:25] [99:3,6,16]  
 [103:1] [122:11] [132:10]  
 [161:15] [168:23]  
**individuals** [5:5] [6:6] [8:3]  
 [31:15] [88:14] [161:15]  
**industry** [40:6] [97:6] [155:  
 15]  
**infect** [14:17]  
**influence** [55:6] [139:25]  
**informal** [118:1] [120:22]  
 [130:15]  
**informally** [5:7]  
**information** [4:23] [6:10]  
 [7:23] [8:17] [22:22] [105:9  
 ,16] [106:7] [121:14,16]  
 [136:21] [138:10] [161:23]  
 [176:7] [182:18]  
**importance** [32:22]  
**inherent** [119:4]  
**inhouse** [134:23] [135:13]  
**in-house** [134:23] [135:13]  
**initial** [59:20] [122:10,14,23]  
 [123:1] [167:9]  
**initially** [55:5] [103:10]  
**initiated** [179:24]  
**initiative** [17:2] [77:19]  
 [82:3]  
**inner** [14:14] [55:24] [76:3]  
 [109:3]  
**innovation** [31:1]  
**inordinate** [17:22] [52:18]  
**input** [158:21] [174:23,25]  
 [185:9,10]  
**inquiry** [6:12]  
**insight** [16:7]  
**insinuate** [106:5]  
**instance** [115:18] [126:11]  
 [166:25]  
**instances** [97:22]  
**instant** [27:8] [41:6]  
**instead** [30:8] [49:4] [70:1]  
 [81:21] [110:22]  
**instill** [171:10]  
**instills** [5:1]  
**institute** [42:19]  
**instituted** [20:2] [129:15]  
**institution** [107:4] [108:5]  
 [170:24]

## Hearing 10/24/06

- institutional** [113:24] [147:19]  
**institutionalized** [34:21] [37:19] [115:4]  
**instructed** [13:5] [70:6]  
**instructional** [39:19] [41:16] [58:4] [61:10] [127:20] [135:20]  
**instructionaltype** [127:20]  
**instructional-type** [127:20]  
**instructions** [100:9]  
**insult** [40:4]  
**integral** [15:25]  
**integrity** [11:12] [84:3]  
**intel** [27:2]  
**intention** [40:17]  
**interact** [142:15]  
**interaction** [16:9] [20:23] [44:24] [45:14] [59:5] [80:21] [82:20,24] [123:17] [140:21]  
**interactions** [28:12] [66:23] [147:10]  
**interdicting** [109:22]  
**interdiction** [98:23] [109:18,19]  
**interdictions** [56:9]  
**interest** [40:21] [74:13] [80:3] [82:23] [182:21]  
**interested** [22:7] [51:7] [131:5] [:15]  
**interests** [41:9]  
**interfaced** [95:16,17]  
**internal** [137:3,6,13] [154:9] [166:24] [174:19] [179:15] [184:7]  
**international** [159:22]  
**interpret** [56:23]  
**interrupt** [129:2]  
**intervention** [29:14] [58:5] [70:3] [154:12,13]  
**interventiontype** [70:3]  
**intervention-type** [70:3]  
**interviews** [50:9]  
**intoxicated** [68:16]  
**invented** [33:9]  
**inventing** [30:12]  
**investigate** [112:21] [167:16]  
**investigated** [154:5] [167:9]  
**investigation** [137:6,14] [154:9]  
**invitation** [104:14]  
**invited** [165:12]  
**involve** [46:3] [185:18]  
**involved** [46:20,22] [55:18] [112:6] [119:20] [123:12] [140:17] [152:6] [167:3,4] [170:20] [182:21]  
**involvement** [160:6]  
**involving** [37:2]  
**irish** [76:14]  
**irrefutably** [38:18]  
**irvington** [12:8] [17:1] [77:11] [80:22] [82:9] [146:1,2,14] [163:25] [172:3]
- isnt** [48:13] [71:9] [129:8] [143:17]  
**issue** [37:18] [66:1] [68:11,12] [74:7] [81:22] [84:16,17] [85:10] [89:3] [91:15] [103:8] [128:13] [134:1] [138:25] [142:3,4,5] [144:6,8] [146:3,19,23] [150:25] [151:23] [153:4] [172:3] [176:24]  
**issued** [33:25]  
**issues** [5:3] [6:6,12] [24:9] [26:18] [34:17] [37:21] [48:4] [52:7] [66:14] [88:2] [93:9] [94:23] [107:15,21] [108:10] [111:4] [118:20] [119:13] [121:22] [125:24] [127:9] [135:7] [144:21] [145:13] [150:20] [177:25] [178:24] [185:13]  
**itself** [73:20] [107:4]
- 
- J
- 
- jackson** [67:9] [91:1] [152:23]  
**jail** [60:21]  
**james** [:15] [3:6] [72:24] [122:24]  
**jeff** [142:7]  
**jefferson** [40:24] [54:5]  
**jerome** [121:20]  
**jersey** [:1,5,11,14,23] [3:13,18] [4:5] [8:25] [9:5] [10:6,25] [11:9] [14:10,13] [16:25] [23:15] [24:17] [25:18] [26:4,10] [30:3] [36:8,13] [37:15] [38:6] [40:14] [42:19] [58:16] [72:25] [75:11] [78:3] [82:6] [83:7] [91:5,10] [111:16] [115:8] [117:20] [121:22] [122:8] [123:7] [127:22] [144:10] [149:14,17,20] [152:12] [158:22] [159:6] [160:15,17,19] [165:9,20] [174:10,11,13] [175:8] [176:25] [177:3,15,25] [186:12,17,21,25] [187:1,2] [:4]  
**jerseys** [12:3]  
**jiles** [149:16]  
**job** [9:6] [30:24] [48:8,13] [50:12] [54:20] [58:21] [62:5] [70:12] [77:1] [79:5] [84:13] [86:25] [96:9] [97:9,16] [106:22] [110:20,24] [112:7] [119:16] [129:10] [135:13] [140:21] [143:13] [144:21] [145:10] [173:14,19,21,24]  
**jobs** [96:15] [134:24]  
**jockeys** [131:15]  
**jog** [92:7]  
**johnny** [81:24]  
**johnson** [:15] [3:1,6] [9:18] [26:7] [42:4] [46:10,14] [50:22] [58:9] [63:19,21] [65:6,12] [72:22] [83:5] [90:19] [103:14] [104:18] [111:15] [115:6] [121:20] [124:10] [128:9] [129:1] [130:14,23] [133:24] [135:22] [136:1] [148:24] [149:3,12] [157:8] [158:20] [182:24] [183:19] [184:10] [185:11,21] [187:5]  
**join** [3:14] [12:23] [25:5] [27:15] [38:7] [78:4] [98:3]  
**joined** [35:1,23] [101:4] [148:25]  
**joining** [95:13] [96:1]  
**joint** [35:23] [38:7]  
**jones** [8:21] [9:3] [26:9,11,12,19] [42:5] [46:25] [47:5] [53:11,25] [57:11] [59:6] [61:13] [63:5,23] [65:25] [69:3] [70:16] [73:21] [78:15] [81:3] [84:4] [87:16] [90:5,12,25] [91:11] [92:16] [94:10] [95:7,19] [101:17,20] [106:12,25] [114:4] [115:24] [117:23] [118:5] [121:2] [124:8] [131:10,12] [134:11] [139:9,18] [140:4] [142:16] [145:8] [147:17] [149:11] [182:19]  
**judgments** [41:6]  
**jump** [47:25] [70:10] [96:25]  
**junior** [93:3]  
**justice** [3:15,19] [25:6] [27:16] [36:12] [38:7] [42:20] [57:13] [58:7] [65:13] [69:5,10] [90:20,22] [91:13] [92:8] [94:4] [95:3,11] [97:19] [100:25] [101:18] [110:19] [116:5] [120:9] [122:9,24] [123:13] [152:11,20]
- 
- K
- 
- katrina** [12:2] [36:21] [79:4]  
**keep** [6:25] [46:1] [52:23] [64:22,23] [156:25] [157:13] [164:7]  
**keeper** [95:1]  
**keeping** [12:1] [65:23] [81:19]  
**keeps** [148:20]  
**kevin** [58:10]  
**key** [5:3] [16:11] [36:13] [95:1]  
**kid** [96:18] [109:2,3,4]  
**kids** [12:18,20] [75:24] [76:12] [99:6,9,19,21,24] [120:9]  
**kill** [91:22]  
**killed** [97:15]  
**killing** [172:7]  
**kilos** [56:16]  
**kim** [118:18]  
**kind** [44:12] [46:21] [57:9] [59:18] [62:9] [63:1] [66:24] [82:19] [85:6,7,17] [96:15,20] [105:18] [114:9] [116:25] [119:1] [122:18,21] [123:2,8] [124:10] [126:2] [128:7] [140:20] [146:22,24] [160:7]  
**kinds** [57:7] [139:11]  
**knew** [150:11]  
**knocking** [76:19]  
**know** [8:4] [14:18] [24:5] [27:24] [32:11] [35:8] [36:18] [41:7] [42:16] [45:17] [52:11,14,18] [53:14] [54:14] [55:20] [56:3,12,25] [60:21] [63:18] [64:8] [66:22] [67:4] [68:21] [69:20] [70:1] [72:15,19] [75:14] [77:7,15,22] [78:7] [79:20] [82:18] [84:13] [85:9] [86:11] [89:20] [91:14,17,21] [93:1,24] [96:16] [97:5] [98:10,13,20] [100:16,22] [101:5,10,11,12,15] [102:19,24] [105:19] [107:15] [110:1,2,8] [111:8,25] [112:3,16] [113:15] [119:18] [120:15] [125:17,21,25] [126:1,14] [127:11] [129:18] [132:8] [134:6] [137:23] [142:11] [146:16] [154:8] [157:17] [161:13] [164:25] [166:7] [167:17,18,19,21] [175:5] [176:18,23] [180:12,16] [181:23] [183:4]  
**knowing** [12:4] [114:21]  
**knowledge** [61:20] [79:12]  
**knows** [31:16] [54:15] [56:13] [71:9] [81:24] [85:14] [97:13]
- 
- L
- 
- la** [34:19]  
**labor** [47:6]  
**laborers** [76:11]  
**lack** [73:14]  
**lacked** [28:16]  
**ladder** [131:6,7]  
**ladies** [3:5] [9:19]  
**land** [49:19]  
**language** [119:13]  
**large** [66:1]  
**last** [4:9,14] [5:14] [18:10] [19:21] [21:23] [22:5] [48:21] [60:13] [89:24] [93:18,20,21,24] [94:12] [96:12] [120:3] [132:21] [140:23] [158:4] [165:24,25] [171:8] [173:6] [175:7,24]  
**late** [179:3]  
**later** [36:16] [48:7] [108:1] [165:17]  
**law** [4:6] [6:16] [10:7,21] [19:19] [21:9] [24:16,23] [25:12] [32:1] [40:8] [41:11]

## Hearing 10/24/06

- ,23] [47:6,7] [49:19] [53:12] [54:17] [63:8] [68:4,6,14,22] [70:12] [117:20] [118:14] [119:4,7] [124:19,20] [149:15,21] [150:6,11,15,19] [151:4] [156:23] [159:25] [160:23] [161:10,18] [163:8,12,18] [164:10] [172:23] [176:12] [180:13,15]
- lawful** [21:24]
- laws** [14:9] [19:22,24] [37:20] [67:8] [74:3] [164:4]
- lawyer** [96:19,20]
- lawyers** [115:8] [117:18]
- lay** [31:20]
- layers** [17:10,19,21]
- lays** [31:23]
- laziness** [109:20]
- lead** [37:1] [105:14] [106:10,19] [130:13] [150:20]
- leader** [47:18,24] [93:24]
- leaders** [5:19,21] [6:14] [23:22] [38:22] [39:18] [77:21] [131:8] [145:19] [184:14]
- leadership** [5:10,12,13] [18:3,7] [46:16] [58:18] [62:22] [64:17] [128:5] [130:25] [131:6] [132:20] [133:2,6,21] [169:19,25] [170:2] [175:3] [184:19,21]
- leads** [77:15]
- leapfrogs** [48:12]
- learn** [100:8] [148:12]
- learned** [65:1] [100:6] [111:10,12,14] [182:2]
- learning** [71:23] [72:9,14] [100:7,22] [123:11,22] [124:6] [148:18]
- least** [42:17] [125:15] [129:11]
- leave** [7:2,10] [55:7] [70:16] [79:12] [80:6] [130:9] [136:24]
- leaves** [31:24]
- leaving** [99:18] [146:2,15] [172:17]
- lee** [118:18]
- leery** [22:14]
- left** [70:17] [136:22]
- legal** [41:3]
- legislative** [19:2]
- legislators** [19:21] [43:19]
- legislature** [20:25] [67:13]
- legitimate** [31:11]
- lend** [56:21]
- lending** [37:5]
- lengths** [6:24]
- less** [21:6] [23:16] [81:12] [85:3] [86:4]
- lesson** [111:14]
- let** [8:4] [28:19] [70:7] [75:9] [92:14] [93:20,21] [101:17] [104:12] [120:14] [129:2] [167:4] [168:5]
- lets** [79:13] [130:8] [133:1] [147:14]
- level** [17:14] [33:21] [39:19] [51:5] [68:20] [84:10] [123:14] [132:25] [133:8] [142:21] [144:17] [152:15] [162:1]
- levels** [25:1] [37:15] [51:14,24] [52:24] [133:23] [155:21] [180:15]
- liberties** [54:6] [74:4]
- liberty** [40:25]
- license** [:3]
- lieutenant** [61:14] [90:11] [109:8] [128:14] [137:8]
- lieutenants** [8:23] [9:11]
- life** [19:1] [31:20,24] [82:15] [96:18] [99:25] [103:2]
- lifelong** [48:25]
- lift** [152:4]
- lifted** [19:25] [68:24] [87:4] [101:8,9] [129:6] [130:19] [159:10,15] [166:4] [184:3]
- lifting** [6:1] [14:18] [90:13] [165:9] [183:2]
- light** [13:18] [52:15] [60:17] [156:9]
- likelihood** [105:21] [106:7]
- likely** [100:11] [130:9]
- limited** [153:1] [161:23]
- limits** [41:1]
- linda** [:2,19]
- line** [10:14,17,18] [16:12] [37:1] [42:11] [55:21] [71:3] [76:10] [78:21] [95:4,6] [109:21] [110:22] [121:10] [146:24] [147:7] [164:6,16]
- lines** [12:17] [121:11] [176:9]
- linked** [62:21]
- list** [49:4] [129:20] [143:5]
- listed** [21:13]
- listen** [145:19]
- listened** [38:21]
- literally** [167:15]
- little** [13:18] [34:11] [43:5] [57:21] [67:18] [75:17] [81:24] [94:5] [108:5] [117:25] [120:23] [136:15] [170:20] [175:20]
- live** [122:12] [123:21]
- lived** [15:12] [16:23]
- lives** [10:16] [78:20] [123:5]
- living** [122:17]
- local** [10:24] [24:20] [37:2,14] [39:23] [81:7,10] [114:22] [124:4] [127:13] [150:18] [176:12] [181:18]
- locales** [41:17]
- lockdown** [84:16]
- locking** [56:2]
- logistical** [19:4]
- logistics** [16:14]
- long** [10:22] [32:3] [49:18] [62:16] [66:8,15] [67:12] [114:20,25] [117:13] [143:1] [163:15] [173:18] [179:21]
- longer** [59:23] [61:23] [88:23]
- look** [6:19] [19:18] [21:22] [46:24] [56:3] [63:18] [70:17] [77:23] [78:8] [86:9] [92:17,18] [93:23] [98:13] [105:10,11] [106:10] [111:13] [116:16] [122:21] [123:4] [127:25] [132:13] [136:25] [137:5,8] [144:11] [145:18] [154:11] [159:16] [170:19,22] [179:17] [181:4]
- looked** [18:4]
- looking** [18:24] [19:7] [24:10] [45:25] [54:24] [74:21] [105:13] [107:16] [116:2,3,25] [117:2] [126:7] [131:9] [134:1]
- looks** [64:9]
- lose** [141:3] [148:15]
- loses** [23:12]
- lost** [86:16] [88:21] [156:2]
- lot** [48:10,23] [58:24] [59:1] [63:14] [66:2] [67:7] [76:14] [79:16] [82:17,25] [98:14] [100:3] [107:7] [108:1] [111:3] [112:4] [118:6,8,11,16,20] [127:10] [133:17] [144:21] [146:10,11,18] [164:17] [170:16] [175:6] [180:20]
- loud** [14:8] [78:11]
- louisiana** [177:24] [178:8]
- love** [31:20] [81:16] [140:16]
- loved** [13:17,20]
- loves** [37:15]
- lower** [29:15] [132:25] [133:8,23]
- loyal** [82:22]
- lucent** [96:4,7] [97:16,18]
- 
- M
- 
- mail** [8:12]
- maintain** [12:6] [46:6] [49:6,19] [56:10] [60:24] [66:9] [156:6] [167:20]
- maintained** [12:10]
- maintaining** [23:17]
- maintains** [110:25]
- maintenance** [39:5]
- major** [40:12] [82:5] [83:7] [90:11] [99:16] [105:22] [112:24] [113:1] [139:14]
- majority** [32:1] [37:25] [102:18] [143:1] [147:9] [172:12]
- making** [3:22] [14:20] [30:17] [42:7] [46:17] [53:23] [54:8] [67:16] [84:23] [90:14] [105:7] [161:6,9] [168:9] [180:18]
- male** [90:16] [94:18] [107:5] [143:9]
- man** [23:11] [31:20,21] [36:23] [128:5]
- manage** [102:9] [113:18]
- management** [4:23] [39:16,19] [47:10] [48:18] [49:2,14] [50:3] [62:25] [94:22] [143:6] [154:20] [155:10] [184:22]
- manager** [85:9]
- managers** [47:18,19] [133:8] [172:17] [177:9]
- mandate** [22:25] [27:13] [109:7]
- mandated** [38:10] [59:8]
- mandates** [4:20] [13:6] [18:8] [25:13] [30:9] [85:1] [89:6] [90:13]
- mandatorily** [84:20]
- mandatory** [48:22] [84:8] [148:7]
- manhattan** [107:25]
- manner** [5:1] [154:6]
- mapp** [166:20]
- mapps** [16:5] [29:13] [52:3] [61:16] [66:14] [68:21] [85:25] [101:14] [115:12] [126:10] [165:13]
- marathon** [10:15]
- marks** [90:5] [157:9]
- marriage** [171:2]
- married** [103:12]
- materials** [39:5]
- matter** [38:1] [39:25] [40:4] [49:20] [50:2] [62:24] [77:1] [90:15] [102:8] [121:12] [136:25] [167:8] [176:17] [178:13]
- matters** [6:18] [17:8]
- may** [13:17] [25:22] [45:24] [46:23] [50:19] [54:22,25] [65:25] [76:17] [86:24] [87:1] [93:3,4] [121:2] [127:9] [139:25] [142:13] [154:7,8] [167:8] [169:20] [170:16,20] [171:1] [173:4] [179:10] [182:2] [185:17] [186:1]
- maybe** [53:3,10] [85:3] [92:6] [125:15] [126:11,14] [129:18] [130:5] [135:1] [137:6,7,11] [170:25] [179:11]
- mazdas** [105:19]
- mccay** [104:19]
- meadowlands** [17:2]
- mean** [83:1] [86:4] [102:19] [106:5]
- meaning** [44:15] [155:6]
- means** [19:4] [144:4] [151:15] [162:22]
- meant** [119:1]
- measures** [155:24]
- measuring** [143:1]
- mechanical** [13:12] [19:10] [52:2]
- mechanism** [49:13] [59:11]

