

NEW JERSEY STATE POLICE
OFFICE OF
PROFESSIONAL STANDARDS

INTERNAL INVESTIGATION AND
DISCIPLINARY PROCESS

ANNUAL REPORT
2013



HONOR ☆ DUTY ☆ FIDELITY

TABLE OF CONTENTS

From the Superintendent	i
Executive Summary	1
Office of Professional Standards	1
Internal Affairs Investigation Bureau	1
Intake and Adjudication Bureau	1
Intake Unit	1
Administrative Internal Proceedings Unit	1
Staff Inspection Unit	2
Civil Proceedings Unit	2
2013 Organizational Chart	2
Office of Law Enforcement Professional Standards	3
State Police Disciplinary Process	3
Complaint Process	4
Five Year Comparison of Number of Incidents Reported (Chart)	5
Classification of Reported Incidents	6
Misconduct	6
Performance	6
Administrative	6
EEO / AA Investigations and/or Compliance Investigations Forwarded to OPS	6
Referrals	6
Shooting Reviews	7
Five Year Breakdown of Incident Classifications (Table)	7
Origin of Complaints	7
Five Year Comparison of Complaint Sources (Chart)	8
Criminal Proceedings Involving Division Members	9
Line of Duty: Citizen Initiated Criminal Matters	9
On-duty Conduct: State Police or Other Law Enforcement Agency Initiated Proceedings	9
Off-duty Conduct	10
Assignment of Investigations	10

Allegations and Outcomes	11
Substantiated	11
Unfounded	11
Exonerated	11
Insufficient Evidence	11
Misconduct Investigations Opened	11
Summary of New Complaints	12
Classification / Principal (Table)	12
Completed Discipline	13
General Disciplinary	13
Summary Disciplinary	13
Minor Discipline	13
Synopsis of Major Discipline	13
Synopsis of Minor Discipline	16
Summary of Completed Cases (Table)	21
Prosecution for False Citizen Complaints	22
Compliments	22
Report Note	22

FROM THE SUPERINTENDENT...

I am pleased to present the Governor, the Legislature and the citizens of New Jersey with the New Jersey State Police, *2013 Office of Professional Standards Annual Report* (“*the report*”). The State Police began producing this report in the year 2000 in response to legislation providing the public with an ability to examine the internal affairs function of the State Police and be reassured that it is truly operating in a trustworthy and acceptable manner. This year is no exception. Herein, the reader will find clearly presented topics, including descriptions of the current Office of Professional Standards (OPS) Table of Organization and related office functions, an explanation of the classification process for all reportable incidents, the system by which incidents are addressed and disposed of, and finally, a detailed analysis of the data compiled during 2013.

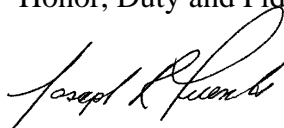
A law enforcement entity in a democratic society can tie its effectiveness directly to the level of trust it enjoys within the community it serves. A significant factor in gaining and maintaining that trust is ensuring that there is a strict allegiance to a highly professional and transparent internal affairs function. It follows that the execution of the internal affairs function within a professional law enforcement entity presents challenges that require constant and consistent vigilance. I believe that a fair review of the *2013 Annual Report* will support the conclusion that the New Jersey State Police maintains that level of vigilance.

This introduction will not restate all of the facts, figures and analysis articulated in this report, other than to remind the reader that troopers of the New Jersey State Police engaged in more than one million, three hundred sixty-five thousand police/citizen contacts during the calendar year 2013. Any single complaint reported to OPS that was generated within that vast number of contacts was, without exception, assigned a number, classified, and addressed in accordance with established highly-reputable best practices.

In addition to adhering to best practices, we conduct further system checks and balances through an auditing process conducted by the Office of Law Enforcement Professional Standards (OLEPS), Office of the Attorney General. Twice annually, OLEPS conducts a comprehensive audit of OPS functions, including a thorough critique of all misconduct cases closed during the period under review. To date, these audits support the conclusion that OPS continues to operate at a highest levels of proficiency and police accountability.

My personal commitment to the mission of the Office of Professional Standards is unwavering. I want to express my sincere appreciation for the hard work and dedication of the men and women of that office as, once again, I present to you the *2013 Office of Professional Standards Annual Report*.

Honor, Duty and Fidelity,



Joseph R. Fuentes
Colonel
Superintendent

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 2013 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 resulted in the formation of two distinct bureaus within the office. On December 31, 2013, the Office of Professional Standards consisted of fifty-one (51) persons. This includes eight (8) professional support personnel and forty-three (43) enlisted persons. This figure represents a reduction of eight (8) personnel over the previous year.

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, there are regional field units staffed with investigators, which are located in the northern, central and southern parts of the state.

INTAKE AND ADJUDICATION BUREAU

The Intake and Adjudication Bureau is commanded by a captain, as bureau chief, and a lieutenant, as assistant bureau chief. The bureau is divided into four (4) units with varying responsibilities:

