

# Monitors' Eleventh Report

Long-term Compliance Audit

Civil Number 99-5970(MLC)

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

United States Department of Justice  
Civil Rights Division

State of New Jersey

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## Table of Contents

<u>Topic</u>	<u>Page No.</u>
Executive Summary	iv
1 Introduction	1
1.1 Overall Status Assessment	1
1.2 Format for Compliance Assessment	1
1.3 Compliance Assessment Processes	2
1.4 Flow of the Monitoring Process	4
1.5 Progress toward Compliance	4
2 Assessment of Compliance	6
2.1 Methodology	6
2.2 Compliance with Task 26: Prohibition from Using Race-Ethnicity in Decision Making	6
2.3 Compliance with Task 27: Monitor and Evaluate Implementation of the Motor Vehicle Stop Criteria	12
2.4 Compliance with Task 28: Request for Consent to Search only upon Reasonable Suspicion	15
2.5 Compliance with Task 29a: Recording Requirements for Motor Vehicle Stops	17
2.6 Compliance with Task 30: Communications Center Call-Ins	26
2.7 Compliance with Task 31: Reporting Consent to Search Requests	32
2.8 Compliance with Task 32: Recording and Reporting of Non-Consensual Searches	35
2.9 Compliance with Task 33: Recording and Reporting Deployment of Drug Detection Canines	36
2.10 Compliance with Task 34a: Use of Mobile Video Recording Equipment	37
2.11 Compliance with Task 34b-c: Training in MVR Operation and Procedures	38
2.12 Compliance with Task 35: Supervisory Review of Trooper Reports	39
2.13 Compliance with Task 36: Supervisory Review of MVR Tapes	40
2.14 Compliance with Task 37: Supervisory Referral to PSB of Observed Inappropriate Trooper Conduct	42
2.15 Compliance with Task 38: Periodic Reviews of Referral Decisions	43
2.16 Compliance with Task 39: Regular Supervisory Activity in the Field	44
2.17 Compliance with Task 40: Development of a Management Awareness and Personnel Performance System	46
2.18 Compliance with Task 41: Data Included in the MAPS System	47
2.19 Compliance with Task 42: Annual Access to Troopers' Personal MAPPS Data	48
2.20 Compliance with Task 43: Production of "Counts"	49
2.21 Compliance with Task 44: Common Control Numbers	50

2.22	Compliance with Task 45: Timely Access to MAPPS	51
2.23	Compliance with Task 46: Development of a MAPPS Plan	51
2.24	Compliance with Task 47: Supervisory and Management Reviews	52
2.25	Compliance with Task 48: Quarterly Reviews of MAPPS Data	54
2.26	Compliance with Task 49: Reporting Capabilities of MAPPS	54
2.27	Compliance with Task 50: Comparisons Using Benchmarks	55
2.28	Compliance with Task 51: Analysis of Trends	56
2.29	Compliance with Task 52: Supervisors to Implement Necessary Changes	57
2.30	Compliance with Task 53: Supervisory Review of Troopers with More than Two Misconduct Investigations in Two Years	58
2.31	Compliance with Task 54: Drivers Survey of the New Jersey Turnpike	59
2.32	Office of Professional Standards Requirements	60
2.33	Training Assessment	60
2.34	Compliance with Task 93: Development and Evaluation of Quality of Training Programs	61
2.35	Compliance with Task 97: Encourage Superior Troopers to Apply for Academy	65
2.36	Compliance with Task 98: Formal Eligibility Criteria for Training Personnel	67
2.37	Compliance with Task 99: Training for Academy Instructors	71
2.38	Compliance with Task 100: Training in Cultural Diversity	73
2.39	Compliance with Task 101: Recruit and In-Service Training on Fourth Amendment Requirements	76
2.40	Compliance with Task 102: Training Protocols for the Trooper Coach Process	79
2.41	Compliance with Task 103: Provision of Copies of the Decree to all State Troopers	81
2.42	Compliance with Task 104: Systems Improvement Processes for Police Training	82
2.43	Compliance with Task 105: Provision of Training for Supervisors	83
2.44	Compliance with Task 106: Training for Newly Promoted State Troopers	86
2.45	Compliance with Task 107: Provision of Specialized Training	91
2.46	Compliance with Task 108: Inclusion of Training Data in MAPPS0 Program	92
2.47	Compliance with Task 109: Establishment of a Central Repository for Training Records	93
2.48	Compliance with Task 110: Creation of the Office of State Police Affairs	95
2.49	Compliance with Task 111: Audits of Motorists Subjected to Motor Vehicle Stops	96
2.50	Compliance with Task 112: Internal Audits of Citizen Complaint Processes	97
2.51	Compliance with Task 113: Full and Unrestricted Access for	

	the Office of State Police Affairs	97
2.52	Compliance with Task 114: Publication of Semi-Annual Reports of Aggregate Traffic Stop Statistics	98
2.53	Compliance with Task 115: Appointment of Independent Monitor	98
2.54	Compliance with Task 118: Full and Unrestricted Access for Monitor	100
2.55	Compliance with Task 122: State to File Routine Progress Reports	101
2.56	Compliance with Task 123: State to Maintain all Necessary Records	102
2.57	Compliance with Task 124: Unrestricted Access for the Department of Justice	103
3.0	Executive Summary	105

## Executive Summary

During the last reporting period, the State has continued to make remarkable progress toward compliance in several areas, including training; supervision; development of a MAPPS performance management system; and inspections, audit and quality control. Compliance levels have been improved substantially in training, supervision, MAPPs and quality control. These new compliance levels are, in the monitors' opinions, directly attributable to a focused and clear leadership mandate, emanating from the Office of the Superintendent, placing compliance efforts among the top goals of the agency. Continued cooperation with, and support from the Office of State Police Affairs has focused the State's compliance efforts, with remarkable effects observed this reporting period. Each of these areas is discussed briefly below.

### Field Operations

Rapid, meaningful and focused improvements are now being witnessed in the Field Operations component of the New Jersey State Police. Error rates for all aspects related to the consent decree have dropped precipitously over the last two reporting periods. Of the 50 consent decree-related errors noted from among the stop incidents selected by the monitors this period, *all but one* were considered technical errors, i.e., errors in reporting or process, not errors related directly to Constitutional protections. The data yield a clear picture to the monitors: field operations activities have begun to be *internally monitored* by a cadre of newly trained (or retrained) supervisors who exhibit a commitment to fair and impartial review of activity in the field. These reviews accounted for 90 individual "interventions" by field operations supervisors—steps taken to call to the attention of road personnel errors or violations of New Jersey State Police procedures and to prevent further similar errors or violations.<sup>1</sup>

For the second consecutive reporting period, evidence exists that New Jersey State Police supervisors are fully engaged in the consent decree compliance process, reviewing 186 of the 218 motor vehicle stop events reviewed by the monitors. This 85 percent supervisory review rate yielded 97 instances in which New Jersey State Police supervisory personnel noted violations of New Jersey State Police SOPs and counseled, retrained or otherwise responded to those violations. Not all of these 97 instances were consent-decree related; however, it is clear that the New Jersey State Police have engaged supervisory personnel in their attempts to ensure compliance with the decree. Command staff in field operations continued to be committed to a supervisory review of all incidents involving a law enforcement procedure of interest to the decree. The agency is well along its way to that goal. The New Jersey State Police now subject each motor vehicle stop to at least three levels of review. Immediate supervisors (the

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<sup>1</sup> Forty of the 90 "interventions" were related to non-decree issues, such as trooper safety, etc.

real key to compliance) reviewed motor vehicle stop reports and supporting documentation and video tapes for 85 percent of all motor vehicle stops of interest to the decree selected by the monitors. New Jersey State Police quality assurance reviews subject the supervisory reviews to quality assurance assessments. The Office of State Police Affairs also reviews stop activities. These new supervisory initiatives, again, are reflective of a strong commitment to and interest in the supervisory function by the New Jersey State Police, to a level heretofore not observed by the monitoring team.

New Jersey State Police motor vehicle stops reviewed by the monitoring team this period proved remarkably trouble free—only 50 consent-decree-related mistakes from a potential universe of 2,128. Supervisory personnel, upon review of the incidents selected by them for review, caught 49 of errors made by road personnel, an efficiency rate of 98 percent for the supervisory review process. All but one of these errors were considered by the monitoring team to be “technical” in nature, i.e., technical errors in reporting or process, not Constitutional. The one exception was a Constitutionally conducted search that was not reported to the motor vehicle stop reporting system. As in past reports, the monitoring processes this reporting period noted no indications of racial profiling in the activities reviewed for this report. All consent requests, canine deployments, uses of force and search activities reviewed this period were professionally conducted, and were executed for cause. Field operations activities are in full compliance this reporting period—for the first time.

## Training

Last reporting period, the monitors noted a dramatic and remarkable improvement in training function implementation. This improvement was due, in part, to substantial increases in staffing levels noted in the ninth reporting period. During the eleventh reporting period, the Academy has reaped the benefit of specific planning, organization and development functions implemented during the tenth reporting period. Improvements in virtually *all areas* of the training function were noted again this period. In fact, the Academy has improved its compliance levels in all areas this period, also addressing the two areas in which it was found non-compliant in the tenth report. Executive training and evaluation of the impact of training were addressed during the eleventh reporting period, and substantial improvement has been noted in these areas as well, although full compliance with these two areas was not attained this reporting period. Again, the monitors find the focus, attention to detail, commitment of resources and results achieved by the Academy this period to be exceptional. They reflect a strong commitment to and interest in the training function by the Superintendent of the New Jersey State Police.

## MAPPS Development

Strong progress continues to be made with the MAPPS information system. The system can be used to review trooper and supervisory performance, compare trooper performance to other members of the trooper's workgroup, and to compare performance across work groups. Work continues on establishing appropriate benchmark processes for the MAPPS system. Supporting SOPs and training for operation of MAPPS have been developed and approved by the monitors, and forwarded to the field personnel using the system. MAPPS is currently being used in performance evaluations and positive disciplinary processes, such as verbal counselings, performance notices, and retraining. The monitors reviewed the operational MAPPS database, and found it to contain active data from January 1, 2004. No errors or violations of approved MAPPS policies were noted.

The monitors did note, however, one potentially troublesome characteristic of the State's use of the MAPPS system. In 37 instances in which supervisors had noted a problem with a motor vehicle stop, and had created narratives in MAPPS identifying a problem with trooper actions, the MAPPS carried the action taken regarding the problems as "No Action." The monitors discussed this issue in detail with the State, and reviewed MAPPS training documents regarding this process. The State contends—and the monitors are willing to accept—that this is an issue of supervisory discretion and leadership, e.g., the ability to treat minor or first-time infractions via truly verbal counseling, rather than creating an "searchable record" of first-time or minor events.

#### Inspections, Audit and Quality Control

Inspections and Audit personnel from Field Operations and the Office of State Police Affairs continue to review MVSR and MVR elements for conformance to the requirements of the consent decree. As noted above, the quality control process has yielded remarkable improvements for two consecutive periods.

## Independent Monitors' Eleventh Report Period Ending September 30, 2004

### 1 Introduction

This document represents the eleventh "Independent Monitors' Report" (IMR) assessing the levels of compliance of the State of New Jersey (the State) with the requirements of a consent decree (decree) entered into between the State and the United States Department of Justice on December 30, 1999. This document reflects the findings of the monitoring team regarding compliance monitoring for the period April 1, 2004 through September 30, 2004. In order to complete the report in a timely fashion, monitoring activities were accomplished during the period October 1 through 8, 2004.

The report is organized into three sections, identified below:

- Introduction;
- Compliance Assessment; and
- Summary.

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

#### 1.1 Overall Status Assessment

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

#### 1.2 Format for Compliance Assessment

The IMR is organized to be congruent with the structure of the consent decree. It reports on the State's compliance using the individual requirements of the decree. For example, the first section, the compliance assessment, deals with the requirements, in paragraph 26 of the decree, relating to a specific prohibition against using "to any degree the race or national or ethnic origin of civilian drivers or passengers in deciding which vehicles to subject to any motor vehicle stop" (Decree at para 26). The following



components of the decree are treated similarly. Compliance is classified as "Phase I," and "Phase II," with the definitions specified in Section 1.4, below.

### 1.3 Compliance Assessment Processes

#### 1.3.1 Structure of the Task Assessment Process

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

- Selection of a random or stratified random sample;
- Selection of all available records of that type.

Under no circumstances were the data selected by the monitoring team based on provision of records of preference by personnel from the New Jersey State Police or the Office of State Police Affairs. In every instance of selection of random samples, personnel or Office of State Police Affairs personnel were provided lists requesting specific data, or the samples were drawn directly by the monitors or by the monitoring team while on-site.

The performance of the New Jersey State Police on each task outlined in the consent decree was assessed by the monitoring team during the period ending March 31, 2004. The eleventh independent monitors' report was submitted to the court during the month of December, 2004.

All determinations of status for the New Jersey State Police are data based, and were formed by a review of the following types of documents:







- Official New Jersey State Police documents prepared in the normal course of business<sup>1</sup>; and/or
- Electronic documents prepared by the State or components of state government during the normal course of business.

#### 1.3.2 Operational Definition of Compliance

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

For the purposes of this monitoring process, "compliance" consists of two components: Phase I compliance and Phase II compliance. Phase I compliance is viewed as the administrative piece of compliance. It entails the creation of policy, procedure, rule, regulation, directive or command to "comply" as required by the text of the decree. Phase II compliance deals with the implementation of a specific policy and requires that the policy must, by matter of evidence, be followed in day-to-day operations of the New Jersey State Police. It may entail the provision of training, supervision, audit, inspection, and discipline to achieve the implementation of a specific policy as designed. In commenting on the State's progress (or lack thereof) in achieving Phase II compliance for a specific task, the monitoring team may comment upon the efficacy of training, supervision, audit, inspection and discipline as applicable to that task.

Compliance levels for this monitoring process are reported both through a narrative description and a graphic description. The narrative describes the nature of the task requirement being assessed, a description of the methodology used to assess the task, and a statement of compliance status. It is critical to note, however, that a finding of non-compliance does not mean the State is engaging in inappropriate behavior. It simply means the State has not yet completed its efforts toward compliance. The graphic description depicts compliance status using a standard bar graph to indicate status in each compliance area. Each graphic consists of four segments, depicted below. The first segment depicts each reporting period (four quarterly reports for the first year and two reports for each following year). The second segment depicts the time allowed by the consent decree to complete the particular task. This time period is represented by the solid, dark blue bar . The third and fourth segments represent the time required to complete the task, and to achieve Phase I or Phase II compliance. A vertically patterned light blue bar  indicates that compliance was achieved in the time allotted. A diagonally patterned yellow bar  indicates that compliance was achieved at a later date than originally allocated in the decree, but that the delay, in the opinion of the monitors, does not seriously affect the State's eventual compliance with the decree. A horizontally patterned orange bar  indicates that compliance was achieved at a later date than originally allocated in the decree, and the delay *may* seriously affect the State's eventual compliance with the decree. A solid red bar  indicates expired time which is more than that allowed by the decree, and which, in the judgment of the monitors *does* seriously threaten the State's successful compliance with the decree. A task that was not, or could not be monitored is represented by a hollow bar .

### 1.3.3 Standards for "Compliance"

The parties have agreed to a quantitative standard for "compliance" to be used for assessing compliance for all critical, constitutionally relevant tasks stipulated by the decree which can be quantified. On tasks for which quantitative data can be collected, e.g., the number of Motor Vehicle Stop Reports (MVSRs) that conform to the

requirements of the decree, a standard of greater than 94 percent compliance is used. This means that at least 95 percent of the reports reviewed conformed to the requirements of the decree. This standard is widely used in social science, and is adapted by mutual agreement for this project. For tasks not directly related to constitutional issues, e.g., recording of specific motor vehicle stop events, the parties and the monitors have agreed to hold the state to a 90 percent standard. This change to compliance standards is discussed in more detail in section 2.3, below.

#### 1.3.4 Compliance with a Hypothetical Task

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

This graphic is a hypothetical depiction of a task in which the State has been assessed to be in Phase I compliance in the first reporting period, and in which Phase II compliance has not been attained (but which does not affect the State's eventual compliance).

#### 1.4 Flow of the Monitoring Process

Compliance audits and monitoring processes typically consist of two phases. The first phase focuses on issues of “policy compliance:” the development of policies, rules, regulations and directives to comply. In many cases, the processes required of the agency are new enough to preclude an early evaluation of Phase II compliance processes designed to ensure day-to-day implementation of the requirements. The second phase, represented by this report and future reports, focuses on issues of operational compliance—institutionalizing change into the day-to-day operations of the agency.

#### 1.5 Progress toward Compliance

During the last reporting period, the State has continued to make remarkable progress toward compliance in several areas, including training; supervision; development of a MAPPS performance management system; and inspections, audit and quality control. Compliance levels have been improved substantially in training, supervision, MAPPS and quality control. These new compliance levels are, in the monitors’ opinions, directly attributable to a focused and clear leadership mandate, emanating from the Office of the Superintendent, placing compliance efforts among the top goals of the agency. Continued cooperation with, and support from the Office of State Police Affairs has focused the State’s compliance efforts, with remarkable effects observed this reporting period. Each of these areas is discussed briefly below.

### 1.5.1 Training

Last reporting period, the monitors noted a dramatic and remarkable improvement in training function implementation. This improvement was due, in part, to substantial increases in staffing levels noted in the ninth reporting period. During the eleventh reporting period, the Academy has reaped the benefit of specific planning, organization and development functions implemented during the tenth reporting period. Improvements in virtually *all areas* of the training function were noted again this period. In fact, the Academy has improved its compliance levels in all areas this period, also addressing the two areas in which it was found non-compliant in the tenth report. Executive training and evaluation of the impact of training were addressed during the eleventh reporting period, and substantial improvement has been noted in these areas as well, although full compliance with these two areas was not attained this reporting period. Again, the monitors find the focus, attention to detail, commitment of resources and results achieved by the Academy this period to be exceptional. They reflect a strong commitment to and interest in the training function by the Superintendent of the New Jersey State Police.

### 1.5.2 Supervision

As dramatic as the positive changes have been at the Training Academy this period, the changes made in the *process* and *outcome* of supervision of troopers within the New Jersey State Police continues to be even more remarkable. For the second consecutive reporting period, evidence exists that New Jersey State Police supervisors are fully engaged in the consent decree compliance process, reviewing 186 of the 218 motor vehicle stop events reviewed by the monitors. This 85 percent supervisory review rate yielded 97 instances in which New Jersey State Police supervisory personnel noted violations of New Jersey State Police SOPs and counseled, retrained or otherwise responded to those violations. Not all of these 97 instances were consent-decree related; however, it is clear that the New Jersey State Police have engaged supervisory personnel in their attempts to ensure compliance with the decree. Command staff in field operations continued to be committed to a supervisory review of all incidents involving a law enforcement procedure of interest to the decree. The agency is well along its way to that goal. The New Jersey State Police now subject each motor vehicle stop to at least three levels of review. Immediate supervisors (the real key to compliance) reviewed motor vehicle stop reports and supporting documentation and video tapes for 85 percent of all motor vehicle stops of interest to the decree selected by the monitors. New Jersey State Police quality assurance reviews subject the supervisory reviews to quality assurance assessments. The Office of State Police Affairs also reviews stop activities. These new supervisory initiatives, again, are reflective of a strong commitment to and interest in the supervisory function by the New Jersey State Police, to a level heretofore not observed by the monitoring team.

