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NEWS RELEASE

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Whitman Receives Report Confirming Existence of Disparate Treatment of Minority Motorists by State Police and Launches Comprehensive Reforms; Attorney General Drops Appeal in Soto Case

Gov. Christie Whitman today accepted an interim report from the State Police Review Team appointed by Attorney General Peter Verniero that concludes that the problem of "racial profiling" is real and that minority motorists have been treated differently by State Police on the New Jersey Turnpike. The interim report also proposes 18 detailed remedial steps, including an "early warning system" aided by enhanced computerization of records, to help ensure that State Police personnel conduct all future patrol activities in an impartial, even-handed manner.

"The interim report I received today from the Attorney General is thoughtful, insightful and instructive. Its findings are distressing and disturbing," said Gov. Whitman. "But, at the same time, it lays out specific steps that we can, should and will take in New Jersey to put an end to disparate treatment of motorists on our highways.

"While we all must acknowledge that New Jersey has been infected by the national problem of racial profiling, we should all agree that this report is the first step in providing a national solution to this troubling problem," the Governor said.

Attorney General Verniero said that he had called for this portion of the State Police Review Team's report on "racial profiling" on the Turnpike to be expedited in order to allow the State to better assess its position in *State v. Soto*. The *Soto* or Gloucester County "racial profiling" case pertains to traffic stops made between 1988 and 1991 on the southern portion of the New Jersey Turnpike and is before the Appellate Division of State Superior Court. In early March, the Attorney General had requested a postponement of the case pending the investigations he had initiated into State Police. The Court gave the State an extra five weeks - until April 21 -- to file its final brief.

As a result of this interim report, Verniero said that the State has today filed a motion with the Appellate Division to drop its appeal in *Soto*.

The full Review Team report will focus comprehensively on State Police procedures, training programs, internal discipline and promotional policies to ensure that they all promote fairness in enforcement of the law.

"This report is profoundly disturbing to me personally because there is no more impassioned supporter of the New Jersey State Police than me," Whitman said. "I have an enormous amount of confidence in and respect for the men and women of the State Police. That's why it is so deeply troubling that any trooper would

falsify records or that any supervisor would be less than aggressive in ensuring that our arrests are good and our prosecutions successful."

"I also want to emphasize that the great majority of state troopers are honest, dedicated professionals who are committed to enforcing the laws fairly and impartially," Verniero said. "No one should doubt that for a moment."

"Yet, despite the fact that State Police has not issued or embraced an official policy to engage in racial profiling or any other discriminatory practices and has - to the contrary - put in a number of policies to address the issue, the report concludes that minority motorists have been treated differently than non-minority motorists on the New Jersey Turnpike," he said.

"Some may view this as a negative day for law enforcement. I see it as just the opposite. This is a day when law enforcement can look itself in the mirror and admit candidly we have a problem, but at the same time, say we are strong enough and honest enough to correct whatever issues may exist," Verniero said.

"The specific steps outlined in this report - from more detailed operating procedures with respect to stops and searches to the installation of an advanced automated early warning system, from the case-by-case review of consent searches to a drug strategy revised in light of this report - will make disparate treatment of minorities impossible to conceal and, thus, unlikely to occur," said John J. Farmer, Jr., Chief Counsel to the Governor.

"But my commitment to address this issue goes beyond the four corners of this interim report," Farmer said. "Over the past few weeks, I have met with numerous leaders and others from the minority community and with numerous troopers from all ranks. I am convinced that there is no shortage of good will on either side of this issue."

For purposes of the interim report, according to First Assistant Attorney General Paul H. Zoubek, who heads up the Attorney General's Review Team, the Review Team defined the problem of "disparate treatment" as it relates to "racial profiling" to include situations in which a state trooper relied on a person's race, ethnicity or national origin - in conjunction with other factors - to select vehicles to stop from among all of those being operated illegally. He also said that the definition encompassed a trooper's making of any discretionary decision based on race or ethnicity during a traffic stop, such as ordering the driver or passengers to step out of the vehicle or conducting a consent search of the vehicle and its contents.

