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CHARLES E. WALDRON
First Assistant Prosecutor

CONFIDENTIAL REPORT

MEMORANDUM

TO: DANIEL G. GIAQUINTO
MERCER COUNTY PROSECUTOR

FROM: CHIEF EDWARD WIELICZKY *(EW)*

RE: INVESTIGATION INTO ALLEGATIONS OF A
CONSPIRACY TO ENTRAP POLICE OFFICERS
FOR HARASSMENT OF MINORITIES

DATE: OCTOBER 18, 1999

On Monday, September 29, 1999, Mercer County Prosecutor Daniel G. Giaquinto informed Chief Edward Wieliczky (Mercer County Prosecutor's Office) of information that had been received indicating that individuals, believed to be Trenton, N.J. police officers, were plotting to set up/entrap other police officers for harassment of minorities. This information was brought to our attention by Middlesex County Assistant Prosecutor Lawrence Wellie after a surveillance and investigation was conducted by members of the New Brunswick, N.J. Police Department and the Middlesex County Prosecutor's Office.

Prosecutor Giaquinto turned over to Chief Wieliczky reports that had been submitted

by New Brunswick Police Director Michael A. Beltranena, Jr. and Middlesex County Prosecutor's Investigator Daniel Del Bagno. Included in this packet of information were the following: five (5) colored photographs (showing individuals and autos at the Ramada Inn parking lot); copy of Arbijon's Restaurant guest check (amount of \$7.95); miscellaneous notes of Investigator Del Bagno; Ramada Inn records relating to the accommodations of Diop Kamau; computer printouts pertaining to vehicles learned to be registered to Carol L. Russell and Limmie Caver, Jr. and a copy of Middlesex County's subpoena for records of Diop Kamau's accommodations at the Ramada Inn on August 24, 1999.

A review of the above described information by Chief Wieliczky reveals the following:

On Wednesday, August 25, 1999 at approximately 10:00 a.m., New Brunswick Police Director Beltranena received a telephone call from an individual who identified himself as Mr. Alan Zigfield of Kansas and indicated that he was a retired police officer. Mr. Zigfield stated that he had stayed at the Ramada Inn (Route 18 - East Brunswick, N.J.) and while having breakfast at the Inn's Arbijon's Restaurant, he overheard a conversation that had disturbed him. Mr. Zigfield advised Director Beltranena that the participants of this conversation were three (3) black males, one (1) black female and one (1) white female. According to Mr. Zigfield, he felt that these individuals sounded like police officers and they were attempting to set up other police officers for harassment of minorities. Additionally, Mr. Zigfield reported that he heard the group say they would be selling videos to P.B.S. and Good Morning America.

Upon completion of this conversation with Mr. Zigfield, Director Beltranena and New Brunswick Police Sergeant Selesky (New Brunswick Police Department's Internal Affairs Unit) proceeded to the Arbijon Restaurant at the Ramada Inn. On arrival, they (Director Beltranena and Sergeant Selesky) observed these individuals (three black males, one black female and one white female) sitting at a corner table. Director Beltranena and Sergeant Selesky then sat at a table nearby and within hearing distance.

At this time these individuals were heard talking about entrapping other police officers while on traffic stops and field interrogations. They also discussed how this would occur and that it would be taped by video. These individuals also discussed a new loitering ordinance (town unknown) which states that if you are within one hundred feet of a store, you are loitering - and that would be a good target to entrap a police officer to arrest an individual. Director Beltranena indicates that these individuals made no attempt to conceal what they were trying to do and during some part of their conversation, Director Beltranena very clearly heard the remark, "We will break them down."

Director Beltranena, while at the Arbijon Restaurant, contacted the Middlesex County Prosecutor's Office and advised Chief Dennis Watson of what was occurring. Shortly thereafter (11:00 a.m.), Middlesex County Prosecutor's Investigator Daniel Del Bagno arrived at the Arbijon Restaurant and joined Director Beltranena and Sergeant Selesky at their table.

Just prior to Investigator Del Bagno's arrival, the white female in this group stood up, excused herself from the meeting and left. Director Beltranena indicates that the white

female was identified as Attorney Robin Lord and described her as - white female, blond and being 5'8" tall.