New Jersey State Police motor vehicle stops reviewed by the monitoring team this period proved remarkably trouble free—only 50 consent-decree-related mistakes from a potential universe of 2,128. Supervisory personnel, upon review of the incidents selected by them for review, caught 49 of errors made by road personnel, an efficiency rate of 98 percent for the supervisory review process. All but one of these errors were considered by the monitoring team to be “technical” in nature, i.e., errors in reporting or process, not Constitutional.

### 1.5.3 MAPPS Development

Strong progress continues to be made with the MAPPs information system. The system can be used to review trooper and supervisory performance, compare trooper performance to other members of the trooper’s workgroup, and to compare performance across work groups. Work continues on establishing appropriate benchmark processes for the MAPPs system. Supporting SOPs and training for operation of MAPPs have been developed and approved by the monitors, and forwarded to the field personnel using the system. MAPPs is currently being used in performance evaluations and positive disciplinary processes, such as verbal counselings, performance notices, and retraining. The monitors reviewed the operational MAPPs database, and found it to contain active data from January 1, 2004. No errors or violations of approved MAPPs policies were noted.

The monitors did note, however, one potentially troublesome characteristic of the State’s use of the MAPPs system. In 37 instances in which supervisors had noted a problem with a motor vehicle stop, and had created narratives in MAPPs identifying a problem with trooper actions, the MAPPs carried the action taken regarding the problems as “No Action.”<sup>2</sup> The monitors discussed this issue in detail with the State, and reviewed MAPPs training documents regarding this process. The State contends—and the monitors are willing to accept—that this is an issue of supervisory discretion and leadership, e.g., the ability to treat minor or first-time infractions via truly verbal counseling, rather than creating an “official record” of first-time or minor events.

### 1.5.4 Inspections, Audit and Quality Control

Inspections and Audit personnel from Field Operations and the Office of State Police Affairs continue to review MVSR and MVR elements for conformance to the

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<sup>2</sup> Records of these errors exist within MAPPs; however, they exist mainly in a narrative form, as opposed to a “searchable” database, requiring supervisors to deliberately check each trooper’s MAPPs record for similar problems each time an error in a motor vehicle stop is noted.

requirements of the consent decree. As noted above, the quality control process has yielded remarkable improvements for two consecutive periods.

## 2 Assessment of Compliance

### 2.1 Methodology

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

The following sections of the eleventh Monitors' Report contain a detailed assessment of the degree to which the State has complied with the tasks to which it agreed on December 30, 1999. The reporting period for this report deals with actions of the State to comply with the decree between May 1, 2004 and September 30, 2004.

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

Task 26	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 26 stipulates that:

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

### Methodology

During the eleventh site visit, members of the monitoring team conducted structured on-site reviews of the operations of eight New Jersey State Police Road Stations. These reviews were conducted of operations reported during the dates of April 1, 2004 through September 30, 2004, inclusive (the last month for which electronic data were available). The team conducted these reviews of Troops C and D,, including the Troop C stations of Bordentown, Allenwood, Kingwood, Hamilton, and Red Lion. Troop D stations (Cranbury, Moorestown and Newark) were also reviewed. As part of this review, members of the monitoring team collected and or reviewed course-of-business data on 218 New Jersey State Police motor vehicle stop incidents. In addition, the team reviewed video recordings of 194 motor vehicle stop incidents involving law enforcement procedures stipulated in the decree. Supporting documentation was reviewed for each of the motor vehicle stops assessed by the monitoring team. The following paragraphs describe the monitoring team's methodology for data collection and analysis of the structured site visits. These descriptions apply to the assessment of compliance of various tasks required by the decree, and are critically important in the assessment of tasks 26 through 36.

### Data Requests

Prior to its site visits in October, 2004, the monitoring team requested of the State electronic and hard-copy data regarding State Police operations. These data requests included the following electronic-format data, in addition to other non-electronic data requests:

- Electronic data for all motor vehicle stop activity for the stations selected relating to an incident in which personnel engaged in one of the eight articulated post-stop law enforcement procedures of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force.
- Electronic data for all trooper-initiated motor vehicle stop "communications center call-ins" for the stations selected, including time of completion of the stop and results of the stop.
- The monitoring team also requested copies of documentation created for all consent search requests, canine deployments, and incidents involving use or force by New Jersey State Police personnel statewide, where such events took place in conjunction with a motor vehicle stop, as defined by the decree.

Based on these data requests, the monitoring team was provided with all motor vehicle stop records for Troops C and D (taken from the State's motor vehicle stop report entry

system) referred to by the State as motor vehicle stop “event” records. Computer Assisted Dispatch System (CADS) records were also requested by the monitors for all motor vehicle stop activity for the selected stations for the active dates of the eleventh site visit.

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

### Motor Vehicle Stops

Based on the data provided by the State, the monitoring team selected specific law enforcement activities for further assessment and analysis. The methodology for selecting these law enforcement activities consisted of identifying all post-stop law enforcement procedures of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical,

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

Type of Activity	Report Reviews	Tape Reviews
Selected MVS Incidents	218	194
MVS Involving Consent Search Requests	12	12
MVS Involving Canine Deployment	5	5
MVS Involving Use of Force	8	8
Probable Cause Searches of Vehicles	14	12
Probable Cause Searches of Persons	10	10

mechanical or chemical force, for each road station assessed. These events were identified using the CAD records provided by the State.

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



- Events that were reviewed using reported data, i.e., motor vehicle stops which resulted in post-stop activities of interest to the decree, and that were reviewed by comparing the electronic data to data included in motor vehicle stop reports and supporting documents (patrol logs, summonses, consent to search reports, etc.), referred to as Type I data;
- Events that were reviewed using both reported data **and** by reviewing recordings of the motor vehicle stop in question, referred to as Type II data; and
- Events that were reviewed simply by viewing video recordings events following a selected motor vehicle stop incident, using a procedure developed to ensure that all events, which should be reported by MVSR, are actually reported, referred to as Type III data.

These records indicated eight events that resulted in consent search requests from the stations selected for review this reporting period, and four events from other stations resulting in consent search requests, for a total of twelve consent search requests.<sup>3</sup> All incidents involving consent search requests were assessed by reviewing New Jersey State Police reports documenting the consent and execution of the search.

All consent searches occurring were subjected to both documentation and video recording review by the monitoring team. Similarly, the New Jersey State Police deployed drug detection canine units five times during the reporting period. Reports from all five of these events were reviewed by the monitoring team, and videos from all five of those events were also reviewed by the monitoring team. Force reportedly was used by New Jersey State Police personnel in eight motor vehicle stop incidents during the reporting period, and reports from all of these incidents were reviewed by the monitoring team. Video tapes of all eight of the use of force events were reviewed by members of the monitoring team during the eleventh site visit. The reader should note that members of the monitoring team reviewed all Motor Vehicle Stop Reports and associated documentation (patrol charts, citations, arrest reports, DUI reports, etc.) for the following New Jersey State Police activities:

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

Selected motor vehicle stop incidents and procedures were subjected to one (or more) of three types of reviews performed by the monitoring team. The types of reviews used by the monitoring team are described below, and a summation of the types of review performed by station, are depicted in Table Two, below.

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<sup>3</sup> One consent requests was declined by the driver during the reporting period.

## Type I Event Reviews

A Type I event review consisted of reviewing all available hard-copy and electronic documentation of an event. For example, an event review could consist of reviewing the motor vehicle stop report, associated records in the patrol log, a supporting consent to search report, and associated summonses or arrest records. Each post-stop event consisting of law enforcement procedure of interest to the decree, i.e., request for

**Table Two: Distribution of Monitoring Events**

Station	Type I Reviews	Type II Reviews	Type III Reviews
1 Allenwood	14	14	0
2 Bordentown	44	44	0
3 Hamilton	15	15	0
4 Kingwood	6	6	0
5 Red Lion	12	12	0
6 Cranbury	35	34	0
7 Moorestown	19	19	0
8 Newark	27	26	0
9 Other Stations	46	24	0
	218	194	0

permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force was subjected to a structured analysis using a form developed by the monitoring team. Problems with the reporting process were noted and tallied using this form. These data were shared with the New Jersey State Police, and clarifications were requested and received in instances in which there was doubt about the status of an event or supporting documentation. A total of 218 Type I reviews were conducted this period.

## Type II Event Review

A Type II event review consisted of reviewing the associated video tape for a given motor vehicle stop event, and comparing the actions noted on the tape with the elements reported in the official documents related to the event. These data were collected using a form developed by the monitoring team. These data were shared with the New Jersey State Police, and clarifications were requested and received in instances in which there was doubt about the status of an event or supporting documentation. A total of 194 Type II reviews were conducted this period.

## Type III Event Review

In order to provide a probability that the monitors would note any events, which **should** have been reported, based on the requirements of the decree, but were not reported as required, the monitoring team in the past had developed a protocol that sampled events after a selected event at a road station. For example, if a motor vehicle stop incident, which occurred at 3am, were selected for review, six events recorded occurring immediately after that were also eligible for review. All events selected for a Type III (video-based) review in the past, had been subjected to a structured review using a form developed by the monitoring team. Based on the State's past performance, ten consecutive quarters in which no unreported events were discovered, no Type III reviews were conducted this reporting period.

### Status

The monitoring team's review of New Jersey State Police SOPs indicates that the agency remains in Phase I and Phase II compliance with Task 26. The monitors continue to review State Police activity for processes that indicate that relatively minor infractions serve as the only precursory violation resulting in requests for consent searches, requests to exit the vehicle, frisks, or other law enforcement procedures. The vast majority of all searches of persons and vehicles conducted by members of the State Police are "non-discretionary," e.g., searches incidental to arrest, with a total of 167 of the 189 searches of vehicles being conducted "incidental to arrest." Of the 191 searches of persons reviewed this reporting period, 166 were "non-discretionary" searches incidental to arrest. The monitors commend the State for improving the quality and tenor of the "average" traffic stop observed by the monitoring team during the past four reporting periods. The monitors have noted no indications of racial profiling in the data reviewed this reporting period.

### Compliance

Phase I: In Compliance

Phase II: In Compliance

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

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

Task 27 stipulates that:

27. The State Police has adopted a protocol captioned "F-55 (Motor Vehicle Stops)," dated December 14, 1999, which establishes criteria to be followed by state troopers in selecting which vehicles to stop for violation of state motor vehicle laws. This protocol includes the nondiscrimination requirements set forth in ¶ 26 and has been approved by the United States in so far as the protocol identifies practices and procedures required by the Decree. The State shall implement this protocol as soon as practicable. The State shall monitor and evaluate the implementation of the motor vehicle stop criteria and shall revise the criteria as may be necessary or appropriate to ensure compliance with ¶¶ 26 and 129. Prior to the implementation of any revised criteria, the State shall obtain approval from the United States and the Independent Monitor.

## Methodology

Compliance with this task was assessed using the Motor Vehicle Stop Report and video review outlined in section 2.2 above. The monitors have noted a remarkable change in the quality, frequency, and tone of supervisory review during the eleventh monitoring period. Supervisory reviews of motor vehicle stops resulting in a law enforcement procedure were effected in 186 of 218 motor vehicle stops selected by the monitors this period, constituting a supervisory review rate of 85.3 percent. For comparison purposes, the supervisory review rate for the ninth reporting period was 53 percent. More importantly, the New Jersey State Police have implemented a much different type of supervisory review process, attempting to meet the goal of having first-line (station-level) supervisors review *all* motor vehicle stops which result in a law enforcement procedure (vehicle exit, frisk, arrest, search, canine deployment, consent request, or use of force). The majority of the supervisory reviews conducted in the ninth reporting period were conducted by secondary supervisory sources—quality assurance reviews, OSPA reviews or other non-station sources. The vast majority of reviews conducted during the tenth and eleventh reporting period were conducted by station-level supervisors.

Members of the monitoring team have noted that field supervisors were present in all monitored activity this reporting period. This was due to a deliberate decision on the part of the monitoring team to review motor vehicle stops that included a supervisory presence, in order to assess the quality of supervision provided by on-scene supervisors. Video tapes were reviewed by first- and second-line supervisors in 85.3 percent of all incidents reviewed by the monitors this period. This 85 percent supervisory review rate yielded only 49 instances in which New Jersey State Police personnel committed errors related to the consent decree. In all but three of these 49 instances, New Jersey State Police supervisory personnel noted these violations of New Jersey State Police SOPs and counseled, retrained or otherwise responded to those

violations<sup>4</sup>. It is clear that the New Jersey State Police have engaged supervisory personnel in their attempts to ensure compliance with the decree. As a result of this newly implemented supervisory process, the New Jersey State Police have noted and corrected 45 decree-related errors that the monitoring team would have noted after the fact. With this new system, these 45 decree-related errors were noted and corrected in “real time,” before the monitors called them to the attention of the State. The “corrected error rate” was 32.8 percent last period, and fell to 21.1 percent this period.<sup>5</sup>

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

## Status

A review of the polices developed, the training provided to date and the implemented MAPPS process indicates that the agency is in Phase I compliance with the requirements of this task. The State continues to review, independently of the monitors, Motor Vehicle Stop Reports (MVSRs) submitted by Division personnel, and continues to note deficiencies in operationalization of the training provided. Retraining to address these deficiencies has been delivered. Only one incident from among 218 reviewed, included an operational error not caught and remedied by field supervisors prior to the monitoring team selecting cases for review this reporting period:

- One trooper conducted a search of a person and failed to note it in his motor vehicle stop report. The search was constitutionally conducted, but improperly reported.

This constitutes an error rate of one of 218 motor vehicle stop incidents, or 0.005 percent, well within the allowable margin of error of five percent. Compliance for this task is defined as “greater than 94 percent.” The State’s compliance rate for these processes stands at 99.5 percent.

The reader should note a continued quantitative and a *qualitative difference* in the supervisory review process. Since late in the sixth reporting period, supervisory personnel have been required to review *all* consent search, uses of force, and canine

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<sup>4</sup> Two of these errors were considered too minor to affect compliance rates.

<sup>5</sup> While an error rate of 21 percent, with supervisors on-scene may seem high, the reader is advised that fully 57 percent of these errors were not of the type that a supervisor, called to the scene after the stop, would have noted, e.g., stop call-in errors and MVR activation errors. Actual tactical errors, ones which would be reasonably noted by an on-scene supervisor, e.g., poor frisks, vehicle searches, searches of persons, etc., accounted for only nine of the 49 errors committed during motor vehicle stops sampled by the monitors, or 4.1 percent of all stops monitored.

deployment reports. Errors in those activities continue to drop this period. In fact, the monitoring team has noted a continuation of last reporting period's remarkable and laudable increase in supervisory review processes, and resulting performance notices—both positive and negative—based on those reviews. Several of these reviews indicated to the monitoring team that the New Jersey State Police are identifying procedural errors prior to the monitoring team's noting them. A total of 186 MVS incidents reviewed by the monitoring team were also reviewed by supervisory personnel. Within those 186 events, the monitoring team noted 49 various errors by law enforcement personnel. New Jersey State Police supervisory personnel noted 46 of those errors prior to the monitors' review process, and corrected all but one of these procedural errors prior to the monitors' site visit.

All of these errors missed this period were very minor errors, i.e., failure to call in the number of occupants in a motor vehicle being stopped, failure to fully describe the reason for the stop during a stop call in, and failure to document a frisk.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

Task 28	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 28 stipulates:

**28. In order to help ensure that state troopers use their authority to conduct consensual motor vehicle searches in a nondiscriminatory manner, the State Police shall continue to require: that state troopers may request consent to search a motor vehicle only where troopers can articulate a reasonable suspicion that a search would reveal evidence of a crime; that every consent search of a vehicle be based on written consent of the driver or other person authorized to give consent which precedes the search; that the scope of a consent search be limited to the scope of the consent that is given by the driver or other person authorized to give consent; that the driver or other person authorized to give consent has the right to be present during a consent search at a location consistent with the safety of both the State trooper and the motor vehicle occupants,**

which right can only be waived after the driver or other person authorized to give consent is advised of such right; that the driver or other person authorized to give consent who has granted written consent may orally withdraw that consent at any time during the search without giving a reason; and that state troopers immediately must stop a consent search of a vehicle if and when consent is withdrawn (except that a search may continue if permitted on some non-consensual basis).

## Methodology

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

## Status

The monitoring team reviewed a total of eleven law enforcement actions involving consent requests conducted during the eleventh report's operational dates. One of these involved a consent search request that was declined. A description of consent request events, by race of driver, is presented in Table Three below. Tables Three through Five depict data from the 218 incidents reviewed this reporting period by the monitoring team. "Number of Drivers" depicts the number of drivers, by race, in the 218 incidents. The number in parentheses in this column depicts the *percentage* of drivers in the total sample, by race. Thus, for Tables Three through Five, there were 100 white drivers of the total of 218 drivers involved in motor vehicle stops reviewed by the monitoring team this period, constituting 45.8 percent of all drivers in the sample. The next column, "Number" depicts the number of law enforcement procedures observed in the motor vehicle stops reviewed. For example, Table Three depicts four consent requests of white drivers, five requests of black drivers, three requests of Hispanic drivers, and no requests of drivers of "other" race/ethnicity. The last column, "Percent" depicts the percent of drivers of a given race or ethnicity, which were, subjected to a given law enforcement procedures. This column will not total to 100 percent. The reviews depicted in this table constituted documentation and/or video tape reviews.

The reader should note that the State has reduced substantially the number of consent search requests, from a high of 59 the fifth reporting period to only twelve this period. As such, the numbers reported in Table Three are not statistically meaningful when reported *viz a viz* race and ethnicity.

All of the eleven consent searches were completed in conformance with the requirements of the consent decree<sup>6</sup>. Obviously, this represents an improvement in performance over last period's consent request actions.

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<sup>6</sup> One driver refused a consent request.

An error rate of none of eleven consent searches constitutes zero percent, falling well within the >94 percent compliance rate agreed to by the parties as the standard for critical tasks outlined by the consent decree. These numbers are so small that they are not statistically significant.

