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**INTERVIEW**  
of  
**Captain David Blaker**

for the

**SENATE JUDICIARY COMMITTEE**

February 7, 2001  
2:00 p.m.  
Committee Room 14  
State House Annex  
Trenton, New Jersey

**PRESENT AT INTERVIEW:**

Senator John A. Lynch  
Eric H. Jaso, Esq. (Special Counsel to the Committee)  
Jo Astrid Glading, Esq. (Democratic Counsel to the Committee)  
Leon Sokol, Esq. (Democratic Counsel to the Committee)

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New Jersey State Police (Retired)

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**MR. ERIC JASO:** Mr. Blaker, if you'd rise, please. Raise your right hand.

(Oath administered)

Mr. Blaker, as I said before, my name is Eric Jaso. I'm associated with the law firm of Latham and Watkins. Michael Chertoff, who is a member of the firm has been appointed by the Senate Judiciary Committee of the State of New York -- New Jersey, excuse me -- to investigate, among other things, the issue of racial profiling in the State of New Jersey.

I would like if each of the counsel could introduce him or herself to the record, so that the names will be on the record of everyone present in the room.

**ALLISON ACCURSO, ESQ.:** Allison Accurso, Assistant Attorney General, Division of Law.

**MR. SOKOL:** Leon Sokol. I'm the counsel to the Senate Democratic minority. I'm serving as counsel to the Democratic members of the Judiciary Committee.

**SENATOR JOHN A. LYNCH:** John Lynch, L-Y-N-C-H, State Senator, 17th District, a member of the Judiciary Committee.

**JO ASTRID GLADING:** Jo Astrid Glading, staff counsel, Senate Democratic Office.

**MR. JASO:** And we have one State employee who is here administering the tape recording equipment.

Mr. Blaker, if we could begin by telling me about your background, specifically, your education and your history of employment with the State Police.

**DAVID BLAKER, SWORN:** My highest degree is a J.D. degree from Rutgers Law School of Camden. I began my employment with the Division of the New Jersey State Police in July of 1970. From 1970 through May of '78, I was a uniformed Trooper. From 1978 through 1992, (sic) I was a crime scene investigator in South Jersey.

MR. JASO: Is that 1982?

MR. BLAKER: Nineteen-seventy-eight through 1992. I'm sorry.

MR. JASO: To '92, okay.

MR. SOKOL: Could you repeat that? What did you say you were? The date threw me.

MR. BLAKER: The dates?

MR. SOKOL: No. No. You said from '78 to '92 you were what?

MR. BLAKER: A uniformed trooper. I conducted general police, criminal, and traffic investigations in that capacity.

MR. SOKOL: Okay. So you're a uniformed trooper from '70 to '78 and from '78 to '92?

MR. BLAKER: And then from '78 through 1992, I was a crimes scene investigator, detective.

MR. SOKOL: That's all I have.

MR. BLAKER: And then in 1993 -- from 1993 through 1995, I was assigned as a uniformed sergeant at Bass River Station on the Garden State Parkway. I went from a squad sergeant to assistant station commander.

MR. JASO: During that period of time?

MR. BLAKER: Yes. From 1996 through 1998, I was a sergeant first class and a lieutenant, assigned as administrative officer to the Superintendent

of State Police. From 1998 until I retired December 31, 1999, I was a captain and bureau chief of the Equal Employment Opportunity, Affirmative Action Bureau.

MR. JASO: And what is your current employment?

MR. BLAKER: I'm currently the Acting Cape May County Prosecutor/Special Deputy Attorney General.

MR. JASO: Is that an appointed position?

MR. BLAKER: I am not filling that position as an appointed individual. The position of County Prosecutor is an appointed position. I am an acting prosecutor.

MR. JASO: How did you get the job that you now have?

MR. BLAKER: I was assigned by the Attorney General.

MR. JASO: Which Attorney General?

MR. BLAKER: John Farmer.

MR. JASO: And that was in early 2000?

MR. BLAKER: January 3rd, 2000.

MR. JASO: Okay. Before we get into the more substantive areas here, I would like to ask you, since we're going to be talking about this term somewhat frequently, I imagine -- the term is racial profiling. And I would like you to identify and define it, if you could, your understanding of that term today and whether that term racial profiling has changed in your own mind, or that definition in your own mind has changed over the years.

MR. BLAKER: Racial profiling to me has always meant using race as a sole predicate to make a motor vehicle stop or to make an inquiry of a person on the street.

MR. JASO: Has that definition ever changed over time, or has that been pretty much consistent?

MR. BLAKER: That was, in my view, consistent through at least 1999 in view of my opinion.

MR. JASO: And when was the first time you ever, if you can recall either specifically or generally that you heard of the term racial profiling? That is, is it something that you understood to be a term throughout your career in the State Police or is it something that--

MR. BLAKER: Early on in my career, I don't know that I heard of the specific term racial profiling. I just knew that it wasn't the right -- the correct thing to do. So we never did it. At least I never did.

MR. JASO: Did you know of others who did at the time? And I'm talking about back when you were a uniformed Trooper?

MR. BLAKER: I don't know anyone that did, no.

MR. JASO: Who did you report to? We're going to be basically talking about the period '96 to '99. Going through that period of time when you were a sergeant first class and administrative assistant to the superintendent through your retirement, who did you report to directly?

MR. BLAKER: While I was the administrative assistant, I reported directly to Lieutenant Colonel Val Littles and Colonel Carl Williams. I think Colonel Littles retired and was replaced by Lieutenant Colonel Roberson, so I had a reporting relationship with Lieutenant Colonel Roberson. Lieutenant Colonel Roberson retired and was replaced by Lieutenant Colonel Fedorko, and I had a brief reporting relationship with him until 1998 when I was transferred to the Equal Employment Opportunity, Affirmative Action Bureau.

MR. JASO: And who did you report to in that capacity?

MR. BLAKER: Initially it was still to Lieutenant Colonel -- the Deputy Superintendent, and it was changed to--

MR. JASO: That was Fedorko at the time?

MR. BLAKER: That was Fedorko. My memory might not be clear. I mean, there might have been a period, too, with Roberson. So I don't have the dates, but I recall it's pretty much just Fedorko. And then it was changed in the reporting relationship for my Bureau, it was put in the chain of Division Staff Section, at that time headed by Major Mattos, Juan Mattos. So for most of my last two years, I reported directly to Major Mattos.

MR. JASO: Going back to when your reports were respectively Colonel Littles and Colonel Roberson, what were your areas of responsibility as, I guess, administrative assistant?

MR. BLAKER: There's a paperwork flow through the State Police that goes through the various eight sections. And in order to get to the Lieutenant Colonel's desk, it would have to go through my office. Either I or someone in my office would have reviewed matters that came up for the Lieutenant Colonel's or the Colonel's attention.

MR. JASO: I know, and we'll look at these later -- the interoffice communications -- that are used, the format that's used typically by the State Police and that there is a system -- sort of a chain going up the food chain, as it were. Were you always-- If your name didn't appear on a document in that chain going up to Colonel Williams, would you still receive that? That is, the question is, is anything that has Colonel Williams as the addressee on it going to cross your desk regardless of whether you are listed on the transmittal chain.

MR. BLAKER: No.

MR. JASO: No, you would not receive everything that Colonel Williams had?

MR. BLAKER: That's correct.

MR. JASO: Okay. So you're monitoring Colonel Williams' paperwork flow, but not everything with his name on it goes across your desk?

MR. BLAKER: That's correct.

MR. JASO: So is anything without your name on it going to cross your desk on its way to Colonel Williams?

MR. BLAKER: It shouldn't. Whether something did or not, I don't have a specific recollection.

MR. JASO: Okay. So you weren't really the gatekeeper for Colonel Williams' paperwork. It was just that in the normal course you would be copied or it would be through the chain -- you would be part of the chain on the way to Colonel Williams' desk in normal interoffice correspondence.

MR. BLAKER: Normal interoffice correspondence, I would be part of the chain, and I would see that the Colonel got it.

MR. JASO: How about correspondence coming to Colonel Williams from an outside source, say a letter from a newspaper or a citizen letter?

MR. BLAKER: Most of those things, as I recall, went through his secretary.

MR. JASO: What about Colonel Littles? Did you provide a similar function as an assistant to Colonel Littles as well?

MR. BLAKER: Yes and no. Our offices were across the hall from one another and technically I was attached to his office, but he had his own

assistant and-- But I was there for advice. We certainly talked and interacted on many things that happened.

MR. JASO: And was that the same case with Colonel Roberson, when he came in?

MR. BLAKER: That's correct.

MR. JASO: Did you draft a memoranda for any of your superiors on a regular basis?

MR. BLAKER: Not on a regular basis.

MR. JASO: How often would you do that?

MR. BLAKER: I don't recall.

MR. JASO: Do you recall any specific instances where Colonel Littles or Colonel Roberson would say, "Dave, would you please draft up a memo on such and such," and you would draft it and sign his name to it and send it out?

MR. BLAKER: There were instances when I was requested, but I generally didn't do that. I would give them to someone else that worked within our office to do.

MR. JASO: Did you have a secretary or something who would typically draft up a memorandum?

MR. BLAKER: Well, part of what I did, besides being the administrative assistant to the superintendent, I had the labor relations office. There were two sergeants and two detectives in that unit. We used them. I used them a lot to draft memos and do research.

MR. JASO: Okay. Do you remember the *Soto* case?

MR. BLAKER: Yes, I do.

MR. JASO: What was your first recollection of the *Soto* case?

MR. BLAKER: I was assigned as the Colonel's assistant in January of 1996. So when I physically relocated to West Trenton Headquarters, of course I heard about the case, and there were at least one person assigned most days to go and listen to testimony.

MR. JASO: Was that a trooper?

MR. BLAKER: Yes.

MS. GLADING: Who was that trooper?

MR. BLAKER: I seem to remember Pat Reilly.

MR. JASO: Did Trooper Reilly prepare any regular memoranda that he would summarize what was done or said and record that date?

MR. BLAKER: He may have. I don't specifically recall.

MR. JASO: Do you remember ever asking him to do that?

MR. BLAKER: No.

MR. JASO: Do you know who he was reporting to, either in writing or orally?

MR. BLAKER: I do not.

MR. JASO: Do you know who asked him to go?

MR. BLAKER: No, I don't.

MR. JASO: Do you remember any other troopers who went?

MR. BLAKER: No.

MR. JASO: You said when you first took on this job you heard about the case. Who did you hear about it from?

MR. BLAKER: From a lot of people. I couldn't give you names. It was just out there.

MR. JASO: It was Colonel Littles who was your first report, at that time

when you took on the administrative assistant position?

MR. BLAKER: I had a direct reporting relationship with Colonel Williams, and I also, as I said, I was across the hall from Colonel Littles. Technically, I was under his office.

MR. JASO: But you did not have a direct reporting relationship with Colonel Littles? Your report was the boss, the superintendent. Is that right?

MR. BLAKER: That's fairly accurate. That's accurate.

MR. JASO: When you started that job, were you debriefed by anyone about your new responsibilities? Did anyone sit down with you and say here's what you're going to do and here are some of the major issues that are going on right now?

MR. BLAKER: For the first day, I spoke to Colonel Williams. He basically told me that he expected me to be a sounding board, to give him sound and honest advice, and to see to it that things that he wants to get done, get done. That was pretty much the extent of it.

MR. JASO: Did he tell you about significant issues that he was facing or that the Division was facing at that time?

MR. BLAKER: No, he didn't.

MR. JASO: Did he talk substantively about any of the work that you would be expected to do in the near term?

MR. BLAKER: No.

MR. JASO: Did he talk to you about the *Soto* case at that point?

MR. BLAKER: I don't recall if we discussed it or not.

MR. JASO: Did he talk to you about trooper -- citizen complaints against troopers at that point.

MR. BLAKER: Not that I recall.

MR. JASO: So, forgive me if I ask the question again, but, or previously, but do you recall specifically -- more specifically than just hallway conversation how you first became acquainted with the fact of the *Soto* case?

MR. BLAKER: Well, it was in the press. It was in the media, the fact that there was a case. That was part of it, and then there were always people talking about it at one point or another during the course of a day.

MR. JASO: So it was--

MS. GLADING: Just to clarify here, what date did you assume the position of administrative assistant to the deputy superintendent?

MR. BLAKER: It was January 6th or January 7th, 1996. It was the day we closed the turnpike, the expressway, and the parkway. I remember that, because I made it here from Wildwood Crest.

MS. GLADING: And then you left on what date in 1998 to become EEO?

MR. BLAKER: To the best of my recollection, it was March of 1998. Some time in March.

MS. GLADING: Okay. Thank you.

MR. JASO: What were the major issues vis-à-vis the State Police in dealing with the *Soto* case, at that time we're talking about?

MR. BLAKER: I don't have specific knowledge, because I wasn't the person tasked with following the *Soto* case.

MR. JASO: Who was the person tasked with following the *Soto* case?

MR. BLAKER: I don't know. It had to be the person who was supervising.

MR. JASO: Was the Colonel or Colonel Williams or Lieutenant Colonel Littles also following the *Soto* case at the time?

MR. BLAKER: What do you mean by following?

MR. JASO: Well, were they discussing it at the time? Were they-- You said that there was a trooper who was attending on a daily basis. You don't recall, I guess, whether or not that person ever reported to anyone on it. But, I mean, was this case on the radar screen of Colonel Williams or Colonel Littles at the time?

MR. BLAKER: Well, certainly, it was on the radar screen. No question.

MR. JASO: Would you say it was a significant issue at the time?

MR. BLAKER: Yes.

MR. JASO: Okay. Let me-- Do you know whether they had at that time -- and again, we're talking about sort of the early part of '96 when you first started this position -- were you aware of communications or meetings between either Colonel Williams or Colonel Littles or anyone in the division and the Attorney General's Office on the *Soto* case?

MR. BLAKER: I'm not personally aware.

MR. JASO: Did you ever participate in any meetings at that time?

MR. BLAKER: I don't recall participating in a meeting with respect to *Soto*.

MS. GLADING: Can you just clarify what you mean by participating in meetings? You mean, within the State Police or with the Attorney General?

MR. BLAKER: Any participation. I don't recall having any participation with the *Soto* case.

MS. GLADING: Either before or after the ruling?

MR. BLAKER: Depends on what you mean by participation. I drafted teletypes for the Colonel afterwards.

MS. GLADING: Okay.

What do you have, Eric?

MR. JASO: I have a copy for you.

MS. GLADING: Three-twenty-eight?

MR. JASO: Okay. I've handed the witness a document which is a copy of a New Jersey State Police interoffice communication dated 3/28/96. This document bears the Bates numbers OAG 4192 through 4196. If I could ask you to just look at that and to tell me, once you're finished looking it over, whether you recognize that?

MR. BLAKER: I do recognize it.

MR. JASO: Do you recall receiving the document?

MR. BLAKER: No.

MR. JASO: When you received a document, did you put your initials on it?

MR. BLAKER: When I received a document, I put my initials on it, yes.

MR. JASO: And then you would pass it on to the next person on the chain that we were talking about before that's sort of in the second column--

MR. BLAKER: That's correct.

MR. JASO: Now--

MR. BLAKER: I think you should know, while they're my initials, I didn't put them there.

MR. JASO: Who would put them there typically?

MR. BLAKER: Apparently I wasn't-- I don't know. If I weren't in the

office that day, in order to move paperwork, somebody in the office would put my initials. They weren't put there by me, although I did see this.

MR. JASO: Okay. But would this person make sure that you saw it before it went out to the next person?

MR. BLAKER: Typically it would go to the next person in the chain, which would have been Lieutenant Colonel Littles, according to this.

MR. JASO: But they would just--

MR. BLAKER: But I did see it, so obviously, somebody made sure I saw it.

MR. JASO: Okay. Would they keep a copy for your files, typically?

MR. BLAKER: Probably would leave it on my desk.

MR. JASO: Okay.

MR. SOKOL: Mr. Blaker, for clarification, when it says via, is it only one document that's handed from one person to another and each person initials it and hands it to the next, as opposed to everyone receiving a copy simultaneously? Is that what your testimony is?

MR. BLAKER: No, according to-- Well, maybe I can explain this. Gilbert is the author of this particular IOC. So it's from him, he's at the top.

MR. SOKOL: Right.

MR. BLAKER: He initialed it. It went on to Bruncati, in my office, the person that Gilbert reported to, and then it went to me. Obviously, I wasn't there that day, because I didn't put my initials there. And then, it went to Lieutenant Colonel Littles. If you're asking me whether there would have been copies made--

MR. SOKOL: Yeah.

MR. BLAKER: --along the way. Yeah, I'm sure there would have. Absolutely.

MR. SOKOL: So that-- That's really not quite my question. If Gilbert initiates this memo what he wants, Bruncati, you, and Littles to see it, with the original going to the superintendent, would he distribute those copies simultaneous with the original going to the superintendent or is that--

MR. BLAKER: No.

MR. SOKOL: --original going through everybody's hands, initialing it, before it gets to the superintendent?

MR. BLAKER: It goes through these hands before it goes to the Colonel.

MR. SOKOL: Okay, so he knows that everyone has read that before he sees it?

MR. BLAKER: That's correct.

MR. SOKOL: The actual copy --

MR. BLAKER: That would be his assumption.

MR. SOKOL: And would they normally make notations on that copy that would fall into the Superintendent's hands, eventually, so that he would see their notes, or would they independently give him a separate communication, either orally or in writing, about it?

MR. BLAKER: The general practice would have been to give it to him separately. I mean that -- generally that's what would occur. That's someone else's work product.

MR. JASO: So just to clarify, the practice was not to mark up a document and then send it to the next person up the chain? It was to send a

clean copy, right?

MR. BLAKER: I don't want to -- I don't want to go that far and say that was the practice. That was my practice, although there were times when I might have written something on the back. Generally not.

MR. JASO: Okay. The document talks about the decision by Judge Francis, in the *Soto* case on March 4th, 1996. Do you remember at that time -- that is March 4th, 1996 -- prior to that time, were there to your knowledge any studies being done of State Police stop data; that is -- let me be more specific. Was the State Police -- the Division of State Police, or anyone therein -- undertaking any statistical analysis of stop data with regard to the race, ethnicity of stops on the turnpike?

MR. BLAKER: I don't recall if there was a study being done at that time.

MR. JASO: Do you remember whether that was subsequently done?

MR. BLAKER: I know there were some suggestions that that be done.

MR. JASO: Do you remember the -- well, let me ask this. Look at Page 1, if you would, after the sort of block quote there, in the middle. It says, "This report will highlight specific issues raised by Judge Francis and potential Division response in order to deflect additional criticism and legal challenges which may be forthcoming." Did you understand -- what, if you know, is the criticism that Detective Gilbert was concerned about?

MR. BLAKER: I don't know what Gilbert's thought was with respect to criticism.

MR. JASO: What was Gilbert's responsibility with regard to the *Soto*

case?

MR. BLAKER: Once the case came out, he was assigned to be the person within our office to read the case and comment on it. And I'm not sure whether it's me or Colonel Williams, or maybe in conjunction, both of us, assigned him the case. I think it was me, but I'm not positive.

MR. JASO: You think it was you?

MR. BLAKER: Yes.

MR. JASO: And when you say the case came out, you mean the decision by Judge Francis?

MR. BLAKER: When the decision was rendered.

MR. JASO: Was there anyone else, to your knowledge, helping him with this assignment?

MR. BLAKER: If he needed somebody to do some digging or some research, we probably used other people within my office, but I don't have personal knowledge of that.

MR. JASO: You don't recall what -- well, let me -- do you recall, looking at the same sentence, what concerns there were about potential legal challenges, apart from the *Soto* case, at the time?

