

1 STATE OF NEW JERSEY
2 DEPARTMENT OF LAW & PUBLIC SAFETY
3
4 NEW JERSEY ADVISORY COMMITTEE ON POLICE STANDARDS

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8 PUBLIC HEARING

9

10 MORNING SESSION

11

12

13 AT: NEW JERSEY STATE MUSEUM

14 205 West State Street - Auditorium

15 Trenton, New Jersey

16 DATE: MONDAY, SEPTEMBER 24, 2007

17 TIME: 11:08 A.M. TO 2:58 P.M.

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1 P A N E L M E M B E R S :

2

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6 MICHELLE CARROLL

7 KEVIN DONOVAN

8 REV. REGINALD STYLE FLOYD, ESQ.

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15 MICHAEL RAMBERT, ESQ.

16 REVEREND J. STANLEY JUSTICE

17 RONALD SUSSWEIN (arrived after lunch)

18 JOHN VAZQUEZ (left after lunch)

19 THERESA YANG, ESQ.

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1 CHAIRMAN JOHNSON: Good morning,
2 I'd like to welcome all of you to the sixth and
3 final public hearing of the Advisory Committee on
4 Police Standards. My name is James Johnson and
5 it's been my privilege to chair the Committee
6 since it was first formed back in August of 2006.

7 For those of you joining us for the
8 first time, Governor Corzine established the
9 Advisory Committee in August 2006 and asked that
10 we take on three main tasks.

11 First the Committee was asked to
12 recommend to the Governor whether and under what
13 circumstances the State of New Jersey should join
14 the United States Department of Justice in filing
15 a motion to the United States District Court to
16 terminate the Consent Decree that was entered
17 into back in 1999 by the State of New Jersey and
18 the United States Department of Justice. The
19 purpose of this decree was to address the problem
20 of racial profiling by some State Police
21 Officers.

22 Under the terms of the Consent
23 Decree, the State Police were required to
24 implement a variety of reforms under the watch of
25 an Independent Monitoring Team. These reforms

1 have included the installation of mobile video
2 recorders to document stops, the institution of
3 supervisory review of the tapes recorded in the
4 trooper cars, the development of a data
5 management system that, among other things, flags
6 troopers who are stopping more drivers of a
7 particular race and/or gender than their peers,
8 implementing procedures for the investigation of
9 misconduct claims, and expanding training to
10 include areas such as cultural diversity and
11 nondiscrimination.

12 The second task that the Governor
13 asked the Committee to take on is to make
14 recommendations on how ensure that the practice
15 of racial profiling is not engaged in or
16 tolerated in the future in the event that the
17 Consent Decree is terminated by the District
18 Court.

19 Finally, the Committee was asked to
20 make recommendations to the Attorney General and
21 the Governor on how the program developed by the

22 New Jersey State Police can assist other law
23 enforcement agencies throughout the State in
24 preventing all forms of racial profiling.

25 In our previous five hearings, we

1 have heard from the Superintendent of the State
2 Police, we'll hear from him again today. We
3 heard from the independent monitors. In fact,
4 they are our first panel today. The monitors
5 reviewed the procedures and actions of the State
6 Police for the last seven years. We heard
7 testimony from the Office of State Police
8 Affairs, the State Police Unions, and the
9 National Organization of Black Law Enforcement
10 Executives, among others.

11 We also heard from several experts
12 on police practice and monitoring. In addition,
13 we heard from community and social activists and
14 representatives of county and local law
15 enforcement. A full list of witnesses is
16 available on charts found throughout the room.

17 Those witnesses provided background
18 regarding the 1999 Consent Decree and brought us
19 up to date on the progress made by the State
20 Police towards fulfilling its mandates, as well
21 as suggesting areas for further development.

22 They also identified continuing issues in law
23 enforcement generally and informed us about local
24 law enforcement practices.
25 We have heard a wide variety of

1 perspectives on the issues from individuals who
2 are not necessarily within the State Police, but
3 have information and views to share with the
4 Committee as we work to respond to the three
5 issues that govern our inquiry. One such witness
6 was Dr. John Lamberth who submitted a study that
7 he conducted with Dr. Joseph Kadane -- and that
8 can be found on the Committee's web site -- that
9 raised questions about the racial disparities in
10 New Jersey State Police stops on the southern end
11 of the New Jersey Turnpike.

12 The Committee also commissioned
13 Professor Jeffrey Fagan, Professor of Law and
14 Co-Director of the Center for Crime, Community
15 and Law at Columbia Law School and a team of
16 academics, including Professor Geoffrey Alpert,
17 Professor Richard Brooks and Professor
18 Christopher Winship to issue a report,
19 essentially a peer review, analyzing Dr. Lamberth
20 and Dr. Kadane's work. Copies of that report can
21 also be found in this room, particularly near the

22 entrance, and the report is on the Committee's

23 web site. If it's not there now, it probably

24 will be by the end of the day.

25 The Committee has also conducted

1 surveys of each New Jersey county prosecutor and
2 various local police departments throughout the
3 state and held informal meetings with numerous
4 community leaders. Again the review was focusing
5 on police practices throughout the state and
6 getting a much better picture of local practice.

7 In addition, we have held so far
8 three and at the end of the day we will have held
9 four sessions with representatives from the
10 mayors' -- all of the mayors throughout the
11 state. We have had four -- three sessions of
12 which representatives from the mayors or the
13 mayors' offices with their deputies at least had
14 had the opportunity to address the Committee and
15 to hear about proposals -- reform proposals that
16 have been offered to us.

17 Our Committee's work was initially
18 intended to last just four months but has been
19 extended to take into account that the original
20 deadline fell between the holidays and there were
21 additional findings by the monitors. The most

22 recent report, the 16th report from the monitors
23 was issued at the end of August. We have now had
24 an opportunity to review it and our questions
25 about that report, the testimony about that

1 report, will really be the focus of this
2 morning's proceedings.

3 As chair, before we go on to the
4 work of the day, I'd like to extend my thanks to
5 members of the Committee. This was initially
6 going to be a four-month assignment which started
7 back in August. It has turned into an assignment
8 of more than a year in length. And the Committee
9 members have attended now six hearings. We've had
10 many sessions where we've discussed the
11 information that's been shared to us informally
12 as well as formally in the public hearings. And
13 their work to this date has been diligent and
14 enthusiastic in the support of the mission of the
15 Committee, the mission of law enforcement and the
16 citizens and the civil liberties of the citizens
17 of this state.

18 We will now finish up our public
19 work, at least for the time being today, with
20 this hearing and ultimately we'll make a report
21 to the Governor on our recommendations on the

22 three tasks that have been presented to us.

23 We started at just after 11:00 and

24 we will continue this morning until 1:45 or so,

25 so this morning until to the early afternoon, and

1 then we will take a lunch break of about
2 45 minutes. We will resume promptly at
3 approximately 2:30 and continue until the end of
4 the day.

5 Given the length of the sessions I
6 don't expect that everyone will keep to their
7 seats or be able to keep to their seats, although
8 much of this will be riveting. I ask though that
9 if you anticipate having to leave during the
10 proceeding you sit close to the aisle. To
11 minimize your disruption, again, please turn off
12 your cell phones and pagers, or at least turn them
13 to silent mode.

14 If anyone would like to ask a
15 question of the panel today, we're requesting
16 that you write your questions on one of the index
17 cards available in the room. We have two members
18 of the staff and Committee who also have index cards.
19 If you could raise your hand and identify
20 yourselves, and if time permits I will put your
21 questions to the witnesses. At the end of the

22 day after the panel has finished, if there are
23 members of the public that would like to make a
24 statement to the Committee, we will hear those
25 statements after the two panels of witnesses have

1 finished their testimony.

2 In addition, we are still receiving
3 comments on the Committee web site, so that if
4 people would like to submit any additional
5 information or share comments or points of view,
6 they can go to our web site, which is
7 [www.state.nj.us, back slash, acps](http://www.state.nj.us/acps), again, that's
8 [www.state.nj.us, back slash, acps](http://www.state.nj.us/acps). And there a
9 provision on the web site for actually receiving
10 comments.

11 Now to the business at hand.

12 On behalf of the Committee, I'd like
13 to thank this morning's panelists for their time
14 and their continued effort really over the last
15 seven years.

16 The first two witnesses today are
17 the two monitors, the men who have been working
18 with and overseeing the compliance efforts of the
19 State Police since the Consent Decree was put
20 into place.

21 First is Dr. James Ginger. He is

- 22 Chief Executive Officer of Public Management
- 23 Resources. He has been an Associate Professor of
- 24 Criminal Justice and Director of the Center for
- 25 Justice Policy at St. Mary's University.

1 Dr. Ginger is also a former police officer and
2 former police manager. He has developed much of
3 the methodology considered to be best practices
4 in monitoring of police departments, and in
5 additions to his position as a monitor of the New
6 Jersey State Police, has also served as the
7 independent auditor pursuant to a Consent Decree
8 involving the City of Pittsburgh.

9 The second court-appointed monitor
10 is Alberto Rivas. His is a partner with the firm
11 of Lite DePalma Greenberg & Rivas, LLC, and
12 served as a federal prosecutor in the United
13 States Attorney's Office for the District of New
14 Jersey for nine years. He served in that office
15 for three years as a Deputy Chief in the Criminal
16 Division. Mr. Rivas has also been an Adjunct
17 Professor at Rutgers University School of Law in
18 Newark and in 1999 served as special counsel to
19 the New Jersey Senate Judiciary Committee.

20 Dr. Ginger and Mr. Rivas, thank you
21 for making yourselves available again to testify

22 before this Committee. You're familiar with our
23 processes, this is obviously your second time
24 around. And I'd ask that if you have any opening
25 statements, we have reviewed your report. If you

1 have an opening statement, we'd be happy to hear
2 that and then we can start with questioning from
3 members of the panel.

4 DR. GINGER: Mr. Chairman, I think
5 it probably would be beneficial for all of us
6 involved to go directly to questions. Anything
7 we would have to say is already in the document.

8 CHAIRMAN JOHNSON: Is everyone
9 picking up Dr. Ginger? I'm right in front of him
10 and I couldn't hear him. So can we work that
11 microphone. Maybe what we need to do is move it
12 so your mouth is in the microphone's hot spot.

13 DR. GINGER: Is that better?

14 CHAIRMAN JOHNSON: That's better.
15 Thank you.

16 Well, We can go right to questions
17 and we'll have five minutes for each. But before
18 we actually start, I think that it's helpful
19 since not everyone in the room has read the
20 report for at least you to give us your top level
21 findings which we can draw that out with

22 questions, but a quick summary of the top level

23 findings would be helpful to us before

24 questioning begins.

25 DR. GINGER: Well, I suppose the

1 easiest summary is that in the 16th monitor's
2 report we again found New Jersey State Police to
3 be in 100 percent compliance with the
4 requirements of the Consent Decree. There were
5 new methodological elements introduced into the
6 16th report that have not been seen in other
7 reports due to elements of police activity
8 consent requests --

9 CHAIRMAN JOHNSON: If you could move
10 the microphone a little bit closer to you.

11 DR. GINGER: Lapel mike maybe...

12 CHAIRMAN JOHNSON: The lapel mike
13 wasn't in our budget.

14 DR. GINGER: Wasn't in the budget,
15 yeah. Maybe I can speak a little louder.

16 CHAIRMAN JOHNSON: Exactly.

17 DR. GINGER: We had statistical
18 methodologies deployed in the 16th report that
19 had been heretofore not seen. And that was due
20 to the fact that for the first time since we have
21 been collecting data on the New Jersey State

22 Police, canine deployments and consent request

23 issues came back as being statistically

24 significant based on race.

25 Basically, for those of us in the

1 audience who are not familiar with that concept,
2 all that means is the break out in terms of the
3 race and ethnicity of individuals, for example,
4 ask for a consent request was not attributable to
5 chance. That data that we got back based on race
6 was not attributable to chance. So that begs the
7 question what was it attributable and that's what
8 gave rise to the additional methodologies that
9 the members of the Committee are seeing in the
10 16th report that were not in the previous report.

11 It also relates directly to our
12 testimony at the last couple of sessions of the
13 Committee regarding methodologies best suited to
14 determine whether or not race-based decision
15 making is taking place. So there are -- and I
16 apologize to the Committee for this, but it was
17 due diligence on our part once that statistically
18 significant event came back, we were required to
19 determine whether or not the reasons for those
20 findings were attributable to what the troopers
21 were finding in the field or were they

22 attributable to some type of raced-based or

23 ethnicity-based decision-making.

24 So I'm sure everyone who read the

25 report this time noticed that it's quite a bit

1 longer and much more tiresome to read because of
2 the additional statistical tables and so forth.
3 But in the end what we found was the differences
4 based on race and ethnicity that were apparent
5 when one analyzed overall consent rates and
6 canine deployment rates were attributable to what
7 the troopers were finding in the field.

8 And just as an example of what we
9 mean by that, let's assume that a stop is made, a
10 trooper walks up to the vehicle and smells the
11 odor of burnt marijuana. That's an intervening
12 variable, you wouldn't expect the trooper to
13 ignore that. You would expect some reasonably
14 related law enforcement procedures to follow.

15 So the question that Mr. Rivas and I
16 were attempting to answer is were those
17 statistically significant results due to race and
18 ethnicity or were they due to elements that
19 troopers found as they were making traffic stops.

20 The secondary analysis indicated
21 that as best we could tell -- it's a very

22 imprecise science, particularly given the
23 statistics that we had available to us -- were
24 that those differences were attributable to
25 elements of the traffic stop that became evident

1 to troopers after the stop was made, odor of
2 burnt marijuana, plain-view weapons, those sorts
3 of things. And that consent requests and canine
4 deployments were reasonably based upon those
5 secondary elements, those intervening variables.

6 In terms of other elements of the
7 decree, obviously the decree relates to more than
8 just traffic stops. But in terms of other
9 elements required by the decree, the monitors
10 found no difficulties, no problems. State Police
11 continue to perform at a very high level and
12 training, supervision and so forth.

13 The Committee is familiar with the
14 fact that we had some unauthorized trainings,
15 trainings that were not approved by the monitors
16 and actually not approved by State Police that
17 were offered in terms of drug interdiction that
18 gave rise to a fairly significant increase in
19 request in canine deployments in 15th and also
20 the 16th reports. Those have been, it appears,
21 effectively responded to by State Police, and

22 we're back to levels that we observed before

23 those trainings were offered in terms of

24 considering requests for canine deployments.

25 CHAIRMAN JOHNSON: Thank you.

1 Mr. Rivas?

2 MR. RIVAS: The only thing I would
3 add to the summary by Dr. Ginger is in connection
4 with that unauthorized training. In the 16th
5 report we were able to notice the use by the
6 State Police management system of the elements of
7 the Consent Decree, particularly the MAPPS system
8 in order to engage in some self-analysis and
9 identify the particular problem that Dr. Ginger
10 referred to. They identified it before we got
11 here and before we did our onsite inspection had
12 begun the process of correcting it. So the tools
13 of the Consent Decree were being used by the
14 management of the State Police to engage in some
15 self-analysis and correction which is exactly
16 what the Consent Decree was intended to do in
17 order to make them self-critical and self-aware.

18 CHAIRMAN JOHNSON: Thank you.

19 Let's see, we'll start -- we'll just
20 go down the row, not being in exact alphabetical
21 order.

22 Let's see. We actually have sitting
23 in for Attorney General Milgram, John Vazquez.
24 And Mr. Vazquez, we'll just start
25 with you.

1 MR. VAZQUEZ: Good morning,
2 Dr. Ginger, Mr. Rivas.

3 And thank you, Mr. Johnson.

4 The AG should be here shortly. I
5 had an opportunity to read the most recent
6 monitors' report and I heard your comments. At
7 this time I'm going to pass the microphone on
8 down. Thank you very much.