Table Three—Consent Request Activity

Race/Ethnicity	Number of Drivers	Number of Requests for Search <sup>7</sup>	Percent Consent Request by Race/Ethnicity
White	100(45.8)	4	4.0
Black	69(31.7)	5	7.2
Hispanic	43(19.7)	3	7.0
Other	6(2.7)	0	0
Total	218	12	--

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

Task 29a	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Bar]											
Phase II	[Bar]											

Task 29a stipulates that:

29. Motor Vehicle Stop Data

a. The State has adopted protocols (captioned F-55 (Motor Vehicle Stops) dated 12/14/99; C-22 (Activity Reporting System), F-3 (Patrol Procedures), F-7 (Radio Procedures), F-19 (MVR equipment), F-31 (Consent Searches), and a Motor Vehicle Stop Search Report dated 12/21/99; and a Property Report (S.P. 131 (Rev. 1/91)) that require state troopers utilizing vehicles, both marked and unmarked, for patrols on

<sup>7</sup> One consent search request was refused.



roadways to accurately record in written reports, logs, radio communications, radio recordings and/or video recordings, the following information concerning all motor vehicle stops:

1. name and identification number of trooper(s) who initiated the stop;
2. name and identification number of trooper(s) who actively participated in the stop;
3. date, time, and location of the stop;
4. time at which the stop commenced and at which it ended;
5. license number/state of stopped vehicle;
- 5A. description of stopped vehicle;
6. the gender and race/ethnicity of the driver, and the driver's date of birth if known;
7. the gender and race/ethnicity of any passenger who was requested to exit the vehicle, frisked, searched, requested to consent to a vehicle search, or arrested;
8. whether the driver was issued a summons or warning and the category of violation (i.e., moving violation or non-moving violation);
- 8A. specific violations cited or warned;
9. the reason for the stop (i.e., moving violation or non-moving violation, other [probable cause/BOLO]);
10. whether the vehicle occupant(s) were requested to exit the vehicle;
11. whether the vehicle occupant(s) were frisked;
12. whether consent to search the vehicle was requested and whether consent was granted;
- 12A. the basis for requesting consent to search the vehicle;
13. whether a drug-detection canine was deployed and whether an alert occurred;
- 13A. a description of the circumstances that prompted the deployment of a drug-detection canine;
14. whether a non-consensual search of the vehicle was conducted;
- 14A. the circumstances that prompted a non-consensual search of the vehicle;
15. whether any contraband or other property was seized;
- 15A. a description of the type and quantity of any contraband or other property seized;
16. whether the vehicle occupant(s) were arrested, and if so, the specific charges;
17. whether the vehicle occupant(s) were subjected to deadly, physical, mechanical or chemical force;
- 17A. a description of the circumstances that prompted the use of force; and a description of any injuries to state troopers and vehicle occupants as a result of the use of force;
18. the trooper's race and gender; and
19. the trooper's specific assignment at the time of the stop (on duty only) including squad.

## Methodology

See section 2.2 above for a description of the methodology used to assess the State's compliance with this task.

## Status

The review of State Police policies, forms, training, data entry systems, and CADS processes indicates that the New Jersey State Police are in Phase I compliance with the requirements of Task 29a. Effective policies and forms requiring compliance with the reporting requirements of the task have been written, disseminated and implemented into the State Police training process.

Use of the Motor Vehicle Stop Report was monitored for 218 incidents involving a post-stop law enforcement activity of interest to the decree. Use of force, non-consensual searches and deployment of canines received special attention from the monitoring team. The results of these reviews are depicted in Tables Four, Five and Six, below.

## Use of Force

New Jersey State Police personnel reported using force eight times during the reporting period. The use of force rate for white drivers in the sample was 5.0 percent. For black drivers in the sample, the use of force rate was 4.3 percent, and for Hispanic drivers in the sample, zero percent. Members of the monitoring team reviewed reports of all use of force by personnel from the New Jersey State Police. All of the reports were included as part of the MVSR reporting process. Members of the monitoring team found no problems with the reporting process.<sup>8</sup> None of the use of force practices were found to be problematic.

Table Four depicts data from the 218 incidents reviewed this reporting period by the monitoring team. "Number of Drivers" depicts the number of drivers, by race, in the 207 incidents. The number in parentheses in this column depicts the *percentage* of drivers in the total sample, by race. Thus, for Tables Three through Five, there were 100 white drivers of the total of 218 drivers involved in motor vehicle stops reviewed by the monitoring team this period, constituting 45.8 percent of all drivers in the sample. The next column, "Number" depicts the number of law enforcement procedures observed in the motor vehicle stops reviewed. For example, Table Four depicts five incidents of use of force against white drivers (or occupants), three incidents of use of force against

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<sup>8</sup> Members of the monitoring team assessed use of force reports and incidents for reasonable application of force and compliance with elements 17 and 17a of this requirement of the decree.

black drivers (or occupants), no incident of use of force against Hispanic drivers, and no uses against force of drivers of “other” race/ethnicity. The last column, “Percent” depicts the percent of drivers of a given race or ethnicity which were subjected to a given law enforcement procedure. This column will not total to 100 percent. The reviews depicted in this table constituted documentation and/or video tape reviews.

Table Four: Use of Force Activity

Race/Ethnicity of Drivers	Number of Drivers	Incidents of Use of Force	Percent by Race/Ethnicity
White	100(45.8)	5	5.0
Black	69(31.7)	3	4.3
Hispanic	43(19.7)	0	0
Other	6(2.7)	0	--
Total	218	8	na

#### Canine Deployments

The New Jersey State Police deployed drug detection canine units five times during the reporting period. Members of the monitoring team reviewed all available documentation for each canine deployment, and reviewed video tapes of all canine deployments. No reporting problems were noted in any of the five deployments, and the video taped incidents reviewed indicated that the written reports accurately reflected actual events. All canine deployments were professionally executed and were executed for legitimate cause. The numbers of canine deployments were so small as to be statistically insignificant regarding the race of the drivers.

Table Five depicts data from the 218 incidents reviewed this reporting period by the monitoring team. “Number of Drivers” depicts the number of drivers, by race, in the 218 incidents. The number in parentheses in this column depicts the *percentage* of drivers in the total sample, by race. Thus, for Tables Three through Five, there were 100 white drivers of the total of 218 drivers involved in motor vehicle stops reviewed by the monitoring team this period, constituting 45.8 percent of all drivers in the sample. The next column, “Number” depicts the number of law enforcement procedures observed in the motor vehicle stops reviewed. For example, Table Five depicts one canine deployment for white drivers, three canine deployments for black drivers, one canine deployment for Hispanic drivers, and no canine deployments for drivers of “other” race/ethnicity. The last column, “Percent” depicts the percent of drivers of a given race or ethnicity which were subjected to a given law enforcement procedure. This column will not total to 100 percent. The reviews depicted in this table constituted documentation and/or video tape reviews.

Table Five: Canine Deployments

Race/Ethnicity of Drivers	Number of Drivers	Canine Deployments	Percent by Race/Ethnicity
White	100(45.8)	1	1.0
Black	69(31.7)	3	4.3
Hispanic	43(19.7)	1	2.3
Other	6(2.7)	--	--
	218	5	na

### Non-Consensual Searches

Members of the New Jersey State Police conducted 185 non-consensual searches of vehicles among the 218 reports reviewed by the monitoring team during the reporting period. White drivers' vehicles constituted 44.3 percent of the "searched population," while black drivers' vehicles constituted 35.1 percent, and Hispanics drivers' vehicles constituted 19.5 percent of the searched vehicle population. Members of the monitoring team reviewed all 185 of these non-consensual searches of vehicles. None of these non-consensual searches were problematic.

Table Six depicts the results, by race/ethnicity and type of non-consensual vehicle search for the sample of 218 incidents reviewed by the monitoring team this reporting period. Table Six depicts the types of non-consensual searches, by race/ethnicity of the 183 incidents involving a non-consensual vehicle search. For example, 84 white drivers were subjected to non-consensual searches during this reporting period, with 63 white drivers searched incidental to arrest, four subjected to probable cause searches, etc. Numbers in parentheses reflect the percentage of type of search, by race. For example, the 63 searches incidental to arrest constitute 76.8 percent of all searches of white drivers. The reviews depicted in this table constituted documentation and/or video tape reviews.

Of the 185 MVSRs reviewed which entailed non-consensual searches of vehicles, members of the monitoring team found problems with none that were not first caught and remedied by New Jersey State Police supervisory personnel.

Table Six: Reasons for Non-Consensual Searches of Drivers' Vehicles, By Race of Driver

Reason for Search	White # (%)	Black # (%)	Hispanic # (%)	Other # (%)
Incidental to Arrest	76(90.5)	55(88.7)	30(87.8)	4(100)
Probable Cause	4(4.8)	7(11.3)	3(10.2)	0(0)
Plain View	4(4.8)	0	0(0)	0(0)
Proof of Ownership	0(0)	0(0)	0(0)	0(0)
Total	84	62	33	4

Table Seven depicts probable cause non-consensual search-of-person activity by race, for probable cause searches, and Table Eight depicts "incidental to arrest" searches by race.

Table Seven: Probable Cause Searches, by Race/Ethnicity

Race/Ethnicity of Drivers	Number of Drivers	Probable Cause Searches	Percent by Race/Ethnicity
White	100(45.8)	4	4.0
Black	69(31.7)	7	10.1
Hispanic	43(19.7)	0	--
Other	6(2.7)	0	--
	218	11	--

Table Eight: Incidental to Arrest Searches, by Race/Ethnicity

Race/Ethnicity of Drivers	Number of Drivers	Searches Incidental to Arrest	Percent by Race/Ethnicity
White	100(45.8)	63	63.0
Black	69(31.7)	55	79.7
Hispanic	43(19.7)	30	69.7
Other	6(2.7)	4	66.6
	218	152	

In all, members of the monitoring team noted 49 separate incidents in which procedural, reporting, or review issues were evident (see section 2.3, above, for a complete listing of these motor vehicle stop incidents). A total of 46 of these problematic incidents were noted and corrected by retraining prior to the monitor's

noting the behavior. Two of the three remaining errors were considered too minor to report, e.g., failing to check an appropriate box in a motor vehicle stop report. The other error involved *reporting* a search of a person. An error of one from among 218 yields an error rate of 0.05 percent, within the allowable margin of error agreed to by the parties. The State's performance this period represents a drastic improvement in this task over the ninth reporting period, which showed an error rate for this task in excess of 65 percent. Undoubtedly, this improvement, is attributable to the State's newly implemented supervisory processes.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

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

Task 29b stipulates that:

**b. The protocols listed in ¶29(a) include, inter alia, the procedures set forth in ¶¶ 30, 31, 32, and 33 and have been approved by the United States insofar as the protocols identify practices and procedures required by this Decree. The State shall implement these protocols as soon as practicable.**

Methodology

See Section 2.2, above for a discussion of the methodology for assessing compliance with this task.

Status

The review of State Police policies, forms, training, records systems, data entry systems, and CADS processes indicates that the New Jersey State Police are in Phase I compliance with the requirements of Task 30. Effective policies and forms requiring compliance with the reporting requirements of the task have been written, disseminated and implemented into the training process. Development of training for supervisors in the process of scrutinizing motor vehicle stop reports and associated documentation, and systems to facilitate that review have been completed.

The electronic CADS records reviewed by the monitors all included the names of individuals subjected to post-stop law enforcement procedures of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force. All of these records included the race of the individual subjected to a post-stop law enforcement procedure of interest to the decree. All of the records included a CADS incident number. In addition, all had the date of the stop, time of the stop, time the stop cleared, and reason for the stop. All records included the gender and race of the individuals occupying the vehicle, whether a summons or warning was issued (and the category of the violation), and the reason for the motor vehicle stop.

The reader should also note that the data collected in the traffic stop reporting process is among the most robust in the nation. The data analyzed for this reporting period included only those data generated by the electronic reporting process. Accuracy rates for these data, overall, exceeded 99 percent, well within the acceptable margin for error for this task. The earliest available electronic data in the State’s database, provided to the monitors, was September 2, 2000. In the opinion of the monitors, this qualifies as “expeditious” implementation.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

**2.5.2 Compliance with Task 29c: Forms to Support Execution of Tasks 31, 32 and 33**

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

Task 29c stipulates that:

**c. The State shall prepare or revise such forms, reports, and logs as may be required to implement this paragraph and ¶¶ 31, 32, and 33 (and any related forms, reports, and logs, including arrest reports) to eliminate duplication and reduce paperwork.**

Methodology

The State continues to revise forms and policies related to this task, and to provide multiple levels of review and quality control practices related to tasks 31-33.

Status

Forms to support execution of tasks 31-33 have been developed and disseminated. The State has finalized automated data entry at road stations. Conformance to the policies supporting these forms is improving. The forms have been developed and disseminated and are being used by agency personnel, and appear to have improved substantially the level of reporting and compliance with stipulated procedures. None of the compliance problems noted above are attributable to forms, reports or logs created in response to this task.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

**2.5.3 Compliance with Task 29e: Approval of Revisions to Protocols, Forms, Reports and Logs**

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

Task 29e stipulates that:

e. Prior to implementation, of any revised protocols and forms, reports, and logs adopted pursuant to subparagraph (d) of this paragraph, the State shall obtain approval of the United States and the Independent Monitor. The United States and the Independent Monitor shall be deemed to have provided such approval unless they advise the State of any objection to a revised protocol within 30 days of receiving same. The approval requirement of this subparagraph extends to protocols, forms, reports, and logs only insofar as they implement practices and procedures required by this Decree.

Methodology

Members of the monitoring team have reviewed and approved all protocols and forms provided by the State, and have been notified in advance of planned changes to those



protocols and forms. All changes to protocols and forms have also been approved by the United States.

Status

Implementation of revisions to protocols and/or forms has been held by the State, pending the approval of the monitors and the United States. No issues were noted relevant to this task for this reporting period.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

2.6 Compliance with Task 30: Communications Center Call-Ins

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

Task 30 stipulates that:

**30. Communication Center Call-In's for Motor Vehicle Stops.** The primary purpose of the communications center is to monitor officer safety. state troopers utilizing vehicles, both marked and unmarked, for patrols on roadways shall continue to document all motor vehicle stops, inter alia, by calling in or otherwise notifying the communications center of each motor vehicle stop. All motor vehicle stop information enumerated in ¶ 29(a) that is transmitted to the communications center by state troopers pursuant to protocols listed in ¶29(a), and as revised pursuant to ¶29(d) and (e), shall be recorded by the center by means of the center's Computer Aided Dispatch system or other appropriate means.

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task. Compliance with these tasks is measured under a new standard this reporting period, based on an agreement of the parties and the monitors. The compliance standard for data reporting and recording of traffic stop processes was established at 90 percent.

## Status

New Jersey State Police SOPs relating to the call-in of motor vehicle stops meet the requirements of the consent decree. In addition, training regarding motor vehicle stops is reasonably designed to affect the necessary behavior on the part of troopers conducting traffic stops. The recent revisions to New Jersey State Police SOPs noted above have formed the backbone for supervisory review and control of these processes, and when fully implemented, should further improve agency performance in these areas.

For the past ten reporting periods, the State has been in compliance with this requirement, based on the monitors' review of electronic CAD data. In addition, 194 video recordings and documentation from 218 vehicle stops were reviewed this quarter, as were supporting documents, such as CAD abstracts, etc. Compliance with this task was assessed using both the electronic, video, and paper documentation. All data required by paragraphs 29 a, are recorded within the CADs records for vehicle stops, or within associated MVSRS.

Of the 194 video recordings reviewed by the monitors, 18 included an error in call-in or documentation of a motor vehicle stop. Supervisory personnel noted and corrected all but two of these failures. The monitors found no pattern that would indicate these were intentional acts on the part of enforcement personnel. An error rate of two incidents of 194 constitutes 1.0 percent, within the newly established parameter of >90 percent, and interestingly, within the original requirement of 95 percent.<sup>9</sup>

## Compliance

Phase I: In Compliance  
Phase II: In Compliance

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

Task 30a	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	Blue											
Phase II	Yellow/Black Diagonal											

Task 30a stipulates that:

<sup>9</sup> These numbers reflect those recording failures not attributable to technical difficulties with audio or video recording devices.

a. The initial call shall be made at the beginning of the stop before the trooper approaches the stopped vehicle, unless the circumstances make prior notice unsafe or impractical, in which event the State trooper shall notify the communications center as soon as practicable. The State Police shall continue to require that, in calling in or otherwise notifying the communications center of a motor vehicle stop, state troopers shall provide the communications center with a description of the stopped vehicle and its occupants (including the number of occupants, their apparent race/ethnicity, and their apparent gender). Troopers also shall inform the communications center of the reason for the stop, namely, moving violation, non-moving violation, or other.

### Methodology

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

### Status

Members of the monitoring team also reviewed 194 video tapes of motor vehicle stops to assess the time of the call in. Data indicate that 100 percent of all stops were assigned an incident number; 99.9 percent list the primary trooper’s badge number; 99.9 percent list the race and gender of the primary trooper; 99.9 percent list the driver’s race and gender; 99.9 percent list a reason for the stop and a final disposition. The State is in compliance with this task. Of the 194 stop records reviewed by the monitoring team, none indicated that the MVR began after the trooper approached the vehicle. The State is in compliance with this task.

Phase I: In Compliance  
 Phase II: In Compliance

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

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

Task 30b stipulates that:

b. state troopers shall notify the communications center prior to conducting a consent search or nonconsensual search of a motor vehicle, unless the circumstances make prior notice unsafe or impractical.

### Methodology

See Section 2.2, above, for a description of the methodology used to assess compliance with this task.

### Status

Of the 185 search events reported (and reviewed by video tape), 175 were called in to New Jersey State Police communications prior to the initiation of the search. Supervisory personnel caught and corrected, as part of the routine monitoring process, all of these errors prior to the monitoring team’s notice of data pulls. This constitutes an error rate of zero percent, within the >94 percent established as the criterion for this task. This rate is a substantial reduction from the 20 percent noted for the ninth reporting period. Supervisory reviews of motor vehicle stop activity continue to note these failures in the field. The dramatic reduction in problems with these call-ins, undoubtedly, is due to the revised supervisory review process.

### Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

Task 30c	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Pattern]											
Phase II	[Pattern]											

Task 30c stipulates that:

c. At the conclusion of the stop, before the trooper leaves the scene, the trooper shall notify the communications center that the stop has been concluded, notify the center whether any summons or written warning was issued or custodial arrest was

made, communicate any information that is required to be provided by the protocols listed in paragraph 29(a) that was not previously provided, and correct any information previously provided that was inaccurate. If circumstances make it unsafe or impractical to notify the communications center of this information immediately at the conclusion of the stop, the information shall be provided to the communications center as soon as practicable.

## Methodology

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

## Status

New Jersey State Police SOPs relating to the call-in of motor vehicle stops meet the requirements of the consent decree. In addition, training regarding motor vehicle stops is reasonably designed to affect the necessary behavior on the part of troopers conducting traffic stops.

Computer Assisted Dispatch (CADS) were also requested by the monitors for all motor vehicle stop activity for the selected stations. More than 99 percent of electronic CAD records reviewed by the monitors this reporting period were found to have "clearance codes" indicating a call in notifying the communications center of the trooper's actions and time of clearance. Of the 194 stops reviewed by video tape, all were found to have clearance codes. The State is in compliance with this task.

## Compliance

Phase I: In Compliance

Phase II: In Compliance

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

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

Task 30d stipulates that:

d. The communications center shall inform the trooper of an incident number assigned to each motor vehicle stop that involved a motor vehicle procedure (i.e., occupant requested to exit vehicle, occupant frisked, request for consent search, search, drug dog deployed, seizure, arrest or use of force), and troopers shall utilize that incident number to cross reference other documents prepared regarding that stop. Likewise, all motor vehicle stop information recorded by the communication center about a particular motor vehicle stop shall be identified by the unique incident number assigned to that motor vehicle stop.

Methodology

New Jersey State Police SOPs relating to the call-in of motor vehicle stops meet the requirements of the consent decree. In addition, training regarding motor vehicle stops is reasonably designed to affect the necessary behavior on the part of troopers conducting traffic stops.

