OLEPS

OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS

Sixth Oversight Report July 2013

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Table of Contents

Executive Summary

OLEPS Sixth Oversight Report utilizes revised standards developed in the fourth reporting period to assess the New Jersey State Police (State Police). OLEPS now assesses and evaluates the State Police's adherence to its own policies and procedures and those mandates outlined in the Law Enforcement Professional Standards Act of 2009 (N.J.S.A. 52:17B-222, et. seq.) (the Act). Items referred to as "Tasks" in previous reports are now "Performance Standards." As of the Sixth report, the monitoring report is now known as the oversight report.

This new format of assessment did not change OLEPS' review process; a sample of motor vehicle stops still underwent detailed review by OLEPS staff. Further, records and documentation from Field Operations, MAPPS, and OPS were also reviewed. OLEPS also reviewed data on management activities of the State Police, contained in the Management Awareness Personnel Performance System (MAPPS). OLEPS further audited the State Police internal affairs process.

During this sixth reporting period, OLEPS reviewed and analyzed data from 315 motor vehicle stops and associated records of these stops to determine whether State Police activity was consistent with performance standards developed from the State Police's own policies and procedures. The major findings of this report include:

- There was no definitive evidence that the State Police was engaging in any race/ethnicity-based decision making processes in this reporting period. Differences in enforcement activities are more likely the result of chance rather than purposeful behavior.
    - Unlike previous reporting periods, where multiple racial/ethnic distributions were found to be significant, only one was significant this reporting period: Black drivers were more likely to receive a canine deployment. All of these deployments were appropriate and documented per State Police policy. While Black drivers are more likely to be involved in stops with canine deployments, OLEPS cannot conclude that this is the result of any bias-based practices. OLEPS will continue to examine canine deployments in depth, and advises the State Police to do so as well.
- There were a number of stops where an arrest was made, but a trooper failed to appropriately issue Miranda warnings per State Police policy. Most of these instances were not noted by State Police review because they were never reviewed. The State Police should remind troopers of the requirements surrounding Miranda and reinforce its policy of issuing the warning for all arrests. Additionally, the State Police may want to conduct random reviews of stops with arrests to determine the extent of the Miranda issue.
- During the review of stops, instances where the State Police deviate from policy and procedures are referred to as errors. The total number of errors noted in the current reporting period remains high. While the State Police did not review 61 of the selected stops for review, OLEPS noted that 30% of stops that the State Police did review contained an error not noted by the review. OLEPS approval of the State Police's revised review schedule was contingent upon its ability to maintain quality, thorough, and appropriate reviews.
    - When an error is made during a motor vehicle stop, State Police are required to use an intervention to notify and correct the trooper's error. Historically, interventions have not been used for errors caught during motor vehicle stops. State Police should

use interventions. In the current period, about 35% of all errors caught by the State Police did result in interventions, most frequently for errors caught pertaining to frisks, canine deployments, and non-consensual searches of persons.

- During this reporting period, several uses of force were reviewed that were deemed inappropriate. These instances were all reviewed by the State Police, and those reviews determined that these incidents were warranted and necessary. However, after discussion with OLEPS, the State Police agreed that the uses of force were not actually appropriate, and investigations were opened into these instances. Again, the State Police need to focus its reviews and appropriately address issues that arise during motor vehicle stops.

- The recording of motor vehicle stops remains an issue in the current reporting period. Portions of stops were missing from the database that houses all DIVRs. In some instances, the first clip of the stop was catalogued with that trooper's previous stop, suggesting that s/he did not "clear" from the stop. In other instances, the clip was nowhere to be found, either because it was never uploaded to the server or may have been purged. The State Police should continue to ensure that all clips are uploaded and catalogued appropriately for each motor vehicle stop.

- Missing or incomplete consent forms have been an issue for several reporting periods. However, the State Police demonstrated improvement in the completion of these forms in the current reporting period. Less than ten consent forms were unavailable to OLEPS while previous reporting periods noted much larger numbers of unavailable forms. The State Police should continue their diligence in cataloguing these forms and increase the proper completion of these forms.

- For several reporting periods, OLEPS has commented on staffing levels in critical units of the State Police. Specifically, the MAPPS Unit, OPS, and the Training Bureau are understaffed compared to the workload required of these units. Each of these units completes tasks specifically mandated by the Act. State Police should consider additional staff for these units.

In sum, the State Police adheres to its policies and procedures regarding trooper activities. While OLEPS did find some evidence of divergence from policy, the majority of troopers perform their duties as required. However, OLEPS has noted slightly more deviations from policy than in previous reporting periods and suggests that the State Police strengthen supervisory oversight to ensure that the Division continues to improve and self-assess. OLEPS anticipates that this and future oversight reports will serve as a resource for the State Police and be used to identify any potential areas that require improvement.

OLEPS' SIXTH OVERSIGHT REPORT OF THE NEW JERSEY STATE POLICE
JANUARY 1, 2012 TO JUNE 30, 2012

Introduction

Pursuant to the Law Enforcement Professional Standards Act of 2009 (N.J.S.A. 52:17B-222, et. seq.) (the Act), the Office of Law Enforcement Professional Standards (OLEPS) is required to publish biannual reports assessing the New Jersey State Police's (State Police) compliance with relevant performance standards and procedures. Dissolved in September 2009, the federal Consent Decree (the Decree) outlined procedures and policies for State Police to implement. Many of the reforms accomplished under the Decree have been codified in rules, regulations, policies, procedures, operating instructions, or the operating procedures of the organization. The monitoring reports, which formerly assessed compliance with the Decree, now reflect the State Police's adherence to these reforms. For a more detailed history concerning the Decree, see previous reports at www.nj.gov/oag/oleps.

This Sixth Oversight Report[1] reviews activities undertaken by the State Police between January 1, 2012 and June 30, 2012. This report represents the third full reporting period after the dissolution of the Decree and maintains the spirit of compliance with the Decree as discussed in previous reports. While substantively similar to the report under the Decree, OLEPS has implemented several changes to this report to better reflect the current policies, procedures, and practices of the State Police. The "Tasks" of previous reports are now known as "Performance Standards." Additionally, several tasks from the Decree may be encompassed by a single performance standard. OLEPS has revised these standards to reflect current practices of the State Police with the understanding that these standards will be updated as the policies and procedures of the organization evolve.

The methodology employed by OLEPS in developing this report and operational definitions of compliance are described in Part I of the report. Part II of the report describes the data and sample utilized for this reporting period. Part III, Assessment, includes the findings of OLEPS' oversight process. Specific examples of behavior observed during the oversight process are also noted. Within Part III, several chapters detail standards based on overall relevance to Field Operations, Supervisory Review, Management Awareness Personnel Performance System (MAPPS), Training, the Office of Professional Standards (OPS), and Oversight and Public Information requirements.

The methodology used to assess performance standards is outlined at the beginning of each Chapter. Chapter Six of the report, Summary, provides an overall assessment of the State's policies and any recommendations. Appendix One presents a listing of all previous monitoring/oversight reports published by OLEPS, their dates of publication, and the reporting periods covered. Appendix Two summarizes the types of errors made by each station during the current reporting period. Appendix Three presents additional analyses relevant to Part III. Appendix Four lists definitions for commonly used abbreviations in this report. Finally, Appendix Five contains a map of the State Police's troops and stations.

[1] OLEPS' Monitoring Reports are now known as OLEPS' Oversight Reports. This change reflects OLEPS role as auditors rather than independent monitors as defined by the Decree.

PART I
METHODOLOGY & PROCESS

Part I details the methodology used to assess the State Police. This methodology applies to all standards within this report (supplemental methodologies may also be listed for each standard). The bulk of the data utilized in this report pertain to field operations and activities occurring during motor vehicle stops.

All assessments of the State Police are data and policy review based, formed by a review of records and documents prepared in the normal course of business. No special reports prepared by the State Police were accepted as evidence of adherence to performance standards. Instead, OLEPS reviewed records created during the delivery or performance of tasks/activities.

OLEPS' legislation (Act) requires the publication of two reports a year, which is traditionally handled by publishing reports covering two six month reporting periods. The previous two reports covered entire calendar years. The Sixth Oversight Report, however, will return to a sixth month reporting period, January 1, 2012- June 30, 2012.

Standards for Assessment

As of September 2009, the State Police were no longer subject to the Decree. The standards of 90% and 94% were originally created as a benchmark of achievement that once reached, would enable the dissolution of the Decree. Since these benchmarks are no longer applicable, OLEPS now assesses the State Police according to the State Police's own rules and procedures. Dissolution of the Decree was contingent upon the continued completion of those tasks outlined in the Decree and codified by the Act.

For the current report, the State Police are deemed to be functioning appropriately to the extent that the organization adheres to the policies and procedures set forth in the Act and the Division's own rules, regulations, policies, and instructions.

The text of the report will include a discussion of how many stops did and did not follow the required policies and procedures, how many errors were noted in a supervisory review, and how many errors generated a formal intervention.[2] OLEPS will discuss motor vehicle stop activity in the current reporting period and situate it in the context of past reports to determine changes in overall activity and adherence to State Police policies and procedures. OLEPS will continue to issue recommendations to the State Police based on observed events, especially where a pattern or practice of behavior is developing.

Supervisory review plays a prominent role in the oversight of the State Police. Many of the tasks under the Decree dealt with supervisor responsibilities, accountability to supervisors, and a system to aid in supervision of all troopers (MAPPS). In light of this, OLEPS continues to monitor the State Police as the independent monitors did; by comparing the number of errors caught by supervisors to those

[2] The majority of errors do not generate a formal intervention. This issue was addressed with the State Police. This is the first reporting period in which the number of interventions will be assessed.

caught by OLEPS giving consideration to whether the stop ever received a supervisory review from the State Police. This allows OLEPS to assess the ability of the State Police to monitor itself through proper supervision, review, and documentation.

The Performance Standards listed in this report will evolve with State Police rules, regulations, policies, and organizational operating procedures. In this sense, the oversight report should be seen as a living document that will evaluate the State Police in accordance with current policies and procedures. Through this report, OLEPS maintains its goal of assisting the State Police in self-assessment. As such, these oversight reports should be used as a tool to supplement the State Police's own assessments and evaluations.

PART II
DATA & SAMPLE DESCRIPTION

To assess the State Police's performance, OLEPS examines State Police activity in a number of ways. Field Operations are monitored through a detailed review of a sample of motor vehicle stops. OLEPS also accesses State Police databases and records systems to find evidence of requirements and adherence to policies. OLEPS reviews policies and procedures for the State Police prior to implementation to ensure that they are appropriate, consistent with the Act, and adequately address any developments in constitutional law.

Field Operations

The State Police provided data to OLEPS, pursuant to specific data requests. Under no circumstances were the data selected by OLEPS based on provision of records of preference by personnel from the State Police. In every instance of the selection of samples, State Police personnel were provided lists requesting specific data or the data were collected directly by members of OLEPS.

The motor vehicle stop data for this period, as with those for the previous report, were drawn exclusively from the universe of incidents that have post-stop activity. The data requested are based on requirements originally formed by the independent monitors. Updates have been made to the request to reflect any changes in State Police reporting procedures.

Data Requests

Each motor vehicle stop review includes the examination of several pieces of information, which were either provided by the State Police or obtained from State Police databases by OLEPS. For the stops selected for review, this information included:

- All reports, records checks, and videos (MVSR) of stops.
- Logs for all trooper-initiated motor vehicle stop communications center call-ins for the stops selected, including time of completion of the stop and results of the stop.
- Copies of documentation, including supplemental reports created for consent search requests, canine deployments, and incidents involving use of force that took place during a motor vehicle stop.

OLEPS was provided with all requested information (unless otherwise noted). The requested data were thus the same as previous reporting periods.

Types of Reviews

Report

A Report review (formerly Type I) involves examination of all available hard-copy and electronic documentation of an event. For example, a review could consist of reviewing the MVSR, associated records in the patrol log, a supporting consent to search form, and associated summonses or arrest records. Each post-stop event consisting of law enforcement procedures of interest to the Decree[3] was subjected to a structured analysis using a form initially developed by independent monitors and revised by OLEPS. Problems with the motor vehicle stop were noted and tallied using this form. These data were shared with the State Police. Clarifications were requested and received in instances in which there was doubt about the status of an event or supporting documentation. All 315 events were subject to Report reviews in this period.

Tape

A Tape review (formerly Type II) consisted of examining the associated video of a given motor vehicle stop. OLEPS compared the actions noted on the tape with the elements reported in the official documents related to the event. These data were collected and were shared with the State Police. Clarifications were requested and received in instances in which there was doubt about the status of an event or supporting documentation. A total of 230 Tape reviews were conducted this period. Members of OLEPS attempted to review available video recordings and associated documentation (stop reports, patrol charts, citations, arrest reports, DUI reports, etc.) for *all*[4] of the stops selected for review.

Sample

A sample of motor vehicle stops reviewed for this reporting period was selected from all motor vehicle stops made by the State Police from January 1, 2012 to June 30, 2012. Stops made by all troops and stations were eligible for selection. The sample is best described in two parts:

I. All stops deemed critical by the Decree
   - All RAS-based consent searches
   - All canine deployments
   - All uses of force

II. Select stops where arrests were made
   - Due to issues noted in the previous reporting period, a random sample of stops with arrests were selected from Bellmawr, Netcong, Bordentown, Moorestown, and Holmdel stations.

A total of 315 motor vehicle stops were reviewed for this reporting period. Table One lists the activities involved in these motor vehicle stops. For this reporting period, OLEPS attempted to conduct Tape & Report reviews on all motor vehicle stops. Report reviews occurred in the instances where a tape was not available for review. There were a total of 85 motor vehicle stops that received a report only review, while 230 received a review that included both reports and tape.

[3] E.g., request for permission to search; conduct of a search; ordering occupants out of a vehicle; frisks of vehicle occupants; canine deployment; seizure of contraband; arrest of the occupants of the vehicle; or use of force.
[4] To the extent these recordings were available.

Table One: Incidents Reviewed

6th OLEPS Reporting Period

	Report Only Reviews	Tape & Report Reviews[5]
Total Stops	85	230
Consent Search Requests (PC & RAS)	15	113
Canine Deployments	8	35
Use of Force	2	21
Probable Cause Searches of Vehicles	2	22

Table Two lists the number of incidents reviewed by station and the type of review received. In January 2011, the State Police combined Troops D and E to form Troop D Parkway and Troop D Turnpike. Technically then, Bass River, Bloomfield, and Holmdel[6] stations are part of Troop D. Because of this merger, Troop D generally makes up the highest number of motor vehicle stops reviewed, with 82 motor vehicle stops. Troop A had the second highest number of motor vehicle stops; 78 of reviewed stops were made by troopers in Troop A. Bellmawr station made the highest number of stops selected for review during this reporting period. This is the result of the selection of 43 random stops from Bellmawr station that included an arrest and three critical stops.

[5] Tape and report reviews for each type of activity total more than 315 due to the fact that most stops involved more than a single category of law enforcement activity.

[6] Despite this merger, the State Police retained the "E" station codes for Bass River, Bloomfield, and Holmdel stations, as seen in Table Two.

Table Two: Distribution of Events by Station

6th OLEPS Reporting Period

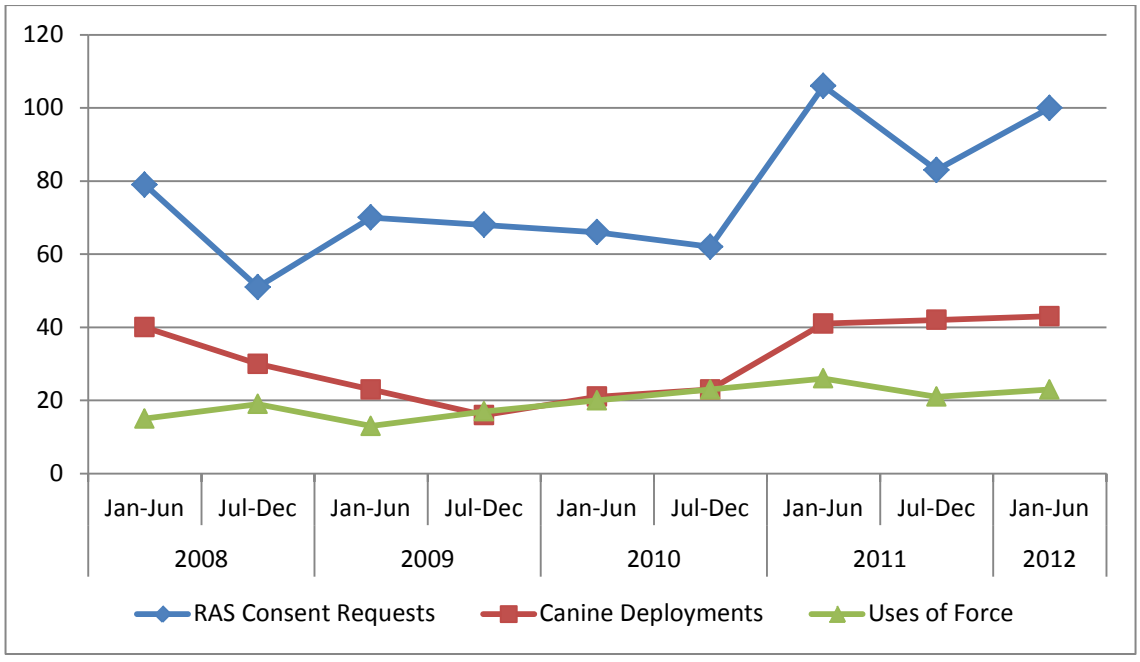
Station	Tape & Report Reviews	Report Reviews	Total Reviews
A040- Bridgeton	10	1	11
A050- Woodbine	1		1
A090- Buena Vista	5	1	6
A100- Port Norris	3	1	4
A140- Woodstown	5		5
A160- Atlantic City	3	2	5
A310- Bellmawr	29	17	46
B020- Hope	2		2
B050- Sussex	3		3
B060- Totowa	6	1	7
B080- Netcong	26	13	39
B110- Perryville	8		8
B130- Somerville	9	2	11
B150- Washington	1		1
C020- Bordentown	22	20	42
C040- Kingwood	1		1
C060- Hamilton	6		6
C080- Red Lion	6		6
C120- Tuckerton	13	1	14
D010- Cranbury	3	3	6
D020- Moorestown	21	14	35
E030- Bass River	1	1	2
E040- Bloomfield	2		2
E050- Holmdel	32	5	37
Other	12	3	15
Total	230	85	315

Overall, the sample selected for the current reporting period is slightly different from the sample selected for the previous period. First, the total number of stops reviewed is much smaller than the previous reporting period, only because this period encompasses six months rather than a full year. Second, the secondary sample selected for this reporting period was not selected based on probable cause consent request activity. Rather, these stops were selected because at least one individual was arrested in the stop. These stops may include other post-stop interactions, but that was not a requirement of sample eligibility.

Trends

For several reporting periods, OLEPS has tracked trends in the motor vehicle stops reviewed. Since OLEPS reviews all motor vehicle stops with RAS-based consent to search requests, canine deployments, or uses of force, these numbers represent the actual volume of motor vehicle stops with these events.[7] Figure One depicts the trends in these events for January 2008- June 2012. Overall, all three activities increased in this reporting period. Historically, the number of RAS consent requests has remained fairly stable, increasing slightly in 2009, but then dropping slightly in 2010. In the previous reporting period, there was a sharp increase in the number of RAS consent to search requests. In the current reporting period, January-June 2012, the number of RAS consent to search requests remain high. In the previous reporting period, the number of canine deployments nearly doubled. In the first half of 2011, there were 41 deployments while there were 42 in the second half of 2011. In the current reporting period, the first half of 2012, there were 43 canine deployments. The number of deployments for 2012 appears to be on the same trajectory as the number for the previous reporting period. Uses of force also followed the same pattern as canine deployments and RAS consent to search requests, increasing in 2011. The number of uses of force in the current period, 23, is slightly less than the first half of 2011, but still higher than the second half off 2011. Generally, it appears that all enforcement activities have been on the rise since 2010.

Figure One: Annual Trends of RAS Consent Requests, Uses of Force, and Canine Deployments
January 2008- June 2012

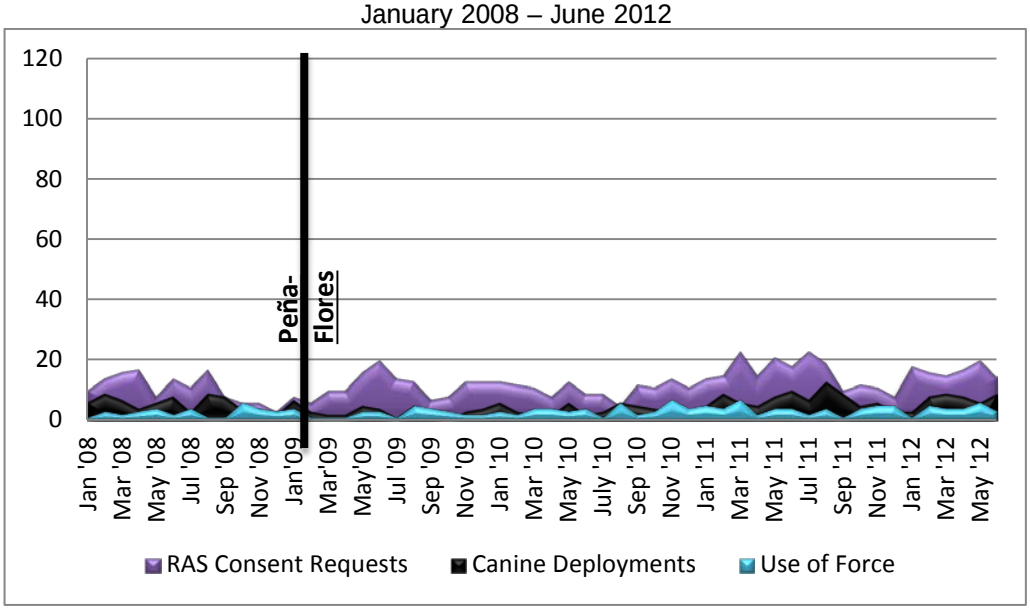


[7] OLEPS only reviews these events when they occur during a motor vehicle stop (i.e., time on the road only), prior to returning to the station. There are additional RAS consent to search requests, canine deployments and uses of force conducted by the State Police, but these occur outside of motor vehicle stops.

OLEPS has noted monthly and bi-annual trends for the State Police. Specifically, the number of incidents occurring in the second half of the year is lower than the number occurring in the first half of the year. As such, examination of monthly trends is important. Figure Two presents the number of RAS consent requests, uses of force, and canine deployments for January 2008 through June 2012. These monthly trends also allow OLEPS to determine changes in the volume of these events in the time period following key events (e.g., State v. Peña-Flores, 198 N.J. 6 (2009)[8]). As seen in the graph, these enforcement activities are relatively infrequent in a given month and there is much variation from month to month. Figure One presented the annual totals for these activities which concealed these monthly fluctuations. The annual totals suggest that each activity increased over the year. However, in reality, the activities vary in each month of the year, and across years; the trends are not as linear as suggested by Figure One. The number of RAS consent to search requests is inconsistent from month to month. While these numbers do fluctuate each month, beginning in January 2011, there is a discernable increase in these events. Interestingly, the number of RAS consent to search requests declined at the end of 2011, and increased sharply in early 2012.

Figure Two: Motor Vehicle Stops with RAS Consent Requests, Canine Deployments, and Uses of Force

January 2008 – June 2012



For canine deployments and uses of force, no consistent trend appears other than inconsistency. The number of canine deployments and uses of force fluctuate each month. As with RAS consent to search requests, canine deployments show an increase beginning in 2011, a decline at the end of 2011, and an increase in the current reporting period.

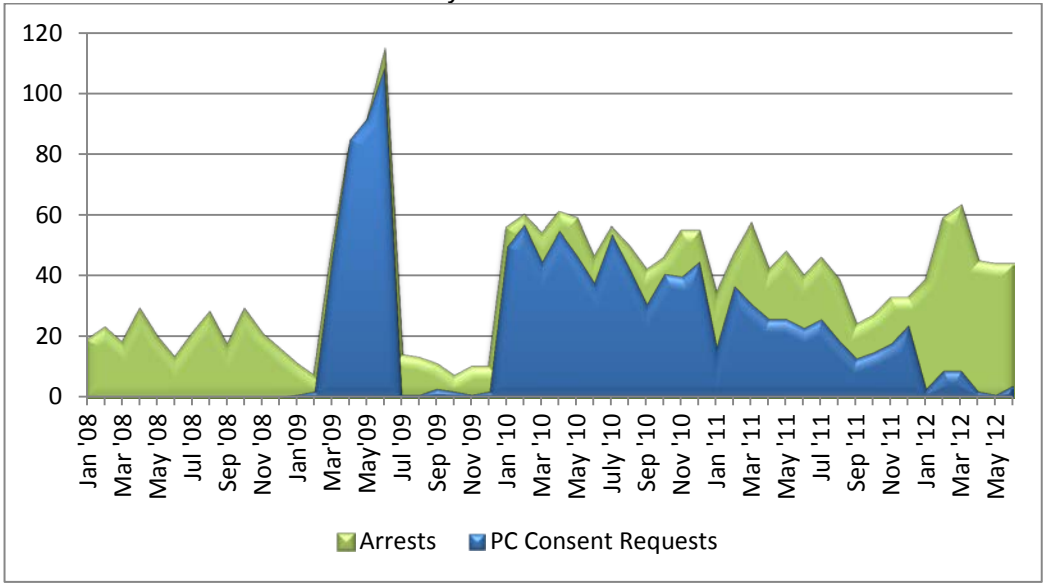
Two other enforcement activities appear frequently in the stops selected for OLEPS review. These are PC consent to search requests and arrests. The total number of PC consent to search requests has increased dramatically following Peña-Flores. Figure Three depicts trends in the reviewed motor

[8] State v. Peña-Flores, 198 N.J. 6 (2009), hereafter referred to as Peña-Flores, served to further define the exigent circumstances under which a search of a vehicle could be conducted without securing a search warrant under the automobile exception when there was probable cause to believe that a crime had been (or will be) committed.

vehicle stops with PC consent requests and/or arrests. The numbers do not represent the total volume of PC consent requests and arrests, but rather, only those stops selected for review in which these events occurred. In actuality, there were about 1,500 PC consent searches in motor vehicle stops in the first half of 2012. The 28 PC consent requests represented in Figure Three for January-June 2012 only represent a small fraction of the total number of PC consent searches. An annual graph, similar to Figure One, is not presented for PC consent searches and arrests because the variation seen in these events is the result of the stops selected rather than variation in the actual use of such enforcement activities.

