OLEPS

OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS

Thirteenth Oversight Report June 2018

July 1, 2015 – December 31, 2015

2015 Annual Training Review

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Executive Summary

As mandated by the Law Enforcement Professional Standards Act of 2009 (N.J.S.A. 52:17B-222, et seq.) (the Act), in its oversight reports the Office of Law Enforcement Professional Standards (OLEPS) evaluates State Police adherence to its established policies and procedures. To assess State Police compliance, OLEPS reviews motor vehicle stops and related records and documentation, internal disciplinary matters, State Police databases, and other relevant materials.

In this 13th Oversight Report, which covers the time period of July 1, 2015 to December 31, 2015, and the 2015 annual training activities, OLEPS reviewed and analyzed data from 300 motor vehicle stops, including records associated with the stops. As required, OLEPS reviewed all critical stops in the current reporting period. An additional sample of stops was reviewed based on changes to the laws governing search and seizure, as decided by the Supreme Court in State v. Witt, 223 N.J. 409 (2015) (hereafter Witt). For the secondary sample, OLEPS selected a random sample of stops where a non-consensual probable cause-based search occurred. OLEPS further reviewed records and documentation from Field Operations, Management Awareness Personnel Performance System (MAPPS), the Training Bureau, and the Office of Professional Standards (OPS). While there are issues noted in this reporting period, overall OLEPS determined that State Police acted in conformity with its established performance standards. The major findings of this report include:

- There was no definitive evidence that State Police engaged 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.
    - Analysis in the current reporting period indicates that there are no statistically significant differences in the racial/ethnic distributions in the number of stops, stops with consent to search requests, stops with canine deployments, stops with uses of force, or stops with arrests.
    - OLEPS noted a considerable increase in the number of motor vehicle stops with a use of force. While the racial/ethnic distribution of the 38 stops with uses of force was not statistically significant, half of these stops involved Black drivers. However, OLEPS did not find that any of the uses of force were in violation of State Police's use of force policy. Further, OLEPS' analysis indicated that, in all such stops, the recipient refused to follow trooper commands, threatened or attacked the trooper, or fled the scene of the stop. OLEPS will continue to monitor the volume of uses of force and examine the facts and situations that resulted in uses of force.
- Instances where State Police deviates from its policies and procedures during a motor vehicle stop are referred to as "errors." State Police has the ability to review the stops and note any errors. The State Police review process entails the notation of errors in a selection of stops. OLEPS reviewed both stops that underwent State Police review and those that did not undergo State Police review. State Police reviewed 148 of the 300 stops that OLEPS reviewed for this report. Of the stops State Police reviewed, 12% (18 of 148) contained an error not caught by State Police. Thirty percent (46 of 152) of the stops not reviewed by State Police contained at least one error. Overall, the total number of errors that the State Police did not catch in the current reporting period is less than previous reporting periods.

- In the current reporting period, OLEPS noted instances where troopers did not meet the appropriate legal standards for post-stop activities. Specifically, there was one instance where the legal standard of Reasonable Articulable Suspicion (RAS) to request consent to search was not met. This error was caught by State Police. However, an intervention was not issued. OLEPS noted nine stops with errors in non-consensual vehicle searches, two of which were also noted by State Police, one of which resulted in an intervention. OLEPS noted one search of a driver and one of a passenger that were not conducted incident to arrest. State Police noted both of these errors but only issued an intervention for one. Despite these instances, the majority of post-stop activities reviewed were performed in accordance with State Police policies, procedures, and legal standards.

    - When an error occurs and is noted during a review of a motor vehicle stop, State Police is required to issue an intervention, which acts to notify the trooper and his/her supervisor of the error so that such conduct can be corrected. Historically, interventions have not been used consistently; however, State Police increased the frequency of interventions in recent reporting periods. In the current period, however, there was a dramatic decrease in State Police's use of interventions. Only about 26% of all errors caught by the State Police resulted in interventions, most likely for errors caught pertaining to evidence seizures and requirements following the New Jersey Compassionate Use of Medical Marijuana Act N.J.S.A. 24:6I-1 *et seq.* (hereafter: CUMMA).

    - In addition to reviewing stops, supervisors are required to be present during motor vehicle stops on a routine basis to ensure that troopers conduct stops in accordance with State Police policy. To promote an increase of supervisory presence on the roadways, in July 2011, State Police modified its motor vehicle stop review schedule. Despite this, the proportion of stops with supervisors on scene decreased from roughly 30% in the previous reporting period to 22% in the current reporting period.

- The audio and video recording of motor vehicle stops remains an issue in the current reporting period. OLEPS noted a number of issues pertaining to the availability of video recordings and continues to note audio activation and completion issues in motor vehicle stops, which result in incomplete recordings of motor vehicle stops.

- The average length of all motor vehicle stops in this reporting period was slightly shorter than the previous reporting period. This decreased length was noted among critical stops and the secondary sample of stops, which included stops with non-consensual searches. State Police policies require the RAS stops (critical) are required to be "brief." There was no evidence, however, that the length of stops resulted in a violation of individuals' rights.

- Documentation of 2015 training activities indicates that, generally, the State Police continue to adhere to policies and procedures regarding requisite training. Though issues are noted related to Training Bureau standards, they continue to often be the result of circumstances outside of the Training Bureau's control.

    - The purposes and significance of Training Committee meetings have been stressed by this office for several reporting periods. Although the Training Bureau conducted all requisite meetings in 2015, concerns remain with regard to consistent attendance from other Division members.

- In the 11th Oversight Report, issues were noted regarding the selection process for coaches assigned to probationary troopers. However, the Training Bureau undertook immediate and effective measures resolving these concerns, ensuring that the most recent Trooper Coach process for the 155th State Police Class was properly completed in this reporting period.

- State Police policy requires that all troopers advancing in rank attend appropriate leadership training within seven months of their promotion. In this reporting period, issues were again noted regarding the unavailability of Executive Phase leadership training for members of the rank of Captain and above. For the second year in a row, the Training Bureau prioritized leadership training courses for troopers with less supervisory experience based on facility and resource limitations. The Training Bureau recognized these concerns and scheduled Executive Phase courses for delivery in 2016.

- OLEPS' review again noted insufficient documentation regarding non-State Police training. It was noted that, when provided to the Training Bureau, records for outside training were properly recorded. However, a small number of troopers again attended non-State Police training for which they were not approved. Although there continues to be improvement from previous reporting periods, OLEPS recommends State Police continue its efforts to ensure adherence to all policies and procedures regarding this process.

While OLEPS continues to note recurring issues in each reporting period, overall, in this thirteenth reporting period, the State Police adhered to its policies and procedures. OLEPS commends the State Police on the progress made to date, but recommends that the Division continue improvements in the areas discussed in this report.

OLEPS' THIRTEENTH OVERSIGHT REPORT OF THE NEW JERSEY STATE POLICE

JULY 1, 2015 TO DECEMBER 31, 2015

TRAINING ACTIVITIES: JANUARY 1, 2015 TO DECEMBER 31, 2015

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 New Jersey State Police (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 State Police adherence to these reforms. For a more detailed history concerning the Decree, see previous reports at www.nj.gov/oag/oleps.

OLEPS publishes two oversight reports[1] a year covering two six-month reporting periods, from January 1 to June 30 and from July 1 to December 31. The second report includes a review of the State Police training responsibilities (see Performance Standards 14 to 22) for the entire calendar year.

Since State Police's rules, regulations, standing operating procedures, or operating instructions will naturally change to account for developments in constitutional law, the advent of new technologies, and the development of new best practices, the Performance Standards listed in the Oversight Report will evolve accordingly. The Oversight Report evaluates the State Police in accordance with the policies and procedures as they exist during the relevant reporting period.

In this Thirteenth Oversight Report, which covers July 1, 2015 to December 31, 2015, OLEPS substantively reviewed the implementation of procedures relating to State Police motor vehicle stops and post-stop enforcement actions. Further, it reviewed supervision of patrol activities, training provided to State Police members assigned to patrol duties, and the conduct of investigations of alleged misconduct and other internal affairs matters. The Thirteenth Oversight Report covers a six-month reporting period, July 1, 2015 to December 31, 2015, and reviews State Police training for the entire 2015 calendar year.

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. Within Part III, several sections detail observations regarding State Police performance relative to standards for Field Operations, Supervisory Review, Management Awareness Personnel Performance System (MAPPS), the Office of Professional Standards (OPS), Training, and Oversight and Public Information requirements.

[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. This report represents the tenth full reporting period after the dissolution of the Decree.

The methodology used to assess performance standards is outlined at the beginning of each section. The summary provides an overall assessment of adherence to State Police policies and any applicable recommendations. Appendix One is a list of all previous monitoring/oversight reports published by OLEPS and the independent monitors, 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 State Police troops and stations.

PART I
METHODOLOGY & PROCESS

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

All assessments of the State Police are based on review of State Police data and policies formed by an examination 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.

Standards for Assessment

OLEPS assesses the State Police according to its rules, regulations, operating instructions, and the procedures of the organization, which are set forth in this report as "Performance Standards."

In reviewing State Police compliance with its policies and procedures in motor vehicle stop activities, OLEPS includes a discussion of how many "errors" occurred during the stop. An "error" is a trooper action or inaction during a motor vehicle stop that fails to comport with established policies and procedures. OLEPS notes all errors during a stop, but also notes those caught by the trooper's supervisors in their review of the recording and records of the motor vehicle stop. The report also comments on whether the errors occurred in a stop that underwent supervisory review, as not all stops do. The expectation is that if the stop underwent supervisory review, the supervisor should catch all errors. Those not caught during a supervisory review are deemed "uncaught errors." Historically, State Police were held to a 10% error rate. That is, of the stops reviewed (all stops and any sub-set of stops analyzed), no more than 10% could contain an error not caught by State Police.

OLEPS notes the errors caught during a supervisory review that results in the trooper receiving an intervention - that is, the trooper is notified of the error. For the trooper to learn that he/she may not be following part of a required policy, the trooper should be informed of the error so that he/she can correct the behavior. Supervisory review of a trooper's motor vehicle stop activities and recording of errors are essential to the State Police recognizing and correcting conduct before patterns develop that may be contrary to its policies or procedures. Supervisory review further encourages the evolution of policies and procedures to promote best practices.

Furthermore, OLEPS discusses motor vehicle stop activity in the current reporting period and compares it to past reports to determine changes in overall trooper activity. OLEPS continues to issue recommendations to the State Police based on observed events, especially where a pattern or practice generating concern is noted. This review allows OLEPS to assess the State Police's ability to continue to promote and support vigorous, lawful, and non-discriminatory implementation of law enforcement practices and procedures.

PART II
DATA & SAMPLE DESCRIPTION

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.

Field Operations

The motor vehicle stop data for this period, as with those for the previous report, were drawn exclusively from the universe of incidents that involve post-stop activity. The data requested are based on parameters the independent monitors originally formulated.[2] Certain updates have been made to the data request to reflect any changes in State Police policies and 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 of stops.
- Logs for all trooper-initiated motor vehicle stop communication 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.

Types of Reviews

Report

A report review involves examination of all available hard-copy and electronic documentation of an event. For example, a review could consist of reviewing the motor vehicle stop report (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

[2] For more information about the independent monitors, their standards, and reports, please visit: http://www.nj.gov/oag/decreehome.htm

Decree[3] was subjected to a structured analysis using a form initially developed by the independent monitors and revised by OLEPS. Errors in 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.

Recording

A recording review consists of examining the associated audio and video of a given motor vehicle stop. OLEPS compared the actions noted on the recording 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. Members of OLEPS reviewed available audio and video recordings and associated documentation (stop reports, patrol charts, citations, arrest reports, DUI reports, etc.) for *all* of the stops selected for review, to the extent these recordings were available.

Sample

A sample of motor vehicle stops reviewed for this reporting period was selected from all motor vehicle stops with post-stop activity made by the State Police from July 1, 2015 to December 31, 2015. Stops made by all troops and stations were eligible for selection. The sample is best described in two parts:

I. All stops deemed critical (92 stops)
   - All Reasonable Articulable Suspicion (RAS)[4] based consent searches
   - All canine deployments
   - All uses of force

II. Select stops made by troopers (208 stops)
   - A random sample of stops with a non-consensual search was selected for review. During the reporting period for the 13th Oversight Report, the Supreme Court decided State v. Witt, 223 N.J. 409 (2015), overturning its previous holding in State v. Pena-Flores.[5] As a result, State Police amended its policies, no longer requiring a request for consent when the odor of marijuana was detected. OLEPS selected a random sample of 208 stops with non-consensual searches occurring between October 1, 2015 and December 31, 2015 (i.e., after Witt was decided in September 2015) to evaluate these searches. These stops may also contain other post-stop activities, which will be reviewed, but non-consensual searches are the focus of the secondary sample.

[3] i.e., 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] RAS is defined as a suspicion (more than a hunch, but less than probable cause to believe) based on identifiable, specific, and particularized objective facts that, under the totality of the circumstances known to the member at the time, would cause a person of reasonable caution to suspect that a person is violating, is about to violate, or has violated the law.

[5] 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. Peña-Flores was overturned by the New Jersey Supreme Court in September 2015 in State v. Witt, 223 N.J. 409 (2015), hereafter referred to as Witt. The Court in Witt held that the exigent circumstances test set forth in Peña-Flores no longer applied. Accordingly, the standard set in State v. Alston, 88 N.J. 211 (1981), hereafter referred to as Alston, for warrantless searches of automobiles based on Probable Cause has been reinstated as controlling law in New Jersey.

A total of 300 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 recording and report reviews on all motor vehicle stops. Report only reviews occurred in the instances where a recording was not available for review. There were four motor vehicle stops that received a report only review, while 296 received a review that included both reports and recordings.

Table One: Incidents Reviewed
13th OLEPS Reporting Period

	Report Only Reviews	Recording & Report Reviews[6]
Total Stops	4	296
Consent Search Requests (PC & RAS)	0	60
Canine Deployments	0	10
Use of Force	1	37
Probable Cause Searches of Vehicles	1	131
Probable Cause Searches of Persons	4	284

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[7] stations are part of Troop D. Because of this merger, Troop D generally has the highest number of motor vehicle stops in the sample. However, in the current reporting period, OLEPS only reviewed 62 stops conducted by Troop D. Seventy-six of the stops reviewed were conducted by Troop A, 65 by Troop B, 93 by Troop C, and four by Other non-Troop stations.

Historically, OLEPS has noted patterns in unavailable recordings. In some reporting periods, recordings have been unavailable for specific troops or stations more than others. In the current reporting period, there were only four stops subject to a report only review. Though three of the report only stops were conducted by Troop A stations, the total volume of these stops is so low that a systematic recording issue is unlikely the cause.

[6] Recording and report reviews for each type of activity total more than 298 because most stops involved more than a single category of law enforcement activity.
[7] 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

13th OLEPS Reporting Period

	Recording & Report Reviews	Report Only Reviews	Total Reviews
A040- Bridgeton	10	1	**11**
A050- Woodbine	4	0	**4**
A090- Buena Vista	7	1	**8**
A100- Port Norris	6	0	**6**
A140- Woodstown	4	0	**4**
A160- Atlantic City	12	0	**12**
A310- Bellmawr	19	1	**20**
Troop A Other	11	0	**11**
B020- Hope	12	0	**12**
B050- Sussex	5	0	**5**
B060- Totowa	9	0	**9**
B080- Netcong	14	0	**14**
B110- Perryville	7	0	**7**
B130- Somerville	8	0	**8**
B150- Washington	4	0	**4**
Troop B Other	6	0	**6**
C020- Bordentown	17	0	**17**
C040- Kingwood	9	0	**9**
C060- Hamilton	26	0	**26**
C080- Red Lion	20	0	**20**
C120- Tuckerton	9	0	**9**
Troop C Other	12	0	**12**
D010- Cranbury	11	1	**12**
D020- Moorestown	11	0	**11**
D030- Newark	8	0	**8**
E030- Galloway[8]	9	0	**9**
E040- Bloomfield	9	0	**9**
E050- Holmdel	11	0	**11**
Troop D Other	2	0	**2**
Other[9]	4	0	**4**
Total	**296**	**4**	**300**

[8] Bass River station was renamed Galloway station on August 25, 2015.

[9] Stops listed as "Other" are those conducted by non-road stations. For example, these stops may have been conducted by an investigative unit or a specific unit within Field Operations.

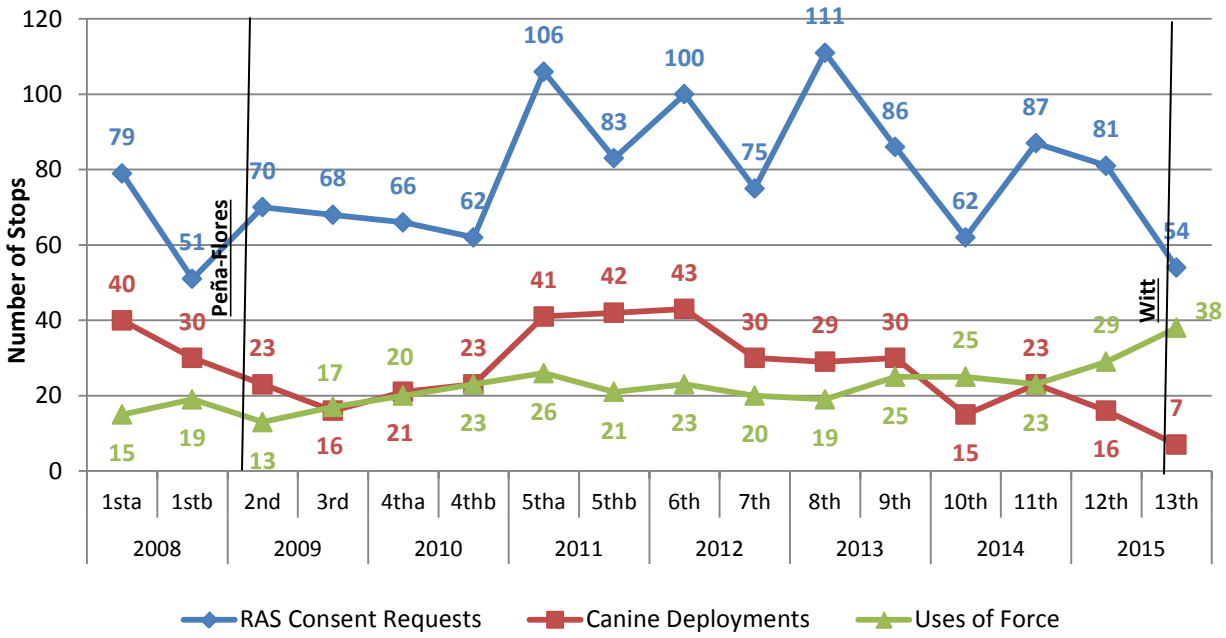
Trends

For several reporting periods, OLEPS has tracked trends in the motor vehicle stops reviewed. Since OLEPS reviews all motor vehicle stops with RAS consent to search requests, canine deployments, and/or uses of force, these numbers represent the actual volume of motor vehicle stops with these events.[10] Figure One depicts the trends in these events from January 2008 to December 2015. RAS consent requests and canine deployments decreased while uses of force increased in the current reporting period. Since 2008, the number of stops with RAS consent requests is typically larger in the first half of the year (with some exceptions), just as the number of motor vehicle stops, generally, is larger in the first half of the year.

In the second half of 2012, a decline in the number of stops with canine deployments was noted after several reporting periods of higher numbers of stops with these activities. The number of stops with canine deployments in the current reporting period is the lowest number since the first half of 2008. The current low volume of stops with canine deployments may be the result of the Supreme Court's ruling in Witt, which reinstated the use of exigent circumstances for warrantless searches of automobiles based on probable cause. In previous reporting periods, OLEPS had noted that a trooper would request a canine when a probable cause consent request based on the odor of marijuana was denied by the motorist. However, per Witt, a probable cause vehicle search can be used in lieu of the consent request and canine deployment. Thus, the dramatic decrease in stops with canine deployments may be a consequence of Witt.

Figure One: Bi-Annual Trends of Stops with RAS Consent Requests, Uses of Force, and Canine Deployments

January 2008- December 2015



The number of stops where force was used was fairly consistent from 2008 until the fsecond half of 2014, with roughly 20 such stops in a reporting period. However, the number of stops with uses of

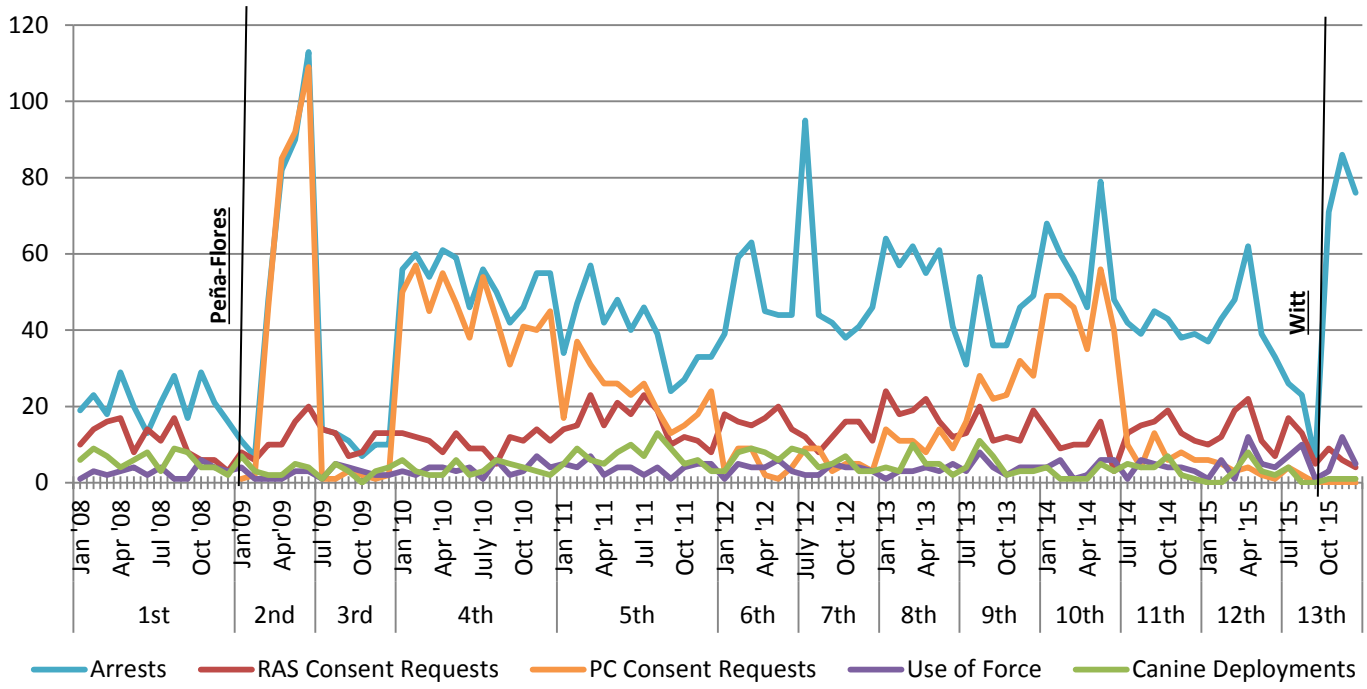
[10] OLEPS only reviews these events when they occur during a motor vehicle stop (i.e., time on the road only) prior to returning to the station. There are additional RAS consent to search requests, canine deployments and uses of force conducted by the State Police, but these occur outside of motor vehicle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

force has consistently increased since the second half of 2014. The number of stops where force was used in the current reporting period, 38 stops, is the highest number since before 2008. Further discussion of use of force is presented in Performance Standard 4.

OLEPS has noted that the number of incidents occurring in the second half of the year is generally less 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 stops with RAS consent requests, uses of force, canine deployments, Probable Cause consent requests, and arrests for January 2008 through December 2015 by month. These monthly trends allow OLEPS to determine changes in the volume of incidents in the time period following key events (e.g., Peña-Flores, Witt). As seen in the graph, stops with RAS consent requests, uses of force, and canine deployments are relatively infrequent, especially when compared to the volume of stops with arrests and probable cause consent requests. Figure Two highlights the monthly variation in each activity.

Figure Two: Monthly Variation in Stops with Arrests, Probable Cause Consent Request, and Critical Activities

January 2008 – December 2015



The bi-annual totals in Figure One suggest that RAS consent requests increased in the first half of 2013 and have declined since then, while stops with canine deployments and uses of force remained consistent until the current reporting period. However, the trends are not as linear as suggested by Figure One; trends vary in each month of the year and across years (see Figure Two). The number of stops with RAS consent to search requests is inconsistent from month to month. While these numbers do fluctuate each month, beginning in January 2012, there are discernable fluctuations in these events in each month in 2012 and 2013, a decrease in the first half of 2014, an increase in the second half of 2014, and followed by notable fluctuation since. The number reported in April 2015, 22 stops with RAS consent requests, is the highest number of stops in any month in two years. In the second half of

2015, there were fewer than 20 RAS consent requests in each month. The number of RAS consent requests in December 2015, four, is the lowest number since December 2008.

For stops with canine deployments and uses of force, no consistent trend appears as number of canine deployments and uses of force fluctuate each month. However, canine deployments do show small spikes in March and August 2013 and April 2015. There were nearly twice as many canine deployments in these months as all other months since August 2011. In the second half of 2015, there were six or fewer canine deployments in each month.

As noted previously, the volume of stops with uses of force in the current reporting period is historically the largest volume noted by OLEPS. Noticeably, there was a spike in the number of use of force incidents in April 2015, similar to the spike noted in canine deployments and RAS consent requests. In April 2015, there were eight canine deployments and 12 uses of force. In November 2015, there were also 12 stops with uses of force, matching the high noted for April 2015. From January 2008 through June 2015, there was an average of less than four stops with uses of force in each month. In the second half of 2015, the current reporting period, four months have a larger volume of uses of force than this previous average. The volume in July is nearly twice the average, August is roughly three times the average, and November is more than four times the previous monthly average. The volume of uses of force was generally larger in all months in the current reporting period.

Two other enforcement activities appear frequently in the stops selected for OLEPS review: Probable Cause consent to search requests and arrests. Figure Two also depicts these trends. The total number of stops with Probable Cause consent to search requests increased dramatically following Peña-Flores, decided in February 2009. Figure Two also depicts trends in the reviewed motor vehicle stops with Probable Cause consent requests and/or arrests. The numbers do not represent the total volume of stops with Probable Cause consent requests and arrests, but rather, only those stops selected for review in which these events occurred. In actuality, there were over 485 Probable Cause consent searches in motor vehicle stops in the second half of 2015, 99.9% of which occurred prior to Witt. The six stops with Probable Cause consent requests represented in Figure Two for July-December 2015 only represent a very small fraction of the total number of stops with Probable Cause consent search requests. An annual graph, similar to Figure One, is not presented for stops with Probable Cause 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.

As previously noted, 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. This decision resulted in the State Police developing the practice of Probable Cause consent requests. Because the decision led to a change in the type of enforcement activities engaged in by the State Police, OLEPS altered its sample selection to include Probable Cause consent requests, beginning in OLEPS' Second Monitoring Report which covered January 1, 2009 to June 30, 2009. The volume of Probable Cause consent requests depicted in Figure Two for each reporting period is the result of the sample selected for review. OLEPS specifically sampled stops with Probable Cause consent requests in the fourth, fifth, ninth, and tenth reporting periods. In all other reporting periods, the review of stops was based on other criteria. The number of Probable Cause consent requests in the current reporting period is much smaller than these previous reporting periods. The Court's decision in Witt dramatically reduced the volume of Probable Cause consent requests. OLEPS selected a sample of stops with a non-consensual Probable Cause vehicle search for review in this report.

OPS & Investigations

OLEPS assesses OPS' adherence to State Police policies and procedures through semiannual audits of OPS investigations. OLEPS reviews a sample of misconduct cases and determines whether the cases were handled in accordance with State Police's 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. OLEPS also publishes aggregate analyses of OPS' misconduct investigations in the Public Aggregate Misconduct Report, available at http://www.nj.gov/oag/oleps/aggregate-misconduct.html.

Training

OLEPS assesses the performance of the Training Bureau on an annual basis. It is the responsibility of the Training Bureau to ensure that all troopers continue to receive quality training, including those troopers who become supervisors. It is also the Training Bureau's responsibility to identify training goals, identify measures to assess goal performance, collect data, and determine where data fall on those measures. OLEPS reviews this process and presents an assessment of training for the 2015 calendar year in this 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 checks to ensure that all relevant information is entered into the system. OLEPS also examines any risk management steps State Police took based on the information contained in MAPPS.

Oversight and Public Information

These standards relate to OLEPS' reporting and auditing responsibilities under the Act. Specifically, the Act mandates that OLEPS publish certain reports, which this Oversight Report is one. Furthermore, OLEPS is required to review and approve all rules, regulations, standing operating procedures and operating instructions relating to any applicable non-discriminatory policy and those relating to the law of arrest, search and seizure, and documentation of motor vehicle stops and post stop activities. OLEPS notes its publications and policies reviewed during the oversight period.

PART III
ASSESSMENT OF NEW JERSEY STATE POLICE

Part III of this oversight report assesses 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 State Police must adhere. Each standard is presented, followed by a description of the analysis and/or research conducted to assess State Police performance.

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. Audio and video recordings of stops are reviewed for all stops where recordings are available. OLEPS' staff examines the facts and circumstances of the stop to determine whether State Police performed within standards governed by State Police policies and procedures during motor vehicle stops. For those stops that received a State Police supervisory review, instances where troopers deviate from policy are noted and checked to ensure that the supervisory review also noted these errors. All information is recorded in OLEPS' Motor Vehicle Stop Assessment database. This assessment is revised by OLEPS each reporting period, as needed, to account for the development of the law and changes to State Police policies and procedures.

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.*

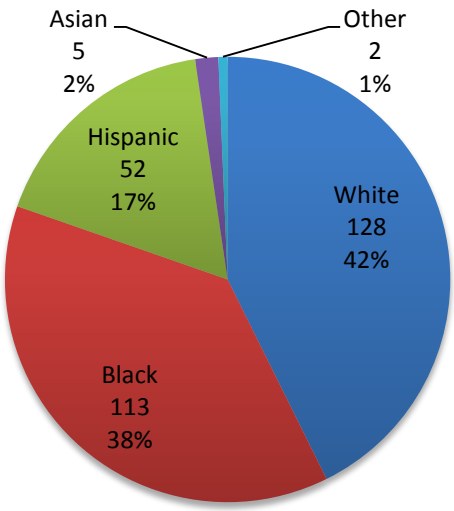
This standard will also examine the potential effect of trooper discretion on racial/ethnic differences in stops and enforcement activities.

Racial/Ethnic Differences

All Motor Vehicle Stops

Figure Three: Race/Ethnicity of Drivers

13th OLEPS Reporting Period



Total Stops: **300**

All 300 of the stops sampled for this reporting period involved some form of a post-stop interaction (e.g., a frisk, a consent to search request, canine deployment, use of force, or arrest), but not all stops contained all post-stop activities. Figure Three 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.[11] Rather, they reflect the racial and ethnic distribution of drivers who were involved in the stops selected for review.

In the stops selected for the current reporting period, there were more stops with White drivers than any other racial/ethnic group. There were 128 (42%) drivers in this sample who were White, 113 (38%) who were Black, 52

[11] For the total number of stops conducted involving drivers of each racial/ethnic group, see OLEPS' Aggregate Reports available at: http://www.nj.gov/oag/oleps/aggregate-data.html

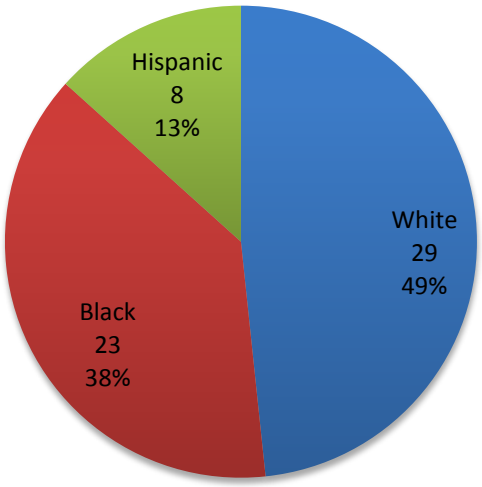
(17%) who were Hispanic, five (2%) who were Asian, and two (1%) who were identified as Other.[12] The majority of trooper-citizen interactions in this reporting period involved White or Black drivers. Like the distribution noted in the previous reporting period, the stops reviewed in the current reporting period involved a larger proportion of White than Black drivers. However, the stops reviewed in the current reporting period involve a smaller proportion of Hispanic drivers and a larger proportion of Black drivers than the distribution noted in the previous reporting period. In the stops reviewed in the previous reporting period, 28% of drivers were Black and 21% were Hispanic compared to 38% and 17% in the current reporting period, respectively. Though there are more White drivers than any other racial/ethnic group, the stops selected for review still involve a disproportionate number of Black drivers, as compared to their proportion of all stops conducted by State Police in the current reporting period (18%).

This distribution will be compared to the racial/ethnic distribution of other activities. OLEPS does not conduct an in-depth review of every stop conducted by State Police. Therefore, the potential does remain that the racial/ethnic distribution of the stops selected for this report is skewed because the racial/ethnic distribution of all stops differs from that of stops with post-stop activities (i.e., any exit, frisk, search, use of force, or arrest). However, in this reporting period, the distributions are substantially different (see OLEPS' Aggregate Reports).

Consent Requests

Figure Four: Consent Requests by Race/Ethnicity of Driver

13th OLEPS Reporting Period



Total Drivers: **60**

Figure Four depicts the number of stops selected, by race of driver, where consent to search was requested. This Figure represents all selected stops with consent requests: Probable Cause-based; RAS-based; those that were granted; and those that were denied. In 60 motor vehicle stops, 20% of the sample, consent to search was requested. As noted in the previous reporting period, White drivers made up the highest number and percentage of stops with consent requests, 29 or 49% of all requests made. Black drivers made up the second highest portion, 23 stops with requests or 38%. Hispanic drivers were asked for consent to search in eight stops or 13% of stops with requests.

The volume of consent requests in the current reporting period, 60 stops, is considerably smaller than the volume in the previous reporting period, 103 stops. This change is the result of the Supreme Court's ruling in Witt in September 2015, which reversed the previous holding in Peña-Flores. As a result of this decision, law enforcement officers are permitted to

[12]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 uses the category of Asian rather than separate categories for Asian Indian and Other Asian.

search a vehicle based on public exigency, as they were prior to Peña-Flores, and as decided in Alston. The impact of this decision will be discussed in greater detail later in the report, but it had the practical effect of eliminating the need for a probable cause consent request. As such, the overall volume of consent requests decreased. Despite this decrease, the racial/ethnic distribution of stops with consent requests is consistent with the distribution noted in previous reporting periods.

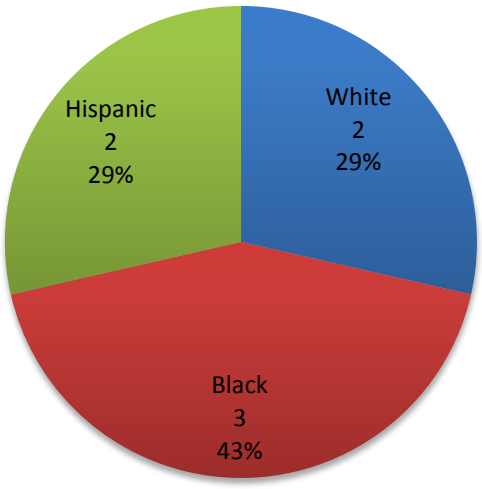
Chi-square analysis (Appendix Three, Table One) was conducted to determine whether there were significant differences in the racial/ethnic distribution of stops with consent to search requests. The analysis was conducted using stops with only White, Black, and Hispanic drivers since there were no Asian or Other drivers involved in stops with consent requests. The analysis yielded a chi-square (x^2) value of 1.202 with a *p*- value of .548. As such. the difference in the number of consent to search requests asked of White, Black, or Hispanic drivers fails to meet statistical significance.[13]

Canine Deployments

In the current reporting period, there were seven stops with a canine deployment, a 56% decrease from the previous reporting period. Figure Five depicts the number and percentage of canine deployments by race/ethnicity of the driver. Black drivers were involved in the largest portion of motor vehicle stops with canine deployments. In total, three deployments (43%) occurred in motor vehicle stops with Black drivers. Two canine deployments (29%) each occurred in stops with Hispanic and White drivers. Asian drivers were not involved in any stops where a canine was deployed.