MR. BLAKER: What Gilbert's thought was with respect to legal challenges?

MR. JASO: Well, if you know.

MR. BLAKER: I could guess, but I don't want to guess.

MR. JASO: Well, then, let me ask you what your understanding was, if you had one at the time.

MR. BLAKER: We -- I thought that there were some things that were

brought out in the *Soto* case, which we, the State Police, needed to address in order to ensure that we do things right.

MR. JASO: What --

MR. BLAKER: So we aren't -- so we aren't being challenged in court.

MR. JASO: What type of things?

MR. BLAKER: I thought that -- and part of this all, now it's coming back to me now that you show me this. This is post-*Soto*. We wanted to ensure the troopers were trained properly, so we picked up the training effort.

MR. JASO: Trained in what way?

MR. BLAKER: Trained in search and seizure, trained in basically human dignity issues.

MR. JASO: What does that mean?

MR. BLAKER: Basically what my mother used to tell me, treat people the way you like to be treated. And if we could get everyone to feel that way and to act that way, we wouldn't be having -- the State Police wouldn't be having the kind of problems it was having at the time.

MR. JASO: When you -- I think you said a moment ago that the *Soto* case brought out certain things that the State Police needed to correct. Were there -- were you personally aware of and/or concerned of certain practices by the State Police that had not been brought out until the *Soto* decision was rendered?

MR. BLAKER: I personally was concerned, and my view at the time was -- I guess you could characterize it as the knucklehead view, that if we had troopers who were engaging in racial profiling, that they were the knuckleheads -- they were the minority. And we had to do everything we could to find out

who those individuals were and take corrective action.

MR. JASO: Are you familiar with something called the Trooper of the Year Award?

MR. BLAKER: I am.

MR. JASO: Did a knucklehead ever win the Trooper of the Year Award?

MR. BLAKER: I can think of one, but I don't remember his name.

MR. JASO: Was it your understanding, generally, that the troopers who -- as you've described them, knuckleheads -- who were, perhaps, engaging in racial profiling might be more successful at intercepting narcotics on the turnpike, at least in terms of the amount of contraband that they intercepted over the course of a year?

MR. BLAKER: I had a fear that because of the Trooper of the Year Program, there might be some troopers who were taking shortcuts.

MR. JASO: When did you -- how long did you have that concern for? When did you start having that concern, if you can recall?

MR. BLAKER: After I was transferred from Bass River Station to Division Headquarters, in 1996, and we started seeing what was happening with *Soto* and the aftermath.

MR. JASO: You didn't have these concerns before you were transferred to Division Headquarter?

MR. BLAKER: No, because I wasn't involved with it then. For 15 -- from 1970 to 1978, when I was a uniformed road trooper, there wasn't a push by the Federal government to the State government to eradicate or interdict drugs as much as there has been as late. And then, for 15 years following that, I was a crime scene investigator, dealing with crime scenes. So I didn't have

contact with, for lack of a better term, general road police duties. And then, when I went to Bass River, back in uniform, I had a squad, and then I had a whole station of troopers. And I could monitor, by coming in, that there, you know, there wasn't, in my view at Bass River Station, a disproportionate number of minorities coming in. So I didn't see it as a problem. And I didn't see it as a problem until I started dealing with it and hearing about it after I was sent to Division Headquarters in 1996.

MR. JASO: So at the Bass River Station, you didn't encounter what you called a disproportionate number of minorities arrested?

MR. BLAKER: I saw no red flags.

MR. JASO: Are you familiar with the concept known as law enforcement profiling?

MR. BLAKER: No.

MR. JASO: If you could turn to the page -- if you look at the bottom, left-hand corner of the page --

MR. BLAKER: Okay.

MR. JASO: -- the big number, 4195.

And that's Page 4 of the document, Mr. Sokol.

MR. BLAKER: What am I looking at?

MR. JASO: Look at the second full paragraph, starting: "The Internal Affairs Bureau--"

MR. BLAKER: Um-hm.

MR. JASO: "-- at the direction of Captain Touw, has recently begun utilizing its Inspection Unit to commence 'inspection audits.' These audits will examine patrol/enforcement patterns at specific duty stations."

Did you know what these inspection audits were?

MR. BLAKER: As I recall, and Dick Touw and I discussed this, and we felt this was a good idea -- this inspection was.

MR. JASO: Who did?

MR. BLAKER: Dick Touw, Captain Touw.

MR. JASO: Oh, Touw. Okay.

MR. BLAKER: I think the first one we did was in response to a newspaper article, or something, up in North Jersey. And then I don't know how much, or how frequently, if at all, they did them after that.

MR. JASO: When was the newspaper article?

MR. BLAKER: I don't remember.

MR. JASO: Was it before the *Soto* case?

MR. BLAKER: I don't recall.

MR. JASO: What was the -- what was the inspection audit?

MR. BLAKER: I'm not familiar with the mechanics of the inspection audit. I know that according to Dick Touw that the inspection audit would show us if there were troopers at a particular station engaging in stopping a disproportionate number of minorities. So in that respect, I thought it was a good idea.

MR. JASO: You don't know exactly what statistics -- was it a statistical sample, or do you know any details about what type of information would be --

MR. BLAKER: In a broad brushstroke, sure. They culled statistics from individual troopers at a station, and they compared them and they broke them down statistically, but I'm not intimately familiar with the process.

MS. GLADING: What's your recollection of the results of these audits?

MR. BLAKER: I -- I seem to recall, with respect to the one that I remember, that the audit did not find a problem at the station that they audited -- it might have been Perryville Station -- except for one individual he thought should be looked at.

MS. GLADING: You don't recall any of the other audits, of Moorestown or Cranbury?

MR. BLAKER: I don't recall those audits, no.

MS. GLADING: Who was Captain Touw reporting these audit results to, if not to you?

MR. BLAKER: Whoever was the Division Staff Section Supervisor at the time. It might have been, at the time, Major Fedorko, but I'm not positive.

MS. GLADING: And who would Major Fedorko have been reporting them to?

MR. BLAKER: Division staff reported to the Deputy Superintendent.

MS. GLADING: And at the time that was who -- in '96?

MR. BLAKER: I don't -- I don't know when Littles left and Roberson took over.

MS. GLADING: Okay. It was either Roberson or Littles?

MR. BLAKER: Or Fedorko, depending on whether Fedorko was Division Staff Section Leader back then. I don't know when they moved into their respective higher chairs.

MS. GLADING: Did you ever discuss these audits with Colonel Williams?

MR. BLAKER: I don't recall discussing with Colonel Williams, no.

MR. JASO: You don't recall -- and I want to ask you again just to make

sure that this discussion hasn't refreshed your recollection -- but you had mentioned that the first time you recall such an audit being undertaken was in connection with or in response to a newspaper article. You don't remember whether that was before the activities surrounding the *Soto* case?

MR. BLAKER: I don't recall.

MS. GLADING: Can I ask you about the second paragraph -- the first full paragraph on the second page of this memo. It recounts a March 25th meeting that you apparently attended. You're SFC Blaker, right?

MR. BLAKER: Yes.

MS. GLADING: And DAGs Fahy and Susswein were also at this meeting?

MR. BLAKER: Yes.

MS. GLADING: Can you describe to me what your understanding was of the working relationship between the State Police and the Attorney General's Office at this time, post-*Soto*?

MR. BLAKER: The Attorney General's Office function was to give advice to the Division of State Police.

MS. GLADING: Okay. And inspection audits were commenced because of, apparently, a need to take a look at whether we had a problem. Were those inspection audits, would they have been shared with -- would the results of inspection audits have been shared at these meetings?

MR. BLAKER: I don't recall when the first inspection audit was done.

MS. GLADING: Um-hm.

MR. BLAKER: So I don't know if it was done -- March 25th, you said?

MS. GLADING: You were part of this committee that was put together

--

MR. BLAKER: I was --

MS. GLADING: -- following *Soto*, right?

MR. BLAKER: Yes.

MS. GLADING: At this committee, were Mr. Fahy and Mr. Susswein always in attendance, or routinely in attendance?

MR. BLAKER: To the best of my recollection, there were two or three -- maybe three of these meetings. And at least one of them, I didn't attend, for whatever reason -- I don't know why.

MS. GLADING: Would --

MR. BLAKER: But all I can say is that I remember being at a meeting where Fahy and Susswein attended. So I don't know whether it was one meeting or two meetings. This was 1996 -- taxing my memory here.

MR. SOKOL: Do you know how frequent these inspection audits were, and how extensive they were?

MR. BLAKER: Pardon me, sir?

MR. SOKOL: How extensive they were? How many audits were conducted and over how many different stations?

MR. BLAKER: I don't remember, sir.

MR. SOKOL: Also, can you describe what SOP F-3 covered?

MR. BLAKER: F-3, as I recall, had to do radio procedures, calling in stops.

MR. SOKOL: It also required troopers provide a description of the persons they stopped?

MR. BLAKER: That's part of it, yes. If I was right, if F-3 is that. Yeah.

Yeah, the radio procedure SOP would cover it.

MR. SOKOL: So they would radio that in, and it would also be reflected -- did it require that it be included in the written report -- whatever --

MR. BLAKER: I'm not sure I follow you, sir.

MR. SOKOL: A trooper stops somebody, they call in. The procedure said call in and advise whoever is at the station who they stopped -- a description of who they stopped and why. Did they also then have to fill out a written report as a result of that stop?

MR. BLAKER: Not in every case. It depends on -- it depends on what kind of action was taken. Written, to the extent that they make a notation on patrol chart, yes.

MR. SOKOL: Now, on the patrol chart, what do they -- what does F-3 require them -- what did F-3 require them to note on the patrol chart?

MR. BLAKER: I think -- I don't recall how SOP F-3 addressed patrol charts. My recollection is that it had more to do with calling in the stop, identifying the vehicle, the occupants, and the location of the stop.

MR. SOKOL: The person they called it in to, did that person then make a written record of it?

MR. BLAKER: Yes. The operator at the station, or whoever was monitoring the radio -- assigned to monitor the radio -- would put that on a radio log.

MR. SOKOL: And would that be the data that the inspection audit team would look at to do the audit?

MR. BLAKER: I don't know the specifics of their protocol.

MR. SOKOL: That's if you know.

MR. BLAKER: But that seems to me, if I was on an audit, I would look at those things.

MR. JASO: Mr. Blaker, as we proceed, if you need a break, just let me know.

MR. BLAKER: Thank you.

MR. JASO: And anyone else, Senator. If the Senator needs a break, we'll take a break.

I've handed the witness another State Police interoffice communication memo, dated 4/17/96, from Detective Gilbert to Colonel Williams. This bears Bates Numbers OAG 4197 through 4201. Again, I ask you to take a look at that, and let me know if you recognize it after you've had a chance to look it over.

MR. BLAKER: I do recognize it. I did place those initials on there, D.U.B.

MR. JASO: Okay. And this document bears the subject: Racial Profiling Issues. In general, at that time, within the Division, was the *Soto* case understood to be a "racial profiling" case?

MR. BLAKER: I don't believe so.

MR. JASO: So if --

MR. BLAKER: I'm not sure that -- maybe back up. Maybe you should clarify the question.

MR. JASO: I guess it goes back to my original question about the general understanding of the -- well, your understanding was my specific question originally, about your understanding of the term racial profiling. And now I guess I'm asking, in a more broad sense, if you understood at -- around

the time that this memo was prepared for '96, whether the issues raised by the *Soto* case were racial profiling issues as described in this communication?

MR. BLAKER: Certainly the *Soto* case involved racial profiling issues.

MR. JASO: So that term would not have been unfamiliar to anyone within the Division in relation to the *Soto* case at that time?

MR. BLAKER: I think that's accurate.

MR. JASO: And in these meetings that you had with the committee that we've been talking about, was there any difference of opinion expressed between the Division personnel and the Attorney General's Office personnel with regard to the term racial profiling, whether it was an appropriate term or whether anyone didn't know what that meant, or anything like that?

MR. BLAKER: I don't recall specific conversation with respect to a definition of racial profiling at the meeting I attended -- or meetings that I attended.

MR. JASO: During those meetings, was the term racial profiling used commonly?

MR. BLAKER: I don't have a specific recollection, but I'd be surprised if it wasn't used.

MR. JASO: Let me first draw your attention to the second -- well, on the first page, under the Roman Numeral II, Training, it says, "Detective Reilly, Trooper DiPatri, and Assistant Director Susswein are developing one-half-day training session. While the training will address the Gloucester County decision and its impact on policy and procedures, the primary goal will be to focus on current search and seizure case law. To present these issues in a positive light, the training will highlight what a trooper can do as opposed to

what he/she can't."

Why was it necessary to present issues raised by the *Soto* case to the troopers in these training sessions in a positive light?

MR. BLAKER: You've got to ask Tommy Gilbert that. I mean, this is -- he wrote this.

MR. JASO: I understand, and I'm not asking you to read anyone's mind, but using this document and referring to -- well, first of all, I would note that we'll get to the second page, where he talks about the second meeting, I guess, of the committee. I don't know if you were there or not, but we'll get to that.

But I guess I'm asking you, when I'm asking these questions about someone else's work product, whether you had an understanding, based on your receipt of this memorandum, your reaction to the memorandum, if any, your participation in these committees and these activities at that time -- that's the basis on which I'd like you to answer the question.

So again, the question really is, what was negative about the issues in the *Soto* case, vis-à-vis trooper training?

MR. BLAKER: I don't know.

MR. JASO: So as you read that paragraph, sitting here today, you don't know what Detective Gilbert is talking about.

MR. BLAKER: That's correct.

MR. JASO: Okay. Turn to the next page, if you would. In the middle it says, "Meeting of April 12th, 1996. Lt. Colonel Littles chaired a meeting attended by Captains Brennan and Touw, Detectives Reilly and Gilbert, Trooper DiPatri and Jack Fahy and Ron Susswein, of DCJ." You're not

mentioned there. Do you recall attending a meeting of the committee on April 12th? Or perhaps this was the one you were absent from.

MR. BLAKER: I don't recall, one way or the other. Like you say, if it's not in there -- if Tommy Gilbert didn't put it in there, then I wasn't there.

MR. JASO: So he was pretty accurate, typically, about what he was writing in these memorandum, based on your experience dealing with him?

MR. BLAKER: From my experience, that's absolutely correct.

MR. JASO: Turn, if you would, to the page -- at the bottom, it's 4200. I think it's the third, fourth page. At the bottom of the page, it says, "Related concerns. Among those at the meeting, it was evident that the Division must take clear and convincing steps so that," excuse me, "it can demonstrate a positive response to the criticism set forth in Judge Francis' findings."

Do you remember, at that time, what types of responses the Division felt it necessary to take, or that you and your colleagues felt it necessary to take in order to provide a positive response to the *Soto* decision?

MR. BLAKER: Well, we talked about updating the search and seizure manual.

MR. SOKOL: What do you mean, updating the manual?

MR. BLAKER: Not the manual, the publication. Captain Touw's inspection audits, training for our people as to the proper way to conduct themselves when making -- have contact with the public, and we -- I recall. I don't think I was at this meeting, but I recall at some point we discussed the Trooper of the Year. That was a program that I think that time passed us by. I was not in favor of the Trooper of the Year Program.

MR. JASO: Did you discuss it within these committee meetings, or one

of them?

MR. BLAKER: I think we did, at the first one.

MR. JASO: Do you remember what anyone's reaction was to your suggestion or your comments?

MR. BLAKER: I don't remember individual reactions.

MR. JASO: Do you remember whether anyone thought that it was a bad idea to get rid of Trooper of the Year?

MR. BLAKER: No, I don't remember.

MS. GLADING: On the second page of this memo, going into the third page, it discusses additional defense challenges that were based on profiling allegations. And the first sentence indicates that Detective Fahy was told that -- I'm sorry, DAG Fahy was told that Detective Gilbert would be his State Police contact when he needed assistance. Was that your understanding at the time, that Detective Gilbert was supposed to be the go-to guy for the Attorney General's Office --

MR. BLAKER: That's correct.

MS. GLADING: -- on these other suppression motions that were coming up around the state?

MR. BLAKER: Yes, and that was -- that was Colonel Littles' recommendation -- or actually, direction. And I would have concurred. He's the person I would have picked.

MS. GLADING: So when Detective Gilbert would gather information for the State Police -- gather information about the State Police that Fahy might need to handle these suppression cases, who would he give that information to?

MR. BLAKER: Well, I guess it was to Fahy, but I'm sure he also --

MS. GLADING: Would he unilaterally deal with Fahy, or was there someone at the State Police that he keep apprised of what he was doing in terms of the interaction with the AG's Office?

MR. BLAKER: I don't know that he, on a day-by-day basis, he prepared reports with respect to what he was finding. And I don't know how often he talked with Jack Fahy, either, but he certainly had the authority to deal with Jack on a one-to-one basis.

MS. GLADING: Okay. Now, would you say that racial profiling and the *Soto* decision and the events that followed *Soto*, these other suppression cases that were pending around the state was a significant issue confronting the State Police at this point?

MR. BLAKER: Yes.

MS. GLADING: Was Colonel Williams concerned about it?

MR. BLAKER: Yes.

MS. GLADING: You indicated before that you served as a sounding board for him. What did he talk with you about concerning these issues?

MR. BLAKER: He felt, and I felt, as I stated earlier -- I'll give you my opinion, but he felt the same way. We took, for lack of a better term I'll call the knucklehead view, that this was occurring, and it was because we had some knuckleheads out there. We had to take steps to find out who those knuckleheads were, and also, as you see from these documents you've reviewed, we thought we had to kick up our training effort, inspection audit, and the -- it was still on the table about Trooper of the Year. But the Trooper of the Year, they kept.

MS. GLADING: How would you describe the interaction between the State Police and the AG's Office at this point in time? Was it cooperative, uncooperative? Was there animosity?

MR. BLAKER: My dealings with the AG's Office has always been positive.

MS. GLADING: Um-hm. What were those feelings?

MR. BLAKER: I dealt with, at the time, Legal Affairs.

MS. GLADING: Who?

MR. BLAKER: Deputy Attorney John Franzini.

MS. GLADING: Um-hm.

MR. BLAKER: He was the Colonel's adviser from the Office of the Attorney General.

MS. GLADING: Right.

MR. BLAKER: Sally Fields -- Deputy Attorney General Sally Fields. She was also in Legal Affairs.

MS. GLADING: What was your understanding of the interaction around the *Soto* issues and the suppression motion issues between the State Police and the AG's Office? Who were the State Police people working with, aside from Jack Fahy?

MR. BLAKER: Definitely Jack Fahy and Ron Susswein, with respect to the committee and the search and seizure. I don't think Jack was involved in search and seizure. I think that was Ron. George Rover -- Deputy Attorney General George Rover. Gilbert and he were certainly involved.

MS. GLADING: Was he involved just with the Department of Justice investigation, or earlier than that.

MR. BLAKER: I don't know what point George Rover came on. But I know at some point in time, Tommy Gilbert and George Rover had a working relationship.

MS. GLADING: Did you have any interaction with Peter Verniero about these issues?

MR. BLAKER: Did I have any interaction?

MS. GLADING: Um-hm.

MR. BLAKER: I didn't have personal interaction. I'd been in his company.

MS. GLADING: Hm?

MR. BLAKER: I didn't have personal interaction. I've been in his company.

MS. GLADING: When?

MR. BLAKER: I was at a meeting, let's see, May -- May 20th, 1997.

MS. GLADING: That would be the one referred to in Detective Gilbert's -- Sergeant Gilbert's deposition?

MR. BLAKER: That's the one where there's a notation at the bottom of the -- the agenda?

MS. GLADING: That's it.

