

## Table of Contents

<b>Topic</b>	<b>Page No.</b>
Executive Summary	v
1 Introduction	1
1.1 Overall Status Assessment	1
1.2 Format for Compliance Assessment	1
1.3 Compliance Assessment Processes	2
1.4 Flow of the Monitoring Process	4
2 Assessment of Compliance	5
2.1 Methodology	5
2.2 Compliance with Task 26: Prohibition from Using Race-Ethnicity in Decision Making	5
2.3 Compliance with Task 27: Monitor and Evaluate Implementation of the Motor Vehicle Stop Criteria	12
2.4 Compliance with Task 28: Request for Consent to Search only upon Reasonable Suspicion	14
2.5 Compliance with Task 29a: Recording Requirements for Motor Vehicle Stops	16
2.6 Compliance with Task 30: Communications Center Call-Ins	21
2.7 Compliance with Task 31: Reporting Consent to Search Requests	27
2.8 Compliance with Task 32: Recording and Reporting of Non-Consensual Searches	30
2.9 Compliance with Task 33: Recording and Reporting Deployment of Drug Detection Canines	32
2.10 Compliance with Task 34a: Use of Mobile Video Recording Equipment	33
2.11 Compliance with Task 34b-c: Training in MVR Operation and Procedures	34
2.12 Compliance with Task 35: Supervisory Review of Trooper Reports	36
2.13 Compliance with Task 36: Supervisory Review of MVR Tapes	37
2.14 Compliance with Task 37: Supervisory Referral to PSB of Observed Inappropriate Trooper Conduct	38
2.15 Compliance with Task 38: Periodic Reviews of Referral Decisions	39
2.16 Compliance with Task 39: Regular Supervisory Activity in the Field	40
2.17 Compliance with Task 40: Development of a Management Awareness and Personnel Performance System	41
2.18 Compliance with Task 41: Management Awareness and Personnel Performance System Information Components	42
2.19 Compliance with Task 42: Annual Trooper Access to MAPPS Data	43
2.20 Compliance with Task 43: Data Reporting Capacities for MAPPS	44
2.21 Compliance with Task 44: Development and Use of Common Control Numbers	45
2.22 Compliance with Task 45: Map Data Quality	46
2.23 Compliance with Task 46: Data Accuracy in MAPPS	46

2.24	Compliance with Task 47: Approval of MAPPS Protocols	47
2.25	Compliance with Task 48: Quarterly Reviews Using MAPPS	47
2.26	Compliance with Task 49: Preparation of Routine MAPPS Reports	48
2.27	Compliance with Task 50: Data Comparisons	49
2.28	Compliance with Task 51: Evaluations of Trendlines and Comparisons Using MAPPS Data	50
2.29	Compliance with Task 52: Supervisors to Implement Necessary Changes	50
2.30	Compliance with Task 53: Supervisory Review of Troopers with More than Two Misconduct Investigations in Two Years	51
2.31	Compliance with Task 54: Drivers Survey of the New Jersey Turnpike	52
2.32	Compliance with Task 57: Troopers to Provide Name and Badge Number	53
2.33	Compliance with Task 58: State to Inform Civilians re Complaints/Compliments	53
2.34	Compliance with Task 59: Availability of Complaint/Compliment Forms	54
2.35	Compliance with Task 60: Community Outreach	56
2.36	Compliance with Task 61: Receipt of Citizens' Complaints	57
2.37	Compliance with Task 62: Institution of a 24-hour Toll-Free Telephone Hotline	58
2.38	Compliance with Task 63: PSB to Receive All Citizens' Complaints	59
2.39	Compliance with Task 64: Relocation of Office of Professional Standards Offices	61
2.40	Compliance with Task 65: Referral to OAG of Specific Dismissed Charges	61
2.41	Compliance with Task 66: Notice to Office of State Police Affairs of Pending Civil Actions	63
2.42	Compliance with task 67: Notice of Criminal Involvement of Members	64
2.43	Compliance with Task 68: Notice of Adverse Involvement	65
2.44	Compliance with Task 69: Duty to Report Misconduct	66
2.45	Compliance with Task 70: Creation of the Office of Professional Standards	67
2.46	Compliance with Task 71: Formal Eligibility Requirements for PSB	69
2.47	Compliance with Task 72: Execution of Training for Office of Professional Standards Staff	70
2.48	Compliance with Task 73: Initiation of Misconduct Investigations	71
2.49	Compliance with Task 74: Responsibility for Conducting Internal Investigations	73
2.50	Compliance with Task 75: Prohibition of Conflict of Interest in Investigations	74
2.51	Compliance with Task 76: Prohibition of Group Interviews	76
2.52	Compliance with Task 77: Alternative Locations for Interviews	77
2.53	Compliance with Task 78: Investigation of Collateral Misconduct	78

2.54	Compliance with Task 80: Revision of the “Internal Investigations Manual”	79
2.55	Compliance with Task 81: Preponderance of the Evidence Standard for Internal Investigations	80
2.56	Compliance with Task 82: MVR Tape Review in Internal Investigations	81
2.57	Compliance with Task 83: State to Consider Circumstantial Evidence in Internal Investigations	82
2.58	Compliance with Task 84: Required Case Dispositions in Internal Investigations	83
2.59	Compliance with Task 85: No Closure upon Withdrawal of Complaint	84
2.60	Compliance with Task 86: Development of a Final Investigative Report	85
2.61	Compliance with Task 87: State to Attempt to Complete Investigations within 45 Days	86
2.62	Compliance with Task 88: Imposition of Appropriate Discipline upon Sustained Complaint	87
2.63	Compliance with Task 89: Imposition of Appropriate Discipline upon Finding of Guilt or Liability	88
2.64	Compliance with Task 90: Imposition of Appropriate Discipline in Consultation with MAPPS	89
2.65	Compliance with Task 91: Tracking of Open Office of Professional Standards Cases	90
2.66	Compliance with Task 92: Inform the Complainant upon Resolution of Investigations	92
2.67	Training Assessment	92
2.68	Compliance with Task 93: Development and Evaluation of Quality of Training Programs	93
2.69	Compliance with Task 97: Encourage Superior Troopers to Apply for Academy	96
2.70	Compliance with Task 98: Formal Eligibility Criteria for Training Personnel	97
2.71	Compliance with Task 99: Training for Academy Instructors	100
2.72	Compliance with Task 100: Training in Cultural Diversity	101
2.73	Compliance with Task 101: Recruit and In-Service Training on Fourth Amendment Requirements	104
2.74	Compliance with Task 102: Training Protocols for the Trooper Coach Process	105
2.75	Compliance with Task 103: Provision of Copies of the Decree to all State Troopers	108
2.76	Compliance with Task 104: Systems Improvement Processes for Police Training	109
2.77	Compliance with Task 105: Provision of Training for Supervisors	110
2.78	Compliance with Task 106: Training for Newly Promoted State Troopers	111

2.79	Compliance with Task 107: Provision of Specialized Training	112
2.80	Compliance with Task 108: Inclusion of Training Data in MAPPS Program	112
2.81	Compliance with Task 109: Establishment of a Central Repository for Training Records	114
2.82	Compliance with Task 110: Creation of the Office of State Police Affairs	114
2.83	Compliance with Task 111: Audits of Motorists Subjected to Motor Vehicle Stops	116
2.84	Compliance with Task 112: Internal Audits of Citizen Complaint Processes	117
2.85	Compliance with Task 113: Full and Unrestricted Access for the Office of State Police Affairs	118
2.86	Compliance with Task 114: Publication of Semi-Annual Reports of Aggregate Traffic Stop Statistics	118
2.87	Compliance with Task 115: Appointment of Independent Monitor	120
2.88	Compliance with Task 118: Full and Unrestricted Access for Monitor	121
2.89	Compliance with Task 120: State Police to Reopen Internal Investigations Determined to be Incomplete	122
2.90	Compliance with Task 122: State to File Routine Progress Reports	123
2.91	Compliance with Task 123: State to Maintain all Necessary Records	124
2.92	Compliance with Task 124: Unrestricted Access for the Department of Justice	125
3.0	Summary	127
Appendix A	Monitoring Forms NJSPIMF 1 and NJSPIMF 7	129

## 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 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 traveling 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.

Several significant events have occurred during the third quarter of the implementation phase of the consent decree entered into between the State of New Jersey and the United States Department of Justice. First, the first indications of a documented active supervisory presence have been noted within the field-ranks of the New Jersey State Police. On several occasions, supervisory personnel have noted, and effectively responded to trooper performance that was not in compliance with various aspects of the decree. Remedial action was taken prior to the monitoring team calling these incidents to the state's attention. Second, the state has continued to make meaningful progress in development of its MAPPS personnel system. The state has worked diligently to correct deficiencies in the scope and nature of the system, as noted by the monitoring team and the United States, and continues to move components of MAPPS to the implementation stages. Full implementation is scheduled for November, 2001.

Continued problems with video and audio recording of motor vehicle stops persist, although the state has developed new policies to deal with video and audio recordings which, by the next site visit, should have the vast majority of all traffic stop interactions of interest to the consent decree accurately recorded, in conformance with the decree.

The state continues to work on a revised procedure for internal affairs investigations, and has made progress in provision of training for all internal affairs investigators. A revised (pending promulgation) policy for supervisory review of motor vehicle stop incidents represents a marked improvement in the requirements in this area.

The state is in Phase I compliance with 89 of the 96 tasks which could be monitored for Phase I compliance during this reporting period. It is in Phase II compliance with 54 of the 86 tasks, which could be monitored for Phase II compliance during this reporting period. The state is in Phase I compliance with 93 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 63 percent of the tasks that the monitoring team could monitor for Phase II compliance during this reporting period.

## Independent Monitors' Third Draft Report Quarter Ending March, 2001

### 1 Introduction

This document represents the third of an anticipated twelve "Independent Monitors' Reports" 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 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 16, 2000 through March 15, 2001. In order to complete the report in a timely fashion, monitoring activities were accomplished during the week of February 24<sup>th</sup> through March 2, 2001.

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

This report 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:

- Selecting a random or stratified 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 monitoring team during the quarter ending March 30, 2001. The third independent monitors’ report was submitted to the court on March 27, 2001.

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<sup>1</sup>; and/or

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<sup>1</sup> For example, members of the monitoring team would not accept for review as documentation of compliance “special reports” prepared by state personnel describing their activities relating to a specific task. Instead, the monitoring team would review records created during the delivery or performance of that task.



- Electronic documents prepared by the state or components of state government during the normal course of business.

### 1.3.2 Operational Definition of Compliance

For the purposes of this monitoring process, "compliance" consists of two components: Phase I compliance and Phase II compliance. 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 assessed, 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 reporting periods 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 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 state’s successful compliance with the decree. A task that was not, or could not be monitored is represented by a hollow bar  .

### 1.3.3 Standards for “Compliance”

The monitors have developed a quantitative standard for “compliance” to be used for assessing compliance for all critical tasks stipulated by the decree which can be quantified. On tasks for which quantitative data can be collected, e.g., the number of Motor Vehicle Stop Reports (MVSRs) which conform to the requirements of the decree, a standard of greater than 94 percent compliance is used. This means that at least 95 percent of the reports reviewed conformed to the decree. This standard is widely used in social science, and is adapted for amenable tasks required for this project.

### 1.3.4 Compliance with a Hypothetical Task

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

This graphic 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).

### 1.4 Flow of the Monitoring Process

Compliance audits and monitoring processes typically consist of two phases. The first phase (which was represented by the first quarterly 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. The second phase, represented by this report and future reports, focuses on issues of operational compliance—institutionalizing change into the day-to-day operations of the agency.

## 2 Assessment of Compliance

### 2.1 Methodology

The monitors assessed the state's compliance using practices agreed upon between the parties and the monitors. "Compliance" was assessed as Phase I or Phase II (see section 1.3.2, above).

The following sections of the Third 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. The reporting period for this quarterly report deals with actions of the state to comply with the decree between December 16 and March 15, 2001.

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

Task 26	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	Blue											
Phase II	Yellow/Black Stripes											

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team

reviewed relevant policies and approved implementation of these policies as written.

During the week of February 26th, members of the independent monitoring team conducted structured on-site reviews of the operations of four New Jersey State Police Road Stations. These reviews were conducted of operations reported during the dates of November 16, 2000, through February 15, 2001, inclusive. The team conducted these reviews of the Somerville, Flemington, Allenwood and Wilburtha stations. Data from the Fort Dix stations was collected as well, although the monitoring team did not conduct an on-site assessment of that station. Data from the New Jersey State Police reporting systems indicated that there were a total of 150 stop events<sup>2</sup> (resulting in a law enforcement procedure of interest to the consent decree)<sup>3</sup> completed by personnel from these five stations during the November 16, 2000, through February 15, 2001 time period.