Figure Three: Reviewed Motor Vehicle Stops with PC Consent Requests and/or Arrests

January 2008 – June 2012



Historical context is important to understanding Figure Three. In February 2009, the New Jersey Supreme Court issued the Peña-Flores decision. This decision restricted the ability of law enforcement to conduct searches covered under the automobile exception rule. The decision resulted in the State Police developing the practice of PC consent searches. Because the decision led to a dramatic change in the type of enforcement activities engaged in by the State Police, OLEPS altered its sample selection to include these new PC consent searches. For OLEPS' Second Monitoring Report, a sample of PC consent searches was reviewed. Due to time constraints, the sample selected for OLEPS' Third Monitoring Report did not include a sample of PC consent searches. During that reporting period, July 2009 to December 2009, OLEPS reviewed a dramatically lower number of arrests and virtually no PC consent searches. In the fourth and fifth reporting periods, OLEPS returned to reviewing an entire sample of PC consent searches, but reviewed much smaller samples than in the second reporting period.

The number of PC consent searches and arrests appear to have declined in the past two reporting periods. This is likely due to sample selection. While the previous reporting period reviewed a specific subset of PC-based consent searches, the prior reporting periods contained a much higher number of motor vehicle stops, overall. The current reporting period sampling methods did not focus on PC consent searches. Rather, the focus was on stops where an arrest was made.

OPS & Investigations

Evidence of OPS' compliance with State Police policies and procedures is assessed in an audit of OPS investigations. These audits are conducted twice a year by OLEPS investigators. OLEPS reviews a sample of misconduct cases and determines whether the case was handled in accordance with OPS' policies and procedures. Because the details of these cases represent privileged and confidential information, this report includes only a general summary of the audit, rather than specifics of the cases in the audit.

Training

Functions performed by the Training Bureau are assessed on an annual basis as training occurs throughout an entire year. It is the responsibility of the Bureau to ensure that all troopers continue to receive quality training, including those troopers who rise to supervisory and managerial levels. It is also the Training Bureau's responsibility to identify training goals, identify measures to gauge goal performance, collect data, and determine where data fall on those measures. OLEPS oversees this process and will present an assessment of training for 2012 in the Seventh Oversight Report.

Management Awareness & Personnel Performance System

For tasks relating to MAPPS, OLEPS directly accesses MAPPS to ensure functionality. At various times during the review period, OLEPS checked to ensure that all relevant information was entered into the system. OLEPS also examined whether the State Police undertook appropriate risk management activities based on the information contained in MAPPS.

Oversight and Public Information

These standards generally refer to OLEPS' involvement with the State Police. OLEPS will provide discussion of these standards based on interactions with the State Police throughout the oversight process.

PART III
ASSESSMENT OF NEW JERSEY STATE POLICE

Part III of this oversight report assesses the State Police on Performance Standards created from State Police practices and operating procedures. These standards are broken out according to the following subgroups:

- Field Operations
- Supervisory Review
- OPS and Investigations
- Training
- MAPPS
- Oversight and Public Information

Field Operations

The standards in this section refer to the day-to-day operations and procedures to which the State Police is to adhere. Each standard is presented followed by a description of the analysis and/or research conducted to assess the State Police.

Assessment Process

OLEPS assesses Field Operations by reviewing a sample of motor vehicle stops. This review includes an examination of all reports and documentation of the stop. Videos of stops are reviewed for those selected to receive tape reviews. OLEPS' staff examines the facts and circumstances of the stop to determine whether the State Police acted appropriately and consistently with the State Police's requirements for motor vehicle stops. Instances where troopers behave in a manner inconsistent with these requirements are noted and checked to ensure that State Police supervisory review also noted these errors. All information is recorded in OLEPS' Motor Vehicle Stop Assessment form, which is then entered into a database for statistical analysis. This assessment form was initially developed by the independent monitors and subsequently revised by OLEPS according to the development of the law and any observed patterns of performance.

Performance Standard 1: Race may not be considered except in B.O.L.O.

Standard

The requirements for this performance standard are taken directly from the language of the Decree, though several State Police policies and procedures reference the prohibition of race/ethnicity-based decision making.

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

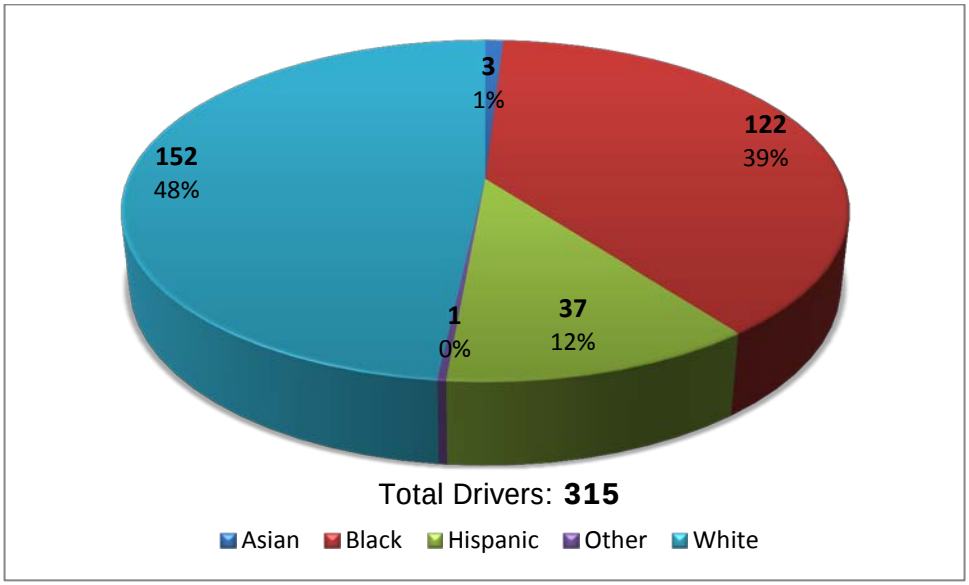
This standard will also examine the potential effect of trooper discretion on racial/ethnic differences in stops and enforcement activities.

Racial/Ethnic Differences

All Motor Vehicle Stops

All 315 of the stops sampled for this reporting period involved some form of a post-stop interaction (e.g., a consent to search request, canine deployment, use of force, or arrest), but not all stops contained all post-stop activities. Figure Four presents the racial/ethnic breakdown of all stops in the current sample. These numbers do not reflect the racial and ethnic distribution of all drivers stopped by the State Police. Rather, they reflect the racial and ethnic distribution of drivers who were involved in the stops selected for review.

Figure Four: Race/Ethnicity of Drivers
5th OLEPS Reporting Period



In the current reporting period, there were more stops with White drivers than any other racial/ethnic group. There were 152 (48%) drivers in this sample who were White, 122 (39%) who were Black, 37 (12%) who were Hispanic, 3 (1%) who were Asian,[9] and one (0%) who was identified as Other. The majority of trooper-citizen interactions in this reporting period appeared to be with White or Black drivers. Despite changes to the sample selected in this reporting period, the distribution of racial/ethnic groups is nearly identical to the previous reporting period where White drivers were roughly 48% of all stops, Black drivers were about 39% and Hispanic drivers were about 12% of all stops reviewed.

[9]The State Police abide by two racial/ethnic group categorizations depending on the intended recipient of data. For example, data intended for publication in the Uniform Crime Report or data utilizing these categorizations use White, Black, Hispanic, Asian, American Indian, and Other categorizations. However, data compiled for non-UCR purposes utilize the categories of White, Black, Hispanic, Asian Indian, Other Asian, American Indian, and Other. Because the categories of Asian Indian and Other Asian are not uniformly utilized by the State Police, and because the data utilized in this report come from multiple sources, OLEPS had decided to use the category of Asian rather than separate categories for Asian Indian and Other Asian.

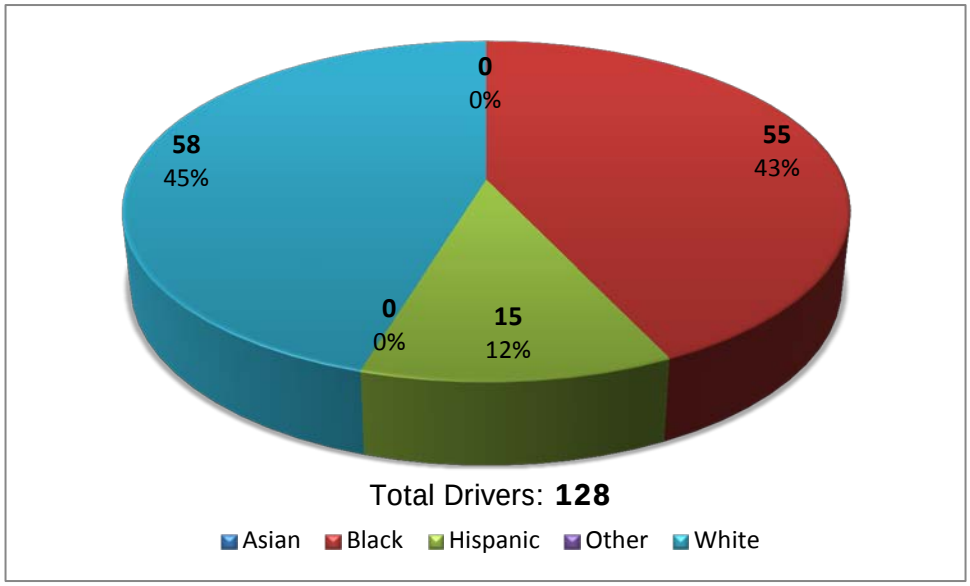
This overall racial/ethnic distribution will be compared to the racial/ethnic distribution of several types of post-stop interactions to determine whether any potential bias exists in terms of which drivers receive certain enforcements.

Consent Requests

Figure Five depicts the total number of stops, by race of driver, where consent to search was requested in the overall sample of 315 motor vehicle stops. This Figure represents all consent requests: PC-based; RAS-based; those that were granted; and those that were denied. White drivers made up the highest number and percentage of stops with consent requests with 58 or 45% of all requests made. Black drivers made up the second highest portion, 55 stops with requests or 43%. Hispanic drivers were asked for consent to search in 15 stops or 12% of the overall sample. Finally, Asian and Other drivers were not asked for consent to search in the stops reviewed.

The proportion of consent requests by race and ethnicity is close to the racial/ethnic proportion of all motor vehicle stops. White drivers were 48% of all stops and Black drivers were 39% of all stops and these groups are 45% and 43% of stops with consent requests, respectively. Though the proportions are not identical, the racial/ethnic distribution of consent requests does not appear overly skewed in any direction that could indicate potential racial/ethnic bias.

Figure Five: Consent Requests by Race/Ethnicity of Driver
6th OLEPS Reporting Period



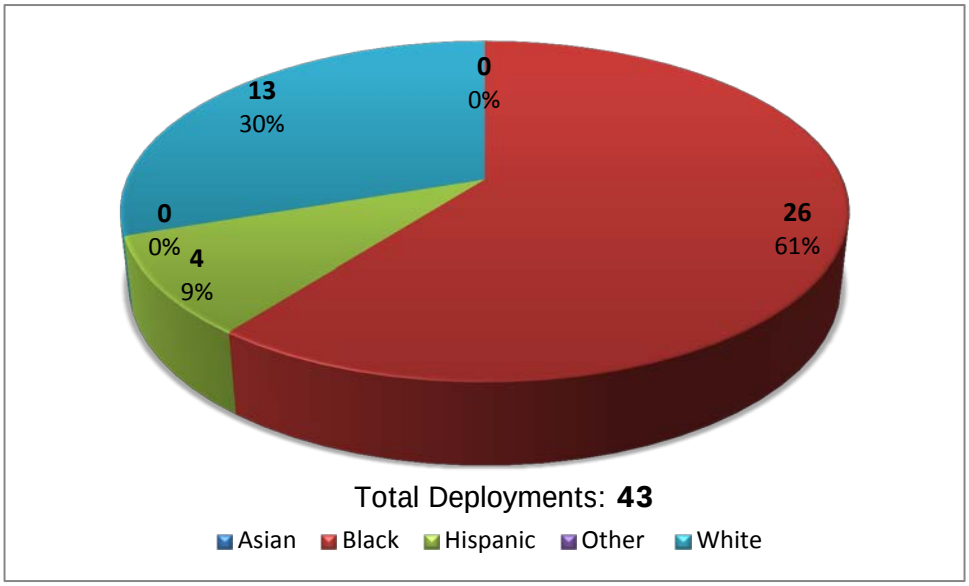
Chi-square analysis (Appendix Three, Table One) was conducted to determine whether there were significant differences in the racial/ethnic distribution of consent to search requests. The analysis yielded a chi-square (x^2) value of 1.346 with a p- value of .510. Chi-square analysis was based on White, Black, and Hispanic drivers, as including the categories of Asians and Other rendered the results invalid. The difference in the number of consent to search requests asked of White, Black, or Hispanic drivers was not statistically significant.

While there are more consent requests made of White drivers, a function of the fact that there are more White drivers in the sample, 45% of all Black drivers were asked for consent to search while only 38% of White drivers were asked. Thus, the total number of consent requests made of White drivers was high, but a slightly higher proportion of all Black drivers were asked for consent to search. While only 12% of all consent requests were posed to Hispanic drivers, about 40% of all Hispanic drivers were actually asked for consent to search. Though this may seem problematic, this is merely a function of the small number of Hispanic drivers who were involved in motor vehicle stops in the current reporting period.

Canine Deployments

In the current reporting period there were 43 official canine deployments, about the same as in each half of the previous reporting period. Figure Six depicts the number and percentage of canine deployments by race and ethnicity of the driver. Black drivers make up the largest portion of motor vehicle stops with canine deployments. In total, 26 deployments (61%) occurred in motor vehicle stops with Black drivers. In contrast, only 13 (30%) of all canine deployments occurred in stops with White drivers, despite White drivers composing a higher number of all motor vehicle stops. Hispanic drivers were involved in only four stops where a canine was deployed while Asian and Other drivers were not involved in any stops with canine deployments.

Figure Six: Canine Deployments by Race/Ethnicity of Driver
6th OLEPS Reporting Period



This overall pattern is consistent with the previous reporting period; Black drivers made up the highest number and percentage of deployments, while White and Hispanic drivers made up a much smaller portion of these events. However, the proportion of deployments made during stops with Black drivers has increased steadily for the last two reporting periods. White drivers made up 48% of all stops, yet only 30% of motor vehicle stops with canine deployments. Black drivers made up 39% of all stops and 61% of canine deployments. This means that Black drivers received more canine deployments than

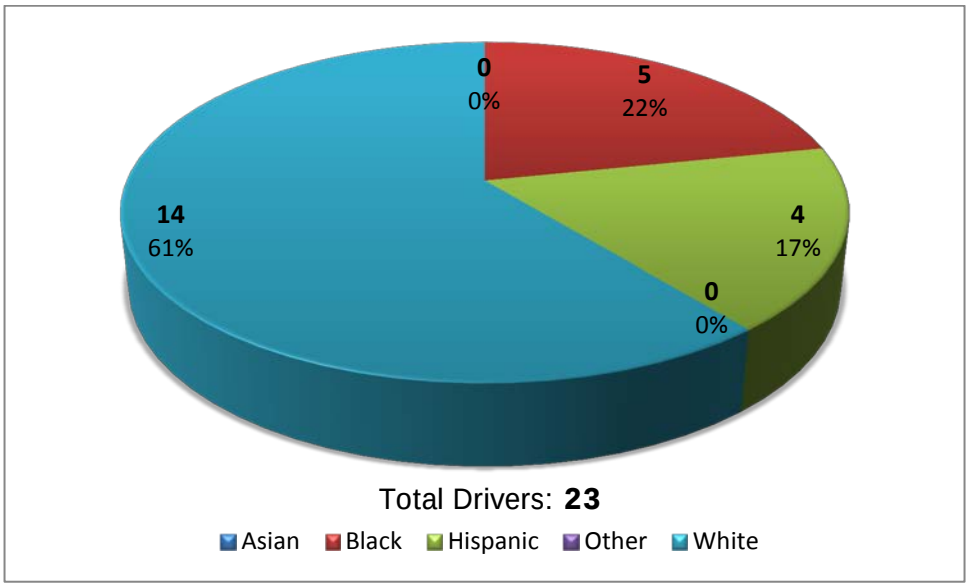
other groups- more than their proportion of all motor vehicle stops. While Black drivers make up the largest proportion of all canine deployments, only 21.3% of all Black drivers are involved in canine deployments. Thus, the disparity only affects a small portion of Black drivers. Further analysis is needed to determine whether this difference is significant or could result from chance.

Chi-square analysis resulted in a x^2 value of 9.56 and was conducted using only White, Black, and Hispanic drivers. The analysis revealed that the racial/ethnic distribution of canine deployments is statistically significant ($p<.001$). For the second reporting period in a row, the racial/ethnic distribution of canine deployments is statistically significant; the distribution of canine deployments is not equal across racial/ethnic groups. Black drivers, overall, have a significantly higher number of canine deployments than White or Hispanic drivers. Additional discussion and analyses of canine deployments will be discussed later in this report.

Uses of Force

Figure Seven presents the racial/ethnic distribution of uses of force in 2012. In total, there were 23 uses of force, obviously fewer than in the fifth reporting period, which covered an entire year. In each half of the fifth reporting period, there were 26 and 21 uses of force. Thus, the 23 uses of force in the current reporting period are slightly more than the second half of 2011, but fewer than the number of force incidents in the first half of 2011. Of the uses of force in 2012, 14 (61%) were in stops with White drivers, 5 (22%) involved Black drivers, and 4 (17%) involved Hispanic drivers. There were no uses of force in stops with Asian or Other drivers. This racial/ethnic distribution of force is similar to the distribution of the third and fourth reporting periods, where the majority (more than 50%) of force incidents involved White drivers.

Figure Seven: Uses of Force by Race/Ethnicity of Driver
6th OLEPS Reporting Period



Compared to the percentages for all motor vehicle stops, the percentage of uses of force are slightly different. White drivers were involved in 61% of all uses of force but only 48% of all motor vehicle stops. Hispanic drivers accounted for about 17% of all uses of force and only about 12% of all motor vehicle stops. Black drivers make up a slightly smaller percentage, 22%, of uses of force than they do all motor vehicle stops, 39%. It appears, then, that White and Hispanic drivers may be disproportionately involved in uses of force. Statistical analyses are needed to determine whether these differences result from chance or directed behavior.

Chi-square analysis indicates a x^2 value of 1.581 and that this distribution is not statistically significant, indicating that the differences are attributable to chance. The analysis compared White and non-White drivers as the use of each racial/ethnic category rendered the results invalid. Thus, unlike the previous reporting period, which noted that White drivers were involved in a significantly higher number of uses of force than other drivers, it cannot be said that the number of force incidents in which White drivers were involved in here are significantly more than the number of incidents for other drivers. Thus, while the actual number of White drivers involved in uses of force is higher than the number of drivers of other racial/ethnic groups, the distribution is not significant.

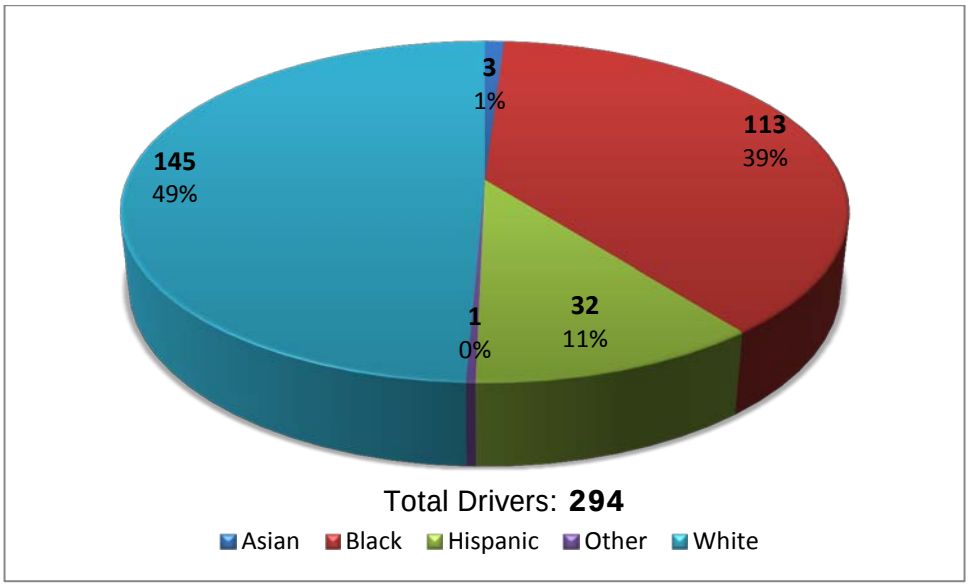
Since 2009, the number of force incidents has increased each year. While this increase may have been the result of increases in motor vehicle stops overall, there were actually fewer stops made in 2011 than in 2010. As in the previous reports, OLEPS recommends continued examination of the racial/ethnic distribution of uses of force, as this distribution has shifted in recent reporting periods and examination of the total number of uses of force during motor vehicle stops, as they have increased in the current reporting period.

Arrests

Figure Eight depicts the racial/ethnic distribution of motor vehicle stops in which an arrest was made. Because the overall sample size for this reporting period is smaller, there were fewer numbers of motor vehicle stops with arrests. However, because stops were eligible only if they had an arrest, a much higher proportion of stops had arrests. In this reporting period, there were only 294 motor vehicle stops where an occupant was arrested, compared to 470 in the previous reporting period. However, 93% of the stops sampled in this reporting period included an arrest, while only 89% of stops involved an arrest in the previous reporting period. Despite these fluctuations in the number and proportion of stops with arrests, the racial/ethnic distribution remains similar to that of previous reporting periods. White drivers have the highest number of stops with an arrest, 145 (49%) stops with an arrest. Black drivers were involved in 113 (39%) stops where an arrest was made. Hispanic drivers were involved in 32 (11%) stops where an arrest was made. Asians were involved in 3 (1%) stops where an arrest was made. Other drivers were involved in one (0%) stop where an arrest was made.

Compared to the overall racial/ethnic distribution, the distribution of arrests presents no obvious issues of potential bias. The percentages for each racial/ethnic group are roughly the same for all stops and arrests.

Figure Eight: Arrests by Race/Ethnicity of Driver
6th OLEPS Reporting Period



Chi-Square analysis was conducted to determine whether any significant differences exist in the racial/ethnic distribution of arrests. The analysis presents arrest versus no arrest for White and non-White drivers only and yielded a *p*-value of .157; there is no significant difference between arrests of White and non-White drivers.

The Role of Discretion

Discretion is vital to a police organization. It allows troopers to determine which motor vehicle transgressions to focus their time and energy. Discretion is based, at least partly, in the context of situations- what facts and circumstances make a transgression more egregious or less egregious- and trooper experiences- what transgressions have been found to be indicators of larger problems or issues in their past.

OLEPS has historically examined how discretion impacts the racial/ethnic distribution of motor vehicle stops. Traditionally, OLEPS classified motor vehicle stop reasons as high, median, or low discretion. However, OLEPS recognizes, and agrees with the State Police, that all reasons represent a violation of the law, and as such should all technically be viewed as low discretion. In light of this, discussions of discretion will no longer be based on the categories utilized in previous reports. This report will present a discussion of racial and ethnic differences in the most common stop reasons. The possibility of differences in discretion may be discussed, but there will be no categorization of a reason as a specific level of discretion.

In order to determine whether race/ethnicity-based decision making is being employed, highly discretionary tasks need to be reviewed to see if similarly situated individuals (regardless of race and ethnicity) are being treated similarly.

During OLEPS' assessment of motor vehicle stops, the reason for a motor vehicle stop is recorded by investigators, as given by the primary trooper of the stop. These reasons are myriad and as such, have been categorized to facilitate analysis. Any mention of "Speeding" is classified as "Rate of Speed." "Failure to Maintain Lane" is self-evident. The category of "Seat Belt" represents any mention of a seat belt violation. "Equipment Violations" is a catchall category of any violation referring to the vehicle itself rather than what the driver is doing with the vehicle. These include non-functioning lights (head or break), cracked or broken glass, inappropriate window tint, failure to make repairs, or other issues pertaining to the vehicle. The category of "Safety Violations" is another catchall category. It is comprised of violations that may impact the safety of that individual motorist or other motorists and includes: violation of road laws such as stop signs, impeding traffic, delaying traffic, running a red light, obstructed views, or aggressive, careless, or reckless driving. Finally, the category of "Failure to Signal/Improper Lane Change" includes any instance where a trooper cited the reason as the driver failed to use a turn signal or made an unsafe lane change.

Table Three presents the five most common reasons for motor vehicle stops for the current and past three reporting periods. Consistent with analysis conducted by the State Police, the most common reasons rarely change dramatically. Generally, the common reasons are some combination of rates of speed, failure to maintain lane, equipment violations, safety violations and one other reason (seat belts or failure to signal/improper lane change). The total percentage of all violations for each violation category is also included in the table. Generally, the top five reasons for motor vehicle stops account for over 65% of all the stops in the reporting period.

For all reporting periods, rate of speed is the most commonly cited violation in the reason for a motor vehicle stop. Theoretically, these violations occur for any act of speeding; they can vary from 1 M.P.H. over the speed limit to any M.P.H. over the speed limit. In previous reports, a distinction would be made regarding how much over the speed limit the driver was driving. However, that is no longer being done in this report.

Table Three: Top Reasons for Trooper Initiated Motor Vehicle Stops

3rd, 4th, 5th, 6th OLEPS Reporting Periods

3rd OLEPS Reporting Period		4th OLEPS Reporting Period		5th OLEPS Reporting Period		6th OLEPS Reporting Period	
	%		%		%		%
Rate of Speed	16.8	Rate of Speed	25.2	Rate of Speed	22.4	Rate of Speed	19
Safety Violations	16.8	Failure to Maintain Lane	20.0	Failure to Maintain Lane	22.0	Failure to Maintain Lane	19
Failure to Maintain Lane	15.7	Equipment Violations	11.4	Equipment Violations	12.3	Safety Violations	10.2
Failure to Signal/ Improper Lane Change	9.4	Safety Violations	8.1	Safety Violations	12.0	Equipment Violations	9.8
Equipment Violations	7.3	Failure to Signal/ Improper Lane Change	6.1	Failure to Signal/ Improper Lane Change	9.3	Seat Belt	7.9
Total %:	**66.3**	**Total %:**	**70.8**	**Total %:**	**78.0**	**Total %:**	**65.9**

Motorist Aids/Motorist Accidents are actually a common occurrence, more so than some reasons listed in Table Three. Motorist Aids/Accidents were the reason for the stop in 31 or 9.8% of all stops in the current reporting period. These instances do not represent a trooper's decision to stop a vehicle and as such are not included in the table. Instead, aids and accidents represent a trooper's public service requirement to assist motorists should they need help.

