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TRANSCRIPT  
OF  
ELECTRONICALLY  
RECORDED DEPOSITION  
OF  
THOMAS GILBERT

THURSDAY, FEBRUARY 22, 2001  
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TAKEN BEFORE:

JAMES V. BOWEN, Notary Public of the State of New Jersey, for the Offices of J & J COURT TRANSCRIBERS, INC., a Certified Transcription Agency, at the Office of Legislative Services, State House Annex, Trenton, NJ 08625, commencing at 2:35 p.m.

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## Gilbert - Examination

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**SERGEANT FIRST CLASS THOMAS GILBERT, PREVIOUSLY SWORN**

MR. WEBER: Sergeant Gilbert, I want to welcome you back and again on behalf of the Committee, thank you for making yourself available to continue and finish your deposition today. As you will recall, we met on Valentine's Day, February 14th, for quite a number of hours for your deposition and we are hopeful that we can get you in and out of here in a relatively short period of time today.

You were sworn in on the 14th. So long as it's okay with you, we'll just agree that that oath applies to your testimony today and dispense with the need to swear you in again. Is that okay?

THE WITNESS: That's fine.

MR. WEBER: All right. Terrific. Sergeant Gilbert, we had had a good deal of discussion at the last deposition about an exhibit that we marked as G-13. And you should have a copy of that in front of you. I believe Mr. Wheeler had a couple of questions that he wanted to ask you about G-13 before we get underway.

THE WITNESS: Yes, sir.

MR. WEBER: Oh, and actually, before we start the question, let me just have everyone identify themselves for the record.

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

3 MR. WEBER: Ms. Glading.

4 MS. GLADING: Jo Astrid Glading, Staff  
5 Counsel with the Senate Democratic Office.

6 MS. ACCURSO: Allison Accurso, Assistant  
7 Attorney General, Division of Law, counsel to Sergeant  
8 Gilbert.

9 THE WITNESS: Thomas Gilbert, New Jersey  
10 State Police, Sergeant First Class.

11 MR. BOWEN: Jim Bowen, Court Reporter.

12 MR. WEBER: Okay. Thank you. Mr. Wheeler.

13 MR. WHEELER: I'm not going to go through  
14 each individual meeting and I know you went through it  
15 at your previous deposition. But I understand that  
16 there were a number of meetings chaired by Lieutenant  
17 Colonel Littles.

18 THE WITNESS: Yes, sir.

19 MR. WHEELER: And that was -- I think they  
20 began in March, end of March of '96 and then proceeded  
21 through 1996.

22 THE WITNESS: Yes, sir.

23 MR. WHEELER: Okay. Did you ever discuss any  
24 of the findings, whether they were preliminary or  
25 final, of the findings contained in G-13 with -- at any

1 of those meetings or if not at those meetings, with any  
2 of the individuals in those meetings or at those  
3 meetings?

4 THE WITNESS: I don't believe until such time  
5 that I had put this information together, which again I  
6 think we had pinpointed was somewhere around February  
7 of '97, there were preliminary conversations about  
8 there had been some audits done by the Internal Affairs  
9 Bureau as far as compliance with F-3 or requirements to  
10 call in certain things with radio procedures. And I  
11 believe that there would have been conversations about  
12 that. But I think with the information contained in  
13 here, I hadn't actually -- with the exception of the  
14 numbers listed at the end for the troopers in the  
15 Moorestown case, this other information came later.  
16 And I don't think at the time that the Committee was  
17 basically in effect and meeting, I don't think that  
18 this information specifically was addressed.

19 MR. WHEELER: Okay. So you never updated the  
20 Committee members with respect to consent search data?

21 THE WITNESS: No, because the consent search  
22 data I hadn't actually gotten my hands on the consent  
23 to search forms themselves. I believe that was right  
24 around the turn of the year, once we had gotten  
25 involved with the Justice Department. So really I

1 didn't have that information in hand until I guess  
2 we're talking January, February of 1997.

3 MR. WHEELER: Okay.

4 (Pause)

5 MS. GLADING: Did you -- I will ask. Did you  
6 have discussions with any members of that Committee or  
7 anyone else over at Division Headquarter aside from  
8 Colonel Williams about the consent to search data that  
9 you had come up with that's reflected in G-13?

10 THE WITNESS: We're basically talking  
11 subsequent to when -- we're talking like 1997?

12 MS. GLADING: Correct.

13 THE WITNESS: I believe that I probably do.  
14 I don't recall specifically with who, but it wasn't a -  
15 - I believe that the other people that were dealing  
16 with the profiling issue and so forth in my chain of  
17 command were aware of basically the information I had  
18 come up with.

19 MS. GLADING: And who would that have been?

20 THE WITNESS: Specifically, I'm not sure what  
21 information I shared with who, but the chain of command  
22 at that point I had a Sergeant First Class that was in  
23 my office, James Bruncati, a Sergeant Robert Manny.  
24 Again there was -- Lieutenant Blaker was the aid to the  
25 Superintendent at that point, the Superintendent

1 himself, Colonel Williams, and I'm not sure in exactly  
2 what context we discussed it, but it was part of my  
3 ongoing duties, so I'm sure at times it had come up.

4 MS. GLADING: Okay. And I have a question, a  
5 chain of command question. When Colonel Fedorko became  
6 Deputy Superintendent replacing Val Littles who had  
7 retired --

8 THE WITNESS: I think what -- if I remember  
9 right, I don't think that -- I think Colonel Littles  
10 was replaced by Lieutenant Colonel Lanny Roberson and  
11 then after that I believe is when Colonel Fedorko  
12 replaced Colonel Roberson.

13 MS. GLADING: Okay, I'm sorry. When Lanny  
14 Roberson replaced Val Littles and become Deputy  
15 Superintendent, moved over from Executive Officer --

16 THE WITNESS: Right.

17 MS. GLADING: -- to Deputy Superintendent,  
18 did you then report to Lanny Roberson?

19 THE WITNESS: No, we reported to Colonel  
20 Williams. Our unit -- the unit that I was in, the  
21 Division Services Unit as well as then Lieutenant  
22 Blaker's position, were shifted over to report directly  
23 to the Superintendent.

24 MS. GLADING: Okay. So you weren't shifted  
25 over to report to the Executive Officer?

1 THE WITNESS: No.

2 MS. GLADING: The change was you would go  
3 right to the Superintendent?

4 THE WITNESS: Yes, ma'am.

5 MS. GLADING: And previously it had been to  
6 go through Littles?

7 THE WITNESS: The Deputy Superintendent.

8 MS. GLADING: The Deputy, okay. Thank you.

9 MR. WEBER: Sergeant Gilbert, the last major  
10 topic we discussed on the 14th was a meeting that  
11 occurred on May 20th, 1997 and attended -- the  
12 attendance at that meeting were yourself, Colonel  
13 Williams, Attorney General Verniero, Mr. Alex Waugh and  
14 I believe Mr. George Rover, correct?

15 THE WITNESS: I also believe that Mr. Fahy  
16 was there along with then either Sergeant First Class  
17 or Lieutenant Blaker, I forget what Frank was at that  
18 point.

19 MR. WEBER: Okay. Let me show you a document  
20 that we'll mark for identification as G-20. For the  
21 record, it's a May 27, 1997 interoffice communication  
22 from Colonel Williams to Lieutenant Faranello. The  
23 subject is Justice Department inquiry re profiling  
24 allegations. And you are identified in this memo as  
25 the information who -- as the person who will "extract

1 available information from recently assembled 1994 to  
2 1996 records."

3 THE WITNESS: That's correct, sir.

4 MR. WEBER: Have you seen this IOC before?

5 THE WITNESS: Yes, sir, I have.

6 MR. WEBER: Okay. The IOC also states that  
7 there will be basically an analysis done of the  
8 Moorestown and the Cranbury Stations in order to  
9 provide data to the Department of Justice, is that  
10 correct?

11 THE WITNESS: Yes, sir.

12 MR. WEBER: Okay. Was -- was there a  
13 decision at the May 20th, 1997 meeting that the  
14 information provided to the Department of Justice would  
15 be relegated specifically to the Moorestown and  
16 Cranbury stations?

17 THE WITNESS: I think that decision had  
18 already been reached prior to that date in some  
19 previous policy decisions that were made by the  
20 Superintendent and the Attorney General.

21 MR. WEBER: Was that decision revisited or at  
22 all discussed at the May 20th, 1997 meeting?

23 THE WITNESS: I don't believe so because it  
24 didn't change. I mean it had been -- that posture had  
25 been set prior to the meeting and based on this which

1 was drafted after the meeting it had stayed consistent.  
2 So I don't -- I don't recall it being addressed.

3 MR. WEBER: Were you given any task other  
4 than collecting the documents set forth in this IOC,  
5 that being copies of all summonses, front and back,  
6 warnings and patrol charts?

7 THE WITNESS: My assignment was to try and be  
8 as responsive as I could with DAG Rover. This was the  
9 bulk of at that point what I was going to try and put  
10 together, because this was a pretty extensive task to  
11 get this paperwork generated.

12 MR. WEBER: Well you didn't do anything with  
13 the paperwork once you received it or were you simply  
14 to pass it on to DAG Rover?

15 THE WITNESS: My specific instructions were  
16 to get the information and to pass that on to George  
17 Rover.

18 MR. WEBER: Okay. Were you supposed to any  
19 type of analysis of the information or just physically  
20 get copies of these documents and pass them on to Mr.  
21 Rover?

22 THE WITNESS: I don't think I was given  
23 specific instructions as far as what analysis was to be  
24 conducted of the records.

25 MR. WEBER: Mark for identification as G-21 a

1 document Bates stamped GC-002300 through GC-002307.  
2 Again it's G-21 for identification. Have you seen this  
3 document before?

4 THE WITNESS: Yes, sir, I have.

5 MR. WEBER: What is this, Sergeant Gilbert?

6 THE WITNESS: These are charts that had been  
7 made up to try and make a easily readable format of the  
8 statistical analysis that I had of motor vehicle stops  
9 of the randomly selected dates that had been  
10 cooperatively agreed to with the Justice Department.

11 MR. WEBER: When did you create this document  
12 because it's undated?

13 THE WITNESS: I believe that these documents  
14 were -- let me see all what's here.

15 (Pause)

16 THE WITNESS: I believe the majority of the  
17 documents were created during 1998, the latter part of  
18 1998. I was trying to basically consolidate some  
19 information and again put it in an easily readable  
20 format with the issue that we were dealing with.  
21 There's one report that's entitled consent to search at  
22 the top which is not in a table format, for consent to  
23 search 1995, 1996 sample dates.

24 MR. WEBER: Okay. That's GC-002304, correct?

25 THE WITNESS: Yes, sir.

1 MR. WEBER: Okay.

2 THE WITNESS: And I believe that was done at  
3 a -- that and I guess the one page that follows, I  
4 believe I had done them at an earlier point.

5 MR. WEBER: Okay. That would be GC-002305?

6 THE WITNESS: Yes, sir.

7 MR. WEBER: Okay. So 2304 and 2305 you  
8 created at an earlier date?

9 THE WITNESS: I believe so. I believe that  
10 was after I had had an opportunity to look at the  
11 consents that were relevant to the dates, the sample  
12 dates, and I think once I had completed that, that I  
13 had prepared that report to kind of consolidate what --  
14 what those -- what that review had shown.

15 MR. WEBER: Do you remember when you prepared  
16 these two documents 2304 and 2305?

17 THE WITNESS: That would probably have been  
18 in the late summer to fall of 1997.

19 MR. WEBER: Okay. Why did you create the two  
20 charts in the late summer, early fall of '97?

21 THE WITNESS: The two page document we're  
22 talking about now?

23 MR. WEBER: Yeah.

24 THE WITNESS: Basically because I had done an  
25 analysis of the reports that we had gathered up for the

1 sample dates and I felt it was my responsibility to  
2 pass that information on.

3 MR. WEBER: Who did you pass it on to?

4 THE WITNESS: I believe to Lieutenant Blaker  
5 as well as the Superintendent.

6 MR. WEBER: Colonel Williams?

7 THE WITNESS: Yes, sir.

8 MR. WEBER: Did you pass it on to Mr. Rover  
9 or anyone at DAG's Office?

10 THE WITNESS: I didn't pass the specific  
11 report itself on to Mr. Rover, just the contents of  
12 same.

13 MR. WEBER: So telephone conversation?

14 THE WITNESS: Yes, sir.

15 MR. WEBER: Is it more to how you pass the  
16 information on to Mr. Rover that's contained in G-13?

17 THE WITNESS: Yes, sir.

18 MR. WEBER: Any particular reason why you  
19 passed this information on to Mr. Rover orally as  
20 opposed to just providing him with a copy of these two  
21 documents?

22 THE WITNESS: I felt it was information that  
23 was related to the ongoing activities that both he and  
24 I were involved in, that basically it was prudent for  
25 me to pass that information on since I had generated

1 it.

2 MR. WEBER: Okay. But I guess my question  
3 is, why didn't you just send him copies of the  
4 documents as opposed to notifying him over the phone?

5 THE WITNESS: Probably for the sake of  
6 expediency and it was -- you know, I felt that we had a  
7 good line of communication and I was able to pass that  
8 information on to him. We were geographically in  
9 different places, so the phone conversations were  
10 actually the easiest way for me to transmit the  
11 information.

12 MR. WEBER: Okay. Let's take a look -- take  
13 a look at 2304 and just for the record, there are  
14 different categories up at the top of the document,  
15 2B1A and 1B. 2B denotes black not of Hispanic origin,  
16 correct?

17 THE WITNESS: That's correct, sir.

18 MR. WEBER: And 1A denotes white with  
19 Hispanic origin, correct?

20 THE WITNESS: Yes, sir.

21 MR. WEBER: And 1B denotes white not of  
22 Hispanic origin, correct?

23 THE WITNESS: That would be correct.

24 MR. WEBER: Okay. So under the 2B category  
25 which is black not of Hispanic origin, the consent to

1 search sample dates revealed that in the Milltown  
2 Station for '95 and '96, 37 percent of the --

3 MS. GLADING: Milltown?

4 THE WITNESS: Moorestown.

5 MR. WEBER: Moorestown, I'm sorry.

6 THE WITNESS: Moorestown.

7 MS. GLADING: Moorestown.

8 MR. WEBER: Moorestown. It's already been a  
9 long day. For the Moorestown Station there were 37  
10 percent of the consent to searches were for black  
11 motorists not of Hispanic origin, correct?

12 THE WITNESS: That's correct, sir.

13 MR. WEBER: Okay. And 52 percent of the  
14 consent to search were for motorists of white with  
15 Hispanic origin?

16 THE WITNESS: Yes, sir.

17 MR. WEBER: And 11 percent were just white  
18 motorists, not Hispanic origin?

19 THE WITNESS: Correct.

20 MR. WEBER: And then for Cranbury for '95 and  
21 '96 sample dates, 67 percent of the motorists subjected  
22 to consent searches were black not of Hispanic origin?

23 THE WITNESS: Correct.

24 MR. WEBER: Zero of Hispanic origin and 33  
25 percent of white not of Hispanic origin?

1 THE WITNESS: Yes, sir, that's correct.

2 MR. WEBER: Okay. How did you pick the  
3 sample dates?

4 THE WITNESS: I didn't pick the sample dates.  
5 I believe that the Department of Justice had -- I'm not  
6 exactly sure what process they used to pick the dates.  
7 I believe that they picked the dates and that they were  
8 subsequently agreed upon.

9 MR. WEBER: How did you find out about which  
10 dates the Justice Department picked?

11 THE WITNESS: From Mr. Rover.

12 MR. WEBER: Okay. So Mr. Rover contacts you,  
13 let's you know which dates you need to conduct consent  
14 to search analyses for. You conduct that -- those  
15 analyses --

16 THE WITNESS: I think -- I think what he had  
17 contacted me with was what days we were to gather up  
18 the information on and that once I had that information  
19 together, the raw reports what I had done is initiate  
20 an analysis to try and get a handle on what those  
21 reports indicated.

22 MR. WEBER: Do you remember approximately  
23 when Mr. Rover contacted you to inform you of the dates  
24 that you were to be concerned with?

25 THE WITNESS: I think it was somewhere around

1 the -- actually I don't. I think sometime in the  
2 spring of 1997 after he had received, I guess,  
3 correspondence transmitted to him from the Justice  
4 Department once the dates had been settled upon and I  
5 believe he passed that information on to me.

6 MR. WEBER: Okay. So approximately the  
7 spring of '97 the date information is passed on to you  
8 and then late summer to early fall of '97 is when you  
9 finalized your analysis and passed the information on  
10 to Mr. Rover?

11 THE WITNESS: Yes, sir.

12 MR. WEBER: Okay. Now the rest of the -- of  
13 the documents that are a part of G-21 you said were  
14 created in the latter part of '98 and that would be GC-  
15 002300 through 2303 and 2306 and 2307, correct?

16 THE WITNESS: Yes, sir.

17 MR. WEBER: Okay. Why did you create those  
18 documents?

19 THE WITNESS: As we were proceeding post the  
20 shooting on the Turnpike, what I tried to do with this  
21 information, I was dealing with Colonel Williams, also  
22 dealing with then Colonel Dunlop, the Executive  
23 Officer, and basically trying to get a handle on what  
24 our statistics were. I tried to basically take this  
25 information, put it in an, you know, easy to read

1 format so that -- both to refresh Colonel Williams'  
2 memory and to make sure that he was up to speed on what  
3 all the numbers that had been generated up to that  
4 point reflected and also with Colonel Dunlop to put  
5 this information into their hands.

6 MR. WEBER: The Hogan and Kenna shooting was  
7 April 23rd, 1998.

8 THE WITNESS: Yes, sir.

9 MR. WEBER: How soon thereafter did you then  
10 begin the analyses that are set forth in G-21?

11 THE WITNESS: I -- the analysis -- I think  
12 some of the analysis I had done already, but I think in  
13 putting the reports together -- give me a second, let  
14 me take a look.

15 (Pause)

16 THE WITNESS: Basically what the reports are  
17 that are here was to try to incorporate all the  
18 information into basically, you know, a lesser number  
19 of source documents. So that for somebody looking at,  
20 for example, the very last one there gives an overview  
21 of different years and the two different stations to  
22 try and give a, you know, comprehensive breakdown of  
23 the information that I had in hand at that point. So I  
24 think it was basically taking things and putting them,  
25 as I said, into an easy to understand kind of overall

1 deal of analysis of what I had in hand at that point.

2 MR. WEBER: Well the pages other than the  
3 ones that we previously discussed, which is 2304 and  
4 2305, the rest of the pages don't concern consent to  
5 search data, correct?

