

CONFIDENTIAL

INTERVIEW
of
Lieutenant Colonel Vincent Modarelli
for the
SENATE JUDICIARY COMMITTEE

February 15, 2001
2:00 p.m.
Committee Room 2
State House Annex
Trenton, New Jersey

PRESENT AT INTERVIEW:

Scott Louis Weber, Esq. (Special Counsel to the Committee)
Jo Astrid Glading, Esq. (Democratic Counsel to the Committee)
Douglas Wheeler, Esq. (Democratic Counsel to the Committee)

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Brian G. Flanagan
Deputy Attorney General

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HEARING REPORTER: On the record.

SCOTT LOUIS WEBER, ESQ.: Lieutenant Colonel Modarelli, my name is Scott Weber. I'm an attorney at Latham and Watkins, and we've been retained by the Senate Judiciary Committee as Special Counsel in its investigation into allegations of racial profiling as they concern the New Jersey State Police.

I want to first off, on behalf of the Committee, thank you for appearing today. We recognize that it is on a voluntary basis. And we do appreciate your time and your willingness to talk with us.

Before we begin, and before I swear you in, I would just like, for the record, for everyone in the room to identify themselves.

And I'd ask Mr. Wheeler to start off first, please.

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

MS. GLADING: I'm Jo Astrid Glading, Staff Counsel, Senate Democratic Office.

DEPUTY ATTORNEY GENERAL BRIAN G. FLANAGAN: Brian Flanagan, Deputy Attorney General, Division of Law.

LIEUTENANT COLONEL VINCENT MODARELLI: Lieutenant Colonel Vincent Modarelli, Deputy Superintendent, New Jersey State Police.

HEARING REPORTER: Gina Gallagher, OPI, Hearing Reporter.

HEARING REPORTER: Harry White, OLS, Hearing Reporter.

MR. WEBER: And Scott Weber. I've already identified myself.

It's Modarelli? (indicating pronunciation)

LIEUTENANT COLONEL MODARELLI: That's correct.

MR. WEBER: Okay.

Lieutenant Colonel, just before we swear you in, I just want to advise you of my authority to conduct the interview today.

By motion approved January 29, 2001, the Senate Judiciary Committee has authorized Michael Chertoff and his aides and associates, to “take such testimony, interview such persons, and gather such documents in furtherance of this Committee’s investigation and inquiry into the issue of racial profiling and the circumstances pertaining thereto.” We also have, “the authority to administer oaths, on behalf the Committee, to obtain sworn testimony.”

With that in mind, Lieutenant Colonel, if you’d be kind enough to raise your right hand and repeat after me.

(Oath administered)

Thank you, Lieutenant Colonel.

Lieutenant Colonel, if we could just begin by you providing the Committee with your educational background, as well as when you started at the New Jersey State Police, I’d appreciate it.

Just hold on one moment.

Okay.

Sorry.

Lieutenant Colonel, why don’t you with start with your education background?

MS. GLADING: We didn’t have enough lawyers here, so we needed to add one more. (referring to Stephen Holden arriving) (laughter)

LIEUTENANT COLONEL MODARELLI: Certainly.

I hold a bachelor’s degree in organizational management. I am currently

pursuing and completing my master's degree in public administration. I have completed New Jersey's Certified Public Managers Program. I am a certified public manager. I've also completed Northwestern University's Executive Management Program. I've received, throughout my 28-year career, probably hundreds of technical managerial and administrative courses administered both by the New Jersey State Police and by other agencies and other entities.

MR. WEBER: When did you obtain your bachelor's degree?

LIEUTENANT COLONEL MODARELLI: August of 2000.

MR. WEBER: And how about your-- When did you begin working on your master's?

LIEUTENANT COLONEL MODARELLI: Just prior to that. I was a nonmatriculated master's student. And I currently have, I believe, 15 credits -- or 18 credits, and I'm -- in this semester-- I have class tonight if we're not here too long. (laughter)

MR. WEBER: I think you'll be able to make class.

LIEUTENANT COLONEL MODARELLI: I am currently taking six additional credits. And I've just been approved-- And in the month of June, I will be going to Boston University Law School for-- I've been accepted into the Senior Management Institute for Police Program. It's given by Harvard University's John F. Kennedy School of Government.

MR. WEBER: Great.

LIEUTENANT COLONEL MODARELLI: It's a one year-- Each year, they hold a three-week seminar, and I've been chosen to go to that.

MR. WEBER: When did you-- When were you a cadet in the State Police Academy?

LIEUTENANT COLONEL MODARELLI: In 1973.

MR. WEBER: And when did you graduate?

LIEUTENANT COLONEL MODARELLI: June of 1973.

MR. WEBER: And you've been employed by the State Police ever since?

LIEUTENANT COLONEL MODARELLI: That's correct.

MR. WEBER: I take it you started out as a road trooper?

LIEUTENANT COLONEL MODARELLI: That's correct.

MR. WEBER: In what station?

LIEUTENANT COLONEL MODARELLI: I started out at the Somerville Station.

MR. WEBER: How long were you in the Somerville Station?

LIEUTENANT COLONEL MODARELLI: Approximately six months.

MR. WEBER: And then where did you go after that?

LIEUTENANT COLONEL MODARELLI: Then I went to the Blairstown Station in B Troop.

MR. WEBER: Would that have been also in 1977 or 1978?

LIEUTENANT COLONEL MODARELLI: No, that would have been in 1974.

MR. WEBER: I'm sorry, '74. Okay.

How long did you remain at the Blairstown Station?

LIEUTENANT COLONEL MODARELLI: Again, approximately-- A general rule was you stayed at your first two stations for approximately six months. So approximately six months later, I was transferred to the Washington Station in Troop B.

MR. WEBER: And how long were you at that station?

LIEUTENANT COLONEL MODARELLI: I was there a few months, and then I transferred to the Little Falls Station -- or the Hackensack Station.

MR. WEBER: And how long were you at Hackensack?

LIEUTENANT COLONEL MODARELLI: I was at Hackensack for, I want to say, a year or two, but in the interim, the Hackensack Station closed and was relocated to the Little Falls Barracks. So I was at both Hackensack and Little Falls.

MR. WEBER: How long did you remain at the Hackensack/Little Falls stations?

LIEUTENANT COLONEL MODARELLI: Until, I think, 1976.

MR. WEBER: Okay. What happened in 1976?

LIEUTENANT COLONEL MODARELLI: I became a detective. I worked, first, as a station detective there, and then I went to the racetrack unit at the Meadowlands Racetrack. It was '76 -- early '77. I don't recall the dates.

MR. WEBER: How long were you at the Racetrack Unit?

LIEUTENANT COLONEL MODARELLI: Two years.

MR. WEBER: So until about 1979?

LIEUTENANT COLONEL MODARELLI: Correct.

MR. WEBER: Then where did you go?

LIEUTENANT COLONEL MODARELLI: The end of '79, early '80 -- I went into the Narcotics Bureau.

MR. WEBER: Where was that located?

LIEUTENANT COLONEL MODARELLI: I was originally assigned to the Drug Diversion Investigation Task Force, which was at the old Division of

Criminal Justice building on Alexander Road in Princeton. I worked there for approximately 18 months. And then I was returned when that task force dissolved. I was returned and went to the Hackensack Barracks -- or Hackensack Station to what was known as the Narcotics North Unit -- Narcotics Bureau North Unit.

MR. WEBER: How long were you in the Narcotics Bureau?

LIEUTENANT COLONEL MODARELLI: Well, I was in the Narcotics Bureau until I attained the rank of major in 19-- I was there for about 12 or 14 years.

MR. WEBER: Until about 1993 -- '94?

LIEUTENANT COLONEL MODARELLI: I think '93 -- August of '93.

MR. WEBER: And you attained the rank of major. And then what bureau were you assigned to?

LIEUTENANT COLONEL MODARELLI: Well, I rose through the ranks in Narcotics from detective to captain.

MR. WEBER: Okay.

LIEUTENANT COLONEL MODARELLI: And then I was promoted to the rank of major, and I was assigned as the investigations officer. I remained as the investigations officer, I believe, for approximately 15 months. And then I was transferred to the Special and Technical Services Section on January 5th of 1995.

MR. WEBER: I'm sorry. Where were you transferred to in 1995?