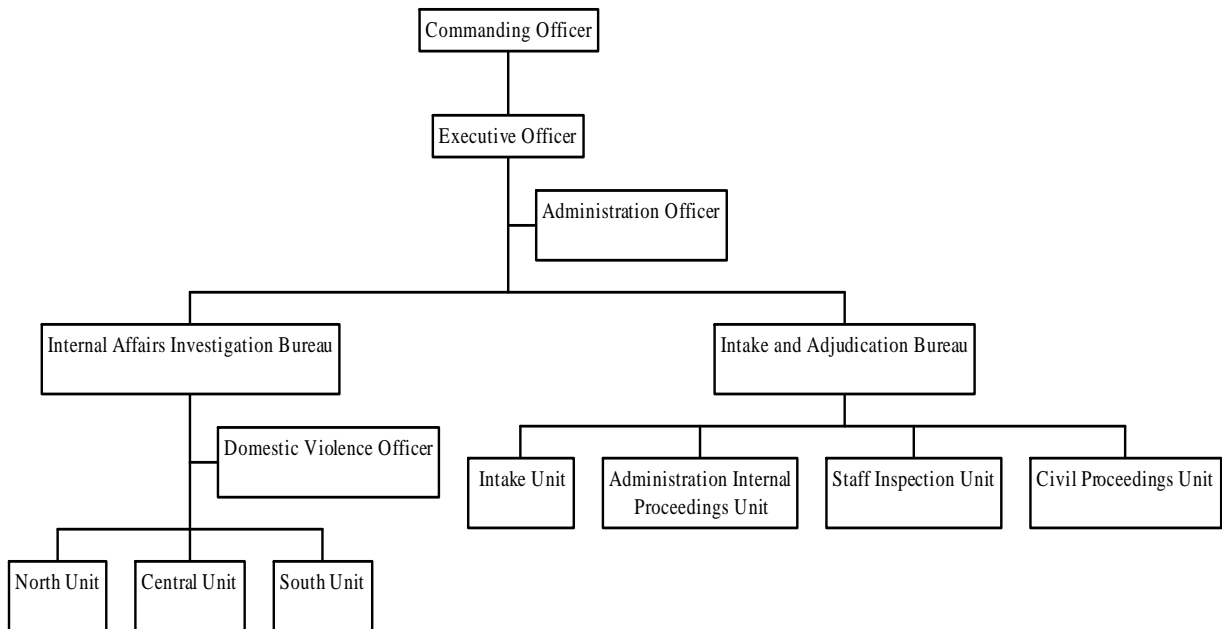
Intake Unit: This unit accepts, classifies, and assigns or refers all reportable incidents received by the Office of Professional Standards. This unit is also responsible for notifying complainants of the Division's response to their complaints.

Administrative Internal Proceedings Unit: This unit is responsible for the adjudication of substantiated allegations, convening disciplinary hearings and serving as a liaison between the Office of Professional Standards, the Office of the Attorney General, the Office of Law Enforcement Professional Standards, and the Office of Administrative Law.

Staff Inspection Unit: This unit is 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.

Civil Proceedings Unit: This unit is responsible for recording, classifying, and tracking all civil actions filed against the Division or its individual members. The unit reviews and forwards all requests for legal representation to the proper agency, whether criminal or civil. Further, the unit acts as liaison between the Superintendent's Office, the Chief of Staff and the Office of Professional Standards Commanding Officer to the appropriate personnel within the Attorney General's Office regarding civil litigation matters. In addition, the unit compiles and provides, in a timely and thorough manner, all requested discovery related to civil litigation to the Attorney General's Office. The unit is also charged with researching policies, procedures, training and disciplinary issues in relation to legal matters concerning the Division. Finally, the unit ensures all requests for public records are handled in accordance with the procedures set forth in S.O.P. D4, and the Open Public Records Act.

Office of Professional Standards 2013 Organizational Chart



OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS

In recognition of the strong public policy interest in perpetuating the quality and standards established under the 1999 Consent Decree, on August 27, 2009, the Legislature enacted the Law Enforcement Professional Standards Act of 2009, L. 2009, c. 52:17B-222 et seq. This Act established the Office of Law Enforcement Professional Standards (OLEPS) within the Office of the Attorney General. OLEPS was formed to assume the functions that had been performed by the independent monitoring team under the consent decree.

As part of its statutory responsibilities, OLEPS reviews all Division rules, regulations, standing operating procedures and operations instructions relating to the consent decree. This ensures that the Division maintains or enhances its practices on matters pertaining to any applicable nondiscriminatory policy established by the Attorney General, affecting, for example, the laws of arrest and search and seizure, documentation of motor vehicle stops and other law enforcement activities occurring during the course of motor vehicle stops.

The Act further authorizes OLEPS to conduct operations audits and independent analyses of data, as necessary, to identify any potential disparity in enforcement and systemic problems that may exist. These audits examine the integrity of motor vehicle stops, post-stop enforcement actions, supervision of patrol activities, training provided to Division members assigned to patrol duties, investigations of alleged misconduct and other matters affecting the integrity of the Division. Based on its audits, OLEPS is required to prepare a biannual report that evaluates the Division's compliance with relevant performance standards and procedures that include aggregate statistics on the Division's traffic enforcement activities and procedures, segregated by Division station and providing aggregate data on race and ethnicity of the civilians involved. The biannual report also provides aggregate data regarding misconduct investigations, the number of external, internal and total complaints received, and the disposition of those complaints.

The Attorney General and the Division are dedicated to serving the public and to providing the most vigorous, lawful, and nondiscriminatory implementation of law enforcement practices and procedures possible.

STATE POLICE DISCIPLINARY PROCESS

The New Jersey State Police is a statewide police organization that provides a full range of police services. The Division is comprised of three thousand, eight hundred six (3,806) employees, of which two thousand, four hundred forty-two (2,442) are sworn members, and one thousand, three hundred sixty-four (1,364) are civilian members.¹

Due to the unique mission of the New Jersey State Police, the Office of Professional Standards is tasked with handling complaints from the public regarding troopers' conduct, as well as allegations of criminal conduct by members.

In 2013, troopers were involved in excess of one million, three hundred sixty-five thousand (1,365,000) police/citizen contacts. Though most of these interactions were routine; many involved stressful and critical situations.

