



**REPORT OF THE ATTORNEY GENERAL'S
STATE POLICE EXECUTIVE PROTECTION UNIT
REVIEW PANEL**

JULY 27, 2007

ATTORNEY GENERAL ANNE MILGRAM

**HON. CHRISTINE TODD WHITMAN
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I. Introduction

On April 12, 2007, Governor Jon S. Corzine was involved in a near fatal accident while traveling north on the Garden State Parkway through Atlantic County. The Governor was in the front passenger seat of his vehicle with an aide to the Governor in the back seat. Robert Rasinski, a member of the New Jersey State Police Executive Protection Unit ("EPU", "the Unit"), was driving the vehicle. At approximately 5:55 p.m., the vehicle was involved in a serious accident. The Governor sustained critical injuries, including multiple broken bones and a substantial loss of blood, and remained hospitalized for eighteen days. The driver and the other passenger suffered minor injuries. Subsequent investigation revealed that the Governor's vehicle was traveling 91 miles per hour seconds before the crash and was found to have had its emergency lights active; Governor Corzine was not wearing a seatbelt at the time of impact.

The accident and the injuries sustained by the Governor focused an unprecedented level of attention on, and public interest in, the transportation of the Governor, the men and women of the Executive Protection Unit who drive and protect the Governor, and public safety in general. Three investigations focused on different aspects of the accident. First, the Division of State Police investigated the accident, interviewing all of the witnesses, including the Governor. The State Police Fatal Accident Investigation Unit conducted the investigation of the accident itself, and its report is now available to the public. Second, the Division's Office of Professional Standards investigated the accident to determine whether the troopers' actions immediately preceding the accident violated EPU policies, protocols, and training, and/or

State Police Rules and Regulations. Third, the Motor Vehicle Accident Pursuit Review Board reviewed the accident to determine whether the accident was preventable.

In addition to the above investigations focusing on the facts and circumstances of the accident itself, then-Attorney General Stuart Rabner convened this independent, eight-member panel to study the general practices of the Executive Protection Unit and to provide the Attorney General with any guidelines and recommendations regarding the operation of the Unit which were deemed advisable by the Panel.¹ The details of the Governor's accident and the findings of the other investigations into the accident informed our inquiry and our recommendations.

The Attorney General asked the Panel to consider the broader issues of the EPU's training, equipment, and protocols. He asked the Panel to make recommendations and provide guidance on protocols and procedures in these critical areas, and to focus on improving the operations of the Unit to enhance the safety and security of the public, the Governor, and members of the Unit.

The Panel conducted its inquiry through numerous interviews and a review of existing State Police protocols, procedures, rules and regulations, training materials, and the relevant accident reports. The panel interviewed Col. Joseph R. Fuentes, the Superintendent of the State Police, members of the EPU, and executive protection professionals from both the private sector and other state police agencies. On May 31, 2007, the Panel held a public hearing at the Hughes Justice Complex in Trenton

¹ The Panel's members have a broad range of experience in government, law enforcement, and the private sector. Appendix A contains a short biographical description of each member of the Panel.

and invited Col. Fuentes to testify on behalf of the State Police.² Additionally, the Attorney General provided the Panel various State Police documents concerning the EPU, including relevant tables of organization, training materials, standard operating procedures, rules and regulations, and protocols. In providing these materials to the Panel, the Attorney General emphasized the highly confidential and sensitive nature of the protocols used by the Unit in protecting the Governor. To facilitate the completion of the Panel's task, the Attorney General also provided the Panel with reports of the Fatal Accident Investigation Unit, the Office of Professional Standards, and the Motor Vehicle Accident and Vehicular Pursuit Review Board' regarding the Governor's April 12, 2007 accident.

The EPU fulfills a crucial mission within a much larger police agency charged with a multitude of critical law enforcement, emergency management, and homeland security missions. This Panel considered the EPU's staffing, training, and budget within the context of the multiple and competing demands of the larger organization. We understand the necessary element of trust that a Governor must have in the individuals who protect him or her, and with whom the Governor spends an extraordinary amount of time—including many long days on the road and in the Governor's residence. Accordingly, the Panel sought to fashion a recommendation regarding selection into the Unit and assignment to the Governor's detail that accommodated that legitimate interest while at the same time minimizing the possibility of overt politicization of the selection process or of the Unit itself which could be

² A transcript of that public hearing is included in this report as Appendix B.

detrimental to the Unit's professionalism and, ultimately, to the Governor's overall safety. Finally, and most importantly, the Panel was acutely aware that the Governor's motorcade travels on New Jersey's public highways and that security procedures during such travel must account for, and accommodate, the safety of other drivers and passengers on the road.

The EPU is a division within the State Governmental Security Bureau of the Special Operations Section of the State Police. As of May 31, 2007, 29 troopers were assigned to the Unit. Of those 29 troopers, a certain number are assigned to the Governor's detail, while the rest are assigned to the details of the other protected individuals. Testimony before the Panel indicated that the Unit size has varied from a high of 36 troopers to a low of 17 troopers, and depends, in part, on which members of a given administration are afforded EPU details by the Governor's office. The Panel reviewed data regarding the size of protective units of other states and determined that the size of the unit depends upon the mission and that New Jersey's EPU is currently within the range of comparable units in other states.

The primary mission of the EPU is to provide protective services to a small number of State officials, including the Governor and the Governor's family, as well as the Attorney General, and other such individuals as the Governor may direct, such as the Governor's chief of staff, the Senate President and the director of the Office of Homeland Security and Preparedness. Additionally, the Unit has provided protection details for foreign and domestic dignitaries who are visiting the State and to former

governors. According to the State Police, the Unit has conducted more than 300 such details since 2005.

With that background in mind, we turn to the Panel's major areas of inquiry, namely, (a) staffing and personnel, and the issues identified by the Panel relating to selection processes and staffing levels; (b) training of EPU members; (c) equipment; (d) command issues; and (e) emergency protocols and guidelines. We offer recommendations, which may be summarized as follows:

Staffing and Personnel

1. **Increase Unit size:** Increase the number of personnel assigned to the Unit to ensure that it is sufficient to fulfill the EPU mission and to provide regularly scheduled training and adequate intervals between assignments.
2. **No driving Governor for more than 8 hours on a single day:** Implement policy that no member of the EPU should drive the Governor for more than 8 hours on any single day.
3. **Selection process:** Continue a selection process whereby all members seeking assignment to EPU must apply to, and qualify for, the Unit through a regular selection process based on enumerated selection criteria.
4. **Probationary term:** Institute a 6-month probationary term for members newly assigned to the EPU, with the Superintendent having the discretion to extend the probationary term by another six months.

Training

5. **Training and refresher course:** Implement mandatory regular, scheduled training and refresher courses for all members of the Unit.
6. **Implement a 40-hour course at the Academy:** Require a mandatory 40-hour Executive Protection Unit training course currently under development for each new member of the Unit and for any existing members of the Unit, as determined by the commander of the detail.
7. **Additional driver training:** Offer supplemental training on a regular basis for EPU members in key areas such as protective driving.

8. **Pursue Secret Service Training:** Continue to seek training and opportunities offered by the United States Secret Service and other protective units as appropriate.

Equipment

9. **Lower mileage limitation for vehicles:** Rotate EPU vehicles assigned to a protective detail out of the detail at 80,000 miles in order to minimize the safety risks to all parties.
10. **Vehicle choice:** Consider whether, given all of the requirements, the Chevrolet Suburban is the appropriate choice of vehicle for the Governor's primary form of transportation.
11. [REDACTED]
12. **Increase use of helicopters:** Consider increased use of State Police helicopters for transporting the Governor as necessary and under appropriate circumstances.

Command Issues

13. **Direct reporting relationship:** Institute a more direct reporting relationship between the EPU and the Superintendent. This should involve ensuring that the rank of the commander of the Unit is commensurate with the responsibilities entailed.

Safety

14. **Speed:** Establish guidelines that would permit the Governor's motorcade to travel at a speed that facilitates the safe movement of the Governor while not creating unnecessary risks for any other drivers and passengers. Travel far in excess of posted speed limits or the flow of traffic should not be permitted absent specific threat.
15. **Lights and sirens:** Do not use emergency lights and sirens absent a particularized threat, a security-related reason, or other emergency.
16. **Seat belts:** All front seat passengers must, in accordance with the law, wear their seat belts.
17. **Additional personnel in the Governor's detail:** [REDACTED]

- 18. Limit EPU details to Governor and Attorney General, with other details determined by risk:** Afford full-time EPU details to the Governor and Attorney General only, with other individuals receiving EPU protection as needed based on threat assessment. Provide non-EPU and non-State Police drivers to other current State officials and dignitaries.

A more detailed discussion of these areas and our recommendations follow.

II. Staffing and Personnel

The size of the EPU, and the quality and capabilities of the State Police members assigned to it, are a major determinant of the Unit's ability to be successful in its mission. The demands on the Unit are substantial, and the number of individuals in the EPU impacts the length of shifts, the number of consecutive shifts, and the ability of the Unit members to engage in necessary training and drills. The Panel emphasizes that the EPU must be afforded an adequate number of troopers to fulfill its mission, including regularly scheduled training courses and adequate intervals between assignments of driving the Governor.³ The adoption of other suggestions contained in this report, such as increased use of helicopters to transport the Governor or [REDACTED], would affect the staffing requirements of the Unit, and the Panel would expect that staffing demands be considered in relation to those recommendations, as well.

