

NEW JERSEY STATE POLICE
OFFICE OF
PROFESSIONAL STANDARDS

INTERNAL INVESTIGATION AND
DISCIPLINARY PROCESS

ANNUAL REPORT
2012



HONOR ☆ DUTY ☆ FIDELITY

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FROM THE SUPERINTENDENT...

I am pleased to present the Governor, the Legislature and the citizens of New Jersey with the New Jersey State Police, *2012 Office of Professional Standards Annual Report* (“*the report*”). The State Police began producing this report in the year 2000 in response to legislation providing the public with an ability to examine the internal affairs function of the State Police and be reassured that it is truly operating in a trustworthy and acceptable manner. This year is no exception. Herein, the reader will find clearly presented topics, including descriptions of the current Office of Professional Standards (OPS) Table of Organization and related office functions, an explanation of the classification process for all reportable incidents, the system by which incidents are addressed and disposed of, and finally, a detailed analysis of the data compiled during 2012.

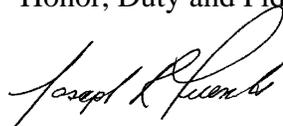
A law enforcement entity in a democratic society can tie its effectiveness directly to the level of trust it enjoys within the community it serves. A significant factor in gaining and maintaining that trust is ensuring that there is a strict allegiance to a highly professional and transparent internal affairs function. It follows that the execution of the internal affairs function within a professional law enforcement entity presents challenges that require constant and consistent vigilance. I believe that a fair review of the *2012 Annual Report* will support the conclusion that the New Jersey State Police maintains that level of vigilance.

This introduction will not restate all of the facts, figures and analysis articulated in this report, other than to remind the reader that troopers of the New Jersey State Police engaged in more than one million, four-hundred thousand police/citizen contacts during the calendar year 2012. Any single complaint reported to the OPS that was generated within that vast number of contacts was, without exception, assigned a number, classified, and addressed in accordance with established highly-reputable best practices.

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

My personal commitment to the mission of the Office of Professional Standards is unwavering. I want to express my sincere appreciation for the hard work and dedication of the men and women of that office as, once again, I present to you the *2012 Office of Professional Standards Annual Report*.

Honor, Duty and Fidelity,



Joseph R. Fuentes
Colonel
Superintendent

EXECUTIVE SUMMARY

This report is intended to provide the Governor, State Legislature, the citizens of the State of New Jersey, and all other interested parties a brief history of the State Police internal affairs process and a comprehensive look at the disciplinary system employed by the Division. Included in the report are explanations of how the Division receives complaints, classifies the allegations, assigns cases for investigation, and adjudicates substantiated charges against enlisted members. The report also provides overviews of major and minor discipline imposed in 2012 as the result of substantiated allegations and other actions taken by the Division to address aberrant behavior.

OFFICE OF PROFESSIONAL STANDARDS

In 1999, the Attorney General's Office conducted a review of the Division's disciplinary system. As a result of this review, the Internal Affairs Bureau was reorganized and the Office of Professional Standards was established. The investigative and adjudication functions were transferred from the Division Staff Section and placed under the control of a major, reporting directly to the Superintendent. During 2001, the Division Standing Operating Procedure that governs the Office of Professional Standards was completely revised, and the new policy was adopted in January 2002. This revision resulted in the formation of two distinct bureaus within the office. On December 31, 2012, the Office of Professional Standards consisted of fifty-nine (59) persons. This includes ten (10) professional support personnel and forty-nine (49) enlisted persons. This figure represents a reduction of eight (8) personnel over the previous year.

INTERNAL AFFAIRS INVESTIGATION BUREAU

The Internal Affairs Investigation Bureau is responsible for investigating all misconduct complaints made against enlisted members of the State Police. This bureau is commanded by a captain holding the position of bureau chief. The bureau also has an assistant bureau chief holding the rank of lieutenant. In addition, there are regional field units staffed with investigators, which are located in the northern, central and southern parts of the state.

