

1 STATE OF NEW JERSEY
2 COMMISSION OF INVESTIGATION

3 -----
4 PUBLIC HEARING
5 ORGANIZED CRIMINAL STREET GANGS
6 IN NEW JERSEY'S PRISONS
7 -----

8 State House Annex
9 Trenton, New Jersey
10 Tuesday, November 18, 2008

11 B E F O R E:

12 ALAN A. ROCKOFF, Executive Director
13 W. CARY EDWARDS, Chair
14 RALPH R. MARINIELLO, JR., Commissioner
15 KATHRYN FLICKER, Commissioner
16 PATRICK E. HOBBS, Commissioner

17 A P P E A R A N C E S:

18 CHADD W. LACKEY, ESQ.
19 Counsel to the Commission
20
21
22
23

24 Reported by:
SEAN M. FALLON,

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1 CHAIRMAN EDWARDS: Good morning
2 everybody. Before we get started with the
3 substance of this hearing, I'd like to take a
4 moment to emphasize the SCI's unique role as
5 independent government and law enforcement
6 watchdog agency.

7 As you know, we spend a good deal of
8 our time investigating matters of corruption,
9 waste, fraud, abuse of taxpayer dollars, and those
10 areas, unfortunately, continue to demand a great
11 deal of our time and scrutiny. Our mission is
12 really much larger than that. When the SCI was
13 established by law exactly 40 years ago, it was
14 empowered, above and beyond a myriad of other
15 responsibilities, to investigate and evaluate the
16 silent scourge known as organized crime. Not as a
17 cop, not to make arrests, not as a prosecutor to
18 obtain convictions, but as a fact finder, as an
19 intelligence gatherer, as a repository of
20 investigative information and expertise.

21 This we share with those who do make
22 arrests and who do prosecute, those who run the
23 criminal justice system and those who make the
24 actual public policy, including the Governor and

25 members of the legislature.

6

1 Since its inception, the SCI has
2 conducted cutting edge investigations into every
3 major aspect of organized crime in New Jersey. In
4 the course of these investigations we have learned
5 many things, not the least of which is that
6 organized crime is a moving target, constantly
7 poses a threat, constantly reinvents itself, and
8 constantly requires diligence and scrutiny.

9 The value of the SCI in this context
10 is unlike any other agencies of government. It
11 has been and continues to be uniquely positioned
12 to provide New Jersey's leaders, its law
13 enforcement community, and its citizens with the
14 facts they need to effectively counter a dangerous
15 and troublesome phenomenon.

16 Today we take this final component
17 of our mission to a new and important level. But,
18 as we move forward, you should know that this
19 hearing is but one measure of the Commission's
20 deep and sustained commitment to rooting out and
21 exposing organized crime wherever it may lurk in
22 whatever form it may take.

23 It's now my distinct pleasure to
24 turn the microphone over to my distinguished

25 colleague, Commissioner Kathy Flicker, known to

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1 all of you, I think, for her work in the criminal
2 justice world as a prosecutor and in the Division
3 of Criminal Justice. Her unique skills brought to
4 the Commission have been invaluable in this
5 particular investigation because of that criminal
6 justice background. We, on the Commission here,
7 divide the responsibilities up and tend to lead
8 various investigations ourselves. Commissioner
9 Flicker has been the one who has been spearheading
10 this investigation, as to where it's going and
11 it's direction, on behalf of all of us as the
12 leader, and she's going to exercise that
13 leadership in this particular hearing, as she has
14 throughout this investigation, in a way that no
15 other person can do.

16 My pleasure to present Commissioner
17 Flicker.

18 COMMISSIONER FLICKER: Thank you,
19 Cary, and good morning to all of you.

20 Ladies and gentlemen, as the Chair
21 has just reminded all of us, one of the SCI's
22 primary duties is to report and investigate upon
23 organized crime and all of its disturbing facets.
24 Five years ago, in a forum very similar to this

25 one, we examined the changing face of organized

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1 crime in New Jersey and, as a consequence, we
2 fundamentally redefined the threat posed by it to
3 our society. The old mob, the Mafia, La Cosa
4 Nostra, has been joined, if not entirely
5 supplanted by a vast network of violent,
6 drug-trafficking street gangs, the ugly world of
7 the Bloods, the Crips, the Latin Kings, and
8 others.

9 In response to this paradigm shift,
10 our partners in federal, state and local law
11 enforcement had already begun to deploy
12 substantial resources to combat the widening
13 criminal activity of these gangs in our cities and
14 suburbs. Other the past few years alone, this
15 sustained action has resulted in literally
16 hundreds of arrests and convictions, and has sent
17 gang felons to our prisons at an alarming rate.
18 And that, ladies and gentlemen, is a tribute to
19 successful law enforcement.

20 But with that success has come new
21 and difficult challenges. As more and more of
22 these violent gang members come under custody and
23 control of our jails and prisons, what is that
24 doing to the system? Can that system, the

25 correctional system, respond safely, securely and

9

1 effectively to the enormous pressures being
2 brought to bear by this alarming phenomenon? What
3 can be done to make sure that it can effectively
4 respond?

5 These and other compelling, complex
6 questions demand answers, and that is why we are
7 here today. Today the Commission, through the
8 sworn testimony of witnesses and multiple
9 exhibits, will detail the findings of an
10 unprecedented investigation that has taken us from
11 the streets and into cell blocks of our largest
12 correctional system.

13 You will hear how the ever-growing
14 number of gang inmates organize and thrive inside
15 prison walls. You will hear how these master
16 manipulators exploit systemic weaknesses to
17 communicate with cohorts both inside and outside
18 of prison.

19 You will hear how they secure, use,
20 and deal in contraband, including drugs and cell
21 phones. You will hear how they carry out
22 wide-ranging illicit financial transactions and
23 launder money. You will hear how they extort
24 fellow inmates and their families, and how they

25 are able to compromise correctional personnel.

10

1 All of this while they are locked up behind bars.

2 The public perception is that, when
3 you take a gang member off the streets, he's out
4 of circulation. You will learn today that that is
5 far from the truth.

6 The focus of this hearing is on the
7 state-run prison system, but it's just the first
8 piece of a much wider SCI investigation into the
9 transformational impact of the organized crime
10 gang problem in this state. Looking to the
11 future, we intend to probe and report upon how
12 other sectors of the criminal justice and
13 correctional systems are coping with these
14 pressures and challenges, as well.

15 Let me emphasize, we are not here to
16 point fingers or to accuse. That is not what we
17 do. That is not what the SCI is all about. We
18 also recognize the very, very tough job that
19 confronts the people who administer and staff our
20 prisons. They go to work every day facing almost
21 impossible odds, and they are to be commended for
22 their efforts in holding it together.

23 You should also know that, since the
24 inception of this investigation, the New Jersey

1 have cooperated with us, and we appreciate that
2 cooperation that has been extended to us to date.
3 But, having said that, we've identified problems
4 that continue to exist in the system and most of
5 them are quite serious.

6 We anticipate that our findings will
7 be useful as the Department of Corrections
8 struggles to manage the litany of challenges
9 brought inside its walls by this new wave of
10 organized crime, street thugs. As independent
11 fact finders, we have an obligation to address
12 those issues comprehensively, fairly and
13 dispassionately. Our ultimate responsibility is
14 to recommend sensible, practical reforms to fix
15 the problems we have identified and, in doing so,
16 that we will build upon administrative and
17 legislative proposals that already are pending in
18 a number of these critical areas.

19 The goal for all of us now in the
20 long run is to ensure that the system works better
21 in the service of the citizens and taxpayers of
22 the State of New Jersey.

23 Mr. Lackey, would you please call
24 the first witness.

25 MR. LACKEY: It will be my pleasure,

12

1 Commissioner Flicker. Thank you very much. And
2 good morning to you, Commissioners, good morning
3 everyone.

4 At this time, my name is Chadd
5 Lackey, on behalf of the Commission, and I'm
6 calling my first witness, Edwin Torres, and also
7 Willie C. Byrd. Please come and be sworn,
8 gentlemen.

9 EDWIN TORRES and WILLIE C. BYRD,
10 after having been first duly sworn, are examined
11 and testify as follows:

12 MR. LACKEY: Special Agent Torres,
13 please state your name for the record.

14 MR. TORRES: Good morning. Edwin
15 Torres.

16 MR. LACKEY: Please tell us about
17 your professional experience.

18 MR. TORRES: I began my career in
19 law enforcement in 1988 as a correction officer.
20 I served in the capacity of a lieutenant at the
21 Juvenile Justice Commission, which is underneath
22 the Attorney General's office, where I led the
23 gang suppression, intelligence gathering efforts
24 there.

25 MR. LACKEY: Agent Byrd, please

13

1 state your name for the record.

2 MR. BYRD: Willie C. Byrd.

3 MR. LACKEY: And tell us about your
4 professional experience.

5 MR. BYRD: I began my law
6 enforcement experience in the State of
7 Pennsylvania as a police officer for two years and
8 a detective in the District Attorney's office for
9 five years. Then I was appointed to a Special
10 Agent position with the Pennsylvania Crime
11 Commission and, during my 22-year career with the
12 Crime Commission, I served in various supervisory
13 and management positions, to include that of
14 Director of Investigations. During the past ten
15 years I've been employed as a Special Agent with
16 the State Commission of Investigation.

17 MR. LACKEY: Agent Byrd, let's stay
18 with you for a moment. The Commission has
19 investigated gangs on several occasions. How did
20 this particular investigation begin?

21 MR. BYRD: Well, the Commission has
22 historically looked at gangs and gang issues, and
23 the Commission conducted the first gang survey
24 back in 1993, at which time we also held public

25 hearings and we released a comprehensive report

14

1 regarding street gang activities in the State of
2 New Jersey.

3 In 2004 the Commission found that
4 criminal street gangs had become the new face of
5 organized crime. In light of the gang violence on
6 the streets today, the Commission sought to
7 investigate the impact these criminal street gangs
8 were having on various state-wide systems. The
9 New Jersey Department of Corrections and the state
10 correctional system is the first system that we
11 investigated.

12 MR. LACKEY: Let's actually talk
13 about the investigation a little bit. This was a
14 comprehensive and broad-based investigation,
15 wasn't it?

16 MR. BYRD: That's correct.

17 During the Commission's 20-month
18 inquiry, we conducted over 100 interviews, and
19 included in those interviews were present and
20 current -- I mean, present and former employees of
21 the Department of Corrections. We also
22 interviewed numerous present and former inmates.
23 We heard hours of sworn testimony. We reviewed
24 and analyzed over 10,000 Department of Corrections

1 We also -- during the investigation,
2 we worked along with the Special Investigations
3 Division of the Department of Corrections, along
4 with several other law enforcement agencies, to
5 include, but not limited to, the New Jersey State
6 Police, the New Jersey Division of Justice --
7 Criminal Justice, the FBI, and the U.S. Attorney's
8 office, in efforts to explore the gang connection
9 from the streets to the prisons.

10 We surveyed the 21 county
11 prosecutors, as well as the 21 county jails, to
12 determine the scope of the gang activity on the
13 streets as well as in the jails. The Commission
14 found that issues associated with gangs had
15 migrated to the 21 counties, both on the street as
16 well as in our jails. During the investigation it
17 was recognized that the county jails are the
18 window into the state correctional system.

19 We then turned our attention to the
20 Department of Corrections, where many of the gang
21 leaders are housed. Most importantly, many of
22 those that we interviewed included a number of
23 high ranking gang leaders, some of whom are
24 incarcerated and others who are still on the

25 street.

16

1 MR. LACKEY: And our investigation
2 focused on New Jersey's largest gang, correct?

3 MR. BYRD: Yes, it did. The
4 investigation focused on the activity of the
5 Bloods, identified by law enforcement authorities
6 as the largest and the fastest growing criminal
7 street gang presently operating in our state.

8 MR. LACKEY: And we found that the
9 Bloods were still engaging in criminal activity
10 while still behind bars, is that correct?

11 MR. BYRD: Yes. We found that the
12 Bloods dominate the drug and cell phone trade in
13 prisons, and the Bloods and other gang leaders
14 maintain control of their criminal organizations
15 through unmonitored communications from the
16 prisons to the streets.

17 We also found that members of the
18 Bloods, as well as other inmates, use the
19 Department of Corrections' own monetary system to
20 control the flow of money from the prison to the
21 streets and vice-versa.

22 MR. LACKEY: How do the Bloods
23 control this criminal activity from the prisons?

24 MR. BYRD: The Bloods have been able

25 to exploit various systemic weaknesses in the

17

1 Department of Corrections.

2 MR. LACKEY: Agent Torres, let's
3 focus on you for a moment.

4 You are a recognized gang expert,
5 aren't you?

6 MR. TORRES: Yes, I've been working
7 gangs since 1993. I've investigated gang
8 incidents and activities in the Juvenile Justice
9 Commission and I've assisted in gang
10 investigations with various other law enforcement
11 agencies. I've lectured and trained various
12 agencies, to include the FBI, U.S. Marshals, U.S.
13 Probation, several county and local agencies, as
14 well.

15 In total, I've probably trained well
16 over 20,000 people in gang identifiers and gang
17 culture.

18 MR. LACKEY: Let's walk through and
19 talk a little bit about the Bloods. So, the
20 Bloods are generally associated with a West Coast
21 phenomenon. Could you explain to us how they
22 migrated here to the East Coast?

23 MR. TORRES: Yes, sir. In 1993 the
24 United Blood Nation was created in Rikers Island.

25 It was in response to the violent targeting of

18

1 African-American inmates by the Latino gangs, The
2 Latin Kings and Ñeta, who dominated the prison,
3 Rikers Island, at the time.

4 The Bloods set Double ii also
5 started in 1993. We found them in East Orange,
6 New Jersey. Double ii refers to Illtown
7 Inglewood. Illtown refers to East Orange, and
8 Inglewood, California. It's the first West Coast
9 set that we saw in the State of New Jersey.

10 MR. LACKEY: So, focusing on the
11 East Coast sets, is it fair to say that East Coast
12 factions of the Bloods were actually born in
13 prison?

14 MR. TORRES: Yes, it is.

15 MR. LACKEY: Do the Bloods on the
16 East Coast differ from those on the West Coast?

17 MR. TORRES: Absolutely. The
18 difference between the West Coast Bloods and the
19 East Coast Bloods is how they were actually
20 formed.

21 In California, in the 1960s and
22 '70s, we had -- which is generally known, the
23 Bloods got started due to social and economic
24 strife that occurred in the area in response to

25 the Crips, who were the largest dominating gang in

19

1 Los Angeles at the time. As a result, these gangs
2 on the West Coast are extremely territorial and
3 often fight from street to street, neighborhood to
4 neighborhood.

5 On the East Coast, our gangs started
6 within the prison systems themselves. These were
7 criminals who decided to start gangs within the
8 jails. That's the fundamental difference.

9 MR. LACKEY: In some ways the Bloods
10 are similar to traditional organized crime, aren't
11 they?

12 MR. TORRES: Yes, they are. They
13 have a lot of the similar traits or adopted a lot
14 of similar traits organized crime used. They have
15 secret greetings, they have coded handshakes, they
16 have a code of silence, they have a made-man
17 status, what they refer to as a stain inside the
18 gangster culture. Particularly with the Bloods,
19 like a Blood stain.

20 They also use terms that are used
21 generally within the gang culture: Capo, General,
22 Lieutenant, Don, Godfather. They also use a lot
23 of the more infamous names of gangs -- La Cosa
24 Nostra or Mafioso members, such as Gambino, Gotti,

1 MR. LACKEY: What are some of the
2 major differences between traditional organized
3 crime and the Bloods?

4 MR. TORRES: Probably the largest
5 difference between Bloods and organized crime is
6 their prolific recruiting. These guys are
7 extremely aggressive in recruiting anyone and
8 everyone to join their gang. Anyone today, anyone
9 in this room, could join the criminal street gang
10 the Bloods. They don't limit themselves by race,
11 creed or color.

12 MR. LACKEY: Let's focus on gang
13 leaders for a moment. Commissioner Flicker raised
14 an interesting point talking about gang leaders
15 and their portrayal. They are often portrayed as
16 unsophisticated street thugs.

17 Is that consistent with the
18 Commission's findings?

19 MR. TORRES: No, this is not. Our
20 findings found that the Bloods that we are dealing
21 with, especially the gang leaders, these are not
22 simple thugs with their hats turned sideways, with
23 their pants sagging. You have to look at leaders
24 as CEOs, as chief operating officers of a criminal

25 corporate enterprise.

21

1 They like to use the misnomer or the
2 characterization of them being just juvenile thugs
3 or people hanging on the corner, so that they can
4 operate almost unfettered with the sophisticated
5 organization that they really are.

6 MR. LACKEY: And we are actually, in
7 this case, going to hear some testimony from some
8 correctional professionals about that very issue,
9 aren't we?

10 MR. TORRES: Yes, you will.

11 MR. LACKEY: Do these incarcerated
12 gang leaders influence their criminal
13 organizations?

14 MR. TORRES: Yes, they do. Again,
15 going back to the thought of them being CEOs, they
16 are running their organization from within the
17 jail and from without the jail. They have to
18 maintain their organizational power in the jail.
19 Otherwise, they run the risk of losing their
20 relevance and power in the street and in the
21 prisons, as well.

22 MR. LACKEY: Explain to the
23 Commissioners and everyone here how the Bloods are
24 organized.

25 MR. TORRES: The Bloods are

22

1 organized into smaller factions which they call
2 sets. These sets have their own codes,
3 identifiers, signs and symbols and indicia to
4 market themselves differently than the other Blood
5 sets that are around. They can number in
6 membership anywhere between ten and hundreds of
7 members.

8 (Exhibits GR-119 through GR-123 are
9 marked.)

10 MR. LACKEY: Actually, let's look at
11 some examples. Let me direct your attention to
12 Exhibits GR-119 to 123. They are going to appear
13 on the screen up there.

14 Can you see them, Special Agent
15 Torres?

16 MR. TORRES: Yes, I can.

17 MR. LACKEY: Was this prepared by
18 Commission staff?

19 MR. TORRES: Yes, it was.

20 MR. LACKEY: Let's walk through it a
21 little bit. Let's first talk about 9 3. Can you
22 tell us about those identifiers.

23 MR. TORRES: 9 3 Gangsters, NTG, is
24 one of the largest Blood sets in the State of New

25 Jersey. It's also one of our largest Blood sets

23

1 inside the prison system.

2 As you can see in these photographs,
3 you'll see the "9 3" tattooed on various parts of
4 the human body. In the top corner it's on the
5 arm, in here it's colored in. On the bottom
6 you'll see "9 3 Gangsters" with the words "Bloods
7 Sweat No Tears."

8 In one example here, the graffiti,
9 we see the dog paws, which is used universally by
10 Bloods on the East Coast to identify themselves,
11 which is the three dots. You see the word
12 "Blood." You can see up top, 9 3 also goes by the
13 name of "9Tek" and "Grenade." It's one of the
14 acronyms that they use. Well, on this hat it
15 simply says "9Tek."

16 MR. LACKEY: Let me direct your
17 attention to the bottom right. That's a picture
18 of someone's face, and it looks like there is a
19 tattoo on that person's face.

20 Given your background and
21 experience, what is the significance of that
22 tattoo on the person's face?

23 MR. TORRES: The tattoo that you see
24 is a five-point star. A five-point star is one of

25 the identifiers used by the Bloods on the East

24

1 Coast. Also, underneath his eye he has the word
2 "9Teck," but he has the C crossed out to
3 disrespect the Crips, which are their mortal
4 enemies.

5 MR. LACKEY: What does that tell you
6 about the person's commitment to the organization,
7 considering that they have a tattoo on their face?

8 MR. TORRES: It tells me that their
9 commitment is absolute. It also tells me that he
10 has done something of significance for the
11 furtherance of that criminal organization, in
12 order to wear that tattoo where he does on his
13 face. This is something that's earned. Tattoos
14 are earned in the gangster culture.

15 MR. LACKEY: Let's focus our
16 attention on GR-120. GR-120 is Sex Money Murder,
17 correct?

18 MR. TORRES: Yes, sir.

19 MR. LACKEY: Can you walk us through
20 those identifiers?

21 MR. TORRES: Yes. Sex Money Murder
22 is another one of the larger Blood sets in New
23 Jersey. It's also one of the larger Blood sets
24 within our prison system. Sex Money Murder goes

25 by the other name of "2 5 2," a numerical code, to

25

1 represent themselves, and simply the term

2 "Murder."

3 You'll see various tattoos here,

4 starting in the top left-hand corner, where he

5 simply has "SMM," for Sex Money Murder. You see

6 graffiti where it says "SMM," as well, over the

7 word "Bloods," and in the right corner you see "2

8 5 2," which is their numerical code.

9 In the bottom left-hand corner you

10 see graffiti, and the only identifier that lets us

11 know that it's Sex Money Murder is the fact that

12 they've written "2 5 2." And one individual has

13 taken dice to represent 2 5 2, as well. And in

14 the bottom corner of the photograph you can see,

15 barely, he has the three dog paws to represent the

16 Bloods, as well.

17 MR. LACKEY: Let's move to our next

18 exhibit, GR-121. This is Gangsta Killer Bloods,

19 GKB. Tell us about that.

20 MR. TORRES: Gangsta Killer Bloods,

21 GKB, or G-Shine, or simply Shine, is another one

22 of the larger Bloods sets in New Jersey and in our

23 prisons. We see graffiti tagged all over, in

24 children's recreation areas, playgrounds. You see

25 the letters "GKB" and "Bloods Rule."

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1 In the other corner you see the
2 tattoo for GKB with the G crossed out to
3 disrespect the Grape Street Crips. In the bottom
4 you see "G-Shine," another word or term used by
5 the Bloods. On someone's property you see
6 "G-Shine" spray painted on their garage door.

7 MR. LACKEY: Let's go to that last
8 tattoo. It looks a dog with a scorpion or
9 something in it's mouth. What is that?

10 MR. TORRES: Well, it's a poorly
11 illustrated tattoo, at best. It should represent
12 a crab. Crab is a derogatory term -- a
13 representation used by the Bloods to disrespect
14 the Crips, their rivals. I don't think the artist
15 got it quite right.

16 MR. LACKEY: Let's go to GR-122.

17 Here's what's interesting. Agent
18 Torres, let me focus your attention on the person
19 with the jersey on. Thank you. That's in the
20 right corner.

21 MR. TORRES: Yes.

22 MR. LACKEY: That looks like an
23 athletic jersey that you can buy in the store.

24 MR. TORRES: Yes, it is.

25 MR. LACKEY: Is there gang

27

1 references on that?

2 MR. TORRES: Yes. On the shoulder
3 you see Double ii, which represents Illtown
4 Inglewood, again one of the sets in New Jersey,
5 out of East Orange, and one of the sets in our
6 prison system.

7 There are many areas where the gang
8 has infiltrated and established roots, and they
9 are able to have shirts, T-shirts made, et cetera,
10 to identify themselves readily on the streets.

11 MR. LACKEY: Walk us up through the
12 tattoo with the hand -- of the hand.

13 MR. TORRES: In the hand it's the
14 word -- should be the word "Double," but he's
15 replaced "ou" with the double "ii" to represent
16 the Double ii Bloods.

17 MR. LACKEY: That looks like they
18 are trying to almost hide their affiliation there
19 as compared with the one with the Double ii there
20 underneath it.

21 MR. TORRES: Yes. This is a
22 constant problem within law enforcement, that the
23 gangs will try to misdirect their tattoos or
24 misdirect the way they identify themselves.

25 They've even gone so far as not wearing tattoos,

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1 so that it makes our identification process much
2 more difficult inside the correctional system and
3 on the streets, as well.

4 MR. LACKEY: Let's go to our final
5 exhibit in the area. Brick City Brims. Tell us
6 about that.

7 MR. TORRES: Brick City Brims or BCB
8 or 2 3 2, again one of the largest Bloods sets in
9 New Jersey. You can see here with this young man,
10 we identified -- he has "2 3 2" over the Brick
11 City Brims. And all their tattoos seem to contain
12 some sort of representation of the State of New
13 Jersey in different formats.

14 In the other corner, these two
15 photographs here, you see it's actually a dripping
16 State of New Jersey. Dripping blood. In the
17 bottom corner you see a star, representing the
18 City of Newark where the Brick City Brims began.

19 MR. LACKEY: We've seen a number of
20 people that have shown off their affiliations with
21 the gang. Can you explain to us how a person
22 becomes initiated, becomes a member of the Bloods.

23 MR. TORRES: Yes. Prior to the
24 actual initiation into the gang, the prospective

25 Blood member must learn the history and legend of

29

1 the Bloods, must learn their code, their hand
2 signs, et cetera. They must be well-versed in
3 what they are about to join.

4 Traditionally, once they make the
5 commitment, they will be jumped in. In the
6 initiation they are usually beat down for a total
7 of 31 seconds, because that's the East Coast
8 style. The West Coast style, not to use the
9 number 3, they use a 21 second beat-down.

10 But now, all the intelligence that
11 we've received, interviews that I've conducted
12 over the course of the years, is telling us that,
13 to become a member of the criminal street gang
14 Bloods, you must commit an act of crime.

15 MR. LACKEY: And, in the prison,
16 that could be assaulting a CO or, you know, maybe
17 doing a hit on another inmate? It comes in
18 various forms in the prison, correct?

19 MR. TORRES: Absolutely, but it's
20 always attached to some sort of violent act.

21 MR. LACKEY: And today -- we've been
22 talking about the Bloods and various members.
23 Today, during this hearing, we are actually going
24 to hear from someone who is a Blood, correct?

25 MR. TORRES: Yes, sir.

30

1 MR. LACKEY: Agent Byrd, let's go to
2 you. The Department of Corrections recognizes the
3 Bloods as one of the seven gangs which pose a
4 safety and security threat to the prison system,
5 correct?

6 MR. BYRD: That's correct, sir.

7 In 1998, based on the growth and the
8 violence associated with the Bloods, the
9 Department of Corrections identified the Bloods as
10 a clear and present danger in the prison system.

11 MR. LACKEY: Once a Blood member
12 enters the prison system, he can be identified
13 based on a set of standardized criteria, correct?

14 MR. BYRD: That's correct. The
15 department uses a set of eight criteria, ranging
16 from tattoos to gang paraphernalia, gang group
17 photographs, or even self-admission, in order to
18 classify an inmate as a gang member. The presence
19 of at least two of the criteria are needed to
20 classify an inmate as a gang member.

21 (Exhibit GR-124 is marked.)

22 MR. LACKEY: Let's pick up on one of
23 the things you just mentioned, dog paws. Let me
24 direct your attention to GR-124. These are

25 examples of dog paw markings, correct?

31

1 MR. BYRD: That is correct.

2 MR. LACKEY: Okay. Explain to the
3 Commissioners and everyone here what those are.

4 MR. BYRD: Those are three marks --
5 three circular marks that are considered a dog
6 paw, and it's one of the most common tattoos used
7 by members of the Bloods, and these marks are
8 often made with a hot cigarette pressed to the
9 skin for approximately 31 seconds.

10 MR. LACKEY: Now, we -- when you
11 talked to us earlier, you said that we interviewed
12 county prosecutors' offices in the 21 counties.
13 Didn't we learn that, in some instances, some
14 members of the Bloods aren't even getting dog
15 paws?

16 MR. BYRD: That's correct, and there
17 are also some of them wearing clothing that's less
18 identifiable, to further diminish their appearance
19 as a gang member.

20 MR. LACKEY: Who is responsible for
21 monitoring those gangs and gang activity in the
22 prisons?

23 MR. BYRD: The Special
24 Investigations Division of the Department of

25 Corrections has been given the task of monitoring

32

1 gang activity in the prisons. The division is
2 comprised of trained investigators and is
3 considered the investigative arm of the Department
4 of Corrections. It has a diverse number of
5 responsibilities, ranging from forensics to
6 Internal Affairs.

7 The Special Investigations Division
8 also has an intelligence section that was created
9 in response to the growth of the gangs. The
10 intelligence section is comprised of investigators
11 assigned to each of the correctional facilities --
12 the 14 correctional facilities to identify gang
13 members using the eight criteria process.

14 Each prison also has what's referred
15 to as an intelligence committee, and this
16 intelligence committee is comprised of
17 investigators along with selected custody
18 officers, and their role is to monitor the
19 activities of gangs in each facility, and forward
20 that information to the central office, where it
21 is analyzed by a top level analyst.

22 MR. LACKEY: You mentioned earlier
23 that the Bloods are avid recruiters. Has the
24 Bloods horrific recruitment led to an increase in

25 their membership in the prisons?

33

1 MR. BYRD: Yes, it has. And many of
2 the inmates have been known to join the Bloods
3 just merely for protection.

4 (Exhibit GR-125 is marked.)

