



**STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
OFFICE OF THE ATTORNEY GENERAL**

**UNITED STATES OF AMERICA**

**v.**

**STATE OF NEW JERSEY and  
DIVISION OF STATE POLICE OF  
THE NEW JERSEY DEPARTMENT  
OF LAW AND PUBLIC SAFETY**

**CIVIL ACTION NO. 99-5970 (MLC)**

**THIRTEENTH PROGRESS/STATUS SUMMARY OF THE CONSENT  
DECREE ENTERED INTO BY THE UNITED STATES OF AMERICA  
AND THE STATE OF NEW JERSEY REGARDING  
THE NEW JERSEY DIVISION OF STATE POLICE**

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## PROCEDURAL HISTORY

The State of New Jersey and the United States of America agreed upon the terms of a Consent Decree in Civil No. 99-5970 (MLC) (“**Consent Decree**” or “**Decree**”). This Consent Decree reflected many of the recommendations previously made by the State Police Review Team in reports submitted to the Attorney General of the State of New Jersey in April and July of 1999. The Honorable Mary L. Cooper, United States District Judge, District of New Jersey, signed the Consent Decree and Order Appointing the Independent Monitoring Team (“**IMT**”) on December 30, 1999 and May 12, 2000, respectively. Pursuant to ¶121 of the Decree, the IMT has filed 13 reports, assessing the levels of State compliance with the requirements of the Decree, on October 6, 2000; January 10, 2001; April 12, 2001; July 17, 2001; January 18, 2002; July 19, 2002; January 17, 2003; August 21, 2003; January 23, 2004; July 16, 2004; December 20, 2004; July 12, 2005, and December 21, 2005, respectively.

Pursuant to ¶110 of the Consent Decree, the Office of State Police Affairs (“**OSPA**”) was created and established within the Office of the New Jersey Attorney General. The general purpose of OSPA is to ensure implementation of the terms of the Consent Decree and to provide coordination with the IMT and the United States concerning matters of the New Jersey State Police (“**NJSP**”). Pursuant to ¶122 of the Consent Decree, OSPA, on behalf of the State, submits this periodic status report delineating steps taken to comply with the Consent Decree.

The State submitted its First Status Report on April 27, 2000; its Second Status Report on October 27, 2000; its Third Status Report on April 27, 2001; its Fourth Status Report on October 29, 2001; its Fifth Status Report on May 9, 2002; its Sixth Status Report on October 23, 2002; its Seventh Status Report on April 28, 2003; its Eighth Status Report on November 7, 2003; its Ninth Status Report on May 7, 2004; its Tenth Status Report on November 8, 2004; its Eleventh Status Report on April 29, 2005; and its Twelfth Status Report on November 2, 2005. Pursuant to Decree ¶122, this is the Thirteenth Status Report seeking to summarize the status of the State’s implementation of the Decree during the six-month period of October 1, 2005, through March 31, 2006.

Significant progress has continued to be made during this six-month period. Essentially, this progress has occurred in the following areas:

### FIELD OPERATIONS Consent Decree ¶¶26-39

During this reporting period, the Field Operations Section reaped the benefits of continuous efforts to improve availability and timeliness of information for first line supervisors. The IMT documented the culmination of these sustained efforts in the 13th IMT Report Executive Summary, “**As a result of this**

**continued high level of performance, the monitors recommend that the parties consider modification of the monitoring process to focus more of the monitors' efforts on the supervisory functions involved within the NJSP Field Operations processes. The monitors believe there is little to be gained in direct monitoring of field operations activities via review of video tapes, etc, and more to be gained by increased focus on field-level supervision and management review processes, and the training and MAPPS process that support this supervisory process.**" Field Operations personnel are provided constant information with regard to Consent Decree and Search and Seizure issues. The NJSP Intranet has posted the "Consent Decree Library" for immediate access by all members of the Division. All related information as well as formal documentation inclusive of all IMT Reports are accessible on this site in PDF format for personnel to review and research. As has been the case for the previous three reporting periods, the availability and focus of supervisors at the "first line" (interaction with the public) level in conjunction with the support and assistance from supervisors up to and including the command staff of the Division have resulted in compliance with the proper application of law enforcement actions and procedures by road troopers. This oversight is not confined to limited access highways as mandated by the Consent Decree, but also is in place at all general duty road stations. This illustrates the commitment of the NJSP to empower supervisors and troopers to ensure that "best policing" practices are utilized to serve the citizenry.

The Field Training Officer ("**FTO**") position initiated by the Field Operations Section in conjunction with the Integrity Officer position currently employed in Troops "D" and "E," along with the efforts of OSPA, continues to provide first line supervisors with consistent oversight, training and assistance. With the enhancement of adding assistant FTOs in each Troop, there is a focus and expertise that is available to supervisors in real time. These personnel are well versed in MVR (mobile video recorder) reviews and provide oversight and assistance to all supervisors within their respective Troops. The result this reporting period is again noted by the IMT as "**...exceptional, reducing error rates from some of the most complex human interactions ,e.g., consent searches, arrests, detentions, frisks and searches of persons and vehicles, to near or at zero... And even those error rates are minuscule (two from a potential universe of 25,584 this period, or 0.0000078 percent!). This is a truly remarkable figure considering the complexity of the law enforcement process under scrutiny.**" (13th IMT Report Executive Summary) This system exemplifies the efforts of the NJSP to provide quality assistance to its members with regard to best practices in policing and supervision.

OSPA, through the NJSP component assigned to that office, and its own legal staff, will continue to review all critical incidents and to provide the relevant

training and guidance concerning search and seizure and the proper procedures for conducting motor vehicle stop reviews. Since OSPA acts as intermediaries with the IMT and NJSP, the NJSP enlisted members assigned to OSPA are well-versed and prepared in the expectations of the IMT for MVR reviews and are in an optimal position to export that knowledge to NJSP supervisors and reviewers.

MAPPS  
Consent Decree ¶¶40-54

The Management Awareness and Personnel Performance System (“**MAPPS**”) completed its second year of full implementation on December 31, 2005. OSPA continues to monitor system developments, MAPPS Unit audits of feeder systems, and MAPPS policy implementation, as well as offering technical assistance for on-going training on MAPPS review policies and for risk analysis.

Several MAPPS system enhancements came on-line during the reporting period. A supervisor’s “journal” now allows a supervisor to record and track notes by member within MAPPS. In addition, an improved system navigation function now provides a summary view of a member’s MAPPS data. Finally, reconfigured categories for MAPPS’ aggregation and display of drivers’ ages permit finer analytic distinctions among drivers beginning with the 2006 motor vehicle stop data.

Critical to receiving continued Phase II compliance for all MAPPS tasks has been the approval by the IMT of the NJSP risk management proposal (fall of 2004) and the ongoing work of the analytic group Risk Analysis Core Group (“**RACG**”) (the group responsible for implementing the details of the risk management proposal) within the MAPPS Unit. To assess the risk issues examined by RACG and to make policy recommendations to the Superintendent, the Risk Management Advisory Panel (chosen on a rotating basis from the pool of majors and lieutenant colonels) met twice during the reporting period. The panel met first to discuss the first ¶50 report (Troop A) prepared by the RACG, resulting in a request to determine whether additional data on motor vehicle stops can be obtained to help the analytical process. A second ¶50 report was completed and submitted to the IMT during the reporting period. The Risk Management Advisory Panel meeting on the second (Troop B) ¶50 report included a presentation of additional, disaggregated data on vehicle searches compiled by the RACG so that the data could be better understood in terms of the amount and use of trooper discretion involved in these incidents. The context provided by the analysis helped the Panel better understand the findings in the report. Members from the IMT attended the meeting to provide technical assistance to this task.

