

CONFIDENTIAL

INTERVIEW
of
Detective Sergeant Stephen Serrao
for the
SENATE JUDICIARY COMMITTEE

February 21, 2001
2:00 p.m.
Committee Room 2
State House Annex
Trenton, New Jersey

PRESENT AT INTERVIEW:

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

* * * * *

CONFIDENTIAL

CONFIDENTIAL

TABLE OF CONTENTS

Page

Detective Sergeant Stephen Serrao
New Jersey State Police

1

Paul G. Nittoly, Esq.
Drinker, Biddle & Shanley

1

Brian Flanagan, Esq.
Deputy Attorney General

1

lmb: 1-94

SCOTT LOUIS WEBER, Esq.: Good afternoon, Detective Sergeant. My name is Scott Weber. I'm an attorney with Latham and Watkins. Latham and Watkins has been retained, along with Michael Chertoff, as special counsel to the Senate Judiciary Committee, in connection with its investigation into racial -- allegations of racial profiling by the New Jersey State Police.

First off, on behalf of the Committee, I just want to thank you for coming today. I recognize that you came on a voluntary basis, and we do appreciate that. You can see, to your left, there is a hearing reporter present. A tape is being made of this interview and a transcript, ultimately, will be produced from the tape.

Before I swear you in, though, I'd ask that we'd just go around the room and have everyone identify themselves for the record. I'll ask that Ms. Glading start, please.

JO ASTRID GLADING, ESQ.: Jo Astrid Glading, Staff Counsel, Senate Minority Office.

MR. WEBER: Mr. Flanagan.

DEPUTY ATTORNEY GENERAL BRIAN FLANAGAN: (in audience) Brian Flanagan, Division of Law.

MR. WEBER: Mr. Nittoly.

PAUL G. NITTOLY, ESQ.: Paul Nittoly, Drinker Biddle and Shanley, on behalf of Detective Sergeant Serrao.

DETECTIVE SERGEANT STEPHEN SERRAO: Steven Serrao, New Jersey State Police.

HEARING REPORTER: Linda Brokaw, OLS Hearing Reporter.

MR. WEBER: Thank you.

Detective Sergeant, let me just advise you of my authority to take -- to conduct this interview today. By motion approved January 29, 2001, the Senate Judiciary Committee authorized Michael Chertoff and his aides to "take such testimony, interview such persons, and gather such documents in furtherance of this Committee's investigation and inquiry into the issue of racial profiling and the circumstances pertaining thereto." We further authorize to "administer oaths on behalf of the Committee to obtain sworn testimony." And that was a motion that was approved on January 29, 2001. I'll provide your attorney with a copy of that.

At this point, I'd ask that you please raise your right hand and repeat after me. (witness sworn)

Let me just give to your attorney a copy of the motion that we have. I'm not going to mark it as an exhibit, but just let the record reflect that I am providing a copy of the motion to Mr. Nittoly.

MR. NITTOLY: Thank you, Mr. Weber, I acknowledge receipt.

MR. WEBER: Thank you.

Detective Sergeant, if we could, could you please just detail for the Committee your educational background and then you're background at the New Jersey State Police.

DETECTIVE SERGEANT SERRAO: Yes. I graduated from St. Mary's High School in 1979 in Rutherford, New Jersey. I became a State Trooper in 1981, graduating from the State Police Academy on April 3rd, of 1981. And I've since been pursuing my Bachelors Degree, through Thomas Edison State College, and I expect to receive my Bachelors Degree this spring.

MR. WEBER: When you graduated from the Academy, what was your

first position at the State Police?

DETECTIVE SERGEANT SERRAO: I enlisted as a trooper, and I was assigned to the Field Operations Section in Troop *B* in North Jersey.

MR. WEBER: You were a road trooper in Troop *B*?

DETECTIVE SERGEANT SERRAO: Yes, I was.

MR. WEBER: From 1981 until when?

DETECTIVE SERGEANT SERRAO: I was a road trooper in Troop *B* from April 3rd, 1981 until the latter part of October 1982. And then I was assigned. I was transferred.

MR. WEBER: Where were you transferred to?

DETECTIVE SERGEANT SERRAO: In October of '82, I was transferred to the New Jersey Turnpike, and I was assigned to the Newark Station until July 14th of 1986.

MR. WEBER: Were you a road trooper at the Newark Station?

DETECTIVE SERGEANT SERRAO: Yes, I was.

MR. WEBER: Okay. What happened in 1986?

DETECTIVE SERGEANT SERRAO: In 1986, I was selected to be assigned to the Intelligence Bureau of the New Jersey State Police.

MR. WEBER: What is the Intelligence Bureau?

DETECTIVE SERGEANT SERRAO: The Intelligence Bureau is a bureau within the Intelligent Services Section that is responsible for collecting, evaluating, analyzing, and disseminating intelligence information on organized criminal activity in the State of New Jersey.

MR. WEBER: What was your rank at that time, in 1986?

DETECTIVE SERGEANT SERRAO: When I was transferred, I was still

a trooper, and then I, subsequently, was designated detective.

MR. WEBER: When were you designated detective?

DETECTIVE SERGEANT SERRAO: Sometime about the beginning of 1987.

MR. WEBER: Okay. How long did you remain in the Intelligence Bureau?

DETECTIVE SERGEANT SERRAO: I'm still in the Intelligence Bureau today. I was transferred several times to different units, ultimately, to wind up in the analytical unit, which is the unit I'm in today.

MR. WEBER: When did you wind up in the analytical unit?

DETECTIVE SERGEANT SERRAO: October of 1988, I was transferred to the analytical unit.

MR. WEBER: What are the functions of the analytical unit?

DETECTIVE SERGEANT SERRAO: The analytical unit is composed of enlisted supervisory staff and civilian analytical staff, and the civilians in this unit conduct the analysis of the intelligence information that's gathered by the State Police.

MR. WEBER: And you've remained in the analytical unit since October 1988?

DETECTIVE SERGEANT SERRAO: Yes. I had some temporary detachments during that time, and in January of 1997, I was designated the unit supervisor and that's my current position.

MS. GLADING: I'm sorry. That was January '97?

DETECTIVE SERGEANT SERRAO: Yes, ma'am.

MR. WEBER: What are your functions as the unit supervisor?

DETECTIVE SERGEANT SERRAO: As the unit supervisor, I am responsible for running the analytical unit and assigning tasks to the nine civilian analysts that are employed by the State Police. It's our job to analyze the intelligence information. As I stated before, we receive intelligence reports and we receive mass media information. We receive information from other police agencies and this information is analyzed and a final product is developed, which is then disseminated to Division command and various other entities. The unit also has a responsibility for conducting management studies, and over the years, we've conducted many management studies.

MR. WEBER: I'd like to show you a document that was provided to us by the Attorney General's Office. And just to let you know, I only have two documents to show you today, both of them were provided by the Attorney General's Office.

The first document I'd like to show you is OAG-000014 through 000025. And for the record, it is a New Jersey State Police Intelligence Bureau report entitled "New Jersey State Police Arrests and Analysis by Region, Race, and Crime," Analytical Unit, September 5th, 1989. A copy for you and a copy for your counsel.

Do you recognize this document, Detective Sergeant?

DETECTIVE SERGEANT SERRAO: I certainly do.

MR. WEBER: Did you have any involvement in the preparation of this document?

DETECTIVE SERGEANT SERRAO: Yes, I did.

MR. WEBER: What was your involvement?

DETECTIVE SERGEANT SERRAO: I am the principal author. I wrote

the document, and I also conducted much of the analysis of the statistical information that was gathered to prepare the document.

MR. WEBER: Why did you conduct the analysis and, ultimately, author the report.

DETECTIVE SERGEANT SERRAO: The-- In August of 1989, a television station, WWOR, in Secaucus, New Jersey, aired a segment entitled "Without Just Cause." It was a piece about disparate treatment of Hispanics and Blacks by troopers on the New Jersey Turnpike. We-- My unit was assigned to examine arrest statistics for the Turnpike in response to that news story.

MR. WEBER: Who specifically gave you the assignment?

DETECTIVE SERGEANT SERRAO: I was given the assignment by my boss at the time, who was Lieutenant Robert Hopkins, but the assignment came from the superintendent's office from Colonel Clinton Pagano.

MR. WEBER: Did you ever have any discussions with Colonel Pagano about the assignment.

DETECTIVE SERGEANT SERRAO: I did not.

MR. WEBER: You said your supervisor was who?

DETECTIVE SERGEANT SERRAO: At the time, it was Lieutenant Robert Hopkins, H-O-P-K-I-N-S. He was the supervisor of the analytical unit.

MR. WEBER: Did Lieutenant Hopkins relate to you the information from the Colonel's office?

MR. NITTOLY: I object. I don't understand--

MR. WEBER: Well, you said the assignment came from the Colonel's office. I'm trying to understand. It came from the Colonel's office to

Lieutenant Hopkins, and then Lieutenant Hopkins passed the assignment on to you?

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: What did Lieutenant Hopkins say to you when he advised you that he wanted you to conduct this study?

DETECTIVE SERGEANT SERRAO: He advised me that the superintendent wanted an unbiased, exhaustive examination of arrest statistics on the New Jersey Turnpike.

MR. WEBER: You were specifically told it was an analysis of arrest statistics, correct?

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: As opposed to stop statistics?

DETECTIVE SERGEANT SERRAO: We-- The issue of stops came up. I don't recall that that was part of the initial assignment. In 1989, we were unable to capture stop data.

MR. WEBER: Why was that?

DETECTIVE SERGEANT SERRAO: The records that were used to capture stops were paper records and too voluminous to analyze.

MR. WEBER: How about an analysis of consent to search statistics? Was that ever discussed?

DETECTIVE SERGEANT SERRAO: Not in 1989, no.

MR. WEBER: Was it discussed with you at any time?

DETECTIVE SERGEANT SERRAO: Yes, it was.

MR. WEBER: When?

DETECTIVE SERGEANT SERRAO: In February of 1999, I was

assigned to examine consent search statistics.

MR. WEBER: Okay. Let's--

MS. GLADING: Okay. We can get to that later.

MR. WEBER: Yeah. We'll get to-- That's the second document that we have to discuss with you, but I wanted to stay on this document for a second. I just want to make sure the record's clear.

Was Lieutenant Hopkins the only person that you talked to concerning this assignment, as far as it being actually assigned to you and what the parameters were?

DETECTIVE SERGEANT SERRAO: Well, it was a group effort, actually. To complete this assignment, it required several people from the analytical unit. Lieutenant Hopkins and I ran the job, so we had conversations about how the job was going to play out, what the document was going to look like, what the contents were going to be. I personally designed the analysis that we were going to conduct, but there were several, both enlisted and civilian personnel, that assisted in gathering the data.

MR. WEBER: Okay. What I want to get at here is, the beginnings of your work on this and who set the parameters, what were those parameters? Let's put aside the actual work that you did.

DETECTIVE SERGEANT SERRAO: I--

MR. NITTOLY: In other words, you're looking for him to testify about the scope of the assignment. Is that--

MR. WEBER: Un-huh.

MR. NITTOLY: --correct?

DETECTIVE SERGEANT SERRAO: Yeah. I received the assignment

directly from Lieutenant Hopkins. I may have attended some meetings with the bureau chief, who I don't even recall who that was in 1989. And the scope of the assignment was to do an examination of arrest statistics on the Turnpike.

MR. WEBER: Was there any delineation as to what areas of the Turnpike, what troops you should concentrate on?

DETECTIVE SERGEANT SERRAO: No. It was discussed, and it was decided that we would examine all three stations.

MR. WEBER: All three stations that patrolled the Turnpike?

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: We had talked just a little before about stop data, and you testified that the records used to capture that were paper records and they were too voluminous to analyze?

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: Was there-- When you were instructed as to the scope of the assignment, was there a discussion about arrests -- about stop statistics at that time or is that something that came up later on?

DETECTIVE SERGEANT SERRAO: There was no discussion about stop statistics. We-- We-- You know, there was no discussion on stop statistics.

MR. WEBER: When did the issues of stop statistics and potentially conducting an analysis of stop statistics come up?

DETECTIVE SERGEANT SERRAO: The first time I was involved with that would be in February of 1999.

MR. WEBER: Okay. But in connection with this September 1989

report, you had determined during your analysis that the records were too voluminous to capture in connection with stop data, correct?

DETECTIVE SERGEANT SERRAO: No, that's not correct what you just said. We determined, designing the job, that stop data was too voluminous to analyze. We would have difficulty obtaining the data. It was at multiple locations. We didn't have the luxury of the resources to examine the data. So it was at the state -- at the step of job design that we decided not to track down the stop data and analyze the stop data. So it wasn't at the time of analysis. We never gathered the--

MR. WEBER: Okay.

DETECTIVE SERGEANT SERRAO: --information.

MR. WEBER: But I guess, and if I'm being unclear, I apologize. What I'm trying to find out from you is, if the scope was to analyze arrest data, why was stop data even on the radar screen? Why was it even discussed?

DETECTIVE SERGEANT SERRAO: Well, because -- because Joe Collum, who was the reporter for WOR TV, as many others, constantly referred to arrest data as stop data. That's something that has continued to this day. People equate the two, and they're not the same information. Stop data-- The relationship between stop data and arrest data, in my opinion, is unknown, and that's why that discussion took place, because the news report had talked about stop data.

MR. WEBER: Was-- Did you undertake any effort to determine what records you would need to look at if you were, in fact, to analyze stop data?

DETECTIVE SERGEANT SERRAO: Yes. Conversational. We had discussions about that, yes.

MR. WEBER: What sort of records would you have looked at if you were going to analyze stop data?

DETECTIVE SERGEANT SERRAO: In 1989, the information we would have had to look at to get stop information would have been the troopers on patrols' patrol chart, the radio logs kept at the station--

MS. GLADING: Excuse me.

DETECTIVE SERGEANT SERRAO: Yes.

MS. GLADING: Was race indicated on a patrol chart?

DETECTIVE SERGEANT SERRAO: Absolutely not.

MS. GLADING: Okay. So why would you have looked at that to determine--

DETECTIVE SERGEANT SERRAO: We wouldn't have. I didn't say we did.

MS. GLADING: Oh, I thought you just listed the patrol chart.

DETECTIVE SERGEANT SERRAO: No. He asked me where we would get stop data, and that's where we would get stop data.

MS. GLADING: Okay.

DETECTIVE SERGEANT SERRAO: I'm not saying that the stop data would have any information about race.

MS. GLADING: Okay.

MR. WEBER: Okay. So you've got-- Let's go back. You've got the patrol log?

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: What else?

DETECTIVE SERGEANT SERRAO: You have radio logs that were kept

manually at the station. You have arrest reports and investigation reports that would document stops and arrest activity. You have motor vehicle summonses, warnings. Those are just some of the ones I can remember off the top of my head.

MR. WEBER: Okay. Of the--

MS. GLADING: Any search documents -- search related documents in '89?

DETECTIVE SERGEANT SERRAO: I'm sorry.

MS. GLADING: Were there any documents related to probably cause or consent searches in 1989 that were used?