5 MR. LACKEY: Let me direct your
6 attention to GR-125. This was prepared by
7 Commission staff, wasn't it?

8 MR. BYRD: Yes, it was.

9 MR. LACKEY: Walk us through GR-125,
10 which is an analysis of the incarcerated Bloods
11 members as compared to other gang members in the
12 prisons.

13 MR. BYRD: In January, 2004,
14 according to the chart, the Bloods were identified
15 as 34 percent of the identified gang members in
16 the prison system.

17 In 2005, the Bloods membership had
18 increased to 38 percent. In 2006, it increased to
19 45 percent. In January, 2007, the Bloods had
20 increased to 47 percent.

21 MR. LACKEY: And where are we today?

22 MR. BYRD: And, as of July of this
23 year, the Bloods are 51 percent of the identified
24 gang members in our state prisons.

25 MR. LACKEY: Wow. That's a

34

1 significant increase in the number of Bloods in a
2 short period of time.

3 MR. BYRD: Yes, and I'd like to
4 point out something else. This chart also
5 illustrates that, in addition to the Bloods being
6 the largest and the fastest growing criminal
7 street gang on the streets, it has also become the
8 largest criminal street gang and the fastest
9 growing gang in our prisons.

10 MR. LACKEY: Let's look at the total
11 universe. How many gang members has the
12 department identified since they began identifying
13 gang members?

14 MR. BYRD: As of July of this year,
15 12,882 inmates have been identified as gang
16 members.

17 (Exhibit GR-126 is marked.)

18 MR. LACKEY: Let's look at what
19 percentage of those inmates are Bloods. Can you
20 go to GR-126? Let me stop you there.

21 As we look at the 12,000 or so
22 inmates that you just articulated, what this chart
23 represents is that 30 percent of those, throughout
24 the history of them doing identifications, have

25 been Bloods, correct?

35

1 MR. BYRD: Yes, that's correct.

2 MR. LACKEY: As opposed to another
3 gang, like the Crips, being only 6 percent?

4 MR. BYRD: That's correct, sir.

5 MR. LACKEY: And Agent Byrd, was
6 that prepared by Commission staff?

7 MR. BYRD: It certainly was, sir.

8 MR. LACKEY: Agent Torres, let's go
9 back to you. You discussed the whole idea of the
10 gang CEO a moment ago. How do these incarcerated
11 gang leaders communicate with the street?

12 MR. TORRES: We found that the
13 Bloods and the other gang leaders use the internal
14 prison phone system, mail, illegal cell phones for
15 unfettered communication between the prisons and
16 the streets.

17 MR. LACKEY: Let's start with the
18 prison phone system. What did the Commission find
19 there?

20 MR. TORRES: We found out that the
21 Bloods use the prison phone system to conduct gang
22 business on a regular basis.

23 MR. LACKEY: And we'll actually hear
24 about how these calls are monitored and sort of

25 the monitoring process, as well, correct?

36

1 MR. TORRES: Yes, you will hear

2 that.

3 MR. LACKEY: In addition, the

4 Commission found that gang inmates are subverting

5 the prison phone system to make unauthorized

6 calls, as well, correct?

7 MR. TORRES: Yes, they are.

8 MR. LACKEY: What about the prison

9 mail system?

10 MR. TORRES: You'll also hear how

11 important it is for communication between the

12 gangs in the streets and in the jails by using

13 coded letters and correspondence.

14 (Exhibit GR-127 is marked.)

15 MR. LACKEY: Let's look at an

16 example. You mentioned coded correspondence

17 earlier, as well. Let's look at one. I'm

18 directing your attention to GR-127. This was

19 prepared by Commission staff, wasn't it?

20 MR. TORRES: Yes.

21 MR. LACKEY: Explain to us what we

22 are looking at here.

23 MR. TORRES: This is a letter that

24 was received by the correction facility. You see

25 here -- the areas that are outlined in red

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1 represent the words that are actually in code or
2 coded. We took an opportunity to translate these
3 codes so that everyone could understand.

4 It says at the top, starting with
5 that word -- we look at the word "tha." We don't
6 know what exactly it is, so we say maybe it's
7 spelling. It turns out later it refers to Dez.

8 "Dez told him to turn and he didn't
9 so the cops got in back of us, my RR" -- which
10 refers to Ruby Red, which really translates to his
11 girl -- "is going to send you a money order on
12 Wednesday when we she get paged. We was going
13 to" -- and the coded word -- "kill Hersey that
14 night but I shot" -- should maybe be "shoot
15 the" -- N word -- "who shoot Rel. I got him at
16 the light." It goes on, "and Dez doing him and
17 Chris got into a fight. Malik I know you are mad
18 but this bitch is a stress box but when you write
19 don't write in red."

20 And, again, it just shows you how
21 complicated some of these letters get.

22 On the bottom line, it's important
23 to note, on Line 13, that they refer to "JD was
24 food." Food is a, using gang vernacular, threat

25 against someone's life. That person is now open

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1 to be either hurt or even killed.

2 MR. LACKEY: Summarize for us what
3 you think this letter means, now that you've
4 decoded it.

5 MR. TORRES: Well, after looking at
6 this letter, it actually describes a crime that
7 took place, some sort of shooting, and also on the
8 bottom it tells you an open-end threat against
9 someone's life.

10 MR. LACKEY: Let's talk about -- you
11 told us about the prison phones. We also found
12 that cell phones were ending up in the hands of
13 gang leaders, as well, correct?

14 MR. TORRES: Yes. One gang leader
15 told us that, between the period of around 2007 --
16 beginning in 2003, excuse me, ending in 2007, he
17 had received six cell phones while incarcerated.

18 MR. LACKEY: But he was only caught
19 with three?

20 MR. TORRES: He was only caught with
21 three, but he admitted to us in our interview that
22 he had six during that time period.

23 MR. LACKEY: And during one of those
24 time periods he was also incarcerated in the

25 tightly monitored gang unit, called the Security

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1 Threat Group Management Unit, correct?

2 MR. TORRES: Yes, he was.

3 MR. LACKEY: Isn't it true that our
4 investigation also shows that hundreds of cell
5 phones enter the prisons?

6 MR. TORRES: Yes, it is.

7 MR. LACKEY: As a matter of fact,
8 not only do they enter the minimum areas, they
9 enter the secure perimeter around the prisons, as
10 well, correct?

11 MR. TORRES: That is absolutely
12 true. The Commission found that hundreds of cell
13 phones breach the secure perimeter of the prisons
14 regularly. Cell phones have been found in every
15 state prison in New Jersey.

16 MR. LACKEY: Who dominates the cell
17 phone trade?

18 MR. TORRES: The Bloods.

19 MR. LACKEY: The Commission also
20 took the unprecedented next step to look at how
21 gang inmates were using these cell phones, as
22 well, correct?

23 MR. TORRES: Yes.

24 MR. LACKEY: What did the Commission

25 find here?

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1 MR. TORRES: You will hear how the
2 Bloods obtain their cell phones illegally and are
3 able to reach out to people through the entire
4 United States and Canada, as well.

5 MR. LACKEY: How do those phones get
6 into the prisons?

7 MR. TORRES: The Commission found
8 vulnerability at key entrance points to the
9 prisons. Gang inmates use corrupted officers and
10 staff to penetrate these weak points and deliver
11 the cell phones.

12 If I may make this point clear, we
13 found that the overwhelming majority of
14 corrections officers and corrections staff are
15 hard working, dedicated professionals. We are not
16 speaking about those individuals. We are speaking
17 about that small few that violated the public
18 trust that they've been given.

19 MR. LACKEY: And they've been
20 corrupted as a result, correct?

21 MR. TORRES: Yes, they have.

22 MR. LACKEY: Isn't it true one of
23 the gang leaders told the Commission about the
24 alleged gang affiliation of certain department

25 employees?

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1 MR. TORRES: Yes. We had one gang
2 leader who told us that at one point a correction
3 officer approached him while he was in his cell,
4 he referred to him by his gang name specifically.
5 The inmate then responded that he didn't know this
6 officer -- he didn't know who he was. At that
7 point, the officer is looking around, raised his
8 sleeve, showed the individual a gang-related
9 tattoo, and told him, "Whatever you need, let me
10 know."

11 MR. LACKEY: How did that same
12 leader describe how he got cell phones?

13 MR. TORRES: In one example, he told
14 us that a correction officer had ordered him out
15 of his cell, supposedly to conduct a search. He
16 was outside of his cell and outside of his wing in
17 the recreation yard. When he returned from the
18 recreation yard, he found a cell phone sitting on
19 his bed.

20 MR. LACKEY: Did the Commission find
21 any systemic weaknesses which enabled this to
22 occur?

23 MR. TORRES: Yes. You will hear a
24 variety of weaknesses, including a lack of uniform

25 policies for entering the facilities.

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1 MR. LACKEY: Special Agent Byrd,
2 let's go to you. Let's talk about drugs. Drugs
3 are available in the prison, aren't they?

4 MR. BYRD: Yes, they are.

5 MR. LACKEY: What types?

6 MR. BYRD: You can find in the
7 prison just about every type of drug that you find
8 on the streets.

9 MR. LACKEY: Who dominates the
10 prison drug trade?

11 MR. BYRD: The prison drug trade is
12 dominated by members of the Bloods.

13 MR. LACKEY: How do these narcotics
14 enter the facility?

15 MR. BYRD: There are a myriad of
16 ways by which inmates and prison staff both
17 agree -- but inmates and prison staff both agree
18 that the majority of the drugs are smuggled into
19 the prison by visitors. So we focused our
20 attention on visitors and the visitation process.

21 MR. LACKEY: What did we find when
22 we looked at visitation and the visitation
23 process?

24 MR. BYRD: We found another

25 problematic area in the prison. You will hear

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1 testimony describing how the present system is
2 utilized to prevent banned visitors from entering
3 prisons has been ineffective. You will also hear
4 how no background checks are conducted of
5 visitors, and inmates control the information
6 that's provided to prison officials regarding
7 their visitors.

8 MR. LACKEY: We found other systemic
9 weaknesses, as well, correct?

10 MR. BYRD: Yes. You will hear
11 firsthand how gang inmates and their visitors use
12 the vending machines in the visitation areas to
13 aid them in their drug smuggling.

14 MR. LACKEY: All criminal
15 enterprises rely on money.

16 What did the Commission find when it
17 looked at the finances associated with these gang
18 members?

19 MR. BYRD: We found a river of
20 illicit funds flowing from the prisons to the
21 streets through the use of the Inmate Account
22 System and other transactions.

23 MR. LACKEY: Didn't one gang leader
24 actually tell the Commission that the Bloods and

25 other inmates use their inmate accounts to conduct

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1 these financial transactions?

2 MR. BYRD: Yes, he did. He told us
3 that inmates purchase and pay for drugs in prison
4 by using or submitting forms to the prison
5 business office, authorizing the issuance of
6 checks to third parties on the inmates' behalf.

7 MR. LACKEY: What is the Inmate
8 Account System, Special Agent?

9 MR. BYRD: Every prison in the
10 system has an Inmate Account System, which is
11 similar to an account that you and I may have with
12 a commercial bank.

13 MR. LACKEY: When we looked at this
14 system -- the Inmate Account System I'm referring
15 to -- what did the Commission find specifically
16 related to inmate accounts?

17 MR. BYRD: You will hear testimony
18 explaining how these accounts are used by inmates
19 to pay Bloods and others for cell phones and
20 drugs. We also found that Bloods prey on weaker
21 inmates. As a result, some inmates actually pay
22 the Bloods for protection in order to stay safe.

23 You will also hear from an inmate
24 who paid money to the Bloods so he would not be

25 subject to physical harm while in prison. You

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1 will also hear of the plight inmates' families are
2 sometimes faced with when an incarcerated loved
3 one is threatened by gang members and the families
4 are forced to pay for the loved one's protection.

5 MR. LACKEY: What systemic
6 weaknesses did the Commission find related to the
7 Inmate Account System?

8 MR. BYRD: You will hear testimony
9 describing a system that allows inmates to engage
10 in financial transactions with virtually anyone.
11 This system also has no limits on the amount or
12 frequency of deposits and no limits on inmate
13 account balances.

14 MR. LACKEY: Over the last few
15 minutes we've heard about cell phones entering the
16 prisons, drugs entering the prisons, the
17 increasing Bloods membership and their growth on
18 the streets and in the prisons, and Agent Byrd
19 just described for us a scenario where money is
20 flowing out of the prisons onto the streets.

21 Agent Torres, could you tell us what
22 the significance is of these findings?

23 MR. TORRES: The significance is
24 that citizens of New Jersey have a reasonable

25 expectation that, once a gang member has been

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1 arrested, tried, convicted, placed in the jail,
2 they can no longer make money, no longer commit
3 crimes, no longer act as if they are still on the
4 street.

5 Our findings -- the Commission's
6 findings call that into question. Our findings
7 will show that Bloods street gang members in
8 prison operated like they are still on the streets
9 of New Jersey, and that the concrete walls, razor
10 ribbon, towers, fences, et cetera, do not offer
11 any substantial deterrent to their running of
12 their criminal corporate enterprises.

13 The Bloods and other inmates exploit
14 a number of systemic weaknesses in the Department
15 of Corrections. Trafficking in drugs, illegal
16 cell phones, corrupting officers and staff
17 members, as well, and funneling large amounts of
18 money onto the streets of New Jersey.

19 In order to truly curtail the gang
20 activity in the State of New Jersey, then this
21 nexus, this line between the prisons and the
22 streets must be severed.

23 MR. LACKEY: Thank you. I have no
24 further questions of these witnesses.

25 Commissioners?

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1 COMMISSIONER FLICKER: Nothing.

2 CHAIRMAN EDWARDS: Okay. Gentlemen,
3 thank you. That overview was more than
4 enlightening, and we appreciate your work and
5 efforts to put what we are about to hear into some
6 context so that the record is clear as to what we
7 are trying to show and where it goes and
8 ultimately we'll -- what our recommendations and
9 solutions will be.

10 And I thank you very much for the
11 hard work you put in so far and the insight you've
12 given us. As Commissioners, we don't have that.
13 It's your hard work and the staff's hard work. We
14 are anxiously looking forward to how this unfolds
15 in more detail, with more specificity, so we can
16 focus on real solutions to real problems and not
17 just talk about who did something wrong.

18 To put this in a little context, as
19 much as the prison systems across this country
20 have attempted to control the activities within
21 prisons, it is a constant battle, with constant
22 new methods being developed, both at the federal
23 and state level, to circumvent whatever is put in
24 front of them.

25 We think we can do a lot better in

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1 the State of New Jersey, and we hope that our
2 recommendations will result in that effort. And,
3 as a result of your efforts and everyone else's, I
4 think that will become possible.

5 Thank you very much.

6 MR. TORRES: Thank you, sir.

7 MR. BYRD: Thank you.

8 MR. LACKEY: Thank you, gentlemen.

9 Commissioners, I'd like to call my
10 next witness.

11 CHAIRMAN EDWARDS: Do it.

12 MR. LACKEY: At this time I'd like
13 to call Gary J. Hilton.

14 Mr. Hilton, will you please come
15 forward to be sworn by our court reporter.

16 GARY J. HILTON, after having been
17 first duly sworn, is examined and testifies as
18 follows:

19 EXAMINATION

20 BY MR. LACKEY:

21 Q. Good morning, sir. How are you?

22 A. Fine, thank you.

23 Q. Please state your name for the
24 record.

25 A. Gary J. Hilton, H-i-l-t-o-n.

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1 Q. What is your current occupation,
2 sir?

3 A. I operate a correctional consulting
4 firm. Serve various state and local correctional
5 jurisdictions, I do expert witness work,
6 occasionally work with architects on prison design
7 and renovation, and also provide assistance to the
8 National Institute of Corrections.

9 Q. And before we talk specifically
10 about gangs in the prisons and get an historical
11 perspective of it, could you tell us about your
12 professional experience in corrections.

13 A. Yes. I spent a period of some 28
14 years with the New Jersey Department of
15 Corrections. Began my career as a correction
16 officer and served for some 17 years as Assistant
17 Commissioner, Chief of Staff. For a period before
18 leaving state government was Acting Commissioner.
19 I later was appointed Director of Corrections in
20 Youth Services for Monmouth County, New Jersey,
21 and I left public service in 2002.

22 Q. During your time as a consultant,
23 and with your years with the Department of
24 Corrections, did you address issues related to

25 gangs?

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1 A. Yes.

2 Q. Actually, there is three areas I'd
3 like to discuss with you today. First we'll talk
4 about this difference between the prison gangs and
5 the State's street gangs, then I'd like to talk
6 about street gangs and organized crime, and then a
7 third area is something that Agent Torres
8 mentioned earlier relating to this whole idea of
9 the gang CEO.

10 So, let's first talk about prison
11 gangs, because gangs have been in prisons since
12 Day 2 of prisons opening, correct?

13 A. I think there have been prison gangs
14 in prisons as long as anyone can measure the
15 history of prisons and jails. And I just want to
16 qualify something.

17 Q. Sure.

18 A. I think, in my judgment, your focus
19 should certainly be on prisons, but gang
20 management in county jails, particularly the large
21 urban jails, is an enormous problem and an
22 extremely difficult process to manage, because
23 your -- the dynamics and structure of your county
24 jail can change overnight.

1 you go home on a Thursday, you would come in
2 Friday morning, it can be a totally different
3 jail, because people are being processed in 24
4 hours a day. So I would ask that you not lose the
5 county jails in your deliberations, because theirs
6 is an extremely difficult process.

7 But, there have been prison gangs as
8 long as probably there have been prisons. I can
9 remember, when I first got into the correctional
10 industry, a person went to prison, they joined a
11 prison gang. In the women's institutions they
12 called them families, but they were basically
13 gangs. And, by definition, when you left prison,
14 you left the prison gang. And the prison gang
15 focus was pretty much on the prison or jail.

16 Today that is dramatically
17 different.

18 Q. Explain to us why.

19 A. Well, these are not gangs. This is
20 organized crime. This is organized crime that is
21 very prominent and powerful on the street, and
22 they're controlling activities both in the prison
23 and on the street.

24 These gangs can bring enormous

25 pressure on various staff of the prisons and jails

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1 because many of the staff live in the communities
2 where the gangs have a real prominence and
3 influence. Not all staff corruption is financial
4 in nature. It's generated by threats to
5 grandmothers, mothers, children. And there are,
6 of course -- there is, of course, a very
7 significant fiscal component to this organized
8 crime and there are people who violate the trust
9 for money. But I think a significant amount of
10 staff compromise is because of the pressure, the
11 threats that can be made on the street.

12 Q. If I can --

13 A. One of the gentlemen who testified
14 before me I thought made a comment that I -- you
15 know, the general public perceives the gang member
16 as being a young kid with baggy pants and his hat
17 turned sideways. That's an image.

18 The people to be concerned about are
19 sophisticated organized crime executives making
20 large, large fiscally directed decisions, all of
21 which are, of course, criminal.

22 Q. You gave us a lot to chew on, so
23 let's break it down into some pieces.

24 A. Story of my life.

25 Q. Sure.

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1 Let's talk about this idea first
2 about this big distinction between the old prison
3 gang and this new face of organized crime.

4 In order to run an organized crime
5 organization -- poor word choice -- the leader has
6 to have influence, control -- influence and
7 communication, correct?

8 A. Correct.

9 Q. Do you see, based on your
10 experience, gang leadership -- today's gang
11 leadership having that ability to have
12 communication and influence over their criminal
13 organization?

14 A. Based on my observations and
15 contact, yes. I think, as a general rule, your
16 legitimate gang organized crime executive is, in
17 and of themselves, traditionally a fairly low
18 profile offender. They are not holding the
19 contraband; they have people do it for them. They
20 are not involved in the direct physical acts; they
21 have intermediaries.

22 The more they can stay low profile
23 and call the shots and pull the strings, the
24 better off they are and the better -- better they

25 like it.

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1 Obviously, cell phone technology is
2 a major issue. I think the special agents who
3 testified were right on the money in their
4 description of the various modalities of
5 communication, but these organized crime
6 executives continue to manage, many of them, their
7 criminal enterprises while in prisons and jails.

8 At the county level, there is a lot
9 of the witness intimidation that is driven by
10 these criminal -- these organized crime executives
11 and various contacts.

12 So, yes, there is a lot of control,
13 both within the prison and in the street, and
14 there are enormous amounts of money.

15 Q. And, just so we are clear, the type
16 of decision that a high level person, either a
17 manager of an organization -- a legitimate
18 organization or a manager of a criminal
19 organization, would make at that high level would
20 be more policy and strategic decisions, and not
21 day-to-day, mundane operational decisions, is
22 that safe to say?

23 A. That is absolutely correct. They
24 are setting a vision. They are making the kind of

25 decisions that your traditional corporate

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1 executive would make.

2 Q. And let's follow-up on that comment
3 that Agent Torres made about gang members as --
4 this public perception. I know you touched on
5 that.

6 The image is that these guys are
7 just young street thugs. What's your experience?
8 Can you describe for us what your experience is?

9 A. Well, I think that the traditional
10 baggy pants, hair -- you know, hat turned
11 sideways, I think is part of their -- part of the
12 way they manage their organizations. They want
13 these kids to get the public's attention. They
14 want these kids to typify the image of the gang --
15 of the gang process, so they can sit back and make
16 the critical decisions, the policy decisions that
17 generate the hundreds of millions of dollars that
18 is a result of this criminal enterprise.

19 And I think, to a large degree, the
20 general public views these young street thug kids
21 as typifying gangs, and I think it's important
22 that that message be changed and people understand
23 that these are horribly violent, evil people
24 operating at a very sophisticated level.

25 Q. Let's talk about one of those

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1 modalities of communication. In our conversations
2 earlier, you told us that cell phones have a value
3 in prison -- an intrinsic value. Talk to the
4 Commissioners about that.

5 A. Well, through a number of contacts,
6 including some inmates, I've been led to believe
7 that in many situations cell phones are worth more
8 than dope in jail, and -- because it is a link, it
9 is a way to retain and reinforce authority and
10 jurisdiction.

11 Q. You mentioned, when we were talking
12 earlier, about this whole idea of influence, and
13 you mentioned how gang leaders influence staff.
14 We'll get there in a moment.

15 What I'd like to focus your
16 attention on is how they influence other inmates.
17 For example, trustees. How would a trustee be --
18 first explain to the Commission what a trustee is
19 and how a person like that can be influenced by a
20 gang leader in prison.

21 A. Well, a trustee, or a low security
22 inmate, will traditionally be your laundry
23 workers, your food workers, your porters, inmates
24 who have somewhat more movement and access around

25 the institution, and traditionally the term --

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1 jail term is they were mules. They move
2 contraband, and that contraband can be drugs,
3 weapons or, in some sense, documents.

4 How do you intimidate them?
5 Threaten to kill them, beat them up. More subtly,
6 walk up to them, "Hey, we understand your
7 nine-year-old daughter goes to PS 6 and she waits
8 for the bus on Maple and Walnut." It's a very
9 subtle, powerful message.

10 I have never viewed myself as a
11 bleeding heart, but a lot of these trustees, in
12 many cases, want to uphold the faith and trust
13 that has been put in them, but, when their
14 nine-year-old is threatened -- that's a subtle way
15 of doing it, but it's a very powerful way to do
16 it. And that is the level of sophistication you
17 are dealing with.

18 Q. And that's how those gang leaders
19 would influence --

20 A. That is one way.

21 Q. Yes.

22 A. And then, quite frankly, there is
23 the fear, you know, of assault or worse. And, to
24 be quite candid, there has got to be an act of

25 violence periodically just to put everybody on

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1 notice that this is for real.

2 Q. So, an assault would get everybody
3 lined up properly for them?

4 A. Particularly if it's bad one.

5 Q. Let's talk about gang leaders'
6 influence on officers and staff, and what I really
7 want you to focus on is, again, bringing us that
8 historical perspective, taking us back to the
9 prison gangs which you described earlier.

10 Did those types of groups try to
11 influence or assert influence on staff?

12 A. In my experience, they tried to stay
13 as far away from staff as they could, because they
14 didn't have the far-reaching influence that they
15 have in the communities. The prison gangs didn't
16 have the fiscal structure, the fiscal capability.
17 They had little, if any, influence on the street.

18 So, back in, you know, the early,
19 mid-'70s and before, the gangs chose to keep as
20 much distance between staff. But now, between the
21 finances and the fear and intimidation capability
22 they have -- to put it bluntly, staff intimidation
23 is a critical part of their vision and their
24 mission and their way of doing criminal business.

25 Q. Kind of part of that strategic plan

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1 that we talked about earlier.

2 A. Yes.

3 Q. Not worrying about day-to-day
4 decisions, but strategic planning as part of that
5 plan?

6 A. That is correct, sir, in my
7 judgment.

8 Q. One more area before we talk about
9 ways to address some of these issues.
10 Commissioner Flicker did bring it up earlier. The
11 public perception that, once a gang leader is
12 locked up and locked away, that they no longer
13 have influence on their criminal organization.

14 If that's the premise, do you agree
15 with that premise, and how do they do it?

16 A. Well, I don't agree with it. I
17 think many of them continue to exercise their
18 authority and purview. You know, there is a
19 point, you know, where that may diminish overtime,
20 but that would happen on the street, as they got
21 older and, you know, the ascension of new
22 leadership. But, no. I think, in many cases,
23 they continue to exercise very significant
24 influence.

25 Q. You mentioned the county jails

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1 earlier. You are familiar with the Department of
2 Corrections' identification system that they have
3 to identify gang members, correct?

4 A. Yes.

5 Q. Do you think that system should be
6 employed at the county jail level as a way to
7 begin to suppress this type of gang activity?

8 A. I feel the intermeshing of gang
9 intelligence between the state jurisdiction and
10 the various county jails, I think, very much needs
11 to be integrated. I think they've got to be
12 somehow meshed into a very integrated system,
13 where the dialog is constant, perhaps even
14 electronic.

15 I don't think, given -- or excusing,
16 you know, personal relationships, I don't think
17 between -- the dialog between the various county
18 jurisdictions and the state is as integrated as it
19 ought to be and should be. If information is
20 developed in Essex County, it ought to be
21 disseminated to the other 20 counties in the state
22 literally within minutes or hours.

23 So, I think that's a consideration
24 that needs to be given serious thought of putting

25 everyone on a common table, a common vocabulary, a

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1 common standard of measurements, and that the
2 information is flowing back and forth.

3 I think the Department of
4 Corrections has excellent expertise and great
5 experience. I have an organizational or
6 structural problem that, for the most part, the
7 traditional Internal Affairs function is
8 organizationally in the same command structure as
9 gang intelligence. And, as a practical matter, I
10 don't think that's a good merging.

11 It's very difficult for a command
12 structure to prosecute an officer or employee
13 for -- and properly so -- for disciplinary or
14 other infraction, and then, two hours later or the
15 next day, go to the colleagues and say, "How about
16 helping us with the information?" It's just not a
17 good marriage.

18 My view is, the gang intelligence
19 should be a command structure of its own,
20 independent, and traditional Internal Affairs
21 should be a command structure unto itself, and I
22 think that would be operationally and practically
23 a better model.

24 MR. LACKEY: I have a sneaking

25 suspicion that the Commissioners may have some

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1 questions here. Mr. Hilton, why don't I -- I have
2 no further questions for you. I'm sure the Chair
3 and some of the Commissioners may have some for
4 you.

5 CHAIRMAN EDWARDS: Gary, thank you
6 very much.

7 MR. HILTON: My pleasure, sir.

8 CHAIRMAN EDWARDS: You and I have
9 been around --

10 MR. HILTON: Around the barn, yes,
11 sir.

12 CHAIRMAN EDWARDS: -- for about 30
13 years in reality and, on behalf of the Commission
14 and the staff, I'd like to thank you for all --
15 what you've given us are insights into the
16 correction system. When we started this process
17 and where we are today has a direct relationship
18 to your assistance in that regard, and has always
19 been at the highest level. You are, in my
20 opinion, one of the most respected correctional
21 officials in this county, and we appreciate your
22 assistance in this particular regard. Not just
23 the testimony today, but it brings us up to speed.
24 This was not our expertise when we started.

1 fully aware of your recommendations about county
2 and other jail facilities that need to be
3 integrated into the bigger system, and we are
4 taking them on just as aggressively as we will
5 this one.

6 I'm -- and we have a great deal of
7 your background in our treasure-trove, and we've
8 got a significant amount of your recommendations
9 in our treasure-trove. You focused on one that
10 gets back into the investigation process within
11 the -- and enhances the -- kind of the law
12 enforcement capacity within the confines of the
13 system, and you recommended very significant
14 separation between Internal Affairs and SID.

15 Are there other recommendations,
16 with reference to SID and beefing up of that, that
17 we could do to enhance the capacity of the
18 Department of Corrections to do a better job? Is
19 there structural changes, anything you can
20 enlighten us about in that respect?

