

NEW JERSEY STATE LEGISLATURE
OFFICE OF LEGISLATIVE SERVICES

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

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
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EXHIBITS

1
2
3 Report on Discriminatory Practices Within the New
4 Jersey State Police, dated August 1999, from the New
5 Jersey Legislative Black and Latino Caucus
6

7 Report Entitled, Plaintiffs' Proposal for Prospective
8 Systemic Relief
9

10 Copy of a Charge Filed by a Member of a Group of
11 Black Persons Currently Employed by the State Police.
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Testimony - Assemblyman Charles

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

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

8 ASSEMBLYMAN CHARLES: Good morning.

9 SENATOR GORMLEY: Well, this is the first
10 group I didn't have to explain the red lights to.
11 Assemblyman Charles.

12 ASSEMBLYMAN CHARLES: Yes, sir.

13 SENATOR GORMLEY: We'd appreciate your
14 testimony at this time.

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

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

24 It was about two years ago to the day that
25 the Black and Latino Caucus began holding its public

1 hearings on the issue of racial profiling and the
2 related issue of discriminatory practices within the
3 State Police with regard to employment. It was on
4 April the 13th of 1999 that this Caucus convened the
5 public hearing in Trenton. One week later on April
6 20th, convened another public hearing in Newark. And
7 a week after that, convened a public hearing in
8 Blackwood, New Jersey to take testimony on this
9 issue.

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

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

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

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

21 Our hearings, which consisted of testimony
22 of lay people, of attorneys, of troopers, of expert
23 persons, led to certain inescapable findings. I have
24 before me a report that the Black and Latino Caucus
25 authored in August of 1999. You may have seen it.

1 You probably have reviewed it in connection with
2 these hearings here, but I would just like to
3 formally introduce it into the record of these
4 proceedings. I have copies which I can present to
5 the members of the hearing.

6 SENATOR GORMLEY: We'll have it marked and
7 made part of the record.

8 ASSEMBLYMAN CHARLES: I'd like to refer the
9 Committee to the findings of the Caucus, and I think
10 these are findings that from my reading of the
11 accounts of this hearing are reflected in the
12 hearings that this Committee is now conducting. We,
13 as the Black and Latino Caucus, found in August of
14 1999 that racial profiling and employment
15 discrimination is systemic in the State Police. We
16 further found that racial profiling and employment
17 discrimination is condoned, facilitated and rewarded
18 by the hierarchy of the State Police. We also found
19 that the Office of the Attorney General knew or
20 should have known about the severe and pervasive
21 practice and pattern of racial profiling and
22 employment discrimination within the State Police.

23 The institutional policies and practices of
24 the State Police have not materially improved since
25 1975 when the Justice Department found that the State

1 Police had "No objective and standardized criteria
2 and procedures for assignments, tenure, promotion and
3 discipline to assure that blacks and Spanish-surnamed
4 Americans and women are treated fairly and
5 equitably."

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

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

22 And finally we found that substantive and
23 lasting changes will not occur in the external
24 functioning of the State Police, that is in racial
25 profiling of motorists, unless and until there is

1 fundamental reform of the internal institutional
2 structure. As I stated, we were concerned about
3 change in the institutional structure, legislative
4 changes, that would be made permanent and that would
5 be protective of minorities from the beginning of
6 those institutions until.

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

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

25 We also recommended that there should be

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

8 Now, I should say this, that at the
9 beginning of our hearing, and it's important to note
10 this, in the beginning of our hearings on April of
11 1999, we asked the -- or invited the then Attorney
12 General Mr. Peter Verniero to attend and to give
13 testimony. We asked the then Acting Superintendent
14 of Police, Mr. Fedorko to appear and to testify.
15 Both persons declined our invitations. At our
16 subsequent hearing in April, the third of our
17 hearings, we extended another invitation. Our
18 invitation to the then Attorney General at first was
19 accepted and then at the last minute we got a call
20 that he would not appear for reasons that were not
21 expressed.

22 We tried to get as much information, as
23 much data as we could as we conducted our hearings.
24 In fact, one of the things that we requested prior to
25 the hearings that began in April of 1999 by a letter

1 we sent to the Attorney General's Office was all data
2 pertaining to stops by the State Police over the
3 preceding years. We received a responding letter
4 that such data did not exist. We -- in writing. We
5 then proceeded with our hearings and I think we
6 arrived at some conclusions that I stated before. We
7 have over the last several weeks, in the last several
8 weeks, based upon our hearings two years ago and also
9 based upon some of the information that was revealed
10 during your hearings, we have sent a letter to the
11 then Attorney General, a current Justice of the
12 Supreme Court, asking that Justice, then Attorney
13 General, Verniero to resign based upon what we felt
14 was an unconstitutional failure to act in the
15 interest of all of the citizens of the State of New
16 Jersey and for disregard of his constitutional
17 obligations to equally apply the laws of the State of
18 New Jersey and to equally protect all of the people
19 of the State of New Jersey. That's a position that
20 we arrived at very gravely after a lot of
21 consideration, realizing the consequences of it, the
22 seriousness of it. But we felt that in honor of the
23 constitutional laws of the State of New Jersey and as
24 a duty to the citizens of the State of New Jersey,
25 particularly the minority motorists of the State of

1 New Jersey who have been victimized, and in the
2 interest of the people of the State of New Jersey who
3 need to have confidence that there is equal justice
4 on the Supreme Court, we felt that such a decision is
5 necessary. More action may be necessary, but for the
6 time being, that is our position.
7 I'll end my remarks right now by just
8 referring to one of the quotes that we got from an
9 expert in our hearings. And I think this is where
10 we're at right now. When we had our hearings, our
11 last hearing on April 27th, Professor Fife, in
12 response to the Interim Report that the Attorney
13 General issued, I believe it was on April the 20th of
14 1999, had this remark. He said that "The
15 recommendations in that Interim Report would fail
16 because the Attorney General's findings and
17 recommendations do not acknowledge or address the
18 systemic nature of racial profiling. The
19 recommendations do not hold accountable any member of
20 the State Police above the level of road trooper and
21 the recommendations do not contain any mechanism to
22 monitor the job performance of supervisory management
23 personnel." Mr. Fife warned that, "The failure to
24 address this leadership issue is bound to widen the
25 schisms between road troopers and those who lead

1 them." We as the Legislature need to take the proper
2 corrective actions so that the bane, the curse, the
3 unconstitutional practice of racial profiling and
4 further, the unconstitutional discrimination against
5 the troopers of the State of New Jersey, the minority
6 troopers, that it be eliminated.

7 I thank this Committee for the opportunity
8 to testify.

9 SENATOR GORMLEY: Thank you.

10 Senator Bryant.

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

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

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

24 This Committee of Democrats and Republicans
25 found a way to speak in one voice. To ask tough

1 questions; you made the tough decisions. Because of
2 your uncommon valor, New Jersey has made a quantum
3 leap towards eradicating the scourge of racial
4 profiling.

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

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

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

22 In April of 1999, the Caucus proceeded to
23 conduct its own public hearings. The Caucus
24 requested the normal resources afforded to a
25 legislative committee to conduct its work.

1 Once again, the Legislature's abject
2 failure to show any leadership on this issue
3 manifested itself with the presiding offices of both
4 Houses denying that request.

5 The Caucus persevered, however, and
6 conducted its own hearings, summarizing its findings
7 and recommendations in the report referred to by
8 Assemblyman Charles.

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

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

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

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

1 I am gratified that many of these bills
2 have been assigned to your Committee and I understand
3 that this Committee will act on them in short term.

4 I am troubled, however, that seven of the
5 bills have not been assigned here and, thus, are at
6 risk of dying a slow death in the bill room.

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

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

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

15 We have collected much of this testimony
16 and information prior to this Committee's
17 consideration of Peter Verniero's nomination to the
18 New Jersey Supreme Court.

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

24 We saw, just last week, how our leadership
25 continues to fail us. New Jersey is currently under

1 federal consent decree with the United States
2 Department of Justice.

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

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

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

21 The problem, however, is that John Farmer
22 should have been before this Committee in June of
23 last year with his report. And he should have come
24 before this Committee again in January with his next
25 report. That's what the consent decree requires. He

1 contends that computer systems are not up to speed
2 yet to do the analysis and they had to be done by
3 hand. My colleagues, only 271 searches were
4 analyzed. His analyzation could have been
5 accomplished in three hours with a Radio Shack
6 computer.

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

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

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

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

1 State Police.

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

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

12 We questioned the Attorney General's
13 decision to ignore astonishing findings of Judge
14 Francis' decision in the Soto case.

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

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

25 We questioned what might have been going

1 through the mind of the Attorney General when a
2 federal court found in 1998 that State Police
3 Sergeant Vincent Bellaran was the victim of racially
4 hostile and a racially discriminatory work
5 environment.

6 This nominee brought a new meaning to the
7 phrase, "Justice is blind."

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

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

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

21 We cannot turn back the clock of May of
22 1999 and re-vote his confirmation. We cannot undue
23 the damage to civil rights and personal dignity that
24 persists while Attorney General Verniero, the chief
25 law enforcement officer of New Jersey, turned a blind

1 eye to racial profiling.

2 We can right the wrong, however, by
3 insisting on two things. First, we must get this
4 package of racial profiling legislation enacted this
5 year. This Committee and this Legislature must
6 listen to their colleagues of the Black and Latino
7 Caucus.

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

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

13 Your call for the Justice's resignation
14 from the court was a painful but necessary step.

15 It is becoming increasingly clear that it
16 will take additional steps to vacate Justice
17 Verniero's place on the bench.

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

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

25 The facts, no matter how personal and blunt

1 as they may be, must be stated for the record. The
2 Republican Party rushed a nomination of Attorney
3 General Peter Verniero through this Committee in May
4 of 1999 even though the Supreme Court vacancy did not
5 take effect until September 1999.

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

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

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

23 We have now entered a new millennium, a new
24 century and, yes, the eyes of the entire nation are
25 looking at New Jersey to see if there will be one

1 standard of justice and will we right the wrong.

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

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

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

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

22 Assemblywoman Gill.

23 ASSEMBLYWOMAN NIA GILL: Thank you, Mr.
24 Chairman.

25 The Attorney General and the Attorney

1 General's Office are incapable of monitoring and
2 supervising the New Jersey State Police on issues of
3 racial profiling in discriminatory practices.

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

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

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

25 The recommendations and reforms simply

1 perpetuate the symbiotic relationship between the
2 Attorney General's Office and the State Police. The
3 State Police monitors itself, and the Attorney
4 General attempts to monitor the State Police.

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

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

20 I would like to take this opportunity to
21 highlight some of the Black and Latino Caucus'
22 initiatives.

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

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

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

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

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

21 Thank you.

22 SENATOR GORMLEY: Assemblyman Jones.

23 ASSEMBLYMAN LEROY J. JONES, JR.: Thank
24 you, Senator Gormley and to the members of the
25 Committee.

1 Let me just start by saying on behalf of
2 the people that I represent and the countless number
3 of motorists who have been victims of racial
4 profiling, thank you for the opportunity to offer
5 testimony on one of the most pressing matters of this
6 day, racial profiling.

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

15 Mr. Chairman, you should also recognize,
16 and it's clear and the record states that through the
17 voice of Chairman Joe Charles, Senator Bryant and
18 Assemblywoman Gill and you'll hear from Assemblywoman
19 Pou, that the legislative Black and Latino Caucus
20 hearings on racial profiling helped to bring light on
21 the experiences of many, many victimized minority
22 motorists with harassing stops and searches. And as
23 Assemblyman Charles mentioned, that we placed a face
24 on the charge of racial profiling and we sought to
25 identify and isolate those troopers who were guilty

1 of this cruel and shameful and unconstitutional
2 practice.

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

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

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

24 Citing the continued lack of statistical
25 information and the State's repeated denials of the

1 existence of racial profiling, this Caucus, the Black
2 and Latino Caucus, introduced a comprehensive
3 legislative package designed to combat racial
4 profiling. Chairman Joe Charles has mentioned it.
5 Assemblywoman Gill, Senator Bryant, Assemblywoman Pou
6 will also mention that. So we're trying to drive
7 home this very issue, that inasmuch as this Committee
8 moves towards reforms, reforms currently sit in the
9 legislative hopper without action.

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

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

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

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

14 Mr. Chairman, let me go on to just say that
15 the hearings conducted by the Black and Latino Caucus
16 and the meetings held by this very important
17 Committee, and all resulting actions, I believe, and
18 I believe you all would agree with me, will provide
19 solace to anyone concerned about racial profiling.

20 Statutory mandates against racial profiling
21 and the enhancement of civil rights protections,
22 which will result from the Caucus legislative
23 package, will simply discourage unscrupulous troopers
24 from engaging in this indiscriminate and
25 reprehensible conduct. It was and continues to be

1 conduct that tarnishes the dignity of the position of
2 state trooper. It diminishes the image of the
3 profession of law enforcement. Drives a wedge between
4 state troopers and the people that they have sworn to
5 protect and serve and undermines the very law that
6 they are mandated to uphold.

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

15 And if I can, let me just shift the
16 testimony to a group of individuals who I believe are
17 courageous, I believe are bold, daring and different.
18 Who have the fearless effort to come before this
19 Committee and moments after this Caucus completes its
20 testimony, and that is the minority troopers that sit
21 behind me. And I certainly apologize for my back
22 while making reference to all of them. During our
23 hearings, Mr. Chairman, in addition to the testimony
24 on troopers engaging in racial profiling, we heard a
25 significant amount of factual accounts of the blatant

1 discrimination, harassment and nepotism and overtly
2 hateful acts imposed against minority troopers by
3 white troopers and the hierarchy of the State Police.

4
5 The internal challenges facing these bold
6 gentlemen have been dwarfed by much of the debate on
7 racial profiling. And we cannot lose sight of that.
8 Let the record state that in many respects the State
9 Police, the law enforcement apparatus of this state,
10 is dysfunctional and intolerant.

11 Segments of the public have lived through
12 racial profiling and this episode which has been
13 called for people to be mindful and considerate of
14 the men and women who patrol our roads and their
15 families and friends, and that is certainly
16 appropriate. But let me just say on behalf of these
17 gentlemen who have been victimized by state troopers,
18 I call on all people of goodwill to simply consider
19 the plight of troopers facing the challenges on the
20 roadways of New Jersey and in the barracks of the
21 State Police and I simply ask the people of New
22 Jersey to also consider their families and their
23 friends, because these minority troopers who
24 acknowledged the impact on their physical and
25 emotional states during our hearing as a result of

1 discrimination, exclusion and intolerance, certainly
2 are owed that privilege.

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

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

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

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

9 And in closing I would just like to add,
10 Mr. Chairman and members of the Committee and people
11 that are here with us today, we talk much about
12 Justice Verniero and the legislative process will
13 obviously address Justice Verniero with the
14 appropriate process at the appropriate time, but we
15 cannot lose sight or allow that to be the smokescreen
16 to move away from addressing the bigger issue, the
17 broader issue and that is the issue of racial
18 profiling and that is repairing the harm that has
19 been placed on every victim, whether they be trooper
20 or citizen. It is our responsibility as legislators
21 to uphold the sacred constitution of this state and
22 to ensure that no man or woman, based on their color,
23 creed or ethnic background, has ever -- is always
24 from harm when traveling the highways and byways of
25 this state.

1 Mr. Chairman, thank you so much for the
2 opportunity and if there's certainly any questions,
3 I'll be more than glad to respond.

4 Thank you.

5 SENATOR GORMLEY: Assemblywoman Pou.

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

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

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

24 We saw this situation as alarming, unfair
25 and disruptive of democratic principles, civil

1 rights, and just as seriously, as respect of all
2 citizens, and particularly minority citizens for law
3 enforcement in general and the New Jersey State
4 Police in particular.

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

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

19 We also know that as early as December
20 1996, then Attorney General Verniero and the then
21 Superintendent of the State Police received
22 statistical information from the New Jersey State
23 Police sources which, under any fair-minded and
24 objective assessment, had to indicate a probability
25 of racial profiling. This was followed in February

1 of 1997 with even more compelling documentation of
2 the problem.

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

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

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

20 At that time Attorney General Verniero told
21 this Committee that the problem of racial profiling
22 had not crystalized in his mind until after the
23 Turnpike shooting of April 1998, although the facts
24 now leaves us with no other conclusion but that he
25 chose to ignore facts brought to his attention by the

1 New Jersey State Police themselves at least a year
2 earlier.

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

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

25 What comes of this "sad" chapter in New

1 Jersey's history is not just the removal, hopefully
2 by resignation but enforced if necessary, of Justice
3 Verniero, for that would be far too easy and would do
4 nothing to resolve the underlying evil of racial
5 profiling, but a complete change in our State's
6 practices, procedures and yes, even in its thinking.

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

17 Justice Verniero would do a great service
18 to the citizens of this State by acknowledging his
19 failures in the performance of his duties as Attorney
20 General and of his responsibilities to be candid and
21 forthright in his responses to this Committee, both
22 in his original testimony at his confirmation hearing
23 and in recent appearance, by resigning his position
24 rather than putting the people of this State through
25 a protracted and acrimonious impeachment process and

1 we, as Legislators of this State, would do a similar
2 service by putting into place a system of
3 recruitment, training, supervision and accountability
4 of our State Police force which would ensure that
5 innocent citizens of this State are free to
6 transverse our highways without harassment and
7 humiliation while leaving the New Jersey State Police
8 free to perform their sworn duties in protecting the
9 honest, law-abiding citizens of this State and to
10 appropriately enforce our criminal laws.

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

16 The fair and appropriate enforcement of our
17 criminal law enhances the safety and well-being of
18 all of our citizens, the discriminatory, racially and
19 ethnically biased implementation of discredited law
20 enforcement "profiles" beings our government and our
21 society as a whole into disrepute and can only lead
22 to a cynicism and disrespect for all of our
23 institutions.

24 I believe it is our responsibility as
25 elected officials to root out such practices and

1 those who perpetrate them. To that end, let me just
2 reaffirm the comments that have been said by members
3 of the Black and Latino Caucus who's before you. We
4 have introduced 20 separate pieces of legislation
5 which address the problem of racial profiling and
6 begins the process of healing and uniting our great
7 State.

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

10 SENATOR GORMLEY: Senator Girgenti.

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

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

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

18 (Interference with Microphone)

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

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

9 One of the things that we recommended back
10 in August of 1999 and that we again protested to the
11 Superintendent of Police, the current one, was the
12 promotions that were made. There were promotions
13 made in July of 1999, even as we were conducting
14 racial profiling here as a Black and Latino Caucus,
15 that we felt would simply move up and embed in a
16 deeper way the culture that existed in that
17 leadership. Then later on, in April I think it was
18 of last year, we had a huge number of promotions that
19 took place even before reforms were put in place,
20 even before there was some evaluation of the
21 personnel. I think that that had the effect of
22 removing opportunities for minority troopers within
23 the State Police, people who were sensitive and who
24 had been made to pass the standard of fairness and so
25 on.

1 So up to now, we are not satisfied as a
2 Caucus with what has taken place. I think until we
3 do the bills and the package that we've been
4 discussing, until that's done, we'll continue to have
5 the problems. We'll continue to see minority
6 motorists stopped and searched and disproportionately
7 with the same kinds of inverse results, that is fewer
8 being in possession of contraband than their white
9 counterparts.

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

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

23 So we want to remove that discretion so it
24 doesn't matter if it's a good trooper or one of those
25 bad apples that Governor Whitman always referred to,

1 that they would be on the same footing. So the
2 legislation is to develop a system and that system
3 would result in the elimination of racial profiling,
4 notwithstanding whoever the individual trooper may
5 be.

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

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

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

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

24 We heard from troopers, and it's evident
25 and we must do something in the Legislature about

1 this, they're not permitted, no matter how many times
2 they apply, to take certain courses that leads to
3 promotions because there's no system that says that
4 who first came got the opportunity to take it, you
5 could be denied five times. They serve in acting
6 positions as Lieutenants and Sergeants and then end
7 up not getting the job. Why? Because the other
8 folks are allowed to take the courses and the things
9 that are pre-qualified of what they start to use and
10 then they're denied. And so I've been asking to do
11 the same thing. Those kinds of practices must be
12 eliminated. And it's not a science, it doesn't take
13 rocket science for folks to set up systems so it's
14 fair for everyone. If I apply to -- go to a
15 particular course, first-come, first-serve. Why
16 shouldn't I have the opportunity to do it? Should be
17 constantly denied?

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

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

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

25 SENATOR GIRGENTI: Thank you.

1 I just wanted to say in closing. I look
2 forward to working together with the Black and Latino
3 Caucus in putting forth meaningful legislative
4 reforms and recommendations to put an end to this
5 discrimination within the ranks of the State Police
6 and to racial profiling on the highways.

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

14 Thank you very much.

15 SENATOR GORMLEY: Senator Furnari.

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

23 I'm not going to ask many questions on the
24 specifics of the legislative recommendations. I'm
25 going to hold that off until the time when which we

1 have an opportunity to consider those. I join in
2 Assemblyman Jones' request that they be posted and I
3 think our Chairman said we would have a chance to
4 consider those along with the rest of the bills that
5 may be coming up.

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

19 But, Senator, I've often looked to you for
20 advice, is there something that we can do about that?
21 Is that another statement about what's happening or
22 is it -- is there something meaningful that we can
23 do? You know, you get an order it says do it and it
24 still doesn't get done and yet there seems to be
25 testimony of, you know, not -- we didn't do it

1 intentionally, you know. Is there something -- I'm
2 looking for some comments here.

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

25 And sometimes you wonder if it was because

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

4 SENATOR GORMLEY: Excuse me.

5 ASSEMBLYMAN JONES: But then when --

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

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

17 -- they are merely to draw --

18 SENATOR GORMLEY: But just for the record -

19 -

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

24 SENATOR GORMLEY: I just --

25 ASSEMBLYMAN JONES: -- the individual in

1 the Legislature to put that very bill in that you did
2 some time ago.

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

6 ASSEMBLYMAN JONES: And that's a sad
7 commentary.

8 SENATOR GORMLEY: And no came. But the
9 only thing I wanted to add for the record, is that
10 this Committee did do hearings on racial profiling in
11 1999.