INTAKE AND ADJUDICATION BUREAU

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

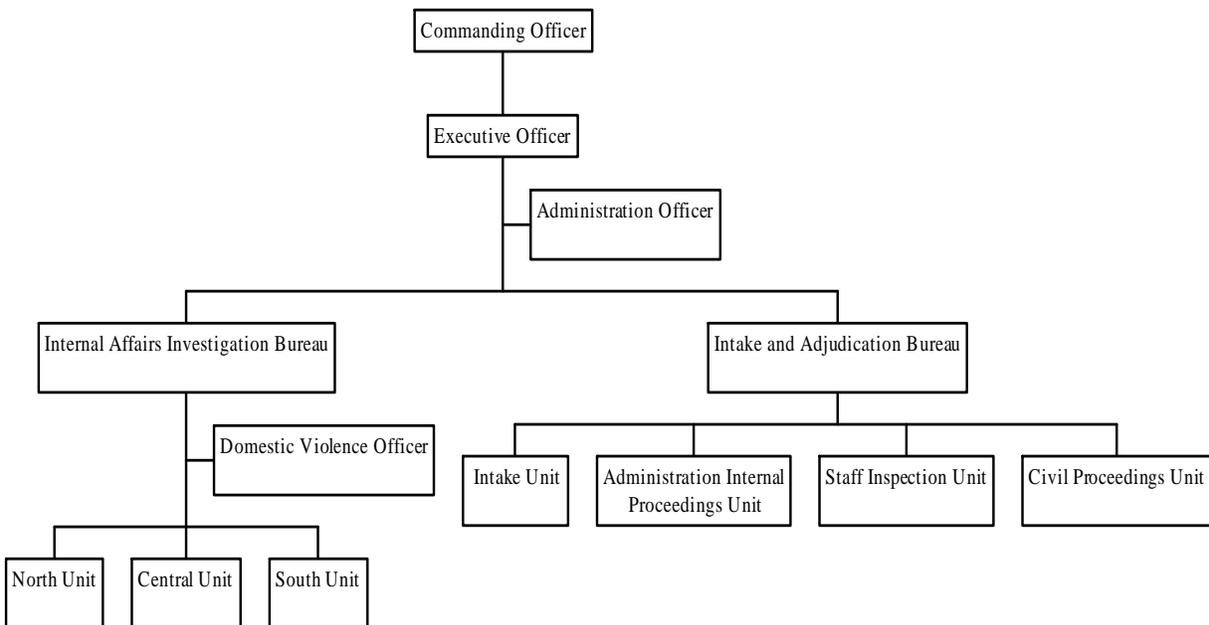
Intake Unit: This unit accepts, classifies, and assigns or refers all reportable incidents received by the Office of Professional Standards. This unit is also responsible for notifying complainants of the Division's response to their complaints.

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

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

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

Office of Professional Standards 2012 Organizational Chart



OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS

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

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

The Act further authorizes OLEPS to conduct operations audits and independent analyses of data, as necessary, to identify any potential disparity in enforcement and systemic problems that may exist. These audits examine the integrity of motor vehicle stops, post-stop enforcement actions, supervision of patrol activities, training provided to Division members assigned to patrol duties, investigations of alleged misconduct and other matters affecting the integrity of the Division. Based on its audits, OLEPS is required to prepare a biannual report that evaluates the Division's compliance with relevant performance standards and procedures that include aggregate statistics on the Division's traffic enforcement activities and procedures, segregated by Division station and providing aggregate data on race and ethnicity of the civilians involved. The biannual report also provides aggregate data regarding misconduct investigations, the number of external, internal and total complaints received, and the disposition of those complaints. The report covering misconduct cases received in 2012 was published in December 2013. For this report, OLEPS was provided data in August of 2013. The data used to write the OPS Annual Report was collected in May and June of 2013. Because of the difference in dates, there may be some discrepancies between the two reports.

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

STATE POLICE DISCIPLINARY PROCESS

The New Jersey State Police is a statewide police organization that provides a full range of police services. The Division is comprised of three thousand, eight hundred thirty-seven (3,837) employees, of which two thousand, five hundred seventy-seven (2,577) are sworn members, and one thousand, two hundred sixty (1,260) are civilian members.¹

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

¹ As of December 2012

In 2012, troopers were involved in excess of one million, four-hundred seventy thousand (1,470,000) police/citizen contacts. Though most of these interactions were routine; many involved stressful and critical situations.

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

Unlike the comparably routine issues of discipline that might arise in connection with employees in other departments of state government, the discipline of state troopers implicates not only the proper conduct of those engaged in the most significant aspects of law enforcement, involving the public safety and the apprehension of dangerous criminals, but also the overall effectiveness, performance standards, and morale of the State Police. As such, discipline of state troopers involves the most profound and fundamental exercise of managerial prerogative and policy.²

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

COMPLAINT PROCESS

The New Jersey State Police accepts, reviews, and responds to all complaints received from the public, including anonymous complaints, complaints from third-party witnesses, and complaints from parties not directly involved in the incident.

