



# OLEPS

OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS

# First Public Aggregate Misconduct Report February 2013



New Jersey Office of the Attorney General • Jeffrey S. Chiesa, *Attorney General*

Office of Law Enforcement Professional Standards • Christina M. Glogoff, *Director*

## **Introduction**

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Pursuant to the Law Enforcement Professional Standards Act of 2009 (N.J.S.A. 52:17B-222, et. seq.) (the Act), the Office of Law Enforcement Professional Standards (OLEPS) is required to publish semi-annual reports on the New Jersey State Police's (State Police) misconduct investigations. These reports are required to include the number of external, internal, and total complaints received and the disposition of these complaints. Previously, this information was published as Exhibit H in OLEPS Aggregate Reports of Traffic Enforcement Activities. In order to allow for more discussion of trends in misconduct investigations, OLEPS chose to publish information on misconduct investigations separately.

This Aggregate Misconduct Report discusses aggregate trends in misconduct investigations for January 1 to December 31, 2011. The total numbers of misconduct investigations for this time period were previously published in OLEPS' Fifth and Sixth Aggregate Reports. The data are again presented here as the previous reports included no actual discussion of the misconduct data. Because this is the first reporting period for which data were collected, there can be no discussion of trends in misconducts as there are no data to compare. OLEPS' Second Aggregate Misconduct Report will include discussion of trends in misconducts from 2011 to 2012.

This report will provide an overview of the misconduct process as conducted by the State Police. Additionally, presentation of misconduct data for the reporting period will be made. This presentation will include the total number of cases opened within a given time period, the total number of misconduct cases closed within a given time period, the disposition for each closed case, and several other measures designed to more fully illustrate the volume of the misconduct process.

The information presented in this report is meant to provide an overview or snapshot of misconduct cases in the State Police. This report does not provide specifics of any particular misconduct investigation or case. The aim is a general education rather than a detailed summary. For this reason, this report will not discuss by name any trooper involved, the length of the cases, or any details that would be determined privileged by the State Police.

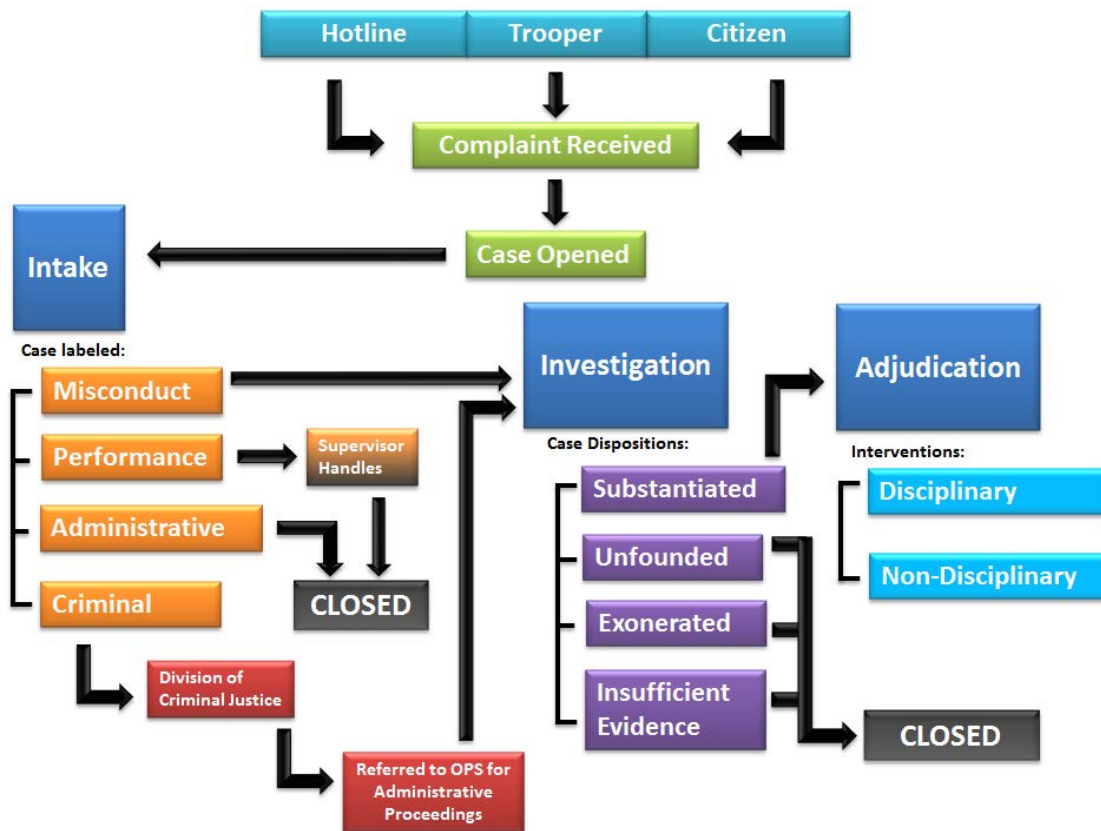
Publication of this report continues fulfillment of the requirements of the Act and OLEPS' goals of improving transparency, integrity, and awareness in law enforcement and the State Police.

## **Misconduct Process**

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The Office of Professional Standards (OPS) is the Division Unit tasked with investigating alleged misconduct of enlisted members of the State Police. The process of receiving a complaint to the closing of a misconduct case can be lengthy and is dependent upon a number of factors inherent in the complaint. Generally, when a complaint is received, OPS makes a determination of whether the complaint warrants an investigation. Once the investigation has begun, the specifics of the complaint and case dictate the process of the investigation and ultimately, the disposition.

Figure One outlines the process for complaints received by OPS, detailing the process from receipt of complaint to final outcomes of cases.

**Figure One: Workflow of the Office of Professional Standards**

How are complaints received?

- Complaints or allegations of misconduct are received in a number of ways: a call may come in on the State Police complaint line, a citizen may contact OPS or OLEPS to file a complaint, or another trooper may file a complaint/misconduct allegation against another trooper.

What happens to complaints?

- Regardless of the method received, all complaints are reviewed by OPS intake staff and assessed. The intake office reviews the complaint and can then make several determinations: to administratively close the misconduct case, label it as a criminal incident, a performance issue, or a misconduct. A case is administratively closed when it is determined that there is no indication a trooper violated criminal laws, State Police rules and regulations, or written orders. Administratively closed cases do not proceed any further. Performance issues are determined to be issues of job performance, best addressed by a trooper's supervisor within the chain of command. Criminal incidents are handled by the Division of Criminal Justice or local prosecutors' offices prior to OPS taking action on them. Misconduct cases are investigated internally by OPS.

Brief overview of investigation process

- The investigation process is an attempt to determine whether the allegations of misconduct are in fact true. These cases typically involve multiple allegations and may involve one or more troopers. Because allegations can be very specific (*i.e.*, disparate

treatment v. racial profiling), the allegations are classified according to a classification system outlined in Appendix One.