## Hearing 10/24/06

- [108:19] [166:17] [174:19]  
**mechanisms** [63:1] [68:25]  
 [71:17] [166:14]  
**mechanized** [88:7]  
**mediate** [113:7]  
**medical** [37:3]  
**meet** [78:25] [90:1]  
**meeting** [142:12] [146:1]  
**meetings** [23:25] [142:11]  
 [161:3,4,8] [183:14]  
**meets** [118:14]  
**member** [7:11] [10:5,8]  
 [139:21] [144:10] [152:1]  
**members** [3:5] [5:2] [7:12]  
 [10:10] [12:21] [24:3,8]  
 [26:13] [28:22] [33:22]  
 [34:14] [43:15] [58:16]  
 [75:8] [93:2] [120:22]  
 [122:11] [136:5] [139:22]  
 [140:17] [141:10,23] [142:  
 9,18] [151:6,9] [158:22]  
 [159:5,8] [160:19,20]  
 [162:2,3,5,12] [165:19]  
 [183:22,23] [186:6,11,17,18]  
 [187:3]  
**membership** [35:5] [139:21]  
 [186:12,15,21]  
**memorialization** [68:9]  
**memorialize** [71:14]  
**memorialized** [29:19]  
 [33:8] [147:19]  
**memory** [92:7]  
**men** [15:11] [31:7] [58:19]  
 [76:5] [141:3]  
**mentality** [99:4]  
**mention** [97:22]  
**mentioned** [5:16] [7:19]  
 [9:8] [42:5] [100:1] [109:11]  
 [120:5] [136:13] [161:16]  
 [178:20] [180:5]  
**mentoring** [41:18] [51:19]  
**mentorship** [15:24] [112:16]  
 [115:2] [133:3]  
**mercy** [23:3]  
**mere** [13:23]  
**merit** [76:15]  
**merits** [137:5]  
**message** [14:5] [38:14]  
 [39:22] [78:23] [87:12]  
 [102:15]  
**met** [23:19,21] [35:16]  
 [38:13] [92:13]  
**methodologies** [28:9]  
 [109:13] [125:1]  
**methodology** [30:1] [87:24]  
 [163:19]  
**methods** [163:10] [166:23]  
**michael** [104:19]  
**michelle** [46:11]  
**mid** [47:19]  
**midlevel** [47:19]  
**mid-level** [47:19]  
**midnight** [140:14]  
**midnights** [96:5]  
**midst** [35:15]  
**mile** [37:1] [40:2]  
**miles** [10:19]  
**military** [114:9]  
**million** [34:7] [48:7] [70:19]  
 [74:6,22] [94:15,16,17]  
 [97:12]  
**millions** [95:10] [125:6]  
 [126:21]  
**mind** [18:4] [41:3] [82:23]  
 [105:3] [134:7] [144:15]  
 [156:25]  
**minds** [70:21]  
**mindset** [82:17] [83:4]  
 [108:18] [146:8]  
**mindsets** [110:13]  
**mine** [126:23]  
**minimal** [48:15]  
**minimize** [7:3]  
**minimum** [30:7] [90:5]  
**minorities** [90:9] [106:24]  
 [118:3] [139:25] [141:19]  
 [151:8] [156:15]  
**minority** [12:9] [18:12,22]  
 [24:7] [56:7] [106:23]  
 [118:2] [141:23] [142:9]  
 [150:22] [155:20] [173:13,16]  
**minus** [17:7]  
**minute** [6:21] [126:16]  
**minutes** [9:25] [42:14]  
 [47:21] [135:24] [157:14]  
**mirrors** [39:7] [124:20]  
**mis** [91:12]  
**misidentify** [91:12]  
**mis-identify** [91:12]  
**mission** [14:20] [23:3]  
 [38:12] [65:2] [172:24]  
**missions** [11:18] [23:17]  
**mistake** [70:14] [71:2,10]  
 [100:9,11] [126:15]  
**mistakes** [100:2,21] [156:19  
 ,21]  
**mistrust** [146:19]  
**mixed** [14:5] [102:15]  
**mixing** [34:19]  
**mobile** [66:14]  
**mode** [7:5]  
**model** [26:4] [124:1] [157:6]  
**models** [159:16]  
**modern** [82:20]  
**modernization** [129:18]  
**modernized** [66:13]  
**mold** [105:12]  
**monday** [57:24]  
**monetarily** [121:15]  
**money** [39:5] [66:17] [74:20  
 ,21] [94:20] [117:4] [126:16]  
**monies** [95:4,5]  
**monitor** [15:9] [60:3] [68:3]  
 [69:9] [158:12,15,18]  
 [184:4,5]  
**monitored** [148:9] [179:5]  
**monitoring** [16:3] [61:12]  
 [124:3] [144:12] [147:13]  
 [153:13] [158:8,25] [166:25]  
 [167:4] [177:21] [180:8]  
 [184:2]  
**monitors** [4:12] [15:3,5,16]  
 [19:9] [22:6] [30:8,21]  
 [33:5,13] [35:11] [39:8]  
 [43:8] [44:1] [50:17] [51:5,17]  
 [59:13,17] [60:2,19] [61:25]  
 [64:7] [69:24] [73:10,11]  
 [80:25] [123:13] [129:11]  
 [145:1] [152:21] [161:18]  
**monitorship** [11:8] [20:14]  
**monthly** [161:4]  
**months** [79:21] [93:6]  
**moot** [50:19]  
**moral** [31:15]  
**morale** [38:23,25] [39:5,11  
 ,15] [78:12,17,23] [79:23]  
 [86:13] [89:2,3] [101:10,16  
 ,19,24] [102:21] [103:7,11]  
**morning** [57:24]  
**morris** [149:19,24] [150:4]  
 [157:21,25] [158:14] [162:  
 25] [163:4] [166:9,12,22]  
 [168:16] [169:3,6,9,13,17,23]  
 [170:15] [171:5] [172:15]  
 [173:20] [176:3] [179:1,25]  
 [180:24] [181:7,23] [182:6]  
 [183:25] [184:10,18] [185:  
 19] [186:9]  
**mostly** [26:25] [129:23]  
**mother** [102:25]  
**motion** [3:15] [25:6]  
**motivating** [169:25]  
**motor** [16:1,14] [137:9]  
**motorist** [13:13,20] [115:19]  
 [138:4]  
**motorists** [138:16]  
**mou** [91:20] [92:12]  
**mous** [94:2,23]  
**mousetrap** [59:19] [126:24]  
**moussaoui** [36:14]  
**mouth** [66:17]  
**move** [42:18] [45:3] [64:25]  
 [74:14] [79:17] [90:3,17]  
 [93:1] [140:6] [144:16]  
**moved** [10:18] [63:6] [143:16]  
 [145:5]  
**movement** [108:6]  
**moving** [49:7] [58:17,21]  
 [61:8] [65:23] [107:18]  
 [119:6]  
**mr** [8:24] [9:8,12,17,18]  
 [26:5,8,9,11,12,13] [30:20]  
 [42:5,22] [43:2,12] [44:15,18]  
 [45:12,24] [46:14,25]  
 [47:5] [50:6,22] [51:1,2,11]  
 [52:1] [53:2,8,9,11,25]  
 [57:6,11] [58:8,12,15]  
 [59:6] [61:7,13] [63:3,5,19  
 ,23] [64:15] [65:12,25]  
 [69:3] [70:16] [71:12,21,23]  
 [72:24] [73:3,4,21] [77:9]  
 [78:10,15] [80:8] [81:3]  
 [83:6,9] [84:4] [85:21,24]  
 [86:6] [87:16] [88:24]  
 [89:1,8,24] [90:5,7,12,23,25]  
 [91:11] [92:9,16] [94:10]  
 [95:7,19] [98:7,12,22]  
 [100:1] [101:3,8,17,20]  
 [103:18,24] [104:17,22]  
 [105:6,25] [106:4,12,20,25]  
 [111:10,16,18] [112:9]  
 [113:23,25] [114:1,4,19]  
 [115:3,5,24] [118:5] [119:9  
 ,25] [120:5] [121:2,23]  
 [122:2] [124:8,10] [127:25]  
 [128:4,5,19] [129:13]  
 [130:7,22] [131:12] [132:20]  
 [134:11] [136:18] [137:18,21]  
 [138:11,19,21,24] [139:9,13  
 ,18,19,20,24] [140:4] [141:  
 16,21] [142:16] [143:20]  
 [145:8] [147:11,17] [148:10  
 ,22] [149:11,24,25] [157:9,12  
 ,21,25] [158:14,20,21]  
 [159:2] [160:5,9,13,14,17,18  
 ,21,22] [161:1] [162:2,15,20  
 ,25] [163:2,4] [164:11]  
 [165:8,11,18,21,24] [166:9  
 ,12,22] [168:16] [169:1,3,6  
 ,7,9,10,13,15,17,18,23]  
 [170:11,15] [171:20,22]  
 [172:1,15] [173:5,20,24]  
 [174:4,7,8,12,16] [175:4,18  
 ,20,24,25] [176:3,17] [177:  
 13,23] [178:9,11] [179:1,23  
 ,25] [180:5,9,16,23,24]  
 [181:7,23] [182:6,9,19,23]  
 [183:9,21,24,25] [184:10,18]  
 [185:19] [186:3,9,10,14,19  
 ,24] [187:4]  
**ms** [42:18,21] [44:9,16]  
 [45:4] [46:9,10,13] [47:1]  
 [50:21] [115:9] [117:15]  
 [120:16] [121:19] [130:24]  
 [136:11,12] [137:16,19]  
 [148:23] [149:2] [157:14,16  
 ,22] [158:11,19] [180:23]  
 [181:14] [182:3,7]  
**mt** [90:20]  
**multiple** [118:5,15]  
**municipalities** [114:22]  
 [176:15]  
**murder** [40:10] [53:15]  
**murders** [55:24]  
**mutual** [150:21]  
**mvr** [29:13] [35:6] [69:17]  
 [85:13] [126:10]  
**mvr's** [33:19] [34:8] [101:15]  
 [115:13]  
**myriad** [11:5] [52:8]  
**myself** [33:14] [93:21]
- 
- N
- 
- n.j** [3:8]  
**naacp** [91:16] [93:13]  
**name** [3:6] [26:19] [40:5]  
 [55:20] [100:2] [103:7]  
 [120:5] [150:4] [180:2]  
**narcotic** [112:22]  
**narcotics** [14:12] [77:13,16]  
**nation** [26:5] [127:23] [159:  
 18]  
**national** [6:15] [10:9] [11:24]