6 THE WITNESS: That's correct.

7 MR. WEBER: Okay. There -- it's either --  
8 it's either stop data or arrest data?

9 THE WITNESS: Yes, sir.

10 MR. WEBER: Okay. Did anyone explain to you  
11 what would be done with the information once you  
12 provided it to Colonel Dunlop and Superintendent  
13 Williams?

14 THE WITNESS: I'm not real clear on what --

15 MR. WEBER: Okay.

16 MS. GLADING: I'm sorry, can I clarify first  
17 --

18 MR. WEBER: Sure.

19 MS. GLADING: 2306 concerns consent data,  
20 right?

21 THE WITNESS: That's correct.

22 MR. WEBER: My mistake.

23 MS. GLADING: That's okay.

24 MR. WEBER: But 2306 was -- when did you --  
25 when did you put together 2306?

1 THE WITNESS: I think that overall report I  
2 would have done after -- I believe I would have done  
3 that in 1998, because this takes some of the  
4 information that was in G-13 and expands upon it.

5 MR. WEBER: Okay.

6 THE WITNESS: And I think that I had -- just  
7 to put it all in one -- you know, in one report, I  
8 think I had incorporated information because we were  
9 taking a hard look at our numbers in '98 and trying to  
10 put together what, you know, I had already developed up  
11 to that point. And I think that's why I consolidated  
12 this information into the singular report that's here.

13 MR. WEBER: Okay. Was this information  
14 shared with the Attorney General's Office?

15 THE WITNESS: This information is basically  
16 the information that -- in G-13 that was shared  
17 previously and then it also incorporates the sample  
18 data information. So the sample data information I had  
19 shared with Mr. Rover and the earlier information about  
20 the larger numbers at the stations of Moorestown and  
21 Cranbury, that had also been shared with Mr. Rover.

22 MR. WEBER: Okay. So -- so the one page that  
23 we've got in front of us now, the 2306 is sort of a  
24 summary of information that had already been provided  
25 to Mr. Rover?

1 THE WITNESS: That's correct.

2 MR. WEBER: Part of that information was  
3 provided to Mr. Rover in approximately February of 1997  
4 when you authored G-13, correct?

5 THE WITNESS: Yes, I'm sorry, '97.

6 MR. WEBER: Okay. And then -- and then the  
7 other information was passed on to Mr. Rover also  
8 orally late -- late summer, early fall of '97, correct?

9 THE WITNESS: That's correct, sir.

10 (Pause)

11 MS. GLADING: At the time you passed this  
12 information on to Mr. Rover on those various occasions,  
13 did he express concern about the numbers?

14 THE WITNESS: In what respect?

15 MS. GLADING: The -- the level of consent  
16 search rate, minority consent searches?

17 THE WITNESS: I don't believe there was any  
18 specific concern about that. I think that there was  
19 already realization that our search rates from a purely  
20 statistical perception appeared to be of high numbers.  
21 But I think that there had been a lot of discussion  
22 about what led to the dynamics of consent search  
23 numbers up to that point.

24 MS. GLADING: What exactly did he say about  
25 the consent search numbers that you recall?

1 THE WITNESS: What did he say? I don't  
2 recall specifically what he said about the consent  
3 searches.

4 MS. GLADING: Okay. Do you recall anything  
5 he said characterizing what he -- how he viewed the  
6 numbers?

7 THE WITNESS: No, I don't.

8 MS. GLADING: No.

9 MR. WEBER: Sergeant Gilbert, I just put in  
10 front of you G-22 for identification. It's DOJ-005651  
11 through 5657. Do you recognize this document?

12 THE WITNESS: Actually I don't remember it,  
13 but in looking at the cover page, it's a document that  
14 indicates that Mr. Rover faxed it over to me looks like  
15 on May 23rd of 1997.

16 MR. WEBER: Okay. What -- what is the --  
17 well let's look down in the message part. It says,  
18 "Tom, could you review" see what that word, "and also  
19 fill in the missing info where you see open bracket  
20 add, close bracket, thanks, George." Did I read that  
21 correctly?

22 THE WITNESS: Yeah, I think you do.

23 MR. WEBER: What -- what was the purpose of  
24 you reviewing and filling in the missing information  
25 into the attached document?

1 THE WITNESS: Looking over what's here, I'm  
2 trying to remember, I think what this was, is this was  
3 a breakdown of radio log entries for a radio log at  
4 Moorestown Station. And I think -- I guess in Mr.  
5 Rover going through it, looking at the -- our radio  
6 logs are handwritten by the troopers and sometimes  
7 they're hard to read and if I can recollect this now, I  
8 think what it was is that some of the things were not  
9 readable, I guess, from George's perspective and he was  
10 asking me to figure out what the language was on the  
11 report.

12 MR. WEBER: Do you know why Mr. Rover was  
13 requesting you to perform such an activity?

14 THE WITNESS: I'm sure it was in conjunction  
15 with the Justice Department inquiry, but I don't recall  
16 specifically at that point what -- where this fit into  
17 the picture.

18 MS. GLADING: Do you recall if this was  
19 before or after the 30 random days were selected?

20 THE WITNESS: Let me see, the date of this is  
21 the 23rd of May. I think this was probably -- I think  
22 this would fall into a period after the random days  
23 were selected.

24 MR. WEBER: I show you what I've marked for  
25 identification as G-23, DOJ-005644 through 5650, ask

1 you to identify that for the record, please?

2 THE WITNESS: Yes, sir. It bears a cover  
3 sheet which the writing was authored by me to DAG  
4 Rover. It's dated May 23rd of 1997 and it appears this  
5 again is a -- looks like a breakdown analysis of a  
6 radio log that was done and it looks like I was asked,  
7 similar to the other document, to add in the language I  
8 guess that DAG Rover had not been able to decipher as  
9 far as how things were written up.

10 MR. WEBER: Okay. Is this basically your  
11 response to his earlier request?

12 THE WITNESS: It appears to be so, yes, sir.

13 MR. WEBER: Where did you get the information  
14 to fill in the blanks, so to speak?

15 THE WITNESS: Must have been involved looking  
16 a copy of the radio log for that date.

17 MR. WEBER: Do you know what, if anything,  
18 Mr. Rover did with the information you provided to him  
19 in response to his request that is set forth in G-22  
20 and G-23?

21 THE WITNESS: I don't actually recall. Again  
22 I'm assuming -- I don't recall specifically with this,  
23 but I'm sure it had to do with the inquiry. I'm not  
24 sure exactly what was done with it though.

25 MS. GLADING: What were you -- what process

1 would you do to fill in the blanks here? How would you  
2 do it?

3 THE WITNESS: To look at the actual report  
4 and try and basically I think because of my experience  
5 and the way we -- the way we all write, I think I was  
6 more attuned to try and read and know what some of the  
7 terms would be. So I think --

8 MS. GLADING: You didn't --

9 THE WITNESS: -- you know, as far as  
10 abbreviations and so forth, and I think just basically  
11 looking at and doing my best to try and decipher what  
12 the writing said.

13 MS. GLADING: You wouldn't go to the actual  
14 radio tapes?

15 THE WITNESS: No, because the radio log would  
16 be a reflection -- this, by what I remember, is -- I'm  
17 just trying to see what's on there, I would have gone  
18 to the actual log that was handwritten out. I think  
19 that that's probably where George had the difficulty in  
20 deciphering what was written on the sheets.

21 MS. GLADING: Thanks.

22 MR. WEBER: Mark G-24 for the record. It's  
23 GC-002206, May 2nd, 1997 letter from Colonel Carl A.  
24 Williams to Captain Kenneth Ward of the Maryland State  
25 Police.

1 THE WITNESS: Yes, sir.

2 MR. WEBER: Have you seen this document  
3 before?

4 THE WITNESS: Yes, I have.

5 MR. WEBER: Were you involved at all in the  
6 preparation of this document?

7 THE WITNESS: The letter itself?

8 MR. WEBER: Yeah.

9 THE WITNESS: I probably either typed the  
10 letter or had somebody, you know, had a secretary type  
11 it at the office.

12 MR. WEBER: What was the purpose of sharing  
13 information prepared by the New Jersey State Police's  
14 Record and Identification Section concerning criminal  
15 activity on New Jersey's interstate highway system with  
16 the Maryland State Police?

17 THE WITNESS: The Maryland State Police had  
18 come up with a concept -- I had gone down to a meeting.  
19 I don't remember the exact date. But what they were  
20 looking to do, the states down below us had kind of put  
21 their heads together and they were figuring out was  
22 there a better way for there to be information sharing.  
23 Because I had gone down to a meeting, and again I  
24 forget what -- I could look back through the notes and  
25 figure out when it was.

1 But what they were looking to do, they were  
2 concerned about the fact that if you had somebody  
3 commit a crime say in Maryland and, you know, basically  
4 because of the ease of transportation on the interstate  
5 roadways that that person all of a sudden decided to  
6 drive north and went into Delaware, that they wanted to  
7 come up with kind of an information sharing system that  
8 we just had a rape, we had a robbery at like a service  
9 area or whatever and they were looking for -- to put  
10 together a system of like quick notification that they  
11 -- like Maryland could notify Delaware, they could  
12 notify New Jersey.

13 Because I remember one of the presenters at  
14 the meeting I went to I think was from the Virginia  
15 State Police and they had had a number of I believe  
16 sexual assaults and robberies in their service areas on  
17 the interstates and they were trying to come up with a  
18 concept of how they could develop an information  
19 sharing system that would be responsive to those  
20 incidents and get the information out very quickly so  
21 that patrol units either, you know, north or south of  
22 the I-95 corridor could get that information in hand  
23 and basically they put out a bolo for certain car or  
24 individuals. The information would get out there like  
25 immediately, feeling that that would be a productive

1 way of reducing the crime on the interstates.

2 MR. WEBER: Could we go off the record for a  
3 second?

4 (Off the record)

5 MR. WEBER: Sergeant, showing you a document  
6 marked for identification as G-25, two pages, GC-002172  
7 and 2173, and ask that you identify them for the  
8 record, please?

9 THE WITNESS: Yes, sir. This is a report  
10 dated July 10th of '97. It went to Colonel Williams  
11 via Lieutenant David Blaker from myself. It was  
12 reference the Department of Justice inquiry.

13 MR. WEBER: Why did you provide this  
14 information to Colonel Williams and Lieutenant Blaker?

15 THE WITNESS: In collecting the various  
16 reports that had to be collected in response to the  
17 Justice Department, what I tried to do is to try and  
18 best I could at that time with the resources I had was  
19 to try and get a feel for what those reports reflected.  
20 This indicates the results of some analysis that I did  
21 of the sample dates from 1995 and 1996 with respect to  
22 consent searches, probable cause search, operations  
23 reports which were done to document those searches as  
24 well as the investigation reports and arrests which had  
25 taken place on the sample dates.

1 MR. WEBER: Okay. So the sample dates were  
2 '95 and '96, and ultimately your analysis reveals that  
3 on the consent to search statistics, the rate of  
4 minorities being subjected to consent searches was  
5 actually higher than that for the same time periods for  
6 the Maryland State Police, correct?

7 THE WITNESS: 8.3, based on the information I  
8 had down at the bottom of the page, yes, it's several  
9 percentages higher.

10 MR. WEBER: Okay. Let's take a look at the  
11 second page of this document. This is an analysis of,  
12 among other things, consent to search data for April  
13 and May of 1997, is that correct?

14 THE WITNESS: That's correct, sir.

15 MR. WEBER: Okay. On the consent -- under  
16 the section entitled consents --

17 (Pause)

18 MR. WEBER: On the second page where it  
19 states consents for Cranbury, I will represent to you  
20 that although the percentages are not shown, I did a  
21 little rough math before our session today. You have  
22 one black motorist, seven white motorists for eight, a  
23 total of eight consent searches in April of 1997, which  
24 is roughly 12 percent of the searches were black  
25 drivers. On May -- in May of 1997, out of the 14

1 consent searches, six were black, four were Hispanic  
2 for a total of 71 percent minority. For Moorestown for  
3 April of '97, out of the 19 consent searches, 14 were  
4 for minorities which was 74 percent and approximately  
5 the same percentage applies for May of '97. Do you  
6 remember why you didn't set forth the percentage under  
7 this consent to search category and just detailed the  
8 numbers?

9 THE WITNESS: No. The only thing I can say  
10 is that what I did at the bottom is I guess I had -- at  
11 that point with the consents and the probable cause  
12 searches, obviously what I did is lumped them all  
13 together down at the bottom when I talk about total  
14 searches and I had crunched out percentages at that  
15 point.

16 MR. WEBER: Okay. Well when you combine the  
17 consent searches were the probable cause searches, that  
18 drives down the percentages for minority motorists,  
19 does it not?

20 THE WITNESS: Yeah, I guess it would, yeah.

21 MR. WEBER: If you accept my percentages.

22 THE WITNESS: I can understand your point and  
23 I understand what you're asking and the answer is  
24 basically not because I'm just trying to portray what  
25 the numbers are. I mean obviously you could -- I could

1 have crunched it out the other way. I don't know why I  
2 didn't.

3 MR. WEBER: Okay.

4 THE WITNESS: But it was not for that intent.

5 MR. WEBER: Okay. This information was  
6 shared with Colonel Williams and Lieutenant Blaker.  
7 Did you also share it with DAG Rover?

8 THE WITNESS: Yes, I did.

9 MR. WEBER: Similar fashion, over the phone?

10 THE WITNESS: Yes, sir.

11 MR. WEBER: Didn't provide copies of these  
12 two documents?

13 THE WITNESS: No, I didn't.

14 MS. GLADING: Do you recall what his reaction  
15 was, if any, to these numbers?

16 THE WITNESS: No. I believe that among all  
17 parties involved that at that point that there was a  
18 realization there that our consent numbers were --  
19 could be perceived as higher percentages. I don't  
20 think that he expressed any surprise at those numbers.

21 MS. GLADING: Did he say anything indicating  
22 to you that he intended to let his superiors know about  
23 that?

24 THE WITNESS: I don't recall if he said that  
25 or not.

1 MS. GLADING: Did you discuss these numbers  
2 and these findings with anyone else in your chain of  
3 command?

4 THE WITNESS: Just the usual people I was  
5 having contact with within the Office of the  
6 Superintendent I'm sure. Again, obviously I had  
7 discussed it with Lieutenant Blaker and with the  
8 Colonel.

9 MS. GLADING: Right. Okay. Anyone else  
10 outside of your chain of command that you talked about  
11 these numbers with?

12 THE WITNESS: No. I know I discussed them  
13 with Mr. Rover. I don't recall who else I might have  
14 discussed them with.

15 MS. GLADING: Scott, I wonder if I could mark  
16 one document very quickly here. What's the number?

17 MR. WEBER: Why don't we mark it as G-26.  
18 (Pause)

19 MS. GLADING: You could take -- I've handed  
20 the witness --

21 MR. WEBER: G-26.

22 MS. GLADING: -- a document marked G-26.  
23 Could you take a look at it and tell me if you  
24 recognize it?

25 MR. WEBER: For the record, it's OAG-002123

1 through 2130.

2 MS. GLADING: And for the record, the  
3 handwritten remarks in the margins that calculate  
4 percentages are my notes, not --

5 THE WITNESS: Good. I was just going to ask  
6 you that.

7 (Pause)

8 THE WITNESS: Okay. Yes, ma'am.

9 MS. GLADING: Do you recognize this?

10 THE WITNESS: I recognize the maps and, as  
11 you said, apparently your notes that were on there  
12 because I hadn't -- I didn't remember that writing  
13 being there. These were reports that were prepared by  
14 the Field Operations Section in regards to I believe  
15 both Cranbury and Moorestown Stations.

16 MS. GLADING: Okay. Did you know about these  
17 reports as they were being prepared?

18 THE WITNESS: These reports, yes, I did.

19 MS. GLADING: At the time that these reports  
20 were being prepared, you had knowledge that they were  
21 working on this?

22 THE WITNESS: Yes.

23 MS. GLADING: Okay. How did you have that  
24 knowledge?

25 THE WITNESS: Basically the impetus for these

1 reports being started was my being sent down to the  
2 Field Operations Section and directing them to start  
3 collecting information of this fashion for the two  
4 stations out on the Turnpike, Cranbury and Moorestown.

5 MS. GLADING: Okay. And you sent down there  
6 by whom?

7 THE WITNESS: The Superintendent.

8 MS. GLADING: And this is June '97. What was  
9 the context in your being sent down there?

10 THE WITNESS: Basically that we had  
11 ascertained that we had some shortcomings in ongoing  
12 monitoring as far as keeping track of what was going on  
13 and it was felt at that time that it would be prudent  
14 for us to get an ongoing flow of information to come in  
15 for the purpose of management to ascertain what motor  
16 vehicle stop rates were and what our search activity  
17 was out at the two stations.

18 MS. GLADING: And did that process continue?

19 THE WITNESS: This process I believe  
20 continued ongoing until the implementation of the CAD  
21 system for the stations on the Turnpike. And I believe  
22 at that time it was able to shift from a manual  
23 compilation which is what's reflected here to the  
24 computerized fashion of doing it through the CAD  
25 system.

1 MS. GLADING: And did you -- at the time did  
2 you have any view on whether these numbers were  
3 comparable to what you were coming up with or whether  
4 they were contradictory?

5 THE WITNESS: They didn't appear to be  
6 contradictory. The stop rates appeared to be in the  
7 same ball park as the numbers had been generated  
8 through various endeavors over years prior. And I  
9 didn't see any -- again, I don't -- I probably would  
10 have to rely on the numbers that you put here. But I  
11 don't think that the -- the search numbers, I believe,  
12 were again in the same ball park as prior analysis that  
13 had been done.

14 MS. GLADING: Relying on my math could be  
15 dangerous. Did you continue to see these reports on a  
16 monthly basis?

17 THE WITNESS: No, I didn't. What had  
18 happened is the Field Operations Section was tracking  
19 this information and it had gotten to a point where I  
20 believe the Field Operations Section had been asked to  
21 prepare a six month report which encapsulated the  
22 report basically the information for the prior six  
23 months. And subsequently there was another six month  
24 report that was done later.

25 MS. GLADING: Did you ever indicate to anyone

1 outside the State Police, anyone at the Office of the  
2 Attorney General or the Department of Law and Public  
3 Safety that these numbers were being kept and were  
4 available?

5 THE WITNESS: Yes.

6 MS. GLADING: Who did you tell that to?

7 THE WITNESS: Mr. Rover.

8 MS. GLADING: Did he ask to see them?

9 THE WITNESS: I believe that I had related to  
10 him that our numbers were on par with what they had  
11 been in the past. I don't believe he specifically  
12 asked for copies of the reports. I had communicated  
13 the information telephonically.