- The investigation process may involve speaking with the individual who filed the complaint or any witnesses to the event that led to the complaint. Investigations may also require reviews of reports and documentation of the incident (*i.e.*, motor vehicle stop reports, investigation reports, arrest reports, DIVRs, etc.). Once an investigation is deemed complete, the investigator will apply one of the following dispositions based on a preponderance of evidence: substantiated<sup>1</sup>, unfounded<sup>2</sup>, exonerated<sup>3</sup>, or insufficient evidence<sup>4</sup>. Substantiated cases are passed to the adjudication office within OPS to determine appropriate consequences of the misconduct.

#### Brief overview of adjudication process

- After a disposition has been assigned to a case following an investigation, the adjudication process begins. For a given case, a trooper may receive disciplinary or non-disciplinary interventions. These interventions are reviewed for legal sufficiency<sup>5</sup> and must be based on the facts and circumstances of the case and the trooper's past.

## Data

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To provide a more complete picture of the misconduct process, OLEPS requested data on all misconduct cases received from January 1, 2011 to December 31, 2011. OLEPS requested information on the progress of the case (dates received, opened, closed, etc.), the allegations and classifications of the case, and the troopers involved. In total, OPS provided information on the 238 misconduct cases received in 2011. Additionally, OLEPS obtained limited data for cases that were closed in 2011.

## Analysis

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### Cases Received in 2011

In 2011, there were a total of 238<sup>6</sup> misconduct cases received by OPS. Figure Two depicts the number of cases OPS received in each month of 2011. The number of cases received each month fluctuates; there is no discernable monthly pattern to the number of cases received. For example, OPS received 29 cases in September 2011 while only receiving 10 cases in April 2011. While OPS received a total of 238 cases in 2011, the office also handled any outstanding cases which may have been opened in a previous year, which will be discussed later in this report.

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<sup>1</sup> Substantiated - a preponderance of the evidence shows that a member violated State Police rules, regulations, protocols, standard operating procedures, directives, or training.

<sup>2</sup> Unfounded - a preponderance of the evidence shows that the alleged misconduct did not occur.

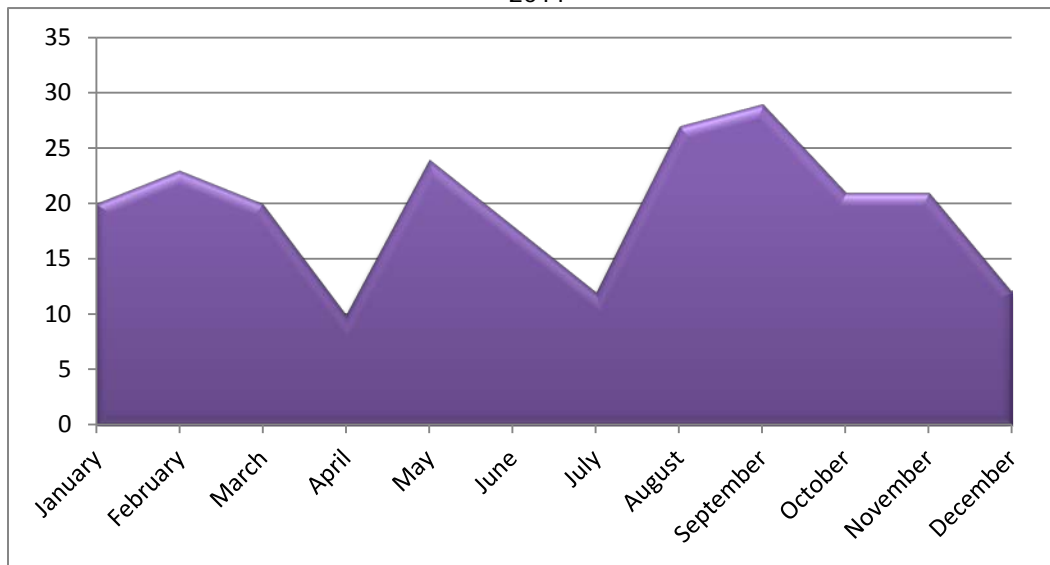
<sup>3</sup> Exonerated - where a preponderance of the evidence shows that the alleged conduct did occur, but did not violate state police rules, regulations, operating procedures, directives, or training.

<sup>4</sup> Insufficient evidence (formerly unsubstantiated) - where there is insufficient evidence to decide whether the alleged misconduct occurred.

<sup>5</sup> During this review, OLEPS has full access to the involved trooper's disciplinary history. This is evaluated in conjunction with the evidence developed by the investigation before disciplinary charges are filed and a penalty recommended.

<sup>6</sup> The Office of Professional Standards reports only 237 cases received in 2011 in their Annual Report. The discrepancy is the result of one misconduct case opened where the trooper involved was not identified by the complainant.

**Figure Two: OPS Cases Received**  
2011



Misconduct cases may originate from complaints made external or internal to the State Police. The majority of misconduct cases stem from external complaints, those made by citizens. In 2011, 183 misconduct cases originated in external complaints. Only 54 misconduct cases developed from internal complaints.

*Case Status*

The life of a misconduct case varies from case to case. Investigators assigned to cases must follow leads in the investigation while managing the prioritization of cases. As such, certain misconduct cases may open and close while older misconduct cases remain open. Of the cases opened in 2011 that were not yet adjudicated, 72 had investigations that were completed. This means that a review of the findings and adjudication were the only remaining steps of the investigative process. There were 67 cases opened in 2011 that were under supervisory review in the investigation bureau and 21 that were sent for adjudication, but had not officially been closed. Of the cases not forwarded for supervisory review or adjudication, 33 were suspended. Many of these cases were suspended pending a criminal review from the Division of Criminal Justice. Thus, there are only 45 cases opened in 2011 that truly remain active<sup>7</sup>.

