OLEPS

OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS

Seventh Oversight Report March 2013

New Jersey Office of the Attorney General • John J. Hoffman, *Acting Attorney General*

Office of Law Enforcement Professional Standards • Christina M. Glogoff, *Director*

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Executive Summary

OLEPS Seventh Oversight Report utilizes revised standards developed in the fourth reporting period to assess the New Jersey State Police (State Police). OLEPS now assesses and evaluates State Police adherence to policies and procedures and those mandates outlined in the Law Enforcement Professional Standards Act of 2009 (N.J.S.A. 52:17B-222, et. seq.) (the Act). Items referred to as "Tasks" in previous reports are now "Performance Standards." As of the Sixth report, the monitoring report is now known as the oversight report.

This new format of assessment did not change OLEPS' review process; a sample of motor vehicle stops still underwent detailed review by OLEPS staff. Further, records and documentation from Field Operations, MAPPS, the Training Bureau, and OPS were also reviewed.

During this seventh reporting period, OLEPS reviewed and analyzed data from 326 motor vehicle stops and associated records of these stops to determine whether State Police activity was consistent with performance standards developed from State Police policies and procedures. The major findings of this report include:

- There was no definitive evidence that State Police engaged in any race/ethnicity-based decision making processes in this reporting period. Differences in enforcement activities are more likely the result of chance rather than purposeful behavior.
    - Unlike previous reporting periods, where multiple racial/ethnic distributions were found to be significant, only one was significant this reporting period: White drivers were more likely to be involved in stops with consent to search requests than other racial/ethnic groups. For all other activities, analyses did not reveal significant differences.
- Despite changes to the interpretation of State Police Miranda policies, OLEPS did note inconsistencies in the application of Miranda. Specifically, some troopers issued Miranda for all arrests while others did not do so for warrant based arrests, consistent with State law. State Police should clarify the instances in which a trooper is required to issue Miranda and ensure that supervisors reviewing the stops also understand the requirement. The interpretation and application of policies should be consistent across the State Police.
- During the review of stops, instances where the State Police deviate from policy and procedures are referred to as errors. The total number of errors noted in the current reporting period remains high. While the State Police did not review 174 of the selected stops for review, OLEPS noted that 16% of stops that the State Police did review contained an error not noted by the review. OLEPS approval of the State Police's revised review schedule was contingent upon its ability to maintain quality, thorough, and appropriate reviews.
    - When an error is made during a motor vehicle stop, State Police are required to use an intervention to notify and correct the trooper's error. Historically, interventions have not been used for errors caught during motor vehicle stops. State Police should use interventions. In the current period, about 34% of all errors caught by the State Police did result in interventions, most frequently for errors caught pertaining to searches of vehicles, persons, and consent to search requests.

  - In addition to reviewing stops, supervisors are also required to be present during motor vehicle stops, in an effort to ensure that troopers conduct stops in accordance with State Police policy. The revised stop review schedule, implemented in July 2011, was designed to allow supervisors more time to observe stops as they occur. In the current reporting period, the proportion of stops with supervisors on scene continues to be low. OLEPS anticipates future reporting periods will reveal an increase in supervisor presence as sufficient time has passed to allow the implementation of the revised review schedule and as the State Police continues to increase its manpower.

- The recording of motor vehicle stops remains an issue in the current reporting period. Portions of stops were missing from the database that houses all DIVRs. In some instances, the first clip of the stop was catalogued with that trooper's previous stop, suggesting that s/he did not "clear" from the stop. In other instances, the clip was nowhere to be found, either because it was never uploaded to the server or may have been purged. The State Police should continue to ensure that all clips are uploaded and catalogued appropriately for each motor vehicle stop.

- For several reporting periods, OLEPS has commented on staffing levels in critical units of the State Police. Specifically, the MAPPS Unit, OPS, and the Training Bureau are understaffed compared to the workload required of these units. Each of these units completes tasks specifically mandated by the Act. Staff turnover in these areas is problematic and can be a detriment to the progress made between OLEPS and the State Police. State Police should consider additional staff for these units.

OLEPS also reviewed training activities occurring from January 1, 2012 to December 31, 2012. Highlights of this review include:

- The Training Bureau continues to demonstrate its ability to develop, deliver, and document its training processes as prescribed by the seven-step training cycle. The Staff remains committed to staying relevant with best police practices in the development of curriculum.

- In 2012, OLEPS noted an increase in the number of supervisors who did not attend the First Line Supervision course. This promotion involves a considerable amount of responsibility, and the course is designed to help supervisors develop the appropriate skills needed to manage the new role. Failure to attend this training, especially for those supervisors in Field Operations, where supervisors are required to make real-time decisions affecting both the troopers' welfare and that of the citizens they serve.

  - Related to the failure to attend training, accountability on those who fail to attend or their supervisors is lacking. OLEPS previously recommended that the State Police impose progressive discipline where there is no justification as to why a member fails to comply with Training Orders and to consider holding the supervisor equally accountable. OLEPS did not find any evidence that individuals were held accountable for failure to attend training.

In sum, the State Police adheres to its policies and procedures regarding trooper activities. While OLEPS did find some evidence of divergence from policy, the majority of troopers perform their duties as required. However, OLEPS has noted slightly more deviations from policy than in previous reporting periods and suggests that the State Police strengthen supervisory oversight to ensure that

the Division continues to improve and self-assess. OLEPS anticipates that this and future oversight reports will serve as a resource for the State Police and be used to identify any potential areas that require improvement.

OLEPS' SEVENTH OVERSIGHT REPORT OF THE NEW JERSEY STATE POLICE
JULY 1, 2012 TO DECEMBER 31, 2012

Introduction

Pursuant to the Law Enforcement Professional Standards Act of 2009 (N.J.S.A. 52:17B-222, et. seq.) (the Act), the Office of Law Enforcement Professional Standards (OLEPS) is required to publish biannual reports assessing New Jersey State Police (State Police) compliance with relevant performance standards and procedures. Dissolved in September 2009, the federal Consent Decree (the Decree) outlined procedures and policies for State Police to implement. Many of the reforms accomplished under the Decree have been codified in rules, regulations, policies, procedures, operating instructions, or the operating procedures of the organization. The monitoring reports, which formerly assessed compliance with the Decree, now reflect State Police adherence to these reforms. For a more detailed history concerning the Decree, see previous reports at www.nj.gov/oag/oleps.

This Seventh Oversight Report[1] reviews activities undertaken by the State Police between July 1, 2012 and December 31, 2012. This report represents the fourth full reporting period after the dissolution of the Decree and maintains the spirit of compliance with the Decree as discussed in previous reports.

The methodology employed by OLEPS in developing this report and operational definitions of compliance are described in Part I of the report. Part II of the report describes the data and sample utilized for this reporting period. Part III, Assessment, includes the findings of OLEPS' oversight process. Specific examples of behavior observed during the oversight process are also noted. Within Part III, several chapters detail standards based on overall relevance to Field Operations, Supervisory Review, Management Awareness Personnel Performance System (MAPPS), Training, the Office of Professional Standards (OPS), and Oversight and Public Information requirements.

The methodology used to assess performance standards is outlined at the beginning of each Chapter. Chapter Six of the report, Summary, provides an overall assessment of State Police policies and any recommendations. Appendix One presents a listing of all previous monitoring/oversight reports published by OLEPS, their dates of publication, and the reporting periods covered. Appendix Two summarizes the types of errors made by each station during the current reporting period. Appendix Three presents additional analyses relevant to Part III. Appendix Four lists definitions for commonly used abbreviations in this report. Finally, Appendix Five contains a map of State Police troops and stations.

[1] OLEPS' Monitoring Reports are now known as OLEPS' Oversight Reports. This change reflects OLEPS role as auditors rather than independent monitors as defined by the Decree.

PART I
METHODOLOGY & PROCESS

Part I details the methodology used to assess the State Police. This methodology applies to all standards within this report (supplemental methodologies may also be listed for each standard). The bulk of the data utilized in this report pertain to field operations and activities occurring during motor vehicle stops.

All assessments of the State Police are data and policy review based, formed by a review of records and documents prepared in the normal course of business. No special reports prepared by the State Police were accepted as evidence of adherence to performance standards. Instead, OLEPS reviewed records created during the delivery or performance of tasks/activities.

OLEPS' legislation (the Act) requires the publication of two reports a year, which is traditionally handled by publishing reports covering two six month reporting periods. The Seventh Oversight Report covers a sixth month reporting period from July 1, 2012 to December 31, 2012.

Standards for Assessment

As of September 2009, the State Police were no longer subject to the Decree. The standards of 90% and 94% were originally created as a benchmark of achievement that, once reached, would enable the dissolution of the Decree. Since these benchmarks are no longer applicable, OLEPS now assesses the State Police according to its own rules and procedures. Dissolution of the Decree was contingent upon the continued completion of those tasks outlined in the Decree and codified by the Act.

For the current report, the State Police are deemed to be functioning appropriately to the extent that the organization adheres to the policies and procedures set forth in the Act and the Division's own rules, regulations, policies, and instructions.

The text of the report includes a discussion of how many stops did and did not follow the required policies and procedures, how many errors were noted in a supervisory review, and how many errors generated a formal intervention.[2] OLEPS discusses motor vehicle stop activity in the current reporting period and situate it in the context of past reports to determine changes in overall activity and adherence to State Police policies and procedures. OLEPS continues to issue recommendations to the State Police based on observed events, especially where a pattern or practice of behavior is developing.

Supervisory review plays a prominent role in the oversight of the State Police. Many of the tasks under the Decree dealt with supervisor responsibilities, accountability to supervisors, and a system to aid in supervision of all troopers (MAPPS). In light of this, OLEPS continues to monitor the State Police as the independent monitors did; by comparing the number of errors caught by supervisors to those caught by OLEPS giving consideration to whether the stop ever received a supervisory review from the

[2] The majority of errors do not generate a formal intervention. This issue was addressed with the State Police. This is the second reporting period in which the number of interventions will be assessed.

State Police. This allows OLEPS to assess the ability of the State Police to monitor itself through proper supervision, review, and documentation.

The Performance Standards listed in this report will evolve with State Police rules, regulations, policies, and organizational operating procedures. In this sense, the oversight report should be seen as a living document that will evaluate the State Police in accordance with current policies and procedures. Through this report, OLEPS maintains its goal of assisting the State Police in self-assessment. As such, these oversight reports should be used as a tool to supplement State Police's own assessments and evaluations.

PART II
DATA & SAMPLE DESCRIPTION

To assess State Police performance, OLEPS examines State Police activity in a number of ways. Field Operations are monitored through a detailed review of a sample of motor vehicle stops. OLEPS also accesses State Police databases and records systems to find evidence of requirements and adherence to policies. OLEPS reviews policies and procedures for the State Police prior to implementation to ensure that they are appropriate, consistent with the Act, and adequately address any developments in constitutional law.

Field Operations

The State Police provided data to OLEPS, pursuant to specific data requests. Under no circumstances were the data selected by OLEPS based on provision of records of preference by personnel from the State Police. In every instance of the selection of samples, State Police personnel were provided lists requesting specific data or the data were collected directly by members of OLEPS.

The motor vehicle stop data for this period, as with those for the previous report, were drawn exclusively from the universe of incidents that have post-stop activity. The data requested are based on requirements originally formed by the independent monitors. Updates have been made to the request to reflect any changes in State Police reporting procedures.

Data Requests

Each motor vehicle stop review includes the examination of several pieces of information, which were either provided by the State Police or obtained from State Police databases by OLEPS. For the stops selected for review, this information included:

- All reports, records checks, and videos of stops.
- Logs for all trooper-initiated motor vehicle stop communications center call-ins for the stops selected, including time of completion of the stop and results of the stop.
- Copies of documentation, including supplemental reports created for consent search requests, canine deployments, and incidents involving use of force that took place during a motor vehicle stop.

OLEPS was provided with all requested information (unless otherwise noted). The requested data were thus the same as previous reporting periods.

Types of Reviews

Report

A report review (formerly Type I) involves examination of all available hard-copy and electronic documentation of an event. For example, a review could consist of reviewing the MVSR, associated records in the patrol log, a supporting consent to search form, and associated summonses or arrest records. Each post-stop event consisting of law enforcement procedures of interest to the Decree[3] was subjected to a structured analysis using a form initially developed by independent monitors and revised by OLEPS. Problems with the motor vehicle stop were noted and tallied using this form. These data were shared with the State Police. Clarifications were requested and received in instances in which there was doubt about the status of an event or supporting documentation. All 326 events were subject to Report reviews in this period.

Tape

A tape review (formerly Type II) consisted of examining the associated video of a given motor vehicle stop. OLEPS compared the actions noted on the tape with the elements reported in the official documents related to the event. These data were collected and were shared with the State Police. Clarifications were requested and received in instances in which there was doubt about the status of an event or supporting documentation. A total of 310 Tape reviews were conducted this period. Members of OLEPS attempted to review available video recordings and associated documentation (stop reports, patrol charts, citations, arrest reports, DUI reports, etc.) for *all* [4] of the stops selected for review.

Sample

A sample of motor vehicle stops reviewed for this reporting period was selected from all motor vehicle stops made by the State Police from July 1, 2012 to December 31, 2012. Stops made by all troops and stations were eligible for selection. The sample is best described in two parts:

I. All stops deemed critical by the Decree
   - All RAS-based consent searches
   - All canine deployments
   - All uses of force

II. Select stops where arrests were made
   - Due to issues noted in previous reporting periods, a random sample of stops with arrests were selected from Bridgeton, Perryville, Tuckerton, Newark, and Bloomfield stations.

A total of 326 motor vehicle stops were reviewed for this reporting period. Table One lists the activities involved in these motor vehicle stops. For this reporting period, OLEPS attempted to conduct tape & report reviews on all motor vehicle stops. Report reviews occurred in the instances where a tape was not available for review. There were a total of 16 motor vehicle stops that received a report only review, while 310 received a review that included both reports and tape.

[3] I.e., request for permission to search; conduct of a search; ordering occupants out of a vehicle; frisks of vehicle occupants; canine deployment; seizure of contraband; arrest of the occupants of the vehicle; or use of force.
[4] To the extent these recordings were available.

Table One: Incidents Reviewed

7th OLEPS Reporting Period

	Report Only Reviews	Tape & Report Reviews[5]
Total Stops	16	310
Consent Search Requests (PC & RAS)	2	107
Canine Deployments	0	30
Use of Force	1	19
Probable Cause Searches of Vehicles	6	24

Table Two lists the number of incidents reviewed by station and the type of review received. In January 2011, the State Police combined Troops D and E to form Troop D Parkway and Troop D Turnpike. Technically then, Bass River, Bloomfield, and Holmdel[6] stations are part of Troop D. Because of this merger, Troop D generally makes up the highest number of motor vehicle stops reviewed. However, due to sample selection, a large number of stops were reviewed from troops A and B. There were 93 stops reviewed from these two troops while only 72 from Troop D and 56 from Troop C. Bridgeton station conducted the highest number of stops selected for review for this period, 67 stops. This is the result of the selection of 52 random stops from Bridgeton station that involved an arrest and 15 critical stops.

[5] Tape and report reviews for each type of activity total more than 315 due to the fact that most stops involved more than a single category of law enforcement activity.

[6] Despite this merger, the State Police retained the "E" station codes for Bass River, Bloomfield, and Holmdel stations, as seen in Table Two.

Table Two: Distribution of Events by Station
7th OLEPS Reporting Period

Station	Tape & Report Reviews	Report Only Reviews	Total Reviews
A040-Bridgeton	62	5	67
A050-Woodbine	5	0	5
A100-Port Norris	6	0	6
A140-Woodstown	7	0	7
A160-Atlantic City	2	0	2
A310-Bellmawr	6	0	6
B010-Newark	36	6	42
B020-Hope	2	0	2
B050-Sussex	1	0	1
B060-Totowa	6	0	6
B080-Netcong	4	0	4
B110-Perryville	32	2	34
B130-Somerville	4	0	4
C020-Bordentown	6	0	6
C040-Kingwood	1	0	1
C060-Hamilton	8	0	8
C080-Red Lion	6	2	8
C120-Tuckerton	32	1	33
D010-Cranbury	8	0	8
D020-Moorestown	5	0	5
E030-Bass River	1	0	1
E040-Bloomfield	54	0	54
E050-Holmdel	4	0	4
Other	12	0	12
Total	**310**	**16**	**326**

The sample of stops selected for the current reporting period is similar to the previous period; both reporting periods include a sample of stops where at least one individual was arrested. These stops may include other post-stop interactions, but that was not a requirement of sample eligibility. As noted in the previous Oversight Report, this sample differs from historic samples because the secondary sample was not selected based on the whether a probable cause consent request occurred.

Trends

For several reporting periods, OLEPS has tracked trends in the motor vehicle stops reviewed. Since OLEPS reviews all motor vehicle stops with RAS-based consent to search requests, canine deployments, or uses of force, these numbers represent the actual volume of motor vehicle stops with

these events.[7] Figure One depicts the trends in these events from January 2008 - December 2012. All three activities decreased in the current reporting period. For the past two years, the number of RAS consent requests has declined in the second half of a year, just as the number of motor vehicle stops, generally, declines in the second half of the year. However, the number of RAS consent requests in the current reporting period, 75, is the lowest since 2010.

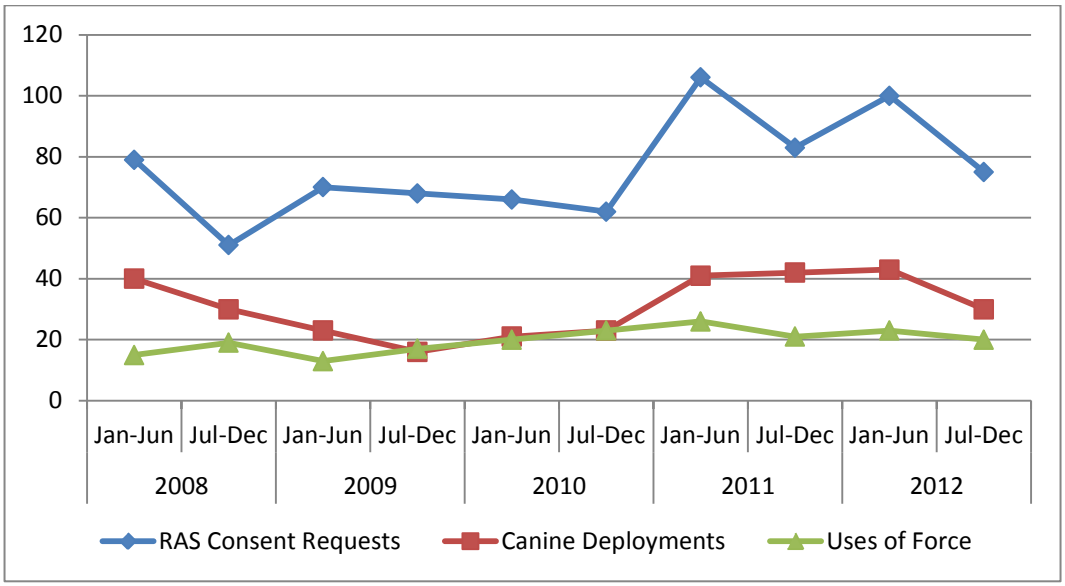
For the past three reporting periods, an increase in canine deployments had been noted. However, the current reporting period indicates that there was a decline in the number of stops where a canine was deployed during the stop. The total for 2012, 73, is slightly smaller than the 83 in 2011, but still much higher than the 44 in 2010. The State Police continue to utilize canines at high rates.