12 ASSEMBLYMAN JONES: My point being --

13 SENATOR GORMLEY: Obviously we didn't get
14 all the answers but I think people at least can
15 reflect on this Committee that when the initial --
16 when the new documents came out -- the documents were
17 unavailable to all of us, in October of last year
18 when they came out, this Committee pursued those
19 documents. It obviously supplemented the information
20 that was provided to us in 1999. But we did conduct
21 those hearings. We were, I thought at the time, as
22 thorough as possible in terms of seeking information.
23 And you're right, we didn't get all the information
24 or all the statistics or all the data. But in terms
25 of this Committee, Republican and Democrat alike, if

1 they look at the hearings that took place in April of
2 1999, and the additional hearings that took place in
3 May of 1999, the right questions were asked, and that
4 is reflective of the recommendation this Committee
5 made last week in terms of the recommendations. And
6 I'm not -- and I don't -- and I apologize for
7 interrupting, it's just that I wanted to let people
8 know that we had -- we had made an effort. It was in
9 good faith. You can point to the fact that we
10 weren't able to get all the facts out, but we, once
11 the supplemental information was provided, we pursued
12 it. And I know this is not a disagreement between
13 the two of us because you've been supportive of the
14 bill that we put in, whatever --

15 ASSEMBLYMAN JONES: Absolutely.

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

23 ASSEMBLYMAN JONES: Apology accepted,
24 Senator. And I merely want to draw attention to the
25 fact that this body was complete. This body was

1 thorough. This body introduced a package of
2 legislative remedies that has been languishing in
3 Committee for several years now. We are merely
4 asking that the merits of our work be moved forward
5 by way of these bills being posted on the next
6 Committee agenda for immediate action.

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

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

13 ASSEMBLYMAN JONES: Mr. Chairman --

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

16 ASSEMBLYMAN JONES: Mr. Chairman, if I can
17 --
18 just one last comment, Senator.

19 Certainly, Senator, we recognize that the
20 wheels of justice often turn slow. The point that
21 was attempted to be raised was simply that as we
22 continue to wait for justice to correct itself, that
23 there are many, many motorists of the minority
24 community by way of testimony just last week, that
25 are still being stopped, that are still being

1 brutalized, that are still being dehumanized, that
2 are still having their civil rights violated. And we
3 must move swift and expeditiously to correct this
4 wrong.

5 Thank you, Senator.

6 SENATOR GORMLEY: Thank you.

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

16 One of the packages talks about an
17 independent prosecutor with subpoena powers. Why is
18 that important? I think it's hugely important
19 because it is clear from what is even going on now.
20 It is very difficult for the Attorney General, who is
21 empowered with its -- as even admitted, its chief
22 responsibility to protect the rights of the citizens
23 of the State of New Jersey. To also protect the
24 rights of the Division. There's almost a built-in
25 conflict for them to be defensive of their own

1 Division. To have someone independent looking at
2 actual complaints that has subpoena powers to figure
3 out whether those complaints are valid or not valid,
4 such as this Committee has, you will see the truth
5 will be different. You will see folks responding in
6 a much different way. I think it's a very
7 progressive way of looking at it.

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

18 So in essence, this prosecutor is sort of a
19 piece of what the public advocate does. But I think
20 we need someone with independent subpoena power so
21 that they also can constantly get at the truth,
22 because people come before our Committees and it's no
23 reflection on us, but without subpoena power, they
24 can tell us anything they want. I don't know whether
25 I thought about it. Did I have it? Whatever. It is

1 something different when a person knows that they can
2 be subpoenaed for information, either you have it or
3 you don't and you better present it.

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

9 SENATOR GORMLEY: Thank you.

10 Assemblyman?

11 ASSEMBLYMAN CHARLES: Yeah. One part of
12 the package is a bill that was initially introduced
13 and I think it would be appropriate as we work on a
14 transition from a problem to a real and permanent
15 solution. I think it's meritorious to establish a
16 bicameral, bipartisan committee of the Legislature to
17 regularly check on the progress that is being made in
18 bringing the institutional reform to the State
19 Police. It's not going to be an easy process. We've
20 experienced that. We've seen that. Although
21 intentions have been expressed as much as a year ago,
22 the delivery has not been there. It's a difficult
23 problem; in some people's mind an intractable
24 problem. But it's one that we have to deal with as a
25 Legislature also. I think sitting as the

1 Legislature, a consent-to-search-equal branch of
2 government with the Executive, we might then assert
3 the independence of our branch of government and it
4 might move along better the process of reform that is
5 needed. We could regularly call in troopers,
6 minorities, non-minority troopers, to find out what's
7 going on within the ranks and provide them some
8 protection. I think one of the problems we have is
9 that a lot of those who are within the ranks, you
10 know, have the fear of what are going to be the
11 consequences. We can't provide full cover, but
12 perhaps we can provide some sort of comfort for those
13 who could come forward before us as a Committee and
14 testify to what is actually going on. I think that's
15 a possible solution because right now the oversight
16 or the actual operations in the Executive branch, we
17 as a Legislature need to involve ourselves in it
18 until we are satisfied that this process and this
19 disease has been cured.

20 SENATOR FURNARI: My -- the point of my
21 question was, without going into too much detail,
22 certainly these recommendations require the
23 productions of lots of documents, but so do the
24 consent order and we are, you know, we're here under
25 a consent order with something that seems to us is as

1 simple as adding up some numbers. We can't seem to
2 get that done. Is there -- if there are penalties as
3 high as criminal offenses for police officers who
4 fail to do appropriate things on the road, should
5 there also be penalties of significance for the
6 Attorney General's Office that somehow finds a way to
7 fail to accumulate documents that we need or, you
8 know. I mean, that's the kind of issues. And I'm
9 not suggesting that we do that, but I'm saying
10 there's got to be some way that there's some teeth to
11 what we're, you know, making something out but other
12 than say let's all do it. Here's a consent order
13 that says do it.

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

16 SENATOR GORMLEY: Okay, that was subtle.
17 (Laughter)

18 SENATOR GORMLEY: Senator Zane?

19 SENATOR ZANE: Mr. Chairman, I would very
20 frankly just like to be very candid about some
21 conversations that have taken place. It was probably
22 -- the intent of the Committee is probably clearer or
23 made clearer by the candid conversations that have
24 taken place in the back. And I want you to know what
25 they have been so that no one suspects any of the

1 motives. I don't think I could say it much better
2 than Senator Gormley has said it, but I do want to
3 add one thing. Time after time when we have taken a
4 break during these hearings members have expressed, I
5 hope the public isn't getting the idea that we are
6 here to get Peter Verniero. I hope the public has a
7 clear understanding that what we are here to do is to
8 address this issue of racial profiling and to bring
9 it to an end. And all of the legislation that you
10 have mentioned clearly has been referred to in those
11 candid conversations. Civil rights legislation has
12 been referred to. I mean the feeling to the person
13 in this Committee that this practice one way or
14 another has got to finally be addressed with some
15 real teeth and that that's the real purpose of this
16 Committee and the function here. It's not what some
17 have perceived it as. And people have said, if heads
18 must roll, people must be handled a lot more harshly
19 than they have been. Whatever it's going to take to
20 address the issue. I mean please here today
21 understanding that that is absolutely the intent of
22 this Committee. And again, those very candid
23 conversations that would take place after somebody
24 questioned a witness and walked back and would say,
25 you know, I know I was asking questions, it sounded

1 like it had to do with the Attorney General. But I
2 hope people understand that we have thousands of
3 documents to go through to get to and to present to
4 the public what we didn't know before, but really
5 what we're doing is addressing that issue. And I
6 just hope that that's really clear because honestly,
7 that is the intent of this Committee.

8 ASSEMBLYWOMAN POU: Senator?

9 SENATOR GORMLEY: Yes.

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

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

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

6 Thank you.

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

13 But I don't want to lose sight that Justice Verniero,
14 there must be -- his injustice that he did for a year
15 and a half must be righted. You can't reward it. We
16 can't have what I call "clean hands" as a
17 Legislature. We've put him where he is. We've got
18 to remove him if he fails to remove himself. He has
19 to be brought to account for what it is that he did.
20 You can't to one-quarter of the population that we've
21 rewarded a person for perpetrating an injustice on
22 you to the highest court of our state and we did
23 nothing about it. And yet we're concerned. The
24 first thing they're going to look at is what did you
25 do about that? Then they will look at what you did

1 legislatively. But if we're lax, and let me tell
2 you, we have a way of doing it, time is running. I'm
3 reading all the things in the paper, and don't
4 believe folks don't understand it, where you got the
5 May 15th that said if we don't get the report out on
6 time they can't do this and therefore -- whoops.
7 There we did, we just lost it. Time went by.
8 Nothing we can do about it. That's not going to be
9 good enough. We must right the wrong and then show
10 that we are willing to institutionalize some things
11 that would make it better. I sense that's what the
12 Committee wanted to do. That's why I started off
13 commending it. As a Committee, you have for once
14 that I rarely see ever in a House where there's a
15 wrong you are about to make a right out of that wrong
16 and you've done it without political wrangling, but
17 really looking at the truth. I think you've done
18 great justice for the legislative bodies. But we
19 must make sure that we complete the task. I think
20 that's all that the Black and Latino Caucus is
21 basically saying and I think that we are
22 understanding that your journey is a beginning, not
23 an end, but a beginning to take what you've learned
24 and then start to make sure that we institutionalize
25 those things that need to be necessary and that there

1 will be full discussion of these things.
2 SENATOR ZANE: But the question with the
3 documents that has taken place here is proof of how
4 this Committee was stymied with what it attempted to
5 do beginning in April, April 26th of 1999 and even
6 thereafter. And that's why that process with all of
7 the documents -- I mean had we had -- had we had
8 candor in 1999, we wouldn't be sitting here today
9 doing what we're doing.
10 SENATOR BRYANT: You're absolutely right,
11 Senator, and all I'm saying is but we have the truth
12 now and we have a mechanism to correct it. The
13 question is, we will use it? That's going to be the
14 test for us.
15 SENATOR GORMLEY: Any questions from
16 members --
17 ASSEMBLYWOMAN GILL: If I may --
18 SENATOR GORMLEY: A question from Senator
19 Matheussen first.
20 SENATOR MATHEUSSEN: I don't want to lose
21 sight of something. Assemblyman Charles, you said
22 something early on that caught my attention and
23 perhaps I didn't hear it correctly. But you said
24 something that the Caucus had requested certain
25 information from then Attorney General Verniero

1 regarding statistics and that he said those
2 statistics did not exist. Did he make that response
3 in writing to you?

4 ASSEMBLYWOMAN POU: Yes.

5 SENATOR MATHEUSSEN: And do you have a copy
6 of that letter?

7 ASSEMBLYMAN JONES: I'm pretty sure we
8 presented it to the -- somebody presented it to the
9 Committee.

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

12 We'll pull it.

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

17 ASSEMBLYMAN JONES: It is, Senator.

18 SENATOR MATHEUSSEN: Okay. Very good.

19 SENATOR BRYANT: We'll submit the letter.
20 What it basically says is that the information wasn't
21 compiled yet, yet it was, as we know now.

22 ASSEMBLYMAN CHARLES: Right.

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

25 ASSEMBLYMAN CHARLES: Dated March the --

1 ASSEMBLYMAN JONES: March 8th.

2 ASSEMBLYMAN CHARLES: No, this is my
3 letter.

4 ASSEMBLYWOMAN POU: March 29th.

5 SENATOR MATHEUSSEN: 3-28-98?

6 ASSEMBLYMAN CHARLES: March the 29th,
7 that's correct, of 1999.

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

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

17 Your response to the letter that you just
18 referred to.

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

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

24 SENATOR BRYANT: Well, misleading at best
25 and outright falsehood because they actually had the

1 statistics in hand.

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

5 SENATOR MATHEUSSEN: May I see it?

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

9 Well, we're not going to put it on the
10 screen. The one person who knows how to work the
11 screen is doing something else right now, but we are
12 --
13 Senator Matheussen is reviewing the document right
14 now.

15 (Pause)

16 ASSEMBLYMAN JONES: Senator, it's Page 3.

17 SENATOR MATHEUSSEN: Yeah, I think I have
18 it.

19 Paragraph 1?

20 ASSEMBLYMAN JONES: Paragraph 1.

21 ASSEMBLYWOMAN POU: Right.

22 ASSEMBLYMAN CHARLES: Paragraph 1 on Page
23 3.

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

1 SENATOR GORMLEY: Okay.

2 MS. GLADING: You might want to date it.

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

5 SENATOR MATHEUSSEN: The question, and if
6 you have the question in front of you, I don't have
7 that question --

8 SENATOR GORMLEY: Why don't we have Senator
9 Bryant will relate the question and you can relate
10 the --

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

18 SENATOR MATHEUSSEN: And in response
19 numbered one on the exhibit found on Page 3 it says:
20 "Regarding traffic stops for the six-year period you
21 have requested. As I am sure you can appreciate,
22 this request would require a massive effort to
23 produce as the State Police does not have this data
24 in easily retrievable form, therefore, I cannot
25 provide this information at this time. As stated

1 above, however, the review by my office of State
2 Police practices involves an inquiry in to the issues
3 raised in this request.

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

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

9 Okay, thank you.

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

12 SENATOR GORMLEY: Okay. Assemblywoman, you
13 wanted to make a comment? I'm sorry, I interrupted
14 you earlier.

15 ASSEMBLYWOMAN GILL: Oh, that's perfectly
16 all right, Mr. Chairman.

17 My comment just went to the issue with
18 respect to Peter Verniero. I think there are two
19 issues here, they're interrelated in they're not
20 mutually exclusive. One, of course, is the dealing
21 with the systemic nature of racial profiling through
22 legislative initiatives and the other with respect to
23 Peter Verniero is his misleading testimony before a
24 Senate Judicial Committee. And I think that the
25 Senate would be well served to raise those issues if

1 anyone came before you and gave misleading testimony
2 to be in any position. So that although they're
3 interrelated, I don't think that calling for the
4 resignation and impeachment of Peter Verniero is
5 viewed from the public vantage point as ganging up on
6 him or not liking him or in some way getting him.
7 The Senate has a responsibility that its confirmation
8 process will be viewed as one having integrity in
9 that those who come before the Senate to be confirmed
10 must present honest testimony to questions that are
11 asked. And I think if the Senate Judiciary Committee
12 did not ask for the resignation and if the Assembly
13 does not seek the impeachment, we will have done a
14 disservice to the legislative process and to the co-
15 equal position of the branches. The Legislature is
16 to be respected and those who come before the
17 Confirmation Committee in its process must come
18 without misleading statements and information so that
19 your recommendations then carry a stamp of approval.

20 So that I don't think that the public
21 thinks you're ganging up or out to get Peter
22 Verniero, but I do think the public understands that
23 you are in the process of upholding the integrity of
24 this House.

25 SENATOR GORMLEY: Okay. Thank you.

1 SENATOR MATHEUSSEN: From the phone calls I
2 received, I would agree with you.

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

5 (Luncheon break)

6 SENATOR GORMLEY: I'll ask the Committee
7 members to come back, please.

8 I want to thank all the Senators for
9 immediately responding to my gavel.

10 I would ask the next panel to come up
11 before they're sworn: Trooper Emblez Longoria;
12 Sergeant Robert Watkins; and Detective Joseph
13 Soulias.

14 For the record, this panel is appearing at
15 the request of the Committee.

16 (Pause)

17 SENATOR GORMLEY: Why don't we swear you
18 in, okay?

19 Senator Matheussen, please.

20 Okay. We'd ask the three witnesses to
21 please stand. Raise your right hand.

22 E M B L E Z L O N G O R I A, SWORN

23 R O B E R T W A T K I N S, SWORN

24 J O S E P H S O U L I A S, SWORN

25 SENATOR GORMLEY: We would appreciate your

1 statements at this time. Just identify yourself
2 before you make your statement and make sure the red
3 light is on in front of you.

4 TROOPER EMBLEZ LONGORIA: Good afternoon,
5 Committee. My name is Trooper Emblez Longoria. I'm
6 a 13-year veteran of the New Jersey State Police.

7 First, I would like to thank the Committee
8 for the opportunity to speak today about the issues
9 that have directly affected my career.

10 On February 14th, 1998 I was assigned to
11 the New Jersey Turnpike, Troop D, Cranbury barracks.
12 Upon arrival my Station Commander advised me that
13 "The Fort Dix barracks was not a busy station and
14 that this was. This is where the men produced the
15 big numbers and I expect you to do the same." He
16 went on to say, "You're an intelligent guy and I'm
17 sure you're going to fit in."

18 Throughout my tour I was repeatedly
19 pressured to go out and make profile stops. In fact,
20 on my very first midnight shift my squad Sergeant
21 told me that he knew I wasn't happy to be here and
22 maybe if you give them what they want, they'll think
23 you're a good guy and leave you alone.

24 He further stated that after 18 months I
25 could put in for a transfer request to get off the

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

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

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

19 The trooper then said to the driver, "You
20 don't mind if I look in the trunk." He then
21 proceeded to search the trunk without filling out a
22 consent to search form.

23 Upon completing his search, he asked the
24 driver to have a seat in his vehicle and after
25 issuing the driver two summonses, the driver was

1 allowed to leave.

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

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

22 I believe this practice was encouraged in
23 order to boost arrest numbers. Moreover, on several
24 occasions, I can overhear troopers in the locker room
25 talking about getting the "Johnnies." This, of

1 course, was the code word for black motorists. This
2 was prejudice, not perception.

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

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

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

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

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

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

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

24 In early 1999, weeks prior to my transfer,
25 my lawyer and I attempted to resolve this matter with

1 Lieutenant Colonel Michael Fedorko in an attempt to
2 avoid litigation. My lawyer clearly made Lieutenant
3 Colonel Fedorko aware of the racial profiling problem
4 on the New Jersey Turnpike as well as the racist
5 atmosphere in the Division of State Police.

6 Lieutenant Colonel Fedorko refused to take my
7 complaint seriously and allowed my transfer back to
8 the New Jersey Turnpike to stand. Not to mention, I
9 was again being assigned to the same exact station
10 and the same exact squad I had previously complained
11 about. My concerns were that I would not receive
12 backup from other troopers and possibly be injured or
13 worse or that I would be indicted for civil rights
14 violation by virtue of the fact that I was riding
15 with troopers who were profiling.

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

25 As the meeting began, Sergeant Bellaran and

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

10 Therefore, despite the Gloucester County
11 decision in which Judge Francis found racial
12 profiling to exist, despite the federal Title 7
13 decision by Judge Cooper proving racism within the
14 outfit, despite one of Attorney General report
15 acknowledging racial profiling is real, not imagined,
16 and the other acknowledging disparate treatment
17 within the State Police, despite a report issued by
18 the Black and Latino Legislative Caucus acknowledging
19 racial profiling and outlining reforms, despite two
20 internal audits conducted by Sergeant Gilbert and
21 Lieutenant Sachetti, and despite the mountain of
22 evidence which points both to the New Jersey State
23 Police as well as the Attorney General's Office, no
24 one has yet to be removed for racial profiling.
25 Instead, what has continued is a pattern of racial

1 profiling intertwined with racist and sexist behavior
2 as well a continued harassment of those who cry foul.
3 In other words, business as usual.

4 Thank you.

5 DETECTIVE JOSEPH SOULIAS: My name is
6 Joseph Soulias.

7 SENATOR GORMLEY: Make sure the red light
8 is on.

9 DETECTIVE SOULIAS: Okay. Thank you, sir.

10 My name is Joseph Soulias. I would like to
11 thank the Committee for allowing me about ten minutes
12 of your time.

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

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

25 In the past three years, I've been assigned

1 as a Detective in the Investigative Section. As a
2 Detective in the Investigative Section, I have
3 witnessed and I have knowledge of the falsification
4 of reports and the cover-up of incidents of
5 criminality with the sole purpose to enhance the
6 careers of specific individuals.

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

24 After Lieutenant Newsome read those
25 reports, Lieutenant Newsome advised Detective Galga

1 that an internal investigation would be initiated.
2 Lieutenant Newsome subsequently advised Detective
3 Galga that Lieutenant Edgar Hess, the Acting Bureau
4 Chief of the Narcotics Organized Crime Bureau, was a
5 personal friend with the Deputy Chief or Chief of the
6 Irvington Police Department.

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

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

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

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

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

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

18 After these two examples, I will now advise
19 -- give you my opinion of what the State Police has
20 done. Comprehensive and explicit internal
21 investigations have not been conducted on specific
22 troopers and high-ranking troopers. State Police
23 management in Internal Affairs have not pursued these
24 specific individuals with the same vigorous
25 motivation they have others. I have never received

1 disciplinary action in my career in the New Jersey
2 State Police. After exposing the criminality I
3 directly witnessed by superiors in the State Police,
4 I have now been identified as a traitor and a
5 malcontent. I have been targeted and retaliated
6 against by the State Police. I and five other
7 detectives have taken a bold stance.

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

18 Deputy Director Debra Stone specifically
19 stated, and I will quote, "We have indicted Hogan and
20 Kenna for less for what they did." Debra Stone
21 referred to the Supervisors we identified as arrogant
22 and stupid and as the Irish Mafia. Debra Stone
23 subsequently indicated they, the Attorney General's
24 Office, would attempt to provide protection for us
25 since we have exposed criminality within the State

1 Police. I personally attempted to contact Debra
2 Stone twice after our initial and only meeting.
3 Debra Stone would not speak with me and I was
4 subsequently directed by her secretary to contact
5 State Police Affairs. The Attorney General's Office
6 did not provide protection for us, but abandoned us
7 to be retaliated by the New Jersey State Police.

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

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

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

24 On four separate occasions we requested to
25 meet with Colonel Dunbar. I specifically requested

1 to meet with the Colonel on two separate occasions.
2 We were advised that we had initiated an
3 investigation with the Attorney General's Office
4 first and the Colonel would not speak to us. The six
5 of us who took the initiative to address issues and
6 have individuals held accountable have now been
7 targeted. Our careers and our families have been
8 compromised for attempting to do the right thing.

9 State Police superiors identify us as a
10 threat to their autonomous organization that
11 flourishes in cronyism and nepotism. What I ask for
12 and what the 2,700 troopers need is an honest and
13 objective State Police organization.

14 If the State Police is to progress into the
15 future, an independent Monitor with no political
16 affiliation to the State Police is a necessity.

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

19 The existing Internal Affairs Bureau is a
20 system of intimidation and selective enforcement.
21 They have not conducted investigations with integrity
22 and honesty. Our present Internal Affairs Bureau has
23 not investigated their own sworn members with
24 objectivity. Internal Affairs has been a stepping
25 stone for Detectives that attempt to achieve higher

1 rank and salary. It has been a Bureau of personal
2 agendas and not a Bureau of fact-finding and to
3 identify the truth.