Investigator Del Bagno indicates that during the course of this group's conversation (approximately one hour from the time he arrived at Aribjon's), their talk centered around racial profiling and how patrol officers could be set up for harassment charges. This included how not to comply with police requests for identification and schemes to antagonize an officer into making an arrest, which they (group) deemed would be false. Once the "false arrest" was made, it could be turned over to the media for coverage via "a connection with the D.A.'s Office."

Director Beltranena indicated that one of the black males in the group (described as approximately 5'7" tall, weighing about 225 lbs. and having a beard which was partially gray) stated to the others that he was a police officer in another state and that he had conducted similar operations before, specifically in Newark (state unknown) and in Newburgh (state unknown). According to Director Beltranena, it appeared from the group's conversation that their intended target was going to be the Trenton Police Department.

At approximately 12:00 noon, these individuals left the restaurant and walked out into the main lobby of the Ramada. As they walked into the lobby, the black male described as having a partially gray beard, walked to the desk where he was observed checking out of the Inn. The other individuals (two black males and one black female) exited the Inn and proceeded into the parking lot of the Ramada. Prior to this time, additional Middlesex County Prosecutor's investigators had been placed in the parking lot for the purpose of

conducting a surveillance in an attempt to identify these individuals as they left the Ramada. As these three individuals entered the parking lot area of the Ramada, several photographs of these individuals and autos were taken by the surveillance team. (These photos were taken by Middlesex County Prosecutor's Sergeant Nancy Doneloy.) As these individuals entered vehicles, Middlesex County Prosecutor's Sergeant Doneloy recorded the New Jersey license plate number of those vehicles.

It was noted that the two black males entered a blue Chevy bearing New Jersey Registration UJ620B. The black female was observed entering a green Ford bearing New Jersey Registration ZY514P. These two vehicles then proceeded out of the Ramada Inn parking lot at which time no additional surveillance was placed on the vehicles. (The two New Jersey registrations were later turned over to Director Beltranena.)

When the individual (described as having a partially gray beard) checked out of the Ramada Inn and left, Director Beltranena, Sergeant Selesky and Investigator Del Bagno attempted to obtain the registration number on his vehicle - but were unable to do so. Director Beltranena indicates that this individual was driving a black Pontiac Grand Prix with unknown Maryland registration plates.

It was later learned from the desk clerk at the Ramada Inn that the individual who checked out (black male with partially gray hair) had registered at approximately 9:00 p.m. on Tuesday, August 24, 1999. When this individual registered, the desk clerk indicates that he refused to give his driver's license information - or address and identified his vehicle only as a Ford with Maryland registration plates - no further information given. This individual

identified himself as Mr. Diop Kamau and did not produce any credit cards or any other means of identification. On Wednesday, August 25, 1999 at approximately 12:00 noon, Mr. Kamau checked out and paid cash (\$101.60) for his accommodations. (Attached are copies of records pertaining to Mr. Diop Kamau's accommodations at the Ramada Inn between August 24 and 25, 1999.)

Also received was a copy of the guest check from the Arbijon's Restaurant that was prepared for the five (5) individuals who had been under surveillance as they discussed the possibility of setting up police officers for harassing of minorities. The guest check reflects five (5) coffees which were paid for in cash. (Copy of Arbijon's guest check attached.)

Later during the day (Wednesday, August 25, 1999), Director Beltranena obtained motor vehicle registration printouts on the vehicles that had been observed by Middlesex County Prosecutor's Sergeant Doneloy. These printouts indicate that:

- (1) New Jersey Registration ZY514P is registered to Carol L. Russell of 41 Bryn Mawr Avenue, Trenton, New Jersey and is listed to a 1999 Ford Expedition - color green.
- (2) New Jersey Registration UJ620B is registered to Limmie Caver, Jr. of 937 Greenwood Avenue, Trenton, New Jersey and is listed to a 1989 Chevrolet - color blue.

(Copies of these printouts are attached.)

Director Beltranena indicates that he later learned that the owners of the above described autos (Russell and Caver) are Trenton police officers.

The above listed information was related to Middlesex County First Assistant Prosecutor Lawrence West. (For complete details, refer to reports submitted by Director Beltranena, Investigator Del Bagno and supporting documents which are attached.)

