

CONFIDENTIAL

INTERVIEW
of
Lieutenant Colonel Valcocean Littles
for the
SENATE JUDICIARY COMMITTEE

February 6, 2001
2:00 p.m.
Committee Room 2
State House Annex
Trenton, New Jersey

PRESENT AT INTERVIEW:

Eric H. Jaso, Esq. (Special Counsel to the Committee)
Jo Astrid Glading, Esq. (Democratic Counsel to the Committee)
Stephen Holden, Esq. (Democratic Counsel to the Committee)

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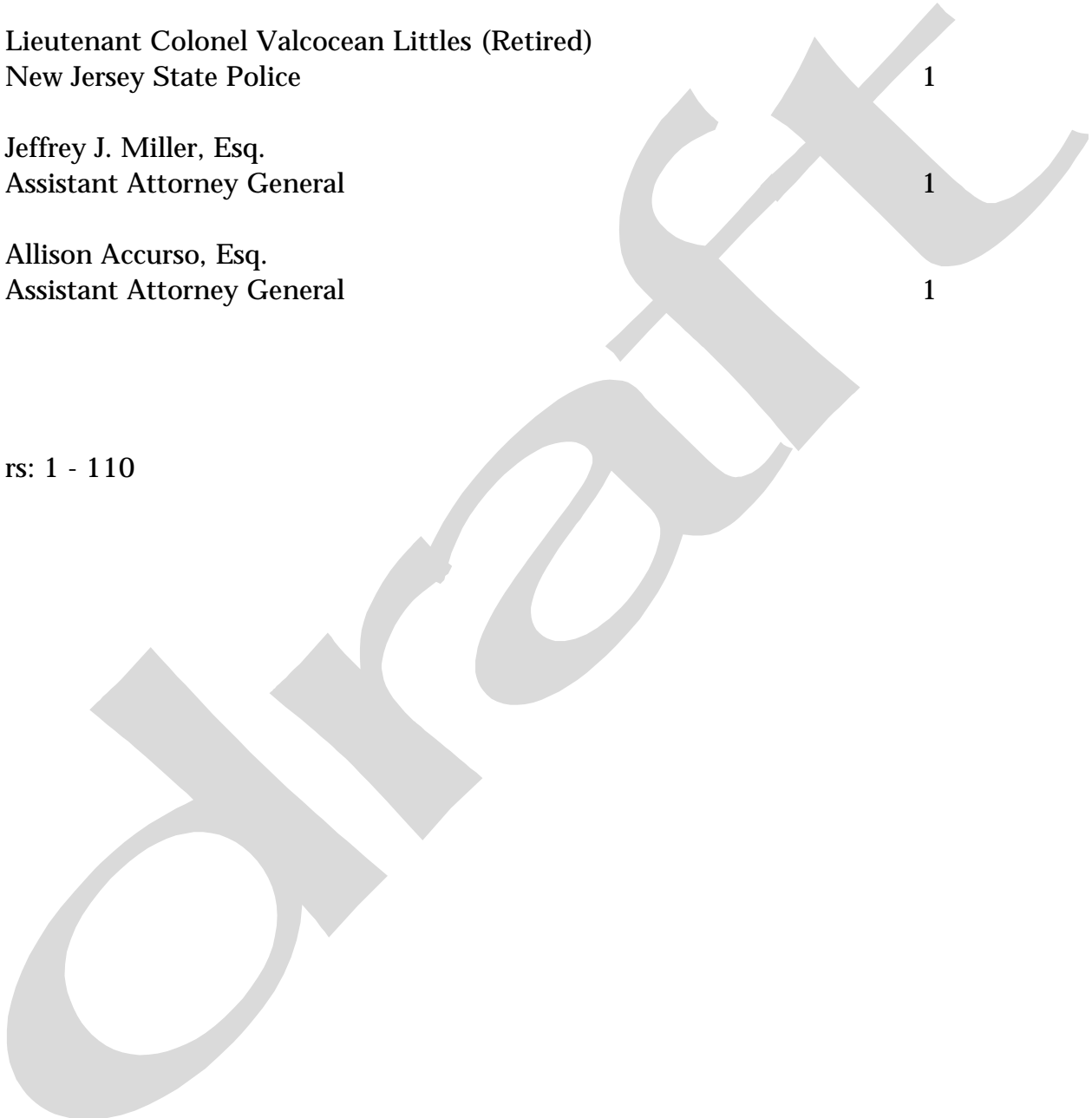
Jeffrey J. Miller, Esq.
Assistant Attorney General

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Allison Accurso, Esq.
Assistant Attorney General

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MR. ERIC JASO, Esq.: Can we start?

Colonel Littles-- That is the proper way to address you, I assume.

LIEUTENANT COLONEL VALCOCEAN LITTLES:

Yes, sir.

MR. JASO: My name, as I said before, is Eric Jaso. I'm an associate at the firm of Latham and Watkins. Michael Chertoff, who is a member of Latham and Watkins, has been appointed by the Senate Judiciary Committee of the State of New Jersey to investigate racial profiling and other related issues in the State of New Jersey, and that's why we are here. And we appreciate your making yourself available.

LIEUTENANT COLONEL LITTLES: Certainly.

MR. JASO: Let me first administer the oath.

If you would stand and raise your right hand--

(Oath administered)

If we could just go around the room and each attorney might identify himself, please.

MS. GLADING: I'm Jo Glading. I'm staff counsel for the Senate Democratic Office.

MR. HOLDEN: Steve Holden, outside and staff counsel for the Senate Democratic Office.

ASSISTANT ATTORNEY GENERAL JEFFREY J. MILLER:
Jeffrey Miller, Assistant Attorney General.

ASSISTANT ATTORNEY GENERAL ALLISON ACCURSO:
Allison Accurso, Assistant Attorney General.

MR. JASO: And we also have two staff members who are assisting in the

recording of this proceeding.

Let me begin, Colonel Littles, if I may-- And I apologize for, again, mispronouncing your name after you--

LIEUTENANT COLONEL LITTLES: Not a problem.

MR. JASO: --instructed me carefully as how to do it.

But let me first start by asking you what your educational background is and then your employment background and history.

LIEUTENANT COLONEL LITTLES: I have a bachelor's degree from William Paterson College and a master's degree from William Paterson College. I completed the course work and the comprehensive exam for a Ph.D. in sociology at Fordham University -- never did the dissertation.

How far back in terms of work?

MR. JASO: Well, we're mostly interested in your work with the New Jersey State Police, so if you could just--

LIEUTENANT COLONEL LITTLES: Okay.

MR. JASO: --focus on the police work.

LIEUTENANT COLONEL LITTLES: I began my State Police career in 1967 and proceeded through the rank structure from the rank of trooper -- a road trooper, in fact, working out of the Central Jersey area for approximately a year and a half. I then was promoted from detective, and I went into the narcotic bureau, where I worked for approximately, I guess, 10 years. I was then transferred to the official corruption unit operating out of the Criminal Justice building for approximately five years or so. I was then transferred to Division headquarters working in recruiting and research unit. Thereafter, I became the affirmative action officer.

MR. JASO: Could you specify what years these are, if you can recall?

You were official corruption--

LIEUTENANT COLONEL LITTLES: Approximately 1980.

MR. JASO: Okay.

LIEUTENANT COLONEL LITTLES: I went to the corruption unit.

MR. JASO: And then--

LIEUTENANT COLONEL LITTLES: And it was approximately '85 that I went to Division headquarters -- Administration Section within the recruiting and research unit. I remained there until 1990 in different capacities when I was promoted to captain in early 1990 and made the affirmative action officer for the Division of State Police. That was a very short period of time, approximately a month or two or thereabout. And I was transferred to the Records and Identification Section and assigned there as the assistant section supervisor. Approximately two or three months thereafter, I was promoted to major, and I became the section supervisor for the Records and Identification Section.

MS. GLADDING: What years was this? I'm sorry.

MR. JASO: I think we're still in 1990. Is that right?

LIEUTENANT COLONEL LITTLES: Yes.

Approximately two years there and I was transferred, as a major, to the Division staff section as the section supervisor. That took us to 1994 when I was promoted to Lieutenant Colonel. And I became the executive officer for the Division of State Police -- one of the Lieutenant Colonels in the Division of State Police.

MR. JASO: How many are there?

LIEUTENANT COLONEL LITTLES: There are two. There were two at that time. I believe it's the same.

That was a period of one year, approximately. I was transferred next to--

MR. JASO: That's about '94 to '95.

LIEUTENANT COLONEL LITTLES: --'95--

MR. JASO: Okay.

LIEUTENANT COLONEL LITTLES: --to the deputy superintendent's position in '95. And I remained there until retirement, August 1, of 1997.

MS. GLADING: Nineteen hundred, ninety-seven, did you say?

LIEUTENANT COLONEL LITTLES: Yes.

MR. JASO: Thirty years.

LIEUTENANT COLONEL LITTLES: Thirty years.

MR. JASO: Okay. Let me start by showing you a document, if I may.

Actually, I need to ask one question before we begin. One of the terms that we will use -- that will come up in this questioning is the term racial profiling. And just so that we're clear and on the same page as to what that term means, I would like you to define what your understanding is of that term as you sit here today and whether that definition, in your own mind, has changed over time.

LIEUTENANT COLONEL LITTLES: Truthfully, I've never given it enough thought to reduce it down to a personal definition, for lack of a better description. I think, more than anything, it depends on who's saying it and what they're talking about at a given time, because people use that term to mean different things, depending on their point of reference. I have not, in my mind, made up a definition of profiling.

MR. JASO: Well, do you have a definition that was, shall we say to your understanding, the commonly understood definition around the time of your senior positions, let's say, from 1990 to the time you retired.

LIEUTENANT COLONEL LITTLES: The term, as I recall, racial profiling was relatively new. And probably not 1990, but more around 1994 or 1995 probably -- or perhaps even later-- Often, when people use the term racial profiling, they are referring to criminal investigation or otherwise of being stopped because of their race. But also, a profile can mean a series of descriptions, characteristics, factors, variables. A profile is really, in my mind -- is really a set of descriptions. But in the way that it's often used, I think people refer to it as, "They stopped me because of my race."

MR. JASO: Are you familiar with the term law enforcement profiling?

LIEUTENANT COLONEL LITTLES: Yes.

MR. JASO: And is that something distinct from racial profiling?

LIEUTENANT COLONEL LITTLES: Yes, it is.

MR. JASO: And how is that different?

LIEUTENANT COLONEL LITTLES: Much the same as I indicated just minutes previous. A profile-- Racial profiling, is obviously -- in someone's mind is one thing, but law enforcement profiling has to do with a series of characteristics that you pursue based upon the type of investigation that you're doing.

MR. JASO: And what type of characteristics, in general, are used in that context?

LIEUTENANT COLONEL LITTLES: In addition to what the person looks like and how they dress, their manners of acting and reacting, where

they're located -- the geographical location of where they hang or where they're doing business or where they're failing to do business is just a series of all the various information that you can gather, relative to the type of investigation that you're doing.

MR. JASO: Is law enforcement profiling, as you've described it, something that you were familiar with throughout your career in the Police, and if not, when did you become familiar with it?

LIEUTENANT COLONEL LITTLES: The term law enforcement, again, profiling, is also, to my knowledge, relatively recent. But the fact is that we did do that throughout my police career, mainly in investigations. And it has to do with various things you look for, depending upon the type of crime that you're investigating or observing or attempting to observe. But that term, again, is a relatively new one.

MR. JASO: When you were in narcotics as a detective back in the, I guess, late 60s, early 70s-- Was profiling, even if it was not, and I mean law enforcement profiling-- Was that a technique that was used back then?

LIEUTENANT COLONEL LITTLES: Certainly.

MR. JASO: Any other preliminary questions? (no response)

I've handed the witness a document that is apparently a press release four pages in length, bearing the Bates numbers OAG-3466 through 3469.

If I could ask you to just take a look at that. And when you're finished, let me know if you recognize this.

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: You do recognize the press release?

LIEUTENANT COLONEL LITTLES: Not in great detail, but I,

obviously, remember the circumstance and generally what was discussed.

MR. JASO: If you could turn to Page 3, which is OAG-3468-- It notes at the top that Colonel Dintino has named you as his personal assistant for civil rights and describes you as the Division's affirmative action officer. Is that correct?

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: How-- This was dated February 22, 1990. How long had you been a captain and affirmative action officer at that point? Do you recall?

LIEUTENANT COLONEL LITTLES: This occurred almost simultaneously with the promotion. The promotion to captain and assignment as affirmative action officer was either late January or sometime in February. I don't recall exactly. It could be just prior to this.

MR. JASO: And Colonel Dintino was the superintendent at that time?

LIEUTENANT COLONEL LITTLES: Yes, sir, he was -- new superintendent. He was just coming on board.

MR. JASO: And you had stated before that you didn't hold this position for too long. Is that correct?

LIEUTENANT COLONEL LITTLES: Yes, sir, it is.

MR. JASO: I think you said a couple of months. Is that right?

LIEUTENANT COLONEL LITTLES: Actually, it was more like-- I was transferred in-- I believe it was June. So whatever period of time-- Maybe four months, approximately.

MR. JASO: And after you were transferred to your new position, did you retain any responsibility for civil rights matters or affirmative action matters?

LIEUTENANT COLONEL LITTLES: Actually, not. The affirmative action officer's position went to someone else at that time. I had another position, although, I was obviously free to communicate whatever to the Colonel at any time.

MR. JASO: When you took on the new title -- I guess rank -- and were named as personal assistant for civil rights and divisional affirmative action officer, were you debriefed, at that time, with regard to pending issues that you might have to address in those roles?

LIEUTENANT COLONEL LITTLES: I don't recall such a briefing. No, sir.

MR. JASO: Did you, yourself, attempt to ascertain what responsibilities, what roles, what issues you might face in the new job?

LIEUTENANT COLONEL LITTLES: Yes, sir.

Let me just back up to indicate that although that was my new rank and position, affirmative action officer and captain, I was also the recruiting and research officer for the Division of State Police.

MR. JASO: Previously?

LIEUTENANT COLONEL LITTLES: Even then, that still remained my task. That was-- This was not my sole task. I was still charged with the duties of affirmative action officer--

MR. JASO: When I asked--

LIEUTENANT COLONEL LITTLES: --and the recruiting and research position.

MR. JASO: And how long had you been doing that?

LIEUTENANT COLONEL LITTLES: Approximately three or four

years, I guess.

MR. JASO: So the affirmative action and-- Well, I would presume, and correct me if I'm wrong, that the affirmative action component had something to do with the recruiting responsibilities. Is that right?

LIEUTENANT COLONEL LITTLES: Well, at that time it did because the two functions were intermingled.

MR. JASO: Then, is it fair to say that the titles and the new rank and so forth -- promotion were more pro forma, rather than any substantive change in your responsibilities?

LIEUTENANT COLONEL LITTLES: It would have developed to a change. The initial problem was that there was no standing operating procedures on how that office would operate. There were no real literature -- not at least collected in that particular office-- So it would take time for that office -- affirmative action, as well as the Division of State Police's Planning Bureau, to actually do the research and come up with some different procedures and actually how to pursue that -- that goal. There was actually nothing really in place at that time.

MR. JASO: What were your responsibilities, with regard to civil rights matters, as distinct from affirmative action matters, or were they more or less the same thing?

LIEUTENANT COLONEL LITTLES: I never got a chance to actually do that particular research because-- Again-- I was going to say earlier, we were in the process of doing various stages of our recruitment. I didn't realize I'd need that, otherwise I would have checked with Division headquarters and gotten the dates. We may have been doing one, two, or three classes that we

were processing at that time. My office, at that time, entailed-- I believe there was two civilians who were clerical staff, myself, and I believe three others. We actually administered the entire recruitment process throughout the State of New Jersey for the Division of State Police. That includes setting up the various test sites, actually performing the test, and recruiting people, or getting it assigned through the superintendent's office -- who would help to administer the test, grading the test, and everything. So there wasn't a lot of time to sit and think about, at that moment, civil rights and affirmative action. That was something that was in the process of development, basically.

MR. JASO: Take a look at, if you would, on the same page, the third paragraph. It says, "Colonel Dintino has also expanded Captain Little's duties to include identifying sensitive minority issues ahead of time, so that remedial action can be taken. He will be concerned with minority problems within the State Police and between the State Police and the public." Did you have an understanding, or do you have an understanding, of what is referred to by problems -- I guess minority problems between the State Police and the public at that time?

LIEUTENANT COLONEL LITTLES: Nothing far beyond what's, you know, illustrated on that particular paragraph. But I think it's reasonably clear. I didn't give that a great deal of thought at that particular time is basically what I'm saying.

MR. JASO: Well, I guess I'm-- Since it doesn't mention anything in particular, I don't know what-- I guess the question is, what minority problems between the State and Police and the public were in existence in February of 1990, if you remember?

LIEUTENANT COLONEL LITTLES: I do not. No, sir. And in fact, I probably saw this press release about when everyone else did. I wasn't privy to the verbiage, etc., prior to that, which is somewhat typical.

MR. JASO: Well, notwithstanding the document itself, the general question is, and I think you've answered it, I just want to make sure we're clear--

LIEUTENANT COLONEL LITTLES: Understood.

MR. JASO: The question really is whether this document refreshes your recollection as to what minority problems between the State Police and the community existed at that time.

LIEUTENANT COLONEL LITTLES: Not from actual recall. No, sir, I don't.

MR. JASO: Take a look at the next page. In the top paragraph -- and this is Page OAG-3469. It's talking about consensual searches. And in that paragraph, it says, "There have been allegations that some troopers have coerced or otherwise intimidated motorists into consenting to the search of their vehicles. Do you know what allegations those were at that time?"

LIEUTENANT COLONEL LITTLES: No, sir. No, I don't.