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

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

24 If the New Jersey State Police is to
25 progress into the future with integrity and

1 objectivity, new management is required. The Colonel
2 must step aside. A civilian management Review Board
3 must supervise and direct this organization into the
4 future.

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

10 Thank you.

11 SENATOR GORMLEY: Next witness.

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

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

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

24 For a period of 17 years, my career
25 consisted of assignments to various road stations

1 within Troop A, the southern-most troop in the state.

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

5 I have received a service award, 17 letters
6 of accommodations from pervious Colonels and Attorney
7 Generals and numerous letters of appreciation and
8 never have had the smallest of infractions against my
9 record.

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

20 I have followed these Senate Judicial
21 hearings and listened to questions obtaining to
22 racial profiling, accountability, identifying
23 problems and steps to rectify these problems. The
24 answers to these questions have been common knowledge
25 by the State Police supervision and the Office of the

1 Attorney General since 1991. I am somewhat in awe as
2 to the responses I have listened to.

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

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

25 One of the things that happened and was

1 identified in 1991 was the front-line supervision,
2 the road Sergeants, lost span of control. When
3 management loses span of control, chaos can and
4 almost did occur. This was attributed to a
5 distinctive change in the field operations section of
6 the State Police.

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

18 In November of 1991, due to '91 regulations
19 imposed by the federal government, calls could only
20 be answered by trained 911 dispatchers who were
21 certified. An insufficient amount of these
22 dispatchers were employed by the State Police,
23 forcing the Division into a regionalized dispatch
24 scenario. Under the regionalized dispatch, two
25 dispatchers would be at one location dispatching for

1 three stations and supplemental patrols. All calls,
2 stops, searches, arrests were now called in to these
3 regionalized stations. Supervisors at remote
4 stations lost total accountability and span of
5 control of their people. Supervisors had no idea
6 where they were or what they were doing. If
7 procedures were not being followed, the Supervisor
8 would not know until a complaint was received.

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

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

22 In 1990 I had just finished assisting the
23 Salem County Prosecutor's Office in procuring a CAD
24 RMS system. This process involved all aspects of
25 procurement and I was ultimately trained in the

1 implementation of these systems. I advised
2 supervision of the ability of such systems and in
3 January of 1992, the Salem County CAD system was
4 placed in service at the Bridgeton station. Dispatch
5 personnel were now able to efficiently do their job
6 taking motor vehicle stops, handling calls for
7 service and tracking personnel, providing a safer
8 situation. However, this did not aid supervisors at
9 remote locations who still had no accountability of
10 their troopers.

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

23 In June of 1996 the State Police, under the
24 authority of the Attorney General's Office, signed a
25 contract for a CAD RMS system to be fully delivered

1 by June of 1998. Although I expressed concern to the
2 ability of the vendor to deliver within the proper
3 time frame, I was assured by the Purchase Bureau that
4 retainage and penalties were part of the contract.

5 The contracted system was to provide for
6 the following: An ultimate safety system to protect
7 the lives of troopers and the citizens of the State
8 of New Jersey. To provide total accountability of
9 all State Police personnel. To provide statistical
10 data on both CAD and RMS entries and to provide
11 analytical data on both CAD and RMS information.
12 Racial profiling is just one of the several issues
13 that could have immediately been addressed within
14 this system.

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

22 Each time the system went down, both the
23 troopers and the public were at risk. The much-
24 needed RMS portion of the project had not even been
25 started. I contacted the buyer, Peg Doyle of the

1 Purchase Bureau, and recommended enforcement be
2 considered. All my attempts to enforce this contract
3 were resisted.

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

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

21 Three days later, every document and
22 personal belonging of mine was removed from my office
23 at Buena Vista Headquarters without my knowledge.
24 This was an obvious attempt to remove the evidence
25 from my possession.

1 It was learned later that an initial
2 attempt was made to seize my documentation without
3 anyone's knowledge. That was captured on an audio
4 tape at the Bridgetown dispatch -- or at the Buena
5 Vista Dispatch Center.

6 Several attempts have been made to bring
7 this to the attention of the Colonel to no avail.
8 Each attempt has resulted in retaliation. A clear
9 message has been sent by State Police supervision.
10 Honor, duty and fidelity, however, along with the
11 support of family and troopers, motivate my pursuit
12 for justice. Troopers deserve the tools to make the
13 reporting process more accurate and simplified.
14 Troopers deserve the tools that provide better
15 accountability. Supervisors deserve the tools that
16 allows them the ability to properly supervise their
17 personnel. Supervisors deserve the tools to allow
18 for automated compilation of monthly statistics.
19 This leads to less time administrating and more time
20 supervising. All these tools were included in the
21 requirements of the CAD RMS system.

22 It is beyond comprehension how a CAD RMS
23 system, which monitors total accountability for both
24 the troopers and the public it serves, has not been
25 completed. Almost three years have passed since the

1 proposed completion date. To add insult to injury,
2 the State Police not only continues business with
3 this vendor, but has allowed additional purchases of
4 the system for the Turnpike and Parkway at the cost
5 of millions. It has already been determined that a
6 CAD system without an RMS system does not provide
7 total accountability. Obviously, this is reinforced
8 by the inability of the current CAD system to track
9 profiling issues. Even after signing the civil
10 action against these individuals involved, all have
11 received promotions.

12 It is obvious that to these individuals,
13 personal gain outweighs the troopers' needs. I, too,
14 would have been promoted if I just went with the flow
15 and did not insist on enforcing this contract.
16 However, since the primary purpose of the CAD RMS
17 system is the safety and protection of the public, my
18 integrity outweighs the rank. Failure to implement
19 this system as proposed and unanimously agreed upon
20 by all past supervision, will result in serious
21 injury or death to a trooper or citizen of the State
22 of New Jersey. I will not accept the fact that
23 without a CAD RMS system, someone's rights could be
24 compromised. The troopers deserve better and the
25 public deserves better.

1 These systems are vast sources of information.
2 Information to the wrong people can control this
3 power. Power is promotion. I disagree. Information
4 is knowledge. The more knowledge the troopers and
5 the supervisors have access to, the better the
6 organization becomes for both troopers and the
7 public.

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

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

23 In addition to that, the promotional system
24 is not on merit but who you are friendly with. The
25 rules and regulations only pertain to certain

1 troopers. The discipline system is selective. Few
2 make the decisions for thousands. Complaints go
3 unanswered and are circumvented. With all these
4 discrepancies, one message is sent to all: complain
5 and face the wrath of God.

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

15 Thank you.

16 SENATOR GORMLEY: Thank you.

17 Senator Furnari?

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

21 SERGEANT WATKINS: A CAD system is a
22 Computer Aided Dispatch system that monitors the
23 accountability and tracks --

24 SENATOR FURNARI: I think you have to press
25 your button. Is it on red?

1 SERGEANT WATKINS: That's better.
2 The CAD system is a Computer Aided Dispatch
3 system. It tracks the accountability of what the
4 troopers are doing on the road. It allows the
5 supervisors at the remote stations to visually see on
6 the screen where their people are. Who is on a stop.
7 Who is on a job. And basically be able to get an
8 output at the end of the shift and see their
9 functions during the course of the day.

10 SENATOR FURNARI: And the RMS system is?

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

1 give you analytical data.

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

5 SERGEANT WATKINS: Salem County.

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

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

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

22 SERGEANT WATKINS: Initially, yes.

23 SENATOR FURNARI: Now, who else worked with
24 -- you were designated to be the person in charge of
25 --

1 SERGEANT WATKINS: No, sir.

2 SENATOR FURNARI: No?

3 SERGEANT WATKINS: No. A committee formed
4 to actually recognize the problems. The committee
5 head was a Lieutenant Colonel. There were two Majors
6 involved, two Captains involved, a Sergeant First
7 Class involved and I was a trooper at that time. So
8 I was the lowest-ranking individual who was involved.

9 SENATOR FURNARI: And that was on the
10 committee for the State Police, not for Salem County?

11 SERGEANT WATKINS: That was for the State
12 Police, correct.

13 SENATOR FURNARI: Okay.

14 SERGEANT WATKINS: The Salem County
15 committee was a police officer from each and every
16 municipality within the county.

17 SENATOR FURNARI: Now, were there a variety
18 of vendors that you looked at?

19 SERGEANT WATKINS: Yes, sir.

20 SENATOR FURNARI: And had you had
21 familiarity with the vendors that were used in Salem
22 County?

23 SERGEANT WATKINS: Yes.

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

1 SERGEANT WATKINS: Yes. That was
2 ultimately the system that we started using in
3 Bridgeton when we had a serious problem of
4 accountability where we thought a trooper may get
5 hurt out on the road. We borrowed their system in
6 1992 until we were able to procure our own CAD
7 system.

8 SENATOR FURNARI: Now, you say at some
9 point the decision as to the vendor to deliver the
10 system to the State Police was transferred away from
11 this committee? Is that right?

12 SERGEANT WATKINS: I don't understand that
13 question, sir.

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

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

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

25 SERGEANT WATKINS: Yes. We went through

1 the normal procuring guidelines outlined by the
2 Division of Purchase and Property.

3 SENATOR FURNARI: Was it a bid process or -
4 -

5 SERGEANT WATKINS: Absolutely. It took
6 five years.

7 SENATOR FURNARI: And the specifications
8 were drawn by?

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

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

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

24 Nine months came and went. Ten months came
25 and went. And we gave them all the opportunities

1 until finally 18 months later they delivered the CAD
2 system. They hadn't even started the records, which
3 was totally supposed to be completed within a 24-
4 month time frame. And we realized that the system
5 was very difficult, very large. We were a very
6 distinct -- the way we operate, we didn't want to
7 really change the way we operate. The specifications
8 were written around that. The biggest problem was
9 once it was delivered, it didn't work properly. So
10 that compounded the problem that now you need to take
11 action because you have a system that was received in
12 good faith and you're having such a problem with it.

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

15 SERGEANT WATKINS: Yes, sir.

16 SENATOR FURNARI: And you indicated that
17 you don't think that they took appropriate steps to
18 follow through?

19 SERGEANT WATKINS: There's politics
20 involved. A unit was established specifically for
21 this project with promotional capabilities. If the
22 project goes away, those promotions go away. The
23 last thing that anyone wanted to do was enforce the
24 contract because of nothing other than promotional
25 reasons, personal gain.

1 That was not the way I looked at that. I felt that a
2 trooper or a citizen was going to get hurt and we
3 need this thing in the worse way. I felt if we
4 enforced the contract, the company had the resources,
5 even if they had to go out and get another
6 subcontractor. The actual CAD RMS system was written
7 by a subcontractor of who we contracted.

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

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

24 SENATOR FURNARI: And during this period of
25 time, the Attorney General's Office, it seems to me,

1 would have been quite anxious -- this was -- correct
2 me if I'm wrong, this was the system by which they
3 were going to provide, you know, collect all of the
4 data that has to deal with the State Police stops.

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

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

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

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

1 and after that he shortly retired.

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

6 SERGEANT WATKINS: Not that I know of.

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

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

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

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

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

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

21 It was strictly for personal gain.

22 SENATOR FURNARI: Thank you.

23 SERGEANT WATKINS: You're welcome, sir.

24 SENATOR GORMLEY: Senator Zane?

25 SENATOR ZANE: Trooper Longoria --

1 TROOPER LONGORIA: Yes, sir.
2 SENATOR ZANE: Am I pronouncing it right?
3 TROOPER LONGORIA: Yes, sir.
4 SENATOR GORMLEY: Put on your microphone.
5 SENATOR ZANE: I'm looking at your
6 statement. I just have a few questions from it.
7 On Page 2 in the middle you mention a
8 derogatory statement about a black man. Was it the N
9 word?
10 TROOPER LONGORIA: Well, without getting
11 into that, it was. I just thought I didn't need to
12 sling any mud in here.
13 SENATOR ZANE: Understood.
14 TROOPER LONGORIA: We all get the point.
15 SENATOR ZANE: Was that the first and only
16 time you ever heard that from troopers?
17 TROOPER LONGORIA: No, it was not the first
18 time. The first time I heard that from troopers was
19 when I was on the trooper coach program assigned to
20 the Edison barracks in 1988.
21 SENATOR ZANE: The ghost stop, is that --
22 that's not part of training, is it?
23 TROOPER LONGORIA: Absolutely not.
24 SENATOR ZANE: That's something that is --
25 TROOPER LONGORIA: That's something that

1 was developed and probably refined out on the toll
2 road. In essence what a ghost stop is is exactly
3 that, it doesn't exist. There is no accountability
4 for it. I believe Mr. Zoubek in his testimony when
5 he was up here the other day placed ghost stop in the
6 category as -- in the falsification category. Well,
7 that would not be entirely accurate. He almost
8 intertwined it with the race of the driver being
9 changed. Well, that's a falsification. A ghost stop
10 is exactly what it is. There's no consent. It never
11 gets called in. It doesn't go on a patrol log. You
12 kick the motorist in the rear-end and it's over.
13 SENATOR ZANE: You're supposed to call in
14 before you stop, am I correct?
15 TROOPER LONGORIA: The procedure is you're
16 supposed to call the stop in before you stop --
17 before you make it.
18 SENATOR ZANE: In that particular case that
19 you described, had there been something of note, what
20 would have happened then? What would the trooper
21 have done to cover not having called in?
22 TROOPER LONGORIA: I'm sorry, I don't
23 understand the question.
24 SENATOR ZANE: Well, you're indicating here
25 that this particular stop I think involved two people

1 --

2 TROOPER LONGORIA: Yes.

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

8 TROOPER LONGORIA: That's correct.

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

11 TROOPER LONGORIA: No.

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

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

25 SENATOR ZANE: The search, how was it

1 justified, the search?

2 TROOPER LONGORIA: It wasn't justified.
3 There was no justification for it. As a matter of
4 fact, it was an illegal search.

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

7 TROOPER LONGORIA: Well --

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

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

1 it.

2 SENATOR ZANE: No apparent motor vehicle
3 violation?

4 TROOPER LONGORIA: There was no apparent
5 motor vehicle violation.

6 SENATOR ZANE: What would have happened in
7 a situation like that, if you know, based upon your
8 experience had that search revealed something? What
9 would the trooper have to do?

10 TROOPER LONGORIA: If that search would
11 have revealed something, what probably would have
12 happened is those two individuals would have heard
13 their own stop going down while they were handcuffed
14 in the back seat.

15 SENATOR ZANE: Okay. You're saying they
16 would have heard their own stop going down. You mean
17 it would have been called in?

18 TROOPER LONGORIA: It would have been
19 probably called in, Cranbury, Car one, two, three,
20 whatever, I'll be stopping. Meanwhile, these two
21 guys are sitting behind you handcuffed under arrest.

22 SENATOR ZANE: Have you ever witnessed
23 that?

24 TROOPER LONGORIA: Yes.

25 SENATOR ZANE: You have?

1 TROOPER LONGORIA: Yes.

2 SENATOR ZANE: Throughout these hearings
3 I've not heard the term "Johnnies." You're saying
4 that this is a code word for black motorists?

5 TROOPER LONGORIA: That's correct. In
6 essence it's a water-downed word for the N word
7 meaning that you can't just walk into the station and
8 use the N word, so they developed a code word and one
9 of the words was -- there were others, I mean. I've
10 heard, you know, "carload of coal," but usually
11 "Johnnies" was the main -- while I was there, it was
12 "Johnnies" and this was the code word for stopping
13 "Johnnies." Let's get the "Johnnies" coming
14 southbound or northbound looking for a ki. And it
15 was -- it was quite competitive out there at the
16 time. Individuals were probably looking to put a
17 feather in their cap to achieve the Trooper of the
18 Year award and there was also personal bias.

19 SENATOR ZANE: You talked about the troop
20 commander of the New Jersey Turnpike and you talked
21 about the atmosphere at the Cranbury station and you
22 said to us that it became quite tense. You said, "As
23 you can imagine, the atmosphere became quite tense."
24 What do you mean?

25 TROOPER LONGORIA: Exactly that. There was

1 a posting at the time when the Bellergal decision was
2 released by Judge Cooper. I'm not sure if it was the
3 *Asbury Park Press* or the *Star Ledger*, but it was
4 posted in the radio room. There was comments on the
5 border of it about this decision basically being BS.
6 I'm watering it down. As far as --

7 SENATOR ZANE: And who was that said by?

8 TROOPER LONGORIA: That was said by --

9 SENATOR ZANE: What kind of people?

10 TROOPER LONGORIA: That was said by --

11 SENATOR ZANE: Management or --

12 TROOPER LONGORIA: That was said by a
13 Sergeant at the time. As a matter of fact, I engaged
14 him in a conversation because I thought it was not.
15 And they had a problem swallowing that bitter pill in
16 reference to the decision. They had praise for the
17 Captain at the time. I just happened to be locker
18 number 50. The Captain of the Turnpike, his locker
19 was across from me.

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

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

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

19 SENATOR ZANE: You indicated that you had
20 been a trooper for how many years?

21 TROOPER LONGORIA: Thirteen, sir.

22 SENATOR ZANE: Thirteen years. Up till
23 1998 had you ever been reprimanded?

24 TROOPER LONGORIA: Yes. I was reprimanded,
25 I believe, in 1993. I received what's called a Blue

1 Ticket and that was accompanied with a three-day
2 suspension and it was for an off-duty incident. It
3 had nothing to do with the State Police. It had to
4 do with outside employment actually. Some people
5 called it moonlighting.

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

10 TROOPER LONGORIA: That's correct.

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

13 TROOPER LONGORIA: Yes.

14 SENATOR ZANE: Just for that purpose?

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

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

9 On January 23rd, 1999, I advised him with a
10 notice to sue.

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

13 TROOPER LONGORIA: That's correct.

14 Thank you.

15 Trooper is it Solis?

16 DETECTIVE SOULIAS: Soulias.

17 SENATOR ZANE: Soulias?

18 DETECTIVE SOULIAS: Yes, sir.

19 Trooper, in the third paragraph of your
20 prepared statement you said, "I have witnessed and
21 have knowledge of a falsification of reports and the
22 coverup of incidents of criminality." And then you
23 gave two examples.

24 DETECTIVE SOULIAS: Correct.

25 SENATOR ZANE: I followed with you while

1 you were reading it. Is the criminality that you're
2 -- the crime that you're talking about requiring
3 someone to change the record, change their report?

4 DETECTIVE SOULIAS: Yes.

5 SENATOR ZANE: Did you witness that?

6 DETECTIVE SOULIAS: Yes.

7 SENATOR ZANE: You heard that?

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

10 SENATOR ZANE: I'm sorry?

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

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

15 DETECTIVE SOULIAS: Both detectives told
16 me, yes.

17 SENATOR ZANE: Prior to?

18 DETECTIVE SOULIAS: Prior to.

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

1 DETECTIVE SOULIAS: Yes.

2 SENATOR ZANE: What's the retaliation
3 against you?

4 DETECTIVE SOULIAS: I have several
5 examples. I'll give you one of the most significant.

6 In May of 2000 they came out with the
7 promotional list, the rankings for promotions,
8 approximately four months after I met with -- or we
9 met with the Attorney General's Office.

10 SENATOR ZANE: That's your meeting with
11 Debra Stone?

12 DETECTIVE SOULIAS: Debra Stone, yes, thank
13 you. And at that time I had approximately 14 years
14 in the State Police. Fourteen years of outstanding
15 evaluations. No disciplinary action. Always
16 recommended for promotion. Ranked relatively
17 competitively for promotion. I got passed over. I
18 didn't get passed over by one individual, I got
19 passed over multiple individuals. I didn't get hurt,
20 I got destroyed on my rankings. I mean, it wasn't
21 even embarrassing, it was just if it wasn't so
22 pathetic, it would be comical. I spoke my unit
23 Supervisor, Kim Husba, he specifically tells me that
24 Captain K Hess completed the rankings. I
25 subsequently spoke to Ken Hess. Ken Hess advised me

1 that Kim Husba completed rankings. Till this date,
2 it's been approximately one year, no one has
3 identified the rankings, how they were completed or
4 who ranked me, to my knowledge.

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

14 SENATOR ZANE: So the retaliation is not
15 being promoted?

16 DETECTIVE SOULIAS: That's one, yes.
17 That's correct.

18 SENATOR ZANE: What else?

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

21 SENATOR ZANE: How?

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

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

3 SENATOR ZANE: What year is this?

4 DETECTIVE SOULIAS: Excuse me?

5 SENATOR ZANE: What year is this you're
6 talking about?

7 DETECTIVE SOULIAS: 2000. And in the ride-
8 along you work four midnights and two holidays with
9 the road personnel. I spent 12 years on the road. I
10 enjoyed it. I have no concerns with that. But there
11 was criteria that if you never worked overtime in
12 your uniform and you work undercover, you would be
13 exempt from the overtime. I specifically work
14 undercover so I don't work overtime. So I sacrificed
15 financial gain for my family, but I can't work
16 overtime in uniform and compromise myself. It's my
17 own personal safety. And I agree on that one aspect
18 with the Colonel, that if you do work overtime, you
19 cannot say now that I'm an undercover Detective, I
20 shouldn't work the ride-along. No. If you're going
21 to get paid time and a half, you work the ride-along.
22 In my unit they exempted, I believe, five
23 individuals. Two Captains' sons and some other
24 individuals. I was advised by Kim Husba I would not
25 be exempt. I spoke to Kim Husba in depth on two

1 separate occasions in April and May of 2000. I
2 explained to Kim Husba that my personal safety is
3 being compromised here. He said, "Everyone's is.
4 Any Detective who has to work the ride-along is being
5 compromised." I subsequently find out the other
6 Detectives who worked overtime in uniform, were still
7 exempt from this ride-along, but not Detective
8 Soulias. I worked undercover in March of 2000
9 negotiating the purchase of weapons from a Pagan
10 Motorcycle Outlaw member who we just convicted in
11 federal court. Two months later, I was ordered and
12 mandated to work the ride-along in the same county
13 and the same area that I just worked undercover in
14 which the Pagan Motorcycle Outlaw gang socialized and
15 have the club.

16 SENATOR ZANE: Did you call that to
17 anybody's attention?

18 DETECTIVE SOULIAS: No -- afterwards, yes,
19 sir. Afterwards. I went to Captain Hess. I typed a
20 report and I initiated a complaint with it. But I
21 did work those four midnights because if I didn't, I
22 would be charged with being AWOL.

