

LATHAM & WATKINS  
ATTORNEYS AT LAW  
ONE NEWARK CENTER, i6th FLOOR  
NEWARK, NEW JERSEY 07101-3174  
TELEPHONE (973) 639-1234  
FAX (973) 639-7298

to: New Jersey Senate Judiciary Committee      date: March 21, 2001  
file no.: 000011.1546  
from: Michael Chertoff, Special Counsel      copies to:  
subject: Chief Justice Poritz Interview

Took Office January 1994

Nominated June 13, 1996 from that point on ceased taking actions as AG and turned functions over to J. Ciancia

Assisted in transition

Sworn in as Chief Justice July 10, 1996

When became AG met with:

F. DeVesa

Division Heads

Met with F. DeVesa and Majors/Higher-ups at NJSP

Received Transition book

Transition Document? (OAG 8338-8349)

No – Part of Confidential report doing search for new NJSP Supt.

P. Perretti, J. Degnan, D. Poritz = search committee

Transition team was very concerned about relationship between NJSP and OAG

OAG 8338-8349

Doesn't recall during her transition discussions about racial profiling

During search for new NJSP Supt. racial profiling was tangentially discussed

Other concerns:

Relationship between NJSP and AG

Whether NJSP cooperating with AG

Concerns were based on past problems

When D. Poritz was Dir. of Div. Law under C. Edwards she was with C. Edwards and Col. Pagano a lot and aware of difficulty in relationships between and AG and Supt.

Issues about treatment of women and minorities with NJSP

Recruitment of minorities came up time and time again while she was AG

Believed that if you have more women and minorities in NJSP would result in a change in the culture of NJSP

After became AG maybe around the time she learned about Soto and she asked for background information. That is when she became aware of relevant SOP's, racial profiling and training materials

Doesn't recall that Dintino's SOP was suspended by Williams

After Soto she became very concerned about our records

learned that despite SOP and instructions/procedures OAG wasn't getting information about race, the troopers weren't complying

Knew from Soto that the records weren't being kept

Found out about Soto when Judge Francis issued his decision

OAG 006689 – 6778 – Not her handwriting. General memory of memo.

OAG 006689 – 6778 – Remembers general discussions about recruitment and complaints but no memory of racial profiling coming up

Had a discussion about use of force and women's reaction to force.

OAG 000267-00291 – Remembers B. Taylor memo.

Might be the first time heard of Soto litigation

After J. Ciancia arrived they sat down to divide up responsibility and she asked J. Ciancia to be the point person for criminal matters.

A. Waugh dealt with NJSP.

K. Brown and others were on her executive staff. Had an open door policy, for directors and executive staff.

Tried to have regular executive staff meeting

Executive Staff:

J. Ciancia – FAAG

J. Farley – Director CJ

A. Waugh – Executive Director

K. Brown

Becky Taylor – Director of Press Office. Later it was Roger Shatzkin

Memo from A. Waugh about NJSP training materials

Around same time became aware of memo informed training materials no longer being used. So, less of an issue.

Understood training at the NJSP Academy and courses were given

Had meetings with Division Directors re: cultural diversity and understand laws about sexual harassment and related issues

Knew efforts undertaken and A. Waugh involved in efforts and training throughout Division of Law and Public Safety. Assumed NJSP had some training.

Gave speech at NJSP Academy for Majors and other higher-ups and spoke in strong terms about NJSP attitudes. Part of cultural diversity program run by NJSP.

Didn't review programs on cultural diversity. A. Waugh handled that.

Doesn't recall specific discussions about public reaction to training materials

Details of handling a case would rarely be brought to her attention

Talked to the Public Defender on the phone upon occasion.