Members of the independent monitoring team collected and or reviewed course-of-business data on 72 of the 150 New Jersey State Police motor vehicle stop events which involved a post-stop law enforcement procedure of interest to the decree. These 72 stops involved 98 incidents of individuals being asked by the state police to exit their vehicles. They involved 59 frisks conducted by state police personnel. In addition, they involved five consent search requests,<sup>4</sup> 47 non-consensual searches, four reported applications of force, and 54 arrests. In addition, the team reviewed video recordings of 59 of these 72 selected motor vehicle stops conducted by New Jersey State Police personnel. Supporting documentation was reviewed for each of the stops assessed by the monitoring

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<sup>2</sup> An "event" is defined as a motor vehicle stop during which at least one of eight law enforcement procedures stipulated in the consent decree is performed. These procedures involve request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force. A stop event may involve interaction with multiple citizens, and may involve multiple law enforcement procedures, such as ordering an individual from a vehicle, searches, frisks, use of force, etc.

<sup>3</sup> A law enforcement procedure of interest to the decree is defined, by the decree, as request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force.

<sup>4</sup> According to state police records, only five consent requests were made during the quarter in the five stations selected for site visits between December 16, 2000 and February 15, 2001. One request was refused.

team. In addition to the review of 59 video tapes reflecting the stops selected by the monitoring team, the team also reviewed an additional 149 tapes reflecting other traffic stops conducted by personnel from the four site-visit stations. These stops were reviewed to ensure that law enforcement personnel were reporting law enforcement procedures as required by the decree. The total number of video tapes reviewed for this quarter was 208. The following paragraphs describe the monitoring team's methodology for data collection and analysis of the structured site visits. These descriptions apply to the assessment of compliance of various tasks required by the decree, and are critically important in the assessment of tasks 26 through 36.

### Data Requests

Prior to its site visits in February, the monitoring team requested of the state electronic and hard-copy data regarding state police operations. These data requests included the following electronic-format data, in addition to other non-electronic data requests:

- Electronic data for all motor vehicle stop activity for the stations selected relating to an incident in which state police personnel engaged in one of the eight articulated post-stop law enforcement procedures of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force.
- Electronic data for all trooper-initiated motor vehicle stop "communications center call-ins" for the stations selected, including time of completion of the stop and results of the stop.
- Supporting documentation for all selected law enforcement events, including patrol charts, summonses, arrest reports, consent to search reports, motor vehicle stop reports, etc. (These data were requested on-site).

Based on these data requests, the state provided 190 motor vehicle stop records (taken from the state's motor vehicle stop report entry system). These records included data on state police interaction with 190 individuals for the five stations selected for monitoring site visits during the third quarter. These data included 133 drivers and 57 passengers. The monitoring team selected 72 incidents, involving recorded law enforcement procedures of interest to the decree. Computer Assisted Dispatch System (CADS) records were also requested by the

monitors for all motor vehicle stop activity for the selected stations. CADS records provided by the state consisted of 12,277 records for the stations selected, from the dates of November 16, 2000 through February 15, 2001.

### Incident Selection

Based on the data provided by the state, the monitoring team selected specific law enforcement activities for further assessment and analysis. The methodology for selecting these law enforcement activities consisted of identifying all post-stop law enforcement procedures of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force, for each road station assessed. The types of cases selected for review by the monitoring team are depicted in Table One, below.

**Table One: Nature of Events Identified Electronically, by Type of Action**

<b>Post-Stop Law Enforcement Procedure</b>	<b>Total Number of Events</b>
Consent Request	5 <sup>5</sup>
Consent Search	4
Non-Consent Search	47
Out of Vehicle	98
Drug Canine	0
Frisk	59
Use of Force	4
Arrest	54
<b>Total</b>	<b>266</b>

These 266 activities constituted the “universe” from which the monitors selected events for review.<sup>6</sup> The 266 activities were generated by 133 incidents involving

<sup>5</sup> Five consent search requests were reported in the electronic database for the four stations, while four consent search was conducted, and one request was refused.

<sup>6</sup> Some incidents could, of course, result in multiple activities of interest to the decree, e.g., the driver could have been ordered out of the car, searched, **and** arrested, resulting in three separate “records” of activities for a single event.

190 individuals. The reviews of these activities and incidents consisted of three types:

- Events which were reviewed using reported data, i.e., motor vehicle stops which resulted in post-stop activities of interest to the decree, which were reviewed by comparing the electronic data to data included in motor vehicle stop reports and supporting documents (patrol logs, summonses, consent to search reports, etc.), referred to as Type I data;
- Events, which were reviewed using both reported data **and** by reviewing recordings of the motor vehicle stop in question, referred to as Type II data; and
- Events which were reviewed only via video recordings, referred to as Type III data.

A total of 72 events were selected (from the activities events reported electronically) for review via Type I data (records-based). A total of 59 events were selected for review via recordings of motor vehicle stops (Type II data).<sup>7</sup> A total of 208 events were selected for review via video tape. These events were selected from activities reported in the 133 stop event records, and from additional events not reported in the 133 stop event records.

In order to ensure accurate review and assessment, some of the Type I events were reviewed using video tapes recorded by in-car recording equipment. A total of 221 events were reviewed by members of the monitoring team. The distribution of events selected is depicted in Table Two, below.

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<sup>7</sup> In order to ensure that the monitors screened for events that should have been reported, but which were not, the records review protocol called for a review of three incidents before and three incidents after each of the recordings of motor vehicle stops selected for review. This allowed a probability of the monitors reviewing any event which, based on the requirements of the decree, should have resulted in a state police report, but which went unreported. Not all of the three-prior/three-post events were reviewed by members of the monitoring team. Some were not reviewed due to time constraints, others due to technical difficulties with tapes or equipment. The three-pre/three-post selection will be enhanced for the third site visit to ensure better coverage of this aspect of the data collection protocol.

**Table Two: Distribution of Monitoring Events**

Station	Type I Event	Type II Event	Type III Event	Total
Allenwood	13	3	17	33 <sup>8</sup>
Somerville	33	14	48	95 <sup>9</sup>
Wilburtha	10	5	6	21 <sup>10</sup>
Flemington	13	13	78	104 <sup>11</sup>
Ft. Dix	3	0	0	3
	72	35	149	256

All of the events selected for Type I review were selected from among the “universe” of 133 events reported electronically by the state. All of the Type II event reviews were selected from among the “universe” of 133 events reported electronically by the state. A total of 72 distinct law enforcement events were reviewed manually. Some of these events resulted in multiple law enforcement procedures, e.g., ordering the driver from the vehicle, and a consent search.

#### Type I Event Reviews

A Type I event review consisted of reviewing all available hard-copy and electronic documentation of an event. For example, an event review could consist of reviewing the motor vehicle stop report, associated records in the patrol log, a supporting consent to search report, and associated summonses or arrest records. Each post-stop event consisting of a law enforcement procedure of interest to the decree was subjected to a structured analysis using a form developed by the independent monitoring team (NJSPIMF-1-00 in Appendix A of this report). Any observed problems with the reporting process were noted and tallied using this form. These data were shared with the New Jersey State Police, and clarifications were requested and received in instances in which there was doubt about the status of an event or supporting documentation.

#### Type II Event Reviews

A Type II event review consisted of reviewing the associated video tape for a given motor vehicle stop event, and comparing the actions noted on the tape with the elements reported in the official documents related to the event. The Type II event reviews were conducted to ensure that the actions reported in the motor vehicle stop report completed by New Jersey State Police personnel were

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<sup>8</sup> Three events were selected for both Type I and Type II review.

<sup>9</sup> Thirty-two events were selected for both Type I and Type II review.

<sup>10</sup> Six events were selected for both Type I and Type II review.

<sup>11</sup> Fourteen events were selected for both Type I and Type II review.



accurate, and reflected the actions observed during the review of the video tape recording of the incident. All events selected for a Type II (video-based) review were subjected to a structured review using a form developed by the independent monitoring team (NJSPIMF-7-00, included in Appendix A of this report).

### Type III Event Reviews

In order to provide a probability that the monitors would note any events which **should** have been reported, based on the requirements of the decree, but were not reported as required, the independent monitoring team also developed a protocol that sampled the three events before and after a selected event at a road station. For example, if a motor vehicle stop incident, which occurred at 3am, were selected for review, the three events recorded prior to that, and the three events recorded after that were also eligible for review.<sup>12</sup> All events selected for a Type III (video-based) review were subjected to a structured review using a form developed by the independent monitoring team (NJSPIMF-7-00, included in Appendix A of this report).

### Generalizability of Measures

As the reader will note, 221 individual events were reviewed by the monitoring team this quarter (72 events subjected to the structured review described above, and 149 events subjected to electronic review). These 221 events included more than half of all activities of interest to the decree reported by personnel from the five stations selected for review this quarter. In addition, the review of these events allows one to draw direct conclusions about the organization's performance in these 221 events. Further, the monitoring team reviewed large samples of critical events. For example, the team reviewed the documentation on all four consent searches conducted by the agency in the five road stations selected for site visits this quarter, and reviewed the video tapes of two of the four consent searches. Thus, the team can speak with some authority regarding the quality of consent searches, and the reporting of same, for personnel assigned to the five road stations, which were subjected to review this quarter.

In addition, the team reviewed **all available** electronic data regarding other consent-decree related activity of the personnel assigned to the five stations selected for review this quarter. Assessments of the agency's performance are based on the performance of those five stations. As monitoring progresses,

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<sup>12</sup> Not every law enforcement procedure reviewed by the independent monitoring team was subjected to this protocol during this quarter's site visit.

obviously, additional road stations will be added to the listing of those reviewed by the monitoring team.

Status

No changes to relevant policies were made since last quarter’s site visit. The agency remains in Phase I compliance.

No additional training regarding this task has been provided to the agency since the monitoring team’s last site visit. 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 pending.

None of the law enforcement actions monitored by the independent monitoring team included any indication that the law enforcement actions undertaken were undertaken based on a consideration of race or ethnicity. More comprehensive mechanisms to monitor this task will not be available until the planned MAPPS system comes on-line.

None of the 221 events reviewed by the monitoring team indicated the use of race or ethnicity as a factor in the stops that were made, with the exception of one incident which was based on a suspect-specific race/ethnicity “BOLO”. The use of race/ethnicity in such instances is allowed by the consent decree. The agency is judged to be in Phase II compliance with this task.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

## Status

A review of the polices developed, the training provided to date, and the pending MAPPS process indicates that the agency continues in Phase I compliance with the requirements of this task. Training in use of the MAPPS is pending as is implementation of the program itself. Full compliance with this task cannot be monitored until the MAPPS is brought on-line. However, use of the Motor Vehicle Stop Report was monitored for 72 incidents involving a post-stop law enforcement activity of interest to the decree. Errors noted were discussed with the New Jersey State Police, and the agency was given the opportunity to clarify—by providing additional existing documentation—any concerns. Of the 72 events monitored, members of the monitoring team found four minor reporting problems with one (errors in the dates or times of stops, failure to indicate the issuance of a summons, etc.). There are 19 data entry requirements for each stop report. Four errors from a possibility of 1,368, obviously, falls within the allowable four percent error rate (at 0.3 percent). More substantial problems were noted with three reports:

- One motor vehicle stop report inaccurately reported the reason for the stop;

- One motor vehicle stop report failed to note the interaction with a driver by a second trooper, and this same motor vehicle stop report failed to note that the passenger was asked from the vehicle by the trooper;<sup>13</sup>
- One motor vehicle stop report classified a search of a vehicle occupant as a frisk;

The motor vehicle stop reporting systems, obviously, has been implemented, as data exist for all 72 events reviewed by the monitoring team this quarter. The one instance of poor reporting noted by the monitors' staff which could have been noted by supervisory review, was not noted and remanded for remediation by supervisory personnel. While other systems are in effect to monitor and revise the reporting system, supervisory monitoring (which will be discussed in detail in Section 2.29, below) is a critical tool to ensure accuracy of the reporting system.

### Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

Task 28	1	2	3	4	5	6	7	8	9	10	11	12
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**

<sup>13</sup> The trooper's report does note that the passenger was arrested.

**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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

## Status

The independent monitoring team reviewed supporting documentation for all consent searches conducted by law enforcement personnel assigned to the five stations assessed this quarter. Five consent requests were noted, and four consent searches were conducted. One consent was refused, and the driver was released without further intervention. Of the four remaining consent searches, all were supported by a statement allowing the reader to interpret the trooper's reasonable suspicion to suspect that he or she might, upon search, find evidence of a crime. The required information was present in all of the four reports, i.e., drivers' names, races, genders, DOBs, notice of right to refuse, description of contraband seized, where applicable, etc. Minor reporting errors were noted with one motor vehicle stop report involving a consent search. This motor vehicle stop report failed to note the arrest of passenger, who was arrested and transported to the state police road station. In the opinion of the monitoring team, these errors were not serious enough to warrant a rejection of the accuracy of the report—the supporting narrative accurately depicted the actions of the trooper. The failure of supervisory personnel to note these deficiencies, however, is important, and will be discussed further in Section 2.29, below.