¹ As of December 2013

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.²

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. 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, including anonymous complaints, complaints from third-party witnesses, and complaints from parties not directly involved in the incident.

Complaints may be made in person at any State Police facility, by telephone or fax, or through regular mail. The Office of Professional Standards does not accept direct e-mail complaints; however, other State Agencies do, such as Citizen Services of the Office of the Attorney General, who, in turn, will forward such complaints to the Division of State Police.

The Division continues its commitment to ensuring that members of the public have ease of access to the compliment/complaint system. In 1999, the State Police instituted and advertised a toll free hot line available twenty-four hours a day that goes directly to the Office of Professional Standards. In addition, every on-duty member interacting with the public is required to carry informational brochures and compliment/complaint forms that must be provided to anyone who objects to or compliments the trooper's conduct.

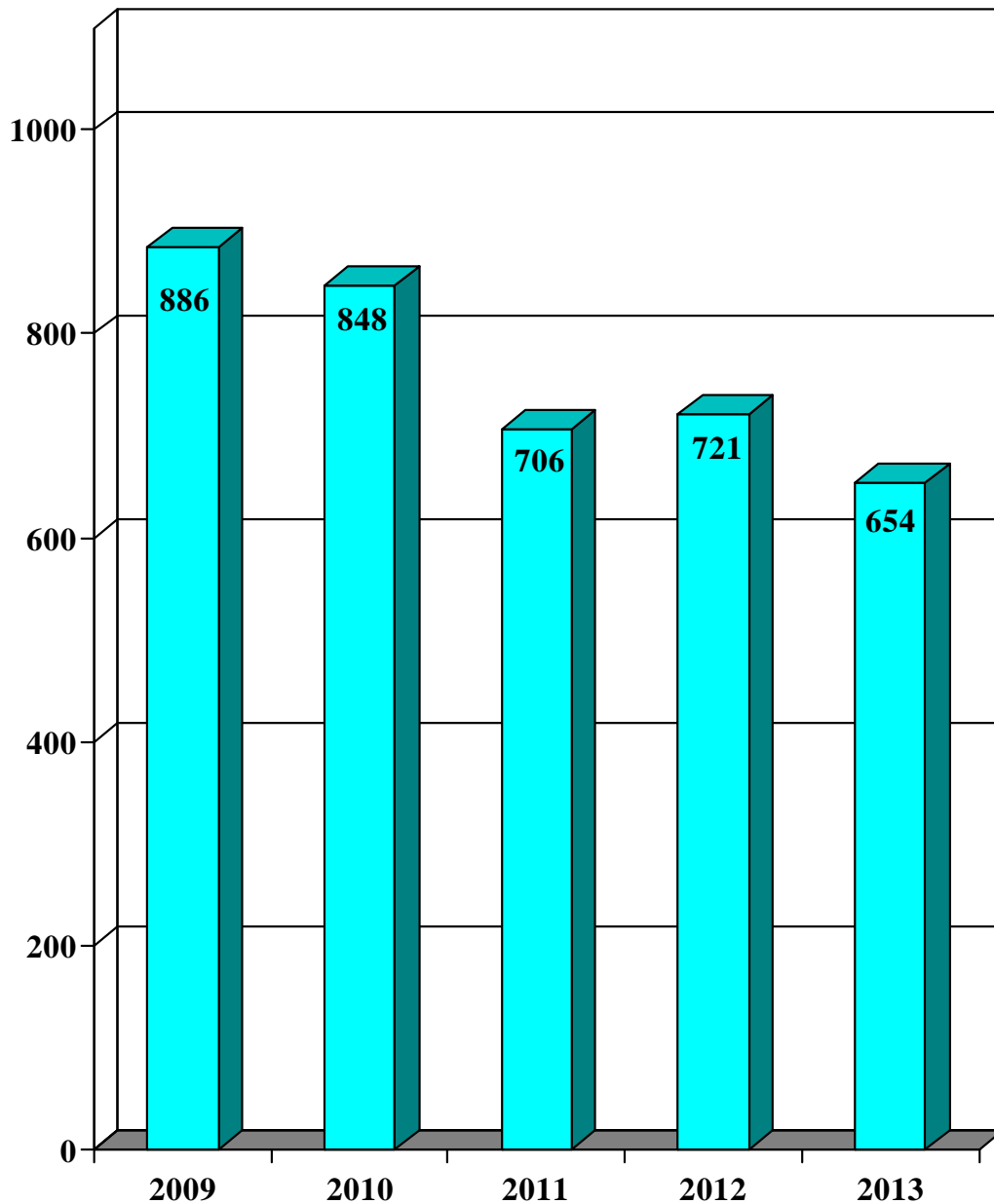
Further, the Office of Law Enforcement Professional Standards, within the Office of the Attorney General, which is external to the State Police, accepts and investigates complaints, providing an alternative to citizens concerned about complaining directly to the State Police. Each of these initiatives has continued to provide citizens significantly more opportunities to provide feedback, compliments or complaints about the operation of the Division and its personnel.

As stated previously, 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 by its members. This includes complaints made by citizens, as well as employment-related disciplinary matters.

² State of New Jersey v. State Troopers Fraternal Association, 134 N.J. 393, 416 (1993)

During 2013, six hundred fifty-four (654) total incidents were reported and classified, as compared to seven hundred twenty-one (721) in 2012. This represents a 9.3% decrease in the number of reportable incidents received in the year 2013, than those received in the year 2012, while the total number of the Division's enlisted personnel decreased by 135 enlisted members, representing a 5.3% decrease for the same period.

INCIDENTS CLASSIFIED BY YEARS



CLASSIFICATION OF REPORTED INCIDENTS

When incidents are reported to the Office of Professional Standards, they are reviewed by the Intake Unit and classified in one of four categories after being reviewed by the Office of Professional Standards Command Staff members.

