



**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)

**FOURTEENTH 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 14 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; July 12, 2005; December 21, 2005, and June 27, 2006, 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; its Eleventh Status Report on April 29, 2005; its Twelfth Status Report on November 2, 2005; and its Thirteenth Status Report on May 3, 2006. Pursuant to Decree ¶122, this is the Fourteenth Status Report seeking to summarize the status of the State’s implementation of the Decree during the six-month period of April 1, 2006, through September 30, 2006.

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 the fourteenth reporting period, the Field Operations Section and indeed the entire NJSP reaped the benefits of previously established processes and systems that allow for continuous availability and timeliness of information for all supervisors within the Division. This constant real-time information allows supervisors at all levels, most importantly at the first line, not only to identify and take corrective action on issues or concerns, but to a greater degree empowers them to identify quality programs and activities and provide that information for Division-wide implementation. NJSP have adopted a real time self-learning model that is evident in the documented remarks of the IMT. "Field Operations has gone well beyond the requirements of the consent decree, and is now fielding one of the most comprehensive, data-driven, and well documented supervisory systems in American law enforcement. NJSP have fielded supervisory and field operations systems that attain well more than that which was envisioned and required by the decree." (14th IMT Report).

The processes and systems that enabled the IMT to make such a statement are constantly evolving and improving and will serve as a catalyst for NJSP to provide a high quality of service to the citizens they serve.

MAPPS
Consent Decree ¶¶40-54

The Management Awareness and Personnel Performance System ("MAPPS") will complete its third year of full implementation on December 31, 2006. 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.

Several MAPPS enhancements were completed in late August, including a correction for printed reports used to complete the Task 50 Report. Supervisors continued getting experience with the new supervisor Journal capabilities and streamlined navigation facility by trooper badge, implemented earlier in the year. An OSPA audit of misconduct information in MAPPS revealed issues with the way information was linked from the Office of Professional Standards' (OPS) database into MAPPS. The issues required the MAPPS vendor to correct the records.

Critical to receiving continued Phase II compliance for all MAPPS tasks has been the approval by the IMT of the NJSP risk management proposal (fall of 2004) and the ongoing work of the analytic group Risk Analysis Core Group ("RACG") (the group responsible for implementing the details of the risk management

proposal) within the MAPPS Unit. To assess the risk issues examined by RACG and to make policy recommendations to the Superintendent, the Risk Management Advisory Panel (chosen on a rotating basis from the pool of majors and lieutenant colonels) has been created as part of the implementation of the risk management proposal. There were no meetings of the panel during the reporting period. The RACG finished its third ¶50 report (Troop C), which was submitted to the IMT just after the close of the reporting period. The RACG is completing its fourth ¶50 report (Troop D). The Risk Management Advisory Panel meeting on the second (Troop B) ¶50 report in the previous reporting period included a presentation of additional, disaggregated data on vehicle searches compiled by the RACG so that the data could be better understood in terms of the amount and use of trooper discretion involved in these incidents. The context provided by the analysis helped the Panel better understand the findings in the report, and RACG is working with OSPA to prepare similar data for discussion with the Troop D report.

As a result of OSPA audits of the in-depth performance reviews supervisors complete quarterly on members whose motor vehicle stop data differ significantly from their station peers, Field Operations set up a series of sessions that gave supervisors dedicated time to complete the MAPPS reviews, with the expectation of improving their quality. In addition, a presentation at a commanders' meeting highlighted what to look for in giving second level approval to the reviews. These sessions were timed to coincide with the reviews required for the fourth quarter of 2005. The reviews were completed at the end of the previous report period and were subject to another OSPA audit completed in this reporting period. Audits of the first two quarters of 2006 reviews began in this reporting period.

The MAPPS Unit continues to pursue avenues to secure technical and personnel resources to address the diverse and extensive materials the analytic group needs to assess. During this reporting period, an additional civilian analyst was detached from another unit for work with the RACG. Also during the period, a funding source was secured that will help with upgrades of machines, printers, and software for analysts, as well as potentially with programming support for the unit.