21 MR. HILTON: No. I think, if the
22 county and the state system were better
23 coordinated, better integrated, better
24 communications, better sharing, you know, seeing

1 that, and I think -- perhaps not a misstatement,
2 because I believe it happens -- but I think the
3 people doing gang intelligence need to be
4 traditionally trained investigators.

5 I don't think you can pull somebody
6 off the floor and give them a week's orientation
7 and say you're an investigator. I think they've
8 got to be classically trained as professional
9 investigators.

10 CHAIRMAN EDWARDS: Let me make sure
11 I have this right. You have stated, both
12 previously and here, that the integration of an
13 investigative system in the prison system, the
14 whole system in New Jersey, not just the state
15 system, county system, is a preferable system.
16 That things change so quickly -- information,
17 intelligence change so quickly, that it needs to
18 be an integrated system. Sometimes we, in
19 government, when we compartmentalize things, we
20 put them in towers, lack the ability to make that
21 marriage.

22 Are you saying that that marriage
23 needs to happen in a lot better way than it does
24 right now?

1 that the integration between state and counties'
2 intelligence process needs to be unified and
3 integrated so one is profiting from the other. I
4 mean, you've got a system now that you are in a
5 northern county, a term means one thing, and you
6 get to the central, southern part, the same term
7 has a different meaning.

8 I mean -- and county jail managers,
9 particularly in the large, urban counties, they
10 need -- every day, seven days a week, have to
11 re-examine what happened in their county the
12 previous 24 hours, because, depending on who
13 killed who, who beat who up, means classification
14 models that were good at 4:00 o'clock in the
15 afternoon Thursday, are violate 9:00 o'clock
16 Friday morning.

17 So the counties are constantly
18 re-evaluating, re-deploying, reclassifying, based
19 on events 12 to 14 hours earlier.

20 I think gangs, to a degree, have
21 altered the way prisons are -- and jails are being
22 designed today. Today's more contemporary prison
23 design is getting away from congregate feeding,
24 where you don't bring three, 400 people to eat

25 together. The gangs have made that too dangerous.

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1 Programs and services are unit
2 based. Rather than move the inmates to a program,
3 you move the program to the inmates. Unit based.
4 Unit-based recreation. Reduced movement. So,
5 when you separate people, you don't separate them
6 for sleeping and then bring them together to eat,
7 because you are going to have violence.

8 So, gangs have influenced more than
9 the management of prisons. They, to a significant
10 degree, altered the way prisons are being
11 designed.

12 CHAIRMAN EDWARDS: Last question,
13 and I'll let the other Commissioners make
14 statements, so I'm sure I understand.

15 The gangs -- not the face of -- the
16 public image that you see, but gangs are very
17 sophisticated organized criminal activity --
18 organizations, more sophisticated maybe than our
19 correction system and our law enforcement system
20 is, which is compartmentalized. They operate in
21 local jails, county jails, halfway houses, and the
22 state system has an integrated unit and an
23 integrated communications system, where we operate
24 in silos in those particular worlds, and, if we

25 don't modernize our investigative capacity within

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1 that system, which was the birth place of criminal
2 organized gang activities in New Jersey, and
3 continues to be one of the primary recruiting and
4 controlling places for them, then we are missing
5 the boat.

6 MR. HILTON: I think you are 100
7 percent on the money.

8 CHAIRMAN EDWARDS: So this is a
9 major law enforcement issue, not just an internal
10 prison control issue.

11 MR. HILTON: I agree.

12 CHAIRMAN EDWARDS: Which is what it
13 used to be?

14 MR. HILTON: Correct.

15 CHAIRMAN EDWARDS: Thank you very
16 much. We appreciate it.

17 Commissioner?

18 COMMISSIONER FLICKER: Welcome, Mr.
19 Hilton, and thank you very much. I can't tell you
20 that I've worked with you for 30 years, because
21 I'm only 29 --

22 MR. HILTON: I realize that.

23 COMMISSIONER FLICKER: -- but I
24 certainly have had the pleasure of working with

25 you in my former capacity, when you were

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1 incredibly helpful, and that brings up another
2 issue, and it goes back to your discussion about
3 the county jails.

4 I know that, in my capacity in the
5 Mercer County prosecutor's office, there were
6 occasions when we had an inmate who we felt, in
7 Mercer County, we couldn't handle.

8 Could you explain the system that
9 the state has put into effect in order to assist
10 the counties in that regard, especially now with
11 gang inmates?

12 MR. HILTON: Well, there are -- and
13 I can't think of the statute number, but -- we
14 used to call it the Manning Rule, but there is a
15 process where, if a county jail believes that a
16 particular individual, for whatever reason,
17 exceeds their reasonable and likelihood of
18 effectively managing and/or protecting, they can
19 approach the Department of Corrections -- this
20 would be a presentence, pretrial individual -- and
21 that individual can be moved to the state system.

22 And that's a very, I think --
23 workable and useful and proven to be productive.
24 But it, of course, has limits. Now, counties will

25 occasionally exchange inmates, because if an

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1 inmate, for whatever reason, is at risk or a
2 problem in one county jurisdiction, they can move
3 them over, but that is a -- that is a -- that can
4 only be practiced on a somewhat limited basis.

5 I think we need to go back to what
6 the Chairman talked about, this integrated system
7 where the data is fresh and daily.

8 COMMISSIONER FLICKER: What do you
9 think the corrections system can do in terms of
10 technology?

11 MR. HILTON: Well, I think facial
12 recognition cameras for visits. I think that
13 would be one thing. I think more the notion of
14 moving programs to inmate groups, rather than
15 moving inmates to congregate activity is another.
16 And I think more -- making electronic information
17 a more integral part of the gang intelligence
18 process, which would enable you to share more
19 actively and fluidly and immediately.

20 COMMISSIONER FLICKER: And the last
21 question -- I think you've answered this many
22 times, but there is a public perception -- and
23 when I spoke in my opening comments about the
24 public perception -- that, once a gang member is

25 locked up, he is no longer a threat to the

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1 community, nor is he able to still lead a gang.

2 That public perception is completely
3 off base, based on what you are telling us, as is
4 the public perception of what a gang member is.

5 MR. HILTON: I thoroughly agree.

6 COMMISSIONER FLICKER: We see locked
7 up, virtually week by week, in the various
8 counties, the guys with the baggy pants and the
9 cap turned sideways. Do I understand your
10 testimony that those are not, however, the gang
11 leaders, and the gang leaders are the ones who
12 might be wearing the suits?

13 MR. HILTON: In some cases, or
14 certainly low profile.

15 COMMISSIONER FLICKER: Mr. Hilton,
16 thank you so much.

17 MR. HILTON: I would like to leave
18 this distinguished Commission with one thought,
19 and that is, the correctional business is a
20 difficult business, and remember, over the course
21 of time, bad things will happen in very well
22 managed prisons and jails.

23 Thank you very much.

24 MR. LACKEY: Thank you so much, Mr.

1 CHAIRMAN EDWARDS: Thank you very,
2 very much.

3 Chadd?

4 MR. LACKEY: Thank you, sir.

5 And, actually, at this point I'd
6 like to call my next witness, but I do have a
7 short statement before I do.

8 Because of safety and security
9 reasons, the Commissioners have allowed me to call
10 this next witness by video. We will call this
11 witness Gang Video Witness 1.

12 Gang Video Witness 1 is a Blood. He
13 is and will discuss how inmates and visitors use
14 the vending machines for smuggling, he's going to
15 talk about how he got into the gang. He's going
16 to tell his sorry.

17 During his testimony you are going
18 to hear a term called "business remit form." This
19 is -- we'll talk about those forms in detail
20 later, but, for your purposes now, it's important
21 that you know that this is a form the department
22 uses for inmates to be able to just disburse money
23 out of their inmate accounts. So, think of it
24 as -- when he mentions that term, think of it

25 similar to a withdrawal slip for your bank

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1 account.

2 And at this time I'd like to call my
3 next witness, Gang Video Witness 1.

4 (Tape Played.)

5 MR. LACKEY: That is our last
6 witness before the break, Commissioners, so I
7 didn't know if you want to take a 15-minute break
8 or continue on.

9 CHAIRMAN EDWARDS: Why don't we --

10 MR. LACKEY: Our next witness is
11 here.

12 CHAIRMAN EDWARDS: Why don't we
13 continue on.

14 MR. LACKEY: All right. At this
15 time the Commission would like to call Ron
16 Hampton.

17 RONALD HAMPTON, after having been
18 first duly sworn, is examined and testifies as
19 follows:

20 EXAMINATION

21 BY MR. LACKEY:

22 Q. Sir, good morning. How are you?

23 A. Good morning everyone. Good
24 morning, sir.

25 Q. Please state your name for the

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1 record.

2 A. Detective Sergeant Ronald Hampton.

3 Q. Please tell us about your

4 professional experience.

5 A. I am a member of the New Jersey

6 State Police and have been so for the last 14 plus

7 years, currently assigned to the intelligence

8 section, our street gang north unit.

9 Q. And prior to that where were you

10 assigned?

11 A. I was assigned to our narcotics and

12 organized crime bureau for approximately five

13 years prior to that.

14 Q. Tell us what the street gang unit's

15 responsibilities are.

16 A. We have basically a three-prong

17 mission: Our primary mission is enforcement; our

18 secondary mission is intelligence, collecting

19 intelligence, evaluating it, disseminating it,

20 analyzing gang-related trends, to assist in any

21 type of enforcement operations that we conduct;

22 and just as important is that we have a training

23 element, where we actually conduct awareness

24 presentations to law enforcement, civilian groups,

25 the public, and other entities.

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1 Q. Let's talk about you personally for
2 a moment. You have professional affiliations, as
3 well, correct?

4 A. Yes, I do.

5 Q. Tell us about those.

6 A. I'm currently the president of the
7 New Jersey Chapter of the East Coast Gang
8 Investigators Association.

9 Q. You've been qualified as an expert
10 witness, as well. Tell the Commissioners about
11 that.

12 A. Yes, I have. During the course of
13 my 14 plus years, I've had many opportunities to
14 testify in municipal, county, federal, state
15 courts. I've been qualified as a gang
16 professional by many law enforcement entities, as
17 well as by the New Jersey State Superior Court, as
18 an expert witness on both criminal street gangs,
19 Bloods, Crips, and other drug trafficking
20 organizations.

21 Q. How many investigations have you
22 conducted related to gangs?

23 A. Approximately 200 or so
24 investigations relevant to criminal street gangs,

25 approximately a hundred or so of which are related

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1 specifically to Bloods and/or Crips.

2 Q. And, when you conducted these
3 investigations, you also had the opportunity to
4 interview and debrief members of the Bloods street
5 gang, as well, correct?

6 A. Yes, I have. Probably interviewed
7 well over 75, close to a hundred just Bloods or
8 Crips street gang members alone.

9 Q. As a result of these interviews, you
10 are familiar with the various facets of the
11 Bloods' operation and how they conduct business as
12 an organization, correct?

13 A. Yes, I am.

14 Q. Tell us about your background and
15 how you know this -- well, you told us how you
16 know this information, but the type of information
17 that you know related to the history and their
18 practices and all that.

19 A. During the course of many of our
20 investigations, arrests that we've made, and so
21 forth, we have ample opportunity to not only
22 interview gang members that are subjected to
23 arrest, but we've developed sources of
24 information. Gang members have come forward with

1 So, through both my training,
2 experience, investigations, meeting with actual
3 gang members and so forth, I've had the
4 opportunity to learn how these gangs -- not only
5 the Bloods or Crips, but the other 600-plus gangs
6 that are present in the State of New Jersey -- how
7 they operate, how they conduct their business, how
8 they collect their money and so forth.

9 Q. One of the things that we've been
10 discussing thus far this morning is the -- and
11 let's focus you on the Bloods for a moment -- the
12 Bloods gang leaders' ability to communicate from
13 the prisons on to the streets.

14 Are you familiar with this
15 phenomenon?

16 A. Yes, I am.

17 Q. Would you say that the gang leaders
18 are able to influence these criminal
19 organizations?

20 A. Yes, they are.

21 Q. All right.

22 Could you tell us some of the ways
23 that these gang leaders actually influence the
24 organizations?

25 A. Example. Each of the Bloods -- or

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1 any of these gangs that are out there, but
2 specifically the Bloods, they all have their own
3 structure. I believe Agent Torres spoke about it
4 earlier, how the structures are put in, the
5 leadership and so forth. What happens is, in
6 these structures, whether it be inside prisons,
7 whether it be outside on the streets, gang
8 members or their leaders pass out orders, whatever
9 that may be. The orders maybe consist of
10 something to the effect of, we need to collect
11 money for whatever purpose it may be, we need to
12 follow through -- extend our organization,
13 recruitment, and so forth. So these leaders,
14 again, whether or not they are incarcerated in the
15 state prison or out on the streets, will conduct
16 their business, their enterprises, by getting out
17 verbal orders by having intermediaries, lower
18 ranking members, deliver orders, and so forth.

19 Q. Why is the promotion and the
20 structure important to the Bloods -- specifically
21 the Bloods criminal organization?

22 A. When many of these young kids, and
23 some older members, are recruited into the gangs,
24 at a very early age -- excuse me -- at a very

25 early time entering into the gangs, they are

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1 indoctrinated. I believe your video witness
2 actually said in his own thing that he had no
3 choice. In some cases -- again, whether it be --
4 some examples, whether it be inside state prison
5 or whether it be on the street, gang members
6 approach these younger kids, or so forth, to
7 recruit them, in some cases they have no choice.
8 The community they live in, the prison they are
9 in, the Bloods control that facility. In some
10 cases they do it for protection. In some cases
11 some of these younger kids have no family, and
12 gang members will go out there and portray that
13 they are a family.

14 So, there is many ways that they are
15 recruited, or many reasons, some of which are
16 prepped when in prison, some of which are
17 identical out on the street, as well.

18 Q. Let me take you back to our
19 discussion about the gang leaders. Is one way
20 that a gang leader may influence their
21 organization in this area of expansion into new
22 areas? Is that a place where -- is that an area
23 where an incarcerated gang member may have
24 influence?

25 A. Absolutely. We've seen many cases,

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1 again, through interviews of gang members, through
2 investigations that we've conducted, where gang
3 members, again, whether they are inside state
4 prison or even out on the streets -- the gangs
5 will not survive without having membership. I
6 believe some of the statistics that were presented
7 today show the expansion of the Bloods
8 specifically with inside the institution. It's
9 all about numbers.

10 Agent Torres said the same thing.
11 Especially with the Bloods. There is no
12 boundaries anymore dictated by race, color, creed,
13 sex, gender, whatever it may be. It's all about
14 strength in numbers.

15 When you talk about the Bloods, when
16 they first reached into New Jersey, originated
17 from Rikers Island in the northern part of our
18 state and has since expanded throughout the entire
19 21 counties here in New Jersey, from north,
20 generally, to the south area. The reason being is
21 a multi -- or, excuse me, a number of reasons, but
22 one of them was the expansion of turf, what the
23 Bloods now refer to as their jurisdiction. It
24 also was profits from drug markets.

1 expand down in South Jersey because, Number 1,
2 they weren't known initially down in the southern
3 part of the state, and, Number 2, because the
4 amount of drug money that was available in
5 Southern Jersey, Central Jersey, and so forth.
6 And even to take it beyond that, where they now --
7 gang leaders in jail are dictating to members to
8 expand out into other states, especially along the
9 Eastern Pennsylvania border, because of the
10 profitability of the drug market out there, as
11 well.

12 Q. Let's talk about orders and
13 discipline as a way for the incarcerated gang
14 leader to maintain influence in the organization.
15 Talk to us a little about orders and discipline
16 and how that works.

17 A. Gang leaders inside the jails still
18 need to maintain the power that they have over
19 those members who are on the outside. I think it
20 was said earlier, but I don't quote that, is these
21 gangs are made up of a number of individuals.
22 They are similar to any -- I believe it was
23 said -- similar to any corporation where they have
24 a structure. When a leader gets incarcerated, he

25 still does maintain some of that power base over

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1 that particular organization.

2 However, him being locked up or
3 incarcerated -- or she -- gives the opportunity
4 for other people to expand or to take over that
5 particular organization, that particular gang,
6 that particular set of Bloods. So these gang
7 members still need to be able to exert their
8 influence on those members on the street to hold
9 their power base.

10 So they can still order discipline,
11 they can still challenge people who claim to be a
12 ranking member of the gang on the outside. And
13 there is various methods of communication that
14 they do that, but it's imperative that they
15 maintain that structured base on the inside to the
16 members that are on the outside, and that's how
17 they would do it, through discipline, if somebody
18 doesn't follow the rules on the outside.

19 Granted, not everybody is always
20 loyal within the gang. I said earlier, everybody
21 is out there struggling to get to the top of the
22 organization. But those that are loyal will keep
23 constant communication with the ranking leaders
24 inside the institution to make sure that those on

25 the outside are following the rules. And, if

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1 that's not the case, they'll order discipline
2 through gang members from inside the institutions
3 to the outside to make sure that their orders are
4 followed and so forth.

5 Q. What form can discipline take?

6 A. Discipline could be anything from a
7 beating, some type of physical assault, a member
8 could be ordered to commit a crime and, if they
9 don't do such, then they'll -- again, some type of
10 physical assault could be handed down. Even cases
11 where that particular person who disobeyed an
12 order would be assaulted to the point that
13 they're -- become deceased.

14 Q. Have you overheard instances, using
15 the prison phone system, where orders have been
16 meted out from incarcerated gang leaders?

17 A. Hundreds of times.

18 Q. Why would someone on the street
19 follow an order from someone that is locked up?

20 A. As I testified just moments ago, the
21 Bloods have a structure. Paramilitary, to some
22 degree. Granted, it is always changing. With
23 members leaving the gang, with members being
24 incarcerated, there is a lot of change in there.

25 But, because of the structure of the organization,

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1 and because some of these younger members are
2 indoctrinated from the -- early on, from the
3 minute they became a member, as to what the gang's
4 all about.

5 In some cases you also have -- and I
6 believe it was testified to -- that you have
7 families. Most gang members, no matter what the
8 situation may be, have some family. If you don't
9 follow the orders, we have opportunities to get to
10 your family. You grew up in a particular
11 neighborhood. We know who your mothers are, your
12 brothers, your sisters, your grandmothers. You
13 may have a family member who is incarcerated in a
14 county jail someplace, or in another state prison
15 in the State of New Jersey. So there is always an
16 opportunity to get to another person, if you don't
17 follow the orders that are ruled out, or any of
18 the commands that are given, as well.

19 Q. What methods of -- we talked about
20 the prison phone system. What methods of
21 communication do gang leaders use other than the
22 prison phone system?

23 A. Mail. Correspondence is a big
24 method, and, again, illegal cell phones.

25 Q. Let's follow up on mail.

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1 Agent Torres walked us through a
2 coded letter. Is that consistent with the type of
3 letters that you see leaving state prison and
4 going onto the street?

5 A. Yes. There is countless letters
6 that come both in and out of the institutions,
7 many of which are coded. Agent Torres showed us
8 one example of one code. I can't tell you the
9 number of codes, but there is probably hundreds of
10 different codes that are out there, as well,
11 written in these different letters, some of which
12 that are able to be deciphered, some of which are
13 not, but, a lot correspondence that does go out,
14 there is some type of code written in that.

15 A lot of times when this mail goes
16 out also, it's not normally addressed to just one
17 particular person. In other words -- I believe
18 the video witness talked about birthday cards. A
19 birthday card may be sent out to somebody and
20 there will be some type of coded message in there,
21 but a lot of times that mail is not also sent
22 directly to the person it's intended to be sent
23 to. It's sent to one person who has been
24 designated by the organization to be the mail drop

25 or the mail recipient, so that all mail goes to

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1 that particular person, and then there may be a
2 second letter that's sent out with a code in there
3 that may say, "Hey, letter Number 1 that you got
4 sent to you that was addressed to 'Hey Johnny'
5 should be sent to this particular individual.
6 Letter Number 3 that was addressed to 'Hey Suzy,'
7 that letter should be addressed -- or sent to a
8 third individual."

9 So, not all this mail is going out,
10 but, even when they send it out -- they are very
11 sophisticated, so that they don't send it directly
12 to the person that it's intended to go to, but
13 they'll send it to a mail drop, some common
14 person. And we've seen instances where this
15 particular person is receiving 30 or 40 letters a
16 week from a particular state prison or county
17 jail, whatever might be the case, most of which
18 aren't even intended for them to read; it's just
19 as a follow-up letter, which they know the fifth
20 letter you receive or the one that has a star on
21 the top needs to be disseminated to another
22 particular person.

23 Q. When we spoke to you earlier, you
24 talked to us about legal documents flowing into

25 and out of the prisons. Could you tell the

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1 Commissioners about that example.

2 A. As we know, anybody who has been
3 incarcerated or been prosecuted by the criminal
4 justice system has the opportunity to obtain their
5 discovery for their particular cases or the
6 charges against them. However, what we've seen
7 has become very common amongst the Bloods is that
8 discovery and other documents that may not be
9 related to that particular incarcerated inmate are
10 falling into the hands of those inmates through
11 many reasons. Through the mail drops I just
12 testified to earlier, through the prison mail
13 system, through visitors that are coming inside
14 the institution and, unfortunately, in some cases,
15 reaching there through staff.

16 What we've seen happen -- become a
17 trend lately is, if there is a major investigation
18 involving the Bloods, for example, and there is
19 countless -- as Ms. Flicker would know, being a
20 former prosecutor in the State of New Jersey, some
21 of these larger cases involve volumes and volumes
22 of discovery and evidence and records and so
23 forth. What we've seen is, is that the Bloods
24 would take the time to analyze some of these

25 documents and take out particular pieces and only

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1 send a particular paragraph that may have "New
2 Jersey State Police" written at the top, maybe our
3 investigation report, but may only have a
4 particular paragraph in there. And it doesn't say
5 anywheres near what the entire investigation was
6 about.

7 And they'll send that one particular
8 paragraph to certain inmates in the institution
9 for whatever reason. Most of the time they try to
10 send a false message by getting that document in.
11 Just read Paragraph Number 1. And maybe, in this
12 particular case, we had mentioned someone who is
13 an anonymous source for us, or a confidential
14 source, but maybe they'll send Page 18 of the
15 document that has somebody's name in there that is
16 not our source. However, by them cutting out the
17 middle part, it makes it appear -- gives the
18 appearance that that particular document that was
19 sent in actually is identifying the source of
20 information to law enforcement, when, in fact,
21 it's the furthest thing from the truth. However,
22 again, since they don't have the other 18 pages,
23 all they see is that little part, and in their
24 minds, you know, they believe they've identified a

1 So that's one aspect they'll do, and
2 they use that for witness intimidation, they use
3 it to send the message that we believe, even
4 though this guy had nothing to do with the
5 investigation, but, because he's named in that
6 report, he's the source for the State Police or
7 the source for any other law enforcement entity.
8 Those of you out on the street know what you have
9 to do. The message is subliminal, but it's here.
10 See this guy? He's in the report. That's the guy
11 you need to target.

12 Q. You mentioned earlier the prison
13 phone system. Your criminal investigations have
14 resulted in you listening to phone calls -- and
15 you hear calls coming from the state prisons,
16 correct?

17 A. Hundreds.

18 Q. Talk to us about the use of third
19 parties in those calls.

20 A. I'm sure most of you are probably
21 familiar with the prison phone system. All the
22 calls are recorded outgoing. The inmates are
23 advised, whether it be county or state, that their
24 calls are being recorded and/or possibly

25 monitored. There is plenty of verbal cues, plenty

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1 of audio/visual aids, that make them aware that
2 these calls are being recorded.

3 But, when they make the calls out --
4 and generally there are rules that they are
5 supposed to follow, no third-party calls, no
6 conference calls, that type of stuff, but we've
7 monitored, in my experience, hundreds of calls
8 where they've had the opportunity to make those
9 third-party and/or conference calls.

10 Q. Tell us about -- without names or
11 too much specific information, tell the
12 Commissioners about a six-way conference call that
13 you heard.

14 A. Within approximately the last year
15 or so I had the opportunity, where we had a source
16 who is cooperating with us -- he's a member of the
17 Bloods street gang -- ranking member. What
18 happened was, there was a situation where somebody
19 was assaulted down in Mercer County over a
20 miscommunication of an order that was handed out.
21 That particular individual wanted some type of
22 retribution for the actions that were taken
23 against him by another Blood set.

24 He had called our individual -- our

25 cooperating source. During the course of that

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1 call -- and all these calls, I should say, were
2 set up by one female on one cell phone. So, a
3 cell phone call was generated to her, her, in
4 turn, was generated to a cooperating source, a
5 third party from the Bergen County Jail came on
6 line, a fourth person from New Jersey state prison
7 came on line, a fifth person who was on the
8 street, and eventually a sixth person from the
9 Hudson County Jail. So, at one time we were
10 monitoring six individuals on the phone,
11 discussing an assault that occurred in Mercer
12 County and what retribution should be taken
13 because of those actions against that particular
14 member.

15 And the situation was, it was one
16 gang with some division -- or one set with some
17 division inside, and this one member who fell in
18 line with a particular ranking member of that
19 faction, should I say, was attacked or assaulted
20 by another faction of that particular set. And he
21 was asking -- and basically by committee they were
22 trying to make some type of decision on what
23 retribution should be had in this particular case.

24 Fortunately, for the individuals who

25 were involved in the assault, a rational decision

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1 was made just to put it on hold for the time
2 being. But they had the opportunity to speak, all
3 told together, probably some 15 to 20 minutes.
4 Our source actually was able to stay on the phone
5 for probably close to 45 minutes with other
6 parties. Not all six at the same time, but --
7 generally the rule has been it's a 15-minute call,
8 and then the calls are terminated, but they've
9 found ways also to -- you know, just by doing
10 some -- blowing into the phone and that type of
11 stuff, to actually make -- trick the -- or fool
12 the phone system in some institutions to believe
13 that the call is disconnected and is actually able
14 to continue on.

15 As I said, in that particular case
16 there were six parties from different parts of the
17 state trying to make one decision in a conference
18 call, when generally the rule was there is no
19 third-party, no conference calls, and they were
20 able, through one cell phone, to connect six
21 separate parties.

22 Q. And that's an excellent example of
23 where the prison phone system is designed to
24 preclude third-party calls, but, yet, you tell us

25 of a six-party call with state prison inmates

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1 involved in that call?

2 A. That's correct.

3 Q. Let's talk about the need for direct
4 communication, because both of the examples we
5 just discussed, with the mail there was a
6 third-party involved, and with the prison phone
7 calls there were third parties involved. Talk to
8 us about the importance of direct communications
9 for an incarcerated gang leader, and then we'll
10 talk about cell phones.

11 A. As I said earlier, or testified to
12 earlier, the gang -- the incarcerated leaders
13 still need to get out their orders, their
14 communications, to those that are on the street,
15 and there are many ways of doing it. Like I said,
16 the third-party letters.

17 But, with these leaders, if a
18 message comes clearly from him -- not from a
19 second party, a third party, not from some letter;
20 it's a direct communication -- whatever that order
21 may be going out is going to be acted on
22 immediately. A lot of times, if the order comes
23 from a second party or third party, there may be
24 some challenge to somebody on the street. "Well,

25 how do I know it's coming from him? You could be

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1 making this up because maybe you are looking to
2 obtain power in that particular organization."

3 But, when an order comes directly
4 from that leader, without a second party, without
5 a conference call, nothing to that effect, that
6 order, 99 percent of the time, will be followed,
7 because it's coming from the leader, the
8 Godfather, the original gangster, whoever may be
9 the top leader for that particular organization,
10 or whatever title he may hold.

11 Q. So, illegally obtained cell phones
12 are a key tool in a gang leader's toolbox to be
13 able to make those kind of direct communications?

14 A. Absolutely, and the thing with the
15 illegal cell phones is, Number 1 -- and I believe
16 it was testified to earlier by Mr. Hilton -- the
17 value of them. And I believe the video witness
18 said it, too. The value of them -- with
19 narcotics, it's usually three or four times,
20 maybe, what the street value is. But cell
21 phones -- we speak to our sources -- go anywheres
22 from a thousand to \$1500, if not more. So, their
23 value alone is way above what any type of narcotic
24 is.

1 cell phones is that it's not recorded, and that's
2 the prize to the cell phone, is that, Number 1,
3 they are able to make that direct communication,
4 but they don't have to worry about the recording
5 devices being attached to them.

6 Gang members, especially the Bloods,
7 are well aware that they are being recorded, and a
8 lot of times they'll talk very coded in their
9 conversations. Some of them have no fear, don't
10 fear being recorded, and will it make it out, and
11 that they can be prosecuted for later. Some do.
12 They will code their messages. But getting on
13 that cell phone and speaking to that guy, that
14 original gangster, that Godfather directly --
15 there is no more direct message than actually
16 talking to that person yourself.