14 MS. GLADING: Okay. And did you discuss  
15 these numbers with anyone else within the State Police?

16 THE WITNESS: I'm sure that I did in the  
17 context of getting them from the Field Operations  
18 Section, the fact that I went down there to ask for the  
19 six month report, the origination of doing this. So  
20 there probably would have been a number of people  
21 within the Field Operations Section as well as my  
22 normal chain of command that I would have talked to  
23 about this.

24 MS. GLADING: Do you recall talking with  
25 Lieutenant Colonel Roberson about these numbers?

1 THE WITNESS: About these specific numbers?  
2 I don't think I did.

3 MS. GLADING: Well, about -- no, about the  
4 numbers that were being generated as a result of this  
5 Field Operations process?

6 THE WITNESS: No. I believe that he knew  
7 that the, you know, numbers were being generated  
8 because I think that they flowed up through the chain  
9 of command.

10 MS. GLADING: Okay. Did you have any  
11 conversations with Colonel Williams about these numbers  
12 during this process? Was this part of your discussions  
13 with him?

14 THE WITNESS: I'm sure that I did, but I  
15 don't remember specifically what the context of the  
16 conversation would have been.

17 MS. GLADING: Okay. Thanks.

18 MR. WEBER: Sergeant Gilbert, I show you a  
19 new document, for the record G-27, OAG-000975 through  
20 998. Have you ever seen this document before?

21 (Pause)

22 THE WITNESS: The first page, which is  
23 000975, that I've never seen before.

24 MR. WEBER: Okay. Please take a look at  
25 what's attached to it.

1 (Pause)

2 THE WITNESS: Okay, sir.

3 MR. WEBER: Have you ever seen the documents  
4 that are attached to that?

5 THE WITNESS: Yes, I have.

6 MR. WEBER: Okay. And that's -- the  
7 documents that are attached to OAG-975 are the results  
8 of analysis conducted by Lieutenant Hinkle, correct?

9 THE WITNESS: That's correct, sir.

10 MR. WEBER: Did you have any involvement in  
11 Lieutenant Hinkle's activities in connection with his  
12 analysis?

13 THE WITNESS: No, I did not.

14 MR. WEBER: Okay. The cover memo, which is  
15 OAG-975 is dated July 29, '97 and it's to Peter  
16 Verniero from Alex Waugh. In the first paragraph the  
17 memo states, "The existence of this document was  
18 recently disclosed by State Police. It appears to be  
19 within the ambit of the documents requested by USDOJ  
20 and may have to be produced for them. DAG Rover is  
21 looking further into that issue." Do you know who  
22 produced the Hinkle analysis and reports in or around  
23 July 1997 to the Attorney General's Office?

24 THE WITNESS: I don't recall.

25 MR. WEBER: Okay.

1 THE WITNESS: I'm not sure if it was me or if  
2 it was somebody else within the Division.

3 MR. WEBER: Okay. Is it likely -- let me  
4 rephrase that question. Do you have any recollection  
5 of providing information about Lieutenant Hinkle's  
6 analysis to the Attorney General's Office at any point  
7 in time?

8 THE WITNESS: Yeah, I did. There was  
9 discussions on that and I know that the information was  
10 over there because it also tied into some other ongoing  
11 matters that were active at that point.

12 MR. WEBER: Okay. You say you know the  
13 information was over there. You're talking about the  
14 Hinkle reports that are attached to this document?

15 THE WITNESS: Yes, sir.

16 MR. WEBER: Okay. And you knew the  
17 information was over there when?

18 THE WITNESS: I believe it would have been  
19 around that time because I believe that this  
20 information here also tied into some ongoing civil  
21 litigation. I don't remember the exact time frame, but  
22 I know it was part of the items that were involved in  
23 that matter also.

24 MR. WEBER: Okay. Lieutenant Hinkle's report  
25 is dated September 24th, '96, correct?

1 THE WITNESS: That's correct, sir.

2 MR. WEBER: Okay. So is it your recollection  
3 that Lieutenant Hinkle's report and the related  
4 documents that are behind Lieutenant Hinkle's report  
5 were not provided to the Attorney General's Office  
6 until some time around July of 1997?

7 THE WITNESS: I don't have any independent  
8 recollection, but I wouldn't doubt what Mr. Waugh had  
9 written in the memo. I'm assuming that the dates are  
10 accurate.

11 MR. WHEELER: Were you aware -- just to  
12 backtrack a second. Were you aware that Lieutenant  
13 Hinkle was conducting those audits?

14 THE WITNESS: Yes.

15 MR. WHEELER: Did you have any conversations  
16 with either Lieutenant Hinkle or Captain Touw about  
17 those audits?

18 THE WITNESS: I had conversations with  
19 Captain Touw because this was kind of the genesis of  
20 Captain Touw had come up with the concept of doing  
21 inspection audits and the audit process, and he and I  
22 had had lengthy conversations on the development of  
23 that process. And this was one of the precursors to  
24 demonstrating the ability to do that.

25 MR. WHEELER: Would this have been discussed

1 at any of those meetings in 1996 that were chaired by  
2 Lieutenant Colonel Littles?

3 THE WITNESS: I'd have to -- I'm not sure if  
4 they were or not. I don't -- I'd have to look at the  
5 notes that I made as far as the IOCs and what was  
6 discussed at the meeting. I don't know if -- I'd have  
7 to go back and look at the dates of our meetings  
8 compared to when this was authored by Lieutenant  
9 Hinkle. This might have come afterwards. I'm not  
10 sure.

11 MR. WHEELER: And I just have one quick  
12 question about those meetings that I forgot to ask  
13 before and I apologize and I'll be very, very quick.  
14 The first meeting after the Soto decision, I believe it  
15 was G-1, the document that was -- it's G-1 and it's the  
16 memo it's dated 3/28/96 and it summarizes the 3/25/96  
17 Colonel Littles -- Lieutenant Colonel Littles meeting.  
18 Do you recall what the response or reaction by the  
19 members of the State Police that were at that meeting  
20 to the Soto decision? Was it a positive response --  
21 positive reaction?

22 THE WITNESS: Well not to give you a hard  
23 time, I mean like positive in what way?

24 MR. WHEELER: That the judge made the right  
25 decision?

1 THE WITNESS: No. I think that the reason  
2 that we had the meeting was that in reading the  
3 decision that I had read and others had read, is that  
4 there were some issues that were raised by Judge  
5 Francis that we didn't agree with. There were issues  
6 that were raised that we felt, you know, to be prudent  
7 and to be good law enforcement officers we had to take  
8 a look at. And that's why in fact we put the Committee  
9 together. Because there were such things as records  
10 retention, monitoring, training, they're issues that  
11 you always want to improve upon. And obviously, you  
12 know, he had leveled some pretty heavy criticism at the  
13 Division for their capabilities and behavior. Now  
14 whether we agreed with him or not, the prudent thing  
15 was for us to get together and start to take a look at  
16 the issues because we're always looking to improve  
17 ourselves.

18 So was there an overall favorable response to  
19 the decision? I would say no because we had concerns  
20 about the completeness of the data that had been  
21 utilized. The -- although we didn't fully understand  
22 that, the way that it had been explained to us, the way  
23 that the legal burden in the case had been shifted, the  
24 traffic study issue, we had concerns about whether, you  
25 know, the traffic study that had been done was a

1 comprehensive traffic study and whether that reflected  
2 the actual demographics of the Turnpike. And that if  
3 we were going to hold our personnel accountable for a  
4 number out there from an enforcement perspective, both  
5 traffic and criminal, there were concerns about whether  
6 those numbers were in fact the best numbers available  
7 and whether they were accurate.

8 So I think what we did is we took a level-  
9 headed approach to the decision. And it wasn't, you  
10 know, that we were saying well this decision is like  
11 totally bad and, you know, we're going to say that the  
12 judge is totally wrong and that we're not going to  
13 address the issues that he raised. That would have  
14 been foolish on the Division's part and that's why we  
15 put the Committee together. We wanted to move forward.  
16 If there were improvements that needed to be made and  
17 we could identify what they were, we were going to  
18 attempt to do that.

19 MR. WEBER: Sergeant Gilbert, we've placed in  
20 front of you for identification G-28. The document is  
21 Bates stamped GC-002375 and 2376. The date is May 27,  
22 1998. It appears to be a memo from you to Colonel  
23 Williams. Do you recognize this document?

24 THE WITNESS: Yes, sir, I do.

25 MR. WEBER: Okay. Just a question about one

1 aspect of it. Under paragraph two, there is a big  
2 block quote in all bold that states, "We can easily  
3 format this training to include enforcement issues  
4 arising from the racial profiling angle (constitutional  
5 basis, case law policy and attitudes). We would then  
6 be satisfying representations made by the AG in the  
7 press release."

8 THE WITNESS: Yes, sir.

9 MR. WEBER: Do you remember what  
10 representations you were referring to there?

11 THE WITNESS: I believe that the Attorney  
12 General had made some representations as far as us  
13 enhancing our training capabilities and I believe with  
14 the focus on the racial profiling issue and search and  
15 seizure and so forth, and I felt that that was -- since  
16 those representations had been made, I felt it was  
17 important to emphasize that there had to be the  
18 appropriate follow through to those representations.

19 MR. WEBER: Okay. So the representations  
20 that had already been made in the press release prior  
21 to May 27, '98, correct?

22 THE WITNESS: I believe so. I'd have to look  
23 at the date of what the press release was, but I know  
24 there was a press release in that general time frame.

25 MR. WEBER: Was it your view that the -- that

1 the State Police needed to format training courses to  
2 include enforcement issues arising from the racial  
3 profile angle in order to, well your words, satisfy the  
4 representations made by the AG in the press release?

5 THE WITNESS: Well actually it was two fold.  
6 One is I thought training was important. I always  
7 have. And I think that there's never any damage done  
8 by having more training, especially on issues such --  
9 such as these that are very sensitive and obviously at  
10 a critical time. Secondly, I felt that if the Attorney  
11 General was putting out a press release saying that we  
12 were doing something, it was also critical to ensure  
13 that were in fact doing it.

14 MR. WEBER: Okay. But prior to the Attorney  
15 General putting out the press release, the State Police  
16 wasn't reformatting its training to deal with the issue  
17 of racial profiling, correct?

18 THE WITNESS: I think that we had in fact  
19 addressed the issue of racial profiling through the  
20 annual in-services and so forth. But again, going back  
21 to what I said, with the instance of this issue, any  
22 additional training that we could put into our training  
23 curriculum was going to be beneficial to the Division.  
24 And I felt that that was something that we had to  
25 continue moving forward with to, you know, the more

1 training the availability of current ongoing training  
2 was an important issue for us.

3 MR. WEBER: I show you a new document, G-29.  
4 (Pause)

5 MR. WEBER: For the record GC-002389 through  
6 2391. Would you identify this, Sergeant Gilbert,  
7 please?

8 THE WITNESS: Yes, sir. This is a report  
9 that I did to Deputy Attorney General George Rover from  
10 myself. It's regards to the DOJ inquiry, responses to  
11 Pozner's recent questions. I believe Mr. Rover had  
12 gotten some inquiries from Mark Pozner who was one of  
13 the attorneys on the staff down at the Department of  
14 Justice and these were answers I was trying to provide  
15 to Mr. Rover.

16 MR. WEBER: It's dated July 23rd, '98,  
17 correct?

18 THE WITNESS: Yes, sir.

19 MR. WEBER: Okay. Here we've got an example  
20 of a written communication from you directly to DAG  
21 Rover?

22 THE WITNESS: Yes, sir.

23 MR. WEBER: Was it unusual for you to have  
24 written communications directly to DAG Rover?

25 THE WITNESS: I don't think I did it on that

1 many occasions, but I guess in this instance I took the  
2 time to lay this out for him. I don't know if you  
3 would characterize it as unusual. It's just in this  
4 case I chose to write the information out and get it  
5 into his hands.

6 MR. WEBER: Do you remember why you wrote the  
7 information out and provided it to him in written form  
8 as opposed to doing what appears the usual course that  
9 you and Mr. Rover had established, which is you pick up  
10 the telephone and you call him and you brief him over  
11 the phone?

12 THE WITNESS: No. It's kind of like  
13 basically the same. It's all information that falls  
14 into the same parameters of what we were dealing with.  
15 It's not that it's any different. Other than probably  
16 the fact that I had some time to sit down and type the  
17 thing out, there probably is no difference in the  
18 process. I mean my goal was to get the information to  
19 him which whether I did it over the phone or I did it  
20 in writing, as long as the information got there and I  
21 was confident that he understood what the information  
22 was, that was my main concern.

23 MS. GLADING: Did you recall prior to this  
24 period -- this point in time, this is July 23rd, '98,  
25 did you recall that George Rover had -- had been

1 sending information to the Department of Justice?

2 THE WITNESS: I believe that he was.

3 MS. GLADING: Do you know where he was  
4 getting that -- that -- let me be specific. Do you  
5 recall that he was sending radio logs to the Department  
6 of Justice?

7 THE WITNESS: I believe that he did, yes,  
8 ma'am.

9 MS. GLADING: Do you know where he got them  
10 from?

11 THE WITNESS: He would have gotten them from  
12 us over at the State Police.

13 MS. GLADING: Do you know who in particular  
14 he got them from?

15 THE WITNESS: Probably would have gotten them  
16 from me. I'm sure I would have been the --

17 MS. GLADING: Okay. This is pretty  
18 voluminous, the information Department of Justice asked  
19 for, wasn't it?

20 THE WITNESS: Yes, it was.

21 MS. GLADING: Okay. So do you recall whether  
22 he did get it from you?

23 THE WITNESS: I'm assuming that he got it  
24 from me because the information would have -- basically  
25 that would have been my responsibility to get the

1 paperwork over to him. So --

2 MS. GLADING: Okay.

3 THE WITNESS: -- that would have come from  
4 me, yes.

5 MS. GLADING: Do you recall how you got it  
6 over to him? Was it boxes of information?

7 THE WITNESS: Yeah, and organized up into I  
8 guess, what do you call them, brown legal folders.  
9 When somebody went over that way, one of the guys that  
10 I had in my office, because George worked off site. He  
11 worked at ABC. So I tried to have those -- you know,  
12 that information ferried over to him. I think on some  
13 occasions he stopped by and he picked stuff up. I  
14 don't remember, you know, which was which.

15 MS. GLADING: Okay. And I'm asking this  
16 question out of sequence, but I can tell you that there  
17 was a June 17th, 1997 letter from Rover to Mark Pozner.  
18 It's DOJ-5599. I don't know that we need to mark it  
19 into evidence. But it appears to be when he begins  
20 sending Mark Pozner radio logs for the 30 sample days.

21 THE WITNESS: Okay.

22 MS. GLADING: It appears to be the first time  
23 he's sending him information specific to the 30 sample  
24 days.

25 THE WITNESS: All right.

1 MS. GLADING: Does that sound about right to  
2 you, June 17th, '97?

3 THE WITNESS: It may well be. That makes  
4 sense with what you're saying to me. I'd have to look  
5 at the letter, but I'm sure -- he basically had the  
6 control of the stuff, you know, going to the Department  
7 of Justice. So if that's what his letter reflects, I'm  
8 sure that's -- that's probably accurate.

9 MS. GLADING: All right. Here's my question  
10 to you. As best as you can recall, in gathering up  
11 this information for him, what process did you go  
12 through and how long did it take?

13 THE WITNESS: It took a long time because  
14 basically it was a lot of paper itself. Some of the  
15 things such as SOPs and policies, they were easy to get  
16 my hands on and I had gotten to them -- gotten those  
17 things to him --

18 MS. GLADING: Yeah. I'm asking specifically  
19 about radio logs --

20 THE WITNESS: But like that stuff --

21 MS. GLADING: -- consent to search forms --

22 THE WITNESS: -- yeah, that took a while.  
23 The consent to search forms I was able to locate them  
24 because they were actually on site at Division  
25 Headquarters because they got funneled in from the

1 various troops into the Field Operations Section. They  
2 had a storage area where they kept them. However, the  
3 other information --

4 MS. GLADING: Let me back up for one second.  
5 On the consent to search forms, because they were more  
6 easily located and were on site, were they the first  
7 things you sent of to Mr. Rover?

8 THE WITNESS: I don't recall if they were the  
9 first thing. I know that they were the things that I  
10 had the first chance really to do an analysis on  
11 because they were the first things I think that I had  
12 basically kind of a complete set of things in my hands  
13 so that I go about doing that.

14 MS. GLADING: Okay. When -- when the 30  
15 sample days were selected at some point in the spring  
16 of '97, is that correct? Yeah.

17 THE WITNESS: Yes, ma'am.

18 MS. GLADING: Did Mr. Rover call you up and  
19 say this is what we're going to need for the 30 days or  
20 how did -- how did you start the process?

21 THE WITNESS: I think there was discussion  
22 back and forth about what, you know, State Police  
23 reports would be there and like, you know, what would  
24 be included in that. I don't remember if George, you  
25 know, talked to them and they came to an agreement as

1 to what specific items there would be. But I know we  
2 ended with summonses, warnings, radio logs, you know,  
3 basically the things that would incorporate the  
4 activity of the troopers on those given days. So the  
5 consent to searches, the investigation reports and so  
6 forth.

7 MS. GLADING: And were the probable cause  
8 searches also in that?

9 THE WITNESS: I believe so, yes.

10 MS. GLADING: Okay. And were the patrol  
11 charts part of that also?

12 THE WITNESS: Yes.

13 MS. GLADING: Okay. Now what process then  
14 did you go through after you knew what they needed?

15 THE WITNESS: I put an inquiry out through  
16 paperwork to the stations on the Turnpike and told them  
17 what -- what was going to be needed.

18 MS. GLADING: And then when do you think that  
19 was?

20 THE WITNESS: That I put that -- I'd have to  
21 go back and check. I think there's IOCs that show that  
22 request going out through the chain of command to start  
23 gathering that information up at the stations on the  
24 Turnpike, the two stations.

25 MS. GLADING: Okay. Do you have any

1 recollection of how long it took to get it back?

2 THE WITNESS: It took a while because we were  
3 very strapped for manpower at that point and they  
4 didn't want to take troopers off the road at that point  
5 to gather -- basically it was a lot of photocopying  
6 that was involved. First gathering -- identifying and  
7 gathering the reports and then actually, you know,  
8 putting them together and photocopying them. So they  
9 used individual -- we had some individuals that were on  
10 light duty and on power days, which are days that -- we  
11 call them power days because there's more people  
12 working and they were able to free some of our  
13 personnel up to basically do the photocopying and put  
14 the stuff together. So it took a number of months, I  
15 believe, before the stuff started to flow in with any  
16 regularity.

17 MS. GLADING: Started to flow into you?

18 THE WITNESS: Yes.

19 MS. GLADING: Okay. When it got to you, what  
20 would you do with it?

21 THE WITNESS: Try and get it organized the  
22 best I could as far as the sample dates, when I had an  
23 opportunity to do that and once I had had, you know,  
24 things together, I felt in a fairly reliable and  
25 understandable manner, then get in touch with George

1 and get that stuff over to him.

2 MS. GLADING: As you got stuff in, you'd  
3 organize it and then ship it over to George?

4 THE WITNESS: Tried to, yeah.

5 MS. GLADING: Okay. Did you keep copies of  
6 it?

7 THE WITNESS: Yes.

8 MS. GLADING: Did you keep a record of when  
9 you sent these things over?

10 THE WITNESS: No. I would call George up and  
11 say I've got some of the stuff that you need.  
12 Basically either he would come over and get it or -- I  
13 don't think I ever actually took any of the stuff over  
14 to him, but one of -- I would have one of the two --  
15 they're now Sergeants but they were troopers at that  
16 point in my unit would ferry that stuff over to his  
17 office.

18 MS. GLADING: Now if there's a June 17th,  
19 1997 letter from Rover to Pozner attaching radio logs  
20 from Moorestown for three dates, January 14th, '95,  
21 February 1st, '95 and February 13th, '95, and it's got  
22 redacted information, you know, the names of the State  
23 Police personnel are redacted, if he's sending that to  
24 Pozner, can you surmise from that what you had given  
25 him in terms of radio logs from Moorestown at that

1 point?

2 THE WITNESS: Well at least that information.  
3 I'm not sure if -- can I look at the letter?

4 MS. GLADING: Yeah, sure.

5 THE WITNESS: Maybe that'll help.

6 MR. WEBER: Could you just identify again the  
7 Bates number?

8 THE WITNESS: Yes, sir. It's DOJ-005599.  
9 It's a letter on State of New Jersey letterhead dated  
10 June 17th, 1997 going to Mark Pozner of the Civil  
11 Rights Division, Department of Justice from Mr. Rover.  
12 And it says, "I attach copies of radio logs from the  
13 Moorestown Station for the dates of January 14th, 1995,  
14 February 1st, 1995 and February 13th, 1995. The only  
15 portions redacted refer to the names of State Police  
16 personnel."

17 I think at that point what had happened is  
18 that they wanted samples of how we captured our  
19 information, if I remember right. I don't know if at  
20 that point that we had had the ability -- that -- well  
21 it was in June, so I'm not really sure. But I don't  
22 know if we had all the radio logs basically collected  
23 at that point and organized. Obviously these three had  
24 been extracted and I guess sent to the Department of  
25 Justice.

1 MS. GLADING: All right. I -- I did not  
2 bring all of George Rover's letters. But I'm trying to  
3 understand the process through which he got  
4 information. Do you remember when you finished getting  
5 him the information that you had to collect for him?

6 THE WITNESS: Actually it was ongoing because  
7 even when we got to G-29 which was dated, what, July  
8 23rd of '98, we were still in the process of  
9 interacting with Justice. And so I'm not sure which  
10 information we're talking about.

11 MS. GLADING: I'm talking about the  
12 information you had to get from the various Barracks,  
13 from Moorestown and Cranbury for warnings, radio logs,  
14 consent to search forms, investigation reports,  
15 probable cause forms and --

16 THE WITNESS: I think in the area -- probably  
17 in the area of July, August of '97 I think that we were  
18 well underway. I can't say, you know, specifically  
19 that I was done on a specific date. I don't -- because  
20 this was --

21 MS. GLADING: Okay.

22 THE WITNESS: -- being done in among a lot of  
23 other things that I had to do. But I would say that I  
24 think by the early fall of '97 I think we were in  
25 pretty good shape as far as getting most of the

1 documents in.

2 MS. GLADING: Okay, early fall of '97 and  
3 that's a June '97 letter.

4 THE WITNESS: Yes.

5 MS. GLADING: So you're talking about a  
6 process of about four months or so?

7 THE WITNESS: It took a while because --

8 MS. GLADING: Okay.

9 THE WITNESS: -- again, we were very strapped  
10 for manpower.

11 MS. GLADING: To your knowledge, did he ever  
12 send the consent to search forms to Justice?

13 THE WITNESS: I'm not sure if he did or not.

14 MS. GLADING: Okay. Did he keep you apprized  
15 of what he was sending Justice and when?

16 THE WITNESS: Not specifically. I mean I  
17 would get stuff to him. I know he had ongoing contact  
18 with Mr. Pozner. But I'm not sure exactly what went  
19 and exactly at what point it went.

20 MS. GLADING: Okay. Thanks. That's very  
21 helpful.

22 MR. WEBER: Off the record.

23 (Off the record discussion)

24 MR. WEBER: Back on the record. Sergeant  
25 Gilbert, we have placed before you two new documents

1 and for the record the first document is G-30, OAG-  
2 006221 to OAG-006223. And the second document which  
3 we've marked as G-31 is OAG-001345 to 1348. G-30 a is  
4 February 23rd, 1999 memo from you to Lieutenant Colonel  
5 Dunlop, correct?

6 THE WITNESS: Yes, sir.

7 MR. WEBER: Why did you prepare this memo at  
8 that time?

9 THE WITNESS: After the shooting had taken  
10 place on the Turnpike, I believe that there -- from  
11 Colonel Dunlop's perspective, he had come in as the  
12 Executive Officer, a Lieutenant Colonel's position,  
13 from having been over in the Investigations Section.  
14 Subsequent to the shooting, Colonel Dunlop had  
15 committed quite a lot of resources to try and -- as  
16 you're well aware of with the audit process that was  
17 undertaken out there, and also to take a look at our  
18 policies and procedures again. That incident having  
19 taken place, I think, you know, obviously would cast an  
20 even more critical eye on processes and procedures.

21 And my recollection is he wanted me to  
22 prepared this for him to kind of give him an overview  
23 as far as subsequent to Gloucester -- the Gloucester  
24 County decision being rendered, we had taken a number  
25 of steps to try and enhance the collection of

1 information by way of the radio transmission. And I  
2 think that he was trying to get a feel for that. As  
3 you well know, some of the issues that came up during  
4 the -- his inquiries after the shooting, there were  
5 issues that tied to radio procedures and the  
6 information being collected. So I think he wanted to  
7 get a good grasp from me as far as what events had  
8 taken place with regards to the radio log issue, the  
9 calling in of stops and so forth up to the point that  
10 he asked me for it, which would have been, you know,  
11 somewhere in this area, mid to late February of 1999.

12 MR. WEBER: Okay. So G-30 then is a synopsis  
13 or a time line of important dates that relate  
14 specifically to the radio procedures issue, correct?

15 THE WITNESS: Yes, sir.

16 MR. WEBER: Okay. G-31, the subject of which  
17 is a profiling issue, did you prepare that document  
18 also?

19 THE WITNESS: Yes, sir, I did.

20 MR. WEBER: Okay. This -- this document, G-  
21 31, is a document that sets forth the chronological on  
22 more generally key dates to the profiling issue,  
23 correct?

24 THE WITNESS: Yes, sir, that's correct.

25 MR. WEBER: So it includes both -- it

1 includes the dates that are set forth in G-30 which are  
2 the dates that relate to radio procedures plus  
3 additional dates?

4 THE WITNESS: Yeah, I'd have to cross it  
5 over, but I'm assuming that I probably had most of this  
6 information incorporated into G-31.

7 MR. WEBER: Okay. Let's -- and that -- and  
8 G-31 was prepared March 26th, '99?

9 THE WITNESS: Yes, sir.

10 MR. WEBER: Okay. And again you are the  
11 author of this document?

12 THE WITNESS: Yes, sir, I am.

13 MR. WEBER: All right. Let's take a look at  
14 the third page, OAG-001347.

15 THE WITNESS: Yes, sir.

16 MR. WEBER: There is a delineation for  
17 February of '97. There's a few of them, correct? It  
18 says 2/97?

19 THE WITNESS: Yes.

20 MR. WEBER: The first entry for 2/97 states,  
21 "DOJ learning we are not computerized decides to amend  
22 request, advising they will pick sample dates for  
23 analysis. They ultimately specify 15 sample dates in  
24 '95, 15 in '96. Data provided as gathered to DAG Rover  
25 for forwarding to DOJ." What data are you referring to

1 here at the February '97 entry?

2 THE WITNESS: The data being the patrol  
3 charts, radio logs, the -- the ongoing -- basically  
4 that's when it started about, you know, getting the  
5 information from the Turnpike Stations, getting it  
6 together and getting it over to him. The things we  
7 were talking about before like the patrol charts, the  
8 radio logs, the summonses, warnings --

9 MR. WEBER: Is G-13 included in the -- the  
10 description of data, that would be the --

11 THE WITNESS: You mean G-13 being the -- the  
12 contents of G-13?

13 MR. WEBER: Yes. Yes. Correct.

14 THE WITNESS: Yeah. I don't think I actually  
15 wrote it with that thought in mind, but I mean that was  
16 around the time period that I had provided that  
17 information to him.

18 MR. WEBER: Okay. February of '97 then, as  
19 best as you can recall and now taking a look at G-31,  
20 is when you started to provide data to DAG Rover and  
21 then it was an ongoing process thereafter, correct?

22 THE WITNESS: Yeah. Again, as we discussed  
23 before, with the information of the consent to search  
24 information that I had passed on to him earlier, I  
25 believe that we had kind of come to a conclusion that

1 that was somewhere in the range of February '97. And I  
2 think this is -- what I wrote here is more applicable  
3 to like the hard copy, the photocopy of all the  
4 documents delineating the activity out at the stations  
5 and the policy and procedures and so forth that I  
6 believe were, you know, forwarded to him for him in  
7 turn to forward to the Justice Department.

8 (Pause)

9 MS. GLADING: Did you -- at the time you  
10 wrote this memo, did you have any discussions with  
11 Lieutenant Colonel Fedorko about the content of the  
12 memo?

13 THE WITNESS: I don't think that I did. You  
14 know, hopefully the purpose of this was to give him  
15 bullets so that he had a good overview, you know, soup  
16 to nuts start -- you know, from the start point of the  
17 Gloucester County decision what had been going on. I  
18 don't remember him having any follow-up questions for  
19 me on this. I'm hoping that's because it kind of made  
20 sense in the time line the way it was constructed.

21 MS. GLADING: Did you -- you said he didn't  
22 have any follow-up questions?

23 THE WITNESS: I don't recall us having  
24 specific conversation on the contents of the memo or  
25 anything.

1 MS. GLADING: It would -- just to clarify  
2 what Scott asked you about earlier, and I found the  
3 reference in my own records. The -- George Rover on  
4 April 2nd, 1997, got the Fax from DOJ that indicated  
5 the 30 sample -- 30 random days.

6 THE WITNESS: Okay.

7 MS. GLADING: So the -- if you accept my  
8 representation as accurate, is that the date then that  
9 you and he began talking or at some time shortly  
10 thereafter, that you and he began talking about  
11 gathering the information?

12 THE WITNESS: No. I think what had happened,  
13 I think there was -- again, I don't think I was privy  
14 to all the back and forth, but I think the resolution  
15 of getting to the 30 samples dates, I mean I think  
16 there was some back and forth between Justice and the  
17 Attorney General's Office on that. I don't think it  
18 was like a one-day discussion and --

19 MS. GLADING: Okay.

20 THE WITNESS: You know, I think there was  
21 some, as I said, back and forth on that. So I think  
22 that that took a period of time. But I think that as  
23 far as the gathering of data, I think originally is the  
24 request was constructed, it was talking about the great  
25 encompassing -- the one report I had written about the

1 logistical concerns, I wrote that on the basis that I  
2 think at the start point it was going to be information  
3 for 1994 to 1996 for basically the way the thing was  
4 worded because it was vague was for the entire  
5 Division. So there had been conversations about, you  
6 know, collecting information because of basically how  
7 extensive an operation that was going to be.

8 MS. GLADING: Okay. So that took some time?

9 THE WITNESS: Yeah. I think -- I mean that  
10 was -- I think from the time that we actually received  
11 the information request, I think there were  
12 conversations ongoing about, you know, the aspects of  
13 collection because it was going to be a massive  
14 undertaking.

15 MS. GLADING: Okay. Actually I found another  
16 reference that an agreement was reached with DOJ on the  
17 15 days in May -- on the 30 -- the 30 days in May of  
18 '97.

19 THE WITNESS: That --

20 MS. GLADING: Does that sound about right to  
21 you?

22 THE WITNESS: I'm sure if that's what he's  
23 got in the letter, that's going to be accurate.

24 MS. GLADING: Okay.

25 MR. WEBER: Sergeant Gilbert, put a new

1 document in front of you for identification, G-32, is a  
2 document I will represent that I have stapled together.

3 THE WITNESS: Yes, sir.

4 MR. WEBER: The Bates numbers are OAG-003450  
5 and GC-002348. The first document is a memo to the  
6 file from Peter Verniero dated March 16, 1999 re State  
7 Police data and information. Have you ever seen that  
8 document before?

9 THE WITNESS: No, first time.

10 MR. WEBER: Okay. Turning your attention to  
11 the second page G-32 which is GC-002348, a memo to the  
12 file from Paul Zoubek dated March 16, 1999, subject  
13 State Police review. Have you ever seen this document  
14 before?

15 THE WITNESS: No, I have not.

16 MR. WEBER: Okay. Let me read the document  
17 into the record. "On March 15, 1999, I received for  
18 the first time a packet of documents from the State  
19 Police regarding analyses and compilations of  
20 statistics regarding racial profiling. I received  
21 those documents from Lieutenant Thomas Gilbert of the  
22 New Jersey State Police. Also present at that meeting  
23 with AAG Ronald Susswein, Deputy Director Wayne Fisher,  
24 AAG George Rover, Christine Boyle, Chief Research and  
25 Evaluation Section and DAG Mike LoGalbo. These

1 materials were received in response to the request I  
2 made during a meeting with Lieutenant Colonels Robert  
3 Dunlop and Michael Fedorko on March 11, 1999 to ensure  
4 that we had received all relevant documents concerning  
5 racial profiling."

6 THE WITNESS: Yes, sir.

7 MR. WEBER: Did you in fact provide a packet  
8 of documents to Director Zoubek on March 15th, 1999?

9 THE WITNESS: Yes, sir, I did.

10 MR. WEBER: Why did you provide those  
11 documents to him?

12 THE WITNESS: I don't recall the exact date,  
13 but I had received a phone call from Deputy Attorney  
14 General George Rover. George had indicated to me that  
15 he was passing on a request from Mr. Zoubek, that Mr.  
16 Zoubek would like to get a look at the statistical  
17 information that I had compiled. In speaking with  
18 George, I don't -- I believe that George actually gave  
19 me the date upon which I was going to get together with  
20 the individuals. I didn't know exactly who was going  
21 to be at the meeting, but that I was to come over. I  
22 remember it was in the point conference room over at  
23 Justice.

24 Upon getting that phone call from George,  
25 because it involved, you know, releasing information

1 out of the Division, I went to Colonel Dunlop who had  
2 basically been dealing with downtown with the flow of  
3 information regarding the profiling issues, told him I  
4 had gotten a call from Deputy Attorney General Rover  
5 and at that point he basically endorsed the fact to go  
6 down there to give them the information and also I  
7 learned at that point he was going to accompany me to  
8 that meeting.

9 MR. WEBER: Okay. What statistical  
10 information in particular were you asked to bring with  
11 you to that meeting?

12 THE WITNESS: It wasn't a specific request.  
13 What George asked me is the statistics that you've had  
14 that you've compiled, he'd like to get a look at them  
15 and would you please bring them down.

16 MR. WEBER: The statistics that you have that  
17 you compiled, are those the statistics that you had  
18 previously shared with Mr. Rover orally?

19 THE WITNESS: Yes, sir.

20 MR. WEBER: Okay. Let's --

21 MS. GLADING: You -- just to back up. Can  
22 you tell me the date that -- how many days prior to  
23 this meeting on March 15th you had this conversation  
24 with George Rover?

25 THE WITNESS: I think it was about -- I don't

1 think it was any longer than a week. I mean I think it  
2 was about a week later that they had scheduled the  
3 meeting to take place.

4 MR. WEBER: I want to make sure that we're  
5 clear on what exactly you provided to Mr. Rover.

6 MS. GLADING: Before you do that, can -- did  
7 Mr. Dunlop accompany you to the meeting?

8 THE WITNESS: Yes, he did.

9 MS. GLADING: Was there anyone else in the  
10 meeting who's not listed on that document?

11 THE WITNESS: To be honest with you, if I had  
12 -- other than the fact that I knew Mr. Zoubek was there  
13 and Colonel Dunlop, if I didn't have this one report  
14 from you, I probably couldn't have been able to tell  
15 you who was there. But that's -- I'm sure basically  
16 Mr. Zoubek prepared an accurate report here and this is  
17 who was there.

18 MS. GLADING: He didn't list Mr. Dunlop  
19 though, did he?

20 THE WITNESS: Excuse me?

21 MS. GLADING: He didn't list Mr. Dunlop, did  
22 he?

23 THE WITNESS: No, I believe he did. Oh,  
24 okay. No, his name's in the -- I see his name, but  
25 it's not reference to being at the meeting. No, it

1 doesn't.

2 MS. GLADING: Okay. Do you -- are you done  
3 with this memo or are you continuing with it?

4 MR. WEBER: No. Well I've got a bunch of  
5 questions about the subject matter of the memo. I want  
6 to make sure that we've got in the record what  
7 information you provided in written form to Director  
8 Zoubek as a result of DAG Rover's telephone call to  
9 you. As I understand it, correct me if I'm wrong, but  
10 the first statistical information you provided to Mr.  
11 Rover on the issue of racial profiling was in the form  
12 of G-13, but you reported it to him orally, correct?

13 THE WITNESS: That's correct, sir.

14 MR. WEBER: And that occurred latter part of  
15 February 1997, correct?

16 THE WITNESS: I believe the way we looked at  
17 the documents and put things together, yeah, I would  
18 say that's accurate.

19 MR. WEBER: Okay. Did you at the March 15th,  
20 1999 meeting provide a copy of what's been marked G-13?

21 THE WITNESS: Yes, sir, I did.

22 MR. WEBER: Okay. We also marked today G-21,  
23 a packet of documents setting forth further statistical  
24 analyses you did for the 15 randomly selected dates.  
25 Did you provide a copy of the documents that are --

1 that comprise G-21 to Mr. Zoubek on the March 15th  
2 date?

