



NEW JERSEY STATE POLICE
OFFICE OF PROFESSIONAL
STANDARDS

INTERNAL INVESTIGATION AND
DISCIPLINARY PROCESS

ANNUAL REPORT
2005

From the Superintendent	5
From the Commanding Officer, Office of Professional Standards (“O.P.S.”)	6
Executive Summary	7
Office of Professional Standards	7
Internal Affairs Investigation Bureau	7
Intake and Adjudication Bureau	7
Intake Unit	7
Administrative Internal Proceedings Unit	8
Management Review Unit	8
Staff Inspection Unit	8
2005 Organizational Chart (Table)	9
Office of State Police Affairs	10
State Police Disciplinary Process	11
Complaint Process	11
Five Year Comparison of Number of Incidents Reported (Chart)	13
Classification of Reported Incidents	14
Misconduct	14
Performance	14
Administrative	14
EEO / AA Investigations Forwarded to O.P.S. for Disciplinary Action	15
Compliance Investigations Forwarded to O.P.S. for Disciplinary Action	15
Five Year Breakdown of Incident Classifications (Table)	15
Origin of Complaints	15

FIVE YEAR COMPARISON OF COMPLAINT SOURCES (Chart)	17
.....
Criminal Proceedings Involving Division Members	18
.....
Line of Duty: Citizen Initiated Criminal Matters	18
.....
On-duty Conduct: State Police or Other Law Enforcement Agency Initiated	18
Proceedings	18
Off-duty Conduct	18
Assignment of Investigations	19
Allegations and Outcomes	19
Substantiated	19
Unfounded	20
Exonerated	20
Insufficient evidence	20
Cases Completed in 2005	20
SUMMARY OF COMPLETED CASES (Table)	21
.....
Misconduct Investigations Opened in 2005	22
.....
Summary of New Complaints	22
SUMMARY OF NEW COMPLAINTS (Table)	23
Completed Discipline	24
General Disciplinary Hearings	24
Summary Disciplinary Hearings	24
Minor Discipline	24
Synopsis of Major Discipline	24
Synopsis of Minor Discipline	28
Open Cases as of December 31, 2005	30

Prosecutions for False Citizen Complaints	30
.....	30
Compliments	30
.....	30

FROM THE SUPERINTENDENT...

I am proud to present the Governor, State Legislature, and the citizens of New Jersey with the Office of Professional Standards 2005 Annual Report. The New Jersey State Police remains committed to preserving the public's trust and confidence that our state troopers are conducting themselves in a professional and exemplary manner. The public justifiably expects that all of our members carry out their duties and responsibilities fairly, impartially, and constitutionally.

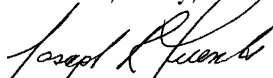
The public's perception of the New Jersey State Police is greatly enhanced by our own expectations to hold our members to an extremely high standard of conduct. The Office of Professional Standards 2005 Annual Report is our endeavor to be transparent and open to public scrutiny. To that end, this report contains information relating to complaints and compliments against state troopers, and the results of our internal investigative and disciplinary process.

All complaints against members of the New Jersey State Police are fully investigated and pursued to their logical conclusion. The Office of Professional Standards conducts thorough, fair and impartial internal investigations and oversees the disciplinary system. In April 2004, the tasks relating to internal affairs reform were removed from the Consent Decree due to the Office of Professional Standards maintaining substantial compliance with the terms of the Decree for a two year period. This milestone set a new standard for the entire Division.

Today, the New Jersey State Police has embraced organizational accountability at all ranks which is evidenced in the recent release of the 13th Independent Monitoring Report which credits the State Police with 100 percent compliance in all requirements of the 1999 Consent Decree for a second consecutive monitoring period. I would like to commend the men and women of the New Jersey State Police for all of their hard work and dedication during the past year. Achieving a 100 percent compliance rate in performance of their duties is a testament to our troopers and their level of competency and professionalism. The Division has used the Consent Decree as a vehicle to embrace organizational change, allowing us to go beyond its parameters, and an opportunity to adopt a pattern and practice of sustained excellence.

Changes in policies and procedures coupled with the leveraging of technology has built a solid foundation for continued best practices as we move into 2006. This includes effective training programs, sound policies guiding trooper conduct, supervisory and management accountability, thorough and timely investigation of citizen complaints, and discipline. All members are called on to act in a manner that will maintain the confidence and trust of the citizens of New Jersey, and all those traveling through our state.

Honor, Duty, and Fidelity



Joseph R. Fuentes
Colonel
Superintendent

FROM THE COMMANDING OFFICER, OFFICE OF PROFESSIONAL STANDARDS...

As the Commanding Officer of the Office of Professional Standards, I am proud to present the 2005 Annual Report which is an open and candid look at the disciplinary system of the New Jersey State Police. The information contained in the report clearly reflects the State Police's commitment to maintaining the highest standards of conduct and integrity that is demanded of New Jersey State Troopers. This report will permit citizens and troopers alike to appraise our commitment to this endeavor, while ensuring the public's trust and confidence in our efforts to police our own.

The public's perception of the New Jersey State Police is based not only on personal interactions and contacts with our state troopers, but on knowledge gained from organizational transparency. The Office of Professional Standards Annual Report demonstrates our commitment to be transparent. This report provides information to the public we serve regarding the conduct of our state troopers and we welcome the public's review and scrutiny.

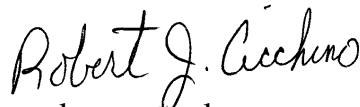
The Office of Professional Standards was removed from the Consent Decree in April 2004 based on meeting or exceeding the very strict requirements pertaining to the internal affairs process for a two-year period. While the Office of Professional Standards is proud of our achievements, it is important to note the Consent Decree was never viewed as an obstacle, but rather a baseline for us to adopt a pattern and practice of best practices to sustain excellence.

To assist us in our endeavor in maintaining the highest level of performance and accountability, the Office of State Police Affairs, Office of Attorney General, conducts independent audits of the Office of Professional Standards. In the July 2005 audit, the Office of State Police Affairs conducted a 100% review of internal affairs files pertaining to critical incidents such as domestic violence, excessive force, racial profiling/disparate treatment, illegal search and false arrest, and found the Office of Professional Standards continues to perform in an exemplary manner.

I am proud of the accomplishments of the Office of Professional Standards which would not have been possible without the committed leadership, support, and dedication of the Superintendent, Colonel Joseph R. Fuentes, his executive staff, members of the Office of Professional Standards, and the rank and file of our state troopers.