The number of stops where force was used has been fairly consistent since 2008, roughly 20 stops in a reporting period. The highest number of stops with a use of force, 26 stops, occurred in the first half of 2011. In the current reporting period, there were only 20 stops with a use of force, fewer than the previous reporting period.

Overall, all enforcement activities declined in the current reporting period, likely because the total number of motor vehicle stops also declined for the current reporting period.

Figure One: Annual Trends of RAS Consent Requests, Uses of Force, and Canine Deployments

January 2008- December 2012



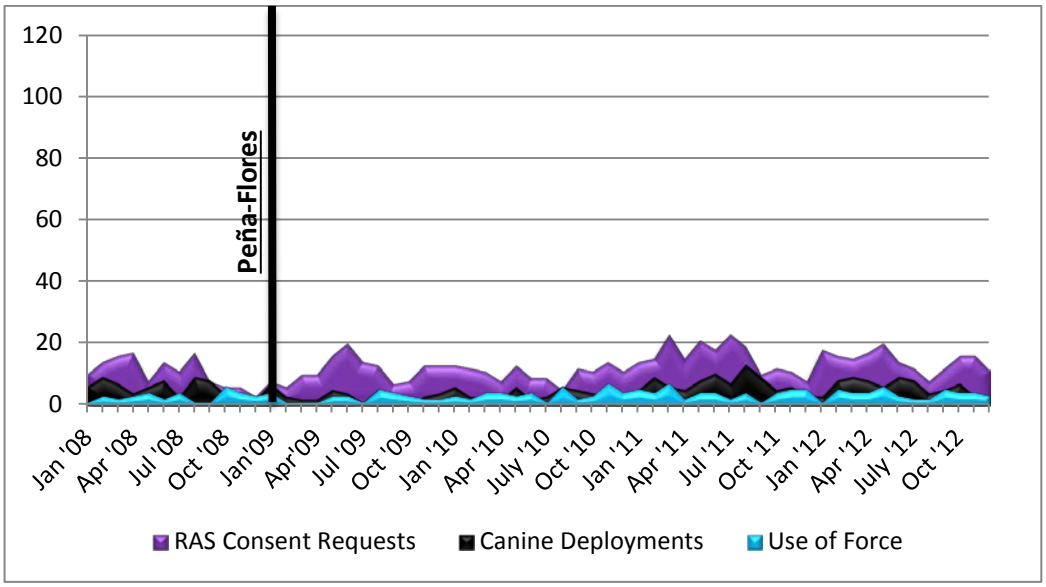
OLEPS has noted monthly and bi-annual trends for the State Police. Specifically, the number of incidents occurring in the second half of the year is lower than the number occurring in the first half of the year. As such, examination of monthly trends is important. Figure Two presents the number of RAS consent requests, uses of force, and canine deployments for January 2008 through December

[7] OLEPS only reviews these events when they occur during a motor vehicle stop (i.e., time on the road only), prior to returning to the station. There are additional RAS consent to search requests, canine deployments and uses of force conducted by the State Police, but these occur outside of motor vehicle stops.

2012. These monthly trends also allow OLEPS to determine changes in the volume of these events in the time period following key events (e.g., State v. Peña-Flores, 198 N.J. 6 (2009)[8]). As seen in the graph, these enforcement activities are relatively infrequent in a given month and there is much variation from month to month. Figure One presented the annual totals for these activities which concealed these monthly fluctuations. The annual totals suggest that each activity decreased throughout 2012. However, in reality, the activities vary in each month of the year, and across years; the trends are not as linear as suggested by Figure One. The number of RAS consent to search requests is inconsistent from month to month. While these numbers do fluctuate each month, beginning in January 2011, there is a discernable increase in these events. However, there is a noticeable decline from July 2012 to October 2012. Specifically, RAS consents appear very low in August compared to October through December when the number of RAS consents appears more consistent.

Figure Two: Motor Vehicle Stops with RAS Consent Requests, Canine Deployments, and Uses of Force

January 2008 – December 2012



For canine deployments and uses of force, no consistent trend appears other than inconsistency. The number of canine deployments and uses of force fluctuate each month. As with RAS consent to search requests, canine deployments show an increase beginning in 2011 and a decline at the end of 2011.

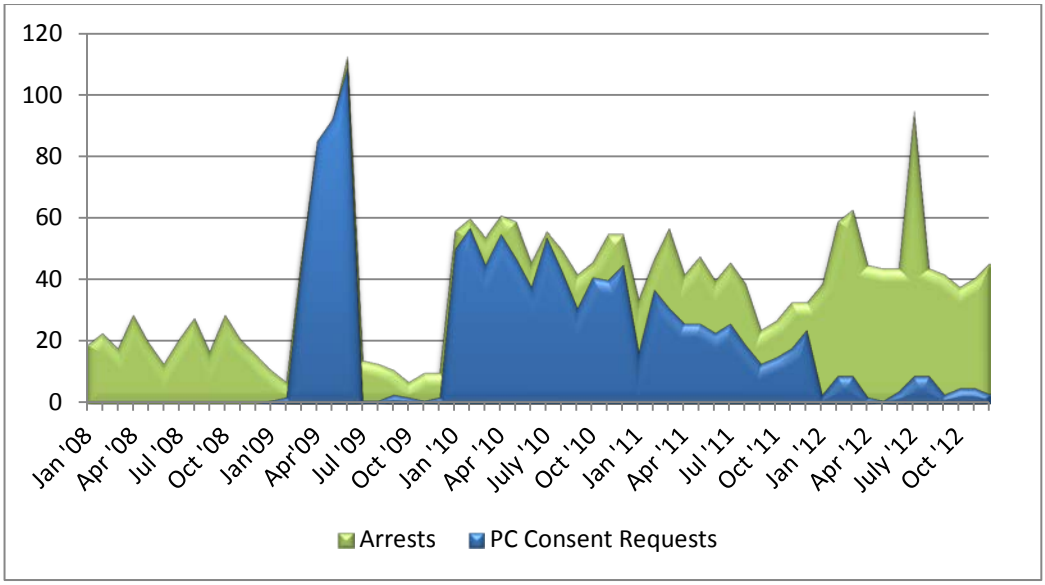
Two other enforcement activities appear frequently in the stops selected for OLEPS review. These are PC consent to search requests and arrests. The total number of PC consent to search requests has increased dramatically following Peña-Flores. Figure Three depicts trends in the reviewed motor vehicle stops with PC consent requests and/or arrests. The numbers do not represent the total volume of PC consent requests and arrests, but rather, only those stops selected for review in which these events occurred. In actuality, there were about 1,000 PC consent searches in motor vehicle stops in

[8] State v. Peña-Flores, 198 N.J. 6 (2009), hereafter referred to as Peña-Flores, served to further define the exigent circumstances under which a search of a vehicle could be conducted without securing a search warrant under the automobile exception when there was probable cause to believe that a crime had been (or will be) committed.

the second half of 2012. The 34 PC consent requests represented in Figure Three for July- December 2012 only represent a small fraction of the total number of PC consent searches. An annual graph, similar to Figure One, is not presented for PC consent searches and arrests because the variation seen in these events is the result of the stops selected rather than variation in the actual use of such enforcement activities.

Figure Three: Reviewed Motor Vehicle Stops with PC Consent Requests and/or Arrests

January 2008 – December 2012



Historical context is important to understanding Figure Three. In February 2009, the New Jersey Supreme Court issued the Peña-Flores decision. This decision restricted the ability of law enforcement to conduct searches covered under the automobile exception rule. The decision resulted in the State Police developing the practice of PC consent searches. Because the decision led to a dramatic change in the type of enforcement activities engaged in by the State Police, OLEPS altered its sample selection to include these new PC consent searches. For OLEPS' Second Monitoring Report, a sample of PC consent searches was reviewed. Due to time constraints, the sample selected for OLEPS' Third Monitoring Report did not include a sample of PC consent searches. During that reporting period, July 2009 to December 2009, OLEPS reviewed a dramatically lower number of arrests and virtually no PC consent searches. In the fourth and fifth reporting periods, OLEPS returned to reviewing an entire sample of PC consent searches, but reviewed much smaller samples than in the second reporting period.

The number of PC consent searches appears to have declined in the past two reporting periods while the number of arrests seems to have remained high. This is likely due to sample selection. In the current and previous reporting period, OLEPS shifted focus from PC consent searches to arrests. The few PC consents then were reviewed because they occurred in stops with other activities of interest.

OPS & Investigations

Evidence of OPS' compliance with State Police policies and procedures is assessed in an audit of OPS investigations. These audits are conducted twice a year by OLEPS investigators. OLEPS reviews a sample of misconduct cases and determines whether the case was handled in accordance with OPS' policies and procedures. Because the details of these cases represent privileged and confidential information, this report includes only a general summary of the audit, rather than specifics of the cases in the audit.

Training

Functions performed by the Training Bureau are assessed on an annual basis as training occurs throughout an entire year. It is the responsibility of the Bureau to ensure that all troopers continue to receive quality training, including those troopers who rise to supervisory and managerial levels. It is also the Training Bureau's responsibility to identify training goals, identify measures to gauge goal performance, collect data, and determine where data fall on those measures. Functions performed by the Training Bureau are assessed on an annual basis as training occurs throughout an entire year. OLEPS oversees this process and will present an assessment of training for 2012 in this report.

Management Awareness & Personnel Performance System

For tasks relating to MAPPS, OLEPS directly accesses MAPPS to ensure functionality. At various times during the review period, OLEPS checked to ensure that all relevant information was entered into the system. OLEPS also examined whether the State Police undertook appropriate risk management activities based on the information contained in MAPPS.

Oversight and Public Information

These standards generally refer to OLEPS' involvement with the State Police. OLEPS will provide discussion of these standards based on interactions with the State Police throughout the oversight process.

PART III
ASSESSMENT OF NEW JERSEY STATE POLICE

Part III of this oversight report assesses the State Police on Performance Standards created from State Police practices and operating procedures. These standards are broken out according to the following subgroups:

- Field Operations
- Supervisory Review
- OPS and Investigations
- Training
- MAPPS
- Oversight and Public Information

Field Operations

The standards in this section refer to the day-to-day operations and procedures to which the State Police is to adhere. Each standard is presented followed by a description of the analysis and/or research conducted to assess the State Police.

Assessment Process

OLEPS assesses Field Operations by reviewing a sample of motor vehicle stops. This review includes an examination of all reports and documentation of the stop. Videos of stops are reviewed for those selected to receive tape reviews. OLEPS' staff examines the facts and circumstances of the stop to determine whether the State Police acted appropriately and consistently with State Police requirements for motor vehicle stops. Instances where troopers behave in a manner inconsistent with these requirements are noted and checked to ensure that State Police supervisory review also noted these errors, for those stops that received such a review. All information is recorded in OLEPS' Motor Vehicle Stop Assessment database. This assessment was initially developed by the independent monitors and subsequently revised by OLEPS according to the development of the law and any observed patterns of performance.

Performance Standard 1: Race may not be considered except in B.O.L.O.

Standard

The requirements for this performance standard are taken directly from the language of the Decree, though several State Police policies and procedures reference the prohibition of race/ethnicity-based decision making.

> *Except in the suspect-specific B.O.L.O. ("be on the lookout") situations, state troopers are strictly prohibited from considering the race or national or ethnic origin of civilian drivers or passengers in any fashion and to any degree 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.*

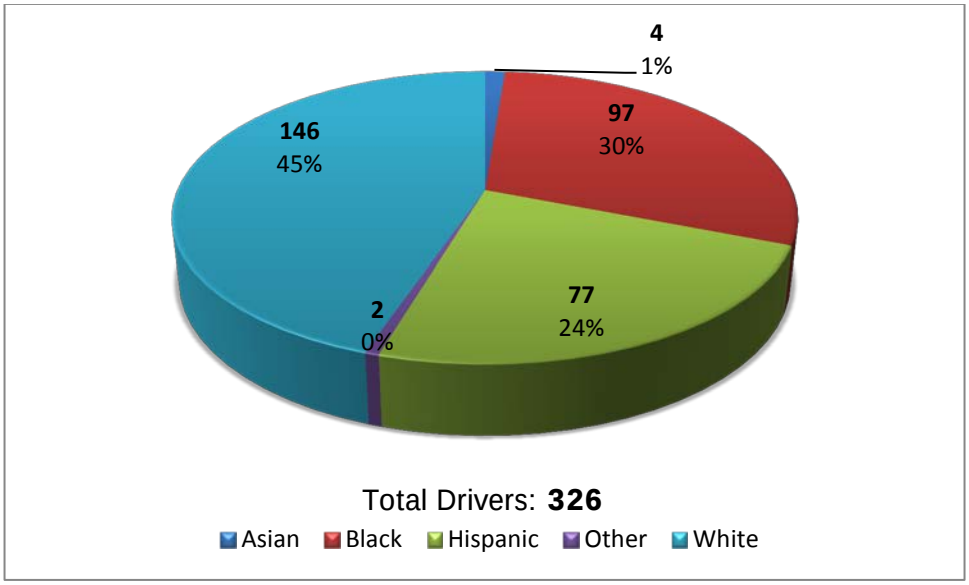
This standard will also examine the potential effect of trooper discretion on racial/ethnic differences in stops and enforcement activities.

Racial/Ethnic Differences

All Motor Vehicle Stops

All 326 of the stops sampled for this reporting period involved some form of a post-stop interaction (e.g., a consent to search request, canine deployment, use of force, or arrest), but not all stops contained all post-stop activities. Figure Four presents the racial/ethnic breakdown of all stops in the current sample. These numbers do not reflect the racial and ethnic distribution of all drivers stopped by the State Police[9]. Rather, they reflect the racial and ethnic distribution of drivers who were involved in the stops selected for review.

Figure Four: Race/Ethnicity of Drivers
7th OLEPS Reporting Period



In the current reporting period, there were more stops with White drivers than any other racial/ethnic group. There were 146 (45%) drivers in this sample who were White, 97 (30%) who were Black, 77 (24%) who were Hispanic, 4 (1%) who were Asian,[10] and two (0%) who were identified as Other. The majority of trooper-citizen interactions in this reporting period appeared to be with White or Black drivers. This racial/ethnic distribution during this reporting period is not consistent with previous reporting periods. While the majority of interactions still involve White drivers followed by Black drivers, there was a large increase in the number and proportion of stops involving Hispanic drivers. In the

[9] For the total number of stops conducted involving drivers of each racial/ethnic group, see OLEPS' Aggregate Reports available at: http://www.nj.gov/oag/oleps/aggregate-data.html

[10]The State Police abide by two racial/ethnic group categorizations depending on the intended recipient of data. For example, data intended for publication in the Uniform Crime Report or data utilizing these categorizations use White, Black, Hispanic, Asian, American Indian, and Other categorizations. However, data compiled for non-UCR purposes utilize the categories of White, Black, Hispanic, Asian Indian, Other Asian, American Indian, and Other. Because the categories of Asian Indian and Other Asian are not uniformly utilized by the State Police, and because the data utilized in this report come from multiple sources, OLEPS had decided to use the category of Asian rather than separate categories for Asian Indian and Other Asian.

previous reporting period, Hispanic drivers were only 12% of the entire sample, while they have doubled in the current reporting period to 24%. This increase is likely the result of sample selection. Specifically, a high number of stops of Hispanic drivers were made for Bloomfield, Bridgeton, and Newark stations. Stops by these stations were purposely selected for review in this reporting period. Bloomfield station patrols portions of the Garden State Parkway in Essex County, where roughly 21% of the population identifies as Hispanic[11]. Bridgeton station is situated in Bridgeton, a city in Cumberland County where about 44% of the population is Hispanic[12]. Newark station patrols portions of the New Jersey Turnpike in Essex and Hudson counties. The city of Newark itself is about 34% Hispanic. Thus, these three stations likely stop more Hispanic drivers based on the population of the areas surrounding these stations. Without the stops from these stations, the racial/ethnic distribution of stops reviewed would likely be closer to that of previous reporting periods.

This overall racial/ethnic distribution will be compared to the racial/ethnic distribution of several types of post-stop interactions to determine whether any potential bias exists in terms of which drivers receive certain enforcements.

Consent Requests

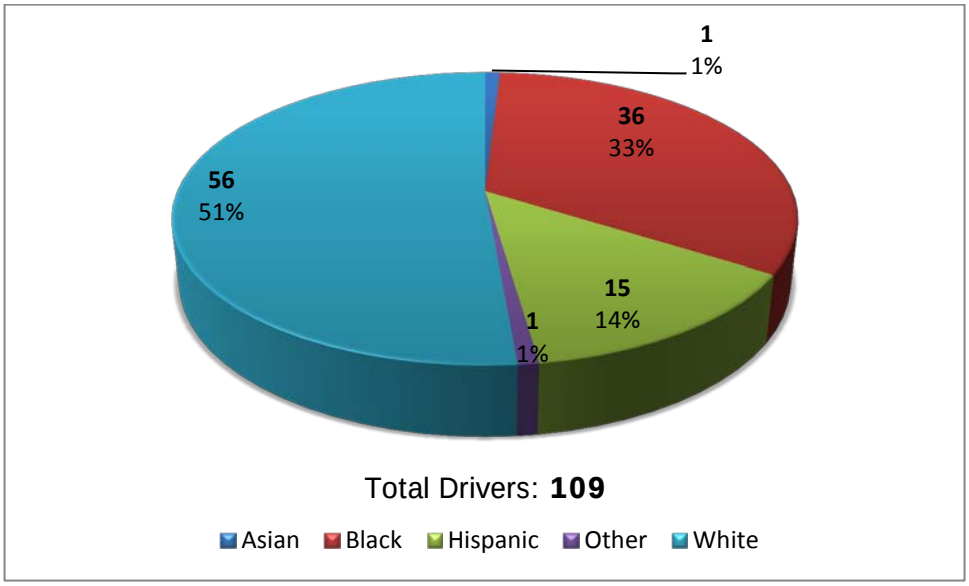
Figure Five depicts the total number of stops, by race of driver, where consent to search was requested in the overall sample of 326 motor vehicle stops. This Figure represents all consent requests: PC-based; RAS-based; those that were granted; and those that were denied. White drivers made up the highest number and percentage of stops with consent requests with 56 or 51% of all requests made. Black drivers made up the second highest portion, 36 stops with requests or 33%. Hispanic drivers were asked for consent to search in 15 stops or 14% of the overall sample. Finally, Asian and Other drivers were each asked for consent to search in one stop.

