

Order from Judge Barisonek for Discovery Regarding Alleged Claims of Racial Profiling

This matter being brought before the Court on a motion to determine what random stop data the defense shall be entitled to based on allegations of selective enforcement by the State Police, in the presence of DAG Paul C. Heinzel, DPD Joel Harris and P. Jeffrey Wintner, Esq., and the Court, having considered the expert reports submitted, the testimony presented, having previously determined that a colorable basis had been established entitling the defense to discovery from 1988 through April 19, 1999, and having considered the arguments of counsel, and for good cause shown;

It is on this 28th day of November, 2001, ORDERED that:

A defendant shall be entitled to random stop data for 1200 stops per year for Troops B and D for the number of days specified for each Troop as follows:

TROOP D (TURNPIKE) MOORESTOWN: 1993 - 0 days (no data available); 1994 - 33 days; 1995 - 31 days; 1996 - 33 days; 1997 - 38 days; 1998 - 32 days; CRANBURY: 1993 - 31 days; 1994 - 43 days; 1995 - 34 days; 1996 - 42 days; 1997 - 0 days (no data available); 1998 - 33 days; NEWARK: 1993 - 0 days (no data available); 1994 - 32 days; 1995 - 0 days (no data available); 1996 - 0 days (no data available); 1997 - 33 days; 1998 - 32 days. TROOP B PERRYVILLE: 1993 - 49 days; 1994 - 49 days; 1995 - 49 days; 1996 - 49 days; 1997 - 49 days; TOTOWA: 1993 - 0 days (no data available); 1994 - 0 days (no data available); 1995 - 57 days; 1996 - 39 days; 1997 - 41 days; NETCONG: 1993, 1994 and 1995 - 0 days (no data available); 1996 - 57 days; 1997 - 57 days.

If 0 (zero) days is designated for a given station and data exists for that station for a particular year delineated as 0, the defense shall be entitled to stop data for 1200 stops for that year for whatever number of days are necessary to reach the total of 1200 stops for that year.

The State shall not be required to provide discovery for additional stop data for any other Troop or station or for any other dates or days through April 19, 1999.

IT IS FURTHER ORDERED that application to rely on Computer Aided Dispatch (CAD) data as discovery for stops for Troop B for 1998 is denied. The defense shall be entitled to stop data for 1200 stops for 1998 for Troop B.

IT IS FURTHER ORDERED that the State's application to rely on all CAD data for 1999 as discovery for Troop B and D is granted. The State shall not be required to provide additional discovery as to stops including but not limited to radio logs and patrol logs for 1999 except as otherwise provided in this Order. The defense shall be entitled to any abstract report or Ad hoc report capable of being generated by CAD which in any way shows whether there was any interaction between any Trooper and any minority passenger in any motor vehicle stop for 1999 for Troops B and D. The defense shall also be entitled to patrol logs and reports for any motor vehicle stop in 1999 for Troops B and D where a change was made on data reported to CAD. The State shall provide to the defense, who made the change, what was changed and when the change was made. The defense shall also be entitled to any abstract or Ad hoc report which can be generated by CAD which show any change made on CAD data. The issue of how this information is to be exchanged, e.g., by computer disc, individual screens or with the defense present at the time any screen is run or printed, is reserved. The State and defense shall advise the Court by January 15, 2002, how this discovery will be generated and provided to the defense. If no agreement is reached, the Court will establish the procedure without further hearing.

IT IS FURTHER ORDERED that the State shall not be required to provide stop data discovery for the Tactical Patrol Truck Enforcement Unit for Troop D. The State shall, however, provide stop data discovery at the same rate of 1200 random stops per year for Troops B and D for the Tactical Patrol Units assigned to Troops B and D, excluding the Truck Enforcement Unit and the Construction Unit from 1988 or date of inception through the end of 1998. The State may provide from January 1999 through April 19, 1999, all CAD stop data for stops in lieu of other discovery subject

to the defense's right to have additional discovery as provided under the CAD portion of this Order.

IT IS FURTHER ORDERED that the issue of whether the defense shall be entitled to stop data for the Construction Enforcement Tactical Patrol Unit of Troop D is reserved, and shall be determined based on testimony taken during this hearing and based on further written submissions to the Court, which are to be received by December 21, 2001 without the necessity of further testimony or argument.

Hon. Walter R. Barisonek  
Dated: November 28, 2001

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