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Honorable Members of the Advisory Committee on Police Standards:

Kindly accept the comments offered below as an outline of the remarks and information I wish to share with the Committee during my testimony, presently scheduled for November 21, 2006.

I. Introduction

This Committee has before it a very important task; namely, to see that racial profiling on New Jersey highways finally comes to an end, and to ensure that the New Jersey State Police, as well as all local police departments, satisfy the requirements of the most basic responsibility of all police agencies, to protect and serve, not to humiliate or oppress. I respectfully suggest to the Committee that racial profiling in New Jersey did not arise in a vacuum, nor has it ever been a program – official or unofficial – of the State Police in and of itself. Rather, racial profiling has survived for decades as a symptom of an organization (or organizations) that has never had appropriate civilian

supervision, and has maintained an insular and secretive culture.

Please forgive the tone of this letter if it seems in any way condescending; but I respectfully suggest that a necessary overview for the Committee would be to carefully study the opinion of Judge Francis in State v. Soto, 324 N.J. Super. 66 (L.Div. 1996), as well as other significant racial profiling cases litigated in New Jersey, such as State v. Ballard, 331 N.J. Super. 529 (App. Div. 2000), and State v. Kennedy, 247 N.J. Super. (App. Div. 1991). Moreover, the Committee should also review the admissions contained within the Interim and Final reports of the State Review Team on Racial Profiling, giving particular focus, as discussed below, to the points those reports avoided and/or refused to admit.

I am heartened by recent news account of the Committee's stated goal of going beneath the surface of the issues at hand in order to arrive at a comprehensive understanding of what has gone wrong in New Jersey policing. If the Committee holds true to this commitment, I respectfully suggest that it will realize that the problem of racial profiling and police misconduct has run so deep for so long that it is much too early to end the minimal, mechanical requirements imposed by the federal government by way of the Consent Decree. Furthermore, inasmuch as the State Police professes to have reformed, and expresses a desire to continue the process of reform, one must ask why the leadership of the State Police would not most willingly advocate for the minimal requirements of the Consent Decree to be adopted into law or Standing Operating Procedure ("SOP"). If the Consent Decree has been successful at all, that fact is proof enough of the need to install permanent mechanisms supportive of the reform process. However, as I will outline below, the reform is far from complete and, at best, has just

begun.

II. Racial Profiling Continues in New Jersey

I need not repeat here the contours of the comments and testimony I expect the Committee will receive from Edward Barocas, Esq. of the ACLU or Dr. John Lamberth concerning the statistical analyses that show that profiling continues on the southern end of the New Jersey Turnpike. The core fact remains that the Turnpike, as a limited access highway, does not differ in patronage or motorist behavior from one section to another. As one of the experts testified in Soto, something “strong and social” is afoot when the stop rate of minorities at the southern end of the Turnpike still resembles the problematic patterns Soto revealed over a decade earlier.

One need go no further than Soto for insight into the nature of the ongoing profiling problem on the southern end of the Turnpike. The New Jersey State Police has always targeted the southern end for profiling-like activity. That area is narrower than the rest of the Turnpike and, as such, more manageable for certain types of police activity – official or unofficial. The southern end is an area where the State Police can intercept persons, particularly minorities, entering the Turnpike from almost any other State in the Union. Soto delineates some of the historic activities that the New Jersey State Police engaged in on the southern end of the Turnpike, and I need not repeat that here.

III. The Phenomenon of Racial Profiling and Many Aspects of Police Abuse Lie Within the Culture of Poorly Supervised Organizations With Little Accountability

In many respects, racial profiling was not the heart of the problem in the New Jersey State Police, as Soto indicated. Racial profiling and other forms of police misconduct are symptoms of a police organizational culture which survive due to complicit or negligent police management and a failure of civilian authorities to hold agencies accountable. As Soto, the Interim Report, the Final Report and other sources indicate, profiling survived and even thrived in New Jersey due to a myriad of cultural and procedural cues that encouraged the practice and/or allowed it to continue.

For example: while the New Jersey State Police had in writing numerous SOP's that should have limited the occurrence of racial profiling, the actual culture of the organization failed to enforce those SOPs and actually encouraged the routine circumvention of same. For instance, contrary to long-standing New Jersey SOPs, troopers often sought "consent" to search minorities' vehicles without reasonable suspicion. Troopers also routinely, contrary to SOP, failed to call in when stops were made so that they could have plausible deniability if needed to contest whether an illegal search occurred at all.

While the Consent Decree has put in place alternative and/or additional regulations designed to stop the common practice of troopers' violation of certain SOPs, with tacit management acceptance, the fact remains that profiling and misconduct continue. The Consent Decree has installed a new set of regulations that can be, and are, often circumvented.

A. The Failure of the Internal Investigation Process

The Consent Decree focused on the need for timely internal investigations and the expeditious processing of complaints related to misconduct; however, the Consent Decree never effected a meaningful system whereby Internal Affairs investigations would be performed in an unbiased fashion without an eye toward a predetermined result.

1. There are numerous examples of such biased and pre-determined investigations, apparently designed in advance to protect the New Jersey State Police from embarrassment or outside supervision as opposed to control of misconduct. To truly get beneath the surface, it is respectfully suggested that the Committee obtain a random sampling of internal complaints including their dispositions and reports. I would suggest that the Committee ask for fully un-redacted copies of the following:

- a) The full investigatory report in the matter of John Oliva, a State Trooper who tragically killed himself after reporting State Police improprieties;
- b) The State Police internal investigation report in the matter of Garlanger versus New Jersey State Police et al;
- c) The full, un-redacted report generated as a result of allegations concerning the “Lords of Discipline”;¹

¹ The Lords of Discipline (“LOD”) is a phenomenon of New Jersey State Police culture. Whether the LOD is formally organized or has any permanent members is presently undetermined. However, the LOD leaves its signature through its methods of harassment and anonymous retaliation against troopers who complain about State Police misconduct or for some other reason do not fit an LOD member’s vision of what a State Trooper should resemble.

d) Instances of misconduct which have resulted in no internal investigation. The State Police have absolute discretion to determine when a full investigation is initiated and completed, despite the Consent Decree. Examples of State Police failure to investigate serious problems within the agency in recent years include:

i. Excessive over billing of the federal government for New Jersey State Police overtime in the wake of 9/11 (see Exhibit 1 attached);

ii. The utter failure to initiate any investigation into reports that members of the State Police privately sold expended brass State Police ammunition shells they collected from the State Police firing range;

iii. The reported fact that, in reliance on the expiration of the Consent Decree and any State Police oversight, certain members of the State Police may have engaged in an effort to teach “drug interdiction techniques” similar to those found by the Soto court and/or exposed by the Soto court as providing an incentive to profile. For the sake of confidentiality, no exhibit is attached hereto; however, it is suggested that the Committee request of the New Jersey State Police the Superintendent’s Personnel Order #06-431 under a date of October 18, 2006, and seek detailed information as to why numerous persons, including high-ranking State Police officials, were transferred in the wake of the renewed, non-sanctioned, “interdiction” training. Also see Superintendent’s Personnel Orders 06-424 under date of October 12, 2006, as well as Superintendent’s Personnel Orders 06-418 under date of October 5, 2006.

Succinctly stated, the State Police has never been subjected to independent supervision requiring that it mete out discipline in a uniform and unbiased fashion. As the Oliva matter mentioned above indicates, as well as a myriad of other settled whistleblower suits against the New Jersey State Police, tragically the most serious forms of discipline are most regularly reserved for those who truly seek to reform the organization and/or alert the public and public officials to misconduct. The lawsuits of numerous former and present New Jersey State Police officers are a matter of public record. Yet, if civilian authority and the public cannot rely on State Police sources to be candid because of fear of harassment, civilian authority and the public can only expect a continuation of the destructive, insular, secretive State Police culture which has led the organization from one “acute crisis” to another. (See Exhibit 2, page 2)

IV. The State Police (and Other Police Agencies) Must be Made the Subject of Independent Oversight and Audits

Sadly, the dysfunctional culture of the New Jersey State Police has thrived through an atmosphere of tolerance by the Office of the New Jersey Attorney General (“OAG”). The record and findings of Soto, supra, are replete with instances of OAG compliance with the suppression of evidence of New Jersey State Police misdeeds, and even OAG assertions that evidence of misdeeds was non-existent when same did exist. As one of the attorneys in the Soto litigation, I am fully familiar with the discovery requests that the Defense made in Soto, only to receive assurances from the Attorney General’s Office that no such items existed. The Attorney General’s Office would have left the Court with the impression that key evidence did not exist, had the Defense not

been able to independently locate same.

Similarly, the recent New Jersey Senate Judiciary Committee hearings held on the issue of racial profiling underscored the breadth and duration of withheld evidence by the Office of the Attorney General. These actions were taken in abrogation of the OAG's responsibility to supervise the State Police, as is well documented by the result-driven Lords of Discipline report ostensibly produced under Attorney General supervision.

The failure of the OAG to insist on discipline or perform thorough investigations in light of other scandals, such as the over billing of the federal government or the sale of State Police expended shells highlights the tendency of the OAG to lose sight of its supervisory responsibilities. Moreover, the Office of the Attorney General has a record of hiring from the State Police retired troopers for purposes of conducting "independent" investigations of the very State Police they served until retirement. Many of these OAG investigations have been conducted by former State Police members, some of whom were previously subject to allegations of misconduct and abuse of their position, albeit allegations which the State Police refused to internally investigate.

Further, the Committee need only look at the publicly disclosed documents in the racial profiling archives, as well as the testimony obtained by the Senate Judiciary Committee to realize that the Office of the Attorney General knew long before its public admission that State Police misconduct and profiling practices were rampant. Suffice it to say that the Office of the Attorney General has a dysfunctional history of failing to achieve State Police reform. Indeed State Police reform has always been brought on by outside entities, such as the Soto litigation or the U.S. Department of Justice. The

history of the Office of the Attorney General and the OAG's culture as well as de facto protocols leave every indication that the OAG would continue to shelter the State Police from accountability, as opposed to any demand for transparency or accountability from the State Police and its members.