Figure Five: Canine Deployments by Race/Ethnicity of Driver

13th OLEPS Reporting Period



Total Deployments: **7**

The racial/ethnic distribution of stops with canine deployments is not consistent with the pattern noted in the previous reporting period. However, due to the low volume of stops with a canine deployment, the distribution is highly susceptible to change; the addition of even one stop with a canine deployment for any racial/ethnic group would change the distribution considerably. In the previous reporting period, half of all stops with a canine deployment involved a White driver while Black drivers were involved in a smaller proportion of stops. The decrease in canine deployments was noted primarily for White and Black drivers; there was actually a one-stop increase in the number of canine deployments involving Hispanic drivers. Black drivers' involvement in stops with canine deployments is not related to the sample selection noted previously in this report; OLEPS reviews **all** stops with canine deployments at the scene of the stop each reporting period. As

[13] Throughout statistics and especially in Criminal Justice research, $p<.05$ 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 happened by chance, and therefore any differences across groups seen in the distribution are considered statistically significant. Researchers often reference a less strict standard in relation to significance that is $p<.10$. In terms of statistical significance, *p*-values greater than .05 but less than .10 are discussed as approaching, but ultimately, failing to meet statistical significance.

discussed further in Performance Standard 3, the volume of stops with canine deployments declined considerably in this reporting period, and the small number of stops with canine deployments leaves the racial/ethnic distribution of stops with such deployments easily susceptible to fluctuations.

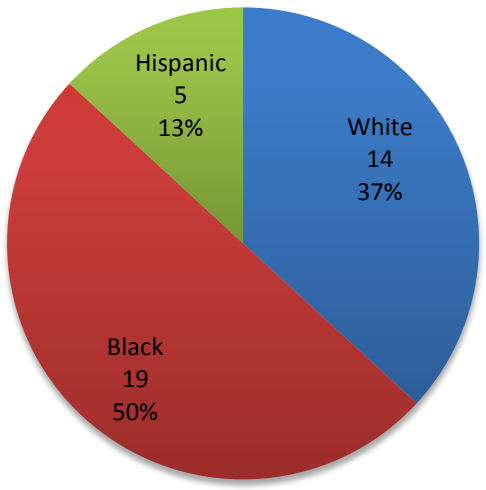
Due to the extremely low volume of stops with a canine deployment, Chi-square analysis resulted in low expected frequencies, rendering results invalid. A statement regarding whether the differences between the numbers of stops with canine deployments across racial/ethnic groups are significant cannot be made.

Uses of Force

Figure Six presents the racial/ethnic distribution of stops with uses of force in the second half of 2015. In total, there were 38 stops with uses of force, which is the largest number reported since OLEPS began reviews of State Police stops. Of the stops with uses of force in the second half of 2015, 19 (50%) were stops involving Black drivers, 14 (37%) involved White drivers, and five (13%) involved Hispanic drivers. Unlike the previous reporting period, Black drivers were involved in the largest proportion of stops with force in the second half of 2015. As with canine deployments, OLEPS reviews **all** stops with uses of force. Thus, any disproportionality revealed cannot be attributed to sample selection. Only a small number of stops have uses of force in a given reporting period; this distribution is, therefore, easily skewed. However, as noted previously, the volume of stops with uses of force is the largest it has been in any reporting period since OLEPS first began reporting. There were two more stops with uses of force involving White drivers, nine more stops with uses of force involving Black drivers, and one fewer stop with use of force involving Hispanic drivers in the current period as compared to the previous period.

Figure Six: Uses of Force by Race/Ethnicity of Driver

13th OLEPS Reporting Period



Total Uses of Force: **38**

Chi-square analysis results in a x^2 value of 2.46, indicating that this distribution is not statistically significant and that the differences are attributable to chance. The analysis compared the volume of stops with uses of force involving White, Black, and Hispanic drivers as the use of each racial/ethnic category separately rendered the results invalid. Thus, it cannot be said that the number of force incidents in which Black drivers were involved is significantly greater than the number of incidents for other drivers. The lack of significance is likely a product of sample size; though the volume of stops with uses of force is the largest in any reporting period, there are only 38 stops with uses of force, and it is difficult to attain statistical significance with small samples.

For several reporting periods, OLEPS noted increases in the number of stops with uses of force. The number of stops involving force in this reporting period is the largest since 2008. Though some variation in the volume of activity is expected based on the fluctuation in overall motor vehicle stop volume, the increase noted here is unlikely related to changes in the overall volume of motor vehicle stops. The continued increase in the volume of stops with use of force is further discussed in Performance Standard 4. Overall however, the number of stops with uses of force is

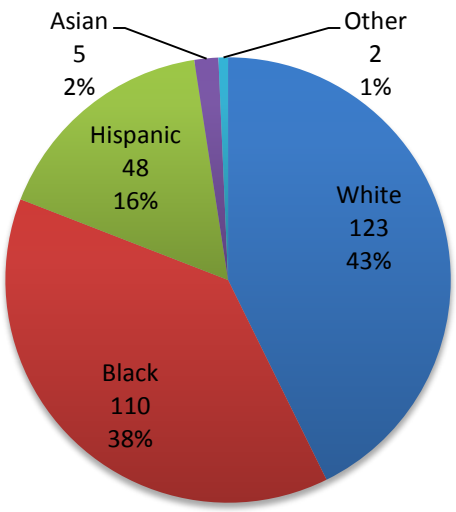
small and, as such, the racial/ethnic distribution fluctuates. As in previous reports, OLEPS recommends continued examination of the racial/ethnic distribution of uses of force, as this distribution changes each reporting period.

Arrests

Figure Seven depicts the racial/ethnic distribution of motor vehicle stops in which an arrest was made. The majority of stops, 288 stops, or about 96%, involved an arrest.[14] The number and proportion of stops with arrests is larger than noted in the previous reporting period, where an arrest was made in 88% of stops. Since an arrest was made in the majority of stops, the racial/ethnic distribution of stops with arrests is similar to the overall distribution of stops; only slight differences are evident. White drivers were involved in the largest proportion of stops with arrests, 123 (43%). Black drivers were involved in 110 stops (38%) with arrests. Hispanic drivers were involved in 48 stops (16%) with arrests. Asian drivers were only involved in five stops (2%) with an arrest, and Other drivers were involved in two stops (1%) with an arrest.

Figure Seven: Arrests by Race/Ethnicity of Driver

13th OLEPS Reporting Period



Total Arrests: **288**

While 96% of all stops resulted in an arrest, this proportion varied across racial/ethnic groups. For White drivers, 96% of stops resulted in an arrest, for Black drivers 97% of stops resulted in an arrest, for Asian and Other drivers 100% of stops resulted in an arrest. However, for Hispanic drivers only 92% of stops resulted in an arrest. Thus, the likelihood of arrest is highest for Asian and Other drivers, likely due to the very small number of stops of drivers of these racial/ethnic groups.

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 and yielded a x^2 value of .005, which is not significant.

This racial/ethnic distribution will be explored in the discretion section of this standard to determine whether the circumstances surrounding the arrest (discretionary v. non-discretionary) vary.

The Role of Discretion

Discretion is vital to a police organization. It allows troopers to determine on which motor vehicle transgressions to focus their time and energy. Discretion is based, at least partly, on facts (i.e., what facts and circumstances make a transgression more egregious or less egregious) and trooper experiences (i.e., what transgressions they have previously found to be indicators of more substantial problems or issues).

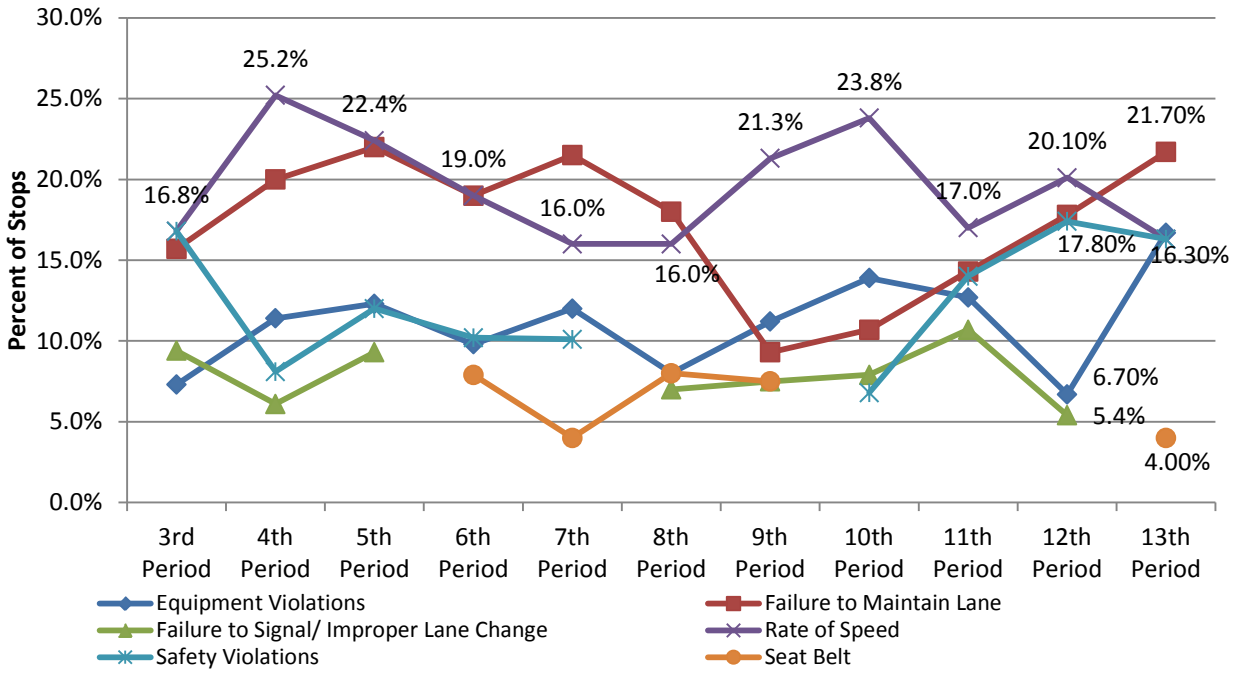
[14] This proportion includes those stops where an individual was unarrested and released from the scene.

OLEPS has historically examined how discretion impacts the racial/ethnic distribution of motor vehicle stops. This section presents a discussion of racial/ethnic differences in the most common reasons for motor vehicle stops.

During a motor vehicle stops, the primary trooper records the reason for the stop. These reasons are numerous 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 how the driver is operating the vehicle. These include non-functioning lights (head or brake), cracked or broken glass, inappropriate window tint, failure to make repairs, or other issues with the vehicle. "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 a 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 a driver's failure to use a turn signal or an unsafe lane change.

Figure Eight presents the five most common reasons for motor vehicle stops in the current and past ten reporting periods. The most common reasons rarely change dramatically and include some combination of rate of speed, failure to maintain lane, and equipment violations. Other common reasons typically include: safety violations, seat belts, or failure to signal/improper lane change. Generally, the top five reasons for motor vehicle stops account for over half of all the stops; in the current reporting period these reasons account for 75% of the stops examined.

Figure Eight: Top Reasons for Trooper Initiated Motor Vehicle Stops
3rd- 13th Reporting Periods[15]



[15] If a data point does not appear for a particular reporting period, it indicates that that particular stop reason was not among the most common for that reporting period.

Unlike the previous reporting period, failure to maintain lane was the most commonly cited reason for a motor vehicle stop in the current reporting period. Equipment violations, rate of speed, safety violations, and seat belt violations were among the top reasons for motor vehicle stops. Unlike earlier reporting periods, violations for improper lane change were not a top reason in this reporting period.[16]

Generally, Motorist Aids/Accidents are a common occurrence, more so than some reasons listed in Figure Eight. In the current reporting period, Motorist Aids/Accidents were listed as the reason for the stop in 40 or 13.3%, 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 Figure. Instead, aids and accidents represent a trooper's public service requirement to assist motorists.

All Motor Vehicle Stops

The most common stop reasons for the current reporting period are presented by race/ethnicity in Table Three.[17] Unlike the previous reporting period, Black drivers make up the largest number of stops for rate of speed and equipment violations while White drivers make up the largest number of stops for all other reasons. The most frequently cited stop reason for White drivers is failure to maintain lane. For Black drivers, the most frequently cited reasons are failure to maintain lane and equipment violations. Rate of speed is the most frequently cited stop reason for Hispanic drivers while failure to maintain lane is the most frequently cited stop reason for Asian drivers.

Table Three: All Stops by Race/Ethnicity of Driver and Level of Discretion
13th OLEPS Reporting Period

	White	Black	Hispanic	Asian
	(% of Total)	(% of Total)	(% of Total)	(% of Total)
Failure to Maintain Lane	27	26	10	2
	31.40%	28.26%	23.81%	50.00%
Rate of Speed	17	19	12	1
	19.77%	20.65%	28.57%	25.00%
Equipment Violations	16	26	8	0
	18.60%	28.26%	19.05%	0.00%
Seat Belts	6	5	1	0
	6.98%	5.43%	2.38%	0.00%
Safety Violation	20	16	11	1
	23.26%	17.39%	26.19%	25.00%
Total	86	92	42	4

[16] In the current reporting period, OLEPS revised its stop assessment form. In previous reporting periods, OLEPS chose from a series of pre-populated violation names. In the current period, OLEPS entered the specific statute recorded by the trooper. This change was implemented to conform to the State Police policy requiring documentation of the specific statute. Previously, troopers were required to self-identify the stop reason as moving or non-moving only. It is possible that this change impacted the frequency of stop reasons reported in Figure Eight.

[17] The top five reasons for stops were cited in 225 of 300 motor vehicle stops. Table Three only presents the stops where the most common reasons were cited, not all stops. For example, the total listed for White drivers is 86, 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 128 stops). Additionally, there was one stop of a driver of an "Other" race that is not depicted in this table. Thus, the table displays 225 of the 226 stops where the top five reasons were cited.

Chi-square analysis was conducted to determine whether any significant differences exist in the racial/ethnic distribution of the most common stop reasons. Due to the extremely low volume of stops with certain stop reasons, Chi-square analysis resulted in low expected frequencies, rendering results invalid. As such, a statement regarding whether the differences in stop reasons across racial/ethnic groups are significant cannot be made.

Consent Search Requests

Discretion can also be examined in post-stop activities. RAS, as a legal standard, is less strict than Probable Cause, which suggests that the potential for individual trooper discretion exists in RAS determinations more so than with Probable Cause. Since post-stop enforcements arise out of the circumstances and facts occurring after a vehicle is stopped, how discretion in the reason for a stop relates to a post-stop enforcement is not examined. Instead, differences among the Probable Cause and RAS legal standards will be explored for consent requests and canine deployments.

Table Four presents the racial/ethnic distribution of types of consent to search requests in motor vehicle stops- RAS or Probable Cause.[18] 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, larger 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, enforcements are based on 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 of potential bias can be determined.

Table Four: Consent Requests by Race/Ethnicity of Driver and Legal Standard
13th OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulable Suspicion (1)	Probable Cause (2)	Mean
White	28	1	1.03
Black	19	4	1.17
Hispanic	7	1	1.13
Asian	0	0	--
Other	0	0	--
Total	**54**	**6**	**1.10**

The majority of stops with consent requests reviewed in the current sample were based on RAS, as seen in Table Four. There were 54 stops that involved an RAS consent request while only six stops contained

[18] During the current reporting period, the Supreme Court in Witt overturned its prior holding in Peña-Flores. Witt reverted the legal standard governing vehicle searches back to the standard set forth in Alston. As a result, consent is no longer required to search a vehicle when probable cause is established; troopers are permitted to search the vehicle based on the automobile exemption. Accordingly, the volume of probable-cause based consent searches declined considerably within the current reporting period.

a Probable Cause consent request. Because there are so many RAS consent requests, the majority of consent requests for each race/ethnicity are RAS-based.

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. Due to the extremely low volume of stops with certain stop reasons, Chi-square analysis resulted in low expected frequencies, rendering results invalid. As such, a statement regarding whether the differences in the reason for consent requests across racial/ethnic groups are significant cannot be made.

The mean values in Table Four can be used to determine the pattern of consent requests, either Probable Cause or RAS. For White drivers, the mean value is 1.03, closer to the value of one, which is assigned to RAS, than it is to the value for Probable Cause. This means that White drivers are more often receiving consent requests based on RAS than Probable Cause in the current reporting period. For Black drivers, the mean value is 1.17, also closer to one, which indicates that Black drivers are more frequently receiving RAS searches than Probable Cause in this sample. The mean for Hispanic drivers is 1.13, again closer to RAS than Probable Cause. Thus, Hispanic drivers are involved in a larger proportion of stops with RAS than Probable Cause consent requests. In the current reporting period, all drivers are involved in a higher proportion of stops with RAS than Probable Cause, likely due to the changes resulting from Witt, which again permitted probable cause searches without consent. Overall, as indicated by the individual group means and the overall mean, the direction of the distribution is toward RAS rather than Probable Cause 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 Probable Cause consent requests, there is variation in discretion within categories of RAS. Historically, the reasons for an RAS consent request were described as intangible, tangible, or probative. The independent monitors developed this categorization after a pattern of protracted questioning was noted among stops with RAS consent requests. The monitors noted that stops with intangible reasons tended to be lengthier than those with the more concrete, probative reasons. They expressed concern that troopers were unnecessarily lengthening stops in order to strengthen the factors necessary to develop RAS. OLEPS has altered this analysis. Rather than classifying reasons in these broad categories, OLEPS discusses the specific reasons most commonly identified. In Performance Standard 8, OLEPS examines how the length of stops with the top reasons varies across racial/ethnic groups.

In the current reporting period, there were 54 stops with an RAS consent request. The number of RAS factors cited in each consent request varied from one to eight. On average, there were 3.72 RAS factors cited in each of the 54 stops with an RAS consent request. Table Five depicts the frequency of each RAS factor cited in the current reporting period by race/ethnicity of driver.

The most frequently cited reason was criminal history, cited in 33 RAS consent requests. Nervousness, “other”, itinerary, admission and conflicting statements were the remaining reasons in the top six RAS factors. Across racial/ethnic groups, the distributions of reasons are fairly consistent. White drivers were involved in the highest number of stops with RAS consent requests in this reporting period. Accordingly, it is expected that they are the largest proportion of each RAS factor. This is accurate for all reasons except evasiveness, no ID/registration, pursuit, air fresheners, threatening gestures, BOLO and other reasons. Though Black drivers are involved in a larger proportion of these reasons, these reasons were

relatively rare in the current reporting period, cited in five or fewer RAS consent requests. Criminal History was the most frequently cited reason for both White and Black drivers. For Hispanic drivers, conflicting statements and itinerary were the most frequently cited reasons.

Performance Standard 8 will use this distribution of RAS factors to examine whether stops involving certain reasons are lengthier than stops with other reasons to identify whether there exists evidence that stops have been unnecessarily lengthened to bolster RAS.

Table Five: Reason for RAS Consent Requests by Race/Ethnicity of Driver
13th OLEPS Reporting Period

Race/Ethnicity	White	Black	Hispanic	Asian	Other	Total
Criminal History	18	12	3			33
Nervousness	17	6	2			25
Conflicting Statements	12	6	5			23
Other	8	8	3			19
Itinerary	7	5	5			17
Admission	12	2	3			17
Evasiveness	4	5	4			13
Paraphernalia	7	5				12
Plain View	5	3				8
No ID/Registration		4	3			7
Sweating	4	2	1			7
Crime Neighborhood	5	1				6
Failure to Make Contact	3	2				5
BOLO	2	2				4
Pursuit		1				1
Furtive Movements	1					1
Air Fresheners		1				1
Odor of Burnt Marijuana	1					1
Threatening Gestures		1				1
Anonymous Tip	1					1
Total	**107**	**66**	**29**	**0**	**0**	**202**

Canine Deployments

OLEPS examined the race/ethnicity of drivers among the legal standards used to deploy canines. Table Six reveals that the majority of the seven stops with official canine deployments are based on RAS rather than Probable Cause. This is expected given the impact of the Court's decision in Witt on probable cause searches. As a result of Witt, troopers are permitted to search a vehicle based on probable cause rather than to request consent to search or request a canine deployment and then request a search warrant. Both White and Black drivers were involved in more canine deployments based on RAS than Probable Cause. For Hispanic drivers, Probable Cause deployments are as common as RAS deployments. Black drivers are involved in the largest volume of stops with canine deployments in the current reporting period, three 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 Probable Cause, but the statistical significance of the racial/ethnic distribution of these legal standards cannot be evaluated.

Table Six: Canine Deployments by Race/Ethnicity of Driver and Legal Standard
13th OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulable Suspicion (1)	Probable Cause (2)	Mean
White	2	0	1.00
Black	3	0	1.00
Hispanic	1	1	1.50
Asian	0	0	0
Total	**6**	**1**	1.14

The mean can be used to determine the direction (RAS vs. Probable Cause) of deployments for each racial/ethnic group. A mean of one would indicate RAS and a mean of two would indicate Probable Cause. Overall, there are more RAS than Probable Cause canine deployments in the current reporting period. The mean for both White and Black drivers, 1.00, indicates RAS rather than Probable Cause. The mean for Hispanic drivers, 1.50, is halfway between RAS and Probable Cause. However, the mean for each racial/ethnic group is based on only a small number of deployments. Though there are observable differences in the mean values, it cannot be stated that these differences are statistically significant given the low volume of these activities in general and per racial/ethnic group.

Arrests

There are instances where troopers have little discretion to arrest. For example, troopers are required to arrest when motorists have outstanding warrants. Other arrests may be rooted in probable cause, which involves more discretion than a warrant, but still limits the use of trooper discretion. The racial/ethnic distribution of arrests across these limited reasons is presented in this section. In the current reporting period, arrests occurred in 288 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 alone (without a warrant): 158 stops had an arrest resulting from probable cause. Sixty-six arrests were warrant-based and 58 were based on a combination of probable cause and warrants. In instances where probable cause dissipates, an individual may be "unarrested." In this reporting period, there were four motor vehicle stops where a person was unarrested. Overall, these data suggest that in the second half of 2015, sampled drivers were more likely to be arrested on probable cause, not on warrants, and if arrested on probable cause, to have charges filed.

Of the arrests made in stops with White drivers, 28 (22.76%) were warrant-based, 73 (59.35%) were probable cause-based, and 21 (17.07%) were based on both warrant(s) and Probable Cause. As noted in the previous reporting period, the majority of arrests in stops with White drivers were based on

probable cause. However, this proportion is smaller in the current reporting period compared to the previous reporting period.

Table Seven: Reason for Arrest by Race/Ethnicity of Driver
13th OLEPS Reporting Period

Race/Ethnicity	Stops with Arrests	Warrant Arrests (% of arrests)	Probable Cause Arrests (% of arrests)	Warrant & Probable Cause (% of arrests)
White	123	28 22.76%	73 59.35%	21 17.07%
Black	110	30 27.27%	47 42.73%	29 26.36%
Hispanic	48	7 14.58%	32 66.67%	8 16.67%
Asian	5	1 20%	4 80%	0 0%
Other	2	0 0%	2 100%	0 0%
Total	**288**	**66**	**158**	**58**

Of the arrests made in stops with Black drivers, the pattern same holds; more arrests were based on probable cause than warrants alone or warrants and probable cause. During this reporting period, there were 30 (27.27%) stops with a Black driver where an arrest was made based on a warrant and 47 stops (42.73%) where an arrest was based only on Probable Cause. There were 29 (26.36%) arrests in stops with Black drivers based on a combination of warrants and probable cause. While probable cause arrests were still the most common type of arrest for Black drivers, in the current reporting period, Black drivers were also the largest proportion of arrests based on warrants. Further, there were 17 more probable cause arrests than warrant arrests for Black drivers. For White drivers, this difference was considerably larger, 45 more arrests based on probable cause than warrants alone.

The pattern noted for Hispanic drivers is similar to that of White drivers. Overall, seven (14.58%) arrests in stops with Hispanic drivers were based on warrants alone, 32 (66.67%) were based on probable cause alone, and eight (16.67%) were based on a combination of warrants and probable cause. This is consistent with the previous reporting period where the majority of arrests in stops with Hispanic drivers were probable cause-based.

Asian and Other drivers were involved in seven stops with arrests in the current reporting period. One of these arrests was warrant-based and the remainder were based on probable cause.

In incidents where a vehicle search was conducted, no evidence was found, probable cause then dissipated, and no charges were lodged. The vehicle occupants were then 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. There were four stops where an individual was unarrested during a motor vehicle stop in the current reporting period. This number is much smaller than the 19 stops with an unarrest reported in the previous reporting period. Though the volume of stops with an unarrest has

historically been low, the volume dropped considerably in this reporting period. This is likely the result of changes to State Police policies and procedures following Witt (see Footnote 5).

Further examination of probable cause arrests can indicate whether the potential for disparity exists. There were 58 arrests made on the basis of probable cause and at least one outstanding warrant, smaller than the number in the previous reporting period. 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 Probable Cause and a warrant, 21 drivers were White, 29 were Black, and eight were Hispanic. This pattern is not consistent with the previous reporting period; there was a larger number of Black drivers with Probable Cause and warrant arrests in the current period than the previous period.

The number of warrant-only arrests made during the current reporting period is also larger than the proportion noted in the previous reporting period. The proportion of stops with warrant only arrests in the current reporting period was 22.92% of all arrests compared to 16.79% of all stops with arrests in the previous reporting period. In total, nearly 55% of arrests were based on probable cause alone while 43% were based on an outstanding warrant (either alone or in conjunction with probable cause).

Chi-square analysis was conducted to determine if the racial/ethnic differences in reasons for arrests were statistically different. The results indicate a significant difference, with a chi-square value of 9.88 ($p<.05$) (two-tailed). The difference in the volume arrest reasons among White, Black, and Hispanic drivers is statistically significant. A one-tailed test, which would indicate, for example, whether the volume of probable cause arrests is greater for White drivers than Black drivers, was not significant. Thus, the results indicate only that the variation in arrest reasons across racial/ethnic groups is different, and not that any volume is statistically greater than the other.

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 in which the stop and activities occurred. During the daytime, generally, there is more light which may make it easier for a trooper to identify the race/ethnicity of the driver.

Table Eight: Racial/Ethnic Distribution of Day & Night Stops
13th OLEPS Reporting Period

Race/Ethnicity	Day	Night	Total
White	66	62	**128**
Black	45	68	**113**
Hispanic	16	36	**52**
Asian	1	4	**5**
Other	0	2	**2**
Total	**128**	**172**	**300**

Table Eight indicates that, like the previous reporting period, there were more motor vehicle stops made at night[19] (172) than during the day (128). There were more stops during the night for Black, Hispanic, Asian, and Other drivers and more during the day for White drivers. The largest difference between the numbers of day and night stops was for Black drivers; there were 23 more stops during the nighttime than daytime for this racial/ethnic group.

Chi-square analysis was used to determine whether the observed differences in Table Eight are significant. The results revealed a significant difference among racial/ethnic groups in the distribution of day and night stops, with a chi-square value of 7.439 ($p<.05$). There are significantly more stops at night than during the day overall and more stops at night for Black and Hispanic drivers.

Summary of Standard 1

In the current reporting period, analyses revealed statistically significant distributions for the racial/ethnic distribution of arrest reasons and timing of stops. Overall, White drivers were involved in the largest proportion of all stops reviewed, those with consent requests, and those with arrests. Black drivers were involved in the largest proportion of stops with both canine deployments and uses of force. Further, minority drivers remain overrepresented among the stops selected for review in this report. Stops with consent requests were typically based on RAS rather than Probable Cause, and in this reporting period, canine deployments were more frequently based on RAS than Probable Cause. The reasons for stops were fairly consistent across racial/ethnic groups; failure to maintain lane was the most frequently cited reason for White drivers and was tied with equipment violations as the most frequently cited reason for Black drivers. Rate of speed was the most frequently cited reason for Hispanic drivers. OLEPS noted that a larger proportion of stops of Black, Hispanic, Asian and Other drivers occur at night than during the day, while the reverse is true for White drivers. As in all Oversight Reports, OLEPS examined the appropriateness of all actions taken during motor vehicle stops reviewed.

OLEPS typically compares the racial/ethnic distribution of each enforcement activity with the overall racial/ethnic distribution for all stops. Generally, this benchmark represents the best that is currently available. However, if the racial/ethnic distribution of all stops is skewed, it would be an inappropriate benchmark, and could mask bias in enforcement activities. In the current reporting period, this distribution does not appear skewed, and as such, these comparisons are made. OLEPS continues to recommend the development of a more precise internal or external benchmark to compare these enforcement activities.

[19] Day and night are defined according to sunrise and sunset. A stop occurring after the official time of sunset for the Eastern Time Zone (New York City) on that date will be listed as occurring at night.

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
- There must be audio and visual (A/V) recording of request for approval, supervisor's response, request to citizen, citizen's response, signing of form, and actual search
- Consent form must be completed properly

Assessment

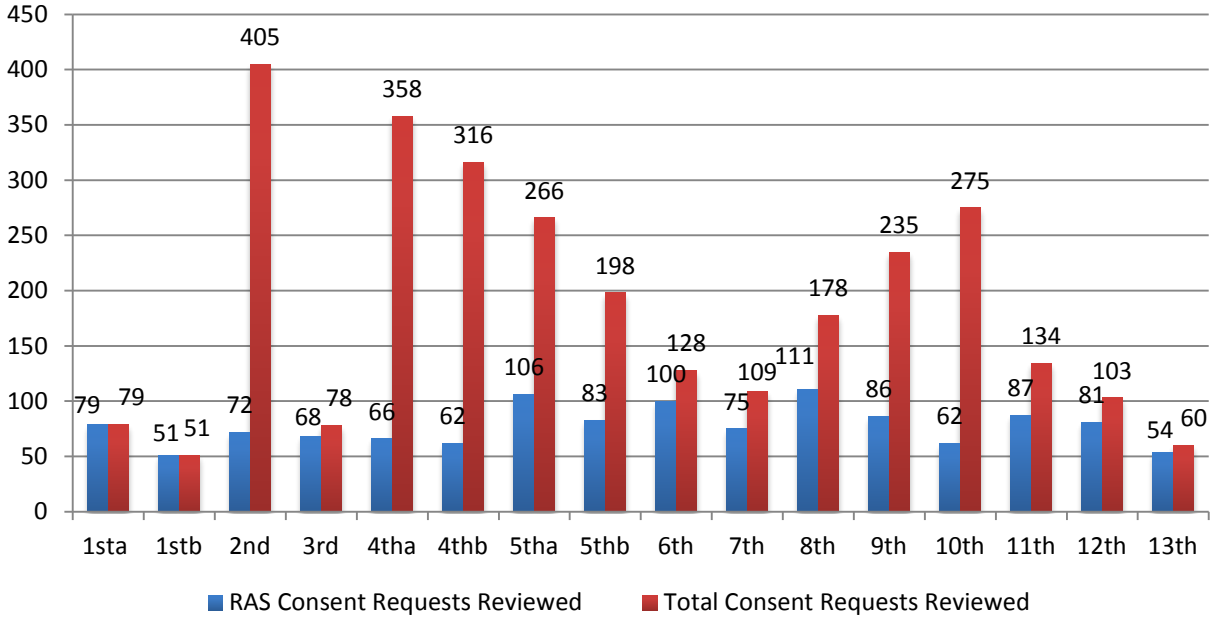
In the current reporting period, OLEPS reviewed a total of 60 motor vehicle stops where a consent to search request was made. A request for consent (Probable Cause or RAS) may be granted or denied by the motorist. In the current reporting period, the majority of all consent requests were granted by motorists; 51 consent requests were granted, and 9 were denied by the motorist.

In this reporting period, OLEPS reviewed all stops with RAS consent requests and a sample of stops based on whether a non-consensual search occurred in the stop. There was no sample selected based on Probable Cause consent requests as had been examined in the past. As noted throughout this report, the Court's decision in Witt dramatically decreased the volume of Probable Cause consent requests. As a result, the majority of stops with consent requests, 54, were based on RAS; only six were based on Probable Cause.

Figure Nine depicts the number of RAS consent requests in each reporting period dating back to OLEPS' first reporting period. The number of RAS consent requests peaked in the eighth reporting period. In subsequent reporting periods, the number of RAS consent requests steadily declined to 62 requests in the tenth reporting period. The number of RAS consent requests increased in the eleventh reporting period to 87 and decreased since then. The number of RAS consent requests in the current reporting period, 54, is the second lowest volume since OLEPS' first reporting period.

The total consent requests column only became relevant in 2009, as a result of the Peña-Flores decision in February 2009. This ruling led to an increased reliance on Probable Cause consent requests, dramatically increasing the numbers of all consent requests. However, since the Court's decision in Witt in September 2015, the volume of all consent requests, but especially Probable Cause consent requests, has decreased considerably. There were only six stops with Probable Cause consent requests reviewed in the current reporting period.

Figure Nine: Consent Requests Reviewed
January 2008- December 2015



RAS & Probable Cause

At a minimum, consent requests must meet the standard of RAS. However, from the Peña-Flores decision in 2009, until the Court's decision in Witt in September 2015, Probable Cause was 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.

Table Nine: Errors on Legal Standard of Consent Requests
13th OLEPS Reporting Period

	All Consent Requests	RAS Consents Requests	Probable Cause Consent Requests
Met Legal Standard	59	53	6
Unknown	-	-	-
Did not meet Legal Standard	1	1	0
Errors Caught	1	1	0
Interventions	0	0	0
Errors Not Caught	0	0	0
Errors Non-Reviewed	0	0	0

Table Nine depicts the errors in meeting each legal standard. Only one consent request reviewed did not meet the appropriate legal standard to request consent in the current reporting period. State Police caught this error but no intervention was issued.

For the past few reporting periods, the number of stops where a legal standard was not met has been low, evidence of State Police's continued supervision and review of motor vehicle stops. The number of

incidents where the legal standards were not met is lower than that in the previous reporting period, likely due to the smaller overall volume of consent requests. OLEPS reminds the State Police to continue its vigilance and improvement in both the appropriate use of legal standards and effective documentation of errors and interventions.

Though there was only one consent request where the legal standard was not met, OLEPS noted eight additional instances where the trooper's language, wording, inaccurate descriptions of the RAS consent process, and repeated requests by the troopers pressured the driver for consent to search the vehicle. All of these stops were reviewed by State Police. State Police noted that such repeated questioning, language, and wording could compromise the voluntariness of the individual's granting of consent to search in all of these stops. An intervention was issued for only one of these instances.

Consent Forms

All troopers requesting consent to search from a motorist are required to complete a consent to search form. This form provides evidence that an individual did or did not grant his/her consent for a trooper to search a vehicle (or other item). 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 completed properly.

Of the 60 stops with consent to search requests, OLEPS confirmed that a consent form was filled out appropriately in 21 instances. There was one stop where a consent to search form was missing; this error was not caught because the stop was not reviewed by State Police despite the requirement to review all stops with RAS consent requests. In 38 stops, the consent form contained errors. Historically, errors most often relate to blank fields on the form. For example, many forms did not have a mark indicating whether consent was granted or denied, signatures were missing, or fields were not filled out entirely. Of the 38 errors on forms, all 38 were caught, but only eight resulted in an intervention.

Table Ten: Consent Form Errors
13th OLEPS Reporting Period

	Consent Requests	RAS	Probable Cause
Form Correct	21	18	3
Form Missing	1	1	0
Not Correct	38	35	3
Errors Caught	38	35	3
Interventions	8	6	2
Errors Not Caught	0	0	0
Errors Non-Reviewed	1	1	0

In previous reporting periods, OLEPS noted a specific issue regarding the proper completion of consent forms that impacted OLEPS' ability to locate forms. Consent forms require a trooper to write the CAD incident number of the motor vehicle stop on the form. In previous reporting periods, OLEPS noted that consent to search forms were initially unable to be located. Once provided by State Police, it was noted that the CAD incident number was missing from the form. Accordingly, because these forms were initially missing a CAD incident number, they were not appropriately filed within the CAD or RMS

records of the stop, making them more difficult for OLEPS to locate. However, in recent reporting periods, the volume of missing consent to search forms has remained low; there was only one missing form in the current reporting period, a decrease from the four missing forms in the previous reporting period. These lower numbers of missing forms may be attributable to State Police's continued improvement in record keeping. OLEPS continues to recommend that the State Police take steps to ensure that paperwork is appropriately filed, recorded, and stored.

Consent request forms were completed without error(s) in about 35% of all stops with consent requests. Errors on the form were caught in all stops, which is 63.33% of all stops with consent requests. All stops with consent request form errors were caught by State Police. OLEPS commends the State Police on the improvements made regarding consent to search forms and its diligence in ensuring that forms are appropriately filed and stored in State Police databases. OLEPS continues to recommend that the State Police stress the importance of appropriately filed consent forms and proper documentation of consent form errors via an intervention.

Rights

Troopers are instructed to read the consent to search form in its entirety to the individual whose vehicle, items, or person 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 four 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. All of these errors were caught and two resulted in an intervention. There were an additional four stops where it was unknown whether the trooper read the consent form in its entirety due to recording issues.