In addition to reviewing all written documents, Chief Wieliczky viewed the five (5) colored photographs which were taken by Sergeant Doneloy. It is Chief Wieliczky's opinion that the one individual who can best be identified in the photos is believed to be Lafayette Sutphin (Trenton Police Detective). The other individuals (heavy black male and black female in dress) are difficult to identify in these photos.

On Tuesday, September 21, 1999 at approximately 1:15 p.m., Chief Edward Wieliczky met with New Brunswick Police Director Michael Beltranena at New Brunswick Police Department's temporary headquarters. Director Beltranena related to Chief Wieliczky basically the same information that he (Beltranena) had submitted in his written report dated August 25, 1999. Director Beltranena states that it was amazing how these individuals spoke loud enough to be heard and made no attempt to conceal what they were trying to do - although they were not shouting, their conversation was easily overheard. When asked about identifying these individuals, Director Beltranena stated that he felt sure that if he was to see these individuals again, he could identify them.

Chief Wieliczky asked Director Beltranena how he was sure that the white female was Attorney Robin Lord? Director Beltranena stated that these individuals called her "Robin Lord." They said, "You are Robin Lord, you are Robin Lord."

Attorney Robin Lord was described by Director Beltranena as a white female,

approximately 5'8" tall with blond hair (around shoulder length and slightly pulled back around ear level) and wearing glasses. Director Beltranena believes he could identify Attorney Robin Lord if seen again. It was learned that Director Beltranena did not know any of these individuals (Attorney Lord, Carol Russell, Limmie Caver, male with partially gray beard or the unidentified male that left in Caver's vehicle) prior to observing them at Arbijon's Restaurant. Director Beltranena agreed to view photos in an attempt to positively identify all individuals involved.

After being asked by Chief Wieliczky if Mr. Alan Ziefield had left his home phone number, Director Beltranena stated that he did - but he (Beltranena) wasn't sure where it was due to their (New Brunswick police) moving out of their headquarters as a result of the flood caused by "Floyd."

Over the next couple of days, Chief Wieliczky considered ways of obtaining a photograph of Attorney Robin Lord for Director Beltranena to view without drawing attention to this investigation. It was realized that this idea would not work. Knowing that Attorney Robin Lord was presently involved in a criminal case being heard before the Honorable Charles Delehey, Chief Wieliczky requested that Director Beltranena be present at the Mercer County Court House in an attempt to identify Attorney Lord as she entered the Court House. Director Beltranena agreed and arrangements were made.

On Wednesday, September 29, 1999 at approximately 8:20 a.m., Director Beltranena arrived at the Mercer County Court House and was met by Chief Wieliczky. At this time, Chief Wieliczky and Director Beltranena proceeded inside the Court House and took a

position that gave clear view of everyone entering the front door. (At approximately 9:05 a.m., September 29, 1999, Attorney Robin Lord did enter the front door of the Court House and proceeded through the Sheriff Department's security section. It should be noted that from our position, Attorney Lord's name was not mentioned or any indication of who she was.) As Attorney Lord proceeded down the hallway towards the main elevators, Director Beltranena asked if that was her. Chief Wieliczky asked what did he (Director Beltranena) mean? Director Beltranena stated that it looked like her (Attorney Lord), but her hair was combed different (combed down in front - around cheek level - not like it was before when it was combed back around ear level). Additionally, Director Beltranena stated that today (9/29/99) she had make-up on and no glasses whereas back on that morning at Aribjon's Restaurant, she had glasses and no make-up.

At this time, Director Beltranena was not positive of his identification. Chief Wieliczky then escorted Director Beltranena up to the fifth floor courtroom of Judge Delehey's and suggested that he sit in court and make observations in an attempt to identify Attorney Lord - or not to identify her. Shortly after, Director Beltranena exited the courtroom area and advised Chief Wieliczky that as he walked out of the courtroom, he was eye-to-eye with this female (Attorney Lord). Director Beltranena indicated that she looked at him as though she recognized him from somewhere, but again, Director Beltranena was not positive of identifying her as the white female he saw at Arbijon's on August 25, 1999.

