

NEW JERSEY STATE LEGISLATURE
OFFICE OF LEGISLATIVE SERVICES

IN RE:)
) TRANSCRIPT OF
) ELECTRONICALLY RECORDED
) INTERVIEW OF
SENATE JUDICIARY) CHRISTINE BOYLE
COMMITTEE INVESTIGATION)
)

WEDNESDAY, FEBRUARY 28, 2001

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TAKEN BEFORE:

DAWN TEMPERINO, Audio Operator, Office of
Legislative Services, Committee Room 2, State House,
Trenton, New Jersey commencing at 10:00 a.m.

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I N D E XWITNESSPAGE

CHRISTINE BOYLE

4

EXHIBITS:MARKED

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Examination - Boyle

MR. WEBER: Good morning. My name is Scott Louis Weber, I'm an attorney at Latham and Watkins in Newark, New Jersey.

We, along with Michael Chertoff, have been retained as special counsel to the Senate Judiciary Committee to assist in its investigation into racial profiling in the New Jersey State Police.

On behalf of the Committee, I want to thank you for coming down. I apologize for the short notice. We do recognize you're here on a voluntary basis and we do appreciate that.

Before we begin and before I put you under oath, I'm just going to ask that everyone in the room please identify themselves for the record.

MR. WHEELER: Douglas Wheeler, I'm Assistant Counsel with the Senate Democratic Office.

MS. GLADING: Jo Glading, staff counsel, Senate Democratic Office.

MR. FLANAGAN: Brian Flanagan, Deputy Attorney General, Division of Law.

DR. BOYLE: Chris Boyle, Research and Evaluation Section.

MS. TEMPERINO: Dawn Temperino, Office of Legislative Services.

MR. WHEELER: Okay. Ms. Boyle, let me first

1 -- I'm going to actually refer to as Dr. Boyle, if
2 that's okay. Or if you prefer not --

3 DR. BOYLE: That's all right.

4 MR. WEBER: Okay.

5 DR. BOYLE: I'm just not used to it. It's
6 like somebody else.

7 MR. WEBER: Well, you deserve the credit, so
8 -- let me just first authorize you of my authority to
9 conduct this interview today by motion approved January
10 29, 2001, the Senate Judiciary Committee has authorized
11 me to, quote, "take such testimony, interview such
12 persons and gather such documents in furtherance of
13 this Committee's investigation and inquiry into the
14 issue of racial profiling and the circumstances
15 pertaining thereto."

16 I am further authorized to, quote,
17 "Administer oaths on behalf of the Committee to obtain
18 sworn testimony."

19 With that being said, if you would please
20 repeat after me, I'd like to swear you in.

21 C H R I S T I N E B O Y L E, SWORN

22 MR. WEBER: Okay. Thank you. If we could
23 just briefly start off, Dr. Boyle, with some background
24 information. If you can just let the Committee know
25 where you went to school and then just give us a brief

1 job history.

2 DR. BOYLE: I got my Ph.D. from Rutgers
3 University, masters degree from the College of New
4 Jersey, bachelors degree from the College of New
5 Jersey.

6 From '88 to the present, I've been Chief of
7 the Research and Evaluation Section in the Division of
8 Criminal Justice.

9 Prior to that, I was --

10 MR. WEBER: I'm sorry, Chief of -- what's the
11 --

12 DR. BOYLE: Research and Evaluation.

13 MR. WEBER: Okay. I'm sorry, go ahead.

14 DR. BOYLE: Prior to that, I was a staff
15 person in that section.

16 And prior to that, I worked at the Division
17 of State Police from 1974 to 1983.

18 MR. WEBER: When did you obtain your Ph.D.
19 from Rutgers?

20 DR. BOYLE: 1995.

21 MR. WEBER: And what is a Ph.D. in?

22 DR. BOYLE: Social work.

23 MR. WEBER: Okay. And when did you obtain
24 your masters?

25 DR. BOYLE: I believe -- I think 1981.

1 MR. WEBER: And what did you obtain the
2 masters in?
3 DR. BOYLE: That's a masters in education,
4 counseling.
5 MR. WEBER: And your B.A., what year?
6 DR. BOYLE: 1975 in English.
7 MR. WEBER: You went to work at the New
8 Jersey State Police in 1974 until 1983 in what
9 capacity?
10 DR. BOYLE: I was a research intelligence
11 analyst.
12 MR. WEBER: In what division or section?
13 DR. BOYLE: The Criminal Investigation
14 section.
15 MR. WEBER: And you were an analyst the
16 entire time you were there?
17 DR. BOYLE: All but for the first five months
18 when I was a typist.
19 MR. WEBER: Okay. You then leave the New
20 Jersey State Police in 1983 and what do you do between
21 '83 and '88?
22 DR. BOYLE: Eighty -- I went directly to the
23 Division of Criminal Justice and spent about six months
24 as their Victim Witness Coordinator.
25 MR. WEBER: What did you do after that?

1 DR. BOYLE: I went as a staff person in the
2 Research and Evaluation Section.
3 MR. WEBER: And that was in the latter part
4 of 1983 or beginning of 1984?
5 DR. BOYLE: I started at the Division in
6 December of '83, and I believe it was June of '84 that
7 I transferred to the Research and Evaluation Section.
8 MR. WEBER: Then you became Chief in 1988?
9 DR. BOYLE: That's correct.
10 MR. WEBER: And you've remained Chief ever
11 since.
12 DR. BOYLE: Correct.
13 MR. WEBER: Okay. What are the overall
14 functions of the Research and Evaluation Section?
15 DR. BOYLE: It has some functions that are --
16 it performs routinely. It does the triennial high
17 school drug and alcohol study. It produces the
18 prosecutor's annual report. It provides staff support
19 to the proportionality review of the death penalty. It
20 does any other kind of activity such as analyzing data
21 that might come up in specialty areas like racial
22 profiling, we're involved in doing a lot of the
23 recording on Megan's Law.
24 So, if it has numbers, if it involves
25 research, we're generally involved with it.

1 MR. WEBER: When did you first become aware
2 of the issue of racial profiling?

3 MS. GLADDING: Before -- I'm sorry, before we
4 go there. Can I ask do you have any particular -- what
5 is your training or expertise in -- how is it developed
6 in statistical and analytical work?

7 DR. BOYLE: A Ph.D. actually is a degree in
8 research methodology. And, in fact, I teach research
9 methodology. I work at the University and the College
10 of New Jersey.

11 MS. GLADDING: Okay. The social work Ph.D.
12 threw me off.

13 DR. BOYLE: Well, you know, the clinical -- I
14 don't know whether you want extra information.

15 MS. GLADDING: Um-hum.

16 DR. BOYLE: But the clinical social work
17 degree is a D.S.W., a doctor in social work.

18 MS. GLADDING:

19 DR. BOYLE: Where the research degree are
20 basically Ph.D.'s.

21 MS. GLADDING: Okay.

22 DR. BOYLE: You'll see that in psychology, as
23 well.

24 MS. GLADDING: Thank you.

25 MR. WEBER: Have you taken any course in --

1 courses in statistics during your education?

2 DR. BOYLE: Yes.

3 MR. WEBER: Okay. How many courses?

4 DR. BOYLE: I would say probably -- probably
5 about five.

6 MR. WEBER: And approximately when did you
7 take those courses?

8 DR. BOYLE: I would have --

9 MR. WEBER: As best as you can recall.

10 DR. BOYLE: I would have taken probably two
11 or three at the doctoral level. One at the master's
12 level. And one at the undergraduate level.

13 MR. WEBER: Okay. Let's now segue over to
14 the issue of racial profiling. When did you first
15 become aware of the issue of racial profiling as it
16 pertained to the New Jersey State Police?

17 DR. BOYLE: I don't know whether I can recall
18 that. Probably from news reports.

19 MR. WEBER: How about in your official
20 capacity as an employee of the Division of Law and
21 Public Safety?

22 DR. BOYLE: I would think what caught my
23 attention was when Colonel Williams was fired probably.

24 MR. WEBER: And how was your attention
25 caught? Was it from newspaper reports or was it

1 something --

2 DR. BOYLE: It was a news -- it was a news
3 broadcast.

4 MR. WEBER: And Superintendent Carl Williams
5 was fired on February 28th, 1999. Were you aware that
6 prior to that, February 10th of 1999, Attorney General
7 Peter Verniero announced that he was forming a review
8 team to review the practices of the New Jersey State
9 Police?

10 DR. BOYLE: I don't think so. I mean I may
11 have, but it certainly wasn't anything I was involved
12 in.

13 MR. WEBER: There came a point in time, did
14 there not, when you were approached and asked to assist
15 the State Police Review Team in its analysis of racial
16 profiling, correct?

17 DR. BOYLE: Correct.

18 MR. WEBER: When was that?

19 DR. BOYLE: I would have to say February or
20 March, I guess, about two years ago, '99.

21 MR. WEBER: So, it was around the time of
22 Colonel Williams' firing. If he was fired on February
23 28th.

24 Who contacted you?

25 DR. BOYLE: I would -- I can't say for sure.

1 I would have to assume it would be Ron Susswein. He
2 would be my immediate supervisor.

3 MR. WEBER: Okay. He would be your?

4 DR. BOYLE: He was my immediate supervisor.

5 MR. WEBER: Okay. What did Mr. Susswein say
6 to you in connection with enlisting your assistance on
7 the State Police Review?

8 DR. BOYLE: I can tell you what I think he
9 probably said, which would be what he said when he gave
10 me any assignment.

11 MR. WEBER: Okay.

12 DR. BOYLE: Come to my office, let's talk
13 about the review team and what and if you can do to
14 support its function.

15 MR. WEBER: Had you previously worked with
16 Mr. Susswein?

17 DR. BOYLE: Yes.

18 MR. WEBER: In what capacity?

19 DR. BOYLE: As Chief of the Research and
20 Evaluation Section, he was a Deputy Director and
21 organizationally, the section fell within his bureau or
22 whatever the noun was at the time.

23 MR. WEBER: Had you previously performed any
24 sort of statistical analyses for Mr. Susswein?

25 DR. BOYLE: I'm sure of it.

1 MR. WEBER: In what areas?

2 DR. BOYLE: Well, one of the things we
3 probably would have done for him, among many, would be
4 whenever legislation is proposed, and I probably should
5 have said this in the beginning, a lot of times he'll
6 do impact analysis where we will take a look at
7 existing data and see what kind of impact any proposed
8 legislation may have. Either on -- mostly on prison
9 populations.

10 So, I would have done a lot of that because
11 he was in a Bureau that did a lot of legislative work.

12 MR. WEBER: Based upon -- and I want to focus
13 on your work with Mr. Susswein before you were engaged
14 to assist the State Police Review Team. The work that
15 you had done for him previously, how many years had you
16 worked with Mr. Susswein prior to the February, March,
17 1999 time period?

18 DR. BOYLE: I believe Mr. Susswein started
19 working at the Division after a time in Union County, I
20 think in 1994.

21 And it was at that time when he came back to
22 the Division that the Research and Evaluation section
23 was assigned to him.

24 MR. WEBER: All right. So -- so, from
25 sometime in 1994 until February of 1999, you had worked

1 with Mr. Susswein on projects other than the State
2 Police Review Team.

3 DR. BOYLE: Correct.

4 MR. WEBER: How many projects had you worked
5 on with Mr. Susswein?

6 DR. BOYLE: Oh, I don't even know.

7 MR. WEBER: As best as you can recall. Is it
8 a few? Is it a dozen? A few dozen?

9 DR. BOYLE: It would have to be a few dozen
10 or more. I mean that's years of work with him as my
11 immediate supervisor.

12 Now, at -- and not to quibble, but we would
13 have to talk about what the definition of an assignment
14 is. I mean we do a lot of ad hoc stuff where people
15 will call us and ask us for data and we provide it
16 routinely.

17 We, at one point, were considered the
18 clearinghouse in New Jersey for that kind of data
19 anyway. Some of that would have come from him, some of
20 that would have come from over here.

21 MR. WEBER: Did you develop a general sort of
22 working relationship and general sort of procedures
23 with Mr. Susswein through the years?

24 DR. BOYLE: Well, yeah, it was pretty
25 informal. I mean -- he was my supervisor. We had been

1 peers in the eighties. We kind of knew how each other
2 worked and we had a pretty routine way of working with
3 each other.

4 MR. WEBER: Mr. Susswein asked you to conduct
5 a statistical analysis on something. The subject
6 matter is unimportant, I just want to try and get a
7 sense as to your working relationship with Mr. Susswein
8 and the interaction. If he had asked you to conduct
9 statistical analysis on a specific area, how involved
10 was he with you after he gave you that assignment?

11 DR. BOYLE: He -- he -- once the assignment
12 was given to me, he left me alone until it was time to
13 produce the results, unless I had a specific question
14 about some more intricate --

15 MR. WEBER: How -- generally when Mr.
16 Susswein would give you an assignment, how specific
17 would he be in the parameters of the assignment?

18 DR. BOYLE: A lot of times, especially in the
19 area of statistics, a lot of people aren't really clear
20 about what they want. And so he would give me a
21 general idea and he would give me some general
22 parameters and it would be up to me to ask specific
23 questions about -- for example, again, going back to
24 the typical things that we would do if it were involved
25 with legislation, I might have to ask questions about

1 well, do we care about if it's only indictments or
2 accusations. Some clarification kind of things. He
3 did not do day-to-day absolute supervision of this
4 activity because I think I was considered the one.

5 MR. WEBER: Was Mr. Susswein -- would he talk
6 to you about sources of information, where you could go
7 to to get the data that you needed to collect to then
8 analyze and ultimately give him your analysis of
9 whatever the subject matter was?

10 DR. BOYLE: Generally, no. Generally I was
11 the one that knew where most of the data were. I'm
12 pretty familiar with the databases in New Jersey and
13 where it is that specific data resides. So, no,
14 generally he wouldn't tell me where data were. I would
15 kind of tell him where the data were.

16 MR. WEBER: Would you give him updates as you
17 were going through the process of your analysis?

18 DR. BOYLE: Not generally.

19 MR. WEBER: Okay. Would Mr. Susswein
20 generally pick-up the phone and call you or stop down
21 to the office and in substance say, hey, you know,
22 where do we stand on this, how are things going, do you
23 -- have you hit any roadblocks?

24 DR. BOYLE: He might do that especially if he
25 thinks he's waiting too long for the results to come

1 back.

2 MR. WEBER: All right. Let's go now to Mr.
3 Susswein and you talking in February to March of 1999
4 about the State Police Review Team.

5 What did Mr. Susswein say to you as far as
6 why you were getting involved and what your role would
7 be?

8 DR. BOYLE: I can't remember. I can -- I can
9 believe that what he said to me is that there will be
10 data that will be made available and it will be your
11 function to analyze that data.

12 MR. WEBER: Analyze that data for what
13 purpose?

14 DR. BOYLE: I would think to get a feel for
15 what was going on with regard to racial profiling.

16 MR. WEBER: Did he explain to you the purpose
17 of the State Police Review Team and what the State
18 Police Review Team was looking at?

19 DR. BOYLE: I don't believe so. I mean I
20 think I kind of knew it, but --

21 MR. WEBER: Did he explain -- well, how did
22 you kind of know it?

23 DR. BOYLE: When I assumed that the State
24 Police Review Team was a group of people put together
25 to try to get a feel for whether or not these

1 allegations of racial profiling had any substance.

2 MR. WEBER: Did Mr. Susswein explain to you
3 what racial profiling was?

4 DR. BOYLE: I don't believe he defined it.

5 MR. WEBER: Did you have an understanding of
6 what racial profiling was?

7 DR. BOYLE: I -- yes.

8 MR. WEBER: What was your understanding?

9 DR. BOYLE: My understanding is that it's
10 using racial characteristics to make decisions.

11 MR. WEBER: What sort of decisions?

12 DR. BOYLE: About whether or not you're going
13 to stop a car, whether or not you're going to do
14 anything once you stop the car.

15 MR. WEBER: When you say do anything when you
16 stop the car, what do you mean by that?

17 DR. BOYLE: Give a summons, give a warning.

18 MR. WEBER: Ask for a consent to search the
19 car?

20 DR. BOYLE: Consent to search. But keep in
21 mind, I don't know that much about really police
22 procedures. I mean as far as my experience, if you get
23 stopped, you get a ticket.

24 MR. WEBER: Yeah, unfortunately we're in the
25 same boat. I think Mr. Flanagan's probably the only

1 one who may be able to talk his way out.

2 All right. So, Mr. Susswein contacts you end
3 of February -- February to March. And you thought it
4 was around the time of Superintendent Williams' firing.

5 Do you go to his office? Is the conversation
6 over the phone?

7 DR. BOYLE: A lot of it would be over the
8 phone because my office is not in the same building as
9 his.

10 MR. WEBER: Okay. Do you remember this
11 particular interaction? Was it over the phone or in
12 person?

13 DR. BOYLE: I don't remember.

14 MR. WEBER: Okay. I wanted -- I wanted you
15 to try -- and I know that this is two years ago, but I
16 want you to try and remember as best as you can as to
17 what Mr. Susswein explained to you he was looking for.
18 What was your understanding of what you were analyzing?

19 DR. BOYLE: Originally, the data that we were
20 looking at were the -- and I'm not sure I'm going to
21 remember exactly what each were called, but they were
22 patrol charts and different handwritten forms that were
23 available in bunches of boxes that Mike LoGalbo had in
24 his office.

25 MR. WEBER: Okay. Did you know why Mike

1 LoGalbo had those documents in his office?

2 DR. BOYLE: I think I knew, but I don't know
3 whether I knew officially. My understanding was that
4 there were lots of documents and someone had to be the
5 custodian of them to make sure that any documents that
6 left the office came back to the office and that there
7 was someone actually indexing what documents existed.

8 MR. WEBER: Did you understand why documents
9 were going out of the office?

10 DR. BOYLE: I understood why I was taking
11 documents out of the office.

12 MR. WEBER: Well, in other words, did you
13 understand by Mr. LoGalbo had all these documents in
14 his office? Was he to produce those documents to
15 someone or -- in some organization?

16 DR. BOYLE: Actually, yes, I do now -- I
17 think he had to produce them for the Department of
18 Justice.

19 MR. WEBER: Okay. What was your -- what was
20 your understanding of why documents were being produced
21 at the Department of Justice?

22 DR. BOYLE: Well, I thought the Department of
23 Justice kind of requested them or subpoenaed them or
24 required them.

25 MR. WEBER: Did you have an understanding as

1 to how long Mr. LoGalbo had been involved in this
2 process prior to you then going down to his office to
3 getting the documents?

4 DR. BOYLE: I have no idea.

5 MR. WEBER: And you knew that he was indexing
6 the documents.

7 DR. BOYLE: Yes.

8 MR. WEBER: Did he explain to you where he
9 got the documents from?

10 DR. BOYLE: I don't think so.

11 MR. WEBER: I want to go back to the
12 conversation with Mr. Susswein. He told you that the
13 data that you had originally looked at would be the
14 patrol charts and what else?

15 DR. BOYLE: Radio logs.

16 MR. WEBER: Patrol charts, radio logs and
17 what else?

18 DR. BOYLE: I think -- I think that's it.
19 Although we were looking at -- I think we had some
20 information on summonses and warrants.

21 MR. WEBER: How about consent to search
22 forms?

23 DR. BOYLE: They came later.

24 MR. WEBER: When?

25 DR. BOYLE: A few weeks maybe, a few days.

1 This whole thing didn't last a real long time.

2 MS. GLADDING: Let me just back-up. About
3 when did this begin?

4 DR. BOYLE: My involvement?

5 MS. GLADDING: Um-hum.

6 DR. BOYLE: I would -- I believe, now I
7 didn't know that I was ever going to have to be called
8 to testify, but I think around March.

9 MS. GLADDING: Okay.

10 MR. WEBER: Let me -- why don't we mark as
11 CB-1 for identification document bate stamped O.A.G.
12 1575 through 1576. I'll ask you to take a look at this
13 document and identify it for the record, please.

14 (Pause)

15 DR. BOYLE: Okay.

16 MR. WEBER: Did you author this document?

17 DR. BOYLE: Yes.

18 MR. WEBER: And it's dated March 9, 1999?

19 DR. BOYLE: Correct.

20 MR. WEBER: Does this help refresh your
21 recollection as to when you became involved with the
22 State Police Review Team?

23 DR. BOYLE: Well, it means I'm close to when
24 I said it.

25 MR. WEBER: Okay. Is -- you know, these

1 aren't trick questions here. I just -- I'm trying to
2 refresh your recollection here to try to get a more
3 specific time frame as to when you got involved.

