

NEW JERSEY STATE POLICE  
OFFICE OF  
PROFESSIONAL STANDARDS

INTERNAL INVESTIGATION AND  
DISCIPLINARY PROCESS

ANNUAL REPORT  
2016



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, *2016 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 2016.

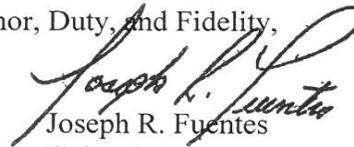
A law enforcement entity in a democratic society can tie its effectiveness directly to the level of trust it enjoys within the community it serves. A significant factor in gaining and maintaining that trust is ensuring that there is a strict allegiance to a highly professional and transparent internal 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 *2016 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 1,699,000 police/citizen contacts during the calendar year 2016. 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, 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 OPS continues to operate at the 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 *2016 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 2016 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. As of December 2016, the Office of Professional Standards consisted of fifty-nine (59) persons. This included seven (7) professional support personnel and fifty-two (52) enlisted persons. This figure represents an overall increase of two (2) additional members 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:

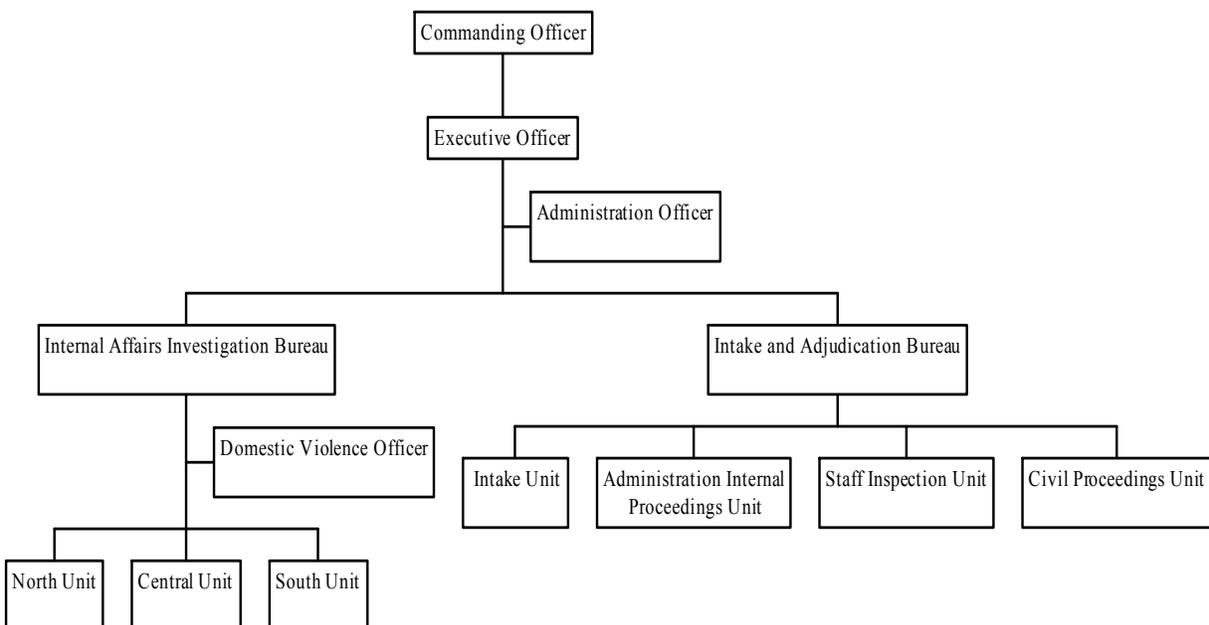
**Intake Unit:** This unit accepts, classifies, and assigns or refers all reportable incidents received by the Office of Professional Standards. This unit is also responsible for notifying complainants of the Division's response to their complaints.

**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 2016 Organizational Chart



## **OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS**

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

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

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

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

## **STATE POLICE DISCIPLINARY PROCESS**

The New Jersey State Police is a statewide police organization that provides a full range of police services. The Division is comprised of three thousand, eight hundred seventy-five (3,875) employees, of which two thousand, six hundred fifty-three (2,653) are sworn members, and one thousand, two hundred twenty-two (1,222) are civilian members.<sup>1</sup>

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

In 2016, troopers were involved in excess of one million, six hundred ninety-nine thousand thirty-seven (1,699,037) police/citizen contacts. Though most of these interactions were routine, many involved stressful and critical situations.