(It should be noted that while Director Beltranena and Chief Wieliczky were observing all individuals entering the front door of the Court House, there were a number [7

or 8] females with blond, or close to blond hair that entered -- but the only one who drew Director Beltranena's attention and question -- was Attorney Lord.)

Prior to leaving the Court House, Director Beltranena was advised by Chief Wieliczky that a photo line-up would be prepared for his review in an attempt to identify the three individuals (two black males and one black female) who were observed in Arbijon's Restaurant and seen leaving in the autos where New Jersey license plate numbers were obtained.

On Wednesday, September 29, 1999, Chief Wieliczky met with Trenton Police Director Paul Meyer. At this time, the five (5) colored photographs were shown to Director Meyer and it was his opinion that the one tall, muscular built black male was Detective Lafayette Sutphin. At this time, Chief Wieliczky requested photographs of Carol Russell, Limmie Caver and Lafayette Sutphin. Director Meyer was also given an update on the continuing investigation.

On Thursday, September 30, 1999, Chief Wieliczky received from Director Meyer the computer printout photos of Trenton Patrol Officers Carol Russell, Limmie Caver and Detective Lafayette Sutphin. (It should be noted that Officers Russell and Caver are pictured in blue uniform shirt and black tie, while Detective Sutphin is in civilian clothes [jacket, shirt and tie].) At this time, Chief Wieliczky requested additional photos for the purpose of preparing a photo line-up. (Requested were four photos of black female officers in uniform shirt and tie; four photos of black male officers in uniform shirt and four photos of black male detectives in shirt, tie and jacket.)

On Monday, October 4, 1999, Chief Wieliczky received the additional requested photos from Trenton Police Director Meyer. With these photos, a photo line-up was prepared by Chief Wieliczky. This photo line-up consisted of fifteen (15) photos displayed in three (3) rows of five (5) photos each. (Row #1 - five black males in shirt, tie and jacket and numbered 1 through 5.) (Row #2 - five black males in blue police shirt and tie and numbered 6 through 10.) (Row #3 - five black females in blue police shirt and tie and numbered 11 through 15.)

On Monday, October 4, 1999, Chief Wieliczky made arrangements to meet with Director Beltranena and Investigator Del Bagno on Tuesday, October 5, 1999 for the purpose of attempting to identify the three individuals who were observed in Aribjon's Restaurant and leaving the parking lot in the autos previously described.

On Tuesday, October 5, 1999 at approximately 2:20 p.m., Chief Wieliczky met Director Beltranena at the temporary headquarters of the New Brunswick Police Department. Also present at this time was New Brunswick Police Sergeant Thomas Selesky who was with the Director at Arbijon's on August 25, 1999.

Chief Wieliczky then displayed the photo line-up to Director Beltranena and asked if he (Beltranena) was able to identify any individual in this photo line-up. Director Beltranena took a couple of minutes viewing this line-up very carefully and then pointed to photos #12 and #10 (in that order). Director Beltranena stated that these two individuals are two of the three who were present at Arbijon's on August 25, 1999. (Photo #12 is a photo of Carol Russell - Trenton police officer and photo #10 is a photo of Limmie Caver - Trenton

police officer. Director Beltranena was unable to identify the third individual.

When Sergeant Selesky was asked to view the photo line-up, he informed Chief Wieliczky that he would not be able to identify anyone since he kept his head down like he was reading the paper and just listened. Chief Wieliczky also asked Sergeant Selesky if he would be able to identify the white female who was referred to as Attorney Robin Lord to which Sergeant Selesky responded that he could not.

Director Beltranena and Chief Wieliczky then proceeded to the Middlesex County Prosecutor's Office where we met Investigator Dan Del Bagno at approximately 3:10 p.m. (October 5, 1999). Investigator Del Bagno was shown the photo line-up and after viewing same - pointed to photos #4, #10 and #12 and indicated that these were three of the four African-Americans seated at the table at Arbijon's Restaurant. Investigator Del Bagno stated that he did not see any photo in the line-up that looked like the fourth African-American that was part of that group. After witnessing Investigator Del Bagno's identification of the three photos, Director Beltranena stated that he was still unsure of the third person (photo #4) and would have to see him (#4) in person to make an identification.