4 The date of this memo is March 9, 1999.

5 Colonel Williams' firing is February 28th, 1999.

6 DR. BOYLE: Okay.

7 MR. WEBER: Did you become involved with the
8 State Police Review Team in between Colonel Williams'
9 firing on February 28th, 1999 and this memo dated March
10 9, 1999?

11 DR. BOYLE: I believe so.

12 MR. WEBER: Okay. So, probably in the first
13 week of March is when you officially became involved
14 with the State Police Review Team.

15 DR. BOYLE: Yes. Can I -- can I just clarify
16 something?

17 MR. WEBER: Sure.

18 DR. BOYLE: It would not necessarily be
19 unusual for me to be asked this kind of a question
20 absent any involvement with any team.

21 So, to be asked where data exists and reside
22 and how good the data might be in those databases and
23 how they might be useful wouldn't be an unusual
24 question.

25 MR. WEBER: Okay. Well, this memo --

1 MS. GLADDING: Do you think that's what
2 happened in this case, do you recall?

3 DR. BOYLE: I think that it was triggered by
4 -- I think it was triggered by this racial profiling.
5 I don't know how involved I was at this point other
6 than to say perhaps there are data that exist that
7 could help us or help you be able to discern or support
8 or get a feel for the issue of racial profiling.

9 MS. GLADDING: Okay. But at this --

10 MR. WEBER: Well, take a look at --

11 MS. GLADDING: Let me just --

12 MR. WEBER: Jo, let me -- I'm trying to nail
13 the date down here.

14 Take a look at the first sentence of this
15 memo. It says, "During our meeting today, you
16 requested information about the types of automated data
17 available for analyses."

18 So, you've got a meeting that apparently
19 occurred on March 9, 1999 with Mr. Zoubek.

20 DR. BOYLE: Correct.

21 MR. WEBER: Did your discussion with Mr.
22 Susswein in which he asked you to get involved with the
23 State Police Review Team occur before or after you had
24 this meeting with Mr. Zoubek?

25 DR. BOYLE: Now, I don't remember, but I

1 would have -- if you asked me to estimate, I would say
2 I had contact with Ron before.

3 MR. WEBER: Okay. So, you have contact with
4 Mr. Zoubek before the March 9, 1999 meeting.

5 DR. BOYLE: Contact with Mr. Susswein.

6 MR. WEBER: Mr. Susswein, okay. Had you had
7 meetings before with Mr. Zoubek?

8 DR. BOYLE: Not -- not many.

9 MR. WEBER: Okay.

10 DR. BOYLE: I mean all together.

11 MR. WEBER: Okay.

12 DR. BOYLE: I have not had --

13 MR. WEBER: Did Mr. Susswein, during your
14 initial discussion, getting you involved in the State
15 Police Review Team, did he explain to you who was on
16 the State Police Review Team?

17 DR. BOYLE: I don't think so because I don't
18 --

19 MR. WEBER: Did he explain to you what role,
20 if any, Mr. Zoubek was going to play in the State
21 Police Review Team?

22 DR. BOYLE: No.

23 MR. WEBER: Do you know how it came that you
24 had a meeting with Mr. Zoubek on March 9? Did he call
25 you and request a meeting? Did Mr. Susswein put

1 together a meeting?

2 DR. BOYLE: I don't know. I would expect
3 that he had a meeting, requested that Ron be present.
4 And either Ron asked me directly or he asked Ron to
5 invite me.

6 MR. WEBER: What was -- and what was
7 discussed at that March 9 meeting?

8 DR. BOYLE: I don't even remember. I have to
9 tell you, except for this memo, I don't remember the
10 meeting happening.

11 MR. WEBER: Okay.

12 DR. BOYLE: I would assume it -- based on my
13 response to it, that at least that part of it that I
14 would be interested in was where might we get data that
15 would give us more information about allegations of
16 racial profiling.

17 MR. WEBER: Okay. Now, this memo makes
18 specific mention of Promise Gavel and the computerized
19 crime -- criminal history, the C.C.H. databases.

20 DR. BOYLE: Correct.

21 MR. WEBER: Were you aware at this point in
22 time that there was also the CAD system in place at the
23 State Police?

24 DR. BOYLE: It was -- yes.

25 MR. WEBER: Okay. No disrespect by the

1 question, but why was not the CAD system included in
2 this memo as another area in which you could go to to
3 get automated data?

4 DR. BOYLE: Because at that point, I don't
5 know how complete CAD was. I had not -- no experience
6 with the CAD database at all. I think it was pretty
7 new at that point. I mean -- so that I wouldn't be
8 able to discuss what data were in the CAD database at
9 all. I had no idea.

10 MR. WEBER: What -- now, you list information
11 here in paragraphs numbered one through eleven as
12 information that you'd be able to derive or generate
13 from the C.C.H. or the Promise Gavel databases. What
14 information in paragraphs numbered one through eleven
15 did you feel would assist in the State Police Review
16 Team's review of racial profiling?

17 DR. BOYLE: Well, I guess I thought perhaps
18 that the race of the person arrested might be of some
19 assistance.

20 MR. WEBER: What else? That would be number
21 seven, correct?

22 DR. BOYLE: Right. And the ability -- since
23 the allegations were really basically being made about
24 the State Police, the O.R.I. number would be important
25 because that would be the identifying number that would

1 allow us to separate the State Police data from others.
2 And the fact that we would be able to actually look at
3 Turnpike information separately from the rest of the
4 State Police.

5 MR. WEBER: All right. So, that's paragraph
6 number one.

7 DR. BOYLE: Right.

8 MR. WEBER: The O.R.I. number, correct?

9 DR. BOYLE: Right.

10 MR. WEBER: Anything else in paragraphs --
11 other than paragraph number one and number seven that
12 you thought would be of use in your analysis in
13 connection with the State Police Review Team?

14 DR. BOYLE: Well, depending on what kind of
15 information would be requested, if someone were looking
16 for a specific time period within which they wanted to
17 focus their efforts, then the date of arrest, of
18 course, would be important.

19 MR. WEBER: And that's paragraph number two.

20 DR. BOYLE: Right.

21 MR. WEBER: Okay.

22 DR. BOYLE: If there were concerns about
23 exactly where the arrest occurred, then the
24 municipality would be important.

25 MR. WEBER: Number three.

1 DR. BOYLE: Right. If you were concerned
2 about whether or not their arrests for particular types
3 of charges and maybe dispositions, then four would be
4 important.

5 MR. WEBER: Okay, what else?

6 DR. BOYLE: The S.B.I. number is actually the
7 identifying unique -- the unique identifier for persons
8 who are arrested. So, that if you wanted some history
9 about those people, you would be able to get that from
10 --

11 MR. WEBER: Number.

12 DR. BOYLE: -- five. The name of the person
13 arrested. I don't know how much that would be useful
14 since you have the S.B.I. number.

15 MR. WEBER: Okay, that's number six.

16 DR. BOYLE: The race. Sex, just because
17 that's usually typically something we would include --

18 MR. WEBER: Number eight?

19 DR. BOYLE: -- when we describe people. Date
20 of birth, if they were interested in specific ages of
21 people that may, in fact, be being stopped.

22 MR. WEBER: Number nine?

23 DR. BOYLE: Street address. I don't know why
24 I would have been interested in that.

25 MR. WEBER: That's ten.

1 DR. BOYLE: Driver's license.

2 MR. WEBER: Okay, and eleven. All right.
3 Now, I hate to keep going back to the conversation with
4 Mr. Susswein, but I want to get an understanding of
5 what exactly he wanted you to do. What did he tell you
6 he wanted you to do?

7 DR. BOYLE: He probably wasn't specific as to
8 what he wanted me to do. Generally, if I have a feel
9 for what it is people are interested in, I generally
10 can figure out the type of data that will probably be
11 informative for whatever topic that is.

12 MR. WEBER: Did you have a general feel for
13 this --

14 DR. BOYLE: Sure.

15 MR. WEBER: -- for this particular project?
16 And what was the general feel that you had?

17 DR. BOYLE: That there was an attempt to
18 discern whether or not racial profiling was, in fact,
19 occurring.

20 MR. WEBER: Okay. And how did you determine
21 or how did you think you could go about analyzing that
22 issue and what data did you think you needed to help
23 you analyze that issue?

24 DR. BOYLE: Actually, the data I would have
25 preferred wasn't available, which would be racial data

1 associated with driver's licenses.

2 MR. WEBER: And why would that have helped
3 you?

4 DR. BOYLE: Well, because if the allegations
5 are that there are a disproportionate number of certain
6 races being stopped, then that would help me look at
7 that.

8 MR. WEBER: Did Mr. Susswein discuss with you
9 the aspect of racial profiling as it pertains to the
10 stop, and then also as it pertains to the issue of
11 consent to search?

12 DR. BOYLE: I don't believe so.

13 MR. WEBER: Did he want you to conduct an
14 analysis that just dealt solely with the racial
15 breakdown of motorists being stopped on the Turnpike or
16 being stopped by the New Jersey State Police?

17 DR. BOYLE: I -- what -- I believe what he
18 would have asked me to do would be to take a look at
19 the data that exists and to analyze it in such a way
20 that it may provide information about whether or not
21 racial profiling seemed to be occurring.

22 MR. WEBER: Okay.

23 DR. BOYLE: Numbers can never prove anything.

24 MS. GLADDING: Excuse me. Seem to be
25 occurring where?

1 DR. BOYLE: On the Turnpike specifically.

2 MS. GLADDING: He was specifically asking you
3 about the Turnpike?

4 DR. BOYLE: Correct.

5 MR. WEBER: I don't want to keep on harping
6 on this, but I'm trying to put myself in your shoes and
7 say, okay, I'm in this -- I have this discussion with
8 Mr. Susswein and how do I know what my charge is here?
9 How do I know what the parameters are of my assignment.
10 And ultimately in what form does he want my results.
11 You know, what conclusions does he want me to look to
12 reach.

13 And not necessarily the conclusions
14 themselves, but what did you expect that you were
15 supposed to bring back to Mr. Susswein after you
16 conducted your analysis?

17 DR. BOYLE: My expectation would be that I
18 would look at the data that were available, and
19 specifically based on the allegations, look at racial
20 breakdowns of the data that were available and compare
21 them across different races for different time periods
22 or different Turnpike stations and provide that data
23 back to Mr. Susswein.

24 MR. WEBER: Okay. Did you have any
25 understanding as to how that data could be grouped?

1 Did you understand whether there should be an analysis
2 of the stops? There should then also be an analysis of
3 the consent to search data. There should then also be
4 an analysis of arrest, for instance.

5 DR. BOYLE: Yeah, I would figure that out,
6 that I would be looking at -- generally the way I would
7 operate would be to look at the data that were
8 available if, in fact, I can't get the data that I
9 would like to have. And analyze the data probably
10 across every dimension that the data were available.

11 So, if I had stop data, I would have analyzed
12 stop data. And if I had consent data, I would analyze
13 consent data. If I had arrest data, I would analyze
14 arrest data.

15 If the data were there, it would have been
16 provided to him.

17 MS. GLADDING: At the --

18 MR. WEBER: Okay.

19 MS. GLADDING: At --

20 MR. WEBER: You testified --

21 MS. GLADDING: Let me just clarify -- can I
22 clarify something?

23 MR. WEBER: Yeah.

24 MS. GLADDING: At the time of this memo on
25 March 9th, you're talking about computer data that's

1 available.

2 DR. BOYLE: Correct.

3 MS. GLADDING: Databases that are available.
4 What -- what, at this time -- at this time, what was
5 your understanding of what the universe of data was
6 that you might be looking at?

7 DR. BOYLE: Again, I'm not real clear on the
8 dates, but I believe probably at this point that I
9 would have been aware of these data.

10 MS. GLADDING: Just the computer --

11 DR. BOYLE: Right.

12 MS. GLADDING: -- databases?

13 DR. BOYLE: Right.

14 MS. GLADDING: Okay. So, just to be clear,
15 at this point, would you not have been aware of
16 possible raw data that might have to be examined and
17 analyzed from scratch?

18 DR. BOYLE: I don't believe so. I would not
19 have seen them at that point.

20 MS. GLADDING: Thank you.

21 DR. BOYLE: I don't think.

22 MR. WHEELER: When did Mike LoGalbo give you
23 his --

24 MS. GLADDING: Well, let's -- we'll get to
25 that in a minute.

1 MR. WEBER: Yeah, we'll get to that.

2 MR. WHEELER: Sorry.

3 MR. WEBER: You previously testified that you
4 weren't very familiar with law enforcement practices
5 and techniques, correct?

6 DR. BOYLE: (No verbal response.)

7 MR. WEBER: Okay. How did you know then that
8 there were different things that you could look at?
9 You know, for instance, stop data, arrest data, consent
10 to search data. Did Mr. Susswein explain that to you?

11 DR. BOYLE: No, actually when I looked at the
12 data, they would have been -- the topics would have
13 been in the file. So, that there was consent data and
14 clearly it said, consent to search data. So, I assumed
15 --

16 MR. WEBER: What said consent to search data?

17 DR. BOYLE: There were actual compilations of
18 data with headings that were provided by the State
19 Police that said consent to search.

20 MR. WEBER: Okay. Preexisting --

21 DR. BOYLE: Right.

22 MR. WEBER: -- analyses?

23 DR. BOYLE: Correct.

24 MR. WEBER: All right. I just want to sort
25 of finish-up our conversation about your meeting or

1 your discussion with Mr. Susswein. What else can you
2 recall that he said to you about your responsibilities,
3 the project, anything?

4 DR. BOYLE: Nothing more.

5 MR. WEBER: How long was the discussion with
6 Mr. Susswein?

7 DR. BOYLE: I can't -- I can barely remember
8 it.

9 MR. WEBER: Did he --

10 DR. BOYLE: A lot of this is how I would
11 expect it to have gone typically.

12 MR. WEBER: Did he tell you when you -- when
13 he wanted the results?

14 DR. BOYLE: No.

15 MR. WEBER: Did he tell you when the State
16 Police Review Team anticipated releasing its report and
17 its findings?

18 DR. BOYLE: I don't believe so.

19 MR. WEBER: Did he tell you in what manner he
20 wanted you to present the information, tables, pie
21 charts, statistics?

22 DR. BOYLE: No, I'm basically a table person.
23 So, he would get tables.

24 MR. WEBER: Okay.

25 DR. BOYLE: Unless he asked specifically for

1 something.

2 MR. WEBER: Did you ask Mr. Susswein, or did
3 he inform you where you could go to get the information
4 that you needed to then analyze?

5 DR. BOYLE: Since I found Mike LoGalbo, I
6 have to believe he told me to go there because I didn't
7 --

8 MR. WEBER: To go to Mike LoGalbo.

9 DR. BOYLE: Yeah, right.

10 MR. WEBER: Did he tell you why Mike LoGalbo
11 would have information that you could use?

12 DR. BOYLE: That he had all the records and
13 that any information I would be using, Mike LoGalbo
14 would probably have.

15 MR. WEBER: Did he give you a contact at the
16 State Police that you could --

17 DR. BOYLE: No.

18 MR. WEBER: Did he tell you not to contact
19 the State Police?

20 DR. BOYLE: No.

21 MS. GLADDING: Before we move off of this
22 memo -- I assume you're moving off this memo, Scott?

23 MR. WEBER: Yeah.

24 MS. GLADDING: Before we do, I just want to
25 clarify something. Under item number one, the second

1 sentence of the second paragraph says, "If we can
2 identify all of the barracks responsible for patrolling
3 the Turnpike, we can analyze the data in C.C.H. by
4 individual barracks or as a single unit."

5 Should I interpret that sentence to mean that
6 at that point in time, you weren't sure that the
7 barracks patrolling the Turnpike were identifiable?

8 DR. BOYLE: That would be correct.

9 MS. GLADDING: Okay.

10 DR. BOYLE: We probably had not looked at
11 that data prior to that. We knew it should be there.

12 MS. GLADDING: Um-hum.

13 DR. BOYLE: A lot of times in these
14 databases, you know that there's buckets to collect the
15 data, but you're not sure whether or not the data's
16 really going in the buckets.

17 MS. GLADDING: Okay. At that point in time,
18 did you know that specific barracks patrol the
19 Turnpike?

20 DR. BOYLE: I didn't know which ones at that
21 point.

22 MS. GLADDING: Okay. So, this is very early
23 in the processing --

24 DR. BOYLE: Yes.

25 MS. GLADDING: -- for you. Okay. Thank you

1 very much.

2 MR. WEBER: Did Mr. Susswein talk to you
3 about whether he or other people at the Attorney
4 General's Office or at the State Police thought that
5 racial profiling was really a problem?

6 DR. BOYLE: I don't recall.

7 MR. WEBER: Did Mr. Susswein advise you as to
8 whether the State Police or anyone at the -- at the
9 Division of Law and Public Safety had conducted prior
10 analyses or compiled prior data on the issue of the
11 stops or the consent to search?

12 DR. BOYLE: I became aware of compilations.
13 Now, I'm not sure whether it was from Ron or from
14 somewhere else where there had been compilations
15 completed by members of the Division of State Police.

16 MR. WEBER: The --

17 DR. BOYLE: So, I knew that they existed.

18 MR. WEBER: The memo that we've marked CB-1,
19 did you meet with Mr. LoGalbo before you had this March
20 9 meeting with Mr. Zoubek, or was it after?

21 DR. BOYLE: I can't tell you for sure. If
22 you're asking me to give you my best guess, I would say
23 after.

24 MR. WEBER: Okay. You met with Mike LoGalbo
25 after the March 9 --

1 DR. BOYLE: yeah.

2 MR. WEBER: -- meeting with Mr. Zoubek. You
3 go and you meet with Mike LoGalbo. Did you explain to
4 him what data or what documents you needed to look at?

5 DR. BOYLE: I explained to him what I would
6 like to have.

7 MR. WEBER: And what did you explain to him
8 you'd like to have?

9 DR. BOYLE: Well, what I would like to have
10 is nice detailed -- actually what I would have liked to
11 have is a diskette of data, that would have been my
12 preference.

13 MR. WEBER: Okay. Well, we know that that
14 didn't exist.

15 DR. BOYLE: That's -- that's correct.

16 MR. WEBER: Okay. So, what did you tell Mr.
17 LoGalbo you --

18 DR. BOYLE: That I was looking for
19 information that would provide or inform, I guess, the
20 Review Committee, but I'm sure I didn't use those
21 technical terms, the issue of whether or not racial
22 profiling seemed to be occurring.

23 MR. WEBER: And what did he say?

24 DR. BOYLE: Well, he said there's lot of
25 stuff here. There is patrol charts -- I'm sure -- this

1 is paraphrasing.

2 MR. WEBER: Sure.

3 DR. BOYLE: That there's patrol charts, there
4 is this kind of stuff. He was pretty familiar with the
5 records -- or he seemed to be. And originally we took
6 those patrol charts and radio logs.

7 MR. WEBER: Okay. Were the patrol charts and
8 the radio logs in his office?

9 DR. BOYLE: I believe they were. I can't
10 swear to it, but they were in boxes.

11 MR. WEBER: A lot of boxes?

12 DR. BOYLE: A lot of boxes.

13 MR. WEBER: How many -- how many is a lot of
14 boxes?

15 DR. BOYLE: I think -- well, when you're
16 going to try to go through every one of them, one is a
17 lot of boxes. But I would say probably four or five
18 boxes, file boxes. Again, I can't --

19 MR. WEBER: Did you take the boxes with you?

20 DR. BOYLE: Yes.

21 MR. WEBER: And where did you take the boxes?

22 DR. BOYLE: To French Street, which is where
23 my office is.

24 MR. WEBER: Did you engage anyone to assist
25 you in the analysis of these materials?

1 DR. BOYLE: Yes.

2 MR. WEBER: Who?

3 DR. BOYLE: Everyone who worked in the
4 Research and Evaluation Section, including the
5 secretary, I believe.

6 MR. WEBER: Okay. How many people.

7 DR. BOYLE: One, two, three, four --
8 including me five. I would say five. And no
9 secretary.

10 MR. WEBER: Why did you get -- why did you
11 get everyone in your section involved?

12 DR. BOYLE: Because there were lots of boxes
13 of records.

14 MR. WEBER: Okay. And, again, at this point,
15 you still didn't know when you needed to get your
16 analysis to Mr. Susswein, correct?

17 DR. BOYLE: Right.

18 MR. WEBER: What did you tell the people in
19 your office they needed to look at and what did they
20 need to look for?