The Office of Professional Standards will continue to adopt a pattern and practice of sustained excellence in order to maintain the confidence and trust of the citizens of New Jersey, and all those traveling through our state. I have full confidence in our reporting and disciplinary system which allows us to accept complaints and compliments regarding the conduct of our state troopers, while ensuring a fair and impartial investigative and disciplinary process.

The Office of Professional Standards will continue these efforts and in doing so, the New Jersey State Police will continue to maintain its reputation as a leader among law enforcement agencies in the nation.



Robert J. Cicchino, Major
Commanding Officer
Office of Professional Standards

EXECUTIVE SUMMARY

This report is intended to provide the Governor, State Legislature, the citizens of the State of New Jersey, and all other interested parties a brief history of the State Police internal affairs process and a comprehensive look at the disciplinary system employed by the Division. Included in the report are explanations of how the Division receives complaints, classifies the allegations, assigns cases for investigation, and adjudicates substantiated charges against enlisted members. The report also provides overviews of major and minor discipline imposed in 2005 as the result of substantiated allegations and other actions taken by the Division to address aberrant behavior.

OFFICE OF PROFESSIONAL STANDARDS

In 1999, the Attorney General's Office conducted a review of the Division's disciplinary system. As a result of this review, the Internal Affairs Bureau was reorganized and the Office of Professional Standards was established. The investigative and adjudication functions were transferred from the Division Staff Section and placed under the control of a major reporting directly to the superintendent. During 2001, the Division Standing Operating Procedure that governs the Office of Professional Standards was completely revised, and the new policy was adopted in January 2002. This revision ultimately resulted in the formation of two distinct bureaus within the office.

INTERNAL AFFAIRS INVESTIGATION BUREAU

The Internal Affairs Investigation Bureau is responsible for investigating all misconduct complaints made against enlisted members of the State Police. This bureau is commanded by a captain holding the position of bureau chief. The bureau also has an assistant bureau chief holding the rank of lieutenant. In addition to the command staff, there are three regional investigative units. There are currently thirty-two persons assigned to this bureau, twenty-eight enlisted and four civilian support persons. This includes twenty-three full time investigators holding at least the rank of detective sergeant.

INTAKE AND ADJUDICATION BUREAU

The Intake and Adjudication Bureau is also commanded by a captain, as bureau chief, and lieutenant, as assistant bureau chief. The bureau is divided into four units with varying responsibilities:

The Intake Unit: Accepts, classifies, and assigns or refers all reportable incidents received by the Office of Professional Standards. This unit is also responsible for

notifying complainants and members of the Division's response to the complaints.

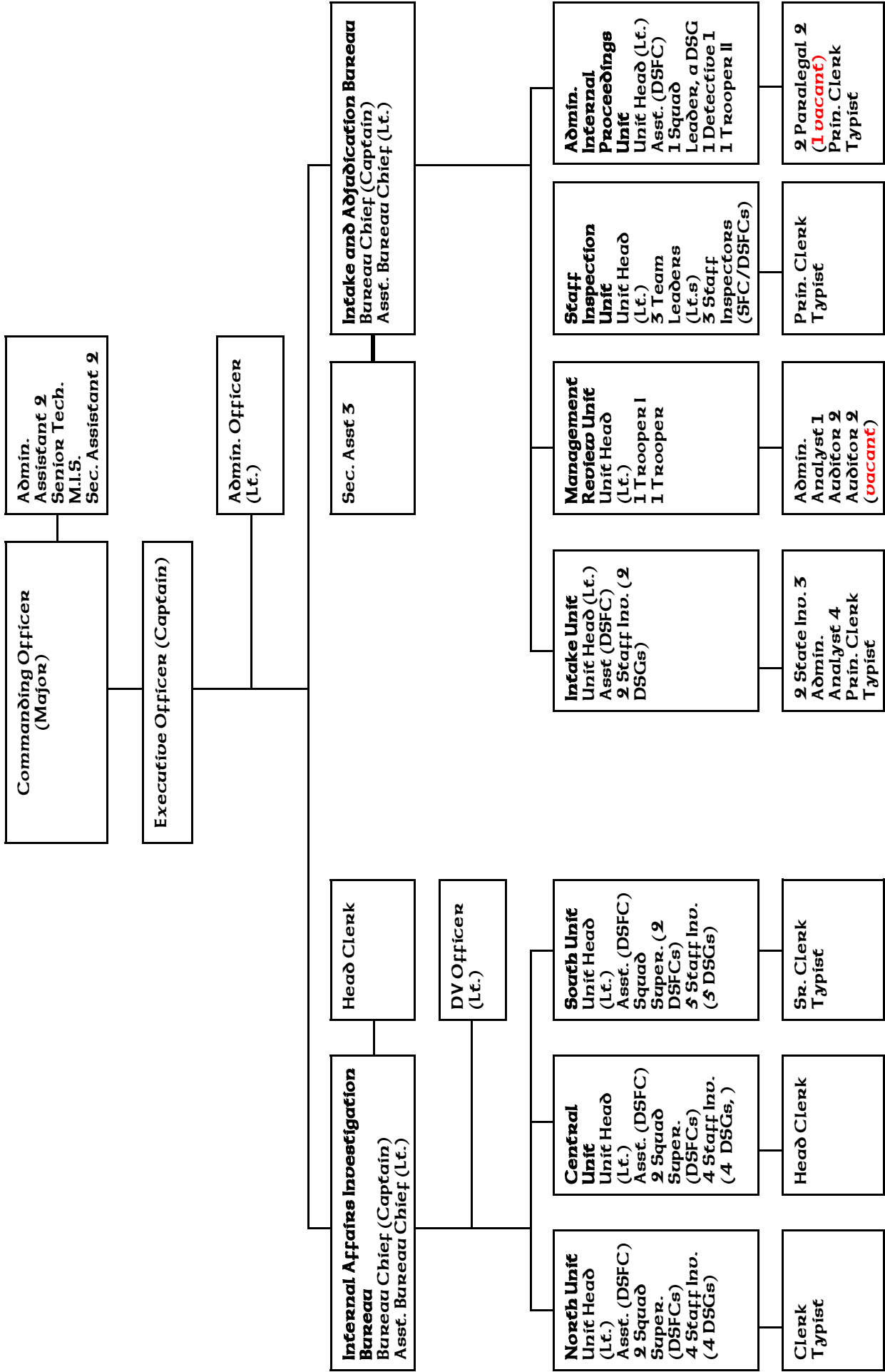
The Administrative Internal Proceedings Unit: Responsible for the adjudication of substantiated allegations, convening disciplinary hearings, tracking civil complaints against the Division and its members, and acts as a liaison between the Office of Professional Standards and the Office of the Attorney General, Office of State Police Affairs, Division of Law, and the Office of Administrative Law.