LIEUTENANT COLONEL MODARELLI: January 5th of 1995 I assumed command of the Special and Technical Services Section, which is, basically, comprised of the four forensic crime laboratories -- many of our

investigative services units -- the Ballistics Unit, the Technical Bureau, which are our crime scene investigators, our Composite Artist Unit, our Alcohol-Drug Test Unit, our Private Detective Unit, and our Firearms Investigation Unit.

MR. WEBER: And where is that bureau physically located?

LIEUTENANT COLONEL MODARELLI: At Division headquarters.

MR. WEBER: Was this the first time you were then at the Division headquarters?

LIEUTENANT COLONEL MODARELLI: That's a section-- No. I was the section supervisor as the investigations officer, which is also at Division headquarters.

MR. WEBER: What is the investigations officer's-- What falls within your purview?

LIEUTENANT COLONEL MODARELLI: Three bureaus there. The Special Investigation and Services Bureau, which conduct four-ways on all political appointees and those appointed by the governor; the Racetrack Unit, which oversees the racing industry in New Jersey. We have a Criminal Investigation Bureau, which houses, basically, all of our investigative entities, the Auto Unit, the Polygraph Unit, the (indiscernible) ViCap Unit. (phonetic spelling) We have our Narcotics and Organized Crime Bureaus. And we also have our Asset Forfeiture Unit.

MR. WEBER: Okay.

LIEUTENANT COLONEL MODARELLI: And Arson and Bomb.

MR. WEBER: So you are the section supervisor and investigations officer for the Special Investigations Bureau from '93 to '95.

LIEUTENANT COLONEL MODARELLI: No.

MR. WEBER: I know I'm getting the terminology--

LIEUTENANT COLONEL MODARELLI: Yeah, that's why I'm trying to--

The investigations officer is the section supervisor. The Special Investigation and Services Bureau is one of three bureaus under that person's command. And at that time, it was myself. The three bureaus would be the Special Investigation and Services Bureau, the Narcotics and Organized Crime Bureau, and also the Criminal Investigation Bureau.

MR. WEBER: Okay. So you supervised all three of those.

LIEUTENANT COLONEL MODARELLI: Those three, that's correct.

MR. WEBER: Okay.

MS. GLADING: And that was from what period?

LIEUTENANT COLONEL MODARELLI: That was from the time I made major. And I believe it was August of '93 until January of '95. And then in January of '95, I became the section supervisor of the Special and Technical Services Bureau, and I had three -- section rather. See, you're getting me confused now. (laughter)

As the Special and Technical Services Section supervisor, I had three bureaus likewise under my command. Those three bureaus were the Forensic Science Bureau, the Technical Bureau, and the State Regulatory Bureau.

MR. WEBER: Okay. And how long did you remain in that position?

LIEUTENANT COLONEL MODARELLI: Until I got promoted to the rank of Lieutenant Colonel, and that would be July 1st of 2000. So approximately five and a half years I remained up there.

MR. WEBER: July 1st of 2000 you were promoted to Lieutenant

Colonel. Were you assigned, at that point, to any specific--

LIEUTENANT COLONEL MODARELLI: Yes.

MR. WEBER: Okay.

LIEUTENANT COLONEL MODARELLI: I was assigned as the Deputy Superintendent of Investigations. I supervise three sections, the two sections that I've previously outlined and one additional section. And that's the Intelligence Services Section.

MR. WEBER: Okay. So you are now in charge of supervising -- and please, I apologize, because I'm going to butcher this -- the Special Investigations Services Bureau--

LIEUTENANT COLONEL MODARELLI: No.

MR. WEBER: No.

LIEUTENANT COLONEL MODARELLI: Do you want me to tell you what I'm in charge of?

MR. WEBER: Yes, please.

LIEUTENANT COLONEL MODARELLI: Would that be easier?

MR. WEBER: It would make it a lot easier.

LIEUTENANT COLONEL MODARELLI: Okay.

MR. WEBER: There's a lot of bureaus, as you know.

LIEUTENANT COLONEL MODARELLI: Okay. As the Deputy Superintendent of Investigations, I supervise three sections. Those sections are the Investigations Section, the Special and Technical Services Section, and the Intelligence Bureau -- the Intelligence Services Section.

MR. WEBER: Okay. I'll get this right by the end of the day.

LIEUTENANT COLONEL MODARELLI: Go ahead.

MR. WEBER: I promise.

MS. GLADING: So previously, you had headed up two of those sections.

LIEUTENANT COLONEL MODARELLI: Previously, that's correct.

MS. GLADING: Okay.

LIEUTENANT COLONEL MODARELLI: That's correct.

MS. GLADING: The Investigations Section first and then the Special and Technical Services Section.

LIEUTENANT COLONEL MODARELLI: That's correct.

MS. GLADING: If you need any help, Scott, I'll help you out on this.

MR. WEBER: I do. I absolutely do.

Okay. So you were promoted to Lieutenant Colonel in July of 2000. And the colonel at that point in time was already Colonel Dunbar, correct?

LIEUTENANT COLONEL MODARELLI: That's correct.

MR. WEBER: How did the promotion come about? I mean, did you have to apply for this? Did they just recognize your achievements and someone call you in and say--

LIEUTENANT COLONEL MODARELLI: Do you want my answer to that on the record? (laughter)

MR. WEBER: Yeah.

LIEUTENANT COLONEL MODARELLI: I would tell you, certainly, I was the most qualified person for the job. I would imagine that's a question that should be directed to Colonel Dunbar.

MR. WEBER: Well--

LIEUTENANT COLONEL MODARELLI: He did not share with me

the selection process. When he-- What he did share with the staff when he assumed command of the Division, was that he was going to take the next several months to look at the personnel that were currently in the Division of State Police, assess our abilities, and then make a choice on who he was going to promote. We knew that there were two openings for the rank of Lieutenant Colonel at the time he came in. And I happened to be one of the people that he chose.

MR. WEBER: How many lieutenant colonels are there currently in the New Jersey State Police?

LIEUTENANT COLONEL MODARELLI: Currently, there are two.

MR. WEBER: There are two.

LIEUTENANT COLONEL MODARELLI: Yes.

MR. WEBER: Within the hierarchy of the State Police, and you'll forgive my ignorance on this, but, colonel is number one.

LIEUTENANT COLONEL MODARELLI: That's correct.

MR. WEBER: Are the lieutenant colonels then just below him in the chain of command?

LIEUTENANT COLONEL MODARELLI: Well, the chain of command changed with Colonel Dunbar. And I should explain that to you. Prior to Colonel Dunbar coming -- and the chain of command was very steep, and it was such that the colonel was number one. There were two lieutenant colonels. Their designations changed. One was the deputy superintendent, who would be considered the second in command. And the second lieutenant colonel was named as the executive officer, and that person would have been the number three person in command.

When Colonel Dunbar came in, what he did was he kind of flattened the upper rank out. By that I mean, he is number one, and he now has two number two people. I have three sections, currently -- the three that I mentioned, and Lieutenant Colonel Roberson, currently, has the other five sections.

MS. GLADING: Barry Roberson?

LIEUTENANT COLONEL MODARELLI: Yes, that's correct.

And under the current -- or under Colonel Dunbar's management scheme, what occurs is all issues that have to deal with-- My three sections come directly to me and then directly to the colonel. I don't have to go through another lieutenant colonel to get to the colonel. Likewise, for the five sections that fall currently under Lieutenant Colonel Roberson. All issues go directly to him, and then he directly to the-- So I'm not in his chain of command, if you can understand that.

MR. WEBER: Right.

LIEUTENANT COLONEL MODARELLI: And he's not in my chain of command on the investigative side.

MR. WEBER: Okay.

LIEUTENANT COLONEL MODARELLI: I hope that clarifies that for you.

MR. WEBER: Yes, that does. Thank you.

Let's go back, now-- And I appreciate you setting forth your education background and your employment history at the State Police. You'll be happy to know, unlike other witnesses, I only have three documents or maybe even just two documents to show you. And let me first start off, though--

I want to step back. It's my understanding that you were, at least, in some fashion, involved in the DITU, the Drug Interdiction Training Unit, correct?

LIEUTENANT COLONEL MODARELLI: That is not correct.

MR. WEBER: It is not correct.

LIEUTENANT COLONEL MODARELLI: Not correct. I had absolutely nothing to do with the DITU, never have.

MR. WEBER: Okay. You weren't involved in the -- either the formation of it or the operations of it.

LIEUTENANT COLONEL MODARELLI: No, sir. Not at all.

MR. WEBER: Well, then my understanding is incorrect.

--should bear with me one moment, please.