MR. JASO: Do you--

LIEUTENANT COLONEL LITTLES: Those things--

MR. JASO: Go ahead.

LIEUTENANT COLONEL LITTLES: Those things, from time to time, are obviously in the media when people have problems -- what they encounter with the police -- the State Police or otherwise, actually. So I would think that much of that had to do with a response to the media, be it the newspapers or

the television or the radio and perhaps even complaints from the public.

MR. JASO: Were these motorists minority motorists?

LIEUTENANT COLONEL LITTLES: I would have to assume. I don't know that. I'm sure--

MR. JASO: You would assume--

LIEUTENANT COLONEL LITTLES: --some of them were, or perhaps many of them were.

MR. JASO: Well, it's kind of a big difference between whether some of them were or many of them were. I guess the question I'm asking is--

LIEUTENANT COLONEL LITTLES: I don't know is the answer. I really don't know.

MR. JASO: Okay.

MR. HOLDEN: Good afternoon.

LIEUTENANT COLONEL LITTLES: Good afternoon.

MR. HOLDEN: On Page 2 of the document that you have in front of you, apparently, Colonel Dintino said, "I would rather see a drop in drug related statistics than to have troopers violate the rights of the driving public." Do you know what he meant by that?

LIEUTENANT COLONEL LITTLES: Yes, sir. I do.

MR. HOLDEN: What do you think that meant?

LIEUTENANT COLONEL LITTLES: At least to my own understanding, I know.

MR. HOLDEN: Oh, sure.

LIEUTENANT COLONEL LITTLES: I don't know if it was in his mind, but yes. Basically, I think he's saying that rather than to abridge the

rights of any citizen to take unfair, improper, illegal, or otherwise advantage of a citizen, he'd rather see the contraband go down the highway, basically, rather than do something improper or illegal to accomplish getting the drugs. That's for example.

MR. HOLDEN: Well, you indicated that you were involved in doing law enforcement profiling with regard to drug interdictions. Is that correct?

LIEUTENANT COLONEL LITTLES: I don't think I said that. No, sir.

MR. HOLDEN: Well, you were involved as a narcotics detective between--

LIEUTENANT COLONEL LITTLES: '69 to '80, approximately.

MR. HOLDEN: --'69 to '80. In that capacity, did you develop profiles of the drug--

LIEUTENANT COLONEL LITTLES: No, sir.

MR. HOLDEN: --traffickers or dealers.

LIEUTENANT COLONEL LITTLES: Not really. No, sir.

MR. HOLDEN: You never operated with any assumptions about who the drug dealers were?

LIEUTENANT COLONEL LITTLES: Assumptions. Well, we basically knew where they were.

Let me-- If I can, I'll back up a bit, and this will be a bit clearer, I think.

MR. HOLDEN: Thank you.

LIEUTENANT COLONEL LITTLES: Primarily, what I did-- I was an undercover narcotics agent. It wasn't a profile. If I came to you and asked you were you holding. "Holding what?"

MR. HOLDEN: I am Holden. (laughter)

LIEUTENANT COLONEL LITTLES: Heroin.

MR. HOLDEN: I am Holden.

LIEUTENANT COLONEL LITTLES: Okay. Heroin.

MS. GLADING: Steve Holden.

MR. HOLDEN: Oh.

LIEUTENANT COLONEL LITTLES: And you sell it to me -- nothing to do with a profile. Primarily, what I did was to operate undercover -- even deep undercover for a period of years. And that's primarily what I did. I wasn't a surface -- what we call surface investigator or detective. I was really an undercover agent. So the type of thing that we're talking about-- That wouldn't be a function of what I did at that time. I made several purchases, and we went out, as you may recall back then, and collected as many as 100 or more individuals with a big, large raid -- that's early morning hours. We had everything set up in, perhaps, an armory or gym with the judges and all the court personnel, etc., and went through the process. From there, I'd do paperwork for as many months as it took to do the typing. And I'd get slid into another assignment. So I think that would help to clarify my answer.

MR. HOLDEN: Thank you.

Back on Page 3, one of the obligations that Colonel Dintino apparently gave to you, at least as reported by this press release was as follows. "Colonel Dintino has also expanded Captain Littles duties to include identifying sensitive minority issues ahead of time so that remedial action can be taken." Do you know what was meant by identifying sensitive minority issues ahead of time?

LIEUTENANT COLONEL LITTLES: Nothing that I can specifically

put a -- point a finger at. But, I mean, I think -- again, I think the statement's quite clear. Any problems dealing with minorities within the Division of State Police -- I don't know if he says that here -- but minority issues in general -- period. But I didn't think of a particular instance that that referred to, not at that time, certainly, of course.

MR. HOLDEN: Well, what is a minority issue?

LIEUTENANT COLONEL LITTLES: In my mind, a minority issue is an issue or something in particular that a minority would be concerned with.

MR. HOLDEN: Such as?

LIEUTENANT COLONEL LITTLES: Whether it has legitimacy, in effect, or not-- If it's an issue-- If it's a concern, I think it's an issue.

MR. HOLDEN: Well, for example, what are three kinds of concerns that you might have been directed to identify?

LIEUTENANT COLONEL LITTLES: Am I thinking what I was thinking at that particular time, or am I looking back, knowing what I know today?

MR. HOLDEN: Great question. Both.

LIEUTENANT COLONEL LITTLES: Okay. At that time, it was a press release. I stood, probably, with the Colonel while he put the press release out. I didn't have time to give it much thought. Over a period of time, obviously, when minorities complained about any issue, those became the minority issues of concern.

MR. HOLDEN: But the Colonel assigned you to be his liaison to the NAACP, correct?

LIEUTENANT COLONEL LITTLES: Uh-huh.

MR. HOLDEN: And when you went to the NAACP and described what your role was in the New Jersey State Police, if you did, what did you describe.

LIEUTENANT COLONEL LITTLES: Never got to do that, sir. I was transferred before we really got into that part of the function.

MR. HOLDEN: Thanks.

LIEUTENANT COLONEL LITTLES: At some point in time, if I can expand that-- I have dealt with people from the NAACP, but probably not in that capacity, in just being in the Division of State Police and in a particular office. Ed Martong, (phonetic spelling) ACLU-- I've dealt with him -- relatively frequently on various issues to do with the State Police. We set up meetings and we did whatever we did to accomplish whatever goals there were. We dealt with them with regard to training issues. We had -- oh, boy, I don't know it was a two or three-day seminar dealing with minority issues that was taught to all the uniformed staff of the State Police -- I believe all staff-- Actually, it was all staff.

MR. HOLDEN: Do you remember what year that was?

LIEUTENANT COLONEL LITTLES: No, sir. It was during this -- probably during that time frame, probably after the -- sometime after, probably, June of 1990 under Colonel Dintino's administration. We had people from the gay and lesbian groups that came in and gave different blocks of instruction during that whole thing. So there's been that type of an ongoing exchange of a period of years, but I don't distinctly remember when this happened or that happened. But routinely we did things like that, we being the Division of State Police.

MR. HOLDEN: And in those meetings, or conferences, did the issue of

selective consensual car stops become raised?

LIEUTENANT COLONEL LITTLES: I don't recall that as an issue. And I'll clarify also by saying that some of what I think I know today, I'm not certain if I know it from reading in newspapers, seeing it on television, or something I remember. It's just so long ago, and so many things have happened since then. And I said that to say that there was the issue with -- was it Channel 9 and Joe Parliament (phonetic spelling) and all that -- that that had preceded that. That preexisted Colonel Dintino, but obviously anyone that pays attention to the media knows that that's an issue.

MR. HOLDEN: So that was the Channel 9 expose or conversation about selective car stops based upon a race. Is that the--

LIEUTENANT COLONEL LITTLES: That's certainly a portion of it. I don't recall the entire-- But, yes.

MR. HOLDEN: And didn't-- Weren't there press releases or internal SOPs issued in response to that television broadcast back in the day?

LIEUTENANT COLONEL LITTLES: I'm certain. I'm certain. I don't know what they were, but surely that was under Colonel Pagano at that time. Certainly.

MR. HOLDEN: Thank you.

MR. JASO: I've handed the witness a two-page document bearing the Bates Numbers IA-539 and 540 -- a memorandum from Colonel Dintino to Captain Roberson, which is signed by then Major Littles.

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: It appears that the trooper's name has been redacted here in this document, but do you recall this particular incident or investigation?

LIEUTENANT COLONEL LITTLES: Specifically, no, sir. But I mean, this is -- this is a routine document.

MR. JASO: Was this one of your responsibilities at the time to--

LIEUTENANT COLONEL LITTLES: Yes, it was. I had, I believe it was-- I was in charge of four bureaus headed by captain in the Division staff section. I was the major, and then I was the section supervisor at that time. So this was one of the many, many documents that would be transmitted from that office. But yes, sir. I mean, I recognize the type of document. I will quickly read the-- See if I recall that.

I don't recall it, but again, this is a very -- it's a typical, routine transmittal.

MR. JASO: How, if you could quantify, even generally-- How many of these would come across your desk in the course of say a month?

LIEUTENANT COLONEL LITTLES: Sir, it would be a total guess. It's a relatively large volume of paperwork that flows through that office, period, not just in the Internal Affairs end of it, but also in--

MR. JASO: Well, let me be--

LIEUTENANT COLONEL LITTLES: --the other areas.

MR. JASO: --more specific -- complaints -- complaints against -- citizen complaints against troopers.

LIEUTENANT COLONEL LITTLES: It would be a guess. I have no idea.

MR. JASO: Well, more than 10, less than 10 per month?

LIEUTENANT COLONEL LITTLES: It would be totally guessing, I don't know. I don't know.

MS. GLADING: This is the--

LIEUTENANT COLONEL LITTLES: A lot--

MS. GLADING: Go ahead.

LIEUTENANT COLONEL LITTLES: I'm sorry.

MS. GLADING: Go ahead.

LIEUTENANT COLONEL LITTLES: A lot of complaints that are generated, more than likely wouldn't come to me -- through me to the Internal Affairs Bureau. They would go through other channels through Internal Affairs. And when it reaches a point where there's some type of disposition, then I would see it. So the volume would not have been large. But again, I have no idea how many that would have been.

MR. JASO: So a disposition means what?

LIEUTENANT COLONEL LITTLES: When the complaint has been disposed of in whatever manner. The complaint is upheld, it's unfounded, or undeterminable.

MR. JASO: So the case is closed at that point, essentially.

LIEUTENANT COLONEL LITTLES: Yes.

MR. JASO: Okay.

LIEUTENANT COLONEL LITTLES: Yes.

MS. GLADING: Did you continue to supervise Internal Affairs when you were promoted to Lieutenant Colonel and became executive officer. Was Internal Affairs under your supervision?

LIEUTENANT COLONEL LITTLES: I don't believe it was at that time. And the reason I say I don't believe is that the Division had changed its -- the -- where the sections reside on one or two occasions. So at a point in time --

it may have been for a short time, but then it was reorganized. And one lieutenant colonel got these four sections as opposed to those four sections.

MS. GLADING: Which did--

LIEUTENANT COLONEL LITTLES: But I don't believe so.

MS. GLADING: Which did you get when you were Lieutenant Colonel?

LIEUTENANT COLONEL LITTLES: I was-- See, I sat in both seats. The lieutenant colonel's office is the executive office, and I also sat in the deputy superintendent's office. When I went to the -- the last two years -- the deputy superintendent--

MS. GLADING: Uh-huh.

LIEUTENANT COLONEL LITTLES: --anything that was done, in terms of the Internal Affairs, and it went to the superintendent, it came through me. That was the last two years, '95 to '97. That, obviously, is clear.

MS. GLADING: And in '96, did Internal Affairs go through you?

LIEUTENANT COLONEL LITTLES: Yes. Uh-huh, '95 to '97.

MS. GLADING: Oh, '95 through '97.

Okay. So Captain Touw would have reported to you? Is that right?

LIEUTENANT COLONEL LITTLES: Actually, he reports directly to his major in that section.

MS. GLADING: And the major reports to you?

LIEUTENANT COLONEL LITTLES: Yes.

MS. GLADING: Okay.

Thanks.

MR. JASO: I've handed the witness a three-page document, the cover page of which is a memorandum from the then Attorney General Poritz to

Colonel Williams bearing Bates Number GC-3953 through 3955.

Colonel, if you could just take a moment and--

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: --and take a look at that.

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: Do you recognize these documents?

LIEUTENANT COLONEL LITTLES: It looks familiar. Yes.

MR. JASO: Do you remember turning to Page 2, receiving this directive from Colonel Williams attaching the letter from the Attorney General?

LIEUTENANT COLONEL LITTLES: Not specific recollection, but obviously I recall this issue being talked about at the time. Certainly.

MR. JASO: What issue--

LIEUTENANT COLONEL LITTLES: And I'm also certain that I saw the document and received it.

MR. JASO: Okay. What issue was being addressed by the attorney general in this memorandum?

LIEUTENANT COLONEL LITTLES: Primarily, and I kind of quickly scanned it, the untimeliness of the -- in other words, taking too long to complete the investigations.

MR. JASO: Do you recall any conversations you had with Colonel Williams or anyone else about this?

LIEUTENANT COLONEL LITTLES: No, sir. Not specifically.

MR. JASO: Generally?

LIEUTENANT COLONEL LITTLES: We talked daily -- on a daily basis about all and basically every issue that was kind of before the office. But I

don't really have any recall of a specific conversation.

MR. JASO: At this point in time, you were the deputy superintendent, right?

LIEUTENANT COLONEL LITTLES: Yes, I was.

MR. JASO: I note that both Colonel Williams, on Page 2, and you, on Page 3, I guess echoing his directive, indicates, "Please keep me apprised at how the -- of how the inquiry affects our Division." What was meant by that?

LIEUTENANT COLONEL LITTLES: I'd be guessing what the Colonel meant by that. He definitely wanted to stay informed of the situation, basically. I wouldn't try to describe it beyond that.

MR. JASO: Was there some concern with regard to whether pending discrimination complaints would have some sort of a negative impact on the Division?

LIEUTENANT COLONEL LITTLES: I think the Division was concerned about anything that may have a negative affect upon the Division. So obviously this is one, as well as others.

MR. JASO: Ms. Glading has left the room.

I've handed the witness a several page document, which was -- or is a New Jersey State Police SOP announcement dated March 15, 1996 bearing Bates Numbers OAG-749 through 756. If you could look that over briefly and tell me whether you recognize this.

LIEUTENANT COLONEL LITTLES: Specific to this one document, no. But I obviously know that this is a standard operating procedure from the Division of State Police.

MR. JASO: Do you remember specifically this change being made with

regard to procedures of questioning members of the Division?

LIEUTENANT COLONEL LITTLES: Specifically, I don't, sir. No.

MR. JASO: Do you remember the circumstances, which gave rise to this change in policy?

LIEUTENANT COLONEL LITTLES: No, I don't, sir.

Once again, there's an incredible volume of paperwork that that office deals with in a given day. This obviously is not prepared by myself. This is something that's -- once it's prepared by the planning bureau, it's distributed out of the deputy superintendent's office with my signature or whoever sits in that particular seat.

MR. JASO: Okay.

Ms. Glading has rejoined us.

MS. GLADING: Sorry.

MR. JASO: No. It's not a problem. I just need to indicate who's here on the record.

LIEUTENANT COLONEL LITTLES: And I don't know what this SOP says that's different than the one that was previous to it. That would be a lot easier to tell what's going on here. If there was one that preexisted this one, then there may have been some distinct differences. And I don't know what that is.

MR. JASO: Well, do you remember generally whether there were preexisting procedures for the questioning of an officer?

LIEUTENANT COLONEL LITTLES: I don't recall what they were, sir. The Division of State Police has standard operating procedures for just about everything -- volumes and volumes and volumes of books, so I would say yes,

but would I know? No.

MR. JASO: Okay.

LIEUTENANT COLONEL LITTLES: As a point of reference for basically everything-- Internal Affairs wasn't something you'd like to know a whole lot about back -- at least early in your career. So that wasn't something I was really familiar with.

MR. JASO: I've handed the witness a memorandum dated 3-28-96, originating from Detective Gilbert to Colonel Williams bearing Bates Numbers OAG-4192 through 4196.

And again, I ask you to take a look at that, and let me know if you recognize that.

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: Let me first ask you, more for my own edification than for anyone else's, I suppose, but the from and to columns in the State Police memoranda-- How does this sort of chain of custody, as it were, work? And what is the significance of being part of the chain?

LIEUTENANT COLONEL LITTLES: It informs anyone, obviously, looking at the document, everyone that's touched this document -- had actually had access to viewing it. In this case, Detective Gilbert authored the document. It was then passed from him to his supervisor, which was Sergeant First Class James Bruncati. It was then passed directly from that particular unit to the office of the deputy superintendent -- to Sergeant First Class then Dave Blaker, who was an assistant for me as the deputy. It was then passed from him to me, and then from myself to the superintendent Colonel Williams. It's basically a chain of continuity. I don't want to say evidence.

It's a chain of continuity.

MR. JASO: And does each individual, as it goes through the chain, put his initials on the--

LIEUTENANT COLONEL LITTLES: Most often they do. Sometimes it's neglected, but yes, sir.

MR. JASO: But that's what they're supposed to do, I guess.

LIEUTENANT COLONEL LITTLES: Yes, sir -- to acknowledge that it passed through them.

MR. JASO: Do you recognize the handwriting on the front page there dated 3-29-96? It looks like "Okay. Proceed as recommended."

LIEUTENANT COLONEL LITTLES: Absolutely. Yes, sir.

MR. JASO: Who's that?

LIEUTENANT COLONEL LITTLES: That's Colonel Williams.

MR. JASO: And would he annotate something like this and pass it back down the chain, or-- How would that work, if you know?

LIEUTENANT COLONEL LITTLES: I would only be assuming. No, sir. I don't know.