## Hearing 10/24/06

[23:2] [72:25] [149:14,20]  
 [150:5] [161:17] [180:12]  
**nationally** [160:16]  
**natural** [76:7]  
**nature** [118:24]  
**naysayers** [22:3] [79:14]  
**near** [119:21]  
**necessarily** [6:7] [48:13]  
 [106:4] [156:12] [159:12]  
 [163:10] [173:4]  
**necessary** [39:12] [41:4]  
 [59:23] [67:22] [79:23]  
 [98:24] [135:3] [137:25]  
 [151:18] [155:2] [172:20]  
 [184:9]  
**need** [21:21] [22:12] [27:19  
 ,24] [43:2] [58:23] [60:11,12]  
 [74:15] [88:24] [89:10,21]  
 [100:10] [119:15,16] [121:  
 7] [125:4] [128:12] [130:10]  
 [133:12] [134:11] [135:14]  
 [136:6] [142:1] [144:11]  
 [152:16] [154:7,8] [156:5]  
 [161:12]  
**needed** [30:13] [44:8] [133:  
 2]  
**needles** [12:15]  
**needs** [23:6] [127:4] [130:1]  
**negate** [167:13]  
**negative** [82:24] [92:15]  
 [115:14] [147:9]  
**negatively** [80:12]  
**negotiable** [47:9]  
**negotiate** [145:14]  
**neighborhoods** [107:25]  
**neighboring** [37:6]  
**neither** [34:20] [11,13]  
**nets** [12:17]  
**network** [108:19]  
**new** [1,5,11,14,23] [3:13,18]  
 [4:5] [8:24] [9:5] [10:6,24]  
 [11:9,20] [12:3,17] [14:9,13]  
 [16:25] [23:1,15,17] [24:17]  
 [25:18] [26:3,10,25] [30:3]  
 [32:19] [33:15] [34:6,7]  
 [35:7,21] [36:8,13] [37:1,10  
 ,15,22] [38:6] [39:2] [40:14]  
 [41:11] [42:19] [58:16]  
 [72:25] [74:21] [75:11]  
 [76:1] [78:2] [82:6] [83:7]  
 [89:5] [91:5,10] [107:23]  
 [111:16] [115:8] [117:20]  
 [121:22] [122:8] [123:7]  
 [127:22] [128:16] [129:6,9]  
 [144:9] [149:13,17,20]  
 [152:12] [156:18] [158:22]  
 [159:6] [160:15,17,19]  
 [165:9,19] [174:10,11,13]  
 [175:7] [176:25] [177:3,15  
 ,25] [178:20] [179:23]  
 [184:16] [186:12,17,20,25]  
 [187:1,2] [4]  
**newark** [26:25] [95:23]  
 [140:14] [147:4] [164:2]  
 [166:11,21] [167:6] [168:14]  
 [169:3,4] [171:7] [172:3]  
 [176:4] [178:21] [181:2]  
**next** [6:3] [26:8] [58:9]  
 [65:7] [67:6] [72:23,24]  
 [76:11] [83:6] [95:22]  
 [103:19] [104:18] [126:23]  
 [136:2] [149:13] [156:2,3]  
 [174:5] [178:18]  
**nexus** [55:23] [57:3]  
**nice** [107:13] [162:10]  
**nickel** [14:15]  
**nights** [74:8]  
**nine** [70:19]  
**nj** [35:25] [37:1]  
**no** [17:25] [31:16,20] [32:19  
 ,21] [33:10] [35:8] [36:4,24]  
 [39:10,25] [44:16] [48:1,9]  
 [49:13,18,20] [50:2] [59:22]  
 [61:5,23] [62:24] [63:7]  
 [72:1] [77:1] [80:21] [83:16  
 ,23] [87:16] [90:15] [96:7]  
 [102:7] [112:15] [124:14]  
 [127:1,8,9] [136:25] [138:19  
 ,21] [141:14] [148:22,23]  
 [149:2] [167:7] [168:3]  
 [171:14] [181:1] [3]  
**noble** [149:15,18] [150:5,6,14  
 ,19] [151:1] [152:1] [159:23]  
 [160:15,17,20] [162:12]  
 [174:6,17,22] [176:16]  
 [180:6] [183:3] [186:12,18  
 ,20]  
**nobles** [165:8]  
**nobody** [109:10,15] [116:13]  
**non** [8:25] [9:21] [40:16]  
**noncommissioned** [8:25]  
**non-commissioned** [8:25]  
**none** [32:10] [33:7] [139:18  
 ,22]  
**nonviolent** [40:16]  
**non-violent** [40:16]  
**nor** [18:11] [21:15] [11,12,13]  
**normal** [52:5]  
**north** [118:13]  
**northern** [149:17,20] [186:  
 25] [187:2]  
**notary** [4]  
**note** [29:23] [87:6] [103:4]  
**noted** [33:5] [77:10] [83:20]  
**notes** [87:19]  
**nothing** [24:22] [70:18]  
 [98:19] [102:13] [110:23]  
 [125:8]  
**notice** [117:21] [176:3]  
**notwithstanding** [152:3]  
**november** [7:22] [187:7]  
**nullified** [115:12]  
**nullify** [116:2] [117:1]  
**nullifying** [117:7]  
**number** [23:8] [24:2,21]  
 [114:10] [129:14,22] [136:  
 13,20,23,24] [137:25]  
 [138:12] [150:7] [162:21]  
 [181:7,10]  
**numbers** [43:24] [44:6]  
 [45:2] [56:4] [74:14] [75:16]  
 [114:18] [140:18] [178:1]  
 [181:4] [186:13]  
**numerous** [11:6,17] [22:24]  
 [23:18]  
**nuts** [61:15] [134:2] [140:24]  
 [141:1]  
**nypd** [36:11]

---

**O**

**oath** [31:16] [122:13]  
**obligation** [12:5] [27:15]  
 [69:6] [110:25] [114:14]  
 [116:4]  
**obligations** [57:16]  
**observation** [31:8] [93:17]  
**observations** [55:11] [57:5]  
 [94:12]  
**observed** [31:2] [128:7]  
**obviously** [54:19] [93:8]  
 [94:22] [159:4] [175:11,21]  
**occasions** [118:15] [175:5]  
**occupant** [168:11]  
**occur** [88:6] [111:5] [124:23]  
**occurred** [56:18] [72:2]  
 [75:2] [90:18] [102:14,16]  
 [109:6] [123:10,11]  
**occurring** [28:17]  
**occurs** [69:18] [71:13]  
 [77:4]  
**ocean** [178:16]  
**oclock** [6:22]  
**october** [9] [4:9] [25]  
**off** [17:12] [44:6] [48:4]  
 [57:19] [66:6] [72:18]  
 [87:8]  
**offer** [8:3] [18:2] [20:4]  
 [127:10] [138:8]  
**offered** [75:19] [182:11]  
**offering** [99:23]  
**office** [4:15] [8:13] [11:9,10  
 ,11,12,13] [19:11,17] [20:22]  
 [35:6] [41:14] [43:20]  
 [58:25] [59:3,7,12] [61:4,9  
 ,18] [63:4] [67:20] [106:13]  
 [108:8] [123:15] [125:12]  
 [126:4] [128:15] [129:8,12]  
 [130:1,12,17] [134:5,9]  
 [141:9] [147:4] [152:21]  
 [158:2,8] [159:10,13]  
 [160:11] [174:10] [175:14,19]  
 [178:15]  
**officer** [31:22,23] [54:18]  
 [67:1] [142:8] [167:13]  
 [168:22] [173:13,14,15,16  
 ,17,18,21] [179:10,13]  
**officers** [3:20] [9:1,10,22]  
 [23:21] [37:3] [151:4,11]  
 [154:16,23] [155:7] [163:5]  
 [164:5] [167:1] [168:13]  
 [179:5,18] [181:15,18]  
 [186:23]  
**offices** [11:7,8] [127:3]  
 [167:17] [179:15]  
**officials** [108:9] [139:10]  
**often** [11:25] [55:7] [62:20]  
 [151:19]  
**okay** [87:13] [131:25] [167:  
 23] [168:2] [169:17]  
**old** [22:15] [34:4] [54:3]  
 [76:14] [108:19]  
**older** [108:4]  
**once** [71:12] [85:19] [113:18]  
 [131:15] [137:2]  
**one** [5:3] [6:20] [7:8,12]  
 [13:17,20] [18:12] [26:2]  
 [29:22] [33:10] [36:4]  
 [38:5] [42:17,18] [44:5]  
 [48:2,3] [51:10] [54:4]  
 [57:16] [62:8,9] [64:12,15,16]  
 [73:6] [76:23] [82:24]  
 [88:4] [89:24] [91:23]  
 [92:10,11] [95:25] [96:3,10  
 ,18,22] [99:1,13] [100:19,25]  
 [101:1,24] [105:2] [112:17]  
 [116:9,11] [117:15] [120:16]  
 [123:14] [125:20] [126:5,17]  
 [128:4] [129:21] [134:3,11]  
 [138:9,10] [139:8,19]  
 [144:2] [157:10] [161:7]  
 [163:9] [165:15] [175:10]  
 [177:7,15,23] [179:20]  
 [183:2,5,18] [186:3,10]  
**oneone** [112:17]  
**one-on-one** [112:17]  
**ones** [50:8,9] [51:24] [59:23  
 ,24,25] [60:1] [95:15,16]  
**ongoing** [33:18] [39:12]  
 [42:24] [149:8]  
**onset** [59:20]  
**onslaught** [24:13]  
**onto** [123:22]  
**open** [141:5] [146:12]  
**opening** [42:6,11] [149:22]  
**openmindedness** [146:12]  
**open-mindedness** [146:12]  
**operate** [164:8] [171:13]  
**operated** [35:5]  
**operates** [126:17]  
**operating** [13:18] [29:18]  
 [153:11] [155:14] [167:13]  
 [168:7]  
**operation** [36:25] [49:8]  
 [52:5] [82:3] [124:5] [164:1  
 ,16]  
**operational** [16:20] [154:2]  
 [173:11]  
**operations** [83:19] [92:17]  
 [170:17]  
**opinion** [32:22] [99:1]  
 [161:21] [170:11]  
**opportunities** [67:17]  
 [96:12] [110:13] [164:20]  
**opportunity** [9:24] [18:16]  
 [29:13] [67:25] [76:17,20]  
 [79:7] [90:8,17] [96:24]  
 [97:10] [99:24] [117:19]  
 [143:6] [150:2] [156:18]  
 [171:9,13]  
**oppose** [153:19]  
**opposed** [71:4] [106:24]  
 [123:25] [124:6] [127:11]  
**opposite** [57:11] [87:16]

## Hearing 10/24/06

[92:16] [111:2] [124:23]  
**oppressed** [25:10]  
**oppressing** [98:4]  
**oppressive** [97:24] [118:24]  
**ops** [132:3,4,10,18] [134:20] [136:19,24] [137:9,12] [148:2]  
**opt** [158:18]  
**oral** [111:23]  
**orange** [12:1]  
**oranges** [34:20]  
**order** [27:12] [30:9] [67:22] [87:7] [101:20] [123:19] [132:14] [164:6] [166:23] [172:20] [176:14] [177:5]  
**ordered** [133:15,18]  
**orders** [111:11] [163:13]  
**ordinarily** [36:6] [64:6]  
**organization** [5:14] [6:15] [18:13] [25:23] [71:24] [72:14] [73:12] [100:7] [106:9] [123:12] [139:15,17] [140:1] [141:20] [145:6] [148:18] [149:14,21] [150:5] [153:8,18] [154:2] [159:5] [162:4] [169:20] [170:3,4,6,9] [171:3,10,12] [180:2] [181:1] [184:7] [185:2] [186:6]  
**organizational** [122:5] [142:4]  
**organizations** [6:9] [74:12] [105:8] [139:5] [185:18]  
**organize** [121:7]  
**organized** [27:2]  
**original** [87:17] [123:6,21]  
**originally** [59:8]  
**orleans** [23:2] [37:2,11]  
**oshea** [61:14]  
**ospa** [51:18]  
**ought** [183:7]  
**ourselves** [27:6] [28:25] [46:8] [56:8] [58:7] [60:5] [67:3] [107:20] [110:6] [117:10] [163:17,21] [185:25]  
**outages** [11:23]  
**outcry** [152:13] [156:11]  
**outfit** [93:18] [100:12] [140:8]  
**outfits** [55:19]  
**outlet** [129:16] [137:21]  
**outline** [39:3] [115:25]  
**outlined** [37:17] [131:17] [155:18]  
**outreach** [77:19] [99:15]  
**outside** [35:21] [36:10] [39:16] [51:17] [121:10] [185:18]  
**outstanding** [14:3] [15:17] [32:11] [35:14] [36:20] [88:15]  
**outweighed** [23:6]  
**overachieve** [40:2]  
**over-achieve** [40:2]  
**overall** [31:6] [140:18] [171:12]  
**overcome** [99:2] [100:10] [164:14,16]  
**overkill** [67:19]  
**over-kill** [67:19]  
**overseers** [11:6]  
**oversight** [20:17] [32:16,19] [123:14] [128:14] [134:1,3] [148:20] [153:17,19] [185:13,16]  
**overtasking** [25:21] [51:11,22]  
**over-tasking** [25:21] [51:11,22]  
**overtime** [36:5]  
**overturn** [84:17]  
**overview** [69:18] [117:12]  
**overwhelming** [23:8] [32:1] [37:25] [144:19]  
**own** [24:8] [45:1] [62:9] [129:19] [139:5] [173:8]  
**oxymoron** [83:13]

---

P

---

**p.m** [12] [187:10]  
**package** [20:1]  
**page** [63:25] [64:1] [67:14] [115:24] [116:10,16] [163:2] [173:6]  
**paggers** [7:4]  
**pages** [4:22]  
**painstakingly** [30:12]  
**painted** [12:17]  
**palisades** [118:12]  
**panel** [3:3] [7:7] [42:17] [64:8] [83:22] [90:23] [104:25] [111:20] [128:11] [149:13,23] [150:1] [152:4] [154:10] [157:10] [182:25]  
**panelist** [8:22] [72:24] [157:14]  
**panelists** [8:16] [42:12] [149:4]  
**panels** [7:14,18]  
**paperwork** [17:23] [52:19] [53:3] [59:25] [64:6] [112:6] [113:17]  
**para** [107:6]  
**parachuted** [92:23]  
**parade** [22:15]  
**paragraph** [163:2]  
**paramilitary** [107:6]  
**para-military** [107:6]  
**paramount** [13:14] [46:17]  
**parents** [12:20]  
**park** [56:20] [145:19,20]  
**parker** [104:19]  
**parkway** [98:18]  
**part** [6:8,9] [8:8] [11:7] [47:6] [50:16] [55:16] [73:14] [77:18] [78:9] [86:17] [99:1,7,13] [100:6] [113:12] [120:19] [123:11,16] [147:22] [158:22] [159:19] [161:16] [162:12] [172:23] [179:3] [180:11] [183:20] [184:2] [185:4,5] [186:6]  
**partially** [94:22] [105:16]  
**participation** [186:2]  
**particular** [49:3] [92:12] [95:25] [115:19] [145:6] [158:17] [182:13]  
**particularly** [43:1] [105:21] [172:7]  
**parties** [27:19] [91:13] [148:3] [152:12]  
**partisan** [111:2]  
**partner** [50:23] [140:14] [147:6]  
**partnered** [155:9]  
**partnering** [77:21]  
**partnership** [45:25] [74:18] [132:6]  
**partnerships** [82:8]  
**parts** [41:13]  
**party** [91:15]  
**pass** [122:13] [123:22]  
**passed** [14:2] [15:13] [68:7]  
**past** [24:13] [63:20] [65:18] [115:7] [117:17] [139:23] [152:9] [154:18] [155:5] [156:1,13,19,22] [158:15] [163:14,24] [178:17]  
**paste** [67:11]  
**pastor** [65:8] [90:20]  
**pastpresident** [115:7] [117:17]  
**past-president** [115:7] [117:17]  
**patrol** [15:22] [17:1] [114:24] [154:22]  
**patrols** [37:5]  
**patted** [81:23]  
**paucity** [140:18]  
**pay** [76:21] [97:15,16] [114:17] [145:14]  
**paying** [122:19] [146:22]  
**people** [18:7] [31:14,15] [32:12] [33:13] [35:14] [36:1] [38:18] [39:4,21] [47:20] [49:17] [54:2] [55:5,22] [59:9] [60:7,8] [61:2,14,18] [67:24] [70:19,21] [73:2,23] [74:1,18] [75:15] [78:1,7,19] [79:6,14,19] [80:4,5] [81:15] [82:11] [83:22] [86:18] [88:15,21] [90:1] [92:18,20,22] [93:14] [95:24] [97:3] [101:23] [102:18] [105:20] [108:25] [109:20] [110:17] [118:7,11,23] [119:14,16] [120:24] [121:5] [124:24] [125:8,17,23] [126:3,13] [133:13] [134:24] [135:18] [139:11] [141:7,10] [142:23] [143:12,14,24,25] [144:1] [146:3,17,20,25] [147:3] [155:10] [159:19] [160:7] [163:17] [167:21] [170:14,18,19,22] [171:15] [172:12] [173:22] [174:2] [181:25] [185:6,7]  
**per** [17:8] [157:14]  
**perceive** [59:3]  
**perceived** [152:16]  
**percent** [13:4] [15:8] [38:14] [40:12,15] [127:8] [140:8] [143:25] [144:1,2,3] [174:5]  
**perception** [73:13] [80:15] [82:14] [123:24] [144:17,19,23] [145:4] [170:13,16,17] [172:11] [173:11,12]  
**perceptions** [175:2]  
**perf** [180:6]  
**perfect** [50:5] [108:4] [110:12]  
**perfectly** [54:25]  
**perform** [45:18] [131:16]  
**performance** [43:25]  
**performed** [14:1] [15:15] [16:17] [18:10] [37:4] [52:9] [159:21]  
**performer** [48:14]  
**performers** [48:24]  
**performing** [16:2]  
**performs** [23:16] [173:14]  
**perhaps** [39:14] [54:23] [63:25] [120:23] [128:18]  
**period** [15:6] [17:5] [43:8] [60:14,25] [147:14] [164:23]  
**periodic** [20:18] [43:24]  
**peripherals** [99:21]  
**permanent** [31:13] [37:21] [148:7]  
**permanently** [29:19]  
**permit** [42:12] [147:21]  
**permits** [7:14]  
**permitting** [18:1] [20:4]  
**persevered** [30:12]  
**person** [45:21] [50:12] [57:15] [58:1] [69:19] [92:23] [93:3] [96:17] [125:20] [134:12,19] [135:12] [136:22] [146:9] [147:25] [165:2] [184:12]  
**personal** [13:24] [38:2] [83:2] [157:2] [173:9] [186:7]  
**personnel** [114:11] [160:1]  
**persons** [8:7] [98:9] [159:25] [170:8]  
**perspective** [5:19] [10:1] [23:24] [151:7,18] [159:13]  
**perspectives** [6:6]  
**phenomenon** [77:3] [177:4]  
**phone** [126:18] [136:19] [137:7,15] [138:10]  
**phones** [7:4]  
**physical** [88:7]  
**pick** [91:23]  
**picking** [91:19] [119:2]  
**picnic** [117:20] [120:20]  
**piggybacking** [101:3]  
**pile** [94:11] [113:17]  
**pittsburgh** [32:13,16] [87:22] [131:18] [132:1]  
**pittsburgh/walker** [131:13]

## Hearing 10/24/06

**place** [4:23] [17:14] [19:19] [27:9] [29:4] [33:11] [47:8,14] [50:8] [52:3,17] [57:20,21] [58:3] [61:3] [63:1] [65:18] [66:7] [68:22,25] [71:17] [72:13] [76:13] [79:1] [80:7] [81:2] [83:18] [84:9,10] [85:9,22] [86:22] [87:5] [91:20] [101:6] [102:8,11] [108:19] [116:2,13] [126:9] [127:24] [134:13] [146:7,13] [157:2] [161:25] [166:15] [173:8] [174:20,21] [178:6] [183:10,12,17] [184:16] [187:6] [:8]

**placed** [32:14]

**plainfield** [176:21]

**plan** [33:17]

**planes** [36:1]

**plate** [172:23]

**play** [12:19] [144:13] [145:6]

**played** [12:18]

**playing** [15:24]

**please** [3:4] [7:4] [77:23] [78:2,4,8] [120:14] [143:21]

**plus** [17:7] [40:11] [84:22] [114:21]

**point** [12:20] [13:1,8,23] [50:19] [51:4] [52:21] [55:13] [73:24] [87:17] [98:22] [114:21] [120:19] [159:1] [160:12] [161:23] [162:6,21] [165:14]

**pointing** [86:10]

**points** [28:7] [47:22] [131:12]

**police** [:2,6] [3:9,20] [4:5,11,14,16,20,24] [5:8,17] [6:8] [9:11] [10:23,24] [11:10,21] [15:5,12] [17:10] [19:12] [20:21] [23:10,15] [25:18] [26:4] [28:5,22] [29:20] [30:2,3,16] [31:5,7,14,17,22,23] [32:4,8] [35:2,12,16,20] [36:9,24] [38:1,23] [39:1,17] [40:21] [41:15,19] [42:25] [45:11] [48:10] [50:14,15] [51:20] [56:16,20] [57:14] [58:2,16,20] [59:1,4,7,12] [60:20] [61:4,9,19] [62:2,6,8,13,17,20,24] [63:25] [64:4,23] [67:1,17] [73:15,16] [74:18] [76:3] [77:5] [78:13] [80:4,16,22] [81:4,7] [83:8] [88:12] [91:10] [92:25] [96:2] [104:12] [105:5,16] [107:5,9,17] [110:16,25] [111:17,21] [112:1,8] [114:9] [115:4,15] [118:21,25] [122:8,12] [123:6,15,23] [124:2,4,13] [126:21] [127:10] [129:3,10] [134:9] [144:20] [145:4,22] [146:6] [147:5,8,22] [148:1] [150:8,12,17,21,23,24] [151:11,14] [152:9,12,14,20,22] [153:6,10,12,16,19,21] [154:3,22] [155:15,19,21,23] [156:4,6,10,16,23] [157:6,19] [158:1,23] [159:6,7,9,10,14,23,24] [160:20,24] [161:6,9] [162:3,7,11] [163:5,23] [164:5,12] [165:10,13] [166:18,25] [167:6] [168:13,22] [169:4,11] [170:13,24] [171:5,7] [172:2,5,9,22] [174:3,20,24] [175:8] [176:6,9,21] [177:1,2,5,11,19] [178:16,25] [179:3,5,17] [180:6,8,19] [181:2,15,18,24] [183:23] [184:14,17] [186:7,17,22]

**policies** [27:20] [29:17]

**policing** [6:9] [15:2] [27:11] [32:6] [35:9] [40:19] [41:14] [42:2] [56:10] [63:14] [69:8] [83:12,14] [88:18,20,21] [89:23] [103:4] [107:21] [111:3] [157:5] [170:10,19] [171:19,23] [172:20] [174:1] [177:8] [178:18] [180:17]

**policy** [21:8] [168:17]

**polish** [103:7]

**political** [39:9] [66:10,16] [89:11] [125:4,14]

**politics** [157:2] [173:8]

**poll** [81:4,13]

**populated** [177:16]

**population** [127:7] [140:7]

**portability** [41:10]

**portable** [126:12]

**portion** [52:4]

**pose** [136:7]

**position** [27:6] [37:17] [49:1] [62:23] [70:5] [79:18] [92:5] [93:23] [97:1] [113:10] [114:5,8] [143:6] [157:24] [165:8,15] [166:3,5,7] [171:16] [183:4] [185:20]

**positions** [18:7] [49:8] [92:19] [142:24] [172:18]

**positive** [16:9] [24:10] [113:24] [114:2] [115:1]

**positively** [50:11] [74:17]

**possess** [151:6]

**possessing** [151:6]

**possibility** [34:4]

**possible** [22:2] [159:4] [172:19]

**possibly** [60:16]

**posted** [8:2]

**poster** [78:4]

**posters** [75:25] [82:6]

**pot** [109:23]

**potato** [76:8]

**power** [11:22] [33:16]

**powers** [63:12]

**practice** [3:23] [21:14] [38:19] [93:11] [106:1] [111:2]

**practices** [21:12] [150:23] [155:16] [177:18] [178:5]

**praise** [30:23] [37:9] [146:11]

**prayer** [146:11]

**pre** [40:9]

**preachers** [98:15]

**preconsent** [40:9]

**pre-consent** [40:9]

**predicted** [34:8]

**predominantly** [75:25]

**prepare** [59:24] [180:10]

**prepared** [162:21]

**prerogative** [48:18] [49:5]

**presence** [12:11] [36:9] [99:9] [142:12] [149:9]

**present** [84:9] [156:13]

**presentation** [90:24] [120:24] [150:2] [161:4] [164:12,22] [166:2]

**presented** [76:17,20] [164:21]

**presenting** [124:1]

**presently** [139:22]

**preserving** [39:13]

**president** [8:23,24] [9:3,9] [10:2,5] [26:9,20] [46:11] [72:24] [104:20] [141:13] [149:17,19]

**pretty** [137:14] [143:13]

**prevent** [14:16] [61:21] [151:16] [156:21]

**preventing** [4:7] [16:7]

**prevents** [155:8]

**previous** [21:5] [182:10,25]

**previously** [40:7]

**pride** [35:12] [38:2] [88:13] [107:10] [117:16]

**primarily** [106:23]

**primary** [144:14]

**principle** [176:11]

**principles** [131:10] [176:8]

**prior** [24:24] [26:1] [74:5] [77:2] [82:24] [95:8] [112:12] [113:13] [178:22] [182:4]

**prioritize** [71:4] [135:10]

**prioritized** [127:17]

**prioritizing** [41:18]

**private** [48:20] [97:5]

**privilege** [3:7]

**proactive** [56:10] [87:8] [119:23] [129:14] [130:2] [141:12]

**probably** [61:19] [79:12] [98:11] [125:6] [128:11] [147:2] [177:15] [179:2]

**problem** [3:19] [60:25] [62:3] [73:13,14] [76:5] [79:15,16] [89:9] [105:1] [107:3] [109:5,10,24] [110:1,2] [111:8] [115:20] [121:18] [140:7] [177:3] [179:14] [185:8]

**problematic** [84:18] [108:12] [145:16]

**problems** [62:20,21] [116:25] [126:7] [179:9,12]

**procedural** [13:23]

**procedure** [32:17] [42:9]

**procedures** [4:13] [21:13] [27:20] [29:18] [32:19] [136:17] [168:8]

**proceeding** [3:11]

**proceedings** [7:2] [8:1] [42:9]

**process** [16:6] [18:23] [19:11] [21:7] [22:1] [43:22] [47:4] [53:1] [86:18,19] [112:1] [160:8] [162:12] [163:20] [165:12] [167:4,14] [178:20] [181:10] [184:9] [185:16,17]

**processes** [52:16,24] [178:3,24]

**produce** [111:23]

**product** [126:24] [134:17]

**productive** [78:21]

**productivity** [23:14] [78:18] [85:18]

**profess** [21:20]

**profession** [156:24]

**professional** [11:9] [19:17] [35:7] [78:22] [80:2] [109:20] [128:16] [129:8,12] [130:1,12,17] [167:19]

**professionalism** [30:15] [31:4] [38:2] [76:22] [81:18] [84:11] [88:13] [107:11]

**professionally** [79:4]

**professionals** [28:2]

**proffer** [75:9]

**proficient** [72:7]

**profiles** [106:3]

**profiling** [3:20,23] [4:8] [19:22] [21:14] [38:20] [80:16,19] [105:2,4] [109:17,18] [151:2,7,10,13,17,20,21] [152:13] [154:25] [162:23] [163:7] [174:6] [176:24] [177:1]

**profit** [125:12]

**profiting** [143:15]

**program** [39:20] [41:18] [125:19] [174:7,8] [179:4,6] [180:1,4]

**programs** [4:4] [26:2] [30:11,13] [59:14] [77:20] [82:5] [99:15] [121:16] [179:21,23] [181:17,21,25]

**progress** [4:19] [5:8] [15:16] [18:16] [22:4,8,19] [65:5,19,23] [73:15] [76:13] [158:6] [160:25] [162:6,9,13,17,18]

**progression** [76:7]

**progressive** [135:19] [142:2]

**project** [10:22] [44:22] [50:17] [100:18,21] [163:25]

**projects** [135:20]

**prominent** [176:24]

**promise** [64:18] [91:22,23]

**promote** [18:18] [143:7]

**promoted** [18:14] [46:19] [47:8] [49:1] [90:3] [92:20] [133:5]

**promotion** [49:3] [92:24]

## Hearing 10/24/06

[93:4,5] [131:7] [181:8,12]  
**promotional** [18:5] [93:16] [143:10]  
**promotions** [49:21,24] [50:15] [92:11] [140:22]  
**promptly** [6:22]  
**promulgated** [114:15]  
**proper** [50:4] [109:21]  
**proportionately** [108:23] [144:9]  
**proposal** [51:17] [53:22]  
**proposals** [51:9] [57:6]  
**propose** [13:9] [104:7]  
**proposed** [7:20] [68:5] [103:25]  
**prosecutions** [125:25]  
**prosecutor** [124:17] [127:13] [176:19]  
**prosecutors** [41:17] [125:3,12,13,21] [126:4] [178:14]  
**prospective** [99:11]  
**protecting** [36:11] [155:7]  
**protection** [116:21]  
**protections** [168:24]  
**protective** [168:21,23]  
**proud** [24:4]  
**provide** [8:18] [15:23] [19:13] [45:15,16] [61:11] [104:4] [138:9] [156:20] [157:4] [174:15]  
**provided** [4:17] [16:7,9] [62:6] [77:19] [112:17] [151:3] [154:13]  
**provides** [153:17]  
**providing** [138:16] [177:11]  
**psyllos** [2,19]  
**public** [8] [7:16,25] [10:21] [21:8] [22:17] [24:15] [28:1,13] [40:23] [46:6] [49:11] [54:6] [65:9] [67:2,17] [68:8] [69:7,21] [71:4] [73:19] [80:9,11] [82:20,22] [89:20] [92:3] [129:16] [130:6,10] [137:19,21] [138:14] [144:7,20] [152:8,13] [172:18] [185:10] [4,.....]  
**publically** [25:13]  
**published** [151:1] [180:17]  
**puerto** [141:13]  
**pull** [99:11]  
**pulling** [124:2]  
**punitive** [179:13]  
**purchase** [120:4]  
**purpose** [61:23] [148:10]  
**pursuit** [91:21]  
**put** [9:14] [12:17] [28:16] [32:13] [33:12] [40:24] [49:20] [51:10] [60:10] [66:17] [67:9] [70:5] [71:25] [75:24] [78:20] [89:14] [91:25] [93:12] [95:4,5] [101:6] [102:8] [113:10] [121:23] [127:16] [128:12] [135:9] [161:24] [163:21] [166:15] [174:20] [178:5]

[183:12,17]  
**putting** [57:3] [59:13] [60:22] [135:11] [184:16]  


---

**Q**  


---

**qualifications** [27:5]  
**qualified** [18:19] [140:5]  
**qualify** [167:5]  
**quality** [31:6]  
**quarter** [96:12]  
**quarterbacked** [57:24]  
**quarterly** [160:9]  
**quell** [77:12,17]  
**question** [5:7,24,25] [7:7,8] [28:13] [42:13,23] [53:9] [54:22] [67:23] [73:6] [80:8,17] [87:2] [91:7] [92:13,14] [101:1,7] [103:20] [111:11] [117:15,22] [123:19] [129:6,7] [130:24] [131:14,20] [133:25] [134:3,7] [136:4] [138:25] [139:8] [142:17] [144:6] [153:14] [159:3] [162:20] [165:24,25] [166:8] [168:6] [174:5,17] [175:24] [176:1,2] [177:1] [186:4,10]  
**questionable** [60:9]  
**questioning** [136:3]  
**questions** [6:2] [7:15,16,18] [9:13] [27:14] [31:25] [41:20] [42:3,8] [58:22] [83:11] [104:24,25] [112:3,4] [115:11] [120:25] [121:24] [128:10] [131:2] [136:5,8,9] [138:20,22] [148:22,23] [149:2,4,23] [154:7,8,15] [157:13] [173:7,10] [183:2] [185:25] [186:2]  
**quick** [28:6] [64:15] [77:9] [121:25] [131:12]  
**quickly** [13:1] [71:20] [143:17]  
**quietly** [7:3]  
**quite** [55:7] [62:20] [74:23] [92:20] [96:11] [119:20] [127:5] [128:19] [151:19] [171:23] [177:18]  


---

**R**  


---

**rabner** [36:17] [103:16,18]  
**race** [10:16] [18:17] [29:6] [69:11] [73:7] [168:11] [176:7]  
**racial** [3:19,23] [4:7] [19:22] [21:14] [38:19] [80:15,19] [105:2,4] [109:17] [151:2,7,9,13,16,20,21] [152:13] [154:24] [162:23] [163:7] [174:6] [176:23]  
**racially** [180:17]  
**racist** [38:17]  
**radar** [29:9]  
**rage** [14:13]