21 DR. BOYLE: I looked through the records and
22 what we decided we would try to extract from those
23 records was information as to the date and the time,
24 the plate number, the type of car, the year of the car
25 and information as to the race of the occupants.

1 MR. WEBER: So, date, time, plate number,
2 make of the car?
3 DR. BOYLE: Right.
4 MR. WEBER: And race of the motorist.
5 DR. BOYLE: Right. And, again, I can't
6 remember this exactly but I'm betting I would have been
7 interested in whether or not there was a citation
8 issued or --
9 MS. GLADDING: Just to clarify, this is stop
10 data that you're looking at.
11 DR. BOYLE: It's those logs. I'm not sure --
12 I believe it's stop data. It's whatever is on those --
13 the radio logs and the --
14 MR. WEBER: And the patrol charts.
15 DR. BOYLE: Yes, the patrol charts.
16 MR. WEBER: So, you originally have
17 radio logs and patrol charts. Was there any other type
18 of documentation in those boxes other than radio logs
19 and patrol charts?
20 DR. BOYLE: I don't -- I don't think so.
21 There was a file of search information, but there
22 wasn't much of it.
23 MR. WEBER: Search --
24 DR. BOYLE: I think --
25 MR. WEBER: -- or consent to search?

1 DR. BOYLE: Consent to search.
2 MR. WEBER: Okay.
3 DR. BOYLE: Although I'm not real clear on
4 what the difference is.
5 MR. WEBER: Okay.
6 DR. BOYLE: A search is a search.
7 MR. WEBER: So, you look at the radio logs
8 and the patrol charts to determine the date, the time,
9 the plate number, the make of the car, the race and
10 whether or not there is a citation.
11 DR. BOYLE: Um-hum.
12 MR. WEBER: For what years?
13 DR. BOYLE: I don't recall.
14 MR. WEBER: And, again, this is just for the
15 Turnpike, correct?
16 DR. BOYLE: Yes.
17 MR. WEBER: So, you focused on the
18 Moorestown, Cranbury and Newark stations?
19 DR. BOYLE: Right. Actually I don't think
20 there were -- I won't swear to this, but I don't recall
21 looking much -- at much that was going on in Newark.
22 MR. WEBER: Okay. So, it was concentrated on
23 Moorestown and Cranbury.
24 DR. BOYLE: Correct.
25 MR. WEBER: Did you have an understanding

1 that Moorestown and Cranbury were the two stations that
2 the Department of Justice was interested in?

3 DR. BOYLE: I think I knew that.

4 MR. WEBER: Okay. And did you have an
5 understanding as to whether Moorestown and Cranbury
6 were the only two stations that the State Police Review
7 Team was interested in?

8 DR. BOYLE: I think so.

9 MR. WEBER: How long does it take you to go
10 through the four to five boxes that you have and
11 compile or conduct your analysis for the Moorestown and
12 Cranbury stations?

13 DR. BOYLE: So long that we didn't finish it.

14 MR. WEBER: Did there come any point in time
15 in which you got a call from Mr. Susswein or someone
16 else in the State Police Review Team in which they told
17 you, you know, we need your analysis and we need it by
18 X date?

19 DR. BOYLE: I don't recall --

20 MR. WEBER: Well, did --

21 DR. BOYLE: -- that call. I mean I don't
22 think so, but -- I don't think so.

23 MR. WEBER: Did you -- did anyone talk to you
24 about deadlines at all?

25 DR. BOYLE: I mean I -- I knew that this

1 wasn't a forever assignment. That there was some need
2 to get this done as expeditiously as possible. But no
3 one -- I don't recall anybody saying having this done
4 by such and such a date.

5 MS. GLADDING: On -- just to clarify the time
6 frame that we're talking about, when in reference to
7 the March 9th memo is this happening? When did you go
8 to retrieve the documents?

9 DR. BOYLE: I would say probably shortly
10 after that or almost immediately after that because I
11 don't recall doing this again. This is -- I don't
12 recall doing this much after like April. So, this was
13 done pretty -- this was done pretty quickly.

14 MS. GLADDING: And when Mr. Susswein gave you
15 the assignment, or discussed the assignment with you,
16 did he talk with you about what years he might like to
17 look at? Did he ever discuss the parameters of what
18 you ought to look at?

19 DR. BOYLE: I don't think so. I think
20 actually I looked at what was there. Whatever it is
21 and I'm betting -- and, again, I'm betting it was kind
22 of based on what the Department of Justice was looking
23 at.

24 MS. GLADDING: Do you recall whether it was
25 30 sample days that you were looking at?

1 DR. BOYLE: There were -- there were 30
2 sample days at one point. I'm not sure if that's all I
3 had. It certainly was a lot of activity in 30 sample
4 days. I think I had more than that. But I know the
5 Department of Justice had selected a sample of days
6 that they decided they were going to look at. I think
7 we may have had more than that, though. I can't swear
8 to it, although I guess I already did.

9 MR. WEBER: I'm going to show you a copy of
10 the April 20th, 1990 interim report. And there are
11 three tables contained in that report on Pages 26, 27
12 and 29. I ask you to take a look at those tables and
13 tell us whether those are the results of the analysis
14 you conducted for the State Police Review Team.

15 DR. BOYLE: Yes.

16 MR. WEBER: Okay.

17 DR. BOYLE: They would be my tables.

18 MR. WEBER: We'll go into the substance of
19 your analysis a little later, but taking a look at
20 tables one, two and three of the interim report, does
21 that refresh your recollection as to the years that you
22 and your team considered when you performed your
23 analysis?

24 DR. BOYLE: Yes.

25 MR. WEBER: Okay. And what years was that?

1 DR. BOYLE: The stops from table one would be
2 April, 1997 through November, 1998.

3 The searches would be various time periods as
4 indicated in the footnote, which would be '94, '96,
5 '97, '99.

6 And the arrests would be '96 or '98.

7 MR. WEBER: Did -- when you went to get the
8 documents from Mr. LoGalbo, did you say to him, hey,
9 you know, I need documentation for the following years?

10 DR. BOYLE: I'm sure I probably didn't want
11 anymore documentation than I had. No, I took what he
12 had.

13 MR. WEBER: Did you -- did you, at any point
14 in time, inquire from Mr. LoGalbo, Mr. Susswein or
15 anyone else where you could get documents to cover
16 additional time periods?

17 DR. BOYLE: No.

18 MR. WEBER: Did you advise Mr. Susswein what
19 time periods would covered by your analysis?

20 DR. BOYLE: Yes.

21 MR. WEBER: When did you advise him of that?

22 DR. BOYLE: Probably when I sent the data
23 over to them. I think he probably -- again, I
24 shouldn't speak for him, but I'm betting he knew what
25 data existed on some of them. Mike LoGalbo would have

1 had kind of an index of the data that were available.

2 MR. WEBER: And, again, going back to your
3 initial conversation where you had this assignment, Mr.
4 Susswein doesn't, at any point in time, say to you,
5 Chris, you know, I want you to do an analysis for 1996,
6 1997 and 1998?

7 DR. BOYLE: I'll --

8 MR. WEBER: Does he give you any indication
9 as to what the parameters of the assignment are?

10 DR. BOYLE: The parameters that we would have
11 had a choice about based on where we would have access
12 to data that we could actually select would be the
13 arrest data.

14 MR. WEBER: That's --

15 DR. BOYLE: And --

16 MR. WEBER: I want to go back to my question.
17 My question is at any point in time -- and let me
18 change the question -- at any point in time, either in
19 the initial meeting with Mr. Susswein or subsequent to
20 that meeting, did Mr. Susswein say to you, in
21 substance, Chris, I need you to conduct your analysis
22 of the following years?

23 DR. BOYLE: I don't believe so.

24 MR. WEBER: Okay. So, he basically then left
25 it up to you to decide what years would be included in

1 your analysis.

2 DR. BOYLE: Probably, but that was going to
3 be guided by what years there were data in the boxes.

4 MR. WEBER: Okay. Well, there's nothing to
5 stop you from saying, hey, you know, for whatever
6 reason, I don't want to deal with 1998, even though
7 there's documents here.

8 DR. BOYLE: Well, that would --

9 MR. WEBER: Because no one -- well, no one
10 had given you parameters to say we want these years
11 included, correct?

12 DR. BOYLE: Well, that would be correct. But
13 1998 would have been pretty recent information. So,
14 I'm sure I would have wanted it.

15 MR. WEBER: Well, it basically was up to you
16 once you got the materials to decide how you were going
17 to use them, how you were going to analyze them, what
18 years you were going to include and in what form you
19 were then going to relay your findings to Mr. Susswein.

20 DR. BOYLE: Yes.

21 MR. WEBER: And he gave you no preferences
22 whatsoever on any of those topics.

23 DR. BOYLE: I don't believe so.

24 MR. WEBER: You get this information from Mr.
25 LoGalbo. Did there come a point in time when

1 additional information was provided to you, other than
2 these four to five boxes?

3 DR. BOYLE: There was. Yes, there was
4 additional information that was provided. They were
5 compilations where data had already been presented and
6 aggregated by people at the Division of State Police.

7 MR. WEBER: Okay. When was that information
8 provided to you?

9 DR. BOYLE: I would have to say probably
10 later on in March.

11 MR. WEBER: Okay. Why don't we mark for
12 identification CB-2?

13 MS. GLADDING: At the time this data was
14 provided -- these compilations were provided to you,
15 about how long had your crew been working?

16 DR. BOYLE: I would say probably a few weeks.

17 MR. WEBER: Have you ever seen this document
18 before?

19 DR. BOYLE: No.

20 MR. WEBER: Okay. And -- no expectation that
21 you had. But for the record, it's March 16th, 1999
22 memo to the file from Paul Zoubek.

23 This memo indicates that on March 15th, 1999,
24 Mr. Zoubek received, for the first time, a packet of
25 documents from the State Police regarding an Al Season

1 (phonetic) Compilation of Statistics concerning --
2 regarding racial profiling. And he received the
3 documents from Lieutenant Thomas Gilbert, present also
4 at the meeting were Mr. Susswein, Wayne Fisher, George
5 Rover, you, Christine Boyle, and Mike LoGalbo. Do you
6 remember that meeting?

7 DR. BOYLE: Um-hum.

8 MR. WEBER: Okay. Is this the point in time
9 when you received the analyses that you had just
10 referred to?

11 DR. BOYLE: It was -- the analyses came from
12 the data that were provided at that meeting. I got
13 those data after the meeting, however, not at the time.

14 MR. WEBER: Was this the second meeting you
15 had with Mr. Zoubek about the racial profiling analysis
16 that you were doing? We have the March 9th meeting, is
17 this then the second meeting you have with Mr. Zoubek?

18 DR. BOYLE: As far as I can remember.

19 MR. WEBER: Okay. Tell me about how this
20 meeting came to be. Who called you? Who advised you
21 there was a meeting?

22 DR. BOYLE: I can tell you where it happened.

23 MR. WEBER: Okay. Where'd it happen?

24 DR. BOYLE: It happened in the point on the
25 fifth floor of the Justice Complex. I could tell you

1 where I was sitting. But I don't recall who invited
2 me.

3 MR. WEBER: Okay.

4 DR. BOYLE: I'm assuming it would be Ron
5 Susswein.

6 MR. WEBER: Do you know why this meeting was
7 being conducted?

8 DR. BOYLE: No, and I don't know why I was
9 there.

10 MR. WEBER: No one explained to you why you
11 were having this meeting?

12 DR. BOYLE: No.

13 MR. WEBER: How long was the meeting?

14 DR. BOYLE: I don't think it was very long at
15 all.

16 MR. WEBER: Five minutes? Ten minutes?
17 Fifteen?

18 DR. BOYLE: Oh, no, it was longer. I would
19 say half an hour maybe.

20 MR. WEBER: Half an hour. Was Lieutenant
21 Gilbert already at the meeting when you arrived?

22 DR. BOYLE: I think so.

23 MR. WEBER: Any -- any -- well, had the
24 meeting already started by the time you arrived? Or
25 they waited for everyone to get there?

1 DR. BOYLE: I think they were waiting for
2 everybody to get there.

3 MR. WEBER: Okay. Who --

4 DR. BOYLE: And I try not to be late.

5 MR. WEBER: Who was sort of the master of
6 ceremonies at the meeting?

7 DR. BOYLE: I think it would be Director
8 Zoubek.

9 MR. WEBER: What did Mr. Zoubek say at the
10 meeting?

11 DR. BOYLE: It was kind of -- I wasn't aware
12 of any agenda. And, again, from what I can recall, and
13 I wasn't paying absolute attention. It seemed as if
14 people had come to this meeting with the expectation
15 that information was going to be provided and that this
16 was the forum that it was. And that a book of data --
17 or a book of what looked to be stuff was passed from --
18 I guess Lieutenant Gilbert to Director Zoubek.

19 MR. WEBER: There are individuals listed on
20 this memo as being, you know, attendants at the
21 meeting. Was there anyone else that's not on this memo
22 that was at the meeting?

23 DR. BOYLE: I think -- although this could be
24 another meeting. But I thought that Lieutenant Colonel
25 Dunlop was there.

1 MR. WEBER: All right. Let me show you what
2 was previously marked as G-33, and I'll represent to
3 you that it is a copy of a blue binder that Sergeant
4 Thomas Gilbert kept at the State Police. Is that the
5 booklet of information that was provided at the
6 meeting?

7 DR. BOYLE: Yes, it looks like it.

8 MR. WEBER: That's the booklet of
9 information. All right, what --

10 DR. BOYLE: Those metal things through it,
11 you know, with the clips.

12 MR. WEBER: what reaction, if any, did Mr.
13 Zoubek have when Lieutenant Gilbert, he's now a
14 sergeant, when Sergeant Gilbert --

15 DR. BOYLE: He's now a sergeant?

16 MR. WEBER: He's now a sergeant, was
17 lieutenant then. What reaction, if any, did Mr. Zoubek
18 have when this information was handed to him?

19 DR. BOYLE: It would be hard to kind of tag
20 that because I don't know him that well. But if I had
21 -- if I had the -- he seemed frustrated.

22 MR. WEBER: Did he express frustration?

23 DR. BOYLE: Well, that's what I'm saying.
24 It's hard to -- he didn't say oh, I'm frustrated. He
25 just -- I mean he looked kind of frustrated, a little

1 annoyed.

2 MR. WEBER: Did he say anything when he got
3 the materials from Sergeant Gilbert?

4 DR. BOYLE: Not that I can recall. I mean
5 nothing out of the ordinary that I would remember.

6 MR. WEBER: You seemed surprised when I told
7 you that then Lieutenant Gilbert is now a sergeant.

8 DR. BOYLE: Well, I mean that's going in the
9 wrong direction.

10 MS. GLADDING: Yeah, it is.

11 MR. WEBER: He's --

12 MS. GLADDING: He's now a lieutenant. He was
13 a sergeant back then.

14 MR. WEBER: I thought he's --

15 MR. FLANAGAN: There's a couple Gilberts. If
16 this is Tommy Gilbert --

17 MS. GLADDING: Oh, he's still a sergeant?

18 MR. FLANAGAN: He's a sergeant then, he's a
19 sergeant now.

20 MS. GLADDING: Despite our efforts to promote
21 him during the deposition several times to lieutenant.

22 DR. BOYLE: Okay.

23 MR. WEBER: All right.

24 DR. BOYLE: So, that's why I was surprised.
25 It's not typical that you go backwards.

1 MR. WEBER: So, it's a typo here then,
2 referring to Tommy Gilbert as a lieutenant?
3 DR. BOYLE: I don't know.
4 MR. WEBER: He was a sergeant back then.
5 DR. BOYLE: I mean I don't know what rank he
6 was.
7 MR. WEBER: Okay. Did Mr. Zoubek say
8 anything after he was handed the material?
9 DR. BOYLE: Not that I recall.
10 MR. WEBER: Anyone say anything at the
11 meeting after Sergeant Gilbert handed the materials
12 over to Mr. Zoubek?
13 DR. BOYLE: From what I remember, the
14 Director and Wayne Fisher and -- was Ron at this
15 meeting? They kind of went in a different direction
16 and I went back to Front Street.
17 MR. WEBER: Just left the meeting and --
18 DR. BOYLE: Yeah.
19 MR. WEBER: You said the meeting was about a
20 half hour.
21 DR. BOYLE: Right.
22 MR. WEBER: What else transpired at the
23 meeting? Because, you know, it would seem to me that
24 Sergeant Gilbert hands over the binder and Mr. Zoubek
25 looks a little annoyed and then he walks off, that's

1 all of a few minutes at most.
2 DR. BOYLE: Well, some meetings go longer
3 than they need to be. But I'm sure there was a little
4 discussion back and forth. I don't know whether it was
5 -- I mean it --
6 MR. WEBER: Any discussion about the
7 substance of what was contained in the notebook?
8 DR. BOYLE: I think that -- I guess Sergeant
9 Gilbert talked about the fact that there was some
10 summary information here.
11 My impression was that there was some pretty
12 good stuff in this book.
13 MR. WEBER: Any indication by Sergeant
14 Gilbert or anyone else as to whether any of the
15 information in that notebook had been previously
16 provided to the Department of Law and Public Safety?
17 DR. BOYLE: I didn't get any indication of
18 that. My impression was that it had not.
19 MR. WEBER: That it had not. Why did you
20 have that impression?
21 DR. BOYLE: Because, again, it looked as if
22 people were -- it looked as if people were annoyed that
23 they were getting this information for the first time.
24 MR. WEBER: Did Mr. Rover say anything at the
25 meeting?

1 DR. BOYLE: You know, I don't remember him
2 being there. So, I don't -- I mean I'm not saying he
3 wasn't there. I just don't -- so, I'm saying -- I'll
4 bet he didn't say much.

5 MR. WEBER: All right. So, the -- so, the
6 information -- the notebook is handed over at the
7 meeting on March 15th.

8 Mr. Zoubek and Mr. Fisher and others go their
9 way. You leave, people from the State Police leave.
10 Did you ultimately find out what was in that
11 notebook?

12 DR. BOYLE: I got certain pages from the
13 notebook.

14 MR. WEBER: When?

15 DR. BOYLE: Shortly after that. I would say
16 like within a few hours or something --

17 MR. WEBER: From who?

18 DR. BOYLE: I think Ron.

19 MR. WEBER: Did --

20 DR. BOYLE: It would have been -- I think
21 Ron.

22 MR. WEBER: Did he say anything to you when
23 he provided you with that documentation?

24 DR. BOYLE: That here were some aggregate
25 data that were contained in a notebook that may be

1 helpful for whatever analysis we were going to do.

2 MR. WEBER: Can you flip through that
3 notebook now, please, and identify on the record what
4 documents you received from Mr. Susswein on that day?
5 And, again, this is from G-33.

6 (Pause)

7 DR. BOYLE: I believe, if it had a number, I
8 had the document.

9 MR. WEBER: I'm sorry?

10 MS. GLADDING: Beg your pardon?

11 DR. BOYLE: Anything with a number probably
12 came to me.

13 MS. GLADDING: All right, let's go through it
14 then one-by-one.

15 DR. BOYLE: Okay.

16 MS. GLADDING: So, the first page is Internal
17 Audit of Summons, and there are numbers.

18 DR. BOYLE: Yes, I had that document.

19 MS. GLADDING: That's a March 29th, 1996 memo
20 from Hinkle to Touw.

21 DR. BOYLE: Correct.

22 MS. GLADDING: And it goes on for six pages.

23 DR. BOYLE: Right.

24 MS. GLADDING: The next is Moorestown Station
25 Audit.

1 DR. BOYLE: I had that.

2 MS. GLADDING: 30-96, what is the date of
3 that? That contains analysis. The Moorestown stops
4 May 1st through 31, and it's -- the cover memo is from
5 Major Fedorko to Colonel Littles -- Lieutenant Colonel
6 Littles.

7 The next document is a memo from Lieutenant
8 Hinkle to Captain Touw.

9 DR. BOYLE: Yes, I had that.

10 MS. GLADDING: Patrol issues, concerns at
11 Moorestown.

12 The next document is an October 4th memo to
13 Major Fedorko from Captain Touw. Does that look
14 familiar?

15 DR. BOYLE: September 24th, yes, I had that.
16 Or it looks familiar.

17 MS. GLADDING: October 4th, 1996. I think I
18 just covered the September 24th --

19 DR. BOYLE: Okay.

20 MS. GLADDING: It looks like this actually,
21 it's the top page of what you're looking at.

22 DR. BOYLE: Okay. I don't think I had this.

23 MS. GLADDING: There are numbers and the text
24 on the second page. That's why I ask.

25 DR. BOYLE: No, I don't believe I had this.

1 MS. GLADDING: Okay. The next document is an
2 information request from the Department of Justice.

3 DR. BOYLE: I don't believe I had this.

4 MS. GLADDING: Okay. The next document is a
5 January 9th, 1997 memo from Sergeant Gilbert to Colonel
6 Williams.

7 DR. BOYLE: Yes.

8 MS. GLADDING: Beg your pardon?

9 DR. BOYLE: I don't believe I had this.

10 MS. GLADDING: Okay. The next memo is a
11 cover memo from Captain Madden to Sergeant First Class
12 Bruncati with an attached analysis of driving under the
13 influence arrest, 1994 go '96.