DETECTIVE SERGEANT SERRAO: No. We only looked at arrests. So if the arrest involved a search--

MS. GLADING: I understand. No. When you were just listing information that would be relevant to stops, I'm just trying to find out was there any information in 1989 on paper concerning searches?

DETECTIVE SERGEANT SERRAO: I'm sure there were consent search reports, but we didn't examine them.

MR. WEBER: Of the records you've listed -- patrol logs, radio logs, arrest or investigation reports, and motor vehicle summonses or warnings -- out of those documents which of those would have indicated the race of the individual, back in '89?

DETECTIVE SERGEANT SERRAO: Yeah. In '89, the only document that would indicate the race of the individual would be the investigation report, the arrest report, and possibly the consent search report.

MR. WEBER: Were you aware of SOP F-3 from when you were a road

trooper?

DETECTIVE SERGEANT SERRAO: I don't believe F-3 was in force when I was a road trooper. I think it came subsequent to that. Is that the policy regarding consent searches?

MR. WEBER: Well, no. That would be SOP F-55. SOP F-3 was a requirement that when stopping a motorist you had to call in to dispatch--

DETECTIVE SERGEANT SERRAO: Again--

MR. WEBER: --the race of the occupants and the driver.

DETECTIVE SERGEANT SERRAO: --when I first became a trooper, that was not in effect, then it subsequently became in effect where we had to call in stops in the hours of darkness. I never had to call in stops when I was road trooper.

MR. WEBER: Was that in effect in or about 1989 when you were conducting this?

DETECTIVE SERGEANT SERRAO: I believe it was, but I can't say for sure.

MR. WEBER: And this isn't a quiz. I'm not trying to trip you up. I just want to make sure that the record's clear. Then, as best as you recall, you could have also determined the race of a motorist by looking at the radio logs?

DETECTIVE SERGEANT SERRAO: I said that.

MR. WEBER: Okay. You conduct your analysis, you author the report, what then happened with the report? Did it make its way up to Colonel Pagano, as far as you know?

DETECTIVE SERGEANT SERRAO: Yes, it did.

MR. WEBER: Did you get any feedback?

DETECTIVE SERGEANT SERRAO: The only feedback I got at that time was that Colonel Pagano conducted or allowed to be conducted an interview by Joe Collum from WOR, and I was told that Colonel Pagano referred to my report, or the analytical unit's report, in that interview.

MR. WEBER: Okay. So this report-- I want to make sure we get the timing correct. There is the WOR television series that then prompts your analysis and then ultimately the authoring of this report, correct?

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: And then subsequent to you authoring this report dated September 5, 1989, it was your understanding that Colonel Pagano got the report and then he granted an interview to WOR TV?

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: And made reference to the report?

DETECTIVE SERGEANT SERRAO: Yes. That's my-- That's the information I was made aware of, yes.

MR. WEBER: Okay. Did you see the interview in which he made reference to your report?

DETECTIVE SERGEANT SERRAO: I believe I did.

MR. WEBER: Do you remember what aspects of your report he made reference to?

DETECTIVE SERGEANT SERRAO: No, I don't remember.

MR. WEBER: Any other feedback either from Colonel Pagano directly or through channels as to the report and the job that you did on the report?

DETECTIVE SERGEANT SERRAO: Not in 1989. At some point a few years later, I heard and I don't know where I heard it or how I learned it, but

I heard that the report had become an issue in *Soto*. That was probably the last -- next or the last time I heard about the report.

MR. WEBER: When was the last time you heard about the report?

DETECTIVE SERGEANT SERRAO: The last time I heard about the report was in February of 1999.

MR. WEBER: Okay. And that's when you got involved again in some sort of statistical analysis that concerned racial profiling, correct?

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: All right. We're going to get to that report, but a couple more questions in a couple of other areas. Did you have any involvement in the *Soto* matter at all?

DETECTIVE SERGEANT SERRAO: No.

MR. WEBER: Okay. Anybody contact you about your report in connection with the *Soto* matter?

DETECTIVE SERGEANT SERRAO: No.

MS. GLADING: Did you ever speak with either Brennan or Fahy about the report?

DETECTIVE SERGEANT SERRAO: Brennan being Major Joe--

MR. WEBER: Major Brennan, right.

DETECTIVE SERGEANT SERRAO: --Brennan. No. I never spoke to him about the report during that time frame. I may have spoken to him subsequently in February of '99. And Fahy being who?

MR. WEBER: Jack Fahy, Deputy Attorney General.

DETECTIVE SERGEANT SERRAO: No. I don't think I've ever spoken to Jack Fahy.

MR. WEBER: Let me show you our second document. For the record, it is a New Jersey State Police interoffice communication, OAG-006016 to OAG-006017. It is dated April 13th, 1999, and the subject is intelligence bureau analysis of Troop D arrests and searches for calendar years 1996, 1997, and 1998. It is from Captain Butts to Captain Cartwright. You've had an opportunity to review the interoffice communication?

DETECTIVE SERGEANT SERRAO: Yes, I have.

MR. WEBER: Have you ever seen this before?

DETECTIVE SERGEANT SERRAO: I wrote it.

MR. WEBER: You wrote it. Captain Butts -- a superior of yours?

DETECTIVE SERGEANT SERRAO: He is the-- He was the intelligence bureau chief at that time. He was my second-level supervisor.

MR. WEBER: When were you first contacted in connection with the Intelligence Bureau's analysis of the Troop D arrests and searches for calendar years '96 through '98?

DETECTIVE SERGEANT SERRAO: Around the second week of February 1999.

MR. WEBER: Who contacted you?

DETECTIVE SERGEANT SERRAO: Lieutenant Colonel Robert Dunlop.

MR. WEBER: What did he say to you?

DETECTIVE SERGEANT SERRAO: Around the second week of February, I had read in the news media that State Police stop and arrest procedures were being examined again in the media and by defense attorneys, and I forwarded a copy of the 1989 report to Lieutenant Colonel Dunlop's

office for their review.

MR. WEBER: That's this September 5th, '89 report we've discussed.

DETECTIVE SERGEANT SERRAO: Yes, sir. I forwarded that report to the Lieutenant Colonel's office for their review, because I knew that they were not aware that previous analysis had been conducted by my unit on this issue.

MR. WEBER: I take it after receipt of the report, Lieutenant Colonel Dunlop contacted you?

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: What did he say to you?

DETECTIVE SERGEANT SERRAO: I was summoned to a meeting in his office, and I attended this meeting with several other members of the organization and an assignment was laid out for the analytical unit to conduct an analysis of arrest, search, and stop issues on the New Jersey Turnpike.

MR. WEBER: Who else was at the meeting?

DETECTIVE SERGEANT SERRAO: From the best of my memory, it was Lieutenant Colonel Dunlop, chaired the meeting. I was there obviously. I believe Captain Cartwright from Field Operations was there. I believe Captain Madden from Records and Identification Section was there. I believe John Hagerty, the Public Information Officer was there. Lieutenant Rich Toth was there who was my immediate supervisor at the time. Rich Toth, T-O-T-H. There was a major or a captain from Internal Affairs section. I don't remember who that was at this point. I believe Captain Butts was at that meeting, too.

MR. WEBER: How about Sergeant Thomas Gilbert?

DETECTIVE SERGEANT SERRAO: Tom Gilbert was at that meeting,

yes.

MR. WEBER: Okay.

DETECTIVE SERGEANT SERRAO: And I believe also Sergeant Jim Campbell (phonetic spelling) was at the meeting.

MR. WEBER: How about Lieutenant Sachetti?

DETECTIVE SERGEANT SERRAO: I don't know if he was at that first meeting, but he did attend-- There were a series of meetings over months, and he did attend some of the meetings.

MR. WEBER: Did-- Was it explained to you the purpose of the -- behind you conducting the analysis of the arrest and search data?

DETECTIVE SERGEANT SERRAO: I didn't hear your question.

MR. WEBER: Was an explanation provided to you as to why this analysis was being conducted?

DETECTIVE SERGEANT SERRAO: Yes. Colonel Dunlop was concerned that no one in-- He had said to me, "no one in the organization has yet conducted a thorough analysis of stop, arrest, and search statistics on the Turnpike." And he wanted that done, and he wanted it done as fast as possible.

MR. WEBER: Did he explain why?

DETECTIVE SERGEANT SERRAO: To provide it to the Attorney General's Office. That's the only explanation I got.

MR. WEBER: Did the Attorney General's Office request this information?

DETECTIVE SERGEANT SERRAO: I don't know.

MR. WEBER: Did Sergeant Gilbert indicate at the meeting that he had

previously conducted his own analysis of consent to search data back in 1996 and 1997?

DETECTIVE SERGEANT SERRAO: Yes, he did.

MR. WEBER: What did he indicate about that?

DETECTIVE SERGEANT SERRAO: He had mentioned that I had had subsequent conversations with him that he had been providing data to the Attorney General's Office and elsewhere, I believe, and to the superintendent regarding an analysis of consent searches and arrests on the Turnpike.

MR. WEBER: Did he indicate to you what his analysis bore out?

DETECTIVE SERGEANT SERRAO: No. He more or less described his analysis and really didn't detail the findings. He wasn't concerned with the findings.

MR. WEBER: What did he describe about his analysis?

DETECTIVE SERGEANT SERRAO: I vaguely remember him describing how they obtained consent searches and patrol charts and radio logs and various other documents from some or all of the stations. And he singularly conducted a so-called analysis.

MR. WEBER: And he didn't provide to you any details about that analysis or what the conclusions were from his analysis?

DETECTIVE SERGEANT SERRAO: No, he did not.

MS. GLADING: Did he discuss this at the meeting?

DETECTIVE SERGEANT SERRAO: I believe so, yeah.

MS. GLADING: Did others seem to be familiar with his analysis?

DETECTIVE SERGEANT SERRAO: No. As a matter of fact, most of the people at the meeting were not familiar with the analysis.

MS. GLADING: You indicated -- I don't know if I wrote it down wrong or not -- that he had done an analysis of arrests and consent searches or did he say stops and consent -- did you say stops and consent searches?

DETECTIVE SERGEANT SERRAO: I don't remember sitting here today, but certainly arrest and consent searches. I don't remember if stops were included--

MS. GLADING: Okay.

MR. WEBER: --but I think they were because I remember discussing patrol charts and radio logs. And you know, you're not going to get arrested for-- You know, that's what -- whatever-- I remember him discussing those items, and it appeared to me that he may have done something with stops.

MR. WEBER: Back in February of 1999, were you aware that prior to that the Maryland State Police had entered into an agreement in connection with a lawsuit that had been filed against them that alleged that Maryland State Police were conducting racial profiling?

DETECTIVE SERGEANT SERRAO: I became aware of that at either that meeting or a subsequent meeting. I was not aware of that prior to that.

MR. WEBER: Did you also become aware that Sergeant Gilbert's analysis of the consent to search data that he did back in the end of '96 and to the beginning of '97 indicated that the percentages of minorities subjected to consent searches were at levels almost identical to the same levels that were involved in the Maryland State Police case?

DETECTIVE SERGEANT SERRAO: I lost track of your question, but was I -- was I aware of that?

MR. WEBER: Yeah.

DETECTIVE SERGEANT SERRAO: No.

MR. WEBER: Did -- and let me try to make the question a little shorter-
- Did Sergeant Gilbert or anyone indicate to you that the consent to search analysis that Sergeant Gilbert had conducted revealed that the New Jersey State Police numbers were at the same levels as the numbers used in the Maryland State Police case, which ultimately forced them into a settlement agreement?

DETECTIVE SERGEANT SERRAO: I remember discussions about the Maryland agreement, but it certainly was not at that first meeting, and I don't know if it was in conversations between Sergeant Gilbert and myself during the time I was conducted my analysis. But specifically at that meeting, that was not mentioned, no.

MR. WEBER: At any meeting?

DETECTIVE SERGEANT SERRAO: I'd have to say it was mentioned at a meeting, but I don't remember the specifics of which meeting. We had a meeting every week for about six months.

MR. WEBER: Was it every indicated to you that the connection between the numbers in New Jersey on the consent to search data and the numbers in the Maryland case that that connection was brought to the attention of the Attorney General's Office?

DETECTIVE SERGEANT SERRAO: Yeah, I believe that was brought to my attention, because Tom had been explaining to me the analysis he was conducting. And I do recall he mentioned that he was working with someone or providing it to someone at the Attorney General's Office, but I don't remember who or when.

MR. WEBER: The name George Rover sound familiar?

DETECTIVE SERGEANT SERRAO: I know George Rover personally, but it doesn't sound familiar reference this issue, no.

MR. WEBER: Okay. A few minutes ago you had testified to the effect that Sergeant Gilbert had conducted an analysis and that he had been sharing information with the Attorney General's Office. What did he say on that topic?

DETECTIVE SERGEANT SERRAO: Well, Tom told me that the superintendent, who was Carl Williams at the time, had assigned him to examine arrest, stop, and search statistics on the southern end of the Turnpike. He didn't tell me specifically why he--

MR. WEBER: Did he tell when -- when Colonel Williams assigned him that task?

DETECTIVE SERGEANT SERRAO: No, he didn't tell me when--

MR. WEBER: Okay.

DETECTIVE SERGEANT SERRAO: --but I knew it was an ongoing thing from our conversation. So he told me he was conducting analysis, and then he went on to describe the methodology he used in his analysis and that's when I became aware of some of these issues that we're talking about -- about the fact that he was doing that and who he was providing it to and, you know, what type of analysis he was doing.

MR. WEBER: Did he indicate to you how frequently he would provide the information to the Attorney General's Office?

DETECTIVE SERGEANT SERRAO: No.

MR. WEBER: Did he indicate to you who at the Attorney General's

Office he would provide the information to?

DETECTIVE SERGEANT SERRAO: No.

MR. WEBER: Did he indicate to you when he would provide the information? And let me be a little more specific on the question. To the extent that he finished tasks or finished, you know, discreet analysis, would he then report it to the Attorney General's Office?

DETECTIVE SERGEANT SERRAO: I have no idea, and we never discussed that.

MR. WEBER: And you said--

MS. GLADING: Did he indicate to you that these analyses that he had conducted had been in the past?

DETECTIVE SERGEANT SERRAO: I was under the impression they were ongoing up to that point in February of '99 when-- I was under the impression my unit was being called in because he did not have the resources to continue the analysis.

MS. GLADING: Did he indicate to you when he had started conducting these analyses? What periods of time they covered?

DETECTIVE SERGEANT SERRAO: I-- Yeah. He-- And I don't remember exactly what he said, but I believe he started conducting his analysis after the *Soto* case was decided at the Superior Court level.

MR. WEBER: Well, you-- Correct me, if I'm wrong, but you weren't under the impression that he started after the *Soto* case and up until February of 1999, he hadn't come up with any results, rather you're to the impression that there was sort of an ongoing process, correct?

DETECTIVE SERGEANT SERRAO: Yeah. I wasn't under the

impression he was coming up with any results. I was under the impression that he was providing raw statistical data to whoever it was that he was providing it to.

MR. WEBER: Were you under the impression that he was providing the raw statistical data as that data became known to him?

DETECTIVE SERGEANT SERRAO: Yes, I was.

