



**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)

**FIFTEENTH 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 entered into a Consent Decree in Civil No. 99-5970 (MLC). The Consent Decree (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 Decree on December 30, 1999. An order appointing the Independent Monitoring Team (IMT) was signed by Judge Cooper May 12, 2000. Pursuant to ¶121 of the Decree, the IMT has filed 15 reports assessing the levels of State compliance with the requirements of the Decree.¹

Pursuant to ¶110 of the Decree, the Office of State Police Affairs (OSPA) was created and placed in the Office of the New Jersey Attorney General. OSPA is tasked with the responsibility to ensure implementation of the terms of the Decree and to coordinate the efforts of the Attorney General with the IMT and the United States concerning matters of the New Jersey State Police (NJSP). Pursuant to ¶122 of the Decree, OSPA, on behalf of the State, submits this periodic status report delineating steps taken to comply with the Decree.

The State submitted its First Status Report on April 27, 2000. Subsequent reports have followed on a semi-annual basis.² This document, which represents the Fifteenth Status Report, summarizes the status of the State's implementation of the Decree during the six-month period of October 1, 2006, through March 31, 2007.

Progress concerning the implementation of the Decree continued during this six-month period and is summarized in subsequent sections of this report.

¹ The IMT has filed reports with the Court on October 6, 2000; January 10, April 12 and July 17, 2001; January 18 and July 19, 2002; January 17 and August 21, 2003; January 23, July 16, and December 20, 2004; July 12 and December 21, 2005; June 27, 2006; and January 19, 2007.

² Following its first report, subsequent reports have been filed on October 27, 2000; April 27 and October 29, 2001; May 9 and October 23, 2002; April 28 and November 7, 2003; May 7 and November 8, 2004; April 29 and November 2, 2005; and May 3 and October 27, 2006.

FIELD OPERATIONS
Consent Decree ¶¶26-39

During the fifteenth reporting period, the Field Operations Section and indeed NJSP in its entirety continue to implement previously established processes and systems that allow for the continuous availability of timely information for all supervisors within NJSP. Timely information allows supervisors at all levels, most importantly those with responsibility for first-line supervision, to identify and take corrective action on issues or concerns at the earliest possible time. Timely information further allows supervisors to identify quality programs and activities and disseminate that information for implementation throughout NJSP.

In addition, as noted by the IMT in its Fifteenth Report, the Field Operations Section has not only implemented the requirements of the Decree, but has moved well beyond the requirements of the Decree and has established "one of the most comprehensive, data-driven, and well documented supervisory systems in American law enforcement." The IMT also noted that supervisors "are fully engaged in the consent decree compliance process...".

The IMT further noted in the same report that supervisory activities within Field Operations Section was exceptional and had the effect of reducing error rates for some of the most complex trooper-citizen interactions, e.g., consent searches, arrests, detentions, frisks and searches of persons and vehicles, to near zero. In addition, supervisory presence during motor vehicle stops rose to new highs with supervisors present at fully sixty-one percent of all reviewed stops. The IMT also concluded that trooper-citizen interactions reviewed by the monitors "to be professionally conducted, and to be free of indicators of race- or ethnicity-based decision making."

The processes and systems that led the IMT to its conclusions 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) completed its third year of full implementation on December 31, 2006. OSPA continues to monitor the implementation of MAPPS including audits of management systems that provide data to MAPPS and MAPPS policy implementation. In addition, OSPA offers technical assistance to NJSP with respect to training on MAPPS review policies and for risk analysis.

During this reporting period, there were no major enhancements to MAPPS. However, two issues arose that required MAPPS post-stop interaction data be updated. A programming change affecting the aggregation of use-of-force information was made in March of 2005, but was not reflected in the way the data were transferred to the MAPPS system from the source data in the NJSP Records Management System (RMS). The programming was corrected in January for MAPPS records going forward; historical records were updated in February. The second issue concerned the documentation and aggregation of stops that did not involve a non-consensual vehicle search, but had other post-stop interaction. This issue came to light after a 2006 New Jersey Supreme Court ruling (*State v. Eckel*, 185 N.J. 523 (2006)) necessitated changing an NJSP policy that required vehicle searches after an arrest. The revised policy increased the number of incidents having post-stop interaction that did not involve non-consensual vehicle searches. The 2006 vehicle search data were corrected by changes to the RMS and MAPPS protocols.