Meeting with Public Defender occurred after Soto decision

Before Soto decision

no one told her racial profiling was a real issue

told absolutely and adamantly (after Soto) by NJSP that they did not profile

Col. Williams told her NJSP did not conduct racial profiling

GC 003940 – 3942 – Doesn't believe ever saw the letter

GC 003917 – 3918 – Depending upon subject matter and source of letter

OAG 006462 – Office of Citizen Complaints

Administrative Assistant would look at what came in and direct it to the appropriate person. If person who got it thought it was important, they would send it back to AG

Remembers at some point before Soto decision she was given more information about case (from J. Fahy or A. Waugh) and that a decision was expected.

Received copy of Soto decision when it was issued

Lots of discussion over several days.

Trusted staff people had concerns about the precedent establishment in the case

Took statistics home and sought advice from mathematician about statistical modeling

She had concerns based on conversations about the statistical models done in Soto

If 100 motorists and all violating traffic and 50 = minority and only minorities are pulled over it demonstrates a relationship, not necessarily causation

She had concerns about the baseline study.

General Accounting Office confirmed analysis.

But at the same time she was still concerned about NJSP.

She felt uncomfortable so she said there must be better record keeping

Interlocutory appeal so not a lot of time to make decision

She decided to appeal and continue investigation.

Didn't talk to J. Fahy a lot. Dealt mainly with Division Director and Senior Executive Staff

Unless J. Fahy sought her out she wouldn't meet with him directly

After Soto decision she asked question, how does NJSP know to stop minorities - then she was told about spotlighting.

OAG 000857 – March 25, 1996 A. Waugh memo

There were concerns about proceeding with appeal because even if the statistics weren't accurate, there were numbers that suggested a relationship existed between stops and minorities

Ultimately had to get more information which occurred after she left

OAG 002082 –Cols. newsletter

Saw it

Knew when made decision to take appeal it was important to Col. Williams to have support of AG

Williams adamant about NJSP not profiling

Williams concerned about NJSP morale after Soto decision

A little disconnect

On one hand Williams said no racial profiling

On other hand Williams agreed needed better record keeping

Racial profiling = stopping of motorists because motorists are members of minority groups. Selecting out motorists based on traffic violation even though others also violating who are not minorities.

Remembers discussions about difference between racial profiling as it relates to stops vs. consents to search

Remembers discussing distinctions and how should be able to tell from records basis of stop and consent to search

OAG 000502-503 – J. Fahy to Farley

Doesn't remember seeing it.

Looked at Soto brief on interlocutory appeal

Doesn't remember anything about the "Hunterdon County matter"

Most likely he brought to AG's attention if everything was in place for a deal on all cases

Vague recollection of meeting with Public Defender about sharing information and cooperative relationship but not about global resolution

Recalls discussion with P. Verniero about Soto and/or racial profiling when she was the AG. Not sure of date and could be in the course of transition discussion.

D. Poritz and P. Verniero sworn in same day

Doesn't recall discussions with anyone else at Governor's Office

Discussion with Verniero:

Generally briefed him about Soto

Told him she made decision to take the appeal and why

Took appeal because concerned about some of legal rulings, adequacy of statistical analysis by Public Defender, NJSP adamantly denied racial profiling, needed better records and understanding of what was going on.

They were both very busy

Couldn't find the place to meet during day. Spoke on phone with P. Verniero several nights for several hours from home

Briefed P. Verniero about many issues

NJSP issues

Soto

Heirarchy

Women

Conveyed need for adequate records and need for further review

Conveyed concerns about statistical analysis

Conveyed concern that there was a connection nonetheless

Doesn't recall making a specific list of "hot issues"

Soto/racial profiling was an issue she flagged for P. Verniero

Discussed relationship between NJSP and AG (issues she also talked to F. DeVesa about)

May have told P. Verniero that Col. Williams discussed Soto impact on NJSP morale

Public knowledge about public concern about NJSP as a result of Soto

Told Verniero:

About Soto

Studies not done the way they should have been

Record keeping problem and directed better record  
keeping

Ought to do internal study

Trooper of Year

Didn't then associate with racial profiling