

CONFIDENTIAL

INTERVIEW
of
Lieutenant Colonel Lanny Roberson
for the
SENATE JUDICIARY COMMITTEE

February 21, 2001
10:00 a.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)

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MR. SCOTT LOUIS WEBER, Esq.: Good morning Lieutenant Colonel.

My name is Scott Weber. I'm an attorney with Latham and Watkins in Newark, New Jersey. Latham and Watkins and Michael Chertoff were retained by the Senate Judiciary Committee as special counsel in connection with its investigation into allegations of racial profiling by the New Jersey State Police.

Before we begin, I just, on behalf of the Committee, want to thank you for coming down today. We do recognize that you came down on a voluntary basis, and we do appreciate that.

Let me also, just before I swear you in, ask that everyone in the room identify themselves for the record.

I'll ask that Ms. Glading start, please.

MS. GLADING: Jo Astrid Glading, Staff Counsel, Senate Minority Office.

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

LIEUTENANT COLONEL LANNY ROBERSON: I'm former Lieutenant Colonel Lanny Roberson, New Jersey State Police.

HEARING REPORTER: Dawn Temperino, Office of Legislative Services.

HEARING REPORTER: Harry White, Office of Legislative Services.

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

Lieutenant Colonel, is it okay if I call you Lieutenant Colonel? Do you have a preference?

LIEUTENANT COLONEL ROBERSON: Whatever you prefer, sir.

MR. WEBER: Okay. Lieutenant Colonel, before we--

LIEUTENANT COLONEL ROBERSON: I'm retired now, so-- And I came up from South Carolina, I didn't come down.

MR. WEBER: Okay. Well, thank you for coming.

LIEUTENANT COLONEL ROBERSON: I'm a resident of South Carolina. I apologize for not being able to make the first day. I had a schedule conflict after returning from being out in the country. And I appreciate the fact that you rescheduled me.

MR. WEBER: Not a problem. Again, we appreciate you coming up here. And we realize it's on a voluntary nature. And just so the record is clear, we have advised you, through the Attorney General's Office, that we would be reimbursing you for your expenses. And I spoke to Mr. Flanagan about that. So as soon as you get the Committee, through Mr. Flanagan, copies of whatever your expenses are, I'll make sure that the reimbursement is taken care of.

LIEUTENANT COLONEL ROBERSON: Thank you.

MR. WEBER: Lieutenant Colonel, let me just advise you of my authority to conduct this interview today by motion approved January 29, 2001. The Senate Judiciary Committee authorizes special counsel 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." It was further resolved that I "have the authority to administer oaths on behalf of the Committee to obtain sworn testimony."

With that being said, Lieutenant Colonel, if you'd be kind enough to raise your right hand and repeat after me.

(Oath administered)

Thank you very much, Lieutenant Colonel.

What I'd like to do to begin our interview is if you'd be kind enough to detail for the Committee, your educational background and then your history at the State Police, I'd appreciate that.

LIEUTENANT COLONEL ROBERSON: I'm a graduate of Florence Township Memorial High School in Florence, New Jersey. I attended Trenton State College. I'm a graduate of the 77th State Police Class February the 7th, 1969.

I served for two years at road duty -- as a general road duty trooper throughout Troop A in South Jersey. At that time, in December of 1970, I was assigned to the Narcotics Bureau in an undercover capacity and worked for a period of four years, becoming a detective. I then was assigned at the racetrack unit from '74 to '79 as detective at the New Jersey racetracks investigating criminal activity and racing integrity. Between '79 and '83, I was assigned to the Special Investigations Unit of the State Police as a detective doing confidential investigations and backgrounds for the governor and attorney general. Between 1983 and 1990, I served doing investigations for the Organized Crime Bureau. On all of those assignments -- that assignment was under Colonel Pagano, which I rose to the rank of lieutenant sergeant first class and lieutenant, in Organized Crime. I was then transferred to the Internal Affairs Bureau as a lieutenant in March of 1990. I served there until June of '94. I attained the rank of captain under Colonel Dintino.

MR. WEBER: I'm sorry, what unit was that?

LIEUTENANT COLONEL ROBERSON: The Internal Affairs Bureau.

MR. WEBER: Okay. And that was from March of 1990 until 1994?

LIEUTENANT COLONEL ROBERSON: Till June of '94. Correct, sir.

MR. WEBER: And your rank was captain, correct?

LIEUTENANT COLONEL ROBERSON: I went there as a lieutenant and was promoted to captain under Colonel Dintino.

MR. WEBER: Okay.

LIEUTENANT COLONEL ROBERSON: June of '94 through January of '95, I was the major in the Division Staff Section. I supervised the Staff Section, which contained five bureaus, twenty-seven units, and about four-hundred personnel. I was transferred in January of '95 as major of the Field Operations Section -- all of the uniformed personnel, which comprised two bureaus, thirty-one State Police stations, and approximately eighteen hundred employees. July of '95 through May of '95, I served as lieutenant colonel, executive officer, which was the principal staff advisor to the deputy superintendent and also the superintendent.

MR. WEBER: Okay. I'm sorry. Just slow down for a second. Just slow down for a second. You said January of '95 through July of '95--

LIEUTENANT COLONEL ROBERSON: I was a major in Field Operations.

MR. WEBER: Okay. Then July of '95 to--

LIEUTENANT COLONEL ROBERSON: May of '97.

MR. WEBER: --May of '97-- I'm sorry. What was your position again?

LIEUTENANT COLONEL ROBERSON: I served as the executive

officer -- lieutenant colonel, which was the principal staff advisor to the deputy superintendent and superintendent.

MR. WEBER: Okay. So it's July of '95 to May of '97. What was your next position?

LIEUTENANT COLONEL ROBERSON: Then I became the lieutenant colonel -- the deputy superintendent to Colonel Williams. That would have been May of '97 through my retirement. I left the State Police January 31st, 1998, effective March 1st, '98 -- my retirement. I've been gone three years.

MR. WEBER: Lieutenant Colonel, thank you for detailing that history for us.

Do you have a relative who is either currently in the State Police or who was in the State Police?

LIEUTENANT COLONEL ROBERSON: All of the documents you're looking at -- a lot of them were for Captain Roberson -- that's Captain Barry Roberson, which is a brother. Now I believe he is a lieutenant colonel.

MR. WEBER: He's still with the State Police.

LIEUTENANT COLONEL ROBERSON: Yes.

MR. WEBER: When did you first become aware of the issue of racial profiling, as it pertained to road troopers?

LIEUTENANT COLONEL ROBERSON: My knowledge-- I have no knowledge of racial profiling, to be honest with you. I don't know where racial profiling -- the title started. You know, we don't train it. We're not taught it. Nowhere along the line in my career have I ever been instructed regarding racial profiling or have I instructed anyone regarding racial profiling. That was not -- is not a term -- or two words that has ever been taught during my time

in the State Police.

MR. WEBER: I understand that hasn't -- let me see -- as you've testified, hasn't been taught at the State Police, but certainly it's an issue that the State Police has had to deal with during parts of your tenure at the State Police, right?

LIEUTENANT COLONEL ROBERSON: Towards the end of my tenure, there was allegations of racial profiling. To be honest with you, I don't know where the term started.

MR. WEBER: When do you first remember the allegations of racial profiling coming to your attention when you were at the State Police?

LIEUTENANT COLONEL ROBERSON: I would have to say probably after the Gloucester County decision against the outfit.

MR. WEBER: Okay. That's the *Soto* case.

LIEUTENANT COLONEL ROBERSON: Yes, sir. I believe so.

MR. WEBER: How did you find out about the Gloucester County decision?

LIEUTENANT COLONEL ROBERSON: Well, in 1996, I was still an active member of the State Police. I was the lieutenant colonel -- the executive officer at the time. I believe that was a '96 case.

MR. WEBER: Yes. The decision was in March of 1996.

LIEUTENANT COLONEL ROBERSON: Okay. March of '96, I was the executive officer to lieutenant colonel -- not the deputy, but the executive, the third highest ranking personnel.

MR. WEBER: Who was that person at that time?

LIEUTENANT COLONEL ROBERSON: Who was the deputy?

MR. WEBER: Yeah.

LIEUTENANT COLONEL ROBERSON: I believe Lieutenant Colonel Val Littles.

MR. WEBER: Were you aware that Lieutenant Colonel Littles chaired a committee that was formed after the *Soto* decision?

LIEUTENANT COLONEL ROBERSON: Yes, sir.

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

LIEUTENANT COLONEL ROBERSON: I believe that he chaired it. It was established as a result of that. I mean, I'm aware of it because of, you know, meetings with the three of us -- Colonel Williams, myself, and Littles. And I remember him chairing it. And I believe in his absence or when he retired, I believe I sat in on a couple of meetings also.

MR. WEBER: You said you had meetings with Lieutenant Colonel Littles and Colonel Williams. I guess it was after the *Soto* decision was released.

LIEUTENANT COLONEL ROBERSON: I'm talking about in general meetings. We would meet every day or so.

MR. WEBER: Who-- I'd like you to detail for me the discussion that occurred in connection with the formation of this committee. Whose decision was it to form the committee?

LIEUTENANT COLONEL ROBERSON: I couldn't remember that?

MR. WEBER: Do you remember whose decision it was who would be a part of the committee?

LIEUTENANT COLONEL ROBERSON: I believe there is an SOP established that delineates or lists who-- Let's remember that I've been gone

three years. I believe there's an SOP for the search and seizure review committee that eventually was established. That lists the members of it. I believe the Colonel listed the times that they meet in that SOP and the members. I believe there's someone from the Training Bureau, the Colonel, and there's other people listed. I'd have to see it to--

MR. WEBER: All right. I want to make sure we're clear, because I think we're actually talking about two different committees.

LIEUTENANT COLONEL ROBERSON: Okay.

MR. WEBER: There was the SOP, and I believe we have that document. I'll show that to you later on. There was the SOP that revived the Search and Seizure Review Committee. But there was a separate committee that was put together with members of the State Police and two members from the Attorney General's Office, DAGs Fahy and Susswein.

LIEUTENANT COLONEL ROBERSON: Okay.

MR. WEBER: That met after the *Soto* decision was released.

LIEUTENANT COLONEL ROBERSON: I vaguely remember the meeting. I don't remember the content of those.

MR. WEBER: Okay.

LIEUTENANT COLONEL ROBERSON: I'm sorry.

MR. WEBER: Do you-- Did you attend any of those committee meetings?

LIEUTENANT COLONEL ROBERSON: I may have. I may have, in Colonel Little's absence or after his retirement.

MR. WEBER: Okay. That's the committee I was referring to when we were talking about Colonel Little's chairing that committee.

LIEUTENANT COLONEL ROBERSON: Okay.

MR. WEBER: Were you involved in discussions--

LIEUTENANT COLONEL ROBERSON: I wouldn't have attended, probably, when he was there, to my knowledge.

MR. WEBER: When did he retire? Do you remember?

LIEUTENANT COLONEL ROBERSON: I guess he retired in '97.

MS. GLADING: Williams?

MR. WEBER: Val Littles.

LIEUTENANT COLONEL ROBERSON: No, Littles.

MR. WEBER: I will represent to you that there has been testimony by various witnesses, as well as documentation, that reflects that there was a committee that was chaired by Lieutenant Colonel Littles. On that committee was Sergeant Gilbert, Major Brennan, Detective Reilly. There were a few other members from the State Police, but also Deputy Attorneys General Susswein and Fahy.

LIEUTENANT COLONEL ROBERSON: Okay.

MR. WEBER: Is that the committee that you were referring to a few minutes ago when we talked about you having discussions with Lieutenant Colonel Littles and Colonel Williams?

LIEUTENANT COLONEL ROBERSON: I don't know whether I was part of that. I'd have to review the documents. I think he was--

MR. WEBER: You weren't part-- I will represent to you you weren't identified as being part of the committee. What I'm trying to find out--

LIEUTENANT COLONEL ROBERSON: No, I don't have-- He would have handled that--

MR. WEBER: Okay.

LIEUTENANT COLONEL ROBERSON: --as the deputy.

MR. WEBER: What I'm trying to find out from you though, Lieutenant Colonel, is were you involved in any discussions that concerned the formation-

LIEUTENANT COLONEL ROBERSON: Not to my knowledge.

MR. WEBER: --of the that committee.

Lieutenant Colonel, if we could just -- going forward-- I appreciate you want to answer my questions. I've got a hearing reporter over here, and we're starting to step on each other.

LIEUTENANT COLONEL ROBERSON: Okay.

MR. WEBER: So just let me ask the question and then provide the answer. I appreciate that you want to get through this, but I want to make sure we make life easy for the hearing reporter.

All right. So you have a recollection of there, at least, being this committee chaired by Lieutenant Colonel Littles.

LIEUTENANT COLONEL ROBERSON: I remember him -- Littles having the meetings. I don't believe I was part of it.

MR. WEBER: Was there any discussion as to what the purpose of this committee would be?

LIEUTENANT COLONEL ROBERSON: I don't remember the discussion. We're going back quite a while now.

MR. WEBER: Do you have any recollection as to -- and I'm not even talking about a specific discussion, but any recollection as to the general purpose that was chaired by Lieutenant Colonel Littles?

LIEUTENANT COLONEL ROBERSON: The name of the committee was?

MR. WEBER: There wasn't an official name given to the committee.

LIEUTENANT COLONEL ROBERSON: No.

MR. WEBER: It was a committee that was supposed to address the issues that were set forth in Judge Francis's decision in the *Soto* case.

LIEUTENANT COLONEL ROBERSON: We certainly wanted to adhere to whatever came from the decision by the county judge. Whether we had agreed with the decision or not, we had, by law, to abide by everything. And I believe that committee was established to make sure that we were following the guidelines of the decision.

MR. WEBER: Did you have any understanding as to whether that committee would have the ability to make recommendations as to proposed changes of State Police protocol?

LIEUTENANT COLONEL ROBERSON: I don't know. I don't know. I don't know. Both lieutenant colonels have a function that -- by supervising each half of the State Police. And by not being part of that committee, it wouldn't be necessary for Littles or myself to sit down on a daily basis and discuss that. He would report directly back to the colonel at the time.

MS. GLADING: When you were executive officer, you had the four operational units brought under your supervision, right?

LIEUTENANT COLONEL ROBERSON: Yes, ma'am.

MS. GLADING: They had previously been under the deputy superintendent's supervision -- the operational units -- sections?

LIEUTENANT COLONEL ROBERSON: Let me clarify one thing.

There's two lieutenant colonels. One is the executive officer, one is the deputy superintendent. Normally, what would happen is the operational four sections would be under the executive officer. And the four nonoperational sections would be under the deputy. When I was the executive officer, my career was basically through mostly operational units being a detective in CIS and all the other units.

What had happened, when I became the deputy, Colonel Williams rewrote the SOPs, and I took along with me the four operational sections. And the lieutenant colonel that followed into the executive officer spot did not have the background of operational experience, so he-- We actually flip-flopped or rewrote the SOPs so that when I went into the deputy's spot, I took the operations. And I believe Lieutenant Colonel Fedorko came in and kept the nonoperational four sections. And I believe, after I left, they wrote them -- returned them, because he moved up. And then I believe Dunlop came in, and he, with his operational duties, assumed the duties of the four operational again.

MS. GLADING: When you assumed the duties of executive officer, the operation sections were already in that--

LIEUTENANT COLONEL ROBERSON: Yes, ma'am.

MS. GLADING: --under that line of command.

LIEUTENANT COLONEL ROBERSON: Yes, ma'am. They always were.

MS. GLADING: And what are the four operational sections?

LIEUTENANT COLONEL ROBERSON: The Intelligence Services Section, the Criminal Investigation Section, the Field Operations, and the

Emergency Management Section.

MR. WEBER: And the road troopers fall within the Field Operations.

LIEUTENANT COLONEL ROBERSON: Field Op, sir.