A much more recent example of the OAG's failure to reign in the State Police is documented in Exhibit 2, attached.² Apparently, former Attorney General Farmer commissioned a study by the Rutgers Newark School of Criminal Justice into the functionality and/or the dysfunctionality of the State Police culture in order to begin to understand the true workings of the organization. The Report explicitly describes the State Police as a very troubled organization that has been repeatedly subject to confidential studies, and yet the OAG has apparently never acted seriously on any of these studies or demanded the type of independent oversight of the State Police that were required in light of the numerous studies. One must ask rhetorically if, after three decades of supposed OAG oversight of the State Police, where no Attorney General has exercised proper control over the New Jersey State Police, is it time for independent oversight into the workings of the Organization.

Indeed, a troubling aspect of Exhibit 2 is the fact that the undersigned, in litigation on behalf of New Jersey State Police whistle blowers, has repeatedly asked for studies

² The undersigned received this report anonymously in the mail. Over the years I have received various such items from whistle blowers. Accordingly, I cannot vouch with certainty that the Report is what it purports to be. Yet the Committee can demand information on the existence of the report and the documents mentioned therein, including the Police Executive Research Forum Reports to which it refers. Yet, the fact that PERF studies have been conducted is unquestioned inasmuch as the Final Report refers to their existence.

done of the New Jersey State Police, particularly with respect to its culture, employment practices and other problems. The OAG has not provided these studies, apparently 9 in number from 1996 until 2001, (Exhibit 2, page 2) in discovery, leaving the impression that no such studies exist. In only one instance did the OAG provide a copy of one of the Police Executive Research Forum” (“PERF”) studies, however this particular PERF report was far from the PERF studies which “detailed, in a polite fashion, decades of gross mismanagement, to put it impolitely.” (Exhibit 2 at page 3) As Exhibit 2 explicitly states, “Moreover, it is no secret that virtually every New Jersey State Attorney General over the past three decades has viewed the NJSP as a troubled and largely out of control organization.” (Exhibit 2, at page 3).

V. Conclusion

In conclusion I would submit the following observations:

1. If the New Jersey State Police is truly committed to reform, it would have no objection to the minimal mechanisms of the Consent Decree remaining in place. Indeed, it should be noted that to date New Jersey has not even codified the requirement that the State Police maintain its system of video cameras in State (and other) police cars. Were the Consent Decree to be dissolved, the OAG and the State Police would be free to abandon the mobile video recording systems (MVR), which, while certainly not perfect, have provided a measure of truly independent oversight;
 - a. The NJSP has a poor history when it comes to living up to the letter and spirit of Consent Decrees. In 1975 the Agency consented agreed with the U.S. Dept. Of Justice to entry of a decree addressing the failure of the NJSP to integrate the

force with women and minorities. No sooner did the 1975 Decree expire when minority and women recruits again plummeted to minuscule proportions of the NJSP population.

2. If the New Jersey State Police were committed to reform, it would have no objection to an independent body or agency having access to its everyday methods of operation to guarantee continued reform away from the destructive cultural aspects of the organization detailed in Exhibit 2;

3. As has been highlighted by Mr. Barocas, Dr. Lamberth and Ms. Steinhagen, the public must be entitled to data at periodic intervals that shows whether or not the New Jersey State Police remain true to their expressed goal of non-biased policing. This would include the regular release of stop data, search data and consent to search data, not only in aggregate form, but also broken down by State Police Unit so that meaningful comparisons may be achieved;³

4. An independent auditing authority should be put in place to monitor the activities of the State Police in terms of discipline both meted out as well as ignored, stop statistics, indicators of abuse on video tapes, etc;

5. The New Jersey State Police culture must change. To that end, New

³ As Doctor Lamberth and the undersigned are expected to highlight at the hearings, it is the work of the general road patrol trooper – the trooper with the most discretion – that must be studied. It is quite likely that, if there is a 30% reported stop rate of minorities, the actual stop rate of minorities is higher by the general road patrol trooper. Specialized units, such as the Construction Unit, etc. have displayed stop rates approaching race neutrality.

Further, it should be noted if the Committee examines the aggregate data released to date, it would be clear that the State Police and the OAG have taken license in reporting data. Many of the data reports attempt to indicate a lower search rate when, in reality, pat down searches – searches nevertheless – continued at high rates and/or, if included in search data, would indicate a higher rate of searches.

Jersey should seriously consider the appointment of a civilian Commissioner of State Police, as opposed to a Superintendent who must rise through the ranks by complaisance with the culture of the New Jersey State Police;

6. The Committee should require release by the OAG for public review and comment all studies done on the New Jersey State Police from 1996 until the present;

7. The Committee should consider whether the New Jersey State Police is too large to manage. Such consideration would necessarily involve an examination of whether functions of the State Police might be better served by independent agencies, such as an independent Crime Laboratory, Marine Police and/or office of Records and Identification. As a further example, a separate Bureau of Investigation could be established, while general road patrol troopers could be assigned to an organization known in many States as the Highway Patrol. The possibility of divesting the State Police of some units would also help curtail the present totally arbitrary and subjective method of New Jersey State Police promotions;⁴

8. As Ms. Steinhagen has highlighted, the New Jersey State Police must finally be required to institute a professional, merit based, non biased promotional system. The Committee should request of the State police detailed information as to why approximately one million dollars was expended to institute a promotional system which was then abandoned once again in favor of subjective, totally discretionary promotions. Any independent oversight agency should review promotions to insure that

⁴ A review of the numerous civil rights and whistle blower suits settled by the New Jersey State Police and OAG indicates that the subjective promotion system has served as a method of critic punishment as well.

merit is the key and that members who have engaged in misconduct, but arbitrarily saved from discipline, are not otherwise rewarded over members who embrace necessary reforms.

9. While professing zero tolerance for retaliation and harassment, the current Superintendent and the OAG have not meted out severe punishment to those few the NJSP has been willing to hold responsible for retaliation and or harassment of fellow members. It is respectfully suggested that the Committee familiarize itself with the generally low level of discipline imposed for this activity which lies at the core of so many State Police problems. Any zero tolerance policy must include meaningful penalties, including termination, for hazing, retaliation and harassment. Moreover, the Committee should consider recommending that any independent oversight agency establish consistent standards for such discipline. Hazing, retaliation and harassment of police deprives New Jersey of the services of some of its most needed officers – those prepared to enforce the law no matter who the offender may be. It is time for New Jersey to consider instituting a criminal offense for those officers who victimize other officers. Any independent body should have the authority either to institute criminal proceedings or recommend same to state and local prosecutors.

a. Any independent investigative agency should be notified of all allegations of hazing, harassment and retaliation to be assured that all NJSP members are held accountable for anti harassment policies and to insure an end to the current system where the State Police insulate high ranking members through incomplete investigations or outright refusal to entertain complaints.

10. Local police departments should be required to engage in similar reforms

that specifically relate to their operations. For instance, municipalities could organize independent, regional internal investigation departments as opposed to the normal situation where an in-house internal affairs officer supervises the very ranks of which s/he is a member.

Respectfully submitted,

William H. Buckman

Exhibit 1

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May 8, 2006
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Blemished pay system spent federal money
SANDY McCLURE/GANNETT STATE BUREAU
Asbury Park Press

More than a year after the Sept. 11, 2001, terrorist attacks, when the State Police thought their payroll problems were solved, 17 duplicate payments for overtime were almost mailed to troopers working in a federally funded highway safety program, a State Police official has testified.

State Police auditors who had found a payroll system so troubled that an \$8.7 million bill to the Port Authority of New York and New Jersey for Sept. 11 response could not be verified, and so inefficient that two reporting tracks opened the door for duplicate overtime payments went into action again.

The Port Authority payroll problem "was a systemic issue," Lt. Patrick Caughey testified at an ongoing Office of Administrative Law hearing. Then one of the internal auditors, Caughey now heads State Police payroll.

"There were two different routes of travel for hours to be sent down to payroll, two different sets of documents," he said at the hearing.

After the Sept. 11 fiscal issues, Caughey said, "We asked payroll to take a hard look at what they are doing. We need to give the (State Police) colonel an ironclad assurance, so he can assure the attorney general, that this will not occur again. We were assured that it wouldn't happen again."

The 17 duplicate checks cut in April 2003 angered the lieutenant who had headed the Sept. 11 audit.

"Tim Collins was extremely upset," Caughey testified. "He was outraged that it had happened again."

At a time when the state is facing an estimated \$4.5 billion deficit, the State Police payroll problems are an example of how failure to track spending and manage money opens the door to waste and abuse.

The investigation

In the 2003 overtime case, an internal audit "a la Port Authority" was done, Caughey said.

A review of the top overtime earners who almost got the duplicate payments revealed that within a 16-month period, one sergeant earned \$101,000 in overtime and another earned \$108,000 in overtime, with much of the time undocumented, state records show.

For three days in February, testimony in the Office of Administrative Law court centered on Sgt. First Class

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Mark Moncho.

Moncho earned \$101,000 in overtime between January 2002 and April 2003. For nearly half the time, he ran the Traffic Bureau construction unit while his lieutenant was on sick leave.

Moncho is accused of duplicating inspections on overtime and failing to document his work in the federally funded program, which aims to keep highway construction sites safe. Federal aid for the program flows to the State Police from the state Department of Transportation.

The charges are not criminal but are allegations that Moncho violated State Police rules.

System gone wrong?

While the finger is being pointed at Moncho, both the deputy attorney general representing the State Police and Moncho's defense lawyer told Administrative Law Judge Donald Stein that the case is really about a payment system gone wrong.

"This case is simply about an audit of activities surrounding a unit within the Division of State Police that revealed a culture of extravagance and entitlement, mismanagement of supervisory responsibilities, lack of exhibited fiscal restraint, and a laissez-faire attitude toward the spending of public funds," Deputy Attorney General Phillip Dowdell said in an opening statement submitted to the court. "It is at the essence of what New Jersey is going through at this very moment in terms of government audits and reviews accountability for actions."

