



**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

UNITED STATES OF AMERICA

v.

**STATE OF NEW JERSEY and
DIVISION OF STATE POLICE OF
THE NEW JERSEY DEPARTMENT
OF LAW AND PUBLIC SAFETY**

CIVIL ACTION NO. 99-5970 (MLC)

**TWELFTH PROGRESS/STATUS SUMMARY OF THE CONSENT DECREE
ENTERED INTO BY THE UNITED STATES OF AMERICA
AND THE STATE OF NEW JERSEY REGARDING
THE NEW JERSEY DIVISION OF STATE POLICE**

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PROCEDURAL HISTORY

The State of New Jersey and the United States of America agreed upon the terms of a Consent Decree in Civil No. 99-5970 (MLC) (“**Consent Decree**” or “**Decree**”). This Consent Decree reflected many of the recommendations previously made by the State Police Review Team in reports submitted to the Attorney General of the State of New Jersey in April and July of 1999. The Honorable Mary L. Cooper, United States District Judge, District of New Jersey, signed the Consent Decree and Order Appointing the Independent Monitoring Team (“**IMT**”) on December 30, 1999 and May 12, 2000, respectively. Pursuant to ¶121 of the Decree, the IMT has filed 12 reports, assessing the levels of State compliance with the requirements of the Decree, on October 6, 2000; January 10, 2001; April 12, 2001; July 17, 2001; January 18, 2002; July 19, 2002; January 17, 2003; August 21, 2003; January 23, 2004; July 16, 2004; December 20, 2004; and July 12, 2005, respectively.

Pursuant to ¶110 of the Consent Decree, the Office of State Police Affairs (“**OSPA**”) was created and established within the Office of the New Jersey Attorney General. The general purpose of OSPA is to ensure implementation of the terms of the Consent Decree and to provide coordination with the IMT and the United States concerning matters of the New Jersey State Police (“**NJSP**”). Pursuant to ¶122 of the Consent Decree, OSPA, on behalf of the State, submits this periodic status report delineating steps taken to comply with the Consent Decree.

The State submitted its First Status Report on April 27, 2000; its Second Status Report on October 27, 2000; its Third Status Report on April 27, 2001; its Fourth Status Report on October 29, 2001; its Fifth Status Report on May 9, 2002; its Sixth Status Report on October 23, 2002; its Seventh Status Report on April 28, 2003; its Eighth Status Report on November 7, 2003; its Ninth Status Report on May 7, 2004; its Tenth Status Report on November 8, 2004; and its Eleventh Status Report on April 29, 2005. Pursuant to Decree ¶122, this is the Twelfth Status Report seeking to summarize the status of the State’s implementation of the Decree during the six-month period of April 1, 2005, through September 30, 2005.

Significant progress has continued to be made during this six-month period. Essentially, this progress has occurred in the following areas:

FIELD OPERATIONS Consent Decree ¶¶26-39

During this period, the Field Operations Section continued to benefit from sustained efforts to make supervisory ranks more available and accountable.

Indeed for “the third consecutive reporting period, evidence exists that New Jersey State Police supervisors are fully engaged in the consent decree compliance process....” (12th IMT Report, Executive Summary, Supervision). The availability and focus of supervisors at the “first line” level in conjunction with the support and assistance from supervisors up to and including the command staff of the Division have resulted in increased compliance with the proper application of law enforcement actions and procedures by road troopers. Supervisors during this reporting period identified and took some form of substantive action on every error that was subsequently identified by the IMT. “A 100 percent ‘success rate’ for any system as complex as that engaged in by the New Jersey State Police is **truly remarkable.**” (12th IMT Report, Executive Summary, Supervision). It is worth noting that this 100 percent was identified as a “milestone for the State” by the IMT. (12th IMT Report, Executive Summary, Supervision). This quantitative and qualitative oversight is not confined to limited access highways as mandated by the Consent Decree, but also is in place at all general duty road stations. This illustrates the commitment of the NJSP to empower supervisors and troopers to ensure that “best policing” practices are utilized to serve the citizenry.

The Field Training Officer (“**FTO**”) position initiated by the Field Operations Section continues to provide first line supervisors with consistent quantitative and qualitative oversight, training and assistance. With the enhancement of adding assistant FTOs in each Troop, there is a focus and expertise that is available to supervisors in real time. These personnel are well versed in MVR (mobile video recorder) reviews and provide quantitative and qualitative oversight and assistance to all supervisors within their respective Troops. First Line supervisors still bare responsibility for initial reviews, but utilize this cadre of personnel for their expertise. This system exemplifies the efforts of the NJSP to provide the quality assistance to its members with regard to best practices in supervision.

