IN RE:                           )          TRANSCRIPT
)                              )          ELECTRONICALLY
SENATE JUDICIARY               )          RECORDED TESTIMONY
COMMITTEE INVESTIGATION        )
HEARINGS                       )

Place: Office of Legislative Services
State House Annex
Trenton, NJ 08625

Date: April 10, 2001
Time: 10:30 a.m.

MEMBERS PRESENT:

SENATOR WILLIAM L. GORMLEY, CHAIRMAN
SENATOR JOHN J. MATHEUSSEN
SENATOR NORMAN M. ROBERTSON
SENATOR JOHN A. GIRGENTI
SENATOR RAYMOND J. ZANE
SENATOR GARRY J. FURNARI

ALSO PRESENT:

Senate Democratic Staff
By: JO ASTRID GLADING, ESQ.

Senate Republican Staff
By: CHRISTINE SHIPLEY, ESQ.

Latham and Watkins
By: MICHAEL CHERTOFF, ESQ.
    SCOTT LOUIS WEBER, ESQ.

Office of Legislative Services
By: JOHN TUMULTY, OLS Aide

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Report on Discriminatory Practices Within the New Jersey State Police, dated August 1999, from the New Jersey Legislative Black and Latino Caucus

Report Entitled, Plaintiffs’ Proposal for Prospective Systemic Relief

Copy of a Charge Filed by a Member of a Group of Black Persons Currently Employed by the State Police.

SENATOR GORMLEY: I’d ask the members of the Committee to be seated, please.

We’d like to call as our first panel witnesses today the members of the Black and Latino Caucus: Assemblyman Joe Charles; Senator Wayne Bryant; Assemblywoman Nia Gill; Assemblyman LeRoy Jones; Assemblywoman Nellie Pou.

ASSEMBLYMAN CHARLES: Good morning.

SENATOR GORMLEY: Well, this is the first group I didn’t have to explain the red lights to.

Assemblyman Charles.

ASSEMBLYMAN CHARLES: Yes, sir.

SENATOR GORMLEY: We’d appreciate your testimony at this time.

ASSEMBLYMAN JOSEPH CHARLES, JR.: Yes. Mr. Chairman, members of the Committee, I’m pleased to be here before you this morning to give testimony on this very important issue to the State of New Jersey, to the citizens of the State of New Jersey that this Committee has undertaken to look into.

I have with me on the panel some members of the Black and Latino Caucus who will add to the testimony that I’m about to give to you.

It was about two years ago to the day that the Black and Latino Caucus began holding its public
hearings on the issue of racial profiling and the
related issue of discriminatory practices within the
State Police with regard to employment. It was on
April the 13th of 1999 that this Caucus convened the
public hearing in Trenton. One week later on April
20th, convened another public hearing in Newark. And
a week after that, convened a public hearing in
Blackwood, New Jersey to take testimony on this
issue.

The purposes of those hearings two years
ago were twofold. Number one, to put a human face on
the issue of racial profiling. Up to that time we
had been hearing about the statistics that are
involved in, that were involved in it, that proved
that, in fact, it was happening. Beyond that, we
felt that it was important for the citizenry, for the
public to know just what the human experience was and
who the people were who were being victimized by this
unconstitutional practice.

I commend the Committee, too, in its work
here during its hearings to understand and to be
calling forth witnesses who will give it a human
dimension. That’s very important, because we’re not
dealing with just statistics, we’re dealing with
human beings, real men and women and children, who

live in the State of New Jersey and who should be
guaranteed in the enjoyment of their constitutional
rights.

We had those hearings and those hearings
stemmed from a number of events. One year prior to
that there had been the incident of the shooting on
the Turnpike and some members of our Caucus took
action immediately following that one year earlier
and they’ll testify concerning those things. But we
held the hearings. The purposes of the hearings were
to identify the issues. We stressed at the outset
that it was not our intendment. It was not the
purpose of the Black and Latino Caucus to vilify the
individual troopers, members of the State Police,
rather it was our purpose to determine whether there
was an institutional problem that created this
unconstitutional practice and if so, what we could do
as legislators, as members of this Legislature as
elected officials to get at reform to correct these
practices if they exist.

Our hearings, which consisted of testimony
of lay people, of attorneys, of troopers, of expert
persons, led to certain inescapable findings. I have
before me a report that the Black and Latino Caucus
authored in August of 1999. You may have seen it.
You probably have reviewed it in connection with these hearings here, but I would just like to formally introduce it into the record of these proceedings. I have copies which I can present to the members of the hearing.

SENATOR GORMLEY: We’ll have it marked and made part of the record.

ASSEMBLYMAN CHARLES: I’d like to refer the Committee to the findings of the Caucus, and I think these are findings that from my reading of the accounts of this hearing are reflected in the hearings that this Committee is now conducting. We, as the Black and Latino Caucus, found in August of 1999 that racial profiling and employment discrimination is systemic in the State Police. We further found that racial profiling and employment discrimination is condoned, facilitated and rewarded by the hierarchy of the State Police. We also found that the Office of the Attorney General knew or should have known about the severe and pervasive practice and pattern of racial profiling and employment discrimination within the State Police.

The institutional policies and practices of the State Police have not materially improved since 1975 when the Justice Department found that the State

Police had “No objective and standardized criteria and procedures for assignments, tenure, promotion and discipline to assure that blacks and Spanish-surnamed Americans and women are treated fairly and equitably.”

We found that as a result of the failure of the Office of the Attorney General to properly supervise the State Police where issues of race and gender are concerned, the State Police have persisted in violating the civil rights of minority motorists and minority troopers. Minority troopers are discriminated against in the terms and conditions of their employment. We found based upon the evidence produced before us that personnel decisions within the State Police are not based upon measurable objective standards, instead nepotism, favoritism and discrimination play too significant a role.

We further found that minority troopers had been punished and penalized for challenging the discriminatory policies and practices of the State Police.

And finally we found that substantive and lasting changes will not occur in the external functioning of the State Police, that is in racial profiling of motorists, unless and until there is
fundamental reform of the internal institutional structure. As I stated, we were concerned about change in the institutional structure, legislative changes, that would be made permanent and that would be protective of minorities from the beginning of those institutions until.

We made some recommendations and those recommendations were ultimately put into bill forms which are currently pending before the Assembly and also the Senate. Just to capsulize some of the major recommendations. We recommended at that time, at that time we were without a Superintendent, we recommended that the next Superintendent, we have one now, shall be appointed from outside the current ranks of the organization. We felt that the problem was so deeply imbedded that true institutional reform could only occur if there was some outside person unaffected by personal or professional relationships.

We further found and recommended that racial profiling should be established as a criminal act classified as a third-degree crime. We also found that there should be established an independent civilian review board with the power of subpoena to compel evidence and testimony.

We also recommended that there should be established an Office of Independent Prosecutor. The intention of tampering with or disabling of road vehicle cameras we recommended be established as a criminal act. And we also recommended that there be established among the laws of the State of New Jersey a Civil Rights Violation Act which resulted in -- which would call for criminal penalties.

Now, I should say this, that at the beginning of our hearing, and it’s important to note this, in the beginning of our hearings on April of 1999, we asked the -- or invited the then Attorney General Mr. Peter Verniero to attend and to give testimony. We asked the then Acting Superintendent of Police, Mr. Fedorko to appear and to testify. Both persons declined our invitations. At our subsequent hearing in April, the third of our hearings, we extended another invitation. Our invitation to the then Attorney General at first was accepted and then at the last minute we got a call that he would not appear for reasons that were not expressed.

We tried to get as much information, as much data as we could as we conducted our hearings. In fact, one of the things that we requested prior to the hearings that began in April of 1999 by a letter
we sent to the Attorney General’s Office was all data pertaining to stops by the State Police over the preceding years. We received a responding letter that such data did not exist. We -- in writing. We then proceeded with our hearings and I think we arrived at some conclusions that I stated before. We have over the last several weeks, in the last several weeks, based upon our hearings two years ago and also based upon some of the information that was revealed during your hearings, we have sent a letter to the then Attorney General, a current Justice of the Supreme Court, asking that Justice, then Attorney General, Verniero to resign based upon what we felt was an unconstitutional failure to act in the interest of all of the citizens of the State of New Jersey and for disregard of his constitutional obligations to equally apply the laws of the State of New Jersey and to equally protect all of the people of the State of New Jersey. That’s a position that we arrived at very gravely after a lot of consideration, realizing the consequences of it, the seriousness of it. But we felt that in honor of the constitutional laws of the State of New Jersey and as a duty to the citizens of the State of New Jersey, particularly the minority motorists of the State of New Jersey who have been victimized, and in the interest of the people of the State of New Jersey who need to have confidence that there is equal justice on the Supreme Court, we felt that such a decision is necessary. More action may be necessary, but for the time being, that is our position.

I’ll end my remarks right now by just referring to one of the quotes that we got from an expert in our hearings. And I think this is where we’re at right now. When we had our hearings, our last hearing on April 27th, Professor Fife, in response to the Interim Report that the Attorney General issued, I believe it was on April the 20th of 1999, had this remark. He said that “The recommendations in that Interim Report would fail because the Attorney General’s findings and recommendations do not acknowledge or address the systemic nature of racial profiling. The recommendations do not hold accountable any member of the State Police above the level of road trooper and the recommendations do not contain any mechanism to monitor the job performance of supervisory management personnel.” Mr. Fife warned that, “The failure to address this leadership issue is bound to widen the schisms between road troopers and those who lead
them." We as the Legislature need to take the proper
corrective actions so that the bane, the curse, the
unconstitutional practice of racial profiling and
further, the unconstitutional discrimination against
the troopers of the State of New Jersey, the minority
troopers, that it be eliminated.

I thank this Committee for the opportunity
to testify.

SENATOR GORMLEY: Thank you.

Senator Bryant.

SENATOR WAYNE BRYANT: Thank you, Mr.
Chairman, for giving us the opportunity to place our
testimony on the record before the Judiciary
Committee.

Let me begin by making a brief statement
about the manner in which the Senate Judiciary has
conducted its investigation into racial profiling
within the Division of State Police.

I commend the Committee for taking so
serious its mission to find the truth. Placing
principle above politics is a goal that is often
pursued, yet, in the final analysis of critical
issues before the Legislature, is seldom achieved.

This Committee of Democrats and Republicans
found a way to speak in one voice. To ask tough
questions; you made the tough decisions. Because of
your uncommon valor, New Jersey has made a quantum
leap towards eradicating the scourge of racial
profiling.

Curiously, despite this principled mission,
there are some who would discredit the aggressive
tactics you have taken to get to the truth. I feel
compelled to respond to those who would rather point
a finger of guilt at the Legislature than hold
accountable those individuals who viewed racial
profiling as a problem to manage and not to solve.

To be fair, the Legislature, as an
institution, subjected itself to much of its own
criticism by resisting early efforts to open its eyes
to racial profiling.

In May of 1998, and again in March of 1999,
the Legislative Black and Latino Caucus asked the
Senate President DiFrancesco and Assembly Speaker
Collins to conduct bipartisan, bicameral public
hearings on racial profiling. For the record, Mr.
Chairman, those requests were denied.

In April of 1999, the Caucus proceeded to
conduct its own public hearings. The Caucus
requested the normal resources afforded to a
legislative committee to conduct its work.
Once again, the Legislature’s abject failure to show any leadership on this issue manifested itself with the presiding offices of both Houses denying that request. The Caucus persevered, however, and conducted its own hearings, summarizing its findings and recommendations in the report referred to by Assemblyman Charles.

From this report issued in August of 1999, the Caucus drafted a package of 20 bills to end the civil rights violations and discriminatory practices and restore public confidence in the State Police.

Our package approached reform from three vantage points: number one, heightened oversight of the State Police; two, administrative changes in the State Police enforcement practices, and; number three, internal reforms to eliminate bias in recruitment, training, hiring and promotion.

It is clear to the Black and Latino Caucus if there is no justice inside, you can give no justice outside.

In the one and a half years since this package of legislation was introduced, not one bill, not one bill has been posted for either a hearing or consideration by a legislative committee.

I am gratified that many of these bills have been assigned to your Committee and I understand that this Committee will act on them in short term. I am troubled, however, that seven of the bills have not been assigned here and, thus, are at risk of dying a slow death in the bill room.

Mr. Chairman, these bills have equal standing with other reforms in the goal of righting the wrong of racial profiling.

Like the other bills, they were shaped by the experience of victims who came to our hearings and put a human face on racial profiling.

These are real reforms to correct real problems that were recounted by real people.

We have collected much of this testimony and information prior to this Committee’s consideration of Peter Verniero’s nomination to the New Jersey Supreme Court.

Now, two years later, the inquiry that should have happened, is taking place. There is a common theme in the testimony and evidence gathered by this Committee and the abject failure of leadership.

We saw, just last week, how our leadership continues to fail us. New Jersey is currently under
federal consent decree with the United States Department of Justice.

That consent decree requires dozens and dozens of reforms, and provides for two monitors to ensure compliance. We have already paid those monitors more than $365,000 to do their job.

One of the single most important mandates under the consent decree is the requirement that the State report the traffic stop activities of State Police every six months, including the racial breakdown of who is pulled over and who is asked to stand at the shoulder of the road while their car is searched.

Last week, Attorney General John Farmer came before this Committee and reported that minorities are still being subjected to consent searches at wildly disproportionate rates. He reported they are being searched with less cause than whites. He reported that police are finding far less when they search minorities.

The problem, however, is that John Farmer should have been before this Committee in June of last year with his report. And he should have come before this Committee again in January with his next report. That’s what the consent decree requires. He contends that computer systems are not up to speed yet to do the analysis and they had to be done by hand. My colleagues, only 271 searches were analyzed. His analysis could have been accomplished in three hours with a Radio Shack computer.

It is an insult for him to come before this Committee, ten months after he should have disclosed the statistics showing that racial profiling is still a cancer of our roads. And it’s clear that the only reason we have this report now is because this Committee has conducted this long-overdue inquiry.

Here we are five years after Judge Francis’ decision in Soto...three years after the shooting of four young black men on Exit 7A...two years after the Interim Report...and 15 months after the consent decree. And we still have a failure of leadership. We have a failure of leadership by the Attorney General, by the State Police, and by the federal government.

And because we cannot guarantee that our leadership will not fail us again, we need to make fundamental institutional change and reform.

It is time, indeed, it is long past due to give citizens a role in monitoring the activities of our
State Police.

There are other important works before you. The integrity of the Senate’s advice and consent process has been undermined and badly damaged.

In his testimony before this Committee two years ago, Caucus Chairman Joe Charles observed that the Attorney General’s admissions and solutions came only in the face of the no longer deniable truth that racial profiling existed and that unconstitutional racial discrimination was systemic in the Division of State Police he supervised.

We questioned the Attorney General’s decision to ignore astonishing findings of Judge Francis’ decision in the Soto case.

We questioned the Attorney General’s pattern of stonewalling requests for profiling data from the federal civil rights investigators, the news media and yes, indeed, the Black and Latino Caucus itself.

We questioned why the Attorney General would downplay it, ignore it, deny it, the significance of the investigation by the United States Justice Department into racial profiling within the State Police.

We questioned what might have been going through the mind of the Attorney General when a federal court found in 1998 that State Police Sergeant Vincent Bellaran was the victim of racially hostile and a racially discriminatory work environment.

This nominee brought a new meaning to the phrase, “Justice is blind.”

He was blind to the profound facts and implications of racial profiling on one-quarter of New Jersey’s population.

He was blind to his own responsibility as chief law enforcement officer of New Jersey to guarantee all citizens the right to equal protection under the law, due process and freedom from unreasonable searches and seizures.

And perhaps because he was so blinded by his ambition to ascend to the state’s highest court, he gave testimony in May of 1999 that members of this Committee now deem as misleading. He made statements that were false.

We cannot turn back the clock of May of 1999 and re-vote his confirmation. We cannot undue the damage to civil rights and personal dignity that persists while Attorney General Verniero, the chief law enforcement officer of New Jersey, turned a blind
We can right the wrong, however, by insisting on two things. First, we must get this package of racial profiling legislation enacted this year. This Committee and this Legislature must listen to their colleagues of the Black and Latino Caucus.

Second, we must vigorously pursue the removal of Justice Verniero from the Supreme Court.

Let me say again, that I commend this Committee for asking the tough questions and making the tough decisions.

Your call for the Justice’s resignation from the court was a painful but necessary step. It is becoming increasingly clear that it will take additional steps to vacate Justice Verniero’s place on the bench.

A failure of New Jersey’s leadership enabled this nominee to rise to the state’s highest court. His continued presence on the court will perpetuate that failure.

Let us stay the course of principle, demand nothing less than the highest of ethical standards for Justices on the state’s highest court.

The facts, no matter how personal and blunt as they may be, must be stated for the record. The Republican Party rushed a nomination of Attorney General Peter Verniero through this Committee in May of 1999 even though the Supreme Court vacancy did not take effect until September 1999.

The Black and Latino Caucus implored this Committee to hold the hearings they’re holding now back in May of 1999.

The Republican Senate then compounded this tragedy by hastily confirming Justice Verniero’s nomination to the Supreme Court by just one vote. And at the confirmation I stated this simple truth, when you press the truth to earth, it will surely rise again.

This Committee has found the truth and it clearly answers the question we posed. What did Justice Verniero know or should have known and when did he know it. It is clear from the record that the knowledge that Peter Verniero possessed was available and in his possession a year and a half prior to him acting on behalf of the citizens of New Jersey and ending racial profiling.

We have now entered a new millennium, a new century and, yes, the eyes of the entire nation are looking at New Jersey to see if there will be one
standard of justice and will we right the wrong.

If Justice Verniero will not do the right thing by resigning from the Supreme Court, we must, in this Legislature, do more than ask for his resignation or censure him. He must be impeached.

The black and Latino community is very aware that both Houses of the Legislature and the Governor’s Office are controlled by the Republican Party. It is the Republican Party that has placed this stain upon our most prestigious court and allowed injustice to prevail. Therefore, this Legislature in the new millennium dare not send a message to the nation that the standard for justice, for the privilege, is one standard. And that the civil rights of citizens of the State of New Jersey who are of color can be denied.

This wrong must be righted. Justice Verniero must be impeached.

SENATOR GORMLEY: I’ll wait until we get to the witnesses to go over the hearings that we did have two years ago.

Assemblywoman Gill.

ASSEMBLYWOMAN NIA GILL: Thank you, Mr. Chairman.

The Attorney General and the Attorney General’s Office are incapable of monitoring and supervising the New Jersey State Police on issues of racial profiling in discriminatory practices.

This is a fact well known by the State Police and amply documented at this hearing by the testimony of Associate Justice Peter Verniero, Attorney General Farmer and New Jersey State Police Superintendent Colonel Carson Dunbar.

The statutory obligations of the Attorney General’s Office as the supervisors for the New Jersey State Police creates a symbiotic relationship for interdependence that is inherently in conflict with the Attorney General’s constitutional mandate to uphold and protect the citizens’ constitutional rights that have been violated by the State Police.

The Attorney General’s Office has failed to supervise the New Jersey State Police and the New Jersey State Police has been unwilling and unable to supervise itself. Therefore, it should come as no surprise that the recommendations in the Attorney General’s final report and Interim Report have failed to eradicate the systemic nature of racial profiling and discriminatory practices that remain alive and well in the culture of the New Jersey State Police.

The recommendations and reforms simply
perpetuate the symbiotic relationship between the Attorney General’s Office and the State Police. The State Police monitors itself, and the Attorney General attempts to monitor the State Police.

One of the most effective ways to eliminate the inherent conflict between the Attorney General’s responsibility to protect the civil rights of the citizens and supervise and monitor the New Jersey State Police is to establish an Office of the Special Prosecutor, whose jurisdiction shall include the investigation and prosecution of both civil and criminal rights violations involving any member of the New Jersey State Police.

Mr. Chairman, as you have already been made aware, the Black and Latino Caucus introduced a legislative package that has been pending for two years. The legislative package of the Black and Latino Caucus acknowledges the systemic nature of racial profiling and addresses its elimination.

I would like to take this opportunity to highlight some of the Black and Latino Caucus’ initiatives.

In order to ensure accountability for each state trooper for his or her actions that result in the disregard of a motorist’s constitutional rights,

racial profiling, should be established as both a criminal act and as a cause of action for civil rights criminal prosecution.

The creation of a civilian review board would provide the crucial independent monitoring of the New Jersey State Police to ensure compliance with all rules, regulations and procedures promulgated for the elimination and prevention of the systemic patterns and practices of racial profiling and other unconstitutional violations that have become part of the New Jersey State Police culture.

Unless and until we are prepared to enact legislation that recognizes that it is not a few bad apples who are responsible for the discriminatory practice of the State Police, then history may well record that these hearings were much to do about nothing.

I look forward to working with you and the other members of the Committee to pass legislation to end this shameful practice.

Thank you.

SENATOR GORMLEY: Assemblyman Jones.

ASSEMBLYMAN LEROY J. JONES, JR.: Thank you, Senator Gormley and to the members of the Committee.
Let me just start by saying on behalf of the people that I represent and the countless number of motorists who have been victims of racial profiling, thank you for the opportunity to offer testimony on one of the most pressing matters of this day, racial profiling.

Mr. Chairman, and I think members of the Committee, are clearly well aware that racial profiling has been a silent scourge on New Jersey far too long. While never, ever officially sanctioned, testimony and data offered to this Committee has verified that racial profiling was and continues to be a standard operating procedure for some state troopers.

Mr. Chairman, you should also recognize, and it’s clear and the record states that through the voice of Chairman Joe Charles, Senator Bryant and Assemblywoman Gill and you’ll hear from Assemblywoman Pou, that the legislative Black and Latino Caucus hearings on racial profiling helped to bring light on the experiences of many, many victimized minority motorists with harassing stops and searches. And as Assemblyman Charles mentioned, that we placed a face on the charge of racial profiling and we sought to identify and isolate those troopers who were guilty of this cruel and shameful and unconstitutional practice.

It’s been said this has been a travesty on many levels and the membership of the Black and Latino Caucus and the members of the ministerial community, community activists and victims of racial profiling, have cooperated to help end the hostile environment which has existed along New Jersey roadways for quite some time now.

Opponents of racial profiling have been frustrated over the lack of reporting about the racial characteristics of motorists subjected to highway stops. New Jersey now recognizes the need for more statistical reporting of troopers’ activities and more uniform procedures as it concerns stops, as it concerns searches and the overall conduct of the State Police.

Testimony also revealed that the State Police have compiled data which verifies conclusively that racial profiling exists to this day. And we’ve clearly heard testimony from the current Attorney General John Farmer just the other day through this Committee that that is indeed still a fact.

Citing the continued lack of statistical information and the State’s repeated denials of the
existence of racial profiling, this Caucus, the Black and Latino Caucus, introduced a comprehensive legislative package designed to combat racial profiling. Chairman Joe Charles has mentioned it. Assemblywoman Gill, Senator Bryant, Assemblywoman Pou will also mention that. So we’re trying to drive home this very issue, that inasmuch as this Committee moves towards reforms, reforms currently sit in the legislative hopper without action.

And I can’t help but notice that the dates on this flip chart, and I don’t know the significance of those dates, but they seem to go back to 1996. But let me just share something with you. And Senator Bryant touched on this for a moment. Senator Shirley Turner and the late Senator Wynona Lipman and myself introduced concurrent resolutions back in June of 1998 which essentially call for the creation of a bicameral, bipartisan legislative task force to investigate the use of racial profiling by State Police and the level of minority appointments within the State Police.

So clearly, we’re looking at a time line that dates us back three years, almost four months, after the Turnpike shooting, which elevated the whole notion of racial profiling in this state.

So, Mr. Chairman, I am just simply urging you to post our bills on the next agenda of the Senate Judiciary Committee, because as mentioned earlier, our bills will simply help to redress racial profiling by creating statutory prohibitions against this discriminatory practice and address some of the administrative and personnel-related matters unique to the State Police.

Our legislative package will foster accountability at all levels of the State Police and moreover, our bills will restore confidence in the State Police amongst the citizens where it has been lost.

Mr. Chairman, let me go on to just say that the hearings conducted by the Black and Latino Caucus and the meetings held by this very important Committee, and all resulting actions, I believe, and I believe you all would agree with me, will provide solace to anyone concerned about racial profiling. Statutory mandates against racial profiling and the enhancement of civil rights protections, which will result from the Caucus legislative package, will simply discourage unscrupulous troopers from engaging in this indiscriminate and reprehensible conduct. It was and continues to be
conduct that tarnishes the dignity of the position of state trooper. It diminishes the image of the profession of law enforcement. Drives a wedge between state troopers and the people that they have sworn to protect and serve and undermines the very law that they are mandated to uphold.

Mr. Chairman, I want the record to reflect my deep-seated concern as it relates to the internal mechanics of the New Jersey State Police and the hostility which is directed at people of color. In other words, we become, not just the members of the Black and Latino Caucus, but the Legislature, the voice for those that have been voiceless for quite some time.

And if I can, let me just shift the testimony to a group of individuals who I believe are courageous, I believe are bold, daring and different. Who have the fearless effort to come before this Committee and moments after this Caucus completes its testimony, and that is the minority troopers that sit behind me. And I certainly apologize for my back while making reference to all of them. During our hearings, Mr. Chairman, in addition to the testimony on troopers engaging in racial profiling, we heard a significant amount of factual accounts of the blatant discrimination, harassment and nepotism and overtly hateful acts imposed against minority troopers by white troopers and the hierarchy of the State Police.

The internal challenges facing these bold gentlemen have been dwarfed by much of the debate on racial profiling. And we cannot lose sight of that. Let the record state that in many respects the State Police, the law enforcement apparatus of this state, is dysfunctional and intolerant. Segments of the public have lived through racial profiling and this episode which has been called for people to be mindful and considerate of the men and women who patrol our roads and their families and friends, and that is certainly appropriate. But let me just say on behalf of these gentlemen who have been victimized by state troopers, I call on all people of goodwill to simply consider the plight of troopers facing the challenges on the roadways of New Jersey and in the barracks of the State Police and I simply ask the people of New Jersey to also consider their families and their friends, because these minority troopers who acknowledged the impact on their physical and emotional states during our hearing as a result of
discrimination, exclusion and intolerance, certainly are owed that privilege.

Now, Colonel Dunbar has often expressed his view that the morale of the State Police is low, and no one argues that. But according to some troopers whom I’ve spoken with, low morale may just be an improvement over and above where some minority troopers currently find themselves. In many cases, minority troopers are frustrated, they’re angry and they’re dispirited. Some of them can even be described as depressed. The minority troopers I have met, and it’s these gentlemen right here, they do their jobs and they want to continue that vein. However, the troopers that desire to do their jobs are often impeded and limited by the internal forces to which I have previously referenced.

Internal chaos, unfairness and hostile environment, which exists within the Agency of the Department of State Police, must end and it must end now.

The underlying theme of our hearing was that the external problems of racial profiling simply could not be eliminated until we are able to address the internal difficulties of the State Police as an organization and as an institution.

Mr. Chairman, our bills that you’ve heard a lot about this morning, address internal, as well as external matters, of the State Police. And we must work together to completely change the fabric and the environment of the State Police. New Jersey, I believe, will be better served if we are able to address these internal and external problems unique to the New Jersey State Police.

And in closing I would just like to add, Mr. Chairman and members of the Committee and people that are here with us today, we talk much about Justice Verniero and the legislative process will obviously address Justice Verniero with the appropriate process at the appropriate time, but we cannot lose sight or allow that to be the smokescreen to move away from addressing the bigger issue, the broader issue and that is the issue of racial profiling and that is repairing the harm that has been placed on every victim, whether they be trooper or citizen. It is our responsibility as legislators to uphold the sacred constitution of this state and to ensure that no man or woman, based on their color, creed or ethnic background, has ever -- is always from harm when traveling the highways and byways of this state.
Mr. Chairman, thank you so much for the opportunity and if there’s certainly any questions, I’ll be more than glad to respond. Thank you.

SENATOR GORMLEY: Assemblywoman Pou.

ASSEMBLYWOMAN NELLIE POU: Thank you, Mr. Chairman and members of the Judiciary Committee.

I came here to testify in what is now a very different climate than when members of the Black and Latino Caucus sought to shed light on what we had every reason to believe was a serious issue and a serious wrong being perpetrated on citizens of our state, and particularly minority citizens. That is racial profiling by the New Jersey State Police.

We sought to raise the issue three years ago in May of 1998 by requesting bicameral legislative hearings into the subject because literally hundreds of our constituents over the years have brought to our attention incidents of stops by the State Police and requests to submit to consent searches which under the circumstances related to us, and in the numbers indicated, could be explained by nothing more than race or ethnicity.

We saw this situation as alarming, unfair and disruptive of democratic principles, civil rights, and just as seriously, as respect of all citizens, and particularly minority citizens for law enforcement in general and the New Jersey State Police in particular.

We were met at the time with what can only be characterized as a lack of interest, at best, by the leadership of the Legislature and our information was criticized for being unreliable and merely anecdotal while we were denied our request for a legislative hearing which could have brought forth hard evidence.

As I said, today we are in a vastly different position. We know, for example, that shortly after Attorney General Verniero took office in 1996 the United States Justice Department advised the State of New Jersey that it was reviewing the matter of alleged racial profiling by the New Jersey State Police.

We also know that as early as December 1996, then Attorney General Verniero and the then Superintendent of the State Police received statistical information from the New Jersey State Police sources which, under any fair-minded and objective assessment, had to indicate a probability of racial profiling. This was followed in February
of 1997 with even more compelling documentation of
the problem.

Notwithstanding the evidence, Attorney
General Verniero not only appealed the Soto case
which documented racial profiling in a court of law,
but he continued to dig his heels in and resist the
efforts of the federal government to get hard
evidence of the situation.

In addition, Attorney General Verniero’s
response to the written request of the Black and
Latino Caucus for statistical records, submitted to
him on March 8, 1999 with a requested compliance date
of March 29th, was that he would “endeavor” to
complete his review by April 28th and share the
results of his review “whenever completed.”

It is significant that Attorney General
Verniero’s confirmation was held on April 26th, two
days before his projected date for providing our
Committee with the requested statistics.

At that time Attorney General Verniero told
this Committee that the problem of racial profiling
had not crystalized in his mind until after the
Turnpike shooting of April 1998, although the facts
now leaves us with no other conclusion but that he
chose to ignore facts brought to his attention by the
New Jersey State Police themselves at least a year
earlier.

Against this background and after hearing
now Justice Verniero’s testimony before this
Committee recently, I must join the members of this
Committee and the New Jersey Acting Governor Donald
DiFrancesco in coming to the conclusion that certain
things happened which makes it impossible to permit
Justice Verniero to continue to serve on the New
Jersey Supreme Court. That he knew or should have
known that racial profiling existed long before he
advised the Judiciary Committee at his confirmation
hearing that he knew so; that he purposely withheld
vital information from the United States Justice
Department and that the affirmative vote on this
Committee on his nomination prompted by his less than
open and forthright information and that his
nomination would in all probability not have been
approved had that information been provided then.

As to his responses given to this Committee
recently regarding his previous knowledge on racial
profiling issues and on the degree of his candor in
his earlier testimony, you have already reached your
own conclusion with which I wholeheartedly agree.

What comes of this “sad” chapter in New
Jersey’s history is not just the removal, hopefully by resignation but enforced if necessary, of Justice Verniero, for that would be far too easy and would do nothing to resolve the underlying evil of racial profiling, but a complete change in our State’s practices, procedures and yes, even in its thinking.

Racial profiling as a law enforcement technique is counterproductive as the real statistics show that the stops of minority motorists are grossly disproportionate to the positive results of those stops, but just as tragically such actions call into question the cherished belief that all citizens of this state and nation are equally entitled to the protection of its laws and especially of those who are empowered to enforce its laws and protect its citizens.