MR. WEBER: As opposed to conducting all of his analyses, saving it all up for one big report, correct?

DETECTIVE SERGEANT SERRAO: The way you said it the first way is the way I believe it was occurring. (laughter)

MR. WEBER: Okay. The former -- the former not the latter?

DETECTIVE SERGEANT SERRAO: You're killing me with these long questions. (laughter) Yeah, the former, not the latter, exactly.

MR. WEBER: Okay.

MS. GLADING: And in what-- What impression did you get of the working relationship between Tom Gilbert and Williams and the AG's Office on this issue?

DETECTIVE SERGEANT SERRAO: Oh, I believe that Tom Gilbert and Colonel Williams had a close working relationship on this issue, and I know from conversations with Tom that he was dealing with people from the Attorney General's Office on a regular basis discussing these issues.

MS. GLADING: And was that a long-term relationship he had been doing -- had been dealing with the AG's Office for some time on this?

DETECTIVE SERGEANT SERRAO: I got the impression it had been for four or five years. Because this is in 1999, and I'm having this conversation

with him, and I think it went back all the way to '93 or '94 -- the *Soto* case. So I was under the impression it was a four-year or five-year relationship.

MR. WEBER: Did Sergeant Gilbert ever indicate to you that he withheld any information from the Attorney General's Office?

DETECTIVE SERGEANT SERRAO: Never.

MR. WEBER: Did he ever indicate to you that anyone instructed him to withhold information from the Attorney General's Office?

DETECTIVE SERGEANT SERRAO: Never.

MR. WEBER: Did he ever indicate to you that anyone at the Attorney General's Office requested that he provide them with oral reports as opposed to providing him with written information of the statistics?

DETECTIVE SERGEANT SERRAO: I don't ever remember him mentioning that to me, no.

MS. GLADING: Did he share any of his reports with you?

DETECTIVE SERGEANT SERRAO: No.

MS. GLADING: Did you ask for them?

DETECTIVE SERGEANT SERRAO: No.

MR. WEBER: Why not?

DETECTIVE SERGEANT SERRAO: I had no faith in his methodology, and I didn't want to even see any reports he conducted, because I don't believe the method he used to acquire the data was valid.

MR. WEBER: Why not?

DETECTIVE SERGEANT SERRAO: As he explained to me his method of analysis, from my training and experience in limited statistical analysis -- the training experience I have -- he was using words and describing things he did

inappropriately. I don't mean he did anything inappropriately. He was describing them inappropriately. He was describing how he came to an agreement with someone, and whether it was in our organization or the Attorney General's Office, to look at selected dates and examine data from certain time periods and certain stations. And that immediately jumped off the page at me out of the conversation. And I said, Tom, it seems to me that your data could potentially be flawed or skewed, and I really don't want to even pollute my mind with looking at it.

MR. WEBER: Did you ultimately conduct an analysis -- and let's just focus our attention for the time being on the consent to search issue-- Did you ultimately conduct an analysis of Troop D and the consent to search issue for the calendar years '96 through '98?

DETECTIVE SERGEANT SERRAO: Not for all three calendar years, but for '97 and '98, yes, I did.

MR. WEBER: Why not '96?

DETECTIVE SERGEANT SERRAO: It-- I believe it was an arbitrary decision because of the volume of reports. We had acquired the reports from '98 and '97 and that represented about 1000 reports, which was going to take us several months. So we stopped it at that point and didn't go back to '96.

MS. GLADING: Were these all paper reports?

DETECTIVE SERGEANT SERRAO: Yes, ma'am.

MR. WEBER: What, as best as you can recall-- Well, let me withdraw the question. Did you ultimately issue your findings in some form of a written report or interoffice communication?

DETECTIVE SERGEANT SERRAO: I prepared a slide presentation,

which contains about 36, or so, slides, charts, and graphs, and I presented that in an oral briefing.

MR. WEBER: To?

DETECTIVE SERGEANT SERRAO: To many people, and I'd be happy to say to who. It was actually a two-fold presentation. Up until the week before the interim report was released, I had about a 32-slide presentation, and it was-- The findings that my unit had come to after looking at this issue for two-and-a-half months, or eight weeks or so, and my 32 charts and graphs demonstrated statistics for stop, arrest, and search data for the New Jersey Turnpike for all three stations. And that information, that briefing, was provided to Lieutenant Colonel Dunlop and most of the senior staff of the State Police, including Lieutenant Colonel Fedorko. It was provided to First Assistant Attorney General Paul Zoubek, and it was provided to Assistant Attorney General Ron Susswein several days prior to the release of the interim report.

Upon the release of the interim report, we reconvened our meeting, and Colonel Dunlop and I agreed that the focus of the interim report was on the disparity and the consent search statistics. So at that point, I believe it was the last week of April, Colonel Dunlop assigned my unit to conduct a more comprehensive examination of the consent searches on the Turnpike. And we did that over the next several months. We examined all of the consent searches for the Turnpike for calendar year '97 and '98.

MR. WEBER: What did you determine?

DETECTIVE SERGEANT SERRAO: We determined that, among other things, some of the statistics in the interim report did not match what we were

coming up with. The total number of searches conducted. The percentages of finds versus no finds -- the find rate as we referred to it was different. The racial proportions or the disparity in the racial proportions -- our numbers were different than what was presented in the interim report.

MR. WEBER: And you'll forgive my rather sophomoric way of posing the question, but were the numbers better or worse than in the interim report?

DETECTIVE SERGEANT SERRAO: I don't know what-- Yeah. I don't know what better or worse means, but I can explain what the numbers said.

MR. WEBER: Well, I'll-- You know, I'll-- Let me -- let me cut to the chase here. I mean, there were numbers that were provided in the interim report showing on the consent to search issue a rather great disparity between the number of minorities that were subjected to consent searches versus the number of whites that were subjected to consent searches. Was the disparity greater or less after you conducted your more thorough analysis?

DETECTIVE SERGEANT SERRAO: The disparity was less.

MR. WEBER: By how much?

DETECTIVE SERGEANT SERRAO: I don't remember exact numbers, but the numbers that I do remember, sitting here without benefit of looking at the report, the most disturbing, to me, disparity was the fact that the interim report indicated that of the consent searches they examined, I believe they said we had an 18 percent find rate. Troopers were only finding contraband or evidence of a crime in 18 percent of the searches -- the consent searches. Our analysis revealed that troopers were finding evidence or contraband in over one-third of the consent searches they were conducting.

The racial proportions -- ours were less disparate. I think the interim report spoke about 70/30 black to white. I think ours was closer to 60/40. And depending on the analysis and at what point you examined it, our numbers even came close to 50/50 black to white.

MR. WEBER: Did the interim report concern a statistical analysis of only the years 1997 and 1998 or were other years included in that?

DETECTIVE SERGEANT SERRAO: I've read the interim report several times, and I have no idea what data they examined in that report.

MS. GLADING: You had no idea-- I'm sorry. I didn't hear.

DETECTIVE SERGEANT SERRAO: I have no idea what there data set was to conduct that report. I don't know if it was one year, two years, five years.

MR. WEBER: So you don't know if it included '94, '95-- You just don't know what years were included?

DETECTIVE SERGEANT SERRAO: No. And I wasn't involved in that study, so I don't know what they were.

MR. WEBER: Or how many years were included?

DETECTIVE SERGEANT SERRAO: No. I don't know.

MR. WEBER: Wouldn't you have needed to-- Didn't you need to know that information in order for you to conduct a more thorough analysis and then ultimately compare your findings with the findings in the interim report to make sure that the same years were being considered by both the interim report and your analysis?

DETECTIVE SERGEANT SERRAO: It wasn't my job to compare it to the interim report. My assignment was to conduct a thorough analysis and

reveal the results of that analysis. We weren't comparing it to the interim report.

MR. WEBER: You would agree with me, would you not, that if your more thorough analysis only concerned looking at 1997 and 1998, and if the interim report's analysis included additional years, it wouldn't be a fair comparison then to me, would it?

DETECTIVE SERGEANT SERRAO: The interim report purported to be a statistical analysis of consent searches. And if it was a valid statistical analysis using random samples or whatever type of methodology it used, I believe you could compare our numbers, because we conducted a census, not a survey. We examined every report. So any subset of that data that they would have looked at should have been able to be compared against our data.

MR. WEBER: Even if your data involved a different universe of materials that you were looking at -- if yours was confined to two years and the interim report included three or four years?

DETECTIVE SERGEANT SERRAO: I suppose if they looked at completely different data it would -- it wouldn't necessary match, yeah.

MR. WEBER: Well, looked at different years. Right?

DETECTIVE SERGEANT SERRAO: Yeah. Yeah. I guess so. Yeah. I guess so.

MR. WEBER: Okay. And you would agree also, would you not, that if the interim report included an analysis of 1994 and 1995, which were years that occurred prior to the issuance of the *Soto* decision, there may have been a difference in behavior by State Police troopers and road troopers, on the issues of consent to search, prior to the issuance of that decision?

MR. NITTOLY: I don't know if we're objecting to form, but I would. You can answer.

DETECTIVE SERGEANT SERRAO: I'm not qualified to answer that question. I have no idea about behavior of troopers before or after a court decision.

MR. WEBER: It-- I'll rephrase it. You consider different variables when you do your statistical analyses, correct?

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: An important variable would be the issuance of the *Soto* decision and the subsequent publicity that was associated with that, would it not?

DETECTIVE SERGEANT SERRAO: I don't know that-- I don't know if that's the case. No. That's not an important issue to me, no.

MR. WEBER: Well, to the extent that -- and this is hypothetical, I'll admit it-- To the extent that the issue of racial profiling was not brought to the attention of road troopers, or the allegations that racial profiling was going on were not brought to the trooper's attention, prior to the issuance of the *Soto* decision--

DETECTIVE SERGEANT SERRAO: What-- I'm sorry.

MR. WEBER: I mean, you would agree, would you not, that then the revelations that were made in connection with the *Soto* decision could have impacted the thought processes and the actions of road troopers? Correct?

DETECTIVE SERGEANT SERRAO: Given-- Assuming that the *Soto* decision was brought to the attention of the road troopers. I have no information that suggested that occurred. If that occurred, yes.

MR. WEBER: All right. I will also represent to you that shortly after the *Soto* decision was issued by Judge Francis there were several interoffice communications that were distributed. Ultimately, all of them went to the head of field operations in which it was pronounced that complying with SOP F-3 and, specifically, calling in the race of the occupants, that that was absolutely mandatory and it would be strictly adhered to.

DETECTIVE SERGEANT SERRAO: Yes. In that case, absolutely.

MR. WEBER: Okay. I want to just step back for a moment. You said in the beginning of February or sometime in February you were summoned down to this meeting with Lieutenant Colonel Dunlop, correct?

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: Okay. Was this before or after Attorney General Verniero announced that he would be launching an investigation and forming a review team to examine State Police practices? And I'll represent to you that that was -- that announcement was made on February 10, 1999.

DETECTIVE SERGEANT SERRAO: February 10?

MR. WEBER: Ten.

DETECTIVE SERGEANT SERRAO: It might have been the same day.

MR. WEBER: Okay. Was it your understanding that the purpose of your involvement and this new analysis that was going to be conducted was that that information would be provided to the State Police Review Team for their use in connection with the interim report?

DETECTIVE SERGEANT SERRAO: Yes, I believe that was the indication by Colonel Dunlop.

MR. WEBER: Was there initially an indication that the State Police

Review Team would be issuing their findings in a four-month period?

DETECTIVE SERGEANT SERRAO: I wasn't aware of that.

MR. WEBER: Okay. And were you aware that subsequent to the February 10th, 1999 announcement by then Attorney General Peter Verniero a decision was made to cut that time in half to two months. Hence, you had the interim report that came out that just dealt with racial profiling, and then the final report came out in June.

DETECTIVE SERGEANT SERRAO: I don't remember those time frames or those announcements, no.

MR. WEBER: Do you remember anyone indicating to you after you began your work that all of a sudden there was a change and you now had to expedite the process and the analysis?

DETECTIVE SERGEANT SERRAO: When Colonel Williams was fired, we expedited the process.

MR. WEBER: Why was that?

DETECTIVE SERGEANT SERRAO: I'm sorry?

MR. WEBER: Why was that?

DETECTIVE SERGEANT SERRAO: I don't know why that was. We reconvened the morning after Colonel Williams was fired, and Colonel Dunlop reiterated that this was an important issue to the Division that we get this analysis done as expeditiously as possible because of the, I guess -- the ramifications that the information would have.

MR. WEBER: Do you--

MS. GLADING: Why did he indicate it was an important issue to the Division?

DETECTIVE SERGEANT SERRAO: Because-- He indicated to me, and I agreed with him, that the organization had not undertaken a comprehensive analysis of this issue prior to that time.

MS. GLADING: Why was it important in light of Williams being fired or resigning?

DETECTIVE SERGEANT SERRAO: I think-- The impression I got from Colonel Dunlop was that the lack of conducting this comprehensive analysis potentially resulted in his firing. In other words, the consequences of not getting it done could result in additional firings or terminations in the State Police.

MR. WEBER: Did he indicate to you a concept that you need to get the analysis done quickly because there is a potential that the analysis could have supported in some fashion the comments that Lieutenant -- that Colonel Williams made in *The Star-Ledger* that led to the firing?

DETECTIVE SERGEANT SERRAO: No.

MS. GLADING: Did he indicate to you whether he had any conversations or did he represent to you the views of the Attorney General on this issue, Peter Verniero?

DETECTIVE SERGEANT SERRAO: Not the Attorney General. I know Colonel Dunlop was having conversations with the First Assistant Attorney Paul Zoubek. I believe he had one or two of those conversations in my presence, but I don't believe he ever mentioned Peter Verniero's name.

MS. GLADING: What do you recall about those conversations with Mr. Zoubek?

DETECTIVE SERGEANT SERRAO: Generally, I recall that Colonel

Dunlop was reporting the fact that we were engaged in this examination and giving him some preliminary information about what we were doing and what we were uncovering -- geared towards briefing him. Our ultimate goal-- My ultimate goal was to prepare a briefing for-- I was under the impression it was going to be for the Attorney General, but it ultimately became Mr. Zoubek.

MS. GLADING: And were these conversations that you were present for, were they telephone conversations?

DETECTIVE SERGEANT SERRAO: Yes.

MS. GLADING: So you were just hearing Colonel Dunlop's end?

DETECTIVE SERGEANT SERRAO: One or two of them might have been speaker phone conversations, but for the most part, I think they were one-ended conversations, yeah.

MS. GLADING: If any-- If any were speaker phone conversations, what do you recall about what Mr. Zoubek said?

DETECTIVE SERGEANT SERRAO: I don't. I don't recall the conversations specifically.

MS. GLADING: Do you recall the demeanor of Colonel Dunlop in -- during these interactions?

DETECTIVE SERGEANT SERRAO: Professional. Colonel Dunlop is an aggressive guy, so I guess you could characterize it as aggressive.

MS. GLADING: Aggressive? What do you mean?

DETECTIVE SERGEANT SERRAO: Straight to the point. You know, no chit-chat. Right to the point. Speak about the issue and get off the phone. You know, no small talk, so either type of--

MS. GLADING: Did he ever discuss time frames of when he anticipated

he'd have this information for Zoubek?