MR. JASO: Okay.

LIEUTENANT COLONEL LITTLES: It would more than likely go into his own file--

MR. JASO: Okay.

LIEUTENANT COLONEL LITTLES: --because it's coming from the bottom -- basically, in this instance, from the bottom of the chain all the way to the top, meaning himself.

MR. JASO: The document deals, in some detail, with the decision of

Judge Francis in the Gloucester County case, which we -- I've been commonly referring to as the *Soto* case.

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: Do you recall how the *Soto* case first came to your attention?

LIEUTENANT COLONEL LITTLES: No, sir. I don't know when it first came to my attention, but obviously we, meaning the Division of State Police, was aware of the trial and the suppression that was being attempted by *Soto* based upon the statistics and all of that. And we also -- in pretty constant communication with Deputy Attorney General Jack Fahy who was actually representing the State in the case. So all those matters are basically routine. You hear all of these things all the time, but it's very difficult to delineate exactly what you heard and when you heard it.

MS. GLADING: I'd like to ask a question.

MR. JASO: Sure.

MS. GLADING: Do you recall whether anyone from the State Police monitored the *Soto* trial and sat in the courtroom during the trial to listen to what was going on -- taking notes and reporting back?

LIEUTENANT COLONEL LITTLES: I never personally was there, but I know we had people there on frequent occasions, if not all occasions.

MS. GLADING: Who was that?

LIEUTENANT COLONEL LITTLES: I don't remember. It could have been-- It could have, in fact, been different individuals at different times.

MS. GLADING: Do you remember any of them?

LIEUTENANT COLONEL LITTLES: No, ma'am. Again, I could hazard a guess, but that's exactly what I'd be doing. I'd be guessing. I don't

know. But that would, more than likely, be in the State Police report someplace.

MR. JASO: Do you recall reports being prepared by individuals who were sent to witness the trial?

LIEUTENANT COLONEL LITTLES: Offhand, no, sir, I don't.

MR. JASO: I draw your attention on the first page to after the sort of block quote -- the sentence starting, "This report--" Do you see that.

LIEUTENANT COLONEL LITTLES: Yes, sir. I see it now.

MR. JASO: It says, "This report will highlight specific issues raised by Judge Francis in potential Division response in order to deflect additional criticism and legal challenges, which may be forthcoming." First let me ask you, if you have an understanding of what the issues that were raised that pertain to the State Police were in the *Soto* case that you were concerned--

Well, let me ask you this first, actually. What was your involvement, if any, in responding to monitoring dealing with the *Soto* case at the time?

LIEUTENANT COLONEL LITTLES: I didn't have any specific task to do with any of it. However, again, being in a particular office -- deputy's office, I think I was pretty much informed of basically what was going on at most times.

MR. JASO: Was it pretty much that Colonel Williams kept you in the loop on everything that was going on, or is that an overstatement?

LIEUTENANT COLONEL LITTLES: I believe he did. I believe he did.

MR. JASO: That was your understanding that there was no area that you were, for whatever reason, kept out of the loop on in his responsibilities.

LIEUTENANT COLONEL LITTLES: Certainly nothing that came to

light. Again, I refer back to the type of organization it is. It's a quasi-military organization, and not meaning similar to military, but being like military accepted -- it's not. And information and a lot of things flow uphill, but he doesn't necessarily have to flow it downhill if he chooses not to. So the things that I'm not aware of -- I don't know what that is, if there is such a thing. But, obviously, from the bottom of the chain of command upward, he has to be informed. But nothing comes to mind that he did not inform me of--

MR. JASO: Well, what--

LIEUTENANT COLONEL LITTLES: --that I know about, at least.

MR. JASO: What were the major issues, with regard to the *Soto* case, that were -- that you were privy to at that time, if you can recall?

LIEUTENANT COLONEL LITTLES: Basically, I remember that the issue was from the point of view of *Soto* -- in his defense -- is that he was attempting a suppression based upon being profiled or stopped because of his race. And thereafter, the defense did some type of a statistical study in terms of how many people were stopped and how many people were passed along a given section of the New Jersey Turnpike -- basically that.

MR. JASO: How did the Department -- or the Division I guess you call it, react to the use of the statistical data in the *Soto* case?

LIEUTENANT COLONEL LITTLES: I'm not sure what you're saying.

MR. JASO: Well, let me ask whether any other studies were done in reaction to the use of the data in the *Soto* case. That is, did the Division make any efforts to come up with--

LIEUTENANT COLONEL LITTLES: Okay.

MR. JASO: --their own data in reaction to a response to the data that

was used by the defense in the *Soto* case?

LIEUTENANT COLONEL LITTLES: Yes, sir. I think one thing that occurred was with the start of this committee that we have. It's pretty much documented here in this IOC, or interoffice communication, in front of us -- to start looking at various things to see what we could document or see what we could find out -- investigate.

A large disadvantage, I think, for the State Police at that time was that we were in the process, I believe, of bidding for a CAD system, which is a computer-aided dispatch system. That-- Such a system would be to capture statistics and everything, basically, at a glance, if the appropriate technician sat down in front of the screen. But we didn't have anything in place that would efficiently be able to retrieve various statistics and data.

And then I think when we started to look, with this committee, at some of the various reports, you find that troopers don't always put all the information that's available on a given report, be it a patrol report or whatever. In fact, on summonses-- There was no place for it on a summons. So there was really no good vehicle to ascertain the information. The only way you could really do it was probably the way they did it and that is sit along a section of the road and do a physical count. But we started to change things within the Division, in terms of having them call in the stops -- make sure they call in the stops and indicate the sex and race of the individual and some things along those lines. And these things started to come with the beginning of this committee.

MR. JASO: And what was the committee, if you could tell me in general terms? Who was on it?

LIEUTENANT COLONEL LITTLES: Oh, boy. Myself. I was representing the Police. I chaired the committee, basically, from the Division's point of view. DAG Jack Fahy was there, since he was the gentleman that actually represented the State in the case in Gloucester County. DAG Ron Susswein also was on the committee. I guess his primary function was to deal with the training issues, the way we train our people, how we train them, what's in the various lesson plans, etc., and what can be, should be, etc. Although, everyone had a -- regardless of rank or position, had a full say in terms of the committee. But that's kind of the -- where it came from. There was Captain Touw, who was the bureau chief, Internal Affairs Bureau. There was Detective Tommy Gilbert. We had involved, at some time, young troopers, but I don't recall if they were actually in the committee, or if they actually did things at our behest or direction at some time later.

MR. JASO: At whose directive was the committee organized?

MR. JASO: Months ago, when I thought about it, I'd like to take credit for it, but I'm really not sure, because I thought it was a good idea. It was kind of a mutual discussion from criminal justice, the attorney general's office, and the Division of State Police. We all agreed that that -- it was something that we should do to get at the heart of the matter. I thought it was important enough that I should chair it, that we, we'd keep it close to the Colonel's office, basically.

MS. GLADING: Can I ask you-- The second-- The first full paragraph on Page 2 of the document in front of you--

LIEUTENANT COLONEL LITTLES: Yes.

MS. GLADING: Does that represent all of the members of the

committee?

LIEUTENANT COLONEL LITTLES: The trooper I mentioned -- Kevin DiPatri-- Primarily, yes.

MS. GLADING: So Captain Brennan and Captain--

LIEUTENANT COLONEL LITTLES: Captain Brennan was the affirmative action officer for the State Police at that time.

MS. GLADING: SFC Blaker-- He was a part of this, too.

LIEUTENANT COLONEL LITTLES: He was my assistant -- like an administrative assistant in the deputy's office. Troopers-- Detective Reilly and Trooper DiPatri were basically uniformed troopers. Since we-- It was our goal to have, basically, a good cross representation of all involved, they kind of represented the uniformed troops field operations.

MR. JASO: Was the committee--

LIEUTENANT COLONEL LITTLES: And--

MR. JASO: I'm sorry.

LIEUTENANT COLONEL LITTLES: Sorry.

MR. JASO: Go ahead, please.

LIEUTENANT COLONEL LITTLES: And they were very experienced troopers.

MR. JASO: Was the committee formed in specific response to the pertinency of the Gloucester County litigation, or did it-- Was it formed previous to that?

LIEUTENANT COLONEL LITTLES: I'm thinking that this was probably the first meeting, or around the first meeting, so the focus was Gloucester County's case -- the *Soto* case.

MR. JASO: The decision-- Well, maybe it will refresh your recollection. The judge's decision was made on March 4th and then the meeting occurred on March 25th. Was it the case that the committee was formed not only in response to litigation, but in response to the decision.

LIEUTENANT COLONEL LITTLES: It was certainly a part of it. From my point of view, I thought it would allow the State to ascertain if they should pursue that case further, you know, in terms of an appeal. And secondly, if that was-- That's basically my point of view. I thought that, and I think I've said it in discussions previous--

If the data that came out of the *Soto* trial was incorrect, but nearly correct-- I thought the statistics were, at least, troubling. So I thought that, at the very least, the Division of State Police should be in a position to know exactly how it stood and how it should be responding to situations like that and to make -- to identify problems and make corrective actions. That was my thought.

MR. JASO: And what is part of that effort to attempt, in some way, to find out whether the data was correct or not?

LIEUTENANT COLONEL LITTLES: I don't think there was a lot done along those lines because they would have required that we did much the same -- position ourselves along the turnpike. And we all know what statistics do. They do what you want them to do. And it depends on, obviously, the time of day, the time of night, what's happening in a given area, whether there's some event going on. There's just too many variables to reliably say that our test would have been the same as their test -- and would the differences have been statistically significant or not. I don't think it would have accomplished

anything. I thought it was more important that we identify problems, or potential problems and then to fix it.

MR. JASO: Well, you--

LIEUTENANT COLONEL LITTLES: That was my personal point of view.

MR. JASO: What was your inclination as to whether an appeal should be pursued at that time?

LIEUTENANT COLONEL LITTLES: I'm not sure how I was looking at it. And I will say that-- I clarify by saying I was a trooper. So obviously, I wanted to appeal it. But the fact of the matter is, and obviously the way we discussed it, it had to do more with an objection -- objective information and data coming from the -- our attorney, who was Jack Fahy. I think that had more to do with whether we should appeal it or not. Was the data flawed? Was the judge's decision flawed? And a lot of other things. That wasn't for me to decide. But as a trooper, I wanted it appealed. Primarily, because-- I'm sorry.

MR. JASO: You anticipated my question. The question was why, as a trooper, did you feel that, if I'm not reading too much into it, you were somehow -- and that troopers somehow were offended by the decision?

LIEUTENANT COLONEL LITTLES: I don't know if I was offended. But again, my thoughts are that-- And it's strictly subjective, and I realize that when I say it. I personally don't like to see criminals get off because a statistical study in a given case was upheld on behalf of the defense and against the State Police. If that had no bearing on the other cases, then obviously, you know-- The prosecution never loses when justice is served. I mean, I'll take

that position. If justice is served, then we don't lose. I say we. I take the position of the prosecution. But that had long-standing results in terms of dismissing so many other cases. And that's kind of difficult to swallow from a subjective point of view, again. But beyond that, I thought it was a legal decision.

MR. JASO: Did you remember-- Do you remember, I should say, what the opinions, with regard to whether an appeal should be pursued, were of others who were in the -- who were members of the committee?

LIEUTENANT COLONEL LITTLES: I don't recall, specifically, anyone's opinion, but I think the general thought was they would like to see it appealed. And I'm basically speaking of the troopers. I don't really recall-- I don't think, from the legal point of view, that the deputy attorney generals had taken a position one way or the other. We were, basically, kind of trying to do a fact finding.

MS. GLADING: Can you describe the parameters of that fact finding from the State Police perspective, in terms of statistical data, what you were going to undertake?

LIEUTENANT COLONEL LITTLES: Again, there wasn't a lot that could efficiently be done, looking at the present and to the past. But we started to put out the records that all stops would be called in, and all the SOPs will be followed appropriately. We know that troopers, like other people, you know-- Sometimes they do things right, sometimes they don't. Sometimes they follow procedures to the letter, and sometimes they don't. Some do and some don't. So we reemphasized that you would follow all those things to the letter. And there was-- I believe it was-- We instituted that you had to put--

And I don't remember a lot of this because I'm--

Let me just back up again. I haven't been a road trooper in 30-some-odd years, so a lot of the things that they do routinely, although I know in general how things go, I don't know verbatim, item for item, how they do various procedures such as that.

But in any event, we had them put the sex and race on the patrol chart. And when they called in -- the stop into the dispatch center, it was also supposed to be recorded on the log by the dispatcher.

MS. GLADING: That was a preexisting requirement, wasn't it, that the radio log record the description of the occupants?

LIEUTENANT COLONEL LITTLES: I believe it was. I believe it was. I can't even picture the radio log at the moment.

MS. GLADING: Yeah.

LIEUTENANT COLONEL LITTLES: But I don't know if that required race and sex at that time.

MS. GLADING: The bottom of this memo-- The bottom of the second page of this memo-- The sentence beginning "Emphasis must now be placed on the Division having the additional capability of retrieving and analyzing racial data related to motor vehicle stops."

LIEUTENANT COLONEL LITTLES: Yes.

MS. GLADING: Do you recall the discussions about that at the meeting that this memo references?

LIEUTENANT COLONEL LITTLES: Primarily, the way the Division of State Police reporting system existed at that time-- The things that were really collected is traffic. Traffic is very well documented -- summons,

warnings, and physical arrests, and all those things were very well documented. But things such as the race and that -- it's not well documented.

MS. GLADING: Right.

LIEUTENANT COLONEL LITTLES: There was no--

MS. GLADING: Can you tell me what you recall about the discussion of this at that meeting and post *Soto* -- the need to be able to retrieve this kind of data?

LIEUTENANT COLONEL LITTLES: We looked at it to institute things such as I've said -- the note -- making sure you have the notations on the patrol activity chart and also calling it in. And there were probably a number of other things that I don't recall off the top.

And this was primarily meant to be a interim measure in that none of these things would be very efficient at retrieving data. It was difficult enough to retrieve the data, I guess, from the area of Gloucester County, where that *Soto* matter took place. It was a much larger issue than that. The Division of State Police needed to be able to retrieve data throughout the entire State Police. And we're talking 20, I'm guessing -- approximately 2700 troopers. So that's what we needed to look for to-- And we were then in the process of bidding for a CAD system. I think-- It had been bidden a year or two before, and there were some flaws with it. And we had to go out for rebid. And obviously that takes a long time.

MS. GLADING: Do you recall any effort, at that point, or shortly thereafter, to look at the records of the troopers who were involved in the *Soto* case, in case that case got remanded and had to be retried?

LIEUTENANT COLONEL LITTLES: I'm pretty sure that was done,

but I don't have a specific recall of it.

MS. GLADING: I beg your pardon?

LIEUTENANT COLONEL LITTLES: I'm pretty sure that occurred, but I don't have any specific recall. That would have occurred out of the Internal Affairs Bureau.

MS. GLADING: Did you supervise the Internal Affairs Bureau at this point? You did, right? This was '96.

LIEUTENANT COLONEL LITTLES: It's almost a far stretch to say I supervised it. The Bureau was actually supervised by a captain who reports to a major, who reports to me.

MS. GLADING: Right.

LIEUTENANT COLONEL LITTLES: But so-- Am I in the chain? Yes. Are they under my chain of command? They absolutely are. But I don't directly supervise them.

MS. GLADING: If, in that chain of command-- If IAB was having dealings with the office of the attorney general concerning the *Soto* appeal, and they were looking at the records of individual troopers who were involved in the different cases that we know as *Soto*, would that be going through you -- up through you and then over to the AG's office to Jack Fahy or someone over there?

LIEUTENANT COLONEL LITTLES: Sometimes documents may have gone that way, but routinely, IAB was able to communicate directly with our representatives on the--

MS. GLADING: Do you recall any communications like that going through you about *Soto* or about--

LIEUTENANT COLONEL LITTLES: Nothing specifically.

MS. GLADING: --racial profiling issues at this period of time?

LIEUTENANT COLONEL LITTLES: Nothing specifically, no.

MS. GLADING: And in the second to last page of this memo-- I'm looking at OAG-4195.

LIEUTENANT COLONEL LITTLES: Yes.

MS. GLADING: The third paragraph indicates that Captain Touw has directed IAB to recently begin utilizing its inspection unit to commence inspection audits and that they're going to look at patterns of -- patrol and enforcement patterns at specific duty stations and to identify any irregular activity.

LIEUTENANT COLONEL LITTLES: Yes.

MS. GLADING: Do you recall that?

LIEUTENANT COLONEL LITTLES: Yes, I do.

MS. GLADING: What can you tell me about your recollection of that -- where the initiative for that came from and what those inspection audits showed?

LIEUTENANT COLONEL LITTLES: It all came out of this committee. I don't recall who was the initiator of the idea, but it did come out of the committee. The inspection audits would basically tell -- show that you may have a potential for a problem with a given person -- with given personnel or a given trooper.

MS. GLADING: So were they undertaken?

LIEUTENANT COLONEL LITTLES: Yes, it was. Absolutely.

MS. GLADING: What do you recall about them?

LIEUTENANT COLONEL LITTLES: To my knowledge, that was, pretty much an ongoing procedure -- process at the time -- from this time forward. And I believe it was still ongoing at the time of my retirement.

MS. GLADING: What was-- Do you know what the procedure, if irregular activity or some kind of problem activity was identified with a trooper -- with a trooper's enforcement or patrol records?

LIEUTENANT COLONEL LITTLES: If the inspection report basically indicated that there was a potential for problem with a given individual or trooper, then the trooper was brought in for counseling.

MS. GLADING: Did that take place?

LIEUTENANT COLONEL LITTLES: I don't have specific recollection of any individuals, but yes it did take place.

MS. GLADING: Who would know about that in detail during this period of time?