**raise** [68:10]  
**raised** [58:23] [68:12] [130:15,24]  
**raises** [131:14]  
**raising** [144:6]  
**rambert** [104:19,22] [105:25] [106:20] [177:13]  
**rampert** [147:11]  
**rams** [179:5] [180:4]  
**rank** [9:7] [14:5] [20:9] [26:23] [37:12] [38:15] [92:4,10] [94:7] [102:1] [121:3] [133:4] [171:16]  
**ranked** [81:8]  
**ranking** [46:21]  
**ranks** [23:9] [46:20] [49:7] [75:9] [90:10] [105:5] [114:13] [184:23]  
**rates** [12:12] [40:10] [53:15] [150:9]  
**rather** [33:24] [40:20] [55:9] [56:11] [58:5] [85:4] [94:20] [97:8] [105:15] [111:7,11] [127:2] [129:17]  
**re** [4]  
**reach** [34:24] [125:9] [174:23]  
**reached** [174:17,22] [175:4,9,14]  
**reaches** [127:6]  
**reaching** [183:7]  
**readily** [33:23] [44:7]  
**reading** [178:3]  
**ready** [3:2] [21:11] [25:1] [48:2]  
**real** [15:22] [82:15] [89:14] [107:2] [113:8] [126:18] [153:4,5,9] [186:13]  
**reality** [34:22] [97:14] [144:18] [173:4]  
**realize** [18:5] [31:12] [34:25] [43:17] [87:24] [133:6] [143:21]  
**really** [34:19] [58:1] [60:11] [66:1] [73:6] [123:5] [129:6] [135:2] [144:11,23] [149:5] [160:1] [161:13,22] [165:24] [172:11] [182:12] [186:4]  
**reason** [31:12] [37:25] [38:23] [75:13] [87:18] [88:11,16] [106:1] [144:5]  
**reasonable** [123:3]  
**reasons** [25:3] [54:4] [69:4] [95:18] [102:5] [114:11] [131:17] [181:8]  
**reassurance** [33:21]  
**rebuttal** [54:23]  
**recall** [35:25] [115:15]  
**receive** [6:4] [45:8]  
**received** [26:3] [167:15] [168:15]  
**recent** [9:15] [36:21] [37:19] [161:7] [163:23]  
**recently** [168:17]  
**recess** [135:25]  
**recipe** [39:18]  
**reckless** [71:8]

**recognition** [38:17]  
**recognize** [29:21] [101:22]  
**recognized** [108:7,13] [109:9] [143:16]  
**recommend** [3:12] [65:22]  
**recommendation** [25:4,17] [65:20,21] [165:16] [183:8]  
**recommendations** [3:22] [4:3] [33:12] [139:2] [156:21] [157:2,4] [161:20] [180:11,18] [185:12]  
**recommended** [153:12,20]  
**recommending** [51:21,23]  
**reconvene** [187:6]  
**record** [7:17] [8:8] [30:25] [31:10] [35:10] [38:24] [67:17] [92:3] [136:2]  
**recording** [109:13]  
**recruit** [94:21] [118:3]  
**recruiting** [18:23] [74:10,23] [75:1] [82:4] [94:25] [95:8,19] [107:7] [141:7,8]  
**recruitment** [74:7] [91:16] [95:4,5,17] [139:2] [150:22]  
**rectify** [83:3,4] [110:16]  
**red** [13:18]  
**reduced** [12:12]  
**redundancy** [19:11]  
**redundant** [46:14]  
**refer** [54:4] [56:1] [104:9] [123:14]  
**reference** [65:14] [101:2] [102:12] [124:14]  
**references** [95:20]  
**referring** [83:25] [110:9] [115:16]  
**refined** [38:12]  
**reflect** [141:18]  
**reflected** [142:13] [173:23]  
**reflection** [31:6]  
**reflective** [73:25] [74:15] [75:14] [93:19] [94:1]  
**reform** [21:9] [39:25] [50:17] [101:12]  
**reformbased** [21:9]  
**reform-based** [21:9]  
**reforms** [27:7,20,25] [31:10,13] [34:21] [37:19] [39:13] [101:6] [148:1,8] [155:9]  
**refreshing** [133:12]  
**refute** [28:11]  
**regard** [21:12] [97:23] [101:4,9] [151:7] [154:4] [180:7]  
**regarding** [4:18] [20:6] [24:3] [32:18,22] [45:20] [136:13] [172:18]  
**regardless** [33:15]  
**reginald** [65:7]  
**regional** [17:17]  
**regular** [52:20] [92:20] [93:19] [103:5] [119:9] [127:12] [140:19,21] [142:22]  
**regularly** [160:22]  
**rehash** [165:25]

## Hearing 10/24/06

- reinforce** [157:4]  
**reinforced** [28:13]  
**reins** [57:19]  
**relate** [22:22]  
**related** [17:7] [32:17] [49:25] [52:7] [53:10,15]  
**relates** [61:7] [92:10] [94:6] [95:12] [98:1] [116:6] [117:7] [134:4]  
**relations** [155:20] [156:7]  
**relationship** [60:19] [63:10] [73:18] [104:10,11] [125:14] [127:2] [132:4,9,18] [134:20] [161:2]  
**relationships** [119:24]  
**relative** [28:18] [11,13]  
**relatively** [168:18]  
**relaxed** [120:23]  
**released** [157:20]  
**relinquish** [20:13] [49:14]  
**relinquishes** [48:18] [50:3]  
**reluctance** [95:15] [186:5]  
**relying** [41:19]  
**remain** [44:25] [57:20] [79:1] [116:13] [169:21] [184:4]  
**remained** [11:14]  
**remaining** [19:15] [60:16]  
**remains** [153:23] [156:7]  
**remarkable** [21:23]  
**remarks** [127:21] [131:1,2]  
**remediation** [71:16]  
**remedies** [60:10]  
**remedy** [71:20]  
**remember** [23:11] [71:22] [138:2]  
**reminded** [133:2]  
**remove** [53:23]  
**removed** [17:22] [58:3] [116:15,23]  
**removing** [88:3,4] [116:19]  
**renzi** [20]  
**repairing** [122:19]  
**repeat** [71:22] [156:19]  
**report** [15:5,9] [22:6] [33:6] [34:18] [43:3] [45:8] [55:4] [69:16,17] [85:12,13] [97:22] [131:13] [132:3,11] [151:1] [160:10]  
**reportable** [29:15] [48:15]  
**reported** [15:3]  
**reporter** [3]  
**reporting** [33:19] [125:23] [135:7]  
**reports** [4:22] [16:2] [22:21] [29:16] [60:4] [68:3] [69:9] [87:20] [134:15,16] [135:8] [144:18] [145:1]  
**represent** [26:22] [35:14] [73:12] [123:14] [150:5] [160:15] [186:11]  
**representation** [174:1]  
**representative** [4:15] [121:3]  
**representatives** [139:11] [159:21]
- represented** [142:20]  
**representing** [9:6,10]  
**represents** [9:1] [29:22] [150:15]  
**reprimand** [54:24]  
**republican** [11:24]  
**reputation** [107:10]  
**request** [8:11] [182:7]  
**requesting** [7:7]  
**required** [38:13] [85:6] [122:12]  
**requirement** [48:23] [49:3,9] [89:25] [136:7]  
**requirements** [25:19] [30:4] [33:1] [78:25]  
**requiring** [42:6]  
**rescue** [35:21]  
**rescues** [37:4]  
**research** [159:24]  
**resolve** [23:10]  
**resource** [91:25] [124:24]  
**resources** [12:8] [66:11] [85:19] [94:13] [114:8] [125:10] [127:3,17] [134:23,25]  
**respect** [161:5,23] [170:25] [178:1] [185:12]  
**respected** [106:8] [180:13,14]  
**respectfully** [50:20] [101:21] [119:21] [120:12]  
**respective** [183:16]  
**respects** [37:15]  
**respond** [6:11] [113:4] [124:7] [128:12]  
**responded** [167:10]  
**response** [35:20] [134:2] [137:20,22] [150:8] [178:11] [181:21] [183:15]  
**responses** [128:1]  
**responsibilities** [16:16] [19:16] [63:13] [75:6] [113:22] [114:14] [164:4]  
**responsibility** [41:14] [64:11] [113:14] [139:4] [144:13,14,15]  
**responsible** [86:14] [151:15] [173:17]  
**rest** [64:25] [80:20] [107:19] [111:20]  
**restored** [24:6]  
**restricting** [74:3]  
**result** [13:1] [53:18] [91:20] [158:7] [179:20]  
**resulted** [40:19]  
**results** [14:3] [15:17] [158:16] [183:11]  
**resume** [6:22]  
**retire** [79:22]  
**retired** [83:7] [166:13]  
**returned** [12:19]  
**reunion** [95:23]  
**rev** [65:11] [68:10] [72:21] [90:22] [92:8] [94:4] [95:3,11] [97:19] [100:25] [101:18] [138:23] [165:22] [166:14] [168:5] [175:25]
- revamped** [35:6]  
**revealing** [153:15]  
**revenue** [135:1]  
**reverend** [65:12] [67:9] [72:23] [90:20,25] [101:3] [120:9] [122:24]  
**reverse** [93:13]  
**review** [28:4,6,11] [29:9,13] [33:11,24] [42:24] [44:8,9] [45:1] [46:5,18] [54:10,23] [57:9] [59:18] [85:3,13] [87:11] [134:16] [137:12] [138:7] [152:6] [153:7] [154:7,9,16] [155:4,13] [157:19] [161:12] [165:13] [168:2] [178:3]  
**reviewed** [4:22] [17:14] [35:6] [45:3] [168:12] [177:24] [178:14]  
**reviewership** [65:3]  
**reviewing** [4:13] [16:1] [37:11] [43:23] [72:7] [165:12]  
**reviews** [27:21] [33:19] [60:1,2] [70:5] [72:4] [83:16,17,23,24] [84:8,20] [126:10] [161:19]  
**reward** [20:13]  
**rican** [141:13]  
**rich** [109:2]  
**ridiculous** [116:24]  
**rifle** [76:9,10]  
**right** [27:9] [47:11] [48:1,9] [49:5,14] [50:3,12] [61:3,16,17] [62:23] [77:3] [79:18] [85:13,15] [99:4,20] [101:13] [102:3,4] [111:13] [128:12] [129:21,24] [130:3] [131:22] [134:14,24] [135:4] [148:14] [158:14] [170:5,6,9]  
**righteous** [20:13] [40:1] [85:18] [116:4]  
**rightful** [40:25]  
**rightfully** [117:2]  
**rights** [41:2,8] [67:10] [107:14] [108:10]  
**ringing** [98:6]  
**riots** [108:11]  
**ripe** [108:16]  
**risk** [11:17] [16:5] [52:4] [85:25]  
**rivas** [15:4] [30:20] [71:23] [130:7]  
**road** [13:4] [15:21] [17:12] [26:25] [27:9] [28:18] [44:1] [55:18] [59:3] [63:19] [69:20] [79:9,10] [81:23] [112:11,23] [113:2,15] [148:6]  
**roads** [127:8]  
**robotic** [165:1]  
**robots** [70:13]  
**rock** [63:19]  
**rogers** [161:7]  
**role** [10:4] [15:25] [45:7,10] [51:18,19] [62:1] [63:17]
- [126:25] [128:20] [129:11] [130:13] [144:13] [145:5] [185:15]  
**roles** [129:4]  
**rolls** [109:22,25]  
**roselle** [95:21]  
**round** [136:3] [185:24]  
**rounds** [42:15]  
**route** [22]  
**routine** [15:19] [16:18]  
**rudy** [107:22]  
**run** [7:15] [10:16] [62:14] [85:11]  
**running** [35:25]
- 
- S
- 
- sacrifice** [31:19] [140:22]  
**sad** [66:25]  
**saddle** [11:15]  
**safe** [14:20] [81:19] [94:9] [164:7]  
**safely** [4:25]  
**safety** [10:21] [13:14,24] [40:23] [54:6,18] [69:22,23] [71:4] [80:9] [81:16] [144:7] [172:18]  
**sake** [40:5]  
**salary** [75:19] [97:16]  
**salient** [73:24]  
**sat** [19:20] [23:23] [24:7] [145:24]  
**satisfaction** [138:2] [153:5]  
**satisfactorily** [92:14]  
**satisfied** [22:18] [25:19]  
**satisfy** [93:9] [164:19]  
**save** [19:8] [36:23] [126:16] [134:23]  
**saving** [135:16]  
**savings** [19:9]  
**saw** [12:2] [79:13] [81:21]  
**say** [12:19] [17:21] [28:19] [43:5] [45:24] [46:23] [49:5] [50:1] [53:4] [56:15] [63:9] [65:12] [70:10] [73:11] [75:4] [77:25] [78:6,17] [80:22] [83:23] [92:1] [93:20] [94:9] [95:2] [98:8] [104:12] [106:14] [120:4,12] [124:18] [126:4] [127:6] [132:11] [133:2] [134:14] [137:16] [141:22] [142:5] [143:5,15,20] [147:14] [151:21] [160:9] [162:16,18] [170:23]  
**saying** [53:14] [57:18] [60:21] [69:10,25] [70:15] [75:18] [77:22] [79:9] [81:14] [84:25] [87:12] [95:3] [102:21] [110:22] [111:1] [124:5] [126:16] [131:14] [143:8] [145:17,21,23] [146:22] [147:3]  
**says** [69:20] [85:16]  
**scale** [181:5]  
**schaller** [61:15]

## Hearing 10/24/06

**schedule** [8:7]  
**scheduled** [7:22]  
**school** [81:24] [82:7] [84:16] [95:22] [96:19] [103:1]  
**schooling** [133:10]  
**science** [33:23]  
**scope** [36:2] [62:13]  
**score** [6:13]  
**scourge** [14:16]  
**screw** [70:9] [102:24,25]  
**scrutiny** [17:10]  
**seats** [7:1]  
**second** [7:19] [27:18] [53:9] [57:23] [105:7] [136:3] [156:16,18] [174:17] [185:23,24] [:]  
**secondly** [3:21] [53:22] [125:18]  
**section** [:2]  
**sections** [27:3]  
**sectors** [5:13]  
**secure** [21:6]  
**security** [37:12]  
**seeing** [14:14] [89:15]  
**seems** [64:24] [94:5] [137:1]  
**seen** [26:1] [56:24] [74:14] [110:23] [132:21] [162:4] [169:7]  
**seizing** [56:16]  
**selection** [21:4] [176:8]  
**self** [60:4] [105:18] [116:24]  
**selfdefeating** [116:24]  
**self-defeating** [116:24]  
**selffulfilling** [105:18]  
**self-fulfilling** [105:18]  
**selfreport** [60:4]  
**self-report** [60:4]  
**senators** [81:11]  
**send** [7:17] [114:23] [136:10] [137:11] [138:9] [149:5] [186:1]  
**sending** [38:15] [78:23] [87:12] [124:22]  
**senior** [:10] [112:14] [114:7,16]  
**sense** [66:25] [71:7,8] [97:18] [186:20]  
**sensitive** [13:25]  
**sensitivity** [181:17,21]  
**sent** [102:15]  
**sentiment** [24:1]  
**sentiments** [30:19]  
**separate** [24:11] [185:16]  
**separates** [34:16] [185:3]  
**sergeant** [9:8] [15:7,21,25] [17:15,24] [25:9] [26:23] [47:3] [52:6] [55:2] [69:17] [89:13] [90:10,11,15] [112:4,13,22,23] [113:2,3,9,10,20,21] [114:3,24] [138:8] [142:3,7]  
**sergeants** [9:2,21] [11:2] [15:21] [17:3,6] [25:14] [133:1] [141:23,24]  
**series** [84:8]  
**serious** [28:14] [180:18,20]