DETECTIVE SERGEANT SERRAO: Colonel Dunlop asked me for an estimate on how long -- how quickly -- or how long it would take us to get it done or how quickly we could complete it -- one of the same thing. And in February, when I received the assignment, I asked for three months. I said it would take us three months. And after Colonel Williams was fired, it got shortened to try and have something by April 1st.

MR. WEBER: I just want to go back when you said about your aggressive comment. What was the demeanor between Lieutenant Colonel Dunlop and Mr. Zoubek on those phone calls? Cooperative? Any tension? Any heated exchanges?

DETECTIVE SERGEANT SERRAO: I sensed tension, but cooperative. I sensed tension between the Colonel and the First Assistant.

MR. WEBER: Both were tense with each other? Was one more tense with the other?

DETECTIVE SERGEANT SERRAO: I don't know how to answer that question.

MR. WEBER: Well--

MS. GLADING: Equally tense.

MR. WEBER: Tension over issues? Tension in just personality clashes?

MR. NITTOLY: Well, Scott, I mean, how can he testify to the state of mind of two people that are having a conversation. He can only tell you what he observed and what he concluded.

MR. WEBER: Well--

MR. NITTOLY: Especially if one of them isn't even there in person.

MR. WEBER: Based upon your observations, what was the tension over? Was it a substantive-- It-- Was it substantive issues or was it just personality conflicts?

DETECTIVE SERGEANT SERRAO: I would say they were substantive issues regarding the statistics and the unavailability or the difficulty in obtaining statistics.

MR. WEBER: Mr. Zoubek seemed to be frustrated by the unavailability of the statistics?

DETECTIVE SERGEANT SERRAO: I don't recall that from the phone conversations, but the day of the briefing, when I briefed Mr. Zoubek, he was very frustrated that he was unaware of the scope or the extent to which we went -- meaning my unit -- went and gathered up statistics. And he was visibly upset, and I heard him say to Colonel Dunlop in my presence, "How come I'm just finding out about this exhaustive analysis now?"

MR. WEBER: So, as far as you could tell, Mr. Zoubek was unaware of the actions that you and your group were taking and the breadth of the analysis that you were taking?

DETECTIVE SERGEANT SERRAO: I would say the breadth, not the actions, but the scope and the breadth. Yes.

MR. WEBER: Well, let's go back for a moment-- I mean, you have--

MS. GLADING: When is this? Can we try and pin down when this is occurring?

MR. WEBER: Yeah. Well, let-- I want to get all these dates.

DETECTIVE SERGEANT SERRAO: Yeah.

MR. NITTOLY: We're talking about a couple of different things here.

We're talking about the phone conversations and the meeting with Zoubek.

MR. WEBER: Yeah. Well, let's-- I'll break it down.

When was the face-to-face meeting when you actually did, I guess is it the 32-slide presentation?

DETECTIVE SERGEANT SERRAO: Yes. I believe that was April 13th or 14th of 1999.

MR. WEBER: Okay. So now I want to make sure that the record's clear here on the timing. February 10, '99, there's the announcement that there is going to be the State Police Review Team, from then Attorney General Peter Verniero. You think it may have even been that date -- that day that you had the meeting with Lieutenant Colonel Dunlop and others in which you were informed that you were going to conduct this analysis, correct?

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: Okay. So that's February 10. You then have the firing of Colonel Williams, which is February 28th, 1999, either that Monday or Tuesday, because the article appeared on a Sunday. That Monday or Tuesday you were then called back to meet with Lieutenant Colonel Dunlop and he said you had until April 1 to get it done?

DETECTIVE SERGEANT SERRAO: I believe so, yeah.

MR. WEBER: Okay. And then April 13 or 14 is the day in which you gave the 32-slide presentation to Mr. Zoubek and Mr. Susswein?

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: Was there anyone else in the Attorney General's Office that attended that slide presentation?

DETECTIVE SERGEANT SERRAO: No.

MR. WEBER: All right. So the slide presentation is you, Zoubek, Susswein, Lieutenant Colonel Dunlop, and who else?

DETECTIVE SERGEANT SERRAO: Lieutenant Colonel Fedorko.

MR. WEBER: Anyone else?

DETECTIVE SERGEANT SERRAO: No.

MR. WEBER: Now, I want to go back again. And I'm sorry for keep repeating the dates, but I want to make sure--

DETECTIVE SERGEANT SERRAO: Sure.

MR. WEBER: --we have all this in proper chronology.

You find out about the assignment on February 10. You said, I think, that you had a meeting pretty much every week--

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: --for several months there after. I think you may have even said six months.

DETECTIVE SERGEANT SERRAO: Yeah. At least through June or July.

MR. WEBER: Okay. So February 10 you're -- and this is my phrase -- you're on this team now to conduct this analysis. The team then meets every week, at least, up until June and--

DETECTIVE SERGEANT SERRAO: Well, the team had a name.

MR. WEBER: Oh, it did have a name. Oh, okay.

DETECTIVE SERGEANT SERRAO: We referred to it as the Analytical Group.

MR. WEBER: Okay.

DETECTIVE SERGEANT SERRAO: Analytical Group meetings, yeah.

MR. WEBER: Okay.

DETECTIVE SERGEANT SERRAO: That's an informal name that Colonel Dunlop gave it.

MR. WEBER: All right. So that was the informal name that Lieutenant Colonel Dunlop gave to the group of individuals who were going to conduct this analysis of arrest, searches, and stop statistics, correct?

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: Okay. So we'll call it the Analytical Group from now on. Who-- Who-- Who was a member of the Analytical Group?

DETECTIVE SERGEANT SERRAO: Again, to the best of my memory, it was Lieutenant Colonel Dunlop, chaired the meetings. I was obviously present. John Hagerty, the Public Information Officer, was present. Lieutenant Albert Sachetti was present. Sergeant First Class Jim Campbell, who is now Lieutenant Jim Campbell, was present. Major Cartwright from Field Operations was present. A representative from the Records and Identification Section was always present, and it changed back and forth between Captain Madden and Captain McNulty, because most of our data was coming from them. So we were in daily contact with them. Lieutenant-- The lieutenant in charge of the computer-aided dispatch unit was present and his name escapes me right now. Kevin-- Kevin-- Kevin-- Lieutenant Kevin-- I can't remember his last name.

MR. WEBER: Okay.

DETECTIVE SERGEANT SERRAO: And there were some other members that, you know, that changed week to week. There was a representative from each of the three or four sections that were involved in the

analysis each week that would meet.

MR. WEBER: Is there a representative from the AG's Office that was part of the Analytical Group?

DETECTIVE SERGEANT SERRAO: No.

MS. GLADING: Was Lieutenant Gilbert at these meetings?

DETECTIVE SERGEANT SERRAO: Sergeant First Class Gilbert?

MS. GLADING: Sorry. Sergeant First Class.

DETECTIVE SERGEANT SERRAO: He attended some, but I don't believe he was at all of them.

MR. WEBER: All right. So we've got the Analytical Group, which starts on February 10. You've got your weekly meetings up until some time in June of '99, which I take it it's -- you stop after the final report is issued around that time?

DETECTIVE SERGEANT SERRAO: More or less, yeah.

MR. WEBER: Okay.

DETECTIVE SERGEANT SERRAO: The meetings stopped. We did some supplemental analysis, but the meetings kind of stopped after the final report.

MR. WEBER: Were there any communications with the Attorney General's Office prior to the April 13 or 14 slide presentation in which the Attorney General's Office was advised of what the Analytical Group was doing?

DETECTIVE SERGEANT SERRAO: I know of a few phone calls between Lieutenant Colonel Dunlop and Mr. Zoubek. Some that I was present for and others that he referred to in our conversations, where he had been speaking to Mr. Zoubek.

MR. WEBER: During those calls--

MS. GLADING: Excuse me. Okay. So those calls that we were speaking of earlier occurred prior to this briefing?

DETECTIVE SERGEANT SERRAO: Yes, ma'am.

MS. GLADING: Thank you.

MR. WEBER: During those calls, as best as you can recall, did Lieutenant Colonel Dunlop or anyone at the State Police advise Mr. Zoubek as to the breadth of the analysis that was being conducted?

DETECTIVE SERGEANT SERRAO: I believe in at least one phone conversation Colonel Dunlop indicated to Mr. Zoubek that we were conducting an exhaustive and complete analysis of stop, arrest, and search data for the entire Turnpike for 1997 and '98, yes.

MR. WEBER: What was Mr. Zoubek's response?

DETECTIVE SERGEANT SERRAO: I don't know.

MR. WEBER: Now let's fast forward to the April--

MS. GLADING: Excuse me. Can you tell me when that was? When that conversation was roughly?

DETECTIVE SERGEANT SERRAO: I can tell you it was sometime in March of 1999, but I don't know the exact date, no.

MS. GLADING: Did Mr. Zoubek indicate-- Did you hear Mr. Zoubek's end of that conversation?

DETECTIVE SERGEANT SERRAO: No, I did not.

MS. GLADING: Did Mr. Dunlop-- Did Lieutenant Dunlop say anything that would indicate that the Attorney General's Office had other statistics available to it?

DETECTIVE SERGEANT SERRAO: Oh, yes. We were well aware that the Attorney General's Office had other statistics. I was well aware that they had other statistics available to it.

MS. GLADING: When did you become aware of that?

DETECTIVE SERGEANT SERRAO: Well, I knew that at the first meeting, because that's when Tom Gilbert and I had conversations, and it was made known to everyone at the meeting that they had been supplied information, but the information was not -- I shouldn't say not-- It was discussed at the meeting that the information may not have been accurate or reliable or valid data, because it was not selected in a scientifically acceptable manner.

MS. GLADING: Are you talking about the idea that it was selected dates?

DETECTIVE SERGEANT SERRAO: Yes.

MS. GLADING: As opposed to some kind of comprehensive period?

DETECTIVE SERGEANT SERRAO: Yes. And I couldn't get a straight answer on who selected the dates or how that came to be, so I immediately disregarded that data.

MS. GLADING: And after that initial February 10th -- we'll say -- meeting, did you have any conversations with anyone in the AG's Office? We just asked that.

DETECTIVE SERGEANT SERRAO: I'm sorry.

MS. GLADING: After that meeting in February and prior to this April 13th slide presentation, did you have any conversations with anyone in the Attorney General's Office?

DETECTIVE SERGEANT SERRAO: No.

MS. GLADING: Okay.

MR. WEBER: Did the Attorney General's Office indicate to the Analytical Group or give the Analytical Group any input as to what should be considered in connection with your analysis?

DETECTIVE SERGEANT SERRAO: None was given to me.

MR. WEBER: We use Mr. Nittoly's word, did they indicate what the parameters of the analysis should be?

DETECTIVE SERGEANT SERRAO: The Attorney General's Office?

MR. WEBER: Yeah.

DETECTIVE SERGEANT SERRAO: No. I designed the parameters with Colonel Dunlop. We came up with what our analysis was going to involve.

MR. WEBER: Okay. I want to fast forward to April 13th -- April 13th, April 14th slide presentation.

MS. GLADING: Well, if we can just stay back in March for a second. Was this the conversation where Mr. Zoubek was upset about learning about the breadth of the analysis the State Police had undertaken?

DETECTIVE SERGEANT SERRAO: No. That occurred in person at the briefing on April 13th or 14th.

MS. GLADING: Okay. So was there any explanation during this phone conversation about the analysis that was underway?

DETECTIVE SERGEANT SERRAO: This was a in-person conversation.

MS. GLADING: Was there any explanation from what you heard on Mr. Dunlop -- on Lieutenant Dunlop's end? Any explanation to Mr. Zoubek

about ongoing analysis?

MR. NITTOLY: You're mixing up the dates.

MR. WEBER: Yeah, let's-- You've got a-- You said, you recall one--

MR. NITTOLY: The April 13th date you're mixing up with--

MR. WEBER: With the phone call.

MR. NITTOLY: --the phone conversations. Two different--

MR. WEBER: Yeah.

MR. NITTOLY: Is that right, Steve?

DETECTIVE SERGEANT SERRAO: No.

MS. GLADING: Actually I'm not. I'm talking about the March phone conversation. What was the substance of that--

DETECTIVE SERGEANT SERRAO: Right. Right. The one of the few that I heard.

MS. GLADING: Yeah.

DETECTIVE SERGEANT SERRAO: The one where they discussed--

MS. GLADING: What was the substance of that conversation?

DETECTIVE SERGEANT SERRAO: The substance was that Colonel Dunlop was explaining to Mr. Zoubek that we had undertaken an examination of stop, arrest, and search data and that he had assembled a group to do that, and we were on our way to doing that. And we were collecting the data and analyzing it.

MS. GLADING: Thank you.

MR. WEBER: And I thought you had testified before, and I want to make sure this is the same conversation, that Lieutenant Colonel Dunlop indicated to Mr. Zoubek that it was a comprehensive analysis for 1997 and

1998 for arrests, searches, and stop data, correct?

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: Okay.

MS. GLADING: And this is the phone conversation sometime in March?

MR. WEBER: In March?

DETECTIVE SERGEANT SERRAO: Yeah. And that-- It was several phone conversations, so bits and pieces of those might have been on different phone conversations, but that was what was discussed on the phone.

MS. GLADING: Okay, thank you.

MR. WEBER: Any indication to you that that type of analysis was unacceptable to the Attorney General's Office?

DETECTIVE SERGEANT SERRAO: No.

MR. WEBER: Okay. Now, let's go to the April 13, April 14 slide presentation. You do your 32-slide presentation. And you've previously testified that Mr. Zoubek was visibly upset by some of the information, I guess, presented in the presentation. What information was he visibly upset over?

DETECTIVE SERGEANT SERRAO: We presented stop data at the briefing. And the stop data was taken from our computer-aided dispatch system -- a computerized system that collects--

MR. WEBER: Is that the CAD System?

DETECTIVE SERGEANT SERRAO: Yes, it is. Mr. Zoubek appeared upset at the CAD data, because he had not seen CAD data before, and the CAD data indicated that stops by State Police statewide were 80 percent white and 20 percent Black or Hispanic.

MR. WEBER: Okay. Did Mr. Zoubek indicate that he hadn't even been aware that the CAD System was in place?

DETECTIVE SERGEANT SERRAO: He wasn't aware that the data could be extracted from the CAD System.

MR. WEBER: Okay. And again did--

MS. GLADING: I want to clarify something I asked you about earlier. When you were discussing the analysis your were undertaking in the gathering of records, you indicated that they were paper records for '97 and '98.

DETECTIVE SERGEANT SERRAO: The arrest and search records were paper. The stop records were from the CAD. I believe I said CAD data.

MR. WEBER: Okay. So what were the statistics again from the CAD data?

DETECTIVE SERGEANT SERRAO: The presentation -- the slide show -- included several slides dedicated to examining stop -- racial proportions of stops that were made by troopers throughout the state. We examined Troop A, B, C, D, and E.

MS. GLADING: What time periods?