MS. GLADING: What kind of-- What knowledge do you have of the DITU work?

LIEUTENANT COLONEL MODARELLI: Very limited. I had-- DITU was a program that was instituted, managed, and run by our Field Operations Section, of which I've never had any managerial or supervisory oversight -- nor any interaction in any of my roles to date, including today.

MR. HOLDEN: Formal or informal interaction?

LIEUTENANT COLONEL MODARELLI: Neither.

MS. GLADING: Through your narcotics over 12 years--

LIEUTENANT COLONEL MODARELLI: Correct.

MS. GLADING: Did narcotics work-- Did you have any interaction with drug interdiction efforts by the barracks operations?

LIEUTENANT COLONEL MODARELLI: Yes and no. Directly, no.

Indirectly, what we had in the narcotic bureau, when I took over, was a program that had been instituted back in, I think, around 1980 -- around the time of the early '80s, when I first went into the Narcotic Bureau, a Patrol Drug Response Unit-- Maybe you're getting acronyms mixed up.

The Patrol Drug Response Unit was under my command when I was the captain in charge of Narcotics and remained under my command when I was the section supervisor in the Investigation Section. The Patrol Drug Response Unit was a group of detectives that were assigned originally. They were detectives from the Narcotics Bureau that were assigned to assist road troopers whenever major seizures were made -- conducted. In fact, there was a threshold that had to be met. It was-- There were flyers that were made. I could refresh my memory if I went back to the Narcotics Bureau and found out what it was.

But if a trooper had, let's say, interdicted \$50,000 in currency, the PDR Unit, as it was known then, Patrol Drug Response Unit-- Originally, it was the Patrol Response Unit, then we changed it to Patrol Drug Response Unit. They would respond to assist (a) in the processing of the evidence and the counting of the money, and (b) the primary responsibility, actually, was to take the case beyond that road stop. And by that I mean, the detectives that had knowledge on search warrant applications, consensual applications, wiretap applications, and had inroads with DEA and other State agencies that we worked routinely with in Narcotics Bureau cases-- They would work to -- if it was a large seizure -- contact DEA if it was out of state, try to arrange for either the persons involved -- generate them as confidential informants for other cases, and move this case forward, either through a controlled delivery or provide PC for a

consensual authorization in order to move that arrest to the next level.

MS. GLADING: In your work in the Narcotics Bureau, did you work, or have any involvement with, Operation Roadside or the Hotel-Motel Program?

LIEUTENANT COLONEL MODARELLI: The Hotel-Motel Program, absolutely. Yes.

MS. GLADING: What was your involvement with that?

LIEUTENANT COLONEL MODARELLI: Well, I was the-- When the Hotel-Motel began-- I'm not certain whether it began when I was -- definitely during my tenure as the Narcotics Bureau supervisor -- the Hotel-Motel Unit, as it was named then, operated. I had no direct involvement, other than I was the overall supervisor and take responsibility for the activities of that unit.

MS. GLADING: Do you recall training materials associated with the Hotel-Motel Program that focused on national origin?

LIEUTENANT COLONEL MODARELLI: I personally-- I have-- You know, if you showed me the documents, I-- This is going back, probably, almost 10 years ago. The only thing that I can tell you about the program, while I was the supervisor there, was that everything that occurred during that program, occurred-- We were operating under the Statewide Narcotics Task Force banner, so to speak. Everything that we did was done with the approval of the deputy attorney generals that were in charge of the Statewide Narcotics Task Force.

MS. GLADING: Who was the that? Do you recall?

LIEUTENANT COLONEL MODARELLI: They would be Rich Carley at one point, Bob DeGeorge at another. Bob DeGeorge and I, when I was a

captain, were codirectors. Rich was-- Rich Carley was still there, I believe, when I first got promoted. Shortly thereafter, Rich moved onto another position, and Bob DeGeorge came in. And T. Barry Goas was both of their assistants, I believe, at the time. And I think Barry Goas is, currently, the supervisor there.

But all of the training materials, all of the actions, all of the cases that were brought forth were done so with the full knowledge and review of the Division of Criminal Justice.

MS. GLADING: Tell me about your knowledge or involvement with Operation Pipeline or Operation Roadside.

LIEUTENANT COLONEL MODARELLI: Operation Roadside had-- I believe that was originally-- I believe I was either a first-class or lieutenant at the time. That was an initiative that was launched, if memory serves me correctly, by our Field Operations Unit. And it was designed under a Federal grant. And what it was going to accomplish was-- It was going to merge Field Operations activities with our Intelligence Bureau and our Narcotics Bureau.

I think that was the four corners or parameters of the grant. I believe it included the acquisition of a motor home or some -- and I'm going by memory. I don't know if these things ever occurred -- as a mobile command post. There was equipment that was to be purchased and utilized by our personnel -- surveillance equipment, things of that nature, cameras -- to assist in processing. But to my knowledge, the Narcotics Bureau involvement with Operation Roadside never really materialized.

MS. GLADING: Have then-- Do you know why?

LIEUTENANT COLONEL MODARELLI: I think there was-- I think

there was a problem with the supervisors at the time, not being able to-- The supervisor at the Division of State Police -- the majors-- The personnel that were in charge of the sections were not able to clearly delineate responsibilities. That's the best of my knowledge why we-- When I say we, I may have been lieutenant or a captain by the time this-- I think we're talking a time frame of -- if you could help me or correct me -- the late '80s -- '87 to '89 maybe -- that was coming about. I really--

MS. GLADING: Well, that would have been Operation Pipeline.

LIEUTENANT COLONEL MODARELLI: Well, no. Operation Pipeline would have been well before that, I believe.

MS. GLADING: Okay. And then Roadside in the early '90s.

LIEUTENANT COLONEL MODARELLI: Again, I'm asking you for help. I'm going from memory.

MS. GLADING: Do you recall when Operation Roadside became the Roadside Task Force?

LIEUTENANT COLONEL MODARELLI: Again, to my knowledge, and I may be wrong, I don't think that it ever materialized to the way it was envisioned. I certainly remember that Roadside was -- Operation Roadside was a Federal grant program instituted by our -- and launched by our Field Operations Section. And it was designed, I believe, to incorporate both Intelligence and Narcotics. But I really don't believe it ever became a fully functional task force.

MS. GLADING: Okay. Who would have been in charge of that section during those years?

LIEUTENANT COLONEL MODARELLI: I want to say Major Thomas

Kinzer, possibly was the Field Operations Section supervisor. Is that what-- And I believe at the time of Roadside, our section supervisor was either Major Lloyd Hall or Major Patrick Vuono. It may have even been before them. I'm not certain. Major Vuono may have been our captain. He was our captain in Narcotics for a brief period of time. I really-- Again, I'm--

MS. GLADING: And you said earlier, you didn't have any involvement with the DITU.

LIEUTENANT COLONEL MODARELLI: No. No.

MR. WEBER: Were there different-- And you'll forgive me if I'm not using the correct terminology. You've already demonstrated my ability to do that today. Were there multiple units, within the State Police, let's say during the 1980s, that would have been involved in the narcotics interdiction efforts or bureaus?

LIEUTENANT COLONEL MODARELLI: I guess I'd have to ask you to clarify what you mean narcotic interdiction efforts. When you say that to me, I believe you're meaning -- or my interpretation is you're talking about a uniformed interdiction. I worked undercover for six years. I guess I interdicted narcotics.

MR. WEBER: Well--

LIEUTENANT COLONEL MODARELLI: Are you talking about an investigative interdiction, or are you talking about a roadside--

MR. WEBER: Let's break -- and I think you made a good point. Let's break it up. Let's start with the roadside. Were there-- Let me just understand this. The units fall within a bureau, correct?

LIEUTENANT COLONEL MODARELLI: Correct.

MR. WEBER: Multiple units in a bureau.

LIEUTENANT COLONEL MODARELLI: Correct.

MR. WEBER: So I got that one.

LIEUTENANT COLONEL MODARELLI: Correct.

MR. WEBER: Was there more than one bureau that would have been involved in roadside drug interdiction efforts in the 1980s?

LIEUTENANT COLONEL MODARELLI: All of the roadside-- There may have been different units, but they all would have been under the Field Operations Section. They all would have fallen under the umbrella of the Field Operations Section. They're--

MR. WEBER: Section is the same as bureau.

LIEUTENANT COLONEL MODARELLI: Yes.

MR. WEBER: Okay.

LIEUTENANT COLONEL MODARELLI: No, no, no. Section-- Bureaus report to sections.

