

Monitors' Tenth Report

Long-term Compliance Audit
Civil Number 99-5970(MLC)

In the
United States District Court,
for the District of New Jersey

United States Department of Justice
Civil Rights Division

State of New Jersey

Submitted by:

Public Management Resources
San Antonio, Texas
and
Lite, DePalma, Greenberg and Rivas
Newark, New Jersey

July 16, 2004

Table of Contents

| Topic | Page No. |
|--|-----------------|
| Executive Summary | v |
| 1 Introduction | 1 |
| 1.1 Overall Status Assessment | 1 |
| 1.2 Format for Compliance Assessment | 1 |
| 1.3 Compliance Assessment Processes | 2 |
| 1.4 Flow of the Monitoring Process | 4 |
| 1.5 Progress toward Compliance | 4 |
| 2 Assessment of Compliance | 6 |
| 2.1 Methodology | 6 |
| 2.2 Compliance with Task 26: Prohibition from Using Race-Ethnicity in Decision Making | 6 |
| 2.3 Compliance with Task 27: Monitor and Evaluate Implementation of the Motor Vehicle Stop Criteria | 12 |
| 2.4 Compliance with Task 28: Request for Consent to Search only upon Reasonable Suspicion | 15 |
| 2.5 Compliance with Task 29a: Recording Requirements for Motor Vehicle Stops | 17 |
| 2.6 Compliance with Task 30: Communications Center Call-Ins | 25 |
| 2.7 Compliance with Task 31: Reporting Consent to Search Requests | 31 |
| 2.8 Compliance with Task 32: Recording and Reporting of Non-Consensual Searches | 34 |
| 2.9 Compliance with Task 33: Recording and Reporting Deployment of Drug Detection Canines | 35 |
| 2.10 Compliance with Task 34a: Use of Mobile Video Recording Equipment | 36 |
| 2.11 Compliance with Task 34b-c: Training in MVR Operation and Procedures | 37 |
| 2.12 Compliance with Task 35: Supervisory Review of Trooper Reports | 39 |
| 2.13 Compliance with Task 36: Supervisory Review of MVR Tapes | 41 |
| 2.14 Compliance with Task 37: Supervisory Referral to PSB of Observed Inappropriate Trooper Conduct | 42 |
| 2.15 Compliance with Task 38: Periodic Reviews of Referral Decisions | 43 |
| 2.16 Compliance with Task 39: Regular Supervisory Activity in the Field | 44 |
| 2.17 Compliance with Task 40: Development of a Management Awareness and Personnel Performance System | 46 |
| 2.18 Compliance with Task 41: Data Included in the MAPS System | 47 |
| 2.19 Compliance with Task 42: Annual Access to Troopers' Personal MAPPS Data | 48 |
| 2.20 Compliance with Task 43: Production of "Counts" | 49 |
| 2.21 Compliance with Task 44: Common Control Numbers | 50 |

| | | |
|------|--|-----|
| 2.22 | Compliance with Task 45: Timely Access to MAPPS | 51 |
| 2.23 | Compliance with Task 46: Development of a MAPPS Plan | 52 |
| 2.24 | Compliance with Task 47: Supervisory and Management Reviews | 53 |
| 2.25 | Compliance with Task 48: Quarterly Reviews of MAPPS Data | 53 |
| 2.26 | Compliance with Task 49: Reporting Capabilities of MAPPS | 54 |
| 2.27 | Compliance with Task 50: Comparisons Using Benchmarks | 55 |
| 2.28 | Compliance with Task 51: Analysis of Trends | 56 |
| 2.29 | Compliance with Task 52: Supervisors to Implement Necessary Changes | 57 |
| 2.30 | Compliance with Task 53: Supervisory Review of Troopers with More than Two Misconduct Investigations in Two Years | 58 |
| 2.31 | Compliance with Task 54: Drivers Survey of the New Jersey Turnpike | 58 |
| 2.32 | Office of Professional Standards Requirements | 59 |
| 2.33 | Training Assessment | 60 |
| 2.34 | Compliance with Task 93: Development and Evaluation of Quality of Training Programs | 60 |
| 2.35 | Compliance with Task 97: Encourage Superior Troopers to Apply for Academy | 65 |
| 2.36 | Compliance with Task 98: Formal Eligibility Criteria for Training Personnel | 67 |
| 2.37 | Compliance with Task 99: Training for Academy Instructors | 69 |
| 2.38 | Compliance with Task 100: Training in Cultural Diversity | 73 |
| 2.39 | Compliance with Task 101: Recruit and In-Service Training on Fourth Amendment Requirements | 77 |
| 2.40 | Compliance with Task 102: Training Protocols for the Trooper Coach Process | 80 |
| 2.41 | Compliance with Task 103: Provision of Copies of the Decree to all State Troopers | 82 |
| 2.42 | Compliance with Task 104: Systems Improvement Processes for Police Training | 83 |
| 2.43 | Compliance with Task 105: Provision of Training for Supervisors | 84 |
| 2.44 | Compliance with Task 106: Training for Newly Promoted State Troopers | 90 |
| 2.45 | Compliance with Task 107: Provision of Specialized Training | 94 |
| 2.46 | Compliance with Task 108: Inclusion of Training Data in MAPPS0 Program | 95 |
| 2.47 | Compliance with Task 109: Establishment of a Central Repository for Training Records | 97 |
| 2.48 | Compliance with Task 110: Creation of the Office of State Police Affairs | 100 |
| 2.49 | Compliance with Task 111: Audits of Motorists Subjected to Motor Vehicle Stops | 102 |
| 2.50 | Compliance with Task 112: Internal Audits of Citizen Complaint Processes | 102 |
| 2.51 | Compliance with Task 113: Full and Unrestricted Access for | |

| | | |
|------|---|-----|
| | the Office of State Police Affairs | 103 |
| 2.52 | Compliance with Task 114: Publication of Semi-Annual Reports of Aggregate Traffic Stop Statistics | 104 |
| 2.53 | Compliance with Task 115: Appointment of Independent Monitor | 105 |
| 2.54 | Compliance with Task 118: Full and Unrestricted Access for Monitor | 106 |
| 2.55 | Compliance with Task 122: State to File Routine Progress Reports | 107 |
| 2.56 | Compliance with Task 123: State to Maintain all Necessary Records | 108 |
| 2.57 | Compliance with Task 124: Unrestricted Access for the Department of Justice | 109 |
| 3.0 | Executive Summary | 111 |

1 Executive Summary

During the last reporting period, the State has made remarkable progress toward compliance in several areas, including training; supervision; Development of a MAPPS performance management system; and inspections, audit and quality control. Compliance levels have been improved substantially in training, supervision, MAPPS and quality control. These new compliance levels appear to be directly attributable to a focused and clear leadership mandate, emanating from the Office of the Superintendent, placing compliance efforts among the top goals of the agency. Continued cooperation with, and support from the Office of State Police Affairs has focused the State's compliance efforts, with remarkable effects observed this reporting period. Each of these areas is discussed briefly below.

1.1 Training

A dramatic and remarkable improvement in training function implementation has been noted during this reporting period. Following on the substantial increases in staffing levels noted last period, the Academy has tasked those staff with specific planning, organization and development functions. Improvements in virtually all areas of the training function were noted this period. In fact, the Academy has attained compliance in all but two specific areas this period. Executive training and evaluation of the impact of training are the only two remaining areas resulting in non-compliance at the Academy. This period, the monitors noted continuing improvement in staffing, training for instructional personnel, training curriculum development, trooper coach training, decree mandated training, systems improvement processes for training, supervisory training, promotional training, leadership training, and training documentation. The monitors find the focus, attention to detail, commitment of resources and results achieved by the Academy this period to be exceptional. They reflect a strong commitment to and interest in the training function by the Superintendent of the New Jersey State Police. Only two processes stand between the Academy and full compliance—finalization, implementation and evaluation of training for captains and above; and, finally, implementation and use of methodologies for evaluating the impact of training in the field.

1.2 Supervision and Field Operations

As dramatic as the positive changes have been at the Training Academy this period, the changes made in the *process* and *outcome* of supervision of troopers within the New Jersey State Police has been even more remarkable. For the first time in four years, evidence exists that New Jersey State Police supervisors are fully engaged in the consent decree compliance process, reviewing 161 of the 207 motor vehicle stop events reviewed by the monitors. This 78 percent

supervisory review rate yielded 125 instances in which New Jersey State Police supervisory personnel noted violations of New Jersey State Police SOPs and counseled, retrained or otherwise responded to those violations. Not all of these 125 instances were consent-decree related; however, it is clear that the New Jersey State Police have engaged supervisory personnel in their attempts to ensure compliance with the decree. Command staff in field operations have committed to a supervisory review of all incidents involving a law enforcement procedure of interest to the decree. While that goal has not been attained, the agency is well along its way to the goal.

The New Jersey State Police now subject each motor vehicle stop to at least three levels of review. Immediate supervisors (the real key to compliance) review motor vehicle stop reports and supporting documentation and video tapes for all motor vehicle stops of interest to the decree. New Jersey State Police quality assurance reviews subject the supervisory reviews to quality assurance assessments. The Office of State Police Affairs also reviews stop activities. These new supervisory initiatives, again, are reflective of a strong commitment to and interest in the supervisory function by the New Jersey State Police, to a level heretofore not observed by the monitoring team. Minor fine tuning of supervisory processes could bring the State into full compliance in the Field Operations tasks outlined by the decree. As of this reporting period, the State remains out of compliance with only two of twenty Field Operations-related tasks, both related to supervision, and thus of substantial importance.

For the first time, the State has been found in compliance with one of the more critical tasks of the consent decree, Task 27, which relates to field operations activities. The monitors have found, for the first time, that all consent requests, uses of force, and canine deployments were conducted in accordance with the U.S. Constitution, and all but one of the 177 non-consensual searches met constitutional requirements. Once again, the IMT has found no evidence that the New Jersey State Police have engaged in racial profiling during this review period. This marked change in performance is, in the opinions of the monitors, directly attributed to the current leadership within the Division of State Police and the Department of Law and Public Safety as well as the improved performance of New Jersey State Police supervisors.

1.3 MAPPS Development

Strong progress continues to be made with the MAPPS information system. The system can be used to review trooper and supervisory performance, compare trooper performance to other members of the trooper's workgroup, and to compare performance across work groups. Work continues on establishing appropriate benchmark integration into the MAPPS system. Supporting SOPs and training for operation of MAPPS have been developed and approved by the

monitors, and forwarded to the field personnel using the system. MAPPS is beginning to be used in performance evaluations and positive disciplinary processes, such as verbal counselings, performance notices, and retraining. The monitors reviewed the operational MAPPs database, and found it to contain active data from January 1, 2004. No errors or violations of approved MAPPs policies were noted. Only three factors stand between the State and full compliance in MAPPs: implementation of a benchmarking standard and implementation of long-term trend analysis.

1.4 Inspections, Audit and Quality Control

Inspections and Audit personnel from Field Operations and the Office of State Police Affairs continue to review MVSR and MVR elements for conformance to the requirements of the consent decree. As noted above, the quality control process has yielded remarkable improvements this period.

Independent Monitors' Tenth Report Period Ending March 31, 2004

1 Introduction

This document represents the tenth "Independent Monitors' Report" (IMR) assessing the levels of compliance of the State of New Jersey (the State) with the requirements of a consent decree (decree) entered into between the State and the United States Department of Justice on December 30, 1999. This document reflects the findings of the monitoring team regarding compliance monitoring for the period October 1, 2003 through March 31, 2004. In order to complete the report in a timely fashion, monitoring activities were accomplished during the period May 17, 2004 through May 22, 2004.

The report is organized into three sections, identified below:

- Introduction;
- Compliance Assessment; and
- Summary.

The methodology employed by the monitors in developing the report, definitions used by the monitors, key dates for the monitoring process, and operational definitions of "compliance" are described in Section One of the report. Section Two of the report, "Compliance Assessment," includes the findings of the monitoring process implemented by the monitors and specific examples of compliance and non-compliance observed during the monitoring process. Section Three of the report, "Summary," provides an overall assessment of the State's performance for this reporting period.

1.1 Overall Status Assessment

Two specific dates accrue to deliverables for the decree: the date of entry of the decree (December 30, 1999), which times deliverables of the State, and the date of appointments of the independent monitors (March 30, 2000), which times deliverables for the compliance monitoring process.

1.2 Format for Compliance Assessment

The IMR is organized to be congruent with the structure of the consent decree. It reports on the State's compliance using the individual requirements of the decree. For example, the first section, the compliance assessment, deals with the requirements, in paragraph 26 of the decree, relating to a specific prohibition against using "to any degree the race or national or ethnic origin of civilian drivers or passengers in deciding which vehicles to subject to any motor vehicle stop" (Decree at para 26). The following

components of the decree are treated similarly. Compliance is classified as "Phase I," and "Phase II," with the definitions specified in Section 1.4, below.

1.3 Compliance Assessment Processes

1.3.1 Structure of the Task Assessment Process

Members of the monitoring team have collected data on-site and have been provided data, pursuant to specific requests, by the New Jersey State Police and the Office of State Police Affairs. All data collected were of one of two types. They were either collected by:

- Selection of a random or stratified random sample;
- Selection of all available records of that type.

Under no circumstances were the data selected by the monitoring team based on provision of records of preference by personnel from the New Jersey State Police or the Office of State Police Affairs. In every instance of selection of random samples, personnel or Office of State Police Affairs personnel were provided lists requesting specific data, or the samples were drawn directly by the monitors or by the monitoring team while on-site.

The performance of the New Jersey State Police on each task outlined in the consent decree was assessed by the monitoring team during the period ending March 31, 2004. The tenth independent monitors' report was submitted to the court during the month of July, 2004.

All determinations of status for the New Jersey State Police are data based, and were formed by a review of the following types of documents:

- Official New Jersey State Police documents prepared in the normal course of business¹; and/or
- Electronic documents prepared by the State or components of state government during the normal course of business.

1.3.2 Operational Definition of Compliance

¹ For example, members of the monitoring team would not accept for review as documentation of compliance "special reports" prepared by state personnel describing their activities relating to a specific task. Instead, the monitoring team would review records created during the delivery or performance of that task.

For the purposes of this monitoring process, "compliance" consists of two components: Phase I compliance and Phase II compliance. Phase I compliance is viewed as the administrative piece of compliance. It entails the creation of policy, procedure, rule, regulation, directive or command to "comply" as required by the text of the decree. Phase II compliance deals with the implementation of a specific policy and requires that the policy must, by matter of evidence, be followed in day-to-day operations of the New Jersey State Police. It may entail the provision of training, supervision, audit, inspection, and discipline to achieve the implementation of a specific policy as designed. In commenting on the State's progress (or lack thereof) in achieving Phase II compliance for a specific task, the monitoring team may comment upon the efficacy of training, supervision, audit, inspection and discipline as applicable to that task.

Compliance levels for this monitoring process are reported both through a narrative description and a graphic description. The narrative describes the nature of the task requirement being assessed, a description of the methodology used to assess the task, and a statement of compliance status. It is critical to note, however, that a finding of non-compliance does not mean the State is engaging in inappropriate behavior. It simply means the State has not yet completed its efforts toward compliance. The graphic description depicts compliance status using a standard bar graph to indicate status in each compliance area. Each graphic consists of four segments, depicted below. The first segment depicts each reporting period (four quarterly reports for the first year and two reports for each following year). The second segment depicts the time allowed by the consent decree to complete the particular task. This time period is represented by the solid, dark blue bar . The third and fourth segments represent the time required to complete the task, and to achieve Phase I or Phase II compliance. A vertically patterned light blue bar  indicates that compliance was achieved in the time allotted. A diagonally patterned yellow bar  indicates that compliance was achieved at a later date than originally allocated in the decree, but that the delay, in the opinion of the monitors, does not seriously affect the State's eventual compliance with the decree. A horizontally patterned orange bar  indicates that compliance was achieved at a later date than originally allocated in the decree, and the delay *may* seriously affect the State's eventual compliance with the decree. A solid red bar  indicates expired time which is more than that allowed by the decree, and which, in the judgment of the monitors *does* seriously threaten the State's successful compliance with the decree. A task that was not, or could not be monitored is represented by a hollow bar .

1.3.3 Standards for "Compliance"

The parties have agreed to a quantitative standard for "compliance" to be used for assessing compliance for all critical, constitutionally relevant tasks stipulated by the decree which can be quantified. On tasks for which quantitative data can be collected, e.g., the number of Motor Vehicle Stop Reports (MVSRS) that conform to the

requirements of the decree, a standard of greater than 94 percent compliance is used. This means that at least 95 percent of the reports reviewed conformed to the requirements of the decree. This standard is widely used in social science, and is adapted by mutual agreement for this project. For tasks not directly related to constitutional issues, e.g., recording of specific motor vehicle stop events, the parties and the monitors have agreed to hold the state to a 90 percent standard. This change to compliance standards is discussed in more detail in section 2.3, below.

1.3.4 Compliance with a Hypothetical Task

| <i>Task nn</i> | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

This graphic is a hypothetical depiction of a task in which the State has been assessed to be in Phase I compliance in the first reporting period, and in which Phase II compliance has not been attained (but which does not affect the State’s eventual compliance).

1.4 Flow of the Monitoring Process

Compliance audits and monitoring processes typically consist of two phases. The first phase focuses on issues of “policy compliance:” the development of policies, rules, regulations and directives to comply. In many cases, the processes required of the agency are new enough to preclude an early evaluation of Phase II compliance processes designed to ensure day-to-day implementation of the requirements. The second phase, represented by this report and future reports, focuses on issues of operational compliance—institutionalizing change into the day-to-day operations of the agency.

1.5 Progress toward Compliance

During the last reporting period, the State has made remarkable progress toward compliance in several areas, including training; supervision; Development of a MAPPS performance management system; and inspections, audit and quality control. Compliance levels have been improved substantially in training, supervision, MAPPS and quality control. These new compliance levels appear to be directly attributable to a focused and clear leadership mandate, emanating from the Office of the Superintendent, placing compliance efforts among the top goals of the agency. Continued cooperation with, and support from the Office of State Police Affairs has focused the State’s compliance efforts, with remarkable effects observed this reporting period. Each of these areas is discussed briefly below.

1.5.1 Training

A dramatic and remarkable improvement in training function implementation has been noted during this reporting period. Following on the substantial increases in staffing levels noted last period, the Academy has tasked those staff with specific planning, organization and development functions. Improvements in virtually *all areas* of the training function were noted this period. In fact, the Academy has attained compliance in all but two specific areas this period. Executive training and evaluation of the impact of training are the only two remaining areas resulting in non-compliance at the Academy. This period, the monitors noted continuing improvement in staffing, training for instructional personnel, training curriculum development, trooper coach training, decree mandated training, systems improvement processes for training, supervisory training, promotional training, leadership training, and training documentation. The monitors find the focus, attention to detail, commitment of resources and results achieved by the Academy this period to be exceptional. They reflect a strong commitment to and interest in the training function by the Superintendent of the New Jersey State Police. Only two processes stand between the Academy and full compliance—finalization, implementation and evaluation of training for captains and above; and, finally, implementation and use of methodologies for evaluating the impact of training in the field.

1.5.2 Supervision and Field Operations

As dramatic as the positive changes have been at the Training Academy this period, the changes made in the *process* and *outcome* of supervision of troopers within the New Jersey State Police has been even more remarkable. For the first time in four years, evidence exists that New Jersey State Police supervisors are fully engaged in the consent decree compliance process, reviewing 161 of the 207 motor vehicle stop events reviewed by the monitors. This 78 percent supervisory review rate yielded 125 instances in which New Jersey State Police supervisory personnel noted violations of New Jersey State Police SOPs and counseled, retrained or otherwise responded to those violations. Not all of these 125 instances were consent-decree related; however, it is clear that the New Jersey State Police have engaged supervisory personnel in their attempts to ensure compliance with the decree. Command staff in field operations have committed to a supervisory review of all incidents involving a law enforcement procedure of interest to the decree. While that goal has not been attained, the agency is well along its way to the goal.

The New Jersey State Police now subject each motor vehicle stop to at least three levels of review. Immediate supervisors (the real key to compliance) review motor vehicle stop reports and supporting documentation and video tapes for all motor vehicle stops of interest to the decree. New Jersey State Police quality assurance reviews

subject the supervisory reviews to quality assurance assessments. The Office of State Police Affairs also reviews stop activities. These new supervisory initiatives, again, are reflective of a strong commitment to and interest in the supervisory function by the New Jersey State Police, to a level heretofore not observed by the monitoring team. Minor fine tuning of supervisory processes could bring the State into full compliance in the Field Operations tasks outlined by the decree. As of this reporting period, the State remains out of compliance with only two of twenty Field Operations-related tasks, both related to supervision, and thus of substantial importance.

For the first time, the State has been found in compliance with one of the more critical tasks of the consent decree, Task 27, which relates to field operations activities. The monitors have found, for the first time, that all consent requests, uses of force, and canine deployments were conducted in accordance with the U.S. Constitution, and all but one of the 177 non-consensual searches met constitutional requirements. Once again, the IMT has found no evidence that the New Jersey State Police have engaged in racial profiling during this review period. This marked change in performance is, in the opinions of the monitors, directly attributed to the current leadership within the Division of State Police and the Department of Law and Public Safety as well as the improved performance of New Jersey State Police supervisors.