DETECTIVE SERGEANT SERRAO: It varied. CAD came online incrementally, so we examined full calendar year '98 for Troops A, B, and C. We examined a three-month period for Troop D, because they only came online towards the end of '98. And Troop E, I believe there was a partial time period there also. It might have been six months.

MS. GLADING: Which is Troop B? Is that Atlantic City?

DETECTIVE SERGEANT SERRAO: Troop B-- No. Troop B is the Garden State Parkway.

MS. GLADING: Thank you.

DETECTIVE SERGEANT SERRAO: And I may be incorrect there. We may not have even examined Troop E, now that I'm thinking about it. We may have-- They may not have had enough-- They may not have been online or not had enough data at that time to examine it.

MS. GLADING: So when you said before you were coming up with numbers 80 percent white, 20 percent Hispanic, were those statewide averages?

DETECTIVE SERGEANT SERRAO: Yes, they were.

MS. GLADING: Do you recall what the Troop D numbers were?

DETECTIVE SERGEANT SERRAO: They were not far from that. I believe they dropped a little bit, maybe 75/25 white to black stops.

MS. GLADING: Stops?

DETECTIVE SERGEANT SERRAO: Yes, ma'am.

MR. WEBER: Was there any other information that Mr. Zoubek was visibly upset about?

DETECTIVE SERGEANT SERRAO: Yes. The consent search data-- We-- Our information was showing a find ratio of 30 percent, 33 percent. So a one in three find rate -- that differed from some information he had. He questioned our methodology there. He questioned-- He questioned me about how we came up with those numbers. Part of my slide presentation demonstrated that troopers were asking for consent searches from blacks and whites at the same ratio, and he questioned that. That seemed to upset him, because we were-- My analysis showed that troopers were asking blacks and whites for searches at the same rates. That-- And Mr. Susswein was concerned

with that data.

Also, our data was for two full calendar years with the search data and the arrest data. And Mr. Susswein was concerned or asked me several questions, which resulted in some follow-up conversations that we had on the phone because our data set was much more inclusive than any data set he had.

MS. GLADING: Which data was for two full calendar years?

DETECTIVE SERGEANT SERRAO: The consent search data was for two calendar years, the arrest data, and we-- I guess those would be the -- that would be the data that was for two calendar years. The CAD data for the three troops -- A, B, and C -- was for one full calendar year. And the CAD data for Troop D was for approximately 90 days, three months, four months, something like that.

MS. GLADING: And the consent-- You said your analysis showed that blacks and whites were being requested -- who were being asked to consent to searches at equal rates?

DETECTIVE SERGEANT SERRAO: Right.

MS. GLADING: Does that mean the search rate was occurring at an equal rate?

DETECTIVE SERGEANT SERRAO: If you-- Let me-- Can I explain it in my own words?

MS. GLADING: Sure. Yeah.

DETECTIVE SERGEANT SERRAO: We examined about 1000 consent searches for the two-year period. There were almost 600 the first year -- '97 -- and there were about 400 and change the second year.

MS. GLADING: Let's back up. Is that state -- was that statewide?

DETECTIVE SERGEANT SERRAO: That's-- No. It's Troop D only.

MS. GLADING: Troop D.

DETECTIVE SERGEANT SERRAO: Three stations on Troop D -- Newark, Cranbury, and Moorestown. And what I'm suggesting is of those 1000 consent searches that we examined, the racial breakup was 50/50. We examined consent -- all consent searches. Ones that resulted in no find. We examined every consent search, whether the trooper found something or not.

MS. GLADING: Okay. I heard you say that we examined the rate at which consent searches were requested, and I didn't know if you were choosing your words carefully and you-- You didn't-- I wanted to make sure you were examining consent searches that were conducted, and you were, right?

DETECTIVE SERGEANT SERRAO: Yes, we were. Because at that time we didn't capture if a person refused a consent. We couldn't examine that at that time. It wasn't in our rules and regs, and we had no way of capturing.

MS. GLADING: Can you now?

DETECTIVE SERGEANT SERRAO: I believe we can now, yeah.

MS. GLADING: Through the CAD System?

DETECTIVE SERGEANT SERRAO: I think more through the requirement in the SOP to document if a person refuses on a motor vehicle stop report. And other systems have been put in place now, but in '99, it would have been an insurmountable task to examine the documents we would have needed to see if a trooper asked for consent and was denied.

MS. GLADING: Did you look at breakouts between Newark, Cranbury,

and Moorestown in your consent search rates?

DETECTIVE SERGEANT SERRAO: Yes, we did.

MS. GLADING: And what did you find?

DETECTIVE SERGEANT SERRAO: Without benefit of the report, I don't want to speculate, but the consent search rates were similar at all three stations. I believe the southern stations -- Moorestown may have had a more disparate break between blacks and whites than in the northern station, Newark.

MR. WEBER: The slide presentation-- Did you also print out the slides and give them as a handout to--

DETECTIVE SERGEANT SERRAO: Yes, I did.

MR. WEBER: --Mr. Zoubek and Mr. Susswein?

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: Incidentally, did anyone from the Attorney General's Office or anyone at the State Police contact you and ask you if you had any documents that would be relevant to the issue of racial profiling?

DETECTIVE SERGEANT SERRAO: Sure they did.

MR. WEBER: They did. Did they collect any documents from you?

DETECTIVE SERGEANT SERRAO: Absolutely, yeah.

MR. WEBER: Did they collect a copy of the slide presentation?

DETECTIVE SERGEANT SERRAO: Certainly. Sure. I believe I turned over six boxes.

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

(Off the record discussion)

MR. WEBER: Mr. Flanagan is present. I'll make the request on the

record. I'll follow it up with a letter. I want to request that a full copy of the slide presentation, which Detective Sergeant Serrao had referred to as 32 slides. There was some off-the-record conversation as to whether, maybe, it's 36 or 37 slides -- that that entire slide presentation be produced as soon as possible to the Senate Judiciary Committee.

MS. GLADING: As well as any written narrative that accompanied it.

MR. WEBER: Correct.

MS. GLADING: There wasn't any?

DETECTIVE SERGEANT SERRAO: There was no written narrative to accompany this slide show.

MR. WEBER: Okay. So it was 32 -- approximately 32 slides that showed data in some form, either pie charts or statistics or numbers -- something to that effect.

DETECTIVE SERGEANT SERRAO: As of the April 14th meeting, it was 32 slides. The slide show grew subsequent to that meeting, and we added additional slides, because we did more analysis. So by August of 2000, when I was asked to produce information, I believe I gave 36 or even more to the Attorney General's Office.

MR. WEBER: Okay. Was that-- When you were asked in August to provide information to the Attorney General's Office, the copy of the slide presentation that you gave them, was that the final form of the presentation?

DETECTIVE SERGEANT SERRAO: Yes, sir.

MR. WEBER: There weren't additional slides added after you provided the presentation to the AG's Office?

DETECTIVE SERGEANT SERRAO: No.

MR. WEBER: Okay. Do you still have that presentation available to you?

DETECTIVE SERGEANT SERRAO: The originals are secured at Division Headquarters. I certainly have copies of it, sure.

MR. WEBER: Okay. And do you have a copy of the presentation in its final form?

DETECTIVE SERGEANT SERRAO: Here today?

MR. WEBER: No, not here today. I mean, available to you either back at your office or--

DETECTIVE SERGEANT SERRAO: Well, all of my documents were taken from me and secured by the Internal Affairs Bureau. So I'm assuming they still have them secured. I lost control of those documents in September of 2000.

MR. WEBER: Okay. Let's go back to the April 13, April 14 meeting. Was there anything else that Mr. Zoubek or Mr. Susswein were visibly upset about or expressed concern about in connection with the slide presentation, in addition to what you've already testified today?

DETECTIVE SERGEANT SERRAO: They asked questions about the methodology. About how-- You know, they asked questions about my credentials or about my analysis -- how I went about gathering up the information. You know, interrogatory-type questions, "Well, how did you get that data? Where did you get that data from?" That type of a question.

MR. WEBER: Did they take issue with any of the methodology that you employed?

DETECTIVE SERGEANT SERRAO: At the meeting, no. Mr. Susswein

had some comments about the methodology, and he, at the termination of the meeting, he indicated he would like to speak to me further with Dr. Fisher from the Department about my methodology. And I did have a subsequent phone conversation with Mr. Susswein and Dr. Fisher.

MR. WEBER: What was discussed during that conversation?

DETECTIVE SERGEANT SERRAO: The methodology about how we went about collecting the data, how we analyzed it, what controls and what systems we used, what types of analysis we conducted.

MR. WEBER: Did Mr. Susswein or Dr. Fisher express any disagreement with the methodologies that you employed during that telephone conversation or subsequent to that telephone conversation?

DETECTIVE SERGEANT SERRAO: No.

MS. GLADING: To clarify something you said earlier -- the find rate of 30 percent. That would only be Troop D also?

DETECTIVE SERGEANT SERRAO: Yes.

MS. GLADING: Because you just did Troop D consent?

DETECTIVE SERGEANT SERRAO: That's all we ever looked at was Troop D, yes.

MR. WEBER: Other than the slide presentation, was there any other materials that you prepared for that April 13, April 14 meeting -- written materials that you handed out?

DETECTIVE SERGEANT SERRAO: No. Just a copy of the slides.

MR. WEBER: Okay. Any other concerns expressed by either Mr. Zoubek or Mr. Susswein at that April meeting?

DETECTIVE SERGEANT SERRAO: I was asked to leave the meeting,

and then the meeting continued where I was outside the meeting for approximately another hour. I don't know what was discussed at that point.

MR. WEBER: Did Lieutenant Colonel Dunlop remain at the meeting?

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: Did Lieutenant Colonel Dunlop share with you what transpired during that meeting?

DETECTIVE SERGEANT SERRAO: Actually, Lieutenant Colonel Fedorko, as we left the Hughes Complex, indicated to me that -- I'm paraphrasing -- but he said to me, "You don't realize what an important job you just did in there today." Something to that effect.

MR. WEBER: And did he indicate anything else to you?

DETECTIVE SERGEANT SERRAO: No.

MR. WEBER: How about Lieutenant Colonel Dunlop?

DETECTIVE SERGEANT SERRAO: He-- We had conversation on the trip back to Division Headquarters about the fact that Mr. Susswein was concerned with our data and that the numbers were not consistent with what he perceived the numbers should have been or, you know, he was questioning the numbers.

MR. WEBER: Well, did Mr. Zoubek or Mr. Susswein indicate to you at that meeting that your analysis differed from any analysis they had either conducted or had been previously presented to them.

DETECTIVE SERGEANT SERRAO: Yeah. Mr. Susswein-- I don't remember his exact words, but during my presentation, he stated on many occasions that these numbers don't match the data I have or these numbers don't appear to be similar to what we've been provided to this -- up to this

point by the State Police.

MR. WEBER: Did he identify to you or did Mr. Zoubek identify to you what data they had previously been provided with or who provided them with that data?

DETECTIVE SERGEANT SERRAO: Specifically, no. No.

MR. WEBER: Did he mention Sergeant Gilbert?

DETECTIVE SERGEANT SERRAO: I don't believe he did.

MR. WEBER: Generally speaking, based upon that meeting, did it appear to you that the statistics and the data you uncovered in connection with your analysis was more favorable to the State Police on the issue of racial profiling, the consent to searches, the stop data, then the information that had previously been provided to the Attorney General's Office?

DETECTIVE SERGEANT SERRAO: On the date that the interim report was released, that became blatantly apparent to me, because the interim report contains a footnote that references that.

MR. WEBER: That references what?

DETECTIVE SERGEANT SERRAO: That references that the State Police had just recently provided the Attorney General's Office with data that was different than the data being presented in that report.

MR. WEBER: Okay. And the data being referenced in the footnote, you took it to be the 32, or so, slide presentation that you gave on April 13th, April 14th.

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: Okay. And that data seemed to indicate less of a disparity in the treatment of minority motorists versus white motorists than

the data that the Attorney General's Office relied upon in the interim report?

DETECTIVE SERGEANT SERRAO: Yes, sir.

MS. GLADING: You indicated at this meeting that Mr. Zoubek was angry about learning about this data at this late date? Is that right?

DETECTIVE SERGEANT SERRAO: Yes.

MS. GLADING: Did Lieutenant Colonel Dunlop respond at all about having already informed him and having told him back in March that you were undertaking a comprehensive analysis?

DETECTIVE SERGEANT SERRAO: I don't recall the exact conversation, but I believe Colonel Dunlop had mentioned to Mr. Zoubek that we were just learning this data as the time went on. This was late-breaking information. We hadn't been sitting on this data. We had just-- You know, it had taken me six weeks to crunch the numbers. I reviewed almost 10,000 pages in six weeks. And it was late-breaking data, and that's the way the conversation went. I believe Colonel Dunlop at some point said, "We're giving you this data as soon as we had it available."

MS. GLADING: Did it make any sense to you that Zoubek would be angry when Dunlop had informed him four, five weeks earlier that this kind of comprehensive analysis was underway?

DETECTIVE SERGEANT SERRAO: Did it make any sense?

MS. GLADING: I mean-- This is why it didn't make sense to me earlier when you said you had a phone conversation in March, and Mr. Dunlop told Mr. Zoubek -- Lieutenant Colonel Dunlop told Mr. Zoubek what you were working on. And then you go to this-- I'm just trying to understand why he was angry.

DETECTIVE SERGEANT SERRAO: Well, I think if you-- It became clear to me-- It became clear to me that Mr. Zoubek did not know the scope of our analysis. He did not know how detailed our analysis was. That's what I'll say about that.

MR. WEBER: Well, let's step back for a second. Was-- Did you do anything in addition to what-- Let me rephrase the question, because I can already tell it's getting a raised eyebrow from Mr. Nittoly. In March, you have this telephone conversation or Lieutenant Colonel Dunlop has a telephone conversation with Mr. Zoubek in which he informs him that it's going to be a comprehensive analysis of 1997 and 1998 of the arrest, the stop, and the consent to search data, correct?

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: Okay. Did you do anything in addition to that that found its way into the slide presentation?

DETECTIVE SERGEANT SERRAO: I guess you could say the CAD data became available, yeah. I don't know that we discussed-- Well, we were unsure of the availability of CAD data. Without bragging, it was my suggestion that we examine CAD data. It had not been examined before. The organization didn't even know if CAD data could be examined, and I explored that possibility with the supervisor of the CAD Unit. And we learned that we could examine CAD data, which was a revelation. It was earth-shaking information to an analyst like me that I could get some computerized data to examine that was for the most part valid, reliable data. It wasn't hand cold, handwritten reports that were reviewed by humans that could contain many errors. So this was earth-shaking information. And I think the fact that we

produced stop data based on computerized records that were far more reliable than any hand cold data was what was the revelation, as, you know, you might want to characterize it at the April 13th meeting. We had hard concrete stop data for the first time in the history of the New Jersey State Police.

MR. WEBER: You had hard concrete stop data that was computer generated, correct?

DETECTIVE SERGEANT SERRAO: Yes, sir.

MR. WEBER: Okay. But prior to CAD being available, there still was the paper that you could review to conduct the analysis, correct?

DETECTIVE SERGEANT SERRAO: Sure.