Computer Assisted Dispatch (CADS) were also requested by the monitors for all motor vehicle stop activity for the selected stations. A sample of CAD records was reviewed electronically, and >99 percent were found to have "CAD Incident Numbers" indicating a CAD incident number. Of the 194 stops reviewed by video tape, CAD numbers were present in documentation for all video tapes reviewed, and in 99 percent of all electronic records. Overall, more than 99 percent of all records included the required CAD incident numbers.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

2.7 Compliance with Task 31: Reporting Consent to Search Requests

Task 31	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	100%											
Phase II	100%											

Task 31 stipulates that:

**31. Consent Searches of Motor Vehicles.** The State Police shall continue to require that whenever a state trooper wishes to conduct or conducts a consensual search of a motor vehicle in connection with a motor vehicle stop, the trooper must

complete a "consent to search" form and report. The "consent to search" form shall contain information, which must be presented to the driver, or other person authorized to give consent before a consent search may be commenced. This form shall be prepared in English and Spanish. The "consent to search" report shall contain additional information, which must be documented for State Police records.

Methodology

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

Status

A MVSR form was completed accurately in all motor vehicle stop reports that included a consent search request. One of the incidents involved a consent request that was denied. This constitutes a 100 percent compliance rate. In addition, the information required to be presented to the driver was so presented in all cases.

During the ninth reporting period, compliance for this task fell below required levels for the first time in the previous five reports. The monitors have determined that, once compliance is achieved, two consecutive periods of poor performance is required prior to loss of compliance. The State was placed under warning for this task during the ninth reporting period. Based on performance for the tenth and eleventh reporting periods, The State is judged to be in compliance with this task.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

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

Tasks 31a-c stipulate that:

- a. The State Police shall require that all "consent to search" forms include the following information :
1. the date and location of the stop;
  2. the name and identification number of the trooper making the request for consent to search;
  3. the names and identification numbers of any additional troopers who actively participate in the discussion with the driver or passenger(s) concerning the request for consent to search;
  4. a statement informing the driver or other person authorized to give consent of the right to refuse to grant consent to search, and that if the driver or other person authorized to give consent grants consent, the driver or other person authorized to give consent at any time for any reason may withdraw consent to search;
  5. a statement informing the driver or other person authorized to give consent of the right to be present during the search at a location consistent with the safety of both the State trooper and the motor vehicle occupant(s) which right may be knowingly waived;
  6. check-off boxes to indicate whether consent has been granted, and if consent is granted, the driver or other person authorized to give consent shall check the appropriate box and sign and date the form; and
  7. if the driver or other person authorized to give consent refuses consent, the trooper or the driver or other person authorized to give consent shall so note on the form and the driver or other person authorized to give consent shall not be required to sign the form.
- b. A state trooper who requests permission to conduct a consent search shall document in a written report the following information regardless of whether the request for permission to conduct a search was granted or denied:
1. the name of the driver or other person authorized to give consent to whom the request for consent is directed, and that person's gender, race/ethnicity, and, if known, date of birth;
  2. the names and identification numbers of all troopers who actively participate in the search;
  3. the circumstances which constituted the reasonable suspicion giving rise to the request for consent;
  4. if consent initially is granted and then is withdrawn, the fact that this occurred, and whether the search continued based on probable cause or other non-consensual ground, or was terminated as a result of the withdrawal of consent;
  5. a description of the type and quantity of any contraband or other property seized; and,
  6. whether the discussion concerning the request for consent to search and/or any ensuing consent search were recorded using MVR equipment.
- c. The trooper shall sign and date the form and the report after each is fully completed.



## Methodology

Members of the monitoring team reviewed report information for 12 consent requests and 11 consent searches<sup>10</sup>, and reviewed video tape recordings of all motor vehicle stops involving consent searches. Supporting documentation for all consent search requests was reviewed, and the events depicted on eight video tapes reviewed (three were not taped; one was declined) were assessed in light of the reports generated by the trooper concerning the event. See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

## Status

Members of the monitoring team noted no reporting or process problems with the 11 consent searches. The State was placed under warning for paragraph 31 activities for the ninth reporting period, but regained compliance in the tenth. No problems were noted with paragraph 31 activities this period or in the tenth period. The State is judged to be in compliance with this task.

## Compliance

Phase I: In Compliance  
Phase II: In Compliance

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

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

**32. Non-consensual Searches of Motor Vehicles (Excluding Vehicle Searches Begun as a Consent Search).** A state trooper shall complete a report whenever, during any motor vehicle stop, the trooper conducts a non-consensual search of a motor vehicle (excluding vehicle searches begun as a consent search). The report shall include the following information:

1. the date and location of the stop;

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<sup>10</sup> One consent search was refused.

2. the names and identification numbers of all troopers who actively participated in the incident;
3. the driver's name, gender, race/ethnicity, and, if known, date of birth;
4. a description of the circumstances which provided probable cause to conduct the search, or otherwise justified the search;
5. a description of the type and quantity of any contraband or other property seized; and
6. whether the incident was recorded using MVR equipment.

## Methodology

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

## Status

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

Of the 185 MVRs reviewed which entailed non-consensual searches of vehicles, members of the monitoring team found problems with none. The State remains in compliance with this task.

## Compliance

Phase I: In Compliance

Phase II: In Compliance

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

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

Task 33 stipulates that:

**33. Drug-Detection Canines.** A state trooper shall complete a report whenever, during a motor vehicle stop, a drug-detection

canine is deployed. The report shall include the following information:

1. the date and location of the stop;
2. the names and identification numbers of all troopers who participated in the incident;
3. the driver's name, gender, race/ethnicity, and, if known, date of birth;
4. a description of the circumstances that prompted the canine to be deployed;
5. whether an alert occurred;
6. a description of the type and quantity of any contraband or other property seized; and
7. whether the incident was recorded using MVR equipment.

### Methodology

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

### Status

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

Members of the monitoring team monitored, by document review, all five reported drug detection canine deployments effected by the New Jersey State Police. Members of the monitoring team found all of the canine deployments to be accurately reported, and canines to have been deployed in conformance with the requirements of procedures and the decree.

### Compliance

Phase I: In Compliance

Phase II: In Compliance

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

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

Task 34a stipulates that:

**34. Use of Mobile Video/Audio (MVR) Equipment.**

a. The State Police shall continue to operate all patrol vehicles engaged in law enforcement activities on the New Jersey Turnpike and the Atlantic City Expressway with MVR equipment. The State shall continue with its plans to install MVR equipment in all vehicles, both marked and unmarked, used for patrols on all other limited access highways in New Jersey (including interstate highways and the Garden state Parkway), and shall complete this installation within 12 months.

**Methodology**

Members of the monitoring team requested to view video tapes for 194 events known to have occurred during the current reporting period.

**Status**

Members of the monitoring team found evidence of video tape recordings for all events selected for review this period. The State remains in compliance with this task.

**Compliance**

Phase I: In Compliance  
 Phase II: In Compliance

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

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

Task 34b-c stipulates that:

b. The State shall continue to implement procedures that provide that all state troopers operating a vehicle with MVR equipment may operate that vehicle only if they first are trained on the manner in which the MVR equipment shall be tested, maintained, and used. The State shall ensure that all MVR equipment is regularly inspected, maintained, and repaired.

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

## Methodology

In addition to verifying the existence of a video tape in each patrol vehicle for each day of this reporting period (see above), members of the monitoring team pulled for review a sample of 218 post-stop law enforcement actions of interest to the decree. These included 218 events selected from New Jersey State Police databases, and 194 procedures assessed by reviewing video tapes<sup>11</sup>.

## Status

While policies have been implemented requiring video and audio recording of all consent-decree related traffic stops, not all stops are recorded in conformance with the decree.

Once stops that are not "pure" motor vehicle stops, e.g., motorist's aids and motor vehicle accidents, are removed from the sample, compliance rates for this aspect of task 34c are all within the originally established 95 percent minimum.

A review of the 194 video tapes selected by the monitoring team indicates that the agency has resolved problems noted in earlier reports concerning "out of tape" issues and troopers patrolling with inoperative video units. The agency has, it appears, achieved general compliance with the requirements of the decree. A problem, noted for the last few reporting periods, continues this period. This problem involves technical difficulties with audio recordings during motor vehicle stops. Of the 194 stops reviewed

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<sup>11</sup> All 194 events reviewed by video-tape were included in the 218 MVSRs reviewed.

via video-tape this period, 23 exhibited some form of audio difficulty, and nine exhibited some form of video difficulty. Troopers have begun activating their microphones during traffic stops at a much higher rate, with the monitoring team noting only eight events (of 194 reviewed) in which activation was delayed for a reason other than technical difficulties. This constitutes an error rate of 4.1 percent, within the newly established 90 percent requirement for this task, and interestingly, within the original 95 percent requirement. The State is in compliance with this task.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

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

Task 35 stipulates that:

**35. The reporting trooper's supervisor shall review each report prepared pursuant to §§31-33 within 14 days of the precipitating incident and, as appropriate, in conjunction with that review, may view any associated MVR tape.**

Methodology

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

Status

A review of all electronic records of motor vehicle stops, completed during the reporting period indicated that 100 percent of these were reviewed by supervisory personnel. The monitors assessed all electronic records for MVSRS, and determined that greater than 99 percent of all MVSRS received initial supervisory review within 14 days of the event reported in the MVSRS.

A review of 218 hardcopy records of motor vehicle stop activity indicates all reports were reviewed by supervisory personnel. The monitoring team reviewed all completed MVSRS for the 218 selected stops reviewed this quarter for evidence of reporting or

procedural errors that should have been noted by supervisory personnel. The monitors also reviewed 186 MVS tapes that were also reviewed by supervisory personnel. From those 186 events, the monitors found one that exhibited some form of reporting problem that should have been noted by supervisory review, but was not. This incident, included an operational error not caught and remedied by field supervisors prior to the monitoring team selecting cases for review this reporting period. This event involved a trooper who conducted a search of a person and failed to note it in his motor vehicle stop report. The search was constitutionally conducted, but improperly reported.

This constitutes an error rate of one of 186 events reviewed by supervisory personnel, or less than one percent, well within the allowable five percent error rate for this task. The monitors have noted a strong improvement in the process of supervisory review of video tapes. The quality of supervisory reviews, continues to improve markedly. The monitors commend the new focus on supervision generated by the New Jersey State Police during the last two reporting periods.

**Compliance**

Phase I: In Compliance  
 Phase II: In Compliance

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

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

Task 36 stipulates that:

**36. The State shall adopt a protocol requiring that State Police supervisors review MVR tapes of motor vehicle stops on a random basis. The protocol shall establish the schedule for conducting random reviews and shall specify whether and in what manner the personnel conducting the review shall prepare a written report on each randomized review of an MVR tape. Prior to implementation, the protocol shall be approved by the United States and the Independent Monitor.**

**Methodology**

See Section 2.2, above, for a description of the methodology used to assess compliance for this task.

Status

Training for supervisory personnel regarding revisions to the procedures noted above was completed in November, 2001. The State developed, and implemented in November, 2001, a formal policy requirement regarding MVR review processes for supervisory personnel, using a structured review process that, in the opinion of the monitoring team, has drastically improved the quality of supervisory review. OSPA provides advanced training to field supervisors regarding MVR/MVSR review protocols.

During electronic reviews of Supervisors Review of Motor Vehicle Contact Recordings, members of the monitoring team reviewed 186 supervisors' MVR review reports. The quality of these reports has improved substantially. Nearly all reviews assessed this reporting period were completed using the new MAPPS performance management system. This process is a vast improvement over earlier processes. Members of the monitoring team were able to compare 186 supervisors' reviews with actual video tapes (the same tapes reviewed by supervisors as part of their review process). Members of the monitoring team noted only one reporting or procedural issues in the 186 tapes they reviewed that were missed by the supervisory cadre at the New Jersey State Police. This constitutes a change in compliance rates from 88.3 percent in the tenth quarter, to 99.5 percent for the eleventh quarter. This constitutes an overall error rate for supervisory review of less than percent, down markedly from previous reporting periods, and within the agreed upon five percent margin for error.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

**2.14 Compliance with Task 37: Supervisory Referral to PSB of Observed Inappropriate Trooper Conduct**

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

Task 37 stipulates that:

**37. After conducting a review pursuant to ¶35, ¶36, or a special MVR review schedule, the personnel conducting the review shall refer for investigation by the Professional Standards Bureau ("PSB") any incident where this review reasonably indicates a possible violation of the provisions of this Decree and the**



protocols listed in ¶29 concerning search or seizure procedures, nondiscrimination requirements, and MVR use requirements, or the provisions of the Decree concerning civilian complaint procedures. Subsequent investigation shall be conducted by either the PSB or the Office of the Attorney General ("OAG") as determined by the State. Appropriate personnel shall evaluate all incidents reviewed to determine the need to implement any intervention for the involved trooper.

Methodology

See Section 2.2, above, for a description of methodologies used to assess compliance for this task.

Status

During the monitors' site visits for the tenth reporting period, the monitors noted one incident that should have been forwarded to OPS in response to the requirements of this task. This was appropriately forwarded to OPS for investigation and response. The State is judged to be in compliance with this task. No incidents were noted, during the eleventh monitoring period that should have been referred to OPS. The State remains in compliance with this task based on past performance.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

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

Task 38 stipulates that:

**38. The State Police and the OAG shall conduct periodic reviews of referral decisions pursuant to ¶ 37 to ensure appropriate referrals are being made. State Police personnel shall be held accountable for their referral decisions.**

Methodology

Personnel at the Office of the Attorney General (Office of State Police Affairs) and the New Jersey State Police are aware of the requirement to monitor referral decisions pursuant to paragraph 37 of this decree. Recently completed training for all supervisory personnel included a discussion of the requirement to “copy” to the Office of State Police Affairs any referrals to OPS by supervisory personnel.

Referrals have been made to the Office of Professional Standards. Personnel from the OAG are aware of the requirement for periodic audits, and have conducted audits of New Jersey State Police activities during the last reporting period (see section 2.83, below). OSPA has in place an extensive audit process designed to identify and remedy problematic supervisory processes, including problematic referral decisions. Staff from OSPA routinely audit field supervisory personnel’s review of field practice, their associated supervisory actions to remedy inappropriate action on the part of law enforcement personnel, and their decisions to (or not to) refer trooper behavior to OPS.

Status

During the tenth monitoring site visit, the monitors noted one event that should have been referred to OPS for investigation and response. This event was appropriately forwarded. The State is judged to remain in compliance with this task. No incidents were noted, during the eleventh monitoring period that should have been referred to OPS. The State remains in compliance with this task based on past performance

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

**2.16 Compliance with Task 39: Regular Supervisory Activity in the Field**

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

Task 39 stipulates that:

**39. The State Police shall require supervisors of patrol squads that exclusively, or almost exclusively, engage in patrols on limited access highways to conduct supervisory activities in the field on a routine basis.**

## Methodology

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

In addition, attorneys from the Office of State Police Affairs have been assigned to each of the State Police's five troops, for the purpose of serving as legal advisors to the troops. These attorneys also perform site visits to State Police road stations to obtain feedback from law enforcement personnel regarding training and remediation of errors in traffic stop procedures. OSPA also initiated in-field audits of all consent searches, uses of force and canine deployments, with remedial mentoring of State Police supervisors in instances in which problematic procedures are noted. OSPA has also modified, during this reporting period, the non-consensual search protocols, requiring enhanced supervisory presence at the scenes of such procedures, and also requiring supervisory approval of such procedures.

## Status

Based on the State's objection to the manner in which this task was evaluated last reporting period, the Monitors selected a sample of motor vehicle stop cases all of which indicated that a supervisor was present. That sample was assessed for errors in supervisor-preventable areas of interest to the consent decree. From that sample, only 49 decree-related errors were observed by the monitors' video tape reviews, from a

potential universe of 1,940 possible errors (ten possible errors on each of 194 stops). All but one of these 49 errors was caught and corrected upon supervisory review of the video tapes from the selected stops.

The overall number of errors noted by the monitors is down drastically this reporting period—from over 100 in past periods, to only 49 this period. This tends to indicate that error rates for stops that have a supervisor present are generally more trouble free than error rates for past quarters.

Compliance:

Phase I: In Compliance

Phase II: In Compliance

### 2.17 Compliance with Task 40: Development of a Management Awareness and Personnel Performance System

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

Task 40 stipulates that:

**40. The State shall develop and implement computerized systems for maintaining and retrieving information necessary for the supervision and management of the State Police to promote professionalism and civil rights integrity, to identify and modify potentially problematic behavior, and to promote best practices (hereinafter, the "Management Awareness Program" or "MAP").**

#### Methodology

The ninth monitors' report marked a milestone for the MAPPS development process. During the ninth site visit, the New Jersey State Police demonstrated to the members of the monitoring team an operational version of the MAPPS information system. For the eleventh report, the monitors viewed the system components, and used live data to ensure that the MAPPS system contained all data elements outlined by the decree. In addition, members of the monitoring team, using live data, ensured that each system capability required by the decree was available and functional in the MAPPS information system.

This reporting period, the monitors assessed the MAPPS information system to ensure that MAPPS is being used appropriately as a personnel management tool. In all, the monitors performed 1,188 separate tests of MAPPS system functionality. Each of these tests is reported below, in the analysis of tasks 41-51. In addition to the disaggregated systems tests, the monitors used MAPPS as it would be expected to be used by supervisory and management personnel in the day-to-day processes of managing the New Jersey State Police. The results of these process tests are discussed below, in the analysis of tasks 41-51.

MAPPS has been implemented as an operational system, and as implemented, has all of the individual system capabilities required by the decree. The live data in MAPPS, as of the monitors' eleventh site visit, are the full spectrum of system data anticipated for MAPPS. The application of benchmarking criteria and implementation of the capacities for conducting long-term analyses have not yet been achieved.

In effect, the State has made *substantial progress* in bringing a functional MAPPS system on-line, and, at the time of the monitors' site visit, the system was being used to manage the New Jersey State Police. The only "missing" decree-required elements are the benchmarking and long-term analysis functions. The monitors received, during the eleventh site visit, a briefing from MAPPS personnel regarding both of these functions and approved the *plans* for implementing these two functions. These two functions have not yet been *implemented*, thus, compliance status for the MAPPS components has not changed: the State is in Phase I compliance, having designed, programmed, tested and fielded the MAPPS system. It is now in day-to-day use; however, benchmarking and long-term analysis function remain pending, so Phase II compliance is pending. The monitors are aware of the intense effort exhibited by the State in bringing MAPPS on-line, and commends those who have so diligently labored in the "electronic trenches" for so long. Implementation of MAPPS, as a functioning system, has been no small feat, and the State has done an excellent job with this task to date.