17 Q. During your time investigating cases
18 on the street, have you had the opportunity to
19 overhear any conversations from the prisons on
20 illegally obtained cell phones?

21 A. Yes, I have.

22 Q. Estimate. Once, twice?

23 A. Probably 20 to 50 times, if not
24 more.

25 Q. And those conversations related to

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1 gang business, correct?

2 A. All of it was gang business. You
3 know, there were some times when it may be social
4 in nature, but, generally, somewheres in that
5 conversation orders were dispensed, and those
6 orders could include anything from, you know, I
7 need additional funds put into my inmate
8 commissary account, I need you to pay someone's
9 telephone bill. That's a -- a big issue with that
10 is that somebody has to pay the -- you know, the
11 six-way calls -- it costs money to run those cell
12 phones. So, when these calls are generated, you
13 know, the orders are given out, Okay, pay this
14 bill, pay this attorney fees, put bail up for
15 this. Discipline. Change in structure of the
16 organization.

17 So they discuss countless things
18 related to gang business on those cell phones.

19 Q. Let's look at one last area. When
20 we talked to you earlier, you shared with us this
21 notion that gang inmates share information about
22 the prison operations on the street in preparation
23 to going into prison.

24 Can you explain that to the

1 A. Yes, and I think Mr. Hilton said it
2 best, is that, not only do we need to focus on
3 what happens in the state facilities, but also the
4 county facilities, because these inmates are being
5 prepped to go on to the state system -- or a
6 majority of them.

7 Because of the amount of gang
8 members that are incarcerated -- and I think the
9 number was well over 12,000 that the Department of
10 Corrections has identified inside the facilities,
11 some of which are serving life sentences and a
12 good portion of which are serving significant
13 sentences, they know every intimacy of those
14 facilities, whether it be a county jail, whether
15 it be a state prison, a halfway house, and so
16 forth, not only from their own experience, but
17 from fellow gang members who are incarcerated or
18 who have been incarcerated.

19 So, when most of these guys and
20 girls leave the county system to go into the state
21 system, for the most part they have some knowledge
22 in advance of what to anticipate. Whether it be
23 Bloods control a particular unit, or whether it be
24 this particular person controls this particular

25 pod in the jail, whatever it may be, but they are

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1 also aware of the inner workings of the
2 institution. They know the layout when they go
3 inside. They know which guards are the ones that,
4 for lack of a better word, are going to give them
5 a hard time, are going to be aggressive, make sure
6 they are staying in line.

7 They also, unfortunately, know which
8 guards are a little more laid back, a little bit
9 more complacent. They know what you can do, they
10 know the hiding spots with inside the facilities,
11 just because of the sheer amount of experience,
12 the amount of members that they've had
13 incarcerated. So that they also know, when they
14 get in there, that -- who is friendly to the
15 Bloods. And, when I say "friendly," I don't want
16 to imply that staff members or corrections
17 officers, by any means, are all gang members. But
18 they know people, when they go inside, that they
19 have the opportunity, for lack of a better word,
20 of influencing to some degree. And whether the
21 influence being getting an extra peanut butter and
22 jelly sandwich at night when they are hungry, to,
23 "Hey, I need a -- a visitor is coming into the
24 visitor area. Maybe turn the other way."

1 monitored where actual gang members who are
2 anticipating visits from their family, friends, or
3 whatever, are told by other gang members how to
4 put money, how to put narcotics -- how to secret
5 it on your body, when you go into the visitation
6 room, how to actually hand that off to somebody,
7 because they are aware that the inmates are
8 searched prior to going into the visitation area
9 and leaving.

10 So they are made very clear on how
11 to disseminate -- or, excuse me -- how to turn
12 over those narcotics, contraband, whatever it may
13 be, during the course of those visits without
14 being caught.

15 But, most of the time when they go
16 in, there is some experience, whether it be on the
17 inside from fellow gang members, or just from
18 their own personal experience, what to expect and
19 how to get over on certain people and how
20 particular guards may act towards them.

21 Q. Thank you very much, Detective --

22 A. If I may add, I'd just like to
23 comment one thing that -- I think Mr. Hilton said
24 this very clearly. One of the things that we've

25 seen, and I'll be the first one to tell you, to do

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1 this job right with gangs -- and I think you said
2 it, as well, Mr. Chairman -- is that law
3 enforcement needs to be a strong component, but we
4 need to work hand in hand with the Department of
5 Corrections in every aspect of this.

6 One of the problem that we've seen a
7 lot is that it's been hard to do our job -- when I
8 say "our job," meaning law enforcement -- with the
9 gangs that are being held on the inside, because,
10 unfortunately -- and I'm sure there are some legal
11 statutes that apply to this, but, when we are
12 working with the Department of Corrections on
13 particular cases, it's been difficult, because
14 they are in a particular situation where they have
15 an administrative function, which is the security
16 of the facility, and then their SID people or
17 investigators have an investigative function. And
18 what we've found very difficult is, when
19 conducting a law enforcement investigation, we
20 encounter a lot of problems when -- when they are
21 there, they want to do the investigation end of
22 this part, but, unfortunately, because they have
23 an administrative function -- legally it's been
24 tough to decipher when are they in an

25 administrative function and when are they in an

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1 investigative function.

2 And, unfortunately, that's one thing
3 that's handicapped law enforcement in working a
4 lot more with the Department of Corrections
5 tackling gangs, is dealing with that issue,
6 because the amount of information that is
7 available to them is astronomical and can greatly
8 aid law enforcement, but trying to distinguish
9 when they are in an administrative capacity
10 compared to an investigative capacity has been
11 very difficult.

12 MR. LACKEY: Thank you so much.

13 CHAIRMAN EDWARDS: Thank you very
14 much. One of these events -- you described a
15 conference call that took place --

16 MR. HAMPTON: That's correct.

17 CHAIRMAN EDWARDS: -- and in that
18 conference call you laid out six people that were
19 involved. I counted at least three who were in
20 various institutions -- correctional institutions,
21 either county or state. Is that accurate?

22 MR. HAMPTON: That's correct, sir.

23 CHAIRMAN EDWARDS: So they are able
24 to get in and out of institutions, county and

25 state, and still put a conference call system

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1 together, regardless of the institution?

2 MR. HAMPTON: Absolutely. And what

3 we do is, on some occasions they'll send a letter

4 out. "On April 6th, 2009, at 6:00 o'clock,

5 anticipate a call," or they'll have someone from

6 the state prison or county jail call in advance.

7 "You are going to expect a call from Gang Member

8 Number 1 at 4:00 o'clock in the afternoon. Be

9 standby on your phone and wait for it."

10 And the word is spread out through

11 the prison system and county jail system to

12 everybody, whether it be through a prior telephone

13 call or some type of correspondence, to anticipate

14 something to that effect, a conference call

15 involving six gang members, or so forth.

16 CHAIRMAN EDWARDS: And you agree

17 with the conclusion that Gary Hilton raised and we

18 talked about earlier, in that we have criminal

19 activities -- not prison activities, but criminal

20 activities -- being run out of our prisons for

21 gangs -- or gangs are running them out of our

22 prison system?

23 MR. HAMPTON: Absolutely.

24 CHAIRMAN EDWARDS: And the

25 investigative part of that -- your investigative

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1 part or other law enforcement pieces are feeling
2 hampered by the compartmentalizing of the
3 investigative system that doesn't allow an
4 integrated and holistic investigation of organized
5 crime. SID does theirs, you do yours, the county
6 does theirs, and they are not an integrated law
7 enforcement system, and they need to be. Is that
8 accurate?

9 MR. HAMPTON: I said it earlier,
10 that, to do gang or organized crime
11 investigations, you must, in law enforcement, have
12 your best friend as a correction officer because
13 they have the information.

14 The answer to the question is,
15 absolutely. We are compartmentalized, and it's
16 unfortunate, especially with this growing trend of
17 gangs and how they become more sophisticated. We
18 absolutely need to erode those barriers.

19 CHAIRMAN EDWARDS: You've run across
20 no personal resistance by correction or SID people
21 or the system to cooperate that way; it's the
22 system that's the problem, not the people.

23 MR. HAMPTON: Absolutely.

24 CHAIRMAN EDWARDS: Would that be

25 accurate, also?

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1 MR. HAMPTON: Absolutely.

2 CHAIRMAN EDWARDS: I thank you.

3 Any of the other Commissioners?

4 COMMISSIONER FLICKER: I know, when

5 I was a prosecutor, we relied heavily on some of

6 the intelligence developed within the state prison

7 system.

8 Do you still rely on that

9 intelligence or do you rely on it even more than

10 we used to years ago?

11 MR. HAMPTON: Again, ma'am, I said

12 it earlier, that, to do this job, you must be very

13 tight, be best friends with correction officers.

14 We absolutely rely on that intelligence. What

15 happens on the streets happens in the prisons and

16 vice versa. Not always consecutively, because of

17 the time that some of this information needs to be

18 transferred from with inside the institution and

19 outside, but, absolutely, if something happens on

20 the streets tomorrow in Essex County, New Jersey,

21 there is going to be some affect, probably within

22 hours, in the Essex County Jail and probably

23 within days with inside any of the state prisons.

24 So, absolutely we rely on that

25 intelligence. Probably more so heavily than even

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1 when you were a prosecutor.

2 COMMISSIONER FLICKER: This is
3 somewhat rhetorical and may not deal directly with
4 the Department of Corrections, but, from what
5 you've experienced and what you've seen, should we
6 be looking at tightening up some of the discovery
7 rules in criminal cases to protect witnesses from
8 these gangs?

9 MR. HAMPTON: Absolutely, and I
10 believe actually there was some legislation, I
11 believe yesterday, that -- well, whether it was
12 legislation -- I believe it was a vote to actually
13 start what, hopefully, would be a trend, where we
14 prevent -- I shouldn't say prevent, but we start
15 taking a hard look at what discovery is being
16 released and what time it's being released,
17 especially because we are dealing with an
18 organized crime threat that, just in the
19 Department of Corrections alone, numbers some
20 12,000 gang members that they've identified, who
21 still have ready access and easy access to
22 documents on -- on not only their own particular
23 cases, but they are getting documents and reports
24 from cases that might apply to other family

25 members or another member in their particular gang

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1 very, very, very easily.

2 COMMISSIONER FLICKER: Thank you so
3 much for your cooperation and your assistance in
4 this matter.

5 MR. HAMPTON: Thank you.

6 COMMISSIONER MARINIELLO: I have a
7 question for you, Sergeant. You talked about the
8 communication between outside law enforcement and
9 within the corrections system.

10 Is the communication issue the same
11 from prison to prison, or do you find that, when
12 you are working with one prison versus working
13 with another, that the level of cooperation is
14 different from place to place?

15 MR. HAMPTON: Well, in my personal
16 experience, I'm fortunate, where I sit not only in
17 my particular unit, but also being a member of
18 East Coast Gang Investigators Association, that a
19 lot of the people in the New Jersey Department of
20 Corrections and the Special Investigations
21 Division are members of that particular
22 association and a lot are personal friends of
23 mine, and what I've always found in law
24 enforcement or corrections, whatever it may be, is

25 you are going to gravitate towards those network

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1 of people that you've built and you have past
2 experiences with.

3 So, in my particular case, I've
4 enjoyed a great relationship with those SID people
5 in most of the institutions. Probably the ones
6 that I haven't are just because I have had no need
7 to call a particular facility. I can't say that
8 that's always the case -- and I believe
9 corrections people would agree with me -- always
10 the case, even on the law enforcement side,
11 because, as the Chair said, we are still so
12 compartmentalized that it's-us-versus-them
13 mentally, unfortunately, still exists, and I think
14 that this gang situation -- this organized
15 criminal gang threat hopefully will erode some of
16 those barriers so that we can say it's not
17 corrections versus law enforcement or vice versa.

18 But, again, where I serve, I've been
19 fortunate not to have to endure where we don't
20 have a working relationship, for lack of a better
21 word, with a particular facility, but I do know
22 that that does exist between certain agencies, and
23 a lot of times it's not just a this agency versus
24 this agency. Sometimes it's an internal issue,

25 where this particular facility says, "No, as a

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1 rule, we are not going to work with that

2 particular agency," and so forth.

3 But, again, my experience is with

4 them, the SID people have been fantastic with us

5 working together. And, as I testified earlier,

6 the biggest hindrance has been that -- just

7 separating what is their administrative versus

8 their investigative function.

9 But, other than that, the answer to

10 the question is that, again, I'm fortunate that

11 I've enjoyed a good relationship, but it does

12 exist.

13 COMMISSIONER MARINIELLO: I think

14 the important thing is that maybe, you know, your

15 position -- your unique position allows you to get

16 past, maybe, some barriers that other law

17 enforcement people do have to cross over. And, as

18 you stated, you have your relationships that

19 you've built up over the years and your ties to

20 these organizations, in fact, your leadership role

21 in some of the organizations that you are involved

22 in maybe gives you an advantage over some other

23 people.

24 So, would you give us any other

25 recommendations in terms of how to approach that

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1 communication issue between outside law
2 enforcement and within? Obviously, there seem to
3 be some procedures that need to be changed. What
4 suggestions would you have, in terms of changing
5 policy to allow greater communication?

6 MR. HAMPTON: Well, a couple things
7 that I would say, and this has come to light
8 recently within the state. The old ways of
9 prosecuting cases were you -- the police officer
10 makes an arrest and conducts the investigation.
11 Hands off the entire case to the prosecutor, and
12 only deals with the prosecutor when it comes time
13 for trial, whatever may be the case. It's more or
14 less forgotten about. Then, by the time it goes
15 to the Department of Corrections, it's done with,
16 he can care less what happens to it, and
17 eventually that person is paroled, forget about
18 it, he's gone, and he's maybe just, unfortunately,
19 another statistic down the road.

20 One of the programs that's came out
21 through the Department of Corrections, the State
22 Police and Parole is, for example, our Grasp
23 program, where we have correction officers, police
24 officers, and parole officers working together --

25 now, again, this is post-release -- but working

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1 with those who are more likely to be repeat
2 offenders anyway, in some type of capacity,
3 whether it be conducting home visits or whether it
4 be attempting to develop sources -- some type of
5 extra monitoring. So that's one perfect example
6 of how that's worked.

7 I think we can build upon that Grasp
8 program by -- I don't know if we can use the word
9 "mandate," but, even though that program is a
10 state-wide program, unfortunately, it's extremely
11 limited, in terms of, does this person -- you
12 know, does the police officer have time to meet
13 with the parole officer, to get the Department of
14 Corrections investigator on board, also? And,
15 unfortunately, it doesn't happen nearly what
16 everybody believed, when that program would hit
17 the streets, would happen.

18 I think if we -- again, I don't know
19 if mandate is the correct word, but the
20 recommendation could be is that we build upon that
21 program to get not only just post-arrests on the
22 street, but even if we just start there and say,
23 hey, you know what, law enforcement? You need to
24 work with parole and you need to work with the

25 Department of Corrections together, on a routine

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1 basis, on those inmates that are released, because
2 they are the ones who likely are going to be
3 involved in a violent crime later or -- and these
4 are just gang members I'm talking about. I'm not
5 talking about any other thief that's out there.

6 We are talking this program here, just for gang
7 members. They are in a gang, they made it to the
8 gang in prison, they are likely to stay in a gang
9 when they get out.

10 So that would be one thing, to build
11 upon that program, but I don't see any reason why
12 we couldn't start that program from the inception.
13 If we are making an arrest on a gang member, or
14 conducting an investigation, and he's a member of
15 the Bloods, instead of just dumping it off in the
16 prosecutor's lap, here you go, you prosecute the
17 case, and then after that in the Department of
18 Corrections' lap.

19 Let's not start some type of
20 system -- or let's start some type of system where
21 we are tracking that gang member from the start.
22 And I know they have the program at -- the
23 Security Threat Group Management Program. We are
24 trying to get people to renounce their gang

25 affiliation, but I'm sure the Department of

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1 Corrections would be the first one to tell you,
2 they can't get to everybody, especially when you
3 are dealing with numbers of 12,000 plus.

4 But I think, if we've identified a
5 gang member from the start, let's not just worry
6 about tracking him at the end, but let's have some
7 input from the beginning. In other words, the
8 police officer, when he goes to the Department of
9 Corrections, "Hey, you can anticipate -- this is
10 what we saw during the course of the
11 investigation," how he was involved in the gang,
12 what leadership role he had, to prepare you for
13 what you may have to deal with, and more or less
14 track that particular person through the system.

15 And I'm not saying we have the
16 resources, by any stretch of the imagination, to
17 stay together from Day 1, but let's not just dump
18 that inmate or that potential defendant off on the
19 prosecutor and forget about him until the Grasp
20 program shows up at the end.

21 So, that would be one of my
22 recommendations, is really the Grasp program is
23 great, let's expand upon that, because the
24 recidivists are the ones we need to be concerned

25 about, as well, but let's start tracking them from

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1 the beginning and see if we can handle that inmate
2 or approach that parolee when he gets released --
3 a different avenue and get him out of that gang
4 then, so we don't have to worry about the
5 recidivism down the road.

6 COMMISSIONER MARINIELLO: I think
7 you hit on something there, because really what
8 we've heard this morning is you telling us you --
9 you, meaning society -- don't need to be worried
10 only about this person after they come back into
11 society; you need to be worried about them while
12 they are still incarcerated.

13 MR. HAMPTON: Absolutely.

14 COMMISSIONER MARINIELLO: And, so,
15 some type of system like that that's developed,
16 maybe to improve the communication between law
17 enforcement and DOC while that person is
18 incarcerated, so that it's helping law enforcement
19 on the outside deal with the threats that are
20 coming from the inside, might be useful.

21 MR. HAMPTON: Absolutely.

22 COMMISSIONER MARINIELLO: Thank you
23 very much for your testimony today.

24 MR. HAMPTON: Thank you, sir.

1 like to thank you very much. I'd like to thank
2 your superiors, too, the State Police. The level
3 of cooperation we've gotten has just been
4 outstanding, and your contribution, along with
5 that of the Department of Corrections and the rest
6 of law enforcement, in this investigation has just
7 been terrific, notwithstanding the silos and the
8 problems.

9 I want it clearly understood that
10 this is not an adversarial activity on our part,
11 but an attempt to collect information that
12 everyone can agree on and/or -- and give us, and
13 everyone has just been terrific, particularly you
14 and the State Police, and I -- you know, as a
15 former Attorney General, I really appreciate that
16 very much.

17 MR. HAMPTON: Thank you. Thank you,
18 everyone.

19 MR. LACKEY: Chair, with your
20 permission, I'd like to call one more witness
21 before our lunch break.

22 CHAIRMAN EDWARDS: Go ahead.

23 MR. LACKEY: At this time the
24 Commission calls Phil Massa.

25 Please stand and be sworn by the

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1 court reporter.

2 PHILLIP MASSA, after having been
3 first duly sworn, is examined and testifies as
4 follows:

5 EXAMINATION

6 BY MR. LACKEY:

7 Q. Good morning.

8 A. Good morning, sir.

9 Q. Please state your name for the
10 record.

11 A. Phillip Massa.

12 Q. Please tell us about your
13 background.

14 A. I've been employed by the State
15 Commission of Investigation since September of
16 2004. Prior to that I served 25 years with the
17 North Arlington, New Jersey Police Department,
18 where I retired with the rank of Captain of
19 Detectives. Eighteen of those years I spent at a
20 supervisory or command level.

21 My investigative experience includes
22 criminal and administrative investigations, as
23 well as Internal Affairs and crime scene matters.

24 Q. Let's talk about communication.

25 That's something that we've been talking about a

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1 lot this morning.

2 Did the Commission investigate
3 whether gang affiliated inmates have the ability
4 to have unmonitored communication while behind
5 bars?

6 A. Yes, sir.

7 Q. What did we find?

8 A. We found that inmates, gang inmates
9 in particular, while in custody, were able to
10 subvert the prison telephone system and, in fact,
11 also did possess cellular phones, which they used
12 to make telephone calls across the country.

13 Q. Agent Massa, we heard a little bit
14 about it from Detective Sergeant Hampton a moment
15 ago. Could you describe for us how an inmate
16 makes a phone call using the prison phone system?

17 A. When inmates enter the system, they
18 are issued what's called an IPIN number. This
19 number is used to make the collect calls. They
20 also identify the party and the relationship and
21 the telephone number of whom they want to contact.

22 When they make the calls collect,
23 they also enter in the IPIN number with the called
24 party. The call will go through as long as there

25 is no block on the receiver's end.

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1 Q. Are the prison phone calls

2 monitored?

3 A. Yes, sir, they are. The Department
4 of Corrections investigators have the capability
5 at each prison facility to monitor phone calls.

6 These phone calls can be monitored live, as they
7 are taking place. In addition, they are recorded
8 and kept for a period of about a year.

9 Q. Why is the monitoring of these phone
10 calls important for law enforcement?

11 A. Monitoring criminal activity --
12 monitoring phone calls among gang members who rely
13 who communication to further their aims is an
14 excellent source of intelligence for the law
15 enforcement community. However, if the gang
16 inmates believe that the system is strong or is
17 working very well, they may not make these
18 communications. But, if they perceive the system
19 is weak, they will, in fact, utilize that system
20 to make communications furthering criminal
21 activity.

22 Q. And I guess you reference back to
23 the Detective Sergeant's testimony, that he has
24 heard examples of them using the prison phone

25 system for gang business?

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1 A. That's correct, sir.

2 Q. Did we find any weaknesses in the
3 monitoring process?

4 A. One of the weaknesses we found was
5 more along the lines of resources to monitor these
6 calls. You can have as many recordings as you
7 want. However, if you don't review them or if you
8 don't monitor them live, they are going to be of
9 no value.

10 Our investigation showed the system
11 is more reactive in nature, used on an ad hoc
12 basis.

13 Q. Are there other ways that the prison
14 phone system is being exploited by gang members?

15 A. Yes, sir. Gang inmates --
16 gang-affiliated inmates have found a way to
17 circumvent the third-party detection system that's
18 utilized in the prison phone system.

19 Q. Tell us about that.

20 A. The prison phone system has a
21 third-party detection system. This system is
22 based on detecting noise on the line. A similar
23 method would be a pay phone, as an example. When
24 you deposit coins in a pay phone, there are noises

25 that are made that allow the call to be completed.

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1 The system detects noises of coins entering the
2 pay phone.

3 In a like manner, when you start to
4 make the third-party connection -- the prison
5 phone system has a third-party detection system --
6 when detecting those noises that are relative to
7 the call being made, it will disconnect that call,
8 cut the inmate off.

9 Q. That's what should happen?

10 A. That's what should happen.

11 Q. But we just heard from Detective
12 Sergeant Hampton that there are instances where
13 third party-calls are being connected.

14 A. By a simple method of blowing into
15 the telephone, you create a masking situation
16 where you actually -- excuse me, sir -- you mask
17 the noise that is indicative of a third-party call
18 being connected.

19 Q. Let's make sure everyone understands
20 the significance of gang inmates being able to
21 make these third-party calls.

22 A. The significance of the third-party
23 call is that it's usually a call to an
24 unauthorized individual -- it's an unauthorized

25 call. It could be made to individuals that the

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1 inmate is prohibited from contacting.

2 Q. Let's focus our attention -- thank
3 you for that information on the prison phone
4 system.

5 Let's focus ourselves on cell
6 phones.

7 A. Yes, sir.

8 Q. Are inmates allowed to have cell
9 phones in prison?

10 A. Absolutely not, sir. Cell phones
11 are considered contraband subject to confiscation,
12 and the inmate will have disciplinary charges
13 brought against him for such possession.

14 Q. Do cell phones enter the state
15 prisons?

16 A. Yes, they do.

17 Q. What are the threats associated with
18 these cell phones?

19 A. Cell phones allow unmonitored
20 communication between the inmate and -- gang
21 inmate into the outside community. These cell
22 phones can be used to direct criminal activity,
23 such as witness tampering, witness retaliation,
24 arranging for the smuggling of contraband into the

25 facility.

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1 Also, there is a significant threat
2 to the facility. In the event that you have
3 inmates who have cell phones, as you heard today,
4 at different institutions, you can have a
5 concerted action against multiple institutions.

6 Q. Before we talk more about the
7 phones, let's talk about technologies. Today
8 people have BlackBerrys, they have PDAs. Is this
9 type of technology ending up in the prisons, as
10 well?

11 A. The commission learned about a
12 Personal Digital Assistant, a PDA, more commonly
13 known as a BlackBerry, that was recovered at East
14 Jersey State Prison. The concern here, sir, is
15 that, as technology advances, these items are
16 becoming smaller. If you can smuggle in a cell
17 phone, seeing a BlackBerry come in is not
18 surprising.

19 Q. How many cell phones have been
20 recovered in the prisons over the last few years?

21 A. From September of 2004 through
22 September 30th of 2008, 523 cell phones were
23 confiscated at the state prisons.

24 Q. 523?

25 A. Correct, sir.

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1 Q. And that's cell phones and SIM

2 cards, correct?

3 A. That's correct, sir.

4 Q. Explain to us what a SIM card is.

5 A. Many cell phones contain what's

6 called a SIM card, which is a Subscriber Identity

7 Module. It's a small, compact electronic chip.

8 Very minute in size, and it contains the data

9 relative to the phone. The phone number, text

10 messages, your contact list or phonebook.

11 Q. What's the threat associated with

12 the smaller item, the SIM card?

13 A. Sir, with a SIM card being as small

14 as it is, you can have a situation where multiple

15 inmates can share one phone, and it's much easier

16 to conceal the SIM card than an actual cell phone.

17 Q. You told us a moment ago about 523

18 cell phones being confiscated. Do these

19 confiscations, these 523, represent all of the

20 cell phones confiscated within the prisons?

21 A. No, sir.

22 The Commission, by way of our

23 investigation, and interviews of former

24 corrections officers, as well as inmates, learned

25 that this may represent, at the most, 20 percent

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1 of the phones in the system.

2 Q. Are cell phones a growing problem
3 within the institutions?

4 A. Yes, sir.

5 (Exhibit GR-128 is marked.)

6 BY MR. LACKEY:

7 Q. Let me direct your attention to
8 GR-128. This was prepared by the Commission
9 staff, correct?

10 A. That's correct.

11 Q. And this represents the cell phone
12 confiscations by year, correct?

13 A. Yes, it does.

14 Q. Walk us through this. It starts in
15 2005, correct?

16 A. Well, in 2005 you'll see 100
17 confiscated cell phones and, in 2006, 92.
18 However, from 2006 to 2007 you have a 68 percent
19 increase, to 155 confiscated cell phones. Now,
20 I'll point out on the bar graph, 2008 only
21 represents part of 2008, as we are still in the
22 year, and those figures are good as of
23 October 1st.

24 So, as you could see, in 2008, we've

25 already reached what was the total amount for

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1 2007. The first nine months.

2 Q. So, within nine months we have what
3 the total was for last year, correct?

4 A. Correct.

5 Q. Which facility produced the most
6 confiscations?

7 A. Most of these confiscations took
8 place at Northern State Prison in Newark.

9 Q. And Northern also houses the
10 Security Threat Group Management Unit, and we
11 learned a few moments ago that this is where a
12 number of gang inmates are housed, correct?

13 A. Yes, sir.

14 Q. Were phones found within STGMU?

15 A. Yes, they were, and it's most
16 troubling in that this is a more structured and
17 secure environment with close monitoring of
18 behavior.

19 Q. And, when I say "STGMU," I mean the
20 Security Threat Group Management Unit. I used the
21 acronym.

22 A. Yes, sir.

23 Q. So, phones have even been found in
24 this area where there is basically all gang

25 inmates, correct?

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1 A. Correct.

2 Q. Within the facility, where are most
3 of the cell phones found?

4 A. Most cell phones are confiscated
5 from inmates.

6 Q. Some are found in common areas, too,
7 right?

8 A. Yes, sir. In fact, cell phones have
9 been confiscated in common areas, such as rec
10 areas, workshop areas. In fact, we saw one that
11 was recovered in a state transport vehicle.

12 Q. Focusing again on gang inmates, how
13 many phones have been confiscated from gang
14 inmates?

15 A. I'm sorry, sir?

16 Q. Just focusing on gang inmates, it's
17 our information that 17.5 percent of the
18 population at DOC are identified gang members,
19 correct?

20 A. Yes, sir, that is correct.

21 Q. And that almost half of the phones
22 that have been taken from gang inmates, when they
23 are found on gang inmates, have been found from
24 Blood inmates, as a matter of fact, right?

25 A. We found, of that number, two-thirds

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1 of those confiscated phones were relative to the
2 Bloods members.

3 Q. Haven't we also seen instances where
4 inmates have been found having more than one phone
5 in their possession and instances where an inmate
6 is caught with one phone and then another phone
7 and then another phone?

8 A. We saw both types of situations
9 where, in one confiscation, two or three phones
10 were taken, and also multiple recoveries or
11 confiscations over a period of time. There was a
12 situation where a Bloods member who had a
13 leadership role was found to be in possession of
14 cellular telephone equipment while serving his
15 sentence at three different facilities.