14 DR. BOYLE: I had these data.

15 MS. GLADDING: And that goes on for many
16 pages up until a March 27th, 1997 memo from Captain
17 Roberson to Colonel Williams.

18 DR. BOYLE: I don't believe I had this.

19 MS. GLADDING: Okay. A 1997 memo from
20 Detective Sergeant First Class Boty (phonetic) to
21 Captain Roberson --

22 DR. BOYLE: I don't believe I had this one.

23 MS. GLADDING: Thank you. An undated memo
24 from Lieutenant -- from Sergeant Gilbert to Colonel
25 Williams.

1 DR. BOYLE: I don't believe I had this.
2 MS. GLADDING: A June 6th, 1997 memo from
3 Lieutenant Faranella (phonetic) to Williams with
4 attached radio logs synopses and consent to search and
5 probably cause synopses?
6 DR. BOYLE: I did have these.
7 MS. GLADDING: Did you have all that raw
8 material attached to it?
9 DR. BOYLE: Yes.
10 MS. GLADDING: And a memo on the audit of
11 motor vehicle stops at Netcong station?
12 DR. BOYLE: I had that.
13 MS. GLADDING: That's followed by pie chart.
14 October 8th, 1997 memo, audit of motor vehicle stops,
15 Belmar station?
16 DR. BOYLE: I had that.
17 MS. GLADDING: Cranbury and Moorestown
18 station, six-month assessment of enforcement activity.
19 DR. BOYLE: This is the --
20 MS. GLADDING: Covers April, '97 through
21 September, '97.
22 DR. BOYLE: Yes, I have --
23 MS. GLADDING: It's a memo.
24 DR. BOYLE: I had that.
25 MS. GLADDING: And a similar six-month

1 assessment for Cranbury and Moorestown that covers
2 April, '98 through September, '98?
3 DR. BOYLE: I had that.
4 MS. GLADDING: Then it goes through a series
5 of what looks like statutory offenses and numbers next
6 to it, did you have that?
7 DR. BOYLE: I did.
8 MS. GLADDING: Do you know what that is?
9 DR. BOYLE: It looks to be data from the
10 computerized criminal history database. I can't swear
11 to it. Actually it is because it says it. C.C.H. data
12 from the main frame.
13 MS. GLADDING: And --
14 DR. BOYLE: Oh, and it had the racial
15 breakdown there.
16 MS. GLADDING: Okay. Thank you. And there's
17 a memo from Colonel Fedorko to Colonel Dunlop regarding
18 -- a listing of race and sex on patrol charts.
19 DR. BOYLE: Yes.
20 MS. GLADDING: It's a memo -- no, not what
21 you're looking at actually, it looks like this. Right.
22 DR. BOYLE: Yes.
23 MS. GLADDING: And then the next page is 15
24 randomly selected dates in 1995, just data.
25 DR. BOYLE: Yes.

1 MS. GLADDING: You had that. And the
2 subsequent data pages you had?
3 DR. BOYLE: Um-hum.
4 MS. GLADDING: And it looks like it continues
5 as all data up until a 2/23/99 time line from Sergeant
6 Gilbert to Lieutenant Colonel Dunlop.
7 DR. BOYLE: I don't believe I had this.
8 MS. GLADDING: Okay. And there's a 2/1/99
9 memo, Field Operation Section, Cumulative Statistics.
10 DR. BOYLE: I think I had this.
11 MS. GLADDING: And there's an undated memo
12 from Sergeant Gilbert to Colonel Williams, looking at -
13 -
14 DR. BOYLE: I --
15 MS. GLADDING: It begins, "In order to get a
16 handle on what we're facing."
17 DR. BOYLE: I had this.
18 MS. GLADDING: And you had all of that memo.
19 DR. BOYLE: Yes.
20 MS. GLADDING: Four-page memo. It's followed
21 by a data page, you had that?
22 DR. BOYLE: Yup.
23 MS. GLADDING: Um-hum. I believe the rest of
24 the pages in that packet are all some form of data, you
25 can take a look through quickly.

1 DR. BOYLE: I believe -- I do not recall
2 having this type of data.
3 MS. GLADDING: Do you recall having the cover
4 page of that, which is -- it begins with Statistical
5 Summary of Stops, Trooper M. Clifford, and it looks
6 like this?
7 DR. BOYLE: I believe I had that.
8 MS. GLADDING: You did. And the next page
9 also?
10 DR. BOYLE: You know, I don't --
11 MS. GLADDING: Racial Composition of Stops?
12 DR. BOYLE: I don't think I had that.
13 MS. GLADDING: Okay. Thank you. Sorry to
14 put you through that.
15 DR. BOYLE: No, that's okay.
16 MR. WHEELER: Just to make sure the record's
17 clear, you don't recall why you were asked to go to
18 this meeting? Did you ask why you were asked?
19 DR. BOYLE: I get asked to go to a lot of
20 meetings. I don't know why I'm at them, but -- it
21 could be that they expected that there were going to be
22 data made available.
23 MS. GLADDING: And just to put this time
24 frame in context, if we can, this meeting's March 15th,
25 and your memo is March 9th.

1 So, you've been -- at some point after the
2 March 9th memo, you've begun crunching raw data.

3 DR. BOYLE: We've begun to collect raw data.
4 The process that we went through originally was to try
5 to actually glean out of these reports those data
6 elements that we thought were important. So, we were
7 actually doing it handwritten with the idea that
8 eventually we were going to put it in an automated
9 database.

10 MS. GLADDING: Okay, so you're still in that
11 phase of this project six days later when this
12 meeting's held.

13 DR. BOYLE: Yes.

14 MS. GLADDING: Okay. So, it's very early in
15 your project. Thank you.

16 MR. WEBER: We've got the meeting had with
17 Mr. LoGalbo in which he gives you the four to five
18 boxes. At any point in time after that, did you obtain
19 any other materials from Mr. LoGalbo?

20 DR. BOYLE: I don't recall. I had lots of
21 contact with him, though, back and forth. Because as
22 we would finish the data, I would bring it -- I would
23 bring it back to him.

24 We may have after those four or five boxes
25 picked up some of the consent information that he may

1 have gone through and found and said, hey, you might --
2 this might be something you want to take a look at.

3 MR. WEBER: Okay. So, you've got the four to
4 five boxes you get from Mr. LoGalbo. You now have a
5 copy of the documents that Ms. Gladding just took you
6 through that were presented at the March 15, 1999
7 meeting by Sergeant Gilbert.

8 Did you receive any other material that you
9 used to conduct your analysis in addition to what I've
10 just identified?

11 DR. BOYLE: I don't believe so, except for
12 the data that we extracted ourselves from C.C.H., the
13 arrest data for table three.

14 MR. WEBER: Okay. Well, and you alluded to
15 this a little bit before, the radio logs and patrol
16 charts would have helped you conduct an analysis of
17 stop data, correct?

18 DR. BOYLE: Yes.

19 MR. WEBER: Okay. It would not, though, help
20 you with an analysis of consent to search data,
21 correct?

22 DR. BOYLE: Correct.

23 MR. WEBER: Okay. So, at some point in time,
24 you had to receive the consent to search forms from
25 someone, correct?

1 DR. BOYLE: Yes.
2 MR. WEBER: And you think it's Mr. LoGalbo?
3 DR. BOYLE: I believe there were some consent
4 forms there. But the data that we used in the report
5 are actually from here.
6 MR. WEBER: When you say here, you mean the
7 documents that were provided by Mr. Gilbert -- by
8 Sergeant Gilbert on March 15, 1999.
9 Did you do anything to verify the numbers
10 that were contained in those documents?
11 DR. BOYLE: No, we assumed that the State
12 Police gave us accurate numbers.
13 MR. WEBER: Okay. So, you took those numbers
14 and you folded them into the report.
15 DR. BOYLE: Um-hum.
16 MS. GLADDING: Let me clarify. You said the
17 data used in the report was from the information
18 provided by Sergeant Gilbert. When you refer to data,
19 what are you talking about specifically?
20 DR. BOYLE: I believe -- I can show you.
21 MS. GLADDING: I mean are you talking about
22 consent data, search data? Consent data, stop data or
23 both?
24 DR. BOYLE: If you just give me a minute --
25 MS. GLADDING: Sure.

1 DR. BOYLE: -- we used -- I believe the stop
2 data came from these --
3 MR. WEBER: And if you don't mind, I'll come
4 over with you so we can look at them and identify them
5 properly for the record.
6 DR. BOYLE: And it would appear that the
7 consent data came from here, as well.
8 MR. WEBER: Okay. You're talking about a
9 chart that says consent search, Cranbury Station. It
10 has April through September and six-month totals. Do
11 you have any indication as to what year this is?
12 DR. BOYLE: It doesn't look as if I do.
13 MS. GLADDING: If you look at the cover memo,
14 that precedes it. I think it's --
15 DR. BOYLE: Okay.
16 MS. GLADDING: Actually, look in the upper
17 right-hand corner of the chart also.
18 DR. BOYLE: Yeah, the -- what looks to be
19 four the date -- or is it nine?
20 MS. GLADDING: It looks like 4/97?
21 DR. BOYLE: Yeah, it's hard to --
22 MR. WEBER: Actually, why don't we do this.
23 I've given you a copy of what we previously marked as
24 G-33.
25 DR. BOYLE: Right.

1 MR. WEBER: I'm going to mark this copy as
2 CB-4. I've marked another document as CB-3, we'll get
3 to that document in a moment.

4 DR. BOYLE: Okay.

5 MR. WEBER: What I'd like you to do now is on
6 the exhibit marked CB-4 and G-33, if you could, take a
7 pen -- if you have a colored marker we can use -- does
8 anybody have red? Take the red pen, and I'd like you
9 to, on each page that you used in connection with your
10 analysis, just put a little -- put your initials on it.
11 Why don't we do it in the upper right-hand corner.

12 DR. BOYLE: Okay.

13 MR. WEBER: Or -- I'm trying to think of
14 where it's going to be -- let's do it in the bottom
15 right-hand corner. Why don't you circle your initials,
16 too?

17 MS. GLADDING: I'm just going to follow
18 along.

19 (Pause)

20 MR. WEBER: Now, let me just -- you've marked
21 four pages, you put your initials C.B., and you've
22 circled in the bottom right-hand corner. Those charts,
23 did you just accept those numbers as they were?

24 DR. BOYLE: Yes.

25 MR. WEBER: Okay. And you just -- you folded

1 them right into your analysis.

2 DR. BOYLE: I did.

3 MR. WEBER: Okay, why don't you continue
4 through and see if there's other charts that you relied
5 on or that you used.

6 (Pause)

7 MR. WEBER: There's one page that already has
8 a preexisting circle on it, but why don't you just put
9 it right near there?

10 DR. BOYLE: The editor.

11 MR. WEBER: You were somewhat prophetic on
12 that.

13 (Pause)

14 DR. BOYLE: That looks like it.

15 MR. WEBER: Now, are those -- the charts that
16 you've just marked with your initials and put a circle
17 around, you used those statistics as they appear on
18 those charts in the report, correct?

19 DR. BOYLE: Correct.

20 MR. WEBER: Now -- I'm sorry for leaning over
21 you. These are charts that both set forth information
22 on consent searches, as well as stops, correct?

23 DR. BOYLE: Correct.

24 MR. WEBER: And the charts that say consent
25 searches, those are the charts that have the consent to

1 search data, correct? And the --

2 DR. BOYLE: I expect.

3 MR. WEBER: And the charts -- the charts that
4 say daily radio log are the charts that would -- that
5 would address the issues of stops, correct?

6 DR. BOYLE: Right.

7 MR. WEBER: And your testimony is that you
8 took those numbers as they appear in those charts,
9 accept them as they were because you trusted that the
10 State Police conducted the correct analysis.

11 DR. BOYLE: Correct.

12 MR. WEBER: Are there any other charts or any
13 other data or statistical information in CB-4 that you
14 -- you used and incorporated into the report?

15 DR. BOYLE: No.

16 MR. WEBER: Okay. Is there any data,
17 statistical information or charts that appear in G-33,
18 now marked as CB-4, that you considered in your
19 analysis but then subsequently decided to either reject
20 or not to incorporate?

21 DR. BOYLE: I would have considered all of
22 the -- all of the data in the report originally because
23 I didn't know -- I didn't know what it was.

24 Eventually these were the data that seemed to
25 respond basically to the question of racial profiling.

1 MR. WEBER: When you say these, you mean the
2 charts that you have marked with your initials and
3 circled.

4 DR. BOYLE: Correct.

5 MR. WEBER: Was there any analyses or data
6 presented in CB-4, also known as G-33, that you
7 determined was inaccurate after you conducted your own
8 analysis?

9 DR. BOYLE: No.

10 MR. WEBER: Let me actually ask you to take a
11 look at one document in particular, and it is that
12 undated memo from Sergeant Gilbert to Colonel Williams.

13 DR. BOYLE: Oh, yeah, I made a mess up here.

14 MR. WEBER: No, that's okay.

15 MS. GLADDING: It's near the back -- the back
16 -- about halfway through.

17 (Pause)

18 MS. GLADDING: Scott, we've got extra copies
19 of that. Do you want to --

20 MR. WEBER: I want to find out where it is in
21 the packet.

22 MS. GLADDING: It's right here.

23 MR. WEBER: Okay. If you could find this
24 document in the packet.

25 MS. GLADDING: It's about halfway through.

1 (Pause)
2 DR. BOYLE: Is this is?
3 MR. WEBER: Nope.
4 DR. BOYLE: Uh --
5 MR. WEBER: There you go, okay. You got me a
6 little nervous there. The document that we've now
7 identified in CB-4 is the undated memo from Colonel
8 Williams -- from Sergeant Gilbert to Sergeant Williams,
9 correct?
10 DR. BOYLE: Yes.
11 MR. WEBER: And I'll show you what was -- it
12 was also marked as G-13.
13 DR. BOYLE: Right.
14 MR. WEBER: You see that these are the two
15 same documents.
16 DR. BOYLE: they look to be.
17 MR. WEBER: Okay. Did you -- did you
18 consider that information in connection with your
19 analysis? Do you see on the first page it provides
20 consent to search numbers?
21 DR. BOYLE: Um-hum.
22 MR. WEBER: And it's for January through
23 April and December of '94 and July to December of '96,
24 correct?
25 DR. BOYLE: Right.

1 MR. WEBER: Did you incorporate that
2 information into the analysis you did for the interim
3 report?
4 DR. BOYLE: I don't believe so, although it
5 could be that some of the data that I did use was used
6 by Sergeant Gilbert. I can't know that, but I actually
7 used those -- the table data.
8 MR. WEBER: Take a look at the interim report
9 on Page 27, footnote number two.
10 DR. BOYLE: Yes.
11 MR. WEBER: It says, "includes searches from
12 Cranbury, January, '94 through March of '94" --
13 DR. BOYLE: Right.
14 MR. WEBER: -- correct?
15 DR. BOYLE: Yes.
16 MR. WEBER: The information in Sergeant
17 Gilbert's undated report for consent to search data is
18 January through March of '94, correct?
19 DR. BOYLE: Yes.
20 MR. WEBER: Okay. So, did you incorporate
21 then what is in Sergeant Gilbert's undated memo into
22 the table that you've created, Table Number 2 in the
23 interim report?
24 DR. BOYLE: Um, I --
25 MR. WEBER: At least for January through

1 March of '94?

2 DR. BOYLE: I would have to say probably not.
3 Only because when I look at his, I have more categories
4 than he has here.

5 So, I don't know how I would have broken out
6 his minority category into separate categories that I
7 used here.

8 MR. WEBER: Okay. You then -- footnote
9 number two in the interim report also identifies
10 January of '96, correct?

11 DR. BOYLE: Right.

12 MR. WEBER: Okay. Sergeant Gilbert's undated
13 memo sets forth consent to search data for January
14 through June of '96, correct?

15 DR. BOYLE: Well, January through April, July
16 through December, January through March. July through
17 December, '96?

18 MR. WEBER: Correct.

19 DR. BOYLE: Okay.

20 MR. WEBER: All right. Footnote number two
21 then identifies March, '96 through December of '96,
22 correct?

23 DR. BOYLE: Correct.

24 MR. WEBER: Okay. And that's also for
25 Cranbury, correct?

1 DR. BOYLE: Correct.

2 MR. WEBER: Okay. Sergeant Gilbert has a
3 time period of January through June of '96, correct?

4 DR. BOYLE: Correct.

5 MR. WEBER: Okay. But doesn't go on passed
6 June of '96, correct?

7 DR. BOYLE: Correct.

8 MS. GLADDING: So --

9 DR. BOYLE: Well, he's got December of '96
10 data here.

11 MS. GLADDING: Where do you see January to
12 June of '96?

13 MR. WEBER: If you take a look at the
14 handwriting, January through June, '96 --

15 DR. BOYLE: Minus February.

16 MR. WEBER: -- minus Feb., okay? So, look
17 back at footnote number two, your footnote number two
18 identifies January, '96, excludes February, '96,
19 correct?

20 DR. BOYLE: Correct.

21 MR. WEBER: It picks up with March of '96
22 through December of '96, correct?

23 DR. BOYLE: Correct.

24 MR. WEBER: Okay. So, in a certain respect,
25 you've tracked some of the same time periods that

1 Sergeant Gilbert has, correct?
2 DR. BOYLE: Correct.
3 MR. WEBER: Okay. You both don't include --
4 you both include January through June of '96, right?
5 DR. BOYLE: Right.
6 MR. WEBER: You both include January through
7 March of '94, correct?
8 DR. BOYLE: Right.
9 MR. WEBER: You both exclude February of '96,
10 correct?
11 DR. BOYLE: Correct.
12 MR. WEBER: You both include March, '96
13 through December -- well, March of '96 through June of
14 '96, correct?
15 DR. BOYLE: It looks like I have March of '96
16 through December, '96.
17 MR. WEBER: Right. Well, no, but I'm saying
18 within your analysis --
19 DR. BOYLE: Oh, okay.
20 MR. WEBER: -- is included --
21 DR. BOYLE: Yes.
22 MR. WEBER: -- the time period --
23 DR. BOYLE: Yes.
24 MR. WEBER: -- you know, up to June of '96.
25 But then you go beyond June of '96, correct?

1 DR. BOYLE: Yes.
2 MR. WEBER: Okay. So, you're --
3 MS. GLADDING: Wait. And -- and Sergeant
4 Gilbert's memo then goes from July to December of '96,
5 so he does all the rest of '96, too.
6 MR. WEBER: Correct.
7 MS. GLADDING: In the typed portion.
8 MR. WEBER: He then --
9 MS. GLADDING: Okay.
10 MR. WEBER: He then goes July through
11 December of '96, correct?
12 DR. BOYLE: Correct.
13 MR. WEBER: Okay. And you also go through
14 the end of '96, correct?
15 DR. BOYLE: Correct.
16 MR. WEBER: All right. So, now let me make
17 sure -- because this is a little bit of a hodgepodge
18 here. Let me now make sure we're all on the same page.
19 Sergeant Gilbert's analysis and your analysis
20 considers January, '94 through March of '94, correct?
21 DR. BOYLE: Correct.
22 MS. GLADDING: For Cranbury.
23 MR. WEBER: Okay. For Cranbury, correct?
24 DR. BOYLE: Correct.
25 MR. WEBER: Okay. They both include January

1 of '96 for Cranbury, correct?
2 DR. BOYLE: Correct.
3 MR. WEBER: They both exclude February of '96
4 for Cranbury, correct?
5 DR. BOYLE: Correct.
6 MR. WEBER: They both include March of '96
7 through December of '96 for Cranbury, correct?
8 DR. BOYLE: Yes.
9 MR. WEBER: Okay. And then your analysis
10 goes on to include later dates, April of '97 through
11 February of '99, correct?
12 DR. BOYLE: Correct.
13 MR. WEBER: All right. Now, let's take a
14 look at Moorestown. Your analysis and Sergeant
15 Gilbert's analysis both includes January of '94 through
16 April of '94, correct?
17 DR. BOYLE: Correct.
18 MR. WEBER: They both also include December
19 of '94, correct?
20 DR. BOYLE: Correct.
21 MR. WEBER: They both also include January of
22 '96, correct?
23 DR. BOYLE: Correct.
24 MR. WEBER: And this is now -- we're on
25 Moorestown. They also both include March of '96

1 through December of '96, correct?
2 DR. BOYLE: Yes.
3 MR. WEBER: And then your analysis goes on to
4 add April of '97 through February of '97 -- '99,
5 correct?
6 DR. BOYLE: Correct.
7 MR. WEBER: All right. So, with the
8 exception of the years '97 to '99, your analysis covers
9 the exact same time period that Sergeant Gilbert's
10 analysis covered, correct?
11 DR. BOYLE: It would appear so, yes.
12 MR. WEBER: Okay. Did you reach out to
13 Sergeant Gilbert to determine what data he used to
14 conduct his analysis for the same time periods that
15 ultimately you conducted an analysis for?
16 DR. BOYLE: I did not.
17 MR. WEBER: Okay. Did you just accept the
18 analysis presented in Sergeant Gilbert's undated memo
19 that was also marked as G-13 and incorporate it then
20 into table number two?
21 DR. BOYLE: I did not get my data for table
22 number two from this memo.
23 MR. WEBER: Okay. Where did you get your
24 data from?
25 DR. BOYLE: I believe I got the data from

1 those documents that I circled.