The proportion of consent requests by race and ethnicity differs from the racial/ethnic proportion of all motor vehicle stops. Specifically, Hispanic drivers are underrepresented among stops where consent to search was requested. Hispanic drivers were 24% of all stops, yet only 14% of stops with consent requests. Additionally, White drivers were slightly overrepresented among stops with consent requests. White drivers were 45% of all stops and Black drivers were 30% of all stops and these groups are 51% and 33% of stops with consent requests, respectively.

Chi-square analysis (Appendix Three, Table One) was conducted to determine whether there were significant differences in the racial/ethnic distribution of consent to search requests. The analysis yielded a chi-square (x^2) value of 8.915 with a p- value of .012. Chi-square analysis was based on White, Black, and Hispanic drivers, as including the categories of Asians and Other rendered the results invalid. The difference in the number of consent to search requests asked of White, Black, or Hispanic drivers is statistically significant.

[11] 2012 State and County QuickFacts. Retrieved September 9, 2013 from http://quickfacts.census.gov/qfd/states/34/34013.html.
[12] 2012 State and County QuickFacts. Retrieved September 9, 2013 from http://quickfacts.census.gov/qfd/states/34/3407600.html

Figure Five: Consent Requests by Race/Ethnicity of Driver
7th OLEPS Reporting Period

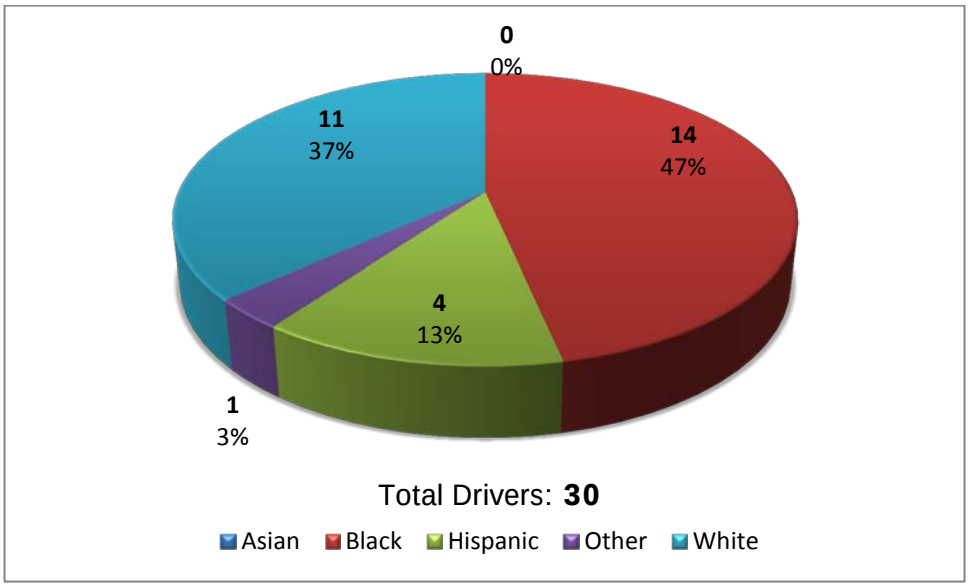


Previous reporting periods had noted that Black drivers were most likely to receive a consent to search request. However, the same finding cannot be stated for the current reporting period. While there are more consent requests made of White drivers, a function of the fact that there are more White drivers in the sample, the proportion of all White drivers who are asked for consent is similar to Black drivers, 38% compared to 37% for White drivers. In contrast, only 19% of all Hispanic drivers were asked for consent to search. Thus, while White drivers are involved in the highest proportion of all stops with consent requests, a roughly equal proportion of all White and Black drivers were involved in stops with consent requests.

Canine Deployments

In the current reporting period there were 30 official canine deployments, slightly fewer than the number in the previous reporting period. Figure Six depicts the number and percentage of canine deployments by race and ethnicity of the driver. Black drivers made up the largest portion of motor vehicle stops with canine deployments. In total, 14 deployments (47%) occurred in motor vehicle stops with Black drivers. In contrast, only 11 (37%) canine deployments occurred in stops with White drivers, despite White drivers composing a higher number of all motor vehicle stops. Hispanic drivers were involved in only four stops where a canine was deployed, Other drivers were involved in one stop where a canine was deployed, and Asian drivers were not involved in any stops with canine deployments.

Figure Six: Canine Deployments by Race/Ethnicity of Driver
7th OLEPS Reporting Period



This overall pattern is consistent with the previous reporting period; however, the disparity for Black drivers is much smaller. Black drivers still make up the highest number and percentage of deployments, while White and Hispanic drivers made up a much smaller portion of these events. White drivers made up 45% of all stops, yet only 37% of motor vehicle stops with canine deployments. Black drivers made up 30% of all stops and 47% of canine deployments. This means that Black drivers received more canine deployments than other groups- more than their proportion of all motor vehicle stops. While Black drivers make up the largest proportion of all canine deployments, only 14.4% of all Black drivers are involved in canine deployments. Thus, the disparity only affects a small proportion of Black drivers. Further analysis is needed to determine whether this difference is significant or could result from chance.

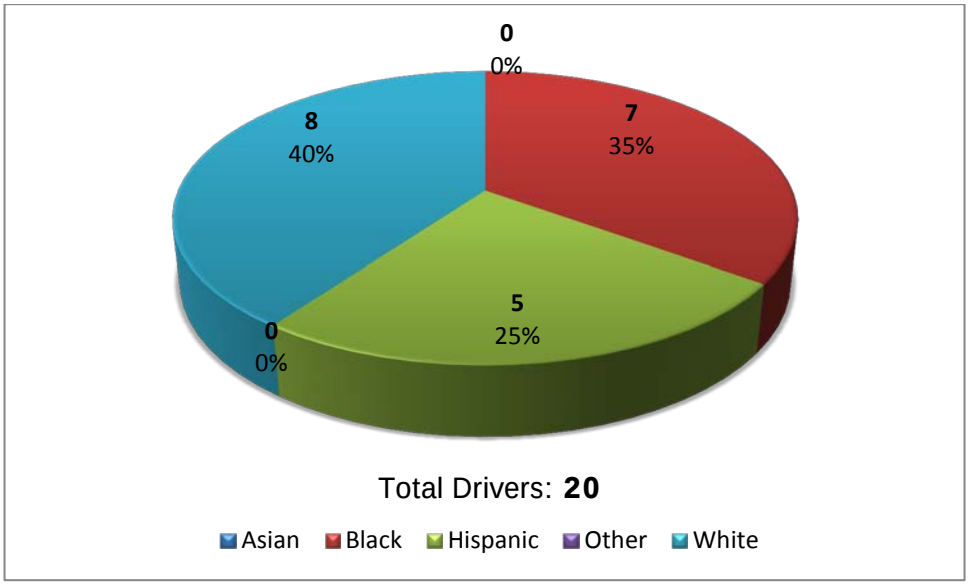
Chi-square analysis resulted in a x^2 value of 4.842 and was conducted using only White, Black, and Hispanic drivers. The analysis revealed that the racial/ethnic distribution of canine deployments approaches statistical significance ($p=.089$). Unlike the previous two reporting periods, the racial/ethnic distribution of canine deployments is not statistically significant. The p value indicates that when using a different standard of significance, such as $p<.10$, the results would be significant. Thus, it cannot be stated that Black drivers definitively have a statistically larger number of motor vehicle stops with canine deployments than White drivers. Additional discussion and analyses of canine deployments will be discussed later in this report.

Uses of Force

Figure Seven presents the racial/ethnic distribution of uses of force in the second half of 2012. In total, there were 20 uses of force, slightly lower than in previous reporting period but consistent with bi-annual trends. Of the uses of force in the second half of 2012, eight (40%) were in stops with White drivers, seven (35%) involved Black drivers, and five (25%) involved Hispanic drivers. There were no uses of force in stops with Asian or Other drivers. Unlike previous reporting periods, the majority of

stops (more than 50%) do not involve White drivers. Instead, the proportion involving White and Black drivers is more evenly distributed.

Figure Seven: Uses of Force by Race/Ethnicity of Driver
7th OLEPS Reporting Period



Compared to the percentages for all motor vehicle stops, the percentage of uses of force do differ slightly. White drivers were involved in 40% of all uses of force but only 45% of all motor vehicle stops. Hispanic drivers accounted for about 25% of all uses of force and 24% of all motor vehicle stops. Black drivers also make up a slightly larger percentage, 35%, of uses of force than they do all motor vehicle stops, 30%. While there are differences in the proportions, they are small. Statistical analyses are needed to determine whether these differences result from chance or directed behavior.

Chi-square analysis indicates a x^2 value of .197 and that this distribution is not statistically significant, indicating that the differences are attributable to chance. The analysis compared White and non-White drivers as the use of each racial/ethnic category rendered the results invalid. Thus, it cannot be said that the number of force incidents in which White drivers were involved in here are significantly more than the number of incidents for other drivers. Unlike previous reporting periods, the number of stops involving uses of force are more equally distributed across racial/ethnic groups; the number involving White drivers is not larger than that for all other racial/ethnic groups.

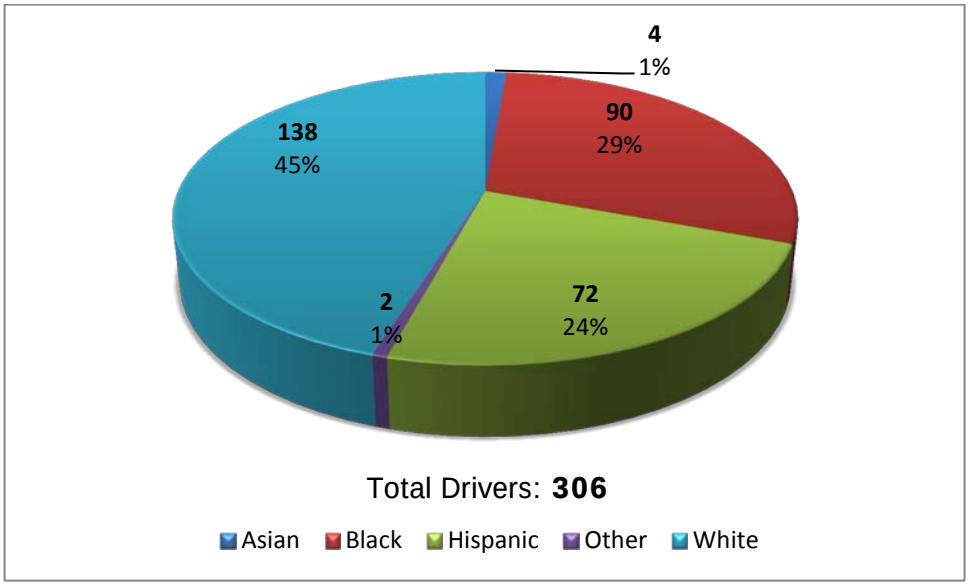
For the previous four reporting periods, OLEPS had noted increases in the number of stops with uses of force. The number of stops involving force in this reporting period is smaller than the number in the previous few reporting periods, but still slightly larger than the number of stops reported in 2009. OLEPS is cognizant of the fact that the number of uses of force will fluctuate as the number of motor vehicle stops fluctuate. Overall though, the number of stops with uses of force are small and as such, the racial/ethnic distribution shifts from reporting period to reporting period. As in the previous reports, OLEPS recommends continued examination of the racial/ethnic distribution of uses of force, as this distribution does change each reporting period.

Arrests

Figure Eight depicts the racial/ethnic distribution of motor vehicle stops in which an arrest was made. The sample selected for the current reporting period was largely based on whether there was an arrest during the stop. Because of this, the majority of stops, 306 stops or about 94%, involved an arrest. This number and proportion of stops with arrests is similar to the previous reporting period, where an arrest was made in 93% or 294 stops. As the overall racial/ethnic distribution of stops changed in the current reporting period due to sample selection, so did the racial/ethnic distribution of stops with arrests. Since an arrest was made in the majority of stops, the racial/ethnic distribution of stops with arrests is nearly identical to the overall distribution. White drivers were involved in the largest proportion of stops with arrests, 138 stops (45%). Black drivers were involved in 90 stops (29%) with an arrest. While traditionally making up a smaller proportion of all activities, because of the sample selection, Hispanic drivers were involved in 72 stops (24%) with arrests. Asian drivers were only involved in four stops (1%) with an arrest while Other drivers were involved in two stops (1%) with an arrest.

Compared to the overall racial/ethnic distribution, the distribution of arrests presents no obvious issues of potential bias. The percentages for each racial/ethnic group are roughly the same for all stops and arrests.

Figure Eight: Arrests by Race/Ethnicity of Driver
7th OLEPS Reporting Period



Chi-Square analysis was conducted to determine whether any significant differences exist in the racial/ethnic distribution of arrests. The analysis presents arrest versus no arrest for White and non-White drivers only and yielded a *p*-value of .657; there is no significant difference between arrests of White and non-White drivers.

The Role of Discretion

Discretion is vital to a police organization. It allows troopers to determine which motor vehicle transgressions to focus their time and energy. Discretion is based, at least partly, in the context of situations- what facts and circumstances make a transgression more egregious or less egregious- and trooper experiences- what transgressions have been found to be indicators of larger problems or issues in their past.

OLEPS has historically examined how discretion impacts the racial/ethnic distribution of motor vehicle stops. This report will present a discussion of racial/ethnic differences in the most common stop reasons. The possibility of differences in discretion may be discussed, but there will be no categorization of a reason as a specific level of discretion.

During OLEPS' assessment of motor vehicle stops, the reason for a motor vehicle stop is recorded by investigators, as given by the primary trooper of the stop. These reasons are myriad and as such, have been categorized to facilitate analysis. Any mention of "Speeding" is classified as "Rate of Speed." "Failure to Maintain Lane" is self-evident. The category of "Seat Belt" represents any mention of a seat belt violation. "Equipment Violations" is a catchall category of any violation referring to the vehicle itself rather than what the driver is doing with the vehicle. These include non-functioning lights (head or break), cracked or broken glass, inappropriate window tint, failure to make repairs, or other issues pertaining to the vehicle. The category of "Safety Violations" is another catchall category. It is comprised of violations that may impact the safety of that individual motorist or other motorists and includes: violation of road laws such as stop signs, impeding traffic, delaying traffic, running a red light, obstructed views, or aggressive, careless, or reckless driving. Finally, the category of "Failure to Signal/Improper Lane Change" includes any instance where a trooper cited the reason as the driver failed to use a turn signal or made an unsafe lane change.

Table Three presents the five most common reasons for motor vehicle stops for the current and past three reporting periods. Consistent with analysis conducted by the State Police, the most common reasons rarely change dramatically. Generally, the common reasons are some combination of rates of speed, failure to maintain lane, equipment violations, safety violations and one other reason (seat belts or failure to signal/improper lane change). The total percentage of all violations for each violation category is also included in the table. Generally, the top five reasons for motor vehicle stops account for about 65% of all the stops in the reporting period.

Until the current reporting period, rate of speed was the most commonly cited violation. However, in the current reporting period, failure to maintain lane is the most commonly cited reason for a motor vehicle stop. Rate of speed, equipment violations, safety violations, and seat belts are still among the top reasons for motor vehicle stops in the current period.

Table Three: Top Reasons for Trooper Initiated Motor Vehicle Stops

3rd, 4th, 5th, 6th, 7th OLEPS Reporting Periods

3rd OLEPS Reporting Period		4th OLEPS Reporting Period		5th OLEPS Reporting Period		6th OLEPS Reporting Period		7th OLEPS Reporting Period	
	%		%		%		%		%
Rate of Speed	16.8	Rate of Speed	25.2	Rate of Speed	22.4	Rate of Speed	19	Failure to Maintain Lane	21.5
Safety Violations	16.8	Failure to Maintain Lane	20	Failure to Maintain Lane	22	Failure to Maintain Lane	19	Rate of Speed	16
Failure to Maintain Lane	15.7	Equipment Violations	11.4	Equipment Violations	12.3	Safety Violations	10.2	Equipment Violations	12
Failure to Signal/ Improper Lane Change	9.4	Safety Violations	8.1	Safety Violations	12	Equipment Violations	9.8	Safety Violations	10.1
Equipment Violations	7.3	Failure to Signal/ Improper Lane Change	6.1	Failure to Signal/ Improper Lane Change	9.3	Seat Belt	7.9	Seat Belt	4
Total %:	**66.3**	**Total %:**	**70.8**	**Total %:**	**78**	**Total %:**	**65.9**	**Total %:**	**63.6**

Motorist Aids/Motorist Accidents are actually a common occurrence, more so than some reasons listed in Table Three. Motorist Aids/Accidents were the reason for the stop in 53 or 16.2% of all stops in the current reporting period. These instances do not represent a trooper's decision to stop a vehicle and as such are not included in the table. Instead, aids and accidents represent a trooper's public service requirement to assist motorists should they need help.

All Motor Vehicle Stops

The most common stop reasons for the current reporting period are presented based on race/ethnicity in Table Four[13]. The table only presents information for White, Black, and Hispanic drivers since there were only two Asian drivers and one Other driver who were stopped for these reasons. Generally,

[13] The top five reasons for stops were cited in 207 of 326 motor vehicle stops. Table Four only presents the stops where the most common reasons were cited, not all stops. For example, the total listed for White drivers is 94, which represents the number of stops with White drivers where one of these reasons was cited, not the total number of stops with White drivers (which is 146).

White drivers make up the largest number of each stop reason, followed by Black drivers, and then finally Hispanic drivers. The exception to this is the category of failure to maintain lane. Hispanic drivers and White drivers were each stopped in 25 stops while Black drivers were stopped in 19 stops for failure to maintain lane. The most frequently cited stop reason for White and Hispanic drivers was failure to maintain lane, while rate of speed and failure to maintain lane were cited equally in stops with Black drivers. Equipment violations make up roughly the same proportion of stops for White drivers, about 20% and Black drivers, about 22%.

Table Four: All Stops by Race/Ethnicity of Driver and Level of Discretion

7th OLEPS Reporting Period

	White	Black	Hispanic
	(% of Total Stops)	(% of Total Stops)	(% of Total Stops)
Failure to Maintain Lane	25	19	25
	26.60%	29.69%	54.35%
Rate of Speed	22	19	9
	23.40%	29.69%	19.57%
Equipment Violations	19	14	6
	20.21%	21.88%	13.04%
Safety Violations	20	8	5
	21.28%	12.50%	10.87%
Seat Belt	8	4	1
	8.51%	6.25%	2.17%
Total	**94**	**64**	**46**

While there do appear to be differences, albeit small, among the racial/ethnic distribution of motor vehicle stop reasons, additional analysis is needed to determine whether these reasons are significant.