3 THE WITNESS: I believe I did. But if you  
4 don't mind, because the blue binder is basically what I  
5 provided, if you're going to ask me that, I basically--

6 MR. WEBER: Okay.

7 THE WITNESS: -- I photocopied the -- what  
8 was in this blue binder, so --

9 MR. WEBER: You photocopied the blue binder.

10 THE WITNESS: I don't want to tell you yes  
11 until I look in here and see that that's, you know,  
12 part of what's in here.

13 MR. WEBER: All right. So just so we're  
14 clear on the record, is it your recollection that  
15 everything that was in the blue binder you provided a  
16 copy to Director Zoubek?

17 THE WITNESS: Yeah, I photocopied it there  
18 that day.

19 MR. WEBER: Okay. Oh you photocopied the  
20 entire blue binder there?

21 THE WITNESS: Yes.

22 MS. GLADING: Why don't you mark that in?

23 MR. WEBER: Yeah. I'm going to do that. So  
24 Sergeant Gilbert, what I'd like you to do is we're  
25 going -- we'll mark this, but before we mark it, take a

1 look through and I want you to take your time, take a  
2 look through the blue binder. Actually why don't we  
3 mark it now, G-33.

4 (Pause)

5 MR. WEBER: And do me a favor, instead of  
6 looking at your blue binder, I'd like you to take a  
7 look at the copy that we have of your blue binder --

8 THE WITNESS: Sure.

9 MR. WEBER: -- because that's the copy  
10 that'll be in the record.

11 THE WITNESS: Yes, sir.

12 MR. WEBER: Because we're going to return  
13 that original binder to you. Take a look at G-33 and I  
14 want you to take your time, and let me know whether  
15 everything that's in G-33, whether a copy of everything  
16 in G-33 was provided on March 16th, 1999.

17 (Pause)

18 MR. WEBER: Okay. Have you had an  
19 opportunity to look through what we've marked as G-32?

20 THE WITNESS: G-33?

21 MR. WEBER: G-33.

22 THE WITNESS: Yes, sir.

23 MR. WEBER: Okay. And G-33, is that a copy  
24 of the original blue binder that you brought to today's  
25 deposition?

1 THE WITNESS: Best I can in comparing back  
2 and forth, it appears to be a complete set, yes, sir.

3 MR. WEBER: Okay. Did you provide a copy of  
4 everything that is in G-33 to the Attorney General's  
5 Office on March 16th, 1999?

6 THE WITNESS: Yes, sir.

7 MR. WEBER: Okay. Now I want -- I want to  
8 break this down a little bit. You previously testified  
9 that there was other statistical -- well that there was  
10 statistical information that you provided to Mr. Rover,  
11 but you provided it to him in the form of oral reports,  
12 correct?

13 THE WITNESS: That's correct.

14 MR. WEBER: Okay. So we have G-13, the  
15 information that's contained in G-13 is -- a copy of  
16 this memo is in G-33, correct?

17 THE WITNESS: That's correct.

18 MR. WEBER: Okay. But your testimony is that  
19 you gave an oral report of the information contained in  
20 G-13 to Mr. Rover sometime in late February '97,  
21 correct?

22 THE WITNESS: That's correct, sir.

23 MR. WEBER: Okay. We also marked today G-21  
24 which you have in front of you.

25 THE WITNESS: Yes, sir.

1 MR. WEBER: It was your testimony today that  
2 you provided the information contained in G-21 to Mr.  
3 Rover upon its completion, correct?

4 THE WITNESS: That's correct.

5 MR. WEBER: And there are two different dates  
6 that concern G-21. Some of the information in G-21 you  
7 provided orally to Mr. Rover I believe you testified in  
8 the late summer to early fall of 1997, correct?

9 THE WITNESS: Correct, sir.

10 MR. WEBER: And the rest of the information  
11 you provided -- that in G-21 you provided to Mr. Rover  
12 orally in the latter part of 1998, correct?

13 THE WITNESS: I believe so, yes.

14 MR. WEBER: And that information that is in  
15 G-21, a copy of that is also in the blue binder that  
16 we've marked as G-33, correct?

17 THE WITNESS: Yes, sir.

18 MR. WEBER: Okay. We also marked today G-25  
19 which is further statistical analyses that you  
20 conducted in July of '97, correct?

21 THE WITNESS: If you can hold on one second.

22 MR. WEBER: G-25.

23 THE WITNESS: Yes, sir.

24 MR. WEBER: Okay. And I believe you  
25 testified that you provided an oral report of that

1 information to Mr. Rover around that same time,  
2 correct?

3 THE WITNESS: Yes, sir.

4 MR. WEBER: Okay. And that information  
5 that's in G-25, a copy of that is also in G-33,  
6 correct?

7 THE WITNESS: Correct, sir.

8 MR. WEBER: We also marked today G-27 which  
9 was a memo from Alex Waugh to Peter Verniero, but  
10 attached to it was the analysis that Lieutenant Hinkle  
11 did, correct?

12 THE WITNESS: That's correct, sir.

13 MR. WEBER: And that G-27, the written  
14 information, copies of Lieutenant Hinkle's report and  
15 the supporting documents behind it, copies of those  
16 were actually provided to the Attorney General's Office  
17 in or about July of '97, correct?

18 THE WITNESS: That would be correct, yes,  
19 sir.

20 MR. WEBER: Okay. That was not an oral  
21 report, unlike the other exhibits that we've discussed,  
22 correct?

23 THE WITNESS: No, it wasn't.

24 MR. WEBER: Okay. Is Lieutenant Hinkle's  
25 analysis from September of '96 and earlier, copies of

1 those documents in the binder that we've marked G-33?

2 THE WITNESS: Yes, sir, it is.

3 MR. WEBER: Okay. So in actuality the  
4 Attorney General's Office had received a copy of the  
5 Hinkle materials prior to March 16th, 1999, correct?

6 THE WITNESS: Well again, I'm only going off,  
7 you know, there's -- I don't recall specifically giving  
8 that to anybody. But I'm going -- you had asked me  
9 about the July 29th --

10 MR. WEBER: Right. But based on the July  
11 29th, 1997 memo which is part of G-27, it would seem to  
12 indicate that the Attorney General's Office had  
13 actually been provided with copies of Mr. Hinkle's  
14 report --

15 THE WITNESS: That would be accurate.

16 MR. WEBER: -- as opposed to a verbal report  
17 from you to Mr. Rover, correct?

18 THE WITNESS: Yes, sir.

19 MR. WEBER: All right. Let me ask you this--

20 MS. GLADING: I wonder if you can --

21 MR. WEBER: -- Sergeant Gilbert. And we're  
22 still on this. You go to this meeting on March 15th,  
23 do you actually copy your binder at the Attorney  
24 General's Office?

25 THE WITNESS: Yes, I did.

1 MR. WEBER: Okay. And who do you hand the  
2 copy of the binder to?

3 THE WITNESS: I brought it back into the room  
4 where we all sitting at the point conference. I don't  
5 remember if I handed it to Mr. Zoubek or somebody else  
6 that was there. But I, you know, basically gave them a  
7 copy. I had gotten a duplicate -- I asked one of the  
8 secretaries there for, you know, a blue cover, I think  
9 hole punched all the pages and gave him a copy of it.

10 MR. WEBER: Okay. Did Mr. Zoubek or anyone  
11 else in the Attorney General's Office flip through the  
12 binder at that time to determine what was in there?

13 THE WITNESS: I don't remember if they did.  
14 I don't think that the meeting was for a real long  
15 time. I think he basically wanted an opportunity to,  
16 you know, digest the -- take a look at the information  
17 and digest it. So I don't think we were like flipping  
18 through and saying what's this, what's that or anything  
19 like that. I think the primary need for the meeting  
20 were -- you know, the reason for the meeting was for  
21 him to get his hands on that statistical information so  
22 he could take a look at it.

23 MR. WEBER: Did anyone ask you in substance  
24 whether any of this information had previously been  
25 provided to the Attorney General's Office?

1 THE WITNESS: No, they did not.

2 MR. WEBER: Okay. Did you offer up at the  
3 meeting the fact that you had shared a lot of the  
4 statistical information verbally with Mr. Rover in the  
5 past?

6 THE WITNESS: I didn't realize that that was  
7 a point of contention at that time.

8 MR. WEBER: Okay. Was Mr. Rover -- well,  
9 yeah, according to this memo Mr. Rover was present at  
10 the March 15th meeting, correct?

11 THE WITNESS: Yes. According to the memo,  
12 yes.

13 MR. WEBER: Mr. Zoubek states in his March  
14 16th memo that on March 15th, "I received for the first  
15 time a packet of documents from the State Police  
16 regarding analyses and compilations of statistics  
17 regarding racial profiling." Have you ever provide --  
18 provided statistical information or analyses or  
19 compilations to Mr. Zoubek personally prior to March  
20 15th, 1999?

21 THE WITNESS: I had never met nor had I ever  
22 talked to Mr. Zoubek prior to that date. That was our  
23 first personal encounter.

24 MR. WEBER: So as far as you -- as far as you  
25 know, that's an accurate statement?

1 THE WITNESS: I really can't -- I can't  
2 really answer that.

3 MR. WEBER: Well --

4 THE WITNESS: All I can tell you is the  
5 contact that I had with him that day and that we had  
6 had no prior contact prior to that date.

7 MR. WEBER: Clearly you had never, prior to  
8 March 15th, 1999, provided Mr. Zoubek personally --

9 THE WITNESS: That's correct.

10 MR. WEBER: -- with either an analyses,  
11 compilations or statistics regarding racial profiling?

12 THE WITNESS: No. We had had not contact  
13 prior to that date.

14 MR. WEBER: Okay. But clearly from your  
15 testimony on the 14th and today, you had, as you  
16 conducted your various analyses, provided that  
17 information in the form of oral reports to Mr. Rover  
18 starting in February of 1997 going up to as late as the  
19 latter part of 1998, correct?

20 THE WITNESS: That is correct.

21 MR. WEBER: You had also, had you not, had  
22 discussions with Mr. Fahy and Mr. Susswein in 1996 in  
23 connection with the Committee that was formed after the  
24 Soto decision, correct?

25 THE WITNESS: That's correct.

1 MR. WEBER: And during those conversations, I  
2 believe there was testimony that you shared verbally  
3 with everyone who was at -- who was part of that  
4 Committee your findings in regards to the analysis you  
5 conducted of the 19 cases and the troopers involved in  
6 the 19 cases in the Soto matter, correct?

7 MS. ACCURSO: I would caution the counsel  
8 about characterizing the testimony. If you've got  
9 notes, that's not my recollection. But you can put the  
10 question to the witness again and ask.

11 MR. WEBER: Well we previously marked on the  
12 14th G-6.

13 MS. GLADING: What was your statement before  
14 regarding the troopers?

15 MR. WEBER: We've got the -- we've got the  
16 transcript, so --

17 MS. ACCURSO: G-6.

18 MR. WEBER: Yeah. Do you have G-6? We  
19 marked as G-6 --

20 MS. GLADING: We have this transcript?

21 MR. WEBER: We got it today. Here.

22 MS. GLADING: Appreciate that.

23 MR. WEBER: Didn't I give you a copy -- yeah,  
24 I gave you a copy.

25 (Pause)

1 MR. WEBER: We marked as G-6 an IOC that you  
2 authored dated May 21, 1996.

3 THE WITNESS: Yes, sir.

4 MR. WEBER: Do you remember this document?  
5 Let me direct your attention to the last page, GC-  
6 002855, last paragraph. Correct me if I'm wrong, but I  
7 thought we had had -- we had discussed this last  
8 paragraph in which you state, "The Gloucester County  
9 appeal is proceeding as planned. The Records and  
10 Identification Section has prepared an analysis of the  
11 arrest statistics for those troopers whose cases are  
12 subject of the appeal. A preliminary analysis of  
13 enforcement activity for I-78/Perryville Station for  
14 the period 10/94 to 10/95 has also been completed."  
15 Correct me if I'm wrong, but I thought you had  
16 testified on the 14th that you had shared the  
17 percentages that related to each of the troopers with  
18 the group at that meeting?

19 THE WITNESS: No, I don't think that that's  
20 what I said. I think what I had said is that -- my  
21 recollection in the context of dealing with the  
22 Gloucester County case, that I had conversations with  
23 Mr. Fahy and that it's my recollection that in the  
24 context of those discussions that I had briefed him on  
25 the fact that our statistics for the troopers whose

1 basically cases were still involved in the -- the  
2 Moorestown troopers whose cases were involved in the  
3 Gloucester County case, that I had basically crunched  
4 out the numbers and that basically passed on to him  
5 that the numbers were high for their arrest rates.

6 MR. WEBER: Okay. And the numbers that we're  
7 talking about are found ultimately in G-13 on the  
8 second page, correct?

9 THE WITNESS: Yes, sir.

10 MR. WEBER: Okay. And that's the 63 percent,  
11 80 percent, 79 percent, 84 percent, 100 percent, 90  
12 percent, 84 percent and 92 percent referenced on OAG-  
13 006226, correct?

14 MS. ACCURSO: Hold on a minute, we'll take a  
15 look.

16 MR. WEBER: Sure.

17 THE WITNESS: Yeah, let me just make sure and  
18 take a look at it.

19 MR. WEBER: Sure. No, I want us to all be  
20 clear on this.

21 (Pause)

22 THE WITNESS: That's correct, sir.

23 MR. WEBER: Okay. And you had previously  
24 shared those numbers with Mr. Fahy orally before  
25 authoring G-13, correct?

1 THE WITNESS: Well, I think in the  
2 discussions that we had about the Gloucester County  
3 case, going back to the 14th, is that in sharing  
4 information back and forth as far as our numbers with  
5 those troopers basically being high and everything, I  
6 don't remember if I specifically said to him, you know,  
7 the numbers are, as you just recited them, 63, 80  
8 percent, 79 or whatever. But as far as the fact that  
9 the numbers were high --

10 MR. WEBER: See, I thought, and again, I'm  
11 going from memory, but I thought you had testified that  
12 you shared the percentages with Mr. Fahy sometime  
13 either in the summer or the fall of 1996 --

14 THE WITNESS: -- I think I did say that, that  
15 the  
16 -- and what I'm saying is that the percentage -- you  
17 know, that basically the -- our arrest rates for those  
18 people the percentages were high. That's --

19 MR. WEBER: Okay. And then ultimately, when  
20 you then had to do the analysis of the consent to  
21 search date, I thought your testimony was you basically  
22 put everything together that you had up to that point--

23 THE WITNESS: Yeah, I tried to, for the  
24 Colonel's benefit --

25 MR. WEBER: Right.

1 THE WITNESS: -- to say what, you know -- and  
2 I think at that point I had them, and since I was  
3 putting it in writing I put down the specific  
4 percentages that are here in this report, on G-13.

5 MR. WEBER: At any time after the March 15th,  
6 1999 meeting did anyone contact you, either from the  
7 State Police or from the Attorney General's Office, to  
8 express the sentiment that the information you provided  
9 on March 15th was provided to the Attorney General's  
10 Office for the first time?

11 THE WITNESS: There were some discussions to  
12 that effect, yes, sir.

13 MR. WEBER: Who was involved in those  
14 discussions?

15 THE WITNESS: I had discussions with Colonel  
16 Dunlop and Colonel Fedorko, I believe, the day  
17 following I had turned that information over.

18 MR. WEBER: Okay. Tell me what transpired  
19 during the discussion.

20 THE WITNESS: In talking with Colonel Dunlop  
21 and Colonel Fedorko I -- my recollection is that they -  
22 - I believe Colonel Dunlop had conversation with Mr.  
23 Zoubek. And Mr. Zoubek had talked to Colonel Dunlop  
24 and was not real happy with the fact that we had --  
25 there were numbers in my files that related a

1 comparison to the Maryland State Police dating back to  
2 early 1997?

3 MR. WEBER: Um-hmm.

4 THE WITNESS: And that that information had  
5 in fact never been shared with the Attorney General's  
6 Office, and also raised concerns about the ongoing  
7 monitoring that was being done at the two Stations,  
8 Moorestown and Cranbury, with regards to the stop data  
9 and the search data that commenced in early 1997.

10 MR. WEBER: Did you advise Mr. Dunlop that  
11 you had previously shared a lot of the statistical  
12 information with Mr. Rover in 1997?

13 THE WITNESS: Yes, sir, I did.

14 MR. WEBER: And what was Mr. Dunlop's  
15 response?

16 THE WITNESS: My recollection is that he  
17 believe me, and I went on to detail the meeting that we  
18 had had in May of 1997, as well -- additional contacts  
19 I'd had with Mr. Rover.

20 MR. WEBER: Did -- what did Colonel Dunlop do  
21 with that information, if you know?

22 THE WITNESS: I believe that he had  
23 subsequent telephonic contact with Mr. Zoubek on that  
24 issue.

25 MR. WEBER: And what did he tell Mr. Zoubek?

1 THE WITNESS: I believe that he took the  
2 position that this information had in fact been shared  
3 with the Attorney General's Office.

4 MR. WEBER: Did he specifically identify that  
5 you had shared it with Mr. Rover?

6 THE WITNESS: That I'm not sure of, because I  
7 wasn't party to the telephonic conversation. I was  
8 only briefed on the conversation by the Colonel.

9 MR. WEBER: What else did Colonel Dunlop tell  
10 you about the conversation during his briefing?

11 THE WITNESS: He'd indicated to me that he  
12 had related to Mr. Zoubek that it was his believe that  
13 in fact the information had flowed back and forth  
14 related -- I explained about the meeting in May, the  
15 contact, ongoing contact, I'd had with Mr. Rover --

16 MR. WEBER: In May of 1997 meeting?

17 THE WITNESS: -- ongoing -- yeah --

18 MR. WEBER: Okay.

19 THE WITNESS: -- and from that point forward.  
20 And also Colonel Dunlop had also been at a meeting in  
21 late 1998 which he had attended and accompanied Mr.  
22 Rover regarding statistical information, specifically  
23 the ongoing monitoring at the two stations on the  
24 'Pike. So he was aware of the fact that that meeting  
25 had taken place with Mr. Rover about statistical

1 information. So I believe --

2 MS. GLADING: Can you just explain further?  
3 The meeting was -- Mr. Dunlop had been at a meeting in  
4 May of '98 with whom?

5 THE WITNESS: No, late 1998.

6 MR. WEBER: Late '98.

7 MS. GLADING: Late '98. Okay. With whom?

8 THE WITNESS: The meeting was attended by the  
9 three colonels at that time, Colonel Williams, Colonel  
10 Dunlop, Colonel Fedorko, myself and Mr. Rover.

11 MS. GLADING: Okay.

12 MR. WEBER: What -- did Colonel Dunlop detail  
13 for you during his briefing of the conversation he had  
14 with Mr. Zoubek what Mr. Zoubek's response was to the  
15 information Mr. Dunlop provided to him about Mr. Rover  
16 receiving the statistical analyses going back to  
17 February, 1997?

