

Monitors' First Report

Long-term Compliance Audit

Civil Number 99-5970(MLC)

In the
United States District Court,
for the District of New Jersey

United States Department of Justice
Civil Rights Division

State of New Jersey

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Executive Summary

The consent decree entered into between the State of New Jersey and the United States articulates 97 tasks which accrue to the state. The New Jersey State Police and the Office of State Police Affairs have moved expeditiously to implement these tasks, and, given the complexity of affecting change in complex organizations, have made significant strides in bringing the organization into compliance with the requirements of this decree. This monitoring report monitors only those tasks accruing to the state. For example, the report does not treat tasks 29d, 55, 56, 79, 94, 95, 116, 117, 119 or 121. These tasks either accrue to the monitors or are permissive tasks, allowing the state the latitude to make change, but not requiring it. For example, task 29d allows the state to adapt new technologies as they become available; task 55 allows the state to conduct driver surveys of other limited access highways; task 56 defines the criteria for appropriate benchmarks of persons travelling on the state's highways; and task 79 allows grouping of investigations of related misconduct investigations. Tasks 94 and 95 accrue to the independent monitors. Tasks 116, 117 and 121 define the responsibilities of the independent monitors.

Similarly, the reader should be careful to note that findings of non-compliance articulated in this report do not indicate that the state is engaging in proscribed behavior restricted by the decree. A finding of non-compliance simply means that the state has not finished, as of the date of this report, all of the steps necessary to come into compliance with the given task.

Members of the monitoring team were unanimously impressed with the commitment, focus, energy and professionalism with which members of the New Jersey State Police and the Office of State Police Affairs applied themselves and their organizations to implementation of the changes required by the decree. While the agency is not in complete compliance, this is to be expected. The monitoring team knows of no agency which could have completely complied with the requirements of this decree in the period of time available between implementation of the decree and the monitoring team's first site visit. Many of the tasks required by the decree are generally considered to be multi-year tasks by those familiar with the process of systems design and development in policing.

Two groups of tasks, generally, will routinely require substantial time to complete:

- Development of automated systems to support effective supervision and staff development; and
- Development of effective and professional training models designed to deliver custom-tailored training focused on carefully identified needs.

Most automated systems delineated in the decree will require 12-18 months for development. This does not reflect on the state's responsiveness to the decree; it simply reflects the often lengthy lead times for systems development, implementation, testing, audit and completion. The same is true of training.

Based on the experience of the independent monitoring team, development of substantive, well-planned training is a long-term process, often requiring 12-18 months for completion. A six-month assessment phase is essential for identifying needs, assessing alternative methods to meet those needs, and developing preliminary plans. Curriculum development (including in-house development and acquisition of consultant-based and externally provided training) generally requires at least six months. Moving 2,700 personnel through virtually any training process that requires the training of all personnel would generally require a minimum of six months, and often longer, depending on the existing workload of the agency and the level at which personnel can be diverted from their primary duties for assignment to the classroom for training.

The New Jersey State Police and the Office of State Police Affairs have responded with alacrity in developing the training processes which they currently have on-board. The methodology they have used in developing this training reflects state-of-the-art in the field, and their commitment to "doing the job right" is exceptional. To do an excellent job often takes much longer than simply meeting the letter of requirements articulated for training. To its credit, the agency has decided upon a commitment to excellence in its training processes. In some cases, this has caused a delay in compliance, but will eventually, once compliance is attained, result in better trained law enforcement personnel. While the reader will note a substantial number of "not in compliance" assessments in the training section of this report, this is due in no way to a resistance or reluctance on the part of the agency to comply. It is due to the painstaking, thorough and professional manner in which the academy is planning and implementing training which, as members of the academy staff note, will carry the agency into the next phase of its history.

A great deal of work remains to be done; however, if the New Jersey State Police approach the remaining work with the commitment and professionalism with which they have approached this project to date, progress will be swift and performance will be excellent. To a great extent, a great deal of the "delay" in complying with the decree can be ascribed to the insistence on the part of the New Jersey State Police--its chief executive and command staff--to doing the very best job possible with the resources available. Rather than adopting the "quick fix," the agency appears intent on adopting the best available process, technology, and system to conform to both the letter and spirit of the decree. In fact, in many cases, the agency goes well beyond the requirements of the decree, and simply seeks the best answer to any given question or issue.

The state is in ***Phase I compliance*** with **81** of the 92 tasks which could be monitored for Phase I compliance during this reporting period. It is in ***Phase II compliance*** with **23** of the 56 tasks which could be monitored for Phase II compliance during this reporting period. The state is in Phase I compliance with 88 percent of the tasks that the monitoring team could monitor for Phase I compliance during this reporting period, and is in Phase II compliance with 50 percent of the tasks that the monitoring team could monitor for Phase II compliance during this reporting period.

Independent Monitors' First Report

Quarter Ending September 30, 2000

1 Introduction

This document represents the first of an anticipated twelve "Independent Monitors' Reports" (IMRs) assessing the levels of compliance of the State of New Jersey (the state) with the requirements of a consent decree (decree) entered into between the state and the United States Department of Justice (justice) on December 30, 1999. The monitors acknowledge the fact that the state may complete substantial compliance with the requirements of the decree prior to the anticipated five-year period, in which case, the monitors would file fewer reports. This document reflects the findings of the monitoring team regarding compliance monitoring for the period December 31, 1999 through September 15, 2000.

The report is organized into three sections, identified below:

- Introduction;
- Compliance Assessment; and
- Summary.

The methodology employed by the monitors in developing the report, definitions used by the monitors, key dates for the monitoring process, and operational definitions of "compliance" are described in Section One of the report. Section Two of the report, "Compliance Assessment," includes the findings of the monitoring process implemented by the monitors and specific examples of compliance and non-compliance observed during the monitoring process. Section Three of the report, "Summary," provides an overall assessment of the state's performance for this reporting period.

1.1 Overall Status Assessment

Two specific dates accrue to deliverables for the decree: the date of entry of the decree (December 30, 1999), which times deliverables of the state, and the date of appointments of the independent monitors (March 30, 2000),

which times deliverables for the compliance monitoring process.

1.2 Format for Compliance Assessment

The IMR is organized to be congruent with the structure of the consent decree. It reports on the state's compliance using the individual requirements of the decree. For example, the first section, the compliance assessment, deals with the requirements, in paragraph 26 of the decree, relating to a specific prohibition against using "to any degree the race or national or ethnic origin of civilian drivers or passengers in deciding which vehicles to subject to any motor vehicle stop" (Decree at para 26). The following components of the decree are treated similarly. Compliance is classified as "Phase I," and "Phase II," with the definitions specified in Section 1.4, below.

1.3 Compliance Assessment Processes

1.3.1 Structure of the Task Assessment Process

Members of the monitoring team have collected data on-site and have been provided data, pursuant to specific requests, by the New Jersey State Police and the Office of State Police Affairs. All data collected were of one of two types. They were either collected by:

- Selection of a random sample;
- Selecting all available records of that type.

Under no circumstances were the data selected by the monitoring team based on provision of records of preference by personnel from the state police or the Office of State Police Affairs. In every instance of selection of random samples, state police personnel or Office of State Police Affairs personnel were provided lists requesting specific data, or the samples were drawn directly by the monitors or by the monitoring team while on-site.


The performance of the New Jersey State Police on each task outlined in the consent decree was assessed by the independent monitor's team during the quarter ending September 30, 2000. Upon agreement of the parties, the first independent monitors' report was submitted to the court on October 6, 2000.

All determinations of status for the New Jersey State Police are data-based, and were formed by a review of the following types of documents:






- Official New Jersey State Police documents prepared in the normal course of business; and/or
- Electronic documents prepared by the state or components of state government during the normal course of business.

1.4 Operational Definition of Compliance




For the purposes of this monitoring process, "compliance" consists of two components: Phase I compliance and Phase II. Phase I compliance is viewed as the administrative piece of compliance. It entails the creation of policy, procedure, rule, regulation, directive or command to "comply" as required by the text of the decree. Phase II compliance deals with the implementation of a specific policy and requires that the policy must, by matter of evidence, be followed in day-to-day operations of the state police. It may entail the provision of training, supervision, audit, inspection, and discipline to achieve the implementation of a specific policy as designed. In commenting on the state's progress (or lack thereof) in achieving Phase II compliance for a specific task, the independent monitoring team may comment upon the efficacy of training, supervision, audit, inspection and discipline as applicable to that task.

Compliance levels for this monitoring process are reported both through a narrative description and a graphic description. The narrative describes the nature of the task requirement being assessed¹, a description of the methodology used to assess the task, and a statement of compliance status. It is critical to note, however, that a finding of non-compliance does not mean the state is engaging in inappropriate behavior. It simply means the state has not yet completed its efforts toward compliance. The graphic description depicts compliance status using a standard bar graph to indicate status in each compliance area. Each graphic consists of four segments, depicted below. The first segment depicts each of the anticipated 12 reporting periods (four quarters for the first year and two quarters for each following year). The second segment depicts the time allowed by the consent decree to complete the particular task. This time period is represented by the solid, dark blue bar . The third and fourth segments represent the time required to complete the task, and to achieve

¹In order to avoid confusion, the task is quoted directly from the consent decree.

Phase I or Phase II, compliance. A vertically patterned light blue bar  indicates that compliance was achieved in the time allotted. A diagonally patterned yellow bar  indicates that compliance was achieved at a later date than originally allocated in the decree, but that the delay, in the opinion of the monitors, does not seriously affect the state’s eventual compliance with the decree. A horizontally patterned orange bar  indicates that compliance was achieved at a later date than originally allocated in the decree, and the delay *may* seriously affect the state’s eventual compliance with the decree. A solid red bar  indicates expired time which is more than that allowed by the decree, and which, in the judgment of the monitors *does* seriously threaten the city’s successful compliance with the decree. A task that was not, or could not be monitored is represented by a hollow bar  .

1.1.1 Compliance with a Hypothetical Task

	1	2	3	4	5	6	7	8	9	10	11	12
Task nn												
Phase I												
Phase II												

Graphic 1.1.1 is a **hypothetical** depiction of a task in which the state has been assessed to be in Phase I compliance in the first reporting period, and in which Phase II compliance has not been attained (but which does not affect the state’s eventual compliance).

1.5 Flow of the Monitoring Process

Compliance audits and monitoring processes typically consist of two phases. The first phase (which is represented by this report) focuses on issues of “policy compliance:” the development of policies, rules, regulations and directives to comply. In many cases, the processes required of the agency are new enough to preclude an early evaluation of Phase II compliance processes designed to ensure day-to-day implementation of the requirements. As such, one should read this initial compliance monitoring report as an assessment of the extent to which policy systems are extant within the New Jersey State Police (and related offices). While some findings of Phase II compliance have been delineated in this report, the **focus** of the first monitoring visit was on Phase I compliance issues.

2 Assessment of Compliance

2.1 Methodology

The monitors assessed the state's compliance using the *Monitor's Manual*. The *Manual* identifies each task required by the consent decree and stipulates the methodology used to assess compliance. Discussions among the parties are ongoing to finalize some elements of the *Manual*. Compliance was assessed as Phase I or Phase II (see section 1.4, above).

The following sections of the First Monitors' Report contain a detailed assessment of the degree to which the state has complied with the 97 tasks to which it agreed on December 30, 1999.

2.2 Compliance with Task 26: Prohibition from Using Race-Ethnicity in Decision Making

	1	2	3	4	5	6	7	8	9	10	11	12
Task 26												
Phase I												
Phase II												

Task 26 stipulates that:

26. Except in the "suspect-specific" ("be on the lookout" or "BOLO") situation described below, state troopers shall continue to be prohibited from considering in any fashion and to any degree the race or national or ethnic origin of civilian drivers or passengers in deciding which vehicles to subject to any motor vehicle stop and in deciding upon the scope or substance of any enforcement action or procedure in connection with or during the course of a motor vehicle stop. Where state troopers are seeking to detain, apprehend, or otherwise be on the lookout for one or more specific suspects who have been identified or described in part by race or national or ethnic origin, state troopers may rely in part on race or national or ethnic origin in determining whether reasonable suspicion exists that a given individual is the person being sought.

Methodology

Members of the monitoring team evaluated New Jersey State Police standard operating procedures (SOPs), and other official documents, relating to this task, including SOP F55, "Traffic Stop Procedures: Motor Vehicle Searches and Seizures,

Inventory and Impoundment,” F3, “State Police Patrol Procedures,” and F31 “Consent Searches.” These SOPs were assessed for responsiveness to the requirements of Task 26. These SOPs unequivocally state that State Troopers may not, except in “BOLO” situations, base any decision to stop a motor vehicle, or take any subsequent law enforcement action on the race, ethnicity, gender or national origin of the occupants of the motor vehicle. In addition, members of the monitoring team reviewed training curricula developed by the New Jersey State Police which were designed to train New Jersey State Police personnel in the requirements of Task 26. This review also included a site-visit to the New Jersey State Police training academy to observe sessions of training designed to address this issue.

Status

The monitoring team’s review of New Jersey State Police SOPs indicates that the agency is in Phase I compliance with Task 26: effective policies have been promulgated and distributed to state police personnel, as reflected in paragraphs III.B.1, IV.C.1, F55, “Traffic Stop Procedures: Motor Vehicle Searches and Seizures, Inventory and Impoundment.” The topic is also covered in SOP F3, “State Police Patrol Procedures,” at page two, III.A.5 and at page four, III.D.2 and 3. In addition, SOP F31, “Consent Searches,” at page two, II.C, also covers specific prohibitions from using race or ethnicity in deciding to effect motor vehicle stops.

In-Service training was provided to all members of the State Police on the specific provisions of the SOPs and this provision of consent decree between May 26 and July 28, 2000 at the State Police Academy. Training for supervisors on the policy was completed prior to the team’s site visit during the week of September 11, 2000. Training for supervisors regarding how to monitor potential race-ethnicity based motor vehicle stop decisions is pending. Development of an automated support system for supervisors, designed to assist in the process of supervision of this task, is projected for spring, 2001.

Compliance

Phase I:	In Compliance
Phase II:	Not Monitored

2.3 Compliance with Task 27: Monitor and Evaluate Implementation of the Motor Vehicle Stop Criteria

	1	2	3	4	5	6	7	8	9	10	11	12
Task 27												
Phase I												
Phase II												

Task 27 stipulates that:

27. The State Police has adopted a protocol captioned "F-55 (Motor Vehicle Stops)," dated December 14, 1999, which establishes criteria to be followed by state troopers in selecting which vehicles to stop for violation of state motor vehicle laws. This protocol includes the nondiscrimination requirements set forth in ¶ 26 and has been approved by the United States in so far as the protocol identifies practices and procedures required by the Decree. The State shall implement this protocol as soon as practicable. The State shall monitor and evaluate the implementation of the motor vehicle stop criteria and shall revise the criteria as may be necessary or appropriate to ensure compliance with ¶¶ 26 and 129. Prior to the implementation of any revised criteria, the State shall obtain approval from the United States and the Independent Monitor.

Methodology

Members of the monitoring team evaluated New Jersey State Police standard operating procedures (SOPs), and other official documents, relating to this task, including SOP F55, "Traffic Stop Procedures; Motor Vehicle Searches and Seizures, Inventory and Impoundment," F3, "State Police Patrol Procedures", and F31, "Consent Searches." These SOPs were assessed for responsiveness to the requirements of Task 27. In addition, members of the monitoring team reviewed training curricula developed by the New Jersey State Police which were designed to train New Jersey State Police personnel in the requirements of Task 27. This review also included a site-visit to the New Jersey State Police training academy to observe sessions of training designed to address this issue.

In addition, the New Jersey State Police have drafted SOP F55, "Traffic Stop Procedures: Motor Vehicle Searches and Seizures, Inventory and Impoundment," which outlines the criteria to be followed by state police personnel in selecting motor vehicles to stop for violations of the law and the processes to be used in monitoring implementation of the motor vehicle stop criteria. Members of the monitoring team have reviewed this policy, and found it to be responsive to the requirements of Task 27. The motor vehicle stop criteria monitoring process, designated "MAPPS" for Management Awareness and Personnel Performance System, is scheduled for

implementation in the spring of 2001. Training for supervisory personnel in the use of the MAPPS is pending.

Status

A review of the policies developed, the training provided to date and the pending MAPPS process indicates that the agency is in Phase I compliance with the requirements of this task. Training in use of the MAPPS is pending and the program itself is scheduled for the spring of 2001.

Compliance

Phase I: In Compliance
 Phase II: Not Monitored

2.4 Compliance with Task 28: Request for Consent to Search only upon Reasonable Suspicion

	1	2	3	4	5	6	7	8	9	10	11	12
Task 28												
Phase I												
Phase II												

Task 28 stipulates:

28. In order to help ensure that state troopers use their authority to conduct consensual motor vehicle searches in a nondiscriminatory manner, the State Police shall continue to require: that state troopers may request consent to search a motor vehicle only where troopers can articulate a reasonable suspicion that a search would reveal evidence of a crime; that every consent search of a vehicle be based on written consent of the driver or other person authorized to give consent which precedes the search; that the scope of a consent search be limited to the scope of the consent that is given by the driver or other person authorized to give consent; that the driver or other person authorized to give consent has the right to be present during a consent search at a location consistent with the safety of both the state trooper and the motor vehicle occupants, which right can only be waived after the driver or other person authorized to give consent is advised of such right; that the driver or other person authorized to give consent who has granted written consent may orally withdraw that consent at any time during the search without giving a reason; and that state troopers immediately must stop a consent search of a

vehicle if and when consent is withdrawn (except that a search may continue if permitted on some non-consensual basis).

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOPs F55, "Traffic Stop Procedures; Motor Vehicle Searches and Seizures, Inventory and Impoundment," and F31, "Consent Searches," and State Police Form 614, "Consent to Search" and found them to be in conformance with the requirements of this task. Copies of the SOPs were provided to all state police personnel. State police personnel, based on these policies, are empowered to request consent to search only based on reasonable suspicion. Moreover, whenever consent to search is requested pursuant to these policies, SOP F55 requires that State Police Form 614 be completed by the trooper. This form is available both in English and Spanish. Members of the monitoring team reviewed training curricula using SOPs F55, F31 and Form 614, and focused on consent to search, and found the training curricula to be in conformance with the requirements of this task. In addition, members of the monitoring team observed sessions of the training of state police personnel in the requirements of this task element, and found the training to be effectively delivered, as stipulated in the instructors' guide and curriculum.

Status

An assessment of policy development, training and supervisory processes in place indicate that the agency is in Phase I compliance with Task 28. Additional training for supervisors regarding consent search review processes is pending, as is completion of the MAPPS monitoring system.

Compliance

Phase I: In Compliance
Phase II: Not Monitored

2.5 Compliance with Task 29a: Recording Requirements for Motor Vehicle Stops

	1	2	3	4	5	6	7	8	9	10	11	12
Task 29a												
Phase I												
Phase II												

Task 29a stipulates that:

29. Motor Vehicle Stop Data

a. The State has adopted protocols (captioned F-55 (Motor Vehicle Stops) dated 12/14/99; C-22 (Activity Reporting System), F-3 (Patrol Procedures), F-7 (Radio Procedures), F-19 (MVR equipment), F-31 (Consent Searches), and a Motor Vehicle Stop Search Report dated 12/21/99; and a Property Report (S.P. 131 (Rev. 1/91)) that require state troopers utilizing vehicles, both marked and unmarked, for patrols on roadways to accurately record in written reports, logs, radio communications, radio recordings and/or video recordings, the following information concerning all motor vehicle stops:

- 1. name and identification number of trooper(s) who initiated the stop;**
- 2. name and identification number of trooper(s) who actively participated in the stop;**
- 3. date, time, and location of the stop;**
- 4. time at which the stop commenced and at which it ended;**
- 5. license number/state of stopped vehicle;**
- 5A. description of stopped vehicle;**
- 6. the gender and race/ethnicity of the driver, and the driver's date of birth if known;**
- 7. the gender and race/ethnicity of any passenger who was requested to exit the vehicle, frisked, searched, requested to consent to a vehicle search, or arrested;**
- 8. whether the driver was issued a summons or warning and the category of violation (i.e., moving violation or non-moving violation);**
- 8A. specific violations cited or warned;**
- 9. the reason for the stop (i.e., moving violation or non-moving violation, other [probable cause/BOLO]);**
- 10. whether the vehicle occupant(s) were requested to exit the vehicle;**
- 11. whether the vehicle occupant(s) were frisked;**
- 12. whether consent to search the vehicle was requested and whether consent was granted;**
- 12A. the basis for requesting consent to search the vehicle;**
- 13. whether a drug-detection canine was deployed and whether an alert occurred;**
- 13A. a description of the circumstances that prompted the deployment of a drug-detection canine;**
- 14. whether a non-consensual search of the vehicle was conducted;**
- 14A. the circumstances that prompted a non-consensual search of the vehicle;**
- 15. whether any contraband or other property was seized;**
- 15A. a description of the type and quantity of any contraband or other property seized;**
- 16. whether the vehicle occupant(s) were arrested, and if so, the specific charges;**

- 17. whether the vehicle occupant(s) were subjected to deadly, physical, mechanical or chemical force;**
- 17A. a description of the circumstances that prompted the use of force; and a description of any injuries to state troopers and vehicle occupants as a result of the use of force;**
- 18. the trooper's race and gender; and**
- 19. the trooper's specific assignment at the time of the stop (on duty only) including squad.**

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOPs C22, "Activity Reporting System," F55, "Traffic Stop Procedures: Motor Vehicles and Seizures, Inventory and Impoundment," F31, "Consent Searches," B22 "Use of Force and Reporting Requirement," F3, "State Police Patrol Procedures," F7, "Radio Procedures," and F19, "MVR Equipment." All the SOPs reviewed impose mandatory reporting requirements on the state police personnel and these requirements are consistent with the duty imposed pursuant to Task 29a of this Consent Decree. Also reviewed by the Monitoring Team were State Police Forms 614, "Consent to Search", 338, "Motor Vehicle Stop Report" and 361, "Use of Force." The review of policy was also accompanied by a team review of training curricula regarding motor vehicle stops and reporting policies, and observation of training classes offered in response to this task. Further, members of the monitoring team reviewed the automated reporting system for motor vehicle stops, currently being field tested by the New Jersey State Police. The team also assessed, through observational sessions at a state police computer assisted dispatch system (CADS) center, the level at which state police personnel called in to the CADS center the data from task 29a which are field-generated through CADS call-in.