1.5.3 MAPPS Development

Strong progress continues to be made with the MAPPS information system. The system can be used to review trooper and supervisory performance, compare trooper performance to other members of the trooper's workgroup, and to compare performance across work groups. Work continues on establishing appropriate benchmark integration into the MAPPS system. Supporting SOPs and training for operation of MAPPS have been developed and approved by the monitors, and forwarded to the field personnel using the system. MAPPS is beginning to be used in performance evaluations and positive disciplinary processes, such as verbal counselings, performance notices, and retraining. The monitors reviewed the operational MAPPS database, and found it to contain active data from January 1, 2004. No errors or violations of approved MAPPS policies were noted. Only three factors stand between the State and full compliance in MAPPS: implementation of a benchmarking standard and implementation of long-term trend analysis.

1.5.4 Inspections, Audit and Quality Control

Inspections and Audit personnel from Field Operations and the Office of State Police Affairs continue to review MVSR and MVR elements for conformance to the requirements of the consent decree. As noted above, the quality control process has yielded remarkable improvements this period.

2 Assessment of Compliance

2.1 Methodology

The monitors assessed the State's compliance using practices agreed upon between the parties and the monitors. "Compliance" was assessed as Phase I or Phase II (see section 1.3.2, above).

The following sections of the Tenth Monitors' Report contain a detailed assessment of the degree to which the State has complied with the tasks to which it agreed on December 30, 1999. The reporting period for this report deals with actions of the State to comply with the decree between November 1, 2003 and April 30, 2004.

2.2 Compliance with Task 26: Prohibition from Using Race-Ethnicity in Decision Making

| Task 26 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|-----------------------|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | Blue | | | | | | | | | | | |
| Phase II | Yellow/Black Diagonal | | | | | | | | | | | |

Task 26 stipulates that:

26. Except in the "suspect-specific" ("be on the lookout" or "BOLO") situation described below, state troopers shall continue to be prohibited from considering in any fashion and to any degree the race or national or ethnic origin of civilian drivers or passengers in deciding which vehicles to subject to any motor vehicle stop and in deciding upon the scope or substance of any enforcement action or procedure in connection with or during the course of a motor vehicle stop. Where state troopers are seeking to detain, apprehend, or otherwise be on the lookout for one or more specific suspects who have been identified or described in part by race or national or ethnic origin, state troopers may rely in part on race or national or ethnic origin in determining whether reasonable suspicion exists that a given individual is the person being sought.

Methodology

During the tenth site visit, members of the monitoring team conducted structured on-site reviews of the operations of 10 New Jersey State Police Road Stations. These reviews were conducted of operations reported during the dates of April 1, 2003 through

September 30, 2003, inclusive (the last month for which electronic data were available). The team conducted these reviews of Troops B and E, including the Troop B stations of Hope, Sussex, Totowa, Netcong, Perryville, Somerville and Washington. Troop E stations (Bloomfield, Bass River and Holmdel) were also reviewed. As part of this review, members of the monitoring team collected and or reviewed course-of-business data on 207 New Jersey State Police motor vehicle stop incidents. In addition, the team reviewed video recordings of 192 motor vehicle stop incidents involving law enforcement procedures stipulated in the decree. Supporting documentation was reviewed for each of the motor vehicle stops assessed by the monitoring team. The following paragraphs describe the monitoring team's methodology for data collection and analysis of the structured site visits. These descriptions apply to the assessment of compliance of various tasks required by the decree, and are critically important in the assessment of tasks 26 through 36.

Data Requests

Prior to its site visits in May, 2004, the monitoring team requested of the State electronic and hard-copy data regarding State Police operations. These data requests included the following electronic-format data, in addition to other non-electronic data requests:

- Electronic data for all motor vehicle stop activity for the stations selected relating to an incident in which personnel engaged in one of the eight articulated post-stop law enforcement procedures of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force.
- Electronic data for all trooper-initiated motor vehicle stop "communications center call-ins" for the stations selected, including time of completion of the stop and results of the stop.
- The monitoring team also requested copies of documentation created for all consent search requests, canine deployments, and incidents involving use or force by New Jersey State Police personnel statewide, where such events took place in conjunction with a motor vehicle stop, as defined by the decree.

Based on these data requests, the monitoring team was provided with all motor vehicle stop records for Troops B and E (taken from the State's motor vehicle stop report entry system) referred to by the State as motor vehicle stop "event" records. Computer Assisted Dispatch System (CADS) records were also requested by the monitors for all motor vehicle stop activity for the selected stations for the active dates of the tenth site visit.

Data reviewed by the monitoring team for the tenth site visit included the types of incidents noted in Table One, below.

Motor Vehicle Stops

Based on the data provided by the State, the monitoring team selected specific law enforcement activities for further assessment and analysis. The methodology for selecting these law enforcement activities consisted of identifying all post-stop law enforcement procedures of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force, for each road station assessed. These events were identified using the CAD records provided by the State.

Incidents selected for review by the monitoring team were subjected to three types of assessment.

- Events that were reviewed using reported data, i.e., motor vehicle stops which resulted in post-stop activities of interest to the decree, and that were reviewed by comparing the electronic data to data included in motor vehicle stop reports and supporting documents (patrol logs, summonses, consent to search reports, etc.), referred to as Type I data;

Table One: Incidents Reviewed by Monitoring Team
For Tenth Site Visit

| Type of Activity | Report Reviews | Tape Reviews |
|-------------------------------------|-----------------------|---------------------|
| Selected MVS Incidents | 207 | 192 |
| MVS Involving Consent Search | 7 | 7 |
| MVS Involving Canine Deployment | 10 | 5 |
| MVS Involving Use of Force | 6 | 4 |
| Probable Cause Searches of Vehicles | 12 | 8 |
| Probable Cause Searches of Persons | 12 | 10 |

- Events that were reviewed using both reported data **and** by reviewing recordings of the motor vehicle stop in question, referred to as Type II data; and
- Events that were reviewed simply by viewing video recordings events following a selected motor vehicle stop incident, using a procedure developed to ensure that all events, which should be reported by MVSR, are actually reported, referred to as Type III data.

These records indicated only one event that resulted in a consent search request from the stations selected for review this reporting period, and six events from other stations resulting in consent search requests, for a total of seven consent search requests.² All incidents involving consent search requests were assessed by reviewing New Jersey State Police reports documenting the consent and execution of the search.

All consent searches occurring were subjected to both documentation and video recording review by the monitoring team. Similarly, the New Jersey State Police deployed drug detection canine units 10 times during the reporting period. Reports from all 10 of these events were reviewed by the monitoring team, and videos from one of those events were also reviewed by the monitoring team. Force reportedly was used by New Jersey State Police personnel in six motor vehicle stop incidents during the reporting period, and reports from all of these incidents were reviewed by the monitoring team. Video tapes of four of the use of force events were reviewed by members of the monitoring team during the tenth site visit. The reader should note that members of the monitoring team reviewed all Motor Vehicle Stop Reports and associated documentation (patrol charts, citations, arrest reports, DUI reports, etc.) for the following New Jersey State Police activities:

- All known consent search requests;
- All known uses of force; and
- All known deployments of canine units.

In addition, obviously, video tapes of *some* these events also were reviewed by members of the monitoring team during their tenth site visit, as noted above. These incidents and procedures were subjected to one (or more) of three types of reviews performed by the monitoring team. The types of reviews used by the monitoring team are described below, and a summation of the types of review performed by station, are depicted in Table two, below.

² Two consent requests were declined by drivers during the reporting period.

Type I Event Reviews

A Type I event review consisted of reviewing all available hard-copy and electronic documentation of an event. For example, an event review could consist of reviewing the motor vehicle stop report, associated records in the patrol log, a supporting consent to search report, and associated summonses or arrest records. Each post-stop event consisting of law enforcement procedure of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force was subjected to a structured analysis using a form developed by the monitoring team. Problems with the reporting process were noted and tallied using this form. These data were shared with the New Jersey State Police, and clarifications were requested and received in instances in which there was doubt about the status of an event or supporting documentation. A total of 207 Type I reviews were conducted this period.

Type II Event Review

A Type II event review consisted of reviewing the associated video tape for a given motor vehicle stop event, and comparing the actions noted on the tape with the elements reported in the official documents related to the event. These data were collected using a form developed by the monitoring team. These data were shared with the New Jersey State Police, and clarifications were requested and received in instances in which there was doubt about the status of an event or supporting documentation. A total of 192 Type II reviews were conducted this period.

Type III Event Review

In order to provide a probability that the monitors would note any events, which **should** have been reported, based on the requirements of the decree, but were not reported as required, the monitoring team in the past had developed a protocol that sampled events after a selected event at a road station. For example, if a motor vehicle stop incident, which occurred at 3am, were selected for review, six events recorded occurring immediately after that were also eligible for review. All events selected for a Type III (video-based) review in the past, had been subjected to a structured review using a form developed by the monitoring team. A total of 55 Type III reviews were conducted this period. None were found that were problematic.

Table Two: Distribution of Monitoring Events

| Station | Type I Reviews | Type II Reviews | Type III Reviews |
|-------------------|----------------|-----------------|------------------|
| 1 Hope | 9 | 11 | 0 |
| 2 Sussex | 8 | 7 | 6 |
| 3 Totowa | 38 | 38 | 0 |
| 4 Netcong | 23 | 23 | 43 |
| 5 Perryville | 12 | 11 | 0 |
| 6 Somerville | 17 | 16 | 0 |
| 7 Washington | 14 | 14 | 6 |
| 8 Bass River | 28 | 32 | 0 |
| 9 Bloomfield | 18 | 14 | 0 |
| 10 Holmdel | 20 | 20 | 0 |
| 11 Other Stations | 20 | 6 | 0 |
| | 207 | 192 | 55 |

Status

The monitoring team’s review of New Jersey State Police SOPs indicates that the agency remains in Phase I and Phase II compliance with Task 26. The monitors continue to review State Police activity for processes that indicate that relatively minor infractions serve as the only precursory violation resulting in requests for consent searches, requests to exit the vehicle, frisks, or other law enforcement procedures. The vast majority of all searches of persons and vehicles conducted by members of the State Police are “non-discretionary,” e.g., searches incidental to arrest, with a total of 168 of the 177 searches of vehicles being conducted “incidental to arrest.” Of the 178 searches of persons reviewed this reporting period, 172 were “non-discretionary” searches incidental to arrest. The monitors commend the State for improving the quality and tenor of the “average” traffic stop observed by the monitoring team during the past four reporting periods. The monitors have noted no indications of racial profiling in the data reviewed this reporting period.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.3 Compliance with Task 27: Monitor and Evaluate Implementation of the Motor Vehicle Stop Criteria

| Task 27 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 27 stipulates that:

27. The State Police has adopted a protocol captioned "F-55 (Motor Vehicle Stops)," dated December 14, 1999, which establishes criteria to be followed by state troopers in selecting which vehicles to stop for violation of state motor vehicle laws. This protocol includes the nondiscrimination requirements set forth in ¶ 26 and has been approved by the United States in so far as the protocol identifies practices and procedures required by the Decree. The State shall implement this protocol as soon as practicable. The State shall monitor and evaluate the implementation of the motor vehicle stop criteria and shall revise the criteria as may be necessary or appropriate to ensure compliance with ¶¶ 26 and 129. Prior to the implementation of any revised criteria, the State shall obtain approval from the United States and the Independent Monitor.

Methodology

Compliance with this task was assessed using the Motor Vehicle Stop Report and video review outlined in section 2.2 above. The monitors have noted a remarkable change in the quality, frequency, and tone of supervisory review during the tenth monitoring period. Supervisory reviews of motor vehicle stops resulting in a law enforcement procedure were effected in 161 of 207 motor vehicle stops selected by the monitors this period, constituting a supervisory review rate of 77.8 percent. For comparison purposes, the supervisory review rate for the ninth reporting period was 53 percent. More importantly, the New Jersey State Police have implemented a much different type of supervisory review process, attempting to meet the goal of having first-line (station-level) supervisors review *all* motor vehicle stops which result in a law enforcement procedure (vehicle exit, frisk, arrest, search, canine deployment, consent request, or use of force). The majority of the supervisory reviews conducted in the ninth reporting period were conducted by secondary supervisory sources—quality assurance reviews, OSPA reviews or other non-station sources. The vast majority of reviews conducted during the tenth reporting period were conducted by station-level supervisors.

Members of the monitoring team have noted that field supervisors were present in 13.5 percent of all monitored activity this reporting period, down from 21.7 percent last

period. Given the new focus on supervisory review, via video tape, of trooper activity, this reduction is understandable. Video tapes were reviewed by supervisors in 78 percent of all incidents reviewed by the monitors. This 78 percent supervisory review rate yielded 125 instances in which New Jersey State Police supervisory personnel noted violations of New Jersey State Police SOPs and counseled, retrained or otherwise responded to those violations. Not all of these 125 instances were consent-decree related; however, it is clear that the New Jersey State Police have engaged supervisory personnel in their attempts to ensure compliance with the decree. As a result of this newly implemented supervisory process, the New Jersey State Police have noted and corrected 68 decree-related errors that the monitoring team would have noted after the fact. With this new system, these 68 decree-related errors were noted and corrected in "real time," before the monitors called them to the attention of the State.

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

A review of the polices developed, the training provided to date and the pending MAPPS process indicates that the agency is in Phase I compliance with the requirements of this task. The State continues to review, independently of the monitors, Motor Vehicle Stop Reports (MVSRS) submitted by Division personnel, and continues to note deficiencies in operationalization of the training provided. Retraining to address these deficiencies has been delivered. Training in use of the MAPPSS has been delayed pending full development of the MAPPSS system. Full compliance with this task cannot be monitored until the MAPPSS is brought on-line. For example, the following issues were noted with 30 MVSRS (from among the 207 reviewed this reporting period), which were, apparently, not noted by supervisory personnel reviewing the motor vehicle stops. From those 207 events, the monitors found 44 reporting problems that should have been noted by supervisory review, but were not. These included:

- Six troopers articulated insufficient reason to suspect drivers or passengers were armed in their MVSRS detailing frisks of drivers or passengers of vehicles.
- One trooper who removed passengers from a vehicle, frisked same, and failed to report these actions on the MVSRS.
- One trooper who classified a vehicle search as a vehicle "frisk," and reported it as such in the Motor Vehicle Stop Report.
- One trooper who searched a driver, apparently absent probable cause to do so.

This constitutes an error rate of nine of 207 motor vehicle stop incidents, or 4.3 percent. Compliance for this task is defined as "greater than 94 percent." The State's

compliance rate for these processes stands at 95.7 percent, which is within the compliance area stipulated by the monitors.

The reader should note both a quantitative and a *qualitative difference* in the supervisory review processes. Since late in the sixth reporting period, supervisory personnel have been required to review *all* consent search, uses of force, and canine deployment reports. Errors in those activities continue to drop this period. In fact, the monitoring team has noted a continuation of last reporting period’s remarkable and laudible increase in supervisory review processes, and resulting performance notices—both positive and negative—based on those reviews. Several of these reviews indicated to the monitoring team that the New Jersey State Police are identifying procedural errors prior to the monitoring team’s noting them. A total of 161 MVS incidents reviewed by the monitoring team were also reviewed by supervisory personnel. Within those 161 events, the monitoring team noted 71 various errors by law enforcement personnel. New Jersey State Police supervisory personnel noted 62 of those errors prior to the monitors’ review process, and corrected all of these 62 procedural errors prior to the monitors’ site visit.

Many of these errors missed this period were very minor errors, e.g., failure to call in the number of occupants in a motor vehicle being stopped, failure to fully describe the reason for the stop during a stop call in, etc.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.4 Compliance with Task 28: Request for Consent to Search only upon Reasonable Suspicion

| Task 28 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|-------|-------|-------|-------|-------|-------|---|---|---|----|----|----|
| Phase I | [Bar] | | | | | | | | | | | |
| Phase II | [Bar] | [Bar] | [Bar] | [Bar] | [Bar] | [Bar] | | | | | | |

Task 28 stipulates:

28. In order to help ensure that state troopers use their authority to conduct consensual motor vehicle searches in a nondiscriminatory manner, the State Police shall continue to require: that state troopers may request consent to search a motor vehicle only where troopers can articulate a reasonable suspicion that a search would reveal evidence of a crime; that every consent search of a vehicle be based on written consent

of the driver or other person authorized to give consent which precedes the search; that the scope of a consent search be limited to the scope of the consent that is given by the driver or other person authorized to give consent; that the driver or other person authorized to give consent has the right to be present during a consent search at a location consistent with the safety of both the State trooper and the motor vehicle occupants, which right can only be waived after the driver or other person authorized to give consent is advised of such right; that the driver or other person authorized to give consent who has granted written consent may orally withdraw that consent at any time during the search without giving a reason; and that state troopers immediately must stop a consent search of a vehicle if and when consent is withdrawn (except that a search may continue if permitted on some non-consensual basis).

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

The monitoring team reviewed a total of seven law enforcement actions involving consent requests conducted during the tenth report's operational dates. Two of these seven involved a consent search request that was declined. A description of consent request events, by race of driver, is presented in Table Three below. Tables Three through Five depict data from the 207 incidents reviewed this reporting period by the monitoring team. "Number of Drivers" depicts the number of drivers, by race, in the 207 incidents. The number in parentheses in this column depicts the *percentage* of drivers in the total sample, by race. Thus, for Tables Three through Five, there were 72 white drivers of the total of 207 drivers involved in motor vehicle stops reviewed by the monitoring team this period, constituting 34.8 percent of all drivers in the sample. The next column, "Number" depicts the number of law enforcement procedures observed in the motor vehicle stops reviewed. For example, Table Three depicts no consent requests of white drivers, four requests of black drivers, three requests of Hispanic drivers, and no requests of drivers of "other" race/ethnicity. The last column, "Percent" depicts the percent of drivers of a given race or ethnicity, which were, subjected to a given law enforcement procedures. This column will not total to 100 percent. The reviews depicted in this table constituted documentation and/or video tape reviews.

The reader should note that the State has reduced substantially the number of consent search requests, from a high of 59 the fifth reporting period to only seven this period. As such, the numbers reported in Table Three are not statistically meaningful when reported *viz a viz* race and ethnicity.

All of the seven consent searches were completed in conformance with the requirements of the consent decree. Obviously, this represents an improvement in performance over last period's consent request actions.

An error rate of none of seven consent searches constitutes zero percent, falling well within the >94 percent compliance rate agreed to by the parties as the standard for critical tasks outlined by the consent decree.

Table Three—Consent Request Activity

| Race/Ethnicity | Number of Drivers | Number of Requests for Search³ | Percent Consent Request by Race/Ethnicity |
|-----------------------|--------------------------|--|--|
| White | 72(34.8) | 0 | 0.0 |
| Black | 74(35.07) | 4 | 5.4 |
| Hispanic | 56(27.1) | 3 | 3.6 |
| Other | 5 | 0 | 0 |
| Total | 207 | 7 | -- |

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.5 Compliance with Task 29a: Recording Requirements for Motor Vehicle Stops

| | | | | | | | | | | | | |
|----------|--|---|---|---|---|---|---|---|---|----|----|----|
| Task 29a | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I |  | | | | | | | | | | | |
| Phase II |  | | | | | | | | | | | |
| |  | | | | | | | | | | | |

Task 29a stipulates that:

29. Motor Vehicle Stop Data

a. The State has adopted protocols (captioned F-55 (Motor Vehicle Stops) dated 12/14/99; C-22 (Activity Reporting System), F-3 (Patrol Procedures), F-7 (Radio Procedures), F-19 (MVR equipment), F-31 (Consent Searches), and a Motor

³ Two consent search requests were refused.

Vehicle Stop Search Report dated 12/21/99; and a Property Report (S.P. 131 (Rev. 1/91)) that require state troopers utilizing vehicles, both marked and unmarked, for patrols on roadways to accurately record in written reports, logs, radio communications, radio recordings and/or video recordings, the following information concerning all motor vehicle stops:

- 1. name and identification number of trooper(s) who initiated the stop;**
- 2. name and identification number of trooper(s) who actively participated in the stop;**
- 3. date, time, and location of the stop;**
- 4. time at which the stop commenced and at which it ended;**
- 5. license number/state of stopped vehicle;**
- 5A. description of stopped vehicle;**
- 6. the gender and race/ethnicity of the driver, and the driver's date of birth if known;**
- 7. the gender and race/ethnicity of any passenger who was requested to exit the vehicle, frisked, searched, requested to consent to a vehicle search, or arrested;**
- 8. whether the driver was issued a summons or warning and the category of violation (i.e., moving violation or non-moving violation);**
- 8A. specific violations cited or warned;**
- 9. the reason for the stop (i.e., moving violation or non-moving violation, other [probable cause/BOLO]);**
- 10. whether the vehicle occupant(s) were requested to exit the vehicle;**
- 11. whether the vehicle occupant(s) were frisked;**
- 12. whether consent to search the vehicle was requested and whether consent was granted;**
- 12A. the basis for requesting consent to search the vehicle;**
- 13. whether a drug-detection canine was deployed and whether an alert occurred;**
- 13A. a description of the circumstances that prompted the deployment of a drug-detection canine;**
- 14. whether a non-consensual search of the vehicle was conducted;**
- 14A. the circumstances that prompted a non-consensual search of the vehicle;**
- 15. whether any contraband or other property was seized;**
- 15A. a description of the type and quantity of any contraband or other property seized;**
- 16. whether the vehicle occupant(s) were arrested, and if so, the specific charges;**
- 17. whether the vehicle occupant(s) were subjected to deadly, physical, mechanical or chemical force;**
- 17A. a description of the circumstances that prompted the use of force; and a description of any injuries to state troopers and vehicle occupants as a result of the use of force;**
- 18. the trooper's race and gender; and**

19. the trooper's specific assignment at the time of the stop (on duty only) including squad.