9 CHAIRMAN JOHNSON: Thank you.

10 Ms. Brown?

11 MS. BROWN: Thank you, Chair and
12 thank you gentlemen for coming again.

13 I just have one question about the
14 last monitors' report that maybe you can help me
15 with. As I read, especially in the Executive
16 Summary, it seems as though you were casting the
17 identification of the unauthorized training and
18 the correction of that by the State Police as an
19 example of a self-correcting mechanism within the
20 State Police. And I wonder if you can walk us
21 through that a little bit, especially if there

22 were other agencies involved in that correction

23 and when and how.

24 DR. GINGER: Sure. I'm going to

25 drop one of these and it's going to make a huge

1 sound in a minute.

2 Most of us are familiar with New
3 Jersey State Police. It's a very large
4 organization, it's also highly decentralized. So
5 there are units of New Jersey State Police that
6 even Mr. Rivas and I have not been in because we
7 were mostly focused on control operations. So in
8 order for an agency of this size and given the
9 nature of the organization to be aware of what's
10 going on, there have to be a lot of channels of
11 communication and what I refer to as tripwires
12 established. So that if something untoward
13 happens it doesn't take three years to figure out
14 that it happened, and that is entirely
15 conceivable.

16 I've seen that happen in
17 organizations actually smaller than New Jersey
18 State Police that something happens, a piece of
19 training might be given, or in the instance of
20 the Maryland State Police, four or five troopers
21 leave and go to training and bring stuff back.

22 So it's not like it's a hermetically sealed
23 organization that, you know, you can control
24 inputs and outputs and that sort of thing as
25 easily as one might think.

1 The important thing is that when
2 something untoward does occur that there's
3 relatively timely flag that tripwire gets tripped
4 and a message gets fired off or someone takes
5 notice.

6 Mr. Rivas and I are fully aware that
7 there's no such thing as the perfect
8 organization. And as much as I'm sure it's going
9 to pain the folks at New Jersey State Police,
10 they're not perfect, things will happen. The
11 question is not whether or not things happen,
12 it's whether or not they're noticed and dealt
13 with, that's the critical piece.

14 And if you go back and read the 1999
15 Consent Decree, which by the way was written in
16 '97 and '98, so we're now working with a document
17 that's ten years old, if you read it for its
18 intent, the intent of that decree was that the
19 New Jersey State Police become a self-correcting
20 organization. And by that what we generally mean
21 is that you have sensors out that look for

22 problems, that those sensors trigger
23 appropriately when a problem or an issue arises
24 and that there's a supervisory, a management and
25 an executive response to deal with that.

1 So in effect, despite all the
2 difficulties that that unapproved training
3 generated, what it did show was that the system
4 did work. Our site visit that would have noted
5 the unapproved training occurred in May, but by
6 late January then the State Police had identified
7 the fact that that training had occurred had not
8 been approved and people were trying to figure
9 out what next.

10 The second session that was offered
11 in March was actually --

12 CHAIRMAN JOHNSON: Excuse me,
13 Dr. Ginger, May of which year was this because
14 there was '06 and '07?

15 DR. GINGER: May of '06. And the
16 training occurred in January of '06 and March of
17 '06.

18 So even the monitors, quote/unquote,
19 not that we're -- ever did pretend to be
20 omnipresent and omnipotent, but even the monitors
21 would not have noticed probably what was going on

22 until sometime shortly before May of '06 as we
23 started to do our data entry in preparation for
24 the site visit. State Police had already noted
25 that issue and had already begun to respond to

1 it. To a certain extent the genie was out of the
2 bottle, it's not something that you can plug
3 right back in and it took awhile to fix it. Now
4 it took very little time to note what had
5 happened, it took quite a few months to figure
6 out what to do about it.

7 So in the final analysis, if you
8 look at the Figure 4 in the monitors' report, you
9 can see a juxtaposition of the peak in consent
10 requests in canine deployments and then there's a
11 green line that overlays State Police activity
12 and that's a projection. It's not a quantitative
13 green, it's a qualitative green line projection
14 of what the State Police were doing in response
15 to that. And you also see those consent requests
16 and canine deployments peak out and then drop out
17 to pretraining levels.

18 So in the purest sense of the
19 word -- and I know it's a long time span, that
20 graph covers a couple of years from start to
21 finish, but in the purest sense of the word, that

22 was sort of a fail-safe test for everything that
23 the Consent Decree had designed back in 1997 and
24 1998 in that New Jersey State Police did notice
25 the problem. It was first brought to their

1 attention not like we would have liked to have
2 had it brought to their attention as a piece of
3 unapproved training, and we note that in the
4 report, but it was brought to their attention
5 when their numbers spiked.

6 When their numbers spiked, the first
7 question New Jersey State Police asked was why
8 and they started tracking back. By then they
9 had -- by the time they saw the numbers spike
10 they had already cancelled the training, that was
11 sort of a technical response, the managerial and
12 supervisory response came later. The question
13 was, we trained these folks, now how do we handle
14 this. And it's pretty clear from the report that
15 there were some untoward activities that occurred
16 as a result of that training.

17 And it's also fairly clear -- now
18 we've not seen -- back in the last report, if you
19 look at it carefully, you'll notice that we
20 report data that is outside the report parameters
21 for that report. The report went through

22 December, we report data into April. We were
23 trying to get some kind of idea of what impact
24 the State Police response had had. And if you
25 look at that graph, you can see where the consent

1 requests in canine deployments have pretty much
2 leveled out to the levels they were at before we
3 had the DIAP and Desert Snow training. So those
4 are important artifacts for the monitors in that
5 we see an organization that has been pretty much
6 self-correcting.

7 Now Mr. Rivas and I were asked on a
8 few occasions about our thoughts about what State
9 Police might do. We in no circumstances have
10 ever told State Police what to do, it's not our
11 job. It's our job to monitor, not to consult.
12 But when we're asked we'll often give advice, but
13 only if we're asked. And what we were getting
14 questions about was, "What do you think, how
15 might this work, what have you seen in other
16 places?" But it was clear that the engine was
17 there to not only to identify the fact that the
18 spike had taken place, but also to work through a
19 series of events in terms of training, in terms
20 of supervision, in terms of review and those
21 sorts of things that it appears, based on the

22 latest data we had when we wrote the report, have

23 brought consent request canines back to

24 pretraining levels.

25 That's a very long answer to a very

1 simple question, but I'm sure it's one that we

2 all wondered about.

3 There's nothing that would convince

4 Mr. Rivas and I that that system that identified

5 that issue was solely focused on consent requests

6 for canine deployments. That system is there

7 looking at patrol operations and field

8 operations. So next week if something other than

9 DIAP or Desert Snow were to occur that system

10 still exists. The response next week might be a

11 lot more rapid, it might be about the same, it

12 depends on what the issue is. But as best we can

13 tell from all the work that we've done, and it's

14 been seven years, the system did what it was

15 supposed to do. And it had a -- in terms of the

16 large organization had a relatively efficient

17 response.

18 MR. RIVAS: And the only thing I

19 would add to that would be the system that was in

20 place that helped the edification is the level of

21 automation and technology that the State Police

22 has put in place over the last several years and

23 you can't underestimate or undervalue the

24 importance of that technological material that

25 they have because it helps them manage the

1 department in a way that eight, nine years ago
2 would have been impossible to manage, it was just
3 a paper reporting agency.

4 So one of the key things that has
5 assisted the State Police in trying to make the
6 transformation it's attempting to make is the
7 level of automation. It's something that I think
8 is critical to any future progress and
9 development that the level of automation not just
10 stay static but continue to evolve.

11 CHAIRMAN JOHNSON: Thank you.

12 Do you have another question?

13 MS. BROWN: Do I have time for a
14 follow-up?

15 CHAIRMAN JOHNSON: You have the
16 time. I know we've held closely to the
17 five-minute rule, but if you have a follow-up,
18 this is our last session, so I want to make sure
19 that all the questions are asked.

20 MS. BROWN: Okay. I just wanted to
21 follow up on one point.

22 I appreciate the description of how
23 the tripwires and the system worked. My question
24 really though is a different aspect of systemic
25 concern.

1 We're trying to look at whether or
2 not within the State Police as a stand-alone
3 organization this self-correcting mechanism takes
4 place. And what I was asking from your point of
5 view is, was that -- you talked about the
6 management and executive and that sort of thing
7 identifying taking action on this issue. Were
8 there other agencies involved, is there another
9 kind of oversight that is still necessary for
10 these to operate properly or was this correction
11 fully decided by the State Police?

12 And I'm really done.

13 DR. GINGER: Well, obviously, the
14 Office of State Police Affairs is part of the
15 monitoring process that's been built internally
16 within the state. So -- for example, the -- one
17 of the issues, one of the processes that was
18 developed because of the triggering process was a
19 series of best practices documents. In terms of
20 what we trained these guys -- you know, we didn't
21 go out and do it on purpose, but got done, these

22 guys got trained to look for certain things, and
23 now we've got to come back and tell them not to
24 do it that way. How do we do that without
25 generating problems?

1 So it was a very carefully crafted
2 set of language pieces talking about best
3 practices that were developed with personnel
4 through OSPA that had expertise in the area and
5 then implemented by State Police supervisors. So
6 it wasn't problem solving in a vacuum. But as
7 Mr. Rivas mentioned, all of the technical pieces,
8 you know, the MAPPS system and the field
9 operations reporting systems assisted in that
10 process, and those obviously are internal to the
11 New Jersey State Police.

12 CHAIRMAN JOHNSON: Reverend Floyd?

13 REVEREND FLOYD: Good morning.
14 Thank you, Mr. Chair, and to Dr. Ginger and
15 Mr. Rivas. On behalf of those who are across
16 this panel, we thank you for your time.

17 You two are the experts and when I
18 go back to my community in Atlantic City to my
19 constituents, they're going to ask me what are
20 the experts saying. We have your 16 reports,
21 very thorough reports. The last report indicates

22 that the State Police are in 100 percent

23 compliance.

24 My question would be for both of you

25 gentlemen is that is it in your professional

1 opinion given the current trend of 100 percent
2 compliance, do you predict that the State Police
3 if you were to keep on giving these monitors'
4 reports ad infinitum that the State Police would
5 stay in compliance? And the other part is do you
6 think that the State Police can continue the
7 current trend without any independent monitoring?

8 DR. GINGER: Well, it's very
9 difficult to predict the future. But I think
10 probably most of the Committee members remember
11 we've addressed this issue in past. You know,
12 I've worked on monitoring processes in Pittsburgh
13 and New Jersey and the Los Angeles Police
14 Department. I'm familiar with monitoring
15 processes in other places, and invariably every
16 police agency I walk into asks the same question,
17 "Why are we here?"

18 And if you remember my testimony
19 from previous meetings, my response is, "Well,
20 you were abandoned by your leaders or you were
21 abandoned by your legislators or you were

22 abandoned by both." Now that's not to say that
23 nothing bad ever happens in a police agency,
24 that's just my reading of what happened in
25 Pittsburgh, what happened in New Jersey and what

1 happened in Los Angeles. Some combination of
2 those two things lead to the problems that we
3 saw.

4 So to cut to the most important
5 part, you know, "Can we do this without continued
6 monitoring?" I think the answer is yes, as long
7 as we make sure the New Jersey State Police don't
8 get abandoned by their leaders, they don't get
9 abandoned by their legislator and legislatures,
10 and more importantly, maybe is that they don't
11 get abandoned by their community, which has sort
12 of happened, I think, in other places after these
13 decrees go away.

14 So to me those are the three places
15 to look. It's incredibly important. The sheer
16 financial overhead for maintaining these computer
17 systems that have been developed is substantial.
18 The first thing -- and I've been around a long
19 while -- the first thing that gets cut when
20 budgets get tight is police training. That's the
21 first abandonment by the legislature.

22 The second thing that goes probably
23 is additional improvement to automated
24 information systems. And so somewhere somehow
25 along the line we need to make sure that doesn't

1 happen again to New Jersey State Police. You
2 know, I'm not familiar enough with the State of
3 New Jersey to know how that happens, but I think
4 that is -- in my experience, those are the things
5 that cause federal monitors to come and visit.

6 So to the extent that we can make
7 sure that the leadership is good, that the
8 legislative support is good, the finances are
9 good and that the community has a way to know
10 what's going on inside a police agency, I think
11 the better off we are.

12 MR. RIVAS: In answer to your
13 question as to whether or not there'll continue to
14 be 100 percent, the State Police is a human
15 organization run by humans and invariably there's
16 going to be some issues that are going to arise
17 that in no way could be predicted. But what
18 the Consent Decree has put in place are certain
19 tools to help address any problems that may arise
20 and correct them in the fastest and most
21 efficient way as possible. It's critical that --

- 22 to understand from the Consent Decree basis --
- 23 the Consent Decree and the monitoring that we did
- 24 does not cover the entire universe of the State
- 25 Police. And the questions that the Consent

1 Decree asks, expansive as it is, are still
2 limited questions regarding the operation of the
3 State Police.

4 In response to those particular
5 questions as they are posed in the Consent Decree
6 which require a "yes" or "no" answer, the State
7 Police has indeed complied 100 percent in
8 response to those particular questions.

9 In terms of future progress or
10 success, I think the key is as Dr. Ginger had
11 stated is to make sure that the purpose of the
12 Consent Decree and the elements of the Consent
13 Decree governing training, leadership,
14 automation, that those elements be maintained and
15 emphasis be put in place that they be cared for
16 in the future. Because those are the elements
17 that -- doesn't matter who the leader is of that
18 particular agency, those systems are going to
19 generate information. And once that information
20 is generated then what the response should be to
21 the information created should be apparent and

22 clear not just to the leaders of the State Police

23 but also to anybody on the outside who's looking.

24 REVEREND FLOYD: Thank you.

25 CHAIRMAN JOHNSON: Thank you.

1 Ms. Carroll?

2 MS. CARROLL: Good morning.

3 Thank you, Mr. Johnson.

4 Dr. Ginger, my question is in regard
5 to the motor vehicle stop data. And in the one
6 report you say that it's never going to equalize
7 by race and we expect it to be disproportionate.
8 So I was wondering -- the disproportion doesn't
9 prove that there's racial profiling. I was
10 wondering if you could expand on that, explain it
11 just a little bit better?

12 DR. GINGER: May be the
13 quintessential question of the decade.

14 I've done probably a half a dozen or
15 more -- I'd hate to say cases, this is not a
16 case, this is a project, but I also do expert
17 witness work.

18 One of the first pieces of expert
19 witness work I did was in Lexington, Kentucky.
20 And the data, if you look at raw data, indicated
21 that people of color were arrested at a much

22 higher rate by the Lexington Police Department
23 than white folks, and when you see the data
24 you're horrified. And then the first thing you
25 do is overlay the deployment statistics and you

1 find out that police officers are predominately
2 patrolling in areas that are populated by
3 minorities. So very seldom does a police officer
4 make an arrest where he isn't, she usually makes
5 them where she is. So that's the first issue you
6 have to deal with, it's a deployment issue.

7 Then the second issue that overlays
8 that is that an issue of offending. And not only
9 offending rates, but rates at which offenses are
10 observed. Police officers sometimes do make
11 arrests for offenses they did not observe. But
12 for the work that we're doing, mostly we're
13 interested in observations.

14 So it's been my experience to sort
15 of chase the Holy Grail for the benchmark just
16 doesn't work. You'll never really get it,
17 otherwise -- I mean, the only way to do that is
18 put an observer with every police officer,
19 probably not going to get done anytime in the
20 near future. And it has to be an independent
21 observer, would be the second issue. There's a

22 whole body of literature out there on it,

23 ethnographic research, that tells you why that's

24 very difficult to do.

25 So I don't think we can collect

1 statistics for a long, long time. But I don't
2 think we're ever going to find those numbers
3 balance out based on population. I don't think
4 we'll ever get a true benchmark. The issues are
5 fairly arcane. I mean, I can go observe traffic
6 with the years of law enforcement experience that
7 I have, but I'll never observe traffic like a New
8 Jersey State Trooper observes traffic because
9 they are much more focused on the traffic mission
10 than an old street cop used to be. So the
11 differences in observers and so forth, I think,
12 will make it virtually impossible to ever get a
13 decent benchmark against which to compare stop
14 rates.