Status

The review of state police policies, forms, training, data entry systems, and CADS processes indicates that the New Jersey State Police are in Phase I compliance with the requirements of Task 29a. Effective policies and forms requiring compliance with the reporting requirements of the task have been written, disseminated and implemented into the state police training process. Development of training for supervisors in the process of scrutinizing motor vehicle stop reports, and systems to facilitate that review are pending. Based on the team's review of trooper activity, observed by monitoring trooper activity over the radio in the state police CADS communication center, indicates that state police personnel are routinely calling into CADS with the data elements from 29a that are stipulated as field-generated in the reporting protocols.

Compliance

Phase I: In Compliance
 Phase II: Not Monitored

2.5.1 Compliance with Task 29b: Expeditious Implementation of Motor Vehicle Stop Criteria

	1	2	3	4	5	6	7	8	9	10	11	12
Task 29b												
Phase I												
Phase II												

Task 29b stipulates that:

b. The protocols listed in ¶29(a) include, inter alia, the procedures set forth in ¶¶ 30, 31, 32, and 33 and have been approved by the United States insofar as the protocols identify practices and procedures required by this Decree. The State shall implement these protocols as soon as practicable.

Methodology

Members of the monitoring team have reviewed state police policies and reporting forms developed pursuant to task 29b, including those governing communications center call-ins (Task 30), consent to search forms (Task 31), non-consensual searches (Task 32), and the deployment of drug detection canines (Task 33). Policies addressing communications center call-ins of motor vehicle stop criteria are outlined in New Jersey State Police SOP F7, "Radio Procedures," and are cross referenced in SOPs F3, "State Police Patrol Procedures," F55, "Traffic Stop Procedures; Motor Vehicle Searches and Seizures, Inventory and Impoundment," and C22, "Activity Reporting System." These policies have been promulgated--as revisions to earlier, existing SOPs--and disseminated to state police personnel. Training responsive to the elements of these policies has been implemented by the agency. Members of the monitoring team have reviewed the training curricula supporting communications call-in procedures, consent to search, non-consensual searches, and the deployment of drug detection canines. In addition, members of the monitoring team observed the execution of these training curricula at the New Jersey State Police training academy. In addition, members of the monitoring team have reviewed a small sample of state police video tapes created in response to Task 34, "Use of Mobile Video/Audio (MVR) Equipment."

Status

The review of state police policies, forms, training, records systems, data entry systems, and CADS processes indicates that the New Jersey State Police are in Phase I compliance with the requirements of Task 30. Effective policies and forms requiring compliance with the reporting requirements of the task have been written, disseminated and implemented into the state police training process. Development of training for supervisors in the process of scrutinizing motor vehicle stop reports and associated documentation, and systems to facilitate that review are pending. Based on the team’s review of trooper activity, observed by monitoring trooper activity over the radio in the state police CADS communication center, state police personnel are routinely calling into CADS with the data elements from 29a that are stipulated as field-generated in the reporting protocols. Systems to assist supervisory processes for this task are pending.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.5.2 Compliance with Task 29c: Forms to Support Execution of Tasks 31, 32 and 33

	1	2	3	4	5	6	7	8	9	10	11	12
Task 29c												
Phase I												
Phase II												

Task 29c stipulates that:

c. The State shall prepare or revise such forms, reports, and logs as may be required to implement this paragraph and §§ 31, 32, and 33 (and any related forms, reports, and logs, including arrest reports) to eliminate duplication and reduce paperwork.

Methodology

Members of the monitoring team have reviewed and approved all reporting forms, specifically State Police Forms 338, “Motor Vehicle Stop Report,” 614, “Consent to Search,” 361, “Use of Force,” and logs relevant to tasks 31-33. In addition,

members of the monitoring team have reviewed New Jersey State Police training curricula related to execution of these forms, and have observed training sessions which deal with reporting requirements using these forms. Some of the data entry is currently being automated, and other data entry processes are being developed to ensure accessibility of the data for the planned MAPPS supervisory review system. Members of the monitoring team have reviewed the data entry system for motor vehicle stop reporting.

Status

Forms to support execution of tasks 31-33 have been developed and disseminated. The state is currently finalizing automated data entry, analysis, and supervisory review processes for these forms.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.5.3 Compliance with Task 29e: Approval of Revisions to Protocols, Forms, Reports and Logs

	1	2	3	4	5	6	7	8	9	10	11	12
Task 29e												
Phase I												
Phase II												

Task 29e stipulates that:

e. Prior to implementation, of any revised protocols and forms, reports, and logs adopted pursuant to subparagraph (d) of this paragraph, the State shall obtain approval of the United States and the Independent Monitor. The United States and the Independent Monitor shall be deemed to have provided such approval unless they advise the State of any objection to a revised protocol within 30 days of receiving same. The approval requirement of this subparagraph extends to protocols, forms, reports, and logs only insofar as they implement practices and procedures required by this Decree.

Methodology

Members of the monitoring team have reviewed and approved all protocols and forms

provided by the state, and have been notified in advance of planned changes to those protocols and forms. All changes to protocols and forms have also been approved by the United States.

Status

Implementation of revisions to protocols and/or forms has been held by the state, pending the approval of the monitors and the United States.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.6 Compliance with Task 30: Communications Center Call-Ins

	1	2	3	4	5	6	7	8	9	10	11	12
Task 30												
Phase I												
Phase II												

Task 30 stipulates that:

30. Communication Center Call-In's for Motor Vehicle Stops. The primary purpose of the communications center is to monitor officer safety. State troopers utilizing vehicles, both marked and unmarked, for patrols on roadways shall continue to document all motor vehicle stops, inter alia, by calling in or otherwise notifying the communications center of each motor vehicle stop. All motor vehicle stop information enumerated in ¶ 29(a) that is transmitted to the communications center by state troopers pursuant to protocols listed in ¶29(a), and as revised pursuant to ¶29(d) and (e), shall be recorded by the center by means of the center's Computer Aided Dispatch system or other appropriate means.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOPs F7, "Radio Procedures," F55, "Traffic Stop Procedures: Motor Vehicle Searches and Seizures, Inventory and Impoundment," and C22, "Activity Reporting System," which all

address communications center call-ins for troopers making motor vehicle stops covered by this decree. In addition, members of the monitoring team have reviewed the training curricula regarding the SOPs identified above, and observed the delivery of training for the same. Members of the monitoring team have also reviewed communications center call-ins by observing officers handling traffic stops at the communications center responsible for traffic for the northern half of New Jersey.

Status

New Jersey State Police SOPs relating to the call-in of motor vehicle stops meet the requirements of the consent decree. In addition, training regarding motor vehicle stops is reasonably designed to affect the necessary behavior on the part of troopers conducting traffic stops. All motor vehicle stops observed during the monitoring team’s on-site visit to the communications center conformed to the requirements of the decree, and all communications centers are “on line” with the new requirements, as of the date of the monitoring team’s site visit. To date, no global supervisory processes appear to have been implemented by the state police.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.6.1 Compliance with Task 30a: Notice of Call-In at Beginning of Stop

	1	2	3	4	5	6	7	8	9	10	11	12
Task 30a												
Phase I												
Phase II												

Task 30a stipulates that:

a. The initial call shall be made at the beginning of the stop before the trooper approaches the stopped vehicle, unless the circumstances make prior notice unsafe or impractical, in which event the state trooper shall notify the communications center as soon as practicable. The State Police shall continue to require that, in calling in or otherwise notifying the communications center of a motor vehicle stop, state troopers shall provide the communications center with a description of the stopped vehicle and its occupants (including the number of occupants, their apparent race/ethnicity, and their apparent gender). Troopers

also shall inform the communications center of the reason for the stop, namely, moving violation, non-moving violation, or other.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOPs F7, “Radio Procedures,” F55, “Traffic Stop Procedures: Motor Vehicle Searches and Seizures, Inventory and Impoundment,” and C22, “Activity Reporting System,” which all address communications center call-ins for troopers making motor vehicle stops covered by this decree. In addition, members of the monitoring team have reviewed the training curricula regarding the SOPs identified above, and observed the delivery of training for the same. Members of the monitoring team also reviewed communications center call-ins by observing officers handling traffic stops at the communications center responsible for traffic for the northern half of New Jersey.

Status

New Jersey State Police SOPs relating to the call-in of motor vehicle stops meet the requirements of the consent decree. In addition, training regarding motor vehicle stops is reasonably designed to affect the necessary behavior on the part of troopers conducting traffic stops. All motor vehicle stops observed during the monitoring team’s on-site visit to the communications center conformed to the requirements of the decree, all communications centers are “on line” with the new requirements, as of the date of the monitoring team’s site visit. A member of the monitoring team participated in a ride-a-long and observed the trooper complying with the requirements of the consent decree regarding proper call-in procedures. To date, no global supervisory processes appear to have been implemented by the state police.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.6.2 Compliance with Task 30b: Notice Prior to Consent Search

	1	2	3	4	5	6	7	8	9	10	11	12
Task 30b												
Phase I												
Phase II												

Task 30b stipulates that:

b. State troopers shall notify the communications center prior to conducting a consent search or nonconsensual search of a motor vehicle, unless the circumstances make prior notice unsafe or impractical.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOPs F7, "Radio Procedures," F55, "Traffic Stop Procedures: Motor Vehicle Searches and Seizures, Inventory and Impoundment," F31, "Consent Searches" and C22, "Activity Reporting System," which all address communications center call-in procedures for troopers making a motor vehicle stop and conducting a search, whether consensual or non-consensual, of a motor vehicle covered by this decree. In addition, members of the monitoring team have reviewed the training curricula regarding the SOPs identified above, and observed the delivery of training for the same. Members of the monitoring team also reviewed communications center call-ins by observing officers handling traffic stops at the communications center responsible for traffic for the northern half of New Jersey. A member of the monitoring team also conducted a ride-along with state police personnel.

Status

New Jersey State Police SOPs relating to the call-in of consensual or non-consensual searches meet the requirements of the consent decree. In addition, training regarding all searches is reasonably designed to affect the necessary behavior on the part of troopers conducting traffic stops. All motor vehicle stops observed during the monitoring team's on-site visit to the communications center conformed to the requirements of the decree, all communications centers are "on line" with the new requirements, as of the date of the monitoring team's site visit. To date, no global supervisory processes appear to have been implemented by the state police. No consent search reports were reviewed during the course of this site visit, pending development of electronic record protocols.

Compliance

Phase I:	In Compliance
Phase II:	Not Monitored

2.6.3 Compliance with Task 30c: Call-Ins Upon Completion of Stop

	1	2	3	4	5	6	7	8	9	10	11	12
Task 30c												
Phase I												
Phase II												

Task 30c stipulates that:

c. At the conclusion of the stop, before the trooper leaves the scene, the trooper shall notify the communications center that the stop has been concluded, notify the center whether any summons or written warning was issued or custodial arrest was made, communicate any information that is required to be provided by the protocols listed in paragraph 29(a) that was not previously provided, and correct any information previously provided that was inaccurate. If circumstances make it unsafe or impractical to notify the communications center of this information immediately at the conclusion of the stop, the information shall be provided to the communications center as soon as practicable.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOPs F7, "Radio Procedures," F55, "Traffic Stop Procedures: Motor Vehicle Searches and Seizures, Inventory and Impoundment," which all address communications center call-ins for troopers making motor vehicle stops covered by this decree. In addition, members of the monitoring team have reviewed the training curricula regarding the SOPs identified above, and observed the delivery of training for the same. Members of the monitoring team also reviewed communications center call-ins by observing officers handling traffic stops at the communications center responsible for traffic for the northern half of New Jersey. A member of the monitoring team took part in a ride-a-long and observed the trooper comply with the requirements of the consent decree with regard to call-in procedures.

Status

New Jersey State Police SOPs relating to the call-in of motor vehicle stops meet the requirements of the consent decree. In addition, training regarding motor vehicle stops is reasonably designed to affect the necessary behavior on the part of troopers conducting traffic stops. All motor vehicle stops observed during the monitoring team's on-site visit to the communications center conformed to the requirements of the decree, all communications centers are "on line" with the new requirements, as

of the date of the monitoring team’s site visit. To date, no global supervisory processes appear to have been implemented by the state police.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.6.4 Compliance with Task 30d: CADS Incident Number Notification

	1	2	3	4	5	6	7	8	9	10	11	12
Task 30d												
Phase I												
Phase II												

Task 30d stipulates that:

d. The communications center shall inform the trooper of an incident number assigned to each motor vehicle stop that involved a motor vehicle procedure(i.e., occupant requested to exit vehicle, occupant frisked, request for consent search, search, drug dog deployed, seizure, arrest or use of force), and troopers shall utilize that incident number to cross reference other documents prepared regarding that stop. Likewise, all motor vehicle stop information recorded by the communication center about a particular motor vehicle stop shall be identified by the unique incident number assigned to that motor vehicle stop.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOPs F7, “Radio Procedures,” and F55, “Traffic Stop Procedures: Motor Vehicle Searches and Seizures, Inventory and Impoundment,” which cover transmission of CADS incident numbers to troopers who make a motor vehicle stop which results in: an occupant being asked to exit the vehicle, a frisk, a request for consent search, deployment of a drug detection canine, a seizure, an arrest, or a use of force. In addition, members of the monitoring team reviewed the training curricula addressing these issues, and observed training sessions at the state police academy which focused on these issues. Further, members of the monitoring team observed CADS personnel at a communications center responsible for the northern half of New Jersey, and reviewed patrol logs completed by New Jersey State Police troopers in the normal course of business. A member of the monitoring team participated in a ride-a-long

and observed the trooper comply with the call-in procedures required by the consent decree. The team also reviewed a small sample of MVR tapes of trooper stops.

Status

Policies related to 30d reasonably cover the issue of CADS incident numbers and appropriate reporting methods. Training in this area is also reasonably designed to achieve compliance with this task. Observation at a New Jersey State Police communication center, observation during a ride-a-long and review of a selected sample of patrol logs and MVR tapes indicates that CADS incident numbers are being transmitted and recorded by New Jersey State Police personnel.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.7 Compliance with Task 31: Reporting Consent to Search Requests

	1	2	3	4	5	6	7	8	9	10	11	12
Task 31												
Phase I												
Phase II												

Task 31 stipulates that::

31. Consent Searches of Motor Vehicles. The State Police shall continue to require that whenever a state trooper wishes to conduct or conducts a consensual search of a motor vehicle in connection with a motor vehicle stop, the trooper must complete a "consent to search" form and report. The "consent to search" form shall contain information which must be presented to the driver or other person authorized to give consent before a consent search may be commenced. This form shall be prepared in English and Spanish. The "consent to search" report shall contain additional information which must be documented for State Police records.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOPs F31, "Consent Searches," F55, "Traffic Stop Procedures: Motor Vehicle Searches and

Seizures, Inventory and Impoundment,” F55 “Traffic Stop Procedures; Motor Vehicle Searches and Seizures, Inventory and Impoundment,” F7, “Radio Procedures,” C22, “Activity Reporting System,” and State Police Form, 614, “Consent to Search,” which address reporting and recording requirements for consent to search requests. In addition, team members have reviewed training curricula and observed training courses offered at the New Jersey State Police training academy relating to Task 31. Members of the monitoring team have reviewed both the English and Spanish versions of the consent to search forms developed by the New Jersey State Police.

Status

New Jersey State Police SOPs F31, “Consent Searches,” F55, “Traffic Stop Procedures: Motor Vehicle Searches and Seizures, Inventory and Impoundment,” F55 “Traffic Stop Procedures; Motor Vehicle Searches and Seizures, Inventory and Impoundment,” F7, “Radio Procedures,” C22, “Activity Reporting System,” and State Police Form 614, “Consent to Search,” reasonably address the processes of requesting and recording consent searches, and training provided to road personnel reasonably prepares them to complete these processes in conformance to the requirements of this task. Supervisory systems necessary to effectively review, assess and remand consent search reports and to evaluate consent search processes of road personnel are projected to be on-line in the spring of 2001.

Compliance

Phase I: In Compliance
 Phase II: Not Monitored

2.7.1 Compliance with Tasks 31a-c: Recording Consent to Search Requests

	1	2	3	4	5	6	7	8	9	10	11	12
Task 31a-c												
Phase I												
Phase II												

Tasks 31a-c stipulate that:

- a. The State Police shall require that all "consent to search" forms include the following information :**
 - 1. the date and location of the stop;**
 - 2. the name and identification number of the trooper making the request for consent to search;**
 - 3. the names and identification numbers of any additional troopers who actively participate in the discussion with the**

driver or passenger(s) concerning the request for consent to search;

4. a statement informing the driver or other person authorized to give consent of the right to refuse to grant consent to search, and that if the driver or other person authorized to give consent grants consent, the driver or other person authorized to give consent at any time for any reason may withdraw consent to search;

5. a statement informing the driver or other person authorized to give consent of the right to be present during the search at a location consistent with the safety of both the state trooper and the motor vehicle occupant(s) which right may be knowingly waived;

6. check-off boxes to indicate whether consent has been granted, and if consent is granted, the driver or other person authorized to give consent shall check the appropriate box and sign and date the form; and

7. if the driver or other person authorized to give consent refuses consent, the trooper or the driver or other person authorized to give consent shall so note on the form and the driver or other person authorized to give consent shall not be required to sign the form.

b. A state trooper who requests permission to conduct a consent search shall document in a written report the following information regardless of whether the request for permission to conduct a search was granted or denied:

1. the name of the driver or other person authorized to give consent to whom the request for consent is directed, and that person's gender, race/ethnicity, and, if known, date of birth;

2. the names and identification numbers of all troopers who actively participate in the search;

3. the circumstances which constituted the reasonable suspicion giving rise to the request for consent;

4. if consent initially is granted and then is withdrawn, the fact that this occurred, and whether the search continued based on probable cause or other non-consensual ground, or was terminated as a result of the withdrawal of consent;

5. a description of the type and quantity of any contraband or other property seized; and,

6. whether the discussion concerning the request for consent to search and/or any ensuing consent search were recorded using MVR equipment.

c. The trooper shall sign and date the form and the report after each is fully completed.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOPs F31, "Consent Searches," F55, "Traffic Stop Procedures: Motor Vehicle Searches and Seizures, Inventory and Impoundment," F55 "Traffic Stop Procedures; Motor Vehicle

Searches and Seizures, Inventory and Impoundment,” F7, “Radio Procedures,” C22, “Activity Reporting System,” and State Police Forms, 614, “Consent to Search,” and 338, “Motor Vehicle Stop Report,” which address reporting and recording requirements for consent to search requests. In addition, team members have reviewed training curricula and observed training courses offered at the New Jersey State Police training academy relating to Task 31. Members of the monitoring team have reviewed both the English and Spanish versions of the consent to search forms developed by the New Jersey State Police.

Status

New Jersey State Police SOPs F31, “Consent Searches,” F55, “Traffic Stop Procedures: Motor Vehicle Searches and Seizures, Inventory and Impoundment,” F7, “Radio Procedures,” C22, “Activity Reporting System,” and State Police Forms, 614, “Consent to Search,” and 338, “Motor Vehicle Stop Report,” reasonably address the processes of requesting and recording consent searches, and training provided to road personnel reasonably prepares them to complete these processes in conformance to the requirements of this task. Supervisory systems necessary to effectively review, assess and remand consent search processes by road personnel are projected to be on-line in the spring of 2001.

Compliance

Phase I: In Compliance
 Phase II: Not Monitored

2.8 Compliance with Task 32: Recording and Reporting of Non-Consensual Searches

	1	2	3	4	5	6	7	8	9	10	11	12
Task 32												
Phase I												
Phase II												

Task 32 stipulates that:

- 32. Non-consensual Searches of Motor Vehicles (Excluding Vehicle Searches Begun as a Consent Search). A state trooper shall complete a report whenever, during any motor vehicle stop, the trooper conducts a non-consensual search of a motor vehicle (excluding vehicle searches begun as a consent search). The report shall include the following information:**
- 1. the date and location of the stop;**
 - 2. the names and identification numbers of all troopers who actively participated in the incident;**

- 3. the driver's name, gender, race/ethnicity, and, if known, date of birth;
- 4. a description of the circumstances which provided probable cause to conduct the search, or otherwise justified the search;
- 5. a description of the type and quantity of any contraband or other property seized; and
- 6. whether the incident was recorded using MVR equipment.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOPs F31, "Consent Searches," F55, "Traffic Stop Procedures: Motor Vehicle Searches and Seizures, Inventory and Impoundment," F7, "Radio Procedures," C22, "Activity Reporting System," and State Police Form 338, "Motor Vehicle Stop Report," which address reporting requirements for non-consensual searches. In addition, team members have reviewed training curricula and observed training courses offered at the New Jersey State Police training academy relating to Task 32.

Status

New Jersey State Police SOPs F31, "Consent Searches," F55, "Traffic Stop Procedures: Motor Vehicle Searches and Seizures, Inventory and Impoundment," F7, "Radio Procedures," C22, "Activity Reporting System," and State Police Form 338, "Motor Vehicle Stop Report," reasonably address the processes of making and recording non-consensual searches, and training provided to road personnel reasonably prepares them to complete these processes in conformance to the requirements of this task. Supervisory systems necessary to effectively review, assess and remand non-consensual search processes by road personnel are projected to be on-line in the spring of 2001.