MS. GLADING: Did you have any representation from any of those sections on this committee that was chaired by Lieutenant Colonel Littles?

LIEUTENANT COLONEL ROBERSON: I don't know. You'd have to remind me who was on there, and I could tell you.

MS. GLADING: Did Trooper DiPatri fall under your supervision? He was a-- I think he was a uniformed trooper.

LIEUTENANT COLONEL ROBERSON: A uniformed trooper would be in Field Operations.

MS. GLADING: He was apparently part of the Littles group. Did he ever report to you about--

LIEUTENANT COLONEL ROBERSON: No. He wouldn't report directly to me, he'd have a chain of command to report through. But--

MS. GLADING: Who was the head of Field Operations?

LIEUTENANT COLONEL ROBERSON: Major Sparano.

MS. GLADING: Okay.

LIEUTENANT COLONEL ROBERSON: Anthony Sparano.

MS. GLADING: Did Major Sparano ever report to you about his subordinate's involvement in this group chaired by Mr. Littles?

LIEUTENANT COLONEL ROBERSON: Not that I believe. No. He would have to-- He wouldn't get a report. It would be-- Colonel Littles would report-- It wouldn't report that way. It would go from the committee to the Colonel. It wouldn't go downward.

MS. GLADING: I beg your pardon?

LIEUTENANT COLONEL ROBERSON: It wouldn't go downward. It wouldn't come back that way. It wouldn't be necessary for a trooper on that committee to report backwards.

MR. WEBER: So the *Soto* decision, which came down in March of 1996 occurred while you were the executive officer for the Lieutenant Colonel, correct?

LIEUTENANT COLONEL ROBERSON: Okay.

MR. WEBER: Okay. And Field Ops would have been one of the sections or bureaus that would have fallen within your umbrella of responsibility.

LIEUTENANT COLONEL ROBERSON: Yes, sir.

MR. WEBER: Sorry, Jo.

MS. GLADING: Did Lieutenant Colonel Littles report to you in any manner -- that subordinates of yours were participating in a committee that he chaired concerning the *Soto* decision?

LIEUTENANT COLONEL ROBERSON: I would be aware of who attended, but it wouldn't be necessary for him to report back to me.

MS. GLADING: Did Touw, Brennan, or Blaker have any -- or Gilbert, at that time, have any reporting--

LIEUTENANT COLONEL ROBERSON: I believe they all came under areas that Colonel Littles supervised.

MR. WEBER: Lieutenant Colonel, I'm going to now show you some documents.

Let's go off the record for a moment.

(Off the record)

Lieutenant Colonel, I've just handed you a packet of documents. I will represent to you that not only were all of these documents provided to us -- and all the documents I'm going to show you today -- provided to us by the Attorney General's Office, but for this particular packet, I have stapled together, just for convenience sake, some documents that are not in the same consecutive Bates range number, but deal, generally, with the same sort of topic.

And the documents that are in this packet are IA-000539, IA-000367, IA-000254, IA-000375, IA-000274, and IA-000045. And you have those in front of you.

The first document in this packet, IA-000539 is an internal investigation -- or it's a report concerning an internal investigation about illegal search/false report dated November 29, 1993. And it is from Major Val Littles to you as the bureau chief of the Internal Affairs Bureau. And it's from Colonel Justin Dintino.

Ordinarily, if there was an allegation that a trooper was falsifying a report, is that something that would have been addressed through the Internal Affairs Bureau?

LIEUTENANT COLONEL ROBERSON: Yes.

MR. WEBER: In your capacity, or in your involvement with the Internal Affairs Bureau -- and that was from March of 1990 to June of 1994. Can you ever remember an instance where a trooper who was alleged to have falsified a report -- where that allegation was forwarded to the Attorney General's Office for a possible prosecution and indictment?

LIEUTENANT COLONEL ROBERSON: I don't recall any being forwarded to the Attorney General's Office. Any that were-- Any report that was returned or referred to the AG's Office would be due to a potential criminal. And we were mandated to send them down there for their review as to-- And we would hold up on the internal investigation, forward it to the Attorney General's Office for their review and determination as to whether to proceed administratively or criminally.

MR. WEBER: But for the instance concerning an allegation of a false report, that is something that, ordinarily, would not have been forwarded to the AG's Office, correct?

LIEUTENANT COLONEL ROBERSON: Not unless there was a potential criminal element proven.

MR. WEBER: A related offense, something that occurred in connection with the falsification of the report--

LIEUTENANT COLONEL ROBERSON: Correct.

MR. WEBER: --but an act separate and apart from the actual falsification.

LIEUTENANT COLONEL ROBERSON: If there was anything criminal, it was forwarded to the Attorney General's Office.

MS. GLADING: Just to clarify, something criminal?

LIEUTENANT COLONEL ROBERSON: Criminal allegation.

MS. GLADING: Merely falsifying paperwork, not in connection, necessarily, with any criminal act -- would not be considered a criminal allegation.

LIEUTENANT COLONEL ROBERSON: I don't think-- In my

memory, I don't believe that would be forwarded, at that time, to the AG's Office.

MR. WEBER: The second page, IA-000367 and the third page, IA-000254-- The first one deals with attitude and demeanor. It's, again, an Internal Affairs investigation report. And the second document concerns improper driving and racial/sexual remarks.

I take it that this fell within Internal Affairs' purview to investigate complaints either by motorists or by, you know, other individuals concerning either a bad attitude, racial slurs, prejudicial remarks that were allegedly made by a State trooper in connection with their official duties, correct?

LIEUTENANT COLONEL ROBERSON: That's correct.

MR. WEBER: Explain for me-- And you'll forgive my ignorance. But explain for me how the process works. I mean, you're a major at this point. You're--

LIEUTENANT COLONEL ROBERSON: At this point, I was a captain.

MR. WEBER: Correct.

LIEUTENANT COLONEL ROBERSON: I was the supervisor of the -- acting -- in an acting major spot.

What would happen with a-- You want the process of the Internal Affairs?

MR. WEBER: Please.

LIEUTENANT COLONEL ROBERSON: All right. Once a complaint comes into the Internal Affairs Bureau, it either comes over the phone, it comes through the door, or it comes in writing. As a result of that, we would fill out an Internal Affairs compliant form, which is the 251 form at that time.

I don't know what the forms are now.

Once that 251 form was filled out, the Internal Affairs-- There was a lieutenant in charge of investigations. He would log the form into a register and assign the investigation to one of the troops, unless it was of a criminal allegation. All the criminal allegations were basically handled by the Internal Affairs people, which we had limited people at the time conducting Internal Affairs. But the criminal allegations were handled by the Internal Affairs Bureau.

The attitude and demeanors and a lot of the other complaints were sent back to the troop commander. And he would assign it to the station commander to conduct or someone in his troop to conduct the invest. They would do an investigation of the attitude and demeanor, or whatever the complaint was, and forward that investigation through channels through the troop commander. They would review it to make sure it was done entirely or see if they wanted anything further conducted or changed. And then it would be forwarded to the Internal Affairs Bureau for a review.

We would read it. Three individuals in Internal Affairs would read it. And it would be-- On a monthly basis, there would be-- There was two advisory boards, which-- Six captains sat on each board -- six State Police captains. And they would get, probably, 25 to 30 internals a month. I'm estimating. And they would meet once a month to review the internals that they were sent the month before. And they would go through each case. They had during the month to read them. Then they would meet and go over each case and see if they agreed with the determination of the investigator, whether it was founded or unfounded, and proceed from there and recommend

punishment, if punishment was due in a particular case -- any discipline.

After they all went to the advisory board, they were returned to the Internal Affairs Bureau, who, in turn, gave them to the superintendent. The superintendent had the final word. On all the Internal Affairs cases. If discipline was the order of the day for an individual case, then we would -- the Internal Affairs Bureau would get them all back -- either issue discipline or issue a notification of disposition as this one is -- 00367 -- that no further action be taken in the investigation. It was a lengthy process for each case, no matter how large or how small.

MR. WEBER: Okay.

MS. GLADING: Would anonymous complaints be handled in the same manner?

LIEUTENANT COLONEL ROBERSON: Yes, we did anonymous complaints.

MS. GLADING: Was there something called an M file?

LIEUTENANT COLONEL ROBERSON: We had a file called the-- I believe it was another -- two registers. One were for administrative inquiry complaints. These were minor complaints where -- basically, where someone would call with a minor complaint, or either not pursue it, not ever be available for interview, but never a complaint of a serious nature. Some people wished to call and complain, but not pursue it. They thought they could just call the Internal Affairs Bureau and say, "I didn't like the trooper's attitude," and that's that. But when they found out that we do have a process of investigating each and every complaint, then they didn't want to spend the time to pursue it, so we would list -- we would give it an administrative inquiry number. And I

believe that process was started with Colonel Dintino.

MS. GLADING: Was that the M file?

LIEUTENANT COLONEL ROBERSON: M file? I don't-- M file--
Refresh my memory.

MS. GLADING: I asked you earlier was there something called an M
file.

LIEUTENANT COLONEL ROBERSON: We used administrative
inquiry.

MS. GLADING: You said there were another two registries. What was--

LIEUTENANT COLONEL ROBERSON: That was the administrative
inquiry and the internal investigation -- the normal register.

MS. GLADING: Okay.

MR. WEBER: You talked about there being two advisory boards. On
each advisory board there were six captains.

LIEUTENANT COLONEL ROBERSON: Six State Police captains.

MR. WEBER: Did you ever sit on an advisory board?

LIEUTENANT COLONEL ROBERSON: I had oversaw the advisory
board in my capacity as captain of Internal Affairs, but never a member of it.

MR. WEBER: Okay. Overseeing the advisory boards as captain of
Internal Affairs, would it be correct to say that you would see every case file
before it went up to the superintendent?

LIEUTENANT COLONEL ROBERSON: During my tenure as the
captain and as the assistant in Internal Affairs, I read every internal in the
State Police.

MR. WEBER: Okay. And what years did that encompass? Is that the

whole time you were there in '90 to, I guess, '94?

LIEUTENANT COLONEL ROBERSON: That would be between June of '94-- Scratch that. That would be from March of '90 until June of '94.

MR. WEBER: Okay. So from March of '90 to June of '94, you read every single Internal Affairs case.

LIEUTENANT COLONEL ROBERSON: That's correct, to my knowledge.

Do I remember them? No. (laughter)

MR. WEBER: I'd put a big S on your chest if you did.

LIEUTENANT COLONEL ROBERSON: Thank you very much.

MR. WEBER: Lieutenant Colonel, were-- Did you ever do an analysis from '90 to '94, or did Internal Affairs do an analysis, or did you request someone in Internal Affairs to do an analysis to determine, sort of, the percentages, how the complaints broke out, the percentage of complaints in a year that related to demeanor, the percentage of complaints in a year that related to harassment, things to that effect?

LIEUTENANT COLONEL ROBERSON: I don't recall doing an annual report. I'm sure we reported to the Colonel as to the type of complaints that we had received for each year. We never, to my knowledge, made public the information of the complaints -- the type complaints that we got.

MR. WEBER: Did you, from 1990 to 1994, have an idea about what complaints during that time period sort of prevailed? What were the more common kinds of categories of complaints?

LIEUTENANT COLONEL ROBERSON: During those times -- the early-- I would say that the majority were attitude and demeanor.

MR. WEBER: For those majority of cases, attitude and demeanor, how-- Could you put a-- Could you quantify what percentage of the attitude and demeanor complaints concerned allegations of either racial bias or racial harassment or--

LIEUTENANT COLONEL ROBERSON: When I said attitude and demeanor, I meant attitude and demeanor. I don't-- That would be a separate-- I would have-- Those-- If there was any type of complaints like that, I believe that's a separate type.

MR. WEBER: Okay. So attitude and demeanor, which is indicated in IA-000367, would be a separate category from what is indicated in IA-000254, improper driving and racial/sexual remarks.

LIEUTENANT COLONEL ROBERSON: There's two complaints there.

MR. WEBER: I understand that, but I'm just trying to get an idea of how these categories would work. Attitude and demeanor would be a separate category from--

LIEUTENANT COLONEL ROBERSON: Right.

MR. WEBER: --from a complaint about either racial or sexual remarks. So racial and sexual remarks would not be encompassed within attitude and demeanor.

MS. GLADING: Could-- Was there a category-- Were there any other categories that dealt with behavior alleging some kind of racial bias, aside from racial remarks?

LIEUTENANT COLONEL ROBERSON: Not that I'm aware of. We listed them the way they -- the way that the compliant had come in and investigated them fully as to whatever the complaint was. I don't have any

records in front of me, as far as the--

MS. GLADING: In terms of your categories, though, were these fixed categories?

LIEUTENANT COLONEL ROBERSON: No, whatever the complaint was. There's no fixed category that they would fall under. We'd have to list them all the way that they received them.

MS. GLADING: Did you do annual compilations of the numbers of complaints -- the aggregate number of complaints?

LIEUTENANT COLONEL ROBERSON: Not unless the Colonel requested. That's not-- We kept a running total for the years, sure, because we had the ledgers to go by.

MS. GLADING: Would you break that out by citizen complaints?

LIEUTENANT COLONEL ROBERSON: If we were requested by the Colonel. I don't remember the Colonel using any of those type reports in any of them to my knowledge.

MS. GLADING: Do you recall when Colonel Dintino took office -- the changes in the standard operating procedure F-55?

LIEUTENANT COLONEL ROBERSON: Which one was it?

MS. GLADING: The--

LIEUTENANT COLONEL ROBERSON: Not the number, the--

MS. GLADING: Do you recall Colonel Dintino, when he took office, making public statements and Attorney General Del Tufo making public statements about heightened sensitivity to protecting civil liberties, even if it meant a drop in drug arrests?

LIEUTENANT COLONEL ROBERSON: I knew that was a concern of

the Colonel, yes.

MS. GLADING: Did you see any reflection from your end in IAB, in a change in IAB complaints?

LIEUTENANT COLONEL ROBERSON: Not that I remember. No, ma'am.

MS. GLADING: A change in volume?

LIEUTENANT COLONEL ROBERSON: Not that I remember.

MR. WEBER: Lieutenant Colonel, could you turn to the last document in this packet IA-000045? It is an IOC dated January 4, 1995 from Captain Hill to Captain Mattos through you as the major of the Division Staff Section. And the subject is allegation of retaliation of trooper -- and the name has been redacted -- as a result of him reporting racially motivated motor vehicle stops.

I'd ask that you read the body of this IOC and just indicate to me when you're finished reading it.

LIEUTENANT COLONEL ROBERSON: Okay.

MR. WEBER: Do you have any recollection of the case that's discussed in this IOC?

LIEUTENANT COLONEL ROBERSON: No, I don't.

MR. WEBER: If you take a look at the second paragraph. Well, the first paragraph talks about--

LIEUTENANT COLONEL ROBERSON: But let me just explain.

MR. WEBER: Sure.

LIEUTENANT COLONEL ROBERSON: Captain Hill, now, is in the Internal Affairs Bureau. I had moved to the Division Staff Section. The Internal Affairs Bureau would come under the Division Staff Section. What

he's doing is forwarding this information to Captain Mattos of the EEO Affirmative Action Bureau for his information. As a result of that, this report would pass through my office, and I would forward it, because Hill worked for me.

MR. WEBER: Okay.

LIEUTENANT COLONEL ROBERSON: So what's happening here-- This is a normal interoffice communication. He sends it by our standard operating procedures, through the so-called channels. So he's going to send it to me, and I'm going to forward it directly to Mattos, because it's a report of sensitive nature. Would it have more names on it normally? Yes. But it's a sensitive report, so I'm just-- All I'm doing is forwarding from Hill to Mattos as a formality.