MR. BLAKER: Yes, that was the meeting.

MS. GLADING: Okay. We'll get to that, I think.

Eric, sorry. Thanks.

MR. JASO: Um-hm.

MR. SOKOL: Eric, are you finished with this document. I still have a question concerning it.

MR. JASO: Let me just take a look. I don't think I have anything else, so go ahead.

MR. SOKOL: Okay. To pick up on what Jo just asked you, the -- do you know if Colonel Williams communicated these concerns directly to the Attorney General at the time?

MR. BLAKER: I do not know.

MR. SOKOL: Would it have been normal procedure for him to communicate with the Attorney General, or with persons under her at the time?

MR. BLAKER: He had -- to the best of my knowledge, he had a personal relationship with the Attorney General. I mean, oftentimes, he went down to see the Attorney General.

MR. SOKOL: If you turn to Page 2 of the document, referring to the April 17th, in the middle of the where it's -- under Roman Numeral III, Retention of Records, it indicates that the retention schedule set forth in SOP D-1 was suspended, and that all patrol charts and radio logs were to be retained until further notice. Is that correct?

MR. BLAKER: And I believe that came out of one of the meetings, yes.

MR. SOKOL: And to your knowledge, was this directive followed by the -- by all the barracks and troopers?

MR. BLAKER: I don't have any personal knowledge whether they did comply or not.

MR. SOKOL: The radio logs would be the ones that you described that the radio operator would keep, where the call in described the nature of the stop and who was stopped, describe the vehicle and the number of people in

the vehicle and a description of the persons?

MR. BLAKER: That's correct, sir.

MR. SOKOL: So that if someone conducted an audit of these logs, they could have then come up with a statistical analysis as to who was stopped and the racial characteristics of the person stopped?

MR. BLAKER: That's the theory.

MS. GLADING: Can we just make a notation, for the record, that Senator Lynch has left the room for a few moments.

Sorry.

MR. SOKOL: The tenor of this memo and the description of meetings was that everybody agreed that in order to refute the allegations of Francis (sic) or any other case that came up, you're going to have that as statistical evidence. Is that a reasonable conclusion as to what the collective mindset of the committee was, at the time?

MR. JASO: I'm sorry, in what case?

MR. SOKOL: That the collective mindset of this committee at the time that these meetings were being held in '96, was that in order to refute -- did I say Francis?

MR. JASO: Yes.

MR. SOKOL: I meant the *Soto* case. That in order to refute the allegations in the *Soto* case or similar cases, where racial profiling was raised as a defense, that then the statistical evidence would have to be gathered to show that racial profiling did not occur. Is that a fair description of what the committee felt at the time?

MR. BLAKER: My recollection is that we felt we had to capture the

information in a better manner. I'm not quite so sure where -- how you're tying this in with Judge Francis' decision.

MR. SOKOL: If you felt, regardless of the decision, you had to capture the data?

MR. BLAKER: Based on some of the things that Judge Francis said, and then other allegations in the case, yes.

MR. SOKOL: How far up the line was this attitude shared? Was it shared as high up as the Attorney General, at the time?

MR. BLAKER: I don't know. I know Colonel Williams shared that sentiment. I didn't sit in on many meetings with Colonel Williams and the AG.

MR. SOKOL: Do you recall receiving any information or any directives indicating that the Attorney General -- Attorney General Poritz wanted to have more data collected and more accurate data on the subject?

MR. BLAKER: I don't recall.

MR. SOKOL: The -- on Page 3 of the document, there's reference to Hunterdon County and Mercer and Bergen counties. Can you just describe in your own words what the concerns were regarding those cases, and why they would have been raised at the meeting?

MR. BLAKER: As I'm reading this, the heading is "Additional Defense Challenges Based on Profiling Allegations," and Gilbert mentions that Deputy Attorney General Fahy would be coordinating the legal challenges. I think he's pointing -- and again, I mean, you've got to talk to him. Hunterdon County is an example that other cases might be out there, and we might be facing other cases.

MR. SOKOL: Well, I understand that you were not at this meeting, but at other meetings you attended, and just in the normal course of your job, were you involved in any discussions or were you doing any correspondence that dealt with these cases, other than *Soto*, and what -- do you recall having any involvement in reviewing these cases or discussing these cases?

MR. BLAKER: I don't recall.

MR. SOKOL: You don't. At the bottom of that page, there's a discussion about although SOP F-3 compliance has been increased, the patrol charts will remain a more accurate source than the data on the radio log, and it describes why. And earlier in this memo, it talks about how no change has to be done to F-3 with regard to the radio logs, but then certain changes will have to be done to the SOP in order to increase the information that's required of the troopers on the trooper' logs -- the patrol charts. Do you recall that?

MR. BLAKER: I do, yes.

MR. SOKOL: Do you know if and when the requirement was increased for the patrol charts to contain more accurate description of the person stopped?

MR. BLAKER: I know we made a recommendation. I think it was implemented, but I couldn't point out to -- if and when it was implemented.

MR. SOKOL: But to the best of your recollection it was ordered and implemented?

MR. BLAKER: To the best of my recollection, yes, sir.

MR. SOKOL: Do you know who ordered the implementation?

MR. BLAKER: No, sir, I don't recall.

MR. SOKOL: Or in the ordinary course of business, who would have

been the person who would order the implementation of that additional information in the patrol chart?

MR. BLAKER: Well, whenever there's a change of the standing operation procedure, normally the Planning Bureau researches it and have input and advice from the Attorney General's Office. Then it goes up through the Administration Section major, to the lieutenant colonel who's in charge of the Administration Section at that time. It would have been the Deputy Superintendent. And then it goes up to the colonel.

MR. SOKOL: That would have been Littles and then Roberson?

MR. BLAKER: Well, whoever, I mean to that chair -- to the lieutenant colonel and then the colonel. But I don't know if this was done in the ordinary course. I think this is something that we thought needed to be done in short order.

MR. SOKOL: Had to be done -- and the last thing you said?

MR. BLAKER: Quickly.

MR. SOKOL: Quickly, okay.

So on an -- how would that then be implemented on an expedited basis, directly to the colonel?

MR. BLAKER: That would be the way I would do it, but I don't recall how it was done in this case.

MS. GLADING: Captain Blaker -- Prosecutor Blaker, do you recall any discussions with county prosecutors around this time about a uniform strategy to handle suppression motions in selected prosecution cases?

MR. BLAKER: I don't recall.

MS. GLADING: Do you recall discussing that issue with anyone on the

State Police or in the Attorney General's Office?

MR. BLAKER: No.

MR. JASO: In the wake of the *Soto* decision, was there a significant feeling, one way or another, among the membership of the State Police, I guess particularly among the trooper ranks, about the decision?

MR. BLAKER: You're asking me to speculate here.

MR. JASO: No, I'm not.

MR. BLAKER: I mean, rumor --

MR. JASO: I'm saying, in your day-to-day conversations, did you come into contact with -- with line troopers on a day-to-day basis in your job, even when you were at headquarters?

MR. BLAKER: I did. I had discussion with a variety of troopers in different assignments.

MR. JASO: And did they tell you what they thought about the *Soto* decision?

MR. BLAKER: Their feeling, I mean most of the ones that I spoke with about the issue, was that in their view -- their view was the same as my view, it was the knucklehead factor.

MS. GLADING: Is that still your view, Captain Blaker?

MR. BLAKER: No.

MS. GLADING: What's your view today?

MR. BLAKER: Pardon me?

MS. GLADING: What's your view today?

MR. BLAKER: My view pretty much tracks the interim report.

MR. SOKOL: Meaning what?

MR. BLAKER: Meaning that -- that we had a systemic problem in the State Police, and there were issues that were real, and some of our troopers acted, maybe in a subconscious manner, in a disparate manner to some of the motoring public.

MS. GLADING: What's your view today about how the State Police responded to *Soto*, and how the Attorney General's Office responded to *Soto* to determine if there was a problem -- a systemic problem, as you just put it?

MR. BLAKER: I thought, initially, that the response of the Division of State Police and the Attorney General's Office was proper, again basing it on my feeling that this was a group of individuals who were operating outside the rules -- the knucklehead view. And that we should appeal it -- the decision. And I don't know how many troopers were involved. I think it was upwards of a dozen, maybe -- in the *Soto* case -- and it's aftermath. I couldn't believe that at that time that we would have a dozen troopers who were operating in a manner that they shouldn't be -- a dozen troopers in one small geographic area.

MR. SOKOL: What are the troopers --

MS. GLADING: You're referring to who in the dozen?

MR. BLAKER: That -- and I'm trying to remember -- the *Soto* case and those that followed, I thought there were -- in fact, the *Soto* case was a consolidation of suppression motions, a dozen cases or so.

MS. GLADING: I think it was 19 cases.

MR. BLAKER: Nineteen cases. Well, anyway, there was a group of troopers.

MS. GLADING: That's the dozen you were referring to?

MR. BLAKER: Yes.

MS. GLADING: Were you aware -- in this memo that you were just looking at, discusses the need to look at the records of the individual troopers.

Did you cover this in your questions, Leon? I was distracted for a minute.

MR. SOKOL: Yes.

MS. GLADING: You did? Okay. The back -- look into the background of the 19 -- the troopers involved in the 19 cases?

MR. SOKOL: No, I didn't get into that.

MS. GLADING: The second page of this memo, under the Gloucester County appeal, it discusses a review -- the need to do a review of the 19 cases to ascertain which troopers were involved, and then to analyze their activity to identify any potential negative issues, should they be called upon to testify -- presumably that means to testify on remand. "If this review uncovers substantial problems, it would be recommended that additional thought be given to proceeding with the appeal." Are you aware of the review that was conducted as a result of that? Were those troopers -- were their records looked at?

MR. BLAKER: I don't recall whether they were or they weren't.

MS. GLADING: Hm?

MR. BLAKER: I don't recall.

MS. GLADING: You don't recall. How do you -- you just said, though, that there were 20 -- there were 12 troopers that -- you couldn't believe that there would be 12 troopers that had problems. What did you base that on?

MR. BLAKER: For some reason, the number 12 sticks in my mind, just like the newspaper article being the impetus for that inspection audit. And I saw somewhere in here, it wasn't a newspaper article. It was a citizen complaint.

My memory is not infallible.

MR. SOKOL: Which citizen complaint were you referring to?

MR. BLAKER: One of the documents you showed me, that the first inspection audit was the result of a citizen's complaint.

MS. GLADING: What do you remember about the subsequent *Soto* events? Maybe we could quickly get at it that way.

MR. BLAKER: The subsequent --

MS. GLADING: The events subsequent to *Soto*, what do you remember?

MR. BLAKER: I remember we increased training. We reinstated the search and seizure bulletin. Captain Touw did his inspection -- he was supposed to start his inspection audits. There was going to be some further talk about Trooper of the Year. That's about it.

MR. SOKOL: Why did you want to get rid of Trooper of the Year? What was your personal reason?

MR. BLAKER: I always thought that we were in the -- we were hiring -- the State Police traditionally hired people with Type-A personalities. And you put them out in a competitive situation like that, in my mind there's a fear that somebody might cut corners -- we might run into a knucklehead or two. And in order to forestall the possibility of that happening, I thought we should just do away with the award completely.

MR. SOKOL: How much of that was tied in -- I believe -- I think for 13 straight years -- you might know this better than me -- Trooper of the Year came from the DITU Operation?

MR. BLAKER: I don't know that to be a fact.

MR. SOKOL: Do you see a correlation between the emphasis on the DIT Operation and the way the Trooper of the Year was being selected?

MR. BLAKER: I don't know that I -- as I was going through my career, connected to the DITU, I did know that there were a lot of troopers who received the award for making arrests. And I just had -- early on, I had to contend.

MR. JASO: Did you consider -- again, going back in time to the period of time around this memo that we're still looking at -- was there concern, either within your own mind or among members of the committee that they expressed to you, that the training initiatives that you just mentioned as one of the responses, would meet with resistance and/or resentment among the line troopers?

MR. BLAKER: I -- I don't know. I don't recall it being connected with that issue -- with the training issue. It could have been, and it could have been part of -- you always want to do things in a positive manner, as opposed to a negative manner. But I don't have a specific recollection of conversations.

MS. GLADING: Captain Blaker, I just wanted to finish up something I was asking you about earlier. You indicated that at first you thought it was the knucklehead factor, and now your view is different, and you ascribe to the views -- to the conclusions of the interim report. When did it crystallize in your mind that there was a systemic problem?

MR. BLAKER: Probably at some point prior to the -- shortly before the interim report came out.

MS. GLADING: When would that be. I mean this is an organization you dedicated a career to. That must have been a staggering realization to come to that there was such a -- that there was a systemic problem like that.

MR. BLAKER: At some point after I became the Bureau Chief of the Equal Employment Opportunity, Affirmative Action Bureau, because in that capacity, I saw a lot of allegations.

MR. SOKOL: That was in '98?

MR. BLAKER: Some point after 1998.

MR. SOKOL: What date in '98 did you take that over?

MR. BLAKER: March.

MS. GLADING: Because in that capacity you saw what?

MR. BLAKER: A lot of allegations by our members -- by our minority members.

MR. SOKOL: These are by minority troopers?

MR. BLAKER: Yes.

MR. SOKOL: In that capacity you aren't also dealing with citizen complaints from minority group members?

MR. BLAKER: No, I was not.

MR. SOKOL: That's just -- this was strictly dealing with employees?

MR. BLAKER: Employees, yes.

MS. GLADING: So when you came to that realization, did you go talk with anyone else that you worked with at State Police to tell them about this realization you'd come to?

MR. BLAKER: I don't have a specific recollection of that.

MS. GLADING: Do you recall just keeping it to yourself and not mentioning it to anyone?

MR. BLAKER: No, as I said, it was just prior to the interim report coming out, and I started to have concerns. And then, when the interim report came out, that kind of solidified some of the things that I was thinking.

MS. GLADING: But you don't recall talking with anyone about it, ever?

MR. BLAKER: No.

MS. GLADING: You were the Bureau Chief of the EEO and Affirmative Action Bureau. This was directly related to the work you were doing at the State Police. You didn't take any action?

MR. BLAKER: With respect to what?

MS. GLADING: This realization that there was racist conduct going on within the organization in which you were a bureau chief for equal opportunity and affirmative action.

MR. BLAKER: I would have had to have proof to take action.

MS. GLADING: Did you go look for proof?

MR. BLAKER: Certainly. We investigated almost every -- our job was to investigate allegations that were made.

MS. GLADING: Okay, so you had proof then?

MR. BLAKER: No, because we didn't -- we didn't sustain a lot of the allegations.

MS. GLADING: How'd you come to this realization then?

MR. BLAKER: It wasn't very scientific. I felt where there was smoke there was fire. And this was a thought that I was having towards the end of --

just prior to the -- I don't even know when the interim report came out, but it was just prior to the interim report. The interim report made me look at the issue closer and changed my mind.

MS. GLADING: The interim report did? Nothing prior to that did?

MR. BLAKER: Nothing prior to that, no.

MS. GLADING: Okay. If you want to move ahead, Eric, I -- or Leon, you were in the middle of something. I'm sorry.

MR. SOKOL: No, I'm finished.

MR. JASO: Well, going back to what you said about the sort of feedback you heard from the line troopers, you said that the general feeling that you got from them was that it was a knucklehead problem and not a systemic problem. But let me ask you if there was any feeling that you had, based on these conversations with troopers, or what you heard about what troopers were saying out in the field, about whether the decision itself was going to create problems for the department that were going to reflect negatively on the troopers as a whole? Or that steps were being taken by the department, for example, new training, that the troopers felt was unnecessary. Was there that feeling among the troopers, or any feedback that you got from the troopers?

MR. BLAKER: No trooper said to me that the training was unnecessary. That was never broached to me by a trooper.

MR. JASO: Anyone ever say to you, or did you hear of any trooper basically expressing the opinion that the *Soto* decision was going to create a situation or had created a situation where this Division was going to overreact in such a way -- overreact to the decision?

MR. BLAKER: No one said that to me.

MR. JASO: No, okay. Did you feel that the troopers were defensive about these allegations being made by the defendants in *Soto*?

MR. BLAKER: Which troopers?

MR. JASO: Just the man in the street.

MR. BLAKER: Sure.

MR. JASO: I've handed the witness another memorandum, this one from Major McPartland to Colonel Williams, dated 3/25/96, bearing the Bates label GC-1280. If you could take a look at that and tell me if you recognize this.

MR. BLAKER: I do.

MR. JASO: I note that you're not listed in the chain of from/to here, but you at some point in time saw this document?

MR. BLAKER: I did.

MR. JASO: What role did Major McPartland have in responding to the *Soto* decision, if any?

MR. BLAKER: I don't know of any role he had. He might have had some role. I don't know.

MR. JASO: Do you know why he took it upon himself to write this memorandum and send it to Colonel Williams?

MR. BLAKER: I do not.

MR. JASO: I draw your attention to the third paragraph in the memorandum. It says: "Perhaps a review of the accident data for the Moorestown Station during the questioned period might be more telling. Assuming that the hypothesis stated is accurate, i.e., that blacks drive indistinguishably from whites, the accident" -- I guess that's data -- "might

provide a viable alternative as a benchmark in the aforementioned survey.”

Do you remember whether there were any discussions at the time about looking at accident data to rebut the allegations made in the *Soto* case?

MR. BLAKER: I don't.

MR. JASO: Do you remember seeing that suggestion in this memo at the time?

MR. BLAKER: I remember seeing the memo.

MR. JASO: Do you remember any reaction you had to it?

MR. BLAKER: I don't remember what my reaction was when I saw it, no.

MR. JASO: Did you discuss the Major's opinions with Colonel Williams or Lieutenant Colonel Littles at the time?

MR. BLAKER: Not that I recall.

MS. GLADING: Do you recall whether you supported or opposed the idea of some kind of violater survey, which would presumably determine whether or not minorities drive at a faster speed, or drive -- violate more traffic laws, and that might thus explain the disproportionate rate at which minorities were stopped and searched?

MR. BLAKER: I don't remember whether I supported it or opposed it, no.

MS. GLADING: You don't? How do you feel about it now?

MR. BLAKER: I don't know that it's -- that we need to do anything like that today. I think we have the training in place. I think corrective action is being -- had taken place, and there's no reason to revisit and draw things back into--

MS. GLADING: So I guess you believe that the statistics on which the interim report was based are valid. Is that what you're saying? And that there's no aberration in the driving habits of minorities that causes those statistics to be so disproportionate?

MR. BLAKER: My personal observation is I don't see any -- any aberration with respect to black drivers.

MS. GLADING: Do you recall any discussions around the topic of this, at the State Police, or with the Attorney General's Office at the time?

MR. BLAKER: No.

MR. JASO: I've handed Mr. Blaker another interoffice memo, this one dated June 4th, 1996, from Captain Touw to Major Sparano. This memo and its attachments bear the Bates number GC-1434 through 1441. I ask you to take a look through that, and when you're finished, let me know if you recognize this.

MR. BLAKER: I do recognize the document.

MR. JASO: What do you recognize the document to be?

MR. BLAKER: These were -- these documents refer to the Internal Affairs Bureau inspection audits.

MR. JASO: Were these the results of the inspection audits?

MR. BLAKER: Yes.

MR. JASO: I note that on -- do you remember reviewing the data at the time yourself?

MR. BLAKER: No, no.

MR. JASO: Do you remember that you did not review the data at the time?

MR. BLAKER: No, I don't. I don't remember reviewing the data at the time.

MR. JASO: You don't remember whether you did, or not?

MR. BLAKER: I don't remember whether I did, or not.