Chi-Square analysis was conducted to determine whether there were any significant racial/ethnic differences in the most common reasons for motor vehicle stops. Due to invalid cells, the analysis was conducted based on White v. non-White drivers. The analysis did not reveal a significant difference, (p=.113) with a x^2 value of 7.467. Differences in the distribution of stop reasons are possibly due to chance. Non-White drivers are not significantly more likely to be stopped for any reasons compared to White drivers.

Consent Search Requests

Discretion can also be examined in post-stop activities. RAS, as a legal standard, is less strict than PC, which suggests that the potential for individual trooper discretion exists in RAS more than in PC. Since post-stop enforcements arise out of the circumstances and facts occurring after a vehicle is stopped, it is inappropriate to examine how the discretion in the reason for a stop relates to a post-stop enforcement. Instead, differences among the PC and RAS legal standards will be explored for consent requests and canine deployments.

The tables below present the racial/ethnic distribution of types of consent to search requests- RAS or PC. Each table presents the number of drivers of each race and ethnicity that received the outcome of interest and the level of discretion that was used. The mean column indicates the arithmetic average of the stops for each racial/ethnic group. Since the standard involving a lower level of discretion, probable cause, is assigned a value of two, higher scores actually indicate the use of less discretion. RAS consents/deployments are assigned a value of one. A mean closer to one indicates that, on average, enforcements are based in a more discretionary standard for that racial/ethnic group. When this mean is used in conjunction with the chi-square statistics, which shows whether the differences are due to chance, the existence and direction of potential bias can be determined.

Table Five: Consent Requests by Race/Ethnicity of Driver and Legal Standard

7th OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulable Suspicion	Probable Cause	Mean
	(1)	(2)	
White	43	13	1.23
Black	21	15	1.42
Hispanic	9	6	1.40
Total	73	34	1.32

Like the previous reporting period, the majority of consent requests reviewed in the current sample were based on RAS, as seen in Table Five. There were 73 stops that involved an RAS consent while only 34 stops contained a PC consent. Because there are so many RAS consents, naturally the majority of consents for each race/ethnicity are RAS-based. The predominance of RAS consent requests is consistent with the previous reporting period. However, as noted previously, the total number of stops with RAS consent requests is smaller in this reporting period compared to the previous.

Chi-square analysis was used to determine whether there were any significant differences in the racial/ethnic distribution of the legal standards used in consent requests. The analysis revealed no significant differences among White and non-White drivers and the legal standard used to request consent (p=.17, x^2=3.547). Thus, while there were more consent requests based on RAS than PC for all racial/ethnic groups, we cannot conclude that this is the result of anything other than chance.

While there are no significant differences, the mean values in Table Five can still be used to determine the direction of consent requests, either PC or RAS. For White drivers, the mean value is 1.23, closer to the value of one, which is assigned to RAS, than it is to the value for PC. This means that White drivers are more often receiving consent requests based on RAS than PC. For Black drivers, the mean value is 1.42, just about halfway between PC and RAS. Black drivers then are slightly more frequently receiving RAS searches rather than PC. Finally, the mean for Hispanic drivers is 1.40, again closer to RAS than PC. White drivers have a slightly higher proportion of RAS consent searches than Black or Hispanic drivers. Overall, as indicated by the individual group means and the overall mean, the direction of the distribution is toward RAS rather than PC consent requests; the majority of consent requests in the sample are based on RAS. However, compared to the means for the previous reporting period, it

appears that there are more PC consent requests utilized for the current reporting period, especially for Black drivers.

Variation Among RAS Consent Requests

While RAS may involve more discretion than PC consent requests, there is variation in discretion within categories of RAS. The reasons for an RAS consent request can be described as intangible, tangible, or probative. Intangible reasons are observations such as nervousness, failure to make eye contact, uncertainty in answers, and conflicting statements. Tangible reasons include the existence of air fresheners, modifications to vehicle interiors, "boost" cell phones, etc. Probative reasons include artifacts of gang membership (such as tattoos, admitted membership), odor of burnt or raw marijuana in the vehicle, admissions against self-interest, and criminal histories related to a tangible crime. In most incidents, there was more than one type of reason for requesting consent; however, probative reasons are recorded if given, regardless of other reasons stated. If the table lists an intangible reason, those are instances in which only intangible reasons were given. If a stop had tangible reasons articulated and probative reasons, these are recorded as probative. Thus, the higher numbers for probative reasons do not reflect that *only* probative reasons were given but rather that all incidents with intangible or tangible reasons articulated also had probative reasons given and are displayed in the probative column only.

Consistent with previous reporting periods, the most common reasons for RAS consent requests are probative reasons. In 63 stops with RAS requests, there was at least one probative reason cited.[14] There were seven requests based solely on tangible reasons, and three requests based solely on intangible reasons. This pattern is consistent with previous reporting periods; the majority of RAS consent requests are based on probative reasons. The mean values are generally closer to a value of three, indicating probative reasons. In the previous reporting period, Hispanic drivers had the lowest mean value. However, in the current reporting period, they have the highest value, three, because all RAS consent requests they were involved in were based on probative reasons.

Table Six: Reason for RAS Consent Requests by Race/Ethnicity of Driver[15]

7th OLEPS Reporting Period

Race/Ethnicity	Intangible	Tangible	Probative	Mean
	(1)	(2)	(3)	
White	1	7	32	2.78
Black	2	0	19	2.81
Hispanic	0	0	10	3.00
Total	3	7	61	2.82

[14] All 63 stops are not represented in Table Six. One of these stops involves an Asian driver and one involves a driver identified as Other.

[15] There were two consent to search requests based on RAS where the only reasons listed were "Other." Because "other" cannot be clearly defined as intangible, tangible, or probative, these two stops were removed from Table Six.

Chi-square analysis could not be conducted to determine if the racial/ethnic differences in reasons for RAS requests are statistically significant due to extremely low expected counts. Thus, while there are more probative reasons cited, it cannot be determined whether the distribution is the result of chance.

Canine Deployments

Racial/ethnic variation among the legal standard used to deploy canines was also examined. Table Seven reveals that the majority of the 30 official canine deployments are based on RAS rather than PC. This is expected since State Police policy allows troopers to use the results of a canine deployment to bolster facts and circumstances, strengthening RAS and PC reasons needed to request consent from a driver, arrest a driver, or to obtain a search warrant. Consistent with the previous reporting period, RAS deployments are the most common for each race/ethnicity, with Black drivers having the highest overall portion of RAS-based deployments and the most overall canine deployments.

Chi-square analysis could not be conducted to determine if the racial/ethnic differences in reasons for canine deployments were statistically significant due to low expected counts. The majority of canine deployments are based on RAS rather than PC, but the statistical significance of this distribution cannot be evaluated.

Table Seven: Canine Deployments by Race/Ethnicity of Driver and Legal Standard
7th OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulable Suspicion	Probable Cause	Mean
	(1)	(2)	
White	9	2	1.18
Black	5	9	1.64
Hispanic	2	2	1.5
Total	16	13	1.45

The mean can be used to determine the direction (RAS vs. PC) of deployments for each racial ethnic group. Means of one would indicate RAS and means of two would indicate PC. The mean for White drivers is 1.18, close to RAS. This suggests that more canine deployments for White drivers are based on RAS rather than PC. In contrast, the mean for Black drivers is 1.64, closer to PC than RAS. Similarly, Hispanic drivers had a mean value of 1.5, halfway between PC and RAS. Overall, when Black drivers were involved in canine deployments, they were more likely to be based on PC than RAS.

Arrests

There are instances where troopers have little discretion to arrest. For example, troopers are required to arrest when motorists have outstanding warrants. Other incidents may be rooted in probable cause, which involves more discretion than a warrant, but is still limited in the use of trooper discretion. The racial/ethnic distribution of arrests across these limited discretion reasons is presented. In the current

reporting period, arrests occurred in 306 motor vehicle stops. Table Seven presents the racial/ethnic distribution of arrests and reasons for arrests.

The majority of arrests were based on probable cause (without a warrant): 170 stops had an arrest listed as probable cause, 89 were warrant based, and 47 were based on a combination of these two reasons. In instances where probable cause dissipates, an individual may be unarrested. In this reporting period, there were 12 motor vehicle stops where at least one person was unarrested at the scene. Overall, these data suggest that in 2012, sampled drivers were more likely to be arrested on probable cause, not on warrants, and if arrested on probable cause, to have charges filed. However, as noted in the previous reporting period, there is a large proportion of stops with arrests based on probable cause. This is likely due to the sampling of stops with arrests for this reporting period.

Table Eight: Reason for Arrest by Race/Ethnicity of Driver

7th OLEPS Reporting Period

Race/Ethnicity	Stops with Arrests	Warrant Arrests	Probable Cause Arrests	Warrant & Probable Cause
		(% of arrests)	(% of arrests)	(% of arrests)
White	138	32	83	23
		(23.19)	(60.14)	(16.67)
Black	90	38	39	13
		(42.22)	(43.44)	(14.44)
Hispanic	72	19	44	9
		(26.39)	(61.11)	(12.50)
Asian	4	0	2	2
		(0.00)	(50.00)	(50.00)
Other	2	0	2	0
		(0.00)	(100.00)	(0.00)
Total	306	89	170	47

Of the arrests made in stops with White drivers, 32 (23.19%) were warrant based, 83 (60.14%) were PC based, and 23 (16.67%) were based on both warrant & PC. Compared to the previous reporting periods, a higher percentage of arrests in stops with White drivers were based on warrants and a combination of warrants and probable cause than solely probable cause. This may be the result of the sampling characteristics for the previous two reporting periods, where a sample of PC-based consent searches was selected. Because the secondary sample in this reporting period did not include PC-based consent to search requests, the number of PC-based arrests was left to chance, and should likely decrease.

Of the arrests made in stops with Black drivers, there was roughly an even number of warrant only and probable cause only arrests. During this reporting period, there were 38 (42.22%) stops with a Black driver where an arrest was made based on a warrant and 39 stops (43.44%) where an arrest was based on PC. Only 13 (14.44%) arrests in stops with Black drivers were made based on warrants and probable cause. As noted with White drivers, a much higher proportion of all arrests for Black drivers were based on warrants than the previous reporting periods. This difference may be due to

sample characteristics; there were a minimal number of stops with PC consent requests this period and, as such, fewer stops with the arrest requirement when facts met the standard of PC. As suggested in previous reports, removing stops with PC consent searches leaves many more arrests based on warrants than PC.

Despite the dramatic increase in the number of stops overall, but specifically, with arrests of Hispanic drivers, the same general pattern is observed for this racial/ethnic group as the previous reporting period. Overall, 44 (61.11%) of these arrests were based on probable cause alone, 19 (26.39%) were based on warrants alone, and an additional nine (12.50%) were based on warrants and probable cause. This is consistent with the previous reporting period where the majority of arrests in stops with Hispanic drivers were PC-based.

In incidents where a vehicle search was conducted, no evidence found, probable cause dissipated, and no charges were lodged, the vehicle occupants were able to leave the scene. Instances in which no charges were filed are those where an individual was released either at the scene of the stop or at the station. These instances were not all that common. There were only 12 stops or roughly 3% of all stops with an arrest made where no charges were filed. There were three stops with a White driver, eight stops with a Black driver, and one stop with a Hispanic driver where no charges were filed. Compared to the previous reporting period, there are more stops with unarrests, but still fewer than the fifth reporting period, where the sample focused on stops with probable cause based consent requests.

Probable Cause Arrests

The change in State Police procedures following Peña-Flores requires immediate arrest with probable cause. The trooper is then required to obtain a search warrant or consent to search the vehicle. There were no incidents during this period where search warrants were applied for at the scene of the stop.

Further examining incidents of probable cause arrests can indicate whether the potential for disparity exists. There were 47 arrests made on the basis of probable cause and at least one outstanding warrant, similar to the number in the previous reporting period, however, slightly smaller and reflects a slightly smaller proportion of all arrests (17.68% in the previous period versus 15.35% in the current period). These instances mean that although probable cause was a reason for the arrest, the overarching reason was an outstanding warrant, which drastically limits a trooper's discretion. Of incidents with PC and a warrant, 23 drivers were White, 13 were Black, and nine were Hispanic. This pattern is consistent with the most recent reporting period; however, it does differ from previous periods where Black drivers were most commonly arrested for warrant related reasons.

The number of warrant only arrests made during the current reporting period is slightly smaller than the previous period. The proportion of stops with warrant only arrests were 29.08% of all stops with arrests in the current period, compared to 31.29% in the previous reporting period.

Chi-square analysis was employed to determine whether the observed differences in reasons for arrest were statistically significant. The results reveal that there was not a statistically significant racial/ethnic difference in the legal standard used to arrest (p=.12). This analysis was conducted on White v. Non-White drivers as other racial/ethnic categorizations led to invalid results. Unlike the previous reporting period, we cannot determine whether non-white drivers are more likely to be in stops with arrests based on warrants while White drivers are more likely to be involved in stops with PC and a combination of PC & Warrant.

As in the previous reporting period, probable cause is the most common reason for arrests for all racial/ethnic groups. However, the proportion of arrests involving warrants remains large in this reporting period.

Additional Analyses: Time of Day

In determining whether any racial/ethnic bias exists in trooper activity, it is important to consider the time of day when the stop and activities occurred. During the daytime, generally, there is more light that can help a trooper identify the race/ethnicity of the driver. At night, darkness can make this determination more difficult. Research on motor vehicle stops has corroborated this suggestion, often finding differences in the racial/ethnic distribution of day and night stops.

Table Nine: Racial/Ethnic Distribution of Day & Night Stops

7th OLEPS Reporting Period

Race/Ethnicity	Day	Night	Total
White	63	83	146
Black	38	59	97
Hispanic	28	49	77
Asian	2	2	4
Other	0	2	2
Total	131	195	326

Table Nine indicates that, unlike previous reporting periods, there were more motor vehicle stops made at night[16] (195) than during the day (131). There were more stops at night for White drivers, Black drivers, Hispanic drivers, and Other drivers while Asian drivers were involved in an equal number of stops during the day and night. The largest difference between the numbers of day and night stops were for Black and Hispanic drivers; there were 21 more nighttime stops than day stops for both racial/ethnic groups.

Chi-Square analysis was used to determine whether the observed differences in Table Nine are significant. The results were conducted on White, Black, and Hispanic drivers and did not reveal a significant difference among racial/ethnic groups in the distribution of day and night stops, suggesting that this distribution could likely result from random sampling of the events reviewed. The racial/ethnic differences between day and night stops do not present a pattern suggesting trooper bias.

Summary of Standard 1

In the current reporting period, analyses revealed only one significant difference in the racial/ethnic distribution of events examined. The distribution of consent requests was significant, unlike the

[16] Day and night are defined according to sunrise and sunset. A stop occurring after the official time of sunset for the Eastern Time Zone on that date will be listed as occurring at night.

previous reporting period. The distribution of canine deployments does approach significance, but does not quite reach it. From these findings, White drivers are involved in significantly more stops with consent to search requests and Black drivers approach a significantly higher number of deployments than other racial/ethnic groups. The remaining analyses in this standard did not indicate significant differences in distributions. The majority of post-stop interactions do follow the overall distribution of all stops- White drivers are the most frequent recipients of all stops, consent requests, uses of force, and arrests. While White drivers do make up the largest proportion of these events, the differences were not found to be significant.

In this reporting period, there were a much higher number of stops involving Hispanic drivers. However, Hispanic drivers were not involved in a higher number of stops with canine deployments, consent requests, or uses of force. Instead, these drivers were involved, predominantly, in stops with arrests. Thus, the increase in the total number of Hispanic drivers for this reporting period likely results from the sample selected for review in this current reporting period.

For the current reporting period, OLEPS compared the racial/ethnic distribution of each enforcement activity with the overall racial/ethnic distribution for all stops. This benchmark represents the best currently available. However, if the racial/ethnic distribution of all stops is skewed, it could mask bias in enforcement activities. OLEPS continues to recommend the development of an appropriate internal or external benchmark to compare these enforcement activities. OLEPS will continue to explore benchmarking opportunities to improve the analyses presented here.

Performance Standard 2: Consent Search Requests

Standards

According to State Police policies and procedures, consent to search requests and consent searches must adhere to the following guidelines:

- Must be made with a minimum of RAS
- Must have supervisory approval
- Communication call-in must be made prior to requesting consent
- Troopers must notify consenter of their right to refuse
- Troopers must notify consenter of their right to be present
- The consent request must be limited in scope
- The consent search must be terminated upon withdrawal of consent
- A/V recording of request for approval, supervisors response, request to citizen, response, signing of form, and actual search
- Consent form should be completed properly

Assessment

In the current reporting period, OLEPS reviewed a total of 109 motor vehicle stops where a consent to search request was made. In this reporting period, OLEPS reviewed all stops with RAS consent requests and a sample of all stops with arrests. There was no formal sampling of PC-based consent requests. Therefore, the majority of stops with consent requests, 75, were based on RAS and 34 were based on PC.

Table Ten: Consent Requests for Previous Reporting Periods
2008-2012

Reporting Period	RAS Consent Requests	Total Consent Requests
OLEPS 1st a	79	79
OLEPS 1st b	51	51
OLEPS 2nd	72	405
OLEPS 3rd	68	78
OLEPS 4th a	66	358
OLEPS 4th b	62	316
OLEPS 5th a	106	266
OLEPS 5th b	83	198
OLEPS 6th	100	128
OLEPS 7th	75	109

Table Ten depicts the numbers of RAS consent requests dating back to OLEPS' first reporting period. The current and previous reporting periods appear to have a higher number of RAS consent to search requests than earlier periods. As suggested in previous reports, this may be the beginning of a new trend in the volume of RAS consent requests. Until the first half of the fifth reporting period, there were only about 60 or so RAS consent requests for each six month period. However, beginning in the first half of the fifth reporting period, these numbers are much closer to 100, with the exception of the current period. This recent decline may be related to fewer overall motor vehicle stops in the second half of 2012.

The numbers in the total consent requests column only became relevant in 2009, as a result of the Peña-Flores decision. This ruling increased reliance on PC consent requests, dramatically increasing the numbers of all consent requests, but primarily PC consent requests. Unlike the previous reporting period, there was no selection of a sample of stops with a PC consent request. The 34 stops with PC consent requests are in this sample because they also involved other post-stop activities of interest (i.e., uses of force, canine deployments, or arrests).

RAS & PC

At a minimum, consent searches must meet the standard of RAS. However, since the Peña-Flores decision in 2009, PC is used as a reason justifying consent searches. As a legal standard, PC is stricter than RAS, requiring more specific facts and circumstances for troopers to ask for consent.