15 The intervening variables or the
16 external variables that could effect a study like
17 that are, I would think, almost uncontrollable.
18 You have sections of roadway that are used mainly
19 as commuters and you have section -- for
20 commuting and you have sections of roadways that
21 are used mainly for vacationing and

22 transportation, and those will yield differences
23 in offending rates. So if you take that issue
24 and you overlies demographics and where those
25 roads run and where the feeder roads come from,

1 you can begin to understand why it's so difficult
2 to get a benchmark.

3 The flip side of that -- and we went
4 through this, I think, with our last visit
5 together -- is given that, then what's the next
6 best available alternative. And that Mr. Rivas
7 and I recommend is that similarly situated people
8 are treated similarly. And that's the case law,
9 by the way, if you want to make a case on
10 disparate treatment. So the methodology that's
11 explained in the 16th monitors' report is the
12 best approach that I'm aware of that is available
13 to law enforcement to make those kinds of
14 determinations.

15 There we're fairly certain that
16 similarly situated people are being treated
17 similarly. It really didn't make any difference
18 in those data if you were white, black, Hispanic,
19 American Indian, Asian Indian or other if you had
20 a weapon in the car, there were going to be
21 specific police responses. It didn't really make

22 any difference in your skin color if when the
23 trooper walked up there was an odor of burnt
24 marijuana, the responses were pretty much the
25 same.

1 We did find some differences in
2 mean, and I think those are important and I would
3 encourage State Police to pay attention to that
4 and to make sure those differences in mean are
5 being addressed in training and those sorts of
6 things, but differences in the mean are not
7 statistically significant. That's the benchmark
8 that Mr. Rivas and I use.

9 So the methodology is there. The
10 problem with the methodology that you see in the
11 16th report is it's not mentioned anywhere in the
12 Consent Decree because the Consent Decree is a
13 10- or 11-year-old document. So that is a
14 forward looking methodology that I think that
15 State Police are interested in and interested in
16 using. It's not required by the Consent Decree.
17 And in certain instances the Consent Decree
18 really gets in the way because they're required
19 to do things under the Consent Decree and they
20 would be required to do different things for that
21 new methodology, as we all know human resources

22 are finite. So the question is would you rather

23 be looking forward or rather be looking back?

24 And frankly, the methodology that we

25 have in the Consent Decree -- and I'm not being

1 critical of the Justice Department, it was
2 written 10 or 11 years ago -- is moving or
3 nonmoving, and that does nothing for the analysis
4 that really needs to be done, which is what we
5 did in the 16th monitors' report which looks at
6 those issues such as weapons or odor of burnt
7 marijuana or spontaneous admissions of guilt.

8 You know, we wouldn't expect a
9 trooper to avoid dealing with a spontaneous
10 admission of guilt, we would expect him or her to
11 do their job. But that's not actually -- wasn't
12 conceived, and quite frankly, the methodology
13 really wasn't there 10 or 11 years ago to collect
14 that kind of information, now it is.

15 MS. CARROLL: Thank you.

16 CHAIRMAN JOHNSON: Mr. Bembry?

17 MR. BEMBRY: Several of the issues
18 and concerns that I had were asked and
19 addressed -- asked by my colleagues and addressed
20 by you.

21 However, you made a statement with

22 regard to the composition of the State Police in
23 that it is a highly decentralized entity. My
24 question to you is can you explain that a little
25 further? And also do you attribute the

1 decentralization of the force of to the issue
2 with regard to training that was not the usual
3 case in terms of your monitoring report?
4 DR. GINGER: Decentralization of
5 New Jersey State Police is essential. There just
6 is no way to do state policing unless you have
7 facilities throughout the entire state. I've not
8 done the count, but there are more physical
9 properties there than probably most people could
10 list unless you actually sat down to actually --
11 action to find out how many buildings and -- how
12 many buildings do we own, how many do we rent,
13 how many do we use. It's essential to the
14 delivery of effective state policing services
15 that the agency be decentralized. I'm not
16 critical of it.

17 In fact, if you look at the
18 literature on policing, that's what academics
19 would have us do for effective policing is to
20 decentralize to the lowest common denominator to
21 the community or even the neighborhood level. So

22 that's a good thing. But the flip side of
23 decentralization is that there's not one person
24 that can understand everything that's happening
25 all the time.

1 So to answer the second part of your
2 question, I think it's pretty clear that the
3 decentralization of New Jersey State Police was
4 one of the things that allowed that unapproved
5 training to happen.

6 And I guess I should address the use
7 of the word "unapproved." Doesn't necessarily
8 mean bad, it just -- it hadn't been approved
9 before the fact which was a requirement of the
10 decree. It was an agreement of the decree and a
11 requirement of policy that training be run
12 through the centralized training function of the
13 academy.

14 So it's certainly what allowed that
15 to happen. It's a big agency scattered over a
16 large geographic area and scattered over a lot of
17 organizational areas such as patrol, field
18 operations, training, those sorts of things. So
19 it's virtually impossible to build a system that
20 will guarantee that won't happen again.

21 Mr. Rivas is right, you know, we

22 will have -- New Jersey State Police will
23 continue to have things happen that we wish
24 hadn't happen. That's not the benchmark. The
25 benchmark is, how do they deal with it, how do

1 they respond to it and how do they learn from it?

2 MR. BEMBRY: Somewhat related to
3 that question. There were some -- I think the
4 ACLU presented testimony as to the fact that the
5 lower half of the turnpike had experienced a
6 higher incident of stops among minorities. Did
7 you review during your report, and if so, did you
8 come to any conclusion?

9 DR. GINGER: The answer to both
10 questions is yes. And I think Mr. Rivas and I
11 spent a great deal of time at the last meeting of
12 the Committee talking about our response to that
13 study. And the Committee in the mean time has
14 had that study peer reviewed, as I understand,
15 and I took a quick look at the results of that
16 peer review. And I don't mean to be critical of
17 that study. In fact, peer review is not critical
18 basically of that study either. It's just
19 that study asked the wrong question. If you ask
20 the wrong question, you get the wrong answer in
21 my opinion. And I think I shared with the

22 Committee in great detail last time what the
23 right question should be. And you have in the
24 16th report serendipitously an answer to what
25 would that analysis look like and what would the

1 findings be.

2 So in my opinion, and it's -- you
3 know, I'm just another person, I don't carry
4 anymore weight than anybody else -- nothing wrong
5 with that methodology, it's just the wrong
6 methodology. And for reasons we talked about
7 earlier with benchmarking and those sorts of
8 things, it may be that those numbers -- and I
9 don't think those numbers ever will equal out. I
10 think it's a usage pattern and a whole host of
11 other things that go into generating those
12 numbers.

13 The important question is, as much
14 as none of us would like to be stopped, more of
15 us would like not to be arrested for the wrong
16 reason or for no reason or asked for a consent
17 request, absent reasonable articulable suspicion
18 or have a canine deployed absent reasonable
19 articulable suspicion or any of those other
20 things that sort of go down that continuum of
21 intervention. And in my mind, and in fact in the

22 requirements of the decree, those are the
23 critical issues that needed to be reviewed. So
24 it's a question of -- I'm not trying to be cute,
25 but it's a question of asking the right question,

1 that's really critical.

2 MR. RIVAS: And the only thing I
3 want to add to that, there's other information
4 that perhaps should be looked at and reviewed. I
5 do know in the monitoring process we've come
6 across regarding the southern part of the state
7 some information regarding accidents and
8 motorist's aids. And the number of folks, the
9 racial breakdown with regard to accidents and
10 motorist's aids are not that far from the stop
11 rate.

12 And obviously accidents are just
13 fortuitous things that happen, and I'm not saying
14 it's going to provide a final answer, but it may
15 provide some information as to usage of the road
16 and people who are there as opposed to the
17 differences -- I mean, the southern part of the
18 state, that part of the turnpike is used in a
19 substantially different way than the northern
20 part of the state. There is a free interstate
21 highway that runs right next to the southern part

22 of the New Jersey Turnpike.

23 So those are all the kinds of

24 variables that need to be taken into account

25 before a definitive answer can be presented that

1 the stop rates in the southern part of the state
2 are attributable to one particular element. And
3 while the Lamberth study is a start, I think
4 that's an area that's appropriate and right for
5 academic review and study. And looking at the
6 kinds of variables that I just mentioned and that
7 Dr. Ginger mentioned earlier regarding feeder
8 roads and other things, that may provide an
9 answer. It's an allusive question. I don't know
10 that it's the critical question. But to the
11 extent that people have a curiosity about it, it
12 certainly -- there are avenues of addressing it.

13 MR. BEMBRY: Thank you.

14 CHAIRMAN JOHNSON: Mr. Goldstein.

15 MR. GOLDSTEIN: Dr. Ginger and
16 Mr. Rivas, thank you very much for all of your
17 work. Our group, I know everyone appreciates
18 greatly all of your efforts. I have a couple of
19 questions where maybe you can help me.

20 From a hypothetical standpoint,
21 okay, this design indicates any kind

- 22 determination at all -- from a hypothetical
- 23 standpoint, if the Committee was disposed to
- 24 recommend what you are recommending that the
- 25 Consent Decree be dissolved, what conditions

1 would you place on that recommendation to take
2 with you when you careful enough this morning to
3 say that, Well, without legislative support,
4 financial support, maintain the same leadership
5 of the State Police -- and I think we all know
6 the OSP leadership has not always been Colonel
7 Fuentes, he's very special, very unique.
8 Training which we all know that at time's have
9 been lacking, supervision, oversight.

10 So if there was -- from a hypothetical
11 standpoint, given what the State Police under
12 Colonel Fuentes leadership has accomplished over
13 the last couple of years and we would dispose to
14 recommend that the Consent Decree be dissolved,
15 what conditions do you think we needed to set in
16 order that the legislature supports it, funding
17 is available, leadership is maintained at the
18 level of Colonel Fuentes and down to things that
19 are needed so we do not fall back to what we had
20 a decade ago?

21 Particularly also, just to going

22 ahead while you're thinking of your answer, given

23 both the Pittsburgh, you know, history, and

24 (indiscernible) history, none of which has not

25 been very supportive of this issue.

1 DR. GINGER: Well, it's certainly a
2 great question and it may be that we never
3 actually get that answered. But I'll give it a
4 shot. We were in trouble on the third word
5 "hypothetical," but I'll give it a shot.

6 MR. GOLDSTEIN: I couldn't hear you.

7 DR. GINGER: I said we were in
8 trouble on the third word "hypothetical," but
9 I'll give it a shot.

10 I think the most important thing you
11 probably could do would be to take a hard look at
12 Pittsburgh and what happened after Chief McNeilly
13 moved on. Police leadership in America is a very
14 ethereal thing and it's very intangible. But you
15 can see a marked difference between what was
16 happening with Chief McNeilly there and what
17 happened after the mayoral election and Chief
18 McNeilly was no longer there.

19 What I learned from that is that
20 it's extremely critical and it's one of the
21 things I negotiated with the chief long and hard

22 about and lost, I lost the argument. It had
23 nothing do with the Consent Decree, the Consent
24 Decree didn't require it, but there were no
25 public early warning systems in Pittsburgh. So

1 when Chief McNeilly stopped having his community
2 meetings, stopped talking to folks about what was
3 going on, the community in effect was in the dark
4 and I think that's dangerous.

5 Now it's a slippery slope. I mean,
6 a lot of this -- a lot of this information is
7 personnel information and you can't make that
8 sort of thing public, but you can aggregate it to
9 the point that it doesn't become personnel
10 information, it becomes operational information.
11 And I think that's one of the issues that going
12 forward you may want to take a hard look at is
13 that what information is the information that's
14 the "canary in the coal mine" information.

15 Just as an example, if your rate of
16 sustained complaints slipped by 50 percent over a
17 one-year period, I'd be concerned. If complaint
18 rates go up expedientially over a one-year
19 period, I'd be concerned. So there are data
20 points that the public probably already has
21 access to anyway that just simply need to be

22 codified and developed and reported on in a

23 routine manner.

24 Those are the first things that will

25 happen, by the way, as an organization if it gets

1 abandoned by its leadership, legislature or
2 funding agencies or whatever. Complaint rates,
3 sustained complaint rates, labor filings,
4 grievances and those sorts of things, sick days,
5 I mean, all of those are the early warnings
6 systems.

7 Now not all of those can be accessed
8 by the public. So there's an issue of -- if you
9 done them down so much, access to them doesn't
10 make any -- doesn't do you any good, so -- but
11 that's the first issues, it's an issue of data.

12 And thinking through very carefully about what
13 the meaningful data points are and how you get
14 access to them as a public that's served by a
15 police agency. I'm not speaking generically now,
16 not just about New Jersey State Police, but it's
17 applicable I think to any police agency.

18 MR. GOLDSTEIN: More on this first
19 one. Who should look at the data that's being
20 accumulated by the State Police? Is it just out
21 there, it's up to the press to pull it out? Is

22 it out there because certain organizations will
23 be made aware of it and they now raise it
24 publically? Is it out there because the Attorney
25 General's office should be looking at it, should

1 the head of State Police look at it? Who should
2 be looking at this information?

3 DR. GINGER: Well, I think the head
4 of State Police currently is and any engaged
5 State Police colonel will be looking at those
6 data.

7 The answer to that question, and I
8 hate to say it, but it depends. It depends on
9 what you want from the information and how
10 readily accessible you want it to be. And
11 there's any number of modalities that you can
12 develop that get routine periodic reports on
13 those types of things. And you may find -- as
14 you look at this you may find there are other
15 pieces of information you would rather have than
16 the ones that I've laid out.

17 But my -- the argument that I lost
18 with Chief McNeilly was to quarterly report
19 number of complaints in, number of complaints
20 out, number of complaints unfounded, sustained,
21 et cetera, and that gave a barometer of what was

22 happening in that internal affairs process there.

23 It was internal affairs that was the problem in

24 Pittsburgh more than anything else. And I lost

25 that argument. Those data were not developed,

1 they were not reported, and as a result changes
2 were able to be made and things happened.

3 MR. GOLDSTEIN: So how do you we
4 help you win that argument here in the state of
5 Jersey, what should we do?

6 DR. GINGER: Well, I haven't had
7 that argument here. I don't think Mr. Rivas and
8 I have ever made a suggestion in the last four or
9 five years, I don't think we've ever made a
10 suggestion to New Jersey State Police that hasn't
11 been --

12 MR. GOLDSTEIN: Now you made it
13 known.

14 How do we implement? What do you
15 recommend that we recommend so that the data can
16 be reviewed perhaps in the -- pending of the
17 State Police?

18 DR. GINGER: Well, again, we have
19 had some discussion about this, and it all goes
20 back to answering that question, what is it that
21 you want to do? You want to make sure that you

22 have the level of leadership that you have in
23 Colonel Fuentes right now. Good luck with that,
24 he's kind of one in a million in my experience.
25 But short of that, there are data that you would

1 want to look at. Most of those have been
2 outlined by the Consent Decree. I mean, the
3 MAPPS process is there. The question then
4 becomes how do you want to access, analyze, and
5 report on that data so that members of the public
6 can maintain a level of confidence.

7 MR. GOLDSTEIN: Let's have one thing
8 if you might help me in this area, and I don't
9 know enough about this. But looking at the raw
10 statistics that we've been provided with over the
11 last two years, apparently consent searches on
12 the turnpike have increased dramatically. We've
13 heard a little bit about either training or lack
14 of training or what the training told people
15 which may be incorrect. That raises certain
16 issues, I think, at least as I sit here right
17 now, as to what happens when you fellows are no
18 longer here.