MR. WEBER: And it's going to-- It's going to Mattos because--

LIEUTENANT COLONEL ROBERSON: Because of the--

MR. WEBER: --there is an allegation by a trooper that he was being targeted because he reported that there were two white troopers--

LIEUTENANT COLONEL ROBERSON: Racially motivated--

MR. WEBER: --who--

LIEUTENANT COLONEL ROBERSON: --motor vehicle stops.

MR. WEBER: Okay. So potentially-- There was potentially an EEO Affirmative Action Bureau issue involved in this as a result of the allegations.

LIEUTENANT COLONEL ROBERSON: Or, maybe-- Yeah. He may have, you know, something going on-- There may have been an ongoing report with these people, so he should have this information because of the terminology and because of what is listed on there.

MR. WEBER: Okay. Let me direct your attention to--

LIEUTENANT COLONEL ROBERSON: And it wasn't necessary for Mattos to report back through channels. He only would have to report to the -- upstairs to colonels.

MR. WEBER: Let me direct your attention to the second paragraph -- the second to the last sentence and the last sentence. "As a result of the investigation, it was discovered that Trooper Blank and Sergeant Blank" -- and I say blank because they were redacted -- "had falsified numerous station reports. This case has been completed, and both Sergeant Blank and Trooper Blank have been disciplined for their actions."

This then would be another example of how a falsification of station reports is something that would have been dealt with within Internal Affairs and not forwarded over to the AG's Office.

LIEUTENANT COLONEL ROBERSON: I don't have any information in front of me to say that the AG's Office had reviewed it. I would have to look at this and say that there's an internal investigation, or those individuals had been disciplined for -- according to Captain Hill. He's reporting that the Internal Affairs Bureau had received this investigation. And both of those individuals had been disciplined.

MR. WEBER: Well the word -- the use of the word disciplined here has specific meaning to the State Police and the Internal Affairs process, correct, because the use of the word discipline indicates that it was something that was addressed internally through Internal Affairs?

LIEUTENANT COLONEL ROBERSON: Correct.

MR. WEBER: If there was a criminal prosecution, there would have

been some indication in this memo that there is a subsequent criminal prosecution, correct?

LIEUTENANT COLONEL ROBERSON: Yes, sir. I'd have to say that looking at this, it would make me believe that the Internal Affairs Bureau had handled that case, whatever the case was.

MS. GLADING: After you were promoted to major, didn't you keep a strong interest in IAB affairs?

LIEUTENANT COLONEL ROBERSON: I certainly did, because it came under my -- not only with my past experience in Internal Affairs and the people there, but I still had -- it came under my responsibility.

MS. GLADING: Do you-- Let me see. You were reported to-- You were promoted to major in June of '94, right?

LIEUTENANT COLONEL ROBERSON: That's correct.

MS. GLADING: Did these allegations-- You indicated that these IAB investigations took a long time to resolve. Did the allegations of racially motivated stops come to your attention while you were IAB captain?

LIEUTENANT COLONEL ROBERSON: I have no instant recall to it, but that's possible. Yes. I don't know which -- the total cases that came to me. Sitting here now, after all this time, seven years ago-- But is that possible, yes. And I'm sure that they were all handled properly.

MR. WEBER: Lieutenant Colonel, I'm going to show you a new document, GC-001279. For the record, it is a March 29, 1996 IOC from Lieutenant Colonel Littles to Sergeant Legg. And you were one of the individuals who the IOC went through through, the chain of command.

Have you had an opportunity to take a look at the document?

LIEUTENANT COLONEL ROBERSON: Yes.

MR. WEBER: Lieutenant Colonel, this IOC makes reference to the recent Gloucester County suppression hearing. And I take it that's the *Soto* decision, correct?

LIEUTENANT COLONEL ROBERSON: I believe so.

MR. WEBER: The *Soto* case.

There is a discussion in here about ensuring compliance with SOP F-3, in particular, the necessity to call in all stops with accurate descriptions of vehicle occupants. Do you see that?

LIEUTENANT COLONEL ROBERSON: Yes, sir.

MR. WEBER: Okay. What was your understanding of the requirements of SOP F-3 at this time -- back in 1996?

LIEUTENANT COLONEL ROBERSON: It's my understanding that all troopers were mandated, as in the past, to call in the stops with an accurate description of the occupants in the vehicle. And I'm sure if they were able to see somewhat of that-- Sometimes at night, I guess, they weren't able to actually make it out until they actually approached the car. But if they could, I'm sure they were supposed to, by SOP, call in the description of the vehicle occupants.

MR. WEBER: Okay. Let me just understand sort of the chain of individuals here. Lieutenant Colonel Littles, at this time -- this is March of '96 -- is the deputy superintendent. You are his executive officer, correct?

LIEUTENANT COLONEL ROBERSON: I'm the next colonel in line. The third person.

MR. WEBER: Okay. So this is now sent from Lieutenant Colonel --

Deputy Superintendent Littles, who's the second in the chain of command, to you, who's the third in the chain of command. And then you then--

LIEUTENANT COLONEL ROBERSON: He's actually sending this IOC to Legg.

MR. WEBER: Okay. But I'm trying to just understand how this works.

LIEUTENANT COLONEL ROBERSON: And as a courtesy, he's putting the other people on it.

MR. WEBER: He's putting the other people on.

LIEUTENANT COLONEL ROBERSON: So you would be aware of what he sent down.

MR. WEBER: Okay, but--

LIEUTENANT COLONEL ROBERSON: It doesn't appear that I read this, because my initials are not on it.

MR. WEBER: Okay. You would have put your initials on it if you read it?

LIEUTENANT COLONEL ROBERSON: Yes.

MR. WEBER: Sparano is the supervisor of the Field Operations Section at this time, correct?

LIEUTENANT COLONEL ROBERSON: Yes, sir.

MR. WEBER: Okay. So he is the individual who is the supervisor over all the road troopers, correct?

LIEUTENANT COLONEL ROBERSON: Yes, sir.

MR. WEBER: All right. Then Captain Lewis is the bureau chief for the Field Services Bureau. What-- Did road troopers fall within the Field Services Bureau?

LIEUTENANT COLONEL ROBERSON: Yes.

MR. WEBER: Okay. Major Sparano, I take it, supervised Captain Lewis, correct?

LIEUTENANT COLONEL ROBERSON: That's correct.

MR. WEBER: All right. And the Field Services Bureau fell within the Field Operations Section?

LIEUTENANT COLONEL ROBERSON: That's correct, sir.

MR. WEBER: And then Sergeant Legg is the supervisor of Operational Dispatch Unit. I guess he was in charge of all the dispatches.

LIEUTENANT COLONEL ROBERSON: That's a unit that fell under the direction of Captain Lewis.

MR. WEBER: Okay. And what was the function of the Operational Dispatch Unit?

LIEUTENANT COLONEL ROBERSON: They're the communication unit, the people that actually handle the radio communications and transmissions in Jersey.

MR. WEBER: So Sergeant Legg, at this time, March of 1996, was the supervisor over that Operational Dispatch Unit.

LIEUTENANT COLONEL ROBERSON: That's correct.

MR. WEBER: He would have been the supervisor over all the dispatchers, all the individuals who would have been communicating with the road troopers when they made stops, correct?

LIEUTENANT COLONEL ROBERSON: Yes, sir.

MR. WEBER: There is no mention of SOP F-55 in this interoffice communication. And SOP F-55, I'll represent to you, was put in place under

Colonel Dintino. Do you have any recollection as to what SOP F-55 required?

LIEUTENANT COLONEL ROBERSON: No.

MR. WEBER: Okay. SOP F-55 was an SOP that comprehensively dealt with issues of searches and seizures. There also was an aspect or requirement within SOP F-55, which prohibited State Troopers or State Police from using race as a basis, basically, to conduct any activity, aside from, you know, a specific alert. "You're looking for a 35-year old white male six-foot five." Does that refresh your recollection as to the existence--

LIEUTENANT COLONEL ROBERSON: I believe somewhat.

MR. WEBER: --and use of SOP F-55?

LIEUTENANT COLONEL ROBERSON: Sure.

MR. WEBER: Okay. Do you have any knowledge as to why SOP F-55, which also dealt with the issue of race, was not included in this IOC?

LIEUTENANT COLONEL ROBERSON: I believe that's a question for Colonel Littles. I don't know, sir. I don't know why he wouldn't put that in it. He specifically-- I guess he's ensuring in this short IOC that they used the accurate description of vehicle occupants. He's enforcing that by this IOC.

MR. WEBER: When the *Soto* decision was released, do you remember having any meetings or communications with either Lieutenant Colonel Littles or Colonel Williams about the impact of the decision and what the State Police would need to do in response to that decision?

LIEUTENANT COLONEL ROBERSON: I don't remember specific meetings. I'm sure we met and discussed the fact that Colonel Williams was a very thorough individual and a good leader in the State Police, and I'm sure I remember him -- even though we may not have agreed with that decision,

which we don't have to agree with all the decisions-- But he, emphatically, I know -- and most all of -- made sure that all the troopers would adhere to that decision.

MR. WEBER: Were there any discussions--

LIEUTENANT COLONEL ROBERSON: But I don't remember specific meetings.

MR. WEBER: Do you remember there being any discussions as to what SOPs should be addressed and the compliance with certain SOPs? I mean, for instance, in the *Soto* decision, there was a lot of discussion by the judge about the failure of the road troopers to comply with SOP F-3 and that there was a third of the data missing -- or actually two-thirds--

MS. GLADING: Two-thirds.

MR. WEBER: --of the data missing?

LIEUTENANT COLONEL ROBERSON: I don't remember the reason. Maybe we didn't have the capabilities at that time, before CAD, to retrieve all of that. I don't really remember all the facts as to why the--

MS. GLADING: Just to clarify. The data was missing from the radio log, which--

LIEUTENANT COLONEL ROBERSON: Oh, from the logs.

MS. GLADING: It was never--

LIEUTENANT COLONEL ROBERSON: It was never recorded.

MR. WEBER: Never entered. Correct.

LIEUTENANT COLONEL ROBERSON: Okay. Then I'm going another way. I apologize.

MR. WEBER: No. Don't worry.

Actually, we've got some CAD stuff we'll talk to you about soon.

The noncompliance with SOP F-3 was one of the big issues in that decision. Do you remember there being any discussions? Did you participate in any discussions or in any meetings in which it was discussed, "How do we get the compliance rates of SOP F-3 up?"

LIEUTENANT COLONEL ROBERSON: I don't remember specific meetings, but as I stated, as a result of the decision by the judge, the Colonel, emphatically stated everybody will comply with -- no matter what they hadn't complied with in the past. I know that he was emphatic that all the SOPs be complied with. And that's why you see these IOCs generated as a result of that decision.

MR. WEBER: Well, the Field Operations Section fell within your command in 1996, correct?

LIEUTENANT COLONEL ROBERSON: That's correct.

MR. WEBER: Okay. And it stayed within your command until May of 1997, correct?

MS. GLADING: No.

MR. WEBER: Well, that's when you left your position as executive officer.

LIEUTENANT COLONEL ROBERSON: That's correct.

MS. GLADING: I'm sorry. I thought I heard your testimony -- that Field Operations moved with you when you became deputy superintendent.

LIEUTENANT COLONEL ROBERSON: Yes.

MS. GLADING: Okay. So it stayed with you until your retirement.

LIEUTENANT COLONEL ROBERSON: Yes.

MR. WEBER: All right. So from--

Thank you, Ms. Glading.

So from July '95 until-- Well, let's actually go back. In January of '95, you were the major of the Field Operations Section, correct?

LIEUTENANT COLONEL ROBERSON: Yes.

MR. WEBER: Prior to that, you were the major of the Division Staff Section, which, I take it, had no involvement with Field Operations.

LIEUTENANT COLONEL ROBERSON: No, two separate functions.

MR. WEBER: Okay. So starting in January of '95 up until January of '98 -- for those three years, the Field Operations Section fell within your purview of responsibility.

LIEUTENANT COLONEL ROBERSON: It was -- yeah, under my responsibility.

MR. WEBER: Okay. When the decision comes out, and-- You would agree with me, would you not, that the *Soto* decision really dealt with the road troopers -- fell within the Field Operations?

LIEUTENANT COLONEL ROBERSON: That's correct.

MR. WEBER: Okay. So the *Soto* decision primarily impacted one of the areas that you were primarily responsible for, correct?

LIEUTENANT COLONEL ROBERSON: That's correct.

MR. WEBER: What, if anything, did you do to address the judge's decision to make sure that going forward -- the issue of racial profiling would be addressed?

LIEUTENANT COLONEL ROBERSON: All of the directives at the time that were sent out-- I met with Major Sparano, I'm sure -- in the staff

meetings with the Colonel -- everything was enforced -- all the SOPs, especially involving road stops -- and all the SOPs would be strictly adhered to. But we always reiterated at our meetings and spoke directly about enforcing SOP F-3 and all of them. I made it perfectly clear to our people that we expected all the SOPs to be adhered to.

MR. WEBER: Now, the *Soto* decision dealt with stop data, but sometime after the *Soto* decision came out, there became an issue with consent to search data. And do you have any, as you sit here today -- any appreciation for the difference between the stop data versus the consent to search data?

LIEUTENANT COLONEL ROBERSON: Do I have a recall as to that? No.

MR. WEBER: Do you recall Sergeant Gilbert conducting an analysis in connection with this committee that was chaired by Lieutenant Colonel Littles, which revealed that the consent to search data numbers -- the numbers of minorities that were consenting to searches was drastically higher than the stop data that was relied on by the defense in the *Soto* case.

LIEUTENANT COLONEL ROBERSON: I believe-- I remember Gilbert being assigned to do various reports. I may have seen some of his reports. Do I remember them specifically? No.

MR. WEBER: Do you remember--

LIEUTENANT COLONEL ROBERSON: And I remember the -- a lot of statistics being compiled as a result of that in various areas of the state.

MR. WEBER: Okay. Do you remember who was conducting statistics in response--

LIEUTENANT COLONEL ROBERSON: I know of one individual,

Lieutenant Hinkle did reports for the State at various stations that were picked for various times. The exact numbers I can't remember -- along with Gilbert -- to the best of my knowledge.

MR. WEBER: You had said before that when the decision came out, though it didn't matter whether you agreed with it or you didn't agree with it -- going forward -- you were going to ensure that all the SOPs were complied with.

Do you remember there being discussions about the veracity of the statistics that were presented in the *Soto* case that the judge relied upon?

LIEUTENANT COLONEL ROBERSON: I don't remember specifically. I think, to the best of my recollection, we-- I don't know how they could have relied on -- to make that decision -- if I remember correctly -- how they could have relied on so many nighttime statistics because it's very hard to see out there at nighttime as to who you're stopping with the volume and speed of the cars. These people would have to be -- have night goggles on to see who's in these cars -- or they would certainly have better eyes than I have.

MR. WEBER: Did there come a point in time when you became aware of the existence of statistics in connection with the consent to search data that indicated that there was a much higher percentage of minorities consenting to searches versus nonminorities?

LIEUTENANT COLONEL ROBERSON: I don't recall the exact numbers or the high percentage.

MR. WEBER: I'm not asking you about the exact numbers. But do you recall, at a point in time after the *Soto* decision, that it came to light that the consent to search data was less than favorable for the State Police?

LIEUTENANT COLONEL ROBERSON: I believe that's the way the reports ended up reflecting.

MR. WEBER: When did you become aware of that. And again, I'm not holding you to specific numbers. But do you remember who informed you of it?

LIEUTENANT COLONEL ROBERSON: No.

MR. WEBER: Do you remember when you were informed of it?

LIEUTENANT COLONEL ROBERSON: No, I don't. I don't remember.

MR. WEBER: Show you a new document -- OAG-005903 through OAG-005911.

Incidentally, before we move onto this new document, prior to the issuance of the *Soto* decision in March of 1996, were you aware of there being a compliance problem with SOP F-3?