## Compliance

Phase I: In Compliance  
Phase II: In Compliance

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

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written. See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

## Status

All 72 motor vehicle stop events reviewed by the monitoring team were recorded by the personnel making the stops in accordance with the requirements of this task. Minor discrepancies were noted in five of the reports. For example, these problems included entry of the wrong date and time, erroneous data regarding whether or not a summons was issued, or the reason for the stop was entered incorrectly. None of these discrepancies were serious enough to invalidate the report, in the opinion of the monitors.

A total of three of the 72 motor vehicle stop reports contained more serious errors. For example, one report characterized a search as a "frisk." In a second, an improper frisk was conducted (which was caught and corrected upon supervisory review). In a third, a second trooper interacted with the driver of a stopped vehicle, and this interaction was not reported on the stop report. While

these errors were substantive, in the opinion of the monitors, they did not rise to the level of invalidating the reports.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

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.

Members of the monitoring team reviewed the motor vehicle stop report data for all five stations selected for monitoring this quarter, assessing the degree to which data elements required by the decree were present in the electronic databases maintained by the state. All required data were present. Data in the electronic database were compared with data in the manual reporting data system for each of the 72 motor vehicle stop events reviewed by the monitoring team.

The earliest available electronic data in the state’s database, provided to the monitors, was September 2, 2000. In the opinion of the monitors, this qualifies as “expeditious” implementation.

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**

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Status

Forms to support execution of tasks 31-33 have been developed and disseminated.

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**

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

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

### 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. To date, no global supervisory processes appear to have been implemented by the state police.

Data regarding CADS center “call-ins” were provided to the monitors for the third site visit. These data confirm the fact that troopers are “calling in” to the communications centers for motor vehicle stops, as required by Task 30. The monitoring team reviewed 72 motor vehicle stop reports, and compared them with the data included in the CADS database provided by the state. Of the 72 motor vehicle stops manually reviewed by the monitoring team this quarter, 55 had a corresponding record in the CADS data provided to the monitors by the state. These 17 CADS records were “dropped” from the database due to an error in the record selection algorithm used to retrieve CADS data for this quarter. This error has been noted by the state, and will be rectified for next quarter’s reporting process. Only 42 of the 55 CADS records available in CADS corresponded with the data in the troopers’ motor vehicle stop reports regarding the race/ethnicity and gender of the driver stopped. The errors among the 13 CADS records in which the CADS reports did not conform with the race indicated in the motor vehicle stop report did not reflect a pattern, e.g., routinely recording black drivers as white, recording white drivers as black, etc. Eight errors were made in reporting the race on CADS records. Five errors were made in reporting gender on CADS records.<sup>14</sup> The error rate regarding the state’s recording of a CADS record for each traffic stop, as reflected in the data provide to the monitoring team, constitutes 23.6 percent. Coincidentally, the error rate regarding the existence of a corresponding race/ethnicity and gender record in CADS and the motor vehicle stop database also constitutes 23.6 percent.

Compliance

Phase I: In Compliance  
 Phase II: Not In Compliance

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

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

<sup>14</sup> Troopers’ records of race/ethnicity and gender were always consistent on MVSRS and patrol charts. CAD reporting errors incorrectly coded two white drivers as black, two black drivers as white, and four Hispanic drivers as black or white. Gender errors coded three males as females and two females as male.

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

### Status

Data regarding CADS center "call-ins" were provided to the monitors for the third site visit. Analysis of the electronic database determined that all but five of the 12,277 CADS records included a time of the stop. A manual review of the times reported in the CADS records and the times reported in the motor vehicle stop report indicates a high correlation between the two databases. Differences in the two files were generally never more than two minutes. Further, a review of video tapes conducted by the monitoring team indicated that of the 208 tapes of motor vehicle stops reviewed for this purpose, only eight instances could be found in which the call-in to the communications center was not recorded on the tape before the troopers' approach to the vehicles they had stopped. This constitutes an error rate of less than five percent, within the allowable margin for this task. Some of these apparent omissions were due to the video tape being initiated after the call-in was made, but before the trooper approached the stopped vehicle.

### Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

Task 30b	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Solid Blue]											
Phase II	[Diagonal Stripes]											

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

#### 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. To date, no global supervisory processes designed to assess the quality of motor vehicle stops appear to have been implemented by the state police.

Of the four consent search events reported, only one was reviewed via video-tape. The trooper in that case did not notify the communications center that he was conducting a consent search prior to the initiation of the consent search. The monitoring team reviewed paper records of the other four consent searches (as well as the one which was reviewed by video tape). Logistics problems in getting data to the monitoring team as requested, and incomplete data packets upon the monitoring team’s arrival at road stations (in some cases caused by

recent remodeling projects) precluded an on-site visit to one of the five road stations selected for a site visit this quarter. Three of the four consent searches were conducted at this station.

The state remains out of compliance in this task.

Compliance

Phase I: In Compliance  
 Phase II: Not in Compliance

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

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

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. To date, no global supervisory processes appear to have been implemented by the state police.

Computer Assisted Dispatch (CADS) were provided by the state. These records were reviewed by the monitoring team. A total of 12,272 of the 12,277 available records included a clearance code. This constitutes an error rate of less than 0.1 percent.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

**2.6.4 Compliance with Task 30d: CADS Incident Number Notification**

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team



reviewed relevant policies and approved implementation of these policies as written.

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

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. All of the automated records reviewed by the members of the independent monitoring team included a unique CADS incident number. Events were trackable using this CADS incident number. Of the 12,277 events generated by personnel at the five road stations selected for review this quarter, 12,272 included a unique CADS incident number.

Compliance

Phase I: In Compliance  
Phase II: In Compliance

**2.7 Compliance with Task 31: Reporting Consent to Search Requests**

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

**Status**

No changes to New Jersey State Police procedures governing consent searches and reporting of consent searches were made this quarter. Supervisory systems necessary to effectively review, assess and remand consent search reports and to evaluate consent search processes of road personnel are pending.

A consent search report form was completed accurately in four of the four events that the monitoring team reviewed that included a consent search. All four consent-to-search requests were based on reasonable, articulable suspicion that a search might uncover evidence of a crime, and all four consent-to-search reports were accurately and completely executed.

**Compliance**

Phase I: In Compliance  
 Phase II: In Compliance

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

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the monitoring team reviewed report information for four consent searches, and reviewed video tape recordings of one motor vehicle stop involving consent searches. Supporting documentation for all four consent searches was reviewed, and the events depicted on the video tape reviewed were assessed in light of the reports generated by the trooper concerning the event. See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

State police personnel reported accurately in four of the four consent search events reviewed.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

## Status

Members of the monitoring team monitored 27 of 47 non-consent searches reflected in events selected by the team during site visits to four New Jersey State Police road stations. All 27 of these non-consent searches were completed and reported in compliance with the requirements of the consent decree. See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task. All 27 non-consent searches appeared to be based on clear principles of constitutional law, e.g., searches incidental to arrest (48 percent), probable cause (19 percent), or "proof of ownership," (15 percent).

Members of the monitoring team, during their review of video tapes of the 27 non-consent searches, noted an issue with five of a single trooper's searches. The trooper's actions indicated use of prima facie probable cause statements under circumstances that raised concern regarding the trooper's methods of obtaining his probable cause and the scope of his "proof of ownership" searches. At least one of these searches was reviewed, via video tape, by the trooper's sergeant, with no evidence of any type of intervention. These incidents were discussed in some detail with New Jersey State Police and State Police Affairs personnel during the monitoring team's exit interview. While a careful review of the video tapes yielded no specific evidence to invalidate the trooper's probable cause statements (strong odor of burned marijuana, plain view sight of "patches of green vegetation which were "too small to be collected as evidence"), his methods and report writing raised the concern of all of the members of the monitoring team who reviewed his activities. Four of the trooper's five searches yielded negative results. The trooper in question, however, has been issued a

performance notice and counseled, after these searches were brought to the attention of the state.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

None of the records for the five stations selected by the monitoring team, based on the team’s request for data, involved deployment of a drug detection canine. Based on the agreement of the parties, the monitoring team requested copies of all canine deployments by the New Jersey State Police. Due to an unintentional delay, these data were not provided in time for review this quarter. The monitoring team was thus unable to monitor canine deployments this quarter. New data request protocols will be developed to preclude similar misunderstandings in the future.

Compliance

Phase I: In Compliance  
 Phase II: Unable to Monitor

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

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team

reviewed relevant policies and approved implementation of these policies as written.

Members of the monitoring team identified every patrol vehicle used for patrol purposes by four of the five road stations selected this quarter. An inventory was conducted to ensure that video tape recordings were in the possession of the road station commander (in all cases in a secured storage area) for each patrol vehicle for each day of the current quarter. In addition, members of the monitoring team requested to view video tapes for 208 events known to have occurred during the current quarter.

Status

Members of the monitoring team found evidence of video tape recordings for every patrol vehicle identified for every day of the current quarter, with two exceptions. These exceptions were for tapes that were out of the tape storage facilities as evidence or for other allowable activities. Inventory for all tapes allowed retrieval and review of video tapes by incident. Each of the events requested by the monitoring team was located and had been video taped according to policy, with one exception. During one video tape, of a traffic stop of an off-duty trooper, troopers apparently turned off the MVR before the motor vehicle stop had been completed. Both of these troopers have been issued a performance notice and counseled since the monitoring team brought this incident to the attention of the state. An error rate of one of 208 events is well within the allowable error rate for this task.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

Task 34b-c	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Solid Blue]											
Phase II	[Diagonal Yellow/Black]											

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

In addition to verifying the existence of a video tape in each patrol vehicle for each day of this quarter (see above), members of the monitoring team pulled for review a sample of 208 post-stop law enforcement actions of interest to the decree. These included 59 events selected from New Jersey State Police databases, and 149 events selected by reviewing video tapes.

## Status

No changes in the status of this task were noted this quarter.

While policies have been implemented requiring video and audio recording of all consent-decree related traffic stops, not all stops are recorded in conformance with the decree. Members of the monitoring team noted eight stops which did not result in video recording of the call-in notice prior to the trooper's approach to the stopped vehicle.<sup>15</sup> One case, of the 72 cases selected for review (a stop of an off-duty trooper) included evidence that the tape was terminated prior to

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<sup>15</sup> NJSP procedures in effect at the time, did not require recording of the call-in.

completion of the stop.<sup>16</sup> Not all stops are recorded using the audio equipment provided. In the 158 tapes reviewed by the monitoring team pursuant to the requirements of this task, 118 had one or more deficiencies regarding recording of the stop. The vast majority of these were attributable to two areas: recording “no later than when a trooper first signals the vehicle to stop,” and activation of the audio recording contemporaneously with the stop, in compliance with requirements of the decree. Many of these problems are attributable to technical difficulties with the audio recording equipment. The state is currently developing policy revisions to remedy these difficulties.

Compliance

Phase I: In Compliance  
 Phase II: Not in Compliance

**2.12 Compliance with Task 35: Supervisory Review of Trooper Reports**

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the monitoring team requested data from the state, in electronic form, which allowed analysis of this task. For the 148 records provided in the database provided by the state, supervisory review of trooper reports was completed, on average, 16.6 days after the report was filed. Most reports were reviewed within 14 days, but a substantial number were reviewed late enough to

<sup>16</sup> This resulted in a performance notice and counseling for the troopers involved in the stop.

push the average review time to over 16 days. The minimum number of days required to complete supervisory review was one; the maximum number of days was 51.

Status

While the state has improved its performance on this task, it is not yet in compliance.

Compliance

Phase I: In Compliance  
 Phase II: Not in Compliance

**2.13 Compliance with Task 36: Supervisory Review of MVR Tapes**

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Status

Training for supervisory personnel regarding MVR review and a supervisory-management system for using MVR reviews as part of the MAPPS process is

pending. The state is currently developing a formal policy requirement regarding MVR review processes for supervisory personnel. Members of the monitoring team have reviewed the proposed policy, and notice to the state and the United States of formal approval is forthcoming.

During on-site reviews at four New Jersey State Police road stations, members of the monitoring team reviewed more than 80 supervisors' MVR review reports. The quality of these reports varied widely. One review was conducted of an event which, upon review by the monitoring team, developed information of concern to the team. This event, already discussed in Section 2.8, above, involved a trooper's questionable use prima facie probable cause statements under circumstances that raised concern regarding the trooper's methods of obtaining his probable cause and the scope of his "proof of ownership" searches. At least one of the five searches which raised concerns among the monitoring team was reviewed, via the use of the state's MVR process, by the trooper's supervisor, with no note of concern raised by the sergeant. These concerns were expressed to the state during the team's exit interview. The state's new MVR review policy, once implemented, should improve performance in this area, once it is promulgated.