MS. GLADING: My understanding from other witnesses and from documents is that CAD-- As CAD was developed, it was generally understood that it would be very useful for addressing suppression motions like *Soto* and for producing statistical information to combat defense efforts to -- alleging selective enforcement. And that the understanding as CAD was developed was that it was going to be used for those purposes. So I'm not following why it was a revelation that it could be used to analyze stop data. I understood that was one of, actually, the initial purposes.

DETECTIVE SERGEANT SERRAO: Well, I don't agree with what you just said that that was one of the-- I was not involved in the design of CAD, but Kevin Moore -- Lieutenant Kevin Moore is the supervisor of the CAD Unit, and Lieutenant Moore and I painstakingly learned and dealt with one of the vendors of the CAD System to pull these numbers out. So I don't believe it was any part of any design to pull out racial statistics, stop data from the CAD data. As a matter of fact, we couldn't get all of the data we wanted out

of the system. And I don't know whether or not you're aware, but the system has gone under many changes since that time to be able to pull this data out. So I don't know that that was an initial plan when we brought our -- when we purchased our CAD System. But I wasn't involved in those negotiations, so I can't-- I'm only speaking about the surprise that was apparent on the supervisor of the Unit when we asked for the data and then we conducted these complicated queries and got the data out. That was a surprise, so it didn't seem like he knew that that was -- the system was capable of doing that.

MR. WEBER: I want to go back to the February 10 -- the initial meeting. I believe you testified that Lieutenant Colonel Dunlop had said this is very important that we conduct this analysis. This analysis had never been conducted before -- something to that effect in substance, right?

DETECTIVE SERGEANT SERRAO: Yes. An analysis of this type has never been conducted before.

MR. WEBER: Of this type. Did Lieutenant Colonel Dunlop ever explain to you why an analysis of this type had never been conducted before?

DETECTIVE SERGEANT SERRAO: He-- He indicated or -- and he suggested that it hadn't been done because he wasn't the Lieutenant Colonel.

MR. WEBER: Well, certainly, the capabilities existed with the exception of CAD. Well, though, actually not with the exception of CAD. I mean, the CAD data was in there as of '96 and '97.

DETECTIVE SERGEANT SERRAO: No, that's not correct. The CAD data-- The CAD data began in '98--

MR. WEBER: Began in '98?

DETECTIVE SERGEANT SERRAO: Yeah. The CAD data was not available prior to January 1 of '98--

MR. WEBER: Okay.

DETECTIVE SERGEANT SERRAO: --so take the CAD data right out of the equation.

MR. WEBER: With the exception of the CAD data, an analysis of this type could have been conducted prior to February of 1999, correct?

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: Okay. Did Lieutenant Colonel Dunlop indicate why his predecessors hadn't undertaken such an analysis?

DETECTIVE SERGEANT SERRAO: Not specifically, no.

MR. WEBER: In generalities?

DETECTIVE SERGEANT SERRAO: In general terms, he -- based on our discussions -- I think we both came to the conclusion that they -- his predecessor and the superintendent -- former superintendent Williams -- didn't know that this type of analysis could be conducted.

MR. WEBER: Well, did they--

MS. GLADING: What's-- I'm sorry. Can we back up to 1989 for a minute? Didn't you make a judgment call in 1989 not to undertake exactly this kind of analysis, because it was too voluminous because the records were all paper?

DETECTIVE SERGEANT SERRAO: Of stops?

MS. GLADING: Of stops.

DETECTIVE SERGEANT SERRAO: Yes. We not talking-- We're talking-- Right now, we're talking about arrests and searches. I basically did

the same study in '89 that I did in '99, only more comprehensive.

MS. GLADING: You added stops and searches?

DETECTIVE SERGEANT SERRAO: We-- A larger time frame-- Well, a larger time frame, more detailed analysis, and we added stops, yes.

MR. WEBER: Okay. But you looked to the same information, the same sources of information in '99 that you did back in '89, correct?

DETECTIVE SERGEANT SERRAO: Yes, and-- Yes.

MR. WEBER: And those were things like the radio logs and the patrol logs, the arrest and investigation reports.

MS. GLADING: No. It might-- I understood your testimony that you didn't look at those issues -- those items?

DETECTIVE SERGEANT SERRAO: No. No. We didn't. Right.

MR. WEBER: No. No. No. You're right. But these materials that were available -- these forms that were available in '89 -- patrol logs, radio logs, arrest and investigation reports, motor vehicle summonses and warnings -- those same types of forms were available in '99, correct? There may have been some changes to the actual--

DETECTIVE SERGEANT SERRAO: Yes, those forms were available in '99.

MR. WEBER: Okay. So the same sources, with the exception of CAD, the same sources of information that were available to you, if you chose to look at those sources of information in '89, were also available to you in '99 with the addition of CAD, correct?

DETECTIVE SERGEANT SERRAO: Yes.

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

before, which is you and Lieutenant Colonel Dunlop had sort of concluded that his predecessor and Colonel Williams didn't know that this analysis could be conducted. Who was Lieutenant Colonel Dunlop's predecessor?

DETECTIVE SERGEANT SERRAO: I believe it was Lieutenant Colonel Lanny Roberson.

MR. WEBER: Okay. Any discussion as to whether they'd even inquired about--

DETECTIVE SERGEANT SERRAO: Well, I--

MR. WEBER: --the analysis being able to be conducted?

DETECTIVE SERGEANT SERRAO: I can't answer that question. I don't know if any inquiry was made, and there was no indication that any inquiry had been made. I know that they had not-- That-- Prior-- That only Colonel Pagano had seen my '89 report. I know no one else saw that report until February of '99, when it was provided to Lieutenant Colonel Dunlop and Colonel Williams.

MR. WEBER: Do you know why?

DETECTIVE SERGEANT SERRAO: That happens to the majority of my projects. (laughter) They get done for their purpose, and then they're stored away.

MR. WEBER: Any indication that once your report was done and shared with Colonel Dunlop that, for lack of a better phrase, your report was buried somewhere?

DETECTIVE SERGEANT SERRAO: That's a horrible phrase. The report was not buried. The report was filed. The information contained in that report was discussed and was well-known by members of the Intelligence

Bureau during that time period. There's one thing you must understand that shortly after Colonel Pagano being given this report, he was -- he was replaced as superintendent the following January. And as administrations changes, Colonel Dintino took over and my Unit was assigned to do a completely different management study on other issues.

MR. WEBER: Not on racial profiling?

DETECTIVE SERGEANT SERRAO: No. No. No. No, not on racial profiling. On other related issues, though, on internal complaints, and issues related to the management of the organization. We had no reason to revive this report. And as I said earlier, in my testimony--

MR. WEBER: This report, just so the record's clear, the '89 report.

DETECTIVE SERGEANT SERRAO: --the 1989 report. The next I heard of this report was that it somehow made its way to the defense in *Soto*. I don't know how that happened. I wasn't aware of it. I did not produce the copy for the defense. I was unaware of that, and that was sometime, I believe, in '94 -- '93 or '94. And then, as I said, the report did not surface again until February of '99, when I felt -- after reading the news media and seeing-- I believe I saw a story on television that Colonel Dunlop, who I had a working relationship with on previous matters, my Unit had been used by Colonel Dunlop on other issues. Colonel Dunlop at one time was my boss. I felt that he needed to know that we had conducted an examination 10 years earlier and that -- what the findings were of that examination.

MR. WEBER: Do you know if the Attorney General's Office was aware at any point in time of the analysis that was conducted in the 1989 report?

DETECTIVE SERGEANT SERRAO: I-- If it was produced in *Soto*, they

were aware of it. That would be the only extent of their awareness.

MR. WEBER: Was there any discussions with Mr. Zoubek or Mr. Susswein about the 1989 analysis that you conducted?

DETECTIVE SERGEANT SERRAO: No.

MR. WEBER: Okay.

MS. GLADING: Did -- in discussions with Mr. Susswein and Dr. Fisher, did -- were there any discussions about the sources of his information and his statistics?

DETECTIVE SERGEANT SERRAO: No. I-- They were basically questioning me about my sources of information. I really didn't question them or discuss with them their information.

MR. WEBER: There are-- Sorry.

MS. GLADING: Did you have any indication that they had done independent analysis of the same records that you looked at? Patrol charts?

DETECTIVE SERGEANT SERRAO: The same records, no.

MS. GLADING: Yeah.

DETECTIVE SERGEANT SERRAO: No. No. Well-- Can I clear something up, because what-- I did not look at patrol charts, radio logs, summonses and warnings. I did not look at them. They were looking at those things, and that's--

MR. WEBER: And they being the Attorney General's Office?

DETECTIVE SERGEANT SERRAO: No. Dr. Fisher and Mr. Susswein, yes.

MS. GLADING: Okay. Consent forms then?

DETECTIVE SERGEANT SERRAO: Consent search reports, yes.

MS. GLADING: All right. How do you know that they were looking at those things?

DETECTIVE SERGEANT SERRAO: Based on my discussions with Tommy Gilbert, that's the information he had been providing to the Attorney General's Office.

MS. GLADING: Yeah. My question is, do you know if Susswein and Fisher, or anyone in their office, such as Christine Boyle, were doing actual raw data analysis?

DETECTIVE SERGEANT SERRAO: Yes, I do. Because the supervisor of the Records Section was very frustrated that he had a copy of the same record several times for different people, and I believe the AG's Office was one of the recipients of the reports.

MS. GLADING: Do you know what the supervisor was sending over there?

DETECTIVE SERGEANT SERRAO: No, I don't.

MR. WEBER: I will represent to you that there have been two documents produced by the Attorney General's Office, both are dated March 16th, 1999. One document is a memo to the file by then Attorney General Peter Verniero. Another document is memo to the file by Mr. Zoubek. And both documents in substance say the same thing -- that for the first time on that date, or on March 15th, they had been provided with information from the State Police -- and Sergeant Gilbert is mentioned -- concerning stop data and other relevant information. This was the first time that they saw it. Any of that information come from you, as far as you're aware of?

DETECTIVE SERGEANT SERRAO: On March 15th?

MR. WEBER: Yeah.

DETECTIVE SERGEANT SERRAO: No.

MR. WEBER: Had you provided anything to the Attorney General's Office prior to or on March 15th or 16th.

DETECTIVE SERGEANT SERRAO: No.

MR. WEBER: Okay. The first information that you provided to the Attorney General's Office was then at the April 13th or 14th meeting?

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: One more issue I want to deal with. I'm not sure how much more Ms. Glading has, but-- You said that after the interim report came out you and Lieutenant Colonel Dunlop realized that there was a focus on the consent to search data. That over the next several months, you conducted a more thorough analysis of the consent to search data. Did you share that analysis with the Attorney General's Office?

DETECTIVE SERGEANT SERRAO: I didn't personally share it with the Attorney General's Office. I have had-- I should say I did not share it with Mr. Susswein or Dr. Fisher. I have had subsequent meetings with members of the Attorney General's Office, specifically Mr. Paul Shapiro and Mr. Paul Heinzl, regarding that supplemental analysis and some additional analysis my Unit had conducted on racial profiling.

MR. WEBER: Did you share the results of that analysis with Lieutenant Colonel Dunlop?

DETECTIVE SERGEANT SERRAO: Yes.

MR. WEBER: Do you know if he shared that information with the Attorney General's Office?

DETECTIVE SERGEANT SERRAO: No, I don't.

MR. WEBER: I apologize for not remembering, but what -- ultimately, what did that additional analysis bear out on the consent to search issue? Were your numbers-- Did your numbers show less of a disparity, an equal disparity, or a greater disparity than was reflected in the interim report?

DETECTIVE SERGEANT SERRAO: The further analysis that was conducted was not necessarily restricted to racial statistics. It was-- The question-- After the interim report came out, and Mr. Susswein at our meeting indicated that he was concerned with the potential for disparate treatment by troopers that consent -- when conducting a consent search-- When we reconvened as the Analytical Group, Colonel Dunlop posed the question, should this organization continue to conduct consent searches or is it a tool that we should not engage in because of the potential for the problems that we're encountering -- disparate treatment or perceived disparate treatment. So my additional analysis was more gauged to determine why troopers were conducting consent searches, what their reasons were for conducting them, and what their "indicators" were, what was being recovered as a result of the consent searches, who was being searched more so than just racial breakdown, and-- We did an analysis of the type and quantity of contraband and/or narcotics or weapons being seized.

MR. WEBER: Focusing your attention on the issue of the number of minorities subjected to consent searches versus nonminorities drivers, what did your analysis bear out? Were the numbers more disparate than the numbers presented in the interim report, equally disparate, or less disparate?

DETECTIVE SERGEANT SERRAO: Less disparate.

MR. WEBER: By how much?

DETECTIVE SERGEANT SERRAO: We-- Our examination revealed that troopers were asking motorists for consent searches at equal rates -- almost 50/50, 49/51 black to white. What our numbers did show, however, were that if something was found, if contraband or a weapon was found, then we would refer to that as a positive consent. The number of blacks was higher than the number of whites. But if nothing was found, the number of blacks was closer to the number of whites. So our data showed that troopers were asking at equal ratios for searches -- for consent searches. When they found something, the number of blacks and Hispanics increased. And if they didn't find anything, the numbers stayed closer to the 50/50 mark.

MR. WEBER: Now, when you say equal numbers, do you mean -- and I'll just use hypothetical numbers here -- of 100 minority motorists that were pulled over, 50 were asked for their consent to search? And out of 200 white motorists that were pulled over, 100 were asked for consent to search?

DETECTIVE SERGEANT SERRAO: No. That's not at all what I mean.

MR. WEBER: Okay. Explain--

DETECTIVE SERGEANT SERRAO: That's not anything close to what I mean. What I mean is if 100 motorists were pulled over of every race, the number of blacks that were asked for a search was equal to the number of whites. If 50 blacks were asked, 50 whites were asked. I should say asked and consented. I don't know how many were asked and there was no consent given.

MR. WEBER: Was there any analysis done as to the percentage of the entire pool that the blacks made up, percentage of the entire pool that the

whites made up?

DETECTIVE SERGEANT SERRAO: I don't understand your question.

MR. WEBER: Here's-- And maybe we just need to see the slides, but here is what my confusion is. I'm trying to ascertain-- When you say that 50 blacks were asked for a consent to search and 50 whites were asked to consent to search, I'm trying to correlate that to, well, how many total blacks were pulled over and how many total whites were pulled over for that entire time period?

DETECTIVE SERGEANT SERRAO: Pulled over?

MR. WEBER: Yeah.

DETECTIVE SERGEANT SERRAO: We know that 80 percent whites were pulled over and 20 percent blacks were pulled over.

MR. WEBER: Okay. So of the 80 percent of the population, 50 whites were asked for consent to search--

DETECTIVE SERGEANT SERRAO: No. No. We don't know the correlation between how many people-- Well, I shouldn't say that. We did preliminary analysis. Of the 1000 consent searches I examined, that represented about 1 percent of the total number of people pulled over.

MR. WEBER: Okay.

DETECTIVE SERGEANT SERRAO: So 1 percent of the total population of people pulled over were asked for a consent search.

MR. WEBER: All right. And that represented 1000 people?

DETECTIVE SERGEANT SERRAO: Roughly.