LIEUTENANT COLONEL ROBERSON: No, sir. Not to my recollection.

MR. WEBER: Was there any individual or any office within the State Police that was charged with the responsibility of auditing compliance with SOPs?

LIEUTENANT COLONEL ROBERSON: We had a management review unit that worked, specifically, for the Colonel, but I don't recall them-- They may have, I don't know. I don't remember audits of that nature in the past.

MR. WEBER: The new document I have provided to you and identified for the record-- The first page is an IOC dated June 6th, 1996 from Major Sparano through you to Lieutenant Littles and Major Fedorko. And it

concerns "patrol issues/concerns at Moorestown Station -- special reports of Lieutenant B. Gilbert and Sergeant J. Smith."

I'd ask you to take a look at this document, please. Let me know when you're finished.

LIEUTENANT COLONEL ROBERSON: All right, sir.

MR. WEBER: Do you remember these documents -- remember seeing these documents back in June of 1996?

LIEUTENANT COLONEL ROBERSON: I don't remember seeing them, but I remember I did read them because they're my initials on the report. That was a concern, I guess, as a result of Sergeant Smith -- and a perception, as he stated, of minority troopers that racial profiling be utilized -- as utilized for motor vehicle stops. As a result, I see there's a lot of interviews.

MR. WEBER: Let me understand.

LIEUTENANT COLONEL ROBERSON: The Moorestown Station.

MR. WEBER: Let me understand how this would have developed.

Would you have received the IOC of June 6th, 1996 with all this information -- and that would have been the first time you would have been made aware of the concerns and the interviews that were conducted and the end results, or would you have been involved earlier on in the process in authorizing Gilbert and Smith to actually go out and conduct these interviews?

LIEUTENANT COLONEL ROBERSON: This, apparently, came from Field Operations through me to Littles and Fedorko. And I don't remember ever seeing it before then.

MR. WEBER: So in other words, you would have been made aware of the minority troopers at the Moorestown Station -- expressions of concerns

regarding the appearance of profile stops after all the work was done, the interviews were conducted, the report was put together.

LIEUTENANT COLONEL ROBERSON: I don't know whether I was verbally aware of it by Major Sparano. They were doing this as a result of Sergeant Smith's report. I may have been, before the report was actually done. I may have been aware of what they were doing. I don't remember.

MS. GLADING: What kind of working relationship, day to day, did you have with Major Sparano?

LIEUTENANT COLONEL ROBERSON: I would meet with the Major on a daily basis.

MS. GLADING: He was at Division headquarters.

LIEUTENANT COLONEL ROBERSON: I would see him daily.

Ma'am?

MS. GLADING: He was at Division headquarters?

LIEUTENANT COLONEL ROBERSON: Yes. He was on another floor of the building I was in.

MS. GLADING: And during those meetings, what would you talk about, generally?

LIEUTENANT COLONEL ROBERSON: We would talk about anything, even if it had to do with business or not.

MS. GLADING: Did you keep an active interest in the Field Operations Section?

LIEUTENANT COLONEL ROBERSON: Daily. But every-- That's why you have eight sections and eight majors, because one individual can't be responsible for 2700 troopers. That's why we delegate the authority to the

majors. And at the conclusion of the report -- then I got the actual -- what was actually put on it. Was I aware of the ongoing interviews? No.

MS. GLADING: What kind of matters would be important enough for Sparano to raise them with you in these daily meetings?

LIEUTENANT COLONEL ROBERSON: Anything out of the ordinary, any problem to do with any station, such as listed in here. I'm sure I was aware of what they were doing but didn't have a need to go to the Moorestown Station myself. I visited the station on several occasions if I was in the area. And I had met with the troopers there often, probably more so than a lot of areas because I was on the Turnpike a lot.

MS. GLADING: So is it your testimony that Major Sparano would have briefed you on something like this in the course--

LIEUTENANT COLONEL ROBERSON: Sure.

MS. GLADING: --of daily business?

LIEUTENANT COLONEL ROBERSON: Sure. He would have let me know that they were assigned to do these interviews, or as a result of getting a report-- Through the channels, we got the-- We were made aware of what had transpired in those interviews that they conducted.

MS. GLADING: What's your recollection of discussions you had with Major Sparano about this issue?

LIEUTENANT COLONEL ROBERSON: None.

MS. GLADING: Is that because-- Why would that be?

LIEUTENANT COLONEL ROBERSON: Because it's five years ago. My memory's not that good. That's a long time. Do I remember this? I remember, basically, the concerns of Sergeant Jim Smith. Now that I see the

report, I have a recollection of it. But I don't remember our discussions. That's five years ago.

MS. GLADING: Do you recall--

LIEUTENANT COLONEL ROBERSON: I don't even know where I was five years ago.

MS. GLADING: Do you recall having any concerns about any of the numbers in this report? And I'm looking at OAG-5907, 5908, specifically.

LIEUTENANT COLONEL ROBERSON: Well, the numbers -- statistics and numbers-- I think there's a statement in here that--

MS. GLADING: I'm not asking about the characterization of the numbers, I'm asking if you remember having any concerns about the numbers themselves with your long experience in Field Operations and IAB.

LIEUTENANT COLONEL ROBERSON: No.

MS. GLADING: On Page 5908, the second item indicates that 62 percent of consent searches involve minority drivers. Does that number seem high or low to you?

LIEUTENANT COLONEL ROBERSON: I don't know the-- There's nothing attached to this to tell us why. Was it nighttime, daytime? I don't know.

MS. GLADING: Did you ask for that additional information when you got this?

LIEUTENANT COLONEL ROBERSON: I don't remember.

MR. WEBER: Well, let's back up for a second. The nighttime-daytime component--

LIEUTENANT COLONEL ROBERSON: They can't see who's in the

car.

MR. WEBER: Correct. Deals with stops, correct? They can't see who they're stopping.

LIEUTENANT COLONEL ROBERSON: But that's the end result is what's on this report.

MR. WEBER: But, Lieutenant Colonel, with all due respect, the consent to search -- you already know the race of the occupant of the car, correct, because by this time they're pulled over--

LIEUTENANT COLONEL ROBERSON: Sure.

MR. WEBER: --and you're asking them for their consent to search the car.

LIEUTENANT COLONEL ROBERSON: Okay.

MR. WEBER: Okay. So now it's the issue of they don't know who they're pulling over, because it may be a nighttime -- is irrelevant for the issue of consent to search, correct?

LIEUTENANT COLONEL ROBERSON: Okay.

MR. WEBER: Okay. So let's take a look at the percentages on Page OAG-005908. It says, "Consent to court searches -- 1995." It identifies 144 consent searches conducted, correct?

LIEUTENANT COLONEL ROBERSON: That's correct.

MR. WEBER: Eighty-nine of those consent searches, or 62 percent were consent searches for minority drivers, correct?

LIEUTENANT COLONEL ROBERSON: That's correct.

MR. WEBER: Fifty-five of the consent searches, or 38 percent, were nonminority driver consent searches, correct?

LIEUTENANT COLONEL ROBERSON: That's what the report reflects.

MR. WEBER: That number-- Those two numbers didn't give you any pause of concern?

LIEUTENANT COLONEL ROBERSON: Are the numbers going to come out 50-50? I don't know. I don't know the reason for the search. I don't know the reason for the individual stops. I wasn't-- You know, you have to be there at the scene. Is 62 percent higher than 38 percent? Yes.

MR. WEBER: Okay. Well, let--

LIEUTENANT COLONEL ROBERSON: I don't know the reasons for it.

MR. WEBER: Let's go down to the next two statistics.

LIEUTENANT COLONEL ROBERSON: Right.

MR. WEBER: One hundred, twenty-five of the consent searches were conducted by nonminority troopers -- 87 percent, correct?

LIEUTENANT COLONEL ROBERSON: Okay.

MR. WEBER: Okay. The next line indicates--

LIEUTENANT COLONEL ROBERSON: There were more nonminority troopers assigned to the station, I believe.

MR. WEBER: You would know that better than me.

LIEUTENANT COLONEL ROBERSON: It's on the report, isn't it? Is it on the report?

MS. GLADING: Yeah, it is.

LIEUTENANT COLONEL ROBERSON: That's what I thought.

MS. GLADING: It's in 5907.

MR. WEBER: Okay.

LIEUTENANT COLONEL ROBERSON: There's 18 minority troopers assigned to the station and 30 nonminority.

MR. WEBER: Okay. So roughly twice the amount--

LIEUTENANT COLONEL ROBERSON: Correct.

MR. WEBER: --of nonminority troopers versus minority troopers.

LIEUTENANT COLONEL ROBERSON: Correct.

MR. WEBER: Yet, the nonminority troopers account for 87 percent of the consent searches, and the minority troopers account for 13 percent of the consent searches--

LIEUTENANT COLONEL ROBERSON: Correct.

MR. WEBER: --which is more than -- 87 is more than double 13, correct?

LIEUTENANT COLONEL ROBERSON: That's correct.

MR. WEBER: Putting these four statistics together, did you have any concern about there being a disparity on the consent to search statistics.

LIEUTENANT COLONEL ROBERSON: I may have, at the time. I don't recall. I may have questioned it -- the accuracy of the report or the numbers or percentages, but I don't recall any discussions to this date. I may have.

MR. WEBER: The report also indicates -- if you go back two pages -- OAG-5906-- Look at the first full paragraph. "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. This perception by minority

troopers is based on the following factors or experiences.” The first one is listed as disparity of minority versus nonminority arrests.

Had you heard that factor or experience expressed prior to receiving this report?

LIEUTENANT COLONEL ROBERSON: I don't believe so.

MR. WEBER: Okay. Number two, disparity of minority versus nonminority motor vehicle stops. Had you heard that expressed before receiving this report?

LIEUTENANT COLONEL ROBERSON: I don't remember.

MR. WEBER: Use of roadside spotlighting-- Had you heard about that prior to receiving this report?

LIEUTENANT COLONEL ROBERSON: I think I had heard of that particular motor vehicle -- or law enforcement tactic through my time in Internal Affairs--

MR. WEBER: What is your understanding of that?

LIEUTENANT COLONEL ROBERSON: --but I've never experienced it. I've never-- I hadn't seen it in operation.

MR. WEBER: What is your understanding of what roadside spotlighting is?

LIEUTENANT COLONEL ROBERSON: I believe an individual operating the troop car would sit in a turnaround or on the shoulder and, in the hours of darkness, position his vehicle and the spotlight to see the oncoming vehicles. That's the allegation.

MR. WEBER: What would-- What was your understanding of the purpose of using roadside spotlighting?

LIEUTENANT COLONEL ROBERSON: The allegation is that they were using roadside spotlighting to attempt to see who was operating the vehicle, but I've never seen it in use.

MR. WEBER: Okay. I'm not asking you if you've seen it in use.

LIEUTENANT COLONEL ROBERSON: Allegation.

MR. WEBER: Were you aware of their being a--

LIEUTENANT COLONEL ROBERSON: I'm aware of the allegation.

MR. WEBER: --of the allegation. How far back can you remember that allegation--

LIEUTENANT COLONEL ROBERSON: I don't remember--

MR. WEBER: --being lodged?

LIEUTENANT COLONEL ROBERSON: --how far back.

MR. WEBER: Well, was--

LIEUTENANT COLONEL ROBERSON: Within the last couple of years of my-- I never heard it used in my day as to a general duty road trooper. I've never--

MR. WEBER: Number four -- third-party experiences resulting from motor vehicle stops by nonminority troopers. Had you heard that factor or experience expressed prior to receiving this report.

LIEUTENANT COLONEL ROBERSON: What is it -- third-party experience?

MR. WEBER: Do you know what it is?

LIEUTENANT COLONEL ROBERSON: I don't know what that -- number four is.

MS. GLADING: Did you inquire, at the time, what it was?

LIEUTENANT COLONEL ROBERSON: I don't recall. Right now, we're talking about it. I don't-- Is it someone else? I don't know what they're talking about.

MR. WEBER: Number five, minority troopers being waved off in backup situations. Had you heard about that factor--

LIEUTENANT COLONEL ROBERSON: No.

MR. WEBER: --prior to receiving this report?

LIEUTENANT COLONEL ROBERSON: No. That's a procedure -- the backup policy. I don't-- I couldn't believe that a trooper, in any instance, would wave off another trooper on a search or a stop.

MR. WEBER: So this was the first time that you had heard of that fact or allegation.

LIEUTENANT COLONEL ROBERSON: When the report came out.

MR. WEBER: When the report came out.

LIEUTENANT COLONEL ROBERSON: Correct.

MS. GLADING: When you heard of it, did you inquire--

LIEUTENANT COLONEL ROBERSON: I may have discussed this report with Sparano. I don't recall. I'm sure we did.

MR. WEBER: Did you request that--

LIEUTENANT COLONEL ROBERSON: I'm sure we did.

MR. WEBER: Did you request that any specific action be taken to ensure that minority troopers, if they were, in fact, being waved off, that that practice wouldn't occur?

LIEUTENANT COLONEL ROBERSON: I'm sure, as a result of this report, looking at the allegations -- the Colonel had brought this up in,

possibly, a staff meeting. But do I remember when? No. All this would have been discussed either in a staff meeting or at a meeting with the Major in the Colonel's office.

MR. WEBER: Number six, Division awards program based on quantity of arrests (encourages profiling). Had you heard about that factor or concern?

LIEUTENANT COLONEL ROBERSON: As this reports states, this is a perception by minority troopers -- a perception -- their perception only, not the Division's perception. Was there a program for that? Yes.

MR. WEBER: Lieutenant Colonel, my question is not whether you necessarily agreed with these perceptions or not, only if you were aware of these perceptions, either by minority troopers or--

LIEUTENANT COLONEL ROBERSON: I'm aware of it as a result of this report.

MR. WEBER: Okay. So you had never--

LIEUTENANT COLONEL ROBERSON: No.

MR. WEBER: Prior to receiving this report, you hadn't heard--

LIEUTENANT COLONEL ROBERSON: That the award program was a problem?

MR. WEBER: Yeah.

LIEUTENANT COLONEL ROBERSON: No. That it encouraged anything? No.

MR. WEBER: How about Operation Roadside/DITU details encourage profiling? Had you heard that before receiving this report?

LIEUTENANT COLONEL ROBERSON: Operation Roadside was disbanded only because at the time, we didn't have enough people to man it.

MR. WEBER: But my question is, had you heard--

LIEUTENANT COLONEL ROBERSON: No.

MR. WEBER: --prior to receiving this report--

LIEUTENANT COLONEL ROBERSON: No.

MR. WEBER: --that either Operation Roadside or DITU details encouraged profiling?

LIEUTENANT COLONEL ROBERSON: No, sir.

MS. GLADING: What was your understanding of what DITU was?

LIEUTENANT COLONEL ROBERSON: Is DITU Drug Interdiction?

MS. GLADING: Drug Interdiction Training Unit?

LIEUTENANT COLONEL ROBERSON: Training Unit -- whatever. Drug Interdiction-- It's taught federally, it's taught statewide.

MS. GLADING: And when was Operation Roadside disbanded?

LIEUTENANT COLONEL ROBERSON: I don't have the date. It was during my time as a major in Field Operations, so it would be between the dates I was there.

MS. GLADING: So that would be sometime between June '94--

LIEUTENANT COLONEL ROBERSON: Between the six-month period and seven-month period, yes.

MS. GLADING: No, I'm sorry, June '95 and July '95.

LIEUTENANT COLONEL ROBERSON: I believe it was-- I disbanded the unit only because we didn't have the--

MS. GLADING: I'm sorry. Let me just back up for the record.

So that would be between January '95 and July '95. Is that correct?

LIEUTENANT COLONEL ROBERSON: That's correct.

MS. GLADING: Do you recall if it was--

Okay, you were saying you disbanded the unit--

LIEUTENANT COLONEL ROBERSON: It was disbanded during that time. The exact date, I'm not aware of, because we didn't have the proper manpower to man the unit.