MISCONDUCT

If the Division receives a complaint that alleged a trooper has committed a violation of the Division's Rules and Regulations, Standing Operating Procedures, or any applicable federal or state statute, the matter may be classified as Misconduct, and an Internal Investigation initiated.

PERFORMANCE

When a complaint is reviewed and it is determined that an enlisted member of the Division may have committed a minor infraction, the matter is classified as a Performance Issue. These matters are returned to the member's 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. The intervention is non-disciplinary and intended to correct performance deficiencies.

ADMINISTRATIVE

When the Office of Professional Standards' review of the reported incident reveals that a trooper has not 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 and closed.

EQUAL EMPLOYMENT OPPORTUNITY/ AFFIRMATIVE ACTION INVESTIGATIONS AND/OR COMPLIANCE INVESTIGATIONS

When the Division's Office of Equal Employment Opportunity conducts an investigation in which allegations are substantiated against an enlisted member, the case is forwarded to the Office of Professional Standards for adjudication and disciplinary action. The Compliance Unit, which falls under the Personnel Bureau, refers violations of the Medical Leave Policy to OPS, as they are classified as misconduct investigations.

REFERRALS

When the Division receives a complaint which does not involve a member of the New Jersey State Police, it refers the complaint to the proper authority and documents the transaction in the IA Pro database as a Non-Reportable Incident.

SHOOTING REVIEWS

When a Division member is involved in a shooting, it is investigated by the Attorney General's Shooting Response Team (SRT) of which the NJSP Major Crime Unit is the primary investigative component. When the SRT completes their investigation, the case is reviewed by the Internal Affairs Investigation Bureau for any violation of New Jersey State Police Rules and Regulations or Standing Operating Procedures.

FIVE YEAR BREAKDOWN OF INCIDENT CLASSIFICATIONS

	2009	2010	2011	2012	2013
MISCONDUCT	294	290	237	266	197
PERFORMANCE	183	164	84	89	108
ADMINISTRATIVE ISSUES	373	376	373	359	337
COMPLIANCE	0	0	0	0	0
EEO/AA INVESTIGATIONS	8	3	2	2	3
NON-REPORTABLE INCIDENTS/REFERRALS	25	14	7	2	4
SHOOTING REVIEWS	3	1	3	3	5
TOTALS	886	848	706	721	654

ORIGIN OF COMPLAINTS

In 2013, of the one hundred ninety-seven (197) total misconduct complaints, one hundred thirty-six (136) (69%) were initiated by members of the public and sixty-one (61) (31%) were initiated internally. Of the misconduct complaints initiated by the public, fifty-seven (57) (42%) 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 one hundred eight (108) reportable incidents that were classified as Performance issues; ninety-four (94) (87%) of these complaints were initiated by members of the public, and fourteen (14) (13%) were initiated internally.

In 2012, of the two hundred sixty-six (266) total misconduct complaints, one hundred seventy-three (173) (65%) were initiated by members of the public, and ninety-three (93) (35%) were initiated internally. Of the misconduct complaints initiated by the public, one hundred-one (101) (58%) 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 eighty-nine (89) reportable incidents that were classified as Performance issues; eighty (80) (90%) of these complaints were initiated by members of the public, and nine (9) (10%) were initiated internally.

In 2011, of the two hundred thirty-seven (237) total misconduct complaints, one hundred eight-three (183) (77%) were initiated by members of the public, and fifty-four (54) (23%) were initiated

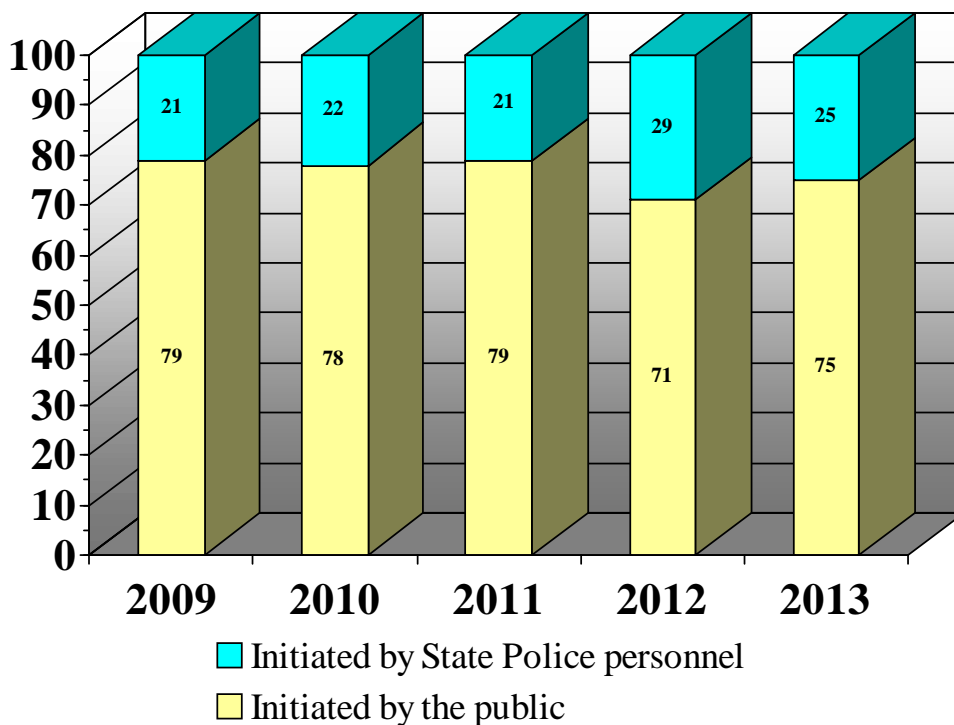
internally. Of the misconduct complaints initiated by the public, eighty-six (86) (47%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received eighty-four (84) reportable incidents that were classified as Performance issues; seventy (70) (83%) of these complaints were initiated by members of the public, and fourteen (14) (17%) were initiated internally.