Phase I: In Compliance  
 Phase II: Not In Compliance

### 2.18 Compliance with Task 41: Data Included in the MAPPS System

Task 41	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 41 requires that:

41. The MAP shall consist of the following information:

- a. all items of information in connection with all motor vehicle stops that are required to be recorded in a written report, form, or log, or reported to the communications center, pursuant to ¶129 and the protocols listed in ¶129 of this Decree, except that duplicate information need not be entered, and information as to whether the incident was recorded with MVR equipment need not be entered if all patrol cars are equipped with MVR unless a patrol car was equipped with MVR equipment that was not functioning;
- b. information on civilian compliments and other indicia of positive performance; information on misconduct investigations; reports on use of force associated with motor vehicle stops; on-duty and off-duty criminal arrests and criminal charges; civil suits involving alleged misconduct by state troopers while on duty; civil suits in which a trooper is named as a party involving off-duty conduct that alleges racial bias, physical violence or threats of violence; and
- c. implementation of interventions; and training information including the name of the course, date started, date completed and training location for each member receiving training.

## Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

## Status

The monitors have identified 25 specific sets of data required by paragraph 41. Each of the 20 required primary elements, i.e., those not identified as being “narrative elements” which are allowed to be stored outside of MAPPs proper, was found to be functional in the MAPPs system reviewed by the monitors. In addition, the five non-primary requirements, identified as “narrative elements” were reasonably available through other systems. The monitors found the system to be capable of processing the required data in reasonable ways, and found the system to be reasonably user-friendly and usable. All items required by subparagraphs “b” and “c” of paragraph 41 were also included in the operational MAPPs in that the system contained sub-programs designed to handle these requirements. Data for these subsystems have been ported to the MAPPs system, and managers are able to use these systems on a daily basis.

## Compliance:

Phase I: In Compliance  
Phase II: In Compliance

## 2.19 Compliance with Task 42: Annual Access to Troopers' Personal MAPPS Data

Task 42	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 42 requires that:

42. All information in MAP on substantiated misconduct investigations, civilian compliments, and other indicia of positive performance which can be attributed to a specific trooper shall be made available to that trooper on an annual basis upon written request. Nothing in this paragraph shall be construed as granting that trooper access to confidential documents other than those identified in this paragraph, or to any information which cannot be attributed to the trooper requesting the information.

### Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

### Status

Policies supporting this requirement have been completed. The monitors have reviewed these policies, and have approved them as written.

Compliance:

Phase I: In Compliance

Phase II: In Compliance

## 2.20 Compliance with Task 43: Production of "Counts" and Percentages for Stop Data

Task 43	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

## Task 43 requires that:

43. Regarding the motor vehicle stop information identified in ¶29 (a) (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19) and recorded in accordance with the protocols identified in ¶29(a), the MAP shall have the capability to search and retrieve numerical counts and percentages for any combination of the above-referenced information and to run reports for different time periods (e.g., monthly, quarterly, annually) and for individual troopers, squads, and stations. Regarding the motor vehicle stop information identified in ¶29(a)(5A, 8A, 12A, 13A, 14A, 15A, and 17A) and recorded in accordance with the protocols identified in ¶29(a), it will be sufficient that the MAP shall have the capability to access (through cross-referenced paper documents or other method) this descriptive information entered on specific incidents and matters. Regarding the information identified in ¶41(b and c), to the extent technologically feasible, the MAP shall be developed to have the capability to search and retrieve numerical counts and percentages for any combination of the information and to run reports for different time periods and for individual troopers, squads or stations. To the extent that the MAP shall require textual or narrative descriptions of misconduct allegations or other information identified in ¶41(b and c), it will be sufficient that the MAP only have the capability to retrieve this descriptive information.

## Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

## Status

The primary data elements identified in paragraph 29 a (1-19) are manipulable by “count” and percentage, and can be reported by different time periods, as required by this paragraph. MAPPS contains the ability to access (in most cases through other available automated systems) the items identified in paragraph 29a (5a, 8a, 12a, 13a, 14a, 15a, and 17a). MAPPS has the capacity to retrieve and report information regarding misconduct investigations/allegations, civilian compliments, civil suits, uses of force, post-stop interactions, criminal arrests and charges and implementation of interventions. Access to these elements is reasonably effective and efficient, in the opinion of the monitors. Management personnel are accessing the system on a day-to-day basis.

## Compliance:

Phase I: In Compliance



Phase II: In Compliance

**2.21 Compliance with Task 44: Common Control Numbers**

Task 44	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Light blue bar]	[Light blue bar]										

Task 44 requires that:

44. Where information about a single incident is included within the MAP from more than one document the State shall use a common control number or other means to link the information from different sources so that the user can cross-reference the information and perform analyses.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

The State has identified the "CAD incident number" as the common control number. Use of the CIN has been in effect since early in the consent decree process.

Compliance

Phase I: In Compliance  
Phase II: In Compliance

**2.22 Compliance with Task 45: Timely Access to MAPPs Data**

Task 45	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Light blue bar]	[Light blue bar]	[Red bar]									

Task 45 requires that:

45. The State shall ensure that information is included within the MAP in an accurate and timely fashion and is maintained in a secure manner.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

Operational plans for inclusion of MAPPS information have been articulated in New Jersey State Police C-11 and supporting documentation. Implementation of these procedures has been accomplished, and the system works as designed relative to the requirements of this task.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

**2.23 Compliance with Task 46: Development of a MAPPS Plan**

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

Task 46 requires that:

46. Within one hundred and eighty (180) days following entry of this Decree, the State shall develop a plan for designing and implementing the MAP including the use of the MAP, a timetable for implementation, and a specification of the information contained in State records pre-dating the implementation of the MAP that can reasonably be incorporated in the MAP. Prior to effectuating the implementation plan, the plan shall be approved by the United States and the Independent Monitor. Within 180 days following the entry of this Decree, the State shall begin conducting the supervisory and management reviews required by ¶¶48-53.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

With implementation of the MAPPS components In January, 2004, the State has effectuated it MAPPS plan.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

**2.24 Compliance with Task 47: Supervisory and Management Reviews**

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

Task 47 requires that:

47. Consistent with the requirements of ¶¶48-53 infra, the State shall develop a protocol specifying the manner in which supervisory and management reviews of individual state troopers, and State Police units and sub-units (e.g., troops, stations, and squads), shall be conducted, and the frequency of such reviews. Prior to implementation, the protocol shall be approved by the United States and the Independent Monitor.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

Operational plans for use of MAPPS information by supervisory and management personnel have been articulated in New Jersey State Police C-11 and supporting documentation. Implementation of these functions began in January, 2004. The monitors executed 1,188 individual assessments of the functionality and rate of use of these functions, and found the State to be in compliance with this task.

The monitors did note, however, one potentially troublesome characteristic of the State’s use of the MAPPS system. In 37 instances in which supervisors had noted a problem with a motor vehicle stop, and had created narratives in MAPPs identifying a problem with trooper actions, the MAPPs carried the action taken regarding the problems as “No Action.” The monitors discussed this issue in detail with the State, and reviewed MAPPs training documents regarding this process. The State contends—and the monitors are willing to accept—that this is an issue of supervisory discretion and leadership, e.g., the ability to treat minor or first-time infractions via truly verbal counseling, rather than creating a searchable “official record” in the intervention module of MAPPs of first-time or minor events.<sup>12</sup>

The process articulated above limits an important ability of the MAPPs system—the ability to generate quantitative reports regarding actions taken upon supervisory review, and requires supervisors to search and “take note” of MAPPs narratives to piece together a subordinate’s MAPPs record. The monitors agree with the State’s position regarding the importance of supervisory discretion in the leadership processes, and are willing to accept this diminution of MAPPs flexibility to support these processes; however, the monitors will continue to assess MAPPs records of “Action Taken” to ensure that the necessary steps are taken by supervisors to “piece together” interventions actually labeled as “no action” in MAPPs.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

**2.25 Compliance with Task 48: Quarterly Reviews of MAPPs Data**

Task 48	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 48 requires that:

48. At least quarterly, State Police supervisors shall conduct reviews and analyses of data obtained from the MAP and other appropriate sources to ensure that individual troopers and State Police units and sub-units are performing their duties in accord with the provisions of this Decree and associated protocols.

<sup>12</sup> Records of these errors exist within MAPPs; however, they exist mainly in a narrative form, as opposed to a “searchable” database, requiring supervisors to deliberately check each trooper’s MAPPs record for similar problems each time an error in a motor vehicle stop is noted.

## Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

## Status

Operational plans for use of MAPPS information by supervisory and management personnel have been articulated in New Jersey State Police C-11 and supporting documentation. Implementation of these procedures have been executed. The monitors executed 1,188 individual assessments of the functionality and rate of use of these functions, and found the State to be in compliance with this task.

## Compliance

Phase I: In Compliance  
Phase II: In Compliance

### 2.26 Compliance with Task 49: Reporting Capabilities of MAPPS

Task 49	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 49 requires that:

**49. To the extent reflected in ¶43, reports of MAP data shall regularly be prepared regarding individual troopers, stations and squads, for use in reviews as appropriate. The reports shall include the following information:**

**a. the number of motor vehicle stops, by race/ethnicity, reason for the stop (i.e., moving violation, non moving violation, other), road, squad, and trooper station; and the number of enforcement actions and procedures taken in connection with or during the course of a motor vehicle stop, by race/ethnicity, reason for the stop (i.e., moving violation, non-moving violation, other), road, squad and trooper station;**

**b. data (including racial/ethnic data) on complaints, misconduct investigations (for each type of investigation, as delineated in ¶73), discipline, intervention, and uses of force associated with motor vehicle stops.**

## Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

## Status

Operational plans for reporting of MAPPS information within the categories stipulated in this paragraph have been articulated in New Jersey State Police C-11 and supporting documentation. Implementation of these have been executed. The monitors executed 1,188 individual assessments of the functionality and rate of use of these functions, and found the State to be in compliance with this task.

## Compliance

Phase I: In Compliance

Phase II: In Compliance

### 2.27 Compliance with Task 50: Comparisons Using Benchmarks

Task 50	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Red bar]											

Task 50 requires that:

50. To the extent reflected in ¶43, analyses of MAP data concerning motor vehicle stops shall include a comparison of racial/ethnic percentages of motor vehicle stops (by reason for the stop (i.e., moving violation, non moving violation, other)) and racial/ethnic percentages of enforcement actions and procedures taken in connection with or during the course of such stops, with a benchmark racial/ethnic percentage if available (see ¶¶54-55); a comparison of racial/ethnic percentages for such stops with the racial/ethnic percentages for enforcement actions taken in connection with or the during the course of such stops; a comparison of racial/ethnic percentages for consent searches of vehicles, and requests for consent to search vehicles, with "find" rates by race/ethnicity for motor vehicle consent searches; a comparison of racial/ethnic percentages for non-consensual searches of motor vehicles with "find" rates by race/ethnicity for motor vehicle non-consensual searches; evaluations of trends and differences over time; and evaluations of trends and differences between troopers, units, and sub-units.

## Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

## Status

During the eleventh site visit, MAPPS personnel presented to the monitors a detailed plan regarding benchmarking and trend analysis. The monitors approved this plan as presented. Benchmarking processes have not yet been implemented.

## Compliance

Phase I: In Compliance  
Phase II: Not In Compliance

### 2.28 Compliance with Task 51: Analysis of Trends

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

Task 51 requires that:

51. To the extent reflected in ¶143, analyses of other data generated by the MAP shall include evaluations of trends and differences over time and evaluations of trends and differences between troopers, units, and subunits.

## Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

## Status

During the eleventh site visit, MAPPS personnel presented to the monitors a detailed plan regarding benchmarking and trend analysis. The monitors approved this plan as presented. Trend analysis processes have not yet been implemented.

## Compliance

Phase I: In Compliance  
 Phase II: Not In Compliance

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

Task 52	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Red bar]											

Task 52 stipulates that:

52. Each supervisor shall, consistent with his or her authority, implement any appropriate changes or remedial measures regarding traffic enforcement criteria, training, and enforcement practices for particular units or subunits or implement any appropriate intervention for particular troopers; conduct any necessary additional assessment or investigation regarding particular units or subunits or particular troopers; and/or make any appropriate recommendations.

### Methodology

During the eleventh reporting period, members of the monitoring team noted several instances of supervisory personnel issuing “performance notices” or other interventions for actions by taken by division personnel inconsistent with policy or established practice. Evidence exists to support the fact that supervisory personnel are beginning to carefully review trooper activity and to issue performance notices or other “interventions” when inappropriate behavior occurs. In addition, the “knowable error rate” for supervisory review has begun to decline after a period of rising rates, from 11.2 percent during the seventh period to 13.3 percent for the eighth period, to 26.4 percent for the ninth quarter. The tenth quarter’s “knowable error rate” was 19.8. The “knowable error rate” for the eleventh quarter was less than one percent. The monitors commend the State and the supervisory and management personnel at the New Jersey State Police for a marked and impressive improvement in the level and quality of supervisory review evidenced during this reporting period. See sections 2.13 and 2.16, above, for additional comments relative to supervisor review.

### Compliance

Phase I: In Compliance  
 Phase II: In Compliance



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

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

Task 53 stipulates that:

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

#### Status

The State has developed a system of OPS notification of more than two misconduct investigations in a two-year period, but additional work is pending regarding protocols for and assessment of supervisory response to this section. Development of protocols for implementation of this provision have been a primary focus of the State for several reporting periods. During the tenth reporting period, the State had assigned responsibility for this task to the Office of Professional Standards. Data indicate that these reviews are being conducted as required by the decree.

#### Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

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

Task 54 stipulates that:

54. To assist in evaluating data reported from the MAP concerning State Police law enforcement on the New Jersey

Turnpike, the State shall develop (for purposes of implementing this Decree) a protocol for conducting a survey of a sample of persons and vehicles traveling on the New Jersey Turnpike to determine the racial/ethnic percentage of drivers on the Turnpike. As appropriate, the survey may identify different benchmark figures for different portions of the Turnpike. Prior to implementation, the protocol shall be approved by the Independent Monitor and the United States. The protocol shall be developed and implemented using a consultant jointly selected by the parties. The survey shall be completed within one hundred fifty (150) days of the entry of this Decree. Both the United States and the State agree that the utility and fairness of the MAP described in this Consent Decree will depend to some degree on the development of accurate and reliable benchmarks that account for all appropriate variables and factors.

## Methodology

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

## Compliance

Phase I: In Compliance  
Phase II: In Compliance

### 2.32 Office of Professional Standards Requirements

Based on more than two years of successful performance regarding OPS-related decree requirements, and the agreement of the parties and the monitors, the Department of Justice joined with the State in a petition with the Court for release from most of the requirements of the consent decree related to OPS. This motion was granted by the Court, and, as such, the monitors will discontinue monitoring activities for OPS requirements as of this reporting period, with the exception of specifically articulated continuing requirements remaining under monitoring activities (i.e., tasks 87 and 90).

Task 87, which requires the State, based on the agreement of the parties and the monitors, to complete investigations of citizens' complaints within 120 days, was evaluated by reviewing the "120-day Report," an OPS-generated, "normal course of business" report developed to monitor overdue cases and prevent an additional case backlog. Based on the 120-day Report, the State remains in compliance with this task.

Task 90, which requires imposition of appropriate discipline in Consultation with MAPPS, was evaluated by reviewing "course of business" documents related to the OPS review

of sustained OPS investigations, executive-level decisions regarding discipline, and the existence in MAPPS of records reflecting discipline. The State is judged to be in Phase I and Phase II compliance with the requirements of Task 90.

### 2.33 Training Assessment

The Academy had attained compliance in all but two specific areas (executive training—task 106 and implementation measurement for training—task 93) at the end of the tenth monitoring team site visit. Those two areas have been addressed and are in the process of being executed (see the specific tasks for details). Based upon the analysis of the data related to these areas, which should be available for the twelfth site visit in the spring, it is possible that all training tasks will reach full compliance at that time.

The return on the Division’s investment in increased manpower, equipment, and automation at the Academy over the past twelve months is remarkable and is reflected in the findings in this report. The Superintendent and the command staff continue to demonstrate a strong commitment to, and interest in the training function provided by the New Jersey State Police Academy.

Actions noted during the monitors’ eleventh site visit are discussed in some detail in the paragraphs below.

### 2.34 Compliance with Task 93: Development and Evaluation of Quality of Training Programs

Task 93	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 93 stipulates that:

**93. The New Jersey State Police shall continue to: oversee and ensure the quality of all training of state troopers; continue to develop and implement the State Police academy curriculum for training State Police recruits, and provide training for academy instructors; select and train state trooper coaches in coordination with and assistance from State Police supervisors; approve and supervise all post-academy training for state troopers, and develop and implement all post-academy training conducted by the State Police; provide training for State Police**

instructors who provide post-academy training; and establish procedures for evaluating all training (which shall include an evaluation of instructional content, the quality of instruction, and the implementation by state troopers of the practices and procedures being taught).

## Methodology

Members of the monitoring team spoke with Academy staff responsible for this task, and reviewed related documentation provided.

## Status

Task 93 enumerates the **eight areas of responsibility** assigned to the Academy through the consent decree. Each area will be reviewed with further details referenced in subsequent tasks that address each area of responsibility more specifically.

### Ensure Quality Training for all State Troopers

To ensure quality oversight for training requires sufficient staff who are competent to perform the functions assigned to them and who have the resources necessary to perform those functions. At the present time, the Academy does have competent staff in its various units and their performance is exemplary. They are focused on producing a continuously improving product and are doing so in increasingly creative and innovative ways.

The implementation phase of the training cycle has finally been addressed through a joint effort of various program coordinators and the two members of the Research and Innovation Unit at the Academy. Plans for measuring implementation of learning in the field were presented to the monitoring team during this site visit and received approval.

The impact of implementing these plans will be that the Research and Innovation Unit will be inundated with a large amount of data over the next several months. These data will require input, collation, and analysis with subsequent planning and revision to Academy training and possibly the methods utilized for measuring implementation.

At the present time two sworn personnel are assigned to the Research and Innovation Unit. The results of their efforts are directly related to achieving and maintaining compliance for tasks 93, 100, 101, 105, 106. Cooperation with the section commander is seen by the monitoring team to be important to maintaining adequate support staff to ensure a timely outcome with this important effort.

It is evident that the Academy staff understand, and are able to utilize the training cycle successfully. It is also evident that they are committed to ensuring the highest quality

for the products they develop and deliver. The present Commandant is also focused on building cooperative alliances and oversight processes for ensuring the quality of all training provided to New Jersey State Police personnel.

Curriculum for Training State Police recruits;

Since the previous monitoring team site visit, the Academy's night-duty scenarios have been implemented. Two recruit classes who completed this training graduated just three weeks before this site visit. The data coming in from the coaches indicate that the probationary troopers from these graduating classes are much more skilled in many operational areas from how to use equipment properly to how to conduct searches. The reader should note this example of data-based evaluation of the impact of academy training on troopers' actions in the field

This improvement in performance may now require a revision of the trooper coach program because the probationary troopers require less time to accomplish performance goals that are allocated to the first weeks of that program.

In addition, this improvement in performance has resulted from the evaluation of data from the coaches program coordinated by In-Service Unit staff, the results of which were acted upon by the Pre-service unit, and the outcome is now evident as improved performance among the probationary troopers in the Operations Unit. This is another outstanding example of cooperation and planning across sections in the Division and units within the Academy.

The Research/Innovation Unit has developed a recruit test reporting procedure, and will conduct a program evaluation of the recruit program to determine costs and benefits and make recommendations.