16 To give you an example, while he was
17 at Northern State Prison, three phones were
18 taken -- now, these were on separate occasions --
19 three different phones, three different occasions,
20 within a one-month period. The same individual,
21 while serving -- continuing to serve his sentence,
22 but now at Southwoods State Prison, had a cell
23 phone confiscated from him while it sat atop a
24 television set just over his bunk.

25 Q. And you also told us that inmates

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1 have been caught in possession of multiple phones
2 at one time?

3 A. In one instance, three telephones
4 along with chargers, were taken from a Bloods
5 member, and then a non-gang inmate also had two
6 telephones and chargers taken in one confiscation.

7 Q. How do gang inmates profit from
8 having cell phones?

9 A. Inmates can profit because of the
10 cost of the cell phone. Bringing one in,
11 approximately a thousand dollars, even up to maybe
12 1500, as you heard Sergeant Hampton say
13 previously.

14 If you have a cell phone, you can
15 rent out time on that cell phone. You can make
16 arrangements for repairs for other inmates.

17 Q. Is this the extent of gang members'
18 possession of cell phones?

19 A. Could you repeat that, sir?

20 Q. Sure.

21 Is this the extent of gang members
22 being in possession of cell phones?

23 A. No, sir.

24 Q. Isn't it true that the department

25 has an identification process, correct?

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1 A. Right.

2 Q. And what we have focused on is those
3 inmates that have been identified using the
4 department's standardized criteria, but isn't it
5 true that an inmate may be a gang member -- may be
6 a member of the Bloods, but the department may not
7 have identified them yet as a Blood?

8 A. Yes, sir. In fact, in examining
9 some cell phones, we found that inmates not
10 identified actually had gang terminology and
11 contacts on the contact list, or their phone book,
12 in a particular cell, even though they hadn't been
13 identified as members.

14 Q. Talk to us about the phenomenon we
15 found where several gang members had the same
16 numbers in their contact lists in different
17 phones.

18 A. Sir, when we conducted our analysis,
19 which we did with the assistance of the McLaughlin
20 Group, the Middle Atlantic-Great Lakes Organized
21 Crime Law Enforcement Network, which we utilized
22 the special software they had called the Telephone
23 Call Analysis, we were able to ascertain that
24 multiple inmates at different institutions

25 contained -- their cell phones, when confiscated,

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1 contained the same contact numbers for
2 individuals. Of extreme interest was that two of
3 these inmates were Blood leaders and they had,
4 along with a third inmate, contact numbers for an
5 individual, both cellular and residential phone,
6 in the Los Angeles, California area, which you may
7 have heard previously today was the birth place of
8 the United Bloods Nation.

9 Q. What is the significance of this
10 information on the shared contact list?

11 A. This indicates that there could be a
12 network establishing with -- not only within the
13 system with gang-affiliated inmates calling each
14 other, but also have an external network across
15 the country.

16 Q. Let's look at how these phones are
17 being used, because that's one of the areas we
18 looked at, correct?

19 A. That's correct.

20 Q. How was this inquiry conducted?

21 A. We selected 17 phones, and we did an
22 advanced analysis, and, again, with the assistance
23 of that McLaughlin program. Eleven of the phones
24 were taken from confirmed or identified Bloods

25 members, two of whom held leadership roles or

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1 positions. Two of these phones were taken from
2 inmates that were not identified.

3 However, in examining these phones,
4 we found in text messaging common Bloods gang
5 vernacular or Bloods -- or contact list
6 information that might be relative to the
7 Bloods -- or reference to -- in other words, their
8 type of communication or statements.

9 And the last four phones were not
10 linked to any inmates. These were four phones
11 that were taken or found in common access areas,
12 as we discussed previously, maybe a recreation
13 area, a workshop, where they might have access to
14 multiple inmates.

15 Q. But even those phones that were
16 found in those common areas had gang references in
17 them, as well, correct?

18 A. That's correct. That's why they
19 were selected for the study.

20 Q. Now, which prisons were these phones
21 confiscated from?

22 A. The prisons from where the phones
23 were confiscated from were the Northern State
24 Prison in Newark, the New Jersey State Prison in

1 Facility in Yardville, and the Southwoods State
2 Prison in Bridgeton.

3 Q. You mentioned some of the gang
4 references and the gang vernacular with the
5 phones. Weren't there references such as Brim,
6 FTB and other gang references?

7 A. You would see references -- for
8 example, Red Dog, Dog Pound. In some of the
9 vernacular -- or text messages vernacular, you
10 might see the term, "What's popping."

11 Q. Now, let's focus on our results.

12 A. Yes, sir.

13 Q. Could you tell us generally what we
14 found when we looked at the calls made from these
15 phones?

16 A. We found that these calls were
17 made -- that multiple calls were made in
18 relatively short periods of time. For example,
19 multiple calls of 20 to 30 within a two or
20 three-day period. We also found that these calls
21 went well outside the boundaries of the State of
22 New Jersey.

23 (Exhibit GR-129 is marked.)

24 BY MR. LACKEY:

25 Q. Let's look at some examples. Let me

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1 direct your attention to Exhibit GR-129. Explain
2 to us what this represents.

3 A. This represents cellular phone
4 communications activity of a prison gang member at
5 the Garden State Youth Correctional Facility in
6 Yardville. You'll see at the bottom left it
7 indicates that there were 31 calls made, and
8 that's in approximately a four-day period.

9 Q. Let me stop you there. There were
10 31 calls over what time period?

11 A. Four-day period.

12 Q. So, over four days this inmate,
13 while incarcerated, made calls -- 31 calls?

14 A. Correct.

15 Q. Where were the calls to?

16 A. These calls were made into
17 Pennsylvania, as well as the central and southern
18 parts of New Jersey.

19 Q. Any other information on GR-129
20 before we move to the next one, Agent Massa? No?

21 A. That's all.

22 (Exhibit GR-130 is marked.)

23 BY MR. LACKEY:

24 Q. Let's go to GR-130. Tell us what

25 this represents.

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1 A. This chart represents the phone
2 communication activity of an imprisoned gang
3 member at the Northern State Prison in Newark.

4 Q. Tell us about the usage of this
5 phone.

6 A. Now, this phone was used
7 approximately three days, and you'll see
8 communications that were made to the State of
9 Oregon, to Massachusetts, to Washington, D.C., as
10 well as most areas in the State of New Jersey.

11 Q. How many outgoing calls were made on
12 this phone? Seventeen, right?

13 A. There were 17 outgoing, there were
14 43 incoming.

15 Q. And, as a matter of fact, on this
16 phone, wasn't there a period of time -- wasn't
17 there one day where the person received 20
18 outgoing calls -- where he made 20 outgoing calls?

19 A. That's correct.

20 Q. How many days did this inmate have
21 this phone?

22 A. This was three days of usage. The
23 inmate had it, what could be seen, approximately
24 four or five days, but the actual usage was during

25 three days.

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1 (Exhibit GR-131 is marked.)

2 BY MR. LACKEY:

3 Q. Let's go to GR-131. What does this
4 reflect?

5 A. Now, this reflects the communication
6 activity of a phone that was recovered or
7 confiscated from a gang inmate at the New Jersey
8 State Prison in Trenton.

9 Q. How many calls were made on this
10 phone, to and from?

11 A. Now, there is a total of 91
12 communications, which I have to elaborate on.

13 Q. Let's break that down. Ninety-one
14 communications. What do you mean?

15 A. What this represents, sir -- first
16 of all, a call made to New York State, Ohio,
17 Florida, many unknown calls because they were 800
18 numbers, and south, central and northern New
19 Jersey.

20 When I say 91 communications, there
21 were 20 outgoing calls and 20 incoming calls.

22 Q. There were also text messages on
23 this phone, correct?

24 A. There were 45 text messages that we

25 found.

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1 Q. Let's take a step back. What do you
2 mean by text messages?

3 A. Text messaging is non-voice data
4 communication, usually under 100 characters.

5 Q. So, in addition to phone calls, this
6 phone was also used to make text messages while
7 this inmate was incarcerated, correct?

8 A. That's correct.

9 Q. And did you walk us through where
10 these calls were to? To Florida and the various
11 states?

12 A. Well, you can see that they were
13 made to New York State, they were made to Ohio,
14 Florida, as well as all points in New Jersey.
15 Regional areas.

16 Q. Now, with this particular phone,
17 were there gang references in it?

18 A. This phone, I would like to point
19 out, had a contact list of 227 contacts,
20 twenty-seven of which had gang references related
21 to the Sex Money Murder and Fruit Town Brim sets.

22 Q. You testified earlier that cell
23 phones are used to contact persons on the outside
24 of the prison. Did we also find that inmates

25 within prisons contacted each other using these

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1 cell phones?

2 A. We most certainly did. We were able
3 to find that a member of the Brick City Brims,
4 while incarcerated at Southwoods State Prison,
5 called a member of the Sex Money Murders while he
6 was incarcerated at New Jersey State Prison.

7 Q. So, not only are they using the
8 phones to communicate to the street; they were
9 using the phones to communicate between
10 facilities, correct?

11 A. Correct.

12 (Exhibit GR-132 is marked.)

13 BY MR. LACKEY:

14 Q. Let's take a look at one last
15 exhibit. Let's look at GR-132. Explain to us
16 what this is.

17 A. This chart indicates the
18 geographical reach of 17 cell phones that we
19 studied or did an analysis on. If you take a look
20 at that, you are going to see that calls were made
21 to the Hawaiian Islands, as well as the Los
22 Angeles area -- again point out it's a very
23 important area to the Blood Nation -- and Oregon.
24 You will also see that calls were made to

1 one Great Lakes area state.

2 Q. Before I ask you any further
3 questions, this was prepared by Commission staff,
4 as were the other exhibits that we reviewed
5 related to these phone calls, correct?

6 A. That's correct.

7 Q. Every time I see this chart, Agent
8 Massa, I'm speechless, because we all think about
9 gang inmates being able to reach out to the
10 streets, maybe to the streets of Newark, to the
11 streets of, maybe in South Jersey, Camden, but the
12 idea of being able to reach out across the country
13 and to all these states along the northern
14 seaboard, that's a frightening proposition, sir.

15 A. Sir, I'd like to point out, that's
16 only 17 phones. When you consider the amount
17 recovered, that's the geographic reach of only 17.

18 Q. What's the significance of these
19 findings, sir?

20 A. Well, what it's telling us is that
21 inmates in the state prison system, while
22 incarcerated, have unlimited communication by way
23 of using cellular telephone equipment, and making
24 unmonitored calls to perhaps engage in criminal

25 activity, and we have to remember that gangs are a

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1 national phenomenon, it's a national situation,
2 national problem.

3 And we can see here, this isn't just
4 local communication; this is cross-country
5 communication, even out to the Pacific Rim.

6 MR. LACKEY: Thank you, sir. I have
7 no further questions for this witness.

8 COMMISSIONER HOBBS: Agent, I
9 just -- I guess I'm trying to summarize a little
10 of what we've heard today. Earlier we heard that
11 the leadership of these organizations doesn't
12 engage in the street crime itself, but they direct
13 that crime and they have, obviously, the
14 underlings to do that. So, the whole point of
15 incarcerating them is to take them out of a
16 position where they can make decisions and direct
17 activity, and what this is demonstrating is that's
18 a completely worthless exercise, because they are
19 able to do that at will.

20 MR. MASSA: Yes, sir.

21 COMMISSIONER HOBBS: Thank you.

22 COMMISSIONER MARINIELLO: Agent,
23 just looking at that last exhibit, I think
24 Commissioner Hobbs brings up a good point about

25 the fact that we are really unable to control a

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1 lot of the communication in and out of the prison
2 by way of both the prison phone system and the
3 cell phone system, but what kind of steps did you
4 see being taken to control cell phones coming in
5 and out of the system -- in and out of the prisons
6 by DOC?

7 MR. MASSA: My investigation -- my
8 aspect of this investigation didn't reveal any set
9 policy or activity to limit it. I mean, there is
10 a contraband policy that's in effect, which covers
11 everything including cell phones.

12 However, if you are asking about
13 advanced technology or anything like that, no,
14 that we became aware of in other states.

15 COMMISSIONER MARINIELLO: Do you
16 know whether there is any technology being used by
17 the prison system to block the transmission of the
18 cell phone calls in and out of the facilities?

19 MR. MASSA: That has come up in the
20 past. However, the Federal Communications
21 Commission will not allow the blocking of cellular
22 telephone systems. And they have extensive
23 reasons. In particular, Northern State Prison,
24 which is next to Liberty International Airport,

25 there is a concern about blocking radio signals or

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1 cellular phone systems interfering with whatever
2 communication devices they need.

3 So the FCC has not -- it's been a
4 common complaint that I've heard, or that we've
5 heard, from not only New Jersey institutions, but
6 outside the state, that the FCC will not allow
7 jamming or blocking.

8 COMMISSIONER MARINIELLO: Thank you,
9 Agent Massa.

10 CHAIRMAN EDWARDS: Phil, thank you
11 very much, and, as always, you and the rest of the
12 staff have done an absolutely excellent job in
13 focusing in on the issues, this one being cell
14 phones and communications. I'd like to just
15 restate for the record that this is only 17 phones
16 out of thousands, really, that exist in the prison
17 system and, so, the level of communication, as Mr.
18 Hobbs pointed out, makes this almost a useless
19 effort.

20 Thank you very much.

21 MR. MASSA: Thank you, sir.

22 CHAIRMAN EDWARDS: We'd like to take
23 a break now for lunch. We'll be back at 1:00
24 o'clock.

25 Thank you very much.

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1 (Recess called at 12:27 p.m.)

2 (Resumed at 1:10 p.m.)

3 CHAIRMAN EDWARDS: I'd like to call
4 the hearing back to order. I turn the microphone
5 over to Commissioner Flicker.

6 COMMISSIONER FLICKER: Good
7 afternoon. Our prisons here in New Jersey face
8 enormous challenges in the battle to contain and
9 control an incessant tide of inmates linked to
10 violent criminal street gangs. Of course, to some
11 extent, as you heard this morning, prison gangs
12 have always been a problem in the correctional
13 system, but the sheer scope of what we are dealing
14 with now -- the ruthless new face of organized
15 crime itself -- amounts to nothing less than a
16 crisis.

17 This morning we heard about the ease
18 with which incarcerated gang members and their
19 leaders can exploit the systemic weaknesses in the
20 prison system. The fact that they can communicate
21 on a regular basis with cohorts both inside and
22 outside these institutions was disturbing enough,
23 but this afternoon you will learn they can
24 actually manipulate the inmate financial account

1 enterprises.

2 This afternoon you will hear
3 additional testimony detailing the illicit
4 commerce in contraband behind prison walls --
5 drugs, cell phones and other banned materials --
6 how they are smuggled inside and how they fall
7 into the hands of gang members and other inmates.

8 We will also focus this afternoon on
9 some key systemic weaknesses identified in this
10 investigation, weaknesses that can have the effect
11 of undermining the safe and effective operation of
12 the institutions amid this exploding gang crisis.
13 In that context, we will hear testimony in part
14 reflecting the steps taken by the Department of
15 Corrections during the course of this
16 investigation.

17 Going forward, the Department of
18 Corrections' input will be essential as we
19 formulate recommendations to reform and improve
20 this system for all involved.

21 Mr. Lackey, will you please call the
22 first witness.

23 MR. LACKEY: Thank you very much,
24 Commissioner Flicker, and I will. Again, as with

1 the Commission is about to call, is being called
2 by video for his safety and security. This
3 specific witness is testifying under an alias.

4 He is a former inmate and he's going
5 to talk about his time in our state prisons, but
6 he's going to mention a few terms that you should
7 be aware of. One of them is called "D Shop." D
8 Shop is an inmate intake area and a point where
9 supplies enter the prison. Think of it as a
10 receiving gate. And you'll also hear him talk
11 about an area called "D Wing," and that is an
12 inmate housing area near D Shop.

13 At this time the Commission calls
14 Gang Video Witness 2.

15 (Tape Played.)

16 MR. LACKEY: And that ends the
17 testimony of Gang Video Witness 2. I would like
18 to call my next witness.

19 CHAIRMAN EDWARDS: Please do so.

20 MR. LACKEY: At this time the
21 Commission calls Anthony Cacace and Ken Cooley.

22 ANTHONY CACACE and KENNETH COOLEY,
23 after having been first duly sworn, are examined
24 and testify as follows:

25 MR. LACKEY: Special Agent Cacace,

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1 please state your name for the record.

2 MR. CACACE: Anthony Cacace.

3 MR. LACKEY: Please tell us about
4 your professional background.

5 MR. CACACE: I served for 32 years
6 as Special Agent with the Internal Revenue
7 Service, the Criminal Investigation Division. As
8 Special Agent, I conducted criminal tax
9 investigations of major organized crime figures,
10 narcotics traffickers, money launderers and
11 corrupt public officials and government officials.

12 Since December of 2005, I have
13 served as a Special Agent Accountant with the
14 State Commission of Investigation.

15 MR. LACKEY: Special Agent Cooley,
16 please state your name for the record.

17 MR. COOLEY: My name is Kenneth
18 Cooley.

19 MR. LACKEY: Tell us about your
20 professional experience.

21 MR. COOLEY: I've been involved in
22 criminal investigations for 36 years, first as a
23 Special Agent and Supervisory Special Agent with
24 the Criminal Investigation Division of Internal

25 Revenue Service, and for approximately the past

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1 nine years as a Special Agent Accountant for the
2 State Commission of Investigation.

3 During that time, I've been engaged
4 in and supervised investigations of political
5 corruption, organized crime, white collar crime,
6 and narcotics trafficking.

7 MR. LACKEY: Thank you very much.

8 Agent Cacace, let me direct our
9 attention to you. We've heard throughout the day
10 that inmates in the New Jersey Department of
11 Corrections are able to maintain money in what is
12 called an inmate trust account.

13 Is that correct?

14 MR. CACACE: Yes, it is.

15 MR. LACKEY: Tell us about the
16 system.

17 MR. CACACE: Every inmate has an
18 inmate trust account. It's similar to a checking
19 account that you or I may have. However, inmates
20 do not have physical access to this account. All
21 the processing which goes on in the inmate trust
22 account is done on the inmate's behalf by the
23 business office at the prison where they are
24 incarcerated. Basically, what you have is, each

25 prison almost acts as a small bank. We have 14

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1 separate institutions.

2 MR. LACKEY: Why do inmates need
3 these bank accounts?

4 MR. CACACE: Inmates are not
5 permitted to have cash or ordinary checking
6 accounts while in prison. These accounts enable
7 inmates to pay for fines, make restitution, and to
8 pay for legitimate items, such as gifts for their
9 family, to purchase religious items, and to make
10 support payments for their children and their
11 family.

12 MR. LACKEY: During this
13 investigation, Agent Cacace, have you had an
14 opportunity to review inmate trust account
15 transactions?

16 MR. CACACE: Yes, we have. We
17 visited several prisons with the purpose of
18 reviewing inmate trust account activity.

19 MR. LACKEY: Explain how you
20 conducted your review.

21 MR. CACACE: At each prison where we
22 visited we had the business manager or members of
23 his staff provide us with access to the
24 institution's computer system, which contained all

25 of the activity within the inmate trust account

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1 system.

2 What we did was we scanned thousands
3 and thousands of pages and documents. We sorted
4 inmate names and we sorted them by payees. What
5 we were looking for was evidence that gang members
6 and inmates were attempting to gain or take
7 advantage of the weaknesses in the system.

8 MR. LACKEY: Tell us what you found.

9 MR. CACACE: Well, what we basically
10 found is that -- we found numerous examples of
11 multiple inmates who were sending checks to the
12 same individual. Many times these same checks
13 were being mailed to the same address and, in some
14 cases, they were going to Post Office Boxes.

15 From viewing all these records, we
16 learned, from looking at the remit forms, that
17 many times the reason that inmates had offered on
18 the remit forms as the reason for requesting the
19 disbursement was really highly suspicious.

20 MR. LACKEY: During this
21 investigation, did you discover that gang inmates
22 were taking advantage of these weaknesses in the
23 inmate account system?

24 MR. CACACE: Yes, we did, because

25 the focus of our inquiry wasn't on gangs. This is

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1 what we actually -- we went to look at with the
2 express purposes of finding gang members.

3 MR. LACKEY: Before we talk about
4 our findings relating to these gang inmates, let's
5 make sure we understand how the inmate account
6 system works.

7 Could you tell us how money is
8 deposited into an inmate account?

9 MR. CACASE: Money can be deposited
10 in a number of ways. The first way is from wages
11 that are earned by inmates performing work at
12 prison-based jobs. Deposits can also be made by
13 personal money order or checks from individuals
14 like attorneys, financial institutions like banks
15 and insurance companies, or government agencies
16 such as the IRS.

17 Deposits can be made either by mail
18 or they can be personally delivered to the
19 institution where the inmate is incarcerated.
20 Cash and personal third-party checks are not
21 acceptable for deposit, however.

22 MR. LACKEY: Let's focus on this
23 personal delivery issue. When a person drops off
24 a money order for deposit in an inmate's account,

25 is the person asked to identify themselves or are

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1 they required to produce any identification when

2 they do that?

3 MR. CACACE: No, they are not.

4 MR. LACKEY: So, virtually anyone

5 can drop off money to an inmate under the current

6 system?

7 MR. CACACE: Absolutely anyone.

8 MR. LACKEY: How do the prisons

9 process -- just focusing on money orders for a

10 moment, how do the prisons process money orders

11 when they come in, when they are dropped off by

12 someone?

13 MR. CACASE: Well, we found, from

14 our reviews at the various prisons that we

15 visited, that the processing procedures vary from

16 institution to institution. At some institutions

17 processing is done by the business office, and at

18 others it's done by the mailroom. What we found

19 is that some institutions photocopy the money

20 orders, but others do not.

21 All the prisons are required,

22 however, to maintain a log of all deposits of all

23 money orders and checks which come in for deposit.

24 However, we found that the information set forth

25 on this log is sketchy and sometimes missing and

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1 not completed.

2 But what we noted was that the
3 information that was on this log was really of
4 little investigative value. Only the last name of
5 the sender and a partial serial number of the
6 money order is maintained. Nowhere on this log is
7 the full name and address of the sender or the
8 company which issued the money order.

9 MR. LACKEY: Well, is there a
10 department policy which requires or states what
11 information on a check or money order must be
12 captured in order for it to be deposited into an
13 inmate's account?

14 MR. CACACE: The only information
15 that needs to be on that money order is the
16 inmate's name and number. That is to allow it to
17 be properly credited to the correct inmate's
18 account.

19 There is no requirement, however,
20 that the full name and address of the sender or
21 the purchaser be listed on the face of the money
22 order.

23 MR. LACKEY: While we are talking
24 about limitations, are there any limitations on an

25 inmate's deposit activity?

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1 MR. CACACE: There are none. What
2 we found out is the only information on a money --
3 excuse me. There is no limitation on the number
4 of deposits that can be made into an inmate
5 account, nor is there any limitation on the
6 frequency of deposits or the amount of deposits.
7 In one of our reviews we noted that there were two
8 \$100,000 deposits that were made to two separate
9 accounts.

10 MR. LACKEY: \$100,000 deposits into
11 an inmate's account?

12 MR. CACACE: Yes. They were in
13 excess of a hundred thousand dollars.

14 MR. LACKEY: Well, since we are
15 talking about that much money, are there balance
16 limits which limit how much money an inmate can
17 have in his account?

18 MR. CACACE: There, again, is no
19 limitation on the amount of money that inmates can
20 have at any one time in their account. We
21 observed one inmate that had an account balance of
22 \$96,000. We found other accounts inmates had
23 where balances were 45,000, 31,000, \$24,000.

24 MR. LACKEY: When a money order is

25 sent by mail, is the department, by policy or

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1 practice, required to identify the sender or the
2 accuracy of the sender's address?

3 MR. CACACE: Under current policy
4 and procedure, there is no attempt by the prison
5 business office to verify these addresses that are
6 listed on the money order. What this basically
7 means is that inmates are able to conduct
8 financial transactions incident to illegal
9 activity without any fear of detection by prison
10 officials.

11 MR. LACKEY: Special Agent Cooley --

12 MR. COOLEY: Yes.

13 MR. LACKEY: -- let's talk about how
14 money is disbursed from the inmate accounts.

15 MR. COOLEY: Well, first of all,
16 inmates may be under Court Ordered obligation to
17 pay fines, to make restitution, to pay penalties,
18 and, in addition to that, they may be under Court
19 Order to pay alimony or child support. So those
20 type of amounts would be electronically deducted
21 from their account.

22 In addition to that, though, the
23 inmate also has the right to disburse money to
24 third parties, including individuals and

25 businesses, and that's what we focused on in this

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1 program.

2 MR. LACKEY: Yes, and our focus was
3 specifically on these inmate disbursed
4 transactions, correct?

5 MR. COOLEY: That's correct.

6 MR. LACKEY: Explain to us the
7 mechanics of how an inmate disburses money out of
8 his inmate account.

9 MR. COOLEY: Well, you've heard the
10 term "remit form" mentioned numerous times. The
11 videotaped witness just mentioned it. The
12 business remit form -- the closest thing I can
13 think of would be a withdrawal slip from a bank.
14 And what a remit form is, is a piece of paper
15 that's filled out by the inmate. The inmate
16 identifies themselves by name and by their prison
17 identification number, and then they also identify
18 the individual or business that they wish to send
19 the payment to, and they write the address of that
20 person or business, and then they are expected to
21 state a purpose for the disbursement. So,
22 whatever their purpose or intention is, they would
23 write on that or, perhaps, sometimes not write
24 anything there.

1 Witness 2. He talked about some process where the
2 custody officers review these forms.

3 They are not reviewing the accuracy
4 of the transaction or where the money is going to;
5 they are just simply making sure that the person
6 who is presenting the form to them is the person
7 who is on the remit form, correct?

8 MR. COOLEY: That's correct, because
9 the inmate who presents it to the custody officer
10 is known to the custody officer. They just want
11 to make sure that someone is not making a
12 withdrawal from someone else's account.

13 MR. LACKEY: Are there limits on an
14 inmate's ability to disburse money?

15 MR. COOLEY: No, there are really no
16 limits on the amount of disbursement, up to the
17 amount that's in the inmate's account, I guess,
18 and there are no limits as to the number of
19 disbursements that an inmate can make.

20 In all the records that we looked at
21 we found one instance where, in a 37-month period
22 of time, 137 disbursements were requested from the
23 account of one inmate to 66 different people.

24 In another instance we found, during

25 a 42-month period of time, 102 disbursements were

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1 made from one inmate's account to 71 different
2 people.

3 MR. LACKEY: 137 disbursements?

4 MR. COOLEY: Yes.

5 MR. LACKEY: Well, are there any
6 prohibitions on the transactions an inmate can
7 make at all?

8 MR. COOLEY: There are some. An
9 inmate cannot pay money to another inmate or
10 another inmate's family, and an inmate cannot pay
11 money to a staff member or the family of a staff
12 member. But, beyond that, the inmate can
13 basically make a payment to anyone.

14 MR. LACKEY: Who's responsible for
15 processing these payments?

16 MR. COOLEY: A business manager is
17 employed in each of the 14 correctional
18 institutions -- some of them are shared, where a
19 business manager oversees more than one
20 institution -- and that business manager has a
21 staff and, between that person and the staff, they
22 are responsible for the oversight of the inmate
23 accounts and for the processing of all the
24 transactions that occur in those accounts.

25 In each of the prisons, in essence,

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1 what you have is the Department of Corrections
2 operating a small bank, and each one of them is a
3 duplicate or a mirror image of the ones at the
4 other institutions.

5 MR. LACKEY: So, in essence, the
6 department runs 14 separate small banks?

7 MR. COOLEY: That's correct. That's
8 similar.

9 MR. LACKEY: Does the processing of
10 these inmate account transactions utilize a
11 significant amount of the resources at the
12 business office?

13 MR. COOLEY: We were told that, in
14 some cases, the staff time of the business office
15 personnel may -- 50 percent of it may be used to
16 process inmate account transactions, and that's
17 basically driven by the sheer number of
18 transactions.

19 For example, during fiscal year
20 2008, we saw that there were 198,000 separate
21 deposits made to inmate accounts. 168,000 of
22 those deposits came in by mail, and that accounted
23 for about 11 and a half million dollars worth of
24 deposited revenue. And another 30,000 were

25 delivered to any of the 14 correctional facilities

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1 by a person who came in and dropped it off. That
2 accounted for another \$2.1 million worth of
3 deposits.