2 MR. WEBER: Okay. So, the documents that you
3 circled and put your initial on -- initials on were the
4 documents that you used -- or was the information you
5 used to compile table number two in the interim report,
6 correct?

7 DR. BOYLE: I believe so, or documents that
8 looked very much like those.

9 MR. WEBER: Okay. Did you -- did you make
10 the decision to track the same time periods that
11 Sergeant Gilbert tracked?

12 DR. BOYLE: No.

13 MR. WEBER: Well, let's take a look at the
14 documents that you circled. And if you don't mind, I'm
15 going to stand next to you again because you've got the
16 only copy with the circling and the initials on it, I'm
17 sorry.

18 DR. BOYLE: Okay.

19 MR. WEBER: Do any of the tables that you
20 circled cover or provide information about 1994?

21 DR. BOYLE: Not this.

22 (Pause)

23 DR. BOYLE: It does not appear so.

24 MR. WEBER: So, the tables that you circled
25 in what we've marked as CB-4 --

1 DR. BOYLE: Yes.

2 MR. WEBER: -- include information for what
3 years?

4 DR. BOYLE: Well, looking at the memo, it
5 would appear that they would be 1997.

6 MR. WEBER: As well as 1998, correct?

7 DR. BOYLE: Well, yeah. I just need to find
8 the 1998. Yeah, these look like it -- these have 1998
9 data on them.

10 MR. WEBER: Okay. None of the documents
11 you've circled, though, provide information for 1994,
12 correct?

13 DR. BOYLE: Correct.

14 MR. WEBER: And none of the tables you've
15 circled provide information for 1996, correct?

16 DR. BOYLE: I don't -- it would appear so,
17 yes.

18 MR. WEBER: Okay. So, my question to you is
19 where did you get -- what data did you rely on for 1994
20 and 1996 analyses of Moorestown and Cranbury consent to
21 searches that is set forth in table number two and
22 further described in footnote number two of the interim
23 report?

24 (Pause)

25 DR. BOYLE: I don't see them here.

1 MR. WEBER: Is it possible, Doctor, that what
2 you did was you took your analysis of the later dates,
3 that being '97 and '98 and '99, you figured out what
4 the statistics -- what the percentages were on the
5 consent to search data for Cranbury and Moorestown, and
6 then you then included the information in Sergeant
7 Gilbert's memo, those percentages, and you averaged
8 them together to come up with the ultimate numbers that
9 are found in table two?

10 DR. BOYLE: No.

11 MR. WEBER: Why not?

12 DR. BOYLE: Because I wouldn't work like
13 that.

14 MR. WEBER: Okay. How -- well, let's step
15 back. How did you come up with the percentages that
16 are set forth in table two when table two deals with
17 information for 1994, for 1996, for 1997, 1998 and
18 1999?

19 DR. BOYLE: There -- there were probably data
20 either in the boxes or elsewhere. If I had -- I mean
21 can I look through this?

22 MR. WEBER: Please. Please.

23 (Pause)

24 MR. WEBER: Actually you know what, why don't
25 we take a five-minute break, give you an opportunity to

1 take a look through that. If you need a bathroom
2 break, that's fine also.

3 DR. BOYLE: Okay.

4 MR. WEBER: But we've been going for, you
5 know, probably about an hour and a half already. So,
6 we'll go off the record.

7 (Recess)

8 MR. WEBER: Doctor, you've had an opportunity
9 to take a look through what we've marked as CB-4, which
10 is also marked as G-33.

11 Are you now able to ascertain what materials
12 you relied on for the time frames of your analysis that
13 coincided with Sergeant Gilbert's analysis?

14 DR. BOYLE: No.

15 MR. WEBER: Okay. Do you have any
16 recollection as to what materials you reviewed to
17 conduct your analysis for the same time periods that
18 were set forth in Sergeant Gilbert's undated memo?

19 DR. BOYLE: I don't recall exactly what I
20 used. But I'm betting that both of us used the same
21 source document. So, it may well have been in the
22 boxes, but it's not in this report.

23 MR. WEBER: Did you --

24 DR. BOYLE: Although I did use these. I
25 didn't -- do you want me to circle these?

1 MR. WEBER: Okay, yeah. When you say these,
2 you're holding up --
3 DR. BOYLE: I'm not sure whether I put them
4 in a table, but I did look at these data.
5 MR. WEBER: Okay. And the data starts off
6 with Cranbury Station Trooper D, Daily Radio Log
7 Synopses --
8 DR. BOYLE: Right.
9 MR. WEBER: -- May --
10 DR. BOYLE: These are --
11 MR. WEBER: -- 1997.
12 DR. BOYLE: Right.
13 MR. WEBER: Okay.
14 DR. BOYLE: Now, how exactly they were used,
15 I don't recall.
16 MR. WEBER: All right.
17 DR. BOYLE: But I do recall them.
18 MR. WEBER: Why don't we do this, if you
19 could put your initials in the upper right-hand corner
20 and circle it and that will indicate that you used
21 those documents, but you didn't wholesalely accept the
22 figures in the documents, correct? Or you didn't just
23 fold them into the interim report.
24 DR. BOYLE: Not that I recall.
25 MR. WEBER: Okay.

1 DR. BOYLE: For one thing, I can't really see
2 the numbers.
3 MR. WEBER: How did you use these reports
4 that you're about to mark in the upper right-hand
5 corner?
6 DR. BOYLE: I know we considered whether it
7 ended up in a report, these can -- these probable cause
8 search stuff. Now, there were so few of them -- I
9 think there's a footnote that actually talks about how
10 few there were. There were like 39 or something.
11 MR. WEBER: But you used them in connection
12 with which table?
13 DR. BOYLE: I don't think we used it in
14 connection with any table. I think it's probably in
15 connection with some written -- with text.
16 MR. WEBER: All right.
17 DR. BOYLE: Right.
18 MR. WEBER: So, it wasn't used in connection
19 with either table one --
20 DR. BOYLE: I don't believe so.
21 MR. WEBER: -- two or three?
22 DR. BOYLE: No.
23 MR. WEBER: No, okay.
24 DR. BOYLE: So, you still want me to do that?
25 DR. BOYLE: Yes, why don't you -- upper

1 right-hand corner, just put your initials and circle
2 them.

3 (Pause)

4 MR. WEBER: Okay. You've identified those
5 pages?

6 DR. BOYLE: I have.

7 MR. WEBER: Okay. You could just -- if you
8 would put them back into the document.

9 DR. BOYLE: Where they belong?

10 MR. WEBER: Yes. If you remember.

11 MS. GLADDING: Here, I have a master version
12 if you want to use it as a guide.

13 DR. BOYLE: Thanks.

14 (Pause)

15 MR. WEBER: Doctor, explain for us the
16 methodology that you used to compile the data and put
17 together table number two in the interim report.

18 DR. BOYLE: Again, I can't recall where I got
19 the data, that is not in this report. But what we
20 actually did would be to kind of count up the data by
21 race for each of these stations and present it. I mean
22 there's nothing original here at all.

23 MR. WEBER: All right. So, you would have,
24 for the time periods identified in footnote number two
25 of the interim report, you would have taken the number

1 of consent searches conducted, broken down by race, add
2 them all together, and then figure out the percentages
3 by racial category, correct?

4 DR. BOYLE: Correct, breaking them out by
5 Moorestown and Cranbury Station.

6 MR. WEBER: Right. Let's go back to some of
7 your earlier testimony. You get the four to five boxes
8 from Mr. LoGalbo, you bring them back to Front Street
9 where your office is and you basically have your entire
10 office going through this stuff now, right? Were there
11 any other big projects you had going that you put on
12 hold in order to conduct the analyses that you were
13 doing?

14 DR. BOYLE: Oh, I'm sure.

15 MR. WEBER: Okay.

16 DR. BOYLE: I can't remember exactly what
17 they were, but I'm sure we were doing other things.

18 MR. WEBER: How -- how long a period of time
19 did you have your whole office engaged to assist you
20 and the State Police Review Team?

21 DR. BOYLE: I would say about two or there
22 weeks.

23 MR. WEBER: And for the most part, everything
24 else was put aside so you could do this work?

25 DR. BOYLE: well, for the most part. Some

1 things we couldn't keep aside, but --

2 MR. WEBER: All right. Your -- your team,
3 which is pretty much your whole office, starts doing
4 their work when?

5 DR. BOYLE: I would say probably -- I would
6 say within hours of my getting hold of the boxes.
7 After I was able to review the type of data that were
8 on the reports and what data I thought might be worth
9 extracting.

10 MR. WEBER: Okay. Which you thought was
11 shortly after the March 9 meeting --

12 DR. BOYLE: I would bet.

13 MR. WEBER: -- with Mr. Zoubek?

14 DR. BOYLE: Yeah.

15 MR. WEBER: Okay. So, your team gets
16 underway shortly after March 9, 1999 and for
17 approximately -- what was it, two or three weeks,
18 they're -- the vast majority of their time is spent on
19 working on the racial profiling issue, correct?

20 DR. BOYLE: Correct.

21 MR. WEBER: All right. We have now, and
22 we've shown you the March 15th or March 16th memo from
23 Mr. Zoubek in which he says on March 15th, I get this
24 information from Sergeant Gilbert, correct?

25 DR. BOYLE: Um-hum.

1 MR. WEBER: You now have analyses in your
2 possession within a few hours of that and Ms. Gladding
3 brought you through the book, which we've marked as CB-
4 4, previously marked as G-33. You now have that
5 analysis, do you now shift the focus of your team on
6 what they're doing because a lot of the work has now
7 already been done?

8 DR. BOYLE: That's part of it.

9 MR. WEBER: What's the other part?

10 DR. BOYLE: Good, I was hoping you would ask
11 me that question. The other part of it is that the
12 data were so difficult to read from the radio logs and
13 the patrol charts that I began to lose confidence that
14 we were ever going to get it right. The data were
15 missing, in some instances we were trying to make best
16 guesses about what they intended.

17 So, that when other data became available,
18 that I would have no reason to suspect. That seemed
19 like the logical way to go. That that data were
20 probably going to be more accurate and reliable than
21 the data we were going to be able to put together based
22 on those handwritten logs.

23 MR. WEBER: All right. So, you get the new
24 data from the Sergeant Gilbert information.

25 DR. BOYLE: Right.

1 MR. WEBER: And I guess you happily go back
2 to the team and say, stop.

3 DR. BOYLE: Well, not yet. We continued for
4 a while. Just -- I mean we did -- because you -- as
5 far as I'm -- I go, I would really prefer original
6 data. I mean data that I'm aware of where it came from
7 and it would give me more -- I don't necessarily like
8 summary data. I would really like to see the data that
9 went into the summary process. So, that I probably
10 stuck with this a little longer than probably someone
11 else would have until it dawned on me that even if we
12 did this, I was not ever going to have enough
13 confidence in the data teams.

14 MR. WEBER: All right. Now, let's look at
15 table one of the interim report. That is the table
16 that concerns motor vehicle stops by Cranbury and
17 Moorestown, April, '97 through November of '98.

18 DR. BOYLE: Um-hum.

19 MR. WEBER: If I understand your testimony,
20 this table is based upon the documents that you marked
21 in the lower right-hand corner with your initials and
22 the information presented in those tables which were
23 contained in Mr. -- in Sergeant Gilbert's notebook,
24 correct?

25 DR. BOYLE: I believe so, yes.

1 MR. WEBER: Okay. So, -- and there wasn't
2 any independent work done by you and your team that
3 then found its way into table one, correct?

4 DR. BOYLE: Correct.

5 MR. WEBER: All right. So, we now know that
6 the patrol logs and -- the patrol charts and the radio
7 logs, which would have given you the information about
8 the stops, you now determine we don't need to deal with
9 those documents anymore, correct?

10 DR. BOYLE: Correct.

11 MR. WEBER: After a few more days of going
12 along -- a few more days after getting the Sergeant
13 Gilbert materials, you continue to analyze the radio
14 logs and the patrol charts for a few more days and you
15 say, okay, we don't need to do this anymore, correct?

16 DR. BOYLE: Correct.

17 MR. WEBER: Because we now have the data, the
18 stop data that was previously done by the State Police,
19 correct?

20 DR. BOYLE: Correct.

21 MR. WEBER: Let's go to table two. You've
22 got --

23 MS. GLADDING: Let's stay on table one for a
24 minute.

25 MR. WHEELER: Did you compare -- at the point

1 at which you stopped going through the boxes of
2 documents, did you compare your preliminary findings
3 with what was contained in the Gilbert summaries?

4 DR. BOYLE: I don't believe so.

5 MS. GLADDING: In the tables that you marked
6 in the lower right-hand corner as having worked off of
7 for the stop data --

8 DR. BOYLE: Right.

9 MS. GLADDING: -- and the consent data, if
10 you could turn to -- and I'm going to describe it to
11 you since it's not numbered, but it's --

12 DR. BOYLE: I think I made it.

13 MS. GLADDING: Beg your pardon?

14 DR. BOYLE: I think I'm there.

15 MS. GLADDING: All right. It looks like
16 this, the bottom number in the right-hand corner of the
17 top chart is two-three-three.

18 DR. BOYLE: Yes.

19 MS. GLADDING: Okay. It looks at the top as
20 thought that says 4/97 to 9/97. And I base that in
21 part on the cover memo.

22 DR. BOYLE: Right.

23 MS. GLADDING: Which is 4/97 through 9/97.
24 The following page indicates it's 10/97 through 3/98.

25 DR. BOYLE: Correct.

1 MS. GLADDING: And it's also daily radio log
2 information.

3 DR. BOYLE: Correct.

4 MS. GLADDING: Okay. And these were both
5 marked by you as data on which you relied, right?

6 DR. BOYLE: Yes.

7 MS. GLADDING: Okay. I'm looking at footnote
8 number one on Page 26 that indicates that for stop
9 data, data for February, '98 are missing.

10 DR. BOYLE: Yes.

11 MS. GLADDING: But this would appear to
12 include February, '98. And I'm trying to understand
13 why that -- trying to understand why that footnote is
14 there. And I'm not at all certain my question is
15 clear.

16 DR. BOYLE: Now, well -- yeah, it is, you're
17 looking for February, '98. I don't see February, '98.
18 Although I don't see well at all.

19 MS. GLADDING: See this page? Yeah, this
20 one.

21 DR. BOYLE: Yes.

22 MS. GLADDING: It's 10/97 to 3/98.

23 DR. BOYLE: Okay. Now, these are searches
24 and not stops.

25 MS. GLADDING: Okay, we're on the wrong page

1 then. This is daily radio log. February, '98 is
2 blank. That's the explanation.

3 DR. BOYLE: All right.

4 MS. GLADDING: Thank you, Scott.

5 MR. WEBER: That's okay.

6 MS. GLADDING: If you told me that two weeks
7 ago, it would have been helpful.

8 (Laughter)

9 DR. BOYLE: Could have saved me a lot of
10 stress, too.

11 MR. WEBER: See, I told you, we're not out to
12 trick you here. I pointed out that February, '98 was
13 not available in the daily radio log charts. Okay.

14 So, table one we now know -- well, I want to
15 get into the methodology just quickly on table number
16 one. You've got the materials that were obtained from
17 Sergeant Gilbert.

18 Did you -- how did you -- what was your
19 methodology, to add-up the total number of stops? You
20 figured out the percentages? You broke it down by
21 race? And that's how it wound-up in table number one.

22 DR. BOYLE: Correct.

23 MR. WEBER: Okay. Table number two we've
24 already talked about.

25 We talked about the time frames in which you

1 mirrored Sergeant Gilbert's time frames and then you
2 went further.

3 DR. BOYLE: Um-hum.

4 MR. WEBER: For the -- for the later time
5 periods, and when I say later, I mean the time periods
6 not covered in Sergeant Gilbert's memo, and that would
7 be 1997 going forward. Did you rely on the data
8 provided in Sergeant Gilbert's notebook about consent
9 searches for 1997 and 1998?

10 DR. BOYLE: They would be those -- those
11 pages that I circled.

12 MR. WEBER: The pages that you circled --

13 DR. BOYLE: Yes.

14 MR. WEBER: -- in the lower right-hand
15 corner.

16 DR. BOYLE: Right-hand corner.

17 MR. WEBER: Okay. And you've told us the
18 methodology that you used to put that table together.

19 DR. BOYLE: Um-hum.

20 MR. WEBER: Table number three is now arrest
21 -- arrest by Cranbury, Moorestown and Newark stations.
22 Incidentally, why did you include in table number three
23 Newark when in tables number one and two, Newark was
24 not included?

25 DR. BOYLE: Probably because we were able to

1 get Newark.

2 MR. WEBER: Okay. What information did you
3 rely on to conduct the analysis of arrests set forth in
4 table number three for Cranbury, Moorestown and Newark?
5 And this is for 1996 through 1998.

6 DR. BOYLE: These would be the -- it would be
7 the computerized criminal history database.

8 MR. WEBER: Okay. So, it was -- it wasn't
9 any of the material found in Sergeant Gilbert's
10 notebook?

11 DR. BOYLE: no.

12 MR. WEBER: Okay. Your team is working, the
13 vast majority of their time is going into this for a
14 few weeks. You then get the Sergeant Gilbert notebook,
15 a few days later you let everyone know, okay, on the
16 stop data we don't need to go through the radio logs
17 and the patrol charts anymore, we're going to rely on
18 this material provided by the State Police, correct?

19 DR. BOYLE: Yes. I mean I probably talk a
20 little bit more about how I thought that -- to continue
21 to go through the radio logs would not be worthwhile,
22 given the fact that I was never going to be comfortable
23 with how reliable and valid the data were.

24 MR. WEBER: Okay. You weren't going to be
25 comfortable with how reliable the data was because why?

1 DR. BOYLE: Because it was hard to read.

2 MR. WEBER: Okay.

3 DR. BOYLE: There would be -- when we were
4 looking at plate numbers, for examples, we would be
5 missing a digit. And we would -- we would say, well,
6 it looks like it's probably this. And then we wanted
7 to be careful that we weren't -- we weren't assuming
8 that certain notes looked like this kind of a race.
9 And based on what I knew they were looking at, I wanted
10 us to not ever be -- have it ever be suggested that we
11 made assumptions about certain groups and not other
12 groups. That the easiest thing to do, because we had
13 State Police data that I had no reason to believe was
14 anything but correct was probably the best way to go.

15 MR. WEBER: Okay. The State Police data that
16 you had -- and that's the data that's included in
17 Sergeant Gilbert's notebook, does not identify where
18 they got the data from, correct?

19 DR. BOYLE: That's correct.

20 MR. WEBER: Okay. Did you contact the State
21 Police or ask anyone on your behalf to contact the
22 State Police to say, hey, what did you base these
23 tables on?

24 DR. BOYLE: No.

25 MR. WEBER: Did you do anything to determine

1 whether the State Police looked at the exact -- copies
2 of the exact same radio logs and patrol charts that
3 you, yourself, had a concern about when they conducted
4 their analysis?

5 DR. BOYLE: I had no way of knowing. It
6 would appear that we used the same source document.

7 MR. WEBER: Okay. But you did nothing to
8 find out what source -- find out what source documents
9 the State Police used when they conducted their
10 analysis.