23 SENATOR ZANE: Just one last question for
24 Trooper Longoria.

25 Your list of transfers -- you say you're

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

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

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

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

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

21 TROOPER LONGORIA: My disciplinary action
22 was --

23 SENATOR ZANE: It was just one.

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

25 SENATOR ZANE: And that's all.

1 TROOPER LONGORIA: That's all. Yes, sir.

2 SENATOR ZANE: To date.

3 TROOPER LONGORIA: To date.

4 SENATOR ZANE: I have no other questions.

5 SENATOR GORMLEY: Okay.

6 Senator Matheussen.

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

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

15 TROOPER LONGORIA: That's unusual.

16 SENATOR MATHEUSSEN: What is the norm?

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

1 at different stations.

2 SENATOR MATHEUSSEN: Three stations in how
3 much time?

4 TROOPER LONGORIA: Usually three stations
5 within a year and a half or so, ball park. And then
6 after that you basically can, you know, based on
7 seniority and where they need the personnel, you can
8 basically pick and choose where you want to work
9 relatively close to home. I wasn't relatively close
10 to home in Flemington, but I was relatively happy
11 there. The duty was good. The assignment was good,
12 it was general police. We were handling calls. At
13 Flemington you're really a cop. You're going to
14 people's houses, burglaries and domestic violence, et
15 cetera. You're serving the public. It's not really
16 traffic duty there. So I was relatively happy until
17 I had this encounter with this Sergeant who seems to
18 have a problem with all the isms. We had several
19 exchanges and finally I put in for a transfer to
20 leave there. I wanted to be transferred either to
21 Fort Dix or to the Wilburtha station. And, of
22 course, they sent me to Bordentown. While I was at
23 Bordentown, I told them that I would rather stay at
24 Bordentown and get more Interstate experience. Of
25 course, now they move me again and send me to Fort

1 Dix. While I'm at Fort Dix, I say look, I'll stay
2 here, I'm only five miles from my house. Actually
3 more like three. And they moved me to Hightstown.
4 From Hightstown they offer me a job down at the
5 Narcotics Unit. They take me down there. They use
6 me because I'm bilingual. I was actively working on
7 cases. An assignment comes out. I put my resume in
8 for the Detective position. Not only don't I get
9 interviewed, but the Captain's son gets the job, who
10 happens to be the nephew of the unit Supervisor who
11 had 100 percent minority arrest record while he was
12 out on the Turnpike and meanwhile I get sent to the
13 Turnpike to take his place.

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

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

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

24 TROOPER LONGORIA: Yes. There was
25 profiling when I went to my very first station. I

1 was assigned in 1988 during the summer, August 1st,
2 to the Edison barracks which patrolled 287 and 440
3 and the Outer Bridge there. I was assigned to -- I
4 had two trooper coaches, one is your primary, the
5 other one being your alternate. My primary coach was
6 topnotch, a straight shooter. My alternate coach was
7 the opposite. He was racist. He was sexist. And
8 that's the first time I actually saw profiling,
9 although it wasn't called profiling then. That term
10 didn't exist. We were just stopping blacks and
11 Hispanics coming out of Perth Amboy from the Outer
12 Bridge.

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

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

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

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

24 SENATOR MATHEUSSEN: Meaning cars that are
25 driven by Hispanics and blacks?

1 TROOPER LONGORIA: This one was a dark-
2 skinned Hispanic.

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

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

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

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

24 SENATOR MATHEUSSEN: When did you -- I
25 heard Senator Zane ask you before, when did you hire

1 an attorney?

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

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

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

19 SENATOR MATHEUSSEN: Thank you.
20 Trooper Watkins, you had talked about the
21 fact that you had been in the State Police since
22 1979.

23 SERGEANT WATKINS: Yes, sir.

24 SENATOR MATHEUSSEN: And Senator Furnari
25 obviously asked you some detailed questions that

1 concerned me about the CAD RMS system, but let me, if
2 I could, direct you to something you didn't testify
3 much about and that is your experiences as to
4 profiling from '79 through '96.

5 SERGEANT WATKINS: I think the racial
6 profiling issue has been around us a long time. I
7 mean anybody who does not believe that --

8 SENATOR MATHEUSSEN: Even though not called
9 racial profiling.

10 SERGEANT WATKINS: Exactly. Anyone that
11 does not believe that is naive.

12 I think one of the bigger problems is why
13 wasn't it addressed and nothing was done about it.
14 And --

15 SENATOR MATHEUSSEN: Why?

16 SERGEANT WATKINS: Well, one of the reasons
17 is you have supervision out there, some people who
18 are very accountable for their actions and other
19 supervisors that are condoning what's going on. So
20 you have to know what supervisors are condoning this
21 and what supervisors aren't condoning this. And you
22 also have to have the equipment for supervisors to be
23 able to know exactly what their people are. So it
24 doesn't give them the catch-all that we're using
25 right now, "I didn't know anything about it." And

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

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

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

25 SENATOR MATHEUSSEN: You had said in your

1 opening statement that you had been assigned for 14
2 years, I believe, as a road trooper. Did you have
3 similar assignments as to Trooper Longoria? Did you
4 look at his statement, the numbers of different
5 barracks and stations that he served in?

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

8 SENATOR MATHEUSSEN: He's been around the
9 world more than you.

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

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

20 SERGEANT WATKINS: I was never asked or
21 told. I've witnessed that. Yes, that does exist.
22 And more so in the early eighties than it does now.
23 I mean hopefully people are a little bit more
24 conscientious. But I listened to the hearings
25 yesterday on training and training and training and

1 again, I have to go back to the training. If you
2 don't have accountability for that training, the
3 training is useless. If you don't have something in
4 place to monitor what's going on out there, you can
5 train until you're blue in the face but you don't
6 know whether or not they're conforming to your
7 training. And yes, that did exist. There is such
8 thing as ghost stops out there. That's nothing new
9 to the State Police.

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

12 SERGEANT WATKINS: And if I can just add
13 one more thing to that. I listened to the Colonel
14 speak as far as conformity and we have to understand
15 somewhat of the whole picture here. The State Police
16 reporting system is a nightmare. If you ask any
17 trooper what is your worst part of that job, he tells
18 you his reports. One of the things for the record
19 system was that, for instance, a trooper could have
20 eight reports to do on one job. Those reports could
21 have as many as 80 blocks. Forty of those blocks
22 will be the same from report to report, but yet he
23 has to fill out every block. So now if you give him
24 a system as it was designed for the RFP and as it was
25 contracted for, as a trooper does a report, the

1 information is flowed from one report to the next
2 report and that saves him maybe three hours of
3 reports turned into 45 minutes. Because all the
4 information is flowed from one to the next.

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

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

22 SERGEANT WATKINS: I'm sorry.

23 SENATOR MATHEUSSEN: I asked you to, I
24 guess, verify what I thought you had said and that
25 was that racial profiling was as prevalent, if not

1 more prevalent, in the eighties than it is now?

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

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

9 SERGEANT WATKINS: Yes, sir.

10 SENATOR MATHEUSSEN: Trooper Solis?

11 DETECTIVE SOULIAS: Soulias.

12 SENATOR MATHEUSSEN: Soulias. I'm very
13 sorry.

14 DETECTIVE SOULIAS: That's okay.

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

18 DETECTIVE SOULIAS: That's okay.

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

22 DETECTIVE SOULIAS: Yes.

23 SENATOR MATHEUSSEN: With five other
24 troopers?

25 DETECTIVE SOULIAS: That's correct.

1 SENATOR MATHEUSSEN: Okay. Was there any
2 reason given that you only got a phone call back from
3 her secretary as to the reason why they would no
4 longer speak to you or meet with you?

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

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

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

19 SENATOR MATHEUSSEN: Was the Attorney
20 General's Office of the fact that you had contacted
21 an attorney?

22 DETECTIVE SOULIAS: Yes. At that time.
23 When I first met with Debra Stone, none of us had
24 consulted an attorney at that time for these issues.
25 We were strictly there to address to the Attorney

1 General's Office about criminal corruption and
2 misconduct within their investigation section.

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

5 DETECTIVE SOULIAS: Yes.

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

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

16 SENATOR MATHEUSSEN: Thank you, Trooper.

17 DETECTIVE SOULIAS: Thank you.

18 SENATOR MATHEUSSEN: Thank you all.

19 DETECTIVE SOULIAS: Thank you.

20 SENATOR GORMLEY: Senator Robertson.

21 SENATOR ROBERTSON: Thank you, Mr.

22 Chairman.

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

25 SENATOR MATHEUSSEN: See what I mean?

1 SENATOR ROBERTSON: Actually that was
2 correct. They always call me Robinson so I know.

3 And this is perhaps something that we
4 should bear in mind as a Committee because it speaks
5 to the experience that two of the three of you had.
6 There is a kind of ethics among attorneys that once
7 an attorney affiliated with one side in a lawsuit
8 knows that someone is represented by counsel, they
9 cannot speak to that person again. And it sort of
10 goes to the question of the extent to which the
11 Attorney General's Office should be in combination
12 with the State Police because in this case if, in
13 fact, that was the reason, they're not getting
14 important information that they should have been
15 getting, whether it's Paul Zoubek, once litigation
16 had been started, or Debra Stone, once she was put on
17 notice that you were represented and the Attorney
18 General's Office is the attorney for the State of New
19 Jersey on the civil side. So it becomes a sticky
20 situation and that's maybe something that we ought to
21 keep in mind as we go on.

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

25 SENATOR ROBERTSON: Oh, yeah, they should

1 be told that, there's no question about it.

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

6 TROOPER LONGORIA: On February 11th I, due
7 to the stress that I was under, and I was stressed
8 out knowing that I was going back to that environment
9 and at the time there was even one individual who
10 told me you can't dodge a bullet twice, and there was
11 also screen savers on the Turnpike with me on them, I
12 went to see the Employee Assistance Program, which is
13 --

14 SENATOR ROBERTSON: I didn't know what the
15 EAP stood for.

16 TROOPER LONGORIA: Yes.

17 SENATOR ROBERTSON: Okay.

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

22 SENATOR ROBERTSON: You had talked about
23 your difference of opinion with others with respect
24 to the Bellaran case. During the course of that
25 litigation while the litigation was still pending

1 before the decision, did you know Sergeant Bellaran?

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

4 SENATOR ROBERTSON: Right.

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

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

16 TROOPER LONGORIA: I've been here every
17 day, sir.

18 SENATOR ROBERTSON: And you've heard us ask
19 different witnesses, you know, what are the two or
20 three things that you think should be done. I'm
21 talking about specific steps, not in general, though
22 we have to deal with the organizational thing, but
23 specifically because we're ultimately going to be in
24 that position. What are the two or three things that
25 you think as a practical matter can be done to begin

1 to address some of the things that you've seen?

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

19 The other recommendation would be a
20 civilian review board and it would consist of retired
21 law enforcement. Members of a civil rights
22 organization, of course. A professor, a law
23 professor. Maybe a retired Judge. A professional
24 prosecutor who is independent of the State Police and
25 the Attorney General's Office. And they would have

1 oversight of the Internal Affairs Bureau within the
2 State Police. They would let IAB handle internal
3 matters such as troopers running over their walkie-
4 talkies or losing their hats, stuff like that. And
5 when it came to criminal matters or civil rights
6 violations, this would be the team that would
7 implemented and come in. You would also need a
8 psychologist, I believe, on that board and, of
9 course, an odd number of members.

10 SENATOR ROBERTSON: Anything else offhand?

11 TROOPER LONGORIA: No, sir.

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

17 DETECTIVE SOULIAS: Yes.

18 SENATOR ROBERTSON: What was your
19 experience with respect to being asked to produce
20 numbers?

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

1 And that's how you were judged.

2 SENATOR ROBERTSON: Does that include
3 arrests?

4 DETECTIVE SOULIAS: Yes, absolutely.

5 SENATOR ROBERTSON: In your opinion based
6 upon your road experience, what in those directives
7 from leadership do you think led to -- well, let me
8 back up.

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

11 DETECTIVE SOULIAS: Yes, absolutely.

12 SENATOR ROBERTSON: And why is that?

13 DETECTIVE SOULIAS: Because with the New
14 Jersey State Police they focused on the road trooper,
15 Trooper of the Year. You want to be someone that's
16 looked at and respected. And to become Trooper of
17 the Year, it was strictly statistics. Lockups, DWI's
18 and summonses. And if you wanted to make Detective
19 or if you wanted to be respected by your peers or
20 supervisors, it was numbers. You had to produce
21 numbers. It wasn't the quality of your arrests. It
22 wasn't if you did it with integrity or honesty. I
23 would also like to indicate that it's the supervisors
24 and the managers within the State Police that should
25 truly be held responsible as the road trooper out on

1 the road because they encourage troopers to go out
2 and produce numbers. And by ignoring what they did,
3 with the troopers did, they're condoning it. And
4 every person who is a supervisor, a Sergeant First
5 Class, a Lieutenant or a Captain, was first a road
6 trooper. So he worked his way through the chain.
7 And he knows what occurs on the road and he has an
8 obligation and responsibility to the public. So they
9 should be held accountable as much as Justice
10 Verniero and as much as any other road trooper, they
11 should be held accountable.

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

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

1 stopping 20 cars. I mean that's just unheard of.
2 That is ridiculous. The more they stop, the more
3 they have to document, the more they have to call in,
4 the more reports they have to do. So all of a
5 sudden, they start to turn into ghost stops.

6 I think the accountability, as far as what
7 it was years back, is much better, but it's still not
8 there and there's still nothing to monitor that it be
9 there.

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

13 SERGEANT WATKINS: Absolutely not. Because
14 the trooper is out there by himself and that's where
15 it comes down to responsibility. There is no way to
16 know whether or not that trooper is doing it and all
17 you can do is enforce the fact. But one of the
18 things that's going to stop it is when they take
19 enforcement action against the people that are doing
20 it. You can't slap a guy in the -- there was
21 absolutely no reason to justify why a trooper would
22 stop a car, have the camera off or not call that stop
23 in. For his own safety. I was a road Sergeant. If
24 I caught one of my people doing that, I mean they
25 just knew that they would seriously

1 -- I would bring them up on charges. This guy could
2 be laying on the side of the road dead and I would
3 not be aware of that because he didn't call in the
4 stop. I mean he has responsibility to his family
5 even if you impress it at that level.

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

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

23 SENATOR ROBERTSON: Thank you.

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

1 that everybody has talked about as contributing to
2 racial profiling.

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

19 SENATOR ROBERTSON: What do you mean by
20 "sell them"?

21 TROOPER LONGORIA: Well, Mr. Farmer
22 explained that there was a lower burden of proof with
23 respect to minorities as far as getting them to sign
24 one versus white motorists where the burden of proof
25 was actually probable cause.

1 SENATOR ROBERTSON: By "sell them" you mean
2 convince them to agree to a search, is that what
3 you're saying?

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

12 SENATOR ROBERTSON: It does happen though.

13 TROOPER LONGORIA: That's what I hear.

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

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

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

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

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

13 SERGEANT WATKINS: Sir, one thing I have to
14 bring out, the sequential numbering system was
15 involved in this project for these type of reports
16 that was going to be issued by dispatch. Now, it
17 doesn't go away. They're locked into a number. If
18 the report is not there at the end of the month,
19 they're responsible for it. And I have somewhat of a
20 split decision. If the consent searches are used
21 wisely, they are a good tool. But they're not used
22 wisely. I know that in my career on the street, I
23 could probably count on one hand how many times I use
24 the consent search. I probably -- I'd be surprised
25 if there's one or two involved. Ninety-nine percent

1 of the time you have probable cause or enough -- if
2 you need to get into the vehicle, there is probable
3 cause as far as a visual, you see something, you
4 smell something, people, believe it or not, leave
5 things sometimes in the wide open, that you have the
6 ability to get into the car. At times I have also
7 seen where there's circumstances where you honestly
8 believe there's something in the vehicle. I have had
9 this occasion on one time where I know I issued a
10 consent to search. I walked up and the person was
11 just beyond nervousness. Not a very routine car
12 stop. He might as well just handed me what he had in
13 the car. I didn't have probable cause basically
14 other than his nervousness and at that time I had
15 over 12 years experience. I got him out of the
16 vehicle. Did get a consent search and there was
17 almost three pounds of marijuana right behind his
18 seat. So I mean that's just one circumstance.

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

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

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

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

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

25 TROOPER LONGORIA: Well, no, I can remember

1 where I heard it.

2 SENATOR ROBERTSON: And the thing that
3 you're alluding to now, has that been reported to
4 anybody at any point along the line?

5 TROOPER LONGORIA: It really wouldn't
6 matter because those troopers are fired. They're no
7 longer with the organization. But there was talk of
8 actually having people sign off on the consent form
9 as being a tool stating that we didn't remove
10 anything from your car and this is basically a
11 release. Cute little techniques like that. Or
12 things like mixing the paperwork in with the other
13 paperwork at the station and having them sign off
14 that way.

15 SENATOR ROBERTSON: And Detective, when you
16 talked in your statement about the incidents
17 involving Detectives who were asked to change their
18 report, have those Detectives themselves given
19 testimony with respect to this?

20 DETECTIVE SOULIAS: No, they haven't given
21 testimony, no.

22 SENATOR ROBERTSON: If they were sitting
23 here, would they tell the same story that you told or
24 are they backing off from that and --

25 DETECTIVE SOULIAS: No. They would tell,

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

4 SENATOR ROBERTSON: And you just don't know
5 what the status of the case is?

6 DETECTIVE SOULIAS: Correct. It's still
7 pending.

8 SENATOR ROBERTSON: Okay. I have no
9 further questions.

10 SENATOR GORMLEY: Senator Girgenti.

11 SENATOR GIRGENTI: Thank you, Mr. Chairman.
12 Most of the questions I was going to ask
13 have been asked already but there are just a few
14 that, if I may, I'd like to.

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

24 SERGEANT WATKINS: I attribute this to a
25 heightened amount that may have been going on. You

1 have supervisors that are condoning what's going on,
2 but you have good supervisors in the State Police,
3 immediate supervisors, sergeants, that won't condone
4 that. I know, I was there. I would not condone
5 that. But now you have a situation where you monitor
6 what your people are doing on the road and that's
7 taken away from you. You don't know who they're
8 stopping. If they're doing searches. You don't have
9 any idea where they're at or their accountability.
10 So now, being one of the people who could actually
11 monitor a problem, you no longer have control of that
12 problem to even monitor.

13 SENATOR GIRGENTI: Okay. So then the other
14 thing that I know Senator Furnari spoke about it a
15 little bit, the area we're on, I believe it was on
16 Page -- I think it's your fourth page, you're saying
17 that you're going into this whole situation, you were
18 advised that you did an outstanding job but the --
19 "But the people I turned in the evidence against were
20 after my jugular. Three days later every document
21 without -- personal belongings of mine were removed
22 from my office at Buena Vista headquarters without my
23 knowledge and this was an obvious attempt to remove
24 the evidence from my possession. It was learned that
25 an initial attempt was made to seize my documentation

1 without anyone's knowledge. How did you find this
2 out or who told you about this situation?

3 SERGEANT WATKINS: I took some vacation
4 time off because of what was being done to me. One
5 of the young ladies, a trooper who works for me,
6 called me at home on a Monday and asked if I had been
7 in the office over the weekend, everything was
8 missing. I proceeded to the office and everything
9 was gone. Nine years of documentation. Everything.
10 My personal belongings. And I have to make a note to
11 that. There was documentation stored at Division
12 headquarters also, including my personal notes.
13 There was -- the contract called for repository. So
14 there was no reason to get into my office. While I
15 was in my office a sergeant came to me and said that
16 he had received a very subversive phone call. He
17 stated that someone had called down, asked where my
18 office was located. Who had keys for the office. If
19 there was combinations on the doors and basically
20 stated how can I get in and out of that office
21 without anybody knowing I was there. I found that
22 hard to believe and he came back to me and told me
23 that mysteriously that got transferred over to a 911
24 dispatch line and was recorded. So I had the ability
25 to listen to that tape.

1 SENATOR GIRGENTI: Was that -- would you
2 say that was standard operating procedure on
3 something like that? Do they just go in and go
4 through your belongings and everything without your -
5 -

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

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

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

23 SENATOR GIRGENTI: Thank you.

24 SERGEANT WATKINS: Thank you, sir.

25 SENATOR ZANE: Yeah. Just one last --

1 SENATOR GIRGENTI: Just one --

2 SENATOR GORMLEY: One more question and
3 then --

4 SENATOR ZANE: Oh, I'm sorry.

5 SENATOR GIRGENTI: That's all right.

6 Yeah, I just -- for Trooper Longoria.

7 TROOPER LONGORIA: Yes, sir.

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

19 TROOPER LONGORIA: I think anyone who cries
20 foul in this organization as to fear retaliation
21 because it's very real. Whether it be having your
22 weapon taken from you. Whether it be transfers.
23 Whether it be derogatory material placed in your
24 mailbox. Whether it be getting a cold shoulder. It
25 was to the point where people were very uncomfortable

1 around me and I'm sure you know the feeling when you
2 walk into a room and there's a full-blown
3 conversation and you walk into that room and then
4 it's dead silence. They knew I wasn't a player.

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

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

17 SENATOR GIRGENTI: Just finally, in your
18 statement on Page 5 you say, "My lawyer clearly made
19 Lieutenant Colonel Fedorko aware of the racial
20 profiling problem on the New Jersey Turnpike as well
21 as the racist atmosphere within the Division and
22 Lieutenant Colonel Fedorko refused to take my
23 complaints seriously and allowed my transfer back to
24 the New Jersey Turnpike to stand." You were again
25 being assigned to the same exact station. You

1 believe this was a form of punishment?

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

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

18 TROOPER LONGORIA: That's correct.
19 However, this was a pattern of the ongoing
20 retaliation and the heightened supervision and the
21 multiple transfers and I advised you earlier that I
22 was denied a Detective slot within the Narcotics Unit
23 and keep in mind that I wasn't even interviewed for
24 the position after I submitted to it and I submitted
25 a resume for it. Not only that, I was given a

1 commendation from my acting supervisor who says I was
2 doing a fabulous job. Then they had the gall to call
3 me back again for a second assignment and I took the
4 bait and volunteered again and when I was down there
5 another position opened up within the Intelligence
6 Bureau which was comparable to that job. I didn't
7 get an interview for that job either and I was sent
8 back to the road.