In 2010, of the two hundred ninety (290) total misconduct complaints, two hundred eight (208) (72%) were initiated by members of the public, and eighty-two (82) (28%) were initiated internally. Of the misconduct complaints initiated by the public, one hundred twenty-nine (129) (62%) 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 one hundred and sixty-four (164) reportable incidents that were classified as Performance issues; one hundred and forty-seven (147) (90%) of these complaints were initiated by members of the public, and seventeen (17) (10%) were initiated internally.

In 2009, of the two hundred ninety-four (294) total misconduct complaints, two hundred fourteen (214) (73%) were initiated by members of the public and eighty-one (81) (27%) were initiated internally. Of the misconduct complaints initiated by the public, eighty-six (86) (40%) 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 one hundred eighty-three (183) reportable incidents that were classified as Performance issues; one hundred sixty-six (166) (91%) of these complaints were initiated by members of the public, and seventeen (17) (9%) were initiated internally.

FIVE YEAR COMPARISON OF COMPLAINT SOURCES FOR MISCONDUCT AND PERFORMANCE MATTERS

For the purposes of the chart displayed below, the cumulative number of Performance Issues and Misconduct Complaints is being used, and the results are presented as percentages.



CRIMINAL PROCEEDINGS INVOLVING DIVISION MEMBERS

The Office of Professional Standards also investigates all matters in which 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 conduct 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.

The following paragraphs outline the criminal matters pending against members of the Division between January 1, 2013, and December 31, 2013. Each matter is also the subject of a pending internal investigation.

LINE OF DUTY: CITIZEN INITIATED CRIMINAL MATTERS

On occasion, criminal charges are filed by citizens against members of the Division for incidents alleged to have occurred on-duty. Most are filed by individuals who were charged with motor vehicle and/or criminal offenses by a member. These cases are reviewed, and a determination is made as to whether the members' actions were within the scope of their official duties and therefore legally defensible.

An examination of our records have found seven (7) troopers were charged with crimes during 2013. Six (6) members were charged while off-duty and one (1) member was charged while on-duty.

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

These cases represent criminal or disorderly persons offenses filed against Division members acting in an official capacity while in the performance of their State Police duties. During 2013, the following on-duty charges were filed against members as a result of interactions while on-duty:

Member was charged with Official Misconduct. The member pled guilty to Falsifying Records and agreed to separate from the Division.

*Note: The 2012 Annual Report did not include two members who were charged with Falsifying Records for on-duty conduct. One member pled guilty to Falsifying records and the other member entered into a Pre-Trial Intervention (PTI) program in 2013. As a result of the guilty plea and as a condition of PTI, both members were required to forfeit their public employment.

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 2013, the following charges were filed against members as a result of off-duty conduct:

Member was charged with Disorderly Conduct. The Disorderly Conduct charge was downgraded, and the member pled guilty. The member is the subject of an Administrative Misconduct Investigation.

Member was charged with Aggravated Assault. The criminal charge was dismissed in court. The member is the subject of an Administrative Misconduct Investigation.

Member was charged with Criminal Mischief. The criminal charge was dismissed in court. The member is the subject of an Administrative Misconduct Investigation.

Member was charged with Aggravated Assault. The criminal charge was dismissed in court. The member is the subject of an Administrative Misconduct Investigation.

Member was charged with Simple Assault. The criminal charge was dismissed in court. The member is the subject of an Administrative Misconduct Investigation.

Member was charged with Simple Assault. The criminal charge was dismissed in court. The member is the subject of an Administrative Misconduct Investigation.

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 one hundred ninety-seven (197) misconduct cases assigned in 2013, one hundred ninety-five (195) were assigned to Internal Affairs Investigation Bureau investigators, and two (2) were referred to the Attorney General's Office, Office of Law Enforcement Professional Standards for investigation.

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 Office of Professional Standards will also investigate that additional potential misconduct to its logical conclusion. In addition, if a citizen requests to withdraw a previously made complaint, the investigation is continued with or without the assistance of the citizen to ensure proper trooper conduct.

ALLEGATIONS AND OUTCOMES

All complaints are categorized based on the alleged offense. As of September 1, 2000, each allegation, upon review by the Superintendent, is 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 any law, State Police rule, regulation, protocol, standing operating procedure, directive, 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 rule, regulation, standing operating procedure, directive or training.
- INSUFFICIENT EVIDENCE** : An allegation is determined to be “insufficient evidence” when there is insufficient evidence to decide whether the alleged act occurred.

It is important to note that the disposition of any allegation is determined after a complete and thorough investigation utilizing the “preponderance of the evidence” standard. To substantiate an allegation, the investigative results must lead to the conclusion that the alleged misconduct was more likely to have occurred, than not.

MISCONDUCT INVESTIGATIONS OPENED IN 2013

There were one hundred ninety-seven (197) misconduct investigations opened in 2013. The following paragraphs report the status of these cases as of April 1, 2014. Of these cases, one hundred thirty-six (136) (69%) were initiated as the result of citizen complaints and sixty-one (61) (31%) cases were opened because of complaints made by State Police supervisors or other members.

Of the one hundred and thirty-six (136) citizen-initiated investigations, ninety-five (95) (71%) remain active, fourteen (14) (10%) are in the review process, twenty-one (21) (15%) have been completed, and six (6) (4%) have been suspended pending court action or other administrative action. Of the twenty-one (21) completed, five (5) (25%) resulted in substantiated primary or secondary allegations.

Of the sixty-one (61) complaints initiated by State Police supervisors and members, nineteen (19) (31 %) remain active, ten (10) (17%) are in the review process, thirty (30) (49%) have been complete, and two (2) (3%) are suspended. Of the thirty (30) completed, twenty-four (24) (80%) 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 2013 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.

2013 CASES RECEIVED BY CATEGORY FOR INTERNAL INVESTIGATION			
COMPLAINT CLASSIFICATION	ORIGIN		PRINCIPALS (INVOLVED MEMBERS)
	PUBLIC	SP	
ADMIN. VIOLATIONS	6	31	37
ALCOHOL VIOLATION	3	1	6
ASSAULT	0	0	0
ATTITUDE AND DEMEANOR	8	1	11
DIFFERENTIAL TREATMENT	41	0	57
DOMESTIC VIOLENCE	4	4	8
DRIVING VIOLATION	1	1	2
DRUG VIOLATION	2	0	2
EXCESSIVE FORCE	27	0	36
FAILURE TO PERFORM DUTY	3	2	4
FALSE ARREST	3	0	3
IMPROPER SEARCH	1	1	1
OTHER	35	20	95
OTHER HARASSMENT	1	0	2
THEFT	1	0	1
TOTALS	136	61	265

Note: The complaints are broken down by the primary complaint classification, and segregated by the origin of the complaint.

COMPLETED DISCIPLINE

The State Police disciplinary hearing system provides for three formal classifications of disciplinary proceedings for 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

**Note: The New Jersey State Police utilize a progressive discipline model. Some cases may appear to have similar allegations or circumstances and result in a different penalty; however, an officer's disciplinary history and a repetitive occurrence of offenses would result in increased discipline.*

SYNOPSIS OF MAJOR DISCIPLINE

The following is a synopsis of General Disciplinary Matters completed during the calendar year 2013:

Member pled guilty to acting in an official capacity to the discredit of himself and the Division while on-duty and for utilizing Division property for purposes other than those for which it is intended. The member utilized a personal friend to assist a witness to liquidate personally owned vehicles. The member utilized a Division owned computer to download and view pornographic images. The member served a 10 day suspension.

Member found guilty of utilizing excessive force on a suspect during an arrest by applying OC spray on suspect without justification and knowingly submitting a false report regarding the utilization of the OC spray. The member served a 180 day suspension.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division while off-duty. The member engaged in harassing behavior by sending harassing and inappropriate text messages to a female he had previously dated. Member served a 60 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division for being under the influence of an intoxicant and consuming alcoholic beverages while on-duty. The member served a 240 day suspension.

Member pled guilty to disobeying a direct order for providing less than candid statements to internal investigators during an internal investigation, utilizing a Division owned computer for personal use without authorization and for failing to request authorization from the Superintendent to engage in outside employment. The member was required to forfeit 471 hours of accrued time.

Member pled guilty to violating New Jersey Motor Vehicle Statutes and acting in an unofficial capacity to the discredit of the Division while off-duty. The member pled guilty in Municipal Court to Driving While Intoxicated. The member served a 180 day suspension.

Member pled guilty to disobeying a direct order for providing false and misleading official reports and for acting in an official capacity to the discredit of the Division while on-duty. The member utilized the State Police radio to falsely report property checks to the Operational Dispatch Unit. The member served a 90 day suspension.

Member pled guilty to acting to the discredit of the Division in both an official and unofficial capacity by utilizing his position to secure unwarranted privileges, willfully disobeying a lawful written order, the unauthorized operation of assigned troop transportation and engaging in unauthorized outside employment. The member engaged in a personal/sexual relationship with a subordinate civilian employee of the Division, failed to report the relationship as required and counseled an enlisted member without justification when the member legitimately questioned the whereabouts of a civilian employee. The member was suspended for 637 days and reduced in rank.

Member pled guilty to acting to the discredit of the Division in both an official and unofficial capacity by utilizing position to secure unwarranted privileges and failing to take proper police action. The member offered to dispose of a court ordered arrest warrant in exchange for a sexual encounter and failed to arrest the individual, being fully aware and in possession of a warrant for their arrest. Additionally, the member utilized official position to gain free admission into an establishment. The member was suspended for 499 days and resigned from the Division.

Member pled guilty to willfully disobeying a lawful written order and culpable inefficient supervision on-duty for instructing a subordinate member to participate in an unauthorized escort. The member was suspended for 45 days.

Member pled guilty to willfully disobeying a lawful written order, culpable inefficiency and failure to take proper police action on-duty for conducting an unauthorized escort and conducting an improper search and improper handling of property during a motor vehicle stop. The member was suspended for 45 days.

Member pled guilty to willfully disobeying a lawful written order and knowingly providing false or misleading statements. While on duty the member intentionally removed the remote microphone transmitter during a motor vehicle stop and failed to provide full and complete information about the incident to investigators during an internal investigation. Member served a 30 day suspension.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division and violation of a Municipal Ordinance. The member was involved in physical altercations on two separate occasions resulting in police response and intervention. Member served a 211 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division, willfully disobeying a lawful written order, engaging in an unauthorized escort and failing to provide full and complete information about the incident to investigators during an internal investigation. The member utilized a marked patrol vehicle to conduct an unauthorized escort of high performance vehicles in excess of the posted speed. Member served a 75 day suspension.