**seriously** [18:4] [21:21] [24:18]  
**servant** [82:22]  
**serve** [28:14] [36:22] [41:4] [74:1,16] [76:23] [80:4] [155:10] [157:5,23] [158:13] [167:21] [171:25] [184:25]  
**served** [49:11]  
**serves** [61:23] [156:11]  
**service** [26:16] [111:22] [120:14] [177:11] [181:9]  
**services** [83:10] [103:22]  
**serving** [9:2] [97:23]  
**session** [130:15]  
**sessions** [6:24]  
**set** [20:12] [22:24] [25:22] [30:8] [33:23] [49:2] [90:2] [113:5] [127:21] [132:17] [:9]  
**sets** [134:12] [171:18]  
**setting** [46:7] [48:21] [120:20,22]  
**settle** [30:7]  
**setup** [127:21]  
**set-up** [127:21]  
**seven** [4:14] [36:3] [93:22,24] [110:15] [140:23] [156:1,2] [20:8] [33:11] [48:24] [123:12] [152:9] [158:4] [179:2]  
**shame** [60:14]  
**shape** [67:15]  
**share** [6:10] [8:10] [9:17] [28:2] [91:2] [92:6] [118:16] [119:8] [121:6] [124:9] [125:3] [142:14] [158:23] [159:12] [161:8] [183:6]  
**shared** [61:21,24] [144:9,22]  
**sharing** [34:22]  
**shattered** [31:24]  
**shaw** [142:7]  
**sheer** [170:1]  
**shell** [12:16]  
**shells** [88:25]  
**shift** [17:4] [52:5,10] [72:3,15]  
**ship** [149:16] [157:12] [159:2] [160:9,17,21] [161:1] [162:15] [165:11,21] [171:22] [173:24] [174:7,12] [175:4,20] [176:17] [177:23] [180:5,9,25] [182:9,23] [183:9,24] [186:14,24]  
**ships** [178:11]  
**shoe** [96:6]  
**shooting** [113:1] [146:3]  
**short** [74:19] [110:3] [149:22]  
**shorter** [136:4]  
**shorthand** [:3]  
**shot** [34:3] [73:9]  
**shouldnt** [92:1]  
**show** [22:7,9] [113:7]  
**showed** [80:14]  
**showing** [128:23]  
**shown** [15:10] [18:15]  
**shows** [135:5]

**side** [48:14] [69:21,23] [93:7] [138:12] [143:7] [148:4] [157:3] [173:9]  
**sides** [151:20]  
**sight** [10:18]  
**sign** [20:3] [66:5] [131:21]  
**signals** [154:19,21]  
**significance** [18:9]  
**significant** [10:4] [12:22] [63:17] [158:6] [171:6,11]  
**significantly** [24:4] [112:10]  
**signing** [20:15]  
**signoff** [20:3]  
**sign-off** [20:3]  
**silent** [7:5]  
**silly** [39:14] [91:24]  
**similar** [177:25] [178:15] [181:5]  
**simple** [17:23] [67:16] [98:21] [111:24] [135:16] [143:1] [159:4]  
**simply** [28:16] [109:14] [153:16]  
**sincerely** [8:16] [29:2]  
**sincerity** [21:19]  
**sinews** [39:6]  
**single** [95:14] [116:11] [135:5] [143:4]  
**sir** [26:12] [36:18] [71:21] [84:4] [88:24] [89:8] [100:1] [105:6] [106:25] [111:10] [130:22] [132:21] [141:21] [143:19]  
**sit** [9:12] [126:3] [143:14]  
**situated** [16:24]  
**situation** [36:21] [56:18] [110:7] [113:2] [122:16,20] [123:3] [165:1] [166:24] [173:2]  
**situations** [17:24] [57:8] [166:18] [173:1]  
**six** [11:4] [18:10] [21:23] [22:23] [36:3] [42:14] [93:5] [116:17] [140:22] [176:6]  
**skill** [134:12]  
**skills** [182:1,2] [184:21]  
**skip** [96:9]  
**sklar** [50:6] [111:16,18] [113:23] [114:1] [115:3] [148:22] [178:9] [179:23] [180:5,16]  
**slow** [162:18]  
**slowly** [146:18]  
**smaller** [76:3]  
**smart** [171:23]  
**smell** [109:23]  
**socalled** [46:4]  
**so-called** [46:4]  
**social** [42:19]  
**societal** [75:14] [111:3]  
**society** [75:8] [107:19] [141:11]  
**softer** [97:1]  
**sole** [34:2] [60:18]  
**solomon** [54:13]

**solution** [54:15] [57:1] [74:20] [77:7]  
**somebody** [49:24,25] [54:24] [64:18] [70:8,9,14,19] [72:8] [77:22] [91:24] [97:14] [100:17] [102:15] [109:9,22,24] [113:6] [124:15] [135:4,5,11]  
**somebodys** [70:25]  
**someone** [10:18] [137:4] [138:8] [139:4]  
**something** [45:24] [46:23] [50:19] [55:3,19] [61:25] [64:18,19] [67:16] [74:4] [75:7,10] [79:8] [80:1] [82:16] [89:1] [92:5,6] [95:11] [98:5] [106:25] [118:4] [119:5,11,18,19,22] [121:8] [129:24] [131:3] [132:16] [133:18] [141:1,4] [142:4] [143:7] [148:14] [160:2] [161:20]  
**sometimes** [163:10] [170:1]  
**somewhat** [33:2] [129:9] [151:25]  
**somewhere** [100:20]  
**son** [81:22]  
**sons** [76:24]  
**soon** [8:5] [168:18]  
**sop** [35:7] [147:20]  
**sop358** [90:5]  
**sophisticated** [86:2]  
**sophistication** [86:3]  
**sops** [37:22] [66:4]  
**sorry** [44:9] [45:4] [171:21]  
**sort** [91:19] [96:16] [108:16] [126:8] [131:9] [134:7] [148:5] [183:8,20] [184:15]  
**sorts** [36:1]  
**soul** [153:8]  
**sound** [163:11] [167:8] [173:25]  
**sources** [94:24] [119:15]  
**south** [74:10] [118:13,22] [119:3]  
**southern** [187:1]  
**sp525** [29:15]  
**sp632s** [29:14]  
**span** [134:6]  
**speak** [5:6] [9:20,24] [44:20] [52:15] [110:20] [119:10] [142:8] [148:3]  
**speaking** [186:22]  
**special** [58:10] [75:10]  
**specialist** [9:7] [26:23]  
**specific** [18:2] [20:5] [161:24] [180:11]  
**specifically** [108:21] [113:11] [186:16]  
**specifics** [104:6]  
**speech** [37:8]  
**speed** [119:9]  
**spend** [50:18] [74:5] [84:21] [94:17,20] [103:17]  
**spending** [74:22]  
**spent** [10:14] [17:9] [26:24]

## Hearing 10/24/06

[51:13] [83:20] [149:6]  
**spike** [55:24] [56:11]  
**spikes** [107:16]  
**spin** [48:4]  
**spirit** [30:17] [116:8] [182:17]  
**split** [57:22]  
**spoke** [14:6] [30:25] [40:7] [43:13]  
**spoken** [46:15] [131:10]  
**sponsored** [117:20] [118:1]  
**spot** [15:23] [75:23] [92:24]  
**spotlight** [40:20]  
**spots** [143:10]  
**squad** [15:22] [59:22] [114:23] [123:16] [124:6,23] [126:25] [127:18] [128:7]  
**squads** [16:3] [112:13]  
**stability** [56:21]  
**staff** [7:11] [15:25] [17:15] [20:24] [37:4] [43:16] [90:10] [112:13] [113:9,20] [114:3] [132:25] [135:1] [148:25]  
**staffing** [23:16] [134:7]  
**stage** [174:25]  
**stake** [77:24]  
**stakeholder** [44:22]  
**stakeholders** [10:12]  
**stand** [158:6]  
**standard** [29:17] [32:5] [129:12]  
**standards** [6] [3:9] [11:10] [19:17] [32:23] [35:7] [46:7] [47:13] [88:17] [124:20] [128:16] [129:8] [130:1,12,17] [161:25]  
**standing** [48:25] [99:7] [185:22]  
**stanley** [65:13] [90:20]  
**start** [126:7] [136:11]  
**started** [3:2] [6:18] [62:5] [81:5]  
**starting** [72:8] [115:24] [116:10]  
**starts** [58:18]  
**state** [1,2] [3:13,18,20] [4:5,7,11,14,16,20,24] [5:8,17] [6:7,8] [8:25] [9:3,4,9,11] [10:23] [11:8,10,21] [12:3] [14:9] [15:5,11] [17:10] [19:5,12] [20:21] [23:9,15,20] [24:24] [25:18] [26:4,9,14,15,17,21] [27:15] [28:22] [29:20] [30:3,15] [31:4,7,14,17] [32:2,4,8,25] [35:2,12,16] [36:8,13] [37:8,14,16,25] [38:23] [39:1,17] [41:14,19] [42:25] [44:4,14] [45:10] [50:14,15] [51:20] [56:16,20] [57:14] [58:2,16,20,25] [59:4,7,12] [60:20] [61:4,9,18] [63:24] [64:4,23] [65:1] [67:16] [68:15] [73:16] [75:11] [77:5] [78:13] [80:4,16,22] [81:7,17] [82:6] [83:7] [88:12] [91:5,8,10] [92:25] [96:1] [98:2,3,4,18] [104:12,20] [105:5] [107:4,17] [110:25] [111:17] [112:1,8] [114:8] [115:4,15] [116:5] [117:21] [118:2] [122:8,12] [123:6,7,23] [124:2,12] [125:20] [127:23] [129:3,10] [134:9] [144:7,9,15,20] [145:4,22] [146:5] [147:5,22] [148:1] [150:18] [152:9,12,14,19,22] [153:6,10,12,16,19,21] [154:3,22] [155:15,19,21,23] [156:4,6,10,15,22] [157:19] [158:1,23] [159:6,7,8,10,13] [160:20,24] [161:6,9] [162:3,7,11] [163:23] [164:10,12] [165:9,13,20] [166:2] [168:8] [170:23] [172:2,5,9,22] [174:10,11,13,20,23] [175:7,8] [176:5,9,13,25] [177:2,19] [178:7,15,25] [180:7,19] [181:24] [183:23] [184:13,17] [185:6,7] [186:7,12,17,20,25] [4]  
**stated** [20:9] [32:21] [43:1] [89:25] [163:5] [175:21]  
**statement** [14:8] [33:25] [42:6] [78:11] [116:10] [149:22] [157:11] [162:21] [163:4] [180:10]  
**statements** [21:19] [42:11]  
**states** [3:15,18] [4:1] [25:5] [36:15] [37:6] [117:16] [150:17] [152:11] [159:8,17] [174:13,14] [177:4,16,20] [180:15]  
**statewide** [11:22]  
**station** [17:16] [113:10] [135:12] [146:7]  
**stationed** [139:10]  
**stations** [16:24] [44:3]  
**statistics** [21:24] [22:21] [43:24] [45:2] [53:13]  
**status** [12:1] [32:23] [96:18] [160:23] [176:18]  
**statutes** [27:20]  
**statutory** [147:19]  
**stay** [81:2] [116:9,12] [146:4] [161:25]  
**stayed** [128:7]  
**staying** [79:19]  
**steadily** [15:13]  
**steer** [63:1]  
**stem** [82:10]  
**stenographically** [7]  
**step** [3:3] [99:16,24] [120:11] [121:8] [149:13] [173:5]  
**stepped** [172:22]  
**steps** [136:16] [153:11] [155:23] [168:12]  
**steubenville** [32:13,19] [87:23] [131:19]  
**steve** [8:22]  
**steves** [60:7] [71:25] [92:21] [100:8]  
**stick** [71:25] [92:21] [100:8]  
**stickers** [129:25]  
**stir** [22:17]  
**stole** [175:25]  
**stone** [66:19] [148:8]  
**stop** [16:2] [28:19] [35:13] [54:9,10] [55:1,4] [69:15,16] [85:12] [87:2,8] [109:21] [112:19,23] [115:20] [135:12] [137:9] [138:6] [172:6] [178:13]  
**stopped** [13:13,21] [56:16] [98:15,18] [102:13]  
**stopping** [105:14]  
**stops** [98:9] [102:14] [130:8]  
**stories** [97:13]  
**storm** [108:4] [110:12]  
**story** [28:3]  
**strategies** [151:16]  
**strategy** [35:19]  
**street** [41:5] [56:23] [72:18]  
**streets** [14:13,20] [87:9] [146:3]  
**strengths** [47:16,17] [169:24]  
**stressed** [172:16]  
**strict** [66:22] [158:7]  
**strides** [32:4]  
**strong** [33:23] [34:4] [118:12] [142:12] [150:14] [163:22] [167:2,3] [185:2]  
**strongly** [163:18]  
**struck** [38:9]  
**structure** [33:15] [88:7,8] [104:9] [139:9]  
**structures** [48:12]  
**study** [137:24]  
**stuff** [101:10]  
**style** [39:16] [62:25] [63:14]  
**subject** [53:4] [88:22]  
**subjects** [77:6]  
**submit** [60:1] [104:2,4] [131:5] [182:15,18] [185:20]  
**submitted** [7:23]  
**submitting** [64:5]  
**subsequent** [40:18]  
**substantial** [10:3] [19:8] [33:4]  
**substantiate** [115:21]  
**suburban** [109:2,4]  
**success** [28:3] [39:18] [58:16]  
**successes** [34:23] [86:15] [97:3] [101:25]  
**successful** [25:24] [39:21] [137:17] [177:22]  
**suddenly** [93:5]  
**suffer** [13:14]  
**suffering** [76:4]  
**suggest** [116:16] [124:4] [147:23] [153:22]  
**suggested** [123:22]  
**suggestion** [121:1]  
**suite** [22]  
**super** [84:12]  
**superintendent** [4:11] [63:10,24] [66:5] [75:5] [162:8] [175:19,22]  
**superintendents** [11:3] [156:4] [175:10] [177:10]  
**superior** [9:9] [23:21]  
**supersedes** [64:14]  
**supervised** [102:16]  
**supervising** [15:22]  
**supervision** [17:20] [51:13,15,24] [52:17] [57:7]  
**supervisor** [15:20] [72:1] [86:5] [112:7,8,11] [133:13]  
**supervisors** [14:24] [17:9,20]  
**supervisory** [117:12]  
**supplemental** [7:18]  
**supply** [37:1] [63:12]  
**support** [28:9] [37:4,5] [101:14] [117:12] [134:8] [135:1,15] [150:14] [152:15] [156:17] [161:13]  
**suppose** [45:8]  
**sure** [21:18] [30:17] [67:13] [93:1] [104:17] [113:14] [133:9,13] [138:14] [140:25] [144:22] [164:22] [168:9] [175:4] [177:10] [179:1] [181:8]  
**surface** [137:1]  
**surge** [77:13]  
**surgery** [9:15]  
**surprise** [32:10]  
**surprised** [151:25]  
**surprises** [12:24]  
**surrounding** [35:15] [37:20] [125:6]  
**survey** [137:23] [165:19]  
**survive** [150:24]  
**survived** [24:13]  
**survivors** [46:12]  
**suspecting** [98:10]  
**suspects** [155:12]  
**suspicion** [112:20]  
**sustain** [5:7] [20:17] [72:12]  
**sustainability** [5:21,25] [19:14] [20:7] [27:18] [31:9] [32:12] [37:18] [38:5] [65:15,21] [67:6] [68:19] [87:21] [88:12] [103:12] [131:24]  
**swallowed** [89:4]  
**sweep** [12:15]  
**sword** [48:11] [93:17] [94:3]  
**symposium** [22:6]  
**synopsized** [85:3]  
**system** [16:6] [18:5,20] [30:6,10] [33:8] [46:21] [47:14] [48:17] [49:21] [50:1,6] [58:3] [64:2] [66:12] [84:19] [85:8,21] [86:8] [89:9,10,17] [93:16] [102:10] [109:12] [126:8] [127:23] [154:12] [165:14] [166:20] [168:20] [177:21]  
**systematic** [52:2]  
**systemic** [29:11] [38:3]  
**systems** [4:23] [19:6] [28:9] [29:1,3,14,17,23,24] [33:11]

## Hearing 10/24/06

[34:14] [41:11,21] [47:8]  
 [50:7] [57:20] [61:16,20]  
 [66:7,12] [68:21] [70:2]  
 [71:18] [86:1,3,7,14,17,19]  
 [87:4,19] [102:8] [116:1,11  
 ,23] [153:11] [154:2] [155:14]  
 [161:24] [178:23] [183:9,11  
 ,16]