The Panel heard testimony from witnesses indicating an ideal size for the Unit, given current details and assignments, would be [REDACTED] troopers. We neither endorse

³ While many of the recommendations contained in this report, such as providing regular training to the members of the unit, apply to all members of the unit, regardless of the official receiving protection, the Panel's inquiry focused on the unique circumstances of the protective detail assigned to the Governor. We leave it to the EPU leadership to determine the extent to which some of the recommendations contained herein apply to the other details.

nor reject that number for the following reasons. First, as noted, many of the recommendations in this report will likely impact the “ideal” size of the Unit. Second, the number provided to the Panel did not account for additional personnel that might be necessary for an expanded and regularized training schedule. Thus, rather than provide an “ideal” size for the Unit, the Panel leaves to EPU leadership, and ultimately to the Superintendent and the Attorney General, to determine how many personnel are required to fulfill its mission.⁴

The demands placed on the protective detail assigned to the Governor vary according to the work habits and scheduling demands of a particular governor but, generally, those demands are significant and varied. Under current staffing assignments and rotations, the trooper assigned to drive the Governor’s vehicle may drive the Governor for up to two 17-hour shifts on consecutive days, with no provisions made for split shifts or shared driving duties. Additionally, the number of personnel in the EPU, the length of the shifts worked, and the number of personnel necessary to staff the Governor’s detail on any given day provides the unit’s leadership little flexibility to schedule and provide training to the troopers assigned to the EPU.

The Panel recommends that the State Police not permit members of EPU to drive the Governor more than 8 hours on any given day. We acknowledge that, by the time a member of the State Police is selected to EPU, the member has at least two years

⁴ During the Panel’s public hearing, Col. Fuentes committed to increasing the size of the Governor’s detail and to cross-training members of the Division’s tactical patrol units to support the EPU mission. The number of personnel assigned to this Unit must be increased by no less than the number publicly suggested by the Superintendent, with the reservation that the Superintendent’s commitment might be insufficient to fulfill the Unit’s mission along with the recommendations of this Panel.

experience as a road trooper, working long shifts driving a State Police vehicle. Nonetheless, by all accounts, driving any governor under even the best conditions is a demanding job, and fatigue and the associated risks pose a significant safety issue to the Governor, the other members of the Governor's detail, and the public at large.⁵ On any given day, the Governor's detail consists of numerous troopers performing different protective functions, permitting some sharing of the driving duties. While we recognize that many factors could lead to a member of the Governor's detail working long shifts, the Unit should not permit any member to drive the Governor for more than 8 hours during a shift.

As noted above, the process by which State Police members are selected into the EPU necessarily affects the level and quality of protection afforded the Governor. The members of the Governor's detail are a constant presence in the Governor's life, and the success of the protective detail in maintaining the Governor's safety requires that the Governor have confidence in, and feel comfortable with, those personnel. If the governor lacks confidence in or is uncomfortable with a particular member of the detail, the governor should make those concerns known to the Superintendent or the head of the EPU.

The Panel recommends that the Unit should continue to require that State Police members seeking assignment to the EPU apply to and qualify for the Unit through a regular selection process based on enumerated selection criteria. A robust selection

⁵ The Panel reiterates that its comments are not reflective of the specific facts of the Governor's April 12, 2007 accident.

process that limits external influences upon the membership of the EPU does not compromise the considerations of trust and confidence that weigh in favor of allowing the Governor substantial input into the membership of the detail assigned to him or her. The governor should not unilaterally determine who is selected for the Unit.

Even the most robust selection process cannot guarantee, however, that an individual selected to the Unit will be able to perform at the high level of excellence that the roles and responsibilities of such an assignment demand. Accordingly, the Panel recommends that a member's initial assignment to the Unit include a probationary term of at least six months, with the Superintendent having the discretion to extend the term by another six months. A member of the State Police who excelled at other assignments might not be able to adapt those skills to the EPU. Executive protection requires a different mindset than other law enforcement activities; rather than confronting a threat, executive protection requires that the officer cover the protected individual and evacuate the area. A probationary period would provide the Superintendent additional flexibility in removing from the Unit an individual who exhibits an inability to succeed in the EPU during the probationary period.

The Panel also recommends that the Superintendent consider implementing a policy whereby members of EPU would rotate out of the Unit on a periodic basis to other assignments within the State Police. A rotation policy would allow EPU members to obtain a broader skill set and knowledge base and sharpen their existing skills. Any such policy should provide an opportunity for personnel to rotate back into the Unit after some reasonable amount of time.

III. Training

As noted above, the executive protection function requires responses, tactics, and skills different from those of law enforcement functions. Accordingly, the Panel cannot over-emphasize the importance of the Division and the EPU implementing mandatory, regularly-scheduled training and refresher courses for the members of the EPU. The demands of covering the Unit's protective details have historically left little time for training, and, as a result, such training has been irregularly and sporadically provided to EPU's membership. The Panel's recommendations as to staffing flow directly from the need to have sufficient personnel in the Unit to fulfill its protective mission while providing the requisite level of training to its members.

The Panel heard testimony that State Police personnel joining the Unit receive some minimal specialized training. EPU does not currently provide full training to new members to the Unit before those members undertake significant responsibilities. We recognize that, in certain areas such as driving, members new to the Unit have at least several years experience, and often considerably more, as a road trooper, logging thousands of hours and miles behind the wheel in sometimes stressful situations. Nonetheless, testimony before the Panel convinces us that the responsibilities and duties of the protective detail are sufficiently specialized as to warrant additional training before assuming driving duties in the Unit.

The Panel also heard testimony both privately and in the public hearing about a 40-hour Executive Protection Unit training course to be based at the State Police

Academy for members of EPU. We have reviewed the lesson plans of that course and recommend its implementation. We note, however, that the best practices in executive protection necessarily evolve as threats change, and urge the Division and the Unit to review and revise the lesson plans as necessary to remain current. We heard testimony of long and continuing professional relationships with the United States Secret Service and the EPU's peer protective units in other states, and are confident that the Unit's leadership will strive to keep the training materials current.

We also offer the following recommendations, which we recognize will impact the number of individuals assigned to the Unit. First, the Superintendent should require that new members of the Unit successfully complete the full 40-hour course, or its equivalent offering by another agency, before rotating out of the residential detail and assuming responsibilities in the Governor's motorcade. Such a requirement will mandate that the course be available on a regular basis. Second, the Superintendent should consider supplemental training for EPU members, outside of the 40-hour course, in key areas such as protective driving, through either private vendors or partnerships with other law enforcement agencies. Third, EPU should continue to avail itself of the training resources and opportunities offered by the United State Secret Service and other police agencies. The training could take several forms, including a train-the-trainer approach, inviting the Secret Service to conduct training at the academy, or by periodically sending a small number of EPU personnel to the Secret Service training facility.

IV. Equipment

The adequacy of equipment available to the EPU goes to the core of its ability to fulfill its mission. Given the number of hours that recent governors have spent traveling the State's highways, the vehicles serve not only as transportation, but as mobile offices, conference rooms, and places to rest. The choice of vehicle must accommodate those multiple roles, while still providing a reasonably comfortable means of transporting the Governor safely and securely.

As of May 2007, the EPU had 35 vehicles in its fleet, the majority of which had driven more than 120,000 miles. Almost one-third of the fleet had accrued more than 140,000 miles. The Panel is concerned that the age and mileage of the EPU fleet pose a potential safety risk for the Governor, the State Police personnel assigned to the EPU, and the public. During his public testimony, the Superintendent stated that, moving forward, the State Police would rotate vehicles out of the EPU fleet at 80,000 miles. We concur with that recommendation.

The Panel considered a recommendation as to the type of vehicle used by the Governor's detail, but ultimately concluded that it would simply raise the issue for the Governor's and the Superintendent's consideration. The Superintendent's testimony in the public hearing was consistent with private testimony that the vehicle of choice for transporting the Governor is the Chevrolet Suburban, a vehicle that can weigh more than 3 tons. The Superintendent indicated that the four-wheel drive capabilities of the vehicle, its height, as well as its interior space, combine to make the Suburban the vehicle of

choice of many other governmental agencies for transporting government officials. To some extent, however, those very attributes are also negatives, as the weight and height of the vehicle negatively impact its handling and responsiveness. As an alternative, a full-size sedan could offer similar usable interior space without the compromise in handling. The EPU could maintain four-wheel drive vehicles in the fleet for inclement weather rather than having those vehicles be the primary vehicles in transporting the Governor. The Panel recognizes that, in this area, the choice of vehicle is a decision to be made by the Governor, the Superintendent, and the head of the EPU. Nevertheless, the choice of vehicle is likely among the most fundamental decisions impacting the safety of the Governor's ground transportation, and we recommend further consideration of this issue.

Regardless of the vehicle chosen, however, ground transportation likely presents the greatest overall risk to the Governor's safety, simply as a result of the high number of miles a governor will drive in any given year. Closing the highways and overpasses for the Governor's motorcade—as the Secret Service does for the presidential motorcade—is not a feasible, realistic, or recommended option. Similarly, the State's highways present the protective detail a fluid, dynamic environment over which they have little or no control, unlike, for example, a public appearance where the detail can effectively secure the environment through advance work and team coordination.