Table Eleven: Reading Consent Form Errors
13th OLEPS Reporting Period

	Consent Requests	RAS	Probable Cause
Read Correctly	52	47	5
Unknown if Read	4	4	0
Not Read Correctly	4	3	1
Errors Caught	4	3	1
Interventions	2	1	1
Errors Not Caught	0	0	0
Errors Non-Reviewed	0	0	0

The number of errors pertaining to the right to refuse is low. The historical improvement in this error rate is likely the result of edits to the consent search form, which reinforced a trooper's obligations to read these rights. The State Police has also expressed that some troopers did not read the right to be present during the search because the motorist was not leaving the scene of the stop, or because the trooper did not wish to give motorists the option of leaving. However, since the redesign of the consent search form and the reinforcement of the importance of these rights, the number of errors not caught pertaining to rights has decreased overall.

OLEPS recommends that, in accordance with State Police policies, 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 articulable facts and circumstances that meet the appropriate standards of RAS or Probable Cause. In the majority of stops with consent requests, 45, the supervisor was advised of the facts via the radio. In nine stops, a supervisor was notified of the facts and circumstances at the scene of the stop. In four stops, a supervisor was notified of the facts and circumstances via phone. There were two motor vehicle stops where OLEPS was unable to determine whether a supervisor was notified of the facts and circumstances surrounding the request due to missing portions of the DIVR or audio malfunctions.

Table Twelve: Request for Supervisory Approval to Request Consent Errors
13th OLEPS Reporting Period

	Consent Requests	RAS	Probable Cause
Radio	45	40	5
Scene	9	8	1
Phone	4	4	0
Unknown	2	2	0
Not Notified	0	0	0
Errors Caught	0	0	0
Interventions	0	0	0
Errors Not Caught	0	0	0
Errors Non-Reviewed	0	0	0

Table Thirteen: Consent Request Recording Errors
13th OLEPS Reporting Period

	Consent Requests	RAS	Probable Cause
Recorded	56	50	6
Unknown	3	3	0
Not Recorded	1	1	0
Errors Caught	1	1	0
Interventions	1	1	0
Errors Not Caught	0	0	0
Errors Non-Reviewed	0	0	0

Troopers are also required to read the consent form (including the rights to be present and to refuse) while recording. This provides supplemental evidence that troopers notified motorists of their rights. In 56 stops, consent was requested while recording, while in one stop the consent request was not recorded. In the one stop where the consent request was not recorded, OLEPS noted that the microphone was turned off. This error was noted by State Police and resulted in an intervention. Additionally, there were three instances where it was unknown whether the consent to search form was read while recording.

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 the State Police communication center that the search is beginning. This was done in 45 of the 51 motor vehicle stops with a granted consent request. There were three stops where it was unknown whether a trooper notified the communication center that the search was beginning. There were three stops where a trooper failed to notify the communication center of the beginning of the consent search. These errors were caught and an intervention was issued for one of these stops.

Table Fourteen: Consent Search Communication Errors

13th OLEPS Reporting Period

	Consent Requests	RAS	Probable Cause
Notified	45	40	5
Unknown	3	3	0
Not Notified	3	3	0
Errors Caught	3	3	0
Interventions	1	1	0
Errors Not Caught	0	0	0
Errors Non-Reviewed	0	0	0

According to State Police policy, troopers are also required to record the actual search. As noted previously, OLEPS can only confirm trooper adherence to this requirement for stops where recordings are available for review. In 46 stops, the consent search was properly recorded. Consent searches were not recorded in one motor vehicle stop, which was not noted by supervisory review because it did not undergo a supervisory review despite the requirement to be reviewed. In one stop, only the audio portion of the consent search was recorded. In three stops only the video portion was recorded.

Table Fifteen: Consent Search Recording Errors

13th OLEPS Reporting Period

	Consent Requests	RAS	Probable Cause
All Recorded	46	41	5
Audio Only	1	1	0
Video Only	3	3	0
Unknown	0	0	0
Not Applicable	0	0	0
Not Recorded	1	1	0
Errors Caught	0	0	0
Interventions	0	0	0
Errors Not Caught	1	1	0
Errors Non-Reviewed	1	1	0

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 most stops, 46, troopers appropriately heeded the scope requirements of the search. There were three motor vehicle stops with a consent search where troopers went beyond the scope requirements. All of these errors were caught by State Police supervisory review but no

interventions were issued for any of these errors. There were two stops where OLEPS could not determine whether the scope of the search was exceeded, likely due to recording issues.

Table Sixteen: Consent Search Recording Errors
13th OLEPS Reporting Period

	Consent Requests	RAS	Probable Cause
Followed Scope	46	41	5
Unknown	2	2	0
Did not Follow Scope	3	3	0
Errors Caught	3	3	0
Interventions	0	0	0
Errors Not Caught	0	0	0
Errors Non-Reviewed	0	0	0

A motorist retains the right to withdraw his/her 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, typically occurring in fewer than five stops each reporting period. In this reporting period, consent was withdrawn in one motor vehicle stop; the consent search was not terminated upon withdrawal of consent as required. This error was caught by State Police supervisory review, however, no intervention was issued for this error.

The Odor of Marijuana

In September 2014, the State Police issued operations instructions detailing how State Police should proceed after the passage of the Compassionate Use Medical Marijuana Act (CUMMA) in encounters where the odor of marijuana was detected. These guidelines require that troopers ensure that the driver and/or occupant are not CUMMA patients prior to engaging in any law enforcement activity. State Police policies during the period in which Peña-Flores was controlling law had instructed troopers to arrest drivers upon the detection of the odor of marijuana. Once arrested, the trooper was able to request consent to search the vehicle or request a search warrant to search the vehicle. However, when this ruling was overturned in Witt in September 2015, State Police issued new guidelines indicating that troopers were permitted to conduct a warrantless, probable cause search of the interior of the vehicle. Troopers nonetheless are still required to determine the CUMMA status of the driver and/or occupants prior to this search.

OLEPS reviews whether, when applicable, State Police determine whether drivers and/or occupants are CUMMA patients prior to engaging in law enforcement activity. In the current reporting period, there were 64 stops where it was appropriate to inquire about a motorist's CUMMA status. In eight stops it was unknown whether a CUMMA inquiry was made. In 46 stops, the driver was asked, at some point during the interaction, whether s/he were a medical marijuana patient. There were 10 stops where the trooper failed to inquire about CUMMA. Seven of these errors were caught and six resulted in an intervention. The remaining errors occurred in stops that were not reviewed.

Troopers are required to inquire into a driver's medical marijuana status prior to taking any law enforcement action. In 42 stops, troopers determined CUMMA status prior to engaging in any other activities. In four stops, troopers failed to inquire about a driver's potential CUMMA status prior to taking law enforcement action. Two of these were caught but neither resulted in an intervention. These errors frequently occurred because the trooper arrested the driver prior to ascertaining whether s/he

was a CUMMA patient. Of the two errors not caught, one occurred in a stop not reviewed by State Police and the other was uncaught despite receiving a State Police review.

Summary of Standard 2

Overall, during the current reporting period, the State Police adhered to policies and procedures governing consent search requests. OLEPS noted only one instance where the facts and circumstances surrounding a consent to search request did not meet the minimum standard of RAS, and the error was caught by State Police. However, no intervention was issued. There was only one consent form missing or unavailable in the current period, but errors on the forms remain. However, State Police noted the majority of these errors. Overall, 41 out of 60 stops with a consent request contained an error relating to the consent request and/or search; errors were caught in 40 of these stops. OLEPS commends the State Police on the improvements made regarding consent to search forms and its diligence in ensuring that forms are appropriately filed and stored in State Police databases. OLEPS continues to recommend that the State Police stress the importance of filling out these forms completely and correctly, and appropriately cataloging these forms. However, of note is that there was one stop with an RAS consent request, a critical incident requiring supervisory review that did not receive the requisite review, despite the considerable decline in all stops with consent searches. Detailed discussion of the stops without supervisory review appears in Performance Standard 9. Further discussion of the recording issues noted in this standard are discussed in Performance Standard 5.

Performance Standard 3: Deployment of Drug Detection Canines

Standards

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

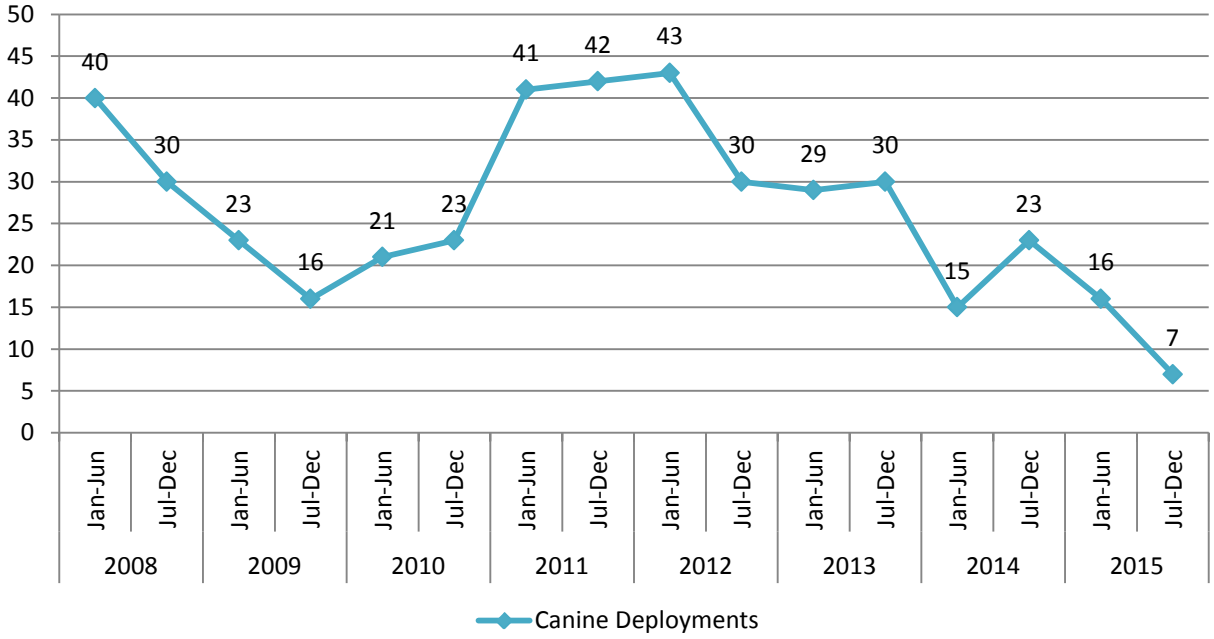
- Must be authorized by a supervisor not involved in the stop
- Must be radioed through dispatch
- Must have a minimum of RAS
- Must be recorded (since all stops must be)

Assessment

As indicated in State Police policies and procedures, all canine deployments must be requested of and authorized by a supervisor not involved in the requesting trooper's motor vehicle stop. These deployments are referred to as official deployments. Unofficial deployments are those that occur when a canine handler serves as a "back-up" to the primary trooper and utilizes the canine without prior supervisory approval. In the current reporting period, there were seven stops involving official canine deployments at the scene of the stop and no stops involving unofficial canine deployments. Figure Ten depicts the trend of canine deployments at the scene of motor vehicle stops from 2008 to the current reporting period. In addition to these seven official deployments at the scene, there were three official canine deployments at the station. However, these three deployments are not discussed in detail in this standard because they occurred back at the station where recordings are not always available and because station activities were not subject to review under the Consent Decree.

The number of stops with canine deployments in the current period is a 56% decrease from the previous reporting period and the lowest number of stops with canine deployments recorded across this eight-year span. During the current reporting period, the Supreme Court issued a ruling in Witt that overturned the limitations to automobile exception searches set forth in Peña-Flores. As a result of the ruling in Witt, troopers are permitted to search vehicles using the standard set forth in Alston, allowing for a search of a vehicle under the automobile exception. Prior to Witt, State Police had indicated that when probable cause of a crime was developed, it was common practice for judges to suggest a canine deployment prior to issuing a search warrant. As such, the volume of canine deployments likely increased in anticipation of judicial response when requesting a search warrant.

Figure Ten: Stops with Canine Deployments
January 2008- December 2015



Of the seven stops with official canine deployments, six were based on RAS and one was based on Probable Cause. Of all six stops involving canine deployments based on RAS, the facts and circumstances surrounding each deployment met the legal standard of RAS. Similarly, for the one stop with a canine deployment based on Probable Cause, the facts and circumstances surrounding the deployment met the legal standard of Probable Cause.

Table Seventeen: Canine Deployment Legal Standard Errors
13th OLEPS Reporting Period

	Canine Deployments	RAS Deployments	Probable Cause Deployments
Met Legal Standard	7	6	1
Did not meet Legal Standard	0	0	0
Errors Caught	0	0	0
Interventions	0	0	0
Errors Not Caught	0	0	0
Errors Non-Reviewed	0	0	0

Canine deployments must be pursuant to State Police policy. In the current reporting period, six canine deployments were recorded appropriately. There was one official deployment in which a canine was present at the scene, however, the canine was not utilized to sniff or search in the course of the motor vehicle stop. Given that the utilization of this canine could not be recorded because it occurred outside the scope of the camera, this is not categorized as a recording error.

Table Eighteen: Canine Deployment Recording Errors

13th OLEPS Reporting Period

	Canine Deployments	RAS Deployments	Probable Cause Deployments
Recorded	6	5	1
Unknown	0	0	0
Canine Not Utilized	1	1	0
Not Recorded	0	0	0
Errors Caught	0	0	0
Interventions	0	0	0
Errors Not Caught	0	0	0
Errors Non-Reviewed	0	0	0

Summary of Standard 3

The number of motor vehicle stops involving deployments in the current reporting period is the lowest in comparison to all previous reporting periods since 2008. In the current reporting period, all canine deployments based on RAS met the legal standard of RAS, and the one stop with a canine deployment based on Probable Cause met the legal standard of Probable Cause. There were no recording errors in the current reporting period. Despite changes in the frequency of canine deployments, State Police continues to follow the required canine deployment procedures.

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 must be filed completely and properly

Assessment

There were 38 stops involving uses of force in the current reporting period, a 31% increase since the previous reporting period and the highest count of stops involving uses of force since 2008. Table Nineteen 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. In all 38 stops, physical force was used; in eleven stops, a combination of mechanical and physical force was used.

Table Nineteen: Uses of Force by Type of Force[20]
13th OLEPS Reporting Period

Type of Force	Number of Stops
Physical	27
Mechanical	0
Enhanced Mechanical	0
Physical & Mechanical	11
Physical & Enhanced Mechanical	0
Total	**38**

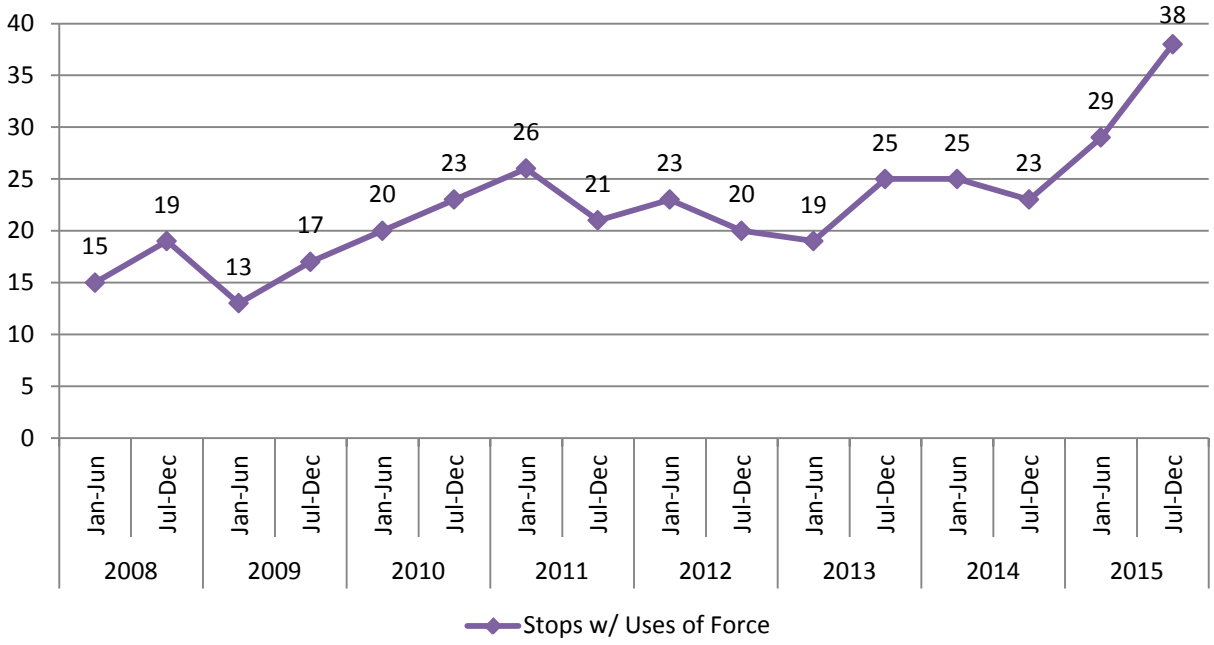
OLEPS reviews all uses of force in connection with motor vehicle stops. In the current reporting period, there was an increase in the number of stops with uses of force. Figure Eleven depicts the trend in the number of stops with uses of force from 2008 to the current reporting period. As previously indicated,

[20] 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; chemical or natural irritating agent, etc.
Enhanced Mechanical Force: An intermediate force option between mechanical force and deadly force, requiring a greater level of justification than that pertaining to physical or mechanical force, but a lower level of justification than that required for the uses of deadly force (e.g., conducted energy devices and less-lethal ammunition).

there were 38 stops with uses of force in the current period. This is the highest number of stops with uses of force recorded since 2008.

Figure Eleven: Stops with Use of Force

January 2008-December 2015



In 31 stops, force was used against the driver. In nine stops, force was used against passengers, seven stops involving passenger 1, and two stops involving passenger 2. In two stops, force was used against both the driver and passenger 1.

OLEPS assesses whether uses of force occurring in motor vehicle stops were appropriate and necessary. In 31 instances, uses of force were deemed necessary and appropriate. These 31 instances involved 29 stops in total, as two stops involved necessary and appropriate force used on both the driver and passenger 1. In this reporting period, there were nine stops where OLEPS was unable to determine whether force was appropriate. Six of these stops involved the driver, and three involved passenger 1. In these nine stops, recordings were unavailable or incomplete. Six of these stops involved physical force only and three of these stops involved both physical and mechanical force. There were no stops where OLEPS observed a use of force deviating from applicable standards.

Table Twenty: Uses of Force Errors

13th OLEPS Reporting Period

	Driver	P1	P2
Necessary	25	4	2
Unknown	6	3	0
Not necessary	0	0	0
Errors Caught	0	0	0
Interventions	0	0	0
Errors Not Caught	0	0	0
Errors Non-Reviewed	0	0	0

Given the higher number of uses of force noted here and the current cultural climate surrounding police use of force, OLEPS examined the specific circumstances that led to the force to determine whether there were any patterns of behavior that elicited uses of force. OLEPS noted what actions a citizen did or did not take in a stop that led to the use of force. Most commonly, citizens refused to comply or resisted arrest. Specifically, the following precipitated a use of force:[21]

- In 30 stops with a use of force, a citizen physically resisted when the trooper placed handcuffs on them.
- In 34 stops, motorists refused to comply with orders to lower the window, exit the vehicle, present credentials, or to follow any trooper commands.
- In 16 stops, the individual fled the scene, seven were on foot and nine were in a vehicle.
- In six stops, there was a vehicle pursuit during the stop.
- In seven stops, the citizen threatened the trooper.
- In eight stops, the trooper was attacked by the motorist.

Use of force reports are required to be filed in all instances of force for each citizen involved. In the 31 use of force stops involving the driver, all use of force reports were filed. Of the seven uses of force stops involving passenger 1, one stop had a missing use of force report. This error was noted by OLEPS, but was not caught despite State Police supervisory review. No reports detailing uses of force involving passenger 2 were missing.

Table Twenty-One: Uses of Force Reports

13th OLEPS Reporting Period

	Driver	P1	P2
Report Filed	31	6	2
Missing	0	1	0
Errors Caught	0	0	0
Interventions	0	0	0
Errors Not Caught	0	1	0
Errors Non-Reviewed	0	0	0

Additionally, OLEPS reviews use of force reports for completion and correctness. In eight stops involving uses of force against the driver, the use of force reports were not completed properly. For example, in one stop, the use of force form indicated physical force only, whereas both physical and

[21] Stops may be represented more than once since the totality of the circumstances is what leads to a use of force and because these actions may have occurred simultaneously.

mechanical force (i.e., OC spray) were used and should have been noted. Six of the eight reporting errors involving the driver were caught by State Police supervisory review, and one error resulted in an intervention. The remaining two errors were not caught, despite supervisory review. As previously indicated, there were seven stops involving uses of force on passenger 1, however, the use of force form was missing for one stop and not noted despite supervisory review. The remaining six use of force reports for passenger 1 were completed properly. Reports detailing uses of force involving passenger 2 were completed properly.

Table Twenty-Two: Uses of Force Report Errors
13th OLEPS Reporting Period

	Driver	P1	P2
Report Correct	23	6	2
Missing	0	1	0
Report Not Correct	8	0	0
Errors Caught	6	0	0
Interventions	1	0	0
Errors Not Caught	2	1	0
Errors Non-Reviewed	0	0	0

Summary of Standard 4

OLEPS concluded that despite the historically high number of incidents with uses of force in the current reporting period examined by OLEPS, the observable uses of force were conducted in accordance with State Police requirements and the law. The issues pertaining to missing, incomplete, or incorrect use of force reports underscores the importance of OLEPS' recommendations for appropriate documentation and cataloging of State Police enforcement activities. OLEPS is mandated to review all critical stops, which include uses of force, however, there were instances in the current reporting period where OLEPS was unable to review the stops due to unavailable or incomplete recordings. OLEPS reiterates concerns regarding complete recording and appropriate storage management of motor vehicle stop recordings.

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- perceived 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 involve 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.

OLEPS reviews all documentation of motor vehicle stops in addition to recordings. This includes any and all supervisory reviews of the motor vehicle stop. In instances where OLEPS cannot access or locate a recording of a motor vehicle stop, OLEPS can examine these supervisory reviews to determine whether the stop was recorded at all.

Assessment

Recording

In the current reporting period, a total of 300 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 (i.e., 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 that can and do function independently. In the past reporting periods, OLEPS has noted many instances where the audio and video did not record simultaneously. For example, in some cases there may be a video recording, but no audio or vice versa. Because of this, OLEPS now assesses video and audio activations separately.

Of the 300 motor vehicle stops reviewed by OLEPS, 255 stops (85%) had appropriately activated video recordings. There were 12 stops (4%) where OLEPS was unable to determine whether the video was activated. For eight stops all recordings were unavailable, in three stops only the first clip was unavailable, and the recordings in the remaining stop were intermittent throughout the stop. In several previous reporting periods, OLEPS noted instances where the first clip of a motor vehicle stop was unavailable on the State Police DIVR system because it was not catalogued with the appropriate incident number. Missing first clips of stops is less of an issue in the current reporting period than the issue of no available recordings at all for several stops. In these instances, reviews were completed using recordings from other troop cars involved in the stop, if available. OLEPS recommends that the State Police examine the issue of missing clips of motor vehicle stops to ensure that all recordings are stored and catalogued appropriately.

In 31 stops (10%), video activation was not applicable, likely because the stop did not begin as a trooper-initiated stop (i.e., motorist aids, accidents, or area checks) or because the DIVR was not available for review at all. In total, there were three stops (1%) where the video was not activated appropriately when the trooper signaled the stop, six fewer than the previous reporting period. In two stops, this error was caught. However, no interventions were issued. The remaining error was not caught because the stop was not reviewed by State Police.

Table Twenty-Three: Recording Activation Errors
13th OLEPS Reporting Period

	Video Activation	Audio Activation
Activated	255	230
Unknown	12	12
Not Applicable	31	31
Not Activated	3	27
Errors Caught	2	9
Interventions	0	1
Errors Not Caught	1	18
Errors Non-Reviewed	1	16

Audio recording activation occurred at the beginning of 230 motor vehicle stops (77%) this reporting period. There were 31 stops (10%) where it was not applicable for audio activation to occur at the beginning of the stop, identical to the 31 stops in which video activation was not applicable because the stops were not trooper-initiated. In the current reporting period, OLEPS was unable to determine whether both video and audio were activated at the beginning of 12 (i.e., the same 12) motor vehicle stops (4%). In six of these stops, OLEPS reviewed backup car recordings only.

In total, there were 27 stops (9%), in which the audio was not activated appropriately at the beginning of the stop. Of these 27 stops, nine errors were caught, and one error resulted in an intervention. Of these nine errors caught, one error was caught that did not receive State Police supervisory review; that is, this was a trooper-caught error. Thus, in total, there were seven stops with errors caught through supervisory review that did not result in interventions. State Police were not required to review 16 of the 18 stops with uncaught errors. Thus, only two stops with audio activation errors were not caught despite receiving a State Police review.

As with the activation of audio and video, OLEPS also assesses whether audio and video recordings continue to the completion of a stop, separately. There were 277 stops (92%) in the current reporting

period where the video recording continued to the completion of the stop. There were 11 stops (4%) where OLEPS was unable to determine whether video recording continued to the completion of the stop. In these stops, OLEPS had no indication that the primary recordings continued to the end of the stop because the recordings were unavailable. The majority of these reviews (seven) were based on recordings from backup cars involved in the stop. Additionally, there were five stops (2%) where it was not applicable for the recording to continue to the completion of the stop. In total, there were seven stops (2%) where the video recording did not continue to the completion of the stop. Four of these instances were noted through supervisory review, and two resulted in an intervention. The three remaining errors occurred in stops that were not reviewed by State Police. Thus, State Police caught all video completion errors in stops with a review.

Table Twenty-Four: Recording Completion Errors
13th OLEPS Reporting Period

	Video Completion	Audio Completion
Completion Recorded	277	252
Unknown	11	11
Not Applicable	5	5
Completion Not Recorded	7	32
Errors Caught	4	17
Interventions	2	7
Errors Not Caught	3	15
Errors Non-Reviewed	3	15

In 252 stops (84%), the audio recording continued to the completion of the stop. There were 11 stops (4%) where OLEPS was unable to determine whether the audio recording continued to completion. These were the same 11 stops in which OLEPS was unable to determine whether video recording continued to completion. In seven of these stops, OLEPS reviewed back up car recordings only. There were five stops (2%) where it was not deemed applicable for the audio to continue to the completion of the stop. There were a total of 32 stops (11%) where the audio recording did not continue to the completion of the stop. Of these audio completion errors, the State Police caught 17 in their reviews and seven resulted in an intervention. In total, there were 10 instances where errors were caught by supervisors, but State Police did not issue any interventions. All 15 errors not caught occurred in stops without State Police review.

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. Further, recordings may be "non-matched;" that is, they are not properly cataloged in databases according to incident or sequence numbers. The instances where OLEPS was unable to determine whether the audio and video were activated or continued to the end of the stop resulted from this issue. In previous reporting periods, a number of recordings were listed as "no record found" or "unavailable" when OLEPS attempted access. Because OLEPS cannot access portions of or the entirety of motor vehicle stops, a formal determination on the quality of recording cannot be made. These issues are likely the result of storage and database issues, but OLEPS continues to recommend that State Police ensure that motor vehicle stops are recorded and stored in their entirety.

There were more stops with video activation issues than video completion issues. The same is true for audio recordings; however, the number of stops without complete audio recordings is higher. This suggests that, overall, video and audio recording issues more commonly impacted the beginning of

stops in the current reporting period. Once the video and audio recording began, the recording typically stayed on until the completion of the stop. However, complications throughout stops were more prevalent in audio recordings.

For several reporting periods, OLEPS has assessed the quality of audio and video recordings. While a DIVR 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 was any audio or video interference that made it difficult to determine trooper actions. There were 35 stops (12%) where some sort of audio interference made it challenging to determine trooper actions, less than the proportion noted in the previous reporting period. These interferences often result from the noise of traffic passing or other external factors. Similarly, there were 35 stops (12%) where there was a malfunction in the audio, more than the proportion noted in the previous reporting period. Malfunctions may result from microphones dying or fading in and out throughout the stop. There were two stops (1%) where it was unknown whether there were any audio difficulties due to missing recordings.

Table Twenty-Five: Recording Difficulties
13th OLEPS Reporting Period

	Audio Difficulties	Video Difficulties
None	228	259
Difficulties	35	27
Malfunction	35	12
Unknown	2	2

Issues with the video recording were noted in 27 stops (9%), making it difficult to determine trooper actions. This is less than the previous reporting period. The video interferences may result from the camera being positioned away from the stopped vehicle or because of environmental conditions (e.g., darkness, precipitation, etc.). While not ideal for review purposes, the direction of a camera may be less of a concern for a trooper during a motor vehicle stop because a trooper's priorities are trooper and motorist safety. In addition to video difficulty, there were 12 stops (4%) where OLEPS noted a video malfunction, slightly more than the previous reporting period. There were two stops (1%) where it was unknown whether there were any video difficulties due to missing recordings.

In the previous reporting period, 26% of all stops reviewed had either issues with audio recordings or a malfunction, while 17% had a video malfunction or issues with the recording. In the current reporting period, the rates of both audio and video issues have decreased slightly. Twenty-three percent (23%) of stops had issues with audio recordings or a malfunction, while 13% of stops had a video malfunction or recording issues. In each reporting period, a large portion of stops continue to have technological issues impacting the ability to review stops.

OLEPS has continuously noted issues pertaining to the recording and cataloging of motor vehicle stop recordings. In this reporting period, a number of issues arose regarding the cataloging of stops. During the reviews, recordings were missing or were incomplete. In these instances, videos captured only a portion of the stop, may have captured another incident, or were missing in their entirety. In previous reporting periods, State Police informed OLEPS that recordings are available for all stops. However, in some instances these recordings are not appropriately catalogued in the database and, as such, they do not appear when traditional search tactics are employed. These "unmatched" clips must be browsed individually to determine whether they capture the incidents under review. This process can be time consuming. Further, when a stop is not appropriately catalogued with an incident number, it may not

be saved appropriately according to State Police's records retention schedule. In the current reporting period, a paper review was required for four stops due to unavailable or missing recordings. OLEPS recommends that State Police work to improve the cataloging and storage of all video and audio recordings to ensure that these records are easily accessible and obtainable.

OLEPS has historically noted issues pertaining to the recording of motor vehicle stops. It was anticipated that these issues would be remedied once State Police transitioned to DIVR. However the issues persist. While overall, there has been improvement in the quality of recordings, nearly a quarter of stops have malfunctions or audio/video difficulties. In addition, completely missing or incomplete recordings of stops continue to be noted. OLEPS continues to recommend that the State Police ensure that troopers properly record motor vehicle stops, keep recording equipment in working order, and ensure proper storage of all recordings.

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 or record of the stop.

Upon stopping a vehicle and prior to approaching the vehicle, troopers are required to call-in: 1) the location of the stop; 2) a vehicle description; 3) the number of occupants; 4) the perceived race/ethnicity of the occupants; and 5) the reason for the stop. In the majority of stops, troopers called in the appropriate information to communication. In the current reporting period, there were five stops in which communication was not notified of the location of the motor vehicle stop. Two of these errors were caught by State Police supervisory review, however, none resulted in an intervention. Of the remaining three errors, two were not caught because they occurred in stops that did not receive State Police review. The final error remains uncaught despite State Police review. There were six stops in which communication was not notified of the following: the number of occupants, description of the vehicle, description of the occupants, and reason for the stop. Three errors were caught across each examined category, however, State Police did not issue an intervention for any of these errors. Of the remaining three errors, two were not caught, because they occurred in stops that did not receive State Police review. One error remained uncaught despite State Police supervisory review.

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 was one stop in which communication was not notified of the completion of the stop. This error was caught by State Police; however, an intervention was not issued for this error. There were four stops in which communication was not notified of actions taken during the stop. These four errors were caught by State Police; however, none resulted in an intervention. Despite these communication errors, the State Police still performed the majority of the call-ins for motor vehicle stops and continue to improve the number of stops that had all call-ins prior to approach.

As depicted in Table Twenty-Six, in roughly 40 stops it was unknown whether the communication call-ins required at the beginning of a stop were conducted due to missing recordings and recording difficulties/malfunctions. Additionally, there were roughly 35 stops where it was not applicable for call-ins to occur, likely because these stops were directed, began as aids/accidents, or rest area checks. When examining call-ins pertaining to the completion of the stop and specific actions taken, there were 20 stops in which it was unknown whether communication call-ins were conducted, and one stop in which it was not applicable for call-ins to occur. Across all categories examined, no interventions were given for communication call-in errors that were caught in the current reporting period.

OLEPS commends the State Police on its continued improvement in the rate of communication call-ins. The majority of stops, including those reviewed and not reviewed by State Police, demonstrated the appropriate communication call-ins.

Table Twenty-Six: Communication Call-in Errors
13th OLEPS Reporting Period

	Location	# of Occup.	Descript. of Vehicle	Descript. of Occup.	Reason	Complt.	Action
Called In	217	216	218	216	214	278	275
Unknown	41	42	41	42	40	20	20
Not Applicable	37	36	35	36	40	1	1
Not Called In	5	6	6	6	6	1	4
Errors Caught	2	3	3	3	3	1	4
Interventions	0	0	0	0	0	0	0
Errors Not Caught	3	3	3	3	3	0	0
Errors Non-Reviewed	2	2	2	2	2	0	0

Reporting

Motor vehicle stop 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 300 stops reviewed, there were 77 stops (26%) with stop reports containing at least one error, a slight increase in the proportion of stops with these errors from the previous reporting period. An error on a motor vehicle stop report consists of any incomplete, missing, or inaccurate information on the report (e.g., incorrect license plate number, missing notation of a frisk). Of these errors, 48 (62%) were caught by supervisory review and seven (15%) resulted in an intervention. There were 29 (38%) stops where an error was made on a motor vehicle stop report that was not caught by supervisory review, more than the previous reporting period. Of these uncaught errors, 22 occurred in stops that did not receive State Police review. Thus, there were seven stops with errors not caught despite receiving a State Police Review.

Table Twenty-Seven: Report Errors
13th OLEPS Reporting Period

	Stop Report	Investigation Report
Correct	221	200
Unknown	2	0
Not Applicable	0	81
Not Correct	77	19
Errors Caught	48	18
Interventions	7	6
Errors Not Caught	29	1
Errors Non-Reviewed	22	0

Investigation reports are required to be completed by troopers only for stops involving investigative activities. In the current reporting period, there were 219 stops that required investigation reports. Of these stops, 200 or 91% were error free, a slight increase from the 179 (89%) that were error free in the previous reporting period. There were 19 investigation reports that contained at least one error, a slight decrease from the last reporting period. Of these errors, 18 were caught by supervisory review and six resulted in an intervention. The one remaining uncaught error occurred in a stop that received State Police review. There were no instances of missing investigation reports in the current reporting period, and thus there were no instances in which it was unknown whether the investigation report was completed correctly.

As in previous reporting periods, the majority of 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' review reveals an overall improvement in reporting, especially among motor vehicle stop reports.

Summary of Standard 5

In the current reporting period, issues continue regarding the availability, duration, and quality of recordings for motor vehicle stops. In stops with audio issues, microphones continue to cut in and out, record only static, or record nothing at all. OLEPS recommends the State Police investigate these issues.

Additionally, OLEPS noted a number of issues pertaining to the availability of video recordings. The State Police should examine methods to improve recordings and determine why recordings are not saved appropriately in the recordings database. OLEPS continues to note audio activation and completion issues in motor vehicle stops. Though the video is recording, the audio cannot be heard in a number of stops. Further, OLEPS has also noted a high number of stops where audio recordings do not continue to the end of the stop. Unlike the 12th reporting period, throughout the entirety of the current reporting period, OLEPS had access to videos recorded on State Police's new software.

In the current reporting period, the State Police caught a higher number of recording and reporting errors than it failed to catch. Similar to the previous reporting period, only 50% of stops in the current reporting period received a State Police review. Accordingly, the reviews in the current period are more detailed and thorough. Despite the increased detail in State Police reviews, interventions remain an infrequent response to errors noted, especially those pertaining to recording and reporting of stops. This will be further explored in Performance Standard 9.

OLEPS commends the State Police on the continued vigilance on communication call-ins. In this reporting period, OLEPS found consistent evidence that the State Police conducted these call-ins as required. However, there was a large volume of stops where OLEPS was unable to determine whether communication call-ins were conducted due to missing, incomplete, or unavailable recordings.

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 of an individual. These circumstances include:

- Driver exit for any reason
- Passenger exit for articulable heightened caution, suspected criminal activity, Title 39 violation, or to perform search of vehicle
- Frisks conducted for weapons or duty to transport (DTT)

In addition, pursuant to New Jersey law,[22] 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 to exit for any reason. Passengers may be asked to exit based on an articulable heightened caution, suspected criminal activity, Title 39 violation, to perform a search of vehicle, or they may be asked to exit as duty to transport (DTT).