Methodology

See section 2.2 above for a description of the methodology used to assess the State's compliance with this task.

Status

The review of State Police policies, forms, training, data entry systems, and CADS processes indicates that the New Jersey State Police are in Phase I compliance with the requirements of Task 29a. Effective policies and forms requiring compliance with the reporting requirements of the task have been written, disseminated and implemented into the State Police training process.

Development of training for supervisors in the process of scrutinizing motor vehicle stop reports, and systems to facilitate that review were completed during this reporting period.

Use of the Motor Vehicle Stop Report was monitored for 207 incidents involving a post-stop law enforcement activity of interest to the decree. Use of force, non-consensual searches and deployment of canines received special attention from the monitoring team. The results of these reviews are depicted in Tables Four, Five and Six, below.

Use of Force

New Jersey State Police personnel reported using force six times during the reporting period. The use of force rate for white drivers in the sample was zero percent. For black drivers in the sample, the use of force rate was 5.4 percent, and for Hispanic drivers in the sample, 3.6 percent. Members of the monitoring team reviewed reports of all use of force by personnel from the New Jersey State Police. All of the reports were included as part of the MVSR reporting process. Members of the monitoring team found no problems with the reporting process.⁴ None of the use of force practices were found to be problematic.

Table Four depict data from the 207 incidents reviewed this reporting period by the monitoring team. "Number of Drivers" depicts the number of drivers, by race, in the 207 incidents. The number in parentheses in this column depicts the *percentage* of drivers

⁴ Members of the monitoring team assessed use of force reports and incidents for reasonable application of force and compliance with elements 17 and 17a of this requirement of the decree.

in the total sample, by race. Thus, for Tables Three through Five, there were 72 white drivers of the total of 207 drivers involved in motor vehicle stops reviewed by the monitoring team this period, constituting 34.8 percent of all drivers in the sample. The next column, "Number" depicts the number of law enforcement procedures observed in the motor vehicle stops reviewed. For example, Table Four depicts zero incidents of use of force against white drivers (or occupants), four incidents of use of force against black drivers (or occupants), four incident of use of force against Hispanic drivers, and no uses against force of drivers of "other" race/ethnicity. The last column, "Percent" depicts the percent of drivers of a given race or ethnicity which were subjected to a given law enforcement procedure. This column will not total to 100 percent. The reviews depicted in this table constituted documentation and/or video tape reviews.

Table Four: Use of Force Activity

| Race/Ethnicity of Drivers | Number of Drivers | Incidents of Use of Force | Percent by Race/Ethnicity |
|----------------------------------|--------------------------|----------------------------------|----------------------------------|
| White | 72(34.8) | 0 | — |
| Black | 74(35.7) | 4 | 5.4 |
| Hispanic | 56(27.1) | 2 | 3.6 |
| Other | 5 | 0 | -- |
| Total | 207 | 6 | na |

Canine Deployments

The New Jersey State Police deployed drug detection canine units 10 times during the reporting period. Members of the monitoring team reviewed all available documentation for each canine deployment, and reviewed video tapes of all canine deployments. No reporting problems were noted in any of the 10 deployments, and the video taped incidents reviewed indicated that the written reports accurately reflected actual events. All canine deployments were professionally executed and were executed for legitimate cause.

Table Five depicts data from the 207 incidents reviewed this reporting period by the monitoring team. "Number of Drivers" depicts the number of drivers, by race, in the 207 incidents. The number in parentheses in this column depicts the *percentage* of drivers in the total sample, by race. Thus, for Tables Three through Five, there were 72 white drivers of the total of 207 drivers involved in motor vehicle stops reviewed by the monitoring team this period, constituting 34.8 percent of all drivers in the sample. The next column, "Number" depicts the number of law enforcement procedures observed in the motor vehicle stops reviewed. For example, Table Five depicts one canine deployment for white drivers, five canine deployments for black drivers, four canine

deployments for Hispanic drivers, and no canine deployments for drivers of “other” race/ethnicity. The last column, “Percent” depicts the percent of drivers of a given race or ethnicity which were subjected to a given law enforcement procedure. This column will not total to 100 percent. The reviews depicted in this table constituted documentation and/or video tape reviews.

Table Five: Canine Deployments

| Race/Ethnicity of Drivers | Number of Drivers | Canine Deployments | Percent by Race/Ethnicity |
|----------------------------------|--------------------------|---------------------------|----------------------------------|
| White | 72(34.8) | 1 | 1.3 |
| Black | 74(35.07) | 5 | 6.8 |
| Hispanic | 56(27.1) | 4 | 7.1 |
| Other | 5 | -- | na |
| | 207 | 10 | na |

Non-Consensual Searches

Members of the New Jersey State Police conducted 177 non-consensual searches of vehicles among the 207 reports reviewed by the monitoring team during the reporting period. White drivers’ vehicles constituted 29.0 percent of the “searched population,” while black drivers’ vehicles constituted 29.5 percent, and Hispanics drivers’ vehicles constituted 23.7 percent of the searched vehicle population. Members of the monitoring team reviewed all 177 of these non-consensual searches of vehicles. Only one of these non-consensual searches was problematic

Table Six depicts the results, by race/ethnicity and type of non-consensual vehicle search for the sample of 207 incidents reviewed by the monitoring team this reporting period. Table Six depicts the types of non-consensual searches, by race/ethnicity of the 177 incidents involving a non-consensual vehicle search. For example, 61 white drivers were subjected to non-consensual searches during this reporting period, with 56 white drivers searched incidental to arrest, three subjected to probable cause searches, etc. Numbers in parentheses reflect the percentage of type of search, by race. For example, the 56 searches incidental to arrest constitute 91.8 percent of all searches of white drivers. The reviews depicted in this table constituted documentation and/or video tape reviews.

Table Six: Reasons for Non-Consensual Searches of Drivers' Vehicles, By Race of Driver

| Reason for Search | White #(%) | Black #(%) | Hispanic #(%) | Other #(%) |
|--------------------------|-----------------------|-----------------------|--------------------------|-----------------------|
| Incidental to Arrest | 56(91.8) | 58(90.3) | 43(87.8) | 5(100) |
| Probable Cause | 3(4.9) | 4(6.5) | 5(10.2) | |
| Plain View | 1(0.02) | 0 | 1(0.02) | |
| Proof of Ownership | 1(0.02) | 1(0.02) | 1(0.02) | |
| Total | 61 | 63 | 50 | 5 |

Of the 177 MVSRS reviewed which entailed non-consensual searches of vehicles, members of the monitoring team found problems with one. This search, which was designated as a vehicle frisk, was actually a vehicle search. An error rate of one of 177 events equals 0.006 percent, within the acceptable level of error.

Table Seven depicts probable cause non-consensual search activity by race, for probable cause searches, and Table Eight depicts "incidental to arrest" searches by race.

Table Seven: Probable Cause Searches, by Race/Ethnicity

| Race/Ethnicity of Drivers | Number of Drivers | Probable Cause Searches | Percent by Race/Ethnicity |
|----------------------------------|--------------------------|--------------------------------|----------------------------------|
| White | 72(34.8) | 3 | 4.2 |
| Black | 74(35.7) | 4 | 5.4 |
| Hispanic | 56(27.1) | 5 | 8.9 |
| Other | 5 | 0 | -- |
| | 207 | 12 | -- |

Table Eight: Incidental to Arrest Searches, by Race/Ethnicity

| Race/Ethnicity of Drivers | Number of Drivers | Searches Incidental to Arrest | Percent by Race/Ethnicity |
|----------------------------------|--------------------------|--------------------------------------|----------------------------------|
| White | 72(34.8) | 56 | 77.8 |
| Black | 74(35.7) | 56 | 75.6 |
| Hispanic | 56(27.1) | 43 | 76.7 |
| Other | 5 | 5 | 50.0 |
| | 207 | 9 | |

In all, members of the monitoring team noted 57 separate incidents in which procedural, reporting, or review issues were evident (see section 2.3, above, for a complete listing of these motor vehicle stop incidents). A total of 49 of these problematic incidents were noted and corrected by retraining prior to the monitor’s noting the behavior. A total of eight errors [D010-37557, B110-16342, B150-10865, B060-36453, E050-56974, B080-32251, B150-11243, B050-14985] from among 192 yields an error rate of 4.1 percent, within the allowable margin of error agreed to by the parties. The State’s performance this period represents a drastic improvement in this task over last reporting period, which showed an error rate for this task in excess of 65 percent. Undoubtedly, this improvement, of 1600 percent, is attributable to the State’s newly implemented supervisory processes.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.5.1 Compliance with Task 29b: Expedient Implementation of Motor Vehicle Stop Criteria

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 29b | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 29b stipulates that:

b. The protocols listed in ¶29(a) include, inter alia, the procedures set forth in ¶¶ 30, 31, 32, and 33 and have been approved by the United States insofar as the protocols identify practices and procedures required by this Decree. The State shall implement these protocols as soon as practicable.

Methodology

See Section 2.2, above for a discussion of the methodology for assessing compliance with this task.

Status

The review of State Police policies, forms, training, records systems, data entry systems, and CADS processes indicates that the New Jersey State Police are in Phase I compliance with the requirements of Task 30. Effective policies and forms requiring compliance with the reporting requirements of the task have been written, disseminated

and implemented into the training process. Development of training for supervisors in the process of scrutinizing motor vehicle stop reports and associated documentation, and systems to facilitate that review have been completed.

The electronic CADS records reviewed by the monitors all included the names of individuals subjected to post-stop law enforcement procedures of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force. All of these records included the race of the individual subjected to a post-stop law enforcement procedure of interest to the decree. All of the records included a CADS incident number. In addition, all had the date of the stop, time of the stop, time the stop cleared, and reason for the stop. All records included the gender and race of the individuals occupying the vehicle, whether a summons or warning was issued (and the category of the violation), and the reason for the motor vehicle stop.

The reader should also note that the data collected in the traffic stop reporting process is among the most robust in the nation. The data analyzed for this reporting period included only those data generated by the electronic reporting process. Accuracy rates for these data, overall, exceeded 99 percent, well within the acceptable margin for error for this task. The earliest available electronic data in the State’s database, provided to the monitors, was September 2, 2000. In the opinion of the monitors, this qualifies as “expeditious” implementation. None of the compliance issues identified above are attributable to a delay in implementation.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.5.2 Compliance with Task 29c: Forms to Support Execution of Tasks 31, 32 and 33

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 29c | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 29c stipulates that:

c. The State shall prepare or revise such forms, reports, and logs as may be required to implement this paragraph and §§ 31, 32, and 33 (and any related forms, reports, and logs, including arrest reports) to eliminate duplication and reduce paperwork.

Methodology

The State continues to revise forms and policies related to this task, and to provide multiple levels of review and quality control practices related to tasks 31-33.

Status

Forms to support execution of tasks 31-33 have been developed and disseminated. The State has finalized automated data entry at road stations. Conformance to the policies supporting these forms is improving. The forms have been developed and disseminated and are being used by agency personnel, and appear to have improved substantially the level of reporting and compliance with stipulated procedures. None of the compliance problems noted above are attributable to forms, reports or logs created in response to this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.5.3 Compliance with Task 29e: Approval of Revisions to Protocols, Forms, Reports and Logs

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 29e | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 29e stipulates that:

e. Prior to implementation, of any revised protocols and forms, reports, and logs adopted pursuant to subparagraph (d) of this paragraph, the State shall obtain approval of the United States and the Independent Monitor. The United States and the Independent Monitor shall be deemed to have provided such approval unless they advise the State of any objection to a revised protocol within 30 days of receiving same. The approval requirement of this subparagraph extends to protocols, forms, reports, and logs only insofar as they implement practices and procedures required by this Decree.

Methodology

Members of the monitoring team have reviewed and approved all protocols and forms provided by the State, and have been notified in advance of planned changes to those protocols and forms. All changes to protocols and forms have also been approved by the United States.

Status

Implementation of revisions to protocols and/or forms has been held by the State, pending the approval of the monitors and the United States. No issues were noted relevant to this task for this reporting period.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.6 Compliance with Task 30: Communications Center Call-Ins

| Task 30 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I |  | | | | | | | | | | | |
| Phase II |  | | | | | | | | | | | |

Task 30 stipulates that:

30. Communication Center Call-In's for Motor Vehicle Stops. The primary purpose of the communications center is to monitor officer safety. state troopers utilizing vehicles, both marked and unmarked, for patrols on roadways shall continue to document all motor vehicle stops, inter alia, by calling in or otherwise notifying the communications center of each motor vehicle stop. All motor vehicle stop information enumerated in ¶ 29(a) that is transmitted to the communications center by state troopers pursuant to protocols listed in ¶29(a), and as revised pursuant to ¶29(d) and (e), shall be recorded by the center by means of the center's Computer Aided Dispatch system or other appropriate means.

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task. Compliance with these

tasks is measured under a new standard this reporting period, based on an agreement of the parties and the monitors. The compliance standard for data reporting and recording of traffic stop processes was established at 90 percent.

Status

New Jersey State Police SOPs relating to the call-in of motor vehicle stops meet the requirements of the consent decree. In addition, training regarding motor vehicle stops is reasonably designed to affect the necessary behavior on the part of troopers conducting traffic stops. The recent revisions to New Jersey State Police SOPs noted above have formed the backbone for supervisory review and control of these processes, and when fully implemented, should further improve agency performance in these areas.

For the past nine reporting periods, the State has been in compliance with this requirement, based on the monitors' review of electronic CAD data. In addition, 192 video recordings and documentation from 207 vehicle stops were reviewed this quarter, as were supporting documents, such as CAD abstracts, etc. Compliance with this task was assessed using both the electronic, video, and paper documentation. All data required by paragraphs 29 a, are recorded within the CADS records for vehicle stops, or within associated MVSRS.

Of the 192 video recordings reviewed by the monitors, seven included an event in which the trooper failed to activate recording upon signal to stop, four had no call-in prior to approach, 10 failed to provide a description of the vehicle, 15 failed to provide a description of occupants, two failed to provide a reason for the stop. Supervisory personnel noted and corrected five of seven failures to activate recording equipment, eight of 10 failures to provide a vehicle description, nine of 15 failures to call in descriptions of occupants, one of two failures to provide a reason for the stop, four of six failures to continue recordings to completion. The majority of these errors were registered on motorist aids, motor vehicle accidents and rest-area "walk throughs" that turned into enforcement procedures requiring call-ins. Once these events turned into law enforcement procedures, the required call-ins were not made. The monitors found no pattern that would indicate these were intentional acts on the part of enforcement personnel. Many of the incidents with one type of error, also had a second or third type of error. A total of 10 incidents contained one or more recording/reporting errors. An error rate of 10 incidents of 192 constitutes 5.2 percent, within the newly established parameter of >90 percent.⁵ The monitors are aware of the difficulty in distinguishing a "bright line" demarcating a non-law enforcement event such as a motorist aid from a

⁵ These numbers reflect those recording failures not attributable to technical difficulties with audio or video recording devices.

law enforcement event, involving one of the seven law enforcement procedures articulate in the decree. The State is working to refine its processes related to reporting these transitional incidents.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.6.1 Compliance with Task 30a: Notice of Call-In at Beginning of Stop

| Task 30a | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|------|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | 100% | | | | | | | | | | | |
| Phase II | 100% | | | | | | | | | | | |

Task 30a stipulates that:

a. The initial call shall be made at the beginning of the stop before the trooper approaches the stopped vehicle, unless the circumstances make prior notice unsafe or impractical, in which event the State trooper shall notify the communications center as soon as practicable. The State Police shall continue to require that, in calling in or otherwise notifying the communications center of a motor vehicle stop, state troopers shall provide the communications center with a description of the stopped vehicle and its occupants (including the number of occupants, their apparent race/ethnicity, and their apparent gender). Troopers also shall inform the communications center of the reason for the stop, namely, moving violation, non-moving violation, or other.

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

Members of the monitoring team also reviewed 192 video tapes of motor vehicle stops to assess the time of the call in. Data indicate that 100 percent of all stops were assigned an incident number; 99.9 percent list the primary trooper’s badge number; 99.9 percent list the race and gender of the primary trooper; 99.9 percent list the

driver’s race and gender; 99.9 percent list a reason for the stop and a final disposition. The State is in compliance with this task. Of the 192 stop records reviewed by the monitoring team, seven indicated that the MVR began after the trooper approached the vehicle. The majority of these were either motor vehicle accidents or motorist aids. (This constitutes an error rate of 3.9 percent).⁶ The monitors are aware of the difficulty in distinguishing a “bright line” demarcating a non-law enforcement event such as a motorist aid from a law enforcement event, involving one of the seven law enforcement procedures articulate in the decree. The State is working to refine its processes related to reporting these transitional incidents.

Phase I: In Compliance
Phase II: In Compliance

2.6.2 Compliance with Task 30b: Notice Prior to Search

| Task 30b | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 30b stipulates that:

b. state troopers shall notify the communications center prior to conducting a consent search or nonconsensual search of a motor vehicle, unless the circumstances make prior notice unsafe or impractical.

Methodology

See Section 2.2, above, for a description of the methodology used to assess compliance with this task.

Status

Of the 177 search events reported (and reviewed by video tape), 175 were called in to New Jersey State Police communications prior to the initiation of the search. This constitutes an error rate of 0.01 percent, within the >94 percent established as the criterion for this task. This rate is a substantial reduction from the 20 percent noted

⁶ More than seven events were noted, but all others were the result of technical (audio or video) difficulties inherent in in-car monitoring systems.

last reporting period. Supervisory reviews of motor vehicle stop activity continue to note these failures in the field. The dramatic reduction in problems with these call-ins, undoubtedly, is due to the revised supervisory review process.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.6.3 Compliance with Task 30c: Call-Ins Upon Completion of Stop

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 30c | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 30c stipulates that:

c. At the conclusion of the stop, before the trooper leaves the scene, the trooper shall notify the communications center that the stop has been concluded, notify the center whether any summons or written warning was issued or custodial arrest was made, communicate any information that is required to be provided by the protocols listed in paragraph 29(a) that was not previously provided, and correct any information previously provided that was inaccurate. If circumstances make it unsafe or impractical to notify the communications center of this information immediately at the conclusion of the stop, the information shall be provided to the communications center as soon as practicable.

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

New Jersey State Police SOPs relating to the call-in of motor vehicle stops meet the requirements of the consent decree. In addition, training regarding motor vehicle stops is reasonably designed to affect the necessary behavior on the part of troopers conducting traffic stops.

Computer Assisted Dispatch (CADS) were also requested by the monitors for all motor vehicle stop activity for the selected stations. More than 99 percent of electronic CAD records reviewed by the monitors this reporting period were found to have "clearance codes" indicating a call in notifying the communications center of the trooper's actions and time of clearance. Of the 192 stops reviewed by video tape, only one was found not to have clearance codes. Supervisory personnel noted this problem and corrected it prior to the monitors' data pulls for the reporting period. Clearance codes were present in 99 percent of all electronic records. Overall, more than 99 percent of all records included the required codes.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.6.4 Compliance with Task 30d: CADS Incident Number Notification

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 30d | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 30d stipulates that:

d. The communications center shall inform the trooper of an incident number assigned to each motor vehicle stop that involved a motor vehicle procedure (i.e., occupant requested to exit vehicle, occupant frisked, request for consent search, search, drug dog deployed, seizure, arrest or use of force), and troopers shall utilize that incident number to cross reference other documents prepared regarding that stop. Likewise, all motor vehicle stop information recorded by the communication center about a particular motor vehicle stop shall be identified by the unique incident number assigned to that motor vehicle stop.

Methodology

New Jersey State Police SOPs relating to the call-in of motor vehicle stops meet the requirements of the consent decree. In addition, training regarding motor vehicle stops is reasonably designed to affect the necessary behavior on the part of troopers conducting traffic stops.

Computer Assisted Dispatch (CADS) were also requested by the monitors for all motor vehicle stop activity for the selected stations. A sample of CAD records was reviewed electronically, and >99 percent were found to have "CAD Incident Numbers" indicating a CAD incident number. Of the 192 stops reviewed by video tape, CAD numbers were present in all video tapes reviewed, and in 99 percent of all electronic records. Overall, more than 99 percent of all records included the required CAD incident numbers.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.7 Compliance with Task 31: Reporting Consent to Search Requests

| Task 31 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | 1 | | | | | | | | | | | |
| Phase II | 1 | | | | | | | | | | | |

Task 31 stipulates that:

31. Consent Searches of Motor Vehicles. The State Police shall continue to require that whenever a state trooper wishes to conduct or conducts a consensual search of a motor vehicle in connection with a motor vehicle stop, the trooper must complete a "consent to search" form and report. The "consent to search" form shall contain information, which must be presented to the driver, or other person authorized to give consent before a consent search may be commenced. This form shall be prepared in English and Spanish. The "consent to search" report shall contain additional information, which must be documented for State Police records.

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

A MVSr form was completed accurately in all of the seven events that the monitoring team reviewed, that included a consent search request. Two of the incidents involved a consent request that was denied. This constitutes a 100 percent compliance rate. In addition, the information required to be presented to the driver was so presented in all seven cases.