Zoubek said that the report concludes that the potential for the disparate treatment of minorities during routine traffic stops may be the product of an accumulation of circumstances. These are circumstances that can contribute to the use of race or ethnicity-based criteria by creating the unintended message that the best way to catch drug traffickers is to focus on minorities.

He also indicated that the interim report reveals two interrelated problems that may be influenced by the goal of interdicting illicit drugs: willful misconduct by a small number of State Police members, and more common instances of possible de facto discrimination by officers who may be influenced by stereotypes and thus

may tend to treat minority motorists differently during the course of routine traffic stops.

In compiling the report, Zoubek said that the Review Team relied upon multiple sources of statistical as well as anecdotal information, including interviews with troopers. In terms of statistical information, he pointed out that the Review Team expressed considerable concern with the lack of automation and the inherent problems associated with the existing system in which troopers manually record stop information because it makes it difficult for supervisors throughout the chain of command to effectively monitor the activities of patrol officers. Of data available, he said the two key findings in the report relate to traffic stops and consent searches.

Zoubek said that for a period between April 1997 and November 1998 for which statistics were compiled, the Cranbury and Moorestown State Police stations on the Turnpike reported that four out of 10 stops (40.6 percent) involved black, Hispanic, Asian or other non-white people.

More revealingly, minority motorists were disproportionately subject to consent searches. These are searches conducted under law and State Police procedures in which a trooper requests permission from a driver or occupant to search a vehicle because the trooper has a "reasonable suspicion" to believe that the search will reveal evidence of a crime.

Although consent searches are rare, Zoubek said that data related to them are especially instructive because the decision by a trooper to ask for permission to conduct a search is discretionary. The aggregate data in the report, which span selected periods from 1994 to 1999 and include 1,193 consent searches, show that more than three out of four consent searches (77.2 percent) involved black or Hispanic persons.

As a result of concerns raised by these statistics, the Review Team recommends that State Police conduct a case-by-case review of every consent search made on the Turnpike in 1997 and 1998 to determine whether reporting requirements and procedures were complied with.

Arrest data from the Computerized Criminal History (CCH) database for 1996 through 1998 for Cranbury, Moorestown and Newark, the three stations that make up the Troop D or Turnpike patrol, reveal that of a total of 2,871 arrests, 32.5 percent involved white persons, 61.7 percent involved black persons and 5.8 percent involved persons of other races.

However, despite these percentages, the Review Team concluded that, viewed in artificial isolation, arrest rates cannot provide conclusive proof of racial profiling or discriminatory practices. Nor do they provide evidence that minority citizens are more like than whites to be engaged in criminal activity.

In fact, the Review Team concluded that, in a type of circular reasoning, police officers may be subjecting minority citizens to heightened scrutiny and more probing investigative tactics that lead to more arrests -- that are then used to justify those same tactics.

The interim report recommends a series of detailed remedial steps that should be initiated to ensure that all routine traffic stops made by the State Police are conducted impartially. Among the major recommendations are:

- Developing a comprehensive and automated "early warning system" to detect and deter the disparate treatment of minority motorists. By collecting all available sources of information about trooper performance, this system would allow supervisors to quickly monitor and remediate potential problems. The cornerstone of this system will be to enhance professionalism through enhanced accountability.
- Establishing a new, comprehensive standard operating procedure for initiating and conducting traffic stops.
- Developing comprehensive new standard operating procedures for requesting permission to search and for conducting consent searches.
- Issuing an updated Attorney General's statewide drug enforcement strategy that will define the enforcement priorities and contributions of all law enforcement agencies in a coordinated and multi-disciplined response to New Jersey's drug problem.

Note: Copies of the full report are posted on the Attorney General's web pages at
- www.state.nj.us/lps/