Member pled guilty to willfully disobeying a lawful written order and culpable inefficiency. The member failed to receive authorization for an escort and inappropriately directed another member to conduct the escort. Member served a 45 day suspension.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division while off-duty. Member operated his personal vehicle after consuming alcoholic beverages and failed to cooperate with the request of another law enforcement agency during a motor vehicle stop. Member served a 60 day suspension.

The following is a synopsis of *Summary Disciplinary Matters* completed during the calendar year 2013:

Member pled guilty to performing his duties in a culpably inefficient manner while investigating a motor vehicle accident. The member failed to collect relevant and pertinent information from the operator by failing to question the operator as to the reasons why he departed the scene and failed to report the accident. Member served a 20 day suspension.

Member pled guilty to acting in an official capacity to the Discredit of the Division, used his official position to secure unwarranted privileges and for utilizing a division owned computer for purposes other than for which it is intended. The member engaged in inappropriate behavior while in a dating relationship with a female employee where the member was assigned, and for utilizing a Division computer to access CJIS records without proper authorization. Member served a 20 day suspension.

Member pled guilty to failing to notify the Division, while off-duty, after becoming aware of a violation of the Division's alcohol policy by another member. The member was suspended for 20 days.

Member pled guilty to directing insulting language and physically pushing a non-commissioned officer while on duty. The member served a 20 day suspension.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division for threatening to physically harm another individual in a text message to a former spouse. The member served a 10 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division and willfully disobeying a lawful written order. The member made inappropriate sexually and gender based remarks to civilian subordinates. The member served a 20 day suspension.

SYNOPSIS OF MINOR DISCIPLINE

The following information reflects a brief synopsis of the circumstances, which led to the imposition of *Minor Discipline* during the calendar year 2013. It is important that Division members are cognizant of the fact that although circumstances involving disciplinary cases may appear similar within these brief summaries, each case is judged on its own merits and the Superintendent determines the final discipline imposed.

For unauthorized use of Division computer to send personal electronic mail and for exchanging an inordinate amount of personal text messages while on-duty. (Written Reprimand-WR w/5 Day Suspension)

For unprofessional and accusatory attitude and demeanor, and for failure to follow DIVR procedures. (Written Reprimand)

For operating a troop vehicle in an unsafe manner resulting in a motor vehicle accident (Written Reprimand)

For operating a troop vehicle in an unsafe manner. (Written Reprimand)

For using official position as a New Jersey State Trooper while off-duty to gain admission into a nightclub. (Written Reprimand)

For using official position as a New Jersey State Trooper while off-duty to gain admission into a nightclub. (Written Reprimand)

For failing to properly safeguard a prisoner. (Written Reprimand)

Failure to safeguard issued New Jersey State Police identification. (Written Reprimand)

For improperly taking additional traffic enforcement against a motorist in retaliation for a derogatory comment the motorist directed at member. (WR w/2 Day Suspension)

For taking inappropriate actions during a motor vehicle stop by conducting an improper search of a motorist and mishandling his property. (WR w/5 Day Suspension)

Failure to ensure DIVR was activated during a motor vehicle stop. (Written Reprimand)

Failure to report for duty. (WR w/5 Day Suspension)

Failure to activate DIVR during a motorist aid and for failing to provide the Operational Dispatch Unit with the vehicle registration and description of the occupants. (WR w/5 Day Suspension)

Failure to notify Division when assigned troop transportation received a municipal parking summons. (Written Reprimand)

For departing residence while on scheduled sick leave without requesting or obtaining the proper authorization from immediate supervisor. (Written Reprimand)

For inappropriate and unprofessional conduct while off-duty by engaging in a verbal dispute with a civilian employee. (Written Reprimand)

Failure to activate the audio portion of DIVR during a motor vehicle stop and for failing to appear in Municipal Court resulting in the dismissal of the motor vehicle summons. (Written Reprimand)

Failure to report observed broken seals on evidence boxes during transport. (Written Reprimand)

Failure to safeguard issued duty weapon and equipment. (WR w/5 Day Suspension)

For unprofessional and questionable conduct while on-duty, by engaging in inappropriate discussions with subordinates in the workplace. (Written Reprimand)

Failure to properly report a complaint of possible misconduct by a civilian employee against another member. (Written Reprimand)

Failure to safeguard issued identification and off-duty badge. (Written Reprimand)

For behaving in a disrespectful manner by directing inappropriate and insulting language towards another member in front of subordinates. (Written Reprimand)

For behaving in a disrespectful manner by directing inappropriate and insulting language towards another member in front of subordinates. (Written Reprimand)

For engaging in unprofessional conduct by utilizing a car jack to lift a member's desk. (Written Reprimand)

Failure to activate DIVR while assisting another member on a motor vehicle stop, failure to conduct a pre-operational check of the DIVR and failure to document the assist on the Daily Activity Patrol Log. (Written Reprimand)

Failure to ensure DIVR remained activated while assisting another member on a motor vehicle stop. (Written Reprimand)

Failure to activate DIVR during motor vehicle stop, failure to notify the Operational Dispatch Unit of the stop and for failing to complete a Motor Vehicle Stop Report. (Written Reprimand)

Failure to activate DIVR during motor vehicle stop, failure to notify the Operational Dispatch Unit of the stop and for failing to complete a Motor Vehicle Stop Report. (Written Reprimand)

For transporting an unauthorized passenger in assigned troop vehicle without authorization. (Written Reprimand)

For operating troop vehicle in an unsafe manner which was the catalyst for a motor vehicle stop, during which member displayed an improper attitude and demeanor, failed to provide a Compliment/Complaint Form and issued an undeserved summons. (Written Reprimand)

For the culpably inefficient manner in which a member secured a prisoner and for improperly searching a bag without a search warrant. (Written Reprimand)