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<sup>1</sup> As of December 2016

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.<sup>2</sup>

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

## **COMPLAINT PROCESS**

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

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

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

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

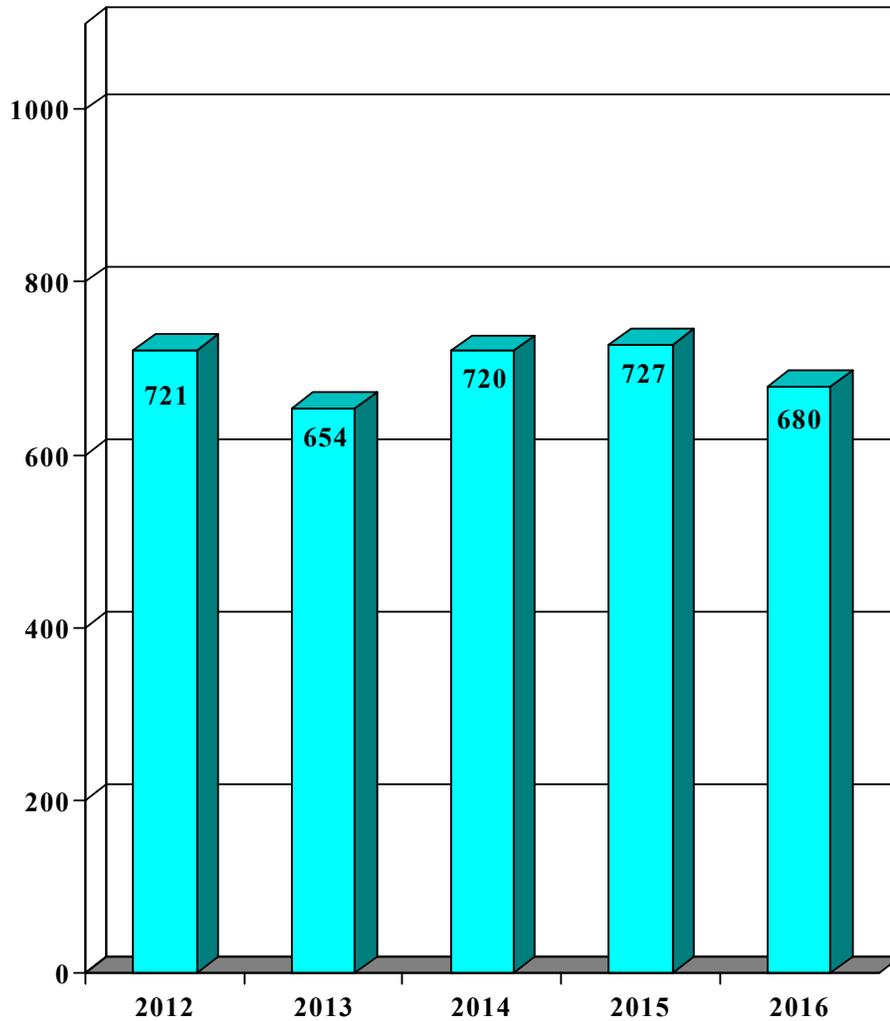
As stated previously, the Intake Unit of the Office of Professional Standards is responsible for receiving, documenting, processing, classifying, and disseminating all complaints against sworn members of the New Jersey State Police alleging misconduct by its members. This includes complaints made by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

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

During 2016, six hundred eighty (680) total incidents were reported and classified, as compared to seven hundred twenty-seven (727) in 2015. This represents a 6.4% decrease in the number of reportable incidents received in the year 2016, than those received in the year 2015, while the total number of the Division's enlisted personnel decreased by ninety-one (91) enlisted members, representing a 2.3% decrease for the same period.

### INCIDENTS CLASSIFIED BY YEARS



## **CLASSIFICATION OF REPORTED INCIDENTS**

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

### **MISCONDUCT**

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

### **PERFORMANCE**

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

### **ADMINISTRATIVE**

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

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

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

### **REFERRALS**

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

## SHOOTING REVIEWS

When a Division member is involved in a shooting, it is investigated by the Attorney General's Shooting Response Team (SRT) of which the NJSP Homicide 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 the New Jersey State Police Rules and Regulations or Standing Operating Procedures.