Generally, the facts and circumstances surrounding the motor vehicle stop meet the respective standards for which they are requesting consent. In the current reporting period, there was one stop with an RAS consent request where the facts and circumstances did not meet the standard of RAS. This error was not noted by the State Police in their review of the stop. However, all 34 stops with PC consent requests had facts and circumstances that met the standard of PC. For the past few reporting periods, the State Police have consistently had fewer stops where a legal standard was not met, evidence of their continued supervision and review of motor vehicle stops. OLEPS commends the State Police on their improvement in both the appropriate use of legal standards and continued documentation of errors and interventions.

Consent Forms

All troopers requesting consent to search from a motorist are required to fill out a consent to search form. This form provides evidence that an individual did or did not give their consent for a trooper to search a vehicle (or other area). This form includes the location(s) to be searched, the individual(s) involved, the location of the stop, the rights of the individual(s) involved in the consent request, whether consent is granted or denied, and a log of any evidence recovered in the search. As such, it is important that these forms are filled out and completed properly.

Of the 109 stops with consent to search requests, a consent form was filled out appropriately in 69 instances. In the current reporting period, OLEPS noted that all stops had required consent to search forms. Unlike previous reporting periods, there were no missing consent forms. There were only 38 stops where consent forms were not completed appropriately. These errors most often relate to blank fields on the form. For example, many forms did not have a mark indicating whether consent was granted or denied. Of these 38 errors, 28 were caught by State Police review and 16 resulted in an

intervention. The remaining nine errors were noted by OLEPS and not the State Police. This represents a continued decline in the number of errors not noted by the State Police. In the fifth reporting period, 79% of errors pertaining to the completion of consent to search forms were not caught by the State Police. While in the sixth reporting period, only 49% of errors pertaining to the completion of forms were not caught by State Police. However, the number not noted by the State Police in the current reporting period is only about 23%. While the number of errors caught represents an improvement since the previous reporting period, OLEPS recommends that the State Police continue to review these forms in more detail.

In previous reporting periods, OLEPS noted an issue regarding the proper completion of consent forms. Consent forms require a trooper to write the CAD incident number of the motor vehicle stop on the form. OLEPS noted that many consent to search forms were missing from the first data request because troopers completing the forms failed to list the CAD incident number. Accordingly, because these forms were initially missing a CAD incident number, they could not appropriately be filed within CAD or RMS and scanned into the records of a stop. The number of missing consent to search forms this reporting period is substantially smaller than any previous reporting period. There were no forms that could not be located during this review. This may be attributable to sample structure, whereby only a handful of PC consent searches were reviewed or it may be attributable to continued improvement in record keeping. OLEPS continues to recommend that the State Police appropriately file, record, and store all paperwork.

Due to the historically high number of missing forms, for the reasons cited above, OLEPS also measured whether there was video recording of the form being completed. This allowed OLEPS to determine whether the forms were filled out at the scene, whether they were not filed appropriately, or whether the forms were never filled out. All forms in the current reporting period were completed at the scene.

OLEPS continues to recommend that the State Police stress the importance of appropriately filed consent forms. An incomplete or missing form could lead to potential problems should an individual challenge the legality of a search performed by the State Police. Additionally, OLEPS commends the State Police on the improvements made regarding consent to search forms and appreciates its diligence in ensuring that forms are appropriately filed and stored in State Police databases.

Rights

Troopers are instructed to read the consent to search form in its entirety to the individual whose vehicle is being searched so that s/he clearly understands his/her rights. Such rights are the right to refuse the search and the right to be present during the search. In 22 motor vehicle stops, a trooper did not appropriately notify the driver of either the right to refuse or the right to be present during the consent search. Of these instances, 20 were noted by State Police review of the stop and 13 resulted in an intervention. There were only two errors pertaining to the right to refuse that were not noted by the State Police.

It appears that the State Police did have a higher proportion of stops with errors pertaining to the right to refuse. However, the State Police did note the vast majority of these errors in their reviews. The improvement in this error rate is likely the result of a redesign of the consent search form and reinforcement that troopers are required to read these rights. The State Police had also expressed that some troopers did not read the right to be present during the search because the motorist was

not leaving the scene of the stop, or that they did not wish to give motorists the option of leaving. However, since the redesign and reinforcement of the importance of these rights, the number of errors not caught pertaining to rights has decreased.

While supervisors did note more errors pertaining to rights, OLEPS recommends that troopers continue to appropriately notify citizens of their rights during consent to search requests. These rights are clearly written on the consent to search form, and as such, reading the form in its entirety results in the notification of these rights to the citizen.

Accountability & Safety

There are several requirements of troopers implementing a consent search. These requirements are designed to protect both the troopers and the individuals involved in the search. For example, troopers are required to obtain permission from a supervisor (not involved in the stop) to request consent of the motorist. This ensures that troopers are requesting consent searches based on facts and circumstances that meet the appropriate standards of RAS or PC. Troopers must request permission to search from a supervisor not involved in the stop to ensure objectivity in determining whether the search is appropriate. In the majority of stops with consent searches, 88, the supervisor was advised of the facts via the radio. In 16 stops, a supervisor was notified of the facts and circumstances at the scene of the stop. Additionally, a supervisor was notified via cell phone in four stops. There was one motor vehicle stop where OLEPS was unable to determine whether a supervisor was notified of the facts and circumstances surrounding the request because the audio portion of the recording malfunctioned. There were no instances in this reporting period where a trooper did not notify a supervisor of facts and circumstances prior to requesting consent from the motorist.

After a supervisor approves the request to ask for consent to search, and the motorist grants consent, troopers may begin the search after they notify communication that the search is beginning. This was done in 77 motor vehicle stops. There was only one stop where a trooper failed to notify communication that the search was beginning. This error was noted in State Police review of the stop. In the remaining one instance, it was not known whether communication was notified that the search was beginning.

Troopers are also required to read the consent form (including the rights to be present and to refuse) while the MVR is recording. This provides evidence that troopers notified motorists of their rights. This question is only answered for those stops in which OLEPS reviewed recordings of the motor vehicle stop in addition to reports. In 99 stops, consent was requested while the MVR was recording, while in two stops the consent request was not recorded. One of these errors was caught by State Police and resulted in an intervention. Additionally, there were eight instances where it was unknown whether the consent to search form was read while the MVR was recording.

According to State Police policy, troopers are also required to record the actual search. In 74 stops, the consent search was properly recorded. Consent searches were not recorded in three motor vehicle stops and all of these errors were noted by supervisory review but no interventions were issued pertaining to these errors.

As noted above, the consent to search form specifically identifies the parts of a motor vehicle a trooper is allowed to search per supervisory approval and motorist consent. Troopers may not deviate from this scope. OLEPS noted that in 78 stops, troopers appropriately heeded the scope requirements

of the search. There was only one motor vehicle stop with a consent search where troopers violated the scope requirements. This error was caught by State Police supervisory review and an intervention was issued.

A motorist retains the right to withdraw their consent to the search at any time during the search. Troopers must immediately terminate a search upon withdrawal of consent. Generally, withdrawal of consent is rare; there were no withdrawals in the third reporting period, there were five in the fourth reporting period, two in the fifth reporting period, and one in the previous reporting period. In this reporting period, consent was withdrawn in one motor vehicle stop. Troopers appropriately terminated the search upon withdrawal.

Summary of Standard 2

Overall, the State Police adhered to policies and procedures governing consent search requests. OLEPS noted one instance where the facts and circumstances surrounding a consent to search request did not meet the minimum standard of PC. Consent forms continue to be an issue for the State Police, as they have been for several reporting periods, however the State Police has shown tremendous improvement in this issue. While there were no consent forms missing or unavailable in the current period, errors on the forms persist. OLEPS continues to recommend that the State Police stress the importance of filling out these forms completely and correctly and appropriately cataloging these forms. OLEPS has also noted more interventions for caught consent search errors and commends the State Police on this improvement.

Performance Standard 3: Deployment of Drug Detection Canines

Standards

According to State Police policies and procedures, canine deployments must adhere to the following guidelines:

- Must be authorized by a supervisor not involved in the stop
- Must be radioed through dispatch
- Must have a minimum of RAS
- Must be recorded (since all stops must be)

Assessment

All canine deployments must be authorized by a supervisor not involved in the stop. As noted in previous reporting periods, OLEPS has seen several instances, in the past, where a canine is deployed without proper supervisory approval. Usually, these unofficial deployments have occurred because the canine handler was serving as a "back-up" to the primary trooper. There were 31 motor vehicle stops where a canine was on the scene of a stop in the current period. Only one of these instances was not officially requested by State Police. Rather, the dog and handler were providing back-up. According to the report of this stop, the dog is officially requested. However, State Police policies prohibit supervisors involved in the stop from granting permission on deployments. The supervisor who "granted" permission was at the scene of the stop. Thus, this deployment is technically unofficial since the proper protocol was not followed regarding a request for a canine. Thus, there were 30 motor vehicle stops where a canine was deployed officially and one where the canine was deployed unofficially.

Of the 30 deployments at the scene, there were three where the canine was not actually utilized at the scene despite the official request. In addition to these official deployments, the State Police requested a canine in 12 other stops. However, these dogs were dispatched to the station rather than the scene. As noted in previous reporting periods, the State Police appeared to dispatch a higher number of canines to the scene of a stop rather than the station.

Of the official deployments, 17 were based on RAS and 13 were based on PC. All facts and circumstances surrounding the deployments met the respective legal standards of either RAS or PC.

Canine deployments must be recorded according to State Police policy. In the current reporting period, 25 (of the total 31) deployments were recorded appropriately and there were two deployments where OLEPS was unable to determine whether they were recorded. Two of the official deployments, that is, instances where the dog was officially requested and responded to the scene, were not recorded because the dog was not asked to perform while at the scene.

Summary of Standard 3

As noted in previous reports, the number of canine deployments at the scene of the stop increased dramatically from 2010-2011. However, the number of deployments in the current reporting period is much smaller than the numbers noted for the previous three reporting periods. Nonetheless, the total number of deployments in 2012, 73, is much higher than the numbers reported in 2009 and 2010. All official canine deployments in this reporting period were appropriate and met the legal standards of either RAS or PC. Despite these increases in canine deployments then, the State Police follow the canine deployment procedures (with the exception of one stop where the dog was not officially requested). OLEPS will continue to explore the expanding number of canine deployments in future reporting periods.

Performance Standard 4: Use of Force

Standards

Troopers must adhere to the following guidelines related to the use of force:

- Used for protection of self or others from unlawful force by another, suicide/bodily injury
- Used to prevent the commission of a crime involving potential injury, damage, loss of property, or breach of peace
- Used in self defense
- Used to prevent an escape
- Used to effect an arrest only if the purpose of the arrest is made reasonably known, if a warrant is reasonably believed to be valid, or when the arrest is lawful
- Use of force forms filed completely and properly

Assessment

In the current reporting period, there were 20 uses of force, slightly less than the number in the previous reporting period. Table Eleven presents the types of force used in the current reporting period. As is generally the case, physical force is the most frequently used type of force. There were 14 instances where physical force was used, three where a combination of mechanical and physical force was used, two where a mix of chemical and physical force was used, and one where a combination of mechanical, chemical, and physical force was used. There were no instances involving the sole use of chemical or mechanical force in the current reporting period.

Table Eleven: Uses of Force by Type of Force[17]
7th OLEPS Reporting Period

Type of Force	Number of Stops
Physical	14
Mechanical & Physical	3
Chemical & Physical	2
Mechanical, Chemical, & Physical	1
Total	20

[17] Physical force: Bodily contact with a subject, not otherwise submitting or cooperating, to effect an arrest or other law enforcement objective.
Mechanical Force: The use of some device, which employs less than deadly force, such as a baton (PR24, expandable baton, etc.), police canine, etc.
Chemical Force: The use of some device, which employs less than deadly force, specifically a chemical or natural irritating agent.

OLEPS reviews all uses of force in connection with motor vehicle stops and assesses whether these uses of force were appropriate and necessary. In 14 stops, the force was deemed necessary and appropriate, based on the requirements above. One instance of force was deemed not to meet the State Police standards for force by OLEPS; the State Police did not catch this error. There were also five additional uses of force where OLEPS was unable to determine whether force was appropriate because the incident occurred outside the view of the DIVR camera.

The 20 motor vehicle stops involved uses of force against the driver, passenger 1, passenger 2, or some combination. In total, there were 15 stops where the driver was a recipient of force, four stops where passenger 1 was a recipient of force, and one stop where passenger 2 was the recipient of force. There were no instances where all passengers and the driver were the recipient of force.

Use of force reports are required to be filed in all instances of force, for each citizen involved. For two stops where the driver was the recipient of force, the trooper involved did not submit a use of force report. These errors were not noted by State Police. All use of force reports submitted for force against a driver were completed properly. When passenger 1 or passenger 2 were the recipients of force, use of force reports were filed in all stops and were completed properly.

Summary of Standard 4

OLEPS concluded that the uses of force in the current reporting period were conducted in accordance with State Police requirements, with the exception of the one stop where OLEPS determined the force to be inappropriate. Because this issue was not noted by the State Police as inappropriate, OLEPS forwarded this stop to OPS for further review and investigation. However, an investigation had already begun on the stop. The few issues pertaining to missing or incomplete use of force reports reiterate OLEPS' recommendations for appropriate documentation and cataloging of State Police enforcement activities.

Performance Standard 5: Recording & Reporting of Motor Vehicle Stops

Standards

State Police policies and procedures require audio and video recording of ALL motor vehicle stops, from just prior to the first communication center call in until the stop is cleared.

State Police policies and procedures require that specific instances and information be radioed to the State Police Communication center. They include the following:

- Trooper badge number & activity (i.e., motorist aid or vehicle stop)
- Location, direction of travel, municipality
- Vehicle description
- Occupant description- race, gender
- Stop statute
- Status update
- Race and gender update
- Driver DOB
- Vehicle registration, make, model
- Checks on licenses/identity, wanted persons status, criminal history
- Requesting backup
- Final disposition
- Stop cleared

State Police policies and procedures require that motor vehicle stop reports be filed for all stops that involved post-stop enforcement activity. Investigation reports are also required when a stop involves investigative functions (e.g., search warrants). These reports are expected to be filled out completely and without errors.

Assessment

Recording

In the current reporting period, a total of 326 motor vehicle stops were reviewed. According to State Police policy, all motor vehicle stops should be recorded, beginning when a trooper signals a car to stop (e.g., turns on lights and sirens). The State Police use a system that integrates audio and video recordings, however, the microphone and video camera are separate mechanisms and can and do function independently. In the past few reporting periods, OLEPS has noted many instances where the audio and video did not record simultaneously. For example, in some cases there may be a video recording, but no audio is being recorded or vice versa. Because of this, OLEPS now assesses video and audio activations separately.

In 242 motor vehicle stops (74.23%), the MVR video activated appropriately. There were 32 stops where OLEPS was unable to determine whether the video was activated due to missing or unavailable DIVR tapes. For several reporting periods, OLEPS has noted instances where the first clip of a motor vehicle stop was unavailable on the State Police DIVR system. For some of these stops, the remaining clips were available for review on recordings from other troop cars involved in the stop. OLEPS noted

that the missing first clips are either deleted or attached to the trooper's previous motor vehicle stop CAD incident number. OLEPS recommends that the State Police examine the issue of missing first clips of motor vehicle stops and whether the issue results from not properly clearing from a stop.

In 35 stops, MVR video activation was not applicable, likely because the stop began as a rest area check or accident and not as a trooper initiated stop. In total, there were 17 stops (5.21%) where the video was not activated appropriately when the trooper signaled the stop. Less than half, seven, of these instances, were noted by supervisory review and four resulted in interventions. Thus, there were three video activation errors noted by the State Police that did not result in an intervention.

Audio recording activation occurred at the beginning of 218 motor vehicle stops this reporting period. Similar to video activations, there were 31 stops where OLEPS was unable to determine whether the audio was activated at the beginning of the motor vehicle stop. In addition, 36 stops were not applicable for audio activation to occur at the beginning of the stop.

OLEPS found that in 41 motor vehicle stops, the audio did not activate at the beginning of the stop. Of these errors, slightly more than half, or 26 stops, were noted by State Police supervisory review and five resulted in interventions. There were 21 stops identified as having errors by supervisors that resulted in no intervention. Thus, there were 15 stops where the audio did not activate at the beginning of the stop that the State Police did not note.

As with the activation of audio and video, OLEPS also now assesses whether audio and video recordings continue to the completion of a stop separately. There were 272 stops (83.44%) where video recording continued to the completion of the stop. In 30 stops, OLEPS was unable to determine whether recording continued to the end of the stop. Additionally, there were four stops where it was not applicable for the recording to continue to the completion of the stop because the trooper conducting the stop was in a vehicle that did not have recording equipment. In total, there were 20 stops where the video recording did not continue to the completion of the stop. Only in five of these instances did supervisory review note these errors and two of which resulted in interventions.

In 205 motor vehicle stops, the audio recording continued to the completion of the stop. In 30 stops, OLEPS was unable to determine whether the audio recording continued to completion. Additionally, there were four stops where it was not deemed applicable for the audio to continue to the completion of the stop. In all, there were 87 stops where the audio recording did not continue to the completion of the stop. Of these errors, the State Police noted 55 in their reviews and 12 resulted in an intervention.

OLEPS has noted numerous instances where portions of recordings of stops were unavailable. A single stop may be broken down into several clips, some of which are not available. The high number of instances where OLEPS was unable to determine whether the audio and video were activated or continue to the end of the stop is the result of this issue. Because OLEPS cannot access portions of motor vehicle stops, a formal determination on the quality of recording cannot be made. This issue is likely the result of storage and database issues and OLEPS has noted this issue with the State Police.

OLEPS generally notes that there are more issues pertaining to recording the entirety of a stop than activation of recording at the beginning of a stop. While there are still a number of stops where the audio and/or video recording does not capture the beginning of the stop, many more instances are noted where OLEPS was unable to determine the status of audio and video activation or continuation because of missing clips. Thus, there were a larger proportion of stops in the previous reporting period where recording did not occur but a higher proportion in the current reporting period where this status

was unknown and unable to be determined. In the previous reporting period, there were 12 stops where the recording did not continue to the end, while in the current reporting period, there were 20 where the video did not continue and 87 where the audio did not continue. However, in the current reporting period, there were 32 stops where OLEPS could not determine whether video was activated, 31 stops where OLEPS could not determine whether audio was activated, 30 stops where OLEPS could not determine whether video continued to the end of the stop, and 30 stops where OLEPS could not determine whether audio continued.

For several reporting periods, OLEPS has assessed the quality of audio and video recordings. While an MVR may be recording, the audio may be unintelligible or the camera may not be aimed at the stopped vehicle. In these instances, OLEPS noted whether there were any audio or video difficulties that made it difficult to determine trooper actions. In the current reporting period, there were 47 stops (14.42%) where some sort of audio difficulty made it challenging to determine trooper actions. These difficulties often result from the noise of traffic passing or other external factors. In addition, there were 33 stops (10.12%) where there was a malfunction in the audio. Malfunctions may result from microphones dying or fading in and out throughout the stop.

Video difficulties were noted in 11 stops (3.37%) that made it difficult to determine trooper actions. The video difficulties may result from the camera being positioned away from the stopped vehicle or because of environmental conditions (dark, rainy, etc.). In addition, there were five stops (1.53%) where OLEPS noted a video malfunction.

In the previous reporting period, roughly 30% of all stops reviewed had either an audio difficulty or malfunction and about 10% had a video malfunction or difficulty. In the current reporting period, the rate of these issues has declined. Only 24.53% of stops had an audio difficulty or malfunction while 4.90% of stops had a video malfunction or difficulty. Thus, while the rate of recording difficulties is declining, a large portion of stops are still plagued by these technological issues.

For several reporting periods, OLEPS has noted issues with the recording of motor vehicle stops. In the past, these issues were related to mechanical issues regarding MVR tapes. OLEPS anticipated that these issues would be resolved once the migration to DIVR was complete. However, that does not appear to be the case. In this reporting period, OLEPS found that there was a decrease in stops where the MVR was not activated initially, but there was an increase in the number of stops that did not continue recording audio until the completion of the stop. During reviews, OLEPS also noticed that a large portion of stops indicate some sort of audio malfunction or difficulty. Issues with video tend to result from a misdirected camera or unavailable clips of a stop. OLEPS continues to recommend that the State Police ensure that troopers properly record motor vehicle stops and keep recording equipment in working order.

Communication Call-Ins

State Police policies and procedures contain a number of requirements relating to communication center call-ins during a motor vehicle stop. The purpose of these call-ins is two-fold. First, and most importantly, these communication call-ins monitor officer safety. By updating dispatch regularly on location, description of the vehicle stopped, and events occurring within the stop, there is a record of what that trooper is doing and where s/he is located. Should there be an issue during a stop, there is a recording of the trooper's whereabouts and actions. Second, communication call-ins serve as a

record of the events of the stop. Should there be audio/video recording difficulties, communication call-ins represent an additional timeline or record of the stop.

Upon stopping a vehicle and prior to approaching the vehicle, troopers are required to call in: the location of the stop; a vehicle description; the number of occupants; the race/ethnicity of the occupants; and the reason for the stop. In the majority of stops, troopers called in the appropriate information to communication. In the current reporting period, there were nine stops where a trooper failed to notify communication of his/her location prior to approach, three of which were caught by supervisory review, but did not result in interventions. Vehicle descriptions were not called in for eight stops, three of which were noted by supervisors, but did not result in interventions. The number of occupants was not called in for 12 stops, three of which were noted by supervisors, none leading to an intervention. Troopers called in the race/ethnicity of occupants in the majority of stops, but failed to do so for ten stops, three of which were caught by State Police supervisors, but did not result in an intervention. Finally, the reason for the stop was not called in for seven stops prior to approach; three were noted in a review but did not lead to an intervention.

In previous reporting periods, a higher proportion of stops were not called in than in the current and previous period. However, compared to the last reporting period, there is a slight increase in the number of stops where troopers failed to complete required communication call-ins. In the current reporting period, supervisors failed to note most errors in call-ins and none resulted in interventions. Despite this, the State Police still performed the majority of the call-ins for motor vehicle stops and continue to improve the number of stops that had all call-ins prior to approach.

Upon completion of the stop, troopers are required to notify communication that the stop has been completed and what actions were taken during the stop (e.g., summons, warning, towing the vehicle). There were five motor vehicle stops where troopers failed to notify communication of the completion of a stop, one of which was noted by supervisory review, and resulted in an intervention. Additionally, there were six stops where the actions taken during the stop were not called in. One of these errors was caught by a supervisory review and resulted in an intervention.

There were approximately 35 stops where it was unknown whether communication call-ins were conducted due to missing recordings of the stop and audio difficulties/malfunctions. OLEPS recommends that the State Police improve their recording quality and effectiveness.

OLEPS commends the State Police on their continued improvement in the rate of communication call-ins. The majority of stops, including those reviewed by State Police and not reviewed, included the appropriate communication call-ins.

Reporting

Motor vehicle stop reports detail the timeline of the stop, the individuals involved, and all enforcements/activities that occurred. These reports are reviewed and approved by supervisors. OLEPS reviews these reports to ensure that they are consistent with the events of the stop.

In the 326 stops reviewed, there were 72 stops (22.10%) with stop reports containing errors, slightly less than the previous reporting period. Of these errors, 41 were caught by supervisory review, and seven resulted in an intervention. There were 31 stops where an error was made on a motor vehicle stop report that was not caught by supervisory review. There was one additional stop where OLEPS

was unable to determine whether the report was correctly completed because the report was unavailable.

Investigation reports are required to be completed by troopers only for stops involving investigative activities. In the current reporting period, there were 141 stops that required investigation reports. Of these stops, 137 or 97% were completed without errors. In the previous reporting period, over 60% of all investigation reports were completed properly. Investigation reports were not completed properly in only four stops. Of these errors, none were caught by supervisory review. Therefore, there has been a decrease in the number of investigation reports with errors.

As in previous reporting periods, investigation reports appear to be completed appropriately. Motor vehicle stop reports tend to contain more errors than the investigation reports. These errors are usually based on missing or inaccurate information recorded in the report. For example, listing a different reason for the stop, or not indicating that an action occurred. These errors are generally minor and do not necessarily reflect any specific patterns requiring a tailored focus. OLEPS commends the State Police for making efforts to improve the writing of these reports and has noted improvements in these errors in the current reporting period.

Summary of Standard 5

In the current reporting period, issues continue regarding the quality of audio recordings for motor vehicle stops. In stops with audio issues, microphones continue to cut in and out, record only static, or record nothing at all. OLEPS recommends the State Police investigate this issue to determine whether these issues are equipment failures, dead batteries, or trooper oversights.

Additionally, OLEPS noted a number of issues pertaining to the availability of video recordings. The State Police should examine methods to improve audio recordings and determine why the first clips of motor vehicle stops are not saved appropriately in the recordings database.

OLEPS continues to note issues and errors that have not been caught by supervisory review. Supervisors are missing errors in many of the video and audio recordings of motor vehicle stops. Also, a large number of errors in the completion of motor vehicle stop reports and investigation reports have not been caught by State Police supervisors. These omissions result from either a lack of detail regarding reviews and noting errors or the State Police review schedule not requiring reviews of these stops. While these errors may be viewed as merely “procedural,” incorrect reports can be an issue should they be required in legal proceedings. The State Police should place emphasis on appropriate reporting by troopers and/or detailed supervisory reviews of these reports.

Performance Standard 6: Exits & Frisks

Standards

State Police policies and procedures limit the circumstances under which a trooper may request an individual to exit a vehicle or perform a frisk on an individual. These circumstances include:

- Driver exit for any reason
- Passenger exit for heightened suspicion, Title 39 violation, or to perform search of vehicle
- Frisks conducted for weapons or DTT

In addition, persuant to New Jersey law,[18] a driver may be asked to exit a vehicle for any reason.

Assessment

Exits

A trooper may request that a driver or passenger exit a vehicle for a number of reasons. Drivers may be asked out for any reason. Passengers may be asked to exit based on a heightened suspicion of criminal activity or they may be asked to exit as duty to transport (DTT).

In the current reporting period, there were 294 stops where a driver or occupant(s) was asked to exit the vehicle. Of these stops, 274 involved at least a driver exit, 108 of which were for sobriety reasons.

There were 122 stops where the passenger, labeled "passenger 1," was asked to exit a vehicle. Of these stops, 109 were based on heightened suspicion and 13 were asked to exit as duty to transport. There were 42 stops where passenger 2 was asked to exit the vehicle, 37 of which were based in heightened suspicion and five were based on DTT. There were no errors in driver or passenger exits for this reporting period. Overall, State Police conduct vehicle exits appropriately and according to policy.

Frisks

Frisks are utilized by troopers to protect themselves and the individuals involved in the stop. A frisk is an open-handed, non-manipulating, cursory, pat-down for weapons of a person's outer clothing. To frisk a person, a trooper must have RAS that the person may be armed and dangerous. Troopers may also frisk individuals prior to putting them into a troop car for trooper safety (e.g., if a trooper was transporting a passenger of a vehicle whose driver was under the influence).

[18] State v. Smith, 134 N.J. 599, 611 (1994); see State v. Peña-Flores, 198 N.J. 6, 31 n.7 (2009)- describes the right of an officer to remove a driver from a lawfully stopped vehicle as "established precedent."

In the current reporting period, there were frisks in 53 motor vehicle stops. Thirty-one of these frisks were based on RAS and 22 were DTT. There were four frisks that did not meet the requirement of RAS, all of which were noted by State Police review, and three of which resulted in an intervention.

OLEPS also reviews the mechanics of a frisk to make sure that it is not extending beyond the appropriate boundaries, making the frisk an illegal search. Of the 53 stops in which a frisk occurred, 16 were appropriate and followed the requirements. OLEPS was unable to determine whether frisks were appropriate in 34 instances. During the current reporting period, OLEPS noted many instances where frisks were not conducted in view of the camera. While this does not necessarily violate State Police policies, it does make it increasingly difficult to assess the mechanics of the frisk. Additionally, there were three frisks that extended beyond a cursory pat-down. Two were noted by State Police supervisory review and both resulted in an intervention.

In total, 28 drivers received a frisk. Twenty-five of these frisks were based on RAS and three were based on DTT. There were three instances where a frisk of the driver did not meet the RAS standard and were noted by supervisory review. Of these instances, two led to interventions while one had no further action. Additionally, there were two frisks of drivers that extended beyond the pat down circle, one of which was caught by State Police review and resulted in an intervention.

In 34 motor vehicle stops, passenger 1 was frisked. Of these frisks, 20 were DTT and 14 were based on RAS. Of the RAS frisks, two did not meet the standard of RAS. Both of these errors were caught by supervisory review, but only one resulted in an intervention. There was one frisk of passenger 1 that extended beyond the pat down circle. This error was noted by State Policy supervisory review and resulted in an intervention. In this reporting period, there were 23 frisks of passenger 1 where it was unknown whether the mechanics of the frisk were appropriate because the frisk was not captured on camera or because the recording was unavailable.

There were 12 motor vehicle stops where passenger 2 was frisked. Of these, five were based on RAS and seven were based on DTT. All RAS frisks of passenger 2 met the standard of RAS. There were no frisks of passenger 2 that extended beyond the pat down circle. However, there were eight frisks where it was unknown whether the mechanics of the frisk were appropriate because the frisk was not captured on camera or because the recording was unavailable.

Summary of Standard 6

OLEPS' review found the majority of exits and frisks occur in accordance with State Police policies and procedures. The State Police noted all instances where a frisk did not meet the legal standard of RAS and only failed to implement one intervention related to this error. Also, the State Police only failed to note one instance where a frisk extended beyond the pat down circle.

As noted previously, OLEPS found that a number of frisks occurred out of view of the camera. While this does not necessarily contradict State Police policies and procedures, it can make it difficult to determine the appropriateness of a frisk. Because of this, there were a high number of frisks that were not directly observed by OLEPS.

Performance Standard 7: Non-Consensual Searches/Seizures

Standards

State Police policies and procedures provide the circumstances under which non-consensual searches/seizures are permitted to be used. All searches/seizures should be based on probable cause or incident to arrest and should be called into communication prior to execution.

Assessment

Non-Consensual Searches/Seizures: Vehicles

There were 28 non-consensual vehicle searches/seizures in the current reporting period. Of these searches/seizures, 15 were identifiable as plain view searches/seizures,[19] two were credential or ownership searches, four were vehicle frisks, and seven were identified as "other." Most of the "other" searches were due to a driver's request for troopers to retrieve personal belongings in the vehicle (i.e., cell phone, wallet, etc.).

OLEPS noted that errors were made on the searches in four stops. Three of the errors were noted by State Police, and resulted in an intervention. Specifically, in two motor vehicle stops, plain view was cited as the reason for the search when the items were not actually in plain view (i.e., closed purse) In one incident, the trooper searched inside baggage without consent and in one other incident the trooper conducted a frisk while the passenger remained in the vehicle.

Non-Consensual Searches/Seizures: Persons

In the current reporting period, there were 303 stops involving a search of a person. Per State Police policy, these searches should be incident to arrest. There were 269 searches of drivers incident to arrest and four searches that were not incident to arrest. Three of these errors were noted by State Police supervisory review and interventions were issued for two stops. There were 90 stops with searches of passenger 1 incident to arrest and one that was not incident to arrest. The one search error was noted by the State Police and led to an intervention. Finally, in 25 stops there was a search of passenger 2 incident to arrest and one that was not. The State Police did not catch this error.

[19] Technically, plain view incidents are classified as seizures, not searches. However, State Police policies classify plain view similar to vehicle frisks and thus, searches, not seizures.

Summary of Standard 7

OLEPS' review of non-consensual searches/seizures found them to be in accordance with State Police policies and procedures. There were generally fewer non-consensual searches in this reporting period and thus, a fewer number of errors made. Unlike previous reporting periods, very few stops had an error pertaining to a non-consensual search of a vehicle or person. Additionally, the majority of these errors were noted by State Police review. The State Police also showed improvement in the number of interventions issued for such errors. OLEPS commends the State Police on the improved non-consensual searches and recommends continued diligence in the review of non-consensual searches/seizures.

Performance Standard 8: Length of Stops

Standards

According to State Police procedure, RAS stops should be "brief." Because the length of stop may be indicative of inappropriate enforcement (i.e., detaining a motorist until RAS has been established for a consent search), it is an important characteristic of stops.

All motor vehicle stops based on RAS should be "brief." For the purposes of this report, "brief" will be defined as deviations from the average (mean) stop length. Any motor vehicle stop found to be more than one standard deviation from the average length (of that type of stop—for example, length of stops with PC consent searches will only be compared with PC consent searches) will be examined for potential reasons for the additional length. Appropriate explanations include stop complexity (several enforcements such as several searches, a search warrant request, etc.), waiting for appropriate reinforcements (i.e., back up), waiting for responses from communication regarding criminal history/warrants, or questions regarding ownership.

Assessment

The average length of motor vehicle stops reviewed during this reporting period is 42.03 minutes and the standard deviation of this distribution is 33.03. Thus, all stops greater than 75.06 minutes or less than 9 minutes are more than one standard deviation from the mean. There are 45 stops greater than one standard deviation above the mean, 43 of which had consent requests and 19 of which had a canine deployment in addition to a consent request. These stops also contained additional enforcements such as non-consensual searches, vehicle exits, frisks, and arrests.

In contrast, there are 10 stops that are one standard deviation below the mean stop length. None of these stops involved a consent to search request. However, two did involve uses of force. The only post stop interaction in the majority of these stops was an arrest.

As in the previous reporting period, the average length of motor vehicle stops in this reporting period is shorter than the previous reporting period, 42.03 minutes here and 49.19 minutes in the previous reporting period. The standard deviation in the current period, 33.03 minutes, is close to that of the previous period, 34.50. This indicates that not only are the stops slightly shorter in the current reporting period, but there is less dispersion in the stops; the length of stops are more similar to each other in the current period than the previous. This is likely the result of sample selection. Compared to the previous reporting period, the current reporting period includes a slightly larger sample of stops selected on the basis of whether an arrest was made in the stop rather than any other post-stop interaction.

Duration of Stops

Table Twelve displays the average length of the motor vehicle stops sampled in this reporting period. The first row in the table presents the average length of all stops in the sample, 42.03 minutes. This number is a decrease from the average from the previous period, which was 49.19 minutes. This change most likely stems from changes to the sample for this period. Specifically, a larger number of stops were reviewed in the current reporting period where the only post-stop interaction of interest was an arrest. Thus, many of the stops reviewed do not contain searches that may lengthen a stop. The length of stops in the current reporting period are, on average, shorter than previous samples.

Table Twelve: Average Length (minutes) of Motor Vehicle Stops
7th OLEPS Reporting Period

	Average Stop Length
All Stops	42.03
All stops with Consent Requests	72.50
RAS Consent Requests	76.71
PC Consent Requests	63.21
Consent Granted	69.99
Consent Denied	79.10
Canine Deployment	99.57
Consent Requests & Canine Deployments	104.15
Consent Granted & Canine Deployed	98.86
Consent Denied & Canine Deployed	109.85

Because the majority of stops do not have many post stop interactions, the average length of stops with consent requests is much longer than the average of all stops. The average length of all stops with consent requests is 72.50 minutes, much longer than the 42.03 minute average for all stops. There is also a noticeable difference between the length of RAS consent request stops and PC consent request stops. This is likely due to the time it may take to accumulate RAS whereas PC is either present or not. The average stop length for stops with a PC consent request was 63.21 minutes, while the average for RAS consents was 76.71 minutes. However, the average length of stops with PC consent requests in the current reporting period is longer than the previous two reporting periods, which were closer to about 50 minutes.

An independent samples *t*-test was used to determine whether the difference in the length of stops with PC consent requests and length of stops with RAS consent requests is statistically significant. The *t*-test revealed that there is not a statistically reliable difference between the mean length of stops with PC consent requests (M=63.21, s=46.20) and those with RAS consent requests (M=76.21, s=32.811), $t(107)=1.741$, $p=.084$, $\alpha=.05$ (two-tailed). This means that there is not a statistically significant difference between the length of stops with RAS and PC consent requests, we cannot conclude that the length of RAS stops is significantly longer than the length of PC stops.

There is also a difference in the length of stops where consent was granted compared to those where consent was denied. Stops with consent searches that were granted have an average stop length of 69.99 minutes while those with consent searches that were denied have an average stop length of 79.10 minutes. Unlike previous reporting periods, the length of stops with denied consent search requests were longer than those with granted requests. Of the stops with a denied consent request, 23 also had a request for a canine deployment, 13 of which resulted in the dog responding to the scene of the stop. Thus, the longer average length for stops with denied consent requests is likely the result of the other post-stop interactions that occurred during the stops. An independent samples *t*-test was used to determine whether this difference between the length of stops with granted or denied consent requests was indeed statistically significant. The results indicate that there is not a significant difference between the length of stops where a consent request was granted (M=69.99, s=33.67) and where a consent request was denied (M=79.10, s=47.14), $t(107)=-1.124$, $p=.264$, $\alpha=.05$ (two-tailed). The test results mean that we cannot state that the length of stops with granted consent to search requests is significantly different or shorter than the length of stops with denied consent to search requests.