19 So could you interpret for me what
20 does that consent search data, what does it
21 indicate? How do we protect against another

22 situation where the training may not be correct,
23 where rather than, you know -- I want to say it
24 in a nice way -- rather than having a situation
25 where there is some form of profiling and so on,

1 it could be interpreted that the so-called
2 consent searches, sort of, you know, it hides
3 what is happening at least in this very narrow
4 area? Help me with that, what should we be doing
5 here?

6 DR. GINGER: Well, a consent request
7 is not necessarily a bad thing. Consent requests
8 only of -- for example, African American or
9 Hispanic drivers is a bad thing. And that's true
10 for the agency. It's true for the unit. It's
11 true for the individual trooper. And so that
12 happens to be the issue du jour is how do you
13 know -- the issue of the day, How do you know the
14 difference between a good consent request and a
15 bad consent request? And the Consent Decree has
16 left us -- and the implementation of that Consent
17 Decree has left us the answers to those
18 questions, reasonable articulable suspicion as a
19 standard prior to. So then the issue is, Well,
20 did we have any that weren't supported by
21 reasonable articulable suspicion and if we did,

22 why?

23 And in the final analysis, you know,

24 that's exactly what happened. The agency and

25 then the monitors in a later period had said,

1 Yes, we had some those that didn't have
2 reasonable articulable suspicion, where did they
3 come from, and they tracked it down through that
4 piece of training.

5 In the final analysis, and this is
6 very complex stuff, but in the final analysis you
7 keep track of the stuff that's most important,
8 any agency does. And so if the, quote, stuff
9 that's most important is that we protect our
10 citizens' constitutional rights, that's what we
11 keep track of. If the stuff that's most
12 important is that we interdict drugs, then that's
13 what we keep track of.

14 It may be that the community, and
15 this is a big community, involves the whole state
16 makes a decision that, Yeah, we want to interdict
17 drugs, but we want to do it without violating
18 anybody's constitutional rights, so then we keep
19 track of those data points.

20 Now the tougher question is not so
21 much what data do you collect, but who looks at

22 it. And that's where it goes back to a decision
23 that needs to be made locally based on how
24 important this is to the state and what it is you
25 intend to accomplish with that review process.

1 You have in place right now the Office of the
2 State Police Affairs which is really an internal
3 monitor. Is that good enough for your purposes?
4 Al and I had can't answer that question. I don't
5 live here and Al doesn't run the state -- not yet
6 anyway. But that's the level of questioning, the
7 level of analysis that needs to go into this.

8 I think -- we've talked about a
9 couple of different -- two or three different
10 models for how you might go about that. You
11 know, an Independent Inspector General with two
12 reports, one to the superintendent and one to the
13 State Attorney General or I think someone last
14 time mentioned a judge to keep it independent.
15 There's the Office of State Police Affairs as it
16 exists now. There's the Office of State Police
17 Affairs modified in a manner that would ensure
18 that we still get independent review.

19 I think -- in my experience I've
20 never found anything, Al and I have never found
21 anything that hasn't been found by the Office of

22 State Police Affairs already. So they've got a

23 fairly decent track record.

24 So the question is really not what

25 would we recommend, I think there are available

1 models all over the place, it's the question is
2 "What does the State of New Jersey want?" More
3 importantly not what mechanism do you want, but
4 what do you want to accomplish with that
5 mechanism, and that will help you design what the
6 mechanism should look like. And that's a tough
7 question and it's about the best I can do to kind
8 of get you looking at the right stuff I think.

9 MR. GOLDSTEIN: Just one last
10 question.

11 What I hear you say -- what you're
12 saying is -- and I remember we spoke about this
13 months ago and it was unclear to me then, so I
14 just want make sure I understand it now.

15 What you're saying is that it's
16 really up to -- would either be this Committee or
17 the state itself, there'd be nothing that would
18 enable you to interfere with the State Police if
19 some form of OSPA or some variation or some
20 updating of that was to be maintained or some
21 version in the Attorney Generals Office? And if

22 there was outside, for what it is, for instance,

23 or some class, semi-annual or some other basis,

24 there would be no objection to that?

25 You would see no fault in having

1 something like that in order to make certain that
2 the statistics and all the information are
3 reviewed in attended State Police. Not looking
4 at today's State Police under Colonel Fuentes,
5 but looking ahead five years, decade ahead and so
6 forth, you would not see anything in that kind of
7 a recommendation that would in any way interfere
8 in what the State Police have accomplished,
9 credited over the last couple of years that that
10 would not in any way undercut that or would not
11 be supportive of that, but that would -- might be
12 helpful in going forward and looking ahead?

13 DR. GINGER: Well, and again I keep
14 giving you the "it depends" answer. I think one
15 of the reasons that Mr. Rivas and I have been as
16 successful as we've been able to be is that was
17 a level of trust built between the New Jersey State
18 Police and us. They learned that they could
19 trust us. And through constant data collection
20 and reputation we learned that we could trust
21 them. So if that element goes away, it could be

22 very injurious to the organization. And it could

23 result in the organization not being able to

24 perform at peak.

25 This is not, you know, one from

1 column A, one from column B, one from column C
2 kind of process. It's a human organization. And
3 whatever level of review you want to build over
4 that is also going to be human.

5 I think I mentioned in a previous
6 testimony that the Federal Monitor in Cincinnati
7 was given a choice, get out of the Chief's office
8 or go to jail. That's the flip side of Mr. Rivas
9 and me coming in to look at an organization. If
10 you get a relationship like that, yeah, it's
11 going to impact the organization and it will
12 impact the quality of the oversight.

13 So it's a -- if you'll pardon the
14 pun -- it's a very -- it needs to be very
15 gingerly done, very carefully, very thoughtfully.
16 You just kind of have to check your ego at the
17 door. I mean, there's a whole host of very
18 esoteric, careful considerations that need to be
19 made. Because in the final analysis, if anything
20 goes wrong at New Jersey State Police today, it's
21 not my head, it's not Mr. Rivas' head, it's

22 Colonel Fuentes' head. And so that oversight
23 process or that review process has to understand
24 the person that runs that organization is the
25 colonel. And that's a critical piece. So it's

1 entirely possible that you could degrade the
2 performance of the organization if that process
3 is setup improperly or staffed improperly. It
4 needs to be done very, very carefully.

5 MR. GOLDSTEIN: Thank you very much.

6 CHAIRMAN JOHNSON: Thank you.

7 Reverend Justice?

8 REVEREND JUSTICE: Thank you,
9 Mr. Chair.

10 Dr. Ginger and Mr. Rivas, thank you
11 for the work that you've done and you continue to
12 do. I just have a couple of easy questions.

13 What is your understanding relative
14 to the composition of those who took the
15 unauthorized/unimproved training relative
16 to -- for your veterans, for you newly-trained
17 recruits, et cetera, et cetera, et cetera? Was
18 it articulated to them that this was a different
19 type training and that it was not supposed to be
20 used for the OSPs?

21 DR. GINGER: I think the composition

22 of the participants in the class cut across a
23 pretty broad spectrum. There were some folks in
24 there that were senior patrol people and there
25 was some relatively new troops. And I need to

1 articulate something that I probably haven't done
2 a very good job of articulating in the past.
3 Al and I reviewed the curriculum for
4 that training. There was nothing in there that
5 was unconstitutional, illegal, or unethical. It
6 was what was missing that was problematic. There
7 was a section on the United States Constitution,
8 but that training was not integrated with New
9 Jersey State policy practices and procedures.
10 That's what would have protected us from the blip
11 that we had seen. So it was training offered by
12 the Department of Homeland Security, Department
13 of Transportation. It's offered to the police
14 departments throughout the United States.
15 There's nothing per se wrong with the training.
16 The problem was it wasn't meshed with existing
17 policy and best practices of the New Jersey State
18 Police.
19 And there was a second part of your
20 question, I've let it slip.
21 REVEREND JUSTICE: What was

22 articulated to them that was not supposed to

23 be used with the standard SOPs?

24 Because the fact that it was -- even

25 if you're saying there was nothing wrong with the

1 training, the fact -- and I understand you said
2 we're all human and all that good stuff, but the
3 fact that it was unauthorized, unapproved,
4 whichever word you want to use, the extent to
5 which it was articulated that it was not supposed
6 to be used as a general SOP, that it was done
7 first of all; secondly, that it was instituted. Kind
8 of to reinforce -- if I could use my colleague
9 Reverend Floyd's comments with regard to his
10 constituents in Atlantic City, that this is
11 similar to -- to the attitude -- and let me,
12 Mr. Chair, qualify this -- of some of the state
13 troopers with regard to their ABC, Attitude,
14 Behavior and Culture. And I know you -- and I
15 think you said that there's no guarantee, no
16 surety that this would not happen again. That's
17 the concern.

18 MR. RIVAS: Well, if I could address
19 Reverend Justice some of -- well, I don't know if
20 I could address your concerns. I just want to
21 provide a little more context into the training

22 and it might illuminate, it might not.

23 The training that we're talking

24 about was training that was initially conceived

25 and designed for the unit of the State Police

1 that's responsible for enforcing commercial
2 trucks on the highways. Because truck drivers
3 are subject to a high degree of regulation, the
4 police -- law enforcement has a much greater
5 latitude with respect to truck drivers and the
6 kinds of questions that they can ask when a truck
7 driver is stopped and how intrusive they can be
8 in terms of log books, times on the road, what
9 you are carrying, those kinds of things. That
10 was the purpose of the training, and there's
11 nothing wrong in that.

12 Mechanically as we understand what
13 happened, not all -- at the training, not all
14 the seats at the training were filled. And so I
15 believe it was station commander who sent other
16 troopers whose primary responsibility is to be on
17 the road interacting with the public, sent
18 troopers into that training and they received
19 that training.

20 Again, we reviewed the training,
21 there's nothing inherently unconstitutional about

22 the training that they received. However, the
23 emphasis of that training was for trucks,
24 commercial vehicles. It was not for the
25 motorists. Because the training did not go

1 through the system, the kind of re-enforcement
2 that the State Police has given to troopers who
3 are on the road dealing with the public on a
4 regular basis was not restated, was not
5 re-emphasized and it was not undermined.

6 And so that had the effect of the
7 troopers who went out having incorporated some of
8 the principles that probably should not have been
9 used with respect to the public versus truck
10 drivers. And in that sense I don't know that --
11 I understand the A, B and C issue that you've
12 raised, but I don't think that this training that
13 was being given was an example of -- to put it
14 colloquially, the old guard trying to put back
15 into effect pre-1999 tactics and procedures.

16 I mean, there's no question that
17 that history was there, but I don't think that
18 was the case that was going on here. I don't
19 think it was a reinterpretation or an effort at
20 evasion of what the State Police currently wants
21 to do. And I think one of the responses that the

22 State Police had to the particular road troopers
23 who had this training was to subject them to
24 re-train. Bring them back as it were back into
25 the fold in terms of these are the factors that

1 we want you to take into consideration when
2 you're stopping the general public on the side of
3 the road, and they're different than when you're
4 stopping the truck driver.

5 So I think that's the kind of
6 context that that training should be viewed in.
7 It was not from what we have seen a backdoor
8 attempt to bring back the good old days, again to
9 put it colloquially. It was aggressive training
10 that was not reviewed in the way it should have
11 been, and people incurred penalties as a result
12 of not following the procedures that they were
13 supposed to follow.

14 REVEREND JUSTICE: And I thank you.

15 But again -- and Dr. Ginger I hear
16 your words that it was simply that something was
17 missing. And yet that something missing was very
18 important, you agree. Because -- because think
19 about the -- you know, we talked about the
20 demographics, ethnographics, think about the
21 psychographic impact that it may have had on some

22 people who were stopped that we may never know

23 about.

24 DR. GINGER: Well, I think that's a

25 valid point. I don't think that point has

1 slipped past New Jersey State Police. As a
2 matter of review, Al and I took pains to make
3 sure that every one of those instances that we
4 noted that were problematic or somewhat
5 problematic has resulted in some form of
6 re-training and counseling, et cetera. There was
7 one trooper who based on the reviews actually had
8 a retroactive review of every one of his traffic
9 stops and there was some Internal Affairs issues,
10 Office of Professional Standards issues that were
11 raised and dealt with because of that review.

12 So it's not the issue -- and I think
13 Reverend Justice is exactly right. The issue is
14 not, you know, did this happen and go unnoticed,
15 it happened, it was noticed, it was dealt with,
16 but there was no balm, there was no salve to put
17 on the folks who had experienced it.

18 Al and I went back and looked.
19 There were six folks who were asked for consent
20 on less than reasonable articulable suspicion,
21 had evidence seized and an arrest made. That

22 will result in judicial review if the case goes
23 forward. And that's probably -- as you do this
24 work, that's one of the toughest things. I mean,
25 you can do everything appropriately inside the

1 organization and make sure people are re-trained
2 and make sure that they are counseled and then in
3 some cases maybe even disciplined if the
4 infraction is grievance enough. I don't know
5 what the outreach is to the community, to the
6 individual drivers that have experienced that
7 incident.

8 And it is dramatic. I mean, as part
9 of my work as an expert witness I read
10 depositions of people that have been stopped by
11 the State Police and, you know, they remember it
12 long after the event, and it's a very valid
13 point.

14 REVEREND JUSTICE: Thank you.

15 CHAIRMAN JOHNSON: I think in
16 fairness to the court reporter we'll take a break
17 for about five minutes and then we will continue
18 with the rest of our questions.

19 (Whereupon a break was taken. The
20 time is 12:30 p.m.)

21 (Back on the record. The time is

22 12:43 p.m.)

23 CHAIRMAN JOHNSON: Ladies and

24 gentlemen, if you could resume your seats.

25 All right, we're all set to start.

1 Our next questioner would be -- Jack
2 Huertas is going to pass, so we'll ask
3 Mr. Harris.

4 MR. JEROME HARRIS: On behalf of all
5 the other members of the panel, I'd like to thank
6 Dr. Ginger and Mr. Rivas for their work. A
7 couple of comments that were made being I'd like
8 to follow up on.

9 One is the whole question of the
10 public early warning system and I'd like to
11 couple that with your description of there being
12 a certain limitation, if you will, in terms of
13 the kinds of things that the Consent Decree asked
14 you to look at.

15 Are there other indicators that you
16 think would be important to include on that early
17 warning checklist, if you will, for the public as
18 it relates to the operation of the State Police
19 and perhaps other levels of policing that might
20 inform the public in terms of the patterns and
21 directions in which we might be going in these

22 areas of racial discriminatory policing?

23 DR. GINGER: Most of the elements

24 that -- excuse me just one second. It's very

25 difficult to look into the mike and answer a

1 question.

2 Most of the elements that the
3 community would be interested are already
4 collected by New Jersey State Police in the MAPPS
5 system, our Associated Management Systems. The
6 critical question is -- and this again is a very
7 local question -- what are the elements that
8 we're interested in? And that really goes well
9 above what I could give you good advice on. I
10 don't live in New Jersey. It's not my
11 constituents that are being effected by the law
12 enforcement and law enforcement practices.

13 So that the issue really needs to be
14 flipped as opposed to, you know, what would the
15 monitors recommend, is what is the community
16 interested in. And then get that list down to a
17 manageable and reportable number that people can
18 make some sense on on an ongoing basis. And that
19 I think would be much more valuable as opposed to
20 what I would look at.

21 I would probably look at some stuff

22 that is pretty esoteric and wouldn't mean much to

23 folks because I don't live here. I'm not -- I

24 haven't driven the Turnpike that much. I've been

25 on it a lot lately, but I haven't driven it that

1 much. I've never been stopped by the New State
2 Police. So my perspectives and my understanding
3 come from a very academic point of view.

4 I would much rather see the
5 community get the information that it thinks is
6 important. That's a lot more difficult to get
7 the answer from, there's a lot more folks to talk
8 to. But I think that's the critical piece.

9 And then ask yourselves a question,
10 Well, we've got these data points that the
11 community are interested in, are they the only
12 ones we want or do we want some others as well
13 from an organizational or professional
14 standpoint, I think you'd have a fairly decent
15 system.

16 And the third part of that question
17 is that the information overhead has to not be so
18 difficult that it can't be reported. In other
19 words, you don't want it to be so difficult to
20 get to the answer to the question that you can't
21 get a routine usable report on it on a periodic

22 basis. You have to be able to get to the
23 information economically. That's one of the
24 great things about the MAPPS system. You spend a
25 lot of money on the front end of it, but it gives

1 us pretty easy access to information.

2 So I hope I've answered your
3 question. The real answer is I'm probably not
4 the guy to ask, it's the folks who are
5 represented by the members of the Committee who
6 would have a better feel for that I think.

7 MR. JEROME HARRIS: On a related
8 question, in any of the jurisdictions that you've
9 been doing work on, have police or policing units
10 been able to develop a process that works
11 or is there some best practices that you can
12 point us towards?

13 DR. GINGER: No, sir. There's no
14 place that I've been affected with that argument.
15 There probably are places that would be good to
16 look just based on their history like Berkeley,
17 California would be a good place to start.
18 They're a very open government there.
19 Metro-Dade, Florida would probably be a good
20 place to look, that's also a very open
21 government. But I've been never been successful

22 in the argument of making your life easy by

23 reporting routine information to the public.

24 MR. JEROME HARRIS: Another of your

25 comments that was interesting, you discussed the

1 importance of leadership, the importance of
2 legislative support. But in the process of
3 monitoring and in moving towards self-improvement
4 you talked about the importance of the trust
5 factor that was developed between yourself and
6 the State Police.

7 In the context of this monitoring
8 process, trust and a sense of maybe an absence of
9 independence, okay, can move into the discussion.
10 And that would suggest then that those of us who
11 were in the same business kind of come together
12 and collaborate so that we don't -- we're not as
13 critical as one might be.

14 How would you address someone who
15 would raise that question about that
16 relationship, and particularly the laudatory
17 tones in the last report in terms of just how
18 well the State Police had done and just how
19 independent might people challenge their
20 independence in the context of that --

21 DR. GINGER: That's a great

22 question. And the members of the Committee

23 should take note that I haven't paid Mr. Harris

24 to ask that question.

25 The Consent Decree development

1 process -- in other words, the way I implement a
2 Consent Decree, the way that Mr. Rivas and I
3 implemented this one, was that we take the
4 Consent Decree, we disaggregate it into its finer
5 points. We identify standards that determine
6 whether or not that requirement is met. We
7 identify measures that we use to assess adherence
8 to those standards and we identify statistical
9 methodologies that will be applied in a level of
10 compliance. And that's all done in the first six
11 months. That was done well before we developed
12 any trust.

13 The vast majority of the
14 requirements of this Consent Decree are
15 articulated into quantitative measures that the
16 monitors simply count, add, subtract, multiply
17 and divide. That's all we do and a number pops
18 up, and that number says in compliance or not.
19 If it's 95 or higher it's in compliance; if it's
20 94 or lower it's not. So the issue of trust did
21 not come into the development of the standards

22 and the measures and the statistics that are used
23 to determine compliance. That was at basically
24 day one in the seven-year project. So we have
25 actually very little leeway.

1 There's very few times that Al Rivas
2 and I and I have to get on the phone and go, What
3 do you think, in or out, because the numbers
4 basically speak for themselves. So we were
5 prepared seven years ago, actually longer than
6 that, to answer that question. Because it has to
7 arise. This is a human interaction process and
8 you can get too close to the people that you're
9 monitoring. But it wouldn't make any difference,
10 because if the numbers come up 94, they come up
11 94. So we guarded against that early on in the
12 project.

13 MR. RIVAS: And in response to the
14 suggestion that the 16th may have been too
15 laudatory, I would direct people to the 1st, 2nd,
16 3rd, 4th, and 5th reports where we were anything
17 but to laudatory of the State Police. I mean,
18 when we had to call foul, we did call a foul.
19 And as indicated by Dr. Ginger, most of the time,
20 99.90 percent of the time we're looking at a list
21 and we're looking at a number and there's no

22 interpretation to be given, it's either in or
23 it's out. And I think there's an example of that
24 in the 15th report where we had to call the State
25 Police not in compliance in a particular area.

1 So there's never been an issue of
2 being collaborative with the State Police. We
3 have worked with them. They have our respect, we
4 have their -- we respect them. But in this
5 issue, it's been a fairly objective kind of
6 analysis as to whether you are compliant or
7 you're not compliant, at least the way this
8 Consent Decree is set up.

9 MR. JEROME HARRIS: Thank you.

10 CHAIRMAN JOHNSON: Thank you.

11 Mr. Rambert?

12 MR. RAMBERT: Dr. Ginger, Mr. Rivas,
13 thank you for coming here so many numerous times
14 and answering all our questions. I also want to
15 thank my fellow Committee members for their
16 in-depth questions. My question is sort of a
17 brief comment.

18 Technically, the State Police are
19 100 percent compliant. But given the experience
20 in Pittsburgh, once the decree was lifted they
21 slipped back. So my feeling is there's still a

22 need to implement a monitoring system, one that's
23 not self-policing. And I'm not implying that the
24 State Police will not do their best or has not
25 integrity in carry out that process,

1 self-monitoring process. A system is need --
2 it's not cumbersome, not political and inspires
3 public confidence.

4 With an independent monitoring
5 system, something like this recent training
6 incident could be detected, explained to the
7 public and corrected. And that's my only
8 comment.

9 CHAIRMAN JOHNSON: Ms. Yang?

10 MS. YANG: Thank you, Mr. Chair.

11 And thank you Dr. Ginger and
12 Mr. Rivas for appearing here today.

13 I actually want to address something
14 that my fellow Committee members have already
15 raised.

16 Now, let's just say for argument
17 sake that we decide to terminate the monitoring
18 process. What are the possible obstacles that
19 there will be unauthorized training? And if the
20 State Police is a self-correcting entity, what
21 are your feelings about that, would they be able

22 to -- are you saying that it's possible they

23 could catch it on their own or -- what are your

24 thoughts on that?

25 DR. GINGER: Well, the record

1 indicates that they did catch it on their own.
2 So I think the answer to the first question is,
3 yes, they can -- they did and they can. That's
4 assuming that, you know, that the agency stays at
5 its current level of staffing, that the current
6 level of leadership exists, et cetera, et cetera,
7 et cetera. And those are all things we cannot
8 predict.

9 So as it stands now there's no
10 doubt. It's reflected in the record within weeks
11 of the first unauthorized training it was
12 noticed. And that process, which was originally
13 designed to be a long-term process, there were
14 going to be numerous repetitions was stopped.
15 And that was all done without picking up a phone
16 and calling the monitors and saying, "Hey, what
17 do you think, can we continue to do this or not?"
18 I mean, that was an internal decision, it had
19 nothing to do with the monitors.

20 So, yes, you can build
21 self-correcting policing systems. You have a

22 perfect example of one right now in New Jersey

23 with the New Jersey State Police.

24 The second part of that question

25 gets much more difficult and that is what happens

1 after we leave. And I think we've talked about
2 that quite a bit, you know, a commitment from
3 legislature, a commitment from leadership, a
4 commitment on funding, and a commitment from the
5 community. A well-informed community is a good
6 impotence for good policing. I think it's a good
7 thing to have a well-informed community. So the
8 question is what information? And then there are
9 a whole host of other layers of independent
10 review and that sort of thing. Again, you have a
11 working system in New Jersey right now with the
12 Office of State Police Affairs.

13 So the answer to your question is,
14 yes, you can build those systems and, yes, they
15 can be effective. The question is really what do
16 you want much more so than can it be done. It
17 can be done. The question is what does the State
18 of New Jersey want, what do the communities in
19 the state want?

20 And that is a -- and I don't mean to
21 denigrate it, it's a political question in the

22 most honorable sense of the word. It's not
23 something that Al or I -- Mr. Rivas or I could
24 take a shot at for you. We could talk about
25 potentials and all that sort of thing, but the

1 decision really needs to be a local one.

2 MS. YANG: And, actually, just to
3 switch gears, I know that most of us are at a
4 disadvantage because we haven't read your report.
5 But I noticed there's one part of your report I
6 wanted to ask you about. It's the section that
7 says:

8 New Jersey State Police appears to
9 have addressed the issues that gave rise to this
10 problematic consent request. However, the
11 monitors were not unable to judge the full impact
12 of these requests due to the fact there were an
13 insufficient number of motor vehicle stops were
14 reviewed by the monitors, this period, were
15 executed after the remedial steps were
16 implemented.

17 Now why was that, did you run out of
18 time? What were some of the logistical problems
19 there?

20 DR. GINGER: It's really a purely
21 technical process. The 16th monitors' report

22 ended in December, so we could only look at the
23 data up through and including that period of
24 time. The -- if you look at that chart in Figure
25 4, the State Police remedial processes lag behind

1 the actual training for obvious reasons. You
2 can't remediate something that hasn't happened
3 yet.

4 So it looks like based on the sheer
5 number of consent requests, if you look at Figure
6 4, that those have returned to the baseline data.
7 But what Mr. Rivas and I can't do because we
8 didn't have access, it was outside the timeline
9 of data we had access to, is we can't tell you
10 about the quality of those fewer numbers of
11 consent requests, we did not review tapes for
12 those.

13 So while the numbers are down, and
14 honestly I can tell you the numbers are down, the
15 number of problematics are down just by virtue
16 of the fact that the numbers are down. We have
17 fewer to deal with. But we don't know looking at
18 the tail of that graph, the right-hand tail, what
19 the quality of those stops were. We can infer
20 probably what they're going to be like based on
21 the supervisory response that we talked about

22 earlier, but we have not reviewed those tapes, we

23 just don't know. So we can't answer that

24 question definitively, that's why that language

25 is in the report.

1 MS. YANG: Thank you.

2 CHAIRMAN JOHNSON: Mr. Weber?

3 MR. WEBER: Thank you.

4 I just want to try and put this into
5 context for a moment before I ask my question.
6 The Consent Decree was entered in December of
7 1999 and the monitors have now achieved to date
8 sixteen reports. And with the exception of folks
9 who work within the State Police, the two of you
10 are probably the best qualified to give this
11 panel insight and advice on the issue of
12 sustainability.

13 In your most recent report, the
14 executive committee, you state that the New
15 Jersey State Police appear to have reached a
16 watershed moment during the last two reporting
17 periods. Ample evidence exists to suggest that
18 the agency has become self-monitoring and
19 self-correcting to a degree not often observed in
20 American law enforcement.

21 I take that to read that the New

22 Jersey State Police now are head and shoulders
23 above other law enforcement agencies and that
24 there's a process currently in place that allows
25 them to monitor themselves, root out problems and

1 correct those problems.

2 My frustration is, Dr. Ginger,
3 you've been asked a couple of times, specifically
4 by Mr. Goldstein and others, what -- assuming for
5 a moment the Consent Decree goes away, what do we
6 need to put in place to ensure sustainability?

7 And I understand and appreciate your
8 position, but my frustration is you mentioned
9 general things like leadership and funding
10 without any specifics. Colonel Fuentes has been
11 around for a while and I commend him for his
12 efforts, but he won't be here forever and we
13 can't ensure that we're going to have a Colonel
14 Fuentes No. 2 after Colonel Fuentes.

15 So as specifically as you can, could
16 you please give us some suggestions as to what,
17 if anything, needs to be done. Because I read
18 this Executive Summary first paragraph to say
19 that the State Police are self-policing, they're
20 doing what they need to do to self-monitor. And
21 maybe the answer is you go away, the Consent

22 Decree goes away and there are sufficient
23 safeguards in place that we don't need anything
24 else. If that's the case, tell us. If that's
25 not the case, tell us what you think we need for

1 sustainability.

2 DR. GINGER: May be the toughest
3 question of the day.

4 As it stands right now New Jersey
5 State Police have in place policies, procedures
6 and practices that put it at the leadership
7 position in America policing in terms of
8 supervision and review of field operations
9 practices. I know of no other agency that has
10 been as effective as the New Jersey State Police
11 have, and that includes Pittsburgh. And they had
12 a good system in Pittsburgh, but it pales in
13 comparison to what New Jersey State Police are
14 able to do and are doing right now.

15 So if we could take a pair of
16 scissors and cut this off, things are about as
17 good as they're going to get in American
18 policing. Now that's not to say that there might
19 not be another police agency out there that's
20 doing the same sorts of things, but if there is,
21 I don't know about it.

22 The second part of the question
23 becomes an unknown. We do know of one thing,
24 surely as we know Al Rivas and I won't be here
25 forever. We also know Colonel Fuentes will not

1 be here forever. We know Colonel Fuentes has
2 spent a great deal of time, effort and energy in
3 the last few years trying to prep his successor
4 by rotating command personnel around, making sure
5 they're familiar with aspects of the
6 organization. And everything he's done has been
7 prepping the State of New Jersey State Police for
8 the day that he will eventually leave, that's the
9 mark of a good leader. We know he will leave.

10 We also know that sooner or later,
11 maybe sooner than later the State of New Jersey
12 will have a budget shortfall or a budget issues
13 that tempt the state to cut back on funding for
14 new equipment for MAPPs that tempt the state to
15 cut back on the 200-and-some-odd field
16 supervisors they added to get into compliance
17 with the Consent Decree. We know that for a fact
18 that will happen. So the question is how do you
19 protect against it? That is well beyond anything
20 the Consent Decree ever anticipated. It's
21 probably well beyond knowable unless we codify

22 some of these changes that have been implemented
23 by Colonel Fuentes and the folks that came before
24 Colonel Fuentes as well, some inside the
25 seven-year projects.

1 So how do you codify that there will
2 always be a functioning MAPPS system? That's
3 pretty simple, that can be done. How do you
4 codify leadership? I don't know. I can't answer
5 that question. It's never been done anywhere
6 that I know.

7 Based on what I know about
8 organizations they tend to get into a pinnacle.
9 It's very, very difficult to get there, but it's
10 really easy to slip back down and so I know
11 Colonel Fuentes is worried about that. We had
12 the conversation. But he like the rest of us has
13 a limited span of control. He can't really
14 control the agency once he's gone. That becomes
15 an issue of discussion for the Committee. I'm
16 sure it becomes an issue for discussion at higher
17 levels of state government that might pave the
18 way, but the answer to that question is not a
19 tangible thing. It's going to change based on
20 situations and experience.

21 So the second half of your question

22 is pretty difficult to answer.

23 MR. WEBER: Well, you've given us

24 two specifics, codify MAPPS and codify funding to

25 ensure that MAPPS stays at a level in place that

1 it is today. As technology advances, I would
2 assume there'd be more MAPPS to advance, and
3 funding for field supervisors whose jobs may very
4 well be in jeopardy.

5 Are there any other specifics in
6 addition to that that you think will help us
7 sustainability whether it deals with funding for
8 people or processes or the codification of
9 structure?

10 The OSPA, you've heard a lot about
11 OSPA. The OSPA's done a good job. What's your
12 opinion on the role of OSPA? Again, assuming you
13 go, the Consent Decree goes, what's OSPA's role?
14 Same role, enhanced, different role? Do we need
15 somebody to oversee OSPA?

16 Again, I don't mean to thrust this
17 squarely in your face, but the two of you have
18 been dealing with this for a very long time and
19 you know the issues inside and out. You know, we
20 know the issues, but we don't know them for seven
21 years and we have not had the day-to-day insight

22 and experience the two of you have had.

23 DR. GINGER: Well, I guess if I were

24 to give you advice, which I assiduously try not

25 to do --

1 PANEL MEMBER: We've noticed that.

2 DR. GINGER: Well, honestly, it
3 deletes the role of the monitor to start giving
4 advice, but I assume we're near the end game,
5 so...

6 If I had a system that weren't
7 broke -- if I had a system that weren't broke, I
8 don't know that I would worry about fixing it.
9 The system here obviously here isn't broken. It
10 may not be perfect -- and Al and I are not
11 suggesting that it is -- but it's not broken. So
12 until it becomes broken, you know, monitor it,
13 make sure it's working effectively and use what
14 you have. It's a lot easier than creating new
15 layers of bureaucracy or whatever.

16 So remember that everything that's
17 in that 16th report was noticed by the Office of
18 New Jersey State Police Affairs and New Jersey
19 State Police before we made our site visit. When
20 we made our site visit for 15, my response was,
21 When did you have the federal drug interdiction

22 training? I didn't know anything about it, it
23 wasn't approved by us, but they knew about that
24 long before that May site visit and had already
25 started to take effective counteraction.

1 So the system works fairly well the
2 way it is. I mean, otherwise Mr. Rivas and I
3 wouldn't be going, Okay, 100 percent, it's time
4 to move on. I understand, you know, if you want
5 to build a better system, that's great, but the
6 one you have appears to be doing the job pretty
7 well. I can't predict that forever into the
8 future, but, you know, monitor that system, make
9 sure it's working. And working to the way the
10 State of New Jersey wants it to work, not just to
11 the Consent Decree wants it to work.

12 Just as an example, look at what's
13 happened with automobiles since 1999. Would you
14 rather have the 1999 Cadillac or the 2008
15 Cadillac? There have been just massive
16 improvements and those all happened inside the
17 state while this project was ongoing, so...

18 I keep coming back to this, but to a
19 certain extent, Mr. Rivas and I are coming back
20 every six months finding stuff that's not so
21 important anymore. There's other stuff that's

22 more important. You know, you have a classic
23 example of that in the field operations piece of
24 the 16th report, so that might be a good place to
25 look. But if you're happy with it, if it's

1 working, stay with it. If you're not happy with
2 it, then that's another issue, develop something
3 else.

4 MR. WEBER: Thank you.

5 DR. GINGER: My one piece of advice.

6 CHAIRMAN JOHNSON: Mr. Ortiz?

7 MR. ORTIZ: Thank you.

8 Actually, I have the same question
9 Mr. Weber had and the question Mr. Harris had in
10 regard to all the other forces that you report
11 to, you found the ones on the good side, the one
12 in Metro-Dade and the one in California.

13 What specifically about those makes
14 a force that we could look to as you mentioned
15 before?

16 DR. GINGER: Community. There's a
17 long history there of community involvement. And
18 community input. Panels like this are either
19 famous or infamous in Berkeley depending on how
20 you look at them. But there's a long history in
21 both of those agencies -- particularly at

- 22 Metro-Dade there's really good effective police
- 23 management and quality leadership. But in
- 24 Berkeley there's just a terrific history there of
- 25 openness and community involvement, community

1 input. So those would be the two that I would
2 look to.

3 But I'd be very honest with the
4 Committee and anybody else who's listening, after
5 this project's over if I'm asked this question
6 again, it's the New Jersey State Police. Because
7 they truly do have a system here -- not perfect,
8 but it's better than any system I'm aware of
9 today and probably will be for a long while. So
10 New Jersey State Police have made a long march
11 over seven years in a place that needed federal
12 monitors to a place where the federal monitors
13 are saying, Hey, if you want to see how to do
14 this, go see the New Jersey State Police.

15 I'm not saying the New Jersey State
16 Police are perfect and I'm not saying there's not
17 room for improvement. But this is a place that
18 if six months from now somebody on a panel such
19 as this says, "Hey, where can we go to learn how
20 to do this," this is it, New Jersey State Police
21 are on the record of places to go see.

22 MR. ORTIZ: May I ask you the one
23 comment you had mentioned there and the
24 question's been pressed a couple of times and it
25 was important to the community. And I can't

1 imagine our community's any different than the
2 other in the sense that in why we want to be
3 safe, we want to be protected, we want to work
4 with law enforcement. But again, as members of
5 this panel we want to make sure that my family
6 and people in our community are not being
7 targeted. So I can't imagine things are not much
8 different than anyplace else. I would only hope.

9 DR. GINGER: Well, I mean,
10 obviously, the core values are all the same. But
11 the history, the lever and switches of the
12 government itself are different almost
13 everywhere. So having seen the communities that
14 are in New Jersey or the community that was in
15 Pittsburgh or communities that were in
16 Pittsburgh, I see a difference. Our core values,
17 yeah, we all want to be safe, but we want to make
18 sure our civil liberties aren't disenfranchised
19 in the process of being safe.

20 So on the core values I think you're
21 right, but on the mechanisms and what's

22 important, I mean, there's just a big difference
23 between New Jersey and other places and other
24 places and New Jersey. Every community in my
25 experience is substantively different enough to

1 make that a question that needs to be answered by
2 the communities as opposed to the outside
3 experts.

4 MR. ORTIZ: Thank you both for your
5 time.

6 CHAIRMAN JOHNSON: Mr. Khalaf?

7 MR. KHALAF: Thank you, Chairman.

8 It's one of the disadvantages of
9 coming last and being one of the last to ask
10 questions in that most of your questions have
11 already been answered. So if you'd just indulge
12 me for a moment, I want to bring up a concern I
13 had -- I had some concerns throughout this entire
14 process and it's still kind of in the back of my
15 mind. And since this is probably the last chance
16 that we'll have to have you before us, I was
17 hoping maybe you can get into it a little bit
18 more with me.

19 We have a distinct advantage being
20 from the state of New Jersey in that we live in
21 one of the if not the most diverse states of the

22 Union. We have large communities of minorities,
23 large communities of religious minorities and
24 large communities of ethnic groups. Now we've
25 heard testimony in the past that many of these

1 ethnic groups or religious minorities are placed
2 in the category of white or Caucasian, especially
3 by your studies.

4 Now my question is, at any point
5 throughout the entire monitoring period were
6 these communities ever taken into
7 consideration -- especially considering post-9/11
8 most of these communities have been targeted for
9 profiling and have gone through an unusual high
10 amount of scrutiny. I've looked at all the
11 reports and it's pretty much looking at whites,
12 African Americans, Hispanic.

13 So my question to, at any point have
14 these communities have any effect on the way
15 you've done the study, effect on the monitoring
16 itself had to change the monitoring because of
17 the new world we live in now, post-9/11?

18 DR. GINGER: Statistically we've
19 made no changes in the monitoring process of the
20 categories that are counted. But I'll remind the
21 Committee that every one of those data points is

22 a careful review of a videotape or a police
23 report or a videotape, a police report and
24 supporting documentation. So we are very
25 vigilant, very careful to review those videotapes

1 for more than, Okay, let's check off this box,
2 that box and the other. There's a qualitative
3 assessment of the interaction and why that level
4 of interaction rose to the level it rose to.

5 So the answer to your question is
6 from a methodological standpoint, that never
7 changed. The events of September 11th obviously
8 raised awareness, some awarenesses that probably
9 weren't there before September 11th. But each
10 one of those videotapes that was reviewed and
11 each one of the police reports that was reviewed
12 was reviewed with a careful eye toward making
13 sure that there was no difference in -- no
14 qualitative difference in the treatment of
15 motorists based on race, ethnicity or religion as
16 it might be known to the trooper. And you get
17 into a whole issue there. Obviously, he can't
18 tell if I'm Jewish or Baptist. But there are
19 some religions that are inferable based on
20 physical characteristics or clothing apparel or
21 those sorts of things.

22 So we were careful to review those
23 tapes for that. And we were careful to the
24 extent possible to review written reports to make
25 sure that -- let me strike that, not to the

1 extent possible, to make sure that probable case
2 existed when there was an arrest made or a
3 reasonable articulable suspicion when there was a
4 consent request, but based on experience there
5 was a great deal of reading between the lines as
6 well. And when something didn't make sense we
7 dug a lot deeper.

8 So it's not that we ignored the
9 issues that you've raised, it's that back in 1997
10 when all this stuff was articulated and agreed to
11 by the parties, the court, the state, the United
12 Justice Department, those issues were not as
13 critical as they may be today. So the review
14 process became more qualitative than
15 quantitative. If that helps. Or if that
16 clarifies, it may not help.

17 MR. KHALAF: Somewhat. I guess one
18 concern I had was it seems to me this whole
19 process seems very robotic. It was set in place
20 earlier on and then hadn't adapted or changed
21 even though the world around us has changed

22 drastically. So you're saying that's not the

23 case, this was a living, breathing process?

24 DR. GINGER: Absolutely. Every one

25 of those videotaped reviews was conducted to look

1 for what I call "outlying variables," things that
2 occurred that you couldn't conceivably think of
3 when you envisioned the process or the project.
4 So it was -- and in fact would often before we
5 would have a site visit, I would give members of
6 the monitoring team a heads up. We want to be
7 careful and watch for such-and-such and so-and-so
8 on this site visit. Because it's -- I read
9 things in the written reports as I was preparing
10 for the site visit that triggered a doubt,
11 triggered a concern.

12 So that paper review process, which
13 really is at the heart of the monitoring process,
14 we look at two or three hundred every time we
15 come here was sort of refocused on every site
16 visit to look for issues that were triggered
17 during my document to review and prepared. So
18 yes, it was a living, breathing -- to the extent
19 possible it was a living, breathing process.

20 MR. KHALAF: Thank you,

21 Mr. Chairman.

22 CHAIRMAN JOHNSON: Thank you.

23 Mr. Vazquez?

24 MR. VAZQUEZ: This is a team

25 building exercise.

1 Thank you.

2 The Attorney General advised me that
3 she'd been called into a relatively emergency
4 issue. So I passed earlier, but there was one
5 question I wanted to follow up on.

6 I know we've been kind of focusing
7 on the bigger the picture, okay. If we are where
8 we want to be, how do you maintain going forward
9 and we had to -- apparently going out to who's
10 responsibility that is in society and how to go
11 about it?

12 But a more basic question I guess is
13 the one issue that kind of brought this to the
14 forefront was this unauthorized training. And on
15 the one hand, we should take heart in knowing
16 that the State Police caught it -- the Office of
17 State Police Affairs caught it and had started to
18 correct it before the monitors had become
19 involved. And if the system had not been in
20 place, we never would be there. So that is
21 definitely something to take away positive.

22 On the other side, when we're trying
23 to use best practices and help the road troopers
24 do beyond what is constitutionally required, but
25 as to what we think is the way we should all got

1 our policing. You know, training becomes one of
2 the high-priority areas. Maybe -- I'm sure
3 leadership adds to it and so forth, but how
4 you're trained really will effect what you do on
5 the road.

6 Was there anything that you noticed
7 that could have been done internally or through
8 the Office of State Police Affairs that could
9 have caught it before it got to the point of
10 there was unauthorized training which resulted in
11 improper spike and then brought us back?

12 And I just had some basic ideas. I
13 know that we had internal review from the State
14 Police and we had the State Police Affairs,
15 obviously they weren't gone through. And I try
16 not to become too burdensome, but something basic
17 like before any training goes forward, you know,
18 the person who's conducting it needs to have a
19 signed sheet from State Police Affairs and the
20 Internal Security State Police. Is there any
21 type of, I guess, I wouldn't say punitive, but

22 corrective action for members of the State Police

23 who sign up for this training without getting the

24 proper approvals, just by way of example.

25 I'm not taking this that anybody did

1 it with a bad intention. You know, I think they
2 think that it's free, the federal government's
3 putting it on, this is a great opportunity for us
4 to us to jump at it. But we're kind of in a
5 place where we're saying in the federal
6 constitution this is okay, but New Jersey best
7 practices doesn't quite meet the stuff where we
8 want to be. And it could be something as simple
9 as bringing the officer in who scheduled it and
10 counseling him or her or taking more serious
11 action depending on the deviation of the
12 training.

13 Have you thought of anything that we
14 could use to make sure that, you know, that we
15 don't get to a point where we have unauthorized
16 training going on so that we don't have to wait
17 and catch it on the back end?

18 DR. GINGER: Historically, we had a
19 fairly elaborate net design to prevent exactly
20 what happened. To the extent that the trooper's
21 time needs to be accounted for when the trooper's

22 are training, so there would be an entry into the
23 timekeeping database. And all of those somehow
24 managed to get missed. I think it's a fairly
25 safe statement to make right now that there will

1 not be in the near future a training event
2 scheduled with New Jersey State Police that
3 hasn't been approved by the New Jersey State
4 Police Academy.

5 The personnel involved with the
6 training at issue have been either transferred or
7 don't work here anymore, don't work in New Jersey
8 State Police anymore. There's no question that
9 the agency not only took this seriously, but sent
10 the signal that it took it seriously. Some of
11 those things that you mentioned about a sign-off
12 sheet and so forth, those requirements were in
13 place, it just didn't happen. And that's -- and
14 we can probably come up with another two or three
15 layers that would preclude it happening again and
16 wait long enough it will happen again.

17 So it's fine to try to take those
18 steps, you know, that you don't produce or attend
19 a piece of training that doesn't have a training
20 academy stamp on it. You don't get your
21 personnel record linked to a training day unless

22 there's an approved training number for that
23 class. We can do more of that. And as important
24 as those are, it's critically important that the
25 supervisory and the monitoring processes that are

1 already in place continue to be used.

2 So I'm not trying to dissuade

3 improvement in that area of training, but to a

4 certain extent, you know, we'll button down

5 training to where we never have to worry about it

6 again and something will pop up in OPS or

7 something will pop up someplace else. And so to

8 a certain extent it's like that game "Whack a

9 Mole," you know, you get one problem nailed down

10 and it pops up over -- and that's just police

11 management. I mean, that's just the history of

12 the way the stuff works.

13 So that's fine. We do what we can.

14 And we learn from every mistake and we tighten

15 down all the nuts and bolts that we can tighten

16 down. But remember that mole's going to pop up

17 someplace else and we want the monitoring system

18 to be able to pick that mole up. And the trick

19 is, you know, getting it on the way up, which we

20 did here, by the way. We had two of these

21 instead of eight. So we kind of actually even

22 got the mole on its way up on this one. So it's

23 both. It's good policy, good procedure, good

24 supervision, but also good monitoring.

25 MR. VAZQUEZ: Just out of -- and I

1 understand we're not shooting for perfection. We
2 take problems as they arise so that we can deal
3 with them which is practical in an organization
4 that's so big.

5 So you feel in your opinion not
6 only -- which I'm not disagreeing with the system
7 work you supposedly to inevitably saw it,
8 adoration, the numbers are able to address it,
9 both in terms of the State Police and what the
10 State Police sends to the monitors, but also that
11 for lack of a better term, the message has gone
12 throughout the State Police this will not be
13 tolerated in the future. Because it's
14 double-edge sword. You want people to be
15 trained, but when the State Police are where they
16 are, you have to make sure they're getting the
17 appropriate training.

18 Do you feel confident where that is
19 now, Doctor?

20 DR. GINGER: I do. And let me
21 clarify my last statement. When I was referring

22 to effective monitoring, I wasn't referring to
23 Mr. Rivas and myself. I was referring to the
24 internal monitoring processes that exist in State
25 Police and State Police Affairs. They're

1 about as -- again, they're about as good as
2 anything I'm aware of anyplace else. Does that
3 mean there'll never be another problem here? No.
4 Does that mean there'll never be a problem here
5 that might not take three or four months to
6 notice? No. That's the normal everyday reality
7 of police work.

8 If this were a laboratory, it would
9 be real simple. But we have people doing cold
10 wet work out in the field sometimes without
11 supervision present, and so we know we're going
12 to continue to have problem. But the trick is to
13 refine the monitoring processes to the point that
14 they are implementable, but not intrusive. And
15 that is the whole key piece of this and I'll give
16 you just a classic example.

17 Mr. Rivas and I bent over backwards
18 to not require a separate form for any monitoring
19 process, so we did virtually all of our work
20 based on existing police documentation so that
21 there wasn't this, Here we go, another

22 bureaucratic lagger. Police work's pretty tough
23 stuff and it's hard enough to do under normal
24 circumstances without strangers poking their
25 noses about. So as you build those monitoring

1 processes, it's important that they be relatively
2 transparent and have relatively low overhead, you
3 know, so as opposed to the flip side of that
4 where they're not transparent and they've got
5 high overhead.

6 MR. VAZQUEZ: Thank you, Doctor.

7 Thank you, Mr. Rivas.

8 CHAIRMAN JOHNSON. Thank you. I am
9 now the last questioner standing between everyone
10 and lunch, so I'm going to try to be fairly
11 efficient.

12 I am going to follow up on the
13 questions that were posed by the team members to
14 try to round out some of the areas of discussion.

15 One was the tracking of stopping of
16 motorists of Arab decent. Two is the training
17 issue. I think there's knowledge that needs to
18 be clarified in certain perspectives. It seems
19 that the reason in my mind is money.

20 The concept of supervisory
21 correction which is discussed in your reports, I

22 think we need to follow through on that.

23 And finally, I wanted to talk a

24 little bit about oversight.

25 First to Mr. Khalaf's questions on

1 the post-9/11 world. We've learned over the
2 course of the year that in addition to the review
3 of videotapes and reports a very important tool
4 that's used and really a part of the MAPPs system
5 is the scattered finding of stops. And by that
6 we've understood that the race or ethnicity of
7 the general motorist, general motorist is
8 recorded and reflected in the system and the
9 troopers who looked at -- their records over the
10 course of a month or longer are looked at to
11 determine whether or not there's a
12 disproportionally in the numbers of individuals
13 that are stopped, African Americans, Hispanic,
14 white. And at least on that very important tool
15 there is no provision right now to deal with the
16 concern of profiling of Arian Americans or people
17 who are Islamic. That's correct?

18 DR. GINGER: That's correct.

19 CHAIRMAN JOHNSON: Okay. But in the
20 other areas we do have that mechanism, but it's
21 something that hasn't evolved to take into

22 account at least on an important tool of the

23 sorts of concern that Sam Khalaf highlighted?

24 DR. GINGER: That's correct.

25 CHAIRMAN JOHNSON: Do you envision

1 that it being something that as the system
2 evolves can be imported into the system?

3 DR. GINGER: Technically it's
4 certainly feasible. I see no reason not to do it
5 particular given the proximity of the state of
6 New Jersey to one of the larger targets in the
7 United States. So I mean, it's a matter of
8 changing the database and start collecting those
9 data and then training people to use the
10 reporting process that comes up as a result of
11 that.

12 CHAIRMAN JOHNSON: Why wasn't the --
13 why -- it's now six years after 9/11, this
14 concern's been around for this period of time, why
15 hasn't the database been changed in that
16 additional work on the data?

17 DR. GINGER: Well, Mr. Rivas and I
18 have not seen any indication of a systemic need
19 to do that otherwise it would have been noted in
20 one of our reports. And, you know, the state
21 based on -- if the state's review is similar to

22 our review, there was nothing that generated a
23 need for that at any point in time up through
24 today. And this, I think, highlights the need to
25 talk to the community about what needs to happen

1 in the future. Obviously, the community will
2 feel the need long before the police agency will.
3 And so that issue of communication with the
4 community about problems, monitoring processes,
5 issues, that sort of thing is critical for that
6 piece.

7 The flip side of that is that
8 statistically you need to be careful how you
9 collect that information. For example, you
10 collect information on ethnicity versus religion.
11 Well, the religion piece needs to be a knowable.
12 I mean, if the trooper has no clue that the
13 individual might be Hindu or Arab or -- then it
14 would be difficult for the trooper to take action
15 based on that belief. And so how you correct
16 those data points is not a cut-and-dry process.

17 And it would require -- the
18 technical piece of it is separate, you make a
19 change in the database or several changes to the
20 database, but the implementation and the training
21 piece is something that would require a great

22 deal more attention. That's not an excuse not to

23 do it. Just because it's hard work doesn't mean

24 you don't do it.

25 And we're close enough to important

1 targets that it has to be a function of New
2 Jersey State Police. But as the community will
3 probably tell us, it's just as important to
4 protect our civil rights as it is to protect our
5 targets and in America you can do both. So
6 there's no reason not to take those steps if
7 they're articulated as a need by the community.

8 CHAIRMAN JOHNSON: Thank you.

9 Let's move next to the training
10 issue which we have gone over a fair amount. But
11 the chronology is important, who did what when is
12 important because there's certain policy
13 implications that I'm talking about.

14 Now as I understood your testimony
15 between the two of you, that there was a training
16 course that was being offered for troopers that
17 preliminary have responsibility for regulating
18 commercial traffic and then there were additional
19 seats that were open in that training. Who
20 was -- at what level did the officers rank -- not
21 who in particular what -- made the decision to

22 offer this training to a set of troopers that had

23 road -- regular traffic responsibility rather

24 than commercial traffic responsibilities?

25 DR. GINGER: It's my understanding

1 that that individual was a captain. Now that
2 individual no longer worked with New Jersey State
3 Police by the time we came for the site visit
4 four months later, three months later. But it's
5 my understanding it was a captain that made that
6 decision and it was a localized decision. In
7 other words, we didn't go down to -- we didn't go
8 from up north where the training was held to the
9 southern part of the state to pull troopers in.
10 They were folks in the same troop for the most
11 part. If that answers your question.

12 CHAIRMAN JOHNSON: Yes.

13 How many individuals actually -- how
14 many troopers actually went through your training
15 program?

16 DR. GINGER: I'd have to go back and
17 look at my data. I don't recall the exact
18 number. It was 60 or so --

19 CHAIRMAN JOHNSON: Sixty or so?

20 DR. GINGER: -- if I'm correct. But
21 again I'd prefer to go back and look, but it was

22 not in the hundreds, certainly I think less than

23 a hundred.

24 CHAIRMAN JOHNSON: And based on what

25 you told us, these were troopers that are both --

1 I believe in responses to Reverend Justice's
2 question, these were troopers that were both
3 relatively junior, but also people who had a fair
4 amount of time of the road?

5 DR. GINGER: That's correct.

6 CHAIRMAN JOHNSON: And at any point
7 in time after the basically 60 or so were
8 trained, did anyone report either to their
9 supervisor or to their training academy, This
10 doesn't square with what I think we're supposed
11 to do under the Consent Decree, anything like
12 that happen?

13 DR. GINGER: I don't have
14 documentation, but I have anecdotal information
15 that there was a push-back between the personnel
16 that had gone to the training and supervisors who
17 were trying to correct their behavior, and the
18 push-back was, Hey, this is the way we were
19 trained to do it. So there was an issue there.
20 Now that -- and again I'd have to go back and
21 check my records, but that occurred after -- that

22 push-back occurred after the state had already
23 identified the fact that the training had
24 happened and was starting to go through the
25 process of correcting, reintegrating what was

1 trained with New Jersey State practices.

2 CHAIRMAN JOHNSON: So to the extent
3 that there were errors that were noted, they were
4 noted after the State Police had started to
5 correct the problem? They weren't noted by
6 supervisors who were doing their regular review?

7 DR. GINGER: That's not quite
8 correct. Supervisors who would do the first
9 level of review were catching some of these
10 issues and they were actually even being written
11 up at the first line and the secondary level of
12 review, the barrack level, if you will, the
13 station level. And that happened very early.
14 Now to give you numbers and that sort of thing
15 would be difficult to do from memory. But there
16 were -- you know, I do recall reading first line
17 supervisory review reports about articulable
18 suspicion and that sort of thing.

19 And then there was the follow-up
20 that was generated by Office of State Police
21 Affairs. And the State Police themselves that

22 went back and said, I want the name of everybody
23 that attended this training, we're going to make
24 sure they understand this stuff. And so there
25 were several one-on-one and one on three or four

1 sessions between OSPA and the people who had
2 attended that training. They were sort of
3 retrained and sort of given -- I know this is
4 what you learned, but remember these are best
5 practices.

6 So that actually occurred sort of, I
7 guess, envisioned it as a wave. The first
8 wave -- the first catches we were seeing were
9 first -- some first-line supervisors, not all;
10 and some station lieutenants, not all. Then the
11 second wave was OSPA and the command level of New
12 Jersey State Police and that was everybody, they
13 went back and got --

14 CHAIRMAN JOHNSON: So in the first
15 wave where the errors were caught by the
16 supervisors and they were told that that's the
17 way they were trained. Did the supervisors at
18 that stage go back to either the training camp
19 academy or take it upstairs and said, We think
20 they may have a problem?

21 DR. GINGER: I can't document the

22 exact timeline on that. But knowing what I know
23 about the organization, that's -- there were two
24 ways the organization was clued into the fact
25 they had a problem. They saw a spike in consent

1 requests, that was the first way. But the
2 supervisors who were being told by their troops
3 who then said to the lieutenant, "Now, what's
4 going on here, Lieutenant, this is what you're
5 telling me and this is what they're telling me?"
6 That got back and also triggered an alert.

7 CHAIRMAN JOHNSON: Okay. And then
8 the spike was caught -- was it caught only by the
9 State Police or was it caught by an OSPA working
10 with the State Police?

11 DR. GINGER: I don't know the answer
12 to that. It may have been both. But I know the
13 State Police, Office of State Police Affairs
14 triggered on it.

15 CHAIRMAN JOHNSON: So that when you
16 talked about the system being actually correct,
17 you're talking about a system that involves both
18 the Office of State Police Affairs and the State
19 Police, not the State Police as a stand-alone
20 organization correcting everything itself?

21 DR. GINGER: That's correct.

22 CHAIRMAN JOHNSON: Okay. The -- in
23 your report you talked about -- I think you
24 reported that there was a higher level of errors
25 that rather than being caught at the first level

1 were caught in subsequent levels of review. What
2 sort of errors were they that were caught in
3 subsequent levels, you described a trend analysis
4 of some sort?

5 DR. GINGER: Qualitatively, the
6 differences were probably very similar, it's the
7 number that was more of concern to us. So let me
8 explain a little bit.

9 There were -- from memory there were
10 first-line supervisors who did an excellent job
11 of, Oh, wait a minute, where's the reasonable
12 articulable suspicion here, and that was brought
13 up and that was actually -- there were actually
14 responses taken at the supervisory level at the
15 station. But the numbers of those was not
16 sufficient to not rely on secondary and tertiary
17 levels of review to get everything caught. So
18 there was a much higher level of OSPA review
19 catching issues for the 15th and 16th Report than
20 there normally were. Normally most things were
21 taken care of either at first-line supervisory

22 review or at the lieutenant's review of the

23 station.

24 In the 15th and 16th we saw more of

25 those get through and I have a sneaking suspicion

1 it was because of that push-back. The troops are
2 going, Wait a minute, I got this training. It
3 was the Department of Homeland Security and this
4 is how they told us to do it. And so the
5 sergeant at station level now is all of a sudden
6 wondering if he's had state-of-the-art or she's
7 had state-of-the-art training. So the write-up
8 may not have been forthcoming from that point.
9 It was pushed back then to OSPA or executive
10 level of Unit State Police if that answers your
11 question.

12 CHAIRMAN JOHNSON: Yes. But so
13 again in this circumstance it was OSPA that was
14 essentially acting as a backdrop for supervisors
15 for the State Police?

16 DR. GINGER: It was OSPA and the
17 executive level of the State Police, so what we
18 refer to in the report as troop level review.
19 That was -- under normal circumstances we saw
20 most of our issues resolved at station level,
21 either the first-line supervisor or the

22 lieutenant. With 15 and 16 we saw more stuff get
23 through that first level and get to executive
24 level review at troop or to the Office of State
25 Police Affairs.

1 CHAIRMAN JOHNSON: And unless there
2 are additional questions, we're just about on
3 schedule, I'd like to thank both of the
4 witnesses, not just for your testimony today, but
5 really for the work you put in for the last
6 seven, eight years.

7 DR. GINGER: Pushing eight.

8 CHAIRMAN JOHNSON: Thanks.

9 DR. GINGER: We're off the record
10 now, right?

11 I'd like to thank the Committee.
12 I've served on these committees and I know the
13 time that it takes. The effort and commitment
14 has been exceptional, so it's been a pleasure.

15 CHAIRMAN JOHNSON: I think we'd like
16 that on the record. Thank you, Jim.

17 (Whereupon, a lunch break was taken.

18 The time is 1:42 p.m.)

19 (Back on the record. The time is

20 2:36 p.m.)

21 CHAIRMAN JOHNSON: Good afternoon

22 and welcome to the second session of what is

23 likely to be the last public hearing of the

24 Advisory Committee on Police Standards.

25 This afternoon's witness is Colonel

1 Rick Fuentes who has lead the State Police
2 through much of the transition period and through
3 much of the monitorship and really to the members
4 in this room needs no introduction.

5 Colonel Fuentes, thank you for your
6 presence today, your participation in this
7 process.

8 And for those who don't know,
9 getting to this point, just for the Committee's
10 process requires a great deal of support and
11 information sharing from the State Police and
12 Colonel Fuentes has been critical in making sure
13 that happens.

14 Colonel Fuentes, thank you, and you
15 may begin your testimony.

16 COLONEL FUENTES: Thank you,
17 Chairman Johnson, and distinguished members of
18 this Committee.

19 Since my last testimony before this
20 Committee in October of 2006, much has occurred
21 within the Division of State Police, and I look

22 forward to sharing with you the continued success

23 of the organization.

24 I will concentrate my opening

25 remarks on the anticipated areas of inquiry that

1 were forwarded to my office on September 14th
2 from Chairman Johnson.

3 On July the 28th, 2007, the State
4 Police received an internationally-recognized law
5 enforcement accreditation after more than a year
6 of intense reviews and grading. The Commission
7 on Law Enforcement Accreditation, called "CALEA,"
8 awarded this accreditation at a meeting of their
9 commissioners in Montreal, Quebec.

10 CALEA accreditation offers an
11 unbiased, independent assessment of a candidate
12 law enforcement agency by measuring that
13 department against industry-accepted standards.
14 The standards are promulgated by a law
15 enforcement commission comprising members of the
16 International Association of Chiefs of Police,
17 the National Organization of Black Law
18 Enforcement Executives, the National Sheriff's
19 Association, and the Police Executive Research
20 Forum.

21 Key to the receipt of CALEA

22 accreditation is an organizational policy
23 grounded in sound risk management. Once awarded,
24 the CALEA accreditation process becomes embedded
25 within the department's comprehensive risk

1 management system. This system, which provides
2 for the timely flow of relevant information to
3 the Superintendent or appropriate Command Staff
4 members, encourages a cyclical approach to
5 informed decision-making.

6 The CALEA accreditation was the
7 culmination of a two-year process that included
8 onsite inspections from a national team
9 representing the commission. CALEA required that
10 the State Police meet the 371 applicable
11 standards set forth by the commission and rooted
12 in law enforcement best practices. The standards
13 cover the entire range of police activity,
14 including internal affairs policies, recruiting,
15 traffic enforcement, fiscal control, ensuring
16 against bias-based policing, employee
17 development, facility maintenance, and use of
18 early warning systems, from amongst 42 areas that
19 are scrutinized.

20 Since last October, the Independent
21 Monitoring Team issued its issued it's 15th and

22 16th reports.

23 The 15th Report, issued in January

24 2007 and encompassing the first six months of

25 2006, indicated the State Police were 100 percent

1 compliant with all tasks set forth by the decree.
2 The report also issued a warning for missing a
3 meeting of the Risk Analysis Core Group, thereby
4 delaying the completion of a Task 50 report
5 containing the analysis of a calendar year's
6 patrol-related data for a predesignated troop.
7 In this particular case Troop C.

8 The report noted that the missed
9 deadline was the outcome of the Core Group's
10 assignment to research and resolve two emergent,
11 internal issues affecting the State Police. The
12 sudden increased workload caused by my tasking of
13 the Core Group was anchored in a labor-intensive
14 process of data retrieval and analysis. It also
15 revealed gaps in Core Group technology and
16 staffing that essentially prevented work along a
17 dual track that would have satisfied the Task 50
18 and 51 meeting and report requirements of the
19 15th Report.

20 In recognizing the use of the Core
21 Group as a critical problem-seeking-and-solving

22 mechanism within the State Police, the IMT noted
23 in the 15th Report that, quote, The NJSP have
24 taken the MAPPs system beyond the requirements of
25 the consent decree, using it for more than a

1 tracking and control device for motor vehicle
2 stops, use of force, and complaints, and instead
3 using it to identify systemic organizational
4 issues and to craft solutions to those issues
5 before they negatively impact the organization in
6 a significant way, close quotes.

7 To address the issues raised by the
8 monitors concerning the areas of workload,
9 staffing, technology and information access
10 identified in the 15th report and related to Task
11 50 and 51, the State Police applied for a waiver
12 to the state hiring freeze for a civilian
13 analyst. The request was subsequently approved
14 by the Department, and in April 2007 an analyst
15 was hired and assigned to the Core Group. In
16 March 2007, as a result of a specialist
17 selection, two enlisted members were added to the
18 rolls of the MAPPS Unit and assigned to assist
19 the Core Group. In August 2007, we re-assigned
20 another analyst to the MAPPS Unit.

21 In January 2007, the State Police

22 filed the required paperwork with the Office of
23 Information Technology for a state waiver for
24 additional equipment to assist in the production
25 of the Task 50 reports. In May of 2007, over

1 \$81,000 worth of equipment and software were
2 installed for MAPPS and Core Group personnel.
3 Finally, two MAPPS analysts have been provided
4 access to databases to pull supplemental data as
5 needed for the Task 50 reports. These steps were
6 noted by the monitors in the 16th report.

7 The addition of these four members
8 and the technological advances to the Core Group
9 have allowed for the completion of the required
10 Consent Decree related reports as scheduled, yet
11 permit the completion of any ad hoc assignments
12 or reports that are deemed necessary as issues
13 are identified through the risk management
14 process. In other words, the particular
15 circumstances leading to the issuance of a
16 "warning" in the 15th report had been identified
17 and corrected during th 16th monitoring period.

18 The 15th monitors' report also
19 noticed an increase in the number of consent
20 searches from the previous reporting period. The
21 primary reason for the increase can be attributed

22 to a radical change in New Jersey's search and
23 seizure case law. In January 2006, in State v.
24 Eckel, the New Jersey Supreme Court ruled that a
25 police officer could no longer search a motor

1 vehicle incidental to the arrest of a person from
2 that motor vehicle. The State Police forecasted
3 that there would be a change in both the quantity
4 and structure of Consent to Search Requests
5 following this decision, and we contacted the
6 monitors to advise them of our expectation.

7 In light of the Eckel decision and
8 its immediate implementation, the Office of State
9 Police Affairs was requested to provide clear and
10 concise legal guidance to the 3,000 enlisted
11 members of the State Police. An informational
12 bulletin was issued two days, I believe, after
13 the Eckel decision, based upon legal advice from
14 OSPA that indicated that a consent to search was
15 a legal substitute in certain circumstances where
16 a search incidental to arrest would have
17 otherwise been appropriate prior to the Eckel
18 decision.

19 In addition to the anticipated
20 post-Eckel increases in consent searches, our
21 systems and data analysis also revealed other

22 factors that contributed to the increase in
23 consent searches and underscored the change in,
24 quote, tone and tenor, unquote, referred to by
25 the monitors in the 15th report.

1 Our systems and data analysis
2 revealed that training provided by the
3 U.S. Department of Homeland Security and
4 U.S. Department of Transportation was given to
5 enlisted personnel in February and March of 2006.
6 The two programs, the Drug Interdiction
7 Assistance Program (DIAP) and Desert Snow, used
8 training curriculum that focused primarily on the
9 criminal interdiction of guns, drugs, explosive
10 devices and other terror related crimes involving
11 commercial vehicles.

12 The issues raised in the 15th report
13 concerning these training programs was not about
14 course conduct or content, but rather that the
15 training cycle, with respect to linking relevant
16 training to target audiences, was not properly
17 followed. More specifically, commercial vehicle
18 criminal interdiction training designated for our
19 commercial vehicle inspection teams and narcotics
20 personnel in the Homeland Security Branch and in
21 the investigation branch, was also provided to

22 members of the Field Operations Section who were

23 assigned at the last moment to fill empty seats

24 in the class.

25 Subsequent to this training, our

1 early warning systems identified several
2 incidents of elongated motor vehicle stops and an
3 increase in consent searches. As I mentioned
4 earlier, I tasked the Core Group to engage in
5 data retrieval and to provide analytical reports
6 concerning these activities, and as a result of
7 my orders to the Core Group missed the deadline
8 for the Task 50 and Task 51 reports.

9 The Command Staff took several steps
10 to address the elongated stops and increase in
11 consent searches. A Patrol Practices and
12 Procedures Committee was formed to create more
13 timely forecasting of motor vehicle stop activity
14 trends. Advanced first-line supervisory training
15 was provided to appropriate members.

16 For its part, the Training Bureau
17 took a hard look at processes governing outside
18 agency training, and implemented additional steps
19 to maintain better oversight. Included in those
20 steps are the use of multiple reviews of lesson
21 plan material by various entities within the

22 Division, adopting processes that will ensure
23 that there are job-relevant links between
24 personnel and the training they receive, and
25 utilizing the upcoming 2007 in-service to

1 continue to educate and provide awareness to our
2 members concerning the impact of our policies and
3 procedures on DIAP and Desert Snow training.

4 In August of 2007, the monitors
5 issued the 16th report, covering the second half
6 of 2006 and early 2007. Again, the State Police
7 was found to be 100 percent compliant with the
8 tasks of the decree. With the issue of the 16th
9 report, Field Operations has been in compliance
10 with the Consent Decree for almost four years.

11 As expected, the 16th report noted
12 an increase in consent search requests from the
13 previous reporting period. The monitors wrote
14 that the increase in consent searches was
15 attributable in part to the same DIAP and Desert
16 Snow training noted earlier. It is important for
17 this Committee to recognize that the concerns
18 raised by the monitors in the 15th and 16th
19 reports had already been treated through
20 organizational interventions and procedural
21 corrections by State Police supervisory,

22 executive, and members of the OSPA in "real

23 time," as part of a routine internal review

24 process.

25 The IMT articulated these corrective

1 maneuvers in the 16th report by writing as

2 follows:

3 Quote, The New Jersey State Police
4 response to the unapproved training depicts an
5 agency that has become self-monitoring and
6 adaptive, able to note, analyze and correct
7 problems with the delivery of field services in
8 real time. The essential characteristic designed
9 into the current crop of consent decrees strives
10 for just that type of self-awareness and
11 adaptivity on the part of American law
12 enforcement agencies. It appears the ultimate
13 goal has been achieved, close quote.

14 And that's from the 16th monitors'
15 report Executive Summary.

16 On the surface, it appears that the
17 15th and 16th report assessments of 100 percent
18 compliance are at odds with included language
19 about "warnings" and "slippage." A compliance
20 rate of 100 percent does not mean that we do not
21 make mistakes; in fact, performance deficiencies

- 22 normally occur and process mistakes are routine.
- 23 The decree does not require perfection, but it
- 24 does require systems and policies that ensure
- 25 proper supervisory and managerial oversight. The

1 systems and policies that we have put in place
2 have the effect of ensuring that performance
3 deficiencies are identified and corrected, and do
4 not become systemic issues.

5 Turning to questions raised in the
6 area of the Office of Professional Standards, in
7 April 2004 the OPS was lifted from the parameters
8 of the Consent Decree after a joint motion was
9 filed with the District Court. The motion
10 recognized two successive years of compliance
11 with the OPS-related tasks. One of the tasks was
12 a requirement that the legal threshold for
13 substantiating an allegation of misconduct be a
14 "preponderance of the evidence." That standard
15 still applies today for each and every
16 administrative allegation.

17 Standing OPS procedure is to
18 administratively close an internal investigation
19 when the targeted trooper resigns or retires
20 prior to its completion. Should other members be
21 involved, then the investigation will continue to

22 its logical conclusion.

23 In the vast majority of these types
24 of cases and allegations, the investigation has
25 been completed and the member has pending

1 substantiated allegations or charges. Once the
2 resignation or the retirement occurs, a letter or
3 memo is placed in the member's personnel file
4 noting the outcome should he or she ever seek
5 reinstatement.

6 The motion to release OPS from the
7 decree included an agreement that the Office of
8 State Police Affairs would act as the monitor for
9 OPS and continue to conduct audits. That
10 responsibility is just part of the current role
11 of OSPA regarding oversight and remediation. The
12 Director of OSPA attends every Risk Analysis
13 Panel Meeting and is available for advice and
14 counsel to our executive level commanders on
15 issues raised by the Core Group.

16 Additionally, members of OSPA act as
17 a layer of review in certain post-stop
18 activities, including motor vehicle stops with
19 canine deployment, use of force or a consent to
20 search, those things we call critical. When
21 these post-stop activities occur, a member of

22 OSPA will travel to the station and review the

23 MVR and all associated reports.

24 Members of the OSPA provide legal

25 advise to my office in the area of misconduct

1 investigations. My office and OSPA communicate
2 regularly regarding these investigations, and
3 they are consulted on all aspects, from the
4 conclusions to the recommended discipline.

5 OSPA provides additional legal
6 advice to the State Police in the area of search
7 and seizure, much like they did in Eckel. New
8 case law is reviewed by the Search and Seizure
9 Committee, which is chaired by the Director of
10 OSPA. Upon determining that our membership
11 should be informed of a relevant court decision,
12 OSPA will provide a thorough, concise and clear
13 statement of the practical application of the law
14 and its impact on the law enforcement. That
15 statement is posted on the State Police intranet
16 and may also be covered as part of our annual
17 search and seizure in-service.

18 The Summary of Selected Trends
19 Report issued in March 2007 by OSPA is another
20 manner in which that office assists the State
21 Police. The report notes trends of stop and

22 post-stop activity for the first 13 monitoring
23 periods, covering the timeframe from May the 1st,
24 2000 to April the 30th, 2006, based upon the
25 semi-annual reports filed with the federal court

1 in compliance with Task 114 of the Consent
2 Decree. As stated in the OSPA Trends Report, the
3 filing of this data, quote, affords transparency
4 for the activities of the NJSP, but can merely
5 point to areas where more data would be useful,
6 close quote. Our own Core Group analysis has
7 come to the very same conclusion.

8 Recently, my office received a peer
9 review report commissioned by the Committee and
10 authored by Professor Jeffrey Fagan and other
11 researchers from the Columbia University Law
12 School. Professor Fagan's report presented an
13 analytical review of a report authored by
14 Professor John Lamberth and Jay Kadane submitted
15 on behalf of the American Civil Liberties Union
16 regarding stop statistics on the southern end of
17 the turnpike. As Superintendent, I
18 introspectively and analytically look at studies
19 such as these. I not only welcome but encourage
20 academic research. I believe that academic
21 research enhances the public's confidence in the

22 State Police, which is imperative in the

23 post-9/11 era.

24 The peer review report noted several

25 limitations in the Lamberth/Kadane paper. Some

1 of the limitations deal with the unavailability
2 of certain data elements, including the specific
3 motor vehicle violations observed as well as the
4 level of egregiousness of the violation. Other
5 limitations raised by the review team include a
6 variety of issues with the method of observation
7 of the driver.

8 Ultimately, the review team
9 concluded that the measurement and design
10 limitations of the study were unlikely to
11 undermine the conclusions of Lamberth and Kadane,
12 who wrote that stop rates at Moorestown Station
13 for Blacks are disproportionate to their
14 violation rate and disproportionate to the rates
15 for drivers of other races.

16 Regardless of the continued
17 conflicting research on the issue of appropriate
18 stop data, I am confident that the State Police
19 has systems and procedures in place that would
20 identify any pattern of profiling, or any other
21 type of prohibited patrol practice.

22 As the Committee is well aware,
23 motor vehicle stop data for every station is
24 compiled, analyzed and presented to Field
25 Operations and other executive level commanders

1 via the Core Group. Analysis of our motor
2 vehicle stop data reaches the highest level of
3 our organization. It is important to note that
4 the monitors have indicated to us their belief
5 that there is little more that we could do to
6 dissect patrol practices at the Moorestown
7 Station. Furthermore, a review of the stop data
8 at Moorestown Station by the Police Institute at
9 Rutgers confirmed there was no evidence that stop
10 rates are generated by selected enforcement.

11 While the entire complement of
12 reforms and multiple layers of review provide me
13 with a high level of comfort that our members are
14 engaged in constitutional patrol practices, we
15 will continue to review all literature and
16 research in our quest to maintain the public's
17 confidence. As technological advances and
18 academic research become available to enhance our
19 analysis of enforcement patterns and data, we
20 will continue to look to improve Division policy
21 and practice. As in all cases concerning

22 Division policy and practice, where we don't have

23 answers, we will always continue to look.

24 The issue of de-policing is often

25 raised when discussing any consent decree. In

1 any organization or society, change generally
2 elicits uncertainty and caution. Public and
3 private organizations, including ours, may
4 experience a decrease in certain activities that
5 accompanies the onset of change. A fundamental
6 discomfort with changes in policy, combined with
7 the lack of confidence in being subjected to
8 unprecedented and multiple layers of review may
9 produce attitudes that can initially bring about
10 downward trends in police activity.

11 Over time, as the State Police has
12 adjusted to changes in policies and procedures,
13 there has been a consistent increase in our
14 patrol-related activities. The number of motor
15 vehicle stops, criminal arrests and DWI arrests
16 continue to trend up in 2007.

17 This continuing trend upward is
18 attributed to the complete adaptation to and
19 adoption of the reforms of the federal Consent
20 Decree by the State Police. Other attributes are
21 the confidence our members have in their ability

22 to perform their duties, and an engaged
23 supervisory contingent that continually provides
24 guidance to our newer members. Conversely, the
25 ability to review MVRs and the multiple levels of

1 review of enumerated police actions allow
2 supervisors, commanders, as well as executive
3 level leaders, to see into the performance and
4 behavior of uniformed troopers.

5 Finally, while there are several
6 different types of police oversight models that
7 have been discussed in relation to a post-Consent
8 Decree strategy, it is clear that each has
9 supporters and critics. I would like to
10 reiterate the proposal provided in my October
11 2006 written testimony to this Committee:

12 Codification of the reforms
13 implemented in the State Police over the last
14 seven years, and a continued auditing component
15 to sustain the public's trust and organizational
16 transparency through the publication of
17 semi-annual reports.

18 It is fair to say that the State
19 Police remains the most scrutinized law
20 enforcement agency in the United States. Our
21 troopers' performance under the bright lights, as

22 noted in the most recent monitors' reports, as
23 well as in our CALEA accreditation, are evidence
24 that police reform can be accomplished in a
25 manner that still allows for effective and

1 vigilant policing.

2 I want to thank you, again,
3 Mr. Chairman, and I invite any questions from
4 this Committee.

5 CHAIRMAN JOHNSON: Thank you,
6 Colonel. We're going to start at the opposite
7 end.

8 I'm getting an instruction from the
9 reporter that we'll take a break for a minute
10 while the two of you switch. Thank you.

11 (Whereupon, there is a switch in
12 reporters.)

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15 (MORNING SESSION CONCLUDES AT 2:58 P.M.)

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1 C E R T I F I C A T E

2

3 I, LINDA P. CALAMARI, a Professional
4 Reporter and Notary Public of the State of New
5 Jersey, do hereby certify the foregoing to be a
6 true and accurate transcript of my original
7 stenographic notes taken at the time and place
8 hereinbefore set forth.

9

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12 LINDA P. CALAMARI

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16 Dated: OCTOBER 15, 2007.

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