## FIVE YEAR BREAKDOWN OF INCIDENT CLASSIFICATIONS

	2012	2013	2014	2015	2016
<b>MISCONDUCT</b>	266	197	219	212	203
<b>PERFORMANCE</b>	89	108	69	54	34
<b>ADMINISTRATIVE ISSUES</b>	359	337	417	422	398
<b>COMPLIANCE</b>	0	0	0	0	0
<b>EEO/AA INVESTIGATIONS</b>	2	3	2	4	0
<b>NON-REPORTABLE INCIDENTS/REFERRALS</b>	2	4	12	35	45
<b>SHOOTING REVIEWS</b>	3	5	1	0	0
<b>TOTALS</b>	<b>721</b>	<b>654</b>	<b>720</b>	<b>727</b>	<b>680</b>

## ORIGIN OF COMPLAINTS

In 2016, of the two hundred three (203) total misconduct complaints, one hundred thirty-six (136) (67%) were initiated by members of the public, and sixty-seven (67) (33%) were initiated internally. Of the misconduct complaints initiated by the public, sixty-eight (68) (50%) 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 thirty-four (34) reportable incidents that were classified as Performance issues; thirty-two (32) (94%) of these complaints were initiated by members of the public, and two (2) (6%) were initiated internally.

In 2015, of the two hundred twelve (212) total misconduct complaints, one hundred forty-three (143) (67%) were initiated by members of the public and sixty-nine (69) (33%) were initiated internally. Of the misconduct complaints initiated by the public, forty-one (41) (29%) 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 fifty-four (54) reportable incidents that were classified as Performance issues; forty-five (45) (83%) of these complaints were initiated by members of the public, and nine (9) (17%) were initiated internally.

In 2014, of the two hundred nineteen (219) total misconduct complaints, one hundred thirty-two (132) (60%) were initiated by members of the public and eighty-seven (87) (40%) were initiated internally. Of the misconduct complaints initiated by the public, seventy (70) (53%) involved

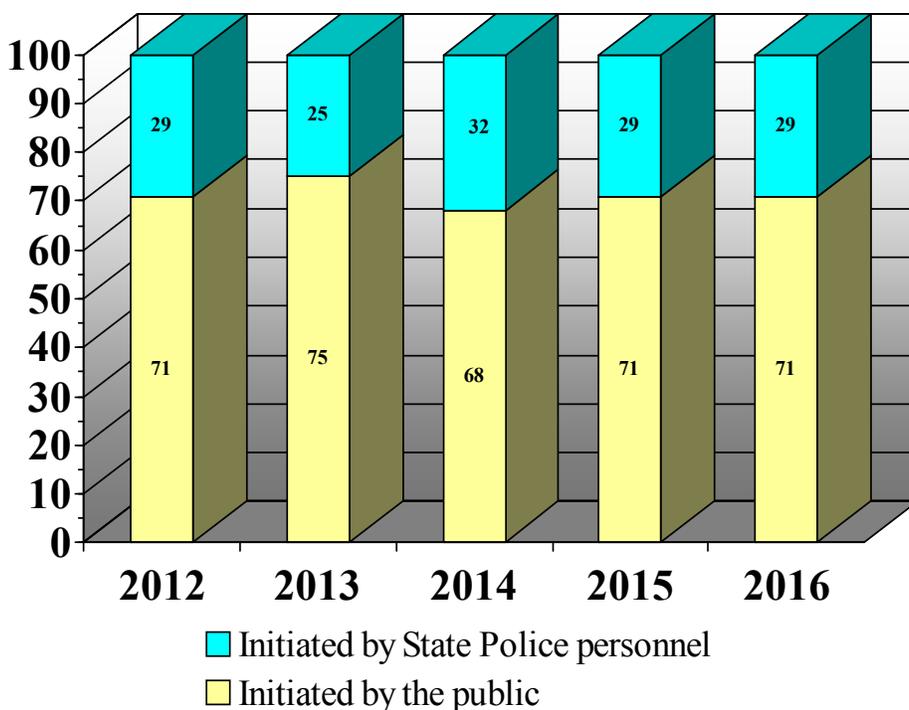
citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received sixty-nine (69) reportable incidents that were classified as Performance issues; sixty-three (63) (91%) of these complaints were initiated by members of the public, and six (6) (9%) were initiated internally.