Finally, MAPPS continues to be used routinely by the internal affairs office of NJSP, the OPS to help determine appropriate interventions and discipline (¶90). In addition, the 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. Members of the MAPPS Unit attended meetings reviewing this policy during the period, with the goal of better focus by the OPS on the review and streamlined documentation in MAPPS when

no intervention is warranted by the review. The new policy will be incorporated into revised standard operating procedures for the OPS.

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, 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 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 uses the same measuring instrument previously approved by the IMT to assess compliance with the Decree. Similarly, OSPA continues to audit other reportable incidents to ensure proper classification, investigative sufficiency and proper disposition.

During this period, OSPA completed an audit of OPS conducted in September 2006. 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 the complaint intake process was effective and impartial, whether adequate documentation existed to support the conclusions reached in the OPS files, 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 July 1, 2005 through June 30, 2006. Closed files in the audit period totaled 385. One hundred fifty-one (151) complaints, or 39.2%, of the closed files pertained to the aforementioned critical areas. The balance of the closed files, 234 complaints, or 60.8%, pertained to other alleged violations of SOPs and/or provisions of the Rules and Regulations.

OSPA reviewed all 151 critical files and 24 of the 234 non-critical files (10.2%), chosen on a random basis by the OSPA review team. All audited cases received a Level I review, consisting of a complete review of the OPS written file. If the Level I review raised questions or issues in a particular case, then that case was selected for a Level II review, consisting of a Level I audit plus a review of the MVR tape and the audio-taped investigative interviews.

This audit was finalized on October 20, 2006 and found 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. OSPA agreed with all findings and conclusions of the reviewed cases. In addition, the audit revealed only two cases out of 175 in which OSPA noted that OPS did not follow the practices incorporated into its internal affairs manual, for a compliance rate of 99%, well within the 95% compliance rate previously used by the IMT.

Regarding ¶87, there was no backlog of administrative internal affairs investigations during this 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 accomplishments of the Training Bureau have exceeded all expectations.

The Technical Support Unit took a front and center role in many expected and unexpected areas. The Unit, buoyed by an enhanced work atmosphere stemming from office renovations, fulfilled traditional technical support missions in assisting other units in creating databases, programs for record keeping, and web page development. The Unit also applied creative solutions to inventory accountability by entering the make, model and part numbers of all supplies into a Logistics Inventory System to allow for a debit/ credit system for the "Cage." In addition, the Unit helped to implement a tracking system to monitor lesson plan submission and review with OSPA to ensure that all lesson plans are consistent and reflect accurate statements of the law. The Unit also assisted with In-Service data analysis and demonstrated what the future of computer-based training will look like in Geo Learning ("E-Learning"). Accomplishments in the E-Learning forum included the training of NJSP civilians and E-Learning for recruits. The Unit worked with the In-Service Unit on the automatization of all Trooper-Coach documentation. The project will speed delivery of needed remediation and more accurately memorialize the training provided. Significant improvements in this

regard include the creation of an Alert System tied to the E-daily system which ensures that reports are completed in a timely manner, increasing accountability by supervisors, and the immediate identification of deficiencies. A formalized supervisory conference, that will be audiotaped, is also among the featured changes to the Trooper-Coach program that were facilitated through In-Service and Technical Support Unit.

Focus is high on recruit training and helping recruits acclimate to their new roles. Recruits in the 144th and 145th Classes were issued laptops and E-learning identification numbers which allowed them to take the eight hour course, "State Police Academy," at night and on the weekends. The initiative allowed recruits to graduate one day earlier. In addition, the "Commandants' Review" course was taken by 110 recruits and family members. This course allowed family members to get an unprecedented view into a day in the life of the NJSP recruit. Even prior to commencing formal training at the Academy, a recruit is offered several glimpses at life at the Academy. In October 2005, the Academy offered its twelve-week Pre-employment Preparation Program ("PEPP") to educate applicants on a wide variety of training topics to include academics, physical training, military drill and water safety. A week prior to formal Academy training the recruit attended Academy Awareness Weekend (held January 27-28, 2006) to further orient them to the rigors of training. During the relevant time period the 144th and 145th Classes graduated. These Classes were the first to benefit from the Intelligence-Led Policing concept, based on improved intelligence operations and community-based policing, embraced by the Division. The concept was integrated into the overall curriculum and specific blocks of instruction given, culminating with a scenario-based training day. This training day featured six scenarios utilizing members who have particular expertise in the Intelligence realm.