For the questionable conduct a member engaged in off-duty, by identifying himself in his official capacity in order to gain information regarding another law enforcement agency's investigation which involved the member's family member and for failing to notify Division of information the Division would take cognizance when a subject of the member's inquires expressed concern and requested information on the member's supervisor. (Written Reprimand)

For operating assigned troop vehicle in an unsafe manner resulting in a minor accident and failing to notify Division of information the Division would take cognizance by failing to report the accident. (Written Reprimand)

Failure to safeguard issued off-duty badge. (Written Reprimand)

Failure to appear in Superior Court as required by grand jury subpoena. (Written Reprimand)

Failure to safeguard issued identification and billfold. (Written Reprimand)

For the unauthorized use of troop vehicle while on restricted duty and for operating the troop vehicle in an unsafe manner. (Written Reprimand)

Failure to safeguard issued handcuffs. (Written Reprimand)

Failure to safeguard issued off-duty badge. (Written Reprimand)

Failure to safeguard issued duty weapon. (WR w/5 Day Suspension)

Failure to safeguard off-duty weapon and disobey a direct order to qualify with the weapon. (WR w/5 Day Suspension)

Failure to safeguard issued equipment. (WR w/2 Day Suspension)

For unauthorized use of troop transportation with accident involved and for unauthorized person in troop car. (WR w/5 Day Suspension)

For the unauthorized departure from residence while on sick leave and use of troop transportation with accident involved. (WR w/5 Day Suspension)

For inappropriate and unprofessional conduct while off-duty for identifying themselves as a Division member and then engaging in a verbal altercation. (Written Reprimand)

For failure to safeguard two Division issued narcotic, canine training aids. (Written Reprimand)

For failure to ensure DIVR audio activated and conduct pre-operational DIVR check. (Written Reprimand)

For improper use of Division property and operating an unregistered vessel. (WR w/5 Day Suspension)

For failure to safeguard issued duty weapon and off-duty weapon. (WR w/5 Day Suspension)

For using official position as a New Jersey State Trooper to secure unwarranted privileges for a friend. (Written Reprimand)

For failing to prevent the escape of a prisoner. (Written Reprimand)

Failure to safeguard issued identification. (Written Reprimand)

Failure to safeguard issued identification. (Written Reprimand)

For the culpably inefficient manner in which chemical force was utilized. (WR w/5 Day Suspension)

Failure to safeguard assigned flashlight. (Written Reprimand)

Failure to safeguard issued identification. (Written Reprimand)

For making an erroneous CAD entry that documented the missing NJSP station evidence keys were accounted for. (Written Reprimand)

Failure to safeguard NJSP station evidence locker keys. (Written Reprimand)

For the culpably inefficient supervision of subordinate enlisted members. (WR w/2 Day Suspension)

For leaving assigned station patrol area without permission. (Written Reprimand)

For leaving assigned station patrol area without permission. (Written Reprimand)

For leaving assigned station patrol area without permission. (Written Reprimand)

For leaving assigned station patrol area without permission. (Written Reprimand)

Failure to safeguard assigned flashlight. (Written Reprimand)

Failure to safeguard issued identification. (Written Reprimand)

Failure to safeguard issued handcuffs, identification and off duty badge. (Written Reprimand)

Failure to safeguard issued off duty badge. (Written Reprimand)

* Note: Some issued Written Reprimands encompass multiple violations.

**SUMMARY OF COMPLETED CASES RESULTING IN DISCIPLINE
REPORTING PERIOD: JANUARY 1, 2013, THROUGH DECEMBER 31, 2013**

Actions Taken for Cases by Category in Year 2013					
Complaint Classification	Counseling/ Performance Notice Issued	Written Reprimand Issued	Minor Discipline	Summary Discipline	General Discipline
Improper Search	1	0	0	0	0
Theft	0	0	0	0	0
Assault	0	0	0	0	0
Excessive Force	1	1	1	0	1
Differential Treatment	1	0	0	2	0
Other Harassment	0	0	0	0	1
Domestic Violence	0	0	0	1	1
Drug Violation	0	0	0	0	0
Alcohol Violation	0	0	0	0	2
False Arrest	0	0	0	0	0
Failure to perform duty	2	2	0	1	1
Driving violation	0	5	0	0	4
Attitude and Demeanor	0	1	0	0	0
Admin. Violation	26	36	2	0	1
Other	11	22	3	3	7
Totals	42	67	6	7	18

***NOTE:** This chart contains all disciplinary actions imposed in misconduct cases completed during the calendar year, regardless of the year the case was initiated.

In some cases, reportable incidents contain multiple allegations and principals. In cases with multiple substantiated allegations, the resulting discipline against a member is listed next to the Complaint Classification category considered the most severe.

Summary does not include members who retired or were terminated prior to the imposition of the discipline.

PROSECUTION FOR FALSE CITIZEN COMPLAINTS

As can be seen from this report, 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 2013, no charges were filed for filing a false complaint against Division members.

COMPLIMENTS

In addition to monitoring troopers' conduct to ensure conformance to the highest standards, the Division of State Police also accepts and appreciates all compliments submitted by the public regarding troopers' conduct. During 2013, the Division received six hundred forty-six (646) citizen compliments regarding actions by enlisted members. These citizen compliments were received in one of the following 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.

REPORT NOTE

The intake and disposition of complaints is an ongoing process. During internal investigations, cases may be reclassified as a result of information obtained during the investigatory process. During the year, the Division consistently shares case data with the Office of Law Enforcement Professional Standards within the Office of the Attorney General. Due to the fluid nature of internal investigations and the directions taken during internal investigations, slight numerical differences may exist if compared historically.