All Motor Vehicle Stops

The most common stop reasons for the current reporting period are presented based on race/ethnicity in Table Four[10]. The table only presents information for White, Black, and Hispanic drivers since there were only two Asian drivers and one Other driver who were stopped for these reasons. Generally, White drivers make up the largest number of each stop reason, followed by Black drivers, and then finally Hispanic drivers. The exceptions to this are in the categories of rate of speed and safety violations. For rates of speed, Black drivers were stopped in 29 stops, White drivers stopped in 22 stops, and Hispanic drivers stopped in eight stops. For safety violations, Black drivers were involved in 16 stops, White drivers involved in 13 stops, and Hispanic drivers involved in three stops. The most frequently cited stop reason for White and Hispanic drivers was failure to maintain lane, while rate of speed was most common for black drivers. Unlike the previous reporting period, the proportion of stops for each Equipment Violations make up roughly the same proportion of stops for White drivers, about 16%, Black drivers, about 14%, and Hispanic drivers, about 16%. This is consistent with the State Police's own analysis, which finds that Equipment Violations are a very common stop reason among Hispanic motorists.

Table Four: All Stops by Race/Ethnicity of Driver and Level of Discretion

6th OLEPS Reporting Period

	White	Black	Hispanic
	(% of Total Stops)	(% of Total Stops)	(% of Total Stops)
Rate of Speed	22	29	8
	23.40%	33.72%	32.00%
Failure to Maintain Lane	28	21	9
	29.79%	24.42%	36.00%
Equipment Violations	15	12	4
	15.96%	13.95%	16.00%
Safety Violations	13	16	3
	13.83%	18.60%	12.00%
Seat Belt	16	8	1
	17.02%	9.30%	4.00%
Total	**94**	**86**	**25**

[10] The top five reasons for stops were cited in 208 of 315 motor vehicle stops. Table Four only presents the stops where the most common reasons were cited, not all stops. For example, the total listed for White drivers is 94, which represents the number of stops with White drivers where one of these reasons was cited, not the total number of stops with White drivers (which is 152).

While there do appear to be differences, albeit small, among the racial/ethnic distribution of motor vehicle stop reasons, additional analysis is needed to determine whether these reasons are significant.

Chi-Square analysis was conducted to determine whether there were any significant racial/ethnic differences in the most common reasons for motor vehicle stops. Due to invalid cells, the analysis was conducted based on White v. non-White drivers. The analysis did not reveal a significant difference, (p=.216) with a x^2 value of 5.78. Differences in the distribution of stop reasons are possibly due to chance. Non-White drivers are not significantly more likely to be stopped for any reasons compared to White drivers.

Consent Search Requests

Discretion can also be examined in post-stop activities. RAS, as a legal standard, is less strict than PC, which suggests that the potential for individual trooper discretion exists in RAS more than in PC. Since post-stop enforcements arise out of the circumstances and facts occurring after a vehicle is stopped, it is inappropriate to examine how the discretion in the reason for a stop relates to a post-stop enforcement. Instead, differences among the PC and RAS legal standards will be explored for consent requests and canine deployments.

The tables below present the racial/ethnic distribution of types of consent to search requests- RAS or PC. Each table presents the number of drivers of each race and ethnicity that received the outcome of interest and the level of discretion that was used. The mean column indicates the arithmetic average of the stops for each racial/ethnic group. Since the standard involving a lower level of discretion, probable cause, is assigned a value of two, higher scores actually indicate the use of less discretion. RAS consents/deployments are assigned a value of one. A mean closer to one indicates that, on average, more enforcements are based in a more discretionary standard for that racial/ethnic group. When this mean is used in conjunction with the chi-square statistics, which shows whether the differences are due to chance, the existence and direction of potential bias can be determined.

Table Five: Consent Requests by Race/Ethnicity of Driver and Legal Standard
6th OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulable Suspicion	Probable Cause	Mean
	(1)	(2)	
White	49	9	1.15
Black	40	15	1.27
Hispanic	11	4	1.26
Total	100	28	1.22

Unlike the previous reporting period, the majority of consent requests reviewed in the current sample were based on RAS, as seen in Table Five. There were 100 stops that involved an RAS consent while only 28 stops contained a PC consent. Because there are so many RAS consents, naturally the majority

of consents for each race/ethnicity are RAS-based. The shift from mostly PC to RAS consent requests in this reporting period is the result of changes to the type of sample selected, discussed earlier.

Chi-square analysis was used to determine whether there were any significant differences in the racial/ethnic distribution of the legal standards used in consent requests. The analysis revealed no significant differences among White and non-White drivers and the legal standard used to request consent (p=.113, x^2=2.508). Thus, while there were more consent requests based on RAS than PC for all racial/ethnic groups, we cannot conclude that this is the result of anything other than chance.
While there are no significant differences, the mean values in Table Five can still be used to determine the direction of consent requests, either PC or RAS. For White drivers, the mean value is 1.15, closer to the value of one, which is assigned to RAS, than it is to the value for PC. This means that White drivers are more often receiving consent requests based on RAS than PC. For Black drivers, the mean value is 1.27, again closer to RAS. Black drivers then, are also more frequently receiving RAS searches rather than PC. Finally, the mean for Hispanic drivers is 1.26, again closer to RAS than PC. White drivers have a slightly higher proportion of RAS consent searches than Black or Hispanic drivers. Overall, as indicated by the individual group means and the overall mean, the direction of the distribution is toward RAS rather than PC consent requests; the majority of consent requests in the sample are based on RAS.

Variation Among RAS Consent Requests

While RAS may involve more discretion than PC consent requests, there is variation in discretion within categories of RAS. The reasons for a RAS consent request can be described as intangible, tangible, or probative. Intangible reasons are observations such as nervousness, failure to make eye contact, uncertainty in answers, and conflicting statements. Tangible reasons include the existence of air fresheners, modifications to vehicle interiors, "boost" cell phones, etc. Probative reasons include artifacts of gang membership (such as tattoos, admitted membership), odor of burnt or raw marijuana in the vehicle, admissions against self-interest, and criminal histories related to a tangible crime. In most incidents, there was more than one type of reason for requesting consent; however, probative reasons are recorded if given, regardless of other reasons stated. If the table lists an intangible reason, those are instances in which only intangible reasons were given. If a stop had tangible reasons articulated and probative reasons, these are recorded as probative. Thus, the higher numbers for probative reasons do not reflect that *only* probative reasons were given but rather that all incidents with intangible or tangible reasons articulated also had probative reasons given and are displayed in the probative column only.

Consistent with previous reporting periods, the most common reasons for RAS consent requests are probative reasons. In 92 stops with RAS requests, there was at least one probative reason cited. There were two requests based solely on tangible reasons, and six requests based solely on intangible reasons. This pattern is consistent with the previous three reporting periods; the majority of RAS consent requests are based on probative reasons. The mean values are generally closer to a value of three, indicating probative reasons. However, Hispanic drivers have the lowest mean value, 2.45, slightly closer to tangible reasons because there are so few RAS consent request for Hispanic drivers and three of the eleven RAS consent requests with Hispanic drivers used only intangible reasons.

Table Six: Reason for RAS Consent Requests by Race/Ethnicity of Driver[11]

6th OLEPS Reporting Period

Race/Ethnicity	Intangible	Tangible	Probative	Mean
	(1)	(2)	(3)	
White	2	2	45	2.88
Black	1	0	39	2.95
Hispanic	3	0	8	2.45
Total	6	2	92	2.86

Chi-square analysis could not be conducted to determine if the racial/ethnic differences in reasons for RAS requests are statistically significant due to extremely low expected counts. Thus, while there are more probative reasons cited, it cannot be determined whether the distribution is the result of chance.

Canine Deployments

Racial/ethnic variation among the legal standard used to deploy canines was also examined. Table Seven reveals that the majority of the 43 official canine deployments are based on RAS rather than PC. This is expected since State Police policy allows troopers to use the results of a canine deployment to bolster facts and circumstances, strengthening RAS and PC reasons needed to request consent from a driver, arrest a driver, or to obtain a search warrant. Consistent with the previous reporting period, RAS deployments are the most common for each race/ethnicity, with Black drivers having the highest overall portion of RAS-based deployments and the most overall canine deployments.

Chi-square analysis could not be conducted to determine if the racial/ethnic differences in reasons for canine deployments were statistically significant due to low expected counts. The majority of canine deployments are based on RAS rather than PC, but the statistical significance of this distribution cannot be evaluated.

Table Seven: Canine Deployments by Race/Ethnicity of Driver and Legal Standard

6th OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulable Suspicion	Probable Cause	Mean
	(1)	(2)	
White	12	1	1.08
Black	20	6	1.23
Hispanic	3	1	1.25
Total	35	8	1.19

[11] There were four consent to search requests based on RAS where the only reasons listed were "Other." Because "other" cannot be clearly defined as intangible, tangible, or probative, these four stops were removed from Table Six.

The mean can be used to determine the direction (RAS vs. PC) of deployments for each racial ethnic group. Means of one would indicate RAS and means of two would indicate PC. The mean for White drivers is 1.08, close to RAS. This suggests that more canine deployments for White drivers are based on RAS rather than PC. In contrast, the mean for Black drivers is 1.23, still closer to RAS than PC, but not as close as the mean for White drivers. Overall, Black drivers have more deployments based on RAS than PC, but the mean value is higher than that for White drivers. Finally, the mean for Hispanic drivers is 1.25, again closer to RAS than PC.

Arrests

There are instances where troopers have little discretion to arrest. For example, troopers are required to arrest when motorists have outstanding warrants. Other incidents may be rooted in probable cause, which involves more discretion than a warrant, but is still limited in the use of trooper discretion. The racial/ethnic distribution of arrests across these limited discretion reasons is presented below. In the current reporting period, arrests occurred in 294 motor vehicle stops. Table Seven presents the racial/ethnic distribution of arrests and reasons for arrests.

The majority of arrests were based on probable cause: 150 stops had an arrest listed as probable cause, 92 were warrant based, and 52 were based on a combination of these two reasons. In instances where probable cause dissipates, an individual may be unarrested. In this reporting period, there were six motor vehicle stops where at least one person was unarrested at the scene. Overall, these data suggest that in 2012, sampled drivers were more likely to be arrested on probable cause, not on warrants, and if arrested on probable cause, to have charges filed. However, compared to the previous reporting period, a much larger proportion of all arrests were based on warrants. This is likely due to the sampling of stops with arrests for this reporting period.

Table Eight: Reason for Arrest by Race/Ethnicity of Driver
6th OLEPS Reporting Period

Race/Ethnicity	Stops with Arrests	Warrant Arrests	Probable Cause Arrests	Warrant & Probable Cause
		(% of arrests)	(% of arrests)	(% of arrests)
White	145	35	79	31
		(24.14)	(54.48)	(21.38)
Black	113	48	48	17
		(42.48)	(42.48)	(15.04)
Hispanic	32	8	20	4
		(25.00)	(62.50)	(12.50)
Asian	3	1	2	0
		(33.33)	(66.67)	(0.00)
Other	1	0	1	0
		(0.00)	(100.00)	(0.00)
Total	294	92	150	52

Of the arrests made in stops with White drivers, 35 (24.14%) were warrant based, 79 (54.58%) were PC=based, and 31 (21.38%) were based on both warrant & PC. Compared to the previous two reporting periods, a higher percentage of arrests in stops with White drivers were based on warrants and a combination of warrants and probable cause than solely probable cause. This may be the result of the sampling characteristics for the previous two reporting periods, where a sample of PC-based consent searches was selected. Because the secondary sample in this reporting period did not include PC-based consent to search requests, necessarily the number of PC-based arrests should decrease.

Of the arrests made in stops with Black drivers, there was an even number of warrant only and probable cause only arrests. During this reporting period, there were 48 (42.48%) stops with a Black driver where an arrest was made based on PC and the same number based on warrants alone. Only 17 (15.04%) arrests were made based on warrants and probable cause. As noted with White drivers, a much higher proportion of all arrests for Black drivers were based on warrants than the previous reporting periods. This difference may be due to sample characteristics; there were a minimal number of stops with PC consent requests this period and, as such, fewer arrest requirement when facts meet the standard of PC. As suggested in the previous report, removing stops with PC consent searches leaves many more arrests based on warrants than PC.

As with Black and White drivers, the majority of arrests in stops with Hispanic drivers were based on probable cause. Overall, 20 (62.50%) of these arrests were based on probable cause alone, eight (25.00%) were based on warrants alone, and an additional 4 (12.50%) were based on warrants and probable cause. This is consistent with the previous reporting period where the majority of arrests in stops with Hispanic drivers were PC-based.

In incidents where a vehicle search was conducted, no evidence found, probable cause dissipated, and no charges were lodged, the vehicle occupants were able to leave the scene. Instances in which no charges were filed are those where an individual was released either at the scene of the stop or at the station. These instances were not all that common. There were only six stops or roughly 2% of all stops with an arrest made where no charges were filed. White drivers had the highest number of instances in which no charges were filed. There were four stops with a White driver and two stops with a Black driver where no charges were filed. Compared to the previous reporting period, there are substantially fewer stops with unarrests, the result of the previous reporting period's focus on stops with PC.

Probable Cause Arrests

The change in State Police procedures following Peña-Flores requires immediate arrest with probable cause. The trooper is then required to obtain a search warrant or consent to search the vehicle. There were no incidents during this period where search warrants were applied for at the scene of the stop.

Further examining incidents of probable cause arrest can indicate whether the potential for disparity exists. There were 52 arrests made on the basis of probable cause and at least one outstanding warrant. Compared to the previous reporting period, this number is smaller and reflects a slightly smaller proportion of all arrests (19.78% in the previous period versus 17.68% in the current period). These instances mean that although probable cause was a reason for the arrest, the overarching reason was an outstanding warrant, which drastically limits a trooper's discretion. Of incidents with PC and a warrant, 31 drivers were White, 17 were Black, and four were Hispanic. This pattern is not consistent with previous periods where Black drivers were most commonly arrested for warrant related reasons. However, when taken with the fact that Black drivers had a much higher proportion of arrests

based on warrant only, the point is upheld; Black drivers are most commonly arrested for non-discretionary reasons, warrants.

Additionally, the number of warrant only arrests made during the current reporting period is larger than the previous period. The number of stops with warrant only arrests were 31.29% of all stops with arrests in the current period, compared to 8.29% in the previous reporting period.

Chi-square analysis was employed to determine whether the observed differences in reasons for arrest were statistically significant. The results reveal that there was a statistically significant racial/ethnic difference in the legal standard used to arrest ($p<.05$). This analysis yielded a x^2 value of 7.558 was conducted on White v. Non-White drivers as other racial/ethnic categorizations led to invalid results. Non-White drivers are more likely to be in stops with arrests based on warrants while White drivers are more likely to involved in stops with PC and a combination of PC & Warrant.

While arrest rates are different, it appears that they are different based on the nature of the interaction and the criminal offenses committed in the troopers' presence, not necessarily based on race/ethnicity. As in the previous reporting period, probable cause is the most common reason for arrests for all racial/ethnic groups. However, the proportion of arrests involving warrants increased in this reporting period.

Additional Analyses: Time of Day

In determining whether any racial/ethnic bias exists in trooper activity, it is important to consider the time of day when the stop and activities occurred. During the daytime, generally, there is more light that can help a trooper identify the race/ethnicity of the driver. At night, darkness can make this determination more difficult. Research on motor vehicle stops has corroborated this suggestion, often finding differences in the racial/ethnic distribution of day and night stops.

Table Nine: Racial/Ethnic Distribution of Day & Night Stops

6th OLEPS Reporting Period

Race/Ethnicity	Day	Night	Total
White	86	66	152
Black	64	58	122
Hispanic	15	22	37
Asian	2	1	3
Other	0	1	1
Total	167	148	315

Table Nine indicates that, consistent with previous reporting periods, slightly fewer motor vehicle stops were made at night[12] (148) than during the day (167). There were more stops during the day for White drivers, Black drivers, and Asian drivers while Hispanic and Other drivers were involved in more

[12] Day and night are defined according to sunrise and sunset. A stop occurring after the official time of sunset for the Eastern Time zone on that date will be listed as occurring at night.

stops at night. The largest difference between the numbers of day and night stops is for White drivers; there were 20 more day stops than night stops.

Chi-Square analysis was used to determine whether the observed differences in Table Nine are significant. The results were conducted on White, Black, and Hispanic drivers and did not reveal a significant difference among racial/ethnic groups in the distribution of day and night stops, suggesting that this distribution could likely result from random sampling of the events reviewed. The racial/ethnic differences between day and night stops do not present a pattern suggesting trooper bias.

Summary of Standard 1

In the current reporting period, analyses revealed only one significant difference in the racial/ethnic distribution of events examined. The distribution of canine deployments was again, significant; Black drivers have significantly more deployments than other racial/ethnic groups. The remaining analyses in this standard did not indicate significant differences in distributions. The majority of post-stop interactions do follow the overall distribution of all stops- White drivers are the most frequent recipients of all stops, consent requests, uses of force, and arrests. While White drivers do make up the largest proportion of these events, the differences were not found to be significant.

This is the second reporting period where Black drivers were significantly more likely to receive a canine deployment. The majority of deployments were based on RAS rather than PC, and this pattern held true for Black drivers. While the significant finding does not necessarily indicate evidence of disparate treatment, OLEPS will continue to monitor the use of canines in motor vehicle stops in future reporting periods, especially in light of recent increases in the overall use of this enforcement activity.

For the current reporting period, OLEPS compared the racial/ethnic distribution of each enforcement activity with the overall racial/ethnic distribution for all stops. This benchmark represents the best currently available. However, if the racial/ethnic distribution of all stops is skewed, it could mask bias in enforcement activities. OLEPS continues to recommend the development of an appropriate internal or external benchmark to compare these enforcement activities. OLEPS will continue to explore benchmarking opportunities to improve the analyses presented here.

Performance Standard 2: Consent Search Requests

Standards

According to State Police policies and procedures, consent to search requests and consent searches must adhere to the following guidelines:

- Must be made with a minimum of RAS
- Must have supervisory approval
- Communication call-in must be made prior to requesting consent
- Troopers must notify consenter of their right to refuse
- Troopers must notify consenter of their right to be present
- The consent request must be limited in scope
- The consent search must be terminated upon withdrawal of consent
- A/V recording of request for approval, supervisors response, request to citizen, response, signing of form, and actual search
- Consent form should be completed properly

Assessment

In the current reporting period, OLEPS reviewed a total of 128 motor vehicle stops where a consent to search request was made. In this reporting period, OLEPS reviewed all stops with RAS consent requests and a sample of all stops with arrests. Thus, there was no formal sampling of PC-based consent requests. Therefore, the majority of stops, 100, were based on RAS and 28 were based on PC.

Table Ten: Consent Requests for Previous Reporting Periods

Reporting Period	RAS Consent Requests	Total Consent Requests
OLEPS 1st a	79	79
OLEPS 1st b	51	51
OLEPS 2nd	72	405
OLEPS 3rd	68	78
OLEPS 4th a	66	358
OLEPS 4th b	62	316
OLEPS 5th a	106	266
OLEPS 5th b	83	198
OLEPS 6th	100	128

Table Ten depicts the numbers of RAS consent requests dating back to the OLEPS first reporting period. The current and previous reporting periods appear to have a higher number of RAS consent to search requests than earlier periods. As suggested in the previous report, this may be the beginning of a new trend in the volume of RAS consent requests. Until the first half of the fifth reporting period, there were only about 60 or so RAS consent requests for each six month period. However, beginning in the first half of the fifth reporting period, these numbers are much closer to 100.

The numbers in the total consent requests column only became relevant in 2009, as a result of the Peña-Flores decision. This ruling increased reliance on PC consent requests, dramatically increasing the numbers of all consent requests, but primarily PC consent requests. Unlike the previous reporting period, there was no selection of a sample of stops with a PC consent request. The 28 stops with PC consent requests are in this sample because they also involved post-stop activities of interest (i.e., uses of force, canine deployments, or arrests).

RAS & PC

At a minimum, consent searches must meet the standard of RAS. However, since the Peña-Flores decision in 2009, PC is used as a reason justifying consent searches. As a legal standard, PC is stricter than RAS, requiring more specific facts and circumstances for troopers to ask for consent.

Generally, the facts and circumstances surrounding the motor vehicle stop meet the respective standards for which they are requesting consent. Unlike previous reporting periods, all of the 100 stops with RAS consent requests had facts and circumstances that met the standard of RAS. Additionally, all 28 stops with PC consent requests had facts and circumstances that met the standard of PC. The State Police have consistently had fewer stops where a legal standard was not met, evidence of their continued supervision and review of motor vehicle stops. OLEPS commends the State Police on their improvement in both the appropriate use of legal standards and continued documentation of errors and interventions.

Consent Forms

All troopers requesting consent to search from a motorist are required to fill out a consent to search form. This form provides evidence that an individual did or did not give their consent for a trooper to search a vehicle (or other area). This form includes the location(s) to be searched, the individual(s) involved, the location of the stop, the rights of the individual(s) involved in the consent request, whether consent is granted or denied, and a log of any evidence recovered in the search. As such, it is important that these forms are filled out and completed properly.

Of the 128 stops with consent to search requests, a consent form was filled out appropriately in 69 instances. In eight instances, OLEPS was unable to determine whether a consent form was completed properly because the form was not provided to OLEPS. An additional 51 stops had forms that were not completed appropriately. These errors most often relate to fields not being filled out. For example, many forms did not have a mark indicating whether consent was granted or denied. Of these 51 errors, 26 were caught by the State Police's review and six resulted in an intervention. The remaining 25 errors were noted by OLEPS and not the State Police. In the previous reporting period, 79% of errors pertaining to the completion of consent to search forms were not caught by the State Police. In the current reporting period, only 49% of errors pertaining to the completion of forms were not

caught by State Police. While the number of errors caught represents an improvement since the previous reporting period, OLEPS continues to recommend that the State Police review these forms in more detail.

In previous reporting periods, OLEPS noted an issue regarding the proper completion of consent forms. Consent forms require a trooper to write the CAD incident number for the motor vehicle stop on the form. OLEPS noted that many consent to search forms were missing from the first data request because troopers completing the forms failed to list the CAD incident number. Accordingly, because these forms were initially missing a CAD incident number, they could not appropriately be filed within CAD or RMS and scanned into the records of a stop. The number of missing consent to search forms this reporting period is substantially smaller than any previous reporting period. There were only eight forms that could not be located during this review. This may be attributable to sample structure, whereby only a handful of PC consent searches were reviewed or it may be attributable to the State Police's continued improvement in records keeping. OLEPS continues to recommend that the State Police appropriately file, record, and store all paperwork.

Due to the historically high number of missing forms, for the reasons cited above, OLEPS also measured whether there was video recording of the form being completed. This allowed OLEPS to determine whether the forms were filled out at the scene, whether they were not filed appropriately, or whether the forms were never filled out. Of the eight missing consent forms, video recordings indicate that five forms were filled out at the scene and two were missing from the video recording.

OLEPS continues to recommend that the State Police stress the importance of appropriately filed consent forms. An incomplete or missing form could lead to potential problems should an individual challenge the legality of a search performed by the State Police. OLEPS does recognize the improvements that the State Police has made, and appreciates its diligence in ensuring that forms are appropriately filed and stored in State Police databases.

Rights

Troopers are instructed to read the consent to search form in its entirety to the individual whose vehicle is being searched so that s/he clearly understands his/her rights. Such rights are the right to refuse the search and the right to be present during the search. In 15 motor vehicle stops, a trooper did not appropriately notify the driver of either the right to refuse or the right to be present during the consent search. Of these instances, 13 were noted by State Police review of the stop and five resulted in an intervention.

In the previous reporting period, OLEPS noted 38 stops where a trooper failed to notify individuals of the right to be present or the right to refuse, more stops than in the current reporting period. Though there are a fewer number of errors regarding rights in the current period, there is a higher proportion of stops with consent requests that have errors pertaining to rights. The 38 stops with rights errors in the previous reporting period amounted to roughly 8% while the 15 stops in the current period amount to about 12% of all stops with consent requests. However, in the current period, the State Police caught and issued interventions for a higher proportion of errors in this period than the last (13 out of 15 compared to 23 out of 38).

OLEPS recommends that troopers continue to appropriately notify citizens of their rights during consent to search requests. These rights are clearly written on the consent to search form, and as such, reading the form in its entirety results in the notification of these rights to the citizen.

Accountability & Safety

There are several requirements of troopers implementing a consent search. These requirements are designed to protect both the troopers and the individuals involved in the search. For example, troopers are required to obtain permission from a supervisor (not involved in the stop) to request consent of the motorist. This ensures that troopers are requesting consent searches based on facts and circumstances that meet the appropriate standards of RAS or PC. Troopers must request permission to search from a supervisor not involved in the stop to ensure objectivity in determining whether the search is appropriate. In the majority of stops with consent searches, 93, the supervisor was advised of the facts via the radio. In 21 stops, a supervisor was notified of the facts and circumstances at the scene of the stop. Additionally, a supervisor was notified via a cell phone in nine stops. There were five motor vehicle stops where OLEPS was unable to determine whether a supervisor was notified of the facts and circumstances surrounding the request. There were no instances in this reporting period where a trooper did not notify a supervisor of facts and circumstances prior to requesting consent from the motorist.

After a supervisor approves the request to ask for consent to search, and the motorist grants consent, troopers may begin the search after they notify communication that the search is beginning. This was done in 77 motor vehicle stops. There was only one stop where a trooper failed to notify communication that the search was beginning. This error was noted in State Police review of the stop. In the remaining seven instances, it was not known whether communication was notified that the search was beginning.

Troopers are also required to read the consent form (including the rights to be present and to refuse) while the MVR is recording. This provides evidence that troopers notified motorists of their rights. This question is only answered for those stops in which OLEPS reviewed recordings of the motor vehicle stop in addition to reports. In 108 stops, consent was requested while the MVR was recording, while in five stops the consent request was not recorded. All of these errors were caught by State Police and three resulted in an intervention.

According to State Police policy, troopers are also required to record the actual search. In 75 stops, the consent search was properly recorded. Consent searches were not recorded in three motor vehicle stops and two of these errors were noted by supervisory review. In the previous reporting period, there were 17 stops where a search was not recorded, 14 of which were caught by supervisory review.

As noted above, the consent to search form specifically identifies the parts of a motor vehicle a trooper is allowed to search per supervisory approval and motorist consent. Troopers may not deviate from this scope. OLEPS noted that in 77 stops, troopers appropriately heeded the scope requirements of the search. There was only one motor vehicle stop with a consent search where troopers violated the scope requirements. This error was caught by State Police supervisory review. However, there were seven motor vehicle stops where OLEPS could not determine whether the scope of the consent search was followed because the actual search was not fully recorded.

A motorist retains the right to withdraw their consent to the search at any time during the search. Troopers must immediately terminate a search upon withdrawal of consent. Generally, withdrawal of consent is rare; there were no withdrawals in the third reporting period, there were five in the fourth reporting period, and two in the previous reporting period. In this reporting period, consent was withdrawn in one motor vehicle stop. Troopers appropriately terminated the search upon withdrawal.

Summary of Standard 2

Overall, the State Police adhered to policies and procedures governing consent search requests. Unlike previous reporting periods, OLEPS noted no instances where the facts and circumstances surrounding a consent to search request did not meet the minimum standard of PC. Consent forms continue to be an issue for the State Police, as they have been for several reporting periods. While there were fewer consent forms missing or unavailable in the current period, there was a higher proportion of forms that contained errors. OLEPS continues to recommend that the State Police stress the importance of filling out these forms completely and correctly and appropriately cataloging these forms.

Performance Standard 3: Deployment of Drug Detection Canines

Standards

According to State Police policies and procedures, canine deployments must adhere to the following guidelines:

- Must be authorized by a supervisor not involved in the stop
- Must be radioed through dispatch
- Must have a minimum of RAS
- Must be recorded (since all stops must be)

Assessment

All canine deployments must be authorized by a supervisor not involved in the stop. As first noted in the previous reporting period, OLEPS has seen several instances where a canine is deployed without proper supervisory approval. Usually, these unofficial deployments have occurred because the canine handler was serving as a "back-up" to the primary trooper. There were 46 motor vehicle stops where a canine was on the scene of a stop. Three of these instances were not officially requested by State Police, rather the dogs were providing back-up. In one of these instances, the dog did perform a sniff test while in two, the dog was not actually utilized. Thus, there were 43 motor vehicle stops where a canine was deployed officially, and one where the canine was deployed unofficially.

In addition to these official deployments, the State Police requested a canine in 24 other stops. In one of these instances, the canine never arrived on scene. Additionally, in 23 instances the canine was dispatched to the station rather than the scene of the stop. The State Police do still dispatch canines to the station, but as noted in the previous reporting period, a higher number are now dispatched to the scene of the stop.

Of the official deployments, 35 were based on RAS and eight were based on PC. Unlike the previous reporting period, all facts and circumstances surrounding the deployments met the legal standards of either RAS or PC.

Canine deployments must be recorded according to State Police policy. In the current reporting period, 35 (of the total 43) deployments were recorded appropriately, two were not recorded at all, and OLEPS was unable to determine whether four were recorded. Two of the official deployments, that is, instances where the dog was officially requested and responded to the scene, were not recorded because the dog was not asked to perform while at the scene. One of the two unrecorded deployments was appropriately caught by State Police supervisory review and one resulted in an intervention.

For the current reporting period, OLEPS did not measure whether canine deployments were authorized by supervisors or radioed through dispatch. However, these items will be assessed in future reports.

Summary of Standard 3

As noted in the previous report, the number of canine deployments at the scene of the stop increased dramatically from 2010-2011. While the current reporting period only covers half of a year, the number of deployments is on pace to match that of the previous year. Because of this increase, OLEPS began to note instances where a canine was deployed to the station in this reporting period. Thus, while there were 43 official deployments at the scene, there were an additional 24 requests for canines dispatched to the station. All official canine deployments in this reporting period were appropriate and met the legal standards of either RAS or PC. Despite these increases in canine deployments then, the State Police are utilizing the dogs correctly (with the exception of one stop where the dog was not officially requested). OLEPS will continue to explore the expanding number of canine deployments in future reporting periods.

Performance Standard 4: Use of Force

Standards

Troopers must adhere to the following guidelines related to the use of force:

- Used for protection of self or others from unlawful force by another, suicide/bodily injury
- Used to prevent the commission of a crime involving potential injury, damage, loss of property, or breach of peace
- Used in self defense
- Used to prevent an escape
- Used to effect an arrest only if the purpose of the arrest is made reasonably known, if a warrant is reasonably believed to be valid, or when the arrest is lawful
- Use of force forms filed completely and properly

Assessment

In the current reporting period, there were 23 uses of force, obviously fewer than the 47 that occurred in all of 2011. Breaking the previous reporting period into two six month periods, there were 26 stops with force in the first half of the year and 21 stops with force in the second half of the year. The 23 instances in the current reporting period are slightly fewer than the first half of 2011 and slightly more than the second half of 2011.

Table Eleven: Uses of Force by Type of Force[13]
6th OLEPS Reporting Period

Type of Force	Number of Stops
Physical	17
Chemical	3
Chemical & Physical	3
Total	23

Table Eleven presents the types of force used in the current reporting period. As is generally the case, physical force is the most frequently used type of force. There were 17 instances where physical force was used, three where chemical force was used, and three where a mix of chemical and physical force

[13] Physical force: Bodily contact with a subject, not otherwise submitting or cooperating, to effect an arrest or other law enforcement objective.
Mechanical Force: The use of some device, which employs less than deadly force, such as a baton (PR24, expandable baton, etc.), police canine, etc.
Chemical Force: The use of some device, which employs less than deadly force, specifically a chemical or natural irritating agent.

was used. There were no instances involving the use of mechanical force in the current reporting period.

OLEPS reviews all uses of force in connection with motor vehicle stops and assesses whether these uses of force were appropriate and necessary. In 16 stops, the force was deemed necessary and appropriate, based on the requirements above. Three instances of force were deemed not to meet the State Police standards for force by OLEPS; the State Police did not catch these errors. There were also four additional uses of force where OLEPS was unable to determine whether force was appropriate because the incident occurred outside the view of the DIVR camera.

The 23 motor vehicle stops involved uses of force against the driver, passenger 1, passenger 2, or some combination. In total, there were 19 stops where the driver was a recipient of force, four stops where passenger 1 was a recipient of force, and no stops where passenger 2 was the recipient of force. There were no instances where all passengers and the driver were the recipient of force.

Use of force reports are required to be filed in all instances of force, for each citizen involved. For one stop where the driver was the recipient of force, the trooper involved did not submit a use of force report. This error was not noted by State Police. Additionally, there was one stop where the driver was the recipient of the use of force, and OLEPS was unable to determine whether a report was filed because it was unavailable to OLEPS. All use of force reports submitted for force against a driver were completed properly. When passenger 1 was the recipient of force, use of force reports were filed in three stops and missing in one stop. The three use of force reports for passenger 1 were completed properly.

Summary of Standard 4

OLEPS concluded that the uses of force in the current reporting period were conducted in accordance with the State Police's requirements, with the exception of the three stops where OLEPS determined the force to be inappropriate. Because these issues were not noted by the State Police as inappropriate, OLEPS forwarded these stops to OPS for further review and investigation. The few issues pertaining to missing use of force reports reiterate OLEPS' recommendations for appropriate documentation and cataloging of State Police enforcement activities.

Performance Standard 5: Recording & Reporting of Motor Vehicle Stops

Standards

State Police policies and procedures require audio and video recording of ALL motor vehicle stops, from just prior to the first communication center call in until the stop is cleared.

State Police policies and procedures require that specific instances and information be radioed to the State Police Communication center. They include the following:

- Trooper badge number & activity (i.e., motorist aid or vehicle stop)
- Location, direction of travel, municipality
- Vehicle description
- Occupant description- race, gender
- Stop statute
- Status update
- Race and gender update
- Driver DOB
- Vehicle registration, make, model
- Checks on licenses/identity, wanted persons status, criminal history
- Requesting backup
- Final disposition
- Stop cleared

State Police policies and procedures require that motor vehicle stop reports be filed for all stops that involved post-stop enforcement activity. Investigation reports are also required when a stop involves investigative functions (e.g., search warrants). These reports are expected to be filled out completely and without errors.

Assessment

Recording

In the current reporting period, a total of 315 motor vehicle stops were reviewed. According to State Police policy, all motor vehicle stops should be recorded, beginning when a trooper signals a car to stop (e.g., turns on lights and sirens). The State Police use a system that integrates audio and video recordings, however, the microphone and video camera are separate mechanisms and can and do function independently. In the past few reporting periods, OLEPS has noted many instances where the audio and video did not record simultaneously. For example, in some instances there may be video recording but no audio is being recorded or vice versa. Because of this, OLEPS now assesses video and audio activations separately.

In 231 stops (73.33%), the MVR video activated appropriately. There were 51 stops where OLEPS was unable to determine whether the video was activated due to missing or unavailable DIVR tapes. OLEPS noted many instances where the first clip of a motor vehicle stop was unavailable on the State Police DIVR system. For some of these stops, the remaining clips were available for review on recordings from other troop cars involved in the stop. OLEPS noted that the missing first clips are either purged or

attached to the trooper's previous motor vehicle stop CAD incident number. OLEPS recommends that the State Police examine the issue of missing first clips of motor vehicle stops and whether the issue results from not properly clearing from a stop.

In 23 stops, MVR video activation was not applicable, likely because the stop began as a rest area check or accident and not as a trooper initiated stop. In total, there were 10 stops (3.17%) where the video was not activated appropriately when the trooper signaled the stop. The vast majority, eight, of these instances, were noted by supervisory review and three resulted in an intervention. Thus, there were five stops where video activation errors were noted by the State Police but no intervention regarding the error was made.

Audio recording activation occurred at the beginning of 201 motor vehicle stops this reporting period. In 39 stops, the audio did not activate at the beginning of the stop. Of these errors, 24 were noted by State Police review and four resulted in an intervention. Similar to video activation, there were 52 stops where OLEPS was unable to determine whether the audio was activated at the beginning of the motor vehicle stop. Additionally, in 23 motor vehicle stops, it was not applicable for audio activation to occur at the beginning of a stop.

As with the activation of audio and video, OLEPS also now assesses whether audio and video recordings continue to the completion of a stop separately. There were 250 stops (79.36%) where video recording continued to the completion of the stop. In 50 stops, OLEPS was unable to determine whether recording continued to the end of the stop. Additionally, there were three stops where it was not applicable for the recording to continue to the completion of the stop because the trooper conducting the stop was in a vehicle that did not have recording equipment. In total, there were 12 stops where the video recording did not continue to the completion of the stop. In seven of these instances, supervisory review noted these errors and issued three interventions.

In 186 motor vehicle stops, the audio recording continued to the completion of the stop. In 49 stops, OLEPS was unable to determine whether the audio recording continued to completion. Additionally, there were three stops where it was not deemed applicable for the audio to continue to the completion of the stop. In all, there were 77 stops where the audio recording did not continue to the completion of the stop. Of these errors, the State Police noted 49 and nine resulted in an intervention.

OLEPS has noted numerous instances where portions of recordings of stops were unavailable. A single stop may be broken down into several clips, some of which are not available. The high number of instances where OLEPS was unable to determine whether the audio and video were activated or continue to the end of the stop are the result of this issue. Because OLEPS cannot access portions of motor vehicle stops, a formal determination on the quality of recording cannot be made. While this issue is likely the result of storage and database issues, OLEPS has noted this issue with the State Police.

OLEPS generally notes that there are more issues pertaining to recording the entirety of a stop than activation of recording the beginning of a stop. While there are still a number of stops where the audio and/or video recording does not capture the beginning of the stop, many more instances are noted where OLEPS was unable to determine the status of audio and video activation or continuation because of missing clips. Thus, there was a larger proportion of stops in the previous reporting period where activation or continuation did not occur but a higher proportion in the current reporting period where this status was unknown and unable to be determined. In the previous reporting period, there were 169 stops where the recording did not continue to the end, while in the current reporting period, there

were 10 where the video did not continue and 72 where the audio did not continue. However, in the current reporting period, there were 51 stops where OLEPS could not determine whether video was activated, 52 stops where OLEPS could not determine whether audio was activated, 51 stops where OLEPS could not determine whether video continued to the end of the stop, and 49 stops where OLEPS could not determine whether audio continued.

For the past several reporting periods, OLEPS has assessed the quality of audio and video recordings. While an MVR may be recording, the audio may be unintelligible or the camera may not be aimed at the stopped vehicle. In these instances, OLEPS noted whether there were any audio or video difficulties that made it difficult to determine trooper actions. In the current reporting period, there were 38 stops (12.06%) where some sort of audio difficulty made it challenging to determine trooper actions. These difficulties often result from the noise of traffic passing or other external factors. In addition, there were 57 stops (18.09%) where there was a malfunction in the audio. Malfunctions may result from microphones dying or fading in and out throughout the stop.

Video difficulties were noted in 16 stops (5.07%) that made it difficult to determine trooper actions. The video difficulties may result from the camera being positioned away from the stopped vehicle or because of environmental conditions (dark, rainy, etc.). In addition, there were 14 stops (4.44%) where OLEPS noted a video malfunction.

In the previous reporting period, roughly 45% of all stops reviewed had an audio difficulty or malfunction and about 15% had a video malfunction or difficulty. In the current reporting period, the rate of these issues has declined. Only 30.15% of stops had an audio difficulty or malfunction while 9.52% of stops had a video or audio malfunction. Thus, while the rate of recording difficulties is declining, a large portion of stops are still plagued by these technological issues.

For several reporting periods, OLEPS has noted issues with the recording of motor vehicle stops. In the past, these issues were related to mechanical issues regarding MVR tapes. OLEPS anticipated that these issues would be resolved once the migration to DIVR was complete. However, that does not appear to be the case. In this reporting period, OLEPS found that there were fewer stops where the MVR was not activated initially, but there were more stops that did not continue recording audio and video until the completion of the stop. During reviews, OLEPS has noticed that a number of these issues pertain to the audio portion of the recording; a large portion of stops indicate some sort of audio malfunction or difficulty. Issues with video tend to result from a misdirected camera or unavailable clips of a stop. OLEPS continues to recommend that the State Police ensure that troopers properly record motor vehicle stops and keep recording equipment in working order.

Communication Call-Ins

State Police policies and procedures contain a number of requirements relating to communication center call-ins during a motor vehicle stop. The purpose of these call-ins is two-fold. First, and most importantly, these communication call-ins monitor officer safety. By updating dispatch regularly on location, description of the vehicle stopped, and events occurring within the stop, there is a record of what that trooper is doing and where s/he is located. Should there be an issue during a stop, there is a recording of the trooper's whereabouts and actions. Second, communication call-ins serve as a record of the events of the stop. Should there be audio/video recording difficulties, communication call-ins represent an additional timeline record of the stop.

Upon stopping a vehicle and prior to approaching the vehicle, troopers are required to call in: the location of the stop; a vehicle description; the number of occupants; the race/ethnicity of the occupants; and the reason for the stop. In the overwhelming majority of stops, troopers called in the appropriate information to communication. In the current reporting period, there were only two stops where a trooper failed to notify communication of his/her location prior to approach, neither of which were caught by supervisory review. Vehicle descriptions were not called in for two stops, one of which was noted by supervisors, but did not result in an intervention. The number of occupants was not called in for three stops, one of which was noted by supervisors, which did not lead to an intervention. Troopers called in the race/ethnicity of occupants in the majority of stops, but failed to do so for three stops, one of which was caught by State Police supervisors, but did not result in an intervention. Finally, the reason for the stop was not called in for two stops prior to approach, one was noted in a review but did not lead to an intervention.

In previous reporting periods, a higher proportion of stops were not called in than in the current and previous period. Here, less than 1% of stops lacked the required call-ins per State Police policy. While the State Police had performed the majority of these call-ins for motor vehicle stops in the past, they continue to improve the number of stops that had all call-ins prior to approach.

Upon completion of the stop, troopers are required to notify communication that the stop has been completed and what actions were taken during the stop (e.g., summons, warning, towing the vehicle). There were only two motor vehicle stops where troopers failed to notify communication of the completion of a stop, one of which was noted by supervisory review, but did not result in an intervention. Additionally, there was one stop where the actions taken during the stop were not called in. This error was caught by supervisory review but did not result in an intervention.

There were approximately 50 stops where it was unknown whether communication call-ins were conducted due to missing recordings of the stop and audio difficulties/malfunctions. OLEPS recommends that the State Police improve their recording quality and effectiveness. OLEPS commends the State Police on their improvement in the rate of communication call-ins.

Reporting

Motor vehicle stop reports are filed by troopers. These reports detail the timeline of the stop, the individuals involved, and all enforcements/activities that occurred. These reports are reviewed and approved by supervisors. OLEPS reviews these reports to ensure that they are consistent with the events of the stop.

In the 315 stops reviewed, there were 90 stops (28.57%) with stop reports containing errors. Of these errors, 55 were caught by supervisory review of the reports, and 13 resulted in an intervention. There were 35 stops where an error was made on a motor vehicle stop report that was not caught by supervisory review, a much lower proportion of stops than the previous reporting period. There was one additional stop where OLEPS was unable to determine whether the report was correctly completed because the report was unavailable.

Investigation reports are required to be completed by troopers only for stops involving investigative activities. In the current reporting period, slightly fewer than half of all stops had appropriately completed investigation reports. There were 141 stops (44.76%) where an investigation report was completed without errors. In the previous reporting period, over 60% of all investigation reports were

completed properly. However, the lower proportion does not indicate that the State Police completed fewer investigation reports correctly. Rather, in the current reporting period, there were 166 stops where the investigation report was not required to be filled out because of the nature of activities occurring during the stops. In actuality, investigation reports were not completed properly in only six stops (5.51%). Of these errors, four were caught by supervisory review, and two resulted in an intervention.

As in previous reporting periods, investigation reports appear to be completed appropriately. Motor vehicle stop reports tend to contain more errors than the investigation reports. These errors are usually based on missing or inaccurate information recorded in the report. For example, listing a different reason for the stop, or not indicating that an action occurred. These errors are generally minor and do not necessarily reflect any specific patterns requiring a tailored focus. OLEPS is aware that the State Police has made concerted efforts to improve the writing of these reports and anticipates improvements in these errors in future reporting periods. However, the number and percentage of errors made in motor vehicle stop reports has remained steady since the previous reporting period.

Summary of Standard 5

As was noted in previous reports, the audio recordings of motor vehicle stops appear to be faltering. The microphones continue to cut in and out, record only static, or record nothing at all. OLEPS recommends the State Police investigate this issue to determine whether these issues are equipment failures, dead batteries, or trooper oversights.

Additionally, OLEPS noted a number of issues pertaining to the availability of video recordings. The State Police should examine methods to improve audio recordings and determine why the first clips of motor vehicle stops are not saved appropriately in the recordings database.

OLEPS continues to note issues and errors in the completion of motor vehicle stop reports and investigation reports that have not been caught by supervisory review. While these errors may be viewed as merely “procedural,” incorrect reports can be an issue should they be required in legal proceedings. The State Police should place emphasis on appropriate reporting by troopers and/or detailed supervisory reviews of these reports.

Performance Standard 6: Exits & Frisks

Standards

State Police policies and procedures limit the circumstances under which a trooper may request an individual to exit a vehicle or perform a frisk on an individual. These circumstances include:

- Driver exit only for sobriety or officer safety
- Passenger exit for heightened suspicion, Title 39 violation, or to perform search of vehicle
- Frisks conducted for weapons or DTT

In addition, persuant to New Jersey law,[14] a driver may be asked to exit a vehicle for any reason.

Assessment

Exits

A trooper may request that a driver or passenger exit a vehicle for a number of reasons. Drivers may be asked out for any reason. Passengers may be asked to exit based on a heightened suspicion that there is criminal activity or they may be asked to exit as duty to transport (DTT).

In the current reporting period, there were 288 stops where a driver or occupant(s) was asked to exit the vehicle. Of these stops, 266 involved at least a driver exit, 95 of which were for sobriety reasons.

There were 130 stops where the passenger, labeled "passenger 1", was asked to exit a vehicle. Of these stops, 112 were based on heightened suspicion and 17 were asked to exit as duty to transport. There was one stop where passenger 1 was asked to exit a vehicle for a reason other than heightened suspicion or DTT. This error was not noted by State Police supervisory review. There were 42 stops where passenger 2 was asked to exit the vehicle, 38 of which were based in heightened suspicion and four based on DTT. There was one instance where passenger 2 was asked out for a reason other than heightened suspicion. The State Police failed to note this error. Overall, vehicle exits appear to be conducted appropriately and according to policy, despite the State Police not noting two inappropriate vehicle exits.

Frisks

Frisks are utilized by troopers to protect themselves and the individuals involved in the stop. A frisk is an open-handed, non-manipulating, cursory, pat-down for weapons of a person's outer clothing. To frisk a person, a trooper must have RAS that the person may be armed and dangerous. Troopers may

[14] State v. Smith, 134 N.J. 599, 611 (1994); see State v. Peña-Flores, 198 N.J. 6, 31 n.7 (2009)- describes the right of an officer to remove a driver from a lawfully stopped vehicle as "established precedent."

also frisk individuals prior to putting them into a troop car for trooper safety (e.g., if a trooper was transporting a passenger of a vehicle whose driver was under the influence).

In the current reporting period, there were frisks in 69 motor vehicle stops. Forty-six of these frisks were based on RAS and 22 were DTT. Additionally, there was one frisk where OLEPS was unable to determine whether it was RAS or DTT. There were five frisks that did not meet the requirement of RAS, four of which were noted by State Police review, all of which resulted in an intervention. Thus, there was only one instance where a trooper inappropriately frisked an individual that was not caught by supervisory review.

OLEPS also reviews the mechanics of a frisk to make sure that it is not extending beyond the appropriate boundaries, making the frisk an illegal search. Of the 69 stops in which a frisk occurred, 26 were appropriate and followed the requirements. OLEPS was unable to determine whether frisks were appropriate in 39 instances. Eleven of these stops received only a paper review, so the tape was not reviewed. The majority of these remaining stops experienced some sort of audio/video difficulty, malfunction, or missing recordings. There were four frisks that extended beyond a cursory pat-down. All were noted by State Police supervisory review and each resulted in an intervention.

In total, 41 drivers received a frisk. Thirty-two of these frisks were based on RAS and eight were based on DTT. Additionally, there was one frisk where OLEPS was unable to determine whether it was RAS or DTT. There were three instances where a frisk of the driver did not meet the RAS standard. Of these instances, two were noted by supervisory review and both led to an intervention. Thus, one driver frisk lacked the appropriate RAS to conduct the frisk. Additionally, there were three frisks of drivers that extended beyond the pat down circle, all of which were caught by State Police review and resulted in interventions.

In 38 motor vehicle stops, passenger 1 was frisked. Of these frisks, 16 were DTT and 22 were based on RAS. Of the RAS frisks, five did not meet the standard of RAS. Only one of these errors was not caught by supervisory review and those that were caught resulted in an intervention. There were no frisks of passenger 1 that extended beyond the pat down circle. In this reporting period, there were 23 frisks where it was unknown whether the mechanics of the frisk were appropriate because the frisk was not captured on camera or because the recording was unavailable.

There were 15 motor vehicle stops where passenger 2 was frisked. Of these, four were based on DTT and 11 were based on RAS. With the exception of three frisks, all RAS frisks of passenger 2 met the standard of RAS. Two of the three frisks that did not meet RAS were caught by supervisory review and interventions were issued. There was only one frisk of passenger 2 that extended beyond the pat down circle, which was noted by the State Police and resulted in an intervention. However, there were eight frisks where it was unknown whether the mechanics of the frisk were appropriate because the frisk was not captured on camera or because the recording was unavailable.

Summary of Standard 6

OLEPS' review found the majority of exits and frisks occur in accordance with State Police policies and procedures. In only one motor vehicle stop did the State Police fail to note that a vehicle exit occurred for reasons other than DTT or heightened suspicion. With the exception of one motor vehicle stop, the State Police noted all instances where a frisk did not meet the legal standard of RAS. Also, the State Police noted all instances where a frisk extended beyond the pat down circle.

However, as noted in the previous performance standard, there were many motor vehicle stops where recordings were unavailable. Because of this, there were a high number of frisks that were not directly observed by OLEPS. The State Police are urged to appropriately record and store all clips of motor vehicle stops to allow for proper review of these events.

Performance Standard 7: Non-Consensual Searches/Seizures

Standards

State Police policies and procedures provide the circumstances under which non-consensual searches/seizures are permitted to be used. All searches/seizures should be based on probable cause or incident to arrest and should be called into communication prior to execution.

Assessment

Non-Consensual Searches/Seizures: Vehicles

There were 24 non-consensual vehicle searches/seizures in the current reporting period. Of these searches/seizures, nine were identifiable as plain view searches/seizures,[15] four were credential or ownership searches, three were vehicle frisks, and seven were identified as "other." These "other" searches were often intrusions made by the trooper into the car, such as breaking the plane of the window by sticking his/her head into the car or reaching into the car.

OLEPS noted that errors were made in six stops. Five of the errors were noted by State Police, two of which resulted in an intervention. The majority of these errors arose from a lack of probable cause to search. Additionally, a number of errors were made because a trooper broke the plane, which is technically a search. Specifically, in two motor vehicle stops, plain view was cited as the reason for the search when the items were not actually in plain view (i.e., closed purse).

Non-Consensual Searches/Seizures: Persons

In the current reporting period, there were 294 stops where a search of a person occurred. Per State Police policy, these searches should be incident to arrest. There were 255 searches of drivers incident to arrest and six searches that were not incident to arrest. Three of these errors were noted by State Police supervisory review and interventions were issued for two stops. There were 87 stops with searches of passenger 1 incident to arrest and six that were not incident to arrest. All of these search errors were noted by the State Police and five led to an intervention. Finally, in 30 stops there was a search of passenger 2 incident to arrest and two that were not. Both of these search errors were noted by the State Police and resulted in an intervention.

[15] Technically, plain view incidents are classified as seizures, not searches. However, State Police policies classify plain view similar to vehicle frisks and thus, searches, not seizures.

Summary of Standard 7

OLEPS' review of non-consensual searches/seizures found them to be in accordance with State Police policies and procedures. There were generally fewer non-consensual searches in this reporting period and thus, a fewer number of errors made. However, a quarter of all stops with non-consensual vehicle searches did have an error on the search. OLEPS recommends continued diligence in the review of non-consensual searches/seizures.

Performance Standard 8: Length of Stops

Standards

According to State Police procedure, RAS stops should be "brief." Because the length of stop may be indicative of inappropriate enforcement (i.e., detaining a motorist until RAS has been established for a consent search), it is an important characteristic of stops.

All motor vehicle stops based on RAS should be "brief." For the purposes of this report, "brief" will be defined as deviations from the average (mean) stop length. Any motor vehicle stop found to be more than one standard deviation from the average length (of that type of stop—for example, length of stops with PC consent searches will only be compared with PC consent searches) will be examined for potential reasons for the additional length. Appropriate explanations include stop complexity (several enforcements such as several searches, a search warrant request, etc.), waiting for appropriate reinforcements (i.e., back up), waiting for responses from communication regarding criminal history/warrants, or questions regarding ownership.

Assessment

The average length of motor vehicle stops reviewed during this reporting period is 49.19 minutes and the standard deviation of this distribution is 34.50. Thus, all stops greater than 83.69 minutes or less than 14.69 minutes are more than one standard deviation from the mean. There are 56 stops greater than one standard deviation above the mean, 53 of which had consent requests and 27 of which had a canine deployment in addition to a consent request. These stops also contained additional enforcements such as non-consensual searches, vehicle exits, frisks, and arrests.