### T

**table** [117:22] [120:4] [175:  
 17]  
**tactical** [16:25]  
**tagging** [56:1]  
**taken** [18:11] [21:21] [32:4]  
 [136:16] [150:20] [153:12]  
 [155:19] [:7]  
**taker** [48:12]  
**taking** [55:13] [57:19] [74:6]  
 [79:6] [97:9] [105:12]  
 [110:3] [125:8] [134:13]  
 [146:13]  
**talent** [18:15]  
**talented** [134:19]  
**talk** [34:18] [43:21,22]  
 [49:15,16] [54:13,16]  
 [56:25] [59:10] [60:2,4]  
 [64:3] [65:15] [77:5] [87:20  
 ,25] [88:10] [97:4] [116:11,17]  
 [118:6] [122:7] [125:5]  
 [141:6,25] [144:18] [154:10  
 ,23] [155:3,11] [185:25]  
**talked** [51:10,14] [54:19]  
 [55:2] [56:14] [66:10]  
 [68:2] [70:2,21] [86:6]  
 [91:21] [95:24] [97:13]  
 [109:8] [112:5] [118:19]  
 [120:8] [162:9] [184:11]  
**talking** [38:22] [44:17]  
 [54:3] [56:4] [62:5] [82:1]  
 [86:7] [99:19,20] [100:14]  
 [117:6] [122:25] [124:12]  
 [125:7] [135:3] [139:12]  
 [140:16] [146:23] [183:21]  
**talks** [32:7] [127:4] [132:1]  
**tall** [11:14]  
**tape** [54:24] [85:11] [115:20]  
 [126:15] [137:8,10,11]  
 [138:7]  
**tapes** [79:11] [84:19] [134:16]  
 [168:13]  
**targeting** [72:8]  
**tarnish** [152:8]  
**task** [5:23] [20:10] [35:24]  
 [36:11] [45:18] [57:16]  
 [146:6]  
**tasks** [16:16] [22:24] [28:7]  
 [38:10] [39:4] [50:9] [52:8]  
 [134:13]  
**taught** [88:20]  
**tax** [172:17] [173:2]  
**teach** [64:25] [125:20]  
 [181:25]  
**teaching** [72:10] [150:23]  
**team** [95:17]

**technical** [28:9] [37:3]  
 [101:13] [153:2]  
**technique** [103:19]  
**techniques** [39:25] [40:19]  
**technological** [29:9] [116:23]  
 [117:11]  
**technologies** [28:1,25]  
 [30:11] [66:8] [87:23]  
 [102:2,7] [124:25]  
**technology** [37:19] [38:11]  
 [64:22] [126:11]  
**tell** [13:16] [48:11] [49:18]  
 [56:24] [70:7] [73:17]  
 [95:15] [97:12] [113:7]  
 [118:17] [128:15]  
**telling** [81:15] [92:22] [95:21]  
 [105:25]  
**tells** [164:18]  
**temper** [151:19]  
**temporary** [90:13]  
**ten** [47:22] [60:23] [72:2]  
 [107:23,25] [126:6] [139:9]  
**tenants** [155:2]  
**tend** [120:21]  
**tenets** [64:16] [128:24]  
**tenure** [31:18]  
**term** [10:22] [27:22] [74:19]  
 [83:12,15] [124:2] [163:15]  
 [177:18]  
**terminals** [66:15]  
**terminate** [3:16] [25:6]  
 [27:17]  
**terminated** [3:25] [154:17]  
**terms** [11:16] [15:14] [32:17]  
 [53:15] [65:23] [92:12]  
 [174:25] [175:1] [176:6]  
**terrorist** [35:24] [36:16]  
**terrorists** [36:2]  
**test** [13:25] [14:2] [47:2,10,11  
 ,12] [48:1,7,9,12] [55:15]  
**testified** [20:6] [51:12]  
 [53:11]  
**testify** [8:11] [22:14] [36:14]  
**testifying** [180:25] [182:9]  
**testimony** [8:4,8,17] [12:25]  
 [27:10] [31:3] [42:23]  
 [44:10] [51:3,7] [58:13]  
 [59:1] [73:5] [77:10] [83:10]  
 [103:22,24] [104:23] [111:  
 21] [115:25] [116:17] [141:  
 16] [149:18] [174:18] [177:  
 14] [178:10] [186:8] [:6]  
**testing** [46:20,22] [49:13]  
 [50:14] [181:10]  
**thank** [8:16] [9:19] [14:23]  
 [25:8] [26:5,7,12,16] [42:2  
 ,4,21,22] [46:9,13] [50:21]  
 [51:1,2] [58:8,13] [65:6,11]  
 [68:11] [72:21,22] [73:3,5]  
 [83:5,9] [90:19,22,23]  
 [100:16] [103:18,21] [104:  
 22] [111:15,18] [115:9]  
 [118:8] [121:19] [122:3]  
 [128:3,8] [135:22] [149:9,10  
 ,11,25] [157:7,8,16] [158:19]  
 [160:13] [169:1] [177:13]

[178:9,10] [180:21,23,24]  
 [182:8] [185:11] [186:2]  
 [187:4,5,7]  
**thanked** [36:16] [146:8]  
**thankful** [65:19]  
**thanks** [37:9] [111:20]  
**thats** [52:13] [54:13] [55:21]  
 [56:17] [72:11] [88:9,15,16]  
 [103:13] [110:15] [115:3]  
 [117:6] [118:13] [122:23]  
 [127:16] [131:3] [147:22]  
 [158:9] [162:18] [177:22]  
 [179:20] [184:8] [185:8]  
**theater** [54:8]  
**theme** [5:11]  
**themselves** [55:22] [78:20]  
 [86:14] [137:12] [165:5]  
 [173:2,3]  
**therefore** [152:14] [153:7]  
**theres** [49:23] [51:12] [52:8]  
 [53:16,17] [61:1] [62:7]  
 [82:17] [97:6] [125:10]  
 [127:8] [133:16] [139:11]  
 [140:9,17] [144:4] [157:10]  
 [161:11] [162:17] [168:2]  
 [170:25] [171:20] [181:7]  
 [186:24]  
**theresa** [115:6]  
**thing** [55:17] [61:4] [64:16]  
 [66:20] [67:7] [76:11]  
 [96:21] [98:2,7] [102:3]  
 [103:3] [115:2] [119:3]  
 [120:8] [128:5] [129:21]  
 [132:3,6] [145:25] [168:21]  
 [185:22]  
**things** [20:8] [56:5,12]  
 [66:2,18] [70:3] [72:11]  
 [73:8] [79:24] [81:1] [83:21]  
 [87:14,21] [88:8] [91:24]  
 [93:23] [96:10,22] [99:2,14]  
 [102:4,11] [105:2] [108:1,3]  
 [110:14] [113:16] [116:9]  
 [117:7] [118:10] [125:1]  
 [140:19] [141:8,25] [148:2  
 ,6] [168:1] [169:2,21] [171:  
 4] [178:4]  
**think** [3:2] [15:20] [16:17]  
 [43:16] [45:25] [50:18]  
 [51:11] [53:21,22] [54:1,14]  
 [56:12] [58:19,22,24]  
 [63:7] [65:1,25] [69:3]  
 [73:17] [78:8,15] [80:23]  
 [83:21,25] [86:16,23]  
 [87:9,17] [89:3] [92:11]  
 [94:10] [96:1] [97:19]  
 [98:12] [100:19] [101:2,8]  
 [105:4] [106:12] [113:23]  
 [114:1] [120:3,14,19]  
 [121:17] [122:6,10,20,23]  
 [126:6] [127:18] [128:2,20]  
 [130:7,11] [131:12,16,21,23  
 ,25] [137:22] [139:24]  
 [141:17] [143:11,12] [144:  
 11] [145:3,17] [146:18,23]  
 [147:18,23,25] [148:4]  
 [151:5] [163:17] [166:22]

[168:13,15] [169:13] [170:1  
 ,12,15,18] [171:4,11,18]  
 [172:13,15] [176:2] [179:20]  
 [183:6] [184:8] [185:1,7,13  
 ,21,23] [186:5]  
**thinking** [63:5] [163:19]  
 [173:25]  
**thinks** [116:14] [141:1]  
**third** [7:22] [27:24] [125:21]  
**thirds** [35:4]  
**thirty** [16:24]  
**thoroughly** [167:10]  
**though** [7:1] [22:9] [44:12]  
 [51:16] [63:11] [184:11]  
**thought** [49:5] [78:10]  
 [83:13] [88:10] [106:8]  
 [112:21] [142:24] [163:20]  
 [167:2] [180:20]  
**thoughts** [5:20] [24:10]  
 [104:2,3,5] [118:16]  
**thousand** [147:3]  
**thousands** [151:4]  
**three** [6:11] [7:20] [27:13]  
 [50:18] [56:5] [79:22]  
 [93:5] [94:12] [115:25]  
 [116:10] [120:3] [154:18]  
 [163:3] [181:3]  
**throughout** [4:6] [7:13]  
 [9:2] [10:24] [12:12] [16:25]  
 [19:21] [44:4] [50:1] [82:8]  
 [118:2,10] [151:5] [159:7,17]  
 [174:14] [176:13] [180:14]  
**throw** [63:19] [74:20,21]  
 [78:6] [96:6] [132:13]  
**thus** [27:21]  
**thwarted** [25:10]  
**ticket** [122:18,19]  
**tide** [82:10]  
**tie** [98:8,9]  
**time** [7:13,15] [8:17] [14:23]  
 [15:10,23] [16:21] [18:1]  
 [20:4] [22:4] [29:5] [33:2]  
 [37:7] [42:16] [43:8] [44:7]  
 [48:21] [52:7] [53:5] [55:3]  
 [60:6,14,25] [62:16] [67:20]  
 [84:21,22] [85:3,23] [89:14]  
 [95:7] [103:16,17] [110:4]  
 [112:5] [113:8] [118:7]  
 [122:3] [126:19] [135:20]  
 [136:4,11] [140:10,14]  
 [141:15] [143:5] [146:10,20]  
 [147:14] [149:6] [158:17]  
 [167:11] [174:22] [179:16]  
 [:8]  
**timely** [154:6]  
**times** [49:21] [145:20]  
**timewise** [121:15]  
**tip** [61:19]  
**tired** [14:14] [79:9]  
**title** [63:11]  
**today** [6:14] [7:7] [19:13]  
 [42:14] [53:6] [98:23]  
 [103:23] [104:23,25] [111:  
 21] [141:18] [149:7] [150:12  
 ,14,25] [154:23] [161:22]  
 [162:1] [182:9,14]

## Hearing 10/24/06

**today's** [8:16] [99:4]  
**toes** [121:9]  
**together** [59:13] [67:10] [124:1] [141:25]  
**told** [70:10] [96:23]  
**tolerance** [14:7] [106:15,16,18] [107:22] [108:16]  
**tolerated** [3:24] [21:15]  
**toll** [:24] [127:8]  
**tone** [184:15]  
**tonight** [165:23]  
**took** [37:7] [65:18] [75:5] [76:13] [87:7] [105:16,23] [110:15] [114:20,24] [118:7] [132:22]  
**tool** [67:1] [97:24]  
**top** [5:12,16] [58:18] [62:9] [81:9] [90:18] [93:24] [140:18] [167:14] [169:19] [170:5] [184:12]  
**topic** [180:21]  
**totally** [39:11] [64:1] [88:19] [93:3] [100:5]  
**touched** [48:3] [65:14]  
**tough** [105:15] [111:14]  
**toughest** [107:12]  
**toward** [4:20] [64:19]  
**towards** [18:3]  
**town** [56:19] [82:11] [125:23] [126:23] [146:1,17] [183:14]  
**towns** [62:7] [125:20] [127:11]  
**tracing** [36:1]  
**track** [128:8]  
**tracking** [33:8]  
**trade** [11:19]  
**trafficking** [105:20]  
**train** [125:18]  
**trained** [151:12] [162:22] [163:6,13] [164:15]  
**trainer** [125:18]  
**training** [10:15] [70:3] [82:5] [124:13] [130:5] [133:21] [151:2] [164:13,20,24,25] [174:7] [175:2] [181:17,21] [184:19,21]  
**traits** [39:1]  
**transcript** [8:1] [6:,,,,,]  
**transformed** [41:15]  
**transit** [78:3]  
**translates** [66:16]  
**transparency** [22:8] [46:2]  
**transparent** [22:2]  
**transpiring** [121:7]  
**trash** [12:14]  
**travel** [13:15] [36:5]  
**traveled** [13:8] [44:4]  
**traveling** [105:21]  
**treated** [28:21] [143:4] [146:9] [147:1]  
**treatment** [24:3,21] [34:10] [38:4] [39:11] [144:8] [155:13]  
**trenton** [:23] [147:3]  
**trial** [36:14] [103:20]  
**triangle** [46:12]  
**tried** [163:8,11]  
**troop** [13:19] [17:17,18] [22:7]  
**trooper** [9:6] [13:11,16] [17:12] [25:9] [26:22,24] [34:3] [36:13,17] [46:19] [47:2] [54:18,20] [55:7] [59:3] [66:21] [68:15] [69:14,20,23] [71:3,10,25] [72:3] [75:19] [80:9] [82:21] [84:5,13,22] [86:25] [89:5] [90:14] [98:2] [99:12] [100:3,17,19] [107:8] [112:15,18,25] [113:8] [114:7,16] [115:22] [117:23] [121:9] [129:23] [130:8] [131:10] [138:3] [142:3] [165:2]  
**troopers** [8:25] [9:4,9] [10:9,11] [11:2,14] [12:13] [13:4,14,22] [14:2,18] [16:9,13,23] [23:3,20] [24:11] [25:14] [26:10,15,21] [31:18] [32:2] [34:9] [35:1] [37:2,16] [38:1] [39:23] [44:1,14] [48:25] [53:7] [55:8] [67:4] [69:1] [81:17] [91:8] [95:13,25] [97:25] [98:3,4] [101:4] [106:16] [108:7] [115:16] [116:6,21] [117:8,22,25] [132:25] [134:13,14] [138:15] [162:11] [164:13,21] [165:20] [166:2,4,16] [168:8] [181:16,19]  
**troops** [37:10] [133:17] [143:2] [170:7]  
**trouble** [98:11] [145:12]  
**troubling** [60:25]  
**true** [150:12] [154:24] [164:7] [169:24] [:5]  
**truly** [25:16] [98:23] [124:13] [146:9] [147:1] [152:15] [154:25]  
**trust** [24:15] [40:3] [81:5,9,11] [119:17] [125:17] [171:24] [177:6]  
**trusted** [40:3] [81:11]  
**try** [93:8] [99:11,15] [103:19] [122:2] [136:21] [141:9] [142:8] [145:8] [157:9,13] [164:5] [168:5]  
**trying** [12:22] [36:1] [40:21,22] [48:21] [55:5] [61:3] [77:12,25] [79:17] [82:9] [85:22] [94:20] [105:3] [106:21] [113:18] [120:7] [125:9] [145:2] [186:19]  
**tucker** [50:23]  
**turmoil** [35:15]  
**turn** [7:4] [8:19] [76:25] [79:13] [110:20] [134:15] [172:11]  
**turned** [68:3] [140:22]  
**turnpike** [27:1] [35:2] [56:17] [98:18] [105:22]  
**tutti** [62:13]  
**tv** [55:15]  
**tweak** [148:12]  
**twelve** [72:2]  
**twoandahalf** [94:16] [128:22]  
**two-and-a-half** [94:16] [128:22]  
**twofold** [53:25] [129:20]  
**type** [35:8] [88:18,19] [104:5,6,7] [105:11] [112:21] [144:5,12] [147:13] [148:6,19] [154:13] [159:20] [184:4]  
**types** [107:20] [130:4] [155:4] [179:7,9]  


---

**U**  


---

**u.s** [3:14] [127:14]  
**ugly** [38:19]  
**ultimate** [31:19]  
**unacceptable** [163:14]  
**unanswerable** [31:25]  
**unanswered** [168:4]  
**unbiased** [24:14] [27:11]  
**unclear** [94:5]  
**unconstitutional** [124:16]  
**unconstitutionally** [28:21]  
**understand** [9:14] [23:23] [45:5] [47:3] [83:21,23] [87:11] [101:20,23] [106:20] [120:17] [124:25] [149:7] [157:11] [160:14] [166:10] [168:7] [183:3]  
**understanding** [38:4] [51:16] [132:24] [154:24]  
**understood** [138:14]  
**undertaking** [10:12] [25:25]  
**underway** [24:6]  
**unfair** [152:18]  
**unforeseen** [23:12]  
**unfortunate** [11:22] [145:17]  
**unfortunately** [100:22] [108:2] [111:13] [114:25] [147:7] [164:23]  
**unfounded** [167:8]  
**uninvestigated** [168:4]  
**union** [5:20] [6:14] [9:1] [83:16] [93:23] [121:3] [141:8] [143:17] [145:11] [166:2] [176:19] [178:12]  
**unions** [155:4] [162:8]  
**unique** [27:4] [151:6] [177:2,3]  
**unit** [137:4] [155:6]  
**united** [3:15,18] [4:1] [25:5] [36:15] [117:16] [150:16] [152:11] [159:7] [174:14] [177:4] [180:14]  
**units** [17:1]  
**unknown** [12:4]  
**unless** [66:4] [74:17]  
**unlike** [30:2] [31:1] [32:7] [44:1] [101:23]  
**unobstructed** [40:25]  
**unrelated** [6:2]  
**unsatisfied** [138:5]  
**unseen** [66:21]  
**until** [6:20,23] [38:11] [39:15] [48:17] [50:2] [55:11] [79:22] [82:15] [134:15] [163:11] [165:5]  
**updated** [180:3]  
**upgraded** [66:13]  
**upon** [5:8] [10:22] [16:10] [20:14] [22:16] [24:25] [25:22] [33:22] [37:9] [43:25] [56:7] [60:18] [68:15] [74:4] [82:14] [83:1] [88:1] [91:9] [96:16,17] [99:17] [135:6]  
**upper** [29:14] [39:19] [49:7]  
**upping** [52:24]  
**uptodate** [4:19]  
**up-to-date** [4:19]  
**urban** [14:17] [40:11,12,16] [53:16] [77:19] [98:25] [107:16] [108:24] [109:1] [166:18]  
**us** [4:19] [5:23] [8:4,10] [9:17] [12:1,23,24] [19:3] [22:18] [31:10] [34:16] [36:12] [39:3] [41:2,10] [42:8] [47:3] [51:4] [59:18] [60:14] [61:23] [64:20,22] [65:3] [69:5] [77:23] [78:4,9] [79:16] [81:16,19] [89:11] [103:5,6,15] [104:4,15] [105:9,17] [106:3,9] [110:15] [113:8] [114:20,24] [115:10] [117:9] [120:14] [121:12,14] [122:3,16,25] [123:17] [125:1] [128:6] [131:6] [132:7,15,22] [142:15] [145:1] [146:4,8,14,15] [148:20] [149:6,8] [150:1,25] [161:8] [175:12] [179:6] [181:25] [183:6]  
**use** [32:24] [34:15] [77:9] [83:12] [85:18] [89:16,19,22] [94:24] [103:19] [115:12] [150:22] [181:25]  
**used** [54:2] [83:15] [89:10] [100:2] [105:8,20] [115:21] [147:17] [159:16] [177:18]  
**useful** [137:24]  
**using** [89:12] [105:17] [108:25] [109:21] [176:10]  
**utilized** [17:19] [174:11,12]  


---

**V**  


---

**vacuum** [27:8] [110:10]  
**value** [18:9] [169:14] [171:18]  
**values** [171:10,17]  
**vanilla** [62:10,11]  
**varied** [162:16]  
**variety** [6:5]  
**various** [10:10] [105:8] [175:5] [183:13]  
**vary** [53:5]  
**vast** [102:18]

## Hearing 10/24/06

**veer** [17:12]  
**vehicle** [16:2,14] [105:10] [137:9]  
**vein** [158:17]  
**vendor** [48:8]  
**vendors** [21:6]  
**version** [180:3]  
**versus** [54:6] [158:12] [173:11,13]  
**vested** [74:13]  
**vestige** [60:13,24]  
**via** [8:12]  
**viable** [131:20]  
**vice** [141:12] [149:19]  
**victimization** [54:12] [82:10] [108:12]  
**victims** [35:22] [40:12,13] [151:9] [155:11]  
**victory** [26:3]  
**video** [115:20] [166:21]  
**view** [22:3] [59:2] [140:1] [158:24] [162:6,14]  
**viewed** [59:21]  
**views** [6:10,15] [53:20] [131:5] [141:17,18] [162:16]  
**vigilant** [12:1] [41:8] [77:6]  
**violate** [40:22] [54:22] [68:17]  
**violated** [69:25]  
**violating** [71:5]  
**violation** [58:5]  
**violence** [77:16] [113:1] [150:9]  
**violent** [99:20]  
**virtually** [17:11] [29:10]  
**virtue** [16:1] [69:9] [125:22]  
**vis** [45:10]  
**visavis** [45:10]  
**vis-a-vis** [45:10]  
**vision** [15:1]  
**visit** [37:10]  
**visited** [44:3]  
**vital** [159:14]  
**vocal** [138:13]  
**voluntary** [147:13,18,24] [148:5]  
**volunteers** [23:9]

---

**W**

---

**wait** [126:16]  
**waived** [114:5,13]  
**walk** [107:24] [146:5] [164:5]  
**walker** [32:15] [33:6] [34:18] [132:1]  
**walkers** [32:6] [87:20]  
**walking** [88:25]  
**walks** [18:25]  
**wallerman** [55:2]  
**want** [26:16] [48:4] [50:18] [55:25] [56:15] [62:3] [64:20,21] [65:15] [68:7,23] [70:13,23] [72:19] [73:11] [75:4,18] [78:5] [79:24] [83:21] [89:17,18,20] [91:11] [92:6] [94:15] [97:15] [103:6,21] [110:20] [111:19] [115:17] [119:22] [120:16] [121:8] [126:7,14] [130:23] [132:11,13] [133:15,24] [139:4] [143:20] [144:25] [147:21] [148:2] [156:8] [165:6] [166:6] [167:17,18] [19,21] [168:1] [169:1] [173:22] [174:15]  
**wanted** [68:6] [120:24] [164:2] [166:1]  
**wanting** [118:23] [172:6]  
**wants** [112:20] [135:1] [140:25] [153:21] [173:15,21] [39:6,10]  
**war** [39:6,10]  
**warning** [16:6] [19:6] [86:1] [154:19,21] [179:7]  
**washington** [36:19] [179:4]  
**wasnt** [62:19] [81:20] [102:16] [107:18] [108:6] [132:24] [164:23] [182:12]  
**watched** [73:22] [74:5]  
**watches** [158:1]  
**watching** [79:10]  
**water** [75:2] [125:10]  
**watering** [52:23]  
**waving** [55:14]  
**ways** [131:24] [163:9] [177:7]  
**weaknesses** [47:16]  
**weapon** [13:21] [34:5,6]  
**weapons** [56:9]  
**web** [8:2]  
**website** [8:1,12,13] [129:19] [178:4]  
**wed** [64:24]  
**week** [36:3] [85:4] [133:10]  
**weekends** [74:9] [96:4]  
**weeks** [85:4] [133:10]  
**weight** [47:23]  
**welcome** [3:7] [147:6]  
**welcoming** [34:1]  
**well** [16:25] [20:25] [24:6] [35:12] [36:21] [43:19] [49:22] [50:19] [81:17] [82:18] [92:10] [98:13] [112:2] [125:9,11] [131:16] [133:23] [134:2] [142:24,25] [157:13] [159:2] [161:20] [170:23] [175:5] [177:19] [182:1,19]  
**wellbeing** [81:17]  
**well-being** [81:17]  
**went** [13:4] [30:3] [37:10] [40:11,13] [81:6] [95:21] [161:1]  
**werent** [60:15] [72:16] [76:18] [79:14] [87:22] [183:10]  
**western** [127:7]  
**whatever** [18:17] [62:14] [64:6] [71:15] [75:13] [81:12] [100:14] [113:2] [114:11,17] [121:4] [132:12] [17] [135:5] [138:17] [159:20] [172:19] [182:15]  
**whats** [170:9]  
**whatsoever** [52:23]  
**whenever** [112:18]  
**wherein** [17:24]  
**whereupon** [187:9]  
**whether** [3:12] [23:4] [47:10] [12,13] [53:17] [55:10] [67:24] [68:17] [80:18] [90:10] [112:25] [123:4] [125:7] [129:7] [133:10] [137:5,13,23,25] [154:18] [158:23] [173:12] [179:8] [184:5]  
**whip** [110:21]  
**whispered** [67:25]  
**white** [23:4] [80:18] [81:12] [90:15] [94:18] [105:19] [107:5] [127:8] [143:9,12]  
**whole** [75:13] [98:14] [137:11] [148:10,17] [176:25]  
**whos** [104:25]  
**whose** [31:15]  
**why** [37:18] [38:6] [51:25] [53:20,22] [54:13] [56:18] [60:9] [75:2] [88:15,16] [95:15,17] [98:2] [103:13] [105:3] [106:1,22] [110:15] [143:8,17] [153:18] [155:22] [181:6,8]  
**wide** [6:5] [177:5]  
**wife** [75:23] [140:24]  
**will** [5:18,21] [6:4,14,20,21] [22,25] [7:12,14,15,24] [8:2,8,9,18,20] [12:19] [14:18,21] [18:8,11] [19:2] [20:13,15,16] [21:15,18] [22:20] [25:4,17] [26:8] [29:5] [32:5] [38:2] [39:9,15] [22] [40:4] [41:1,3] [42:3,14] [18] [45:2] [48:10] [52:21,25] [53:23] [55:7] [57:8,12,24] [58:9] [63:8,9,16,19] [64:11] [65:7] [66:10,16] [68:22] [69:8,19] [70:15] [71:2,3,6] [7,13,14,15,16,19,20] [72:23] [77:8,9,14] [78:12,24] [25] [79:3,8,25] [80:2] [81:2] [83:2,6] [86:3,4] [88:25] [89:11,14] [91:22] [92:7] [102:6] [106:14,19] [113:3] [117:9] [118:17] [120:4,10] [121:5,14,23,24] [25] [122:2] [124:14,17] [125:4,21] [128:11] [131:21] [132:5,6] [133:5,14,16,18] [136:3,9,10,11,20] [137:3,4] [138:5,8] [141:21] [143:2] [145:5] [148:5,16] [149:5,7] [16,22,23] [152:14] [153:14] [22] [154:1] [155:23] [156:2] [157:4,9,12,13,18] [165:15] [18] [166:7,8] [170:1] [171:2] [178:18] [180:3] [182:23] [183:5] [184:1] [185:14,25] [187:6]  
**willing** [41:12] [46:22] [78:8]  
**window** [109:23,25]  
**windows** [107:21]  
**winning** [24:15]  
**wish** [8:3] [77:23]  
**wishes** [82:18]  
**within** [6:7] [9:11] [11:8] [14:5,10] [18:12] [19:1] [22:4] [23:9] [41:1] [51:20] [53:6] [57:9] [84:20] [90:9] [105:5] [131:8] [141:24] [148:1] [162:11] [164:8] [174:11,12,20] [175:6,7]  
**without** [30:24] [48:7] [62:12] [109:8] [114:24] [117:10,11] [125:8] [152:5] [184:18]  
**witness** [9:13] [36:13]  
**witnessed** [10:3] [12:13]  
**witnesses** [3:3] [4:17] [5:5] [8:19] [42:10,13,17] [51:3] [103:21] [121:24] [157:10]  
**women** [15:11] [31:7] [48:24] [76:6] [128:6] [141:3]  
**wonder** [43:5] [46:18] [104:1] [136:14]  
**wonderful** [41:25] [61:2] [88:15] [97:3] [127:22]  
**wondering** [172:5] [183:5]  
**wont** [42:6] [124:23] [127:21] [185:24]  
**woodbine** [100:20]  
**woody** [140:13]  
**word** [54:2] [80:5] [147:18] [186:9]  
**words** [15:15] [60:5] [82:19] [108:18] [110:19] [143:24] [155:6] [173:8,12]  
**work** [6:11] [7:17] [8:9] [18:6,9] [20:16] [36:20] [44:5,13,19] [46:18] [51:4] [59:24] [64:19] [74:17] [75:22] [94:19] [96:4] [104:5,6,7,8] [105:16] [122:4,6] [134:16] [145:10] [15] [146:7,24] [147:7,8] [161:14]  
**worked** [11:2,5,23] [38:15] [67:8] [75:20] [92:2] [96:15] [120:6]  
**working** [17:4,6] [36:3] [61:4] [84:6] [111:25] [132:9] [148:13] [168:10]  
**works** [47:4]  
**world** [11:19] [38:6] [128:16] [129:3,7,9] [177:5]  
**worried** [13:11]  
**worry** [55:9] [69:24]  
**worry** [55:21] [126:21]  
**worthy** [107:2]  
**would** [3:2] [7:6] [8:15,18] [10:22] [16:17] [18:1] [19:13] [20:4,19] [21:1,11] [22:14,16] [24:16] [33:17,20]

## Hearing 10/24/06

[34:14] [36:6] [38:6] [41:13,25] [43:3,6,9] [44:5,7,12,13,18,19,23] [45:6,10,13,15,16,21,22] [46:2,4,22] [51:9,18,21] [53:19] [57:17] [58:2,14] [60:20] [61:8,10] [62:1] [64:6,8] [65:4,11] [66:18] [68:10] [71:25] [72:1] [73:4] [78:8] [84:1] [85:2,8] [87:3] [90:7] [92:8] [96:1] [97:18,19] [100:13] [104:3,7,8,16] [105:13] [106:9,10,12] [111:22] [114:23] [116:15,18,22,23] [120:12,14,20] [121:10,13] [124:4] [125:4] [126:3] [127:1,18,19] [128:2,10,15] [130:20] [131:5] [135:17] [137:16] [139:7] [140:16] [143:11] [144:23] [145:3] [147:15,23] [149:12] [152:7,8,18] [153:18] [158:3,13,17,24] [160:6,9] [162:10,13] [164:11] [166:19] [168:15] [170:22] [179:16,17,19] [182:8,14,15] [183:12,17,20,25] [184:14] [185:15] [186:14]  
**wouldnt** [52:22] [53:5] [57:7] [115:13] [126:25] [135:2]  
**write** [7:8] [84:22] [134:15] [136:21]  
**writes** [140:24]  
**writeup** [84:22]  
**write-up** [84:22]  
**writing** [131:6] [136:10] [186:1]  
**written** [6:4] [8:7] [20:1] [48:1] [180:21]  
**wrong** [86:20] [100:5] [130:3] [155:1]  
**www.renziassociates.com** [:25]

## Y

**yang** [108:2] [115:6,9] [117:15] [120:16] [121:19] [148:23] [180:23] [181:14] [182:3]  
**year** [26:24] [48:25] [100:3,17,19] [131:21] [138:13] [156:3]  
**years** [4:14] [9:5] [11:1,21] [14:6] [16:22] [18:11] [19:21] [21:23] [22:5,15,23] [23:25] [24:13] [29:25] [48:6] [56:24] [57:25] [60:23] [74:6] [76:13,18,19] [79:19,20] [91:8] [93:18,21,22,25] [94:12] [97:4] [100:15] [107:2,9,23,25] [110:15] [125:19] [128:23] [132:22,23] [140:12,15,23] [147:14] [152:10] [154:18] [155:5]

[156:1,2] [158:5] [163:8] [169:5,6] [171:8,11] [175:7] [176:6] [178:17] [179:2]  
**yell** [54:7]  
**yes** [99:16] [106:17] [115:5] [130:22] [138:24] [141:21] [157:22] [160:21] [163:24] [164:2,24] [173:24] [179:25] [182:6,23] [183:24] [185:19] [186:9]  
**yet** [19:19] [22:9] [41:5] [90:2] [93:25] [108:10]  
**ying** [108:2]  
**york** [10:6] [35:21] [76:1] [107:23] [184:17]  
**young** [69:20] [76:5,6]  
**younger** [171:15]  
**yourself** [42:8] [73:24] [133:12] [177:19]  
**youth** [99:5] [108:22] [150:23]  
**youths** [14:14]

## Z

**zealous** [106:17,21,23]  
**zero** [14:6] [106:15,16,18] [107:22] [108:15]  
**zion** [90:21]  
**zone** [126:5]