Compliance

Phase I: In Compliance
 Phase II: Not Monitored

2.9 Compliance with Task 33: Recording and Reporting Deployment of Drug Detection Canines

	1	2	3	4	5	6	7	8	9	10	11	12
Task 33												
Phase I												
Phase II												

Task 33 stipulates that:

33. Drug-Detection Canines. A state trooper shall complete a report whenever, during a motor vehicle stop, a drug-detection canine is deployed. The report shall include the following information:

- 1. the date and location of the stop;**
- 2. the names and identification numbers of all troopers who participated in the incident;**
- 3. the driver's name, gender, race/ethnicity, and, if known, date of birth;**
- 4. a description of the circumstances that prompted the canine to be deployed;**
- 5. whether an alert occurred;**
- 6. a description of the type and quantity of any contraband or other property seized; and**
- 7. whether the incident was recorded using MVR equipment.**

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOPs C22, "Activity Reporting System," F55, "Traffic Stop Procedures: Motor Vehicle Searches and Seizures, Inventory and Impoundment," F7, "Radio Procedures," and State Police Form 338, "Motor Vehicle Stop Report," which address the processes of deploying a drug detection canine, and reporting this activity. In addition, members of the monitoring team have reviewed the training curricula and observed training processes at the New Jersey State Police training academy relative to deployment of drug detection canines.

Status

The policies, forms, training curricula and training processes relative to the deployment of drug detection canines and reporting of these deployments are reasonably designed to guide behavior responsive to Task 33. Recording the deployment of drug-detection canines is complied with by the use of the CAD system, on the trooper's patrol chart and completion of State Police Form 338, "Motor Vehicle Stop Report," Form 338 is currently under the process of becoming fully automated and when completed will provide comprehensive data retrieval or analysis, which should enhance effective supervision.

Compliance

Phase I: In Compliance
Phase II: Not Monitored

2.10 Compliance with Task 34a: Use of Mobile Video Recording Equipment

	1	2	3	4	5	6	7	8	9	10	11	12
Task 34a												
Phase I												
Phase II												

Task 34a stipulates that:

34. Use of Mobile Video/Audio (MVR) Equipment.

a. The State Police shall continue to operate all patrol vehicles engaged in law enforcement activities on the New Jersey Turnpike and the Atlantic City Expressway with MVR equipment. The State shall continue with its plans to install MVR equipment in all vehicles, both marked and unmarked, used for patrols on all other limited access highways in New Jersey (including interstate highways and the Garden State Parkway), and shall complete this installation within 12 months.

Methodology

Members of the monitoring team have reviewed the state’s deployment plan for MVR equipment in patrol vehicles assigned to law enforcement activities on limited access highways, and have conducted on-site observations of more than two dozen New Jersey State Police patrol vehicles operating on limited access highways in the state. In addition, during one of the monitoring team’s site visits, they observed the practices for removing, installing and logging video tapes in New Jersey State Police patrol vehicles. A member of the monitoring team took part in a ride-a-long and observed the trooper employ the MVR Equipment in the patrol vehicle in compliance with the provisions of the consent decree. Members of the monitoring team also reviewed New Jersey State Police SOP F19, “MVR Equipment,” which identifies procedures to be followed by troopers regarding recording of motor vehicle stops and other police activities.

Status

The state has committed to exceed the requirements of Task 34 by deploying MVR equipment in all state police patrol vehicles, not simply those used for patrol on limited access highways. All but one of the patrol vehicles observed at road stations and on patrol sites on limited access highways were observed to have MVR

equipment in place. New Jersey State Police patrol personnel observed and queried by members of the monitoring team are cognizant of critical policies regarding MVR equipment use, and appear to be following many of those procedures in the field.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.11 Compliance with Task 34b-c: Training in MVR Operation and Procedures

	1	2	3	4	5	6	7	8	9	10	11	12
Task 34b-c												
Phase I												
Phase II												

Task 34b-c stipulates that:

b. The State shall continue to implement procedures that provide that all state troopers operating a vehicle with MVR equipment may operate that vehicle only if they first are trained on the manner in which the MVR equipment shall be tested, maintained, and used. The State shall ensure that all MVR equipment is regularly inspected, maintained, and repaired.

c. Except when MVR equipment unforeseeably does not function, all motor vehicle stops conducted by State Police vehicles with MVR equipment shall be recorded by these vehicles, using both the video and audio MVR functions. The recording shall begin no later than when a trooper first signals the vehicle to stop or arrives at the scene of an ongoing motor vehicle stop begun by another law enforcement trooper; and the recording shall continue until the motor vehicle stop is completed and the stopped vehicle departs, or until the trooper's participation in the motor vehicle stop ends (the recording shall include requests for consent to search a vehicle, deployments of drug-detection canines, and vehicle searches). If a trooper operating a vehicle with MVR equipment actively participates in a motor vehicle stop and is aware that the motor vehicle stop was not recorded using the MVR equipment, the trooper shall notify the communications center of the reason the stop was not recorded, which the center shall record in a computerized information system.

Methodology

Members of the monitoring team have reviewed the state's deployment plan for MVR equipment in patrol vehicles assigned to law enforcement activities on limited access highways, and have conducted on-site observations of more than two dozen New Jersey State Police patrol vehicles operating on limited access highways in the state. In addition, during one of the monitoring team's site visits, they observed the practices for removing, installing and logging video tapes in New Jersey State Police patrol vehicles. A member of the monitoring team took part in a ride-a-long and observed the trooper employ the MVR Equipment in the patrol vehicle in compliance with the provisions of the consent decree. Members of the monitoring team also reviewed New Jersey State Police SOP F19, "MVR Equipment," which identifies procedures to be followed by troopers regarding recording of motor vehicle stops and other police activities. Members of the monitoring team have also reviewed a small sample of MVR tapes which recorded traffic stops and other law enforcement activities. New Jersey State Police personnel were also queried, on-site, regarding their understanding of SOP F19 and associated procedures.

Status

All but one of the New Jersey State Police patrol vehicles observed during the monitoring team's on site visits (and observations of patrol vehicles in rest stops, at road stations and other locations, and on patrol on limited access highways) were equipped with MVR equipment. Members of the monitoring team received somewhat conflicting statements of understanding from New Jersey State Police road personnel regarding MVR procedures, although given the relatively short period of time this equipment and supporting policies have been in place, this is certainly understandable. A random review of a small number of recorded motor vehicle stops, and other law enforcement activities, indicates that full compliance with the policy and training has yet to be achieved. A supervisory system to ensure adequate review, assessment and response to MVR procedures is projected to be on-line in spring of 2001. The New Jersey State Police are implementing the intent and spirit of this Task. Not surprisingly, again given the relatively short period of time the policies and equipment have been in place, work remains to be completed.

Compliance

Phase I:	In Compliance
Phase II:	Not in Compliance

2.12 Compliance with Task 35: Supervisory Review of Trooper Reports

	1	2	3	4	5	6	7	8	9	10	11	12
Task 35												
Phase I												
Phase II												

Task 35 stipulates that:

35. The reporting trooper's supervisor shall review each report prepared pursuant to ¶¶31-33 within 14 days of the precipitating incident and, as appropriate, in conjunction with that review, may view any associated MVR tape.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP F55, "Traffic Stop Procedures: Motor Vehicle Searches and Seizures, Inventory and Impoundment," which identifies in Annex B a requirement for state police supervisors to review reports relevant to this consent decree within 14 days of the completion of the report by the trooper. In addition, members of the monitoring team reviewed training curricula and training provided to supervisory personnel regarding report review. Additional training for supervisory personnel regarding the process of assessment, review, annotation and remand of trooper reports is pending. Members of the monitoring team have begun discussions with the New Jersey State Police regarding development of data bridges to allow broad-scale monitoring of review dates for all New Jersey State Police road stations. Upon completion of these discussions, large-scale samples of electronic files can be used to assess compliance with this task.

Status

The state is in Phase I compliance with this task. The team was unable to monitor for Phase II compliance.

Compliance

Phase I: In Compliance
 Phase II: Not Monitored

2.13 Compliance with Task 36: Supervisory Review of MVR Tapes

	1	2	3	4	5	6	7	8	9	10	11	12
Task 36												
Phase I												
Phase II												

Task 36 stipulates that:

36. The State shall adopt a protocol requiring that State Police supervisors review MVR tapes of motor vehicle stops on a random basis. The protocol shall establish the schedule for conducting random reviews and shall specify whether and in what manner the personnel conducting the review shall prepare a written report on each randomized review of an MVR tape. Prior to implementation, the protocol shall be approved by the United States and the Independent Monitor.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP F19, "MVR Equipment," which articulates a protocol for conduct of a random review of MVR tapes, calling for supervisors to conduct a random review of two tapes per trooper, per quarter, and identifies the nature of the review. In addition, members of the monitoring team reviewed reports completed by supervisory personnel at one New Jersey State Police station.

Status

Final requirements and processes for MVR review are currently under development, with a field comment phase implemented September 11, 2000. Training for supervisory personnel regarding MVR review and a supervisory-management system for using MVR reviews as part of the MAPPS process is expected to be on-line in spring of 2001.

Compliance

Phase I: Not In Compliance
 Phase II: Not In Compliance

2.14 Compliance with Task 37: Supervisory Referral to PSB of Observed Inappropriate Trooper Conduct

	1	2	3	4	5	6	7	8	9	10	11	12
Task 37												
Phase I												
Phase II												

Task 37 stipulates that:

37. After conducting a review pursuant to ¶35, ¶36, or a special MVR review schedule, the personnel conducting the review shall refer for investigation by the Professional Standards Bureau ("PSB") any incident where this review reasonably indicates a possible violation of the provisions of this Decree and the protocols listed in ¶29 concerning search or seizure procedures, nondiscrimination requirements, and MVR use requirements, or the provisions of the Decree concerning civilian complaint procedures. Subsequent investigation shall be conducted by either the PSB or the Office of the Attorney General ("OAG") as determined by the State. Appropriate personnel shall evaluate all incidents reviewed to determine the need to implement any intervention for the involved trooper.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOPs F19, "MVR Equipment," F55 "Traffic Stop Procedures; Motor Vehicle Searches and Seizures, Inventory and Impoundment," C22, "Activity Reporting System," F7, "Radio Procedures," and the preliminary draft of the SOP supporting the use of the planned MAPPS.

Status

No specific provision was found in F19 regarding referral to PSB of "any incident where this review reasonably indicates a possible violation of the provisions of this Decree and the protocols listed in ¶29 concerning search or seizure procedures, nondiscrimination requirements, and MVR use requirements, or the provisions of the Decree concerning civilian complaint procedures." The MAPPS policy does include an available supervisory action of "referral to the office of professional standards," (5g), and supervisory action in this section is required, i.e., the supervisor must choose one of ten possible actions. The MAPPS, however, is not expected to be on-line until spring of 2001.

Compliance

Phase I: In Compliance
Phase II: Not Monitored

2.15 Compliance with Task 38: Periodic Reviews of Referral Decisions

	1	2	3	4	5	6	7	8	9	10	11	12
Task 38												
Phase I												
Phase II												

Task 38 stipulates that:

38. The State Police and the OAG shall conduct periodic reviews of referral decisions pursuant to ¶ 37 to ensure appropriate referrals are being made. State Police personnel shall be held accountable for their referral decisions.

Methodology

MVR review processes are so new to the agency as to preclude the existence of any field referral decisions. As no referrals have been made to PSB (now the Office of Professional Standards), neither state police nor Office of the Attorney General personnel could have made a periodic audit or referral decisions pursuant to this task. Personnel from the OAG are aware of the requirement for periodic audits.

Status

At this point, members of the monitoring team were unable to audit this task

Compliance

Phase I: Unable to Monitor
Phase II: Unable to Monitor

2.16 Compliance with Task 39: Regular Supervisory Activity in the Field

	1	2	3	4	5	6	7	8	9	10	11	12
Task 39												
Phase I												
Phase II												

Task 39 stipulates that:

39. The State Police shall require supervisors of patrol squads that exclusively, or almost exclusively, engage in patrols on limited access highways to conduct supervisory activities in the field on a routine basis.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP C22, "Activity Reporting System," which identifies the duties of supervisory personnel regarding completion of and processing of supervisors' weekly activity reports. The policy has a category for "supervision," (201), but does not specifically require "routine" supervisory activities in the field. Members of the monitoring team have reviewed training provided to supervisors as part of the required consent decree implementation process, and were unable to locate a reference in the supervisory training to "routine" supervisory activities in the field. Training for supervisors in this topic is, however, pending.

Status

Policy, training and support systems regarding "routine" supervisory activities in the field are pending.

Compliance

Phase I: Not In Compliance
 Phase II: Not In Compliance

2.17 Compliance with Task 40: Development of a Management Awareness and Personnel Performance System

	1	2	3	4	5	6	7	8	9	10	11	12
Task 40												
Phase I												
Phase II												

Task 40 stipulates that:

40. The State shall develop and implement computerized systems for maintaining and retrieving information necessary for the supervision and management of the State Police to promote professionalism and civil rights integrity, to identify and modify potentially problematic behavior, and to promote best practices (hereinafter, the "Management Awareness Program" or "MAP").

Methodology

Members of the monitoring team have assessed existing plans for development of the MAPPS and have reviewed these plans with members of the New Jersey State Police and the Office of the Attorney General. Policy supporting the MAPPS has been developed, and is currently being disseminated for comment. The state has finalized the contracting process to acquire external assistance in developing software for the MAPPS, and hardware components of the system are scheduled for delivery beginning in October. Current plans call for the MAPPS to be on-line, supporting management and supervisory systems in spring, 2001. As the MAPPS plans exist at this time, based on a review by the monitoring team, the planned system conforms to all requirements stipulated in Tasks 40 through 53 of this decree. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS is pending system design by an outside contractor and approval of the United States and the independent monitoring team.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team.

Compliance

Phase I: In Compliance

Phase II: Not In Compliance

2.18 Compliance with Task 41: Management Awareness and Personnel Performance System Information Components

	1	2	3	4	5	6	7	8	9	10	11	12
Task 41												
Phase I												
Phase II												

Task 41 stipulates that:

41. The MAP shall consist of the following information:

a. all items of information in connection with all motor vehicle stops that are required to be recorded in a written report, form, or log, or reported to the communications center, pursuant to ¶29 and the protocols listed in ¶29 of this Decree, except that duplicate information need not be entered, and information as to whether the incident was recorded with MVR equipment need not be entered if all patrol cars are equipped with MVR unless a patrol car was equipped with MVR equipment that was not functioning;

b. information on civilian compliments and other indicia of positive performance; information on misconduct investigations; reports on use of force associated with motor vehicle stops; on-duty and off-duty criminal arrests and criminal charges; civil suits involving alleged misconduct by state troopers while on duty; civil suits in which a trooper is named as a party involving off-duty conduct that alleges racial bias, physical violence or threats of violence; and

c. implementation of interventions; and training information including the name of the course, date started, date completed and training location for each member receiving training.

Methodology

Members of the monitoring team have assessed existing plans for development of the MAPPS and have reviewed these plans with members of the New Jersey State Police and the Office of the Attorney General. Policy supporting the MAPPS has been developed, and is currently being disseminated for comment. The state has finalized the contracting process to acquire external assistance in developing software

for the MAPPS, and hardware components of the system are scheduled for delivery beginning in October. Current plans call for the MAPPS to be on-line, supporting management and supervisory systems in spring, 2001. As the MAPPS plans exist at this time, based on a review by the monitoring team, the planned system conforms to all requirements stipulated in Tasks 40 through 53 of this decree. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS is pending system design by an outside contractor and approval of the United States and the independent monitoring team.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.19 Compliance with Task 42: Annual Trooper Access to MAPPS Data

	1	2	3	4	5	6	7	8	9	10	11	12
Task 42												
Phase I												
Phase II												

Task 42 stipulates that:

42. All information in MAP on substantiated misconduct investigations, civilian compliments, and other indicia of positive performance which can be attributed to a specific trooper shall be made available to that trooper on an annual basis upon written request. Nothing in this paragraph shall be construed as granting that trooper access to confidential documents other than those identified in this paragraph, or to any information which cannot be attributed to the trooper requesting the information.

Methodology

Members of the monitoring team have assessed existing plans for development of the MAPPS and have reviewed these plans with members of the New Jersey State

Police and the Office of the Attorney General. Policy supporting the MAPPS has been developed, and is currently being disseminated for comment. The state has finalized the contracting process to acquire external assistance in developing software for the MAPPS, and hardware components of the system are scheduled for delivery beginning in October. Current plans call for the MAPPS to be on-line, supporting management and supervisory systems in spring, 2001. As the MAPPS plans exist at this time, based on a review by the monitoring team, the planned system conforms to all requirements stipulated in Tasks 40 through 53 of this decree. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS is pending system design by an outside contractor and approval of the United States and the independent monitoring team.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.20 Compliance with Task 43: Data Reporting Capacities for MAPPS

	1	2	3	4	5	6	7	8	9	10	11	12
Task 43												
Phase I												
Phase II												

Task 43 stipulates that:

43. Regarding the motor vehicle stop information identified in ¶29 (a) (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19) and recorded in accordance with the protocols identified in ¶29(a), the MAP shall have the capability to search and retrieve numerical counts and percentages for any combination of the above-referenced information and to run reports for different time periods (e.g., monthly, quarterly, annually) and for individual troopers, squads, and stations. Regarding the motor vehicle stop information identified in ¶29(a)(5A, 8A, 12A, 13A, 14A, 15A, and 17A) and recorded in accordance with the protocols identified in ¶29(a), it will be

sufficient that the MAP shall have the capability to access (through cross-referenced paper documents or other method) this descriptive information entered on specific incidents and matters. Regarding the information identified in ¶41(b and c), to the extent technologically feasible, the MAP shall be developed to have the capability to search and retrieve numerical counts and percentages for any combination of the information and to run reports for different time periods and for individual troopers, squads or stations. To the extent that the MAP shall require textual or narrative descriptions of misconduct allegations or other information identified in ¶41(b and c), it will be sufficient that the MAP only have the capability to retrieve this descriptive information.

Methodology

Members of the monitoring team have assessed existing plans for development of the MAPPS and have reviewed these plans with members of the New Jersey State Police and the Office of the Attorney General. Policy supporting the MAPPS has been developed, and is currently being disseminated for comment. The state has finalized the contracting process to acquire external assistance in developing software for the MAPPS, and hardware components of the system are scheduled for delivery beginning in October. Current plans call for the MAPPS to be on-line, supporting management and supervisory systems in spring, 2001. As the MAPPS plans exist at this time, based on a review by the monitoring team, the planned system conforms to all requirements stipulated in Tasks 40 through 53 of this decree. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS is pending system design by an outside contractor and approval of the United States and the independent monitoring team.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team.

Compliance

Phase I:	In Compliance
Phase II:	Not In Compliance

2.21 Compliance with Task 44: Development and Use of Common Control Numbers

	1	2	3	4	5	6	7	8	9	10	11	12
Task 44												
Phase I												
Phase II												

Task 44 stipulates that:

44. Where information about a single incident is included within the MAP from more than one document the State shall use a common control number or other means to link the information from different sources so that the user can cross-reference the information and perform analyses.

Methodology

Members of the monitoring team have assessed existing plans for development of the MAPPs and have reviewed these plans with members of the New Jersey State Police and the Office of the Attorney General. Policy supporting the MAPPs has been developed, and is currently being disseminated for comment. The state has finalized the contracting process to acquire external assistance in developing software for the MAPPs, and hardware components of the system are scheduled for delivery beginning in October. Current plans call for the MAPPs to be on-line, supporting management and supervisory systems in spring, 2001. As the MAPPs plans exist at this time, based on a review by the monitoring team, the planned system conforms to all requirements stipulated in Tasks 40 through 53 of this decree. As individual components of the MAPPs process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPs is pending system design by an outside contractor and approval of the United States and the independent monitoring team.

Status

All Phase II MAPPs components are pending, as is final approval of MAPPs capabilities by the United States and the independent monitoring team.

Compliance

Phase I: In Compliance
Phase II: Not In Compliance

2.22 Compliance with Task 45: Map Data Quality

	1	2	3	4	5	6	7	8	9	10	11	12
Task 45												
Phase I												
Phase II												

Task 45 stipulates that:

45. The State shall ensure that information is included within the MAP in an accurate and timely fashion and is maintained in a secure manner.

Methodology

Members of the monitoring team have assessed existing plans for development of the MAPPS and have reviewed these plans with members of the New Jersey State Police and the Office of the Attorney General. Policy supporting the MAPPS has been developed, and is currently being disseminated for comment. The state has finalized the contracting process to acquire external assistance in developing software for the MAPPS, and hardware components of the system are scheduled for delivery beginning in October. Current plans call for the MAPPS to be on-line, supporting management and supervisory systems in spring, 2001. As the MAPPS plans exist at this time, based on a review by the monitoring team, the planned system conforms to all requirements stipulated in Tasks 40 through 53 of this decree. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS is pending system design by an outside contractor and approval of the United States and the independent monitoring team.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.23 Compliance with Task 46: Data Accuracy in MAPPS

	1	2	3	4	5	6	7	8	9	10	11	12
Task 46												
Phase I												
Phase II												

Task 46 stipulates that:

46. Within one hundred and eighty (180) days following entry of this Decree, the State shall develop a plan for designing and implementing the MAP including the use of the MAP, a timetable for implementation, and a specification of the information contained in State records pre-dating the implementation of the MAP that can reasonably be incorporated in the MAP. Prior to effectuating the implementation plan, the plan shall be approved by the United States and the Independent Monitor. Within 180 days following the entry of this Decree, the State shall begin conducting the supervisory and management reviews required by ¶¶48-53.