4 So, you had a total of over 13 and a
5 half million dollars worth of deposits in one
6 year.

7 MR. LACKEY: \$13.5 million into
8 inmates' accounts, correct?

9 MR. COOLEY: That's correct.

10 MR. LACKEY: Is this system governed
11 by regulation at all?

12 MR. COOLEY: The inmate accounts are
13 loosely governed under New Jersey Administrative
14 Code, Section 10A.

15 MR. LACKEY: What do you mean by
16 "loosely"?

17 MR. COOLEY: Well, in essence,
18 Section 10A, in particular Chapter 2, lays out the
19 responsibilities of the individual business office
20 to establish procedures for the processing of
21 these transactions within their own institution.
22 It makes the business manager responsible for that
23 accounting and it makes the business administrator
24 responsible to prepare procedures that go into a

25 handbook that's given to each inmate.

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1 MR. LACKEY: So, not only do we have
2 14 separate small banks; we have 14 small banks
3 that potentially can operate differently, all
4 within the same organization?

5 MR. COOLEY: Yes. Not only is that
6 true, but also the processing of the transactions
7 may vary from one institution to another, largely
8 driven by the number of staff persons that are
9 available to handle the processing of those
10 transactions.

11 MR. LACKEY: How does an inmate find
12 out which policies and procedures they are
13 supposed to follow in order to disburse money and
14 have money deposited?

15 MR. COOLEY: Well, as I previously
16 mentioned, each inmate, upon entry into the
17 correction system, in each individual prison, is
18 given a handbook at an orientation session, and
19 this handbook has chapters that delve into the
20 different procedures involving visitation,
21 involving the receipt and sending of mail,
22 involving the use of the telephone system, and
23 also involving the use of the inmate trust account
24 system.

1 MR. LACKEY: Let's talk about --
2 we've been talking about the total size of this
3 system, so let's look at that.

4 Let me direct your attention to
5 GR-133. This was prepared by Commission staff,
6 right?

7 MR. COOLEY: That's correct.

8 MR. LACKEY: Walk us through this
9 for these fiscal years, and let's look at how much
10 money has been deposited in these accounts.

11 MR. COOLEY: Well, actually, as you
12 can see, during the five fiscal years that are
13 cited there, fiscal year 2004 through 2008, a
14 total of almost \$64 million was deposited to
15 inmate accounts at the combined inmate account
16 systems of all the 14 New Jersey prisons.

17 Of that \$64 million, approximately
18 \$54 million came in via the mail system. So that
19 either would have come through the business office
20 or the mailroom processing.

21 And an additional almost \$10 million
22 was dropped off at any one of the 14 prisons by
23 individuals who dropped -- who dropped into the
24 prison and dropped it off there. I hasten to say

25 "visitor," because they don't have to have visited

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1 a prisoner. They could simply have dropped off
2 the money without visiting the prison.

3 MR. LACKEY: Let me stop you there
4 so I make sure I understand that point.

5 So, a person doesn't necessarily
6 have to be a visitor officially on an inmate's
7 visitation list; anyone can drop off money to an
8 inmate in our prison system?

9 MR. COOLEY: That's correct.

10 MR. LACKEY: You were discussing the
11 visitor receipts and you were talking about the 64
12 million.

13 Walk us through -- how much of that
14 money was sent out of the prison specifically
15 through inmate disbursements like we've been
16 talking about?

17 MR. COOLEY: Again, what we focused
18 on were only the disbursements made by business
19 remit forms, and what is shown up here is the
20 total of over \$19 million -- those were the --
21 that's the total amount of checks that were cut by
22 using business remit forms by individual inmates.

23 So, in essence, throughout the
24 system, during these years, over \$19 million was

25 disbursed from inmate trust accounts.

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1 MR. LACKEY: We talk about a system,
2 Agent Cooley, where -- there is a lot of money in
3 this system, and we are talking about inmates that
4 have been removed from our society because of
5 their criminal conduct.

6 Can you tell us what systems are in
7 place to monitor these accounts for criminal
8 activity?

9 MR. COOLEY: Well, there really is
10 no system, per se. In each of the business
11 offices we found different skill levels among the
12 staff people, and, if they observed something that
13 they deemed to be a suspicious transaction,
14 customarily they would remit that information --
15 they would forward that information to the
16 investigators employed by the Department of
17 Corrections. And these investigators have reacted
18 to some of that information and worked cases on
19 suspicious withdrawals being made from inmate
20 accounts. But the reality is that, either due to
21 staffing limitations or limitations in the
22 training abilities that they have, they really
23 don't have a system to proactively look at
24 withdrawals being made from inmate accounts.

1 reactive. If there is a referral made to them,
2 they will follow it up. They have the best of
3 intentions, but maybe not the best resources to be
4 able to pursue, on a proactive basis, to ensure
5 that crime is eliminated before it occurs, rather
6 than after it occurs.

7 MR. LACKEY: You told us a moment
8 ago that you reviewed the department's records.
9 Were there problems associated with those records?

10 MR. COOLEY: Yes, there were. In
11 computer-speak, I guess you'd say, garbage
12 in/garbage out. If the input is not consistent
13 and not accurate, then the output, the usability
14 of the information in that system, is hampered
15 tremendously.

16 For example, we saw instances where
17 an individual's name was capitalized, and in other
18 places in the records it appeared where it wasn't
19 capitalized, it was in lower case. We saw the
20 variations in spelling that jumbled the sorting
21 ability of the computer software that's used.

22 For example, we saw one individual,
23 a female named Ramona, who got paid as Ramona, she
24 also got paid as Raymona, she got paid as Ramono,

25 she got paid as Kamona, she got paid as Pamona,

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1 she got paid as Mona, and she also got paid using
2 her middle name, and there is probably -- maybe a
3 half dozen other names that we didn't even pick up
4 because we were just scanning through pages and
5 pages of records.

6 MR. LACKEY: And all of that input
7 problem and the -- what comes out -- the output
8 problem, makes it very difficult for the
9 investigator to be able to follow up on these
10 cases because, if someone inputs it wrong, they
11 lose their lead?

12 MR. COOLEY: Absolutely. Plus, when
13 we did the sort that Special Agent Cacace spoke
14 of, in order to review the data, we sorted -- one
15 of the ways we sorted was based upon the name of
16 the payee. Believe it or not, that sort was
17 limited to sorting by first name.

18 And I think those are things that
19 probably just a little tweak in the software may
20 enhance the ability to capture the information in
21 a more usable fashion.

22 MR. LACKEY: We have talked about a
23 number of issues associated with the inmate
24 accounts. Based on your experience, you have a

25 number of years dealing with monetary fraud and

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1 the like, and looking at this system, is this

2 system ripe for abuse?

3 MR. COOLEY: Not only is it ripe for

4 abuse, but it's ripe for the kind of abuse that we

5 found gang members thriving on, and that is that

6 they can operate in the same fashion inside the

7 walls of a correctional institution that they

8 operated prior to being incarcerated.

9 They could conduct narcotics

10 transactions, they could smuggle and deal in

11 different types of contraband. They could conduct

12 gambling operations. And the worse thing, they

13 could extort money from people for protection of

14 their well-being.

15 MR. LACKEY: Thank you very much.

16 Agent Cacace, earlier you testified

17 that you found a number of inmates that were

18 making payments to the same individuals, although

19 they were not apparently related to those

20 individuals, is that correct?

21 MR. CACACE: Yes, it is.

22 MR. LACKEY: Why is that

23 significant?

24 MR. CACACE: Because inmates making

25 such payments are generally involved in some form

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1 of illegal activity with another inmate, whether
2 it be buying or selling drugs, paying for gambling
3 debts, paying for some sort of contraband scheme,
4 or paying for protection to prevent themselves
5 from being harmed.

6 Our investigation found that many
7 times the name and address of the individuals to
8 whom inmates were making payments to were given to
9 them either by an inmate drug dealer,
10 extortionist, or someone acting on their behalf.

11 An example of this can be found in one particular
12 scheme involving Blood members inside one prison.

13 We uncovered 134 checks, totalling more than
14 \$8,000, that had been issued by 70 different
15 inmates to five unknown females. Some of these
16 checks were mailed to Post Office boxes.

17 MR. LACKEY: Did the Commission find
18 also that the purpose stated by the inmate on the
19 business remit form was falsified in order to hide
20 the true purpose of the payment?

21 MR. CACACE: Yes, we did. What we
22 found in this particular example, that many of the
23 remit forms were falsified or offered highly
24 improbable or totally false reasons. Twenty-five

25 remits claimed that they are paying for telephone

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1 bills. Another large number said they were for
2 some form of gift, whether it be Christmas gift,
3 Mother's Day gift, birthday gifts, other types of
4 bills.

5 It was interesting that some didn't
6 even have the reason filled out on the remit form,
7 but, yet, they were processed anyway.

8 MR. LACKEY: So, some had no reason
9 at all, but, yet, were processed?

10 MR. CACACE: They were never --
11 absolutely.

12 MR. LACKEY: Did the Commission
13 interview some of these inmates who made these
14 disbursements?

15 MR. CACACE: Yes, we did.

16 MR. LACKEY: Did the Commission find
17 that some of these payments were for drug
18 purchases?

19 MR. CACACE: Yes.

20 MR. LACKEY: Did some of the inmates
21 admit to us that these payments were for
22 protection?

23 MR. CACACE: Yes, they did.

24 MR. LACKEY: You mentioned gambling

25 earlier. Some of these payments were for gambling

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1 debts, as well, correct?

2 MR. CACACE: Yes.

3 MR. LACKEY: And then there were a
4 group of inmates that, rather than admitting that
5 it was for drugs or some other reason, they gave
6 us improbable or implausible reasons for the
7 payments?

8 MR. CACASE: They did.

9 MR. LACKEY: Tell us about that.

10 MR. CACACE: Many inmates that we
11 interviewed concocted ridiculous, highly
12 improbable reasons for making the disbursements.
13 Some didn't want to discuss it and some didn't
14 want to discuss it because they expressed fear of
15 retribution. If they found out -- it was found
16 that they talked to investigators about the
17 purpose of these payments, they would be
18 physically harmed, seriously harmed.

19 MR. LACKEY: We also found that a
20 number of these checks were cashed at
21 check-cashers as opposed to banks. What are the
22 advantages to a person doing something like that?

23 MR. CACACE: People involved in
24 illegal activities many times wish to try to

25 conceal the activity and the profits that are

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1 generated by it. When you have anyone -- gang
2 members, whoever -- go to a check-casher and cash
3 the check, when they come out with that handful of
4 cash, the investigative trail is almost
5 non-existent now. It's almost impossible for
6 agents such as Agent Cooley and I to go out and
7 track where this money actually went, absent
8 somebody telling us what the payments were for.

9 MR. LACKEY: Is the same true for
10 the use of third parties?

11 MR. CACACE: Again, many times
12 individuals involved in illegal activity try to
13 conceal their relationship to a scheme or illegal
14 activity by using fronts or nominees or straw
15 parties to try to conceal this. What we found in
16 this investigation, which involved gang members
17 and other inmates, was that gang members and their
18 confederates use minor children, they use senior
19 citizens, they use co-workers to act as fronts or
20 straw parties in these schemes.

21 In one particular instance, we
22 uncovered payments that were being made by a
23 person who died in 1991. That's an example --

24 MR. LACKEY: Wait. Explain that

25 again.

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1 MR. CACACE: We had one instance
2 where we uncovered money orders that were being
3 issued to an inmate that were being made in the
4 name of a person who died in 1991.

5 MR. LACKEY: You were telling us
6 about the various payments. Let's stick with the
7 Commission's actual findings.

8 In order to kind of sort this out,
9 we followed the money trail, correct?

10 MR. CACACE: Where the money trail
11 was available, where money went into bank
12 accounts, that's what we focused on and that was
13 the emphasis of our efforts there.

14 MR. LACKEY: Tell us what the
15 Commission found.

16 MR. CACASE: Based upon our
17 investigation, we uncovered a number of organized
18 schemes, which involved -- some of which involved
19 Blood members at several prisons. They all had
20 certain similar characteristics. They were -- all
21 were conducted in a manner that was designed to
22 impede and prevent prison officials from
23 uncovering the existence of the scheme, from
24 identifying the people who were involved in the

25 scheme, and also to try and conceal these same

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1 individuals.

2 We found that many times the
3 money -- the business remit forms were falsified.
4 They were falsified with the express purpose of
5 trying to make that this -- that this disbursement
6 was legitimate. They made extensive use of fronts
7 and nominees such as family members, friends, in
8 some cases minor children. They used Post Office
9 boxes as a means of trying to prevent prison
10 authorities from uncovering the destination of
11 this money.

12 They negotiated these checks through
13 check-cashing agencies and, in some cases,
14 negotiated them through bank accounts that had
15 been set up in the name of, in one case, a
16 two-year-old; in another case, a nine-year-old.

17 MR. LACKEY: So, people were using
18 children -- and you used the word "nominee," which
19 is just another word for front. They were using
20 minor children as fronts for these payments --

21 MR. CACACE: Yes.

22 MR. LACKEY: -- is that correct?

23 MR. CACACE: Correct.

24 MR. LACKEY: So, obviously, the

25 Commission found that inmates were taking

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1 advantage of the systemic weaknesses in the

2 inmate account system?

3 MR. CACASE: Absolutely. Without a

4 doubt.

5 MR. LACKEY: You said before that

6 our Commission -- our investigation was focused on

7 gang inmate schemes, correct?

8 MR. CACASE: Correct.

9 (Exhibit GR-134 is marked.)

10 MR. LACKEY: Let's look at GR-134.

11 Could you put that up? Thank you.

12 Let's walk through a typical example

13 of the types of schemes that the Commission found.

14 Would you walk us through this

15 specific scheme.

16 MR. CACASE: We found one facility

17 which we felt was indicative of the type of

18 schemes that we have uncovered which involved gang

19 members. In this particular instance, between

20 January of 2007 and January of 2008, a total of 13

21 inmate checks were issued by nine inmates within

22 this facility to three individuals. In the first

23 case we had seven checks were issued to an

24 inmate -- to a female by the name of Amy Doe, we

25 had two checks were issued to a female by the name

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1 of Betty Ray, and we had four checks issued to
2 Kathy Mee. We got the checks, we analyzed and
3 tried to determine where the money went.

4 What we found is they were deposited
5 into a checking account of a fourth individual by
6 the name of Donna Smith.

7 MR. LACKEY: Wait. Let me stop you
8 there. Doe, Ray, Mee? That's all fictitious,
9 right?

10 MR. CACASE: Yes. What we found is
11 that -- here is why we did that.

12 MR. LACKEY: Sure.

13 MR. CACACE: Numerous times, when we
14 interviewed people, people exhibited a great deal
15 of fear of gang members. So, to protect their
16 identities and prevent them from being found out,
17 we created and used fictitious identities, just
18 for the purpose of protecting them.

19 MR. LACKEY: You were telling us
20 what happened with the checks. We see the checks
21 underneath and that they went to those three
22 individuals.

23 Tell us what happened with those
24 checks.

25 MR. CACASE: We found that those

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1 checks, the three -- excuse me for a minute --
2 eight of the checks were deposited into a checking
3 account in the name of Donna Smith, three checks
4 were negotiated via ATM machine, and two were
5 negotiated at a personal bank account.

6 MR. LACKEY: Does Donna Smith have
7 any affiliation or association with the Bloods?

8 MR. CACACE: Three of them work for
9 the same employer.

10 MR. LACKEY: Oh. So they have a
11 relationship among themselves?

12 MR. CACACE: Three of them work for
13 the same employer and two were long-time friends.

14 MR. LACKEY: So, what about Donna
15 Smith? Does she have any relationship to the
16 Bloods?

17 MR. CACACE: What we found was that
18 Donna Smith was clearly linked to an incarcerated
19 member of the Bloods street gang. We found, from
20 viewing prison records, that she had visited this
21 particular gang member numerous times over the
22 past couple years.

23 MR. LACKEY: We took a step to
24 interview the specific inmates that issued these

25 checks, as well, correct?

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1 MR. CACACE: Yes.

2 MR. LACKEY: Tell us what they told
3 us.

4 MR. CACACE: Some of the inmates
5 admitted that the payments that they made out of
6 their inmate trust account were specifically for
7 the payment of drugs and have used the account for
8 this purpose. Another inmate admitted that he
9 used this inmate account to pay for protection to
10 prevent himself from being harmed. One inmate
11 told us that he used this inmate -- payments from
12 his inmate account to buy sneakers and pay for a
13 radio that he had purchased from another inmate.

14 Several inmates admitted that they
15 did not know who these particular women were, but
16 denied that the checks were for any form of
17 illegal activity.

18 MR. LACKEY: So, some actually
19 admitted that they were being extorted by Bloods
20 and this was payment for the extortion, correct?

21 MR. CACACE: Correct.

22 MR. LACKEY: And others admitted to
23 us that this was a payment in exchange for drugs?

24 MR. CACACE: Exactly.

25 MR. LACKEY: What did they put on

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1 the remit form?

2 MR. CACASE: Again, like we talked
3 about before, some stated that they were for phone
4 bills. Some -- in fact, again, the payment -- the
5 reason for the disbursement was left blank, but,
6 nonetheless, the payment was still processed by
7 the business office.

8 MR. LACKEY: Thank you very much.

9 Let's go back to you, Special Agent
10 Cooley.

11 Beyond these abuses that we found in
12 the inmate account system, did the Commission find
13 another means which inmates used to funnel illicit
14 funds out of the prison -- or at least funnel
15 funds associated with the prison, is probably a
16 better question?

17 MR. COOLEY: Yes, we did. We
18 discovered that, in addition to the payments
19 coming out of inmate trust accounts within the
20 prison, there were also payments being made
21 outside the walls of the prison from an individual
22 outside to another individual outside. These
23 types of transactions are commonly referred to as
24 street-to-street transactions.

1 street-to-street transactions work?

2 MR. COOLEY: Well, it's simple. An
3 inmate calls up or writes to someone outside the
4 prison and asks them or even begs them to pay
5 someone else outside the walls of the prison. The
6 intent being that the money will not come through
7 the prison system and not be detected within the
8 walls of the prison.

9 MR. LACKEY: How did the Commission
10 discover that this was happening?

11 MR. COOLEY: Well, as Special Agent
12 Cacace testified, we subpoenaed bank records. So,
13 for example, in the slide that's up, Exhibit 134,
14 these payments were deposited to a bank account.
15 So we subpoenaed a number of bank accounts, not a
16 lot of them, and we also discovered that, in bank
17 accounts that we subpoenaed, when we got the
18 records back, that we also saw a lot of money
19 orders and a lot of personal checks also being
20 deposited to those same bank accounts.

21 MR. LACKEY: Using GR-134 as an
22 example, did the Commission find that Donna Smith
23 had actually received a street-to-street payment?

24 MR. COOLEY: Yes, we did.

25 MR. LACKEY: Wow.

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1 MR. COOLEY: All of those entries on
2 the top there would be the information that we
3 learned, having subpoenaed Donna Smith's bank
4 account. None of those would have been apparent
5 through the records of the Department of
6 Corrections of the inmate accounts, because all of
7 those transactions occurred outside of the prison
8 system.

9 MR. LACKEY: So, there were a number
10 of money orders that we were able to discover by
11 looking through Ms. Smith's account, correct?

12 MR. COOLEY: Yes, there were, and
13 personal checks. In this instance, we discovered
14 that, during the same period of time, there were
15 ten money orders and two personal checks, and the
16 money orders totaled \$1,160 -- they had no amounts
17 on them individually, but that's what they
18 totaled -- and the personal checks totaled
19 approximately, I believe, \$470.

20 And what we discovered, too, now we
21 have a whole new cast of characters, where we can
22 identify who purchased those money orders or who
23 disbursed those checks, and I say "where we can
24 identify," because the same limitation -- if a

25 money order is deposited, and the person hasn't

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1 filled in their name and their address, and their
2 name is John Doe, it's pretty hard to find them.

3 If it's a personal check and it has
4 the preprinted name and address, all well and
5 good. If it's a bank check, again it requires
6 another subpoena to go to the next level to find
7 out who purchased that.

8 But, in any event, we discovered
9 that, among those money orders, one individual in
10 particular sent five of those monies orders,
11 totalling almost \$500, and we determined later on
12 that, during that same time period, this
13 individual that sent those five money orders, sent
14 money orders totaling over \$16,000 to other third
15 parties, some of whom were inmates themselves.
16 One of these inmates was a member of the Bloods
17 street gang.

18 MR. LACKEY: What did the Commission
19 learn about the person that sent the \$16,000?

20 MR. COOLEY: We learned that this
21 person was sending money to people all over the
22 state and outside the state, and they were doing
23 it at the instruction of a relative of theirs that
24 was incarcerated. And we also believe that some

25 of the money may have been going to pay for

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1 narcotics that that relative that was incarcerated
2 was receiving while in prison.

3 MR. LACKEY: How do these
4 street-to-street payments compare in magnitude to
5 the inmate account payments that Agent Cacace told
6 us about?

7 MR. COOLEY: Well, they are far
8 greater in frequency and also in amounts. The
9 payments that we saw include the typical 50 and
10 hundred dollar payments, but they also include
11 payments of thousands, and some of them, as I
12 said, we can't even tell who issued them, but the
13 amounts are likely to be greater outside the walls
14 of the prison.

15 MR. LACKEY: Why?

16 MR. COOLEY: Well, I think that
17 inmates generally don't keep that much money in
18 their account, and it's likely that their family
19 or their friends outside the walls of the prison
20 will have more money in their account, or access
21 to more money, from which they can make these
22 types of payments.

23 MR. LACKEY: Why would an outsider
24 agree to pay money to someone that they don't

1 MR. COOLEY: Well, it kind of works
2 like this. This is what we heard. If you got a
3 call from a loved one, and that person says to you
4 that my life has been threatened and, if you don't
5 make this payment, the next time you see me you
6 won't recognize me, what would you do?

7 MR. LACKEY: And we actually
8 interviewed inmates who told us about these type
9 of payments, correct?

10 MR. COOLEY: Yes, we did.

11 MR. LACKEY: What did they tell us?

12 MR. COOLEY: Again, some told us
13 that it was to pay for drugs that they acquired
14 while they were in prison, some told us it was to
15 pay for gambling debts, but mostly they told us it
16 was to pay for protection from physical harm or to
17 pay tribute to the gang leader in their particular
18 place in the prison.

19 MR. LACKEY: That sounds like Gang
20 Video Witness 2.

21 MR. COOLEY: Yes. It's kind of like
22 Lord of the Flies. When you think about it, it's
23 all about dominance and power. It's all about
24 who's running the show and who's pulling the

1 We were told by big, tough guys,
2 guys who you would never think would be
3 intimidated, "What would you do if five or six
4 gang members surrounded you and told you that you
5 had to pay? What would you do?"

6 They paid them.

7 MR. LACKEY: Well, not everybody was
8 that forthright, I'll say. Some lied to us,
9 correct?

10 MR. COOLEY: Some lied to us and
11 some also had no desire to talk to us.

12 MR. LACKEY: Did we interview --
13 well, let me flip the question around. We
14 interviewed the outsiders who told us about these
15 transactions, correct?

16 MR. COOLEY: Yes.

17 MR. LACKEY: What did the outsiders
18 tell us?

19 MR. COOLEY: Well, they told us,
20 again, that they were providing money to help
21 their respective inmate that was incarcerated pay
22 for something that they acquired inside the
23 prison. Some told us that they were paying for
24 drugs that their relative inmate acquired inside

25 prison. But, again, most told us that it was for

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1 the payment for protection of human life while the
2 inmate was incarcerated. And, again, some told us
3 where to go and some told us that they feared
4 that, if they talked to us, that more harm would
5 potentially come to their respective inmate.

6 MR. LACKEY: Did we see this at
7 every prison?

8 MR. COOLEY: Yes, we did.

9 MR. LACKEY: Going back, you said
10 these street-to-street payments are outside the
11 purview of the corrections system. Can you
12 explain that?

13 MR. COOLEY: Well, they are outside
14 the purview of the correction system, but they are
15 really not outside of our expectations of what the
16 mandate of the correction system is.

17 We don't think that inmates are at
18 the college for criminals learning how to hone
19 their skills on conducting criminal activity. We
20 believe that they are there to pay their dues to
21 society. We believe that they are there protected
22 safely. We believe that the public -- we expect
23 that the public, outside the walls of the prison,
24 is protected from the criminal element. We expect

25 that there is a potential that an inmate, once

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1 incarcerated, can be rehabilitated, and we also
2 expect that that inmate, or some of them, at
3 least, can return to society as productive
4 members.

5 And everything that we saw
6 undermines the ability for all of these
7 expectations.

8 MR. LACKEY: Thank you very much.

9 Let me finish up with you, Agent
10 Cacace. Just to summarize, there are two ways
11 that inmates funnel money from the prison -- in
12 and out of the prison system, correct?

13 MR. CACACE: Yes. The first way
14 they funnel money is by taking advantage of the
15 weaknesses in the inmate trust account system, and
16 the second way is by engaging in street-to-street
17 money order type transactions.

18 MR. LACKEY: Tell us what the
19 ramifications are of this conduct.

20 MR. CACASE: Basically, is that
21 prison walls do not stop gang members from
22 continuing their criminal activity as they did on
23 the street. They simply continue to engage in the
24 same type of activity, especially drug

25 trafficking. It's just simply an extension of

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1 life that they've already lived.

2 On the street they can conduct
3 financial transactions incident to illegal
4 activity without fear of detection. Once they are
5 in prison they need to engage in different ways to
6 try to evade -- surreptitiously try to evade
7 detection by prison systems.

8 The weaknesses in the system
9 basically allow them to continue earning profits
10 from this illegal activity, allows them to
11 continue to drug deal, allows them to continue to
12 extort money, gamble, or whatever.

13 The bottom line is that they
14 continue to do this with impunity and threaten the
15 safety of the system.

16 MR. LACKEY: Thank you so much.

17 I have no further questions of this
18 witness, Chair.

19 COMMISSIONER MARINIELLO: I want to
20 ask a couple questions.

21 You talked about the inmate account
22 system. I think the street-to-street transactions
23 that you were referring to really have a whole
24 different set of problems associated with them, in

25 terms of controlling them, that maybe have more to

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1 do with some of the things we discussed this
2 morning, in terms of how to control communication
3 in and out of the prison system, but the inmate
4 account system sounds like, while it may have been
5 a good idea, and in many cases it may be used by
6 some of the inmates in a very -- in the way in
7 which it was expected to be used, it's almost as
8 if it's been hijacked by the gangs to continue
9 this enterprise.

10 Would you agree with that?

11 MR. COOLEY: To some degree, yes.

12 COMMISSIONER MARINIELLO: And it
13 seems to me that one of the big problems is a lack
14 of control, in terms of the amount of money that
15 can come in, which appears to be limitless, and
16 the number of different people who can put the
17 money into the inmate account.

18 Would you agree that that also has
19 very little regulation on it?

20 MR. COOLEY: Yes, I would.

21 COMMISSIONER MARINIELLO: Do you
22 see -- I know you've looked at this -- you've
23 looked at so many different transactions. How
24 much of the transactions that you've looked at,

25 ball park, would you say fall within the realm of

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1 illegal activity versus, you know, legitimately
2 paying for gifts or electric bills or what have
3 you for inmates' families? I mean, is there a way
4 in which, from what we've looked at, we can
5 calculate how much of this \$64 million that we had
6 on that screen before is being used in the way in
7 which it was meant to be used, versus in the
8 conduct of an illegal enterprise?

9 MR. COOLEY: Well, I think Special
10 Agent Cacace and I both, when we reviewed the
11 transactions at different institutions, we were
12 only looking for patterns of individuals where
13 multiple individuals were paying the same person.
14 We did scan thousands of pages. At some
15 institutions, one year may consume 1700 pages of
16 computer script.

17 So, we did look at thousands of
18 transactions, and we did see the John Q. Citizen
19 who wrote a weekly check to their wife or their
20 mother. So, we did see legitimate transactions.

21 Quantifying, percentage-wise, I
22 really -- I couldn't speculate a guess.

23 COMMISSIONER MARINIELLO: All right.

24 Thank you, gentlemen.

1 much. As with everything else, the -- there is
2 another side to the story, and then how much is
3 done on the regulatory side to change it, or could
4 be done, and how much SID can do to investigate
5 this and can't do because they are overwhelmed,
6 and how much they are not related to that set of
7 transactions that are outside, which we heard a
8 little bit about this morning.

9 This puts more character and quality
10 around that problem and the unfettered capacity of
11 organized crime, in this case gangs, to operate
12 within the prison system.

13 We appreciate your efforts very
14 much, at least I do, I know the Commission does,
15 and the public will benefit.

16 Thank you.

17 MR. LACKEY: Thank you very much,
18 gentlemen.

19 At this time the Commission would
20 like to call Richard Mursheno and Peter Glassman
21 to testify, please.

22 RICHARD MURSHENO and PETER GLASSMAN,
23 after having been first duly sworn, are examined
24 and testify as follows:

25 MR. LACKEY: Good afternoon,

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1 gentlemen.