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

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

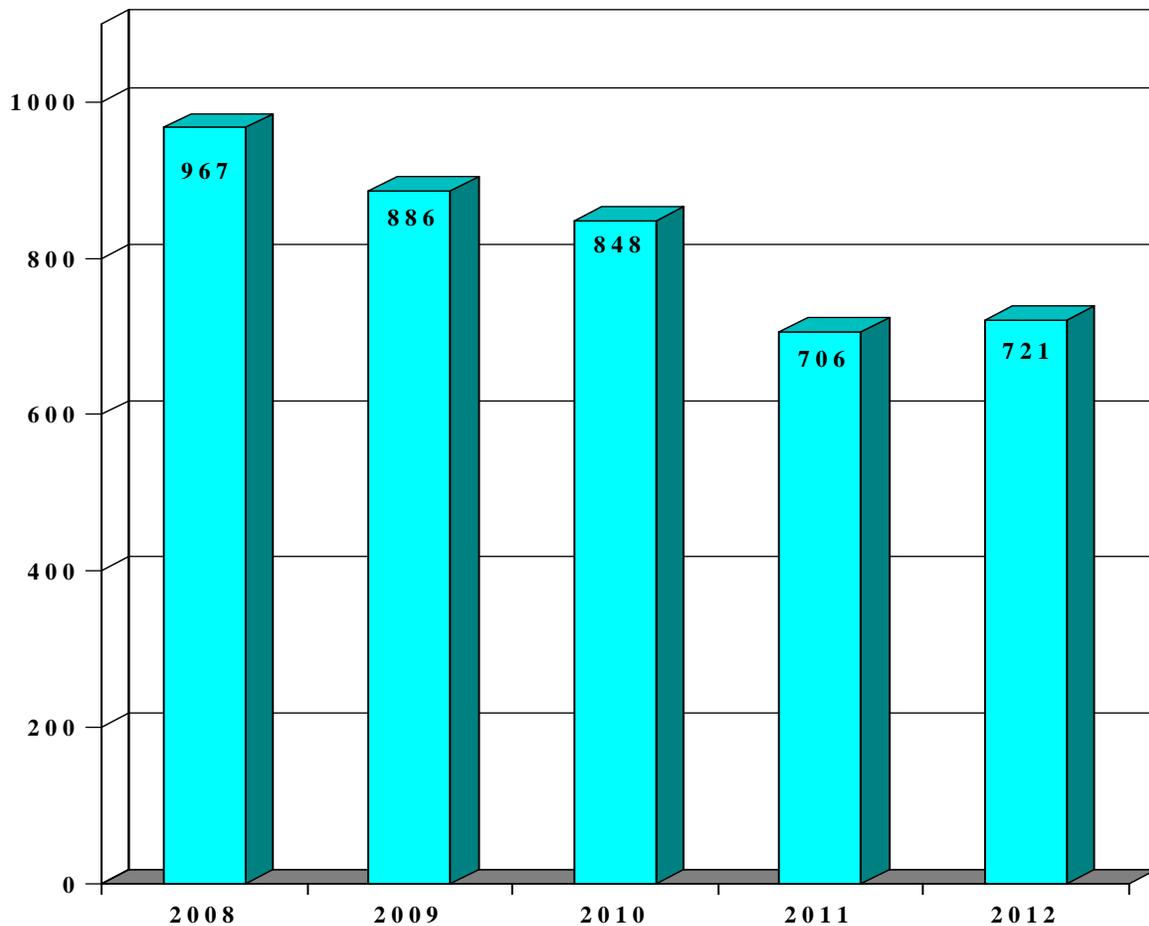
Further, the Office of Law Enforcement Professional Standards, within the Office of the Attorney General, which is external to the State Police, accepts and investigates complaints, providing an alternative to citizens concerned about complaining directly to the State Police. Each of these initiatives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

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

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

During 2012, seven hundred twenty-one (721) total incidents were reported and classified, as compared to seven hundred six (706) in 2011. This represents a 2.1% increase in the number of reportable incidents received in the year 2012, than those received in the year 2011, while the total number of the Division's enlisted personnel decreased by 119 enlisted members, representing a 4.4% decrease for the same period.

INCIDENTS CLASSIFIED BY YEARS



CLASSIFICATION OF REPORTED INCIDENTS

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

MISCONDUCT

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

PERFORMANCE

When a complaint is reviewed and it is determined that an enlisted member of the Division may have committed a minor infraction, the matter is classified as a Performance Issue. These matters are returned to the member's command for resolution. The command is required to assign a supervisor not in the member's direct chain of command to handle the complaint. The supervisor is required to submit a Performance Incident Disposition Report to the Office of Professional Standards through his/her chain of command detailing the corrective actions taken to resolve the issue. The intervention is non-disciplinary and intended to correct performance deficiencies.

ADMINISTRATIVE

When the Office of Professional Standards' review of the reported incident reveals that a trooper has not violated any of the Division's Rules and Regulations, Standing Operating Procedures, or applicable federal or state laws, the incident is classified as an Administrative matter and closed.

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

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

REFERRALS

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

SHOOTING REVIEWS

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

FIVE YEAR BREAKDOWN OF INCIDENT CLASSIFICATIONS

	2008	2009	2010	2011	2012
MISCONDUCT	293	294	290	237	266
PERFORMANCE	226	183	164	84	89
ADMINISTRATIVE ISSUES	408	373	376	373	359
COMPLIANCE	0	0	0	0	0
EEO/AA INVESTIGATIONS	9	8	3	2	2
NON-REPORTABLE INCIDENTS/REFERRALS	29	25	14	7	2
SHOOTING REVIEWS	2	3	1	3	3
TOTALS	967	886	848	706	721

ORIGIN OF COMPLAINTS

In 2012, of the two hundred sixty-six (266) total misconduct complaints, one hundred seventy-three (173) (65%) were initiated by members of the public, and ninety-three (93) (35%) were initiated internally. Of the misconduct complaints initiated by the public, one hundred-one (101) (58%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received eighty-nine (89) reportable incidents that were classified as Performance issues; eighty (80) (90%) of these complaints were initiated by members of the public, and nine (9) (10%) were initiated internally.