Methodology

Members of the monitoring team have assessed existing plans for development of the MAPPS and have reviewed these plans with members of the New Jersey State Police and the Office of the Attorney General. Policy supporting the MAPPS has been developed, and is currently being disseminated for comment. The state has finalized the contracting process to acquire external assistance in developing software for the MAPPS, and hardware components of the system are scheduled for delivery beginning in October. Current plans call for the MAPPS to be on-line, supporting management and supervisory systems in spring, 2001. As the MAPPS plans exist at this time, based on a review by the monitoring team, the planned system conforms to all requirements stipulated in Tasks 40 through 53 of this decree. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS is pending system design by an outside contractor and approval of the United States and the independent monitoring team.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team.

Compliance

Phase I: In Compliance
Phase II: Not In Compliance

2.24 Compliance with Task 47: Approval of MAPPS Protocols

	1	2	3	4	5	6	7	8	9	10	11	12
Task 47												
Phase I												
Phase II												

Task 47 stipulates that:

47. Consistent with the requirements of ¶¶48-53 infra, the State shall develop a protocol specifying the manner in which supervisory and management reviews of individual state troopers, and State Police units and sub-units (e.g., troops, stations, and squads), shall be conducted, and the frequency of such reviews. Prior to implementation, the protocol shall be approved by the United States and the Independent Monitor.

Methodology

Members of the monitoring team have assessed existing plans for development of the MAPPS and have reviewed these plans with members of the New Jersey State Police and the Office of the Attorney General. Policy supporting the MAPPS has been developed, and is currently being disseminated for comment. The state has finalized the contracting process to acquire external assistance in developing software for the MAPPS, and hardware components of the system are scheduled for delivery beginning in October. Current plans call for the MAPPS to be on-line, supporting management and supervisory systems in spring, 2001. As the MAPPS plans exist at this time, based on a review by the monitoring team, the planned system conforms to all requirements stipulated in Tasks 40 through 53 of this decree. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. The United States has not approved the current MAPPS policy (due to its recent submission). Final capabilities of the MAPPS is pending system design by an outside contractor and approval of the United States and the independent monitoring team.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPs capabilities by the United States and the independent monitoring team.

Compliance

Phase I: Not In Compliance
 Phase II: Not In Compliance

2.25 Compliance with Task 48: Quarterly Reviews Using MAPPs

	1	2	3	4	5	6	7	8	9	10	11	12
Task 48												
Phase I												
Phase II												

Task 48 stipulates that:

48. At least quarterly, State Police supervisors shall conduct reviews and analyses of data obtained from the MAP and other appropriate sources to ensure that individual troopers and State Police units and sub-units are performing their duties in accord with the provisions of this Decree and associated protocols.

Methodology

Members of the monitoring team have assessed existing plans for development of the MAPPs and have reviewed these plans with members of the New Jersey State Police and the Office of the Attorney General. Policy supporting the MAPPs has been developed, and is currently being disseminated for comment. The state has finalized the contracting process to acquire external assistance in developing software for the MAPPs, and hardware components of the system are scheduled for delivery beginning in October. Current plans call for the MAPPs to be on-line, supporting management and supervisory systems in spring, 2001. As the MAPPs plans exist at this time, based on a review by the monitoring team, the planned system conforms to all requirements stipulated in Tasks 40 through 53 of this decree. As individual components of the MAPPs process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPs is pending system design by an outside contractor and approval of the United States and the independent monitoring team.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.26 Compliance with Task 49: Preparation of Routine MAPPS Reports

	1	2	3	4	5	6	7	8	9	10	11	12
Task 49												
Phase I												
Phase II												

Task 49 stipulates that:

49. To the extent reflected in ¶43, reports of MAP data shall regularly be prepared regarding individual troopers, stations and squads, for use in reviews as appropriate. The reports shall include the following information:

- a. the number of motor vehicle stops, by race/ethnicity, reason for the stop (i.e., moving violation, non moving violation, other), road, squad, and trooper station; and the number of enforcement actions and procedures taken in connection with or during the course of a motor vehicle stop, by race/ethnicity, reason for the stop (i.e., moving violation, non- moving violation, other), road, squad and trooper station;**
- b. data (including racial/ethnic data) on complaints, misconduct investigations (for each type of investigation, as delineated in ¶73), discipline, intervention, and uses of force associated with motor vehicle stops.**

Methodology

Members of the monitoring team have assessed existing plans for development of the MAPPS and have reviewed these plans with members of the New Jersey State Police and the Office of the Attorney General. Policy supporting the MAPPS has been developed, and is currently being disseminated for comment. The state has finalized the contracting process to acquire external assistance in developing software for the MAPPS, and hardware components of the system are scheduled for delivery beginning in October. Current plans call for the MAPPS to be on-line, supporting management and supervisory systems in spring, 2001. As the MAPPS plans exist at

this time, based on a review by the monitoring team, the planned system conforms to all requirements stipulated in Tasks 40 through 53 of this decree. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS is pending system design by an outside contractor and approval of the United States and the independent monitoring team.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.27 Compliance with Task 50: Data Comparisons

	1	2	3	4	5	6	7	8	9	10	11	12
Task 50												
Phase I												
Phase II												

Task 50 stipulates that:

50. To the extent reflected in ¶43, analyses of MAP data concerning motor vehicle stops shall include a comparison of racial/ethnic percentages of motor vehicle stops (by reason for the stop (i.e., moving violation, non moving violation, other)) and racial/ethnic percentages of enforcement actions and procedures taken in connection with or during the course of such stops, with a benchmark racial/ethnic percentage if available (see ¶¶54-55); a comparison of racial/ethnic percentages for such stops with the racial/ethnic percentages for enforcement actions taken in connection with or the during the course of such stops; a comparison of racial/ethnic percentages for consent searches of vehicles, and requests for consent to search vehicles, with "find" rates by race/ethnicity for motor vehicle consent searches; a comparison of racial/ethnic percentages for non-consensual searches of motor vehicles with "find" rates by race/ethnicity for motor vehicle non-consensual searches; evaluations of trends and differences over time; and evaluations of trends and differences between troopers, units, and sub-units.

Methodology

Members of the monitoring team have assessed existing plans for development of the MAPPS and have reviewed these plans with members of the New Jersey State Police and the Office of the Attorney General. Policy supporting the MAPPS has been developed, and is currently being disseminated for comment. The state has finalized the contracting process to acquire external assistance in developing software for the MAPPS, and hardware components of the system are scheduled for delivery beginning in October. Current plans call for the MAPPS to be on-line, supporting management and supervisory systems in spring, 2001. As the MAPPS plans exist at this time, based on a review by the monitoring team, the planned system conforms to all requirements stipulated in Tasks 40 through 53 of this decree. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS is pending system design by an outside contractor and approval of the United States and the independent monitoring team.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.28 Compliance with Task 51: Evaluations of Trendlines and Comparisons Using MAPPS Data

	1	2	3	4	5	6	7	8	9	10	11	12
Task 51												
Phase I												
Phase II												

Task 51 stipulates that:

51. To the extent reflected in ¶43, analyses of other data generated by the MAP shall include evaluations of trends and differences over time and evaluations of trends and differences between troopers, units, and subunits.

Methodology

Members of the monitoring team have assessed existing plans for development of the MAPPS and have reviewed these plans with members of the New Jersey State Police and the Office of the Attorney General. Policy supporting the MAPPS has been developed, and is currently being disseminated for comment. The state has finalized the contracting process to acquire external assistance in developing software for the MAPPS, and hardware components of the system are scheduled for delivery beginning in October. Current plans call for the MAPPS to be on-line, supporting management and supervisory systems in spring, 2001. As the MAPPS plans exist at this time, based on a review by the monitoring team, the planned system conforms to all requirements stipulated in Tasks 40 through 53 of this decree. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS is pending system design by an outside contractor and approval of the United States and the independent monitoring team.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.29 Compliance with Task 52: Supervisors to Implement Necessary Changes

	1	2	3	4	5	6	7	8	9	10	11	12
Task 52												
Phase I												
Phase II												

Task 52 stipulates that:

52. Each supervisor shall, consistent with his or her authority, implement any appropriate changes or remedial measures regarding traffic enforcement criteria, training, and enforcement practices for particular units or subunits or implement any appropriate intervention for particular troopers; conduct any necessary additional assessment or investigation regarding particular units or subunits or particular troopers; and/or make any appropriate recommendations.

Methodology

Members of the monitoring team have assessed existing plans for development of the MAPPS and have reviewed these plans with members of the New Jersey State Police and the Office of the Attorney General. Policy supporting the MAPPS has been developed, and is currently being disseminated for comment. The state has finalized the contracting process to acquire external assistance in developing software for the MAPPS, and hardware components of the system are scheduled for delivery beginning in October. Current plans call for the MAPPS to be on-line, supporting management and supervisory systems in spring, 2001. As the MAPPS plans exist at this time, based on a review by the monitoring team, the planned system conforms to all requirements stipulated in Tasks 40 through 53 of this decree. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS is pending system design by an outside contractor and approval of the United States and the independent monitoring team.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team.

Compliance

Phase I: In Compliance
Phase II: Not In Compliance

2.30 Compliance with Task 53: Supervisory Review of Troopers with More than Two Misconduct Investigations in Two Years

	1	2	3	4	5	6	7	8	9	10	11	12
Task 53												
Phase I												
Phase II												

Task 53 stipulates that:

53. A supervisory review shall be conducted regarding any state trooper who within a period of two years, is the subject of three misconduct investigations of any kind initiated pursuant to ¶ 73. Where appropriate, the review may result in intervention being taken. In the event the supervisory review results in

intervention, the supervisor shall document the nature, frequency, and duration of the intervention.

Methodology

Members of the monitoring team have assessed existing plans for development of the MAPPS and have reviewed these plans with members of the New Jersey State Police and the Office of the Attorney General. Policy supporting the MAPPS has been developed, and is currently being disseminated for comment. The state has finalized the contracting process to acquire external assistance in developing software for the MAPPS, and hardware components of the system are scheduled for delivery beginning in October. Current plans call for the MAPPS to be on-line, supporting management and supervisory systems in spring, 2001. As the MAPPS plans exist at this time, based on a review by the monitoring team, the planned system conforms to all requirements stipulated in Tasks 40 through 53 of this decree. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS is pending system design by an outside contractor and approval of the United States and the independent monitoring team.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.31 Compliance with Task 54: Drivers Survey of the New Jersey Turnpike

	1	2	3	4	5	6	7	8	9	10	11	12
Task 54												
Phase I												
Phase II												

Task 54 stipulates that:

54. To assist in evaluating data reported from the MAP concerning State Police law enforcement on the New Jersey Turnpike, the State shall develop (for purposes of implementing this Decree) a protocol for conducting a survey of a sample of persons and vehicles traveling on the New Jersey Turnpike to determine the racial/ethnic percentage of drivers on the

Turnpike. As appropriate, the survey may identify different benchmark figures for different portions of the Turnpike. Prior to implementation, the protocol shall be approved by the Independent Monitor and the United States. The protocol shall be developed and implemented using a consultant jointly selected by the parties. The survey shall be completed within one hundred fifty (150) days of the entry of this Decree. Both the United States and the State agree that the utility and fairness of the MAP described in this Consent Decree will depend to some degree on the development of accurate and reliable benchmarks that account for all appropriate variables and factors.

Methodology

Members of the monitoring team have reviewed both the plans for and the draft report of the survey of drivers and passengers on the New Jersey Turnpike. The document is methodologically sound, and is of utility in determining the race, ethnicity and gender of persons traveling the New Jersey Turnpike at specific locations and at specific times. The state is in compliance with the task requirement to conduct the survey.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.32 Compliance with Task 57: Troopers to Provide Name and Badge Number

	1	2	3	4	5	6	7	8	9	10	11	12
Task 57												
Phase I												
Phase II												

Task 57 stipulates that:

57. The State Police shall require all state troopers to provide their name and identification number to any civilian who requests it.

Methodology

Members of the monitoring team have reviewed New Jersey State Police "Rules and Regulations," issued in September, 1999, which at page 10, section nine states: Upon request, while acting in an official capacity, a member's name, badge number and assignment shall be given to any person entitled to this information." The rule does not identify who is "entitled" to the information. Members of the monitoring team also reviewed training sign-in sheets for consent decree training to ensure that at least 95 percent of all New Jersey State Police personnel attended the required training, which also covered this topic. Training provided relative to this issue, and reviewed departmental disciplinary records for indications that the agency has implemented this provision.

Status

The issue of provision of name and badge number was covered by training provided to all New Jersey State Police personnel at the training academy, relating to the consent decree and its provisions, and New Jersey State Police records indicate that personnel have been disciplined recently for failure to provide this information upon request.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.33 Compliance with Task 58: State to Inform Civilians re Complaints/Compliments

	1	2	3	4	5	6	7	8	9	10	11	12
Task 58												
Phase I												
Phase II												

Task 58 stipulates that:

58. The State Police shall develop and implement an effective program to inform civilians that they may make complaints or provide other feedback regarding the performance of any state trooper. This program shall, at a minimum, include the development of informational materials (fact sheets and informational posters) describing the complaint process and the development and distribution of civilian complaint forms. The State Police shall make such materials available in English and Spanish.

Methodology

Members of the monitoring team have reviewed New Jersey State Police compliment/complaint forms, informational posters and brochures, and the policies covering their use, promulgated in SOP B9, "Compliments and Complaints Notices,"

Status

The compliment/complaint forms developed by the state are reasonably designed to accomplish the purpose of Task 58, are available in English and Spanish, and have, apparently been printed in numbers large enough to have been distributed to road stations, carried in patrol vehicles and to have been made available at the entry vestibule to road stations. A member of the team fluent in Spanish has reviewed the Spanish language form, and found it to be an effective translation, portraying virtually the same concepts as the English version.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.34 Compliance with Task 59: Availability of Complaint/Compliment Forms

	1	2	3	4	5	6	7	8	9	10	11	12
Task 59												
Phase I												
Phase II												

Task 59 stipulates that:

59. The State shall make complaint forms and informational materials available at State Police headquarters, all State Police stations, and such other locations around New Jersey as it may determine from time to time. The State shall publicize the State Police mailing address, internet address, and toll-free telephone number at state-operated rest stops located on limited access highways. The State Police also shall provide information on the internet about the methods by which civilians may file a complaint. The State Police further shall require all state troopers to carry fact sheets and complaint forms in their vehicles at all times while on duty. The State Police shall require all troopers to inform civilians who object to a trooper's conduct that civilians have a right to make a complaint. The State Police shall prohibit state troopers from discouraging any civilian from making a complaint.

Methodology

During the first site visit (September 11-15, 2000) members of the monitoring team visited several sites operated by the New Jersey State Police, including state police headquarters, the state police training academy, one state police road station, a state police communications center, and the Freehold offices of the Office of Professional Standards. In addition, members of the study team visited three rest stops on limited access highways in the state (northbound Garden State Parkway at exit 141, the Edison service area of the New Jersey Turnpike, southbound, and the Molly Pitcher service area of the New Jersey Turnpike). Members of the monitoring team also reviewed the state police web site, recently revised to meet the requirements of Task 59.

Status

Compliment and complaint forms and informational materials were available at all state police facilities visited by the members of the monitoring team, and both English and Spanish forms were provided. None of the rest areas/service areas, however, had the notice of compliment/complaint procedures posted. The state police web site conforms to the requirements of this task. While the state has developed policy/intent to conform with Task 59, a mechanism is necessary to continue to comply at state facilities, while placing--and keeping--the announcements at rest-service areas on limited access highways.

Compliance

Phase I: In Compliance
Phase II: Not In Compliance

2.35 Compliance with Task 60: Community Outreach

	1	2	3	4	5	6	7	8	9	10	11	12
Task 60												
Phase I												
Phase II												

Task 60 stipulates that:

60. The State Police shall develop a program of community outreach to inform the public about State Police functions and procedures, including motor vehicle stops, searches and seizures,

and the methods for reporting civilian complaints or compliments regarding officers. This outreach program is not intended, and should not be construed, to require the State Police to disclose operational techniques to the public.

Methodology

Members of the monitoring team have reviewed the text of public service announcements created by the state outlining state police functions and procedures, and have reviewed the state police internet site for responsiveness to this task. In addition, members of the monitoring team have reviewed airing schedules for PSAs, and assessed the reasonableness of these PSAs in terms of responsiveness to this task.

Status

The state appears to have taken a reasonable approach to informing citizens regarding the state police complaint/compliment procedures. The state police internet site clearly deals with the issues involved with complaint filing and investigation procedures. The PSAs developed by the state air reasonably frequently. A review of airtime reports indicate that in March 2000, 2,142 radio announcements were run on 37 radio stations, and in April 2,393 radio announcements were run on 41 radio stations throughout New Jersey. In addition, in February, 2000, the Superintendent of the New Jersey State Police prepared and distributed a news release in response to this task. Members of the monitoring team, however, were unable to locate any public outreach that deals specifically with "State Police functions and procedures, including motor vehicle stops, searches and seizures," as required by Task 60.

Compliance

Phase I: Not In Compliance
 Phase II: Not In Compliance

2.36 Compliance with Task 61: Receipt of Citizens' Complaints

	1	2	3	4	5	6	7	8	9	10	11	12
Task 61												
Phase I												
Phase II												

Task 61 stipulates that:

61. Civilians may initiate a complaint or otherwise provide feedback regarding State Police performance either in person, by mail, by telephone (or TDD), or by facsimile transmission. The State Police shall accept and investigate anonymous complaints and complaints filed by civilians other than the alleged victim of misconduct. The State shall not require that a complaint be submitted in writing to initiate a misconduct investigation.

Methodology

Members of the monitoring team have reviewed the following documents regarding New Jersey State Police response to this task: the New Jersey State Police, Office of Professional Standards, Citizens' Compliment/Complaint Form, the New Jersey State Police "Ensuring Quality of Service" Brochure, Inter-Office Communications (IOC) related to this task, and the New Jersey State Police "Rules and Regulations," Article 2, Sec. 1. In addition, members of the monitoring team reviewed portions of the Office of Professional Standards "hotline" recordings and "hotline" log. Members of the monitoring team also reviewed the New Jersey State Police "Internal Investigation Manual," dated November, 1999.

Status

Adequate policy guidance exists to ensure that complaints are received in conformance with Task 61. Training for Office of Professional Standards investigators has not been implemented, pending final revision to the Office of Professional Standards "Internal Investigations Manual." Printed documentation developed by the state police does not note that citizens may file anonymous complaints, and does not list a facsimile telephone number that may be used to file complaints or compliments, although the internet site does list the Freehold Office of Professional Standards facsimile telephone number. Reliance on inter office communications and memoranda should be lessened upon final revision of the "Internal Investigations Manual."

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.37 Compliance with Task 62: Institution of a 24-hour Toll-Free Telephone Hotline

	1	2	3	4	5	6	7	8	9	10	11	12
Task 62												
Phase I												
Phase II												

Task 62 stipulates that:

62. The State Police shall institute a 24-hour toll-free telephone hotline for civilians to call to make a complaint or compliment or otherwise provide feedback regarding State Police performance. The hotline shall be operated by the Professional Standards Bureau (hereinafter "PSB"). The State Police shall immediately connect or refer all civilians to this hotline who telephone a State Police station to file a complaint. The State Police shall publicize the hotline telephone number on informational materials, complaint forms, and "consent to search" forms. The State Police shall tape record all conversations on this hotline and shall notify all persons calling the hotline of the tape recording. The State Police shall develop a procedure to assure that callers are being treated with appropriate courtesy and respect, that complainants are not being discouraged from making complaints, and that all necessary information about each complaint is being obtained. This procedure shall include regular reviews of the tape recordings.

Methodology

Members of the monitoring team reviewed the following policies and memoranda regarding implementation of Task 62: Inter-Office Communications regarding activation of toll-free hotline; Inter-Office Communications establishing the New Jersey State Police hotline; a memorandum outlining procedures for receiving hotline calls; and a memorandum requiring weekly hotline call reviews.

Status

The New Jersey State Police toll-free hotline has been established, and the telephone number has been publicized. The hot-line is manned Monday through Friday during normal business hours, and a recorded message can be left during other times. The hotline has both English and Spanish announcements. Taken as a whole, the policy guidance established for the New Jersey State Police citizens' complaint hotline effectively establishes a set of working guidelines for operation of the New Jersey State Police hotline. Reliance on inter-office communications, memoranda and related materials, however, eventually should be supplemented with specific mention and treatment of hotline policies in the under-revision "Internal Investigation Manual." Training in hotline operation is pending revision to the manual.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.38 Compliance with Task 63: PSB to Receive All Citizens' Complaints

	1	2	3	4	5	6	7	8	9	10	11	12
Task 63												
Phase I												
Phase II												

Task 63 stipulates that:

63. The PSB shall be responsible for receiving all misconduct complaints. All complaints made at locations other than the PSB shall be forwarded to the PSB within a reasonably prompt period as specified by the State Police. The State Police shall assign and record a case number for each complaint. The OAG shall have access to all misconduct complaints received by PSB.

Methodology

Members of the monitoring team reviewed the following documents related to the receipt, processing and investigation of citizen complaints: New Jersey State Police SOP B10, "Internal Investigations Procedures," dated March 15, 1996; and a memorandum outlining procedures for the assignment of control numbers upon receipt of a citizen's complaint.

Status

New Jersey State Police SOP B10 establishes a "register" for recording all complaints against members of the New Jersey State Police, and stipulates the information that must be recorded when a complaint is received. The policy requires reporting, "through channels, to the Internal Affairs Bureau." "Complaint" is not clearly defined in B10, and no timeline for forwarding the complaint to the Office of Professional Standards is developed. No "case number" is stipulated in B10, although it is required in a memorandum dated September 14, 2000. Reliance on inter-office communications, memoranda and related materials, however, should be supplemented with specific mention and treatment of complaint receipt, control number assignment and logging procedures in the under-revision "Internal Investigation Manual." New Jersey State Police SOP B10 is currently under revision.