MR. JASO: Okay. Do you remember any discussions with respect to these results, either within the committee we've been discussing, or with anyone else at the time?

MR. BLAKER: I don't remember, no.

MR. JASO: Do you remember who gave you a copy of this memo, or who would have given you a copy of the memo, since your name is not on the distribution list?

MR. BLAKER: I don't remember. I could speculate.

MR. JASO: Who might have given it to you?

MR. BLAKER: Tommy Gilbert.

MR. JASO: Was Detective Gilbert regularly providing you with copies of memoranda pertaining to the racial profiling issue or the *Soto* issues?

MR. BLAKER: Yes.

MR. JASO: Was that because you were on the committee?

MR. BLAKER: No, because I was his supervisor.

MR. JASO: I see.

Do you know who wrote at the top of the front page, "Detective Gilbert, FYI"?

MR. BLAKER: No, I don't.

MR. JASO: I note that in the middle -- or in the second paragraph, on the front page, it says, "We are now developing a database for a fair and

accurate evaluation of the stopping patterns of our troopers. It is interesting to note that 45 percent of the stops called into Moorestown Station were minorities, and that 38 percent of the motor vehicle stops made by Troop D personnel were minorities.”

Do you recall what was interesting about those figures?

MR. BLAKER: That was interesting to Captain Touw, or what’s interesting to me?

MR. JASO: Well, do you agree, or did you agree at the time that it was interesting or of any note, those figures that he saw fit to take from the multipage analysis and put on the front page of his cover memo.

MR. BLAKER: Well, what stands out to me now is that one station was stopping 45 percent minority, when the average on the whole turnpike was 38 percent.

MR. JASO: Was that a -- is that, to your mind, a significant difference?

MR. BLAKER: It is to me, yes.

MR. JASO: Do you recall whether you had this reaction back then?

MR. BLAKER: No, I don’t.

MR. JASO: Do you recall discussing those figures with -- those particular figures with anyone at the time?

MR. BLAKER: No.

MS. GLADING: Do you think figures like that would have led to a realization that there might be a systemic problem, in your mind?

MR. BLAKER: No, it didn’t lead to it.

MS. GLADING: Do you think they should have?

MR. BLAKER: Pardon me?

MS. GLADING: Do you think they should have?

MR. BLAKER: In retrospect, yes.

MS. GLADING: So what happened?

MR. BLAKER: What do you mean, what happened?

MS. GLADING: Why didn't they?

MR. BLAKER: Because at the time, we were still under the impression, the knucklehead factor, and we weren't in agreement with the study that had been done, the population and the patrons that were using the turnpike.

MS. GLADING: So you thought the minority population of the turnpike was higher than the numbers in *Soto*?

MR. BLAKER: That was my feeling. That was the feeling, because the data that we had in *Soto* did not account for evening hours -- or hours of darkness.

MS. GLADING: So did you want to do a traffic survey, a population survey of the turnpike?

MR. BLAKER: I discussed it.

MS. GLADING: Where did those discussions lead?

MR. BLAKER: We never did it.

MS. GLADING: Who did you discuss it with?

MR. BLAKER: Probably Littles -- well, whoever the Lieutenant Colonel was at the time, Littles or Roberson.

MS. GLADING: Littles doesn't recall much, so maybe it was Roberson?

MR. BLAKER: One or the other. I don't --

MR. SOKOL: What time frame was this? When would this discussion have taken place?

MR. BLAKER: When all this was happening?

MR. SOKOL: This was '96.

MR. BLAKER: This was after the *Soto* decision.

MR. SOKOL: This was after the appeal -- the State appealed the decision?

MR. BLAKER: During that time frame, yes.

MR. SOKOL: So it's roughly the first half of '96 -- second quarter '96 is roughly the general span.

MR. BLAKER: If that's when it was. I mean, it was certainly more than three months. I mean, there was a feeling for a long time that the numbers weren't right.

MS. GLADING: So what did you think about the fact that the population survey wasn't done at that time? Did you -- did you talk to Colonel Williams about that?

MR. BLAKER: I don't recall speaking with Colonel Williams.

MS. GLADING: Did you feel strongly about it?

MR. BLAKER: I thought we should do it, but it wasn't my call.

MS. GLADING: Un-huh. Whose call was it?

MR. BLAKER: Lieutenant Colonel Williams -- or, Lieutenant Colonel -- whoever the lieutenant colonel was, probably Littles, maybe Roberson, and Colonel Williams. It was certainly beyond my pay scale. The time --

MS. GLADING: Did the -- I beg your pardon?

MR. BLAKER: It was certainly beyond my pay scale. At the time, I was a sergeant first class.

MS. GLADING: Did anyone at the AG's Office have a view about doing

a traffic survey -- a population survey?

MR. BLAKER: If they did, they didn't discuss it with me.

MS. GLADING: Did you discuss it with anyone there?

MR. BLAKER: Not that I recall.

MS. GLADING: Did you discuss it with Tom Gilbert?

MR. BLAKER: I don't have a specific recollection, but probably, yes.

MR. JASO: And what type of a survey would this be? Forgive me if I am asking what has already been answered, but I want it to be clear as to what type of survey you had suggested doing, and how specific your suggestion was.

MR. BLAKER: To determine the racial make-up of the patrons of the turnpike during the hours of darkness, which to the best of my recollection had never been done.

MR. JASO: Why was it necessary to do it during the night?

MR. BLAKER: Because I felt that most of the arrests were taking place during the hours of darkness.

MS. GLADING: Were most stops taking place during hours of darkness, and most consent searches?

MR. BLAKER: I don't know. That was my feeling, but I don't know that.

MS. GLADING: When you became a captain, and your pay scale increased, did you still feel that a population survey ought to be done?

MR. BLAKER: By then I was in a different position. I had a different job title, different job function, and whatever files I had upstairs were turned over to my successor.

MS. GLADING: You had the Colonel's ear from 1996 to '98, right?

MR. BLAKER: Yes.

MS. GLADING: You were an advisor to him, and you talked with him during this period about that? I'm not clear on something. Is sergeant -- is the administrative assistant to the deputy superintendent a sergeant's position?

MR. BLAKER: It's a lieutenant position.

MS. GLADING: It's a lieutenant position.

MR. BLAKER: I don't know what it is now.

MS. GLADING: Okay.

MR. BLAKER: But it ended up being a lieutenant's position.

MS. GLADING: And then when you became EEO/A Administrative -- I'm sorry, EEO and Affirmative Action Officer, what rank is that?

MR. BLAKER: Captain.

MS. GLADING: That's captain. So when you became a captain, did you still feel strongly about a population survey being done to see if the numbers in *Soto* were correct, or if these numbers were cause for concern?

MR. BLAKER: No, because I moved on to other things -- I was doing other things within the State Police, and all my files, as I just mentioned, were turned over to my successor.

MR. JASO: Did you ever create a document detailing your suggestion that would have been in the files?

MR. BLAKER: Probably not.

MR. JASO: Look back, if you would, at the previous document, the one-pager. Look at the second paragraph. Here Major McPartland says: "To suggest that one can determine the race or ethnicity of the operator of a motor vehicle as they whizz by is ludicrous. It becomes obvious to me that even a

trained eye would have significant difficulty distinguishing” and he mentions a couple of individuals “race in broad daylight, let alone during the hours of darkness.”

Do you remember that statement reflecting the concerns that others might have had about your suggestion being a viable one; that is, to take a survey of folks on the turnpike, traveling at night?

MR. BLAKER: Whether people I may have mentioned my suggestion to about the survey --

MR. JASO: Shared--

MR. BLAKER: -- connecting this with that?

MR. JASO: Shared those -- shared that view of Major McPartland, either generally or specifically.

MR. BLAKER: I certainly don't know if they shared his view specifically, but most people that I spoke with who have experienced sitting in a car with radar and watching cars go by are of the opinion that it's very difficult to determine the racial make up of the occupants of a vehicle, particularly on the turnpike or the parkway or the expressway.

MS. GLADING: Are you familiar with the traffic survey that was done as part of the consent decree that was released just a few weeks ago?

MR. BLAKER: No.

MS. GLADING: No. The overall numbers validated the *Soto* numbers.

MR. BLAKER: Pardon?

MS. GLADING: The overall numbers validated the *Soto* numbers.

MR. BLAKER: So I was wrong.

MS. GLADING: Hm?

MR. BLAKER: So I was wrong.

MS. ACCURSO: Are you representing that for the record, counsel? Or will you let the report speak for itself?

MS. GLADING: I'll let the report speak for itself.

MR. SOKOL: When you suggested that this survey be done, had you thought -- did you convey your thoughts as to how it could be done, given the suspicion that you really couldn't accurately tell the race of somebody when the cars were whizzing by?

MR. BLAKER: I'm not competent.

MR. SOKOL: You don't have an opinion?

MR. BLAKER: I have no expertise in putting together traffic surveys, so--

MS. GLADING: Just to clarify, because I'm not sure I got it. Who did you speak to about the need you felt there was for a traffic survey?

MR. BLAKER: I don't -- again, I thought I said it might have been Littles.

MR. SOKOL: I think your testimony was it was the Lieutenant Colonel and Colonel Williams.

MR. BLAKER: I don't think I said Williams.

MR. SOKOL: I thought you said you communicated it to whoever the lieutenant colonel was at the time, and to Colonel Williams.

MR. BLAKER: I don't recall saying that. But it's a possibility. But I don't recall saying that.

I would have brought it up to whoever the lieutenant colonel was. I may or may not have discussed it with Tommy Gilbert.

MR. JASO: Lastly, looking back at the next document, Captain Touw's memo. Was this information, that is, the results of the inspection audits, discussed at any committee meetings?

MR. BLAKER: I don't know that I was at any committee meeting after June of '96.

MR. JASO: Was this the type of data -- well, the committee had requested that the inspection audit be done. Is that correct?

MR. BLAKER: Yes, right.

MR. JASO: So in the normal course, would this information have been reported to the members of the committee?

MR. BLAKER: If the committee requested it, then in the normal course, they should have gotten it.

MR. JASO: Was there any difference in the amount of information that the Division members of the committee got in the course of the committee's activities and the information that the Attorney General's Office representatives got?

MR. BLAKER: You mean did Division personnel hold stuff back from the Attorney General's Office?

MR. JASO: That's a way of putting it, yes.

MR. BLAKER: Not to my knowledge, no.

MR. JASO: Did anyone ever discuss doing that?

MR. BLAKER: Not in my presence.

MR. JASO: Ever heard of it being discussed.

MR. BLAKER: This is the first time. I'm kind of shocked by it.

MR. JASO: Shall we take a five-minute break?

(Off the record)

HEARING REPORTER: On the record.

MR. JASO: Okay, I have handed the witness another State Police memorandum, this one dated 6/13/96, from Major Fedorko to Captain Touw, with attachments. This document bears the Bates numbers DOJ-6910 through 6919.

If you could just take a look at that, and let me know if you recognize this document and the attachments.

MR. BLAKER: I do recognize it.

MR. JASO: Do you remember discussing this memorandum, or primarily, I guess, Captain Silvert's letter to Colonel Williams?

MR. BLAKER: I don't recall discussing this with Colonel Williams.

MR. JASO: Do you recall discussing it with anyone?

MR. BLAKER: No.

MR. JASO: Do you recall it being a -- discussed at all in the committee.

MR. BLAKER: As I sit here today, my recollection is I don't recall this being discussed.

MR. JASO: I note, in the attached report, if you turn to Page 6197, looking at where it says, "Criminal Activities, 1995" indicates 336 motor vehicle stops resulting in criminal arrests. And then two lines down, 191 motor vehicle stops with minority drivers, 57 percent of 336.

Do you have an understanding of what those statistics -- what that statistic means?

MR. BLAKER: Well, yeah, there were 336 motor vehicle stops, and of those 336, 191 were motor vehicles that were being driven by minority drivers,

and that 191 represents 57 percent of that 336.

MR. JASO: Are those figures of concern to you -- were they at the time? Well, let me ask you first, do you remember looking at these figures at the time?

MR. BLAKER: I don't recall. I recognize the document. I've seen it at some point in my life. I don't recall what I thought about the figures when I saw them.

MR. JASO: Do you recall whether the committee was waiting for information to flow in, based on its directive that additional data be collected?

MR. BLAKER: I don't recall.

MR. JASO: You don't recall--

MR. BLAKER: Do you -- I don't know what your view of this committee was.

MR. JASO: Well, I don't really have a view of the committee. I'm trying to get your view, and if--

MR. BLAKER: Well, we sat down, and we tried to deal with the issues. And it's not like the committee was throwing out edicts and memorandum and mandates that you have to give us this and that. We were making the committee, at least at times that I sat on it -- the one or two times that I sat on it -- for making suggestions. And it was more like a roundtable. It was very informal.

MR. JASO: Well, where did the suggestions go?

MR. BLAKER: The suggestions. Well, Lieutenant Colonel Littles was there, so he would have -- he would have talked to his supervisor, I would presume, although I wasn't in the room. The next step would have been to

talk it over with Colonel Williams and determine whether or not we should go ahead with some of the suggestions.

MR. JASO: Well, we looked at a previous document where it is indicated in the document, I believe, that it's Detective Gilbert who is reporting that a directive has gone out for additional inspection audits to occur. Is that right?

MR. BLAKER: I remember looking at that document, yeah. But I don't know where that directive came from.

MR. JASO: That was my next question. Do you know who was making the directives to -- well, let me ask you this first. Do you recall, generally -- and I think we've discussed this before -- but do you recall generally whether there were directives being issued, if not by the committee, then by others at the committee's suggestion, that additional data needed to be collected within the Division on highway stops?

MR. BLAKER: To the extent that additional data would be needed, through the office of Colonel Littles or Colonel Williams, requests would be made.

MR. JASO: Well, the question is, were requests made?

MR. BLAKER: I don't know. I'll have to refresh my recollection. What does it say on the paper here.

MR. JASO: Let me see if I can go back to the document where that was mentioned. I think it's the second one. Yeah, it's the one -- I think it's the very first document that I gave you, dated 3/26 -- 3/28/96.

If you look at Page 4, it says, "The Internal Affairs Bureau, at the direction of Captain Touw, has recently begun utilizing its Inspection Unit to

commence inspection audits.”

Now this, which is authored by Detective Gilbert, indicates that Captain Touw made the directive.

MR. BLAKER: Touw, Captain Touw. (indicating pronunciation)

MR. JASO: Touw. I’m sorry to mispronounce his name. Do you remember whether there were other directives of any kind that -- well, let me ask you first whether -- I might have asked you this before, but now we’re going back to it. Do you remember whether this was accurate, to your recollection, that Captain Touw had directed that these inspection audits resume?

MR. BLAKER: Yes.

MR. JASO: Okay. Do you remember any other directives from anyone, based on suggestions from the committee or not, that additional data must be collected or should be collected?

MR. BLAKER: I don’t remember additional directives, no.

MR. JASO: So to your knowledge, these inspection audits were the only source of new data that was coming in?

MR. BLAKER: No, that’s not what I’m saying.

MR. JASO: Okay, well--

MR. BLAKER: I mean, other things were looked at, but they weren’t couched in terms of directives, that I believe. I don’t recall seeing that.

MR. JASO: So there were -- were there suggestions made by the committee --

MR. BLAKER: The committee made--

MR. JASO: --that additional data be collected?

MR. BLAKER: Yes.

MR. JASO: Okay. And do you remember whether that elicited any actual directives from anybody that somebody who actually has to go out and do the footwork on this has to go get the data?

MR. BLAKER: Well, that would be Tommy Gilbert. Tommy Gilbert was tasked with whatever information we needed. He was -- he was -- he was a good detective. He was a good digger, a good researcher. So to the extent that we needed information or that someone needed information, he was a good person to rely upon.

MR. JASO: And who was directing him to do that?

MR. BLAKER: That would have come -- to the extent that we're talking about this committee, as a result of this roundtable discussion in the Lieutenant Colonel's office.

MR. JASO: It was the Lieutenant Colonel's office who would direct Detective Gilbert to -- to do it. Is that right, or did it come from another -- did it come--

MR. BLAKER: It was through the offices of Lieutenant Colonel, as a result of this committee, which the Lieutenant Colonel sat on.

MR. JASO: Did the Attorney General's Office, to your knowledge, direct Detective Gilbert to collect additional data?

MR. BLAKER: To my knowledge, no.

MR. JASO: To your knowledge, did the Attorney General's Office direct anyone within the Division to collect additional data?

MR. BLAKER: Not to my knowledge.

MR. JASO: And just so we're clear, I'm talking about data on traffic

stops, the minority representation among traffic stops, those types of statistics.

MR. BLAKER: I understand that.

MR. JASO: Same answer?

MR. BLAKER: Same answer.

MR. JASO: Okay.

Do you have any questions on this, folks?

MR. SOKOL: No.

MS. GLADING: Did you -- I am -- I apologize, I was distracted for a minute, but did you ask Prosecutor Blaker any questions about the second to last page of this document, consent search numbers?

MR. JASO: No.

MS. GLADING: The second to last page discusses 1995 consent search numbers, and it indicates that minority drivers comprised 62 percent of 144 consent searches, for the stops that were looked at, for the searches that were looked at. Does that strike you as a high figure?

MR. BLAKER: It strikes me as a high figure, yes.

MS. GLADING: Did it strike you then as a high figure?

MR. BLAKER: I don't have an independent recollection of these numbers, but if I were looking at these things, no matter what year, it would strike me as a high figure.

MS. GLADING: Do you think -- do you have any recollection of whether it caught the attention of other people within the Division of State Police?

MR. BLAKER: I don't have a recollection as to who -- whose attention this might have caught. I'm sure it caught other people's attention.

MS. GLADING: Do you recall any action as a result of that number, to address or find out more about it?

MR. BLAKER: As a direct result, we were already trying to find out more about the whole issue. I don't know whether this caused something else, something further to be done. But the issue was already being examined or investigated.

MS. GLADING: I just want to know, in your mind is a consent search -- a consent to search number a more reliable indicator than a stop number?

MR. BLAKER: Reliable indicator of what?

MS. GLADING: If you're looking at a disproportionate, presuming that 62 percent of the turnpike population is not minority, do you think that number is disproportionate? And you're looking at a number that also is disproportionate in terms of stops. What, in your mind, is the difference, in terms of the judgment of the trooper in conducting the stop versus conducting the consent search that -- I'm not asking this clearly.

Does a trooper make a judgment -- when a trooper decides to conduct a consent search, is the trooper making a judgment in which racial profiling, or the race of the driver, may be more of a factor than in the initial stop? Can it play a greater -- can it play a greater role in that decision?

MR. BLAKER: Whether to make the decision to ask someone to consent, whether race plays a larger factor in that instance, as opposed to stopping the vehicle?

MS. GLADING: Let me ask it this way. If you have high consent search numbers and you have high stop numbers, which number do you think -- and you're concerned about selective enforcement of traffic laws, and you're

concerned about the treatment of minority motorists, which number do you think is more relevant in doing that analysis? What would you sit up and take notice to first?

MR. BLAKER: Well, I know what the Division of State Police looked at first was the stop numbers. That's what we were operating on, the stop numbers.

I'm trying to pose an answer to your question, but I'm still not clear of the question.

MS. GLADING: They'll leave out--

MR. JASO: Let me try to ask it in a different way. When you started testifying, I asked you to define racial profiling, and I think that you said, "It's the use of race as the sole factor in whether to stop a car or an individual on the street." Is that right?

MR. BLAKER: Correct.

MR. JASO: Now, when we're talking about possibly doing a traffic survey, you said that one of the problems that had been raised in one of the documents apparently reflected this, was that if you're sitting at night, you can't tell who the race -- what the race of the cars is going by as you're sitting there with the radar gun. Is that right?

MR. BLAKER: That's correct.

MR. JASO: So is it fair to say that the number of-- It is fair to say that a trooper who decides to pull someone over for speeding on the Turnpike at night doesn't necessarily know, nor could he know, perhaps, what the race of the occupant is?

MR. BLAKER: In my experience, that's an accurate statement.

MR. JASO: Okay. Now, when he pulls over the car, if the car obeys his command to pull over the car, and he gets out and he walks up to the window and the driver rolls down his window, at that point is there any doubt in his mind in most circumstances what the race of the driver is?

MR. BLAKER: Generally not.

MR. JASO: Okay. So when he then asks the driver of the car to consent to search, is there any circumstance -- apart from, perhaps, a very small number of people whose race, even at that close distance, is not ascertainable -- is there any question in a trooper's mind in that situation as to what the race of the driver is at the moment that he is making the decision whether to ask the driver to consent to search?

MR. BLAKER: No. There's no question left to race of the driver.

MR. JASO: So are the figures for a consent to search-- If the figures for a consent to search are high, is there any way that those numbers could be explained away by the fact that say minority drivers speed more or-- Well, let me just ask that?

MR. BLAKER: If the numbers are spiked higher for minority drivers being asked a consent to search -- I think what you're asking me -- would that be -- give me pause to stop and look at the numbers.

MR. JASO: Well, would it give you more pause, I think, was Ms. Glading's question -- was would it give you more pause in the case of high percentage of minorities being asked for their consent to search versus high numbers of minorities simply being stopped.

MR. BLAKER: Yes.

MS. GLADING: Thank you, Eric.

ASSISTANT ATTORNEY GENERAL ACCURSO: Wait. I don't even--  
Can we ask the question and get the answer.

MR. JASO: Well, it's on the record, so I'm not going to reask the question.

ASSISTANT ATTORNEY GENERAL ACCURSO: Fine. Just if you don't mind having the witness repeat what he said.

MR. BLAKER: I said yes.

ASSISTANT ATTORNEY GENERAL ACCURSO: Yes. I got yes. What did you say yes to? I'm sorry, the question had been asked, obviously, many times in many different variations.

MR. BLAKER: If I saw statistics that indicate that a much higher percentage of minority violators, you've already stopped for speeding or whatever, were being asked to consent to searches than they were much higher than the incidence of white violators being asked, would that give me pause? Would I look at that closely? My answer is yes.

MR. JASO: Right. Thank you.

MS. GLADING: Thank you.

MR. JASO: Did I hand you a memo dated 10/11/96?

MR. BLAKER: Not yet. Or if you do, I don't have it in front of me.

MR. JASO: I've handed the witness another State Police IOC dated 10/11/96 from Detective Gilbert to Colonel Williams bearing Bates Nos. GC-1511 through 1515. If you could just take a look at that and let me know if you recognize it?

MR. BLAKER: I do recognize it. They are my initials, but I didn't put them there.

MR. JASO: Okay.

I draw your attention to the first paragraph there on the front page. On October 4th, 1996, a meeting was attended-- Attended by the following officials was conducted to address the Division's continuing response to issues raised during the Gloucester County proceedings and your name is listed among the attendees. Do you remember attending a meeting with these individuals on or about that date to discuss issues pertaining to the *Soto* case?

MR. BLAKER: Do I specifically recall sitting October 4th, 1996 with these people discussing these issues, as I sit here today?

MR. JASO: Sure. Yes. That's a question.

MR. BLAKER: No. But I did sit with these people and discuss these issues.

MR. JASO: Okay. Around or about that time?

MR. BLAKER: Yes.

MR. JASO: Okay. Is there any reason to think that that date is not correct or--

MR. BLAKER: No.

MR. JASO: --that the lists of individuals is incorrect?

MR. BLAKER: No.

MR. JASO: Okay. Does looking at the memorandum refresh your recollection as to the topics that were discussed at that meeting?

MR. BLAKER: Yes.

MR. JASO: Okay. Turn, if you would, to the last page. This is a memorandum apparently from Colonel Williams to certain people whose titles are checked off and to-- Well, he's checked off several titles. Did you receive

this cover memo or this response memo from Colonel Williams?

MR. BLAKER: No.

MR. JASO: Does looking at it today refresh your recollection? Do you recognize this?

MR. BLAKER: Yes.

MR. JASO: Look at No. 2 in the handwritten notes, if you would. It says, "Troopers racial tabulations will not be recorded on periodic evaluation report." Do you remember what that pertains to? What that comment pertains to?

MR. BLAKER: I think I do. Can you give me a second here?

MR. JASO: Sure. Please.

Let me point to the part where I think it's referring to, and maybe you tell me if it's -- maybe it will, hopefully, you won't have to read the whole thing. It's Page 1513. I think it's the third full paragraph down. In the middle of the paragraph it says, "The addition of a race category to the patrol chart, as previously noted, will likely meet with resistance from uniformed personnel."

MR. BLAKER: No. I don't think that would--

MR. JASO: That doesn't have to do with that?

MR. BLAKER: No.

MS. GLADING: Why don't you look in the middle of the previous paragraph. Is that relevant?

MR. BLAKER: It is relevant to what I want to say, but I don't see what else -- what else I thought I might see. I don't see it there. I remember.

MR. SOKOL: Is that the paragraph, that paragraph that Ms. Glading

just referred to, talks about inserting the station commanders into the process of reviewing reports where they, at that time, did not have a role. It says that it normally bypassed the station commander and the review process goes from the trooper to the squad sergeant to the station detectives and then to the Records and Identification Section. And it appears that Colonel Williams is saying that the troopers' racial tabulations will not be recorded on the periodic evaluation report. The station and assistant station commander will be responsible for this and act accordingly.

MR. BLAKER: And that's what I was looking for -- something about periodic evaluations, because I knew that was an issue. And I remember discussing this, and we did discuss the fact to get the station commanders involved. And someone, and I don't see anything, I don't know why, made a suggestion that if a -- in reviewing the arrests reports, the station commander sees that a trooper might -- one particular trooper might be stopping large number of minorities. This suggestion was made by someone to make that reflect in the individual six-month periodic evaluation report.

What Colonel Williams was saying here was that the evaluation report, was his feeling, was not his -- that's not the proper place. If we're going to empower the station command-- It's actually the station commander's job. The station commander, if he sees that, if he sees that somebody is stopping an inordinate number of minorities, then some kind of action should be taken, disciplinary action. The station commander should file what's known as the Form 251, which is a complaint, an internal complaint, and let the thing be investigated. That's what he meant by that, and I remember speaking to him about that.

MR. SOKOL: So that where he says, specifically, it will not be recorded on the periodic evaluation report, which is his periodic review of personnel.

MR. BLAKER: Every six months.

MR. SOKOL: Yes. So the station commander every six months writes a report that evaluates the troopers of his command.

MR. BLAKER: That's, well, it was-- Essentially. The squad sergeants and then to the assistant State deputy's desk. Okay.

MR. SOKOL: Right. And Williams is saying that it shouldn't go into that -- that the racial tabulations should not be included in that report.

MR. BLAKER: That's what he said.

MR. SOKOL: Right. And that seems to be in conflict with what you just said. You seemed to indicate that that is the place it should be -- that if it comes to-- It's the commander's role to supervise the performance of the trooper. If it comes to the commander's attention that the trooper is somehow behaving in an inappropriate way, the place to deal with it is in the evaluation report. That was your understanding?

MR. BLAKER: No. That was-- Somebody suggested that.

MR. SOKOL: That was the suggestion. And your understanding was that that was not the appropriate place for the station commander to deal with it?

MR. BLAKER: That was the Colonel's view.

MR. SOKOL: Right.

MR. BLAKER: It also happens to be my view. The evaluation report is not the place to handle that.

MR. SOKOL: Tell me why? That doesn't follow with your--

MR. BLAKER: Because you should always put things in an evaluation report that's going to impact a person's career that you've proven. What Colonel Williams was saying by this memo, or this comment, and maybe it's not that clear, is that if there's an allegation that an individual trooper is violating someone's rights, the evaluation report is not the place to put it, because it-- You put it in the evaluation report and it goes nowhere. There's no investigation. The proper response is for that station commander to fill out a 251 form, internal complaint -- is form 251. Send it up through channels and let Internal Affairs investigate it. And that way if you prove that the individual is engaging in, let's say, racial profiling, then the next evaluation period, you might put it on. Because now you're putting something on there that's a proven.

MR. SOKOL: So this is the due process issue?

MR. BLAKER: Yes.

MS. GLADING: I wonder if I can-- I just handed the witness OAG-4228 to OAG 4238. If I could just direct your attention to Page 1, 2, 3, the 6th page of that document. It's a memo from Touw to Fedorko. Have you seen that before?

MR. BLAKER: I have, but I don't remember when or where.

MS. GLADING: Do you see the handwritten, in the left margin, no?

MR. BLAKER: I don't.

MS. GLADING: Are you on Page 4233?

MR. BLAKER: No, 34.

MS. GLADING: I'm sorry.

MR. BLAKER: Okay.

That basically says what I just -- what I mentioned.

MS. GLADING: Is that your recollection where the recommendation for this came from, from Touw?

MR. BLAKER: I mean, I see it here, but I don't have an independent recollection.

MR. SOKOL: Is that-- Whose handwriting is that?

MR. BLAKER: Colonel Williams.

MR. SOKOL: Just for the record, the witness just identified the handwritten notations on Page 4233 as the handwriting of, in his opinion, Colonel Williams.

MS. GLADING: Did you talk about this topic with Colonel Williams at the time?

MR. BLAKER: That's why I remember it.

MS. GLADING: Uh-hum. So you remember most things that you talked with Colonel Williams about?

MR. BLAKER: I'd like to say I do, but no I don't. My memory is not that good.

MS. GLADING: Worth a shot.

MR. JASO: Was the-- If you look at the same document, the pages immediately following, the patrol issues concerns at Moorestown Station -- has various statistics about the racial distribution of stops.

MR. BLAKER: Okay.

MR. JASO: The document that you just identified the handwriting on attaches the document with the statistics on it. Do you remember whether this information was distributed amongst the members of the Committee?

MR. BLAKER: I don't remember it. And you're saying that these two documents are one?

MR. JASO: Well, no. I'm sorry. I'm looking at the Touw memo that you were just looking at with--

MR. BLAKER: Okay.

MR. JASO: And it says the first line, and it says the attached special report reflecting the findings of the staff inspection unit's audit in the Moorestown Station--

MS. GLADING: Can I just note for the record that the first memo in this series, OAG-4229 is from Gilbert to Williams, but it makes reference at the bottom of Page OAG-4230, as noted by the attached Internal Affairs Bureau documents. So presumably, these documents were attached.

MR. JASO: Okay. I'm just trying to establish that.

MS. GLADING: Yeah. Okay.

MR. JASO: My larger question was, whether this information was distributed amongst the members of the Committee?

MR. BLAKER: I don't recall whether the information was or it wasn't.

MR. JASO: Well, do you remember receiving, as a member of the Committee, memoranda such as this that memorializes meetings of the Committee, and was that something that was done as a matter of course?

MR. BLAKER: Did I receive memorializations of Committee meetings?

MR. JASO: Right.

MR. BLAKER: Yes. We went through some of them here today.

MR. JASO: Right. I'm just asking whether that was typically

redistributed amongst the members of the Committee?

MR. BLAKER: Yes.

MR. JASO: Okay.

MS. GLADING: Can I just-- I'm still on the same document. These audit numbers and the Touw memo that were presumably attached to this memo, because they're referenced in it, would these typically have been shared with the Attorney General's Office members of the Committee, Mr. Fahy and Mr. Susswein?

MR. BLAKER: It was, I believe, Tommy Gilbert's practice to give every member of the Committee whatever every other member of the Committee received.

MS. GLADING: They get what every other member receive.

MR. BLAKER: Right.

MS. GLADING: And Mr. Fahy and Mr. Susswein were members of this Committee?

MR. BLAKER: That's correct.

MS. GLADING: Do you remember any discussions with Mr. Fahy or Mr. Susswein or Mr. Gilbert about these audit numbers that are attached?

MR. BLAKER: I'm sure Tommy Gilbert and I discussed them. I don't recall the specifics of it. I don't recall speaking with Jack or Ron about it.

MR. JASO: Before we go onto this, I have one follow-up question going back to our discussion of the stops versus the searches. Was that topic ever discussed among the Committee or with anyone else within the Division? That is the distinction between statistics for stops and statistics for searches?

MR. BLAKER: I don't know when that -- that came up late. I don't

know. I don't recall.

MR. JASO: But it did come up at some point in time?

MR. BLAKER: Yeah, that came up-- I don't know in the context of the Committee meetings or not. And it wasn't something that the State Police was looking at early on. They were looking at stops. I want to say around the time of the Turnpike shooting, when Hogan and Kenna shot up the van. I think that's when the Division of State Police starting looking first-- The Division of State Police focus changed or at least now opened up to search data, but I'm not positive about that. I was out of there. I was out of that function.

MS. GLADING: Did I understand you to say you directed the activities of Tom Gilbert in this -- in this work?

MR. BLAKER: Directed is a poor choice of words. I don't know if I said that. If I did, I was wrong.

MS. GLADING: You would ask him to take on these projects?

MR. BLAKER: I'd ask him-- Well, actually I think-- I directed him on the *Soto* matter to review the decision and make some notes and get back to us. I think it was Colonel Littles who made him the State Police go-to person with respect to all of this.

MS. GLADING: Go-to person--

MR. BLAKER: And I think I said that's the person I would have picked, too.

MS. GLADING: Uh-hum. The go-to person for who? For the AGs Office, you mean?

MR. BLAKER: To be the liaison between us or the Division of State Police and the Attorney General's Office.

MS. GLADING: In your direction of him in the *Soto* matter, and any research he was doing, or statistical research he was doing, did you instruct him to share these materials with the Attorney General's Office? With all the members of the Committee, let me put it that way?

MR. BLAKER: I don't recall specifically to that. You know, I wouldn't have to. I mean, he would do that as a matter of course.

MS. GLADING: Okay.

MR. JASO: At some point in time in late '96 and early '97, around that time period, do you recall there being a United States Department of Justice inquiry into racial profiling in the New Jersey State Police?

MR. BLAKER: Yes.

MR. JASO: And what was your role, if any, in responding to that inquiry?

MR. BLAKER: I don't think I had much to do with it, other than the fact that Tommy worked in my office.

MR. JASO: Gilbert, you mean?

MR. BLAKER: Tom Gilbert, sorry.

MR. JASO: So was Gilbert also tasked with responding to this inquiry?

MR. BLAKER: Yes.

MR. JASO: By whom?

MR. BLAKER: I don't recall. It might have just been a continuation. Since the issues were the same, it was probably just a continuation.

MR. JASO: The issue of the DOJ inquiry was the same issue of the *Soto* decision?

MR. BLAKER: Certainly they encompassed a lot of the same issues.

MR. JASO: Was the Committee itself tasked with responding to the DOJ inquiry or did the Committee strategize about how to respond to the DOJ inquiry?

MR. BLAKER: I don't recall-- I don't even know if the Committee was still meeting at that period of time, when the-- I don't recall that.

MR. JASO: Do you remember when the Committee-- Do you remember a time came when the Committee stopped operating?

MR. BLAKER: I remember that it did stop operating. I don't remember the time. And I could tell you who the Lieutenant Colonel was, but that's about as far as I could go.

MR. JASO: Who was the Lieutenant Colonel?

MR. BLAKER: Colonel Roberson was the Lieutenant Colonel.

MR. JASO: Do you remember, specifically or generally, any directive that the Committee cease operating?

MR. BLAKER: No. There was never a directive issued to discontinue the Committee that I know of.

MR. JASO: Take a look at these documents which I've handed you which, for the record, are four IOC memoranda, respectively Bates No. GC-1952, 1954, 1956, and 1983. They are all memoranda from Colonel Littles to, alternatively, Captain Roberson and Captain Mattos.

ASSISTANT ATTORNEY GENERAL ACCURSO: I'm not sure we got 1952. Is that where you started?

MR. JASO: Yeah. Did I not--  
Did you have 1952?

MS. GLADING: Yeah.

MR. BLAKER: We have 93, or 53 rather.

MR. JASO: Oh, that's odd.

Okay, just so we're on the same page, why don't you switch this with me. Take a look at these and tell me if you recognize them.

MR. BLAKER: I remember-- I've seen them at one point in my life. I can't tell you when or in what context. Well, the context would be in my job as a trooper.

MR. JASO: Do you recognize Colonel Littles' signatures on these pages?

MR. BLAKER: I do. Let's see-- I'm not sure if they're his initials. I mean, they're his initials.

MR. JASO: Well, let me ask you this. Do you remember drafting these memoranda for Colonel Littles--

MR. BLAKER: No.

MR. JASO: --or him asking you to prepare them?

MR. BLAKER: No, I don't. But I do remember, I do-- Not that I remember, but I can see with respect to 001955 and 001952 that that's my forgery of Littles' initials on those two documents. With respect to 1956, 1983, and 2038, I'm not sure whether they're his or not.

MR. JASO: Okay. Did-- I think I just asked this. I'm not sure if I am repeating myself, but did you periodically prepare memoranda for Colonel Littles at his directive -- that is, he would say to you, "I need a memo on such and such," and you would either type it yourself or have someone else type up what he wanted?

MR. BLAKER: No.

MR. JASO: You never did that?

MR. BLAKER: Well, I'm pretty sure I probably have done it, but--

MR. JASO: Well--

MR. BLAKER: --generally, he would go to his administrative assistant for that.

MR. JASO: And when-- What would be the circumstances in which you would sign his name to a memo?

MR. BLAKER: I'm looking at these things, and I can tell you that information -- somebody needed information. They needed Littles okay to get the information. It was probably Tommy Gilbert who typed these up. He needed Littles -- initial it. Obviously, Littles wasn't there for at least two that I can talk about, because I know that I put his initials there. So this is-- My best guess, Tommy Gilbert needed this information, typed it up, and sent it out under Littles office.

MS. GLADING: Do you-- Go ahead.

MR. JASO: So, to the best of your recollection, Gilbert was the one who requested the information, needed the information, and turned to you to prepare a memo that would authorize him to get it or release it?

MR. BLAKER: It's not a recollection. It's more of an impression that Gilbert typed these and brought them in for Littles to approve. For at least two of them, Littles wasn't there, and I approved them for Littles and then sent them out so he could get the information.

MR. JASO: Okay. I note that the dates on these are fairly close in time -- 1/15, 1/16, 1/17, 1/22. And all of them, by my reading, pertained to particular aspects of information that the Department of Justice is seeking. Was it the case that there was something of an emergency to get a quick

response out to the Department of Justice at that time?

MR. BLAKER: I don't know. I don't have an impression.

MR. JASO: You don't remember that being the case?

MR. BLAKER: I know that we were responding to requests, and some of the things that we're being-- I don't recall which specific things, but that some of the things they were asking for would have been very difficult for us to provide in the timely manner -- their definition of timely -- because we weren't up to snuff with computerization at that time.

MR. JASO: Do you remember a sense of urgency, if not, emergency?

MR. BLAKER: All I know is that I the respected the two of them. Tommy-- And I don't remember this. I'm just telling you because of my initials here at Littles initial. This is a request for information that Gilbert needed.

MR. JASO: Okay. Do you remember any discussions with Colonel Williams with regard to the scope of the Department of Justice's inquiry?

MR. BLAKER: Again, just general impressions. You know, a lot of information was being requested. And as I recall, not so much that we couldn't provide the information, or most of the information, it's just that we couldn't do it as quickly as was being requested.

MR. JASO: Was there any discussion that you recall about limiting the scope of the DOJ inquiry to particular stations on the Turnpike?

MR. BLAKER: I know it was limited. I don't know who had discussions about that. I know there were discussions with representatives from DOJ, or again my impression is, because ultimately DOJ did limit the scope of their information they were seeking.

MR. JASO: When you say you knew it was limited, did you know back then that there was some limitation on the scope of what was to be turned over?

MR. BLAKER: I'm not sure.

MR. JASO: I guess I'm asking you, are you saying that now you know, looking back, that there was some limitation, or did you know at the time that the directives -- for example, the items in the documents that I just showed you -- that each of these particular requests were only going to be directed to particular stations within the Division? That is, that some stations would have to provide -- would have to provide data and information and documents in response to the DOJ inquiry, and some were not included in the request.

MR. BLAKER: I knew that that was an ultimate decision that was made. I don't know how that was derived.

MR. JASO: You don't know-- Do you recall any discussions about it?

MR. BLAKER: No. Other than Gilbert and I might have talked about it, the Colonel and I might have talked about it. Hey, we can't-- There's no way we can provide this documentation in the time that their requesting it, because we don't have the computer capabilities.

MR. JASO: Do you remember any discussions with anyone from the Attorney General's Office?

MR. BLAKER: I had no discussions.

MR. JASO: Do you know of any that occurred between Division personnel and OAG personnel?

MR. BLAKER: No. I had no knowledge of this.

MR. JASO: Okay.

I've handed the witness a copy of another New Jersey State Police memorandum dated 1/9/97 from Sergeant Gilbert to Colonel Williams bearing Bates Nos. OAG-6164 through 6166. If you could take a look at that and tell me if you recognize it.

MR. BLAKER: Yes, I do recognize it.

MR. JASO: Turning your attention to the handwritten note on the front page, do you recognize that handwriting to be that of Colonel Williams?

MR. BLAKER: I do.

MR. JASO: And reading that comment that he spoke to AG Verniero and AAG Waugh and referenced the data I've requested by the Justice Department at this time, same will be restricted to the Turnpike stations of Cranbury and Moorestown. Does that refresh your recollection as to the limitation on the scope of the Division's response to the Department of Justice?

MR. BLAKER: No. Other than the fact, as I said, I know there had been a decision made, I don't know who made that decision, and I don't know who had discussion with regard to that decision. From this, I can see that, perhaps, Colonel Williams had discussion, at least, with Alex Waugh and maybe spoke to the AG, too, but I don't know who they spoke with.

MR. JASO: Okay. But looking at this document now, does this refresh your recollection at the time that you had any knowledge of these conversations between the Colonel and the Attorney General or the assistant?

MR. BLAKER: No, I didn't have-- You asked me if I had--

MR. JASO: Knowledge at the time.

MR. BLAKER: --conversation or just knowledge that they had

conversation?

MR. JASO: Well, did you have conversations about this information with anyone, or did you hear from anyone about this conversation with Colonel Williams?

MR. BLAKER: To the best of my recollection, I became aware of it when I saw the handwritten note from the IOC.

MR. JASO: Had there been any discussions internally in the Division that you can recall?

MR. BLAKER: I-- Previously, I had suggest-- People I had talked to -- that this is just too much information. We just can't get this information to the DOJ as quickly as they would like.

MR. JASO: But was there any discussion about restricting, about dealing with that problem of the, I guess, burden of the task that you were faced with given the breadth of the request? Was there any discussion previous to this time internally in the Division about whether it would be a good idea to restrict the scope to these two stations as a way of limiting the scope of the request and making the burden lighter?

MR. BLAKER: I'm sure there were. There were conversations. I just was not privy, according to these conversations, that I can recall. It just makes sense that that's the way you would go in order to get the information out.

MR. JASO: Why does it make sense to restrict them to particular stations?

MR. BLAKER: Because those were the stations that were involved in the Gloucester and the *Soto* decision. That was the geographic area that the Department of Justice was looking at. And the feeling was if it was restricted,

we could in a more timely fashion provide the information that was being requested.

MR. JASO: Was that the only consideration or was there also a consideration of whether the DOJ inquiry might be -- might target the entire Division rather than just these particular stations?

MR. BLAKER: I don't recall. I personally, at that time, I would have welcomed to look at the entire Division.

MR. JASO: That what?

MR. BLAKER: I would have welcomed the entire Division being looked at.

MR. JASO: Why?

MR. BLAKER: Because I think you would have seen that the numbers at that time -- my thought process at that time that the numbers were just in that-- That's where the aberration was.

MR. JASO: Were not just in that area?

MR. BLAKER: Pardon me?

MR. JASO: I'm sorry. I'm just-- I, perhaps, can't hear you.

MR. BLAKER: Were in that-- That's where-- For instance, if you did a check of the Parkway, I think that you would see the majority of the people being stopped are, in part, majorities.

MR. JASO: So, if I understand you correctly, you would have welcomed the DOJ's looking at the entire State, because it would have shown that Moorestown and Cranbury were aberrations and that the rest of the troopers were pretty much acting lawfully. You have to say yes or no?

MR. BLAKER: Yes.

MR. JASO: Okay.

MS. GLADING: Can I distribute something to you? Apparently it was attached to this, and it's the actual DOJ request, information request, because I have a couple of questions. (distributing papers)

MR. JASO: Sure.

MS. GLADING: On the second page of the memo, it refers to sections of the actual Department of Justice request. First, let me ask you. Have you seen that request before?

MR. BLAKER: I have seen it before, yes.

MS. GLADING: You have, okay. On the second page of the memo, it refers to Section 3-D of the Department of Justice request -- and did I give all my copies away? I'm looking at OAG-5439 through 5442. The second page of that, 3-D, discusses, "current policies and procedures for auditing the practices of individual State Police officers or groups of officers, as to whether the race or ethnic origin of motorists improperly are being used in selecting vehicles for traffic stops, warnings, citations, and searches." Can you tell me what Sergeant Gilbert was suggesting by including 3-D here? And I'd direct your attention to the first line of the sentence -- of the page, "an overview of what will be involved if we respond to the request in its present form."

MR. BLAKER: I don't know what Sergeant Gilbert was referring to here.

MS. GLADING: You familiar with--

MR. BLAKER: I mean, I can see what he's referring to, but I don't know what he was thinking.

MS. GLADING: Are you-- Were you familiar at that time with an

overview -- with an IAB audit program that had been utilized since the *Soto* decision?

MR. BLAKER: I know that we had done it per-- Yeah. Yeah. We were doing the audits. Sure. Dick Touw was doing it.

MS. GLADING: Okay. That was pretty common knowledge -- you doing audits?

MR. BLAKER: What? Yes.

MS. GLADING: And is it fair to say that since he's referencing a request for current policies and procedures, that was a current policy and procedure?

MR. BLAKER: Yes.

MS. GLADING: Okay. This next sentence, 3-E, corresponds to 3-E in the request, which is at Page 5441-OAG. And that requests "all analyses, assessments, studies, or reports undertaken by the State Police or other State officials, from 1990 to the present, relating to whether State Police officers improperly abused or are using race or ethnic origin in selecting cars for traffic stops or conducting law enforcement activity." Three-E, he discusses the audit reports of Perryville, Moorestown, and the statewide audit of radio compliance. Those were existing completed audits, to your understanding?

MR. BLAKER: I don't have any recollection, but I would think so from looking at this.

MS. GLADING: Gilbert wouldn't make that up, right?

MR. BLAKER: No.

MS. GLADING: Okay.

The next section, 3-F, if you could take a second to look at that.

MR. BLAKER: Okay.

MS. GLADING: That indicates all analyses, assessments, studies, or reports undertaken by the State Police, or other State officials, from 1990 to the present. So, Sergeant Gilbert mentions that this would require research to determine what's available, in addition to what we've compiled since the Gloucester County decision. Is it fair to interpret that as there might be other assessments and audits and analyses, statistical analyses that would fall within 3-E?

MR. BLAKER: You're talking about the statement in 3-F?

MS. GLADING: Yeah. I'm talking about what Sergeant Gilbert says about 3-F.

MR. BLAKER: I don't know what Tommy was referring to. I think he's saying that we would have to do a survey of the racial makeup of the motoring public on the traveling highways patrolled by the State Police of New Jersey. And that would require a tremendous amount of research.

MS. GLADING: You don't think he's referring to compiling other research that's already done, since 3-F specifically refers to--

MR. BLAKER: I think he probably--

MS. GLADING: --stuff that's been done from 1990 to the present?

MR. BLAKER: I think he's probably referring to his research in the aggregate, not as it relates to the traveling public on the Turnpike or any other route.

MS. GLADING: Okay. So other research he's done in terms of statistical analyses of stops, searches, is that right? Is that what you're saying?

MR. BLAKER: No. I'm saying his whole body of research.

MS. GLADING: Okay. His whole body of currently existing research

at that time?

MR. BLAKER: Yes.

MS. GLADING: Okay. So is it safe to assume that in responding -- when Sergeant Gilbert went and looked at how to respond to the Department of Justice and what was entailed, aside from the magnitude of the task of their undefined request, that he was assessing things that were responsive to the Department of Justice request, at that point in time?

MR. BLAKER: It looks like it, yes.

MS. GLADING: Okay.

MR. BLAKER: Yes.

MS. GLADING: Were you aware that the Department-- Well, you received this memo, so Sergeant Gilbert alerted you to the fact that the Division had responsive information that was directly responsive to what the DOJ was asking for, right?

MR. BLAKER: I don't recall whether he did or not.

MS. GLADING: You got this memo, right?

MR. BLAKER: I got this memo--

MS. GLADING: Okay. So he let you know that?

MR. BLAKER: At some point in time, I got this memo. You have to understand, my *raison d'être* wasn't *Soto* and DOJ. There were many other things that I was doing.

MS. GLADING: I understand that.

MR. BLAKER: I was giving Tommy free rein, and Tommy was doing a darn good job.

MS. GLADING: But let me ask you this. In -- around December or

January of '97, *Soto* got a lot more complicated, didn't it? Because suddenly the Federal Government was investigating the agency in which you were--

MR. BLAKER: Yes.

MS. GLADING: --second or third in command?

MR. BLAKER: No.

MS. GLADING: Well, you were reporting directly to the head of an agency that suddenly was under investigation by the Federal Government. Right?

MR. BLAKER: Yes.

MS. GLADING: Was that a significant issue to you?

MR. BLAKER: Sure.

MS. GLADING: And it looks as though Sergeant Gilbert was pretty responsive here, in terms of collecting and assessing and compiling what he could to respond to DOJ, right?

MR. BLAKER: Yes, it does.

MS. GLADING: And is it your recollection that the Department intended to be cooperative and responsive?

MR. BLAKER: Which department? The Division of State Police?

MS. GLADING: The Division of State Police, I'm sorry. That the Division intended to be cooperative and responsive in working with the AGs Office.

MR. BLAKER: Absolutely.

MS. GLADING: Okay. And those entries would indicate that Sergeant Gilbert was already assessing what you had in-house to respond to DOJ, right?

MR. BLAKER: Yes.

MS. GLADING: Okay. Is there any reason why those materials would never have been turned over to the Department of Justice?

MR. BLAKER: I don't know that they weren't.

MS. GLADING: They apparent-- Well, if those materials were not turned over to Justice, would that surprise you?

MR. BLAKER: I wouldn't-- If they weren't, I wouldn't know the reason for not turning them over.

MS. GLADING: Okay.

MR. BLAKER: Again, beyond my pay scale.

MR. JASO: To your-- May I?

MS. GLADING: Is it beyond your current pay scale? Just curious?

MR. BLAKER: Beyond my current pay scale.

MS. GLADING: What do you have to be paid to be responsible for this stuff?

MR. BLAKER: You have to be the guy making the decisions.

MS. GLADING: Did you have a talk with Colonel Williams about what was available already in-house?

MR. BLAKER: I may have. At this point, Sergeant Gilbert was doing most of the talking with Colonel Williams.

MS. GLADING: Okay. Thanks.

MR. JASO: To your knowledge, was the Attorney General's Office intimately involved in the response to the DOJ inquiry?

MR. BLAKER: Yes.

MR. JASO: Was it basically that the Division was being responsive to the Attorney General's Office in responding to the DOJ inquiry?

MR. BLAKER: Say that again?

MR. JASO: That is-- Let me ask it a different way. Was it basically that the AGs Office was in charge, ultimately, of responding to the DOJ inquiry?

MR. BLAKER: There was no question that the AGs Office was in charge. I mean, the Attorney General is the supervisor and could both -- the Division of State Police is the Division under the control of the Attorney General. The Attorney General's Office provides legal advice. So there's no question that the strategy -- and was produced down here, downtown in Trenton.

MR. JASO: That comment that Colonel Williams put on that memo that Attorney General Verniero and Assistant Waugh had made the determination that the scope of the inquiry be limited to Moorestown and Cranbury, that reflects, does it not, that Attorney General Verniero and his top people were ultimately responsible for responding to the Department of Justice inquiry? Is that right?

MR. BLAKER: I suppose it could reflect that. I mean, what I take out of it is that the Colonel spoke with the Attorney General and Alex Waugh, and I'm making an assumption here that they spoke with somebody at DOJ and they came up with a plan to limit the scope of the information that they're asking for.

MR. JASO: To your knowledge, was all the information that was collected, whatever type of information it was by the Division, sent to the Attorney General's Office?

MR. BLAKER: Yes.

MR. JASO: And I mean information gathered in response to the DOJ

inquiry.

MR. BLAKER: I understood that.

MR. JASO: Okay. I just wanted to clarify that.

Off the record for a moment, please. (Off the record discussion)

MR. JASO: One question that I had forgotten to ask you, I think, was when did you get your J.D.?

MR. BLAKER: It was 1986.

MR. JASO: So it was while you were being a detective, is that right?

MR. BLAKER: Yes.

MS. GLADING: Did you go to night school at Camden?

MR. BLAKER: I did, yes.

MS. GLADING: You worked the day shift as a detective and went to night school at Camden?

MR. BLAKER: Yes.

MS. GLADING: I went to night school at Camden, as well. It's not easy.

MR. BLAKER: So you got a quality education?

MS. GLADING: Beg your pardon?

MR. BLAKER: So you got a quality education?

MS. GLADING: Absolutely. And trial by fire.

MR. JASO: I've handed the witness a document -- apparently a memorandum from Sergeant Gilbert to Colonel Williams bearing OAG-6180 and 6, sorry, 6180-6181. If you could take a look at that and let me know--

MS. GLADING: Can we state, for the record, that that's a memo to Williams from Gilbert via Blaker.

MR. JASO: Yeah. I'm just identifying the document.

MR. BLAKER: I do recall it.

MR. JASO: Do you recall receiving this document?

MR. BLAKER: I-- Can we go off the record for a second? I've got a phone call.

MR. JASO: Oh, yes. (Off the record discussion)

MR. JASO: I don't remember what I was asking, but I think it was--

MR. SOKOL: (indiscernible) strongly -- there was a date.

MR. JASO: Well, I'm getting to that.

As you look at the memorandum now, do you remember receiving it, and if so, or if not, can you identify what date this would have been, approximately, since there is no date on the memorandum?

MR. BLAKER: I have no idea what date.

MR. JASO: Okay. I turn your attention to the second page. The last paragraph says Major Sparano spoke to me on 4/1/97. Does that give you a better idea of when, after presumably 4/1/97, this document would have been sent?

MR. BLAKER: No.

MR. JASO: Did Sergeant Gilbert usually wait a long time before reporting significant information to his superiors?

MR. BLAKER: No, he didn't.

MR. JASO: I note that-- Well, let me ask you this? I note that this is not in the official State Police IOC form. Do you know why?

MR. BLAKER: I-- No, I don't.

MR. JASO: Do you recall receiving other memoranda from time to time

from Sergeant Gilbert or anyone else in this nonofficial form?

MR. BLAKER: I may have gotten memos like this, and I seem to recall-- It would be pretty rare that I had gotten something like this.

MR. JASO: Was there any filing system whereby memoranda on -- prepared on the -- in the format that we've seen all day, would be automatically filed in some way?

MR. BLAKER: Yes.

MR. JASO: And-- Okay. I note that in the first paragraph of this, the first line says, "In respect to the original request--"

Well, let me ask you first -- in the very first line it says, "I believe Captain Roberson's concerns should be weighed in consideration of the following," and then it describes, among other things, the response to the DOJ inquiry.

Do you recall what Captain Roberson's concerns were?

MR. BLAKER: As I recall, Captain Roberson had concerns for the morale of the unit and the personnel under his command, particularly at the two lower stations. We limited it just to those two lower stations. He thought that would have a morale -- a negative impact on morale, and I think he might have questioned the accuracy of limiting it just to the lower end.

MS. GLADING: Could I interject here and ask you to look at another document that might clear this up? It's OAG-6178.

Is that familiar to you?

MR. BLAKER: Yes.

MS. GLADING: Do you recognize the writing on that?

MR. BLAKER: It's mine.

MS. GLADING: Okay. This is dated the 27th of March, 1997. It's a memo to Williams from Roberson, attention Major Sparano. The undated memo that we were looking at refers to a 4/1/97 conversation between Sergeant Gilbert and Major Sparano.

Is it the same topic that they were talking about?

MR. BLAKER: Yes.

MS. GLADING: Does this refresh your recollection as to when this memo would have been written? Since you were directly involved in this issue, judging from your handwriting--

MR. BLAKER: All I can tell you is that it was written after April 1st of '97. I don't know the specific case. Certainly it's related to this issue and would have been, in time, in close proximity to April 1st and March 27th of '97.

MS. GLADING: Okay.

So, we can figure the first half of April, you think?

MR. BLAKER: That's a good guess, particularly with Gilbert.

MS. GLADING: Beg your pardon?

MR. BLAKER: Particularly with Tommy Gilbert. He's -- he's very efficient.

MR. SOKOL: In terms of the content, they talk about -- on the paragraph that was in the host that Josephine referred to -- that we have consistently attempted to limited what we've given the Department of Justice.

Who would have established that policy?

MR. BLAKER: That would have been between someone in the Division of State Police and someone in the Office of the Attorney General.

MR. SOKOL: Well, the--

MR. BLAKER: If we're talking -- if we're talking about the DOJ--

MR. SOKOL: Yes.

MR. BLAKER: --and the possibility of lawsuits, certainly the Division of State Police would have been talking to its legal counsel, which would have been--

MR. SOKOL: But who would have made the decision to limit the information?

MR. BLAKER: I would -- I would think the decision in the State Police would have had to come from Colonel Williams, to limit--

MR. SOKOL: Would he have made that decision on his own, or would he have--

MR. BLAKER: No. I don't know, but I feel safe in assuming that he would have spoken with his legal counsel, and it would have been someone from the Attorney General's Office.

MS. GLADING: He would have spoken with his boss, right?

MR. BLAKER: Yeah, that's a possibility. I don't know.

MR. SOKOL: Ordinarily--

MR. BLAKER: But he certainly would have spoke with someone at the Attorney General's Office.

MR. SOKOL: --something of that magnitude, wouldn't it have required his attaining the approval-- You say he would seek counsel, but would -- would -- based upon your experience, wouldn't it have required him obtaining the approval of someone in the Attorney General's Office, and if so, at what level?

MR. BLAKER: I don't know how closely Peter Verniero stood over

subordinates' shoulders when they were doing the work -- how much room he gave them to work.

In my mind, it's not necessarily so that he had to get it from Peter Verniero. He might have--

Just as I gave Tommy Gilbert the *Sota* -- the *Sota* decision to review, and Val Littles gave him the profiling issue and the DOJ issue, it could very well be that Peter Verniero gave that --handed that off to someone. And that could have been the person advising Colonel Williams, but I don't know that.

MS. GLADING: Did you ever have any conversations with Colonel Williams about this?

MR. BLAKER: About?

MS. GLADING: About this memo?

MR. BLAKER: I don't recall a specific conversation with him.

MS. GLADING: Do you recall--

MR. BLAKER: I mean, I made the decision. I--

MS. GLADING: You made the decision.

MR. BLAKER: I made this decision, not Colonel Williams, on what to tell Barry Roberson. (phonetic spelling)

MS. GLADING: Do you remember discussions about how New Jersey stood compared -- comparatively when compared against Maryland, which had entered into a consent agreement?

MR. BLAKER: Just generally.

MS. GLADING: Generally?

What were those discussions?

MR. BLAKER: That the numbers were very close -- the two states.

MS. GLADING: What did that mean in your mind?

MR. BLAKER: It meant that the statistics that Maryland was producing were -- and our statistics were close.

MS. GLADING: And as a result?

MR. BLAKER: More minorities were being stopped in Maryland and in New Jersey.

MS. GLADING: What did that mean to you in terms of -- as an attorney -- your perspective on the kind of position the State Police and the Attorney General's Office was in, in terms of talking with Department of Justice?

MR. BLAKER: You have to understand that I -- and I will get to your question -- that I don't-- I couldn't act in a capacity as an attorney.

MS. GLADING: I understand that.

MR. BLAKER: The Office of the Attorney General provides legal advice to the State Police.

My feeling was that -- that's not a very good thing for the New Jersey State Police -- the fact that the numbers were so close.

MS. GLADING: Were there any early discussions, at this time, about the possibility of New Jersey entering into a similar consent decree with -- like Maryland had entered into?

MR. BLAKER: I'm sure it came up. I can't remember a specific conversation within the Division of State Police about it. It certainly was a concern of members of the State Police -- that a similar kind of consent decree would be entered into.

MS. GLADING: Did you discuss that with Sergeant Gilbert or Colonel

Williams or anyone else?

MR. BLAKER: I don't have a specific recollection of speaking with Colonel Williams or Sergeant Gilbert or whoever the lieutenant colonel was at the time, but certainly I did discuss it with them.

MS. GLADING: This was a pretty big issue, wasn't it?

MR. BLAKER: Sure.

MS. GLADING: And you were a sounding board for the colonel?

MR. BLAKER: Yes.

MS. GLADING: So, did he talk with you about it?

MR. BLAKER: I said, we had to have, but I don't remember specific conversations.

MS. GLADING: But you were talking about it at this point in time.  
(affirmative response)

Did he indicate to you what the perspective of the AG's Office was on this?

MR. BLAKER: No.

MR. SOKOL: Did I understand your testimony before that this was being viewed from the perspective of an adversarial relationship between the State and the Department of Justice, because of the potential of being sued by the Department of Justice?

MR. BLAKER: Are you asking me if that was the feeling -- the general feeling?

MR. SOKOL: Yeah.

You said something to that effect before, and I want to make sure I understood it, so I didn't -- if I misunderstood, then clarify it for me, if you

would. I thought that's what I heard you say before.

MR. BLAKER: That it was adversarial between DOJ and the State Police -- the Department of Justice and the State--

MR. SOKOL: That you were viewing these DOJ requests from the point of view of being sued.

Is that what you said? If I misheard, then let's just correct the record.

MR. BLAKER: I'm trying to think back in response to--

MR. SOKOL: Well, is that true? Is that statement true?

MR. BLAKER: Well, it's true. Yeah, it's a true statement, but I -- I just don't remember stating -- making that statement anyway.

MR. SOKOL: But it was true.

Did that -- did that shape the attitude of the Attorney General in terms of giving you advice on the subject with regard to the DOJ request?

MR. BLAKER: I don't know. I didn't know, and I don't think Colonel Williams knew what the Attorney General's attitude was with respect to the Department of Justice and consent decrees until we met on that fateful day -- May 20th, 1997.

MS. GLADING: Can I direct your attention to the middle of the first paragraph? The sentence that begins, "We have a pretty good handle on what our Turnpike stats are before we start collecting the ongoing data. Thus, there's little risk of unpleasant surprises. Expanding to other stations is uncharted territory."

What was your understanding of what the "pretty good handle"-- I mean, he doesn't seem to need to give you detailed information here. So, he's making the assumption that you know what that -- what those stats are.

What was your understanding of what those stats were at that point?

MR. BLAKER: I don't know he's making the assumption-- You can't assume he's making the assumption that I know what the stats are.

MS. GLADING: Did you?

MR. BLAKER: Uh, I didn't-- No, I didn't have the day-to-day working knowledge of the stats. I just knew the stats weren't good. (indiscernible)

MS. GLADING: If you didn't have a specific recollection, did you generally know what the stats were?

MR. BLAKER: As I said, I knew from Gilbert that they tracked closely to Maryland's stats.

MS. GLADING: Did he ever tell you the stats weren't good?

MR. BLAKER: Oh, yeah.

MS. GLADING: And-- Did you ever have the impression in talking with Tommy Gilbert whether he was talking with the AG's Office as candidly as he talked with you about the statistics?

MR. BLAKER: Yeah, my impression was absolutely. I mean, he and Rover-- Rover was over a lot. They spoke. Gilbert represented to me, at some point in time, that Rover had all the information that he -- Gilbert -- had compiled.

MS. GLADING: Did Gilbert represent what Rover was gonna do with that information?

MR. BLAKER: Not to me, no.

MS. GLADING: Did you have any-- Was there an assumption of what he was going to do in your mind?

MR. BLAKER: Well, there was an assumption on everyone's part that --

that it wasn't gonna stay in George Rover's desk, that it was gonna go a little higher -- to a higher pay grade than George Rover.

MS. GLADING: That's okay.

How high?

MR. BLAKER: I don't know.

MS. GLADING: Okay, go ahead, Eric.

MR. JASO: Go ahead and finish the document.

MS. GLADING: I'm done with it.

ASSISTANT ATTORNEY GENERAL ACCURSO: Excuse me. It's about 5 to 6:00. We've been at this since this 2 o'clock.

Do you have a sense of how long you're going to be?

MR. JASO: Well, I'm not sure. Depending on the level of questioning from my colleagues, it may take a while.

ASSISTANT ATTORNEY GENERAL ACCURSO: Let me-- Let's go off the record a minute.

(Off the record discussion)

MR. JASO: All right. I'll try to finish as quickly as I can here.

Looking at the bottom part of the first paragraph -- part of which you've just been discussing -- it says, "We have a pretty good handle on what our Turnpike stats are before we start collecting the ongoing data. Thus, little risk of unpleasant surprises. Expanding to other stations is uncharted territory. There is no best-case scenario or upside to this course of action. If other stations are statistically higher for minority activity -- not very probable -- then DOJ says problem is divisionwide. If their numbers are lower, DOJ will use this to reinforce their claim of racial profiling on the Turnpike."

Previously, I had asked you about the discussions that you'd had and the sense that there was in the division with regard to the appropriate scope and limiting it to the two Cranbury and Moorestown stations.

Is that right?

MR. BLAKER: That's correct.

MR. JASO: And I think that you said that your sense was that if the DOJ looked at the entire state, they would find that Moorestown and Cranbury were aberrations.

Is that right?

MR. BLAKER: That was my feeling.

MR. JASO: Was that view shared among others, or was there a sense that -- at least to my view, seems to be reflected in this statement by Sergeant Gilbert that -- we don't know what's out there in the other stations, and for all we know, it could be worse.

Now, to the best of your recollection, what was the general sense of the people, including Sergeant Gilbert, Colonel Williams, and the others who were involved in this process, as to what the truth was as to the state of affairs in other parts of the State?

MR. BLAKER: I think at some point earlier today, I told you that the sense amongst troopers was that it's not -- that it is the knucklehead factor. It's not -- it's not everyone.

And what -- what Tommy typed here, to me, was irrelevant. And although I don't recall, I probably told him that, because, as I said, my preference would have been to do the whole State and let the cards fall where they may, and let's just see what's out there.

Tommy's editorializing here, and that's fine. I just don't share that view.

MR. JASO: Did others share your view?

MR. BLAKER: I don't know, 'cause I don't know who saw this besides me and Colonel Williams.

MR. JASO: Did Colonel Williams share your view?

MR. BLAKER: I don't recall he and I discussing this -- this part of it. Again, I'm sure -- I'm sure we did, but I can't sit here and remember. We discussed a lot of things.

MR. JASO: Well, did everybody share the view that the Moorestown and Cranbury stats were bad either way?

MR. BLAKER: Everyone shared the view that Moorestown and Cranbury's stats were bad.

MR. JASO: And does that everyone extend to the individuals who were participating on the Attorney General's Office side?

MR. BLAKER: I only-- Personal knowledge? George Rover's the only one-- I would see him at the gas pump every once in a while. And we didn't stand out there and discuss the issue at length, but -- how does things look, they look good, they don't look bad, you know -- they don't look good.

So, certainly from a personal perspective, I know George knew that something looked bad. And I know from what Tommy Gilbert had represented to me that he turned everything that he had over to George Rover. He-- George was the liaison from the Attorney General's Office and Gilbert was from the Division of State Police, and they were working together and, I assume, sharing information.

MR. JASO: Did George ever express to you a disagreement with

Gilbert's conclusions?

MR. BLAKER: No, because we didn't-- As I said, it was usually at -- at the gas pump. So we never really got into it that deeply.

MR. JASO: Did Gilbert ever have a conversation with you along the lines of, "The folks from the Attorney General's Office disagree with my viewpoint or the viewpoint of the State Police."?

MR. BLAKER: I don't recall Gilbert ever having that kind of conversation with me.

MR. JASO: I've handed the witness a memorandum authored by him, dated 2/4/97, to Colonel Williams with an attachment, bearing Bates label GC-1999 through 2002.

If you could take a look at this and the attachment, and when you're done, let me know if you recognize it?

MR. BLAKER: I -- I obviously remember 1999, but I don't remember what follows.

MR. JASO: Well, my first question, I guess, is-- The sequential Bates numbers indicate that this was produced to us in order, and your memo on the front says what follows is Sergeant Gilbert's report, but it's authored by George Rover and sent to Alex Waugh.

Do you-- Is this the report that was originally attached to your memo or not?

MR. BLAKER: No. As I -- as I recollect, Gilbert was basically asking for permission to attend this -- this conference or symposium, whatever it was -- and my recommendation was to allow it. And what I did, I summarized it for the colonel, that's all, and attached the report. Certainly, Rover's report does

not belong with 1999.

MR. JASO: Okay. So it just happens to be side by side.

Do you remember whether Sergeant Gilbert did, in fact, attend the -- the meeting?

MR. BLAKER: Uh, I'm pretty sure he did go. I don't have an independent recollection of whether he went or not, but I think he did.

MR. JASO: Do you remember receiving a report back from him with any information that he got from the Maryland meeting?

MR. BLAKER: I don't, no. I don't have an independent recollection right now.

MR. JASO: Jo, did you want to ask about this one?

MS. GLADING: Yeah, sure.

I have a document without a Bates number on it, but it is the same document as OAG-973, with different hand-written notations on it.

You've seen this before?

MR. BLAKER: Yes, I have.

MS. GLADING: Do you recognize the writing on it?

MR. BLAKER: I certainly do.

MS. GLADING: And whose writing is that?

MR. BLAKER: It's mine.

MS. GLADING: This refers to a meeting at the Attorney General's Office on May 20th, 1997.

Were you at that meeting?

MR. BLAKER: Yes, I was.

MS. GLADING: What was the-- Can you describe the discussion at

that meeting?

First let me ask you something; was this the first time you ever met personally with the Attorney General or had there been other meetings?

MR. BLAKER: I'm not sure. I -- I might have been in-- I'm not sure. I think I had been in at least one other meeting, but I'm not sure if it was previous or subsequent to this meeting.

MS. GLADING: Was the-- The other meeting, was the topic selective enforcement in the Department of Justice inquiry?

MR. BLAKER: No. No. No.

MS. GLADING: Was it related to that topic?

MR. BLAKER: I don't believe so.

MS. GLADING: Okay.

What can you tell us about your recollection of this meeting?

MR. BLAKER: We were called to -- we being Colonel Williams, Gilbert and I-- Well, Colonel Williams, he took Gilbert and I to a meeting with the Attorney General to discuss what I thought was -- we were told, discuss the Maryland case, and we got, actually, this agenda. We had received this agenda beforehand.

So I recall Attorney General Peter Verniero was there. Alex Waugh was there.

MS. GLADING: I'm sorry. Did you say to discuss the Maryland case?

MR. BLAKER: The Maryland State Police case and consent decree.

Verniero, Waugh, George Rover, Tommy Gilbert, Colonel Williams, me, and I think Jack Fahy was there, too. And the topic was, as it says right here on this agenda--

MS. GLADING: The United States Department of Justice State Police.

MR. BLAKER: And then they offer some bullets on the meeting -- the status of the U.S. Department of Justice inquiry, documents produced, documents requested, timetable for production of documents.

And then you go down, there's three more bullets. Strategy for traffic data analysis/violator survey, production of consent-to-search documents, and future strategy.

MS. GLADING: You wrote a comment at the bottom that indicates the AG advised he would not consent to signing consent decree, "That they'd have to tie me down, tie me to a train and drag me along the track before I'd sign a decree."

MR. BLAKER: Yes, I did.

MS. GLADING: Is that an accurate representation of what the Attorney General said at that meeting?

MR. BLAKER: While I don't sit here today and recall those words, I wouldn't have put them in quotation marks if they weren't accurate at the time.

MS. GLADING: Do you recall why the Attorney General said those words?

MR. BLAKER: When we went to -- I think, as I stated before, Colonel Williams, Gilbert, none of us knew what -- what the stance was gonna be with respect to a consent decree.

We were not happy about the prospects of entering in a consent decree, because we wanted an opportunity to clean up whatever problems we had on our own.

MR. JASO: When you say we, do you mean--

MR. BLAKER: Division of State Police.

So when we arrived at the meeting -- and I don't know that we covered everything that are -- that the bullets cover here-- We did very little talking. I don't know if Tommy Gilbert talked a whole lot, if at all. Colonel Williams didn't -- probably didn't say more than a dozen words, as I recall.

Most of the talking was done by George Rover, who had -- who was talking about the Maryland stats that had been provided to him by Tommy Gilbert -- is my understanding.

MS. GLADING: The Maryland stats that had been provided to George Rover by Tommy Gilbert, did you say?

MR. BLAKER: Yes.

MS. GLADING: Was George Rover talking about New Jersey statistics that had been provided to him--

MR. BLAKER: Yes.

MS. GLADING: --by Tommy Gilbert?

MR. BLAKER: Right. Yes.

MS. GLADING: The New Jersey Turnpike statistics.

MR. BLAKER: That's my recollection.

MS. GLADING: Okay.

So what statistics were discussed at that meeting?

MR. BLAKER: The numbers involved with the -- the stop data in the Maryland State Police.

MS. GLADING: You keep saying with the Maryland State Police, and I asked you before were you talking about New Jersey statistics, and--

MR. BLAKER: We talked about the Maryland statistics and the consent decree vis-à-vis the New Jersey State Police.

MS. GLADING: And how-- Okay.

So what New Jersey statistics did you talk about at that meeting?

MR. BLAKER: I didn't talk about anything. I didn't open my mouth.

MS. GLADING: What New Jersey statistics were spoken of at that meeting?

MR. BLAKER: As I recall, they were the information that Tommy Gilbert had provided Rover.

MS. GLADING: This is the information you previously indicated was not good -- that Tommy Gilbert and you had talked about?

MR. BLAKER: Correct.

MS. GLADING: These were not good numbers. These were bad numbers compared to Maryland. They were comparable.

MR. BLAKER: They were comparable numbers.

MS. GLADING: Okay.

So, people--

MR. BLAKER: We talked about a violators survey -- or somebody brought up a violators survey -- and my concern then was, whose gonna do it when, and whose gonna fund it?

MS. GLADING: Who brought up the violators survey?

MR. BLAKER: I don't remember.

MS. GLADING: You indicated before that you're not a supporter of violator surveys -- that you don't think minorities drive differently than nonminorities. It was a couple of hours ago.

MR. BLAKER: I don't know that I would characterize it as being supportive or nonsupportive. I just don't believe that they drive any differently than the majority.

MS. GLADING: Did you voice that view at this meeting?

MR. BLAKER: No. I don't-- I didn't discuss anything at this meeting.

MS. GLADING: Okay.

When the Attorney General was presented with these bad numbers that were comparable to the numbers that the State Police had in Maryland, what was his reaction?

MR. BLAKER: I don't recall what his reaction-- What I do recall is his statement here, which we were very pleased that he made, because it was gonna give an opportunity to correct whatever needed to be corrected.

It was a remarkable statement, in my view. Hence, I wrote it down. I go to hundreds-- I've been to hundreds of meetings in my life, and I can't think of more than three times that I've written something down in quotations.

MS. GLADING: So what was the context of that statement, then? What was your interpretation of what he meant by it?

MR. BLAKER: That he was not going to sign a similar kind of consent decree -- similar to the consent decree that Maryland State Police had signed with the Department of Justice.

MS. GLADING: Because?

MR. BLAKER: Well -- and I'm assuming now-- The first part, I wasn't assuming, because he said he wasn't going to sign a consent decree -- they'd have to -- whatever the hell it was -- they'd have to tie me to a train and drag me across the tracks before I'd sign a decree.

Now -- now, I get to where I'm assuming that he's gonna let us cure the ill--

MS. GLADING: You indicated earlier that you were concerned that there would be a possibility of a consent decree and a lawsuit from the Department of Justice.

Is that correct?

MR. BLAKER: I don't know whether I said I was concerned that there was gonna be a law suit. I was concerned about a consent decree. I wanted that-- If I have a problem in my family, I want an opportunity to fix it.

MS. GLADING: Okay.

You indicated before that racial profiling crystallized in your mind before the interim report, and you just indicated that your view is if you have a problem in your family you want to fix it.

Did you think that you had a problem in your family at this point? Did you think there was a problem with the State Police at this point?

MR. BLAKER: I think we needed to investigate it and determine whether or not we had a problem; if we had a problem, the extent of the problem; and what we can do to correct the problem and to see that it doesn't happen again.

These things didn't happen in a vacuum. You've got 90,000 or 100,000 documents. You got it all at once. This stuff dribbled and drabbed in for God knows how many years.

MS. GLADING: Okay. But--

We just saw a document from Tom Gilbert talking about the numbers for the Turnpike statistics, and you indicated you had conversations with Tom

Gilbert where he indicated the numbers were not good, they were comparable to Maryland.

Was there a crystallizing happening in your mind at this point, that there could be a problem?

MR. BLAKER: No. You mean in Mar -- May 20th, 1997?

MS. GLADING: Yeah, uh huh.

You were looking at the possibility of a lawsuit by the Federal government--

MR. BLAKER: Okay.

MS. GLADING: --based on numbers that were comparable to another state that had entered into a consent decree.

MR. BLAKER: And I thought, at the time -- as did the three people at that meeting, Colonel Williams, Tom Gilbert, and I -- that we were going to be able to determine the problem, the extent of the problem, and then how to correct it -- by Verniero's statement that he wasn't gonna sign a consent decree.

I mean, certainly there were issues -- there were problems -- but you just can't go off half-cocked. You have to do an investigation. You have to see what the -- what the -- what you find.

MS. GLADING: So what did the Attorney General say about that sentiment -- that we'd go out-- We'd investigate our family, see what was going on, if there was a problem--

MR. BLAKER: He didn't say anything about that. I don't think that ever came up.

MS. GLADING: Okay.

Eric, if you want to take a crack at this.

MR. JASO: Where did you meet?

MR. BLAKER: I think it was in the-- Well, it definitely was on the eighth floor -- eighth floor, and I think it was in his office, where he has a rectangular conference table.

MR. JASO: There's a rectangular conference table in the Attorney General's Office?

MR. BLAKER: Yes, there is.

MR. JASO: So there was not--

MR. BLAKER: Well, there was. I don't know about now.

MR. JASO: Okay.

So there was not a separate conference room. It was in his office?

MR. BLAKER: I'm pretty sure that's where it was.

MR. JASO: When Mr. Rover was talking about the statistics -- Maryland statistics, New Jersey statistics -- did he have any documents that he had shown the Attorney General at that point, or anyone else?

MR. BLAKER: I don't know whether he was looking at documents or notes. I mean, I just don't have a recollection of that.

MR. JASO: Did he-- Was the -- was the Attorney General looking at any documents or notes?

MR. BLAKER: I don't recall.

MR. JASO: Did anyone take notes?

MR. BLAKER: Uh, to the best of my recollection, I'm the only one who took any notes.

MR. JASO: Did the-- Do you recall what the Attorney General-- Was

he sitting at his desk or were you all sitting around the conference table?

MR. BLAKER: No, he was sitting at the head of the table.

MR. JASO: And do you remember if there was any papers on the desk in front of him?

MR. BLAKER: I'd have to speculate. I don't -- I don't recall.

MR. JASO: I'm just asking you if you recall or not.

And you don't recall anyone taking notes at the time, except--

MR. BLAKER: No.

MR. JASO: Did you write this down at the time -- at the meeting? That is, the annotation you made on this document?

MR. BLAKER: No. No, actually, I wrote this when I got back to work, which is a 10-minute drive.

MR. JASO: Did you discuss with anyone whether you were going to write this down?

MR. BLAKER: No.

MR. JASO: Was this the only document that you brought back from the meeting?

MR. BLAKER: To the best of my recollection, it is.

MR. JASO: There wasn't any tape recorder going, or anything like that, was there?

MR. BLAKER: Not to my knowledge.

MR. JASO: When the Attorney General -- well, when the -- Rover, I guess, was making most of the presentation talking about the data, do you recall whether or not he was making any statements about what he thought the data showed? That is, whether they were problematic, of concern -- and I'm

talking with specificity about the New Jersey data.

MR. BLAKER: No.

MR. JASO: He was just saying, "here's the data, X percent number of stops, etc., etc."

MR. BLAKER: My impression of the meeting was that George was doing most of the talking. George had the information. George was -- was imparting the information he had to those of us at the table.

MR. JASO: And he was just going through the data without making any commentary on -- on the data?

MR. BLAKER: Again, I would be speculating if I tried to give you an answer on that.

MR. JASO: Okay.

Did the Attorney General appear to be familiar with the data? That is, did he express any kind of surprise when the data was being discussed or when Mr. Rover was telling him and you all the data?

MR. BLAKER: No. The thing that I recall most about the meeting was the thing that I wrote down. And that kind of consumed a lot of the other things that may or may not have been said.

MR. JASO: I'm sorry.

MR. BLAKER: That kind of consumed a lot of what else might have been said to me. I mean, that -- that's what I-- In my mind, that's what I remember. So, that's why I keep saying I don't have independent recollection of a lot of the other stuff.

MR. JASO: Okay.

I'm just trying to find out if you remember anything -- anything else, any

other details.

How long did the meeting go on for?

MR. BLAKER: I have no idea.

MR. JASO: Was it an hour, a half an hour?

MR. BLAKER: No, it wasn't an hour.

MR. JASO: Less than an hour?

MR. BLAKER: Less than an hour.

MR. JASO: Do you remember the tone of voice that the Attorney General used in saying what he said that you wrote down?

MR. BLAKER: What do you mean by the tone of voice?

MR. JASO: Well, did he say it-- I mean, it's a fairly vivid descri -- type of comment, if I may say so.

Was he angry when he said it? Was he kind of laughing about it when he said it?

MR. BLAKER: No, he wasn't la-- It was a statement that he made. I don't know how many times you've been in his company. It was a statement Peter Verniero made.

MR. JASO: Well, I have not been in his company, but--

What kind of-- Is he a fairly even-tempered fellow?

MR. BLAKER: He's-- Yeah. In my view, yeah. I mean, in dealings that I've had with him.

MR. JASO: So, was he raising his voice when he said this?

MR. BLAKER: No.

MR. JASO: He doesn't raise his voice very often?

MR. BLAKER: In my company, he never has.

MR. JASO: Do you remember whether the comment that he made came immediately after the discussion of the data, or was there some period of time that elapsed between the two?

MR. BLAKER: My impression was that it was towards the end of the meeting, and it was almost like a summing up.

MR. JASO: Do you recall anyone else's reaction to that statement?

MR. BLAKER: No.

MR. JASO: Did you travel together with your colleagues from the division over to the meeting?

MR. BLAKER: Yes.

MR. JASO: On the way back, did you talk about what was said?

MR. BLAKER: Well, certainly. I mean, we all thought it was remarkable, and we were all happy that he wasn't gonna roll over and he was gonna give us an opportunity.

MR. JASO: You used the term roll over. Did anyone specifically say that? Put it in those terms -- that signing the consent decree would be--

MR. BLAKER: Yeah, I've heard it in the past, but I don't recall who said it -- not in that car going back.

MR. JASO: I'm confused.

It was that -- that term roll over -- was said in that conversation, to the best of your recollection or not?

MR. BLAKER: It was not said in that conversation. I had heard it subsequent to this meeting.

MR. JASO: From who?

MR. BLAKER: People in the hallway.

MR. JASO: So the Attorney General's comment was-- I mean, did you tell other folks about what he had said?

MR. BLAKER: Oh, certainly.

MR. JASO: Who all did you tell?

MR. BLAKER: I don't know who I told.

MR. JASO: It wasn't a secret?

MR. BLAKER: No, it wasn't a secret at all.

MR. JASO: Taking a look at the document again, look at the bullet -- the third one -- it says, "production of consent-to-search documents."

Do you recall a discussion about documents with specific -- specifically pertaining to the consent-to-search issue that we were talking about before?

MR. BLAKER: No.

MS. GLADING: Can I--

Eric, can I, just on that topic--

MR. JASO: Yeah.

MS. GLADING: The document that I just put down in front of both of you is a deposition -- I'm sorry, it's a certification -- a sworn statement by Carl Williams in his employment lawsuit.

But I ask you to look at Page 3 of it, item number 6.

MR. BLAKER: Okay.

MS. GLADING: That item says that, "On May 20th, 1997, Williams again met with Verniero, Waugh, Rover, and Fahy regarding claims of racial profiling. It was at that meeting that the defendant Verniero decided to filter the information requested by the Department of Justice."

Is that an accurate statement?

MR. BLAKER: First of all, I don't know if he's saying that -- I, again, met with Verniero -- that he had two meetings with Verniero on the 20th.

MS. GLADING: Yeah, there's an earlier -- there's reference earlier to a meeting -- two meetings, I think.

But I'm asking specifically about the second sentence in that -- it was at that meeting that the defendant Verniero decided to filter the information requested by DOJ.

MR. BLAKER: I don't have a specific recollection of most of the stuff that's bulleted on this thing, and I certainly don't remember this.

MS. GLADING: Do you remember any discussion of how the information would be provided to DOJ?

MR. BLAKER: No.

MS. GLADING: Do you remember any discussion of how the DOJ inquiry would be managed by the State?

MR. BLAKER: No.

MS. GLADING: What State-- Do you remember any discussion about what State Police might produce for DOJ?

MR. BLAKER: No.

MR. JASO: Anything else on that?

MS. GLADING: No, but on a related topic.

I wonder if I could just get through this real quickly, if that's okay with you?

MR. JASO: Yeah.

MS. GLADING: What did I just give you? Can you just--

MR. BLAKER: You gave me--

MS. GLADING: --hold it up?

MR. BLAKER: --2172, 2173--

MS. GLADING: I'm sorry, that was an error.

MR. BLAKER: --2134.

MS. GLADING: Yeah. Okay. That's it. That's right, 2172. GC-2172 to 2173.

Um, they're stapled together, but there appear to be two separate memos that went from Sergeant Gilbert to Colonel Williams, via Lieutenant Blaker.

Have you seen these before?

MR. BLAKER: I have.

MS. GLADING: The first sentence of the memo indicates that this is statistics for the 30 sample dates that were requested by DOJ.

Can you tell me what your recollection is of why these numbers were collected?

MR. BLAKER: I don't have an independent recollection as to why these numbers were collected. I was in the chain between Gilbert and Williams.

MS. GLADING: Was there any discuss--

MR. BLAKER: I guess it was-- Huh?

MS. GLADING: I'm sorry. Go ahead.

MR. BLAKER: I guess we were sending them to the colonel just for an FYI. I don't know.

MS. GLADING: Was there any discussion -- going back to the May 20th agenda -- meeting agenda-- That references-- The second item there, references traffic data analysis, violators survey-- And the first item below that is, "selection of 30 dates."

I'm looking at the previous document. The agenda -- the meeting agenda.

MR. BLAKER: Oh, here.

MS. GLADING: Right.

Do you remember what those 30 dates were? What the -- not what the individual dates were.

Do you remember what that -- that item indicates?

MR. BLAKER: Okay. The 30 days -- I'm starting to remember a little bit now-- The 30 days were 30 randomly selected dates, I guess agreed -- and I'm not sure of this, but I think agreed to with the Department of Justice as to collection of -- dates we were going to collect data for.

It appears that it's July 10th, '97 -- these two memos relates to that.

MS. GLADING: Was there a decision made at that meeting to collect that data?

MR. BLAKER: I don't re -- I don't know. I don't know when the decision was made. I don't know if we just discussed it. There's not a lot about that meeting that I remember, other than the note that I put on the bottom.

MS. GLADING: Do you remember Tom Gilbert coming back to the division and then collecting this data?

MR. BLAKER: It wasn't as easy as that. This is May, and the data is -- the report's done in July. So, probably some time early July, he got the data. It wasn't a matter of just coming back to division headquarters and pulling it out of a drawer.

MS. GLADING: Starting to work on it, I meant.

MR. BLAKER: Starting to work on it, sure.

MS. GLADING: Did you ever talk with him about this data?

MR. BLAKER: I'm sure I did, but I don't have an independent recollection.

MR. JASO: I'm sorry.

Talked with Gilbert?

MS. GLADING: Yes.

MR. BLAKER: Gilbert.

MS. GLADING: Eric, do want to--

MR. JASO: Uh, no. I don't think I have anything else.

MS. GLADING: Does an 82 percent minority consent-search rate strike you as a little high?

MR. BLAKER: Yes, it does.

MS. GLADING: Does it strike you as very high?

MR. BLAKER: It strikes me as very high.

MS. GLADING: At this meeting-- I'm trying to get a sense of this meeting on the 20th. The impression I got of what you said about Mr. Verniero's statement that you then wrote down-- The impression I got is that he was going to stand by the State Police and let you guys clean up your own house.

MR. BLAKER: That was our feeling after the meeting.

MS. GLADING: Okay.

And you were going to investigate and see if there was a problem?

MR. BLAKER: That's correct.

MS. GLADING: Okay.

And it looks like that's what Tom Gilbert did. Is that correct? That this-

MR. BLAKER: That's--

MS. GLADING: --this July memo--

MR. BLAKER: He's gathering -- he's gathering information.

MS. GLADING: Okay.

Did he find a problem with these numbers?

MR. BLAKER: Sure.

MS. GLADING: Did you think that the division -- that there was a problem within the division at this point?

MR. BLAKER: I -- I thought we had-- Certainly, yes, there was--

In my view? (affirmative response) Yes, there was a problem.

MS. GLADING: And what was the problem?

MR. BLAKER: That we might have -- that it might be more than just the knucklehead factor out there.

MS. GLADING: Okay.

So it didn't crystallize in your mind in late 1988 or early 1999. It crystallized in your mind in July of '97.

MR. BLAKER: No. No. You can't stop an investigation in the middle of the investigation. We still had more things that-- I mean, it would be irresponsible, at that point in time, to come out with a conclusion. You have to -- you have to-- Things were being done. Data was being collected.

MS. GLADING: Okay.

If the sense -- if the intent of Mr. Verniero when he said--

When he made the remark about tying him to a train, if the intent was,

“we’ll clean up our own house,” what steps were taken proactively by the Attorney General’s Office and by the State Police to do that?

MR. BLAKER: We were doing the inspection audit, which was a -- which was really, I thought, a progressive thing to do. We were stepping up our training both with search and seizure and in-service training with respect to racial profiling. There were a number of things that were being done.

I can’t sit here and list them all for you right now.

MS. GLADING: Did you ever discuss with Mr. Gilbert or with Mr. Rover whether these statistics were going to be turned over to the Department of Justice, since this was the 30 sample dates that they wanted to look at?

MR. BLAKER: It never crossed my mind that we wouldn’t turn them over. If that’s what we agreed to do, that’s what we would do.

MS. GLADING: Do you know that that’s what you agreed to do?

MR. BLAKER: Pardon me?

MS. GLADING: Is that what the State agreed to do?

MR. BLAKER: I’m saying, if that was what we agreed to do, that’s what we would have done.

And, yes, I do know, at some point in time, there was a decision -- they picked 30 days. They randomly selected 30 days. I don’t know exactly when that occurred.

MS. GLADING: Do you know if Gilbert gave the information that these statistics were based upon -- do you know if he gave that to Rover?

MR. BLAKER: I don’t have -- I don’t have independent knowledge that he gave it to Rover.

MS. GLADING: Did he ever say to you--

MR. BLAKER: I don't recall.

MS. GLADING: --that he was turning data -- turning raw data over to Rover?

MR. BLAKER: No. What he -- what he represented to me at some point in time, was he turned everything over to Rover. So, my assumption was then and is now that Rover had all this information.

MS. GLADING: Is there any reason, in your mind, that you can think of, of why the State would still be sending information -- two or three days worth of information at a time -- to DOJ nearly a year later?

MR. BLAKER: What time frame are we talking about? You say still, do you mean now?

MS. GLADING: No. 1997 -- July of 1997, nearly a year after that -- that George Rover would still be sending arrest statistics--

MR. BLAKER: I don't know. It's not-- I wasn't -- I wasn't part of the team providing legal advice for them.

MS. GLADING: Okay.

I don't think I have anything else on this.

MR. JASO: You had said before that the data -- both the Maryland data and the New Jersey data that was discussed in the May meeting -- was given to Rover by Gilbert, is that right?

MR. BLAKER: Yes.

MR. JASO: And, to the best of your knowledge, Gilbert was continuing to pass on data to Rover on a regular basis as soon as it was collected, is that right?

MR. BLAKER: That was his function.

MR. JASO: So is there any reason to believe that he would not have passed on these two memoranda that we've just been looking at -- directed to Colonel Williams -- to Rover?

MR. BLAKER: No.

MS. GLADING: I'm hungry. That's off the record.

MR. JASO: We can put on the record that we're all hungry and tired, and I don't -- I don't think I have anything else at this point.

Do you?

MS. GLADING: Boy, I hope not. Let me just check very quickly.

Did you ever subsequently meet with Peter Verniero?

MR. BLAKER: As I said, I think I had probably two meetings with him, but I'm not sure whether -- which -- was first. I don't know whether this one was first or there was a meeting subsequent to this meeting.

MS. GLADING: Did you attend any of his confirmation hearings to the Supreme Court?

MR. BLAKER: I did. I attended-- I was over -- I was over here for something, so I stopped in. I guess I sat in for a half an hour or 20 minutes.

MS. GLADING: Is it possible that a State Police officer named Campbell (phonetic spelling) attended any the *Soto* hearings?

MR. BLAKER: I think he did.

MS. GLADING: Did you ever know of or see any written notes from him, or record from him of the *Soto* proceedings?

MR. BLAKER: If I did, I can't -- I don't remember.

MS. GLADING: Did you ever have any conversations with Senator Cafiero about Peter Verniero's confirmation to the Supreme Court?

MR. BLAKER: Nope.

ASSISTANT ATTORNEY GENERAL ACCURSO: Sorry, who was the Senator?

MS. GLADING: Senator Cafiero.

MR. BLAKER: Senator Cafiero.

MS. GLADING: Did you ever have any conversations with Peter Verniero about Peter Verniero's confirmation to the Supreme Court?

MR. BLAKER: No, I didn't.

MS. GLADING: How about with anyone in the Governor's office?

MR. BLAKER: Nope.

MS. GLADING: Okay.

I don't have anything else.

MR. JASO: Mr. Blaker, I thank you very much for your patience and your time. We very much appreciate it.

MR. BLAKER: Thank you.

MR. JASO: We can go off the record.

(Off the record discussion)

MS. GLADING: I'm very sorry, I really am.

I did want to ask you about this, though. It'll take a few minutes.

This is the Verniero memo file.

MR. JASO: Oh, okay.

MS. GLADING: Okay. I think I can--

Do you need a copy?

MR. JASO: No. No, go ahead.

MS. GLADING: For the record this is OAG-3450 and 3449, memos to

file, written by Peter Verniero and Paul Zoubek on March 16th.

Have you ever seen these documents before?

MR. BLAKER: No, I haven't.

MS. GLADING: Have you read about them?

MR. BLAKER: I know I haven't read about them, but I -- somewhere in the back of my mind, somebody mentioned them -- there might be something out there.

MS. GLADING: Do you have any idea what documents the State Police might have been withholding from the Attorney General's Office?

MR. BLAKER: I have no idea.

MS. GLADING: Beg your pardon?

MR. BLAKER: I have no idea.

MS. GLADING: It was represented to this committee from -- by David Hespe that Paul Zoubek was very upset that this information had been withheld, and that it was important information -- it was statistical data.

Does that help at all? Is there any information -- statistical information that the State Police would have withheld?

MR. BLAKER: He didn't-- No. He didn't express his displeasure to me, so--

MS. GLADING: Okay.

Tom Gilbert indicated to you -- and you said this a couple of times -- that everything he had, he gave to Rover.

Is that correct?

MR. BLAKER: To the best of my recollection.

MS. GLADING: Okay.

MR. BLAKER: The representation made by Gilbert to me--

MR. SOKOL: To your knowledge, was there ever a decision made by any of your superiors to limit the information that Gilbert was collecting, in terms of turning it over to the Attorney General?

MR. BLAKER: No, not at all.

MR. SOKOL: Did you ever direct Gilbert to do so?

MR. BLAKER: Absolutely not.

MR. SOKOL: Did anyone tell Gilbert to do so?

MR. BLAKER: I do not know.

MR. SOKOL: So, to the best of your knowledge, Gilbert took the data he collected and turned it over to Rover, who was his contact?

MR. BLAKER: To the best of my knowledge, yes.

MR. SOKOL: Did Gilbert have any other contacts besides Rover?

MR. BLAKER: On this issue, I don't know. I mean, he had contacts over here with different issues.

MR. SOKOL: Yeah, but would he have turned it over to Fahy and not Rover?

MR. BLAKER: I don't know.

MR. SOKOL: As far as you knew, Rover was the main contact?

MR. BLAKER: Yeah. The two of them -- you know, were working on this issue together.

MS. GLADING: Thank you.

MR. SOKOL: Thank you.

MR. JASO: Thanks again.

MS. GLADING: Now, we're really done.

MR. BLAKER: We done?

**(INTERVIEW CONCLUDED)**

Draft