In 2013, of the one hundred ninety-seven (197) total misconduct complaints, one hundred thirty-six (136) (69%) were initiated by members of the public and sixty-one (61) (31%) were initiated internally. Of the misconduct complaints initiated by the public, fifty-seven (57) (42%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received one hundred eight (108) reportable incidents that were classified as Performance issues; ninety-four (94) (87%) of these complaints were initiated by members of the public, and fourteen (14) (13%) were initiated internally.

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

### **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.

### **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. During 2016, criminal charges were filed against two (2) members as a result of interactions while on-duty.

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

**An examination of our records has found two (2) troopers were charged with a crime during 2016. The two (2) members were charged while on-duty.**

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 2016, the following charges were filed against members as a result of interactions while on-duty:

Member was charged with Tampering with Public Records or Information and Falsifying or Tampering with Records. The criminal investigation is pending.

Member was charged with Tampering with Public Records or Information and Falsifying or Tampering with Records. The criminal investigation is pending.

### **OFF-DUTY CONDUCT**

**An examination of our records has found three (3) troopers were charged with crimes during 2016. All three (3) members were charged while off-duty.**

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 2016, the following charges were filed against members as a result of off-duty conduct:

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

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

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

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

## **ASSIGNMENT OF INVESTIGATIONS**

Of the two hundred three (203) misconduct cases assigned in 2016, two hundred one (201) were assigned to Internal Affairs Investigation Bureau investigators, and two (2) were referred to the Attorney General's Office, Office of Law Enforcement Professional Standards for investigation.

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

## **ALLEGATIONS AND OUTCOMES**

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

- SUBSTANTIATED** : An allegation is determined to be “substantiated” if a preponderance of the evidence shows a member violated any law, State Police rule, regulation, protocol, standing operating procedure, directive, or training.
- UNFOUNDED** : An allegation is determined to be “unfounded” if a preponderance of the evidence shows that the alleged misconduct did not occur.
- EXONERATED** : An allegation is determined to be “exonerated” if a preponderance of the evidence shows the alleged conduct did occur, but did not violate State Police rule, regulation, protocol, 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 2016**

There were two hundred three (203) misconduct investigations opened in 2016. The following paragraphs report the status of these cases as of April 3, 2017. Of these cases, one hundred thirty-six (136) (67%) were initiated as the result of citizen complaints and sixty-seven (67) (33%) cases were opened because of complaints made by State Police supervisors or other members.

Of the one hundred and thirty-six (136) citizen-initiated investigations, fifty-seven (57) (42%) remain active, twenty-one (21) (15%) are in the review process, forty-two (42) (31%) have been completed, and sixteen (16) (12%) have been suspended pending court action or other administrative action. Of the forty-two (42) completed, nine (9) (21%) resulted in substantiated primary or secondary allegations.

Of the sixty-seven (67) complaints initiated by State Police supervisors and members, ten (10) (15%) remain active, eighteen (18) (27%) are in the review process, thirty-two (32) (48%) have been completed and seven (7) (10%) have been suspended pending court action or other administrative action. Of the thirty-two (32) completed, nineteen (19) (59%) 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 2016 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.

<b>2016 CASES RECEIVED BY CATEGORY FOR INTERNAL INVESTIGATION</b>			
<b>COMPLAINT CLASSIFICATION</b>	<b>ORIGIN</b>		<b>PRINCIPALS (INVOLVED MEMBERS)</b>
	<b>PUBLIC</b>	<b>SP</b>	
<b>ADMIN. VIOLATIONS</b>	12	57	69
<b>ALCOHOL VIOLATION</b>	2	3	5
<b>ASSAULT</b>	1	0	1
<b>ATTITUDE AND DEMEANOR</b>	14	1	15
<b>DIFFERENTIAL TREATMENT</b>	31	2	33
<b>DOMESTIC VIOLENCE</b>	13	0	13
<b>DRIVING VIOLATION</b>	1	7	8
<b>DRUG VIOLATION</b>	0	0	0
<b>EXCESSIVE FORCE</b>	47	9	56
<b>FAILURE TO PERFORM DUTY</b>	17	7	24
<b>FALSE ARREST</b>	9	0	9
<b>IMPROPER SEARCH</b>	10	0	10
<b>OTHER</b>	67	18	85
<b>OTHER HARASSMENT</b>	12	1	13
<b>THEFT</b>	11	0	11
<b>TOTALS</b>	<b>247</b>	<b>105</b>	<b>352</b>

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 2016:

Member pled guilty to violating Maryland Motor Vehicle Statutes, acting in an unofficial capacity to the discredit of the Division while off-duty by driving while intoxicated and refusing to provide breath samples. The member pled guilty in District Court to Driving Vehicle While Under the Influence of Alcohol. The member served a 238 day suspension.