MR. WEBER: Roughly.

DETECTIVE SERGEANT SERRAO: In a two-year period.

MS. GLADING: And--

MR. WEBER: Okay. Of the roughly 1000 then that were asked for consent to search, roughly 500 were minority motorists and 500 were white motorists?

DETECTIVE SERGEANT SERRAO: Yes.

MS. GLADING: Was the 1000 a comprehensive-- You referred to it before as a census. Was that every consent to search?

DETECTIVE SERGEANT SERRAO: Some were missing. We couldn't find the original reports for a bunch of reasons -- less than a dozen. Or as a matter of fact, I think one of the reports you gave me earlier. No. This report that you provided me earlier talks about missing negative PC search reports, and as you can see from here there's probably about 15 or 20 reports from a two-year period that couldn't be recovered. So of that 1000 reports, I'm sure there's a similar number that we could not locate the original report.

MR. WEBER: And you're referring to OAG-006017, for the record.

DETECTIVE SERGEANT SERRAO: I'm referring to that as a similar type of issue. That's not the consent search issue -- that's a negative PC issue -- but a similar listing of missing consent search reports was generated.

MS. GLADING: Okay. I just want to clarify. So when you made the presentation on April 13th, and the consent search data at that point covered what period?

DETECTIVE SERGEANT SERRAO: Full calendar year '97 and '98 -- all three stations on the Turnpike.

MS. GLADING: Okay. And then when you supplemented that consent analysis, what did you supplement it with?

DETECTIVE SERGEANT SERRAO: Well, it was the analysis that was supplemented. We looked at the exact same set of reports, but we conducted a more thorough analysis on different characteristics or different variables.

MS. GLADING: Okay. So you never expanded the consent search to go beyond Troop D -- the consent search analysis to go beyond Troop D? Is that correct?

DETECTIVE SERGEANT SERRAO: No. Never did. That is correct. We never expanded it beyond Troop D.

MS. GLADING: Do you recall the results for the analysis, the subsequent analysis you conducted on the consent search reports?

DETECTIVE SERGEANT SERRAO: Well, the subsequent analysis wasn't racial in nature. It was more regarding the amounts of drugs seized, the types of drugs being seized, the registration states of the vehicles that the cars were where the contraband was seized. We were trying to determine what indicators were present when a trooper would ask a person for a consent search. So we did several slides dedicated to the indicators present. In other words, we examined every consent search report and extracted the indicators that were mentioned by the trooper, and we did an analysis of that. You know, what the most prevalent indicator was, right down to the least prevalent.

MS. GLADING: Do you remember what the most prevalent indicator was?

DETECTIVE SERGEANT SERRAO: I believe it was conflicting statements between the driver and a passenger.

MR. WEBER: Was race one of the indicators that you analyzed?

DETECTIVE SERGEANT SERRAO: Race is not an indicator, no. We

didn't analyze that.

MS. GLADING: Do you recall how high an out-of-state car -- the fact that a car had out-of-state plates?

DETECTIVE SERGEANT SERRAO: I'm sorry.

MS. GLADING: Do you recall how high ranking -- the fact that a car had out-of-state plates was?

DETECTIVE SERGEANT SERRAO: I don't remember the exact numbers, but I do remember one of the slides dedicated to the registration, and we were amazed that a-- You know, without benefit of the report, I believe we were amazed that every cocaine seizure was from an out-of-state plate. It seemed-- You know, it just jumped off the page at us. But the other -- the weapons and marijuana and the heroine and the other contraband -- represented a broad spectrum of registrations, including New Jersey.

MS. GLADING: Was--

MR. WEBER: Was there an actual report, only because you've used the word report, did you actually put together a report or was it just additional slides that were added to the presentation?

DETECTIVE SERGEANT SERRAO: Additional slides. You know, there was -- there were mock-up, cross-tabulations that we used to generate the slides, but they don't exist. They were discarded.

MS. GLADING: Would the make or model or year of a car -- was that an indicator?

DETECTIVE SERGEANT SERRAO: No, it was not, and we didn't examine that. It's not even captured.

MR. WEBER: You previously testified that--

MS. GLADING: The value of the car, also, was not a factor? I mean, you know, if--

DETECTIVE SERGEANT SERRAO: No. What we did was-- We identified 20 indicators. What we basically did was we read all of the reports and came up with a pool -- you know, a listing of indicators that were mentioned in the reports and then we categorized them into 20 indicators so that we could count them and statistically analyze them. And the indicators-- Again, if I had the report in front of me, I could tell you exactly what they were, but they ranged from conflicting statements, nervous and a nervous, sweaty demeanor, I believe, is the way we worded it for our analysis, owner not present, owner of vehicle, renter of vehicle not present, no documentation present on the driver of the owner, you know, no registration, no license present.

We included an indicator which was controversial -- odor of burnt or raw marijuana. That's really not an indicator, that's probable cause, but we included it as an indicator, because it was mentioned in the reports. And like I said, there were about 20 of them.

MS. GLADING: Was rental car an indicator?

DETECTIVE SERGEANT SERRAO: No, but the presence of the renter, renter present or not, was an indicator.

MS. GLADING: Okay, Scott.

MR. WEBER: You indicated previously that the analysis or the information that you presented at the April 13 or the April 14 meeting found its way only in the form of a footnote into the interim report. Was there any-- Did you have any discussions with Lieutenant Colonel Dunlop or anyone else

at the State Police about why all the information that you had amassed and presented only found its way into the form of a footnote in the report, as opposed to taking a more prominent position in the report?

DETECTIVE SERGEANT SERRAO: Again, I lost your question in all of that, but--

MR. WEBER: Yeah. Let me make it a little clearer, and I'm sorry. You're -- not that it's an excuse, but you're my second one today, and we've been going for several weeks now on this.

Any discussions after the interim report came out about why it was that all the work that you and the Analytical Group had done was only presented in the form of a footnote in the interim report?

DETECTIVE SERGEANT SERRAO: We had conversations about that. As a matter of fact, I was under the impression after my last conversation with Mr. Susswein that he was going to take a look at our data and that he would want to see the actual raw data and the cross tabulations and possibly even provide him with the magnetic database for his analysis. That phone call never came. We never pushed the issue of providing that data to them. And generally speaking, it was the sentiment of the group that the Attorney General's Office didn't want to hear our data.

MR. WEBER: Anyone express that general sentiment to anyone at the Attorney General's Office?

DETECTIVE SERGEANT SERRAO: I've expressed that sentiment to several people at the Attorney General's Office in subsequent meetings.

MR. WEBER: To who?

DETECTIVE SERGEANT SERRAO: Mr. Susswein, Mr. Shapiro, Mr.

Heinzel, at subsequent meetings.

MR. WEBER: What was Mr. Susswein's reaction to that sentiment?

DETECTIVE SERGEANT SERRAO: I don't believe he had any particular reaction, and I don't recall his specific reaction.

MR. WEBER: How about Mr. Shapiro, Mr. Heinzel?

DETECTIVE SERGEANT SERRAO: Actually, Mr. Heinzel was very interested in our data, and this is the irony that I laugh about to today. Mr. Heinzel is using my data to prove in Superior Court that we don't racially profile, or he's attempting to.

MR. WEBER: And what about -- but what about Mr. Shapiro?

DETECTIVE SERGEANT SERRAO: Mr. Shapiro and Mr. Heinzel are on the same team, so they are both working together to use data that captured by me to disprove the defense claim that there's racial profiling going on.

MR. WEBER: Do you know if anyone at the State Police had any conversations with either Mr. Zoubek or Mr. Susswein after the interim report was released about the Analytical Group's general view that the Attorney General's Office just didn't want to deal with your analysis?

DETECTIVE SERGEANT SERRAO: I was asked by many members of the organization why our information hadn't been included in the interim report, and I specifically asked, I believe, Colonel Dunlop and possibly Colonel Fedorko why we were not being permitted to make our information available to the press and to the public. And the responses that I got from those two men were that the Attorney General's Office had told them they were not allowed to release the information.

MR. WEBER: Who at the Attorney General's Office?

DETECTIVE SERGEANT SERRAO: I don't know.

MS. GLADING: That was from Mr. Dunlop and Fedorko?

DETECTIVE SERGEANT SERRAO: Yes.

MS. GLADING: When did you make these inquiries and receive these answers?

DETECTIVE SERGEANT SERRAO: That would be after the interim report was released and prior to the final report, so I would say it was in May -- May and June of 1999.

MS. GLADING: So when you made the presentation on April 13th, for all intents and purposes, your analysis of consent data -- aggregate numbers -- was done?

DETECTIVE SERGEANT SERRAO: For the racial examination, yes.

MS. GLADING: And your presentation at that point, in terms of stop data and arrest data, was not complete, is that correct?

DETECTIVE SERGEANT SERRAO: No. It was also complete. The 32 slides represented a complete analysis of the stop data, a complete analysis of the arrest data-- I should say this. As much of an analysis as we were going to do, there were many more things we could have looked at with the data, but the analysis that we had set out to do was, more or less, complete. It was the consent searches that needed further analysis. And also, there's an issue that we haven't really spoken about here today yet, but probable cause searches were -- was also one of the things we were examining. We were asked to look at all searches, not just consent searches. So we had gathered up several hundred negative -- what we call probable cause search reports, which come in varying forms. And we had gathered that information, and I believe we

crunched it into a database, but I don't believe we conducted any analysis on it.

MS. GLADING: Okay. So when-- In your presentation in April -- on April 13th, you indicated that you used the CAD information for all of '98 for Troops A, B, and C, and for three months of '98 for Troop D, and possibly for six months of '98 for Troop B, you weren't sure.

DETECTIVE SERGEANT SERRAO: Yes.

MS. GLADING: And that was the extent then of the analysis that you did on stop data and arrest data?

DETECTIVE SERGEANT SERRAO: I-- For the purposes of that original assignment and that briefing of Mr. Zoubek, yes.

MS. GLADING: Subsequently--

DETECTIVE SERGEANT SERRAO: A year later, I did additional-- I've done maybe half a dozen of different analysis of stop data since then.

MS. GLADING: All right. I just want to be clear, because I thought you had represented earlier that your analysis covered all of '97 and '98, and that '96 was dropped off because of volume.

DETECTIVE SERGEANT SERRAO: When I'm talking about arrests and consents and PC searches, yes. And when I'm talking about CAD data, we can only examine the data that existed, and it did not exist for '97, so we couldn't examine it. We would have loved to.

MS. GLADING: Thank you. I just wasn't-- I hadn't followed you earlier.

DETECTIVE SERGEANT SERRAO: It was four or five different data sets that had various time frames that it was available for.

MS. GLADING: And the CAD data includes the stops, is that correct?

DETECTIVE SERGEANT SERRAO: The CAD data that we examined was only for stop information, yes.

MR. WEBER: Detective Sergeant, let's go back for a second. I want to ask you a few more questions about conversations you had with Lieutenant Colonel Dunlop and Colonel Fedorko about the Attorney General's Office direction that State Police not release your analysis to either the public or the press. When were you informed of that? And just to put it in context, the interim report came out in April 20th, 1999.

DETECTIVE SERGEANT SERRAO: Well, after the briefing with Mr. Zoubek, Colonel Dunlop asked me, or ordered me -- however you want to describe it. When a colonel asks you to do something, it might as well be an order. He asked me to brief various groups in our organization and other groups with the same slide presentation that I had given to the Attorney General's Office. And Colonel Dunlop's purpose in this, as explained to me, was to get this information out to the membership, to the rank and file, that the information in the interim report may not be accurate, and that we had done a more comprehensive study and our numbers were different than the interim report.

For example, I was asked to and did, in fact, brief every major in the State Police, every captain. I briefed the three leaders of the three negotiating unions for the State Police. And I also briefed the Executive Board of the former troopers association. And at those various briefings inevitably someone would ask, why isn't this information being released to the public. And my response was that that is not my decision. That would be Colonel Dunlop's

decision. And then I had subsequent conversations with Mr. Hagerty, the Public Information Officer, and Colonel Dunlop regarding releasing it or having a briefing for the press, and Mr. Hagerty specifically mentioned that all public -- all -- any request of that nature would have to go through the AG's office, and we were not authorized to release it. And Colonel Dunlop indicated to me that we were not permitted to have -- to provide that information to the public.

MR. WEBER: Did there come a point in time, and I think you had mentioned, you know, at least not up until the final report came out in June, did there come a point in time that the Attorney General's Office then gave the State Police permission to release your findings?

DETECTIVE SERGEANT SERRAO: The first time-- No. No. That never happened. The first time my information was released was when the 91,000 documents was released.

MR. WEBER: Did anyone offer an explanation to you as to why the Attorney General's Office didn't want the information and analysis that you conducted released to the public or the press?

DETECTIVE SERGEANT SERRAO: No one from the Attorney General's Office, no.

MR. WEBER: How about the State Police?

DETECTIVE SERGEANT SERRAO: Every trooper I spoke to offered suggestions as to why, and the same suggestion was that they didn't want these "true numbers" getting out, because they differed with the interim report.

MR. WEBER: Why don't we go off the record for a minute.

HEARING REPORTER: Off the record.

(Off the record)

MR. WEBER: Detective Sergeant, I think we have just a couple of other quick areas we need to get into, and I'm hopeful that we'll get you out of here shortly.

MS. GLADING: You had mentioned earlier under Colonel Dintino your assignments changed, and one of the things you were asked to do was to conduct some kind of a management analysis or analysis of IAB investigations or complaints.

DETECTIVE SERGEANT SERRAO: Yes, ma'am.

MS. GLADING: What was that-- What kind of analyses did you conduct about IAB activities?

DETECTIVE SERGEANT SERRAO: Colonel Dintino, after taking control of the organization in 1990, assigned the Analytical Unit to conduct a complete and thorough analysis of the internal complaints. And I believe his handwritten assignment said, "determine why the rate is so high." Our first question was, well, how do you know the rate's high if you want a complete analysis. So we went on to complete-- We examined over 500 internal complaint reports, which covered about a five-year period. We selected-- We used a statistically valid random sample and selected a random sample of 500 reports.

And we conducted many analyses of the characteristics of a person complaining, the characteristics of a trooper being complained about, the nature of the complaint, the discipline issued, the finding, the processes and mechanisms in place at the Internal Affairs Bureau. We produced a -- easily 700- or a 1000-page report, which was turned over to the Attorney General's

Office in August of this year as part of our disclosure of management information about racial profiling or the management studies conducted.

MS. GLADING: Do you recall generally what the conclusions were, not that it's easy to summarize a 1000-page report?

DETECTIVE SERGEANT SERRAO: I-- I can tell you this. When I read the final report, it wasn't-- The final report was not new to me. Many of the conclusions in the final report were conclusions we made 10 years ago.

MS. GLADING: Such as what?