As a result of OSPA audits of the in-depth performance reviews supervisors complete quarterly on members whose motor vehicle stop data differ significantly

from their station peers, Field Operations set up a series of sessions that gave supervisors dedicated time to complete the MAPPS reviews, with the expectation of improving their quality. In addition, a presentation at a commanders' meeting highlighted what to look for in giving second level approval to the reviews. These sessions were timed to coincide with the reviews required for the fourth quarter of 2005. The reviews were completed at the end of the report period and are now subject to another OSPA audit.

The MAPPS Unit continues to pursue avenues to secure technical and personnel resources to address the diverse and extensive materials the analytic group needs to assess. Finally, MAPPS continues to be used routinely by the internal affairs office of NJSP, the Office of Professional Standards ("**OPS**") to help determine appropriate interventions and discipline (§90). In addition, OPS continues to conduct a review of all members having three misconduct investigations in two years (§53) and documents these reviews through the Interventions Module in MAPPS.

OFFICE OF PROFESSIONAL STANDARDS  
Consent Decree §§57-92 (Except §§87 and 90)

The paragraphs pertaining to misconduct investigations, analyses, and resolutions (Internal Affairs reforms), specifically paragraphs 57-92 (excluding §§87 and 90) were terminated from the Consent Decree by order of the Honorable Mary L. Cooper, U.S.D.J., dated April 6, 2004. Notwithstanding the termination of these elements from the Consent Decree, NJSP has continued to inculcate the reform initiatives relating to the entire internal affairs process. OSPA will continue to audit and oversee OPS and its internal affairs process. OSPA will continue to review, for investigative sufficiency and adherence to Standard Operating Procedures that have codified the elements of the Decree, all misconduct investigations relating to disparate treatment, excessive use of force, illegal search and seizure, and domestic violence (critical investigations). The review uses the same measuring instrument previously approved by the IMT to assess compliance with the Decree. Similarly, OSPA continues to audit other reportable incidents to ensure proper classification, investigative sufficiency and proper disposition.

During this period, OSPA completed a report of its second audit of OPS conducted in August, 2005. The audit consisted of 100% review of files containing critical allegations and a random sampling of all other files. A review of all OPS classifications of complaints, to ensure that the complaints were properly classified as either performance matters or misconduct investigations, was also completed. The objectives of the investigations audit were to determine whether the complaint intake process was effective and impartial, whether the adequate documentation existed to support the conclusions reached in the OPS files,

whether the investigation was thorough, and whether there was sufficient supervisory review. Furthermore, the audit measured the effectiveness of the public complaint process by assessing the performance of OPS relative to the goals established by the 1999 Consent Decree and the NJSP Internal Affairs Investigative Manual.

The scope of this audit focused on files closed by OPS from January 1, 2005 through June 30, 2005. Closed files in the audit period totaled 168. Sixty-two (62) complaints, or 37%, of the closed files pertained to the aforementioned critical areas. The balance of the closed files, 106 complaints, or 63%, pertained to other alleged violations of SOPs and/or provisions of the Rules and Regulations.

OSPA reviewed all 62 critical files and 11 of the 106 non-critical files (10%), chosen on a random basis by the OSPA review team. All audited cases received a Level I review, consisting of a complete review of the OPS written file. If the Level I review raised questions or issues in a particular case, then that case was selected for a Level II review, consisting of a Level I audit plus a review of the MVR tape and the audio-taped investigative interviews.

This audit was finalized on September 26, 2005 and found that OPS continues to be in compliance with the internal affairs reforms enunciated in the Consent Decree and incorporated in the operating guide and manual for conducting internal investigations, SOPs, and provisions of the Rules and Regulations. OSPA agreed with all findings and conclusions of the reviewed cases. In addition, the audit revealed only one case out of 73 in which OSPA noted that OPS did not follow the practices incorporated into its internal affairs manual, for a compliance rate of 99%, well within the 95% compliance rate previously used by the IMT.