Witnesses for Moncho said there were no rules against two inspections of a construction site in one day and that Moncho was not required to sign duty sheets showing he was at the inspection sites.

Defense lawyer John Tiffany said Moncho was simply an aggressive trooper who earned his overtime inside a system that lacked policy.

"There was no policy," Tiffany said outside the hearing room. "You don't fault the trooper. You fault the system."

Additional allegations

In addition to overtime for construction site inspections, Moncho was paid for voluntary on-the-road overtime outside his normal work hours at State Police headquarters in Ewing. He volunteered for local truck ban and aggressive driver enforcement efforts on roads that prompted investigators to suspect that the overtime was part of his commute.

A 15-month audit led to allegations by the State Police that Moncho regularly submitted weekly activity reports indicating he conducted construction site inspections, but his presence at the site inspections could not be verified 84 percent of the time.

The investigator's report said there was evidence that Moncho conducted 18 site inspections on construction sites that had previously been inspected the same day and billed the construction jobs for his overtime.

In addition, the investigator alleged Moncho failed to complete patrol charges documenting his inspections. "On the rare occasions he completed a chart, the charts were often incomplete, unsigned and illegible," the document charging Moncho said.

When investigators gathered the payroll records for Moncho, a number of them were found to be missing.

"In a totality of this review, federal funds were considered differently in the minds of the members of the traffic bureau than state funds," retired Lt. Timothy Collins, who headed the audit effort, testified. "They were public funds. There is no reason to treat federal funds differently or with less care. There had to be a stewardship with respect to spending these funds."

At one point, Judge Stein told those involved in the hearing that "the heart of the matter" is whether Moncho violated rules and procedures or whether the system he worked within was broken.

"Inefficient" supervision

In an April 6 letter to lawyers in the case, Stein said when the hearing resumes this summer he wants to hear testimony from retired Lt. David Sowers. Dowdell says Sowers, who heads the construction unit inside the State Police Traffic Bureau, told Moncho not to conduct the dual inspections and to document his hours.

Documents entered into the court record show allegations by the State Police that Sowers was "culpably inefficient" in his supervision of Moncho.

"Lt. Sowers failed to verify and sign SFC (Sgt. 1st Class) Moncho's weekly activity reports, failed to sign numerous daily activity patrol logs completed by SFC Moncho and signed SFC Moncho's incomplete daily activity patrol logs," investigator Sgt. Stephen Edwards alleged.

Judy DiMemmo, a civilian State Police employee, testified that she knew more about pay and overtime reports for the Traffic Bureau's construction unit than its leader.

"Personally, Lt. Sowers doesn't know how anything is paid because I do all the paying," DiMemmo testified. "I am the only one that has ever done the billing. . . . I know how to bill. I know what to do."

As for dual inspections, she testified, "It happened. There was no verbal or written anything policy about double inspections or site inspections."

As for signing the logs of troopers at the construction site to verify inspections, DiMemmo said, "Most guys didn't."

Retired State Police Lt. John Redos testified that he was unaware of a policy prohibiting dual site inspections or a requirement to sign the logs. When asked whether such a policy, verbal or written, existed, Lt. Paul Kelly testified, "No, sir."

Wrong impression

Dennis Hallion, president of the State Troopers Non-Commissioned Officers Association, said the hearing is leaving a wrong impression.

"They are trying to paint a picture that this guy was out to steal overtime money federal money when, in fact, he wasn't," Hallion said. "Maybe he didn't document them properly or the way he should have, but that happens all the time. That is just part of running a big business."

Hallion said the high cost of overtime was the result of new duties after Sept. 11, including the monitoring of trucks, which law enforcement feared would be used for another terrorist attack.

"You can't start trying to save a penny here and a penny there when it comes to defense of the state," Hallion said. "What we have been asked to do, we have done. If it incurs an expense, so be it."

State Police spokesman Capt. Al Della Fave took a different view of the case.

"That was just a situation of an individual with no oversight who managed to manipulate the system," he said. "That won't happen again."

Della Fave credited new approvals for overtime and a new electronic payroll system called e-daily. "You are not manipulating e-daily," he said.

In a three-day series, Gannett New Jersey explores spending patterns within the New Jersey State Police. Today, a look at persistent payroll problems being detailed in an administrative law hearing.

Sandy McClure: amcclur@gannett.com

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Exhibit 2

**New Jersey State Police:
A Cultural Perspective and Prescription**

George L. Kelling, Ph.D.
Professor, School of Criminal Justice, Rutgers-Newark University
Faculty-Chair Police Institute

Carsten Andresen, M.S.
Doctoral Student, School of Criminal Justice, Rutgers-Newark University

Introduction

This is a report on the New Jersey State Police commissioned under former Attorney General John J. Farmer, Jr. The purpose of this report is to understand the strategic and organizational changes in the state police since the racial profiling scandal during the final years of the 1990s, and the extent to which these changes have improved the quality of leadership, management, and administration. At least superficially, it would seem that such understandings would be gleaned both from the reports of the Independent Monitor of the New Jersey State Police that resulted from the Consent Decree entered into on 30 December 1999 between the United States and the State of New Jersey, and from the multiple studies of the NJSP that have been conducted by the Police Executive Research Forum (PERF). The Consent Decree bound the State of New Jersey to address 97 specific tasks that the United States Department of Justice believed would remedy problems highlighted by the racial profiling crisis precipitated when two state troopers fired 11 shots into a van carrying four unarmed youths on 23 April 1998. The Police Executive Research Forum published at least 9 reports on the NJSP between 1996 and 2001, ranging in subject matter from resource allocation, to training, to promotion, and to recruitment.

Part of the underlying reason for commissioning this study was that the changes that have been prescribed for the New Jersey State Police are in response to an acute organizational crisis: racial profiling, how and why it happened, and what needed to be done to ensure that such practices could and would not continue. But it would be a mistake to think that racial profiling was the sole reason for concern about the NJSP: it has been a troubled organization heading for an acute crisis for a long time. It should be

noted that the first PERF study was commissioned at least three years prior to the racial profiling crisis. Moreover, it is no secret that virtually every New Jersey State Attorney General over the past three decades has viewed the NJSP as a troubled and largely out-of-control organization. The broader questions about state police practices, for example, have been highlighted in the *Final Report of the State Police Review Team* (2 July 1999). This report raised basic questions, not only about the extent to which leadership of the State Police failed to provide proper administration and leadership that led to the racial profiling crisis, but also about the basic mission of the organization and the clarity with which leadership has communicated this mission both internally and to the organization's external environment. The PERF studies detail, in a polite fashion, decades of gross mismanagement – to put it impolitely.

Moreover, this study was commissioned because a certain skepticism shapes the views of those who are familiar with police history of reform over the past 80 years. This skepticism takes the form of fears that once again a modest agenda of reforms, or “starts,” will be initiated that will all be considered “progressive” but will leave the basic strategy of the state police untouched. For example, it is reflexive in policing, and for those who oversee policing, to respond to virtually every crisis with pat prescriptions: tightened supervision, better recruitment, enhanced training – both in-service and academy – and tougher rules and regulations. This has been the formula to manage police crises for most of the 20th century: tinker with the organization and its administrative processes. And, if one looks at most of the organizational “improvements” imposed on the NJSP by the Consent Decree, they fall within these categories. Yet, as important as such administrative processes are, those familiar with

police organizations understand that they are frail when put up against an organization's *culture*. This was behind what Chief Robert Igleberger, a 1960s-1970s police visionary in Dayton, Ohio, meant when he compared police departments to rubber bands: "You can pull them, stretch them, and form them into all kinds of shapes; but as soon as you let go, they immediately snap back into their original form."

Having written this, however, we are also quick to put forward that during the 1990s we have seen some remarkable turnarounds in police departments – turnarounds achieved in a very short period of time – months and years, not decades. Boston and New York immediately come to mind as they have received the most attention in the media, but Lowell (MA), New Haven, New Orleans, Newark, and other police departments have also made dramatic shifts, as well.

Much has happened since this report was first commissioned. Joseph Santiago was nominated and, over fierce opposition from state police and their unions, appointed as Superintendent. He resigned after seven months. "Rick" Fuentes, a relatively young captain in the NJSP, was nominated and approved as the superintendent. As importantly, during this period, the NJSP has embarked upon initiatives that, in the mind of the authors, have considerable promise – not only in their own right, but potentially in fashioning a future strategy for the organization. These include the Camden and Irvington initiatives and the Northeast Regional Gang Task Force. Also, one of the authors (Kelling) has become the faculty chair of the Police Institute in the School of Criminal Justice at Rutgers-Newark University. In this role he, his staff, and many of his students have become closely involved in all of the above-mentioned initiatives. Moreover, the Police Institute is now conducting a series of executive development

courses targeted at the advanced leadership both of state police and of police departments throughout New Jersey. Finally, Kelling, at the request of Attorney General Peter Harvey is chairing the Stop Data Committee – a committee dedicated to understanding the significance of the ongoing discrepancies in contacts between NJSP and minority citizens. The point of all this is that things and players in the state police have changed: things have changed in the relationship between the state police and particular communities, and things have changed in the relationship among the authors of this study and the state police (this does not necessarily mean that the relationship is now “easy” or uncontroversial).

Having written this, it is fair to ask if whether these changes – new high-quality leadership, executive training, new partnerships, the successful patterns of relationships in Camden and Irvington, the changes emanating from the consent decree – suggest that enough has been written and said about the NJSP. After all, things are quiet now. We would argue, however, that it would be a mistake to be complacent or be lulled into false comfort. [We will argue that the state police have a seriously flawed strategy and that despite considerable progress, the basic mission and functions (the “business”) of the state police remain unclear.] The consequences of this failed strategy go beyond the issues of racial profiling; they determine the contributions, or lack of them, to the safety and security off all citizens in New Jersey.