In 2011, of the two hundred thirty-seven (237) total misconduct complaints, one hundred eight-three (183) (77%) were initiated by members of the public, and fifty-four (54) (23%) were initiated internally. Of the misconduct complaints initiated by the public, eighty-six (86) (47%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received eighty-four (84) reportable incidents that were classified as Performance issues; seventy (70) (83%) of these complaints were initiated by members of the public, and fourteen (14) (17%) were initiated internally.

In 2010, of the two hundred ninety (290) total misconduct complaints, two hundred eight (208) (72%) were initiated by members of the public, and eighty-two (82) (28%) were initiated internally. Of the misconduct complaints initiated by the public, one hundred twenty-nine (129) (62%) involved

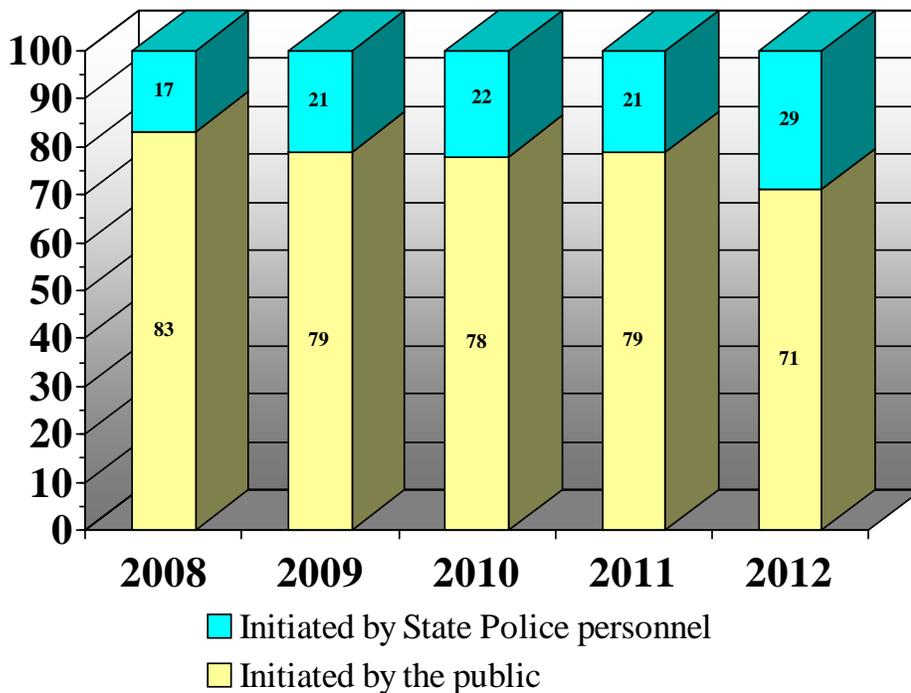
citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received one hundred and sixty-four (164) reportable incidents that were classified as Performance issues; one hundred and forty-seven (147) (90%) of these complaints were initiated by members of the public, and seventeen (17) (10%) were initiated internally.

In 2009, of the two hundred ninety-four (294) total misconduct complaints, two hundred fourteen (214) (73%) were initiated by members of the public and eighty-one (81) (27%) were initiated internally. Of the misconduct complaints initiated by the public, eighty-six (86) (40%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received one hundred eighty-three (183) reportable incidents that were classified as Performance issues; one hundred sixty-six (166) (91%) of these complaints were initiated by members of the public, and seventeen (17) (9%) were initiated internally.

In 2008, of the two hundred ninety-three (293) total misconduct complaints, two hundred eighteen (218) (74%) were initiated by members of the public and seventy-five (75) (26%) were initiated internally. Of the misconduct complaints initiated by the public, eighty-five (85) (39%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received two hundred twenty-six (226) reportable incidents that were classified as Performance issues; two hundred thirteen (213) (94%) of these complaints were initiated by members of the public, and thirteen (13) (6%) were initiated internally.

FIVE YEAR COMPARISON OF COMPLAINT SOURCES FOR MISCONDUCT AND PERFORMANCE MATTERS

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



CRIMINAL PROCEEDINGS INVOLVING DIVISION MEMBERS

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

The following paragraphs outline the criminal matters pending against members of the Division between January 1, 2012, and December 31, 2012. Each matter is also the subject of a pending internal investigation.

LINE OF DUTY: CITIZEN INITIATED CRIMINAL MATTERS

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

An examination of our records have found six (6) troopers were charged with crimes during 2012. Three (3) members were charged while off-duty and three (3) members were charged while on-duty.

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

These cases represent criminal or disorderly persons offenses filed against Division members acting in an official capacity while in the performance of their State Police duties. During 2012, the following on-duty charges were filed against members as a result of interactions while on-duty:

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

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

Member was charged with Aggravated Assault and Harassment. The criminal charges were dismissed in court, and the member is the subject of an Administrative Misconduct Investigation.

OFF-DUTY CONDUCT

These cases represent criminal or disorderly persons offenses filed against Division members acting in an off-duty capacity and not related in any way to the performance of their State Police duties. During 2012, the following charges were filed against members as a result of off-duty conduct:

Member was charged with Disorderly Conduct. The member stood trial and was found not guilty. The member is the subject of an Administrative Misconduct Investigation.

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

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

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

ASSIGNMENT OF INVESTIGATIONS

Of the two hundred sixty-six (266) misconduct cases assigned in 2012, two hundred sixty-one (261) were assigned to Internal Affairs Investigation Bureau investigators, and five (5) were referred to the Attorney General's Office, Office of Law Enforcement Professional Standards for investigation.

The investigative process assesses the propriety of all conduct during the incident in which the alleged misconduct occurred. If, during the course of an investigation, there is an indication that misconduct occurred other than that alleged, the Office of Professional Standards will also investigate that additional potential misconduct to its logical conclusion. In addition, if a citizen requests to withdraw a previously made complaint, the investigation is continued with or without the assistance of the citizen to ensure proper trooper conduct.

ALLEGATIONS AND OUTCOMES

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

SUBSTANTIATED : An allegation is determined to be “substantiated” if a preponderance of the evidence shows a member violated any law, State Police rule, regulation, protocol, standing operating procedure, directive, or training.

UNFOUNDED : An allegation is determined to be “unfounded” if a preponderance of the evidence shows that the alleged misconduct did not occur.

EXONERATED : An allegation is determined to be “exonerated” if a preponderance of the evidence shows the alleged conduct did occur, but did not violate State Police rule, regulation, standing operating procedure, directive or training.

INSUFFICIENT EVIDENCE : An allegation is determined to be “insufficient evidence” when there is insufficient evidence to decide whether the alleged act occurred.

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

MISCONDUCT INVESTIGATIONS OPENED IN 2012

There were two hundred sixty-six (266) misconduct investigations opened in 2012. The following paragraphs report the status of these cases as of June 10, 2013. Of these cases, one hundred seventy-three (173) were initiated as the result of citizen complaints and ninety-three (93) cases were opened because of complaints made by State Police supervisors or other members.

Of the one hundred and seventy-three (173) citizen-initiated investigations, seventy-five (75) (43%) remain active, fifty-five (55) (32%) are in the review process, thirty-nine (39) (23%) have been completed, and four (4) (2%) have been suspended pending court action or other administrative action. Of the thirty-nine (39) completed, twenty-two (22) (56%) resulted in substantiated primary or secondary allegations.

Of the ninety-three (93) complaints initiated by State Police supervisors and members, twenty (20) (22 %) remain active, twenty-seven (27) (29%) are in the review process, and forty-six (46) (49%) have been completed. Of the forty-six (46) completed, thirty-six (36) (78%) resulted in substantiated primary or secondary allegations.

SUMMARY OF NEW COMPLAINTS:

The following table summarizes the total number of complaints received by the Office of Professional Standards during the year 2012 that resulted in Internal Investigations, the origin of the complaints, the total number of Principals (members of the Division who have been identified as the subjects of the investigations), and the general categories of the allegations.

2012 CASES RECEIVED BY CATEGORY FOR INTERNAL INVESTIGATION			
COMPLAINT CLASSIFICATION	ORIGIN		PRINCIPALS (INVOLVED MEMBERS)
	PUBLIC	SP	
ADMIN. VIOLATIONS	10	38	60
ALCOHOL VIOLATION	1	4	24
ASSAULT	2	0	2
ATTITUDE AND DEMEANOR	11	2	16
DIFFERENTIAL TREATMENT	29	1	53
DOMESTIC VIOLENCE	3	7	10
DRIVING VIOLATION	7	5	22
DRUG VIOLATION	0	1	1
EXCESSIVE FORCE	42	1	80
FAILURE TO PERFORM DUTY	5	2	16
FALSE ARREST	4	1	5
IMPROPER SEARCH	5	0	14
OTHER	42	30	116
OTHER HARASSMENT	1	0	1
THEFT	11	1	23
TOTALS	173	93	443

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

COMPLETED DISCIPLINE

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

GENERAL DISCIPLINARY HEARING : may result in termination, suspension of any duration imposed by the Superintendent, and/or a reduction in rank and/or grade

SUMMARY DISCIPLINARY HEARING : may result in a suspension of up to 30 days

MINOR DISCIPLINE : may result in a suspension of up to 5 days

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

SYNOPSIS OF MAJOR DISCIPLINE

The following is a synopsis of General Disciplinary Matters completed during the calendar year 2012:

Member pled guilty to acting in an unofficial capacity to the discredit of the Division, neglect of duty, improper use of Division equipment, and disobeying a written order by participating in an unauthorized video while off-duty. The video depicted the member conducting two staged motor vehicle stops utilizing a marked troop car while in uniform. The video was posted on the internet capturing aggressive and dangerous driving by two civilians on the interstate. Furthermore, the member failed to activate his assigned MVR upon conducting the staged motor vehicle stops. The member was suspended for 90 days.

Member pled guilty to violating New Jersey Motor Vehicle Law and culpable inefficiency by disregarding a traffic control device while on-duty operating a marked troop car. The member's failure to use due caution resulted in a fatal motor vehicle collision. The member was suspended for 360 days.

Member pled guilty to acting to the detriment of good order and discipline of the Division, allowing outside employment to interfere with the efficient operation of the Division, improper use of Division equipment, culpable inefficiency and willfully disobeying a lawful, written order, by engaging in activities related to his outside employment on numerous occasions while on-duty and failing to accurately document his duty work time in the Division's e-Daily time tracking system. The member was suspended for 45 days.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division and knowingly making a false or misleading statement, by committing an act of Domestic Violence and failing to provide full and complete information while being interviewed as a Principal of an Internal Affairs Investigation. The member was suspended for 406 days.

Member pled guilty to acting to the discredit of the Division in both an official and private capacity and unauthorized use of Division property by improperly taking possession of a New Jersey State Police transient gas card without authorization to improperly acquire State owned fuel for his personal vehicles. The member was required to separate from employment.

Member pled guilty to acting in an official capacity to the discredit of the Division and willfully disobeying a lawful written order by failing to remain at his residence while detached to Administrative Absence to engage in unauthorized outside employment. In addition, the member failed to submit an updated request to engage in outside employment upon being transferred to a new assignment. The member was suspended for 45 days.

Member pled guilty to acting to the detriment of good order and discipline of the Division, acting in a private capacity to the discredit of the Division, utilizing official position to secure unwarranted privileges, performing in a culpably inefficient manner, and engaging in unauthorized outside employment by inappropriately involving himself in his official capacity with an active criminal investigation being conducted by another department, engaging in an unjustifiable physical incident, accepting free admission into an establishment under his official position, improperly deactivating his assigned MVR during a motor vehicle stop, and by operating an ATM machine business and working as a security guard without authorization. The member was suspended for 180 days.

Member pled guilty to violating New Jersey motor vehicle statutes and acting in an unofficial capacity to the personal discredit of the Division by fleeing the scene of a two car motor vehicle accident without making proper notification or taking appropriate action and pleading guilty in municipal court to careless driving and failure to report a motor vehicle accident. The member was required to forfeit all accrued off-duty time upon leaving the Division.

Member found guilty of bringing discredit upon himself and the Division when he violated a court order by entering the residence jointly owned with a former spouse from which he was prohibited. The member was found guilty, and a 30 day suspension was imposed. The case remains under appeal.

Member pled guilty to violating New Jersey motor vehicle statutes and acting in an unofficial capacity to the discredit of the Division by pleading guilty in municipal court to driving while intoxicated and possessing an open container of alcohol after being involved in a two car motor vehicle accident while operating his personal vehicle off-duty. The member was suspended for 324 days.

Member pled guilty to violating New Jersey Motor Vehicle statutes and for acting in an unofficial capacity to the discredit of the Division by pleading guilty in municipal court to driving while intoxicated and for failing to report a motor vehicle accident. The member was suspended for 440 days.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division while off-duty. The member assaulted the passenger of a motor vehicle after the member was involved in a verbal confrontation with the operator of the motor vehicle whom he believed had littered. The member never identified himself as a law enforcement officer. The member served a 180 day suspension.

Member pled guilty to acting and behaving in an unofficial capacity to the detriment of good order and discipline of the Division. The member engaged in questionable conduct regarding the improper use of home heating fuel. The member served a 2,141 day suspension.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division while off-duty. The member was involved in a physical altercation with another guest at a wedding reception. The member served a 45 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division, willfully disobeyed a lawful written order and failed to request authorization to engage in outside employment. While the member was on extended sick leave, the member left his residence and traveled out of state on vacation without authorization. The member engaged in unauthorized outside employment. The member served a 60 day suspension.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division, willfully disobeyed a lawful written order and utilized his assigned troop vehicle without authorization. While the member was off-duty, the member utilized his assigned troop vehicle and traveled out of state without authorization, where he provided an unauthorized civilian passenger transportation back to New Jersey. During his unauthorized use of the troop vehicle, the member utilized the emergency lights of the vehicle and traveled at excessive rates of speed for which he was stopped by the New York State Police. The member served a 120 day suspension.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division for possessing a defaced firearm in his residence, which was seized as a result of a domestic violence investigation. The member served a 30 day suspension.

The following is a synopsis of Summary Disciplinary Matters completed during the calendar year 2012:

Member pled guilty to acting in an official capacity to the discredit of the Division and knowingly making false and misleading reports, and by transmitting false information to the Operational Dispatch Unit while on duty. The member was suspended for 10 days.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division and for willfully disclosing confidential information of the Division without authorization. The member was suspended for 10 days.

Member pled guilty to acting in an official capacity to the discredit of the Division, improper use of Division property, and performing duties in a culpably inefficient manner by sending inappropriate text messages to a witness involved in a pending criminal investigation with his assigned cellular telephone to pursue a personal relationship. In addition, the member failed to ensure that several witnesses were properly logged into the CAD system as visitors during the criminal investigation. The member was suspended for 15 days.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division and disobeying a written order by improperly firing an issued weapon at an unauthorized range and improperly permitting a family friend to handle and fire the weapon. The member was suspended for 10 days.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division by engaging in inappropriate and abusive behavior during an argument with his estranged wife while off-duty. The member was suspended for 20 days.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division and for failing to take proper police action while off-duty. The member was suspended for 10 days.

Member pled guilty to failing to take proper police action and acting in an unofficial capacity to the discredit of the Division. After consuming alcoholic beverages off-duty, the member failed to notify the appropriate authorities after witnessing a physical confrontation involving a personal friend. The member served a 10 day suspension.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division and for utilizing his assigned troop vehicle while off-duty without authorization. During a custody exchange at a municipal police station, the member arrived in uniform and utilized profane language while interacting with the municipal officers. The member served a 30 day suspension.

Member pled guilty to behaving in a disrespectful and unprofessional manner toward a non-commissioned officer. The member served a 10 day suspension.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division. The member utilized his assigned troop vehicle off-duty and transported a civilian passenger without authorization during which they were involved in a motor vehicle accident resulting in minor damage. The member served a 20 day suspension.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division for sending harassing text and electronic messages, and by placing harassing telephone calls to a former spouse. The member served a 10 day suspension.

SYNOPSIS OF MINOR DISCIPLINE

The following information reflects a brief synopsis of the circumstances, which led to the imposition of *Minor Discipline* during the calendar year 2012. It is important that Division members are cognizant of the fact that although circumstances involving disciplinary cases may appear similar within these brief summaries, each case is judged on its own merits and the Superintendent determines the final discipline imposed.

Failure to ensure MVR was activated during motor vehicle stop and subsequent arrest of motorist. (Written Reprimand-WR)

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

Failure to ensure the audio portion of the MVR was operating during a motor vehicle stop and failure to return the motorist's registration and insurance card. (Written Reprimand)

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

Inappropriate and unprofessional comments toward an individual in custody, which were captured by the MVR. (Written Reprimand)

Failure to maintain integrity of firearm secured as evidence and failure to record transfer of firearm parts to the Ballistics Unit. (WR w/5 Day Suspension)

Failure to ensure the audio portion of the MVR was activated throughout a motor vehicle accident investigation and DWI arrest. (Written Reprimand)

Inappropriate actions while off-duty during verbal dispute with spouse. (Written Reprimand)

Failure to ensure the audio portion of the MVR was activated throughout an entire DWI arrest and failure to appear in court resulting in dismissal of three motor vehicle summonses. (Written Reprimand)

Failure to appear in court resulting in the dismissal of three motor vehicle summonses. (Written Reprimand)

Failure to ensure firearms parts were properly registered with Firearms Investigation Unit. (WR w/5 Day Suspension)

Displaying an unprofessional attitude, failing to conduct proper accident investigation and failing to provide a Compliment / Complaint Form. (WR w/5 Day Suspension)

For the culpably inefficient manner in which the member monitored a subordinate's work schedule and e-Daily records, which contained several inaccurate entries. (Written Reprimand)

For the culpably inefficient manner in which the member supervised and monitored a subordinate's work schedule and e-Daily records, which contained several inaccurate entries. (WR w/5 Day Suspension)

Failure to safeguard assigned portable radio. (Written Reprimand)

Inappropriate comments while off-duty concerning the safety of a seven-year-old child and inappropriate comments towards the child's mother. (Written Reprimand)

Failure to safeguard issued identification, undercover identification and undercover credit cards. (Written Reprimand)

For the culpably inefficient manner in which the member supervised and monitored a subordinate's work schedule and e-Daily records, which contained several inaccurate entries. (Written Reprimand)

For the culpably inefficient manner in which the member submitted duplicate Investigator's Expense Reports for the same expense, resulting in dual payments getting applied to an undercover credit card account. (Written Reprimand)

For utilizing a Division owned computer to transmit an altered image of another enlisted member with an inappropriate caption while utilizing the GroupWise email system. (Written Reprimand)

Improper attitude and demeanor during a motor vehicle stop by utilizing profanity while instructing the motorist to move to a safer location. (Written Reprimand)

Unauthorized Use of Troop Transportation (Accident involved). (WR w/5 Day Suspension)

Failure to safeguard issued handcuffs. (Written Reprimand)

Failure to safeguard issued aviation hangar key and perimeter gate access swipe card. (Written Reprimand)

Failure to properly safeguard off-duty weapon prior to storage in personally owned vehicle. (Written Reprimand)

Failure to safeguard issued wallet identification card. (Written Reprimand)

Failure to safeguard assigned portable radio. (Written Reprimand)

For the culpably inefficient manner in which the member supervised by failing to promptly address the presence of inappropriate material in the workplace and for displaying an inappropriate and unprofessional demeanor. (WR w/5 Day Suspension)

For allowing inappropriate material to remain near the member's work station. (WR w/5 Day Suspension)

For the culpably inefficient manner in which the member supervised by failing to promptly address the presence of inappropriate material in the workplace. (Written Reprimand)

For the culpably inefficient manner in which the member supervised by failing to promptly address the presence of inappropriate material in the workplace. (Written Reprimand)

For the culpably inefficient manner in which the member supervised by failing to promptly address the presence of inappropriate material in the workplace. (Written Reprimand)

Failure to safeguard issued wallet identification card. (Written Reprimand)

Failure to ensure MVR was activated during a motor vehicle stop and failure to call in the stop to the Operational Dispatch Unit. (WR w/5 Day Suspension)

Failure to properly safeguard off-duty weapon prior to storage in personally owned vehicle. (Written Reprimand)

Failure to safeguard issued wallet identification card. (Written Reprimand)

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

Failure to properly safeguard off-duty weapon prior to storage in personally owned vehicle. (Written Reprimand)

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

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

Failure to safeguard issued cellular telephone. (Written Reprimand)

For failing to notify the Office of Professional Standards of potential misconduct on the part of two members who conducted an unauthorized escort of several sports cars, which were driven erratically and at excessive rates of speed during the escort. (Written Reprimand)

For failing to notify the Office of Professional Standards of potential misconduct on the part of two members who conducted an unauthorized escort of several sports cars, which were driven erratically and at excessive rates of speed. (Written Reprimand)

For failing to notify the Office of Professional Standards of potential misconduct on the part of two members after taking a citizen complaint concerning a vehicle escort by two marked troop cars of several sports cars, which were driven erratically and at excessive rates of speed. (Written Reprimand)

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

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

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

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

Failure to appear in court resulting in the dismissal of a motor vehicle summons due to lack of prosecution. (Written Reprimand)

Failure to safeguard issued ballistic vest. (Written Reprimand)

Failure to safeguard issued ballistic vest. (Written Reprimand)

Spending an inordinate amount of time at residence while on patrol during scheduled shift and failing to document on patrol log. (Written Reprimand)

For making an inappropriate request to the operators of several motorcycles during a motor vehicle stop, failing to provide name and badge number upon request, and failing to follow MVR procedures. (Written Reprimand)

Failure to conduct a proper pre-operational check of assigned MVR prior to patrol. (Written Reprimand)

Unauthorized use of a cellular device while operating troop vehicle. (Written Reprimand)

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

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

For operating assigned troop vehicle while off-duty and transporting a civilian passenger without authorization. (WR w/5 Day Suspension)

For conducting an improper search, failure to follow proper consent to search procedures, failure to follow MVR procedures and for failing to provide a compliment/complaint form during a motor vehicle stop. (Written Reprimand)

For operating assigned troop vehicle off-duty without authorization and for failing to report damage that occurred to the vehicle. (WR w/5 Day Suspension)

Failure to safeguard issued ballistic vest. (Written Reprimand)

For the improper handling of a firearm resulting in an accidental discharge. (Written Reprimand)

For the improper use of a Division owned computer to access a personal electronic mail account to send personal electronic mail containing sexually explicit verbiage to a personal friend. (WR w/5 Day Suspension)

For unprofessional and disrespectful comments to a superior officer. (WR w/5 Day Suspension)

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

For displaying an improper attitude and demeanor during a motor vehicle stop. (Written Reprimand)

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

For displaying an improper attitude and demeanor during a motor vehicle stop. (Written Reprimand)

For failing to promptly report and obtain an accident report after being involved in an out of state troop vehicle accident. (Written Reprimand)

* Note: Some issued Written Reprimands encompass multiple violations.

**SUMMARY OF COMPLETED CASES RESULTING IN DISCIPLINE
REPORTING PERIOD: JANUARY 1, 2012, THROUGH DECEMBER 31, 2012**

Actions Taken for Cases by Category in Year 2012					
Complaint Classification	Counseling/ Performance Notice Issued	Written Reprimand Issued	Minor Disciplinary Hearing Held	Summary Disciplinary Hearing Held	General Disciplinary Hearing Held
Improper Search	0	1	0	0	0
Theft	0	0	0	0	1
Assault	0	0	0	0	1
Excessive Force	0	0	0	0	0
Differential Treatment	0	0	0	0	0
Other Harassment	0	1	0	0	0
Domestic Violence	0	1	0	1	2
Drug Violation	0	0	0	0	0
Alcohol Violation	0	0	0	0	2
False Arrest	0	0	0	0	0
Failure to perform duty	0	1	1	1	0
Driving violation	0	0	0	0	2
Attitude and Demeanor	0	4	1	0	0
Admin. Violation	19	39	4	1	6
Other	13	13	4	4	5
Totals	32	60	10	7	19

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

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

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

PROSECUTION FOR FALSE CITIZEN COMPLAINTS

As can be seen from this report, the Division of State Police takes citizen complaints seriously and fully investigates them. However, if a complaint is found to be fabricated and maliciously pursued, the complainant may be subject to criminal prosecution.

**Note: During 2012, no charges were filed for filing a false complaint against Division members.*

COMPLIMENTS

In addition to monitoring troopers' conduct to ensure conformance to the highest standards, the Division of State Police also accepts and appreciates all compliments submitted by the public regarding troopers' conduct. During 2012, the Division received one thousand, nine hundred seven (1,907) citizen compliments regarding actions by enlisted members. These citizen compliments were received in one of the following manners: citizen generated letters of appreciation, the New Jersey State Police Citizen Compliment/Complaint Form, the Office of Professional Standards Toll-free Compliment/Complaint Hotline, and e-mails.

REPORT NOTE

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