**Table One: Status of Cases Opened**  
2011

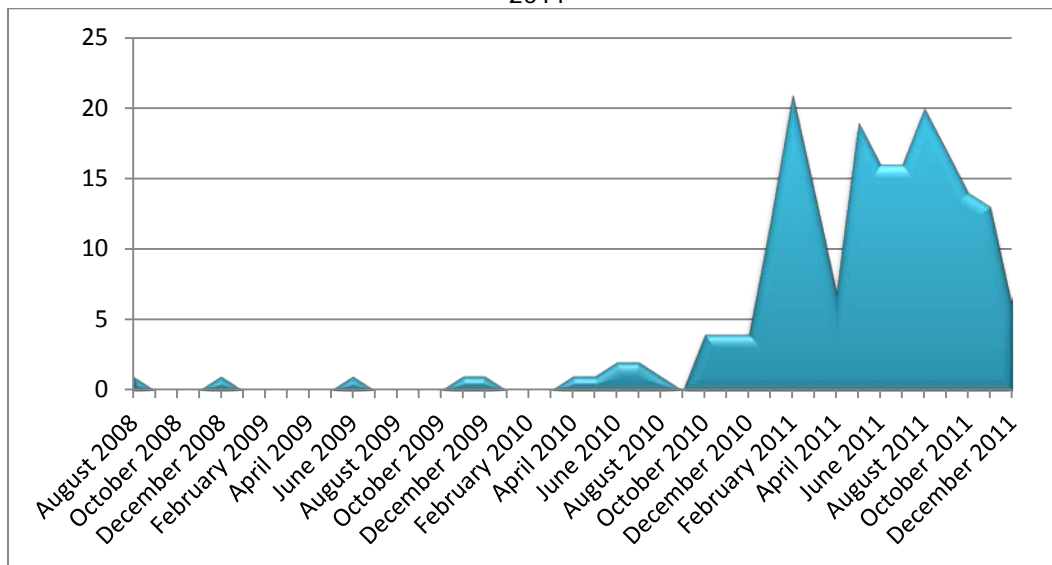
Status	Number of Cases	Number of Allegations
Active	45	124
Completed	72	146
Suspended	33	101
Investigation Bureau	67	161
Adjudication	21	59
<b>Total</b>	<b>238</b>	<b>591</b>

<sup>7</sup> All determinations of case status were made in August 2012 when the data were obtained from OPS.

*Length of Cases*

Allegations of misconduct received by OPS in 2011 do not necessarily refer to incidents that occurred in 2011. A misconduct case may be opened for an incident that occurred that day or any day in the past. The majority of the cases opened in 2011 occurred within the same year; 175 misconduct cases opened in 2011 occurred at some point in 2011. However, OPS also received several cases for incidents that occurred prior to 2011. Of the 238 cases received by OPS in 2011, 22 occurred prior to January 1, 2011. Of these 22 cases, a little more than half (13) occurred in the second half of 2010. There were two cases received by OPS in 2011 which occurred in 2008. Additionally, there were 40 cases opened in 2011 that did not list a date of incident.

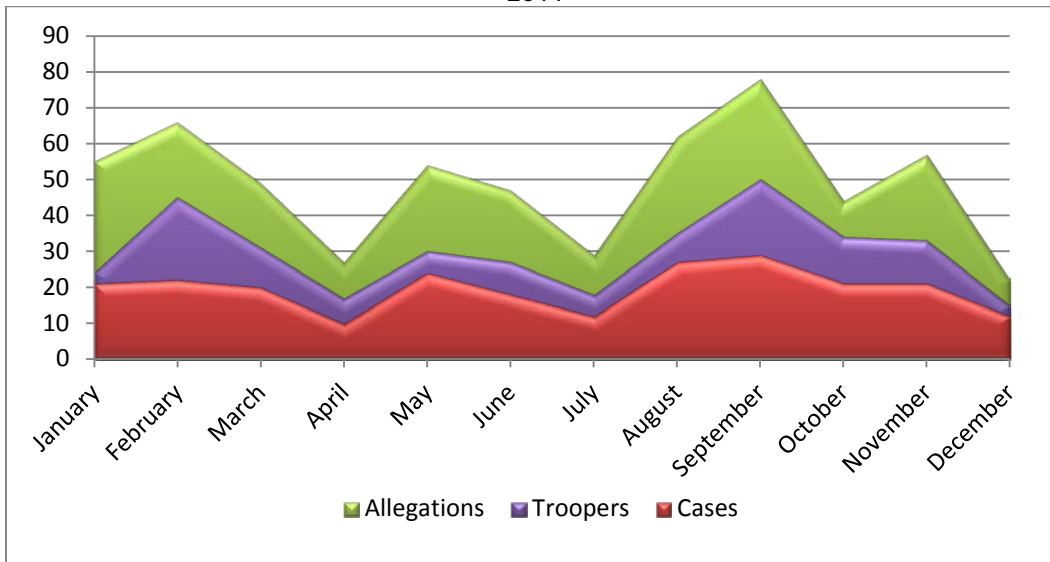
**Figure Three: OPS Incident Dates- Cases Received**  
2011



**Case Complexity**

Figure Four presents the number of cases, troopers involved, and allegations for each month in 2011. Since there can be multiple troopers and/or allegations in a given case, there are fewer cases than there are both troopers and allegations. Each trooper involved in a misconduct case can have one or more allegations against them. Figure Four illustrates this point. While OPS may have handled only 29 cases in September, these cases involved nearly 50 troopers and over 75 allegations. The complexity of an investigation is dependent upon the number of troopers and allegations; each trooper and each allegation require an appropriate investigation.

**Figure Four: Number of Cases, Troopers, and Allegations**  
2011



*Allegations*

In total, there were 591 allegations of misconduct made in the 238 misconduct cases received by OPS in 2011. In every month of 2011, the number of allegations received outnumbered the number of cases received and the number of troopers involved in each case. For example, in February 2011, OPS received 23 misconduct cases that involved 45 troopers and 68 allegations of misconduct. On average, there were 2.5 allegations of misconduct per case in 2011.

**Figure Five: Allegations per Case**  
2011

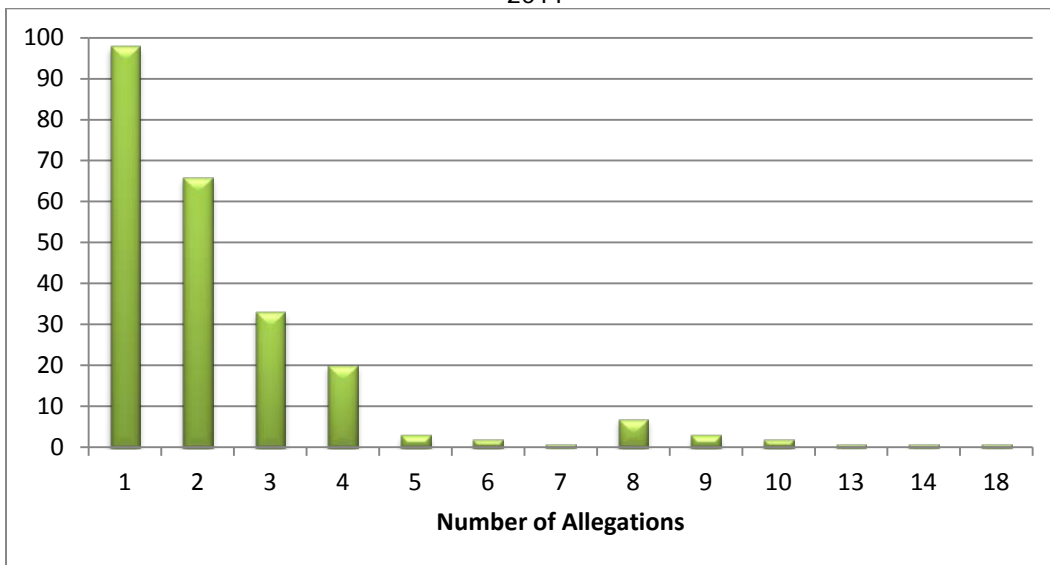


Figure Five depicts the total number of allegations per case. The majority of cases involve multiple allegations; only 98 cases had one allegation of misconduct. There were 41 cases that involved at least four allegations and 5 cases that involved 10 or more allegations. Each case then, is fairly complex, involving multiple allegations that each require an investigation.