9 SENATOR GIRGENTI: Okay. Thank you very
10 much.

11 Thank you.

12 SENATOR GORMLEY: Any other questions?

13 SENATOR ZANE: Yes.

14 SENATOR GORMLEY: One more question,
15 Senator Zane?

16 SENATOR ZANE: Yeah. I would like to ask
17 just one last question of each one of you.

18 We've heard -- we heard yesterday in
19 testimony from a State trooper about troopers
20 carrying tools to enter vehicles. Were you all
21 present and heard that?

22 TROOPER LONGORIA: I was present, yes, sir.

23 SENATOR ZANE: Okay. In your years with
24 the State Police, have you seen troopers that are
25 actually carrying tools to enter cars as was

1 described yesterday?

2 TROOPER LONGORIA: I only saw tools being
3 carried at the -- at my very first station which was
4 Edison back in 1998 -- excuse me, 1988 and during my
5 tour of the New Jersey Turnpike there was
6 screwdrivers and other things I noticed in briefcases
7 in the briefing room. One of the things that would
8 be missing from the station from time to time were
9 the door wedges that were used to hold the doors open
10 and they would be used to actually put between the
11 glass and the door which would expand the window and
12 you'd be able to shine a flashlight and look in there
13 to see if there was any contraband.

14 So in answer to your question, yes.

15 SENATOR ZANE: Trooper -- or Detective,
16 yourself?

17 DETECTIVE SOULIAS: Yes. It wasn't
18 uncommon to see a screwdriver or a socket set inside
19 a briefcase.

20 SENATOR ZANE: But did you know what it was
21 going to be used for?

22 DETECTIVE SOULIAS: Yes.

23 SENATOR ZANE: What?

24 DETECTIVE SOULIAS: When they search a
25 vehicle they could use that to remove panels for

1 concealment.

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

5 DETECTIVE SOULIAS: I wouldn't know that.

6 SENATOR ZANE: Wouldn't know one way or
7 another?

8 DETECTIVE SOULIAS: No, I wouldn't know.

9 SENATOR ZANE: Trooper, would you?

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

15 SENATOR ZANE: Trooper, yourself?

16 Did you hear the testimony yesterday?

17 SERGEANT WATKINS: Yes, sir, I did.

18 SENATOR ZANE: Do you have any comment on
19 it?

20 SERGEANT WATKINS: Well, yes. I've seen
21 troopers carry tools before, screwdrivers and stuff,
22 to aid in searches. Not as prevalent probably as
23 other individuals. Most of my assignments were
24 actually general police stations. I wasn't on
25 Turnpikes, highways and stuff like that. But it was

1 common practice for the people on those toll roads to
2 do that.

3 DETECTIVE SOULIAS: If evidence or
4 contraband --

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

8 SERGEANT WATKINS: No, sir, I would not.

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

11 SERGEANT WATKINS: Yes.

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

15 SERGEANT WATKINS: No, sir, I do not.

16 DETECTIVE SOULIAS: No, sir.

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

19 SENATOR ZANE: Okay. Thank you.

20 SENATOR GORMLEY: Thank you for your
21 testimony.

22 SERGEANT WATKINS: Thank you, sir.

23 TROOPER LONGORIA: Thank you.

24 DETECTIVE SOULIAS: Thank you.

25 SENATOR GORMLEY: The next witness will be

1 Colonel Dunbar.

2 Colonel, you've been previously sworn.

3 COLONEL DUNBAR: Yes, sir.

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

9 C A R S O N D U N B A R, PREVIOUSLY SWORN

10 COLONEL CARSON DUNBAR: I didn't hear you,
11 Senator.

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

17 COLONEL DUNBAR: I don't have any prepared
18 remarks. I just want to clarify a couple of things,
19 Senator. In listening -- I mean today I've had
20 somewhat of a luxury in the sense that I was able to
21 be here and listen to some of the testimony and one
22 of the things that comes up is the fact that of the
23 timing sequence in that a lot of the things that I've
24 heard go back, they go back extended periods of
25 times. I've seen questions asked of people that I

1 really don't know how they're capable of answering
2 the questions. For example, the last panel, at least
3 one of the members of the panel has not even worked
4 one day under my tenure. They've been on sick leave
5 for an extended period of time. So the procedures
6 that they're talking about, they certainly haven't
7 gone through the training. They haven't gone through
8 the issues that are involved. I'm sure that they
9 have gotten information from associates and so on. I
10 think it's very important to keep a note the things
11 that have occurred. As I've mentioned to you before,
12 the history of this whole thing goes back to --
13 probably can go back to the seventies and certainly
14 there is a problem across the board. Some of the
15 things, for example, today, you know, I listened to
16 Senator Bryant talk about the issues of the -- he
17 specifically talked about the classes graduating. He
18 said there were two classes that graduated so far
19 that had two women. The reality was that there were,
20 in fact, two classes, one of 37, one of 36. The one
21 of 37 had six Hispanics and one woman. The one of --
22 the next class had four African-American and two
23 Hispanics and one Asian, which comes up to between
24 20, 25 percent per class.

25 There was another issue that talked about -

1 - mention was made about the morale, that I said
2 morale was low and I think what my statements have
3 been is that I've often had to respond to issues of
4 the morale being low and what I've consistently said,
5 I'm more interested in trying to correct issues than
6 worry specifically about morale. In the previous
7 panel there was reference made I believe by Detective
8 Soulias about the fact that he had asked to speak
9 with me. I have an organization of almost 3,000 --
10 or 4,000 people and I get a lot of requests to come
11 and speak with me and it's not uncommon that unless
12 there's a specific reason that I would meet with
13 individuals. Now, in the case of Detective Soulias,
14 what occurred was he went as he indicated to the
15 Attorney General's Office -- it was actually the
16 Division of Criminal Justice, with complaints about
17 criminal -- possible criminal irregularities. And
18 that case was subsequently transferred to the Office
19 of State Police Affairs within the Attorney General's
20 Office and an investigation was being conducted. I
21 did not believe it appropriate to interfere with an
22 investigation that was being conducted that would and
23 could touch on senior personnel within the Division.
24 I believe that the investigation is going forward. I
25 think that the allegations that he's made are being

1 looked at. But, you know, he's quite correct, I
2 chose not to meet with him and there were a number of
3 individuals who also made a similar request.
4 One of the things I think that has to come
5 out here is that there are a number of individuals --
6 well, first of all, personnel issues are not very
7 easy. Since I've been in the State Police there are
8 issues that come up with promotions. There have been
9 some things that -- and I talked about this in my
10 opening statement before, where personnel practices
11 in some ways are almost more problematic than the
12 racial profiling itself. You know, I can give you an
13 instance of an individual who filed a grievance
14 against the State Police and it went out to an
15 arbitrator and, in fact, the arbitrator found in
16 favor of the individual. And this pre-dated my
17 arrival. And what had happened was is this
18 individual was recommended -- was rated four times --
19 or three times and he was rated either number four --
20 number three or number four on this promotion. The
21 fourth time that this happened they, in fact -- in
22 fact, ten people were promoted and this individual
23 now ended up being number 11. The individual
24 inquired as to why he was number 11 and he was told
25 it was the performance appraisal. Well, he never got

1 a performance appraisal that had anything negative in
2 it. Subsequently, he did receive a performance
3 appraisal in which there was negative information in
4 it and that was the basis for his non-promotion and
5 subsequently he was transferred to a station down in
6 South Jersey. I would submit that that was
7 inappropriate and in that particular case, we went
8 back and we addressed it and that individual was
9 retroactively promoted.

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

25 There are a number of personnel issues that

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

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

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

20 But there are issues, and I've said it all
21 along, there are issues within the State Police that
22 are personnel related. There are things that have
23 occurred -- and I know yesterday Sergeant Bellaran
24 testified and I think actually Judge Cooper kind of
25 actually put it in perspective when she -- in her

1 decision -- let me just...on Page 8 -- on Page 8 of
2 the Bellaran decision she stated, "Unfortunately,
3 there were egregious behaviors on each side at
4 various times. In sum, our analysis of evidence
5 reveal that each party bear the share of
6 responsibility for the sequence of negative events
7 which took place in the relevant time period." And
8 what's said there is that there was wrongdoing on
9 both parties' parts. Unfortunately, when you have
10 some management issues or you have some managers that
11 take some actions that are inappropriate, the agency
12 gets left holding the bag. And those are the type of
13 things that we're trying to address.

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

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

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

19 I'm prepared to answer any additional
20 questions that you have.

21 SENATOR GORMLEY: Senator Zane.

22 SENATOR ZANE: Yeah. Just so the record is
23 clear. This morning I heard on the combination
24 TV/Radio show that you were being summoned to return
25 to our Committee because we were going to probe you

1 as a racial profiler. And I just want to make it
2 very clear why I asked yesterday for you to return.
3 You and I had a conversation by phone the day before
4 or over the weekend, I guess, early part of the
5 weekend, and you indicated at that time that there
6 were several issues that you had addressed that you
7 would like to address even further and you thought
8 there would be other questions from the Committee.
9 Correct?

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

12 SENATOR ZANE: That you weren't asked more
13 questions.

14 COLONEL DUNBAR: Correct.

15 SENATOR ZANE: Yeah. And I mentioned that
16 to Senator Robertson and he indicated he had a
17 similar conversation with you. So no one brought you
18 back here

19 -- when I asked Senator Gormley --

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

23 SENATOR ZANE: I just don't want -- I just
24 don't want that out in the media that you're back
25 here --

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

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

7 COLONEL DUNBAR: Right.

8 SENATOR ZANE: Would you tell us what you
9 wanted to tell us that you didn't get to say the
10 other day?

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

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

22 COLONEL DUNBAR: There's been a lot of --
23 there's been a lot of questions about the Troop D
24 audit. In fact, you know, when I took this job, you
25 know, I assumed that the Troop D audit was going to

1 be this very, very negative document and by the
2 standards of what I've seen, it is not as bad as some
3 people would paint it to be. I mean it's very
4 negative in the sense that it goes back to something
5 really -- it's not as bad in the sense that it's very
6 similar to other things that I've seen and that is,
7 you know, lack of appropriate reporting. There have
8 been questions that were asked, for example, about
9 the ten -- the ten cases. Two of which were
10 indicted. One -- one I sent back or asked to be sent
11 back to have the Division of Criminal Justice take a
12 look at it because of concerns that I had and my
13 understanding is that that's in the process of being
14 sent back and there is not sufficient information
15 there for any type of criminal action. And also in
16 that particular case, the individual that's involved
17 has been on long-term sick leave and we have not had
18 an opportunity to interview him. Three other
19 individuals I reviewed their cases. The cases are
20 complete and charges have been brought against those
21 individuals. And the remaining cases, there are --
22 it's not a fun turn in the State Police, but those
23 cases were delayed because of the fact that we have
24 spin-off investigations where other people were
25 identified having involvement with those individuals

1 so they need to be interviewed.
2 In addition, the other cases that are left,
3 they range the gamut from cases where you have some
4 individuals who just did not call in some stops. You
5 have some individuals who have had errors in
6 reporting. You have some individuals whose patrol
7 charts don't reflect what's on the radio logs in the
8 station. A lot of administrative errors that in
9 themselves, you know, are a problem because they're
10 official documents, but by themselves they don't
11 prove a whole bunch. I mean I would submit that in
12 most of those cases some kind of disciplinary action
13 is going to be taken, but certainly not the same type
14 that were found in the ten cases that were referred
15 to before.
16 Another thing which is it goes along on the
17 same lines, and I think I need to stress this again,
18 I always get asked this question about racial
19 profiling and the cases that involve racial profiling
20 and I've said, and I continue to say, that one of the
21 big problems with racial profiling itself is you have
22 to be able to prove the intent of the individual.
23 You know, if this -- I think, Senator Zane, you or
24 Senator Robertson asked me the question, "What could
25 the Legislature do?" If you want to give me the

1 power to just summarily fire 20 people, I think I
2 could change things erratically, but the --

3 SENATOR ZANE: How do you mean?

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

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

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

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

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

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

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

14 COLONEL DUNBAR: It could be --

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

17 COLONEL DUNBAR: It could be -- it could be
18 anybody. And just for the record, since I've taken
19 this job, I've recommended discipline pretty much all
20 the way up the ranks, because I reviewed cases of
21 people that are here now and gone and I've
22 recommended discipline all the way up the ranks.
23 Now, in some cases because people have gone, I can't,
24 you know, there's no discipline that I can take, but
25 it's there. There has been some discussion before

1 about having a monitor to -- a federal monitor to
2 review Internal Affairs or to oversee Internal
3 Affairs. We have a federal monitor now and, you
4 know, I certainly would have no objection to that
5 federal monitor briefing this Committee as to what
6 they're finding in our Internal Affairs cases and I
7 would submit that the cases that I've seen had been
8 handled appropriately. They're handled fairly.
9 They're handled appropriately. And there is a
10 different standard than there was. There's no doubt
11 in my mind about that.

12 We're mixing a lot of things that I think
13 that occurred prior to my tenure with what has
14 happened now. But I also don't want to lose the
15 point that I said before about racial profiling and
16 disciplinary action. Look, when you -- when you take
17 an action, it has to be based on something. It has
18 to be defensible. Every decision that I make can be
19 reviewed by an arbitrator or it can be reviewed by
20 the Appellate Division. So there has to be some rule
21 of law or some

22 -- and we operate under a preponderance of evidence.
23 If an individual tells you that they did not do
24 something, if you don't have the proof or the
25 preponderance of evidence to show that they did that,

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

11 SENATOR ZANE: You indicated that there are
12 about 40 to 50 suits internally, is that correct?

13 COLONEL DUNBAR: Um-hmm.

14 SENATOR ZANE: And by that did you mean
15 that there are 40 to 50 employees within the State
16 Police that have brought suit against the State
17 Police?

18 COLONEL DUNBAR: At least, right.

19 SENATOR ZANE: And how many of those suits
20 are related one way or another to racial profiling?

21 COLONEL DUNBAR: Not so much racial
22 profiling. There's issues of race, sex -- sexual
23 discrimination, harassment.

24 SENATOR ZANE: Civil rights then.

25 COLONEL DUNBAR: Most of them.

1 SENATOR ZANE: Most of them.
2 COLONEL DUNBAR: Yes.
3 SENATOR ZANE: Related to civil rights.
4 COLONEL DUNBAR: And, you know, we talked
5 about promotions before. The issue was brought up
6 about promotions. It's interesting to me that, you
7 know, I'm being sued on both ends. I'm being sued by
8 white males who say the only way you can get promoted
9 is if you're a female or a minority and I'm being
10 sued by minorities for the opposite. So to me that
11 kind of strikes a balance that, you know, nobody's
12 really happy and, you know --
13 SENATOR ZANE: Do you have any idea how
14 many suits have been brought by motorists?
15 COLONEL DUNBAR: By motorists. No, I
16 don't, but there's quite a few.
17 SENATOR ZANE: More than 40 or 50?
18 COLONEL DUNBAR: You know, Senator, I don't
19 know the answer to that but I would not be surprised.
20 I mean there's -- I know there's been movements to
21 have class action suits and so on which would
22 certainly include a lot more cases like that. As I
23 mentioned in my testimony before, in the Internal
24 Affairs arena, out of 560, 580 cases, probably 420
25 are from outside the organization.

1 SENATOR ZANE: Just one last question on
2 the Troop D audit. That audit was never completed,
3 was it?
4 COLONEL DUNBAR: It what sense?
5 SENATOR ZANE: It was never completed.
6 COLONEL DUNBAR: You mean what you're
7 saying is that it was halted --
8 SENATOR ZANE: Correct.
9 COLONEL DUNBAR: -- back in May of I guess
10 '98 or '99? Yeah.
11 SENATOR ZANE: Correct. By the Attorney
12 General's Office or from within the State Police.
13 COLONEL DUNBAR: Well, my information is
14 the same as yours, that the decision was made to not
15 to go any further.
16 SENATOR ZANE: Was there anything else that
17 you wanted to add to that?
18 COLONEL DUNBAR: No.
19 SENATOR ZANE: I really don't have any
20 other questions.
21 SENATOR GORMLEY: Senator Robertson.
22 SENATOR ROBERTSON: Thank you, Mr.
23 Chairman.
24 Good afternoon, Superintendent.
25 Are there any opportunities for average

1 troopers to be able to speak off the record with any
2 form of independent body?

3 COLONEL DUNBAR: Yes, there is.

4 SENATOR ROBERTSON: So that management can
5 assess what's going on out there on a no-name basis?

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

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

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

7 COLONEL DUNBAR: Yes, it is.

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

11 COLONEL DUNBAR: I don't believe so. I'm
12 pretty sure there aren't.

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

16 COLONEL DUNBAR: You know, I think -- I
17 think things have changed. I think that things have
18 gotten a lot tighter. The -- you know, Sergeant
19 Watkins talked about the CAD system and they talked
20 about, you know, people not calling stuff in and so
21 on, I know when I arrived that was still going on. I
22 know when I arrived there were people still playing
23 with the -- not turning on the overhead lights. And,
24 you know, you can -- you can actually activate the
25 camera in a car without turning on the overhead

1 lights. You can activate it manually for security
2 reasons, you know, you don't have to have the
3 overheads on. There were people, for example, when I
4 first came on --

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

7 COLONEL DUNBAR: How do I assess --

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

11 COLONEL DUNBAR: I take a look at -- I look
12 at every complaint that comes in. I look at -- I
13 talk to people. I look at every complaint that comes
14 in. I look at what I see happen. You can -- you can
15 get a feel for what's going on. The fact that a lot
16 of people are not necessarily happy that things have
17 been tightened up. Another big thing is that radio
18 traffic, I spend an average of three hours a day in a
19 car, if not more, and that entire time I listen to
20 radio traffic and I could tell you that there is a
21 significant change on radio traffic now than when I
22 first came in. That the calls are going in. The
23 race of individuals are being called in as is
24 appropriate. It's not all uncommon that if a radio
25 call goes out and there is not a response, for

1 example, to an alarm or something, where I'll call
2 the station or I'll call Field Operations and find
3 out why was there no response that took place. So
4 that that three hours a day of monitoring the radios
5 gives me some assurance that things are being
6 followed.

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

14 COLONEL DUNBAR: Well, you know, I think if
15 you read that whole article the federal Monitor, Mr.
16 Ginger, said pointedly that they have gotten
17 everything that they want. We are one year -- well,
18 we're about one year and three months into a five-
19 year monitorship. The numbers that I saw were that
20 we're in 92 percent compliance with phase one and 54
21 percent compliance with phase two. And we have to go
22 with phase two compliance. Now, if you look at the
23 fact that we're one month -- one year and three
24 months into the monitorship, that we're that far
25 ahead, I don't think that is a bad record. We have

1 complied, I believe, with everything -- not only with
2 the rule, but also with the spirit of the Monitor.
3 There was some discussion before about, you know,
4 outside prosecutors and whatever. I've opened up the
5 doors completely to the Office of State Police
6 Affairs. They have the same access that I have to
7 almost everything that we have in the Attorney
8 General's Office and plus when a Monitor comes in, we
9 don't tell them what to look for, they go out and
10 they look at it. You know, somebody talked before
11 about -- one of the people that testified before
12 talked about, you know, you got to be a leader, you
13 got to do this, you got to, you know -- well, the
14 reality of it is that the way we're going to get
15 back our credibility is by having basically
16 independent people look at what we do and verify that
17 we are, in fact, doing that. And that's what's
18 happening.

19 SENATOR ROBERTSON: Well, with the consent
20 search data, for instance, I think that was one of
21 the areas that the reports had not yet been completed
22 and yet we heard from Attorney General Farmer last
23 week that there were approximately 271 consent
24 searches done on the Turnpike last year. Why
25 couldn't 271 searches be cross-tabulated, number one,

1 in a timely fashion for the Department of Justice?
2 And, number two, at any time prior to the initiation
3 of these hearings and --

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

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

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

15 SENATOR ROBERTSON: You indicated before,
16 "If you gave me the power to summarily fire 20
17 people, you could make changes." Now, when you say
18 that --

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

23 SENATOR ROBERTSON: Sure. And I understand
24 generally what you mean, but I do want to program
25 this a little bit. When you say that and you say 20

1 people, are you saying it in sort of a general
2 management sense or are you saying, I've identified
3 somewhere in the area of 20 troublesome people that -
4 -

5 COLONEL DUNBAR: No.

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

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

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

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

22 COLONEL DUNBAR: Well --

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

25 COLONEL DUNBAR: I think -- I think that

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

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

22 COLONEL DUNBAR: Well, in a sense -- well,
23 you know, is, you know, listen, whether you're being
24 pulled over or whether you're being discriminated in
25 some other matter, I mean it doesn't really make that

1 much difference. At least it doesn't to me. You
2 know, what the difficult part about this is, and I've
3 heard comments about consent decrees and consent
4 searches and adding numerical data to them and you
5 know what the bottom line is? The bottom line is
6 that if we can't be assured of the integrity of the
7 people that are working that, you know, we can keep
8 building systems and building systems and building
9 systems, but the numbers alone, for example, the
10 number in consent forms alone is not going to be a
11 sure-fire way of resolving consent search issues. I
12 mean at some point the integrity of the individual as
13 a group, the integrity of the organization, and as
14 somebody once put it, is that we're spending a lot of
15 time just teaching people just to do the right
16 things.

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

20 You talked before about it wouldn't take
21 actually 20 terminations before you'd make your
22 point. When you got up to six or eight people would
23 start getting the message. You also mentioned that
24 we're involved in a number of lawsuits, some of which
25 you think we're going to lose. Do you foresee that

1 any action is going to be taken personnel-wise with
2 respect to those who might be behind --

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

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

12 COLONEL DUNBAR: About the ones we're going
13 to -- well, fortunately --

14 SENATOR ROBERTSON: And I'm not asking you
15 to identify them.

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

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

1 COLONEL DUNBAR: A long time. A long time.

2 SENATOR ROBERTSON: Why is that?

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

22 But, Senator, I would also note to you that
23 the time frame here isn't really that much different
24 in other law enforcement agencies. I mean these end
25 up becoming complex investigations. And the more

1 complex, the longer it takes. I've seen cases since
2 -- I've adjudicated cases that started in 1996, 1997
3 during my time, and I came November of '99.

4 SENATOR ROBERTSON: I have no other
5 questions.

6 SENATOR GORMLEY: Okay. Senator Girgenti.

7 SENATOR GIRGENTI: Thank you, Mr. Chairman.

8 Just a few questions, Colonel.

9 I think one of the major results we'd like
10 to achieve by these hearings, you know, that we've
11 heard is an end to court battles involving our
12 troopers. Are you attempting to settle matters such
13 as Bellaran, or are you just relying on court
14 decisions?