Critical to continued Phase II compliance for all MAPPS tasks, especially ¶50 and ¶51, has been the approval by the IMT of the NJSP risk management proposal initially put forth in the fall of 2004 and the ongoing work of the Risk Analysis Core Group (RACG). The RACG is responsible for implementing the details of the previously noted risk management proposal within the MAPPS Unit. To examine the risk issues identified by the RACG and to make policy recommendations to the Superintendent, a Risk Management Advisory Panel (Panel) was created. The Panel, chosen on a rotating basis from the pool of majors and lieutenant colonels, did not meet during the last reporting period. The absence of meetings of the Panel together with the failure of the RACG to complete its fourth ¶50 report (Troop D) resulted in the State being placed on "warning" for ¶50 and ¶51 in the last IMT report. Compliance for these tasks will be lost in the next IMT report if the process for completing the ¶50 reports and its discussion by the Panel is not brought back on schedule by April 30, 2007.

The ¶50 report for Troop D was completed in December of 2006. The Panel meeting on the Troop C and Troop D ¶50 reports was held in January of this year. Similar to the Panel meeting on the Troop B report last year, the RACG worked with OSPA to include a presentation of additional, disaggregated data on Troop D 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. OSPA additionally presented data coded from patrol logs for one station that addressed more specific patterns with regard to reasons for stops. A follow-up Panel meeting on extended analyses for Troop D was held by the end of the reporting period. The RACG is on schedule to complete the fifth ¶50 report (Troop E) and related detailed additional search analysis for presentation to the Panel by the end of April. NJSP revised its policy on scheduling Panel meetings so that their schedule is known for the whole year,

minimizing the risk of missing future quarterly meetings. A schedule for pulling data for the next several ¶50 reports was also developed.

As a result of comments made in the last IMT report, the efforts of the MAPPS Unit to secure additional technical and personnel resources to address the expanding needs of the RACG took on more urgency. Two additional enlisted analysts were identified and transferred into the MAPPS Unit at the end of the reporting period. Due to state budgetary constraints, an additional civilian analyst must be drawn from the State workforce. The final selection of an additional civilian analyst is expected early in the next reporting period. Also, while a funding source was identified in the previous status report to assist with the purchase of technical resources and programming support for the MAPPS unit, state contractual issues have hampered the hiring of programming consultants. The purchasing of the equipment and software is in progress.

OSPA audits the in-depth performance reviews supervisors complete quarterly on members whose motor vehicle stop data differ significantly from their station peers. The audits of the first two quarters of 2006 continued during this reporting period. Potential issues identified by during the audits were discussed with the RACG.

Finally, MAPPS continues to be used routinely by the Office of Professional Standards (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). These reviews are documented in MAPPS.

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

Those paragraphs of the Consent Decree pertaining to the investigation and resolution of complaints of misconduct (Internal Affairs reforms), specifically ¶¶ 57-92 (excluding ¶¶87 and 90), were terminated by order of the Honorable Mary L. Cooper, U.S.D.J., in April of 2004. Notwithstanding the termination of ¶¶ 57-92, NJSP has continued to implement the reform initiatives governing the internal affairs process. Furthermore, OSPA continues to audit OPS and its implementation of the internal affairs process. OSPA will also continue to examine the following incidents for compliance with requirements set forth by the Decree and standard operating procedures adopted by NJSP: 1) all misconduct investigations relating to disparate treatment; 2) all complaints of excessive force; 3) all complaints of illegal search and seizure; and 4) all reports of domestic violence, i.e. 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 appropriate disposition.