Justice Verniero would do a great service to the citizens of this State by acknowledging his failures in the performance of his duties as Attorney General and of his responsibilities to be candid and forthright in his responses to this Committee, both in his original testimony at his confirmation hearing and in recent appearance, by resigning his position rather than putting the people of this State through a protracted and acrimonious impeachment process and we, as Legislators of this State, would do a similar service by putting into place a system of recruitment, training, supervision and accountability of our State Police force which would ensure that innocent citizens of this State are free to transverse our highways without harassment and humiliation while leaving the New Jersey State Police free to perform their sworn duties in protecting the honest, law-abiding citizens of this State and to appropriately enforce our criminal laws.

All this is possible, but what is required is a fundamental change in our mind-set that criminal activity does not have some basic racial or ethnic component and that those elements are not appropriate triggers for proper enforcement.

The fair and appropriate enforcement of our criminal law enhances the safety and well-being of all of our citizens, the discriminatory, racially and ethnically biased implementation of discredited law enforcement “profiles” brings our government and our society as a whole into disrepute and can only lead to a cynicism and disrespect for all of our institutions.

I believe it is our responsibility as elected officials to root out such practices and
those who perpetrate them. To that end, let me just reaffirm the comments that have been said by members of the Black and Latino Caucus who’s before you. We have introduced 20 separate pieces of legislation which address the problem of racial profiling and begins the process of healing and uniting our great State.

Thank you, Mr. Chairman, for the opportunity to testify on this very important matter.

SENATOR GORMLEY: Senator Girgenti.

SENATOR GIRGENTI: Thank you very much, Mr. Chairman.

I want to thank you for appearing and the presentation was excellent.

Just a few questions I have, and I don’t know who would decide the answer. Obviously there’s still much to do.

(Interference with Microphone)

SENATOR GIRGENTI: Obviously there’s still much to do in solving the problems of the State Police, but would you please comment on the Caucus’ feeling on the reforms that have been made to date under the Division’s new leadership. I know since the time that you made the report. Does anyone have any...

ASSEMBLYMAN CHARLES: Let me say that to my knowledge those reforms have been administrative. They’ve involved record-keeping to, as far as I’m concerned, much of it will depend upon the interest and the commitment of the individual who is in leadership. Thus far, based upon the results that have been testified to by the State Attorney General, they apparently have not been successful.

One of the things that we recommended back in August of 1999 and that we again protested to the Superintendent of Police, the current one, was the promotions that were made. There were promotions made in July of 1999, even as we were conducting racial profiling here as a Black and Latino Caucus, that we felt would simply move up and embed in a deeper way the culture that existed in that leadership. Then later on, in April I think it was of last year, we had a huge number of promotions that took place even before reforms were put in place, even before there was some evaluation of the personnel. I think that that had the effect of removing opportunities for minority troopers within the State Police, people who were sensitive and who had been made to pass the standard of fairness and so on.
So up to now, we are not satisfied as a Caucus with what has taken place. I think until we do the bills and the package that we’ve been discussing, until that’s done, we’ll continue to have the problems. We’ll continue to see minority motorists stopped and searched and disproportionately with the same kinds of inverse results, that is fewer being in possession of contraband than their white counterparts.

SENATOR GIRGENTI: Thank you. That led on to my next point, is that has the Caucus examined the role in which consent searches enable the practice of selective prosecution?

ASSEMBLYWOMAN GILL: Yes, we have. And, in fact, there is a bill introduced that would only -- that would require searches to be conducted only with probable cause. In the testimony before the Black and Latino Caucus, the experts found that where there was areas for discretion, that that discretionary function by the state trooper, either at the roadside or in the administrative capacity, then resulted in the discriminatory practices.

So we want to remove that discretion so it doesn’t matter if it’s a good trooper or one of those bad apples that Governor Whitman always referred to, that they would be on the same footing. So the legislation is to develop a system and that system would result in the elimination of racial profiling, notwithstanding whoever the individual trooper may be.

SENATOR GIRGENTI: So you would -- your position would be you would want to abolish consent searches?

ASSEMBLYWOMAN GILL: My position is that I would require probable cause.

SENATOR GIRGENTI: I think you touched on this, but just if someone could -- what is the position on the establishment of a civilian review board?

SENATOR BRYANT: I think we clearly, and it’s demonstrated, that a civilian review board would only help enhance the ability of I think the community at large to have faith in terms of what is going on in the State Police. That review board, even if it was done in a situation where it might be sun-setted after a period of time, but let me make clear, because maybe some of the things in a short time we have not expressed as well as we can.

We heard from troopers, and it’s evident and we must do something in the Legislature about
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this, they’re not permitted, no matter how many times 
they apply, to take certain courses that leads to 
promotions because there’s no system that says that 
who first came got the opportunity to take it, you 
could be denied five times. They serve in acting 
positions as Lieutenants and Sergeants and then end 
up not getting the job. Why? Because the other 
folks are allowed to take the courses and the things 
that are pre-qualified of what they start to use and 
then they’re denied. And so I’ve been asking to do 
the same thing. Those kinds of practices must be 
eliminated. And it’s not a science, it doesn’t take 
rocket science for folks to set up systems so it’s 
fair for everyone. If I apply to -- go to a 
particular course, first-come, first-serve. Why 
shouldn’t I have the opportunity to do it? Should be 
constantly denied?

I think also what we’re failing to realize 
is this whole issue as I think evolved is that we 
must be cognizant of what is happening in New Jersey 
and is happening in the nation. This nation is a 
nation that is absolutely becoming more diverse. And 
yet, we seem to be in time warp. The entire census 
in this State, the entire census, the total 
population growth in the State of New Jersey was

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Latino, African-American and Asian. One-third of an 
entire population. And yet in this State, we just 
had a class, two women, no African-Americans, no 
Latinos, no Asians. What does that say about New 
Jersey?

Those things we must look to. How do we 
correct systematically so that it can reflect what 
New Jersey is? If we don’t, if we don’t, we’re going 
to erode the whole notion of justice. It is a 
terrible feeling for African-Americans and Latinos to 
educate your children that not to ride the main car 
in the family. If you have a Mercedes, don’t take 
it, if 18 and 21, because you’re going to be stopped. 
Think about that. Think about what it’s like to take 
your teenager and tell them offer no resistance to 
anyone, even when you’re in the right and don’t 
question it. You wonder why you’re not hearing from 
folks. We have told our kids, if they let you go, 
thank God. Because that’s the way it is. And this 
is the year 2001 and in New Jersey we still must 
educate our kids and minority groups that they will 
not be treated fairly in the State of New Jersey. It 
is wrong. It must be stopped and we must stop it 
now.

SENATOR GIRGENTI: Thank you.
I just wanted to say in closing. I look forward to working together with the Black and Latino Caucus in putting forth meaningful legislative reforms and recommendations to put an end to this discrimination within the ranks of the State Police and to racial profiling on the highways.

I want to thank you for coming and let’s keep up the dialogue between your Caucus, the Committee and the rest of the Legislature so that the reforms we make will be as comprehensive as possible and hopefully will be the last time that we would have to address these needs in this Legislature and bring it to a close.

Thank you very much.

SENATOR GORMLEY: Senator Furnari.

SENATOR FURNARI: I, too, want to thank the Caucus for coming before us today. I want to thank you for your insight and so early presenting these issues to the Legislature. For your perseverance in moving forward while others seemed not interested in listening. And your leadership in studying the issues and making recommendations.

I’m not going to ask many questions on the specifics of the legislative recommendations. I’m going to hold that off until the time when which we have an opportunity to consider those. I join in Assemblyman Jones’ request that they be posted and I think our Chairman said we would have a chance to consider those along with the rest of the bills that may be coming up.

I, though, listened carefully to what Senator Bryant said and what’s been very troubling after we went through this process of hearing what happened in the past, then we got to that part of the hearing where we wanted to hear what’s happened in the past few years, and in the middle of some very good news, there was also some of this basic news that just seems to suggest that we’re falling behind again, and that’s with regard to the failure to comply with the consent order. The 271 searches as you suggested before, could simply be tabulated with a calculator. We don’t need to go into this issue of computers.

But, Senator, I’ve often looked to you for advice, is there something that we can do about that? Is that another statement about what’s happening or is it -- is there something meaningful that we can do? You know, you get an order it says do it and it still doesn’t get done and yet there seems to be testimony of, you know, not -- we didn’t do it
intentionally, you know. Is there something -- I’m looking for some comments here.

ASSEMBLYMAN JONES: Senator, we all appreciate the very warm comments of, you know, admiration and the question is very, very simple. The response is move the legislation. That’s what we can do. I mean it’s not necessarily a need to go into the specificity of each and every one of those bills. That is a reform package that’s been based on testimony, that’s been based on study, it’s been based on expert participation. Those bills, inasmuch as they may not be a panacea, those are the very simple tools to begin to deal with the issue of racial profiling. To deal with some of the administrative flaws that exist within the State Police. That becomes, you know, the simple answer. And the thing that -- and not that I want to personalize this, you know, by way of my feelings, but when this Caucus two years ago decided that it was appropriate, just and proper, to begin to gather testimony, none of that was seemingly taken very serious by our own Legislature until this Committee now is empaneled and begins to move forward the very same issue that we did.

And sometimes you wonder if it was because

it was African-American and Latino legislators that were talking about a very critical issue, a very ugly issue that nobody paid attention to it.

SENATOR GORMLEY: Excuse me.

ASSEMBLYMAN JONES: But then when --

SENATOR GORMLEY: Excuse me for one second. This Committee put a bill in in 1998 under a report of some complaints. It was booted out of this Committee in a non-partisan fashion. We did do hearings on racial profiling in 1999. We might not have gotten all the answers, but at least we can say one thing, when we find out the right answers, we make recommendations.

ASSEMBLYMAN JONES: These comments are not to be critical Senator, but they are -- they are merely to

-- they are merely to draw --

SENATOR GORMLEY: But just for the record --

--

ASSEMBLYMAN JONES: They are merely to draw a reference and impact to a very, very critical issue that has been talked about for quite some time. And I happen to be --

SENATOR GORMLEY: I just --

ASSEMBLYMAN JONES: -- the individual in
the Legislature to put that very bill in that you did some time ago.

SENATOR GORMLEY: And that was put in -- I remember the first day we had a hearing on it, no one came. There was just no interest --

ASSEMBLYMAN JONES: And that’s a sad commentary.

SENATOR GORMLEY: And no came. But the only thing I wanted to add for the record, is that this Committee did do hearings on racial profiling in 1999.

ASSEMBLYMAN JONES: My point being --

SENATOR GORMLEY: Obviously we didn’t get all the answers but I think people at least can reflect on this Committee that when the initial -- when the new documents came out -- the documents were unavailable to all of us, in October of last year when they came out, this Committee pursued those documents. It obviously supplemented the information that was provided to us in 1999. But we did conduct those hearings. We were, I thought at the time, as thorough as possible in terms of seeking information. And you’re right, we didn’t get all the information or all the statistics or all the data. But in terms of this Committee, Republican and Democrat alike, if they look at the hearings that took place in April of 1999, and the additional hearings that took place in May of 1999, the right questions were asked, and that is reflective of the recommendation this Committee made last week in terms of the recommendations. And I’m not -- and I don’t -- and I apologize for interrupting, it’s just that I wanted to let people know that we had -- we had made an effort. It was in good faith. You can point to the fact that we weren’t able to get all the facts out, but we, once the supplemental information was provided, we pursued it. And I know this is not a disagreement between the two of us because you’ve been supportive of the bill that we put in, whatever --

ASSEMBLYMAN JONES: Absolutely.

SENATOR GORMLEY: -- but just in terms of the Committee, Republican and Democratic alike. They asked -- they asked some pretty good questions. Now, the answers we had some problems since some information has been released, but I think people see that we have followed up on that and I apologize for interrupting again.

ASSEMBLYMAN JONES: Apology accepted, Senator. And I merely want to draw attention to the fact that this body was complete. This body was
thorough. This body introduced a package of legislative remedies that has been languishing in Committee for several years now. We are merely asking that the merits of our worth be moved forward by way of these bills being posted on the next Committee agenda for immediate action.

SENATOR GORMLEY: And if I may again about this package of bills, and I refer to my friend Senator Bryant, three of those bills were in this Committee last October before, shall we say, things heated up. Senator Bryant and I were working on what do we do about the civil rights legislation to get it right? We did then -- we were dealing with the issue of the documents and we said before we -- and we talked about this, I said I want to get through the documents before we do the package of bills. We didn’t realize that once I said let’s look at the documents, that there were 100,000 documents, 160 hours of depositions and now 60 hours of hearings. But I thought it appropriate to get all the facts on the table before we moved the reform package. I know, Senator Bryant, I know you’ve been ready -- we’ve all been ready to do a civil rights bill that obviously encompasses the insidious practice of profiling. And we’ve been ready to do that, but we

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had waited to get through the process of getting all the facts on the table. I don’t offer this as an excuse, but that is the procedure that we have adopted and we’ve been very open about it and I know you’re familiar with it and you’re not criticizing the Committee, but for the public that’s listening, I just want them to know that this Committee, irrespective of party, I’m very proud of them because they have dealt in good faith. Could we have made mistakes along the way? Sure, we could have. I wish we had more information in 1999. But this Committee has dealt in good faith.

ASSEMBLYMAN JONES: Mr. Chairman --

SENATOR BRYANT: Mr. Chairman, let me try to respond to what Mr. --

ASSEMBLYMAN JONES: Mr. Chairman, if I can --

just one last comment, Senator.

Certainly, Senator, we recognize that the wheels of justice often turn slow. The point that was attempted to be raised was simply that as we continue to wait for justice to correct itself, that there are many, many motorists of the minority community by way of testimony just last week, that are still being stopped, that are still being
brutalized, that are still being dehumanized, that are still having their civil rights violated. And we must move swift and expeditiously to correct this wrong.

Thank you, Senator.

SENATOR GORMLEY: Thank you.

SENATOR BRYANT: Mr. Chairman, Senator Furnari asked a basic question of what it is that we thought that was important to do at this particular time and I think it’s instructable what this Committee has. What has made this successful for this Committee to get to the truth is its subpoena powers. Its ability to stop folks from giving you half truths as they did in May and they give you the whole truth as they are today.

One of the packages talks about an independent prosecutor with subpoena powers. Why is that important? I think it’s hugely important because it is clear from what is even going on now. It is very difficult for the Attorney General, who is empowered with its -- as even admitted, its chief responsibility to protect the rights of the citizens of the State of New Jersey. To also protect the rights of the Division. There’s almost a built-in conflict for them to be defensive of their own Division. To have someone independent looking at actual complaints that has subpoena powers to figure out whether those complaints are valid or not valid, such as this Committee has, you will see the truth will be different. You will see folks responding in a much different way. I think it’s a very progressive way of looking at it.

I mean in hindsight we can look at things that maybe we shouldn’t have done. We did away with the Public Advocate’s Office -- no longer needed in the State of New Jersey. Wow! One of the major functions of the Public Advocate’s Office was to look at government. Government is not perfect and you need sometimes an inspector of its own Divisions. When we did away with that inspector that many of these complaints had gone to, we might not be where we are today in terms of that.

So in essence, this prosecutor is sort of a piece of what the public advocate does. But I think we need someone with independent subpoena power so that they also can constantly get at the truth, because people come before our Committees and it’s no reflection on us, but without subpoena power, they can tell us anything they want. I don’t know whether I thought about it. Did I have it? Whatever. It is
something different when a person knows that they can be subpoenaed for information, either you have it or you don’t and you better present it.

What I’m saying is this what you are investigating is so fundamental to the rights of the average citizen, we need to invest somebody with the ability to make sure those rights are not violated in the future and they must have the power to do it.

SENATOR GORMLEY: Thank you.

Assemblyman?

ASSEMBLYMAN CHARLES: Yeah. One part of the package is a bill that was initially introduced and I think it would be appropriate as we work on a transition from a problem to a real and permanent solution. I think it’s meritorious to establish a bicameral, bipartisan committee of the Legislature to regularly check on the progress that is being made in bringing the institutional reform to the State Police. It’s not going to be an easy process. We’ve experienced that. We’ve seen that. Although intentions have been expressed as much as a year ago, the delivery has not been there. It’s a difficult problem; in some people’s mind an intractable problem. But it’s one that we have to deal with as a Legislature also. I think sitting as the Legislature, a consent-to-search-equal branch of government with the Executive, we might then assert the independence of our branch of government and it might move along better the process of reform that is needed. We could regularly call in troopers, minorities, non-minority troopers, to find out what’s going on within the ranks and provide them some protection. I think one of the problems we have is that a lot of those who are within the ranks, you know, have the fear of what are going to be the consequences. We can’t provide full cover, but perhaps we can provide some sort of comfort for those who could come forward before us as a Committee and testify to what is actually going on. I think that’s a possible solution because right now the oversight or the actual operations in the Executive branch, we as a Legislature need to involve ourselves in it until we are satisfied that this process and this disease has been cured.

SENATOR FURNARI: My -- the point of my question was, without going into too much detail, certainly these recommendations require the productions of lots of documents, but so do the consent order and we are, you know, we’re here under a consent order with something that seems to us is as
simple as adding up some numbers. We can’t seem to get that done. Is there -- if there are penalties as high as criminal offenses for police officers who fail to do appropriate things on the road, should there also be penalties of significance for the Attorney General’s Office that somehow finds a way to fail to accumulate documents that we need or, you know. I mean, that’s the kind of issues. And I’m not suggesting that we do that, but I’m saying there’s got to be some way that there’s some teeth to what we’re, you know, making something out but other than say let’s all do it. Here’s a consent order that says do it.

ASSEMBLYMAN JONES: I think they call that impeachment, Senator, really. That’s the process.

SENATOR GORMLEY: Okay, that was subtle.

(Laughter)

SENATOR GORMLEY: Senator Zane?

SENATOR ZANE: Mr. Chairman, I would very frankly just like to be very candid about some conversations that have taken place. It was probably -- the intent of the Committee is probably clearer or made clearer by the candid conversations that have taken place in the back. And I want you to know what they have been so that no one suspects any of the motives. I don’t think I could say it much better than Senator Gormley has said it, but I do want to add one thing. Time after time when we have taken a break during these hearings members have expressed, I hope the public isn’t getting the idea that we are here to get Peter Verniero. I hope the public has a clear understanding that what we are here to do is to address this issue of racial profiling and to bring it to an end. And all of the legislation that you have mentioned clearly has been referred to in those candid conversations. Civil rights legislation has been referred to. I mean the feeling to the person in this Committee that this practice one way or another has got to finally be addressed with some real teeth and that that’s the real purpose of this Committee and the function here. It’s not what some have perceived it as. And people have said, if heads must roll, people must be handled a lot more harshly than they have been. Whatever it’s going to take to address the issue. I mean please here today understanding that that is absolutely the intent of this Committee. And again, those very candid conversations that would take place after somebody questioned a witness and walked back and would say, you know, I know I was asking questions, it sounded
like it had to do with the Attorney General. But I
hope people understand that we have thousands of
documents to go through to get to and to present to
the public what we didn’t know before, but really
what we’re doing is addressing that issue. And I
just hope that that’s really clear because honestly,
that is the intent of this Committee.

ASSEMBLYWOMAN POU: Senator?

SENATOR GORMLEY: Yes.

ASSEMBLYWOMAN POU: I just want to make a
comment. I’d like to just refer to the statement
that was just made by Senator Zane.

I think it’s important, and I’ll refer back
to my statement saying that the removal of Justice
Verniero would be far too easy if all we did was to
just get Justice Verniero out of office and out of
the New Jersey Supreme Court. I think it’s important
that we take note of the fact that it’s been said
here by all members, but it’s clearly important that
accountability becomes a primary concern to all of us
and that accountability has to start from the very
beginning, from the very top to the absolute lowest
level position that exists within our State Police
institution. It’s important that the problem, while
it may have started on the highways and on the roads,

was indeed known and agreed upon or hidden or ignored
or whatever word we want to use, that permitted it to
continue to go on. So accountability becomes a
crucial part from the very, very top administrative
position right on down.

Thank you.

SENATOR BRYANT: Let me just comment that I
think it came off loud and clear and your Chairman
has all along said he wanted to address the actual
issues of how do we structurally do that and I think
that’s a very pertinent fact and hopefully it has
come across.

But I don’t want to lose sight that Justice Verniero,
there must be -- his injustice that he did for a year
and a half must be righted. You can’t reward it. We
can’t have what I call “clean hands” as a
Legislature. We’ve put him where he is. We’ve got
to remove him if he fails to remove himself. He has
to be brought to account for what it is that he did.
You can’t to one-quarter of the population that we’ve
rewarded a person for perpetrating an injustice on
you to the highest court of our state and we did
nothing about it. And yet we’re concerned. The
first thing they’re going to look at is what did you
do about that? Then they will look at what you did
legislatively. But if we’re lax, and let me tell you, we have a way of doing it, time is running. I’m reading all the things in the paper, and don’t believe folks don’t understand it, where you got the May 15th that said if we don’t get the report out on time they can’t do this and therefore -- whoops. There we did, we just lost it. Time went by. Nothing we can do about it. That’s not going to be good enough. We must right the wrong and then show that we are willing to institutionalize some things that would make it better. I sense that’s what the Committee wanted to do. That’s why I started off commending it. As a Committee, you have for once that I rarely see ever in a House where there’s a wrong you are about to make a right out of that wrong and you’ve done it without political wrangling, but really looking at the truth. I think you’ve done great justice for the legislative bodies. But we must make sure that we complete the task. I think that’s all that the Black and Latino Caucus is basically saying and I think that we are understanding that your journey is a beginning, not an end, but a beginning to take what you’ve learned and then start to make sure that we institutionalize those things that need to be necessary and that there will be full discussion of these things.

SENATOR ZANE: But the question with the documents that has taken place here is proof of how this Committee was stymied with what it attempted to do beginning in April, April 26th of 1999 and even thereafter. And that’s why that process with all of the documents -- I mean had we had -- had we had candor in 1999, we wouldn’t be sitting here today doing what we’re doing.

SENATOR BRYANT: You’re absolutely right, Senator, and all I’m saying is but we have the truth now and we have a mechanism to correct it. The question is, we will use it? That’s going to be the test for us.

SENATOR GORMLEY: Any questions from members --

ASSEMBLYWOMAN GILL: If I may --

SENATOR GORMLEY: A question from Senator Matheussen first.

SENATOR MATHEUSSEN: I don’t want to lose sight of something. Assemblyman Charles, you said something early on that caught my attention and perhaps I didn’t hear it correctly. But you said something that the Caucus had requested certain information from then Attorney General Vernierio
regarding statistics and that he said those statistics did not exist. Did he make that response in writing to you?

ASSEMBLYWOMAN POU: Yes.
SENATOR MATHEUSSEN: And do you have a copy of that letter?
ASSEMBLYMAN JONES: I’m pretty sure we presented it to the -- somebody presented it to the Committee.

SENATOR GORMLEY: Hold on one second. Get Jo Glading.

We’ll pull it.

SENATOR MATHEUSSEN: Well, to tell you the truth, I don’t need to -- I won’t cross-examine or -- I just want to make sure we have it in writing that he, in fact --

ASSEMBLYMAN JONES: It is, Senator.
SENATOR MATHEUSSEN: Okay. Very good.
SENATOR BRYANT: We’ll submit the letter.

What it basically says is that the information wasn’t compiled yet, yet it was, as we know now.

ASSEMBLYMAN CHARLES: Right.

SENATOR GORMLEY: And what was the date of the letter again?

ASSEMBLYMAN CHARLES: Dated March the --

ASSEMBLYMAN JONES: March 8th.
ASSEMBLYMAN CHARLES: No, this is my letter.

ASSEMBLYWOMAN POU: March 29th.
SENATOR MATHEUSSEN: 3-28-98?
ASSEMBLYMAN CHARLES: March the 29th, that’s correct, of 1999.

SENATOR MATHEUSSEN: I am -- that’s all I had. That’s the only question I really wanted to know and I thank you for your appearances today and I appreciate the work that you did. I saw of it firsthand and I appreciated that work and appreciate your testimony and the report that you’ve produced as a result of that.

SENATOR GORMLEY: Excuse me for -- one follow-up to Senator Matheussen’s question.

Your response to the letter that you just referred to.

SENATOR BRYANT: Mr. Chairman, we want to present that for the record so it’s part of the record.

SENATOR GORMLEY: Okay. Precisely how would you characterize the response in retrospect?

SENATOR BRYANT: Well, misleading at best and outright falsehood because they actually had the
statistics in hand.

SENATOR GORMLEY: Okay. That was previously marked as exhibit SJC-8. We have that on the record.

SENATOR MATHEUSSEN: May I see it?

SENATOR GORMLEY: Surely. Let’s let Senator Matheussen look at it. Why don’t we put it up on the screen.

Well, we’re not going to put it on the screen. The one person who knows how to work the screen is doing something else right now, but we are -- Senator Matheussen is reviewing the document right now.

(Pause)

ASSEMBLYMAN JONES: Senator, it’s Page 3.

SENATOR MATHEUSSEN: Yeah, I think I have it.

Paragraph 1?

ASSEMBLYMAN JONES: Paragraph 1.

ASSEMBLYWOMAN POU: Right.

ASSEMBLYMAN CHARLES: Paragraph 1 on Page 3.

SENATOR MATHEUSSEN: I’ll just read it into the record because I think it’s important.

SENATOR GORMLEY: Okay.

MS. GLADING: You might want to date it.

SENATOR BRYANT: Read our question first because then it --

SENATOR MATHEUSSEN: The question, and if you have the question in front of you, I don’t have that question --

SENATOR GORMLEY: Why don’t we have Senator Bryant will relate the question and you can relate the --

SENATOR BRYANT: Our question one was: "The number of stops on New Jersey roadways delineated by date; race, African-Americans, Latino, Asian, white; age; geographic location; reasons for stopping the motorists; and the name of the troopers involved; and the state of registration of the vehicles stopped."

SENATOR MATHEUSSEN: And in response numbered one on the exhibit found on Page 3 it says: "Regarding traffic stops for the six-year period you have requested. As I am sure you can appreciate, this request would require a massive effort to produce as the State Police does not have this data in easily retrievable form, therefore, I cannot provide this information at this time. As stated
above, however, the review by my office of State Police practices involves an inquiry into the issues raised in this request.

“As also noted, my office is endeavoring to complete this review by April 28th, 1999 and will share its results with you whenever completed.”

Of course, that was the hearing date of April 26th that we’re supposed to get.

Okay, thank you.

SENATOR BRYANT: And it was also number three. The response to question number three.

SENATOR GORMLEY: Okay. Assemblywoman, you wanted to make a comment? I’m sorry, I interrupted you earlier.

ASSEMBLYWOMAN GILL: Oh, that’s perfectly all right, Mr. Chairman. My comment just went to the issue with respect to Peter Verniero. I think there are two issues here, they’re interrelated in they’re not mutually exclusive. One, of course, is the dealing with the systemic nature of racial profiling through legislative initiatives and the other with respect to Peter Verniero is his misleading testimony before a Senate Judicial Committee. And I think that the Senate would be well served to raise those issues if anyone came before you and gave misleading testimony to be in any position. So that although they’re interrelated, I don’t think that calling for the resignation and impeachment of Peter Verniero is viewed from the public vantage point as ganging up on him or not liking him or in some way getting him. The Senate has a responsibility that its confirmation process will be viewed as one having integrity in that those who come before the Senate to be confirmed must present honest testimony to questions that are asked. And I think if the Senate Judiciary Committee did not ask for the resignation and if the Assembly does not seek the impeachment, we will have done a disservice to the legislative process and to the co-equal position of the branches. The Legislature is to be respected and those who come before the Confirmation Committee in its process must come without misleading statements and information so that your recommendations then carry a stamp of approval. So that I don’t think that the public thinks you’re ganging up or out to get Peter Verniero, but I do think the public understands that you are in the process of upholding the integrity of this House.

SENATOR GORMLEY: Okay. Thank you.
SENATOR MATHEUSSEN: From the phone calls I received, I would agree with you.

SENATOR GORMLEY: Thank you for your testimony. We’ll take a 30-minute break.

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Turnpike. You know, the want the numbers and the only way to keep Caffrey off your back is to give him what he wants. My Sergeant was referring to the Assistant Station Commander who was once in charge of the drug interdiction unit and was also Trooper of the Year.

He went on to say he was going to send me out with a junior trooper and that this junior trooper would show me the ropes and teach me how things work out here. Within hours of being on patrol, this trooper parked perpendicular to the roadway and turned on his high beams to illuminate the interior of passing vehicles, thus exposing the race of the drivers.

After a few minutes, he pulled out and said, “This looks like a good stop,” as he proceeded to stop the vehicle. Shortly thereafter, he began a methodical search of the young black man and his car.

The trooper then said to the driver, “You don’t mind if I look in the trunk.” He then proceeded to search the trunk without filling out a consent to search form.

Upon completing his search, he asked the driver to have a seat in his vehicle and after issuing the driver two summonses, the driver was allowed to leave.

Later that evening, the same trooper made a derogatory statement about a black man who was waiting at the tolls looking for change. As the night unfolded, this trooper again made another profile stop by using the right alley light to illuminate the interior of a sports car. Occupying the vehicle were two black males. This trooper remarked, “This might be something,” as he pulled behind them and made the stop. After searching both occupants, as well as the interior of the vehicle, the trooper allowed the motorists to leave without any record. This stop is classified as a ghost stop.

As the weeks into my tour progressed, I continued to witness numerous ghost stops, while at the same time being pressured to produce the numbers. Although I was doing my job honestly and compassionately, pressure to produce the numbers, along with the biased atmosphere, continued throughout my tour, thus creating a climate for racial profiling to flourish.

I believe this practice was encouraged in order to boost arrest numbers. Moreover, on several occasions, I can overhear troopers in the locker room talking about getting the “Johnnies.” This, of
course, was the code word for black motorists. This was prejudice, not perception.

On one occasion the troop Commander for the New Jersey Turnpike was present during these conversations. Also, during this time period Judge Cooper concluded in a federal Title 7 case that the State Police were guilty of racist practices against Sergeant Vincent Bellaran. Ironically, one of the principals named in the Bellaran case was the troop Commander of the New Jersey Turnpike. As you can well imagine, the atmosphere at the Cranbury barracks became tense after this decision.

By this time I was openly speaking out against the numbers -- excuse me. I was openly speaking out against the numbers game and was quickly labeled as a complainer. Looking back now, I am relieved I never caved in to the pressure.

Fortunately, on April 11th, 1998, I received a transfer to Diesel Emissions Unit and was placed under the supervision of Sergeant Bellaran.

On April 23rd, 1998 I had a conversation with Sergeant Bellaran regarding the racially-hostile work environment I was subjected to while working on the New Jersey Turnpike. The next day Sergeant Bellaran advised me of the Turnpike shooting.

It wasn’t long after the federal decision by Judge Cooper that Sergeant Bellaran began to experience heightened supervision and acts of retaliation. Shortly thereafter, some of his friends also became targets of that retaliation. I was one of those friends.

By the fall of 1998, I was transferred back to the Fort Dix station where I immediately experienced numerous acts of harassment and intimidation. My mailbox was vandalized in an attempt to silence me from speaking out. That same morning I was called into the station Commander’s office and he said, “I know you had some baggage in the past and if we do something for you, I expect something in return.” I had no baggage.

It was also during the fall of 1998 that I learned from several troopers that I was going back to the New Jersey Turnpike, Cranbury station. In fact, I was again approached by the station Commander who advised me that I was going to be transferred to the Turnpike. However, he said, “Don’t believe it until you see it, but your name came up and it should be out on paper soon.”