In the current reporting period, there were 273 (of the 300 total stops) stops where the driver and/or occupant(s) were asked to exit the vehicle. Of the stops with exits, 253 involved a driver being asked to exit. Eighty-six of these driver exit requests were for sobriety, less than the number of sobriety exits in the previous reporting period (123). This difference is likely due to sample selection, as the previous reporting period included stops selected based on whether a frisk occurred during the stop.

There were 146 stops where the passenger, labeled "passenger 1," was asked to exit a vehicle. Of these stops, 135 were based on heightened suspicion and 12 were asked to exit as DTT. In seven stops, passenger 1 was already out of the car when the trooper arrived. All requests for passenger 1 to exit involved DTT or heightened suspicion; thus, unlike the previous reporting period, there were no exit errors involving passenger 1 in the current reporting period.

There were 51 stops where the passenger, labeled "passenger 2," was asked to exit the vehicle, 47 of which were based on heightened suspicion and five on DTT. There were three stops in which passenger 2 was already out of the car when the trooper arrived. All requests for passenger 2 to exit involved DTT or heightened suspicion; thus, unlike the previous reporting period, there were no exit errors involving passenger 2 in the current reporting period.

[22] State v. Smith, 134 N.J. 599, 611 (1994) (describes the right of an officer to remove a driver from a lawfully stopped vehicle as "established precedent").

Table Twenty-Eight: Vehicle Exit Errors
13th OLEPS Reporting Period

	P1	P2
DTT	12	5
Heightened Suspicion	135	47
Unknown	0	0
Did not meet heightened suspicion	0	0
Errors Caught	0	0
Interventions	0	0
Errors Not Caught	0	0
Errors Non-Reviewed	0	0

Frisks

Frisks are utilized by troopers to protect themselves and the individuals involved in the stop from physical harm. 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 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).

Table Twenty-Nine: Frisk Legal Standard Errors
13th OLEPS Reporting Period

	Driver	P1	P2
Met Legal Standard	17	16	5
Unknown	0	0	0
Did Not Meet Legal Standard	0	0	0
Errors Caught	0	0	0
Interventions	0	0	0
Errors Not Caught	0	0	0
Errors Non-Reviewed	0	0	0

In the current reporting period, there were 28 stops involving frisks of the driver and/or passengers. In total, 17 drivers were frisked. Four frisks of the driver were based on DTT, and 13 were based on RAS. Unlike the previous reporting period, there were no instances in which a frisk of the driver did not meet the standard of RAS in the current reporting period.[23] Further, there were no stops with frisks of the driver in which the legal standard of the frisk was unknown.

In 17 motor vehicle stops, at least one passenger was frisked. Sixteen stops involved a frisk of passenger 1. Of these frisks, 11 were based on DTT and five were based on RAS. There were no

[23] That fewer errors in stops with frisks were found in the current reporting period should be interpreted in light of sample selection. The current sample of stops with frisks (28 stops) is markedly lower than those in the previous reporting period (194 stops). In the previous reporting period, OLEPS specifically selected stops with frisks for the secondary sample. Accordingly, the larger sample size could account for the increase in errors in the previous reporting period.

instances in which a frisk of passenger 1 did not meet the standard of RAS in the current reporting period. There were no stops with frisks of passenger 1 where the legal standard of the frisk was unknown.

There were five motor vehicle stops where passenger 2 was frisked. Of these, two were based on DTT and three were based on RAS. There were no instances in which a frisk of passenger 2 did not meet the RAS standard. Further, there were no stops with frisks of passenger 2 where the legal standard of the frisk was unknown.

Table Thirty: Frisk Mechanics Errors
13th OLEPS Reporting Period

	Driver	P1	P2
Correct	11	5	1
Unknown	6	10	4
Incorrect	0	1	0
Errors Caught	0	1	0
Interventions	0	0	0
Errors Not Caught	0	0	0

OLEPS also reviews the mechanics of the frisk to ensure that it does not extend beyond appropriate boundaries, converting the frisk into an illegal search. In this reporting period, there were 11 stops in which the frisk of the driver was deemed appropriate. OLEPS was unable to note the mechanics of a driver frisk in six stops because the frisk occurred outside the view of the camera or because portions of the recording were missing. OLEPS noted no frisks of the driver that extended beyond a pat down.

There were five frisks of passenger 1 that were deemed appropriate in the current reporting period. There were 10 frisks of passenger 1 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. In the current reporting period, there was one frisk of passenger 1 that extended beyond a pat down. This error was caught through supervisory review, but it did not result in an intervention.

There was one frisk of passenger 2 that was deemed appropriate in the current reporting period, and four frisks of passenger 2 in which OLEPS was unable to note the mechanics of the frisk because the frisk occurred outside the view of the camera and/or because portions of the recording were missing. OLEPS noted no frisks of passenger 2 that extended beyond a pat down.

It is important to note that of the 38 instances of driver and passenger frisks, there were 20 instances (53%) in which OLEPS was unable to note the mechanics of frisks because the frisk occurred off camera or because recordings were not available.

Summary of Standard 6

In the current reporting period, OLEPS noted no exit errors in the stops selected for review. All frisks examined met the legal standard of RAS; however, OLEPS noted one error involving the mechanics of a frisk but no intervention was issued. It is important to note that OLEPS was unable to observe over half (53%) of all frisks because they occurred out of view of the camera or because recordings were not available. While troopers' safety is paramount, and unavailable recordings do not contradict State

Police policies and procedures, unavailable recordings prevents OLEPS from conducting a full assessment of frisks selected for review.

Having noted this, OLEPS' review found that all exits and the majority of frisks observed occurred in accordance with State Police policies and procedures. The State Police noted the one error in frisk mechanics but did not issue an intervention for this error.

Performance Standard 7: Non-Consensual Searches/Seizures

Standards

State Police policies and procedures provide the circumstances under which non-consensual searches/seizures are permitted. 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 132 stops with non-consensual vehicle searches/seizures in the current reporting period, notably more than the 37 examined in the previous reporting period. This dramatic difference is attributable to sample selection; OLEPS selected a random sample of stops with non-consensual searches for review after the Court's decision in Witt. Of the 132 stops with vehicle searches/seizures, 116 involved probable cause searches/seizures, 15 were identified as plain view searches/seizures, four were credential or ownership searches, four were vehicle frisks, one was based on exigent circumstances, and three were identified as "other".[24] The stops involving searches categorized as "other" referenced trooper errors, e.g., a lack of probable cause to conduct the search or no documented reason for the search. No stops in the current reporting period were executed based on a search warrant.

OLEPS noted that errors were made in the searches conducted in nine stops. Two of these errors were noted by State Police, and one resulted in an intervention. Of the seven remaining errors, five occurred in a stop not reviewed by State Police. Thus, there were two errors not caught despite being reviewed by State Police. Unlike the previous reporting period, there were no stops in which OLEPS was unable to determine whether there was an error in the search.

Table Thirty-One: Search of Vehicle Errors
13th OLEPS Reporting Period

	Vehicle Search
Correct Vehicle Search	123
Unknown	0
Vehicle Search Error	9
Errors Caught	2
Interventions	1
Errors Not Caught	7
Errors Non-Reviewed	5

[24] For some searches, several reasons were identified.

Non-Consensual Searches/Seizures: Persons

In the current reporting period, there were 288 stops involving a search of a person. Per State Police policy, these searches should be incident to arrest. There were 259 searches of drivers incident to arrest and one search that was not incident to arrest. This error was noted by State Police supervisory review but an intervention was not issued. There were 132 stops with searches of passenger 1 incident to arrest and one that was not incident to arrest. This error was noted by State Police supervisory review and an intervention was issued. Finally, all 45 searches of passenger 2 were conducted incident to arrest.

Table Thirty-Two: Search of Person Errors
13th OLEPS Reporting Period

	Driver	P1	P2
ITA	259	132	45
Not ITA	1	1	0
Errors Caught	1	1	0
Interventions	0	1	0
Errors Not Caught	0	0	0
Errors Non-Reviewed	0	0	0

Summary of Standard 7

OLEPS' review of non-consensual searches/seizures generally found them to be in accordance with State Police policies and procedures. The number of non-consensual searches in this reporting period, 10 stops was considerably larger in this reporting period due to the sample selected. Despite the larger volume of stops reviewed with a non-consensual search, there were fewer stops with search errors in the current reporting period. The majority of vehicle search errors were not caught by State Police supervisory review as only two of the stops with vehicle searches received a review. However, all search of person errors were noted by State Police. Half of all non-consensual search errors caught resulted in an intervention in this reporting period. This is consistent with the rate of interventions noted in the previous reporting period.

Performance Standard 8: Length of Stops

Standards

According to State Police procedures, RAS stops should be "brief." Because the length of a stop may be indicative of inappropriate enforcement (e.g., 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 RAS consent searches will only be compared with RAS consent searches) will be examined to identify potential reasons for the additional length. Appropriate explanations include stop complexity (several enforcements such as 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 all motor vehicle stops reviewed during this reporting period was 43.17 minutes and the standard deviation of this distribution is 42.30 minutes. Thus, stops greater than 85.47 minutes or less than .87 minutes are more than one standard deviation from the mean. There were 21 stops greater than one standard deviation above the mean, 16 of which had consent requests and six 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 were no stops that are one standard deviation or more below the mean stop length.

The average length of motor vehicle stops in this reporting period is shorter than the previous reporting period, 43.17 minutes here and 45.16 minutes in the previous reporting period. The standard deviation in the current period, 42.3 minutes, is larger than that of the previous period, 39.63. This indicates that the stops are slightly shorter in the current reporting period, but that there is more dispersion in the stops; the length of stops is less similar to each other in the current period than the previous. The parameters used to select the sample for the previous and current reporting period differ; the current reporting period stops were selected based on whether there was a non-consensual search in the stop rather than whether there was a frisk in the stop. As such, the change in the average stop length in the current reporting period may be the result of sample selection. Witt permits troopers to search a vehicle once probable cause is established, without requesting consent to conduct the search from a supervisor and then the motorist. Thus, the search can be conducted more quickly. However, the majority of stops with vehicle searches, 55%, resulted in seizure of evidence while 19% of stops with searches of persons resulted in evidence. Because so many stops resulted in evidence seized and as a result, an arrest, the length of stops may have been impacted.

Duration of Stops

Table Thirty-Three 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, 43.17 minutes. This number is a decrease from the average in the previous period, which was 45.16 minutes.

Table Thirty-Three: Average Length (Minutes) of Motor Vehicle Stops
13th OLEPS Reporting Period

	Average Stop Length
All Stops	43.17
All Stops with Consent Requests	68.3
RAS Consent Requests	69.91
Probable Cause Consent Requests	53.83
Consent Granted	67.14
Consent Denied	74.89
Canine Deployment	105.14
Consent Requests & Canine Deployments	105.14
Consent Granted & Canine Deployed	115.67
Consent Denied & Canine Deployed	97.25

The average length of stops with consent requests is 68.3 minutes. This is lengthier than the average of all stops. Only a small proportion of stops, about 20%, involved a consent to search request. This average is shorter than the average noted in the previous reporting period, 74.68 minutes. Historically, stops with a Probable Cause consent request have been shorter than those with an RAS consent request. This is likely due to the time it may take to accumulate RAS, whereas Probable Cause is either present or not. The same pattern is noted in the current reporting period; RAS stops average 69.91 minutes and Probable Cause stops average 53.83 minutes. Compared to the previous reporting period, the average length of stops with either RAS or Probable Cause is shorter in the current reporting period. Stops with RAS consent requests were 79.44 minutes and stops with Probable Cause consent requests were 57.14 minutes in the previous reporting period.

An independent samples *t*-test was conducted to determine whether the difference in the length of stops with Probable Cause consent requests and length of stops with RAS consent requests is statistically significant. The *t*-test revealed that there is not a statistically reliable difference between the mean length of stops with Probable Cause consent requests (M=53.83, s=25.79) and those with RAS consent requests (M=69.91, s=27.65), $t(58)=1.358$, $p=.180$, $\alpha=.05$ (two-tailed). This indicates that there is not a statistically significant difference between the length of stops with RAS and Probable Cause consent requests. Therefore, we cannot state that the average length of stops with RAS consent requests are statistically significantly different or longer than the average for stops with Probable Cause consent request.

There is also a difference in the average 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 67.14 minutes while those with consent searches that were denied have an average stop length of 74.89 minutes.

An independent samples *t*-test was used to determine whether this difference between the length of stops with granted or denied consent requests 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=67.14, s=26.55) and where a consent request was denied (M=74.89, s=34.56), $t(58)=-.771$, $p=.444$, $\alpha=.05$ (two-tailed). The test results indicate 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 105.14 minutes, longer than the average length for all other stops. An independent samples *t*-test revealed a significant difference in stop length for those stops with a canine deployment (M=105.14, s=27.565) and without a canine deployment (M=41.69, s=41.502), $t(298)=4.02$, $p=.000$ $\alpha=.05$ (two-tailed). Due to the large significance (*p*-value), a one-tailed test would also be significant, indicating that stops with canine deployments are significantly longer than those without canine deployments, $\alpha=.01$.

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 105.14 minutes, more than the average length for stops with canine deployments or consent requests alone. 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 115.67 minutes while those stops with a denied request and a canine deployment had an average length of 97.25 minutes. Results of an independent samples *t*-test did not result in a statistically significant difference between stops with a canine deployment and a granted consent request (M=115.67, s=11.59) and those with a canine deployment and denied consent request (M=97.25, s=35.16), $t(5)=.855$, $p=.432$, $\alpha=.05$ (two-tailed). These results indicate that we cannot state that the length of stops with a canine deployment and a granted consent request is significantly different or longer than the length of stops with a canine deployment and a denied consent request.

Variation in Stop Length by RAS Reasons

To ensure that the standard of RAS is met in accordance with the brevity requirement stated in State Police policies, OLEPS examined whether variation across specific RAS reasons exists. The length of stops with the most frequently cited RAS reasons-conflicting statements, criminal history, nervousness, itinerary, and admissions-were examined to determine whether they were statistically significantly longer than RAS stops without those reasons.

Results of an independent samples *t*-test indicated a statistically significant difference between stops with conflicting statements as an RAS reason and those without (M=81.74, s=27.318) and those without this RAS reason (M=61.13, s=24.84), $t(44.88)=2.848$, $p<.01$ (two-tailed). These results indicate that the average length of stops where a trooper indicated conflicting statements were present and those where a trooper did not indicate that they were present are statistically significantly different. Further, the significance level (*p*-value) is large enough that a one-tailed test would be significant, indicating that the average length of stops with conflicting statements is significantly longer than the average length of stops without conflicting statements, $\alpha=.01$.

A significant difference was also noted between the average stop length in stops where nervousness was cited (M=81.68, s=26.89) and not cited (M=59.76, s=24.44), $t(52)=3.14$, $p<.05$. These results indicate that the average length of stops where a trooper indicated nervousness was present and those where a trooper did not indicate that it was present are statistically significantly different. Further, the significance level (p-value) is large enough that a one-tailed test would be significant, indicating that the average length of stops with nervousness is significantly longer than the average length of stops without nervousness, $\alpha=.01$.

A significant difference was also noted between the average stop length in stops where inconsistent itinerary was cited (M=83.71, s=26.52) and not cited (M=63.57, s=26.12), $t(52)=2.62$, $p<.05$. These results indicate that the average length of stops where a trooper indicated inconsistent itinerary was present and those where a trooper did not indicate that it was present are statistically significantly different. Further, the significance level (p-value) is large enough that a one-tailed test would be significant, indicating that the average length of stops with inconsistent itinerary is significantly longer than the average length of stops without inconsistent itinerary, $\alpha=.01$.

A significant difference was not noted between the average stop length in stops where criminal history was cited (M=75.3, s=22.27) and not cited (M=61.43, s=33.32), $t(31.4)=1.68$, $p=.102$, $\alpha=.05$ or between the average stop length in stops where admissions were cited (M=71.12, s=30.32) and not cited (M=69.35, s=26.77), $t(52)=.216$, $p=.83$, $\alpha=.05$. This difference is not unexpected as an admission may lessen the need for further questioning or procedures to confirm the trooper's suspicion that a crime has or was about to be committed.

A final independent samples t-test was conducted to determine whether the average length of a stop that cites nervousness, inconsistent itinerary, or conflicting statements was significantly longer than stops that do not. There were only nine stops where all three reasons were cited but 35 where any of these three reasons were cited. Analysis revealed a significant difference in the average length of stops with an RAS consent request and any of these reasons (M=80.11, s=26.9) and those without any of these reasons (M=51.11, s=17.59), $t(50.02)$, $p<.05$, $\alpha=.05$. Further, the high significance level would allow a conclusion that stops involving nervousness, inconsistent itinerary, or conflicting statements cited as a reason for RAS are significantly lengthier on average than stops with only other RAS reasons cited, $\alpha=.01$.

Together, these results indicate that variation in stop length is related to the specific RAS reasons cited during a stop. Specifically, stops citing nervousness, conflicting statements, or inconsistent itinerary are, on average, lengthier than stops with an RAS consent request where these reasons are not cited. This is not entirely unexpected as, for example, inconsistent itinerary or conflicting statements may require a trooper to discuss these inconsistencies further with the subject, which may increase stop length. OLEPS recommends State Police continue to examine the appropriateness of RAS in all stops where this legal standard is used.

Racial/Ethnic Differences in Stop Length

Racial and ethnic differences in the length of motor vehicle stops are also explored. As noted above, the average length of all stops is 43.17 minutes and the standard deviation was 42.30 minutes. Figure

Twelve plots the length of stops for all drivers based on each racial/ethnic group.[25] Overall, the distributions of stop lengths are fairly consistent across racial/ethnic groups. White drivers do appear to cluster slightly more at the lower end of the stop length of the distribution (near one standard deviation below the mean) than Black and Hispanic drivers.

Figure Twelve: Length of All Stops
13th OLEPS Reporting Period

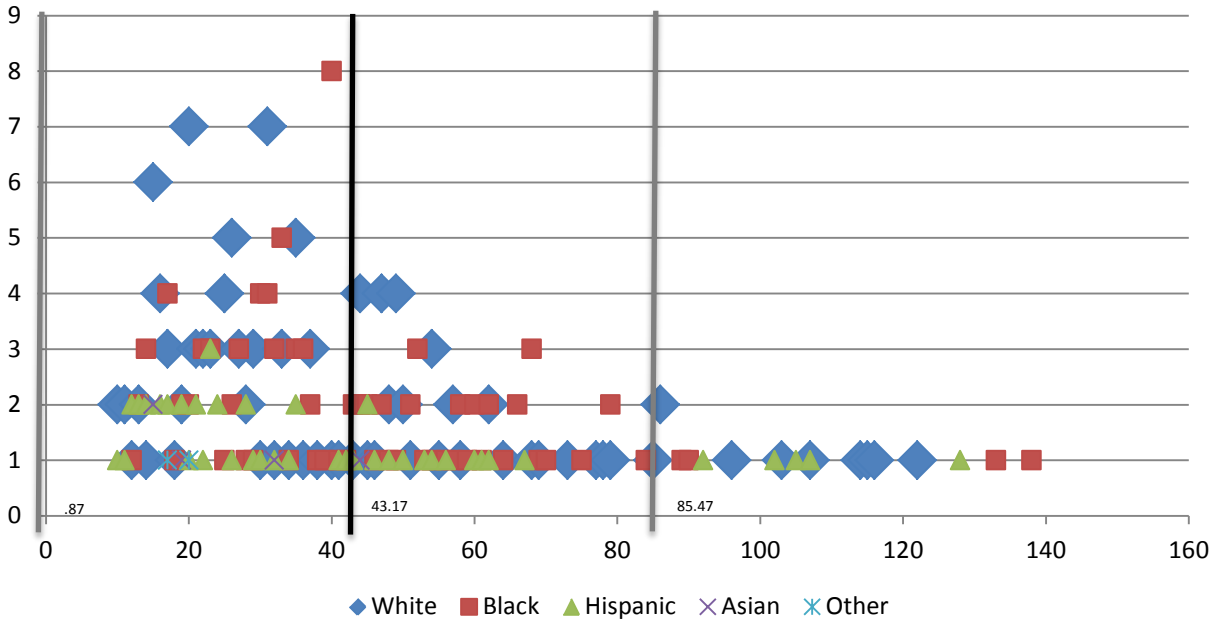
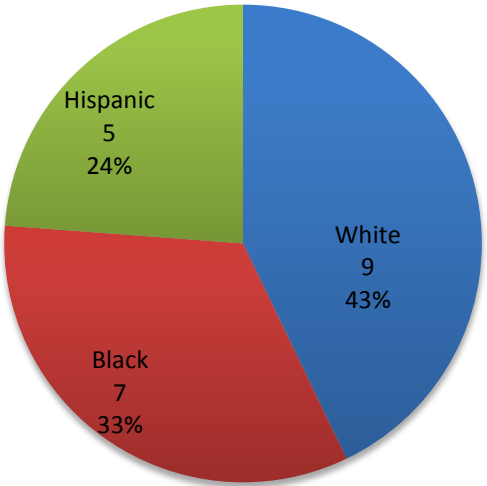


Figure Thirteen: Racial/Ethnic Distribution of Stop Length around the Mean
13th OLEPS Reporting Period



Total Stops One Standard Deviation Above Mean: **21**

Figure Thirteen depicts the racial/ethnic distribution of stops one standard deviation or more above the mean. In the current reporting period, there were no stops that were more than one standard deviation below the mean, thus, a comparison between the racial/ethnic distributions of stops one or more standard deviations above and below the mean is not provided. As shown, White drivers are involved in the largest proportion of stops one standard deviation above the mean, 43%. Black drivers are 33% of all stops one standard deviation above the mean. Hispanic drivers are 24% of stops one standard deviation above the mean.

To explore this further, Table Thirty-Four identifies the average length of all motor vehicle stops reviewed in this and the previous reporting period based on race and ethnicity for all stops and those with consent requests, separated by legal standard used to request consent. Further illustrating the distributions, Figures Fourteen through Nineteen plot the length of stops for each racial/ethnic group. In each

[25] Three stops of Black drivers were omitted from the graph. These stops were 315, 349, and 480 minutes in length each. Inclusion on the graph rendered the scale so large that the information depicted became unreadable.

graph, the dark black line indicates the mean of all stops reviewed in the current period and the grey lines indicate one standard deviation above and below that mean. The dark blue line indicates the mean for that racial/ethnic group and the light blue lines indicate one standard deviation above and below the racial/ethnic group mean.

Table Thirty-Four: Average Length (Minutes) of Motor Vehicle Stops by Race/Ethnicity

13th OLEPS Reporting Period

Part A

	All Stops	Consents	RAS Consents	Probable Cause Consents
White	39.00	70.97	71.71	50.00
Black	51.41	59.52	63.21	42.00
Hispanic	38.23	83.88	80.86	105.00
Asian	25.00	---	---	---
Other	18.50	---	---	---

12th OLEPS Reporting Period

Part B

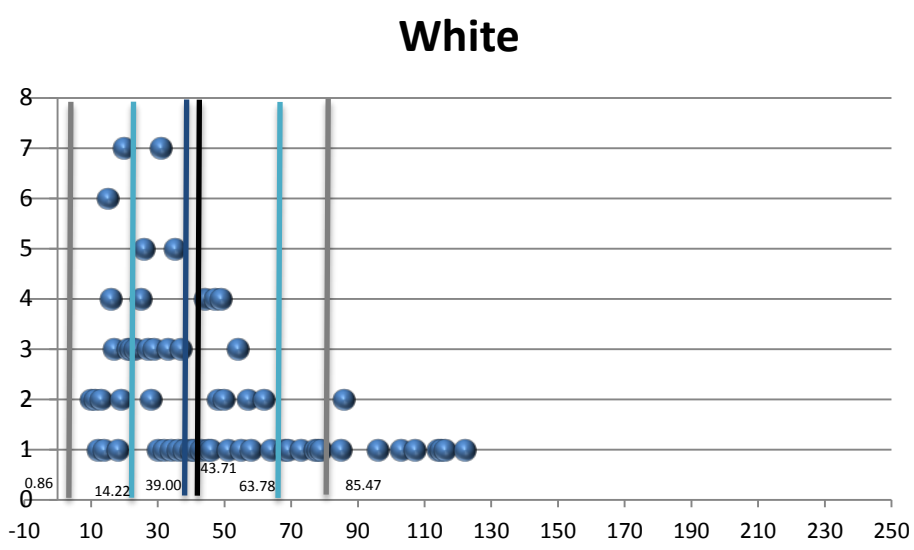
	All Stops	Consents	RAS Consents	Probable Cause Consents
White	46.22	75.85	81.32	43.75
Black	48.71	70.45	73.92	56
Hispanic	39.42	82.56	90.29	75.43
Asian	31.40	45.50	48.00	43.00
Other	41.00	85.00	85.00	---

All Stops

In the current reporting period, White drivers have an average stop length of 39.00 minutes, while Black drivers have an average of 51.41 minutes, Hispanic drivers have an average of 38.23 minutes, Asian drivers have an average of 25.00 minutes, and Other drivers have an average of 18.50 minutes. There was a statistically significant difference between the average length of stops of White drivers (M=39.00, s=24.781) and the average length of stops of Black drivers (M=51.41, s=60.036), $t(239)=-2.141$, $p<.05$, $\alpha=.05$ (two-tailed). The length of stops of White and Black drivers are statistically significantly different. However, we cannot state that the average length for Black drivers is significantly larger than that of White drivers.

Figure Fourteen: Length of All Stops of White Drivers

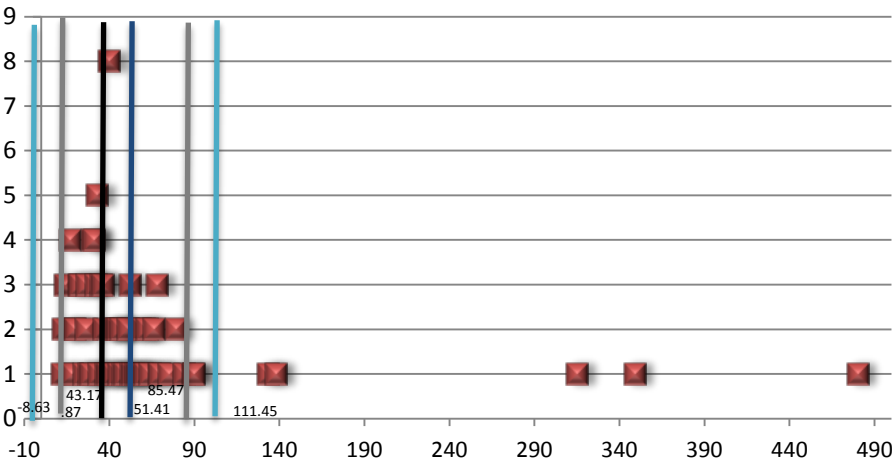
13th OLEPS Reporting Period



The figures indicate that for White drivers, the racial/ethnic group mean is very similar to the overall mean. For White drivers alone, the average stop length is 39 minutes and the standard deviation is 24.78, similar to the numbers for all stops. The similarity is largely a reflection of the number of stops of White drivers; over 40% of all stops involved White drivers. Unlike the previous reporting period, there were eight stops (6.25%) of White drivers that were more than one standard deviation below the mean for White drivers while 17 stops (13.28%) were more than one standard deviation above the mean for White drivers in the current reporting period.

Figure Fifteen: Length of All Stops of Black Drivers

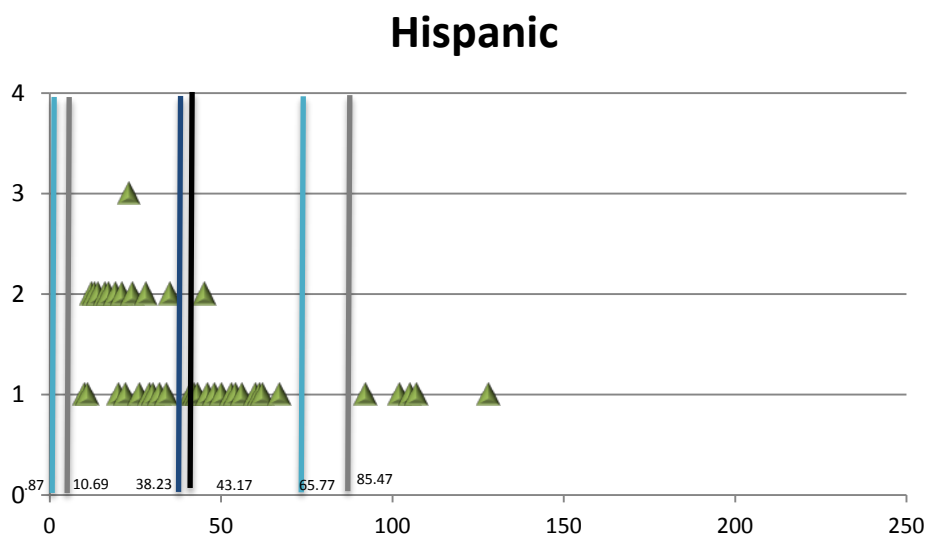
13th OLEPS Reporting Period



For Black drivers, larger differences from all stops are apparent in the mean and standard deviation. Stops with Black drivers were, on average, 51.41 minutes. The standard deviation for these stops was 60.036 minutes, indicating greater dispersion in stop lengths for Black drivers in comparison to White drivers and all drivers grouped together. The mean for stops of Black drivers is larger than that of all stops and of stops of White drivers. As noted previously, Black drivers were involved in a smaller proportion of stops reviewed in this reporting period than White drivers (38% compared to 42% for White drivers). Of stops of Black drivers, no stops were more than one standard deviation below the mean for Black drivers, and five stops, 4.425%, were more than one standard deviation above the mean for Black drivers. Three of the stops that were more than one standard deviation above the mean were considerably longer than any other stops conducted. These three stops were more than

double the length of the fourth longest stop of black drivers. Two of these stops involved a use of force and an arrest. The third stop involved a search of person and an arrest.

Figure Sixteen: Length of All Stops of Hispanic Drivers
13th OLEPS Reporting Period



Hispanic drivers were involved in a much smaller proportion of stops than White or Black drivers. The distribution of the length of stops of Hispanic drivers is similar to that of White drivers. However, the mean for Hispanic drivers is 38.23 minutes, slightly smaller than that of White drivers, and the standard deviation is 27.537 minutes, slightly larger than that of White drivers. The mean and standard deviation for Hispanic drivers are shorter than the mean and standard deviation noted for all stops. Additionally, for Hispanic drivers, one stop was more than one standard deviation below the mean for Hispanic drivers and six stops (11.54%) were more than one standard deviation above the mean for Hispanic drivers.

Though these figures indicate that stops of Black drivers are, on average, lengthier than those of White or Hispanic drivers, these differences should be examined in the context of the activity of the stops.

Consent Requests

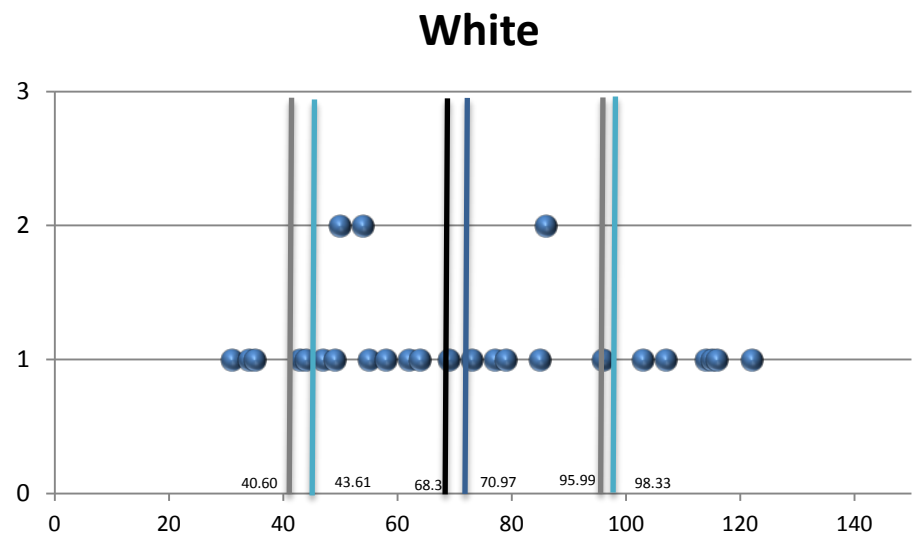
In the current reporting period, the average length of the 60 motor vehicle stops with a consent to search request[26] decreased for White and Black drivers while increasing for Hispanic drivers. The average length of motor vehicle stops with consent to search requests decreased for White drivers from 75.85 minutes to 70.97 minutes, decreased for Black drivers from 70.45 minutes to 59.52 minutes, and increased for Hispanic drivers from 82.56 minutes to 83.88 minutes. There were no stops of Asian or Other drivers where consent to search was requested in the current reporting period.

An independent samples *t*-test revealed significant differences between the length of stops of Black drivers (M=59.52, s=22.47) and Hispanic drivers (M=83.88, s=36.38), $t(29)=-2.238$, $p<.05$, $\alpha=.05$ (two-tailed). The average length of stops of Black drivers with consent requests and those of Hispanic drivers with consent requests are statistically and significantly different. However, it cannot be stated that the average length of stops of Hispanic drivers with consent requests is significantly longer than that of Black drivers.

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

Figure Seventeen: Length of Stops with Consent Requests of White Drivers

13th OLEPS Reporting Period



As noted above, the average length of stops with consent requests involving White drivers was 70.97 minutes and the standard deviation was 27.36 minutes. As shown in Figure Seventeen, the majority of stops were within one standard deviation below or above the mean. There were four stops with a consent request involving White drivers that were more than one standard deviation below the mean for White drivers and six stops that were more than one standard deviation above the mean for White drivers. As noted for all stops, the mean for White drivers (dark blue line) is more than that for all stops (black line), suggesting that stops with a consent request involving White drivers are slightly longer than the average noted for all drivers.

Figure Eighteen: Length of Stops with Consent Requests of Black Drivers

13th OLEPS Reporting Period

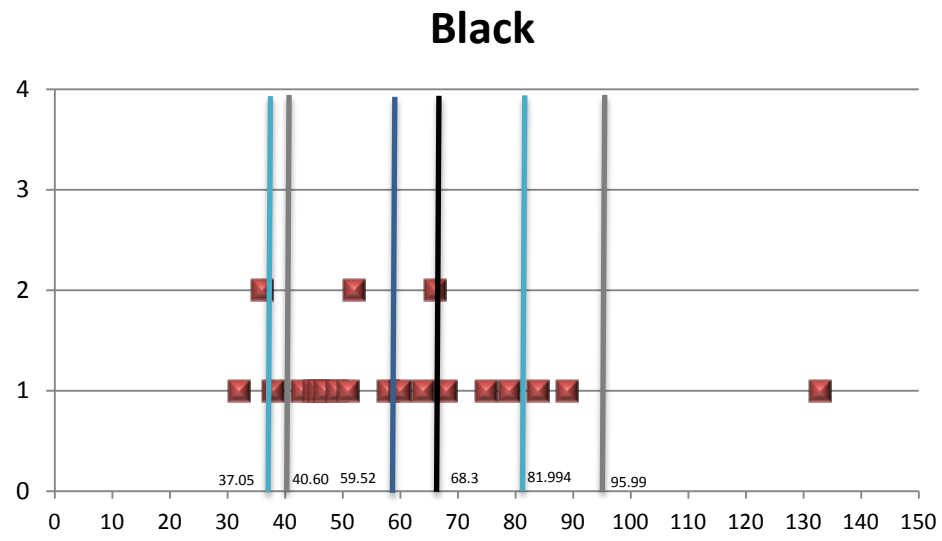


Figure Eighteen depicts the distribution of stops with a consent request involving Black drivers. As shown, the mean for Black drivers (dark blue line) is less than that of all drivers (black line). On average, stops with consent requests involving Black drivers were 59.52 minutes and the standard deviation was 22.47 minutes. Only a few stops of Black drivers with a consent request were outside of one standard deviation; three stops were more than one standard deviation below the mean and three stops were more than one standard deviation above the mean for Black drivers.