MS. GLADING: How many-- What was the manpower of the unit at the time it was disbanded?

LIEUTENANT COLONEL ROBERSON: I don't recall. I believe we had three or four individuals, maybe more. I don't recall.

MS. GLADING: And why was there inadequate manpower?

LIEUTENANT COLONEL ROBERSON: Because the Division hadn't had the luxury of a class or the funds to man it or the vehicles to put there.

MS. GLADING: How big was Operation Roadside?

LIEUTENANT COLONEL ROBERSON: As I stated, it was three or four.

MS. GLADING: Previously.

LIEUTENANT COLONEL ROBERSON: I don't recall. At that time, we didn't have the luxury of all the money that present people do.

MS. GLADING: And how did Operation Roadside work?

LIEUTENANT COLONEL ROBERSON: They would be assigned by the Field Operations Section to work in a specific station area, maybe on tips from the El Paso Intelligence Center on -- regarding drug trafficking or on normal road stops.

MS. GLADING: Was there any interaction under Operation Roadside with the Intelligence Section or with the Investigation Section?

LIEUTENANT COLONEL ROBERSON: I'm sure. Whenever-- If they had--

MS. GLADING: You were the major in charge of the Field Operations Section during part of the time that Operation Roadside was in effect. To your knowledge, was there -- what kind of interaction was there?

LIEUTENANT COLONEL ROBERSON: Interaction would be if they had information of drugs being carried throughout the State of New Jersey in specific vehicles, they would look for them. There were criminal investigations, intelligence investigations in those sections working with areas throughout the country.

MS. GLADING: So when there are three or four individuals, are those people assigned just to Operation Roadside?

LIEUTENANT COLONEL ROBERSON: That's all they did.

MS. GLADING: It's a full-time detail?

LIEUTENANT COLONEL ROBERSON: And motor vehicle enforcement in the area besides looking for them.

MS. GLADING: But that's a full-time detail?

LIEUTENANT COLONEL ROBERSON: It was.

MS. GLADING: How big had Operation Roadside been at its largest?

LIEUTENANT COLONEL ROBERSON: I don't know.

MS. GLADING: What's your understanding--

LIEUTENANT COLONEL ROBERSON: During that six-month period when I was there, there was only a handful of people working, then it got down to about three, and we just disbanded it, because we didn't have the funds to continue.

MS. GLADING: Was Operation Roadside an outgrowth of DITU? Did one follow the other?

LIEUTENANT COLONEL ROBERSON: I don't remember.

MR. WEBER: Lieutenant Colonel, take a look at OAG-005909. There it suggests that Division/Troop remedial actions -- and then below that -- suggested remedial actions be taken at the station level.

If you then look at the second page of this document, OAG-005904, it is the memo from Captain Silvert to Colonel Williams. Captain Silvert states -- this is dated May 14, 1996 -- that it is his opinion that the inquiry conducted failed to substantiate any factual concerns. However there are "perceived issues of concern." Captain Silvert then goes on to state that he does not agree with these suggested Division/Troop remedial actions, with the exception of the continuing education of troopers in the area of search and seizure and that he encourages the remedial action listed at the station level.

If you then take a look at the first page of this document, OAG-005903, there is a request that the Internal Affairs Bureau and the EEO/Affirmative Action Bureau review the special reports and submit their recommendations "so that an informed decision may be made regarding this situation."

Ultimately, do you know what, if anything, resulted from the inquiry and the reports that were submitted by Sergeant Gilbert -- or Lieutenant Gilbert?

LIEUTENANT COLONEL ROBERSON: I don't remember, other than what's in this report, how much further it had gone.

MR. WEBER: Do you remember any discussions with Colonel Williams or Major Sparano or anyone else, for that matter, as to, ultimately, what, if

anything, was going to be done at Troop D to address the perceived issues of concern by the minority troopers?

LIEUTENANT COLONEL ROBERSON: Other than what's in the report, no.

MR. WEBER: Did you have any involvement with the Trooper of the Year award at any time in your career?

LIEUTENANT COLONEL ROBERSON: I had read-- Usually, as the deputy, I read the recommendations that came in that were from the troops for -- when the Teletype message went out requesting recommendations. I had read the ones that were submitted to the Colonel, I believe.

MR. WEBER: And for what years would that have been?

LIEUTENANT COLONEL ROBERSON: I probably read them during my time as the deputy superintendent. That would be from May of '97 until my retirement in the end of January of '98.

MR. WEBER: And again, you don't recall there being-- You don't recall anyone alleging that the Division Awards Program -- the Trooper of the Year program may have encouraged troopers to conduct racial profiling in order to increase their number of drug arrests.

LIEUTENANT COLONEL ROBERSON: I don't recall that.

MR. WEBER: Let me show you a new document -- one-page document, GC-001434, dated June 4th, 1996, subject, inspection audit patrol stops. It is from Captain Touw to Major Sparano.

LIEUTENANT COLONEL ROBERSON: This report may have been forwarded directly to Sparano. My initials are not on it, so I may not have seen this.

MR. WEBER: All right. Let me just represent to you-- I understand your procedure was to put your initials on it. We have been produced, at times, 10 versions of the same document. And it is just, by happenstance, probably, that I don't have the document in front of you that has your initials on it. But again, all these documents were produced by the Attorney General's Office. They worked with the State Police to collect the documents.

LIEUTENANT COLONEL ROBERSON: Sure.

MR. WEBER: I mean, do you have any doubt that you would have received this document?

LIEUTENANT COLONEL ROBERSON: I may not have seen it. What may have happened-- This may have come-- I had an assistant who may have forwarded it directly to Sparano, but--

MR. WEBER: All right. But consistent with the regular protocol at the State Police, if an interoffice communication is authored by an individual, and other individuals' names are put on it going up and down the chain of command, consistent with State Police protocol, that document would have been -- would have made its way through all the people that were indicated on the IOC.

LIEUTENANT COLONEL ROBERSON: It would have made its way through my office, not that I saw it.

MR. WEBER: Right. But it would have made its way through your office. And either you or someone else--

LIEUTENANT COLONEL ROBERSON: Correct.

MR. WEBER: --who was working for you, would have seen it, correct?

LIEUTENANT COLONEL ROBERSON: Uh-huh.

MR. WEBER: There's a discussion on the second -- in the second paragraph about developing a database for a fair and accurate evaluation of the stopping patterns of our troopers. Is that the CAD that you had made reference to earlier?

LIEUTENANT COLONEL ROBERSON: I don't know the exact date of CAD, but this is a '96 -- June '96 report. CAD may have been coming into being then. You know, it took quite a long time to get the CAD system in there.

MR. WEBER: Was the idea of getting the CAD system in place an idea that predated the issuance of the *Soto* decision in March of 1996, or was it as a result of the *Soto* decision?

LIEUTENANT COLONEL ROBERSON: I don't remember specifically. I think it's a system that-- Our communications system, as many other systems, was outdated. And CAD was a long time coming. I don't remember exactly whether it was before *Soto* -- the initiation of it, but I think -- I know, as a result of the Gloucester County decision, we wanted to get it up and running as quick as possible because of the availability of the retrieval of prior statistics that we didn't have in the past.

MR. WEBER: So you're unclear as to whether or not the idea of putting in place the CAD system predated the decision, certainly, at the--

LIEUTENANT COLONEL ROBERSON: I don't know the exact date.

MR. WEBER: --very least. Okay. But certainly, at the very least, the decision would have expedited the State Police's--

LIEUTENANT COLONEL ROBERSON: That's correct.

MR. WEBER: --process to try and put CAD in place, correct?

LIEUTENANT COLONEL ROBERSON: Certainly, with the availability of what CAD could produce, yes.

MR. WEBER: Okay. The first paragraph references the special report from Lieutenant Hinkle -- self explanatory. And then it goes on to say there has been a marked increase, statewide, in compliance to the superintendent's SOP F-3 directive. I think that we saw an earlier memo that dealt with that.

Was it your understanding, then, that was a result of the directive to the Field Operations Section, that everyone had to comply with SOP F-3 -- that as a result of that directive, the compliance numbers started to go up?

LIEUTENANT COLONEL ROBERSON: That's correct. That's what this report reflects.

MR. WEBER: Were you involved, at all, in training at the academy at any time during your tenure?

LIEUTENANT COLONEL ROBERSON: No, sir.

MR. WEBER: Okay. There are documents that have been produced--

MS. GLADING: I'm sorry. Are you off that document?

MR. WEBER: Yeah. Did you want--

MS. GLADING: Yeah. The--

I want to ask you about the figures in the second sentences of that second paragraph. Captain Touw observes that it is interesting to note that 45 percent of the stops called into Moorestown Station were minorities, and that 38 percent of the motor vehicle stops by Troop D personnel were minorities. Do you recall learning of those numbers at that time?

LIEUTENANT COLONEL ROBERSON: I don't recall.

MS. GLADING: Do you recall being curious about what the numbers

were at that time--

LIEUTENANT COLONEL ROBERSON: I don't recall. No.

MS. GLADING: --following *Soto*?

LIEUTENANT COLONEL ROBERSON: I wouldn't recall that.

MS. GLADING: You were a pretty hands-on manager, weren't you?

LIEUTENANT COLONEL ROBERSON: I don't know. That's a discription-- I could have been.

MS. GLADING: Were you an effective manager?

LIEUTENANT COLONEL ROBERSON: I believe so.

MS. GLADING: Was *Soto* considered a major--

LIEUTENANT COLONEL ROBERSON: That's correct.

MS. GLADING: --decision--

LIEUTENANT COLONEL ROBERSON: Sure.

MS. GLADING: --by a court?

LIEUTENANT COLONEL ROBERSON: Major decision that effected our outfit considerably.

MS. GLADING: As an effective manager of the Field -- ultimately responsible for the Field Operations Section, did you take an active interest in the impact of the decision on the Field Operations Section.

LIEUTENANT COLONEL ROBERSON: I think that's been testified to, I'm sure, that, from the Colonel on down, we did reestablish the committee. And that committee was working to make sure the compliance was certainly in effect for the entire Division.

MS. GLADING: Did you want to know if *Soto* -- if the numbers in *Soto* were correct?

LIEUTENANT COLONEL ROBERSON: Sure.

MS. GLADING: Did you take steps to find out if the numbers were correct?

LIEUTENANT COLONEL ROBERSON: I don't remember what steps we took. You're going back to 1996, ma'am.

MS. GLADING: Because you were the lieutenant colonel in charge of the Field Operations Section at this time.

LIEUTENANT COLONEL ROBERSON: No, that was--

MS. GLADING: Because you were the--

LIEUTENANT COLONEL ROBERSON: It came under--

MS. GLADING: Because you were the--

LIEUTENANT COLONEL ROBERSON: But there was another lieutenant colonel that was assigned to the committee as a result of the *Soto* decision. Whatever I got as a result of that came from his committee.

MS. GLADING: My question is this, because you were the lieutenant colonel who was, ultimately, responsible for the Field Operations Section during this period, did you have-- Did you want to know what-- Did you want to monitor or be kept apprised of -- or learn of what the statistics were for stops on the Turnpike?

LIEUTENANT COLONEL ROBERSON: Sure.

MS. GLADING: Did you think that was important information?

LIEUTENANT COLONEL ROBERSON: Sure.

MS. GLADING: Do you remember this figure -- this 45 percent figure--

LIEUTENANT COLONEL ROBERSON: No.

MS. GLADING: --for the Moorestown Station?

LIEUTENANT COLONEL ROBERSON: No.

MS. GLADING: How does it strike you today when you read it?

LIEUTENANT COLONEL ROBERSON: How does it strike me?

MS. GLADING: Uh-huh.

LIEUTENANT COLONEL ROBERSON: It states that 45 percent of the stops called to Moorestown were minorities, while the overall stops on the entire roadway -- Troop D -- was 38 percent.

MS. GLADING: And how does that strike you?

LIEUTENANT COLONEL ROBERSON: It doesn't strike me as being out of line.

MS. GLADING: Why not?

LIEUTENANT COLONEL ROBERSON: The percentages are very close there.

MS. GLADING: Huh? I beg your pardon?

LIEUTENANT COLONEL ROBERSON: The percentages are only 7 percent, if these numbers are accurate.

MS. GLADING: How does that strike-- How does -- not comparing 45 percent with 38 percent. How do those numbers-- Aside from their comparative value with one another, how do they strike you?

LIEUTENANT COLONEL ROBERSON: The only thing I'm comparing is the comparative values. I see nothing to back up the numbers that would give me any indication that those numbers are -- there's something wrong with them.

MS. GLADING: Do you recall what the population survey in *Soto* indicated the minority ridership of the Turnpike was?

LIEUTENANT COLONEL ROBERSON: No, I don't.

MS. GLADING: Did you know it at the time?

LIEUTENANT COLONEL ROBERSON: I may have. That's five years ago.

MR. WEBER: Let me show you a new document -- GC-001953 through GC-001956 -- actually, two separate documents that I've stapled together. One is an IOC dated January 15, '97. The second is an IOC dated January 17, '97. Both are from Colonel Littles to Captain Roberson, but they are sent through you to Major Sparano to Captain Roberson.

LIEUTENANT COLONEL ROBERSON: Uh-huh.

MR. WEBER: Do you remember receiving these documents back in January 1997?

LIEUTENANT COLONEL ROBERSON: No.

MR. WEBER: Captain Roberson -- this is your brother.

LIEUTENANT COLONEL ROBERSON: Correct.

MR. WEBER: Both of the documents concern Justice Department inquiry. Actually, the first document -- subject, retention of radio tapes regarding Justice Department inquiry. And the second document subject, Justice Department investigation -- profiling allegations/data collection from Moorestown and Cranbury stations.

When did you find out that the Justice Department was conducting an inquiry into the New Jersey State Police on the issue of racial profiling?

LIEUTENANT COLONEL ROBERSON: I don't know. I couldn't tell you that. Are you talking as a result of the *Soto* case?

MR. WEBER: My question is--

LIEUTENANT COLONEL ROBERSON: It would have been after the Gloucester County decision. The exact dates I don't recall.

MR. WEBER: Do you remember, specifically, being informed by anyone at the State Police, or at the Attorney General's Office, that the Department of Justice was conducting an inquiry into the New Jersey State Police?

LIEUTENANT COLONEL ROBERSON: We were aware of it. I don't know the exact dates. Yes.

MR. WEBER: Do you remember the time of the year? Was it in 1996? Was this the first you had heard of it in the beginning of 1997?

LIEUTENANT COLONEL ROBERSON: I don't recall.

MR. WEBER: Were you aware that then Attorney General Verniero had gone down to meet with officials at the Civil Rights Division in the U.S. Department of Justice in December of 1996 to discuss the issue of racial profiling in the New Jersey State Police?

LIEUTENANT COLONEL ROBERSON: I believe we were aware of it then, but I don't know the exact time?

MR. WEBER: How did you become aware of it?

LIEUTENANT COLONEL ROBERSON: More than likely, through the colonel.

MR. WEBER: Did you ever have an occasion to meet Attorney General Verniero in person?

LIEUTENANT COLONEL ROBERSON: Have I ever met him in person?

MR. WEBER: Yeah.

LIEUTENANT COLONEL ROBERSON: Yes, sir.

MR. WEBER: Okay. Have you ever discussed with him the issue of racial profiling?

LIEUTENANT COLONEL ROBERSON: I believe that all those discussions would have been with Colonel Williams.

MR. WEBER: Okay. But I'm asking, have you, personally?

LIEUTENANT COLONEL ROBERSON: No.

MR. WEBER: Had you ever discussed the *Soto* decision -- the Gloucester County case with Attorney General Verniero?

LIEUTENANT COLONEL ROBERSON: Not to my knowledge.

MR. WEBER: How about the Department of Justice inquiry into the State Police?