LIEUTENANT COLONEL LITTLES: More than likely, those directly associated within internal affairs bureau.

MS. GLADING: So it would be Captain Touw?

LIEUTENANT COLONEL LITTLES: Sure.

MS. GLADING: Okay.

MR. JASO: What type of-- Sorry. Just to clarify, what type of patrol enforcement patterns were these audits looking at, as far as you know?

LIEUTENANT COLONEL LITTLES: I don't know if it was patterns. Let me read it to see if it gives me more of an indication.

I don't know, but one thing may be an extreme amount of complaints against a given individual. That certainly could be considered a pattern--

MR. JASO: Well, is it--

LIEUTENANT COLONEL LITTLES: --whether or not they were founded or unfounded or otherwise. But the fact that they occurred is some kind of indication that that could be a problem.

MR. JASO: Are we talking specifically about selective enforcement -- discriminatory enforcement, racial profiling in these inspection audits. Was that the primary purpose of the inspection audits -- to determine whether troopers were engaging in racial profiling?

LIEUTENANT COLONEL LITTLES: Certainly a part of it. Yes.

MS. GLADING: The discussions at this meeting-- Was there a discussion about the need to generate better stop statistics overall broken out by race? Was that part of the general discussion?

LIEUTENANT COLONEL LITTLES: Yes. Yes, it was. Generate better stop statistics is what you said, right?

MS. GLADING: Uh-huh.

LIEUTENANT COLONEL LITTLES: Not to generate-- Well, yes to capture. I think I like the word capture better. Capture, not generate.

MS. GLADING: So was a plan set to do that?

LIEUTENANT COLONEL LITTLES: Along the same lines of the notations on the patrol activity charts and new SOPs saying, "You will do your job this way. These are the specifics." We were talking about the -- how people are trained and-- All those issues came to the table, basically.

MS. GLADING: It's funny, in reading this and listening to you today, it's sounding as if, and I wonder if you can clarify this for me, the concern was about the disadvantage the State was placed at in the *Soto* case, because it was

unable to capture a lot of statistics and had a lot of statistics thrown at it and that this response is targeted -- is aimed largely at making sure that doesn't happen again in the future and that *Soto* -- there are going to be other cases like *Soto*, and we need to be ready for them. In fact, there's a reference that *Soto* is a how-to for developing a case. And defense lawyers and public defenders will be using that.

Was the mind-set, at this point, to go out and identify whether there was a problem or to be ready to defend against the next case?

LIEUTENANT COLONEL LITTLES: I'm certain that existed in somebody's mind, but if you recall, I indicated in my offering about 10 minutes ago, that from my point of view, I thought that even if the statistics that they provided were skewed or somewhat mistaken, I still found them troubling. So my concern is to find out how we're doing our job -- whether we're doing our job properly. And even if we are, we can always do it better. So it was my goal to be able to improve how we did our jobs.

MS. GLADING: And did you then-- Did you then subsequently direct someone to, once information was better captured on the records, to analyze it and to look at it to see if there was a problem?

LIEUTENANT COLONEL LITTLES: A large part of that was done by Detective -- I think it was Detective Gilbert -- Detective or Trooper, same thing, one's an investigator. Tom Gilbert did a lot the actual legwork.

MS. GLADING: What was the relationship like between State Police that were engaged in this committee and Mr. Fahy and Mr. Susswein? By asking that, I mean, was there regular and easy communication back and forth? Was it somehow strained to have people from OAG there?

LIEUTENANT COLONEL LITTLES: No. In fact, this was but one of many issues that we routinely dealt with -- Office of the Attorney General and Criminal Justice all the time. We were frequent communicators, even friends. We got along quite well. There was no strain. Nothing at all. In fact, it was, except for the subject matter, it was always pleasant. And that was a free exchange of information. And again, it wasn't necessary, for instance, for Jack Fahy to go through the Colonel's office to get information on a given issue. He could do that by dealing with me or whomever he'd come in contact with, if it's specifically someone in the Internal Affairs Bureau or whatever, because we routinely worked together like that.

MR. HOLDEN: Did the committee that we're speaking about have a name?

LIEUTENANT COLONEL LITTLES: You know, sir. I don't recall a name. No. I don't recall a name.

MR. HOLDEN: How did you refer to it among yourselves?

LIEUTENANT COLONEL LITTLES: The committee.

MR. HOLDEN: The committee.

LIEUTENANT COLONEL LITTLES: The committee, basically. There was only one committee that existed out of my office, and it was the committee.

MR. HOLDEN: This was it.

LIEUTENANT COLONEL LITTLES: That was it.

MR. HOLDEN: In the memo that we've been reading from, we're advised that the academy has been directed to reconvene the search and seizure committee to meet on a regular basis, conduct appropriate research.

LIEUTENANT COLONEL LITTLES: Uh-huh.

MR. HOLDEN: Did that committee ever meet?

LIEUTENANT COLONEL LITTLES: Did it come into the committee?

MR. HOLDEN: Did the search and seizure committee reconvene?

LIEUTENANT COLONEL LITTLES: Yes, sir. It did.

MR. HOLDEN: And who was on the search and seizure committee?

LIEUTENANT COLONEL LITTLES: I don't remember.

MR. HOLDEN: What kind of research did it do, if you recall?

LIEUTENANT COLONEL LITTLES: Basically, the type of research that laymen, but professional police officers do with response to previous cases that impact on how stops are made or various criminal investigations are pursued.

MR. HOLDEN: Do you remember who was in charge of the search and seizure committee?

LIEUTENANT COLONEL LITTLES: No, sir. No. That committee, primarily, was out of the training bureau. The training bureau, by the way, is one of the bureau's under the Division staff section -- one of the four at the time.

MR. HOLDEN: Okay.

LIEUTENANT COLONEL LITTLES: I would-- The captain of the bureau chief may have been on the committee or chaired it or he could have delegated it to someone else.

MR. HOLDEN: Did you ever meet with it?

LIEUTENANT COLONEL LITTLES: No, sir.

MR. JASO: Anything else? (no response)

You had mentioned a moment ago that the relations were good between the troopers. And by that I mean people assigned to the Division and the people who were assigned to the attorney general -- the deputies and so forth.

LIEUTENANT COLONEL LITTLES: We're talking about this committee?

MR. JASO: Yes.

LIEUTENANT COLONEL LITTLES: Okay. Yes, sir.

MR. JASO: Is that right?

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: And you said that there was a free flow of information back and forth between the two. Is that correct?

LIEUTENANT COLONEL LITTLES: That was my impression. Yes, sir.

MR. JASO: Was there any time that you can recall that the attorney general's office requested information of any kind from the Division where the Division refused or neglected to turn over such information in a timely fashion?

LIEUTENANT COLONEL LITTLES: No, sir. That organization I spoke of again-- The Division of State Police works for the Attorney General, so that's an unknown animal there. There's no such thing. If the Attorney General wants it, he or she gets it.

MR. JASO: And you never recall anyone within a position of authority within the Division talking to you about ways in which the Division could prevent or delay information from getting to the Attorney General's office?

LIEUTENANT COLONEL LITTLES: I don't have any recall like that, sir. No.

MR. JASO: Did you ever hear about anything like that happening?

LIEUTENANT COLONEL LITTLES: Nothing that comes to mind.
No.

MR. JASO: I've handed the witness a interoffice communication originating from Detective Gilbert and sent up the chain to Colonel Williams. This document bears the Bates Numbers OAG-4197 through 4201.

If you could take a moment to look at that, and let me know if you recognize that one.

LIEUTENANT COLONEL LITTLES: I don't remember the exact content, but yes, sir.

MR. JASO: I draw your attention on the first page to--

Well, let me ask you, first of all, I note that the subject of the memorandum is racial profiling issues.

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: And it talks about, according to the first line of the report, events related to the impact of the Gloucester County proceedings. Is it fair to say at that time in April of '96 that the Gloucester County proceedings -- the *Soto* case was referred to commonly as a racial profiling case?

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: Look at, if you would, the bottom of Page 1, under training. It says that Detective Reilly, Trooper DiPatri, and Assistant Director Susswein are developing a one-half day training session. And then the third sentence says -- well, it says, "The training will address the Gloucester County decision and its impact on policy and procedures. The primary goal would be to focus on current search and seizure case law. To present these issues in a positive

light, the training will highlight what a trooper can do, as opposed to what he/she can't." Why, if you have an understanding of this-- Why was it necessary to present issues arising out of the Gloucester County case to troopers in a positive light?

LIEUTENANT COLONEL LITTLES: Because a lot of the Division of State Police troopers, uniformed troopers especially, were not happy with the decision primarily.

MR. JASO: Why?

LIEUTENANT COLONEL LITTLES: For the reason, probably, that I indicated. I didn't have that type of discussion with anyone, but again, what I indicated earlier was that I personally hate to see whatever number of criminal number of other criminal defendants go free by virtue of racial profiling in a particular case -- *Soto* in this case -- to have those other complaints dismissed. There were cases where an individual was stopped, and I don't have any names that came to mind-- The initial stop was about speeding, 85 or 95 miles an hour in whatever zone. And through whatever police investigation, they came up with probable cause, and they ended up seizing a large sum of drugs. And now the fact that *Soto* now may, in fact, have a lot of those type cases is missed. That was the objection, I think, if I may speak on their behalf -- troopers. That's my objection.

MR. JASO: Let me turn your attention to the last page of the document, if I may.

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: That's OAG-4201. And the second full paragraph, starting, "A cornerstone of training must be the understanding that profiling, on the

basis of race, is viewed as unacceptable by the courts of the Division.” And then -- I’m skipping two sentences -- “The focus on interdiction and the corresponding negative label of profiling must be realigned to training which facilitates “good police work” after a vehicle has been stopped for a violation.”

Do you have an understanding of that distinction between -- or what are they refer-- What is this referring to, if you know? It seems to be drawing a distinction with regard to good police work after a vehicle has been stopped versus presumably before.

LIEUTENANT COLONEL LITTLES: No, sir. Not really.

MR. JASO: Was it the understanding of you at the time-- Was it your understanding at the time that the issue of racial profiling focused on initial stops versus the perhaps discriminatory application of the decision to search?

LIEUTENANT COLONEL LITTLES: Well, I think, from the premise of the defendant, if it is a defendant in a case, they would obviously-- When you accuse racial profiling, it basically comes from the statement, you stopped me because I’m black or Hispanic or whatever. Good police work, in a case such as that, doesn’t have anything to do with color, it has to do with observing a particular act, whether it’s-- It may be a traffic infraction. You perceive from your first observation of the infraction, and you pay very careful attention to the individual and all the surroundings as you proceed through the stop -- how they act, anything at all that you can observe. And certain things obviously that an individual can do will take you to -- from a general stop -- maybe a traffic stop, to some reasonable suspicion that some crime may have occurred and you may have a specific idea of what that crime is. And if you look, sometimes as questions, and you make the appropriate observations, as

a police officer, they can also take it to probable cause, probable cause to take another step where you may, in fact, find contraband, etc. And that's good police work. That's not profiling. That's the only distinction I can get out of that.

MR. JASO: The racial profiling issue, speaking generally, as we have in this time period, was focused on the turnpike. Is that right?

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: And was it your knowledge at the time, or the knowledge within the Division, and let me know if there were any-- Well, I'll ask that question second-- But was it your knowledge at the time that essentially close to 100 percent of motorists on the turnpike could be stopped for speeding within the boundaries of the law?

LIEUTENANT COLONEL LITTLES: A large percentage. Yes, sir.

MR. JASO: And was it-- Was there any study done about that at the time, or were there any figures that were collected at the time that you can recall by the Division with regard to the percentage of all motorists speeding on the Pike?

LIEUTENANT COLONEL LITTLES: There were responses from different individuals. And I don't recall if that came out of the committee or just generally troopers or people talking. Obviously, there are people, on the turnpike-- Almost everybody speeds. Almost everybody. But I don't recall any definite discussion within the committee on that issue.

MR. JASO: Do you remember any discussion with -- between you and anyone else on that issue?

LIEUTENANT COLONEL LITTLES: There was a lot of discussion on

the issue, but no, sir, nothing specific. I don't-- We talked about this case routinely, actually. And I don't mean the committee, I mean throughout the Division of State Police.

MR. JASO: Was-- Did the committee ever look at the issue of how many minority motorists were stopped versus within the percentage of all motorists who were stopped? How many minority motorists were searched?

LIEUTENANT COLONEL LITTLES: I don't have any specific recall of that, but I'm certain that they -- someone within this process -- not the committee -- but looked at the -- basically Internal Affairs statistics.

MR. JASO: Well, let me just clarify then. So, to your recollection-- You don't have a specific recollection of any particular conversation. But to your knowledge, there was some distinction made, when you were looking at this issue in general, between stops and searches.

LIEUTENANT COLONEL LITTLES: Absolutely. Yes, sir.

MR. JASO: And do you remember anything more specific about that, any studies, particularly, that were done, any conversations or meetings that were had on that particular issue?

LIEUTENANT COLONEL LITTLES: No, sir, I don't. But again, any of those issues would have to have had generated a report that outlines what was learned from that particular study. I certainly don't have any of that, but if they looked at that, it would have to be documented.

MR. JASO: Were the reports, information gathered, findings, data analysis, and so forth typically sent to the committee? That is, were the people who were presumably out there gathering this information-- Was all this funneling through the committee?

LIEUTENANT COLONEL LITTLES: I guess a good portion of it was. I don't know if all of it went through the committee. But again, even if the committee did not sit and function as a committee meeting on a particular occasion, we routinely -- and pretty much daily -- not necessarily daily, but routinely interacted with each other. So communication was not a problem. We didn't hold anything from each other; not to my knowledge, at least.

MR. JASO: Within the leadership of the Division, was the committee well known? I mean, was it-- Within that-- Within the Division, was it publicly known that there was a committee that had been formed to look at this issue that you were chairing?

LIEUTENANT COLONEL LITTLES: I'm going to make an assumption and say yes it was known, but it was-- There was never any official release, to my knowledge, that indicated to the Division that we had done this, and this is the committee, and this is what we're looking at. But by virtue of all that was occurring with changing various procedures and putting out the new SOPs and talking to the various station commanders, etc., they obviously knew there was a committee. But I don't recall a specific announcement to that effect.

MR. JASO: And when reports were generated and sent through the committee-- And you testified that maybe not all of them did come, but most of them were supposed to come through your committee. Were they shared equally among all the members of the committee?

LIEUTENANT COLONEL LITTLES: To my knowledge, yes, sir.

Anything?

MS. GLADING: Yeah.

On the second page of this memo, it indicates that Jack Fahy and Ron

Susswein were at this meeting on the 12th. And on the bottom of the next paragraph, it talks about the review of the troopers involved in the *Soto* case. And it says that should that review uncover substantial problems, it would be recommended that additional thought be given to proceeding with the appeal.

Is that your understanding of the status of that appeal at that point? I'm looking at the last sentence of that paragraph.

LIEUTENANT COLONEL LITTLES: I see it. I'm going to just read -- digest it again.

Okay.

MS. GLADING: Okay.

LIEUTENANT COLONEL LITTLES: Give me the question again now, if you would, please.

MS. GLADING: Is that your understanding of what the status of the *Soto* appeal was at that time, that it would be revisited if it turned out these troopers had problems?

LIEUTENANT COLONEL LITTLES: My understanding was -- is, although we were trying to develop information and knowledge of what was, in fact, occurring -- is that no real decision had been made at that time.

MS. GLADING: No real decision about the appeal?

LIEUTENANT COLONEL LITTLES: Proceeding with the appeal. I wasn't under the impression that any decision had been made at that point.

MS. GLADING: Who would have discussed this issue of this meeting? Would it have been someone from the AG's office?

LIEUTENANT COLONEL LITTLES: Everyone in attendance.

MS. GLADING: This sounds like a lawyerly perspective on the *Soto*

case.

LIEUTENANT COLONEL LITTLES: We have some jailhouse lawyers.
(laughter)

MS. GLADING: Do you-- I asked you this earlier, and then I found some notes of my own that refer to it, but-- Do you recall when the review of these troopers's records was completed?

LIEUTENANT COLONEL LITTLES: No, ma'am, I don't.

MS. GLADING: Was this something that the AG's office would have been interested in finding out about based on your reading of this recounting of the meeting?

LIEUTENANT COLONEL LITTLES: At least someone in the AG's. I would think so.

MS. GLADING: Do you recall what the numbers were when they reviewed these troopers's records?

LIEUTENANT COLONEL LITTLES: No, ma'am, I have no idea.

MS. GLADING: You don't ever recall any discussion of anyone about the troopers in the case having a problem in terms of their statistics -- that they had high-minority arrest rates -- 80 -- 90 -- 84 percent, 100 percent, 92 percent? Those are the kinds of numbers that, ultimately, came out.

LIEUTENANT COLONEL LITTLES: There were-- And again, I don't remember any statistics. To a large degree, I thought all those statistics that were reported, whether it was from the Gloucester County trial or from the things we were looking at, tend to relate that we needed to look at this thing and get to the bottom of it and to make appropriate action.

MS. GLADING: On the next page of this memo, there's discussion

about the Hunterdon County cases. Would you have been involved in these discussions? I'm looking at the first full -- second full paragraph.

LIEUTENANT COLONEL LITTLES: Okay. I'm reading it.

Okay.

MS. GLADING: Were you involved with this issue?

LIEUTENANT COLONEL LITTLES: In discussing it, yes. Nothing directly, but from the point of view of the committee, yes.

MS. GLADING: What do you recall about it?

LIEUTENANT COLONEL LITTLES: This tends to be one of the things that the Division of State Police is concerned about. We get a decision that indicates that there was racial profiling by virtue of statistical analysis and that defense counselors throughout the state will then take that as a way to defend their -- the people they were defending. And that's kind of what I thought was happening there, basically.