Figure Nineteen: Length of Stops with Consent Requests of Hispanic Drivers
13th OLEPS Reporting Period

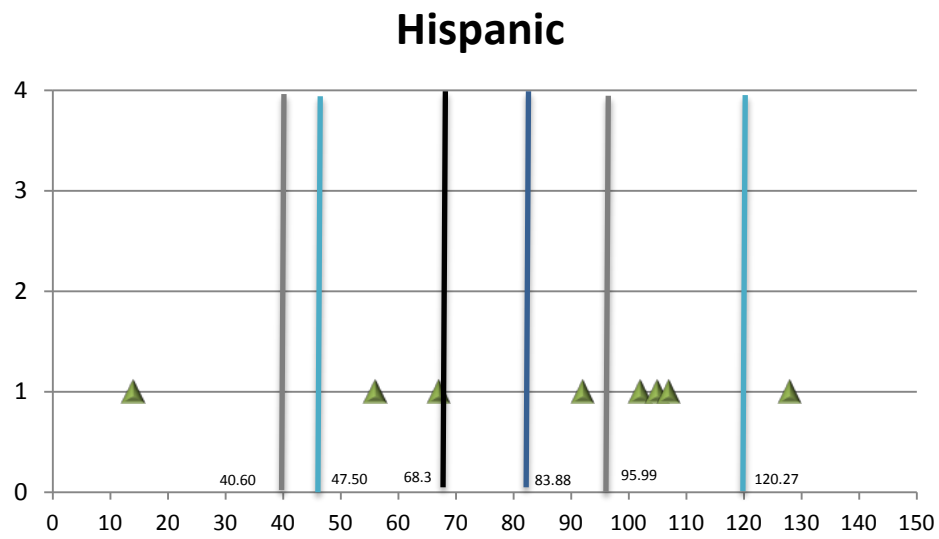


Figure Nineteen depicts the distribution of the length of stops with consent requests involving Hispanic drivers. As shown, the average length for Hispanic drivers, 83.88 minutes, is more than the average noted for all groups of drivers. The standard deviation is 36.38 minutes. There is one stop that is more than one standard deviation below the mean for Hispanic drivers and one stop that is more than one standard deviation above the mean for Hispanic drivers.

RAS Consent Requests

The average length of stops with RAS consent requests is larger than the average for stops with any consent requests. The same results are found when examined by race and ethnicity as shown in Table Thirty-Four, with the exception of Hispanic drivers. In the current reporting period, Hispanic drivers have the longest average length of stops with RAS consent requests, 80.86 minutes. However, this is less than the average for all stops of Hispanic drivers with consent request. White drivers have the second longest average, 71.71 minutes, followed by Black drivers with 63.21 minutes. Compared to the previous reporting period, the average for each racial/ethnic group is shorter than in the current reporting period. Because there were only six stops with a consent request not based on Probable Cause, four of which involved Black drivers, one involving a White driver, and one involving a Hispanic driver, figures depicting the average length of stops with RAS consent requests are not depicted for each racial/ethnic group. These figures are identical to Figures 17- 19.

An independent samples *t*-test revealed no significant differences between the length of stops with RAS consent requests 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. The lack of significance may be due to the limited number of stops with RAS consent to search requests for each racial/ethnic group. There were only 54 stops with an RAS consent request: 28 stops of White drivers, 19 of Black drivers, and seven of Hispanic drivers.

Probable Cause Consent Requests

Stops with Probable Cause consent requests are longer in the current reporting period compared to the previous reporting period for White and Hispanic drivers and shorter for Black drivers. The average length of stops with Probable Cause consent requests for White drivers is 50 minutes in the current reporting period and was 43.75 minutes in the previous period. The average length of stops for Black drivers decreased from 56 to 42 minutes while Hispanic drivers experienced an increase from 75.43 minutes in the previous period to 105 minutes in the current period. Due to the small number of stops

with a Probable Cause consent request, six stops, figures depicting the racial/ethnic distribution around the mean are not depicted.

An independent samples *t*-test revealed no significant differences between the lengths of stops with Probable Cause consent requests for any combination of racial/ethnic groups for the current reporting period. Thus, the average length of stops with Probable Cause consent requests for White, Black, or Hispanic drivers are not significantly different from each other.

Summary of Standard 8

Overall, stops are, on average, similar, but slightly shorter in length than in the previous reporting period. Further, the dispersion of the stop length distributions in the current reporting period remains small; there were very few stops that were outliers in terms of length. OLEPS continues to recommend that State Police supervisors routinely include examination of motor vehicle stop length in reviews.

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, review is required for all critical incidents but non-critical stops undergo a selection process rather than a review of all stops. Additionally, supervisors may review motor vehicle activity in the course of assessing a trooper's performance relative to his/her peers or as part of an investigation of a complaint. These reviews are detailed, requiring the supervisor to assess adherence to policies, procedures, and applicable legal standards (RAS or Probable Cause).

This performance standard refers to errors made in connection with any aspect of a motor vehicle stop (from appropriate levels of RAS or Probable Cause to reporting and recording requirements). Because this standard assesses supervisory review, a deviation from policy made by a trooper is an error. Errors are further delineated by whether it is found by OLEPS and not noted by a previous State Police supervisory review (errors not caught) or whether the error was noted in a stop that did not receive a supervisory review (errors non-reviewed). This standard refers to ALL errors made during a motor vehicle stop.

Assessment

The State Police has 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 to ensure 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 deviations of State Police policies and procedures.

All determinations of whether an error is caught are based on the review completed of the motor vehicle stop by State Police reviewers. OLEPS pulled all documentation of stops, including reviews of stops, in March 2016. At this time, State Police supervisory reviews were noted for 148 stops of the 300 stops selected for OLEPS review. State Police did not review 152 stops that OLEPS reviewed.

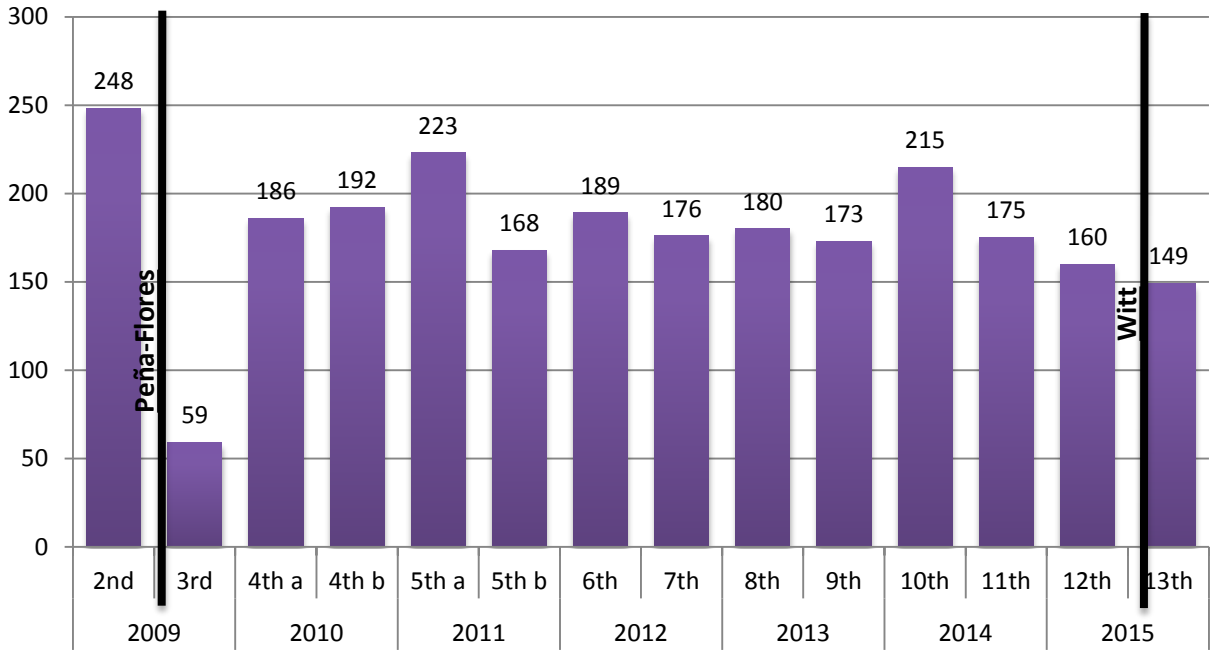
It is possible for a stop to be reviewed after OLEPS pulled the records for the stop. In total, there were twelve stops reviewed after OLEPS pulled motor vehicle stop records for this reporting period. While OLEPS conducted motor vehicle stop reviews this reporting period, State Police endeavored to simultaneously review all stops selected by OLEPS. Because these reviews were not completed prior to OLEPS' review, any errors noted by State Police are not considered caught for this report. However,

these simultaneous reviews are an attempt to address the central concern of stops without reviews-that is, those errors of which troopers were previously unaware.

All Errors

In the current reporting period, 149 stops contained errors (49.66% of all stops selected), less than the number of stops with errors found in the previous reporting period. Figure Twenty depicts trends in the total number of stops with errors since the 2nd reporting period. The figure indicates a large increase in the number of stops with errors since the first half of 2010 (4tha reporting period). Following a spike in the first half of 2011 (5tha reporting period) and until the spike in the first half of 2014 (10th reporting period) the volume of errors remained steady and low. Since the first half of 2014, the volume of errors has been declining. In total, there were 151 motor vehicle stops (50.33%) conducted by the State Police that did not contain any errors in the current reporting period. The total number of stops without errors (151) is larger in the current period than in the previous period, and the proportion of stops without errors (50.33%) is larger than the 46% in the previous reporting period.

Figure Twenty: Total Stops with Errors, by Reporting Period[27]
2nd through 13th OLEPS Reporting Periods



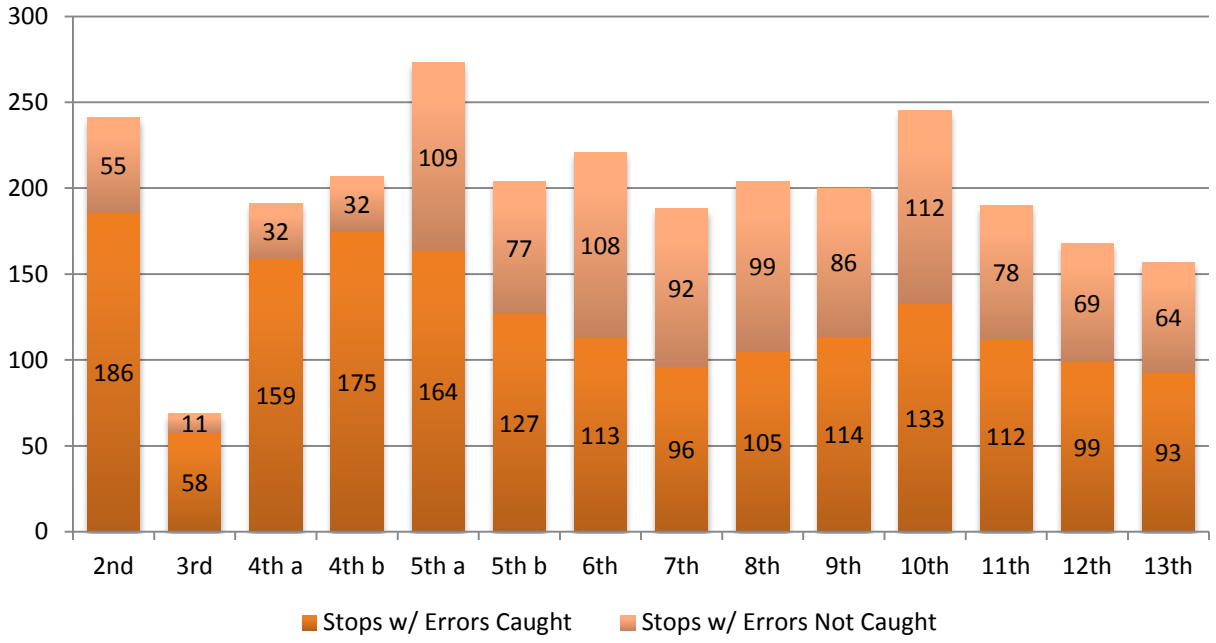
Of the 149 stops with errors, 93 stops contained errors caught by the State Police and 64 stops contained errors not caught by supervisory review. That is, 21.33% (64 of 300) of all motor vehicle stops contained an error not caught by State Police supervisory review. This is less than the percentage of stops with errors not caught in the previous reporting period, 23.15%. As noted in previous reports, beginning in July 2011, the State Police revised its motor vehicle stop review policy. This program retained the required reviews of critical stops, but non-critical stops would undergo a

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

selection process rather than a review of all stops. The current reporting period contains a small portion of stops that would not typically be subject to the review process- motor vehicle stops with non-consensual searches. There were 46 stops with uncaught errors that did not undergo review by the State Police. Thus, only 18 stops contained errors not caught by the State Police despite supervisory reviews.

OLEPS has noted for several reporting periods that the State Police catch the majority of errors made in stops. Figure Twenty-One compares the number of stops where errors were caught to the number of stops where errors were not caught. In a single stop, some errors may be caught while other errors may not be caught; each stop can appear as either a stop with errors caught, a stop with errors not caught, or both. As shown in Figure Twenty-One, across reporting periods, the proportion of stops with errors caught compared to stops with errors not caught varies. However, the number of stops where errors were caught is generally higher than the number of stops where errors were not caught. Due to State Police's review schedule, OLEPS reviews a sample of stops not routinely subject to review by State Police in each reporting period. The fluctuation of the ratio of stops with errors caught and not caught may be the result of the review schedule and sample selection. Because of this, it is necessary to examine the number of errors not caught in stops with and without State Police reviews.

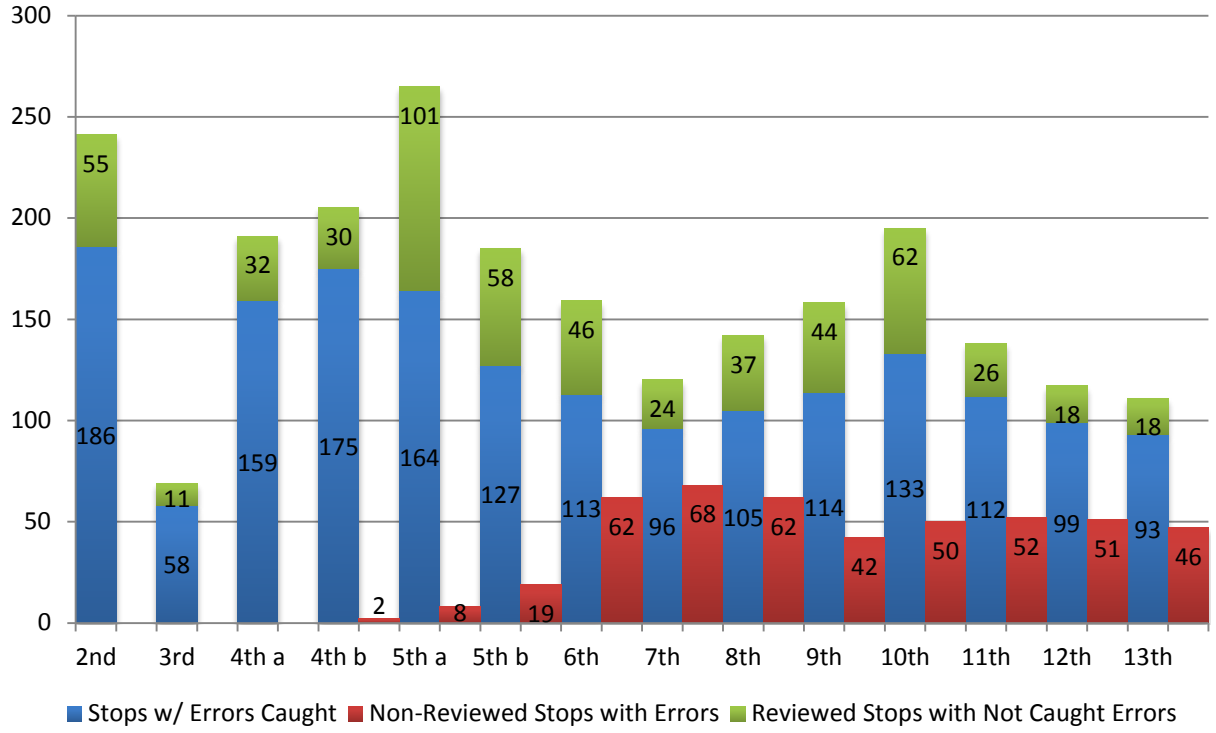
Figure Twenty-One: Stops with Errors Caught v. Stops with Errors Not Caught
2nd through 13th OLEPS Reporting Periods



As noted, there were 64 stops with an error not caught in the current reporting period. However, State Police did not review the majority of these stops. 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 number of stops with errors caught, not caught, and those with errors that were not reviewed. Figure Twenty-Two depicts the number of stops with errors caught, with errors not caught in stops with a State Police review, and with errors in stops without State Police review. As shown in the figure, the number of stops with an uncaught error reviewed by State Police is the same as the previous reporting period

and the lowest number since the 3rd reporting period. State Police reviewed 28% (18 of 64 stops) of the stops where OLEPS noted an uncaught error. Thus, roughly 72% (46 of 64 stops) of all stops identified with an uncaught error were not actually reviewed by State Police. OLEPS commends State Police on its diligence in ensuring that motor vehicle stops are reviewed and done so accurately.

Figure Twenty-Two: Stops with Errors Caught, Not Caught, and Non-Reviewed
2nd through 13th OLEPS Reporting Periods



In the current reporting period, while there were only 149 motor vehicle stops with errors, there were 352 errors in those 149 stops. The total number of errors has historically been much higher than the total number of stops with an error. Because each stop may include both errors caught and errors not caught, Figure Twenty-Three presents the total number of errors that were caught and the total number of errors that were not caught. As shown in Figure Twenty-Three, the State Police generally catch more errors than it does not catch. The number of errors not caught decreased in the current reporting period after increasing in the previous period. In the current reporting period, State Police noted 231 errors in 93 stops while OLEPS noted an additional 121 errors in 64 stops.

As noted above, State Police only reviewed about 28% of stops with an error not caught. Figure Twenty-Four identifies the 352 errors as caught, not caught, or non-reviewed by State Police. As shown, the majority of the errors are caught, 231. Of the 121 errors identified in Figure Twenty-Three as not caught, 29 (23.9%) errors occurred in a stop with State Police review. The majority of the not-caught errors from Figure Twenty-Three, 92 (76.03%) occurred in stops that were not reviewed by State Police. That is, State Police was unaware that these errors occurred until OLEPS shared the results of this review with them.

Figure Twenty-Three: Errors Caught v. Errors Not Caught
2nd through 13th OLEPS Reporting Periods

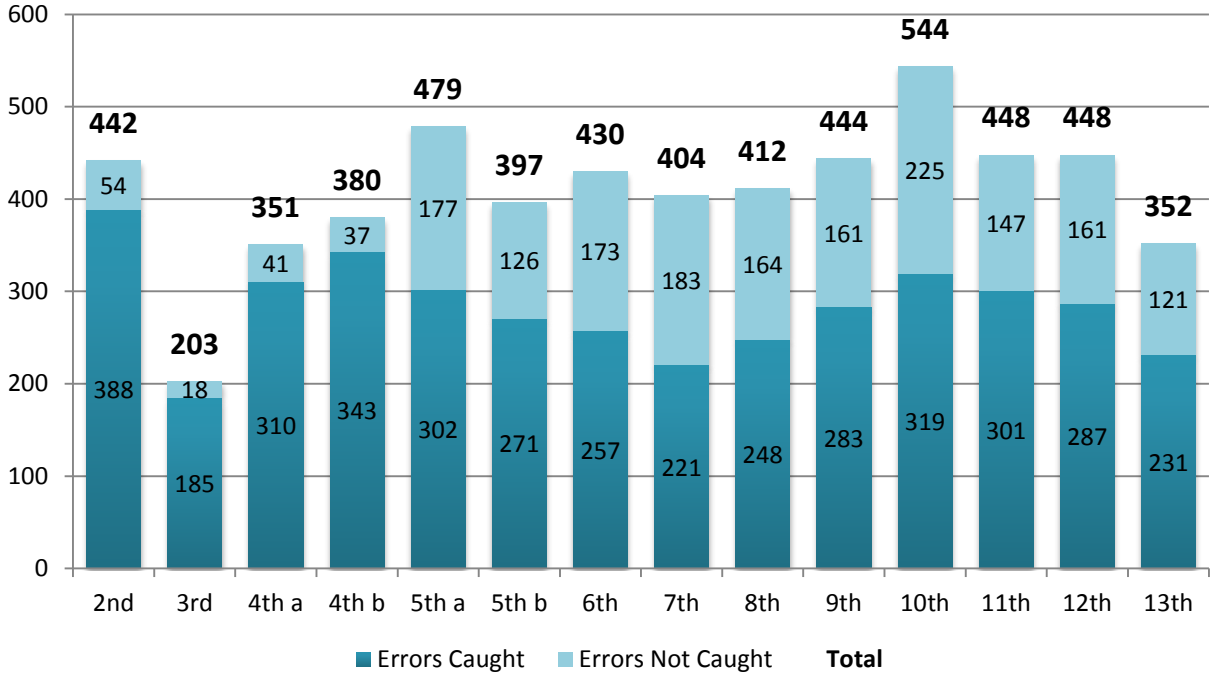


Figure Twenty-Four: Errors Caught, Not Caught, and Non-Reviewed
2nd through 13th OLEPS Reporting Periods

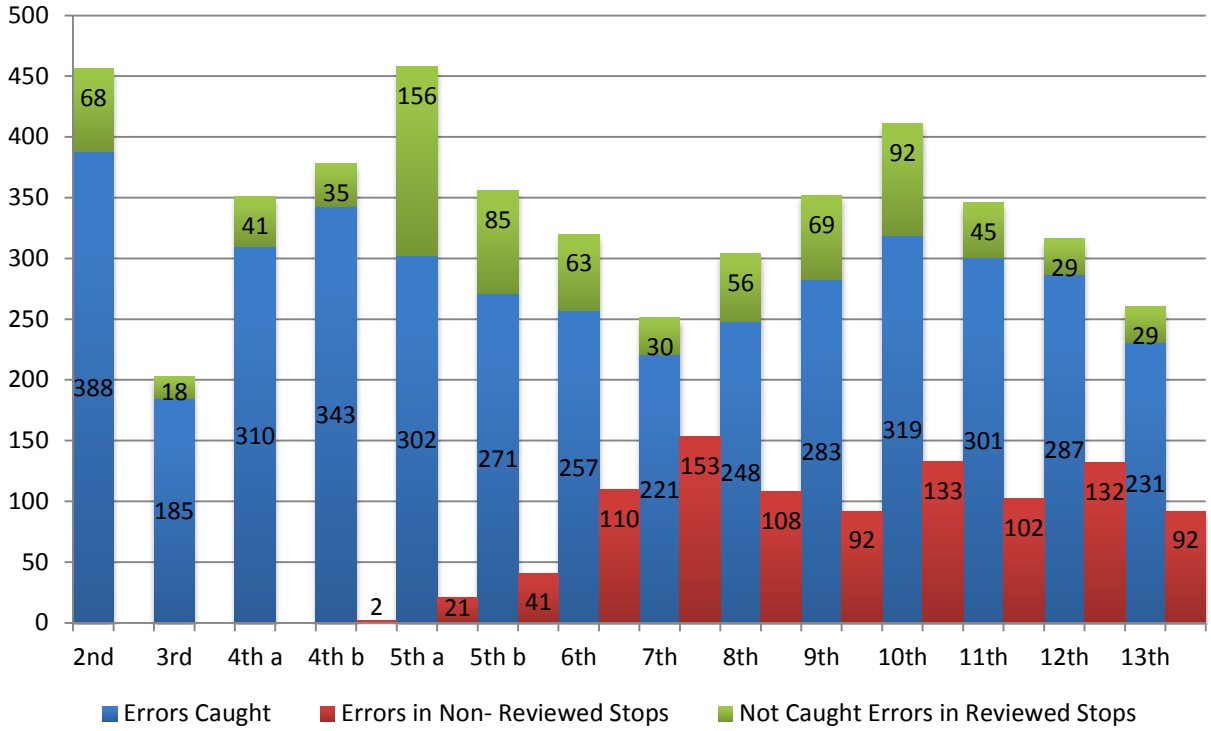
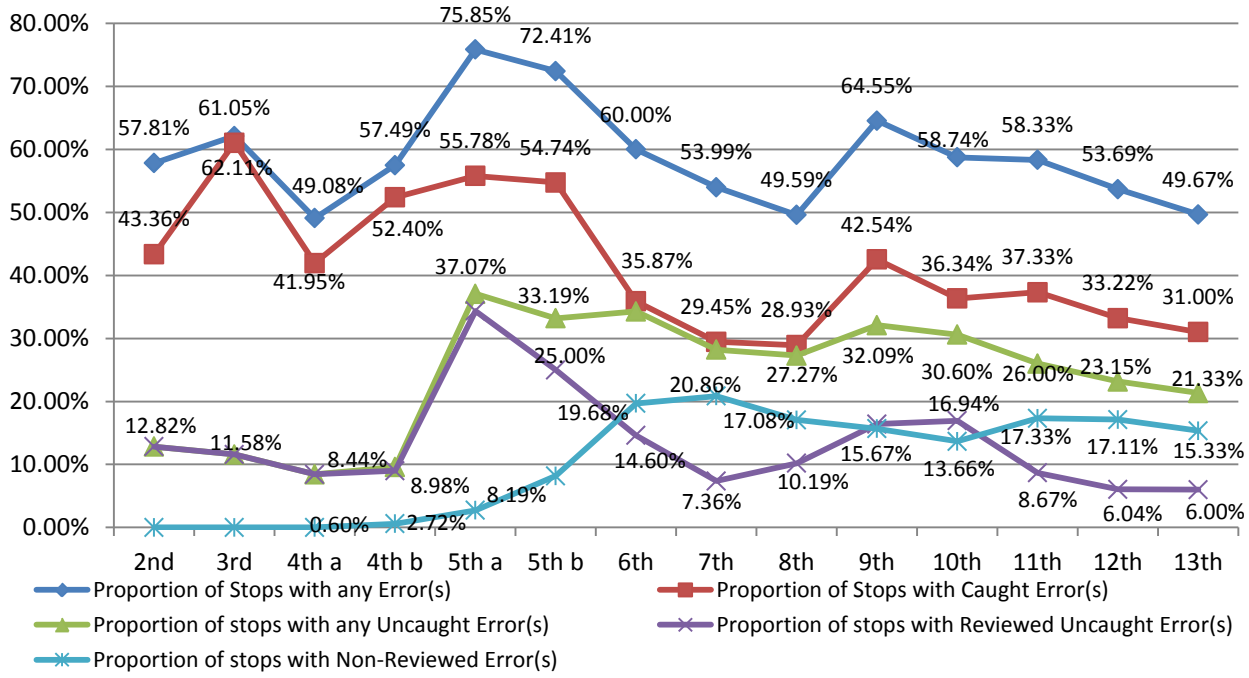


Figure Twenty-Five depicts the proportion of stops with any error, any error(s) caught, any error(s) not caught, and any error in a non-reviewed stop for the 2nd through current reporting periods. As shown, the highest proportion is that of stops with any error for all reporting periods. The proportion of stops with an error caught is smaller than the proportion of all stops with any error, but is consistently higher than the proportion of stops with any error(s) not caught.[28] In the current reporting period, 50% of all stops selected by OLEPS were found to contain at least one error (caught or uncaught). This proportion is less than the 54% noted in the previous reporting period and consistent with the proportion in the 8th reporting period. The proportion in the current period is lower than the average proportion (60%) between the 2nd and 12th periods. Roughly 31% of all stops contained an error caught in the current reporting period. This proportion is smaller than that noted in the previous reporting period, 33%, and continues the decrease noted since the 11th reporting period. The proportion of stops with uncaught errors is consistently smaller than the proportions of stops with any errors and stops with caught errors. The proportion in the current reporting period, roughly 21%, is smaller than that noted in the previous period. Further, this proportion is the lowest since the 5th reporting period, when OLEPS resumed reviews of stops that may not have been also reviewed by State Police. The proportion of stops with non-reviewed errors decreased slightly, from 17% to 15%, in the current reporting period while the proportion of stops reviewed with uncaught errors remained steady at 6%.

Figure Twenty-Five: Proportion of Stops with any Error, Errors Caught, & Errors Not Caught

2nd to 13th OLEPS Reporting Periods



Types of Errors

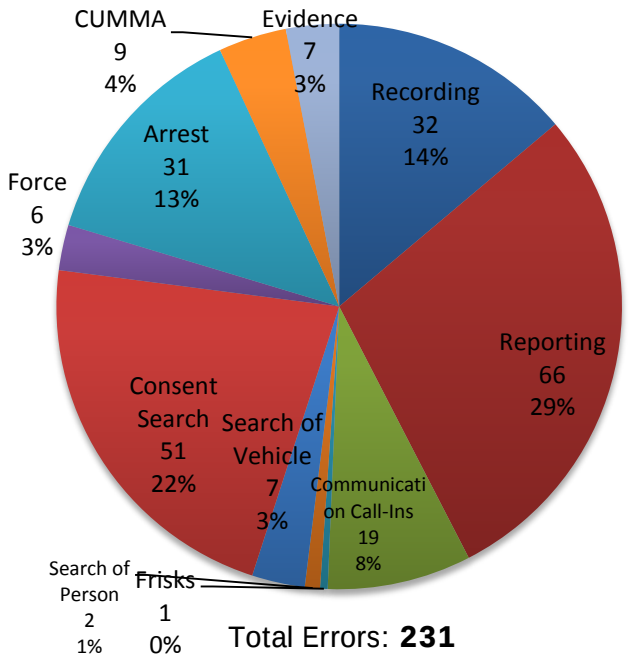
Errors can further be classified based upon the type of error. OLEPS has classified errors into several categories based on the nature of the error.

[28] As noted earlier, a stop may contain multiple errors. Therefore, a single stop may be represented among stops with errors caught and among stops with errors not caught. As such, the proportions of stops with errors caught and proportion of stops with errors not caught do not necessarily add up to the total number of stops with any error(s).

- Recording errors: Errors referring to whether the 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: Errors made in completing the motor vehicle stop report or the investigation report.
- Call-in errors: A trooper's failure to call-in the appropriate information to the communication center.
- Vehicle exit errors: Errors made when an individual is asked to exit a vehicle.
- Frisk errors: Errors made during the course of a frisk.
- Search of a person errors: Errors made when searching a person without consent.
- Search of a vehicle errors: Errors made when searching a vehicle without consent.
- Consent search errors: Errors made in connection with the rules governing consent to search requests, including all reporting and recording requirements.
- Canine deployment errors: Errors made when a canine is improperly deployed or the deployment is not properly documented.
- Use of force errors: Errors made during a use of force or in the documentation of a use of force.
- Arrest errors: Errors made during the course of an arrest or the documentation of the arrest.
- CUMMA errors: Errors made pertaining to the determination of whether a motorist is a medical marijuana patient prior to arrest when the odor of marijuana is detected.
- Evidence seized errors: Errors made during a seizure of evidence.

For all of the aforementioned categories, the errors may stem from a possible violation of an individual's rights or violations of State Police policy. Figure Twenty-Six presents this categorization for all errors caught in the current reporting period.

Figure Twenty-Six: Type of Errors Caught
13th OLEPS Reporting Period



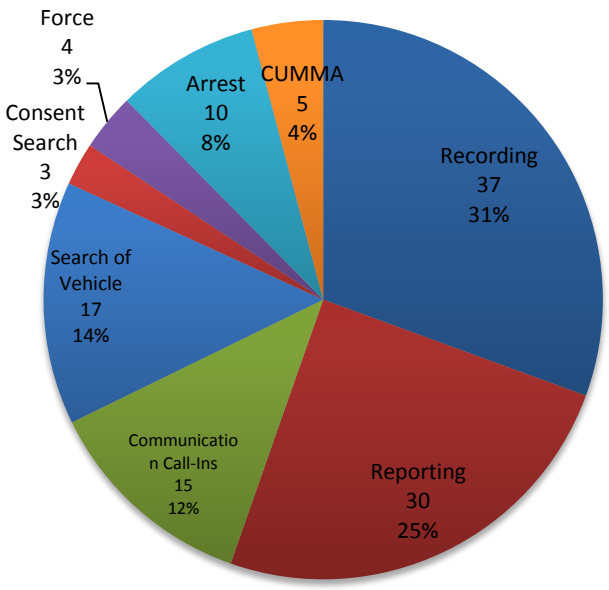
Total Errors: **231**

The most common errors caught by the State Police for this reporting period are errors related to consent search requests and those pertaining to reporting. State Police supervisory review noted 51 errors pertaining to the consent to search requests and 66 pertaining to reporting of stops. There were 32 recording errors noted by State Police review. In total, these three categories of errors account for over half, 65%, of all errors caught. In the current period, the proportion of errors caught pertaining to reporting increased from 23% to 29%. Errors pertaining to communication call-ins increased from 5% to 8% of all errors caught. The proportion of errors caught regarding frisks decreased in the current reporting period, from 7% in the previous reporting period to less than 1% in the current period. Errors caught pertaining to searches of persons decreased from roughly 3.5% to less than 1% in the current period. The proportion of other categories of errors remained fairly consistent in the current reporting period; all other error categories each make up 5%

or less of errors caught. Changes in the proportion of each error type does not necessarily mean that the State Police failed to catch these errors, it may mean that the State Police made fewer errors of that type or may also be related to sample selection.

Figure Twenty-Seven: Type of Errors Not Caught

13th OLEPS Reporting Period

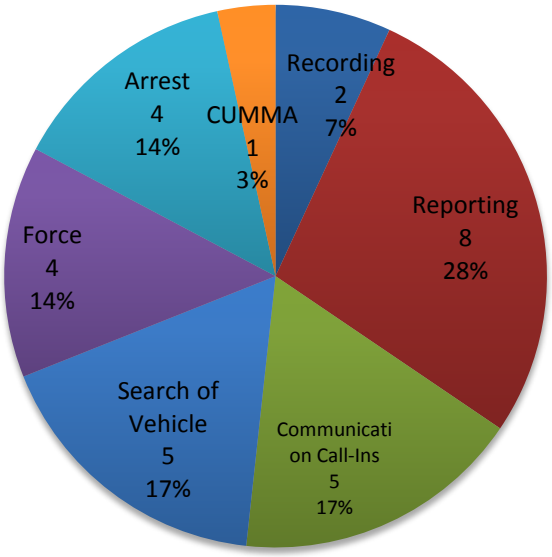


Total Errors: **121**

As shown in Figure Twenty-Seven, recording and reporting errors are the most frequent types of errors not caught, 31% and 25%, respectively. The proportion of errors not caught pertaining to reporting increased from 14% in the previous period to 25% in the current period. Fourteen percent of errors not caught pertained to the search of a vehicle while 12% pertained to communication call-ins. Additionally, the proportion of errors pertaining to search of a vehicle increased from 6% to 14% in the current period, likely the result of the increased volume of non-consensual vehicle searches following Witt and due to sample selection for this reporting period. There was also an increase in the volume of errors not caught pertaining to uses of force, from less than 1% to over 3% in the current period. While the overall volume of stops with uses of force increased, all of these stops are required to be reviewed and as such, these errors should not remain uncaught. There was a decrease in the volume of uncaught errors pertaining to consent searches from nearly 7% to about 2.5% in the current reporting period. The proportion of communication call-in errors not caught also decreased from 16% to 12% while the volume of arrest errors not caught decreased from 11% to 8%.

Figure Twenty-Eight: Type of Errors Not Caught in State Police Reviewed Stops

13th OLEPS Reporting Period



Total Errors: **29**

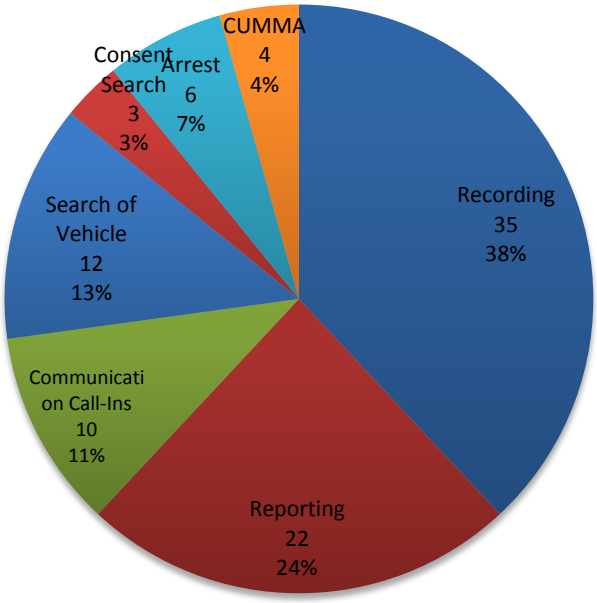
As noted throughout this performance standard, there were a large number of stops examined during this reporting period that did not receive a State Police supervisory review. As such, it is appropriate to discuss the errors that State Police did not catch in those stops that underwent review. In total, there were 29 errors not caught in the stops reviewed by State Police. The majority of these errors pertain to reporting (28%), communication call-ins (17%), vehicle searches (17%), or uses of force (14%). The proportion of uncaught errors in reviewed stops increased for uses of force from 4% to roughly 14%, vehicle searches from 10% to 17%, and communication call-ins from 4% to 17%. The proportion pertaining to searches of persons

decreased from 7% to 0%, consent requests decreased from 17% to 0%, and CUMMA errors decreased from 10% to 3%.