During the ninth reporting period, compliance for this task fell below required levels for the first time in the last five reports. The monitors have determined that, once compliance is achieved, two consecutive periods of poor performance is required prior to loss of compliance. The State was placed under warning for this task during the ninth reporting period. The State is judged to be in compliance with this task for the tenth reporting period.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.7.1 Compliance with Tasks 31a-c: Recording Consent to Search Requests

| | | | | | | | | | | | | |
|------------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 31a-c | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Tasks 31a-c stipulate that:

- a. The State Police shall require that all "consent to search" forms include the following information :**
 - 1. the date and location of the stop;**
 - 2. the name and identification number of the trooper making the request for consent to search;**
 - 3. the names and identification numbers of any additional troopers who actively participate in the discussion with the driver or passenger(s) concerning the request for consent to search;**
 - 4. a statement informing the driver or other person authorized to give consent of the right to refuse to grant consent to search, and that if the driver or other person authorized to give consent grants consent, the driver or other person authorized to give consent at any time for any reason may withdraw consent to search;**
 - 5. a statement informing the driver or other person authorized to give consent of the right to be present during the search at a location consistent with the safety of both the State trooper and the motor vehicle occupant(s) which right may be knowingly waived;**
 - 6. check-off boxes to indicate whether consent has been granted, and if consent is granted, the driver or other person**

authorized to give consent shall check the appropriate box and sign and date the form; and

7. if the driver or other person authorized to give consent refuses consent, the trooper or the driver or other person authorized to give consent shall so note on the form and the driver or other person authorized to give consent shall not be required to sign the form.

b. A state trooper who requests permission to conduct a consent search shall document in a written report the following information regardless of whether the request for permission to conduct a search was granted or denied:

1. the name of the driver or other person authorized to give consent to whom the request for consent is directed, and that person's gender, race/ethnicity, and, if known, date of birth;

2. the names and identification numbers of all troopers who actively participate in the search;

3. the circumstances which constituted the reasonable suspicion giving rise to the request for consent;

4. if consent initially is granted and then is withdrawn, the fact that this occurred, and whether the search continued based on probable cause or other non-consensual ground, or was terminated as a result of the withdrawal of consent;

5. a description of the type and quantity of any contraband or other property seized; and,

6. whether the discussion concerning the request for consent to search and/or any ensuing consent search were recorded using MVR equipment.

c. The trooper shall sign and date the form and the report after each is fully completed.

Methodology

Members of the monitoring team reviewed report information for seven consent requests and five consent searches, and reviewed video tape recordings of seven motor vehicle stops involving consent searches. Supporting documentation for all consent search requests was reviewed, and the events depicted on seven video tapes reviewed were assessed in light of the reports generated by the trooper concerning the event. See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

Members of the monitoring team noted no reporting or process problems with the seven consent searches. The State was placed under warning for paragraph 31 activities for the ninth reporting period. No problems were noted with paragraph 31 activities this period. The State is judged to be in compliance with this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.8 Compliance with Task 32: Recording and Reporting of Non-Consensual Searches

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 32 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

- 32. Non-consensual Searches of Motor Vehicles (Excluding Vehicle Searches Begun as a Consent Search). A state trooper shall complete a report whenever, during any motor vehicle stop, the trooper conducts a non-consensual search of a motor vehicle (excluding vehicle searches begun as a consent search). The report shall include the following information:**
- 1. the date and location of the stop;**
 - 2. the names and identification numbers of all troopers who actively participated in the incident;**
 - 3. the driver's name, gender, race/ethnicity, and, if known, date of birth;**
 - 4. a description of the circumstances which provided probable cause to conduct the search, or otherwise justified the search;**
 - 5. a description of the type and quantity of any contraband or other property seized; and**
 - 6. whether the incident was recorded using MVR equipment.**

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

New Jersey State Police SOPs reasonably address the processes of making and recording non-consensual searches, and training provided to road personnel reasonably prepares them to complete these processes in conformance to the requirements of this task.

Of the 177 MVSRs reviewed which entailed non-consensual searches of vehicles, members of the monitoring team found problems with one. This search, which was designated as a vehicle frisk, was actually a search of the vehicle. The problems were not noted and corrected by supervisory review. An error rate of one of 177 events equals 0.06 percent, within the acceptable level of error.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.9 Compliance with Task 33: Recording and Reporting Deployment of Drug Detection Canines

| | | | | | | | | | | | | |
|----------|-----------|---|---|---|---|---|---|---|---|----|----|----|
| Task 33 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | [Pattern] | | | | | | | | | | | |
| Phase II | [Pattern] | | | | | | | | | | | |

Task 33 stipulates that:

- 33. Drug-Detection Canines. A state trooper shall complete a report whenever, during a motor vehicle stop, a drug-detection canine is deployed. The report shall include the following information:**
- 1. the date and location of the stop;**
 - 2. the names and identification numbers of all troopers who participated in the incident;**
 - 3. the driver's name, gender, race/ethnicity, and, if known, date of birth;**
 - 4. a description of the circumstances that prompted the canine to be deployed;**
 - 5. whether an alert occurred;**
 - 6. a description of the type and quantity of any contraband or other property seized; and**
 - 7. whether the incident was recorded using MVR equipment.**

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

The policies, forms, training curricula and training processes relative to the deployment of drug detection canines and reporting of these deployments are reasonably designed to guide behavior responsive to Task 33.

Members of the monitoring team monitored, by document review, all 10 reported drug detection canine deployments effected by the New Jersey State Police. Members of the monitoring team found all of the canine deployments to be accurately reported, and canines to have been deployed in conformance with the requirements of procedures and the decree.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.10 Compliance with Task 34a: Use of Mobile Video Recording Equipment

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 34a | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 34a stipulates that:

34. Use of Mobile Video/Audio (MVR) Equipment.

a. The State Police shall continue to operate all patrol vehicles engaged in law enforcement activities on the New Jersey Turnpike and the Atlantic City Expressway with MVR equipment. The State shall continue with its plans to install MVR equipment in all vehicles, both marked and unmarked, used for patrols on all other limited access highways in New Jersey (including interstate highways and the Garden state Parkway), and shall complete this installation within 12 months.

Methodology

Members of the monitoring team requested to view video tapes for 192 events known to have occurred during the current reporting period.

Status

Members of the monitoring team found evidence of video tape recordings for all events selected for review this period. The State remains in compliance with this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.11 Compliance with Task 34b-c: Training in MVR Operation and Procedures

| Task 34b-c | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|------------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 34b-c stipulates that:

b. The State shall continue to implement procedures that provide that all state troopers operating a vehicle with MVR equipment may operate that vehicle only if they first are trained on the manner in which the MVR equipment shall be tested, maintained, and used. The State shall ensure that all MVR equipment is regularly inspected, maintained, and repaired.

c. Except when MVR equipment unforeseeably does not function, all motor vehicle stops conducted by State Police vehicles with MVR equipment shall be recorded by these vehicles, using both the video and audio MVR functions. The recording shall begin no later than when a trooper first signals the vehicle to stop or arrives at the scene of an ongoing motor vehicle stop begun by another law enforcement trooper; and the recording shall continue until the motor vehicle stop is completed and the stopped vehicle departs, or until the trooper's participation in the motor vehicle stop ends (the recording shall include requests for consent to search a vehicle, deployments of drug-detection canines, and vehicle searches). If a trooper operating a vehicle with MVR equipment actively participates in a motor vehicle stop and is aware that the motor vehicle stop was not recorded using the MVR equipment, the trooper shall notify the communications center of the reason the stop was not recorded, which the center shall record in a computerized information system.

Methodology

In addition to verifying the existence of a video tape in each patrol vehicle for each day of this reporting period (see above), members of the monitoring team pulled for review a sample of 207 post-stop law enforcement actions of interest to the decree. These included 207 events selected from New Jersey State Police databases, and 192 procedures selected by reviewing video tapes⁷.

Status

While policies have been implemented requiring video and audio recording of all consent-decree related traffic stops, not all stops are recorded in conformance with the decree. Members of the monitoring team noted that 96.1 percent of all video recordings were initiated "when first signaled to stop." In addition, 96.1 percent of the recordings were noted to "continue until completion" as required by the decree. Notice of completion and notice of action taken were recorded in 99.5 percent of the cases, but was captured on CAD information systems in 99.9 percent of the cases.⁸

A review of the 192 video tapes selected by the monitoring team indicates that the agency has resolved problems noted in earlier reports concerning "out of tape" issues and troopers patrolling with inoperative video units. The agency has, it appears, achieved general compliance with the requirements of the decree. A problem, noted for the last few reporting periods, continues this period. This problem involves technical difficulties with audio recordings during motor vehicle stops. Of the 192 stops reviewed via video-tape this period, 37 exhibited some form of audio difficulty, and seven exhibited some form of video difficulty. Troopers have begun activating their microphones during traffic stops at a much higher rate, with the monitoring team noting only seven events (of 192 reviewed) in which activation was delayed for a reason other than technical difficulties. Most of these were the result of motor vehicle accidents, motorist aid, or rest-area walk-throughs that resulted, eventually, in law enforcement procedures. The monitors are aware of the difficulty in distinguishing a "bright line" demarcating a non-law enforcement event such as a motorist aid from a law enforcement event, involving one of the seven law enforcement procedures articulate in the decree. The State is working to refine its processes related to reporting these transitional incidents.

Compliance

| | |
|-----------|---------------|
| Phase I: | In Compliance |
| Phase II: | In Compliance |

⁷ All 192 events reviewed by video-tape were included in the 207 MVSRs reviewed.

⁸ Some actions are not recorded on in-car MVR, as they are made via portable radio away from the main recording microphone. These call-ins, however, are captured by CADS operators and entered into the State's CADS system.

2.12 Compliance with Task 35: Supervisory Review of Trooper Reports

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 35 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |
| | | | | | | | | | | | | |

Task 35 stipulates that:

35. The reporting trooper's supervisor shall review each report prepared pursuant to §§31-33 within 14 days of the precipitating incident and, as appropriate, in conjunction with that review, may view any associated MVR tape.

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

A review of all electronic records of motor vehicle stops, completed during the reporting period indicated that 100 percent of these were reviewed by supervisory personnel. The monitors assessed all electronic records for MVSRs, and determined that greater than 99 percent of all MVSRs received initial supervisory review within 14 days of the event reported in the MVSr.

A review of 207 hardcopy records of motor vehicle stop activity indicates all reports were reviewed by supervisory personnel. The monitoring team reviewed all completed MVSRs for the 207 selected stops reviewed this quarter for evidence of reporting or procedural errors that should have been noted by supervisory personnel. The monitors also reviewed 161 MVS tapes that were also reviewed by supervisory personnel. From those 161 events, the monitors found 19 that exhibited some form of reporting problem that should have been noted by supervisory review, but was not. These included:

- Six incidents were not supported by articulated facts sufficient to support reason to suspect drivers or passengers were armed in their MVSRs [detailing frisks of drivers or passengers of vehicle].
- One incident involved a trooper who removed passengers from a vehicle, frisked same, and failed to report these actions on the.
- One incident involved a trooper who classified a vehicle search as a vehicle "frisk," and reported it as such in the Motor Vehicle Stop Report.

- One incident involved a trooper who searched a driver, apparently absent probable cause to do so.
- Two failures to activate recording equipment, two failures to provide a vehicle description, six failures to call in descriptions of occupants, one failure to provide a reason for the stop, and two failures to continue recordings to completion. Three of these *incidents* resulted in multiple recording errors, resulting in 10 *incidents* of failed supervisory oversight for call-in data. (The majority of these errors were registered on motorist aids, motor vehicle accidents and rest-area “walk throughs” that turned into enforcement procedures requiring call-ins. Once these events turned into law enforcement procedures, the required call-ins were not made. The monitors found no pattern that would indicate these were intentional acts on the part of enforcement personnel. Many of the incidents with one type of error, also had a second or third type of error).

This constitutes an error rate of 19 of 162 events reviewed by supervisory personnel, or 11.7 percent, outside the allowable five percent error rate for this task. The reader should note, however, a *qualitative difference* in these omissions. Since late in the sixth reporting period, supervisory personnel have been required to review *all* consent search, uses of force, and canine deployment reports. Remaining errors (State Police procedural violations, and less problematic consent decree violations—activation times for video and audio recordings, for example) are less troublesome than poor consent search request practices, arbitrary deployment of canines, and problematic uses of force.

The monitors have noted a strong improvement in the process of supervisory review of video tapes. The quality of supervisory reviews, has improved markedly. For example, supervisory review noted and corrected one problem with use of force *reporting*, and caught and corrected 25 errors in MVR recording and reporting. They caught and corrected 17 stop call in errors and 11 search call in errors. It is clear that supervisory personnel, possibly for the first time, are fully engaged in the compliance efforts of the New Jersey State Police. The monitors commend the new focus on supervision generated by the New Jersey State Police this reporting period.

Compliance

| | |
|-----------|-------------------|
| Phase I: | In Compliance |
| Phase II: | Not in Compliance |

2.13 Compliance with Task 36: Supervisory Review of MVR Tapes

| Task 36 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |
| | | | | | | | | | | | | |

Task 36 stipulates that:

36. The State shall adopt a protocol requiring that State Police supervisors review MVR tapes of motor vehicle stops on a random basis. The protocol shall establish the schedule for conducting random reviews and shall specify whether and in what manner the personnel conducting the review shall prepare a written report on each randomized review of an MVR tape. Prior to implementation, the protocol shall be approved by the United States and the Independent Monitor.

Methodology

See Section 2.2, above, for a description of the methodology used to assess compliance for this task.

Status

Training for supervisory personnel regarding MVR review and a supervisory-management system for using MVR reviews as part of the MAPPs process has been delayed again. Training for supervisory personnel regarding revisions to the procedures noted above was completed in November, 2001. The State developed, and implemented in November, 2001, a formal policy requirement regarding MVR review processes for supervisory personnel, using a structured review process that, in the opinion of the monitoring team, has drastically improved the quality of supervisory review. OSPA provides advanced training to field supervisors regarding MVR/MVSR review protocols.

During electronic reviews of Supervisors Review of Motor Vehicle Contact Recordings, members of the monitoring team reviewed more than 300 supervisors' MVR review reports. The quality of these reports has improved substantially. All reviews assessed this reporting period were completed using the new Form 528, a form requiring a highly structured review process. This process is a vast improvement over earlier processes. Members of the monitoring team were able to compare 161 supervisors' reviews with actual video tapes (the same tapes reviewed by supervisors as part of their review process). Members of the monitoring team noted 19 reporting or procedural issues in the 161 tapes they reviewed that were missed by the supervisory cadre at the New

Jersey State Police. This constitutes an overall error rate for supervisory review of 11.7 percent, down from previous reporting periods, but beyond the agreed upon five percent margin for error.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.14 Compliance with Task 37: Supervisory Referral to PSB of Observed Inappropriate Trooper Conduct

| Task 37 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 37 stipulates that:

37. After conducting a review pursuant to ¶35, ¶36, or a special MVR review schedule, the personnel conducting the review shall refer for investigation by the Professional Standards Bureau ("PSB") any incident where this review reasonably indicates a possible violation of the provisions of this Decree and the protocols listed in ¶29 concerning search or seizure procedures, nondiscrimination requirements, and MVR use requirements, or the provisions of the Decree concerning civilian complaint procedures. Subsequent investigation shall be conducted by either the PSB or the Office of the Attorney General ("OAG") as determined by the State. Appropriate personnel shall evaluate all incidents reviewed to determine the need to implement any intervention for the involved trooper.

Methodology

See Section 2.2, above, for a description of methodologies used to assess compliance for this task.

Status

During the monitors' site visits for the tenth reporting period, the monitors noted one incident that should have been forwarded to OPS in response to the requirements of this task. This was appropriately forwarded to OPS for investigation and response. The State is judged to be in compliance with this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.15 Compliance with Task 38: Periodic Reviews of Referral Decisions

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 38 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 38 stipulates that:

38. The State Police and the OAG shall conduct periodic reviews of referral decisions pursuant to ¶ 37 to ensure appropriate referrals are being made. State Police personnel shall be held accountable for their referral decisions.

Methodology

Personnel at the Office of the Attorney General (Office of State Police Affairs) and the New Jersey State Police are aware of the requirement to monitor referral decisions pursuant to paragraph 37 of this decree. Recently completed training for all supervisory personnel included a discussion of the requirement to “copy” to the Office of State Police Affairs any referrals to OPS by supervisory personnel.

Referrals have been made to the Office of Professional Standards, and others are anticipated based on reviews conducted during the ninth reporting period. Personnel from the OAG are aware of the requirement for periodic audits, and have conducted audits of New Jersey State Police activities during the last reporting period (see section 2.83, below). OSPA has in place an extensive audit process designed to identify and remedy problematic supervisory processes, including problematic referral decisions. Staff from OSPA routinely audit field supervisory personnel’s review of field practice, their associated supervisory actions to remedy inappropriate action on the part of law enforcement personnel, and their decisions to (or not to) refer trooper behavior to OPS.

Status

During the tenth monitoring site visit, the monitors noted one event that should have been referred to OPS for investigation and response. This event was appropriately forwarded. The State is judged to remain in compliance with this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.16 Compliance with Task 39: Regular Supervisory Activity in the Field

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 39 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |
| | | | | | | | | | | | | |

Task 39 stipulates that:

39. The State Police shall require supervisors of patrol squads that exclusively, or almost exclusively, engage in patrols on limited access highways to conduct supervisory activities in the field on a routine basis.

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the fourth reporting period, and were fully implemented in the sixth reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess New Jersey State Police patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs, and now are required to review all consent searches, uses of force, and canine deployments engaged in by their personnel. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Supervisors are now required to approve all consent searches, and, where practicable, to be present when consent searches are conducted. Training in these new procedures and policies

has also been provided to all supervisory personnel and troopers involved in law enforcement activities. During this reporting period, additional revisions were made to SOPs F-7, F-31 and F-55. These changes were designed to improve performance on call-ins prior to search and consent search.

In addition, attorneys from the Office of State Police Affairs have been assigned to each of the State Police's five troops, for the purpose of serving as legal advisors to the troops. These attorneys also perform site visits to State Police road stations to obtain feedback from law enforcement personnel regarding training and remediation of errors in traffic stop procedures. OSPA also initiated in-field audits of all consent searches, uses of force and canine deployments, with remedial mentoring of State Police supervisors in instances in which problematic procedures are noted. OSPA has also modified, during this reporting period, the non-consensual search protocols, requiring enhanced supervisory presence at the scenes of such procedures, and also requiring supervisory approval of such procedures.

Status

The New Jersey State Police have recently appointed and deployed patrol sergeants to serve as "road supervisors;" however, these personnel were noted to be "on scene," in 28 of the 207 events (13.5 percent, down from 21.7 percent last period) reviewed by the members of the monitoring team (through MVR reviews at the road stations and via review of written documentation of motor vehicle stop incidents). This represents an increase from 10.8 percent for the seventh period and 12.6 percent during the eighth period. The sixth reporting period's supervisory presence rate was three percent. Supervisors were present at 42.8 percent of all incidents involving consent search requests (similar to last period's 44 percent), and 50 percent of events involving a drug detector canine (up from 40 percent last period). The monitors are pleased that the level of supervisory activity on the road has apparently reattained levels established during the sixth and seventh reporting periods

During the tenth reporting period, the State raised objection to the manner in which this task is being evaluated. The monitors agreed to remove the monitoring processes for this reporting period until this objection is resolved.

Compliance:

| | |
|-----------|-------------------|
| Phase I: | In Compliance |
| Phase II: | Unable to Monitor |

2.17 Compliance with Task 40: Development of a Management Awareness and Personnel Performance System

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 40 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 40 stipulates that:

40. The State shall develop and implement computerized systems for maintaining and retrieving information necessary for the supervision and management of the State Police to promote professionalism and civil rights integrity, to identify and modify potentially problematic behavior, and to promote best practices (hereinafter, the "Management Awareness Program" or "MAP").

Methodology

The ninth monitors' report marked a milestone for the MAPPS development process. During the ninth site visit, the New Jersey State Police demonstrated to the members of the monitoring team an operational version of the MAPPS information system. The monitors viewed the system components, and used live data to ensure that the MAPPS system contained all data elements outlined by the decree. In addition, members of the monitoring team, using live data, ensured that each system capability required by the decree was available and functional in the MAPPS information system.

This reporting period, the monitors assessed the MAPPS information system to ensure that MAPPS is being used appropriately as a personnel management tool. In all, the monitors performed 2,208 separate tests of MAPPS system functionality. Each of these tests is reported below, in the analysis of tasks 41-51. In addition to the disaggregated systems tests, the monitors used MAPPS as it would be expected to be used by supervisory and management personnel in the day-to-day processes of managing the New Jersey State Police. The results of these process tests are discussed below, in the analysis of tasks 41-51.

MAPPS has been implemented as an operational system, and as implemented, has all of the individual system capabilities required by the decree. The live data in MAPPS, as of the monitors' tenth site visit, are the full spectrum of system data anticipated for MAPPS with the exception of application of benchmarking criteria and implementation of the capacities for conducting long-term analyses.

In effect, the State has made *substantial progress* in bringing a functional MAPPS system on-line, and, at the time of the monitors' site visit, the system was being used to manage the New Jersey State Police. The only "missing" decree-required elements are the benchmarking and long-term analysis functions. Thus, compliance status for the MAPPS components has not changed: the State is in Phase I compliance, having designed, programmed, tested and fielded the MAPPS system. It is now in day-to-day use; however, benchmarking and long-term analysis function remain pending, so Phase II compliance is pending. The monitors are aware of the intense effort exhibited by the State in bringing MAPPS on-line, and commends those who have so diligently labored in the "electronic trenches" for so long. Implementation of MAPPS, as a functioning system, has been no small feat, and the State has done an excellent job with this task to date.