MS. GLADING: Okay. I just have a document I wanted you to take a quick look at. For the record, it's GC-1562. I think it might be a typo on the bottom, but I'm not sure. Maybe you can help me with that -- the copy. It says copy, Lieutenant Colonel V. Williams. That's probably you -- or if there was a Lieutenant Colonel V. Williams.

LIEUTENANT COLONEL LITTLES: No, that's a typo. It's Colonel Williams.

MS. GLADING: You think it should be Colonel Williams, or should it be Lieutenant Colonel Val Littles?

LIEUTENANT COLONEL LITTLES: Well, as I'm looking-- I don't know. May I read the entire thing--

MS. GLADING: Sure.

LIEUTENANT COLONEL LITTLES: --and then I could probably have a better idea.

It's difficult to say. He mentions me, obviously, in the last paragraph. "I suggest you contact Lieutenant Colonel Val Littles, who is the superintendent as entrusted," etc. And on the bottom, it says, Lieutenant V. Williams. More than likely, he was copying Colonel Williams. It doesn't really make a difference.

MS. GLADING: Well, as he notes here, you were-- It indicates that you were over -- you were -- you were entrusted with overseeing this issue. Was that your recollection?

LIEUTENANT COLONEL LITTLES: The issue?

MS. GLADING: That you were entrusted with overseeing the issue of these selective prosecution motions.

LIEUTENANT COLONEL LITTLES: I basically volunteered to chair the committee, but I don't know that I was ever directed to oversee it. But I don't think that matters either.

MS. GLADING: Okay. Well the previous paragraph refers to the preliminary consent order being part of a "broader plan" in which the State Police, the Attorney General's Office, and the PD's office are attempting to resolve the issue of racially selective stopping practices statewide. What was that broader plan?

LIEUTENANT COLONEL LITTLES: I'm not certain. I don't actually recall seeing this document. I may have, but I don't recall seeing it. It went from Deputy Attorney General Fahy--

MS. GLADING: Right.

LIEUTENANT COLONEL LITTLES: --to Captain Touw in Internal Affairs.

MS. GLADING: Right.

LIEUTENANT COLONEL LITTLES: I don't recall the circumstances of that. I really don't remember what it was.

MS. GLADING: Do you recall any -- Captain Touw reporting to you that he had had any conversations with Prosecutor Ransavage in Hunterdon about the Hunterdon County suppression cases?

LIEUTENANT COLONEL LITTLES: It may have happened. I don't have any recall of it.

MS. GLADING: Do you recall any kind of a -- an overall statewide strategy at all that's referenced in here?

LIEUTENANT COLONEL LITTLES: No.

MS. GLADING: Do you recall any concerns about the State Police or the AG's office concerning discovery in these suppression motions?

LIEUTENANT COLONEL LITTLES: Again, our concerns had more to do with the suppression of the evidence based upon the statistics in the Gloucester County decision.

MS. GLADING: Right. Well, I'll go back to the other memo if I can -- the same page we were just on-- I have a different numbered version. But I'm looking at the April 17th, 1996 memo.

LIEUTENANT COLONEL LITTLES: Okay. I have that. What page?

MS. GLADING: The third page of it.

MR. JASO: It should be OAG-4199 in your copy, Colonel.

LIEUTENANT COLONEL LITTLES: Okay. I have it.

MS. GLADING: The reference there to the Hunterdon County cases and having problems with the troopers read with this memo concerning selective prosecution issues that you were entrusted with overseeing-- Does that refresh your recollection at all of what was going on with the Hunterdon County case at that point in time?

LIEUTENANT COLONEL LITTLES: Just a moment.

Okay. Would you give me the question, please?

MS. GLADING: Does that-- Does the reference in the April 17th memo refresh your recollection at all as to what was being discussed in the June 11th memo--

LIEUTENANT COLONEL LITTLES: No.

MS. GLADING: --in terms of the Mercer case.

LIEUTENANT COLONEL LITTLES: No, it does not.

MS. GLADING: Did you supervise the records and identification section at this point in April of '96? Was that reporting to you?

LIEUTENANT COLONEL LITTLES: No, ma'am.

MS. GLADING: It wasn't. Okay.

LIEUTENANT COLONEL LITTLES: In '96, no.

MS. GLADING: Huh?

LIEUTENANT COLONEL LITTLES: No, ma'am.

MS. GLADING: That was all I had.

MR. HOLDEN: Did the committee get to meet with either the Attorney General or the Governor at any time to discuss it -- the developments or its understandings?

LIEUTENANT COLONEL LITTLES: No, sir, not during the time I was there.

MR. HOLDEN: Did the committee ever send any memos or summaries of its work to other members of the AG's staff or other parallel officers on the -- in the Division of State Police?

LIEUTENANT COLONEL LITTLES: Not to my knowledge. This particular report, such as the one we just referred to -- 4/17/96 -- that goes to the superintendent. (coughing) Excuse me. He may have communicated beyond that, but I wouldn't have any knowledge of it.

MR. JASO: All right.

Colonel, if you need to take a break-- We've been going for two hours now.

LIEUTENANT COLONEL LITTLES: As long as you let me have my water, I'm fine.

MR. JASO: That's what I'm worried about.

MS. GLADING: Well, you know something? I'm sorry. I'm sorry to do this. I wonder if we can go back to the memo of the 17th just for a moment.

LIEUTENANT COLONEL LITTLES: A different one?

MS. GLADING: This is not a memo you would have seen, but it discusses the April 17th meeting.

LIEUTENANT COLONEL LITTLES: Okay.

MS. GLADING: What I'm particularly interested in is--

MR. JASO: I'm sorry. This is a new document, right.

MS. GLADING: --the State Police section on Page 2.

Yes, it's a new document. It's OAG-502 and 503.

On the second page of this memo, it discusses your committee.

You know, I think I've got the wrong document. Never mind. I don't think I have the right document with me.

Go ahead. It's all yours.

MR. JASO: I've handed the witness a document -- one page memorandum from McPartland--

LIEUTENANT COLONEL LITTLES: Yes, McPartland.

MR. JASO: --McPartland to Colonel Williams bearing the Bates Number GC-1280.

If you've had a moment to take a look at that--

Do you recognize that memorandum?

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: Do you recall why Major McPartland took it upon himself to send this memorandum to Colonel Williams in response to the opinion in the *Soto* case?

LIEUTENANT COLONEL LITTLES: Well, he is a member of the staff, and he was offering his opinion, basically.

MR. JASO: Was he a participant in your committee?

LIEUTENANT COLONEL LITTLES: No, sir, he wasn't.

MR. JASO: And he sent it via you. Was he someone who reported to you?

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: Is that why he would send it through you to Colonel Williams?

LIEUTENANT COLONEL LITTLES: Yes, sir. The administration section was one of the four sections under the deputy superintendent's office.

MR. JASO: Now, I draw your attention to the last paragraph here. It says, "Perhaps a review of the accident data for the Moorestown Station during the question period might be more telling. Assuming the hypothesis -- and it's somewhat cut off, but I think I can figure out what it says--

LIEUTENANT COLONEL LITTLES: That was my guess, as well.

MR. JASO: Assuming the hypothesis stated is accurate, ie. that blacks drive indistinguishably from whites. The accident -- I guess that's data--

LIEUTENANT COLONEL LITTLES: Data.

MR. JASO: --might provide us viable alternatives as a benchmark to the aforementioned study."

Do you recall discussing this with either Colonel Williams or Major McPartland or anyone else -- that idea?

LIEUTENANT COLONEL LITTLES: No, sir, I don't recall discussing it. I obviously remember the document. I initialed it and passed it on to Colonel Williams.

MR. JASO: Was it one of the things that the committee, or anyone else to your knowledge, considered attempting to find the racial breakdown of accident victims?

LIEUTENANT COLONEL LITTLES: I don't recall doing that. In fact, the way that the State Police documentation and the paperwork system is, it wouldn't capture the data that he's asking to be analyzed. It just does not capture all of that.

MR. JASO: Is that why--

LIEUTENANT COLONEL LITTLES: It wasn't a bad idea if the report contained that type of information, but it does not.

MR. JASO: I'm sorry. What did you just say again?

LIEUTENANT COLONEL LITTLES: I said, it wouldn't be a bad idea, for instance, if the accident report contained all the information we needed to do the evaluation, but it does not have that kind of data.

MR. JASO: So if that data had been available, it would have been a good idea to put it together and see what it said?

LIEUTENANT COLONEL LITTLES: It certainly would be another way to look at it. Yes.

MR. JASO: And then somebody has written, "Unable to do. Not on logs." I don't know what the rest says. It seems to be covered with a stamp.

LIEUTENANT COLONEL LITTLES: "Accident report." RPT is more than likely what it says.

MR. JASO: Do you know whose writing is that?

LIEUTENANT COLONEL LITTLES: No, sir. I don't.

MR. JASO: Does that-- I know you-- Well, presumably, you didn't write it if you don't recognize the writing. Does that comport with what you just said, basically, that that data was unavailable?

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: I'm sorry. I'm a little out of--

MR. HOLDEN: In the years-- In the one or two years following the *Soto* decision, how many times a day were you in conversations with colleagues about the *Soto* decision or its effect?

LIEUTENANT COLONEL LITTLES: The *Soto* decision was '96?

MR. HOLDEN: Yes.

LIEUTENANT COLONEL LITTLES: I was probably-- I was probably only there another year.

But-- Not necessarily from an official point of view, but that was a routine point of discussion throughout the Division of State Police, including myself. But I have no idea in terms of how many times I spoke to somebody about it. I have no idea.

MR. HOLDEN: Would you-- Would you-- Could you characterize it as-- In the top three issues that concerned the Division in that year, where would it be? Number 1, number 2, number 3, or would it fall outside those?

LIEUTENANT COLONEL LITTLES: I can't think of the other two. (laughter) There was, certainly, a large issue, but I don't know. It was routinely discussed throughout the Division, I can say, including myself.

MR. JASO: I've handed the witness a document, which is a memorandum dated 5/21/96 from Detective Gilbert to Colonel Williams bearing Bates Numbers GC-2853 through 2855.

Colonel, if you just take a moment to take a look at that.

LIEUTENANT COLONEL LITTLES: Yes, sir.

Okay, sir.

MR. JASO: Do you recognize this document?

LIEUTENANT COLONEL LITTLES: Generally, yes, sir.

MR. JASO: Does it refresh your recollection as to the -- there being a third committee meeting on May -- in May of '96?

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: I draw your attention to the second paragraph on the first

page, which says, “Although--” in the second sentence -- “Although there have been a number of documents in directive -- distributed concerning the Gloucester County decision and its implications. There remains a perception among certain personnel that the Division has overreacted and is allowing the ‘tail to wag the dog.’” Do you know what that refers to, that is, what perception it was among certain personnel that the Division has overreacted and is allowing the tail to wag the dog?

LIEUTENANT COLONEL LITTLES: Not without guessing. No, sir.

MR. JASO: Did you ever discuss that observation with anyone?

LIEUTENANT COLONEL LITTLES: I don’t recall a conversation about that specifically.

MR. JASO: Was it your understanding -- or was there, to your knowledge, a perception among Division personnel that there was -- there’s been -- there was an overreaction to the Gloucester County decision?

LIEUTENANT COLONEL LITTLES: Yes.

MR. JASO: And what was that?

LIEUTENANT COLONEL LITTLES: As basically stated there -- probably between -- among the younger troopers -- not younger necessarily, but troopers on the road who, perhaps-- We, as a Division of State Police, were overreacting to the decision with all the changes we were making and everything that was going on, and there was complaints about morale, etc., etc., you know, that type of thing, but nothing specific to the tail wagging the dog portion of it.

MR. JASO: Were there any specific changes that were objected to more strongly than others?

LIEUTENANT COLONEL LITTLES: Nothing that I can recall. No, sir.

MR. JASO: What changes were made? I mean, you said there were quite a few changes made at that time. Was it the reporting of stop data?

LIEUTENANT COLONEL LITTLES: The stop data primarily. As indicated here, and I didn't even recall that. But there was a suggestion that we implement some way of capturing the data through some kind of computerization. I would imagine that had more to do with the patrol charts and the radio logs -- capturing the data from that. And more than likely, knowing how State Police works, it would be -- all those reports would be funneled to the records and identification section, where a data processing person actually sits at a computer and inputs all the data. You know, line item by line item, which is kind of what I meant when I said, although some of this information you can glean, but it's labor intensive beyond that belief. It just can't be done going through hard copies of data. It needs to be a more efficient fashion -- some kind of computerized system. And I believe that's been addressed with the CAD system. But whatever we did at that point was kind of a stopgap measure until we got the CAD, because then all of that data would be immediately available.

MR. JASO: Let me turn your attention to the next paragraph. The first sentence reads, "Through the years, many in the Division have held the belief that the State Police would remain successful in--" I don't know what that word is. It looks like it was hole punched. Well, "in doing something with regard to racial profiling allegations through focusing through the fact patterns of individual cases."

Oh, I have a different copy of this memo in smaller print. It says,

“deflecting racial profiling allegations through focusing on the fact patterns of individual cases and raising strong challenges to any attempts by defense attorneys to attack cases collectively.”

Was that your understanding at the time -- that is that there was this long-held, apparently, belief in the Division that individual cases had to be addressed individually rather than collectively?

LIEUTENANT COLONEL LITTLES: I think that's what we, as individuals, hope for -- is that each case would be judged upon -- based upon its own merit and not based upon statistics. But Division-wide, I can't say that that was a Division thought or position. But, obviously, a lot of people thought like that. You'd much rather see it based upon how a particular case develops based upon its own merit as opposed to, again, a statistical study saying that all these cases are dismissed, because there was racial profiling over here and in, maybe, one instance, or whatever the case may be.

MR. JASO: Was there concern among anyone in the Division, including yourself, that if anyone ever took the time to look at the broad cross-section of cases, they would see a pattern of selective enforcement that would not be readily discernible in any individual case?

LIEUTENANT COLONEL LITTLES: Was there concern?

MR. JASO: Right.

LIEUTENANT COLONEL LITTLES: Not from my point of view, there wasn't. No. Whatever the facts are, the facts are, and whatever had been done was done in the past. And again, my thoughts were to identify problems and to make some improvements. The past couldn't be fixed. We can fix it for the present and the future, but not the past.

MR. JASO: But to your knowledge, nobody ever said, "I hope they don't look at all these cases all at once, because they're going to see racial profiling." Whereas, if you look at each individual case you can, as you testified before, explain why someone was speeding and that notwithstanding the fact of what their color was.

LIEUTENANT COLONEL LITTLES: No, sir. I don't remember that.

MR. JASO: There was no discussion like that to your recollection.

LIEUTENANT COLONEL LITTLES: No.

MR. JASO: Do you have anything else?

MS. GLADING: Yeah. The top paragraph on the second page of this memo indicates that, "The Division has been given clear notice from the courts that the ability to collect this information exists, that the Division has been negligent in collecting and analyzing this data, and that the Division will be subject to additional court instructions to produce it."

LIEUTENANT COLONEL LITTLES: I'm sorry, where are you?

MS. GLADING: The first paragraph of the second page of this memo.

LIEUTENANT COLONEL LITTLES: Okay.

MS. GLADING: Do you see where I am?

LIEUTENANT COLONEL LITTLES: "Several options" begins the paragraph?

MS. GLADING: No, "obtain complete and accurate statistics," begins it.

LIEUTENANT COLONEL LITTLES: Okay. I got a punch-out here.

MS. GLADING: That might be-- Okay. Yeah. It's a continuation of the previous paragraph.

LIEUTENANT COLONEL LITTLES: Okay.

Okay. What is your question, ma'am?

MS. GLADING: My question is, at the end of that paragraph, it indicates that as Susswein and Fahy noted, "The Division would be better served by the production of accurate statistics as opposed to defense hypotheses and formulas -- speculative hypotheses and formulas." I don't really, after listening to you, have a clear idea of what steps -- what affirmative steps the Division was taking, at the advice of its attorneys, Susswein and Fahy, to gather this information, aside from the inclusion of race, on the patrol charts. Was there any statistical gathering of information undertaken as a result of their advice?

LIEUTENANT COLONEL LITTLES: I don't recall a statistical study. No, I don't.

MS. GLADING: You don't recall any statistical studies?

LIEUTENANT COLONEL LITTLES: No. Off the top, I do not.

MS. GLADING: Then the only interpretation for this is that this was a defensive posture in order to fight future cases, we needed to collect data. Is that accurate?

LIEUTENANT COLONEL LITTLES: We needed to collect data because, once again, it's difficult-- If someone levels a complaint, you can't counter it or say it did happen or did not happen, because you don't have the data to support that it did or did not.

MS. GLADING: So data collection was improved, as you've indicated, right?

LIEUTENANT COLONEL LITTLES: As a stopgap measure. It was an

interim measure, because again, all that data collection was manual. It means somebody literally gone out and going through boxes and boxes of various charts -- patrol charts, etc.

MS. GLADING: Maybe we're just using different terms. The data retention-- The data recording was improved through reforms like the patrol charts and making sure people followed SOP F-3 for recording in on the radio logs. Is that right?

LIEUTENANT COLONEL LITTLES: Yes.

MS. GLADING: But there was no-- Nobody was really looking at this data.

LIEUTENANT COLONEL LITTLES: Back to the same point, although we were trying to ensure that everyone was adhering to all directives, in terms of what you must put on all these reports, there was no way to quickly retrieve it.

MS. GLADING: Okay.

LIEUTENANT COLONEL LITTLES: In order for us to-- If a judge says, "You will give us these numbers regarding stops at a given area," it means going looking through boxes and boxes of information and doing it one at a time. That was the problem. It's not that it wasn't available, it's just that it was so time consuming. It just couldn't be done in the time frames necessary for court, etc.