The Management Review Unit: Responsible for the design, implementation, documentation, evaluation, and improvement of the Division's internal controls. It also assists sections and bureaus in developing systems of review for the cost effective use of resources and reviews all procedures concerning division financial accounts. The unit assures that the "Ethical Standards Conflict of Interest Law," *N.J.S.A. 52:13D-12 et seq.*, is reviewed annually by all Division personnel. The unit acts as a liaison between the Division of State Police and Department of Law and Public Safety and all other authorized audit groups.

The Staff Inspection Unit: Responsible for instructing field officers in proper inspection techniques, reviewing inspection reports submitted by field supervisors, conducting evidence and administration inspections of stations and field units, and examining supervisory mobile video recording reviews.

On December 31, 2005, the Office of Professional Standards consisted of 70 persons. This includes 17 professional support personnel and 53 enlisted persons.

Office of Professional Standards 2005 Organizational Chart



OFFICE OF STATE POLICE AFFAIRS

The Office of State Police Affairs, within the Office of the Attorney General, was established by the Attorney General in 1999 as an external entity to the State Police that continues to work jointly with the Division reviewing all complaints, investigations and adjudications handled by the Office of Professional Standards. The Office of State Police Affairs also has the authority and staff to conduct its own investigations as well as to handle matters at the request of the State Police.

In addition to its direct monitoring work, the Office of State Police Affairs functions as an important liaison between the State Police, the Independent Monitoring Team, and the Department of Justice's Civil Rights Division.

Under the Consent Decree entered into between the United States and the State of New Jersey on December 30, 1999, an Independent Monitoring Team had access to and the ability to review and request additional work on all internal investigations. The Office of State Police Affairs, the Office of Professional Standards, and the Independent Monitoring Team work together reviewing internal investigations and the disciplinary process. They have endeavored to continually improve the system.

In April 2004, the court terminated oversight of the Office of Professional Standards by federal monitors, which had been ordered under the Consent Decree, in response to a joint motion by the State and the United States Department of Justice. The Office of Professional Standards was lauded by the Independent Monitoring Team as a "shining star" for its work in conducting internal affairs probes. Since the court's termination of federal monitor oversight of the State Police internal investigations, the Office of State Police Affairs is the primary entity that monitors investigations conducted by the Office of Professional Standards.

The commitment by the State of New Jersey, the Attorney General, and the Superintendent to the most thorough, fair, and efficient system possible is demonstrated by the increase in investigative and support personnel assigned to the Office of Professional Standards and the development and acquisition of a state of the art information technology case tracking system.

STATE POLICE DISCIPLINARY PROCESS

The New Jersey State Police is a statewide police organization that provides a full range of police services. During 2005, the sworn complement was 2,997 at its highpoint. The civilian complement peaked at 1,535. In 2005, troopers were involved in an excess of two million police/citizen contacts. Many of these interactions were routine. Many involved stressful and critical situations.

The disciplinary system of the New Jersey State Police is unique within the state. The New Jersey Supreme Court has recognized:

Unlike the comparably routine issues of discipline that might arise in connection with employees in other departments of state government, the discipline of state troopers implicates not only the proper conduct of those engaged in the most significant aspects of law enforcement, involving the public safety and the apprehension of dangerous criminals, but also the overall effectiveness, performance standards, and morale of the State Police. As such, discipline of state troopers involves the most profound and fundamental exercise of managerial prerogative and policy.¹

The State Police, as an employer, is made up of 4,532 employees including the aforementioned sworn members and the Division's civilian professional and support personnel. Due to the unique mission of the State Police, the Office of Professional Standards handles complaints from the public about troopers' conduct and allegations of criminal conduct by members.

The statistics and cases embodied in this report represent all disciplinary matters involving troopers. It would be inaccurate to attribute the sum of these statistics and cases to allegations solely arising from citizen complaints alleging line of duty misconduct on the part of a trooper since the statistics also include internally generated allegations of violations of the Division's Rules and Regulations, as well as complaints of misconduct while off duty.

COMPLAINT PROCESS

The New Jersey State Police accepts, reviews, and responds to all complaints received from the public. Complaints may be made in person at any State Police facility, by telephone or fax, or through the mail. The Office of Professional Standards does not accept direct e-mail complaints, but other state agencies, such as the Office of the Attorney General, Citizen Services, occasionally forwards complaints of this nature that

¹State of New Jersey v. State Troopers Fraternal Association, 134 N.J. 393, 416 (1993)

they receive. These include anonymous complaints, complaints from third party witnesses, and complaints from parties not directly involved in the incident from which an allegation arises. Notwithstanding the occurrence of citizens requesting to withdraw a previously made complaint, the investigation is continued with or without the assistance of the citizen making the complaint. The investigative process assesses the propriety of all conduct during the incident in which the alleged misconduct occurred. If during the course of an investigation there is an indication that misconduct occurred other than that alleged, the Division also investigates the additional potential misconduct to its logical conclusion.

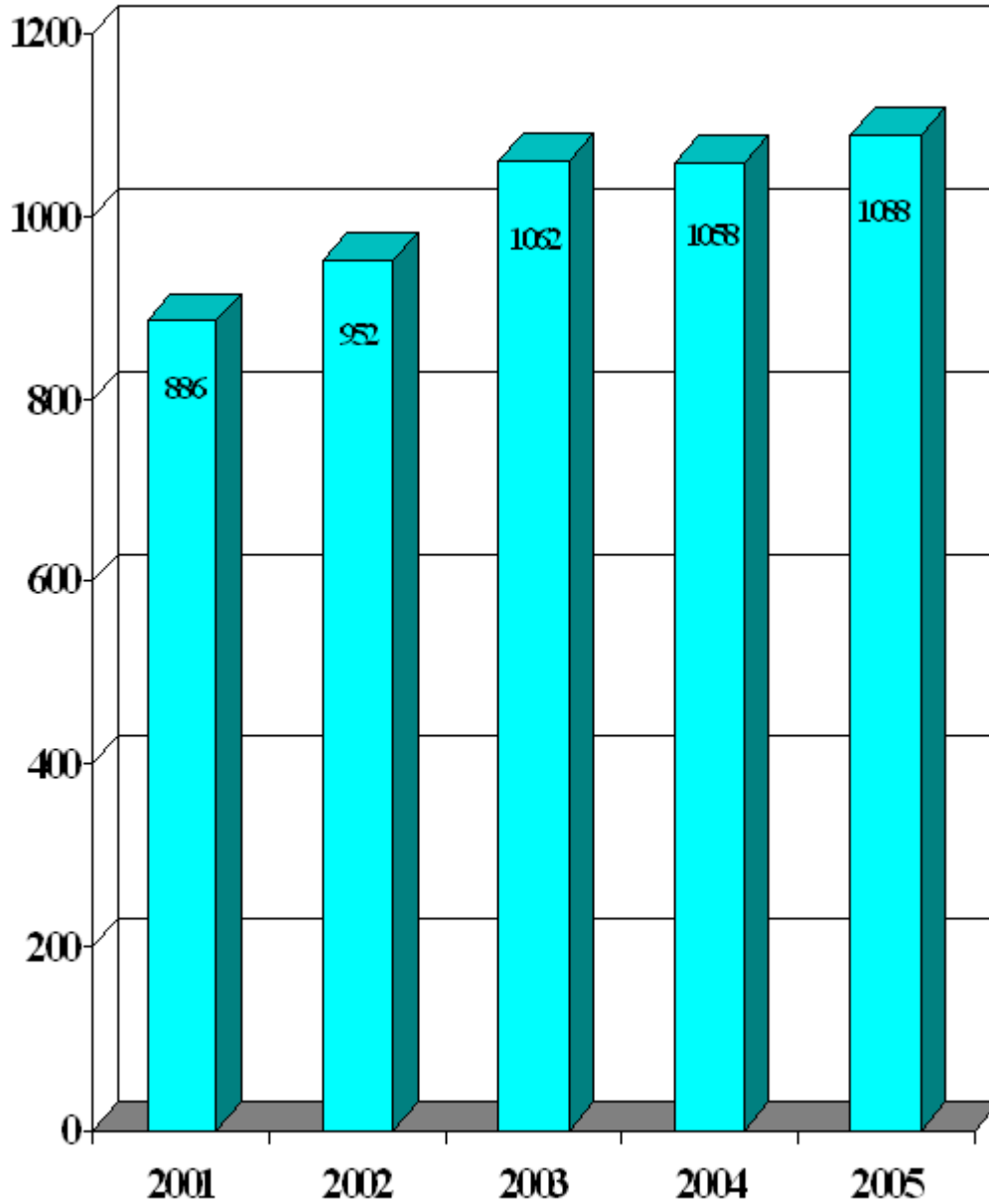
The Intake Unit of the Office of Professional Standards is responsible for receiving, documenting, processing, classifying, and disseminating all complaints against sworn members of the New Jersey State Police alleging misconduct or violations of State Police Rules and Regulations. This includes complaints made by citizens, as well as employment-related disciplinary matters.

During 2005, 1,088 total incidents were reported and classified compared to 1,058 in 2004, 1,062 in 2003, 952 in 2002, and 886 incidents in 2001. This represents a 2.8% increase in the number of reportable incidents received in the year 2005 over those received in the year 2004, while the total number of the Division's enlisted personnel increased 7.6% for the same period.

The number of reportable incidents increased in 2005 due in part to the Division's continued aggressive outreach campaign initiated in late 1999 educating the public as to how to make a complaint against or submit a compliment for a member of the Division. Posters and signs describing the compliment/complaint process can be found in every State Police facility and state operated highway service area. In addition, every on-duty member interacting with the public carries informational brochures and compliment/complaint forms which must be provided to anyone who objects to or compliments the trooper's conduct. Also, during 1999, the State Police instituted and advertised a toll free hot line available twenty-four hours which goes directly to the Office of Professional Standards.

Finally, the Office of State Police Affairs, within the Office of the Attorney General, external to the State Police, accepts and investigates complaints while providing an alternative to citizens concerned about complaining directly to the State Police. Each of these initiatives has provided citizens significantly more opportunities to provide feedback, compliments or complaints about the operation of the Division and its personnel. These efforts continued throughout 2005.

Five Year Comparison of Number of Incidents Reported



2

² In 2005, the enlisted personnel contingent of the Division increased by 7.6% over the total for 2004, while the total number of reportable incidents increased by 2.8% during the same period.

CLASSIFICATION OF REPORTED INCIDENTS

Before January 2002, complaints that were received by the former Internal Affairs Bureau and the current Office of Professional Standards were reviewed and classified as Misconduct, Administrative, or EEO/AA Matters referred to the office for disciplinary action. In January 2002, the revised Standing Operating Procedure (“S.O.P.”) governing the classification of complaints was adopted. A fourth classification, Performance, was added. Since the adoption of the revised S.O.P., minor infractions and inadvertent procedural violations that were previously considered Misconduct are now classified as Performance Issues. In 2003, a fifth category, Compliance, was added. This classification is used when the Administrative Absence Unit in the Human Resource Management Bureau detects and substantiates a violation of the Division’s sick leave policy and forwards the case to the Office of Professional Standards for adjudication and disciplinary action.

MISCONDUCT

When incidents are reported to the Office of Professional Standards, they are placed in one of four categories after being reviewed by the Commanding Officer. If the Division receives a complaint that a trooper has committed a serious, willful, or wanton violation of the Division’s Rules and Regulations, Standing Operating Procedures, or any applicable federal or state statutes, the matter is classified as Administrative Misconduct, and an internal investigation is initiated.

PERFORMANCE

Performance is a category introduced in January 2002 with the adoption of the revised Standing Operating Procedure governing incident classification. When a complaint is reviewed and it is determined that an enlisted member of the Division committed a minor infraction, the matter is classified as a Performance Issue. These matters are returned to the members’ command for resolution. The command is required to assign a supervisor not in the member’s direct chain of command to handle the complaint. The supervisor is required to submit a Performance Incident Disposition Report to the Office of Professional Standards through his/her chain of command detailing the corrective actions taken to resolve the issue.

ADMINISTRATIVE

When the reported incident does not infer a trooper has violated any of the Division’s Rules and Regulations, Standing Operating Procedures, or applicable federal or state laws, the incident is classified as an Administrative matter.

EEO / AA INVESTIGATION FORWARDED TO O.P.S. FOR DISCIPLINARY ACTION

When the Division's Recruiting and Equal Opportunity Bureau conducts an investigation and allegations are substantiated against enlisted members of the Division, those cases are forwarded to the Office of Professional Standards for adjudication and disciplinary action.