LIEUTENANT COLONEL ROBERSON: I don't believe I met with him. No.

MR. WEBER: Had you ever-- Had you met Peter Verniero before he became Attorney General, or was it after he became Attorney General?

LIEUTENANT COLONEL ROBERSON: I only met him after becoming Attorney General. I never knew Mr. Verniero.

MR. WEBER: Did you meet him in an official capacity, or was it on a personal level?

LIEUTENANT COLONEL ROBERSON: I had been with the colonel on occasion to attend a meeting in the Attorney General's Office, but I don't recall when and exactly what the discussion was. I may have been along with the colonel.

MR. WEBER: Do you remember what the subject matter was of that

meeting?

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

MR. WEBER: Did it pertain to racial profiling?

LIEUTENANT COLONEL ROBERSON: Most of the-- I don't know, but most of those meetings the colonel handled himself. He would make the face-to-face with the attorney general.

MS. GLADING: How frequently did you meet with the attorney general?

LIEUTENANT COLONEL ROBERSON: I didn't frequently meet with the attorney general. I said I was with the colonel on a couple of occasions at a meeting. And I don't recall the content of those meetings.

MS. GLADING: Would you talk with the attorney general by telephone ever?

LIEUTENANT COLONEL ROBERSON: Only if he had called down for something to the Division and Colonel Williams wasn't available. And I'd pass along whatever the general called down with. I don't recall any specifics. All of the dealings for the Division between the attorney general was basically between the colonel himself and the attorney general.

MS. GLADING: So the colonel took the lead in dealing with Attorney General Verniero?

LIEUTENANT COLONEL ROBERSON: That was his job. Yes, ma'am.

MS. GLADING: And you did not establish a regular working relationship with Attorney General Verniero?

LIEUTENANT COLONEL ROBERSON: That's the not chain of command.

MS. GLADING: I understand that's not the chain of command. I'm asking you--

LIEUTENANT COLONEL ROBERSON: Would I? No.

MS. GLADING: Would I? No. What?

LIEUTENANT COLONEL ROBERSON: Would I establish that -- those meetings? No.

MR. WEBER: It's not would. Did you?

LIEUTENANT COLONEL ROBERSON: The answer's no.

MR. WEBER: No.

LIEUTENANT COLONEL ROBERSON: I never met with the general on a routine occasion about anything.

MR. WEBER: Did you ever meet with the general out of the colonel's -- with the colonel not being present?

LIEUTENANT COLONEL ROBERSON: I may have spoken to the attorney general if he came to a criminal -- if we had ongoing raids or something and he appeared -- appeared in a major scale raid or something other than that. Would I meet with him regularly? No. That was the colonel's job.

MR. WEBER: What sort of-- How would you describe the relationship between Colonel Williams and Attorney General Verniero?

LIEUTENANT COLONEL ROBERSON: Working relationship.

MR. WEBER: Cordial?

LIEUTENANT COLONEL ROBERSON: To the best of my knowledge, yes, sir.

MS. GLADING: Was it closer than your relationship with Mr.

Verniero?

LIEUTENANT COLONEL ROBERSON: It would have to be. He would meet with him more than I would. I wouldn't-- That wasn't our function. I mean, we have a chain of command. And that's the colonel's function -- to meet either with the governor or the attorney general as a representative of the State Police.

MR. WEBER: How would you describe your relationship with Colonel Williams?

LIEUTENANT COLONEL ROBERSON: I've known the colonel many years. I respect the colonel. And we were friends.

MR. WEBER: Other individuals have testified that he was a man of few words. Would you agree with that characterization?

LIEUTENANT COLONEL ROBERSON: I would.

Has the colonel testified? Can I ask that question?

MR. WEBER: He has not yet.

LIEUTENANT COLONEL ROBERSON: Okay.

MR. WEBER: He's scheduled to.

LIEUTENANT COLONEL ROBERSON: Then his reputation precedes him. (laughter)

MS. GLADING: Did you ever interact with Mr. Verniero socially?

LIEUTENANT COLONEL ROBERSON: Never socially. When I retired, he spoke at my retirement.

MS. GLADING: What did he say?

LIEUTENANT COLONEL ROBERSON: I didn't-- I don't know. He stated that-- If I remember correctly, I remember him stating that he knew

that when he asked a question, I would give him my answer and not what he wanted to hear, and I was very direct.

MR. WEBER: We haven't seen any of that today.

LIEUTENANT COLONEL ROBERSON: I'm sure. (laughter)

MR. WEBER: And so the record's clear--

LIEUTENANT COLONEL ROBERSON: I wish my memory was better, but--

MR. WEBER: No. So the record is clear, that was a joke on my part.

LIEUTENANT COLONEL ROBERSON: I know. I know. (laughter)

No. He did come for-- And socially, that's probably the only time, but--

MS. GLADING: Did he characterize you a good friend?

LIEUTENANT COLONEL ROBERSON: No. I don't believe so. It was a working relationship. I never socialized with the attorney general.

MS. GLADING: Did he attend, to your knowledge, anyone else -- any other State Police officers' retirement dinners?

LIEUTENANT COLONEL ROBERSON: I believe-- I know he was at Lieutenant Colonel Little's. So maybe it was a lieutenant colonel thing. I don't know. I know he was at Little's and mine. I don't know who else he went to.

MR. WEBER: The documents that you have in front of you -- GC-001953 and GC-001956 concern the retention of certain radio tapes and documentation for use and, ultimately, production to the Justice Department. And it states that Sergeant Tom Gilbert is the -- an individual who will answer any questions and who will address any responses.

Did you have an understanding as to why Sergeant Gilbert was the

individual identified in these two IOCs as being the individual--

LIEUTENANT COLONEL ROBERSON: I would imagine he was chosen by either Littles or Williams, because he worked, I believe, in a unit up on the third floor, not far from our offices, that did some -- those type things for the colonel's office. I believe he may have been picked for that reason. I don't know.

MR. WEBER: It's not, and I don't mean to be flip by saying this-- But it's not every day that the Department of Justice requests materials from the State Police, correct?

LIEUTENANT COLONEL ROBERSON: Correct.

MR. WEBER: So I would assume, as well as the *Soto* decision, for lack of a better phrase, being a big deal for the State Police when it was issued, the fact that the Department of Justice was now conducting an inquiry or an investigation into the State Police was also a big deal for the State Police.

LIEUTENANT COLONEL ROBERSON: Sure. Yes, sir.

MR. WEBER: Was there any person or persons that you were aware of that were primarily responsible, within the State Police, to deal with the Department of Justice inquiry?

LIEUTENANT COLONEL ROBERSON: I don't recall. I know Tom Gilbert was assigned to put together a lot of that paperwork. I don't know whether Jim Bruncati, who was with Fedorko's office, may have helped along those lines.

MR. WEBER: Were you ever at any meetings or involved in any conversations, either on the telephone or in person, in which the State Police provided information to the Attorney General's Office, either in response to

the Department of Justice inquiry, or just in general on the issue of racial profiling?

LIEUTENANT COLONEL ROBERSON: I don't recall being present.

MR. WEBER: Do you know if-- Well, let's go back. You, a little earlier, testified about -- I guess it was Sergeant Gilbert-- And you thought there may have been other people who were collecting statistics and collecting data, post the *Soto* decision. Were you aware of any of that data -- any of that statistics being shared with the Attorney General's Office at any point in time?

LIEUTENANT COLONEL ROBERSON: I don't know.

MR. WEBER: Who would have been responsible for ensuring that whatever information was derived by either Sergeant Gilbert or others who were collecting this data on racial profiling? Who would have been responsible for ensuring that that information would have been shared with the Attorney General's Office?

LIEUTENANT COLONEL ROBERSON: Ultimately, the superintendent, but I'm sure it would have come from Colonel Littles's office through the superintendent.

MR. WEBER: Colonel, you became-- Lieutenant Colonel, you became deputy superintendent in May of '97, so that's approximately when lieutenant colonel retired, correct?

LIEUTENANT COLONEL ROBERSON: Yes, sir.

MR. WEBER: Okay. When Lieutenant Colonel Littles retired, and then you assumed the role of deputy superintendent, was there any sort of discussion you had with Lieutenant Colonel Littles, or did he provide to you any documentation to help with your transition into this new position?

LIEUTENANT COLONEL ROBERSON: I don't recall a lot being said before he departed at the time. He may have sat down and told me what he was -- committees he served on, what was going on, you know. So I don't really recall, and I haven't seen him since his retirement.

MS. GLADING: At this point in time, Gilbert came under your supervision, right?

LIEUTENANT COLONEL ROBERSON: He came under-- Actually, I think he was working for Colonel Fedorko, I believe.

MS. GLADING: My understanding is the organizational structure -- is that -- Division Services was the only unit that was not within a bureau or a section, and it reported directly to the deputy superintendent. Is that correct?

LIEUTENANT COLONEL ROBERSON: Yeah.

MS. GLADING: And you were deputy superintendent at this time.

LIEUTENANT COLONEL ROBERSON: Yeah. I believe that Division Services -- they had a small bureau that was-- Actually, on the chart, it may reflect that, but I believe they reported directly to the colonel for a lot of these cases -- whatever they were working on.

MS. GLADING: But you were the-- You were the immediate supervisor. Is that correct?

LIEUTENANT COLONEL ROBERSON: I don't know whether I assumed the operational sections. I don't know whether they changed then. I don't remember whether-- I thought they reported to Fedorko at the time. They may have reported to me. But in a lot of these things they were working on, they reported directly to Williams.

MS. GLADING: Do you recall or not whether or not Sergeant Gilbert

reported to you?

LIEUTENANT COLONEL ROBERSON: I believe he-- They may have remained under my supervision during my short time as the deputy.

MS. GLADING: That would be from May of '97 until January 31st, '98?

LIEUTENANT COLONEL ROBERSON: That's correct.

MS. GLADING: So at this point the person -- the ground -- at State Police who was handling -- responding to the AG's inquiries regarding the Department of Justice's inquiry was under your supervision. Is that correct?

LIEUTENANT COLONEL ROBERSON: I don't recall whether Gilbert was there or they moved him under Fedorko. I believe he was working under Fedorko at the time. I don't think he was--

MS. GLADING: I'm sorry. I misheard you then. I thought you just testified that--

LIEUTENANT COLONEL ROBERSON: I don't remember whether DSP stayed with me or Fedorko.

MS. GLADING: Okay.

MR. WEBER: Let me go back to the transition between you and Lieutenant Colonel Littles. How would you characterize your relationship with Lieutenant Colonel Littles?

LIEUTENANT COLONEL ROBERSON: Good.

MR. WEBER: Did Lieutenant Colonel Littles advise you, during this transition period, as to the status of either the DOJ inquiry or the response to the *Soto* decision or the issue of racial profiling in general?

LIEUTENANT COLONEL ROBERSON: I believe he updated us as to

what was -- what he had served on and what he -- where they stood at the time, but I don't remember all the particulars.

MR. WEBER: When you say updated us, was there someone else present?

LIEUTENANT COLONEL ROBERSON: Myself and my assistant Bill Meddis. He was aware of what trans -- went through my office.

MR. WEBER: Do you have any recollection as to what was said about the status of either the response to the DOJ inquiry, the response to the *Soto* decision, or just in general, the issue of racial profiling?

LIEUTENANT COLONEL ROBERSON: I don't recall, sir.

MR. WEBER: Do you recall if Lieutenant Colonel Littles advised you as to, you know, what, if any, information the State Police had provided to the Attorney General's Office?

LIEUTENANT COLONEL ROBERSON: I don't recall where we stood with that investigation at the time and what was done and what was shared with the AG's Office.

MR. WEBER: Did he identify for you individuals within the State Police who were working with the Attorney General's Office at that time on the three issues I've just identified?

LIEUTENANT COLONEL ROBERSON: I believe we did. I don't recall the specifics.

MR. WEBER: Did you have an understanding during the transition period as to what Sergeant Gilbert's continued -- what Sergeant Gilbert's responsibilities were at that time on either of those three issues, racial profiling, the response to the *Soto* decision, or the DOJ inquiry?

LIEUTENANT COLONEL ROBERSON: I believe he was working specifically -- directly for the colonel and reporting to Colonel Williams.

MR. WEBER: When you say reporting directly to Colonel Williams, I take it then, if he had information to report about any of those three issues, it wouldn't go through the chain of command.

LIEUTENANT COLONEL ROBERSON: It wouldn't have to. He would have access to Williams.

MR. WEBER: Directly to Colonel Williams.

LIEUTENANT COLONEL ROBERSON: Correct.

MR. WEBER: Let me show you a new document.

For the record, it is an IOC dated February 26, '97 from Colonel Williams to Lieutenant Colonel Littles, to Lieutenant Colonel Roberson, and then to Major Sparano. The subject is inquiries concerning the Division's traffic and patrol-related arrests enforcement program. It is GC-002037 through GC-002059. And I will, just so the record's clear, indicate that the IOC is one page, and attached to it is a copy of the settlement agreement that was entered into by the Maryland State Police on or about January 5th, 1995.

LIEUTENANT COLONEL ROBERSON: This IOC was initialed by my assistant Bill Meddis. I don't know whether I had time. I may have been out of the state.

MR. WEBER: Do you remember that the Maryland State Police had entered into an agreement?

LIEUTENANT COLONEL ROBERSON: Yes.

MR. WEBER: Okay. And you remember that that agreement was a result of allegations by individuals against the Maryland State Police that they

were conducting racial profiling.

LIEUTENANT COLONEL ROBERSON: That's correct.

MR. WEBER: Do you remember what the purpose was of Colonel Williams circulating the copy of this Maryland State Police settlement agreement?

LIEUTENANT COLONEL ROBERSON: The colonel and myself had associations with members of the International Association of Chiefs of Police Northeast Region and attended all the meetings. And as a result of his friendship or association with Colonel Mitchell in Maryland, he received a copy of this and made our people aware of it so that they could see what had happened in another state.

MR. WEBER: Was it sort of meant for a warning? "Look at what's happened to--"

LIEUTENANT COLONEL ROBERSON: It was meant for informational purposes.

MS. GLADING: Why, in your view, was the information needed?

LIEUTENANT COLONEL ROBERSON: Because it was a -- something that happened to another of our area's State Police. And it's something that our people should be aware of.

MS. GLADING: Did you view it as important in light of the *Soto* decision?

LIEUTENANT COLONEL ROBERSON: Yes, it was. It's a neighboring state that was affected by this decision. And he made the people aware of it.

MR. WEBER: Let's go off the record for a second.

(Off the record)

HEARING REPORTER: On the record.

MR. WEBER: Lieutenant Colonel, we were, just before the break, talking about this February 26th, 1997 IOC, which, among other things, circulated a copy of the settlement agreement that was entered into by the Maryland State Police.

You had mentioned that you and the colonel were members of a Chiefs of Police organization. My question to you is, when did you first become aware of the fact that the Maryland State Police was involved in litigation concerning the issue of racial profiling?

LIEUTENANT COLONEL ROBERSON: During our meetings with the -- regional meetings at the IACP -- I believe -- and in roundtable discussions, the -- Maryland may have brought up the fact that they had received this litigation and the result of it, and they came to a settlement. I believe that's where he probably got the -- a copy of it sent to him from Colonel Mitchell.

MR. WEBER: Well, the Maryland litigation commenced in February of 1993. Did you become aware of the commencement of that litigation?

LIEUTENANT COLONEL ROBERSON: No, I didn't, because in '93, I wasn't a member of the IACP.

MR. WEBER: When did you become a member of the IACP?

LIEUTENANT COLONEL ROBERSON: I joined when I became the deputy superintendent I believe. So that would have been after July of '95.

MR. WEBER: Did you, at that point in time, become aware of the Maryland litigation?