Provide Training for Academy Instructors

The Academy provides a comprehensive Instructor Training Course (ITC) to qualify troopers as instructors, and has quality oversight processes in place to insure that trainer records are audited annually. The ITC course was recently revised to include the new concepts that are integral to measuring field implementation of training. As new competencies are required of instructors, the ITC course will be revised to ensure that instructors remain current.

Select and Train State Trooper Coaches

An acceptable selection and training process for trooper coaches has been established and ongoing for a number of years. As part of the quality oversight required, on-going evaluations of the program and its processes are conducted by the program

coordinator. Based upon recent changes made to the recruit curriculum resulting in higher levels of performance by probationary troopers in the first weeks of the coaches program, the program may require a meaningful review in the coming months to ensure that the trooper coach program continues to train meaningful and necessary tasks.

The proposal to automate the program in order to better manage the voluminous amount of data that are generated has received priority for completion. This is an important step to ensure quality oversight for a very important category of troopers—those new to the road after graduation from the recruit course.

#### Approve and Supervise all post-Academy Training

- The Academy Commandant has begun a process to identify all training that troopers receive in workshops, conferences, and other venues external to the New Jersey State Police. This will be a long-term project and the final area that must be addressed to provide quality oversight for all training provided to New Jersey State Police personnel. This initiative requires coordination and cooperation between various sections in the Division. The impact of the effort could include large amounts of data requiring analysis, and the findings might necessitate further planning efforts. Every new initiative will result in an impact that must be considered and addressed to ensure a positive, high quality outcome that improves the Division.

#### Post-Academy Training

- Post-Academy training provided directly through the Academy is coordinated through the In-Service Unit and the Advanced Training Unit. Regional training staff is in place in each troop to provide quality oversight for training conducted by instructors outside the Academy. Oversight systems are in place to assure that all personnel attend mandated training or are held accountable if they have no legitimate excuse for not attending.

#### Post-Academy Training Instructors

- The Academy has identified all troopers providing training outside the Academy but within the Division and developed a Master Trainers' List. All instructors are required to complete the MOI/ITC training, and any instructional personnel teaching a consent decree-related course must have a four-year college degree. Meaningful reviews are completed on trainers on a regular basis and documentation is maintained.

#### Procedures for Evaluating Training

This requirement includes an evaluation of instructional content, the quality of instruction, and the implementation by state troopers of the practices and procedures being taught. The Academy successfully evaluates the content and the quality of instruction. A review process is conducted on any new lesson plans to insure that the content and delivery techniques meet the standards. A new process implemented since the previous site visit to increase the return rates for evaluation forms at the completion of each training session resulted in a 95% return rate, excellent by any evaluation standard.

Program coordinators for the various mandated trainings presented plans for measuring field implementation resulting from training were presented to the monitoring team and were approved. The new Research and Innovation Unit is now responsible for conducting analyses of evaluation data, and assisting Academy staff in evaluation efforts. An enormous first-time effort to measure training implementation is now underway.

Other new efforts to ensure quality oversight include:

- An SOP C25 Working Group with members from Field Operations, OSPA, and the Academy will meet for the first time in November. The focus of the group is to improve and coordinate current systems and practices impacting the Division.
- A risk analysis assessment was conducted for courses in the In-Service lesson plan data bank to identify needed lesson plan revisions.
- An audit of the MAPPS course was completed.
- On-line testing is being utilized by the EDTU in its classes as a beta test prior to implementation for all training venues.
- Training venues are now more strictly conforming to the time allocated for delivery.
- The number of trainers providing mandated training is limited to ensure a quality presentation.
- An intensive search and seizure review has been included in the coaches' school.
- A computer lab/resource room was created to support the increasing need for training requiring technology.
- A Domestic Violence on-line course with on-line testing will be launched in October.
- New computers were purchased for Academy staff and for use by the recruit classes. The Technology Unit actually worked with the computer company so that programs developed by the unit are installed on the computers at the factory.

## Status

This task is in full compliance with the exception of fully measuring field implementation of the consent decree mandated training provided by the Academy. This effort is underway and could, depending upon the quality of the assessment, lead to full compliance after the twelfth site visit.

Phase I: In Compliance

Phase II: Not in compliance

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

Task 97	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	Blue bar											
Phase II	Orange bar	Orange bar	Orange bar	Orange bar	Orange bar	Orange bar						

Task 97 stipulates that:

**97. The State shall continue to encourage superior troopers to apply for academy, post-academy, and trooper coach training positions.**

## Methodology

A member of the monitoring team spoke with Academy staff responsible for this task, and reviewed related documentation.

## Status

### Academy Training Staff

At the present time, the Commandant reports that there are 58 sworn personnel, 11 full-time civilian personnel, and 6 temporary personnel. At the present level of course development, training delivery, evaluation, and quality oversight the Commandant states that this level of staffing is adequate. Members of the monitoring team agree with this assessment. However, new training courses may be required to address emerging organizational needs such as the new focus on career development and succession planning, and the re-structuring of the Division to create a new section devoted to homeland security. The full implementation of the MAPPS program may identify trends requiring a rapid training response. Obviously, the level of staffing must



be re-evaluated on a regular basis to be sure that it keeps pace with training needs. As an example, the Academy is presently receiving an increased volume of requests for training related to the MVR reviews concentrated in the areas of MVR procedures, radio procedures, and interpersonal skills.

In addition, a new program has been implemented in conjunction with the Operations Unit. Five to six operational troopers are detached to the Academy for a seven-month "internship." During this time they complete the 80-hour instructor training course and act as instructors in the Pre-Service Unit (training recruits) and in other venues as needed. Upon their return to the Operations Unit, another cohort replaces them at the Academy. This program builds understanding and appreciation of the work conducted by the Academy, insures the availability of trainers with recent operational expertise, and insures the availability of operational personnel with recent training experience to act as instructors in specialized training venues conducted at the regional level.

The Academy environment is professional; a strong sense of teamwork is evident, and the staff has resources and manpower to successfully achieve their goals.

According to an interoffice memo, on July 27, 2004 a specialist selection process was initiated for the position of Academy instructor. The application process closed on August 27, 2004. During this time, the Academy Commandant made visits to Troop A, B, and C headquarters to speak at mandated in-service trainings in an effort to recruit superior troopers for this position. Twenty-eight troopers applied for the position.

### **Post-Academy Staff**

Post-Academy trooper training staff falls into one of two categories:

- Trainers who are Academy staff and who provide instruction in courses that are not part of the recruit training, and are included in the data provided above under the heading "Academy Staff;" and
- Trainers who work in specialized units in the Division who are providing training. They are training because they are subject matter experts so they do not require special motivation to apply as trainers.

### **Trooper Coach Staff**

The recruiting process demonstrates that adequate numbers of troopers are applying for coaching positions. Based upon their performance the Trooper Coaches receive extra points on their resumes, thus helping them when they apply for future positions within the Division. This incentive, and the recognized value of this program are strong motivating factors in attracting qualified troopers to apply for this duty.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

**2.36 Compliance with Task 98: Formal Eligibility Criteria for Training Personnel**

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

Task 98 stipulates that:

**98. The State shall establish formal eligibility and selection criteria for all academy, post-academy, and trooper coach training positions. These criteria shall apply to all incumbent troopers in these training positions and to all candidates for these training positions, and also shall be used to monitor the performance of persons serving in these positions. The criteria shall address, inter alia, knowledge of State Police policies and procedures, interpersonal and communication skills, cultural and community sensitivity, teaching aptitude, performance as a law enforcement trooper, experience as a trainer, post-academy training received, specialized knowledge, and commitment to police integrity.**

Methodology

A member of the monitoring team spoke with Academy staff responsible for this task, and reviewed related documentation.

Status

**Academy Trainers**

The selection criteria for Academy trainers are:

- Five years experience as a trooper;
- Bachelor's degree;
- Resume;
- ITC or MOI;

- Knowledge/expertise/background in the field of instruction; and
- Continuous meaningful review.

Documentation in the trainers' files demonstrates that the criteria are being met. Annual audits by Academy staff are in place to be sure that trainers' records are current and that annual meaningful reviews are conducted. On September 28, 2004, an 8-hour ITC update was conducted for 45 active instructors to update their previous attendance at the course. The topics included adult-based learning techniques and methods for measuring training impact in the field.

### **Post-Academy Trainers**

All Post-Academy trooper trainers who are not full-time Academy staff have been identified since the ninth reporting period. Selection criteria for trooper trainers in operational or specialized units are as follows:

- Resume;
- ITC or MOI training;
- Knowledge/expertise/background in the field of instruction;
- Bi-annual meaningful review; and
- Bachelor's degree if teaching any consent decree mandated subjects.

The list of criteria noted in the last sentence of this consent task requires that documentation for each trainer be collected and that oversight management of the same be identified. These data are available as follows:

- The ACTS database lists all training that the trooper has received since joining the New Jersey State Police.
- A meaningful review is conducted prior to a trooper-trainer conducting training. The results of this review are kept on file in the Commandant's office.
- The Academy has compiled a Master Trainers' List that indicates whether the trooper-trainer has a degree or not.
- The Academy staff chooses trainers for the consent decree courses and reviews the list to be sure that the trainer has a four-year college degree.

Oversight processes are in place to address this issue and the Commandant continues to refine these processes to ensure a high level of quality oversight.

### **Trooper Coaches**

Selection criteria for trooper coach are as follows:

- Two years of service as a trooper;
- Currently assigned to operations;
- Resume;
- Supervisory evaluations;
- Passing score on the oral boards;
- Meaningful review; and
- C20 compliance.

These criteria are being met and are supported by documentation maintained at the Academy. The files are audited at appropriate intervals by Academy staff.

#### Status

The Master Instructor List was updated and four instructors were removed from the list.

#### Academy Trainers

The selection criteria for Academy trainers are:

- Five years experience as a trooper;
- Bachelor's degree;
- Resume;
- ITC or MOI;
- Knowledge/expertise/background in the field of instruction; and
- Continuous meaningful review.

Documentation in the trainers' files demonstrates that the criteria are being met. Annual audits by Academy staff are in place to be sure that trainers' records are current and that annual meaningful reviews are conducted.

#### Post-Academy Trainers

All Post-Academy trooper trainers who are not full-time Academy staff have been identified since the ninth reporting period. Selection criteria for trooper trainers in operational or specialized units are as follows:

- Resume;
- ITC or MOI training;
- Knowledge/expertise/background in the field of instruction;
- Bi-annual meaningful review; and
- Bachelor's degree if teaching any consent decree mandated subjects.

The list of criteria noted in the last sentence of this consent task requires that documentation for each trainer addressing the criteria be collected and that oversight management of the same be identified. These data are available as follows:

- The ACTS database lists all training that the trooper has received since joining the New Jersey State Police. This covers points 2 and 3.
- A meaningful review is conducted prior to the trooper doing training. The results of this review are kept on file in the commandant's office. This covers point four.
- The Academy has compiled a Master Trainers' List that indicates whether the trooper has a degree or not.
- The Academy staff chooses trainers for the consent decree courses and reviews the list to be sure that the trainer has a four-year college degree.

### Trooper Coaches

Selection criteria for trooper coach are as follows:

- Two years of service as a trooper;
- Resume;
- Supervisory evaluations;
- Passing score on the oral boards;
- Meaningful review; and
- C20 compliance.

These criteria are being met and are supported by documentation maintained at the Academy. The files are audited at appropriate intervals by Academy staff.

### Compliance

	<u>Academy Personnel</u>	<u>Post Academy</u>	<u>Trooper Coach Personnel</u>
Phase I:	In Compliance	In Compliance	In Compliance
Phase II:	In Compliance	In Compliance	In Compliance

### 2.37 Compliance with Task 99: Training for Academy Instructors

Task 99	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 99 stipulates that:

99. The State Police shall ensure that all troopers serving as an academy or post-academy instructor, or as a trooper coach, receive adequate training to enable them to carry out their duties, including training in adult learning skills, leadership, teaching, and evaluation. All training instructors and trooper coaches shall be required to maintain, and demonstrate on a regular basis, a high level of competence. The State shall document all training instructors' and trooper coaches' proficiency and provide additional training to maintain proficiency.

## Methodology

A member of the monitoring team spoke with Academy staff responsible for implementing this task and reviewed related documentation.

## Status

### Academy Instructors

Training requirements for Academy instructors are as follows:

- Core competencies must be met;
- The 80-hour instructor training course must be completed;
- Performance evaluations must meet or exceed the standards;
- Annual meaningful reviews must meet the standard;
- Course evaluations must meet the standard; and
- Re-certification must be maintained.

## Status

All Academy instructors meet the requirements.

### Post-Academy Instructors

Training requirements for Post-Academy instructors are as follows:

- Core competencies must be met;
- The 80-hour instructor training course must be completed;
- Performance evaluations must meet or exceed the standards;
- Annual meaningful reviews must meet the standard;
- Course evaluations must meet the standard; and
- Re-certification must be maintained.

## Status

On September 28, 2004, an 8-hour Instructor Training Course (ITC) update was conducted for 45 active instructors. This included training on adult-based learning and determining return-on-investment measuring training impact. These topics were not included in the ITC course that these instructors had previously completed. Additional ITC update courses were scheduled for November 10 and December 8, 2004.

## **Training Documentation for Post-Academy Instructors**

Documentation maintained at the Academy for troopers providing training in operations and in specialty units includes the following:

- A master training list is maintained by the In-Service Unit;
- The ACTS database contains a list of all training each trooper/instructor has received while a member of the New Jersey State Police. This includes the ITC.
- Participant evaluations completed on each instructor teaching a course are analyzed by the In-Service Unit following the completion of each course and that data are maintained in that unit.
- A meaningful review is completed for each instructor just prior to his/her providing training.
- A copy of each lesson plan/curriculum is maintained within the ACTS system.

## Status

All documentation is current.

## **Trooper Coach**

Training requirements for Trooper Coaches are as follows:

- Core competencies must be met;
- Completion of the 3-day Trooper Coach Training and Evaluation Course;
- Performance evaluations must meet or exceed the standards; and
- Completion a refresher course for an incumbent coach.

## Status

The annual audit of trooper coach files was conducted by the program coordinator in September 2004. One discrepancy was noted regarding a selection process folder and appropriate follow-up was implemented to rectify the problem. A trooper coach e-mail

account was implemented to allow the program coordinator at the Academy to receive daily evaluations completed by the coaches. An intranet web application proposal was submitted to the Division IT Section and is a priority project, though as yet uncompleted. Refresher course was conducted for incumbent coaches with increased emphasis on MAPPS and search and seizure issues. A process was implemented whereby the program coordinator is notified of any problematic searches occurring that involve a trooper coach. To date there have been none.

Compliance:

	<u>Academy Instructors</u>	<u>Post-Academy</u>	<u>Trooper Coaches</u>
Phase I:	In Compliance	In Compliance	In Compliance
Phase II:	In Compliance	In Compliance	In Compliance

### 2.38 Compliance with 100: Training in Cultural Diversity

Task 100	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 100 stipulates that:

**100. The State Police shall continue to train all recruits and troopers in cultural diversity, which shall include training on interactions with persons from different racial, ethnic, and religious groups, persons of the opposite sex, persons having a different sexual orientation, and persons with disabilities; communication skills; and integrity and ethics, including the duties of truthfulness and reporting misconduct by fellow troopers, the importance of avoiding misconduct, professionalism, and the duty to follow civilian complaint procedures and to cooperate in misconduct investigations. This training shall be reinforced through mandatory annual in-service training covering these topics.**

#### Methodology

A member of the monitoring team spoke with Academy staff responsible for implementing this task, and reviewed related documentation.

#### Cultural Awareness



## 2004 Annual In-Service

This is the first time since the consent decree began that the Academy has had complete control over this task. Academy staff are commended for following the training cycle and for the foresight and the planning involved in this effort at every stage of this cycle.

The topics for task 100, cultural diversity and ethics were combined with the leadership component of task 105. The monitors gave approval to merge these topics into one integrated training program with the stipulation that each topic would be addressed in a meaningful and relevant manner. The training for task 101, Fourth Amendment Rights was conducted during the morning as a separate block of training and is addressed under that task in this report.

### Assessment

An assessment was conducted using the following:

- Evaluation from previous mandated training;
- Interviews with participants in previous trainings;
- Recognized need for leadership training for all personnel. (Previously, leadership training began at the supervisory level);
- Data from the needs assessment survey previously completed by a random sample of 350 personnel representing a cross sample of the organization.
- Shotgun e-mails and surveys to specific personnel such as OPS, OSPA;
- Anecdotal information gained in conversations with personnel throughout the organization;
- An information gathering exercise completed in each of the Supervisory Courses conducted this year;
- Anecdotal information gathered from the ten lieutenants' courses conducted in the past year; and
- A focus group with representatives from within the organization and from the OSPAs.

### Development

Course objectives focused on the reality that cultural diversity, ethics, and leadership are not separate topics. In the daily life of a trooper they are essential and inseparable. Lesson plans were submitted to the IFM for review and approval prior to training delivery.

### Delivery

Training was conducted from July 26-September 17, 2004, and consisted of five hours of training provided to participants. The training was conducted regionally at each Troop headquarters. A small cadre of Academy instructors and troopers with subject matter expertise was utilized to ensure the effectiveness of a single message, and to control quality oversight. Participants were grouped at tables to facilitate group work incorporated into the training. Training included lecture, power-point presentations, group discussion, scenarios, and a video.

For the first time, planning for delivery took into account the Training Bureau Calendar and the organization's deployment needs. This allowed for a break in the training schedule so that troopers could be deployed to aid in security for the Republican National Convention. A member of the monitoring team attended the training conducted at Hamilton Station on September 8, 2004.

### Evaluation

A new evaluation form was developed to more accurately measure course content, instructor presentation, and to collect data to forecast future training needs. Each participant was required to complete the evaluation form prior to receiving the test required to meet attendance compliance for the course. Fully 95% of the evaluation forms were returned and are being analyzed. (This is a dramatic increase in returns over the 2003 training.) A total of 99.9% of the action plans were returned.

### Implementation

A data collection plan was developed prior to the training to measure the impact of training in the field. Each participant was required to complete an action plan that included an individually identified issue/need which that participant would resolve within 3 months of the training date. The Academy received a copy and will conduct a review to determine the level of implementation achieved or the identification of barriers preventing implementation. An In-service e-mail account has been established for action plan returns. This plan was presented to the monitors and met with their approval.

### Documentation

Documentation is in compliance with standards.

### Status

A total of 2,499 personnel attended the training. Seven participants failed the test, received subsequent remedial training and received a passing grade. A total of 201 personnel did not attend the training due to one of the following reasons:

- Republican National Convention;
- Sick Leave/Administrative Leave;
- Military Duty; or
- Applicant Background Investigator.

Regional make-up dates for this training are being scheduled.

	<u>Cultural Diversity</u>	<u>Ethics</u>	<u>Leadership</u>
Phase I:	In compliance	In compliance	In compliance
Phase II:	In compliance	In compliance	In compliance

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

Task 101	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 101 stipulates that:

**101. The State Police shall continue to provide recruit and annual in-service training on Fourth Amendment requirements. In addition, the State shall provide training on the non-discrimination requirements of this Decree as part of all academy and in-service patrol-related and drug-interdiction-related training, including training on conducting motor vehicle stops and searches and seizures. An attorney designated by the Attorney General's Office shall participate in the development and implementation of this training.**

**Methodology**

A member of the monitoring team spoke with Academy staff responsible for this task and reviewed related documentation.