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**

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

### Status

Despite the existence of some policy issues regarding this task (see this section in the first quarterly report), no events were noted during supervisory review of MVR recordings which resulted in a referral to the Office of Professional Standards (OPS). One event, noted by the monitoring team during their on-site assessments at one of four state police road stations during second site visit, resulted in an intervention once the event was brought to the attention of the state police. Two additional troopers were issued performance notices based on supervisory reviews of incidents which were noted prior to the monitoring team's site visit. In addition, a series of questionable traffic stops by a trooper at one of the four road stations visited this quarter, noted by the monitoring team during this quarter's site visit was brought to the state's attention during the monitoring team's exit interview for the third quarter. The state has issued a performance notice to the trooper, and has counseled him regarding his report writing and procedure. The incident was not referred to PSB, since there was no prima facie evidence of discriminatory treatment, and no others have been so referred. This task cannot be monitored this quarter.

### Compliance

Phase I: In Compliance  
 Phase II: Unable to Monitor

### 2.15 Compliance with Task 38: Periodic Reviews of Referral Decisions

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

Personnel at the Office of the Attorney General (Office of State Police Affairs) and the New Jersey State Police are aware of the requirement to monitor referral decisions pursuant to paragraph 37 of this decree, although no specific policy has been developed requiring such reviews.

No referrals have been made to PSB (now the Office of Professional Standards), although at least two incidents (one during the second quarter and one this quarter) uncovered by the monitoring team could have led to such a referral<sup>17</sup>. Given the lack of referrals, neither state police nor Office of the Attorney General personnel could have made a periodic audit of referral decisions pursuant to this task. Personnel from the OAG are aware of the requirement for periodic audits, and have conducted audits of New Jersey State Police activities during the last quarter (see section 2.83, below).

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**

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

<sup>17</sup> State police personnel did affect an intervention once one of these events was called to their attention by the monitoring team. No notice of intervention regarding the other incident, noted by the monitoring team during their third site visit, has been forwarded to the monitoring team.

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

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**

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

During the last quarter, the State of New Jersey submitted to the monitoring team the following documents:

- Requirements documentation for the Motor Vehicle Stop module;
- Requirements documentation for the Peer Groups module;
- Requirements documentation for the Hierarchy module;
- Specifications documentation for the Motor Vehicle Stop module;
- Specifications documentation for the Hierarchy module;
- Code Tables and Code Transformation documentation;
- A revised and updated MAPPS implementation plan; and
- Revised and updated project control documents for MAPPS.

Numerous other documents, reflecting substantial progress in program planning for MAPPS were also submitted by the state and reviewed by the monitors.

#### Status

Based on the monitoring team's review of documents provided by the state, substantial work is yet to be done to bring the MAPPS planning and development process to closure. Revised documentation has changed the completion date for MAPPS systems, moving the delivery date for system implementation from May, 2001 to November, 2001. As each subsystem is subjected to a line-by-line, task-by-task review by the monitors and the United States, the state continues to work collaboratively with the monitors and the United States to ensure that design components for MAPPS conform to the requirements of the decree. Numerous deficiencies noted by the monitors and the United States have been addressed this quarter. Planning documents for major subsystems of MAPPS are still under development. To date, the state's performance places it in Phase I compliance: the current planning documents indicate that the state is committed to, and has taken initial steps to achieve, compliance with all elements required by the consent decree related to early warning systems. Obviously, all newly developed subsystems for MAPPS will be subjected to the same task-by-task assessment by the monitors as were conducted this quarter.

#### Compliance

Phase I:	In Compliance
Phase II:	Not In Compliance



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

Task 41	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Yellow and black diagonal bar]											

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

See Section 2.17, above, for a specific discussion of MAPPs-related functions.

Compliance

Phase I: In Compliance  
 Phase II: Not In Compliance

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

Task 42	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Yellow diagonal bar]											

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

See Section 2.17, above, for a specific discussion of MAPPS-related functions.

Compliance

Phase I: In Compliance  
Phase II: Not In Compliance

## 2.20 Compliance with Task 43: Data Reporting Capacities for MAPPS

Task 43	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Yellow diagonal bar]											

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

See Section 2.17, above, for a specific discussion of MAPPS-related functions.

Compliance

Phase I: In Compliance  
 Phase II: Not In Compliance

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

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

See Section 2.17, above, for a specific discussion of MAPPS-related functions.

Compliance

Phase I: In Compliance  
 Phase II: Not In Compliance

**2.22 Compliance with Task 45: Map Data Quality and Security**

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

See Section 2.17, above, for a specific discussion of MAPPS-related functions.

Compliance

Phase I: In Compliance  
 Phase II: Not In Compliance

**2.23 Compliance with Task 46: MAPPS Implementation Plan**

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

See Section 2.17, above, for a specific discussion of MAPPS-related functions.

Compliance

Phase I: In Compliance  
 Phase II: Not In Compliance

**2.24 Compliance with Task 47: Approval of MAPPS Protocols**

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

See Section 2.17, above, for a specific discussion of MAPPS-related functions.

Compliance

Phase I: In Compliance  
 Phase II: Not In Compliance

**2.25 Compliance with Task 48: Quarterly Reviews Using MAPPS**

Task 48	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Solid Blue]											
Phase II	[Blue Stripes]											
	[Yellow Stripes]											

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

See Section 2.17, above, for a specific discussion of MAPPS-related functions.

Compliance

Phase I: In Compliance  
 Phase II: Not In Compliance

**2.26 Compliance with Task 49: Preparation of Routine MAPPS Reports**

Task 49	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Solid Blue]											
Phase II	[Blue Stripes]											
	[Yellow Stripes]											

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

See Section 2.17, above, for a specific discussion of MAPPs-related functions.

Compliance

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

**2.27 Compliance with Task 50: Data Comparisons**

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

See Section 2.17, above, for a specific discussion of MAPPS-related functions.

Compliance

Phase I: In Compliance  
Phase II: Not In Compliance

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

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

See Section 2.17, above, for a specific discussion of MAPPs-related functions.

Compliance

Phase I: In Compliance  
Phase II: Not In Compliance



## 2.29 Compliance with Task 52: Supervisors to Implement Necessary Changes

Task 52	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Blue and white striped bar]											
	[Yellow and black diagonal striped bar]											

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 noted seven instances of supervisory personnel issuing "performance notices," for actions of division personnel inconsistent with policy or established practice. Until an effective division-wide MAPPs process is implemented, however, compliance with this task is not feasible. See Section 2.17, above, for a specific discussion of MAPPs-related functions.

### Compliance

Phase I: Not 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

Task 53	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Blue and white striped bar]											
	[Yellow and black diagonal striped bar]											

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

See Section 2.17, above, for a specific discussion of MAPPs-related functions.

Status

Compliance

Phase I: In Compliance  
 Phase II: Not In Compliance

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

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

The state has completed the required traffic survey, and has released the document to the public.

Compliance

Phase I: In Compliance  
Phase II: In Compliance

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

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter.

Status

During the third quarter, the State Police received and appropriately investigated an allegation of failure to provide identification. While the case was closed as “unsubstantiated,” the referral and investigation of the complaint indicates conformance to established policies regarding this task. The state remains in compliance with this task.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

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. Informational materials were available at all road stations and headquarters buildings visited by the monitoring team during the third quarterly visit. A member of the team fluent in Spanish has reviewed the Spanish language forms and informational materials, and found them 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**

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

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. Only one of the five rest areas/service areas visited by the monitoring team, 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. Fact sheets and complaint forms were in all patrol vehicles inspected during the first quarter. No incidents of trooper notice to civilians of rights to complain were noted on the 208 video tapes reviewed this quarter. Nor were any incidents related to the prohibition of troopers from discouraging complaints.

Compliance

Phase I: In Compliance  
 Phase II: Not In Compliance

**2.35 Compliance with Task 60: Community Outreach**

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

The state police have modified their outreach programs to include provision of information related to the decree in their public meetings and organized interactions with various groups within the state. These meetings are often held in conjunction with local law enforcement agencies, and discuss topics of interest to the communities in attendance, as well as topics specifically related to the consent decree. Members of the monitoring team were unable to attend any of these meetings during their February/March site visit. Members of the monitoring team were provided with a "community contacts" schedule for the state police superintendent for January and February, 2001. The schedule shows an active outreach on radio, through professional appearances at policing conferences, and through community meetings. In addition, members of the monitoring team reviewed 34 "presentation request" synopses for state police personnel for December and January. These presentations, made to various community groups, public schools, township organizations, drug awareness programs and other groups, addressed topics such as state police procedures and functions, civilian complaint and compliment processes, search and seizure, motor vehicle stops, etc.

Status

Based on the updated community outreach practice, the state is deemed to be in Phase I compliance with the requirements of this task. In addition, based on the review of "presentation requests," the state is deemed to be in Phase II compliance with the requirements of this task.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

**2.36 Compliance with Task 61: Receipt of Citizens' Complaints**

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the independent monitoring team, during the February, 2001 visit noted that the documents reviewed in September, 2000 continue to be the policy guidelines to assure compliance with Task 61. The New Jersey State Police are currently revising policy B-10 and the Internal Affairs investigative manual to incorporate many of the changes made in Internal Affairs processes over the past months.

Status

Unit policy, memoranda and inter-office correspondence remain the sole policy guidance for this task. Regarding acceptance of complaints, the members of the monitoring team noted that there are four personnel in OPS who answer the telephone. Written procedures have been provided to these personnel relevant to these duties. These procedures comport with the provisions of this task. The members of the monitoring team noted that the "Investigative Control Ledger" highlights the existence of six complaints filed anonymously with the state police during this reporting period.

Compliance

Phase I: In Compliance  
Phase II: In Compliance

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

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the monitoring team during the February, 2001 site visit observed the operation of the 24 hour toll-free telephone hotline and confirmed that Inter-Office Communications regarding activation of toll-free hotline, Inter-Office Communications establishing the New Jersey State Police hotline, and a memorandum outlining procedures for receiving hotline calls and conducting weekly reviews are still in place and serve as the basis for Phase I compliance. Members of the independent monitoring team reviewed the hot-line log, listened to excerpts of the hot-line recordings for the quarter, and reviewed existing training and management practices for the hot-line.

## Status

Log entries have the requisite information to determine appropriate follow-up for calls received on the hot-line. Members of the monitoring team observed the operation of the 24-hour toll free telephone hot-line and confirmed the interoffice communications regarding activation of the toll free hotline and a memorandum outlining procedures for receiving hot-line calls and conducting weekly reviews are still in place and serve as the basis for Phase I compliance.

All log entries reviewed by the monitoring team included the requisite information for generating a citizen's complaint investigation. Hot-line calls appeared to be followed up in a reasonable amount of time. Personnel handling

hot-line calls notify callers that the conversation is being recorded, and all callers whose calls were reviewed by the monitoring team were treated professionally. Additional monitoring of these tasks is discussed in sections 2.83 and 2.85, below.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the monitoring team during the February 2001 site visit queried representatives of OPS to confirm if New Jersey State Police SOP B10 “Internal Investigations Procedures” dated March 15, 1996, and a memorandum outlining procedures for the assignment of control numbers, were still the guiding authorities for compliance with Task 63.

Status

Based on a review of citizen complaint forms and an examination of the forty-four cases completed this quarter<sup>18</sup>, there appears to be compliance with Task 63. While there is still reliance on Inter-Office Communications and Memoranda, these documents will be eventually replaced by specific mention of these requirements in the "Operational Guide and Manual for Conducting Internal Investigations" and SOP B10. During the February, 2001 site visit, the monitoring team examined one case which was taken in by Troop C and is currently being investigated by OPS. The case is an "Attitude and Demeanor Allegation" and is an appropriate example of an externally generated case properly forwarded to OPS.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

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

During previous site visits, members of the monitoring team have visited the Freehold offices of the PSB. Members of the monitoring team during both the December, 2000 site visit and the February, 2001 site visit reviewed the website for references to advertisement of the location and function of the Freehold offices of the Office of Professional Standards.

Status

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<sup>18</sup> Completed cases continue to include cases filed as long ago as 1999, many of which include allegations of a "performance" nature, related to internal issues, such as "improper completion of reports," "failure to follow a verbal order," failure to safeguard NJSP property," "failure to safeguard NJSP ID card," etc.

Members of the independent monitoring team determined that the Freehold location is still a viable alternative facility. Members of the OPS indicate there has been an undetermined number of interviews conducted at the Freehold facility.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Further, members of the team reviewed complaint investigations to determine whether or not a case had been created for actions consistent with the stipulations of this decree.