In sum, the question this report attempts to answer is: How changed is the culture of New Jersey State Police? To answer this question we have:

- Reviewed extant literature about state police departments;
- Reviewed extant literature and articles about the New Jersey State Police;

- Reviewed all documents relative to the racial profiling scandal;
- Reviewed all recent studies of the NJSP;
- Conducted over 65 periods of observations of troopers on patrol;¹ and,
- Conducted 4 focus groups with supervisors and mid-level managers.²

Some of these materials are cited; others are summarized in the Appendices.

Organizational Culture. If we were to know all the things that any organization did, all its rules and regulations, and all of its administrative, supervisory, recruitment, and training patterns, we still would have only a partial understanding of it. This is because all organizations have *cultures*: shared values and norms, ways of perceiving the world, esoteric meanings of words and phrases, shared meanings of behavior, codes of behavior, patterned ways of doing things, patterned ways of interpreting and dealing with external realities, expectations about how others will do things, particular constructions of reality, informal ways of doing things, informal power structures, day-to-day rituals, and shared images and organizational themes.³ Some organizations have two or more cultures: universities, for example, have multiple cultures. Law schools are culturally quite distinct from traditional arts and sciences. Other organizations have competing cultures – this would be characteristic of organizations that are in internal conflict about what the basic business of the organization should be and how this business should be carried out.

Like cultures in the broadest sense – the customs and civilization of a people – organizational cultures develop over time. They span generations and are remarkably

¹ We note that this represents the first systematic observations of state police. Despite a myriad of studies of urban police, no observational studies of state police have been conducted as of this writing.

² Originally, we planned a focus group with top-level personnel – specifically, majors. The impact of 9/11 and the appointment of Joseph Santiago, with the associated tumult that followed, made the wisdom and value of such a procedure questionable.

³ See, for example, James Q. Wilson, *Bureaucracy: What Government Agencies Do and Why They Do It*, Basic Books, New York, 1989 and Gareth Morgan, *Images of Organization*, Sage Publications, Beverly Hills, CA, 1986, for detailed discussions of organizational culture.

persistent. Culture provides the myths, metaphors, and war stories that define heroes and villains, friends and enemies, and good and bad. As James Q. Wilson points out, "When an organization has a culture that is widely shared and warmly endorsed by operators and managers alike, we say that the organization has a sense of mission."⁴ When an organization, however, is characterized by two or more cultures that are in competition with one another, we view that organization as one in trouble: unable to perform at high levels of achievement as a consequence of internal conflict, confusion, and/or resistance. Again, as Wilson points out, "[O]rganizations in which two or more cultures struggle for supremacy will experience serious conflict as defenders of one seek to dominate representatives of the others."⁵ [Often, in badly fractured organizations, as much energy and effort can go into maintaining or achieving dominance as goes into conducting the basic business of the organization.] Certainly, what is true about other organizations regarding culture is no less true for police organizations: understanding culture is integral to understanding police departments, including the New Jersey State Police.

Moreover, it is useful in understanding an organization's mission/culture, to understand the history and traditions of the organization's industry. An industry's history and tradition, like those of a people, are carriers of culture both historically and cross-sectionally. As sociologist Egon Bittner has noted, "As with all things, we are not compelled to accept what the past has handed down to us, but we can neither accept it nor reject it without first understanding the substance of the heritage."⁶

⁴ Wilson, p. 95.

⁵ Ibid.

⁶ Egon Bittner, "The Impact of Police-Community Relations on the Police System," in David P. Geary, ed., *Community Relations and the Administration of Justice*, John Wiley and Sons, New York, 1975, p. 372.

The Evolution of State Police in the US: A Brief History. Commonly, it is understood that American police are of Anglo-Saxon origins. And this is certainly true for urban police. Virtually every urban police department in the United States was patterned after London's Metropolitan Police Department, created in 1829. By the mid-1850s, practically every American city of any size began to develop bureaucratic police on the model of Scotland Yard: uniformed, patrolling beats, loosely organized in a quasi-military fashion, and focused on maintaining order and preventing crime.⁷ American police, however, were distinct in that they were closely linked and accountable to local politicians (ward leaders/bosses, if not mayors); London's "bobbies" were accountable to the crown.

State police, in distinct and intentional contrast, are early 20th century creations patterned quite consciously after Continental and Colonial Police (see Figure I below). Pennsylvania created the first in 1905. Reasons and interpretations put forward for their creation include: combating rural crime; controlling labor unrest; overcoming the unreliability of urban or private police (e.g., the Pinkertons) in managing labor unrest and protecting industry; guarding railroads; overseeing the developing roadways and burgeoning automobile traffic; controlling immigrants, especially eastern Europeans, and migrants, especially African Americans; and, coordinating specialized police functions, e.g. criminal investigation.

Lengthy and tough political and social campaigns attended the birth of early state police: less so in Pennsylvania (primarily because of the labor strife there), but intensely in New York and New Jersey. For their own reasons, organized labor, farmers, socialists,

⁷ At first, there was controversy over whether or not to uniform American police, however, most departments quickly adopted uniforms.

at times Republicans and Democrats, and other interests all lobbied against state police at one time or another. Even after state police were created, bills were repeatedly put forward to shut them down.

Consequently, advocates for state police and state police themselves vigorously marketed their creation, continuation, and expansion. Katherine Mayo's 1918 book, *Justice to All: The Story of the Pennsylvania State Police*, that earned her the title of one of two "Mothers of State Police," lionized state police and was the core document of state police advocates.⁸

University of Missouri- St. Louis historian Gerda W. Ray explains the importance of the book:

Written to promote the state police proposal in New York and to support the Pennsylvania force's demand for increased appropriations, *Justice to All* was launched with favorable reviews in influential newspapers, wide distribution of illustrated excerpts to smaller newspapers, and advertisements featuring former president Theodore Roosevelt's introduction to the book. The first edition sold out within a month. The book went through at least five editions in three years. Roosevelt had copies sent to each member of the New York State legislature, along with a facsimile of his handwritten note, "This is the force which New York should adopt - without delay," and Groome [superintendent of the Pennsylvania State Police] paid for copies to be sent "from the author" to the Pennsylvania legislature.

Basically, the book was a polemic. Illinois State University Professor David Falcone writes of Mayo's views:

Mayo appealed to the nativistic attitudes commonly found among white Anglo-Saxon Americans by portraying troopers as the final bastions of sovereign and legitimate civil government against an onslaught of crime, especially in rural areas, committed by blacks and unacculturated, violent immigrants. . . .

⁸ Katherine May, *Justice to All: The Story of the Pennsylvania State Police*, The Knickerbocker Press, New York, 1918, Fourth Edition. The other woman was M. Moyca Newell, Mayo's wealthy companion.

Drawing upon the “best” of American manhood, this idealized and military-patterned police force with its attendant cultural value system became the central core of state police identity and its version of the professionalization movement during the 1920s and 1930s. . . . The near anarchy created by criminogenic foreign elements in the American fabric, she averred, required the forceful acculturation of lesser men by superior men through the new policing apparatus of the state.⁹

Gerda similarly depicts Mayo’s view:

Militarism became transmuted into an idealized middle-class masculinity which included both bodily perfection and a “spiritual force.” Distinct from the lazy, corrupt, frequently Irish city police, the state police were described as meeting a masculine ideal of working without sleep, without food, without thought for themselves.¹⁰

In other words, “troopers” were to be special men in special police departments.

The first superintendent of the Pennsylvania State Police, the prototype for state police nationally, was John C. Groome, a captain in the Pennsylvania National Guard, who assumed command of the State Police in 1905. His inspiration for organizing and administering it was an amalgam of his military experience and his study of the Royal Irish Constabulary – a police force that he visited prior to assuming command of the State Police.¹¹ (Note that the Royal Irish Constabulary was the colonial police force of the English government.) This model was to heavily influence other state police departments, especially Massachusetts, New York, and New Jersey. Consequently, “troopers” were organized along military lines, trained in military discipline (many were recruited from the military), organized into barracks, remote from the public, and became “the best.” This contrasted with urban police in late 19th and early 20th century, who were

⁹ David N. Falcone, “The Illinois State Police as an Archetypal Model,” *Police Quarterly*, Vol. 1, No. 3, 1998, pp.61-83

¹⁰ Gerda W. Ray, “From Cossack to Trooper: Manliness, Police Reform, and the State,” *Journal of Social History*, Spring 1995, pp.565-585, p. 572..

¹¹ Mayo, pp. 15-20.

nominally military at best, often lived in neighborhoods they policed, and were closely linked to local politicians.

Below, Figure 1 presents contemporary thinking about the extant models of police, identifying their characteristics in three categories: legitimacy, structure, and function.

Figure 1: Models of Contemporary Policing¹²

	Anglo Saxon (Britain and United States)	Continental (Europe and former European colonies)	Colonial (Ireland, India, and other English former colonies)	Mixed or "Convergence" (Netherlands)
Legitimacy	Local Government, based on law, with emphasis on linking to community	Central government, ultimately the ruler	Colonial authority with strong separation from local citizens or communities	Central government, however, strong links to localities and citizens
Structure	Decentralized, (armed or unarmed) civilian force, one tier (work way through ranks to upper echelons)	Centralized armed, military force, two tiers (different recruitment pools for troops and officers)	Partly centralized military force, using armed alien personnel	Centralized armed force
Function	Crime prevention, law enforcement, criminal investigation and some limited welfare and administrative responsibilities	Law enforcement and order maintenance, heavy emphasis on political and administrative functions	Law enforcement and criminal investigation, however, subsumed within political/administrative functions	Law enforcement and order maintenance, heavy emphasis on political and administrative functions

Colonial (especially British) and Continental (European) police were militarized, barracked (to keep them from being influenced by the "natives"), patrolled in groups, and were accountable either to a central government or an alien nation. This model of

¹² This figure is based on Mawby, p. 30.

policing was explicitly rejected when policing was introduced into London and then copied in the United States. As Egon Bittner has pointed out:

The establishment of the police was strenuously opposed in England and in the United States because of fears that it would become an organ of executive government, indifferent to public influence, and functioning against the people. The opposition was finally silenced by assurances that the new institution would function as the people's police.¹³

It is a matter of considerable consequence that most state police have different origins than urban police in the United States. In theory and practice, Anglo-Saxon and Colonial police are antithetical models of policing: the Anglo-Saxon model emphasizes people policing themselves; the Continental and Colonial models stress a central authority policing citizens (in the case of Colonial police, by an external authority). While none of these models are "pure" in the sense that considerable variation can be found within them, they do identify the central tendencies of police departments in these traditions.¹⁴ In effect, proposals to create state police struck at the heart of the basic model of policing that had been introduced into London and US cities – introducing a European as against an Anglo-Saxon model of policing.