11 DR. BOYLE: Correct.

12 MR. WEBER: Okay. And you did nothing to
13 find out what source document Sergeant Gilbert did when
14 he conducted his analysis in the undated memo that
15 we've referred to as G-13.

16 DR. BOYLE: Um, that's correct. Does he make
17 that -- does he say where he got the data? I mean I
18 don't know, he may have.

19 MR. WEBER: He only states that he looked at
20 various types of reports for 1994 --

21 DR. BOYLE: Okay.

22 MR. WEBER: -- through 1996 from the Pike,
23 Cranbury/New Brunswick and Moorestown.

24 DR. BOYLE: Okay. Then no, I don't know.

25 MR. WEBER: Did you communicate to Mr.

1 Susswein that now that you had this information, or
2 anyone else at the A.G.'s Office, now that you had this
3 information from Sergeant Gilbert, you were going to
4 discontinue your Team's analysis of the radio logs and
5 patrol charts?

6 DR. BOYLE: So long as they agreed, yes.

7 MR. WEBER: And what did Mr. Susswein say?

8 DR. BOYLE: They agreed.

9 MR. WEBER: Did Mr. Susswein ask you whether
10 you confirmed that the data that the State Police used
11 in their analyses was valid data to use?

12 DR. BOYLE: No.

13 MR. WEBER: Did Mr. Susswein offer to himself
14 or to have someone else contact the State Police to
15 find out what source documents the State Police used --

16 DR. BOYLE: No.

17 MR. WEBER: -- in their analyses?

18 DR. BOYLE: Not that I know of.

19 MR. WEBER: Okay. So, Mr. -- Mr. Susswein
20 accepted your recommendation that, hey, we now have
21 hard data from the State Police, let's not reinvent the
22 wheel, we'll use the stuff in the interim report,
23 correct?

24 DR. BOYLE: That --

25 MR. WEBER: In substance.

1 DR. BOYLE: That coupled with the fact,
2 again, that I go back to that I think is even -- is the
3 most important is that we were not convinced that the
4 data we were going to produce was going to be good.

5 MR. WEBER: Okay. But --

6 DR. BOYLE: Which is probably the biggest
7 reason to discontinue that.

8 MR. WEBER: Right. And I don't mean to be
9 argumentative here, but I guess the problem that I'm
10 having is if you had a concern about the source data
11 that you were provided with, didn't you have a similar
12 concern that the source data that the State Police may
13 have been relying upon was the same source data and,
14 therefore, maybe their analysis wouldn't be correct?

15 DR. BOYLE: I think I thought that they had
16 some automated data there that they were pulling this
17 data from.

18 MR. WEBER: Even for the earlier years.

19 DR. BOYLE: Yes.

20 MR. WEBER: And even Sergeant Gilbert.

21 DR. BOYLE: Yes.

22 MR. WEBER: Did you ask if they had automated
23 data?

24 DR. BOYLE: No.

25 MR. WEBER: Okay.

1 DR. BOYLE: But I know when I worked there we
2 had automated data. We had little databases set-up all
3 over the place. So --

4 MR. WEBER: Did you have automated data when
5 you worked there that could have derived the stop
6 figures and the consent to search figures and the
7 arrest figures?

8 DR. BOYLE: Not in the Criminal Investigation
9 Section.

10 MR. WEBER: All right. Go ahead.

11 MS. GLADDING: I just want to clarify
12 regarding table two what your testimony is about the
13 months that are discussed in footnote two. And if --
14 we're on Page 27 of the interim report.

15 Was it your testimony that you did not rely
16 upon the undated Gilbert memo numbers?

17 DR. BOYLE: I would not have because he
18 didn't have the detailed breakdown that I have.

19 MS. GLADDING: And by detailed breakdown, you
20 mean Hispanic and Asian, in addition to black.

21 DR. BOYLE: Correct.

22 MS. GLADDING: Okay. And is it your
23 testimony that you were not certain based upon looking
24 at Sergeant Gilbert's notebook where you got the
25 numbers from --

1 DR. BOYLE: That's right.
2 MS. GLADDING: -- for those months. But that
3 it came from somewhere in this notebook.
4 DR. BOYLE: Well, it may not have.
5 MS. GLADDING: Okay.
6 DR. BOYLE: No, because I would have -- I
7 think I would have found it when I was looking at it
8 for the break. So, if I have the whole notebook, it
9 would appear that I did not get those data from the
10 notebook.
11 MS. GLADDING: Okay. But is it your
12 testimony that this data did not come from -- was not
13 generated from raw material that you had in-house?
14 DR. BOYLE: It was not.
15 MS. GLADDING: Okay.
16 MR. WEBER: Did Mr. LoGalbo indicate to you
17 where he had gotten the documents from that he then
18 subsequently passed on to you?
19 DR. BOYLE: I believe -- and I don't know how
20 I know this, I don't know whether I know this from Mike
21 or not, but I know that George Rover had been
22 collecting a lot of the data that the Department of
23 Justice was asking for and that I believe some of that
24 -- some of the data that was available came from those
25 boxes.

1 MR. WEBER: When -- do you know when Mr.
2 Rover began -- started -- began collecting data in
3 connection with the Department of Justice inquiry?
4 DR. BOYLE: I have no idea.
5 MR. WEBER: Did you know whether D.A.G. Rover
6 had any interaction with Sergeant Gilbert in connection
7 with the collection of information from the State
8 Police?
9 DR. BOYLE: I have -- I have no idea.
10 MR. WEBER: Did you ever -- ever have any
11 discussions with D.A.G. Rover about the issue of racial
12 profiling?
13 DR. BOYLE: No.
14 MR. WEBER: You ever have any discussions
15 with Sergeant Gilbert about the issue of racial
16 profiling?
17 DR. BOYLE: No.
18 MR. WEBER: You get -- you get the
19 information from Sergeant Gilbert -- from Mr. Susswein
20 from Sergeant Gilbert's notebook -- let me start over.
21 That was very inartful.
22 You get the information contained in Sergeant
23 Gilbert's notebook March 15th or March 16th of 1999. A
24 few days later you then decide to discontinue your
25 analysis of the patrol charts and the radio logs and

1 rely upon the charts that are presented in Sergeant
2 Gilbert's notebook, correct?
3 DR. BOYLE: Correct, and somewhere else
4 obviously.
5 MR. WEBER: And somewhere else. What
6 additional analyses did you conduct after you
7 discontinued the analyses that ultimately found its way
8 into table one, which is the stop --
9 DR. BOYLE: Probably none.
10 MR. WEBER: So, --
11 DR. BOYLE: I would be done.
12 MR. WEBER: So, the project was pretty much
13 done.
14 DR. BOYLE: My part of it. I had a very
15 narrow --
16 MR. WEBER: Did -- how did you -- in what
17 form did you present your analyses to Mr. Susswein?
18 DR. BOYLE: It looks like an Excel
19 spreadsheet.
20 MR. WEBER: Okay. The tables that are in the
21 interim report, tables one, two and three, is that the
22 same format that you presented the information to Mr.
23 Susswein?
24 DR. BOYLE: Yes, that's our table.
25 MR. WEBER: Okay. Did the tables change in

1 any manner from when you first presented them to Mr.
2 Susswein to the point in time that they found their way
3 into the interim report, the final version?
4 DR. BOYLE: I don't believe so.
5 MR. WEBER: Okay. The numbers stayed the
6 same, format stayed the same? You need to say yes on
7 the -- I'm sorry.
8 DR. BOYLE: Yes, I'm sorry.
9 MR. WEBER: Okay.
10 DR. BOYLE: Yes. Yes.
11 MR. WEBER: All right. So, the format stayed
12 the same, yes?
13 DR. BOYLE: yes.
14 MR. WEBER: The numbers stayed the same?
15 DR. BOYLE: Yes.
16 MR. WEBER: The breakdown stayed the same?
17 DR. BOYLE: Yes.
18 MR. WEBER: Did Mr. Susswein or anyone else
19 request that you make any changes to the tables?
20 DR. BOYLE: Not that I recall.
21 MS. GLADDING: I have a -- when you got the
22 boxes, you mentioned earlier that there was some
23 consent search data in the boxes. Do you recall what
24 it was?
25 DR. BOYLE: I think there were actual

1 reports, maybe consent reports.
2 MS. GLADDING: Consent to search reports?
3 So, to clarify, the actual -- not compilations or not
4 analyses, but actual reports filled out by troopers.
5 DR. BOYLE: Right.
6 MS. GLADDING: And signed by motorists.
7 DR. BOYLE: Right.
8 MS. GLADDING: Okay. Did --
9 DR. BOYLE: Now --
10 MS. GLADDING: I'm sorry, go ahead.
11 DR. BOYLE: Okay. I don't believe that those
12 searches made their way to the tables, but I think that
13 there's a reference to them in the text.
14 MS. GLADDING: Okay.
15 DR. BOYLE: The 15 sample dates.
16 MR. WEBER: I gave Mr. Flanagan a document
17 that I previously marked --
18 MS. GLADDING: Oh, wait. Let me back-up for
19 a second. The consent to search data that was in the
20 boxes was the 15 sample dates?
21 DR. BOYLE: I believe.
22 MS. GLADDING: Okay.
23 MR. WHEELER: Are those four to five boxes
24 still in your possession?
25 DR. BOYLE: No.

1 MR. WHEELER: Do you know where they are?
2 DR. BOYLE: I gave them back to Mike.
3 MR. WEBER: Actually before we get to CB-3,
4 did anyone at the Attorney General's Office contact you
5 in connection with the document production that they
6 made, either for the Department of Justice -- well, let
7 me make it more generally. Has anyone contacted you to
8 ask you if you have any files concerning the issue of
9 racial profiling?
10 DR. BOYLE: Yes.
11 MR. WEBER: When were you first contacted?
12 DR. BOYLE: Oh, God, months ago.
13 MR. WEBER: Okay. Did you have any files?
14 DR. BOYLE: I did, but I didn't remember
15 then.
16 MR. WEBER: At some point in time thereafter,
17 then you remembered you had files?
18 DR. BOYLE: Yes.
19 MR. WEBER: Did you make the Attorney
20 General's Office aware of that?
21 DR. BOYLE: I did.
22 MR. WEBER: Did they take copies of those
23 files?
24 DR. BOYLE: They took the original file.
25 MR. WEBER: Okay. And did they return the

1 original file to you?

2 DR. BOYLE: No, I didn't need the original
3 file. I forgot -- I had locked it up outside of the
4 typical place I would keep files. So, that I -- I
5 didn't remember I had it. When I noticed I had it, I
6 walked it back.

7 MR. WEBER: Why did you lock it up outside of
8 the typical place --

9 DR. BOYLE: Because it was way in the
10 beginning and it had to do with the actual
11 investigation of Kenna and Hogan.

12 MR. WEBER: Okay.

13 DR. BOYLE: So, I didn't think that it should
14 be hanging around.

15 MR. WEBER: When you said it was way in the
16 beginning and it had to deal with the investigation of
17 Hogan and Kenna, the Hogan and Kenna shooting was April
18 23rd, 1998.

19 DR. BOYLE: Right.

20 MR. WEBER: Were you somehow involved in that
21 case?

22 DR. BOYLE: I think at that point, there was
23 that belief that there was some changing of races. I
24 never did anything.

25 MR. WEBER: Okay. There was -- there was

1 changing of races on what?

2 DR. BOYLE: The reports.

3 MR. WEBER: The patrol charts?

4 DR. BOYLE: Yeah.

5 MR. WEBER: Or the reports? Okay. Who --
6 who contacted you to get you involved in the Hogan and
7 Kenna situation?

8 DR. BOYLE: It may have been Ron. Or it may
9 have been Debbie Stone.

10 MR. WEBER: And what did they want you to do?

11 DR. BOYLE: I think at that point, I didn't
12 do anything. So, maybe it was just to look through and
13 see if there was any data we might be able to have to
14 kind of validate whether or not the data that these
15 troopers had was correct, meaning that was there any
16 way we could use databases that would indicate whether
17 or not these people were black or were white based on
18 the notations made by the troopers. I think that the
19 real question was would we be able to look at motor
20 vehicle records, I believe, to see if that were true.

21 MR. WEBER: All right. So, in other words,
22 either Ms. Stone or Mr. Susswein contacted you to see
23 if your unit had the ability to confirm or demonstrate
24 that information in documents that were filled out by
25 Troopers Hogan and Kenna was correct or incorrect.

1 DR. BOYLE: Correct.
2 MR. WEBER: All right. Ultimately did you
3 perform such a task?
4 DR. BOYLE: Well, I performed the task in
5 looking at it to see if there were any way we could use
6 automated databases to provide that information.
7 MR. WEBER: And what did you determine?
8 DR. BOYLE: I determined that there was none.
9 MR. WEBER: Okay. And you communicated that
10 information to Ms. Stone or Mr. Susswein?
11 DR. BOYLE: That's correct.
12 MR. WEBER: So, ultimately you didn't do the
13 comparison --
14 DR. BOYLE: I did nothing.
15 MR. WEBER: -- that they wanted you to do.
16 DR. BOYLE: Right.
17 MR. WEBER: Did you -- were you asked to do
18 anything else in connection with the Hogan and Kenna
19 case?
20 DR. BOYLE: No.
21 MR. WEBER: So, you had that file, you put
22 that aside. Then in February of 1999 or March, 1999,
23 you get the call from Mr. Susswein and he asks you to
24 assist the State Police Review Team, correct?
25 DR. BOYLE: Correct.

1 MS. GLADDING: I think your testimony was
2 March of '99 you thought.
3 DR. BOYLE: Yeah, March, April.
4 MR. WEBER: Yeah, beginning of March because
5 it was after Colonel Williams was fired, which is
6 February 28th of '99.
7 DR. BOYLE: Yeah.
8 MR. WEBER: So, March of '99, you then become
9 involved with the State Police Review Team.
10 DR. BOYLE: Right.
11 MR. WEBER: And I take it you used the same
12 file that you had previously set up for the Hogan and
13 Kenna shooting to then store the materials that you
14 amassed in connection with your analysis of racial
15 profiling.
16 DR. BOYLE: No, I wouldn't use the same -- I
17 don't think I --
18 MR. WEBER: Well, you said --
19 DR. BOYLE: -- would use that.
20 MR. WEBER: You said that you had -- you had
21 put the file of your materials in a place separate and
22 apart from where you would put your normal file --
23 DR. BOYLE: Right.
24 MR. WEBER: -- because it went back to the
25 Hogan and Kenna incident.

1 DR. BOYLE: Right.

2 MR. WEBER: Okay. So, I guess my question is
3 did you use the file that you established for the Hogan
4 and Kenna task that ultimately you didn't perform, did
5 you use that physical file to then store materials in
6 connection with your work with the State Police Review
7 Team?

8 DR. BOYLE: No, because it just wasn't big
9 enough to store all those materials, those boxes.

10 MR. WEBER: Okay. You get contacted by the
11 A.G.'s Office to see if you have any documents. At
12 first you don't think you do. But then later on, you
13 realize that you did have a file.

14 DR. BOYLE: Right.

15 MR. WEBER: And you gave that original file
16 to the Attorney General's Office.

17 DR. BOYLE: Correct.

18 MR. WEBER: And they still have it.

19 DR. BOYLE: As far as I know.

20 MR. WEBER: What was -- what were the
21 contents of that file --

22 DR. BOYLE: It was --

23 MR. WEBER: -- as best as you can recall?

24 DR. BOYLE: It was the second part of an
25 investigation report that had some of the documents

1 about who was stopped and what race they were. It
2 wasn't even the whole report.

3 MR. WEBER: It wasn't an investigation report
4 that you put together, correct?

5 DR. BOYLE: No.

6 MR. WEBER: Oh, okay. I've marked for
7 identification as CB-3, and give to Mr. Flanagan, the
8 document dated March 25, 1999. Have you seen this
9 document before?

10 DR. BOYLE: No.

11 MR. WEBER: All right. If you take a look at
12 the handwriting down at the bottom, it says, "Copy to
13 Susswein, Stone, Fisher, Boyle and LoGalbo."

14 DR. BOYLE: Okay.

15 MR. WEBER: Are you aware of there being
16 another Boyle --

17 DR. BOYLE: No, that would be me.

18 MR. WEBER: Okay, that would be you. Do you
19 remember receiving this document?

20 DR. BOYLE: No.

21 MR. WEBER: We're now -- this document's
22 dated March 25th, and there's a discussion of the CAD
23 system in this document, correct?

24 DR. BOYLE: Um-hum.

25 MR. WEBER: If we go back, you've got March

1 16th, 1999, which is when Sergeant Gilbert -- March
2 15th, 1999, which is when Sergeant Gilbert gives his
3 notebook to Director Zoubek, correct?

4 DR. BOYLE: Correct.

5 MR. WEBER: That day, you get a copy of the
6 documents that you've already identified that are found
7 in the Gilbert notebook, correct?

8 DR. BOYLE: Correct.

9 MR. WEBER: Within a few days thereafter, you
10 then determine you don't need to continue your analysis
11 on the patrol charts and the radio logs because there's
12 analyses already conducted by the State Police,
13 correct?

14 DR. BOYLE: Correct.

15 MR. WEBER: And you weren't going to, in
16 essence, reinvent the wheel, correct?

17 So, that puts us at maybe March 20th or
18 thereabouts --

19 DR. BOYLE: Okay.

20 MR. WEBER: -- of '99. On March 25th, you
21 then get this memo -- or we're led to believe that you
22 get this memo about the CAD system.

23 DR. BOYLE: Right.

24 MR. WEBER: Did you, in any way, shape or
25 form use the CAD system to get data that you then used

1 in connection with your analysis for the State Police
2 Review Team?

3 DR. BOYLE: You know, there were data, we
4 didn't use it.

5 MR. WEBER: Why not?

6 DR. BOYLE: Because it was printed. Nobody
7 gave us -- it was files and files of printouts by
8 trooper. We never, at any point, had access to the
9 automated data. And it didn't seem that it was going
10 to do anything.

11 MR. WEBER: Did --

12 DR. BOYLE: I do remember seeing it, though.

13 MR. WEBER: Did you ask whether the CAD
14 system could be used to generate a report of either
15 stops or consent searches or arrests by year and by
16 race?

17 DR. BOYLE: I believe I asked about CAD data.
18 Now, I'm not sure about this. And I think -- I think
19 that I was told that the Turnpike was the last people -
20 - the last group to come on board with CAD.

21 MR. WEBER: And where they on board at this
22 time, March of 1999?

23 DR. BOYLE: I don't know.

24 MR. WEBER: Well, there is a request in here,
25 "I am requesting a detail and summary report data from

1 the CAD system for motor vehicle stops on the New
2 Jersey Turnpike from 12/14/98 to the present."

3 DR. BOYLE: Okay.

4 MR. WEBER: So, apparently from this memo,
5 one was able to derive data about the Turnpike from at
6 least December 14th, 1998 --

7 DR. BOYLE: Right.

8 MR. WEBER: -- going forward.

9 DR. BOYLE: That would be correct.

10 MR. WEBER: Correct? And the tables that you
11 have in your chart -- table one is April, '97 through
12 November of '98, correct?

13 DR. BOYLE: Correct.

14 MR. WEBER: Okay. Which is just before
15 December of '98, correct?

16 DR. BOYLE: That's correct.

17 MR. WEBER: All right. So, if you wanted to
18 expand your analyses, apparently from this memo, you
19 wouldn't have been able to expand your analyses beyond
20 November of 1998, had you wanted to, correct?

21 DR. BOYLE: It would appear so, yes.

22 MR. WEBER: Okay. Any consideration given to
23 expanding your analyses beyond November of 1998?

24 DR. BOYLE: No.

25 MR. WEBER: Okay. To even include December

1 or January and February of 1999?

2 DR. BOYLE: No.

3 MR. WEBER: Did you have -- have any
4 understanding as to why the Turnpike, which would have
5 been Troop D, was the last station to be put on to the
6 CAD system?

7 DR. BOYLE: I have no idea.

8 MS. GLADDING: Are you done with that memo,
9 Scott?

10 MR. WEBER: Yes.

11 MS. GLADDING: I want to go back to the
12 consent to search data that you had in the boxes from
13 D.O.J.

14 DR. BOYLE: Right.

15 MS. GLADDING: Was it your testimony that
16 aside from the analysis that you undertook when you got
17 -- when you first got the information from LoGalbo, the
18 boxes of information, and then stopped because you had
19 what you felt was more accurate data directly from the
20 State Police --

21 DR. BOYLE: Correct.

22 MS. GLADDING: Okay. Was it your testimony
23 that aside from that analysis that your office
24 undertook, there was no other analysis undertaken by
25 your office?