Status

Representatives of the Office of Professional Standards continue to indicate to members of the monitoring team that there is some systemic difficulty in assuring that local prosecutors will forward this information to either to the

Division of Criminal Justice or directly to the NJSP. During its February, 2001 site visit, members of the monitoring team determined that there were no cases of this nature during this reporting period. Representative of OPS presented the members of the monitoring team with one "State Police Incident Complaint Reporting Form" that documents an instance in July, 2000 where the State was notified by a municipal court that charges of "resisting arrest" and "assault on a trooper" had been dismissed. The monitoring team is satisfied that the State has implemented an adequate process to assure notice of circumstances as articulated in this task. In future site visits, the monitoring team will continue to closely scrutinize the State's efforts to improve and formalize the requisite process essential for continued compliance with this task.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

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

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

No changes in New Jersey State Police policies regarding this task were made since the last quarterly visit. During previous visits, members of the monitoring team reviewed a memorandum from the Office of State Police Affairs to the Division of Law which addressed the requirements of this task. During the December, 2000 site visit, and the February, 2001 site visit, members of the independent monitoring team were provided a list of pending civil cases.

Status

Members of the independent monitoring team find the State to be in compliance with this task. During the February, 2001 site visit, it was determined that the Division of Law of the State of New Jersey had forwarded to the Division of State Police notification that seven claims had been filed during the relevant reporting period. The monitoring team believes there is a sufficient process of notification currently in place to notice both the State Police and the OAG.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the monitoring team during the February 2001 site visit confirmed that the memorandum of May 18, 2000 from the OAG to the Division of Criminal Justice was still the basis for Phase I compliance.

No changes in NJSP policies regarding this task were made since the last quarterly visit. During previous visits, the monitoring team reviewed a memorandum from the Office of State Police Affairs to the Division of Law which addressed the requirements of this task.

Status

No changes in status were noted for this task during the monitoring team’s February site visit.

Compliance

Phase I: In Compliance  
 Phase II: Not In Compliance

**2.43 Compliance with Task 68: Notice of Adverse Involvement**

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Status

During its February, 2001 site visit, the monitoring team determined that this requirement is now incorporated into SOP B10, III.C.1. A representative of OSPA provided documentation to members of the monitoring team that during this reporting period there were twelve incidents of “self reporting” by troopers.

None of these “reports” were of the nature of conducts articulated in this task. While the monitoring team believes that the State has put in place an appropriate requirement of self-reporting, the system has yet to be tested by an actual incident such as those referenced in this task. During its next site visit, the monitoring team will again examine the body of self-reporting instances so a determination can be made that the State is, in fact, complying with requirements as outlined in this task.

Compliance

Phase I: In Compliance  
 Phase II: Unable to Monitor

**2.44 Compliance with Task 69: Duty to Report Misconduct**

Task 69	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Solid Blue]											
Phase II	[Vertical Stripes]											

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

No changes in New Jersey State Police policies regarding this task were made since the last quarter. During previous site visits, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.



Status

The status of this task essentially remains the same from the two previous site visits. Requirements outlined in this task are now part of SOP B10, III.C.2, which is pending promulgation. The monitoring team, during its February, 2001 site visit, was advised by a member of the OSPA that of the seventy-five citizens complaints reviewed by the OSPA during this reporting period, there were no instances of internally generated allegations of the types of conducts enumerated in this task. During its next site visit the monitoring team will continue to query the State relevant to incidents which accurately assess the State’s compliance with this task.

Compliance

Phase I: In Compliance  
 Phase II: Unable to Monitor

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

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

No changes in New Jersey State Police policies regarding this task were made since the last site visit. During all site visits, members of the monitoring team have reviewed relevant policies and approved implementation of these policies as written.

Members of the monitoring team discussed compliance with Task 70 with representatives of the OPS. It was determined that the same documents reviewed during the September, 2000 site visit were still in place and served as the basis for Phase I compliance.

### Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the monitoring team discussed compliance with Task 70 with representatives of the OPS. It was determined that the same documents reviewed during the September 2000 site visit were still in place and served as the basis for Phase I compliance.

### Status

The New Jersey State Police, Office of Professional Standards, has the same duties and responsibilities as those identified in the decree for the "Professional Standards Bureau." Final revisions to the Internal Investigations Manual are still pending. Problems with compliance with this task are centered around the requirement that the state "encourage highly qualified candidates to become PSB investigators," and that the bureau be staffed and funded "sufficiently." While it appears that the state has assembled a cadre of highly qualified, committed investigators (all personnel assigned to OPS are new to the unit), there appears to be no formalized process institutionalized to ensure that the most qualified continue to be recruited for these positions. Documentation of the "selection process" consists of self-generated "resumes" for personnel selected.

Members of the monitoring team, during the February, 2001 site visit, were unable to identify any discernible progress in the active recruitment for personnel for the OPS function. Representative of the OPS advised members of the monitoring team that as of December, 29, 1999, there were eleven sworn personnel and three civilian personnel assigned to the IAB. As of the end of the current reporting period, December 31, 2000, there are twenty-two sworn personnel and four civilians assigned to the OPS. While this is a significant increase and the unit is populated with dedicated professionals, the backlog of investigations alone raises questions as to the proper staffing of this function. Representatives of the OPS indicate to the members of the monitoring team that a concerted effort to clear old cases has been a priority of the organization. The monitoring team, during future site visits, will determine if the staffing levels

sufficiently address whether the number of incoming citizens' complaints equals the number of resolved citizens' complaints, over an extended period of time.

The monitoring team recognizes that it is currently difficult to accurately gauge the State's progress in this regard since many of the OPS efforts are being committed to backlogged investigative files. OPS is treading a fine line between a focus on backlogged cases, and the need to ensure that incoming cases do not remain pending beyond established deadlines.

Compliance

Phase I: In Compliance  
 Phase II: Not In Compliance

**2.46 Compliance with Task 71: Formal Eligibility Requirements for PSB**

Task 71	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Solid Blue]											
Phase II	[Horizontal Stripes]	[Diagonal Stripes]	[Diagonal Stripes]									

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 and approved the eligibility criteria for members of the Office of Professional Standards. Members of the monitoring team during the February, 2001 visit, reviewed material relevant to both training and performance evaluation for personnel assigned to the OPS.

Status

OPS still maintains in its files "resumes" generated by OPS personnel of their own backgrounds. Members of the monitoring team were still unable to review any established criteria for personnel assigned to OPS. These assignments are still made by the Office of the Superintendent and are not subject to the same requirements as are positions covered by the collective bargaining agreement. The standard New Jersey State Police performance evaluation still does not reflect the categories or skill sets as outlined in this task. As of December 31, 2000, however, the OPS has begun to use a specially crafted instrument for incumbent personnel that directly reflects the eligibility criteria as articulated in this task. Representatives of OPS also cite the creation of a revised New Jersey State Police evaluation form that is being used by OPS, but has not been fully and formally adopted by the agency at this time. The instrument will use benchmarking to assist the evaluation process. Members of the monitoring team reviewed the proposed evaluation instrument and determined that of the eleven categories listed, only two directly correspond with the eligibility criteria enumerated in this task.

The specific performance indicators for IAB personnel are nonetheless captured in the specially designed instrument. Positions in IAB are not "posted" for vacancies because of provisions relevant to the collective bargaining agreement. Members of the monitoring team inspected personnel information on OPS members and noted that the locally generated performance monitoring forms had been completed on one-half of assigned personnel. This is a continuing process that commenced at the end of calendar year 2000 and reflects the skills as articulated in this task. The monitoring team believes that the state, notwithstanding constraints of the collective bargaining agreement, is in compliance with this task. In future site visits, the monitoring team will look for more substantive, across-the-board progress relevant to the agency's uniform performance appraisal system and its applicability to OPS personnel and the skill sets and criteria articulated in this task.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

Task 72	1	2	3	4	5	6	7	8	9	10	11	12
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 during the February, 2001 site visit reviewed various OPS internal documents regarding training for OPS personnel. The documents included a training roster which showed attendance dates, course titles and the names of OPS attendees. Additionally, members of the monitoring team reviewed an IOC and an "Operations Instruction," both of which directed OPS personnel to attend training in ethics. The dates in question were for the week of December 11, 2000. During the February, 2001 site visit, the monitoring team reviewed an IOC dated December 18, 2000 which verified that all OPS personnel attended training on December 15, 2000 as was represented during the last site visit.

Status

Members of the monitoring team during their February, 2001 site visit reviewed the "Office of Professional Standard Year 2001 Training Plan," and the announcement of a training session scheduled for March 1, 2001. While the latter falls outside of this reporting period, it does demonstrate a continuing pattern of State compliance with this task.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

**2.48 Compliance with Task 73: Initiation of Misconduct Investigations**

Task 73	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Solid Blue]											
Phase II	[Solid Blue]	[Solid Blue]										
	[Yellow Striped]	[Yellow Striped]										

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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

During the February 2001 site visit, members of the monitoring team confirmed that the Office of Professional Standards is still using the documents and IOC reviewed during the September site visit as the basis for the unit's procedures and its compliance with Phase I. During the September 2000 site visit, representatives of OPS, at the request of the monitoring team, presented a verbal flow chart with accompanying documents that sufficiently outlined the investigative process. The independent monitoring team continues to encourage the state to complete revisions to and documentation of internal investigative policies.

## Status

The Monitoring Team, during its February, 2001 site visit to OPS, performed an on-site general review of forty-four completed case files. A review of the files verifies that the NJSP are, in fact, initiating investigations for the type of occurrences enumerated in Task 73. Training for OPS personnel in processes related to this task have been appropriately listed in the "Office of Professional Standards Year 2001 Training Plan."

## Compliance

Phase I: In Compliance  
Phase II: In Compliance

**2.49 Compliance with Task 74: Responsibility for Conducting Internal Investigations**

Task 74	1	2	3	4	5	6	7	8	9	10	11	12
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 during the February 2001 site visit determined that the same material reviewed during the September site visit governed the State's Phase I compliance with this task. A memorandum dated September 14, 2000 from the Office of Professional Standards to the Office of State Police Affairs memorialized a general understanding that OPS and OAG would continue to review complaints to jointly determine the appropriate venue for the initiation of an investigation. Further, the monitoring team reviewed cases which covered allegations of the types enumerated in Task 74.

## Status

Members of the monitoring team, during the February, 2001 site visit, determined that the memoranda dated September 14, 2000 and December 8, 2000 still govern and memorialize the allocation of investigative cases. A representative of the OSPA, OAG indicated to members of the monitoring team that a review of all citizen complaint forms for the period October 1, 2000 through December 31, 2000 revealed no instances of misallocation of investigative responsibilities for those matters consistent with the misconduct categories articulated in this task. The monitoring team's audit of these records confirmed this process. Members of the monitoring team examined OSPA form "Tasks Requiring Review of SP-251" and determined that this instrument sufficiently assures that the State is properly allocating matters for investigative follow through that are enumerated in Task 74. Members of the monitoring team have noted no "misassigned" investigations in the files reviewed by the team.

## Compliance

Phase I: In Compliance

Phase II: In Compliance

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

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

No changes in NJSP policies regarding this task were made since the last site visit. Previously, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

During its February 2001 site visit members of the monitoring team revisited the "Conduct of Investigations" section of the Inter-Office Communications from the Superintendent, which specifically precludes investigators with a conflict of interest from participating in any way in the conduct or review of the investigation.

#### Status

Previous IOC's which have governed this requirement have been properly incorporated into SOP B10. Members of the monitoring team were advised by representatives of both the OSPA and OPS that during the reporting period of October 1, 2000 to December 31, 2000, there were no instances of conflicts of interest. The monitoring team believes that the State remains in Phase II compliance with this task. However, the monitoring team notes that there should be a more formal, written process to determine conflicts of interest. The State assumes that members of the OPS will comply with the relevant provisions of internal policies and self-report what they believe to be real or potentially perceived conflicts of interest. At the request of the monitoring team, members of OPS and OSPA presented a document dated January 2, 2001 from an OPS investigator to the Chief Investigator outlining his reasons for believing that his participation in a particular case would constitute a conflict of interest. While the memorandum generated by the investigator was written outside of this reporting period, by two days, it is an example that demonstrates a process in place.




During the next site visit, the monitoring team will look for a more formalized process in which the leadership of OPS solicits, at their initiation, information

from investigators relevant to conflicts of interest in cases they are about to be assigned.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

**2.51 Compliance with Task 76: Prohibition of Group Interviews**

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

No changes in New Jersey State Police policies regarding this task were made since the last site visit. During previous site visits, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the monitoring team, during the February, 2001 site visit, determined that the same documents reviewed during the September visit continue to serve as the basis for Phase I compliance. During its February, 2001 site visit, members of the monitoring team reviewed investigative folders that were completed from the period of October 1, 2000 to December 31, 2000.