2 MR. MURSHENO: Good afternoon.

3 MR. GLASSMAN: Good afternoon.

4 MR. LACKEY: Agent Mursheno, please

5 state your name for the record, sir.

6 MR. MURSHENO: Richard Mursheno.

7 MR. LACKEY: Please tell us about

8 your professional experience.

9 MR. MURSHENO: I'm a retired New

10 Jersey State Policeman, after 27 years of service.

11 I spent the majority of my time, 22 years,

12 investigating narcotics trafficking and organized

13 crime.

14 I spent the past five years as a

15 Special Agent with the SCI, looking at organized

16 crime.

17 MR. LACKEY: Agent Glassman, please

18 state your name for the record.

19 MR. GLASSMAN: Good afternoon.

20 Peter Glassman.

21 MR. LACKEY: Please tell us about

22 your professional experience.

23 MR. GLASSMAN: I've been a law

24 enforcement officer for 21 years. I began my

25 career in Livingston Township as a police officer.

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1 In 1989 I joined the Hudson County Prosecutor's
2 Office as a detective, and in 2001 I became a
3 Special Agent with the State Commission of
4 Investigation.

5 MR. LACKEY: Let's talk about
6 contraband. Contraband has many forms. The
7 Commission's investigation, though, focused on
8 two, correct?

9 MR. GLASSMAN: That's correct.

10 MR. LACKEY: Which two?

11 MR. GLASSMAN: We focused on drugs
12 and cell phones entering the New Jersey state
13 prisons.

14 MR. LACKEY: What did the Commission
15 find?

16 MR. GLASSMAN: We found weaknesses
17 in three key areas: Number 1, the state prison
18 front door security measures; Number 2, the inmate
19 contact visits; and, Number 3, the visitors that
20 were banned by the department from visiting
21 inmates, all of which contribute to the drugs and
22 cell phones entering the state prisons.

23 MR. LACKEY: And we heard from Gang
24 Video Witness 2 that the Bloods dominate the cell

25 phone and drug trade. Is that what the Commission

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1 found, as well?

2 MR. GLASSMAN: Yes, it is. As you
3 heard earlier in the hearing from a gang inmate,
4 just about every drug that's available on the
5 street is available inside prison. The drugs most
6 commonly found are marijuana, cocaine and Ecstasy.
7 However, there have been instances where corrupted
8 staff has been found to smuggle in
9 methamphetamine, crack cocaine, powdered cocaine,
10 and even drug-laced fentanyl lollypops.

11 MR. LACKEY: Some of these drugs you
12 listed, including marijuana, X, and heroin, are
13 sold by the Bloods on the street, correct?

14 MR. GLASSMAN: Yes, that is correct.

15 MR. LACKEY: Now, are the prices for
16 drugs in prison more than on the street?

17 MR. GLASSMAN: Yes, they are.

18 (Exhibit GR-135 is marked.)

19 MR. LACKEY: Let me direct your
20 attention to exhibit GR-135. That is GR-135,
21 correct, Agent Glassman?

22 MR. GLASSMAN: That is correct.

23 MR. LACKEY: And that was prepared
24 by Commission staff, correct?

25 MR. GLASSMAN: Yes, it was.

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1 MR. LACKEY: Walk us through this
2 chart. This is an analysis of street value versus
3 prison value?

4 MR. GLASSMAN: That's correct. On
5 the street, the value of marijuana is between \$5
6 and \$10 per bag. Inside prison, the value is
7 between 20 and \$30 per bag.

8 The cost of Ecstasy on the street is
9 approximately between four and \$20 per tablet, and
10 prison value is \$75 per tablet.

11 Next slide. The value of heroin on
12 the street is between \$4 and \$15 per bag, where in
13 prison it costs \$40 per bag. The cost of
14 Oxycontin is \$5 per tablet on the street, and in
15 prison it costs between 20 and \$30 per tablet.

16 MR. LACKEY: Consistent with what
17 Detective Sergeant Hampton told us, that there is
18 a marked increase in cost in prison for these
19 drugs?

20 MR. GLASSMAN: That's correct.

21 MR. LACKEY: Yet, inmates are able
22 to get and pay for these drugs, as well, correct?

23 MR. GLASSMAN: Yes, they are.

24 MR. LACKEY: How do they pay for

25 them?

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1 MR. GLASSMAN: The Commission found
2 that inmates utilize their inmate trust accounts,
3 as well as those street-to-street transactions, to
4 pay gang inmates for these drugs inside prison.

5 MR. LACKEY: Agent Mursheno, let's
6 direct our attention to you. How do these drugs
7 enter prison?

8 MR. MURSHENO: The Commission found
9 that drugs enter the facility in a number of ways,
10 but visitation is the primary area of concern.
11 Visitors having contact visits with inmates,
12 visitors stashing drugs on the grounds and in
13 trash containers where the inmates on work detail
14 can carry them into the prison.

15 MR. LACKEY: Let's discuss how
16 visitors enter the prison. Who is allowed to
17 visit an inmate?

18 MR. MURSHENO: Well, the door is
19 wide open. Prison officials have the discretion
20 to approve family members, close friends, or
21 anybody else they feel will have a positive
22 influence on the inmate, but the department policy
23 does not require the visitor or the inmate to
24 prove any relationship between the two.

25 MR. LACKEY: How does a person

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1 become a visitor?

2 MR. MURSHENO: Well, the inmate
3 initiates the process by completing a visitation
4 request form, which includes the name, address,
5 date of birth, and relationship of the visitor to
6 the inmate. The inmate is required to provide
7 answers to questions related to the visitor's
8 incarceration history, if he has one.

9 MR. LACKEY: Agent Mursheno, is
10 there any background investigation done on
11 visitors?

12 MR. MURSHENO: Yes, in some
13 facilities, but not all, and the system is flawed.
14 The background check, if done at all, is based on
15 information supplied by the inmate. As a result,
16 the system is vulnerable to the inmate providing
17 false information to the department, trying to
18 hide the information that could deny a visit by an
19 inmate -- by a visitor.

20 MR. LACKEY: Let's just make sure we
21 are clear. There is two issues here. First, the
22 inmate is the person who initiates the visitation
23 process, correct?

24 MR. MURSHENO: Yes.

25 MR. LACKEY: And, secondly, and

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1 probably more importantly, it's the inmate who
2 provides all of the pertinent information about
3 the visitor to the department, including the
4 visitor's incarceration history?

5 MR. MURSHENO: Unbelievable, but
6 true.

7 MR. LACKEY: What happens -- let's
8 actually walk through the mechanics of a person
9 coming in to visit. What happens when they walk
10 in on a weekend to do a visit?

11 MR. MURSHENO: It depends, since the
12 visitation process procedures vary from facility
13 to facility. The intricacies will generally work
14 like this: The visitor shows a government-issued
15 ID -- photo ID, that is; they complete a visitor
16 form; and the visitor then proceeds through the
17 security measure, either passing through a
18 detection device, being wanded by a metal
19 detector, or being pat searched.

20 MR. LACKEY: Under the department's
21 current policy, can a known gang member be banned
22 from visiting another identified gang member?

23 MR. MURSHENO: Incredibly, no.

24 MR. LACKEY: What if, on a weekend

25 visitation, an officer notices -- and, you know,

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1 you saw earlier where we had the various slides
2 where people were wearing gang apparel?

3 MR. MURSHENO: Yes.

4 MR. LACKEY: Let's say, in this
5 example, the person is wearing that Double ii
6 jersey, has tattoos consistent with Double ii, and
7 is in full gang regalia. Can that custody officer
8 preclude that gang member from visiting, even if
9 they are going to visit a gang member?

10 MR. MURSHENO: Some officers do and
11 some don't. It varies by institution.

12 MR. LACKEY: I guess what you are
13 saying is, in some institutions the officer has
14 the -- it's the practice that the officer can stop
15 them, but in other institutions that officer may
16 not have that support?

17 MR. MURSHENO: That's correct.

18 MR. LACKEY: But there is no --
19 well, let's get it clear, though. There is no
20 department-wide policy setting the standard on
21 this, so that everybody is acting consistently in
22 allowing the same practice?

23 MR. MURSHENO: No, sir.

24 MR. LACKEY: But the department does

25 preclude people from visiting, doesn't it?

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1 MR. MURSHENO: Yes, it does.

2 MR. LACKEY: Tell us about that.

3 MR. MURSHENO: There is a list of
4 people that have been banned because they or the
5 inmate have engaged in some type of improper
6 conduct. Maybe caught with trying to bring in
7 contraband into the facility. They could be
8 banned either permanently or temporarily.

9 MR. LACKEY: Did the Commission find
10 that banned visitors had actually visited the
11 institution after being banned?

12 MR. MURSHENO: Yes, we found several
13 examples. An individual that was permanently
14 banned in June of 2006, the person had a criminal
15 history for narcotics trafficking, the person made
16 not one, not two, but 61 visits into this facility
17 after being banned.

18 Another visitor was arrested for
19 possession of CDS and returned to the same
20 facility that they were arrested six days later.

21 MR. LACKEY: We talked earlier about
22 contact visits. Are gang inmates allowed physical
23 contact during their visits?

24 MR. MURSHENO: Yes, they are.

25 During visits there is no physical barriers

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1 separating the inmates or the visitors. The
2 inmates are permitted light contact, such as
3 shaking hands or kissing during or at the
4 beginning and end of the visit.

5 MR. LACKEY: So it's possible,
6 consistent with what Gang Video Witnesses 1 and 2
7 told us, that visitors can pass drugs to gang
8 inmates during this physical contact?

9 MR. MURSHENO: Yes. We heard
10 testimony from correction officers, investigators,
11 former inmates, that they observed drugs being
12 smuggled in by visitors, such as marijuana and
13 Ecstasy, by placing it in small balloons. The
14 balloons are shaped like candy. They pass them to
15 the inmate through kissing. The inmate swallows
16 the balloon, then later recovers it back in his
17 cell through regurgitation or bowel movement.

18 MR. LACKEY: One of the Gang Video
19 Witnesses told us that the visitors used snacks
20 from vending machines as a vehicle to pass drugs.
21 Walk us through, in detail, this process.

22 MR. MURSHENO: Well, the Commission
23 heard sworn testimony that the prison officials --
24 from prison officials and gang inmates that

25 vending machines located in or near the visitor

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1 area are aids in smuggling, and here's how it
2 works. The visitor goes in, goes to the vending
3 machine, gets a bag of food. Then the visitor
4 goes to the visitors' bathroom, takes the drugs
5 that they had smuggled in either through body
6 cavity or on their person someplace, places them
7 into the bag of food. The drugs, like I said, are
8 shaped like candy or food. They give them -- they
9 come out of the bathroom, give them to the inmate.
10 The inmate eats the food, the snack, goes back to
11 his cell with a belly full of drugs and snacks,
12 then recovers them later through regurgitation or
13 bowel movement.

14 MR. LACKEY: Agent Glassman, what
15 strategies does the department employ to catch
16 visitors and inmates who are smuggling drugs into
17 the prison?

18 MR. GLASSMAN: In 1998, the Drug
19 Interdiction Unit, or DIU, was established through
20 a federal grant when the department adopted a zero
21 tolerance policy for drugs. The Drug Interdiction
22 Unit uses drug detection devices in conjunction
23 with it's special operation group's narcotics
24 detecting dog before the visits commence with

1 An investigator from the DIU uses
2 the device to scan visitors for the presence of
3 narcotics. If visitors are found to be in
4 possession of narcotics, they can be permanently
5 banned from visiting inmates.

6 MR. LACKEY: Well, let me stop you
7 here. These are the tools that -- the technology
8 tools that the department employees, but, as far
9 as your line custody officers, they have to rely
10 on searches and diligent work in order to find
11 drugs in various cells, is that correct?

12 MR. GLASSMAN: That is correct.

13 MR. LACKEY: Let's go back to the
14 Drug Interdiction Unit. Is that stationed at
15 every facility, to your knowledge?

16 MR. GLASSMAN: No, it is not. The
17 Drug Interdiction Unit consists of two
18 investigators. As a result, they can only conduct
19 these operations maybe once or twice a year at
20 each prison.

21 MR. LACKEY: Two times a year?

22 MR. GLASSMAN: That's correct.

23 MR. LACKEY: But isn't it true that
24 one of those investigators -- or an investigator

25 was recently added during the course of this

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1 investigation?

2 MR. GLASSMAN: Yes, they were.

3 MR. LACKEY: You mentioned drug
4 dogs. What are some of the issues associated with
5 these drug dogs?

6 MR. GLASSMAN: Narcotics dogs tend
7 to fatigue over time. However, they are an
8 excellent deterrent for drug couriers visiting
9 with gang inmates. Some prison officials and
10 officers told the Commission that, once word gets
11 out, or the dogs are seen by visitors, that some
12 institutions believe that about half the visitors
13 turn around and leave before visiting.

14 MR. LACKEY: As a matter of fact,
15 Commissioners, we heard -- and I'm not sure which
16 one of you -- we heard sworn testimony associated
17 with this related to the deterrent effect of these
18 drug dogs, so we had prison officials give us
19 sworn testimony related to this, correct?

20 MR. GLASSMAN: That's correct.

21 MR. LACKEY: Other than these drug
22 detection devices you just outlined, where we've
23 got two investigators now, and the K-9 unit, are
24 there any other methods that the department has in

25 place to be able to detect visitors who are

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1 smuggling in drugs?

2 MR. GLASSMAN: There are no other
3 devices or tools being used by the department to
4 specifically detect drugs on visitors.

5 MR. LACKEY: We've heard about a
6 lack of control of this visitation process that
7 the department has, and we've also heard that
8 visitation is a vehicle used by gang inmates to
9 get drugs into the prison.

10 What is the significance of the
11 Commission's findings in this area?

12 MR. GLASSMAN: Significant problem
13 with visitation is that the department doesn't
14 really know for sure who is visiting, since the
15 inmate generates the information on the
16 application, and the inmate also provides key
17 information, including past criminal history of
18 visitors. The department has taken steps to ban
19 visitors that bring in drugs or break the rules,
20 but some have visited again and again after being
21 banned.

22 The drug interdiction effort lacks
23 resources, as evidenced by the lack of drug
24 detection devices and investigators to conduct

25 these operations on a frequent basis at each

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1 facility. Drugs are also the underground currency
2 in prison, and the Bloods control the drugs and
3 the money associated with the drugs.

4 MR. LACKEY: Let's talk about one
5 more form of contraband. Let's talk about cell
6 phones. Agent Massa told us that over 500 cell
7 phones have entered the state prisons over the
8 last few years.

9 Did the Commission's investigation
10 reveal how these cell phones were entering
11 prisons?

12 MR. MURSHENO: Yes. The Commission
13 learned, although visitors account for some, the
14 majority of the cell phones are entering the
15 prison through corrupted corrections officers and
16 civilian staff.

17 Let me say, the Commission also
18 recognizes the vast majority of the corrections
19 officers are honest, hard working, and face a
20 difficult job every day. However, in sworn
21 testimony, department officials told the
22 Commission that corruption is a significant issue.

23 MR. LACKEY: And, clearly, the
24 Commission is not saying that every correction

25 officer is corrupted, but there are some that do

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1 become corrupted.

2 MR. MURSHENO: Yes, they do.

3 MR. LACKEY: And that's a realistic
4 fact the department has to deal with?

5 MR. MURSHENO: That's correct.

6 MR. LACKEY: How do these corrupted
7 officers and staff get these phones into the
8 prison?

9 MR. MURSHENO: Well, it depends on
10 the person who is trying to smuggle the cell phone
11 into the facility. If it's a corrupted
12 corrections official, he can hide the cell phone
13 underneath his vest and just walk through the
14 front door. If it's a corrupted civilian -- we've
15 had instances where they brought the cell phones
16 hidden in boots, inside books, food containers,
17 other belongings that they carry right into the
18 prison.

19 MR. LACKEY: As I just mentioned a
20 moment ago, obviously all the officers and staff
21 members are not corrupted, so explain to us how
22 the gang members decide which ones to target.

23 MR. MURSHENO: Gang members told us
24 they set their sights on three types of people.

25 Gang members target officers who they may have

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1 known from the neighborhood, or who may even have
2 been associated with the gang. There are those
3 staff members who are gang members themselves, or
4 at least sympathetic to the gang cause. They also
5 target female officers or staff by developing
6 intimate relationships with them.

7 As a matter of fact, the Commission
8 examined one particular example where a corrupted
9 female officer was in a relationship with a gang
10 member. As a result, she was smuggling in drugs,
11 cell phones, and other sorts of contraband.

12 MR. LACKEY: Once an officer or
13 staff member is selected, how does the cycle of
14 corruption begin?

15 MR. MURSHENO: Gang members test
16 officers or staff members by requesting small
17 favors over a time, to develop rapport and trust.
18 This is what's called the slippery slope of
19 corruption. Once they feel they develop a bond
20 between the officer and themselves, they start
21 instructing them how to bring a phone, pressuring
22 them, how to bring drugs into the facility.

23 Once the officer succumbs to the
24 pressures, he's then locked in. The inmate then

25 has the leverage to control the officer, for fear

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1 that the inmate will expose him to officials.

2 MR. LACKEY: Why would a person
3 compromise their career and risk the security of
4 the prison in order to bring in a cell phone?

5 MR. MURSHENO: Primarily it's
6 monetary gain. Depending on the location of the
7 prison, cell phones can go from 500 to a thousand
8 dollars. That's a lot of money in these difficult
9 economic times.

10 MR. LACKEY: Especially since a
11 little while ago we heard from Detective Sergeant
12 Hampton and Massa, they can go from a thousand to
13 1500.

14 MR. MURSHENO: Okay.

15 MR. LACKEY: That's a lot of money
16 in these tough times.

17 MR. MURSHENO: That's correct.

18 MR. LACKEY: You mentioned that
19 corrections officers or staff may have a prior
20 relationship with the gang inmates. How does this
21 issue relate to these cell phones coming into the
22 prison?

23 MR. MURSHENO: In some instances,
24 because of hiring rules, some of the officers come

25 from the same areas as gang members. If a person

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1 knew a gang member from the neighborhood, they are
2 subject to coercion, threats, because the inmate
3 knows where the family lives or the officer lives.

4 In addition, gang affiliation may be
5 the link. In one particular example, a gang
6 leader told us a corrupted officer had given him
7 cell phones repeatedly because of his status in
8 the gang and to further the gang's ultimate cause.

9 MR. LACKEY: In order to conduct
10 this investigation we had to learn who was
11 bringing in these cell phones. How did we do
12 that?

13 MR. MURSHENO: We interviewed
14 various current and former corrections officers,
15 current and former inmates, as well as DOC
16 officials, and have reviewed investigative
17 documents related to corrupt staff.

18 MR. LACKEY: Commissioners, at this
19 time I'd like to call a third witness. At this
20 time I'd like to call one such witness that we
21 spoke with. This is Gang Video Witness 3.

22 And, of course, because of security
23 issues specifically, this witness is appearing by
24 videotape, and this person will tell us about

25 bringing in a cell phone and delivering it to a

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1 gang inmate in prison.

2 Now the Commission calls Gang Video

3 Witness Number 3.

4 (Tape Played.)

5 MR. LACKEY: Thank you very much.

6 Let me direct my attention back to

7 you, Agent Mursheno. We just heard from that

8 person that it isn't difficult to get a cell phone

9 past security. Is that consistent with what the

10 Commission found?

11 MR. MURSHENO: Yes. The Commission

12 found the same thing. It's not difficult to

13 smuggle a cell phone into the secure perimeter of

14 the prison, due to a combination of factors, such

15 as inconsistent front door policies, officers

16 wearing their vest, and issues with the scanning

17 device.

18 MR. LACKEY: Let's talk about the

19 front door procedures. They are inconsistent,

20 aren't they?

21 MR. MURSHENO: Yes, they are.

22 MR. LACKEY: Tell us about that.

23 MR. MURSHENO: The department has a

24 general policy regarding the front door, but each

25 facility, each -- and the 14 facilities have their

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1 own procedures. As a result, the front door
2 policies and procedures vary from facility to
3 facility. The inspection varies, but can include
4 any or all of the following: Passing through a
5 detection device; being wanded for metal objects;
6 placing belongings in an X-ray machine, but only a
7 few of the facilities have X-ray machines to check
8 personal items such as briefcases, food
9 containers, and other items that can contain cell
10 phones.

11 MR. LACKEY: According to the
12 testimony that we just heard, these current
13 practices can be circumvented, can't they?

14 MR. MURSHENO: Absolutely.

15 MR. LACKEY: Agent Glassman, we'll
16 finish up with you. Does the scanning detecting
17 device at the front door have the capability to
18 screen for cell phones?

19 MR. GLASSMAN: According to the
20 manufacturer, the system will detect cell phones,
21 even if they are being hidden under a corrections
22 officer's protective vest or in a boot. However,
23 you just heard from someone who was able to bypass
24 all the security measures established by the

25 department and get a cell phone to a gang inmate

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1 inside the prison.

2 MR. LACKEY: How are cell phones
3 moved around, once they are past the front door
4 and into the secure perimeter?

5 MR. GLASSMAN: There are many
6 different ways to move a cell phone. As we heard
7 earlier, cell phones can be hidden in an inmate's
8 food tray, some inmates with minimum security have
9 access to common areas where visitors can leave
10 the phone for them to pick up, and we also learned
11 that civilian medical staff are able to move
12 inmates throughout the entire prison, in addition
13 to being able to hide cell phones in their
14 belongings.

15 MR. LACKEY: We heard earlier from
16 Agent Massa, and a moment ago from this witness,
17 that less than 20 percent of the phones that are
18 in the prisons are actually found. Why is that?

19 MR. GLASSMAN: Department staff and
20 the last witness questioned whether all the prison
21 cell searches conducted by officers are
22 consistently done in a proper and aggressive
23 fashion. Our second video witness told us that
24 his prison cell was searched twice over the course

25 of several months.

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1 Lastly, the department lacks the
2 newest electronic cell phone detection technology
3 to find the cell phones once they are inside the
4 prisons.

5 MR. LACKEY: And I think an
6 important point to raise is the point that Hampton
7 raised and also one of the Gang Video Witnesses
8 raised, is that officers work eight hours a day,
9 but inmates have 24 hours to sit in that cell and
10 think about where they are going to hide, where
11 they are going to store, how they are going to
12 charge that phone, because that phone is their
13 connection to relevance in their organization, so
14 they have every interest of keeping it as long as
15 they can, correct?

16 MR. GLASSMAN: That is correct.

17 MR. LACKEY: Now, we talked a little
18 bit about technology. Didn't the Commission
19 recently learn -- I mean really recently -- that
20 the department has instituted a program related to
21 dogs and cell phones? Why don't you tell us about
22 that.

23 MR. GLASSMAN: Yes. Recently the
24 department implemented cell phone detecting K-9s

25 to detect these cell phones inside the prison.

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1 MR. LACKEY: We've heard about these
2 vulnerabilities at the front door. Agent Mursheno
3 laid out several of them. And we also heard from
4 Gang Video Witness 3.

5 Tell us what the significance is of
6 the Commission's findings.

7 MR. GLASSMAN: The findings are
8 important for the following reasons: Cell phones
9 are being used to further the Bloods criminal
10 enterprise. The procedures and inspection of
11 corrections officers and staff entering New Jersey
12 state prisons are not uniform and consistent.

13 Although the department recently
14 implemented cell phone detecting K-9s, there is
15 currently no electronic equipment in place to
16 detect cell phones, once they have entered the
17 prison.

18 In addition, inconsistent and
19 infrequent prison cell searches make it difficult
20 to locate these cell phones in prisons.

21 Finally, cell phones are highly
22 valued by gang inmates. This creates a financial
23 incentive for smuggling cell phones into the
24 prison.

25 MR. LACKEY: Thank you very much.

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1 MR. GLASSMAN: Thank you.

2 MR. LACKEY: Commissioner, I have no
3 further questions for these witnesses. Of course
4 I have no questions for Gang Video Witness 3.

5 CHAIRMAN EDWARDS: I'm very
6 impressed. I'd like to thank you very much. I'd
7 like to put a little bit of a context within the
8 confines of what we are doing.

9 We had extensive conversations with
10 both the Department of Corrections and the unions
11 representing the various corrections officers.
12 You mentioned many, many times -- and we have
13 emphasized this -- most of the correction officers
14 are there to do the very best that they can
15 possibly do in the system that they have to work
16 in. We have had nothing but the highest level of
17 cooperation from the department with reference to
18 that information we needed in order to do this
19 investigation, they recognize some of their
20 shortcomings, and the representatives of the
21 corrections officers at all levels have indicated
22 a willingness, when we complete this hearing, to
23 participate in the process of our recommendations
24 and to enhance the quality of what we do to fix

25 this program, and I look forward to their

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1 participation at the next level.

2 It's impossible for us to disclose
3 and illegal for us to disclose anything other than
4 what we've talked about at these public hearings
5 as factual, but it is not part of our mission to
6 blame people. This is not a gotcha agency. Kathy
7 said it earlier. It is very important that the
8 quality of our recommendations be significant and
9 well supported by the facts.

10 We think we do that, and we are
11 anxiously looking forward to their pledged
12 cooperation in implementing those recommendations
13 or others that they think are more important.

14 So, I wanted to put that piece in
15 context with particular reference to your
16 presentation, and I appreciate it very much.

17 Again, thank you for a job well done.

18 MR. GLASSMAN: You're welcome.

19 MR. MURSHENO: Thank you.

20 MR. LACKEY: Thank you very much,
21 gentlemen.

22 And, Commissioners, we are at our
23 last witness of the day. I do have a short,
24 one-minute statement I'd like to read before I

25 call that witness.

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1 CHAIRMAN EDWARDS: Please do.

2 MR. LACKEY: May I? Thank you.

3 We have heard today a lot, and we've
4 heard about the Bloods smuggling drugs and cell
5 phones and other contraband into our prisons here
6 in New Jersey. Testimony has shown that the
7 Bloods control their criminal operations, both
8 within and outside the prison setting, through a
9 variety of communication links, including smuggled
10 cell phones, and they use the department's own
11 prison phone system.

12 We have learned that the Bloods
13 manipulate the inmate account system to finance
14 their criminal operations and to distribute their
15 drug money and other money that they extort from
16 inmates and their families.

17 In this next session we'll continue
18 to explore what these vulnerabilities are at the
19 Department of Corrections and how violent criminal
20 street gangs, primarily the Bloods, exploit them.

21 In that vein, we will hear from Bill
22 Brown. He's a Commission counsel. Mr. Brown has
23 24 years in state government, where he's
24 represented the office of the Governor, the

1 Law. We'll focus on five areas and -- five areas
2 of vulnerability at the department that are being
3 exploited by the Bloods in increasing numbers.

4 At this time the Commission calls
5 William C. Brown, our last witness.

6 WILLIAM C. BROWN, after having been
7 first duly sworn, is examined and testifies as
8 follows:

9 EXAMINATION

10 BY MR. LACKEY:

11 Q. Please state your name for the
12 record, sir.

13 A. William Brown.

14 Q. I outlined your background. I hope
15 I did it accurately. Twenty-four years of
16 practicing law on behalf of the State of New
17 Jersey, and we thank you for that, but we are here
18 to talk about the Bloods and their proliferation.

19 So, we've heard that violent
20 criminal street gangs led by the Bloods are a
21 growing presence in New Jersey's prisons. How
22 serious is that threat, sir?

23 A. According to the Department of
24 Corrections, as of September of this year, 4,400

25 incarcerated inmates have been formally identified

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1 as gang members. Senior department officials told
2 Commission staff that up to 40 percent or more of
3 all inmates may, in fact, be affiliated with the
4 Bloods.

5 This threat is not confined to New
6 Jersey's prisons alone. SCI surveyed all of the
7 state's county prosecutors, and that showed that
8 gangs, specifically the Bloods, were a recognized
9 threat in all 21 counties and are now in
10 connected, organized, criminal enterprises across
11 the state. And these two worlds are closely
12 linked; the world of prison and the world of the
13 street. There is no question that gang leaders
14 and members in prison proactively communicate with
15 gang members on the street, and that they utilize
16 the department's own system to issue orders and
17 receive and distribute money and drugs.

18 Q. We've heard that violent criminal
19 street gangs have cell phones in prison. As a
20 matter of fact, Agent Massa told us that it was
21 over 500 over the last few years. And we've also
22 heard about the prison phone system being
23 subverted, along with the mail system being used
24 to send coded communications. Also that the

25 Bloods can communicate without detection with

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1 their associates on the streets.

2 Can you explain to us how this is
3 happening?

4 A. Well, first of all, these materials
5 are getting inside the facilities, and any access
6 point into the secure perimeter provides the
7 opportunity to smuggle drugs and cell phones into
8 a prison. You've heard testimony that the
9 department management itself believes that a small
10 number -- let me repeat -- a small number of
11 corrupted corrections officers and civilian staff
12 have been and, in fact, are smuggling cell phones
13 and drugs into the prison, and that visitors sneak
14 drugs in when they visit.