All of this gains more significance because state police became the model on which urban Progressives – a loosely linked late 19th – early 20th century association of largely middle-class civic and gospel reformers who were attempting to reform urban governance and who allied themselves with police reformers (e.g., August Vollmer) – wanted to pattern all US policing. For Progressives, urban police were an unmitigated scandal: politically and financially corrupt, inefficient, unreliable, and unwilling to

¹³ Bittner, p. 373.

¹⁴ Nowhere is this more evident now than in Northern Ireland where the now-named Police Service for Northern Ireland (formerly the Royal Ulster Constabulary) is in the process of being converted, and converting itself, from a colonial model of policing to an Anglo-Saxon, community model.

control the "urban masses" – namely the Irish, Germans, Italians, Jews, and eastern Europeans. Clearly, politics was at play in this portrayal of urban police, however in truth, police were badly organized, poorly run, and often corrupt. Regardless, for Progressive reformers, urban police embodied all that was wrong with urban government. State police, by contrast, were to personify all the virtues of the Progressive vision of police: centralized, politically unaccountable, professionalized, and militarized.

Allied with Progressives were police reformers like August Vollmer, Leonard Fuld, Bruce Smith, and ultimately, the person who dominated mid-20th century police thinking, O. W. Wilson. When August Vollmer and Alfred E. Parker, for example, wrote of urban police inadequacies in 1935, they could aver:

Everywhere in the United States, police inefficiency is manifest. Police systems have unquestionably failed the people they represent. The chief reason for lack of success is not to be found among members of the police forces, but rather in the circumstances that no state is properly organized to defend itself against the modern criminal. These conditions make imperative certain improvements in the police service.¹⁵

State police departments were put forward as a national model.

So the time has come to seek for remedies. The search does not have to be carried far; for one remedy appears to be in the establishment of a State Police system such as Oregon, Pennsylvania, New York, New Jersey, Michigan, and other states are finding so successful; or the creation of a state Ministry of Justice to which would be delegated the complete management and control of all police, local and county in a state.¹⁶

Moreover, all other forms of police in the US should be ended.

At the outset, the ideal to be sought is a single State Police force and complete elimination of village, town, municipal, county, and all miscellaneous state police forces. Until this ideal can be attained, smaller police units ought to be taken over by the state with the provision that

¹⁵ August Vollmer and Alfred E. Parker, *Crime and the State Police*, University of California Press, Berkeley, California, 1935, p. 208.

¹⁶ Vollmer and Parker, p. 8.

larger municipalities may avail themselves of State Police service on a cost basis.¹⁷

Vollmer and Parker – and other scholars and police practitioners – did not win the day organizationally; cities, for the most part, have neither been willing to surrender direct policing to the state authority nor have they been willing to delegate “complete management and control” of their police to state authority. Later reformers, like O. W. Wilson, would have settled for metropolitan police (linking urban and adjacent suburban police organizationally) – and such proposals were on the reform table well into the 1960s – however, few communities bought this idea.

In another sense, however, reformers like Vollmer and O. W. Wilson won: conceptually, these reformers and their Progressive allies, dominated how urban police executives viewed “proper” police organization and management until well into the 1970s. Proper policing was based upon the state police template: police were to be centralized as much as possible within city government; military-like command and control systems were to be the primary mechanisms of police control; heavy reliance would be put on rules and regulations; centralized special units were to be created – again, in the interest of central control; police were to be professional experts, accountable only to the law and their expertise; the idea of political accountability was thoroughly rejected; police were to be remote and distant from communities; and, patrol was to be motorized, both to increase efficiency and reduce opportunities for corruption and intimacy with the general population. By the 1950s and 1960s, this model of policing – again, a model derived from Continental and Colonial policing – completely dominated urban police thinking. So committed were police to this model that, for all

¹⁷ Vollmer and Parker, p. 208.

practical purposes, all the questions had been asked about policing and all the answers given.

Probably no city police department characterized this model of police better than the Los Angeles Police Department. William H. Parker, chief in Los Angeles during the 1950s, took the LAPD from a corrupt and inefficient police department to what was widely considered to be the model reform police department: modeled on the US Marine Corps, centralized, remote, motorized, with everyone, including the chief of police, protected by civil service and isolated from political influences – the urban example of urban police operating under a continental/colonial model.

During the 1960s and 1970s, however, this model began to collapse. The Supreme Court came down hard on police conduct of criminal investigation. It had been widely known since the 1930s that the primary investigative technique was torture – and police chiefs either couldn't or wouldn't do anything about it. Consequently, the United States Supreme Court decreed during the 1960s that illegally gained evidence would be invalidated and that suspects should have attorneys present during every stage of criminal investigations. Second, the social disorder of the 1960's – from the urban riots to the civil rights and Vietnam protests – found police wanting: every urban riot, for example, was triggered by encounters between police and African American citizens. Moreover, police behavior in many civil rights and anti-Vietnam war demonstrations, for the first time brought into homes via television, shocked many citizens. Third, crime began an upward surge during the late 1960s and 1970s that police seemed helpless to slow or stop. Finally, for a variety of reasons, police researchers gained entrance into police departments and began to experiment with their core competencies: rapid response to

calls for service and preventive patrol by automobile. Each was found to be of limited effectiveness.

As important, however, as these research findings were, the fact that police departments began to form partnerships with researchers and academics signaled the beginning of the end of an era of police isolation. And, to make a long story short, urban police departments became the most closely researched public sector organizations and led the way in the development of what was to become community justice – a decentralized, collaborative model of practice now being adopted by courts, prosecutors, and probation and parole. Moreover, problem-solving policing, including administrative models like Compstat that combine crime analysis and organizational accountability, led the way in new thinking in urban governance. In other words urban policing, from 1960 to 1990, shifted from a wary and insular occupation to the leader in innovation in criminal justice and in governance.

Since then, local police have learned important lessons:

- Police in a democracy can only be effective if they have the consent of those being policed;
- Police can only achieve their aims if they are in close working relationships with citizens, public and private organizations, and with criminal justice organizations;
- Problems are local. Consequently, authority for problem-solving has to be devolved to local commands;
- Problems are complex. Units and officers need considerable discretion in decision-making. Discretion, however, needs to be controlled by a clear sense of the mission of the organization as it is articulated in guidelines if police are to be effective and responsive to community needs.
- While quasi-military organizations persist in policing, and certainly will continue, it is widely understood within policing that military models of command and control are relevant for only limited aspects of police work. The vast majority of police work is controlled by internalized values, professional knowledge and

skills, interactive control systems (e.g., variations on Compstat), and strong boundaries (clear statements about what may *not* be done).

The point of this lengthy introduction is that much of contemporary knowledge of policing has been lost on state police. State police, convinced that they were the “best,” blindly and unquestioningly pursued the Progressive strategy, successfully wrapping themselves in the “blue curtain,” and maintaining themselves – as local police had successfully managed until the 1970s – as the least open and least accountable branch of government, a virtual power unto themselves. To this day, after over 35 years of basic research into urban policing and its methods, no substantial research or literature exists on state police departments. In other words, state police including the NJSP, successfully “stone-walled” scrutiny of any type – political, scholarly, or media.

The New Jersey State Police: A Brief History

The NJSP was first proposed in 1914. The debate regarding their creation foretold the debate described above in reference to New York State. Proponents argued that state police were required to police labor strikes and the “foreign element,” and to fight rural crime, especially in southern New Jersey; opponents contended that state police would be an anti-union force and would be an intrusion on urban home rule. The bill authorizing their creation in the Senate was withdrawn after two unsuccessful votes.

Similar arguments framed the debate when the state police issue was again raised in 1920. This time, both the Assembly and Senate passed the bill and were able to sustain enough votes to overcome a gubernatorial veto. The NJSP was created on 29 March 1921. Political infighting then centered on who should become the first superintendent. To virtually everyone’s surprise, Governor Edward Edwards named H. Norman Schwarzkopf – a 25-year-old West Point graduate who was from New Jersey

and who had fought in WWI, but who was a relative unknown. In preparation for his new position Schwarzkopf visited both the Pennsylvania and New York State Police Departments and the Royal Canadian Mounted Police.

During the summer of 1921 personnel were recruited (by law, they had to have two years of military background); the first recruit class arrived at Sea Girt on 1 September 1921; and operations began on 5 December of the same year. Consistent with his training as a cavalryman, Schwarzkopf appropriated the title of Colonel, with the second level of command being majors. The policing model adopted by Pennsylvania and New York – with all its nativistic, militaristic, and criminogenic foreign elements assumptions – would shape the early thinking about and operation of the New Jersey's state police as well.¹⁸ They were the best!

This idea that state police were the “best” police had a special life in New Jersey. As Thomas Repetto pointed out in his book *The Blue Parade*:

New Jersey would continue to be the premier state police command in America. Its jurisdiction, astride the heart of the northeast corridor and rail and highway routes from New York to the Midwest, encompassed the most important transportation network in the country. Also, its size, relative to other police departments in the state, gave it an eminence beyond that of any other state constabulary force. Even today [1978] state police of Pennsylvania and New York are overshadowed by the much larger Philadelphia and New York City forces, while New Jersey's troopers are the largest police department in the state.¹⁹

It is not a “stretch” to argue that the remnants of the early state police culture persists in the NJSP to this day. It is largely an organization that has been made up of the “best” – white males – and deeply committed to maintaining itself as such; it has been

¹⁸ This narrative, as well as Table II, is heavily influenced by Leo J. Coakley, *Jersey Troopers: A Fifty Year History of the New Jersey State Police*, Rutgers University Press, New Brunswick, NJ, 1971. While still an apology for state police, the book nonetheless avoids the excesses of Katherine Mayo's *Justice to All*.