COMPLIANCE INVESTIGATIONS FORWARDED TO O.P.S. FOR DISCIPLINARY ACTION

When the Administrative Absence Unit in the Human Resource Management Bureau detects and substantiates a violation of the Division's medical leave policy, it forwards the case to the Office of Professional Standards for adjudication and disciplinary action.

Five Year Breakdown of Incident Classifications

	2001	2002	2003	2004	2005
MISCONDUCT	642	391	414	407	413
PERFORMANCE		262	300	232	277
ADMINISTRATIVE ISSUES	239	294	340	414	398
COMPLIANCE			2	4	0
EEO / AA INVESTIGATIONS FORWARDED TO O.P.S. FOR DISCIPLINE	5	5	6	1	0
TOTALS	886	952	1,062	1,058	1088

ORIGIN OF COMPLAINTS

In 2005, of the 413 total misconduct complaints, 286 (69%) were initiated by members of the public and 127 (31%) were initiated internally. Of the misconduct complaints initiated by the public, 152 (53%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received 277 reportable incidents which were classified as Performance Issues; 251 (91%) of these complaints were initiated by members of the public and 26 (9%) were initiated internally. For the purposes of the chart displayed below, the cumulative number of Performance Issues and Misconduct Complaints is being used.

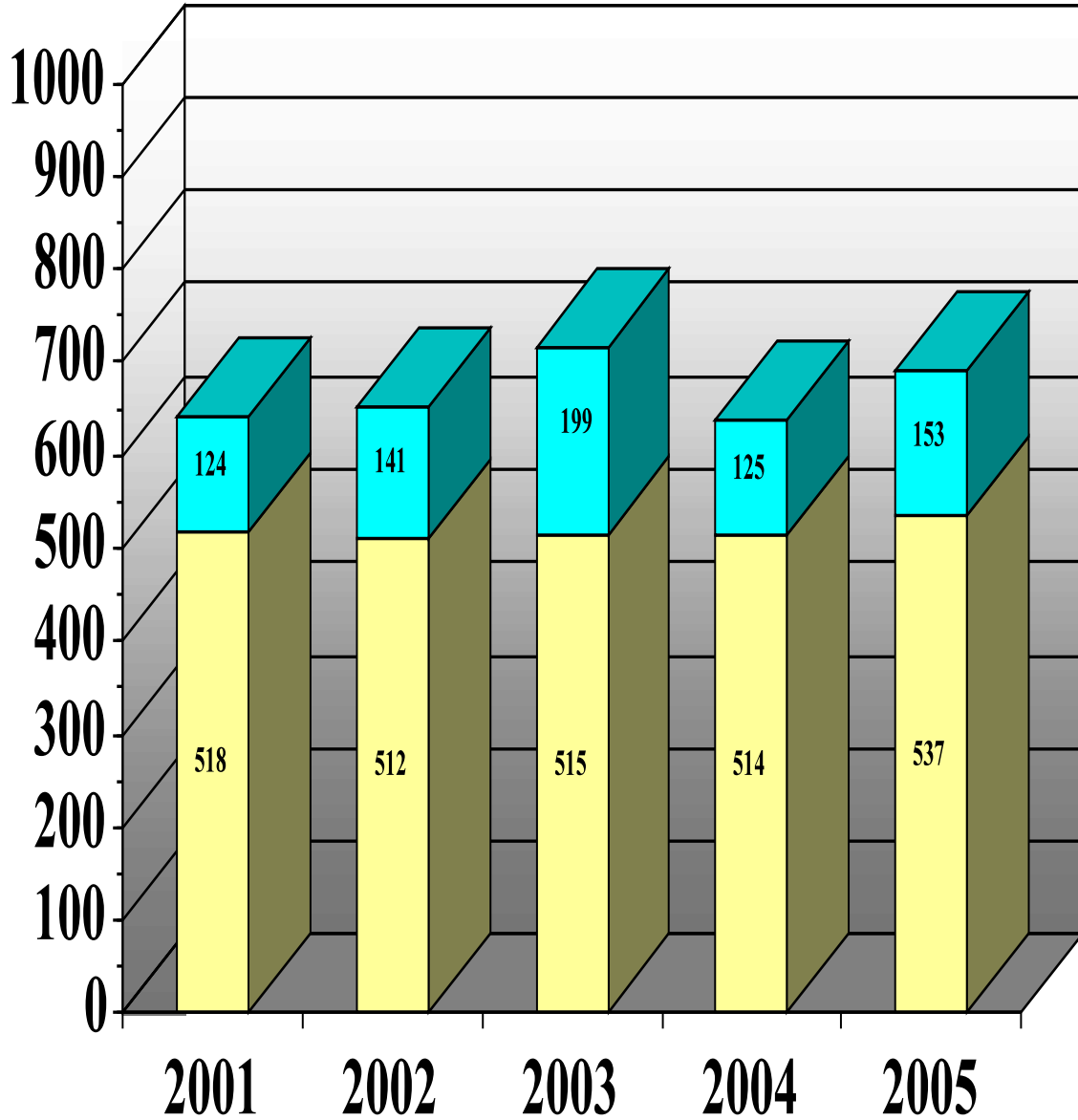
In 2004, of the 407 total misconduct complaints, 301 (74%) were initiated by members of the public and 106 (26%) were initiated internally. Of the misconduct complaints initiated by the public, 156 (51.8%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received 232 reportable incidents which were classified as Performance Issues; 213 (92%) of these complaints were initiated by members of the public and 19 (8%) were initiated internally. For the purposes of the chart displayed below, the cumulative number of Performance Issues and Misconduct Complaints is being used.

In 2003, of the 414 misconduct complaints received, 263 (63.5%) were initiated by members of the public and 151 (36.5%) were initiated internally. Of the misconduct complaints initiated by the public, 131 (49.8%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, of the 300 reportable incidents classified as Performance Issues, 252 (84%) resulted from citizen complaints and 48 (16%) were initiated internally. For the purposes of the chart displayed below, the cumulative number of Performance Issues and Misconduct Complaints is being used.

In 2002, 262 cases that would have previously been considered Misconduct were classified as Performance Issues. In addition, 391 matters were classified as Misconduct. The total of these two categories, 653 cases, required management intervention on the part of the Division. For the purposes of the chart displayed below, the cumulative number of Performance Issues and Misconduct Complaints is being used. Of the 653 combined cases, 512 (78%) were initiated by the public and 141 (22%) were internally generated.