18 THE WITNESS: I believe his -- and again, I'm  
19 only getting this from Colonel Dunlop --

20 MR. WEBER: Fine.

21 THE WITNESS: -- so, I mean, I got it  
22 secondhand, but that Mr. Zoubek took the information  
23 and indicated he would get back to Colonel Dunlop.

24 MR. WEBER: Did he ever get back to Colonel  
25 Dunlop?

1 THE WITNESS: Far as I know he did, yes, sir.

2 MR. WEBER: And what transpired during that  
3 conversation?

4 THE WITNESS: Basically what I was told was  
5 that when Mr. Zoubek had recontacted Colonel Dunlop,  
6 that he had had occasion, I guess in whatever format,  
7 to reach out for the then former Attorney General  
8 regarding specifically what I remember is about the  
9 meeting of May, 1997, and that what Colonel Dunlop  
10 passed on to me, I don't remember, it was either that  
11 the former Attorney General didn't remember the meeting  
12 having ever taken place or didn't remember the content  
13 of the meeting.

14 MR. WEBER: When you say --

15 MS. GLADING: Can --

16 MR. WEBER: -- the former Attorney General,  
17 you're referring to Attorney General Verniero?

18 THE WITNESS: Yes, sir, I am, sir.

19 MR. WEBER: All right. Now, let's -- let me  
20 just  
21 -- let me just get this straight here. Oh, okay. He  
22 wasn't the former Attorney General at the time.

23 THE WITNESS: Oh, I'm sorry. Okay. At that  
24 point, no, he wasn't.

25 MR. WEBER: Right. So let's just make --

1 THE WITNESS: -- my dates wrong.

2 MR. WEBER: -- let's just make sure the  
3 record's clear. Colonel Dunlop related to you the  
4 following, that he spoke with Mr. Zoubek in a follow-up  
5 conversation; Mr. Zoubek had indicated to him that he  
6 spoke with then Attorney General Peter Verniero --

7 THE WITNESS: Yes, sir.

8 MR. WEBER: -- about the issue; and that then  
9 Attorney General Peter Verniero had stated what?

10 THE WITNESS: Basically -- the way I remember  
11 it, and I don't want to -- the basic theme of what  
12 Colonel Dunlop had told me was that by what he was  
13 getting -- again, this is -- now becomes, like, fourth  
14 hand, but what he told me, he was told by Director  
15 Zoubek was that Attorney General Verniero didn't have,  
16 I guess you would say, a clear recollection of what had  
17 taken place at that meeting in May of 1997.

18 MR. WEBER: Okay. What about on the issue of  
19 you providing information to Mr. Rover starting in  
20 February of 1997, was there any response to that from  
21 Mr. Zoubek?

22 THE WITNESS: I don't know. What, you know,  
23 is etched in my mind is the issue about the May 20th,  
24 1997 meeting, because I got kind of confused about the  
25 chain of events as they were transpiring at that point.

1 That's kind of what is very clear in my mind.

2 MR. WEBER: Did you -- did you, you know,  
3 ever pick up the phone and call George Rover and in  
4 substance say, George, what's going on here, I gave you  
5 this information and now, you know, there's an  
6 accusation that the State Police hadn't provided this  
7 information previously to the Attorney General's  
8 Office?

9 THE WITNESS: Yeah, we had conversations.

10 MR. WEBER: What were the conversations?

11 THE WITNESS: That basically that I wasn't  
12 very happy with the way that the situation had  
13 unfolded.

14 MR. WEBER: And why were you unhappy with how  
15 it unfolded?

16 THE WITNESS: Because I felt that I was  
17 somewhat confused because I didn't understand why when  
18 information had been passed over and, you know, I was  
19 very clear in my own mind that that in fact had  
20 happened and I felt I had done a good job of  
21 accomplishing that, but now there was a perception that  
22 that in fact had not taken place.

23 MR. WEBER: What was Mr. Rover's response?

24 THE WITNESS: I think Mr. Rover was concerned  
25 about the whole issue also. I -- basically, a lot had

1 been going on at that point. The Superintendent had  
2 just been fired. This was a very volatile issue, so I  
3 think we were -- he was concerned and I was concerned.

4 MR. WEBER: Well, did Mr. Rover say in  
5 substance, hey, I'm sorry, you know, I know you gave me  
6 the information, I'll let everybody know?

7 THE WITNESS: I don't -- no, I don't believe  
8 that he said that.

9 MR. WEBER: Did he dispute that you had  
10 previously given him the information in February of  
11 '97?

12 THE WITNESS: I think that would have been  
13 kind of a bad position for him to have taken, based on  
14 the records that we've already talked about. No, he  
15 did not.

16 MR. WEBER: Okay. So --

17 MS. GLADING: Well --

18 MR. WEBER: -- so he -- did he at all  
19 acknowledge that you had provided him with statistical  
20 information in February of '97 and in late summer to  
21 end of the fall of '97, and then again in the latter  
22 part of '98?

23 THE WITNESS: I don't think he, like, really  
24 had to do that, because we both knew that I had and,  
25 you know, it was pretty clear that that happened on an

1 ongoing basis.

2 MR. WEBER: Well, Sergeant, let me -- and,  
3 you know, this is not -- this is not directed at you,  
4 but, you know, if I were in your shoes and I had done  
5 what you said that you did, and I have no doubt that  
6 you haven't been completely candid with us, but if I  
7 had provided information to the Attorney General's  
8 Office in February of '97, and again in late summer to  
9 the fall of '97, and then again in lat '98, and then a  
10 high-ranking individual at the Attorney General's  
11 Office in March of 1999 made a big stink about never  
12 having seen this stuff before, I'd be a little ticked,  
13 you know, pardon the colloquialism here. I -- are you  
14 on the same page with me on that?

15 THE WITNESS: And you would have had me do  
16 what as a sergeant in the State Police?

17 MR. WEBER: Well, I would have at least  
18 called Mr. Rover and tried to get the air cleared and  
19 said, Mr. Rover, please, you know, I did everything I  
20 was supposed to do, you know I provided the information  
21 to you, could you please let your superiors know that I  
22 had given you the information when I gave it to you?

23 THE WITNESS: One thing I'm not clear on,  
24 going back again -- the perception that that may have  
25 taken place. Maybe you can clarify for me. I was

1 never interviewed with regard to those issues. And as  
2 far as Mr. Rover is concerned, again, I'm a sergeant in  
3 the State Police, and as I've already told you, I  
4 reported what I believe to be the factual content of  
5 our interchanges to my chain of command, which at that  
6 point was Colonel Fedorko and Colonel Dunlop. So I  
7 feel that, you know, I voiced my concerns in my chain  
8 of command as to what had happened, and what the  
9 reality of the situation was, and they were aware of  
10 that. And that was my responsibility, and that's where  
11 I report that.

12 MR. WEBER: But you're -- and again, I'm not  
13 -- I'm not trying to assess any blame on you, because I  
14 don't think there's any blame to assess -- I assume  
15 that you developed a decent relationship with Mr. Rover  
16 over this time. You'd been working with him for  
17 several years now, right?

18 THE WITNESS: That's correct.

19 MR. WEBER: And in fact, you know, I've got -  
20 - I didn't mark it into the record today, but -- or  
21 maybe I did. Just bear with me. I apologize. The  
22 memo we marked G-29 to Rover from you, dated July 23rd,  
23 '98, you sign off by saying, see yeah, T.G.

24 THE WITNESS: Correct.

25 MR. WEBER: So, you know, I -- just from that

1 alone it would appear that you had more than just, you  
2 know, a strict working relationship.

3 THE WITNESS: That's correct.

4 MR. WEBER: You developed a rapport.

5 THE WITNESS: Right.

6 MR. WEBER: Did you consider Mr. Rover even  
7 to be a friend?

8 THE WITNESS: Very close friend.

9 MR. WEBER: Okay. You know, did you say in  
10 sum or substance, George, you know, friend to friend, I  
11 gave you this stuff, go to bat for me and let the  
12 people at the AG's Office know that I gave it to you?

13 THE WITNESS: I don't think that he had to do  
14 that.

15 MR. WEBER: Do you think that the AG's -- why  
16 don't you think he had to do that?

17 THE WITNESS: Because there had already -- as  
18 we've already demonstrated here today, where -- when I  
19 testified on the prior date, I think it was clear to  
20 you there was a memorandum still in -- by Mr. Rover  
21 which clearly demonstrate the passage of information  
22 from me to him. Those files were contained within the  
23 Office of the Attorney General. I don't think that  
24 there is, to me, there is not any doubt that the  
25 information was passed, and that the documents and the

1 testimony that's been provided demonstrate that.

2 MR. WEBER: To you there's no doubt, and  
3 frankly, to me there's no doubt. But from this March  
4 16th memo it appears that there is a doubt, at least in  
5 Mr. Zoubek's mind and Mr. Verniero's mind, as to  
6 whether --

7 THE WITNESS: Well, potentially I guess, I'm  
8 not there, I'm at State Police. There's obviously a  
9 communication issue, which is not -- I'm not party to,  
10 nor am I really in a position to comment on because I'm  
11 not familiar with the, you know, inner workings at that  
12 level of the Office of the Attorney General.

13 MR. WEBER: What -- was there ever,  
14 subsequent to March 16th, as far as you're aware, an  
15 acknowledgment by the Attorney General's Office that,  
16 yes, you had provided much of the statistical  
17 information that's contained in the blue binder  
18 previously to Mr. Rover in February of '97, in late  
19 summer to early fall of '97, and then in late '98?

20 THE WITNESS: No, there has not been.

21 MS. GLADING: Are you in --

22 MR. WEBER: You're still good friends with  
23 Mr. Rover?

24 THE WITNESS: I would consider to be so, yes,  
25 sir.

1 MS. GLADING: Did you have any discussions or  
2 any  
3 -- did Mr. Dunlop or Fedorko or anyone else indicate to  
4 you whether or not Alex Waugh was asked about his  
5 knowledge of the numbers that Rover was provided with  
6 over the years by you?

7 THE WITNESS: No, they did not.

8 MS. GLADING: Beg your pardon?

9 THE WITNESS: No, they did not.

10 MS. GLADING: They did not indicate that?

11 THE WITNESS: I don't know how much contact  
12 they had with Alex Waugh, because I believe that he  
13 had, I believe, moved on to a judgeship --

14 MS. GLADING: Yeah.

15 THE WITNESS: -- at a certain point? And I  
16 think that might have been prior to any contact that --  
17 you know, Colonel Dunlop was a major before that, and I  
18 don't think he would have had any --

19 MS. GLADING: No, yeah, here's my question,  
20 though. When you were recounting how Paul Zoubek  
21 reached out to -- fourth-hand, you were recounting Paul  
22 Zoubek said he had spoken with Peter Verniero, who did  
23 not remember being at the May 20th meeting or didn't  
24 remember the content of that meeting, right?

25 THE WITNESS: Correct.

1 MS. GLADING: Did anyone indicate to you that  
2 there was an effort, a similar effort to reach out to  
3 Alex Waugh at that point to --

4 THE WITNESS: No, I just can recall that  
5 Colonel Dunlop -- he kind of encapsulated contact he  
6 had and passed that on to me.

7 MS. GLADING: Okay. Was there ever any  
8 suggestion or any reason for you to believe that in the  
9 course of your work from the Soto decision onward that  
10 you had behaved in an improper way?

11 THE WITNESS: Nobody's ever said that to me  
12 up until this day.

13 MS. GLADING: Okay. And --

14 MR. WEBER: And we're not saying that to you  
15 today, just so the record's clear.

16 THE WITNESS: I know that. No, I'm aware of  
17 that.

18 MS. GLADING: Was there ever any suggestion  
19 made to you or any reason to believe that there were  
20 individuals within the State Police who felt you  
21 ignored the chain of command that was required of you?

22 THE WITNESS: No.

23 MS. GLADING: Okay.

24 MR. WEBER: I want to go back to the  
25 conversation that you had with Mr. Rover shortly after

1 the May -- March 15th meeting of 1999 when you provided  
2 the copy of your blue binder, which was marked as G-33.  
3 Did Mr. Rover indicate in that conversation or in any  
4 other conversation, for that matter, that he had, when  
5 he got the statistical information from you in February  
6 of '97, in the summer to fall of '97 and in late '98  
7 that he passed that information on to anyone else at  
8 the Attorney General's Office?

9 THE WITNESS: I know at one point when we had  
10 a meeting in the latter part of 1998, the meeting with  
11 the three Colonels that were there and myself and  
12 George, that I know that the discussions that took  
13 place that day about statistical information and what  
14 was going to be done with it, that George had indicated  
15 that he was in fact going to discuss the issues with  
16 his superiors at the time. I can't testify as to what  
17 then happened. I'm only going by George saying that he  
18 would take that information back that he did in fact do  
19 so.

20 MR. WEBER: Did Mr. Rover indicate to you  
21 that he had shared the statistical information you  
22 provided to him with Mr. Waugh?

23 THE WITNESS: At one point, with the  
24 information that I had provided about the statistical  
25 analysis of the sample dates, I believe in the one

1 report I did in July of '97, as far as where we stood  
2 statistically with the sample dates, he did in fact  
3 indicate that he had discussed that information with  
4 Mr. Waugh.

5 MR. WEBER: Okay. Did he indicate what Mr.  
6 Waugh's reaction was to that information?

7 THE WITNESS: No, he did not.

8 MR. WEBER: Okay. And this is -- that  
9 information that you're -- that you're referring to is  
10 what's been marked as G-21, correct?

11 THE WITNESS: Actually, I think, if I can go  
12 back to the paperwork here --

13 MS. GLADING: Is it G-25?

14 THE WITNESS: Yes.

15 MR. WEBER: Yes.

16 THE WITNESS: Thank you.

17 MR. WEBER: Okay. So Mr. Rover had indicated  
18 to you that the information provided in G-25 which you  
19 shared with Mr. Rover orally in July of '97, he passed  
20 that information on to Mr. Waugh?

21 THE WITNESS: Yes, sir.

22 MR. WEBER: Did he indicate whether he passed  
23 that information on to Mr. Waugh about the time that he  
24 learned it?

25 THE WITNESS: I don't know. All I know is

1 that he indicated to me that he had passed it on. I  
2 don't know what the time frame was.

3 MR. WEBER: Sergeant Gilbert, then Attorney  
4 General Verniero on February 10th of 1999 issued a  
5 press release announcing that he was starting an  
6 unprecedented review of the State Police and their  
7 policies, practices and procedures. You remember that?

8 THE WITNESS: Yes, sir, I do.

9 MR. WEBER: Okay. And that's -- that press  
10 release, or that announcement, resulted in the  
11 formation of the State Police review team, correct?

12 THE WITNESS: That's correct.

13 MR. WEBER: Okay. Also on or about February  
14 10, do you remember being at a meeting that was called  
15 by Lieutenant Colonel Dunlop in which he put together  
16 what he referred to as the analytical group?

17 THE WITNESS: I was a member of that group,  
18 sir. Yes, sir, I do.

19 MR. WEBER: You were a member of that group.  
20 And I believe that Detective Sergeant Serrao was also a  
21 member of that group?

22 THE WITNESS: Yes, he was.

23 MR. WEBER: Okay. Tell us what you remember  
24 about that meeting.

25 THE WITNESS: Basically it's going to be in

1 theme and probably not in, like, individual -- but I  
2 think what Colonel Dunlop wanted to do, I mean, we had  
3 -- Colonel Dunlop and I'd had discussions about the  
4 numbers that I had generated, and I was forthright with  
5 him and say, had I had more staff, had I had more time,  
6 had I -- you know, that there was obviously better ways  
7 we could take a look at the numbers and get into them a  
8 lot deeper. And I think Colonel Dunlop at that point  
9 felt that that was a prudent path to take. I think  
10 given, you know, what had happened up to that point,  
11 obviously we were all under a lot of scrutiny, there  
12 were a lot of issues out there. And basically I think  
13 from a balance perspective, to do the very best in  
14 depth analysis of the numbers that we could do was  
15 important at that time, that what I had done was, you  
16 know, a starting point, but by no means was, you know -  
17 - basically, the way I viewed what I had done was,  
18 like, an in house project to identify issues, if we had  
19 remediation to deal with, you know, to look at it from  
20 that way, to get kind of a initial feel for things.  
21 But as we were progressing, obviously, it became  
22 evidence, the issues that had come up with numbers, the  
23 significance of numbers, the verification of numbers.

24 You know, a lot, as you well know without me  
25 going into all this, a lot of issues had come up, and

1 especially subsequent to the shooting when it took  
2 place. And I think what Colonel Dunlop felt was,  
3 again, to get a group of people together that had a lot  
4 of collective knowledge in where to go with these  
5 steps. And I think that he felt it was very important  
6 to get the very best overview of the activity,  
7 specifically out on the Turnpike, that we could  
8 physically do.

9 MR. WEBER: Okay. Now, it's my understanding  
10 that ultimately the analysis that was conducted was  
11 conducted of arrests, searches and stops for calendar  
12 years '97 and '98, correct?

13 THE WITNESS: We had already agreed that in  
14 order to do a real comprehensive look at things, that  
15 you had to look at those things in toto and be able to  
16 cross reference them at the same time.

17 MS. GLADING: Just to keep the record clear  
18 on this, my understanding of Sergeant Serrao's  
19 testimony was that the analysis of stops only covered  
20 the last three months of 1998 for the Turnpike --

21 THE WITNESS: I think that --

22 MS. GLADING: -- because of the CAD system.

23 THE WITNESS: -- I think that was one part of  
24 the analysis, but I know that there was further  
25 analysis done as far as -- because we had sat down on a

1 basis of what I had done in a kind of a rudimentary  
2 process, as far as sitting down and figuring out, like,  
3 from a computerization standpoint, because, as you  
4 probably know from listening -- that's what he does. I  
5 mean, he does that every day, and he's an expert in  
6 that, was to sit down and say, what -- if we're going  
7 to go and take a very intensive effort to look at these  
8 reports, what do we want to pull off there reports and  
9 load down into a database so that when we want to pull  
10 things out, you know, don't have to go back to these  
11 reports like two or three times, just like, be able to  
12 go to the report once, extract the information off, put  
13 it into a database and then, you know, depending on  
14 what you want to look at, you could extract variables  
15 out. And I had sat down with Steve and we came up -- I  
16 had helped him as far as all the different variables we  
17 could think of and come up with a template that would  
18 then be used to extract the information off the  
19 reports.

20 MR. WEBER: Okay. But the decision was made  
21 that you were going to focus on calendar years '97 and  
22 '98, correct?