As noted in previous reporting periods, OLEPS increased its attention to the reviews of stops since 2012 to assess the appropriateness of the new motor vehicle stop review schedule. OLEPS' approval of a revised review schedule, which allowed State Police to review a smaller number of stops, was contingent upon continued detail in these reviews. OLEPS has noted State Police's improvement in errors caught over several reporting periods and commends State Police for the improvement. However, OLEPS notes that, though the stops State Police does review have a small number of uncaught errors, the same types of errors are noted in stops not reviewed by State Police. Figure Twenty-Nine illustrates the overall universality of errors made by troopers; the recognition of errors by supervisors in reviewed stops does not appear to impact trooper behavior throughout State Police.

Figure Twenty-Nine: Type of Errors Not Caught in Stops Without State Police Review

13th OLEPS Reporting Period



Total Errors: **92**

Ninety-two of the 121 errors not caught occurred in stops not reviewed by State Police. The majority of these errors, 73%, pertained to recording, reporting, and communication call-ins. The remaining errors are much less common, with the exception of vehicle search errors. In the current reporting period, 13% of not caught errors in stops without State Police review pertained to a vehicle search. The remaining errors were cited fewer than 15 times in the current reporting period.

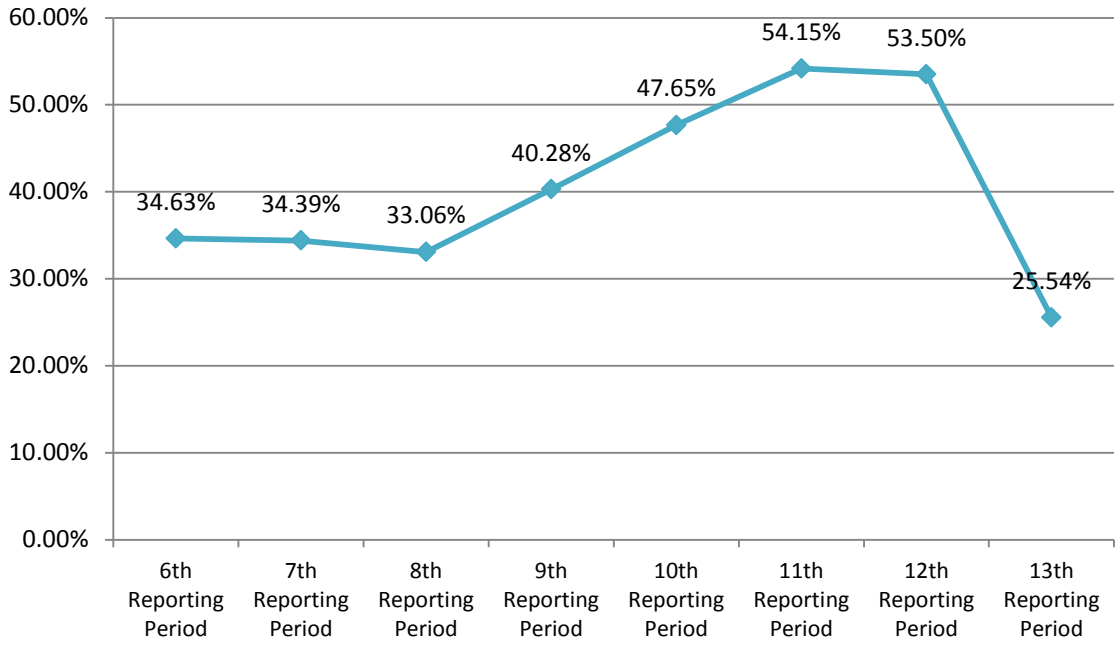
In this reporting period, while reporting, recording, and communication errors remain frequent among caught, not caught, and non-reviewed errors, the frequency of other error categories appears to be heavily impacted by State police policies and OLEPS' sample selection. The Court's decision in Witt permits troopers to search vehicles or persons based on probable cause without the need to request consent. Accordingly, the volume of stops with consent requests decreased considerably while the volume of stops with these non-consensual searches increased. Further, OLEPS purposely sampled a portion of stops with non-consensual searches to ensure that troopers appropriately utilized these searches. Consent searches remain a frequent error among caught errors (see Figure Twenty-Six) because State Police are still required to review all stops with an RAS consent request. However, because a probable cause consent search is no longer necessary, the proportion of errors not caught pertaining to consent searches is extremely low, three errors in stop(s) not reviewed by State Police. Conversely, the volume of errors pertaining to vehicle searches is considerably larger, especially among errors not caught and non-reviewed. These stops are not required to undergo supervisory review, and as such, do not have the opportunity to be caught. Further, in the previous reporting period, OLEPS purposely sampled stops with a frisk. Thus, the errors pertaining to frisks, including caught, not caught, and non-reviewed decreased substantially. This highlights the importance of context when examining patterns

in State Police errors. Policy and procedural changes and sampling changes can affect the patterns of errors noted.

Interventions

Interventions are a tool used by State Police to improve 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 in motor vehicle stops. An intervention allows the trooper to review the supervisor's feedback and allows future supervisors to also review the feedback. Without an intervention, a future supervisor may be unaware of areas in which a trooper might need improvement. Thus, the supervisor would be unaware that the next level of remediation might be more effective, such as retraining.

Figure Thirty: Proportion of Errors Caught with Interventions Issued
13th OLEPS Reporting Period



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. Figure Thirty depicts the trend of the proportion of errors caught that resulted in interventions. As shown, the proportion of interventions issued in each reporting period had increased steadily until the 11th reporting period. The previous period is the second where over half of all errors noted by State Police resulted in an intervention. The current reporting period is the eighth where OLEPS recorded the number of interventions issued. While State Police caught 231 errors, only 59 interventions were issued. Of all errors caught by State Police, about 25.54% of resulted in an intervention, less than half of the number of interventions issued in the previous reporting period, and the lowest since OLEPS began recording the frequency of interventions.

Table Thirty-Five depicts the number and proportion of stops with interventions by category of error. In the current reporting period, there is only one category of caught errors where the rate of intervention was above 70%, errors pertaining to evidence seizures. Caught errors pertaining to CUMMA resulted in an intervention in 66.67% of instances, searches of persons resulted in interventions in 50% of instances, arrest errors resulted in an intervention in 32% of instances, and recording errors resulted in interventions in 31% of instances. All remaining categories of errors caught resulted in an intervention less than 25% of the time.

Table Thirty-Five: Proportion and Type of Caught Errors Resulting in an Intervention

13th OLEPS Reporting Period

	Number of Interventions	Number of Errors Caught	% of Errors Caught
Recording	10	32	31.25%
Reporting	13	66	19.70%
Communication Call-Ins	0	19	0.00%
Vehicle Exits	---	---	---
Frisks	0	1	0.00%
Search of Person	1	2	50.00%
Search of Vehicle	1	7	14.29%
Consent Requests	12	51	23.53%
K9	---	---	---
Use of Force	1	6	16.67%
Arrest	10	31	32.26%
CUMMA	6	9	66.67%
Evidence	5	7	71.43%
Total	59	231	**25.54%**

The proportion of interventions issued in the current period is the lowest since OLEPS began recording the rate of interventions used, though the total number of errors caught in the current reporting period, 231, is about 50 errors fewer than the 287 caught in the previous reporting period. However, there were nearly 100 fewer interventions issued from the previous to current reporting period. This is unlikely to be influenced by sample selection as the decrease in interventions is double the decrease in the number of errors caught. OLEPS continues to recommend the use of interventions to note a caught error to ensure that troopers are aware of mistakes made and have the opportunity to remedy those errors in the future.

Summary of Standard 9

The current reporting period included review of a number of stops that did not receive a supervisory review by State Police. As such, the overall number of errors caught by OLEPS that were not identified by State Police remains high. State Police failed to note errors in the stops that State Police did review,

especially pertaining to reporting, communication call-ins, and vehicle searches. The errors noted by OLEPS in non-reviewed stops were most frequently recording, communication, reporting, and vehicle search errors. The State Police should continue its improvement in detailed reviews and note all trooper errors during stops. Further, the State Police should notify troopers of all errors to help minimize these errors in all stops.

OLEPS notes that about 12% of all stops reviewed by State Police contained errors not noted in reviews, the same as the previous reporting period. Roughly 31% of all stops not reviewed by State Police contained errors. Accordingly, there were actions that violated State Police policies and procedures that were not identified and could not be corrected.

As stated in previous reports, a trooper, therefore, can only correct behavior if s/he knows there is an issue. Interventions are a vital tool for self-analysis, allowing both troopers and supervisors to record areas of both excellence and need for improvement. For multiple reporting periods, State Police had increased the use of interventions. However, in the current reporting period, the use of interventions declined to only 25.54%, half of the previous reporting period. OLEPS continues to recommend that State Police more frequently and effectively utilize the intervention tool.

Performance Standard 10: Supervisory Referral to OPS

Standards

If in the review of a motor vehicle stop, State Police or OLEPS personnel determine that the conduct recorded during a motor vehicle stop reasonably indicates misconduct (i.e., a 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 is 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 did not refer any incidents 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.*

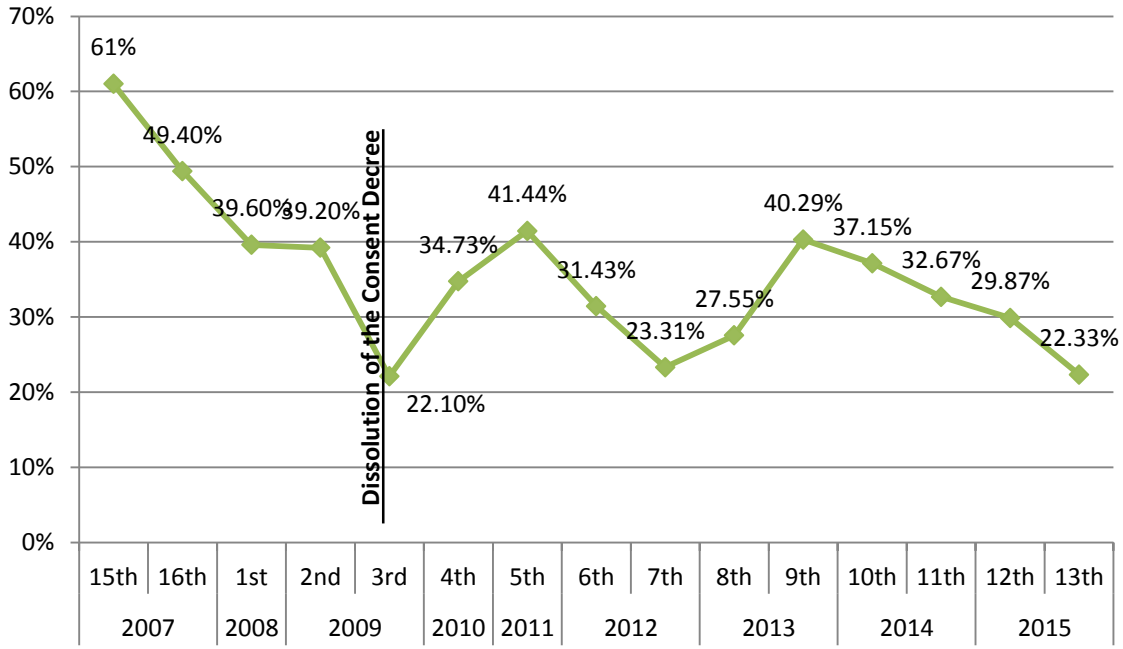
While no exact proportion of stops with supervisory presence is mandated, it is recognized that supervisory presence in the field is necessary to oversee trooper performance. Accordingly, OLEPS reviews trends of the number of supervisors present in the field and comments on these trends. OLEPS recommends that State Police should, at minimum, maintain, but ideally improve, its rate of supervisory presence in the field.

Assessment

For several reporting periods, OLEPS has noted a trend of low supervisory presence in the field. Supervisory presence began increasing in the fifth reporting period, but has since declined. Figure Thirty-One presents this trend. In the current reporting period, supervisors were present in 67, 22.33%, stops. Forty-two stops were verified by video and 25 were only verifiable through stop reports. In the previous reporting period, a supervisor was present in about 30% of all stops. Since the 15th reporting period (which covers 2007 and as completed by the independent monitors), the percent of stops where a supervisor was present has declined, reaching a low of 22.1% in OLEPS' 3rd reporting period (2009). Since this time, OLEPS has noted varying levels of supervisory presence during motor vehicle stops. The proportion of stops with a supervisor present in the current reporting period is the second lowest proportion, higher than the low in OLEPS' 3rd reporting period by less than a percentage. This is the fourth reporting period to indicate a decline in supervisory presence. This may be a reflection of the sample reviewed because many of the stops in the current reporting period did not involve any critical activities- RAS consent requests, canine deployments, or uses of force.

Supervisors were present in 20 stops or 31.48% of all stops with consent requests, six stops or 85.71% of all stops with official canine deployments, and 10 stops or 26.32% of stops with uses of force. Compared to the previous reporting period, there was a smaller proportion of supervisory presence in stops with consent requests and uses of force and a larger proportion of stops with canine deployments.

Figure Thirty-One: Trend of Supervisory Field Presence
13th OLEPS Reporting Period

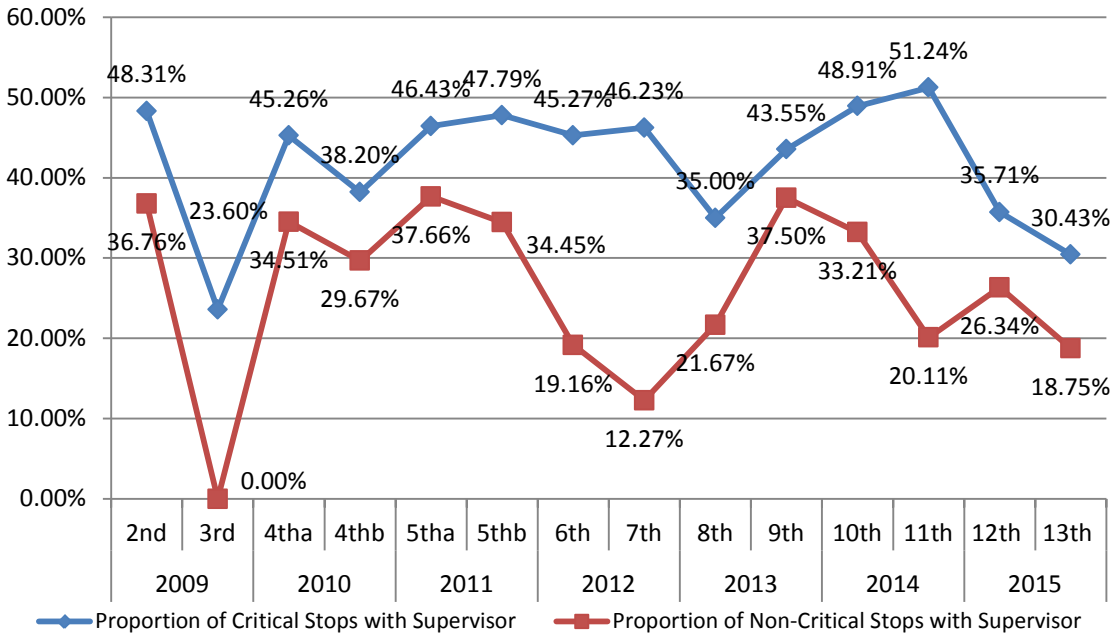


Like the previous reporting period, there was not a statistically significant difference in the number of errors caught in a stop when the supervisor was present at the scene of a stop (M=1.09, s=1.68) compared to when a supervisor was not present (M=.678, s=1.35), t(91.84)=.1.835, p=.07, α=.05, though this distribution approaches statistical significance. There is not a significantly different number of errors not caught in stops with supervisory presence (M=.42, s=.95) and those without supervisory presence (M=.39, s=.99), t(298)=.137, p=.891. Further, analysis did not reveal a significant difference in the total number of errors made between stops with (M=1.51, s=1.85) and without (M=1.07, s=1.53) supervisory presence, t(298)=1.926, p=.05, though this distribution approaches statistical significance.

Critical stops, those with RAS consent requests, canine deployments, and uses of force, undergo mandatory reviews and their activities require supervisory approval and additional reports. Figure Thirty-Two depicts supervisory presence in critical stops compared to non-critical stops. The proportion of stops with supervisors present is generally greater among critical stops than non-critical stops. In the current reporting period, there were 92 critical stops. A supervisor was present in 30.43% of these stops (28 stops). This proportion is a decrease from the previous reporting period and the lowest since the 3rd reporting period. While there were more non-critical stops reviewed by OLEPS in the current reporting period, 208, only 18.75% of these stops (39) had a supervisor present on the scene. The proportion of non-critical stops with supervisory presence fluctuates across reporting periods in Figure Thirty-Two because of changes to the secondary sample of stops reviewed in each reporting period. In the third reporting period, only 95 stops were reviewed, 89 of which were critical stops; there were only six non-critical stops reviewed. In all other reporting periods, the majority of stops reviewed were non-critical stops. The activities occurring in these stops vary across reporting periods, which may impact the likelihood that a supervisor might be on scene.

Figure Thirty-Two: Trend of Supervisory Field Presence in Critical & Non-Critical Stops

13th OLEPS Reporting Period



Summary of Standard 11

While OLEPS anticipated an increase in supervisory presence in the field after State Police implemented a revised review schedule for motor vehicle stops in 2011, supervisory presence has generally decreased since the second half of 2013. Given that the State Police have recently graduated several Academy classes- and taking into account the recent policy changes following Witt, which reduce the volume of required supervisory reviews- an increase in supervisory presence in the field was expected. In the current reporting period, however, a decrease in the proportion of stops with supervisors present was noted overall and among both critical and non-critical stops. OLEPS stresses the importance of supervisory presence and directs State Police to the Consent Decree for specifications on this requirement.

Office of Professional Standards & Investigations

OLEPS monitors the Office of Professional Standards (OPS) based on the timeliness and appropriateness of investigations; OLEPS also conducts 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 IAPro 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 so 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 include a determination of whether 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 including a review of all required investigative tasks. In some instances, those reviews lead to a review of all available investigative evidence, such as audio and video tapes assembled by OPS. Additionally, OLEPS publishes aggregated analyses of misconduct cases available here: http://www.nj.gov/oag/oleps/aggregate-misconduct.html.

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.

Assessment

In the current reporting period, OLEPS performed an audit of investigations conducted by OPS, covering July 1, 2015-December 31, 2015.

This audit consisted of a review of 77 closed cases alleging misconduct. Of this total, 60 consisted of complaints involving racial profiling, disparate treatment, excessive force, illegal or improper searches, and domestic violence. An additional 17 cases were selected for review from all other misconduct and administrative investigations. Reviews of the written files for all 77 closed cases 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

For the audit covering the current reporting period, OLEPS noted that 33.76%, 26 cases, were not completed within the 120 working day requirement. During this audit, OLEPS noted that 21 of these cases included an appropriate request for extension while five cases did not. OLEPS also noted 48 cases where an extended period of time passed between receipt of a complaint and assignment to an investigator, thus delaying the beginning of the investigation. Additionally, OLEPS noted an extended

period of time between investigator completion of a misconduct case and supervisory review of the case in 38 cases.

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 second half of 2015, OLEPS performed roughly 65 legal sufficiency and penalty reviews.

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 must be reviewed as to whether they constitute allegations of misconduct and whether the allegation:
    - is criminal
    - requires administrative investigation
    - is a non-disciplinary performance matter
    - shall be 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 July 1, 2015 to December 31, 2015. A total of 65 complaint calls were made to the hotline during the review period, and OLEPS reviewed a selected portion of these calls. All calls reviewed were assigned an OPS case number and handled appropriately.

Training

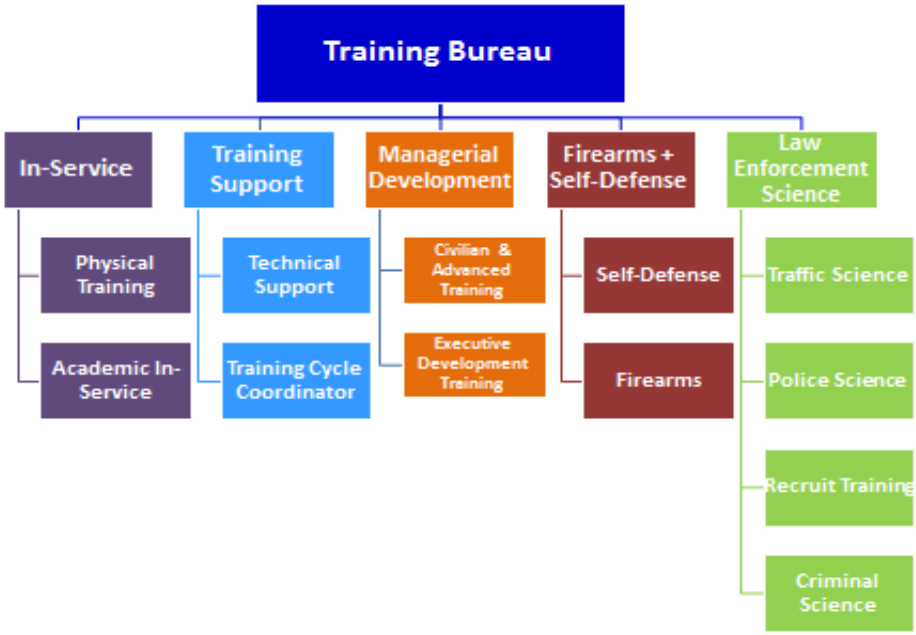
The New Jersey State Police Training Bureau (hereafter Training Bureau) shall continue its mandate to oversee and ensure the quality of training for state troopers, including the development and implementation of pre-service[29] and post-service[30] curriculum, and the selection and training of both trooper coaches and instructors. OLEPS' primary focus is on curriculum/training pertaining to cultural awareness and diversity, ethics, leadership, arrest, and search and seizure.

Overview

The Training Bureau adheres to the tasks set forth in the training assessment portion of the Decree, which has since been codified in the Act and incorporated into State Police policies and procedures. The Act requires that training be provided to State Police members relative to patrol duties, cultural awareness, ethics, leadership, and constitutional law pertaining to arrest and search and seizure. The Act also requires the State Police to monitor training that members receive from non-State Police entities.

In addition to the requirements outlined in the Act, State Police policies and procedures require that the Training Bureau evaluate and document training effectiveness, establish a Training Committee, create training orders, provide remedial training, and ensure the appropriate instructor certifications are in place.

Figure Thirty-Three: Organizational Chart of the Training Bureau[31]



[29] This indicates any training delivered to State Police recruits, while at the Academy, prior to enlistment and being sworn as law enforcement officers.
[30] This indicates any training given to Troopers, while they are actively serving in the State Police.
[31] The Armorer Unit is also designated within the State Police Training Bureau. However, OLEPS does not perform oversight responsibilities relating to that unit and it has been omitted from the above organizational chart, accordingly.

The reporting period as it relates to training in this report covers January 1, 2015 through December 31, 2015. During this reporting period, the Training Bureau was responsible for providing in-service training, mid-level management training, and other annual and semi-annual training to State Police members. In addition, the Training Bureau successfully trained a total of 109 new troopers in the 155th New Jersey State Police Class. In response to the addition of new troopers, the Academy staff trained trooper coaches and acted as the repository for the record of the program. During the current reporting period, OLEPS again reviewed the trooper coach selection process and documentation relating to non-State Police training.

Methodology

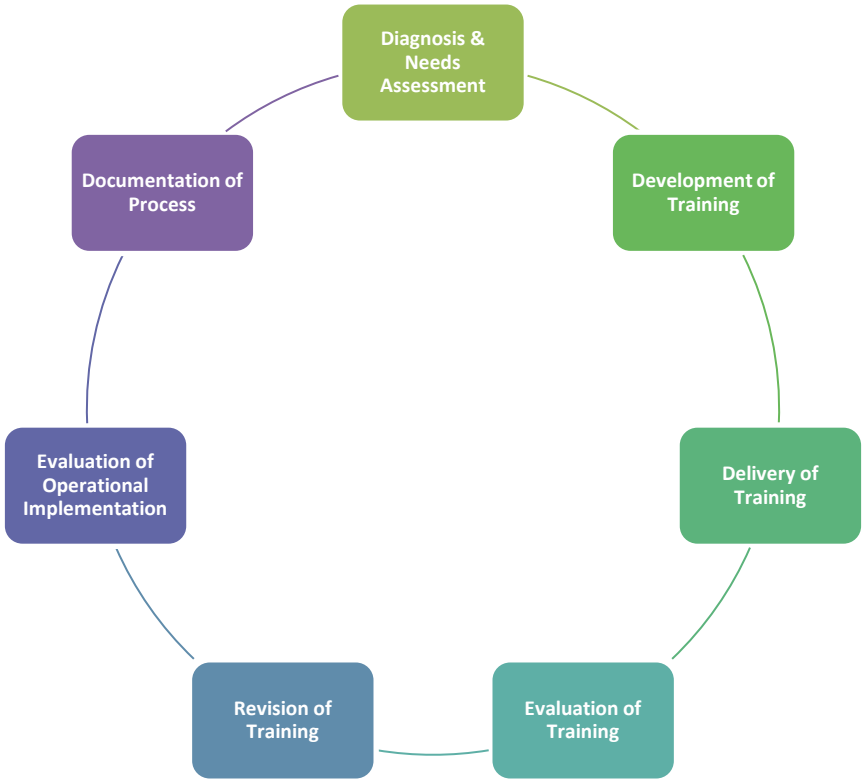
OLEPS reviewed normal course of business records, conducted interviews with the Training Bureau staff, and attended training presentations. Records reviewed included the documentation of needs assessment, curriculum, analysis of training effectiveness, Training Committee minutes, individual training records, disciplinary records, promotional histories, personnel orders, Field Operations memoranda, OPS memoranda, course documentation, and documentation relating to training provided by non-State Police entities. Databases accessed included MAPPS, ACTS, IAPro, and the Trooper Coach System.

Performance Standard 14: Development and Evaluation of Training

Standards

The Training Bureau employs a seven-step cycle in the training and evaluation process. The Training Bureau is audited on whether the seven-step training cycle set forth below is applied in the development, delivery, and evaluation of training, as applicable.

Figure Thirty-Four: Seven-Step Training Cycle[32]



The seven-step training cycle consists of:

> **Step One: Diagnosis and Needs Assessment** – Assessing the needs within the agency for the purpose of creating or improving training; reviewing current standards and practices on related topics.

[32] The cycle is depicted in full. However, for certain training topics and courses, some steps are not applicable. For example, courses not created or delivered by the Training Bureau will not undergo a Step Five revision of training or Step Six evaluation of operational implementation as these courses are developed and evaluated by an outside agency.

Step Two: Development of Training – Developing training content and training aids according to needs assessments.

Step Three: Delivery of Training – Utilizing current best practices in adult-based learning.

Step Four: Evaluation of Training – Evaluating the effectiveness of the training content and training delivery.

Step Five: Revision of Training – Revising training materials and delivery based upon the evaluation of each training course.

Step Six: Evaluation of Operational Implementation – Determining implementation of the practices taught.

Step Seven: Documentation of Process – Documenting all of the above steps in the process.

Reports and analyses relating to the evaluation of training are reviewed to determine the Training Bureau's ability to measure the transfer of knowledge as it relates to training in leadership, ethics, cultural awareness and diversity, and constitutional law pertaining to arrest and search and seizure.

All course curricula relating to training topics delineated in the Act are reviewed to determine their suitability and legal sufficiency. Any revisions or substantive changes must be noted and forwarded to OLEPS for review.

Assessment

The Training Bureau demonstrated its ability to develop, deliver, and document its training processes. Course curricula are based on Division-wide needs assessments. Data used in the development or revision of training comes from information captured by the Office of Quality Assurance (OQA), OPS, Field Operations, OLEPS, and the Training Committee.

As the result of this process in 2015, curricula relating to firearms, leadership, search and seizure, cultural diversity, MAPPS, use of force, vehicular pursuits, and ethics were presented to OLEPS for review and comment.

The Training Bureau evaluated the training conducted by State Police instructors. Courses evaluated in 2015 included:

- 2015 In-Service training (Performance Standard 15)
- Trooper Coach training (Performance Standard 18)
- Mid-level management course (Performance Standard 19)
- Various blocks of instruction for the 155th recruit class (Performance Standard 14)
- Other courses include annual, semi-annual, remedial, and other training matters. (Performance Standard 14)

Annual Training

C-20: Physical Fitness Exam

In accordance with State Police's policies and procedures, this annual, standardized fitness exam is required for all active duty troopers. The 2015 annual physical fitness test, known as C-20, was conducted in the fall of 2015. The In-Service Training Unit properly posted training orders with the testing and re-testing dates. The test is comprised of a battery of physical exercises administered by the Training Bureau. Those who are unable to participate, or do not pass, are given multiple opportunities to re-test. In addition to the C-20 physical fitness exam in 2015, this year's C-20 included several academic courses, including motor vehicle equipment, school security, victim services, and immigration.

The Training Bureau successfully completed training, documented delivery of training, prepared after action reporting that included notification to all supervisors of member non-attendance, and offered three re-test sessions. Both steps Five and Six do not apply to C-20. Although Step Six does apply to the academic portion of C-20, the Training Bureau failed to complete it. The Training Bureau stated that the Step Six report was not completed since the academic portion was based on several requests from different units within the Division. The Training Bureau failed to include the Step Six analysis as part of the Integrated In-Service Report. However, the Training Bureau indicated that for the 2017 academic portion of C-20, the Step Six evaluation will be completed.

Online Training

Federal, state, and departmental policies and regulations mandate that State Police members receive training in a number of courses on an annual basis. As described below, these courses are delivered by online presentation.

NJLearn courses

- Bloodborne Pathogens
- Hazmat Awareness Refresher
- New Jersey State Police Work Zone Safety NJSP
- NJSP Handling of Mentally Ill Persons
- Prevention of Domestic Violence Act 1991

NJ.gov course

- Securing the Human (SANS)

These online courses are developed and administered by state and departmental entities outside of the State Police. However, the Training Bureau issues orders to its membership to ensure notification of their annual participation requirements and uploads membership information to assist in the efficient completion of each annual course. Further, for 2015 the Training Bureau worked with the necessary outside agencies to resolve previous programming complications in order to promptly issue non-compliance notifications for those members who did not participate in the online courses. Again, Steps Five and Six do not apply to these standardized state courses.

Semi-Annual Training

Firearms Qualifications

In accordance with New Jersey guidelines and directives, the State Police is required to conduct semi-annual firearms qualifications for all active duty enlisted members. Prior to delivery of the semi-annual training, the Training Bureau held range master updates with Troop A, B, C and D range masters in order to review and assess current standards and firearms training needs for the State Police. In 2015, all troopers were given the opportunity to qualify. The Firearms and Self-Defense Unit properly posted training orders with the scheduled qualification dates for both handgun and rifle trainings. The Training Bureau maintained handgun qualification records for both the first and second qualification sessions. Six troopers did not attend the first scheduled qualification. The section commanders of these troopers were notified. For the second period firearms qualification, 30 troopers did not attend and their section commanders were notified.

The Training Bureau properly documented and maintained firearms trainings and qualification session records in the ACTS training database. During the first and second qualification sessions, each Troop Operations Officer or Troop Field Training Officer (FTO) recorded any non-attendance, summaries of training sessions, instructors, inventory, and whether there were any other issues such as equipment malfunctions or injury. Steps Five and Six do not apply to these state standardized qualification exams.

Recruit Training

On February 20, 2015, 109 members of the 155th State Police Class graduated the State Police Academy. The State Police Academy also began training the 156th State Police Class on August 17, 2015. However, since they did not graduate until January of 2016, the 156th State Police Class will be discussed in the Fifteenth Oversight Report.

The Law Enforcement Science Unit completed the after action report for the 155th State Police Class, assessed the training of recruits, and provided recommendations for improvement. To the extent financially and operationally feasible, the recommendations were considered for the 156th recruit class courses. The Training Bureau will continue to provide training for recruit classes in 2016.

Assessment of the 155th State Police Class in the Trooper Coach Program was completed in 2015. Details of the assessment are discussed in Performance Standard 18.

Additional Training

Firearms and Self-Defense

During this reporting period, the Firearms and Self-Defense Unit successfully delivered and/or participated in the following advanced training courses in response to State Police needs:

Table Thirty-Six: Firearms and Self-Defense Training
2015

Course	Dates	Total Session(s)	Total Participants
Firearms Instructor Course	April	1	24
Force on Force Instructor Course	June	1	18
Combat Handgun Course	March and June	4	45
Tactical Rifle Operator Course	March and June	2	50
Conducted Energy Device (CED) Annual Qualification Course	May and June	4	43
Monadnock Defensive Tactics System Course	June	1	11
NJ Division of Gaming Enforcement Self Defense Course	April	1	20
Force Science Institute Certification Course	May	1	3
Police Service Rifle Operator Course	April, May, and June	6	124
Total		**21**	**338**

In 2015, there were a total of 21 sessions of advanced training courses with 338 attendees. All firearms and self-defense courses were delivered, reviewed, and properly documented with Step Four after action reporting. Steps Five and Six were inapplicable. Expansion of State Police self-defense training programs was not feasible in this reporting period due to very limited staffing. For the 2015 calendar year, the Training Bureau had only one permanent member assigned to the Self-Defense Squad.

Remedial Training

The Training Bureau is also tasked with providing remedial training to troopers requiring improvement in specified skill areas. Those troopers are identified and referred by several sources including supervisors, OPS, and the State Police's Risk Analysis Core Management Group (RACG). The Training Bureau tailors a course of instruction specific to the individual trooper based on the trooper's deficiency. Remedial training consists both of classroom instruction and practical applications through scenarios. In 2015, two troopers received remedial training in one or more of the following areas:

- Professionalism
- Communication Skills
- Public Perception
- Attitude and Demeanor
- State Police Rules and Regulations

Both troopers attended remedial training for the first time and Step Four after action reports indicated that they were informed of the basis for the remedial referral prior to attendance. The Step Six evaluation for the two troopers attending remedial training in 2015 will be reviewed in the 15th reporting period, which covers State Police training in the 2016 calendar year.

Also during 2015, the Step Six reporting requirements were completed with regard to the two troopers who received remedial training in 2014. Approximately one year after delivery of the remedial training, Step Six evaluations are completed by the In-Service Unit, which reaches out to the supervisors or other referral source who requested remedial intervention. The purpose of the one year follow-up is to determine training effectiveness in the field and whether further training is necessary.

Supervisory Training
During this reporting period, the Managerial Development Unit delivered the following supervisory courses:

- First Line Supervision
- Mid-Level Management
- Executive Leadership
- Basic Supervision for Outside Agencies

Step Four evaluation of training, documentation of attendance, notification to supervisors of non-attendance and Step Six evaluation of operation implementation were completed for all necessary supervisory courses. Further detail about the supervisory courses will be discussed in Performance Standard 19.

Summary of Standard 14

The Training Bureau continues to demonstrate its ability to develop, deliver, and document its training processes as prescribed by the seven-step training cycle, where applicable. The staff remains committed to staying relevant with best police practices in the development of curriculum. While the Training Bureau continues to take proactive measures to improve Step Six evaluation of operational implementation for the annual in-service training, it failed to conduct Step Six evaluation for the academic portion of C-20. In addition, the staff is continuing their re-evaluation of data collection plans for supervisory training courses. Lastly, the Training Bureau assists in the delivery and administration of mandated training by national, state, and departmental entities, including online course requirements.

Performance Standard 15: Annual In-Service Training

Standards

According to State Police policies and procedures:

- The Training Bureau shall provide annual in-service training to all enlisted members on the following topics:
  - Fourth Amendment requirements
  - Non-discrimination requirements on conducting motor vehicle stops and searches and seizures
  - Cultural diversity
  - Ethics
  - Leadership

Assessment

Integrated In-Service

The 2015 Integrated In-Service was delivered from November 2015 through mid-December 2015 at the New Jersey State Police Training Academy. A make-up session was offered in January 2016 for any troopers who did not attend the training. The In-Service Unit properly posted training orders for the scheduled in-service trainings. The In-Service Unit developed the Step One needs assessment after gathering data from OPS, OLEPS, MAPPS, RACG, Field Operations, and other State Police units.

As a result of the Step One needs assessment, the In-Service Unit determined that the in-service presentations would be based on the theme of "Trooper Safety."

In-service topics included:

- The presentation on Leadership and Ethics was intended to assist members in utilizing skills from Colonel (Col.) Jacobs' presentation to form a better understanding of what is required to become an effective leader. A pre-recorded interview of Col. Jacobs where he answered questions relating to leadership was presented. Col. Jacobs shared why he joined the military and ultimately made a career there. He explained the fundamentals of a good leader, such as communication skills (listening and directing), internal and external focus, authority versus responsibility, and prioritization of unfavorable circumstances versus actual crises. Col. Jacobs also addressed the interaction of leadership principles with examples of ethical dilemmas faced in his military career. Col. Jacobs delivered the presentation in-person on December 10, 2015.

- The presentation on cultural diversity was intended to assist members in enhancing their knowledge of the Sikh culture and religion. The initial portion of this training block discussed the historical background of the Sikh culture in America and identified distinguishing characteristics of the religion. The remainder of the presentation focused on identifying hate or

bias incidents against the Sikh community and best practices for respectful methods of communication.

- There were two presentations on the topic of Search and Seizure. The first presentation, "Automobile Exception," was intended to assist troopers in reviewing the elements of the automobile exception, how it is applied, and its scope. Since Peña-Flores was overturned in September 2015, this training block also reviewed State Police policies and procedures relating to motor vehicle stops and search parameters relevant to the odor of burnt marijuana, odor of raw marijuana, and DWI investigations. The second presentation, "CUMMA[33] Refresher," was intended to update troopers on probable cause as it relates to the odor of marijuana, procedures and resources relevant to medical marijuana, and current legal restrictions on credential searches.

- The presentation, "Tactics on Removing a Resisting Occupant from a Vehicle," was intended to improve the tactics of the road trooper in removing resisting occupants from a vehicle. This course block commenced with a discussion of current public perceptions with regard to law enforcement. The instructor then utilized videos from other jurisdictions to analyze citizen interactions and occupant removal strategies.

- The presentation, "Swatting/Doxing/Portable Electronic Devices,"[34] was intended to provide participants with a working knowledge of swatting, the dangers inherent in a swatting incident, and proper investigative strategies for swatting events. The instructor also discussed appropriate methods of privacy protection and resources relating to cybercrime.

- The presentation, "Gang Recognition and Awareness of Law Enforcement," was intended to increase law enforcement officers' basic gang awareness and recognition. The instructor educated members on methods of establishing gang membership and proper reporting procedures relevant to gang related crime investigations. This course block reviewed various outlaw motorcycle club membership identification methods. Also, it reviewed ongoing law enforcement concerns related to different groups within State Police jurisdiction.

Following the month-long in-service training, the Training Bureau completed the Step Four evaluation of training and notification to supervisors of troopers who did not attend training. The Training Bureau also successfully completed the Step Six evaluation of operational implementation by reporting and analyzing results of the in-service data collection plan. The In-Service Unit reviewed samples of motor vehicle stop reviews from Troop A, Troop B, Troop C, and Troop D to measure the success of compliance relating to State Police CUMMA policies. The Training Bureau found this block of in-service training to be successful, with noted decreases in CUMMA related errors (see Performance Standard 9). The other Step Six method utilized by the In-Service unit was an evaluation of trooper compliance with search and seizure laws with special attention to the automobile exception. A detailed analysis of the data collected by Field Operations, Risk Management, and the MAPPS Unit showed no issues with the legal application of the automobile exception, but revealed a common procedural form error appropriate for future address by State Police supervisors and the Training Bureau.

[33] CUMMA – New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24:6I-1, et seq.
[34] Swatting is the act of eliciting an emergency response based on a false report of an on-going critical incident. Doxing is the publication of personally identifiable information of someone to the internet, generally for malicious purposes.

Summary of Standard 15

The yearly in-service training presented to the entire Division complies with all curriculum topics including cultural diversity, ethics, leadership, and search and seizure. The Training Bureau continues to conform to the seven-step training cycle with the mandatory topics of training and their documentation. All subject matter presented remains current and relevant to State Police needs.

Performance Standard 16: Training Committee

Standards

According to State Police policies and procedures, the Training Bureau Chief coordinates, maintains, and utilizes a Training Committee.

- The Training Committee shall be comprised of:
  - Members of the Training Bureau
  - All Field Training Coordinators (FTCs)
  - All Field Training Officers (FTOs)
  - Representative of OPS
  - Representative of OQA
  - Any other personnel as determined by the Bureau Chief (Committee Chair)

- The Training Committee shall meet on a quarterly basis and record and distribute meeting minutes.

- The purpose of the Committee is to "serve as an integral system for state police units, squads and supervisors to provide information and refer particular incidents to the Training Bureau, to assist in evaluating the effectiveness of training and to detect the need for new or further training."

Assessment

Training Committee meetings were held in March, June, September, and December of 2015. Training Bureau records including agendas and meeting minutes were reviewed.

Table Thirty-Six: Training Committee Attendance
2015

Training Committee Member	Required # of Members	March	June	September	December
Training Bureau	8	12	6	6	8
FTCs	9	9	3	7	3
FTOs	7	6	3	3	4
OPS	1	1	1	0	0
OQA	1	0	0	0	0

Table Thirty-Six depicts the number of troopers in attendance during each quarterly Training Committee meeting. According to State Police policies and procedures, the Training Committee must be comprised of: eight Training Bureau members; nine FTCs; seven FTOs; one member of OPS; and one member of OQA. The Training Bureau consistently had the greatest attendance in the majority of

meetings. However, they were missing a few members in June and September. Although FTCs were more frequently absent than the other Training Committee members, the FTCs from the Identification & Information Technology and Intelligence & Criminal Enterprise Sections had representatives in attendance at all four meetings. OPS members were in attendance at two of the four meetings and OQA did not attend any of the meetings for 2015. Overall, March had the most representative attendance for 2015. In fact, non-required representatives also attended the March meeting on behalf of EEO and Public Affairs.

In response to low attendance rate at the quarterly meetings, the Training Bureau is initiating additional methods of improving attendance and participation, such as proactively requesting agenda materials from required attendees prior to each meeting and adding relevant scheduling reminders to other regular State Police troop meeting agendas.

Members of the Training Committee met and delivered status reports regarding current activities of their respective sections that may impact training. In addition, training needs and/or areas in need of improvement were identified to help develop specific training programs. The Training Bureau also delivered advance notice of Training Orders for upcoming courses. The following is a sample of topics covered during the 2015 meetings:

Trooper Coach Program- It was expected that at least 200 recruits would be invited to enter the 156th State Police Class at the Academy. Discussions commenced on potential modifications to the Trooper Coach years of service eligibility requirements in order to address the needs of such a large number of new troopers.

156th State Police Class- The August 2015 start date and January 2016 graduation date for the 156th State Police Class were scheduled and reported on in the meetings. PEPP[35] II sessions for the 156th class were scheduled to commence in April 2015. Multiple pool sessions were incorporated into the PEPP II sessions to improve applicant familiarity with the State Police's swimming standards. Approximately 240 candidates received invitations to Academy Awareness Weekend (AAW)[36] for the 156th class, which was scheduled for July 2015. The 157th State Police Class was tentatively scheduled for start in August 2017.

Top Physical Challenge[37]- The In-Service Unit scheduled the Top Physical Challenge program at five middle and high schools across the state.

Trooper Youth Week[38]- The Training Bureau held three Trooper Youth Week Classes in July 2015. The Training Bureau graduated a total of 296 high school students in the 98th, 99th, and 100th classes of Trooper Youth Week.

[35] PEPP sessions offer an informational, educational, and interactive program detailing recruit training requirements for applicants seeking conditional employment with the New Jersey State Police.
[36] AAW is a mandatory weekend that provides a preview of Academy life for recruits.
[37] NJSP Top Physical Challenge program educates athletes from grades 5-12 on the importance of physical fitness as it relates to law enforcement. Following the academic portion of the program, students are given a physical assessment and receive awards based on their performance.
[38] Trooper Youth Week is a career exploration program held during the summer months for teenagers who are in their junior or senior year of high school.

C-20 Physical Training- C-20 testing was completed within the allotted time period and prior to in-service training. It was determined that courses covering the following topics would be available as academic electives: motor vehicle equipment; school security; and victim services.

2015 In-Service Training- In preparation for the annual in-service training, the tentative schedule was presented and potential training topics were requested from FTOs. Training ran from November 2, 2015 to December 11, 2015. A makeup session was scheduled for January 2016.

Outside Training- The procedures for submitting and receiving credit for outside training were reviewed. The procedures relating to attendance at PATRIOT and Desert Snow courses were reviewed.

Identification and Information Technology- The anticipated use of body worn camera technology was discussed.

Office of Professional Standards- OPS noted an increase in complaints related to social media and report writing.

Summary of Standard 16

The Training Committee meetings are an important resource in the assessment of State Police training needs. They assist the Training Bureau in developing and evaluating courses in a broad range of operational subject areas beyond recruit training. The Committee's purpose is to seek feedback from the State Police to help identify areas of training needed. Although the Training Bureau met the standards in their policies this reporting period by holding all quarterly Committee meetings, 2015 reflected low attendance rates, especially in June and September. Since attendance is critical to ensuring the most effective utilization of this method of needs assessment, OLEPS recommends that Section Heads prioritize representation at these quarterly meetings.

Performance Standard 17: Recruitment of Instructors and Instructor Eligibility Requirements

Standards

According to State Police policies and procedures:

- The New Jersey State Police shall encourage "superior" troopers[39] to apply for Academy and post-Academy training positions. The Training Bureau shall maintain adequate staffing levels at the Academy to ensure compliance with the training cycle.

- All candidates must go through the specialist selection process. Candidates must:
  - Successfully complete the Instructor Training Course and have the ability to apply the seven-step training cycle
  - Have four years of experience as a Trooper
  - Have a Bachelor's Degree
  - Undergo a review of any and all disciplinary history
  - Undergo a review of any complaints alleging discrimination in the workplace.

- Any revisions to the policies relating to eligibility selection requirements or training shall be submitted to OLEPS for review and comment prior to approval.

Assessment

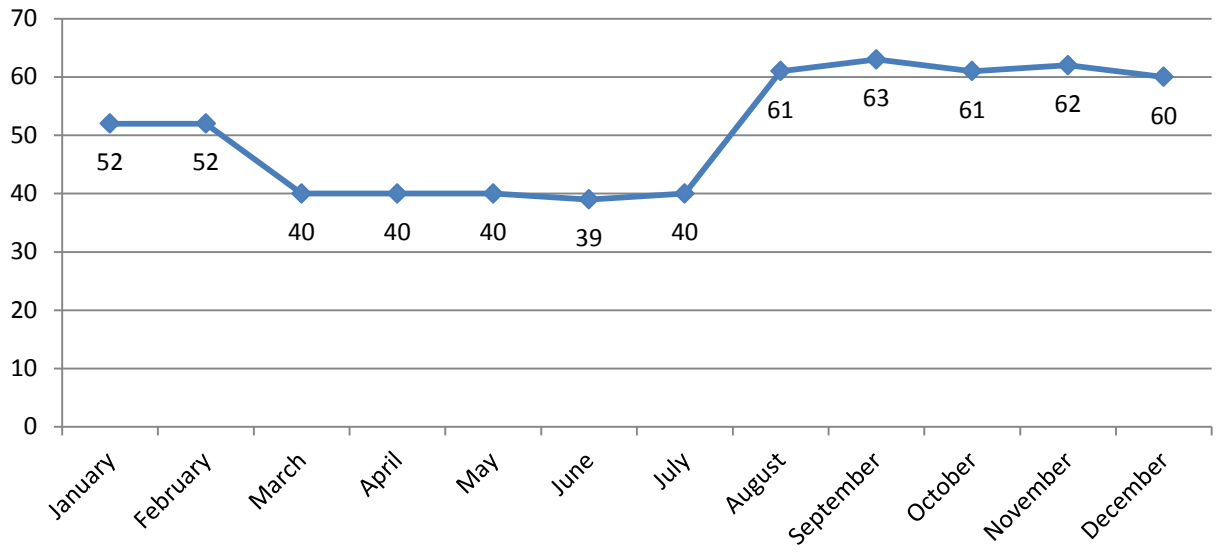
In 2015, the Training Bureau's organizational chart reflected that between 39 and 63 sworn personnel were permanently assigned or detached (a temporary reassignment) to the Academy along with 8-9 civilians. The Training Bureau's specialist selection process for this reporting period was properly conducted and documented. No revisions to policies of instructor eligibility and training requirements took place during this reporting period.

Staffing

Historically, the Training Bureau's staffing levels have been dependent on whether there was a recruit class in session. It has become common practice to temporarily detach troopers to the Academy during recruit classes, then end the detachments when recruits graduate. This negatively impacts the retention of institutional knowledge and has the potential to disrupt other training the Academy gives to enlisted members. Figure Thirty-Five depicts the number of troopers (permanent and detached) assigned to the Training Bureau each month in 2015.

[39] This standard remains unchanged from the federal Consent Decree.

Figure Thirty-Five: Training Bureau Staffing by Month
2015



As noted above, in January of 2015, the Training Bureau's organizational chart reflected a total of 52 sworn personnel and nine civilians assigned to the Academy. However, the 52 sworn personnel included nine temporary detachments. Therefore, in January 2015, there were actually 43 sworn personnel assigned to the Training Bureau, permanently. In March 2015, there were 40 sworn personnel, including one temporary detachment, and eight civilians assigned. This decrease of sworn personnel was due to the 155th State Police Class graduating in February 2015. In August 2015, there was an increase to 61 sworn personnel, including 11 temporary detachments, and eight civilians assigned due to the start of the 156th State Police Class. In December 2015, the number of sworn members slightly decreased to 61 sworn personnel, including 13 temporary detachments, and eight civilians. Again, there were detachments during this time, consisting of 13 sworn members. As a result, there were 47 sworn personnel permanently assigned to the Academy in December 2015.

Table Thirty-Seven: Training Bureau Staffing
2015

Rank	# of Positions	January	December
Captain	1	1	1
Lieutenant	7	8	7
Sergeant First Class	8	9	8
Sergeant	13	14	18
Trooper	22	20	27
Total Enlisted	**51**	**52**	**60**
Civilian	10	9	8

For the past several reporting periods, OLEPS has noted a steady decrease in the number of members permanently assigned to the Training Bureau. In the past, the independent monitors and State Police

agreed that 58 permanently assigned, sworn members reflected an adequate Academy staffing level. In recent reports, the number of permanently assigned staff at the Training Bureau routinely has fallen below these numbers. Table Thirty-Seven gives the breakdown of positions at the Training Bureau by rank and number of members in January and December of 2015. During this reporting period, State Police detached troopers to meet the staffing needs during recruit training. With the additional temporary personnel, the Training Bureau was adequately or nearly adequately staffed depending on the month.

As noted previously, rather than permanently assign troopers to the Academy, during this reporting period, State Police again relied on temporary detachments to assist with recruit training. Then, these detachments were rescinded upon the recruit class graduation. The constant influx and decrease in staffing is disruptive to course development and does not promote the retention of institutional knowledge at the Training Bureau.[40] Despite strong recommendations in previous reporting periods, the State Police still have not invested in civilian personnel at the Academy to retain institutional knowledge and help with analysis and assessment of training.

Instructor Evaluations

Periodically, the Training Bureau performs in-field training evaluations of instructors assigned to the Academy, when possible. These evaluations consist of an assessment of the learning environment, instructors themselves, learning techniques utilized, administrative procedures, and comments on whether the seven-step cycle was utilized.

In 2015, three courses were evaluated by the Training Bureau: an Instructor Training course; Trooper Coach Training and Evaluation School; and the leadership block for the 2015 In-Service. A total of eight State Police instructors and several outside agency instructors, were evaluated. All courses had adequate learning environments with enough seating and the proper audio and visual aids for teaching. All instructors received "excellent" scores on their knowledge and presentation of course materials. The Instructor Training course and the Trooper Coach Training and Evaluation School applied lecture, group discussion, and breakout groups as learning techniques. According to State Police documentation, both of these courses properly followed administrative procedures and met all seven-step requirements according to State Police documents. The leadership block of the 2015 In-Service course applied lecture technique only. According to State Police, Step Six of operational implementation was inapplicable to this course, but all other requisite steps were followed.

Instructor Specialist Selection

The Training Bureau began its recruit of qualified instructors in mid-March 2015. Nineteen troopers submitted resumes and 18 were interviewed by a panel of four board members. Of the 18 troopers who were interviewed, 15 troopers were scored and were submitted for meaningful reviews, which entailed OPS and EEO review of any misconduct investigations, pending disciplinary actions, or past disciplinary actions. All those scored had completed four years of service as a New Jersey State Trooper and had at least the required Bachelor's Degree. Of the 15 troopers who were scored, 11 troopers were recommended and four troopers were qualified.[41] During the 156th State Police Class, 12 of the recommended or qualified candidates were temporarily detached to the Training Bureau. All

[40] See OLEPS' Ninth Oversight Report, Performance Standard 17, identifying numerous Training Bureau responsibilities beyond delivery of recruit class courses.

[41] After completion of the instructor specialist selection process, candidates are recommended to one of three categories: recommended; qualified; or not recommended. The Superintendent will review the recommendation and render a final decision.

troopers from the selection process successfully completed the Instructor Training Course prior to instructing any courses at the Academy. Ultimately, the State Police did not permanently assign any instructors to the Academy following the 2015 specialist selection process.

Summary of Standard 17

Although none of the member applicants were permanently transferred to the Academy, the Training Bureau performed in accordance with State Police policies relating to specialist selection in this reporting period. In addition, all detachments received requisite instructor certification prior to their delivery of any course materials. However, as in previous reports, OLEPS continues to note concerns with low levels of permanent staffing. Furthermore, concerns remain regarding the lack of consistency in personnel. Adequate and consistent staffing allows the Training Bureau to sustain a level of training necessary to comply with the mandates of the Act. Since OLEPS' First Monitoring Report, staffing issues have been noted. OLEPS continues to strongly recommend that the State Police make the needs of the Training Bureau one of its priorities to meet the requirements set forth in its own policies and standards. OLEPS also strongly recommends again that State Police prioritize the staffing of a civilian analytic position, to help assess all State Police training.

Performance Standard 18: Trooper Coach Program

Standards

According to State Police policies and procedures:

- The New Jersey State Police shall encourage superior troopers to apply for trooper coach and reserve trooper coach training positions.

- Eligibility, selection criteria, and required training for **primary** and **secondary** trooper coaches can be found in State Police policies. A summary of the requirements includes:
    - Minimum of three years of continuous service
    - Resume
    - Review of any and all disciplinary history and any complaints alleging discrimination in the workplace
    - Review of performance evaluations
    - Successful completion of the trooper coach course

- Eligibility, selection criteria, and required training for **reserve** trooper coaches can be found in State Police policies. A summary of requirements includes:
    - Minimum of seven years of continuous service
    - Submission of a Special Report
    - Review of any and all disciplinary history and any complaints alleging discrimination in the workplace
    - Review of performance evaluations and the successful completion of the trooper coach refresher course

- Any revisions to the policies and procedures relating to eligibility selection requirements or training must be submitted to OLEPS for review and comment prior to approval.

The assessment of this performance standard includes a review of records maintained in the normal course of business, a review of the trooper coach selection process, a review of any misconduct cases (including those pending), a review of the Trooper Coach Database, and any documentation of trooper coach performance, and staff interviews.

Evaluation of program effectiveness is conducted by reviewing after action reports and an independent analysis done by OLEPS.

Assessment

Overview of the Trooper Coach Program

Members of the Training Bureau's In-Service Unit have the responsibility of administering the Trooper Coach Training Program. The program is designed to reinforce Academy training by giving the probationary trooper the opportunity to apply what was taught at the Academy at his/her first general duty road station under the guidance of a trooper who has been qualified to serve as a coach. The program is divided into four 120-hour training phases for a total of 480 hours. During Phases I-III, the probationary trooper becomes familiar with his/her role and responsibilities. By Phase IV, s/he is prepared to take an active role while on patrol with and without his/her coach. At this juncture, the coach will only intervene if there is an issue of officer safety or if the probationary trooper's actions would bring discredit to the State Police.

There are three designations of trooper coaches: primary, secondary, and reserve. The primary trooper coach has the responsibility of training and evaluating the probationary trooper. The secondary trooper coach conducts Phase II of a probationary trooper's training to give the probationary trooper "exposure to an equally qualified coach's perspective, training style, and job-related skill set" before returning to the primary trooper coach during Phase III. The secondary trooper coach is also prepared to assume the primary trooper coach's responsibility in the event that the primary trooper coach cannot fulfill his/her obligation due to an illness or transfer in assignment. The reserve trooper coach assumes coaching responsibilities whenever the primary or secondary coaches are not available for duty on a limited basis but is not to assume the full-time responsibility of either coach.

There is a comprehensive selection process for trooper coaches. The primary, secondary, and reserve trooper coach candidates must undergo a meaningful review process, which includes a review of MAPPS intervention and performance modules, a review of any misconduct cases (including those pending), and a review of any complaints alleging discrimination in the workplace (EEO). In addition, primary and secondary trooper coach candidates must submit resumes. Eligibility requirements for primary and secondary trooper coaches include three years of continuous service. Reserve coaches must have seven years of continuous service. All trooper coaches must be assigned to Field Operations, have a satisfactory performance rating on the most recent annual evaluation, possess a commitment to integrity, and demonstrate knowledge of State Police policy. The candidate must pass the annual physical fitness test. Primary and secondary trooper coach candidates must also submit to an oral interview before a panel.

Information gathered during the meaningful review is presented to the Trooper Coach Committee (a committee that reviews trooper coach applications) for examination. The Committee, composed of a representative from OPS, the Division of Human Resources, and Field Operations, deliberates and renders a finding of recommended, qualified, or not recommended for each candidate. These findings are forwarded to the Deputy Superintendent of Operations (DSO) for a second assessment. Some issues related to the Trooper Coach program were identified in prior oversight reports.[42] Therefore, these procedures have continued to be closely scrutinized during this reporting period.

Trooper Coach Selection Process

[42] See OLEPS' Seventh, Ninth and Eleventh Oversight Reports.

The 155th State Police Class Trooper Coach Program was completed during the current reporting period. OLEPS examined documentation of the selection process and implementation of the program to ensure compliance with requirements set forth in State Police policies and procedures. No issues were identified.

One hundred eighty-four troopers applied to be a trooper coach for the 155th State Police Class; however, the Trooper Coach Committee only reviewed 182 troopers since one trooper withdrew from the process and one trooper did not meet the minimum score. Ultimately, 124 troopers were recommended to coach and, in addition, 35 troopers were qualified to coach. Twenty-three troopers were denied as coaches. Table Thirty-Eight depicts these totals by outcome and by troop. Troop B had the largest pool of eligible coaches, which included recommended and qualified coaches, while Troop C had the smallest pool of eligible coaches.

Table Thirty-Eight: Trooper Coach Candidates
155th Class

Troop	Recommended	Qualified	Denied	Total
A	44	8	9	61
B	47	15	11	73
C	33	12	3	48
Total	**124**	**35**	**23**	**182**

At the completion of the Trooper Coach Program for the 155th State Police Class, a total of 151 troopers served as trooper coaches. Table Thirty-Nine depicts the roles of Trooper Coaches by troop. In Troop A, there were 49 total trooper coaches, which includes 37 primary coaches, eight secondary coaches, and four primary/secondary coaches. In Troop B, there were 60 total trooper coaches, which includes 32 primary coaches, 25 secondary coaches, and three primary/secondary coaches. In Troop C, there were 42 trooper coaches in total, which includes 23 primary, seven secondary, and 12 primary/secondary coaches.

Table Thirty-Nine: Trooper Coaches by Role and Troop
155th Class

Troop	Primary	Secondary	Primary and Secondary	Total
A	37	8	4	49
B	32	25	3	60
C	23	7	12	42
Total	**92**	**40**	**19**	**151**

There were no issues with the trooper coach selection process for the 155th State Police Class, and the State Police met all the requirements in its policies and procedures for this process.

Probationary Trooper Performance

Once recruits graduate from the Academy, they enter the Trooper Coach Program as probationary troopers. There are 27 competencies on which each probationary trooper is evaluated. Such evaluations are recorded in the trooper coaches' daily observation reports (DORs) and the Trooper Coach Coordinator at the Training Bureau assesses and summarizes all probationary troopers' scores in a Step Six report.

The Training Bureau reviewed a total of 109 probationary troopers' performance from the 155th State Police Class. The DORs of these probationary troopers were reviewed and an assessment of 27 operational competencies was undertaken by the Training Bureau prior to the final training phase. This assessment of the program revealed that the probationary troopers scored satisfactory levels in all 27 competencies. Furthermore, all 109 probationary troopers completed the program and were deemed fit to ride alone.

In this reporting period, OLEPS independently assessed the scoring of probationary troopers for the 155th class. OLEPS selected a random sample of probationary troopers for this class and averaged the DOR scores for five random days. OLEPS found the average scores for the competencies of the sample were very similar, if not identical to, the scores of the total class as averaged by the Training Bureau.

Summary of Standard 18

The purpose of the specialist selection process for the Trooper Coach Program is to ensure that only the most qualified troopers are permitted to serve as on-the-job mentors for new recruits. As indicated above, there were no issues with the trooper coach selection process for the 155th State Police Class, and the program was properly completed. OLEPS notes that the Training Bureau undertook immediate and effective measures to ensure that past process concerns were remedied. OLEPS will continue to audit the Trooper Coach Program in detail for the Fifteenth Oversight Report to confirm State Police's continued success in accordance with this standard.

Performance Standard 19: Training for Troopers Advancing in Rank

Standards

According to State Police policies and procedures:

- The Training Bureau shall require enlisted personnel to successfully complete training designed to enhance the management, supervisory, and leadership capabilities of all who are advancing in rank.

- The training must be, to the extent practicable, delivered before the start of the promoted trooper's service in his or her new rank, and no later than seven months into the promoted trooper's service in his or her new rank.

- After training for newly promoted enlisted personnel has been completed, a review will be conducted to determine:
    - if the training was conducted within seven months of the promoted trooper's service, and
    - if those who were promoted attended the training
    - and if not, whether their supervisors were notified.

Assessment

Various supervisory training courses were provided to troopers who were promoted to the rank of Sergeant, Sergeant First Class (SFC), and Lieutenant. In addition, specialized training such as Instructor Training, Spanish for Law Enforcement, Leadership for Outside Agencies, and Criminal Investigations were offered in 2015.

Supervisory Courses Offered in 2015

In 2015, First Line Supervision for Sergeants was offered four times. In total, 255 troopers attended this course. With the exception of one course, lists of troopers who failed to attend the required training were distributed to appropriate supervisors. The Mid-Level Management course for SFCs was offered three times in 2015. Combined, 125 troopers completed the Mid-Level Management course during this reporting period and supervisors were properly notified of those troopers who did not attend. The Executive Leadership course for Lieutenants was also delivered three times in 2015 with a total of 121 troopers participating. Non-attendance lists for 57 attendees[43] were sent out to supervisors of those troopers that did not attend the Lieutenants course.

The Managerial Development Unit continued its revisions to the evaluation of operational implementation or Step Six reports of all supervisory courses. This is in an attempt to obtain more

[43] The number of troopers that did not attend may contain duplicate troopers. For example, a trooper may have missed the first offering of the course and the second, and therefore, appear in both non-attendance lists.

specific measurable information and feedback for the course content. For 2015, all appropriate reports were completed in conformance with the seven-step cycle.

Training for Troopers Advancing in Rank

Promotional and training records were examined in order to determine if those enlisted personnel promoted in rank received the requisite training within seven months of being promoted, to the extent practicable. According to personnel orders in 2015, there were 481 promotions, 20 of which included troopers who were promoted twice. Similar to the previous year, this large number of promotions created a demand on the Training Bureau to offer enough supervisory courses in the required amount of time.

Table Forty: Troopers Promoted in 2015 and Status of Supervisory Training

Promoted Rank	Total Promoted	# Completed Training	# Incomplete Training	# Unable to Train	# Retired
Lieutenant Colonel	2	--	--	2	--
Major	12	1	1	9	1
Captain	37	15	14	--	8
Lieutenant	95	67	28	--	--
Sergeant First Class	113	92	21	--	--
Sergeant	222	180	42	--	--
Total	**481**	**355**	**106**	**11**	**9**

Table Forty shows the breakdown of troopers promoted and whether they completed requisite training for their promoted rank. In 2015, the majority of promoted troopers were elevated to the rank of Sergeant (222). Sergeant First Class and Lieutenant also constituted a large portion of the promotional pool, with 113 and 95, respectively. One hundred and six promoted troopers did not complete training for their promoted rank: one Major, 14 Captains, 28 Lieutenants, 21 SFCs, and 42 Sergeants. There were also 11 troopers who were unable to complete training for their promoted rank because the courses were not offered after their promotions in 2015; this includes two Lieutenant Colonels and nine Majors. Once again, the Training Bureau was unable to offer any Executive Leadership Phase courses for Captains and above in 2015. However, courses for all other ranks were offered to promoted troopers in 2015. Although the Training Bureau prioritized courses for troopers with little to no leadership training experience (i.e. sergeants and SFCs) for the second year in a row, Executive Leadership Phase courses were scheduled for 2016.

State Police policies and procedures also require promoted troopers to attend training within seven months of promotion date. Table Forty-One shows the number of all troopers promoted, whether they completed training, and whether the completion occurred within the seven month requirement. The overwhelming majority of troopers of every rank (96%) completed training within seven months. The only rank with any troopers completing training after the seven month requirement was the Captain position; there were 13 Captains (87%) who were trained after the requisite seven month period.

Table Forty-One: Promotion to Training Completion Time (within Seven Months)

Promoted Rank	# On Time	% On Time	# Overdue	% Overdue	# Completed Training
Lieutenant Colonel	--		--		--
Major	1	*100%*	--		1
Captain	2	*13%*	13	*87%*	15
Lieutenant	67	*100%*	--		67
Sergeant First Class	92	*100%*	--		92
Sergeant	180	*100%*	--		180
Total	**342**	***96%***	**13**	***4%***	**355**

Summary of Standard 19

The Training Bureau continues to provide training for those troopers who advance in rank in accordance with the seven-step training cycle. The Training Bureau continues to prepare after action reporting and to document notice to supervisors of members who did not attend supervisory training. However, there are a number of troopers (22%) that have not completed the mandatory supervisory training, some of whom could not attend because the courses were not offered. OLEPS recommends that supervisors of these troopers who did not undergo requisite training ensure that they complete the respective supervisory courses. Although Executive Phase courses for rankings of Captains and above were not offered in 2014 or 2015, the Training Bureau recognizes the need for Executive Phase Training and has scheduled the delivery of these courses in 2016.

Performance Standard 20: Training Provided by Non-State Police Entities

Standards

State Police policies set forth the guidelines and requirements for training provided by non-State Police entities. These guidelines are:

- The Training Bureau, through the respective Field Training Coordinators (FTCs) or Field Training Officers (FTOs), shall monitor and approve all training attended by enlisted personnel provided by non-New Jersey State Police entities.
- Enlisted members shall submit for written approval from the FTCs or FTOs when attending training provided by non-New Jersey State Police entities.
- The FTCs or FTOs shall debrief enlisted members upon their return from training and copies of all course materials shall be submitted to the Training Bureau to be maintained in a central repository.
- The FTCs shall provide the Training Bureau with quarterly memos identifying all enlisted personnel that attended non-New Jersey State Police training.
- Members may not teach or mentor other State Police personnel in outside training without first obtaining Training Bureau approval.

Assessment

Every year, OLEPS focuses on a specific aspect of training and performs an in-depth audit of that topic. As in 2014, OLEPS again chose to audit the outside training based on State Police policies and procedures for 2015.

As noted in the 2014 Training Review, training provided by non-State Police entities has been a topic of review since the entry of the Consent Decree. In 2007, the Independent Monitors raised concerns regarding outside training in the Monitors' Fifteenth Report. In this report, the Monitors detailed specific concerns[44] with two courses in particular: Drug Interdiction Awareness Program (DIAP) and Operation Desert Snow. In response to the Monitors' concerns, NJSP met with all members who attended the courses of concern and established Division-wide protocols for attending outside training, including the requirements set forth above.

[44] Reappearance of "boilerplate" language in troopers' stop report narratives; an apparent marked increase in the length of time for consent request stops; a reappearance of aggressive and protracted questioning of drivers regarding itinerary, relationships among drivers and passengers, and other issues not related directly to the reason for the stop; reliance on intangible indicators to support requests for consent searches; and lengthy questioning of drivers stopped for other than moving violations.

Of the 229 non-State Police training courses attended by troopers in 2015, a purposeful sample of 20 courses were assessed. OLEPS reviewed these 20 courses and found some procedural issues relating to the approval process.

OLEPS reviewed documentation for 58 members who attended 20 non-State Police training courses in 2015. Of those, 24 members had completed an Outside Agency Training Appraisal Report. In addition, nine of 24 members who completed the appropriate State Police forms regarding non-State Police training attendance approval, mistakenly submitted reports through various chains of command instead of assigned FTCs and/or FTOs. All members without a completed Outside Agency Appraisal Report attended the same non-State Police course, PATRIOT. With regard to other training documentation, 52 (of the total 58) members submitted only certifications of completion or verification of attendance without the required corresponding lesson plans or course materials. Lastly, one training presentation was misidentified in State Police records as non-State Police training.

Upon notification of the above issues, the Training Bureau immediately contacted all FTOs and Section Administration Lieutenants to correct any procedural confusion related to non-State Police training requirements. The Training Bureau also reiterated applicable non-State Police training policies to attendees of the Training Committee Meetings several times thereafter and has incorporated this topic as a continuing agenda item, indefinitely.

In addition to the procedural items identified in reviewing the 20 course sample, for 2015, no FTC provided the Training Bureau with the required quarterly memos identifying members that attended outside training. OLEPS noted a large number of changes in all FTC and FTO positions in this reporting period, which may have impacted compliance with the non-State Police training requirements.

In addition, this audit of non-State Police courses again revealed State Police attendance at two courses of particular concern: PATRIOT and Desert Snow.

PATRIOT Training

PATRIOT (Pro Active Terrorist Recognition and Interdiction and Operations and Tactics System) training is a specialized training designed to improve security operations particular to critical infrastructures and particular homeland security threats. Although this training is restricted to members within particular State Police assignments, PATRIOT course approval was expanded to include those members with assigned duties related to Super Bowl XLVIII, which took place on February 2, 2014. In the 2014 calendar year, OLEPS identified six troopers who attended PATRIOT training while not assigned to any approved specialized unit or assigned duties relating to Super Bowl XLVIII.

As noted in the 11th Oversight Report, in anticipation of the expanded PATRIOT audience resulting from Super Bowl XLVIII, the State Police developed internal safeguards to analyze the impact of PATRIOT training. Specifically, State Police implemented standard motor vehicle stop reviews, SPPARs,[45] and increased supervisory accountability of the members who attend PATRIOT. In accordance with these safeguards, State Police conducted a review in 2015, which monitored and documented the impact PATRIOT training had on those members who attended. Motor vehicle stop reviews were conducted for the expanded Super Bowl XLVIII audience, and the members identified by OLEPS who attended PATRIOT in 2014 but were not within approved assignments for this course. The

[45] Section Patrol Practice Assessment Reviews (SPPARs)

review teams looked for signs and indicators of unnecessarily elongated motor vehicle stops, racial profiling, and disparate treatment. These motor vehicle stop reviews revealed no indication that members who received PATRIOT training were utilizing the principles and techniques of the training in an incorrect manner.

OLEPS' 2015 Training Review revealed that 12 troopers attended PATRIOT training while not assigned to any approved specialized unit at the time of training. State Police performed a motor vehicle stop review of the only 2015 attendee who had less than four years of experience and was performing motor vehicle stop responsibilities.[46] Again, the review revealed no indication that the member who received PATRIOT training utilized the principles and techniques of the training in an incorrect manner.

Desert Snow

Another outside training course taken by troopers in 2015 was Desert Snow: Passenger and Vehicle Criminal & Terrorist Identification and Apprehension. Approval of this course is limited to only those members assigned to a highly specialized State Police unit. In the audit of non-State Police courses, OLEPS found that three troopers attended this training without meeting the necessary assignment condition to do so. Upon notification, the Training Bureau immediately took action with the involved members to ensure their understanding of the concerns specific to this course. The Training Bureau also confirmed that these unapproved courses were excluded from favorable consideration by Human Resources in any future promotional processes.

In sum, as a result of communications between State Police and OLEPS, the matters regarding outside training continue to be addressed. Acknowledging recurrent concerns, State Police repeatedly notified members of protocols regarding outside training with direct electronic correspondence, and intranet information notifications. In addition, the unapproved courses are prohibited from Human Resources consideration in future promotional processes. The Training Bureau required the Training Committee to include outside training protocol on every quarterly agenda and is attempting to do the same for other regular Division meetings. The Training Bureau also has sent written documentation to all FTOs and FTCs regarding protocol for outside training.

Specifically, the Training Bureau clarified the conditions for attending PATRIOT training and listed those Sections and Units whose members are cleared to attend. In addition, State Police is in the process of identifying and educating primary PATRIOT instructors to confirm appropriate State Police attendance and participation in the course. State Police also conducted active monitoring and analysis for those members who attended PATRIOT and provided this documentation to OLEPS for review. Lastly, the Training Bureau informed OLEPS that it is examining methods of modifying course review documentation policies to ensure compliance with the protocol for outside training moving forward.