15 COLONEL DUNBAR: Well, Bellaran -- Bellaran
16 is pretty much settled. The other -- there are some
17 cases, in fact, that we have -- we have settled. But
18 what I'm hit, for example, with a nine or \$10 million
19 lawsuit and I don't believe that there's
20 justification on all of the parties, I have a problem
21 with that. I have just -- you know, you talk about,
22 you know, troopers being hit with suits and so on. I
23 think part of my responsibility is to look at it and
24 I've indicated to the Attorney General's Office in
25 some of those cases I would like very much to settle

1 the cases and just get it over with. But I'm not
2 going to just write blank checks to people or
3 recommend that we write blank checks to people where
4 I think that there's some wrongdoing.

5 SENATOR GIRGENTI: We have trends that we
6 continue to see on the Turnpike which must be ended
7 in the short term. Now, I know we need, as you
8 discussed, an overhaul of the culture in the State
9 Police. I think you stated that prior in your prior
10 testimony. But judging by what we've seen and heard,
11 something must be done to assure that the
12 constitutional rights of motorists must be protected
13 today. Do you know feel that this is possible or do
14 you feel that this can be done? Because it seems
15 like this is an ongoing problem and --

16 COLONEL DUNBAR: You know, again, I think
17 what you have to do is you have to take a look at
18 where we were and where we are today and I would
19 submit we're a lot better off today than we were
20 before. That things are, in fact, getting better. I
21 don't know, Senator, what your expectations were.
22 That your expectations were that we would just, you
23 know, come in and just say okay, we think it's fine.
24 That's just not the real world.

25 SENATOR GIRGENTI: Well, no, but are we

1 seeing improvement? I mean --

2 COLONEL DUNBAR: I believe we are.

3 SENATOR GIRGENTI: And what demonstrates
4 that?

5 COLONEL DUNBAR: What demonstrates that?

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

23 SENATOR GIRGENTI: Have you -- I know you
24 have been following these hearings. We had testimony
25 yesterday from a couple who went to file a complaint

1 against a trooper and they testified that they were
2 given a Post-It Note to write their complaint on at
3 the barracks desk. Eventually after objecting to the
4 Post-It Note, they were given a legal pad. This
5 isn't a normal procedure, is it? I mean --

6 COLONEL DUNBAR: Well, in fact, that
7 particular case led me, Senator, to personally
8 creating the three-part form which is now mandatorily
9 placed in every State Police facility, along with a
10 public poster that tells you what our 1-800 line
11 number is. That same form has to be carried by
12 troopers. We designed a little brochure to tell you
13 what your rights are, that has your telephone number
14 on it. Out of that particular case and the fact that
15 that person went into a station and did not --
16 allegedly was not given paper and pen, that is now on
17 our inspection list and whenever we go to a station,
18 not only our stations, but every State Police
19 facility has to have those forms and they're both in
20 English and Spanish so that we don't run into that
21 kind of a problem. And it says right on there that
22 you could either give -- turn the form in or you can
23 send the form. You keep a copy and if nobody
24 contacts you within ten days, it tells you where to
25 call. So hopefully that issue will no longer be a

1 problem.

2 SENATOR GIRGENTI: But it took -- I mean it
3 just was implemented recently and to that point in
4 time there was really --

5 COLONEL DUNBAR: That was -- that was
6 implemented within about a month or two -- maybe
7 three months after my -- that incident you're talking
8 about I think happened maybe three -- three years
9 ago. See, that's one of the things that I think is -
10 - I can't dispute a lot of those things that happened
11 --

12 SENATOR GIRGENTI: No, I understand.

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

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

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

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

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

18 SENATOR GIRGENTI: What would be the
19 disciplinary action?

20 COLONEL DUNBAR: It could be anything from
21 a written warning, to a letter of reprimand, to a
22 suspension. It would depend on what happens. It
23 depends on whether it's poor judgment or whether the
24 person was trying to conceal the fact that somebody
25 filed a complaint. I can think of one right off the

1 top of my head which is a good and it's a negative.
2 It was -- it was a person went in and filed a
3 complaint and the Sergeant did not take the
4 complaint. However, the assistant station commander
5 came in and did a review of all the activity that had
6 taken place off of the computer system and saw that
7 somebody came in and filed a complaint and it was not
8 forwarded and that person took corrective action.
9 That's what you want to have happen. That if
10 somebody misses it, the next line supervisor picks it
11 up and carries it forward. And that to me was a
12 very, very positive thing to see happen.

13 SENATOR GIRGENTI: All right. Now, also in
14 the testimony yesterday we were -- we saw a
15 videotape. I don't know if you're familiar with
16 that.

17 COLONEL DUNBAR: I didn't see that.

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

22 COLONEL DUNBAR: Right.

23 SENATOR GIRGENTI: -- so that, you know,
24 they couldn't see what was being done by the car.
25 What happens on something like this now? If

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

3 COLONEL DUNBAR: There's a couple of --
4 look, there are no -- there are no absolutes. The
5 supervisors have to do a certain amount of checks,
6 random checks of videotapes. There is a problem with
7 that. And one of the problems with that is that the
8 supervisor -- if the supervisor's own perception of
9 what should be is kind of skewed, you could run into
10 a problem. And we've had that problem. But the
11 supervisor is supposed to do a random check. When a
12 Monitor comes in, they do a random check. When the
13 inspection people come in from Division headquarters,
14 they do a random check. You could escape, because of
15 the number -- I can't have, you know, 1,700 troopers
16 out on the road and 1,700 people watching the tapes.
17 So we do it based on a random basis.

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

22 SENATOR GIRGENTI: And I take it in a
23 situation similar to that if that came to your
24 attention you would look for a pattern, if this was
25 done --

1 COLONEL DUNBAR: Well, it depends on -- it
2 depends on -- first of all, I'd have to establish
3 what he did was wrong and I'd have to take a look at
4 the totality of what occurred.

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

7 COLONEL DUNBAR: How much do I --

8 SENATOR GIRGENTI: Yeah. I mean there's so
9 many incidents. Does the --

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

16 SENATOR GIRGENTI: And my final question,
17 and we heard from in the past the AG and I think you
18 may have said it, we used the terminology that there
19 are a few bad apples and I think you were talking
20 about a certain number that you would like to see off
21 the picture or out of the picture, yet we heard from
22 the Black and Latino Caucus today and we've heard
23 from a number of troopers that testified before us,
24 that this is a systemic-wide problem. Your feelings
25 on it, would you label it just a few individuals or

1 is this a systemic problem that's beyond a few and
2 it's the whole culture here that has to be changed?

3 COLONEL DUNBAR: You know, I think I've
4 said all along that the biggest challenge that I have
5 is changing culture. And, you know, again, Senator,
6 what you're saying is degrees of what people do. And
7 I tend to look at things in the sense of it's easy to
8 deal with somebody who sets out to violate people's
9 rights. It's a little bit more difficult if somebody
10 is doing something and they don't know what they're
11 doing or they don't understand what they're doing.
12 It's a cultural -- it's a cultural thing within law
13 enforcement. You know, I know there's been a lot of
14 discussion about consent decrees -- I mean not
15 consent -- about consent searches. And, you know, if
16 the people of the State say we don't have consent --
17 we don't have consent searches, I don't really have a
18 lot of heartburn with that. But as a law enforcement
19 official, I know we've lost a tool and, you know, and
20 I use this as an example. If someone is stopped on
21 the Turnpike or on an Interstate and they're doing
22 85, 90 miles an hour and the trooper walks up and the
23 trooper is suspicious or he has reasonable suspicion
24 or whatever but he does not have the basis of
25 probable cause and he doesn't make an inquiry, and

1 then later on that vehicle is found to be involved in
2 a bombing or something like that, are we then going
3 to be asked to explain ourselves, why we didn't go
4 further? You know, those are decisions really that I
5 think are not simplistic issues. I sincerely believe
6 that if you don't have the courage to walk away when
7 you don't have reasonable suspicion or probable
8 cause, that you're doing the wrong thing and that's
9 the thing that I've preached day-in and day-out since
10 I've been here.

11 SENATOR GIRGENTI: Okay. Thank you,
12 Colonel.

13 SENATOR GORMLEY: We'll --

14 SENATOR MATHEUSSEN: Mr. Chairman, I just
15 have one quick question.

16 Colonel, thank you for coming back. I had
17 a question for you. A lot of disturbing testimony in
18 the last two days regarding racism, if you would, and
19 racial profiling within the State Police. You were a
20 trooper for four years, I believe?

21 COLONEL DUNBAR: Um-hmm. Yes.

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

24 COLONEL DUNBAR: '73 to '77.

25 SENATOR MATHEUSSEN: And in those years was

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

3 COLONEL DUNBAR: Yes.

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

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

10 SENATOR MATHEUSSEN: So necessarily it
11 wasn't racial profiling, it was profiling of a
12 different kind.

13 COLONEL DUNBAR: Yes, it was.

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

17 COLONEL DUNBAR: No. In fact --

18 SENATOR MATHEUSSEN: How did you learn the
19 practice then?

20 COLONEL DUNBAR: Pardon me?

21 SENATOR MATHEUSSEN: How did you learn the
22 practice?

23 COLONEL DUNBAR: How did I learn the
24 practice? I didn't practice it.

25 SENATOR MATHEUSSEN: Well, how did you

1 learn of it though?

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

6 SENATOR MATHEUSSEN: And racism?

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

12 SENATOR MATHEUSSEN: But it's also
13 prevalent throughout our entire society not --

14 COLONEL DUNBAR: Absolutely. I mean
15 that's --

16 SENATOR MATHEUSSEN: It's not just systemic
17 from the State Police.

18 COLONEL DUNBAR: No, no. And it's not.
19 And, you know, and again, I think that the thing that
20 -- the sad part about this is that there are a number
21 of people that really just go out and do the job.
22 You know, even back when I was a trooper, some of
23 these guys that, you know, some of these people that
24 -- they were not anybody's heroes. You know, they
25 were people that, you know, you didn't want to work

1 with. You had questions about. But again, it did
2 not involve the vast majority of the people.

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

5 COLONEL DUNBAR: I think -- I think that --
6 I think right now I think that the bulk of the
7 troopers are trying to do the job the way it should
8 be done. But when you have -- we have twenty-six,
9 2,700 -- 2,600 people right now. You get a real
10 cross-section of people and as hard as I've tried,
11 you know, I just had to take another personal action
12 I think earlier this week on an issue that took
13 place. And it shouldn't take place but it did. And,
14 you know, but the bottom line is is that I think
15 people are going to understand that things are
16 changed. My hope is that through this process we can
17 acknowledge what's there -- let me just mention some
18 other thing, too. You know, we talked about
19 promotions, for example. This is really a two-way
20 street and I mentioned before that I'm being sued by
21 both white males, minorities and females on the same
22 topic. Look, if there's ten people in a squad and
23 five of them are all doing the same job, they're very
24 similar, chances are four are going to be
25 disappointed. You can't promote everybody who wants

1 to get promoted. This is part of the problem that we
2 face. And then when you promote somebody, you have a
3 problem.

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

16 SENATOR MATHEUSSEN: Thank you, Colonel.

17 No further questions.

18 SENATOR GORMLEY: Thank you for your
19 testimony.

20 We'll take a break.

21 (Off the record)

22 SENATOR GORMLEY: Ask the Committee members
23 to step back in, please.

24 (Pause)

25 SENATOR GORMLEY: The next -- the next

Testimony - Ms. Steinhagen

1 three witnesses are Renee Steinhagen, Sergeant Yusuf
2 El-Amin, Trooper Gregory Sanders.

3 Step up to the microphones, please.

4 Just have a seat. You'll be sworn in a
5 little bit, but I want -- obviously want some of the
6 Senators to get back in the room.

7 (Pause)

8 SENATOR GORMLEY: Will the members of the
9 Committee -- I'd appreciate them coming back to their
10 seats.

11 I'd ask you if you'd please stand to be
12 sworn. Please stand. Raise your right hand.

13 R E N E E S T E I N H A G E N, SWORN

14 Y U S U F E L - A M I N, SWORN

15 G R E G O R Y S A N D E R S, SWORN

16 SENATOR GORMLEY: Be seated.

17 According to the list I've been given -- by
18 the way, make sure a red light is on. I know that's
19 the inverse of logic, but we do it that way here.

20 The first witness will be Renee Steinhagen,
21 Esq.

22 MS. RENEE STEINHAGEN: Thank you very much.
23 Good afternoon. My name is Renee Steinhagen. I'm
24 the Executive Director of the Public Interest Law
25 Center of New Jersey. I'm currently co-counsel for

1 the NAACP in its efforts to enforce the consent
2 decree it entered into with the New Jersey State
3 Police in June 2000 regarding the State Police's
4 recruitment, hiring and selection procedures.

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

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

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

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

25 (Men stand for introduction)

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

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

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

21 As you are aware, New Jersey's government
22 has begrudgingly recognized, albeit only in the past
23 two years, through the Attorney General's Interim and
24 Final Reports, that racial profiling and
25 discrimination have been routinely practiced by the

1 State Police.

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

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

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

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

1 on its minority members.

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

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

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

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

24 The second problem rests with the apparent
25 inability or unwillingness of the Attorney General's

1 Office to respond independently to claims of racial
2 bias in the State Police. Whether the investigation
3 is initially undertaken by the State Police's
4 Internal Affairs Bureau, IAB, or is conducted within
5 the Division of Law and Public Safety within the
6 Attorney General's Office. Both IAB and the Division
7 seem to view themselves as adversaries to minority
8 complainants and protectors of the status quo despite
9 their greater obligation to the public.

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

16 As you can see, all my clients are black.
17 In approximately 1995 I was riding in the rear
18 passenger seat with Trooper Arnie Abrams and Roger
19 Johnson in the front. We were riding in a luxury
20 Saab heading south on the New Jersey Turnpike when we
21 were stopped by a white trooper. It was clear to all
22 of us at the time that we had been profiled. I
23 remained silent. Trooper Abrams and Johnson were
24 polite and the trooper who stopped us ceased any
25 questioning once Trooper Johnson showed him his State

1 Police credentials. Now, this incident didn't come
2 as much of a surprise to me because I had been
3 stopped previously by a white trooper while being the
4 sole white passenger in a car with several black men.
5 Some years earlier I had been the passenger with two
6 other black state troopers and a third black
7 passenger when we, too, were stopped for no
8 ostensible reason.

9 Now, several times in 1992 I accompanied
10 Trooper Samuel Davis and occasionally Trooper Darrell
11 Beard during their interview with then Assistant
12 Attorney General Patricia Luizzi and Captain Juan
13 Mattos, then Affirmative Action Office of the New
14 Jersey State Police. Ms. Luizzi was purportedly
15 investigating a comprehensive complaint that Trooper
16 Davis had lodged against the State Police in December
17 1991 regarding the State Police's racially
18 discriminatory practices. After questioning that
19 occurred for over one year, the Attorney General's
20 Office turned its investigation over to IAB, which
21 eventually found Trooper Davis' complaint unfounded.

22 Now this, too, came as no surprise because
23 one complaint after another that my clients filed
24 over the years with the EEO/AA Office of the State
25 Police were found unsubstantiated. In this case,

1 however, to my surprise, the State Police, seemingly
2 sanctioned by the Attorney General's Office,
3 initiated a complaint against Trooper Davis for
4 lying. An internal complaint that went nowhere but
5 we believe was intended to send a message to Trooper
6 Davis and any other trooper who dared to speak out.

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

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

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

1 Colonel Dintino and other State Police
2 spokesmen were equally confident that there was no
3 discrimination against minority members of the public
4 nor minority members within the State Police. To
5 show how institutionalized and long-standing the
6 practice of protecting the State Police is, then
7 Attorney General Robert Del Tufo rejected the
8 validity of my clients' complaints about the racially
9 discriminatory practices of the State Police and
10 indicated that they were out for their own selfish
11 interests, not those of the minority community of
12 which they are a part. In fact, Colonel Dintino
13 wrote in the New Jersey State Police *Triangle*, the
14 State Police's official newsletter, that the handful
15 of black troopers who contend that "Racism and
16 discriminatory practices are condoned at the highest
17 levels of the State Police are simply and succinctly
18 put wrong. Nothing could be further from the truth."
19 Therefore, in 1993 the State Police and the Attorney
20 General had notice of racially-biased practices and
21 to suggest otherwise is, quite frankly, absurd.

22 Now, after the troopers filed their charge
23 of discrimination with the EEOC and testified three
24 months later in a Congressional Subcommittee about
25 their allegations of racial discrimination, anyone

1 who was associated with them became branded a
2 troublemaker. The 13 EEOC complainants, as the State
3 Police pejoratively referred to them, were often
4 called traitors and their subsequent attempts to
5 secure relief by filing complaints with the EEO/AA
6 Office were left unanswered.

7 Each of the men here today has a story as
8 to how his individual complaint was mishandled, not
9 diligently pursued and in effect predetermined. Now,
10 we might ask why I say predetermined. But again, in
11 1993 Colonel Dintino issued a Superintendent's letter
12 in which he declared that the allegations made by my
13 clients misrepresented the law enforcement practices
14 of the New Jersey State Police. This, I assert, was
15 the conclusion that had to be affirmed each time my
16 clients spoke out about the racial injustices they
17 experienced.

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

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

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

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

11 In mid-August of 1993, several of the
12 troopers and myself participated in the mediation
13 session with then Assistant Attorney General
14 Alexander Waugh and Deputy Attorney General Sally
15 Fields. In this meeting, which lasted several hours,
16 my clients complained about racial discriminatory
17 practices in the State Police and requested the
18 participation of former Trooper Anthony Reed, a black
19 trooper who had not been re-enlisted. Anthony Reed
20 was an outspoken opponent to racial profiling who is
21 admired by my clients as much as he was hated by the
22 State Police. The State Police refused to permit
23 Anthony Reed to participate in the mediation and so
24 the session ended with no resolution of any issues
25 and no institutional reform on the horizon.

1 Nevertheless, later that month Assistant
2 Attorney General Waugh had a meeting with the trooper
3 commanders regarding the black troopers' allegations
4 of racial profiling and a hostile work environment.
5 This is the meeting that generated Assistant Attorney
6 General Waugh's memo to acting Attorney General Fred
7 DeVesa, which in turn led to the infamous remark, "If
8 it ain't broke, don't fix it."

9 Over the next four years several
10 significant things happened. In or about October
11 1995, Sergeant James Smith orally complained about
12 racial profiling to Lieutenant Gilbert, the station
13 commander in Moorestown station, not Sergeant Thomas
14 Gilbert.

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

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

23 In this way, IAB was made aware of these
24 troopers' concerns. However, then Chief of IAB,
25 Captain R.E. Touw and Lieutenant Hinkle of the Staff

1 Inspection Unit, previously assistant station
2 commander at Newark station during the time that
3 several black troopers were the victims of hazing by
4 The Phantom failed to follow normal procedure by
5 declining to investigate the matters set forth in
6 Sergeant Smith's Special. What I mean specifically,
7 they failed to question further the troopers listed
8 therein to determine the factual basis of their
9 concerns. Instead, as we see in one of the documents
10 that I've attached, there was an attempt -- an
11 explicit decision not to interview those troopers
12 further, but wait later on whether they were going to
13 testify at the trials of Troopers Kenna and Hogan,
14 and then bring them up on charges under a certain
15 Article 5 which would be for failure to report a
16 criminal act or misconduct at the time. That was not
17 the procedure. A trooper files a Special. Someone
18 from IAB usually comes and interviews that trooper as
19 to the basis of those allegations.

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

24 Captain Silver, then troop commander of
25 Troop D, the Turnpike, subsequently accepted IAB's

1 conclusion that racial profiling and racial
2 discrimination were just a perception, nothing more.

3 This conclusion of perception was adopted
4 by the Attorney General in his Final Report in May
5 1999. Again, perhaps this conclusion was also
6 predetermined insofar as both Trooper Beard and
7 Cooper had orally complained about racial profiling
8 to SFC Sachetti, then assistant station commander at
9 Moorestown station, who investigated the concerns
10 outlined in Sergeant Smith's Special Report upon his
11 transfer to IAB. I ask you, how can the State Police
12 assign to IAB a trooper who allowed racial profiling
13 to occur under his supervision. Isn't IAB supposed
14 to have the institutional independence and integrity
15 to investigate bad policing?

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

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

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

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

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

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

24 To date, the State's answer has not been
25 amended. In fact, it's very clear that the State, at

1 least with respect to pending and settled lawsuits,
2 continues until this day to deny racially
3 discriminatory practices. The recent consent order
4 signed by Peter Verniero's office regarding racial
5 profiling explicitly denies the existence of racial
6 profiling, whereas the consent order signed by the
7 Attorney General with respect to the State Police's
8 recruitment in hiring practices, similarly denies
9 racial discrimination.

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

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

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

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

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

24 After a court battle, Judge Parrillo, a
25 Superior Court Judge in the Chancery Division in

1 Trenton, found the State Police's regulation
2 unconstitutional and permitted my clients to speak
3 out in the private capacity about matters of racial
4 discrimination. No other state trooper took this
5 initiative which was needed to bring the
6 organizational infrastructure that supports racial
7 profiling to the public's attention.

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

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

20 Unlike the previous two legislative
21 committees before which I had appeared, the Minority
22 Caucus issued a report supporting the claims of my
23 clients. This since has become common knowledge
24 among state troopers that Superintendent Dunbar took
25 this report and waved it in front of a number of

1 troopers telling them to read it "if you want to know
2 what the enemy is thinking."

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

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

19 He further declared that the traditions of
20 the New Jersey State Police must be preserved in face
21 of the allegations of racial discrimination,
22 allegations that he pronounced as untrue. Now, I ask
23 you, as part of our journey to justice to send a
24 message to all persons in the State Police and the
25 Attorney General's Office. For as the Senate of the

1 United States stated in its report on the Equal
2 Employment Opportunities Enforcement Act of 1971,
3 "The exclusion of minorities from effective
4 participation in government, including law
5 enforcement agencies, not only promotes ignorance of
6 minority problems in that particular community, but
7 also creates mistrust, alienation and all too often
8 hostility towards the entire process of government."
9 Mistrust, alienation and hostility are the attitudes
10 of New Jersey citizens, black and white, toward the
11 New Jersey State Police today. It is therefore not
12 enough to determine Attorney General Peter Verniero
13 made misrepresentations to this body during his
14 confirmation hearings, it is equally necessary to
15 determine whether the State Police continues to
16 misrepresent itself to the public when it proclaims
17 itself an equal opportunity employer.