Member pled guilty to violating New Jersey Motor Vehicle Statutes, acting in an unofficial capacity to the discredit of the Division while off-duty and failure to notify the Division of information to which the Division takes cognizance. The member pled guilty in Municipal Court to Failure to Report a Motor Vehicle Accident. The member served a 45 day suspension.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division while off-duty by engaging in Domestic Violence Simple Assault of an estranged spouse. The member served a 63 day suspension.

Member pled guilty to violating New Jersey Motor Vehicle Statutes, acting in an unofficial capacity to the discredit of the Division while off-duty by utilizing troop transportation without authorization, consuming alcohol and operating troop transportation, failing to safeguard Division property and transporting an unauthorized person in troop transportation. The member pled guilty in Municipal Court to Failing to Report Accident and Careless Driving. The member served a 720 day suspension.

Member pled guilty to acting in both an official and unofficial capacity to the discredit of the Division for improperly contacting a subject arrested for Driving While Intoxicated, failing to report to the Division personal involvement with that subject's court litigation, improper use of Division computer and providing false or misleading statements during an internal investigation. The member was required to separate from employment.

Member pled guilty to violating New Jersey Motor Vehicle Statutes, acting in an unofficial capacity to the discredit of the Division while off-duty by utilizing troop transportation without authorization, consuming alcohol and operating troop transportation, failing to safeguard Division property and providing false or misleading statements during an internal investigation. Additionally, the member released confidential information without authorization and failed to be in possession of their issued duty weapon while off-duty. The member pled guilty in Municipal Court to Failing to Report an Accident and Careless Driving. The member served a 720 day suspension.

Member pled guilty to acting in an unofficial and official capacity to the discredit of the Division by failing to report the misconduct of other enlisted members to the Division, submitting anonymous complaints containing false information to the Office of Professional Standards, failing to notify the Division of their involvement in domestic violence incidents, releasing confidential Division information without authorization and allowing a family member to utilize their Division issued firearm. The member served a 60 day suspension.

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

Member pled guilty to violating New Jersey Motor Vehicle Statutes and acting in an unofficial capacity to the discredit of the Division while off-duty. The member failed to notify the Division that they were involved in several motor vehicle crashes and left those scenes without properly reporting them. The member served a 30 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division for making misleading official reports and for culpable inefficiency regarding MVR procedures and on-scene supervision of subordinates. The member served a 30 day suspension.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division while off-duty for disorderly behavior after consuming alcohol which resulted in casino/hotel security and law enforcement responses. The member then engaged in a physical altercation with security personnel resulting in an ejection from the establishment. The member served a 60 day suspension.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division while off-duty for engaging in Domestic Violence simple assault of an individual with whom they had a dating relationship. The member served a 66 day suspension.

Member found guilty of violating the terms of a negotiated "Last Chance Plea Agreement" by providing a mandatory urine sample which tested positive for a controlled dangerous substance. The member was terminated from employment with the Division.

Member found guilty of acting in an official capacity to the discredit of the Division while on-duty for utilizing an excessive amount of force during the arrest of a suspect. Member served a 30 day suspension.

Member pled guilty to violating New Jersey Motor Vehicle Statutes and acting in an unofficial capacity to the discredit of the Division while off-duty. The member pled guilty in municipal court to Driving While Intoxicated after being involved in a motor vehicle crash. Additionally, the member was found in possession of an off-duty firearm that had not been properly qualified with or registered with the Division. The member served a 180 day suspension.

The following is a synopsis of Summary Disciplinary Matters completed during the calendar year 2016:

Member pled guilty to acting in an official capacity to the discredit of the Division by removing documents from the Section Secretary's desk without authorization. The member served a 30 day suspension.

Member pled guilty to disobeying a written order while on-duty by failing to properly document contact with a subject who the member was attempting to cultivate as a confidential informant. The member served a 20 day suspension.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division while off-duty for disorderly behavior in a private establishment that resulted in their detainment by security personnel and a law enforcement response. The member served a 20 day suspension.

Member pled guilty to the improper use of Division computer by conducting criminal inquiries on a subject without legitimate law enforcement purposes. The member served a 10 day suspension.

Member pled guilty to unauthorized absence from duty, culpably inefficient supervision, entering false information into the Computer Aided Dispatch and improper supervision. The member served a 10 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division by attempting to use official position to intimidate or gain favor, improper supervision by directing a subordinate enlisted member to assist in influencing the resolution of an incident involving a family member and for failure to perform duty by not properly reporting the incident. The member served a 10 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division for displaying unprofessional behavior and directing insulting language and profanity toward enlisted and civilian subordinate members of the Division. In addition, the member provided culpably inefficient supervision of an enlisted subordinate member. The member served a 20 day suspension.

Member pled guilty to the improper use of Division computer by conducting criminal inquiries on a subject without legitimate law enforcement purposes and releasing the information without authorization. The member served a 20 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division for disobeying a direct order by gambling during the course of his official duties without authorization and for failing to properly document an investigation. The member served a 10 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division for failing to properly investigate a motor vehicle crash of an off-duty enlisted member, failing to notify the Division of the incident, culpable inefficiency and for making a false entry into a Division record. The member served a 10 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division by failing to take appropriate police action in response to an alcohol related troop transportation crash involving another enlisted member and for failing to notify the Division of information regarding the crash and the involved member. The member served a 30 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division while on-duty by entering inaccurate and false information into the eDaily time tracking system in order to receive paid compensation and for disobeying written orders by failing to follow procedures and properly document assistance to other law enforcement agencies. The member served a 30 day suspension and was required to reimburse the Division \$1,523.53.

Member pled guilty to acting in an official capacity to the discredit of the Division while on-duty by making inappropriate comments to a subordinate female enlisted member. The member served a 10 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division while on-duty by displaying inappropriate and unprofessional behavior during an applicant background investigation interview. The member served a 10 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division while on-duty for displaying improper attitude and demeanor during motor vehicle stops and for failing to follow MVR procedures. The member served a 20 day suspension.

## **SYNOPSIS OF MINOR DISCIPLINE**

The following information reflects a brief synopsis of the circumstances, which led to the imposition of *Minor Discipline* during calendar year 2016. 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 safeguard NJSP issued identification. (Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Failure to safeguard Class "A" hat and badge. (Written Reprimand)

Failure to accept a civilian complaint. (Written Reprimand)

Failure to accept a civilian complaint. (Written Reprimand)

Failure to accept a civilian complaint. (Written Reprimand)

Failure to follow MVR procedures. (WR w/2 day suspension)

Attempting to use position to intimidate or gain favor. (WR w/2 day suspension)

Unauthorized use of NJSP issued computer. (Written Reprimand)

Cursing in presence of civilian personnel. (Written Reprimand)

Improper handling of firearm. (Written Reprimand)

Questionable conduct off-duty and attempting to use position to intimidate.  
(Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Questionable conduct off-duty and attempting to use position to intimidate or gain favor.  
(WR w/2 day suspension)

Failure to perform duty. (Written Reprimand)

Unauthorized release of information. (Written Reprimand)

Culpably inefficient supervision. (Written Reprimand)

Inappropriate social media posting. (Written Reprimand)

Violation of traffic law. (Written Reprimand)

Failure to safeguard off-duty weapon. (Written Reprimand)

Failure to follow MVR procedures and culpably inefficient supervision.  
(WR w/2 day suspension)

Improper handling of firearm. (Written Reprimand)

Failure to notify the Division of information to which the Division takes cognizance.  
(WR w/2 days suspension)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Unprofessional and inappropriate use of profanity. (Written Reprimand)

Culpably Inefficient Supervision. (Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Failure to notify the Division of information to which the Division takes cognizance.  
(WR w/2 days suspension)

Failure to notify the Division of information to which the Division takes cognizance.  
(Written Reprimand)

Entering false reports. (Written Reprimand)

Improper supervision. (Written Reprimand)

Inappropriate actions on-duty and improper use of NJSP issued computer.  
(Written Reprimand)

Unauthorized release of information. (WR w/5 day suspension)

Transporting unauthorized person in troop transportation. (Written Reprimand)

Intentionally deactivating troop car DIVR without authorization. (WR w/2 day suspension)

Violation of traffic statutes and failure to report summonses. (WR w/2 day suspension)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Questionable conduct on duty and attempting to use position to intimidate or gain favor.  
(WR w/5 day suspension)

Questionable conduct off duty. (WR w/5 day suspension)

Disobey written order, unauthorized use/access of law enforcement database, failure to follow MVR procedures. (Written Reprimand)

Improper investigative actions and attitude and demeanor. (Written Reprimand)

Questionable conduct off-duty and failure to notify Division of another member's misconduct. (WR w/5 day suspension)

Questionable conduct off -duty and failure to notify Division of another member's misconduct. (WR w/5 day suspension)

Disobey a written order. (WR w/2 day suspension)

Improper handling of evidence and improper care and handling of a prisoner.  
(WR w/2 day suspension)

Failure to provide a compliment/complaint form. (Written Reprimand)

Failure to follow MVR procedures. (Written Reprimand)

Unauthorized release of information. (WR w/5 day suspension)

Improper response to troop car accident. (Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Failure to safeguard Division property. (Written Reprimand)

Failure to safeguard portable radio. (Written Reprimand)

Failure to obey a written order and reporting requirements. (Written Reprimand)

Failure to perform duty and improper supervision. (WR w/5 day suspension)

Conflict of interest in an investigation and inappropriate use of profanity.  
(Written Reprimand)

Improper entry in evidence ledger. (WR w/5 day suspension)

Failure to follow proper breath test procedures. (Written Reprimand)

Failure to follow MVR procedures. (Written Reprimand)

Cursing in the presence of a civilian. (WR w/2 day suspension)

Failure to secure a prisoner which resulted in an escape from custody. (Written Reprimand)

Failure to properly investigate a motor vehicle crash involving troop transportation.  
(Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Failure to safeguard NJSP hat badge. (Written Reprimand)

Failure to safeguard NJSP hat badge. (Written Reprimand)

Culpable inefficient supervision and falsification of reports and records.  
(WR w/2 day suspension)

Falsification of reports and records. (WR w/5 day suspension)

Culpably inefficient supervision of temporary evidence locker. (Written Reprimand)

Culpably inefficient supervision of temporary evidence locker. (Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Making a disparaging statement during motor vehicle stop. (Written Reprimand)

Culpable inefficiency in conducting an investigation. (Written Reprimand)

Failure to safeguard portable radio. (Written Reprimand)

Improper handling of firearm. (Written Reprimand)

\* Note: Some issued Written Reprimands encompass multiple violations.

## **SUMMARY OF COMPLETED CASES RESULTING IN DISCIPLINE**

**REPORTING PERIOD: JANUARY 1, 2016, THROUGH DECEMBER 31, 2016**

<b>Actions Taken for Cases by Category in Year 2016</b>					
<b>Complaint Classification</b>	<b>Counseling/ Performance Notice Issued</b>	<b>Written Reprimand Issued</b>	<b>Minor Discipline</b>	<b>Summary Discipline</b>	<b>General Discipline</b>
<b>Improper Search</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Theft</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Assault</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Excessive Force</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Differential Treatment</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Other Harassment</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Domestic Violence</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>
<b>Drug Violation</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Alcohol Violation</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>
<b>False Arrest</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Failure to perform duty</b>	<b>13</b>	<b>9</b>	<b>0</b>	<b>4</b>	<b>0</b>
<b>Driving violation</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>2</b>
<b>Attitude and Demeanor</b>	<b>7</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Admin. Violation</b>	<b>55</b>	<b>26</b>	<b>0</b>	<b>3</b>	<b>1</b>
<b>Other</b>	<b>15</b>	<b>18</b>	<b>0</b>	<b>8</b>	<b>3</b>
<b>Totals</b>	<b>93</b>	<b>59</b>	<b>0</b>	<b>15</b>	<b>17</b>

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

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

## **PROSECUTION FOR FALSE CITIZEN COMPLAINTS**

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

*During 2016, 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 2016, the Division received one thousand three hundred six (1,306) 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.