[46] State Police was unable to perform motor vehicle stop reviews of members who do not perform motor vehicle stops in their current duty assignments. For example, members assigned to criminal intelligence do not commonly conduct motor vehicle stops. Therefore, motor vehicle stop reviews and SPPARs were inapplicable to those members.

Summary of Standard 20

In the 2015 Training Review, OLEPS noted that most of those attending the reviewed outside courses submitted an Outside Agency Training Appraisal Report. In those instances where an appraisal report was not completed, an unapproved course was attended. In addition, other outside training procedures were not strictly followed. OLEPS again recommends that the State Police ensures all members are aware of and abide by policies and procedures for attendance at outside training. In response to OLEPS' recommendation, the Training Bureau acknowledged these concerns and will continue to undertake remedial steps to prevent future issues, and explore additional methods of securing complete compliance moving forward.

Performance Standard 21: Historical Documentation of Training

Standards

According to State Police policies and procedures:

- The Training Bureau maintains, in a central repository, copies of all Academy, post-Academy and trooper coach training materials, curriculum, lesson plans, and any materials received by individual members while attending outside training.

- Documentation of training will be maintained as part of the MAPPS database, ACTS, NJ Learn, and NJ.gov.

Assessment

Course curricula for all training conducted by the Training Bureau, including both recruit training and in-service, continue to be maintained on the Academy's server. In addition, training records for each enlisted member can be found in ACTS, NJ Learn, NJ.gov, and MAPPS.

Training conducted by non-State Police entities is also memorialized in ACTS and MAPPS. Copies of training materials received by members who attend training given by non-State Police entities and the Outside Agency Training Appraisal Reports (Form 935) are maintained by the Training Support Unit and are also scanned into the Training Bureau's centralized database. However, both NJ Learn and NJ.gov are databases that do not directly interface with the ACTS database and therefore, those records have been maintained separately. Due to fiscal constraints, centralization of data for all systems is not currently possible.

This particular review of the training records in ACTS/MAPPS is two-fold: to determine if training is being captured in the database and to determine whether courses that are deemed mandatory are being attended. Using a sample of 462 troopers- 234 in the first half of 2015 and 228 in the second half of 2015, OLEPS reviewed the following training: In-Service, Firearms Qualifications, and C-20 physical fitness test. Training-related documentation was found in the ACTS/MAPPS database. In the first half of 2015, all 234 troopers attended firearms qualifications. In the second half of 2015, all 228 troopers completed in-service training and appropriate firearms qualifications, but only 222 troopers were compliant for the C-20 physical fitness test. Six troopers in the sample did not pass the C-20 physical fitness test in 2015.

Summary of Standard 21

The Training Bureau continues to maintain training records and training materials in dedicated databases. There are interfacing issues between MAPPS and off-site computer databases that maintain records relative to web-based training platforms. OLEPS recommends the State Police resolve the technical issues of web-based training platforms, and make updating all training databases a priority.

Performance Standard 22: OLEPS/State Comptroller

Standards

All recruits will be informed of the enabling statute creating OLEPS, the mission of the office and the oversight function of the Office of the State Comptroller set forth in the Act. Recruits will continue to be given instruction relative to the former Consent Decree.

Assessment

Since September of 2000, the Training Bureau has provided recruit classes with a block of instruction explaining the history and terms of the Consent Decree up to and including the 156th State Police Class, which began in August 2015.

OLEPS assisted the Training Bureau with delivery of their presentation regarding the circumstances leading to the former Consent Decree, the codification of the former Consent Decree mandates in various State Police policies and procedures, the enactment of the Law Enforcement Professional Standards Act of 2009, (N.J.S.A. 52:17B-222, et seq.) following the dissolution of the Consent Decree, in addition to the function and responsibilities of the State Comptroller as it relates to OLEPS and the State Police.

It is also anticipated that during future recruit classes, the Training Bureau will continue to teach the concept and prohibition of bias-based policing. Furthermore, the Training Bureau will provide recruit training on the constitutional requirements of the Fourth Amendment (search and seizure), ethics, leadership, and cultural diversity.

Summary of Standard 22

For future recruit classes, the Training Bureau will continue to teach a block of instruction relative to the former Consent Decree and the oversight function of OLEPS. OLEPS will also continue to assist the Training Bureau with this presentation, including information regarding the responsibilities of the State Comptroller.

MAPPS

Responsibility for 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 Office of Quality Assurance). The information contained in MAPPS is pulled from other information systems in the Division. Stop data stored in MAPPS comes from the CAD system and RMS, which are managed by the Information Technology Bureau. Misconduct data and complaints that are handled as performance issues (i.e., Performance Investigation Disposition Reports or PIDRs) come from the IAPro 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 Divisional units. All supervisors, regardless of their assignment, are required to review MAPPS data and 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 assignment. Most stop data reviews of individuals and video reviews are primarily conducted by supervisors in Field Operations. Unit and troop analyses of stop data and trends are analyzed by the MAPPS Unit and presented to a command-level panel for review during the Risk Analysis Core Group (RACG). The RACG is also responsible for analyzing MAPPS data for specific units, such as for the Academy, to determine trends that indicate potential 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 assess 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.

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[47] in the current reporting period are queried in MAPPS to determine whether there was a resolution of the review. 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 MAPPS Unit regularly. Any issues with MAPPS are noted and communicated to the Unit. Additionally, since this Unit creates the RACG report, discussions of trends and patterns in trooper behavior are also discussed.

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

Performance Standard 23: Maintenance of MAPPS

Standards

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

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

Assessment

A sample of troopers involved in motor vehicle stops is selected to audit MAPPS. OLEPS reviewed 300 motor vehicle stops in the current period conducted by 228 troopers. Of these troopers, none were probationary troopers on the date of the motor vehicle stop reviewed in this reporting period. The 228 troopers selected for the MAPPS audit represent about 9.1% of the roughly 2,500 troopers in the State Police. The troopers selected are from all troops. Each trooper's MAPPS records were accessed to determine whether the required information was recorded for the reporting period in question.

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 228 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 one quarterly review and one annual evaluation. Quarterly reviews are conducted three times a year, and an annual evaluation is conducted in December of each year.

Of the troopers sampled, 171 troopers received quarterly reviews. As of February 2017, 57 troopers had not received quarterly reviews for the second half of 2015. Of these 57 troopers, 55 received the requisite annual evaluations.

Annual evaluations are categorized as Partial, First Probationary, Second Probationary, and Third Probationary evaluations. There were 104 evaluations conducted in the second half of 2015; 11 Partial evaluations, 22 First Probationary evaluations, 33 Second Probationary evaluations, and 37 Third Probationary evaluations conducted.

In total, there were two troopers who did not receive any quarterly or annual evaluations for this reporting period. Both of these troopers were active during the entire reporting period and assigned to road stations.

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 228 troopers.

Training

The Academy Computerized Training System (ACTS) feeds data into MAPPS regarding training completion. Annual in-service training, physical fitness, and firearms training are discussed in Performance Standards 14-22.

Of the 228 troopers reviewed in this reporting period, all completed Fall 2015 firearms training and annual In-Service Training. There were 222 troopers who were compliant with the requisite C-20 Fall 2015 Physical Fitness Test.

As noted in previous reporting periods, NJ Learn and NJ.gov training do not appear in MAPPS as required.

Compliments

The compliments module in MAPPS contains records of all compliments received by troopers for service performed. OLEPS found that the State Police is successfully implementing this module and lists general information pertaining to the compliment. OLEPS found that 46 of the troopers sampled received a compliment in the current reporting period.

Motor Vehicle Stop Reviews

Motor vehicle stops are required to undergo supervisory review as determined by Field Operations' review schedule. For this requirement, OLEPS examined whether the stops conducted by the sampled troopers were reviewed and stored in MAPPS. OLEPS found evidence that 224 of the sampled troopers had reviews of motor vehicle stops on record for the current reporting period. The four troopers without reviews did not routinely conduct motor vehicle stops.

Journals

MAPPS' Journal module provides supervisory personnel with 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 three journal entries in the current reporting period for the sample of troopers. One of these entries pertained to meaningful reviews and two pertained to risk management awareness. As noted in previous reports, 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 issue an intervention or task another member with administering an intervention directed toward improving a member's performance. OLEPS found that interventions were recorded for 171 of the 228 sampled troopers. These interventions resulted from a number of actions and behaviors, not necessarily from a motor vehicle stop. As noted in Performance Standard 9, interventions stemming from motor vehicle stops were noted in only 25.54% of errors caught by State Police.

Commendation Performance Notices (PNs)

Commendation PNs are stored within the Intervention module and are used by supervisors to commend a trooper for a job well done. OLEPS found that 170 troopers had at least one commendation performance notice in the current period.

Counseling Performance Notices (PNs)

Counseling PNs are stored within the Intervention module and are used by supervisors to counsel a trooper. OLEPS found that eight troopers had at least one counseling performance notice in the second half of 2015.

Misconduct

OLEPS also checked to ensure that all cases listed in IAPro (the database that houses misconduct information) were also listed in MAPPS for the troopers selected. OLEPS found that 16 of the 28 misconduct cases displayed in IAPro were also in MAPPS for the selected troopers. In all 12 outstanding cases, IAPro contained information that the supervisor of the principal was notified of the allegation of misconduct. OLEPS has noted issues pertaining to missing misconduct data in MAPPS since the first half of 2015. State Police conducted an audit to determine the extent and source of this issue. The audit indicated errors in the integration of IAPro data into MAPPS regarding misconduct, use of force, and PIDR data resulting from human error. OPS and the MAPPS Unit met in February 2017 to correct all inaccurate data and to verify that all steps for publication into IAPro are followed correctly.

Use of Force Supervisory Reviews

The State Police has set a threshold of two uses of force per trooper within a one year period before an alert is triggered that begins a supervisory review process. In the current reporting period, 16 of the 228 troopers had documented use of force supervisory reviews in MAPPS, double the number since the last reporting period. As noted throughout this report, in the current reporting period there was an increase in uses of force in motor vehicle stops. These increases likely explain the increase in use of force supervisory reviews.

Meaningful Reviews/ 3 in 2 Reviews

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 second half of 2015 was obtained from IAPro. In total, there were 18 meaningful reviews conducted during this period.

MAPPS contained an intervention and/or journal entry for 12 of the 18 meaningful reviews conducted during this reporting period. Three meaningful reviews involved troopers who were inactive when the alert was triggered, explaining the lack of documentation. The other three involved misconduct cases in their initial status; two of which included troopers on administrative leave when the alert was triggered.

Summary of Standard 23

OLEPS' audit of MAPPS indicated that MAPPS contains the requisite information and data, with the exception of misconduct data. As noted in Performance Standard 9, OLEPS recommends that the State Police utilize the Intervention module in MAPPS to record communication with troopers who have made an error during a motor vehicle stop. Additionally, the audit continues to highlight the integration issue between the MAPPS, NJLearn, and NJ.gov databases, as discussed in previous reports. OLEPS also continues to recommend that an official policy on meaningful reviews be adopted, especially in relation to the cataloging of such reviews. Additionally, meaningful reviews are not routinely conducted if a trooper is on leave when the alert is triggered. A formal policy that details the instructions for these reviews is needed. In this reporting period, OLEPS noted several misconduct cases that were not entered into a trooper's records in MAPPS, a violation of State Police policies and procedures. Without appearing in MAPPS, future supervisors may be unaware of the trooper's history and cannot make completely informed recommendations regarding assignments, promotions, future misconduct cases, or other matters regarding the trooper's performance.

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 are 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/ethnic percentages 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 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 presented detailed documentation regarding benchmarking and trend analysis. The State Police formed specific units and workgroups which 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 Probable Cause and RAS consent searches and the find rates for these searches. Non-consensual searches are also examined. Each report and presentation includes not only 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 RACG Report and provides commentary and suggestions for future analytic directions.

Each RACG Report is also presented orally at quarterly RACG meetings. The results of the report are reviewed during the presentation. The meeting serves as a forum for questions, comments, and requests for further analysis of the reviewed data. The meeting is mandatory for Risk Management Advisory Panel members and any member invited by the Superintendent, typically the command staff for the Troop reviewed. Should a required member be unable to attend the meeting, s/he must send a designated replacement. The director of OLEPS is a non-voting panel member. Table Forty-Two depicts attendance at these meetings. Members italicized are those designated as panel members by State Police policies and procedures. All other members noted in Table Forty-Two are those whose attendance is required by Superintendent Memorandum. During the current reporting period, there were two RACG meetings- September and December 2015.

Table Forty-Two: RACG Meeting Attendance

13th OLEPS Reporting Period

	September 2015		December 2015	
	Invited	Attended	Invited	Attended
Major Commanding Officer, Administration	*Y*	*Y*	*Y*	*Y*
Deputy Superintendent of Operations	*Y*	*Y*	*Y*	*Y*
Deputy Superintendent of Investigations	*Y*	*N*	*Y*	*N*
Commanding Officer, Office of Professional Standards	*Y*	*Y*	*Y*	*Y*
Quality Assurance Officer, Office of Quality Assurance	*Y*	*Y*	*Y*	*Y*
OLEPS Director	*Y*	*Y*	*Y*	*Y*
Deputy Superintendent of Homeland Security	N	--	Y	Substitute
Chief of Staff	Y	Substitute	Y	Substitute
Troop Commander	1	1	1	1
Deputy Troop Commander(s)	1	2	1	1
Regional Troop Commander (s)	1	3	2	2
Additional Troop Resource (s)	0	2	0	1

In the September meeting, there were four voting panel members and two non-voting panel members required to attend. With the exception of the Superintendent of Investigations (or a substitute), all panel members were in attendance. There were three members of Troop command staff invited and all attended in addition to two additional members involved in the Troop's risk management processes.

For the December 2015 meeting, there were four voting panel members invited and three non-voting panel members required to attend. With the exception of the Superintendent of Investigations (or a substitute), all panel members were in attendance. Additionally, the Deputy Superintendent of Homeland Security was invited, but sent a substitute. There were four members of Troop command

staff invited and all attended in addition to one additional members involved in the Troop's risk management processes.

These quarterly meetings provide the State Police with information and analysis detailing potential risks. The panel members have the unique ability to provide insight and suggestions based on their experience and their Bureau's work. Without all requisite members, potential resolutions and remedies may lack necessary insights. Further, lack of attendance from command staff and panel members may send a message that such meetings are not a priority for State Police, and in turn, promulgate future non-attendance.

Overall, the MAPPS Reports meet the requirements of this performance standard. However, the inconsistent attendance at RACG meetings is noted. OLEPS will continue to examine attendance levels in future reporting periods.

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.

OLEPS is required to complete the following tasks:

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

Assessment

During the current reporting period, OLEPS published the following reports:

- Eleventh Aggregate Report of the New Jersey State Police
- Supplement to the Eleventh Aggregate Report: Troop B, Troop C, and Troop D
- Tenth Oversight Report
- Third Report of the Effects of Peña-Flores on Municipal Police Departments

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

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

Standards

The Act mandates that OLEPS review and approve, in writing, all changes to State Police rules, regulations, standing operating procedures, and operating instructions relating to any applicable non-discriminatory policy established by the Attorney General, and those relating to the law of arrest, search and seizure, and to the documentation of motor vehicle stops and law enforcement activities occurring during the course of motor vehicle stops.

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. During the current reporting period, OLEPS reviewed the following:

- Two revised Operational Instructions
- Two revised Standing Operating Procedures
- Four requests for Escort Reviews
- 16 Lesson Plans

SUMMARY

Overview

The results of OLEPS' analysis of State Police from July 1, 2015 to December 31, 2015 indicate that, overall, the State Police follows the guidelines regulating trooper activity. The 300 motor vehicle stops, MAPPS data, training documentation, and OPS cases reviewed indicate that State Police adheres to its own policies and procedures.

The review of motor vehicle stops indicated that there was no clear evidence of a statistically significant racial/ethnic bias in stops or post-stop activities. The analysis in the current reporting period indicates that there are no significant differences in the racial/ethnic distributions of the number of stops or those involving consent to search requests, canine deployments, uses of force, or arrests. Despite the lack of statistical significance, which is likely an artifact of the sample size, each racial/ethnic group is involved in a different number of enforcement activities in this reporting period. Further, the lack of significance does not preclude further examination into racial/ethnic differences in activities. However, OLEPS will continue to examine the volume of critical activities in each reporting period as the volume of uses of force increased considerably during the current reporting period.

The majority of post-stop activities reviewed were performed in accordance with State Police policies, procedures, and legal standards. However, OLEPS noted several instances where troopers did not meet the appropriate legal standards for the post-stop activities used. Specifically, there was one instance where the legal standard of RAS to request consent to search was not met. This error was caught by State Police, however, an intervention was not issued. OLEPS noted nine stops with errors in non-consensual vehicle searches, two of which were also noted by State Police, one of which resulted in an intervention. OLEPS noted one search of a driver and one of a passenger that were not conducted incident to arrest. State Police noted both of these errors but only issued an intervention for one. Despite these instances, the majority of post-stop activities reviewed were performed in accordance with State Police policies, procedures, and legal standards.

Overall, stops reviewed in the current reporting period were, on average, shorter in length than the previous reporting period. Significant differences were found for the length of stops with and without a canine deployment; stops with a deployment are significantly longer than those without a deployment. Significant differences were also noted between the average length of stops of White drivers and Black drivers and the average length of stops with consent requests for Black and Hispanic drivers. The differences between all other racial/ethnic groups for all types of stops were not significant. In previous reporting periods, OLEPS noted several instances of *de facto* arrests based on the length of stop, however, none were noted in the current reporting period. OLEPS reminds State Police of this history and encourages supervisors to note issues regarding the length of motor vehicle stops.

While State Police has caught more errors than the past, improvement is still warranted. In the previous reporting period, 23% of all stops contained errors not caught while in the current reporting period 21% (64 of 300) of all stops reviewed by OLEPS contained errors not caught by State Police. This proportion had been decreasing for several reporting periods. Slightly more than half of the stops OLEPS reviewed, 152, also received a State Police review. Among the stops State Police did review,

they failed to note errors in 12% (18 of 152) of stops. Further, 31% (46 of 148) of stops not reviewed by State Police contained an error. Due to the number of errors noted in the current reporting period, even among those reviewed by State Police, OLEPS continues to reinforce the need for detailed reviews with appropriate feedback to troopers. Feedback on motor vehicle stops, especially any errors or deficiencies, ideally would influence a trooper's behavior in all stops, not just those reviewed.

Related, the use of interventions following an error during a motor vehicle stop decreased considerably in this period. In the current reporting period, about 26% of all errors caught resulted in an intervention. Interventions were used most frequently for errors pertaining to evidence seizures and CUMMA. OLEPS continues to recommend State Police supervisors use interventions when errors are noted.

There was a further decrease in the proportion of stops in which supervisors were present at the scene of the stop; only 22% of all stops had a supervisor on scene. OLEPS will continue to examine the proportion of supervisors on the road to determine whether the quality of reviews and use of interventions are inversely related to supervisor presence during stops. OLEPS expects that both supervisory presence and the quality of supervisory reviews should increase as State Police have recently added a number of new troopers to the ranks.

Recording issues persist in the current reporting period. Recordings of stops are still not ideal; many stops have missing recordings, malfunctions, or difficulties that make reviewing stops difficult. State Police should continue to ensure appropriate cataloging of motor vehicle stop recordings and to ensure that equipment remains current and in good working order. Regardless of newly installed recording equipment, recording errors remain high among errors caught, not caught, and especially among errors in stops that were not reviewed by State Police.

In 2015, the Training Bureau generally adhered to policies and procedures in accomplishing training requirements. The State Police graduated 109 members of the 155th Class and began training 200 members of the 156th Class. The Training Bureau successfully provided annual in-service training along with other certification and advanced training courses to Division members. Issues previously noted concerning the Trooper Coach Program were properly addressed and resolved by the Training Bureau. The Training Bureau delivered required supervisory training to members promoted in 2015 with the exception of Executive Phase training courses for Captains and above. While these Executive Phase training courses were unavailable during this reporting period, the Training Bureau has prioritized their delivery for 2016. Attendance at Training Committee meetings remains a concern in this reporting period. However, lack of attendance by non-Training Bureau members is primarily due to circumstances outside of the Training Bureau's control. Lastly, OLEPS again noted a very small number of troopers that attended non-State Police courses that were not approved. The State Police continues to implement safeguards to prevent this issue in the future.

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.
- Examine potential causes for dramatic changes in the volume of certain post-stop activities such as uses of force.
- Conduct detailed, focused supervisory reviews, especially in noted areas of concern.

- If necessary, reiterate the expectations of supervisory reviews by informing supervisors of OLEPS' concerns regarding these reviews.
- Improve the use of interventions as a record of supervisory comments.
- Reiterate the requirements for RAS and Probable Cause to ensure that troopers appropriately engage in post-stop activities.
- Reinforce concerns regarding the length of stops. Refer to previous Monitoring Reports written by the Independent Monitor (see Appendix One) for more detail regarding the concerns surrounding *de facto* arrests.
- Increase supervisory presence in the field, especially in light of the reduced review workload that was further reduced by the return to non-consensual vehicle searches as decided in Witt.
- Prioritize and ensure all supervisory courses are offered to troopers advancing in rank.
- Ensure all members of the Training Committee meeting are aware of the importance of attending and contributing.
- Develop a clear process for documenting troopers' attendance of non-Division training courses and communicate to the Division this process.
- Ensure that State Police units that handle a large portion of tasks related to the Decree (i.e., OPS, MAPPS, ITB, and Training Bureau) remain appropriately staffed to meet their mission.
- Ensure continuity of staff in highlighted areas (i.e., OQA, OPS, MAPPS, ITB, and Training Bureau) to ensure the understanding of historical decisions, events, and issues. Consideration should be given to assign a civilian analyst to these units to lend technical support for the collection and analysis of data in addition to the provision of continuity during transfers and detachments of enlisted personnel.
- Clearly and formally detail the process for conducting 3 in 2, or meaningful reviews.
- Ensure that all information required to be stored in MAPPS is appropriately entered or transferred into the database.
- Prioritize upgrades or repairs to aging audio and video equipment and ensure that troopers are appropriately activating this equipment.
- Continue efforts to resolve technical issues with OLEPS' access to motor vehicle stops recorded on upgraded recording 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, 2011- December 31, 2011
Sixth Oversight Report prepared by Office of Law Enforcement Professional Standards	July 2013	January 1, 2012- June 30, 2012
Seventh Oversight Report prepared by Office of Law Enforcement Professional Standards	March 2014	July 1, 2012- December 31, 2012
Eighth Oversight Report prepared by Office of Law Enforcement Professional Standards	October 2014	January 1, 2013- June 30, 2013
Ninth Oversight Report prepared by Office of Law Enforcement Professional Standards	July 2015	July 1, 2013- December 31, 2013
Tenth Oversight Report prepared by Office of Law Enforcement Professional Standards	September 2015	January 1, 2014- June 30, 2014
Eleventh Oversight Report prepared by Office of Law Enforcement Professional Standards	October 2016	July 1, 2014- December 31, 2014
Twelfth Oversight Report prepared by Office of Law Enforcement Professional Standards	March 2017	January 1, 2015- June 30, 2015

Appendix Two

Table 2.1: Type of Errors Caught by Station

	Recording	Reporting	Comm.	Exits	Frisks	Search of Person	Search of Vehicle	Consent Requests	Canine Deploy.	Use of Force	Arrests	CUMMA	Evid-ence	Total
Atlantic City	1	1	0	0	0	0	0	0	0	0	0	0	0	**2**
Bass River	3	2	2	0	0	0	1	0	0	1	0	1	0	**10**
Bellmawr	4	1	0	0	0	1	1	1	0	0	3	0	0	**11**
Bloomfield	1	4	0	0	0	0	0	1	0	1	0	0	1	**8**
Bordentown	0	2	0	0	0	0	0	2	0	0	1	0	0	**5**
Bridgeton	2	1	4	0	0	0	1	0	0	1	0	0	0	**9**
Buena Vista	0	2	0	0	0	0	0	2	0	0	2	1	1	**8**
Cranbury	3	7	0	0	0	0	1	3	0	0	3	0	0	**17**
Hamilton	3	7	0	0	0	0	1	8	0	1	7	2	1	**30**
Holmdel	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Hope	0	0	0	0	0	0	0	0	0	0	0	1	0	**1**
Kingwood	0	0	1	0	0	0	0	0	0	0	0	0	0	**1**
Metro North Moorestown	1	1	0	0	0	0	0	3	0	0	0	0	0	**5**
Netcong	0	0	0	0	0	0	0	3	0	0	4	1	0	**8**
Newark	3	1	0	0	0	0	0	2	0	1	0	1	0	**8**
Other	1	10	0	0	0	1	0	12	0	1	2	0	1	**28**
Perryville	0	4	0	0	0	0	0	2	0	0	0	0	2	**8**
Port Norris	3	1	0	0	0	0	1	0	0	0	0	0	0	**5**
Red Lion	3	12	2	0	1	0	0	9	0	0	2	0	0	**29**
Somerville	2	1	0	0	0	0	0	1	0	0	0	0	0	**4**
Sussex	0	0	0	0	0	0	0	1	0	0	3	0	0	**4**
Totowa	0	1	0	0	0	0	0	0	0	0	1	0	0	**2**
Tuckerton	0	3	0	0	0	0	0	1	0	0	2	2	1	**9**
Washington	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Woodbine	2	4	10	0	0	0	1	0	0	0	1	0	0	**18**
Woodstown	0	1	0	0	0	0	0	0	0	0	0	0	0	**1**
Total	32	66	19	0	1	2	7	51	0	6	31	9	7	231

Table 2.2: Type of Errors Not Caught by Station

	Recording	Reporting	Comm.	Exits	Frisks	Search of Person	Search of Vehicle	Consent Requests	Canine Deploy.	Use of Force	Arrest	CUMMA	Evid-ence	Total
Atlantic City	2	3	0	0	0	0	2	0	0	0	2	1	0	**10**
Bass River	1	1	0	0	0	0	0	0	0	0	0	0	0	**2**
Bellmawr	3	3	0	0	0	0	4	0	0	0	0	1	0	**11**
Bloomfield	1	0	0	0	0	0	0	0	0	0	0	0	0	**1**
Bordentown	4	2	5	0	0	0	0	0	0	0	0	0	0	**11**
Bridgeton	2	1	5	0	0	0	1	0	0	0	0	0	0	**9**
Buena Vista	0	1	0	0	0	0	0	0	0	0	0	0	0	**1**
Cranbury	0	0	0	0	0	0	2	0	0	0	1	0	0	**3**
Hamilton	6	2	0	0	0	0	0	0	0	0	0	0	0	**8**
Holmdel	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Hope	1	2	0	0	0	0	1	0	0	0	0	1	0	**5**
Kingwood	3	3	0	0	0	0	1	0	0	0	0	0	0	**7**
Metro North Moorestown	1	1	0	0	0	0	0	0	0	0	1	0	0	**3**
Netcong	3	0	0	0	0	0	0	0	0	0	0	0	0	**3**
Newark	0	2	0	0	0	0	0	3	0	1	0	0	0	**6**
Other	5	3	0	0	0	0	1	0	0	0	4	2	0	**15**
Perryville	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Port Norris	0	1	0	0	0	0	0	0	0	0	0	0	0	**1**
Red Lion	0	1	5	0	0	0	2	0	0	0	0	0	0	**8**
Somerville	2	1	0	0	0	0	1	0	0	0	0	0	0	**4**
Sussex	0	1	0	0	0	0	1	0	0	0	0	0	0	**2**
Totowa	2	1	0	0	0	0	0	0	0	1	2	0	0	**6**
Tuckerton	0	1	0	0	0	0	0	0	0	0	0	0	0	**1**
Washington	1	0	0	0	0	0	1	0	0	2	0	0	0	**4**
Woodbine	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Woodstown	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Total	**37**	**30**	**15**	**0**	**0**	**0**	**17**	**3**	**0**	**4**	**10**	**5**	**0**	**121**

Table 2.3: Type of Errors Non-Reviewed by Station

	Recording	Reporting	Comm.	Exits	Frisks	Search of Person	Search of Vehicle	Consent Requests	Canine Deploy.	Use of Force	Arrest	CUMMA	Evid-ence	Total
Atlantic City	2	3	0	0	0	0	2	0	0	0	2	1	0	**10**
Bass River	1	1	0	0	0	0	0	0	0	0	0	0	0	**2**
Bellmawr	3	2	0	0	0	0	4	0	0	0	0	1	0	**10**
Bloomfield	1	0	0	0	0	0	0	0	0	0	0	0	0	**1**
Bordentown	4	2	5	0	0	0	0	0	0	0	0	0	0	**11**
Bridgeton	2	1	5	0	0	0	1	0	0	0	0	0	0	**9**
Buena Vista	0	1	0	0	0	0	0	0	0	0	0	0	0	**1**
Cranbury	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Hamilton	6	0	0	0	0	0	0	0	0	0	0	0	0	**6**
Holmdel	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Hope	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Kingwood	3	3	0	0	0	0	1	0	0	0	0	0	0	**7**
Metro North	0	0	0	0	0	0	0	0	0	0	0	0	0	
Moorestown	1	1	0	0	0	0	0	0	0	0	0	0	0	**2**
Netcong	2	0	0	0	0	0	0	0	0	0	0	0	0	**2**
Newark	0	1	0	0	0	0	0	3	0	0	0	0	0	**4**
Other	5	3	0	0	0	0	1	0	0	0	4	2	0	**15**
Perryville														
Port Norris	0	1	0	0	0	0	0	0	0	0	0	0	0	**1**
Red Lion	0	1	0	0	0	0	2	0	0	0	0	0	0	**3**
Somerville	2	1	0	0	0	0	1	0	0	0	0	0	0	**4**
Sussex														
Totowa	2	0	0	0	0	0	0	0	0	0	0	0	0	**2**
Tuckerton	0	1	0	0	0	0	0	0	0	0	0	0	0	**1**
Washington	1	0	0	0	0	0	0	0	0	0	0	0	0	**1**
Woodbine														
Woodstown	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Total	**35**	**22**	**10**	**0**	**0**	**0**	**12**	**3**	**0**	**0**	**6**	**4**	**0**	**92**

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 agreed 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 White, Black, or Hispanic drivers. The null hypothesis is that White, Black, and Hispanic drivers have an equal chance of receiving a consent request. The alternative hypothesis is that White, Black, and Hispanic drivers do not have an equal chance of receiving a consent request.

Table One: Consent Requests by Race/Ethnicity of Driver

13th OLEPS Reporting Period

	No Consent Request	Consent Request	Total
White	99	29	**128**
Black	90	23	**113**
Hispanic	44	8	**52**
Total	**233**	**60**	**293**

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 White drivers with no consent request. The row total is 128 and the column total is 233. The total n for the table is 293.

$$\frac{128*233}{293} = 101.78$$

Thus, the expected value of White drivers without a consent request is 101.78. 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.

Table Two: Expected Values for Consent Requests by Race/Ethnicity of Driver

13th OLEPS Reporting Period

	No Consent Request	Consent Request	Total
White	99*(101.78)*	28*(26.21)*	**128**
Black	90*(89.86)*	23*(23.14)*	**113**
Hispanic	44*(41.35)*	4*(10.65)*	**52**
Total	**233**	**60**	**293**

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

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

$$\chi^2 = \frac{(99-101.78)^2}{101.78} + \frac{(28-26.21)^2}{26.21} + \frac{(90-89.86)^2}{89.86} + \frac{(23-23.14)^2}{23.14} + \frac{(44-41.35)^2}{41.35} + \frac{(4-10.65)^2}{10.65}$$

$\chi^2 = 1.203$

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

Next, calculate the degrees of freedom.

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

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

$$df = 2$$

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 1.203, 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 Three: Canine Deployments by Race/Ethnicity of Driver

13th OLEPS Reporting Period

	No Canine Deployment	Canine Deployment	Total
White	126	2	**128**
Non-White	167	5	**172**
Total	**293**	**7**	**300**

X^2=.582, df=1
p=.445
Two cells have an expected count of less than five.

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

13th OLEPS Reporting Period

	No Force	Use of Force	Total
White	114	14	**128**
Black	94	19	**113**
Hispanic	47	5	**52**
Total	**255**	**38**	**293**

X^2=2.466, df=2
p=.291

Table Five: Arrest Data by Race/Ethnicity of Driver

13th OLEPS Reporting Period

	Arrest	No Arrest	Total
White	123	5	**128**
Non-White	165	7	**172**
Total	**288**	**12**	**300**

X^2=.005, df=1
p=.943

Table Six: Sampled Vehicle Stop Rates by Reason for Stop

13th OLEPS Reporting Period

	White	Non-White	Total
FTML	27	38	**65**
Equipment Violations	16	34	**50**
Seat Belts	6	6	**12**
Rate of Speed	17	32	**49**
Safety Violations	20	29	**49**
Total	**86**	**139**	**225**

X^2=2.225, df=4
p=.694
One cell has an expected count less than five.

Table Seven: Consent Request Stop Rates by Reason for Consent

13th OLEPS Reporting Period

	Reasonable Articulable Suspicion	Probable Cause	Total
White	28	1	**29**
Non-White	26	5	**31**
Total	**54**	**6**	**60**

X^2=2.67, df=1
p=.102
Two cells have an expected count of less than five.

Table Eight: Canine Deployment Rates by Reason for Deployment

13th OLEPS Reporting Period

	Reasonable Articulable Suspicion	Probable Cause	Total
White	2	0	**2**
Non-White	4	1	**5**
Total	**6**	**1**	**7**

X^2=.467, df=1
p=.495
Four cells have an expected count of less than five.

Table Nine: Arrest Reasons by Race/Ethnicity of Driver

13th OLEPS Reporting Period

	Probable Cause	Warrant	Warrant and Probable Cause	Total
White	73	28	21	**122**
Black	47	30	29	**106**
Hispanic	32	7	8	**47**
Total	**152**	**65**	**58**	**275**

X^2=9.881, df=4
p=.042

Table Ten: Day v. Night Stops

13th OLEPS Reporting Period

	Day	Night	Total
White	66	62	**128**
Black	45	68	**113**
Hispanic	13	36	**52**
Total	**127**	**166**	**293**

X^2=7.439, df=2
p=.024

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

Example:
Hypothesis: Do White and Black drivers differ in the length of their motor vehicle stops? The mean stop length for White drivers is 46.22, the standard deviation is 44.74, and n=142. The mean stop length for Black drivers is 48.71, the standard deviation is 33.81 and n=84.

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

$$df = 142 + 84 - 2$$

df=224

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: 1.98

Calculate the mean and standard deviation. This information has been provided. The mean stop length for White drivers is 46.22, the standard deviation is 44.74, and n=142. The mean stop length for Black drivers is 48.71, the standard deviation is 33.81 and n=84.

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

$$t = \frac{(46.22-44.74) - (\mu_1 - \mu_2)}{S_{x1-x2}}$$

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

$$t = \frac{(46.22-44.74)}{S_{x1-x2}}$$

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:

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

$df_1=n_1-1$ $df_1=142-1$ $df_1=141$

$df_2=n_2-1$ $df_2=84-1$ $df_2=83$

$$S^2_{pooled} = \frac{(141)44.74^2 + (83)33.81^2}{141+83}$$

$$S^2_{pooled} = \frac{(141)2001.66 + (83)1143.12}{224}$$

$$S^2_{pooled} = \frac{282234.06 + 94878.961}{224}$$

$$S^2_{pooled} = 1683.54$$

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

$$S_{x1\text{-}x2} = \sqrt{\frac{1683.54}{141} + \frac{1683.54}{83}}$$

$$S_{x1\text{-}x2} = \sqrt{11.94 + 20.28}$$

$$S_{x1\text{-}x2} = \sqrt{32.22}$$

$$S_{x1\text{-}x2} = 5.67$$

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

$$t = \frac{(46.22-44.74)}{S_{x1\text{-}x2}}$$

$$t = \frac{(46.22-44.74)}{5.67}$$

$$t = \frac{1.48}{5.67}$$

$$t = .261$$

Compare the *t* value calculated, .261, to the critical *t* value from the table, 1.98.

Since the calculated *t* value is lower than the critical *t* value, we fail to reject the null hypothesis.

Therefore, there is not a statistically 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.

DOR: Daily Observation Report completed by Trooper Coaches for Troopers enrolled in the Trooper Coach Program.

DSO: Deputy Superintendent of Operations

DTT: Duty to Transport

EEO: Equal Employment Opportunity.

FTML: Failure to Maintain Lane

IAIB: Internal Affairs Investigation Bureau

IAPro: 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 IAPro.

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

MVR: Motor vehicle stop review

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

PC: Probable Cause

RAS: Reasonable Articulable Suspicion

RMS: Records Management System

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

SPPAR: Section Patrol Practice Assessment Reviews.

TCS: Trooper Coach System.

The Act: Law Enforcement Professional Standards Act (2009) (N.J.S.A. 52:17B-222, et seq.)

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

Appendix Five

New Jersey State Police Troop Area Responsibilities