MR. WEBER: To sections. Okay.

LIEUTENANT COLONEL MODARELLI: Yeah. It's section, bureau, unit, squad in that order.

MR. WEBER: Okay.

LIEUTENANT COLONEL MODARELLI: So under the Field Operations Section, you would have your troops -- Troops A, B, C, D, and E, the Atlantic City Expressway -- all separate troops reporting to the section. You would have also had the Traffic Bureau, which includes people in the Commercial Vehicle Inspection. I believe that's the only unit we had at that time. We currently have others in the Traffic Bureau. So they would have,

again, been under a separate command. By that I mean a separate captain. But they would have been involved in drug interdiction or highway interdiction.

MR. WEBER: Well, roadside interdiction efforts, then, would have fallen under the auspices of each individual troop, correct?

LIEUTENANT COLONEL MODARELLI: That's correct.

MR. WEBER: Did you have any involvement in the 1980s in roadside interdiction efforts that were being conducted by any of the troops that existed at that time?

LIEUTENANT COLONEL MODARELLI: No, with only one exception. And those exceptions would be either directed stops or what we call BOLOs when investigative information has been developed either through a confidential source -- a wiretap or other investigative means. And rather than expose the utility -- future utility of an informant -- a directed stop would be made where we had concrete evidence to support the stop and search of a vehicle. I call that a directed stop. We would have then contacted the appropriate troop. And we would have informed the station commander or the troop commander. And a roadside interdiction would have taken place. But any search of the vehicle would have been done with our authority.

MR. WEBER: Okay. But that would have been a specific vehicle--

LIEUTENANT COLONEL MODARELLI: That's correct.

MR. WEBER: --that you already knew about--

LIEUTENANT COLONEL MODARELLI: That's correct.

MR. WEBER: --red Chevy--

LIEUTENANT COLONEL MODARELLI: That's correct.

MR. WEBER: --license plate number, all--

LIEUTENANT COLONEL MODARELLI: That's correct.

MR. WEBER: You testified in connection with the *Soto* matter, correct?

LIEUTENANT COLONEL MODARELLI: Yes, I did.

MR. WEBER: Who first approached you to ask you to be a witness in the *Soto* matter?

LIEUTENANT COLONEL MODARELLI: I don't know whether I was asked. I think I may have been subpoenaed. (laughter) If that's asking--

MR. WEBER: Well, did the defense call you as a witness, or did the State call you as a witness?

MR. HOLDEN: Who shook your hand when you left?

LIEUTENANT COLONEL MODARELLI: Oh, they all did, Judge Francis included.

You know, I don't recall. I'm only going to guess it was probably the defense, because-- It was the defense, I believe. I was asked about two specific areas.

MR. WEBER: What were those two areas?

LIEUTENANT COLONEL MODARELLI: The Patrol Drug Response Unit and their activities.

MR. WEBER: What was your involvement with the Patrol Drug Response Unit?

LIEUTENANT COLONEL MODARELLI: I think I've testified to that. That's a unit that was involved-- I think the line of questioning, if memory serves me correctly, was-- They were trying to intertwine the DITU with the Patrol Drug Response Unit. And that just couldn't happen. I--

MR. WEBER: You're okay. (referring to hearing reporter changing tapes)

LIEUTENANT COLONEL MODARELLI: Oh, okay. I'm sorry. I'm so used to working years of wiretaps. You know, when the tape stops, you stop talking. (laughter)

MR. WEBER: Well, you hope they stop talking in terms of--

LIEUTENANT COLONEL MODARELLI: There was an evolution that occurred with the Patrol Drug Response Unit. In fact, during my tenure as the captain there, and I testified to this, when the unit was first formed, it was formed to do what I told you, to assist road troopers at various levels. Not on all stops, only on stops that met a certain threshold. It had to be X number of pounds of cocaine or marijuana or pills -- X number of pills or amount of currency. And I think the currency was \$50,000 or above. And when that occurred, the Patrol Response Unit would send out an on-duty detective. And that detective would assist in either trying to turn or coerce the arrestee into cooperating with authorities and move into the next stage. And they would also turn around and assist in the counting of the money.

And about 1989, I believe, or 1990 or '91 -- around that time frame, we beat-- We started a K-9 Unit. And the K-9 detectives became part of the Patrol Drug Response Unit. During my tenure as bureau chief, the Patrol Drug Response Unit was reduced to just the K-9 detectives. Now, those detectives were already narcotic detectives that had gone out and expressed the desire to train a narcotic detector dog. So I saw utility in that I didn't need to send just an officer out that had one mission -- just to have the dog conduct a sniff of whatever it was, a car, a valise, or currency. But that detective was also

knowledgeable and was able to do what the Patrol Response Unit -- detectives before him or her, and that was, put the dog back in the car and now come in and assist and take it to the next level.

So the unit, at one time, I believe, had about 13 detectives in it in the '80s and was reduced to, I believe, 7. And those seven were all -- six or seven were all narcotic detector dog handlers, as well.

MR. WEBER: Okay. So you were asked to testify about the Patrol Drug Response Unit, and this is in the *Soto* case. What was the second area that you were asked to testify--

MS. GLADING: On the narcotic dog handlers and the dogs-- Were they used as part of Operation Roadside, also?

LIEUTENANT COLONEL MODARELLI: They were used to support any Division function. If any trooper had a stop or had a need, they would make a request -- a radio request for narcotic detector dog. And we had dogs on standby in all three areas. And they would respond.

MS. GLADING: Let me ask it a little different. My understanding of one of the ways in which Operation Roadside worked was, in the safety inspections of commercial vehicles, there would also be a drug-sniffing dog present to check the truck out, also.

LIEUTENANT COLONEL MODARELLI: That-- Yes. They did work-- They were never assigned to-- They were later reassigned to the Field Operations. That's where they are now. They now currently reside in the Field Operations Section. So I can't testify as to what happened after they left the command of the Narcotics Bureau. But while they were in the Narcotics Bureau, yes, at times they did work with our CVI Teams.

MS. GLADING: CVI?

LIEUTENANT COLONEL MODARELLI: That's the Commercial Vehicle Inspection Team.

And that was as a result of current trends with regard to how mass quantities of narcotics were being brought into this state. They were no longer being brought in by mules and vehicles. They were being masked in commercial freight with commercial carriers. So we needed to switch our focus.

MS. GLADING: Wasn't that the focus of Operation Roadside, commercial transport?

LIEUTENANT COLONEL MODARELLI: It may very well have been. The Division-- Again, I'm going back into my memory. That's what it was designed to do. But again, I've got to tell you, because I don't remember any great success in the program-- And I was not one of the designers of the program. You know, it wasn't in my shop. It was done over in Field Operations. And I don't know, to my knowledge -- my opinion, that it ever reached the success level that it should have.

But to answer your question, and I didn't forget--

MR. WEBER: Thank you.

LIEUTENANT COLONEL MODARELLI: The second area that I was asked to testify about was when I was in the Analytical Unit, which was a new unit formed in the New Jersey State Police Narcotics Bureau to do strategic assessments and strategic planning for Narcotics.

My analogy as to how we worked in the Narcotics Bureau was like the fire department. When someone called with information, we ran. And we

were truly steered in the directions of the informants that we had developed and the relationships that we had developed with other law enforcement agencies. There was little strategic planning done. And it was the brainchild of someone that we should begin operating with Intelligence. We had an Intelligence Bureau that really was focusing on traditional organized crime at that time. And what we saw occurring in the narcotics trade was that they were becoming more and more sophisticated. And, in fact, they were becoming organized.

And when I took over as captain, one of the things that occurred was I did merge our Organized Crime Bureau with our Narcotics Bureau and renamed it the Criminal Enterprise and Racketeering Bureau, because I recognized that we had a group of organized crime detectives that were focusing on an entity that was organized, that was doing traditional OC work, but was also doing narcotic investigations. And I had a group of narcotic detectives that were doing narcotic investigations. And the groups that they were -- or the individuals that were once individuals were now forming groups. So it was, to me, the right thing to do to merge the two groups together.

When I was in the Analytical Unit-- I got way ahead of myself. When I was in the Analytical Unit, there was a project called Nomad. And Nomad was designed-- It was a program that was designed by the people from the Division of Criminal Justice that were part of the Statewide Narcotics Task Force. And it was designed to capture intelligence information, also to assist narcotic detectives in preparation of search warrants. And it also had programs designed to assist in surveillance reports, wiretap reports.