The average length of a motor vehicle stop with a canine deployment is 99.57 minutes, considerably longer than the average length for all other stops. An independent samples *t*-test revealed a significant difference in stop length for those with a canine deployment (M=99.57, s=50.29) and without a canine deployment (M=35.31, s=23.68), $t(312)=6.917$, $p=.000$, $\alpha=.05$ (two-tailed). Due to the high *p*-value, a one-tailed test would also be significant indicating that stops with canine deployments are significantly longer than those without canine deployments, $\alpha=.005$.

Naturally, as motor vehicle stops involve more enforcement activities, the length of the stop increases. Thus, it is expected that a stop with a consent request and a canine deployment would be longer than a stop with only a consent request. Motor vehicle stops with consent requests and canine deployments have an average stop length of 104.15. Breaking this down by granted and denied consent requests indicates that stops with a granted consent search and a canine deployment had an average length of 98.86 minutes while those stops with a denied request and a canine deployment had an average length of only 109.85 minutes. Results of an independent samples *t*-test did not find a statistically significant difference between stops with a canine deployment and a granted consent request (M=98.86, s=48.70) and those with a canine deployment and denied consent request (M=109.85, s=50.39), $t(25)=-.576$, $p=.570$, $\alpha=.05$ (two-tailed). The difference in the average length of stops with a canine deployment and a granted consent request and a canine deployment and a denied consent request is not statistically significant.

Racial/Ethnic Differences in Stop Length

Racial and ethnic differences in the length of motor vehicle stops are also explored. The first column in Table Thirteen presents the average length of all motor vehicle stops reviewed in this reporting period based on race and ethnicity. White drivers have an average stop length of 43.30 minutes, while Black drivers have an average of 46.02 minutes, and Hispanic drivers have an average of 35.12 minutes. Other drivers have an average stop length of 59.50 minutes and Asian drivers have an average of 23.00 minutes.

Table Thirteen: Average Length (minutes) of Motor Vehicle Stops by Race/Ethnicity

7th OLEPS Reporting Period

Part A

	All Stops	Consents	RAS Consents	PC Consents
White	43.30	71.04	74.44	59.77
Black	46.02	75.44	80.38	68.53
Hispanic	35.12	71.00	80.11	57.33
Asian	23.00	23.00	41.00	---
Other	59.50	59.50	102.00	---

6th OLEPS Reporting Period

Part B

	All Stops	Consents	RAS Consents	PC Consents
White	46.48	77.10	80.31	59.67
Black	54.47	79.58	90.87	49.47
Hispanic	46.13	78.27	94.82	32.75
Asian	21.00	---	---	---
Other	16.00	---	---	---

All Stops

Significant differences between the average length of stop for all stops were found between White (M=43.30, s=35.50) and Hispanic drivers (M=35.12, s=25.65), $t(221)=1.790$, $p=.05$, $\alpha=.05$ (two-tailed). A one-tailed test would conclude that the length of stops for White drivers is significantly longer than the length of stops for Hispanic drivers. Significant differences were also found between the average length of all stops for Black (M=46.02, s=33.87) and Hispanic drivers (M=35.12, s=25.65), $t(172)=2.341$, $p=.017$, $\alpha=.05$ (two-tailed). These results indicate that Black drivers have significantly longer stops than Hispanic drivers. Despite the fact that the results indicate that White and Black drivers have stops significantly longer than Hispanic drivers, the difference between White and Black drivers is not significant. Thus, we cannot rank the results. The *t*-tests used to test for significant differences in stop length for all other racial and ethnic groups did not yield significant results due to small sample sizes.

The average stop lengths for the current reporting period vary in their difference from the previous reporting period for each racial/ethnic group. For example, White, Black, and Hispanic drivers all have shorter stops in the current reporting period while Asian and Other drivers have longer stops. Since there are so few stops where the driver was identified as Asian or Other, each stop is highly influential; meaning, each stop can affect the overall average more than it would if there were more stops made of drivers of that racial/ethnic group.

Consent Requests

In the current reporting period, for all racial/ethnic groups, the average length of motor vehicle stops with a consent to search request[20] decreased for White, Black, and Hispanic drivers. The average length of motor vehicle stops with consent to search requests decreased for White drivers from 77.10

[20] This assessment includes both denied and granted consent to search requests.

minutes to 71.04 minutes, for Black drivers from 79.58 minutes to 75.44 minutes, and for Hispanic drivers from 78.27 minutes to 71.00 minutes.

An independent samples *t*-test revealed no significant differences between the length of consent request stops for any combination of racial/ethnic groups for the current reporting period. The average length of a stop with a consent request for White, Black, Hispanic, Asian, or Other drivers is not significantly different from each other.

While the average length of stops with consent to search requests increase from the fifth reporting period to the previous, the average length decreased in the current reporting period. This is likely due to the fact that the majority of consent to search requests were granted and did not involve other searches during the stop (i.e., canine deployments).

RAS Consent Requests

As discussed previously, the average length of all stops with RAS consent requests is higher than the average for stops with any consent requests. The same results are found when examined by race and ethnicity as shown in Table Thirteen. In the previous reporting period, Hispanic drivers had the longest average stop length for RAS consent requests with 94.82 minutes. However in the current reporting period Other drivers have the longest average length, 102 minutes, followed by Black drivers with 80.38 minutes, Hispanic drivers with 80.11 minutes, White drivers with an average of 74.44 minutes, and Asian drivers with 41 minutes.

An independent samples *t*-test did not find a statistically significant difference between the length of stops with RAS consent requests for White, Black, or Hispanic drivers. Thus, while the average for Asian drivers is 61 minutes shorter than the average for Other drivers, the difference is not statistically significant.

Just as the average length of stops with consent requests was shorter in the current reporting period, so too is the average for RAS consent requests. The average length for White drivers decreased from 80.31 minutes to 74.44 minutes. The average length for Black drivers decreased from 90.87 minutes to 80.38 minutes. Hispanic drivers also decreased, from 94.82 minutes to 80.11 minutes.

In previous reporting periods, there were instances of extremely lengthy stops with RAS consent requests that inflated the average length for Hispanic and Asian drivers. No such instances were noted in the current reporting period. In fact, there were fewer than 15 stops with an RAS consent request involving Hispanic, Asian, or Other drivers in the current reporting period.

PC Consent Requests

Stops with PC consent requests are about the same for White drivers and longer for Black and Hispanic drivers in the current period compared to the previous reporting period. The average length of stops with PC consent requests for White drivers is 59.77 minutes here and was 59.67 minutes in the previous period. Black drivers, on the other hand experienced an increase in the average length of stops with PC consent requests, from 49.47 minutes in the previous period to 68.53 minutes in the current period. Hispanic drivers experienced a decrease from 32.75 minutes in the previous period to 57.33 minutes in the current period.

A word of caution is needed regarding the length of stops with PC consent to search requests. In the current reporting period, there are only 34 stops with a PC consent request. There were 15 stops with a PC consent request where the driver was Black, 13 where the driver was White, and six where the driver was Hispanic. Because there are so few stops reviewed with a PC consent request, the overall average stop lengths for PC consent requests are easily influenced by outliers. This means that even one or two stops that were excessively lengthy or excessively short could dramatically impact the overall average length of these stops. Additionally, because the current reporting period did not include stops selected because they contained a PC consent request, the averages here may be the result of sample selection rather than an indicator of the average length of such stops.

An independent samples *t*-test did not find a statistically significant difference between the average length of stops with PC consent requests for White, Black, or Hispanic drivers. While the average length for White drivers is about nine minutes shorter than the average for Black drivers, the test did not reveal this difference to be significant, likely because of the small number of stops with PC consent requests for each group.

Summary of Standard 8

OLEPS' review of the length of motor vehicle stops revealed a continued decrease in the length of all stops and most categories of stops for the majority of racial/ethnic groups. However, this decline still likely results from sample selection rather than shorter stops overall for the State Police. While previous reporting periods had noted anomalies for certain racial/ethnic groups, no such anomalies were noted in the current reporting period.

Supervisory Review

Performance Standard 9: Supervisory Review of Motor Vehicle Stops

Standards

According to State Police policies and procedures, motor vehicle stops must be reviewed by State Police supervisory personnel. Specifically, all critical incidents were required to be reviewed in this reporting period. These reviews are detailed and require the supervisor to assess adherence to policies and procedures, and to assess whether legal standards (RAS or PC) are met.

This standard refers to errors made in connection with any aspect of a motor vehicle stop (from appropriate levels of RAS or PC to reporting and recording requirements). Because this standard assesses supervisory review, a violation of policy made by a trooper is an error when it is found by OLEPS and not noted by a previous State Police supervisory review. This standard refers to ALL errors not caught by supervisory review.

Assessment

In the current reporting period, OLEPS no longer assesses the number of errors not caught by supervisory review in comparison to a specific percentage. This discussion instead will focus on the volume of errors and any patterns observed.

The State Police have specific guidelines that detail the requirements, trooper responsibilities, and appropriate actions required in motor vehicle stops. To ensure adherence to these procedures, supervisory personnel in the State Police review motor vehicle stops to determine whether all requirements were followed and that there were no violations of individual rights or deviations from policy. In addition, OLEPS reviews these motor vehicle stops and notes instances in which supervisors did or did not identify violations of State Police policies and procedures.

All determinations of whether an error is caught are based on the review completed of the motor vehicle stop by State Police reviewers. OLEPS pulled all documentation of stops, including reviews of stops in February 2013. It is possible that a stop was reviewed after OLEPS pulled the reviews, in such instances, these errors have been noted. In total, there were only four stops that were reviewed after OLEPS pulled motor vehicle stops records for this reporting period.

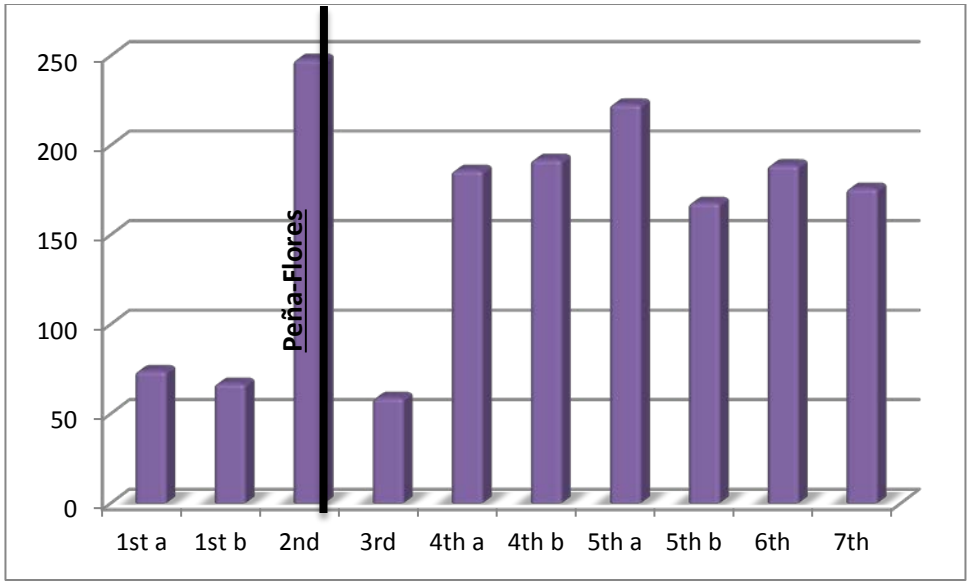
All Errors

In the current reporting period, 176 stops contained errors, slightly less than the number of stops with errors found in the previous reporting period but more than the second half of 2011, which corresponds to the months covered in the current reporting period. Figure Nine depicts trends in the total number of stops with errors since the 1st reporting period. The figure indicates a large increase in the number of stops with errors since the first half of 2010. However, since the first half of 2011, the number of errors has been declined slightly but remained relatively steady. In total, there were 150 motor vehicle stops conducted by the State Police that did not contain any errors in the current reporting period.

Of the 176 stops with errors, 96 contained errors caught by the State Police and 92 contained errors not caught by supervisory review.[21] That is, 28.22% of all motor vehicle stops contained an error not caught by supervisory review. This is less than the percentage of stops with errors not caught in the previous reporting period, 34.28%. As noted in previous reports, beginning in July 2011, the State Police began a pilot program relating to motor vehicle stop reviews. This program retained the required reviews of critical stops, but non-critical stops would undergo a selection process rather than all stops being reviewed. Additionally, the current reporting period contains a sample of stops that would not typically be subject to the review process- motor vehicle stops with arrests. There were 68 stops with uncaught errors that had not undergone review by the State Police. Thus, only 24 stops contained errors not caught by the State Police despite supervisory reviews.

Figure Nine: Total Stops with Errors, by Reporting Period[22]

1st through 7th OLEPS Reporting Periods

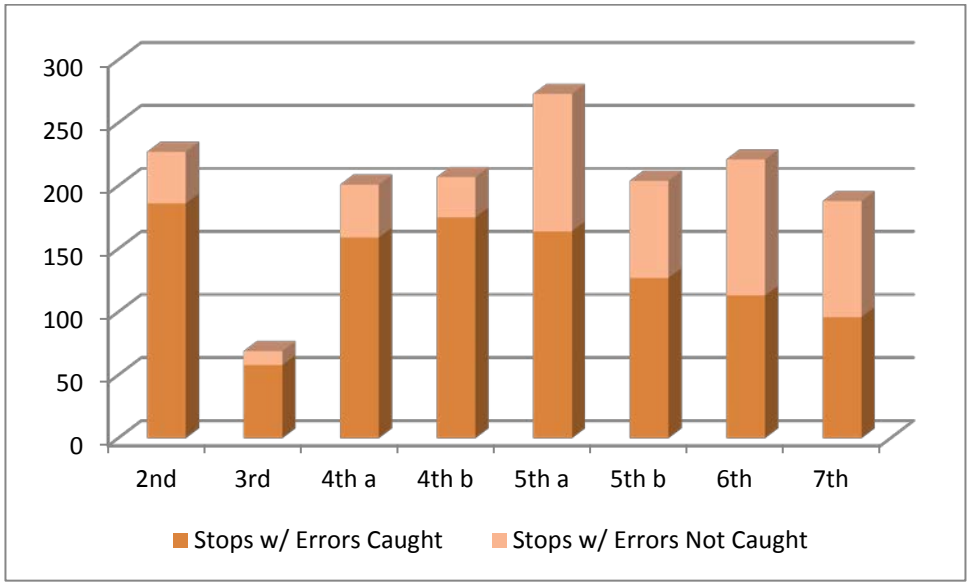


[21] Only 24 of these 92 stops with uncaught errors received a supervisory review by the State Police. State Police reviews focus primarily on critical stops and stops with PC consent requests. This reporting period included a sample of stops with arrests, which are not required to undergo supervisory review unless they contain one of the aforementioned activities. Thus, the number of stops that did not receive a supervisory review is higher.

[22] The high number of errors noted in the 2nd reporting period are generally procedural in nature and stem from changes pursuant to Peña-Flores.

OLEPS has noted that for several reporting periods, the State Police do catch the majority of errors made in stops. Figure Ten presents the number of stops where errors were caught and the number of stops where errors were not caught. In a single stop, some errors may be caught while other errors are not caught; each stop can appear as either a stop with errors caught, a stop with errors not caught, or both. Thus, the total number of stops presented for each reporting period, is generally more than the total number of stops with any error. As shown in Figure Ten, the number of stops where errors are caught is generally higher than the number of stops where errors are not caught. However, in the previous and current reporting periods, these numbers are nearly identical. The State Police caught errors in 96 stops and failed to catch errors in 92 stops in the current reporting period. Looking across reporting periods, it does appear that there is a trend of an increasing number of stops with errors not caught. This trend is unlikely due to a decline in quality of reviews, but rather the result of sample selection. Since OLEPS' sample contains a high number of stops not reviewed by State Police, the proportion of stops with errors not caught is necessarily, high. Because of this OLEPS does continue to examine the number of errors not caught in stops with and in those without State Police reviews (Figure Twelve).

Figure Ten: Stops with Errors Caught v. Stops with Errors not Caught
2nd through 7th OLEPS Reporting Periods

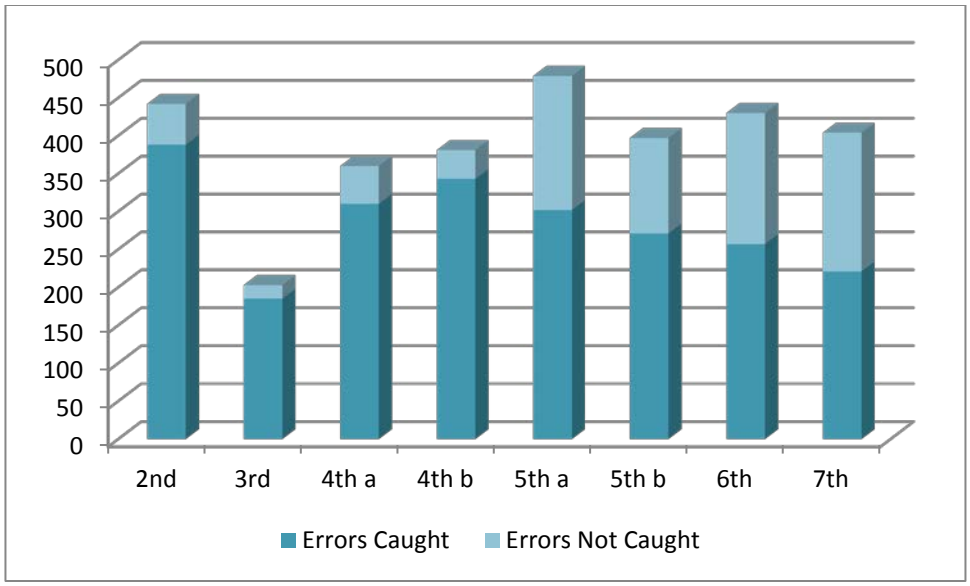


Because each stop may include both errors caught and errors not caught, Figure Eleven presents the total number of errors that were caught and the total number of errors that were not caught. In the current reporting period, while there were only 176 motor vehicle stops with errors, there were 404 errors in those 176 stops. The total number of errors has historically been much higher than the total number of stops with an error. As can be seen in Figure Eleven, the State Police generally catch more errors than OLEPS. However, the proportion of errors not caught has increased in current and previous reporting periods. In the current reporting period, OLEPS noted 183 errors while the State Police noted 221 errors. This increase may result from sample selection.

Figures Nine through Eleven highlight the troubling trend of increasing numbers of errors made during

motor vehicle stops. Previous reporting periods (i.e., third and first) noted much smaller numbers of errors. These issues are likely due to the selection of stops reviewed by OLEPS and changes to State Police review schedule. As noted in the previous reporting period, the State Police has altered their motor vehicle stop review schedule; OLEPS now reviews more stops that the State Police have not reviewed. OLEPS recommends that the State Police increase their level of detail during motor vehicle stop reviews and hopes that future reporting periods will have much higher numbers of errors caught by the State Police than by OLEPS.