Of notable success has been the hand-in-hand efforts of the instructors developing curriculum with the Research and Innovation Unit to refine measurements of the performance objectives of that instruction. The primary example of that interplay is the development of the 2006 Integrated In-Service. Lessons learned from the 2005 In-Service Program highlighted areas for improvement and data from various other sources – including surveys, MAPPS, focus groups, reports, new case law, Attorney General training requirements, and questions submitted to field training officers and bulletin boards – formed the basis for needs assessment. The planned 2006 In-Service earned the moniker "Integrated" because at its core, it was developed as a collaboration, and will be delivered with the common theme and focus of Intelligence-Led Policing, and its emphasis on providing the member with decision-making tools, throughout. The Search and Seizure portion of the In-Service, featuring actual MVR tapes and scenario based learning, is augmented by a Search and Seizure Manual for

members to keep. Analysis of this year's In-Service will be conducted using Metrics That Matter (MTM), a cutting edge learning analytics technology recently adapted by the Research and Innovation Unit, for data collection, management and measurement.

The Executive Development Training Unit (EDTU) continues to oversee the advancement of professional skills and competencies among senior NJSP leaders. 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)
- Mid-Level Management and Leadership Course (Sergeant First Class)
- Executive Leadership Course for Lieutenants
Delivered the Executive Leadership Course for Lieutenants at Princeton University
- Phase I – Labor Relations/Conflict Negotiation
- Phase II – Organizational Administration-Human Resources, Budget Operations, Fiscal Control and Information Technology
- Phase III – Leadership Development and Self Awareness – Meyers-Briggs Personality Indicator
- Phase IV – Strategic Planning
(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

In addition, a new outreach class, the Basic Supervisory Course for Sergeants, was offered to visiting agencies. The EDTU developed this stand-alone, 40-hour training program, which was marketed based on the best practices within EDTU training programs, as well as external best practices. Finally, as a special request by the Director of the Office of Forensic Science, EDTU delivered a four-hour leadership block to front-line supervisors within their command.

The qualifications of instructors remain 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. Recruiting efforts are also in place to ensure diversity of instructors and the recruitment of instructors with unique specialties that would be an asset to the Academy.

The Self-Defense program was updated and instructors received certification from the Defense Systems Institute on self-defense tactics that were incorporated into the physical training program. Additionally, revisions to SOP C-20, Physical Fitness Program, established a consistent policy for monitoring of all PT testing (PEPP participants, Academy recruits, enlisted members). This policy included the oversight of a commissioned officer at each event, monitoring the counting and timing by the instructors to ensure quality.

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 information received from the responding 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 Thirteenth Semiannual Public Report of aggregate statistics on NJSP traffic enforcement activities and procedures on July 10, 2006.

There is a new Acting Director of OSPA. The office currently has three attorneys, including the Acting Director.

Due to some issues that were brought to OSPA's attention during the latest independent monitors' visit, OSPA will return to the practice of having our attorneys go out with other personnel to review some of the critical incidents. Critical incidents are consent searches, canine deployments and use of force incidents.

As stated in other areas of this report, OSPA has continued in its role as the auditor of OPS and in assisting Field Operations and the Academy with guidance in the areas of the Consent Decree, search and seizure and equal protection. 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. OSPA continued to assist NJSP in disciplinary matter risk management. Significant administrative victories included disciplinary matters involving procedural as well as substantive issues.

The State continues to be committed to implementing the provisions of the Consent Decree 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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By: s/ _____
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