To minimize the risks to the Governor, the Panel recommends that the State Police adopt a policy consistent with the best practices of executive protection [REDACTED]

[REDACTED] Such a policy would significantly diminish the risks

to the protectee and present no risk to persons in other vehicles. [REDACTED]

[REDACTED]
[REDACTED] we intend this recommendation to apply to all persons afforded EPU protection. [REDACTED]

[REDACTED] appropriate modifications to the vehicle might be necessary.

Alternative modes of transportation that minimize the Governor's ground transportation similarly minimize the threats that such transportation entails. Accordingly, the Panel recommends that the Governor and the EPU consider increased use of State Police helicopters for transporting the Governor as necessary and under appropriate circumstances. The State Police currently have a fleet of nine helicopters. Four of the aircraft are dedicated to police functions, while the other five also function as air ambulances. The Superintendent, in his public comments, stated that the helicopter operations in the State Police could accommodate flying the Governor with minimal additional total air time, and costs, for the aircraft. The Superintendent also discussed the security considerations that warrant increased use of helicopters, including increasing the randomness of the Governor's travel path and less time spent in a motorcade. Increased reliance on helicopters will impact numerous aspects of the EPU's operations. Use of the helicopter may effectively double the manpower requirements, as a motorcade is required to transport the Governor to take-off, while another is required to meet the Governor at the landing zone.

We leave to the Governor the ultimate determination of when the use of a helicopter is necessary and appropriate, but offer the following recommendation. Given the higher cost of helicopter transportation relative to a motorcade, use of the helicopters should be carefully considered. If it is to be for a political or personal event, then the actual cost of the helicopter usage must be reimbursed. Increased utilization of the helicopter fleet can contribute substantially to the safety of the Governor and the minimization of risks associated with highway travel to the Governor, the public, and EPU personnel. The Governor and the EPU should consider the helicopters as resources to further the Unit's protective mission. Clear parameters and protocols concerning appropriate usage of the aircraft should be developed to minimize undue usage.

V. Command issues

The EPU performs a specialized function within the larger State Police organization. Its responsibilities of protecting the Governor are far different than most other units within the Division. Additionally, by its mere proximity to the Governor and other key officials in State government, its members are witness to matters personal, confidential, and sensitive, and not properly given wider dissemination through the normal chains of command. Given these two conditions – performance of unique functions within the State Police and the need to maintain strict confidentiality – we recommend that the Superintendent change the reporting responsibilities to provide for a more direct reporting relationship.

The current chain of command has multiple layers between the head of the EPU and the Superintendent. The Panel acknowledges the value of a chain of command in an organization as large as the State Police and recognizes that effective organization precludes everyone reporting directly to the Superintendent. Nonetheless, we are concerned by the number of layers of command separating the Unit from the Superintendent. The head of the EPU is currently a lieutenant. Between the lieutenant and the Superintendent are a captain, a major, and a lieutenant colonel. We note that the equivalent unit in New York is under the leadership of a major who reports directly to the Superintendent. We recommend that the leader of this Unit be no less than a major, with a direct report to either the Superintendent or the Chief of Staff.

Because the head of the Unit does not report directly to the Superintendent, we have concluded that, at times, the EPU has not been able to obtain the personnel and equipment necessary to accomplish its mission. In areas critical to the Governor's safety such as equipment and training, the Unit's requests for funding or equipment have been denied or not acted upon. Again, the Panel recognizes that neither the Superintendent nor the Attorney General has infinite resources to fulfill the EPU's every request and must determine whether to fulfill those requests in the context of many needs and limited resources. That said, however, a more direct line of report between the Unit and the Superintendent will allow the Superintendent to make those decisions in a timely and more fully informed manner.

A more direct reporting relationship is not solely a question of resources, however. The Unit head may need to report sensitive but important information to the

Superintendent in order to fulfill the Unit's protective mission, but, given the sensitivity of the information to be communicated, make a professional judgment that the information would best be communicated to the Superintendent directly. In his public testimony, the Superintendent noted that, while the table of organization shows the "solid" lines of the Division, "dotted lines" exist that facilitate more direct lines of communication. He also noted that the head of EPU called him directly on the night of the Governor's accident. We recommend that the head of EPU have the ability to report directly to the Superintendent on an as-needed basis.

The Panel also recognizes that information might come to the Unit head's attention that, while relevant to the safety of the Governor, would best be addressed directly with the Governor's staff. Such lines of communication between the Unit and the Governor's staff exist and have existed, and we would encourage the head of EPU to continue to utilize such lines where appropriate. We recognize that the Unit head serves, in many important respects, two masters—the Governor and the Superintendent—and that particular circumstances or the nature of particular information may warrant direct communication between the Unit head and the Governor or the Governor's senior staff without broader notification of the chain of command.

VI. Safety

The Panel offers the following comments on protocols and procedures relating to the Unit's operations. We put forth our recommendations in broad terms, and leave it to the Attorney General and the Superintendent to implement them.

A. Speed

The speed that the motorcade travels is an important tool in protecting the Governor and preventing other vehicles from positioning themselves as a threat. The Panel recognizes, however, that the Governor is not constantly under threat from other vehicles, and that the motorcade should not operate as if he or she is. Speed also is likely the greatest threat to the safety of the Governor, other drivers and passengers on the highways, pedestrians, and the members of the EPU. Increased speed requires quicker response time, greater braking distance, and results in more serious collisions in the event of an accident. To strike the appropriate balance, the Governor's motorcade should be able to travel at a speed that facilitates the safe movement of the Governor while not creating unnecessary risks for any drivers and their passengers on the streets and roads being traveled. Additionally, the Attorney General may wish to consider whether the statutes governing the use of emergency lights and exemptions from speed regulations require amendment to provide limited authorizations for a broader set of legitimate law enforcement activities, including those related to executive protection.⁶

Speed is a tool whose usefulness is properly circumscribed by the following considerations:

⁶ N.J.S.A. 39:4-91 requires drivers to yield to emergency vehicles using emergency lights and sirens "in response to an emergency call or in the pursuit of an actual or suspected violator of the law." N.J.S.A. 39:4-103 exempts from speed regulations "all police officers, while the officers are engaged in the apprehension of violators of the law, or of persons charged with, or suspected of, a violation."

- The Panel understands that the operators of the motorcade must be afforded some discretion in determining the appropriate rate of travel, but the discretion is not unbounded.
- Traveling faster than the posted speed limit or flow of traffic is not a privilege of either holding a government office or membership in a law enforcement agency. Nor is it justified by a heavily-booked schedule. Safety and security considerations may justify speeds incrementally greater than surrounding traffic, but travel far in excess of posted speed limits or the flow of traffic, particularly when accompanied by use of emergency lights or sirens, is unjustified and should not be tolerated absent a particularized threat, security-related reason, or other emergency. Lights and sirens are unnerving to other drivers on the road, produce erratic and unpredictable responses, and serve to increase, rather than decrease, the threats to the Governor's safety, and should be used only in limited circumstances where adequate justification exists.
- The appropriate speed of the motorcade is properly left to the discretion of the motorcade operators, but that discretion must be guided by considerations such as type of road, speed limit, weather, speed of other traffic, and traffic conditions generally. A comprehensive classroom and driving training curriculum will contribute significantly to the proper exercise of this discretion.

Additionally, the Unit's protocols should properly designate the individual or individuals responsible for determining the motorcade's speed and operation. Absent

a particular threat, the ranking officer in the protective detail, not the Governor's driver, should be responsible for determining the appropriate speed and ensuring compliance with that determination.

B. Seatbelts

The severity of the injuries that the Governor sustained in the April 12, 2007 accident serves as a graphic lesson in the importance of wearing a seat belt. Additionally, the injuries and publicity surrounding the fact that the Governor was not wearing a seat belt at the time of the accident are far stronger statements of the need to wear proper restraints in accordance with the law than anything that this Panel could write or say. Accordingly, the Panel merely emphasizes that the failure of a front-seat passenger to wear a seat belt violates the law and may result in death or serious life-threatening injuries, and we recommend that all passengers in the car wear a seat belt.

C. Number of Personnel in the Governor's Detail

At the time of the April 12, 2007 accident, one trooper was in the lead car with the Governor and two troopers were in the "follow" car. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. This again raises questions regarding

the suitability of a Chevrolet Suburban as the primary transportation for the Governor.

We recommend that the Attorney General and the Superintendent direct EPU to develop policies that [REDACTED]

[REDACTED]

D. Other persons afforded EPU details

We noted earlier that the EPU has provided more than 300 additional protective details since January 2005 to individuals not regularly afforded EPU protection. Individuals afforded these details fall into two general categories: first, out-of-state and foreign dignitaries visiting New Jersey; and second, other New Jersey dignitaries, such as former governors. The number of additional protective details causes us real concern. It represents an additional duty every 2 to 3 days and constitutes a demand upon personnel and resources that impact the EPU's general mission. We have not sought a great level of information regarding those details, but suggest that the Superintendent, in consultation with the Governor's office, consider a threat-based analysis to determine the eligibility of an individual not regularly assigned protection to receive EPU services. As to visiting dignitaries, EPU properly provides reciprocal assistance to the executive protection units of other states or countries that assist the unit when the Governor or other State officials travel in their jurisdictions. Regarding other persons, however, a threat-based determination of eligibility will likely free up EPU resources that can contribute to the increased staffing needs required by regular training and increased helicopter usage.