Status

Paragraph C.4 of the Inter-Office Communication regarding disciplinary procedures precludes the use of group interviews in an internal investigation. Additionally, members of the monitoring team inspected the "Case Content Analysis Instrument," an OSPA document that ensures OPS compliance with the decree as well as other indicators not specifically articulated in the decree. Of the sixty-four elements addressed by this form, two of them, questions 34 and

35, are relevant to this task. In no case was there any instance of investigative processes violative of the provisions of this task. No group interviews or written statements in lieu of an interview were found in any of the 44 cases reviewed by the monitoring team.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

**2.52 Compliance with Task 77: Alternative Locations for Interviews**

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

No changes in New Jersey State Police policies regarding this task were made since the last site visit. During the first two quarters, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.




Status

Members the monitoring team reviewed the OSPA, OAG "Case Content Analysis Instrument" for its assessment of cases completed during the period October 1, 2000 to December 31, 2000. The monitoring team noted as an example a case in which a witness was interviewed at a facility other than a New Jersey State Police facility. Similarly, the monitoring team noted that in a separate case, a witness was met at other than a state facility. Members of the independent monitoring team are satisfied that the state is complying with this task and that adequate safeguards, as promulgated by the OSPA, have been implemented to assure OPS is satisfactorily meeting the requirements of this task.

Compliance

Phase I: In Compliance  
Phase II: In Compliance

**2.53 Compliance with Task 78: Investigation of Collateral Misconduct**

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

No changes in New Jersey State Police policies regarding this task were made since the last site visit. During the first two quarters, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Status

Members of the independent monitoring team, during the February, 2001 site visit, noted that documentation previously accepted as supportive of Phase I compliance has now been appropriately incorporated into SOP B10, III.G.2. (a) and (b), "Conduct of Investigation." Spin-off matters were properly identified as evidenced in the one case among those reviewed by the monitoring team in which collateral misconduct appeared to be an issue. The monitoring team finds that the OSPA instrument adequately assures that the OPS complies with the provisions of this task, and found evidence of such compliance during their case file review for this quarter.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

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

No changes in New Jersey State Police policies regarding this task were made since the last quarter. During the first two quarters, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Status

Members of the independent monitoring team during the February, 2001 site visit met with the Director, OSPA, OAG and members of his staff. During the course of that meeting and subsequent deliberations at OPS, the monitoring team determined that the State continues its process to update both the Investigations Manual, “Operational Manual and Guide for Conducting Internal Investigations,” and SOP B10. Officially, as represented to the monitoring team by members of the OAG and the OPS, these instruments are pending final development, promulgation and dissemination.

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**

Task 81	1	2	3	4	5	6	7	8	9	10	11	12
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 independent monitoring team, during the February, 2001 site visit determined that the state continues to rely on a collection of memoranda, inter-office correspondence and unit policies to address this requirement. Additionally, the " Case Content Analysis Instrument," question #46, captures this information and assures that the OSPA, can verify OPS compliance with this task.

Status

Members of the independent monitoring team, based on reviews of 15 completed case investigation files made available during the February, 2001 site visit, determined that there is a discernable pattern of compliance with the requirements of this task.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

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

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

No changes in New Jersey State Police policies regarding this task were made since the last site visit. During the previous site visits, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written. During its February, 2001 site visit, members of the independent monitoring team surveyed the forty-four investigative files completed during the period of October 1, 2000 and December 31, 2001. Of these, six folders, 13%, involved MVR tapes.

### Status

During its February, 2001 site visit, members of the independent monitoring team determined that, in all instances, the State reviewed these tapes as part of the investigative process. Additionally, the OSPA, OAG "Case Content Analysis Instrument" was effectively used as a tool to determine OPS compliance with the provisions of this requirement. All case files reviewed in which an MVR tape existed included a narrative or other evidence that the investigator had reviewed the MVR.

### Compliance

Phase I: In Compliance  
Phase II: In Compliance

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

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

No changes in New Jersey State Police policy regarding this task were made since the last site visit. During the first two quarters, members of the independent monitoring team reviewed relevant policies and approved implementation of these policies as written.

Status

The monitoring team noted that previous internal memoranda used to document compliance with this task continue in effect. Training for OPS personnel in processes related to this task are still pending but are highlighted as part of the Annual Training Plan. The 15 case files reviewed this quarter indicate that circumstantial evidence is being considered, where appropriate.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance



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

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

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

No changes in New Jersey State Police policies regarding this task were made since the last site visit. During the first two quarters, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written. Additionally, members of the monitoring team reviewed fourteen of the forty-four cases completed from the period October 1, 2000 to December 31, 2000.

### Status

Members of the Independent Monitoring Team during the February, 2001 site confirmed that existing unit policy, memoranda and inter-office communications continue to be the source of policy guidance for this task. Additionally, the OSPA, OAG "Case Content Analysis Instrument," question # 45 accurately captures OPS compliance with this requirements and sufficiently assures that OSPA, OAG, is effectively monitoring the Division's compliance with this task. Despite the "Case Content" instrument, however, members of the monitoring

team determined that of the 15 cases reviewed by the monitoring team, for this quarter, eight were completed with a finding of "unsubstantiated." These findings were changed to the required "Insufficient Evidence" upon administrative review. Training for investigators in these specific requirements appears necessary, although the change in disposition at the administrative level meets the minimum requirements of the decree. Letters to complainants issued by the state meet the "insufficient evidence" disposition classification requirement.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

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

No changes in New Jersey State Police policies regarding this task were made since the last site visit. During the first two quarters, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written. Members of the independent monitoring team during the February, 2001 site visit reviewed 15 of the forty-four investigative folders completed between October 1, 2000 and December 31, 2000.

Status

Unit policy, memoranda and inter-office correspondence continue to serve as the only policy guidance for this task. As an example of the change in the State's compliance levels with this task, the monitoring team reviewed a letter dated November 20, 2000 in which a complainant was advised that several messages had been left at his home and that the State would appreciate his cooperation, but that the investigation would nonetheless continue if he failed to respond to the investigator's request for a return call. This is contrasted with a complaint filed in June of 1999 (also completed this quarter) in which documentation exists to suggest that a state police lieutenant wrote a letter to the complainant notifying the complainant that, if the complainant failed to respond to the letters sent to complainant by the state police, "it would be reasonable to conclude that you no longer desire to pursue your complaint and the matter will be considered closed." Policy in the pending procedure B-10 and current unit practice preclude such a letter.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

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

No changes in New Jersey State Police policies regarding this task were made since the last site visit. During the first two quarters, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written. Members of the independent monitoring team during the February,

2001 site visit reviewed a sample of the 44 completed investigative folders for compliance with this task.

Status

Unit policy, memoranda and inter-office communications continue to serve as the only policy guidance for this task. A review of a sample of the completed case folders places the agency in Phase II compliance with this task. Training for Office of Professional Standards personnel in processes related to this task is still pending and is appropriately addressed in the annual training plan. All 15 cases reviewed this quarter had final reports responsive to this task.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

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

A change in policy since the monitoring team’s last site visit has replaced the forty-five day completion requirement with a one hundred and twenty day requirement.

Status

Members of the independent monitoring team during the February, 2001 site visit discussed with representative of the state the revision to the time period articulated in this task. None of the forty-four cases completed during the time period October 1, 2000 and December 31, 2000 were in compliance with either the forty-five day time period or the revised requirement of one hundred and

twenty days. Further, representatives of the OPS advised members of the monitoring team that a new policy requiring the presence of two investigators during the interviews of State Police personnel and material witnesses will likely add to the time duration of internal investigations since OPS personnel will in many instances be distracted from their primary investigative caseload in order to assist other investigators as witnesses.

Members of the monitoring team were presented with forty-four completed cases for this reporting period. A completed case is considered as such upon the placement of the Superintendent’s signature. The team reviewed for content and practice 15 of these cases.

None of the 15 cases reviewed this quarter were completed in 45 days. None was completed in 120 days. Completion time ranged from six months to 16 months. The most frequently reported time-to-completion was 11 months.

Compliance

Phase I: In Compliance  
 Phase II: Not In Compliance

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

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

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

No changes in New Jersey State Police policies regarding this task were made since the last site visit. During the first two quarters, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Status

Unit policy, memoranda and inter-office correspondence continue to serve as the only policy guidance for this task. The "New Jersey State Police Office of Professional Standards Update" is still posted throughout the organization. The document lists an issuance date of written reprimands/suspensions for this reporting period. There were no incidences of imposed discipline relative to allegations of misconduct articulated in 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**

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

No changes in New Jersey State Police policies regarding this task were made since the last site visit. During the first two quarters, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written. Members of the independent monitoring team during the February, 2001 site visit determined that documents previously accepted for Phase I compliances purposes continue to be the sole policy guidance for this task.

Status

Members of the Independent Monitoring Team during the February, 2001 site visit queried representatives of the OPS and the OSPA as to the existence of any case, the substance of which touches upon the criteria as enumerated in this task. The monitoring team was unable to identify any circumstances consistent with language articulated in Task 89.

Compliance

Phase I: In Compliance  
 Phase II: Unable to Monitor

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

Task 90	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	In Compliance											
Phase II	Unable to Monitor											

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 ¶189, 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 ¶188 or disciplines a trooper pursuant to ¶189, 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

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the independent monitoring team during the February 2001 site visit determined that documents presented during the September site visit still serve as the basis for Phase I compliance. During this visit, members of the monitoring team reviewed 15 of the 44 investigative folders completed during the quarter.

Status

New Jersey State Police disciplinary actions are covered in the agency’s “Rules and Regulations,” 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 state, and is expected to come on-line in the winter of 2001. Members of the monitoring team have not approved the manner and process by which MAPPS data will be considered in imposing appropriate discipline, as the state’s plans are not sufficiently specific to allow such an assessment. Discipline appeared appropriate for the one sustained complaint in the sample of cases reviewed by the independent monitoring team this quarter.

Compliance

Phase I: In Compliance  
 Phase II: Not in Compliance

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

Task 91	1	2	3	4	5	6	7	8	9	10	11	12
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 Independent Monitoring Team during the February, 2001 site visit received a demonstration of the "IA Professional" case management software from CI Technologies. Members of the Independent Monitoring Team had noted in previous site visits that the state was awaiting the arrival and installation of this system.

## Status

The IA case management software will be used to track open and historical cases relevant to timeliness, assignment, status, disposition and discipline associated with investigations. Trooper synopsis information will also be available from the system. The system will be used to generate sequential case numbers – numbers that are currently assigned from a written ledger. Current plans call for OPS to continue to use redundant processes until such time as there is greater confidence in both the understanding and reliability of the new system. The system is currently receiving live cases into the data base. Current plans are for "IA Professional" to report the information required for the MAPPS program into the MAPPS data system, although no documentation for that interface was provided by the state. Representatives of the OPS advised members of the monitoring team that there have already been two training sessions on the case management system for the OPS staff. A sergeant from the Information Technology Bureau has been designated "Project Manager." Three support staff have been devoting several hours each day to data entry. Based on the on-site review of the IA case management system, the software appears to be capable of serving as the unit's management information system, as it replicates most of the current paper-based management system, and, in many ways, improves upon the current system's capabilities.

## Compliance

Phase I: In Compliance  
Phase II: In Compliance

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

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

One change in New Jersey State Police policies regarding this task was made since the last site visit. During the first two quarters, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written. Members of the Independent Monitoring Team during the February, 2001 site visit examined forty-four case files completed between October 1, 2000 and December 31, 2000.

Status

Of the 44 investigative files reviewed by members of the monitoring team in February, twenty-six required letters to citizens. Of the twenty-six, twenty-five included the elements as articulated in this task. This constitutes an error rate of less than five percent.

Compliance

Phase I: In Compliance  
 Phase II: 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. The New Jersey State Police

have continued to responded professionally in developing the training processes which they currently have on-board. The methodology they have used in developing this training reflects an intent to move New Jersey State Police to a state-of-the-art training process. While the reader will note a 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.

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

Task 93	1	2	3	4	5	6	7	8	9	10	11	12
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 spoke with the director of the Office of State Police Affairs, and the commandant and staff at the New Jersey State Police Academy responsible for this task. A member of the monitoring team also spoke with four recruits who were scheduled to graduate with the 119<sup>th</sup> class on March 14, 2001.

Status

The New Jersey State Police are working toward the development of a comprehensive training plan that will address the numerous training areas identified in Task 93. Presently, the Academy staff is engaged in the five essential stages of training development for the many courses they currently provide, as well as for the consent decree training requirements. There is an overlap of stages in some content areas (N.B. The current supervisory training continues to be taught while Academy staff evaluate and assess the need for revisions and will then develop new curriculum.) The five stages and the areas being addressed by the New Jersey State Police are:

**Stage 1--Diagnosis and needs assessment**

- Leadership training
- Supervision training
- Promotional training
- Specialized training
- In-service training
- Evaluation methods

**Stage 2--Development**

- Recruit training
- Trooper Coach training
- Ethics/integrity training

**Stage 3--Delivery**

- Recruit training
- Trooper Coach training
- Cultural diversity training—provided by the Anti-Defamation League
- Ethics/integrity training

**Stage 4—Evaluation**

- Recruit training
- Trooper Coach training
- Cultural diversity training
- Ethics/integrity training

**Stage 5—Documentation**

- Each of the previous four stages must be supported and linked by documentation.