Compliance

Phase I: Not In Compliance

Phase II: Not In Compliance

2.39 Compliance with Task 64: Relocation of Office of Professional Standards Offices

	1	2	3	4	5	6	7	8	9	10	11	12
Task 64												
Phase I												
Phase II												

Task 64 stipulates that:

64. The State Police shall relocate PSB offices to buildings separate from any building occupied by other State Police personnel. The PSB shall publicize the locations of its offices.

Methodology

Members of the monitoring team conducted a site visit of the Freehold Office of Professional Standards offices during the on-site visit conducted during the week of September 11, 2000. The Office of Professional Standards offices in Freehold, New Jersey were assessed for compliance with Task 64 during this site visit. In addition, members of the monitoring team reviewed documentation developed by the New Jersey State Police regarding its Office of Professional Standards processes for reference to the Freehold offices of the Office of Professional Standards. The team also reviewed the New Jersey State Police web site for reference to or advertisement of the location and function of the Freehold offices of the Office of Professional Standards.

Status

The Freehold offices of the New Jersey State Police Office of Professional Standards are located in a professional mall, separate from any building occupied by any other state police offices. Although other State of New Jersey offices are co-located in this mall, members of the monitoring team found the Office of Professional Standards offices in Freehold to be free from any associated state police offices or activities. The parking lot did not give evidence of an unusual number of unmarked police vehicles. The members of the monitoring team could find no direct reference to the Freehold location in any of the official "publicity" documents developed by the state police. Further, the state police web site does not identify the location of the Freehold offices.

Compliance

Phase I: Not In Compliance
Phase II: Not In Compliance

2.40 Compliance with Task 65: Referral to OAG of Specific Dismissed Charges

	1	2	3	4	5	6	7	8	9	10	11	12
Task 65												
Phase I												
Phase II												

Task 65 stipulates that:

65. The State Police shall refer to the OAG and/or PSB for investigation of state trooper performance all incidents in which a civilian is charged by a state trooper with obstruction of official business, resisting arrest, assault on a state trooper, or disorderly conduct, where the prosecutor's office or a judge dismisses the charge before or during trial and the dismissal is not part of the plea agreement.

Methodology

Members of the monitoring team reviewed the policy directives from the attorney general which take their language directly from Task 65 of the consent decree. In addition, members of the monitoring team reviewed a memorandum requiring Office of Professional Standards to assess all notices filed in response to the attorney general's directive.

Status

The directive requires local prosecutors, who work for the Attorney General of the State of New Jersey, to report to Division of Criminal Justice any instance in which a judge dismisses a charge filed by a state trooper for obstruction of official business, resisting arrest, assault on a state trooper, or disorderly conduct, "and the dismissal is not part of a plea agreement." The date of the directive did not allow sufficient time for notice prior to the monitoring team's September 11-15, 2000 site visit; however, during the December 2000 site visit, members of the monitoring team will sample and assess notice given under this directive. According to the memorandum requiring Office of Professional Standards personnel to assess all notices filed, decisions not to investigate a dismissal based on a plea bargain agreement, as

identified in Task 65, “will be reached jointly with authorized personnel, Office of Professional Standards.” During future site visits, members of the monitoring team will assess each of these decisions for compliance to the standards articulated in this task.

Compliance

Phase I: In Compliance
 Phase II: Unable to Monitor

2.41 Compliance with Task 66: Notice to Office of State Police Affairs of Pending Civil Actions

	1	2	3	4	5	6	7	8	9	10	11	12
Task 66												
Phase I												
Phase II												

Task 66 stipulates that:

66. The State shall notify the OAG whenever a person files a civil claim against the State alleging misconduct by a state trooper or other employee of the State Police. The OAG shall notify the PSB of such civil claims.

Methodology

Members of the monitoring team reviewed a memorandum confirming an agreement to provide to the Office of State Police Affairs a monthly docket sheet notifying the office of all civil litigation in which the “Division of State Police and/or enlisted members of the state police are named as defendants.”

Status

The memorandum mentioned above requires notice to the Director, Office of State Police Affairs, in conformance with the requirements of Task 66. No notices of civil action were reviewed during the first quarterly site visit. During the second quarterly site visit, a complete review of notices of pending civil action from the Division of Law will be reviewed.

Compliance

Phase I: In Compliance
 Phase II: Unable to Monitor

2.42 Compliance with task 67: Notice of Criminal Involvement of Members

	1	2	3	4	5	6	7	8	9	10	11	12
Task 67												
Phase I												
Phase II												

Task 67 stipulates that:

67. The State shall make reasonable efforts to implement a method by which it will be notified of a finding in criminal proceeding of a constitutional violation or misconduct by a state trooper.

Methodology

Members of the monitoring team have reviewed a memorandum which memorializes an agreement to notify the Office of State Police Affairs in the advent of allegations of misconduct and/or constitutional violations on the part of state police personnel (on or off duty). The notice is to be provided in cases in which state police law enforcement personnel have engaged in activity resulting in suppression of evidence, dismissal of charges, downgrading or less favorable plea offer by the prosecutor based on the anticipation of suppression of evidence.

Status

The memorandum places the state in Phase I compliance with the requirements of Task 67. During the site visit for the first quarter, no notices of constitutional violation or trooper misconduct were reviewed. A full review of these notices will be conducted during the second quarterly review.

Compliance

Phase I: In Compliance
 Phase II: Unable to Monitor

2.43 Compliance with Task 68: Notice of Adverse Involvement

	1	2	3	4	5	6	7	8	9	10	11	12
Task 68												
Phase I												
Phase II												

Task 68 stipulates that:

68. The State Police shall require all state troopers promptly to notify the State Police of the following: the trooper is arrested or criminally charged for any conduct; the trooper is named as a party in any civil suit involving his or her conduct while on duty (or otherwise while acting in an official capacity); or the trooper is named as a party in any civil suit regarding off-duty conduct (while not acting in an official capacity) that alleges racial bias, physical violence, or threats of physical violence by the trooper. State troopers shall report this information either directly to the PSB or to a supervisor who shall report the information to the PSB. The PSB shall notify the OAG of PSB's receipt of this information.

Methodology

Members of the monitoring team reviewed an Inter-Office Communication delineating disciplinary procedures, and reviewed New Jersey State Police "Rules and Regulations" Article XI, Section 1.

Status

The Inter-Office Communication stipulates, at section B.1-3, that New Jersey State Police law enforcement personnel must report, through the chain of command, arrests, criminal charges, civil filings regarding off-duty conduct (while not acting in an official capacity) that alleges racial bias, physical violence, or threats of physical violence by the trooper. Given the date of the memorandum, one week prior to the monitoring team's visit, no notices of adverse involvement were pulled for review. A full review of this task will be conducted during the second site visit, scheduled for December, 2000.

Compliance

Phase I: In Compliance

Phase II: Unable to Monitor

2.44 Compliance with Task 69: Duty to Report Misconduct

	1	2	3	4	5	6	7	8	9	10	11	12
Task 69												
Phase I												
Phase II												

Task 69 stipulates that:

69. The State Police shall require state troopers to report, based on personal knowledge, any conduct by other troopers, involving civilians, that reasonably appears to constitute: (a) prohibited discrimination; (b) an unreasonable use of force or a threat of force; (c) an intentional constitutional violation; (d) an intentional failure to follow any of the documentation requirements of this Decree, or (e) an intentional provision of false information in a misconduct investigation or in any report, log, or transmittal of information to the communications center. State troopers shall report such misconduct by fellow troopers either directly to the PSB or to a supervisor who shall report the allegation to the PSB. The PSB shall notify the OAG of PSB's receipt of this information.

Methodology

Members of the monitoring team reviewed Inter-Office Communications delineating disciplinary procedures, and reviewed New Jersey State Police "Rules and Regulations" Article II, Section 9, and Article V, Section 8.

Status

The Inter-Office Communication specifically delineates a responsibility for state police personnel to report "through his or her chain of command or directly to the Office of Professional Standards, when the member receives information that reasonably appears that any other member may have engaged in misconduct." The New Jersey State Police "Rules and Regulations" also provide notice of a duty to report, among other items, "misconduct" through the chain of command. While neither the Inter-Office Communication nor the "Rules and Regulations" are specific regarding the types of misconduct of interest to the decree, the general duty to report misconduct is clear. Given the date of the memorandum, one week prior to the monitoring team's visit, no notices of misconduct were pulled for review. A full review of this task will be conducted during the second site visit, scheduled for

December, 2000.

Compliance

Phase I: In Compliance
Phase II: Unable to Monitor

2.45 Compliance with Task 70: Creation of the Office of Professional Standards

	1	2	3	4	5	6	7	8	9	10	11	12
Task 70												
Phase I												
Phase II												

Task 70 stipulates that:

70. The State Police shall provide for a Professional Standards Bureau, the purpose of which shall be to protect the professional integrity of the Division of State Police and to fully, fairly and expeditiously investigate and resolve complaints and other misconduct investigations. The State shall provide the PSB sufficient staff, funds, and resources to perform the functions required by this Decree. The State shall encourage highly qualified candidates to become PSB investigators.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP B9, "Compliments and Complaints Notices," which creates the "Office of Professional Standards." The policy clearly defines the role of the Office of Professional Standards, including that of the Quality Control and Adjudication Bureau (which includes the staff inspection unit, the intake unit, and the management review unit) and the Internal Affairs Bureau (which is responsible for conducting investigations of allegations of misconduct). In addition, members of the monitoring team reviewed the "Internal Investigations Manual" and Inter-Office Communications. The "Internal Investigations Manual" is currently under revision so that it will reflect the new duties of the Office of Professional Standards. Members of the monitoring team have also reviewed the eligibility criteria for members of the Office of Professional Standards.

Status

The New Jersey State Police have established an Office of Professional Standards, which has the same duties and responsibilities as those identified in the decree for the "Professional Standards Bureau." Planned revisions to the "Internal Investigations Manual" in conjunction with the responsibilities assigned to the Office of Professional Standards meet the intent of Task 70. The eligibility criteria established for personnel assigned to the Office of Professional Standards have been approved by the monitors. Training for Office of Professional Standards personnel, relating to intake, processing, investigation, documentation and reporting of internal investigations is pending final revisions to the "Internal Investigations Manual."

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.46 Compliance with Task 71: Formal Eligibility Requirements for PSB

	1	2	3	4	5	6	7	8	9	10	11	12
Task 71												
Phase I												
Phase II												

Task 71 stipulates that:

71. The Superintendent of the State Police shall establish formal eligibility criteria for the head of the PSB and for staff who supervise or conduct internal investigations. These criteria shall apply to the incumbent PSB head and investigative staff, and all candidates for these positions, and also shall be used to monitor the performance of persons serving in these positions. The criteria shall address, inter alia, prior investigative experience and training, analytic and writing skills, interpersonal and communication skills, cultural and community sensitivity, commitment to police integrity, and previous performance as a law enforcement officer.

Methodology

Members of the monitoring team have reviewed the eligibility criteria for members of the Office of Professional Standards.

Status

The independent monitors have approved the formal eligibility criteria developed by the New Jersey State Police for personnel assigned to the Office of Professional Standards. During the second quarterly site visit in December, 2000 a review of all Office of Professional Standards staff will be conducted to determine the level of conformance to the established selection criteria.

Compliance

Phase I: In Compliance
 Phase II: Not Monitored

2.47 Compliance with Task 72: Execution of Training for Office of Professional Standards Staff

	1	2	3	4	5	6	7	8	9	10	11	12
Task 72												
Phase I												
Phase II												

Task 72 stipulates that:

72. The State shall ensure that the PSB head and staff that supervise or conduct internal investigations receive adequate training to enable them to carry out their duties. The training shall continue to include the following: misconduct investigation techniques; interviewing skills; observation skills; report writing; criminal law and procedure; court procedures; rules of evidence; and disciplinary and administrative procedures.

Methodology

Members of the monitoring team reviewed the formal training plan for Office of Professional Standards investigators and managers, and found no routine requirement for in-service training; however, members of Office of Professional Standards do receive ad hoc training through specialized schools and conferences.

Status

Development of a formalized training plan responsive to Task 72 is pending completion of the revisions to the "Internal Investigations Manual." Routine in-

service training currently provided for investigative personnel assigned to the unit meets the topical requirements of this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.48 Compliance with Task 73: Initiation of Misconduct Investigations

	1	2	3	4	5	6	7	8	9	10	11	12
Task 73												
Phase I												
Phase II												

Task 73 stipulates that:

- 73. A misconduct investigation shall be initiated pursuant to any of the following:**
- a. the making of a complaint (as defined in ¶16);**
 - b. a referral pursuant to ¶37 or ¶65;**
 - c. the filing of a civil suit by a civilian alleging any misconduct by a state trooper while on duty (or acting in an official capacity);**
 - d. the filing of a civil suit against a state trooper for off-duty conduct (while not acting in an official capacity) that alleges racial bias, physical violence, or threat of physical violence; and**
 - e. a criminal arrest of or filing of a criminal charge against a state trooper.**

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP which creates the "Office of Professional Standards." The policy clearly defines the role of the Office of Professional Standards, including that of the Quality Control and Adjudication Bureau (which includes the staff inspection unit, the intake unit, and the management review unit) and the Internal Affairs Bureau (which is responsible for conducting investigations of allegations of misconduct). In addition, members of the monitoring team reviewed the "Internal Investigations Manual" and Inter-Office Communications regarding "Disciplinary Procedures." The "Internal Investigations Manual" is currently under revision so that it will reflect the new duties of the Office of Professional Standards. Members of the monitoring team have also reviewed the eligibility criteria for members of the Office of Professional Standards.

Status

Given the length of time between the superintendent’s memorandum regarding disciplinary procedures and the monitoring team’s site visit, no Office of Professional Standards investigations were completed using the new standards articulated for Office of Professional Standards investigations, thus no investigations were selected for review this quarter. Training for Office of Professional Standards personnel in processes related to this task are pending the completion of revisions to the “Internal Investigations Manual.”

While the agency exhibits confidence in its internal investigations process, to the point that a request was made to include a case review in the first quarterly report, insufficient time existed to develop a case sampling frame, pull a sufficient number of cases, review the cases, and have the analysis completed in time for inclusion in this report. IA case assessments will be included as part of the second monitoring report.

Compliance

Phase I: In Compliance
 Phase II: Unable to Monitor

2.49 Compliance with Task 74: Responsibility for Conducting Internal Investigations

	1	2	3	4	5	6	7	8	9	10	11	12
Task 74												
Phase I												
Phase II												

Task 74 stipulates that:

74. All misconduct investigations shall be conducted by the PSB or the OAG except as delegated to the chain-of-command supervisors. Assignment of misconduct investigations will be made as follows:

- a. The PSB or the OAG shall conduct misconduct investigations in the following circumstances:**
 - i. all complaints alleging a discriminatory motor vehicle stop; all complaints alleging an improper enforcement action or procedure in connection with or during the course of a motor vehicle stop; and all complaints alleging excessive force in connection with any motor vehicle stop;**
 - ii. all complaints relating to any motor vehicle stop where a**

State Police supervisor either was at the incident scene when the alleged misconduct occurred or was involved in planning the State Police action whose implementation led to the complaint;
iii. any misconduct investigation undertaken pursuant to any event identified in subparagraphs (b) through (e) of ¶73; and
iv. any other category of misconduct complaints or any individual misconduct complaint that the OAG and/or State Police determines should be investigated by PSB or OAG.
The State Police may continue to assign misconduct investigations not undertaken by the OAG or PSB to the chain-of-command supervisors.
b. The PSB and the OAG shall review all misconduct complaints as they are received to determine whether they meet the criteria (set forth in subparagraph (a) above) for being investigated by the PSB, the OAG or being delegated to a chain-of-command supervisor. Nothing in this decree is intended to affect the allocation of misconduct investigations between the PSB and the OAG.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP which creates the "Office of Professional Standards." The policy clearly defines the role of the Office of Professional Standards, including that of the Quality Control and Adjudication Bureau (which includes the staff inspection unit, the intake unit, and the management review unit) and the Internal Affairs Bureau (which is responsible for conducting investigations of allegations of misconduct). In addition, members of the monitoring team reviewed the "Internal Investigations Manual" and Inter-Office Communications regarding "Disciplinary Procedures." The "Internal Investigations Manual" is currently under revision so that it will reflect the new duties of the Office of Professional Standards. Members of the monitoring team have also reviewed the eligibility criteria for members of the Office of Professional Standards.

Status

Available documentation relating to investigative responsibilities is not currently specifically facilitative of this task, in that it does not specifically identify which investigations will be conducted by Office of Professional Standards or Office of the Attorney General. Although existing documentation does call for thorough and complete investigations, members of the monitoring team could find no direct language that identifies responsibility for the investigation of complaints arising from alleged discriminatory motor vehicle stops, complaints alleging an improper enforcement action or procedure in connection with or during the course of a motor vehicle stop; and all complaints alleging excessive force in connection with any motor vehicle stop. Nor could members of the monitoring team find specific language covering the role of Office of Professional Standards in screening cases, as

required by this task, for assignment to Office of Professional Standards or the chain-of-command supervisor.

Given the length of time between the superintendent’s memorandum regarding disciplinary procedures and the monitoring team’s site visit, no Office of Professional Standards investigations were completed using the new standards articulated for Office of Professional Standards investigations, thus no investigations were selected for review this quarter. Training for Office of Professional Standards personnel in processes related to this task are pending the completion of revisions to the “Internal Investigations Manual.”

While the agency exhibits confidence in its internal investigations process, to the point that a request was made to include a case review in the first quarterly report, insufficient time existed to develop a case sampling frame, pull a sufficient number of cases, review the cases, and have the analysis completed in time for inclusion in this report. IA cases assessments will be included as part of the second monitoring report.

Compliance

Phase I: Not In Compliance
 Phase II: Unable to Monitor

2.50 Compliance with Task 75: Prohibition of Conflict of Interest in Investigations

	1	2	3	4	5	6	7	8	9	10	11	12
Task 75												
Phase I												
Phase II												

Task 75 stipulates that:

75. The State shall prohibit any state trooper who has a conflict of interest related to a pending misconduct investigation from participating in any way in the conduct or review of that investigation.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP which creates the “Office of Professional Standards.” The policy clearly defines the role of the Office of Professional Standards, including that of the Quality Control and

Adjudication Bureau (which includes the staff inspection unit, the intake unit, and the management review unit) and the Internal Affairs Bureau (which is responsible for conducting investigations of allegations of misconduct). In addition, members of the monitoring team reviewed the "Internal Investigations Manual" and Inter-Office Communications regarding "Disciplinary Procedures." The "Internal Investigations Manual" is currently under revision so that it will reflect the new duties of the Office of Professional Standards. Members of the monitoring team have also reviewed the eligibility criteria for members of the Office of Professional Standards.

Status

The "conduct of investigations" section of the Inter-Office Communication from the superintendent regarding disciplinary procedures specifically precludes investigators with a conflict of interest from participating in any way in the conduct or review of the investigation. This places the agency in Phase I compliance with this task.

Given the length of time between the superintendent's memorandum regarding disciplinary procedures and the monitoring team's site visit, no Office of Professional Standards investigations were completed using the new standards articulated for Office of Professional Standards investigations, thus no investigations were selected for review this quarter to assess further levels of compliance with this task. Training for Office of Professional Standards personnel in processes related to this task are pending the completion of revisions to the "Internal Investigations Manual."

While the agency exhibits confidence in its internal investigations process, to the point that a request was made to include a case review in the first quarterly report, insufficient time existed to develop a case sampling frame, pull a sufficient number of cases, review the cases, and have the analysis completed in time for inclusion in this report. IA cases assessments will be included as part of the second monitoring report.

Compliance

- Phase I: In Compliance
- Phase II: Unable to Monitor

2.51 Compliance with Task 76: Prohibition of Group Interviews

	1	2	3	4	5	6	7	8	9	10	11	12
Task 76												
Phase I												
Phase II												

Task 76 stipulates that:

76. All written or recorded interviews shall be maintained as part of the investigative file. The State shall not conduct group interviews and shall not accept a written statement from any state trooper in lieu of an interview.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP which creates the "Office of Professional Standards." The policy clearly defines the role of the Office of Professional Standards, including that of the Quality Control and Adjudication Bureau (which includes the staff inspection unit, the intake unit, and the management review unit) and the Internal Affairs Bureau (which is responsible for conducting investigations of allegations of misconduct). In addition, members of the monitoring team reviewed the "Internal Investigations Manual" and Inter-Office Communications regarding "Disciplinary Procedures." The "Internal Investigations Manual" is currently under revision so that it will reflect the new duties of the Office of Professional Standards. Members of the monitoring team have also reviewed the eligibility criteria for members of the Office of Professional Standards.

Status

Paragraph C.4 of the Inter-Office Communication regarding disciplinary procedures precludes the use of group interviews in an internal investigation. This places the agency in Phase I compliance with this task.

Given the length of time between the superintendent's memorandum regarding disciplinary procedures and the monitoring team's site visit, no Office of Professional Standards investigations were completed using the new standards articulated for Office of Professional Standards investigations, thus no investigations were selected for review this quarter. Training for Office of Professional Standards personnel in processes related to this task are pending the completion of revisions to the "Internal Investigations Manual."