In 2001, 642 misconduct complaints were received and processed, 518 (81%) were initiated by members of the public and 124 (19%) were initiated internally. Of the complaints initiated by the public, 229 (44%) were initiated by citizens who had been arrested or issued a motor vehicle summons by a member of the State Police.

FIVE YEAR COMPARISON OF COMPLAINT SOURCES



- Initiated by State Police personnel
- Initiated by the public

CRIMINAL PROCEEDINGS INVOLVING DIVISION MEMBERS

The Office of Professional Standards investigates all matters where a member of the State Police has become the subject of a criminal proceeding. Criminal proceedings arise in a variety of ways. They can be initiated as a result of an investigation by Office of Professional Standards personnel; they may be the result of state or federal criminal investigations; they may arise from off-duty matters; or they may be the result of counter-complaints filed against a trooper by a defendant after the defendant has been arrested or charged by a trooper. Each matter represented below is the subject of a pending internal investigation.

Between January 1, 2005 and December 31, 2005, the following criminal complaints were signed or were pending against members of the Division:

LINE OF DUTY: CITIZEN INITIATED CRIMINAL MATTERS

On occasion, criminal charges are filed against members of the Division for incidents alleged to have occurred on-duty. Most are filed by individuals (not law enforcement agencies), who were charged with motor vehicle and/or criminal offenses by a member. These cases are reviewed and a determination is made whether the members' actions were within the scope of their official duties and legally defensible.

During 2005, seven criminal charges were filed by citizens against members while performing their official duties.

ON-DUTY CONDUCT: STATE POLICE OR OTHER LAW ENFORCEMENT AGENCY INITIATED PROCEEDINGS

In some cases, a member is criminally charged for on-duty conduct by the State Police or other law enforcement agency and/or there has not been a finding that the member's behavior was within the scope of the member's official duties.

During 2005, three criminal charges were brought against members by the State Police or other law enforcement agencies.

OFF-DUTY CONDUCT

These cases represent criminal or disorderly persons offenses filed against Division members acting in an off-duty capacity and not related in any way to the performance of their State Police duties. During 2005, the following off-duty incidents were investigated:

Members were charged with Harassment and/or Simple Assault (Domestic Violence). These charges were judicially dismissed.
Member was charged with Inciting a Riot. This charge was judicially dismissed.

Member was charged with Shoplifting. This charge was judicially dismissed.

Member was charged with Shoplifting. This charge was judicially dismissed.

Member was charged with Simple Assault. This charge is pending a judicial hearing.

Member was charged with Theft by Deception and other related charges. The charges were judicially dismissed.

Member was charged with Harassment. This charge is pending a judicial hearing.

Member was charged with Extortion and other related charges. The charges are pending a judicial hearing.

Although some of the above criminal charges have been judicially dismissed, the troopers involved may still face Division administrative charges.

ASSIGNMENT OF INVESTIGATIONS

Of the 413 misconduct cases assigned in 2005, 344 were assigned to Internal Affairs Bureau investigators, 41 were assigned to the Intake and Adjudication Bureau, 19 were referred to the Office of State Police Affairs for investigation, and 9 were assigned to other State Police supervisory personnel for investigation.

ALLEGATIONS AND OUTCOMES

All complaints are categorized based on the alleged offense. As of September 1, 2000, completed investigations, upon review by the Superintendent, are determined to have one of the following four dispositions:

SUBSTANTIATED : an allegation is determined to be “substantiated” if a preponderance of the evidence shows a member violated State Police rules, regulations, protocols, standing operating procedures, directives, or training

- UNFOUNDED : an allegation is determined to be “unfounded” if a preponderance of the evidence shows that the alleged misconduct did not occur.
- EXONERATED : an allegation is determined to be “exonerated” if a preponderance of the evidence shows the alleged conduct did occur but did not violate State Police rules, regulations, standing operating procedures, directives or training.
- INSUFFICIENT EVIDENCE : an allegation is determined to be “insufficient evidence” where there is insufficient evidence to decide whether the alleged act occurred.

CASES COMPLETED IN 2005

One of the major initiatives of the Office of Professional Standards was to address the issue of timeliness with regard to the Division’s disciplinary process. On January 11, 2002, there were 707 active Internal Investigations. In addition, there were 132 cases in the review process. In the Monitors’ Ninth Report, dated January 23, 2004, the monitors reported, “Staffing, training, and oversight of the OPS function remains strong. With the advent of removal of the backlog of OPS investigations, achieved during the eighth reporting period, OPS has moved toward holding a 120-day time-line for all completed OPS investigations.” Cases are considered completed when it has been determined that no further action is to be taken, or when disciplinary action has been initiated. This effort has been continued in 2005. The Office of Professional Standards strives to complete cases in a timely manner. Imposing discipline occasionally is a long drawn out process, often not concluding until 120 days.

Of the 333 investigations completed in 2005, 219 (66%) were the result of citizen complaints. Of these cases, 54 (25%) resulted in substantiated primary or secondary allegations.

Of the 333 internal investigations completed in 2005, 114 (34%) were the result of internally generated complaints. Of these cases, 62 (54%) resulted in substantiated primary or secondary allegations.

Of the 333 completed investigations in 2005, 116 (35%) resulted in a substantiated original allegation or secondary allegations.

The total of 333 completed investigations included 1 (0.3%) from 2000, 4 (1%) from 2002, 23 (7%) from 2003, 120 (36%) from 2004, and 185 (55.6%) from 2005.

The table below represents case level findings and actions taken for the 333 cases closed in 2005. Cases were classified according to the most serious allegation in that case, and the disciplinary action reported is the result of that substantiated allegation. The number of disciplinary actions is commensurate with the number of cases where there were substantiated allegations. Secondary allegations and multiple principals are not addressed in this table.

SUMMARY OF COMPLETED CASES
REPORTING PERIOD: JANUARY 1, 2005 THROUGH DECEMBER 31, 2005

Cases Completed by Category in Year 2005					
Complaint Classification	Counseling / Counseling Performance Notice Issued	Written Reprimands Issued	Summary Disciplinary Hearings Held	General Disciplinary Hearings Held	No Further Action ³
Improper Search					8
Theft				2 ⁴	5
Assault					2
Excessive Force			1		26
Differential					63
Other Harassment		1			12
Domestic Violence		2			24
Drug Violation					1
Alcohol Violation	1			2	
Failure to Perform	1	5	3	1	5
Driving Violation		1		2	2
Attitude and		4	1		10
Admin. Violations	6	18	4	3 ⁵	18
Other	2	15	6 ⁶	2 ⁷	75
TOTALS	10	46	15	12	250

³Includes cases closed as Insufficient Evidence, Unsubstantiated, Unfounded, Exonerated and Administratively Closed.