DETECTIVE SERGEANT SERRAO: Such as the Internal Affairs Bureau lacked a computerized record keeping system that was an integral part of tracking troopers' complaint history, such as the finding of whether or not a trooper was -- whether or not a complaint was unfounded or unsubstantiated. We found that those two phrases were not uniformly applied. You couldn't really tell if a complaint was-- Unfounded meant it never happened, unsubstantiated meant it couldn't be proven, and those two terms we used interchangeably. We found that a large majority of the complaints were for minor administrative infractions, loss of property, failure to appear at a particular assignment. Minor, minor infractions that were -- the large majority of internal complaints that received a lot of time and attention that probably didn't need to have as much time and attention put on them. We also--

We discovered that the numbering system and the assignment system in the Internal Affairs Bureau had changed several times and made it virtually impossible to examine statistics about their complaints, because the numbering systems repeatedly changed. You couldn't compare year to year, because they used a different numbering system.

We also identified the typical complaint, you know, and things like that. What the most prevalent violation was, and we did some demographics on the age, time on the job, race, sex of the trooper being complained about, as well as the complainant. We examined whether or not the complaints were occurring on duty, off duty, and at what type of location they were occurring.

MS. GLADING: Do you recall any findings about race of complainants?

DETECTIVE SERGEANT SERRAO: I don't remember specifics about that, but we did examine that.

MS. GLADING: Okay. And I just want to clear up something on the 4/13/99 memo. What is the-- What was the operation's report used for in your analysis?

DETECTIVE SERGEANT SERRAO: Sure. The first-- At the second meeting of the Analytical Group, I designed with the assistance of one of my analysts a flow chart which explained to everyone in the Analytical Group where information could be found on searches and arrests, because that's what we were -- and stops. And because of the paper reporting system that the State Police is currently using, and was using throughout this time period, we realized that if a trooper-- Since the early '90s, if a trooper asked for a consent search from a motorist, or from anyone for that matter, he had to fill out a consent search report. So we knew that every consent search would be documented on a consent search. However, if a trooper conducted a probable cause search, if the search resulted in a finding of evidence or contraband, that generally resulted in an arrest, which would -- That information would find its way into an investigations report, because an arrest was made.

If a trooper conducted a probable cause search that resulted in no

finding of contraband or evidence, that was documented in an operations report. So positive PC searches would always result, in our organization, would always result in an investigation report. Because if you seized contraband or evidence, you placed someone under arrest. Negative PC searches should be and would be written up in an operations report. And when we attempted to track down all of those negative PC reports, we discovered that at the three-- First of all, the records had been-- At the three stations, the records were in various locations, because other people had been looking at this before. Some records were removed from the stations. Some records were left at the stations. So, when we attempted to get our hands on every single PC search report-- We were confident we had all the positive ones, because the investigation reports are kept in a locked repository at Headquarters in the Records and Identification Section. But when it came to getting the negative PC search reports, we had to obtain the monthly ledgers, for the 24-month period we were going to look at, we went over those ledgers and identified every entry for what appeared to be a PC search. And then we went to the file to pull those operations reports. And in at least this many cases-- I don't know how many are on here, but say 20 or so. In 20 cases, we could not find that operations report. It was missing from its location in the actual file folder where it should have been.

MS. GLADING: Okay. And I just have a couple of other quick questions. When you went to this meeting on the 13th that Mr. Zoubek was at, do you know what the circumstances were for how that meeting was called?

DETECTIVE SERGEANT SERRAO: Colonel Dunlop phoned Mr. Zoubek a day or so prior and requested some time so that we could provide

him with a -- we characterize it as a one-hour briefing on the results of our analysis.

MS. GLADING: Did you-- Was it your understanding that Mr. Susswein knew that this analysis was underway at that time?

DETECTIVE SERGEANT SERRAO: Yes, it was my understanding.

MS. GLADING: Do you know when Mr. Susswein learned of this analysis?

DETECTIVE SERGEANT SERRAO: No, I don't.

MS. GLADING: When you had a conversation with Mr. Susswein, subsequent to the April 13th meeting, you indicated you had a phone conversation--

DETECTIVE SERGEANT SERRAO: Yes.

MS. GLADING: --with him and Dr. Fisher. You said that you expected that he was going to want your data. What led you to believe that he was going to want it?

DETECTIVE SERGEANT SERRAO: Mr. Susswein expressed frustration that he had never-- I should say, he hadn't been able to capture all of the consent reports, and he was unable to capture any stop data other than the hand cold data. He expressed that at the briefing that this was more comprehensive data than he had had. So, in our subsequent conversations, when I explained to him how I got the data, we either discussed or I sensed from him that he would be interested in looking at the data. And I suggested-- On that phone conversation, I suggested that we could provide him with the magnetic data, because we converted all of the paper statistics into a magnetic database. And I may have even offered it to him in that telephone

conversation, but he never requested it and never followed up asking for it.

MS. GLADING: If you offered it, did he say, sure, I'll take it?

DETECTIVE SERGEANT SERRAO: Yeah. I believe he might have said, "Yeah, we would love to-- We want to get a chance to look at that. We'd like to look at that at some time," I believe was his response. Or, "We should take a look at that," something along those lines.

MS. GLADING: But you didn't send it to him?

DETECTIVE SERGEANT SERRAO: No. No. No. I was still using it at that time, and I-- I interpreted that to mean at some time in the future he would like to take a look at it, not right now.

MS. GLADING: Do you know why this project was undertaken by your unit and not the Records and Identification Unit?

DETECTIVE SERGEANT SERRAO: I-- No one specifically told me why, although the Records and Identification Unit was part of the Analytical Group, so they did have a big part in this. But I know from conversations I had with Colonel Dunlop that my unit was the only unit in the State Police that had the resources to do the job. We had trained analysts. We had computer resources. And I believe Colonel Dunlop was comfortable with my level of expertise in this analysis.

MS. GLADING: What was your background and training to do this analysis?

DETECTIVE SERGEANT SERRAO: Well, as I said, I've been an analyst since 1988. I've been formally trained in analysis. I attended a week-long or a two-week long analytical training seminar. I've conducted analysis. I do not, and I am not sitting here pretending to be a statistician. I

have no training in statistics, and I'm not a statistician, but I have conducted similar analysis in the past -- over the past 12, 13 years. My role in most of this was designing the job, identifying where the data was, how we could get it, how we could crunch it, and how we would present the findings. Most of the actual analysis was done by civilian staff that works for me that do have training and graduate degrees in statistics and analysis and other disciplines.

MS. GLADING: Well, as I understood it, the -- what you ultimately produced, the slide presentation that you ultimately produced, did not provide analysis. It just provided the data.

DETECTIVE SERGEANT SERRAO: Presented in a way to draw conclusions from. There were -- there is text draft around the data that is conclusionary data. You know, it doesn't-- It provides maybe the raw number, but also provides a percentage breakdown and some text which helps explain it. Not to mention that my remarks given during the presentations were conclusionary remarks, conclusions that I drew from the data.

MR. WEBER: Did you have any prepared notes that you worked off of for your remarks?

DETECTIVE SERGEANT SERRAO: No, I don't.

MS. GLADING: Do you-- You said you had done analyses like this in the past. Aside from the 1989 analysis, were you ever called upon to do an analysis like this of racial makeup of stops or consent searches or any other State Police activity?

DETECTIVE SERGEANT SERRAO: Eighty-nine-- I believe at some point in '93, or so, Colonel Dintino asked for a topical analysis of Turnpike stop-- Or I should say arrest stats, and I don't remember the specifics. But I

believe we just regenerated the '89 report, and we may have updated it with some additional information from '93. I don't remember that job. It was a question that was posed by Colonel Dintino. So we did revisit the issue, and possibly in '93, but I don't remember the scope of that job or the findings of that job, or actually how that job played out. It's just-- It's a blur to me now.

MS. GLADING: Did you provide a copy of that report to the Attorney General's Office when documents were collected as part of the document release?

DETECTIVE SERGEANT SERRAO: I don't know that there is a report. I think we may have just regenerated the '89 report. I don't believe there is a report. I don't know. I mean, I--

MS. GLADING: So it was the same as the '89 report?

DETECTIVE SERGEANT SERRAO: Something tells me that we had additional data or we obtained additional data, but I don't remember sitting here today. I don't believe we have that report indexed anywhere where I could find it. I don't know that such a report exists. That's to the best of my memory.

MR. WEBER: But that report similar to the report in '89, only dealt with arrest data, correct?

DETECTIVE SERGEANT SERRAO: Yes. Absolutely.

MS. GLADING: I just have one last question. You said that Mr. Heinzl -- Heinzl?--

DETECTIVE SERGEANT SERRAO: Heinzl.

MS. GLADING: --Heinzl -- indicated that your material is being used now by the State to defend itself against racial profiling allegations. Do you

know what cases that it's being used in?

DETECTIVE SERGEANT SERRAO: I have-- I met with Mr. Heinzl during the year 2000, and at that time, I was debriefing him about my statistical findings and we did some further analysis for him on stop and arrest data. And it was for the cases that were merged and brought up here--

MR. WEBER: Union County?

DETECTIVE SERGEANT SERRAO: No. It was--

MS. GLADING: Judge Barisonek?

DETECTIVE SERGEANT SERRAO: Yeah, that judge.

MS. GLADING: The discovery motions and--

DETECTIVE SERGEANT SERRAO: Yeah. The discovery motion that was brought into the State -- the one court. It was that issue. I don't remember State v. whatever-- Oh, as a matter of fact, I do. Is it Morday (phonetic spelling), maybe, or-- No. I'm confused.

MS. GLADING: Oh, I'm sorry.

DETECTIVE SERGEANT SERRAO: It might be Morka.

MS. GLADING: You're referring to the Morka case.

DETECTIVE SERGEANT SERRAO: Is that where they consolidated several cases and--

MS. GLADING: That's an attempt at a civil class action. They haven't gotten the class certification yet.

DETECTIVE SERGEANT SERRAO: No, then it's not Morka.

MS. GLADING: Was it a criminal case, do you recall?

DETECTIVE SERGEANT SERRAO: Yes. It's several criminal cases and several counties that have been consolidated and brought into one court,

here, I believe, in Trenton. And it was in-- It was a selective enforcement defense or -- that we were trying to refute. That Mr. Heinzl was assigned to refute.

MS. GLADING: Did you have any involvement with the Morka case?

DETECTIVE SERGEANT SERRAO: No.

MS. GLADING: How did that name come to mind? How did you know of that?

DETECTIVE SERGEANT SERRAO: I've had discussions about that with Mr. Heinzl. I don't even know the Morka case. I just know that name, and I thought for a minute that might have been the name of this case, but it's not.

MS. GLADING: Have you discussed or had discussions about your data in the context of the Morka case?

DETECTIVE SERGEANT SERRAO: Again, I don't know exactly what the Morka case is, so I may have and not even know it. We've discussed other cases. I don't know what the Morka case is.

MS. GLADING: Just to clarify the criminal suppression cases, the selective enforcement cases, did you -- at any point, were you going to be a witness in the case? Did you have to provide him information? What discussions did you have?

DETECTIVE SERGEANT SERRAO: Mr. Heinzl has been provided just about all the information that was turned over.

MR. NITTOLY: Before we get into this, is this an ongoing case? Because we may be treading on--

MS. GLADING: No. Actually, I think this is the cases that were just

dropped and--

MR. NITTOLY: Okay.

MS. GLADING: --dismissed a week or two ago.

MR. NITTOLY: Okay. I wasn't aware of that, okay.

DETECTIVE SERGEANT SERRAO: Yeah. I think it was those cases, too, but-- No. My role with Mr. Heinzl and Mr. Shapiro was to-- I explained to them the analysis I conducted, provide them with the same 32 slides and some additional backup documents, and I did conduct some additional analysis for Mr. Heinzl on I-78, Hunterdon County, stop ratios. And I believe I provided to Mr. Heinzl some type of analysis recently within the past year on the entire State stop ratios. I was asked by-- Actually, I believe it prior to Colonel Dunlop's departure. I was asked to examine some CAD data and make some observations about it before it was provided to Mr. Heinzl, and I did that.

MS. GLADING: Do you recall what it was? What it showed?

DETECTIVE SERGEANT SERRAO: No, I don't, but that was providing in the 91,000 documents -- that report.

MR. WEBER: The last issue I have. During the course of-- At any point in time during the course of your analysis, which began in February of 1999, did you uncover any instances of records being falsified by troopers?

DETECTIVE SERGEANT SERRAO: I did not uncover any falsified records. No.

MR. WEBER: Did any one in the Analytical Group that we've been talking about express any information that dealt with potential records of falsification by any State Police troopers?

DETECTIVE SERGEANT SERRAO: Not falsification, no.

MR. WEBER: Something else?

DETECTIVE SERGEANT SERRAO: We identified inaccurate or incorrect recording of information. For example -- and I wrote a report about this, and that's been submitted in the 91,000 documents, too -- we identified that troopers were asking motorists for consent searches to look for registration documents for the vehicle. The trooper stated up front in his consent search report that at, you know-- "I spoke to the occupants. They didn't have the registration. I then asked them for a consent search." And it was my opinion and it's still my opinion that our SOP -- that that's in conflict with our SOP, because our SOP says you can only ask for a consent search if you believe, have reasonable suspicion that you'll find contraband or evidence of a crime. And the registration for a vehicle, in my opinion, is not evidence of a crime or contraband. So we identified a subset of the consent search reports that probably should have never been consent searches. The troopers were asking motorists for consent when they already had a justification to search for the credentials. So I brought that up to the attention of the Internal Affairs Bureau and to management in the State Police that there needed to be some education in this regard, because a number of our consent searches shouldn't have been consent searches at all.

MR. WEBER: When did you bring that to their attention?

DETECTIVE SERGEANT SERRAO: The summer of 1999. August, I believe.

MR. WEBER: Let--

MS. GLADING: I just want to make sure I followed you. Are you

saying these should have been probable cause searches?

DETECTIVE SERGEANT SERRAO: No. There's a case law that says we can search for the ownership documents of a vehicle.

MS. GLADING: Okay.

MR. WEBER: Putting aside my characterization of falsification, did you run into any instances of troopers that were putting incorrect information in any of the reports that they were required to fill out?

DETECTIVE SERGEANT SERRAO: No. We found plenty of typographical errors and minor mistakes, but no obvious falsification or information that disagreed on different reports.

MR. WEBER: How about instances of troopers failing to put down information that was required by any of the number of SOPs that we have discussed today?

DETECTIVE SERGEANT SERRAO: There were some blank fields on reports that should have been completed that weren't completed. I have no idea why that occurred or how that occurred, but there were some instances in the 10,000 pages I looked at of incomplete documents.

MR. WEBER: Did you make a determination as to the compliance rate with SOP F-3 during the course of your analysis?

DETECTIVE SERGEANT SERRAO: I had no way to make that comparison, no.

MR. WEBER: Well, were-- When you analyzed the radio logs--

DETECTIVE SERGEANT SERRAO: I didn't-- I never analyzed radio logs.

MR. WEBER: Did anyone analyze radio logs in connection with your

analysis?

DETECTIVE SERGEANT SERRAO: Not in my group, not in the-- No, sir.

MR. WEBER: Detective Sergeant, thank you very much for your time. We appreciate you coming down. On behalf of the Committee again, we recognize that you're here on a voluntary basis, and we do appreciate that. Thank you for your testimony and your candor today.

DETECTIVE SERGEANT SERRAO: Thank you.

(INTERVIEW CONCLUDED)