Investigator Del Bagno stated that he was amazed at how these individuals sitting around the table at Arbijon's Restaurant made no attempt to conceal their conversation. He (Del Bagno) indicated that the one African-American female seemed to be doing most of the talking and at one point she stated, "Our people have been held down too long."

While Director Beltranena and Investigator Del Bagno discussed the events at Arbijon's Restaurant on August 25, 1999 (basically the same as their reports) - Director

Beltranena drew a diagram where all individuals (both tables) were seated. At this time (Tuesday, October 5, 1999), Chief Wieliczky met with Middlesex County First Assistant Prosecutor Lawrence West and Chief Dennis Watson. Chief Wieliczky advised First Assistant Prosecutor West and Chief Watson that Director Beltranena had identified two of the four black individuals involved in the discussion at Arbijon's and that Investigator had identified three of the four African-Americans involved. First Assistant Prosecutor West and Chief Watson were advised that all individuals identified are Trenton police officers.

On Wednesday, October 6, 1999, Chief Wieliczky contacted Trenton Police Director Meyer and inquired as to whether the City of Trenton had any ordinance that resembled a "New Loitering Ordinance which states that if you are within one hundred feet of a store - you are loitering." (This ordinance had been discussed by the individuals seated at the table in Aribjon's Restaurant on August 25, 1999.) Director Meyer indicated that Trenton does have an ordinance that states that if you are within an area of 100 feet of any local merchant's business - you are loitering. The Director stated that although this is a recent amendment to the General Ordinances - they (Trenton Police) are not looking to enforce this ordinance unless it becomes necessary. Chief Wieliczky then requested a copy of this ordinance.

Chief Wieliczky also advised Director Meyer that New Brunswick Police Director Beltranena had identified Trenton police officers Carol Russell and Limmie Caver as two individuals who were observed at Arbijon's on August 25, 1999 and that Middlesex County Prosecutor's Investigator Del Bagno had identified Carol Russell, Limmie Caver and

Lafayette Sutphin as individuals involved in the discussions held at Arbijon's on August 25, 1999.

It was requested of Director Meyer that he supply Chief Wieliczky with the work schedule of Officers Russell, Caver and Sutphin for August 25, 1999. Director Meyer called Chief Wieliczky and indicated that on August 25, 1999, Officer Caver was on a day off, Officer Russell was on vacation and Detective Sutphin was working the 4:00 to 12:00 midnight shift. (This would make all three individuals available to be at Arbijon's on August 25, 1999.) (Copies of the amended City Ordinance and work schedule for August 25, 1999 were received from Director Meyer and are attached.)

Chief Wieliczky contacted Middlesex County Prosecutor's Sergeant Doneloy and requested a copy of her report regarding the surveillance, photos taken and the motor vehicle registrations that she had obtained on August 25, 1999.

Additionally, Chief Wieliczky contacted Middlesex County Prosecutor's Investigator Del Bagno and requested that he issue a Grand Jury subpoena to the authorities of the Ramada Inn (Route 18, East Brunswick, N.J.) requesting any and all records pertaining to the accommodations of Mr. Alan Zigfield.

On Friday, October 15, 1999, Investigator Del Bagno advised Chief Wieliczky that the authorities of the Ramada Inn were unable to locate any records pertaining to any accommodations for Mr. Alan Zigfield. (Copy of subpoena and response from the Ramada Inn to be forwarded to Chief Wieliczky.)

Investigation to be continued and all further findings to be reported.)

MIDDLESEX COUNTY DETECTIVE BUREAU

TO: Captain Dennis Watson

FROM: Investigator Daniel Del Bagno

DATE: August 27, 1999

FILE NO: Confidential Investigation

On Wednesday, August 25, 1999 at approximately 10:45 hours, this Investigator was directed by Captain Dennis Watson to respond to ARBIFON'S RESTAURANT attached to the Ramada Inn & Conference Center located at 195 Highway 18 in East Brunswick, New Jersey to assist the New Brunswick Police Department with the below referenced matter.

At approximately 11:00 hours, I arrived at the aforementioned establishment, and proceeded to sit down at a dining table which was occupied by New Brunswick Police Director Michael Beltranena and Sergeant Thomas Selesky.