MS. GLADING: Okay. Was it your understanding that Mr. Fahy and Mr. Susswein were satisfied with the steps you had taken, as you've described them?

LIEUTENANT COLONEL LITTLES: I believe so, at least at that point.

But that was-- You know, it was a developing issue as we went along.

MS. GLADING: Okay. I don't have anything else.

LIEUTENANT COLONEL LITTLES: And I think, probably, what happened also, as they started to look back through some of these boxes of materials, you find out that trooper X didn't include certain information that was required on these forms, you know, things such as that -- not necessarily for any negative purpose, but it wasn't done, and no one caught it.

MS. GLADING: As who started to look through these boxes?

LIEUTENANT COLONEL LITTLES: For example, someone like a Tommy Gilbert. But it's hard to say. It's difficult to say. It could have been delegated to somebody else to do. He may have gone to the station and spoken with the station commander and said, "Look, this is what I need for a given period." But I didn't personally participate in any of that. So I don't know. Again, I'd be hazarding a guess.

MS. GLADING: Thanks.

MR. JASO: I don't know if you need a break, but I do. So let's just take five.

(Off the record)

Thanks for letting me have a break. Hopefully, we won't take too much longer.

This document is a memorandum from Captain Touw to Major Sparano dated 6/4/96 bearing Bates Numbers GC-1434 through 1441.

If you just take a quick look at that and let me know if you recognize the document.

LIEUTENANT COLONEL LITTLES: I don't recognize it as such, sir,

but this is, again, routine, and it's obviously one I've seen somewhere.

MR. JASO: Well, it seems to attach an audit. In fact, the subject of the cover memo is Inspection Audit: Patrol Stops. And I think we had mentioned inspection audits before. And that was one of the things that IAB was going to conduct, an audit of stop data.

LIEUTENANT COLONEL LITTLES: Yes.

MR. JASO: And in the second paragraph of the front page, it says, "We're developing a database for a fair and accurate evaluation of the stopping patterns of our troopers. It is interesting to note that 45 percent of the stops called into Moorestown Station were minorities, and 38 percent of the motor vehicle stops made by Troop D personnel were minorities."

Do you recall any discussions about this period of time with regard to percentage of minority stops on the Turnpike -- that the data came from the Division itself, rather than through the defense in the *Soto* case?

LIEUTENANT COLONEL LITTLES: We routinely, again, spoke about all the information that we were able to reveal or uncover. But I don't have a specific recollection of the discussion.

MR. JASO: Does this-- He notes that it's interesting to note those percentages. Do you-- Does that phrase and the statistics that he cites there, refresh your recollection as to what Captain Touw might have thought was interesting about those statistics?

LIEUTENANT COLONEL LITTLES: No, sir. I remember the memo -- the IOC. But no, sir, it doesn't.

MR. JASO: Do you remember when the first time it was--

LIEUTENANT COLONEL LITTLES: This was not during the meeting,

by the way. This is a -- transmittal just goes through -- you know, past the desk, at least in this format. I don't know, if we talked about it at the meeting -- the committee meeting. That is, I don't have a specific recall of that.

MR. JASO: Looking at the attached memorandum which goes through the various, I guess, samples that they took, do you recall whether there had been any statistical analysis done previous to this, or was this the first time that this type of analysis was done?

LIEUTENANT COLONEL LITTLES: This very well may have been the first time. I don't recall. But this may have been the first. It more than likely wasn't, because I'm reading the page headed by Hammonton Headquarters, and it says 3/31/96, so that was kind of at the beginning of the committee -- the existence of the committee. So this, more than likely, is the first.

MR. JASO: So again, the committee-- One of the tasks of the committee or one of the committees directives was that this data begin to be collected and analyzed. Is that right?

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: Troop D personnel is--

LIEUTENANT COLONEL LITTLES: Turnpike.

MR. JASO: --Turnpike.

So the Moorestown Station is, I guess, the -- if I'm not mistaken, the Southermost station on the Turnpike.

LIEUTENANT COLONEL LITTLES: Yes, it is, sir.

MR. JASO: So the Moorestown Station is a subgroup, as it were, of Troop D.

LIEUTENANT COLONEL LITTLES: Correct.

MR. JASO: Again, with that in mind, does the fact that the Moorestown Station stops percentage of minorities was 7 percent higher than, I guess, the entire Turnpike, from what it looks like-- Does that refresh your recollection as to what the significance of that statistic was at the time?

LIEUTENANT COLONEL LITTLES: No, sir. I remember having access to these statistics, but I don't remember the significance attributed to any of the statistics.

MR. JASO: And do you remember discussing these type of percentage statistics with anyone in the committee? I think, actually, I take-- Strike that, because I think you just said that you talked about -- talked about these type of things often. Is that right?

LIEUTENANT COLONEL LITTLES: Yes, sir.

MS. GLADING: With members of the committee?

MR. JASO: With members of the committee?

LIEUTENANT COLONEL LITTLES: Sure.

MR. JASO: Do you know whether--

LIEUTENANT COLONEL LITTLES: I don't have a specific recall of a date that I spoke to people in the committee about these particular numbers, but, again, we routinely spoke about all that we had accessible to us.

MR. JASO: Do you know whether this is the-- I don't know if you said whether or not this document did get distributed within the committee.

LIEUTENANT COLONEL LITTLES: I do not know.

MR. JASO: Do you know whose handwriting is at the top of the first page. It says, "Detective Gilbert, FYI?"

LIEUTENANT COLONEL LITTLES: No, sir. It's not mine.

MR. JASO: And I assume this is the same Detective Gilbert as on the committee.

LIEUTENANT COLONEL LITTLES: Tommy Gilbert. Yes, sir, it is.

MR. JASO: Anything on that? (no response)

LIEUTENANT COLONEL LITTLES: It's obvious that he was copied on it with that notation, but I don't have a specific recall of discussing it in the committee, but Tommy, obviously, got a copy of it according to the notation.

MR. JASO: I note that Major Fedorko is right below you on this memo. Was he one of your reports at that time?

LIEUTENANT COLONEL LITTLES: Yes.

MR. JASO: And what was his responsibility at that time?

LIEUTENANT COLONEL LITTLES: He was the section supervisor from the Division staff section, below which is the Internal Affairs Bureau and three others.

MR. JASO: And you had had that position before. Is that right?

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: Was he involved in the committee in any fashion?

LIEUTENANT COLONEL LITTLES: No, sir, not at that point.

MS. GLADING: Is this the kind of information that would have been shared with Mr. Fahy and Mr. Susswein?

LIEUTENANT COLONEL LITTLES: Certainly.

MS. GLADING: Huh?

LIEUTENANT COLONEL LITTLES: Yes.

MS. GLADING: Do you specifically recall it being shared with them?

LIEUTENANT COLONEL LITTLES: No. And I need to just say that

a lot of this-- When I say I don't know or I don't recall-- Once again, there's an incredible volume of paperwork that goes through the Division of State Police every day. So specific documents-- I can't say that. But we routinely shared information with each other. But to say that a specific document was handed to this person or that-- I really cannot say that. But nothing was held back.

MS. GLADING: And as far as you know, this process continued -- these inspection audits?

LIEUTENANT COLONEL LITTLES: As far as I know, yes. I don't know if it still exists, but I would say that it probably does.

MR. HOLDEN: When you left, was there a standing order that these reports should continue to be collected?

LIEUTENANT COLONEL LITTLES: I believe, sir, there was. I'm pretty sure there was. And, again -- once again -- until-- Certainly, until the acquisition of the CAD system, which would make all of this quite simple because you'd have that -- ready access to all the stats that you wanted really -- could be designed into the system.

MR. HOLDEN: Who would have been responsible for monitoring that collection after you left?

LIEUTENANT COLONEL LITTLES: If the committee remained, it would have been the person who was promoted in that position, and that was Lieutenant Colonel Lanny Roberson.

MR. JASO: Anything else? (no response)

I've handed the witness a memorandum with attachments dated 6/6/96 from Major Sparano to Major Fedorko bearing Bates Numbers OAG-5903

through 5911. Just take a look at that and see if you recall the cover memo, the attached memo, and the attachments to the attached memo.

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: Do you recognize this -- these documents?

LIEUTENANT COLONEL LITTLES: No, sir, I don't recognize it, but I remember in -- at some point, having discussions about it. In fact, I'm looking at the front. I didn't sign off on this, but it obviously went through that office -- the deputy's office.

MR. JASO: Okay.

LIEUTENANT COLONEL LITTLES: But I recall the issue of the meetings at Moorestown.

MR. JASO: Actually, not on-- I just realized I have a second copy of this where -- slightly different version. Why don't I just give that to you, as well.

MS. GLADING: Generate a lot of paper, because you have 18 copies of everything.

MR. JASO: Yeah, it looks like actually-- If you look at the second page of-- It was actually forwarded on to Captain Touw and Captain Brennan.

Just for the record, this is DOJ-6910 through 6919, but I think it's the same thing.

LIEUTENANT COLONEL LITTLES: Okay.

MR. JASO: You said you recalled having discussions about the contents of this.

LIEUTENANT COLONEL LITTLES: Yeah, I definitely have knowledge of it. Sure. I don't recall, obviously, the specifics of it, but yes.

MR. JASO: What discussions did you have and with whom, if you can recall?

LIEUTENANT COLONEL LITTLES: I don't remember, sir.

MR. JASO: Did you--

Turning to Page 2, that letter is from Michael Silvert, the Captain of, I guess -- commander of Troop D. And he seems to disagree rather strongly with the conclusions of the attached analysis that, among other things, looks at the percentage of minority drivers. I'm looking at Page--

LIEUTENANT COLONEL LITTLES: Second page?

MR. JASO: Well, I'm now looking in the report itself at OAG-5907, criminal activities for 1995. The following page -- searches -- so forth-- I'm--

Does this refresh your recollection as to-- Well, let me ask you this, did you ever discuss the contents of this memorandum with Captain Silvert?

LIEUTENANT COLONEL LITTLES: I don't recall having that discussion at all, sir. No.

MR. JASO: Do you recall discussing Captain Silvert's views with anyone at the time?

LIEUTENANT COLONEL LITTLES: I don't have a specific recall of that. No.

MR. JASO: Do you have a general recollection?

LIEUTENANT COLONEL LITTLES: I do not.

MR. JASO: Basically Captain Silvert, if you look at his letter, says that he believes that the inquiry conducted has failed to substantiate any factual concerns. However, there are "perceived issues of concern." Then he goes on in the next sentence to say that he doesn't agree with the remedial action

suggested by Lieutenant Gilbert, who, apparently, prepared this report.

LIEUTENANT COLONEL LITTLES: Yes.

MR. JASO: That remedial action appears on Page 5909. It appears to include mediation involvement by EEOC and Affirmative Action Unit -- additional sensitivity training, search and seizure in-services, formation of a committee to conduct open discussions at troop levels, and formation of a law enforcement committee--

Do you recall either specifically or generally any resistance to Lieutenant Gilbert's suggestions from Captain Silvert?

LIEUTENANT COLONEL LITTLES: No, sir.

MR. JASO: Do you recall discussing with anyone whether there was some disagreement as to whether the data produced in this report was inaccurate?

LIEUTENANT COLONEL LITTLES: No, sir. I do not.

MR. JASO: Well, going back to your original reaction to seeing this document, which was that you recall, not the document specifically, but some discussions regarding it, I'm trying to figure out what those discussions were, if you can recall, or--

LIEUTENANT COLONEL LITTLES: I don't recall where they were. And as I indicated, if it was in the committee or otherwise-- And by the way, I see that my initials are on the other document.

MR. JASO: Right.

LIEUTENANT COLONEL LITTLES: But the point being, I don't recall specifically the numbers or any of this. But that was-- The knowledge of this was certainly common in the Division, and obviously I would have known

about it. I don't recall what the discussion was regarding it.

MR. JASO: Do you have any questions on this?

MS. GLADING: Yeah, I do.

This is right in the middle of when you're heading this committee, right?

LIEUTENANT COLONEL LITTLES: Yes, it is.

MS. GLADING: And I'm looking now at the-- I have the DOJ version of this, but I'm looking at--

Do you have both versions of it, sir?

LIEUTENANT COLONEL LITTLES: Yes, I do.

MS. GLADING: I'm looking at DOJ-6917. About halfway down the page, it indicates 191 motor vehicle stops with minority drivers.

LIEUTENANT COLONEL LITTLES: Yes.

MS. GLADING: Fifty-seven percent of 336. Do you see that?

LIEUTENANT COLONEL LITTLES: Yes.

MS. GLADING: What is that-- Can you translate that for me -- what that means?

LIEUTENANT COLONEL LITTLES: Criminal activities during the calendar year 1995. One hundred ninety-one motor vehicle stops were minority drivers. And it looks like it's saying it's 191 out of 336, which equals 57 percent for minorities. That's my understanding of it.

MS. GLADING: And what would that total number be? It's not all the stops that they made for the year, because that would be much higher, right?

MR. JASO: I think-- If I may interject.

MS. GLADING: Yeah.

MR. JASO: The 336 number looks like it's coming from up above there,

where it says, “motor vehicle stops resulting in criminal arrests.”

LIEUTENANT COLONEL LITTLES: Yes, it is. I see it above -- two above.

MS. GLADING: Thanks.

On the next--

LIEUTENANT COLONEL LITTLES: Those are resulting in an arrest.

MS. GLADING: Okay.

On the next page, under consent searches for 1995--

LIEUTENANT COLONEL LITTLES: Yes.

MS. GLADING: --it indicates, I take it, that there were 144 consent searches, and 62 percent of those involve minority drivers. Is that correct?

LIEUTENANT COLONEL LITTLES: Yes.

MS. GLADING: And that would not, necessarily, have anything to do with the arrest statistics on the previous page, right?

LIEUTENANT COLONEL LITTLES: Should not. That has to do with the actual searches. Some may have led to arrests, and some may not have.

MS. GLADING: Okay. Does that strike you as a high number, 62 percent of consent searches were minorities?

LIEUTENANT COLONEL LITTLES: It seems kind of high to me. Yes.

MS. GLADING: Did it catch--

LIEUTENANT COLONEL LITTLES: It's a personal opinion. It seems high to me.

MS. GLADING: Are these numbers you would have studied at the time, since you were involved in this committee -- this post-*Soto* committee?

LIEUTENANT COLONEL LITTLES: Let me just downplay it by saying

I chaired the committee, but I delegated everything. I did not do any of this -- did work of the deputy superintendent -- superintendent, I'm sorry. But all of these things that came out of the committee came from others who did the work on behalf of myself or the superintendent.

MS. GLADING: Okay. So who would have been responsible for seeing that there maybe is a problematic high number there and doing something about it? Who did you delegate that to?

LIEUTENANT COLONEL LITTLES: I don't have a specific recall. I'm looking at the internal -- I'm sorry, the interoffice communication indicating it came from Major Sparano, who was the uniformed troopers operations supervisor -- going through the chairs, myself included, to Major Fedorko. And basically, he's suggesting that the Internal Affairs Bureau personnel, as well as EEO Affirmative Action, get together to come up with some kind of a thought process -- agreeable process on how to proceed with it.

MS. GLADING: Okay.

LIEUTENANT COLONEL LITTLES: There's probably some other document somewhere saying what occurred after that. And obviously I don't have it. I didn't keep any kind of documents when I left the State Police.

This is kind of disjointing, because I don't have access to all of these things where this may logically lead. There's probably another document somewhere, but I don't know what it is, and I don't have it.

MS. GLADING: So who would have been head of Internal Affairs? Who would have been responsible for looking into this?

LIEUTENANT COLONEL LITTLES: At that time, it was Captain Touw.

MS. GLADING: And would he have come to you then if he-- I mean, I understand that I'm taking this out of context. This is a document that originated with complaints about improper patrol procedures. And that-- And by a perception -- in a perception by minority troopers that there was profiling going on. But it did result in some interesting numbers -- this analysis. And I'm just wondering if it caught anyone's attention, considering it was just a couple of months after *Soto*. You were heading a committee on these issues, and--

LIEUTENANT COLONEL LITTLES: We were, obviously, responding to any and everything that we were able to get our hands on. But again, I don't recall how we responded directly to this. This was referred to Affirmative Action -- EEO, Captain Brennan -- Joe Brennan at the time, and also, Captain Touw. And there very well may be another document that says what happened as a result of it. But I don't have that recall. It's just too much to remember.

MR. JASO: You said you delegated the responsibility for, sort of, absorbing this information to recharacterize what you said to others. I mean, is there any reason to think that you did not take it upon yourself, as the chairman of this committee or as someone who, as you testified before, had thought that the initial *Soto* data were potentially troubling -- that you would not have looked at this data yourself when it came in?

LIEUTENANT COLONEL LITTLES: No, I would delegate it to someone. I would, obviously-- Are you saying look at -- actually to look at it or take further action beyond that?

MR. JASO: No, I mean, if this came across your desk, which it did, did you-- Is there any reason to think you didn't, yourself, look at it?

LIEUTENANT COLONEL LITTLES: I may have. I just don't recall. I don't have that recall. I don't remember it.

MS. GLADING: Is this the kind-- Considering the committee you were heading, is this the kind of information you would have wanted shared with Mr. Fahy and Mr. Susswein at the time?

LIEUTENANT COLONEL LITTLES: Sure. Yes.

MS. GLADING: Do you have any recollection of it being shared with them?

LIEUTENANT COLONEL LITTLES: Specifically, no.

MS. GLADING: What do you think the likelihood is that it was?

LIEUTENANT COLONEL LITTLES: Likely. They had access to the same information that I did. But I don't-- I can't recall saying that I handed it to them or anyone gave it to them.

MS. GLADING: Okay.

MR. HOLDEN: I think before you said the knowledge of this data was pretty common in the Division. Is that correct?

LIEUTENANT COLONEL LITTLES: Of which data?