Since the training currently being provided to the recruit classes and the trooper coaches, as well as cultural diversity training are being piloted for the first time, it is anticipated that revisions based upon evaluation data will be implemented in future sessions. Already, the development of a much more integrated recruit curriculum is underway that will allow future recruits to gain knowledge and skills simultaneously rather than separating knowledge training and skills practice into separate training blocks.

The last monitoring report submitted in February 2001, listed the following training responsibilities that the Academy staff were focusing their time and effort upon accomplishing:

### **RECRUIT TRAINING**

1. Delivering training to five recruit classes—119<sup>th</sup> through the 123<sup>rd</sup>. These classes began successively at three week intervals;
2. The 119<sup>th</sup> class graduated on March 14, 2001, with each successive class graduating at three-week intervals. The 123<sup>rd</sup> class will graduate on May 31<sup>st</sup>.
3. The four recruits from the 119<sup>th</sup> class who were interviewed by a member of the monitoring team stated that they feel confident and well prepared to become probationary troopers. They spoke highly of the trainer/mentors and the class coordinator who were available to them to offer support and counseling regarding issues related to their training, and to any personal concerns that the recruits had while at the Academy.

The recruits described how the new adult-based learning, while demanding, taught them how to think, where to look for answers, and how to make good decisions. Rather than being asked to only memorize rules and procedures, they were taught how to access what they needed in any given situation. They felt that the standards they were expected to meet were high and their training was physically and mentally demanding.

They also described the strong teamwork that developed as a result of the small class-size that allowed them to get to know one another quickly, and provided time for the instructors to observe and to work with each recruit individually as well as in groups. The teambuilding was also engendered and supported by having the recruits work on assignments in small groups. These groups were re-organized three times during the six-month training period to allow recruits to work with most of their fellow classmates while attending the Academy. They have exchanged e-mail addresses and plan to remain in touch after graduation to offer support and to learn from one another.

Evaluations of the recruits' final examinations will be completed in June after all classes have graduated.

### **OTHER TRAINING RESPONSIBILITIES RELATED TO TASK 93**

- Developing a trooper coach program and selecting coaches--see Task 102;

- Working with consultants to develop and begin to deliver the ethics and integrity training—see Task 100;
- Collecting data on in-service training needs—see Task 107;
- Identifying eligibility and selection criteria for training positions, including Academy instructors, Post-Academy instructors, and trooper coaches—see Task 98;
- Identifying systems for tracking agency-wide training needs—see Task 104;
- Beginning to develop a new supervision course for first class sergeants—see Task 105.
- In addition, in the interim between the December 2000 site visit and the February site visit, the cultural diversity training required by task 100 has been delivered to some of the troopers—see Task 100.

No formal plan currently exists for providing feedback to academy instructors and managers regarding “implementation by state troopers of the practices and procedures being taught.” Until a plan is developed which will reasonably gauge the effectiveness of “implementation by state troopers of the practices and procedures being taught” the state will remain in Phase I non-compliance for this task. Until the state documents changes to training plans based on this evaluation (or documents effective implementation in the field based on training) the state will remain in Phase II non-compliance for this task.

#### Compliance

Phase I: Not in compliance  
 Phase II: Not in compliance

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

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

A member of the monitoring team spoke with Academy staff responsible for this task, and reviewed operational plans for training program development. This review included a review of the newly revised trooper coach program documentation.

Status

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

Successful participation in the trooper coach program, according to the state, will be considered when trooper coaches apply for promotion. All of the state’s trooper coaches reportedly will be new to the program.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

**2.70 Compliance with 98: Formal Eligibility Criteria for Training Personnel**

Task 98	1	2	3	4	5	6	7	8	9	10	11	12
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:

A member of the monitoring team reviewed materials related to the Trooper Coach selection process, and reviewed the one-week trooper coach training program conducted February 19-23, 2001. This review also included discussions with troopers attending the training program and with Academy staff who developed and delivered the training.

A review of a random sample of twenty-seven selection records, nine from each of the three troops (A, B, and C), was completed by a member of the monitoring team. The oral interviews had been taped and were part of the monitor's review.

Status:

**Academy Trainers**

No changes were noted in this area since previous site visit. Selection records for trainers have not been monitored; however, a complete review will be conducted during the fourth site visit.

**Trooper Coach Selection**

175 troopers were chosen as coaches based upon the completion of the following selection criteria:

- Resume
- Letters of recommendation from three supervisors—immediate supervisor, the detective sergeant and the station commander. The letters of recommendation addressed the following areas in a checklist format and there was an additional page for narrative:
  - Leadership
  - Ethics
  - Appearance
  - Integrity
  - Communication
  - Cultural Sensitivity
  - Report Writing
  - Enthusiasm
  - Patience
- An oral interview before a four-person board at each of the three troop headquarters
  - The review board included a coach coordinator, a trooper with previous coaching experience, a commissioned officer, and a



trooper who was an ethnic minority and/or female. Applicants answered five pre-selected questions.

### **Coach Selection Process**

Following are the findings from a random review of the selection process documents:

- One of the three troops (Troops A, B and C), in reviewing the resumes, marked them to note formatting and punctuation deficiencies. There was no documentation to indicate that the other two troops had reviewed the resumes which were worth 5 points. There was no documentation to indicate that any of the resumes had been reviewed for content.
- At one of the three troops, the interviewers asked follow-up questions to clarify answers. One of the troops prefaced asking the questions by inquiring if the candidate had reviewed the questions as they had been sent to each of the stations in the troop prior to the oral board. In each case the trooper responded that he had seen the questions. The answers provided by a number of these candidates were very similar.
- Rankings of the scores obtained by the candidates were provided by one troop, but were missing from two troops. This data can easily be aggregated for the other two troops because each candidate's record has a cover sheet that lists their scores in each of the categories being evaluated. The ranked scores from the one reporting troop indicated that three candidates failed. A request for score rankings from the other two troops has been made to the Office of State Police Affairs and will be reviewed during the next site visit.
- The required selection criteria identified in the consent decree that had to be addressed in the selection process were:
  - 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
  - Specialized knowledge
  - Commitment to police integrity

As best as can be determined, most of these required tasks could be evaluated using the resume, the supervisory recommendations, the oral board questions, and review of personnel records. These would include:

1. Resume—if the candidate had the following experiences they could appear on the resume.

- a. Experience as a trainer
- b. Post-Academy training
- c. Specialized knowledge
- 2. Supervisory Recommendations
  - a. Cultural sensitivity
  - b. Communication skills
  - c. Police integrity
  - d. Teaching aptitude—if addressed in the narrative since this item was not part of the checklist topics on the recommendation form.
- 3. Oral board questions—the candidate’s answers could reveal their beliefs related to:
  - a. Integrity
  - b. Cultural sensitivity
- 4. Personnel records review— An absence of complaints could be interpreted that the candidate’s performance is in alignment with these criteria, while the presence of complaints related to these criteria could indicate a pattern of behavior reflective of beliefs that are not in alignment with these criteria.
  - a. Integrity
  - b. Cultural sensitivity

Compliance with this task is partially dependent upon trooper coach performance evaluations that will be completed by the probationary troopers and the coach coordinator. These will not be available until August when the 123<sup>rd</sup> class has finished its probationary status with the coaches, so the monitor was unable to evaluate all the essential documents due to their unavailability at this time. A member of the monitoring team will assess these documents as they become available on future site visits to determine compliance.

Compliance

Academy Personnel Phase I: In Compliance Phase II: Unable to Monitor	Trooper Coach Personnel Phase I: In Compliance Phase II: Unable to Monitor
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**2.71 Compliance with Task 99: Training for Academy Instructors**

Task 99	1	2	3	4	5	6	7	8	9	10	11	12
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 monitoring team spoke with Academy staff responsible for implementing this task.

Status:

Academy/post-Academy Instructors

The leadership training has not yet been included in the train-the-trainers course, and proficiency records have not been reviewed.

Trooper Coach

The training materials have been developed and are described in detail in the status section of Task 102. The training began in January 2001 and will be completed in March 2001. Trooper coach performance evaluations cannot begin until the probationary troopers from the 119<sup>th</sup> class have completed the coaching program and will be completed when the 123<sup>rd</sup> class is finished in August 2001. The monitor is unable to determine compliance until these documents become available.

Compliance:

Academy/Post-Academy

Instructors

Phase I: In Compliance

Phase II: Not in Compliance

Trooper Coaches

Phase I: In Compliance

Phase II: Unable to Monitor

## 2.72 Compliance with 100: Training in Cultural Diversity

Task 100	1	2	3	4	5	6	7	8	9	10	11	12
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:

### Cultural Diversity

A member of the monitoring team attended the one-day cultural diversity program provided for the trooper coaches by the Anti-Defamation League.

The monitors had approved existing curricula for cultural diversity training (which included a communications component) during the review of training conducted during the first quarterly site visit.

### Ethics/Integrity

A member of the monitoring team reviewed the curriculum for the ethics/integrity training and attended two days of the five-day "train-the-trainers" program conducted for the New Jersey State Police by a nationally recognized consultant during a previous visit. The program developed by this consultant was of exceptional quality, and truly constitutes the "state of the art" in ethics training for police in the United States.

Status:

### **Cultural Diversity**

The trooper coaches received one day (8 hours) of cultural diversity training during their 40 hours of trooper coach training which is discussed in greater depth in task 102. The training, entitled "A Workplace of Difference," was provided by two instructors from the Anti-Defamation League.

A review of the academy's assessment of the training provided by the ADL, and on-site assessments by members of the monitoring team indicate that:

- The instructors were knowledgeable about the topic and demonstrated good presentation skills.
- Course content appeared not to be "custom tailored" for the audience, specifically as it relates to the stipulated requirements of the consent decree;
- There were few opportunities for group interaction and group work on scenarios.
- The focus on cultural diversity included topics relating to racial discrimination (black and white). There was one noted reference or application to gender-based issues, and no meaningful focus on ethnic, religious, or disability issues. (issues specifically cited in the consent decree—see above—as required items that must be addressed in the cultural diversity training provided to the recruits and troopers.)

The consent decree specifies the recruits and troopers shall receive cultural diversity training, "...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." Racial issues were adequately addressed. Gender issues were mentioned tangentially. None of the other issues were covered meaningfully.

### **Ethics/Integrity**

Prior to supervising the probationary troopers, the trooper coaches will be divided into three classes, and each class will complete one day (eight hours) of ethics training on March 12, 13, and 14, 2001. A one-day curriculum on this topic has been developed by a consultant and was presented to New Jersey State Police upper level managers (lieutenants, captains, majors, and lieutenant colonels) in December 2000.

A one-day program will also be presented to all sergeants and troopers by the Academy trainers who have been trained by the consultant. There are no tentative dates scheduled for this training.

Compliance:

Phase I: In Compliance  
 Phase II: Not in Compliance

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

Task 101	1	2	3	4	5	6	7	8	9	10	11	12
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:  
 Not monitored

Status:

The New Jersey State Police came into compliance with this task during a previous site visit. Recruits who do not pass the examination on these topics are allowed one opportunity to retake the exam. If they fail a second time, they are dismissed from the Academy.

Compliance: In-Service

Recruit

Phase I: In Compliance  
 Phase II: In Compliance

In Compliance  
 In Compliance

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

Task 102	1	2	3	4	5	6	7	8	9	10	11	12
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:

A member of the monitoring team attended the one-week training that is provided to all trooper coaches. The class attended was held from February 19-23, 2001 at the New Jersey State Police Academy. A member of the monitoring team spoke with trooper coaches attending the class and with the Academy instructors who developed and delivered this training. A member of the monitoring observed Academy instructors train the 119<sup>th</sup> recruit class on the trooper coach program.

Status:

**Coach Training Program**

Each of the 175 trooper coaches attended a 32-hour training session, plus an 8-hour training on ethics and integrity and eight hours on cultural diversity. The program was divided into eight sessions with an average of 25 troopers attending each session.

The training schedule ran as follows:

Opening remarks	30 minutes
Program Overview	2 hours
Action-based learning	2 hours
Leadership	2 hours
Cultural Diversity	8 hours
Coach evaluation skills	2 hours
EEO/AA information	2 hours
Coach documentation	3 hours
Report writing	2 hours
Arrest, Search and Seizure	3 hours
Remedial training strategies	3 hours
Presentation by Superintendent Dunbar or his representative	2 hours
Final examination, course evaluations, presentation of certificates, and closing remarks	2 hours

The material that was presented to the trooper coaches in this course was well presented by all the trainers. Some of the topics that were included in this training relate to consent decree requirements that must be provided for all troopers. It is understandable that the agency wants to insure that trooper coaches will be current on arrest, search and seizure, report writing, and on EEO/AA procedures, and cultural diversity. Being knowledgeable in these areas helps each person to be a better trooper, but does not address the knowledge and the skill sets that are specifically necessary to be a good trooper coach.