¹⁹ Thomas Repetto, *The Blue Parade*, The Free Press, New York, 1978, p. 152.

highly militarized (in theory, if not in actuality) – line police are “troopers” and will quickly remind anyone of this who refers to them as “officers”; it has been isolated so that it can remain “professional” and free of outside (read corrupting) influences; and other, city, police departments are largely inferior – state police are the “marines of policing.”

And, so, under relatively close observation, the New Jersey State Police and troopers present a conundrum: if one observes individual troopers, whether traffic policing or generalized policing, they are with few exceptions, bright, capable, and high-performing individuals. We have observed foot patrol operations, for example, that was as sensitive to neighborhoods and their needs as that of any local police department. Moreover, troopers with rare exception are idealistic, committed, and to be relied upon to take great risks to protect and help their fellow citizens. Moreover, our observations suggest that road troopers have developed an informal, unrecognized, and unrewarded strategy that has the potential to contribute enormously to the quality of life in New Jersey (this will be discussed below). Likewise, one can observe or work with managers and mid-managers and find many who are intelligent, creative, and open to ideas. Indeed, the appointment of “Rick” Fuentes reflected such inherent talent. Contrariwise, the NJSP as an organization, is an under-performing, isolated, and often self-serving bureaucracy – out of step with contemporary traditions in American policing. Said again, the NJSP contains many high-performing troopers, but is a low-performing organization. How is this explained? We suggest that a strategy has perpetuated itself in the NJSP that once was at the assumed vanguard of all policing, but that not only failed to win public and political support, it failed to control crime, fear, and disorder. This strategy involved the

mission, organization, tactics, functions, and goals of the NJSP as well as the nature of the relationship between the NJSP and its environment. Improving the *organizational* functioning of the NJSP will require a drastic overhaul of its basic strategy.

Before we detail the basic strategic issues, we will digress briefly and discuss what has perhaps been one of the most spectacular reforms of a contemporary police department – the transformation of the NYPD by William Bratton during the early 1990s. Because of one of the author's (Kelling) ongoing relationship with Bratton, he is intimately familiar with the strategic shifts in the NYPD and those currently underway in the Los Angeles Police Department which Bratton now heads.

One of the things that Bratton clearly understands is that a poorly run organization is, indeed, poorly run – with considerable consequences. Most often, this means that the business of the organization is neither clearly defined nor adequately carried out. Instead, a major portion of any job, especially at administrative levels and in specialty functions, becomes serving self interest. Thus, Bratton was not surprised in New York City that he inherited precinct commanders who had little interest in their precincts. Why should they? Their future was not linked to crime levels or any other performance measurements in their precincts; their future was, for the most part, linked to “godfathers” at One Police Plaza (NYPD headquarters). “Work” in such circumstances was pleasing headquarters. In the NYPD culture, this meant staying out of trouble – no bad news. Likewise for example, detectives and special units, not really accountable for much, soon began to work “business” hours (days and weekdays) not “crime” hours (nights and weekends). Criminal investigation became an indoor desk job.

As noted above, Bratton wasn't surprised by this; indeed, it was what made him willing to predict that the NYPD could substantially reduce crime. Bratton, also understood that even poorly run organizations are often loaded with talented people who are either underutilized or who have grown cynical. But, give such talented people straightforward measurable goals, make them clearly accountable for those goals (and how they are sought), give them the resources they need, and they will pursue the goals with considerable enthusiasm.

This brings us back to the NJSP. Like the NYPD was, the NJSP has been an organization adrift without a clear vision of its business – its members fearful it would *only* be considered a traffic police department, but unclear what else it should really be. Likewise, it is an organization that is loaded with talent. The problems of NJSP, however, are somewhat more complex than those of the NYPD. First, it does not have a single culture that is bound around a particular vision of the organization's work – even if that work is oriented around something like staying out of trouble. It has had at least two competing cultures – known inside the department as the “A” and “B” teams. The A team is the one in power and it is not too strong to say that its primary business is staying in power – almost a perfect example of what James Q. Wilson was referring to in the earlier quote: “[O]rganizations in which two or more cultures struggle for supremacy will experience serious conflict as defenders of one seek to dominate representatives of the others.” In such circumstances loyalty to the A team and a lack of sins against its leaders are the primary determinants for “perks,” promotions, informal rewards, assignments, and the quality of life one enjoys as a trooper. *The lack of a clear mission*

and the existence of A and B teams are the primary problems of the NJSP: they drive a good share of administrative and managerial decision-making.

Second, police in NY may have had a dysfunctional culture, but they nonetheless were part of the national dialogue about policing that has been going on both within policing and between police and their external environment. The NYPD has been engaged in the policing revolution in the US since Patrick V. Murphy was commissioner during the early 1970s. And while they may or may not have adhered to what police were learning, the NYPD could always “talk a good game.” They were involved in research and well aware of the paradigm shift in American policing (a return to the Anglo Saxon model from the Continental model), recognized its importance, but not certain what it meant for the NYPD. In a sense, there was an intellectual readiness for what Bratton was to do. [This awareness is largely lacking in the NJSP] Alas, for many if not most state police, “best” still means centralized, militarized, and isolated.

With this as background, we will discuss some of the strategic issues in more detail.

1. Issues of Strategy – State police, including the New Jersey State Police, have adhered to an overall strategy that has been largely rejected by the general public, political leadership, and their professional peers in urban policing. This strategy emphasizes centralization, militarization, remoteness from the general public, the establishment of strong organizational boundaries, and, the maintenance of standardized tactical responses (rather than tailored localized responses).

State police in general and the NJSP in particular, have fallen woefully behind in policing. While the strategy of organizational centralization, militarization, remoteness in dealing with citizens and communities, insularity, rigid command and control, pre-emptive use of coercion, and “professionalism” dominated police thinking during the

period 1920-1970, it largely collapsed during the last three decades of the 20th century. An extensive literature has evolved documenting this collapse.²⁰

The current strategy – the strategy of policing that has evolved over the past decade-and-a-half and commonly referred to as community policing – emphasizes decentralization, partnerships, close working relationships with communities, devolution of authority, accountability (probably best exemplified by Compstat – a crime analysis/organizational accountability scheme developed in New York City during the mid-1990s); responding to citizen priorities (as opposed to police imposed priorities), and problem analysis and solving. Considerable evidence exists that this strategy has had significant successes: crime has dropped dramatically; other criminal justice agencies are emulating it (e.g., community prosecution and courts); and, citizens and politicians seem quite enamored of it (e.g., the popularity of the federal program that funded 100,000 community police officers).

State police, as a general rule however, have remained relatively untouched by these changes. This includes the New Jersey State Police. Their isolation is explained in part by the political and social reality that policing in the United States is primarily a local function. To the dismay of state police, who were the “darlings” of early 20th century progressives and police reformers, state police were pushed to the perimeters of policing by at least two trends: the successful marketing of the Federal Bureau of Investigation during the 1930s as *the* elite crime fighting force (this was accompanied by the federalization of many crimes that had been local or state responsibility – e.g.,

²⁰ See for example, George L. Kelling and Mark M. Moore, “The Evolving Strategy of Policing,” etc., and Mark H. Moore, Malcolm Sparrow, and David Kennedy, *Beyond 911*, etc., for accounts of the nature of the “professional” strategy, its ultimate collapse, and the current police strategy.

kidnapping and bank robbery); and, the reluctance of local political leaders (including in most states even the tiniest of localities) to surrender policing to state government.²¹ .

Moreover, the isolation of state police was reinforced by their own ideology. Born in the tradition of Continental police that emphasized militarization and remoteness, state police comforted themselves that they could do better in these dimensions than local police. And, certainly, they did.

To be sure, we have seen radical alterations in the recent NJSP approaches in Camden and Irvington. In each of these cases, [emphasis has been placed on proper training, state police as consultants and supporters, involving other law enforcement and community agencies, careful planning of activities, and developing partnerships.] Yet, one has the feeling that but for top-level insistence and external pressure the “rubber band” syndrome in police departments noted above, business as usual would dominate – less as a result of operatives on the ground, more as a result of mid- and top level demands.

2. Issues of Isolation – Like many other *state* police organizations, the New Jersey State Police Department has isolated itself from other governmental agencies, the general public and communities, and from professional relationships with research and knowledge building organizations, especially universities. Police in a democratic society cannot police for long without the consent of citizens and cannot police effectively without citizen and organizational partnerships.

For someone who has been active as a police researcher, educator, and consultant for over thirty years (Kelling), experiences in the New Jersey State Police are reminiscent of the 1960s and early 1970s in American policing. In those days, even the “best” of

²¹ Readers should note that the Bureau of Investigation, the predecessor of the Federal Bureau of Investigation, was as badly run and corrupt as any local police department. It wasn't until the 1930s that J. Edgar Hoover brought corruption under control and embarked on a campaign to enhance the reputation of the FBI.

departments – and by “best” we would probably mean that a department was low in brutality and corruption, administered with a fair degree of consistency and efficiency, and was not overly influenced by partisan politics – had a set of values that was antithetical to intrusion by “outsiders,” especially outsiders who might think that they knew, or had something to say, about policing. The police belief was that “outsiders” of virtually any ilk, from politicians to academics, could only create mischief for police departments. Police supported this view by citing patriotism (read anti-communism); their claim that police were professionally qualified to “know best,” both what police should do and how they should do it; police fears of undue influence by politicians, citizens, and/or special interest groups; their contention that much of police work was supported by “intelligence” that should not be available to outsiders; and other such arguments.

Resolving the issue of the isolation is a matter of central importance to the future of the NJSP. In the first place, it means restructuring their relationship with other police and law enforcement agencies. Their past relationships with such agencies has been characterized by a certain haughtiness – “We are the best and know best.” As a consequence, many local police have been extraordinarily wary of asking for or receiving help from the NJSP. Clearly, new models of linking to local police have been devised in Camden and Irvington. Making this a routine way of doing business will be key to ending their relative isolation from local police.