23 THE WITNESS: Yes, sir.

24 MR. WEBER: Okay. G-13, the initial analysis  
25 that you did in February of 1997, focused on 1994 and

1 1996.

2 THE WITNESS: Right, '94 to '96.

3 MR. WEBER: '94 to '96. And portions of '94  
4 to '96, correct?

5 THE WITNESS: Yes.

6 MR. WEBER: Certainly didn't touch upon '97  
7 or touch upon '98, correct?

8 THE WITNESS: No. That's why when we sat  
9 down, although not saying that, you know, you could go  
10 back and do that for those years, but what we were  
11 doing was trying to get a handle on things and create a  
12 database that we could basically use for that purpose -  
13 - '97 and '98, but then also if we found it to be, as I  
14 explained it before with the CAD system, the CAD system  
15 really wasn't up and running to where it should have  
16 been at that point, so we felt that if we designed this  
17 database it would give us the ability to not only, you  
18 know, take a look at what had happened in the past but  
19 also give us like a kind of proactive measure we could  
20 basically continue to load information into that, you'd  
21 be able to get current information out of it also as we  
22 went along.

23 MR. WEBER: And the analysis that the  
24 analytical group conducted of '96 -- of calendar years  
25 '97 and '98 did not incorporate any of the analyses or

1 statistics you came up with that were set forth in G-  
2 13, correct?

3 THE WITNESS: Not in -- no, not in G-13.  
4 Some of the later things that I did where I was looking  
5 at I gave information I think about some later dates.  
6 So a few of that -- few of those things would have  
7 crossed over into it, but not G-13 specifically.

8 MR. WEBER: Okay. Was it your understanding  
9 that the reason why the analytical group was formed and  
10 then went off to conduct this analysis was it was being  
11 done at the request of the Attorney General's Office,  
12 or this information was sought by the Attorney  
13 General's Office, in connection with the State Police  
14 review team?

15 THE WITNESS: Yeah. I thought what we were  
16 trying to do was come up -- again, you know, I'm not  
17 going to say, you know, I'm the best analyst in the  
18 world or whatever, and I tried to do the best I could  
19 with what I had at that point in time, but I think the  
20 realization was also there when we all sat down that,  
21 hey, you know, you can improve on anything. And  
22 obviously you heard Steve's testimony yesterday. I  
23 mean, that's what he does, that's what we pay him to  
24 do. And, you know, he had some more, you know,  
25 progressive concepts. We sat down, and I think we came

1 up with a real viable way to really get a, you know,  
2 good overall picture on, you know, what was going at  
3 that point, because it had become, you know, an  
4 awesome, gigantic issue.

5 MR. WEBER: Do you know who at the Attorney  
6 General's Office made this request of the State Police,  
7 and to whom they made the request to?

8 THE WITNESS: No, I don't. I -- probably  
9 Colonel Dunlop would be better, sir, to answer that  
10 question.

11 MR. WEBER: Okay. Were you involved in what  
12 ultimately became a 32-slide Powerpoint presentation  
13 that Sergeant Serrao presented to the Attorney  
14 General's Office on either April 13th or April 14th in  
15 1999?

16 THE WITNESS: Basically my involvement with  
17 getting the information together was sitting down with  
18 Steve at the beginning, because I -- the unit that I  
19 run now, very busy, and Colonel Dunlop appreciated  
20 that, so I think he kind of tapped into me for  
21 historical information. But the marching orders  
22 basically -- what he did, he allocated a lot of  
23 resources. He said basically, figure out how we're  
24 going to -- you know, where we're going to -- what's  
25 the path we're going to go down with this thing, and

1 that was to do the best comprehensive overview of the  
2 information that we could, and then it was figuring  
3 out, okay, how're we going to do that? And ended up  
4 coming up with a template, figuring out what reports,  
5 you know, we were going to tie into to pull the  
6 information out.

7 And then what Colonel Dunlop also did is he  
8 made a decision to, I forget the exact number, but I  
9 think it was about eight or ten troopers. He said, you  
10 know, we're going to do this, we're going to do it the  
11 best way we can. We're going to use troopers to do it  
12 because they'll be able to read through the content of  
13 the report and pull the right information out,  
14 understand what's there. And basically by using that  
15 template was to get all that information, fill out, you  
16 know, like a template for each of those cases, get it  
17 into the computer. So Steve basically carried the ball  
18 with getting that done. That was I think -- that was  
19 his main project that he was assigned to do for Colonel  
20 Dunlop.

21 And then ultimately I saw the results of  
22 that. I saw the slides. I wasn't involved in, you  
23 know, putting the comparison together. I saw the  
24 presentation. I know, you know, basically what it was,  
25 but that -- at that point -- in being charge of

1 Division Services Unit, where I am, with being the  
2 Employee Relations Coordinator, running the physical  
3 fitness program and everything, I mean, Colonel Dunlop  
4 was basically giving me a break and not tying me up  
5 full-time with that. He had, you know -- basically he  
6 pulled in a bunch of resources and he had the thing  
7 going on a pretty good path, and I don't think -- I  
8 didn't need to be a driving force in that. You know, I  
9 was there for his reference.

10 MR. WEBER: Would you hold on one second?

11 MS. GLADING: Scott, can we take a break?

12 MR. WEBER: Yeah. But let's -- why don't we  
13 take a three-minute break --

14 (Off the record)

15 MR. WEBER: Just a couple of more questions  
16 about this analytical group. The results of the  
17 analytical group's efforts were shared with the  
18 Attorney General's Office on April 13th or April 14th,  
19 1999. Did you ever talk to Detective Sergeant Serrao  
20 or anyone else to find out about what transpired at  
21 that meeting and how well received the analysis was by  
22 the AG's Office?

23 THE WITNESS: Yeah, I've had conversations  
24 with Sergeant Serrao about that.

25 MR. WEBER: And what did he tell you?

1 THE WITNESS: Basically I think -- my  
2 understanding -- again, I'm paraphrasing -- is that I  
3 think it was crunch time and that the numbers  
4 basically, for whatever reason, were a little too late,  
5 and they, you know, basically I guess it was, thanks  
6 for bringing them down but, whatever. I mean, I know  
7 that's the impression I get from talking to Steve. I  
8 know he had put an awful lot of work into it, and we as  
9 a division had committed a lot of resources in putting  
10 that information together, and, you know, felt it was --  
11 -- as I said, felt it was important to get the most  
12 accurate statistics we could get together, whichever --  
13 whatever they showed basically at that point in time it  
14 was important if we were going to hold trooper --  
15 troopers accountable for numbers that we had to  
16 basically get the best possible numbers that we could,  
17 whether they were going to be held against troopers or  
18 they were going to work in favor of the troopers. With  
19 the level of scrutiny that had been created by that  
20 point it was absolutely critical that, you know, we  
21 kind of pumped out the best possible work product that  
22 we could. And I know -- I guess the general mood would  
23 be that we would have liked to have seen that  
24 information incorporated more into the final product  
25 than it was.

1 MR. WEBER: Were you aware that the Attorney  
2 General's Office requested or told the New Jersey State  
3 Police that they should not share the results of the  
4 analytical group's analysis with either the press or  
5 the public?

6 THE WITNESS: Yes, I was.

7 MR. WEBER: How did you become aware of that?

8 THE WITNESS: From being -- working in the  
9 Superintendent's Office as I did, that was common  
10 knowledge.

11 MR. WEBER: Who at the Attorney General's  
12 Office made such a request to the State Police?

13 THE WITNESS: That I don't know. I just --  
14 in the chain of command that I operate in I had found  
15 it out from the chain of command that that was -- you  
16 know, a decision had been made that that information  
17 was not going to be shared.

18 MR. WEBER: Was it explained why that  
19 information wasn't going to be shared?

20 THE WITNESS: They explained why? Because we  
21 had been told not to.

22 MR. WEBER: Well, did, in other words, the  
23 Attorney General's Office provide to the State Police  
24 the reason behind the --

25 THE WITNESS: I didn't have any direct

1 conversations with the Attorney General's Office, so  
2 however that directive flowed over I'm not really, I  
3 don't think, the person to answer that. I think it  
4 would have to be whoever issued the directive and  
5 whoever received it. I got it, you know, second, third  
6 hand down through our chain of command that that was  
7 basically the conditions under which that information  
8 was going to be maintained.

9 MR. WEBER: Well, did you have any  
10 understanding whatsoever as to the reasoning behind the  
11 Attorney General Office's assistance -- insistence that  
12 the information not be shared with the public, any  
13 reason whatsoever?

14 THE WITNESS: That was their decision to  
15 make, and they made it, and we're in the chain of  
16 command below the Office of Attorney General, and for -  
17 - again, I don't feel comfortable being -- you know,  
18 obviously you've asked me for opinions on some things.  
19 On this, I don't know why that decision was made. And  
20 obviously somebody had a reason to make it, and I'm not  
21 in a position to sit here and render an opinion on  
22 that.

23 MR. WEBER: That's fair. You want to --

24 MS. GLADING: Why don't you go first, Doug,  
25 with that?

1 MR. WHEELER: I just want to draw your  
2 attention to the last page of G-27. It's OAG-998.  
3 That's the Alex Waugh to Peter Verniero memo dated July  
4 29th, 1997.

5 THE WITNESS: Okay.

6 MR. WHEELER: Okay. Turn to the last page,  
7 which is OAG-998.

8 THE WITNESS: Yes, sir.

9 MR. WHEELER: And this was an audit done by  
10 Lieutenant B. M. Gilbert, who I understand is not  
11 related to you.

12 THE WITNESS: No, he's not.

13 MR. WHEELER: Okay.

14 THE WITNESS: He was my boss at one point.  
15 No, we're not related.

16 MR. WHEELER: Okay. And he had looked at  
17 some consent search and probable cause search numbers  
18 at the Moorestown Station in 1995. Would you take a  
19 look at those numbers, and then also take a look at the  
20 numbers that you provided in G-13 with respect to  
21 consent search numbers at Moorestown?

22 THE WITNESS: Okay.

23 MR. WHEELER: And would you just look at both  
24 those sets of numbers with respect to consent searches  
25 and tell me what you think?

1 THE WITNESS: There's a variance between the  
2 numbers. There is a variance in the sampling he did  
3 compared to what I did. I did partial samplings, he  
4 did a larger group, for, like, 1995 he did, what 144?  
5 And the numbers are different.

6 MR. WHEELER: In what way?

7 THE WITNESS: Looks like the way I did my  
8 analysis the numbers came out higher.

9 MR. WHEELER: But would you say that if I  
10 look at OAG-998 of the 144 consent searches that he had  
11 looked at, 62 percent were of minority drivers?

12 THE WITNESS: That's correct.

13 MR. WHEELER: Do you consider that a high  
14 number?

15 THE WITNESS: I don't mean to be smart, but  
16 the issue of consent searches, I mean, the stop rate is  
17 one issue. Consent search is a really complicated  
18 issue and it's -- and we could talk for hours on this,  
19 but from my perspective I don't know if it's a high  
20 number or not. I know that from a perception  
21 standpoint it appears to be a high number. But with  
22 regard to consent searches, the only way for me to tell  
23 you whether, you know, I think these numbers are out of  
24 whack or that there's a problem there is, one, to be  
25 out there riding with the individual trooper and seeing

1 how they're conducting themselves; and secondly is to  
2 look at the conditions under which the consent was  
3 asked for, you know, the particular facts, because to  
4 just take a pure statistical number and to say whether  
5 it's high, medium or low, to me is one of the  
6 problematic issues that we've dealt with with all these  
7 things. As far as pegging the number as being good,  
8 bad, looking good or looking bad, it's just very, very  
9 difficult and it's a very complex issue.

10 Going back to the point, and I said it, from  
11 a perception standpoint do these numbers look like  
12 they're problematic? Yes, they do. Does the  
13 percentage of find rate, you know, from a lay person's  
14 perspective, look like it may be a problem? Yes, it  
15 does. But the problem is is for the trooper out on the  
16 road the important thing that we have him doing is  
17 reacting to indicators in criminal behavior and  
18 deception. And if for some reason this is a result of  
19 that, I don't have an explanation for that, but it's  
20 really problematic and hard for us to hold a trooper,  
21 you know, accountable for a search rate number or a  
22 stop rate number and so forth. So I don't know if --  
23 what these numbers mean, and I don't think we still  
24 know what the numbers mean.

25 MS. GLADING: Do you know, in your

1 conversations with Mr. Rover, did he share your  
2 ambivalence about the value of consent numbers?

3 THE WITNESS: Yeah, because I think even  
4 looking at what we're involved in with interdiction, I  
5 think if we have our troopers documenting well their  
6 activity, I think that was a shared belief that the --  
7 to look at things purely on a statistical number,  
8 whether it be the Gloucester County case, whether it be  
9 this information, is not the way to go about it. You  
10 have to get in, difficult as it sounds, you have to get  
11 into the individual trooper's head. You have to look  
12 at the particulars of the encounter that he had with  
13 the individuals. Did he act reasonable or not? And  
14 I'm not saying in every case that they do. But that's  
15 the avenue to figuring this issue out, not taking a  
16 straight statistical number saying, you know, if you're  
17 below this number you're good, if you're above the  
18 number you're bad. I mean, that's dangerous.

19 MR. WHEELER: Well, just -- in looking at  
20 OAG-6225, which is G-13, and where you indicated the  
21 consent search numbers which were, I admit, higher than  
22 the consent search numbers contained in OAG-998, but  
23 they are -- I mean, that -- in that case, in the G-13  
24 case, you indicated that that was a problem that those  
25 consent searches --

1 THE WITNESS: Yeah, it's a litigation problem

2 --

3 MR. WHEELER: Right.

4 THE WITNESS: -- because of how they're going  
5 to be perceived. And that's the reality of what we've  
6 gotten to. I mean, the problem is is that they're  
7 going to be perceived as a problem, and if you look at  
8 purely on a statistical basis it's going to be  
9 problematic. And our position was that you also have  
10 to look at the individual circumstances of each  
11 encounter.

12 MS. GLADING: Okay?

13 MR. WHEELER: Thanks.

14 MS. GLADING: Did you, during the period of  
15 February and March into April and up until the date of  
16 the interim report, did you have any interaction with  
17 Christine Boyle?

18 THE WITNESS: Not at all.

19 MS. GLADING: Okay. Did you know if -- who  
20 she -- who in the Division she was dealing with?

21 THE WITNESS: Who in the --

22 MS. GLADING: Do you know who she is?

23 THE WITNESS: I know she's an analyst.

24 MS. GLADING: Okay.

25 THE WITNESS: I don't know exactly what title

1 analyst, but I assume she was dealing with Steve.

2 MS. GLADING: Steve?

3 THE WITNESS: Serrao.

4 MS. GLADING: Okay.

5 THE WITNESS: I might be wrong with that, but  
6 I -- since he was basically our numbers cruncher on the  
7 State Police side.

8 MS. GLADING: Okay. In the course of this  
9 analytical unit -- analytical unit --

10 THE WITNESS: Committee or -- I think it was  
11 called a committee.

12 MS. GLADING: -- this analytical committee's  
13 work, did it ever come to your attention from Mr. --  
14 from Lieutenant Colonel Dunlop or anyone else that the  
15 Attorney General's Office had been apprized of the work  
16 that the State Police was doing, the analytical task it  
17 had undertaken?

18 THE WITNESS: I'm sure that -- yeah, I know  
19 there was, because there were time constraints. I  
20 don't know exactly what drove the time constraints, but  
21 I know that that was one of the reasons that Colonel  
22 Dunlop allocated ample resources to get this done. I  
23 think there were time constraints which were imposed on  
24 us to get the information together and get the, you  
25 know, get the product generated.

1 MS. GLADING: Did anybody say anything in any  
2 of these meetings indicating that -- or in your  
3 presence at any time, indicating that the Attorney  
4 General's Office was apprized of this analytical task  
5 that the State Police was undertaking?

6 THE WITNESS: That they were --

7 MS. GLADING: Did Colonel Dunlop or anyone  
8 else ever say, in your presence, or did you ever hear  
9 secondhand, that the AG's Office was informed that  
10 Sergeant Serrao and this committee's work was under  
11 way?

12 THE WITNESS: I -- that's just an assumption  
13 everybody knew that they knew, I mean, because we  
14 allocated an awful lot of resources with -- everything  
15 going on at that point, I'm actually surprised at the  
16 question, because I don't know why there would be --

17 MS. GLADING: Yeah.

18 THE WITNESS: -- a lack of knowledge about  
19 that.

20 MS. GLADING: I am, too.

21 MR. WEBER: You're not the only one.

22 MS. GLADING: On the -- I have a question.  
23 You -- on the -- G-31, the time line that you prepared  
24 for Lieutenant Colonel Fedorko?

25 THE WITNESS: Yes, ma'am.

1 MS. GLADING: Do you have that in front of  
2 you?

3 THE WITNESS: I'll get it out. Yes, ma'am, I  
4 have it here.

5 MS. GLADING: The last page of it, there's an  
6 entry for November 13th, 1998 representing that Dunlop  
7 and you attended a IACP hosted professional traffic  
8 stops meeting, and that various high-level -- high-  
9 ranking law enforcement officials and representatives  
10 from Attorney General Reno's office were there, as well  
11 as Department of Justice, Civil Rights Division, and  
12 that there was a frank discussion on racial profiling  
13 issues and conflicting messages that were being sent to  
14 law enforcement.

15 THE WITNESS: Yes, ma'am.

16 MS. GLADING: Can you tell me how you  
17 happened to get to that meeting and what you recall  
18 about it, aside from what's in the time line?

19 THE WITNESS: Yeah. I believe that the --  
20 that this was hosted by IACP, which is the  
21 International Association of Chiefs of Police. This  
22 issue -- you know, obviously had, you know, becoming  
23 more and more of a volatile issue for law enforcement.  
24 Colonel Williams was involved with IACP. I believe  
25 through himself and a number of other high-ranking law

1 enforcement officials around the country that basically  
2 kind of the same -- one of the points that I had made  
3 before about there are conflicting messages that were  
4 being received where you had within the Department of  
5 Justice, DEA was pumping out a lot of intelligence  
6 information and encouragement to conduct highway  
7 interdiction, identifying through intelligence  
8 information, you know, certain groups or whatever that  
9 were involved in that. And then on the flip side you  
10 had the Civil Rights Division of the Department of  
11 Justice take -- casting a critical eye upon the --  
12 basically the outcomes of highway interdiction. And I  
13 think IACP recognized the need to try and put a group  
14 of people together to basically address this issue.

15 MS. GLADING: Okay. And the -- so you're  
16 recounting the frank discussion in what you just said?

17 THE WITNESS: Well, there were people there  
18 from law enforcement, there were people there from  
19 NAACP, the National Urban League, NOBLE, which is the  
20 National Organization of Black Law Enforcement  
21 Executives. There was a full spectrum of -- you know,  
22 of viewpoints represented at the meeting to try and,  
23 you know, kind of get a starting point on, you know,  
24 where to go with the issue.