Our recommendation for a threat-based determination is not limited to additional, non-regular details described above. Rather, the Panel recommends that the Governor, the Attorney General, and the Superintendent examine current EPU details to determine whether an individual's threat level or his or her job responsibilities warrant a full-time EPU detail. EPU resources should not be utilized for personnel other than the Governor and the Attorney General unless a specific threat warrants such protection. The State can accommodate a state officer's legitimate needs for a driver in a more efficient and less expensive fashion than the assignment of State Police personnel and without a detrimental impact on the flexibility, resources, or training of the EPU.

Appendix A

Christie Todd Whitman

Governor Whitman served as the 50th Governor of New Jersey. She was elected Governor on November 2, 1993, and was re-elected November 4, 1997. Prior to her service as governor, she served on the Board of Public Utilities, both as a member and as the Board's president, as well as on the Somerset County Board of Chosen Freeholders. In 2001, she resigned as Governor to serve as Administrator of the Environmental Protection Agency, a position she held until 2003.

Governor Whitman graduated from Wheaton College in 1968.

John Degnan

John Degnan is the vice chairman and chief administrative officer of The Chubb Corporation, responsible for numerous departments as well as the corporation's communications, compliance and external affairs functions and its ethics and legal compliance activities. He served as assistant counsel for Governor Byrne from 1974 to 1977 and became chief counsel to the Governor in 1977. He served as Attorney General of the State of New Jersey from 1978 to 1981. He joined the law firm of Shanley & Fisher in 1981. He was elected president of The Chubb Corporation in 1996, became president of Chubb & Son in 1998, and was promoted to the position of vice chairman and chief administrative officer in 2002.

Mr. Degnan graduated from Saint Vincent College *magna cum laude* in 1966 and from Harvard Law School in 1969.

Steven Carey

Steven Carey is the vice president of security at the Depository Trust & Clearing Corporation. He joined DTCC in 2004 after more than 20 years with the U.S. Secret Service. His responsibilities at DTCC include overseeing internal security at the company's multiple locations and establishing relationships with governmental agencies tasked with protecting the critical infrastructure of the U.S. financial markets. During his career with the Secret Service, Mr. Carey served as the Special Agent in Charge of the New York office, supervising several regional offices and responsible for the protection of visiting dignitaries, including the President and Vice President of the United States. Prior to that assignment, he served as the Special Agent in Charge of the Dignitary Protective Detail in Washington, D.C., as well as the Assistant Special Agent in Charge of the Presidential Protective Division, responsible for the safety of the President and the First Family.

Mr. Carey graduated from the Northeastern University.

Jonathan Goldstein

Jonathan L. Goldstein served as United States Attorney for the District of New Jersey from 1974 through 1977. Thereafter, he joined the law firm of Hellring Lindeman Goldstein & Siegal, where for over 25 years he has represented financial institutions, corporations and individual clients in complex business litigation in the Federal Courts throughout the United States and the State Courts in New Jersey. Mr. Goldstein has served on the United States District Court for the District of New Jersey's Lawyers Advisory Committee; as a member and Chairman of the New Jersey Supreme Court's District Ethics Committee for Essex County; as Co-Chairperson of then-United States Senator Jon S. Corzine's Judicial Selection Committee; and most recently as Co-Chairperson of then-Governor-Elect Jon S. Corzine's Homeland Security and Public Safety Transition Policy Group.

Mr. Goldstein graduated from the University of Pennsylvania in 1962 and from the New York University School of Law in 1965.

William Gormley

William L. Gormley is a partner with the law firm DLA Piper. He recently retired from his position as State Senator on February 15, 2007, after serving for almost thirty years as in the New Jersey Legislature. He served in the General Assembly from 1978 to 1982 and in the New Jersey Senate from 1982 to 2007. During his tenure in the Senate, Mr. Gormley served as chairman of the Senate Judiciary Committee, where he led the Committee's inquiry into racial profiling practices. Mr. Gormley also wrote or sponsored legislation addressing areas such as school construction, urban revitalization, and environmental rehabilitation.

Mr. Gormley graduated from the University of Notre Dame and graduated from the Villanova University School of Law. Mr. Gormley served in the United States Marine Corps until 1975 and was discharged with the rank of captain.

William Megary

William Megary joined the Penske Corporation in 1999 as Director of Corporate Security after more than twenty years with the Federal Bureau of Investigation. His responsibilities at the Penske Corporation include protecting the personnel and assets of the corporation and acting as a liaison with federal, state, and local agencies. During his career with the FBI, Mr. Megary served as the Special Agent in Charge of the FBI office in Newark, as well as serving in various senior management positions in Washington, D.C., Florida, and Maryland.

He graduated from the University of Maryland in 1969. He graduated from the University of Maryland Law School in 1975 and is a member of the Maryland bar.

Carlos Ortiz

Carlos Ortiz is the vice president and general counsel of Goya Foods, Inc. He has been with Goya Foods since 1989. In that capacity, he provides advice and counsel to Goya's board of directors, officers, and managers, and oversees all the company's litigation. Prior to joining Goya, he was an associate at Kaplan, Oshman, Helfenstein & Matza. He is a member of Governor Corzine's Judicial Advisory Panel, a trustee of Montclair State University, and has previously served as president of the Hispanic National Bar Association and vice president of the New York City Bar Association.

Mr. Ortiz graduated from Herbert Lehman College of the City University of New York and from Brooklyn Law School.

Karol Corbin Walker

Karol Corbin Walker is a partner at Seiden Wayne, where she specializes in civil litigation. In 1995, she became the first African American woman to be named partner at a major New Jersey law firm. In 2003, she became the first African American president of the New Jersey State Bar Association. She is a former member of the Board of Directors of the New Jersey Institute for Continuing Legal Education, and continues to contribute regularly to the Institute's programs. She also serves on numerous Supreme Court Committees.

Ms. Walker graduated with honors from the New Jersey City University, formerly known as Jersey City State College, in 1980 and graduated from the Seton Hall University School of Law in 1986.

1 STATE OF NEW JERSEY
2 DEPARTMENT OF LAW & PUBLIC SAFETY

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4
5 EXECUTIVE PROTECTION UNIT
6 INDEPENDENT REVIEW Panel

7
8
9 PUBLIC HEARING

10
11
12 AT: HUGHES JUSTICE COMPLEX
13 25 Market Street - 4th Floor A Room
14 Trenton, New Jersey 08625

15 DATE: THURSDAY, MAY 31, 2007

16 TIME: 10:09 A.M. TO 10:51 A.M.

17
18
19 GUY J. RENZI & ASSOCIATES
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COPY

1 B O A R D M E M B E R S :

2 HONORABLE CHRISTINE TODD WHITMAN, Former N.J.
3 Governor, Co-Chair of the
4 Independent Review Panel

5 JOHN DEGNAN, Former N.J. Attorney General, Vice
6 Chairman and Chief Administrative
7 Officer of the Chubb Corporation,
8 Co-Chair of the Independent Review Panel

9 STEVEN CAREY, Vice President of Security at the
10 Depository Trust & Clearing Corporation
11 and a Former Special Agent in Charge of
12 the New York Office of the U.S. Secret Service

13 JONATHAN L. GOLDSTEIN, Former N.J. Attorney
14 General, a Partner in Hellring,
15 Lindeman, Goldstein & Siegal

16 WILLIAM GORMLEY, Former State Senator, a Partner
17 at DLA Piper (arrived after meeting started)

18 WILLIAM MEGARY, A Former Special Agent in Charge
19 of the FBI Office in Newark now
20 the Director of Corporate Security at
21 the Penske Corporation

22 CARLOS ORTIZ, Vice President and General Counsel
23 of Goya Foods

24 KAROL CORBIN WALKER, Former N.J. Bar Association
25 President, a Partner at Seiden Wayne

A G E N D A

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24
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PAGE

OPENING STATEMENT

by Governor Whitman 4

STATEMENTS BY THE PUBLIC

Colonel Rick Fuentes 9

CLOSING STATEMENT

by Governor Whitman 41

ADJOURNMENT 42

1 GOVERNOR WHITMAN: All right, I
2 think we can convene. I'm looking for members of
3 the public, but I'm sure they will be here. I
4 want to thank everyone who is here for their
5 participation in this public hearing on the
6 Executive Protection Independent Review who's
7 here before you. We will look forward to getting
8 insights and statements from people. We have
9 received, I think, one or two from the internet
10 site. And anyone who wants to submit a written
11 comment, we will continue to take those.

12 The Attorney General convened this
13 Panel to review the operations of the Unit and
14 offer guidance to him and to the Superintendent
15 of the State Police in a variety of areas,
16 including training, equipment, budget and
17 emergency protocols. We scheduled this hearing
18 so we could solicit public input, give the public
19 an opportunity to express any opinion that they
20 might have.