And the beauty of this database at the time, and I'm going back to the

mid-80s now, was that any information that was uploaded into the database itself, not submitted as a query, but simply -- if I conducted a routine surveillance and during my surveillance, I seemed to have captured 10 license plate numbers--

I'm going to give you an example of how it was designed to work. Those 10 license plate numbers would automatically be fed into Nomad, just as a normal course of a surveillance. But during the night, Nomad would take all information that was-- The database would query itself the information that was recently inputted against what's already been stored. And a HID (phonetic spelling) report would be generated the next morning.

So if my license plate was 123-ABC, and I was the subject of a surveillance in, let's say, North Bergen, New Jersey-- And let's say I happen to be arrested by the New Jersey State Police in 1982 and found in possession of whatever, my license plate would be in there twice. And now I, as the detective conducting the surveillance on Thursday the 15th, would come in on Friday the 16th and see -- "Hey the guy I was following in 123-ABC has already been the subject of a -- or this car was seen -- or this car was seen in another narcotic investigation."

The other thing was, because we had no central database to do this, if I were arrested on milepost 1, of 295 on Tuesday and at milepost 89 a month from Tuesday, no one would be the wiser unless you -- unless the prints were in and unless you did a criminal history, especially if you were out-of-state.

One of the things that we were looking at was, back in the '80s there were load cars, mules used. And oftentimes, there were cars outfitted with these extravagant devices to secrete narcotics.

One of the things that the database was supposed to be designed to do was to identify multiple hits in the system.

MR. WEBER: Could you run a query in the Nomad system?

LIEUTENANT COLONEL MODARELLI: Yes, you could.

MR. WEBER: Could you run a query that would allow you to obtain statistical information?

LIEUTENANT COLONEL MODARELLI: I-- No, I don't believe so. You could do a name query. You could do a license plate query. I believe even a location-- You could type in an address, and it would check its database.

But what happened was it never-- I think it was ahead of its time. And by that-- And this is my opinion. It was ahead of its time because law enforcement personnel didn't trust each other with information, so they didn't share the information. They were hesitant. And I'm part of this, by the way. I admit this myself. We've come a long way in the last 15 to 20 years. But at that time, people were not-- When I say people, people in the law enforcement community, because this system was open to all 21 counties. This was not a New Jersey State Police database. But it was resident in New Jersey State Police offices, so we had that big brother syndrome.

So again, this is my opinion, and this is in speaking-- I was also president of the New Jersey Narcotic Enforcement Officers Association last year, so I've got a lot of friends that remain in other departments and in other agencies. And there was absolutely a feeling that if this type of information were shared, it may be stolen by another agency that may get -- may move forward on it.

And in essence, Nomad did go out of business, and the plug was pulled

on this database some four years after it was originally designed.

MR. HOLDEN: You mentioned the New Jersey Narcotic Enforcement Officers Association.

LIEUTENANT COLONEL MODARELLI: Yes.

MR. HOLDEN: How long has that been in existence?

LIEUTENANT COLONEL MODARELLI: Approximately 34 years.

MR. HOLDEN: You've been the president since 2000.

LIEUTENANT COLONEL MODARELLI: I was the president last year. We serve a one-year term. I've been on the board of directors for approximately 11 years, and I served as third vice president, second, first vice president and then, ultimately, the president. I was president from '99 to 2000.

MS. GLADING: I wonder if I could ask you to look at the document I just handed your counsel.

You guys have this.

Does that look familiar to you at all?

MR. WEBER: Ms. Glading, if you wouldn't mind, just identify the document for the record.

MS. GLADING: Well, I'm hoping the witness could help us do that.

My understanding is that this is a 1995 document that is some kind of an evaluation of -- or report -- some part of a report to the Federal government on how Federal funds were spent on Operation Roadside. That's all I know of it.

LIEUTENANT COLONEL MODARELLI: I don't believe I've ever seen

this before.

MS. GLADING: If you could look at Page 3-- I'm just trying to understand some portions of this. Maybe you can-- Under enforcement strategies and findings--

LIEUTENANT COLONEL MODARELLI: Oh, I'm sorry, Page 3.

Yes.

MS. GLADING: Do you see it indicates, in the second sentence of that paragraph, "Working in conjunction with the Division's Intelligence and Investigations Sections detectives, in support of operations involving commercial vehicle and drug smuggling investigations?"

LIEUTENANT COLONEL MODARELLI: Uh-huh.

MS. GLADING: "The task force receives the benefit of those units's knowledge and expertise." What was the status, in relation to those sections, at that point in time?

LIEUTENANT COLONEL MODARELLI: In 1995?

MS. GLADING: In 1993, '94, '95.

LIEUTENANT COLONEL MODARELLI: Oh, well, it changed, because in '94 I was then the section supervisor.

MS. GLADING: For the Intelligence Section?

LIEUTENANT COLONEL MODARELLI: No, for the Investigations Section. And in '95, I was in the Special and Technical Services Section.

MS. GLADING: Okay. Does it make any sense-- Maybe-- Let me give you a minute to read that whole paragraph without me talking.

LIEUTENANT COLONEL MODARELLI: In January of '93, I would have been the Narcotics Bureau supervisor or captain.

As I previously stated, and I think my memory is correct, that this program never really realized its full potential. And our narcotic detectives may have been called out, but I don't recall a case where they were called out. Our narcotic detector dogs, I see on one of the previous pages -- that it listed our narcotic--

MS. GLADING: Where are you looking?

LIEUTENANT COLONEL MODARELLI: Subsequent pages.

It listed one narcotic dog handler detective. Now, that one narcotic dog handler detective would have--

MS. GLADING: I'm sorry. What page are you on?

LIEUTENANT COLONEL MODARELLI: That's the next page, Page 4.

--would have been from the Narcotics Bureau. But unless my memory is absolutely wrong, we never did assign anyone to this task force.

Now, they very well may have been called out to a stop that may have been conducted. This Roadside project was a Field Operations initiative. And I'm not going to tell you that they may not have had road stops under the collar of Operation Roadside, in which narcotic detective dog handlers responded, because we responded to every call for services.

MS. GLADING: And you make a good point in that the paragraph before the listing of those people indicates the task force consisted of six members with unique expertise working together on a full-time basis. You're saying that's inaccurate, because the narcotic dog handler detective would have been under your supervision. And there was no one full-time assigned to Operation Roadside. Is that correct?

LIEUTENANT COLONEL MODARELLI: Well, when I read this, unless my math is wrong, it only adds up to five people anyway. You correct me if I'm wrong.

MS. GLADING: Yes, it does.

LIEUTENANT COLONEL MODARELLI: I'm not the author of this.

MS. GLADING: But going back to my question--

LIEUTENANT COLONEL MODARELLI: To my memory, there was not a full-time-- There was a-- Obviously, this is a Division initiative. Don't get me wrong. We are going to supply assistance whenever we're called for assistance. I do not recall assigning someone full-time to participate. By that I mean, in our terms we call that detaching a detective to a certain area. And when someone is detached full-time, that means their time sheets, all of their reporting, goes through-- If Brian is detached to you, Brian no longer reports to me on a daily basis. He reports to you. I don't recall-- And that's what I mean by full-time commitment. I don't recall that occurring.

MS. GLADING: And just to make sure we're covered in terms of time frame, since we're really not sure of the time of this document. To your knowledge, prior to your coming to the bureau and subsequent to your leaving, was anyone detached full-time to an "Operation Roadside?"

LIEUTENANT COLONEL MODARELLI: No. I recall one of my supervisors-- There was a problem with the supervisors getting together on exactly what was to be done and how it was to be done. And-- In fact, I think that's what resulted in us not participating on a full-time basis. And that was--

Again, I'm just going from memory, but I believe it was Major Kinzer, Major Vuono, and Major Rowen who could not get together. That's from my

memory. And I recall them coming back. And they couldn't agree to the terms. So we really-- That's why I say it never really jelled the way it should have. That's just from my memory.

MR. HOLDEN: This may be a little out of context, but do you remember who the last three keynote speakers were at your annual meetings of the New Jersey Narcotics Enforcement Officers Association?

LIEUTENANT COLONEL MODARELLI: The last three keynote speakers?

MS. GLADING: Is this Jeopardy?

LIEUTENANT COLONEL MODARELLI: This is a trivia question.

Last year was Senator Pascrell. And Attorney General Farmer came down to make an announcement. He also announced my promotion at that time, by the way.

MR. WHEELER: You mean Congressman Pascrell.

LIEUTENANT COLONEL MODARELLI: Congressman Pascrell.

MR. WHEELER: I don't believe he's a U.S. Senator.

LIEUTENANT COLONEL MODARELLI: Oh, I'm sorry. What did I say, sir.

Congressman Pascrell.

MR. HOLDEN: You got a promotion at that meeting.

LIEUTENANT COLONEL MODARELLI: I got a promotion at that meeting.

MR. HOLDEN: And so did Pascrell. (laughter)

LIEUTENANT COLONEL MODARELLI: There you go. There you go. The year before that was, I believe, Dr. Henry Lee. I'm sorry, no. Dr.

Henry Lee was two years ago. The year before that was Judge -- retired from Middlesex County. I can't recall his name. He's a retired judge from Middlesex County. The year before that was Henry Lee. And the year before that was Rich Kotite.

MS. GLADING: You got what you need there, Steve?

MR. HOLDEN: Yeah, I'm done.

MS. GLADING: Do you recall any subordinates of your's ever being asked -- called upon -- and I'm looking at Page 7 of this report -- ever being called upon to provide instruction on -- at drug seminars in connection with the Operation Roadside Task Force?

LIEUTENANT COLONEL MODARELLI: Detectives under my command absolutely provided instructions on various areas. Our Patrol Drug Response Unit, for years, did conduct-- In fact, I used them at times in the NJNEOA. They did provide instruction at law enforcement seminars -- various law enforcement seminars in concealment techniques. They kept photos of vehicles and compartment vehicles. They also provided instruction on -- to our State Police Academy at some of our basic classes on narcotic techniques. They provided instruction, whenever asked, to several of our counties.

So in answer to your question, yeah, there were many times that my detectives were called upon to provide instruction on various stages, whether it be undercover narcotic techniques.

MS. GLADING: Do you recall when the Division hosted a national roadside workshop?

LIEUTENANT COLONEL MODARELLI: Would that be in conjunction with the National Highway Traffic Safety Office? (no response)

The only one that I am aware of was hosted at the Marriott Seaview. And that was about -- I think in 1992.

MS. GLADING: If you could look at the bottom of Page 7 -- what I've given you under conclusions and recommendations -- the third sentence. It begins with, "Meetings between the task force, the Intelligence Bureau, and the Criminal Enterprise Bureau have resulted in an agreement that in addition to patrol efforts for vehicles in transit -- efforts to identify suspects while their vehicles were immobile would narrow down the possibilities from the thousands of vehicles that travel on roads each day." Does this--

LIEUTENANT COLONEL MODARELLI: Where is that?

MS. GLADING: The bottom of Page 7 -- that last paragraph -- the third sentence--

LIEUTENANT COLONEL MODARELLI: Oh, okay. I'm sorry.

MS. GLADING: --jumps to Page 8.

LIEUTENANT COLONEL MODARELLI: Right.

MS. GLADING: Does that bring-- Does that have any basis in reality to the best of your knowledge?

LIEUTENANT COLONEL MODARELLI: Does that have any basis in reality?

MS. GLADING: You were with the Intelligence Bureau, presumably, at this point.

LIEUTENANT COLONEL MODARELLI: No, I just gained Intelligence.

MS. GLADING: Oh.

LIEUTENANT COLONEL MODARELLI: In July of 2000.

MS. GLADING: Okay. I'm sorry.

LIEUTENANT COLONEL MODARELLI: That's okay.

MS. GLADING: The task force was apparently involved -- people would be -- individuals with the -- involved narcotic dog handler detectives, according to Page 4. So presumably there's some kind of interaction -- ongoing interaction between the task force, the Intelligence Bureau, and the Criminal Enterprise Bureau.

LIEUTENANT COLONEL MODARELLI: You know, in the real world, I wish that would have happened. It's occurring today. We weren't there back then. Not having seen this before, and not having written this paragraph, I can tell you, based on my experience, what they probably mean by that. And I can tell you that based on the experience of the cases which have been developed both by the Narcotics Bureau -- mostly by the Narcotics Bureau, by the way. Most of these large seizures in the last 10 years have all occurred as a result of investigative work, not patrol work. I need to tell you that.

When you see uniformed troopers climbing in the back of a tractor trailer in a press release, don't believe that that trooper was responsible for stopping that truck. Oftentimes, there was a lengthy criminal investigation that preceded that action. And that action is a result of what I'll call a directed stop, as I explained it to you earlier.

I think what that paragraph might mean, and again this is just my opinion-- We have had several cases in which we have had costly produce -- loads of produce, as an example, that have literally rotted on trucks because getting the produce from point a to point b was not of paramount concern to the driver. But the thousand pounds of cocaine that were hidden beneath the

produce was the goal. So it was not of concern to the driver that the produce would rot, because once they got to point b, it was going to be thrown away anyway. I think that that might be what they're talking about here because there are-- If I'm a legitimate, law-abiding produce transporter, what's of paramount concern to me is keeping my produce fresh and delivering it in a state that it can be sold. I think that's what they might be referring to there.

MS. GLADING: I want to know-- If you can look at Page 2 of the document-- I'm sorry, not Page 2, it's the second Page 2 -- the fourth page of the document.

LIEUTENANT COLONEL MODARELLI: Yes.

MS. GLADING: There's reference in the first full paragraph to -- in discussing roadside successes. "During the project period, the Division was responsible for confiscating illegal narcotics with a total recovery value of approximately \$46.5 million." Do you know what that figure refers to?

LIEUTENANT COLONEL MODARELLI: I have no idea, but considering this is even my organization, there are times that you really need to understand that there is no formula that is universally applied to anyone when they calculate the cost of narcotics. I can seize a kilo of cocaine that I purchased for \$23,000 and you'll read \$23,000 worth of cocaine seized. The sheriff in the department next to me could seize that same kilo of cocaine and report it as \$1.2 million because they extrapolated the cost after it's been cut down to gram quantities and sold and repackaged. So I have no idea what that refers to in answer to that question.

MS. GLADING: Okay.

In the course of a year, what does the State Police seize in contraband --

in drug contraband?

LIEUTENANT COLONEL MODARELLI: What year? Really, what year?

MS. GLADING: Last year.

LIEUTENANT COLONEL MODARELLI: Last year.

MR. WEBER: Calendar year 2000.

LIEUTENANT COLONEL MODARELLI: I have no idea, but I can call and find out.

MS. GLADING: Or the prior year, whatever. I'm not looking for an exact figure.

LIEUTENANT COLONEL MODARELLI: I really don't have any-- But we have-- I have access to those figures. I can find them out for you. I just don't know them off the top of my head.

MS. GLADING: Does \$47 million strike you as a fraction of what's seized in the course of a year?

LIEUTENANT COLONEL MODARELLI: You're talking to someone that has stood in a room with \$5 million in currency, that has stood in a room with 2000 pounds of cocaine. Forty-seven million dollars is a drop in the bucket.

MS. GLADING: Thank you.

LIEUTENANT COLONEL MODARELLI: --when measured against the totality of the drug problem today. That's my opinion by the way.

MS. GLADING: All right. I don't think there's anything else.

MR. WEBER: Lieutenant Colonel, if we could move off that document. Let me show you, as your luck will have it, the only other document I'm

going to show you, so you will make your class tonight.

For the record, Lieutenant Colonel, this document has been Bates stamped GC-002500. It is an October 7th, 1998 interoffice communication from Lieutenant Colonel Fedorko up through the chain of command to Lieutenant Colonel Dunlop. And you're identified on this document, are you not?

LIEUTENANT COLONEL MODARELLI: Yes, I am.

MR. WEBER: Okay. This IOC concerns the mandatory listing of race and sex on patrol charts. Were you involved in the decision that it would be mandatory for road troopers to list, on their daily activity patrol logs, the race and sex of individuals that they pulled over?

LIEUTENANT COLONEL MODARELLI: No.

MR. WEBER: Were you even aware that the decision to-- Well, strike that-- Were you even aware that anyone at the State Police was considering instituting this policy?

LIEUTENANT COLONEL MODARELLI: Not until I received this.

MR. WEBER: Okay. So you weren't consulted on that decision.

LIEUTENANT COLONEL MODARELLI: No.

MR. WEBER: Did you ever have any discussions with Lieutenant Colonel Fedorko about this interoffice communication or about the issue discussed in this interoffice communication?

LIEUTENANT COLONEL MODARELLI: No, sir.

MR. WEBER: Did you have any understanding as to why a decision was made that race and sex -- it would be mandatory list race and sex on patrol charts?

LIEUTENANT COLONEL MODARELLI: No.

MR. WEBER: Okay. Did you ever have any discussions about the issue of racial profiling with Colonel Pagano?

LIEUTENANT COLONEL MODARELLI: No. At the time Colonel Pagano was here, I was only a trooper.

MR. WEBER: How about Colonel Dintino?

LIEUTENANT COLONEL MODARELLI: No, not really.

MR. WEBER: How about Colonel Williams?

LIEUTENANT COLONEL MODARELLI: Absolutely not.

MR. WEBER: Did you ever have any discussions about the issue of racial profiling with Attorney General Poritz?

LIEUTENANT COLONEL MODARELLI: No.

MR. WEBER: How about Attorney General Verniero?

LIEUTENANT COLONEL MODARELLI: No.

MR. WEBER: You mentioned that you had worked in the past with individuals over at the Attorney General's Office and for a variety of reasons. And I just want to identify some attorneys for you. And I'd like you to identify whether or not you've ever had any dealings with those attorneys. Jack Fahy -- or John Fahy?

LIEUTENANT COLONEL MODARELLI: Yes.

MR. WEBER: Okay. What sort of dealings have you had with John Fahy?

LIEUTENANT COLONEL MODARELLI: Actually, I first met John-- He had prosecuted some of my cases. And then he was the attorney that was representing us in the *Soto* matter. I saw him-- The last time I saw him was

when I was called to testify in Gloucester County.

MR. WEBER: That was the last time you saw Mr. Fahy.

LIEUTENANT COLONEL MODARELLI: Yes.

MR. WEBER: And again, as best as you can recall, the defense had called you as a witness in that case.

LIEUTENANT COLONEL MODARELLI: I believe so.

MR. WEBER: Okay. Did you meet with Mr. Fahy prior to your testimony in the *Soto* matter?

LIEUTENANT COLONEL MODARELLI: I met with one of our detectives. It was Brian -- Patrick Reilly, I believe. I believe he prepped me for my testimony.

MR. WEBER: And prior to your testimony in the *Soto* case-- It's your testimony that you dealt with Mr. Fahy on some individual cases that you had been on.

LIEUTENANT COLONEL MODARELLI: Years ago, yes.

MR. WEBER: Years ago. Okay.

How about an attorney by the name of George Rover?

LIEUTENANT COLONEL MODARELLI: Yes.

MR. WEBER: In what capacity did you work with Mr. Rover?

LIEUTENANT COLONEL MODARELLI: I worked with George-- He was-- When I was in charge of Special and Technical Services, he was working on our DNA grants and our DNA project. I worked with him there. And also, he provided some legal advice to us in our Firearms Investigation Unit cases, as well.

MR. WEBER: Did you ever discuss the issue of racial profiling with Mr.

Rover?

LIEUTENANT COLONEL MODARELLI: No.

MR. WEBER: How about Alexander Waugh?

LIEUTENANT COLONEL MODARELLI: Yes, I know Alexander.

MR. WEBER: Have you worked with Mr. Waugh?

LIEUTENANT COLONEL MODARELLI: Only on some Division projects not related to this, related to management issues.

MR. WEBER: How about the issue of racial profiling? Did you ever discuss that with Mr. Waugh?

LIEUTENANT COLONEL MODARELLI: No, sir.

MR. WEBER: Ron Susswein?

LIEUTENANT COLONEL MODARELLI: Yes.

MR. WEBER: How do you know Mr. Susswein?

LIEUTENANT COLONEL MODARELLI: Through the Narcotic Association and through the Division.

MR. WEBER: Did you ever discuss the issue of racial profiling with Mr. Susswein?

LIEUTENANT COLONEL MODARELLI: No, not really -- narcotic interdiction and narcotic training, arrest search and seizure is what I dealt with with Ron -- current case law, case law updates, but never discussed the issue with him really.

MR. WEBER: When did you start dealing with Mr. Susswein on the training -- the search and seizure issues?

LIEUTENANT COLONEL MODARELLI: I want to say the late '80s -- '88 -- '89. I think that's when I first met Ron.

MR. WEBER: Did you ever discuss the issue of drug courier profiles with Mr. Susswein?

LIEUTENANT COLONEL MODARELLI: I don't recall, no. We never developed any drug courier profiles.

MR. WEBER: Had anyone, at any time in your career, expressed an opinion to you as to whether the use of drug courier profiles was permissible?

LIEUTENANT COLONEL MODARELLI: Not having done it, no. That had never been an issue because we never had developed any "profiles."

MR. WEBER: When you say we had never developed, you mean New Jersey State Police had never developed drug courier profiles.

LIEUTENANT COLONEL MODARELLI: You're asking me-- I'm telling you--

MR. WEBER: As far as you knew.

LIEUTENANT COLONEL MODARELLI: --myself and the detectives that worked for me-- I'm talking about the Narcotics Bureau.

MR. WEBER: Had anyone provided to you, or to the Narcotics Bureau, drug courier profiles for the Bureau's use?

LIEUTENANT COLONEL MODARELLI: The only thing that I could possibly refer to would be BOLOs that came from EPIC releases in which intelligence information gathered by the El Paso Intelligence Center -- would indicate certain types of vehicles. When I say BOLO-- Sometimes they had specific plate numbers and vehicle descriptions that were, actually, generated by Teletype, countrywide -- nationwide. So we did receive those on occasion.

You know, as a police officer, I've got to tell you-- I've worked

undercover myself. I became-- You come to develop a sixth sense, so to speak, only by nature of things that have occurred to you.

We had vehicles that we would get BOLOs on. We would get specific vehicles. But we never developed any profiles, per se.

MR. WEBER: I understand, and correct me if I'm wrong-- You say, "We never developed profiles." You mean the Narcotics Unit.

LIEUTENANT COLONEL MODARELLI: Yeah. I'm speaking from my command. That's all that I can speak of. I don't know what occurred in other commands.

MR. WEBER: Okay. Well, do you have any knowledge about other commands either issuing or developing drug courier profiles?

LIEUTENANT COLONEL MODARELLI: No, I do not.

MR. WEBER: How about the DEA? Did the DEA ever send either your Bureau, or other bureaus that you're aware of, drug courier profiles?

LIEUTENANT COLONEL MODARELLI: Well, DEA actually administers. They're the chief administrators of the EPIC program. So, I guess, yes. I'd have to say, because we did get EPIC bulletins.

MS. GLADING: Were you ever involved in any applications for Federal grants in the early '90s--

LIEUTENANT COLONEL MODARELLI: Yes.

MS. GLADING: --that were aimed at drug interdiction?

LIEUTENANT COLONEL MODARELLI: Well, we received the Edward Byrne Grant -- Edward Byrne Grant funding. I'm involved in that -- not in the application of the grant, but in the application of funding from that grant both in Narcotics and even when I was in the Special and Technical

Services Section I received Byrne Grant funding.

MS. GLADING: What was that for?

LIEUTENANT COLONEL MODARELLI: It paid for a certain number of actual salary positions both in Narcotics-- And then when I was in charge of the laboratory, we funded four scientific positions -- scientists that do the actual drug testing within the laboratories. We received funding for that, and we received some equipment funding through the Byrne Grant. And I really can't recall.

I must tell you that there probably were some BJA or NIF grants that we did apply for -- marijuana eradication might -- is absolutely one of them. I believe in '95 or '94, just before I left, was the first year we received funding under the cannabis -- marijuana -- Cannabis Eradication Act.

MS. GLADING: What division-- What section or bureau would have been handling the funding applications for Operation Roadside grants?

LIEUTENANT COLONEL MODARELLI: Well, I believe that that was a Field Operations initiative. The way grants-- We don't, as section supervisors-- Grants are then submitted to our Grants Management Unit within the Division of State Police. From the Division of State Police, they go to the Division of Criminal Justice to their Grants Management Unit. And that's where all grants are administered.

We are a division of the State Police. We don't have any direct contact with any funding agency. It all comes through the Division of Criminal Justice through the Office of the Attorney General.

MR. HOLDEN: Going back to the *Soto* case for a moment. Did you have an opportunity, in preparation for the *Soto* case, to discuss data that

Lieutenant Colonel Fedorko had developed prior to the *Soto* case?

LIEUTENANT COLONEL MODARELLI: That Lieutenant Colonel Fedorko developed?