Phase I: In Compliance
 Phase II: Not In Compliance

2.18 Compliance with Task 41: Data Included in the MAPPS System

| Task 41 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 41 requires that:

- 41. The MAP shall consist of the following information:
 - a. all items of information in connection with all motor vehicle stops that are required to be recorded in a written report, form, or log, or reported to the communications center, pursuant to ¶29 and the protocols listed in ¶29 of this Decree, except that duplicate information need not be entered, and information as to whether the incident was recorded with MVR equipment need not be entered if all patrol cars are equipped with MVR unless a patrol car was equipped with MVR equipment that was not functioning;
 - b. information on civilian compliments and other indicia of positive performance; information on misconduct investigations; reports on use of force associated with motor vehicle stops; on-duty and off-duty criminal arrests and criminal charges; civil suits involving alleged misconduct by state troopers while on duty; civil suits in which a trooper is named as a party involving off-duty conduct that alleges racial bias, physical violence or threats of violence; and

c. implementation of interventions; and training information including the name of the course, date started, date completed and training location for each member receiving training.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

The monitors have identified 25 specific sets of data required by paragraph 41. Each of the 20 required primary elements, i.e., those not identified as being “narrative elements” which are allowed to be stored outside of MAPPs proper, was found to be functional in the MAPPs system reviewed by the monitors. In addition, the five non-primary requirements, identified as “narrative elements” were reasonably available through other systems. The monitors found the system to be capable of processing the required data in reasonable ways, and found the system to be reasonably user-friendly and usable. All items required by subparagraphs “b” and “c” of paragraph 41 were also included in the operational MAPPs in that the system contained sub-programs designed to handle these requirements. Data for these subsystems have been ported to the MAPPs system, and managers are able to use these systems on a daily basis.

Compliance:

Phase I: In Compliance
Phase II: In Compliance

2.19 Compliance with Task 42: Annual Access to Troopers’ Personal MAPPs Data

| Task 42 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 42 requires that:

42. All information in MAP on substantiated misconduct investigations, civilian compliments, and other indicia of positive performance which can be attributed to a specific trooper shall be made available to that trooper on an annual basis upon written request. Nothing in this paragraph shall

be construed as granting that trooper access to confidential documents other than those identified in this paragraph, or to any information which cannot be attributed to the trooper requesting the information.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

Policies supporting this requirement have been completed. The monitors have reviewed these policies, and have approved them as written.

Compliance:

Phase I: In Compliance
Phase II: In Compliance

2.20 Compliance with Task 43: Production of “Counts” and Percentages for Stop Data

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 43 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 43 requires that:

43. Regarding the motor vehicle stop information identified in ¶29 (a) (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19) and recorded in accordance with the protocols identified in ¶29(a), the MAP shall have the capability to search and retrieve numerical counts and percentages for any combination of the above-referenced information and to run reports for different time periods (e.g., monthly, quarterly, annually) and for individual troopers, squads, and stations. Regarding the motor vehicle stop information identified in ¶29(a)(5A, 8A, 12A, 13A, 14A, 15A, and 17A) and recorded in accordance with the protocols identified in ¶29(a), it will be sufficient that the MAP shall have the capability to access (through cross-referenced paper documents or other method) this descriptive information entered on specific incidents and matters. Regarding the information identified in ¶41(b and c), to the extent technologically feasible, the MAP shall be developed to have the capability to search and retrieve numerical counts and percentages for any combination of the information and to run reports for different time periods and for individual troopers, squads or stations. To the extent

that the MAP shall require textual or narrative descriptions of misconduct allegations or other information identified in ¶41(b and c), it will be sufficient that the MAP only have the capability to retrieve this descriptive information.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

The primary data elements identified in paragraph 29 a (1-19) are manipulable by “count” and percentage, and can be reported by different time periods, as required by this paragraph. MAPPS contains the ability to access (in most cases through other available automated systems) the items identified in paragraph 29a (5a, 8a, 12a, 13a, 14a, 15a, and 17a). MAPPS has the capacity to retrieve and report information regarding misconduct investigations/allegations, civilian compliments, civil suits, uses of force, post-stop interactions, criminal arrests and charges and implementation of interventions. Access to these elements is reasonably effective and efficient, in the opinion of the monitors. Management personnel have begun to access the system on a day-to-day basis.

Compliance:

Phase I: In Compliance
 Phase II: In Compliance

2.21 Compliance with Task 44: Common Control Numbers

| Task 44 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 44 requires that:

44. Where information about a single incident is included within the MAP from more than one document the State shall use a common control number or other means to link the information from different sources so that the user can cross-reference the information and perform analyses.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

The State has identified the “CAD incident number” as the common control number. Use of the CIN has been in effect since early in the consent decree process.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.22 Compliance with Task 45: Timely Access to MAPPS Data

| Task 45 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|------------|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | [Blue bar] | | | | | | | | | | | |
| Phase II | [Red bar] | | | | | | | | | | | |

Task 45 requires that:

45. The State shall ensure that information is included within the MAP in an accurate and timely fashion and is maintained in a secure manner.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

Operational plans for inclusion of MAPPs information have been articulated in New Jersey State Police C-11 and supporting documentation. Implementation of these procedures has been accomplished, and the system works as designed relative to the requirements of this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.23 Compliance with Task 46: Development of a MAPPS Plan

| Task 46 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 46 requires that:

46. Within one hundred and eighty (180) days following entry of this Decree, the State shall develop a plan for designing and implementing the MAP including the use of the MAP, a timetable for implementation, and a specification of the information contained in State records pre-dating the implementation of the MAP that can reasonably be incorporated in the MAP. Prior to effectuating the implementation plan, the plan shall be approved by the United States and the Independent Monitor. Within 180 days following the entry of this Decree, the State shall begin conducting the supervisory and management reviews required by ¶¶48-53.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

With implementation of the MAPPS components this reporting period, the State has effectuated its MAPPS plan. Obviously, the State has not met the 180-day timeline, but the MAPPS as configured conforms to the plans approved by the United States and the Monitors.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.24 Compliance with Task 47: Supervisory and Management Reviews

| | | | | | | | | | | | | |
|----------|------------|---|---|---|---|---|---|---|---|----|----|----|
| Task 47 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | [Blue bar] | | | | | | | | | | | |
| Phase II | [Red bar] | | | | | | | | | | | |

Task 47 requires that:

47. Consistent with the requirements of ¶¶48-53 infra, the State shall develop a protocol specifying the manner in which supervisory and management reviews of individual state troopers, and State Police units and sub-units (e.g., troops, stations, and squads), shall be conducted, and the frequency of such reviews. Prior to implementation, the protocol shall be approved by the United States and the Independent Monitor.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

Operational plans for use of MAPPS information by supervisory and management personnel have been articulated in New Jersey State Police C-11 and supporting documentation. Implementation of these functions began in January, 2004. The monitors executed 2,208 individual assessments of the functionality and rate of use of these functions, and found the State to be in compliance with this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.25 Compliance with Task 48: Quarterly Reviews of MAPPS Data

| | | | | | | | | | | | | |
|----------|------------|---|---|---|---|---|---|---|---|----|----|----|
| Task 48 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | [Blue bar] | | | | | | | | | | | |
| Phase II | [Red bar] | | | | | | | | | | | |

Task 48 requires that:

48. At least quarterly, State Police supervisors shall conduct reviews and analyses of data obtained from the MAP and other appropriate sources to ensure that individual troopers and State Police units and sub-units are performing their duties in accord with the provisions of this Decree and associated protocols.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

Operational plans for use of MAPPS information by supervisory and management personnel have been articulated in New Jersey State Police C-11 and supporting documentation. Implementation of these procedures have been executed. The monitors executed 2,208 individual assessments of the functionality and rate of use of these functions, and found the State to be in compliance with this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.26 Compliance with Task 49: Reporting Capabilities of MAPPS

| Task 49 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 49 requires that:

49. To the extent reflected in ¶43, reports of MAP data shall regularly be prepared regarding individual troopers, stations and squads, for use in reviews as appropriate. The reports shall include the following information:

- a. the number of motor vehicle stops, by race/ethnicity, reason for the stop (i.e., moving violation, non moving violation, other), road, squad, and trooper station; and the number of enforcement actions and procedures taken in connection with or during the course of a motor vehicle stop, by race/ethnicity, reason for the stop (i.e., moving violation, non- moving violation, other), road, squad and trooper station;

b. data (including racial/ethnic data) on complaints, misconduct investigations (for each type of investigation, as delineated in ¶73), discipline, intervention, and uses of force associated with motor vehicle stops.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

Operational plans for reporting of MAPPs information within the categories stipulated in this paragraph have been articulated in New Jersey State Police C-11 and supporting documentation. Implementation of these have been executed. The monitors executed 2,208 individual assessments of the functionality and rate of use of these functions, and found the State to be in compliance with this task.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.27 Compliance with Task 50: Comparisons Using Benchmarks

| Task 50 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 50 requires that:

50. To the extent reflected in ¶43, analyses of MAP data concerning motor vehicle stops shall include a comparison of racial/ethnic percentages of motor vehicle stops (by reason for the stop (i.e., moving violation, non moving violation, other)) and racial/ethnic percentages of enforcement actions and procedures taken in connection with or during the course of such stops, with a benchmark racial/ethnic percentage if available (see ¶¶54-55); a comparison of racial/ethnic percentages for such stops with the racial/ethnic percentages for enforcement actions taken in connection with or the during the course of such stops; a comparison of racial/ethnic percentages for consent searches of vehicles, and requests for consent to search vehicles, with "find" rates by race/ethnicity for motor vehicle consent searches; a comparison of racial/ethnic percentages for non-consensual searches of motor vehicles with "find" rates by race/ethnicity for motor vehicle non-consensual

searches; evaluations of trends and differences over time; and evaluations of trends and differences between troopers, units, and sub-units.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

The State has completed a conceptual outline and proposal to support development and integration of benchmark comparisons. The monitors have reviewed the “benchmarking plan” and have approved it. Benchmarking processes have not yet been implemented.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.28 Compliance with Task 51: Analysis of Trends

| Task 51 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 51 requires that:

51. To the extent reflected in ¶43, analyses of other data generated by the MAP shall include evaluations of trends and differences over time and evaluations of trends and differences between troopers, units, and subunits.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

As of yet, specific responsibilities and staffing to allow long-term trend analysis are not clearly identified by the State.

Compliance

Phase I: Not In Compliance
 Phase II: Not In Compliance

2.29 Compliance with Task 52: Supervisors to Implement Necessary Changes

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 52 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 52 stipulates that:

52. Each supervisor shall, consistent with his or her authority, implement any appropriate changes or remedial measures regarding traffic enforcement criteria, training, and enforcement practices for particular units or subunits or implement any appropriate intervention for particular troopers; conduct any necessary additional assessment or investigation regarding particular units or subunits or particular troopers; and/or make any appropriate recommendations.

Methodology

During the tenth reporting period, members of the monitoring team noted several instances of supervisory personnel issuing “performance notices” or other interventions for actions of division personnel inconsistent with policy or established practice. Evidence exists to support the fact that supervisory personnel are beginning to carefully review trooper activity and to issue performance notices or other “interventions” when inappropriate behavior occurs. The monitors continue to note substantial difficulties with the supervisory review process, with numerous instances surfacing which led the monitoring team to believe that not all supervisory reviews were being diligently conducted. The “knowable error rate” for supervisory review has begun to decline after a period of rising rates, from 11.2 percent during the seventh period to 13.3 percent for the eighth period, to 26.4 percent for the ninth quarter. The tenth quarter’s “knowable error rate” was 19.8. See sections 2.13 and 2.16, above, for additional comments relative to supervisor review.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.30 Compliance with Task 53: Supervisory Review of Troopers with More than Two Misconduct Investigations in Two Years

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 53 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 53 stipulates that:

53. A supervisory review shall be conducted regarding any state trooper who within a period of two years, is the subject of three misconduct investigations of any kind initiated pursuant to ¶ 73. Where appropriate, the review may result in intervention being taken. In the event the supervisory review results in intervention, the supervisor shall document the nature, frequency, and duration of the intervention.

Status

The State has developed a system of OPS notification of more than two misconduct investigations in a two-year period, but additional work is pending regarding protocols for and assessment of supervisory response to this section. Development of protocols for implementation of this provision have been a primary focus of the State for several reporting periods. During this reporting period, the State has assigned responsibility for this task to the Office of Professional Standards. Specific activities related to the required review have been assessed by the monitoring team this quarter. Based on this review, the State is judged to be, for the first time, in compliance with this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.31 Compliance with Task 54: Drivers Survey of the New Jersey Turnpike

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 54 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 54 stipulates that:

54. To assist in evaluating data reported from the MAP concerning State Police law enforcement on the New Jersey Turnpike, the State shall develop (for purposes of implementing this Decree) a protocol for conducting a survey of a sample of persons and vehicles traveling on the New Jersey Turnpike to determine the racial/ethnic percentage of drivers on the Turnpike. As appropriate, the survey may identify different benchmark figures for different portions of the Turnpike. Prior to implementation, the protocol shall be approved by the Independent Monitor and the United States. The protocol shall be developed and implemented using a consultant jointly selected by the parties. The survey shall be completed within one hundred fifty (150) days of the entry of this Decree. Both the United States and the State agree that the utility and fairness of the MAP described in this Consent Decree will depend to some degree on the development of accurate and reliable benchmarks that account for all appropriate variables and factors.

Methodology

The State has completed the required traffic survey, and has released the document to the public.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.32 Office of Professional Standards Requirements

Based on more than two years of successful performance regarding OPS-related decree requirements, and the agreement of the parties and the monitors, the Department of Justice joined with the State in a petition with the Court for release from most of the requirements of the consent decree related to OPS. This motion was granted by the Court, and, as such, the monitors will discontinue monitoring activities for OPS requirements as of this reporting period, with the exception of specifically articulated continuing requirements remaining under monitoring activities (i.e., tasks 87 and 90).

Task 87, which requires the State, based on the agreement of the parties and the monitors, to complete investigations of citizens' complaints within 120 days, was evaluated by reviewing the "120-day Report," an OPS-generated, "normal course of business" report developed to monitor overdue cases and prevent an additional case backlog. Based on the 120-day Report, the State remains in compliance with this task.

Task 90, which requires imposition of appropriate discipline in Consultation with MAPPS, was evaluated by reviewing “course of business” documents related to the OPS review of sustained OPS investigations, executive-level decisions regarding discipline, and the existence in MAPPS of records reflecting discipline. The State is judged to be in Phase I and Phase II compliance with the requirements of Task 90.

2.33 Training Assessment

A dramatic and remarkable improvement in training function implementation has been noted during this reporting period. Following on the substantial increases in staffing levels noted last period, the Academy has tasked those staff with specific planning, organization and development functions. Improvements in virtually *all areas* of the training function were noted this period. In fact, the Academy has attained compliance in all but two specific areas this period. Executive training and evaluation of the impact of training are the only two remaining areas resulting in non-compliance at the Academy. This period, the monitors noted continuing improvement in staffing, training for instructional personnel, training curriculum development, trooper coach training, decree mandated training, systems improvement processes for training, supervisory training, promotional training, leadership training, and training documentation. The monitors find the focus, attention to detail, commitment of resources and results achieved by the Academy this period to be exceptional. They reflect a strong commitment to and interest in the training function by the New Jersey State Police.

Actions noted during the monitors’ tenth site visit are discussed in some detail in the paragraphs below.

2.34 Compliance with Task 93: Development and Evaluation of Quality of Training Programs

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 93 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |
| | | | | | | | | | | | | |

Task 93 stipulates that:

93. The New Jersey State Police shall continue to: oversee and ensure the quality of all training of state troopers; continue to develop and implement the State Police academy curriculum for training State Police recruits, and provide training for academy instructors; select and train state trooper coaches in coordination with and assistance from State Police supervisors; approve and supervise all post-academy training for state

troopers, and develop and implement all post-academy training conducted by the State Police; provide training for State Police instructors who provide post-academy training; and establish procedures for evaluating all training (which shall include an evaluation of instructional content, the quality of instruction, and the implementation by state troopers of the practices and procedures being taught).

Methodology

Members of the monitoring team spoke with Academy staff responsible for this task, and reviewed related documentation provided by Academy staff.

Status

Task 93 enumerates the **eight areas of responsibility** assigned to the Academy through the consent decree. Each area will be reviewed with further details referenced in subsequent tasks that address each area of responsibility more specifically.

Ensure Quality Training for all State Troopers

Based upon an analysis of manpower staffing data collected from each unit at the Academy staffing has been increased. According to the table of organization provided to the monitoring team staffing includes the following:

- 51 sworn personnel
- 10 civilians
- 7 temporary civilians (not all are fulltime)
- 7 attached sworn personnel
- 1 detached sworn personnel
- 6 vacant sworn positions

The Academy has been restructured to better address this unit's responsibilities. Academy staff is required to have four-year college degrees. According to documents provided, 60% of the Academy staff has a minimum of a master's degree, and all have a bachelor's degree. All training materials are being developed utilizing the training cycle. The measurement of implementation of training in the field still remains problematic, but it is beginning to be addressed. **This part of the training cycle is the final important phase that must be attained for all training to achieve and/or remain in compliance for tasks 93, 100, 101, 105, 106.**

In an effort to address this issue, members of the Academy received training provided by an outside vendor that educates and certifies them in how to plan for and conduct

evaluations of the implementation phase of the training cycle. The training includes five levels of evaluation and is as follows:

- Reaction to the training— evaluation of the worth of content/delivery;
- Learning—testing to determine level of learning;
- Field Application—measuring individual operational implementation;
- Organizational Results—measuring organizational impact as a result of individual implementation of learning;
- Return on Investment—determining if the monetary results of the achieved outcomes exceed the cost of the training.

The Academy has been performing levels one and two for each class for three years and has just revised the data gathering instrument, reorganized the process for retrieving larger numbers of the evaluations, and organized a unit at the Academy that will analyze the data in greater detail.

Levels three and four address implementation measurement and are just beginning to be used by Academy staff to evaluate the effectiveness of the training. Data are expected to be available at the next site visit.

Documentation provided to the monitoring team indicates that the Academy's Research and Innovation Unit has outlined a procedure for conducting the assessment and evaluation phases of the training cycle. A new evaluation instrument has been designed and a new procedure instituted that insures the return of a greater number of completed evaluation forms. Timelines for analyzing data and initiating revisions to training based upon the evaluations have been established, and the Research and Innovation Unit is tasked with oversight to ensure that the process is followed by all the Academy units. Non-Academy-based training personnel are required to use the new evaluation forms and procedures, and to return information to the Academy for analysis. Other actions noted this period include:

- Needed equipment and software are being purchased to upgrade the very dated resources currently available at the Academy.
- A core curriculum for trainers has been identified.
- A master trainers' list has been compiled.
- A refresher course for all trainers will be conducted to update their training to include adult-based learning and return-on- investment modules.
- A plan for on-going training for instructors to maintain their training certification is under development.
- All programs at the Academy are being automated to better manage the large volume of data generated at various stages in the training cycle.
- Oversight systems for ensuring that all troopers attend training and successfully pass the test have been established.

- Accountability measures are in place for any personnel who do not attend scheduled make-up sessions.

Curriculum for Training State Police recruits;

Just after the last site visit a lieutenant with previous experience as an Academy unit supervisor was assigned to manage the Pre-service (recruit) training unit. Since the recruit training had previously been completely revised in 2000, and on-going revisions had occurred in the intervening years, he conducted a complete assessment of the program including trend analyses on the performance of recent graduates of the program who are working in the division. Areas of weakness that were identified based upon an analysis of the data are being addressed.

To date, twenty-seven modifications/changes to the Pre-Service Unit have been implemented. These changes are designed to improve recruit training, and include improved staffing, integrated unit-level responsibility for evaluation and assessment, establishment of minimum learning standards, revision to applicant processing functions, revisions to lesson plans, and other salient changes.

Provide Training for Academy Instructors

The Academy has been providing an Instructor Training Course (ITC) to qualify troopers as instructors. New minimum training standards have been established for Academy trainers. Academy trainer records are kept at the Academy and audited on an annual basis. A meaningful review is conducted annually, and a refresher course for all trainers is being developed, as is an on-going certification program is being considered.

Select and Train State Trooper Coaches

An acceptable selection and training process for trooper coaches has been established and ongoing for a number of years. On-going evaluations of the program and its processes are in place. Refinements to the program occur based upon analysis of the evaluation data. The program is being automated to better manage the data that are generated.

Approve and Supervise all post-Academy Training

Presently, according to SOP A1, training orders are issued as temporary detachment from his/her assigned duty station whenever a trooper attends training. The training order indicates travel arrangements as well. The Academy is working with administration to put the following process into place.

- Notification of the Academy when a trooper goes to training provided outside the Division;
- Each trooper attending outside training would complete and return a master training registration card which is currently completed for all in-house training;
- Forward all ancillary materials received at the Academy for review and maintenance;
- The course attended will be added to the ACTS database in the master advanced course list.

Post-Academy Training

Post-Academy training provided directly through the Academy is coordinated through the In-Service Unit and the Advanced Training Unit. Regional training staff are in place in each troop to provide oversight for training conducted by instructors outside the Academy. Oversight systems are in place to assure that all personnel attend mandated training.

Post-Academy Training Instructors

The Academy has identified all troopers providing training outside the Academy but within the division and developed a Master Trainers' List. All instructors are required to have completed the MOI/ITC training, and any instructional personnel teaching in a consent decree-related courses must have a four-year college degree. In addition, all instructors will eventually complete a refresher course to update their training in the areas of adult-based learning and return-on- investment strategies.