The Field Operations Section views the success of the FTO position as the catalyst for future positions to improve consistently the qualitative work done by Field Operations Section personnel. Troops “D” & “E,” on a trial basis, currently have one Lieutenant each assigned to review and track -- for patterns and consistency -- all “allegations” or “complaints” made against Troopers on the New Jersey Turnpike and Garden State Parkway, respectively. These positions, referred to as “Integrity Officers,” work closely with the FTOs to provide guidance and training, and also serve as the Troop liaison to the internal affairs entity of NJSP, the Office of Professional Standards (“**OPS**”). This coordination provides a system of real time information delivery to Troop and Regional Commanders.

OSPA, through the NJSP component assigned to that office, and its own legal staff, will continue to review all critical incidents and to provide the relevant

training concerning search and seizure and the proper procedures for conducting motor vehicle stop reviews. Since OSPA acts as intermediaries with the IMT and NJSP, the NJSP enlisted members assigned to OSPA are well-versed and prepared in the expectations of the IMT for MVR reviews and are in an optimal position to export that knowledge to NJSP supervisors and reviewers.

MAPPS
Consent Decree ¶¶40-54

The Management Awareness and Personnel Performance System (“**MAPPS**”) has nearly completed its second year of full implementation, which started on January 1, 2004. OSPA continues to monitor system developments, MAPPS Unit audits of feeder systems, and MAPPS policy implementation, as well as offering technical assistance for on-going training on MAPPS review policies and for risk analysis.

The final MAPPS task to obtain Phase I compliance, ¶51, did so in the 11th IMT Report with IMT approval of the NJSP risk management proposal submitted in the fall of 2004. Activities early in the current reporting period resulted in full compliance (Phase II) for all MAPPS tasks in the 12th IMT report.

Critical to receiving Phase II compliance for these tasks was the work of the analytic group Risk Analysis Core Group (“**RACG**”) within the MAPPS Unit. This group is responsible for implementing the details of the risk management proposal. Consistent with the requirements of the proposal, a Risk Management Advisory Panel (chosen on a rotating basis from the pool of majors and lieutenant colonels) was formed to assess the risk issues examined by RACG and to make policy recommendations to the Superintendent. An orientation for the panel took place in the last reporting period and the Panel held its first quarterly meeting in the current period (April).

During the reporting period, a second ¶50 report was drafted and two other meetings of the Risk Management Advisory Panel were held to review a variety of issues. Discussions by the Panel included consideration of changes (to insure input by direct supervisors) to the policy through which members having three misconduct investigations in two years are reviewed by the OPS in accordance with ¶53. Just after the close of the reporting period, a third meeting was held to discuss the first ¶50 report, resulting in a request to determine whether additional data on motor vehicle stops can be obtained to help the analytical process.

The MAPPS Unit continues to pursue additional civilian analysts to address the diverse and extensive materials the analytic group needs to assess. Finally,

MAPPS continues to be routinely used by OPS to help determine appropriate interventions and discipline (§90). In addition, OPS continues to conduct a review of all members having three misconduct investigations in two years (§53) and documents these reviews through the Interventions Module in MAPPS.

OFFICE OF PROFESSIONAL STANDARDS
Consent Decree §§57-92 (Except §§87 and 90)

The paragraphs pertaining to misconduct investigations, analyses, and resolutions (Internal Affairs reforms), specifically paragraphs 57-92 (excluding §§87 and 90) were terminated from the Consent Decree by order of the Honorable Mary L. Cooper, U.S.D.J., dated April 6, 2004. Notwithstanding the termination of these elements from the Consent Decree, 4 NJSP has continued to inculcate the reform initiatives relating to the entire internal affairs process. OSPA will continue to audit and oversee OPS and its internal affairs process. OSPA will continue to review, for investigative sufficiency and adherence to outstanding Standard Operating Procedures that have codified the elements of the Decree, all misconduct investigations relating to disparate treatment, excessive use of force, illegal search and seizure, and domestic violence (critical investigations). The review will use the same measuring instrument previously approved by the IMT to assess compliance with the Decree. Similarly, OSPA will audit other reportable incidents to ensure proper classification, investigative sufficiency and proper disposition.