In contrast, there are 29 stops that are one standard deviation below the mean stop length. Only two of these stops involved denied consent to search requests, while the only post stop interactions in the remainder of these stops were arrests.

Generally, the average length of motor vehicle stops in this reporting period is shorter than the previous reporting period, 49.19 minutes here and 65 minutes in the previous reporting period. The standard deviation in the current period, 34.50 minutes, is close to that of the previous period, 36.92. This indicates that not only are the stops slightly shorter in the current reporting period, but there is less dispersion in the stops; the length of stops are more similar to each other in the current period than the previous. This is likely the result of sample selection. Slightly more than half of all stops were selected only on the basis of whether an arrest was made in the stop rather than any other post-stop interaction.

Duration of Stops

Table Twelve displays the average length of the motor vehicle stops sampled in this reporting period. The first row in the table presents the average length of all stops in the sample, 49.19 minutes. This number is a substantial decrease from the average from the previous period, which was 65 minutes. This change most likely stems from changes to the sample for this period. In the previous reporting period, the sampled stops included all critical stops and stops with consent requests based on probable cause. The current reporting period though, includes critical stops and stops where there was an arrest. The stops in the secondary sample were selected only because they included an arrest rather than any other post stop interaction, which would have lengthened the stop. Thus, the length of stops in the current reporting period are, on average, shorter than previous samples.

Table Twelve: Average Length (minutes) of Motor Vehicle Stops
6th OLEPS Reporting Period

	Average Stop Length
All Stops	49.19
All stops with Consent Requests	78.30
RAS Consent Requests	86.13
PC Consent Requests	50.35
Consent Granted	81.48
Consent Denied	72.02
Canine Deployment	91.62
Consent Requests & Canine Deployments	92.19
Consent Granted & Canine Deployed	93.33
Consent Denied & Canine Deployed	90.58

Because the majority of stops do not have many post stop interactions, the average length of stops with consent requests is much longer than the average of all stops. The average length of all stops with consent requests is 78.30 minutes, much longer than the 49.19 minute average for all stops. There is also a noticeable difference between the length of RAS consent request stops and PC consent request stops. This is likely due to the time it may take to accumulate RAS whereas PC is either present or not. The average stop length for stops with a PC consent request was 50.35 minutes, while the average for RAS consents was 86.13 minutes. Interestingly, the average length of stops with a PC consent search in the current period is nearly identical to the previous reporting period where the average was 50.41 minutes.

An independent samples *t*-test was used to determine whether the difference in the length of stops with PC consent requests and length of stops with RAS consent requests is statistically significant. The *t*-test revealed that there is a statistically reliable difference between the mean length of stops with PC consent requests (M=50.35, s=28.74) and those with RAS consent requests (M=86.13, s=27.24), $t(126)=-6.06$, $p=.000$, $\alpha=.05$ (two-tailed). This means that there is a statistically significant difference between RAS and PC consent requests. Because of the high value of the *t* statistic and significance

level (*p)*, it can also be surmised that a one-tailed *t*-test would be significant,[16] indicating that the length of stops with RAS consent requests are not only different than PC consent requests, but they are also significantly longer than PC consent request stops, α=.005.

There is also a difference in the length of stops where consent was granted compared to those where consent was denied. Stops with consent searches that were granted have an average stop length of 81.48 minutes while those with consent searches that were denied have an average stop length of 72.02 minutes. An independent samples *t*-test was used to determine whether this difference was indeed statistically significant. The results indicate that there is not a significant difference between the length of stops where a consent request was granted (M=81.48, s=29.53) and where a consent request was denied (M=72.02, s=33.80), $t(126)=1.629$, $p=.106$, α=.05 (two-tailed). The test results mean that we cannot state that the length of stops with granted consent to search requests is significantly different or longer than the length of stops with denied consent to search requests.

The average length of a motor vehicle stop with a canine deployment is 91.62 minutes, considerably longer than the average length for all other stops. An independent samples *t*-test revealed a significant difference in stop length for those with a canine deployment (M=91.62.43, s=29.14) and without a canine deployment (M=42.48, s=30.28), $t(313)=9.93$, $p=.000$, α=.05 (two-tailed). Due to the high *p*-value, a one-tailed test would also be significant indicating that stops with canine deployments are significantly longer than those without canine deployments, α=.005.

Naturally, as motor vehicle stops involve more enforcement activities, the length of the stop increases. Thus, it is expected that a stop with a consent request and a canine deployment would be longer than a stop with only a consent request. Motor vehicle stops with consent requests and canine deployments have an average stop length of 92.19. Breaking this down by granted and denied consent requests indicates that stops with a granted consent search and a canine deployment had an average length of 93.33 minutes while those stops with a denied request and a canine deployment had an average length of only 90.58 minutes. Results of an independent samples *t*-test did not find a statistically significant difference between stops with a canine deployment and a granted consent request (M=93.33, s=30.72) and those with a canine deployment and denied consent request (M=90.58, s=23.71), $t(39)=.309$, $p=.759$, α=.05 (two-tailed). The difference in the average length of stops with a canine deployment and a granted consent request and a canine deployment and a denied consent request is not statistically significant.

Racial/Ethnic Differences in Stop Length

Racial and ethnic differences in the length of motor vehicle stops are also explored. The first column in Table Thirteen presents the average length of all motor vehicle stops reviewed in this reporting period based on race and ethnicity. White drivers have an average stop length of 46.48 minutes, while Black drivers have an average of 54.47 minutes, and Hispanic drivers have an average of 46.13 minutes. Other drivers have an average stop length of 16.00 minutes and Asian drivers have an average of 21.00 minutes.

[16] Because SPSS only calculates two-tailed significance for an Independent Samples *t*-test, one-tailed significance is determined by dividing the *p*-value in half. In this case, .000 divided by 2 is still .000 and is still significant.

Table Thirteen: Average Length (minutes) of Motor Vehicle Stops by Race/Ethnicity

6th OLEPS Reporting Period

Part A

	All Stops	Consents	RAS Consents	PC Consents
White	46.48	77.10	80.31	59.67
Black	54.47	79.58	90.87	49.47
Hispanic	46.13	78.27	94.82	32.75
Asian	21.00	---	---	---
Other	16.00	---	---	---

5th OLEPS Reporting Period

Part B

	All Stops	Consents	RAS Consents	PC Consents
White	58.63	60.78	84.96	44.15
Black	69.94	72.65	96.45	57.13
Hispanic	72.41	78.82	106.77	52.21
Asian	73.00	82.64	144.25	47.43
Other	32.00	32.00	---	32.00

All Stops

Significant differences between the average length of stop for all stops were found only between White (M=46.48, s=32.59) and Black drivers (M=54.47, s=36.01), $t(272)=-1.93$, $p=.05$, $\alpha=.05$ (two-tailed). The negative *t* statistic indicates that a one-tailed test would conclude that the length of stops for White drivers is significantly less than the length of stops for Black drivers. The *t*-tests used to test for significant differences in stop length for all other racial and ethnic groups did not yield significant results due to small sample sizes. Thus, the only conclusion to be drawn is that White drivers, on average, have shorter stops than Black drivers.

The average stop length for all stops in each racial/ethnic group is shorter in this reporting period compared to the previous reporting period (Part B of Table Thirteen). This difference likely results from sample composition; the previous reporting period was largely comprised of stops with consent to search requests, while the current reporting period contained more stops with arrests.

Consent Requests

In the current reporting period, for all racial/ethnic groups, the average length of motor vehicle stops with a consent to search request[17] increased for White and Black drivers and remained unchanged for Hispanic drivers. The average length of motor vehicle stops with consent to search requests increased for White drivers from 60.78 minutes to 77.10 minutes, for Black drivers from 72.65 minutes to 79.58 minutes, and decreased slightly for Hispanic drivers from 78.82 minutes to 78.27 minutes.

An independent samples *t*-test revealed no significant differences between the length of consent request stops for any combination of racial/ethnic groups for the current reporting period. The average length of a stop with a consent request for White, Black, or Hispanic drivers is not significantly different from each other.

[17] This assessment includes both denied and granted consent to search requests.

Compared to the average length of stops with consent to search requests in the previous reporting period, the average length of stops with consent to search requests increased substantially. Thus, on average, consent to search request stops are longer than the average for all stops in the current and previous reporting periods. Again, this is likely due to the current sample involving a higher number of granted than denied consent to search requests.

RAS Consent Requests

As seen in Table Thirteen, the average length of all stops with RAS consent requests is higher than the average for stops with any consent requests. The same results are found when examined by race and ethnicity. Unlike the previous reporting period, Hispanic drivers had the longest average stop length for RAS consent requests with 94.82 minutes, followed by Black drivers with 90.87 minutes, and White drivers with an average of 80.31 minutes.

An independent samples *t*-test did not find a statistically significant difference between the length of stops with RAS consent requests for White, Black, or Hispanic drivers. Thus, while the average for White drivers is 14 minutes shorter than the average for Hispanic drivers, the difference is not statistically significant.

While the overall length of stops with consent requests was longer for White and Black drivers, and just about the same for Hispanic drivers, the length of stops with RAS requests are shorter in the current period. The average length for White drivers decreased from 84.96 minutes to 80.31 minutes. The average length for Black drivers decreased from 96.45 minutes to 90.87 minutes. Hispanic drivers also decreased, from 106.77 minutes to 94.82 minutes.

As noted in the previous report, there were instances of extremely lengthy stops with RAS consent requests that inflated the average length for Hispanic and Asian drivers. No such instances were noted here. In actuality, there were only 11 stops with RAS consent requests where the driver was Hispanic. Four of these stops were between 60 and 80 minutes, two were between 80 and 100 minutes, four were between 100 and 120 minutes, and one stop was between 140 and 160 minutes. Thus, there was still an outlier in terms of length of stop, but this stop was not as far from the norm as in previous reporting periods. The outlier stop was 158 minutes in length and involved an RAS consent, an arrest, and a canine who was eventually deployed to the station. The stop was actually made in conjunction with the Pennsylvania State Police, which may account for the length of the stop.

PC Consent Requests

Stops with PC consent requests are lengthier for White drivers and shorter for Black and Hispanic drivers in the current period compared to the previous reporting period. The average length of stops with PC consent requests for White drivers is 59.67 minutes here and was 44.15 minutes in the previous period. Black drivers, on the other hand experienced a decrease in the average length of stops with PC consent requests, from 57.13 minutes in the previous period to 49.47 minutes in the current period. Similarly, Hispanic drivers also experienced a decrease from 52.21 minutes in the previous period to 32.75 minutes in the current period.

A word of caution is needed regarding the length of stops with PC consent to search requests. In the current reporting period, there are only 28 stops with a PC consent request. There were 15 stops with a PC consent request where the driver was Black, nine where the driver was White, and four where

the driver was Hispanic. Thus, the average stop lengths for PC consent requests are easily susceptible to the pull of outliers. Because the current reporting period did not include stops selected because they contained a PC consent request, the averages here may be the result of sample selection rather than an indicator of the average length of such stops.

An independent samples *t*-test did not find a statistically significant difference between the average length of stops with PC consent requests for White, Black, or Hispanic drivers. While the average length for White drivers is 27 minutes longer than the average for Hispanic drivers, the test did not reveal this difference to be significant, likely because of the small number of stops with PC consent requests for each group.

Summary of Standard 8

OLEPS' review of the length of motor vehicle stops revealed a dramatic decrease in the length of all stops and most categories of stops for the majority of racial/ethnic groups. However, this change is likely due to sample selection since the previous reporting period contained a large sample of stops with PC consent to search requests while the current reporting period focused only on stops with arrests. While previous reporting periods had noted anomalies for certain racial/ethnic groups, no such anomalies were noted in the current reporting period.

Supervisory Review

Performance Standard 9: Supervisory Review of Motor Vehicle Stops

Standards

According to State Police policies and procedures, motor vehicle stops must be reviewed by State Police supervisory personnel. Specifically, all critical incidents were required to be reviewed in this reporting period. These reviews are detailed and require the supervisor to assess adherence to policies and procedures, and to assess whether legal standards (RAS or PC) are met.

This standard refers to errors made in connection with any aspect of any motor vehicle stop (from appropriate levels of RAS or PC to reporting and recording requirements). Because this standard assesses supervisory review, a violation of policy made by a trooper is an error when it is found by OLEPS and not noted by a previous State Police supervisory review. This standard refers to ALL errors not caught by supervisory review.

Assessment

In the current reporting period, OLEPS no longer assesses the number of errors not caught by supervisory review in comparison to a specific percentage. This discussion instead will focus on the volume of errors and any patterns observed.

The State Police have specific guidelines that detail the requirements, trooper responsibilities, and appropriate actions required in motor vehicle stops. To ensure adherence to these procedures, supervisory personnel in the State Police review motor vehicle stops to determine whether all requirements were followed and that there were no violations of individual rights or deviations from policy. In addition, OLEPS reviews these motor vehicle stops and notes instances in which supervisors did or did not identify violations of State Police policies and procedures.

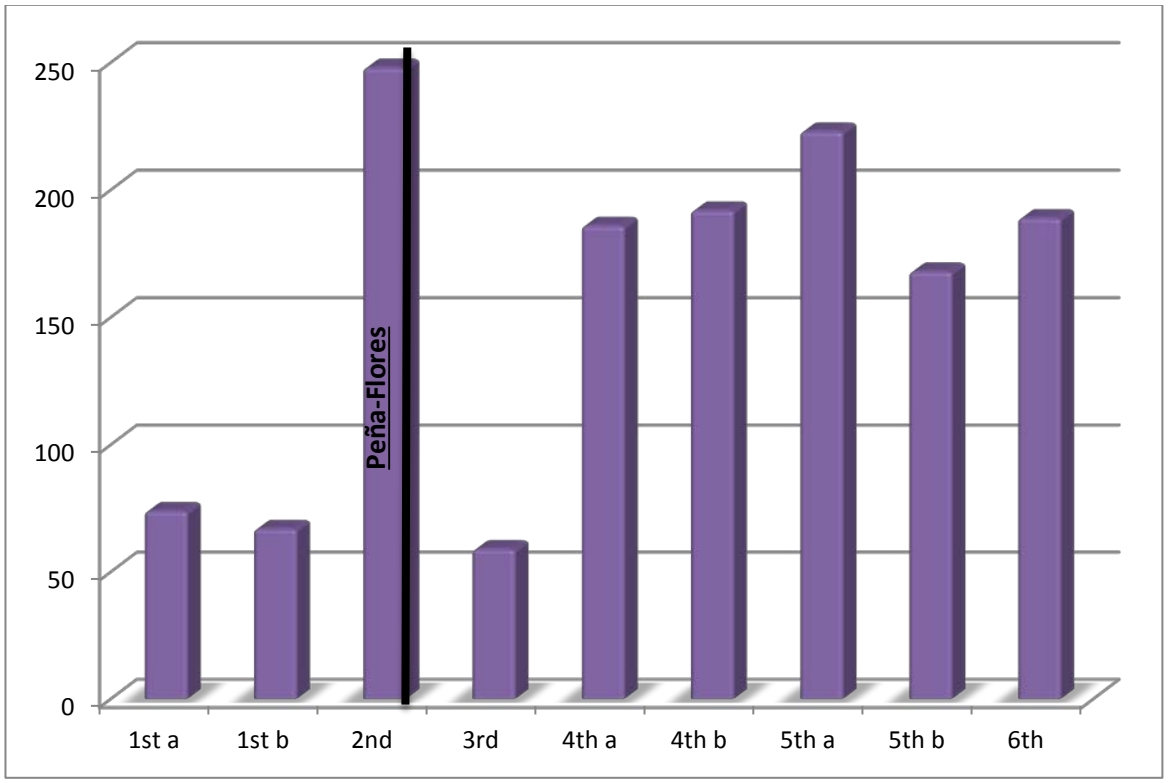
All Errors

In the current reporting period, 189 stops contained errors, slightly more than the number of stops with errors found in the second half of 2011, but fewer than the first half of 2011. Figure Nine depicts trends in the total number of errors since the 1st reporting period. The figure indicates that since the fourth reporting period, the number of stops with errors has been fairly consistent.

Of the 189 stops with errors, 113 contained errors caught by the State Police and 108 contained errors not caught by supervisory review.[18] That is, 34.28% of all motor vehicle stops contained an error not caught by supervisory review. This percentage is similar to that of the previous reporting period where 35.63% of stops contained errors not caught by the State Police. As noted in previous reports, beginning in July 2011, the State Police began a pilot program relating to motor vehicle stop reviews. This program retained the required reviews of critical stops, but non-critical stops would undergo a selection process rather than all stops being reviewed. Additionally, the current reporting period contains a sample of stops that would not typically be subject to the review process- motor vehicle stops with arrests. There were 62 stops with uncaught errors that had not undergone review by the State Police. Thus, only 46 stops contained errors not caught by the State Police despite supervisory reviews.

Figure Nine: Total Errors, by Reporting Period[19]

1st through 6th OLEPS Reporting Periods



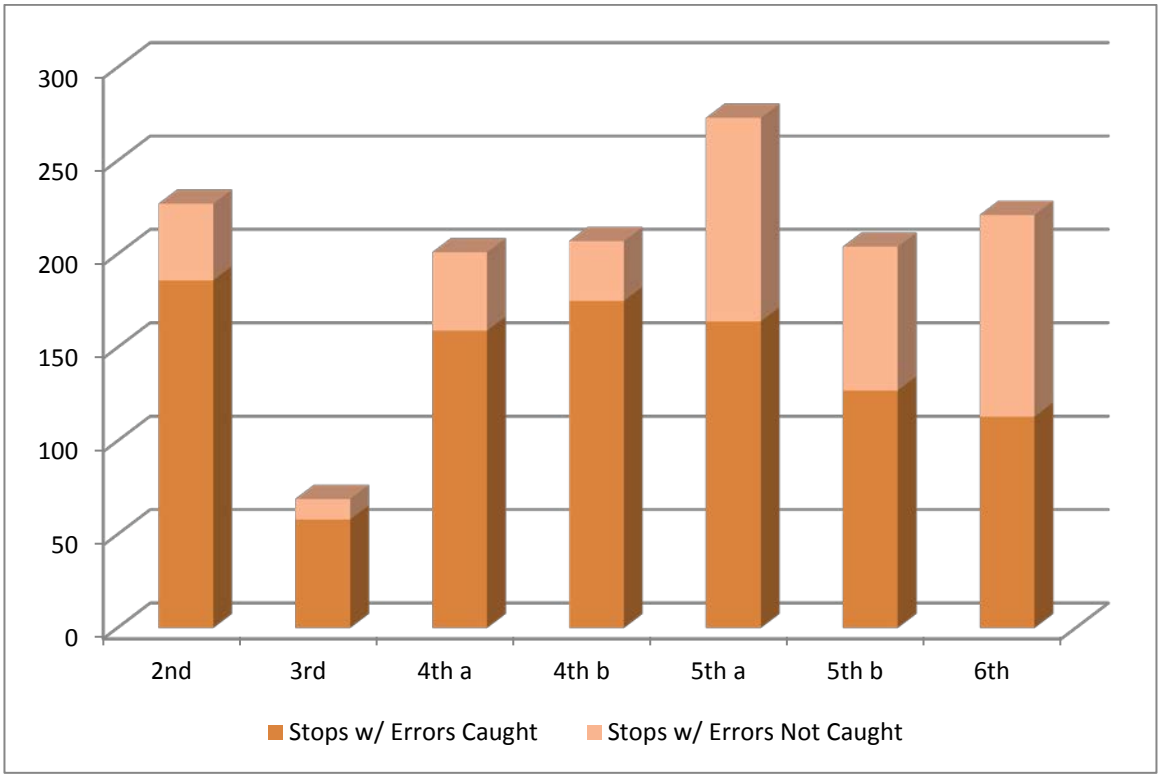
OLEPS has noted that for several reporting periods, the State Police do catch the majority of errors made in stops. Figure Ten presents the number of stops where errors were caught and the number of stops where errors were not caught. In a single stop, some errors may be caught while other errors are not caught; each stop can appear as either a stop with errors caught, a stop with errors not caught, or both. Thus, the total number of stops presented for each reporting period, is generally

[18] Sixty-One of these stops did not receive a supervisory review by the State Police. State Police reviews focus primarily on critical stops and stops with PC consent requests. This reporting period included a sample of stops with arrests, which are not required to undergo supervisory review unless they contain one of the aforementioned activities. Thus, the number of stops that did not receive a supervisory review is higher.

[19] The high number of errors noted in the 2nd reporting period are generally procedural in nature and stem from changes pursuant to Peña-Flores.

more than the total number of stops with any error. As shown in Figure Ten, the number of stops where errors are caught is generally much higher than the number of stops where errors are not caught. However, in the current reporting period, these numbers are nearly identical. The State Police caught a slightly higher number of stops with errors and failed to catch a fewer number of stops in the current reporting period compared to the previous.

Figure Ten: Stops with Errors Caught v. Stops with Errors not Caught
2nd through 6th OLEPS Reporting Periods

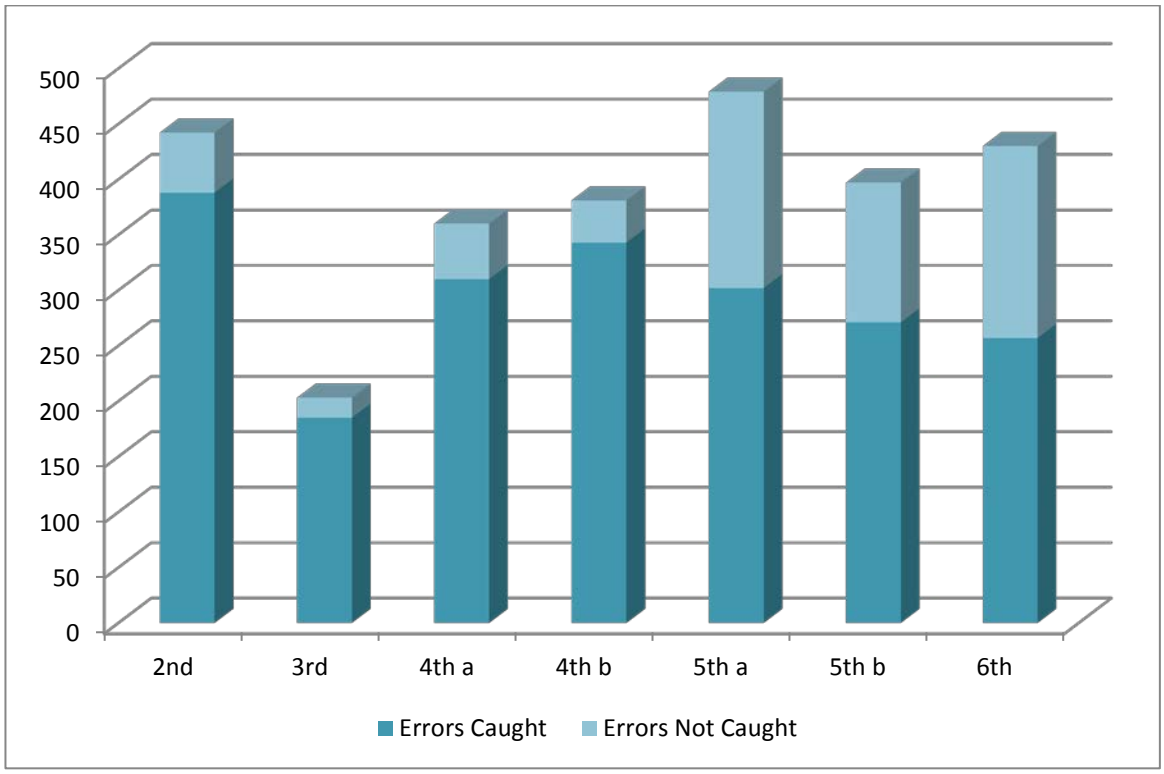


Because each stop may include both errors caught and errors not caught, Figure Eleven presents the total number of errors that were caught and the total number of errors that were not caught. In the current reporting period, while there were only 189 motor vehicle stops with errors, there were 430 errors in those 189 stops. The total number of errors has historically been much higher than the total number of stops with an error. As can be seen in Figure Eleven, the State Police generally catch more errors than OLEPS. However, the proportion of errors not caught has increased in current and previous reporting periods. In the current reporting period, OLEPS noted 173 errors while the State Police noted 257 errors. In the first half of 2011, where OLEPS reviewed 294 stops, the State Police noted fewer errors, 239, and OLEPS noted slightly more, 177 errors.

Figures Nine through Eleven highlight the troubling trend of increasing numbers of errors made during motor vehicle stops. Previous reporting periods (i.e., third and first) noted much smaller numbers of errors. These issues are likely due to the selection of stops reviewed by OLEPS and changes to the State Police's review schedule. As noted in the previous reporting period, the State Police has altered their motor vehicle stop review schedule; OLEPS now reviews more stops that the State Police have not reviewed. OLEPS recommends that the State Police increase their level of detail during motor

vehicle stop reviews and hopes that future reporting periods will have much higher numbers of errors caught by the State Police than by OLEPS.

Figure Eleven: Errors Caught v. Errors not Caught
2nd through 6th OLEPS Reporting Periods



As noted earlier, in 2011, the State Police adopted a modified review schedule, reviewing all critical stops and a selection of non-critical stops. Because of this review schedule, there is an increased likelihood that OLEPS will review a stop that the State Police has not had the opportunity to review. As such, OLEPS compared the errors in all stops to only those that did undergo supervisory review in Figure Twelve.

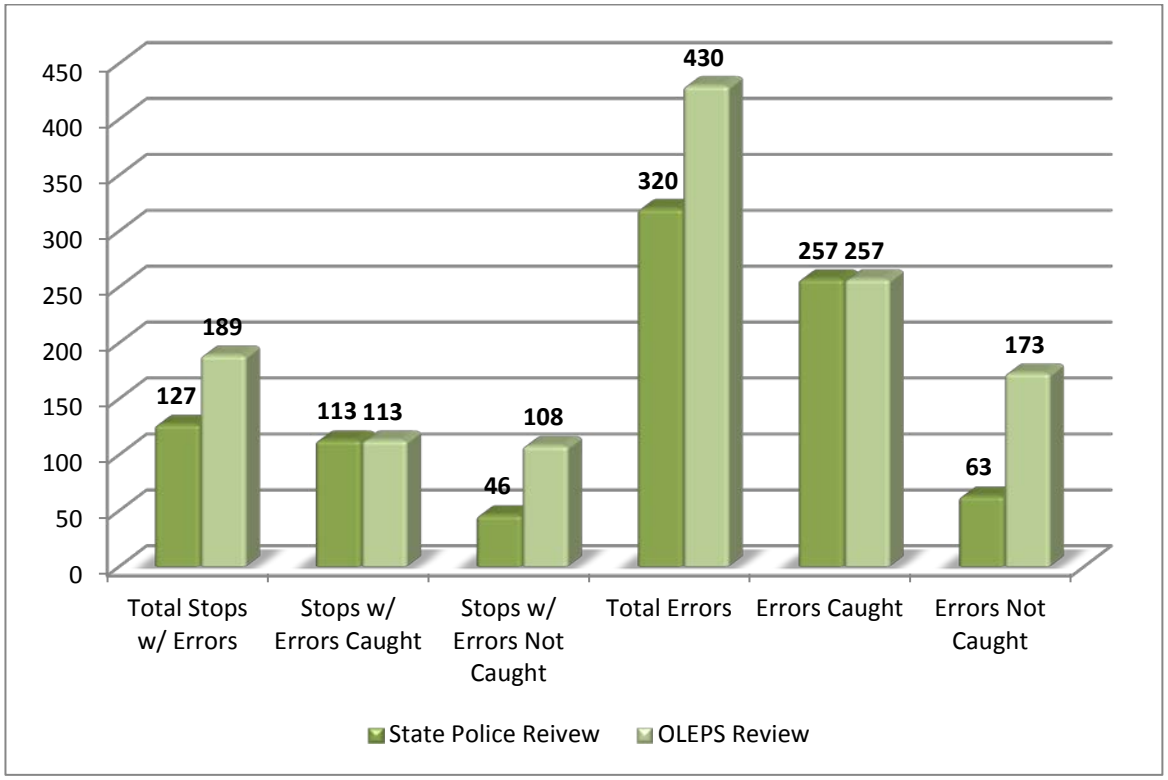
In the current reporting period, only 155 of the total 315 stops received a review by the State Police. The first two bars present the total number of stops with errors in the current reporting period. For the stops that the State Police reviewed, there were 127 stops with errors compared to 189 stops with errors among OLEPS' reviews. Since an error can only be caught if it receives a State Police review, the number of stops with errors caught is the same for both State Police and OLEPS reviews. However, the number of stops with errors not caught does differ. In those stops State Police reviewed, OLEPS noted 46 stops with an error that was not caught by State Police. Overall, OLEPS caught errors in 108 stops, those with and without a State Police review. The fact that OLEPS was able to note 46 stops with an error not caught out of the stops that the State Police did review, is troubling.

Additionally, among the stops with State Police reviews, there were only 320 errors made, while there were 430 made in the stops OLEPS reviewed. In total, OLEPS noted 63 errors that the State Police

failed to note in the stops that they reviewed. OLEPS noted a total of 173 errors among all stops reviewed.

That the State Police failed to note 63 errors in 46 motor vehicle stops that they did review, is a concern. The State Police only reviewed 155 stops in the current sample. The 46 stops with uncaught errors represent about 30% of the total number of stops that it reviewed. OLEPS approval of the State Police's revised review schedule was contingent upon the State Police conducting thorough, detailed reviews of the stops that were reviewed. OLEPS recommends that the State Police conduct its reviews with as much detail as possible, especially in light of the reduced review workload.

Figure Twelve: Errors Caught v. Errors not Caught
6th OLEPS Reporting Periods

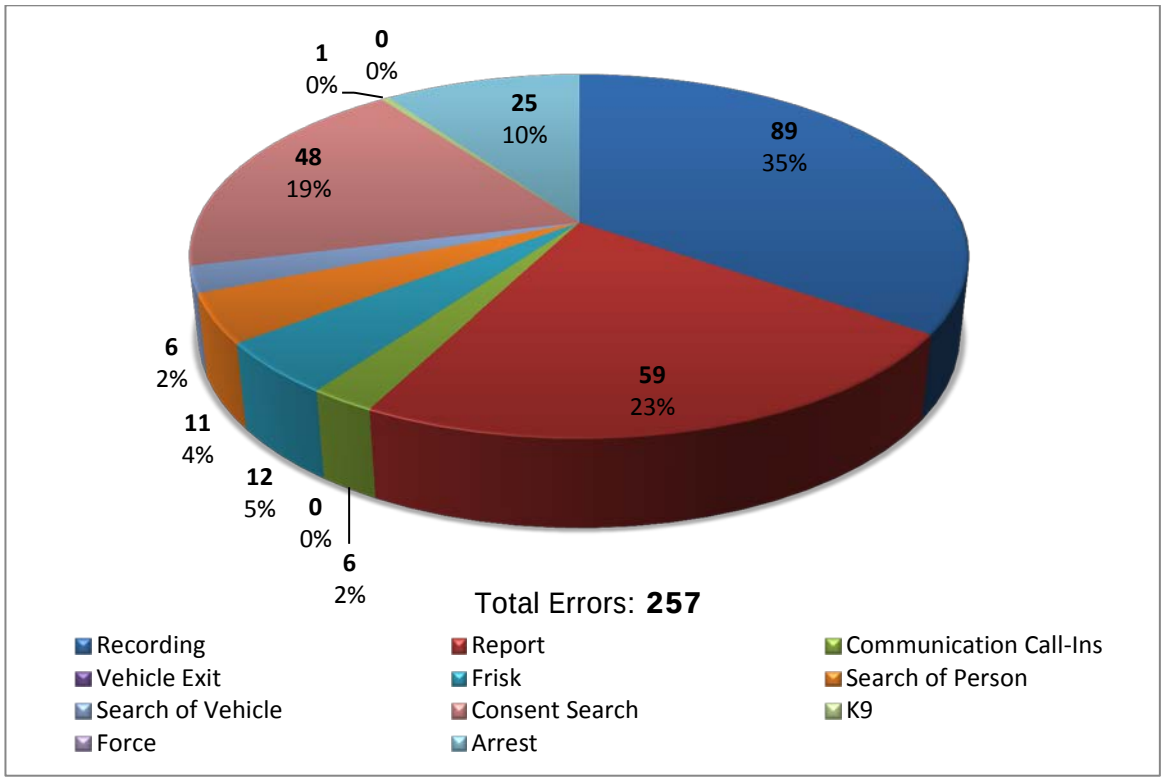


Types of Errors

Errors can further be classified based upon the type of error. Certain errors refer to actions that are procedural in nature, that is, they are governed only by State Police procedures. Other errors refer to actions that are constitutional in nature, in that they touch upon an individual's constitutional right. OLEPS has classified errors into several categories based on the nature of the error. Recording errors are those referring to whether recording was activated at the beginning of the motor vehicle stop and whether the audio and video continued to the completion of the stop. Reporting errors are errors made in filing of the motor vehicle stop report or the investigation report. Communication Call-In errors are failures of a trooper to call-in the appropriate information to the communication center. These call-ins are detailed in Performance Standard Five. Vehicle exit errors are those made when an individual is asked to exit a vehicle. Frisk errors are those made during the course of a frisk. Search of

a person and search of a vehicle are errors made when searching a person or vehicle, respectively, without their consent. Consent search errors are those made in connection with the rules governing consent to search requests, including all reporting and recording requirements. Canine deployment errors are made when a canine is deployed. Use of force errors are made during a use of force. Arrest errors are those made during the course of an arrest. For all of the aforementioned categories, the errors may stem from violations of individual's rights or violations of State Police policy. Figure Thirteen presents this categorization for all errors caught in the current reporting period.

Figure Thirteen: Type of Errors Caught
6th OLEPS Reporting Period

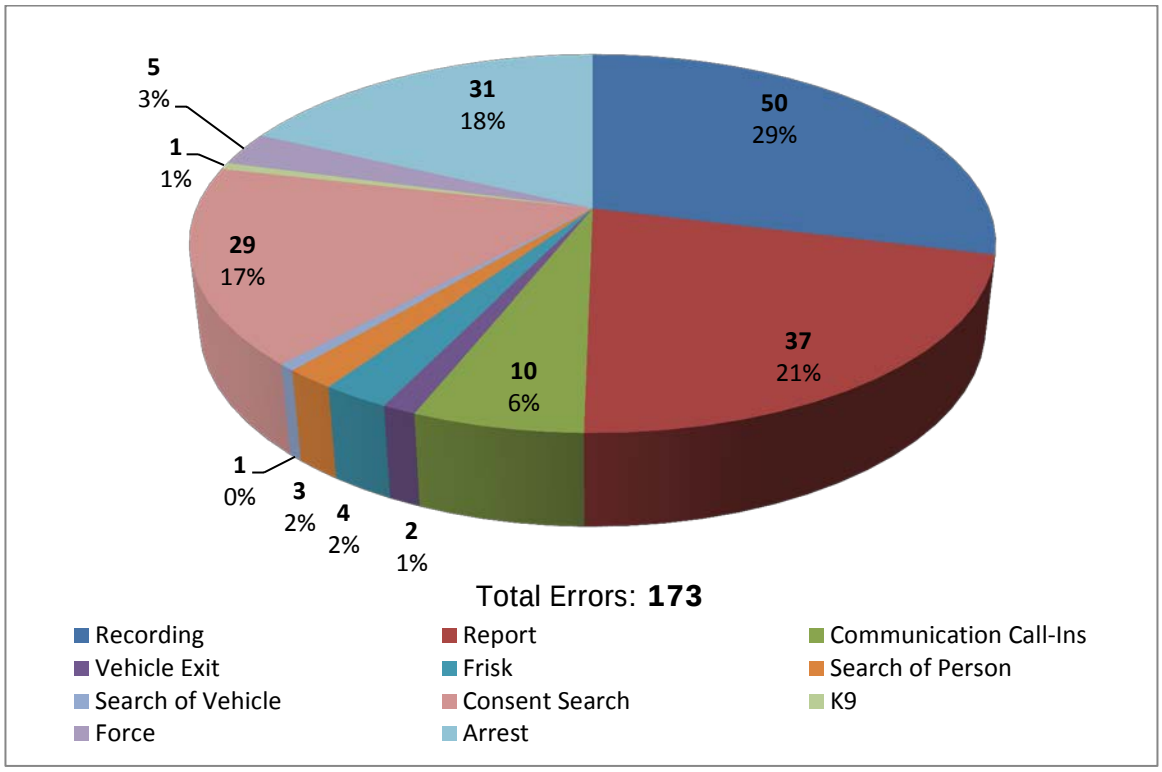


The most common errors caught by the State Police for this reporting period are recording errors. State Police supervisory review noted 89 errors pertaining to the recording of motor vehicle stops. The other most common type of error caught were those pertaining to reporting. State Police supervisory review noted 59 errors in reports. In total, these two categories of errors account for just over half of the errors caught. Of the 257 errors caught by the State Police, 148 were errors caught pertaining to reporting and recording of motor vehicle stops. Compared to the previous reporting period, the State Police caught a higher proportion of errors related to consent searches, 19% here compared to 14% in the previous reporting period. While there were a higher number of errors caught pertaining to consent searches in the previous period, 79, than the current, 48, their proportion of all errors caught increased. In contrast, the proportion of communication errors caught decreased from 85 errors, 15%, to 6 errors, 2%, in the current period. The reduction in these errors does not necessarily mean that the State Police failed to catch these errors, it may mean that the State Police just made fewer errors of this kind.

In the previous reporting period, the number of errors not caught in a particular category were generally low if the number of errors caught in that category were high. However, because of the large number of stops that were not reviewed by the State Police, that is not necessarily the case in the current reporting period, as shown in Figure Fourteen. In total, 50% of all errors not caught pertained to recording and reporting. There were 37 uncaught errors of reporting and 5 uncaught errors pertaining to recording. Additionally, there were 29 (17%) errors related to consent searches. Also, there were five errors pertaining to the use of force. Three of these errors were the result of unnecessary force against individuals and two of the errors pertained to a lack of a use of force report following a force incident.

Notably, there were 31 errors (18%) not caught that were related to arrests. Of these errors, 27 pertained to the issuance of Miranda, as will be discussed later in this report.

Figure Fourteen: Type of Errors Not Caught
6th OLEPS Reporting Period

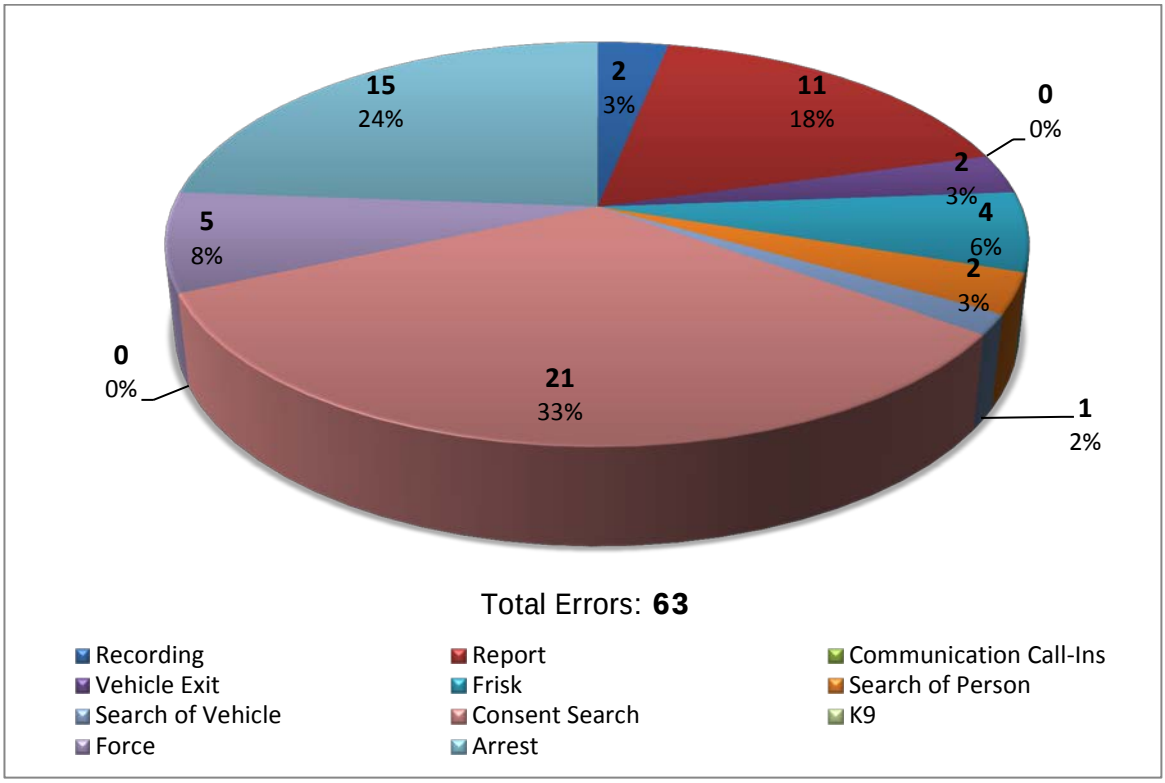


As noted throughout this performance standard, there were a large number of stops examined during this reporting period that did not receive a State Police supervisory review. As such, it is appropriate to discuss the errors that the State Police did not catch only in those stops that they did review. Figure Fifteen presents these uncaught errors. In the stops that the State Police did review, there were only 63 errors not caught. As in the previous reporting period, generally, when the State Police caught a large number of errors in a category, they did not have a high number of errors in those categories that they did not catch. Among the errors caught by the State Police, over half were either recording or reporting errors. These categories make up only about 20% of the errors not caught in stops that

were reviewed. There were only 11 (18%) reporting errors not caught and 2 (3%) recording errors not caught. While the State Police did catch a number of errors pertaining to consent to search requests, 48 errors (20%), they failed to note 21 (33%) errors pertaining to consent requests. These 21 uncaught consent request errors occurred in stops that the State Police did in fact review. There were only 29 uncaught consent request errors in all stops, meaning that the State Police had the opportunity to catch most of these errors. Similarly, all five errors pertaining to uses of force occurred in stops that were reviewed by the State Police. Again, the State Police did have the opportunity to catch these errors but failed to do so. In contrast, only 15 of the 31 total uncaught arrest errors occurred in stops that the State Police reviewed.

Figure Fifteen: Type of Errors Not Caught in Stops with State Police Reviews

6th OLEPS Reporting Period



As OLEPS continues to review events from 2012, close attention will be paid to uncaught errors. OLEPS' approval of a revised review schedule, which allowed the State Police to review a smaller number of stops, was contingent upon continued detail in these reviews. However, as depicted here, the State Police are failing to note a number of errors in the stops that they are reviewing. This is especially concerning as OLEPS has commented on these patterns of errors for several reporting periods.

Level of Review

The number of supervisory reviews conducted at the supervisor, station management, and troop level have been assessed in previous reporting periods. However, the level of review is not assessed in this report. The State Police and OLEPS did not agree on what the appropriate level of review should be. According to State Police policy, reviews of critical incidents should be conducted by troop level administrative officers, rather than a trooper's immediate supervisor. OLEPS has recommended that supervisory reviews be conducted by an immediate supervisor or station management to facilitate the flow of information regarding the quality of the stop back to the trooper. In an effort to compromise, OLEPS no longer objects to the State Police conducting reviews at the troop level, but strongly recommends that interventions be issued for all errors noted by the State Police to ensure that the individual trooper is informed of his or her error.

Interventions

Interventions are a tool used by the State Police directed toward improving a member's performance. Interventions are recorded in MAPPS and generally, memorialize a supervisor's review of a trooper's activities. Interventions may be positive or negative; they may commend a trooper for a job well done or note a deficiency in a trooper's behavior. Interventions are vital to a trooper's improvement as they are likely the only searchable and accessible record of a supervisor's comments. For example, an intervention may be utilized to note that a trooper routinely failed to activate video recordings on motor vehicle stops. An intervention allows the trooper to see the supervisor's feedback and allows future supervisors to review the feedback. Without an intervention, a future supervisor might be unaware of any areas where a trooper might need improvement, and thus, be unaware that the next level of remedialization might be more effective after repeated instances of failure to activate a video recording.

OLEPS examined the extent to which supervisors note that they informed the trooper of errors by reviewing MAPPS for evidence of interventions. According to State Police policy, interventions are required when a supervisor notes that a trooper has made an error during a motor vehicle stop. The current reporting period is the first where OLEPS recorded the number of interventions issued. While the State Police did catch 257 errors, there were only 89 interventions issued. Thus, only about 34.63% of all errors caught by State Police resulted in an intervention. Table Fourteen depicts the number and proportion of stops with interventions by category of error.

Notably, all errors caught pertaining to frisks and canine deployments resulted in interventions for the State Police. The majority of errors made during search of a person or during an arrest also resulted in interventions. About 81% of all errors made during search of a person resulted in an intervention, while 60% of errors made in connection with an arrest resulted in an intervention. Interventions were less frequent for recording, reporting, or consent request errors. Only 21.35% of all recording errors, 25.42% of all reporting errors, and 31.25% of all consent request errors resulted in interventions.

Table Fourteen: Proportion and Type of Caught Errors Resulting in an Intervention
6th OLEPS Reporting Period

	Number of Interventions	Number of Errors Caught	% of Errors Caught
Recording	19	89	21.35%
Reporting	15	59	25.42%
Communication Call-Ins	0	6	0.00%
Vehicle Exits	0	0	
Frisks	12	12	100.00%
Search of Person	9	11	81.82%
Search of Vehicle	3	6	50.00%
Consent Requests	15	48	31.25%
K9	1	1	100.00%
Use of Force	0	0	
Arrest	15	25	60.00%
Total	89	257	34.63%

While this is only the second reporting period to discuss interventions, it does appear that the State Police have already begun to utilize interventions more frequently. However, the use of an intervention when an error is made is still somewhat uncommon, especially for errors that the State Police has deemed more procedural (i.e., reporting and recording). Since that meeting, the State Police has issued memos reiterating the protocol when an error has been made. OLEPS anticipates that the number of stops with interventions will increase in future reporting periods as the State Police fully adopt this policy.

Noted Issue: Miranda

Supervisory review is intended to ensure that troopers are following all protocols, procedures, and rules governing motor vehicle stops. For several reporting periods, OLEPS has informed the State Police of concerns stemming from Miranda violations, especially in the wake of Peña-Flores. In the current reporting period, there were, again, a high number of Miranda violations.

There were 33 motor vehicle stops where a driver was not appropriately notified of his or her rights as determined by Miranda. Only 14 of these Miranda violations were noted by the State Police and eight resulted in an intervention. State Police reviewed 22 of the stops where a driver was not properly given Miranda. Thus, the State Police failed to note eight Miranda violations in their review.

Additionally, there were 13 stops where passenger 1 was arrested and not properly notified of Miranda. The State Police noted seven of these errors and issued three interventions. The State Police reviewed the majority of these stops (nine) and so only failed to note two Miranda violations against passenger 1.

Finally, there were only three stops where a trooper did not properly issue Miranda during the arrest of passenger 2. However, two of these errors were noted in supervisory review, and both resulted in an intervention. The Miranda error not caught for passenger 2 occurred during a stop not reviewed by the State Police.

This reporting period included a sample of stops where an arrest was made. These stops did not necessarily include any other post-stop activity, and are thus unlikely to be reviewed by the State Police. OLEPS recognizes that a number of these errors were made in stops without supervisory reviews, but strongly suggests that the State Police examine the issue of Miranda violations. Not only are these violations occurring in stops without supervisory review, they are occurring in stops **with** supervisory review and not being noted or leading to interventions.

Summary of Standard 9

The current reporting period was the first to contain a large number of stops that did not receive a supervisory review by the State Police. As such, the overall number of errors caught by OLEPS that were overlooked by the State Police is high. However, the real issue is that the State Police did not note a high number of errors in the stops that they did review, especially pertaining to arrests (Miranda), consent to search requests, and uses of force. The State Police need to employ more detailed reviews and properly note all errors made by troopers during stops.

As stated in previous reports, a trooper can only correct problematic behavior if s/he knows there is a problem. Interventions are a vital tool for self-analysis, allowing both troopers and supervisors to record areas of both excellence and improvement. OLEPS continues to recommend that the State Police more appropriately and effectively utilize the intervention tool.

Performance Standard 10: Supervisory Referral to OPS

Standards

If it is determined that the conduct recorded during a motor vehicle stop reasonably indicates misconduct (e.g., an intentional failure to follow any of the documentation requirements of State Police policies, procedures or operating procedures, an intentional constitutional violation, an unreasonable use of force or a threat of force), a Reportable Incident Form is required to be filled out.

This standard will be assessed through OLEPS' review of stops and audit of OPS.

Assessment

OLEPS has reviewed records of referrals to OPS based on actions or omissions by road personnel. Such referrals are generally rare. During the current reporting period, OLEPS referred three instances to OPS for review.

Performance Standard 11: Supervisory Presence in the Field

Standard

This standard remains unchanged from the Consent Decree:

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

In light of motor vehicle stop review requirements that take up much of a supervisor's available road time, a specific numeric requirement of supervisory presence will not be given at this time. Since the State Police is exploring potential changes to their MVS Review plan, an official requirement will not be specified until that new system is in place. In the interim, the State Police should, at minimum, maintain, but ideally improve, their rate of supervisory presence in the field.

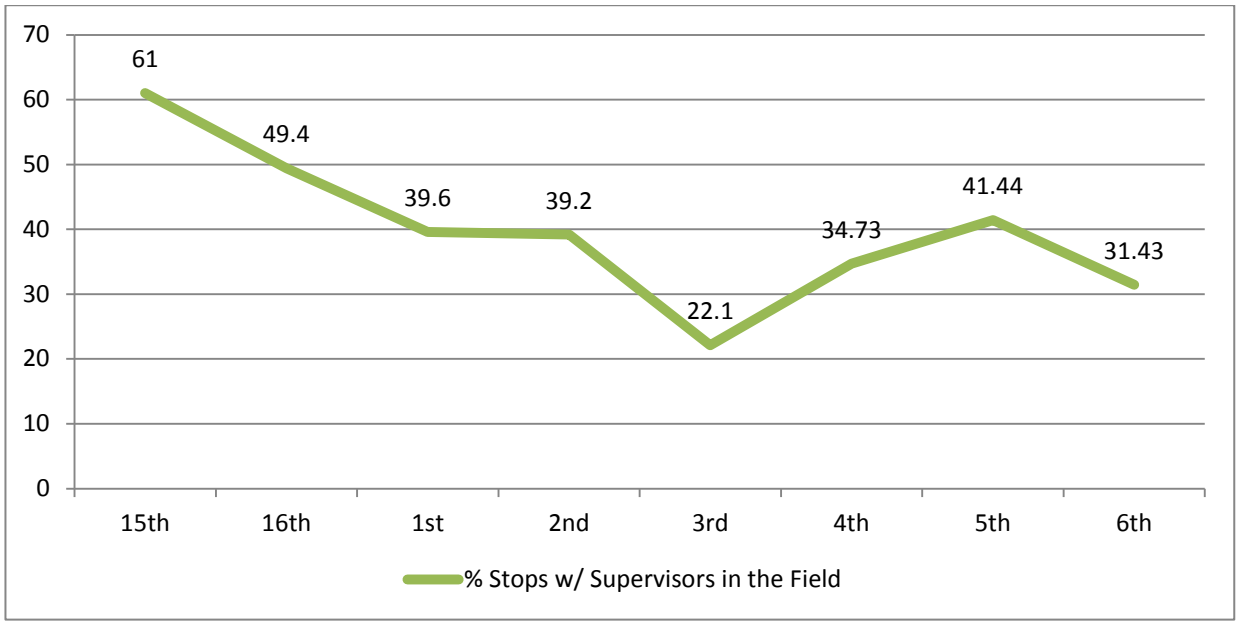
Overview

OLEPS has noted a trend of low supervisory presence for several reporting periods that began to increase in the previous reporting period. Figure Sixteen presents this trend. In the current reporting period, supervisors were present in 99, 31.43%, of all stops. In the previous reporting period, a supervisor was present in about 41% of all stops. Since the 15th reporting period (under the independent monitors), the percent of stops where a supervisor was present has declined, reaching a low of 22.1% in the third reporting period. Since then, the percent has increased slightly, but declined again in the current period.

Supervisors were present in 46.85% of all stops with consent requests, 51.16% of all stops with official canine deployments, and 43.47% of stops with uses of force. Compared to the previous reporting period, there were more supervisors present in stops with consent requests or uses of force in this period and fewer supervisors present in stops with canine deployments.

OLEPS anticipates increases in supervisory presence in the field in the coming reporting periods, especially since the State Police has implemented a revised review schedule for motor vehicle stops in 2011, which should allow supervisors more time to perform supervisory duties other than motor vehicle stop reviews.

Figure Sixteen: Trend of Supervisory Field Presence
6th OLEPS Reporting Period



Office of Professional Standards & Investigations

OLEPS monitors the Office of Professional Standards (OPS) based on the timeliness of investigations, the appropriateness of investigations, and an audit of the citizen complaint process.

Methodology

Currently, OLEPS monitors the activities of OPS in two ways. First, OLEPS conducts a legal review of substantiated disciplinary investigations. The purpose of each legal review is to determine whether there is sufficient evidence to move forward with disciplinary action; that is, whether the findings are supported by a preponderance of the evidence. This is accomplished by examining the investigative activities undertaken by OPS and assessing the quality and admissibility of the evidence. OLEPS also reviews the proposed penalty for each substantiated investigation. In conducting its review, OLEPS has full access to MAPPS and IA-PRO information concerning the trooper's prior disciplinary history. This information is evaluated in conjunction with the evidence developed in the investigation before disciplinary charges are filed and a penalty recommended. OLEPS also reviews the proposed penalty for each substantiated investigation, providing guidance and advice on the level of discipline imposed to guarantee that it is appropriate and fair. In doing so, OLEPS may consider: the member's history of discipline; discipline imposed on other members with the same or similar substantiated charges; and any other factors deemed relevant to the recommendation of discipline.

Second, OLEPS conducts audits of OPS investigations on a biannual basis. The audits determine if the evidence in the case supports the findings of either "substantiated," "insufficient evidence," "exonerated," or "unfounded." The audits involve a review of all complaints regarding racial profiling, disparate treatment, excessive force, illegal or improper searches, false arrests, and domestic violence. In addition to a review of these complaints, a sample of all other complaints received by the State Police is selected for review. For each complaint, a complete review of the written investigative file is conducted. In some instances, those reviews lead to a review of all available investigative evidence, such as audio and video tapes assembled by OPS.

Performance Standard 12: Appropriate & Timely Investigations

Standards

OPS is required to attempt to complete misconduct investigations within 120 working days. In instances where an investigator believes the case will extend beyond 120 working days, an extension is required to be filed with the IAIB Bureau Chief.

Additionally, discipline should be appropriate to the case and must be proportionate to the facts, circumstances, nature, scope of the misconduct case, past disciplinary history of the trooper, and comparable substantively similar charges.

OLEPS may re-open any cases for further investigation.

Assessment

In the current reporting period, OLEPS performed one audit of investigations conducted by OPS, covering January 1, 2012- June 30, 2012.

The first audit consisted of a review of 48 closed misconduct cases. Of this total, 31 consisted of complaints involving racial profiling, disparate treatment, excessive force, illegal or improper searches, and domestic violence. An additional 17 cases were randomly selected for review from all other misconduct investigations. Reviews of the written files for all 48 closed investigations were conducted. An additional review of audio and video evidence was conducted for four cases.

Investigation Length

During the OLEPS audit of OPS, OLEPS examined the length of misconduct investigations to determine if they were appropriate based on justifiable reasons. These reasons include:

- Pending criminal investigation/prosecution
- Concurrent investigation by another jurisdiction/plea
- Witness unavailability
- Evidence unavailability
- Investigator changes
- Changes to the investigation (addition or change to allegations/principals)
- Case complexity (i.e., number of principals, witnesses, allegations)
- Conflict of interest development
- Criminal conspiracy requiring isolation of principal
- Awaiting opinion from DAG/county prosecutor

In the current reporting period, there were several cases in the audit where OLEPS investigators were concerned about the length of the investigation. In total, there were 10 cases where OLEPS could not

determine an appropriate reason for length of the investigation. In these cases, OLEPS determined that OPS failed to appropriately document any good faith basis explaining why the investigation could not be completed within the proper time period. The effectiveness of discipline is contingent upon timeliness and as such, overly lengthy investigations may render punishment ineffective. OPS was notified of OLEPS' findings on these cases and provided a response. OPS acknowledged the delay in cases and pointed out potential causes for these delays. Specifically, OPS pointed to overall staffing shortages as the cause for delays. These shortages mean first, that investigators must handle multiple cases simultaneously and second, that certain cases will be given priority over others. OPS has since instituted a policy whereby investigators are required to provide monthly updates on cases to ensure that all activity or inactivity is documented.

Appropriate Interventions

In addition to evaluating the investigation length of all misconduct cases, OLEPS also reviews the proposed penalty for each substantiated investigation. During this review, OLEPS has full access to the involved trooper's disciplinary history. This is evaluated in conjunction with the evidence developed by the investigation before disciplinary charges are filed and a penalty recommended. Disciplinary matters cannot move forward unless OLEPS has performed a legal sufficiency and penalty review. In the first half of 2012, OLEPS performed roughly 43 legal sufficiency and penalty reviews.

Re-Open Cases

OLEPS has the authority to re-open cases for further investigation. In the current reporting period, OLEPS recommended that OPS re-open one case. OPS subsequently determined that re-opening the investigation was not warranted.

Staffing Levels

Under the Decree, the State Police was required to maintain sufficient staffing levels in OPS. While OPS was released from the requirements of this specific task prior to the dissolution of the Decree, OLEPS has noted several reporting periods where the staffing levels of OPS have been declining which may have contributed to the current case backlog. Because of this issue, OLEPS has again chosen to comment on staffing levels in OPS.

Central to the proper handling and administration of misconduct cases is the issue of appropriate staffing to investigate cases. OLEPS has noted that investigators handle a high number of cases at a time, necessarily prioritizing certain cases over others. Given the inherent uncertainty of investigations and the high caseload of each investigator, investigations may require additional time to complete. While there may be delays in cases, the majority are justifiable (i.e., witness unavailability, criminal adjudication, and document collection), but the addition of more personnel may help alleviate some of the case backlog. Additionally, OLEPS has noted many cases where delays result from investigator reassignment, often the result of troopers being transferred in a short time period. OLEPS recommends additional, long-term staff members be assigned to OPS, be they civilian or troopers. Misconduct cases cannot be handled in a timely manner without appropriate personnel to investigate each case thoroughly.

Performance Standard 13: Internal Audits of Citizen Complaint Processes

Standards

According to State Police policies and procedures, the following requirements govern the citizen complaint process:

- All calls must be recorded
- All complaints reviewed as to whether they constitute allegations of misconduct and whether the allegation is:
    - criminal
    - requires administrative investigation
    - non-disciplinary performance matter
    - administratively closed

Assessment

OLEPS is tasked with auditing the citizen complaint process. This is accomplished through an audit of the complaint hotline, checking for proper classification and reception of complaints. This audit covered the time period of January 1, 2012-June 30, 2012. In the audit, 102 complaint calls were made to the hotline, and OLEPS reviewed roughly 10% of these calls, or 13 randomly selected calls. All calls were found to be classified correctly, and case files were appropriately opened for each call.

Training

The New Jersey State Police Training Bureau (hereafter Training Bureau) shall continue its mandate to oversee and ensure the quality of training for state troopers, including the development and implementation of pre-service and post-service curriculum and the selection and training of both trooper coaches and instructors. OLEPS' primary focus is on curriculum/training pertaining to cultural awareness, ethics, leadership, arrest, and search and seizure.

Methodology

OLEPS reviews normal course of business records and conducts interviews with the Training Bureau staff. OLEPS utilizes a seven-step process as outlined in the State Police's S.O.P.s to evaluate training. This process, also known as the seven-step training cycle, was originally presented by the federal monitors and adopted by the State Police. The components of the process include: needs assessment, development of curriculum, delivery of training, evaluation of training, revision of curriculum, evaluation of operational implementation, and documentation of training.

OLEPS will be presenting its overall assessment of the training process (Training Performance Standards 14 through 22) for the calendar year 2012 in the Seventh Oversight Report.

MAPPS

The Management Awareness Personnel Performance System (MAPPS) went into effect January 1, 2004, during the tenth reporting period. Full compliance with all MAPPS tasks (40 through 53 [6])[20] was reached in the Twelfth Monitors' Report (July 2005), when State Police demonstrated their ability to analyze aggregate stop data and trends (see Appendix One). This reporting period is the fourth since the issuance of MAPPS policies and procedures on December 31, 2008. These policies codified MAPPS policies that previously existed in annual Operations Instructions and were refined since system implementation in 2004. The independent monitors approved the policy.

Responsibility for the data in the MAPPS system is spread across multiple units within the State Police. The system itself is maintained primarily by an outside vendor that implements upgrades and enhancements to the system. The vendor is responsive to needs of the MAPPS Unit (within the Office of the Chief of Staff and under the Strategic Initiatives Officer[21]). The information contained in MAPPS is pulled from other information systems in the Division. Stop data stored in MAPPS come from the CAD system and RMS, which are managed by the Information Technology Bureau. Misconduct data and complaints that are handled as performance issues (e.g., Performance Investigation Disposition Reports or PIDRs) come from the IA-Pro database of the Office of Professional Standards. Information in MAPPS on assignments and promotions is fed from the Human Resources Bureau. Training information displayed in MAPPS is a live view of the Academy's database known as the Academy Computerized Training System (ACTS).

MAPPS data are the responsibility of multiple organizational entities. Many reviews are entered into MAPPS, creating additional available performance data about troopers. All supervisors, regardless of their unit assignment, are required to review MAPPS data and are required by MAPPS policy to note certain reviews in MAPPS. All evaluations and quarterly appraisals are to be entered into MAPPS, as are any interventions taken for members, regardless of unit assignment. Most stop data reviews of individuals and video reviews obviously fall primarily to supervisors in the Field Operations Section. Certain State Police policies further require that action be taken by supervisors to address performance issues. Unit and troop analyses of stop data and trends fall to the MAPPS Unit's Risk Analysis Core Group (RACG) that provides the synthesized data to a command-level panel for review. The RACG is also responsible for analyzing MAPPS data for specific units, such as for the Academy on trends that indicate training issues. Patterns of individual misconduct are primarily reviewed by OPS.

Methodology

This reporting period, OLEPS assessed MAPPS to ensure that the system is used according to State Police policy. MAPPS tasks, as originally outlined in the Decree, require a review that includes assessment of whether appropriate data are available in a timely manner and stored in a secure way. Additionally, whether the system is used as a management tool to inform supervisory and management decision making is assessed.

[20] Compliance with Tasks 54 and 55 was obtained by the end of 2001, and was noted in the first report. These tasks required a survey of drivers on the New Jersey Turnpike to obtain estimates of the racial compositions of drivers and permitted additional surveys of other roadways.

[21] In June 2012, the State Police reorganized this structure. The MAPPS Unit now reports to the Office of Quality Assurance within the Office of the Chief of Staff.

A formal audit of MAPPS is conducted in two parts. First, OLEPS accesses MAPPS to find evidence of specific information as required by State Police policy and procedures. Second, all troopers subject to a meaningful review[22] in the current reporting period are queried in MAPPS to determine whether there was a resolution of the review. Finally, OLEPS audits the MAPPS system by selecting a sample of troopers and accessing all records in MAPPS to ensure that all requirements per State Police policies and procedures are appropriately recorded.

OLEPS also communicates with the State Police MAPPS Unit regularly. Any issues with MAPPS are noted and communicated to the Unit. Additionally, since this Unit handles the RACG report, discussions of trends and patterns in trooper behavior are also discussed.

Performance Standard 23: Maintenance of MAPPS

Standards

According to State Police policies and procedures MAPPS must include the following types of data:

- Motor Vehicle Stop Data
- Misconduct Data
- Performance Data
- Interventions
- Assignments
- Training
- Compliments
- Motor Vehicle Stop Reviews
- Journals

Assessment

Typically, a sample of troopers is randomly selected from the badge numbers of those involved in motor vehicle stops for the MAPPS audit. In an effort to increase the representativeness of the sample, OLEPS selected a larger sample in this reporting period. OLEPS reviewed 315 motor vehicle stops in the current period that were conducted by 195 troopers. All 195 troopers were selected for the MAPPS audit, increasing the proportion of the Division in the sample to about 7.8%. The troopers selected are representative of all troops. Each trooper's MAPPS records were accessed to determine whether the required information was recorded for the reporting period in question.

[22] Meaningful reviews are conducted on troopers who receive 3 misconduct allegations within 2 years.

Motor Vehicle Stop Data

MAPPS must contain information on all motor vehicle stops performed by a given trooper. This module contains several analytic tools that allow a trooper's stop data to be examined in relation to both internal and external benchmarks. MAPPS contained motor vehicle stop data for all 195 troopers for the current reporting period.

Performance Data

Trooper Reviews

For this reporting period, OLEPS accessed the MAPPS Performance Module for evidence of at least two quarterly reviews and/or evaluations. Quarterly reviews are conducted three times a year, and an annual evaluation is conducted in December of each year.

Of the troopers sampled, 182 troopers received quarterly reviews. As of April 2013, 13 troopers had not received quarterly reviews for the first two quarters of 2012.

Annual evaluations are categorized as Partial, Second Probationary, and Third Probationary evaluations. There were 14 partial evaluations conducted for the first half of 2012. OLEPS found that six troopers did not receive any quarterly reviews or annual partial evaluations for this reporting period.

Assignments

MAPPS provides information on trooper assignments, containing both current and historical assignments for each trooper. In the current reporting period, MAPPS listed current and past assignments for all 195 troopers.

Training

The Academy Computerized Training System (ACTS) feeds data into MAPPS regarding training completion. For the current reporting period, which only covers half a year, the only training that would have been required was the Spring firearms shoot.

All troopers had the required firearms training in the Spring of 2012. However, as noted in previous reports, training provided by NJ Learn does not appear in MAPPS. In the current reporting period, domestic violence training and the handling of mentally ill persons were provided by NJ Learn. As noted previously, MAPPS does not have the ability to interface with NJ Learn. The State Police was advised to determine whether this issue could be resolved. As of April 2013, this possibility is still being explored.

Compliments

The compliments module in MAPPS contains records of all compliments received for troopers for service performed. OLEPS found that the State Police is successfully implementing this module and

lists general information pertaining to the compliment. In total, OLEPS found that 39 of the troopers sampled received a compliment in the current reporting period.

MVR

Motor vehicle stops are required to undergo supervisory review as determined by Field Operations' review schedule. For this requirement, OLEPS determined whether the stops conducted by the sampled troopers were reviewed and stored in MAPPS. OLEPS found evidence that 192 sampled troopers had reviews of motor vehicle stops on record for the current reporting period.

The three troopers who did not have MVR reviews were not assigned to road stations during the current reporting period, and as such, were not subject to the supervisory review requirements. These troopers were assigned to criminal investigation or tactical units rather than road stations.

Journals

MAPPS Journal module provides supervisory personnel a method to formally document non-intervention information. Supervisors are required to notify their subordinates of journal entries in which the staff member is the subject.

There were ten journal entries in the current reporting period for the sample of troopers. OLEPS is aware of the possibility that no events occurred that required journal entries for these troopers during the reporting period. However, OLEPS recommends that State Police more effectively use this module, especially given that the State Police does not regularly utilize interventions to record errors made in motor vehicle stops.

Interventions

Interventions

MAPPS contains an Interventions module wherein members may take an intervention action or task another member with administering an intervention directed toward improving a member's performance. OLEPS found that interventions were recorded for 179 of the 195 sampled troopers. These interventions resulted from a number of actions and behaviors, not necessarily from a motor vehicle stop.

Commendation Performance Notices

Commendation PN's are stored within the Intervention module and are used by supervisors to commend a trooper for a job well done. OLEPS found that 166 troopers had at least one commendation performance notice in the current period.

Counseling Performance Notices

Counseling PN's are stored within the Intervention module and are used by supervisors to counsel a trooper on a number of potential issues. OLEPS found that nine troopers had at least one counseling commendation performance notice in the first half of 2012.

Misconduct

MAPPS contains information regarding trooper misconduct. This information is used by supervisors to remedy any deficiencies through a progressive system that utilizes interventions. In the current reporting period, 16 of the 195 sampled troopers had at least one misconduct listed in MAPPS.

Use of Force Supervisory Reviews

The State Police have set a maximum number of uses of force within a one year period. When a trooper reaches this maximum, 2 instances, an alert is triggered that begins a supervisory review process. In the current reporting period, five of the 195 troopers had documented use of force supervisory reviews in MAPPS.

Meaningful Reviews/ 3 in 2 Reviews

The State Police has developed a notification system that triggers a detailed review when a third misconduct case occurs in a two-year period (3 in 2 reviews). Development of protocols for implementation of this provision has been a primary focus for several reporting periods. During the tenth reporting period, the State Police had assigned responsibility for this task to OPS. The data indicated that these reviews are being conducted by OPS. Evidence available in MAPPS indicates that supervisory personnel are meeting with troopers who are the subject of a meaningful review and, when necessary, discussing any applicable patterns of complaints.

The procedure for evaluating meaningful reviews differs slightly from the overall MAPPS review. Instead of utilizing a sample of all troopers involved in stops, a list of all troopers receiving a meaningful review in the first half of 2012 was obtained from the State Police's IA-PRO database. In total, there were 18 meaningful reviews conducted during this period.

Protocols for these reviews were redrawn as a result of issues raised in the Monitors' Seventeenth Report (See the Monitors' Seventeenth Report for details of these issues). OPS is required to document meaningful reviews in the Intervention Module in MAPPS. Supervisors are required to note the review with the member by documenting it in the Journal Module (if no further formal intervention is required). In addition, the MAPPS Unit undertook an examination of all data published in MAPPS from the IA-Pro system and set up new protocols for routine auditing of the IA-Pro data, implemented during the previous reporting period.

The OPS process for the 3 in 2 reviews for this reporting period allowed meaningful reviews to begin while individual misconducts were still pending investigation. In the second reporting period, meaningful reviews were not conducted until all misconduct investigations were completed.

MAPPS contained interventions for all of the 18 meaningful reviews conducted during this reporting period. In 16 meaningful reviews, there was evidence of a journal entry documenting a supervisor's meeting with the trooper. Again in this time period, OPS reviews are geared toward determining if there are any training issues identified by the three (or sometimes more) cases reviewed.

There have already been documented lapses in the meaningful review process. The procedures for the process seem to change from reporting period to reporting period. Additionally, in October 2012 (post-

current reporting period), OLEPS noted that the number of meaningful reviews conducted by the State Police was extremely low in comparison to previous years. After several discussions with the State Police, it was determined that the State Police were not beginning these reviews when the alerts were generated. Because this issue was not noted until October, there were a number of meaningful reviews that were delayed from mid-June 2012 through October 2012. As noted in previous reports, OLEPS recommends that the State Police formally document their procedures concerning meaningful reviews. To date, OLEPS has not received a formal written policy.

Additional MAPPS Issues

Central to the development and maintenance of the MAPPS system is the issue of appropriate staffing to analyze the data. While earlier reporting periods (17th) praised the number and quality of personnel resources in the MAPPS unit, since then the MAPPS unit has experienced a loss of personnel. Accordingly, the Unit's staff are burdened given their numerous responsibilities which require technical expertise. The MAPPS unit, primarily, analyzes data from motor vehicle stops, to identify potential risk in the Division. This analysis does require familiarity with both motor vehicle stops and State Police policies, but also a working knowledge of data analysis processes. A sufficient core civilian staff that would not be subject to transfer is necessary to fulfill the Division's growing analytic needs and is, therefore, a priority. In the continuing opinion of OLEPS, the addition of a senior analyst with strong technical report-writing skills would be an excellent addition to the civilian staff. MAPPS personnel need to perform an increasing array of new analytic tasks in an organization with escalating data needs to inform its decisions.

Because MAPPS is a warehouse system, drawing data from several sources, discrepancies are possible based on the sources used for information. During the current reporting period, OLEPS noted two issues in MAPPS pertaining to the display of data and apparent discrepancies in data. Clarification was requested from the State Police regarding these issues and the State Police have worked with their vendor to begin the process of correcting these discrepancies.

Summary of Standard 23

OLEPS' audit of MAPPS indicated that MAPPS contains the requisite information and data. As noted in Performance Standard 10, OLEPS recommends that the State Police utilize the intervention module in MAPPS to record communication to troopers who have made an error during a motor vehicle stop. Additionally, the audit revealed an issue between the MAPPS, ACTS, and NJLearn databases, which was discussed in previous reports. OLEPS also recommends that an official policy on meaningful reviews be adopted, especially in relation to the cataloguing of such reviews. As noted above, there is a lack of consistency in the opening of these reviews and the way such reviews are recorded in MAPPS, which could be solved with a formal policy.

Performance Standard 24: MAPPS Reports

Standards

This standard was Task 50 in previous reports and remains unchanged. The data held within MAPPS is used in the creation of reports that assist the State Police in self-assessment and risk management. Pursuant to State Police policy, these reports will be used to identify both organizational and member/personnel risk issues and trends over time. As noted in the Decree, analyses of MAPPS data concerning motor vehicle stops shall include comparisons of:

- Racial/ethnic percentages of all motor vehicle stops
- Racial/ethnic percentages of all motor vehicle stops by reason for the stop (e.g., moving violation, non-moving violation, other)
- Racial/ethnic percentages of enforcement actions and procedures taken in connection with or during the course of stops
- Racial/ethnicity for motor vehicle consent searches
- Racial/ethnic percentages for non-consensual searches/seizures of motor vehicles
- Racial/ethnic percentages of requests for consent to search vehicles with "find" rates
- Evaluations of trends and differences over time
- Evaluations of trends and differences between troopers, units and subunits
- To the extent possible, a benchmark racial/ethnic percentage should be used

Assessment

The requirements of this standard are assessed through OLEPS review of the quarterly Risk Analysis Core Group (RACG) Reports. OLEPS reviewed reports published by MAPPS on the racial/ethnic distribution of stops and post-stop interactions. OLEPS also attended meetings in which these reports were reviewed. OLEPS ensured that trends found in trooper behavior continue to be reviewed.

For several reporting periods, the State Police has presented detailed documentation regarding benchmarking and trend analysis. The State Police has formed specific units and workgroups who are assigned to analyze motor vehicle stop data according to these requirements and to coordinate decision making regarding the results of this in-depth analysis.

These reports include the examination of racial/ethnic percentages for all stops based on reasons for the stop and enforcement actions. The analysis specifically focuses on both PC and RAS consent searches and the find rates for these searches. Non-consensual searches are also examined. Each report and presentation focuses not only on the current year, but also two previous years. The focus of these reports and presentations changes each quarter. One troop is selected for primary analysis each quarter, but analysis for the entire division is also presented.

The State Police created an external benchmark in 2000. However, the usefulness of this benchmark has expired. The population of the United States and New Jersey in particular has changed dramatically since 2000, rendering the benchmark an inappropriate comparison for current enforcement activities. Additionally, advancements and focuses in policing have shifted dramatically

since the measurement of the available benchmark. As such, the State Police utilize a rough internal benchmark (the Division-wide racial/ethnic percentages) to compare motor vehicle stops and associated activity.

OLEPS reviews the MAPPS RACG Report and provides commentary and suggestions for future analytic directions. The State Police has been very receptive to these suggestions, providing a response and a rationale regarding each of OLEPS' suggestions.

Overall, the MAPPS Reports exceed the requirements of this performance standard.

Oversight & Public Information

Performance Standard 25: Maintenance of the Office of Law Enforcement Professional Standards

Standards

The Law Enforcement Professional Standards Act of 2009 (N.J.S.A. 52:17B-222, et. seq.) (the Act), created the Office of Law Enforcement Professional Standards (OLEPS). OLEPS is tasked with auditing the State Police. Existence of and appropriate staffing of OLEPS will serve as evidence of maintenance of the office.

OLEPS is required to complete the following tasks:

- Timely publication of biannual reports assessing aggregate patterns and trends in motor vehicle stop data
- Timely publication of biannual monitoring/oversight reports assessing State Police compliance with all requirements put forth in the Act

Assessment

During the current reporting period, OLEPS was behind on the publication of both the aggregate and oversight reports. Since then, OLEPS experienced a substantial delay in receiving data from the State Police caused by data issues and unforeseen circumstances (Hurricane Sandy). Currently, OLEPS is still working on the publishing this report and its successor. With the publication of this oversight report, OLEPS is current on its oversight report responsibilities, partially fulfilling the requirements of this standard.

All of OLEPS' reports and publications can be found on the OLEPS' website:
http://www.nj.gov/oag/oleps

Just as OLEPS audits the State Police, the State Comptroller audits OLEPS' audits and publications. These audits can be found on the Comptroller's website: http://www.nj.gov/comptroller/index.shtml

Performance Standard 26: Approval of Revisions to Protocols, Forms, Reports, and Logs

Standards

This standard remains unchanged from the Consent Decree:

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

Assessment

The State Police continues to discuss changes/revisions to protocols, forms, reports, and logs with OLEPS. OLEPS reviews and comments on proposed changes to State Police policies and procedures and associated documentation.

Summary

Overview

The results of OLEPS' analysis of the State Police from January 1, 2012 to June 30, 2012 indicate that, overall, the State Police follow the guidelines regulating trooper activity. The 315 motor vehicle stops, MAPPS data, and OPS cases reviewed indicate that the State Police adheres to its own policies and procedures.

The review of motor vehicle stops indicated that there was no clear evidence of a significant racial/ethnic bias in stops or post-stop activities. Unlike previous reporting periods, where multiple racial/ethnic distributions were found to be significant, only one was in the current period- Black drivers were more likely to receive a canine deployment. All of these deployments were appropriate and documented per State Police policy. While Black drivers are more likely to be involved in stops with canine deployments, OLEPS cannot conclude that this is the result of any bias-based practices. OLEPS will continue to examine canine deployments in depth, and advises the State Police to do so as well.

Overall, stops reviewed in the current reporting period were shorter than in the previous reporting period, likely the result of sample selection. Significant differences were found between the length of all stops for White drivers and Black drivers. White drivers had significantly lengthier stops, on average, than Black drivers.

After several reporting periods where OLEPS investigators continually noted a lack of Miranda during stops with arrests, OLEPS chose to review a sample of stops with arrests. There were a high number of arrests where Miranda was not properly issued to citizens, many of which were not noted by State Police review because they were never reviewed. OLEPS recommends that the State Police remind troopers of the requirements surrounding Miranda and reinforce its policy of issuing the warning for all arrests. Additionally, the State Police may want to conduct random reviews of stops with arrests to determine the extent of the Miranda issue.

While previous reporting periods noted issues pertaining to the completion of consent forms, the current reporting periods demonstrated slight improvement on this issue. While about 40% of all consent forms were not completed correctly, the availability of consent forms increased. There were less than ten consent forms that were unavailable to OLEPS in the current reporting period, the result of increased diligence in scanning these forms into databases.

While the previous reporting period noted an increase in supervisory field presence, the proportion of stops where supervisors were present declined in the current reporting period. This decline occurred despite a reduction in the number of required motor vehicle stop reviews that each supervisor is responsible for.

The MAPPS audit demonstrated that the issues pertaining to training records remain. OLEPS anticipates that the State Police will resolve this issue in the near future and MAPPS will appropriately reflect all training a trooper has completed.

In the current reporting period, the State Police did not review 61 of the selected stops due to their revised review schedule. OLEPS did note errors in these stops. However, OLEPS' expectation, given discussions with the State Police regarding this review schedule, was that the number of uncaught errors would be low since supervisors would have more time to devote to conducting detailed reviews rather than numerous reviews. However, 30% of the stops that the State Police reviewed had at least one error that the State Police failed to note. The State Police should be more focused and detailed in these reviews. If they are reviewing a smaller number of stops, they should have enough resources to adequately and completely address all errors in stops.

Related to this, OLEPS noted three motor vehicle stops where there was an inappropriate use of force by the State Police. These instances were all reviewed by the State Police and those reviews determined that these incidents were warranted and necessary. However, after discussion with OLEPS, the State Police agreed that the uses of force were not actually appropriate and investigations were opened into these instances. Again, the State Police needs to focus its reviews and appropriately address issues that arise during motor vehicle stops.

While OLEPS and the State Police only began discussing the increased use of interventions in mid-2012, there are already a good number of errors that resulted in interventions for the current reporting period. About 35% of all errors caught by the State Police did result in interventions, most frequently for errors caught pertaining to frisks, canine deployments, and non-consensual searches of persons.

As noted in the previous report, the State Police has had several instances where canines were deployed without official requests. In the current reporting period, there was only one such incident where the dog was brought to the scene without an official request and actually utilized. There were two instances where the dog was on the scene without an official request, but was never used to search during the stop. The State Police should continue to monitor its use of canine deployments to ensure that all instances are in accordance with policy.

Recording issues have been noted for several reporting periods and the current period is no different. There were a number of instances where recordings were not available to OLEPS. Since the migration to DIVRs, all recordings are warehoused on a server, accessible to OLEPS. However, portions of each stop or "clips" were missing from the database. In some instances, the first clip of the stop was catalogued with that trooper's previous stop, suggesting that s/he did not "clear" from the stop. In other instances, the clip was nowhere to be found, either because it was never uploaded to the server or may have been purged. OLEPS has been working the State Police to ensure that all clips are catalogued appropriately and that such instances decrease in future reporting periods. The State Police should continue to ensure that all clips are uploaded and catalogued appropriately for each motor vehicle stop.

For several reporting periods, OLEPS has commented on staffing levels in critical units of the State Police. Specifically, the MAPPS Unit, OPS, and the Training Bureau are understaffed compared to the workload of these units. Each of these units completes tasks specifically required by the independent monitors and OLEPS has noted the difficulties that each of these units endures while attempting to meet these requirements. OLEPS continues to strongly recommend that the State Police appropriately and adequately staff these units.

Recommendations

Given the issues noted in this report. OLEPS recommendations are as follows.

- Continue analysis on racial/ethnic distributions and differences of motorists involved in stops.
- Conduct detailed, focused supervisory reviews, especially in noted areas of concern- consent to search requests, Miranda, uses of force, and canine deployments.
- If necessary, reiterate the expectations of supervisory reviews by informing supervisors of OLEPS' concerns regarding these reviews.
- Increase the use of interventions as a record of supervisory comments.
- Continue training on the proper use of Miranda.
- Reiterate the requirements for a canine deployment, especially in instances where canine handlers serve as back-up on a stop.
- Increase supervisory presence in the field, especially in light of the reduced review workload.
- Ensure that State Police units that handle a large portion of tasks related to the Decree (i.e., OPS, MAPPS, ITB, and Training Bureau) have staff sufficient to meet their mission.
- Clearly and formally detail the process for conducting 3 in 2, or meaningful, reviews.
- Continued vigilance in upgrades or repairs to aging audio and video equipment and ensure that troopers are appropriately activating this equipment.

APPENDIX ONE

Previously Published Monitoring/Oversight Reports

Report	Publication Date	Reporting Period
Monitors' First Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	October 6, 2000	December 31, 1999-September 15, 2000
Monitors' Second Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 10, 2001	September 30, 1999-December 15, 2000
Monitors' Third Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	April 12, 2001	December 16, 2000-March 15, 2001
Monitors' Fourth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	July 17, 2001	January 1, 2001-March 31, 2001
Monitors' Fifth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 14, 2002	May 30, 2001-December 15, 2001
Monitors' Sixth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	July 19, 2002	December 31, 2001-May 30, 2001
Monitors' Seventh Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 17, 2003	May 1, 2002-October 30, 2002
Monitors' Eighth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	August 21, 2003	October 1, 2002-March 31, 2003
Monitors' Ninth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 23, 2004	April 1, 2002-September 30, 2003
Monitors' Tenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	July 16, 2004	October 1, 2003-March 31, 2004
Monitors' Eleventh Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	December 20, 2004	April 1, 2004-September 30, 2004
Monitors' Twelfth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	July 12, 2005	October 1, 2004-March 31, 2005
Monitors' Thirteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	December 2005	April 1, 2005-September 30, 2005
Monitors' Fourteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	June 2006	October 1, 2005-March 31, 2006
Monitors' Fifteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 2007	April 1, 2006-September 30, 2006

Report	Publication Date	Reporting Period
Monitors' Sixteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	August 2007	October 1, 2006-March 31, 2007
Monitors' Seventeenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	April 16, 2009	January 1, 2007-December 31, 2007
First Monitoring Report Prepared by Office of Law Enforcement Professional Standards	April 29, 2010	January 1, 2008-December 31, 2008
Second Monitoring Report Prepared by Office of Law Enforcement Professional Standards	August 2011	January 1, 2009-June 30, 2009
Third Monitoring Report Prepared by Office of Law Enforcement Professional Standards	July 2012	July 1, 2009-December 31, 2009
Fourth Monitoring Report Prepared by Office of Law Enforcement Professional Standards	October 2012	January 1, 2010-December 31, 2010
Fifth Monitoring Report prepared by Office of Law Enforcement Professional Standards	May 2013	January 1,2 011-December 31, 2011

APPENDIX TWO

Table 2.1: Type of Errors Caught by Station

	Recording	Reporting	Communication	Exits	Frisks	Search of Person	Search of Vehicle	Consent Requests	Canine Deploy.	Use of Force	Arrests	Total
Atlantic City	4	1	0	0	0	0	0	3	1	0	2	**9**
Bass River	3	0	0	0	0	0	0	0	0	0	0	**3**
Bellmawr	0	2	0	0	0	1	0	2	0	0	2	**7**
Bloomfield	1	0	0	0	0	0	0	0	0	0	0	**1**
Bordentown	12	2	0	0	0	3	0	4	0	0	4	**25**
Bridgeton	4	3	0	0	0	0	0	8	0	0	0	**15**
Buena Vista	1	0	0	0	0	0	0	4	0	0	0	**4**
Cranbury	2	4	1	0	0	0	0	4	0	0	0	**11**
Hamilton	4	5	0	0	3	0	0	2	0	0	0	**12**
Holmdel	2	2	0	0	0	1	0	1	0	0	2	**8**
Hope	2	1	0	0	0	0	0	0	0	0	0	**3**
Kingwood	0	0	0	0	0	0	0	0	0	0	0	**0**
Moorestown	3	5	0	0	0	0	2	1	0	0	0	**8**
Netcong	12	2	0	0	0	2	0	1	0	0	1	**18**
Perryville	8	1	0	0	1	0	0	1	0	0	1	**12**
Port Norris	4	2	0	0	0	0	0	1	0	0	0	**4**
Red Lion	0	4	0	0	3	0	1	1	0	0	1	**10**
Somerville	6	4	0	0	0	0	1	1	0	0	2	**14**
Sussex	4	2	0	0	0	0	0	0	0	0	1	**7**
Totowa-Sub	5	4	0	0	1	0	0	1	0	0	2	**13**
Other	4	9	0	0	2	2	0	1	0	0	2	**20**
Tuckerton	4	3	1	0	0	2	2	8	0	0	4	**23**
Washington	1	1	0	0	0	0	0	0	0	0	0	**2**
Woodbine	0	0	4	0	0	0	0	1	0	0	1	**6**
Woodstown	3	2	0	0	2	0	0	3	0	0	0	**10**
Total	**89**	**59**	**6**	**0**	**12**	**11**	**6**	**48**	**1**	**0**	**25**	**245**

Table 2.2: Type of Errors Not Caught by Station

	Recording	Reporting	Communication	Exits	Frisks	Search of Person	Search of Vehicle	Consent Requests	Canine Deploy.	Use of Force	Arrest	Total
Atlantic City	0	1	0	0	0	0	0	0	0	0	0	**1**
Bass River	0	0	0	0	0	0	0	0	0	1	0	**1**
Bellmawr	8	10	8	0	0	0	0	0	0	0	1	**26**
Bloomfield	0	0	0	0	0	0	0	0	0	0	0	**0**
Bordentown	16	7	1	0	0	1	0	2	0	0	5	**32**
Bridgeton	0	0	0	0	0	1	0	0	0	1	1	**3**
Buena Vista	0	0	0	0	0	0	0	0	0	0	0	**0**
Cranbury	0	0	0	0	0	0	0	0	0	0	0	**0**
Hamilton	0	0	0	0	0	0	0	1	0	1	0	**2**
Holmdel	8	3	0	0	0	0	0	0	0	0	12	**23**
Hope	0	0	0	0	0	0	0	1	0	0	0	**1**
Kingwood	0	1	0	0	0	0	0	0	0	0	0	**1**
Moorestown	5	8	1	0	0	0	0	0	0	0	0	**14**
Netcong	7	5	0	0	1	0	0	0	0	0	4	**17**
Perryville	1	0	0	0	0	0	0	3	0	0	0	**4**
Port Norris	0	1	0	2	3	0	0	3	0	0	1	**10**
Red Lion	0	0	0	0	0	0	0	1	0	0	0	**1**
Somerville	0	0	0	0	0	0	0	2	0	0	1	**3**
Sussex	0	0	0	0	0	0	0	1	0	0	0	**1**
Totowa-Sub	0	0	0	0	0	0	0	0	0	1	0	**1**
Other	5	1	0	0	0	0	1	5	1	1	6	**20**
Tuckerton	0	0	0	0	0	1	0	8	0	0	0	**9**
Washington	0	0	0	0	0	0	0	1	0	0	0	**1**
Woodbine	0	0	0	0	0	0	0	0	0	0	0	**0**
Woodstown	0	0	0	0	0	0	0	1	0	0	0	**1**
Total	**50**	**37**	**10**	**2**	**4**	**3**	**1**	**29**	**1**	**5**	**31**	**172**

APPENDIX THREE

Supplemental Data Analysis Results

Chi-Square Overview:

Chi-square analysis is often referred to as a "Goodness-of-Fit Test". This test is used to estimate how closely an observed distribution matches an expected distribution. The expected distribution is what would be expected assuming all events had an equal likelihood of occurring.

For each use of chi-Square in this report, the test is assessing a null and an alternative hypothsis. The null hypothesis is that the two variables- generally race/ethnicity and the enforcement activity- are independent. This means that the likelihood of each enforcement activity is the same for all racial/ethnic groups. The alternative hypothesis is that these two variables are not independent; that the likelihood of an enforcement activity is not the same for all racial/ethnic groups.

Using a statistical program, an estimate of the expected distribution of each enforcement is calculated. The expected distribution and the observed distribution are used in the chi-square formula:

$$X^2 = \sum \frac{(\text{observed*frequency} - \text{expected*frequency})^2}{(\text{expected*frequency})}$$

Once the chi-square statistic is calculated, assessment of significance can be done. First, to assess significance, a significance level must be aggreed upon. Throughout statistics, $p<.05$ is a common significance level. A "p" level indicates the probability that a statistical relationship could reflect only chance. The smaller the size of "p," the smaller the probability the relationship happened by chance. If a reported chi-square statistic reaches a "p" level of 0.05 (or smaller), there is no more than a five-percent probability that the distribution of the data in that table happened by chance, and therefore any differences across groups seen in the table are considered statistically significant.

After obtaining the agreed upon significance level, the degrees of freedom need to be calculated. "Degrees of freedom" (df) refer to the how much about the observed data needs to be known (or can "be free" to vary) before all the observations would be determined. The size of a statistic needed to achieve a particular level of significance ("p") is determined by the degrees of freedom. For the chi-square statistic, the degrees of freedom translate into the number of cells in a table for which the data distribution needs to be known before all the cells are determined. To calculate the degrees of freedom, use the following formula:

$$df = (\#\text{ of columns}-1) * (\#\text{ of rows}-1)$$

After calculating the chi-square statistic, the degrees of freedom, and establishing the significance level, you must consult a chi-square distribution table to determine whether the chi-square statistic allows you to reject your null hypothesis or fail to reject it. If your chi-square value is less than the value under your level of significance, you cannot reject your null hypothesis that the likelihood of each enforcement activity is the same. If your value is more than the value reported on the Distribution table, you can reject the null hypothesis and conclude that the likelihood of enforcement is not the same for all racial/ethnic groups.

Example:

As an example, the calculation of the chi-square will be reviewed for Table One.

Table one presents the observed frequencies for whether a consent request was made of Black, White, and Hispanic drivers. The null hypothesis is that Black, White, and Hispanic drivers have an equal chance of receiving a consent request or not. The alternative hypothesis is that Black, White, and Hispanic drivers do not have an equal chance of receiving a consent request.

Table One: Consent Requests by Race/Ethnicity of Driver

6th OLEPS Reporting Period

	Black	White	Hispanic	Total
No Consent Request	67	94	22	183
Consent Request	55	58	15	122
Total	122	152	37	311

While a statistical program usually calculates the expected frequencies, they can also be calculated by hand. To do this we will use the following formula:

$$\frac{\text{Row total} * \text{Column Total}}{\text{Total n for the table}}$$

First, calculate the expected frequency for Black drivers with no consent request. The row total is 183 and the column total is 122. The total n for the table is 311.

$$\frac{183*122}{311} = 71.79$$

Thus, the expected value of Black drivers without a consent request is 71.79. The same formula is calculated for each racial/ethnic group for no consent request and for consent request. The table below presents the expected values for each cell in parentheses.

	Black	White	Hispanic	Total
No Consent Request	67 *(71.79)*	94 *(89.44)*	22 *(21.77)*	183
Consent Request	55(*50.21)*	58 *(62.56)*	15 *(15.23)*	122
Total	122	152	37	311

Using the chi-square formula, the chi-square value is calculated.

$$\chi^2 = \sum \frac{(\text{observed*frequency} - \text{expected*frequency})}{(\text{expected*frequency})}$$

$$\chi^2 = \frac{(67-71.79)^2}{71.79} + \frac{(94-89.44)^2}{89.44} + \frac{(22-21.77)^2}{21.77} + \frac{(55-50.21)^2}{50.21} + \frac{(58-15.23)^2}{15.23} + \frac{(15-15.23)^2}{15.23}$$

$\chi^2 = 1.346$

We will use the standard significance level of $p<.05$.

Next, calculate the degrees of freedom.

df= (# of columns-1) * (# of rows-1)

df= (3-1) * (2-1)

df= 2

Consulting the chi-square Distribution Table (available in most basic statistics books or online), indicates that in order to reject the null hypothesis at a significance level of .05, the chi-square statistic needs to be 5.99 or greater. Our value is 1.346, less than the required value. This means that we fail to reject the null hypothesis; there is not a significant difference between the racial/ethnic distribution of consent requests.

Table Two: Canine Deployments by Race/Ethnicity of Driver

6th OLEPS Reporting Period

	Black	White	Hispanic	Total
No Canine Deployment	96	139	33	268
Canine Deployment	26	13	4	43
Total	122	152	43	311

X^2=9.567, df=2
p=.008.[23]

Table Three: Uses of Force by Race/Ethnicity of Driver

6th OLEPS Reporting Period

	Non-White	White	Total
No Force	154	138	152
Use of Force	9	14	163
Total	292	23	315

X^2=1.581, df=1
p=.209

Table Four: Arrest Data by Race/Ethnicity of Driver

6th OLEPS Reporting Period

	Non-White	White	Total
No Arrest	14	7	21
Arrest	149	145	294
Total	163	152	315

X^2=2.006, df=1
p=.157

[23] The *p*-values reported here indicate the standard of significance required to conclude that the likelihood of these enforcement activities is not equal among groups, as reported by the statistical software used. The standard significance level used is p<.05. This means that if the *p*-value reported in any of these tables is .05 or less, then we can conclude that there is a significant difference in the likelihood of enforcement activities based on race/ethnicity. If the difference is not significant, the same results could have been achieved by chance rather than purposive behavior.

Table Five: Sampled Vehicle Stop Rates by Reason for Stop

6th OLEPS Reporting Period

	White	Non-White	Total
Rate of Speed	22	38	60
FTML	28	32	60
Equipment Violations	16	15	31
Safety Violations	19	13	32
Seat Belt	9	16	25
Total	**94**	**114**	**208**

X^2=5.78, df=4
p=.216

Table Six: Consent Request Stop Rates by Reason for Consent

6th OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulable Suspicion	Probable Cause	Total
White	49	9	58
Non-White	51	19	70
Total	100	28	128

X^2=2.508, df=1
p=.113

Table Seven: Type of RAS Consent Request by Race/Ethnicity of Driver

6th OLEPS Reporting Period

	White	Non-White	Total
Intangible	2	4	6
Tangible	2	0	2
Probative	45	47	92
Total	49	51	100

X^2=2.671, df=2
p=.263
4 cells have an expected count of less than 5

Table Eight: Canine Deployment Rates by Reason for Deployment

6th OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulable Suspicion	Probable Cause	Total
White	12	1	13
Non-White	23	7	30
Total	35	8	43

X^2=1.465, df=1
p=.226
1 cell has an expected count of less than 5

Table Nine: Arrest Reasons by Race/Ethnicity of Driver

6th OLEPS Reporting Period

Race/Ethnicity	Probable Cause	Warrant	Warrant and PC	Total
White	79	35	31	145
Non-White	71	57	21	149
Total	150	92	52	294

X^2=7.558, df=2
p=.023

Table Ten: Day v. Night Stops

5th OLEPS Reporting Period

	Day	Night	Total
White	86	66	152
Black	64	58	122
Hispanic	15	22	37
Other			
Total	165	146	311

X^2=3.102, df=2
p=.212

Independent Samples *t*-test

Overview

This test can be used to determine whether two means are different from each other when the two samples are independent. For this report, the independent samples are the racial/ethnic categorizations of drivers involved in motor vehicle stops. These groups are independent, they have not been matched.

The first step in a *t*-test is to develop hypothesis. The null hypothesis is that the lengths of stops for each group are equal. The alternative is that the lengths of stops are not equal. Because these hypotheses only mention difference and not direction, a two-tailed test will be used. As with the *Chi-Square* test, the significance level to be used is .05.

SPSS was used to calculate the *t* value; however this can also be done by hand using the following formula:

$$t = \frac{(\bar{x}_1 - \bar{x}_2) - (\mu_1 - \mu_2)}{S_{\bar{x}_1 - \bar{x}_2}}$$

X_1= mean of group 1
X_2= mean of group 2
μ_1= population 1
μ_2=population 2
S= estimated standard error[24]

Example:

Hypothesis: Do White and Black drivers differ in the length of their motor vehicle stops? The mean stop length for White drivers is 45.62, the standard deviation is 23.86, and n=307. The mean stop length for Black drivers is 55.64, the standard deviation is 33.03, and n=283.

Hypothesis:
H_0= the length of stops are equal for White and Black drivers
H_1= the length of stops are not equal for White and Black drivers

Set criteria:
Significance level (α)= .05

For this test, the degrees of freedom are calculated using this formula:

$$df = n_1 + n_2 - 2$$

n_1=the number of observations in sample 1
n_2= the number of observations in sample 2

[24] There are several steps required to calculate the estimated standard error. Information on how to calculate this can be found in a statistics text book.

$$df = 307+283-2$$

$$df = 588$$

Critical value for the *t*-test:

This is determined by looking at a t-distribution and finding where the degrees of freedom for the sample and the desired significance level intersect. For this example, *t* critical is: 1.64

Calculate the mean and standard deviation. This information has been provided. The mean stop length for White drivers is 45.62, the standard deviation is 23.86, and n=307. The mean stop length for Black drivers is 55.64, the standard deviation is 33.03, and n=283.

To calculate the *t*-statistic begin by plugging in values into the above equation.

$$t = \frac{(45.62-55.64) - (\mu_1 - \mu_2)}{S_{x1-x2}}$$

$(\mu_1 - \mu_2)$ defaults to 0

$$t = \frac{(45.62-55.64)}{S_{x1-x2}}$$

To calculate S, use this equation:

$$s_{\bar{x}_1-\bar{x}_2} = \sqrt{\frac{s^2_{pooled}}{n_1} + \frac{s^2_{pooled}}{n_2}}$$

First, the estimated standard error of the difference must be calculated:

$$s^2_{pooled} = \frac{(df_1)s^2{}_1 + (df_2)s^2{}_2}{df_1 + df_2}$$

$df_1 = n_1 - 1$ $df_1 = 307-1$ $df_1 = 306$

$df_2 = n_2 - 1$ $df_2 = 283-1$ $df_2 = 282$

$$S^2_{pooled} = \frac{(306)23.86^2 + (282)33.03^2}{306+282}$$

$$S^2_{pooled} = \frac{(306)569.29 + (282)1098.98}{588}$$

$$S^2_{pooled} = \frac{174203.74 + 309912.36}{588}$$

$$S^2_{pooled} = 823.32$$

$$s_{\bar{x}_1 - \bar{x}_2} = \sqrt{\frac{s^2_{pooled}}{n_1} + \frac{s^2_{pooled}}{n_2}}$$

$$S_{x1-x2} = \sqrt{\frac{823.32}{307} + \frac{823.32}{283}}$$

$$S_{x1-x2} = \sqrt{2.68 + 2.90}$$

$$S_{x1-x2} = \sqrt{5.58}$$

$$S_{x1-x2} = 2.36$$

Plug this value back into the equation for *t*:

$$t = \frac{(45.62 - 55.64)}{2.36}$$

$$t = \frac{(45.62 - 55.64)}{S_{x1-x2}}$$

$$t = \frac{10.02}{2.36}$$

$$t = 4.24$$

Compare the *t* value calculated, 4.24, to the critical *t* value from the table,1.64.

Since the calculated *t* value is higher, we can rejected he null hypothesis and accept the alternative hypothesis.

Therefore, there is a significant difference in the length of motor vehicle stops for White drivers and Black drivers.

APPENDIX FOUR

Definitions of Acronyms and Abbreviations

BOLO: Be on the Look Out

CAD: Computer Aided Dispatch. The dispatch system employed by State Police.

DTT: Duty to Transport

FTML: Failure to Maintain Lane

IAIB: Internal Affairs Investigation Bureau

IA-Pro: Internal Affairs Professional. The database used by OPS.

Independent Monitors: The monitoring team put in place by the Department of Justice.

MAPPS: Management Awareness & Personnel Performance System. The database used to monitor all trooper activity. It is fed from CAD, RMS, and IA-Pro

MDT: Mobile data terminal. The computer inside State Police vehicles.

MVSR: Motor vehicle stop report

O.I.: Operations Instructions

OLEPS: Office of Law Enforcement Professional Standards. Formerly OSPA

OPS: Office of Professional Standards. The office handles the disciplinary process for the State Police.

OSPA: Office of State Police Affairs. Became OLEPS.

PC: Probable Cause

RAS: Reasonable articulable suspicion

RMS: Records Management system

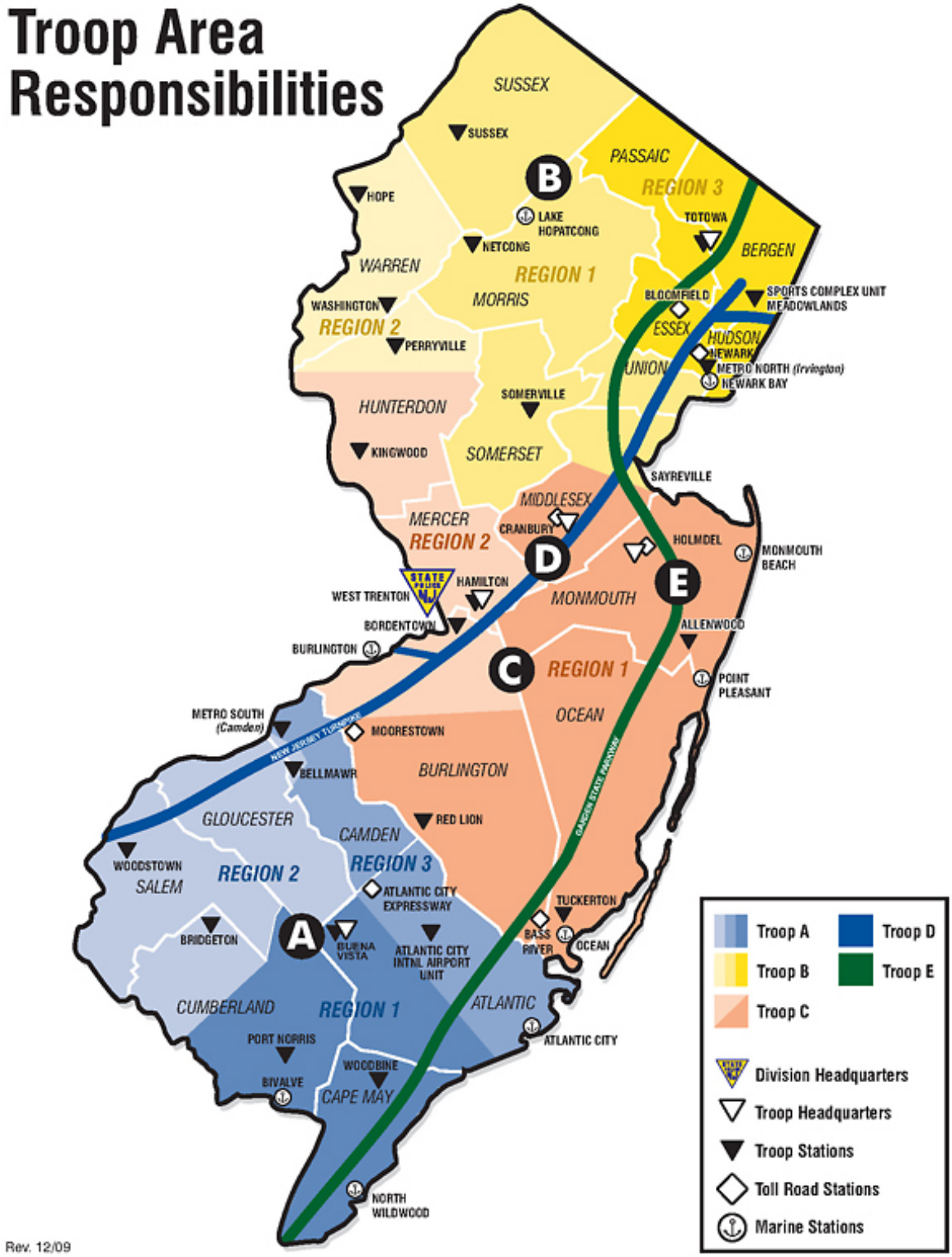
SOP: Standard Operating Procedure. Policies and procedures that govern all activity and behavior of the State Police.

The Act: Law Enforcement and Professional Standards Act (2009)

The Decree: The Consent Decree. The State Police entered into The Decree in 1999 to promote law enforcement integrity.

APPENDIX FIVE

New Jersey State Police Troop Area Responsibilities



Appendix Five