The information provided in the training blocks on the program overview, action-based learning, leadership, remedial training strategies, documentation, and evaluation are directly linked to developing the knowledge and skills necessary to be a better coach. Approximately fourteen hours of the 32-hour program were used to address these topics.

A limited amount of time was spent on practicing the skills involved in:

- diagnosing/assessing why performance deficiencies occur;
- developing specific, measurable, attainable, relevant, and trackable remedial strategies;
- practicing intervention strategies;
- completing required documentation using the program documentation forms;
- evaluating the effectiveness of the remedial strategies.

The results of the on-site assessment (observation of delivery of the training) supports the monitoring team's assessment of the training documentation



delivered to the state and the United States in February. The monitoring team, in its approval of the trooper coach training plan noted that it appeared that additional topics (such as those listed above) would improve the quality of the trooper coach training. Overall, the trooper coach training observed by members of the monitoring team was of very high quality, and was well-executed. The issues noted above, and in the monitoring team's approval of the training plan, may potentially lead to difficulty with the program, however.

### **Coach Coordinators**

The sergeants who are coach coordinators at each station attended this program also. Their role is acting as a resource to the trooper coach when remedial strategies are not working, or when attitudinal issues with the probationary trooper arise was discussed and stressed. They are also required to insure that all trooper coach documentation required by the division is completed in a comprehensive and timely manner.

No awareness/emphasis was placed on the role of the coach coordinator in actually participating in supervising and mentoring the coaches. The majority of troopers who will be coaches have not previously supervised anyone. Due to the criticality of the trooper coach program, and the lack of supervisory experience of many of the new coaches, the role of the coach coordinator as a "coach to the coaches" may become essential to assist the new coaches as they assume their responsibilities.

### **Coach Assignment to Recruits**

Recruits and coaches will be assigned regionally, to stations within reasonable proximity to their homes. This is scheduled to begin when the 119<sup>th</sup> recruit class graduates (March 14<sup>th</sup>) and receive their assignments as probationary troopers. They will complete the coaching program on May 26, 2001. The 123<sup>rd</sup> recruit class, the last of the current five classes at the Academy, will graduate on May 31<sup>st</sup> and complete the coaching program on August 11, 2001.

### **Coach Evaluation**

A 360-degree evaluation of coaches has been developed. The recruit and the troop coach coordinator will evaluate the coach using a weighted evaluation process and form developed for that purpose. The coach will also be evaluated by the trooper coach coordinator (a sergeant first class in each of the three troops), and by the trooper coach station commander regarding his/her coaching responsibilities and performance. Standardized forms have been developed for the evaluations and these will be monitored on a future site visit.

## Recruit Training

Each recruit in the 119<sup>th</sup> class received a manual related to the coaching process. They also received training about the program and what is expected from him/her by the coaches and by other troopers. The recruits worked in groups to answer questions related to expectations, and the instructor took the work product from each group and shared that with the trooper coaches who were receiving training that week.

Trooper coaches have been playing roles in crisis management scenarios in the recruit training classes allowing them an opportunity to meet and interact with the recruits. Feedback from several trooper coaches who participated in these scenarios is very positive regarding the preparation recruits are receiving in the Academy and their high level of performance in completing the scenarios.

Based on observation of the trooper coach training and a review of the trooper coach training documentation, the monitors have approved the trooper coach protocol. Phase II compliance cannot be monitored until members of the monitoring team have access to trooper coach evaluations of probationary performance, and other trooper coach and probationary trooper evaluation materials.

Compliance:

Phase I: In Compliance  
Phase II: Unable to Monitor

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

Task 103	1	2	3	4	5	6	7	8	9	10	11	12
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:

This task was not monitored this quarter.

Status:

The New Jersey State Police achieved compliance in September 2000.

Compliance

Phase I: In Compliance  
Phase II: In Compliance

**2.76 Compliance with 104: Systems Improvement Processes for Police Training**

Task 104	1	2	3	4	5	6	7	8	9	10	11	12
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 spoke with staff from the Training Academy, and reviewed processes designed to improve police training.

Status:

The Director of the Training Academy and a number of his staff continue to attend troop commander meetings at the various stations in order to establish a communication channel for information sharing. Academy staff share with station staff what is happening at the academy, and then elicit information regarding the needs and concerns that troopers and supervisors have about training.

The In-service Training Committee chaired by the academy director, recently received four requests for training regarding operational issues from the commander in charge of operations. System improvement processes identified last quarter are still in effect.

Compliance: In-Service

Phase I: In Compliance  
Phase II: In Compliance

**2.77 Compliance with 105: Provision of Training for Supervisors**

Task 105	1	2	3	4	5	6	7	8	9	10	11	12
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:

A member of the monitor’s team spoke with Academy staff responsible for this task, and reviewed plans for supervisory training.

Status:

Academy staff are presently in the diagnosis/assessment phase related to this task. Preliminary plans include developing a three-five day in-service program for

those from trooper-one to colonel rank and beginning the training sometime in the spring of 2001.

Compliance:

Phase I: Not in Compliance  
 Phase II: Not in Compliance

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

Task 106	1	2	3	4	5	6	7	8	9	10	11	12
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:

This task was monitored on the last site visit and will be monitored on alternate site visits since a six-month period of time is allowed before promoted troopers must receive training.

Status:

No change in status at this time.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

## 2.79 Compliance with Task 107: Provision of Specialized Training

Task 107	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

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 this site visit, as the meaning of “where specialized training is necessary in order to perform the assigned duties” is not clear. Since the second quarter, the parties have come to agreement regarding the requirements of this task. Monitoring strategies will be implemented upon the next site visit.

Compliance

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

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

Task 108	1	2	3	4	5	6	7	8	9	10	11	12
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 spoke with Academy staff responsible for implementing this task.

## Status:

The monitoring team will not be able to assess compliance with this task until the MAPPS program is functional, and the interim computerized data collection system that the Academy continues to use to capture training information can be merged with MAPPS.

At the present time the interim system is capturing training data in three ways. They are:

1. A scanner is being used to enter into the computer old training records that have been stored for a number of years.
2. A computerized repository has been created to better organize miscellaneous training data.
3. Exception reports to identify courses that have not been completed by troopers are being created that will allow Academy staff to identify troopers who have not completed training deemed mandatory. This will now be possible because a new Scantron machine has been purchased that allows the examinations completed at the end of training sessions to be searched for various identifiers. One of these will be by trooper name to determine if he or she completed a test, and was therefore present for the training.

At the present time there is no comprehensive system in place to gather training data on all New Jersey State Police members who are attending training, especially training received outside the department. However, anyone attending training outside the department is now required to complete a registration card that is forwarded to the Academy for entry into the interim tracking system.

Until MAPPS system specifications for training records are provided to the monitors, the state is judged to be out of compliance with this task. See Section 2.17, above.

## Compliance

Phase I:	In Compliance
Phase II:	Not in Compliance

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

Task 109	1	2	3	4	5	6	7	8	9	10	11	12
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:

Not monitored on this site visit.

Status:

The New Jersey State Police have been judged to be in compliance with this task based on evaluations during the second quarterly site visit.

Compliance

Phase I: In Compliance  
Phase II: In Compliance

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

Task 110	1	2	3	4	5	6	7	8	9	10	11	12
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 conducting site visits, 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 third 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. Phase II compliance with this task is dependent upon implementation of the MAPPS.

#### Compliance

Phase I: In Compliance  
Phase II: Unable to Monitor

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

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

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, and continues to implement this audit process. Members of the monitoring team have reviewed the state's current report in response to this task. As of February 26, 2001, the state has interviewed (telephonically) 25 drivers stopped by the New Jersey State Police by personnel from the Holmdel station. Work continues to locate and interview a larger portion of the selected drivers sample. Given the nature of the work required by this task, the state's efforts are reasonable and proper. Work continues, by mail and telephone, to contact larger numbers of the universe of stopped drivers. To date, based on documentation reviewed by the monitoring team, no driver has provided the state with information to indicate that the processes engaged in during his or her stop werw different from that reported by state police personnel.

Compliance

Phase I: In Compliance  
Phase II: In Compliance

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

Task 112	1	2	3	4	5	6	7	8	9	10	11	12
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 ¶162; 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, although, based on discussions with the state, decisions regarding how to legally and effectively implement this requirement have been made. No use of testers has been made during the last quarter. The state's audit process for this task is to contact all citizens who have had an internal affairs case resolved during the past quarter and to ask them, in a telephonic interview, specific questions regarding their perceptions of the New Jersey State Police IA process. Nine of fifteen citizens interviewed felt that the IA process was thorough and fair. Of the five who expressed a negative opinion, only one expressed the opinion that the investigator appeared to be biased in favor of the employee.

Status

Phase I compliance on this task is pending the development of policy or practice-related documentation regarding internal processes of using testers.

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**

Task 113	1	2	3	4	5	6	7	8	9	10	11	12
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 December 4th, 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**

Task 114	1	2	3	4	5	6	7	8	9	10	11	12
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 its "Second 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 "Second Semi-Annual Public Report of Aggregate Data," prepared by the Office of State Police Affairs on January 10, 2001, 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

Task 115	1	2	3	4	5	6	7	8	9	10	11	12
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 Monitors

Task 118	1	2	3	4	5	6	7	8	9	10	11	12
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:

The monitoring team made several specific requests for data before and during the third site visit, which resulted in complete responses by the state. Requests for data included motor vehicle stop reports, patrol charts, and supporting documentation for motor vehicle stops. Members of the monitoring team also

requested and received, electronic records relative to motor vehicle stops, CADS records, and other supporting data. The state responded appropriately in each instance. Members of the monitoring team also asked for and received access to training personnel, training records, and for personal interviews with recruits and instructors at the state police academy. The only data not provided as requested were due to a misunderstanding between the state and the monitors.

Status

The state remains in compliance with this task, although continued problems in this area will result in loss of compliance.

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**

Task 120	1	2	3	4	5	6	7	8	9	10	11	12
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. Fifteen of 44 completed cases were reviewed this quarter. None were selected by the monitoring team to be reopened, although members of the monitoring team expressed concern over the investigative process evident in two of these cases. The first of these cases involved the investigator showing the complainant’s letter to two independent witnesses (municipal police officers) and asking them to respond to the allegations against the trooper, instead of formulating specific questions concerning what the witnesses saw and heard. The second of these cases involved the state police investigator placing the burden on the complainant to “define” racial profiling through a series of questions that were not designed to collect the complainant’s recollection and representation of what transpired. This case, further, appears to give scarce attention to the accused trooper’s IA synopsis, which includes several allegations consistent with the core of the complainant’s allegations.

Compliance

Phase I: In Compliance  
 Phase II: Unable to Monitor

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

Task 122	1	2	3	4	5	6	7	8	9	10	11	12
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**

Task 123	1	2	3	4	5	6	7	8	9	10	11	12
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 February 26, 2001.



Status

Not all records requested were provided by the state (see Section 2.88, above). It appears that this was not due to a lack of maintenance of the records; in no case was the monitoring team advised that a requested record was not available.

Compliance

Phase I: In Compliance  
Phase II: In Compliance

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

Task 124	1	2	3	4	5	6	7	8	9	10	11	12
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 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 traveling 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.

Several significant events have occurred during the third quarter of the implementation phase of the consent decree entered into between the State of New Jersey and the United States Department of Justice. First, the first indications of a documented active supervisory presence have been noted within the field-ranks of the New Jersey State Police. On several occasions, supervisory personnel have noted, and effectively responded to trooper performance that was not in compliance with various aspects of the decree. Remedial action was taken prior to the monitoring team calling these incidents to the state's attention. Second, the state has continued to make meaningful progress in development of its MAPPS personnel system. The state has worked diligently to correct deficiencies in the scope and nature of the system, as noted by the monitoring team and the United States, and continues to move components of MAPPS to the implementation stages. Full implementation is scheduled for November, 2001.

Continued problems with video and audio recording of motor vehicle stops persist, although the state has developed new policies to deal with video and audio recordings which, by the next site visit, should have the vast majority of all traffic stop interactions of interest to the consent decree accurately recorded, in conformance with the decree.

The state continues to work on a revised procedure for internal affairs investigations, and has made progress in provision of training for all internal affairs investigators. A revised (pending promulgation) policy for supervisory review of motor vehicle stop incidents represents a marked improvement in the requirements in this area.

The state is in Phase I compliance with 89 of the 96 tasks which could be monitored for Phase I compliance during this reporting period. It is in Phase II compliance with 54 of the 86 tasks, which could be monitored for Phase II compliance during this reporting period. The state is in Phase I compliance with 93 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 63 percent of the tasks that the monitoring team could monitor for Phase II compliance during this reporting period.

Appendix A  
NJSPIMF Forms 1 and 7