Compliance

Phase I: In Compliance
Phase II: Unable to Monitor

2.52 Compliance with Task 77: Alternative Locations for Interviews

	1	2	3	4	5	6	7	8	9	10	11	12
Task 77												
Phase I												
Phase II												

Task 77 stipulates that:

77. The State shall arrange a convenient time and place, including by telephone (or TDD), to interview civilians for misconduct investigations. The State Police shall reasonably accommodate civilians' circumstances to facilitate the progress of an investigation. This may include holding an interview at a location other than a State office or at a time other than regular business hours.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP which creates the "Office of Professional Standards." The policy clearly defines the role of the Office of Professional Standards, including that of the Quality Control and Adjudication Bureau (which includes the staff inspection unit, the intake unit, and the management review unit) and the Internal Affairs Bureau (which is responsible for conducting investigations of allegations of misconduct). In addition, members of the monitoring team reviewed the "Internal Investigations Manual" and Inter-Office Communications regarding "Disciplinary Procedures." The "Internal Investigations Manual" is currently under revision so that it will reflect the new duties of the Office of Professional Standards. Members of the monitoring team have also reviewed the eligibility criteria for members of the Office of Professional Standards.

Status

Paragraph C.1 of the Inter-Office Communication regarding disciplinary procedures requires the state police to arrange for a convenient time and place, including by telephone or TDD, to conduct civilian interviews in an internal investigation. This places the agency in Phase I compliance with this task.

Given the length of time between the superintendent's memorandum regarding disciplinary procedures and the monitoring team's site visit, no Office of Professional Standards investigations were completed using the new standards articulated for Office of Professional Standards investigations, thus no investigations were selected for review this quarter. Training for Office of Professional Standards personnel in processes related to this task are pending the completion of revisions to the

“Internal Investigations Manual.”

Compliance

Phase I: In Compliance
Phase II: Unable to Monitor

2.53 Compliance with Task 78: Investigation of Collateral Misconduct

	1	2	3	4	5	6	7	8	9	10	11	12
Task 78												
Phase I												
Phase II												

Task 78 stipulates that:

78. In conducting misconduct investigations, the State shall assess the propriety of all state trooper conduct during the incident in which the alleged misconduct occurred. If during the course of an investigation the investigator has reason to believe that misconduct occurred other than that alleged, and that potential misconduct is one of the types identified in ¶69, the investigator also shall investigate the additional potential misconduct to its logical conclusion.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP B9, “Compliments and Complaints Notices,” dated May 24, 2000, which creates the “Office of Professional Standards.” The policy clearly defines the role of the Office of Professional Standards, including that of the Quality Control and Adjudication Bureau (which includes the staff inspection unit, the intake unit, and the management review unit) and the Internal Affairs Bureau (which is responsible for conducting investigations of allegations of misconduct). In addition, members of the monitoring team reviewed the “Internal Investigations Manual” and Inter-Office Communications relating to disciplinary procedures. The “Internal Investigations Manual” is currently under revision so that it will reflect the new duties of the Office of Professional Standards. Members of the monitoring team have also reviewed the eligibility criteria for members of the Office of Professional Standards.

Status

Paragraph E.1 of the Inter-Office Communication from the superintendent regarding disciplinary procedures requires investigation of collateral misconduct noted in an internal investigation. This places the agency in Phase I compliance with this task.

Given the length of time between the superintendent’s memorandum regarding disciplinary procedures and the monitoring team’s site visit, no Office of Professional Standards investigations were completed using the new standards articulated for Office of Professional Standards investigations, thus no investigations were selected for review this quarter. Training for Office of Professional Standards personnel in processes related to this task are pending the completion of revisions to the “Internal Investigations Manual.”

Compliance

Phase I: In Compliance
 Phase II: Unable to Monitor

2.54 Compliance with Task 80: Revision of the “Internal Investigations Manual”

	1	2	3	4	5	6	7	8	9	10	11	12
Task 80												
Phase I												
Phase II												

Task 80 stipulates that:

80. The State shall update its manual for conducting misconduct investigations to assure that it is consistent with the recommendations contained in the Final Report and the requirements of this Decree.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP which creates the “Office of Professional Standards.” The policy clearly defines the role of the Office of Professional Standards, including that of the Quality Control and Adjudication Bureau (which includes the staff inspection unit, the intake unit, and the management review unit) and the Internal Affairs Bureau (which is responsible for conducting investigations of allegations of misconduct). In addition, members of the monitoring team reviewed the “Internal Investigations Manual” and Inter-Office

Communications regarding "Disciplinary Procedures." The "Internal Investigations Manual" is currently under revision so that it will reflect the new duties of the Office of Professional Standards. Members of the monitoring team have also reviewed the eligibility criteria for members of the Office of Professional Standards.

Status

The "Internal Investigations Manual" is currently under revision to reflect existing practice.

Compliance

Phase I: Not In Compliance
 Phase II: Not In Compliance

2.55 Compliance with Task 81: Preponderance of the Evidence Standard for Internal Investigations

	1	2	3	4	5	6	7	8	9	10	11	12
Task 81												
Phase I												
Phase II												

Task 81 stipulates that:

81. The State shall make findings based on a "preponderance of the evidence" standard.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP which creates the "Office of Professional Standards." The policy clearly defines the role of the Office of Professional Standards, including that of the Quality Control and Adjudication Bureau (which includes the staff inspection unit, the intake unit, and the management review unit) and the Internal Affairs Bureau (which is responsible for conducting investigations of allegations of misconduct). In addition, members of the monitoring team reviewed the "Internal Investigations Manual" and Inter-Office Communications regarding "Disciplinary Procedures." The "Internal Investigations Manual" is currently under revision so that it will reflect the new duties of the Office of Professional Standards. Members of the monitoring team have also reviewed the eligibility criteria for members of the Office of Professional Standards.

Status

Paragraph E.9 of the Inter-Office Communication regarding disciplinary procedures requires an investigative standard of “preponderance of the evidence” in an internal investigation. This places the agency in Phase I compliance with this task.

Given the length of time between the superintendent’s memorandum regarding disciplinary procedures and the monitoring team’s site visit, no Office of Professional Standards investigations were completed using the new standards articulated for Office of Professional Standards investigations, thus no investigations were selected for review this quarter. Training for Office of Professional Standards personnel in processes related to this task are pending the completion of revisions to the “Internal Investigations Manual.”

Compliance

Phase I: In Compliance
Phase II: Unable to Monitor

2.56 Compliance with Task 82: MVR Tape Review in Internal Investigations

	1	2	3	4	5	6	7	8	9	10	11	12
Task 82	Blue											
Phase I	Light Blue											
Phase II	White											

Task 82 stipulates that:

82. If the incident that is the subject of the misconduct investigation was recorded on an MVR tape, that tape shall be reviewed as part of the misconduct investigation.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP which creates the “Office of Professional Standards.” The policy clearly defines the role of the Office of Professional Standards, including that of the Quality Control and Adjudication Bureau (which includes the staff inspection unit, the intake unit, and the management review unit) and the Internal Affairs Bureau (which is responsible for conducting investigations of allegations of misconduct). In addition, members of

the monitoring team reviewed the "Internal Investigations Manual" and Inter-Office Communications regarding "Disciplinary Procedures." The "Internal Investigations Manual" is currently under revision so that it will reflect the new duties of the Office of Professional Standards. Members of the monitoring team have also reviewed the eligibility criteria for members of the Office of Professional Standards.

Status

Paragraph E.2-3 of the Inter-Office Communication regarding disciplinary procedures requires review and inclusion of an MVR tape in an internal investigation of a complaint, if the actions which serve as the basis of the complaint were recorded. This places the agency in Phase I compliance with this task.

Given the length of time between the superintendent's memorandum regarding disciplinary procedures and the monitoring team's site visit, no Office of Professional Standards investigations were completed using the new standards articulated for Office of Professional Standards investigations, thus no investigations were selected for review this quarter. Training for Office of Professional Standards personnel in processes related to this task are pending the completion of revisions to the "Internal Investigations Manual."

Compliance

Phase I: In Compliance
 Phase II: Unable to Monitor

2.57 Compliance with Task 83: State to Consider Circumstantial Evidence in Internal Investigations

	1	2	3	4	5	6	7	8	9	10	11	12
Task 83												
Phase I												
Phase II												

Task 83 stipulates that:

83. In each misconduct investigation, the State shall consider circumstantial evidence, as appropriate, and make credibility determinations, if feasible. There shall be no automatic preference for a state trooper's statement over a civilian's statement. Similarly, there shall be no automatic judgment that there is insufficient information to make a credibility determination where the only or principal information about an incident is the conflicting statements of the involved trooper and

civilian.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP which creates the "Office of Professional Standards." The policy clearly defines the role of the Office of Professional Standards, including that of the Quality Control and Adjudication Bureau (which includes the staff inspection unit, the intake unit, and the management review unit) and the Internal Affairs Bureau (which is responsible for conducting investigations of allegations of misconduct). In addition, members of the monitoring team reviewed the "Internal Investigations Manual" and Inter-Office Communications regarding "Disciplinary Procedures." The "Internal Investigations Manual" is currently under revision so that it will reflect the new duties of the Office of Professional Standards. Members of the monitoring team have also reviewed the eligibility criteria for members of the Office of Professional Standards.

Status

Paragraph E.6 of the Inter-Office Communication regarding disciplinary procedures requires the consideration of circumstantial evidence in an internal investigation of a complaint. This places the agency in Phase I compliance with this task.

Given the length of time between the superintendent's memorandum regarding disciplinary procedures and the monitoring team's site visit, no Office of Professional Standards investigations were completed using the new standards articulated for Office of Professional Standards investigations, thus no investigations were selected for review this quarter. Training for Office of Professional Standards personnel in processes related to this task are pending the completion of revisions to the "Internal Investigations Manual."

Compliance

Phase I: In Compliance
Phase II: Unable to Monitor

2.58 Compliance with Task 84: Required Case Dispositions in Internal Investigations

	1	2	3	4	5	6	7	8	9	10	11	12
Task 84	Blue											
Phase I	Light Blue											
Phase II	White											

Task 84 stipulates that:

- 84. The State shall continue to resolve each allegation in a misconduct investigation by making one of the following dispositions:**
- a. "Substantiated," where a preponderance of the evidence shows that a state trooper violated State Police rules, regulations, protocols, standard operating procedures, directives or training;**
 - b. "Unfounded," where a preponderance of the evidence shows that the alleged misconduct did not occur;**
 - c. "Exonerated," where a preponderance of the evidence shows that the alleged conduct did occur but did not violate State Police rules, regulations, operating procedures, directives or training; and**
 - d. "Insufficient evidence" (formerly "unsubstantiated"), where there is insufficient evidence to decide whether the alleged misconduct occurred.**

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP which creates the "Office of Professional Standards." The policy clearly defines the role of the Office of Professional Standards, including that of the Quality Control and Adjudication Bureau (which includes the staff inspection unit, the intake unit, and the management review unit) and the Internal Affairs Bureau (which is responsible for conducting investigations of allegations of misconduct). In addition, members of the monitoring team reviewed the "Internal Investigations Manual" and Inter-Office Communications regarding "Disciplinary Procedures." The "Internal Investigations Manual" is currently under revision so that it will reflect the new duties of the Office of Professional Standards. Members of the monitoring team have also reviewed the eligibility criteria for members of the Office of Professional Standards.

Status

Paragraph F.1-4 of the Inter-Office Communication regarding disciplinary procedures requires the use of the stipulated dispositions in an internal investigation of a complaint. This places the agency in Phase I compliance with this task.

Given the length of time between the superintendent's memorandum regarding disciplinary procedures and the monitoring team's site visit, no Office of Professional Standards investigations were completed using the new standards articulated for Office of Professional Standards investigations, thus no investigations were selected for review this quarter. Training for Office of Professional Standards personnel in processes related to this task are pending the completion of revisions to the

“Internal Investigations Manual.”

Compliance

Phase I: In Compliance
Phase II: Unable to Monitor

2.59 Compliance with Task 85: No Closure upon Withdrawal of Complaint

	1	2	3	4	5	6	7	8	9	10	11	12
Task 85												
Phase I												
Phase II												

Task 85 stipulates that:

85. The State shall not close any misconduct investigation without rendering one of the dispositions identified above. Withdrawal of a complaint or unavailability of the complainant or the victim of the alleged misconduct to make a statement shall not be a basis for closing an investigation without further attempt at investigation. The State shall investigate such matters to the extent reasonably possible to determine whether or not the allegations can be corroborated.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP which creates the “Office of Professional Standards.” The policy clearly defines the role of the Office of Professional Standards, including that of the Quality Control and Adjudication Bureau (which includes the staff inspection unit, the intake unit, and the management review unit) and the Internal Affairs Bureau (which is responsible for conducting investigations of allegations of misconduct). In addition, members of the monitoring team reviewed the “Internal Investigations Manual” and Inter-Office Communications regarding “Disciplinary Procedures.” The “Internal Investigations Manual” is currently under revision so that it will reflect the new duties of the Office of Professional Standards. Members of the monitoring team have also reviewed the eligibility criteria for members of the Office of Professional Standards.

Status

Paragraph E.8 of the Inter-Office Communication regarding disciplinary procedures requires the completion of an internal investigation of a complaint, even if the

complaint is withdrawn. This places the agency in Phase I compliance with this task.

Given the length of time between the superintendent’s memorandum regarding disciplinary procedures and the monitoring team’s site visit, no Office of Professional Standards investigations were completed using the new standards articulated for Office of Professional Standards investigations, thus no investigations were selected for review this quarter. Training for Office of Professional Standards personnel in processes related to this task are pending the completion of revisions to the “Internal Investigations Manual.”

Compliance

Phase I: In Compliance
 Phase II: Unable to Monitor

2.60 Compliance with Task 86: Development of a Final Investigative Report

	1	2	3	4	5	6	7	8	9	10	11	12
Task 86												
Phase I												
Phase II												

Task 86 stipulates that:

86. At the conclusion of each misconduct investigation, the individual responsible for the investigation shall issue a report on the investigation, which shall be made a part of the investigation file. The report shall include a description of the alleged misconduct and any other misconduct issues identified during the course of the investigation; a summary and analysis of all relevant evidence gathered during the investigation; and findings and analysis supporting the findings.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP which creates the “Office of Professional Standards.” The policy clearly defines the role of the Office of Professional Standards, including that of the Quality Control and Adjudication Bureau (which includes the staff inspection unit, the intake unit, and the management review unit) and the Internal Affairs Bureau (which is responsible for conducting investigations of allegations of misconduct). In addition, members of the monitoring team reviewed the “Internal Investigations Manual” and Inter-Office Communications regarding “Disciplinary Procedures.” The “Internal Investigations

Manual” is currently under revision so that it will reflect the new duties of the Office of Professional Standards. Members of the monitoring team have also reviewed the eligibility criteria for members of the Office of Professional Standards.

Status

The New Jersey State Police “Internal Investigations Manual,” pp. 19ff., outlines the final report format for completed internal investigations. In addition, the superintendent’s Inter-Office Communication regarding disciplinary procedures updates the available dispositions for internal investigations. This places the agency in Phase I compliance with this task.

Given the length of time between the superintendent’s memorandum regarding disciplinary procedures and the monitoring team’s site visit, no Office of Professional Standards investigations were completed using the new standards articulated for Office of Professional Standards investigations, thus no investigations were selected for review this quarter. Training for Office of Professional Standards personnel in processes related to this task are pending the completion of revisions to the “Internal Investigations Manual.”

Compliance

Phase I: In Compliance
 Phase II: Unable to Monitor

2.61 Compliance with Task 87: State to Attempt to Complete Investigations within 45 Days

	1	2	3	4	5	6	7	8	9	10	11	12
Task 87												
Phase I												
Phase II												

Task 87 stipulates that:

87. The State Police shall continue to attempt to complete misconduct investigations within forty-five (45) days after assignment to an investigator.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP which creates the "Office of Professional Standards." The policy clearly defines the role of the Office of Professional Standards, including that of the Quality Control and Adjudication Bureau (which includes the staff inspection unit, the intake unit, and the management review unit) and the Internal Affairs Bureau (which is responsible for conducting investigations of allegations of misconduct). In addition, members of the monitoring team reviewed the "Internal Investigations Manual" and Inter-Office Communications regarding "Disciplinary Procedures." The "Internal Investigations Manual" is currently under revision so that it will reflect the new duties of the Office of Professional Standards. Members of the monitoring team have also reviewed the eligibility criteria for members of the Office of Professional Standards.

Status

The New Jersey State Police "Internal Investigations Manual," p. 19 at E.1, stipulates that internal investigations should be completed in 45 days "whenever possible." This places the agency in Phase I compliance with this task. The parties have agreed that the state will continue to attempt completion of internal investigations within 45 days, but will be held to a monitoring standard of 120 days, with a provision that highly scrutinized exemptions may be allowed for cases which conform to a carefully crafted set of circumstances which may call for an additional 60 day time period.

Given the length of time between the superintendent's memorandum regarding disciplinary procedures and the monitoring team's site visit, no Office of Professional Standards investigations were completed using the new standards articulated for Office of Professional Standards investigations, thus no investigations were selected for review this quarter. Training for Office of Professional Standards personnel in processes related to this task are pending the completion of revisions to the "Internal Investigations Manual."

Compliance

Phase I: In Compliance
 Phase II: Unable to Monitor

2.62 Compliance with Task 88: Imposition of Appropriate Discipline upon Sustained Complaint

	1	2	3	4	5	6	7	8	9	10	11	12
Task 88												
Phase I												
Phase II												

Task 88 stipulates that:

88. The State Police shall discipline any state trooper who is the subject of a substantiated misconduct adjudication or disposition regarding: (a) prohibited discrimination; (b) an unreasonable use of force or a threat of force; (c) an intentional constitutional violation; (d) an intentional failure to follow any of the documentation requirements of this Decree, (e) an intentional provision of false information in a misconduct investigation or in any report, log, or transmittal of information to the communications center; or (f) a failure to comply with the requirement of ¶169 to report misconduct by another trooper.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP which creates the "Office of Professional Standards." The policy clearly defines the role of the Office of Professional Standards, including that of the Quality Control and Adjudication Bureau (which includes the staff inspection unit, the intake unit, and the management review unit) and the Internal Affairs Bureau (which is responsible for conducting investigations of allegations of misconduct). In addition, members of the monitoring team reviewed the "Internal Investigations Manual" and Inter-Office Communications regarding "Disciplinary Procedures." The "Internal Investigations Manual" is currently under revision so that it will reflect the new duties of the Office of Professional Standards. Members of the monitoring team have also reviewed the eligibility criteria for members of the Office of Professional Standards. Members of the monitoring team have also reviewed New Jersey State Police "Rules and Regulations" for directives relative to this task.

Status

New Jersey State Police disciplinary actions are covered in the agency's "Rules and Regulations", at Article II, Sections 1-10. While these regulations leave discretionary decision authority to the superintendent, nothing in those regulations prohibit the agency from being responsive to this task. The monitoring team will assess disciplinary decisions, on future site visits, for conformance to this task.

Given the length of time between the superintendent's memorandum regarding disciplinary procedures and the monitoring team's site visit, no Office of Professional Standards investigations were completed using the new standards articulated for Office of Professional Standards investigations, thus no disciplinary actions were selected for review this quarter. The monitoring team will assess disciplinary decisions, on future site visits, for conformance to this task.

Compliance

Phase I: In Compliance
Phase II: Unable to Monitor

2.63 Compliance with Task 89: Imposition of Appropriate Discipline upon Finding of Guilt or Liability

	1	2	3	4	5	6	7	8	9	10	11	12
Task 89												
Phase I												
Phase II												

Task 89 stipulates that:

89. The State Police shall initiate disciplinary proceedings against any state trooper who is found guilty or who enters a plea in a criminal case regarding on-duty conduct; any state trooper found civilly liable for misconduct of the type identified in ¶88 committed on duty or whose misconduct of the type identified in ¶88 is the basis for the State being found civilly liable; and any state trooper who is found by a judge in a criminal case to have committed an intentional constitutional violation. The State Police shall discipline any state trooper who is determined to have committed the misconduct set forth in this paragraph.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP which creates the "Office of Professional Standards." The policy clearly defines the role of the Office of Professional Standards, including that of the Quality Control and Adjudication Bureau (which includes the staff inspection unit, the intake unit, and the management review unit) and the Internal Affairs Bureau (which is responsible for conducting investigations of allegations of misconduct). In addition, members of the monitoring team reviewed the "Internal Investigations Manual" and Inter-Office Communications regarding "Disciplinary Procedures." The "Internal Investigations Manual" is currently under revision so that it will reflect the new duties of the Office of Professional Standards. Members of the monitoring team have also reviewed the eligibility criteria for members of the Office of Professional Standards. Members of the monitoring team have also reviewed New Jersey State Police "Rules and Regulations" for directives relative to this task.

Status

New Jersey State Police disciplinary actions are covered in the agency’s “Rules and Regulations”, at Article II, Sections 1-10. While these regulations leave discretionary decision authority to the superintendent, nothing in those regulations prohibit the agency from being responsive to this task. The monitoring team will assess disciplinary decisions, on future site visits, for conformance to this task.

Given the length of time between the superintendent’s memorandum regarding disciplinary procedures and the monitoring team’s site visit, no Office of Professional Standards investigations were completed using the new standards articulated for Office of Professional Standards investigations, thus no disciplinary actions were selected for review this quarter. The monitoring team will assess disciplinary decisions, on future site visits, for conformance to this task.