OSPA met with OPS to discuss its findings and to make other recommendations that arose out of its audit. As a result of this meeting, OPS has agreed to implement a new procedure that requires a supervisor to notify and instruct investigators relative to cases where the supervisor disagrees with an investigator's findings and/or conclusions. Also, in situations where a witness in an internal affairs investigation is pending criminal charges arising out of the incident that gave rise to the internal affairs investigation, OPS has agreed to coordinate with OSPA to determine whether the witness is represented by counsel and whether the witness may be interviewed at that stage of the case.

Regarding ¶87, there was no backlog of administrative internal affairs investigations during this period. Although ¶90 pertains to discipline and interventions, since it is dependent on MAPPS, it is discussed in the MAPPS section of this report.

TRAINING  
Consent Decree ¶¶93-109

The Training Bureau's outstanding progress has rendered it a preeminent state law enforcement training institution.

During this period, an Academy Awareness Weekend (AAW) was instituted, replacing the precursor Academy Awareness Day. All applicants remaining in the selection process were required to complete the AAW that took place one week prior to the commencement of training. The program demands that the recruits partake in two days of mock training and includes an overnight stay. The philosophy of the program is to provide the recruit a brief but realistic example of the rigors and demands of residential training with the intention of lessening the attrition rate of Academy recruits. The program proceeded seamlessly and was well received by the instructors and the applicants alike.

Also, regarding Pre-Service training, during the relevant time period two recruit classes graduated from the training (142nd-143rd) and two new recruit classes commenced training (144th-145th). The instructor mentor program was also reinstated, replacing the beta program of "senior class recruit to junior class recruit" mentoring. Approximately 25 mentors from the Training Bureau, excluding the line cadre from the Pre Service Training Unit, were briefed as to the philosophy and mechanics of the mentor program. The mentor cadre has enthusiastically embraced the role of mentor to 5 recruits each.

With regard to search and seizure curriculum development, maintenance and insight, the Training Bureau has provided a full day seminar for the Training Bureau's Search and Seizure Instruction Cadre (Train the Trainer), by Larry E. Holtz, Esq., a known instructor in New Jersey search and seizure law. In addition, OSPA continues to support the Training Bureau, fielding daily questions from the instructors regarding search and seizure case law and developments and hypothetical scenarios and questions which come up during the course of instruction.

Ensuring delivery of relevant, timely course content, at the present time the Pre-Service Unit is near completion of its overhaul of lesson plans via the 7 Step Training Process of Best Practices and Return on Investment. The lesson plan update process includes complete review of content, updated lesson plan utilizing FBI Training Keys, consultation with Research and Innovation Unit in the measurement of performance objectives, and most significantly, the integration of core values into lesson plans. These core values – customer service, diversity, ethics, counter terrorism, and community policing – provide unifying concepts and

themes for recruits to synthesize and embrace as they begin their transformation from civilians to troopers.

Regarding In-Service Training, highlights include the planning and commencement of development of the 2006 integrated In-Service Training and continual improvement of the Trooper Coach Program. A “pure” needs assessment for the Search and Seizure component is being conducted from a variety of sources, including questions posted directly from troopers on the Search and Seizure Board, issues brought to the attention of the Search and Seizure Committee (chaired by OSPA and including members from the Division of Law (“**DOL**”), the Division of Criminal Justice (“**DCJ**”), and NJSP), queries from “the field” and ever-changing New Jersey case law. The result is an ongoing update of the law. The Cultural Diversity and Ethics components are being developed in conjunction with the Attorney General’s mandate that all law enforcement continue to receive training in the dictates of the Fourteenth Amendment, particularly as they proscribe biased policing. Lessons learned from the 2005 In Service program will also be relied upon during development. The Trooper Coach Program continues to develop and improve as the Task 104 feedback system provides information which increases insight into best practices. Additionally, progress continues on IT upgrades to the reporting system.

The Executive Development Training Unit (“**EDTU**”) provided leadership training to Division enlisted personnel who are advancing in rank. Separate, rank-specific training for the ranks of sergeant through lieutenant colonel were provided in whole or in part during this period.