18 I therefore implore you to heed the message
19 of my clients and to take further action. You
20 cannot, as a matter of public policy and moral
21 principle, end your hearings and simply move on.

22 In order for you to protect the public from
23 the racially discriminatory attitudes that are
24 endemic to the State Police, you must compel the
25 State Police to adopt objective personnel systems

1 that are designed to protect minority troopers and
2 anyone else who opposes racial discriminatory
3 practices from the discrimination, mistreatment and
4 prejudice of those persons who identify themselves as
5 law enforcement officers and who are thus obligated
6 to protect the entire public, not just their own.

7 I thank you very much.

8 SENATOR GORMLEY: Thank you.

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

14 You are here to investigate racial
15 profiling, the practice of singling out minorities
16 for selective enforcement. Myself and others here
17 today can tell you about being profiled within the
18 State Police, because as a minority who has been
19 stationed at Edison station, Troop C; New Brunswick
20 station in Troop D; Wilburtha station in West
21 Trenton, Troop C; and Bordentown station in Troop C,
22 I know the practices of the State Police. I'll
23 share a letter with you that I wrote. It reads, "On
24 April 1st, 1988 I read an article in the *Star Ledger*
25 regarding race bias in road stops among New Jersey

1 state troopers. For many years I have been disturbed
2 by this bias that unfortunately exists among state
3 troopers. I wish that there was something that I
4 could do about it, but the fear of reprisals prevents
5 many of us from speaking out. Some of the biases I
6 have noted over the years among many troopers around
7 Central Jersey, and mainly on the New Jersey
8 Turnpike, were stops of young blacks and Hispanic men
9 between the ages of 18 and 35, who were going and
10 coming from New York. It is assumed that they are
11 most likely to carry drugs.

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

20 "After a stop is made, a search is usually
21 performed with or without cause. On the Turnpike,
22 white motorists are usually only stopped for speeding
23 and issued a ticket and occasionally have their
24 driver's record checked on computer. Blacks and
25 Hispanics are usually given a driver's records check

1 and a national crime information check as requested
2 by the trooper.

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

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

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

22 "I have never known any training material
23 that suggested any of these methods I mentioned. I
24 have heard instructors at training sessions state
25 that when Hispanics with Florida plates are seen

1 heading north, to start looking for a violation to
2 stop them because they may be carrying drugs. I have
3 heard instructors suggest that -- are drug users and
4 they are identified by dread-lock hairdos. So now
5 troopers stop everyone with dread-locks.

6 "Most of these biases are techniques that
7 are passed along from trooper to trooper, and the
8 cycle continues.

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

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

24 What may surprise you is that I wrote this
25 13 years ago and sent it to a newspaper and the NAACP

1 in North Jersey.

2 The State of New Jersey has had this
3 statement as part of my litigation since I and
4 several other black troopers filed our EEOC charge in
5 1993. Let me give you my perspective on the case.

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

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

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

23 I've heard a trooper on the way to
24 sensitivity training while in the squad room in New
25 Brunswick station say, "I have nothing against

1 minorities, 90 percent of my stops are minorities."
2 This trooper attained the Detective rank shortly
3 after this statement which was made in 1987 and he's
4 still on the force.

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

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

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

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

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

18 "At the time of his assignment at the
19 Edison station, which was about September of 1985,
20 there were five black troopers at that station out of
21 40. At this present time only one remains. Out of
22 six troopers who were involuntarily sent to the
23 Turnpike, one to the Parkway, four were black. It is
24 obvious that Lieutenant Yarasavage wants an all-white
25 station.

1 "It is appalling to know that these
2 practices are allowed to happen as they threaten the
3 relations of black and white troopers alike. In
4 fact, the Lieutenant uses the threat of transfer to
5 put fear in others at this station.

6 "The selection process at Edison station
7 needs to be reviewed and definitely needs to be taken
8 out of the hands of this demonstrated racist.

9 "This situation has been discussed by all
10 those black troopers that have been affected."

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

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

1 specialist positions.

2 "Although there has been a few promoted in
3 certain Division headquarters areas, there have been
4 virtually no African-American troopers promoted on
5 the troop level, which makes up well over half the
6 force. There have never been, nor are there any
7 African-American station commanders, assistant
8 commanders or station Detectives. There have never
9 been nor presently are there any African-American
10 troopers in administrative positions in any trooper
11 headquarters, including the Turnpike and Parkway.
12 There are no African-American troopers in Detective
13 positions on troop level. There are very few
14 specialists, except for the short-term jobs and weigh
15 teams and CBI teams. There are little or no squad
16 Sergeants in all of these stations. Only two were in
17 Troop C and one in Troop B. And none in Troop A, D,
18 E, et cetera. It appears obvious that these troop
19 commanders and their administrations feel that
20 African-Americans are not capable of any leadership
21 or administrative positions. They do their best to
22 discredit and discriminate against us.

23 "It appears that they are intent on keeping
24 these positions for themselves and their favorites.
25 It is well known that many of these selections are

1 not based on qualifications or seniority, but on
2 favoritism and personal connections.

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

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

12 "Sincerely yours, Trooper Yusuf El-Amin."
13 And nothing has changed.

14 In 1997, after 18 years in the State
15 Police, a total of 20, including my motor vehicle
16 time, when white troopers are promoted much sooner, I
17 was finally promoted to Sergeant. I know as a
18 Sergeant the State Police has the capability of
19 properly training troopers and properly supervising
20 young recruits and troopers on our squads not to
21 profile. I personally check all tickets, summonses,
22 patrol charts and monitor radio stops to ensure that
23 all my members of my squad do not profile. Yet I
24 suspect there are sergeants who don't do that. It is
25 very clear that Trooper Hogan and Kenna's Sergeant

1 did not take the strong steps necessary to supervise
2 them. And the practice still goes on today. A
3 sergeant whom I believe condones profiling was just
4 transferred to supervise patrol units on the New
5 Jersey Turnpike. Because of reprisals and unless
6 troopers like us who want to do the right thing can
7 be protected, I certainly won't mention his name in
8 public.

9 This has been my journey to justice. As I
10 sit here today I still feel fearful of retaliation,
11 but I am old enough that I hope that in the waning
12 stages of my career with the New Jersey State Police
13 I can survive this time and make a difference. I am
14 52 years old and I hope to help make changes so that
15 when young minorities come into the State Police,
16 that they will be treated fairly and that all
17 citizens who travel in New Jersey will be protected.
18 I am hoping that by the time I retire, with the help
19 of the reforms that I know will be suggested by this
20 Committee, we can say, as has been said many times, I
21 am not where I want to be, but it's better than it
22 was yesterday. And hopefully in the future, it will
23 be even better.

24 I'm here to answer any questions you have
25 and I thank you for your time.

1 SENATOR GORMLEY: Thank you.
2 Trooper, we'd appreciate your testimony
3 now.

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

13 President Lincoln, while at Gettysburg,
14 stated, "The world will little note nor long remember
15 what we say here, but can never forget what they did
16 here." "But can never forget what they did here."
17 It is important that this Committee understands that
18 the State of New Jersey is on trial in the court of
19 world opinion. The recommendations that will be made
20 here will become the official record in history. As
21 you walk with the 13 on our journey to justice, we
22 remind you of the words of Dr. King when he said,
23 "Sometimes in life you're going to have to take a
24 stance. Politics will ask the question, is it
25 popular? Expedience will ask the question, is it

1 safe? But conscious will always ask the question, is
2 it right? Sometimes we have to take a stance that is
3 neither popular nor safe, but because it's right."

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

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

24 State Police then and now controls the rank
25 and file on the basis of fear, intimidation and

1 retaliation. So we were and are afraid. We knew at
2 anytime we, too, could be fired without just cause.
3 Without just cause.

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

25 This trial was in 1996. The Joe Collum

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

24 In 1993 at the Newark station, watermelon
25 was put in my locker. The name "rat" was written by

1 my name on one of the State Police personnel work
2 schedules. I reported this incident to my
3 supervisor, Sergeant Jack Westhall, as well as I
4 noted to you previously, Lieutenant Sal Maggio, who
5 at this time was the Deputy Troop Commander.

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

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

20 I have been told that a reason why there
21 was no discipline is because merely putting a
22 watermelon and writing the word "rat" on a black
23 trooper's locker cannot in any way be identified with
24 race.

25 I think we all know that the association of

1 blacks with watermelons has a pejorative negative
2 connotation. If a trooper can do this to another
3 minority trooper and supervisors will take no action,
4 you can understand why no one has done anything about
5 racial profiling and why the practice still exists.

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

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

25 In 1991 when I applied for a specialist's

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

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

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

6 So as you can see, again, I was branded as
7 a trooper opposed to racial profiling. If holding
8 this position is a barrier for advancement and reward
9 in the State Police, the culture and practices of the
10 State Police will never change. The reason why black
11 troopers who do not profile have not been able to
12 advance and white troopers who profile do advance, is
13 clearly demonstrated also by the following experience
14 I had. Then Captain Michael Fedorko, later an acting
15 Superintendent, was Captain in a forensic area. I
16 applied for a job within his Bureau. The job again
17 was given to a white trooper who did not have the
18 degrees and certifications that I had. I complained
19 directly to then Assistant Attorney General Fred
20 DeVesa and EEO/AA Officer Valerie Holman of the
21 Department of Law and Public Safety. The
22 investigation against the State Police was given back
23 to the State Police to investigate. Then Captain
24 Fedorko told the investigators while my education was
25 commendable, the trooper who got the job had shown a

1 greater interest in the criminal program than myself
2 and was well-rounded.

3 The "criminal program" were code words for
4 racial profiling practices perpetrated on the public
5 by the State Police. In fact, in my first evaluation
6 after I went to the EEOC in April of 1993, I was told
7 that I was not rated well because I was not a
8 participant in the Division's criminal program. It
9 was at that time I first learned what the phrase
10 meant. My supervisor, Jack Westhall, explained to
11 me, "You know what the rest of the squad was doing
12 and you need to be doing it." My response were words
13 to the effect, I see them stopping black motorists
14 all the time. How many blacks do I have to lock up?

15 Later Sergeant Westhall removed the
16 notation from the evaluation that appeared in my
17 personnel file, but I have kept a copy of the
18 original evaluation.

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

22 In December 2000, Superintendent Dunbar
23 told the recruiters, of which I was one, to take
24 initiative to get people to volunteer their time on
25 causes that will give credit to the State Police. I

1 got several black troopers to volunteer their time in
2 order to have their photograph taken at the
3 Governor's mansion with a recruiting troop car, which
4 later appeared in a security management magazine,
5 because we all had received certain international
6 security credentials. Surely, a credit to the New
7 Jersey State Police.

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

16 Just before this last incident in December
17 of 2000, I was working at the Troop D Turnpike
18 Administration Building. I was assigned to take
19 fingerprints of applicants. I was assigned a troop
20 car for this post. While there, a young woman, who
21 was a fingerprint technician, stated that she had
22 just tried to file a complaint against a road trooper
23 for abusive language. The woman happens to be black.
24 I attempted to get a form for her. I was asked why
25 am I giving her forms when she should be coming to

1 the station to file a complaint? I found this
2 strange because all around us there are posters
3 telling supervisors that forms for
4 complaints/compliments should be available for
5 mailing because it is intimidating for the typical
6 black person to file a complaint against the State
7 Police at a station. When I looked around, I
8 discovered that the Troop D station, in which I was
9 temporarily working, had no complaint forms.
10 Remember, I was not stationed there, but was only
11 there for the day.

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

1 to them. Instead, an attempt at discipline and
2 investigation was directed to me.

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

9 Attached to my statement are several
10 documents that you may be surprised are still
11 circulating around the police station today. The
12 first was recently faxed to Trooper Victor Cooper and
13 he has been told that it was posted on the State
14 Police bulletin board at Bridgeton station. A State
15 Police trooper is grabbing the neck of a minority and
16 it states, "Help wanted. Small black man for mud
17 flap. Must be flexible and willing to travel." And
18 at Totowa station where Sergeant Paul Singler and
19 Sergeant Roger Johnson were stationed, their ten
20 percent logo showing a New Jersey trooper as being
21 one of the ten percent bad apples that Superintendent
22 Dunbar refers to as responsible for profiling is
23 printed on T-shirts and hanging in the station.

24 (Trooper holds up article and T-shirt)

25 This logo is also used at the State Police

1 trooper Yahoo website. As you can clearly see, this
2 journey to justice is an ordeal that is real, not
3 imagined. It is up to this body to take the bold
4 steps to end the practice of racial profiling that
5 has plagued our society for years and to end the
6 discriminatory and retaliatory practices of the State
7 Police that I have endured for years.

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

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

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

11 Thank you.

12 SENATOR GORMLEY: Mr. Chertoff.

13 MR. CHERTOFF: Thanks, Mr. Chairman.

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

16 Now, I guess in -- you filed a complaint
17 with the EEOC on behalf of several of your clients in
18 1993?

19 MS. STEINHAGEN: That's correct.

20 MR. CHERTOFF: You have to put the little -

21 -

22 SENATOR GORMLEY: The red light on again.

23 MS. STEINHAGEN: Oh, I forgot, sorry.

24 Yeah, that is correct.

25 MR. CHERTOFF: And then I think you said in

1 your testimony that in June of 1997 you filed a
2 complaint in state court.

3 MS. STEINHAGEN: That's correct.

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

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

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

21 MS. STEINHAGEN: That is correct but --

22 MR. CHERTOFF: And what was the factual
23 allegation?

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

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

7 MR. CHERTOFF: Okay. Now, I want to
8 understand this because you attached to your
9 testimony pages that are very familiar I think to
10 many people now, which I'm going to put up on the --
11 I guess it's no longer in business -- anyway, there's
12 an exhibit, June 29 -- a July 29, 1997 document, CW-
13 18, which encloses a copy of a report entitled Patrol
14 Issues Concerns at Moorestown Station. Now, you've
15 attached that to your report, right?

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

19 MR. CHERTOFF: How did you get this?

20 MS. STEINHAGEN: How did we get this?

21 MR. CHERTOFF: Yeah.

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

24 MR. CHERTOFF: Okay. You didn't have this,
25 in other words, in 1997 when you filed the complaint?

1 MS. STEINHAGEN: No. When we filed in
2 1997, according to the men, they knew nothing about
3 what happened. We had no knowledge that anything was
4 done. They were sitting in the station waiting to be
5 interviewed by IAB as to the factual basis of their
6 allegations and no one came.

7 MR. CHERTOFF: So in other words, in July
8 1997 -- I want to put this up and show you. In July
9 1997, when you -- I'm sorry, June 1997 when you filed
10 the Title 7 case, one of the allegations was that two
11 of the troopers who had been interviewed by Sergeant
12 Smith in late 1995 or early 1996 had been retaliated
13 against.

14 MS. STEINHAGEN: That's correct.

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

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

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

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

25 MR. CHERTOFF: So how many meetings did you

1 have with Mr. Waugh?

2 MS. STEINHAGEN: One.

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

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

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

18 MS. STEINHAGEN: Yes.

19 MR. CHERTOFF: Okay. And that --

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

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

24 MS. STEINHAGEN: The litigation --

25 MR. CHERTOFF: Yeah.

1 MS. STEINHAGEN: -- or Victor Cooper's --

2 MR. CHERTOFF: Well, Victor Cooper's
3 specific allegation. How did that wind up getting
4 resolved?

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

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

17 MS. STEINHAGEN: That is part of Victor's
18 particular claim.

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

21 MS. STEINHAGEN: In discovery.

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

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

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

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

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

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

20 MS. STEINHAGEN: It would have to be --
21 they have to move with 45 days. They immediately --
22 because it was a Title 7 claim, the State immediately
23 removed it to federal court.

24 MR. CHERTOFF: So that everybody knows what
25 a voluntary disclosure is, that's a rule that

1 basically says in a lot of cases in civil discovery
2 each side has the obligation voluntarily to disclose
3 things that are relevant, right?

4 MS. STEINHAGEN: That is correct and I
5 would presume seeing July 29th, given -- I believe we
6 filed like June 11th, that we must have been in
7 federal court or going to be in federal court within
8 another two weeks.

9 MR. CHERTOFF: So then is it fair to say
10 that sometime later in '97, as you understand the
11 rules, there would have been some obligation to make
12 a determination by the State as to whether this
13 report would have to be turned over to you in
14 discovery?

15 MS. STEINHAGEN: That is correct.

16 MR. CHERTOFF: And you didn't get that,
17 right?

18 MS. STEINHAGEN: We did not get that.

19 MR. CHERTOFF: All right. And I take it
20 then that --

21 MS. STEINHAGEN: By the way, we still -- we
22 did not get that when we even had more specific
23 requests later on in discovery.

24 MR. CHERTOFF: And did you have specific
25 requests that were aimed at what had happened with

1 respect to Victor Cooper's original complaint?

2 MS. STEINHAGEN: There is definitely more
3 specific requests as to anything that deals with any
4 of the individual men, either their internal EEO/AA
5 complaints and clearly regarding the Sergeant Smith
6 Special.

7 MR. CHERTOFF: And when did you make those
8 discovery requests?

9 MS. STEINHAGEN: I'll tell you, this is a
10 little difficult because we were put in federal
11 court, put into mediation again and several months
12 lapsed and then we were -- eventually after they
13 moved to dismiss all of our state law claims under
14 LAD, we were back in state court. At that point we
15 submitted discovery requests and that must have been
16 approximately in -- late 1998 or early 1999.

17 MR. CHERTOFF: And then you didn't get this
18 document in response to that?

19 MS. STEINHAGEN: I will repeat. I nearly
20 got it after the public disclosure, up to 90,000
21 documents.

22 MR. CHERTOFF: And that would be, I guess,
23 in the year 2000, right, in 2000?

24 MS. STEINHAGEN: That's correct.

25 MR. CHERTOFF: Now, with respect to the

1 memo, it goes on to say, "The discipline" -- what was
2 the discipline in question?

3 MS. STEINHAGEN: It was -- it was a blue
4 ticket that Trooper Cooper had received for allegedly
5 lowering the speed on a summons and doing something
6 with his lights. You're going to have to ask --
7 putting his lights on at the wrong time.

8 I think that's -- that was the initial PN.

9 MR. CHERTOFF: All right. And then did you
10 -- did there come a point in time before everything
11 got released in the summer or the fall of 2000, did
12 there come a point in time that you learned that
13 there was a lengthy delay between the close of the
14 investigation and the issuance of the discipline?

15 MS. STEINHAGEN: Did I learn?

16 MR. CHERTOFF: Yeah.

17 MS. STEINHAGEN: Well, I knew that from Mr.
18 Cooper.

19 MR. CHERTOFF: Was that one of the issues
20 that you raised in your case or one of the questions
21 that you raised in your claim?

22 MS. STEINHAGEN: This was in pleading. It
23 was one of the issues that Mr. Cooper raised in his
24 grievance and would be more specifically raised in
25 our litigation.

1 MR. CHERTOFF: Now, you actually had
2 mediation on this issue in 1998?

3 MS. STEINHAGEN: Well, we had mediation on
4 the whole complaint that was filed.

5 MR. CHERTOFF: And was part of the
6 mediation of this issue involving Victor Cooper's
7 discipline?

8 MS. STEINHAGEN: I have to admit we never
9 got to that specific, but there was -- there was
10 clearly, everything was on the table, each one of the
11 troopers' claims, and there was quite a bit of
12 discussion about what was happening regarding the
13 Sergeant Smith memo. You have to understand, while
14 in mediation not one of the men who was listed on the
15 Special had ever heard anything about the Special,
16 including Sergeant Smith.
17 It went into the air. From their point of view, they
18 filed a Special and they never heard anything again.

19 MR. CHERTOFF: Did Deputy Attorney General
20 Fields ever tell you to whom she reported?

21 MS. STEINHAGEN: No, I -- I think Deputy
22 Attorney General Sally Fields was within a unit that
23 solely dealt with State Police matters. She never
24 told me explicitly who she reported to. I would
25 believe that there had to be some reporting on civil

1 matters to current Supreme Court Justice Jayne
2 LaVecchia now was Assistant Attorney General at the
3 time.

4 MR. CHERTOFF: Now, how is it that you came
5 to submit -- you said you submitted the -- let me
6 withdraw the question.

7 You had the Smith report because obviously
8 Sergeant Smith himself had it, right?

9 MS. STEINHAGEN: That's correct.

10 MR. CHERTOFF: And you said there came a
11 time you submitted it to the Department of Justice to
12 Mr. Rosenbaum in I believe January 1999, correct?

13 MS. STEINHAGEN: On March 25th, 1999.

14 MR. CHERTOFF: And how did you become --
15 what caused you at that time to submit it?

16 MS. STEINHAGEN: The allegation of Trooper
17 Cooper that he was videotaping white troopers and the
18 union -- well, the minutes that were being posted on
19 all the troop stations that made him fear for his
20 life. And he was now going off the road. I was aware
21 of the investigation. And I'll be candid here. I'm
22 co-counsel with David Rose in the NAACP case who used
23 to be the Chief of Employment Litigation in the
24 Department of Justice for 20 years, and he was on
25 talking terms with Steven and he told me to -- gave

1 me Steven's phone number.

2 MR. CHERTOFF: Well, let me ask you this
3 now, this is my final question. When did you become
4 aware of the fact that there was a Department of
5 Justice investigation into racial profiling by the
6 State Police?

7 MS. STEINHAGEN: I believe at the time
8 where it became public knowledge, around the shooting
9 of the Turnpike.

10 MR. CHERTOFF: I don't think it was public
11 then. If it helps, I think it became public
12 knowledge or was announced by the Department sometime
13 in February or March of 1999.

14 MS. STEINHAGEN: It was announced in March
15 of 1999?

16 MR. CHERTOFF: Yeah. Putting aside the
17 date, did you have advance word or did you learn
18 about it only when it was publicly announced?

19 MS. STEINHAGEN: That is correct. I had no
20 inside knowledge that there was an ongoing
21 investigation regarding profiling.

22 MR. CHERTOFF: And so during the period of
23 time that you were involved in litigation until you
24 contacted Mr. Rosenbaum, no one at the Department of
25 Justice, Civil Rights Division, ever reached out to

1 you, for example, to interview your clients, right?

2 MS. STEINHAGEN: No.

3 MR. CHERTOFF: And that's because as far as
4 you know, they didn't know your clients were out
5 there with anything to say, right?