During this period, OSPA conducted a review of files pursuant to its second audit of OPS from August 16 through 24, 2005. The audit consisted of 100% review of files containing critical allegations and a random sampling of all other files. A review of all OPS classifications of complaints, to ensure that the complaints were properly classified as either performance matters or misconduct investigations, was also completed. The objectives of the investigations audit were to determine whether adequate documentation existed to support the conclusions reached in the OPS files, whether the complaint intake process was effective and impartial, whether the investigation was thorough, and whether there was sufficient supervisory review. Furthermore, the audit measured the effectiveness of the public complaint process by assessing the performance of OPS relative to the goals established by the 1999 Consent Decree and the NJSP Internal Affairs Investigative Manual.

The scope of this audit focused on files closed by OPS from January 1, 2005 through June 30, 2005. Closed files in the audit period totaled 168. Sixty-two (62) complaints, or 37%, of the closed files pertained to the aforementioned critical

areas. The balance of the closed files, 106 complaints, or 63%, pertained to other alleged violations of SOPs and/or provisions of the Rules and Regulations.

This audit has not been finalized at the time of filing this report, however, the preliminary indications are that OPS continues to be in compliance with the internal affairs reforms enunciated in the Consent Decree and incorporated in the operating guide and manual for conducting internal investigations, SOPs, and provisions of the Rules and Regulations.

Regarding ¶87, there is no current backlog of internal affairs investigations, and OPS continued to complete all investigations within the appropriate time period. Although ¶90 pertains to discipline and interventions, since it is dependent on MAPPS, it is discussed in the MAPPS section of this report.

TRAINING Consent Decree ¶¶93-109

The Training Bureau continues to surpass expectations in terms of its development, delivery and evaluation of training within the Division, with superior quality oversight. Recognizing the utility of the 7 Step Training Process, the Academy promotes this cycle as a preferred method for systematic review of all training, not just consent decree related training.

Regarding Pre-Service training, during the relevant time period four new recruit classes attended the Academy (140th-143rd) consisting of 282 candidates. To assist the recruits in making the transition from theory to practice a mock station was built that included a radio system, holding cell, lock-up bench, live scan fingerprint station, evidence and handgun vaults, and CDS/RMS computer system was built. Members of the 139th-143rd recruit classes have taken part in this adult based, experiential style of training. A Trooper's daily activities are replicated, including report writing to record the events of a shift.

Likewise, guard duty scenarios, the precursor to the mock station concept, are still utilized and continue to offer a real time training experience for recruits. To improve this practical exercise, needs assessments were conducted by interviewing Trooper Coaches and FTOs. The results of the assessment revealed the need to incorporate a broader scope of patrol functions into the scenario. To meet the expressed needs, additional scenarios were added to the training to concentrate on post-stop law enforcement actions.

Ensuring delivery of relevant, timely course content, the Pre-Service Unit has also excelled in its overhaul of lesson plans via the 7 Step Training Process of

Best Practices and Return on Investment. The lesson plan update process includes complete review of content, updated lesson plan utilizing FBI Training Keys, consultation with Research and Innovation Unit in the measurement of performance objectives, and most significantly, the integration of core values into lesson plans. These core values – customer service, diversity, ethics, counter terrorism, and community policing – provide unifying concepts and themes for recruits to synthesize and embrace as they begin their transformation from civilians to troopers.

Likewise assisting this transformation is the Recruit Quick Reference Guide. Today's recruit is responsible for processing a myriad of information. To assist them in meeting the Division's Training goals, this Recruit Quick Reference Guide was developed, using the United States Military Academy, West Point Bugle Notes as a Best Practice prototype.

Regarding In-Service Training, highlights include the development of the 2005 integrated In-Service Training and Trooper Coach Program. A "pure" needs assessment for the Search and Seizure component came from a variety of sources, including questions posted directly from troopers on the Search and Seizure Board, issues brought to the attention of the newly created Search and Seizure Committee (chaired by OSPA and including members from the Division of Law ("**DOL**"), the Division of Criminal Justice ("**DCJ**"), and NJSP), queries from "the field" and ever-changing New Jersey case law. The result is an ongoing update of the law. The Cultural Diversity and Ethics components were developed as a result of Action Plans submitted from the 2004 In-Service and from the Lessons Learned database. Trooper Coach also benefitted from this same "pure" needs assessment.