1 DR. BOYLE: There -- there is -- we did have
2 some data that talks about -- and I think it's in this
3 report, that talks about the hit rate.
4 MS. GLADDING: Beg your pardon?
5 DR. BOYLE: The hit or the positive finds in
6 searches.
7 MS. GLADDING: Um-hum.
8 DR. BOYLE: I believe that -- I can't swear
9 to it. I believe that would have come from those
10 files.
11 MS. GLADDING: Which files?
12 DR. BOYLE: The -- the files that Mike
13 LoGalbo had that I believe came from those 30 sample
14 dates. I think it might even state that.
15 MS. GLADDING: Are you looking -- thinking
16 about Page 28?
17 DR. BOYLE: Yeah. On Page 28, the paragraph
18 that begins, "Specifically 19.2 percent of the searches
19 we considered resulted in arrest or seizure of
20 contraband."
21 MS. GLADDING: Okay.
22 DR. BOYLE: That would have come -- the only
23 way we would have known that level of detail would have
24 been if we had access to those actual reports. And the
25 footnote talks about how few there were.

1 MS. GLADDING: Okay, I see that. That refers
2 to Moorestown and Cranbury barracks in May, '97,
3 thirty-nine searches.
4 DR. BOYLE: Right.
5 MS. GLADDING: And thirty-nine searches by
6 troopers assigned to these stations in various dates in
7 1995 and 1996.
8 DR. BOYLE: Yeah.
9 MS. GLADDING: Is that correct?
10 DR. BOYLE: Yeah. Although, you know, that
11 may have come from the data -- that may have come from
12 -- I'm not -- I can't swear to it, but those things I
13 put my initials in the upper right-hand corner.
14 MS. GLADDING: Okay.
15 DR. BOYLE: If you look at them, maybe --
16 MS. GLADDING: I don't recall those having
17 find rates in them.
18 DR. BOYLE: I'm not -- again --
19 MS. GLADDING: Um-hum.
20 DR. BOYLE: Arrest. It had arrest
21 information.
22 MS. GLADDING: That would not be that data?
23 DR. BOYLE: I think it might be that data.
24 (Pause)
25 MS. GLADDING: Okay. You say resulted in an

1 arrest or seizure of contraband. Is that what that
2 data covers?
3 DR. BOYLE: It would appear that way. There
4 are 39 of them here.
5 MS. GLADDING: Okay, great. Now, let me ask
6 you about consent to search -- well, okay. So, you
7 undertook an analysis of the consent to search
8 documents you had in those boxes?
9 DR. BOYLE: I believe so.
10 MS. GLADDING: To reach that conclusion.
11 DR. BOYLE: We looked at those.
12 MS. GLADDING: Or to -- you undertook an
13 analysis of those pages.
14 DR. BOYLE: Yeah, it actually looks like it
15 came from these pages.
16 MS. GLADDING: Okay, those pages then -- just
17 so the record's clear -- with your marks --
18 DR. BOYLE: Yes.
19 MS. GLADDING: -- in the upper right-hand
20 corner.
21 DR. BOYLE: Yes.
22 MS. GLADDING: Resulted in the finding on
23 Page 28 of the interim report that there was a 19.2
24 percent.
25 DR. BOYLE: It certainly looks that way.

1 MS. GLADDING: Arrest or find rate.
2 DR. BOYLE: It certainly looks --
3 MS. GLADDING: All right.
4 DR. BOYLE: I mean I would want to check my
5 math to make sure it came up to 19, but it --
6 MS. GLADDING: Okay. That makes sense. Was
7 there any other analysis that you undertook?
8 DR. BOYLE: No, but there were reports that I
9 looked at. And, again, it would be some -- very few of
10 the reports about the consent searches. And there were
11 -- there weren't many.
12 MS. GLADDING: Okay. If you could look at
13 Page 27 of the interim report, the paragraph beginning,
14 "In addition, general information about searches
15 conducted on 30 randomly selected sample dates were
16 analyzed. According to this internal State Police
17 audit, a total of 38 searches were conducted by the
18 Cranbury and Moorestown stations during these 30 dates.
19 Fifteen in '95 and fifteen in '96. Of these, 81.6
20 percent involved minority persons, more specifically
21 52.6 percent of these 38 searches involved black
22 persons."
23 DR. BOYLE: Yes.
24 MS. GLADDING: Okay. Now, aside from the
25 boxes that you got from Mike LoGalbo --

1 DR. BOYLE: Right.
2 MS. GLADDING: -- and the statistical
3 information that you got from Ron Susswein --
4 DR. BOYLE: Correct.
5 MS. GLADDING: -- after the meeting of the
6 15th, was there any other information that came your
7 way from your superiors or from State Police during
8 this process?
9 DR. BOYLE: Way later, there were some charts
10 that I saw. Pie charts.
11 MS. GLADDING: Pie charts. Okay. Was there
12 -- let me ask you --
13 MR. WEBER: Were those -- were those charts
14 ever put together by Steven Serrao over at the State
15 Police?
16 DR. BOYLE: I don't know, I don't know that
17 name.
18 MS. GLADDING: So, this information in the
19 paragraph that I just read to you about 30 randomly
20 selected sample dates --
21 DR. BOYLE: Um-hum.
22 MS. GLADDING: -- had to have been either in
23 the -- and it refers to an internal State Police audit.
24 That information had to either be in the documents that
25 Ron Susswein gave you that came out of the Gilbert

1 notebook --
2 DR. BOYLE: Correct.
3 MS. GLADDING: -- or in the boxes that you
4 got from Mike LoGalbo before that date.
5 DR. BOYLE: That's correct.
6 MS. GLADDING: And that -- you got those
7 boxes from Mike LoGalbo at some point around the 9th or
8 10th.
9 DR. BOYLE: I would say, yes, somewhere after
10 that.
11 MS. GLADDING: Of March.
12 DR. BOYLE: Yeah.
13 MS. GLADDING: Okay. I'm going to give you a
14 document, and it's already marked CW-16. And I want
15 you to look at that and compare it to the numbers in
16 the interim report in the paragraph I read you about
17 those 30 randomly selected sample dates.
18 (Pause)
19 DR. BOYLE: It looks like it's the same
20 thing.
21 MS. GLADDING: Okay. What I've just given
22 the witness is a July 10th, 1997 memo from Sergeant
23 Gilbert to Colonel Williams.
24 Now, I want you --
25 MR. WEBER: Yeah, it was also -- just for the

1 record, previously identified as G-25.

2 MS. GLADDING: G-25.

3 MR. WEBER: G-25 and CW-16.

4 MS. GLADDING: Okay. I want you to look
5 through -- and I'm sorry to put you through this again.
6 Look through Sergeant Gilbert's notebook and tell me if
7 you see this report in there.

8 (Pause)

9 DR. BOYLE: I don't see it.

10 MS. GLADDING: Okay. Do you have any
11 recollection of when you first saw these numbers and --
12 well, presumably based on your testimony, these numbers
13 that came out of the box is from Mike LoGalbo?

14 DR. BOYLE: Yeah, I think so.

15 MS. GLADDING: Do you have any recollection
16 of having any discussion with anyone about these
17 numbers when you first saw them?

18 DR. BOYLE: Not that I recall.

19 MS. GLADDING: Okay. Is there anything about
20 these numbers that you recall?

21 DR. BOYLE: No.

22 MS. GLADDING: Did you write the narrative on
23 Page 27?

24 DR. BOYLE: No.

25 MS. GLADDING: Okay. I'm going to show you

1 something --

2 MR. WEBER: Actually before we get --

3 MS. GLADDING: Yeah, go ahead.

4 MR. WEBER: Do you know where -- where these
5 numbers came from?

6 DR. BOYLE: These numbers came from?

7 MR. WEBER: Well, no --

8 MS. GLADDING: I think she just testified to
9 that.

10 MR. WEBER: Well, the -- I just want to hear
11 it again. The numbers on Page 27, the paragraph says,
12 "In addition, general information about searches
13 conducted on 30 randomly selected sample dates were
14 analyzed."

15 DR. BOYLE: It would appear that it would be
16 --

17 MR. WEBER: From the 7/10/97 memo, CW-16 and
18 G -- also G-25, correct?

19 DR. BOYLE: Yeah, it would --

20 MR. WEBER: Okay.

21 DR. BOYLE: It's so identical, I can't
22 imagine --

23 MR. WEBER: Right. No, but I want to -- I
24 want to -- let me clarify the question. Did you
25 provide this statistical information to Mr. Susswein

1 for him to then put it in the report? And I'm thinking
2 back to some of your earlier testimony in which you
3 said in addition to the three tables, there was some --
4 just statistical information that found its way into
5 narrative.
6 DR. BOYLE: Right.
7 MR. WEBER: That you would have provided to
8 Mr. Susswein.
9 DR. BOYLE: I have seen this before.
10 MR. WEBER: This meaning CW-16.
11 DR. BOYLE: Yes.
12 MR. WEBER: Okay.
13 DR. BOYLE: I -- Ron would have been able to
14 take this data and write this sentence. So, I don't --
15 MR. WEBER: Would have been able to take CW-
16 16 and write that sentence?
17 DR. BOYLE: Right.
18 MR. WEBER: Okay. But --
19 DR. BOYLE: Well, I don't mean that -- it
20 sound awful. It's just -- there's -- this is not --
21 MR. WEBER: What I'm trying to -- what I'm
22 trying to find out here is where -- you said you've
23 seen this information before, that being CW-16.
24 DR. BOYLE: That's correct.
25 MR. WEBER: Where did you get it from?

1 DR. BOYLE: It would --
2 MR. WEBER: If it wasn't from the Gilbert
3 notebook.
4 DR. BOYLE: It looks like a Gilbert notebook
5 memo.
6 MR. WEBER: Okay.
7 DR. BOYLE: Um --
8 MR. WEBER: But it's not in the Gilbert
9 notebook, right?
10 DR. BOYLE: I didn't see it in the Gilbert --
11 MR. WEBER: Was it part of the materials that
12 you obtained from Mr. LoGalbo?
13 DR. BOYLE: It looks like it could be because
14 it's got this little --
15 MR. WEBER: The bar --
16 DR. BOYLE: Yeah, the bar code.
17 MR. WEBER: The bar code.
18 DR. BOYLE: They were bar coding things, I
19 know at one point.
20 MR. WEBER: All right. So, the documents
21 that you got from Mr. LoGalbo had already been bar
22 coded?
23 DR. BOYLE: Some of them. At least this one
24 had.
25 MR. WEBER: Well, the four to five boxes you

1 got from Mr. LoGalbo --

2 DR. BOYLE: Right.

3 MR. WEBER: -- did those documents have bar
4 coding?

5 DR. BOYLE: Some of them did, I think, and
6 some of them didn't. What happened was there was -- he
7 was -- he was in the process -- I think. He was in the
8 process of organizing these reports when he was told to
9 give me the boxes. So, some of them may have been bar
10 coded by then and some of them may not have been
11 because I interrupted him in his activities.

12 MR. WEBER: Okay. But as you sit here today,
13 you are sure that you saw what's been marked as CW-16
14 before today, correct?

15 DR. BOYLE: I'm fairly sure of it.

16 MR. WEBER: Okay.

17 DR. BOYLE: I mean this doesn't look brand
18 new to me, so --

19 MR. WEBER: All right. And you would have
20 seen it in connection with the analysis you conducted
21 back in March of 1999.

22 DR. BOYLE: I believe so.

23 MR. WEBER: Is it likely that if you had CW-
24 16 back in March of 1999, you would have just presented
25 these statistics to Mr. Susswein to put into the

1 report?

2 DR. BOYLE: Just these and no others?

3 MR. WEBER: Well, no, no, consistent with --
4 for instance, what you did in table one. There were
5 other statistics that had been presented by the State
6 Police. You accept those statistics and the stop data
7 and you made table number one and passed it on to Mr.
8 Susswein, correct?

9 DR. BOYLE: Yeah, that --

10 MR. WEBER: So, it would have been consistent
11 with how you were conducting this analysis to have
12 taken the information presented in CW-16 and pass it on
13 to Mr. Susswein and say, you know, here's more
14 information to include in the report.

15 DR. BOYLE: Yeah.

16 MR. WEBER: Did you ask Mr. LoGalbo at any
17 time in substance, hey, Mike, you know, I've got to do
18 this analyses, do you remember seeing any statistics,
19 any analyses, any data, any figures in the documents
20 that you've collected in connection with the Department
21 of Justice inquiry?

22 DR. BOYLE: I don't think so.

23 MR. WEBER: Wasn't that a question that you
24 would -- that you would have asked him so as to not
25 reinvent the wheel?

1 DR. BOYLE: Well, I think that I would have
2 looked through the boxes.

3 MR. WEBER: But you wouldn't have
4 specifically asked Mr. LoGalbo, do you remember seeing
5 any documents that set forth statistics or analyses of
6 figures connected with stops or consent searches or
7 arrests?

8 DR. BOYLE: I don't think so, because I don't
9 think he was looking at the documents. I mean I think
10 he was just trying to keep track of them.

11 MR. WEBER: Well, he was indexing them,
12 right?

13 DR. BOYLE: Yeah.

14 MR. WEBER: So, in order to index them, he'd
15 have to look at them to figure out how to describe
16 them, right?

17 DR. BOYLE: Well, I guess. No, I don't -- I
18 mean I looked at those boxes myself.

19 MR. WEBER: Did you ask Mr. LoGalbo whether
20 he could reach out to Mr. Rover to see if Mr. Rover had
21 documents that could assist you in your analysis?

22 DR. BOYLE: No.

23 MR. WEBER: What was -- what was Mr.
24 Susswein's reaction when you provided him with the
25 figures that are set forth in table two of the interim

1 report? Which would indicate for the Cranbury station
2 approximately 76 percent -- I'm sorry, 74 percent of
3 the consent searches were of minorities and or
4 Moorestown, approximately 79 -- 80 percent of the
5 consent searches were minorities. Did Mr. Susswein
6 have any reaction?

7 DR. BOYLE: Well, I don't remember. I think
8 that my reaction was I was a little surprised.

9 MR. WEBER: You were surprised the figures
10 were so high?

11 DR. BOYLE: Yeah.

12 MR. WEBER: Did you express that sentiment to
13 Mr. Susswein?

14 DR. BOYLE: I don't think so.

15 MR. WEBER: And Mr. Susswein didn't express
16 any reaction to the figures to you after you presented
17 them to him.

18 DR. BOYLE: Not that I recall.

19 MR. WEBER: Anybody else express a reaction
20 to the figures?

21 DR. BOYLE: I don't think so. I mean I --
22 no, I don't think so.

23 MR. WEBER: Well, if your role here was to
24 conduct an analysis to help the State Police Review
25 Team in the determination as to whether racial

1 profiling was, in fact, conducted on the Turnpike, you
2 then do this analysis and your analysis bears out that
3 there are very high percentages of minorities that are
4 being subjected to consent searches for the time period
5 set forth in the interim report.

6 Did you, in substance, say to Mr. Susswein,
7 well, guess what, I've got hard data that proves that
8 racial profiling was going on on the Turnpike?

9 DR. BOYLE: I would never say that.

10 MR. WEBER: Why not?

11 DR. BOYLE: Well, because I don't think data
12 can prove anything, for one thing. I think the best
13 you can hope for from data is that it suggests that the
14 activity is not occurring.

15 MR. WEBER: Okay. Well, did you say to Mr.
16 Susswein the data suggests that racial profiling is
17 occurring on the Turnpike?

18 DR. BOYLE: No, I wouldn't have said that.

19 MR. WEBER: Why not?

20 DR. BOYLE: Because I gave enough data, he
21 could draw his own conclusion.

22 MR. WEBER: And he never, after you gave him
23 the data, drew any conclusions and expressed them to
24 you? Or -- or -- I'm sorry. He never expressed to you
25 any conclusions that he drew from your data.

1 DR. BOYLE: I don't -- I don't remember. I
2 mean when I read his report and the draft of the
3 section of the report, I'm sure I could glean what he
4 had concluded.

5 MR. WEBER: Did you provide him with any
6 comments after you received the draft of this section
7 of the report?

8 DR. BOYLE: I don't -- I don't think so. I
9 don't --

10 MR. WEBER: There's a footnote number three
11 on Page 27 that states that you -- "We have recently
12 received from the State Police preliminary tabulations
13 for a more complete data set of Turnpike consent
14 searches for the years '97 and '98. The analysis to
15 date is incomplete with respect to the identification
16 of Hispanic ethnicity among those in the data set. The
17 analysis completed to date are, however, generally
18 consistent with those reported in this section."

19 Were you responsible for drafting that
20 footnote?

21 DR. BOYLE: I think so. I think I worked
22 with Wayne Fisher to kind of put together these kind
23 of --

24 MR. WEBER: Did you actually receive the
25 preliminary tabulations that are mentioned in footnote

1 number three?

2 DR. BOYLE: I saw some charts that had been
3 produced.

4 MR. WEBER: I'm not going to mark these
5 because this is my only -- well, you have a copy of the
6 entire package?

7 MR. WHEELER: Three copies.

8 MS. GLADDING: Yes. Actually it may not be
9 the same version as your copy.

10 MR. WEBER: That's what I'm worried about.

11 MR. WEBER: SP-47277 through -- all right,
12 then I'll just state what they are for the record. And
13 I won't mark them because it's my only copy we're
14 provided with these documents today. I've got two
15 packets. One packet is SP-47277 through 47309. And
16 the other packet is SP-53879 through 53926.

17 Doctor, I'll ask you to take a look at all of
18 these packets and let us know whether the charts that
19 you've just referred to that caused you to add in
20 footnote number three are found in either of these two
21 packets. And if so, if you can identify the charts by
22 the bates range, I'd appreciate it.

23 (Pause)

24 MR. WEBER: Doctor, have you had an
25 opportunity to look at those two packets?

1 DR. BOYLE: One of them.

2 MR. WEBER: Okay.

3 DR. BOYLE: Do you want me to mark what --

4 MR. WEBER: No, I'd just like to identify by
5 document number --

6 DR. BOYLE: Okay.

7 MR. WEBER: -- the documents that were the
8 ones that you saw that then caused you to put together
9 footnote number three on Page 27 of the interim report.

10 DR. BOYLE: Okay. SP-47295, SP-47297 --

11 (Pause)

12 DR. BOYLE: SP-53897, it looks like SP-53899.

13 (Pause)

14 DR. BOYLE: And I think that's it.

15 MR. WEBER: That's it. Okay. So, the
16 documents that caused you and others to put in footnote
17 number three, and more specifically it says, "We have
18 recently received from the State Police preliminary
19 tabulations from a more complete data set of Turnpike
20 consent searches for the years 1997 and 1998. Analysis
21 of data is incomplete with respect to the
22 identification of Hispanic ethnicity among those in the
23 data set. The analyses completed to date are, however,
24 generally consistent with those reported in the
25 section."

1 That -- those preliminary tabulations are
2 what you have identified as SP-47295, 1997 Turnpike
3 consent searches, 472 incidents, correct?

4 DR. BOYLE: Correct.

5 MR. WEBER: SP-47297, 1988 (sic) Turnpike
6 consent searches, 537 incidents.

7 SP-538 -- correct?

8 DR. BOYLE: Um-hum.

9 MR. WEBER: -- 53897, 1997 Turnpike consent
10 searches, 472 incidents. I guess that's the same
11 chart.

12 And 53899, 1998 Turnpike consent searches,
13 537 incidents, correct?

14 DR. BOYLE: Correct.

15 (Pause)

16 MR. WEBER: Well, the 1997 chart -- actually
17 why don't I leave one with you and I'll keep the other
18 packet, because the charts are the same, correct?
19 They're just --

20 DR. BOYLE: They look to be the same.

21 MR. WEBER: -- copies and bate stamped
22 differently, correct?

23 DR. BOYLE: Right.

24 MR. WEBER: The chart -- the difference
25 between table two and table -- and the pie charts, the

1 two pie charts, are that the table breaks down blacks
2 and Hispanics as opposed to just referring to them as -
3 - well, let me -- let me restate that.

4 The two pie charts, the 1997 Turnpike consent
5 searches and the 1998 Turnpike consent searches, which
6 part of the pie chart are Hispanics included, white or
7 black?

8 DR. BOYLE: They don't tell me.

9 MR. WEBER: Okay. So, you don't know whether
10 Hispanics are included in white, black or other,
11 correct?

12 DR. BOYLE: No, I would have no way of
13 knowing.

14 MR. WEBER: All right. Well, how then can
15 you make the representation that the analyses completed
16 to date are, however, generally consistent with the
17 analyses reported in table two if you don't know where
18 the Hispanics are included in the 1997 pie chart and
19 the 1998 pie chart?