MR. HOLDEN: The information we're looking at right now. This statistical--

LIEUTENANT COLONEL LITTLES: I don't think I was referring to that. It was common -- the issue of the *Soto* matter -- the *Soto* case was common knowledge and discussion and also the fact that the committee--

MR. HOLDEN: And the committee existed -- and also the existence of minority trooper complaints was pretty common knowledge in the Division.

LIEUTENANT COLONEL LITTLES: I don't know. It was certainly

known. It surely had been known at Moorestown Station -- probably, at least, another station.

MR. HOLDEN: For example, Cranbury -- listed on that--

LIEUTENANT COLONEL LITTLES: Cranbury-- I didn't even get to that yet. Okay? I don't see it yet, but I'm sure--

MR. HOLDEN: Was the knowledge of the Division's concern about the *Soto* data, do you think, also common in the Office of the Attorney General?

LIEUTENANT COLONEL LITTLES: The knowledge of the Division's-- I'm sorry.

MR. HOLDEN: The knowledge-- Was there knowledge in general in the Attorney General's Office about the extent to which the *Soto* result and data was of concern to the Division of State Police?

LIEUTENANT COLONEL LITTLES: I would have to make an assumption to answer that, because I would say, obviously, the two attorneys that we worked closely with were aware of that -- didn't have a lot of interaction with a lot of attorneys and deputy attorney generals but at various times, obviously, Ron Susswein and, certainly, Mr. Fahy on that issue.

MR. HOLDEN: Do you know whether there was a committee set up in the Attorney General's Office to parallel or somehow address some of the issues that you were addressing in the Division of State Police?

LIEUTENANT COLONEL LITTLES: I don't have any knowledge or recall of that. No, sir.

MR. HOLDEN: Do you know who Mr. Fahy and Mr. Susswein reported to directly in their chain of command?

LIEUTENANT COLONEL LITTLES: I'd be-- No, sir. I don't

remember. I believe Ron Susswein was working out of Criminal Justice. And I believe Mr. Terry Farley was the director at the time. But I'd be guessing. I'd have to look at the charts -- organizational charts.

MR. JASO: Let me ask you to turn back on the OAG copy. I'm sorry we keep-- We're both using different copies. I don't know if there's any significance that I'm using the State copy and that they're using the Federal copy, but I won't read anything into it. (laughter)

Anyway, OAG-5906.

LIEUTENANT COLONEL LITTLES: Okay.

MR. JASO: It says at the paragraph there below the list of troopers, "As a result of the interviews, the following facts were learned. Racial harmony exists among troopers at Moorestown Station. However, minority troopers have expressed concerns regarding the appearance of profile stops."

Did you yourself ever have any conversations with minority troopers with regard to their specific complaints about profile stops?

LIEUTENANT COLONEL LITTLES: I don't think so. No, sir. I don't-- No.

MR. JASO: I've handed the witness another memorandum from Detective Gilbert to Colonel Williams bearing the Bates label GC-1511 through 1515.

If you could just take a quick look at that. There is also an attachment at the end, which, I think, was originally the cover transmittal memo.

LIEUTENANT COLONEL LITTLES: Okay, sir.

MR. JASO: Do you recognize this document?

LIEUTENANT COLONEL LITTLES: Pretty much, yes, sir.

MR. JASO: Turn to the last page, if you would. Do you recall seeing this?

LIEUTENANT COLONEL LITTLES: The attachment?

MR. JASO: Yes.

LIEUTENANT COLONEL LITTLES: Yes.

MR. JASO: And that-- I think it's -- that is your signature -- that sort of elegant--

LIEUTENANT COLONEL LITTLES: Curlicue. Yes, sir.

MR. JASO: --swoopy thing. Yes.

Do you recall discussing the contents of this memo and/or Colonel Williams's reaction to the contents of the memo with anyone?

LIEUTENANT COLONEL LITTLES: I don't have a specific recall of that either, sir, but, again, all the information was shared with, certainly, the members of the committee. And this superintendent's action memo comes from Colonel Williams. He gave me a copy of it. I made the notations. "Detective T. Gilbert. Note Colonel's comments." And I transferred that to Detective Gilbert.

MR. JASO: So you forwarded it back to Gilbert then.

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: Looking at number two on Colonel Williams's note, it says, "Troopers racial tabulations will not be recorded--"

LIEUTENANT COLONEL LITTLES: "On the evaluation report."

MR. JASO: What does that mean?

LIEUTENANT COLONEL LITTLES: Troopers are evaluated sometimes quarterly or semiannually in various categories, whether it's

pedestrian contacts or-- I mean, there's just any number of characteristics and performances.

Someone, and I don't even recall I had even read it -- had suggested that that be included in the troopers evaluation report -- whether or not he made the appropriate notations of, I guess, sex and race on the appropriate reports, be it the patrol activity charts or whatever. And the Colonel said that would not occur, basically. He would not make that a part of the evaluation report.

MR. JASO: So he objected to that suggestion to have the troopers, and as I understand it, his compliance with the directive that these particular characteristics in his report--

LIEUTENANT COLONEL LITTLES: On the evaluation report. Yes, sir.

MR. JASO: Is that right?

LIEUTENANT COLONEL LITTLES: It's kind of a checkoff sheet.

And do you remember-- I'm sorry, it's getting late. I don't know if I've asked this before. Did you discuss that specific issue with Colonel Williams?

LIEUTENANT COLONEL LITTLES: I may have, but I don't have a specific recall of having done so.

MR. JASO: Okay.

Do you recall there being some increased public interest in the racial profiling issue in general around this time in the wake of the *Soto* ruling?

LIEUTENANT COLONEL LITTLES: I would say so.

MR. JASO: Do you recall there being any efforts made by the press and/or members of the public to get information from the Division with regard to this issue?

LIEUTENANT COLONEL LITTLES: From the public, I don't recall

anything. Getting information from -- on behalf of the press -- from press people was a routine thing. That was routine in any issue, especially when something tends to be a hot issue.

MR. JASO: What was the Division--

LIEUTENANT COLONEL LITTLES: I don't have a specific recall, again, of anybody in particular, but obviously the press was very hot on that whole issue.

MR. JASO: What was the Division's policy, if it had one, on whether or not it would share the data that it was collecting of the type that we've been looking at in the past 45 minutes?

LIEUTENANT COLONEL LITTLES: I'm not aware of any policy, but--

MR. JASO: Let me just finish the question, if I may--

LIEUTENANT COLONEL LITTLES: Okay.

MR. JASO: --just so that it's on the record.

LIEUTENANT COLONEL LITTLES: I'm sorry.

MR. JASO: It doesn't do any good for anyone to have an answer to a half-asked question. And I'm sure a lot my questions are half-asked.
(laughter)

LIEUTENANT COLONEL LITTLES: I would never say that.

MR. JASO: The question was, what was the policy of the department -- the Division, if any, with regard to public inquiries for the types of data that it was collecting at that time, either from the press or from individual members of the public?

LIEUTENANT COLONEL LITTLES: There was no policy, but in all matters, a request such as that would come to the public information office or

through the superintendent or perhaps even the deputy's office. And that would be released at the discretion of the superintendent, basically. So that-- In other words, no policy was necessary-- In all issues certain-- In all issues, information is only released by a certain method or manner.

MR. JASO: Do you recall any concern by yourself or any of the other members of the committee or the superintendent or anyone else in a position of authority within the Division -- a concern with the possible negative repercussions or negative publicity with releasing this data at that time to the public?

LIEUTENANT COLONEL LITTLES: No, sir. In fact, I don't think we were at the point where we should have been releasing anything, because I was never certain of how accurate the data was, especially by virtue of how we were trying to collect it.

MR. JASO: Okay.

LIEUTENANT COLONEL LITTLES: It was kind of in the interim stages, and it was a quick temporary measure trying to accommodate the, you know, various requests for information.

MR. JASO: Do you remember yourself, specifically, having a thought on it one way or another, that is, whether it would be--

Well, let me just withdraw the question and show you a document.

This is Mark Goldberg of our office, who's just arrived, for the record.

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: I've just handed you a letter and some attachments or some documents, all of which were part of the same grouping--

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: --produced under the Bates label GC-3877 through 3882.
And it looks like--

Do you recognize this or remember this particular request?

LIEUTENANT COLONEL LITTLES: No, sir. I don't ever recall having seen this or anything like that.

MR. JASO: Okay. This is a-- It appears to be a request from a professor at Rutgers to Colonel Williams requesting some data and also requesting the possibility -- or raising the possibility of sending one of her people to -- her students, I should say, to ride along with the troopers.

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: And I draw your attention to the last page of this packet, which is GC-3882.

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: And you appear in that to forward this to Major Tezsla.

LIEUTENANT COLONEL LITTLES: Tezsla. (indicating pronunciation) Yes, sir.

MR. JASO: Tezsla. (indicating pronunciation) And then it looks like he sort of bounces it back to you. At the bottom, I draw you attention to the annotation there. It says, "Dave, we should advise that --" I guess, "form can be reviewed, but data is confidential. What is purpose to determine profiling?"

Do you know who the Dave is and who wrote that note?

LIEUTENANT COLONEL LITTLES: I don't, no sir. But Dave, more than likely, is Dave Blaker -- Sergeant First Class, I believe, at the time. I don't know who wrote that. I don't know whose writing that is.

MR. JASO: And what would Dave Blaker's-- How would he be involved

in this particular matter?

LIEUTENANT COLONEL LITTLES: Dave was my administrative assistant so he, obviously, was involved in a lot of, you know, communication, and he was aware of, basically, what goes on in the office, routinely, day in and day out. I don't know.

I'd be guessing, sir.

MR. JASO: But you don't have any--

LIEUTENANT COLONEL LITTLES: I don't know whose writing that is.

MR. JASO: You don't know whose writing that is?

LIEUTENANT COLONEL LITTLES: No, sir. In fact, that's not even my V.L. But it's no big deal. Someone signed it and sent it along.

MR. JASO: Does this refresh your recollection, having looked at this request and the way it was handled and the objection that was raised, apparently by somebody unknown to Dave Blaker? Does this refresh your recollection as to whether there was some concern that requests for data were being made by members of the public, perhaps under the pretext of requesting more general data but with a focus on racial profiling?

LIEUTENANT COLONEL LITTLES: No, sir, not really.

MR. JASO: Do you have any recollection of--

Do you have any questions on this? (no response)

(Cellular phone rings)

ASSISTANT ATTORNEY GENERAL MILLER: Modern technology.

MR. JASO: If I were a judge, he would be led out to the paddy wagon.

I'm sorry. Just give me a minute to take a look at some other things.

I'm going to try to cut through this so we can get out of here.

I've handed the witness a document, which is another memo from Sergeant Gilbert to Colonel Williams bearing Bates label OAG-6164 through 6166.

I'd ask you to take a look at that and see if you recognize it.

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: Did you-- Do you recognize the memorandum?

LIEUTENANT COLONEL LITTLES: Specifically, no. But I do recall the basic circumstances.

MR. JASO: And the basic circumstance was what?

LIEUTENANT COLONEL LITTLES: That the Department of Justice had requested a number of things -- information and data from the Division of State Police.

MR. JASO: What was your responsibility, if any, for responding to those requests?

LIEUTENANT COLONEL LITTLES: Nothing in this particular case. It was passed to the superintendent for his decision.

MR. JASO: Well, I'm asking more generally than just this memorandum -- to the extent that there were requests by the Department of Justice for information. Did you have any role in responding to those requests?

LIEUTENANT COLONEL LITTLES: Never directly, but whenever we did respond to the Department of Justice, it would occur through the Office of the Attorney General or our attorneys at Criminal Justice, etc., not directly--

MR. JASO: Were you asked to be responsible for obtaining certain information from the Division?

LIEUTENANT COLONEL LITTLES: In this instance?

MR. JASO: In general in dealing with the DOJ requests?

LIEUTENANT COLONEL LITTLES: No, sir.

MR. JASO: I draw your attention to the handwritten note on the front page. Do you recognize the handwriting there?

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: Whose is that?

LIEUTENANT COLONEL LITTLES: Colonel Williams.

MR. JASO: Do you recall ever seeing this version of the memo with the handwritten note on it?

LIEUTENANT COLONEL LITTLES: No, sir. I don't.

MR. JASO: The note says "A.M. spoke to AG Verniero and AAG Waugh -- referenced the data request by the Justice Department. At this time, same will be restricted to the Turnpike stations of Cranbury and Moorestown."

Do you recall discussing with anyone that communication between Colonel Williams and Attorney General Verniero?

LIEUTENANT COLONEL LITTLES: No, sir. I don't.

MR. JASO: Do you have any reason to think that what Mr. Williams -- Colonel Williams wrote there was inaccurate?

LIEUTENANT COLONEL LITTLES: No, sir. And part of the issues -- obviously, the Colonel should have inquired of the Attorney General's Office as to the appropriate advice and the appropriate manner to proceed.

MR. JASO: Do you remember hearing, in any fashion, that the scope of the request was going to be restricted to Cranbury and Moorestown?

LIEUTENANT COLONEL LITTLES: I'm not sure. I'm really not sure.

I don't have any specific recall of it.

MR. JASO: Well, do you generally recall that that was the -- that was the Division's directive, as far as the scope of the DOJ requests?

LIEUTENANT COLONEL LITTLES: I don't have a recall, but I would venture to say that I more than likely read the Colonel's statement here at some point in time. But I don't have an actual recall of it. I do not.

MR. JASO: So you think it's likely that you did see, at some point, this annotation.

LIEUTENANT COLONEL LITTLES: The Colonel's notation -- yes, sir.

MR. JASO: Well, you had stated before, I think, that in some instances, the person at the top of the food chain, so to speak, would make a comment and then send it back down the same chain. Is that typically what would be done?

LIEUTENANT COLONEL LITTLES: El jefe es el jefe. The boss is the boss. He does what he wants. He can send it down the chain, or he can call someone directly -- and I'm not being facetious -- or he can deal directly with whomever he chooses. And the Colonel often did that. Everything did not flow back through the deputy -- the superintendent's office down through the chain. He may have handled something on the telephone that I never was aware of.

MS. GLADING: The Federal government was investigating the State Police. Was that a serious issue, do you think, to the State Police?

LIEUTENANT COLONEL LITTLES: Serious issues? Certainly.

MS. GLADING: Was that considered a serious issue?

LIEUTENANT COLONEL LITTLES: Sure.

MS. GLADING: Is it something that you, as deputy superintendent, would have been wanting to keep apprised of and keep informed of?

LIEUTENANT COLONEL LITTLES: Certainly.

MS. GLADING: Were you?

LIEUTENANT COLONEL LITTLES: I think I was. Yeah. I believe I was.

MS. GLADING: In what way? What did you learn about the progress of the--

LIEUTENANT COLONEL LITTLES: Oh, boy. I don't recall what happened with this. I really do not. And '97 -- January of '97-- I don't remember. I don't know what happened with this.

MS. GLADING: Well, you were heading a committee during this period of time that was looking, apparently, for information that your committee had been made aware of, because this new audit procedure was put in place -- these inspection audits were put in place. Was there anyone who knew -- anyone within the upper ranks of the State Police who knew as much as you knew about what data was available and what data could be collected and what data had been collected?

LIEUTENANT COLONEL LITTLES: It was pretty common knowledge, I would think, as to what data we could collect.

MS. GLADING: Okay. Was there any discussion with you about how to respond to the Department of Justice request?

LIEUTENANT COLONEL LITTLES: No. No. It was, as you indicated, a very important issue at the time, so I think the superintendent-- If he did this, he did the appropriate thing in asking for advice -- legal advice

as to how to proceed with it. But I don't know what happened as a result of it.

MS. GLADING: Is it your impression that the Department of the Attorney -- that the Office of the Attorney General took the lead in responding to this issue?

LIEUTENANT COLONEL LITTLES: I don't have a personal awareness of what happened with it, but the response to the Justice Department would have come from the Office of the Attorney General and not directly from the State Police.

MS. GLADING: Do you know who George Rover is?

LIEUTENANT COLONEL LITTLES: Yes, I do.

MS. GLADING: Do you know him personally?

LIEUTENANT COLONEL LITTLES: Yes, I do.

MS. GLADING: Have you ever met with him on official matters?

LIEUTENANT COLONEL LITTLES: I don't recall ever meeting on this issue, and I think-- Although I've seen George's name somewhere in paperwork, I believe George came into all of this after I retired. That's my belief anyway. I've dealt with George on a lot of things over the years, because he's the deputy attorney general that I, you know, interacted with from time to time. But I don't recall ever having interacted, with regard to any of these matters before the committee.

MS. GLADING: Did Colonel Williams or Sergeant Gilbert ever indicate to you that they had met with Attorney General Williams and talked about this matter personally, one on one?

LIEUTENANT COLONEL LITTLES: I don't recall that.

ASSISTANT ATTORNEY GENERAL MILLER: Verniero. You said Attorney General Williams.

MS. GLADING: Did Attorney General Verniero ever indicate that he had met with or talked with--

Did Sergeant Gilbert or Colonel Williams ever indicate that they had met with, or talked with, Attorney General Verniero in person on this topic.

LIEUTENANT COLONEL LITTLES: No, ma'am.

MS. GLADING: No?

LIEUTENANT COLONEL LITTLES: I don't recall that. No.

MR. HOLDEN: As you were getting the statistical data, did you have anyone who was a statistics or research person that you reached to to help gather an understanding of the statistical methods for the data that was being presented to you?

LIEUTENANT COLONEL LITTLES: No, sir.

MR. HOLDEN: No one within the Division of State Police that understood statistics or data or sampling?

LIEUTENANT COLONEL LITTLES: Not that I recall. The data, obviously, that we were getting was very simple data. It was nothing that took anybody very bright to analyze it. It's all, like we looked at it a couple of documents back -- so many arrests and so many stops and so many consent decrees. It's not the kind of data that would need real extravagant extrapolation or anything else in terms of analyzing the data -- statistical analysis. Not at that point.