Procedures for Evaluating Training

This requirement includes an evaluation of instructional content, the quality of instruction, and the implementation by state troopers of the practices and procedures being taught. The Academy has been successfully evaluating the content and the quality of instruction. Based upon poor returns of the evaluation surveys completed by troopers at the conclusion of the last mandated training cycle, a new form is being developed and a new process implemented to increase the return rates. Staff are being trained and certified in a copyrighted program that includes planning for and measuring performance implementation. This phase of the training cycle continues to be problematic in achieving compliance with the consent decree. The new Research and Innovation Unit is now responsible for conducting analyses of evaluation data, and assisting Academy staff in evaluation efforts.

The Academy to has recently developed and activated a method to evaluate and measure in-field implementation of training topics; however, very little useful

information has been developed and utilized as of this site visit. This lack of evaluative data regarding the training cycle continues to threaten the State’s ability to determine the effectiveness of training in this area, thus threatening compliance.

Compliance

Phase I: In Compliance
 Phase II: Not in compliance

2.35 Compliance with Task 97: Encourage Superior Troopers to Apply for Academy

| Task 97 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|-------|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | [Bar] | | | | | | | | | | | |
| Phase II | [Bar] | | | | | | | | | | | |

Task 97 stipulates that:

97. The State shall continue to encourage superior troopers to apply for academy, post-academy, and trooper coach training positions.

Methodology

A member of the monitoring team spoke with academy staff responsible for this task, and reviewed related documentation provided by Academy staff.

Status

Academy Training Staff

At the present time the overall number of staff at the Academy has more than doubled from the all-time low noted in the 8th IMR. The current table of organization lists 56 sworn personnel and 10 civilian personnel, however five positions are vacant.

Qualified staff have been assigned to key positions related to technology and evaluation units thus many of the processes that were hindering or delaying compliance issues within the training cycle are now being resolved.

Academy staff are working within a well-organized and professional working environment. Support staff have been integrated into the various units as important team members and are assuming more responsibility for their respective programs. The

Technology Unit is working rapidly to obtain updated equipment and software, and to automate each unit's processes.

The Academy environment appears more professional; a stronger sense of teamwork is evident, and a greater degree of accountability for professional products is rapidly emerging. The staff have resources and manpower to successfully achieve their goals. All this cannot help but encourage other troopers to apply to work in such a challenging, and simultaneously supportive organizational climate.

Post-Academy Staff

Post-Academy trooper training staff falls into one of two categories:

- Trainers who are Academy staff and who provide instruction in courses that are not part of the recruit training. They would be included in the data provided above under the heading "Academy Staff."
- Trainers who work in specialized units in the division who are providing training. They are training because they are subject matter experts so they do not require special motivation to apply as trainers.

Trooper Coach Staff

The recruiting process demonstrates that adequate numbers of troopers are applying for coaching positions. Based upon their performance the Trooper Coaches receive extra points on their resumes, thus helping them when they apply for future positions within the division.

In the last IMR, it was noted that many of the coaches had three or fewer years of experience. The monitors had expressed to OSPA a concern about the average tenure of trooper coach personnel, based on the monitors' observation—on the part of some younger personnel—of uncertainty regarding search and seizure processes and other actions related to the decree. The Academy staff person responsible for this program conducted a review of motor vehicle stop complaints and noted that no trooper coaches were involved.

In response to a question from the monitoring team on the last monitoring visit regarding whether those who have served as trooper coaches are receiving the promised consideration for specialist positions, the Academy staff person providing oversight for this task made inquiries. Based upon inquiry findings, a proposed change in language to SOP F12, section IX, Letter B, #4 has been submitted that provides for consideration to be added to the weight of the trooper's resume for having completed a

tour as a trooper coach. A specific instance where this process was followed was cited to illustrate that this preference is occurring.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.36 Compliance with Task 98: Formal Eligibility Criteria for Training Personnel

| Task 98 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 98 stipulates that:

98. The State shall establish formal eligibility and selection criteria for all academy, post-academy, and trooper coach training positions. These criteria shall apply to all incumbent troopers in these training positions and to all candidates for these training positions, and also shall be used to monitor the performance of persons serving in these positions. The criteria shall address, inter alia, knowledge of State Police policies and procedures, interpersonal and communication skills, cultural and community sensitivity, teaching aptitude, performance as a law enforcement trooper, experience as a trainer, post-academy training received, specialized knowledge, and commitment to police integrity.

Methodology

A member of the monitoring team spoke with Academy staff responsible for this task, and reviewed related documentation provide by Academy staff.

Status

Academy Trainers

The selection criteria for Academy trainers are:

- Five years experience as a trooper
- Bachelor’s degree

- Resume
- ITC or MOI
- Knowledge/expertise/background in the field of instruction
- Continuous meaningful review

Documentation in the trainers' files demonstrates that the criteria are being met. Annual audits by Academy staff are in place to be sure that trainers' records are current and that annual meaningful reviews are conducted.

Post-Academy Trainers

All Post-Academy trooper trainers who are not full-time Academy staff have been identified since the ninth reporting period. Selection criteria for trooper trainers in operational or specialized units are as follows:

- Resume;
- ITC or MOI training;
- Knowledge/expertise/background in the field of instruction;
- Bi-annual meaningful review; and
- Bachelor's degree if teaching any consent decree mandated subjects.

Four of the 497 instructors identified in the list have not had MOI or ITC training. The list of criteria noted in the last sentence of this consent task requires that documentation for each trainer addressing the criteria be collected and that oversight management of the same be identified. These data are available as follows:

- The ACTS database lists all training that the trooper has received since joining the NJSP. This covers points 2 and 3.
- A meaningful review is conducted prior to the trooper doing training. The results of this review are kept on file in the commandant's office. This covers point four.
- The Academy has compiled a Master Trainers' List that indicates whether the trooper has a degree or not.
- The Academy staff chooses trainers for the consent decree courses and reviews the list to be sure that the trainer has a four-year college degree.

Trooper Coaches

Selection criteria for trooper coach are as follows:

- Two years of service as a trooper;
- Resume;
- Supervisory evaluations;

- Passing score on the oral boards;
- Meaningful review;
- C20 compliance.

These criteria are being met and are supported by documentation maintained at the Academy. The files are audited at appropriate intervals by Academy staff.

Compliance

| | <u>Academy Personnel</u> | <u>Post Academy</u> | <u>Trooper Coach Personnel</u> |
|-----------|--------------------------|---------------------|--------------------------------|
| Phase I: | In Compliance | In Compliance | In Compliance |
| Phase II: | In Compliance | In Compliance | In Compliance |

2.37 Compliance with Task 99: Training for Academy Instructors

| Task 99 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 99 stipulates that:

99. The State Police shall ensure that all troopers serving as an academy or post-academy instructor, or as a trooper coach, receive adequate training to enable them to carry out their duties, including training in adult learning skills, leadership, teaching, and evaluation. All training instructors and trooper coaches shall be required to maintain, and demonstrate on a regular basis, a high level of competence. The State shall document all training instructors' and trooper coaches' proficiency and provide additional training to maintain proficiency.

Methodology

A member of the monitoring team spoke with academy staff responsible for implementing this task and reviewed related documentation provided by Academy staff.

Status

Academy Instructors

Since the last site visit, the following tasks have been accomplished:

- Core competencies have been identified for Academy trainers;
- A core curriculum has been developed, which in addition to the topics noted in the last report also includes a new component (ROI) which encompasses a strategic planning process to capture various types of implementation information after the training;
- Plans are being developed to require re-certification for trainers that will include a specific number of hours of training within a specific time frame in courses identified by the Academy as acceptable for this purpose;
- An assessment of content specific training required by the staff in various units at the Academy is underway.
- Academy trainers' files were reviewed by the Commandant, who has taken personal responsibility for this portion of this task, and all records were found to be in good order. The meaningful review noted an issue with one trainer and it was handled by the Commandant in an appropriate manner.
- These files will be audited on an annual basis.

Post-Academy Instructors

The Academy completed a division-wide survey to identify all the post-academy instructors who are providing training within the division, but outside the Academy. A Master Trainers' List was provided to the monitoring team that included the following information:

- Troop/unit;
- Trooper name;
- Rank;
- Badge number;
- Indication of completion of the Instructor Training Course (ITC) or the Methods of Instruction Course (MOI);⁹
- College degree.

Data from the In-service Unit regarding the Master Trainers' List includes:

- A total of 497 names are included on the master trainers' list;
- A total of 72 trainers have completed only the MOI training and not the ITC training;
- Three troopers have not completed either the MOI/ITC course necessary to qualify as trainers;

⁹ The state requires that trainers in any state organization complete the MOI. The Academy's ITC includes all the material in the MOI course and much more. Anyone completing the ITC is exempt from completing the MOI.

- A majority of the trainers on the list attended the ITC training before the adult-based learning unit of instruction was added, and only a few of the trainers currently based at the Academy attended the recent ROI (Return-on-Investment) training which has just been added to the ITC curriculum;
- Degrees--331 trooper trainers in the post-academy training pool have the following degrees.
-

| | |
|-----------|-----|
| JD | 9 |
| PhD | 1 |
| Ed.D | 1 |
| MA | 120 |
| MS | 10 |
| MBA | 3 |
| BA | 131 |
| BS | 56 |
| AA | 4 |
| AS | 7 |
| No degree | 159 |

The majority (172) of those providing training have strong educational credentials. NJSP policy provides that instructors assigned to the Academy or teaching a consent decree-mandated course must have a four-year college degree.

Based upon the data listed above the following strategies will be implemented by the Academy to ensure that all instructors have received the mandated training to allow them to perform their training functions.

- The list of instructors is being reviewed to determine who desires to continue training and who will be retiring within the next year.
- Each section will identify the most active trainers and the list will be prioritized based upon the level of activity of the trainer.
- A one-day refresher course will be developed to include adult-based learning and ROI.
- The course will be taught to all instructors, with those most actively involved in training being participants in the first courses.
- These courses will be scheduled over a number of months as the training schedule allows.

Training Documentation for Post-Academy Instructors

Documentation maintained for troopers who have been providing training in operations and in specialty units, and who had previously not fallen under the Academy's oversight includes the following:

- A master training list is maintained by the In-Service Unit;
- The ACTS database contains a list of all training each trooper/instructor has received while a member of the NJSP. This includes the ITC.
- Participant evaluations completed on each instructor teaching a course are analyzed by the In-Service Unit following the completion of each course and that data are maintained in that unit.
- A meaningful review is completed for each instructor just prior to him/her providing training. That review is maintained in a locked file in the Commandant's office.
- A copy of each lesson plan/curriculum is maintained within the ACTS system.

Trooper Coach

Status

During the last site visit four issues were noted. Each is discussed below.

The first issue involved new coaches who received the coach training three months before they actually began coaching. The State responded to this issue by scheduling the coaching program to occur as close to the graduation date of the recruit class as possible, considering the other processes that must also be completed prior to the graduation (e.g. selecting coaches, meaningful reviews, assigning coaches, and attending specific sessions of the recruit class to meet with their assigned recruit).

The second issue involved the meaningful review of coach candidates occurs when they are selected and this can be 3-6 months before they are assigned a probationary trooper. The State responded to this issue by creating a second review, which will be conducted for the list of assigned coaches just prior to the recruits' graduation.

The third issue involved a voluminous amount of paper documentation is accumulating at the in-service unit related to the coaching program. The State responded to this issue by tasking the technology unit to the process of automating the data that are being generated by this program.

The fourth issue involved experienced coaches who were not attending a review prior to resuming coaching duties with a new recruit. The State responded to this issue by creating a refresher course to be offered to experienced coaches prior to their resuming coaching duties.

Compliance:

| | Academy Instructors | Post-Academy | Trooper Coaches |
|-----------|---------------------|---------------|-----------------|
| Phase I: | In Compliance | In Compliance | In Compliance |
| Phase II: | In Compliance | In Compliance | In Compliance |

2.38 Compliance with 100: Training in Cultural Diversity

| Task 100 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 100 stipulates that:

100. The State Police shall continue to train all recruits and troopers in cultural diversity, which shall include training on interactions with persons from different racial, ethnic, and religious groups, persons of the opposite sex, persons having a different sexual orientation, and persons with disabilities; communication skills; and integrity and ethics, including the duties of truthfulness and reporting misconduct by fellow troopers, the importance of avoiding misconduct, professionalism, and the duty to follow civilian complaint procedures and to cooperate in misconduct investigations. This training shall be reinforced through mandatory annual in-service training covering these topics.

Methodology

A member of the monitoring team spoke with Academy staff responsible for implementing this task, and reviewed related documentation provided by Academy staff.

Status

Cultural Awareness

2003 Annual In-Service

Oversight data from the annual in-service training on this topic for 2003 are as follows:

- A three-hour training block was provided on this topic by an outside vendor.
- Several teams composed of two instructors each provided the training at regional locations.
- A total of 2598 personnel attended the training.
- A total of 78 personnel did not attend the training.

- A make-up date for attending this training is scheduled for June 24, 2004. Those who do not attend this training will be referred to the Office of Professional Standards for review and/or investigation.
- Responses from the 797 accepted course critiques indicate a 61% approval rating for this course.
- A review of the Scantron Analysis Report indicates that the median test score was 19.39 out of a maximum score of 20 on a test that combined questions of cultural awareness and ethics.
- One trooper failed the test and received remedial training from In-service staff and successfully passed a remedial examination.
- No plan to measure implementation was provided to the monitoring team related to this training.

2004 Annual In-Service

The Academy staff decided to integrate the cultural awareness, ethics, and annual leadership training into one course. The intent is to demonstrate how integral these topics are to one another in any given situation, and to provide a new perspective on how these issues are viewed with the division in the normal course of daily activities. In addition, consolidating these topics into one course will result in the least amount of impact on manpower levels in all units.

Data provided to the monitoring team on the development of this course are as follows:

Assessment

- Data from the evaluation forms completed after the 2003 course;
- Data from the needs assessment survey previously completed by a random sample of 350 personnel representing a cross sample of the organization;
- Shot-gun e-mails and surveys to specific personnel such as OPS, OSPA;
- Anecdotal information gained in conversations with personnel throughout the organization;
- An information gathering exercise completed in each of the Supervisory Courses conducted this year;
- Anecdotal information gathered from the ten lieutenants' courses conducted in the past year.
- A focus group with representatives from within the organization and from the OSPAs.

Development

The monitoring team was provided with a copy of the draft curriculum during the site visit, and a member of the monitoring team spent one hour with the staff person

responsible for developing the curriculum going through every unit of the training. The concept was sound and the curriculum appears to address cultural awareness, ethical issues, and leadership adequately. The curriculum was approved by the monitoring team.

Delivery Plan

- The program will be delivered at regional training locations at each troop between from July through August 2004.
- A member of the monitoring team will attend at least one session of the training.

Evaluation

- New evaluation forms are being developed to capture more specific and relevant data for evaluating the classes delivered and for planning future sessions.
- Each participant will be required to complete an evaluation before receiving the testing materials.

Implementation

A matrix listing the types of data that will be used to measure implementation was provided to the monitoring team. These measures include:

- Increased number of supervisory feedback sessions/meetings, and issued performance notices;
- Survey analysis;
- Performance measures set forth in the participants' action plans; (Each participant will be required to develop an action plan citing at least one change he/she will make related to the topic taught. One copy will remain on file with the Academy and each participant will be required to submit a follow-up document relating if the planned change was implemented and if not, what impediments or barriers prevented implementation).
- Improved perception of communication.

Documentation

The Academy has maintained training and testing materials in an acceptable manner.

Ethics/Integrity

2003 Annual In-service

This course was conducted on the same day as the cultural awareness training. Oversight data from the annual in-service training on this topic for 2003 is as follows:

- The course sessions were conducted from October 19-December 19, 2003.
- 2,599 troopers participated.
- One person failed the test.
- The median test score was 19.39, of a possible 20.
- The course received a 72% approval rating based upon critique analysis.
- No plan to measure implementation was provided to the monitoring team related to this training.

Based upon the Academy commandant's administrative review of the processes and oversight related to the ethics training provided for 2003, the following changes have been instituted:

- Coordinators assigned to facilitate sessions were advised to adhere to the lesson plan delivery and testing procedures.
- Instructors were advised to adhere to adult-based interaction techniques.
- Responsibility for test administration for each session was assigned to the Academy instructor.

2004 Annual In-Service

This topic has been combined with the cultural awareness and annual leadership topics as part of an integrated curriculum. See the previous section for details.

The Academy to has recently developed and activated a method to evaluate and measure in-field implementation of training topics; however, very little useful information has been developed and utilized as of this site visit. This lack of evaluative data regarding the training cycle continues to threaten the State's ability to determine the effectiveness of training in this area, thus threatening compliance.

Compliance:

| <u>Cultural Diversity</u> | <u>Ethics</u> |
|---------------------------|---------------|
| Phase I: In compliance | In compliance |
| Phase II: In compliance | In compliance |

2.39 Compliance with Task 101: Recruit and In-Service Training on Fourth Amendment and Non-Discrimination Requirements

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 101 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 101 stipulates that:

101. The State Police shall continue to provide recruit and annual in-service training on Fourth Amendment requirements. In addition, the State shall provide training on the non-discrimination requirements of this Decree as part of all academy and in-service patrol-related and drug-interdiction-related training, including training on conducting motor vehicle stops and searches and seizures. An attorney designated by the Attorney General's Office shall participate in the development and implementation of this training.

Methodology

A member of the monitoring team spoke with Academy staff responsible for this task, reviewed related documentation provided by Academy staff, and viewed a videotape scenario that will be used in the training.

Status

Fourth Amendment In-Service Training

The 2003 training was the first phase of a four-phase training that will extend through 2006. The 2003 training is summarized below:

- Training was conducted from August 8-October 10, 2003.
- 2601 participants attended training.
- 42 troopers did not attend the mandated training.
- A make-up training is scheduled for June 23, 2004. Anyone who does not attend this training without good cause will be referred to the Office of Professional Standards for review and/or investigation.
- The median test score was 18.96, of a possible 20.
- There were no failures.
- An evaluation of the testing conducted following this training indicated that the participants did understand the concepts of reasonable suspicion and probable cause that were the focus of the training.

- The program received a 7.75 approval rating (out of a possible 10) which is one of the highest ratings for an in-service program in recent years.
- A portion of the day was used to provide training on the MAPPS (Management Awareness Personnel Performance System) that is an automated performance management system that was coming on-line. Though this program will be utilized primarily by supervisory staff, the line staff had a need to know how their performance was going to be evaluated.
- MAPPS received a overall rating of 6.21.

Proposed Plan for Measuring the Implementation of Learning for the 2003 Course.

According to a memorandum provided to the monitoring team, the proposed plan for measurement of field implementation (application of learning in the field) focused on measuring the number of cases that were not brought to trial because the evidence gathered was suppressed as a result of an illegal search. It was discovered, after the training was delivered, that the New Jersey Administrative Office of the Courts and individual county prosecutors' offices do not capture or record this data.

The memorandum offers an alternative plan that includes the following components:

The Office of State Police Affairs (OPS), and the MAPPS Unit were contacted regarding the availability of data. OPS provided the following data:

- | | |
|--|---|
| • OPS complaints involving illegal/improper searches | 9 |
| • Unsubstantiated or dismissed complaints | 7 |
| • Substantiated complaints | 1 |
| • Pending complaints | 1 |

The MAPPS Unit is in the process of developing query methods to analyze MAPPS data on the field impact of Fourth Amendment issues. The monitoring team notes that no timeframe for completion of this possible means of measuring implementation has been provided.

A proposal to survey troopers regarding their perceived understanding of Fourth Amendment issues, a short test of retained knowledge on the subject, and an interview to determine if troopers have retained a working applicable knowledge of reasonable suspicion and probable cause benchmarks has been proposed. **The monitoring team notes that this strategy does not address implementation, but is an evaluation of what was learned/retained.** Prior to implementation of the ROI training evaluation program, the Academy conducted a study relating to OPS complaints based on perceived illegal searches. It appears that the 2003 training has translated to a reduction in OPS complaints related to search processes.

Update on the 2004 Training

The 2004 training will be the second phase of a four-phase training that will extend through 2006. The mandated training for this task was being developed during this site visit, and a draft copy of the curriculum was provided to the monitoring team.

Assessment

According to a memorandum provided to the monitoring team, a focus group was convened on March 31, 2004 with the intent of identifying the following:

- Method of delivery;
- Instructor requirements;
- Topics;
- Block Duration/Length of training day.

Data used to determine the content of this training included the following:

- 2003 In-Service critique analysis;
- Field Operations requests submitted through the training officers and focus group members;
- Mobile Video Recorder reviews;
- Field Ops concerns
- OPS concerns
- Investigative concerns
- Office of Professional Standards findings, requests, and recommendations;
- New case law.

Development

The curriculum for this course was provided to the monitoring team for review and the content appears to be substantive. A short, videotaped scenario produced by Academy staff was provided to the monitoring team and it appears to be of good quality and relevant to the training.

Delivery

According to the memorandum, the focus group decided that the training will be provided regionally over a six-week period. It will be provided on the same day as the cultural awareness/ethics/leadership course and it will be 4 hours long. The presentation will include lecture, power-point presentations, group discussion and scenarios. The entire training day will last about 10 hours.

Evaluation

No evaluation data are available as the course does not begin until May 2004.

Implementation

The following data will be measured to determine implementation of learning:

- Reduced number of problematic searches;
- Demonstrated increased confidence levels regarding search and seizure;
- Decreased number of problematic searches identified on MVR;
- Decrease in the number of OPS complaints.

Fourth Amendment Recruit Training

The entire recruit curriculum was reviewed, as was the test validity for each unit test taken by the recruits. Revisions and adjustments have been made based upon the findings.