During this period, the Executive Development Training Unit ("**EDTU**") provided leadership training to Division enlisted personnel who are advancing in rank. Separate, rank-specific training for the ranks of sergeant through lieutenant colonel were provided in whole or in part during this period:

- First Line Supervisor's Course (Sergeant) (80 hours)
- Mid-Level Management and Leadership Course (Sergeant First Class) (40 hours)
- Executive Leadership Course for Lieutenants (44 hours)
Delivered the Executive Leadership Course for Lieutenants at Princeton University and Gettysburg, Pennsylvania
- Phase I - Labor Relations/Conflict Negotiation (4 hours)
- Phase II - Organizational Administration-Human Resources, Budget Operations, Fiscal Control and Information Technology (6 hours)

- Phase III - Leadership Development and Self Awareness - Meyers-Briggs Personality Indicator (5 hours)
- Phase IV - Strategic Planning (16 hours)
 - The status of each strategic plan is the subject of review during the Regional Management Accountability Conference sessions
- Phase V - Expectations of Leadership and 360 Assessment (4 hours)
 - The delivery of instructional training for Phase V is broken down in two parts. The first is a lesson entitled “Expectations of Leadership,” and the second lesson is entitled “The Leadership Profile.”

Finally, as always, the qualifications of instructors is of premium importance. The Academy continues to review and update Master Training Lists to ensure all Academy instructors receive relevant training, and upcoming training sessions have been scheduled. Training audits are used to ensure the appropriateness of the training as well as the suitability of the instructor and his/her proficiency in the subject-matter. The Pre Service and Advanced Training Unit Special Projects Squad conducted two Instructor Training Update sessions and one Spanish for Law Enforcement Session. The squad spent a significant amount of time engaged in the development of a revamped two week, hands on Hostage Negotiation School that culminates in an off site, mock hostage negotiation scenario.

OSPA
Consent Decree ¶¶110-114

OSPA has been in operation since September 1999. It continues to audit NJSP stations. OSPA samples motorists who were subject to enforcement actions and procedures. It mails questionnaires to all sampled motorists. From the questionnaires and interviews with some of the sampled motorists, OSPA monitors the professionalism of NJSP during the stop and verifies information collected during the stop. Any improper conduct identified through these audits is forwarded to OPS for investigation. OSPA continues its auditing of OPS complaint intake procedures and of completed investigations, including interviews with a sample of persons after their complaints are finally adjudicated. OSPA has full and unrestricted access to all NJSP staff, facilities and documents necessary to carry out its functions. Pursuant to ¶114, OSPA released the Eleventh Semiannual Public Report of aggregate statistics on NJSP traffic enforcement activities and procedures on June 28, 2005.

As reported in the Eleventh Progress/Status Summary, and in accordance with ¶110, OSPA took on “additional responsibilities as may be assigned by the Attorney General” by conducting follow-up exit interviews of those recruits who

either resigned, received medical separations or who were dismissed by NJSP Academy staff. The request resulted from the NJSP's voluntary assessment of the Academy's pre-service training and their continued interest in providing a program that yields successful NJSP candidates.

Members of OSPA conducted interviews of the former recruits of the 139th class, the 140th/141st classes and continues to do so for the 142nd/143rd. Areas of concern and recommendations expressed by the former recruits of the 139th class and the 140th /141st classes were forwarded to NJSP for action deemed appropriate.

Based on information gleaned from these interviews, OSPA was able to make recommendations regarding the modification of Academy Awareness Day and the mentor program. Preliminary indications are that the recommendations have had a positive impact regarding the decline of attrition rate.

The Pre-Employment Physical Program ("**PEPP**") was lauded by all former recruits who were able to attend. This program not only helps to direct and prepare the applicant for the physical rigors of the Academy, it also allows for the exposure to military drills. Based on this information NJSP is seeking to increase the availability of the PEPP program for applicants.

The overwhelming majority of those interviewed continue to praise NJSP as an organization and view it as the premier law enforcement agency. OSPA will continue to collaborate with NJSP in order to assist in their efforts to develop programs and training that will yield successful NJSP candidates.

OSPA has also continued in its role of administratively prosecuting the disciplinary hearings of troopers who are charged with violations of NJSP Rules and Regulations.

The State continues to be committed to implementing the provisions of the Consent Decree in a time frame that is consistent with the safety of the public and the members of NJSP.

CONCLUSION

The foregoing report has been submitted to summarize the status of the State's implementation of the Consent Decree.

Respectfully submitted,

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