In early 1999, weeks prior to my transfer, my lawyer and I attempted to resolve this matter with
Lieutenant Colonel Michael Fedorko in an attempt to avoid litigation. My lawyer clearly made Lieutenant Colonel Fedorko aware of the racial profiling problem on the New Jersey Turnpike as well as the racist atmosphere in the Division of State Police. Lieutenant Colonel Fedorko refused to take my complaint seriously and allowed my transfer back to the New Jersey Turnpike to stand. Not to mention, I was again being assigned to the same exact station and the same exact squad I had previously complained about. My concerns were that I would not receive backup from other troopers and possibly be injured or worse or that I would be indicted for civil rights violation by virtue of the fact that I was riding with troopers who were profiling.

On March 24th, 1999, approximately one month before the release of the Interim Report, Secretary of State Buster Soaries orchestrated a meeting in which several minority troopers were invited to speak with the First Attorney General Paul Zoubek. The agenda for the meeting was racial profiling as well as discriminatory practices within the Division of State Police. Sergeant Bellaran and I attended this meeting.

As the meeting began, Sergeant Bellaran and

I were asked by Paul Zoubek to leave because we were involved in litigation. We advised Mr. Zoubek that we had permission from our attorney to speak to him about any issues. In fact, Sergeant Bellaran had brought volumes of documentation outlining the problems within the Division of State Police. Mr. Zoubek said that he still could not meet with us and at this time Sergeant Bellaran and I stepped out of the room.

Therefore, despite the Gloucester County decision in which Judge Francis found racial profiling to exist, despite the federal Title 7 decision by Judge Cooper proving racism within the outfit, despite one of Attorney General report acknowledging racial profiling is real, not imagined, and the other acknowledging disparate treatment within the State Police, despite a report issued by the Black and Latino Legislative Caucus acknowledging racial profiling and outlining reforms, despite two internal audits conducted by Sergeant Gilbert and Lieutenant Sachetti, and despite the mountain of evidence which points both to the New Jersey State Police as well as the Attorney General’s Office, no one has yet to be removed for racial profiling. Instead, what has continued is a pattern of racial
profiling intertwined with racist and sexist behavior as well a continued harassment of those who cry foul. In other words, business as usual.

Thank you.

DETECTIVE JOSEPH SOULIAS: My name is Joseph Soulias.

SENATOR GORMLEY: Make sure the red light is on.

DETECTIVE SOULIAS: Okay. Thank you, sir. My name is Joseph Soulias. I would like to thank the Committee for allowing me about ten minutes of your time.

I am here to testify concerning acts of official misconduct and the violation of New Jersey State Police standard operating procedures. Unfortunately, these acts are not isolated incidents, but are common factors within the State Police.

I have been a soldier to the State Police for 15 years. I was a general road duty trooper for approximately 12 years. Is it not the road trooper, the backbone of the State Police who is at fault. The lack of supervision and accountability at the highest level within the State Police administration is at fault.

In the past three years, I’ve been assigned as a Detective in the Investigative Section. As a Detective in the Investigative Section, I have witnessed and I have knowledge of the falsification of reports and the cover-up of incidents of criminality with the sole purpose to enhance the careers of specific individuals.

I will provide two examples of the falsification of reports that I have direct knowledge of. The first example: In January of 1999 Detectives Robert Galga and Glen Lubatazi were conducting a surveillance operation in the City of Irvington. Detective Galga was assaulted by unknown Irvington police officers and Detective Lubatazi witnessed the assault. Detective Galga briefed Lieutenant William Newsome, unit Supervisor of Organized Crime, of the altercation and the damage to the State Police undercover vehicle. Lieutenant Newsome immediately went to the Irvington Police Department that evening to conduct an investigation. Lieutenant Newsome ordered Detectives Galga and Lubatazi to type special reports detailing specific facts of the altercation with the unknown Irvington police officers.

After Lieutenant Newsome read those reports, Lieutenant Newsome advised Detective Galga
that an internal investigation would be initiated. Lieutenant Newsome subsequently advised Detective Galga that Lieutenant Edgar Hess, the Acting Bureau Chief of the Narcotics Organized Crime Bureau, was a personal friend with the Deputy Chief or Chief of the Irvington Police Department.

Lieutenant Newsome advised Detective Galga to change the details of his report. Detective Galga completely altered his report as per the direction of Lieutenant Newsome. Detective Galga omitted the physical altercation that occurred and fabricated a scenario to explain the damage to the State Police undercover vehicle.

Detective Galga indicated to me that he is personally under investigation for falsifying his signature on a consent to search form and had recently received a five-day suspension for unauthorized use of an undercover State Police vehicle that resulted in an accident.

Detective Galga felt pressured to alter the special report by Lieutenant Newsome.

I will give you a second example. In December of 1998, Detective David Kushner was assisting the Division of Criminal Justice in Paramus, New Jersey with a criminal investigation.

Investigators from the Division of Criminal Justice circumvented the original plan and conducted a high-risk motor vehicle stop. The high-risk motor vehicle stop compromised the personal safety of several civilian personnel that were not affiliated with this investigation. Detective Kushner indicated the two suspects were subsequently physically assaulted by an investigator for the Division of Criminal Justice.

Lieutenant William Newsome ordered Detective Kushner to complete a special report, again, detailing the specific facts of the incident. Detective Kushner completed a special report identifying those facts. Those facts were specifically involving the physical contact and their arrest of two suspects. They were subsequently altered, the report was altered again as per the order of Lieutenant William Newsome.

After these two examples, I will now advise -- give you my opinion of what the State Police has done. Comprehensive and explicit internal investigations have not been conducted on specific troopers and high-ranking troopers. State Police management in Internal Affairs have not pursued these specific individuals with the same vigorous motivation they have others. I have never received
disciplinary action in my career in the New Jersey State Police. After exposing the criminality I directly witnessed by superiors in the State Police, I have now been identified as a traitor and a malcontent. I have been targeted and retaliated against by the State Police. I and five other detectives have taken a bold stance.

On February 18th of 2000, we met with at that time Deputy Director Debra Stone, Deputy Director Anthony Kal and Senior Deputy Attorney General Gayl Mazuco of the Attorney General’s Office. We identified specific facts and specific acts of criminality and violations of our own SOP. The Attorney General’s Office indicated that investigations were being initiated immediately and after substantiating our complaints, individuals would be held accountable.

Deputy Director Debra Stone specifically stated, and I will quote, “We have indicted Hogan and Kenna for less for what they did.” Debra Stone referred to the Supervisors we identified as arrogant and stupid and as the Irish Mafia. Debra Stone subsequently indicated they, the Attorney General’s Office, would attempt to provide protection for us since we have exposed criminality within the State Police. I personally attempted to contact Debra Stone twice after our initial and only meeting. Debra Stone would not speak with me and I was subsequently directed by her secretary to contact State Police Affairs. The Attorney General’s Office did not provide protection for us, but abandoned us to be retaliated by the New Jersey State Police.

Fourteen months have elapsed, the investigation is still pending. The principals of these investigations have been promoted in the interim and some were permitted to retire.

Lieutenant William Newsome was promoted to Captain and was permitted to retire. He has presently been hired by the Attorney General’s Office as an investigator. He is still under investigation for the falsification of reports to conceal an assault by the same agency that recently employed him.

The six Detectives, four Sergeants and two Detective Ones, have attempted to meet with superiors in the State Police. We have authored and generated special reports requesting to meet with superiors with no response.

On four separate occasions we requested to meet with Colonel Dunbar. I specifically requested
to meet with the Colonel on two separate occasions. We were advised that we had initiated an investigation with the Attorney General’s Office first and the Colonel would not speak to us. The six of us who took the initiative to address issues and have individuals held accountable have now been targeted. Our careers and our families have been compromised for attempting to do the right thing.

State Police superiors identify us as a threat to their autonomous organization that flourishes in cronyism and nepotism. What I ask for and what the 2,700 troopers need is an honest and objective State Police organization. If the State Police is to progress into the future, an independent Monitor with no political affiliation to the State Police is a necessity.

I have a relatively short resolution to my issues and I will be completed.

The existing Internal Affairs Bureau is a system of intimidation and selective enforcement. They have not conducted investigations with integrity and honesty. Our present Internal Affairs Bureau has not investigated their own sworn members with objectivity. Internal Affairs has been a stepping stone for Detectives that attempt to achieve higher rank and salary. It has been a Bureau of personal agendas and not a Bureau of fact-finding and to identify the truth.

In my opinion, a permanent independent federal Monitor is the first step in correcting the injustices. A federal Monitor with no affiliation with the Attorney General’s Office or the New Jersey State Police. A federal Monitor would have specific responsibilities relating to Internal Affairs such as create a Bureau to investigate complaints generated by civilians and sworn State Police personnel. The federal Monitor would be direct Supervisor of Internal Affairs. The Internal Affairs Bureau would consist of federal and civilian investigators. A civilian Review Board to assist in evaluating and discipline of all troopers.

In conclusion, I would be derelict if I did not address the existing management of the State Police. In the past 18 months Colonel Dunbar has implemented minimal, if any, significant change within the State Police. Colonel Dunbar has permitted, and even encouraged, the existing good ole boy environment within the State Police.

If the New Jersey State Police is to progress into the future with integrity and
objectivity, new management is required. The Colonel must step aside. A civilian management Review Board must supervise and direct this organization into the future.

If the State Police is to regain the trust of the public, civilian management is a necessity. Civilian management with no personal agenda of achieving rank, but of enhancing the relationship between the community and the State Police.

Thank you.

SENATOR GORMLEY: Next witness.

SERGEANT FIRST CLASS ROBERT WATKINS: My name is Robert Watkins. I’m Sergeant First Class with just shy of 22 years in the State Police.

I would like to thank this Committee for the opportunity to testify at these proceedings. In spite of numerous attempts to voice the following circumstances, this will be the first time in which they are heard.

The New Jersey State Police has been a leading law enforcement agency since its inception. A lifelong dream was realized upon my graduation of its Academy in June of 1979.

For a period of 17 years, my career consisted of assignments to various road stations within Troop A, the southern-most troop in the state.

For 14 of those years, I was assigned to the busiest stations in the state, Port Norris and Bridgeton, and attained the rank of Sergeant.

I have received a service award, 17 letters of accommodations from previous Colonels and Attorney Generals and numerous letters of appreciation and never have had the smallest of infractions against my record.

In June of 1996 I was assigned to the Computer Aided Dispatch Records Management Unit as the unit supervisor. I was also assigned as Project Manager for a newly-purchased $3.2 million Computer Aided Dispatch Records Management system. This purchase was made as a direct result of two years of participated research which identified issues and problems within the Division of State Police. The contract was signed in June of 1996 and was to be completed by June of 1998.

I have followed these Senate Judicial hearings and listened to questions obtaining to racial profiling, accountability, identifying problems and steps to rectify these problems. The answers to these questions have been common knowledge by the State Police supervision and the Office of the
Attorney General since 1991. I am somewhat in awe as to the responses I have listened to.

Racial profiling is an issue and not only must be addressed immediately but one that could and should have been addressed three years ago. In June of 1996 I was ordered to make sure that the CAD’s RMS system captured racial profiling data accurately for both statistics and analysis. It was explained to supervision the CAD system alone would not have the ability to fully track profiling issues, but with the interface of an RMS system, all data parameters would conclusively provide the necessary information.

In order for State Police management to address that issue, one must first determine not only why is racial profiling occurring, but why didn’t management recognize the occurrence? This now leads us to the issue of accountability. Lack of accountability would surely be an inherent cause of the issues of racial profiling, among other issues. The lack of accountability would then raise issues as to a definitive cause, a period of time when the situation magnified. Surely, the State Police did not always lack total accountability, so you must know what happened.

One of the things that happened and was identified in 1991 was the front-line supervision, the road Sergeants, lost span of control. When management loses span of control, chaos can and almost did occur. This was attributed to a distinctive change in the field operations section of the State Police.

Prior to 1992, road stations operated in almost the same manner since the State Police inception. Sergeant or senior troopers took the phone calls for service. They assigned jobs. Logged stops. And directly supervised their personnel. They were actively involved in everyday investigations, searches and all activities being conducted by their troopers. This allowed the immediate supervisors the ability to better manage their troopers and be aware of any issues or problems.

In November of 1991, due to ‘91 regulations imposed by the federal government, calls could only be answered by trained 911 dispatchers who were certified. An insufficient amount of these dispatchers were employed by the State Police, forcing the Division into a regionalized dispatch scenario. Under the regionalized dispatch, two dispatchers would be at one location dispatching
three stations and supplemental patrols. All calls, stops, searches, arrests were now called in to these regionalized stations. Supervisors at remote stations lost total accountability and span of control of their people. Supervisors had no idea where they were or what they were doing. If procedures were not being followed, the Supervisor would not know until a complaint was received.

It was determined at that time by upper supervision this was an unacceptable way to operate. To complicate the issue of accountability, the dispatchers advised they could not keep track of car stops, calls for service, pending jobs, and that a trooper was going to get hurt due to lack of accountability at their end. This was especially true of the Bridgeton station which was the busiest of the regionalized dispatch centers.

This situation was putting both the troopers and the public at risk and an immediate resolve was needed to protect the troopers and the citizens at this particular location.

In 1990 I had just finished assisting the Salem County Prosecutor’s Office in procuring a CAD RMS system. This process involved all aspects of procurement and I was ultimately trained in the implementation of these systems. I advised supervision of the ability of such systems and in January of 1992, the Salem County CAD system was placed in service at the Bridgeton station. Dispatch personnel were now able to efficiently do their job taking motor vehicle stops, handling calls for service and tracking personnel, providing a safer situation. However, this did not aid supervisors at remote locations who still had no accountability of their troopers.

In 1991 the State Police supervision advised me that they were in the process of purchasing a CAD system and money was being provided by the Attorney General. I advised supervision that a CAD system, without a Records Management system, would not provide the needed accountability for the Division. After personally justifying the needs of the State Police to personnel from the Attorney General’s Office, additional money was provided for a complete system. The process was handled by the Division of Purchase and Property and took five years to procure.

In June of 1996 the State Police, under the authority of the Attorney General’s Office, signed a contract for a CAD RMS system to be fully delivered
by June of 1998. Although I expressed concern to the ability of the vendor to deliver within the proper time frame, I was assured by the Purchase Bureau that retainerage and penalties were part of the contract. The contracted system was to provide for the following: An ultimate safety system to protect the lives of troopers and the citizens of the State of New Jersey. To provide total accountability of all State Police personnel. To provide statistical data on both CAD and RMS entries and to provide analytical data on both CAD and RMS information. Racial profiling is just one of the several issues that could have immediately been addressed within this system.

The contracted system to date has not been delivered. The contract clearly states that the CAD was to be delivered in nine months, but was delivered in 18 months. The delivered system was below required standards, it was slow, incomplete, failed to have a required backup system in place, and consistently went out of service.

Each time the system went down, both the troopers and the public were at risk. The much-needed RMS portion of the project had not even been started. I contacted the buyer, Peg Doyle of the Purchase Bureau, and recommended enforcement be considered. All my attempts to enforce this contract were resisted.

I then learned of meetings being held by the Purchase Bureau and the selected vendor. These meetings were in violation and they were being reported to me by the company’s Project Manager, Mr. Jack -- these contacts and meetings were also involving my supervisors. I confronted the people who were involved in these contract violations and advised them I was in the documented evidence to the Captain, their superior.

The day I went to meet with the Captain, I was removed from the Project Manager’s position. I turned in the evidence and the letters verifying the contractual violations, only to be contacted by him the following day and was removed from the unit’s Supervisor’s position. He advised that I did an outstanding job, but the people I turned in evidence against were after my jugular.

Three days later, every document and personal belonging of mine was removed from my office at Buena Vista Headquarters without my knowledge. This was an obvious attempt to remove the evidence from my possession.
It was learned later that an initial attempt was made to seize my documentation without anyone's knowledge. That was captured on an audio tape at the Bridgetown dispatch -- or at the Buena Vista Dispatch Center. Several attempts have been made to bring this to the attention of the Colonel to no avail. Each attempt has resulted in retaliation. A clear message has been sent by State Police supervision. Honor, duty and fidelity, however, along with the support of family and troopers, motivate my pursuit for justice. Troopers deserve the tools to make the reporting process more accurate and simplified. Troopers deserve the tools that provide better accountability. Supervisors deserve the tools that allows them the ability to properly supervise their personnel. Supervisors deserve the tools to allow for automated compilation of monthly statistics. This leads to less time administrating and more time supervising. All these tools were included in the requirements of the CAD RMS system.

It is beyond comprehension how a CAD RMS system, which monitors total accountability for both the troopers and the public it serves, has not been completed. Almost three years have passed since the proposed completion date. To add insult to injury, the State Police not only continues business with this vendor, but has allowed additional purchases of the system for the Turnpike and Parkway at the cost of millions. It has already been determined that a CAD system without an RMS system does not provide total accountability. Obviously, this is reinforced by the inability of the current CAD system to track profiling issues. Even after signing the civil action against these individuals involved, all have received promotions.

It is obvious that to these individuals, personal gain outweighs the troopers' needs. I, too, would have been promoted if I just went with the flow and did not insist on enforcing this contract. However, since the primary purpose of the CAD RMS system is the safety and protection of the public, my integrity outweighs the rank. Failure to implement this system as proposed and unanimously agreed upon by all past supervision, will result in serious injury or death to a trooper or citizen of the State of New Jersey. I will not accept the fact that without a CAD RMS system, someone's rights could be compromised. The troopers deserve better and the public deserves better.
These systems are vast sources of information. Information to the wrong people can control this power. Power is promotion. I disagree. Information is knowledge. The more knowledge the troopers and the supervisors have access to, the better the organization becomes for both troopers and the public.

Accountability must start at the top and the people responsible for not enforcing this much-needed system must be held responsible. They must answer for their negligence.

I have heard the issues of morale raised at these hearings. Troopers were advised in 1996 of a CAD RMS system to assist them in their job efforts. Although the troopers are monitored by CAD, RMS was the important feature to aid in their job. Did they get what they were promised? Will we ever get the necessary reporting system to aid in their reports? Why isn’t the State Police getting what they contracted for and so badly need? Doesn’t the public deserve the right to know what the troopers are doing?

In addition to that, the promotional system is not on merit but who you are friendly with. The rules and regulations only pertain to certain troopers. The discipline system is selective. Few make the decisions for thousands. Complaints go unanswered and are circumvented. With all these discrepancies, one message is sent to all: complain and face the wrath of God.

In closing, the State Police is literally my family. My father-in-law is a retired trooper. My brother-in-law is a retired trooper. My other brother-in-law is a trooper and I have two nephews that are troopers. The best source of information is from the troopers themselves, although their opinions are never requested. Those who speak out are disgruntled employees and referred to as “pirates.” Some are called worse. I call them troopers.

Thank you.

SENATOR GORMLEY: Thank you.

Senator Furnari?

SENATOR FURNARI: Trooper, just briefly again. Refresh my recollection. What does the CAD system do precisely?

SERGEANT WATKINS: A CAD system is a Computer Aided Dispatch system that monitors the accountability and tracks —

SENATOR FURNARI: I think you have to press your button. Is it on red?
SERGEANT WATKINS: That’s better.

The CAD system is a Computer Aided Dispatch system. It tracks the accountability of what the troopers are doing on the road. It allows the supervisors at the remote stations to visually see on the screen where their people are. Who is on a job. And basically be able to get an output at the end of the shift and see their functions during the course of the day.

SENATOR FURNARI: And the RMS system is?

SERGEANT WATKINS: The RMS confirms what the troopers actually did out on the road. At that point, the trooper comes in, puts his reports directly into a Records Management system that is computer generated and all their statistics are kept where you can get analysis data. In other words, if you have a trooper out on a motor vehicle stop, the only thing that CAD does is tell you that the trooper is making the stop and what race of the individual the trooper is stopping. It doesn’t tell you whether or not that individual was searched, whether he was arrested, or what took place. Records Management is where it comes into play at that point. Between the two systems, they’re what is called interfaced. Now, they can pass this information back and forth and give you analytical data.

SENATOR FURNARI: And you had the opportunity to work on obtaining this for another place before --

SERGEANT WATKINS: Salem County.

SENATOR FURNARI: Okay. And that was done as a function of the State Police in assisting Salem County?

SERGEANT WATKINS: Salem County had an accountability problem within its police departments within the county. The station I was assigned was Bridgeton. We did not actually actively take part in the system initially until we ran into such a problem, but they had asked if I would sit on the committee as far as the curing of the system, to review the systems, to help write the specifications for the system. And ultimately I was trained directly into these systems.

SENATOR FURNARI: Now, the State of New Jersey was going to obtain this CAD system without the RMS system initially?

SERGEANT WATKINS: Initially, yes.

SENATOR FURNARI: Now, who else worked with -- you were designated to be the person in charge of --
SERGEANT WATKINS: No, sir.
SENATOR FURNARI: No?
SERGEANT WATKINS: No. A committee formed
to actually recognize the problems. The committee
head was a Lieutenant Colonel. There were two Majors
involved, two Captains involved, a Sergeant First
Class involved and I was a trooper at that time. So
I was the lowest-ranking individual who was involved.

SENATOR FURNARI: And that was on the
committee for the State Police, not for Salem County?
SERGEANT WATKINS: That was for the State
Police, correct.

SENATOR FURNARI: Okay.
SERGEANT WATKINS: The Salem County
committee was a police officer from each and every
municipality within the county.

SENATOR FURNARI: Now, were there a variety
of vendors that you looked at?
SERGEANT WATKINS: Yes, sir.
SENATOR FURNARI: And had you had
familiarity with the vendors that were used in Salem
County?
SERGEANT WATKINS: Yes.

SENATOR FURNARI: And did you know how the
system worked in Salem County?

SERGEANT WATKINS: Yes. That was
ultimately the system that we started using in
Bridgeton when we had a serious problem of
accountability where we thought a trooper may get
hurt out on the road. We borrowed their system in
1992 until we were able to procure our own CAD
system.

SENATOR FURNARI: Now, you say at some
point the decision as to the vendor to deliver the
system to the State Police was transferred away from
this committee? Is that right?
SERGEANT WATKINS: I don’t understand that
question, sir.

SENATOR FURNARI: Well, as I understood
your testimony you thought that the vendor was not
appropriately delivering the equipment to the State
Police.

SERGEANT WATKINS: Correct. There was a
contract that we actually signed, sealed but never
delivered that started in 1996 and was to be fully
implemented and completed by 1998.

SENATOR FURNARI: Now, are you familiar
with the process of how they came up with that
vendor?

SERGEANT WATKINS: Yes. We went through
the normal procuring guidelines outlined by the Division of Purchase and Property.

SENATOR FURNARI: Was it a bid process or -

SERGEANT WATKINS: Absolutely. It took five years.

SENATOR FURNARI: And the specifications were drawn by?

SERGEANT WATKINS: I wrote the specifications for the Computer Aided Dispatch Records Management part of the system.

SENATOR FURNARI: Now, how long into the system did it become apparent that the CAD system was not working for the State Police?

SERGEANT WATKINS: We were in definite need for the safety issues for the system. So the company -- the bid requirements required that the vendor deliver the CAD system within six months. The responsive bidder that actually got the contract responded that they could do it in nine months. They needed an additional three months. They were the ones that we signed the contract with because, of course, they were lowest bidder.

Nine months came and went. Ten months came and went. And we gave them all the opportunities until finally 18 months later they delivered the CAD system. They hadn’t even started the records, which was totally supposed to be completed within a 24-month time frame. And we realized that the system was very difficult, very large. We were a very distinct -- the way we operate, we didn’t want to really change the way we operate. The specifications were written around that. The biggest problem was once it was delivered, it didn’t work properly. So that compounded the problem that now you need to take action because you have a system that was received in good faith and you’re having such a problem with it.

SENATOR FURNARI: Now, you brought this to the attention of your supervisors?

SERGEANT WATKINS: Yes, sir.

SENATOR FURNARI: And you indicated that you don’t think that they took appropriate steps to follow through?

SERGEANT WATKINS: There’s politics involved. A unit was established specifically for this project with promotional capabilities. If the project goes away, those promotions go away. The last thing that anyone wanted to do was enforce the contract because of nothing other than promotional reasons, personal gain.
That was not the way I looked at that. I felt that a trooper or a citizen was going to get hurt and we need this thing in the worse way. I felt if we enforced the contract, the company had the resources, even if they had to go out and get another subcontractor. The actual CAD RMS system was written by a subcontractor of who we contracted.

SENATOR FURNARI: Well, when you say -- when you say politics, you really mean -- let me try to find out what you really meant. You weren’t suggesting that the choice or the selector of the vendor was done on the basis of somebody’s friend or something of that sort?

SERGEANT WATKINS: Absolutely not, no. That was a straightforward procurement. We had some questions because the subcontractor to the required -- that answered the contract was so small, whether or not they could deliver a system of this size. Other proposals that we received were able to basically show us what they had and needed modification. The contractor we purchased from had nothing. It had to be written from scratch which we were really concerned as to the time frame.

SENATOR FURNARI: And during this period of time, the Attorney General’s Office, it seems to me, would have been quite anxious -- this was -- correct me if I’m wrong, this was the system by which they were going to provide, you know, collect all of the data that has to deal with the State Police stops.

SERGEANT WATKINS: Everything -- everything that the State Police does would have been collected by that system.

SENATOR FURNARI: And during this period of time, one would imagine that the Attorney General’s Office would be quite impatient about this system not getting up to snuff.

Was there some pressure that was applied by the Attorney General’s Office to get this thing moving through the State Police?

SERGEANT WATKINS: I worked with the Attorney General’s Office hand-in-hand during this contract. A representative or an individual by the name of Dean Deakins was involved from the Attorney General’s Office. We had worked in conjunction since I believe 1991 on this. He felt the same way I did. He was the only other person who attempted to enforce this contract with me. He was basically reprimanded, from what he told me, by his superiors and was advised to let the Purchase Bureau handle this and ultimately he no longer participated in this contract.
and after that he shortly retired.

SENATOR FURNARI: Well, in the Attorney General’s Office there wouldn’t be that politics or promotion associated with a successful activity, would there be?

SERGEANT WATKINS: Not that I know of.

SENATOR FURNARI: I’m trying to get to, you know, what really -- what’s the reason, it’s institutional, do you think, that this didn’t -- wasn’t moved forward? What was the -- what’s your sense as to why --

SERGEANT WATKINS: It’s not -- sir, it’s knowledge. You have to understand the State Police promotional system. It’s a chess game.

SENATOR FURNARI: Okay. Maybe if I understand it --

SERGEANT WATKINS: My position was a promotable position. There was people underneath me that were connected. So basically what happened was I was removed from the position of the Project Manager and as of the unit Supervisor so someone could be put into that position who did not have the knowledge and did not have the ability to do this system. The Major that was directly overseeing this thing, advised people on four different occasions,

with me present, if I was removed from this system, it was not going to be completed. The day after the Major retired is the day that this change took place. They put their friend in the position thinking that I was -- they actually demoted me to be his -- I went from a unit Supervisor to his assistant.

Unfortunately due to the guidelines in the State Police, that’s not really a move that can be backed up. They can’t demote me, so a transfer was forced upon them to remove me. And once I was removed, the people who were now involved in the project did not have the knowledge to finish the system. And they’ve kept that to themselves all this time. And that’s why this system is not moving forward at all. And the Major told them it wasn’t going to move forward. I wasn’t the only individual this happened to, there was other individuals who were involved in this project that were very knowledgeable. They either bailed ship or were removed by the new supervision who came in.

It was strictly for personal gain.

SENATOR FURNARI: Thank you.

SERGEANT WATKINS: You’re welcome, sir.

SENATOR GORMLEY: Senator Zane?

SENATOR ZANE: Trooper Longoria --
TROOPER LONGORIA: Yes, sir.
SENATOR ZANE: Am I pronouncing it right?
TROOPER LONGORIA: Yes, sir.
SENATOR GORMLEY: Put on your microphone.
SENATOR ZANE: I’m looking at your statement. I just have a few questions from it.
On Page 2 in the middle you mention a derogatory statement about a black man. Was it the N word?
TROOPER LONGORIA: Well, without getting into that, it was. I just thought I didn’t need to sling any mud in here.
SENATOR ZANE: Understood.
TROOPER LONGORIA: We all get the point.
SENATOR ZANE: Was that the first and only time you ever heard that from troopers?
TROOPER LONGORIA: No, it was not the first time. The first time I heard that from troopers was when I was on the trooper coach program assigned to the Edison barracks in 1988.
SENATOR ZANE: The ghost stop, is that --
TROOPER LONGORIA: Absolutely not.
SENATOR ZANE: That’s something that is --
TROOPER LONGORIA: That’s something that was developed and probably refined out on the toll road. In essence what a ghost stop is is exactly that, it doesn’t exist. There is no accountability for it. I believe Mr. Zoubek in his testimony when he was up here the other day placed ghost stop in the category as -- in the falsification category. Well, that would not be entirely accurate. He almost intertwined it with the race of the driver being changed. Well, that’s a falsification. A ghost stop is exactly what it is. There’s no consent. It never gets called in. It doesn’t go on a patrol log. You kick the motorist in the rear-end and it’s over.
SENATOR ZANE: You’re supposed to call in before you stop, am I correct?
TROOPER LONGORIA: The procedure is you’re supposed to call the stop in before you stop -- before you make it.
SENATOR ZANE: In that particular case that you described, had there been something of note, what would have happened then? What would the trooper have done to cover not having called in?
TROOPER LONGORIA: I’m sorry, I don’t understand the question.
SENATOR ZANE: Well, you’re indicating here that this particular stop I think involved two people
--

TROOPER LONGORIA: Yes.

SENATOR ZANE: -- in the vehicle. At the
time that someone was stopped, that’s when the call-
in should have been made that I’m stopping such and
such a car with tag number blah, blah, blah, am I
right?

TROOPER LONGORIA: That’s correct.

SENATOR ZANE: Okay. So none of that was
done?

TROOPER LONGORIA: No.

SENATOR ZANE: And apparently there was
some sort of search?

TROOPER LONGORIA: There was a search of
two black males. It was a small sports car. It
didn’t have a trunk, it was kind of the hatchback
kind. It was two black males. They were both
searched. The interior of the vehicle was searched
by this trooper and as he walked away from the
vehicle he mumbled something towards me about coming
up dry and that was the end of the stop. They were
allowed to continue and it was on the -- it was on
the southbound portion between Cranbury approaching
Moorestown’s area.

SENATOR ZANE: The search, how was it
justified, the search?

TROOPER LONGORIA: It wasn’t justified.

There was no justification for it. As a matter of
fact, it was an illegal search.

SENATOR ZANE: Okay. Tell me why it was
illegal.

TROOPER LONGORIA: Well --

SENATOR ZANE: I’m not doubting you, but I
just want you to tell me why.

TROOPER LONGORIA: No. Well, let me
explain the whole stop to you. We are driving down
the Turnpike and we’re no longer at the inners or the
outers. It is a southbound section and a northbound
section. This trooper pulled up in the left lane. I
believe the vehicle was in the center lane. He
activated the alley lights. Alley lights are on top
of the overheads and they’ll illuminate inside a
vehicle. I was on the passenger side. We saw two
black males. He made a comment, this looks like
something or this might be something. He pulled
behind him, made the stop. The perception being
possibly that they were drug carriers. There was a
search ensued after that. Both the driver and the
occupant and then the interior of the vehicle. After
that, he basically kicked him in the ass and that was
it.

SENATOR ZANE: No apparent motor vehicle violation?
TROOPER LONGORIA: There was no apparent motor vehicle violation.

SENATOR ZANE: What would have happened in a situation like that, if you know, based upon your experience had that search revealed something? What would the trooper have to do?
TROOPER LONGORIA: If that search would have revealed something, what probably would have happened is those two individuals would have heard their own stop going down while they were handcuffed in the back seat.

SENATOR ZANE: Okay. You’re saying they would have heard their own stop going down. You mean it would have been called in?
TROOPER LONGORIA: It would have been probably called in, Cranbury, Car one, two, three, whatever, I’ll be stopping. Meanwhile, these two guys are sitting behind you handcuffed under arrest.

SENATOR ZANE: Have you ever witnessed that?
TROOPER LONGORIA: Yes.
SENATOR ZANE: You have?

TROOPER LONGORIA: Yes.

SENATOR ZANE: Throughout these hearings I’ve not heard the term “Johnnies.” You’re saying that this is a code word for black motorists?
TROOPER LONGORIA: That’s correct. In essence it’s a water-downed word for the N word meaning that you can’t just walk into the station and use the N word, so they developed a code word and one of the words was -- there were others, I mean. I’ve heard, you know, “carload of coal,” but usually “Johnnies” was the main -- while I was there, it was “Johnnies” and this was the code word for stopping “Johnnies.” Let’s get the “Johnnies” coming southbound or northbound looking for a ki. And it was -- it was quite competitive out there at the time. Individuals were probably looking to put a feather in their cap to achieve the Trooper of the Year award and there was also personal bias.

SENATOR ZANE: You talked about the troop commander of the New Jersey Turnpike and you talked about the atmosphere at the Cranbury station and you said to us that it became quite tense. You said, “As you can imagine, the atmosphere became quite tense.” What do you mean?
TROOPER LONGORIA: Exactly that. There was
a posting at the time when the Bellergal decision was
released by Judge Cooper. I’m not sure if it was the
Asbury Park Press or the Star Ledger, but it was
posted in the radio room. There was comments on the
border of it about this decision basically being BS.
I’m watering it down. As far as --

SENATOR ZANE: And who was that said by?
TROOPER LONGORIA: That was said by --
SENATOR ZANE: What kind of people?
TROOPER LONGORIA: That was said by --
SENATOR ZANE: Management or --
TROOPER LONGORIA: That was said by a
Sergeant at the time. As a matter of fact, I engaged
him in a conversation because I thought it was not.
And they had a problem swallowing that bitter pill in
reference to the decision. They had praise for the
Captain at the time. I just happened to be locker
number 50. The Captain of the Turnpike, his locker
was across from me.

SENATOR ZANE: You indicated that when you
were transferred back to Fort Dix that you
immediately experienced numerous acts of harassment
and intimidation. And you gave one example, you said
your mailbox was vandalized in an attempt to silence
you for speaking out. How do you know that?

TROOPER LONGORIA: When I arrived for duty
at the Fort Dix station -- there’s a saying in the
State Police that anything that you’re involved in in
the past there’s a two-nine made and a two-nine is
essentially a phone call that follows you from unit
or assignment to assignment and in essence what it is
it’s a passing of the torch. When I got to the Fort
Dix station, there was derogatory statements put
around my mailbox where I received my daily mail and
reports. I’m not going to get into them because
they’re quite graphic. There was also a pacifier the
size of a grapefruit nailed to my mailbox. In
essence, stick it in your mouth and shut up and stop
talking about what’s going on.

There was a lot of individuals that were
extremely nervous around me out on the Turnpike and
that anxiety continued as I went to other stations.
The bottom line is jobs were at stake here.

SENATOR ZANE: You indicated that you had
been a trooper for how many years?
TROOPER LONGORIA: Thirteen, sir.
SENATOR ZANE: Thirteen years. Up till
1998 had you ever been reprimanded?
TROOPER LONGORIA: Yes. I was reprimanded,
I believe, in 1993. I received what’s called a Blue
Ticket and that was accompanied with a three-day suspension and it was for an off-duty incident. It had nothing to do with the State Police. It had to do with outside employment actually. Some people called it moonlighting.

SENATOR ZANE: Okay. Now, you talk in terms in 1998 of attempting to, I guess, negotiate a transfer to someplace other than back to the Cranbury station with Lieutenant Colonel Fedorko, correct?

TROOPER LONGORIA: That’s correct.

SENATOR ZANE: You also mention having had an attorney at that time.

TROOPER LONGORIA: Yes.

SENATOR ZANE: Just for that purpose?

TROOPER LONGORIA: No. I retained counsel probably sometime in October of 1999 after I was experiencing more harassment within the Diesel Emissions Unit and I laid everything out to my lawyer and my primary concern was that I was going to be moved. You’ve got to understand, by this time, if you look at my employment history in the back, you can see how many times I’m being moved in a short amount of time. And one of my concerns was that I would be returned back to that hostile work environment and my career would be jeopardized. I

Testimony - Detective Soulias

retained counsel. My intention was to backdoor this thing and try to work out some kind of resolution with the Lieutenant Colonel. We clearly advised Mr. Fedorko of the situation out there. It was outlined in my complaint. It was on January 21st, 1999 that he signed off, and I have the transfer with me, returning me back to the Turnpike, not only to the same exact station, but the same exact squad.


SENATOR ZANE: So you currently have an action pending against the State Police?

TROOPER LONGORIA: That’s correct.

Thank you.

Trooper is it Solis?

DETECTIVE SOULIAS: Soulias.

SENATOR ZANE: Soulias?

DETECTIVE SOULIAS: Yes, sir.

Trooper, in the third paragraph of your prepared statement you said, “I have witnessed and have knowledge of a falsification of reports and the coverup of incidents of criminality.” And then you gave two examples.

DETECTIVE SOULIAS: Correct.

SENATOR ZANE: I followed with you while
you were reading it. Is the criminality that you’re -- the crime that you’re talking about requiring someone to change the record, change their report?

DETECTIVE SOULIAS: Yes.

SENATOR ZANE: Did you witness that?

DETECTIVE SOULIAS: Yes.

SENATOR ZANE: You heard that?

DETECTIVE SOULIAS: I was there, yes, when they were told.

SENATOR ZANE: I’m sorry?

DETECTIVE SOULIAS: I was there. I was present when they were told to change their reports.

SENATOR ZANE: Okay. Did you know what the real facts were?

DETECTIVE SOULIAS: Both detectives told me, yes.

SENATOR ZANE: Prior to?

DETECTIVE SOULIAS: Prior to.

SENATOR ZANE: You indicated in the third paragraph of the second page of your prepared statement you said, “After exposing the criminality I directly witnessed by superiors in the State Police, I have now been identified as a traitor and malcontent.” And then you go on to say, “I have been targeted and retaliated against by the State Police.”

DETECTIVE SOULIAS: Yes.

SENATOR ZANE: What’s the retaliation against you?

DETECTIVE SOULIAS: I have several examples. I’ll give you one of the most significant. In May of 2000 they came out with the promotional list, the rankings for promotions, approximately four months after I met with -- or we met with the Attorney General’s Office.

SENATOR ZANE: That’s your meeting with Debra Stone?

DETECTIVE SOULIAS: Debra Stone, yes, thank you. And at that time I had approximately 14 years in the State Police. Fourteen years of outstanding evaluations. No disciplinary action. Always recommended for promotion. Ranked relatively competitively for promotion. I got passed over. I didn’t get passed over by one individual, I got passed over multiple individuals. I didn’t get hurt, I got destroyed on my rankings. I mean, it wasn’t even embarrassing, it was just if it wasn’t so pathetic, it would be comical. I spoke my unit Supervisor, Kim Husba, he specifically tells me that Captain K Hess completed the rankings. I subsequently spoke to Ken Hess. Ken Hess advised me
that Kim Husba completed rankings. Till this date, it’s been approximately one year, no one has identified the rankings, how they were completed or who ranked me, to my knowledge.

I was told complete a grievance, an internal procedure, so I could be heard; phase one, phase two or phase three. I did that. I completed the grievance and subsequently I got a letter from the Colonel. The Colonel indicates that rankings and promotions are management prerogative and I cannot grieve it and I will not be heard. So you have absolutely no alternative here but to accept it. He didn’t say that, that’s my interpretation.

SENATOR ZANE: So the retaliation is not being promoted?

DETECTIVE SOULIAS: That’s one, yes. That’s correct.

SENATOR ZANE: What else?

DETECTIVE SOULIAS: I can give you a short version of my personal safety has been compromised.

SENATOR ZANE: How?

DETECTIVE SOULIAS: I’m an undercover Detective in Organized Crime. I was. I did undercover for North Jersey, a unit of eight people. I was the one who did the undercover work. The

Colonel came out with policy called ride-along. He wanted every --

SENATOR ZANE: What year is this?

DETECTIVE SOULIAS: Excuse me?

SENATOR ZANE: What year is this you’re talking about?

DETECTIVE SOULIAS: 2000. And in the ride-along you work four midnights and two holidays with the road personnel. I spent 12 years on the road. I enjoyed it. I have no concerns with that. But there was criteria that if you never worked overtime in your uniform and you work undercover, you would be exempt from the overtime. I specifically work undercover so I don’t work overtime. So I sacrificed financial gain for my family, but I can’t work overtime in uniform and compromise myself. It’s my own personal safety. And I agree on that one aspect with the Colonel, that if you do work overtime, you cannot say now that I’m an undercover Detective, I shouldn’t work the ride-along. No. If you’re going to get paid time and a half, you work the ride-along. In my unit they exempted, I believe, five individuals. Two Captains’ sons and some other individuals. I was advised by Kim Husba I would not be exempt. I spoke to Kim Husba in depth on two
separate occasions in April and May of 2000. I explained to Kim Husba that my personal safety is being compromised here. He said, “Everyone’s is. Any Detective who has to work the ride-along is being compromised.” I subsequently find out the other Detectives who worked overtime in uniform, were still exempt from this ride-along, but not Detective Soulias. I worked undercover in March of 2000 negotiating the purchase of weapons from a Pagan Motorcycle Outlaw member who we just convicted in federal court. Two months later, I was ordered and mandated to work the ride-along in the same county and the same area that I just worked undercover in which the Pagan Motorcycle Outlaw gang socialized and have the club.

SENATOR ZANE: Did you call that to anybody’s attention?

DETECTIVE SOULIAS: No -- afterwards, yes, sir. Afterwards. I went to Captain Hess. I typed a report and I initiated a complaint with it. But I would have been charged with being AWOL.

SENATOR ZANE: Just one last question for Trooper Longoria.

Your list of transfers -- you say you’re

with the State Police 13 years, not yet 13, as a matter of fact, right? It won’t be 13 until July?

TROOPER LONGORIA: Well, I went to the Academy in March of ’88 and I actually graduated in ‘88. So ballpark. But it depends what you’re looking at, whether when I went in or when I actually stepped out.

SENATOR ZANE: Is -- 13 transfers in that period of time, how would you categorize that? Is that normal?

TROOPER LONGORIA: This is not normal. This is absolutely not normal. As you can see, I spent a substantial amount of time at the Flemington Barracks, approximately six years. And it was right about that time that I had an argument with my immediate Supervisor about his behavior that I started being moved around like a pinball.

SENATOR ZANE: But in all of this there was only one disciplinary action against you, right? This particular --

TROOPER LONGORIA: My disciplinary action was --

SENATOR ZANE: It was just one.

TROOPER LONGORIA: -- just once. It was --

SENATOR ZANE: And that’s all.
TROOPER LONGORIA: That’s all. Yes, sir.

SENATOR ZANE: To date.

TROOPER LONGORIA: To date.

SENATOR ZANE: I have no other questions.

SENATOR GORMLEY: Okay.

Senator Matheussen.

SENATOR MATHEUSSEN: Maybe if I could, Trooper Longoria, if I could just pick up where Senator Zane left off. I have some similar questions.

What is the norm for people being transferred within the State Police? Because I looked at your 13 years and you’ve done a lot of moving.

TROOPER LONGORIA: That’s unusual.

SENATOR MATHEUSSEN: What is the norm?

TROOPER LONGORIA: The norm usually you go to one station. You’ll train under the trooper-coach program for approximately two months. You’ll remain there for a total of six months. Then you’ll go to a secondary station which you’ll basically stay there for anywhere from six months to a year or two years, depending. Now, it’s been -- actually in the last few years they’ve been making that three stations, I guess to give the trooper a more diverse experience at different stations.

SENATOR MATHEUSSEN: Three stations in how much time?

TROOPER LONGORIA: Usually three stations within a year and a half or so, ball park. And then after that you basically can, you know, based on seniority and where they need the personnel, you can basically pick and choose where you want to work relatively close to home. I wasn’t relatively close to home in Flemington, but I was relatively happy there. The duty was good. The assignment was good, it was general police. We were handling calls. At Flemington you’re really a cop. You’re going to people’s houses, burglaries and domestic violence, et cetera. You’re serving the public. It’s not really traffic duty there. So I was relatively happy until I had this encounter with this Sergeant who seems to have a problem with all the isms. We had several exchanges and finally I put in for a transfer to leave there. I wanted to be transferred either to Fort Dix or to the Wilburtha station. And, of course, they sent me to Bordentown. While I was at Bordentown, I told them that I would rather stay at Bordentown and get more Interstate experience. Of course, now they move me again and send me to Fort
Dix. While I’m at Fort Dix, I say look, I’ll stay here, I’m only five miles from my house. Actually more like three. And they moved me to Hightstown. From Hightstown they offer me a job down at the Narcotics Unit. They take me down there. They use me because I’m bilingual. I was actively working on cases. An assignment comes out. I put my resume in for the Detective position. Not only don’t I get interviewed, but the Captain’s son gets the job, who happens to be the nephew of the unit Supervisor who had 100 percent minority arrest record while he was out on the Turnpike and meanwhile I get sent to the Turnpike to take his place.

SENATOR MATHEUSSEN: Your statement starts off with talking about profiling as it pertained to Troop D in Cranbury in 1998. You had served in the State Police for a period of maybe ten years prior to that.

TROOPER LONGORIA: I was a veteran trooper when I went out to the road.

SENATOR MATHEUSSEN: Any other instances in those first ten years of profilers or racism within the State Police?

TROOPER LONGORIA: Yes. There was profiling when I went to my very first station. I was assigned in 1988 during the summer, August 1st, to the Edison barracks which patrolled 287 and 440 and the Outer Bridge there. I was assigned to -- I had two trooper coaches, one is your primary, the other one being your alternate. My primary coach was topnotch, a straight shooter. My alternate coach was the opposite. He was racist. He was sexist. And that’s the first time I actually saw profiling, although it wasn’t called profiling then. That term didn’t exist. We were just stopping blacks and Hispanics coming out of Perth Amboy from the Outer Bridge.

SENATOR MATHEUSSEN: And was there a reason for stopping blacks and Hispanics?

TROOPER LONGORIA: Sometimes there was, sometimes there was a trivial reason. Sometimes there was no reason, no probable cause.

SENATOR MATHEUSSEN: Was there a reason given about probable cause by your supervisors as to why they were stopping blacks and Hispanics?

TROOPER LONGORIA: Yes. He advised me that if you dig long enough or if you stop enough cars, you’ll eventually come up with something.

SENATOR MATHEUSSEN: Meaning cars that are driven by Hispanics and blacks?
TROOPER LONGORIA: This one was a dark-skinned Hispanic.

SENATOR MATHEUSSEN: You said that throughout your tour of duty -- I would presume this is the first paragraph of your statement, throughout your tour of duty at Troop D, you were repeatedly pressured to go out and make profile stops. By whom were you pressured to do that?

TROOPER LONGORIA: I was pressured to make profile stops by my immediate supervisor who advised me that this is where the men produced the big numbers and I expect you to do the same. I was also sent out with a junior trooper who was going to teach me how things were, going to teach me the ropes out there. I have to believe, looking back now, that they had no idea I was Hispanic and I probably got to see them with their hair all the way down.

SENATOR MATHEUSSEN: I was going to ask you that question. Is it possible that you were not viewed as a minority member?

TROOPER LONGORIA: I would have to say you would be out of your mind to do that in front of me if you knew I was Hispanic.

SENATOR MATHEUSSEN: When did you -- I heard Senator Zane ask you before, when did you hire an attorney?

TROOPER LONGORIA: I was consulting with an attorney in October of 1999.

SENATOR MATHEUSSEN: Without revealing -- I’m not asking you to reveal anything that’s obviously attorney/client privilege, but can you tell us what was the reason for, in a general sense --

TROOPER LONGORIA: Well, I’m here voluntarily and my attorney is not here and I will answer any of your questions, sir. And the reason I went to him is because I was experiencing numerous problems within the Diesel Emissions Unit which was my only truly voluntary transfer. I was experiencing heightened supervision. As a matter of fact, one time I was called on the carpet because my Captain wanted to know why I wasn’t at the site the last seven minutes of the shift. Now, I spend more than seven minutes in the bathroom.

SENATOR MATHEUSSEN: Thank you. Trooper Watkins, you had talked about the fact that you had been in the State Police since 1979.

SERGEANT WATKINS: Yes, sir.

SENATOR MATHEUSSEN: And Senator Furnari obviously asked you some detailed questions that
concerned me about the CAD RMS system, but let me, if
I could, direct you to something you didn’t testify
much about and that is your experiences as to
profiling from ‘79 through ‘96.
SERGEANT WATKINS: I think the racial
profiling issue has been around us a long time. I
mean anybody who does not believe that --
SENATOR MATHEUSSEN: Even though not called
racial profiling.
SERGEANT WATKINS: Exactly. Anyone that
does not believe that is naive.
I think one of the bigger problems is why
wasn’t it addressed and nothing was done about it.
And --
SENATOR MATHEUSSEN: Why?
SERGEANT WATKINS: Well, one of the reasons
is you have supervision out there, some people who
are very accountable for their actions and other
supervisors that are condoning what’s going on. So
you have to know what supervisors are condoning this
and what supervisors aren’t condoning this. And you
also have to have the equipment for supervisors to be
able to know exactly what their people are. So it
doesn’t give them the catch-all that we’re using
right now, “I didn’t know anything about it.” And

that was one of the reasons that this project made
such an impact because they were finally going to
have no excuse not to be able to monitor what was
going on. This way supervision is held for
accountability and if they have that accountability
and know what’s going on and they’re not taking
action against the troopers, now we can do something
about it. I think racism is world-wide and I think
it does exist in the State Police. And the problem,
the bigger problem than the racism is when you have
people coming forward to supervision and absolutely
nothing is done. There was absolutely no outlet in
this day and age for a trooper to go. His complaint
is not listened to. I have been going on with my
particular circumstances and have yet to talk to a
supervisor about something as serious as contractual
violations on a $7 million project that involves tax-
payers’ money.

SENATOR MATHEUSSEN: Trooper Watkins, you
don’t appear as a minority member here to me today.
I hate to profile, but you don’t appear to be a
minority.

SERGEANT WATKINS: I am not a minority, no,
sir.

SENATOR MATHEUSSEN: You had said in your
opening statement that you had been assigned for 14 years, I believe, as a road trooper. Did you have similar assignments as to Trooper Longoria? Did you look at his statement, the numbers of different barracks and stations that he served in?

SERGEANT WATKINS: Sir, I think he’s been around the world more than I have.

SENATOR MATHEUSSEN: He’s been around the world more than you.

SERGEANT WATKINS: I basically have been, during the course of my career, probably transferred, I would say, less than eight times in 22 years.

SENATOR MATHEUSSEN: You saw that there was an indication of teaching profiling using a spotlight, using stops. Not asking for consent searches. Those stops, as a road trooper for 14 years had you either have been instructed to do those things or were you asked or told to do certain things?

SERGEANT WATKINS: I was never asked or told. I’ve witnessed that. Yes, that does exist. And more so in the early eighties than it does now. I mean hopefully people are a little bit more conscientious. But I listened to the hearings yesterday on training and training and training and again, I have to go back to the training. If you don’t have accountability for that training, the training is useless. If you don’t have something in place to monitor what’s going on out there, you can train until you’re blue in the face but you don’t know whether or not they’re conforming to your training. And yes, that did exist. There is such thing as ghost stops out there. That’s nothing new to the State Police.

SENATOR MATHEUSSEN: And you think it existed more in the eighties than it does now?

SERGEANT WATKINS: And if I can just add one more thing to that. I listened to the Colonel speak as far as conformity and we have to understand somewhat of the whole picture here. The State Police reporting system is a nightmare. If you ask any trooper what is your worst part of that job, he tells you his reports. One of the things for the record system was that, for instance, a trooper could have eight reports to do on one job. Those reports could have as many as 80 blocks. Forty of those blocks will be the same from report to report, but yet he has to fill out every block. So now if you give him a system as it was designed for the RFP and as it was contracted for, as a trooper does a report, the
information is flowed from one report to the next report and that saves him maybe three hours of reports turned into 45 minutes. Because all the information is flowed from one to the next.

Now, we get into the thought, maybe the guy would be a little more willing to do the reports. I mean, not only are ghost stops going on, but I’ve seen jobs that are not fully investigated as they should be just because of the amount of reports. You get young guys on the road out of the Academy, they’re baffled. They are baffled as to what to do. So they’ll make an operations report instead of making what should have been an investigations report, just because of our ridiculous reporting system. And that was the main feature that impacted the troopers and would turn them to be conformists and be more willing to participate in what they should do and what is needed to be done.

SENATOR MATHEUSSEN: You didn’t answer my question. I don’t know if perhaps you heard me or not.

SERGEANT WATKINS: I’m sorry.

SENATOR MATHEUSSEN: I asked you to, I guess, verify what I thought you had said and that was that racial profiling was as prevalent, if not more prevalent, in the eighties than it is now?

SERGEANT WATKINS: I didn’t -- that’s a question that I can’t answer, Senator. To be honest with you, we have no tools to tell us who is doing what and are we in fact. And I think that is one of the --

SENATOR MATHEUSSEN: But you witnessed it firsthand back in the eighties?

SERGEANT WATKINS: Yes, sir.

SENATOR MATHEUSSEN: Trooper Solis?

DETECTIVE SOULIAS: Soulias.

SENATOR MATHEUSSEN: Soulias. I’m very sorry.

DETECTIVE SOULIAS: That’s okay.

SENATOR MATHEUSSEN: They mess up my last name once in a while too, so I know how you feel about that.

DETECTIVE SOULIAS: That’s okay.

SENATOR MATHEUSSEN: The meeting that you had with Assistant Attorney General Stone, you met with her once.

DETECTIVE SOULIAS: Yes.

SENATOR MATHEUSSEN: With five other troopers?

DETECTIVE SOULIAS: That’s correct.
SENATOR MATHEUSSEN: Okay. Was there any reason given that you only got a phone call back from her secretary as to the reason why they would no longer speak to you or meet with you?

DETECTIVE SOULIAS: I didn’t get a phone call back. I called once. I never got a return call. I called the second time. That time, no, her secretary said that she could not speak to me and State Police Affairs would be handling this investigation. Call them.

SENATOR MATHEUSSEN: Is it because you had filed a grievance that they couldn’t talk to you or was it something you don’t know?

DETECTIVE SOULIAS: I don’t know. I couldn’t tell you specifically. I can give you an opinion that I had contacted and consulted an attorney and I was in the process of taking civil action at that time.

SENATOR MATHEUSSEN: Was the Attorney General’s Office of the fact that you had contacted an attorney?

DETECTIVE SOULIAS: Yes. At that time.

When I first met with Debra Stone, none of us had consulted an attorney at that time for these issues. We were strictly there to address to the Attorney General’s Office about criminal corruption and misconduct within their investigation section.

SENATOR MATHEUSSEN: Now, you also indicated that you tried to meet with Colonel Dunbar.

DETECTIVE SOULIAS: Yes.

SENATOR MATHEUSSEN: And were you given a reason why you could not meet with Colonel Dunbar?

DETECTIVE SOULIAS: No. No specific reason. I called -- I spoke with -- I don’t know his rank, I believe, he’s a Sergeant First Class, Matt Carroll. I spoke with him twice and another Detective Sergeant Beneto Panaro, I spoke with him twice. And no, just the fact that we had went to the Attorney General’s Office and they’re investigating it and he would not speak to us.

SENATOR MATHEUSSEN: Thank you, Trooper.

DETECTIVE SOULIAS: Thank you.

SENATOR MATHEUSSEN: Thank you all.

DETECTIVE SOULIAS: Thank you.

SENATOR GORMLEY: Senator Robertson.

SENATOR ROBERTSON: Thank you, Mr. Chairman.

Let me follow up on something that Senator Matheussen -- Matheussen --

SENATOR MATHEUSSEN: See what I mean?
SENATOR ROBERTSON: Actually that was correct. They always call me Robinson so I know. And this is perhaps something that we should bear in mind as a Committee because it speaks to the experience that two of the three of you had. There is a kind of ethics among attorneys that once an attorney affiliated with one side in a lawsuit knows that someone is represented by counsel, they cannot speak to that person again. And it sort of goes to the question of the extent to which the Attorney General’s Office should be in combination with the State Police because in this case if, in fact, that was the reason, they’re not getting important information that they should have been getting, whether it’s Paul Zoubek, once litigation had been started, or Debra Stone, once she was put on notice that you were represented and the Attorney General’s Office is the attorney for the State of New Jersey on the civil side. So it becomes a sticky situation and that’s maybe something that we ought to keep in mind as we go on.

SENATOR MATHEUSSEN: Well, they should be told that. They should be told that though. It would make it a lot easier.

SENATOR ROBERTSON: Oh, yeah, they should be told that, there’s no question about it.

Trooper Longoria, you have a footnote here that says that on February 11th, ’99 you were placed on EAP leave. Could you explain what that is, EAP leave?

TROOPER LONGORIA: On February 11th I, due to the stress that I was under, and I was stressed out knowing that I was going back to that environment and at the time there was even one individual who told me you can’t dodge a bullet twice, and there was also screen savers on the Turnpike with me on them, I went to see the Employee Assistance Program, which is --

SENATOR ROBERTSON: I didn’t know what the EAP stood for.

TROOPER LONGORIA: Yes.

SENATOR ROBERTSON: Okay.

TROOPER LONGORIA: And I basically laid it out on the table for the individual who I talked to and she was blown off her seat. She immediately placed me on extended sick leave.

SENATOR ROBERTSON: You had talked about your difference of opinion with others with respect to the Bellaran case. During the course of that litigation while the litigation was still pending
before the decision, did you know Sergeant Bellaran?

TROOPER LONGORIA: I only expressed my opinion with one Sergeant there, okay?

SENATOR ROBERTSON: Right.

TROOPER LONGORIA: And then I was speaking out openly. I knew Sergeant Bellaran briefly. He was my supervisor for several months at Hightstown and then I got sent down to Camden to work with the Narcotics and Organized Crime Bureau. And I didn’t see Sergeant Bellaran again until the Diesel Emissions Unit and by then he was being hammered so bad that he himself went out on stress leave and there goes the story.

SENATOR ROBERTSON: Taking a looking -- and I suppose you’ve been following the hearings here?

TROOPER LONGORIA: I’ve been here every day, sir.

SENATOR ROBERTSON: And you’ve heard us ask different witnesses, you know, what are the two or three things that you think should be done. I’m talking about specific steps, not in general, though we have to deal with the organizational thing, but specifically because we’re ultimately going to be in that position. What are the two or three things that you think as a practical matter can be done to begin to address some of the things that you’ve seen?

TROOPER LONGORIA: Well, I think, number one, the Attorney General’s Office and the State Police have to be divorced. The Superintendent should probably report directly to the Governor. And the reason I say that, the Governor will have firsthand information. Nothing gets filtered. That ship belongs to the Colonel and if it springs a hole, it’s his fault. So he’s reporting or she is reporting directly to the Governor and maybe once a week or once a month basically I believe the CIA has those briefing with the President and you do it in that fashion and you keep him updated. The State Police should probably function in the same way. Here it is, Governor, this is what’s going on. These are our problems. These re our goals, et cetera, et cetera. This is what we’re looking to accomplish in the next year.

The other recommendation would be a civilian review board and it would consist of retired law enforcement. Members of a civil rights organization, of course. A professor, a law professor. Maybe a retired Judge. A professional prosecutor who is independent of the State Police and the Attorney General’s Office. And they would have
oversight of the Internal Affairs Bureau within the
State Police. They would let IAB handle internal
matters such as troopers running over their walkie-
talkies or losing their hats, stuff like that. And
when it came to criminal matters or civil rights
violations, this would be the team that would
implemented and come in. You would also need a
psychologist, I believe, on that board and, of
course, an odd number of members.

SENATOR ROBERTSON: Anything else offhand?
TROOPER LONGORIA: No, sir.

SENATOR ROBERTSON: Now, Detective, you
heard the testimony today with respect to what the
trooper witnessed out of Cranbury and some other
areas. Now, you were road trooper I believe you said
for 12 years?

DETECTIVE SOULIAS: Yes.
SENATOR ROBERTSON: What was your
experience with respect to being asked to produce
numbers?

DETECTIVE SOULIAS: The State Police has
always pushed numbers. You are evaluated by your
summonsces, your drunks, referred to as DWI’s. It
wasn’t a question of integrity, it was just produce
the numbers. And the quality of work was numbers.

And that’s how you were judged.

SENATOR ROBERTSON: Does that include
arrests?

DETECTIVE SOULIAS: Yes, absolutely.
SENATOR ROBERTSON: In your opinion based
upon your road experience, what in those directives
from leadership do you think led to -- well, let me
back up.

Do you think that those directives from
leadership led to instances of racial profiling?

DETECTIVE SOULIAS: Yes, absolutely.
SENATOR ROBERTSON: And why is that?
DETECTIVE SOULIAS: Because with the New
Jersey State Police they focused on the road trooper,
Trooper of the Year. You want to be someone that’s
looked at and respected. And to become Trooper of
the Year, it was strictly statistics. Lockups, DWI’s
and summonses. And if you wanted to make Detective
or if you wanted to be respected by your peers or
supervisors, it was numbers. You had to produce
numbers. It wasn’t the quality of your arrests. It
wasn’t if you did it with integrity or honesty. I
would also like to indicate that it’s the supervisors
and the managers within the State Police that should
truly be held responsible as the road trooper out on
the road because they encourage troopers to go out
and produce numbers. And by ignoring what they did,
with the troopers did, they’re condoning it. And
every person who is a supervisor, a Sergeant First
Class, a Lieutenant or a Captain, was first a road
trooper. So he worked his way through the chain.
And he knows what occurs on the road and he has an
obligation and responsibility to the public. So they
should be held accountable as much as Justice
Verniero and as much as any other road trooper, they
should be held accountable.

SENATOR ROBERTSON: And, Sergeant Watkins,
you talked a few times about the problem of ghost
stops and obviously for anybody who’s trying to piece
together any sort of statistical picture, having
things exist outside the system is always going to be
a real problem. Do you have any thoughts on how to
avoid ghost stops?

SERGEANT WATKINS: I think the amount of
ghost stops have definitely reduced. One of the
things for ghost stops again go back to what the
Detective just stated, numbers. If you have or are
requesting a certain amount of numbers, the troopers
are out there going crazy trying to find these
numbers and they may go through the course of a night

stopping 20 cars. I mean that’s just unheard of.
That is ridiculous. The more they stop, the more
they have to document, the more they have to call in,
the more reports they have to do. So all of a
sudden, they start to turn into ghost stops.
I think the accountability, as far as what
it was years back, is much better, but it’s still not
there and there’s still nothing to monitor that it be
there.

SENATOR ROBERTSON: And -- but do you have
any ideas what could be put into place to avoid the
incidents of ghost stops?

SERGEANT WATKINS: Absolutely not. Because
the trooper is out there by himself and that’s where
it comes down to responsibility. There is no way to
know whether or not that trooper is doing it and all
you can do is enforce the fact. But one of the
things that’s going to stop it is when they take
enforcement action against the people that are doing
it. You can’t slap a guy in the -- there was
absolutely no reason to justify why a trooper would
stop a car, have the camera off or not call that stop
in. For his own safety. I was a road Sergeant. If
I caught one of my people doing that, I mean they
just knew that they would seriously
-- I would bring them up on charges. This guy could
be laying on the side of the road dead and I would
not be aware of that because he didn’t call in the
stop. I mean he has responsibility to his family
even if you impress it at that level.

SENATOR ROBERTSON: How many did you bring
up on charges?

SERGEANT WATKINS: I never had anyone even
think about that. I have a set of standards that I
have to live by and not only did I not allow that,
racial profiling, harassment, anything -- there was a
fine line there. The troopers knew what to do when
they worked for me. How to do the job. And they
respected me for that. And they did the job and I
never had any problem. A few things here and there,
nothing major. I know one thing I told them -- when
I got a new guy, I explained the rules and
regulations directly to him. And as a supervisor,
got that point across and let him know what was going
to happen if that occurred. It didn’t occur. The
problem is some supervisors are allowing that to
occur.

SENATOR ROBERTSON: Thank you.

Trooper, what are your thoughts with
respect to consent searches? That’s been the thing

that everybody has talked about as contributing to
racial profiling.

TROOPER LONGORIA: Well, quite frankly, I
think the consent search is probably an endangered
species right now. I heard something the other day
about actually putting numbers on there so they can
be tracked almost the way we would track summonses
and warnings. That’s probably a good idea because,
therefore, when a trooper goes to whatever station
he’s assigned to, he would sign out X amount of
consent searches and he would be responsible for
those. If he were to lose them, he would be
disciplined for those just the way you were
disciplined if you lose a summons. That would be a
way of tracking them. The problem I have with the
consent search is the way we almost hand them out
like candy to minorities and we try to sell them and
that’s a bitter pill for me to swallow.

SENATOR ROBERTSON: What do you mean by
“sell them”?

TROOPER LONGORIA: Well, Mr. Farmer
explained that there was a lower burden of proof with
respect to minorities as far as getting them to sign
one versus white motorists where the burden of proof
was actually probable cause.
SENATOR ROBERTSON: By “sell them” you mean convince them to agree to a search, is that what you’re saying?

TROOPER LONGORIA: Exactly. I mean I have a consent form right here and I’ll give it to the Committee. As a matter of fact, they come in Spanish and English. And if you were to read this to someone who had a bomb, a machine gun in their trunk, they’d have to be out of their mind to sign this. I mean who would sign this? In essence, you’re giving them permission to go in your trunk and arrest you.

SENATOR ROBERTSON: It does happen though.

TROOPER LONGORIA: That’s what I hear.

SENATOR ROBERTSON: And I’m sure you’ve run into a lot of really stupid criminals, but the question really is, do you think that the consent search as a police tool, given its problems, should be allowed to continue?

TROOPER LONGORIA: I think if it were numbered, sequential numbers where it could be tracked and closely monitored, I think it would stand a better chance than it does today. It almost seems like today it’s being selectively enforced.

SENATOR ROBERTSON: Detective, what are your thoughts on that?

DETECTIVE SOULIAS: I think in the purest aspect, a consent-to-search form was a very good tool when used correctly with honesty and integrity. But with most issues with the State Police, it becomes a malignant cancer which they abuse. And I think the fact is unfortunately the consent search has been abused and it’s been abused to such a degree I don’t know if you can ever truly convert back and use it for the sole purpose it was meant to be used for.

SENATOR ROBERTSON: Okay. Sergeant, what do you think?

SERGEANT WATKINS: Sir, one thing I have to bring out, the sequential numbering system was involved in this project for these type of reports that was going to be issued by dispatch. Now, it doesn’t go away. They’re locked into a number. If the report is not there at the end of the month, they’re responsible for it. And I have somewhat of a split decision. If the consent searches are used wisely, they are a good tool. But they’re not used wisely. I know that in my career on the street, I could probably count on one hand how many times I use the consent search. I probably -- I’d be surprised if there’s one or two involved. Ninety-nine percent
of the time you have probable cause or enough -- if
you need to get into the vehicle, there is probable
cause as far as a visual, you see something, you
smell something, people, believe it or not, leave
things sometimes in the wide open, that you have the
ability to get into the car. At times I have also
seen where there’s circumstances where you honestly
believe there’s something in the vehicle. I have had
this occasion on one time where I know I issued a
consent to search. I walked up and the person was
just beyond nervousness. Not a very routine car
stop. He might as well just handed me what he had in
the car. I didn’t have probable cause basically
other than his nervousness and at that time I had
over 12 years experience. I got him out of the
vehicle. Did get a consent search and there was
almost three pounds of marijuana right behind his
seat. So I mean that’s just one circumstance.

The problem is they are abused. We have to
face that fact. They’re abused and there has to be a
way either a supervisor to go to that stop if they’re
going to be continued and he be the one who oversees
and is responsible if they are used. They just can’t
be given out as the Trooper said, “like candy.” The
system definitely needs modification.

DETECTIVE SOULIAS: Sir, I would like to
indicate one thing. Initially, with the consent
search, you needed reasonable suspicion. And that’s
quite subjective. And I think unfortunately troopers
have interpreted reasonable suspicion as whenever
they want to use a consent search and it has become
like a toll ticket on the Turnpike. And that’s how
they’re handed out and it’s been abused.

SENATOR ROBERTSON: In those instances,
Trooper, with consent searches, you’re talking about
how someone might find themselves in the back of a
car having their pull-over called in while they’re
sitting there. What would be done, if anything, with
the consent search form at that point? Would they be
asked to sign a consent search form or would probable
cause be fabricated or what?

TROOPER LONGORIA: I’d rather not speculate
on that because now I don’t have any direct knowledge
on how exactly they would work that in. I’ve heard
how they would do it, but I’d rather leave it at
that.

SENATOR ROBERTSON: You mean you’ve heard
of the technique and I assume you can’t remember
where you heard it --

TROOPER LONGORIA: Well, no, I can remember
where I heard it.

SENATOR ROBERTSON: And the thing that
you’re alluding to now, has that been reported to
anybody at any point along the line?
TROOPER LONGORIA: It really wouldn’t
matter because those troopers are fired. They’re no
longer with the organization. But there was talk of
actually having people sign off on the consent form
as being a tool stating that we didn’t remove
anything from your car and this is basically a
release. Cute little techniques like that. Or
things like mixing the paperwork in with the other
paperwork at the station and having them sign off
that way.

SENATOR ROBERTSON: And Detective, when you
talked in your statement about the incidents
involving Detectives who were asked to change their
report, have those Detectives themselves given
testimony with respect to this?
DETECTIVE SOULIAS: No, they haven’t given
testimony, no.

SENATOR ROBERTSON: If they were sitting
here, would they tell the same story that you told or
are they backing off from that and --
DETECTIVE SOULIAS: No. They would tell,

yes, similar -- Detective Lubatazi specifically?
Yes, absolutely. Detective Galga? I don’t know.
They’ve been interviewed by State Police Affairs.

SENATOR ROBERTSON: And you just don’t know
what the status of the case is?
DETECTIVE SOULIAS: Correct. It’s still
pending.

SENATOR ROBERTSON: Okay. I have no
further questions.

SENATOR GORMLEY: Senator Girgenti.

SENATOR GIRGENTI: Thank you, Mr. Chairman.

Most of the questions I was going to ask
have been asked already but there are just a few
that, if I may, I’d like to.

Sergeant Watkins, I was looking at your
statement and maybe you can explain this a little
bit. You said what happened was identified in 1991
was that front-line supervision, road sergeants lost
span of control and when a man is going to lose span
of control, chaos can and almost did occur. Would
you expound on that a little bit? Explain what was
going on? Is this -- do you attribute this to
increased profiling or --

SERGEANT WATKINS: I attribute this to a
heightened amount that may have been going on. You
have supervisors that are condoning what’s going on, but you have good supervisors in the State Police, immediate supervisors, sergeants, that won’t condone that. I know, I was there. I would not condone that. But now you have a situation where you monitor what your people are doing on the road and that’s taken away from you. You don’t know who they’re stopping. If they’re doing searches. You don’t have any idea where they’re at or their accountability. So now, being one of the people who could actually monitor a problem, you no longer have control of that problem to even monitor.

SENATOR GIRGENTI: Okay. So then the other thing that I know Senator Furnari spoke about it a little bit, the area we’re on, I believe it was on Page -- I think it’s your fourth page, you’re saying that you’re going into this whole situation, you were advised that you did an outstanding job but the -- “But the people I turned in the evidence against were after my jugular. Three days later every document without -- personal belongings of mine were removed from my office at Buena Vista headquarters without my knowledge and this was an obvious attempt to remove the evidence from my possession. It was learned that an initial attempt was made to seize my documentation without anyone’s knowledge. How did you find this out or who told you about this situation?

SERGEANT WATKINS: I took some vacation time off because of what was being done to me. One of the young ladies, a trooper who works for me, called me at home on a Monday and asked if I had been in the office over the weekend, everything was missing. I proceeded to the office and everything was gone. Nine years of documentation. Everything. My personal belongings. And I have to make a note to that. There was documentation stored at Division headquarters also, including my personal notes. There was -- the contract called for repository. So there was no reason to get into my office. While I was in my office a sergeant came to me and said that he had received a very subversive phone call. He stated that someone had called down, asked where my office was located. Who had keys for the office. If there was combinations on the doors and basically stated how can I get in and out of that office without anybody knowing I was there. I found that hard to believe and he came back to me and told me that mysteriously that got transferred over to a 911 dispatch line and was recorded. So I had the ability to listen to that tape.
SENATOR GIRGENTI: Was that -- would you say that was standard operating procedure on something like that? Do they just go in and go through your belongings and everything without your - -

SERGEANT WATKINS: I would call that a breaking and entering, Senator, to be honest with you.

SENATOR GIRGENTI: And what did you do with that at that time after that occurred? Who did you go to with it?

SERGEANT WATKINS: I immediately told my supervisor because that was about the third thing that they had done to me just totally off the wall. And he advised me that the people now in charge had come to him with a game plan and he didn't agree with it, and they were going to be held responsible for their actions, but he had to let them do what he felt -- or what they felt they needed to do. No reason was given. I never got any return of the documentation. It was definitely to suppress any information I had that would aid in this contract.

SENATOR GIRGENTI: Thank you.

SERGEANT WATKINS: Thank you, sir.

SENATOR ZANE: Yeah. Just one last --

SENATOR GIRGENTI: Just one --

SENATOR GORMLEY: One more question and then --

SENATOR ZANE: Oh, I’m sorry.

SENATOR GIRGENTI: That’s all right. Yeah, I just -- for Trooper Longoria.

TROOPER LONGORIA: Yes, sir.

SENATOR GIRGENTI: Just very quickly. I know that you kind of touched on this already. You were talking about -- I think Senator Zane spoke to you about it, you were a target of retaliation. That was mentioned. I’ve heard that throughout from different people and you -- and I believe you gave some examples of retaliation. Was that -- did you feel that was the way things operated? Is that something that you’ve had to fear as an individual or -- that relationship with Sergeant Bellaran, for instance, you would be a target?

TROOPER LONGORIA: I think anyone who cries foul in this organization as to fear retaliation because it’s very real. Whether it be having your weapon taken from you. Whether it be transfers. Whether it be derogatory material placed in your mailbox. Whether it be getting a cold shoulder. It was to the point where people were very uncomfortable
around me and I’m sure you know the feeling when you walk into a room and there’s a full-blown conversation and you walk into that room and then it’s dead silence. They knew I wasn’t a player.

SENATOR GIRGENTI: And you felt that your relationship with Sergeant Bellaran was one of the reasons that you were a target?

TROOPER LONGORIA: That was absolutely one of the reasons. When I was on the Diesel Emissions Unit they were inquiring to see who was friends with Vincent Bellaran and at the time I took the bait and they had a pink envelope for me to deliver to his house. I did deliver that to his house and when he opened it up he said, “They got you.” He opened it up. He says, “I’ve had this letter before, this is nothing.”

SENATOR GIRGENTI: Just finally, in your statement on Page 5 you say, “My lawyer clearly made Lieutenant Colonel Fedorko aware of the racial profiling problem on the New Jersey Turnpike as well as the racist atmosphere within the Division and Lieutenant Colonel Fedorko refused to take my complaints seriously and allowed my transfer back to the New Jersey Turnpike to stand.” You were again being assigned to the same exact station. You believe this was a form of punishment?

TROOPER LONGORIA: It was absolutely a form of punishment. It was retaliatory. A way to discredit me and keep in mind once I got out onto that roadway, I could be taken care of. There’s enough SOP’s to sink the Titanic in this organization. So if they want to jam you up, they will jam you up. I wasn’t going to let that happen to me. I wasn’t going to let myself be hurt out there. And I wasn’t going to be involved in that kind of activity.

SENATOR GIRGENTI: So this, in your opinion, was definitely just a strict retaliation. This wasn’t a common occurrence to be moved back into this type of position from where you were? There was no other rationale for that move except the fact that you felt you were being penalized or punished?

TROOPER LONGORIA: That’s correct. However, this was a pattern of the ongoing retaliation and the heightened supervision and the multiple transfers and I advised you earlier that I was denied a Detective slot within the Narcotics Unit and keep in mind that I wasn’t even interviewed for the position after I submitted to it and I submitted a resume for it. Not only that, I was given a
commendation from my acting supervisor who says I was doing a fabulous job. Then they had the gall to call me back again for a second assignment and I took the bait and volunteered again and when I was down there another position opened up within the Intelligence Bureau which was comparable to that job. I didn’t get an interview for that job either and I was sent back to the road.

SENATOR GIRGENTI: Okay. Thank you very much.

Thank you.
SENATOR GORMLEY: Any other questions?
SENATOR ZANE: Yes.
SENATOR GORMLEY: One more question, Senator Zane?
SENATOR ZANE: Yeah. I would like to ask just one last question of each one of you. We’ve heard -- we heard yesterday in testimony from a State trooper about troopers carrying tools to enter vehicles. Were you all present and heard that?
TROOPER LONGORIA: I was present, yes, sir.
SENATOR ZANE: Okay. In your years with the State Police, have you seen troopers that are actually carrying tools to enter cars as was described yesterday?
TROOPER LONGORIA: I only saw tools being carried at the -- at my very first station which was Edison back in 1998 -- excuse me, 1988 and during my tour of the New Jersey Turnpike there was screwdrivers and other things I noticed in briefcases in the briefing room. One of the things that would be missing from the station from time to time were the door wedges that were used to hold the doors open and they would be used to actually put between the glass and the door which would expand the window and you’d be able to shine a flashlight and look in there to see if there was any contraband.
So in answer to your question, yes.
SENATOR ZANE: Trooper -- or Detective, yourself?
DETECTIVE SOULIAS: Yes. It wasn’t uncommon to see a screwdriver or a socket set inside a briefcase.
SENATOR ZANE: But did you know what it was going to be used for?
DETECTIVE SOULIAS: Yes.
SENATOR ZANE: What?
DETECTIVE SOULIAS: When they search a vehicle they could use that to remove panels for
concealment.

SENATOR ZANE: You wouldn’t know though, or did you know whether or not it was only used with a consent search?

DETECTIVE SOULIAS: I wouldn’t know that.

SENATOR ZANE: Wouldn’t know one way or another?

DETECTIVE SOULIAS: No, I wouldn’t know.

SENATOR ZANE: Trooper, would you?

TROOPER LONGORIA: No, sir. While I was out there I did see some hoods up during some of the ghost stops. I did see some hubcaps off. But I can’t tell you if they used tools or a consent search was being used at the time.

SENATOR ZANE: Trooper, yourself? Did you hear the testimony yesterday?

SERGEANT WATKINS: Yes, sir, I did.

SENATOR ZANE: Do you have any comment on it?

SERGEANT WATKINS: Well, yes. I’ve seen troopers carry tools before, screwdrivers and stuff, to aid in searches. Not as prevalent probably as other individuals. Most of my assignments were actually general police stations. I wasn’t on Turnpikes, highways and stuff like that. But it was common practice for the people on those toll roads to do that.

DETECTIVE SOULIAS: If evidence or contraband --

SENATOR ZANE: But would you know whether or not they were consent searches or not that they were used in? Would you know one way or another?

SERGEANT WATKINS: No, sir, I would not.

SENATOR ZANE: Okay. So they may have been used legitimately?

SERGEANT WATKINS: Yes.

SENATOR ZANE: Okay. And you don’t know of any examples of anybody using them illegally, is that correct?

SERGEANT WATKINS: No, sir, I do not.

DETECTIVE SOULIAS: No, sir.

TROOPER LONGORIA: I wouldn’t know. Like I said, I just -- only what I can tell you.

SENATOR ZANE: Okay. Thank you.

SENATOR GORMLEY: Thank you for your testimony.

SERGEANT WATKINS: Thank you, sir.

TROOPER LONGORIA: Thank you.

DETECTIVE SOULIAS: Thank you.

SENATOR GORMLEY: The next witness will be
Colonel Dunbar.

Colonel, you’ve been previously sworn.

COLONEL DUNBAR: Yes, sir.

SENATOR GORMLEY: Okay. Given the additional testimony we’ve had, we’d appreciate whatever additional comments, and maybe there’s some questions from the Committee, you might like to make at this time.

COLONEL CARSON DUNBAR: I didn’t hear you, Senator.

SENATOR GORMLEY: Given the additional testimony we’ve had since you’ve last testified, we’d afford you the opportunity to make any additional statements you might like to make at this time and then we’d open it to questions from the Committee.

COLONEL DUNBAR: I don’t have any prepared remarks. I just want to clarify a couple of things, Senator. In listening -- I mean today I’ve had somewhat of a luxury in the sense that I was able to be here and listen to some of the testimony and one of the things that comes up is the fact that of the timing sequence in that a lot of the things that I’ve heard go back, they go back extended periods of times. I’ve seen questions asked of people that I really don’t know how they’re capable of answering the questions. For example, the last panel, at least one of the members of the panel has not even worked one day under my tenure. They’ve been on sick leave for an extended period of time. So the procedures that they’re talking about, they certainly haven’t gone through the training. They haven’t gone through the issues that are involved. I’m sure that they have gotten information from associates and so on. I think it’s very important to keep a note the things that have occurred. As I’ve mentioned to you before, the history of this whole thing goes back to -- probably can go back to the seventies and certainly there is a problem across the board. Some of the things, for example, today, you know, I listened to Senator Bryant talk about the issues of the -- he specifically talked about the classes graduating. He said there were two classes that graduated so far that had two women. The reality was that there were, in fact, two classes, one of 37, one of 36. The one of 37 had six Hispanics and one woman. The one of -- the next class had four African-American and two Hispanics and one Asian, which comes up to between 20, 25 percent per class.

There was another issue that talked about -
- mention was made about the morale, that I said morale was low and I think what my statements have been is that I’ve often had to respond to issues of the morale being low and what I’ve consistently said, I’m more interested in trying to correct issues than worry specifically about morale. In the previous panel there was reference made I believe by Detective Soulias about the fact that he had asked to speak with me. I have an organization of almost 3,000 -- or 4,000 people and I get a lot of requests to come and speak with me and it’s not uncommon that unless there’s a specific reason that I would meet with individuals. Now, in the case of Detective Soulias, what occurred was he went as he indicated to the Attorney General’s Office -- it was actually the Division of Criminal Justice, with complaints about criminal -- possible criminal irregularities. And that case was subsequently transferred to the Office of State Police Affairs within the Attorney General’s Office and an investigation was being conducted. I did not believe it appropriate to interfere with an investigation that was being conducted that would and could touch on senior personnel within the Division. I believe that the investigation is going forward. I think that the allegations that he’s made are being looked at. But, you know, he’s quite correct, I chose not to meet with him and there were a number of individuals who also made a similar request.

One of the things I think that has to come out here is that there are a number of individuals -- well, first of all, personnel issues are not very easy. Since I’ve been in the State Police there are issues that come up with promotions. There have been some things that -- and I talked about this in my opening statement before, where personnel practices in some ways are almost more problematic than the racial profiling itself. You know, I can give you an instance of an individual who filed a grievance against the State Police and it went out to an arbitrator and, in fact, the arbitrator found in favor of the individual. And this pre-dated my arrival. And what had happened was is this individual was recommended -- was rated four times -- or three times and he was rated either number four -- number three or number four on this promotion. The fourth time that this happened they, in fact -- in fact, ten people were promoted and this individual now ended up being number 11. The individual inquired as to why he was number 11 and he was told it was the performance appraisal. Well, he never got
a performance appraisal that had anything negative in it. Subsequently, he did receive a performance appraisal in which there was negative information in it and that was the basis for his non-promotion and subsequently he was transferred to a station down in South Jersey. I would submit that that was inappropriate and in that particular case, we went back and we addressed it and that individual was retroactively promoted.

I had another situation where we -- and I just give these as examples. Where we have an individual -- well, we received a letter that this individual was not going about his duties the way he was supposed to. The individual was not reporting -- was not going to the work site. In fact, his neighbor, in the letter to the State Police, indicated, you know, why was this guy never going to work? We went out, we found out that the fact -- we found out, in fact, that that individual was not going to work on a regular basis. He was not going where he was supposed to be and disciplinary action was taken in that case and he was moved. Subsequently, that individual has filed a suit against us, you know, alleging wrongdoing.

There are a number of personnel issues that are coming out in these hearings. And I would submit that those personnel issues are very problematic and are very difficult to deal with. I also find myself -- and, quite frankly, this hearing to some degree is a blessing because it gives me some opportunity to bring some of that information forward.

I have said all along that we face some lawsuits. I think we have 40 or 50 lawsuits internally and in those lawsuits there is no doubt in my mind that we’re going to be found as an organization at fault. There are some things that occurred in the past that just, quite frankly, aren’t going to make it and I think when we go to court, in those cases that we go to court, it’s going to be very problematic.

There are some cases that I would not be opposed to addressing, but because they’re in a group, I don’t -- I’m not going to capitulate in that type of a setting.

But there are issues, and I’ve said it all along, there are issues within the State Police that are personnel related. There are things that have occurred -- and I know yesterday Sergeant Bellaran testified and I think actually Judge Cooper kind of actually put it in perspective when she -- in her
decision -- let me just...on Page 8 -- on Page 8 of
the Bellaran decision she stated, “Unfortunately,
there were egregious behaviors on each side at
various times. In sum, our analysis of evidence
reveal that each party bear the share of
responsibility for the sequence of negative events
which took place in the relevant time period.” And
what’s said there is that there was wrongdoing on
both parties’ parts. Unfortunately, when you have
some management issues or you have some managers that
take some actions that are inappropriate, the agency
gets left holding the bag. And those are the type of
things that we’re trying to address.

But what’s also unfortunate is I don’t
think that -- the people that I’ve heard speak so
far, rightfully or wrongfully, have pending civil
action for the most part against us as an
organization. I don’t know how objective they are.
You know, I can’t deny that there are problems and
I’ve said that all along. But I don’t know whether
it’s quite as one-sided as the picture has been
painted. And as I said when I spoke before, you
know, this is no short-term project. You know,
people are looking at the end of a quarter and a half
of a football game for absolute answers and this was

a -- these problems that we face, both internally and
externally, are problems that go back -- really, you
could go back to 1961 when Paul Mackinaw was the
first African-American trooper hired and, you know,
Mr. Mackinaw went through quite a bit and, you know,
quite frankly, it wasn’t the easiest thing in the
world when I became a trooper. And I pre-date most
of the individuals that have testified.

But the flip side of this is also the fact
that there is a certain amount of litigation taking
place through testimony and some of the issues that
we’re talking about here, some of the testimony, the
place that that’s going to be addressed I think
specifically will be in a court of law or in those
cases where there is no defense, through -- and in a
court of law I think all the facts can come out and
can paint a more accurate picture than has been
painted here.

I’m prepared to answer any additional
questions that you have.

SENATOR GORMLEY: Senator Zane.
SENATOR ZANE: Yeah. Just so the record is
clear. This morning I heard on the combination
TV/Radio show that you were being summoned to return
to our Committee because we were going to probe you
as a racial profiler. And I just want to make it very clear why I asked yesterday for you to return. You and I had a conversation by phone the day before or over the weekend, I guess, early part of the weekend, and you indicated at that time that there were several issues that you had addressed that you would like to address even further and you thought there would be other questions from the Committee. Correct?

COLONEL DUNBAR: Yes. But I said that I was surprised that --

SENATOR ZANE: That you weren’t asked more questions.

COLONEL DUNBAR: Correct.

SENATOR ZANE: Yeah. And I mentioned that to Senator Robertson and he indicated he had a similar conversation with you. So no one brought you back here -- when I asked Senator Gormley --

COLONEL DUNBAR: I was not -- I was not summoned back here at all. Listen, you know, one of the things --

SENATOR ZANE: I just don’t want -- I just don’t want that out in the media that you’re back here --

COLONEL DUNBAR: No, no. One of the things I think that’s important --

SENATOR ZANE: -- because we think that you are a profiler. Let me get to one of the things we talked about. You wanted to talk more about the Troop D audit, am I correct?

COLONEL DUNBAR: Right.

SENATOR ZANE: Would you tell us what you wanted to tell us that you didn’t get to say the other day?

COLONEL DUNBAR: Well, if you want to ask me questions about it, I’ll be more than happy to try to address --

SENATOR ZANE: Well, I said -- I said to you the other day, if you wanted to give me the questions or give me an idea of what you wanted, I’d be more than glad to do it. You were uncomfortable with that. I would like to know -- I don’t know how else to ask it other than whatever it was about the Troop D audit that you felt needed further clarification, I’d like you to clarify that for us.

COLONEL DUNBAR: There’s been a lot of -- there’s been a lot of questions about the Troop D audit. In fact, you know, when I took this job, you know, I assumed that the Troop D audit was going to
be this very, very negative document and by the standards of what I’ve seen, it is not as bad as some people would paint it to be. I mean it’s very negative in the sense that it goes back to something really -- it’s not as bad in the sense that it’s very similar to other things that I’ve seen and that is, you know, lack of appropriate reporting. There have been questions that were asked, for example, about the ten -- the ten cases. Two of which were indicted. One -- one I sent back or asked to be sent back to have the Division of Criminal Justice take a look at it because of concerns that I had and my understanding is that that’s in the process of being sent back and there is not sufficient information there for any type of criminal action. And also in that particular case, the individual that’s involved has been on long-term sick leave and we have not had an opportunity to interview him. Three other individuals I reviewed their cases. The cases are complete and charges have been brought against those individuals. And the remaining cases, there are -- it’s not a fun turn in the State Police, but those cases were delayed because of the fact that we have spin-off investigations where other people were identified having involvement with those individuals so they need to be interviewed.

In addition, the other cases that are left, they range the gamut from cases where you have some individuals who just did not call in some stops. You have some individuals who have had errors in reporting. You have some individuals whose patrol charts don’t reflect what’s on the radio logs in the station. A lot of administrative errors that in themselves, you know, are a problem because they’re official documents, but by themselves they don’t prove a whole bunch. I mean I would submit that in most of those cases some kind of disciplinary action is going to be taken, but certainly not the same type that were found in the ten cases that were referred to before.

Another thing which is it goes along on the same lines, and I think I need to stress this again, I always get asked this question about racial profiling and the cases that involve racial profiling and I’ve said, and I continue to say, that one of the big problems with racial profiling itself is you have to be able to prove the intent of the individual. You know, if this -- I think, Senator Zane, you or Senator Robertson asked me the question, “What could the Legislature do?” If you want to give me the
power to just summarily fire 20 people, I think I could change things erratically, but the --

SENATOR ZANE: How do you mean?

COLONEL DUNBAR: Just summarily -- in other words, where I could just walk up to somebody and say you’re fired. No union grievances. No regulations. No due course. That I’m dissatisfied with your service. You know, like if you’re in private industry, I don’t like the way that you’ve done things. But that’s not the system --

SENATOR ZANE: How would that change things if you had the power?

COLONEL DUNBAR: How do we change -- because first of all, what would happen would be that whatever we do would not be drawn -- a long, drawn-out process where I could really do what I think has to, you know, do -- let me see how I can phrase this. There are, you know, for example, I can think of one individual right off the top who is extremely disruptive. Does not want to work. Presents some unique personnel challenges to the State Police. I think that in that particular case, if you could eliminate that particular individual, I think a message would be sent to everybody else that this is what happens.

SENATOR ZANE: Do you suspect that person of being a profiler?

COLONEL DUNBAR: Well, this person, probably not, because he doesn’t do any work at all. (Laughter)

COLONEL DUNBAR: You know, that’s the reality of it. But this particular person doesn’t do anything and, you know, because he doesn’t, you know, there’s just -- there is no track record. But I --

SENATOR ZANE: Would the 20 -- let me just interrupt you for one second. But would the 20 be something at random that you have particular people among the 4,000 or would it be management?

COLONEL DUNBAR: It could be --

SENATOR ZANE: Would it be management at a certain level?

COLONEL DUNBAR: It could be -- it could be anybody. And just for the record, since I’ve taken this job, I’ve recommended discipline pretty much all the way up the ranks, because I reviewed cases of people that are here now and gone and I’ve recommended discipline all the way up the ranks. Now, in some cases because people have gone, I can’t, you know, there’s no discipline that I can take, but it’s there. There has been some discussion before
about having a monitor to -- a federal monitor to review Internal Affairs or to oversee Internal Affairs. We have a federal monitor now and, you know, I certainly would have no objection to that federal monitor briefing this Committee as to what they’re finding in our Internal Affairs cases and I would submit that the cases that I’ve seen had been handled appropriately. They’re handled fairly. They’re handled appropriately. And there is a different standard than there was. There’s no doubt in my mind about that.

We’re mixing a lot of things that I think that occurred prior to my tenure with what has happened now. But I also don’t want to lose the point that I said before about racial profiling and disciplinary action. Look, when you -- when you take an action, it has to be based on something. It has to be defendable. Every decision that I make can be reviewed by an arbitrator or it can be reviewed by the Appellate Division. So there has to be some rule of law or some -- and we operate under a preponderance of evidence. If an individual tells you that they did not do something, if you don’t have the proof or the preponderance of evidence to show that they did that,

you’re very hard-pressed to prove that. On the other hand, a lot of times where you suspect a problem, you find a corresponding issue of individuals who have not followed or have violated policy. And if that’s the case, that’s what you -- that’s what you end up finding the person guilty of. And people are looking specifically for a finding of racial profiling. Unless you have strong documented evidence or testimony thereto, or a history, it’s very difficult to do that.

SENATOR ZANE: You indicated that there are about 40 to 50 suits internally, is that correct?
COLONEL DUNBAR: Um-hmm.
SENATOR ZANE: And by that did you mean that there are 40 to 50 employees within the State Police that have brought suit against the State Police?
COLONEL DUNBAR: At least, right.
SENATOR ZANE: And how many of those suits are related one way or another to racial profiling?
COLONEL DUNBAR: Not so much racial profiling. There’s issues of race, sex -- sexual discrimination, harassment.
SENATOR ZANE: Civil rights then.
COLONEL DUNBAR: Most of them.
SENATOR ZANE: Most of them.
COLONEL DUNBAR: Yes.
SENATOR ZANE: Related to civil rights.
COLONEL DUNBAR: And, you know, we talked about promotions before. The issue was brought up about promotions. It’s interesting to me that, you know, I’m being sued on both ends. I’m being sued by white males who say the only way you can get promoted is if you’re a female or a minority and I’m being sued by minorities for the opposite. So to me that kind of strikes a balance that, you know, nobody’s really happy and, you know --
SENATOR ZANE: Do you have any idea how many suits have been brought by motorists?
COLONEL DUNBAR: By motorists. No, I don’t, but there’s quite a few.
SENATOR ZANE: More than 40 or 50?
COLONEL DUNBAR: You know, Senator, I don’t know the answer to that but I would not be surprised. I mean there’s -- I know there’s been movements to have class action suits and so on which would certainly include a lot more cases like that. As I mentioned in my testimony before, in the Internal Affairs arena, out of 560, 580 cases, probably 420 are from outside the organization.

SENATOR ZANE: Just one last question on the Troop D audit. That audit was never completed, was it?
COLONEL DUNBAR: It what sense?
SENATOR ZANE: It was never completed.
COLONEL DUNBAR: You mean what you’re saying is that it was halted --
SENATOR ZANE: Correct.
COLONEL DUNBAR: -- back in May of I guess ‘98 or ‘99? Yeah.
SENATOR ZANE: Correct. By the Attorney General’s Office or from within the State Police.
COLONEL DUNBAR: Well, my information is the same as yours, that the decision was made to not go any further.
SENATOR ZANE: Was there anything else that you wanted to add to that?
COLONEL DUNBAR: No.
SENATOR ZANE: I really don’t have any other questions.
SENATOR GORMLEY: Senator Robertson.
SENATOR ROBERTSON: Thank you, Mr. Chairman.
GOOD AFTERNOON, SUPERINTENDENT.
ARE THERE ANY OPPORTUNITIES FOR AVERAGE
troopers to be able to speak off the record with any
form of independent body?

COLONEL DUNBAR: Yes, there is.
SENATOR ROBERTSON: So that management can
assess what’s going on out there on a no-name basis?

COLONEL DUNBAR: Yes, there is. When I
took the job, one of the things that I did was I
created the Office of Ombudsman. And the Office of
Ombudsman has an office down the hall from mine.
It’s an office that you can call and what we try to
do is we try to find out what people -- what we say
is we can’t promise you the answer that you want, but
we’ll get you an answer. And in some cases, in a
number of cases now, the Ombudsman can directly go to
another command and find out why something happened.
What caused something to take place. In the case of
the Soulias matter, he came to me and he said that,
you know, there was a request to come and talk to you
and I did some checking and I found out there were
cases being worked by the Attorney General’s Office
and I said, you know, call back and just advised him
that I’m not interested in talking to him because
there is an investigation that is ongoing. But there
have been some cases in which information has been
brought to the Ombudsman and I’ve elected to speak to

individuals. There are other cases where I don’t
think it’s appropriate, I don’t think it’s good
management, and I don’t. But at least I know what
the concerns are and what the issues are.

SENATOR ROBERTSON: When a trooper leaves
the Department, is an exit interview done?

COLONEL DUNBAR: Yes, it is.

SENATOR ROBERTSON: Are there questions on
the exit interview that deal with the issue of racial
profiling?

COLONEL DUNBAR: I don’t believe so. I’m
pretty sure there aren’t.

SENATOR ROBERTSON: How do you assess being
in upper management, in upper leadership, how do you
assess what is going on out on the side of the road?

COLONEL DUNBAR: You know, I think -- I
think things have changed. I think that things have
gotten a lot tighter. The -- you know, Sergeant
Watkins talked about the CAD system and they talked
about, you know, people not calling stuff in and so
on, I know when I arrived that was still going on. I
know when I arrived there were people still playing
with the -- not turning on the overhead lights. And,
you know, you can -- you can actually activate the
camera in a car without turning on the overhead
lights. You can activate it manually for security reasons, you know, you don’t have to have the overheads on. There were people, for example, when I first came on --

SENATOR ROBERTSON: Well, not to interrupt you, but how do you assess what’s going on?

COLONEL DUNBAR: How do I assess --

SENATOR ROBERTSON: As the Colonel, how do you -- what information do you rely on to give you an idea of what’s going on out there?

COLONEL DUNBAR: I take a look at -- I look at every complaint that comes in. I look at -- I talk to people. I look at every complaint that comes in. I look at what I see happen. You can -- you can get a feel for what’s going on. The fact that a lot of people are not necessarily happy that things have been tightened up. Another big thing is that radio traffic, I spend an average of three hours a day in a car, if not more, and that entire time I listen to radio traffic and I could tell you that there is a significant change on radio traffic now than when I first came in. That the calls are going in. The race of individuals are being called in as is appropriate. It’s not all uncommon that if a radio call goes out and there is not a response, for example, to an alarm or something, where I’ll call the station or I’ll call Field Operations and find out why was there no response that took place. So that that three hours a day of monitoring the radios gives me some assurance that things are being followed.

SENATOR ROBERTSON: I read in the paper, I guess it was in yesterday’s paper, there were reports about the extent to which New Jersey had not complied with certain time lines in the federal consent decree in terms of producing reports. Could you explain that and explain why we couldn’t make those time lines?

COLONEL DUNBAR: Well, you know, I think if you read that whole article the federal Monitor, Mr. Ginger, said pointedly that they have gotten everything that they want. We are one year -- well, we’re about one year and three months into a five-year monitorship. The numbers that I saw were that we’re in 92 percent compliance with phase one and 54 percent compliance with phase two. And we have to go with phase two compliance. Now, if you look at the fact that we’re one month -- one year and three months into the monitorship, that we’re that far ahead, I don’t think that is a bad record. We have
complied, I believe, with everything -- not only with
the rule, but also with the spirit of the Monitor.
There was some discussion before about, you know,
outside prosecutors and whatever. I’ve opened up the
doors completely to the Office of State Police
Affairs. They have the same access that I have to
almost everything that we have in the Attorney
General’s Office and plus when a Monitor comes in, we
don’t tell them what to look for, they go out and
they look at it. You know, somebody talked before
about -- one of the people that testified before
talked about, you know, you got to be a leader, you
got to do this, you got to, you know -- well, the
reality of it is is that the way we’re going to get
back our credibility is by having basically
independent people look at what we do and verify that
we are, in fact, doing that. And that’s what’s
happening.

SENATOR ROBERTSON: Well, with the consent
search data, for instance, I think that was one of
the areas that the reports had not yet been completed
and yet we heard from Attorney General Farmer last
week that there were approximately 271 consent
searches done on the Turnpike last year. Why
couldn’t 271 searches be cross-tabulated, number one,
in a timely fashion for the Department of Justice?
And, number two, at any time prior to the initiation
of these hearings and --

COLONEL DUNBAR: Well, I guess the question
I have is that I don’t know where the Department of
Justice has asked for that data and didn’t get it. I
mean that’s, you know --

SENATOR ROBERTSON: So that may not be the
data that they were referring to.

COLONEL DUNBAR: No. And one thing is that
what they’re asking, in fact, again, Mr. Ginger is
the person who gets most of the documentation and he,
in fact, has gotten the documentation that he’s
wanted.

SENATOR ROBERTSON: You indicated before,
“If you gave me the power to summarily fire 20
people, you could make changes.” Now, when you say
that --

COLONEL DUNBAR: No, no. What I -- I think
what I said, and if I didn’t say it correctly then I
stand corrected, you know, I could make changes a lot
quicker than changes that are taking place now.

SENATOR ROBERTSON: Sure. And I understand
generally what you mean, but I do want to program
this a little bit. When you say that and you say 20
people, are you saying it in sort of a general
management sense or are you saying, I’ve identified
somewhere in the area of 20 troublesome people that --

COLONEL DUNBAR: No.

SENATOR ROBERTSON: -- may be at the heart
of something systemic here within the Department?

COLONEL DUNBAR: I believe if I had that
ability, I would never have to fire 20 people. I
think by the time I got to eight or nine, that the
problems would kind of dissipate.

You know, this whole thing, like I said, is
very interesting to me in a sense that we have built
into our systems so many protections. I mean to be a
manager can be very frustrating. You know, it’s
interesting to watch what people that sit here what
they think can be done and I think even to some
degree what the Committee thinks can be done. The
reality of the real world is that the real world is
it’s a bureaucracy. Everything you do has to be
justified. You’ve got, you know, cross your T’s, dot
your I’s. And that’s why -- that’s why I say that if
I didn’t have any of that and I could just say this
is what’s going to happen, it would be, you know, a
lot different. It just would be much more simple.

SENATOR ROBERTSON: Well, we had an
interesting dialogue the last time that you were here
and we were talking about why some of the consent
search numbers looked the way they did. The find
rates versus the suspicion rate and so forth. And
you talked about the problems of perceptions and I
agree with that because it’s been my experience in
dealing with troopers that they’re good people and
that they want to do their job and that they try to
do the best job that they can and the job for which
they were trained, but I will also note that we’re
being told by folks that there is something systemic
within the Department. That there is a deep-seated,
for lack of a better word, I’ll say racism. That
there’s a deep-seated race consciousness/racism
within the Department that needs somehow to be dealt
with that goes beyond what numbers suggest. And
while we can talk about how to approach the question
of the numbers, how do you think we should be
approaching the question of the deep-seated -- if, in
fact, you feel that that’s there?

COLONEL DUNBAR: Well --

SENATOR ROBERTSON: And maybe that should
be the first question, do you feel that that’s there?

COLONEL DUNBAR: I think -- I think that
there are problems. There’s no doubt in my mind. That’s why I said, when I said to you before that I think that some of the civil suits that we have internally we’re going to lose. You know, I just can’t defend, you know, some of the actions that took place. For example, in the year -- in the 1990s, and this comes out of the Bellaran suit, in the 1990s to have people testify that a station was referred to as Coon Town or Coonfield, is just not defendable. Even during my tenure I can tell you that people have -- people have made comments that just are not acceptable. And if those comments come from a management official, it’s even more not acceptable. Because then it just kind of really skews things tremendously. If you think that there’s anything here in the State Police that, you know, that isn’t in society, that isn’t in other law enforcement agencies, I think you’re mistaken. But what happens is -- you know, one of the --

 SENATOR ROBERTSON: But nobody -- but nobody else in society has the right to pull me over.

 COLONEL DUNBAR: Well, in a sense -- well, you know, is, you know, listen, whether you’re being pulled over or whether you’re being discriminated in some other matter, I mean it doesn’t really make that much difference. At least it doesn’t to me. You know, what the difficult part about this is, and I’ve heard comments about consent decrees and consent searches and adding numerical data to them and you know what the bottom line is? The bottom line is is that if we can’t be assured of the integrity of the people that are working that, you know, we can keep building systems and building systems and building systems, but the numbers alone, for example, the number in consent forms alone is not going to be a sure-fire way of resolving consent search issues. I mean at some point the integrity of the individual as a group, the integrity of the organization, and as somebody once put it, is that we’re spending a lot of time just teaching people just to do the right things.

 SENATOR ROBERTSON: Well, I think that’s what some of the previous witnesses have been saying as well.

 You talked before about it wouldn’t take actually 20 terminations before you’d make your point. When you got up to six or eight people would start getting the message. You also mentioned that we’re involved in a number of lawsuits, some of which you think we’re going to lose. Do you foresee that
any action is going to be taken personnel-wise with
respect to those who might be behind --

COLONEL DUNBAR: Well, it is being taken, one. If you look at a lot of the lawsuits that we
have, if you look at the names, they are all people
that have gone. Some people are still around. You
know, that’s why I said that just because a person
files a lawsuit, doesn’t mean that there is, in fact, a --

SENATOR ROBERTSON: I’m talking about the
ones you think you’re going to lose.

COLONEL DUNBAR: About the ones we’re going
to -- well, fortunately --

SENATOR ROBERTSON: And I’m not asking you
to identify them.

COLONEL DUNBAR: -- or --I mean they’re
public documents, but fortunately or unfortunately
most of the people in those documents are gone.

SENATOR ROBERTSON: And finally, when you
talk about Internal Affairs investigations and
complaints that are made, whether it’s by the
troopers or by members of the public -- gee, this is
a hard question to be able to answer, I’m sure, but
give me an idea of the typical time line we keep
hearing from folks who say that, you know, that --

COLONEL DUNBAR: A long time. A long time.

SENATOR ROBERTSON: Why is that?

COLONEL DUNBAR: It’s a number of issues.
One is is that -- and again, it goes back to
procedures. You know, we have a very cumbersome -- a
complaint comes in, you identify the principals that
are involved. You go out and you do your
investigations. Your investigations have to be all
typed up. Once they’re typed up, then a
determination is made whether there’s -- the
allegations are substantiated or not substantiated.
Then generally I review the case. Then it goes back
for legal sufficiency. Then if there’s legal
sufficiency, we present the charges. The person has
an opportunity to file discovery and look at the
file, look at the information. If they choose to go
to a hearing, we then have a hearing date. And
sometimes we’re doing the investigations or spin-offs
and we have to go out and find other people and
interview those individuals. I mean they become
long, drawn-out processes.

But, Senator, I would also note to you that
the time frame here isn’t really that much different
in other law enforcement agencies. I mean these end
up becoming complex investigations. And the more
complex, the longer it takes. I’ve seen cases since
-- I’ve adjudicated cases that started in 1996, 1997
during my time, and I came November of ’99.
SENATOR ROBERTSON: I have no other
questions.
SENATOR GORMLEY: Okay. Senator Girgenti.
SENATOR GIRGENTI: Thank you, Mr. Chairman.
Just a few questions, Colonel.
I think one of the major results we’d like
to achieve by these hearings, you know, that we’ve
heard is an end to court battles involving our
troopers. Are you attempting to settle matters such
as Bellaran, or are you just relying on court
decisions?
COLONEL DUNBAR: Well, Bellaran -- Bellaran
is pretty much settled. The other -- there are some
cases, in fact, that we have -- we have settled. But
what I’m hit, for example, with a nine or $10 million
lawsuit and I don’t believe that there’s
justification on all of the parties, I have a problem
with that. I have just -- you know, you talk about,
you know, troopers being hit with suits and so on. I
think part of my responsibility is to look at it and
I’ve indicated to the Attorney General’s Office in
some of those cases I would like very much to settle
the cases and just get it over with. But I’m not
going to just write blank checks to people or
recommend that we write blank checks to people where
I think that there’s some wrongdoing.
SENATOR GIRGENTI: We have trends that we
continue to see on the Turnpike which must be ended
in the short term. Now, I know we need, as you
discussed, an overhaul of the culture in the State
Police. I think you stated that prior in your prior
testimony. But judging by what we’ve seen and heard,
something must be done to assure that the
constitutional rights of motorists must be protected
today. Do you know feel that this is possible or do
you feel that this can be done? Because it seems
like this is an ongoing problem and --
COLONEL DUNBAR: You know, again, I think
what you have to do is you have to take a look at
where we were and where we are today and I would
submit we’re a lot better off today than we were
before. That things are, in fact, getting better. I
don’t know, Senator, what your expectations were.
That your expectations were that we would just, you
know, come in and just say okay, we think it’s fine.
That’s just not the real world.
SENATOR GIRGENTI: Well, no, but are we
seeing improvement? I mean --

COLONEL DUNBAR: I believe we are.

SENATOR GIRGENTI: And what demonstrates that?

COLONEL DUNBAR: What demonstrates that? As I mentioned to you before, in monitoring what people are doing, one of the things that -- I think one of the solid things is that when the Monitor was here the last time, they went to stations and randomly pulled videotapes. They randomly pulled reports and they were pretty much pleased with what they found. Are there still problems out there? I think absolutely. But I also believe that, you know, just like you’re hearing from a group of individuals that have all decided to take some kind of litigation against the State Police, I don’t believe they speak for the entire organization. I think that they’re -- I think that once again the solid majority are the people out there doing their work every single day. They probably never even really engage in some of these practices, and they’re the ones that are being overlooked.

SENATOR GIRGENTI: Have you -- I know you have been following these hearings. We had testimony yesterday from a couple who went to file a complaint against a trooper and they testified that they were given a Post-It Note to write their complaint on at the barracks desk. Eventually after objecting to the Post-It Note, they were given a legal pad. This isn’t a normal procedure, is it? I mean --

COLONEL DUNBAR: Well, in fact, that particular case led me, Senator, to personally creating the three-part form which is now mandatorily placed in every State Police facility, along with a public poster that tells you what our 1-800 line number is. That same form has to be carried by troopers. We designed a little brochure to tell you what your rights are, that has your telephone number on it. Out of that particular case and the fact that that person went into a station and did not -- allegedly was not given paper and pen, that is now on our inspection list and whenever we go to a station, not only our stations, but every State Police facility has to have those forms and they’re both in English and Spanish so that we don’t run into that kind of a problem. And it says right on there that you could either give -- turn the form in or you can send the form. You keep a copy and if nobody contacts you within ten days, it tells you where to call. So hopefully that issue will no longer be a
SENATOR GIRGENTI: But it took -- I mean it just was implemented recently and to that point in time there was really --

COLONEL DUNBAR: That was -- that was implemented within about a month or two -- maybe three months after my -- that incident you’re talking about I think happened maybe three -- three years ago. See, that’s one of the things that I think is -- I can’t dispute a lot of those things that happened --

SENATOR GIRGENTI: No, I understand.

COLONEL DUNBAR: -- but, you know, I don’t want to say they didn’t happen on my watch, but they didn’t happen on my watch. I have enough that I’m responsible for.

SENATOR GIRGENTI: Well, in you sense you said that as a result of that, under your directions there was a positive change here in terms of the future.

COLONEL DUNBAR: I think there have been a lot of positive changes similar to that that -- you know, if you take a look at availability, as I’ve said, we’ve gone from 233 -- 238 Internal Affairs complaints in 1998 to almost 600 last year.

SENATOR GIRGENTI: So now the procedure on a complaint, once received, how is that handled now? It’s -- you have this form that you’re using and --

COLONEL DUNBAR: Well, it depends on where the -- the complaint can be called in to the 1-800 number which didn’t exist before. It can be -- it can be called in to Internal Affairs off of a -- you know, without a 1-800 number. All of those calls are tape recorded now which didn’t happen before. If an individual walks into a station and wants to make a complaint, they’re supposed to be given that form. They keep a copy of the form so that there’s no question that somebody, you know, did not appropriately do that. And I think there’s been three or four cases in which I’ve issued disciplinary action for people not taking complaints the way they’re supposed to take in a station.

SENATOR GIRGENTI: What would be the disciplinary action?

COLONEL DUNBAR: It could be anything from a written warning, to a letter of reprimand, to a suspension. It would depend on what happens. It depends on whether it’s poor judgment or whether the person was trying to conceal the fact that somebody filed a complaint. I can think of one right off the
top of my head which is a good and it’s a negative.

It was -- it was a person went in and filed a

complaint and the Sergeant did not take the

complaint. However, the assistant station commander
came in and did a review of all the activity that had
taken place off of the computer system and saw that
somebody came in and filed a complaint and it was not
forwarded and that person took corrective action.

That’s what you want to have happen. That if
somebody misses it, the next line supervisor picks it
up and carries it forward. And that to me was a

very, very positive thing to see happen.

SENATOR GIRGENTI: All right. Now, also in
the testimony yesterday we were -- we saw a

videotape. I don’t know if you’re familiar with

that.

COLONEL DUNBAR: I didn’t see that.

SENATOR GIRGENTI: All right. I don’t know
if you’re aware of it, it was a trooper actually
positioned the -- positioned the person in front of
the camera --

COLONEL DUNBAR: Right.

SENATOR GIRGENTI: -- so that, you know,

they couldn’t see what was being done by the car.

What happens on something like this now? If

something like this occurs, does this come to your
attention? What is the procedure?

COLONEL DUNBAR: There’s a couple of --

look, there are no -- there are no absolutes. The

supervisors have to do a certain amount of checks,
random checks of videotapes. There is a problem with
that. And one of the problems with that is that the

supervisor -- if the supervisor’s own perception of
what should be is kind of skewed, you could run into
a problem. And we’ve had that problem. But the

supervisor is supposed to do a random check. When a
Monitor comes in, they do a random check. When the
inspection people come in from Division headquarters,
they do a random check. You could escape, because of
the number -- I can’t have, you know, 1,700 troopers
out on the road and 1,700 people watching the tapes.
So we do it based on a random basis.

Now, the other thing that happens is
whenever we get a complaint, the first thing we look
for is a videocamera. And we get the videotape and
then we examine that tape and then we go from there.

SENATOR GIRGENTI: And I take it in a

situation similar to that if that came to your
attention you would look for a pattern, if this was
done --
COLONEL DUNBAR: Well, it depends on -- it depends on first of all, I’d have to establish what he did was wrong and I’d have to take a look at the totality of what occurred.

SENATOR GIRGENTI: Well, how much do you personally get involved in something like this?

COLONEL DUNBAR: How much do I --

SENATOR GIRGENTI: Yeah. I mean there’s so many incidents. Does the --

COLONEL DUNBAR: Whenever there’s -- so far -- so far, painfully so, to whatever Internal Affairs -- if there’s an Internal Affairs investigation that goes to the part of -- or the investigation is conducted, we either do not substantiate or substantiate the allegation, I look at it.

SENATOR GIRGENTI: And my final question, and we heard from in the past the AG and I think you may have said it, we used the terminology that there are a few bad apples and I think you were talking about a certain number that you would like to see off the picture or out of the picture, yet we heard from the Black and Latino Caucus today and we’ve heard from a number of troopers that testified before us, that this is a systemic-wide problem. Your feelings on it, would you label it just a few individuals or is this a systemic problem that’s beyond a few and it’s the whole culture here that has to be changed?

COLONEL DUNBAR: You know, I think I’ve said all along that the biggest challenge that I have is changing culture. And, you know, again, Senator, what you’re saying is degrees of what people do. And I tend to look at things in the sense of it’s easy to deal with somebody who sets out to violate people’s rights. It’s a little bit more difficult if somebody is doing something and they don’t know what they’re doing or they don’t understand what they’re doing. It’s a cultural -- it’s a cultural thing within law enforcement. You know, I know there’s been a lot of discussion about consent decrees -- I mean not consent -- about consent searches. And, you know, if the people of the State say we don’t have consent -- we don’t have consent searches, I don’t really have a lot of heartburn with that. But as a law enforcement official, I know we’ve lost a tool and, you know, and I use this as an example. If someone is stopped on the Turnpike or on an Interstate and they’re doing 85, 90 miles an hour and the trooper walks up and the trooper is suspicious or he has reasonable suspicion or whatever but he does not have the basis of probable cause and he doesn’t make an inquiry, and
then later on that vehicle is found to be involved in
a bombing or something like that, are we then going
to be asked to explain ourselves, why we didn’t go
further? You know, those are decisions really that I
think are not simplistic issues. I sincerely believe
that if you don’t have the courage to walk away when
you don’t have reasonable suspicion or probable
cause, that you’re doing the wrong thing and that’s
the thing that I’ve preached day-in and day-out since
I’ve been here.

SENATOR GIRGENTI: Okay. Thank you,
Colonel.

SENATOR GORMLEY: We’ll --
SENATOR MATHEUSSEN: Mr. Chairman, I just
have one quick question.
Colonel, thank you for coming back. I had
a question for you. A lot of disturbing testimony in
the last two days regarding racism, if you would, and
racial profiling within the State Police. You were a
trooper for four years, I believe?

COLONEL DUNBAR: Um-hmm. Yes.

SENATOR MATHEUSSEN: Give us the time
frame, if you would.

COLONEL DUNBAR: ‘73 to ‘77.

SENATOR MATHEUSSEN: And in those years was

there evidence that -- you were a road trooper, were
you not?

COLONEL DUNBAR: Yes.

SENATOR MATHEUSSEN: Was there evidence of
profiling going on back in those days?

COLONEL DUNBAR: In fact, there were quite
a few articles in the paper at that time. That time
it included long-haired individuals. I mean that was
the primary target at that time.

SENATOR MATHEUSSEN: So necessarily it
wasn’t racial profiling, it was profiling of a
different kind.

COLONEL DUNBAR: Yes, it was.

SENATOR MATHEUSSEN: And that was being
practiced and were your supervisors instructing you
on how to go about doing it?

COLONEL DUNBAR: No. In fact --

SENATOR MATHEUSSEN: How did you learn the
practice then?

COLONEL DUNBAR: Pardon me?

SENATOR MATHEUSSEN: How did you learn the
practice?

COLONEL DUNBAR: How did I learn the
practice? I didn’t practice it.

SENATOR MATHEUSSEN: Well, how did you
learn of it though?

COLONEL DUNBAR: You know, there were individuals who had inordinate amount of arrests and
the people that they arrested appeared to be very similar in clothing or how they conducted themselves.

SENATOR MATHEUSSEN: And racism?

COLONEL DUNBAR: You know -- you know, I could tell you my own personal stories. You know
racism is an ugly thing in our society, it’s there. It was there when I got there. And I don’t think it’s left yet.

SENATOR MATHEUSSEN: But it’s also prevalent throughout our entire society not --

COLONEL DUNBAR: Absolutely. I mean that’s --

SENATOR MATHEUSSEN: It’s not just systemic from the State Police.

COLONEL DUNBAR: No, no. And it’s not. And, you know, and again, I think that the thing that -- the sad part about this is that there are a number of people that really just go out and do the job. You know, even back when I was a trooper, some of these guys that, you know, some of these people that -- they were not anybody’s heros. You know, they were people that, you know, you didn’t want to work with. You had questions about. But again, it did not involve the vast majority of the people.

SENATOR MATHEUSSEN: And you believe that’s still the same case today, is it not?

COLONEL DUNBAR: I think -- I think that -- I think right now I think that the bulk of the troopers are trying to do the job the way it should be done. But when you have -- we have twenty-six, 2,700 -- 2,600 people right now. You get a real cross-section of people and as hard as I’ve tried, you know, I just had to take another personal action I think earlier this week on an issue that took place. And it shouldn’t take place but it did. And, you know, but the bottom line is is that I think people are going to understand that things are changed. My hope is that through this process we can acknowledge what’s there -- let me just mention some other thing, too. You know, we talked about promotions, for example. This is really a two-way street and I mentioned before that I’m being sued by both white males, minorities and females on the same topic. Look, if there’s ten people in a squad and five of them are all doing the same job, they’re very similar, chances are four are going to be disappointed. You can’t promote everybody who wants
to get promoted. This is part of the problem that we face. And then when you promote somebody, you have a problem.

When I came to the State Police I think there were four minority Lieutenants and now that number has probably doubled or tripled and these are actual people who are acting. There was one minority Captain and, you know, we have, I think, five or six people that are sitting in acting positions. As we become more diverse in our upper ranks, as we become more diverse in our overall ranks, perceptions that people have will change. But I’ll tell you, if you believe that all of the things can just evaporate -- I mean just be eliminated across the board, it just isn’t going to happen that way.

SENATOR MATHEUSSEN: Thank you, Colonel.
No further questions.
SENATOR GORMLEY: Thank you for your testimony.
We’ll take a break.
(Off the record)
SENATOR GORMLEY: Ask the Committee members to step back in, please.
(Pause)
SENATOR GORMLEY: The next -- the next

three witnesses are Renee Steinhagen, Sergeant Yusuf El-Amin, Trooper Gregory Sanders.
Step up to the microphones, please.
Just have a seat. You’ll be sworn in a little bit, but I want -- obviously want some of the Senators to get back in the room.
(Pause)
SENATOR GORMLEY: Will the members of the Committee -- I’d appreciate them coming back to their seats.
I’d ask you if you’d please stand to be sworn. Please stand. Raise your right hand.
REN EE S T E I N H A G E N, SWORN
Y U S U F E L - A M I N, SWORN
G R E G O R Y S A N D E R S, SWORN
SENATOR GORMLEY: Be seated.
According to the list I’ve been given -- by the way, make sure a red light is on. I know that’s the inverse of logic, but we do it that way here.
The first witness will be Renee Steinhagen, Esq.
MS. REN EE S T E I N H A G E N: Thank you very much.
Good afternoon. My name is Renee Steinhagen. I’m the Executive Director of the Public Interest Law Center of New Jersey. I’m currently co-counsel for
the NAACP in its efforts to enforce the consent
decree it entered into with the New Jersey State
Police in June 2000 regarding the State Police’s
recruitment, hiring and selection procedures.

I have also had the pleasure to represent
for several years 14 black state troopers in their
challenge to several State Police personnel
practices, including promotions, specialist
assignments, police training opportunities and
discipline.

I currently represent these troopers with
the law office of Linda Kenney and the law of
Cochran, Neufeld and Scheck.

It is these men who I believe are the
unacknowledged heros in today’s efforts to bring
attention to and as a result to change the
institutional practices of the New Jersey State
Police and its lawyer, the New Jersey Attorney
General with respect to the State Police’s policies
and practices of racial profiling and discrimination.

Let me introduce some of these gentlemen to
whom you will be hearing from directly and all of
whom will be available to answer any specific
questions you may have.

(Men stand for introduction)

MS. STEINHAGEN: Trooper Victor Cooper;
Glen Johnson; Trooper Roger Johnson; Trooper Darrell
Beard; Trooper Sam Davids; and Trooper James Smith;
and Trooper Paul Singler.

I have represented these men since 1993,
one of them since 1991, and I have been involved in
their effort to get various government officials to
listen to, honestly investigate and effectively
remedy their claims concerning endemic racism within
the State Police. A racism that has existed,
continues to exist and will exist until you are
willing to enact far-reaching institutional reforms.

Contrary to what Superintendent Dunbar has
said, the fact that these men are currently in
litigation does not distract from their message here
for you today. For these men did not first begin in
litigation, but began by trying to get their message
heard within the State Police and in effect the State
Police and the Attorney General’s unwillingness to
respond is what pushed them into litigation.

As you are aware, New Jersey’s government
has begrudgingly recognized, albeit only in the past
two years, through the Attorney General’s Interim and
Final Reports, that racial profiling and
discrimination have been routinely practiced by the
State Police.

The Final Report acknowledges that racially-selective promotional and discipline systems prevail within the ranks of the State Police and numerous awards and positive messages have been given to state troopers who engage in racial profiling and who serve as internal enforcers of those practices.

For example, in 1988 The Phantom who visited black troopers in Newark station who refused to profile. Something that you can hear from in more specificity from my clients.

In 1999 the law to discipline who rule in Troop A.

It’s my conviction, as it’s been for many years, that if we’re serious about ending racial profiling, we must be equally serious about reforming the structure of the State Police. For it’s the organizational structure of the State Police, its prevailing culture and the specific personnel who have served in the higher ranks of the State Police which have created, facilitated and condoned a racially-charged environment within the force. An environment that is responsible for perpetrating racial profiling on the public and racial discriminatory and retaliatory employment practices on its minority members.

We hope that you, your colleagues in the Legislature and all concerned citizens will join us on this journey to justice which I and my clients began many years ago. A journey that must lead to institutional reform if it’s going to lead to justice.

I hope to convince you that there are primarily two problems that you as legislators must deal with to effectively eradicate racial profiling. The first is the attitude held by many state troopers at all levels of the hierarchy that police enforcement is the preserve of one race and criminality the monopoly of the other.

As W.E.B. DeBoise once said, “It has not been a question of crime, but rather one of color, that settles a man’s conviction on almost any charge.” And in this case of the State Police also whether a trooper receives or does not receive a promotion.

It is this attitude that I believe lies at the heart of the crisis facing New Jersey citizens and government today.

The second problem rests with the apparent inability or unwillingness of the Attorney General’s
Office to respond independently to claims of racial bias in the State Police. Whether the investigation is initially undertaken by the State Police’s Internal Affairs Bureau, IAB, or is conducted within the Division of Law and Public Safety within the Attorney General’s Office. Both IAB and the Division seem to view themselves as adversaries to minority complainants and protectors of the status quo despite their greater obligation to the public.

My perspective has evolved over the past ten years based on a number of incidents and interactions with various state officials. I can only relate a few of those events with you today due to time limitations, but I and my clients are available for further questioning if you desire.

As you can see, all my clients are black. In approximately 1995 I was riding in the rear passenger seat with Trooper Arnie Abrams and Roger Johnson in the front. We were riding in a luxury Saab heading south on the New Jersey Turnpike when we were stopped by a white trooper. It was clear to all of us at the time that we had been profiled. I remained silent. Trooper Abrams and Johnson were polite and the trooper who stopped us ceased any questioning once Trooper Johnson showed him his State Police credentials. Now, this incident didn’t come as much of a surprise to me because I had been stopped previously by a white trooper while being the sole white passenger in a car with several black men. Some years earlier I had been the passenger with two other black state troopers and a third black passenger when we, too, were stopped for no ostensible reason.

Now, several times in 1992 I accompanied Trooper Samuel Davis and occasionally Trooper Darrell Beard during their interview with then Assistant Attorney General Patricia Luizzi and Captain Juan Mattos, then Affirmative Action Office of the New Jersey State Police. Ms. Luizzi was purportedly investigating a comprehensive complaint that Trooper Davis had lodged against the State Police in December 1991 regarding the State Police’s racially discriminatory practices. After questioning that occurred for over one year, the Attorney General’s Office turned its investigation over to IAB, which eventually found Trooper Davis’ complaint unfounded. Now this, too, came as no surprise because one complaint after another that my clients filed over the years with the EEO/AA Office of the State Police were found unsubstantiated. In this case,
however, to my surprise, the State Police, seemingly
sanctioned by the Attorney General’s Office,
initiated a complaint against Trooper Davis for
lying. An internal complaint that went nowhere but
we believe was intended to send a message to Trooper
Davis and any other trooper who dared to speak out.

In April 1993 several of the troopers here
today filed a charge of discrimination with the Equal
Employment Opportunity Commission against the State
Police alleging discrimination in promotions,
educational opportunities, specialist assignments and
discipline. I have a copy of that EEOC charge that
I’d like to add to my testimony.

The immediate reaction from the State
Police and the Attorney General’s Office was that
these troopers were trouble-makers, not the racially
discriminatory practices of the State Police.

I have attached as exhibits to my testimony
a number of newspaper articles and other documents
which quote then Colonel Justin Dintino and
characterize him as angry with my clients, skeptical
of the authenticity of the racially-offensive posters
they said they had received and adamant that the
black troopers who had stepped forward were nothing
more than “disgruntled employees.”

Colonel Dintino and other State Police
spokesmen were equally confident that there was no
discrimination against minority members of the public
nor minority members within the State Police. To
show how institutionalized and long-standing the
practice of protecting the State Police is, then
Attorney General Robert Del Tufo rejected the
validity of my clients’ complaints about the racially
discriminatory practices of the State Police and
indicated that they were out for their own selfish
interests, not those of the minority community of
which they are a part. In fact, Colonel Dintino
wrote in the New Jersey State Police Triangle, the
State Police’s official newsletter, that the handful
of black troopers who contend that “Racism and
discriminatory practices are condoned at the highest
levels of the State Police are simply and succinctly
put wrong. Nothing could be further from the truth.”
Therefore, in 1993 the State Police and the Attorney
General had notice of racially-biased practices and
to suggest otherwise is, quite frankly, absurd.

Now, after the troopers filed their charge
of discrimination with the EEOC and testified three
months later in a Congressional Subcommittee about
their allegations of racial discrimination, anyone
who was associated with them became branded a
troublemaker. The 13 EEOC complainants, as the State
Police pejoratively referred to them, were often
called traitors and their subsequent attempts to
secure relief by filing complaints with the EEO/AA
Office were left unanswered.

Each of the men here today has a story as
to how his individual complaint was mishandled, not
diligently pursued and in effect predetermined. Now,
we might ask why I say predetermined. But again, in
1993 Colonel Dintino issued a Superintendent’s letter
in which he declared that the allegations made by my
clients misrepresented the law enforcement practices
of the New Jersey State Police. This, I assert, was
the conclusion that had to be affirmed each time my
clients spoke out about the racial injustices they
experienced.

We now know, and I believe you can conclude
from the testimony you have heard before you, that
the gentlemen seated behind me did not misrepresent
the law enforcement practices of the State Police,
rather they were absolutely correct.

What has concerned me as I’ve listened to
these hearings over the last several weeks is the
attempt of members of the Attorney General’s Office,

until we heard from someone like Paul Zoubek, to
claim that they knew nothing about the allegations
made by the gentlemen seated behind me.

As a result of the EEOC charge of
discrimination and our testimony before a
Congressional Subcommittee in July 1993, my clients
were approached by the Department of Justice, a woman
named Patricia Glenn, to resolve their complaints of
racial discrimination against the State Police in
mediation.

In mid-August of 1993, several of the
troopers and myself participated in the mediation
session with then Assistant Attorney General
Alexander Waugh and Deputy Attorney General Sally
Fields. In this meeting, which lasted several hours,
my clients complained about racial discriminatory
practices in the State Police and requested the
participation of former Trooper Anthony Reed, a black
trooper who had not been re-enlisted. Anthony Reed
was an outspoken opponent to racial profiling who is
admired by my clients as much as he was hated by the
State Police. The State Police refused to permit
Anthony Reed to participate in the mediation and so
the session ended with no resolution of any issues
and no institutional reform on the horizon.
Nevertheless, later that month Assistant Attorney General Waugh had a meeting with the trooper commanders regarding the black troopers’ allegations of racial profiling and a hostile work environment. This is the meeting that generated Assistant Attorney General Waugh’s memo to acting Attorney General Fred DeVesa, which in turn led to the infamous remark, “If it ain’t broke, don’t fix it.”

Over the next four years several significant things happened. In or about October 1995, Sergeant James Smith orally complained about racial profiling to Lieutenant Gilbert, the station commander in Moorestown station, not Sergeant Thomas Gilbert.

Pursuant to the order of chain-of-command, Lieutenant Gilbert requested that Sergeant Smith put his concerns in a Special Report.

In January of 1996 Sergeant Smith filed a Special Report delineating the concern of several minority troopers at that station, including troopers Darrell Beard and Victor Cooper, that their colleagues were engaged in racial profiling.

In this way, IAB was made aware of these troopers’ concerns. However, then Chief of IAB, Captain R.E. Touw and Lieutenant Hinkle of the Staff Inspection Unit, previously assistant station commander at Newark station during the time that several black troopers were the victims of hazing by The Phantom failed to follow normal procedure by declining to investigate the matters set forth in Sergeant Smith’s Special. What I mean specifically, they failed to question further the troopers listed therein to determine the factual basis of their concerns. Instead, as we see in one of the documents that I’ve attached, there was an attempt -- an explicit decision not to interview those troopers further, but wait later on whether they were going to testify at the trials of Troopers Kenna and Hogan, and then bring them up on charges under a certain Article 5 which would be for failure to report a criminal act or misconduct at the time. That was not the procedure. A trooper files a Special. Someone from IAB usually comes and interviews that trooper as to the basis of those allegations.

My clients and the other minority troopers who were part of Sergeant Smith’s Special were never questioned and had no knowledge that there was any investigation regarding their concerns.

Captain Silver, then troop commander of Troop D, the Turnpike, subsequently accepted IAB’s
This conclusion of perception was adopted by the Attorney General in his Final Report in May 1999. Again, perhaps this conclusion was also predetermined insofar as both Trooper Beard and Cooper had orally complained about racial profiling to SFC Sachetti, then assistant station commander at Moorestown station, who investigated the concerns outlined in Sergeant Smith’s Special Report upon his transfer to IAB. I ask you, how can the State Police assign to IAB a trooper who allowed racial profiling to occur under his supervision. Isn’t IAB supposed to have the institutional independence and integrity to investigate bad policing?

In February 1996, IAB referred to Moorestown station as a racial powder keg but intimated that the black troopers who complained about racial profiling were at fault. Also, once the black troopers made their complaint, some were transferred soon thereafter out of Moorestown station.

It is my understanding that eventually all the black troopers appearing on the Smith Special Report were transferred from that station.

Now, transfer is one form of retaliation that all of the troopers that I represent have experienced since they have filed their charge of discrimination in April 1993. You heard Trooper Longoria’s experience regarding transfers.

Other types of retaliatory actions have been far more egregious. For example, one of the troopers sitting behind me today was directly told that the State Police had at one time operated a special unit that was set up specifically to investigate each of the EEOC complainants. The troopers’ personnel files disappeared from their respective road stations and were sent to headquarters in Trenton.

Again, the complainants are subject to scrutiny, not their complaints.

Now, in June 1997, the men I represent, then with the firm of Lowenstein, Sandler, filed a complaint in the State court stating claims under Title 7 and New Jersey Law Against Discrimination. An answer was filed by Peter Verniero’s office by Deputy Attorney General Sally Fields in which the State denied racial profiling and discrimination.

To date, the State’s answer has not been amended. In fact, it’s very clear that the State, at
least with respect to pending and settled lawsuits, continues until this day to deny racially
discriminatory practices. The recent consent order
signed by Peter Verniero’s office regarding racial
profiling explicitly denies the existence of racial
profiling, whereas the consent order signed by the
Attorney General with respect to the State Police’s
recruitment in hiring practices, similarly denies
racial discrimination.

Whenever a trooper is identified as
opposing racial profiling or racially discriminatory
practices, he or she has reason to fear micro-
supervision, surveillance, retaliation and
discipline.

On March 25th, 1999, I sent a copy of the
January 1996 Sergeant Smith’s Special Report to
Steven Rosenbaum, the Chief of the Civil Rights
Division of the Department of Justice in connection
with an incident regarding Trooper Victor Cooper, who
had been referenced in the Special. Trooper Cooper
had been falsely accused of videotaping a white
trooper on a stop and the union was calling for the
State Police to take care of that “cowardly black
trooper.” Specifically, union minutes that were
posted on bulletin boards throughout the State Police

read in part: “The State Police should not now or
ever cater to the requests, demands or whims of the
Black Ministers Council. We are not politicians and
if you want to be one, then turn in your weapon and
badge. The situation involving the cowardly black
trooper videotaping the white trooper on a stop
better be handled with harsh discipline as he
compromised the trooper’s safety and failed to follow
SOP.”

It appears that I was the first person to
transmit the Smith’s Special Report to the Department
of Justice, because that Special, we have now
learned, had been withheld.

The 13 black troopers sitting before you
today have been speaking out about institutional
racisms for several years. In fact, it was their
desire to talk about the relationship between racial
profiling and racial employment discrimination within
the force, undeniably a matter of great public
concern that motivated their challenge to the
constitutionality of Section 19 of the State Police
Rules and Regulations governing a trooper’s right to
speak.

After a court battle, Judge Parrillo, a
Superior Court Judge in the Chancery Division in
Trenton, found the State Police’s regulation unconstitutional and permitted my clients to speak out in the private capacity about matters of racial discrimination. No other state trooper took this initiative which was needed to bring the organizational infrastructure that supports racial profiling to the public’s attention.

In the summer of 1999, I testified before the Black and Latino Minority Caucus of this Legislature. This was my third time testifying about allegations of racial discrimination within the State Police. As noted previously, my first time was in July 1993 when several troopers and myself talked about racial discrimination before a Congressional Subcommittee in Washington, D.C.

My second time was in June 1994 at hearings held by Congressman Major Owens in Brooklyn, New York in which the racially discriminatory police practices were also the focus of the hearings.

Unlike the previous two legislative committees before which I had appeared, the Minority Caucus issued a report supporting the claims of my clients. This since has become common knowledge among state troopers that Superintendent Dunbar took this report and waved it in front of a number of troopers telling them to read it “if you want to know what the enemy is thinking.”

Two summers ago Trooper John Perry attended an in-service training in which the leadership qualities of Adolph Hitler were discussed and admired. A complaint was filed by Trooper Perry with the EEO/AA Office about this matter, another matter that has yet to be effectively addressed.

In October 1999, as reported in a New Jersey monthly article in the spring of 2000 by Bob Henley, Beyond Black and White, Lieutenant Colonel Dunlop, then the number two man behind Superintendent Dunbar, gave a speech to a group of State Police retirees in Atlantic City in which he not only disputed the contents of the AG’s report, but ignored them entirely. Instead, he blamed the problems of the State Police on the media and what he described as weak-spined politicians.

He further declared that the traditions of the New Jersey State Police must be preserved in face of the allegations of racial discrimination, allegations that he pronounced as untrue. Now, I ask you, as part of our journey to justice to send a message to all persons in the State Police and the Attorney General’s Office. For as the Senate of the
United States stated in its report on the Equal Employment Opportunities Enforcement Act of 1971, “The exclusion of minorities from effective participation in government, including law enforcement agencies, not only promotes ignorance of minority problems in that particular community, but also creates mistrust, alienation and all too often hostility towards the entire process of government.” Mistrust, alienation and hostility are the attitudes of New Jersey citizens, black and white, toward the New Jersey State Police today. It is therefore not enough to determine Attorney General Peter Verniero made misrepresentations to this body during his confirmation hearings, it is equally necessary to determine whether the State Police continues to misrepresent itself to the public when it proclaims itself an equal opportunity employer.

I therefore implore you to heed the message of my clients and to take further action. You cannot, as a matter of public policy and moral principle, end your hearings and simply move on. In order for you to protect the public from the racially discriminatory attitudes that are endemic to the State Police, you must compel the State Police to adopt objective personnel systems that are designed to protect minority troopers and anyone else who opposes racial discriminatory practices from the discrimination, mistreatment and prejudice of those persons who identify themselves as law enforcement officers and who are thus obligated to protect the entire public, not just their own.

I thank you very much.

SENATOR GORMLEY: Thank you.

TROOPER YUSUF EL-AMIN: Good afternoon, Senators. My name is Yusuf El-Amin. I have been a member of the New Jersey State Police for the last 22 years, with 17 years as a road trooper; the last three being a squad sergeant.

You are here to investigate racial profiling, the practice of singling out minorities for selective enforcement. Myself and others here today can tell you about being profiled within the State Police, because as a minority who has been stationed at Edison station, Troop C; New Brunswick station in Troop D; Wilburtha station in West Trenton, Troop C; and Bordentown station in Troop C, I know the practices of the State Police. I’ll share a letter with you that I wrote. It reads, "On April 1st, 1988 I read an article in the Star Ledger regarding race bias in road stops among New Jersey
state troopers. For many years I have been disturbed
by this bias that unfortunately exists among state
troopers. I wish that there was something that I
could do about it, but the fear of reprisals prevents
many of us from speaking out. Some of the biases I
have noted over the years among many troopers around
Central Jersey, and mainly on the New Jersey
Turnpike, were stops of young blacks and Hispanic men
between the ages of 18 and 35, who were going and
coming from New York. It is assumed that they are
most likely to carry drugs.

"While working on the Turnpike I noted that
a majority of the road stops were black and Hispanic
occupants. Some troopers only stop black and
Hispanics. This I know because race identification
is radioed in when making a motor vehicle stop and
criminal check. In many of these stops, a violation
may not have occurred, but if drugs or a weapon is
found, a violation can be fabricated.

"After a stop is made, a search is usually
performed with or without cause. On the Turnpike,
white motorists are usually only stopped for speeding
and issued a ticket and occasionally have their
driver’s record checked on computer. Blacks and
Hispanics are usually given a driver’s records check
and a national crime information check as requested
by the trooper.

"Black men with North and South Carolina
plates are most likely thought to be carrying guns.
Young black and Hispanic men driving certain luxury
cars or expensive cars are assumed to have stolen
them, so these types are usually stopped and checked.

"Racially-mixed couples and racially-mixed
young men together are usually stopped and thought to
probably be dealing in drugs. Whenever blacks and
Hispanics are stopped numbering more than two in a
vehicle, another patrol car is commonly dispatched as
a backup. However, when whites are stopped numbering
the same number, never is another patrol car
dispached.

"While stationed on the Turnpike almost
daily I saw blacks and Hispanics being arrested.
Rarely did I ever see whites arrested. Arrest
records could verify this. When blacks were arrested
they were treated with the most harshest attitude.
Whites are treated more politely.

"I have never known any training material
that suggested any of these methods I mentioned. I
have heard instructors at training sessions state
that when Hispanics with Florida plates are seen
heading north, to start looking for a violation to stop them because they may be carrying drugs. I have heard instructors suggest that -- are drug users and they are identified by dread-lock hairdos. So now troopers stop everyone with dread-locks.

“Most of these biases are techniques that are passed along from trooper to trooper, and the cycle continues.

“For Colonel Pagano to deny any racial motivation exists in motor vehicle stops, shows he does not know what’s going on in the State Police. Minority troopers don’t speak out on these bias issues because of the five-year probation system and fear of not being selected for specialist jobs or promotions within the State Police. There’s no Civil Service protection.

“Discrimination is always hard to prove in these type of situations. Overcoming institutional discrimination is hard, is hard enough, without bringing more hardship on oneself by speaking out individually. However, collectively and through the legal methods you are pursuing, I’m sure we can make some needed changes.” Signed “An inside view.”

What may surprise you is that I wrote this 13 years ago and sent it to a newspaper and the NAACP

in North Jersey.

The State of New Jersey has had this statement as part of my litigation since I and several other black troopers filed our EEOC charge in 1993. Let me give you my perspective on the case.

Racial profiling is racial prejudice by members of the State Police. But, gentlemen, unless you prevent profiling within the State Police by white troopers against minorities, you will not be successful in ending racial profiling against minority citizens.

I think it was best said when an outspoken politician told the New Jersey Black Issues Convention in 1993 that “If the Governor cannot protect black cops, how can he possibly protect blacks who live in the state?”

I know troopers where it seems that all of their arrests and stops seem to be of only minorities. This is especially suspect when the driving population of an interstate highway is mostly white. Something we have been trying to tell everyone for nearly over a decade.

I’ve heard a trooper on the way to sensitivity training while in the squad room in New Brunswick station say, “I have nothing against
minorities, 90 percent of my stops are minorities.”
This trooper attained the Detective rank shortly
after this statement which was made in 1987 and he’s
still on the force.

I see the same mental state and bias that
allows racial profiling of minority citizens on the
outside give rise to the racially hostile work
environment on the inside. I’ve attached to my
statement some of the most degrading racial
stereotyping that I have experienced when troopers
posted on bulletin boards where I worked offensive
posters. I don’t think I need to repeat them, as
they are so degrading, that you can see for yourself.
Many were directed directly at me, a black man. I
can only assume that others have received such
treatment and that it still exists today, even if in
more mild, subtle terms.

Colonel Dunbar, who is a minority, may not
know that screen savers at some troop stations make
fun of him by calling “Dumbar” and attack him in
other ways. I have never seen this done to a white
Superintendent or any other white ranking officer.

Just recently the cartoon I had posted at
the end of my exhibits appeared at my station showing
Colonel Dunbar as a parasitic slug. I am always

fearful of retaliation. If they can treat the
Superintendent like this, what about me? And if they
can treat me like this, what about minority citizens
riding on our roadways?

In 1986 I wrote a letter to Internal
Affairs about the racist practices at the then Edison
station. I sent it anonymously hoping there would be
a remedy. There was not. It read: “To Whom It May
Concern: The purpose of this letter is to let it be
known that an unfair practice is going on at the
Edison station. Since being assigned to the station
as commander of the station, Lieutenant Yarasavage
has exhibited his racist tendencies. It is well
known that he is the one who selects the trooper from
his station to be sent to the toll road other than
volunteers. It is evident that his selection process
is based on race.

“At the time of his assignment at the
Edison station, which was about September of 1985,
there were five black troopers at that station out of
40. At this present time only one remains. Out of
six troopers who were involuntarily sent to the
Turnpike, one to the Parkway, four were black. It is
obvious that Lieutenant Yarasavage wants an all-white
station.
"It is appalling to know that these practices are allowed to happen as they threaten the relations of black and white troopers alike. In fact, the Lieutenant uses the threat of transfer to put fear in others at this station. "The selection process at Edison station needs to be reviewed and definitely needs to be taken out of the hands of this demonstrated racist. "This situation has been discussed by all those black troopers that have been affected."

This letter went unsigned because of possible reprisals and was signed "Troopers against discrimination in the State Police."

However, the Attorney General has had this letter at least since we filed our lawsuit. In 1990 I wrote to the recently-appointed EEO Affirmative Action Officer, Captain Valcocean Littles, about the inability of minorities to advance in the State Police. "We recently received an invitation announcement to attend a promotional affair. We congratulate all those newly promoted for their achievements. However, many of us don’t feel quite ready to celebrate our few achievements when our Division is still lagging far behind in considering African-American troopers for promotions and specialist positions."

"Although there has been a few promoted in certain Division headquarters areas, there have been virtually no African-American troopers promoted on the troop level, which makes up well over half the force. There have never been, nor are there any African-American station commanders, assistant commanders or station Detectives. There have never been nor presently are there any African-American troopers in administrative positions in any trooper headquarters, including the Turnpike and Parkway. There are no African-American troopers in Detective positions on troop level. There are very few specialists, except for the short-term jobs and weigh teams and CBI teams. There are little or no squad Sergeants in all of these stations. Only two were in Troop C and one in Troop B. And none in Troop A, D, E, et cetera. It appears obvious that these troop commanders and their administrations feel that African-Americans are not capable of any leadership or administrative positions. They do their best to discredit and discriminate against us. "It appears that they are intent on keeping these positions for themselves and their favorites. It is well known that many of these selections are
not based on qualifications or seniority, but on favoritism and personal connections.

"I’ve spoke to many other troopers who have expressed these same feelings and believe that change is long overdue.

"Again, we extend our sincerest congratulations to all of those who have been promoted. We hope that you all will be inspired and reminded to use your new leadership positions to help in doing something to make this situation better than it presently is.

"Sincerely yours, Trooper Yusuf El-Amin."

And nothing has changed.

In 1997, after 18 years in the State Police, a total of 20, including my motor vehicle time, when white troopers are promoted much sooner, I was finally promoted to Sergeant. I know as a Sergeant the State Police has the capability of properly training troopers and properly supervising young recruits and troopers on our squads not to profile. I personally check all tickets, summonses, patrol charts and monitor radio stops to ensure that all my members of my squad do not profile. Yet I suspect there are sergeants who don’t do that. It is very clear that Trooper Hogan and Kenna’s Sergeant did not take the strong steps necessary to supervise them. And the practice still goes on today. A sergeant whom I believe condones profiling was just transferred to supervise patrol units on the New Jersey Turnpike. Because of reprisals and unless troopers like us who want to do the right thing can be protected, I certainly won’t mention his name in public.

This has been my journey to justice. As I sit here today I still feel fearful of retaliation, but I am old enough that I hope that in the waning stages of my career with the New Jersey State Police I can survive this time and make a difference. I am 52 years old and I hope to help make changes so that when young minorities come into the State Police, that they will be treated fairly and that all citizens who travel in New Jersey will be protected. I am hoping that by the time I retire, with the help of the reforms that I know will be suggested by this Committee, we can say, as has been said many times, I am not where I want to be, but it’s better than it was yesterday. And hopefully in the future, it will be even better.

I’m here to answer any questions you have and I thank you for your time.
SENATOR GORMLEY: Thank you.

Trooper, we’d appreciate your testimony now.

TROOPER GREGORY SANDERS: Good afternoon, Senators. My name is Gregory Sanders. I have been a New Jersey state trooper since 1987. I was stationed on the road for 11 years, with most of the time having been served at the New Jersey Turnpike’s Newark station. I am presently assigned to the State Governmental Security Bureau located here in the State House. I have been temporarily detached to recruiting.

President Lincoln, while at Gettysburg, stated, “The world will little note nor long remember what we say here, but can never forget what they did here.” “But can never forget what they did here.”

It is important that this Committee understands that the State of New Jersey is on trial in the court of world opinion. The recommendations that will be made here will become the official record in history. As you walk with the 13 on our journey to justice, we remind you of the words of Dr. King when he said, “Sometimes in life you’re going to have to take a stance. Politics will ask the question, is it popular? Expedience will ask the question, is it safe? But conscious will always ask the question, is it right? Sometimes we have to take a stance that is neither popular nor safe, but because it’s right.”

When I started in the New Jersey State Police, I could not believe and did not want to believe that there was racial discrimination within the ranks which manifested itself as racial profiling to the public. But after seven years stationed in Newark station, I watched, I saw, I became a believer.

As a young African-American trooper, the senior African-American troopers told me and other African-American troopers, no matter what happens, keep your mouth shut until you have five years on the job. If you speak before then, they will cut your throat with Title 53. Title 53, as it was explained to me, gives the Superintendent the ability to terminate a trooper with less than five years on the job without having to give a reason for termination. So we watched as Title 53 was disparately applied to men of color. It sent a chilling message to all, “There but for the grace of God go I.” “There but for the grace of God go I.”

State Police then and now controls the rank and file on the basis of fear, intimidation and
retaliation. So we were and are afraid. We knew at anytime we, too, could be fired without just cause. Without just cause.

In 1989 Joe Collum, an investigative reporter at WOR-TV did an award-winning investigative report which aired entitled Without Just Cause. The report illustrated the practice of racial profiling on the northern end of the New Jersey Turnpike. It was during this period that I became identified as an ACLU spy and operative. As this Committee is aware, an African-American who claimed to be a trooper appeared silhouetted in that report and stated that profiling on the Turnpike was pervasive. I affirm to this Committee that it was not me on that program. At that time I was more concerned about Title 53. However, everyone in my troop speculated as to the identity of this rat. During former Trooper Kenneth Ruff’s trial in Mercer County, I discovered for the first time why none of my later complaints had been taken seriously. Lieutenant Maggio testified that he believed I was the person who appeared as the silhouetted black figure because I was one of only two blacks in the State Police who allegedly could use or know what the word “pervasive” meant.

This trial was in 1996. The Joe Collum investigative report was in 1989. Now I know why when I complained about racial issues to Lieutenant Maggio over the years, he thought I was a rat. I complained about the police practices of some of my colleagues to my supervisor Sal Maggio, nothing was done. This complaint was made around 1990 prior to the meeting of a group of black troopers had with the then Affirmative Action Officer Valcocean Littles. At that meeting I, along with Glen Johnson, Tony Reed, Kenneth Ruff, Sam Davis, Darrell Beard and other black troopers, complained about racial practices at the Newark station. I know troopers who I am fearful to name who I believe racially profiled and were notorious in the combination of their treatment of minority motorists and minority troopers. Items were consistently posted on bulletin boards that were racially offensive. I would take these items down, and because of my actions, I became identified as one not to be trusted by the State Police. I have tried over the years the best way that I could to change the State Police from within. As I was trying, I became subject to the most egregious of incidents.

In 1993 at the Newark station, watermelon was put in my locker. The name “rat” was written by
my name on one of the State Police personnel work
schedules. I reported this incident to my
supervisor, Sergeant Jack Westhall, as well as I
noted to you previously, Lieutenant Sal Maggio, who
at this time was the Deputy Troop Commander.

Instead of taking action against racial
profiling and racial discrimination, I was personally
attached for lodging a complaint and requesting
change dealing with racial prejudice.

After I reported this incident, it came
back to my supervisors for investigation instead of
investigation by the EEO/AA Office and the Attorney
General’s Office. I was told that if I made a formal
complaint again on this matter, that it would reflect
adversely on me rather than the persons who put the
watermelon in my locker. Nothing was done until I
appeared before a Congressional Subcommittee and
testified about the incident. But even until this
day, no discipline has been issued against anyone.

I have been told that a reason why there
was no discipline is because merely putting a
watermelon and writing the word “rat” on a black
trooper’s locker cannot in any way be identified with
race.

I think we all know that the association of
blacks with watermelons has a pejorative negative
connotation. If a trooper can do this to another
minority trooper and supervisors will take no action,
you can understand why no one has done anything about
racial profiling and why the practice still exists.

Keeping and promoting persons who have
either profiled or condoned profiling and other
racially-hostile practices will not change the system
and it should come as no surprise that the latest
profiling numbers released are worse than prior to
the entry of a consent order.

Prior to the watermelon incident, I had
already become identified as being in a bad way, an
ACLU spy and operative. When my personal car needed
repair, I had rented a Dodge Aries K. I was on the
Turnpike and had stopped at the Vince Lombardi
service area and saw a couple of troopers that I
knew. The Doge Aries K, because it was a rental car,
had Pennsylvania license plates. The next day I was
called into my supervisor’s office, Salvatore Maggio,
and was berated. He accused me of working for the
ACLU to spy on the troopers by running an undercover
car with out-of-state plates and attempting to get
stopped by white troopers.

In 1991 when I applied for a specialist’s
position, Sergeant First Class Haden went around
interrogating troopers referring to me as one of the
"Newark black radicals." Every time I applied for a
specialist’s job -- a specialist’s position is one of
the many positions that exist in the New Jersey State
Police that does not entail work on the road. It was
intimated, and sometimes it was stated directly, that
since I did not participate in the Division's
criminal program and had been branded a black
radical, I did not get the job. Each time I applied
for a specialist’s position that would enable me to
serve as a crime scene investigator or arson
investigator, I was informed that the position had
gone to another road trooper even though I have a
degree in arson investigation from John Jay College
of Criminal Justice in New York and have two national
certifications by a national group as both a fire
investigator and a fire investigations instructor.

In or about 1989 or 1990 when I was working
with former Trooper Tony Reed, who was black, we
stopped to back up two white troopers who had stopped
a black family. We actually watched the troopers,
both for backup reasons and to ensure that there was
no mistreatment of the minorities stopped. When we
got back to the station, there was an incident

witnessed by Trooper Beard wherein there was almost a
fistfight because the white troopers accused us of
being there so we could tell the black motorists how
to file a complaint against the State Police for
racial profiling. Senators, this was 1990.

So as you can see, again, I was branded as
a trooper opposed to racial profiling. If holding
this position is a barrier for advancement and reward
in the State Police, the culture and practices of the
State Police will never change. The reason why black
troopers who do not profile have not been able to
advance and white troopers who profile do advance, is
clearly demonstrated also by the following experience
I had. Then Captain Michael Fedorko, later an acting
Superintendent, was Captain in a forensic area. I
applied for a job within his Bureau. The job again
was given to a white trooper who did not have the
degrees and certifications that I had. I complained
directly to then Assistant Attorney General Fred
DeVesa and EEO/AA Officer Valerie Holman of the
Department of Law and Public Safety. The
investigation against the State Police was given back
to the State Police to investigate. Then Captain
Fedorko told the investigators while my education was
commendable, the trooper who got the job had shown a
greater interest in the criminal program than myself and was well-rounded.

The "criminal program" were code words for racial profiling practices perpetrated on the public by the State Police. In fact, in my first evaluation after I went to the EEOC in April of 1993, I was told that I was not rated well because I was not a participant in the Division's criminal program. It was at that time I first learned what the phrase meant. My supervisor, Jack Westhall, explained to me, "You know what the rest of the squad was doing and you need to be doing it." My response were words to the effect, I see them stopping black motorists all the time. How many blacks do I have to lock up? Later Sergeant Westhall removed the notation from the evaluation that appeared in my personnel file, but I have kept a copy of the original evaluation.

In 1993 I questioned the practice of white troopers who were profiled and it still exists today as we sit here.

In December 2000, Superintendent Dunbar told the recruiters, of which I was one, to take initiative to get people to volunteer their time on causes that will give credit to the State Police. I got several black troopers to volunteer their time in order to have their photograph taken at the Governor's mansion with a recruiting troop car, which later appeared in a security management magazine, because we all had received certain international security credentials. Surely, a credit to the New Jersey State Police.

I later discovered that I was under investigation for misuse of resources and only learned that something was wrong when I received what is called a PN, performance notice, for my actions. I also found out the PN had been downgraded from major discipline pursuant to Colonel Dunbar's orders, all occurring without anyone ever interviewing me about this matter.

Just before this last incident in December of 2000, I was working at the Troop D Turnpike Administration Building. I was assigned to take fingerprints of applicants. I was assigned a troop car for this post. While there, a young woman, who was a fingerprint technician, stated that she had just tried to file a complaint against a road trooper for abusive language. The woman happens to be black. I attempted to get a form for her. I was asked why am I giving her forms when she should be coming to
the station to file a complaint? I found this strange because all around us there are posters telling supervisors that forms for complaints/compliments should be available for mailing because it is intimidating for the typical black person to file a complaint against the State Police at a station. When I looked around, I discovered that the Troop D station, in which I was temporarily working, had no complaint forms. Remember, I was not stationed there, but was only there for the day.

I went to the troop car that I had been given for the assignment, which was not my normal troop car, and discovered that the forms were not there either. I told the civilian that I would have to get forms for her the next day. Before I did, she called troop headquarters and stated that I had not yet gotten the form to her. Apparently, again, without my knowledge, an investigation was started against me. Another one of these secret investigations that black troopers know so well. Because I did not have the form to give her, although persons at the Troop D headquarters who did not have the forms and thus were not following the new complaint practice procedure, discipline did not flow to them. Instead, an attempt at discipline and investigation was directed to me.

So you can see the hostile culture still exists. When we try to bring up these incidents, ordinary reaction is well, this is water under the bridge; but it is not. These are practices that have now been shown to have been sanctioned at the highest levels of government.

Attached to my statement are several documents that you may be surprised are still circulating around the police station today. The first was recently faxed to Trooper Victor Cooper and he has been told that it was posted on the State Police bulletin board at Bridgeton station. A State Police trooper is grabbing the neck of a minority and it states, “Help wanted. Small black man for mud flap. Must be flexible and willing to travel.” And at Totowa station where Sergeant Paul Singler and Sergeant Roger Johnson were stationed, their ten percent logo showing a New Jersey trooper as being one of the ten percent bad apples that Superintendent Dunbar refers to as responsible for profiling is printed on T-shirts and hanging in the station. (Trooper holds up article and T-shirt) This logo is also used at the State Police
trooper Yahoo website. As you can clearly see, this journey to justice is an ordeal that is real, not imagined. It is up to this body to take the bold steps to end the practice of racial profiling that has plagued our society for years and to end the discriminatory and retaliatory practices of the State Police that I have endured for years.

In 1968 President Johnson commissioned a study on civil disorders as a result of the race riots. It was called the Kerner Commission. An excerpt from the report states: “The police are not merely a spark factor. To some Negroes, police have come to symbolize white power, white racism and white repression. And the fact is that many police do reflect and express these white attitudes. The atmosphere of hostility and cynicism is reinforced by a widespread belief among Negroes in the existence of police brutality and in a double standard of justice and protection. One for Negroes, one for whites.”

We know that the current polls that have been taken indicate this to be true today. W.E.B. DeBoise stated, “The problem of the 20th Century will be that of the color line.” Nearly a century later, it appears it has become the problem of the 21st Century.

In conclusion, we the 13 request that you join us on our journey to justice. We want you to know that this body has the ability to take the bold steps and do what your moral conscience knows to be right. Not because it’s popular or safe, but because it’s right. A journey to justice wherein minorities and blacks have been telling everyone, yet no one was listening, that racial profiling and bias within the New Jersey State Police is a serious, serious problem.

Thank you.

SENATOR GORMLEY: Mr. Chertoff.
MR. CHERTOFF: Thanks, Mr. Chairman.

Ms. Steinhagen, I have a couple questions for you.

Now, I guess in -- you filed a complaint with the EEOC on behalf of several of your clients in 1993?

MS. STEINHAGEN: That’s correct.

MR. CHERTOFF: You have to put the little -

- SENATOR GORMLEY: The red light on again.
MS. STEINHAGEN: Oh, I forgot, sorry.
Yeah, that is correct.
MR. CHERTOFF: And then I think you said in
your testimony that in June of 1997 you filed a
complaint in state court.

MS. STEINHAGEN: That’s correct.

MR. CHERTOFF: And what were the
allegations of that complaint?

MS. STEINHAGEN: The same. We alleged in
the EEOC charge -- each of the men filed what I
called a systemic complaint, meaning that it did not
rest on individual factual grounds. It was written
as if this could be the basis for a class action
lawsuit challenging several of the discipline systems
-- several of the personnel systems in the State
Police. The lawsuit that was ultimately filed rested
on individuals’ claims. Several of the plaintiffs
had standing for challenging different of those
personnel systems.

MR. CHERTOFF: Did some of the claims in
the June 1997 case allege that a minority trooper was
disciplined in retaliation for supporting the
allegation of profiling?

MS. STEINHAGEN: That is correct but --

MR. CHERTOFF: And what was the factual
allegation?

MS. STEINHAGEN: Well, there were two. One
is in general as you can hear many of the -- several

of the troopers became identified as the black -- the
Newark radicals, which was due to their opposition to
racial profiling in Newark. The more specific, there
were allegations regarding Darrell Beard and Victor
Cooper regarding their participation on Sergeant
Smith’s Special Report.

MR. CHERTOFF: Okay. Now, I want to
understand this because you attached to your
testimony pages that are very familiar I think to
many people now, which I’m going to put up on the --
I guess it’s no longer in business -- anyway, there’s
an exhibit, June 29 -- a July 29, 1997 document, CW-
18, which encloses a copy of a report entitled Patrol
Issues Concerns at Moorestown Station. Now, you’ve
attached that to your report, right?

MS. STEINHAGEN: Yes, we attached it to our
report since it seems to have been generated on the
basis of Sergeant Smith’s original Special.

MR. CHERTOFF: How did you get this?

MS. STEINHAGEN: How did we get this?

MR. CHERTOFF: Yeah.

MS. STEINHAGEN: Through the disclosure of
the Attorney General through the public process.

MR. CHERTOFF: Okay. You didn’t have this,
in other words, in 1997 when you filed the complaint?
MS. STEINHAGEN: No. When we filed in 1997, according to the men, they knew nothing about what happened. We had no knowledge that anything was done. They were sitting in the station waiting to be interviewed by IAB as to the factual basis of their allegations and no one came.

MR. CHERTOFF: So in other words, in July 1997 -- I want to put this up and show you. In July 1997, when you -- I’m sorry, June 1997 when you filed the Title 7 case, one of the allegations was that two of the troopers who had been interviewed by Sergeant Smith in late 1995 or early 1996 had been retaliated against.

MS. STEINHAGEN: That’s correct.

MR. CHERTOFF: And you were dealing with someone from the Division of Law named Sally Fields?

MS. STEINHAGEN: Yes. I had been dealing with Sally Fields since I initially met her in mediation in August 1993.

MR. CHERTOFF: And you had also been dealing with Alex Waugh in the mediation, right?

MS. STEINHAGEN: I dealt with Alex Waugh in the mediation and that was the last time I dealt with Mr. Waugh directly.

MR. CHERTOFF: So how many meetings did you have with Mr. Waugh?

MS. STEINHAGEN: One.

MR. CHERTOFF: Okay. And -- all right. So in June of 1997 you submit a -- what I put up is actually a copy of a document which we’ve seen previously which was transmitted which attaches not only Sergeant Smith’s report, but the actual analysis of patrol issues concerns at Moorestown station which you didn’t have at the time.

MS. STEINHAGEN: I did not have that at the time.

MR. CHERTOFF: All right. And it makes reference here to -- excuse me. It should be noted the recent suit against State Police by minority troopers alleges that a minority trooper was disciplined in retaliation for supporting the allegation that there’s profiling.

MS. STEINHAGEN: Yes.

MR. CHERTOFF: Okay. And that --

MS. STEINHAGEN: This memo is specifically referring to Victor Cooper.

MR. CHERTOFF: All right. Now, whatever happened, by the way, to that litigation?

MS. STEINHAGEN: The litigation --

MR. CHERTOFF: Yeah.
MS. STEINHAGEN: -- or Victor Cooper’s --

MR. CHERTOFF: Well, Victor Cooper’s specific allegation. How did that wind up getting resolved?

MS. STEINHAGEN: Well, we attached here the grievance, the fourth stage of the grievance and I think Victor -- it was upheld and I think if you want more specifics as to who would participate in the grievances, it’s my understanding that Victor took it all the way out and Thomas Gilbert was actually called in at one point to testify. If you’d like more details as to who appeared at every single one of the grievance stages, I think Victor can answer that.

MR. CHERTOFF: Okay. But -- and this was also the subject of the Title 7 case as well?

MS. STEINHAGEN: That is part of Victor’s particular claim.

MR. CHERTOFF: And where is the status of that case right now, the Title 7 --

MS. STEINHAGEN: In discovery.

MR. CHERTOFF: All right. So at the time you didn’t get -- you didn’t have the patrol issues analysis that was prepared by Lieutenant Hinkle, you didn’t have that in ’97, right?

MS. STEINHAGEN: We did not have -- any of this we did not receive it pursuant to our discovery as well. We perceived it now -- oh, received it, I’m sorry, we received it as a result of the State’s release of 90,000 documents to the public.

MR. CHERTOFF: Okay. So let me ask you now, because you’ve kind of anticipated my next question.

Did you have -- in 1997, was discovery underway?

MS. STEINHAGEN: Not in 1997. There was an -- it was -- the State immediately transferred our lawsuit to federal’s court. So pursuant to the new rules in federal court, there was an initial voluntary disclosure. The State Police merely disclosed people’s personnel files and this material was not included in those personnel files.

MR. CHERTOFF: When did it get transferred to federal court?

MS. STEINHAGEN: It would have to be -- they have to move with 45 days. They immediately -- because it was a Title 7 claim, the State immediately removed it to federal court.

MR. CHERTOFF: So that everybody knows what a voluntary disclosure is, that’s a rule that
basically says in a lot of cases in civil discovery each side has the obligation voluntarily to disclose things that are relevant, right?

MS. STEINHAGEN: That is correct and I would presume seeing July 29th, given -- I believe we filed like June 11th, that we must have been in federal court or going to be in federal court within another two weeks.

MR. CHERTOFF: So then is it fair to say that sometime later in '97, as you understand the rules, there would have been some obligation to make a determination by the State as to whether this report would have to be turned over to you in discovery?

MS. STEINHAGEN: That is correct.

MR. CHERTOFF: And you didn’t get that, right?

MS. STEINHAGEN: We did not get that.

MR. CHERTOFF: All right. And I take it then that --

MS. STEINHAGEN: By the way, we still -- we did not get that when we even had more specific requests later on in discovery.

MR. CHERTOFF: And did you have specific requests that were aimed at what had happened with respect to Victor Cooper’s original complaint?

MS. STEINHAGEN: There is definitely more specific requests as to anything that deals with any of the individual men, either their internal EEO/AA complaints and clearly regarding the Sergeant Smith Special.

MR. CHERTOFF: And when did you make those discovery requests?

MS. STEINHAGEN: I’ll tell you, this is a little difficult because we were put in federal court, put into mediation again and several months lapsed and then we were -- eventually after they moved to dismiss all of our state law claims under LAD, we were back in state court. At that point we submitted discovery requests and that must have been approximately in -- late 1998 or early 1999.

MR. CHERTOFF: And then you didn’t get this document in response to that?

MS. STEINHAGEN: I will repeat. I nearly got it after the public disclosure, up to 90,000 documents.

MR. CHERTOFF: And that would be, I guess, in the year 2000, right, in 2000?

MS. STEINHAGEN: That’s correct.

MR. CHERTOFF: Now, with respect to the
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memo, it goes on to say, “The discipline” -- what was the discipline in question?

MS. STEINHAGEN: It was -- it was a blue ticket that Trooper Cooper had received for allegedly lowering the speed on a summons and doing something with his lights. You’re going to have to ask -- putting his lights on at the wrong time.

I think that’s -- that was the initial PN.

MR. CHERTOFF: All right. And then did you -- did there come a point in time before everything got released in the summer or the fall of 2000, did there come a point in time that you learned that there was a lengthy delay between the close of the investigation and the issuance of the discipline?

MS. STEINHAGEN: Did I learn?

MR. CHERTOFF: Yeah.

MS. STEINHAGEN: Well, I knew that from Mr. Cooper.

MR. CHERTOFF: Was that one of the issues that you raised in your case or one of the questions that you raised in your claim?

MS. STEINHAGEN: This was in pleading. It was one of the issues that Mr. Cooper raised in his grievance and would be more specifically raised in our litigation.

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MR. CHERTOFF: Now, you actually had mediation on this issue in 1998?

MS. STEINHAGEN: Well, we had mediation on the whole complaint that was filed.

MR. CHERTOFF: And was part of the mediation of this issue involving Victor Cooper’s discipline?

MS. STEINHAGEN: I have to admit we never got to that specific, but there was -- there was clearly, everything was on the table, each one of the troopers’ claims, and there was quite a bit of discussion about what was happening regarding the Sergeant Smith memo. You have to understand, while in mediation not one of the men who was listed on the Special had ever heard anything about the Special, including Sergeant Smith. It went into the air. From their point of view, they filed a Special and they never heard anything again.

MR. CHERTOFF: Did Deputy Attorney General Fields ever tell you to whom she reported?

MS. STEINHAGEN: No, I -- I think Deputy Attorney General Sally Fields was within a unit that solely dealt with State Police matters. She never told me explicitly who she reported to. I would believe that there had to be some reporting on civil
matters to current Supreme Court Justice Jayne LaVecchia now was Assistant Attorney General at the time.

MR. CHERTOFF: Now, how is it that you came to submit -- you said you submitted the -- let me withdraw the question.

You had the Smith report because obviously Sergeant Smith himself had it, right?

MS. STEINHAGEN: That’s correct.

MR. CHERTOFF: And you said there came a time you submitted it to the Department of Justice to Mr. Rosenbaum in I believe January 1999, correct?


MR. CHERTOFF: And how did you become -- what caused you at that time to submit it?

MS. STEINHAGEN: The allegation of Trooper Cooper that he was videotaping white troopers and the union -- well, the minutes that were being posted on all the troop stations that made him fear for his life. And he was now going off the road. I was aware of the investigation. And I’ll be candid here. I’m co-counsel with David Rose in the NAACP case who used to be the Chief of Employment Litigation in the Department of Justice for 20 years, and he was on talking terms with Steven and he told me to -- gave
you, for example, to interview your clients, right?

MS. STEINHAGEN: No.

MR. CHERTOFF: And that’s because as far as you know, they didn’t know your clients were out there with anything to say, right?

MS. STEINHAGEN: No, I won’t say that.

MR. CHERTOFF: Well, how would they have known that your clients had something to say?

MS. STEINHAGEN: They had the Special.

MR. CHERTOFF: I beg --

MS. STEINHAGEN: They had the Special in their hand -- oh, you mean -- you’re talking about the --

MR. CHERTOFF: Yeah, let me make sure --

MS. STEINHAGEN: -- AG or the Department of Justice?

MR. CHERTOFF: Let me make sure I’m clear. I want to get -- I’m talking about the U.S. Department of Justice.

MS. STEINHAGEN: Oh, the U.S. Department of Justice.

MR. CHERTOFF: Until --

MS. STEINHAGEN: That’s correct.

MR. CHERTOFF: Okay. So until you became aware of the investigation and submitted the Smith

report to the Department of Justice, you had had no contact with the U.S. Department of Justice, right?

MS. STEINHAGEN: I did not personally.

MR. CHERTOFF: And that’s because the U.S. Department of Justice, as far as you know, had no notice of the fact that you represented people who had information about profiling?

MS. STEINHAGEN: That’s is correct. As what’s come out in this hearing that the Smith Special was withheld.

MR. CHERTOFF: And you’d agree with me, I suppose -- it’s probably the kind of question you can predict the answer to, but you’d agree with me, I suppose, that if the U.S. Department of Justice had had, for example, the Smith report or the subsequent analysis back in 1997, you would have expected that they would have reached out for you to talk to your clients, correct?

MS. STEINHAGEN: I would have expected the Department of Justice, as I expected the New Jersey State Police, as I expected IAB, as I expected the Attorney General.

MR. CHERTOFF: And am I correct, if the U.S. -- if the Civil Rights Division had asked, for
example, to interview your clients, you would have, you know, permitted them to be interviewed on this subject?

MS. STEINHAGEN: Yes.
MR. CHERTOFF: I have nothing further.
SENATOR GORMLEY: Thank you.
Senator Girgenti.
SENATOR GIRGENTI: Thank you, Mr. Chairman.
Just a couple questions.
What is the present status of these troopers’ complaints?
MS. STEINHAGEN: We’re in the process of discovery. There are some individual complaints that we haven’t gone into detail that, you know, for instance Trooper Sanders can talk more about this, but he filed an EEO/AA complaint over two summers ago regarding The Phantom who was appearing on the State Police computer screens. The Phantom has since been shut down but --

SENATOR GIRGENTI: Yeah, that was my next question. What was --
MS. STEINHAGEN: -- Trooper Sanders continually gets these requests for 45 days more to investigate and it’s gone unsaid. Trooper Perry’s complaint regarding the training where there was serious discussion about the admirable qualities, leadership qualities of Adolph Hitler, has yet to been answered.

So individual complaints the men have been filing, while the litigation has still been filed, but each time going internally to get some sort of relief, have typically either been found unsubstantiated or have been left unresolved.

SENATOR GIRGENTI: Maybe -- what was or is The Phantom?
TROOPER SANDERS: The Phantom is basically -- I don’t know who it is, that’s why they call him The Phantom, however, The Phantom is described vividly by the current Troop D Turnpike commander in the book Behind the Badge. The Phantom, as he was explained to us in the Academy, just appeared mysteriously and keeps everyone in line. So The Phantom was the cloaked individual or people who committed acts or atrocities against people who complained against the Division.

SENATOR GIRGENTI: What kind of acts?
TROOPER SANDERS: We had -- I’ve had several types of acts committed against me. Car tires flattened. Uniforms destroyed in the locker. Equipment stolen. Hats, hat badges, shoes. Constant
harassment in the workplace.

The other -- also, at the time after the Turnpike shooting, The Phantom appeared by way of an e-mail or website or something of that nature. And The Phantom, who we believe the State Police know that person to be, used to commit acts or make threats against us on that website or imply threats. I made a complaint to the Attorney General’s Office under the reformed State Police. And the Attorney General’s Office then started to give these 45-day extension letters. The same letters that we got before the reforms.

So you never got to the bottom of The Phantom complaint, and to this day --

SENATOR GIRGENTI: Was there ever any investigation of it?

TROOPER SANDERS: From what I am told, there’s an investigation pending. Every 45 days I get a letter for the past two years asking for my acknowledge that the investigation is continuing and we’re looking into it. It’s the same way it was four years ago.

SENATOR GIRGENTI: And what is the Lords of Discipline?

TROOPER SANDERS: The Lords of Discipline --
station there was some discussion and Trooper Arnie Abrams overhead this trooper say, “I finally got Tony.” And what followed then was a series of during the Municipal Court hearing where several of the hierarchy in Newark station appeared to witness Arnie Abrams testify as to the statement that he heard this trooper say and then Arnie was brought up on charges. Those charges eventually were dropped after we filed an EEOC charge about them and after I think there was some concern that there really was wrongdoing on the part of the State Police.

SENATOR GIRGENTI: And just finally, just looking through the attachments that you had on your statement originally. No, Ms. Steinhagen. Where did you -- these minutes that you have, these are --

MS. STEINHAGEN: The minutes from the union?

SENATOR GIRGENTI: Right. Are they --

MS. STEINHAGEN: They were posted all over the station. Victor Cooper -- I don’t even know if Victor gave them to me or someone -- one other trooper. They were all over in every station.

SENATOR GIRGENTI: Is this something that was sanctioned? Like who wrote them? Was this the union --

MS. STEINHAGEN: We believe that it was -- these were portrayed as the minutes of a union meeting that was held. They were stuck in the same place where minutes of union meetings are held.

SENATOR GIRGENTI: Because they’re pretty inflammatory. Unbelievable some of the statements.

MS. STEINHAGEN: Well, I find this ten percent T-shirt a little inflammatory as well. You know, you sort of take -- Colonel Dunbar says there are only ten percent of the troopers are profiling and then you have troopers using that as their rallying cry, that they’re now one of the ten percenters.

SENATOR GIRGENTI: And these were posted in all the barracks?

MS. STEINHAGEN: The union minute meetings?

Yes.

SENATOR GIRGENTI: And just one final thing. The logo that’s used at the state trooper Yahoo website, what is it and who --

MS. STEINHAGEN: It’s this.

(Ms. Steinhagen holds up T-shirt)

SENATOR GIRGENTI: No, what’s the website?

TROOPER SANDERS: I don’t subscribe to the
website. I’m sure someone else might know. I think it’s Trooperyahoo.com or Yahootrooper.com.

SENATOR GIRGENTI: Is it sanctioned?

TROOPER SANDERS: I don’t know if it’s officially sanctioned.

SENATOR GIRGENTI: Okay. Thank you.

SENATOR GORMLEY: Thank you for your testimony.

MS. STEINHAGEN: Thank you for the opportunity to speak with you.

SENATOR GORMLEY: The next witness is Trooper Mark Stephens.

(Pause)

SENATOR GORMLEY: Would you please stand and be sworn.

M A R K   S T E P H E N S, SWORN

SENATOR GORMLEY: Be seated.

Again, just for the record, the Committee asked this witness to appear today and we’d appreciate your testimony at this time.

TROOPER MARK STEPHENS: Thank you, sir.

SENATOR GORMLEY: Make sure the red light is on.

TROOPER STEPHENS: Okay, I’ll proceed with my opening statement.

SENATOR GORMLEY: Go ahead.

TROOPER STEPHENS: A brief history of my service. I’m a graduate of the 112th State Police Academy, which was on February 10th, 1989. I wish to give this Committee an example of my experience as it pertains to racial profiling and discrimination within the ranks of the New Jersey State Police up to and including the Office of the Attorney General.

On or about 1990, I was assigned to the Troop C, Flemington station. On a particular day, my squad supervisor advised me that a senior trooper would accompany me from the Drug Interdiction Training Unit. Shortly thereafter, I was introduced to a particular trooper who advised me that we would carry out our patrolling duties in his assigned State Police marked vehicle. He proceeded to take me on U.S. Route 202 in the area near the Pennsylvania toll bridge. He parked his vehicle perpendicular to the flow of traffic which enabled us to visually monitor the operators of vehicles that passed by.

The trooper then spent a significant amount of time going over recent case law as it pertained to arrest, search and seizure. He then focused in on encouraging me to look for a U-Haul or related rental trucks that were being operated by Hispanic,
Columbian and Mexican males for purposes of stopping and searching, anticipating drug seizure. He emphasized that upon observing a vehicle driven by one of the listed members of specific minority ethnic background, a stop should be initiated. Shortly thereafter, a large yellow rental box truck being operated by what appeared to be an Hispanic male, passed by our location. The trooper pulled out and initiated a stop of the vehicle. He advised the driver that he was being stopped for weaving back and forth on the roadway and subsequently convinced the driver to allow him to search the truck.

The search met with negative results and the driver was issued a written warning.

On or about February 15th, 1993, I was transferred to the New Jersey Turnpike, Moorestown station. I was immediately introduced to the practice known as racial profiling by senior troopers in the Moorestown station. Specifically, and during one particular daytime shift, I was approached by a group of senior troopers and advised to meet them at Interchange Number 1, which is adjacent to the Delaware Memorial Bridge. Upon arriving at Interchange Number 1, I was advised to remove my name tag for purposes of preventing identification and then to “watch how it’s done.” I observed a group of troopers, approximately there were four of them, sit perpendicular to the toll plaza and pick out vehicles that contained minority occupants, namely black and Latino, for purposes of stopping and searching.

I observed that the stops were not based on any initial observation of a motor vehicle violation or warranting crime. I further observed that the stops were not being properly called in as is required by State Police SOP, standard operating procedure. In most cases the troopers were conducting full-blown searches of the vehicles and respective occupants.

I immediately removed myself from the location and continued patrol of my assigned area of responsibility.

As time went on into the year of 1993, it was clear that the practice of racial profiling was very much alive among troopers at the Moorestown station. The aforementioned actions conducted at Interchange 1 were commonplace, especially on power or flex days, which are days with double the manpower.

The practice of racial profiling, however,
spread much farther than Interchange Number 1. Between 1993 and 1999 I observed scores of troopers engaged at what I believe to be the racist practice. I can recount numerous occasions where which I pulled up on a trooper with a vehicle stopped and one or more minorities spewed out on the shoulder of the roadway while a search was taking place. My suspicions were initially aroused due to the fact that I knew the stop had not yet been called in to the dispatcher or operator.

As time went on, I became more acquainted with certain troopers and their methods of operation. Most troopers who profiled, always profiled, and became easily predictable in their actions. Examples of which: certain southern portions of the Turnpike they would consistently work in or around and their radio habits. The consensus was that the farther south you patrolled, the better, in that it was easier to pick and choose the vehicles you would want to stop because the traffic was lighter, thus allowing a better view of occupants.

In 1994 I filed a discrimination complaint in the State Police Office of Affirmative Action as a result of incidents I encountered that were a direct result of racist actions of certain members of the rank and file. As a result, I was immediately ostracized from the majority of the rank and file. Those that profiled and/or committed acts that could potentially reek with improper race-related overtones, began to distance themselves from me as much as possible. I experienced several situations where I would pull up on a trooper who had a vehicle stopped and one or more minority occupants out of the vehicle while a search was taking place. The stop hadn’t been called in and upon noticing my presence, the trooper would compromise his safety by waving me off. Shortly thereafter, I would hear the stop being called in and a subsequent request for backup from someone other than myself.

These actions continued as time progressed. Bad situations became worse. My stance against profiling and discrimination was widely known, which ultimately led to a particular trooper advising me that he did not wish to ride with me during two-man patrols which were conducted over the midnight shift. Throughout my many negative experiences, I continually heard the all too-common phrase, “It’s not about black and white, but rather blue and gold” from members in management within the Moorestown station.
If that statement ever had any validity, then why is it that even today after all that has happened, it is so difficult for minority troopers and white troopers to demonstrate mutual respect for obvious dissimilar experiences within the organization they both call home for employment.

It seems to me that members of the Division of State Police, along with members of the Office of the Attorney General, both past and present, want you, and when I say “you”, I mean members of this Committee, the citizens of the State of New Jersey and the United States Justice Department to believe that everything that can or could have possibly be done to investigate, address and cure racial profiling and discrimination within the rank and file, is being done.

I present to you today that everything that could have or can be done regarding this severe problem, has not and is not being done. We must understand that profiling is just one manifestation of an abiding and deeply imbedded form of racism within the State Police.

In addressing the issue of racial profiling, it would be careless of us to only concern ourselves with a single symptom rather than the totality of the disease. Profiling exists in a culture which mistreatment of minorities is encouraged and tolerated by the highest levels of management within the Division.

When confronted with the potential evidence of racial profiling and racism within the rank and file, members of the Division of State Police, along with the Office of the Attorney General, have always been quick to run for cover and defend the institution.

Complaints brought forth have always been handled in the safe confines of their own secret groups. This is evidence in what we all now have learned as a result of the releasing of the many documents we have been able to review. Those within the rank and file who have complained or reported instances of racial profiling and discrimination, have been the victims of extreme retaliation to the highest degree. Character assassination, heightened supervision, demeaning deployment of details and duties, poor working conditions or environments, denial of specialist assignment or promotion, and in some cases termination, are all examples of the retaliation that I and many of my colleagues have been subjected to.
Testimony - Trooper Stephens  

In fact, at this time I would like to take the opportunity to put on the record that I expect to be retaliated against by the Division of State Police for testifying before this Committee today. In fact, fear of retaliation as it has been witnessed, has always been one of the main reasons why scores of troubled troopers don’t complain. The State Police has never implemented any real or true system by which its employees can report improper conduct or wrongdoing within the rank and file without the overwhelming fear of retaliation.

Along these lines, I would like to bring your attention to the tenure program. In the State Police there exists a five-year probation period. Within this probationary period there exists an implied retaliation policy with regard to the two-year, four-year and five-year re-enlistment guidelines, whereas the employee can be terminated without cause within this five-year period. With this in mind, it is important to know that there is a significant portion of probationary troopers who man the road stations. The majority of these troopers are often placed in situations by senior troopers that require them to submit to the program or face career assassination. Fear and intimidation are the two key elements utilized in this process. Unfortunately, many troopers fall prey to wrongdoing just to be accepted and incorporate the program which is as follows: Make the arrest, get the job, get the promotion.

While on the topics of fear and retaliation, I would like to bring your attention to the Smith Special Report marked OAG000987, that’s attached to my statement, of which I am listed as the second trooper interviewed on Page 1. First, I want to bring your attention to Page 2, marked OAG000988. There are 14 troopers listed here, all of which are of African-American descent. Now, let’s return to Page Number 1 and proceed to the last paragraph of which I will read. These are the words of Sergeant Smith. “The undersigned also interviewed several other minority troopers assigned to the Moorestown station who wish to remain anonymous but was advised by them that they also felt there were improper patrol procedures being used at the Moorestown station. However, their concerns were only a perception and not factual.”

I submit to you today that the substance in this paragraph as it pertains to the troopers listed on Page 2 of this report that wish to remain
anonymous, is as clear of an example that you will see which demonstrates fear of retaliation.

Now, I would like to bring your attention to the document marked GC003065. Sir, is it possible that we can put this on the monitor?

SENATOR GORMLEY: We’re familiar with the document.

TROOPER STEPHENS: Okay.

SENATOR GORMLEY: That’s why we had it marked.

TROOPER STEPHENS: May we all please take a moment to review this document. First, I want to identify the abbreviated initials on the top left, Lt. JB. These stand for Lieutenant Joseph Brennan who, by the way, went on to be promoted to the rank of Captain shortly after with charge over the Office of Affirmative Action within the State Police. A brief explanation. The Office of Affirmative Action is the office in existence that was supposedly set up and designed to address issues as they pertain to minority troopers and the minority community.

Next, I would like to draw your attention to the last paragraph and the last sentence which reads: “If they provide information other than that in Smith’s Special, this would be the time we could give them a hard time for not having complied with Article 5, Section 8 of the rules and regs.

(Attached)"

Now, please refer to the copy of Article 5, Section 8 of the rules and regulations and I’ll read: Article 5 and the subtitle is Performance of Duty, Section 8. “A member shall communicate promptly through the Division chain-of-command all crimes, breaches of the peace, suicides, attempted suicides, fires, accidents, complaints, misconduct or other information of which the Division takes cognizance that may come to the member’s attention during the performance of such member’s duty. A member shall not withhold any information on such matters for any reason.”

And finally, draw your attention to the bottom of this memo, FYITG3635. Thomas Gilbert, who many of us have been somewhat led to believe has been instrumental in his efforts as they pertain to this Committee’s quest into the truth behind racial profiling. The retaliatory overtones that reek from this memo are overwhelming in power. Rather than consider the possibility of potential evidence that there may, in fact, have been something very wrong, Thomas Gilbert was terribly anxious to begin the
process of retaliation and punishment against those of us that had complained. I submit to you that the elements in this memo in context are just a blip on the screen as they compare to the retaliation that I and many of my colleagues have been forced to deal with. This is what happens to people that complain and deeper, this is what happens to minorities.

In closing, I would briefly like to address the current state of affairs. Currently leaders of this great state have recently testified before this Committee and expressed feelings of being puzzled as to why things are still statistically the same. I offer a common analogy. If a gardener only cuts the top of the weed off in his garden, he shouldn’t claim to be puzzled when the weed continues to grow. To restrict efforts to only the surface and obvious symptoms while leaving the roots, examples of which Lieutenants, Captains, Majors, Colonels, intact and undisturbed, is extremely troublesome and a disservice to the citizens of the State of New Jersey.

Thank you.

SENATOR GORMLEY: Thank you for your testimony.

That will conclude the hearing for today.

(Off the record)

* * * * *

CERTIFICATION

I, PATRICIA A. KONTURA, the assigned transcriber, do hereby certify the foregoing transcript of proceedings on tape number 1, index number 0 to end; tape number 2, index number 0 to 4500; tape number 3, index number 0 to end; tape number 4, index number 0 to end; and tape number 5, index number 0 to 3000, is prepared in full compliance with the current Transcript Format for Judicial Proceedings and is a true and accurate
compressed transcript of the proceedings as recorded, and to the best of my ability.

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