LIEUTENANT COLONEL ROBERSON: I don't know whether we did then, but after-- It would have been after that time -- my membership --

probably when he sent this out. This was a '97 IOC, so it might have been in the fall meeting of '96 -- we were -- maybe aware of it. I'm not that sure of the exact date.

MR. WEBER: Well, the *Soto* decision comes out in March of 1996. Did you or the colonel or anyone at your direction or the colonel's direction say, "Hey, look. We've got this decision now. There's been a finding that there's been de facto racial profiling being conducted on the Turnpike. Let's reach out to Maryland. They've got a similar litigation."

LIEUTENANT COLONEL ROBERSON: I don't know how it came about that he got a copy of this. You'd have to ask Colonel Williams. But I'm sure, as a result of it-- If, for informational purposes, he forwarded it to our people--

MR. WEBER: I noticed that throughout our time today -- sort of looking down at notes. Did you just create-- Is there a time line resume or something that you're looking--

LIEUTENANT COLONEL ROBERSON: I have my resume that I had talked about as a result of--

MR. WEBER: Okay. Did anyone--

LIEUTENANT COLONEL ROBERSON: To be honest with you, I couldn't remember the 29-year career either -- where I was -- without those dates.

MR. WEBER: Okay. Did anyone contact you from either the State Police or the Attorney General's Office to ask you if you had any documents in your possession that related to the issue of racial profiling, related to DOJ inquiry, related to the *Soto* case?

LIEUTENANT COLONEL ROBERSON: No. I had received a letter when I returned from being out of the country from the Attorney General's Office stating that as I may be already aware the Senate Judiciary Committee was going -- requested to interview-depose me. Well, I wasn't already aware until I got the letter. And I didn't get the letter until the 5th of January. It was dated the 26th, but I didn't return until then.

MR. WEBER: Okay.

LIEUTENANT COLONEL ROBERSON: I mean, of February.

MR. WEBER: Of February.

Do you have any documents-- Did you retain any documents from being at the State Police that you have in your possession?

LIEUTENANT COLONEL ROBERSON: I have nothing.

MR. WEBER: You've nothing. You didn't take any documents with you.

LIEUTENANT COLONEL ROBERSON: I took no official documents from the State Police. I only took my personal belongings.

MR. WEBER: All of your files remained at the State Police when you left.

LIEUTENANT COLONEL ROBERSON: That's correct. Nothing went with me except my personal items.

MR. WEBER: I'll show you a new document.

Lieutenant Colonel, for the record, I've just given you a document GC-002038 and GC-002042. It is a February 27, '97 IOC concerning Justice Department inquiry Re: profiling allegations. And attached to it is an information request from the Department of Justice.

LIEUTENANT COLONEL ROBERSON: Okay.

MR. WEBER: Do you remember receiving this interoffice communication?

LIEUTENANT COLONEL ROBERSON: No, sir.

MR. WEBER: Do you remember ever reviewing the information request from the Department of Justice?

LIEUTENANT COLONEL ROBERSON: Do I remember viewing? No. Exactly when or what we reviewed? No.

MR. WEBER: Were you involved, in any manner, in collecting the information that would respond to the Department of Justice's--

LIEUTENANT COLONEL ROBERSON: I wasn't. No.

MR. WEBER: --information request.

LIEUTENANT COLONEL ROBERSON: No, I wasn't.

MR. WEBER: Who was?

LIEUTENANT COLONEL ROBERSON: Evidently, Major Sparano. This came from Lieutenant Colonel Littles to Sparano.

MR. WEBER: Okay. Are you saying that evidently Sparano was involved only from looking at the interoffice communication and seeing who it was directed to?

LIEUTENANT COLONEL ROBERSON: That's correct.

MR. WEBER: You don't have an independent recollection as to who was involved in responding to information requests from the Department of Justice?

LIEUTENANT COLONEL ROBERSON: No, I don't. This here-- This report refers to the implementation, once again, of the CAD system. And that-

- It states that Sergeant Kevin Moore, who was an instrumental player with establishing CAD from Field Operations-- He worked directly for Major Sparano. If anybody could-- He was assigned to generate a report, as it states here, which identifies the features of CAD and what CAD will -- or can do now.

MS. GLADING: If you could turn to the second page of that document.

LIEUTENANT COLONEL ROBERSON: Yeah.

MS. GLADING: Do you recall ever seeing this document?

LIEUTENANT COLONEL ROBERSON: No, I don't.

MR. WEBER: Show you a new document -- GC-002211. GC-002211 is an IOC dated May 22nd, 1997 from Colonel Williams through you to -- through Major Sparano to Lieutenant Faranella. (phonetic spelling) It concerns Justice Department inquiry Re: profiling allegations.

LIEUTENANT COLONEL ROBERSON: Uh-huh.

MR. WEBER: And there is a mention of an attached correspondence from DAG Rover. Do you know who DAG Rover is?

LIEUTENANT COLONEL ROBERSON: Deputy Attorney General George Rover? Yes, I do.

MR. WEBER: And do you know what Deputy Attorney General George Rover's involvement was in either the Department of Justice's inquiry, the *Soto* case, or racial profiling?

LIEUTENANT COLONEL ROBERSON: I don't recall his part. No.

MR. WEBER: How do you know Deputy Attorney General George Rover?

LIEUTENANT COLONEL ROBERSON: He's a member of the

attorney general's staff -- deputy attorney general at the time and was involved with -- during my tenure in Internal Affairs -- was involved with review and so forth of many internals.

MR. WEBER: Okay. Did you have any communications with Deputy Attorney General Rover about the issue of racial profiling?

LIEUTENANT COLONEL ROBERSON: I don't recall racial profiling, but I did have a lot of contact with Mr. Rover -- George Rover as a result of past internals.

MR. WEBER: Okay.

LIEUTENANT COLONEL ROBERSON: The exact nature, I don't recall.

MR. WEBER: Did you have any involvement with Deputy Attorney General Rover either in connection with the Department of Justice inquiry or the *Soto* case?

LIEUTENANT COLONEL ROBERSON: I don't recall that.

MR. WEBER: Did you have an understanding--

LIEUTENANT COLONEL ROBERSON: I believe he served on one of the committees.

MR. WEBER: What committee?

LIEUTENANT COLONEL ROBERSON: I don't know, maybe the Search and Seizure Review. I don't recall which one.

MR. WEBER: There is a mention in the second paragraph of consent to search reports. We had talked a little bit about this before. But I will represent to you that Sergeant Gilbert conducted an analysis of the consent to search forms for the Moorestown and Cranbury stations and concluded that

the consent to search percentages were almost, to the decimal point, identical to the consent to search statistics that were relied upon in the Maryland case that ultimately forced the Maryland State Police into the settlement agreement that we discussed. Were you aware of that analysis?

LIEUTENANT COLONEL ROBERSON: No, sir.

MR. WEBER: Okay.

LIEUTENANT COLONEL ROBERSON: Not to my knowledge. I may have read it in reports. I may have, at the time, but I don't recall it.

MR. WEBER: Did you ever discuss the issue of consent to search forms or a consent to search analysis with Colonel Williams?

LIEUTENANT COLONEL ROBERSON: I'm sure we had those discussions along the way. But to what degree, I don't recall.

MR. WEBER: Were you aware of whether that analysis conducted by Sergeant Gilbert was -- on the consent to search data -- was shared with the Attorney General's Office?

LIEUTENANT COLONEL ROBERSON: I don't recall.

MS. GLADING: If you had discussions with Colonel Williams, what was the content of those discussions?

LIEUTENANT COLONEL ROBERSON: I don't recall.

MR. WEBER: Lieutenant Colonel, we've already established that the *Soto* decision was a major issue for the State Police. We've also discussed the Department of Justice's inquiry was a major issue for the State Police. You were aware of the Maryland State Police entering into the consent agreement.

Would it not have made, at least, some impression on you if you had learned that consent to search data for the New Jersey State Police was on par

with the consent to search data for the Maryland State Police knowing that the Maryland State Police had entered into--

LIEUTENANT COLONEL ROBERSON: Sure it would.

MR. WEBER: --an agreement.

LIEUTENANT COLONEL ROBERSON: Do I recall it? No.

MS. GLADING: Would-- As the, at this point, lieutenant colonel and acting deputy superintendent, the Field Operations Section was under your chain of command?

LIEUTENANT COLONEL ROBERSON: Correct.

MS. GLADING: If analysis was being conducted of barracks that fell under your command, wouldn't you have been informed of that?

LIEUTENANT COLONEL ROBERSON: I read all the reports.

MS. GLADING: You read all what reports?

LIEUTENANT COLONEL ROBERSON: Do I remember them? I don't remember them.

MS. GLADING: You read all the?

LIEUTENANT COLONEL ROBERSON: I read all that were submitted to me. Yes. All the analysis that came through my office I read. Do I remember them? No.

MS. GLADING: Do you remember anything about them?

LIEUTENANT COLONEL ROBERSON: That I can testify to under oath? No.

MS. GLADING: Can you characterize what you read about?

LIEUTENANT COLONEL ROBERSON: I wouldn't attempt to under oath. I'd have to be perfectly sure as to what I read and could remember in the

five or six years before I'd testify under oath to it.

MS. GLADING: Do you remember--

LIEUTENANT COLONEL ROBERSON: If I remember some of this, I'll testify to it. But if I don't, I'm not going to be questioned into the corner and asked to respond to something that I'm not familiar with after five years. I don't think you could, because I know I can't.

MS. GLADING: Do you recall having concerns about anything you read?

LIEUTENANT COLONEL ROBERSON: Of course.

MS. GLADING: What were those concerns?

LIEUTENANT COLONEL ROBERSON: Concerns were about the allegations that are being made and the findings with the reports -- that the statistics-- But I don't recall all the particulars to it.

MS. GLADING: Do you recall discussing those concerns with anyone?

LIEUTENANT COLONEL ROBERSON: I'm sure we met.

MR. WEBER: You say we, who do you mean?

LIEUTENANT COLONEL ROBERSON: The colonel, the staff, the people involved with the studies. Do I remember the particulars of the meeting? Of course not.

MR. WEBER: Do you remember there being any discussions about the State Police and/or the Attorney General's Office conducting its own violators' survey or its own traffic survey?

LIEUTENANT COLONEL ROBERSON: I read reports from -- that -- as I stated -- I believe Lieutenant Hinkle had submitted reports regarding various stations at various times. I don't remember the exact particulars or the

numbers.

MR. WEBER: Okay. The issue, though, is there was a violators' survey that was relied upon--

LIEUTENANT COLONEL ROBERSON: I don't remember it.

MR. WEBER: --by the defense in the *Soto* case.

There are documents that-- Your name isn't on any of them-- But there are documents that suggest that for several years, both the State Police and the Attorney General's Office were discussing the possibility of conducting their own violators' survey. Do you remember that issue being discussed at any of the meetings you had with the colonel or the staff?

LIEUTENANT COLONEL ROBERSON: If my name wasn't on them, I don't remember.

MS. GLADING: Well, we earlier saw a document in which your name was on it, and you didn't recall that -- the 62 percent consent to search figure.

LIEUTENANT COLONEL ROBERSON: Correct.

MS. GLADING: So is there a reason why you couldn't recall-- I mean, we put the document in front of you. It had the numbers in front of you. We weren't asking you to testify from memory to numbers from five years ago. And you couldn't recall seeing it.

LIEUTENANT COLONEL ROBERSON: Could I remember the report?
No.

MS. GLADING: You testified a few minutes ago that you had concerns about the allegations that were being made and the findings that were being reached.

LIEUTENANT COLONEL ROBERSON: Well, the reports being

generated-- Some of the statistics -- the allegations-- I don't believe in the racial profiling allegations. We don't train it. We don't teach it. I have no idea where it came from.

MR. WEBER: Lieutenant Colonel, we've established that from January of '95 up through your retirement, you had a supervisory role over Field Operations, correct? January of '95 to July of '95 -- you're the major of the Field Operations section.

LIEUTENANT COLONEL ROBERSON: That's correct.

MR. WEBER: July of '95 to May of '97, you're the executive officer to Lieutenant Colonel.

LIEUTENANT COLONEL ROBERSON: Correct.

MR. WEBER: And then you're the deputy superintendent from May of '97 to January of '98.

LIEUTENANT COLONEL ROBERSON: Correct.

MR. WEBER: So then from January of '95 until your retirement in January of '98, you were, in some way, shape or form, responsible for Field Operations.

LIEUTENANT COLONEL ROBERSON: Either directly or indirectly. Correct.

MR. WEBER: At any time, did any of the individuals who were above you in rank who you reported to, say to you, in substance, "Hey, Field Operations falls under your purview. What's going on with this racial profiling stuff? What's going on with the allegations? Are you investigating it?" Anything to that effect?

LIEUTENANT COLONEL ROBERSON: Did we sit down and discuss

racial profiling? No. Racial profiling is not something that we condone, we teach, or we're involved with.

MS. GLADING: Were you--

MR. WEBER: Lieutenant Colonel, I understand that, and you've made it abundantly clear, it's not condoned, it's not taught, it's not sanctioned. But the fact of the matter is, you had the *Soto* decision, in which a judge said there's de facto racial profiling going on, whether you agree with his findings or not.

LIEUTENANT COLONEL ROBERSON: That's correct.

MR. WEBER: You've got the Maryland State Police agreement that was entered into that Colonel Williams circulated for people to review. You then have the Department of Justice inquiry that commences in December of 1996. So there were people and organizations out there that thought the State Police, or members of the State Police, were engaging in racial profiling.

LIEUTENANT COLONEL ROBERSON: That's correct. There are people out there -- that that's their perception.

MR. WEBER: Okay. So at any point--

MS. GLADING: Wait one second.

Go ahead.

MR. WEBER: At any point in time, did either Colonel Williams or Lieutenant Colonel Littles, or any of your superiors say to you, "You've got responsibility for Field Ops. We've got all these different inquiries going on. We've got an adverse decision. Get to the bottom of this."

LIEUTENANT COLONEL ROBERSON: We met on numerous occasions and directed the major and Field Ops and everybody that --

reiterated numerous times that we don't condone racial profiling, and we don't teach it, and all that, and there is no such thing with us as racial profiling, and we won't stand for anything.

MS. GLADING: Were you satisfied that that addressed the issue effectively?

LIEUTENANT COLONEL ROBERSON: Yeah, we did it numerous times.

MS. GLADING: Are you aware that in April of 1999, Attorney General Verniero issued an interim report including that racial profiling was real, not imaginative.

LIEUTENANT COLONEL ROBERSON: What was the date?

MS. GLADING: April of 1999.

LIEUTENANT COLONEL ROBERSON: I wasn't in the State Police.

MS. GLADING: Are you aware that the Attorney General of New Jersey has issued a report indicating that racial profiling is real, not imagined.

LIEUTENANT COLONEL ROBERSON: He-- I believe he issued a report, but that's not something I agreed to.

MS. GLADING: So do you think the report is wrong or that you've been wrong?

LIEUTENANT COLONEL ROBERSON: I just disagree with the attorney general.

MR. WEBER: Is it your position that--

LIEUTENANT COLONEL ROBERSON: I don't believe it's-- That was after my time. That's only a personal opinion, not a business opinion.

MR. WEBER: Well, I want to go back to what we were talking about

just before, which is, you know, on numerous occasions you told the major in charge of Field Operations, "We don't condone this. We don't do it."

LIEUTENANT COLONEL ROBERSON: That was brought up at several meetings, and the colonel made it perfectly clear, as did myself and everybody else, that--

MR. WEBER: I understand that you made it clear that this is not something that is taught, not something that's condoned, not something that is sanctioned. Did you ever, though, go the step further and say, "But I want you to find out if anybody's doing this?"

LIEUTENANT COLONEL ROBERSON: Well, certainly the colonel had brought that up in meetings. And that was-- That was his issue -- directive. Yes.

MR. WEBER: It wasn't your issue or directive.