During this period, OSPA completed an audit of OPS with respect to the issues outlined above. The audit consisted of a complete review of all critical investigations and a random sampling of all other investigations. A further review of all complaints was conducted to determine whether OPS accurately distinguished between matters properly addressed by a supervisor and matters requiring an investigation for misconduct. The purpose of the audit was to determine whether the complaint intake process was effective and impartial. The audit further examined whether each complaint was thoroughly investigated, whether there was adequate supervisory review throughout the investigation, and whether adequate documentation existed to support the conclusions reached at the end of the investigation. 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 audit encompassed files closed by OPS between July 1, 2006 and December 31, 2006. Closed misconduct files in the audit period totaled one hundred seventy-nine (179). Seventy-three (73) of the closed files were critical investigations. The remaining files pertained to other disciplinary matters.

OSPA reviewed all seventy-three (73) critical investigations and thirteen (13) of the remaining investigations chosen on a random basis. All audited investigations cases received a Level I review that consisted of a complete examination of the written file. If the Level I review raised questions or issues, the investigation proceeded to Level II review that consisted of an examination of the mobile video recorder (MVR) tape and taped interviews.

The audit determined that OPS continues to be in compliance with the internal affairs reforms set forth by the Consent Decree, the NJSP Internal Affairs Investigative Manual and all relevant standard operating procedures and rules and regulations adopted by NJSP for the performance of internal affairs investigations. In addition, the audit revealed only one case out of one hundred seventy-nine (179) in which OPS did not follow the practices incorporated into its internal affairs manual. This translates into a compliance rate of ninety-nine (99) percent, well within the ninety-five (95) percent compliance rate previously used by the IMT. In addition, the audit determined that there was no backlog of administrative investigations during the period. Please note that ¶90, which pertains to discipline and interventions, is discussed in the MAPPS section of this report.

TRAINING
Consent Decree ¶¶93-109

The Training Bureau continues to strive for educational excellence in law enforcement training. Consistent with the idea that continual re-evaluation brings positive transformational change to an organization, the Training Bureau undertook many efforts towards that end; most significantly, internal structural reorganization and compliance with external CALEA (Commission on Accreditation for Law Enforcement Agencies) standards.

When being monitored by an outside agency, the confidence of an organization in its policies and performance is often demonstrated in its degree of openness and transparency with the examiners. An example is the decision of NJSP to seek CALEA accreditation. The Training Bureau plays an integral role in the effort achieve accreditation. Changes in protocol and standard operating procedures throughout the organization necessitated by the accreditation process must pass through the Training Bureau because all standards must be incorporated into lesson plans and training.

In fall 2006, the Integrated In-Service program was delivered to 3,010 enlisted members. The program was improved using feedback from the prior year's program. In addition, the Training Bureau looked closely at the structure of the bureau and determined that reorganization was needed to even the span of control and equalize the workload across the bureau units. One unit (Pre-Service) had almost 30 members, while other units (Executive Development and Firearms) had only three or four members. In addition, some units had sergeants with no one to supervise while other units had many members with minimal supervision. The reorganization created a more meaningful chain of command and units with workloads manageable with their allotted personnel. This reorganization went hand in hand with In-Service's complete revision of S.O.P. C25 which governs training throughout NJSP. The revised S.O.P. more succinctly delineated specific duties and responsibilities of all Division entities responsible for recommending training or providing training. The revised S.O.P. also more formally incorporated the efficient lesson plan review process, which was implemented earlier in 2006. The reorganization and together with the revision of S.O.P. C25 has contributed to clarifying roles and responsibilities within the Training Bureau.