**Fourth Amendment In-Service Training**

## Assessment

An assessment was conducted using the following:

- 2003 In-Service critique analysis;
- Field Operations requests submitted through the training officers and focus group members;
- Mobile Video Recorder reviews;
- Field Operations concerns
- OPS concerns
- Investigative concerns
- Office of Professional Standards findings, requests, and recommendations;
- New case law.

## Development

The curriculum for this course was provided to the monitoring team for review and was approved.

## Delivery

Training was conducted from July 26-September 17, 2004, and consisted of 3.5-hours, delivered on the same day as the integrated cultural awareness/ethics/leadership course. The training was conducted regionally at each Troop headquarters. A small cadre of Academy instructors and troopers with subject matter expertise was utilized to ensure the effectiveness of a single message, and to control quality oversight.

Participants were grouped at tables to facilitate group work incorporated into the training. Training included lecture, power-point presentations, group discussion, scenarios, and a video. For the first time, planning for delivery took into account the Training Bureau Calendar and the organization's deployment needs. This allowed for a break in the training schedule so that troopers could be deployed to aid in security for the Republican National Convention. A member of the monitoring team attended the training conducted at Hamilton Station on September 8, 2004.

## Evaluation

A new evaluation form was developed to more accurately measure course content, instructor presentation, and to collect data to forecast future training needs. Each participant was required to complete the evaluation form prior to receiving the test required to meet attendance compliance for the course.

## Implementation

A data collection plan was developed prior to the training to measure the impact of training in the field. This plan was presented to the monitors and met with their approval. The training appears to have resulted in:

- Reduced number of problematic searches.
- Decreased number of problematic searches identified on MVR.
- Decrease in the number of OPS complaints.

Members of the monitoring team, in their review of New Jersey State Police motor vehicle stop recordings have noted a increased confidence levels regarding search and seizure, which, in the monitors' opinion are directly attributable to the excellence of the New Jersey State Police training process.

## Status

A total of 2,499 personnel attended the training. Seven participants failed the test, received subsequent remedial training and received a passing grade. A total of 201 personnel did not attend the training due to one of the following reasons:

- Republican National Convention;
- Sick Leave/Administrative Leave;
- Military Duty; or
- Applicant Background Investigator.

Regional make-up dates for this training are being scheduled.

## Fourth Amendment Recruit Training

Scenarios have been implemented within the Academy recruit training curriculum to provide increased experiential scenarios to recruits, and a number of the scenarios relate to search and seizure incidents. During the site visit a member of the monitoring team observed two recruits making a stop that led to a consent search and the discovery of a controlled substance in the car resulting in an arrest. All procedures were conducted with skill and confidence. The recruits' comments to the monitoring team member's questions indicate that they feel very competent because of their participation in many scenarios.

### Compliance: In-Service

### Recruit

Phase I: In Compliance  
Phase II: In Compliance

In Compliance  
In Compliance

## 2.40 Compliance with Task 102: Training Protocols for the Trooper Coach Process

Task 102	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 102 stipulates that:

**102. Before the next recruit class graduates from the State Police academy, the State Police shall adopt a protocol regarding its trooper coach program. The protocol shall address the criteria and method for selecting trooper coaches, the training provided to trooper coaches to perform their duties, the length of time that probationary troopers spend in the program, the assignment of probationary troopers to trooper coaches, the substance of the training provided by trooper coaches, and the evaluation of probationary trooper performance by trooper coaches. Prior to implementation, the protocol shall be approved by the Independent Monitor and the United States.**

### Methodology

A member of the monitoring team spoke with Academy staff responsible for implementing this task, and reviewed related documentation.

### Status

The State has developed a strong response to all the responsibilities listed in the consent decree for this task, and the Academy personnel tasked with coordinating this program continue to revise and refine their oversight capabilities as new issues arise and new means of gaining oversight information are developed.

- In the 10<sup>th</sup> IMR, it was noted that Daily Observation Sheets from week 9 were analyzed to determine if any of the 27 performance objectives were scored below a 4.5 rating. Performance objectives #8—“Knowledge and Enforcement of Criminal Law” (rated 4.26), and #22—“CJIS” (rated 4.16) received the lowest ratings, though they did not fall below the acceptable score of four.
- As a result of these findings, revisions were made to the training provided to the coaches in these areas. An expanded search and seizure block of instruction has

been added to the coach training and the refresher course for incumbent coaches.

- The FTOs and the Assistant Station Commander’s attended a refresher course since they provide supervision to the coaches.
- In addition, the Pre-Service Unit responsible for training recruits increased the instructional time devoted to both topics in the recruit curriculum, and recruits received increased practical experience in both areas when participating in the night duty scenarios.
- Each coach now has an e-mail account and is completing the Daily Observation Sheets and sending them to the Academy coach program coordinator at the end of each week. This will dramatically improve quality oversight for this program.
- Two recruit classes graduated in September and were involved in the coaching program during the eleventh monitoring team site visit. Early evaluative data from the first three weeks of the program indicate that the probationary troopers are more highly skilled in using the equipment and conducting procedures (directly related to the guard-duty scenarios). This may require a re-evaluation of the coaching program, especially the first 3 weeks, in terms of the behaviors that receive coaching focus.
- The Academy, in conjunction with the Division’s IT Unit, is developing an automated system to manage the voluminous data that this program is generating. The project has received a high priority status for completion by the Superintendent.

**Status**

The quality oversight provided for this program demonstrates an outstanding example of the need for linkages between programs/Academy units/Division sections and bureaus (e.g. recruit training, coach training, coach program revisions, operational supervisory staff, informational technology staff, evaluation staff, section command staff) in order to develop and grow a vital program that contributes dramatically to the development of competent and confident troopers.

**Compliance:**

Phase I: In Compliance

Phase II: In Compliance

**2.41 Compliance with 103: Provision of Copies of the Decree to all State Troopers**

Task 103	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 103 stipulates that:

**103. The State Police shall as soon as practicable provide copies and explain the terms of this Decree to all state troopers and employees in order to ensure that they understand the requirements of this Decree and the necessity for strict compliance. After the State has adopted new policies and procedures in compliance with this Decree, the State shall provide in-service training to every state trooper regarding the new policies and procedures and the relevant provisions of this Decree. The State shall incorporate training on these policies and procedures into recruit training at the State Police Academy.**

Compliance

Phase I: In Compliance  
Phase II: In Compliance

Methodology

The monitoring team spoke with the Academy staff responsible for this task and reviewed supporting documentation.

Status

The New Jersey State Police achieved compliance for this task in September 2000, and has maintained that compliance. Revisions to policy for consent decree-related tasks are handled by notification of specific Division personnel at the quarterly Training Committee meetings and through IOCs. This is a comprehensive oversight process. To be certain that the process is functioning as intended requires a regularly scheduled audit of the documentation at the section level to be sure that all “read and sign documentation” is complete.

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

Task 104	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												



Task 104 stipulates that:

104. The State shall establish systems for State Police units, sub-units, and supervisors to provide information and refer particular incidents to the Training Bureau to assist the Training Bureau in evaluating the effectiveness of training and to detect the need for new or further training.

### Methodology

A member of the monitoring team spoke with Academy staff responsible for implementing this task and reviewed the documentation provided.

### Status

Since the last site visit, the following tasks have been accomplished:

- The Training Committee has become a key conduit in obtaining the data required by this task. Oversight for much of the activity conducted by regional training staff is possible because of this committee.
- Four mandatory Training Committee meetings have been scheduled for calendar year 2004.
- Two teleconferencing meetings have been held and well received as they do not require the loss of manpower hours to travel to the Academy for attendance.
- Regional training staff are in place at each troop to help identify training needs as they arise, and to relay this information to the Academy.
- The Academy's in-service unit conducted a Division-wide survey to identify training needs throughout the agency. The results will be available at the next (twelfth) site visit.
- The New Jersey State Police intranet provides a means for any member of the organization to send suggestions for training to the Academy.

### Status

The Academy has developed a comprehensive process with many access points for identifying the training needs in the organization.

### Compliance:

Phase I: In Compliance  
Phase II: In Compliance

## 2.43 Compliance with 105: Provision of Training for Supervisors

Task 105	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 105 stipulates that:

105. The State Police shall provide all supervisors with mandatory supervisory and leadership training which (in addition to the subjects addressed in ¶¶100 and 101) shall address effective supervisory techniques to promote police integrity and prevent misconduct. The State Police shall provide the initial training required by this paragraph within one year from entry of the Decree and thereafter shall provide supervisory training on an annual basis.

### Methodology

A member of the monitoring team spoke with Academy staff responsible for this task, and reviewed related documentation provided.

### Status

In May 2003, when the Academy's Executive Staff Development Unit (EDTU) was formed, oversight responsibility for this task was assigned to this unit, and one team member was assigned primary oversight responsibility for this task. Currently there is one 80-hour basic course for new sergeants, and one course for those promoted to sergeant first class

### Sergeant's Basic Course

The basic sergeant's course is currently 80-hours in length and addresses the needs of sergeants, staff sergeants, detective sergeants, and patrol sergeants. This course is provided as needed depending upon the number of newly promoted personnel. In addition, troopers I and II who have performed at a level that demonstrates skill and leadership are referred by their supervisors to attend this class so that they will be better prepared when they are promoted. A total of troopers not in acting supervisory positions attended, and to date, 25% are now in acting sergeant positions.

### Assessment

Among the sources of data used to refine and improve this course are the following:

- Participant evaluations from each session;
- Evaluation data gathered from participants in the lieutenants' course;
- Data from the leadership survey conducted by EDTU;
- Anecdotal data gathered through conversations with Division personnel;
- Training committee recommendations; and
- MAPPS data related to supervisory issues.

## Development

Based upon assessment data that are gathered, changes to this curriculum are made on a continuous basis. Recently, two self-assessment instruments used in management courses were introduced into this course.

The following blocks of instruction were updated to remain current with trends affecting the Division:

- Critical Standards of Procedure;
- Progressive discipline; and
- Ethics.

## Delivery

Five courses were delivered between March and July 2004. A total of 193 personnel received this training. A staff attorney from the AG's office teaches the search and seizure block of training. Eight courses are planned for 2005. A total of 45 new sergeants have not yet been trained and of these, nine are beyond the six-month limit. They are scheduled for the next session scheduled for November 1<sup>st</sup> and December 6<sup>th</sup>.

## Evaluation

A pretest is now given prior to the beginning of the training. The test is repeated at the conclusion of the training and is demonstrating improved understanding of the material presented. All participants complete the new evaluation form developed by the Academy.

## Implementation

An implementation plan was presented to the monitoring team during the eleventh site visit and received approval.

## Status

The course meets the requirements of the decree and demonstrates the understanding of the training cycle. The results from the implementation plan will be available on or before the next site visit.

## **Sergeant First Class Course**

This course is titled the Mid-Level Manager's Course.

## Assessment

The original assessment process was described in previous monitoring team reports. On a continuous basis the course critiques, course testing data, MAPPS data, trend analyses, training committee feedback, field requests through the intranet, and anecdotal feedback are utilized to revise and refine this course.

## Development

This course was originally developed for the lieutenants. Upon evaluation it was determined to be more appropriate for the SFCs. Modifications to the course are on-going based upon assessment and evaluation data.

## Delivery

Eight courses have been delivered in 2004 with 170 personnel attending. Class size averages 25. A total of 51 SFCs are eligible for training at this time. Another session was scheduled for November 29<sup>th</sup>.

## Evaluation

A pretest is now given prior to the beginning of the training. The test is repeated at the conclusion of the training and is demonstrating improved understanding of the material presented. Participants complete the new evaluation form developed by the Academy.

## Implementation

An implementation plan was presented to the monitoring team during this site visit and was approved.

## Status

The course meets the requirements of the decree and demonstrates the understanding of the training cycle. The results from the implementation plan will be available on or before the next site visit.

### Annual Supervisory/Leadership Training

#### Status

The annual leadership training for supervisors has been integrated into the annual mandated training for all personnel (task 100). In addition, the supervisory courses provided to sergeants have comprehensive blocks of training on leadership and ethics.

#### Compliance:

Phase I: In Compliance  
Phase II: In Compliance

### 2.44 Compliance with Task 106: Training for Newly Promoted State Troopers

Task 106	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 106 stipulates that:

**106. The State shall design and implement post-academy training programs for all state troopers who are advancing in rank. The State shall require troopers to successfully complete this training, to the extent practicable, before the start of the promoted trooper's service in his or her new rank, and in no event later than within six months of the promoted trooper's service in his or her new rank.**

#### Methodology

A member of the monitoring team spoke with Academy staff responsible for this task and reviewed related documentation.

#### Lieutenants' Course

The new "Executive Leadership Course for Lieutenants," developed by the Executive Development Training Unit (EDTU) was delivered for the first time in late October 2004. This course sets a new benchmark for New Jersey State Police executive training in that the "classroom" includes a two-day leadership-immersion experience conducted at sites on the Gettysburg Battleground, and actual classroom time at Princeton University.

This major step in ensuring the highest quality leadership training experience is the cooperative result of the creative imagination of EDTU staff in developing and proposing this venue, and the awareness of command staff personnel and the Superintendent regarding the critical role that lieutenants play in the supervisory/management chain of command. When vision and cooperation occur among units, sections, and ranks within an organization the climate and the culture of an organization can change rapidly. This course is an outstanding example of that process working favorably for the New Jersey State Police. The monitoring team commend the Academy and its staff for their vision, commitment and follow-through on this excellent training piece.

#### Assessment Phase

The following internal and external sources were utilized to complete the needs assessment:

- Previous course critiques;
- Interviews with New Jersey State Police personnel;
- Anecdotal information;
- Attendance at the Bi-Annual station commanders' meeting;
- Surveys of lieutenants attending the January 26<sup>th</sup> session of the Station Commanders' Course; and
- Discussion with, visits to, or review of training materials from the following organizations:
  - United States Marine Corps
  - Merck Pharmaceuticals
  - Northwestern University School of Police Staff and Command
  - Northwestern University Executive Development Program
  - New Jersey State Association of Chiefs of Police
  - Penn State University POLEX Course
  - FBI Leadership and Management Seminar
  - DEA Group Supervisors Course
  - Johnson and Johnson School of Personal and Professional Development
  - Columbia Business School, "Executive Development Program: The Transition to General Manager," and the Columbia Senior Executive Program

#### Development Phase

From the assessment data, a core group of topics emerged as necessary for this level of executive development training.

- Communication skills;
- Team building;
- Strategic planning;
- Project management;
- Conflict/Performance management;
- Risk management;
- Challenging the organizational culture;
- Leadership/Management styles;
- Motivation;
- Decision-making/Problem solving;
- Mastering change;
- Situational leadership; and
- Emotional intelligence.

These topics are addressed through a three-part training paradigm:

- Know Yourself and Improve Yourself;
- Know Your Team and Improve Your Team; and
- Know Your Organization and Improve Your Organization.

Lesson plans for the 5-day course were presented to the monitoring team for review and were approved. Class size will be approximately 25 participants.

#### Delivery Phase

The first session of this course was presented the last week in October. The teaching methods include the following:

- Lecture;
- Group work to apply principles;
- Hands-on use of computers to apply techniques associated with technical skills;
- Self-assessment instruments;
- Use of a pre-arrival package including a book about the Gettysburg battle that each participant can read to prepare for the course; and
- Use of video and power-point presentations.

#### Evaluation Phase

Participants will complete the following:

- A pre-test and a post-test;
- The completion of a power-point presentation that applies information they learned during the course;
- A plan for a change they intend to implement in the field; and
- Completion of the course evaluation form.

### Implementation Phase

An implementation plan was presented to the Independent Monitor for review and was approved.

### Documentation Phase

The EDTU staff provides thorough documentation presented in a very professional format.

### Status

The development of this course demonstrates that the EDTU staff have a complete understanding of the training cycle, and are able to implement all the steps in a comprehensive and professional manner. They continue to set benchmarks for innovative, high quality training.

### Captains' Course

The EDTU developed a course to address the training needs of those advancing to the ranks of captain, major, and lieutenant colonel. This course is divided into a number of modules that will be provided over a span of time rather than in one training session.

### Assessment

The EDTU completed a thorough needs assessment that was described at length in the tenth IMR.

### Development

The monitoring team was provided with lesson plans for each block of training that meet the compliance standards. The topics to be addressed include the following:

- Module I—Know and Improve Yourself 5 hours
  - Block 1—Self Assessment
  - Block 2—The Leadership Clinic: An Introduction



- Module II—Know and Improve Your Command 13 hours
  - Know What to Expect From Your Mid-Level Managers; Know What They Expect From You
  - Conflict Resolution/Mediation—Getting to Yes
  - Labor Relations
  - Mentor Replacements/Develop Subordinates/Portfolio Development
  - Mid-Level Management Philosophy—Servant Leadership
- Module III—Know the Division of State Police 6 hours
  - The Business End of Things
  - Budget Operations
  - Fiscal Bureau
  - Human Resource Management Bureau
  - Information Technology Bureau
- Module IV—Improve the Division of State Police 8 hours
  - The Division Planning Model—An Unveiling
  - The Executive Level Trooper—Planning and Achieving

### Delivery

Though this course is planned to be delivered in the order presented above, a portion of the course was presented in mid-September to address an identified organizational need. Approximately seventy upper level management staff attended. Seventeen of those required to attend did not, most of which will be retiring shortly. The remainder of the modules will be presented over the next few months.

### Evaluation

Participants completed the new evaluation form created by the Academy.

### Implementation

An implementation plan was presented to the monitors' for review and was approved. Phase II compliance for training for captains and above is pending completion key aspects of the training delivery cycle (scheduled for March and April, 2005) and a meaningful evaluation of training's impact on behavior in the field.

<u>Captains and Above</u>		<u>Sergeants and Lieutenants</u>	
Phase I:	In Compliance	Phase I:	In Compliance
Phase II:	Not In Compliance	Phase II:	In Compliance

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

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

Task 107 stipulates that:

**107. The State shall design and implement post-academy training programs for all state troopers who are newly assigned to a State Police troop, station, or assignment where specialized training is necessary in order to perform the assigned duties.**

### Methodology

The monitoring team spoke with Academy staff responsible for developing and delivering this training, and reviewed related documentation provided by Academy staff.

### Status

As noted in the tenth monitors' report, an agreement to apply this task to personnel returning to operations from other areas of the Division was reached at a time when the State had no processes in place to assess, document, evaluate, or provide oversight for the universe of specialized assignments, related training needs, qualifications of instructors providing specialized training, testing to determine the degree of comprehension of the training, or tracking the implementation of the training operationally.

The Academy now has such processes in place and has demonstrated a high degree of commitment and skill in utilizing the systems to provide the required quality oversight for all areas of training.

The Academy is conducting a needs assessment to identify all training previously being presented outside the oversight function of the Academy, to identify specialty areas/special training needs, and to identify and determine the qualifications of instructors providing specialized training. The Master Trainers' List has been analyzed and updated, and a re-certification program for all instructors is underway. MAPPS data are being used to identify any trends requiring specialized training. Processes are in place to identify and track on training that troopers receive outside of the Academy and the Division.

Though it will require some time to thoroughly evaluate the scope of this issue, the Academy demonstrates a clear understanding of the need, an ability to use a comprehensive process to address this issue, and has begun to gather the necessary data to maintain compliance with the broadest interpretation of this task.

Compliance

Phase I: In Compliance

Phase II: In Compliance

**2.46 Compliance with 108: Inclusion of Training Data in MAPPS Program**

Task 108	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 108 stipulates that:

**108. The State Police shall continue to maintain records documenting all training of state troopers. As part of the MAPPS, the State Police will track all training information, including name of the course, date started, date completed, and training location for each member receiving training. The MAPPS will maintain current and historical training information.**

Methodology

Members of the monitoring team spoke with Academy staff responsible for implementing this task and reviewed related documentation provided by Academy staff.

Status

The Technology and Administrative Support Unit staff continue to address the program automation needs for the various Academy units. An Academy website was created that provides access to the various programs and processes that the Academy is responsible for providing and for overseeing. Training records, lesson plans, equipment management, the recruit program, the training calendar, the trooper youth week program, and the new on-line testing function are part of the website which is being expanded to include other Academy programs as they are automated. Further, as part of the operational test of MAPPS conducted by members of the monitoring team, 36 individual troopers' and sergeants' MAPPS records were assessed for the presence of

recently received training, within the automated MAPPS system. All 36 personnel selected had updated training records in the MAPPS system.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

Task 109	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 109 stipulates that:

**109. The State Police shall maintain, in a central repository, copies of all academy, post-academy and trooper coach training materials, curricula, and lesson plans.**

Methodology

A member of the monitoring team spoke with Academy personnel responsible for this task and reviewed related documentation provided by Academy staff.

Status

All Academy, trooper coach, and post-academy training materials, curricula, and lesson plans developed by academy staff are maintained in a central repository at the Academy. Security oversight for all training materials, both in paper and digital formats are operative. Master paper copies of lesson plans and curricula materials have been consolidated in one location, and are kept in locked filing cabinets in a locked room with access limited to specified personnel, and a logging system to track the documents.

All equipment at the Academy has been inventoried and a bar code applied to facilitate future regularly scheduled inventories. A Technology Renewal Plan has been implemented to insure that equipment/software will be replaced at appropriate intervals to prevent any degradation of quality in the technology.

The Academy is about to launch a beta test with on-line registration and on-line testing, and plans to extend this procedure to all training venues. This will provide another avenue for improving quality oversight and reducing the amount of time required to process these data.

Oversight processes for tracking training materials generated in units within the Division, but outside the Academy, have been implemented. Quality oversight for training provided by outside vendors has been enacted that specifies what the Academy requires from outside vendors to ensure compliance with quality standards.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

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

Task 110	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 110 stipulates that:

**110.** The Attorney General of New Jersey shall create an Office of State Police Affairs ("office"). The office shall have the responsibility to ensure implementation of the terms of this Consent Decree and provide coordination with the Independent Monitor and the United States concerning the State Police and matters related to the implementation of the Consent Decree. An Assistant Attorney General shall head the office. The office's responsibilities shall include auditing the manner in which the State receives, investigates, and adjudicates misconduct allegations; auditing the State Police's use of MAP data; and auditing state trooper performance of the motor vehicle stop requirements discussed in the Consent Decree. The office also shall be responsible for providing technical assistance and training regarding these matters. The office shall have such additional responsibilities as may be assigned by the State Attorney General.

Methodology

Members of the monitoring team have interviewed the majority of personnel assigned to the Office of State Police Affairs and have discussed with them their assigned duties, have seen samples of the work product they have created in developing the State's responses to the requirements of the decree, and/or have queried them regarding their understanding of their roles in developing the State's response to the decree.

Status

Based on the monitoring team's review of work product, and information obtained during the process of implementing the eleventh site visit, it is clear to the members of the monitoring team that the State is in compliance with this task. Not all duties assigned to the Office of State Police Affairs have been completed as of the eleventh site visit, due to the lack of final implementation of the MAPPS processes for long-term trend analysis and benchmarking. The office provides coordination with the monitors and the Department of Justice, and the office is headed by an Assistant AG. The office routinely audits the process of managing misconduct investigations, and routinely audits performance on MVSR processes. These audits consist of on-site reviews, basically replicating those engaged in by the monitoring team, with samples of MVSR and MVR recordings reviewed by OSPA personnel. Problems are noted and remedial measures are recommended. Technical assistance and training is provided routinely by the office regarding these matters. The mechanism and duty assignments, however, exist to complete the duties of the office as soon as practicable, given the implementation schedule of the State's compliance efforts.

Compliance

Phase I: In Compliance  
 Phase II: Unable to Monitor

**2.49 Compliance with Task 111: Audits of Motorists Subjected to Motor Vehicle Stops**

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

Task 111 stipulates that:

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

Methodology

The monitors have reviewed data provided by the State regarding this task, and find the State continues to be in compliance.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

**2.50 Compliance with Task 112: Internal Audits of Citizen Complaint Processes**

Task 112	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 112 stipulates that:

112. The office's audits of the receipt, investigation, and adjudication of misconduct allegations shall include audits of the tapes of the complaint/comment toll-free telephone hotline established by ¶62; the use of testers to evaluate whether complaint intake procedures are being followed; audits of audio tape and videotape interviews produced during the course of misconduct investigations; and interviews of a sample of persons who file misconduct complaints, after their complaints are finally adjudicated.

Methodology

Data regarding task 112 indicate that the State continues to perform this task in a satisfactory manner.

Status

The State remains in compliance with this task.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance

**2.51 Compliance with Task 113: Full and Unrestricted Access for the Office of State Police Affairs**

Task 113	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 113 stipulates that:

**113. The office shall have full and unrestricted access to all State Police staff, facilities, and documents (including databases) that the office deems necessary to carry out its functions.**

Methodology

Members of the monitoring team observed the personnel from the Office of State Police Affairs during the course of the site visit during the week of May 19th, 2003.

Status

Based on the team's observations, members of the Office of State Police Affairs have full and unrestricted access to all State Police staff, facilities and documents.

Compliance

Phase I: In Compliance  
 Phase II: In Compliance



## 2.52 Compliance with Task 114: Publication of Semi-Annual Reports of Aggregate Traffic Stop Statistics

Task 114	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 114 stipulates that:

114. The State Police shall prepare semiannual public reports that include aggregate statistics on State Police traffic enforcement activities and procedures broken down by State Police station and the race/ethnicity of the civilians involved. These aggregate statistics shall include the number of motor vehicle stops (by reason for motor vehicle stop), enforcement actions (including summonses, warnings, and arrests) and procedures (including requests for consent to search, consent searches, non-consensual searches, and uses of force) taken in connection with or during the course of such stops. The information regarding misconduct investigations shall include, on a statewide basis, the number of external, internal, and total complaints received and sustained by category of violation. The information contained in the reports shall be consistent with the status of State Police record keeping systems, including the status of the MAP computer systems. Other than expressly provided herein, this paragraph is not intended, and should not be interpreted, to confer any additional rights to information collected pursuant to this Decree.

### Methodology

The State has produced its latest "Semi-Annual Public Report of Aggregate Data," in response to this provision of the decree.

### Status

Members of the monitoring team have reviewed the latest report prepared by the Office of State Police Affairs, and found it to be responsive to the requirements of the decree.

### Compliance

Phase I: In Compliance  
Phase II: In Compliance

## 2.53 Compliance with Task 115: Appointment of Independent Monitor

Task 115	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 115 stipulates that:

115. Within ninety (90) days after the entry of this Decree, the State and the United States shall together select an Independent Monitor who shall monitor and report on the State's implementation of this Decree. The Monitor shall be acceptable to both parties. If the parties are unable to agree on an Independent Monitor, each party shall submit two names of persons who have experience as a law enforcement officer, as a law enforcement practices expert or monitor, or as a federal, state, or county prosecutor or judge along with resumes or curricula vitae and cost proposals to the Court, and the Court shall appoint them Monitor from among the names of qualified persons submitted. The State shall bear all costs of the Monitor, subject to approval by the Court.

### Methodology

Members of the monitoring team reviewed the order from United States District Court Judge Mary L. Cooper, appointing an independent monitoring team on March 30, 2000.

### Status

The State is judged to remain in compliance with this task.

### Compliance

Phase I: In Compliance  
Phase II: In Compliance

## 2.54 Compliance with Task 118: Full and Unrestricted Access for Monitors

Task 118	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 118 stipulates that:

118. The State shall provide the Monitor with full and unrestricted access to all State staff, facilities, and non-privileged documents (including databases) necessary to carry out the duties assigned to the Monitor by this Decree. In the event of an objection, the Court shall make the final determination regarding access. In any instance in which the State objects to access, it must establish that the access sought is not relevant to monitoring the implementation of the Consent Decree, or that the information requested is privileged and the interest underlying the privilege cannot be adequately addressed through the entry of a protective order. In any instance in which the State asserts that a document is privileged, it must provide the United States and the Monitor a log describing the document and the privilege asserted. Notwithstanding any claim of privilege, the documents to which the Monitor shall be provided access include: (1) all State Police documents (or portions thereof) concerning compliance with the provisions of this Decree, other than a request for legal advice; and (2) all documents (or portions thereof) prepared by the Office of the Attorney General which contain factual records, factual compilations, or factual analysis concerning compliance with the provisions of this Decree. Other than as expressly provided herein, with respect to the Independent Monitor, this paragraph is not intended, and should not be interpreted to reflect a waiver of any privilege, including those recognized at common law or created by State statute, rule or regulation, which the State may assert against any person or entity other than the Independent Monitor.

## Methodology

Members of the monitoring team were accorded full and unrestricted access while on-site with personnel from the New Jersey State Police and the Office of State Police Affairs.

## Status



All documents requested by the monitoring team have been provided in a timely and well-organized manner. All data reviewed by the monitors have been kept in a fashion that allows retention, retrieval and assessment.

## Compliance

Phase I: In Compliance

Phase II: In Compliance

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

Task 122	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 122 stipulates that:

122. Between ninety (90) and one hundred twenty (120) days following entry of this Consent Decree and every six months thereafter until this Consent Decree is terminated, the State shall file with the Court and the Monitor, with a copy to the United States, a status report delineating all steps taken during the reporting period to comply with each provision of this Consent Decree.

Methodology

Members of the monitoring team have reviewed the State’s submission filed by the State in response to this task. The report’s format has been modified to a more readable and usable format for this reporting period.



Status

The report submitted by the State, in the opinion of the monitors, complies with the requirements of this task.

Compliance

Phase I: In Compliance  
Phase II: In Compliance

**2.56 Compliance with Task 123: State to Maintain all Necessary Records**

Task 123	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 123 stipulates that:

123. During the term of this Consent Decree, the State shall maintain all records documenting its compliance with the terms of this Consent Decree and all documents required by or developed under this Consent Decree. The State shall maintain all misconduct investigation files for at least ten years from the date of the incident. The State Police shall maintain a troopers' training records and all personally-identifiable information about a trooper included in the MAP, during the trooper's employment with the State Police. Information necessary for aggregate statistical analysis shall be maintained indefinitely in the MAP for statistical purposes. MVR tapes shall be maintained for 90 days after the incidents recorded on a tape, except as follows: any MVR tape that records an incident that is the subject of an pending misconduct investigation or a civil or criminal proceeding shall be maintained at least until the misconduct investigation or the civil or criminal proceeding is finally resolved. Any MVR tape that records an incident that is the subject of a substantiated misconduct investigation, or an incident that gave rise to any finding of criminal or civil liability, shall be maintained during the employment of the troopers whose conduct is recorded on the tape.

#### Methodology

Members of the monitoring team requested for review numerous documents, records, recordings and other information during the course of the team's site visit during October, 2003.

#### Status

All documents requested by the monitoring team have been provided in a timely and well-organized manner. All data reviewed by the monitors has been kept in a fashion that allows retention, retrieval and assessment.

#### Compliance

Phase I: In Compliance  
Phase II: In Compliance

## 2.57 Compliance with Task 124: Unrestricted Access for the Department of Justice

Task 124	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 124 stipulates that:

**124. During all times while the Court maintains jurisdiction over this action, the United States shall have access to any State staff, facilities and non-privileged documents (including databases) the United States deems necessary to evaluate compliance with this Consent Decree and, within a reasonable time following a request made to the State attorney, shall, unless an objection is raised by the State, be granted such access and receive copies of documents and databases requested by the United States. In the event of an objection, the Court shall make a final determination regarding access. In any instance in which the State objects to access, it must establish that the access sought is not relevant to monitoring the implementation of the Consent Decree, or that the information requested is privileged and the interest underlying the privilege cannot be adequately addressed through the entry of a protective order. In any instance in which the State asserts that a document is privileged, it must provide the United States and the Monitor a log describing the document and the privilege asserted. Notwithstanding any claim of privilege, the documents to which the United States shall be provided access include: (1) all State Police documents (or portions thereof) concerning compliance with the provisions of this Decree, other than a request for legal advice; and (2) all documents (or portions thereof) prepared by the Office of the Attorney General which contain factual records, factual compilations, or factual analysis concerning compliance with the provisions of this Decree. Other than as expressly provided herein with respect to the United States, this paragraph is not intended, and should not be interpreted to reflect a waiver of any privilege, including those recognized at common law or created by State statute, rule or regulation, which the State may assert against any person or entity other than the United States.**

### Methodology

Members of the monitoring team discussed the level of access provided by the State with Department of Justice personnel assigned to this case.

## Status

The State remains in compliance with this task.

## Compliance

Phase I:	In Compliance
Phase II:	In Compliance

### 3.0 Executive Summary

During the last reporting period, the State has continued to make remarkable progress toward compliance in several areas, including training; supervision; development of a MAPPS performance management system; and inspections, audit and quality control. Compliance levels have been improved substantially in training, supervision, MAPPS and quality control. These new compliance levels are, in the monitors' opinions, directly attributable to a focused and clear leadership mandate, emanating from the Office of the Superintendent, placing compliance efforts among the top goals of the agency. Continued cooperation with, and support from the Office of State Police Affairs has focused the State's compliance efforts, with remarkable effects observed this reporting period. Each of these areas is discussed briefly below.

#### Field Operations

Rapid, meaningful and focused improvements are now being witnessed in the Field Operations component of the New Jersey State Police. Error rates for all aspects related to the consent decree have dropped precipitously over the last two reporting periods. Of the 50 consent decree-related errors noted from among the stop incidents selected by the monitors this period, *all but one* were considered technical errors, i.e., errors in reporting or process, not errors related directly to Constitutional protections. The data yield a clear picture to the monitors: field operations activities have begun to be *internally monitored* by a cadre of newly trained (or retrained) supervisors who exhibit a commitment to fair and impartial review of activity in the field. These reviews accounted for 90 individual "interventions" by field operations supervisors—steps taken to call to the attention of road personnel errors or violations of New Jersey State Police procedures and to prevent further similar errors or violations.<sup>13</sup>

#### Training

Last reporting period, the monitors noted a dramatic and remarkable improvement in training function implementation. This improvement was due, in part, to substantial increases in staffing levels noted in the ninth reporting period. During the eleventh reporting period, the Academy has reaped the benefit of specific planning, organization and development functions implemented during the tenth reporting period. Improvements in virtually *all areas* of the training function were noted again this period. In fact, the Academy has improved its compliance levels in all areas this period, also addressing the two areas in which it was found non-compliant in the tenth report.

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<sup>13</sup> Forty of the 90 "interventions" were related to non-decree issues, such as trooper safety, etc.



Executive training and evaluation of the impact of training were addressed during the eleventh reporting period, and substantial improvement has been noted in these areas as well, although full compliance with these two areas was not attained this reporting period. Again, the monitors find the focus, attention to detail, commitment of resources and results achieved by the Academy this period to be exceptional. They reflect a strong commitment to and interest in the training function by the Superintendent of the New Jersey State Police.

## Supervision

As dramatic as the positive changes have been at the Training Academy this period, the changes made in the *process* and *outcome* of supervision of troopers within the New Jersey State Police continues to be even more remarkable. For the second consecutive reporting period, evidence exists that New Jersey State Police supervisors are fully engaged in the consent decree compliance process, reviewing 186 of the 218 motor vehicle stop events reviewed by the monitors. This 85 percent supervisory review rate yielded 97 instances in which New Jersey State Police supervisory personnel noted violations of New Jersey State Police SOPs and counseled, retrained or otherwise responded to those violations. Not all of these 97 instances were consent-decree related; however, it is clear that the New Jersey State Police have engaged supervisory personnel in their attempts to ensure compliance with the decree. Command staff in field operations continued to be committed to a supervisory review of all incidents involving a law enforcement procedure of interest to the decree. The agency is well along its way to that goal. The New Jersey State Police now subject each motor vehicle stop to at least three levels of review. Immediate supervisors (the real key to compliance) reviewed motor vehicle stop reports and supporting documentation and video tapes for 85 percent of all motor vehicle stops of interest to the decree selected by the monitors. New Jersey State Police quality assurance reviews subject the supervisory reviews to quality assurance assessments. The Office of State Police Affairs also reviews stop activities. These new supervisory initiatives, again, are reflective of a strong commitment to and interest in the supervisory function by the New Jersey State Police, to a level heretofore not observed by the monitoring team.

New Jersey State Police motor vehicle stops reviewed by the monitoring team this period proved remarkably trouble free—only 50 consent-decree-related mistakes from a potential universe of 2,128. Supervisory personnel, upon review of the incidents selected by them for review, caught 49 of errors made by road personnel, an efficiency rate of 98 percent for the supervisory review process. All but one of these errors were considered by the monitoring team to be “technical” in nature, i.e., errors in reporting or process, not Constitutional.

## MAPPS Development

Strong progress continues to be made with the MAPPS information system. The system can be used to review trooper and supervisory performance, compare trooper performance to other members of the trooper's workgroup, and to compare performance across work groups. Work continues on establishing appropriate benchmark processes for the MAPPS system. Supporting SOPs and training for operation of MAPPS have been developed and approved by the monitors, and forwarded to the field personnel using the system. MAPPS is currently being used in performance evaluations and positive disciplinary processes, such as verbal counselings, performance notices, and retraining. The monitors reviewed the operational MAPPS database, and found it to contain active data from January 1, 2004. No errors or violations of approved MAPPS policies were noted.

The monitors did note, however, one potentially troublesome characteristic of the State's use of the MAPPS system. In 37 instances in which supervisors had noted a problem with a motor vehicle stop, and had created narratives in MAPPS identifying a problem with trooper actions, the MAPPS carried the action taken regarding the problems as "No Action." The monitors discussed this issue in detail with the State, and reviewed MAPPS training documents regarding this process. The State contends—and the monitors are willing to accept—that this is an issue of supervisory discretion and leadership, e.g., the ability to treat minor or first-time infractions via truly verbal counseling, rather than creating an "official record" of first-time or minor events.

#### Inspections, Audit and Quality Control

Inspections and Audit personnel from Field Operations and the Office of State Police Affairs continue to review MVSR and MVR elements for conformance to the requirements of the consent decree. As noted above, the quality control process has yielded remarkable improvements for two consecutive periods.