Second, the NJSP has been isolated from universities and researchers. The consequences of this for the true professionalization of the NJSP – and for state police departments generally – have been disastrous. We know practically nothing about the

impact of state police, how to effectively measure their impact, or how to improve their functioning. But there is good news here too: the Scholars Program in conjunction with Rutgers-Newark, while stumbling somewhat recently, was a good start; a dissertation analyzing troopers' use of discretion is in the works; the Police Institute's Executive Development Center has provided its first two executive leadership courses and they were well received by future leaders of the NJSP; and, finally, command staff of the NJSP and staff of the Police Institute have begun regular strategy sessions to identify common issues and develop a long term working relationship. Moreover, state and local police are now involved in a problem-solving exercise with staff of Rutgers-Camden as well.

Finally, but most importantly, the NJSP has been isolated from New Jersey's diverse communities. Granted, this issue is problematic: it is not immediately clear just who are the constituencies of the NJSP, especially in regard to one of their core functions – traffic control on the tollways and other major highways. Yet, if the state police are to carry out their complete range of core functions, they too – like local police – have to reach out to citizens for both their consent and cooperation. In the section below on guidelines, we will discuss this issue in more detail.

3. *Issues of Mission* – Having lost its original mission – replacing all urban police departments and becoming the sole police organization in the state – the NJSP has accumulated a broad, perhaps unmanageable, range of functions. Within this context, the NJSP has failed to define its central mission and core competencies in ways that inspires and rallies officers, that sends clear messages to constituencies about its “business,” and, that allows the NJSP to document clearly its contributions to the State of New Jersey.

Accretion of Functions: For a variety of historical, political, and organizational reasons, the NJSP has accrued a staggering array of administrative functions. This reality has

been documented by PERF studies and there is no need to detail it here. The process that was initiated by the Office of the Attorney General (OAG) and NJSP to review state police functions, prioritize them, and then begin the organizational and political processes of eliminating some of those functions should be accelerated and given more visibility. The relative quiet that now surrounds the NJSP because of the competence of its current leadership should not lull NJSP stakeholders into a false confidence; the NJSP is a deeply troubled organization and a substantial cause of those troubles is to be found in its lack of a clear mission and its disparate functions.

Clearly, the NJSP cannot solve this problem on its own. Political action, both legislative and administrative, will be required to strip the state police of some of their inappropriate functions. Nonetheless, a clear sense of state police "business" must be defined that identifies the core competence of the NJSP, that captures the imagination of troopers, that is easily understood by the general public, and that provides the framework for trooper, unit, and organizational accountability.

4. Issues of Organizational Accountability (Functions) – Yet, regardless of the mandates of the State of New Jersey and of the Office of the Attorney General, the NJSP has largely pursued an agenda on the basis of its own priorities and perceived needs. Like urban police departments of the 1950s and 1960s in their relationship with urban governments, the NJSP has remained among the least accountable state agencies to state government.

During the period 1920-1970, police departments developed into virtually closed institutions, using their unacknowledged discretion to organize themselves as they saw fit, pick and choose their priorities, develop tactics, and structure relationships with their various constituencies in ways they believed best served their interests. As University of Wisconsin Professor Herman Goldstein pointed out in his book, *The Urban Police Function*, police became the least accountable branch of government. While these

circumstances have changed radically in local policing (although this varies widely across the United States), few would claim that police enjoy the autonomy that they maintained, for example, in the post WWII era. One just has to think about what has happened to police departments in cities like Los Angeles and New York City to understand how dramatic the changes have been for local police. In New Jersey, whether as an independent agency or as part of the Office of Attorney General, the NJSP has reigned for decades as an "elite" organization with enough of its own mystique and political "clout" to pursue its agenda, largely unfettered by political or social control.

Tightening the relationship with the OAG, while ostensibly a means of increasing the accountability of the NJSP, is not necessarily an answer to this issue. [In fact, as will be discussed below, one can argue that the relationship with the OAG is already tight – perhaps too tight in several critical dimensions. Instead, the answer to this issue is to be found in developing a clear sense of organizational mission and accountability as described above, but also by increasing the transparency of the NJSP.]

Despite the traditional secrecy of police organizations, as a matter of fact, relatively little in police administration and practice requires secrecy. The LAPD, for example, in an attempt to regain its credibility in minority communities, currently opens its Compstat meetings to residents and community interests when their neighborhoods are being discussed. Likewise, many departments are posting all relevant data pertaining to their administration and practice on the Internet. To be sure, personnel and intelligence information must remain confidential but keeping such data confidential ought to be the exception rather than the rule. The potential values that inhere in transparency – availability, accountability, and public confidence – trump any arguments for continued

isolation and secrecy. Moreover, if we really adhere to the wisdom of Sir Robert Peel, the founder of the Anglo-Saxon model of policing, that in a democracy "The people are the police and the police are the people," transparency is an absolute prerequisite. It is one more means of ensuring that police "are kept in their place."

To return to the issue of the relationship between the OAG and the NJSP, many examples could be given of what we would consider to be inappropriate "micromanaging" in areas of personnel promotions and discipline. Clearly, the OAG has a strong vested interest in assuring that promotions and discipline are fair and equitable, especially given the history of the NJSP in recruiting, hiring, promoting, and maintaining minorities and women. Yet, this should not be achieved by inserting the OAG into the promotion and discipline process. Rather than be involved in cases of promotion and discipline, the OAG should oversee the promotion and disciplinary processes in aggregate to ensure that they protect the relevant values. Ultimately, promotion and discipline should be internal NJSP processes.

5. Issues of Organizational Accountability (Personnel) – The failure of the NJSP to recruit, maintain, and promote minorities and women is not only organizationally inexcusable, it has diminished its credibility and lessened its potential to serve New Jersey effectively. It represents a clear failure of vision and leadership.

Nothing more needs to be said.

6. Issues of the State Police Role – Until the recent development of the problem-oriented exercises in Camden and Irvington, and the the Regional Gang Working Group, the NJSP have related to urban local police on the assumption that they are the "best" police – the "marines" of policing – and "know best," rather than on the basis of the reality that in the American political context, policing is primarily a local function and will remain so. Moreover, the NJSP view of the policing world does not understand or take into account that urban police have been the most innovative and creative division of public sector governance and have led,

not only criminal justice thinking (e.g., community policing has laid the groundwork for community justice), but in urban governance as well (e.g., problem solving and Compstat). Within this context, however, state police can play an important *law enforcement* role – different than what was originally conceived, but vital nonetheless, especially given the retrenchment of the FBI in the post 9-11 world.

Clearly, the NJSP will continue to be the state's premier traffic enforcement organization on state and federal highways. This is a core part of their mission and is by no means demeaning. We will discuss this function in some detail below, as we believe it is a core function that is not fully understood or appreciated. At least two additional issues are raised: first, the impact of 9/11 on local, state, and federal police and, second, defining a proper relationship to local communities.

Impact of 9/11: During the last 40 years, the US has seen an increasing federalization of crimes. Starting with kidnapping and bank robberies during the 1930s, the federal government has broadened its jurisdiction over many offenses ranging from weapons offenses to organized crime to drug enforcement and gangs. (In a sense, state police got caught in a "squeeze" between federalization and local political traditions. Federal law and agencies expanded their domains and local police and traditions remained in place. The role of state police in all of this remained ambiguous.) It seems certain that 9/11 will bring this expansion to a halt for the foreseeable future. Indeed, it is likely that the federal agencies will retrench and pull back from many of their acquired jurisdictions and functions. State police appropriately can fill the resultant gap, especially with offenses like gangs and organized crime that span local jurisdictions. Most importantly, local police in New Jersey need such help.

Moreover, while this issue cannot be pursued here in detail, state police stakeholders and leaders should not view involvement in such problems as antithetical to

their terrorism responsibilities. As a matter of fact, they are inseparable: terrorists and terrorist organizations are not that different from gangs or organized crime and, in the pursuit of their terrorist activities, will commit many of the same offenses as common or organized criminals.

Defining a Relationship to Local Communities: One of the central issues in the reinvigoration of the NJSP is defining an appropriate relationship to local communities. To be frank, the NJSP are bitterly resented by many local police leaders and, while the quiet competence of the current administration has muted this hostility, it remains a serious problem for the state. At least two factors explain this hostility: the arrogation of the "best" police mantle and the heavy handedness of many state police operations when they have been called into communities in the past (again, the current Camden and Irvington operations are exceptions to this history). A widespread view exists among local police that state police have come in to cities for a short period of time, "kicked ass and taken names," made a lot of arrests, then pulled out with the communities left to pick up the pieces of angry citizens and little long range impact.

The question is, can the NJSP define a role *vis a vis* local communities that breaks with this history and contributes substantially to the quality of life both in localities and the state? We believe it can, that the models for an appropriate relationship are to be found in Camden and Irvington, but that it will require that the state police mission be refined (see above) and that the state police develop capacities not currently in their "portfolio." Moreover, certain principles should shape the relationship. These principles include the following:

- State police should not do for local police what local police can and should do for themselves;

- If state police are to be used in a locality or region, their primary goal should be to ensure that both communities and police departments are strengthened by state police activities; -
- State police must learn to “lead from behind” – that is, they must lead by example, education, consulting, mentoring, and other such indirect means rather than by aggressive field activities (this principle refers to leadership, it does not preclude state police involvement in aggressive field activities);
- The primary focus of state police should be on providing assistance in problems that are inherently regional in nature: e.g., gangs, organized crime, and auto theft are some examples.
- Problem analysis and solving, whether in matters of traffic enforcement, general policing, or local assistance should be at the core of the “portfolio” of the NJSP.

In what form would such principles operate? We suggest the following: the starting point and primary mechanism of state police assistance to localities should be problem analysis that leads to problem solving. With the exception of Newark’s compstat capacity – and even it is in need of technical assistance around many issues – the current problem analysis capacity of local and state police is limited. Yet, it is clear that problem analysis (linked to accountability) is the basis on which most of policing’s current success is linked.

We propose that whatever local action state police become involved, the starting point should always be formal problem analysis that results in a data-based understanding of the nature of the problems that informs tactical planning, implementation, and assessment. Training and experience will be required for the state police, as well as partnerships with data analysts and researchers, however, it is a badly needed role in New Jersey, both to deal with regional problems (auto theft, gangs, organized crime) and to assist communities that, for some reason, need special assistance. Problem analysis and solving should become a core function of the NJSP.

7. Issues of Organization and Management – “Military discipline,” and all the ideological overtones associated with the term, has been used to justify the gross excesses of Taylorism that has characterized the leadership, administration, and management of the NJSP.

The idea that police are military or “quasi” military organizations is axiomatic in police thinking and writing. Moreover, challenging this notion is akin to heresy or disloyalty to the “cause” of policing – it supposedly demeans or belittles police. Yet, the analogy between the police and military is strained by at least two factors: first, the way police services are delivered; and, second, the historic failure of police to maintain military discipline during times of crisis – most notably in riot situations. There is no need to discuss these issues in detail. It is widely understood that police organizations and administrative processes (training, supervision, etc.) are “out of whack” with the realities of line police work which is complicated and highly discretionary. The Taylorian model that police adopted from the 1920s on assumes that line work is routine, simple, and nondiscretionary; police work is none of these.²²

A variety of organizational ills derive from this quasi-military/Taylorian orientation in the NJSP: underutilization of line personnel; failure to properly guide discretion; arbitrary decision making; lack of strategic planning; lack of focus on the substantive problems with which the NJSP deals; bureaucratic lines of authority that impede local decision making; and, finally, the context within which the A and B teams struggle to obtain or maintain dominance.

The “A and B” divide in the NJSP is a sore point for many in the state police and we have been criticized for calling it to public attention. Yet, everybody in the NJSP

²² This refers to the work of Frederick Taylor, who dominated early 20th century organizational theory.

knows about the A and B situation. Struggles for dominance in the state police have framed major personnel decisions, assignments, "perks," distance from assignment to home, etc. Civilians, unfamiliar with the operations of police departments, should not underestimate the power to formally and informally reward and punish that resides in police departments. The range of assignments, the "perks" that go with assignments, the 24/7 operations, the geographic dispersal of operations (especially for state police), and other factors all combine to give those in power an extraordinary amount of authority to reward allies and punish their foes. How will this be ended in the state police? Much of what has been proposed by PERF will alleviate a good share of the problem if properly implemented. But we would emphasize four things that we believe are central to ending this organizational conflict: first, by developing a clear and persuasive vision of the "business" of the state police against which staff performance can be measured; second, by leadership and example – Superintendent Fuentes is young, it is likely that he will be

in office long enough that he could force an end to such struggles for organizational dominance by forcing himself and his staff to consider only competence and merit in rewards and punishments; third, by establishing formal personnel practices that end the possibility of authoritarian arbitrariness that has characterized so much administrative decision making; and, finally, by becoming a transparent organization as discussed above.

8. Issues of Function – Traffic enforcement, including traffic "stops" as analogous to street "field interrogations" in urban policing, is a poorly understood and managed state police activity. In no other segment of their functioning have state police been as badly wounded by lack of research as in traffic enforcement.

While the literature on the relationship between traffic control and crime prevention is not strong, there are tantalizing suggestions in the literature that links exist between

aggressive traffic enforcement and crime levels. Wilson and Boland, for example, found a significant correlation between aggressive patrol (defined solely by the number of traffic citations for moving violations) and crime levels.²³ Their work was largely replicated by Sampson and Cohen.²⁴ There is other suggestive research, but there is no need to go into detail here. Moreover, anecdotes abound about apprehensions resulting from traffic enforcement (e.g., Son of Sam, Timothy McVeigh). It is possible that a dynamic similar to "broken windows" operates at a traffic level as well. It will be recalled in the NY subway during the mid 1990s that in some stations as many as one in ten arrested farebeaters were either carrying an illegal weapon or had a warrant out for their arrest. In other words, not all farebeaters were criminals, but a lot of criminals were farebeaters. Akin to this is the recent study in England where Ken Pease found that many of those who parked their cars illegally in spaces for handicapped, had lengthy traffic and criminal records. Again, not all illegal parkers are criminals but a lot of criminals are illegal parkers. In other words, it is entirely conceivable that just as many criminals commit a wide array of minor criminal offenses, they also drive recklessly and in violation of laws and ordinances. Again, for the sake of the argument, aggressive traffic enforcement puts police in contact with such violators, just as aggressive order maintenance puts police in contact with serious offenders.

The question that all of this raises, of course, is do we want traffic enforcement to be used as a means of crime prevention – which is the basic issue and one that gave rise to the racial profiling crisis? We do not intend to try to answer this question here: it is a

²³ James Q. Wilson and Barbara Cohen, "The Effect of Police on Crime," *Law and Society Review*, 12 (3), 1978, pp. 367-390.

²⁴ Robert J. Sampson and Jacqueline Cohen, "Deterrent Effects of the Police on Crime: A Replication and Theoretical Extension," *Law and Society Review*, 22 (1), 1988, pp. 163-189.

broad policy issue that needs considerable discussion, independent of the current discussion on racial profiling.

It is clear, however, that traffic enforcement in the NJSP has been largely an unmanaged NJSP function except for counting traffic tickets. We were impressed by the performance and judgment used by state police in traffic enforcement. Their approach was interesting. They are no more pure reactive "law enforcers" than are their urban police cousins – that is, sitting back and waiting for an offense and then responding and citing. In many respects, the behavior and practice of traffic police on the turnpike, for example, is akin to that of their foot patrol colleagues in congested urban areas. Traffic police tend to "manage" highway life in a style akin to their colleagues "managing" street life: that is they use their authority to persuade, warn, educate, placate, control, and give citations for the purpose of maintaining a civil and safe highway environment. Giving tickets has something to do with this, but it is a far cry from the whole story. If we are correct in this, we believe that it has important implications for training, supervision, planning, and performance measurement. As it currently stands, however, the entire traffic enforcement mission needs close study and scrutiny, both about its functions (crime prevention as well as maintaining a civil and safe highway environment) and its management. Research into the relationship between traffic enforcement and crime prevention should be one of the highest priorities of the NJSP.

9. Issues of Professional Responsibility and Professionalism – In response to the "racial profiling" crisis, the Office of the Attorney General has initiated well-intentioned responses that should remain within the domain of the NJSP. The political and organizational crisis created by racial profiling, and the rush to impose remedies, resulted in the OAG doing for the NJSP what it should be doing for itself – namely developing guidelines for police practices. Having written this, it is important to add that the NJSP will need considerable help to, for example, develop guidelines for traffic stops that both capitalizes on police

experience and wisdom and respects the constitutional rights of citizens. But, the NJSP needs to be forced to do this. (This point should not be interpreted as suggesting that the NJSP should be an independent agency, not part of the OAG.)

We have discussed the relationship between the NJSP above, suggesting that in the areas of personnel, especially promotion, greater distance should be maintained between the OAG and the NJSP. Those accountable in the NJSP should be held accountable for managing these areas and, as in the past with minority and female recruitment, if senior managers do not perform adequately, they should be relieved. In other words, as noted above, the OAG should not be doing for the NJSP what it should be doing for itself. While this is important in all areas of administration and management, it is also important in the area of developing guidelines for the management of discretion. The current guidelines for traffic stops are, for example, devoid of substantive police input.

What would such input consist of? One of the authors, Kelling, has discussed this issue in depth in a monograph published by the National Institute of Justice, TITLE, and we will not repeat the discussion here. Nonetheless, we wish to make a particular point here. Although inarticulate, *police have considerable wisdom about specific happenings. Based on mentoring, experienced-based knowledge, police expertise, police develop "hunches" that often are remarkably apt. There is nothing wrong with such "hunches" – physicians regularly get hunches from observing a patient's behavior, color, skin tone, symptoms, etc. Based on these hunches, they pursue more rigorous inquiry – blood tests, X Rays, and other such scientific tools. But physicians have a lengthy tradition of both formal education and prolonged mentoring. Moreover, they have developed an esoteric language that allows them to communicate with each other both about their "hunches" – clinical observations – both in training and in direct communication. In other words,*

"hunches" gain legitimacy from linking them, over time, to more rigorous scientific evidence and communicating through professional channels (journals, Internet, etc.).

The difficulty for police is that no serious work has been done linking hunches to ultimate outcomes, whether positive or falsely positive. This has left police in an extraordinary difficult position especially in light of racial profiling scandals. "Hunches" get interpreted as personal inclination perhaps even biases. And some could be. Nonetheless, we would argue that police themselves, initially with help, should be developing guidelines that manage police use of discretion – that is, managing use of "hunches" about something awry or anomalous. Clearly, such guidelines have to be based on law and the Constitution, but they should also take into account the practical and reflected on experience on the road. Part of the reason why lawyers and courts are now writing such guidelines is because police, including the NJSP, either did not, or did so, so incompetently (e.g., "use common sense"), that the courts and overseeing agencies usurped the responsibility. But this should not stop police overseers from demand now that they do it. Car stops, like field interrogations, have been important tools of police. We believe that police can develop guidelines that protect the rights of drivers and passengers, but under certain conditions allow the officer to "ask the next question."

Conclusion

American policing has been transformed and is now leading the world in police thinking. State police, however, have contributed little to this transformation. Squeezed between federalization and local traditions, committed to a discredited strategy, and without clear constituencies, state police have sought significance by isolating themselves as the self-proclaimed "best." The crisis created by racial profiling has opened state

police to intense scrutiny. Leaders can use this crisis to transform the state police. But, very strong messages must go out about what the future of the state police is to be, from political and organizational leaders. At minimum, as written earlier, a clear vision of its "business" must be defined that identifies the core competencies of the NJSP, that captures the imagination of troopers, that is easily understood by the general public, and that provides the framework for trooper, unit, and organizational accountability, if the NJSP is to live up to its potentials. It does call for a strategic transformation, however.