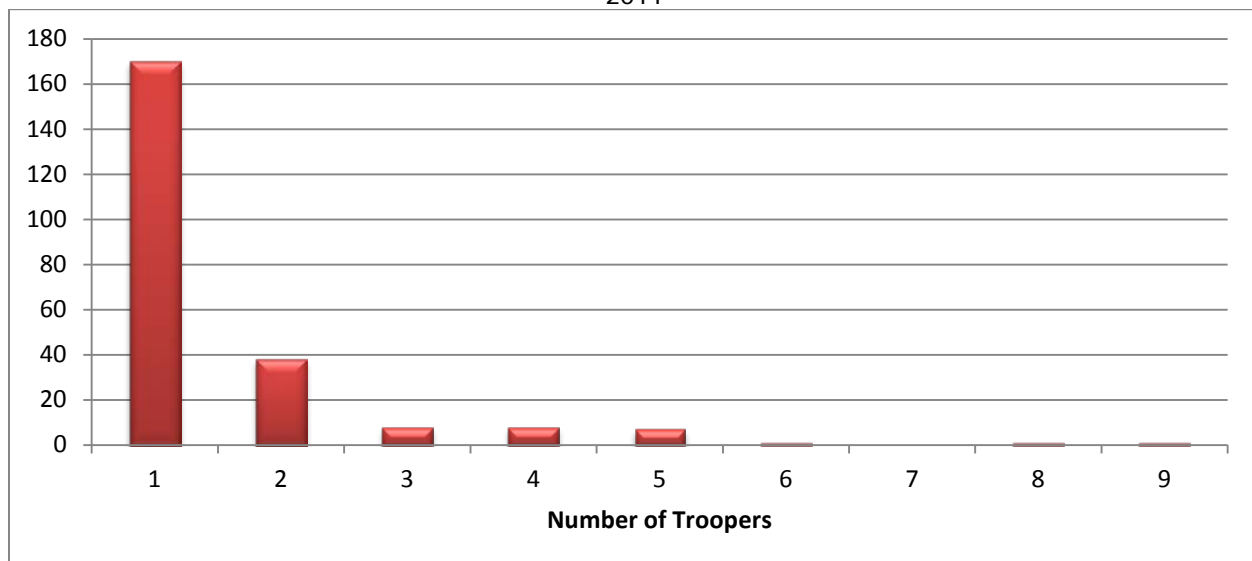
In some instances, the allegations levied against troopers are related. For example, a case may involve three allegations of excessive use of force. In this instance, the investigator reviewing the incident is looking for evidence of one type of misconduct. However, other cases may involve completely unrelated allegations. Another case may involve an attitude and demeanor allegation, a theft allegation, and a racial profiling allegation. In this instance, there are several different facets of an incident that need to be scrutinized prior to making a reasonable conclusion. Additionally, because one of these allegations may be criminal in nature, the case will require, at minimum, a review by the Division of Criminal Justice to determine whether criminal charges should be filed.

### *Troopers*

There were a total of 295 individual troopers involved in the misconduct cases received in 2011. Of these troopers, 38 were involved in more than one misconduct case. There was one trooper involved in four misconduct cases and four troopers who were involved in three misconduct cases received in 2011.

Figure Six illustrates the number of cases and the number of troopers per case. The vast majority of cases involved one trooper. There were 64 cases that involved more than one trooper and 170 that involved only one trooper. There was one case that involved 9 troopers, the most in all cases opened in 2011. On average, there were 1.5 troopers involved in each misconduct case in 2011.

**Figure Six: Troopers per Case**  
2011



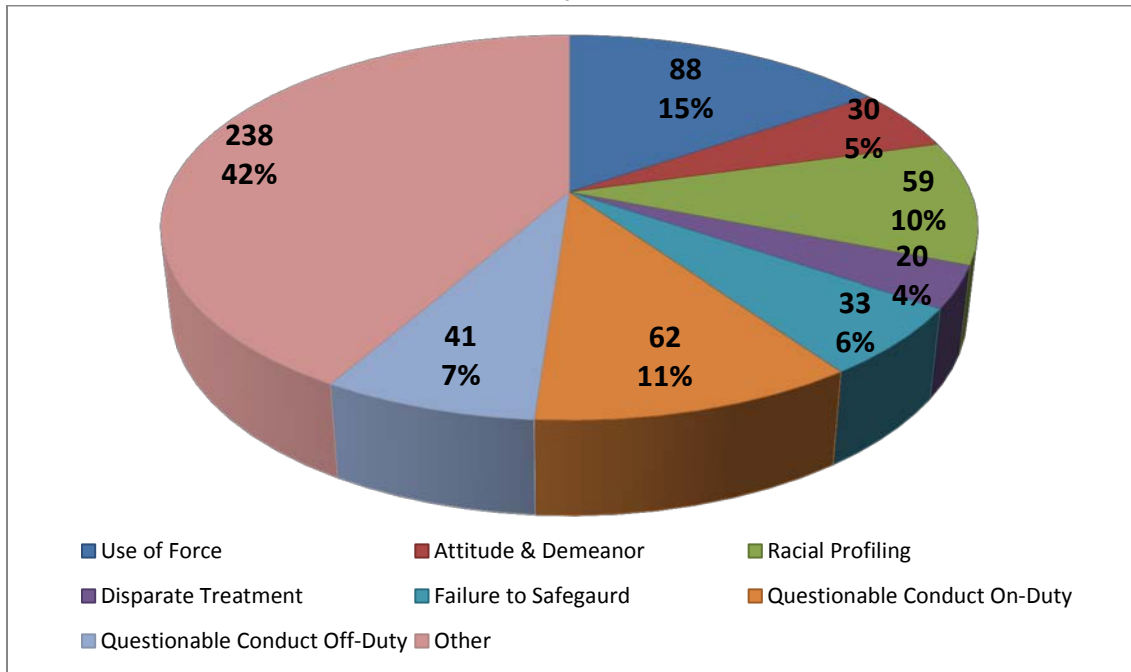
### *Types of Allegations*

In each misconduct case, the allegation(s) levied against trooper(s) are unique to the circumstances of the incident. While there were nearly 600 allegations made, there were only 89 unique allegations; each allegation appeared multiple times in the 238 cases.



The most common allegations are depicted in Figure Seven. The category labeled as "Other" is a catch-all category that includes miscellaneous offenses<sup>8</sup>.

**Figure Seven: Allegation Frequencies**  
2011



The most frequently cited allegations (aside from "Other") are those pertaining to the use of force (15%), disparate treatment and racial profiling (when combined: 14%), and questionable conduct on-duty (11%). Allegations of attitude and demeanor (5%), failure to safeguard (6%), and questionable conduct off-duty (7%) are less common.

As seen in Figure Seven, the variations of allegations were numerous. While the allegations that appear as "Other" may not have been common occurrences, they can be categorized based on an overall scheme. OLEPS categorized allegations based on State Police's own incident classifications. The categories are "administrative/fail to safeguard," "criminal," "employment obligations," "police procedure," and "weapons". Appendix One lists each allegation and the categorization applied to that allegation and Table Two identifies the frequency of each allegation category. Table Two presents the frequency of each category of allegations.

<sup>8</sup> Other allegations: DUI, domestic violence, harassment, improper search, assault, false arrest, culpably inefficient supervision, failure to record MV stop, improper handling of evidence, misleading/erroneous reports, unwarranted summons, possession of CDS, improper/unauthorized use of division property, theft, failure to perform duty, weapons, failure to provide ID/complaint form, attempt to intimidate or use position to gain favor, abuse of sick leave, unauthorized employment, insubordination/disobedience of direct order, failure to follow radio procedures, failure to safeguard radio, threats, failure to call in MV stop, unauthorized use of troop car, intentionally false or misleading statements, disorderly, conflict of interest, unauthorized elected or appointed positions, criminal mischief, forgery, use of cell phone while driving, motor vehicle violations, inappropriate actions toward another member, misrepresentation of endorsements, official misconduct, death in State Police custody, failure to notify knowledge of prohibited conduct, unauthorized release of information, and providing alcohol to minors.

The most frequently utilized allegation category is "Police Procedure". There were 410 allegations categorized as police procedures. Allegations in this category include uses of force, racial profiling, attitude and demeanor, and allegations referring to the requirements of policing (*i.e.*, MVR procedures, compliment-complaint forms, arrests, and searches).

**Table Two: Allegation Categories**  
2011

Category	Number
Administrative/Fail to Safeguard	32
Criminal	62
Employment Obligations	78
Police Procedure	410
Weapons	5
Other	3
<b>Total</b>	<b>590</b>

The second most common allegation category was "Employment Obligations". This category includes allegations of misconduct that violate State Police employment guidelines. For example, disobeying a direct order, abusing sick leave, use of CDS<sup>9</sup>, or filing misleading reports. There were 78 allegations of misconduct in this category.

While these categories may mask the individual nuances of each allegation, they do provide insight into the general types of misconduct commonly committed. Overwhelmingly, misconduct allegations refer to behavior that violates the procedures outlined for troopers to follow while policing.

#### *Trooper Assignment*

A trooper's assignment can have an impact on the likelihood that misconduct will occur and will be reported. Troopers who have more interaction with citizens have an increased likelihood of a citizen reporting a complaint simply because there are more opportunities for a citizen to interact with a trooper. Stations where there are more motor vehicle stops or where there are a high number of interactions with citizens (*i.e.*, calls for service, investigations) are likely to have more misconducts reported than stations with less interaction. Thus, trooper assignment is an important factor in analysis of misconducts, especially in light of the fact that the majority of misconducts are generated from complaints external to the State Police.

Troopers are assigned to a variety of stations, units, and administrative positions. Necessarily, the job functions in assignments vary. In some assignments, troopers have more frequent and intimate contact with the public, while other assignments are removed from public contact. Troopers with higher levels of citizen contact may be more likely to receive misconduct complaints than others by virtue of this contact. As such, it is important to examine the number of complaints received for various trooper assignments.

Table Three depicts the distribution of complaints across stations. The table indicates the number and percent of misconduct cases that named at least one trooper at each station as well as the number and percent of troopers named in a case. The total numbers in this table are greater than the number of cases opened because each case may involve multiple troopers, and thus multiple stations can be

<sup>9</sup> CDS- Controlled dangerous substances.

involved in the case. For this same reason, the total for troopers is also higher than the number of cases.

**Table Three: Trooper Assignments on Date Complaint Received<sup>10</sup>**  
2011

	Station	# of Cases	% of Cases	# of Troopers	% of Troopers
Troop A	Atlantic City	6	2.21%	8	2.26%
	Bridgeton	3	1.10%	3	0.85%
	Buena Vista	9	3.31%	11	3.11%
	Metro South	10	3.68%	14	3.95%
	Port Norris	5	1.84%	6	1.69%
	Woodbine	4	1.47%	5	1.41%
	Woodstown	7	2.57%	10	2.82%
	Troop A Other	7	2.57%	8	2.26%
Troop B	Hope	4	1.47%	6	1.69%
	Metro North	6	2.21%	9	2.54%
	Netcong	4	1.47%	7	1.98%
	Perryville	4	1.47%	3	0.85%
	Somerville	5	1.84%	4	1.13%
	Sussex	9	3.31%	19	5.37%
	Totowa	9	3.31%	12	3.39%
	Washington	4	1.47%	6	1.69%
	Troop B Other	10	3.68%	19	5.37%
Troop C	Bordentown	3	1.10%	3	0.85%
	Hamilton	2	0.74%	2	0.56%
	Kingwood	3	1.10%	4	1.13%
	Red Lion	6	2.21%	7	1.98%
	Tuckerton	5	1.84%	7	1.98%
		Troop C Other	5	1.84%	6
Troop D	Bass River	4	1.47%	5	1.41%
	Bloomfield	6	2.21%	6	1.69%
	Cranbury	15	5.51%	20	5.65%
	Holmdel	3	1.10%	4	1.13%
	Moorestown	8	2.94%	9	2.54%
	Newark	7	2.57%	7	1.98%
		Troop D Other	5	1.84%	9
	Other	94	34.56%	115	32.49%
	<b>Total</b>	<b>272</b>		<b>354</b>	

<sup>10</sup> Assignment on the date a complaint was received was used instead of assignment on date of incident for several reasons. First, for the troopers for whom assignment data was available for both the date of the incident and date of complaint, only 11 had a different assignment on these dates. Thus, for the troopers cited in misconduct cases in 2011, the majority were assigned to the same station on the date the incident occurred and the date the complaint was received. Second, in the misconduct data received, there were a number of cases where the date of the incident was unknown or missing. Thus, for many troopers (83) it was impossible to determine assignment on the date of incident simply because the date of incident was not known. Since each complaint is logged by the State Police, the date of complaint was generally not missing, and so the assignment on date of complaint was more easily discoverable.

The complaints are distributed fairly evenly across each Troop and station; no single station accounted for more than 6% of the total number of misconduct cases received in 2011. Cranbury station had the highest number of cases involving one of their troopers; 5.51% of all cases opened involved a trooper assigned to Cranbury. Additionally, Cranbury had the highest number of individual troopers cited in misconduct cases; 20 Cranbury troopers were cited in the 15 misconduct cases opened in 2011. However, Sussex also had a high number of troopers cited. There were 19 troopers assigned to Sussex who were cited in 9 misconduct cases opened during 2011. Troopers assigned to other units within Troop B (*i.e.*, specialty units) also made up a high proportion; 19 of these troopers were cited in misconduct cases.