⁴One member resigned prior to the imposition of discipline.

⁵One member was terminated as discipline.

⁶Two members resigned prior to the imposition of discipline.

⁷One member resigned prior to the imposition of discipline.

MISCONDUCT INVESTIGATIONS OPENED IN 2005

There were 413 misconduct investigations opened in 2005. The following paragraphs report the status of these cases as of December 31, 2005. Of these cases, 286 were initiated as the result of citizen complaints and 127 cases were opened because of complaints made by State Police supervisors or other members.

Of the 286 citizen initiated investigations, 104 (36%) remain active, 22 (8%) are in the review process or pending discipline, 136 (48%) have been completed, and 24 (8%) have been suspended pending court action or other administrative action. Of the 136 completed, 18 (13%) resulted in substantiated primary or secondary allegations.

Of the 127 complaints initiated by State Police supervisors or members, 35 (27.5%) remain active, 23 (18%) are in the review process or pending discipline, 62 (49%) have been completed, and 7 (5.5%) have been suspended pending court action or other administrative action. Of the 62 completed, 27 (43.5%) resulted in substantiated primary or secondary allegations.

SUMMARY OF NEW COMPLAINTS

The following table summarizes the total number of complaints received by the Office of Professional Standards during the year 2005 that resulted in Internal Investigations, the origin of the complaints, the total number of Principals (members of the Division who have been identified as the subjects of the investigations), and the general categories of the allegations. Please refer to the table on the following page.⁸

⁸Note: The intake and disposition of complaints is an ongoing process. During investigations, matters may be reclassified. During the year, the Division also reports case data to the federal monitors as well as to the Office of the Attorney General which each publish case data. Due to the fluid nature of the handling of these matters, slight numerical differences may exist if the reports are compared.

SUMMARY OF NEW COMPLAINTS
REPORTING PERIOD: JANUARY 1, 2005 THROUGH DECEMBER 31, 2005

2005 Cases Received by Category for Internal Investigation			
Complaint Classification	Origin		Principals
	Public	SP	
Improper Search	10	3	26
Theft	5	4	32
Assault	5	1	7
Excessive Force	32	3	73
Differential Treatment	78	6	94
Other Harassment	9	2	15
Domestic Violence	11	10	21
Drug Violation	1	0	1
Alcohol Violation	0	0	0
Failure to Perform Duty	7	11	27
Driving Violation	3	1	4
Attitude and Demeanor	13	0	14
Admin. Violations	8	35	62
Other	104	51	242
TOTALS	286	127	618

COMPLETED DISCIPLINE

The State Police disciplinary system provides for three formal dispositions of substantiated violations of Rules and Regulations. They are:

- GENERAL DISCIPLINARY HEARING : may result in termination, suspension of any duration imposed by the Superintendent, and/or a reduction in rank and/or grade
- SUMMARY DISCIPLINARY HEARING : may result in a suspension of up to 30 days
- MINOR DISCIPLINE : may result in a suspension of up to 5 days

SYNOPSIS OF MAJOR DISCIPLINE

The following is a synopsis of discipline imposed as a result of General Disciplinary Hearings convened during calendar year 2005⁹:

Member pled guilty to acting to his personal discredit and to the discredit of the Division by entering a retail store while on authorized duty leave and exercised control over retail merchandise without purchasing same. Member pled guilty to Dover Township Municipal Ordinance of Peace and Good Order. Member must complete a treatment program for the addiction to gambling. Member was suspended for 10 months.

Member pled guilty to acting to his personal discredit and to the discredit of the Division by operating a motor vehicle on authorized duty leave while under the influence of alcohol resulting in a motor vehicle accident. Member pled guilty to violating related motor vehicle statutes in Medford Township Municipal Court. Member was suspended for 120 days.

Member pled guilty to acting to his personal discredit and to the discredit of the Division by operating a motor vehicle on authorized duty leave resulting in two separate motor vehicle accidents. Member, also, pled guilty to violating a related motor vehicle statute in East Orange Municipal Court. Member was suspended for 120 days.

⁹Four (4) members resigned/retired from the Division prior to scheduled disciplinary hearings.

Member pled guilty to acting to his personal discredit and to the discredit of the Division by operating a motor vehicle on authorized duty leave while under the influence of alcohol resulting in a motor vehicle accident. Member pled guilty to violating a related motor vehicle statute in Evesham Township Municipal Court. Member was suspended for 120 days.

Member pled guilty to acting to his personal discredit and to the discredit of the Division by improperly releasing a recovered stolen ATV to a personal acquaintance while in charge of the station vehicle / ATV log. Member pled guilty to violating proper evidence handling procedures. Member pled guilty to using his official position for unwarranted privileges and advantages. Member was suspended for one year.

Member pled guilty to acting to his personal discredit and to the discredit of the Division while on authorized duty leave by engaging in a verbal altercation with several members of a protest group. Member was suspended for 30 days.

Member pled guilty to knowingly falsifying an official EEO investigation report. Member pled guilty to acting to his personal discredit and to the discredit of the Division by submitting an official report with false information. Member was suspended for 30 days.

Member pled guilty to knowingly falsifying a witness signature and for falsely reporting where the witness was interviewed on an official EEO investigation report. Member pled guilty to acting to his personal discredit and to the discredit of the Division by submitting an official report with false information. Member was suspended for 15 days.

Member pled guilty to acting to his personal discredit and to the discredit of the Division by operating a motor vehicle on authorized duty leave while under the influence of alcohol resulting in a motor vehicle accident. Member pled guilty to violating a related motor vehicle statute in West Caldwell Township Municipal Court. Member was suspended for 120 days.

Member pled guilty to acting to his personal discredit and to the discredit of the Division by not being truthful during an investigation involving the discharge of a weapon by an off-duty member. Member pled guilty to failure to promptly report and to take police action while on authorized duty leave when such action was required. Member was suspended for 30 days.

Member pled guilty to acting to his personal discredit and to the discredit of the Division by inviting two male juveniles into his residence and showing them pornographic materials. Member resigned prior to imposition of discipline.

Member pled guilty to culpable inefficiency and acting to his personal discredit and to the discredit of the Division for his excessive force utilized during the arrest of a motorist following the conclusion of a pursuit. Member was suspended for 40 days. Member pled guilty to culpable inefficiency and acting to his personal discredit and to the discredit of the Division by purchasing numerous firearms from a firearms dealer in which the member was responsible for inspecting. Member pled guilty to failure to promptly report and take proper police action by allowing an unlicensed employee to sell firearms. Member pled guilty to knowingly making false or misleading official reports and acting in an official capacity where the member had a financial interest. Member also pled guilty to willfully disobeying a direct written order. Member was suspended for 180 days.

Member pled guilty to culpable inefficiency and acting to his personal discredit and to the discredit of the Division. Member was found guilty of disobeying a direct written order. Member was found guilty of making or causing to be made, false or misleading official statements or intentionally misrepresenting any facts. Member was found guilty of using his official position for unwarranted privileges and advantages. Member found guilty of using an official telephone for personal use. In addition, the member was found guilty of unauthorized use of troop transportation while on authorized duty leave. As a result of being found guilty of the above administrative charges, the member was terminated.

The following is a synopsis of discipline imposed as a result of Summary Disciplinary Hearings convened during calendar year 2005:

Member was found guilty of failing to take appropriate police action. Member was found guilty of not following proper Radio and MVR procedures. Member found guilty of acting in an official capacity to his personal discredit and to the discredit of the Division. Member was suspended 10 days.

Member was found guilty of disobeying a direct verbal order from his/her immediate supervisor. Member was found guilty of disobeying a direct written order. Member was found guilty of making or causing to be made, false or misleading official statements or intentionally misrepresenting any facts. Member was suspended for 15 days.

Member pled guilty to acting in an official capacity to his personal discredit and to the discredit of the Division for inappropriate behavior while in uniform during a group photograph. Member was suspended for 10 days.

Member pled guilty to acting in an unofficial or private capacity to his personal discredit and to the discredit of the Division by operating a troop car while on authorized duty leave under the influence of alcohol. Member plead guilty to failing

to report off duty domestic violence incidents, as required by SOP B-10 and D-17. Member was suspended for 20 days.

Member plead guilty to acting in an official capacity to his personal discredit and to the discredit of the Division by ordering an individual off the New Jersey Turnpike following the conclusion of a MV stop. Member plead guilty to violating SOP F-19 and F-7. Member was suspended for 20 days.

Member pled guilty to acting in an official capacity to his personal discredit and to the discredit of the Division by failing to take the appropriate police action during a MV stop involving a suspected drunk driver. Member was suspended for 10 days.

Member pled guilty to culpable inefficiency and acting to his personal discredit and to the discredit of the Division for his actions displayed while assisting another trooper with the processing of a motorist suspected of operating a motor vehicle under the influence of drugs. Member plead guilty to violating SOP F-26. Member was suspended for 10 days.

Member pled guilty to culpable inefficiency and acting to his personal discredit and to the discredit of the Division for his excessive force utilized during the arrest of a motorist following the conclusion of a pursuit. Member plead guilty to violating SOP F-15. Member was suspended 20 days.

Member pled guilty to knowingly making false or misleading official reports. Member plead guilty to violating a direct written order, specifically SOP B-10 as it pertains to the candor obligation of Division personnel. Member was suspended for 20 days.

Member pled guilty to acting in an official and unofficial capacity to his personal discredit and to the discredit of the Division. Member plead guilty to failing to safeguard issued equipment. Member plead guilty to using an official telephone for personal use. Member was suspended for 5 days.

Member pled guilty to culpable inefficiency and acting in an official capacity to his personal discredit and to the discredit of the Division. Member plead guilty to altering or destroying evidence of any kind unless otherwise permitted by law. Member plead guilty to knowingly making false or misleading official reports. Member was suspended for 10 days.

SYNOPSIS OF MINOR DISCIPLINE

In addition to disciplinary hearings, during the year 2005, there were 46 Written Reprimands issued by the Superintendent for a variety of offenses. These include suspensions from 0 to 5 days. The following is a synopsis of Written Reprimands¹⁰ issued by the Superintendent:

Failure to safeguard Equipment/Identification.

Failure to Safeguard assigned uniform traffic book upon transfer.

Questionable conduct off-duty and on-duty.

Disobeying a direct order of a supervisor.

For the unauthorized release of Divisional information without proper authorization.

Interfering with an Administrative investigation while off-duty.

For improperly handling a possible domestic violence call.

Unprofessional behavior displayed off duty during a Municipal Court proceeding.

Failure to notify CAD of a motor vehicle stop.

For inappropriate actions during a motor vehicle stop.

Failure to provide complainant with Compliment/Complaint form during a motor vehicle stop.

Failure to document a visitor in the station and squad briefing within CAD.

For being culpably inefficient in the handling of a reported body on the side of the road.

Failure to follow MVR/CAD/Radio procedures.

For placing an uncertified breathalyzer unit into service at a NJSP station.

Unprofessional attitude and demeanor displayed during a motor vehicle stop.

¹⁰Some issued Written Reprimands encompass multiple violations.

Failure to notify Division of information of which it would take cognizance.

For attempting to use position within the Division to intimidate or gain favor.

For conducting the search of a private residence in a culpably inefficient manner.

Failure to adhere to the Divisional medical leave policy.

Failure to provide name and badge number to a complainant.

Failure to report for duty.

Failure to notify supervisor of duty status changes.

Improper Supervision/culpable inefficiency.

Failure to document in CAD the departure of a member on sick leave.

Failure to relinquish in a timely manner travel reimbursement funds received.

For questionable behavior displayed during a shoplifting investigation.

For improper prisoner transport.

Failure to properly document daily activities on patrol chart.

OPEN CASES AS OF DECEMBER 31, 2005

Active Investigations at end of year:				2004	2005		Total
				5	138		143
Completed Investigations pending review:	2000	2002	2003	2004	2005		Total
	1	1	8	10	41		61
Cases stayed pending outcome of criminal proceedings or administrative reasons:							69
Substantiated cases pending formal hearing:							26
Substantiated cases pending minor discipline:							4

PROSECUTIONS FOR FALSE CITIZEN COMPLAINTS

The Division of State Police takes citizen complaints seriously and fully investigates them. However, if a complaint is found to be fabricated and maliciously pursued, the complainant may be subject to criminal prosecution. During 2005, charges were filed against one individual for filing a false complaint against Division members.

COMPLIMENTS

During 2005, the Division of State Police received 1,952 citizen compliments regarding actions by enlisted members. The aforementioned citizen compliments were received in one of the following four manners; citizen generated letters of appreciation, the New Jersey State Police Citizen Compliment/Complaint Form, the Office of Professional Standards Toll-free Compliment/Complaint Hotline, and e-mails.