MR. HOLDEN: Yes.

LIEUTENANT COLONEL MODARELLI: Prior to the *Soto* case?

MR. HOLDEN: Yes.

LIEUTENANT COLONEL MODARELLI: No.

MR. HOLDEN: Did you ever have any conversations with him about data that was collected by either Lieutenant Colonel Fedorko or others to support or attack the defense position in the *Soto* case?

LIEUTENANT COLONEL MODARELLI: No. In fact, I even-- That remained a mystery to me, even as-- This was not in my chain of command. The basis for the appeal was something that was never even discussed with the staff. I have no idea what the original basis for the appeal was on the *Soto* case.

I was not in the chain of command. I was in Special and Technical Services. I had absolutely nothing to do with the issue. And I'm not backing away from it, I'm just telling you the reality of it was that I was not in the loop in this issue at all.

MR. HOLDEN: What were the five principal duties of Special and Technical Services? What were they?

LIEUTENANT COLONEL MODARELLI: The duties up there?

MR. HOLDEN: Yeah.

LIEUTENANT COLONEL MODARELLI: We maintained the forensic crime laboratory system in the state. We were responsible for the firearms registry and firearms investigations statewide; the application and licensure of

all private detectives in the state; the crime scene investigators, those are the ID men that go out to the major crime fatal accident scenes; the composite drawing unit. The composite artists fell under my command there. I then got the -- applied for and got the Alcohol-Drug Test Unit, which is the unit that is responsible for maintaining the evidential breath-testing instruments statewide, as well as the training of some 12,000 police officers statewide in its use. I also have Evidence Management Unit -- was under my command, the Ballistics Unit. I think that's it.

MS. GLADING: If you could take a quick look at this. This is my last question. This is a catalog of the Troopers of the Year--

LIEUTENANT COLONEL MODARELLI: Yes.

MS. GLADING: --I guess from the beginning--

LIEUTENANT COLONEL MODARELLI: Yes.

MS. GLADING: --the inception of it.

LIEUTENANT COLONEL MODARELLI: Yes.

MS. GLADING: And I wonder if you could look to the years when you began working in a supervisory capacity, which would be-- When would that be?

LIEUTENANT COLONEL MODARELLI: Well, I guess, back in 1985 I was a sergeant -- or '86, if that's--

MS. GLADING: In which section?

LIEUTENANT COLONEL MODARELLI: I was in the Narcotics Bureau the then, from--

MS. GLADING: If you could look from that year on, are there any people who were subordinates of yours at any time who received the Trooper

of the Year Award?

LIEUTENANT COLONEL MODARELLI: At that time?

MS. GLADING: No.

LIEUTENANT COLONEL MODARELLI: There are some that are subordinates of mine now, but at that time, no.

MS. GLADING: Okay.

LIEUTENANT COLONEL MODARELLI: In 1986, Detective Francis Simonetta was-- He wasn't a subordinate of mine, but he worked in the same bureau as me.

MS. GLADING: Okay.

LIEUTENANT COLONEL MODARELLI: In 1990, Detective Frank Rodgers was a subordinate of mine. That would be it.

MS. GLADING: That's it. In 1995, Darryl Albonico-- He's listed as being assigned to the Drug Interdiction Unit. Was it your understanding that the Drug Interdiction Unit existed at that time?

LIEUTENANT COLONEL MODARELLI: We had a Drug Interdiction Training Unit. Absolutely. We had it-- Again, it wasn't under my command. I don't know when it was conceived or when it was dissolved, but we did have the Unit.

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

MR. WEBER: Lieutenant Colonel, just a couple additional questions. You were aware, were you not, that the Office of the Attorney General instituted a review of the State Police in February of 1999, correct?

LIEUTENANT COLONEL MODARELLI: Yes.

MR. WEBER: And they formed, what they call, the State Police Review

Team.

LIEUTENANT COLONEL MODARELLI: Yes.

MR. WEBER: And that an interim report was issued on April 20th, 1999 concerning just the issue of racial profiling.

LIEUTENANT COLONEL MODARELLI: Yes.

MR. WEBER: Did you have any interaction with the New Jersey State Police Review Team?

LIEUTENANT COLONEL MODARELLI: No.

MR. WEBER: Any of its members?

LIEUTENANT COLONEL MODARELLI: No.

MR. WEBER: Anyone request any information from you?

LIEUTENANT COLONEL MODARELLI: No.

MR. WEBER: At any time, have you been contacted by a representative of the Attorney General's Office to ask you if you had any documentation that would be relevant to the issue of racial profiling?

LIEUTENANT COLONEL MODARELLI: No.

MR. WEBER: Do you have any documentation in your files that's relevant--

LIEUTENANT COLONEL MODARELLI: No.

MR. WEBER: --to the issue of racial profiling?

LIEUTENANT COLONEL MODARELLI: No. I was a supervisor of the Special and Technical Services Section. The laboratories ran smoothly for the last five and a half years.

MR. WEBER: I have no doubt.

Anybody else?

MR. HOLDEN: With regard to the interoffice communication from Lieutenant Colonel Fedorko to you and others, were you involved in any meetings after the October 7th, 1998 memo with regard to the compilation of data as to race and sex?

LIEUTENANT COLONEL MODARELLI: No. The only reason I can tell you that that went to all of us was because any trooper or detective that operates a troop car, myself included-- I still make out patrol charts. Unfortunately, today, although they are telling you that I stopped and helped someone change a flat tire-- But even when we render aid, and that's what I do most now-- Even though I have lights and sirens on my car, I don't want to run the risk of having someone flee because I'm in a suit and tie. I will always call for a-- Myself, I will always call. If I see an infraction, I will call for a uniformed car to make the stop along with me.

But you need to know that while I travel back and forth or go from one destination to another, oftentimes, I stop, mostly today, to render aid to motorists. Those aids to motorists fall under the same reporting guidelines. And when we do render that aid, we must also adhere to the reporting guidelines. So it wasn't unusual that this went to the other sections, because every one of us, on a monthly basis, hands in a patrol chart. And it's not unlikely that I could make a road stop. But no I did not--

To answer your question, no I did not attend any meetings that dealt with any compilation of any statistics along those lines.

MR. WEBER: You mentioned the New Jersey Narcotics Enforcement Officers Association. Any training or seminars provided through that organization?

LIEUTENANT COLONEL MODARELLI: Yes. We provide three regional training seminars yearly, as well as a three-day annual training seminar in Atlantic City.

MR. WEBER: Issue of racial profiling ever come up in the context of those programs?

LIEUTENANT COLONEL MODARELLI: No. I mean, was it discussed by members? Yes, it was. Did we teach arrest search and seizure tactics? Yes, we did. Did we teach a course on racial profiling? No, we did not.

MR. WEBER: In the context of your course on search and seizure tactics, who gave that course?

LIEUTENANT COLONEL MODARELLI: Several people. Ron Susswein did some. Terry Farley did some. Terry is a-- Actually, Terry is one of our associate counsels. There were-- Several attorneys in several of the prosecutors offices throughout the years have assisted us in providing blocks of instruction.

MR. WEBER: Did you have, or did the organization have, its own program, or did you rely upon the individual presenters to bring whatever materials, say whatever they were going to say?

LIEUTENANT COLONEL MODARELLI: That's an interesting question. No, we did not have our own training syllabus. The way the organization-- It's a fraternal organization. What we would do-- I have served as a, as I told you, each one of the steps. One of the duties of the second vice president is to put together the conference. I served as a chairperson and as assistant chair to the training committee several years.

What we would do would be an outreach to the 560 municipalities in

the state and the 21 counties, find out what their training needs were, and we would try to meet those needs. And we would try to meet them regionally. Sometimes the needs would be consistent statewide, and we would provide three one-day seminars both in North, South, and Central Jersey. Sometimes the needs in North Jersey didn't meet the needs in South, and the training syllabus would change. But it was left up-- The training was never reviewed prior to the seminar being completed.

As a chairperson, I would talk to the presenters to find out what their needs were, what they were going to present. But I personally, never reviewed their training materials beforehand. I can also tell you, in the 20-plus years I've been involved, there's never been a complaint about the training that's been delivered.

MR. WEBER: Lieutenant Colonel, thank you very much for your time. We appreciate you making yourself available.

And on behalf of the Committee, I just want to thank you again for your time and the information you provided.

LIEUTENANT COLONEL MODARELLI: Anytime.

MR. WEBER: Thank you.

(INTERVIEW CONCLUDED)