LIEUTENANT COLONEL ROBERSON: Well, it came directly from the colonel, through me, to the major, and on down.

MR. WEBER: What did you do, by way of--

LIEUTENANT COLONEL ROBERSON: This is a quasi-military organization. Everything is done by chain of command.

MR. WEBER: Well, the truth be told, everything isn't done by chain of command. You've told us today that Sergeant Gilbert had a direct report to Colonel Williams on things.

LIEUTENANT COLONEL ROBERSON: Sure.

MR. WEBER: So there are certain instances--

LIEUTENANT COLONEL ROBERSON: His chain of command, at that time, was directly to the Colonel--

MR. WEBER: Right, but--

MS. GLADING: Well, you've also told--

LIEUTENANT COLONEL ROBERSON: --at the colonel's directive.

MR. WEBER: Okay.

MS. GLADING: And you've also told us, on several occasions, that memos that went through you, as part of a chain of command, weren't read by you, weren't seen by you.

LIEUTENANT COLONEL ROBERSON: That doesn't mean that I didn't see them. I may not have been available the day they were moved, but when I came back, I had seen -- saw a copy of it.

MS. GLADING: Would it have ignored the chain of command simply because you weren't there?

LIEUTENANT COLONEL ROBERSON: No. I would have seen a copy when I came back. Just because I didn't initial it -- that means I wasn't there. I would have seen--

MS. GLADING: Should we go back over those documents then?

LIEUTENANT COLONEL ROBERSON: Of course. Do I remember a lot of them? No. Your memory must be a lot better than mine, ma'am, with the volume of documents that we handled.

MR. WEBER: Lieutenant Colonel, was it unusual for a sergeant to have a direct report function to the colonel?

LIEUTENANT COLONEL ROBERSON: No. He has a unit. He's public information -- deals directly with the colonel. That's a sergeant in there and a civilian. There's people that deal that directly with the superintendent.

MR. WEBER: Do you have any recollection as to why Sergeant Gilbert

was given a direct report function to Colonel Williams on the racial profiling issue?

LIEUTENANT COLONEL ROBERSON: I don't think-- He may have had access to the colonel directly, but he also dealt with Colonel Littles through his involvement with the committee.

MR. WEBER: I'll show you another document. It's GC-002938 through GC-002940. It is an interoffice communication from Sergeant Gilbert to Colonel Williams. Though it is dated November 1, 2000, I will represent to you that Sergeant Gilbert testified that that date is incorrect -- that this was a document that was prepared prior to March 6th, 1997. But when he printed it out on his computer, in response to the Attorney General's Office request for documents, he printed it out on November 1st, 2000. And that's why that date appears there.

LIEUTENANT COLONEL ROBERSON: In 1997?

MR. WEBER: No. He printed it out November 1st, 2000.

LIEUTENANT COLONEL ROBERSON: Oh.

MR. WEBER: It was on his computer when he printed it out for purposes of the document production. It reflected the day that he printed it out, which was November 1st, 2000.

The subject here is Justice Department inquiry, Re: profiling allegations. It is from Sergeant Gilbert to Lieutenant Blaker, to you, to Lieutenant Littles, and then Colonel Williams. And there is discussion in here of a meeting with DAGs Fahy and Rover and possibly Alex Waugh to develop strategy for the Justice Department inquiry.

There is also, on the sec-- There is also mention of the Maryland case.

And on the second page -- a comparison of Maryland numbers versus New Jersey numbers. Do you remember seeing this document?

LIEUTENANT COLONEL ROBERSON: Do I remember it? No. But I may have saw it.

MR. WEBER: Do you remember these percentages?

LIEUTENANT COLONEL ROBERSON: He sent it-- It's going to Colonel Williams from Gilbert. I don't see where anybody else signed it. There was never any other copy other than his computer?

No. I don't remember.

MR. WEBER: Do you remember the percentages where there would be any discussion of a correlation between the Maryland numbers and the New Jersey numbers?

LIEUTENANT COLONEL ROBERSON: Only what you said, sir, earlier, that they were close.

MS. GLADING: Do you remember any discussion around this time about -- in dealing with the Department of Justice by focusing on future activities, as opposed to defending past numbers?

LIEUTENANT COLONEL ROBERSON: I don't know what you mean by that.

MS. GLADING: Well, under Item 5 on the second page -- overall approach-- "It does not appear we will be successful if we enter into a strategy of focusing on defense of our past numbers. Should attempt to shift focus to our future activities." Do you remember anything--

LIEUTENANT COLONEL ROBERSON: This is, evidently, Sergeant Gilbert's personal feelings or business feelings, as a result of what he's found

with the statistics. That's his feeling.

MR. WEBER: Yeah, but the question is, do you recall there being a discussion about, strategy-wise, looking forward as opposed to defending past numbers?

LIEUTENANT COLONEL ROBERSON: I knew that was Tom Gilbert's feeling -- that the numbers spoke for themselves.

MR. WEBER: You disagree with that?

LIEUTENANT COLONEL ROBERSON: Well, you can't dispute the stats. You know, I don't know how they arrived at the figures, but, you know, a lot of information is not on the report. It's just the figures, themselves.

MR. WEBER: Did you disagree with the suggested strategy of not trying to defend the past behavior and past numbers, but figuring out -- going forward, how the State--

LIEUTENANT COLONEL ROBERSON: I think they should have defended our -- defended us a little more vigorously. Yes.

MR. WEBER: When you say they, do you mean the Attorney General's Office?

LIEUTENANT COLONEL ROBERSON: Whoever was defending the State Police. It seems that a lot of the information -- I don't remember all of it, specifically, but Judge Francis came to a decision with-- He reached his decision using a lot of statistics that, I think, were a lot of nighttime statistics. And I don't think you could show that they knew who they were stopping a lot of the times.

MR. WEBER: Okay. Let's put the nighttime and the stop data aside for a moment. And we've talked a couple of times today about the consent to

search data.

When Sergeant Gilbert conducted his analysis, and he revealed that the consent to search numbers were on par with the consent to search numbers that were used in the Maryland case--

LIEUTENANT COLONEL ROBERSON: Yes.

MR. WEBER: Did your view, then, change as to what the State Police's position should be?

LIEUTENANT COLONEL ROBERSON: Well, we certainly didn't want to get -- to continue in the future, if we were -- our people were wrong in the past. We didn't want to continue that in the future. We wanted to rectify any perceived problem, naturally.

MR. WEBER: Well, then after the consent to search analysis was conducted by Sergeant Gilbert, did your opinion about the issue of racial profiling and whether or not members of the State Police were, in fact, engaging in it change?

LIEUTENANT COLONEL ROBERSON: I don't-- I personally still don't think that racial profiling is the issue. Our people, to my knowledge, don't participate in it because we've never trained in it. And I don't believe that our people are engaged in it. Our people use various indicators.

A profile-- You keep using the word profile. A profile is not a word that-- Profile starts after the stop is made. The profile starts with various indicators, nervousness -- indicators of third party ownership of vehicles, two occupants of a car not knowing -- with the same story -- not knowing where they're going, where they came from, who owns the car. These are all indicators that compile a profile. Not a racial profile. Race is not an indicator

used by the New Jersey State Police.

MS. GLADING: What about ethnic origin?

LIEUTENANT COLONEL ROBERSON: Race, ethnic-- Neither, to my knowledge. But there's numerous indicators that form a profile after a stop is made, not before.

MR. WEBER: So to this day, is it your view that regardless of the consent to search data, regardless of the attorney general's interim report, which was released in April of 1999, you still believe that there is not a racial profiling problem at the State Police.

LIEUTENANT COLONEL ROBERSON: I believe that our people don't racially profile, to my knowledge, but they use various indicators to create a profile after the stop.

MR. WEBER: Do they use race as one of those indicators?

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

MR. WEBER: Well, let's break down to your knowledge. You may not have firsthand knowledge, you may not have witnessed a trooper pulling someone over and getting in their head to determine whether or not they were using race to go further with their interaction with the person, i.e., a consent to search. Were you ever provided with information, at any time, which would have indicated to you that there were troopers that were engaging in racial profiling?

LIEUTENANT COLONEL ROBERSON: We were provided with allegations, but nothing substantiated during my tenure.

MR. WEBER: Let's fast forward a little bit to February of 1999. You

were already retired by that time.

LIEUTENANT COLONEL ROBERSON: That's correct.

MR. WEBER: And as I'm sure you can recall, February 28th, Superintendent Williams was fired by Governor Whitman, in connection with--

LIEUTENANT COLONEL ROBERSON: That's what I heard.

MR. WEBER: --in connection with comments he made in a *Star-Ledger* article on the proceeding Sunday. What was your reaction to that at the time? What was your review-- Let me restate the question. What was your view of what Colonel Williams said.

LIEUTENANT COLONEL ROBERSON: I didn't have all the facts. All I knew -- what was read in the paper. And I probably didn't have all the facts there. Do I think, personally, he should have been fired? No.

MR. WEBER: Why is that?

LIEUTENANT COLONEL ROBERSON: I don't -- as I said -- had all the facts. I think-- From what I understand, by reading the papers, he made a statement. His statement was based on Federal statistics and reports.

MR. WEBER: Did you ever have a discussion with Colonel Williams after he was fired about the firing?

LIEUTENANT COLONEL ROBERSON: I had played golf with Colonel Williams after that. I know he was deeply hurt by that. He is a hardworking, honest individual that is not a racist by any means, would not condone that under his tenure. He's as honest as the day is long. I think Colonel Williams was a fine colonel, maybe not most articulate, a man of few words, as you had spoken to. But he was a fine member of the New Jersey State Police, and a

good leader.

MR. WEBER: Aside from speaking with Mr. Flanagan and maybe Mr. Miller or Ms. Accurso from the Attorney General's Office--

LIEUTENANT COLONEL ROBERSON: I never spoke to Mr. Miller since I received the letter from Mr. Miller. I've only spoken to DAG Flanagan.

MR. WEBER: Okay. With the exception of Mr. Flanagan, have you discussed our interview request with anyone else?

LIEUTENANT COLONEL ROBERSON: Not to my knowledge.

MR. WEBER: Have you discussed the fact--

LIEUTENANT COLONEL ROBERSON: I haven't spoken to anybody that testified.

MR. WEBER: Okay. Have you spoken with anyone who is set to testify but hasn't yet testified?

LIEUTENANT COLONEL ROBERSON: I spoke to-- I had a personal conversation with former Lieutenant Colonel Bob Dunlop, and he told me that he was scheduled to testify, but for some -- whatever reason didn't appear. That's all.

MR. WEBER: Did you discuss anything else about--

LIEUTENANT COLONEL ROBERSON: No. I just mentioned the recent Christmas card. I hadn't spoken to him for a month or so. We were traveling away in January. And then I spoke to him.

MR. WEBER: Anyone else other than Colonel Dunlop?

LIEUTENANT COLONEL ROBERSON: No, sir.

MS. GLADING: Are you employed now?

LIEUTENANT COLONEL ROBERSON: Employed? Yeah, I'm

employed as a consultant for U.S. Security out of Atlanta. And I also have a part-time job at the Heritage Golf Club where I live in Pawleys Island as a ranger.

MS. GLADING: And have you had any other positions -- held any other employment positions--

LIEUTENANT COLONEL ROBERSON: Since I retired?

MS. GLADING: --since you retired.

LIEUTENANT COLONEL ROBERSON: I was Vice President in New Jersey of D.B. Kelly Associates, the largest private contract security firm in New Jersey. It was started by former Colonel Dave Kelly and former Colonel Eugene Oloff. (phonetic spelling) I worked there from my retirement until May of last year when I moved to Pawleys Island -- U.S. Security out of Atlanta owns D.B. Kelly.

MS. GLADING: I've handed the witness a document, OAG-5844 through OAG-5868.

Do you recognize this?

LIEUTENANT COLONEL ROBERSON: It's a course taught, I believe, at Sea Girt. And at the time, Major Dunlop is advising me of the tentative dates of the course, which -- and the contents of the training.

MS. GLADING: If you could look at the last page, 5868, under the first endorsement.

LIEUTENANT COLONEL ROBERSON: Uh-huh.

MS. GLADING: It indicates that the above and attached information has been reviewed by Colonel Williams and by Colonel Roberson and has been approved.

Do you recall reviewing the course schedule and lesson plans for this course?

LIEUTENANT COLONEL ROBERSON: Yeah, I believe I do. It's a routine. I had received-- Whenever they were teaching this course, they would let us know the dates, and then, I believe, what we would do -- would send out a Teletype message asking different areas of the State Police who wanted to attend. They would pick the attendance schedule or list.

MS. GLADING: And you would approve the lesson plans?

LIEUTENANT COLONEL ROBERSON: It was a matter of routine that Major Dunlop from Investigations would send us this.

MS. GLADING: If you could look at OAG-5848, the third page of this document--

LIEUTENANT COLONEL ROBERSON: Okay.

MS. GLADING: Under the drug market -- ethnic variation within upper-level drug markets-- Can you tell me what that portion of the lesson plan might include or did include?

LIEUTENANT COLONEL ROBERSON: I don't know. I don't have them. It was taught by Sergeant Fuentes from Intelligence.

MS. GLADING: Do you know if ethnic origin was, as part of a criminal profile, was part of what was taught as part of this course?

LIEUTENANT COLONEL ROBERSON: I don't know.

MS. GLADING: Did you ever inquire?

LIEUTENANT COLONEL ROBERSON: Part of a profile?

MS. GLADING: Uh-huh.

LIEUTENANT COLONEL ROBERSON: I don't know. We don't teach

profiles. I believe the Federal government even-- You asked me about Colonel Williams. His statement was as a result of a Federal statement with ethnic statistics, I believe, if I'm -- if the paper's correct.

MS. GLADING: Take a look at Page OAG-5867.

MR. WEBER: Next to the last page.

MS. GLADING: Right.

LIEUTENANT COLONEL ROBERSON: Okay.

MS. GLADING: That's a summation of a hotel interdiction program. Under the second item, manpower nightmare, do you know what homobags are?

LIEUTENANT COLONEL ROBERSON: No, I don't.

MS. GLADING: Do you know what they might be?

LIEUTENANT COLONEL ROBERSON: No, I don't. Slang for something. I don't know.

MS. GLADING: I beg your pardon.

LIEUTENANT COLONEL ROBERSON: I don't know what they're referring to.

MS. GLADING: Are you familiar with the hotel-motel program?

LIEUTENANT COLONEL ROBERSON: Somewhat, yeah.

MS. GLADING: What do you recall of about it?

LIEUTENANT COLONEL ROBERSON: I know that they -- in the Investigations Sections -- Narcotics area were aware the they could receive a lot of information from motel clerks as to people in the drug culture who would usually pay cash for rooms or frequent visitors from out-of-state--

MS. GLADING: If this indicates-- If the last page of this document

indicates that you reviewed it and approved it, would you have read it at the time?

LIEUTENANT COLONEL ROBERSON: I probably read through the report, but it's a basic report as to training. I mean, I wouldn't have to read every sentence of that. It's in regards to the narcotics trafficking seminar.

MS. GLADING: Okay.

Thank you.

MR. WEBER: Jo, are you done?

MS. GLADING: Huh?

MR. WEBER: Are you done? (applause)

Lieutenant Colonel, on behalf of the Committee, I want to thank you for coming today. We do appreciate your time. And again, just please submit whatever receipts you have to Mr. Flanagan. He'll pass them on to me. And we'll make sure you get reimbursed.

LIEUTENANT COLONEL ROBERSON: I'll submit those expeditiously.

I'd like to, also, once again apologize for not appearing earlier.

MR. WEBER: Not a problem.

LIEUTENANT COLONEL ROBERSON: I wish my memory was a lot better in satisfying both of you, but after five years it's not.

Thank you.

MR. WEBER: Thank you.

Off the record.

(INTERVIEW CONCLUDED)