More re-evaluations occurred in January 2007, right before the arrival of the 146th and 147th recruit classes. With the assistance of a deputy attorney general from OSPA, the Training Bureau undertook a comprehensive lesson plan review which ensured that the case law in all lesson plans were updated and that the Seven-Step Training Cycle was firmly in place. The Bureau elicited feedback from lesson critiques and received feedback from units assigned newly graduated recruits to critically restructure the 25-week training schedule for the incoming classes. The restructuring included the addition of classes and the deletion of

redundant lesson plans. In-service members also benefited from the restructuring in that it was determined there was a strong need for in-service motor vehicle driver training as a refresher to the instruction received during basic training. (The program is currently in development.) In addition, to more effectively instruct the recruits and test their comprehension of the subject matter, the instructor ratio was also increased. During arrest problem scenarios, an instructor from the discipline or subject matter being assessed and an instructor from Basic Police Practice and Procedures were present. This is an example of the Training Bureau working to ensure a comprehensive curriculum.

In addition, the Training Bureau developed a new 8-hour training course for Academy Instructors. The course will provide instruction to all present and newly assigned instructors to ensure universal incorporation of principled, best practices by all academy instructors into their daily interaction with recruits, regardless of particular setting, i.e., classroom, physical training, military drill, etc.

During the relevant time period, the corporate Managerial Development Unit (formerly known as the Executive Development Unit) delivered the following courses: Front Line Supervision, Mid-Level Management and Leadership for the SFC, the Executive Leadership Course for Lieutenants, Phase I – Labor Relations/Conflict Resolution, Phase II – Organizational Administration, among others. The Firearms and Self-Defense Training Unit conducted a block of instruction at the 2006 Integrated In-Service program and delivered several courses throughout the relevant time period, including the Advanced Firearms Course, Firearms Instructor Course, T.E.A.M.S. specialty courses, and self-defense technique courses (i.e., Krav Maga, Monadnock, etc.).

Lastly, the Training Support Unit, which provides logistical and technological support to the Training Bureau, continued to contribute to the goals of the bureau. The unit undertook refinement of the lesson plan database and tracking system in addition to its routine duties of ensuring that basic and in-service training programs are fully supported by the resources available to NJSP.

OFFICE OF STATE POLICE AFFAIRS

The Office of State Police Affairs (OSPA) was established in September of 1999 to assist with the implementation of the Consent Decree. In addition to the responsibilities noted elsewhere in this report, OPSA also engages in the activities set forth below.

OSPA undertakes a survey with a random sampling of motorists who were subject to enforcement action by a member of the NJSP. The survey is accomplished by means of a questionnaire that all sampled motorists receive by mail. From the responses to the questionnaires, OPSA evaluates the

professionalism of the member or members who initiated the enforcement action. OSPA also utilizes the information contained in the responses to verify information collected by NJSP. Allegations of improper conduct that are identified from responses are forwarded to OPS for investigation.

OSPA continues to audit the complaint intake process utilized by OPS to ensure that complaints are properly docketed and referred for investigation. OSPA also audits completed investigations to determine whether complaints of misconduct are being properly resolved. In the event that OSPA is contacted by a complainant who is unhappy with the conclusion reached by OPS, OSPA will conduct a specific review of that case. OSPA has full and unrestricted access to all NJSP staff, facilities and documents necessary to carry out these duties.

Pursuant to ¶114, OSPA released the Fourteenth Semiannual Public Report of aggregate statistics on NJSP traffic enforcement activities and procedures on December 28, 2006. A supplemental report was subsequently issued to clarify some the statistics contained in the initial report. Both documents are available via the internet.

During the reporting period, OSPA provided an enhanced review of critical incidents brought to its attention. Critical incidents are defined as consent searches, canine deployments and use of force incidents. Enhanced review included a legal review of the incident at the earliest possible time by attorneys assigned to OSPA.

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 Training Bureau with guidance in the areas of the Decree regarding search and seizure and equal protection. OSPA also has continued in its role of administratively prosecuting the disciplinary hearings of troopers who are charged with violations of NJSP Rules and Regulations. OSPA further continued to assist NJSP in risk management matters concerning discipline.

The State continues to be committed to implementing the provisions of the Decree consistent with the safety of the public and the best interests 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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Dated: