

Monitors' Sixth Report

Long-term Compliance Audit
Civil Number 99-5970(MLC)

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

United States Department of Justice
Civil Rights Division

State of New Jersey

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Executive Summary

The sixth reporting period continues to reflect progress, punctuated by continued problems in some areas. Perhaps most important, the period was characterized by a great deal of change: A new administration took the reigns of state government, resulting in new personnel in the Attorney General's Office, new personnel at the Office of State Police Affairs, and a new State Police Superintendent. Change often can be difficult for organizations: momentum can be lost as new personnel adapt to their new roles. Approaches to implementation can change, often resulting in delay. Uncertainty regarding requirements and history can result in false starts. It appears, however, that very few of these issues surfaced with the changes witnessed at the New Jersey State Police this year. During the sixth reporting period, the State of New Jersey has continued to make progress toward compliance with the requirements of the consent decree, although some concerns continue to be noted.

The state appears to have virtually eliminated problems with overt failures to properly video-tape motor vehicle stops. During the review this period, problems encountered in videotaping motor vehicle stops were apparently attributable to equipment failures, exigent circumstances, or safety issues. Members of the monitoring team were, again, impressed with the professional quality of the vast majority of interactions reviewed this reporting period. Problems noted with traffic stops this quarter included some reporting failures, e.g., consent searches which were conducted, reported in narrative, but not noted in the data collection segment of the report, and some process failures, e.g., two consent searches conducted without reason to suspect contraband was present in the vehicles. While some issues remain in reporting vehicle stops, for the most part, the state's performance on these factors is vastly improved, *although in some areas still not falling within stipulated compliance levels.*

The monitors attribute the improvements observed in the field operations of the New Jersey State Police to two factors: implementation of revised and updated supervisory practices and completion of agency-wide training regarding Fourth Amendment practices in law enforcement. Numerous changes in New Jersey State Police policies regarding motor vehicle stops were made in the last reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess New Jersey State Police patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors are now required to approve all consent searches, and, where practicable, to be present when consent searches are

conducted. Supervisors also are required to routinely monitor and review, using a new, highly structured “checklist” a larger number of “routine” MVSRs. In addition to the newly implemented supervisory review form, the state has implemented its “road sergeant” position, providing a new level of on-the-road supervision for law enforcement personnel. This process has resulted in an on-site supervisory presence in 45 percent of consent searches, and 55 percent of canine deployments. The monitors have expressed some concern, however, regarding the degree to which supervisors are able to identify issues related to their personnel’s execution of motor vehicle stops. The monitors note that supervisory review missed a large number of problematic issues in the 361 motor vehicle stops reviewed this reporting period.

The results of these changes are tangible. The number of consent searches requested by the New Jersey State Police continues to decline, from 59 in the previous six months, to 20 during this reporting period. Perhaps more importantly, “find rates” for those searches have also improved—indicating that consent requests are being made more frequently of those who possess contraband or evidence, and less often of those who do not. “Find rates” for consent requests of black drivers this reporting period were 40 percent; for whites, it was 46 percent; for Hispanics, it was 75 percent. Overall, problems with searches and stops continue to be reduced in both number and proportion this reporting period.

Coupled with these changes, the state also has made very substantial progress in addressing another issue identified in the fifth monitors’ report. The monitors have noted a substantial increase in the number of internal investigations completed by the state this reporting period. During the fifth reporting period, the monitors noted that the number of pending internal investigation cases actually *increased* by 116 cases. During the sixth reporting period, the state completed 468 internal investigations, and opened 263, reducing the number of pending cases by 245 this period. A review of 213 completed investigations indicated that all were completed in accordance with established standards and practices for internal investigations.

Improvement was also noted in some aspects of the state’s training processes. The monitors have always found the actual training provided by the New Jersey State Police to be quite good. A large number of the training curricula are excellent. During the fifth reporting period, however, the monitors noted that the state had fallen short in many of the processes that support the training function: needs assessment, evaluation and documentation of the training process. This reporting period, the monitors found substantial improvement in the *documentation* processes exhibited by the academy. Virtually all requested documentation was provided expeditiously by the academy. The monitors’

checks of academy records found all to be well organized, well maintained and accurate.

This improvement is attributable to two factors: creation of a four-person consent decree compliance team at the academy and provision of full-time computer support for the academy's information systems development. In addition, the state has contracted with a nationally recognized firm for a thorough manpower assessment of the academy, thus addressing another issue noted by the monitors during the fifth reporting period. Documentation of academy efforts has improved substantially this reporting period. Staffing levels have also been increased by nearly 26 percent since the last monitors' visit. It appears that the state is diligently attempting to address the staffing issues raised by the monitors over the last several reports.

Despite these improvements, however, some concerns remain with the training process. Issues still exist with the needs assessment and evaluation processes deployed by the academy, although the state is attempting to field acceptable processes in these aspects of the training function. In addition, the state continues to encounter issues in providing supervisory and leadership training for all field supervisors, as required by the decree, and, worse, has promoted 289 of its personnel who have not received the consent-decree required leadership and supervision training specific to their functions.

Training is a critical task, directly related to acceptable performance. The monitors encourage the state to address these noted deficiencies in training as soon as practicable. As witnessed by the substantial improvements in performance in the area of Fourth Amendment practices, training, when coupled with strong supervision, can make a difference in law enforcement performance. In order to generate strong supervision, however, effective training is a prerequisite.

Finally, the monitors express grave concern about the pace of development of the New Jersey State Police MAPPS computer program. Delivery of a functioning MAPPS process is essential to compliance with the decree, as MAPPS affects virtually every important element of compliance: reporting, supervision, training and discipline. Delivery of the system has been excessively delayed, and delivery and implementation is essential by the seventh monitors' report if the state is to avoid extending the time period in which the decree is active.

Overall, the state has made some remarkable progress this reporting period. Substantial improvements have been noted in internal affairs investigations productivity and in the documentation processes at the training academy. Continued (and substantial) issues exist with development of the required automated information systems needed to support supervision (MAPPS), annual

refresher training, and supervisory/leadership training. The state is approaching compliance in the area of motor vehicle stop reporting, and the monitors have observed, over the last few reports, substantial improvements in both the processes engaged in and the methods of reporting these stops.

Independent Monitors' Sixth Report Period Ending May 30, 2002

1 Introduction

This document represents the sixth of an anticipated twelve "Independent Monitors' Reports" (IMRs) assessing the levels of compliance of the state of New Jersey (the state) with the requirements of a consent decree (decree) entered into between the state and the United States Department of Justice on December 30, 1999. The monitors acknowledge the fact that the state may complete substantial compliance with the requirements of the decree prior to the anticipated five-year period, in which case, the monitors would file fewer reports. This document reflects the findings of the monitoring team regarding compliance monitoring for the period December 31, 2001, through May 30, 2001. In order to complete the report in a timely fashion, monitoring activities were accomplished during the weeks of April 22 through May 3, 2002.

The report is organized into three sections, identified below:

- Introduction;
- Compliance Assessment; and
- Summary.

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

1.1 Overall Status Assessment

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

1.2 Format for Compliance Assessment

The IMR is organized to be congruent with the structure of the consent decree. It reports on the state's compliance using the individual requirements of the

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

1.3 Compliance Assessment Processes

1.3.1 Structure of the Task Assessment Process

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

- Selection of a random or stratified random sample;
- Selection of 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 or the Office of State Police Affairs. In every instance of selection of random samples, 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 monitoring team during the period ending April 30, 2002. The sixth independent monitors' report was submitted to the court on June 25, 2002.

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 business¹; and/or


¹ 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 New Jersey 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 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 quarterly reports for the first year and two reports 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 parties have agreed to 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) that 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 requirements of the decree. This standard is widely used in social science, and is adapted by mutual agreement for this project.

1.3.4 Compliance with a Hypothetical Task

<i>Task nn</i>	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
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 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 Sixth 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 report deals with actions of the state to comply with the decree between April 1, 2001 and December 31, 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	Phase I											
Phase II	Phase II											

Task 26 stipulates that:

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

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the fourth reporting period, and were fully implemented in the sixth reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle

stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Supervisors are now required to approve all consent searches, and, where practicable, to be present when consent searches are conducted. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

During the sixth site visit, members of the monitoring team conducted structured on-site reviews of the operations of ten New Jersey State Police Road Stations. These reviews were conducted of operations reported during the dates of September 1, 2001 to February 28, 2002, inclusive (the last month for which electronic data were available). The team conducted these reviews of the Bloomfield, Bass River and Holmdel stations in Troop E, and the Bellmawr, Buena Vista, Tuckerton, Bridgeton, Atlantic City Expressway, Woodbine and Woodstown stations in Troop A. As part of this review, members of the monitoring team collected and or reviewed course-of-business data on 361 New Jersey State Police motor vehicle stop incidents. In addition, the team reviewed video recordings of 294 motor vehicle stop incidents involving law enforcement procedures stipulated in the decree. Supporting documentation was reviewed for each of the motor vehicle stops assessed by the monitoring team. 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 April and May, 2002, 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 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.
- The monitoring team also requested copies of documentation created for all consent search requests, canine deployments, and incidents involving use or force by New Jersey State Police personnel statewide.

Based on these data requests, the monitoring team was provided with 361 motor vehicle stop records (taken from the state’s motor vehicle stop report entry system) for which dates and times of stops were recorded electronically, referred to by the state as motor vehicle stop “event” records. Computer Assisted Dispatch System (CADS) records were also requested by the monitors for all motor vehicle stop activity for the selected stations for the active dates of the sixth site visit.

Data reviewed by the monitoring team for the sixth site visit included the types of incidents noted in Table One, below.

Table One: Incidents Reviewed by Monitoring Team
For Sixth Site Visit

Type of Activity	Report Reviews	Tape Reviews
Selected MVS Incidents	361	294
MVS Involving Consent Search	21	13
MVS Involving Canine Deployment	11	3
MVS Involving Use of Force	17	5
Probable Cause Searches	30	11
Plain View Searches	14	6
Non MVS ²	0	24

Motor Vehicle Stops

² Motorist’s aids, vehicle accidents, etc.

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. These events were identified using the CAD records provided by the state.

Incidents selected for review by the monitoring team were subjected to three types of assessment.

- 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 that 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 that were reviewed simply by viewing video recordings events following a selected motor vehicle stop incident, using a procedure developed to ensure that all events, which should be reported by MVS, are actually reported, referred to as Type III data.

These records indicated seven events from among the stations selected, which resulted in a consent search, and 14 events from other stations resulting in consent requests, for a total of 21 consent search requests.³ All consent searches were assessed by reviewing New Jersey State Police reports documenting the consent and execution of the search. In addition, all seven consent searches occurring within selected stations, and an additional six consent requests occurring at other stations were subjected to both documentation and video recording review by the monitoring team. Similarly, the New Jersey State Police deployed canine units 11 times during the reporting period. Reports from all 11 of these events were reviewed by the monitoring team, and videos from five of those events were also reviewed by the monitoring team. Force reportedly was used by New Jersey State Police personnel in 17

³ One consent request was declined by drivers during the reporting period.

motor vehicle stop incidents during the reporting period, and reports from each of these incidents were reviewed by the monitoring team. Video tapes of five of the use of force events were reviewed by members of the monitoring team during the sixth site visit.

The reader should note that members of the monitoring team reviewed all Motor Vehicle Stop Reports, and associated documentation (patrol charts, citations, arrest reports, DUI reports, etc.) for the following New Jersey State Police activities:

- All consent search requests;
- All uses of force; and
- All deployments of canine units.

In addition, obviously, video tapes of *some* these events also were reviewed by members of the monitoring team during their sixth site visit. These incidents and procedures were subjected to one (or more) of three types of reviews performed by the monitoring team. The types of reviews used by the monitoring team are described below, and a summation of the types of review performed by station, are depicted in Table two, below.

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 law enforcement procedure 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 was subjected to a structured analysis using a form developed by the monitoring team. 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 Review

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. These data were collected using a form developed by the monitoring team. 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 III Event Review

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 monitoring team also developed a protocol that sampled events after a selected event at a road station. For example, if a motor vehicle stop incident, which occurred at 3am, were selected for review, events recorded after that were also eligible for review.⁴ All events selected for a Type III (video-based) review were subjected to a structured review using a form developed by the monitoring team. 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.

Table Two: Distribution of Monitoring Events

Station	Type I Reviews	Type II Reviews	Type III Reviews
1 Bass River	33	32	2
2 Bloomfield	23	23	11
3 Holmdel	24	24	2
4 Atlantic City Expressway	30	30	1
5 Bellmawr	47	45	2
6 Bridgeton	27	27	0
7 Buena Vista	29	25	0
8 Port Norris	24	24	2
9 Tuckerton	26	15	0
10 Woodbine	14	14	3
11 Woodstown	29	29	1
Other	55	6	0
	361	294	24 ⁵

⁴ Not every law enforcement procedure reviewed by the independent monitoring team was subjected to this protocol during this quarter's site visit, as many of the events selected were found to have occurred at the end of the video tape being reviewed.

⁵ All 24 Type III reviews were events other than motor vehicle stops. No instances of motor vehicle stops being made and not reported as same were

Status

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

In-service training was provided to all members of the state police on revisions to the specific provisions of the SOPs and this provision of consent decree between April through August, 2001. Training for supervisors on the policy was completed during the fifth reporting period. Training for supervisors regarding how to monitor potential race-ethnicity based motor vehicle stop decisions was completed by the state in November, 2001. Members of the monitoring team monitored this training, and found it to be of excellent quality, consistent with the quality of other training programs produced by the New Jersey State Police. 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 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 proposed MAPPS system is completed. A detailed discussion of the elements of the monitoring team's assessment of this task is included in the sections that follow.

Further, members of the monitoring team continue to note a clear and positive change in the operational focus of the New Jersey State Police during this reporting period. With a few exceptions, the motor vehicle stops conducted by the and reviewed by the monitoring team have been focused on the "core mission" of the agency: public safety on the roadways. The vast majority of all traffic stops reviewed by the monitoring team this period were stops for high rates of speed, DUI, or other serious offenses. Only a handful of stops were for "lower" rates of speeding (10-14 mile per hour over the posted limit). The monitoring team noted fewer minor equipment violations, which were the only

noted in this sample, although an unreported MVS was noted as part of a Type II tape review (see p. 14, below).

reason for a traffic stop. However, members of the monitoring team did note at least two instances (out of 294 Type II reviews) of troopers protracting stops apparently to obtain reason to search vehicles. The monitors commend the state for improving the quality and tenor of the “average” traffic stop observed by the monitoring team during this reporting period.

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	[Pattern]											
Phase II	[Pattern]											

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

Numerous changes in New Jersey State Police policies regarding this task were made in the fourth reporting period, and were fully implemented in the sixth reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle

stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Supervisors are now required to approve all consent searches, and, where practicable, to be present when consent searches are conducted. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

Some problems are surfacing in this new system of supervision, however. Members of the monitoring team have noted that field supervisors were present in only three percent of all monitored activity this reporting period. In addition, supervisory review of video tapes of motor vehicle stops, while vastly improved over the system initially established by the Division, has failed to note some rather significant errors on the part of troopers in the completion of their motor vehicle stop reports.

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 policies developed, the training provided to date and the pending MAPPS process indicates that the agency is in Phase I compliance with the requirements of this task. The state has conducted a review of several hundred Motor Vehicle Stop Reports (MVSRs), and has noted several deficiencies in operationalization of the training provided. Retraining to address these deficiencies is has been delivered. Training in use of the MAPPS is pending and the program itself is scheduled for the fall of 2002. Full compliance with this task cannot be monitored until the MAPPS is brought on-line. For example, the following issues were noted with 20 MVSRs (from among the 294 reviewed this reporting period), which were, apparently, not noted by supervisory personnel reviewing the motor vehicle stops.

- Four troopers articulated insufficient reason to suspect drivers or passengers were armed in their MVSRs detailing frisks of drivers or passengers of vehicles. Supervisory personnel reviewed these reports and failed to note these discrepancies.

- Seven troopers engaged in activities, which were not accurately reported on the respective MVSRS. For example, four troopers frisked individuals (as reflected in the stop video) but the frisks were not noted on their MVSRS (a total of seven individuals were frisked without appropriate notations on the MVSRS. In addition, one individual was arrested, but not noted on the MVSRS; one passenger was asked out of a vehicle, and not listed on the MVSRS. Supervisory personnel reviewed these reports, and failed to note the reporting discrepancies.
- Two troopers conducted what appeared to be protracted traffic stops which appeared to go beyond what was essential to enforce the infractions observed and which served as the basis for the stop, including a 30 minute stop with highly focused questions about itinerary, reasons for the itinerary, locations of any stops made during the trip—all for an inoperative headlight; and a 61 minute stop for failure to wear a seatbelt. Two supervisors reviewed and approved the reports.
- One trooper conducted a complete search of the cab of a suspected hit and run vehicle absent probable cause. Although the trooper requests consent after the initial search, and it is granted, the “basis for initial motor vehicle search” shows “Consent Requested GRANTED.” No mention is made in the narrative of the report regarding the earlier search of the cab of the vehicle.
- One trooper conducted, on authority of his sergeant, a consent search, at the state police road station, of a vehicle involved in a traffic stop, but failed to note in the stop report that a consent search had been conducted. The trooper’s narrative lists the consent request, and includes the appropriately completed consent request form. The report is reviewed by two supervisors, and the discrepancy is not noted. While, on the surface this is a “box checking error,” it is at this juncture that critical data are collected for inclusion in systems such as MAPPS.
- One trooper conducted a DUI stop while transporting a prisoner to his road station. No call in of the stop was made by the initiating trooper, and no stop report was made by the trooper.
- One trooper, in preparing a stop report entailing a consent request, noted in his narrative that he asked questions designed to establish guilt without providing Miranda warnings, and appears to seize evidence absent probable cause. This report is reviewed by three supervisors, and no notice of these issues is documented.
- One trooper conducted a consent request and search based on “furtive movements,” and “vague in nature” explanations of itinerary. In the opinion of the monitoring team, these characteristics do not constitute reasonable suspicion to expect

contraband may be in the vehicle. The supervisory process does work in this case, in that the supervisor, on reviewing the video tape, issues a performance notice for a frisk based on this information. He does not note the lack of reasonable suspicion for the consent request.

- One trooper conducted a search, which did not comply with requirements of NJSP policies (This non-compliance was noted by supervisory review, nine days after the state was advised that the event would be monitored).
- One trooper conducted a stop in which a full search of a driver, resulting in out-turned pockets, was noted as a “frisk”. The interior, rear seat area of the vehicle is also searched, absent probable cause. These issues were not noted in the supervisory MVR review conducted of this incident.

It appears that 20 of the 294 stop reports receiving a Type II review contained some type of reporting error that should have been noted by supervisory review. One of these resulted in supervisory notice, constituting a “failure rate” of 19 of 294, or 6.5 percent⁶. The state had a similar error rate during the fifth reporting period, and was placed under warning that continued difficulty with this task would result in loss of compliance. As a result, the state is found to be out of compliance with Task 27 for this reporting period.

Compliance

Phase I: In Compliance
 Phase II: Not 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:

⁶ The monitors have advised the parties that, in an effort to encourage proactive supervisory review, if a supervisory review notes and remedies a problematic procedure, prior to the time the monitors notify the state of the stop incidents they will monitor for the site visit, the event will be noted in the monitors’ report, but not counted as a “error.”

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

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the fourth reporting period, and were fully implemented in the sixth reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Supervisors are now required to approve all consent searches, and, where practicable, to be present when consent searches are conducted. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in

these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

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 monitoring team reviewed a total of 21 law enforcement actions involving consent requests conducted during the sixth report’s operational dates. One of these 21 involved a consent search request of a black driver, which was declined, and which resulted in a discontinued process upon the driver’s declination. A description of consent request events, by race of driver, is presented in Table Three below. Tables Three through Five depict data from the 361 incidents reviewed this reporting period by the monitoring team. “Number of Drivers” depicts the number of drivers, by race, in the 361 incidents. The number in parentheses in this column depicts the *percentage* of drivers in the total sample, by race. Thus, for Tables Three through Five, there were 209 white drivers of the total of 361 drivers involved in motor vehicle stops reviewed by the monitoring team this period, constituting 57.8 percent of all drivers in the sample. The next column, “Number” depicts the number of law enforcement procedures observed in the motor vehicle stops reviewed. For example, Table Three depicts ten consent requests of white drivers, seven requests of black drivers, four requests of Hispanic drivers, and no requests of drivers of “other” race/ethnicity. The last column, “Percent” depicts the percent of drivers of a given race or ethnicity, which were, subjected to a given law enforcement procedures. This column will not total to 100 percent. The reviews depicted in this table constituted documentation and/or video tape reviews.

Table Three—Consent Request Activity

Race/Ethnicity	Number of Drivers	Number of Requests for Search ⁷	Percent Consent Request by Race/Ethnicity
White	209(57.8%)	10	4.78
Black	106(29.3%)	7 ⁸	6.60
Hispanic	41(11.4%)	4	9.75
Other	5(1.4%)	0	0
Total	361	21	na

⁷ One consent search request was refused.

⁸ One black male driver refused consent.

All but three of the 20 consent searches were completed in conformance with the requirements of the consent decree. These included:



1. A stop in which the trooper conducted a stop for a non-moving violation, and after the completion of the motor vehicle stop, when the driver's credentials were returned and the trooper was waiting for a tow truck, the driver was asked for a consent to search based on information—available from the narrative and from a review of the video tape—that fell short of establishing reasonable suspicion. This problem was noted, and a performance notice was issued, during a supervisory review, which was conducted prior to notice from the monitoring team that this event would be monitored.
2. A stop in which the trooper conducts a consent request and search based on “furtive movements,” and “vague in nature” explanations of itinerary. In the opinion of the monitoring team, these characteristics do not constitute reasonable suspicion to expect contraband may be in the vehicle. The supervisory process does work in this case, in that the supervisor, on reviewing the video tape, issues a performance notice for a frisk based on this information. He does not note the lack of reasonable suspicion for the consent request.
3. One trooper conducted, on authority of his sergeant, a consent search, at the state police road station, of a vehicle involved in a traffic stop, but failed to note in the stop report that a consent search had been conducted. The trooper's narrative lists the consent request, and includes the appropriately completed consent request form. The report is reviewed by two supervisors, and the discrepancy is not noted. While, on the surface this is a “box checking error,” it is at this juncture that critical data are collected for inclusion in systems such as MAPPS.

An error rate of two of 20 consent searches (one of the three errors was noted by supervisory review, and corrected by retraining before the error was noted by the monitors) constitutes 10 percent, falling outside the >94 percent compliance rate agreed to by the parties as the standard for critical tasks outlined by the consent decree. The monitors have advised the parties that once compliance is attained, two reporting periods of non-compliance will result in withdrawal of compliance status for the relevant task. Continued problems in this area will result in loss of compliance.

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

Numerous changes in New Jersey State Police policies regarding this task were made in the fourth reporting period, and were fully implemented in the sixth reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Supervisors are now required to

approve all consent searches, and, where practicable, to be present when consent searches are conducted. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

Status

The review of state police policies, forms, training, data entry systems, and CADS processes indicates that the New Jersey State Police are in Phase I compliance with the requirements of Task 29a. Effective policies and forms requiring compliance with the reporting requirements of the task have been written, disseminated and implemented into the State police training process. Development of training for supervisors in the process of scrutinizing motor vehicle stop reports, and systems to facilitate that review are pending.

Use of the Motor Vehicle Stop Report was monitored for 361 incidents involving a post-stop law enforcement activity of interest to the decree. Use of force, non-consensual searches and deployment of canines received special attention from the monitoring team. The results of these reviews are depicted in Tables Four, Five and Six, below.

Use of Force

New Jersey State Police personnel reported using force 17 times during the reporting period. The use of force rate for white drivers in the sample was 5.7 percent. For black drivers in the sample, the use of force rate was 1.9 percent, and for Hispanic drivers in the sample, 4.9 percent. Members of the monitoring team reviewed reports of all use of force by personnel from the New Jersey State Police. All of the reports were included as part of the narrative of MVSRs. Members of the monitoring team found no problems with the reporting process. All use of force narratives outlined specific reasons why force was necessary and identified the nature of the force used. Members of the monitoring team also reviewed four of 17 video tapes of a use of force incidents, and found no use of force events that were not accurately reflected in the use of force narrative.

Table Four depicts data from the 361 incidents reviewed this reporting period by the monitoring team. "Number of Drivers" depicts the number of drivers, by race, in the 361 incidents. The number in parentheses in this column depicts the *percentage* of drivers in the total sample, by race. Thus, for Tables Three through Five, there were 209 white drivers of the total of 361 drivers involved in motor vehicle stops reviewed by the monitoring team this period, constituting 57.8 percent of all drivers in the sample. The next column, "Number" depicts the

number of law enforcement procedures observed in the motor vehicle stops reviewed. For example, Table Four depicts 12 uses of force against white drivers, two uses of force against black drivers, three uses of force against Hispanic drivers, and no uses against force of drivers of "other" race/ethnicity. The last column, "Percent" depicts the percent of drivers of a given race or ethnicity which were subjected to a given law enforcement procedure. This column will not total to 100 percent. The reviews depicted in this table constituted documentation and/or video tape reviews.

Table Four: Use of Force Activity

Race/Ethnicity of Drivers	Number of Drivers	Incidents of Use of Force	Percent by Race/Ethnicity
White	209(57.8%)	12	5.7
Black	106(29.3%)	2	1.9
Hispanic	41(11.4%)	2	4.9
Other	5(1.4%)	1	25.0
Total	361	17	na

Canine Deployments

The New Jersey State Police deployed canine units 11 times during the reporting period. Members of the monitoring team reviewed all available documentation for each canine deployment, and reviewed video tapes of five canine deployments. No reporting problems were noted in any of the 11 deployments, and the five video taped incidents reviewed indicated that the written reports accurately reflected actual events. All canine deployments were professionally executed and were executed for legitimate cause.

Table Five depicts data from the 361 incidents reviewed this reporting period by the monitoring team. "Number of Drivers" depicts the number of drivers, by race, in the 361 incidents. The number in parentheses in this column depicts the *percentage* of drivers in the total sample, by race. Thus, for Tables Three through Five, there were 209 white drivers of the total of 361 drivers involved in motor vehicle stops reviewed by the monitoring team this period, constituting 57.8 percent of all drivers in the sample. The next column, "Number" depicts the number of law enforcement procedures observed in the motor vehicle stops reviewed. For example, Table Five depicts four canine deployments for white drivers, four canine deployments for black drivers, two canine deployment for Hispanic drivers, and one canine deployments for drivers of "other" race/ethnicity. The last column, "Percent" depicts the percent of drivers of a given race or ethnicity which were subjected to a given law enforcement procedure. This

column will not total to 100 percent. The reviews depicted in this table constituted documentation and/or video tape reviews.

Table Five: Canine Deployments

Race/Ethnicity of Drivers	Number of Drivers	Canine Deployments	Percent by Race/Ethnicity
White	209(57.8%)	4	1.9
Black	106(29.3%)	4	3.8
Hispanic	41(11.4%)	2	3.7
Other	5(1.4%)	1	20.0
	361	11	na

Non-Consensual Searches

Members of the New Jersey State Police conducted 273 non-consensual searches among the 361 reports reviewed by the monitoring team during the reporting period. Whites constituted 47 percent of the “searched population,” while blacks constituted 24 percent, and Hispanics constituted 6.9 percent of the searched population. Members of the monitoring team reviewed all 273 of these non-consensual searches. Three problems were noted in these searches. All but one of the searches listed as “probable cause” met the standard for probable cause searches.

Table Six depicts the results, by race/ethnicity and type of non-consensual search for the sample of 361 incidents reviewed by the monitoring team this reporting period. Table Six depicts the types of non-consensual searches, by race/ethnicity of the 273 incidents involving a non-consensual search. For example, 170 white drivers were subjected to non-consensual searches during this reporting period, with 147 whites searched incidental to arrest, one was subjected to a search for “proof of ownership,” 16 were subjected to probable cause searches, etc. Numbers in parentheses reflect the percentage of type of search, by race. For example, the 147 searches incidental to arrest constitute 86.5 percent of all searches of white drivers. The reviews depicted in this table constituted documentation and/or video tape reviews.

Table Six: Reasons for Non-Consensual Searches

Reason for Search	White # (%)	Black # (%)	Hispanic # (%)	Other # (%)	
Incidental to Arrest	147(86.5)	70(80.5)	9(69.2)	2(66.7)	228
Proof of Ownership	1(0.6)	0(0)	0(0)	0(0)	1
Probable Cause	16(9.4)	10(11.5)	3(23.1)	1(33.3)	30
Plain View	6(3.5)	7(8.0)	1(7.7)	0(0)	14
	170(100)	87(100)	13(100)	3(100)	273

Of the 273 MVRs reviewed which entailed non-consensual searches, members of the monitoring team found problems with four. These included:

- A stop in which the trooper conducted a search, which did not comply with requirements of NJSP policies (This non-compliance was noted by supervisory review, nine days after the state was advised that the event would be monitored).
- A stop in which the trooper conducted a search of the cab of a pickup truck, absent probable cause, and listed the "Basis for Initial Motor Vehicle Search" as "Consent Request GRANTED." The trooper omits reference to his search of the cab of the truck in his narrative supporting the stop report. This disparity was not noted by the supervisors who reviewed this event.
- A stop in which a full search of a driver, resulting in out-turned pockets, was noted as a "frisk". The interior, rear seat area of the vehicle is also searched, absent probable cause. These issues were not noted in the supervisory MVR review conducted of this incident.
- One trooper, in preparing a stop report entailing a consent request, noted in his narrative that he asked questions designed to establish guilt without providing Miranda warnings, and appeared to seize

evidence absent probable cause. This report was reviewed by three supervisors, and no notice of these issues is documented.

Many of these errors are substantial, constituting a failure in a key component of the reasons for reporting MVS activity.

Table Seven depicts non-consensual search activity by race, for probable cause searches, and Table Eight depicts non-consensual search activity by race for plain view searches.

Table Seven: Probable Cause Searches, by Race/Ethnicity

Race/Ethnicity of Drivers	Number of Drivers	Probable Cause Searches	Percent by Race/Ethnicity
White	209(57.8%)	16	7.6
Black	106(29.3%)	10	9.4
Hispanic	41(11.4%)	3	7.3
Other	5(1.4%)	1	20.0
	361	30	

Table Eight: Plain View Searches, by Race/Ethnicity

Race/Ethnicity of Drivers	Number of Drivers	Plain View Searches	Percent by Race/Ethnicity
White	209(57.8%)	6	2.9
Black	106(29.3%)	7	6.6
Hispanic	41(11.4%)	1	2.4
Other	5(1.4%)	0	na
	361	14	

In all, members of the monitoring team noted 20 separate incidents in which procedural, reporting, or review issues were evident (see section 2.3, above, for a complete listing of these motor vehicle stop incidents). One of these twenty errors was noted and corrected by retraining prior to the monitor's noting the behavior. Nineteen errors of 294 events yields an error rate of 6.5 percent, outside the allowable margin of error agreed to by the parties. The monitors have advised the parties that, once compliance has been attained, two reporting periods of non-compliance will result in loss of compliance for a given task. Continued problems in the area of recording motor vehicle stop activity will result in a loss of compliance for this task.

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 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

Numerous changes in New Jersey State Police policies regarding this task were made in the fourth reporting period, and were fully implemented in the sixth reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured “checklist” a larger number of “routine” MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of “road sergeant” has been implemented, thus increasing substantially the level of direct supervision of road activities. Supervisors are now required to approve all consent searches, and, where practicable, to be present when consent searches are conducted. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

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 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 have been completed.

Of the 361 records reviewed by the monitors, all included the names of individuals subjected to 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. All of these records included the race of the individual subjected to a post-stop law enforcement procedure of interest to the decree. All of the records included a CADS incident number. In addition, all had the date of the stop, time of the stop, time the stop cleared, and reason for the stop. All records included the gender and race of the individuals occupying the vehicle, whether a summons or warning was issued (and the category of the violation), and the reason for the motor vehicle stop.

The reader should also note that the data collected in the traffic stop reporting process is among the most robust in the nation. The data analyzed for this reporting period included only those data generated by the electronic reporting process. Accuracy rates for these data, overall, exceeded 99 percent, well within the acceptable margin for error for this task. 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 reporting period. 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. The state currently has finalized automated data entry at road stations, and is developing data entry from patrol vehicles. Conformance to the policies supporting these forms is improving at this point in the project: the forms have been developed and disseminated and are being used by agency personnel, and appear to have improved substantially the level of reporting and compliance with stipulated procedures.

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. No issues were noted relevant to this task for this reporting period.

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

Numerous changes in New Jersey State Police policies regarding this task were made in the fourth reporting period, and were fully implemented in the sixth reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Supervisors are now required to approve all consent searches, and, where practicable, to be present when consent searches are conducted. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

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. The recent revisions to New Jersey State Police SOPs noted above have formed the backbone for supervisory review and control of these processes, and when fully implemented, should improve agency performance in these areas.



A sample of 10,334 CAD records, reviewed electronically, reflecting motor vehicle stops conducted by New Jersey State Police personnel, was reviewed by the monitoring team. These records reflected a 100 percent conformance to

requirements for call-ins to the communications center established by the decree. In addition, 294 video recordings were reviewed this quarter, as were supporting documents, such as CAD abstracts, etc. Compliance with this task was assessed using both the electronic, video, and paper documentation.

Compliance

Phase I: In Compliance
 Phase II: 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												

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

Numerous changes in New Jersey State Police policies regarding this task were made in the fourth reporting period, and were fully implemented in the sixth reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a

new, highly structured “checklist” a larger number of “routine” MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of “road sergeant” has been implemented, thus increasing substantially the level of direct supervision of road activities. Supervisors are now required to approve all consent searches, and, where practicable, to be present when consent searches are conducted. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

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 sample of 10,334 electronic CAD records was assessed for existence of a “stop time.” All records had the time of stop recorded as part of the CAD record. In addition, members of the monitoring team also reviewed 294 video tapes of motor vehicle stops to assess the time of the call in. Data indicate that 100 percent of all stops in were assigned an incident number; 99.9 percent list the primary trooper’s badge number; 99.9 percent list the race and gender of the primary trooper; 99.8 percent list the driver’s race and gender; 85.0 percent list driver’s DOB (a data element not always available in the field); 99.9 percent list a reason for the stop and a final disposition. The state is in compliance with this task.

Phase I: In Compliance
 Phase II: In Compliance

2.6.2 Compliance with Task 30b: Notice Prior to Search

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

Task 30b stipulates that:

- b. state troopers shall notify the communications center prior to conducting a consent search or nonconsensual

search of a motor vehicle, unless the circumstances make prior notice unsafe or impractical.

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the fourth reporting period, and were fully implemented in the sixth reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Supervisors are now required to approve all consent searches, and, where practicable, to be present when consent searches are conducted. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

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. Effective November 15, 2001, the New Jersey State Police have implemented effective global supervisory processes designed to assess the quality of motor vehicle stops. This process has now been reflected in the data reviewed by the monitoring team.

Of the 39 search events reported (and reviewed by video tape), seven were called in to New Jersey State Police communications prior to the initiation of the search. This constitutes an error rate of 72.1 percent, beyond the >94 percent established as the criterion for this task. Supervisory reviews of motor vehicle stop activity are beginning to note these failures in the field (although it is clear that not all supervisors are aware of the operationalization of the requirement),

and performance on this task should improve given this enhanced supervisory review and notice process. Work still remains to be done, obviously.

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

Numerous changes in New Jersey State Police policies regarding this task were made in the fourth reporting period, and were fully implemented in the sixth reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In

addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRS on a quarterly (and in some cases even daily) basis. The position of “road sergeant” has been implemented, thus increasing substantially the level of direct supervision of road activities. Supervisors are now required to approve all consent searches, and, where practicable, to be present when consent searches are conducted. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

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.

Computer Assisted Dispatch (CADS) were also requested by the monitors for all motor vehicle stop activity for the selected stations. A sample of 10,334 CAD records were reviewed electronically, and all were found to have “clearance codes” indicating a call in notifying the communications center of the trooper’s actions and time of clearance.

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

Numerous changes in New Jersey State Police policies regarding this task were made in the fourth reporting period, and were fully implemented in the sixth reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Supervisors are now required to approve all consent searches, and, where practicable, to be present when consent searches are conducted. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

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 monitoring team included a unique CADS incident number. Events were trackable using this 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

Numerous changes in New Jersey State Police policies regarding this task were made in the fourth reporting period, and were fully implemented in the sixth reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Supervisors are now required to approve all consent searches, and, where practicable, to be present when consent searches are conducted. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in

these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

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

A MVSr form was completed accurately in 21 of the 21 events that the monitoring team reviewed, that included a consent search request. The 21st incident involved a consent request that was denied. This constitutes a 100 percent compliance rate. In addition, the information required to be presented to the driver was so presented in each of the 21 cases.

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

Numerous changes in New Jersey State Police policies regarding this task were made in the fourth reporting period, and were fully implemented in the sixth reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Supervisors are now required to approve all consent searches, and, where practicable, to be present when consent searches are conducted. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

Members of the monitoring team reviewed report information for 20 consent searches, and reviewed video tape recordings of 13 motor vehicle stops involving consent searches. Supporting documentation for all 20 consent searches was reviewed, and the events depicted on the 13 video tapes 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

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

search processes by road personnel are projected to be on-line in the spring of 2001.

Members of the monitoring team noted problems with three consent search reports. These included:

- A stop in which the trooper conducted a stop for a non-moving violation, and after the completion of the motor vehicle stop, where the driver's credentials were returned and the trooper was waiting for a tow truck, the driver was asked for a consent to search based on information—available from the narrative and from a review of the video tape—that fell short of establishing reasonable suspicion. This problem was noted, and a performance notice was issued, during a supervisory review which was conducted prior to notice from the monitoring team that this event would be monitored.
- A stop in which the trooper conducted a consent request and search based on "furtive movements," and "vague in nature" explanations of itinerary. In the opinion of the monitoring team, these characteristics do not constitute reasonable suspicion to expect contraband may be in the vehicle. The supervisory process does work in this case, in that the supervisor, on reviewing the video tape, issues a performance notice for a frisk based on this information. He did not note the lack of reasonable suspicion for the consent request.
- One trooper conducted, on authority of his sergeant, a consent search, at the state police road station, of a vehicle involved in a traffic stop, but failed to note in the stop report that a consent search had been conducted. The trooper's narrative lists the consent request, and includes the appropriately completed consent request form. The report is reviewed by two supervisors, and the discrepancy is not noted. While, on the surface this is a "box checking error," it is at this juncture that critical data are collected for inclusion in systems such as MAPPS.

One of these three errors were previously noted and remedied by New Jersey State Police supervisory personnel. Two problematic reports of a total of 20 constitutes an error rate of 10 percent, outside the allowable five percent. This is the second reporting period in which the state's performance has been below that required by the decree, and, as a result, the state is found not to be in compliance with this task. Members of the monitoring team have advised the parties that once compliance is attained, two reporting periods of non-

compliance will result in withdrawal of compliance status. This is the second reporting period of problematic performance in this area.

Compliance

Phase I: In Compliance
 Phase II: Not 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 I]											
Phase II	[Phase II]											

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

Numerous changes in New Jersey State Police policies regarding this task were made in the fourth reporting period, and were fully implemented in the sixth reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a

new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Supervisors are now required to approve all consent searches, and, where practicable, to be present when consent searches are conducted. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

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 reasonably address the processes of making and recording non-consensual searches, and training provided to road personnel reasonably prepares them to complete these processes in conformance to the requirements of this task.

Members of the monitoring team monitored 273 non-consent searches using MVSRs and reviewed 43 of these non-consent searches, via video-tape review, during visits to New Jersey State Police road stations. All but four non-consent searches appeared to be properly reported and conducted of the 43 full reviews conducted by the monitoring team. These incidents were:

- A stop in which the trooper conducted a search which did not comply with requirements of NJSP policies (This non-compliance was noted by supervisory review, nine days after the state was advised that the event would be monitored).
- A stop in which the trooper conducted a search of the cab of a pickup truck, absent probable cause, and listed the "Basis for Initial Motor Vehicle Search" as "Consent Request GRANTED." The trooper omits reference to his search of the cab of the truck in his narrative supporting the stop report. This disparity was not noted by the supervisors who reviewed this event.
- One trooper, in preparing a stop report entailing a consent request, noted in his narrative that he asked questions designed to establish

guilt without providing Miranda warnings, and appears to seize evidence absent probable cause.

- A stop in which a full search of a driver, resulting in out-turned pockets, was noted as a “frisk”. The interior, rear seat area of the vehicle is also searched, absent probable cause. These issues were not noted in the supervisory MVR review conducted of this incident.

Four errors in 43 cases constitutes an error rate of 9.3 percent, outside the allowable margin of error for this task. Members of the monitoring team have advised the parties that once compliance is attained, two reporting periods of non-compliance will result in withdrawal of compliance status. Continued problems with this task will result in loss of compliance.

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	[Solid Blue]											
Phase II	[Vertical Stripes]											
	[Diagonal Stripes]											

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

Numerous changes in New Jersey State Police policies regarding this task were made in the fourth reporting period, and were fully implemented in the sixth reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Supervisors are now required to approve all consent searches, and, where practicable, to be present when consent searches are conducted. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

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 policies, forms, training curricula and training processes relative to the deployment of drug detection canines and reporting of these deployments are reasonably designed to guide behavior responsive to Task 33.

Members of the monitoring team monitored, by reviewing all 11 reported canine deployments effected by the New Jersey State Police. In addition, members of the monitoring team reviewed eight canine deployments by reviewing video tapes of four of the deployments to ensure that the reports accurately reflected the events depicted on the official reports. Members of the monitoring team found all of the canine deployments to be accurately reported, and were deployed in conformance with the requirements of procedures and the decree.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

Numerous changes in New Jersey State Police policies regarding this task were made in the fourth reporting period, and were fully implemented in the sixth reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRS) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRS. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRS on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Supervisors are now required to approve all consent searches, and, where practicable, to be present when consent searches are conducted. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved

relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

Members of the monitoring team identified every patrol vehicle used for patrol purposes by the ten road stations visited this reporting period. 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 a random 25 percent sample of all patrol vehicles for each day of the current reporting period. In addition, members of the monitoring team requested to view video tapes for 294 events known to have occurred during the current reporting period.

Status

Members of the monitoring team found evidence of video tape recordings and sequentially numbered and inventoried for every patrol vehicle identified for every day of the current reporting period.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

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

Task 34b-c stipulates that:

- b. The state shall continue to implement procedures that provide that all state troopers operating a vehicle with MVR equipment may operate that vehicle only if they first are trained on the manner in which the MVR equipment shall be tested, maintained, and used. The state shall ensure that all MVR equipment is regularly inspected, maintained, and repaired.
- c. Except when MVR equipment unforeseeably does not function, all motor vehicle stops conducted by State Police vehicles with MVR equipment shall be recorded by these vehicles, using both the video and audio MVR

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

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the fourth reporting period, and were fully implemented in the sixth reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Supervisors are now required to approve all consent searches, and, where practicable, to be present when consent searches are conducted. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

In addition to verifying the existence of a video tape in each patrol vehicle for each day of this reporting period (see above), members of the monitoring team pulled for review a sample of 361 post-stop law enforcement actions of interest to the decree. These included 73 events selected from New Jersey State Police databases, and 294 procedures selected by reviewing video tapes.

Status

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. For example, members of the monitoring team noted that only 88 percent of all video recordings were initiated “when first signaled to stop.” Other problems could have been created by a momentary delay between activation of the emergency lights and automatic activation of the video-tape system. In addition, nine percent of the recordings were noted not to “continue until completion” as required by the decree. Notice of completion and notice of action taken was recorded in 90 percent of the cases, but was captured on CAD information systems in 99.9 percent of the cases.

A review of the 294 video tapes selected by the monitoring team indicates that the agency has resolved problems noted in earlier reports concerning “out of tape” issues and troopers patrolling with inoperative video units. The agency has, it appears, achieved general compliance with the requirements of the decree; however, some work remains to bring overall compliance rates up to the 95 percent level. While the vast majority of New Jersey State Police personnel are treating those whom they have stopped professionally, not all requirements of the decree regarding MVR operation are being met at this time. A substantial problem, noted for the last few reporting periods, involves activation of the audio portion of the motor vehicle stop process. The state is currently testing a new, high-frequency, duplexed audio system that may successfully address problems with audio recording, as this system integrates with patrol vehicle’s emergency lights, and activates the audio recording process when the emergency lights are activated.

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	Blue											
Phase II	Yellow/Black Hatched											
	Red											

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

Numerous changes in New Jersey State Police policies regarding this task were made in the fourth reporting period, and were fully implemented in the sixth reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Supervisors are now required to approve all consent searches, and, where practicable, to be present when consent searches are conducted. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

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 9,586 electronic records of motor vehicle stops, completed during the reporting period indicated that only 498 of these were reviewed by supervisory personnel. A review of 361 hardcopy records of motor vehicle stop activity indicates all reports were reviewed. In addition, numerous instances were noted which constituted lapses in the quality of the supervisory review process (see sections 2.4 and 2.5, above). The state continues to be out of compliance with this task.

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

Numerous changes in New Jersey State Police policies regarding this task were made in the fourth reporting period, and were fully implemented in the sixth reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Supervisors are now required to approve all consent searches, and, where practicable, to be present when consent searches are conducted. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

Status

Training for supervisory personnel regarding MVR review and a supervisory-management system for using MVR reviews as part of the MAPPS process is expected to be on-line in spring of 2002. Training for supervisory personnel regarding revisions to the procedures noted above was completed in November, 2001. The state has developed, and implemented in November, 2001, a formal policy requirement regarding MVR review processes for supervisory personnel, using a structured review process that, in the opinion of the monitoring team, will drastically improve the quality of supervisory personnel.


During on-site reviews at New Jersey State Police road stations, members of the monitoring team reviewed more than 1,000 supervisors' MVR review reports. The quality of these reports has improved substantially. A majority of review assessed this reporting period were completed using the new Form 528, a form requiring a highly structured review process. This process is a vast improvement over earlier processes. Members of the monitoring team were able to compare 294 supervisors' reviews with actual video tapes (the same tapes reviewed by supervisors as part of their review process). Members of the monitoring team noted 20 reporting or procedural issues in the 294 tapes they reviewed. Members of the supervisory cadre at the New Jersey State police noted one error in their review of the same video tapes. This constitutes an overall error rate for supervisory review of 95 percent, far beyond the agreed upon five percent margin for error.

In addition, one of the eleven road stations visited by the monitoring team this reporting period failed to meet the minimum standards for review of video tape recordings of motor vehicle stops, reviewing far fewer than the required number of tapes for the reporting period. Based on these two problem areas, the state is deemed not in compliance with the requirements of this task.

Compliance

Phase I: 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

Numerous changes in New Jersey State Police policies regarding this task were made in the fourth reporting period, and were fully implemented in the sixth reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Supervisors are now required to approve all consent searches, and, where practicable, to be present when consent searches are conducted. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

Status

At least two incidents were referred to OPS during the fourth reporting period, and the monitors have been advised that at least one additional incident (an excessive force incident mentioned in section 29a, above) will be referred to OPS. An additional set of incidents was referred to OPS, based on information brought to New Jersey State Police attention during the fifth monitoring visit. In addition, it appears that referrals were made this reporting period based on supervisory reviews of MVR tapes. All referral decisions appear appropriate. Members of the monitoring team are waiting for resolution of the investigations. To date, members of the monitoring team have noted no inappropriate behavior which should have been referred to OPS but were not so referred.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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. Recently completed training for all supervisory personnel included a discussion of the requirement to “copy” to the Office of State Police Affairs any referrals to OPS by supervisory personnel.

At least two referrals have been made to the Office of Professional Standards, and others are anticipated based on reviews conducted during the sixth reporting period. 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

reporting period (see section 2.83, below). None of the referral decisions have received specific OAG audit attention to date.

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												

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

Numerous changes in New Jersey State Police policies regarding this task were made in the fourth reporting period, and were fully implemented in the sixth reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured “checklist” a larger number of “routine” MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of “road sergeant” has been implemented, thus increasing substantially the level of direct supervision of road activities. Supervisors are now required to

approve all consent searches, and, where practicable, to be present when consent searches are conducted. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

Status

The New Jersey State Police have recently appointed and deployed patrol sergeants to serve as “road supervisors;” however, these personnel were noted to be “on scene,” in only three percent of all of the 361 events reviewed by the members of the monitoring team (through MVR reviews at the road stations and via review of written documentation of motor vehicle stop incidents). Supervisors were present at 45 percent of all consent searches, and 55 percent of all canine deployments. It is unreasonable to expect supervisory presence at 95 percent of all motor vehicle stops; however, the state appears to be deploying its field supervisors in a meaningful and efficient manner. Of the 20 events noted by the monitoring team as problematic this reporting period, five of those had New Jersey State Police supervisory personnel at the scene of the event. One of the five resulted in a performance notice, correcting the problematic performance through retraining. It is clear that the New Jersey State Police have improved substantially the level of supervision on the road; however, as with the state’s performance on tasks 27, 28, and 29a this reporting period, it is clear that improvements need to be made in performance in these areas.

Compliance

Phase I: 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	[Blue bar]											
Phase II	[Red bar]											

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

Progress continues to be made in design and delivery of a Management Awareness and Personnel Performance System (MAPPS). No evaluable components of MAPPS have been completed as of this site visit. As all MAPPS components currently reflect the same status at this time, i.e., in compliance for Phase I and not in compliance for Phase II, the monitoring team will report only on Task 40 for this report. The state remains in Phase I compliance with tasks 41-51. The state has not yet attained Phase II compliance with tasks 41-51. Requirements for the state to develop a protocol for use of MAPPS (Task 47) are also under development, but not completed to a degree that would allow monitor or Department of Justice review. The monitoring team reviewed partial the prototype for the MAPPS system, in a vendor-driven demonstration, during this reporting period. A "beta version" suitable for monitor and justice review is not yet complete. The monitoring team views the development of MAPPS to be seriously delayed, and expresses significant concern that the delay may soon negatively affect the next required phases of managerial and supervisory processes. The monitors have informed the parties that as long as "substantial progress" is being made in development of MAPPS, Phase I compliance will be attained; however, the monitoring team urge the state to complete prototype development and move to system testing within the next reporting period, in order to maintain Phase I compliance.

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	[Red 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

During the sixth reporting period, members of the monitoring team noted several instances of supervisory personnel issuing “performance notices” or other interventions for actions of division personnel inconsistent with policy or established practice. Ample evidence exists to support the fact that supervisory personnel are beginning to carefully review trooper activity and to issue performance notices or other “interventions” when inappropriate behavior occurs. During this reporting period, the monitoring team reviewed twelve commendations and 13 counselings based on events not reviewed by the monitoring team, and numerous counselings based on events which were brought to the attention of supervisory personnel by the monitoring team. Until an effective division-wide MAPPS process is implemented, and supported by appropriate training and usage protocols, however, complete compliance with this task is not feasible.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

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

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

Task 53 stipulates that:

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

Methodology

The state has developed a system of OPS notification of more than two misconduct investigations in a two-year period, but additional work is pending regarding protocols for and assessment of supervisory response to this section.

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	[Bar]											
Phase II	[Bar]											

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

During the fourth reporting period, the received and appropriately investigated an allegation of failure to provide identification. The case was not sustained; however, the referral and investigation of the complaint indicates conformance to established policies regarding this task. During the sixth reporting period, no completed investigations for such allegations were noted.

Status

The state remains in compliance with this task, based on compliance assessed during the first quarter.

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 reporting period. 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 this 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. In addition, two troopers were counseled this reporting period

for failure to advise an arrestee of the complaint process after the arrestee complained about the treatment he had received during the arrest. This event was among the use of force incidents reviewed by the monitoring team.

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 reporting period. 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. Members of the monitoring team checked the state's rest areas/service areas, and noted that all had notice of compliment/complaint procedures posted. The web site conforms to the requirements of this task. Fact sheets and complaint forms were in all patrol vehicles inspected during this reporting period.

Compliance

Phase I: In Compliance
 Phase II: 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 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 April-May site visit. No agenda were available.

Status



The community outreach process employed by the state police continues to include provision of information related to the decree and discuss topics of

interest to the communities in attendance. The schedule shows an active outreach on radio, through professional appearances and through community meetings. The state continues to be in compliance with 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

Members of the monitoring team during the April 2002 site visit determined that SOP B-10 is the official policy guideline for compliance with this requirement. Members of the monitoring team inspected various "Reportable Incident Forms," (#525) which has replaced the traditional form 251's as the official intake document. The monitoring team requested a demonstration of the IA Pro software and observed that "Incident Control Numbers" (Case Numbers) are automatically assigned when the information from form 525 is entered into the system. In addition, members of the monitoring team reviewed 213 of 469 cases completed during this reporting period, selecting cases using the following criteria:

- All cases indicating potential Constitutional violations (race-based decision making, illegal search, excessive force, etc.);
- All cases indicating potential ethical violations (truthfulness, criminal violations, false reporting, etc.);

- All cases indicating potential “second level” consent decree violations (improper reporting, verbal abuse, etc.).

Cases involving complaints of violation of internal New Jersey State Police procedures not related to the decree, e.g., lost equipment, tardiness, attitude and demeanor, etc., were not reviewed by the monitoring team unless there was an indication that the complaint involved, at least tangentially, an issue of interest to the decree. The monitoring team attempts to review 50 percent of all completed cases; however, when the selection protocol identified above contains yields a selection with fewer than 50 percent of all completed cases, the team does not include “lost equipment” or “attitude and demeanor” complaints simply to meet the 50 percent goal. Complaint investigations completed by Internal Affairs between October 1, 2001 through March 30, 2002 were subject to review for this reporting period.

Status

A review of citizen complaint forms and completed complaint investigations determined that the state has in fact commenced investigations brought to its attention through the conduits that are outlined in this requirement. Additionally, and as a concurrent process, the state continues to use the “Investigative Control Ledger” to back up the IA Pro and its control number assignment function. None of the 213 cases reviewed this reporting period contained any evidence of requirements to submit complaints in writing.

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

Members of the monitoring team, during the April 2002 site visit, determined that SOP B-10 governs the requirements of this paragraph, as does the revised Internal Affairs Manual. The monitoring team observed that explicit instructions relevant to the proper procedures to respond to "hotline calls" are prominently posted at the location of the RACAL "hotline" equipment. The monitoring team verified that representatives of the Office of State Police Affairs of the Attorney General's office continue to regularly visit the Office of Professional Standard to evaluate the Division's compliance with this requirement. Members of the monitoring team also reviewed informational materials used by the state to ensure that the hotline number is routinely publicized.

Status

During this reporting period, seventy-five calls of nearly 800+ calls received on the hotline culminated in new cases. A review of the "hotline log" determined that the state continues to receive both compliments and complaints relevant to NJSP personnel. Members of the monitoring team inspected an "Office of State Police Affairs 800 Hotline Questionnaire" that was completed by an OSPA representative and determined that the form properly captures relevant indicia of the State's compliance with this requirement. Members of the monitoring team randomly selected one 24-hour period, and reviewed all recordings of "hotline" calls and received during that period. Members of the monitoring team determined that citizens were treated properly and courteously and appropriate follow-up was undertaken by representatives of OPS who were answering the "hotline" number.

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

Members of the monitoring team determined that SOP B-10 governs the Division's compliance with this requirement. The revised Internal Affairs Manual also addresses the provisions of this requirement. The monitoring team requested the Chief Investigator of the Office of State Police Affairs, Office of the Attorney General to produce documentation to verify the State's compliance with this requirement. The monitoring team reviewed forms that properly documented the receipt of complaints through either the Office of State Police Affairs or road stations. These complaints were properly forwarded to the Office of Professional Standards for appropriate investigation.

Status

OPS continues to meet the requirements of this task by receiving and investigating all citizen complaints.

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

Members of the monitoring team, during the April 2002 site visit examined the logs from the Freehold Facility and determined that during the relevant reporting period, there were 369 NJSP and other law enforcement personnel and fifty-six civilians who used the Freehold facility.

Status

A review of the visitor’s log determined that a substantial number of visits were relevant to internal investigatory matters. Members of the monitoring team interviewed the supervisor charged with the oversight responsibility of the Freehold Facility. The supervisor indicates that since the opening of this facility, only a limited number of citizens have accessed this facility as a venue to actually file a complaint. Additionally, the monitoring team was advised that uniformed or other Sate Police personnel are prohibited from using the facility for administrative or rest purposes.

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 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

During the April 2002 site visit, members of the monitoring team solicited from representatives of the state an updated status on this requirement. Members of the monitoring team reviewed a February 20, 2001 correspondence from the Chief Investigator of IAB to the Newark Municipal Court requesting audiotapes of court proceedings in a case involving a dismissal for circumstances addressed in this requirement. This matter was closed during this reporting period and appropriately represents the state's compliance with this requirement. No other known dismissals were located.

Status

The monitoring team determined that as previously reported, no additional steps have been taken by the state since the Office of the Attorney General corresponded with all twenty-one prosecutors requesting their cooperation in complying with this requirement. From the data available this reporting period, it appears that the state maintains its compliance with this task, in that it is receiving reports of, and investigating, dismissals identified in 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												
Phase II												

Task 66 stipulates that:

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

Methodology

During the April 2002 site visit, members of the monitoring team requested documentation to support the State’s compliance with this requirement. Representatives of the state produced two NJSP 525s (Reportable Incident Forms) that properly documented the State’s compliance with this requirement. The forms contained the appropriate information, civil case numbers and incident control numbers. During this reporting period, the state received three “Notice of Claims.”

Status

Members of the monitoring team determined that the state remains in compliance with this task. The role of the Office of State Police Affairs in the review process continues to help to assure the state’s compliance with this task.

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

The monitoring team was advised that on April 19, 2002, a date outside of this reporting period, the Division of Criminal Justice (in the Office of the AG) either dropped charges or did not object to motions on behalf of incarcerated persons seeking new trials claiming racial profiling as a basis for their motions. This culminated in eighty-six persons not being prosecuted or released from prison. The State, in this action, did not admit to practices of racial profiling but decided instead to avoid protracted litigation that would be the result of defending against such allegations. The Acting Director of the Office of State Police Affairs advised members of the monitoring team that the Office of the Attorney General will be forwarding these cases to the Office of State Police Affairs or the Office of Professional Standards for review, at which time a determination will be made relevant to illegal or other possible misconduct on the part of New Jersey State Police personnel. The identification of such instances was defined by a "window" (defined by the Court) based on reports written by the state acknowledging that, " racial profiling was real, not imagined." The monitoring team reviewed a series of press releases and other documents relevant to the State's position in this matter. In addition, during an in-court plea, a former member of the New Jersey State Police testified that events had occurred in the investigation of allegations against him and his partner that, if true, constitute misconduct on the part of several members of the New Jersey State Police. Members of the monitoring team inquired into the status of the inquiry into those allegations, and were informed that there is an on-going inquiry underway.

Status

The monitoring team determined, through inquiry, that during this reporting period there were incidences of the type articulated in this requirement. While the state's failure to object to new trials is not *per se* a finding of a constitutional violation, the monitoring team will review each of the OSPA or OPS investigations completed as a part of the state's case-by-case review of possible misconduct. The statement made by a former member of the New Jersey State Police has resulted in an on-going inquiry. Once that investigation is complete, members of the monitoring team will review the results of the investigation to ensure the process was conducted in compliance with the requirements of the consent decree.

Compliance

Phase I: In Compliance
Phase II: 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

Members of the monitoring team determined during the April 2002 site visit that the state has had on-going training on SOP B-10, which covers the requirements of this paragraph. Representatives of the state advised the monitoring team that no occurrences of this nature transpired during this reporting period, and members of the monitoring team noted no artifacts of such an occurrence in any of the hundreds of documents reviewed as part of the sixth site visit.

Status

While the monitoring team could not review any occurrence of the nature described in this requirement other than the enumerated, above cited cases, it is clear that the state continues to remain committed to assuring that the Division meets the requirements of this task. No other notices of adverse involvement were noted this reporting period. The state remains in compliance with this task based on past performance.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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												
Phase II												

Task 69 stipulates that:

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

Methodology

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.




Status

Members of the monitoring team, during the April 2002 site visit determined that of the 468 cases completed during this reporting period, there were no instances of internally generated allegations of the types of conduct described in this task. The state remains in compliance with this task based on past performance.

Compliance

Phase I: In Compliance
Phase II: In Compliance

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

The monitoring team learned that as of March 31, 2002, there were eighty personnel assigned to OPS. Of these, ten enlisted and four civilian personnel are assigned to Staff Inspection and Management Review and are not actively engaged in the investigative process. The commanding officer of OPS has two civilian support staff. The remaining sixty-three persons are assigned to the Investigative Bureau and the Intake and Adjudication Bureau, including 49 enlisted, one sworn (The Chief Investigator), and 13 civilians. In November 2001, the monitoring team determined that the state had increased the size of the OPS contingent 13% since the May 2001 site visit.

Status

During the April 2002 site visit the monitoring team determined that OPS had increased staffing by an additional six percent. Currently there are an additional forty-three personnel temporarily detailed to the OPS function. These personnel have been specifically trained to address "consent-decree" related cases. Their presence has contributed to the ability of the OPS to work more significant caseloads as evidenced by the completion of 468 cases completed during this reporting period. During this reporting period, the state completed 468 cases and opened up 243 cases, reducing the backlog of cases by 225. The monitoring team judges the states improvement in the area of reducing the backlog to be

significant and substantial. The monitoring team reviewed 213 of the 468 completed cases, and judged them to be appropriately completed.

Compliance

Phase I: In Compliance
 Phase II: 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												
Phase II												

Task 71 stipulates that:

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

Methodology

During the April 2002 site visit, members of the monitoring team queried representatives of the state regarding any changes that have been made since the last site visit. The state advises that the office continues to be guided by the policies as articulated during the last site visit. The monitoring team reviewed two quarterly appraisals of OPS personnel. The documents appropriately capture relevant indicia of performance issues and are indicative of the state’s commitment’s to thoroughly document performance of members assigned to the OPS function.

Status

The state has developed a specially crafted performance evaluation addendum for use in evaluating criteria stipulated in task 71 of the decree. That addendum has now been incorporated and attached to the investigator’s “Annual Performance Evaluation Form” (S.P.334). The new document is now populated

with data and information generated by the Information Technology Bureau, which will be receiving input from various components from within the Division. These changes in performance evaluations processes for OPS further enhance the state's levels of compliance with this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

Task 72 stipulates that:

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:

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

During the April 2002 site visit, members of the monitoring team requested and reviewed training rosters and curricula descriptions and determined that the state continues its commitment to assure retention of skilled OPS personnel, trained and educated in disciplines essential to the professional and proficient performance of their duties. Members of the Office of Professional Standards continue to attend courses that are held locally, regionally and nationally.

Status

The monitoring team finds the state continues to be committed to the professional training of its OPS personnel. The monitoring team was able to

discern a pattern of seeking continual improvement in the quality of investigators assigned to the OPS function.

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												
Phase II												

Task 73 stipulates that:

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

Methodology

Members of the monitoring team reviewed a list regularly prepared by the Internal Affairs Bureau outlining the names, and other relevant information, of members currently under criminal investigation. Further, the monitoring team reviewed an Internal Complaint Form (251) that properly documented the state’s receipt of information from a Township police agency that a member of the state police had been placed in custody for a criminal violation. This is consistent with subparagraph “e” of this requirement. Additionally, the monitors reviewed three “Internal Complaint Forms” (251) and verified that these forms documented the initiation of internal investigations that had been precipitated by the filing of civil claims. This is in conformity with subparagraphs “c” and “d” of this requirement.

Status

Members of the monitoring team determined during the April 2002 site visit that while inter-office communications previously inspected by the monitors are still in effect, these documents have been aggregated and appropriately incorporated into SOP B-10 which became effective January 1, 2002. The monitoring team reviewed an abstract generated by the IA Pro software which properly lists the case number, the date of receipt, the assignment date, the name of the investigator, and other relevant information.

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

During the April 2002 site visit the monitoring team determined that there were still no material differences in governing documents since the site visit of November 2001. SOP B-10 and the "Investigative Manual" received final approval January 1, 2002 and include relevant policies and procedures to assure the state's compliance with this requirement.

Status

During the April 2002 2001 site visit the monitoring team again reviewed the OSPA form, "Tasks Requiring Review of SP-251" which audits the Division's compliance with the relevant requirements of the decree. Question 10, "Was the case assigned to OPS or OAG?" is specifically relevant to this requirement. Members of the monitoring team noted, through a review of case assignment logs, that there were no cases improperly assigned and the state is comporting with the assignment protocols as articulated in the decree. Additionally, the monitoring team reviewed samples of "Internal Complaint Forms" (251) that had been examined by the OSPA and noted that appropriate notations were made in the box that required the identity of the component of the Division to which the case had been referred for investigative action.

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

Members of the monitoring team during the April 2002 site visit determined that all previous documents reviewed by the monitoring team were now properly incorporated in to SOP B-10, III, E, (b) 8. Additionally, the monitoring team reviewed an internal memorandum directed to the Chief Investigator of the Internal Affairs bureau from a member of the unit citing what he believed to be a conflict of interest warranting a withdrawal from participation in the investigative effort.

Status

Members of the monitoring team reviewed documents clearly indicative of sensitivity to the importance of compliance with this requirement. The monitoring team is satisfied with the state's continuous adherence to the provisions of this paragraph.

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	Blue											
Phase II	Striped	Yellow/Black										

Task 76 stipulates that:

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

Methodology

Members of the monitoring team, during the April 200s site visit determined that the State, through the regular reviews by the Office of State Police Affairs, continues to use the "Case Content Analysis" Form to determine that the Division is, in fact, complying with the provisions of this requirement. Members of the monitoring team reviewed 213 completed complaint investigations for evidence of group interviews or written statements from troopers in lieu of an interview.

Status

The state continues to have sufficient safety nets to assure investigations are conducted in a manner consistent with this requirement and demonstrates, through their internal review process that they are mindful of the serious consequences of any violation of the provisions of this requirement. No group interviews or written statements in lieu of an interview were found in any of the 213 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	[Solid Blue]											
Phase II	[Diagonal Stripes]											

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. The "Case Content Analysis Form" addresses this issue in question three. Members of the monitoring team assessed 213 of the completed internal complaint investigations completed during this reporting period for evidence of implementation of this requirement.

Status



The monitors requested to review cases that were representative of the state's compliance with this task. Ample evidence exists in these case files to indicate that interviews are being conducted by state police personnel in all areas of the state, and by telephone.

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

During the April 2002 site visit the monitoring team determined that the state, in its "Case Content Analysis" process continues to appropriately verify if "satellite" matters are being identified and pursued. While at the OPS facility, members of the monitoring team reviewed the contents cases completed during this reporting period and determined that the state continues to properly note the existence of information warranting investigation and appropriately pursues the allegations as a satellite matter.

Status

Members of the monitoring team find that the OSPA instrument continues to adequately assure that the OPS complies with the provisions of this task. Members of the monitoring team found evidence of such compliance during their

case file review for this reporting period as well document examination at the OPS facility. The monitoring team reviewed 213 of the complaint investigations completed this quarter. All cases which should have noted collateral misconduct or "satellite" issues pursued those issues as part of their investigations.

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

The newly revised IA manual, and supporting SOP B-10 were reviewed and discussed by the monitoring team with representatives of the State. The manual and SOP were previously approved by the monitoring team, and implemented as approved.

Status

Members of the monitoring team reviewed the February 2002 iteration of the manual and were advised that parts of SOP B-10, and the Investigation Manual, are occasionally modified but do not alter substantive procedures as they might apply to the decree. According to representatives of the state, the monitoring team may, in future site visits, note that revised manuals may be published that reflect minor internal issues not requiring approval of the monitor. The monitoring team, in requesting an example of such changes, was advised that "investigative techniques," and "report formats" would be appropriate examples. A review of all known changes to the manual during this reporting period indicated no changes of a substantive nature requiring the monitors' approval.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

The monitoring team, during its April 2002 site visit determined that the "Case Content Analysis Form," question 46, captures information relative to this task, and assures that the Office of State Police Affairs continues to verify the Division's compliance with this task through the use of this instrument.

Status

The monitoring team, based on its reviews of 213 completed case investigation files, determined there to be a discernable pattern of compliance with the requirements of this task. All 213 cases reviewed this reporting period had findings developed in accordance with the preponderance of evidence standard.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

Status

Members of the monitoring team, during the April 2002 site visit reviewed the OSPA, OAG "Case Content Analysis Instrument" question 36, which continues to be effectively used by the state as a tool to determine OPS compliance with the provisions of this requirement. Members of the monitoring team reviewed 213 completed investigations, and noted that all of the 213 files which indicated that a tape recording of a motor vehicle stop was available resulted in documentation in the case file that indicated the tape had been reviewed as part of the investigative process. All case files reviewed in which an MVR tape existed, included narrative or other evidence that the investigator reviewed the MVR tapes as part of the investigative process.

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	[Bar]											
Phase II	[Bar]											

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

The monitoring team, during its April 2002 site visit confirmed that SOP B-10, which became effective in January 2002 properly addresses this issue. The state, through its "Case Content Analysis Instrument," also verifies this through question 45. The monitoring team reviewed the new Internal Affairs Investigation Manual, B, (Guiding Principles), 9 which permits the credibility of complainants to be examined only under controlled circumstances and with the approval of the Chief Investigator.

Status

The monitoring team is satisfied that appropriate safeguards have been put in place that will assure that the state can fairly conduct investigations of its members and simultaneously be in compliance with the provisions of this requirement. A review of 213 completed internal complaints indicates that credibility determinations are completed in conformance with the requirements of the policies approved by the monitors and the Department of Justice; that circumstantial evidence is considered, where appropriate; and that there is no automatic preference for a trooper's statement over a civilian's statement.

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	[Solid Blue]											
Phase II	[Vertical Stripes]	[Diagonal Stripes]										

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

The state promulgated SOP B-10 effective January 1, 2002. The policy has been reviewed and approved by the monitors and the Department of Justice. Additionally, members of the monitoring team reviewed 213 of the 468 cases completed in the period October 1, 2001 – March 31, 2002.

Status

During the April 2002 site visit, the monitoring team determined that policy regarding this requirement has appropriately been incorporated into SOP B-10, effective January 2002, and the revised Internal Affairs Investigations Manual, effective February 2002. Additionally, the OSPA, OAG "Case Content Analysis Instrument" question 43 continues to accurately capture compliance with this requirement and sufficiently assures that OSPA, OAG, is effectively monitoring the Division's compliance with this task. The monitoring team's review of 213 completed IA investigations this reporting period verifies continued compliance with this task. No cases were resolved during this reporting period using any disposition other than those allowed by this requirement of the decree.

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 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

The monitoring team, during its April 2002 reviewed the new SOP B-10, effective January 2002 and the new "Internal Affairs Investigations Manual," effective February 2002 and noted that the provisions of this requirement are properly addressed in III, F, 10, (a). While on site, the monitoring team reviewed a case in which the complainant was properly advised that "withdrawal of a complaint would not terminate the investigative effort of the state in its pursuit of this matter." Further, the monitoring team reviewed a letter sent to a complainant's attorney that the unwillingness of the client to cooperate in an investigation would not affect the state's obligation to proceed with the investigation.

Status

The monitoring team, in reviewing 213 of the 468 cases completed during this reporting period, noted that in all instances where a complainant had either "withdrawn" a complaint or was no longer cooperating, the state completed the investigation to its conclusion. The state continues to correspond with uncooperative witnesses or complainants, advising them that while their cooperation is sought, the state, within ten days of the receipt of the correspondence, will nonetheless continue the investigation without the involvement of the complainant or witness.

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 II												

Task 86 stipulates that:

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

Methodology

Members of the monitoring team during the April 2002 site visit reviewed the Internal Affairs Investigation Manual and determined that the policy guidance for compliance with this requirement is no longer limited to interoffice communications (IOCs) and unit policy memoranda but is appropriately addressed in IV, para G., 1-8. Further, NJSP form S.P. 602 is a template used for compliance with this requirement, "Allegations and Conclusions Report." Additionally, the state, through the "Case Content Analysis Worksheet" determines OPS compliance through question 47 (formerly question 49).

Status

All 213 cases reviewed this period had final reports responsive to this task, and each of these final reports was judged by the monitoring team to have been reasonably responsive to the requirements of the decree and to accepted police practice in internal investigations.

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

The parties, with the monitors' concurrence, have agreed to a 120-day timeline for completion of investigative processes for citizens' complaints. While a new state statute has been promulgated, and reviewed by the monitors, which stands in contradistinction to the 120-day deadline, the state and its attorneys are evaluating the exact requirements of the statute viz a viz New Jersey State Police internal affairs investigations. Revised policy and SOPs are anticipated in response to this statute, and the monitors will review and assess these policies for conformance to the requirements of the decree.

Status

The state continues to attempt to complete misconduct investigations within the revised 120- day maximum period, as agreed to by the parties. During this reporting period, 46 of the 213 cases reviewed by the monitoring team met the 120 day criteria. This constitutes a 21.6 percent success rate, far below the required 95 percent agreed to by the parties.

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												
Phase II												

Task 88 stipulates that:

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

Methodology

Members of the monitoring team reviewed completed cases for sustained complaints, and assessed the discipline applied in these matters. Members of the monitoring team during the April 2002 site visit reviewed tally sheets for all investigations that were completed from October 1, 2001 and March 31, 2002. The document lists the case number, the nature of the original allegation, the findings and the name of the principal. Additionally, the state continues to post the "New Jersey State Police Office of Professional Standards Update," which lists the issuance dates of written reprimands and suspensions for the reporting period.

Status

The monitoring team noted sustained cases against troopers for the type of misconduct articulated in this requirement. Members of the monitoring team again requested an IA PRO report on the discipline imposed on several troopers relevant to cases completed during this reporting period. The report produced the level of discipline imposed on the troopers in question and the troopers' previous disciplinary history. The monitoring team, during the April 2002 site visit observed a clear pattern of compliance and commitment of the state to remain in compliance with this requirement.

Compliance

Phase I: In Compliance
Phase II: In Compliance

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 ¶188 committed on duty or whose misconduct of the type identified in ¶188 is the basis for the state being found civilly liable; and any state trooper who is found by a judge in a criminal case to have committed an intentional constitutional violation. The State Police shall discipline any state trooper who is determined to have committed the misconduct set forth in this paragraph.

Methodology

Members of the monitoring team during the April 2002 site visit reviewed SOP B-10, III, G and determined that this section appropriately addresses this requirement. During the April 2002 site visit the monitoring team 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.

Status

During this reporting period, the state disciplined, through termination, two troopers who, upon conviction, were removed from the rolls of the Division of State Police. This termination was judged to be ministerial, not discretionary, however, meaning that the state had no choice but to dismiss the officers upon entry of a plea of guilty to a crime. Based on this determination, this task remains classified as "in compliance" unless evidence of the contrary is identified.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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												
Phase II												

Task 90 stipulates that:

90. In deciding the appropriate discipline or intervention for each state trooper who is the subject of a "substantiated" adjudication or disposition in a misconduct investigation and each trooper who is to be disciplined pursuant to ¶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

Members of the monitoring team during the April 2002 site visit determined that the state addressed compliance with this requirement in SOP B-10, III, H . Members of the monitoring team reviewed 213 completed IA cases for indications of any sustained investigations responsive to tasks 88 and 89.

Status

The State, as part of its revision of SOP B-10 requires that upon initiation of a misconduct investigation, a non-disciplinary intervention, if appropriate, is required by the member's supervisor. The member and the supervisor are advised of the existence of the misconduct investigation through the dissemination of an Inter Office Communication (IOC) to the member and the member's chain of command, to include the section commanding officer. The troop commander or section commanding officer will, in addition, receive a copy of the "Reportable Incident Form," 525 (formerly known as Internal Complaint Form, 251). The state notifies the chain of command in three instances: a concluded "unsubstantiated" (insufficient evidence) investigation, a concluded

substantiated investigation and at the commencement of all misconduct investigations. The latter is an example of the commitment of the state to institute a comprehensive process that allows for management intervention at all possible points in the investigative process. In the absence of fully operational MAP hardware and software the state is meeting the intent of this requirement by a manual paper process that affords managerial access to a variety informational databases essential to making informed decisions relevant to discipline and intervention.

Representatives of the Office of Professional Standards demonstrated to members of the monitoring team that all MAPPS elements contained in the IA Pro system are considered in accordance with paragraph 90: specifically discipline and intervention relative to substantiated and unsubstantiated cases. While the OPS function appears to have substantially met a considerable number of its functional MAPPS requirements, the system throughout the Division has not yet been fully operationalized therefore making it impossible for full compliance with this task.

Compliance

Phase I: In Compliance
 Phase II: Not in Compliance

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

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 monitoring team observed several applications of the IA Pro systems to include case information, disciplinary history for standardization of penalty, individual abstracts by trooper name or badge number, late reports.

Status

Members of the monitoring team, during the April 2002 site visit determined that the ledger book now serves only as the backup to the IA Pro; a notable change since the November 2001 site visit. Further IA Pro is now accessible at the Freehold facility and at the Office of State Police Affairs. IA Pro generates a weekly executive report to the Superintendent that lists specifically the cases that were commenced the previous week in OPS.

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

During the April 2002 site visit, members reviewed 213 of the 468 cases completed during this reporting period. A review of the "Case Content Analysis Form," question 54 determined that according to the OSPA review, appropriate letters inclusive of the relevant information, were sent to all identifiable citizen complaints.

Status

The monitoring team, through its review of cases completed during this reporting period and an examination of relevant policies that govern this task, finds the state to be in compliance with this requirement. Each of the cases reviewed by the monitoring team which had an identifiable complainant contained letters notifying the complainant of the investigation's significant dates, general allegations, disposition, and whether or not discipline was imposed.

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, tasks 93-109. An in-depth review of each of these tasks is presented under each individual task number. As a reminder to the reader, all training products in the consent decree are audited using the following training cycle:

1. Assessment
 - Of the needs within the agency
 - Of the current professional standards and practices related to the topic;
2. Development of training content and training aids;
3. Delivery utilizing the current best practices in adult learning;
4. Evaluation of the effectiveness of the training content and the training delivery;
5. Revision of the training materials and delivery based upon the evaluation of each;
6. Evaluation of the operational implementation of the practices taught; and
7. Documentation of all the above steps in the process.

The New Jersey State Police received a number of "not in compliance" assessments in the training section of this report for the last monitoring visit in December 2000, and as a result were placed "under warning" for several tasks and advised that continued lack of compliance—or continued inability to effectively document compliance—would result in loss of compliance. It was also noted that the monitoring team felt that these findings were due in no way to a resistance or reluctance on the part of the academy to comply, but were, in the monitoring team's view, due to significant levels of understaffing at the academy and to protracted delays in providing the academy staff with the resources necessary to complete the computerized training tracking system.

The state has taken major steps to move toward compliance in these two important areas:

1. The state has contracted with the Police Executive Research Forum to conduct a manpower study for the academy. The details of the project were being finalized during this monitoring visit and the study should be completed prior to the monitor's next visit. As noted in the last monitor's report, a manpower study must reflect the actual workload of the training function phases including staffing requirements for the tasks involved in the assessment, development, delivery, and evaluation phases including all the attendant documentation responsibilities for each area. Developing a new program places a much greater demand on staff time and expertise than providing oversight for a program that has moved through the phases of the training cycle and has proven to be an effective means of implementing means of changing and supporting performance behaviors at the operational level.
2. The state also assigned one computer specialist to assist the academy staff responsible for completing the computerized training tracking system. (See Task 108 for details).
3. The state has implemented a four-person consent decree compliance team at the training academy, charged with documentation and evaluation of training methods and processes.

The monitoring team continues to have concerns about staffing at the academy as evidenced by the monitor receiving several iterations of a continuously changing staffing list as people were moved, replaced, and reshuffled during the week of the site visit to meet the needs of the on-going programs. Qualified training staff is a priority. Allowing the qualified training staff the time to see an assignment through the phases of the training cycle is equally important.

One of the positions that was vacant, and had been vacant for two weeks prior to the monitoring visit, was that of the academy commandant. The assistant commandant, who has been in that position during the length of the consent decree, was available throughout the site visit and was of the utmost help as usual. The former commandant was present during the first day of the visit, and provided a very comprehensive update on the accomplishments he and his staff had completed since the previous site visit. His expertise, professionalism, and willingness to provide any information requested are unwavering as has always been the case.

The constancy, dedication, and capabilities of both of these individuals are of the first order. They worked in concert with one another and with their staff to create the high quality training products and processes possible despite the lack of support and resources necessary for reaching full compliance in a timely manner. With the infusion of greater resources and a noticeable increase in agency cooperation and support to the academy, their vision and sustained efforts over the past 20 months will hopefully reach full realization. The monitoring team is concerned that the leadership of a commandant with training expertise has been missing over these past few weeks.

In the last report, the monitoring team recognized the high level of effort expended to complete the development and the delivery of training related to a number of the consent decree tasks, as well as expressing grave concern about the minimal attention given to the level of documentation and evaluation, and to the disorganized manner in which available documentation was presented to the monitors for review. During the sixth site visit, a vast improvement was noted in the organization and presentation of most of the documentation retained by the academy, and in the greater ease of retrieving documentation that was asked for during the visit, the latter being directly attributable to the computerized training system being operational, and implementation of the consent decree compliance team at the academy.

With the increasing availability of data, a new concern is emerging and is of growing concern to the monitoring team responsible for training. Now that the initial training programs to address cultural diversity, ethics, and Fourth Amendment rights have been developed and implemented for the first time, oversight to insure that the mandatory annual trainings occur on time is not evident. The consent decree requires, at paragraphs 100 and 101, annual retraining in critical consent decree areas of cultural diversity, ethics and Fourth Amendment rights. The state is in danger of falling out of compliance in **retraining** for ethics and cultural diversity and Fourth Amendment training. The state began falling out of compliance at the end of May 2002.

Another trend that is emerging as large quantities of data become more readily available is the immediate need to analyze, utilize, and manage the data. Currently, there is no data management/computer science/research and planning unit listed on the academy organizational chart. Regardless of the title applied to such a unit, the need to reorganize the academy to include oversight and staffing for this rapidly emerging responsibility is quite evident. The current level of staffing in this area is totally dedicated to completing the computerized data system, and writing programs to access the data.

The analysis and utilization of training data, and of data that will soon become available from the MAPPS system, will place a greater burden on the academy to respond to training needs directly related to consent decree related performance

issues as well general training concerns. A total of 132 members of the New Jersey State Police who have not attended one or more of the consent decree-related training. Of these, 81 are on some form of extended leave. A total of 51 on-duty troopers had not received one or more of the required consent decree training as of the monitors' site visit in April, 2002. Since the monitors' site visit in April, 49 of those troopers have remedied their consent-decree-related training.

All of this information is valuable for planning, and the data specific to the consent decree will provide a means for the state police to more closely audit and more easily identify areas of compliance and non-compliance if it is analyzed and utilized. While these numbers are outside the permissible error rate of five percent of all personnel, the more troubling fact is that key command personnel have not attended these highly critical consent decree sessions.

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 academy staff responsible for this task, and requested and reviewed staffing and manpower allocation data for the academy. The monitoring team also requested computerized print outs of

evaluative data collected on training provided for various tasks related to the consent decree.

Status

Now that the computerized training tracking system is operational (See Task 108), the academy staff has ready access to large amounts of evaluative data very rapidly. Collecting the data is important; analyzing the data and understanding the implications of the analysis is critical. As the data are analyzed, the findings may reveal previously unknown patterns related to the effectiveness of the training as well as implications for further searches with new parameters that might require writing new programs to access information in the database. (See Task 100 for an example.)

The integrated recruit curriculum is complete and the present recruit class (the 130th) is using it for the first time. This class will graduate in June 2002 and evaluative data can be compared with the previous classes to determine its level of effectiveness.

The Instructor Training Course for academy and post-academy instructors has been revised to comply with consent decree requirements. Training academy records reflect that two sessions of the ITC were offered during this calendar year (January and May, 2002).

The state submitted a ten-point plan for creation of a feedback mechanism to evaluate the degree to which state troopers implement the practices and procedures being taught. Six of the points directly relate to the academy, and are as follows:

- a. Academy Analysis of Course Critiques: The academy does have participants who attend in-service and recruit trainings sessions complete course critiques and this data is analyzed and reportedly used for revisions and planning training activities. It was reported to the monitoring team that the cultural diversity training is being revised based upon participant feedback, but has not been completed or reviewed by the monitoring team.
- b. Academy Analysis of Frequently Missed Questions: The academy does analyze the five most frequently missed questions on tests to determine if a pattern emerges related to content. The state has developed remediation processes for frequently missed questions by issuance of the analysis to instructors so that their training methods may be modified accordingly.
- c. Training Committee Meetings: The committee meets quarterly and the duties of the committee are enumerated in this report under Task 104.
- d. Academy Staff Attendance at Troop Commander's Meetings: It is reported to the monitoring team that this procedure has been implemented

and feedback and concerns shared at these meetings is incorporated into the needs assessment and the evaluation components of the training process. The monitoring team will interview the troop commanders on the next site visit to receive feedback on this issue, and will request documentation to support the feedback that the information is being utilized.

e. Station Visitations by academy In-Service Unit: This procedure has been implemented and is also used to assess training needs and as part of a larger process to evaluate the degree of training implementation. The monitoring team will interview academy personnel making these site visits and explore in greater depth how the suggestions are being incorporated into future training during the next site visit. The monitoring team did review a memorandum from a staff member who conducted interviews at the stations related to the Trooper Coach Program and notes that the suggestions were incorporated into the program (See Task 98).

f. Academy Participation in Division's "Ride-Along" Program: It is reported to the monitoring team that this procedure has been implemented and is providing direct feedback from troopers related to the need for and the value of various training efforts. The monitoring team will audit documentation supporting this process on the next site visit.

While this plan for feedback has been articulated by the state, and represents, as the monitors have informed the state, a reasonable approach to establishing feedback regarding training methods, and though some documentation is available, it is still not evident how the results are being used to improve training for personnel. Adequate documentation to allow the monitors to assess how these processes effectively monitor implementation of training protocols in the field is not available.

Audit Summary

1. The structure to obtain evaluative data is in place, but the existence of a strong documentation trail for gathering and analyzing evaluative data and then using relevant data to revise training curricula is not clearly evident at the present time.
2. The whole area of post-academy training as cited in the consent decree, "...approve and supervise all post-academy training for state troopers, and develop and implement all post-academy training conducted by the ;" has not been explored as the emphasis has been on specific mandatory consent decree related training. This part of this task will be audited during the next site visit.
3. The evaluation of the implementation by state troopers of the practices and procedures being taught can only be fully evaluated when the MAPPS system comes on-line and operational performance data can be analyzed

on a large scale to determine if interactions with citizens are being performed in compliance with agency standards.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.69 Compliance with Task 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 selection processes for trooper coach and academy training positions. The monitor also requested and reviewed documentation related to the number of training positions and the organizational structure of the academy.

Status

Academy Training Staff

Documentation requested and provided to the monitoring team during the previous site visit (December 2000) indicated that when the consent decree was signed there were 33 enlisted personnel working at the academy, and at the time of the previous monitoring visit there were 31 enlisted personnel and no new permanent training staff had been assigned to the academy.

During this five-day site visit, the monitoring team received several revised lists of the current academy staffing levels. The final list, dated May 3, 2001, and provided to the monitor after the conclusion of the site visit includes the following summary:

Commandant 0

Permanent instructors	26
Detached to other sections	(1)
Temporary instructors	7
On loan from other units	<u>6</u>
 TOTAL PERSONNEL	 39

The monitoring team notes, with concern, that there is no commandant included on the list. The 39 staff persons noted above are all sworn personnel. A total of ten of non-sworn clerical or support staff are assigned to the academy.

Personnel Order #225 issued on May 1, 2002 by Superintendent Santiago lists three enlisted staff members and states "The following personnel are temporarily detached to the Training Bureau, Division Staff Section, effective 0001 hours, Saturday, May 18, 2002." Only one name on the order appears on the academy Personnel List above. A total of eleven non-sworn clerical staff are assigned to the academy.

The position of Supervisor of the Social Sciences Unit is not currently on the academy personnel list. This position is designated as a loan status and the sergeant filling the position is noted as being transferred on May 4, 2002. This occurred just after the monitor's site visit. The Social Sciences Unit is responsible for developing the supervisory training required by the consent decree and the two permanent staff presently in this unit were transferred to the unit in February 2002 from other training positions at the academy. This happened when the former supervisor of the Social Sciences Unit and three staff members were transferred out of the academy to other assignments in the department, and the fourth staff member was detached to another assignment in other areas of the department.

The Supervisor for the In-Service Unit is now listed as a permanent position, as are the supervisory positions for all of the remaining units within the academy. The In-Service Unit now has four permanent positions, two temporary positions and four on loan positions for a total of ten staff and an increase of two positions since the last monitor's report. One of these positions is primarily dedicated to providing oversight for all aspects of the trooper coach program (See Task 98 for details). The In-service unit staffing levels increased from seven to ten personnel since the monitors' last site visit.

Summary

1. No recruitment of trainers has occurred since the last site visit in December 2001.

2. No recruitment of coaches has occurred since the last site visit in December 2001. There is currently only one recruit class in progress with sufficient coaches available when they graduate, and the next recruit class is not scheduled to start until January 2003.
3. Several transfers of staff working on consent decree related training/programs have occurred since the new superintendent took command.
4. The academy commandant has been transferred and no new commandant assigned as of this monitoring visit.
5. The in-service unit has gained three positions along with total responsibility for oversight of the trooper coach program under the direction of the academy commandant. The commandant has been given the authority to contact the major responsible for field operations regarding any issues related to the coaching program that need attention or correction.
6. The academy has been assigned eight temporary instructors to replace those who were transferred to other assignments, but has received no additional trainers.
7. The monitoring team is very concerned about the instability in staffing, and will continue to monitor this area closely in future site visits as it directly impacts on the quality of the training and the oversight issues for consent decree related training tasks.
8. Staffing levels at the academy appear to have increased by nearly 26 percent since the last site visit by the monitoring team. The academy had no permanent commander as of the sixth site visit.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

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

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 spoke with academy staff responsible for this task; audited academy trainers' records; audited trooper coach records; and interviewed the training staff currently responsible for oversight for this program.

Status:

Academy Trainers

The state is utilizing the following selection process for academy trainer positions. The process requires the following:

1. A minimum of five years experience as a trooper;
2. Bachelor's degree;
3. Compliance with departmental physical examination requirements;
4. No pending substantial EEO or IA investigations;
5. No history of substantial discipline within the past year;
6. Completion of a writing assignment related to adult-based learning;
7. Completion of an oral interview.

The academy trainer files have been completely reorganized since the last site visit and were very easy to audit. The monitoring team audited twelve of the thirty-six files. Each instructor file contained separate folders for documentation related to each of the selection criteria. Included in the files are performance evaluations on specific training provided by the instructor and observed by their supervisor, and an annual performance evaluation which includes goals for the next performance period. These documents meet the requirement in the consent decree, "... to monitor the performance of persons serving in these positions."

Due to a lack of documentation regarding how the decision to retain or dismiss a trainer based upon past or pending allegations, several phone calls to the Internal Affairs Bureau were required to obtain clarification. This demonstrates

the need to revise the document now used to certify that an internal affairs review occurred as part of the process when allegations are discovered as part of that review. Since the monitors' April site visit, additional documentation has been provided in the form of supporting IA records, disciplinary records, and other documentation. This new documentation meets the needs of the monitoring process.

The monitor will audit the file of all new instructors who are assigned to the academy between monitoring visits and will audit a random sample of all the files will be annually.

Trooper Coaches

The following revisions in the trooper coach program have been implemented since the last monitoring visit.

1. The academy commandant has responsibility for oversight of all aspects of the program.
2. Oversight for the program now resides with the In-Service Unit and a member of that staff has been dedicated to supervise the program operations.
3. All coach files related to selection and current status are maintained in the In-Service Unit.
4. All performance evaluation records for the coaches will now be maintained in the Human Resources Unit at headquarters.
5. Performance records generated by the coaches on the probationary troopers whom they supervise will now be maintained in the Human Resources Unit at headquarters.
6. A centralized oral interview process for all coaches will be held at the academy in the future, rather than being held at each troop. The Troop Commander or his designee will be a member of the interview committee. The other members will include the director of training or his designee, the trooper coach coordinator for each troop, and a sergeant with previous coaching experience.
7. Phase evaluations completed by the trooper coach on the probationary trooper's performance at the end of three weeks and six weeks will be forwarded to the academy for review when they are complete in order to provide on-going oversight for the probationary troopers' performance while they are being coached.
8. Acting patrol sergeants will meet all the selection criteria for the trooper coach program and files will be maintained at the academy with this information. This is necessary because these sergeants are required to assume coaching responsibilities if the primary coach is not available due to illness, training requirements, etc.

9. The state now conducts a "totality of circumstances" review, and the Internal Affairs Bureau now conducts the review of coach applications for a history of complaints, or open investigations of complaints that include consent decree related concerns. This review had previously been the responsibility of the Office of State Police Affairs.
10. A master list of trooper coaches and the probationary troopers they had provided coaching for was available for each troop. These lists indicate that currently there are 309 qualified coaches available.

A member of the monitoring team audited 15 trooper coach files representing five folders from Troop A, five from Troop B, and five from Troop C. The files were very well organized and easy to audit. A summary of this audit follows.

1. All files contained resumes indicating a minimum of three years of experience.
2. All contained the necessary letters of recommendation.
3. One file was missing signatures and dates on the oral board forms.
4. All files contained a re-evaluation of incumbent coaches.
5. Four folders contained documentation of allegations or pending investigations. A letter stating that a review of the incident had been conducted, and that subsequent approval for the coaches program was given was signed by the Captain responsible for the review and was present in each of the four folders. No rationale for such a decision was available in the coaches' files.
6. All contained EEO/AA documentation.
7. One was missing the annual physical fitness review documentation;
8. All contained documentation related to satisfactory review of coaching experience including the station coordinator critique and the probationary trooper critique.
9. All contained phase reports summarizing the probationary troopers performance and a release recommendation for the probationary trooper assigned to the coach.
10. All contained documentation related to successful completion of the trooper coach training program.

Audit Summary

1. Great strides have been made in providing more effective operational oversight for this program and these changes are evident in the uniformity of the documentation and the completeness of most of the files audited.
2. Centralizing the oral board, while continuing to provide for representation on that board for each of the troops, should provide much greater standardization and quality control for the selection process.

3. Assigning responsibility for review, approval and sign-off for the internal affairs reviews of the coach candidates (and the training instructors) is a needed improvement to assure accountability for the process being completed. However, the process for documenting the review and the subsequent decision for approval or denial requires revision. Upon review of the process outlined in S.O.P. F12, the monitoring team notes the following:
 - a. III-B-2-b—"OPS and EEO/AA shall provide the troop coordinator with a charge summary of the prior and/or pending matters referenced above or notify the troop coordinator that no prior and/or pending matters referenced above exist." This documentation is in the coach files.
 - b. III-B-2-c—"In the event that any prior and/or pending matters referenced above exist, then the OPS Intake and Adjudication Bureau and/or EEO/AA shall recommend to the troop coordinator whether or not the candidate should proceed in the trooper coach selection process. This recommendation is based upon the following factors..."

What follows in S.O.P. F12 is a list of eight criteria to be reviewed with an additional eight subsets under criteria 1. The monitoring team's concern is that no documentation exists in the letter of approval referencing how these criteria were utilized to reach a determination of approval when there are allegations and/or pending investigations. Without citing how the conclusion is reached, the monitoring team cannot evaluate the efficacy of the decision-making process. By expanding the letter of approval to include a checklist of the criteria with an indication of which criteria were used, and a narrative explanation of how a decision approving the appointment of a trooper with noted allegations or open investigations was reached, would more clearly document an objective decision-making process based upon standardized and approved criteria. Without a documentation trail, only the person making the decision knows how the decision was reached if he/she can remember after making many such decisions, and only if that person is still available (transfers, retirements) at the time the question arises.

When staff at the academy, who are responsible for program oversight, were questioned about such findings in coach files they were unable to explain the rationale for the decision, and rightly so, as they have no part in the process and there is no documentation detailing the reasoning. As noted previously in this report, the audit of the trainer's records on this same point generated several

phone calls to the Internal Affairs office for clarification. The monitoring team decided not to contact Internal Affairs for clarification for the coaches' records, as this clearly reflects a gap in the documentation process. These records will be audited again on the next site visit to determine how the documentation process has been improved.

- c. III-B-2-d—"If the troop coach coordinator concurs with or does not wish to contest the OPS recommendation made pursuant to paragraph c., then the troop coordinator shall advise the OPS Intake and Adjudication Bureau which shall memorialize this fact in an interoffice communication." The monitoring team notes that there is no written documentation in the trooper coach folder noting that this step was completed. The inclusion of an interoffice memo is not necessary, however, a signed statement from the trooper coach coordinator that he or she received, reviewed and approved of the decision would provide written documentation that this part of the process was completed.
 - d. III-B-2-e—"If the troop coordinator does not concur with and does wish to contest the OPS recommendation made pursuant to paragraph c., then the troop coordinator shall advise the OPS Intake and Adjudication bureau of this fact and the troop coordinator shall set forth in writing those facts upon which the troop coordinator relies to support the candidate's continuation in the trooper coach selection process. Relevant factors include: (1) All factors identified in Section III, Paragraph B.2.c...." Two other factors are also listed. The monitoring team notes that if a troop coordinator disagrees with the decision reached by those who do the initial review, and who do not at the present time document their use of the factors identified in Section III, Paragraph B.2.c., the troop coordinator must, "...set forth in writing those facts upon which the troop coordinator relies..." and must include "relevant factors" the first of which is those listed in Section III, Paragraph B.2.c. The monitoring team concurs with this reasoning and requests that those making the initial determination use and document the use of those factors as well.
4. SOP F12 has been amended to include revised information related to the trooper coach program after receiving approval from the Department of Justice and the Independent Monitor.
 5. Documents reviewed by the monitoring team indicate that an internal organizational audit and review was conducted prior to the monitor's site visit. Such reviews can do much to insure on-going quality assurance for this program and for any others that are audited on a regular basis.

6. The monitoring team will conduct a more comprehensive review of these files on the next site visit to determine the number of allegations and/or open investigations noted in the OPS/EEO/AA reviews, and to determine the rationale for approving trooper coaches whose allegations fall within the criteria outlined in S.O.P F12. The monitoring team will also speak with the coach coordinators to determine how they are being notified and included in the selection process.
7. Though the monitoring team grants an In-Compliance status for this task, it does so with reservations because of the continuing lack of clarity about how the decision-making process is conducted when approving troopers to act as coaches and trainers when their records show open allegations and/or investigations related to consent decree issues. This area will be closely audited during the next site visit.

Compliance

Academy Personnel

Phase I: In Compliance

Phase II: In Compliance

Trooper Coach Personnel

Phase I: In Compliance

Phase II: In Compliance

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 and reviewed the academy personnel files for trainers,

and the trooper coach files containing performance evaluations related to their coaching duties.

Status:

Academy Instructors

Since the last sight visit the academy personnel files for the academy trainers have been updated to include documentation related to all the selection criteria. Those specifically relevant to this task include:

1. Instructor observation forms, quarterly appraisals and annual evaluations to document, "... maintaining, and demonstrating on a regular basis, a high level of competence."
2. A computer printout of training attended by the instructor is included to demonstrate that he/she has completed all consent decree related training with passing scores, and all other training received in the past couple of years. A new printout will be added annually.

Post Academy Instructors

During the sixth site visit, members of the monitoring team did not assess post academy instructor files. This will be addressed during the next visit.

Trooper Coach

Trooper Coach Evaluations

1. Trooper coach files are being maintained in the In-Service Unit at the academy, and at the time of the site visit they contained evaluations of coaching performance completed by the probationary trooper and the station coach coordinator. All evaluation information is being transferred to the Human Resources Unit at headquarters.
2. The files also contain a numerical reassessment form that is completed after each coaching assignment, and results in a new selection score for the trooper coach that is based upon some of the original selection criteria but factors in his/her actual performance as a coach.
3. Though not currently a part of the file, a computer printout of training completed by each coach within the past year could be helpful to document that they have been provided, "... additional training to maintain proficiency," especially if any of the training relates to coaching

duties. In any event, some form of documentation of this training is necessary to allow continued monitoring of this task.

4. When any future training is developed and delivered specifically to the trooper coaches to update them or to address concerns identified through program evaluations, documentation of such training should be included in these files to support, "...additional training to maintain proficiency."
5. The state may want to consider planning for a refresher course may be required if a period of time (yet to be determined) passes without the coach having engaged in coaching duties.
6. Overall, there is a vast improvement in the content and the presentation of the files for both instructors and for coaches.
7. The monitoring team will audit files for any new coaches who are selected between site visits, and will monitor a sample of all the files on an annual basis as it relates to this task.

Audit Summary

1. Twelve of the thirty-six files were reviewed, and all contained the items noted above.
2. The monitor will follow-up on points three and five under coaches above to determine how training documentation is being tracked.
3. On future site visits, the monitor will review the files of any new instructors appointed between site visits. Otherwise, these files will be audited on an annual basis.

Compliance:

Academy/Post-Academy

Instructors

Phase I: In Compliance
Phase II: In Compliance

Trooper Coaches

Phase I: In Compliance
Phase II: In Compliance

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:

A member of the monitoring team spoke with academy staff responsible for implementing this task and audited computer printouts of the training conducted, matching a random sample of the names with actual sign-in sheets and with the Scantron test cards used to complete the test for the training. Computer printouts of troopers who missed training or failed the test were available and were analyzed by the monitoring team.

Status:

Cultural Diversity

The academy In-service Unit is now responsible for conducting this course as it has become an annual training requirement for all troopers; however the Office of State Police Affairs continues to monitor the academy on this task.

Members of the New Jersey State Police completed a one-day training on this topic that was delivered in 24 sessions at four regional locations between January 11, 2001 and August 17, 2001. Two trainers conducted the training, one trainer from the Anti-Defamation League, and another from the New Jersey State Police.

The following information was readily available from the computerized training tracking program printouts at the academy:

1. 2326 troopers attended the training;⁹

⁹ While the monitoring team is well-aware that the number of sworn employees is a constantly fluctuating variable, given resignations, retirements, completion of new recruit classes, etc., the team is concerned that the automated information system lists different "total universe" numbers for each of three different training topics. For example, the system lists 2,413 sworn personnel eligible for cultural diversity training, 2,539 sworn personnel eligible for ethics and integrity training,

2. 87 received credit for the training but were not tested because testing had not been instituted as a means of evaluation in sessions conducted on January 11, 16, 23, 2001;
3. 11 failed the test—documentation exists to show that these troopers received a remedial session, were retested, and received a passing score. The second Scantron testing card with the passing score is stapled to the first failed Scantron card. These remedial sessions were held in November and December of 2001, four months after the initial failure. Most of the remedial sessions were conducted one-on-one with staff from the In-Service unit, and no documentation on how this training was conducted was presented to the monitoring team.
4. Troopers who did not attend the regular sessions of the training were notified to attend remedial sessions. During these sessions they viewed a videotape of the training and completed the test. Computer printouts of data captured related to these sessions were generated upon request of the monitoring team. They include the name of the trooper, date of the session, coordinator of the session, means of training (i.e. viewed video), and the score achieved on the test.
5. The In-Service unit has developed a process of printing out a list of non-attendees by unit and notifying supervisors and section directors about their subordinates who have not attended training, and making them responsible for getting subordinates to the scheduled make-up sessions. This process arose out of repeated notification by the In-Service staff to non-attendees about remedial sessions and still having some who did not attending.

As of May 1, 2002, a computerized printout indicates that 108 troopers have never attended cultural diversity training. Members of the monitoring team learned, after their site visit, that command staff had been provided a “beta version” of the cultural diversity training, and had provided comments and suggestions for modification to the training. They were not listed among those attending the final version of the training. Documentation provided by the state after the monitors’ site visit indicates that all personnel who had not attended the original cultural diversity training were either on extended sick leave or had attended follow-on training provided by the state.

An audit of 75 badge numbers picked at random from the computer generated attendance list (25 from Troop A, 25 from Troop B, and 35 from Troop C) were matched with the actual sign-in sheets from the class and the Scantron test

and 2,730 sworn personnel eligible for Fourth Amendment training—all topics offered during the same training cycle. The automated information system is newly developed, and the monitoring team would expect these disparities to be clarified in the data available for the seventh site visit.

cards were pulled to be sure the passing grade on the attendance list matched that on the card. Findings are as follows:

1. All signatures were on the sign-in sheets.
2. The correct grades were listed on the attendance list.
3. All who failed received remedial training and passed a second test.

Ethics/Integrity

According to attendance lists provided to the monitoring team, the ethics and integrity training was conducted from October 30, 2000 through May 4, 2001. An analysis of the documents provided reveals the following:

1. 2,350 troopers/personnel attended the training.¹⁰
2. 189 were given credit for attending the class, but were not tested, because no test was given prior to session 707 on March 12, 2001
3. 5 troopers failed the training
4. On page 42 of the attendance sheet there are 54 entries for remedial training. There are no sign-in sheets for these classes. Academy staff was able, upon the monitor's request, to print out randomly chosen badge numbers showing documentation of the remedial class and the grade that corresponded to information on the attendance list. Scantron test cards were available and demonstrated a passing grade.
5. 27 badge numbers were randomly chosen from the computer generated attendance lists and compared to the sign-in sheets for the class, and the Scantron test cards were pulled and compared to the score on the attendance list.
 - a. Sign in sheets with the signatures of the troopers were all present.
 - b. The correct grades were listed on the attendance list.
 - c. All who failed received remedial training and passed a second test except for one trooper who has retired.

¹⁰ While the monitoring team is well-aware that the number of sworn employees is a constantly fluctuating variable, given resignations, retirements, completion of new recruit classes, etc., the team is concerned that the automated information system lists different "total universe" numbers for each of three different training topics. For example, the system lists 2,413 sworn personnel eligible for cultural diversity training, 2,539 sworn personnel eligible for ethics and integrity training, and 2,730 sworn personnel eligible for Fourth Amendment training—all topics offered during the same training cycle. The automated information system is newly developed, and the monitoring team would expect these disparities to be clarified in the data available for the seventh site visit.

During the monitors' site visit, members of the monitoring team noted apparently large numbers of personnel who had not received the required ethics training. The state provided data, from the personnel system not available at the time of the site visit, indicating that all personnel not attending the required ethics training were either on extended sick leave, or attended follow-on training designed for those who had not attended the original sessions. These follow-on sessions were implemented, roughly, contemporaneously with the monitors' site visit.

A random analysis 25 of those who have missed multiple consent decree required training was completed using trooper coach badge numbers and no coaches are among those listed above.

Audit Summary

1. During the monitoring team's site visit to the academy, the academy's automated course tracking system was not linked to the personnel system's database. As a result, some confusion arose as to which troopers on the "did not attend" list were on active duty, extended leave, or other status. Those systems have now been linked, and the monitors anticipate a smoother audit of these processes in the future.
2. The long delay in providing follow-up training and testing is viewed by the monitoring team as acceptable only because of the circumstances that existed at the time these trainings were conducted. The academy staff were overwhelmed with developing and delivering multiple consent decree related trainings, managing overlapping recruit classes, instituting post training testing for the first time, and had no computerized data management system in place. Now that these factors are under control, the monitoring team will expect to see a more rapid response in remediation and retesting when necessary.
3. A total of 250 troopers who attended cultural diversity training in classes held from January 11th through March 8th of 2001 are due for their annual training in-service on this topic. Based on an agreement of the parties, "annual" training has been redefined as "within 18 months of original training." The monitoring team will evaluate closely conformance to this new standard.
4. A total of 2,159 troopers who completed the ethics training through session 614 conducted on April 27, 2001 are due for their annual in-service on the consent decree required ethics training. For those troopers who received their first training on October 30, 2000, they are 18 months overdue for their annual mandatory in-service training. . Based on an agreement of the parties, "annual" training has been redefined as "within 18 months of original training." The monitoring team will evaluate closely conformance to this new standard.

- As of the monitoring team's sixth site visit, no dates to begin retraining were made known to the monitoring team. This task will be monitored closely for compliance on the next site visit.

Compliance status for this task is based on the lack of an in-service training plan configured to achieve the required training in the areas of cultural diversity and ethics, and the failure to re-train substantial numbers of personnel during the required training cycle. Although the parties have redefined "annual" to mean within 18 months of the original training, the monitors have not been provided with an articulated plan to achieve this standard. The status of these training practices will be monitored closely on the seventh site visit. The state is judged "in compliance" with these requirements based on the definition of annual as "within 18 months of the original training."

Compliance:

Phase I: In Compliance
Phase II: In compliance

2.73 Compliance with Task 101: Recruit and In-Service Training on Fourth Amendment and Non-Discrimination 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:

A member of the monitoring team spoke with academy staff responsible for implementing this task, and reviewed and analyzed computerized attendance lists, and sign-in sheets, Scantron test cards.

Status:

1. Training on search and seizure was conducted from May 10th through August 15th 2001. Remedial sessions were conducted from August 22, 2001 through April 11, 2002.
2. 2,663 troopers attended the training.¹¹
3. 31 troopers received credit only since testing did not begin for this course until May 14, 2001 beginning with session 208. However, testing for consent decree mandated training began on January 30, 2001 for cultural diversity and on March 12, 2001 for ethics.
4. 148 troopers failed the test with four troopers failing twice for a total failure rate of 152. One trooper failed and then passed with remediation was not included on the attendance list, but has been included in the total of 148.
5. Academy staff state that five troopers who failed have still not received a remedial class or been retested though they have been notified several times by the academy regarding this deficiency. The academy staff has recently notified the supervisors and section directors about the non-responsiveness of these troopers.
6. The monitor randomly chose 27 badge numbers from the attendance list for auditing. All the signatures appeared on the appropriate session sign-in sheets, all the Scantron test cards were present and the grades matched those on the computer generated attendance list. One person failed and no remediation documentation could be found for that trooper. One trooper was not listed on the attendance list but had failed the test on May 16, 2001 and passed the test after remediation on August 9, 2001.

This task also requires that the state provide this information as a mandatory annual in-service to all troopers.

¹¹ While the monitoring team is well-aware that the number of sworn employees is a constantly fluctuating variable, given resignations, retirements, completion of new recruit classes, etc., the team is concerned that the automated information system lists different "total universe" numbers for each of three different training topics. For example, the system lists 2,413 sworn personnel eligible for cultural diversity training, 2,539 sworn personnel eligible for ethics and integrity training, and 2,730 sworn personnel eligible for Fourth Amendment training—all topics offered during the same training cycle. The automated information system is newly developed, and the monitoring team would expect these disparities to be clarified in the data available for the seventh site visit.

Those who had failed received a state-provided remediation workshop and were retested. Reportedly half of the one-day session was devoted to Fourth Amendment issues and the remaining half to training on the new Internal Affairs Bureau reporting system, forms, and procedures for reporting.

The original recruit curriculum is in use with the 124th through the 129th classes and it contains all the items required by this task. The 130th recruit class is using the new integrated curriculum. No testing data specific to this task has been audited at this time.

It was reported to the monitoring team that this course is being converted into a distance-learning program that will be administered at regional sites. An instructional design consultant has been engaged to develop the computer-based training and a prototype CD has been developed. The monitor requested a copy of the CD and it was provided by the state. No planning information about how this course will be administered has been provided to the monitoring team.

Among the concerns that the monitoring team has regarding this training are:

1. Completion of assessment data to determine the following:
 - a. The availability of computer equipment to train large numbers of personnel;
 - b. The length of time required for each trainee to complete the module;
 - c. The length of time it will take to complete training for all personnel;
 - d. The validity of the testing process;
 - e. The availability of academy staff to train personnel how to utilize the computer training;
 - f. The method for insuring that each trainee completes the training without interruption or assistance;
 - g. The method for managing training data.

Audit Summary

The monitoring team has repeatedly expressed concerns over the need for the training process to follow an assessment-development-delivery-documentation-assessment process. These concerns reflect a necessity to assess needs and process prior to implementation of training processes.

1. The monitoring team requests that written documentation be available on or before the next site visit to address the concerns enumerated above about the computer-based training for this task, and all other process issues that arise from applying the training cycle to the development of this distance-based learning. The change in delivery of this training does not obviate the need to maintain mandated deadlines required by the consent decree.

2. The total number of troopers trained for this task (2,663) is higher by several hundred than for any of the other consent decree related training. This will be explored in greater depth on the next site visit to ascertain if a larger number of troopers are missing some of the other consent decree mandated trainings.
3. It is of great concern to the monitoring team that testing was not conducted for the 31 personnel who attended session 26 conducted on May 10, 2001. Testing was, by this date, a regular requirement for evaluating the effectiveness of the training for other consent decree required training. Considering the importance of this topic and the fact that 150 people failed the test, it is also a concern to the monitoring team why this group was not tested at a later date.
3. The monitoring team requested and reviewed the five most frequently missed questions, with an analysis of their validity. Training sessions continued to be held through August 22, 2001, however, and no analysis for question validity was contained in the memo. This should not reflect any level of resistance on the part of the academy staff as all requests for information are made through a representative of the Office of Professional Standards, and cannot be directly obtained from the academy staff.
4. The start date for the annual in-service training on this topic was May 10, 2002. The monitoring team is extremely concerned that no training on this topic is scheduled, placing some of the troopers out of compliance for this task already. The monitoring team is very concerned regarding the State's ability to maintain compliance with the training deadlines for this task. All training documentation related to this task will be carefully audited during the next site visit. Failure to have an active plan for annual in-service training is also a matter for concern. Compliance with Phase II in-service training requirements for Fourth Amendment topics cannot be measured at this time, as sworn personnel, effective May 10, 2002, became due for annual updates. As noted above, the parties have redefined "annual training" to mean "within 18 months of the original training." This process will be closely monitored during the seventh site visit.

Compliance: In-Service

Phase I:	In Compliance
Phase II:	Unable to Monitor

Recruit

In Compliance
In Compliance

2.74 Compliance with Task 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 spoke with academy staff responsible for implementing this task and audited documentation related to the coaching program.

Status:

Status:

Trooper Coach Protocol

As noted in the previous monitor's report, the protocol for the trooper coach program relating to the selection process, the assignment of coaches, and the support offered to coaches when there is only one coach for the probationary trooper was revised based upon evaluative data gathered by the academy staff and the new review for allegations procedure introduced by the Office of State Police Affairs.

A list of recommendations for changes to SOP F12 (trooper coach protocols) was compiled by the academy. The recommendations that were developed as part of an intensive interview process developed by the academy, and related to trooper coaching, along with the changes that have occurred are as follows:

1. Recommendation: Consideration should be given to having one central oral board that evaluates prospective trooper coaches to maintain consistency in the selection process.

Resolution: The oral board for the selection of the coaches will now be conducted at the academy and will include the Director of Training, or his designee; a designee for the troop commander (a commissioned officer); the trooper coach coordinator for the troop; and a sergeant with prior trooper coach experience.

2. Recommendation: The coach should be informed about the evaluation of their performance as a coach by their supervisor and be able to read and sign the evaluation. (Interviews by academy staff with some of the sergeants who acted as the coach coordinator for this program indicated inconsistency in sharing these evaluations with the coaches.)

Resolution: The trooper coach must now sign their performance evaluation after their supervisor presents it to them.

3. Recommendation: A definition of "successful participation" as a coach should be clearly defined since this criterion is used to determine if the coach receives points for special consideration for specialist positions.¹²

Resolution: It was reported to the monitoring team that this point had been included in the S.O.P. F12. A review of the copy of the F.O.P. that the monitoring team has does not reflect this, and will be clarified on the next monitoring visit.

4. Recommendation: Question number one on the probationary trooper's critique of the trooper coach asks that they evaluate the coach's ability as a trooper. This seemed to be too broad a statement, as the probationary trooper would only have spent 9 weeks with the trooper.

Resolution: This question on the critique has been amended to include an evaluation of the coaching abilities of the trooper coach.

5. Recommendation: The station coordinators would be required to complete a special report to their respective troop commanders if a supervisory

¹² While this suggestion conflicts with established protocols, as noted by the state in information provided to the monitoring team on January 8, it was, nonetheless, a recommendation developed as part of the trooper coach review process.

conference in convened because the coach identifies a probationary trooper performance deficiency requiring supervisory input.

Resolution: This is included in the S.O.P. Section E, 2c.

The four following suggestions relating to the trooper coach program, and to the evaluation component of the program were developed by academy staff.

1. Recommendation: Utilize Trooper Coach Committee personnel that are available to conduct field inspections of the Trooper Coach Program in all three troops on a weekly basis. Designated committee personnel would speak with the station coordinator, coach, and probationary trooper, and review documentation to glean information to improve the program.

Resolution: It was reported to the monitoring team that this task has been assigned to an academy staff member, but was not audited during this visit.

2. Recommendation: Troop coordinators would be requested to submit documentation to the academy weekly for review for the purpose of solidifying consistency between the troops.

Resolution: The phase reports completed by each trooper coach at the end of every three-week period are now forwarded to the In-Service Unit at the academy and are reviewed by the sergeant responsible for this program.

3. Recommendation: At the completion of the 123rd State Police Class two two-hour sessions (one a.m. and one p.m.) would be conducted at each troop headquarters to administer a survey to approximately 25 coaches at each station and to provide an open forum for oral discussion of the program for evaluation purposes.

Resolution: academy staff conducted the interviews and some of the recommendations from those interviews are included in this list.

4. Recommendation: Utilize the data gathered through the surveys, open forums, review of documentation, and field inspections to revise the Trooper Coach Program.

Resolution: Oversight and document management have been greatly improved as a result of utilized data gathered. In addition, note above the

other changes made by reviewing the resolutions developed to address recommendations listed above.

The S.O.P. has been revised to reflect most of the changes at this time, and the New Jersey State Police have received approval from the Department of Justice and the Independent Monitor to utilize a one-coach program, as outlined in the current SOP.

Audit Summary

1. Academy staff and members of the Office of State Police Standards, following the evaluation and revision step in the training cycle, have refined the trooper coach program to reflect the needs of the various groups providing feedback.
2. The revisions to the selection process will not be evaluated until the next round of selecting trooper coaches is conducted. An evaluation of the effectiveness of the process will be in order at that time.
3. Revisions to the trooper coach curriculum may be in order to prevent redundancy (cultural diversity, ethics) if the troopers are receiving that training on an annual in-service basis as required by the consent decree.
4. Gathering and analyzing data on the effectiveness of the training provided by the trooper coaches to probationary troopers, as well as the effectiveness of the academy recruit training is part of a planned evaluation effort to bring troopers from the 119th class and beyond back to the academy for a day of review after their one-year anniversary date on the job. The monitoring team will review the data gathered and the academy's response to the data.

Compliance:

Phase I: In Compliance
 Phase II: In Compliance

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 reporting period.

Status:

The New Jersey State Police achieved compliance in September 2000 and maintains compliance.

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	[Bar]											
Phase II	[Bar]	[Bar]	[Bar]	[Bar]	[Bar]	[Bar]	[Bar]	[Bar]	[Bar]	[Bar]	[Bar]	[Bar]

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 monitoring team spoke with academy staff responsible for implementing this task and reviewed a proposed revisions to SOP F-21 that address this task.

Status:

The S.O.P. has not yet been approved as the new superintendent is reviewing pending policy changes. At this time no new revisions have been made.

In addition to the processes mentioned in previous reports for gathering information on training needs, a training bureau message board has been included on the New Jersey State Police Intranet. This allows any member of the organization to post a message regarding training needs or feedback on training received. These are reviewed by the In-Service Unit Supervisor and relayed to the Commandant and the members of the training committee.

It was noted in the last monitor's report that strong assessment, documentation and evaluation data were not evident from the records provided to the monitoring team during that visit. In the interim, the supervisor of the In-Service Unit has compiled logs of information related to training provided by the Unit.

1. Analyses of critiques of the various consent decree related training are available, and the identified concerns are reportedly being weighed and incorporated into future trainings when appropriate.
2. Memoranda from the training committee meetings allow a monitor to track on progress in addressing identified issues.
3. Memoranda from a committee formed to address the assessment and developmental issues of the basic supervisory course allow a monitor to track on the evolution and decision-making process used, and to note who is contributing to this effort.
4. New accountability processes are being developed to address the non-attendance issues for mandatory consent decree training.
5. Oversight for the trooper coach program has been implemented and a staff person assigned to the project. The files for this program were in excellent order with further revisions pending as processes are unified for documentation within the three troops.
6. The unit is instituting a "continuous information loop" related to consent decree training through the following process:
 - a. Providing multiple means for identifying training needs;
 - b. Gathering and analyzing training feedback from participants;

- c. Revising training when appropriate;¹³
- d. Providing feedback to the various troop commanders;
- e. Moving accountability for non-compliance with consent related training to the majors responsible for the various parts of the organization by including them in notification memos.

This process has evolved over time as gaps in compliance were identified and addressed rather than as a strategically planned process. At some point the In-service staff may want to map the “continuous information loop process” as it presently exists to determine if any unidentified gaps still exist in both the process and the documentation of the process. (For example: the recent availability of computerized training data reveals that some members of the organization have not attended any consent decree training, and several of this are supervisors and managers. This highlights the need for oversight systems.)

Compliance:

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.

¹³ As noted in the last monitor’s report, it is essential for the state to document and receive approval for changes prior to consent decree related training prior to implementation.

Methodology:

A member of the monitoring team spoke with academy staff responsible for this task, observed the situational leadership block of training, reviewed the course curriculum, and reviewed the course critiques completed by participants in one of the training sessions.

Status:

The state has provided a one-day "leadership" training course to all personnel with supervisory responsibilities. The monitoring team, in discussions with the Office of State Police Affairs, has expressed concern that a one-day leadership course is insufficient to provide a meaningful training experience responsive to the tasks that confront a supervisor in a modern law enforcement environment. Supervisory performance this reporting period supports that contention. Supervisory personnel failed to note 19 of 20 problems identified by the monitoring team with motor vehicle stops conducted by New Jersey State Police personnel this reporting period. Supervisors on-site at five of the problematic stops noted by the monitors were successful in identifying only one of the stop procedures as problematic. Supervisors at one of the eleven road stations visited this reporting period failed to meet the minimum numbers for MVR reviews articulated by the New Jersey State Police, and management personnel were unaware of this failure until it was brought to their attention by the monitors.

The state currently has plans to conduct refresher training for all supervisory personnel, addressing patrol-related SOPs and MVR reviews. This training had not been implemented as of the monitors' site visit in April.

While the monitors are sensitive to the need of the New Jersey State Police to design and deliver training that is both *operationally* effective and *cost*-effective, we are not sanguine about the ability of the state to meet the training needs of supervisory personnel with a one-day "leadership" training supplemented with refresher training in field operations and MVR review, as we have advised the state in the past. Current performance reflects the difficulty of achieving success with this approach.

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:

A member of the monitor's team spoke with academy staff responsible for this task, and reviewed documentation related to promotions made since the last site visit.

Status:

Since the last site visit in December 2001, a new Superintendent for the New Jersey State Police has been appointed. The monitoring team was informed that he is evaluating how training for newly promoted managers (lieutenants and above) will be handled, and that no final decision has been reached. The monitoring team had previously been informed that the former superintendent was also evaluating how training for newly promoted managers would be handled.

As noted in the previous monitoring report, a memo from the Superintendent's Office dated October 15, 2001 listed the names of 285 troopers who were promoted effective October 6, 2001. An additional memo dated October 29, 2001 listed one trooper who was promoted effective October 6, 2001.

All 286 newly promoted troopers were required, as stated in Task 106 of the consent decree, to receive training, "... **in no event later than within six months of the promoted trooper's service in his or her new rank.**" All 286 troopers are past the due date as of April 6, 2001 and April 29, 2001.

As was noted in the last monitor's report, "While all 286 newly promoted troopers received the agency's "Phase VII" training, which dealt with MVR review, the agency's non-discrimination policy, and three hours of leadership training, the monitoring team does not view this training as adequate to meet the requirements of Task 106."

In the last monitor's report the monitoring team stated that completion of the 40-hour basic supervision course would be deemed appropriate for this requirement. That course is now a 52-hour course that is still under revision and has not been delivered, and it is focused on first line supervisors (sergeants).

Based upon a review of the curriculum, the lesson plans, and viewing a block of the training, the monitor amends its approval of using this course for managers with the following:

1. The supervisor's course will fulfill this requirement if adjustments are made to provide material relevant to the roles and responsibilities of the ranks being trained, and the monitors reviews the material developed to address the needs of each rank to assure that the material is relevant and substantive.
2. In addition, the repetition of a course that each advancing trooper would have completed when becoming a sergeant may be adequate at this time since none of those advancing beyond the rank of sergeant have completed the new course. In the future, however, the agency will need to consider training that is specific to the roles and responsibilities related to each managerial rank above sergeant.

During this site visit, the monitoring team was given a list of personnel newly promoted on or after October 10, 2001. This includes the following:

Lt. Colonel	1
Major	3
Captain	5
Lieutenant	5
Sergeant First Class	6
Staff Sergeant	23
Sergeant	103
Det. Sergeant	21
Trooper I	1
Detective I	6
Trooper II	1
Detective II	5
Detective	23
TOTAL	203

These promotions were made on the following dates:

PROMOTION DATE	NUMBER PROMOTED	TRAINING DUE
November 23, 2001	1	5/23/02
December 1, 2001	1	6/01/02
December 20, 2001	35*	6/20/02
January 12, 2002	116*	7/12/02
January 26, 2002	1	7/26/02
February 9, 2002	7*	8/09/02
February 23, 2002	3*	8/23/02
March 9, 2002	31*	9/09/02
March 14, 2002	1	9/14/02
March 15, 2002	1	9/15/02
March 20, 2002	1	9/20/02
March 23, 2002	1	9/23/02
April 20, 2002	3*	10/20/02
May 6, 2002	1	11/06/02
TOTAL	203	

*indicates multiple ranks

These newly promoted troopers have not received the training stipulated by paragraph 106, and will begin going past the required six-month limit on May 23rd.

The monitoring team is very concerned with the lack of focus placed on this task, and the ever-expanding size of the task that is evolving as more and more personnel are promoted.

Though the Office of State Police Affairs has assumed responsibility for overseeing all consent decree related training, each time the monitoring team has questioned why this task is not being addressed, the answer has been that the superintendent wants to determine how this task will be addressed. The agency has had two superintendents since the monitoring process began, and, as of the date of this report, no process seems to be in place to provide oversight or planning to meet the requirements of this task. Meanwhile, over 300 troopers have passed the six-month deadline for training as of the submission of this report.

When the academy is directed by the Office of State Police Affairs to address this task, the monitoring team notes that, as with all consent decree related training, the academy will be expected to move through all the steps in the training cycle (needs assessment, development, delivery, and evaluation with every stage

accurately documented) to assure compliance is not only timely but reflects the current professional standards for such law enforcement training. Such an effort will require several months to complete, and in addition, includes the need for dedicated staff time on this task. By that time an additional 166 newly promoted troopers will pass the six-month deadline for training bringing the total to 489 promoted troopers who are in need of training. The monitors urge the state to address this training need expeditiously.

The social sciences unit at the academy was assigned responsibility for developing this course, and in late January 2002, the supervisor and staff in that unit were transferred to new assignments without having completed the course curriculum.

Staff members from other units of the academy were then designated to complete this assignment. Using the materials at hand they put together a 52-hour course that was conducted as a pilot project to gain evaluative data from participants. This course was in progress during the this site visit, and members of the monitoring team were able to observe a block of the training and to speak with academy staff responsible for development and implementation of this course.

The academy staff and the monitor are in agreement that there are some strong blocks of training within the pilot supervisory course, but that it lacks focus and cohesiveness, and presently provides large blocks of didactic material with limited class involvement in application.

The monitoring team view this training as an extremely critical step in providing supervisors with the knowledge, tools, and skills they need to plan, supervise, and evaluate the ethical and operational performance of the majority of the troopers in the agency. The monitoring team strongly supports the academy's plan to complete more fully the steps in the training cycle prior to launching this major training effort for the entire supervisory workforce.

As a reminder to the reader, all training products in the consent decree are audited using the following training cycle:

1. Assessment
 - Of the needs within the agency
 - Of the current professional standards and practices related to the topic;
2. Development of training content and training aids;
3. Delivery utilizing the current best practices in adult learning;
4. Evaluation of the effectiveness of the training content and the training delivery;

5. Revision of the training materials and delivery based upon the evaluation of each;
6. Evaluation of the operational implementation of the practices taught;
7. Documentation of all the above steps in the process.

As noted in the last monitoring report, there are three categories of sergeants within the New Jersey State Police, each with differing levels of responsibility:

1. New Jersey State Police **sergeants** act as patrol sergeants. They work in the field and have direct supervisory responsibility of a squad of patrol troopers. Each squad consists of approximately 10-12 troopers and there are usually 4 squads per station.
2. Each squad also has one **administrative staff sergeant** directly supervising the patrol sergeant. This sergeant works primarily inside the station attending to the administrative duties of the squad.
3. Each station has one assistant station commander who is a **sergeant first class**. This sergeant has direct supervisory responsibility for all the administrative staff sergeants (usually four/station), and reports directly to the station commander who is a lieutenant.

Though much of the training provided to supervisors will be the same, an assessment of the roles and responsibilities of the three categories of sergeants may reveal the need to customize some parts of the training to specifically address differing needs.

Because sergeants have direct supervisory responsibility for managing the performance of the majority of agency personnel, compliance with this task requires the development and delivery of a very comprehensive course with a thorough evaluation process to assess how supervisory practices are being implemented and if those practices impact on performance in a positive manner. (Task 93 speaks specifically to the need for "...an evaluation of instructional content, the quality of instruction, **and the implementation by state troopers of the practices and procedures being taught.**")

The monitoring team will review the revised curriculum and observe blocks of the supervisory training as it is implemented. The following items are of concern:

1. Demonstration of a thorough needs assessment related to supervisory issues within the agency;
2. Demonstration of an assessment of supervisory training practices within the profession to identify best practices;
3. Development of a focused and cohesive supervisory training curriculum that addresses the roles and the responsibilities of the various categories of sergeants, models for assessing performance issues and for providing effective intervention for performance

problems as well as options available to supervisors for rewarding excellent performance; documentation to support performance evaluation decisions; application exercises included in the curriculum allowing participants to practice the skills taught; responsiveness to class feedback about the length of the class and the need for more involvement.

4. Identification of criteria to be used in assessing operational implementation of the supervisory knowledge and skills taught in the class.

The academy is to be commended for including scenario questions requiring application of knowledge about agency disciplinary requirements related to performance during motor vehicle stops in the final test completed by the course participants. This is a positive move toward evaluating the application of material taught as opposed to simply evaluating the retention of material taught.

The academy is to be commended for including a "Capstone Project" requiring participants to plan a project that they are required to complete within ten weeks after the class and to return a report of the outcome to the academy for evaluation. At the present time the focus of the project is to address an issue and make a change that will correct or improve the identified issue. These issues may not actually be related to performance or to supervisory roles and responsibilities. Academy staff are working to more clearly define the parameters of this project so that it might be used as one criterion for evaluating the operational implementation of the supervisory knowledge and skills taught during the course.

The monitoring team supports the academy's decision to work diligently to produce a supervisory course of the highest quality that meets the needs of supervisors and supports the values and mission of the agency rather than rushing to meet an arbitrary deadline for completing this task. This course can be a keystone piece in positively impacting operational performance for all tasks performed by New Jersey State Police troopers if it is developed with care and within reasonable timelines following the training cycle outlined above.

During the training that the monitoring team attended, the Superintendent arrived and spoke with the class for 45 minutes describing his vision for the department, the changes he plans to implement, and the efforts he is making to include representatives from all levels of the agency in gathering information related to the changes. He responded to several questions from the class members. While reviewing the class evaluations, the monitoring team noted a uniformly high level of appreciation for the opportunity to hear directly from the Superintendent and to have an opportunity to talk directly with him about areas of concern to them. While progress on this task has been made by the state, the

curriculum is still under development, and, obviously, has not been implemented. The state remains out of compliance with this task.

Audit Summary

1. At the conclusion of the site visit, May 2, 2002, no decision had been reached about the training to be provided to newly promoted managers.
2. As of May 6, 2002, 285 troopers are out of compliance because they have not completed the training required by the consent decree.
3. The appointment of a new superintendent does not obviate the need to meet the terms of the consent decree. The new superintendent certainly has the right to make changes to training that is being provided to his personnel, however, the Office of State Police Affairs has known about this task requirement for over 18 months, long before the new superintendent arrived. The monitor notes that this is sufficient time to have completed three steps in the training cycle (assessment, development, delivery), and would expect that the fourth step of evaluation of the effort would be underway at this time. The state is therefore judged to be out of compliance on this task.

Compliance

Phase I: Not In Compliance
 Phase II: Not 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:

Status:

The parties have agreed that Task 107 applies to law enforcement personnel who are returning to patrol from specialized assignments. The state police are

required to provide the same training to these personnel as was provided during the original training processes developed for field operations personnel. No personnel were identified this quarter that met these stipulations.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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, and reviewed a sampling of the reports that are beginning to be generated by the current system to assess progress on this task since the team’s last site visit.

Status:

The academy data collection system is now called the academy Computerized Training System (ACTS). A computer specialist has been assigned to work with the academy staff in completing the requirements of this task.

Since the last site visit the ACTS has become operational. The monitoring team was presented with computerized printouts of all consent decree related training showing the following items:

1. badge number;

2. name;
3. class number;
4. date;
5. location;
6. test score;
7. pass/fail.

The monitoring team requested data using other fields and this was produced within a few minutes. One request would have required that a program be written to link some unlinked files, and the staff were most willing to do this immediately.

The academy continues to scan in the hand-written registration cards that have been in storage for years. Over 60,000 training cards have been entered and a decision is pending about determining criteria for discontinuing this process since the volume of such data is extensive and much of it is many years old.

More work continues on the management of the lesson plans, attendance records, testing data, individual recruit progress records, class schedules and instructor schedules. And, the first foray into the development and the delivery of computer-based training at three regional centers and through direct on-line training is underway.

The ease of access to readily available data will greatly enhance the evaluation component of the training cycle **if the data are analyzed** to identify any trends or patterns of concern and to correct any noted deficiencies.

Some new needs emerge now that the computerized database is moving toward completion. A few of these include:

1. The need to train staff on how to access, analyze, and utilize the available data;
2. The development of oversight systems to be sure that the analyses generate indicated corrective action, for example, some troopers who missed consent-decree related training were notified several times to report for make-up sessions and did not. As a result academy staff are now notifying their supervisors. There is an accountability oversight issue emerging as a result of being able to easily and quickly identify personnel who are not complying with training requirements.
3. The development of security systems for proper information access and for information transfer within the agency;
4. The need to train personnel in using the new computer-based training technology at the regional level and at the academy;
5. The need to develop criteria to determine which courses can be taught through computer-based methods and which require an in-class approach;

- 6. Staffing considerations related to the training involved in the few examples provided above;
- 7. The impact that the data will have on the structure and processes of the organization as a whole.

The monitoring team will not be able to assess total compliance with this task until the MAPPS program is functional, and the computerized data collection system that the academy is developing to capture all training data is complete and able to feed training data into the MAPPS system.

The state and the academy are commended for focusing their efforts on correcting the deficiencies noted in the last monitoring report for this task. The consent decree language for this task states that "...the State Police will track all training information..." and then lists specific categories. Since the data are just beginning to be generated, the monitoring team withholds compliance for Phase II of this decree so that it may fairly evaluate how the agency tracks on the data being generated, once MAPPS is in place. The monitoring team will look closely at this requirement on the next monitoring visit.

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:

A member of the monitoring team spoke with academy personnel responsible for this task.

Status:

The new recruit curriculum is complete and is being tested for the first time with the 130th recruit class. The evaluative data from this training will be monitored on the next visit after the class has graduated. The search and seizure curriculum is being digitized for delivery via distance learning. A copy of this training has been requested but was not received. The cultural diversity curriculum is being revised but no revisions were provided to the monitoring team.

The supervisory curriculum has been developed, but based upon the first delivery of that material to the beta group, revisions will be made. This curriculum will be reviewed by the monitoring team on, or before, the next site visit if a copy is forwarded to the monitor. The management curriculum for newly promoted managers has not been developed.

Audit Summary

The current curricula are on file in the Commandant's Office. In addition, all curricula and lesson plans are included in the computerized training database.

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 implementing the sixth site visit, it is clear to the members of the monitoring team that the state is in compliance with this task. Not all duties assigned to the Office of State Police Affairs have been completed as of the sixth 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 office does, however, provide coordination with the monitors and the Department of Justice, and the office is headed by an Assistant AG. The office routinely audits the process of managing misconduct investigations, and routinely audits performance on MVSR processes. These audits consist of on-site reviews, basically replicating those engaged in by the monitoring team, with samples of MVSR and MVSR recordings reviewed by OSPA personnel. Problems are noted and remedial measures are recommended. Technical assistance and training is provided routinely by the office regarding these matters. 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												
Phase II												

Task 111 stipulates that:

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

Methodology:

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

Status

The office has developed and disseminated a procedure for compliance with this task, and has implemented its first audit of this process. Members of the monitoring team have reviewed the state's report in response to this task. A total of 8,775 motorists stopped by New Jersey State Police troopers were identified, and letters were mailed to a sample of these individuals requesting that they contact the New Jersey State Police regarding their stops. The state has, reportedly received survey responses from 157 of these motorists, not all of whom indicated that they had "been treated professionally," according to OSPA documents. The audit process has resulted in three referrals to OPS based on information obtained through the internal audit. These numbers reflect substantial improvements in the numbers of respondents and the nature of the assessment process.

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 and audits of the telephone hotline. Documents reflecting the use of "testers" were also reviewed.

Status

Documentation reviewed by members of the monitoring team reflect a proactive and effective internal audit by OSPA of the misconduct investigation process. No issues were noted by the OSPA audits requiring policy, training or operational changes in the internal investigations process. This audit was consistent with the findings of the monitoring team's findings of a review of 213 internal investigations. OSPA's audit process includes post adjudication interviews of complainants, asking questions regarding the complainant's perception of the internal affairs investigation process.

Compliance

Phase I: In Compliance

Phase II: 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, 2001.

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 latest "Semi-Annual Public Report of Aggregate Data," in response to this provision of the decree.

Status

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

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.87 Compliance with Task 115: Appointment of Independent Monitor

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:

Members of the monitoring team were accorded full and unrestricted access while on-site with personnel from the New Jersey State Police and the Office of State Police Affairs. Some data requested during the fifth site visit regarding training and evaluation of training processes was either not provided in a timely manner or was provided in a manner that made access and comprehension difficult, causing the monitoring team to find the state not in compliance with some of the consent decree's training requirements. All of those issues were resolved during this reporting period.

Status

All data requests submitted by the monitors were met by the state in a timely and efficient manner.

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. A total of 213 of 469 completed cases were reviewed this reporting period. None were selected by the monitoring team to be reopened. This is the sixth reporting period in which

the monitoring team has found all internal investigations to meet the standards of the decree, thus leaving nothing to “monitor” with regard to this task. The state, this reporting period, is thus found to be in compliance. The monitoring team will continue to monitor for this process; however, until an IA case is returned to be reopened, the state will remain in Phase II compliance with this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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 November and December, 2001.

Status

Not all records requested were provided by the state. Specific problems with records maintenance are noted in the training section, and resulted in loss of

compliance with some aspects of the training requirements of the consent decree. Continued problems in this area will also result in loss of compliance with this task.

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