See task 93 for a description of the guard duty scenarios that have been implemented to provide increased experiential scenarios to recruits. A number of them relate to search and seizure incidents.

The Academy to has recently developed and activated a method to evaluate and measure in-field implementation of training topics; however, very little useful information has been developed and utilized as of this site visit. This lack of evaluative data regarding the training cycle continues to threaten the State's ability to determine the effectiveness of training in this area, thus threatening compliance.

| | | |
|------------------------|---------------|---------------|
| Compliance: In-Service | | Recruit |
| Phase I: | In Compliance | In Compliance |
| Phase II: | In Compliance | In Compliance |

2.40 Compliance with Task 102: Training Protocols for the Trooper Coach Process

| Task 102 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 102 stipulates that:

102. Before the next recruit class graduates from the State Police academy, the State Police shall adopt a protocol regarding its trooper coach program. The protocol shall address the criteria and method for selecting trooper coaches, the training provided to trooper coaches to perform their duties, the length of time that probationary troopers spend in the program, the assignment of probationary troopers to trooper coaches, the substance of the training provided by trooper coaches, and the evaluation of probationary trooper performance by trooper coaches. Prior to implementation, the protocol shall be approved by the Independent Monitor and the United States.

Methodology

A member of the monitoring team spoke with Academy staff responsible for implementing this task, and reviewed related documentation provided by Academy staff.

Status

The State has developed a strong response to all the responsibilities listed in the consent decree for this task, and the Academy personnel tasked with coordinating this program continue to revise and refine their oversight capabilities as new issues arise and new means of gaining oversight information are developed.

It was anticipated that the availability of performance data from the MAPPS system could be analyzed as part of the Academy's oversight function to ensure that coaches are meeting performance standards, and to identify any emerging issues or trends that might impact this program. Currently, Academy staff responsible for oversight for this task have no direct access to MAPPS data that could help with this responsibility.

In its oversight function, Academy staff conducted a needs assessment of the training and evaluation program provided to the probationary troopers. The objective of the assessment was to identify any areas of performance that might be marginal relative to the scale of acceptable performance. The assessment data reported are as follows:

- Thirty trooper coach folders were reviewed--ten from each of the Troops A, B, and C.
- Daily Observation Sheets from week 9 were analyzed to determine if any of the 27 performance objectives were scored below a 4.5 rating.
- Performance objectives #8—"Knowledge and Enforcement of Criminal Law" (rated 4.26), and #22—"CJIS" (rated 4.16) received the lowest ratings, though they did not fall below the unacceptable score of 4.
- As a result of these findings, revisions to the training provided to the coaches in these areas will be completed prior to the next scheduled coach class.

- In addition, the Pre-Service Unit responsible for training recruits requested a copy of the findings and has addressed both topics in the recruit curriculum
- Recruits will receive practical experience in both areas utilizing the night duty scenarios.

This review and the follow-up indicates a grasp of the oversight function and demonstrates how a regular audit of a program’s functions can result in the identification of important issues impacting the quality of performance. There is a growing awareness by Academy staff regarding the interrelatedness of all training programs as demonstrated by the joint use of data from the this assessment of the coach program by both In-Service and Pre-Service to improve the quality of performance of both the coaches and the recruits.

The Academy is developing an automated system to manage the voluminous data that this program is generating, and oversight systems are being evaluated to insure that any problems that arise with probationary troopers are immediately reported to the Academy.

Compliance:

Phase I: In Compliance
Phase II: In Compliance

2.41 Compliance with 103: Provision of Copies of the Decree to all State Troopers

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 103 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 103 stipulates that:

103. The State Police shall as soon as practicable provide copies and explain the terms of this Decree to all state troopers and employees in order to ensure that they understand the requirements of this Decree and the necessity for strict compliance. After the State has adopted new policies and procedures in compliance with this Decree, the State shall provide in-service training to every state trooper regarding the new policies and procedures and the relevant provisions of this Decree. The State shall incorporate training on these policies

and procedures into recruit training at the State Police Academy.

Methodology

The monitoring team spoke with the Academy staff responsible for this task.

Status

The New Jersey State Police achieved compliance for this task in September 2000, and has maintained that compliance. Revisions to policy for consent decree-related tasks are handled by notification of specific division personnel at the quarterly Training Committee meetings and through IOCs. This is a comprehensive oversight process. To be certain that the process is functioning as intended requires a regularly scheduled audit of the documentation at the section level to be sure that all "read and sign documentation" is complete.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.42 Compliance with 104: Systems Improvement Processes for Police Training

| Task 104 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 104 stipulates that:

104. The State shall establish systems for State Police units, sub-units, and supervisors to provide information and refer particular incidents to the Training Bureau to assist the Training Bureau in evaluating the effectiveness of training and to detect the need for new or further training.

Methodology

A member of the monitoring team spoke with Academy staff responsible for implementing this task and reviewed the documentation provided by Academy staff.

Status

Since the last site visit, the following tasks have been accomplished:

- SOP C-25 was approved by the Superintendent.
- The Training Committee, which is a key conduit in obtaining the data required by this task, has become much more organized and its members much more active in fulfilling the responsibilities identified in task 104. Oversight for much of the activity conducted by regional training staff is possible because of this committee.
- Four mandatory Training Committee meetings have been scheduled for calendar year 2004
- Regional training staff are in place at each troop to help identify training needs as they arise, and to relay this information to the Academy.
- The Academy's in-service unit conducted a division-wide survey to identify training needs throughout the agency. The results will be available at the next (11th) site visit.
- The NJSP intranet provides a means for any member of the organization to send suggestions for training to the Academy.

Summary

The Academy has developed a comprehensive process with many access points for identifying the training needs in the organization.

Phase I: In Compliance

Phase II: In Compliance

2.43 Compliance with 105: Provision of Training for Supervisors

| Task 105 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 105 stipulates that:

105. The State Police shall provide all supervisors with mandatory supervisory and leadership training which (in addition to the subjects addressed in §§100 and 101) shall address effective supervisory techniques to promote police integrity and prevent misconduct. The State Police shall provide

the initial training required by this paragraph within one year from entry of the Decree and thereafter shall provide supervisory training on an annual basis.

Methodology

A member of the monitoring team spoke with Academy staff responsible for this task, and reviewed related documentation provided by Academy staff.

Status

In May 2003, when the Academy's Executive Staff Development Unit (EDTU) was formed, oversight responsibility for this task was assigned to this unit, and one team member was assigned primary oversight responsibility. This task now encompasses one basic course for sergeants, one course for sergeants first class, one for lieutenants, and an annual leadership course for all personnel.

Sergeant's Basic Course

The basic sergeant's course is currently 80-hours in length and addresses the needs of sergeants, staff sergeants, detective sergeants, and patrol sergeants.

Assessment

Among the sources of data used to refine and improve this course are the following:

- Participant evaluations from each session generate data on how to improve the curriculum and the delivery for subsequent sessions;
- Evaluation data gathered from participants in the lieutenants course;
- Data from the leadership survey conducted by EDTU;
- Anecdotal data gathered through conversations with division personnel;
- Training committee recommendations;
- MAPPS data related to supervisory issues.

Development

Based upon assessment data that is gathered, changes to this curriculum are made on a continuous basis. Recently, two self-assessment instruments used in management courses were introduced into this course.

The following blocks of instruction were updated to remain current with trends affecting the division.

- Critical Standards of Procedure.
- Progressive discipline.
- Ethics.

Delivery

One session of this course was conducted from December 1-12, 2003 for 31 sergeants, detective sergeants, and personnel currently in an acting sergeant position. The lieutenants, attending a concurrent class, were brought into the sergeants' training to complete an exercise on leadership while the sergeants observed. This was followed by a discussion between the sergeants and lieutenants. Participants shared feelings and personal information as human beings without concern for rank, and the honesty and depth of the sharing generated a new and elevated level of understanding and appreciation for all who participated or observed. (A member of the monitoring team was an observer.)

The course evaluations indicated that the new and revised blocks of instruction were relevant and well presented. Members of the EDTU also do spot interviews with participants during breaks to obtain anecdotal feedback which was also positive.

A second session of this course was conducted from January 5-16, 2004 for 33 sergeants, detective sergeants and personnel in acting supervisory positions. A videotape of the lieutenant/supervisor interaction exercise noted above was played during this session, as there was not a lieutenants' course in progress at that time. The evaluation showed that it was moderately successful.

The Command Operations Center block of instruction was removed from the curriculum, as no instructors were available from that center to teach the course. This block was originally inserted in June 2002 to advise personnel of the formation and function of the Center, and division staff are now aware of the its existence and its responsibilities.

About 50 percent of this class expressed concerns that training on search and seizure supervisory issues are not included in this course (63% of this class were from the Operations Unit). The EDTU staff immediately facilitated a 30-minute search and seizure segment to meet the needs of this class. The format was question and answer and was conducted by a content expert. Subsequently, a 1-hour block on the supervisory search and seizure issues was added to the curriculum.

In addition, members of this class questioned why the Search and Seizure Guide had been removed from the NJSP Intranet website. Members of the Academy's Technology/Administrative Support Unit were contacted to follow-up, and the Guide was reinstated on February 6, 2004. Field Operations was then contacted, and this information was placed on their Operations Information Center on the Intranet website.

This type of immediate response to identified needs, and the cooperative effort of units within the Academy and units within the Division demonstrates that the organization as a whole is moving toward a greater degree of integration in responding to the needs of its personnel.

A third session of this course was conducted from January 19-30, 2004 for 41 sergeants, detective sergeants, and personnel in acting supervisory positions. This course was moved to an off-site location at the Troop C Hamilton Headquarters, and the response from troopers was overwhelming positive as it shortened their commute and the training facility at this location is new and provides a very professional environment.

On January 28th, a snowstorm impacting the entire state resulted in the cancellation of day 8 of this course. Scheduling issues did not allow for a make-up session for this day, so EDTU staff prioritized the remaining blocks of instruction to cause the least amount of impact on critical issues and completed the remaining two days of the course. These types of events will occur and the monitoring team honors the strategic decisions made in these circumstances. The staff demonstrated good critical decision-making skills in their role as oversight monitors for the program.

Evaluation

Based upon evaluations from these classes, the following blocks of instruction were amended/improved and were part of the curriculum for the March 22-April 2, 2004 class.

- Media relations.
- Community policing.
- Progressive discipline .

Implementation

No implementation measurement plan has been provided to the monitoring team.

Summary

The course meets the requirements of the decree and demonstrates the understanding of the training cycle through the evaluation stage; implementation measurement remains to be resolved.

Sergeant First Class Course

Assessment

The course that was developed and conducted for lieutenants (task 106) has, upon evaluation by the lieutenants and the Academy staff, been deemed more useful and appropriate, with some modifications, for those troopers newly promoted to the SFC position.

Development

Modifications to the course are on-going based upon assessment and evaluation data.

Delivery

Two sessions of this course were conducted. One from March 8-11, 2004 for 30 SFCs, and one from March 15-March 18, 2004 for 12 SFCs.

Evaluation

No evaluation data was provided to the monitoring team for this course.

Implementation

No plan to evaluate implementation has been provided to the monitoring team.

Summary

This course was previously reviewed by a member of the monitoring team, and it meets the requirements of the decree and demonstrates the understanding of the training cycle through the evaluation stage.

Assistant Patrol Supervisor's Course

Assessment

In an effort to maintain compliance with Task 39 of the Consent Decree, a newly designated position of assistant patrol supervisor (APS) has been instituted. A total of 150 troopers, identified by station commanders based upon their skills and experience, will be chosen to fill these positions. These troopers will continue to fulfill their regular patrol responsibilities, and in addition, will assume, "...patrol-related supervisory functions..." in the absence of the staff sergeant or the patrol sergeant. The ASP troopers would act strictly as field supervisors and would not assume any administrative duties or responsibilities.

Development

Appropriate personnel, during the last six months, attended the 80-hour first-line supervisors' course, a training course curriculum already approved by the monitors.

Delivery

Delivery was appropriately documented.

Evaluation

The Academy has a standardized form for evaluating course content and instructor delivery.

Implementation

No implementation measurement plan was provided to the monitoring team.

Annual Supervisory/Leadership Training

Data related to the annual leadership training are as follows:

- 2,561 personnel attended the training.
- 110 troopers did not attend.
- 75 troopers on the did not attend list have completed a make-up course. 35 troopers have not attended this training and their branch commanders have been notified. A final make-up is scheduled for June 22, 2004.
- 1 trooper failed the test.

Four topics were addressed and achieved the following evaluation scores:

- Personality Type Indicators 6.6
- Performance Management 7.0
- Civil Liability and Decision Making 7.3
- Pursuits for Supervisors 8.1

2004 Annual Leadership Training

The 2004 annual leadership training is being integrated into the cultural awareness and ethics training (task 100). Please see task 100 for details related to this responsibility.

Summary

The course meets the requirements of the decree and demonstrates the understanding of the training cycle through the evaluation stage. The Academy to has recently developed and activated a method to evaluate and measure in-field implementation of training topics; however, very little useful information has been developed and utilized as of this site visit. This lack of evaluative data regarding the training cycle continues to threaten the State’s ability to determine the effectiveness of training in this area, thus threatening compliance.

Compliance:

Phase I: In Compliance
 Phase II: In Compliance

2.44 Compliance with Task 106: Training for Newly Promoted State Troopers

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 106 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 106 stipulates that:

106. The State shall design and implement post-academy training programs for all state troopers who are advancing in rank. The State shall require troopers to successfully complete this training, to the extent practicable, before the start of the promoted trooper's service in his or her new rank, and in no event later than within six months of the promoted trooper's service in his or her new rank.

Methodology

A member of the monitoring team spoke with academy staff responsible for this task, and reviewed related documentation provided by Academy staff.

Status

The Executive Development Training Unit (EDTU) completed training for all lieutenants. Data related to this training include the following:

- 180 lieutenants successfully completed the 40-hour course;
- No implementation measurement strategies were provided to the monitoring team related to the 180 lieutenants who completed this course.
- Based upon participant evaluations this course has been designated as more appropriate for the SFC rank and with some minor modifications will be used for training this rank in the future;
- A new lieutenant's course, "Station Commander Candidate Course," is in the planning stages.

Station Commander Candidate Course

Assessment Phase

The Training Bureau and the Operations Section identified areas of instruction. Data were gathered from Station Commanders at their bi-annual meeting held on November 10, 2003. On November 14, 2003, a focus group composed of Academy and operational staff (6 lieutenants who are station commanders) and a member of the MAPPS unit met to discuss relevant topics. On January 26, 2004, the EDTU staff conducted an information gathering exercise with the 25 lieutenants, and 2 acting captains attending the Mid-Level Management Course. On January 29, 2004, a preliminary course description including methodology and course objectives was given to the seven lieutenants in station commander positions attending the course mentioned in number 4 above so that they could review and critique it. Each participant was then interviewed by EDTU staff to obtain their feedback. They offered two topics that were included in the curriculum. Three SFC who have recently been assigned as station commanders reviewed the working course description and offered feedback.

Development Phase

Course objectives and a course description were provided to the monitoring team.

Delivery Phase

The first course was scheduled for May 18-20, 2004. The training days will be 8 hours, for a total course length of 24 hours.

Methodologies include team teaching using Academy trainers and operational station commanders, exercises replicating actual duties that station commanders perform on a daily/weekly basis, a participative critical incident scenario, use of computers to access various databases (CADS, RMS), and strategic planning related to current organizational issues. Each class participant will receive a pre-arrival package related to the course objectives and noting that they will need to have an issue that requires strategic planning in mind when they come to the course.

Evaluation Phase

Testing related to course content is planned, and Evaluations of the course content and delivery will be gathered and analyzed. An after-action report will be developed and routed to division and to operations in order to strengthen the exchange of relevant data between these units.

Implementation Phase

A questionnaire, follow-up interviews, and a follow-up focus group are the identified data collection methods the Academy plans to utilize to assess level 3 implementation efforts. A review of performance records and a questionnaire are the identified data collection methods the Academy plans to utilize to assess level 4 implementation efforts. This will occur after course completion. The monitoring team was not provided with any details related to the content of the instruments or the actual performance benchmarks that will be measured.

Documentation Phase

The EDTU staff provides thorough documentation presented in a very professional format. The monitoring team will be focusing on the documentation for the implementation phase at the next site visit since this will be the first time such data will be available.

Summary

The EDTU, following the training cycle and using data generated at various phases in that cycle, determined that the first course developed for lieutenants, though of high quality, did not completely meet the needs for that rank. Therefore, the new Station Commander Candidate course is being developed. The EDTU staff demonstrated a strong grasp of the training cycle and used the process to generate a cooperative effort with the operations section who are, in this case, the clients the Academy are focused upon serving. The EDTU again sets a benchmark for demonstrating how inclusion, joint planning and delivery across divisional units can build understanding, cooperation, and inclusion.

Captains' Course

The current training provide to captains through an outside vendor will continue to be a course that captains will attend, but it will not be designated as the course utilized to

gain compliance with this task. Instead, the EDTU will develop a course utilizing the training cycle that will meet compliance standards.

Assessment

The EDTU has completed a needs assessment and has the data necessary to begin developing the course.

Summary

EDTU staff have demonstrated that they have the skills and ability to complete the assessment, development, delivery, and evaluation phases of the training cycle. The new ROI training certification completed by members of this unit is supposed to allow them to successfully manage the implementation phase that has not been addressed to date.

Majors, Lieutenant Colonels, Colonel

The EDTU has been assigned the task of developing a course for these ranks that will meet compliance standards for the consent decree.

Assessment

Assessment consisted of both internal and external processes. Presently, assessment data have been obtained from the majors, and surveys have been distributed to the lieutenant colonels. Based upon an analysis of the surveys, the plan is to develop a 5-day course covering the following topics:

- Interpersonal skills;
- Budget administration;
- Strategic planning;
- Change management;
- Change implementation.

Documentation was provided to the monitoring team indicating that the following external agencies responded to an IACP/ SPPPO survey requested by the NJSP Academy EDTU to assess what type of executive development training is being provided to state police personnel throughout the United States.

- Maryland State Police
- Colorado State Patrol
- Louisiana State Police
- North Carolina State Police

- Virginia State Police
- Arizona Department of Public Safety

Members of the EDTU spent a day with Johnson & Johnson training personnel researching their executive development leadership and management training. From documents provided to the monitoring team, the Johnson & Johnson staff also shared information about their leadership and management development programs and processes. Formal planning and execution of training is related to this task are pending.

Captains and Above

Phase I: Not In Compliance

Phase II: Not In Compliance

Sergeants and Lieutenants

Phase I: In Compliance

Phase II: In Compliance

2.45 Compliance with Task 107: Provision of Specialized Training

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 107 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |



Task 107 stipulates that:

107. The State shall design and implement post-academy training programs for all state troopers who are newly assigned to a State Police troop, station, or assignment where specialized training is necessary in order to perform the assigned duties.

Methodology

The monitoring team spoke with Academy staff responsible for developing and delivering this training, and reviewed related documentation provided by Academy staff.

Status

An agreement to apply this task to personnel returning to operations from other areas of the division was reached at a time when the State had no processes in place to assess, document, evaluate, or provide oversight for the universe of specialized assignments, related training needs, qualifications of instructors providing specialized training, testing to determine the degree of comprehension of the training, or tracking the implementation of the training operationally. That infrastructure is now being put

into place and the availability of such information may reveal inadequacies in training for specialized assignments that impact, at a minimum, on job performance, officer safety or liability exposure.

At least four factors may impact on the need to revisit this agreement:

- The analysis of the basic training needs assessment just completed by the in-service unit may identify new or additional specialized training needs;
- The identification and review of all training previously being presented outside the oversight function of the Academy may reveal a need for revisions to current training, the development of new training, or the consolidation of existing courses;
- The identification and assessment of the qualifications of those providing specialized training may generate needs for training certification. The trainers have been identified. Needs assessment data and strategies for upgrading the current level of training provided to these trainers have been provided to the monitoring team. See task 99 for details.
- The performance data that will become available as MAPPS is implemented may reveal training concerns in specialty areas.

The Academy has made progress in this area by completing an Organizational Training Needs Assessment (data are being analyzed), and by completing a Master Trainers' List. This has generated the need for a refresher course for trainers that is under development. Access to MAPPS data has been established so that any trends requiring training can be identified. Processes are in place to identify and track on training that troopers receive outside of the Academy and the division.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.46 Compliance with 108: Inclusion of Training Data in MAPPS Program

| Task 108 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|------------|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | [Progress] | | | | | | | | | | | |
| Phase II | [Progress] | | | | | | | | | | | |

Task 108 stipulates that:

108. The State Police shall continue to maintain records documenting all training of state troopers. As part of the MAPPS, the State Police will track all training information, including name of the course, date started, date completed, and training location for each member receiving training. The MAPPS will maintain current and historical training information.

Methodology

Members of the monitoring team spoke with Academy staff responsible for implementing this task, and with staff from the newly formed Technology and Administrative Support Unit who are automating all data collection systems at the Academy. The monitoring team also reviewed related documentation provided by Academy staff.

Status

Previous Concerns

On the eighth site visit, the monitoring team found that the data management unit was inadequately staffed, and unable to remain current with data entry. On the ninth site visit, a new commandant had been assigned to the Academy just prior to that site visit. Job task information and manpower data had been gathered and were being analyzed.

Follow-up

During this site visit, the monitoring team noted that the data analyses findings were used to restructure this unit. The unit is now designated as the Technology and Administrative Support Unit. It is managed by a lieutenant and assisted by a sergeant, both of whom demonstrate a thorough understanding of computer technology and information systems. Records retention and management, and the ACTS data system, audio-visual/e-learning, D/I EEO/AA, and administrative support offices fall under this unit now and each area has staff assigned.