It should be noted that upon my arrival, Director Beltranena initiated dialogue with me which suggested that he wanted to keep our identities as Police Officers covert. He gestured with his eyes to a table occupied by four African-American individuals and wrote the word "LISTEN" on a piece of paper.

The above listed individuals consisted of three men and a woman, and were engaged in a group discussion. They were seated at a table located approximately 15 feet adjacent to ours, and made no attempt to keep their commentary private, and spoke in normal tones.

This Investigator attempted to overhear the content of their conversation. During the course of approximately one hour, their talk centered around Racial profiling and how Patrol Officers could be set up for harassment charges. This included, how not to comply with Police requests for identification and schemes to antagonize an Officer into making an arrest which they deemed would be false. Once a "false arrest" was made, it could be turned over to the media for coverage via "a connection with the D.A.'s Office." (Reference Director Beltranena's report for amplifying details of the above conversation)

PR-5

MIDDLESEX COUNTY DETECTIVE BUREAU

SHEET No.

At approximately 12:00 hours, the previously described individuals left the restaurant and subsequently exited in vehicles which were parked in the Ramada Inn & Conference Center lot. (Reference Director Beltranena's report and attached computer printout for amplifying details)

Also on this date, this Investigator spoke with Ana Catrola, Assistant Manager for the Ramada Inn and requested her to search their guest records for one of the four individuals in question.

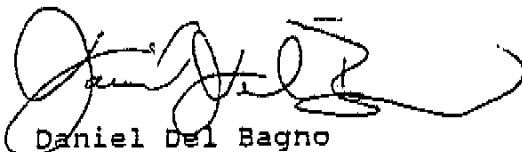
It should be noted that prior to turning over the requested information, a Subpoena Duces Tecum was provided to Ms. Catrola.

Ramada guest records revealed that a Mr. Diop Kamau had checked into their establishment on Tuesday, August 24, 1999 at approximately 21:00 hours, and departed on Wednesday, August 25, 1999 at approximately 12:00 hours. According to Ms. Catrola, he had not provided any credit card or Drivers License information. She added that he had listed a Ford vehicle with a Maryland registration as being his. (Reference attached documents for amplifying details)

Upon return to the Middlesex County Prosecutor's Office, this Investigator related the details of the above operation to First Assistant Prosecutor Lawrence West.

On Thursday, August 26, 1999 this Investigator spoke with Assistant Prosecutor Lawrence Welle relative to the above investigation, and I was advised to author a report for his review, so that this Office could decide on an appropriate course of action.

Respectfully Submitted,



Daniel Del Bagno
County Investigator,
Special Investigations Unit



OFFICE OF THE COUNTY PROSECUTOR

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CHARLES E. WALDRON
First Assistant Prosecutor

December 1, 1999

Director Paul Meyer
Trenton Police Department
225 North Clinton Avenue
Trenton, New Jersey 08608

Re: Investigation into Allegations of a Conspiracy to
Entrap Police Officers for Harassment of Minorities

Dear Director Meyer:

On Wednesday, November 24, 1999, Chief Edward Wieliczky (Mercer County Prosecutor's Office) met with Trenton Deputy Police Chiefs John Gabauer, Al Henry; Captain Fred Reister (Trenton Police Internal Affairs) and City Attorney Caryl Amana in reference to the above mentioned investigation.

During the course of this meeting, Chief Wieliczky learned that the Trenton Police Department had written to the New York Fox News television station requesting a copy of a tape from one of their programs. Deputy Chief Henry advises that this particular program dealt with an unknown black male who had videotaped some activities of the New Jersey State Police by way of a hidden camera. Deputy Chief Henry further indicated that this person fit the general physical description of the individual that Director Beltranena (New Brunswick Police) had observed meeting with the three Trenton police officers on August 25, 1999.

With the possibility of this person who appeared on the television program being the same individual who met with the Trenton officers, the Mercer County Prosecutor's Office is once again taking over this investigation.

By way of this letter, the Trenton Police Department is notified that it is to conduct no further investigation or take any disciplinary action in this matter until further notice. Those attending the meeting on November 24, 1999 were verbally advised of this request.