Compliance

Phase I: In Compliance
 Phase II: Unable to Monitor

2.64 Compliance with Task 90: Imposition of Appropriate Discipline in Consultation with MAPPS

	1	2	3	4	5	6	7	8	9	10	11	12
Task 90												
Phase I												
Phase II												

Task 90 stipulates that:

90. In deciding the appropriate discipline or intervention for each state trooper who is the subject of a "substantiated" adjudication or disposition in a misconduct investigation and each trooper who is to be disciplined pursuant to ¶89, the State shall consider the nature and scope of the misconduct and the information in the MAP. In all instances where the State substantiates a misconduct allegation regarding matters identified in ¶88 or disciplines a trooper pursuant to ¶89, it shall also require that intervention be instituted (except where the discipline is termination). Where a misconduct allegation is not substantiated, the State shall consider the information in the investigation file and in the MAP to determine whether intervention should be instituted.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP which creates the "Office of Professional Standards." The policy clearly defines the role of the Office of Professional Standards, including that of the Quality Control and Adjudication Bureau (which includes the staff inspection unit, the intake unit, and the management review unit) and the Internal Affairs Bureau (which is responsible for conducting investigations of allegations of misconduct). In addition, members of the monitoring team reviewed the "Internal Investigations Manual" and Inter-Office Communications regarding "Disciplinary Procedures." The "Internal Investigations Manual" is currently under revision so that it will reflect the new duties of the Office of Professional Standards. Members of the monitoring team have also reviewed the eligibility criteria for members of the Office of Professional Standards. Members of the monitoring team have also reviewed New Jersey State Police "Rules and Regulations" for directives relative to this task.

Status

New Jersey State Police disciplinary actions are covered in the agency's "Rules and Regulations", at Article II, Sections 1-10. While these regulations leave discretionary decision authority to the superintendent, nothing in those regulations prohibit the agency from being responsive to this task. The MAPPS computer support program for disciplinary decisions is in the planning states, and is expected to come on-line in the spring of 2001. The monitoring team will assess disciplinary decisions, on future site visits, for conformance to this task.

Compliance

Phase I: In Compliance
Phase II: Not In Compliance

2.65 Compliance with Task 91: Tracking of Open Office of Professional Standards Cases

	1	2	3	4	5	6	7	8	9	10	11	12
Task 91												
Phase I												
Phase II												

Task 91 stipulates that:

91. The PSB shall track all open misconduct investigations to ensure that investigations are completed in a timely fashion. Within one hundred twenty (120) days following entry of this Decree, the State shall develop a plan for designing and implementing a computerized tracking system (including a timetable for implementation).

Methodology

Members of the monitoring team have reviewed New Jersey State Police plans for implementation of an automated system for managing the Office of Professional Standards. These plans are based on bringing on-board an outside vendor to design, create and install an automated system for case management. The vendor has been selected, and based on current plans, a system should be delivered by December, 2000. Members of the independent monitoring team have not been provided with formal system development plans for this software system, and thus have not reviewed the final plan as of this site visit.

Status

The contract for Office Professional Standards software systems has been let, which places the agency in Phase I compliance with this task, and specific tasks identified in the contract call for development of a system which will be responsive to this task, allowing OPS to track open misconduct investigations. The contract, at this time, constitutes the state's plan for design and implementation of the system. This plan will be updated by systems specifications developed by the contractor. System design and implementation are pending.

Compliance

Phase I: In Compliance
Phase II: Not In Compliance

2.66 Compliance with Task 92: Inform the Complainant upon Resolution of Investigations

	1	2	3	4	5	6	7	8	9	10	11	12
Task 92												
Phase I												
Phase II												

Task 92 stipulates that:

92. After a misconduct complaint is finally resolved by the State Police, the State Police shall inform the complainant of the resolution in writing, including the investigation's significant dates, general allegations, and disposition, including whether discipline was imposed.

Methodology

Members of the monitoring team have reviewed New Jersey State Police SOP which creates the "Office of Professional Standards." The policy clearly defines the role of the Office of Professional Standards, including that of the Quality Control and Adjudication Bureau (which includes the staff inspection unit, the intake unit, and the management review unit) and the Internal Affairs Bureau (which is responsible for conducting investigations of allegations of misconduct). In addition, members of the monitoring team reviewed the "Internal Investigations Manual" and Inter-Office Communications regarding "Disciplinary Procedures." The "Internal Investigations Manual" is currently under revision so that it will reflect the new duties of the Office of Professional Standards. Members of the monitoring team have also reviewed the eligibility criteria for members of the Office of Professional Standards. Members of the monitoring team have also reviewed New Jersey State Police "Rules and Regulations" for directives relative to this task. In addition, members of the monitoring team reviewed a memorandum regarding notification to complainants upon resolution of internal investigations.

Status

The memorandum regarding notification to complainants upon resolution of internal investigations places the agency in Phase I compliance with this task. A review of mail-merge secondary files maintained by the agency indicates that letters normally forwarded to complainants upon resolution of their complaints do not include all of the requirements stipulated by this task. This finding is based on the review of the secondary files and actual letters sent to complainants, which do not include significant dates and notice of disposition in all cases.

Compliance

Phase I: In Compliance
Phase II: Not In Compliance

2.67 Training Assessment

The following sections of this report deal with the process of training, as delineated in the consent decree, sections 93-109. Paragraph 130 establishes a 180 day timeline for conformance with all training requirements stipulated in the decree. Based on the experience of the independent monitoring team, development of substantive, well-planned training is a long-term process, often requiring 12-18 months for completion. A six-month assessment phase is essential for identifying needs, assessing alternative methods to meet those needs, and developing preliminary plans. Curriculum development (including in-house development and acquisition of consultant-based and externally provided training) generally requires at least six months. Moving 2,700 personnel through virtually any training process that requires the training of all personnel would generally require a minimum of six months, and often longer, depending on the existing workload of the agency and the level at which personnel can be diverted from their primary duties for assignment to the classroom for training.

The New Jersey State Police have responded with alacrity in developing the training processes which they currently have on-board. The methodology they have used in developing this training reflects state-of-the-art in the field, and their commitment to “doing the job right” is exceptional. To do an excellent job often takes much longer that simply meeting the letter of requirements articulated for training. To its credit, the agency has decided upon a commitment to excellence in its training processes. In some cases, this has caused a delay in compliance, but will eventually, once compliance is attained, result in better trained law enforcement personnel. While the reader will note a substantial number of “not in compliance” assessments in the training section of this report, this is due in no way to a resistance or reluctance on the part of the agency to comply. It is due to the painstaking, thorough and professional manner in which the academy is planning and implementing training which, as members of the academy staff note, will carry the agency into the next phase of its history.

Members of the independent monitoring team are supportive of the academy staff in their efforts to “do the right thing,” even as it may slow their attaining compliance with the decree. Based on the academy staff’s efforts and focus, when compliance does come, it is likely to far exceed the requirements of the decree, both in letter and spirit.

2.68 Compliance with Task 93: Development and Evaluation of Quality of Training Programs

	1	2	3	4	5	6	7	8	9	10	11	12
Task 93												
Phase I												
Phase II												

Task 93 stipulates that:

93. The New Jersey State Police shall continue to: oversee and ensure the quality of all training of state troopers; continue to develop and implement the State Police Academy curriculum for training State Police recruits, and provide training for academy instructors; select and train state trooper coaches in coordination with and assistance from State Police supervisors; approve and supervise all post-Academy training for state troopers, and develop and implement all post-Academy training conducted by the State Police; provide training for State Police instructors who provide post-Academy training; and establish procedures for evaluating all training (which shall include an evaluation of instructional content, the quality of instruction, and the implementation by state troopers of the practices and procedures being taught).

Methodology

Members of the monitoring team have reviewed the following documents and processes relating to this task:

- The 80-hour instructor training curriculum;
- The agenda and the certificate of completion for the 40-hour course provided by the Royal Canadian Mounted Police for the Academy instructors;
- The New Jersey State Police Trooper Coach Program Plan;
- The New Jersey State Police Recruit Training Curriculum; and
- Observation of a Trooper Coach Planning Committee meeting.

Status

There is no master training plan at this time. The present director of the Training Academy was appointed to this position in January 2000, just after the consent decree was signed. During the ensuing nine months, he and his staff have been, in addition to their normal training schedule, developing and delivering training related specifically to the consent decree. Since January, the staff has accomplished the following tasks:

- Developed and delivered training on the key elements of the consent decree to all New Jersey State Police personnel in 45 sessions of Phase two training;
- Revised the recruit curriculum to include lesson plans and training materials that incorporate consent decree requirements;

- Retrained the academy instructors in adult-based learning techniques by contracting with the Royal Canadian Mounted Police to provide a 40-hour course at the academy;
- Developed a trooper coach program;
- Developed a recruit orientation program that is delivered to each recruit class several weeks prior to their reporting to the academy;
- Developed a remedial training program for troopers receiving attitude/demeanor complaints;
- Revised the training process by implementing adult-based learning techniques into the training curricula. These techniques include:
 - Scenario-based training
 - Critical thinking and problem solving techniques both individually and in small groups
 - Power Point presentations
 - Video scenarios used as teaching aides

The status of the various training elements is described below.

Train the Trainers Plan:

An in-depth review of the 80-hour instructor training course is included in Task 99-0-34

Coach Development Plan:

The Trooper Coach Program Manual has been completed and appears to meet the standards expected of a modern field-training program.

In-Service Training Plan:

The Academic committee meets quarterly to address in-service training needs for the agency. The director of the academy chairs the committee and the membership includes representatives from all sections and troops. The committee works together to identify and prioritize training needs annually. Trainers come from the area of expertise identified as a training need and must also have completed the 80-hour instructor training provided by the Academy.

Presently, eight hours of in-service training is mandated annually. Two hours of this relates to domestic violence, and the remainder is discretionary. Within specialty areas there are mandatory requirements but these are handled at the section level.

Evaluation Plan:

There is no comprehensive evaluation plan at this time.

The agency is in Phase I compliance with all aspects of this task except the requirement that the agency “establish procedures for evaluating all training (which shall include an evaluation of instructional content, the quality of instruction, and the implementation by state troopers of the practices and procedures being taught).” While the agency is in compliance with two of the three required components, a process to assess “the implementation by state troopers of the practices and procedures being taught” has yet to be devised.

Compliance

Phase I: Not In Compliance
Phase II: Not In Compliance

2.69 Compliance with 97: Encourage Superior Troopers to Apply for Academy

	1	2	3	4	5	6	7	8	9	10	11	12
Task 97												
Phase I												
Phase II												

Task 97 stipulates that:

97. The State shall continue to encourage superior troopers to apply for Academy, post-Academy, and trooper coach training positions.

Methodology

Members of the monitoring team reviewed the state’s tentative plans for encouraging superior troopers to apply for positions in the training program.

Status

The state has developed a specific and formalized selection process for transfer and promotion of personnel to academy positions. Based on a review of the quality of instruction delivered at the academy, it is clear that superior personnel are being

selected into service at the academy.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.70 Compliance with 98: Formal Eligibility Criteria for Training Personnel

	1	2	3	4	5	6	7	8	9	10	11	12
Task 98												
Phase I												
Phase II												

Task 98 stipulates that:

98. The State shall establish formal eligibility and selection criteria for all Academy, post-Academy, and trooper coach training positions. These criteria shall apply to all incumbent troopers in these training positions and to all candidates for these training positions, and also shall be used to monitor the performance of persons serving in these positions. The criteria shall address, inter alia, knowledge of State Police policies and procedures, interpersonal and communication skills, cultural and community sensitivity, teaching aptitude, performance as a law enforcement trooper, experience as a trainer, post-Academy training received, specialized knowledge, and commitment to police integrity.

Methodology

Members of the monitoring team reviewed the eligibility criteria for Academy and Post-Academy trainers and for trooper coach applicants. In addition, a member of the Independent Monitor's team observed a meeting of the Trooper Coach Planning Committee on September 14, 2000.

Status:

Academy Trainers

Academy staff have developed criteria and have written a policy

regarding selection of academy trainers. All candidates submit resumes and 250-word essays describing their educational philosophy and training methodologies. All candidates are interviewed by a selection committee and evaluated by using a collective scoring system.

The academy presently has 55 applicants and they hope to fill 18-20 new slots. At this time, no one has been hired because the positions are pending approval.

Trooper Coach

The trooper coach selection criteria are included in section three of the program manual, and have been reviewed and approved by the independent monitors.

The initial announcement regarding application for consideration to the trooper coach program is scheduled for release on Friday, September 16th.

The curriculum for the trooper coach program has not been developed.

The Academy staff, in an effort to improve the field training process, debriefed last recruit class (118th class) after they completed their time with their coaches. The class was debriefed them about the strengths and deficiencies they noted in the trooper coach program. Based upon their findings, both the recruit class and the trooper coach program have undergone major revisions.

Activities for recruit and in-service training personnel for Phase I compliance are complete. Completion of the Phase I and Phase II compliance processes are pending implementation of the next trooper coach cohort, in March, 2001. Members of the monitoring team will assess incumbent and newly assigned academy personnel for compliance to this task on future site visits.

Compliance

Phase I:	In Compliance
Phase II:	Not Monitored

2.71 Compliance with Task 99: Training for Academy Instructors

	1	2	3	4	5	6	7	8	9	10	11	12
Task 99												
Phase I												
Phase II												

Task 99 stipulates that:

99. The State Police shall ensure that all troopers serving as an Academy or post-Academy instructor, or as a trooper coach, receive adequate training to enable them to carry out their duties, including training in adult learning skills, leadership, teaching, and evaluation. All training instructors and trooper coaches shall be required to maintain, and demonstrate on a regular basis, a high level of competence. The State shall document all training instructors' and trooper coaches' proficiency and provide additional training to maintain proficiency.

Methodology

A member of the Independent Monitor’s team reviewed the curriculum for the 80-hour Instructor Training Course to be completed by all New Jersey State Police instructors. Instructor proficiency records were not reviewed on this visit, but will receive a full review during the second site visit.

Status:

Academy/post-Academy Instructors

The New Jersey State Police has an 80-hour Instructor’s Training Course. Course requirements include:

- Completing ten blocks of academic instruction;
- Passing a final examination on content areas that counts as 40% of the grade;
- Making five presentations of increasing lengths to the class; and
- A final 40-minute presentation on a topic that the instructor will be called upon to teach in the field. This presentation represents 50% of the participant’s grade.

In reviewing the schedule and the lesson plans for this course, members of the monitoring team noted the following salient points:

- Leadership is an area of instruction required for this task in the consent decree

- and it is not included in the training;
- "Student presentations and examinations are administered at the staff's discretion," is a statement listed on page three of the course outline under the topic heading "Course Schedule" and appears to be contradictory to the requirements for passing the course;
 - Instructional time for the various topics amounts to 14.5 hours;
 - In-class reading time allowed to students totals 2.5 hours;
 - In-class presentation preparation time allowed to students totals 12.5 hours; and
 - In-class presentation time by students is 23.2 hours.

Participants are involved in 14.5 hours of instructional time and 19.1 hours of presenting, or observing others present completed work (19.1 hours to include the 10, 15, & 40-minute presentations). This amounts to 33.6 hours of the 80-hour course.

Though there is a statement that, "Peer and instructor evaluations will follow each student presentation," the time allotted for some presentations does not allow for critiques. For example, 500 minutes is allocated for the 40-minute presentations. 12.5 students could each make a 40-minute presentation without time for any critiques. The class size is defined in the catalog description as limited to 16-20 students.

There is no indication that students are required to utilize PowerPoint in their presentations even though one block of training is on this topic, and instructors are required to use PowerPoint in the training they provide at the Academy. In addition, there are no instructional blocks on small group work or critical thinking and problem-solving tools, though both of these are critical pieces of adult-learning skills.

There is one textbook assigned for the class, plus articles from professional journals assigned by instructors at their discretion. The textbook is *The Art of Public Speaking* by Stephen Lucas. This is the third edition, 1989, published by Random House.

Trooper Coach

No training materials have been developed at this time. This task accrues in March, 2001.

Compliance:

Phase I: Unable to Monitor
Phase II: Unable to Monitor

2.72 Compliance with 100: Training in Cultural Diversity

	1	2	3	4	5	6	7	8	9	10	11	12
Task 100												
Phase I												
Phase II												

Task 100 stipulates that:

100. The State Police shall continue to train all recruits and troopers in cultural diversity, which shall include training on interactions with persons from different racial, ethnic, and religious groups, persons of the opposite sex, persons having a different sexual orientation, and persons with disabilities; communication skills; and integrity and ethics, including the duties of truthfulness and reporting misconduct by fellow troopers, the importance of avoiding misconduct, professionalism, and the duty to follow civilian complaint procedures and to cooperate in misconduct investigations. This training shall be reinforced through mandatory annual in-service training covering these topics.

Methodology:

A member of the monitoring team reviewed a memorandum regarding diversity/customer service training, and have reviewed the cultural diversity lesson plan from the recruit training curriculum. Members of the monitoring team also reviewed the instructors’ guide “Diversity/Customer Service Training. No documentation was available regarding training in “communications skills.”

Status:

Cultural Diversity Training

The memorandum regarding diversity/customer service training identifies 50 New Jersey State troopers who attended "Diversity/Customer Service Training" provided by the New Jersey Department of Personnel Human Resource Development Institute (HRDI) between March 28, 1996 and July 13, 2000. Members of the monitoring team reviewed the HRDI instructors’ guide and found it to be responsive to the requirements of the cultural diversity components of this task.

Integrity Training

The recruit curriculum includes an 8-hour section on ethics. The lesson plan provided is in outline form and lacks the content necessary to evaluate the course fairly.

Phase I compliance status with the tasks identified in this section of the consent decree are pending development of integrity training, enhancement of the recruit and in-service training instructors' guide on ethics, and development of recruit and in-service training related to communications skills.

Compliance:

Phase I: In Compliance
 Phase II: Unable to Monitor²

2.73 Compliance with 101: Recruit and In-Service Training on Fourth Amendment Requirements

	1	2	3	4	5	6	7	8	9	10	11	12
Task 101												
Phase I												
Phase II												

Task 101 stipulates that:

101. The State Police shall continue to provide recruit and annual in-service training on Fourth Amendment requirements. In addition, the State shall provide training on the non-discrimination requirements of this Decree as part of all Academy and in-service patrol-related and drug-interdiction-related training, including training on conducting motor vehicle stops and searches and seizures. An attorney designated by the Attorney General's Office shall participate in the development and implementation of this training.

Methodology:

Members of the independent monitoring team reviewed the recruit training lesson plan for Basic Police Practice (Stopping and Approaching Motor Vehicles). In addition, members of the independent monitoring team reviewed the training curricula, policies and procedures and other supporting materials for in-service training provided in 2000 related to this requirement.

²The current cycles of in-service training have not been completed.

Status

The recruit lesson plan adequately addresses the following items related to this task:

- Non-discrimination requirements
- Motor vehicle stops
- Searches and seizures

The use of drug detection dogs and completion of the motor vehicle stop report (data required for completion by the consent decree) were not addressed in the recruit lesson plan.

The in-service lesson plans, and supporting policies and procedures, adequately covered the following topics related to this task:

- Non-discrimination requirements;
- Motor vehicle stops;
- Searches and seizures;
- Deployment of drug detection canines; and
- Completion of motor vehicle stop reports.

Attorneys from the Office of the Attorney General, Office of State Police Affairs, participated in the in-service training.

Phase I compliance for this task is pending inclusion of training in the recruit training curriculum of topics related to deployment of drug detection canines and motor vehicle stop reporting, which must be completed prior to March, 2001.

Compliance: In Service

Recruit

Phase I: In Compliance

Unable to Monitor

Phase II: In Compliance

Unable to Monitor

2.74 Compliance with 102: Training Protocols for the Trooper Coach Process

	1	2	3	4	5	6	7	8	9	10	11	12
Task 102												
Phase I												
Phase II												

Task 102 stipulates that:

102. Before the next recruit class graduates from the State Police Academy, the State Police shall adopt a protocol regarding its trooper coach program. The protocol shall address the criteria and method for selecting trooper coaches, the training provided to trooper coaches to perform their duties, the length of time that probationary troopers spend in the program, the assignment of probationary troopers to trooper coaches, the substance of the training provided by trooper coaches, and the evaluation of probationary trooper performance by trooper coaches. Prior to implementation, the protocol shall be approved by the Independent Monitor and the United States.

Methodology:

This task is not scheduled for completion until prior to the time the current recruit class, now in session at the academy, graduates from the state police academy in March of 2001. The trooper coach protocol was provided to the monitors during the week of the first site visit, September 11-15, 2000.

Compliance:

Phase I: Unable to Monitor
Phase II: Unable to Monitor

2.75 Compliance with 103: Provision of Copies of the Decree to all State Troopers

	1	2	3	4	5	6	7	8	9	10	11	12
Task 103												
Phase I												
Phase II												

Task 103 stipulates that:

103. The State Police shall as soon as practicable provide copies and explain the terms of this Decree to all state troopers and employees in order to ensure that they understand the requirements of this Decree and the necessity for strict compliance. After the State has adopted new policies and procedures in compliance with this Decree, the State shall

provide in-service training to every state trooper regarding the new policies and procedures and the relevant provisions of this Decree. The State shall incorporate training on these policies and procedures into recruit training at the State Police Academy.

Methodology:

Members of the monitoring team have reviewed the outline for training sessions developed in response to this section of the decree, and have reviewed sign-in sheets for those sessions. The sessions included an address by the superintendent and a discussion of his commitment to implementation of the decree--and changes in agency operation that go well beyond the requirements of the decree. In addition, troopers were given ample opportunity to ask questions about the decree and its impact on the agency.

Status

More than 95 percent of all state police troopers attended the training. Copies of the consent decree have been provided to all troopers.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.76 Compliance with 104: Systems Improvement Processes for Police Training

	1	2	3	4	5	6	7	8	9	10	11	12
Task 104												
Phase I												
Phase II												

Task 104 stipulates that:

104. The State shall establish systems for State Police units, sub-units, and supervisors to provide information and refer particular incidents to the Training Bureau to assist the Training Bureau in evaluating the effectiveness of training and to detect the need for new or further training.

Methodology:

A member of the Independent Monitor's team reviewed a random number of critiques completed by troopers completing phase two training. In addition, members of the monitoring team interviewed training academy personnel and Office of State Police Affairs staff regarding existing responses to the requirements of this task.