21 We understand that the details of
22 the accident involving Governor Corzine's vehicle
23 on April 12th of 2007 has generated an
24 unprecedented amount of public interest and
25 discussion of how the Governor travels and the

1 men and women of the State Police who protect her
2 or him.

3 While the details of the April 12
4 accident give context to the Panel's mission and
5 to this public hearing, they are not the focus of
6 our inquiry. The State Police Fatal Accident
7 investigation Unit investigated the accident.
8 The Superintendent of the State Police asked the
9 Accident Review Board to convene and review the
10 accident reports as soon as possible.

11 To ensure transparency, Attorney
12 General Rabner at the request of the
13 Superintendent asked an outside member, Kathleen
14 Wiechnik of the State Ethics Commission, to
15 participate in the review. The accident is not
16 the focus of the Panel. And I want to stress
17 that.

18 We ask, therefore, that persons who
19 wish to testify or to submit a written testimony
20 after this public hearing abide by the following
21 guidelines:

22 Please direct any comments and
23 testimony towards the areas of training,
24 equipment, budget or emergency protocols
25 generally. The Panel seeks public input on the

1 area central to its inquiry. Anyone who is going
2 to be presenting verbally to the Panel, we would
3 ask them to limit their comments to these areas
4 and be mindful of time.

5 We may invite witnesses back. We
6 have one witness scheduled for today, the
7 Superintendent of the State Police, Colonel
8 Fuentes. And we may ask witnesses back for
9 further testimony after all persons who have
10 wished to submit any testimony to us have
11 completed their testimony.

12 Witnesses are invited to submit
13 additional testimony and materials in writing to
14 the Board either at this hearing or e-mail it to
15 EPUTASKFORCE@LPS.STATE.NJ.US. One of the better
16 titles for an e-mail address. And I want to
17 thank everyone for their time.

18 What I wanted to do before we
19 introduce the witness, today's witness, is ask
20 the members of the Panel to introduce themselves.
21 Just names and a little bit of who they are.

22 MR. CAREY: Steve Carey, vice
23 president for internal security at the Depository
24 Trust & Clearing, Incorporate.

25 MR. ORTIZ: Carlos Ortiz, vice

1 president and general counsel of Goya Foods, Inc.

2 MS. WALKER: Karol Corbin Walker, a
3 partner at Seiden Wayne in Newark, New Jersey,
4 and former president of the New Jersey State Bar
5 Association.

6 MR. DEGNAN: And I'm John Degnan,
7 vice chairman of the Chubb Corporation.

8 MR. GOLDSTEIN: Jon Goldstein. I'm
9 a private attorney in New Jersey and was formerly
10 United States Attorney for the State some years
11 ago.

12 MR. MEGARY: Bill Megary, currently
13 director of corporate security at Penske
14 Corporation.

15 GOVERNOR WHITMAN: And we are
16 missing one member, Former State Senator Bill
17 Gormley who has been at all our subsequent
18 meetings and will be here later on this morning.

19 With that, I'd like to turn it over
20 to the Co-Chair John Degnan.

21 MR. DEGNAN: Thank you, Governor.

22 I'd like to introduce the first
23 witness this morning, Colonel Rick Fuentes who is
24 the Superintendent of the State Police.

25 The Colonel has been a member of the

Page 8

1 State Police since 1978 and was sworn in as
2 Superintendent on June 2nd of 2003. During his
3 career with the State Police he served as a road
4 duty trooper and an instructor at the State
5 Police Academy in Sea Girt. And as a detective,
6 he was assigned to the Intelligence Bureau, where
7 he investigated and directed investigations of
8 street gangs and organized crime groups.

9 Before being appointed as
10 Superintendent, he served as the Chief of the
11 Intelligence Bureau. Along with numerous
12 commendations and recognition for his service, he
13 was the co-recipient of the State Police's
14 Trooper of the Year Award in 1993. And graduated
15 from Kean College of New Jersey, received a
16 masters degree in Criminal Justice from the John
17 Jay College of Criminal Justice, and a Ph.D. from
18 the City University of New York.

19 Colonel, we're delighted that you
20 were willing to appear here this morning. The
21 Panel is mindful of the fact that in discussing
22 EPU, generally there are certain issues which and
23 facts which if made public might undermine the
24 ability of the Unit to function as a security
25 provider for people such as the Governor. So if

1 any of our questions stray into areas where you
2 believe disclosure would impede your ability to
3 perform that function, you should feel free to
4 please let us know that. We do not want to
5 divulge information here today which would
6 work -- disadvantage of the effectiveness of the
7 Unit.

8 With that said, we're delighted to
9 have you here this morning. If you have some
10 opening remarks, we'd love to hear them.

11 COLONEL FUENTES: Thank you. I do.
12 And that introduction makes me feel very old.

13 Co-Chairs Whitman and Degnan,
14 members of the Panel, thank you for permitting me
15 the opportunity to testify on behalf of the
16 New Jersey State Police on matters concerning the
17 Executive Protection Unit. I have prepared a
18 statement that I would like to read prior to your
19 questions.

20 I cannot, as was pointed out, I
21 cannot publicly comment on the April 12th, 2007,
22 motor vehicle accident involving the Governor.
23 The accident is still under investigation by the
24 Office of Professional Standards and the Accident
25 Review Board. For security purposes, General, as

1 you just mentioned, I am also bound not to
2 comment publicly on aspects of the Executive
3 Protection Unit mission that are confidential,
4 particularly information revealing protection or
5 communications policies or protocol.

6 I will paint a broad picture of the
7 EPU mission and offer a brief snapshot of their
8 daily operations. It is in the inherent nature
9 of executive protection that these operations
10 highlight a variety of security concerns and
11 issues. I will detail the steps that have been
12 taken to improve upon the operations of the EPU
13 since the accident, and I will offer a few ideas
14 for your consideration in your search to identify
15 best practices in the area of executive
16 protection.

17 The Panel should also know that I
18 have received numerous telephone calls from other
19 state and local agencies with executive
20 protection responsibilities. It is not an
21 overstatement to say that there is national
22 interest from the law enforcement and private
23 security sectors in the findings and
24 recommendations of this Panel. The impact of
25 this issue extends well beyond the State of

1 New Jersey.

2 The Executive Protection Unit
3 provides full-time security for the Governor and
4 certain other state officials. In addition to
5 these full-time duties, since 2005 EPU has
6 conducted protection details for more than 300
7 foreign and domestic dignitaries visiting the
8 State of New Jersey.

9 The mission of the Unit can best be
10 described in a quote by Robert Oatman, a former
11 Secret Service agent and
12 internationally-recognized expert in the field of
13 executive protection. And that quote is:

14 EPU members should facilitate the
15 Governor to live safely in and move effectively
16 through a dangerous and unpredictable world
17 allowing him or her to concentrate fully on the
18 business at hand.

19 Danger and unpredictability are
20 grounded in the more than 40 incidents involving
21 threats against Governor Corzine's Office since
22 his inauguration. Some of those 40 cases involve
23 multiple threats attributable to a single
24 suspect. This number or frequency of threats is
25 not unusual for any seated governor, but it

1 provides a chilling illustration of the risk
2 environment within which the Executive Protection
3 Unit must ply its trade.

4 The assignment to the EPU begins
5 with a specialist selection that is open to all
6 troopers. The EPU supervisors review all of the
7 applicants based on a variety of professional and
8 personal characteristics such as driving record,
9 motivation, attitude and demeanor.

10 Upon selection to the Unit, new
11 members receive training specific to the mission
12 of the Unit and are mentored by a seasoned
13 veteran member of the EPU. This portion of the
14 training is more practical than academic,
15 concentrating on the mechanical protocols of the
16 Unit and working in a support role to understand
17 day-to-day operations.

18 Typically, a member of the Unit will
19 not be considered for the role of Team Leader,
20 that is, the EPU member assigned to drive the
21 Governor, until they have completed an internship
22 lasting approximately five to six months. An EPU
23 supervisor must then certify as to the
24 satisfactory performance of the member and the
25 member's ability to perform in that role.

1 During this internship, each member
2 is required to complete formal, in-house training
3 modeled after the U.S. Secret Service's Small
4 Detail Training Course. That course is provided
5 when operationally feasible, several times a
6 year, to all EPU members as a refresher.

7 Of the 29 troopers currently
8 assigned to EPU, 18 have participated in training
9 provided by an outside agency, to include courses
10 hosted by the U.S. Secret Service, the FBI, NYPD
11 and other state police agencies. EPU members are
12 trained to recognize and manage risk in the
13 environment. They do so by visiting locations in
14 advance of a visit by the Governor.

15 Advance work is designed to help
16 plan for an upcoming event, interpret and manage
17 the risk to the Governor and plan for
18 contingencies. In carrying out advance work, EPU
19 members are informed and guided by a variety of
20 checklists that correspond to specific types of
21 venues.

22 The open roadway is the most
23 difficult of assignments for EPU members,
24 presenting a dynamic environment that is largely
25 unsecured and in a continuous state of

1 transition. As an example, for high risk
2 protectees, the Secret Service often controls and
3 secures the roadway by temporarily closing it off
4 or stalling traffic until the motorcade has
5 safely passed.

6 Each mile of the more than 100,000
7 miles traveled by the Governor's motorcade every
8 year is viewed along a spectrum from low to high
9 risk. The Team Leader is trained to scan the
10 area several hundred yards ahead of their
11 vehicle. They are taught to forecast, anticipate
12 and respond to an environment over which they
13 have little control.

14 In response to an imminent threat,
15 the Team Leader must take immediate evasive
16 action. The Team Leader is trained to drive
17 defensively, to avoid being boxed in, and to keep
18 open an avenue of escape.

19 The speed at which the vehicle is
20 traveling, as well as the use of emergency
21 lights, is left to the discretion of the Team
22 Leader and the Sergeant in charge of the detail.
23 The speed of the motorcade typically fluctuates
24 in response to the traffic situation or threat,
25 and it is imperative that the motorcade be

1 capable of maintaining movement up to and until
2 the Team Leader decides to stop.

3 The speed of the motorcade is a tool
4 that can be used for risk avoidance, distancing
5 the vehicle from perceived threats, or to
6 position the motorcade on the highway in such a
7 way that maximizes the ability to maneuver amidst
8 traffic.

9 In the last month and-a-half, we
10 have reviewed the operation of the Executive
11 Protection Unit with the intent on identifying
12 ways to improve upon the performance of the Unit.
13 As a result, I am implementing the following
14 improvements:

15 Number one, a 25 percent increase in
16 staffing of troopers assigned to the Governor's
17 detail.

18 Number two, the rotation of vehicles
19 assigned to troopers on the Governor's detail, so
20 that their mileage does not exceed 80,000 miles.

21 Number three, mandatory attendance
22 at a certified Protective Operations Course
23 during the internship period of a member of the
24 Executive Protection Unit. And this will become
25 a prerequisite for the position of Team Leader.

1 And number four, cross-training of
2 our uniformed Tactical Patrol units to deploy
3 them as a buffer when the airborne schedule of a
4 Governor stretches out the members of a
5 Governor's detail.

6 And I'm going to go into a little
7 bit of detail about each one of those things that
8 I just mentioned.

9 The current staffing level of the
10 Governor's detail allows for scheduling of
11 personnel so as to permit the driver, the Team
12 Leader, to change from day to day. Since it is
13 not unusual for the Governor to work a 16-hour
14 day, EPU supervisors avoid designating a member
15 of the Governor's Detail to be a Team Leader on
16 two consecutive days.

17 The increase in staffing that I
18 proposed will significantly increase the
19 contingent of Team Leaders, significantly
20 reducing driver fatigue and allowing EPU
21 supervisors to schedule relief personnel over the
22 course of the detail. When operationally
23 feasible or warranted, a second relief Team
24 Leader will add an additional EPU member to each
25 Governor's Detail.

1 The second improvement being
2 implemented in the Executive Protection Unit is a
3 vehicle rotation plan that will ensure the
4 Governor is being transported in a
5 well-maintained and a lower mileage State Police
6 vehicle.

7 The primary vehicle chosen by EPU
8 members for transportation of the Governor is the
9 Chevrolet Suburban. The Suburban is the
10 all-purpose vehicle of choice for many security
11 professionals, including the Secret Service, the
12 State Department and many other law enforcement
13 agencies responsible for protection details. The
14 weight, height, interior space and the four-wheel
15 drive option all factor into the selection of the
16 Suburban.

17 Vehicles in the State Police fleet
18 are serviced at a Division garage by a certified
19 automotive mechanic every sixty days. As a
20 result of this very thorough and mandatory
21 maintenance schedule, the Fleet Management Unit
22 of the State Police utilizes a desirable
23 replacement mileage criteria of 100,000 for a
24 State Police vehicle. To ensure an even higher
25 standard of reliability, vehicles assigned to the

1 Governor's Detail will be rotated at a mileage of
2 80,000 miles.

3 The third improvement is to create
4 additional training opportunities. Executive
5 Protection Unit commanders are now completing the
6 curriculum for a 40-hour -- it used to be an
7 8-hour -- a 40-hour Protective Operations Course
8 for both public and private sector protection
9 teams. This course would draw upon Secret
10 Service training initiatives and would be
11 tailored to fill regional needs and security
12 concerns.

13 In addition to members of the EPU,
14 this course will be offered to other law
15 enforcement agencies who have executive
16 protection responsibilities. I look forward to
17 the Panel's recommendations, as they will be
18 incorporated into the curriculum of this training
19 force and will help to establish the uniform
20 standards governing the methods, tactics and
21 performance of executive protection teams
22 operating in the state of New Jersey.

23 Beyond the development of a
24 Protective Operations Course establish baseline
25 competencies for executive protection units, I

1 believe that an annual re-certification process
2 is necessary to update and hone the skill sets of
3 Executive Protection Unit members. Most current
4 best practices in the field of executive
5 protection can be learned and rehearsed during an
6 Emergency Vehicle Operations Refresher Course.
7 The successful completion of this course would
8 result in re-certification for the EPU member.

9 The fourth improvement involves the
10 cross-training of uniformed troopers assigned to
11 our Tactical Patrol Units in the fundamentals of
12 executive protection.

13 Tactical Patrol Units are
14 strategically located throughout the state to
15 provide tactical traffic enforcement and special
16 operations support. They are often called upon
17 to assist at details involving large gatherings,
18 as well as providing support for traffic control.

19 Tactical Patrol Units are rapidly
20 mobile and well-equipped first responders.
21 Training uniformed troopers in these units to
22 provide an ad hoc response in support of the
23 Executive Protection Unit will supplement the
24 Detail on those occasions when airborne
25 transportation of a governor between several

1 events stretches out members of the Protection
2 Detail.

3 Finally, I strongly advocate for the
4 increased use of the State Police helicopter
5 fleet as a tool for protection. Most of our
6 helicopters are designed for multiple missions,
7 to include: MedEvac, search and rescue, homeland
8 security, law enforcement support, executive
9 transport and training.

10 Our pilots must accumulate well over
11 a thousand airborne hours to qualify as a
12 pilot-in-command of a MedEvac ship. As a result,
13 our MedEvac and law enforcement helicopters are
14 airborne as training platforms at all hours of
15 the day and night, carrying out training flights
16 while conducting homeland security patrols or any
17 number of missions supporting law enforcement
18 operations on the ground.

19 Increasing the use of the helicopter
20 in the Governor's schedule creates economies of
21 scale, building efficiency and productivity for
22 the Governor, mitigating the risks, threats and
23 routines of ground transportation and taking
24 advantage of daily training missions.

25 I hope that these short prepared

1 remarks will be of some value to the continued
2 work of this distinguished Panel. I eagerly
3 await your findings and your recommendations.
4 Thank you and I will do my best, although without
5 an expertise in executive protection, to answer
6 any questions the Panel may have. Thank you very
7 much for this opportunity.

8 GOVERNOR WHITMAN: Thank you very
9 much, Colonel, for your time and for the
10 prepared testimony.

11 I have a couple of questions and
12 then I'll defer to other members of the Panel.

13 You talk about increasing the staff,
14 increasing the turnover of the vehicles and
15 increased use of the helicopter. Have you run
16 this through the numbers at all and have you put
17 a price tag on what any of these things will
18 cost? And have you found a place in your budget
19 to pay for them or will that require going back
20 to the State Treasurer and asking for additional
21 funds?

22 COLONEL FUENTES: Well, not only are
23 these improvements what the Executive Protection
24 Unit needs, but they're also cognizant of the
25 budgetary system in the state. Numbers one and

1 two, which are staffing and vehicles, involve a
2 reallocation of resources for us. Number three
3 is a no or low cost program to increase training.
4 Those are things that we can do at our training
5 academy. And number four is also a training
6 issue which involves cross training or tactical
7 patrol units.

8 I will discuss the other options,
9 certainly, with the Attorney General who has
10 advocated very, very well on behalf of the State
11 Police budget and -- but we're going to try to
12 get these issues underway right now with the
13 minimal amount of physical impact.

14 GOVERNOR WHITMAN: Is rotating the
15 cars at 80,000 you feel enough or do you think
16 there's a need for another Suburban, at least one
17 more?

18 COLONEL FUENTES: Well,
19 it's -- perhaps I can describe historically the
20 situation, I believe it was prior to Governor
21 McGreevey's administration. The -- at that time
22 Treasury purchased two Suburbans for the
23 Governor. They repurchased one Suburban on an
24 annual basis. There was a primary and there was
25 a backup for the Governor. And the backup, when

1 they got a new Suburban, the one that they had,
2 their primary, would become a backup backup,
3 would go elsewhere in the Governor's Detail in
4 EPU perhaps transporting the Governor's spouse.

5 So there was a plan in the past
6 that, you know, Treasury did purchase those two
7 vehicles. Since the McGreevey administration,
8 we've relied upon -- governors have relied upon
9 State Police vehicles purchased through the State
10 Police budget for transport.

11 CO-CHAIR DEGNAN: Speaking for
12 Governor Whitman's experience and my own since we
13 shared them, we were both very impressed with the
14 quality and caliber of the State Police personnel
15 populated in the EPU Unit.

16 I'm wondering whether today in
17 recruiting for positions within the EPU Unit it's
18 still viewed within the organization as a desired
19 position or are fewer people applying for the EPU
20 Unit today; and if so, what contributes to that?

21 COLONEL FUENTES: Well, there is
22 continued interest. You know, in some respects,
23 EPU is the most mysterious of the Units in the
24 Division, for all the obvious reasons. But we
25 are finding that people are interested. I mean,

1 it is considered, as it always has been, an elite
2 Unit within the Division tasked with an extremely
3 important responsibility. We are going to have
4 no problems whatsoever increasing the staff of
5 the Executive Protection Unit, which as I pointed
6 out in my statement is going to measurably ease
7 the load of the Team Leader contingent within the
8 Governor's Detail.

9 CO-CHAIR DEGNAN: And, Colonel, one
10 other question and then I'll defer to my
11 colleagues.

12 And here if I'm intruding on
13 something -- I don't know whether table
14 organization of the State Police organization is
15 a public document or not. But irrespective of
16 that, one impression that at least I formed in
17 looking at it is the relatively high number of
18 personnel in the chain of command that sit
19 between the head of the EPU and yourself. In
20 your experience or -- and if you reviewed it
21 currently and could comment on it, I'd appreciate
22 it, is that the appropriate place for the Unit to
23 exist within the State Police? Are you
24 sufficiently personally in touch with its needs
25 and any situations that may occur given the, you

1 know, the chain of command that's exists within
2 the State Police?

3 COLONEL FUENTES: I could tell you
4 where the solid lines are. The solid lines are
5 drawn from Executive Protection Unit through the
6 State Governmental Security Bureau through the
7 State -- to the Special Operation Section, within
8 the homeland security branch, and then of course
9 on up to me. That's where the solid lines are
10 drawn.

11 I think the relationship in the
12 past, certainly my personal experience over the
13 last four and-a-half years in this job, is that
14 there always is and there probably always will be
15 a dotted line from that Unit to the
16 Superintendent. There's never been any kind of
17 communications gap where, you know, a
18 communication needed to be to directed to me
19 personally, you know, or to the Chief of Staff.
20 And I'm afraid that I don't know at this point,
21 but I would certainly be willing to find out and
22 report back to you how that may look in other
23 states in other Executive Protection Units.

24 But I can tell you that the
25 organizational chart from the State Police is an

1 extremely dynamic one. We are constantly
2 evolving that chart alongside best practices. So
3 I am always opened to ideas and always open to
4 options that will cause that to function better.

5 CO-CHAIR DEGNAN: I guess one last
6 question.

7 Obviously, the ability of the EPU to
8 function effectively depends on the governor or a
9 principal, if it's not the governor, who is
10 sensitive to security needs and cooperates with
11 requirements that having a bunch of folks around
12 and with guns on their hips require in an event
13 where a governor or another principal is kind of
14 habitually less cognizant or tolerant of those
15 restrictions, who's responsible in the State
16 Police for communications with the governor to
17 encourage her or him to cooperate?

18 COLONEL FUENTES: It's an unusual
19 environment, a somewhat intimidating environment.

20 Am I'm putting that too lightly, I
21 guess?

22 I found that -- and you've spoken to
23 Lieutenant Debbie Baker and Captain Jim O'Neal
24 (phon), have always had a very good
25 communications channel to the Governor's

1 immediate staff, to the best of my knowledge,
2 have never been shy in that direction nor in
3 information coming from the other direction. I
4 haven't had in my experience an issue rise up to
5 my level. But I can tell you that the
6 relationships that I see between the Executive
7 Protection Unit and the protectees -- the
8 principals, as you put it -- and the Governor is
9 really a robust one, a very interesting one to
10 watch. I mean, it's -- and that's why
11 personality I think is so important in the
12 selection process. But it's been a very good
13 relationship and issues haven't surfaced, not to
14 me.

15 CO-CHAIR DEGNAN: Thank you.

16 GOVERNOR WHITMAN: Members of the
17 Panel? Questions from the Panel?

18 MR. GOLDSTEIN: Colonel --

19 COLONEL FUENTES: Yes, sir.

20 MR. GOLDSTEIN: -- good morning.

21 COLONEL FUENTES: Good morning.

22 MR. GOLDSTEIN: If I could just pick
23 up on one thought that Governor Whitman had
24 expressly asked you about.

25 Often it comes down to how much

1 money is available. I think we all understand
2 that the budget that you have is very tight, it's
3 very difficult. Within the budget you have to
4 find space not just for you, but for a lot of
5 responsibilities that you are charged with.
6 Given your suggestions, you've probably given
7 some thoughts that we may have as to how to
8 improve or to manage EPU. What would your
9 thoughts be about carving out EPU from your
10 fiscal responsibly and perhaps putting it under
11 the Governor's Office, the Attorney General's
12 Office, the State Treasurer's Office, putting the
13 funding for EPU different and away from the State
14 Police so your budget remains what it is which
15 you will have to argue and support, but for EPU
16 it would be cut aside and funding would come from
17 a different source?

18 COLONEL FUENTES: Well, sir, that's
19 an interesting option and that's something
20 certainly I would want to get more informed about
21 and then most importantly would want to sit down
22 with the Attorney General, you know, and discuss
23 that. Attorney General Rabner has been very,
24 very open to the concerns and the missions, the
25 expanding missions, it seems, that the State

1 Police and the fiscal impact that that has both
2 on personnel and on technical resources. I would
3 certainly like to get more information.

4 MR. GOLDSTEIN: And then I'll just
5 ask you one last question and I'll pass the
6 baton.

7 You talked about the speed of the
8 vehicle, use of emergency lights as being left to
9 the discretion of the Team Leader. If we were to
10 give consideration to how we might make
11 suggestions, how would that impact the discretion
12 of the Team Leader? What's the interplay between
13 trying to set up certain kinds of standards and
14 the discretion of the Team Leader who obviously
15 is responsible for the safety of the other
16 individuals?

17 COLONEL FUENTES: There's really
18 three pillars -- if I may be so bold that I think
19 the Panel's finally kind of rests on -- it's
20 protecting three components: protecting the
21 Governor, protecting the public and protecting
22 the trooper who sits alongside the Governor and
23 certainly in the follow car. Those are three
24 components that come together in a very dynamic
25 environment and an unpredictable one. Discretion

1 is extremely important to the Team Leader and the
2 NCO who's in charge of the Detail, the Sergeant,
3 because they're the ones that interpret the
4 environment from second to second.

5 That certainly does not create an
6 easy job for this Panel. But I know that many
7 members of this Panel have certainly been in that
8 environment and understand probably more than
9 anybody else.

10 So it is kind of walking on rice
11 paper issue, you know, if you want to look at it
12 that way. And I would certainly be willing to
13 engage in any further discussions or any members
14 of the EPU with helping you get to that, Jon.

15 MR. GOLDSTEIN: Thank you.

16 COLONEL FUENTES: Sure.

17 GOVERNOR WHITMAN: Senator?

18 SENATOR GORMLEY: You stated, I
19 strongly advocate the increased use of the State
20 helicopter fleet as a tool for protection. Could
21 you in general terms define that level of
22 increase?

23 COLONEL FUENTES: Good morning,
24 Senator.

25 SENATOR GORMLEY: Good morning.

1 COLONEL FUENTES: It's -- I've
2 always advocated -- this has been something I
3 actually advocated from the first year that I was
4 in this position. This is the Chief Executive of
5 this state in a state that lost 800 people on
6 911. This is a state that now has had to pile on
7 the Fort Dix terror plot on top of many other
8 situations involving domestic and international
9 terrorism over the last three decades. Our
10 organization has lost three troopers in shootouts
11 with the members of domestic terror groups. So
12 obviously, homegrown and international terrorism
13 is not only business to us, but it's personal.

14 We don't always sense that day to
15 day, but obviously that risk is always out there.
16 My thought is as much as possible, as much as the
17 Governor can bear it, to get him off the ground
18 on his schedule. Which not only accomplishes the
19 things that I described at no additional cost to
20 the State -- because we have these helicopters up
21 in the air anyway -- but it gives a level of
22 unpredictability and randomness to his movements
23 which are really critically important. In the
24 2007, have been all the more critically important
25 since September the 11th, 2001. So randomness in

1 the routine is something else I could probably
2 add on to what I gave out, Senator, in my
3 statement.

4 SENATOR GORMLEY: Would you also add
5 on the ability to stay on schedule?

6 COLONEL FUENTES: I can tell you
7 because I asked this question of our EPU
8 commanders. They have a very good relationship
9 with Governor's schedulers and they are very open
10 to the advice and the comments from the EPU
11 commanders. They kind of know the point A to
12 point B issues and they always share those with
13 the schedulers. The thing with the Governor is
14 there obviously are going to be events that are
15 going to pop up that are not going to be
16 scheduled ahead of time that are not going have
17 the advantage of a great deal of advance work.
18 When that happens, incidentally, that brings even
19 into play a greater utility for the helicopter.
20 But we have not been shy in talking to the
21 schedulers about what we may think will create a
22 situation that's, you know, not safe or a
23 schedule that can't be met.

24 SENATOR GORMLEY: Thank you.

25 COLONEL FUENTES: Thank you.

1 MR. CAREY: Colonel, I just want to
2 go back to --

3 Good morning.

4 COLONEL FUENTES: Good morning, how
5 are you?

6 MR. CAREY: I just want to go back
7 to page 8, number one, 25 increase in staffing of
8 troopers assigned to the Governor's Detail.

9 Would that include increasing the
10 actual shift, the working shift?

11 COLONEL FUENTES: Let me breakdown
12 that 25 percent. We have about 29 people in EPU
13 right now, about 13 of those are Team Leaders.
14 They really bear the brunt of the driving
15 responsibility. Those five people that I'm going
16 to send over to EPU are going to be used within
17 that community. I think the Governor's Detail in
18 its entirety is about 18 or 19 troopers. And
19 then the rest are in -- they're almost pilots in
20 aviation. They're in various stages of
21 maturation and evolution towards getting into
22 that Governor's Detail where they may spend more
23 time in a command post at the residence because
24 that really does allow you to get a global view
25 of what's going on in EPU.

1 So at any one time we do have 18 to
2 20 people that are assigned, actually, to the
3 Governor's Detail. We have to spread that out
4 into an extremely busy schedule with the Governor
5 which, you know certainly wasn't an over
6 estimation, works 16 hours a day. And that has
7 been the habit of governors in general that
8 they're working that day.

9 So the staffing mitigates the issues
10 that I think we've all considered up to this
11 point. How can you stay behind the wheel for 12
12 to 16 hours without experiencing some sort of
13 fatigue? So to have, in essence, two Team
14 Leaders on a Detail, it allows one to be spelled
15 and to maybe go into the accompanying vehicles,
16 relax a little bit, recharge their battery, so to
17 speak, and then be able to go back into that
18 vehicle to relieve, to drive.

19 MR. CAREY: Thank you.

20 COLONEL FUENTES: You're welcome.

21 MR. MEGARY: Colonel, you mentioned
22 in your comments about -- or about since 2005, I
23 think it was, there have been 300 foreign and
24 domestic dignitaries that have used the services
25 of the EPU. Do you think there's a need to

1 review those situations to determine that we're
2 using a proper criteria here, an appropriate
3 criteria in providing the services to all these
4 dignitaries or do you think in some cases it's
5 more of an escort service than it is a protection
6 service?

7 COLONEL FUENTES: Sometimes these
8 protectees that come into the state have Secret
9 Service Protection we may be supplementing.
10 Other times they are visiting dignitaries to the
11 Governor or are the Governor's guest and that
12 would become the responsibility of the Executive
13 Protection Unit. They have been able to handle
14 those responsibilities which again have been
15 those 300 spread out since 2005. But it's a very
16 important anecdotal point here is that I think
17 perhaps the public's vision of the EPU kind
18 revolves around the Governor. And it extends
19 really in so many other places where they perform
20 that service.

21 I would certainly, once again, be
22 interested in the recommendations of this Panel
23 in that regard and certainly be guided by the
24 work of this Panel.

25 MR. ORTIZ: Colonel Fuentes, thank

1 you very much for your testimony. It's been very
2 helpful to me so far and I'm sure it's been to
3 the rest of the Panel.

4 I was particularly interested in
5 your statement that you were looking into the
6 best practices of other states with respect to
7 reporting and structure. And I am just curious
8 if you will also be looking into the best
9 practices of other states as it relates to other
10 areas of concern to us, including training,
11 equipment that's used, and emergency protocols or
12 any other area that you think we should be
13 looking at, be concerned about?

14 COLONEL FUENTES: I think when it
15 comes to executive protection issues that
16 research should never end. It has actually been
17 underway before April the 12th. I can tell you
18 that the interests of other states are that they
19 find themselves in similar situations in being
20 guided by methodology from the Federal level.
21 And not an awful lot of kind of what we're now
22 doing in the State with an Advisory Panel,
23 yourselves, and also some of the things that the
24 State Police is going to be implementing
25 independent of that.

1 So I'm seeing, actually, a lot of
2 interest coming to us as a result of the
3 existence this Panel than us seeing additional
4 innovation outside the state. So...

5 GOVERNOR WHITMAN: Are there any
6 other questions?

7 CO-CHAIR DEGNAN: Colonel, I have a
8 follow-up question prompted by my colleague
9 Mr. Goldstein's question.

10 Are you aware today -- in my days, I
11 believe I'm correct in recalling that Highway
12 Authority and the Turnpike Authority funded the
13 troopers who serviced those roadways by paying
14 effectively the State Police for the services and
15 the State Police used those resources. Are there
16 any such arrangements that exist today where
17 independent authorities or agencies pay so that
18 the budget for that particular Unit comes from
19 outside the State Police budget but is used to
20 fund the State Police operation?

21 COLONEL FUENTES: To the best of my
22 knowledge, for executive protection, no. And
23 that reimbursement program that you spoke about
24 continues to this day --

25 CO-CHAIR DEGNAN: It does --

1 COLONEL FUENTES: -- with any
2 troopers that are -- for the 220-plus troopers,
3 incidentally, that are assigned to the Turnpike,
4 you know, and then for the Parkway. Those
5 salaries and benefits and vehicles, really, are
6 largely funded by the Authority.

7 CO-CHAIR DEGNAN: And maybe you can
8 comment on a concern that I have. And that is, I
9 was always impressed by the State Police tactical
10 ability to deploy resources appropriately within
11 the state police. But also when necessary, the
12 State Police seem to me to get a lot of deference
13 from local police authorities in terms of how to
14 respond to a particular incident.

15 The biggest threat to me when I was
16 Attorney General was an intruder caught in the
17 backyard of my house before he got into the house
18 when I was not home. It was not my Executive
19 Protection Unit Detail that got him, but it was
20 their ability to deploy a Road Trooper and State
21 Police Unit to intervene on what could have been
22 a more serious incident.

23 Would the existence of a specially
24 funded unit within the State Police, such as EPU,
25 in any way act to impair the ability of the

1 organization to respond as a team in the tactical
2 deployment of resources? And I realize that's a
3 question you haven't had a chance to think about.

4 COLONEL FUENTES: Right. And it is
5 a difficult question. It probably has, you know,
6 several levels to it. The one thing as we speak
7 about, you know, where the Executive Protection
8 Unit should be, what is very important here is
9 that there is a clearly delineated chain of
10 command within the Division. Whether that comes
11 closer to me, whether it stays where it is
12 because our ability to -- and I mentioned the
13 cross-training issue -- to intergrade various
14 specialties in the Division and then target them
15 at a problem, is something that we basically do
16 every day.

17 And we do, because although it
18 doesn't look so great on the organization chart,
19 there's really a much more pruned decisionry
20 than you think. So maybe it looks, you know,
21 like a small tree rather than a bush. You know,
22 I mean, decisions aren't floating out there. But
23 it is very important that that command and
24 control remain, you know, within the Division no
25 matter where the Executive Protection Unit is.

1 And, incidentally, going to the
2 question about local police or county police
3 response, you're right, you are going to get
4 probably -- in an apical case, a trooper may
5 have gotten to your house, but it's highly likely
6 that a local police officer, you know, may get
7 there as well. And I don't want to underestimate
8 in any way the great relationship I have -- well,
9 the Chiefs' Association here, local police
10 chiefs, who we help provide training to. And
11 even in the protective operations course that
12 we're going to be implementing here, it's our
13 intent to bring outside agencies into that.
14 Because I think that's important to have a
15 uniformed standard of, you know, executive
16 protection.

17 CO-CHAIR DEGNAN: Thank you.

18 GOVERNOR WHITMAN: Do any other
19 members of the Panel have any questions?

20 MR. GOLDSTEIN: May I ask one other
21 question so I make sure I fully understand?

22 There is no additional cost to the
23 State using helicopters and it provides the
24 unpredictability that you spoke about. What has
25 been the reluctance over the last decade or

1 thereabout to use helicopters or why have the
2 governors or the staff been resistance to use
3 helicopters for travel?

4 COLONEL FUENTES: That's probably a
5 difficult question for me to answer. I simply
6 want to point out the logic of doing it. You
7 know, this is something that the Governor should
8 be doing for any variety of reasons and it's
9 something that I shouted from the rafters for the
10 last four years. It just plain makes sense. We
11 shouldn't be running away from it, we should be
12 running towards it. It's a smart, logical
13 homeland security issue, related issue, that we
14 should be mitigating.

15 MR. GOLDSTEIN: Thank you.

16 GOVERNOR WHITMAN: If there are no
17 further questions of the Colonel from the Panel,
18 I would invite if there is any member of the
19 public who has a statement that they would like
20 to submit to the Panel, I would invite them to do
21 so now. If not, we do have -- we will keep it
22 open. We will accept written comments, continue
23 to accept them.

24 Thank you, Colonel, very much.

25 COLONEL FUENTES: Thank you all very

1 much.

2 GOVERNOR WHITMAN: I think we will
3 adjourn, there are no members of the public.

4 CO-CHAIR DEGNAN: Thank you,
5 Governor.

6 GOVERNOR WHITMAN: Thank you, sir.

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9 (HEARING CONCLUDED 10:51 A.M.)
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C E R T I F I C A T E

I, LINDA P. CALAMARI, a Notary Public of the State of New Jersey, do hereby certify the foregoing to be a true and accurate transcript of my original stenographic notes taken at the time and place hereinbefore set forth.

Linda P. Calamari

LINDA P. CALAMARI

Dated: JUNE 16, 2007.