6 MS. STEINHAGEN: No, I won't say that.

7 MR. CHERTOFF: Well, how would they have
8 known that your clients had something to say?

9 MS. STEINHAGEN: They had the Special.

10 MR. CHERTOFF: I beg --

11 MS. STEINHAGEN: They had the Special in
12 their hand -- oh, you mean -- you're talking about
13 the --

14 MR. CHERTOFF: Yeah, let me make sure --

15 MS. STEINHAGEN: -- AG or the Department of
16 Justice?

17 MR. CHERTOFF: Let me make sure I'm clear.
18 I want to get -- I'm talking about the U.S.
19 Department of Justice.

20 MS. STEINHAGEN: Oh, the U.S. Department of
21 Justice.

22 MR. CHERTOFF: Until --

23 MS. STEINHAGEN: That's correct.

24 MR. CHERTOFF: Okay. So until you became
25 aware of the investigation and submitted the Smith

1 report to the Department of Justice, you had had no
2 contact with the U.S. Department of Justice, right?

3 MS. STEINHAGEN: I did not personally.

4 MR. CHERTOFF: And that's because the U.S.
5 Department of Justice, as far as you know, had no
6 notice of the fact that you represented people who
7 had information about profiling?

8 MS. STEINHAGEN: That's is correct. As
9 what's come out in this hearing that the Smith
10 Special was withheld.

11 MR. CHERTOFF: And you'd agree with me, I
12 suppose -- it's probably the kind of question you can
13 predict the answer to, but you'd agree with me, I
14 suppose, that if the U.S. Department of Justice had
15 had, for example, the Smith report or the subsequent
16 analysis back in 1997, you would have expected that
17 they would have reached out for you to talk to your
18 clients, correct?

19 MS. STEINHAGEN: I would have expected the
20 Department of Justice, as I expected the New Jersey
21 State Police, as I expected IAB, as I expected the
22 Attorney General.

23 MR. CHERTOFF: And am I correct, if the
24 U.S.
25 -- if the Civil Rights Division had asked, for

1 example, to interview your clients, you would have,
2 you know, permitted them to be interviewed on this
3 subject?

4 MS. STEINHAGEN: Yes.

5 MR. CHERTOFF: I have nothing further.

6 SENATOR GORMLEY: Thank you.

7 Senator Girgenti.

8 SENATOR GIRGENTI: Thank you, Mr. Chairman.
9 Just a couple questions.

10 What is the present status of these
11 troopers' complaints?

12 MS. STEINHAGEN: We're in the process of
13 discovery. There are some individual complaints that
14 we haven't gone into detail that, you know, for
15 instance Trooper Sanders can talk more about this,
16 but he filed an EEO/AA complaint over two summers ago
17 regarding The Phantom who was appearing on the State
18 Police computer screens. The Phantom has since been
19 shut down but --

20 SENATOR GIRGENTI: Yeah, that was my next
21 question. What was --

22 MS. STEINHAGEN: -- Trooper Sanders
23 continually gets these requests for 45 days more to
24 investigate and it's gone unsaid.

25 Trooper Perry's complaint regarding the

1 training where there was serious discussion about the
2 admirable qualities, leadership qualities of Adolph
3 Hitler, has yet to been answered.

4 So individual complaints the men have been
5 filing, while the litigation has still been filed,
6 but each time going internally to get some sort of
7 relief, have typically either been found
8 unsubstantiated or have been left unresolved.

9 SENATOR GIRGENTI: Maybe -- what was or is
10 The Phantom?

11 TROOPER SANDERS: The Phantom is basically
12 -- I don't know who it is, that's why they call him
13 The Phantom, however, The Phantom is described
14 vividly by the current Troop D Turnpike commander in
15 the book *Behind the Badge*. The Phantom, as he was
16 explained to us in the Academy, just appeared
17 mysteriously and keeps everyone in line. So The
18 Phantom was the cloaked individual or people who
19 committed acts or atrocities against people who
20 complained against the Division.

21 SENATOR GIRGENTI: What kind of acts?

22 TROOPER SANDERS: We had -- I've had
23 several types of acts committed against me. Car
24 tires flattened. Uniforms destroyed in the locker.
25 Equipment stolen. Hats, hat badges, shoes. Constant

1 harassment in the workplace.

2 The other -- also, at the time after the
3 Turnpike shooting, The Phantom appeared by way of an
4 e-mail or website or something of that nature. And
5 The Phantom, who we believe the State Police know
6 that person to be, used to commit acts or make
7 threats against us on that website or imply threats.
8 I made a complaint to the Attorney General's Office
9 under the reformed State Police. And the Attorney
10 General's Office then started to give these 45-day
11 extension letters. The same letters that we got
12 before the reforms.

13 So you never got to the bottom of The
14 Phantom complaint, and to this day --

15 SENATOR GIRGENTI: Was there ever any
16 investigation of it?

17 TROOPER SANDERS: From what I am told,
18 there's an investigation pending. Every 45 days I
19 get a letter for the past two years asking for my
20 acknowledge that the investigation is continuing and
21 we're looking into it. It's the same way it was four
22 years ago.

23 SENATOR GIRGENTI: And what is the Lords of
24 Discipline?

25 TROOPER SANDERS: The Lords of Discipline -

1 - again, I'm from North Jersey, but what I am told is
2 a group that operated in South Jersey in the southern
3 part of the state, that pretty much performed the
4 same acts that The Phantom did in other areas.

5 SENATOR GIRGENTI: Maybe, Ms. Steinhagen.
6 What rationale did the State Police police offer as
7 to why Trooper Anthony Reed wasn't allowed to
8 participate in the mediation?

9 MS. STEINHAGEN: He's not a trooper.
10 There's quite a history with Anthony Reed. He was
11 one of the minority troopers who was not re-enlisted
12 and he filed an EEOC charge and he had been out on a
13 disability and he resolved his EEOC charge by getting
14 a retirement, a disability retirement. Anthony had
15 filed a Special in 1989, it's our understanding,
16 protesting explicitly profiling. He was vocal. He
17 was a leader. He was articulate. They had a flat-
18 out answer, there's no way that Anthony Reed is going
19 to participate in this. Anthony Reed has nothing to
20 say. He's no longer a trooper. There's a further
21 story involving Trooper Arnie Abrams here where the
22 State Police went out and

23 -- Arnie can explain this more, but stopped Tony
24 Reed on the road and gave him about five summonses --
25 five summonses and when the trooper came back to the

1 station there was some discussion and Trooper Arnie
2 Abrams overhead this trooper say, "I finally got
3 Tony." And what followed then was a series of during
4 the Municipal Court hearing where several of the
5 hierarchy in Newark station appeared to witness Arnie
6 Abrams testify as to the statement that he heard this
7 trooper say and then Arnie was brought up on charges.
8 Those charges eventually were dropped after we filed
9 an EEOC charge about them and after I think there was
10 some concern that there really was wrongdoing on the
11 part of the State Police.

12 SENATOR GIRGENTI: And just finally, just
13 looking through the attachments that you had on your
14 statement originally. No, Ms. Steinhagen. Where did
15 you -- these minutes that you have, these are --

16 MS. STEINHAGEN: The minutes from the
17 union?

18 SENATOR GIRGENTI: Right. Are they --

19 MS. STEINHAGEN: They were posted all over
20 the station. Victor Cooper -- I don't even know if
21 Victor gave them to me or someone -- one other
22 trooper. They were all over in every station.

23 SENATOR GIRGENTI: Is this something that
24 was sanctioned? Like who wrote them? Was this the
25 union --

1 MS. STEINHAGEN: We believe that it was --
2 these were portrayed as the minutes of a union
3 meeting that was held. They were stuck in the same
4 place where minutes of union meetings are held.

5 SENATOR GIRGENTI: Because they're pretty
6 inflammatory. Unbelievable some of the statements.

7 MS. STEINHAGEN: Well, I find this ten
8 percent T-shirt a little inflammatory as well. You
9 know, you sort of take -- Colonel Dunbar says there
10 are only ten percent of the troopers are profiling
11 and then you have troopers using that as their
12 rallying cry, that they're now one of the ten
13 percenters.

14 SENATOR GIRGENTI: And these were posted in
15 all the barracks?

16 MS. STEINHAGEN: The union minute meetings?
17 Yes.

18 SENATOR GIRGENTI: And just one final
19 thing.

20 The logo that's used at the state trooper Yahoo
21 website, what is it and who --

22 MS. STEINHAGEN: It's this.

23 (Ms. Steinhagen holds up T-shirt)

24 SENATOR GIRGENTI: No, what's the website?

25 TROOPER SANDERS: I don't subscribe to the

1 website. I'm sure someone else might know. I think
2 it's Trooperyahoo.com or Yahoootrooper.com.

3 SENATOR GIRGENTI: Is it sanctioned?

4 TROOPER SANDERS: I don't know if it's
5 officially sanctioned.

6 SENATOR GIRGENTI: Okay. Thank you.

7 SENATOR GORMLEY: Thank you for your
8 testimony.

9 MS. STEINHAGEN: Thank you for the
10 opportunity to speak with you.

11 SENATOR GORMLEY: The next witness is
12 Trooper Mark Stephens.

13 (Pause)

14 SENATOR GORMLEY: Would you please stand
15 and be sworn.

16 M A R K S T E P H E N S, SWORN

17 SENATOR GORMLEY: Be seated.

18 Again, just for the record, the Committee
19 asked this witness to appear today and we'd
20 appreciate your testimony at this time.

21 TROOPER MARK STEPHENS: Thank you, sir.

22 SENATOR GORMLEY: Make sure the red light
23 is on.

24 TROOPER STEPHENS: Okay, I'll proceed with
25 my opening statement.

1 SENATOR GORMLEY: Go ahead.

2 TROOPER STEPHENS: A brief history of my
3 service. I'm a graduate of the 112th State Police
4 Academy, which was on February 10th, 1989. I wish to
5 give this Committee an example of my experience as it
6 pertains to racial profiling and discrimination
7 within the ranks of the New Jersey State Police up to
8 and including the Office of the Attorney General.

9 On or about 1990, I was assigned to the
10 Troop C, Flemington station. On a particular day, my
11 squad supervisor advised me that a senior trooper
12 would accompany me from the Drug Interdiction
13 Training Unit. Shortly thereafter, I was introduced
14 to a particular trooper who advised me that we would
15 carry out our patrolling duties in his assigned State
16 Police marked vehicle. He proceeded to take me on
17 U.S. Route 202 in the area near the Pennsylvania toll
18 bridge. He parked his vehicle perpendicular to the
19 flow of traffic which enabled us to visually monitor
20 the operators of vehicles that passed by.

21 The trooper then spent a significant amount
22 of time going over recent case law as it pertained to
23 arrest, search and seizure. He then focused in on
24 encouraging me to look for a U-Haul or related rental
25 trucks that were being operated by Hispanic,

1 Columbian and Mexican males for purposes of stopping
2 and searching, anticipating drug seizure.

3 He emphasized that upon observing a vehicle
4 driven by one of the listed members of specific
5 minority ethnic background, a stop should be
6 initiated. Shortly thereafter, a large yellow rental
7 box truck being operated by what appeared to be an
8 Hispanic male, passed by our location. The trooper
9 pulled out and initiated a stop of the vehicle. He
10 advised the driver that he was being stopped for
11 weaving back and forth on the roadway and
12 subsequently convinced the driver to allow him to
13 search the truck.

14 The search met with negative results and
15 the driver was issued a written warning.

16 On or about February 15th, 1993, I was
17 transferred to the New Jersey Turnpike, Moorestown
18 station. I was immediately introduced to the
19 practice known as racial profiling by senior troopers
20 in the Moorestown station. Specifically, and during
21 one particular daytime shift, I was approached by a
22 group of senior troopers and advised to meet them at
23 Interchange Number 1, which is adjacent to the
24 Delaware Memorial Bridge. Upon arriving at
25 Interchange Number 1, I was advised to remove my name

1 tag for purposes of preventing identification and
2 then to "watch how it's done." I observed a group of
3 troopers, approximately there were four of them, sit
4 perpendicular to the toll plaza and pick out vehicles
5 that contained minority occupants, namely black and
6 Latino, for purposes of stopping and searching.

7 I observed that the stops were not based on
8 any initial observation of a motor vehicle violation
9 or warranting crime. I further observed that the
10 stops were not being properly called in as is
11 required by State Police SOP, standard operating
12 procedure. In most cases the troopers were
13 conducting full-blown searches of the vehicles and
14 respective occupants.

15 I immediately removed myself from the
16 location and continued patrol of my assigned area of
17 responsibility.

18 As time went on into the year of 1993, it
19 was clear that the practice of racial profiling was
20 very much alive among troopers at the Moorestown
21 station. The aforementioned actions conducted at
22 Interchange 1 were commonplace, especially on power
23 or flex days, which are days with double the
24 manpower.

25 The practice of racial profiling, however,

1 spread much farther than Interchange Number 1.
2 Between 1993 and 1999 I observed scores of troopers
3 engaged at what I believe to be the racist practice.
4 I can recount numerous occasions where which I pulled
5 up on a trooper with a vehicle stopped and one or
6 more minorities spewed out on the shoulder of the
7 roadway while a search was taking place. My
8 suspicions were initially aroused due to the fact
9 that I knew the stop had not yet been called in to
10 the dispatcher or operator.

11 As time went on, I became more acquainted
12 with certain troopers and their methods of operation.
13 Most troopers who profiled, always profiled, and
14 became easily predictable in their actions. Examples
15 of which: certain southern portions of the Turnpike
16 they would consistently work in or around and their
17 radio habits. The consensus was that the farther
18 south you patrolled, the better, in that it was
19 easier to pick and choose the vehicles you would want
20 to stop because the traffic was lighter, thus
21 allowing a better view of occupants.

22 In 1994 I filed a discrimination complaint
23 in the State Police Office of Affirmative Action as a
24 result of incidents I encountered that were a direct
25 result of racist actions of certain members of the

1 rank and file. As a result, I was immediately
2 ostracized from the majority of the rank and file.
3 Those that profiled and/or committed acts that could
4 potentially reek with improper race-related
5 overtones, began to distance themselves from me as
6 much as possible. I experienced several situations
7 where I would pull up on a trooper who had a vehicle
8 stopped and one or more minority occupants out of the
9 vehicle while a search was taking place. The stop
10 hadn't been called in and upon noticing my presence,
11 the trooper would compromise his safety by waving me
12 off. Shortly thereafter, I would hear the stop being
13 called in and a subsequent request for backup from
14 someone other than myself.

15 These actions continued as time progressed.
16 Bad situations became worse. My stance against
17 profiling and discrimination was widely known, which
18 ultimately led to a particular trooper advising me
19 that he did not wish to ride with me during two-man
20 patrols which were conducted over the midnight shift.

21 Throughout my many negative experiences, I
22 continually heard the all too-common phrase, "It's
23 not about black and white, but rather blue and gold"
24 from members in management within the Moorestown
25 station.

1 If that statement ever had any validity, then why is
2 it that even today after all that has happened, it is
3 so difficult for minority troopers and white troopers
4 to demonstrate mutual respect for obvious dissimilar
5 experiences within the organization they both call
6 home for employment.

7 It seems to me that members of the Division
8 of State Police, along with members of the Office of
9 the Attorney General, both past and present, want
10 you, and when I say "you", I mean members of this
11 Committee, the citizens of the State of New Jersey
12 and the United States Justice Department to believe
13 that everything that can or could have possibly be
14 done to investigate, address and cure racial
15 profiling and discrimination within the rank and
16 file, is being done.

17 I present to you today that everything that
18 could have or can be done regarding this severe
19 problem, has not and is not being done. We must
20 understand that profiling is just one manifestation
21 of an abiding and deeply imbedded form of racism
22 within the State Police.

23 In addressing the issue of racial
24 profiling, it would be careless of us to only concern
25 ourselves with a single symptom rather than the

1 totality of the disease. Profiling exists in a
2 culture which mistreatment of minorities is
3 encouraged and tolerated by the highest levels of
4 management within the Division.

5 When confronted with the potential evidence
6 of racial profiling and racism within the rank and
7 file, members of the Division of State Police, along
8 with the Office of the Attorney General, have always
9 been quick to run for cover and defend the
10 institution.

11 Complaints brought forth have always been
12 handled in the safe confines of their own secret
13 groups. This is evidence in what we all now have
14 learned as a result of the releasing of the many
15 documents we have been able to review. Those within
16 the rank and file who have complained or reported
17 instances of racial profiling and discrimination,
18 have been the victims of extreme retaliation to the
19 highest degree. Character assassination, heightened
20 supervision, demeaning deployment of details and
21 duties, poor working conditions or environments,
22 denial of specialist assignment or promotion, and in
23 some cases termination, are all examples of the
24 retaliation that I and many of my colleagues have
25 been subjected to.

1 In fact, at this time I would like to take
2 the opportunity to put on the record that I expect to
3 be retaliated against by the Division of State Police
4 for testifying before this Committee today. In fact,
5 fear of retaliation as it has been witnessed, has
6 always been one of the main reasons why scores of
7 troubled troopers don't complain. The State Police
8 has never implemented any real or true system by
9 which its employees can report improper conduct or
10 wrongdoing within the rank and file without the
11 overwhelming fear of retaliation.

12 Along these lines, I would like to bring
13 your attention to the tenure program. In the State
14 Police there exists a five-year probation period.
15 Within this probationary period there exists an
16 implied retaliation policy with regard to the two-
17 year, four-year and five-year re-enlistment
18 guidelines, whereas the employee can be terminated
19 without cause within this five-year period. With
20 this in mind, it is important to know that there is a
21 significant portion of probationary troopers who man
22 the road stations. The majority of these troopers
23 are often placed in situations by senior troopers
24 that require them to submit to the program or face
25 career assassination. Fear and intimidation are the

1 two key elements utilized in this process.
2 Unfortunately, many troopers fall prey to wrongdoing
3 just to be accepted and incorporate the program which
4 is as follows: Make the arrest, get the job, get the
5 promotion.

6 While on the topics of fear and
7 retaliation, I would like to bring your attention to
8 the Smith Special Report marked OAG000987, that's
9 attached to my statement, of which I am listed as the
10 second trooper interviewed on Page 1. First, I want
11 to bring your attention to Page 2, marked OAG000988.
12 There are 14 troopers listed here, all of which are
13 of African-American descent. Now, let's return to
14 Page Number 1 and proceed to the last paragraph of
15 which I will read. These are the words of Sergeant
16 Smith. "The undersigned also interviewed several
17 other minority troopers assigned to the Moorestown
18 station who wish to remain anonymous but was advised
19 by them that they also felt there were improper
20 patrol procedures being used at the Moorestown
21 station. However, their concerns were only a
22 perception and not factual."

23 I submit to you today that the substance in
24 this paragraph as it pertains to the troopers listed
25 on Page 2 of this report that wish to remain

1 anonymous, is as clear of an example that you will
2 see which demonstrates fear of retaliation.

3 Now, I would like to bring your attention
4 to the document marked GC003065. Sir, is it possible
5 that we can put this on the monitor?

6 SENATOR GORMLEY: We're familiar with the
7 document.

8 TROOPER STEPHENS: Okay.

9 SENATOR GORMLEY: That's why we had it
10 marked.

11 TROOPER STEPHENS: May we all please take a
12 moment to review this document. First, I want to
13 identify the abbreviated initials on the top left,
14 Lt. JB. These stand for Lieutenant Joseph Brennan
15 who, by the way, went on to be promoted to the rank
16 of Captain shortly after with charge over the Office
17 of Affirmative Action within the State Police. A
18 brief explanation. The Office of Affirmative Action
19 is the office in existence that was supposedly set up
20 and designed to address issues as they pertain to
21 minority troopers and the minority community.

22 Next, I would like to draw your attention
23 to the last paragraph and the last sentence which
24 reads: "If they provide information other than that
25 in Smith's Special, this would be the time we could

1 give them a hard time for not having complied with
2 Article 5, Section 8 of the rules and regs.
3 (Attached)"

4 Now, please refer to the copy of Article 5,
5 Section 8 of the rules and regulations and I'll read:
6 Article 5 and the subtitle is Performance of Duty,
7 Section 8. "A member shall communicate promptly
8 through the Division chain-of-command all crimes,
9 breaches of the peace, suicides, attempted suicides,
10 fires, accidents, complaints, misconduct or other
11 information of which the Division takes cognizance
12 that may come to the member's attention during the
13 performance of such member's duty. A member shall
14 not withhold any information on such matters for any
15 reason."

16 And finally, draw your attention to the
17 bottom of this memo, FYITG3635. Thomas Gilbert, who
18 many of us have been somewhat led to believe has been
19 instrumental in his efforts as they pertain to this
20 Committee's quest into the truth behind racial
21 profiling. The retaliatory overtones that reek from
22 this memo are overwhelming in power. Rather than
23 consider the possibility of potential evidence that
24 there may, in fact, have been something very wrong,
25 Thomas Gilbert was terribly anxious to begin the

1 process of retaliation and punishment against those
2 of us that had complained. I submit to you that the
3 elements in this memo in context are just a blip on
4 the screen as they compare to the retaliation that I
5 and many of my colleagues have been forced to deal
6 with. This is what happens to people that complain
7 and deeper, this is what happens to minorities.

8 In closing, I would briefly like to address
9 the current state of affairs. Currently leaders of
10 this great state have recently testified before this
11 Committee and expressed feelings of being puzzled as
12 to why things are still statistically the same. I
13 offer a common analogy. If a gardener only cuts the
14 top of the weed off in his garden, he shouldn't claim
15 to be puzzled when the weed continues to grow. To
16 restrict efforts to only the surface and obvious
17 symptoms while leaving the roots, examples of which
18 Lieutenants, Captains, Majors, Colonels, intact and
19 undisturbed, is extremely troublesome and a
20 disservice to the citizens of the State of New
21 Jersey.

22 Thank you.

23 SENATOR GORMLEY: Thank you for your
24 testimony.

25 That will conclude the hearing for today.

1 (Off the record)
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14 **CERTIFICATION**
15

16 I, PATRICIA A. KONTURA, the assigned
17 transcriber, do hereby certify the foregoing
18 transcript of proceedings on tape number 1, index
19 number 0 to end; tape number 2, index number 0 to
20 4500; tape number 3, index number 0 to end; tape
21 number 4, index number 0 to end; and tape number 5,
22 index number 0 to 3000, is prepared in full
23 compliance with the current Transcript Format for
24 Judicial Proceedings and is a true and accurate
25

1 compressed transcript of the proceedings as recorded,
2 and to the best of my ability.
3
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5

6 _____ Date:
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