15 For this reason, we examined two key
16 access points or entry points into these
17 institutions: The point where officers and staff
18 enter the secure perimeter, what's called the
19 front door; and the point where visitors enter the
20 facility and come into contact with inmates,
21 what's called the visit hall.

22 Q. Well, let's first focus on the front
23 door. We've heard weaknesses from Agent Mursheno
24 and Agent Glassman in the front door inspection

25 process, including a scanning and testing device

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1 that can be beat, not enough drug detectors, and a
2 lack of uniform procedures from prison to prison.

3 Are there other weaknesses?

4 A. Yes. As you heard, the department
5 did not uniformly assign a supervisor to oversee
6 the inspection process at the front door, and the
7 department did not uniformly assign both a female
8 and male correction officer to the front door
9 post, and did not uniformly conduct pat searches
10 at the front door.

11 Q. What are the consequences of failing
12 to assign a male and female at the front door?

13 A. When only a male or female
14 correction officer is assigned to the front door,
15 it's not possible for that officer to pat search
16 an officer of the opposite sex.

17 Q. What about the next point you raised
18 about the supervisor? Why is it important that a
19 supervisor be at the front door?

20 A. The supervisor at the front door can
21 be very critical. A supervisor at the front door
22 provides a check and balance on the correction
23 officers who are inspecting and processing people
24 as they enter. It's a second set of eyes, it's a

25 backup system. The assignment of a supervisor

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1 guards against lower ranking corrections officers
2 being intimidated or less aggressive in their
3 scrutiny of more senior or higher ranking
4 officers. A supervisor's presence guards against
5 the reluctance of some officers to openly call out
6 their colleagues and brothers. The presence of a
7 supervisor appropriately elevates the importance
8 of this task to a level that is commensurate with
9 the risk and the threat posed by contraband
10 entering the secure perimeter.

11 Q. Let's talk about the risk associated
12 with that. What is the risk?

13 A. The risk is great. The magnitude of
14 the threat to the safety and security of an
15 institution when cell phones, drugs or other
16 contraband are smuggled in cannot be overstated.
17 For example, Commission staff heard a secretly
18 recorded tape of a Bloods leader ordering an
19 assault from a prison by cell phone.

20 Q. Going back to uniform procedures.
21 That's another point that Glassman and Mursheno
22 raised. Why do the department's inspection
23 protocols vary from prison to prison?

24 A. Well, that's not an easy question to

25 answer, and I'm sure there is a variety of views

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1 on that, but, first of all, the department
2 operates 14 institutions spread across the state.
3 All of these institutions were designed
4 differently, at different times, with different
5 layouts, partly in order and on occasion to
6 accommodate different inmate populations.

7 One facility dates back literally to
8 1836, another opened in 1901. Others were state
9 of the art when they were built back in the 1980s.
10 Correction administrators have described them as,
11 and I quote, city states unto themselves, and
12 historically these institutions have acted
13 independently.

14 Q. But how does that justify the
15 different practices at the front door at these 14
16 different facilities?

17 A. The fact that these facilities are
18 differently configured, have different physical
19 layouts, does not change the need for having some
20 basic bottom line best practices for all access
21 points into the secure perimeter.

22 If the department has identified
23 best practices for inspecting people entering the
24 facility at one prison, that best practice should

25 be deployed at all prisons. It's a best practice.

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1 Q. How does the failure to have a best
2 practice in place for the inspection process
3 impact smuggling at the front door?

4 A. Well, it allows inmates and corrupt
5 staff to exploit any gap, seam or weakness at a
6 facility.

7 Look, no one inspection process is
8 foolproof. Different types of inspections have to
9 serve as second checks or backstops to each other,
10 and, significantly, if you do not have uniform
11 protocols or standard operating procedures, the
12 Commission's -- management's ability to measure,
13 evaluate and enforce effective inspections is
14 simply lost.

15 Q. What has the department done in
16 response to these failures that we've uncovered?

17 A. Well, cell phones and drugs are
18 getting in, and they are getting in in significant
19 quantities. The Commission recently learned that
20 the department will require anyone entering a
21 secure perimeter to go through scanning testing
22 devices and to be pat searched.

23 In addition, the department has
24 recently indicated again that during shift changes

25 they are going to assign supervisory personnel at

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1 the front door as well as male and female
2 corrections officers.

3 Q. Does this solve the problem?

4 A. It will help, but there are still
5 gaps in the process that will continue to be
6 exploited unless checked. You heard a corrections
7 officer say he hid phones in his protective vest,
8 and his phones were not detected by scanning
9 testing devices when he brought them in.

10 Cell phones concealed under the
11 protective vest of a correction officer, for
12 example, or in the boots of a civilian staff
13 member, as we learned, may not always be detected
14 by scanning testing devices or by pat searches at
15 the front door.

16 Q. Let's talk about visitation. We
17 heard how gang inmates smuggle contraband using
18 the visitation process. Can you summarize some of
19 the vulnerabilities in the visitation process.

20 A. Well, first, inmates actually seem
21 to control the process. Inmates identify their
22 visitors and their relationship to the visitors.
23 Inmates are the ones who are actually supposed to
24 supply information about their visitors' criminal

25 records to the department. Finally, there is no

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1 uniform or consistent background check protocol

2 for visitors from institution to institution.

3 Q. We've heard earlier, and Agent

4 Mursheno discussed this, that some banned visitors

5 had visited 61 times after being banned. So there

6 is a banned visitors list.

7 Explain to us what the banned

8 visitors list is.

9 A. Well, to recapitulate, the banned

10 list is the list of visitors who have been banned

11 from visiting with inmates because they violated

12 state law or department rules and regulations.

13 Q. And I just articulated that banned

14 visitors obviously keep getting in. Is there a

15 problem associated with the banned visitor list?

16 A. There are and -- there is more than

17 one. The banned visitors list is not immediately

18 available to all 14 facilities. There are no

19 photos, nor is there any photo recognition

20 capability. The identity of the inmate whom the

21 visitor was visiting when the infraction occurred

22 may not be available to the officers who are on

23 duty at that time, and at least one facility does

24 not even have computer access to the list.

25 Q. Why is a modern visitor database

223

1 important?

2 A. You need to know who the visitors
3 actually are. At its most basic, a modern visitor
4 database would keep bad actors out, people who
5 have already been banned. We've heard the reasons
6 why some people show up to visit gang members and
7 gang leaders. Face-to-face contact would be very
8 important. Patterns of drug and cell phone
9 confiscations, once we've identified who those
10 visitors are, should be correlated back to inmates
11 and their visitors and to the inmates' money
12 through the department's banks.

13 The department's investigative arm,
14 you've heard the Special Investigation Division or
15 SID, needs these tools.

16 Q. We've heard about a lack of a modern
17 and integrated visitor database. Does the lack of
18 a centralized inmate account system that
19 accurately captures the identities of people
20 depositing or receiving money in inmates' accounts
21 hurt the department?

22 A. It does. Overall, people outside
23 prisons send or drop off over \$12 million a year
24 for deposit in inmate accounts without the

25 identity of the depositor being verified or

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1 captured. As a result, the department does not
2 have the ability to go back and track and uncover
3 wrongdoing connected with the transfer of money.

4 In prison, money buys drugs, money
5 buys protection, and money buys power. Inmate
6 account systems should not be a tunnel allowing
7 money to flow in and out of prison at will. At a
8 minimum, the department needs to know what is
9 passing through that tunnel and to whom it goes.

10 Q. We've talked several times about,
11 and the Chair just mentioned it, the fact that the
12 average corrections officers is a hard working law
13 enforcement officer performing a tough job.

14 However, there are systemic
15 weaknesses in the personnel system that render the
16 department vulnerable to gang infiltration and
17 allow gang members the opportunity to infiltrate
18 the ranks of corrections officers.

19 Does the department recognize this
20 threat?

21 A. It does, and I will tell you that
22 many of the officers and senior management that
23 the Commission staff talked to openly -- openly
24 expressed concern over the threat or the specter

25 of gang infiltration into their ranks. The

225

1 Commission has been told by gang members that
2 gangs are trying to infiltrate gang members into
3 the ranks of correction officers.

4 So we've got it from both sides.

5 Gang members are telling us that, people at the
6 department are telling us that as well.

7 Q. Has the department checked its
8 applicants for gang affiliation?

9 A. Historically, the department has not
10 comprehensively vetted candidates for gang
11 associations, but, you offer a 500 or a thousand
12 or a \$1600 bribe by gang members to a law
13 enforcement officer just does not come out of thin
14 air. It can come out of the close scrutiny of the
15 officers by gang members while on duty, or from a
16 prior relationship with gang members, by virtue of
17 that gang association.

18 At the end of the day, an officer
19 with gang ties is simply more vulnerable to
20 corruption.

21 Q. What are some of the challenges that
22 the department faces in making sure its candidates
23 are not gang members?

24 A. Well, I don't want to understate

1 custody staff is the largest uniformed police
2 force, by far, in the State of New Jersey. Over
3 the most recent two-year period, the department
4 reviewed the application -- that's a two-year
5 Civil Service cycle -- the department reviewed the
6 application of over 2,000 candidates, all within
7 the constraints and the limitations imposed upon
8 that group by the state's Civil Service system.

9 Q. How are these candidates vetted?

10 A. The department has a custody
11 recruitment unit, which essentially conducts
12 background investigations. They essentially
13 conduct a variety of computer checks, criminal
14 database checks, to uncover the criminal
15 backgrounds of candidates.

16 Recently, and by that I mean within
17 the last month and a half -- and we regard this as
18 very significant -- the department has begun to
19 conduct checks on social networking sites, such as
20 Facebook, MySpace, or actual gang sites, in order
21 to identify candidates who disclose their gang
22 affiliations on their web pages. We heard, just
23 the end of last month, that, as a result of these
24 new checks, nine candidates were found to have

1 that month, and they would not have been
2 detected -- they simply would not have been
3 detected two months ago, because those checks were
4 not being done.

5 Now, these were people who were
6 trying to become correction officers. They flash
7 hand signs, they wear gang colors, they display
8 gang tattoos, or they make explicit references to
9 their gang membership publicly.

10 Q. Does the department disqualify gang
11 members from employment?

12 A. The department has only recently
13 told us that it plans to ask that question and,
14 until now, gang members who did not have criminal
15 records could easily be admitted to the Department
16 of Corrections training academy. Until recently,
17 department personnel indicated that the department
18 could not disqualify candidates for criminal
19 association. In fact, at this time there is no
20 specific statute, rule or practice authorizing the
21 rejection of gang members as candidates for the
22 position of correction officer.

23 Gang associational issues is an
24 issue that needs to be directly addressed by the

1 Q. Does the department interview
2 candidates in their home?

3 A. That's an absolutely critical test
4 in the eyes of many in law enforcement. The
5 Department of Corrections stopped home interviews
6 in 2005 and, as a result, also stopped checking
7 with neighbors and sometimes with local police.

8 Now, again, we learned just very
9 recently the department is moving to reinstitute
10 home interviews because it believes that they are
11 valuable.

12 Q. What other changes has the
13 department instituted?

14 A. They are now disqualifying
15 applicants who have adult drug convictions or who
16 have been incarcerated in a correctional facility.
17 We also learned that a restriction on background
18 investigation staff attending training -- these
19 are, again, the folks that do the investigation
20 into the candidates -- that a restriction -- a ban
21 on them of having training was recently lifted,
22 and that they are now attending a variety of
23 classes and have begun participating and attending
24 regular gang intelligence meetings with outside

1 Look, the custody recruitment unit
2 of the Department of Corrections unit is
3 essentially the keeper of the gate of the
4 Department of Corrections. The department
5 gatekeepers simply must be in a position to
6 recognize gang behaviors and to be able to find
7 and follow up with the necessary proofs.

8 Q. You've listed a number of changes
9 the department is making or has promised to make.

10 Will these changes work?

11 A. Well, if the department begins to
12 disqualify candidates and officers on the basis of
13 criminal association, significant resources will
14 have to be devoted to both investigating and
15 litigating these cases, which will be complex.
16 They will require sophisticated expert testimony
17 from the department's gang experts, as well as
18 detailed, comprehensive investigations and
19 testimony by the department's background
20 investigations unit. They are going to have to
21 lay out those criminal associations pretty
22 plainly.

23 Q. Are the background investigation
24 weaknesses a problem limited to custody staff?

25 A. No, it is not. If anything, the

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1 problem is more pronounced in respect to the
2 background investigations process for the over
3 4,000 civilian staff at the department, and many
4 of those staff do come into contact with inmates
5 on a very frequent basis.

6 Right now one single investigator
7 conducts computer searches for all civilian
8 applicants who work in more than one facility, and
9 sometimes that's over a hundred investigations a
10 week for a single investigator.

11 Q. Sounds like a substantial workload
12 for one investigator.

13 A. It is.

14 Q. Does the department investigate the
15 background of its many volunteers that are in
16 prisons, for example, various pastors and other
17 associations and other people that just simply
18 volunteer their time at a prison?

19 A. The department tries to verify who
20 these volunteers are, but, again, it does not
21 compile that information into a central database
22 that's available and accessible across all 14
23 facilities.

24 Q. I want to take you back to one issue

25 related to home interviews. Isn't it true that

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1 home interviews, by their very nature, are labor
2 intensive and may be difficult to do, in light of
3 the CRU -- the Custody Recruitment Unit's current
4 staffing?

5 A. Well, the staff believes that they
6 can do it, but the -- they are going to be out of
7 the office conducting interviews in people's
8 homes, they are going to be traveling to and from,
9 and it's going to be a challenge for them to get
10 that done. They've told us that they think they
11 can do it, but they are facing a significant
12 challenge.

13 Q. Let's talk about other issues
14 related to staff and personnel. Let's talk about
15 staffing assignments.

16 A. Well, the union contract that the
17 department operates under recognizes that some
18 staffing assignments can be critical to the safety
19 and security of the operation of the prison and
20 should be purely a managerial prerogative.

21 At present, however, the vast bulk
22 of custody staff assignments, uniformed correction
23 officer assignments, are not based on managerial
24 discretion or qualifications, but are made and

25 based purely on the seniority of the applicant.

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1 Q. Are there problems associated with
2 assigning people based solely on seniority?

3 A. First, and I've given this some
4 thought, I think it's important to stress that the
5 seniority system can help prevent cronyism and
6 other undue influence. It creates a level playing
7 field.

8 However, high risk vulnerability
9 posts that relate purely or particularly to the
10 security and safety of a prison, which could
11 include the front door, the visit hall, background
12 investigations, and some of the maximum security
13 units, could be treated differently. We've been
14 told by many managers at the department, including
15 the department's sworn law enforcement leadership,
16 that there are a number of key positions, such as
17 those I've mentioned, where management should be
18 able to freely make such assignments.

19 Q. So, clearly, just so I'm clear, the
20 seniority system certainly has a place at the
21 Department of Corrections, and that the vast bulk
22 of jobs should be assigned by the seniority
23 process; however, there are some key, high risk
24 vulnerability positions that the Commission

25 believes that management should look at to assign

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1 on management's prerogative?

2 A. Yes, and we -- in our discussions
3 with folks at the Department of Corrections --
4 with managers there, they agreed.

5 Q. Is custody staff appropriately
6 trained to address this growing threat of gangs?

7 A. It is not. A key finding globally,
8 a finding that I think is broadly recognized
9 throughout the Department of Corrections, both on
10 the management side and on the union side, as well
11 as in the trenches, is the need for more training.

12 The department simply lacks the
13 resources to conduct sophisticated or ongoing
14 training programs after officers graduate from the
15 training academy.

16 Q. Is this training deficit linked to
17 gangs?

18 A. The department's gang experts, the
19 intelligence section at SID, simply has
20 insufficient resources to train custody officers
21 who are in daily contact with gang members. As a
22 result -- and, because they are in daily contact,
23 they are an absolutely critical component in any
24 comprehensive or concerted anti-gang effort.

25 In addition, there is a lack of more

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1 gang-focused or more investigative-specific
2 training for critical security positions.

3 Mailroom, visit, and background
4 investigation staff, for example, should be
5 trained, should be experts in the detection of
6 gang symbols, the deciphering of gang jargon, on
7 an ongoing and comprehensive basis. Front door
8 staff should be the best trained and qualified
9 personnel when it comes to detecting contraband.

10 Q. How is the department organized, or
11 I guess structured, to deal with gangs?

12 A. Structurally, the law enforcement
13 staff of the department is broken out into two
14 groups: Custody staff, the uniformed officers
15 we've been talking about have about 6500 officers
16 in total; the investigation -- Internal Affairs
17 unit at the department is called, again, the
18 Special Investigation Division, or SID, and that
19 unit has about a hundred investigators.

20 SID has a broad range of
21 responsibilities. They are responsible for all
22 criminal and administrative investigations, they
23 are responsible for drug testing, arson
24 investigations, fugitive investigations, domestic

25 violence investigations, lie detector tests, and

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1 Internal Affairs investigations, as well as gang
2 investigations and gang intelligence.

3 Q. So who does the gang investigations?

4 A. There is a separate unit within SID
5 that gathers intelligence in order to uncover and
6 prevent criminal activity. That unit, the
7 intelligence section, also investigates gang
8 activity in the prisons. It does gang training
9 throughout the department and it reviews all
10 inmates when they are admitted in order to
11 determine if that inmate should be identified as a
12 member of a security threat group, such as the
13 Bloods, notably. The intelligence section also
14 reviews all referrals to the maximum security --
15 to the Security Threat Group Management Unit.

16 Q. Is the intelligence unit adequately
17 resourced?

18 A. It is not. Statewide there is one
19 intelligence analyst. There is only one officer
20 doing all the gang identifications. There is one
21 officer doing all the cell phone forensics. There
22 is one officer doing civilian background checks.
23 There is one officer at each facility who, among
24 his or her other responsibilities, many other

25 responsibilities, is a gang officer and a liaison

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1 with the custody staff.

2 The intelligence officers --
3 accordingly, prison administrators and
4 intelligence officers are simply outmatched in
5 numbers and in terms of the scope and variety of
6 the responsibilities that they've been entrusted
7 with. Intelligence officers are limited by a lack
8 of financial training, limited investigative
9 technology and insufficient resources to manage
10 the intelligence that they are able to glean.

11 Q. Tell us about the relationship
12 between SID and custody officers.

13 A. I don't think it's any secret. SID
14 and custody officers openly acknowledge that they
15 do not trust each other. Simple reality is SID is
16 regarded by custody officers, frankly, as a rat
17 squad or Internal Affairs, and is mistrusted.
18 SID, in turn, distrusts the custody staff in the
19 smuggling of contraband and is concerned over the
20 level of corruption in the ranks of uniformed
21 officers.

22 Q. How do the custody officers and SID
23 share information about gangs?

24 A. At each facility there is a

25 committee led by that facility's intelligence

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1 officer that includes custody staff. However, the
2 lack of trust between SID and custody officers
3 seems to prevent the productive flow of
4 information. On a technical level, contributing
5 to this lack of trust is federal law that limits
6 who can have access to intelligence. And some of
7 these constraints, frustratingly enough, can apply
8 even to custody officers at a facility.

9 Q. Does this split, this friction
10 between SID and custody staff, disrupt the
11 department's efforts to control gangs?

12 A. It does. SID is the Department of
13 Corrections' gang investigative arm. SID is the
14 unit that works with the State Police, the
15 Attorney General's office, the F.B.I., county
16 prosecutors, local police, on cases where prison
17 gang problems spill over or have a connection to
18 the communities and neighborhoods in New Jersey.

19 Situation where an under-resourced
20 SID does not utilize custody staff resources,
21 knowledge and numbers, because SID thinks,
22 frankly, that custody staff cannot be trusted, and
23 then, conversely, custody staff will not work with
24 SID because custody staff thinks SID or Internal

25 Affairs is out to get them and is inefficient,

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1 well, that's a recipe for not controlling and

2 limiting gang influence in prisons.

3 No matter the professionalism of the

4 officers and the investigators, and I will say

5 that many of the people that I -- virtually every

6 person that we talked to, I was impressed by their

7 commitment to do a very, very difficult job and

8 their commitment as law enforcement professionals,

9 but this structure will simply not work for them

10 or the public unless this split between the SID

11 and the custody staff is bridged.

12 MR. LACKEY: Thank you so much. I

13 have to further questions.

14 Chair?

15 CHAIRMAN EDWARDS: I'm assuming, Mr.

16 Lackey, that that concludes your part of this

17 presentation.

18 MR. LACKEY: It does.

19 CHAIRMAN EDWARDS: I would like to

20 take this opportunity to congratulate the staff,

21 you, your team, the team of investigators that are

22 here that have worked on this, Mr. Brown. You've

23 heard the credentials of our investigative team,

24 you know how experienced they are in organized

25 crime activities and investigative activities, and

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1 the quality of this investigation, the 20 months,
2 and a very difficult one, and a very complex one,
3 one that we didn't know a lot about when we
4 started, but you've done a yeoman's job to
5 highlight for the public and for us, the
6 Commissioners, the real problems that exist and
7 the real criminal activity that's going on, contra
8 to what the public's perception of what's going on
9 in our prison system.

10 Kathy Flicker has taken on the
11 responsibility as our Commissioner in heading this
12 up and has done an equally yeoman's job. The
13 number of hearings and things that she's done with
14 her background has just been extraordinary.

15 Having said that about our staff,
16 Bill, you and Chadd, yourself, and the rest of
17 them, I can't thank you all enough on behalf of
18 not only the Commissioners, but the people of the
19 State of New Jersey for that effort.

20 Before I let Bill leave and we move
21 on, I don't know if any of the Commissioners have
22 any questions -- any more questions for Bill
23 before we conclude this hearing?

24 MR. LACKEY: Thank you very much,

25 Chair. I appreciate that.

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1 COMMISSIONER HOBBS: Chair, I just
2 want to add my praise to the investigative staff.
3 I think you've done an extraordinary job. It's a
4 really daunting problem. I'm not sure that we've
5 heard any perfect solutions in the room, when we
6 end up with a system where essentially gang
7 leadership have two offices: They have one on the
8 street where they have more freedom, but a little
9 bit more danger, and they sell a lot of product at
10 low margins; or they can go to their prison office
11 and they have less danger, but they sell product
12 for higher margins, they have a new service called
13 protection that they get to add to it, but they
14 have plenty of communications. So it's pretty
15 wild altogether out there.

16 COMMISSIONER FLICKER: I'd like to
17 thank our staff. They have done a wonderful job.
18 I can't tell you how many hours have gone into
19 this. I'd also like to thank everyone who is in
20 the room who has contributed and, of course, I'm
21 also thanking all of those who aren't in the room.
22 But we have talked to various groups, we have
23 talked to sometimes competing groups, and
24 intriguingly most of the recommendations that we

25 are coming up with, with the possible exception of

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1 one or two, have come from all of them,
2 independent of one another, from the -- some of
3 the guards, the corrections officers, who are
4 still members of law enforcement, from some of the
5 corrections officers who are former members of law
6 enforcement, from some of the corrections officers
7 who are disgraced former members of law
8 enforcement, from some of the gang members who are
9 in and out of prison, from the unions who have all
10 been cooperative, have given of themselves, have
11 talked to us, have shared openly their thoughts,
12 their concerns, their recommendations, and, as the
13 Chair has said, both at the beginning and through
14 this hearing, this is just the first step.

15 We will be making recommendations,
16 we were looking for input in that regard, and we
17 will be moving forward looking at other aspects of
18 the gang problem in the justice system altogether.

19 So, I need to thank each and every
20 one of you. You have all contributed. I have a
21 feeling that some of our recommendations will be
22 hailed by one and all and some may be cursed by a
23 few, that's the way these things go, but that is
24 not to say that we haven't listened, that we

25 haven't considered, and that we haven't taken into

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1 account varying individuals who have given us
2 information and shared their thoughts with us.

3 So, on behalf of the Commission,
4 thank you all.

5 COMMISSIONER MARINIELLO: I also
6 want to thank the staff. I know that preparing
7 for one of these hearings is a very difficult task
8 because, in addition to doing the investigative
9 work that you are doing, you are really trying to
10 put this together in a way in which you can
11 communicate the problems to us up here on the
12 dais, as well as to the people of the state, in a
13 way in which they can understand it and in a way
14 in which we can understand it.

15 I think this is a particularly
16 difficult topic to express that. I think you all
17 did a wonderful job. I, in the past, have
18 mentioned that our staff has done a very good job
19 of gathering the information, but it sometimes had
20 a difficult time putting it forth to the public,
21 but I think each of you did a wonderful job today,
22 and I know it's been a lot of hard work by Chadd
23 and by Lee and the whole team, so I thank you.

24 CHAIRMAN EDWARDS: Thank you, Joe,

25 very much.

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1 There is a 40-year tradition that
2 this Commission has had with the State beginning
3 and dealing with organized crime in New Jersey.
4 There is a quality of work that the Commission has
5 produced over those 40 years, and the quality of
6 this work measures upper perfectly with that
7 history and that tradition, and I thank you very
8 much.

9 This concludes our proceeding and,
10 before we officially adjourn, I want to make a few
11 additional closing comments. I'd like to express
12 our gratitude to the many law enforcement
13 officials and public servants who offered their
14 expert assistance in this long and difficult
15 process.

16 Thanks particularly to the
17 Department of Corrections. Although the
18 department has declined an invitation to provide
19 testimony at these proceedings, as is their
20 prerogative, that does diminish the high level of
21 behind-the-scenes cooperation afforded us by the
22 department's staff over many, many months. We
23 have been provided with thousands of key
24 departmental records and have met extensively with

25 senior officials both in management and in the

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1 unions representing corrections personnel. We
2 know that they share our concerns in many areas we
3 have examined here today.

4 Ladies and gentlemen, there is an
5 old joke -- and we've all heard it -- that goes
6 something like this: The good news is that we are
7 from the government. The bad news is that we are
8 here to help you. And certainly that unfortunate
9 mixed message sometimes does not translate into
10 reality.

11 But, speaking for the SCI, the truth
12 of the matter is that we are here to help you. We
13 really are. As Commissioner Flicker pointed out
14 in her opening statement this morning, we are not
15 a gotcha agency. We don't point fingers or lay
16 blame for self-promotion. At the end of the day,
17 when all is said and done, what counts, what makes
18 our investigations meaningful, is our ability to
19 marshal the facts as a basis for effective
20 recommendations to reform and improve the system.
21 That's where we are going.

22 In the coming weeks, the Commission
23 will issue a report that will include a wide range
24 of detailed recommendations for systematic reform

25 in every area of our extensive inquiry. Steps

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1 already undertaken by the corrections department
2 during the course of the investigation are an
3 encouraging sign of salutary change, and we
4 recommend that the department continue to do that.

5 But the record is clear, convincing
6 and urgent: Organized crime, as we know it here
7 in the 21st century, has established a series of
8 operational outposts, if not outright strongholds
9 within the very walls of our state prisons.

10 Behind bars, members of violent criminal street
11 gangs are able to recruit, organize and
12 communicate with cohorts on the street, almost
13 with impunity. They can carry out financial
14 transactions to further their criminal
15 enterprises. They readily exploit systematic
16 weaknesses to their own advantage. Their ability
17 to operate from within the walls raises the
18 specter of greater violence on the streets, once
19 they return to the outside world, or even before.

20 This should not be. To address
21 these serious matters, we will draw upon the
22 extensive findings of this investigation and upon
23 the knowledge, expertise and experience of
24 corrections officials and other key players to

25 develop recommendations for a strong statutory and

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1 regulatory structure. We will build upon pending
2 legislation with the goal of providing the
3 broadest, most effective and most efficient
4 vehicle for practical reform. And when we finish,
5 we will respectfully submit our proposals to the
6 Governor and the legislature in the hope that they
7 will place these issues front and center and
8 resolve them in the best interests of the citizens
9 of New Jersey, and no longer make the correctional
10 system part of the problem, but part of the
11 solution.

12 Thank you very much, and this
13 hearing is adjourned.

14 (3:26 p.m.)

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1 C E R T I F I C A T E

2 I, Sean M. Fallon, a Certified Court
3 Reporter and Notary Public of the State of New
4 Jersey, do hereby certify that prior to the
5 commencement of the examination, the witness
6 and/or witnesses were sworn by me to testify to
7 the truth and nothing but the truth.

8 I do further certify that the
9 foregoing is a true and accurate computer-aided
10 transcript of the testimony as taken
11 stenographically by and before me at the time,
12 place and on the date hereinbefore set forth.

13 I do further certify that I am
14 neither of counsel nor attorney for any party in
15 this action and that I am not interested in the
16 event nor outcome of this litigation.

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Certified Court Reporter
XI00840
Notary Public of New Jersey
My commission expires 4-29-2013

25 Dated: _____