The 13th IMT Report noted that during the 14<sup>th</sup> visit, scrutiny would focus on actions taken by the Training Bureau to ensure that field implementation of Consent Decree training programs (Training Cycle “step 6”) was being measured, analyzed and responded to in accordance with the Training Cycle. In January of 2006, a comprehensive action plan was put in place and documented. The plan was provided to the IMT and approved as directly responsive to the concerns outlined in the 13th IMT Report. Pursuant to this plan data has been collected, analyzed and reported on for nearly all Consent Decree driven training. Additional data collection and analysis continues.

Finally, as always, the qualifications of instructors is of premium importance. The Academy continues to review and update Master Training Lists to ensure all Academy instructors receive relevant training, and upcoming training sessions have been scheduled. Training audits are used to ensure the appropriateness of the training as well as the suitability of the instructor and his/her proficiency in the subject-matter.



OSPA  
Consent Decree ¶¶110-114

OSPA has been in operation since September 1999. It continues to audit NJSP stations. OSPA samples motorists who were subject to enforcement actions and procedures. It mails questionnaires to all sampled motorists. From the information received from the responding motorists, OSPA monitors the professionalism of NJSP during the stop and verifies information collected during the stop. Any improper conduct identified through these audits is forwarded to OPS for investigation. OSPA continues its auditing of OPS complaint intake procedures and of completed investigations, including interviews with a sample of persons after their complaints are finally adjudicated. OSPA has full and unrestricted access to all NJSP staff, facilities and documents necessary to carry out its functions. Pursuant to ¶114, OSPA released the Twelfth Semiannual Public Report of aggregate statistics on NJSP traffic enforcement activities and procedures on December 28, 2005.

As reported in the Twelfth Progress/Status Summary, and in accordance with ¶110, OSPA took on "additional responsibilities as may be assigned by the Attorney General" by conducting follow-up exit interviews of those recruits who either resigned, received medical separations or who were dismissed by NJSP Academy staff. The request resulted from the NJSP's voluntary assessment of the Academy's pre-service training and their continued interest in providing a program that yields successful NJSP candidates.

Members of OSPA conducted interviews of the former recruits of the 139th Class, the 140th/141st Classes, and for the 142nd/143rd Classes. Areas of concern and recommendations expressed by these former recruits of the 139th Class, the 140th /141st Classes, and for the 142nd/143rd Classes were forwarded to NJSP for appropriate action.

There has been a noticeable decline in the total recruit attrition rate. Based on the overall decline of the attrition rate, as well as the decline in medical separations, it would appear that the recommendations put forward had a positive impact on helping the Academy deliver a program that yields successful NJSP candidates. The Academy staff has been willing to embrace the concerns of the former recruits and to incorporate those concerns without compromising the traditional challenges of the Academy. The Academy staff is independently assessing other areas within their Academy program with the intention of modifying procedures accordingly. OSPA conferred with NJSP's command staff noting the Academy's achievements. In light of these achievements, it is OSPA's position that it did not see a need to continue conducting exit interviews of former

recruits on a continual bases, but rather to assist the Academy upon their request in specific areas of concern.

OSPA will continue to collaborate with NJSP, upon their request, in order to assist in their efforts to develop programs and training that will yield successful NJSP candidates.

As stated in other areas of this report, OSPA has continued in its role as the auditor of OPS and in assisting Field Operations and the Academy with guidance in the areas of the Consent Decree, search and seizure and equal protection. OSPA has also continued in its role of administratively prosecuting the disciplinary hearings of troopers who are charged with violations of NJSP Rules and Regulations. OSPA continued to assist NJSP in disciplinary matter risk management. Significant administrative victories included disciplinary matters involving the Division's right to restrict harmful speech and the introduction of breathalyzer testing results in administrative venues.

The State continues to be committed to implementing the provisions of the Consent Decree consistent with the safety of the public and the members of NJSP.

CONCLUSION

The foregoing report has been submitted to summarize the status of the State's implementation of the Consent Decree.

Respectfully submitted,

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