Civilian support staff is limited to one full-time civilian, and to one temporary person who works two days a week.

The State has addressed the issues cited in the last report. The unit is now an integral part of the Academy, and the work accomplished by the staff in this unit over the past four months has been pivotal in the reorganization of the entire Academy. They have completed the following tasks:

- A complete inventory of the space available to the Academy and how it was being utilized;

- An inventory of all equipment currently in use at the Academy;
- An assessment of the capability and usefulness of current equipment;
- An inventory of all software in use and a determination of the status of the licensing and currency of the software;
- An assessment of the functionality of each workspace;
- An analysis of the technology needs for each program conducted by the Academy;
- An assessment of the current data management systems utilized by the Academy to gather and analyze data generated by its various programs;
- An assessment of staff capabilities and expertise;
- An assessment of current computer software programs utilized in the field of academia to manage data;
- A marketplace assessment of the most current software and hardware available.

As a result of the many assessments conducted, the following changes have occurred:

- Available Academy space was reallocated based upon the needs and staffing of each program;
- Equipment was assigned a current inventory tracking number and an oversight and maintenance program was instituted;
- New equipment has been ordered and will be phased in over the next 12-18 months;
- Operating software licenses have been updated and current software purchased;
- Workspaces have been re-designed based upon functions performed;
- Equipment is being assigned to programs based upon functions and responsibilities; and
- Three new systems management software programs have been identified and ordered to meet the technology needs administratively and programmatically.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.47 Compliance with Task 109: Establishment of a Central Repository for Training Records

| Task 109 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 109 stipulates that:

109. The State Police shall maintain, in a central repository, copies of all academy, post-academy and trooper coach training materials, curricula, and lesson plans.

Methodology

A member of the monitoring team spoke with Academy personnel responsible for this task and reviewed related documentation provided by Academy staff.

Status

As noted in the last IMR, all Academy, trooper coach, and post-academy training materials, curricula, and lesson plans developed by academy staff are also maintained in a central repository at the Academy. Security oversight for all training materials, both in paper and digital formats, has been addressed since the last site visit. Master paper copies of lesson plans and curricula materials have been consolidated in one location. They are kept in locked filing cabinets in a locked room with access limited to specified personnel, and a logging system to track on who receives documents.

The volume of paper generated by the Academy in fulfilling its training tasks has necessitated that a data management system be developed to provide quality oversight of the data. Each time a course is provided, the evaluation data gathered from participants is utilized to improve the course leading to the development of a new or modified lesson plan for subsequent sessions.

The new Tech/Admin Support Unit has identified software to automate this process, and an identification system for tracking consecutive iterations of lesson plans for any given topic is in place.

Digital signatures are being introduced so that lesson plans can be developed by designated staff, signed and uploaded to the unit managing the central repository without a paper product ever needing to be generated. Individual databases are being developed for in-service, pre-service, etc. A storage area network has been established in the ACTS database and digital IDs are required for entry.

The Tech/Admin Support Unit is also digitally integrating the functions of all the units at the Academy through automation providing a new avenue for collaboration among Academy staff, and a global system for administration to ensure quality oversight. Documentation in the areas of personnel and equipment management, as well as

assessment, development, testing, evaluation, and implementation functions for pre-service and in-service will all be captured within the new systems that are under development.

A Technology Renewal Plan has been implemented to insure that equipment/software will be replaced at appropriate intervals to prevent any degradation of quality in the technology structure so critical in supporting the training services provided by the Academy to the NJSP and to outside law enforcement agencies in the state.

To insure a successful outcome in the move to regionalize training delivery, the ability to conduct on-line registration, offer computerized learning portals, provide streaming media scenarios, and conduct on-line testing and evaluations are critical. The division and the state have demonstrated support for this major and very critical effort by allocating funding for equipment and software and by creating a line item in the budget to ensure that technology renewal is assured.

A concern in the last report was that post-academy training materials, curricula, and lesson plans developed by units within the New Jersey State Police, but outside the Academy, were not maintained in a central repository at the Academy. The State has completed the following initiatives.

- A Section Field Training Liaison (SFLT--lieutenant) has been assigned to each section.
- The SFLT shall submit a list of in-service training being developed at the section level at the beginning of each calendar year. Prior to the inception of any training, Training Request Form SP6 must be submitted along with the training materials to be used.
- The SFLT must forward all lesson plans containing consent decree-related training material to the Academy 60 days prior to the inception of training to allow for review and approval.
- The SFLT must catalog and file lesson plans for all in-service training conducted on a section/bureau level, and forward copies of all training material utilized to the Academy for retention.
- The SFLT is also responsible for identifying training needs, scheduling all personnel for in-service training, and coordinating training needs assessments and evaluations as required.
- The SFLT shall maintain a current list of instructors within their section who have met the formal eligibility criteria set forth by the Academy.
- The In-service Bureau at the Academy has developed a review process to insure that lesson plans comply with the training cycle, and other criteria established by the Academy. A description of this cycle is included in SOP C-25; regional training personnel are schooled in its use and can provide

technical assistance to field trainers in specialty units while they learn to use this process.

- A standardized lesson plan format has also been developed and must be utilized by anyone developing training.
- The Academy Commandant is now included in command staff meetings providing direct contact with the Majors and Lt. Colonels responsible for all sections within the division. This provides a very necessary means of exchanging information and voicing concerns about all training needs throughout the organization.

A third issue in the last IMR concerned the inability of the State to obtain curriculum materials from outside vendors who have a contract with the State to provide training to the New Jersey State Police for tasks 100 and 106. The Academy will now be developing training for these tasks that obviates the need to work with outside consultants for these tasks.

In addition, a contracting process has been enacted that specifies what the Academy requires from outside vendors, what they must provide when developing/conducting training for NJSP personnel. Two contracts were submitted to the monitoring team demonstrating that this process is in place.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.48 Compliance with Task 110: Creation of the Office of State Police Affairs

| Task 110 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |
| | | | | | | | | | | | | |

Task 110 stipulates that:

110. The Attorney General of New Jersey shall create an Office of State Police Affairs ("office"). The office shall have the responsibility to ensure implementation of the terms of this Consent Decree and provide coordination with the Independent Monitor and the United States concerning the State Police and matters related to the implementation of the Consent Decree. An Assistant Attorney General shall head the office. The office's responsibilities shall include auditing the manner in which the

State receives, investigates, and adjudicates misconduct allegations; auditing the State Police's use of MAP data; and auditing state trooper performance of the motor vehicle stop requirements discussed in the Consent Decree. The office also shall be responsible for providing technical assistance and training regarding these matters. The office shall have such additional responsibilities as may be assigned by the State Attorney General.

Methodology

Members of the monitoring team have interviewed the majority of personnel assigned to the Office of State Police Affairs and have discussed with them their assigned duties, have seen samples of the work product they have created in developing the State's responses to the requirements of the decree, and have queried them regarding their understanding of their roles in developing the State's response to the decree.

Status

Based on the monitoring team's review of work product, and information obtained during the process of implementing the tenth site visit, it is clear to the members of the monitoring team that the State is in compliance with this task. Not all duties assigned to the Office of State Police Affairs have been completed as of the tenth site visit. The office provides coordination with the monitors and the Department of Justice, and the office is headed by an Assistant AG. The office routinely audits the process of managing misconduct investigations, and routinely audits performance on MVSR processes. These audits consist of on-site reviews, basically replicating those engaged in by the monitoring team, with samples of MVSR and MVR recordings reviewed by OSPA personnel. Problems are noted and remedial measures are recommended. Technical assistance and training is provided routinely by the office regarding these matters. The mechanism and duty assignments, however, exist to complete the duties of the office as soon as practicable, given the implementation schedule of the State's compliance efforts.

Phase II compliance with this task is dependent upon full and final implementation of the MAPPS.

Compliance

| | |
|-----------|-------------------|
| Phase I: | In Compliance |
| Phase II: | Unable to Monitor |

2.49 Compliance with Task 111: Audits of Motorists Subjected to Motor Vehicle Stops

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 111 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 111 stipulates that:

111. The office shall implement an auditing system for contacting a sample of persons who were the subject of motor vehicle stops and enforcement actions and procedures connected to a motor vehicle stop, to evaluate whether state troopers conducted and documented the incidents in the manner prescribed by State Police rules, regulations, procedures, and directives, and the requirements of this Decree.

Methodology

This task was not monitored during this period.

Status

The State remains in compliance based on past performance.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.50 Compliance with Task 112: Internal Audits of Citizen Complaint Processes

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 112 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 112 stipulates that:

112. The office's audits of the receipt, investigation, and adjudication of misconduct allegations shall include audits of the tapes of the complaint/comment toll-free telephone hotline established by ¶62; the use of testers to evaluate whether complaint intake procedures are being followed; audits of audio tape and videotape interviews produced during the course of misconduct investigations; and interviews of a sample of persons who file misconduct complaints, after their complaints are finally adjudicated.

Methodology

This task was not monitored during this period.

Status

The State remains in compliance based on past performance.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.51 Compliance with Task 113: Full and Unrestricted Access for the Office of State Police Affairs

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 113 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 113 stipulates that:

113. The office shall have full and unrestricted access to all State Police staff, facilities, and documents (including databases) that the office deems necessary to carry out its functions.

Methodology

Members of the monitoring team observed the personnel from the Office of State Police Affairs during the course of the site visit during the week of May 19th, 2003.

Status

Based on the team’s observations, members of the Office of State Police Affairs have full and unrestricted access to all State Police staff, facilities and documents.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.52 Compliance with Task 114: Publication of Semi-Annual Reports of Aggregate Traffic Stop Statistics

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 114 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 114 stipulates that:

114. The State Police shall prepare semiannual public reports that include aggregate statistics on State Police traffic enforcement activities and procedures broken down by State Police station and the race/ethnicity of the civilians involved. These aggregate statistics shall include the number of motor vehicle stops (by reason for motor vehicle stop), enforcement actions (including summonses, warnings, and arrests) and procedures (including requests for consent to search, consent searches, non-consensual searches, and uses of force) taken in connection with or during the course of such stops. The information regarding misconduct investigations shall include, on a statewide basis, the number of external, internal, and total complaints received and sustained by category of violation. The information contained in the reports shall be consistent with the status of State Police record keeping systems, including the status of the MAP computer systems. Other than expressly provided herein, this paragraph is not intended, and should not be interpreted, to confer any additional rights to information collected pursuant to this Decree.

Methodology

The State has produced its latest “Semi-Annual Public Report of Aggregate Data,” in response to this provision of the decree.

Status

Members of the monitoring team have reviewed the latest report entitled "Semi-Annual Public Report of Aggregate Data," prepared by the Office of State Police Affairs, and found it to be responsive to the requirements of the decree.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.53 Compliance with Task 115: Appointment of Independent Monitor

| Task 115 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 115 stipulates that:

115. Within ninety (90) days after the entry of this Decree, the State and the United States shall together select an Independent Monitor who shall monitor and report on the State's implementation of this Decree. The Monitor shall be acceptable to both parties. If the parties are unable to agree on an Independent Monitor, each party shall submit two names of persons who have experience as a law enforcement officer, as a law enforcement practices expert or monitor, or as a federal, state, or county prosecutor or judge along with resumes or curricula vitae and cost proposals to the Court, and the Court shall appoint them Monitor from among the names of qualified persons submitted. The State shall bear all costs of the Monitor, subject to approval by the Court.

Methodology

Members of the monitoring team reviewed the order from United States District Court Judge Mary L. Cooper, appointing an independent monitoring team on March 30, 2000.

Status

The State is judged to remain in compliance with this task.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.54 Compliance with Task 118: Full and Unrestricted Access for Monitors

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 118 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 118 stipulates that:

118. The State shall provide the Monitor with full and unrestricted access to all State staff, facilities, and non-privileged documents (including databases) necessary to carry out the duties assigned to the Monitor by this Decree. In the event of an objection, the Court shall make the final determination regarding access. In any instance in which the State objects to access, it must establish that the access sought is not relevant to monitoring the implementation of the Consent Decree, or that the information requested is privileged and the interest underlying the privilege cannot be adequately addressed through the entry of a protective order. In any instance in which the State asserts that a document is privileged, it must provide the United States and the Monitor a log describing the document and the privilege asserted. Notwithstanding any claim of privilege, the documents to which the Monitor shall be provided access include: (1) all State Police documents (or portions thereof) concerning compliance with the provisions of this Decree, other than a request for legal advice; and (2) all documents (or portions thereof) prepared by the Office of the Attorney General which contain factual records, factual compilations, or factual analysis concerning compliance with the provisions of this Decree. Other than as expressly provided herein, with respect to the Independent Monitor, this paragraph is not intended, and should not be interpreted to reflect a waiver of any privilege, including those recognized at common law or created by State statute, rule or regulation, which the State may assert against any person or entity other than the Independent Monitor.

Methodology

Members of the monitoring team were accorded full and unrestricted access while on-site with personnel from the New Jersey State Police and the Office of State Police Affairs.

Status

All documents requested by the monitoring team have been provided in a timely and well-organized manner. All data reviewed by the monitors have been kept in a fashion that allows retention, retrieval and assessment.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.55 Compliance with Task 122: State to File Routine Progress Reports

| | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Task 122 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Phase I |  | | | | | | | | | | | |
| Phase II |  | | | | | | | | | | | |

Task 122 stipulates that:

122. Between ninety (90) and one hundred twenty (120) days following entry of this Consent Decree and every six months thereafter until this Consent Decree is terminated, the State shall file with the Court and the Monitor, with a copy to the United States, a status report delineating all steps taken during the reporting period to comply with each provision of this Consent Decree.

Methodology

Members of the monitoring team have reviewed the State’s submission “Progress/Status Summary of the Consent Decree,” filed by the State in response to this task.

Status

The report submitted by the State, in the opinion of the monitor, complies with the requirements of this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.56 Compliance with Task 123: State to Maintain all Necessary Records

| Task 123 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 123 stipulates that:

123. During the term of this Consent Decree, the State shall maintain all records documenting its compliance with the terms of this Consent Decree and all documents required by or developed under this Consent Decree. The State shall maintain all misconduct investigation files for at least ten years from the date of the incident. The State Police shall maintain a troopers' training records and all personally-identifiable information about a trooper included in the MAP, during the trooper's employment with the State Police. Information necessary for aggregate statistical analysis shall be maintained indefinitely in the MAP for statistical purposes. MVR tapes shall be maintained for 90 days after the incidents recorded on a tape, except as follows: any MVR tape that records an incident that is the subject of a pending misconduct investigation or a civil or criminal proceeding shall be maintained at least until the misconduct investigation or the civil or criminal proceeding is finally resolved. Any MVR tape that records an incident that is the subject of a substantiated misconduct investigation, or an incident that gave rise to any finding of criminal or civil liability, shall be maintained during the employment of the troopers whose conduct is recorded on the tape.

Methodology

Members of the monitoring team requested for review numerous documents, records, recordings and other information during the course of the team's site visit during October, 2003.

Status

All documents requested by the monitoring team have been provided in a timely and well-organized manner. All data reviewed by the monitors has been kept in a fashion that allows retention, retrieval and assessment.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.57 Compliance with Task 124: Unrestricted Access for the Department of Justice

| Task 124 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|
| Phase I | | | | | | | | | | | | |
| Phase II | | | | | | | | | | | | |

Task 124 stipulates that:

124. During all times while the Court maintains jurisdiction over this action, the United States shall have access to any State staff, facilities and non-privileged documents (including databases) the United States deems necessary to evaluate compliance with this Consent Decree and, within a reasonable time following a request made to the State attorney, shall, unless an objection is raised by the State, be granted such access and receive copies of documents and databases requested by the United States. In the event of an objection, the Court shall make a final determination regarding access. In any instance in which the State objects to access, it must establish that the access sought is not relevant to monitoring the implementation of the Consent Decree, or that the information requested is privileged and the interest underlying the privilege cannot be adequately addressed through the entry of a protective order. In any instance in which the State asserts that a document is privileged, it must provide the United States and the Monitor a log describing the document and the privilege asserted. Notwithstanding any claim of privilege, the documents to which the United States shall be provided access include: (1) all State Police documents (or portions thereof) concerning compliance with the provisions of this Decree, other than a request for legal advice; and (2) all documents (or portions thereof) prepared by the Office of the Attorney General which contain factual records, factual compilations, or factual analysis concerning compliance with the provisions of this Decree. Other than as expressly provided herein with respect to the United States, this paragraph is not intended, and should not be interpreted to reflect a waiver of any privilege, including those recognized at common law or created by State statute, rule or regulation, which the State may assert against any person or entity other than the United States.

Methodology

Members of the monitoring team discussed the level of access provided by the State with Department of Justice personnel assigned to this case.

Status

The State remains in compliance with this task.

Compliance

| | |
|-----------|---------------|
| Phase I: | In Compliance |
| Phase II: | In Compliance |

3.0 Executive Summary

During the last reporting period, the State has made remarkable progress toward compliance in several areas, including training; supervision; Development of a MAPPS performance management system; and inspections, audit and quality control. Compliance levels have been improved substantially in training, supervision, MAPPS and quality control. These new compliance levels appear to be directly attributable to a focused and clear leadership mandate, emanating from the Office of the Superintendent, placing compliance efforts among the top goals of the agency. Continued cooperation with, and support from the Office of State Police Affairs has focused the State's compliance efforts, with remarkable effects observed this reporting period. Each of these areas is discussed briefly below.

3.1 Training

A dramatic and remarkable improvement in training function implementation has been noted during this reporting period. Following on the substantial increases in staffing levels noted last period, the Academy has tasked those staff with specific planning, organization and development functions. Improvements in virtually all areas of the training function were noted this period. In fact, the Academy has attained compliance in all but two specific areas this period. Executive training and evaluation of the impact of training are the only two remaining areas resulting in non-compliance at the Academy. This period, the monitors noted continuing improvement in staffing, training for instructional personnel, training curriculum development, trooper coach training, decree mandated training, systems improvement processes for training, supervisory training, promotional training, leadership training, and training documentation. The monitors find the focus, attention to detail, commitment of resources and results achieved by the Academy this period to be exceptional. They reflect a strong commitment to and interest in the training function by the Superintendent of the New Jersey State Police. Only two processes stand between the Academy and full compliance—finalization, implementation and evaluation of training for captains and above; and, finally, implementation and use of methodologies for evaluating the impact of training in the field.

3.2 Supervision and Field Operations

As dramatic as the positive changes have been at the Training Academy this period, the changes made in the *process* and *outcome* of supervision of troopers within the New Jersey State Police has been even more remarkable. For the first time in four years, evidence exists that New Jersey State Police supervisors are fully engaged in the consent decree compliance process, reviewing 161 of the 207 motor vehicle stop events

reviewed by the monitors. This 78 percent supervisory review rate yielded 125 instances in which New Jersey State Police supervisory personnel noted violations of New Jersey State Police SOPs and counseled, retrained or otherwise responded to those violations. Not all of these 125 instances were consent-decree related; however, it is clear that the New Jersey State Police have engaged supervisory personnel in their attempts to ensure compliance with the decree. Command staff in field operations have committed to a supervisory review of all incidents involving a law enforcement procedure of interest to the decree. While that goal has not been attained, the agency is well along its way to the goal.

The New Jersey State Police now subject each motor vehicle stop to at least three levels of review. Immediate supervisors (the real key to compliance) review motor vehicle stop reports and supporting documentation and video tapes for all motor vehicle stops of interest to the decree. New Jersey State Police quality assurance reviews subject the supervisory reviews to quality assurance assessments. The Office of State Police Affairs also reviews stop activities. These new supervisory initiatives, again, are reflective of a strong commitment to and interest in the supervisory function by the New Jersey State Police, to a level heretofore not observed by the monitoring team. Minor fine tuning of supervisory processes could bring the State into full compliance in the Field Operations tasks outlined by the decree. As of this reporting period, the State remains out of compliance with only two of twenty Field Operations-related tasks, both related to supervision, and thus of substantial importance.

For the first time, the State has been found in compliance with one of the more critical tasks of the consent decree, Task 27, which relates to field operations activities. The monitors have found, for the first time, that all consent requests, uses of force, and canine deployments were conducted in accordance with the U.S. Constitution, and all but one of the 177 non-consensual searches met constitutional requirements. Once again, the IMT has found no evidence that the New Jersey State Police have engaged in racial profiling during this review period. This marked change in performance is, in the opinions of the monitors, directly attributed to the current leadership within the Division of State Police and the Department of Law and Public Safety as well as the improved performance of New Jersey State Police supervisors.

3.3 MAPPs Development

Strong progress continues to be made with the MAPPs information system. The system can be used to review trooper and supervisory performance, compare trooper performance to other members of the trooper's workgroup, and to compare performance across work groups. Work continues on establishing appropriate benchmark integration into the MAPPs system. Supporting SOPs and training for operation of MAPPs have been developed and approved by the monitors, and forwarded to the field personnel using the system. MAPPs is beginning to be used in

performance evaluations and positive disciplinary processes, such as verbal counselings, performance notices, and retraining. The monitors reviewed the operational MAPPS database, and found it to contain active data from January 1, 2004. No errors or violations of approved MAPPS policies were noted. Only three factors stand between the State and full compliance in MAPPS: implementation of a benchmarking standard and implementation of long-term trend analysis.

3.4 Inspections, Audit and Quality Control

Inspections and Audit personnel from Field Operations and the Office of State Police Affairs continue to review MVSR and MVR elements for conformance to the requirements of the consent decree. As noted above, the quality control process has yielded remarkable improv