Overall, Troop B had the highest number of troopers involved in misconduct cases; 85 troopers or 24.01% of all troopers involved in a misconduct case opened in 2011 were assigned to Troop B. In contrast, there were only 65 Troop A troopers involved in cases, 60 Troop D troopers, and 29 Troop C troopers. Historically, Troop B makes a high number of motor vehicle stops, while Troop C makes fewer stops. Thus, the higher number of troopers involved in misconduct cases may be reflective of both staff and activity levels.

## Cases Closed in 2011

### *Case Status*

A misconduct case is determined to be closed after the investigation has been completed, it has been reviewed, and a decision has been made as to whether the findings warrant disciplinary proceedings. In 2011, OLEPS closed 218 misconduct cases. The majority of these cases were opened prior to 2011, but there were 32 cases that were opened and closed (including adjudication) in 2011. Of the 32 cases opened and closed during 2011, 10 were handled administratively; the nature of the allegation was such that OPS determined they could be handled administratively (*i.e.*, an intervention or counseling with supervisor) rather than through discipline.

**Table Four: Cases Closed**

2011

Year Opened	Number of Cases
2011	32
2010	150
2009	29
2008	5
2007	1
2006	1
<b>Total</b>	<b>218</b>

## Completion of cases by investigators

The 218 completed misconduct cases were handled by 42 troopers ranging in rank from Sergeant/Detective to Captain. On average, each investigator completed 5.19 investigations in 2011. The most cases closed by a single investigator in 2011 were 12. There were four troopers who completed 10 or more misconduct cases in 2011.

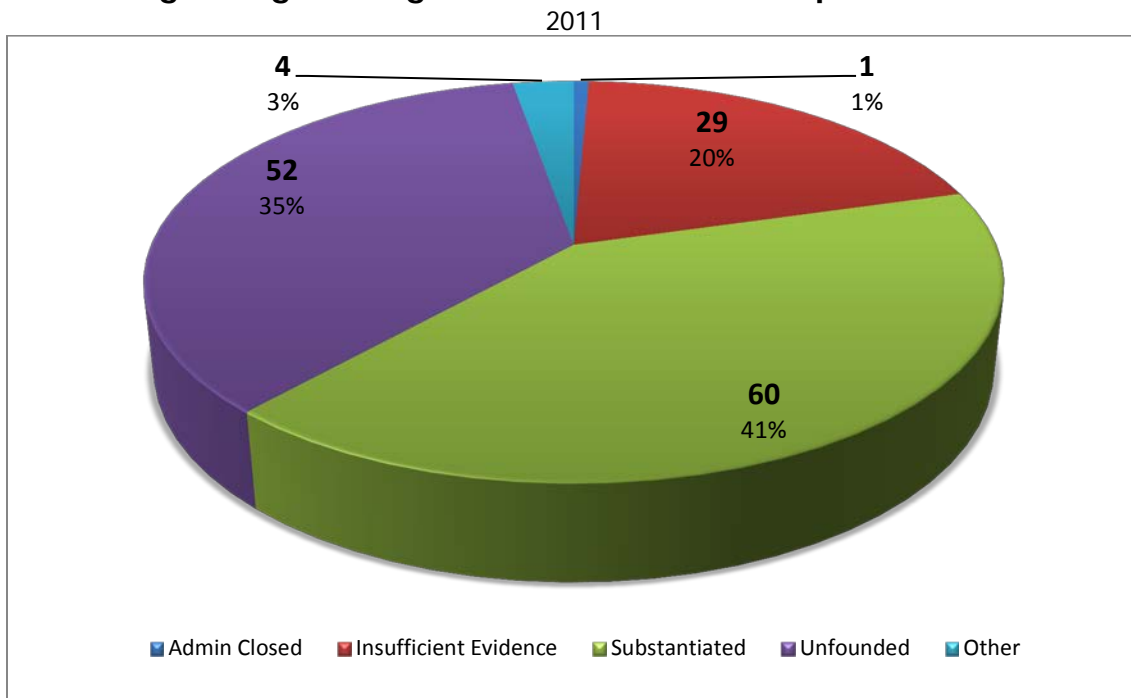
The number of cases an investigator can complete in a year is a function of the number of cases that trooper is permitted to be assigned concurrently. Generally, investigators are permitted to carry the largest caseload, up to five concurrent investigations. Squad supervisors and assistant unit heads are

tasked with reviewing the investigations completed by the investigators in addition to conducting their own investigations. These supervisors, then, are limited to three concurrent investigation for squad supervisors and two for assistant unit heads. According to OPS policies, unit heads should not be assigned misconduct investigations. Generally, the numbers of concurrent cases assigned exceeded these limits, primarily due to staffing shortages. In 2011, the 13<sup>11</sup> investigators closed 49 cases, supervisors closed 105 misconduct investigations, and unit heads were assigned cases and completed 48 misconduct cases. Additionally, there were two bureau chiefs who completed 11 misconduct cases in 2011. In many instances, these misconduct cases were not reassigned upon promotion to a unit head or bureau chief position.

*Allegation Outcomes for 2011 Cases<sup>12</sup>*

Each allegation in a case is investigated to determine whether the allegation can be substantiated. For each allegation, an investigator can reach one of several conclusions. Substantiated allegations are those where the investigator has found that, “a preponderance of the evidence shows that a member violated state police rules, regulations, protocols, standard operating procedures, directives, or training.” Unfounded allegations are those where, “a preponderance of the evidence shows that the alleged misconduct did not occur.” A conclusion of exonerated occurs when, “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.” Finally, an investigator may rule that there is insufficient evidence when, “there is insufficient evidence to decide whether the alleged misconduct occurred.”

**Figure Eight: Allegation Outcomes for Completed Cases**



While each case may involve multiple allegations, substantiation of even one allegation may result in disciplinary action. The data for this report were selected in August 2012. As of August, there were

<sup>11</sup> As identified by rank only. OLEPS is currently awaiting additional data on investigator caseloads.

<sup>12</sup> The cases analyzed in this section are only those that were opened in 2011. Data limitations preclude detailed analysis of cases opened in previous years and closed in 2011.

146 allegations which were part of closed cases initially received in 2011. Figure Eight depicts the number and percentage of each outcome category for allegations in cases where the investigation has been completed. The majority of allegations against troopers were substantiated by evidence uncovered during investigations. Of the cases with completed investigations, 60 allegations were substantiated, 52 were unfounded, and 29 were found to have insufficient evidence.

The pattern of allegation outcomes for categories of allegations was examined to determine whether certain types of allegations were more likely to result in certain outcomes. Table Five presents allegation categories and outcomes for allegations officially declared closed.

**Table Five: Allegation Categories and Outcomes**

2011					
Category	Substantiated	Admin Closed	Insufficient Evidence	Unfounded	Other
Administrative/Fail to Safeguard	20	--	1	1	--
<i>% of cases</i>	<i>90.91%</i>		<i>4.55%</i>	<i>4.55%</i>	
Criminal	6	1	3	--	3
<i>% of cases</i>	<i>46.15%</i>	<i>7.69%</i>	<i>23.08%</i>		<i>23.08%</i>
Employment Obligations	11	--	2	2	--
<i>% of cases</i>	<i>73.33%</i>		<i>13.33%</i>	<i>13.33%</i>	
Police Procedure	21	--	23	48	--
<i>% of cases</i>	<i>22.83%</i>		<i>25.00%</i>	<i>52.17%</i>	
Weapons	2	--	--	1	--
<i>% of cases</i>	<i>66.67%</i>			<i>33.33%</i>	
Other	--	--	--	--	1
<i>% of cases</i>					<i>100.00%</i>
<b>Total</b>	<b>60</b>	<b>1</b>	<b>29</b>	<b>52</b>	<b>4</b>

Coupling the information in Figure Eight and Table Five, the majority of substantiated cases were categorized as administrative/failure to safeguard or police procedures. Together, these categories account for well over half of the substantiated allegations in 2011. The majority of unfounded cases pertained to police procedures. The allegations in this category, which include inappropriate uses of force, profiling, or disparate treatment, then are commonly unfounded; there is a lack of evidence to indicate that the incident occurred. Police procedures also make up the largest proportion of all cases resulting in a conclusion of insufficient evidence. That is, there was not enough information to determine whether these incidents occurred. Overall then, substantiated cases do appear more frequently for certain categorizations of allegations.

## Summary & Conclusions

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The purpose of this report was to illustrate the volume of activity handled by the Office of Professional Standards. In 2011, the Office of Professional Standard opened 238 misconduct cases. The majority of these cases involved multiple allegations and multiple troopers. Most commonly, cases involved allegations of violations of police procedures (see Appendix One for specific allegations). The complaints were alleged against troopers from various stations and units across the State Police. Of the cases opened in 2011 that were closed by the date of data selection, slightly less than half of the cases resulted in substantiated allegations while about a third resulted in unfounded allegations.

Due the lack of a comparison period, OLEPS was unable to appropriately analyze trends in misconduct investigations in this report. Future aggregate misconduct reports will include analysis of trends, including differences from 2011 in the number and types of misconduct cases handled by OPS.

For a number of years, OPS has had a backlog of cases which has been attributed to a general lack of, and lack of consistent, staffing. According to the independent monitors, the State Police are required to staff OPS with a sufficient staff, defined as the number needed to complete as many misconduct cases as received in a given time period. In 2011, OPS received 238 misconduct cases and closed 218, falling just short of the independent monitors' standard. During 2011, many staff members were assigned caseloads that exceeded caseload limitations. Additionally, unit heads were assigned several cases, when they typically are not assigned any cases. Thus, while OPS was unable to close as many cases as opened, the staff assigned to OPS each handled a high number of cases. As recommended in OLEPS' Monitoring Reports, the State Police should strive to increase the staff levels of OPS in keeping with the spirit of the independent monitors' suggestion.

**Appendix One****Allegation Categorization**

<b>Allegation</b>	<b>Allegation category</b>
official misconduct	?
use of cell phone while driving	??
fail to safeguard	Administrative/Fail to Safeguard
fail to safeguard Division property	Administrative/Fail to Safeguard
fail to safeguard NJSP badge	Administrative/Fail to Safeguard
fail to safeguard NJSP duty weapon	Administrative/Fail to Safeguard
fail to safeguard NJSP ID	Administrative/Fail to Safeguard
fail to safeguard NJSP rules and regs	Administrative/Fail to Safeguard
fail to safeguard off-duty weapon	Administrative/Fail to Safeguard
fail to safeguard portable radio	Administrative/Fail to Safeguard
fail to take appropriate police action	Administrative/Fail to Safeguard
fail to safeguard issued handcuffs	Administrative/Fail to Safeguard
improper use of Division computer	Administrative/Fail to Safeguard
unauthorized use of Division computer	Administrative/Fail to Safeguard
fail to safeguard issued handcuffs	Administrative/Fail to Safeguard
Criminal	Criminal
criminal mischief	Criminal
disorderly	Criminal
domestic violence	Criminal
Domestic Violence/victim	Criminal
driving under the influence	Criminal
forgery and counterfeiting	Criminal
motor vehicle violations	Criminal
request to investigate death while in S.P. custody	Criminal
servng alcoholic beverages to minor	Criminal
sexual assault	Criminal
simple assault w physical force	Criminal
theft	Criminal
abuse of sick leave	Employment Obligations
attempt to use position to intimidate and gain favor	Employment Obligations
conflict of interest	Employment Obligations
culpably inefficient supervision	Employment Obligations
Culpable Inefficiency	Employment Obligations
disobey direct order	Employment Obligations
drinking on duty	Employment Obligations
erroneous reports	Employment Obligations
fail to provide name and i.d. upon civilian request	Employment Obligations
falsification of reports and records	Employment Obligations
hold elected or appointed office without authorization/	Employment Obligations
improper use of Division property	Employment Obligations
inappropriate actions towards another member	Employment Obligations
insubordination	Employment Obligations
intentional false statements	Employment Obligations
misleading reports	Employment Obligations
misrepresentation and endorsements	Employment Obligations
off-duty incident (alcohol related)	Employment Obligations
positive urine test - CDS	Employment Obligations



provide false info on log, report, transmittal	Employment Obligations
reporting requirements	Employment Obligations
unauthorized employment	Employment Obligations
unauthorized release of information	Employment Obligations
unprofessional conduct towards other law enforcement	Employment Obligations
use of cds	Employment Obligations
use of position to intimidate or gain favor	Employment Obligations
use of troop car off duty	Employment Obligations
use of troop car off duty w/ accident	Employment Obligations
attitude and demeanor	Police Procedure
cursing	Police Procedure
disparate treatment	Police Procedure
Excessive Use of Force	Police Procedure
fail to accept civilian complaint	Police Procedure
fail to call in MV stop	Police Procedure
fail to complete MV stop report	Police Procedure
fail to document in station record, CAD	Police Procedure
fail to follow MVR procedures	Police Procedure
fail to notify Division of personal knowledge of prohibited conduct	Police Procedure
fail to perform duty	Police Procedure
fail to provide compliment- complaint form	Police Procedure
false arrest	Police Procedure
false imprisonment	Police Procedure
harassment	Police Procedure
improper handling of evidence, property	Police Procedure
improper search	Police Procedure
improper supervision	Police Procedure
inappropriate actions - off duty	Police Procedure
inappropriate actions on-duty	Police Procedure
intentional false arrests	Police Procedure
questionable conduct - off duty	Police Procedure
questionable conduct on- duty	Police Procedure
racial profiling	Police Procedure
threats	Police Procedure
unauthorized person in troop car	Police Procedure
undeserved summons	Police Procedure
unreasonable use of force	Police Procedure
unsafe operation of troop car	Police Procedure
fail to carry duty weapon	Weapons
improper handling of firearm	Weapons
weapon	Weapons
weapons offenses	Weapons

## Appendix Two

## Volume of Misconducts by Station- 2011

<b>Station</b>	<b>Number of Cases</b>	<b>Number of Allegations</b>	<b>Number of Troopers</b>
Atlantic City	6	17	7
Bass River	4	9	5
Bloomfield	6	13	7
Bordentown	2	4	3
Bridgeton	2	5	3
Buena Vista	8	33	15
Cranbury	10	24	17
Hamilton	2	3	2
Holmdel	3	9	4
Hope	4	9	8
Kingwood	3	7	5
Metro North	6	24	13
Metro South	10	30	19
Moorestown	6	10	6
Netcong	3	15	7
Newark	7	16	7
Other	75	158	95
Perryville	4	5	4
Port Norris	4	9	5
Red Lion	6	16	10
Somerville	3	3	3
Sussex	9	37	23
Totowa	7	19	14
Troop A Other	7	23	19
Troop B Other	8	29	19
Troop C Other	4	6	5
Troop D Other	4	7	6
Tuckerton	4	15	7
Washington	2	2	2
Woodbine	4	9	6
Woodstown	5	14	8
Unknown	10	11	6
<b>Total</b>	<b>238</b>	<b>591</b>	<b>360</b>

## Case Status by Station

Station	Substantiated	Unfounded	Insufficient Evidence	Open	Admin Closed
Atlantic City	0	1	0	16	0
Bass River	3	1	1	4	0
Bloomfield	3	0	2	8	0
Bordentown	0	0	0	4	0
Bridgeton	0	0	0	5	0
Buena Vista	0	0	0	32	0
Cranbury	2	0	1	21	0
Hamilton	1	0	0	2	0
Holmdel	1	0	1	7	0
Hope	0	0	0	9	0
Kingwood	1	0	0	6	0
Metro North	5	4	1	14	0
Metro South	6	1	0	23	0
Moorestown	0	0	1	9	0
Netcong	1	0	0	14	0
Newark	5	1	1	9	0
Other	70	12	12	58	0
Perryville	2	0	0	3	0
Port Norris	0	1	0	8	0
Red Lion	3	3	1	9	0
Somerville	2	0	0	1	0
Sussex	0	20	1	16	0
Totowa	1	2	1	15	0
Troop A Other	1	4	5	4	0
Troop B Other	0	0	0	28	0
Troop C Other	1	1	2	2	0
Troop D Other	0	0	1	6	0
Tuckerton	3	0	1	10	0
Washington	0	0	0	2	0
Woodbine	0	0	0	9	0
Woodstown	4	1	0	9	0
Unknown	0	3	0	3	1
<b>Total</b>	<b>115</b>	<b>55</b>	<b>32</b>	<b>366</b>	<b>1</b>

## Total Allegations by Station

Station	Force Allegations	Questionable Conduct On Duty	Questionable Conduct Off Duty	Racial Profiling	Disparate Treatment	Attitude & Demeanor Allegations	Failure to Safeguard	Other
Atlantic City	3	3	1	4	0	0	0	6
Bass River	1	2	0	1	0	1	0	4
Bloomfield	1	0	0	3	2	0	1	6
Bordentown	0	0	0	2	1	0	0	1
Bridgeton	1	1	2	0	0	0	0	1
Buena Vista	0	0	6	5	0	2	1	19
Cranbury	0	0	1	11	5	1	0	6
Hamilton	1	0	0	1	0	0	0	1
Holmdel	0	0	0	0	3	3	0	3
Hope	5	1	0	1	1	0	0	1
Kingwood	0	0	0	2	0	0	0	5
Metro North	6	1	1	0	0	0	0	16
Metro South	11	2	2	0	0	1	0	14
Moorestown	0	0	0	5	0	1	0	4
Netcong	3	0	0	0	1	2	1	8
Newark	1	1	0	1	3	2	0	8
Other	9	21	22	5	0	4	21	76
Perryville	0	0	0	1	0	0	1	3
Port Norris	3	1	0	0	0	0	0	5
Red Lion	6	1	0	0	0	0	0	9
Somerville	1	0	0	0	0	1	1	0
Sussex	13	8	1	4	0	1	1	9
Totowa	0	8	0	3	0	1	0	7
Troop A Other	1	3	0	4	0	0	1	14
Troop B Other	14	4	0	1	2	2	0	6
Troop C Other	0	0	0	0	1	1	1	3
Troop D Other	0	0	2	4	0	0	0	1
Tuckerton	1	2	0	0	0	1	0	11
Washington	2	0	0	0	0	0	0	0
Woodbine	2	2	0	0	1	2	0	2
Woodstown	1	0	2	0	0	4	2	5
Unknown	2	1	1	1	0	0	2	2
<b>Total</b>	<b>88</b>	<b>62</b>	<b>41</b>	<b>59</b>	<b>20</b>	<b>30</b>	<b>33</b>	<b>256</b>

## Allegation Categories by Station

Station	Criminal	Police Procedures	Employment Obligations	Administrative/ Failure to Safeguard	Weapons
Atlantic City	2	14	1	0	0
Bass River	0	9	0	0	0
Bloomfield	0	10	2	1	0
Bordentown	0	4	0	0	0
Bridgeton	0	4	1	0	0
Buena Vista	9	13	10	1	0
Cranbury	0	22	2	0	0
Hamilton	1	2	0	0	0
Holmdel	0	9	0	0	0
Hope	0	9	0	0	0
Kingwood	0	4	3	0	0
Metro North	1	20	2	0	0
Metro South	3	24	2	0	1
Moorestown	1	9	0	0	0
Netcong	0	14	0	1	0
Newark	0	13	3	0	0
Other	20	78	36	21	3
Perryville	0	2	2	1	0
Port Norris	2	7	0	0	0
Red Lion	3	13	0	0	0
Somerville	0	2	0	1	0
Sussex	0	36	1	0	0
Totowa	1	13	5	0	0
Troop A Other	10	12	0	1	0
Troop B Other	4	24	1	0	0
Troop C Other	1	4	0	1	0
Troop D Other	0	7	0	0	0
Tuckerton	1	7	5	1	0
Washington	0	2	0	0	0
Woodbine	0	9	0	0	0
Woodstown	0	10	2	2	0
Unknown	3	4	0	1	1
<b>Total</b>	<b>62</b>	<b>410</b>	<b>78</b>	<b>32</b>	<b>5</b>