20 DR. BOYLE: I believe that these charts were
21 presented in some kind of a presentation. I wasn't at
22 that presentation.

23 So, probably at the presentation, someone
24 mentioned that Hispanics were probably included in
25 whites.

1 MR. WEBER: In whites. And the two pie
2 charts, the '97 pie chart and the '98 pie chart, when
3 it says Turnpike Consent Searches, did you have an
4 understanding as to that including just Cranbury and
5 Moorestown, or did it also include Newark?

6 DR. BOYLE: My understanding was that it
7 include -- included Cranbury and Moorestown, but I
8 would have no way of knowing.

9 MR. WEBER: Okay. It did not include Newark?

10 DR. BOYLE: Not that I know of.

11 MR. WEBER: And you were not at the
12 presentation given by the State Police in which the pie
13 charts and the two packets that we've been discussing
14 were included?

15 DR. BOYLE: That's correct, I was no there.

16 MR. WEBER: Did anyone at the Attorney
17 General's Office ever contact you about the Attorney
18 General's Office or the State Police considering
19 conducting its own violator survey or traffic survey in
20 connection with the racial profiling?

21 DR. BOYLE: Would you repeat that question --

22 MR. WEBER: Sure.

23 DR. BOYLE: -- one more time?

24 MR. WEBER: At any point in time, were you
25 contacted about the possibility of either the Attorney

1 General's Office or the New Jersey State Police
2 conducting a violator survey?

3 DR. BOYLE: Yes.

4 MR. WEBER: By who?

5 DR. BOYLE: I think that it would be Anthony
6 Cowell.

7 MR. WEBER: Anthony?

8 DR. BOYLE: Cowell.

9 MR. WEBER: Who is Anthony Cowell?

10 DR. BOYLE: State Police Affairs.

11 MR. WEBER: And when did he contact you?

12 DR. BOYLE: Recently.

13 MR. WEBER: How recently?

14 DR. BOYLE: Oh, within a few weeks.

15 MR. WEBER: What did he say to you?

16 DR. BOYLE: That they were considering
17 conducting a violator survey and would I look at the
18 methodology being proposed by the consultant who was
19 going to conduct it.

20 MR. WEBER: Who's the consultant?

21 DR. BOYLE: Scott, I don't remember.

22 MR. WEBER: Was it Dr. Cupingood?

23 DR. BOYLE: Excuse me?

24 MR. WEBER: A Dr. Cupingood?

25 DR. BOYLE: I don't remember that name.

1 MR. WEBER: Prior to being contacted recently
2 by Anthony Cowell, you said? C-a-l-l?
3 DR. BOYLE: C-o-w-e-l-l, I believe.
4 MR. WEBER: I wasn't even close. Prior to
5 being contacted by Anthony Cowell recently, had you
6 ever been contacted before about the issue of either a
7 violator survey or a traffic survey?
8 DR. BOYLE: Yes.
9 MR. WEBER: When?
10 DR. BOYLE: I'd say a few months ago I looked
11 at the traffic survey. The population survey you're
12 talking about.
13 MR. WEBER: Who contacted you?
14 DR. BOYLE: Anthony Cowell.
15 MR. WEBER: What did he ask you to do, if
16 anything?
17 DR. BOYLE: To look at some data, I think it
18 was CAD data, and see if the data from the CAD system
19 looked like the survey.
20 MR. WEBER: Looked like what survey?
21 DR. BOYLE: The population survey.
22 MR. WEBER: And who put together the
23 population survey?
24 DR. BOYLE: The same people that are going to
25 do the violator survey, whose name I can't remember.

1 MR. WEBER: All right. So, we now have two -
2 - two communications with Mr. Cowell about this. Other
3 than Mr. Cowell, have you had communications with
4 anyone else about either a violator survey or a traffic
5 survey?
6 DR. BOYLE: Well, there have been meetings
7 where that has come up where Director Chronin
8 (phonetic) has been at some of these meetings.
9 MR. WEBER: When were these meetings?
10 DR. BOYLE: Oh, I don't remember. Um --
11 (Pause)
12 MR. WEBER: All right. Let me try and help
13 you out here --
14 DR. BOYLE: It snowed.
15 MR. WEBER: -- at any time prior to the State
16 Police Review Team --
17 DR. BOYLE: Oh, prior to that?
18 MR. WEBER: Prior -- yeah, prior to --
19 DR. BOYLE: Oh, no.
20 MR. WEBER: -- the State Police Review Team,
21 which would have been February of 1999, had anyone
22 contacted you or talked to you about either a violator
23 survey or a traffic survey --
24 DR. BOYLE: No.
25 MR. WEBER: -- for the New Jersey Turnpike?

1 DR. BOYLE: Nope.
2 MR. WEBER: Did you have any involvement in
3 any way, shape or form with the Soto case?
4 DR. BOYLE: No.
5 MR. WEBER: Do you know what the Soto case
6 is?
7 DR. BOYLE: It's a big thing.
8 MR. WEBER: But you had no involvement
9 whatsoever with the Soto case?
10 DR. BOYLE: No.
11 MR. WEBER: Let me -- I've given Mr. Flanagan
12 a series of documents, I just want to quickly bring you
13 through them. Some of them we've discussed already.
14 Some of them we've discussed already. The first
15 document is G-13, that's the undated memo from Sergeant
16 Gilbert to Colonel Williams, that was in Sergeant
17 Gilbert's notebook which was supplied on March 15th,
18 '99, correct?
19 DR. BOYLE: Yes.
20 MR. WEBER: Prior to -- prior to receiving
21 the copy of the documents that you've identified in CB-
22 4, had you seen a copy of this memo from Sergeant
23 Gilbert, G-13?
24 DR. BOYLE: I don't believe so.
25 MR. WEBER: The next document is G-26. The

1 June 26th, 1997 memo from Anthony -- from Anthony
2 Faranella to (phonetic) to Colonel Williams. And
3 attached to it is some information about consent to
4 searches in May of 1997.
5 Prior to receiving a copy of documents from
6 Sergeant Gilbert's notebook, had you ever seen this
7 document before, or the attachments?
8 DR. BOYLE: I don't believe so.
9 MR. WEBER: The next document is G-21. Have
10 you ever seen this document before?
11 DR. BOYLE: Yes.
12 MR. WEBER: Okay. When did you first see it?
13 DR. BOYLE: I think in that blue book.
14 MR. WEBER: As part of Sergeant Gilbert's
15 notebook.
16 DR. BOYLE: Correct.
17 MR. WEBER: Prior to receiving copies of
18 documents from Sergeant Gilbert's notebook, have you
19 ever seen this document?
20 DR. BOYLE: I don't believe so.
21 MR. WEBER: All right. The next document
22 we've marked as G-25. And I represented to you that G-
23 25 is the same as CW-16, I need to correct that. G-25
24 has another document attached to it that is not
25 attached to CW-16. So, if you take a look at the

1 second page, it's a memo also dated July 10 from
2 Sergeant Gilbert to Colonel Williams and it concerns
3 Turnpike stats from Moorestown and Cranbury, April and
4 May of 1997, and it sets forth data about stops,
5 consents and probable cause searches, correct?

6 DR. BOYLE: Um-hum.

7 MR. WEBER: Okay. You already testified that
8 you saw the first page of this document, G-25, also CW-
9 16 --

10 DR. BOYLE: Um-hum.

11 MR. WEBER: -- and you saw that not in
12 connection with the documents in Sergeant Gilbert's
13 notebook, correct?

14 DR. BOYLE: Well, yeah, because I can't find
15 it.

16 MR. WEBER: Because it wasn't in there,
17 right?

18 DR. BOYLE: Right.

19 MR. WEBER: And you thought that this was a
20 document that would have been provided to you in -- or
21 would have been contained in the four to five boxes you
22 got from Mike LoGalbo, correct?

23 DR. BOYLE: Correct.

24 MR. WEBER: The second --

25 MS. GLADDING: I just want to --

1 MR. WEBER: The second --

2 MS. GLADDING: Go ahead.

3 MR. WEBER: -- page of this document, G-25,
4 is this other July 10, 1997 memo, GC-2173, correct?

5 DR. BOYLE: Correct.

6 MR. WEBER: Had you seen this document
7 before?

8 DR. BOYLE: I think so.

9 MR. WEBER: Okay. And this document also was
10 not found in Sergeant Gilbert's notebook, correct?

11 DR. BOYLE: Correct.

12 MR. WEBER: All right. So, this was a
13 document that would have also been contained in the
14 four to five boxes that Mr. LoGalbo gave you, correct?

15 DR. BOYLE: That's what I -- yeah.

16 MR. WHEELER: Scott, for the record --

17 MS. GLADDING: Let me --

18 MS. GLADDING: -- that was marked CW-17.

19 MR. WEBER: Thank you.

20 MS. GLADDING: Let me just clean-up something
21 on CW-16, if I can. Okay, the -- it's right here, see
22 that, CW-16.

23 DR. BOYLE: This?

24 MS. GLADDING: Yup.

25 DR. BOYLE: Okay.

1 MS. GLADDING: Wait --
2 DR. BOYLE: It says G-25.
3 MS. GLADDING: Oh, it's also -- G-25, which
4 is also CW-16.
5 DR. BOYLE: Okay.
6 MS. GLADDING: I just want to clean something
7 up to make sure that we're on the same track. If you
8 can look at Sergeant Gilbert's notebook, for the last
9 time --
10 (Laughter)
11 DR. BOYLE: Okay.
12 MS. GLADDING: The big thick book.
13 DR. BOYLE: This.
14 MS. GLADDING: And go to this page, it's
15 headed "Synopsis, Search Activity," various periods,
16 '94 to '96.
17 DR. BOYLE: Um-hum.
18 (Pause)
19 DR. BOYLE: Here's --
20 MS. GLADDING: Okay, just before it.
21 DR. BOYLE: I just saw something that --
22 MS. GLADDING: Before that.
23 (Pause)
24 DR. BOYLE: Here it is.
25 MS. GLADDING: Bingo. I'll represent to you

1 that that came out of Sergeant Gilbert's notebook. I
2 just want you to look at that and compare it to G-25.
3 And compare that to the text on Page 27 of the interim
4 report.
5 DR. BOYLE: Okay.
6 MS. GLADDING: Okay? And I'll draw your
7 attention down to '95/96 samples M and C, do you see
8 those?
9 DR. BOYLE: Yes.
10 MS. GLADDING: The last --
11 DR. BOYLE: I do.
12 MS. GLADDING: The second and third from the
13 last items on the bottom?
14 DR. BOYLE: Um-hum.
15 MS. GLADDING: It indicates 19 searches and
16 18 searches.
17 DR. BOYLE: Right.
18 MS. GLADDING: Okay. And I just want to make
19 sure that we're clear that, in fact, the information in
20 the interim report did not come from Sergeant Gilbert's
21 notebook materials.
22 Those two numbers add up to 37.
23 DR. BOYLE: Correct.
24 MS. GLADDING: Okay. And in the interim
25 report, it discusses an internal State Police audit, a

1 total of 38 searches.
2 DR. BOYLE: Correct.
3 MS. GLADDING: Okay. Now, G-25 --
4 DR. BOYLE: Right.
5 MS. GLADDING: -- has consents. And it
6 indicates 38 total files.
7 DR. BOYLE: Correct.
8 MS. GLADDING: So, I'll ask you, first of
9 all, do you recall that you based the paragraph on Page
10 27 of the interim report concerning consents on the 30
11 random days, do you recall that you based it on G-25
12 versus the page in Sergeant Gilbert's notebook?
13 DR. BOYLE: The only thing that would make me
14 say I got it from G-25, or whatever number, is that the
15 38 matches up.
16 MS. GLADDING: Okay.
17 DR. BOYLE: But I mean I'm not -- I've been
18 known to make mathematical errors on occasion.
19 MS. GLADDING: Well, the other numbers match-
20 up, too, don't they?
21 DR. BOYLE: Yes.
22 MS. GLADDING: Eighty-two percent, you --
23 okay. I just wanted to make sure that I haven't
24 sandbagged you on that.
25 DR. BOYLE: Oh, okay.

1 MS. GLADDING: In fact --
2 DR. BOYLE: Thank you.
3 MS. GLADDING: Because I asked you to go
4 through and it wasn't a document that looked the same.
5 DR. BOYLE: Okay.
6 MS. GLADDING: But it does have numbers that
7 are the --
8 DR. BOYLE: Not the same numbers.
9 MS. GLADDING: -- close, but not the same in
10 Sergeant Gilbert's notebook.
11 DR. BOYLE: Right.
12 MS. GLADDING: So, I wanted to be clear that
13 G-25 is what you base that paragraph on.
14 DR. BOYLE: I believe so.
15 MS. GLADDING: Thank you.
16 MR. WHEELER: All right. Doctor, a couple
17 more documents and I'm hopeful we could finish you up
18 shortly.
19 G-27 --
20 DR. BOYLE: I have a bigger mess.
21 MR. WHEELER: We're in a little bit of a mess
22 here, yeah.
23 DR. BOYLE: Yes.
24 (Pause)
25 MR. FLANAGAN: What number?

1 MR. WHEELER: G-27.
2 (Pause)
3 MR. WHEELER: Okay, you have G-27 in front of
4 you?
5 DR. BOYLE: I do.
6 MR. WHEELER: Attached to the cover memo
7 dated July 29, 1997, there are some reports behind it.
8 Let me direct your attention more specifically to the
9 last two pages, O.A.G. 997 and 998. Had you seen
10 either of these two documents before?
11 DR. BOYLE: I don't believe so.
12 MR. WHEELER: Were they in the materials that
13 Mr. LoGalbo provided to you, those four to five boxes?
14 DR. BOYLE: If they were, I didn't attend to
15 them.
16 MR. WHEELER: Okay.
17 MR. WEBER: There were two -- actually,
18 forget that -- strike that.
19 MR. WHEELER: Just to make sure everything is
20 clear, it's been represented to us by your counsel, by
21 the Attorney General's Office, that all the data that
22 you relied on has been provided to us, is that correct?
23 DR. BOYLE: That's correct. Except for
24 C.C.H. data. I mean that would exist in the database.
25 MR. WHEELER: Right. Now, I thought your

1 testimony, and correct me if I'm wrong, was that you
2 relied on other source documents.
3 DR. BOYLE: Only that would have been in
4 those boxes.
5 MR. WHEELER: Okay. But -- so, those --
6 everything in those boxes has been provided to us.
7 DR. BOYLE: As far as I know. I gave the
8 boxes back, I have no boxes. So, I would assume that
9 if -- the boxes I used that Mike LoGalbo had when I was
10 finished, I brought back to Mike LoGalbo. So, that if
11 Mike LoGalbo, or whoever is in charge of providing
12 documents, gave you those boxes, I don't have them. I
13 would have no way of knowing that.
14 MS. GLADDING: I'm going to ask you to look
15 at one more document here, and it is stapled and
16 numbered.
17 DR. BOYLE: Wow.
18 MS. GLADDING: And I've given -- do you want
19 to mark this, Scott?
20 MR. WEBER: Yeah.
21 MS. GLADDING: What are we up to?
22 MR. WEBER: CB-5, I believe.
23 MS. GLADDING: Okay. And I've opened it to
24 the relevant page.
25 DR. BOYLE: Okay.

1 MS. GLADDING: But if you want to look at the
2 front page of this, this is excerpts from the April
3 16th, 1999 draft version --
4 DR. BOYLE: Okay.
5 MS. GLADDING: -- of the interim report. And
6 I direct your attention to table -- sorry. Table two
7 at the bottom of Page 25.
8 DR. BOYLE: Yes.
9 MS. GLADDING: Which continues at the top of
10 Page 26.
11 DR. BOYLE: Yes.
12 MS. GLADDING: Did you write that table? I
13 mean -- and by writing --
14 DR. BOYLE: No, I know.
15 MS. GLADDING: -- did you create the table?:
16 DR. BOYLE: It would look like a table I
17 created, yes.
18 MS. GLADDING: Do you recall creating it?
19 DR. BOYLE: I don't, but it looks like one I
20 would have created.
21 MS. GLADDING: Okay.
22 DR. BOYLE: So, I'll own it.
23 MS. GLADDING: Beg your pardon?
24 DR. BOYLE: I'll own it.
25 MS. GLADDING: You'll own it?

1 DR. BOYLE: I don't remember doing it, but --
2 MS. GLADDING: Okay. Do you recall what you
3 based the information for that table on? And this is a
4 table, for the record, that refers to stops by Cranbury
5 and Moorestown stations --
6 DR. BOYLE: Right.
7 MS. GLADDING: -- for 30 sample days.
8 DR. BOYLE: Um --
9 MS. GLADDING: And the text above it
10 indicates that the data was compiled in response to a
11 request by the United States Department of Justice.
12 DR. BOYLE: Right.
13 MS. GLADDING: And I'll represent to you that
14 in the final version of the interim report, the table
15 and that text are omitted.
16 DR. BOYLE: Right. I can assume that these
17 data would have come out of those boxes because I think
18 those boxes really were focused on these sample days,
19 I'm not sure of that absolutely.
20 MS. GLADDING: Okay. Now, it was your
21 testimony that you didn't -- aside from the find rates,
22 you did not conduct any actual crunching of the 30
23 sample days --
24 DR. BOYLE: No.
25 MS. GLADDING: -- information. So, is it

1 safe to assume then that these analyses -- this
2 analysis had already been conducted and was contained
3 in those boxes?

4 DR. BOYLE: What -- there were probably data
5 much like the data that were in the blue notebook.

6 MS. GLADDING: Okay.

7 DR. BOYLE: So, I mean I crunched, I guess,
8 as far as adding up -- I probably added up numbers.

9 MS. GLADDING: Okay.

10 DR. BOYLE: But there was no -- when I think
11 of the word crunch, I think of incident base data
12 stuff. Like -- so, it would have been what we were
13 trying to do with the stop logs.

14 MS. GLADDING: Scott, can I have the Gilbert
15 notebook back?

16 (Pause)

17 MS. GLADDING: I'm going to show you some
18 pages from the Gilbert notebook, I'm not going to ask
19 you to find them.

20 DR. BOYLE: Oh, thank, God.

21 MS. GLADDING: And it's an analysis of the --

22 DR. BOYLE: Okay.

23 MS. GLADDING: -- the 15 randomly selected
24 dates in '95 for Cranbury, for Moorestown.

25 DR. BOYLE: Okay.

1 MS. GLADDING: And then in '96 for Cranbury
2 and for Moorestown.

3 DR. BOYLE: Right.

4 MS. GLADDING: Does it look like you could
5 have compiled those numbers from these tables?

6 DR. BOYLE: It does.

7 MS. GLADDING: Okay.

8 DR. BOYLE: Do the numbers add-up? They
9 don't look like they add up. I mean I have all the
10 appropriate categories I would have needed to create
11 the table.

12 MS. GLADDING: Um-hum.

13 DR. BOYLE: So -- so, it well could have been
14 the source.

15 MS. GLADDING: Okay. How would we -- how
16 would you -- if you were going to create that table out
17 of these numbers, how would you -- what would be your
18 methodology?

19 DR. BOYLE: Well, these would be -- these
20 would be white, these would be black, these would be
21 Hispanic, I would have just renamed these Asian. This
22 would be other, and the unknown would be -- I believe I
23 probably would have put the unknown with the not
24 recorded and the --

25 MS. GLADDING: Okay. And would you add-up

1 the percentages and then average them or would you add-
2 up --

3 DR. BOYLE: I would have used the numbers.

4 MS. GLADDING: Okay. And do you -- do you
5 know why that information was ultimately deleted from
6 the internal report?

7 DR. BOYLE: No.

8 MS. GLADDING: Did you have any conversations
9 with Ron Susswein about the deletion of it?

10 DR. BOYLE: No.

11 MR. WHEELER: How about Paul Zoubek?

12 DR. BOYLE: No.

13 MS. GLADDING: And when you made the -- when
14 -- no, I think that's it. Okay.

15 MR. WEBER: Mr. Wheeler?

16 MR. WHEELER: Finished.

17 MR. WEBER: Doctor, thank you very much for
18 your time. We appreciate it. And, again, apologize
19 for the short notice on today's interview.

20 DR. BOYLE: All right.

21 MR. WEBER: Thank you very much.

22 DR. BOYLE: Thanks.

23 (Conclusion)
24
25

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2
3 C E R T I F I C A T I O N
4

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