25 MS. GLADING: Was -- it indicates here that

1 there was -- was there anyone -- was this a New Jersey  
2 and federal authorities meeting?

3 THE WITNESS: No, it was a national meeting.

4 MS. GLADING: Okay. Was there any --

5 THE WITNESS: There was people from numerous  
6 states, numerous jurisdictions, big and small, and  
7 Justice Department, state agencies, I mean --

8 MS. GLADING: Um-hmm.

9 THE WITNESS: -- I was kind of like a real  
10 little fish, and there was a lot of very high-ranking  
11 officials at that meeting.

12 MS. GLADING: Was there any discussion of the  
13 ongoing New Jersey -- the ongoing Department of Justice  
14 inquiry into New Jersey?

15 THE WITNESS: I don't there was. I don't  
16 think it came up specifically. This is more, you know,  
17 a roundtable discussion, not really to point fingers at  
18 anybody or anything like that. It was to try and get  
19 some central themes that they wanted to move forward on  
20 the issues. I mean, I'm sure everybody there knew that  
21 was ongoing at the time, it had received a lot of  
22 press, but I don't think that -- that that wasn't a  
23 topic of conversation in the roundtable discussions.

24 MS. GLADING: It indicates that there was  
25 discussion about supervision, training and monitoring

1 being key areas. Was there any discussion about what  
2 New Jersey was doing in the area of supervision,  
3 training and monitoring?

4 THE WITNESS: I believe that -- I don't know  
5 whether Colonel Dunlop did it in the general forum or  
6 at lunchtime, because we'd eat lunch with Mr. Rosenbaum  
7 from the Civil Rights Division. But I believe Colonel  
8 Dunlop had given an indication that we had enhanced our  
9 monitoring, and in fact we had ongoing monitoring going  
10 on of our personnel.

11 MS. GLADING: What was he talking about?

12 THE WITNESS: The monitoring we had going --  
13 I'm assuming the monitoring we had going on at the  
14 stations out on the Turnpike.

15 MS. GLADING: Um-hmm. Where's the exhibits  
16 from today? I want to make sure we're talking about  
17 the same monitoring. The exhibit we discussed before  
18 about the -- bear with me one second -- it is G-26. If  
19 you could just pull that out to look at it.

20 THE WITNESS: Yes, ma'am.

21 MS. GLADING: Is that the monitoring that you  
22 were discussing?

23 THE WITNESS: Yes.

24 MS. GLADING: Okay. And what did -- what was  
25 Mr. Rosenbaum's reaction to hearing about that

1 monitoring activity?

2 THE WITNESS: I don't remember him having a  
3 reaction about that. I don't remember any specific  
4 discussion. But I believe that he in turn through his  
5 subordinates made inquiry back up here to New Jersey.

6 MS. GLADING: Do you know to whom?

7 THE WITNESS: Not exactly. I know that  
8 ultimately I had conversations with Mr. Rover about it.

9 MS. GLADING: Do you know what the inquiry  
10 was that was made back up to New Jersey from Mr.  
11 Rosenbaum's office was?

12 THE WITNESS: I think basically to find out  
13 what -- in what context we were doing ongoing  
14 monitoring, what -- in which fashion it was being done.

15 MS. GLADING: Um-hmm. Did they want to see  
16 the results of the numbers?

17 THE WITNESS: I don't know exactly how they  
18 couched their inquiry because I didn't deal directly  
19 with them.

20 MS. GLADING: Um-hmm. Did I ask you this?  
21 To who -- who received the inquiry from Department of  
22 Justice at this point?

23 THE WITNESS: It wasn't the State Police.  
24 I'm assuming it was somewhere within the Office of the  
25 Attorney General.

1 MS. GLADING: Oh, Mr. Rosenbaum's office  
2 reached out to the Attorney General's Office, is that  
3 correct?

4 THE WITNESS: Yeah. I got -- I had gotten a  
5 call from Mr. Rover with respect to this issue. That  
6 was the first I had learned that there was an inquiry  
7 from --

8 MS. GLADING: Okay.

9 THE WITNESS: -- Justice on that.

10 MS. GLADING: And what did Mr. Rover tell you  
11 that they had asked?

12 THE WITNESS: He basically said that they had  
13 asked about the ongoing monitoring, and he at that  
14 point requested the opportunity to come over and  
15 discuss the issue with the Superintendent.

16 MS. GLADING: Did that take place?

17 THE WITNESS: Yes, it did.

18 MS. GLADING: Were you present for it?

19 THE WITNESS: Yes, I was.

20 MS. GLADING: What happened at that -- well,  
21 give me a time frame. When did you get the call from  
22 Mr. Rover in the context of -- this is -- November 13th  
23 is when everyone's in Washington, when you and  
24 Lieutenant Colonel Dunlop --

25 THE WITNESS: It was within -- I think it was

1 in the area of like a week, within a week --

2 MS. GLADING: Okay.

3 THE WITNESS: -- of us going down for that  
4 conference.

5 MS. GLADING: And what happened at the  
6 meeting with Mr. -- well, who else was at the meeting?

7 THE WITNESS: Colonel Williams was there,  
8 Colonel Fedorko, Colonel Dunlop and myself.

9 MS. GLADING: And Mr. Rover?

10 THE WITNESS: Yes.

11 MS. GLADING: Okay. And what happened at  
12 that meeting? Well, oops, sorry, back up. So he calls  
13 you a week after this November 13th, 1998 Washington  
14 trip? You set up  
15 -- and a meeting gets set up. How soon after did that  
16 meeting occur?

17 THE WITNESS: Actually I think by the time --  
18 because I got stuck with having to coordinate getting  
19 everybody together, I think -- in order to get the  
20 three colonels together and himself, I think it was  
21 somewhere in the area of like a week and a half to two  
22 weeks.

23 MS. GLADING: Okay. So now we're looking at  
24 the end of November, late November?

25 THE WITNESS: Probably.

1 MS. GLADING: Okay.

2 THE WITNESS: I know it took a little bit of  
3 time to coordinate everybody's schedules.

4 MS. GLADING: Okay. And at that meeting  
5 between Mr. Rover and Mr. Williams and Mr. Fedorko and  
6 Mr. Dunlop and yourself, what took place?

7 THE WITNESS: There was specifically  
8 discussion about the ongoing reports that -- as you  
9 know, there were two six-month analyses done --  
10 comprehensive analysis of the activity at the two  
11 stations. And also the package of information had been  
12 generated by Lieutenant Gilbert, the -- basically the  
13 Moorestown information from the '96 year.

14 MS. GLADING: And anything else? Was there  
15 any discussion of your data?

16 THE WITNESS: No, there was discussion of --  
17 there was specific items that day.

18 MS. GLADING: And what was that discussion?

19 THE WITNESS: Basically there was discussion  
20 as to the release of that information to the Justice  
21 Department. In discussions with Mr. Rover Colonel  
22 indicated that absent a Court order or a subpoena that  
23 he did not want to release the ongoing monitoring  
24 information. However, he told Mr. Rover that he did  
25 not have a problem with the earlier Moorestown -- the

1 '96 information going down to them. He asked Mr. Rover  
2 if there was any, you know, legal complications with  
3 that position, that George made sure that he would let  
4 the Colonel know that. George in turn indicated that  
5 he would take the Colonel's position back to his  
6 superiors and run it by them.

7 MS. GLADING: Okay. Just back up. When this  
8 discussion of the release of the information was  
9 raised, who raised it? Was that Mr. Rover?

10 THE WITNESS: Yes, it was.

11 MS. GLADING: And in context did he raise it?

12 THE WITNESS: Basically he wanted to get the  
13 -- I think he wanted to come over -- being that he had  
14 received the inquiry from the Justice Department I  
15 believe he wanted to come over and find out what the  
16 Colonel's position was on releasing that information --

17 MS. GLADING: Okay. That's my question,  
18 then. Let me ask it directly.

19 THE WITNESS: -- and discuss that face to  
20 face.

21 MS. GLADING: Did Justice ask for the  
22 information of Mr. Rover?

23 THE WITNESS: I don't know who -- I don't  
24 know if they talked to him or they talked to somebody  
25 else, but through whatever means he became aware that

1 the inquiry had come in.

2 MS. GLADING: Okay. DOJ asked New Jersey to  
3 provide the actual data, is that correct?

4 THE WITNESS: Yeah, I don't know what they  
5 asked for, because I don't know -- I don't know exactly  
6 what Colonel Dunlop said when we were down there, so I  
7 don't know what -- I don't know what specifically they  
8 asked for. I think they were inquiring what -- in what  
9 form was ongoing monitoring going on, and if it was,  
10 you know, what was the results of it.

11 MS. GLADING: Okay. And so George indicated  
12 he would take it up his chain of command?

13 THE WITNESS: Yes.

14 MS. GLADING: And do you know if he did that?

15 THE WITNESS: I'm not really sure if he did  
16 or not. I'm assuming that, he said he was going to,  
17 that he -- that he did in fact do that.

18 MS. GLADING: Did you hear back from him?

19 THE WITNESS: I don't think I heard back from  
20 him on that specific issue because I think the way that  
21 it was left was that if, you know, there was a problem  
22 or he needed to follow up on the issues that he would  
23 get back, and I don't remember him and I talking  
24 specifically after that as far as, you know, if there  
25 was any change in direction or anything like that.

1 MS. GLADING: Okay. I was a little confused  
2 earlier when you said that you knew that they had  
3 information about the ongoing statistical information  
4 you were keeping, they being the AG's Office, because  
5 you'd had the meeting with the three colonels back in  
6 November, and George had been sitting in the room at  
7 that point. Is this what you were referring to?

8 THE WITNESS: No, because I -- George knew  
9 about that ongoing activity prior to that --

10 MS. GLADING: Um-hmm. Okay.

11 THE WITNESS: -- about the ongoing collection  
12 of the information.

13 MS. GLADING: Okay. And it was your  
14 understanding based on that meeting that George was  
15 going to take the Colonel's position back to his  
16 superiors and explain?

17 THE WITNESS: Yes.

18 MS. GLADING: Okay. Was it your understanding  
19 at that meeting that George had talked with anyone else  
20 in the Office over the Attorney General about what  
21 Department of Justice wanted?

22 THE WITNESS: Again, I don't know how -- I'm  
23 not sure of the inquiry came to George or if it came to  
24 somebody up above him. I mean, I'm not really in a  
25 position to answer that. And I don't think he

1 specifically told me that, you know, he had talked on  
2 the issue with anybody else.

3 MR. WHEELER: One quick question and I -- a  
4 second -- a second, but G-31, which is the -- your memo  
5 to Lieutenant Fedorko dated 3/26/99?

6 THE WITNESS: Yes, sir.

7 MR. WHEELER: I don't believe this was asked,  
8 when were you asked -- when were you asked to prepare  
9 this memo, if you can recall?

10 THE WITNESS: When -- when was I asked?

11 MR. WHEELER: Yes.

12 THE WITNESS: I believe Colonel Fedorko was  
13 going to be appearing for, I assume, budget hearings  
14 for the Division, and I know one of the concerns was  
15 budget allocations as far as computerization and things  
16 like that. I think that he anticipated, obviously,  
17 there were going to be questions on the profiling  
18 issues, and I think, you know, I guess because he  
19 figured I was the one that could best fill him in on  
20 that, that he asked for a time line as far as what had  
21 gone on up to date so that he could get up to speed on  
22 things.

23 MR. WHEELER: So I take it he was Acting  
24 Superintendent at the time?

25 THE WITNESS: I believe that he was at that

1 point.

2 MR. WHEELER: Do you know if it was before or  
3 after March 15th?

4 THE WITNESS: -- what was --

5 MR. WHEELER: He asked you to prepare this  
6 memo.

7 THE WITNESS: I probably did it right around  
8 the date that's on there, 3/26?

9 MR. WHEELER: Okay.

10 THE WITNESS: Probably, you know, I'm sure he  
11 wanted it and I'm sure I didn't, like, take a long time  
12 to do it. I'm sure I was, you know, told to do it and  
13 I got it done quick.

14 MR. WHEELER: Well, if history is and  
15 indicator, you probably did it on the same day, because  
16 I think you did pretty much all your work on the same  
17 day that you got the assignment.

18 MR. WEBER: Sergeant --

19 MS. GLADING: Did we ask about this?

20 MR. WEBER: -- yeah, we've put a docket in  
21 front of you, I'm not going to mark it at this point,  
22 but it's GC-003065. Do you -- do you recognize this  
23 document?

24 THE WITNESS: Yes, I do.

25 MR. WEBER: Okay. Did you author the

1 document?

2 THE WITNESS: Yes, I did.

3 MR. WEBER: Okay. Is the T.G. your initials?

4 THE WITNESS: That and my badge number, yes,  
5 sir.

6 MR. WEBER: Okay. And who is J.B.?

7 THE WITNESS: James Bruncati, who at that  
8 point was the aide to Acting Superintendent Fedorko.

9 MR. WEBER: Okay. When did you author this  
10 document?

11 THE WITNESS: After the shooting had taken  
12 place, and I forget his first name, but Mr. Rose, who  
13 was the attorney that represented the -- we had the  
14 ongoing litigation with a number of our minority  
15 personnel making a number of issues. I know that he  
16 had submitted a demand to the, I guess to the State, I  
17 don't know if it was directly to the Division, that  
18 subsequent to the shooting, and he had taken a  
19 position, I guess it was Sergeant Smith's special  
20 report that prompted the inquiry down in Moorestown  
21 Station back in '96, basically he had taken the  
22 position nothing at all had been done with that, and  
23 because of that, tying that up in conjunction with what  
24 had happened with the shooting, that a very large  
25 monetary demand had been made upon the State at that

1 point to settle the case out.

2 MR. WEBER: Okay. And who is the major that  
3 you are referring to in this memo? You say, "I don't  
4 think that the Major should meet with these  
5 individuals."

6 THE WITNESS: I believe Major Mattos.

7 MR. WEBER: Okay. And who are, these  
8 individuals?

9 THE WITNESS: I believe the people that had  
10 been captioned in the report that Sergeant Smith had  
11 done at Moorestown back in '96.

12 MR. WEBER: Okay. So these are the troopers  
13 that had been interviewed in the Moorestown Station  
14 about complaints by minority troopers that there were  
15 some racial tensions and that some of the -- some of  
16 the white troopers may have been engaging in racial  
17 profiling?

18 THE WITNESS: Yes, sir.

19 MR. WEBER: Okay. I'm not going to mark it  
20 as an exhibit, I just wanted to find out who the J.B.  
21 was and who the T.G. was. Couple of last questions. I  
22 just want to go back to the conversation that you had  
23 with Mr. Rover after you provided a copy -- bless you --  
24 -- of the blue binder on March 15th, 1999. Did Mr.  
25 Rover ever indicate to you in that conversation or in --

1 - well, why don't we say in that conversation, that he  
2 had shared the information that you provided to him  
3 with then Attorney General Peter Verniero?  
4

5 THE WITNESS: I don't know how -- again,  
6 you're asking me to speculate, because I don't know  
7 what kind of contact George had on his side of the  
8 shop, but as far as sharing information directly with  
9 Attorney General Verniero, no, not -- he never made  
10 specific comments that I, you know, spoke to Peter  
11 Verniero and I passed that information on.

12 MR. WEBER: Did he indicate to you that he  
13 had shared the information that you provided to him,  
14 and again, it's the information in February of '97, the  
15 information in late summer, early fall of '97, and the  
16 information in the late 1998, did he indicate to you  
17 that he had shared that information with his superiors?

18 THE WITNESS: Yeah, he did.

19 MR. WEBER: Okay. But he identify by name who  
20 the superiors were?

21 THE WITNESS: No, I -- one thing -- as I told  
22 you, I remember specifically that with the information,  
23 like, in July of '97, that I know -- I just, for  
24 whatever reason, remember him telling me that, you  
25 know, he had discussed that, you know, with Alex Waugh,

1 and I guess even going back to the meeting of May of  
2 '97, I mean, given all what transpired, I don't think  
3 there is a question in my mind that he had shared that  
4 information.

5 MR. WEBER: You had some conversations with  
6 Colonel Dunlop in which he relayed to you information  
7 about conversations he had with Mr. Zoubek, after the  
8 March 15th meeting. And if memory serves correct, you  
9 had testified that Mr. Zoubek got back to Mr. -- to  
10 Colonel Dunlop and told him that he spoke with then  
11 Attorney General Peter Verniero, and then Attorney  
12 General Peter Verniero had stated something to the  
13 effect that he didn't have any recollection of getting  
14 this information. You remember -- you remember that --

15 THE WITNESS: -- you're on -- yeah, you're  
16 basically in the right area.

17 MR. WEBER: Okay. Did you -- did you share -  
18 -

19 MS. GLADING: Can we clarify that his  
20 testimony was that he didn't recollect the May 20th  
21 meeting or the substance of the May 20th meeting?

22 THE WITNESS: Yeah. And again, that got  
23 passed on to me from Colonel Dunlop, so I'm not really  
24 -- you know, that was just, you know, my interpretation  
25 of what Colonel Dunlop said --

1 MR. WEBER: Understand.

2 MS. GLADING: Was there --

3 THE WITNESS: -- but that, you know, I might  
4 be paraphrasing, but that's how it was passed on to me.

5 MS. GLADING: Was there any other  
6 representation Colonel made to you about what Mr.  
7 Zoubek told him Mr Verniero had said?

8 THE WITNESS: That was basically it. I  
9 thought that was kind of, like, enough.

10 MR. WEBER: Did you -- did you share that  
11 with Mr. Rover?

12 THE WITNESS: I don't know if we talked about  
13 that specifically or not. I don't think that we did.  
14 I wasn't in a real good frame of mind at that point.

15 MR. WEBER: Lieutenant -- Sergeant Gilbert,  
16 again--

17 MS. ACCURSO: Everybody keeps promoting him.

18 MR. WEBER: -- we keep promoting you.

19 THE WITNESS: Yeah.

20 MR. WEBER: And for good reason.

21 MS. GLADING: Colonel.

22 MR. WEBER: Sergeant, again, on behalf of the  
23 Committee I just want to thank you for coming down here  
24 now for a second time, for your patience, for your  
25 candor. We greatly appreciate it, and I think that

1 we're all concluded for the day. Thank you so much.

2 THE WITNESS: Thank you.

3 MS. ACCURSO: Thank you.

4 (Hearing adjourned)

5 \* \* \* \* \*

6 CERTIFICATION

7  
8 I, BEATRICE A. CREAMER, the assigned  
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