MR. HOLDEN: Were there any statistical experts in the Division of State Police during your tenure?

LIEUTENANT COLONEL LITTLES: I don't recall anyone having been assigned to such a task. But we often, obviously, have people who are educated and have all kinds of statistical education, you know, if you will.

MR. HOLDEN: Background in data analysis.

LIEUTENANT COLONEL LITTLES: Sure.

MR. HOLDEN: Who would you go to if you needed help understanding -- I think you used the phrase standard deviations before -- used random sampling before as words-- Who would you go to, in your Division, to understand those concepts?

LIEUTENANT COLONEL LITTLES: I would have to do a little research to ascertain who has that kind of knowledge. There's no one, again, that sat in a particular seat.

MR. HOLDEN: Okay, you don't--

LIEUTENANT COLONEL LITTLES: I have some basic understanding of it myself, first of all, so I kind of know questions to ask. But we didn't have anyone assigned to that task, but I'm sure there are people there who have extensive statistical analysis.

MR. HOLDEN: But in your experience, you never reached to any of those persons?

LIEUTENANT COLONEL LITTLES: No, sir. I did not.

MR. HOLDEN: Thank you.

MR. JASO: I've handed the witness a document -- actually four documents that are clipped together bearing-- They're all memoranda from Colonel Littles to various individuals. They bear, respectively, the Bates Numbers GC-1952, 1954, and 1956, and 1983.

If you could just take a quick look at those, Colonel.

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: Do these documents refresh your recollection as to your role in gathering or issuing directives to gather certain information requested by the Department of Justice?

LIEUTENANT COLONEL LITTLES: Specifically, I don't remember the IOC, but I remember, obviously, having discussions about maintaining documents that were beyond the retention schedule. This is not my signature, but that -- again, that's a routine-- That would be the routine way to handle it. I may have been out of the office when this was generated.

MR. JASO: Which document are you looking at, specifically?

LIEUTENANT COLONEL LITTLES: The first one with reference to retention of radio tapes.

MR. JASO: Right.

MS. GLADING: That's not your signature?

LIEUTENANT COLONEL LITTLES: It's not. But again, that's not unusual.

MS. GLADING: So the next one is not your signature either--

LIEUTENANT COLONEL LITTLES: Correct.

MS. GLADING: --116?

LIEUTENANT COLONEL LITTLES: It is not.

MR. JASO: Would you have just--

LIEUTENANT COLONEL LITTLES: The other one is. The next one is.

MR. JASO: I'm sorry.

Would you have just dictated this to an assistant or secretary, and that person would have sent it out, or was there anyone--

LIEUTENANT COLONEL LITTLES: Dictated-- I more than likely told someone like Dave Blaker -- Sergeant Blaker, at the time, to write it. I gave him the essence of what was to be written and to send it out. Yes, sir.

MR. JASO: Okay. Let me turn your attention to the second document, which is GC-1954.

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: It basically says that the DOJ has asked for training materials. And sort of the third line down in the middle of the paragraph it says, "Note that the requests currently utilized materials." And it appears that the word currently has been bolded.

Do you see that there?

LIEUTENANT COLONEL LITTLES: Yes, I do.

MR. JASO: Do you recall whether the production of past training materials was considered problematic, in any way, at that time?

LIEUTENANT COLONEL LITTLES: Not to my knowledge. No, sir.

MR. JASO: Did you discuss with anyone whether there might be a problem if old training materials versus current training materials were produced to the Department of Justice?

LIEUTENANT COLONEL LITTLES: No, sir. I don't recall any such discussion. But the concern would have been that the materials probably weren't even available anymore. A lot of stuff, when you revise it into a new lesson plan or whatever -- a lot of the older materials were just tossed out -- difficult to keep it.

MR. JASO: Did you-- Focusing on this memorandum, I think you had said that that didn't look like your signature. Do you recall preparing this memorandum or asking anyone to do so?

LIEUTENANT COLONEL LITTLES: I didn't prepare it, but I do remember, basically, the information that's contained thereon. So again, someone giving it the V.L. is not unusual, again.

MS. GLADING: Can I just follow up on that document before you leave it?

MR. JASO: Sure.

MS. GLADING: Do you recall during the *Soto* case that part of the evidence involved training materials for training in cultural diversity courses at the academy or maybe in-service training in which there were ethnic and racial stereotypes taught to troopers? Do you recall this during *Soto*?

LIEUTENANT COLONEL LITTLES: No, I don't.

MS. GLADING: No?

LIEUTENANT COLONEL LITTLES: No, I do not.

MS. GLADING: Okay.

MR. HOLDEN: Did you ever have an opportunity to discuss, with anyone, the profiling criteria and standards that were advanced by the Drug Interdiction Training Unit?

LIEUTENANT COLONEL LITTLES: No, sir. No, I don't.

MR. HOLDEN: Were you familiar with them?

LIEUTENANT COLONEL LITTLES: Not really. No, sir. I mean, I know of the existence, but I've never had the -- a lesson plan or any guidance in front of me to read -- this is how we proceed. No, sir. It was basically

people who were experienced troopers in doing those particular type jobs that gave that kind of training, of which I never received at my level, obviously -- that type of training, at least.

MR. HOLDEN: Do you know when that Drug Interdiction Training Unit ceased to exist?

LIEUTENANT COLONEL LITTLES: No, sir, I don't. No, I do not. Probably during that period of time, I would imagine, but I don't recall.

MR. HOLDEN: During which period of time?

LIEUTENANT COLONEL LITTLES: The period of time from '96 to '98 I would think -- '95 to '96 or whatever -- somewhere in the issue -- sometime during the time frame of the *Soto* case. Let me put it that way. I would guess that, but I don't know that.

MR. HOLDEN: What makes you guess that?

LIEUTENANT COLONEL LITTLES: I think that a lot of people thought that that unit would come under a lot of criticism just by virtue of what they did, and especially with the existence of issue of racial profiling. It probably wasn't worth the aggravation at that period of time until it was all sorted out, basically.

MS. GLADING: That was a pretty big move for the Division to shut that training unit down, wasn't it?

LIEUTENANT COLONEL LITTLES: One fell swoop. No, not big.

MS. GLADING: No. Didn't it produce like 13 of the last 15 Troopers of the Year -- a prestige unit -- a premiere unit?

LIEUTENANT COLONEL LITTLES: They were very productive. If you look at it from that point of view. Absolutely. But no, I think there was

a larger issue at hand, and that was the issue of, obviously, the accusations of the racial profiling or the belief that that occurred, whether it occurred or not. And the unit, basically, although they recovered a lot of drugs, etc., it was -- it's statistics. Once again it's statistics. If they're gathering and confiscating a lot of contraband from the street, basically--

MS. GLADING: Do you think it was post the *Soto* decision that that unit was shut down?

LIEUTENANT COLONEL LITTLES: I believe it was, but I'm really not certain. I don't have a reference in terms of time.

MS. GLADING: Would that have fallen within your chain of command -- that training unit? Was training under your--

LIEUTENANT COLONEL LITTLES: Not directly, no.

MS. GLADING: No, indirectly.

LIEUTENANT COLONEL LITTLES: Actually, there was, when I was in the Division staff section, but I was not there at that particular time.

MS. GLADING: When you were deputy superintendent or executive officer, was training--

LIEUTENANT COLONEL LITTLES: Truthfully, I forget which sections were there, because it was switched. We switched sections around -- those that responded to the executive office of the other lieutenant colonel and myself. But it very well may have been.

MS. GLADING: But you took the sections with you, right, when you went to the other job?

LIEUTENANT COLONEL LITTLES: No.

MS. GLADING: No.

LIEUTENANT COLONEL LITTLES: No.

MS. GLADING: You flipped different sections. You didn't--

LIEUTENANT COLONEL LITTLES: There was a time when I was the executive officer, which is the, we'll say, second lieutenant colonel, before I became the deputy, where there was certain sections that reported under the executive officer and certain ones that reported under the deputy superintendent's office. That changed somewhere along that time.

When I was promoted -- not promoted, actually, I was transferred over, because I was still lieutenant colonel -- to the deputy superintendent's office, there was another change that occurred. And I don't recall exactly, you know, what those changes were.

MS. GLADING: For some period of that time, you had responsibility for the training unit -- for the -- for the -- wherever DITU fell.

LIEUTENANT COLONEL LITTLES: I had it directly when I was in -- not directly, but it was under me in Division staff section. But I left there in, I guess, 1994.

MS. GLADING: Was Division staff section under you when you were either executive officer or deputy superintendent?

LIEUTENANT COLONEL LITTLES: I think it was, at one point.

MS. GLADING: At one point.

LIEUTENANT COLONEL LITTLES: I'm not sure which. Yes.

MS. GLADING: Okay.

LIEUTENANT COLONEL LITTLES: There was a lot of switching.

MR. JASO: Look briefly-- I'm sorry.

LIEUTENANT COLONEL LITTLES: I was just going to add to that

that even if and when it was, it would not be abolished without the superintendent. That's not something that would be taken by the deputy superintendent. That would come from the boss, perhaps after input and discussion, but that's his ultimate decision.

MR. JASO: Look, if you would, at the last of the four memoranda, the one that has GC-1983 at the bottom.

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: Is that a genuine Valcocean Littles signature at the top.

LIEUTENANT COLONEL LITTLES: That's the real thing. Yes, sir.

MR. JASO: Did I pronounce it right that time?

LIEUTENANT COLONEL LITTLES: Valcocean Littles, yes.

MR. JASO: It only took me four hours.

Look at the first paragraph. Well, I should say, does this signature suggest that you yourself wrote this?

LIEUTENANT COLONEL LITTLES: I did very little writing on any of these. I most often gave direction to someone else to write it. I did very little writing in that office.

MR. JASO: Okay. The first paragraph indicates that Detective Reilly of, I guess, Captain Mattos's staff developed a block of instruction on search and seizure for uniformed personnel. "It's essential that this block of instruction be included in the upcoming 1997 annual in-service."

Do you recall what that-- Well, do you recall anything about the contents of this memorandum?

LIEUTENANT COLONEL LITTLES: Somewhat. Yes, sir.

MR. JASO: Do you remember whether there was some concern based

on the Justice Department's inquiry that the training that had been implemented in 1995 was not, in fact, still being done?

LIEUTENANT COLONEL LITTLES: No, sir. In fact, if that's the case, I'm not aware of it. My impression was that the initial thing was to get the training to uniformed troopers who, most often, interact with the public. Thereafter, it was important that all Division members be recipients of that type of training -- of that particular training. And that's basically what it was. With the in-service training, for the most part. Unless you're a really upper-level officer in the Division, you must attend the annual in-service training. So you will have to-- You will be privy to that training, as well as the uniformed troopers.

MR. JASO: So the in-service training is for everybody within the Division. Is that right?

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: Okay. What did the inclusion of the 1995 search and seizure training and the 1997 more general in-service have to do with the Justice Department investigation?

LIEUTENANT COLONEL LITTLES: I don't know. I don't know.

MR. JASO: I've handed the witness a document to Lieutenant, I guess, Fedorko -- I'm sorry, Lieutenant Colonel Fedorko dated 3/26/99 bearing Bates Numbers OAG-1345 through 1348.

LIEUTENANT COLONEL LITTLES: Yes.

MR. JASO: Do you recognize this document?

LIEUTENANT COLONEL LITTLES: No, sir.

MR. JASO: 3/26/99 was after you had retired. Is that right?

LIEUTENANT COLONEL LITTLES: Yes, sir. More than two years after.

MR. JASO: Okay.

LIEUTENANT COLONEL LITTLES: Almost two years.

MR. JASO: All right. My apologies. It's getting late. And I just wondered if you had ever seen this before.

LIEUTENANT COLONEL LITTLES: No, sir. It looks like a time line that I could-- Well, it is a time line. But no, sir. This was after I retired.

MR. JASO: Okay.

I don't have anything else.

Just give us a couple seconds to--

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: I've handed the witness a document which is dated-- It's a memorandum from Sergeant Gilbert to Colonel Williams dated November 1st, 2000, bearing Bates labels GC-2938 through 2940.

Now, I ask you to read this. I am aware that this is past your time, but if you note in the first line it indicates, and seems to memorialize, a meeting--

MS. GLADING: Well, if I can just clarify-- I think it's misdated--

MR. JASO: Sorry.

MS. GLADING: --because it seems to indicate that--

Well it went to you. So it seems to be misdated.

MR. JASO: Oh, you're right. It is.

It did go to you.

LIEUTENANT COLONEL LITTLES: Yes, sir.

MR. JASO: Do you recognize this document, notwithstanding the--

LIEUTENANT COLONEL LITTLES: No, sir, I don't. I don't recognize it.

MR. JASO: Do you recall there being discussions between anyone from the Division and/or the Attorney General's Office and representatives of the Maryland State Police or the Maryland state government with specific regard to racial profiling and pending cases?

LIEUTENANT COLONEL LITTLES: I don't have a specific recollection, but I think-- I know there was some communication between the state of Maryland and New Jersey, and it may have occurred out of the Criminal Justice Office -- the Attorney General's Office. I don't have any particular -- any specific knowledge of it.

MR. JASO: So you didn't participate in any such discussions.

LIEUTENANT COLONEL LITTLES: I don't recall that. No, sir, not at all.

MR. JASO: Do you recall whether anyone within the State Police had such discussions with anyone from Maryland?

LIEUTENANT COLONEL LITTLES: No, sir, I don't.

MR. JASO: Do you recall discussing with anyone within the Division any contacts that anyone might have had with the folks from Maryland?

LIEUTENANT COLONEL LITTLES: No, sir.

MS. GLADING: Do you recall meeting in the beginning of March with Misters Fahy, Rover, possibly Alex Waugh, and all of the people listed on the to in that memo, which would be Williams, Littles, Roberson, and Blaker?

LIEUTENANT COLONEL LITTLES: No. No, I don't. I do not. None at all. Not at all.

MS. GLADING: Do you think you would remember a meeting like that?

LIEUTENANT COLONEL LITTLES: I would think so.

MS. GLADING: A strategy session.

LIEUTENANT COLONEL LITTLES: I obviously know all these people, and I know who the honorable Alex Waugh is, and I know all these people. So I would have remembered that. I would think so. But I don't have a specific recall of the meeting.

MS. GLADING: And you don't remember the document, either, right?

LIEUTENANT COLONEL LITTLES: No, ma'am.

MR. JASO: Do you recall any meetings that you had with anyone with regard to formulating a strategy for dealing with the Justice Department inquiry?

LIEUTENANT COLONEL LITTLES: No. No, I don't.

MR. JASO: Was that one of the topics that your committee dealt with?

LIEUTENANT COLONEL LITTLES: The Department of Justice memo? No. It may have just been discussed as an aside, because we were -- we, meaning the Division of State Police -- was in some litigation with the Department of Justice for many years concerning the consent decree. So communication with that Department of State -- Federal government is often and pretty much continuous. So-- But I don't have any separate independent recollection of it -- having to do with this issue.

MR. JASO: Well, we're obviously talking about the Justice Department inquiry into racial profiling in the New Jersey State Police.

LIEUTENANT COLONEL LITTLES: I don't have that recall at all, sir.

MS. GLADING: Do you recall ever, in these interoffice communications-- Do you recall them ever misprinting the date for some reason?

LIEUTENANT COLONEL LITTLES: None that I recall was called to my attention.

MS. GLADING: Are you computer-literate? I mean, do you use a computer yourself to write documents?

LIEUTENANT COLONEL LITTLES: Yes. I'm not computer literate, but yes, I can do that.

MS. GLADING: Did you use the computer system with in the State Police to write IOCs?

LIEUTENANT COLONEL LITTLES: Then.

MS. GLADING: Yeah.

LIEUTENANT COLONEL LITTLES: No. I don't write, I delegate.

MS. GLADING: I delegate.

LIEUTENANT COLONEL LITTLES: I had a computer, but for the most part, the computer during my term there in the deputy's office had more to do with tracking of various documentation. Up until we got the computer system up and running, if you-- If an inquiry was necessary after five or six o'clock, you couldn't find anything. It would just be a total disaster. But with that system, and the tracking-- You could track any document in the system. You can pull it up and actually review it and see what's occurred with it, as long as it's been entered into the system.

MS. GLADING: If you pulled up a document like this, would it automatically change the date for some reason?

LIEUTENANT COLONEL LITTLES: No, it doesn't change anything. It shows you the document as it exists.

MS. GLADING: The second page of this memo -- Item No. 5 talks about -- and granted you've said you don't recall the meeting that this document refers to and you don't recall seeing the document, but let's take a shot at this.

LIEUTENANT COLONEL LITTLES: Sure.

MS. GLADING: It talks about, "the overall approach not appearing to be successful if we enter into strategy of focusing on defense of our past numbers and that we should shift our focus to future activities and proactively set up a monitoring system of our own design choosing, before we have one forced upon us."

Do you recall that kind of discussion going on at this time about the DOJ inquiry?

LIEUTENANT COLONEL LITTLES: No, not at all.

MS. GLADING: No.

MR. JASO: Do you recall any discussions with regard to the possibility of their being a consent decree with regard to racial profiling?

LIEUTENANT COLONEL LITTLES: Not during that period of time, but I think I've heard that somewhere along the line. It may be since I have been retired -- you know -- with the media and the -- perhaps discussions with people. I really don't remember. But not during that period of time. Not at all.

MR. JASO: That's it.

Anything else? (no response)

Colonel, thank you for your patience.

LIEUTENANT COLONEL LITTLES: You're welcome.

MS. GLADING: Thank you for your time, too. These are precious hours, these retirement hours.

MR. JASO: We can go off the record now, please.

(INTERVIEW CONCLUDED)