Status

There is no written training development plan at this time. Presently, input from the members of the Academic Committee (responsible for identifying in-service training needs) and the critiques completed by all troopers attending Phase two training are the means of identifying training needs. Phase two training was completed on August 30, 2000, so no new training has been developed based upon input from the critiques.

The Academic Committee meets quarterly and Director of the Training Academy chairs the meetings. The January meeting is used to identify and prioritize in-service training needs for the year, and to plan how those needs will be met.

No specific documentation from the quarterly meetings were evaluated during this site visit, thus members of the monitoring team did not evaluate the degree to which these meetings were used to assess the need for new or further training, nor the degree to which the meetings evaluate the effectiveness of existing training. That review will be conducted during the second site visit.

Compliance: In-Service

Phase I: In Compliance
 Phase II: Not Monitored

2.77 Compliance with 105: Provision of Training for Supervisors

	1	2	3	4	5	6	7	8	9	10	11	12
Task 105												
Phase I												
Phase II												

Task 105 stipulates that:

105. The State Police shall provide all supervisors with

mandatory supervisory and leadership training which (in addition to the subjects addressed in §§100 and 101) shall address effective supervisory techniques to promote police integrity and prevent misconduct. The State Police shall provide the initial training required by this paragraph within one year from entry of the Decree and thereafter shall provide supervisory training on an annual basis.

Methodology:

This task is due in December, 2000, and was not monitored during this site visit.

Compliance:

Phase I: Unable to Monitor
Phase II: Unable to Monitor

2.78 Compliance with Task 106: Training for Newly Promoted State Troopers

	1	2	3	4	5	6	7	8	9	10	11	12
Task 106												
Phase I												
Phase II												

Task 106 stipulates that:

106. The State shall design and implement post-Academy training programs for all state troopers who are advancing in rank. The State shall require troopers to successfully complete this training, to the extent practicable, before the start of the promoted trooper's service in his or her new rank, and in no event later than within six months of the promoted trooper's service in his or her new rank.

Methodology:

A member of the Independent Monitor's team reviewed the following materials:

- Leadership Dynamics lesson plan;
- Class rosters from November 1997-July 2000; and
- Police Supervision Course lesson plans(NCO);

Status

The state police academy has no written plan for the provision of training to newly promoted troopers at this time. Nor is there an official New Jersey State Police policy that articulates an intention to provide supervisory training to police supervisors before, or at least within six months of, their promotion in rank. A review of class rosters for training provided to supervisory and management personnel indicates all but 12 of 341 sergeants have received training in supervisory processes in 1999-2000. A total of 108 lieutenants and captains were provided training during the same time period. An executive management course is currently being developed in collaboration with the University of Pennsylvania School of Government, the New York State Police, and the Pennsylvania State Police and would be available for captains, majors, and lieutenant colonels from each agency. This would be an eight week course conducted over a one-year period. No testing or evaluation of training has been conducted in past classes.

Phase I compliance with this task is pending development of responsive policy regarding training for newly promoted supervisors.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.79 Compliance with Task 107: Provision of Specialized Training

Task 107 stipulates that:

107. The State shall design and implement post-Academy training programs for all state troopers who are newly assigned to a State Police troop, station, or assignment where specialized training is necessary in order to perform the assigned duties.

Methodology:

Members of the monitoring team were unable to assess this task during the first site visit, as the meaning of “where specialized training is necessary in order to perform the assigned duties” is not clear. Further refinement of the meaning of this task is necessary prior to implementation of a monitoring strategy.

2.80 Compliance with 108: Inclusion of Training Data in MAPPS Program

	1	2	3	4	5	6	7	8	9	10	11	12
Task 108												
Phase I												
Phase II												

Task 108 stipulates that:

108. The State Police shall continue to maintain records documenting all training of state troopers. As part of the MAP, the State Police will track all training information, including name of the course, date started, date completed, and training location for each member receiving training. The MAP will maintain current and historical training information.

Methodology:

Members of the monitoring team will not be able to assess compliance with this task until the final implementation plan and system design of the proposed MAPPS is developed by the contractor selected by the state.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.81 Compliance with Task 109: Establishment of a Central Repository for Training Records

	1	2	3	4	5	6	7	8	9	10	11	12
Task 109												
Phase I												
Phase II												

Task 109 stipulates that:

109. The State Police shall maintain in a central repository copies of all Academy, post-Academy and trooper coach training materials, curricula, and lesson plans.

Methodology:

Members of the monitoring team reviewed all existing files regarding training materials at the training academy. The academy serves as the central repository for copies of training-related materials specified in this task.

Status

The computerized system for training records is the central repository for all academy, post-academy and trooper coach training materials, curricula, and lesson plans. While no specific policy exists regarding entry of these materials, records are entered into the computer as they become available, and are automatically updated as each scheduled class is delivered.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.82 Compliance with Task 110: Creation of the Office of State Police Affairs

	1	2	3	4	5	6	7	8	9	10	11	12
Task 110												
Phase I												
Phase II												

Task 110 stipulates that:

110. The Attorney General of New Jersey shall create an Office of State Police Affairs ("office"). The office shall have the responsibility to ensure implementation of the terms of this Consent Decree and provide coordination with the Independent Monitor and the United States concerning the State Police and matters related to the implementation of the Consent Decree. An Assistant Attorney General shall head the office. The office's responsibilities shall include auditing the manner in which the State receives, investigates, and adjudicates misconduct allegations; auditing the State Police's use of MAP data; and auditing state trooper performance of the motor vehicle stop requirements discussed in the Consent Decree. The office also shall be responsible for providing technical assistance and training regarding these matters. The office shall have such additional responsibilities as may be assigned by the State Attorney General.

Methodology:

Members of the monitoring team have interviewed the majority of personnel assigned to the Office of State Police Affairs and have discussed with them their assigned duties, have seen samples of the work product they have created in developing the state's responses to the requirements of the decree, and have queried them regarding their understanding of their roles in developing the state's response to the decree.

Status

Based on the monitoring team's review of work product, and information obtained during the process of implementing the first site visit, it is clear to the members of the monitoring team that the state is in compliance with this task. Not all duties assigned to the Office of State Police Affairs have been completed as of the first site visit. For example, members of the Office of State Police Affairs cannot audit the use of the MAPPs program until the program is functioning. The mechanism and duty assignments, however, exist to complete the duties of the office as soon as practicable, given the implementation schedule of the state's compliance efforts.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.83 Compliance with Task 111: Audits of Motorists Subjected to Motor Vehicle Stops

	1	2	3	4	5	6	7	8	9	10	11	12
Task 111												
Phase I												
Phase II												

Task 111 stipulates that:

111. The office shall implement an auditing system for contacting a sample of persons who were the subject of motor vehicle stops and enforcement actions and procedures connected to a motor vehicle stop, to evaluate whether state troopers conducted and documented the incidents in the manner prescribed by State Police rules, regulations, procedures, and directives, and the requirements of this Decree.

Methodology:

Members of the monitoring team have reviewed the Office of State Police Affairs procedure entitled “Procedure for Contacting Motorist Subjected to Motor Vehicle Stops” and have discussed the office’s role in compliance with this task with office personnel.

Status

The office has developed and disseminated a procedure for compliance with this task, but has yet to implement same. The office is judged to be in Phase I compliance with the task.

Compliance

Phase I: In Compliance
Phase II: Not In Compliance

2.84 Compliance with Task 112: Internal Audits of Citizen Complaint Processes

	1	2	3	4	5	6	7	8	9	10	11	12
Task 112												
Phase I												
Phase II												

Task 112 stipulates that:

112. The office's audits of the receipt, investigation, and adjudication of misconduct allegations shall include audits of the tapes of the complaint/comment toll-free telephone hotline established by ¶62; the use of testers to evaluate whether complaint intake procedures are being followed; audits of audio tape and videotape interviews produced during the course of misconduct investigations; and interviews of a sample of persons who file misconduct complaints, after their complaints are finally adjudicated.

Methodology:

Members of the monitoring team have reviewed audit reports for Office of State Police Affairs personnel who have conducted internal audits of the compliment/complaint hotline. The criteria selected for audit of those tapes are included in the audit report. No policies or practice-related documentation exists for internal processes of using testers, audits of investigative audio or video tapes related to internal investigation

interviews, or interviews with samples of persons who file misconduct complaints.

Status

Phase I compliance on this task is pending the existence of policy or practice-related documentation regarding internal processes of using testers, audits of investigative audio or video tapes related to internal investigation interviews, and interviews with samples of persons who file misconduct complaints.

Compliance

Phase I: Not In Compliance
Phase II: Not In Compliance

2.85 Compliance with Task 113: Full and Unrestricted Access for the Office of State Police Affairs

	1	2	3	4	5	6	7	8	9	10	11	12
Task 113												
Phase I												
Phase II												

Task 113 stipulates that:

113. The office shall have full and unrestricted access to all State Police staff, facilities, and documents (including databases) that the office deems necessary to carry out its functions.

Methodology:

Members of the monitoring team observed the personnel from the Office of State Police Affairs during the course of the site visit during the week of September 11, 2000.

Status

Based on the team's observations, members of the Office of State Police Affairs have full and unrestricted access to all state police staff, facilities and documents.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.86 Compliance with Task 114: Publication of Semi-Annual Reports of Aggregate Traffic Stop Statistics

	1	2	3	4	5	6	7	8	9	10	11	12
Task 114												
Phase I												
Phase II												

Task 114 stipulates that:

114. The State Police shall prepare semiannual public reports that include aggregate statistics on State Police traffic enforcement activities and procedures broken down by State Police station and the race/ethnicity of the civilians involved. These aggregate statistics shall include the number of motor vehicle stops (by reason for motor vehicle stop), enforcement actions (including summonses, warnings, and arrests) and procedures (including requests for consent to search, consent searches, non-consensual searches, and uses of force) taken in connection with or during the course of such stops. The information regarding misconduct investigations shall include, on a statewide basis, the number of external, internal, and total complaints received and sustained by category of violation. The information contained in the reports shall be consistent with the status of State Police record keeping systems, including the status of the MAP computer systems. Other than expressly provided herein, this paragraph is not intended, and should not be interpreted, to confer any additional rights to information collected pursuant to this Decree.

Methodology:

The state has produced “First Semi-Annual Public Report of Aggregate Data,” in response to this provision of the decree.

Status

Members of the monitoring team have reviewed the report entitled “First Semi-Annual Public Report of Aggregate Data,” prepared by the Office of State Police Affairs, and found it to be responsive to the requirements of the decree.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.87 Compliance with Task 115: Appointment of Independent Monitor

	1	2	3	4	5	6	7	8	9	10	11	12
Task 115												
Phase I												
Phase II												

Task 115 stipulates that:

115. Within ninety (90) days after the entry of this Decree, the State and the United States shall together select an Independent Monitor who shall monitor and report on the State's implementation of this Decree. The Monitor shall be acceptable to both parties. If the parties are unable to agree on an Independent Monitor, each party shall submit two names of persons who have experience as a law enforcement officer, as a law enforcement practices expert or monitor, or as a federal, state, or county prosecutor or judge along with resumes or curricula vitae and cost proposals to the Court, and the Court shall appoint them Monitor from among the names of qualified persons submitted. The State shall bear all costs of the Monitor, subject to approval by the Court.

Methodology:

Members of the monitoring team reviewed the order from United States District Court Judge Mary L. Cooper, appointing an independent monitoring team on March 30, 2000.

Status

The state is judged to be in compliance with this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.88 Compliance with Task 118: Full and Unrestricted Access for Monitor

	1	2	3	4	5	6	7	8	9	10	11	12
Task 118												
Phase I												
Phase II												

Task 118 stipulates that:

118. The State shall provide the Monitor with full and unrestricted access to all State staff, facilities, and non-privileged documents (including databases) necessary to carry out the duties assigned to the Monitor by this Decree. In the event of an objection, the Court shall make the final determination regarding access. In any instance in which the State objects to access, it must establish that the access sought is not relevant to monitoring the implementation of the Consent Decree, or that the information requested is privileged and the interest underlying the privilege cannot be adequately addressed through the entry of a protective order. In any instance in which the State asserts that a document is privileged, it must provide the United States and the Monitor a log describing the document and the privilege asserted. Notwithstanding any claim of privilege, the documents to which the Monitor shall be provided access include: (1) all State Police documents (or portions thereof) concerning compliance with the provisions of this Decree, other than a request for legal advice; and (2) all documents (or portions thereof) prepared by the Office of the Attorney General which contain factual records, factual compilations, or factual analysis concerning compliance with the provisions of this Decree. Other than as expressly provided herein, with respect to the Independent Monitor, this paragraph is not intended, and should not be interpreted to reflect a waiver of any privilege, including those recognized at common law or created by State statute, rule or regulation, which the State may assert against any person or entity other than the Independent Monitor.

Methodology:

Members of the monitoring team were accorded full and unrestricted access while on-site with personnel from the New Jersey State Police and the Office of State Police Affairs.

Status

The state is in compliance with this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.89 Compliance with Task 120: State Police to Reopen Internal Investigations Determined to be Incomplete

	1	2	3	4	5	6	7	8	9	10	11	12
Task 120												
Phase I												
Phase II												

Task 120 stipulates that:

120. Subject to the limitations set forth in this paragraph, the State Police shall reopen for further investigation any misconduct investigation the Monitor determines to be incomplete. The Monitor shall provide written instructions for completing the investigation. The Monitor shall exercise this authority so that any directive to reopen an investigation is given within a reasonable period following the investigation's conclusion. The Monitor may not exercise this authority concerning any misconduct investigation which has been adjudicated or otherwise disposed, and the disposition has been officially communicated to the trooper who is the subject of the investigation.

Methodology:

Members of the monitoring team have reviewed a memorandum from the commander, Office Professional Standards to personnel within the office, requiring conformance with this task by members of the Office Professional Standards.

Status

The office is in Phase I compliance with this task. No cases were selected for review during the first quarter's site visit.

Compliance

Phase I: In Compliance
 Phase II: Unable to Monitor

2.90 Compliance with Task 122: State to File Routine Progress Reports

	1	2	3	4	5	6	7	8	9	10	11	12
Task 122												
Phase I												
Phase II												

Task 122 stipulates that:

122. Between ninety (90) and one hundred twenty (120) days following entry of this Consent Decree and every six months thereafter until this Consent Decree is terminated, the State shall file with the Court and the Monitor, with a copy to the United States, a status report delineating all steps taken during the reporting period to comply with each provision of this Consent Decree.

Methodology:

Members of the monitoring team have reviewed the state’s submission “Progress/Status Summary of the Consent Decree,” filed by the state in response to this task.

Status

The report submitted by the state, in the opinion of the monitor, complies with the requirements of this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.91 Compliance with Task 123: State to Maintain all Necessary Records

	1	2	3	4	5	6	7	8	9	10	11	12
Task 123												
Phase I												
Phase II												

Task 123 stipulates that:

123. During the term of this Consent Decree, the State shall maintain all records documenting its compliance with the terms of this Consent Decree and all documents required by or developed under this Consent Decree. The State shall maintain all misconduct investigation files for at least ten years from the date of the incident. The State Police shall maintain a troopers' training records and all personally-identifiable information about a trooper included in the MAP, during the trooper's employment with the State Police. Information necessary for aggregate statistical analysis shall be maintained indefinitely in the MAP for statistical purposes. MVR tapes shall be maintained for 90 days after the incidents recorded on a tape, except as follows: any MVR tape that records an incident that is the subject of an pending misconduct investigation or a civil or criminal proceeding shall be maintained at least until the misconduct investigation or the civil or criminal proceeding is finally resolved. Any MVR tape that records an incident that is the subject of a substantiated misconduct investigation, or an incident that gave rise to any finding of criminal or civil liability, shall be maintained during the employment of the troopers whose conduct is recorded on the tape.

Methodology:

Members of the monitoring team requested for review numerous documents, records, recordings and other information during the course of the team's site visit during the week of September 11, 2000.

Status

All records requested were provided by the state. In no case was the monitoring team advised that a requested record was not available.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.992 Compliance with Task 124: Unrestricted Access for the Department of Justice

	1	2	3	4	5	6	7	8	9	10	11	12
Task 124												
Phase I												
Phase II												

Task 124 stipulates that:

124. During all times while the Court maintains jurisdiction over this action, the United States shall have access to any State staff, facilities and non-privileged documents (including databases) the United States deems necessary to evaluate compliance with this Consent Decree and, within a reasonable time following a request made to the State attorney, shall, unless an objection is raised by the State, be granted such access and receive copies of documents and databases requested by the United States. In the event of an objection, the Court shall make a final determination regarding access. In any instance in which the State objects to access, it must establish that the access sought is not relevant to monitoring the implementation of the Consent Decree, or that the information requested is privileged and the interest underlying the privilege cannot be adequately addressed through the entry of a protective order. In any instance in which the State asserts that a document is privileged, it must provide the United States and the Monitor a log describing the document and the privilege asserted. Notwithstanding any claim of privilege, the documents to which the United States shall be provided access include: (1) all State Police documents (or portions thereof) concerning compliance with the provisions of this Decree, other than a request for legal advice; and (2) all documents (or portions thereof) prepared by the Office of the Attorney General which contain factual records, factual compilations, or factual analysis concerning compliance with the provisions of this Decree. Other than as expressly provided herein with respect to the United States, this paragraph is not intended, and should not be interpreted to reflect a waiver of any privilege, including those recognized at common law or created by State statute, rule or regulation, which the State may assert against any person or entity other than the United States.

Methodology:

Members of the monitoring team discussed the level of access provided by the state with Department of Justice personnel assigned to this case.

Status

The state is in compliance with this task.

Compliance

Phase I:	In Compliance
Phase II:	In Compliance

3.0 Summary

The consent decree entered into between the State of New Jersey and the United States articulates 97 tasks which accrue to the state. The New Jersey State Police and the Office of State Police Affairs have moved expeditiously to implement these tasks, and, given the complexity of affecting change in complex organizations, have made significant strides in bringing the organization into compliance with the requirements of this decree. This monitoring report monitors only those tasks accruing to the state. For example, the report does not treat tasks 29d, 55, 56, 79, 94, 95, 116, 117, 119 or 121. These tasks either accrue to the monitors or are permissive tasks, allowing the state the latitude to make change, but not requiring it. For example, task 29d allows the state to adapt new technologies as they become available; task 55 allows the state to conduct driver surveys of other limited access highways; task 56 defines the criteria for appropriate benchmarks of persons travelling on the state's highways; and task 79 allows grouping of investigations of related misconduct investigations. Tasks 94 and 95 accrue to the independent monitors. Tasks 116, 117 and 121 define the responsibilities of the independent monitors.

Similarly, the reader should be careful to note that findings of non-compliance articulated in this report do not indicate that the state is engaging in proscribed behavior restricted by the decree. A finding of non-compliance simply means that the state has not finished, as of the date of this report, all of the steps necessary to come into compliance with the given task.

Members of the monitoring team were unanimously impressed with the commitment, focus, energy and professionalism with which members of the New Jersey State Police and the Office of State Police Affairs applied themselves and their organizations to implementation of the changes required by the decree. While the agency is not in complete compliance, this is to be expected. The monitoring team knows of no agency which could have completely complied with the requirements of this decree in the period of time available between implementation of the decree and the monitoring team's first site visit. Many of the tasks required by the decree are generally considered to be multi-year tasks by those familiar with the process of systems design and development in policing.

Two groups of tasks, generally, will routinely require substantial time to complete:

- Development of automated systems to support effective supervision and staff development; and
- Development of effective and professional training models designed to deliver custom-tailored training focused on carefully identified needs.

Most automated systems delineated in the decree will require 12-18 months for development. This does not reflect on the state's responsiveness to the decree; it simply reflects the often lengthy lead times for systems development, implementation, testing, audit and completion. The same is true of training.

Based on the experience of the independent monitoring team, development of substantive, well-planned training is a long-term process, often requiring 12-18 months for completion. A six-month assessment phase is essential for identifying needs, assessing alternative methods to meet those needs, and developing preliminary plans. Curriculum development (including in-house development and acquisition of consultant-based and externally provided training) generally requires at least six months. Moving 2,700 personnel through virtually any training process that requires the training of all personnel would generally require a minimum of six months, and often longer, depending on the existing workload of the agency and the level at which personnel can be diverted from their primary duties for assignment to the classroom for training.

The New Jersey State Police and the Office of State Police Affairs have responded with alacrity in developing the training processes which they currently have on-board. The methodology they have used in developing this training reflects state-of-the-art in the field, and their commitment to "doing the job right" is exceptional. To do an excellent job often takes much longer than simply meeting the letter of requirements articulated for training. To its credit, the agency has decided upon a commitment to excellence in its training processes. In some cases, this has caused a delay in compliance, but will eventually, once compliance is attained, result in better trained law enforcement personnel. While the reader will note a substantial number of "not in compliance" assessments in the training section of this report, this is due in no way to a resistance or reluctance on the part of the agency to comply. It is due to the painstaking, thorough and professional manner in which the academy is planning and implementing training which, as members of the academy staff note, will carry the agency into the next phase of its history.

A great deal of work remains to be done; however, if the New Jersey State Police approach the remaining work with the commitment and professionalism with which they have approached this project to date, progress will be swift and performance will be excellent. To a great extent, a great deal of the "delay" in complying with the decree can be ascribed to the insistence on the part of the New Jersey State Police--its chief executive and command staff--to doing the very best job possible with the "b^^Document Error^^The state is in **Phase I compliance** with **81** of the 92 tasks which could be monitored for Phase I compliance during this reporting period. It is in **Phase II compliance** with **23** of the 56 tasks which could be monitored for Phase II compliance during this reporting period. The state is in Phase I compliance with 88 percent of the tasks that the monitoring team could monitor for Phase I compliance during this reporting period, and is in Phase II compliance with 50 percent of the

tasks that the monitoring team could monitor for Phase II compliance during this reporting period.