Figure Eleven: Errors Caught v. Errors not Caught
2nd through 7th OLEPS Reporting Periods



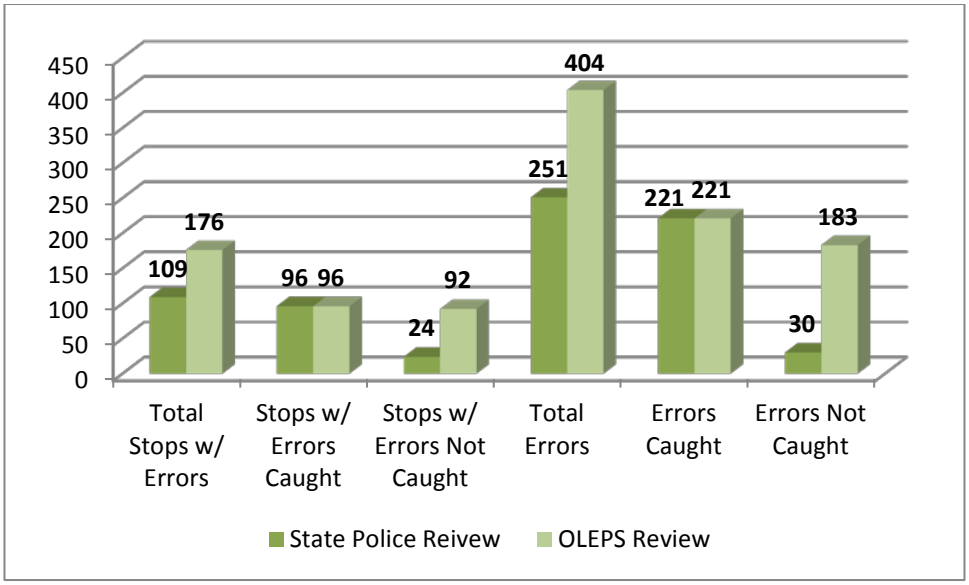
As noted earlier, in 2011, the State Police adopted a modified review schedule, reviewing all critical stops and a selection of non-critical stops. Because of this review schedule, there is an increased likelihood that OLEPS will review a stop that the State Police has not had the opportunity to review. As such, OLEPS compared the errors in all stops to only those that did undergo supervisory review in Figure Twelve.

In the current reporting period, only 152 of the total 326 stops received a review by the State Police. The first two bars present the total number of stops with errors in the current reporting period. For the stops that the State Police reviewed, there were 109 stops with errors compared to 176 stops with errors among OLEPS' reviews. Since an error can only be caught if it receives a State Police review, the number of stops with errors caught is the same for both State Police and OLEPS reviews. However, the number of stops with errors not caught does differ. In those stops State Police reviewed, OLEPS noted 24 stops with an error that was not caught by State Police. Overall, OLEPS caught errors in 92 stops, those with and without a State Police review. The fact that OLEPS was able to note 24 stops with an error not caught out of the stops that the State Police did review, is of concern. However, this number is an improvement from previous reporting periods. Though this number is slightly lower than the number in the previous reporting period, OLEPS again reminds the State Police of the quality necessary for motor vehicle stop reviews.

Additionally, among the stops with State Police reviews, there were only 251 errors made, while there were 404 made in the stops OLEPS reviewed. In total, OLEPS noted 30 errors that the State Police failed to note in the stops that they reviewed. OLEPS noted a total of 183 errors in stops reviewed.

That the State Police failed to note 30 errors in 24 motor vehicle stops that they did review, is a concern. The State Police only reviewed 152 stops in the current sample. The 24 stops with uncaught errors represent about 16% of the total number of stops that it reviewed. This is actually an improvement since the previous reporting period where about 30% of all stops reviewed by the State Police contained uncaught errors. OLEPS commends the State Police on the improvement of this error rate, but cautions the State Police to continue conducting thorough, detailed reviews of stops. OLEPS recommends that the State Police conduct its reviews with as much detail as possible, especially in light of the reduced review workload.

Figure Twelve: Errors Caught v. Errors not Caught
7th OLEPS Reporting Period

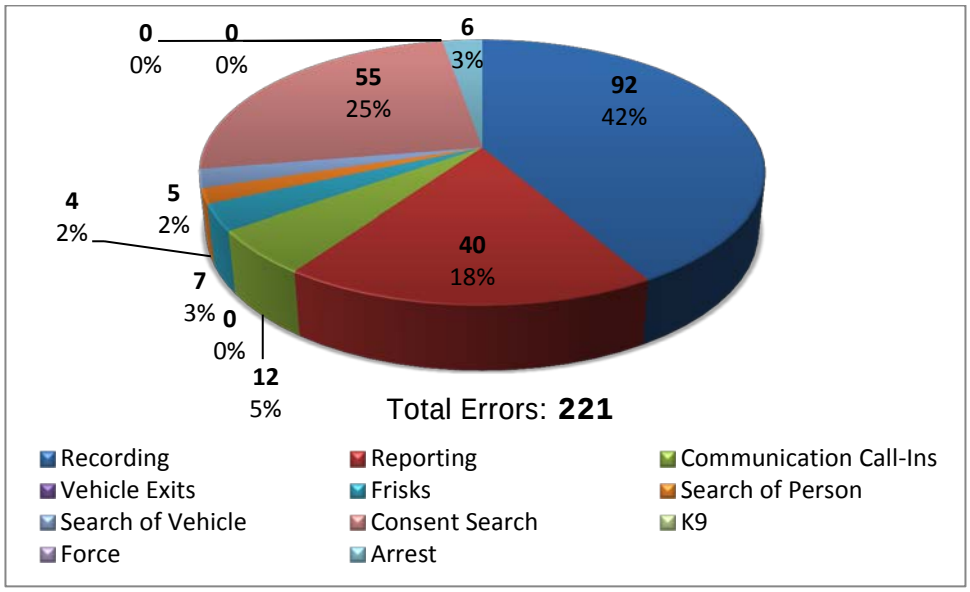


Types of Errors

Errors can further be classified based upon the type of error. Certain errors refer to actions that are procedural in nature, that is, they are governed only by State Police procedures. Other errors refer to actions that are constitutional in nature, in that they touch upon an individual's constitutional rights. OLEPS has classified errors into several categories based on the nature of the error. Recording errors are those referring to whether recording was activated at the beginning of the motor vehicle stop and whether the audio and video continued to the completion of the stop. Reporting errors are errors made in filing of the motor vehicle stop report or the investigation report. Communication Call-In errors are failures of a trooper to call-in the appropriate information to the communication center. These call-ins are detailed in Performance Standard Five. Vehicle exit errors are those made when an individual is asked to exit a vehicle. Frisk errors are those made during the course of a frisk. Search of a person and search of a vehicle are errors made when searching a person or vehicle, respectively, without their consent. Consent search errors are those made in connection with the rules governing consent to search requests, including all reporting and recording requirements. Canine deployment

errors are made when a canine is deployed. Use of force errors are made during a use of force. Arrest errors are those made during the course of an arrest. For all of the aforementioned categories, the errors may stem from violations of individual's rights or violations of State Police policy. Figure Thirteen presents this categorization for all errors caught in the current reporting period.

Figure Thirteen: Type of Errors Caught
7th OLEPS Reporting Period

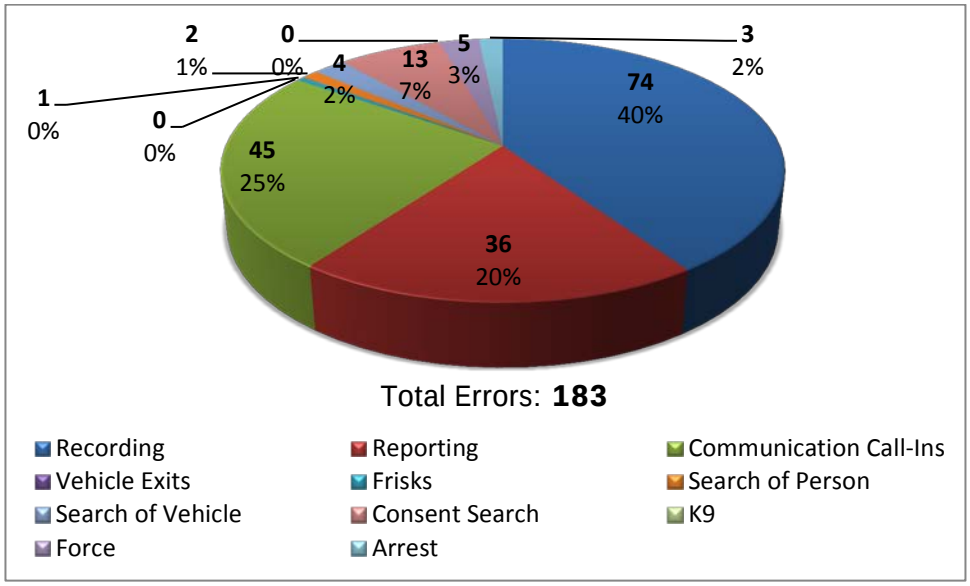


The most common errors caught by the State Police for this reporting period are recording errors. State Police supervisory review noted 92 errors pertaining to the recording of motor vehicle stops. The other most common type of error caught were those pertaining to consent searches. State Police supervisory review noted 55 errors relating to consent searches. In total, these two categories of errors account for roughly 67% of the errors caught. Of the 221 errors caught by the State Police, 147 were errors caught pertaining to recording and consent searches. Compared to the previous reporting period, the State Police caught a smaller proportion of errors related to reporting, 18% here compared to 23% in the previous reporting period. Additionally, there was a much smaller proportion of errors caught pertaining to arrests in the current period; arrest errors amounted to 3% in the current period and 10% in the previous period. The proportion of other categories of errors remained fairly consistent in the current reporting period; all other error categories each make up 5% or less of errors caught. Changes in the proportion of each error type does not necessarily mean that the State Police failed to catch these errors, it may mean that the State Police just made fewer errors of that type.

In previous reporting periods, the number of errors not caught in a particular category were generally low if the number of errors caught in that category were high. However, because of the large number of stops that were not reviewed by the State Police, that is not necessarily the case in the current reporting period, as shown in Figure Fourteen. The majority of errors not caught, 85%, pertained to recording, reporting, or communication call-ins. Forty percent of all errors not caught pertained to recording, 25% pertained to communication call-ins, and 20% pertained to reporting. There were also 13 uncaught errors pertaining to consent searches, five pertaining to the use of force, four related to

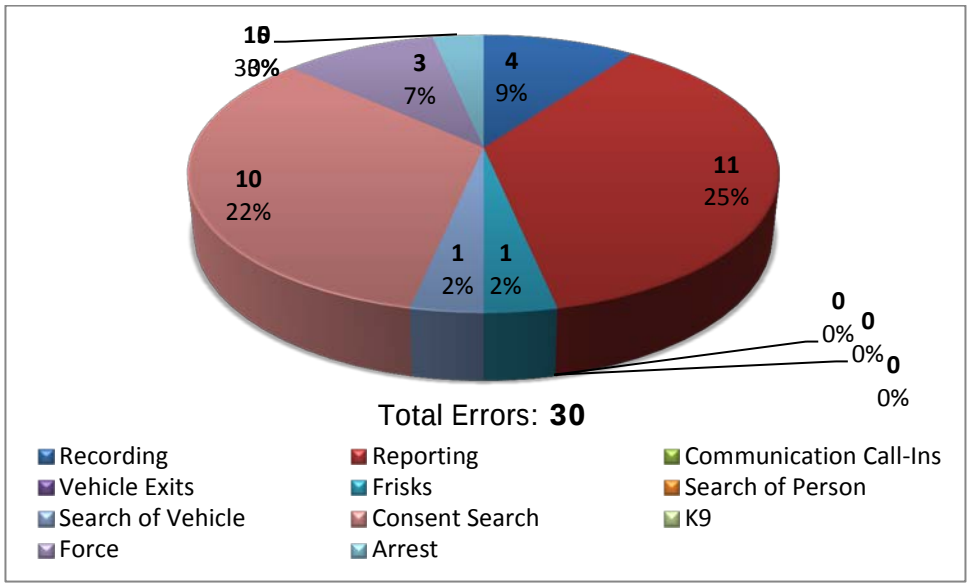
the search of a vehicle, three related to arrests, two related to search of a person, and one related to frisks.

Figure Fourteen: Type of Errors Not Caught
7th OLEPS Reporting Period



As noted throughout this performance standard, there were a large number of stops examined during this reporting period that did not receive a State Police supervisory review. As such, it is appropriate to discuss the errors that the State Police did not catch only in those stops that they did review. This highlights the areas in need of focus on State Police reviews. Figure Fifteen presents these uncaught errors. In the stops that the State Police did review, there were only 30 errors not caught, fewer than in the previous reporting period. The most common type of error not caught by the state police were those pertaining to reporting; 12% of errors not caught, 11 errors, pertained to the reporting of the stop. There were only 10 (22%) consent search errors, four (9%) recording errors, and three (7%) use of force errors not caught. Compared to errors caught, the State Police caught a higher number of errors in each category type except for use of force than they failed to catch. The State Police did have the opportunity to catch these errors but failed to do so.

Figure Fifteen: Type of Errors Not Caught in Stops with State Police Reviews
7th OLEPS Reporting Period



As noted in the previous reporting period, OLEPS has paid close attention to the reviews of stops in 2012 as a way to assess the appropriateness of the new motor vehicle stop review schedule. OLEPS' approval of a revised review schedule, which allowed the State Police to review a smaller number of stops, was contingent upon continued detail in these reviews. While the State Police did fail to note a number of errors in the stops that they reviewed, the number of stops for the current reporting period is an improvement upon the number in previous reporting periods. OLEPS has commented on these patterns of errors for several reporting periods and commends the State Police for the improvement.

Interventions

Interventions are a tool used by the State Police directed toward improving a member's performance. Interventions are recorded in MAPPS and generally, memorialize a supervisor's review of a trooper's activities. Interventions may be positive or negative; they may commend a trooper for a job well done or note a deficiency in a trooper's behavior. Interventions are vital to a trooper's improvement as they are likely the only searchable and accessible record of a supervisor's comments. For example, an intervention may be utilized to note that a trooper routinely failed to activate video recordings on motor vehicle stops. An intervention allows the trooper to see the supervisor's feedback and allows future supervisors to review the feedback. Without an intervention, a future supervisor might be unaware of any areas where a trooper might need improvement, and thus, be unaware that the next level of remedialization might be more effective after repeated instances of failure to activate a video recording.

OLEPS examined the extent to which supervisors note that they informed the trooper of errors by reviewing MAPPS for evidence of interventions. According to State Police policy, interventions are required when a supervisor notes that a trooper has made an error during a motor vehicle stop. The current reporting period is the second where OLEPS recorded the number of interventions issued. While the State Police did catch 221 errors, there were only 76 interventions issued. Thus, only about

34.39% of all errors caught by State Police resulted in an intervention, consistent with the previous reporting period. Table Fourteen depicts the number and proportion of stops with interventions by category of error.

Notably, errors caught pertaining to search of a vehicle, search of a person, and frisks had the highest proportion resulting in interventions, all of which were above 70%. The proportion of interventions issued for errors pertaining to consent searches increased in this reporting period, from 31.25% to 56.36% in the current reporting period. However, interventions issued for errors pertaining to arrests decreased substantially, from 60% in the previous reporting period to 16.67% in the current period. Interventions remain less frequent for recording, reporting, and communication call-in errors. Only 25% of all recording errors, 17.50% of all reporting errors, and 16.67% of all communication call-in errors resulted in interventions.

Table Fourteen: Proportion and Type of Caught Errors Resulting in an Intervention
7th OLEPS Reporting Period

	Number of Interventions	Number of Errors Caught	% of Errors Caught
Recording	23	92	25.00%
Reporting	7	40	17.50%
Communication Call-Ins	2	12	16.67%
Vehicle Exits	0	0	
Frisks	5	7	71.43%
Search of Person	3	4	75.00%
Search of Vehicle	4	5	80.00%
Consent Requests	31	55	56.36%
K9	0	0	
Use of Force	0	0	
Arrest	1	6	16.67%
Total	76	221	34.39%

While this is only the second reporting period to discuss interventions, it does appear that the State Police have already begun to utilize interventions more frequently. However, the use of an intervention when an error is made is still somewhat uncommon, especially for errors that the State Police has deemed more procedural (i.e., reporting and recording). The State Police has issued memos reiterating the protocol when an error has been made. OLEPS anticipates that the number of stops with interventions will increase in future reporting periods as the State Police fully adopt this policy.

Noted Issue: Miranda

Supervisory review is intended to ensure that troopers are following all protocols, procedures, and rules governing motor vehicle stops. For several reporting periods, OLEPS has informed the State Police of concerns stemming from Miranda violations, especially in the wake of Peña-Flores. In the

current reporting period, OLEPS discussed the Miranda violations with the State Police. As noted previously, there were very few errors pertaining to arrests in the current reporting period. OLEPS works closely with the State Police to ensure that all policies and procedures are understood clearly and as intended by the State Police. OLEPS had been using an interpretation of State Police policies and procedures offered by a trooper that was not the same interpretation as the other members of the organization. As a result of this misinterpretation, OLEPS has revised its assessment of arrests, specifically the issuance of Miranda in the current reporting period.

However, OLEPS did note the stops in which a Miranda violation should have been noted under the old interpretation. Interestingly, the majority of these stops, 57%, were all conducted by one station. Admittedly, this station was one of the five purposely selected in the current reporting period, however, the other stations selected did not have anywhere near the number of Miranda violations. This pattern has been shared with the State Police.

Summary of Standard 9

The current reporting period was the second to contain a large number of stops that did not receive a supervisory review by the State Police. As such, the overall number of errors caught by OLEPS that were overlooked by the State Police is high. However, the remaining issue is that the State Police did not note a number of errors in the stops that they did review, especially pertaining to consent to search requests and reporting. The State Police need to employ more detailed reviews and properly note all errors made by troopers during stops.

OLEPS review has noted that roughly 16% of all stops reviewed by the State Police contained errors not noted in reviews. While this number is high, potentially more troubling is that roughly 40% of all stops not reviewed did contain errors, some of which are not merely paperwork related. Thus, there are actions and behaviors that are violations of State Police policies and procedures that do go uncorrected in the State Police. The State Police should reiterate the importance of adhering to State Police policies and procedures and remind troopers that these policies are designed to not only protect motorists, but also troopers.

As stated in previous reports, a trooper can only correct problematic behavior if s/he knows there is a problem. Interventions are a vital tool for self-analysis, allowing both troopers and supervisors to record areas of both excellence and improvement. OLEPS continues to recommend that the State Police more appropriately and effectively utilize the intervention tool.

Performance Standard 10: Supervisory Referral to OPS

Standards

If it is determined that the conduct recorded during a motor vehicle stop reasonably indicates misconduct (i.e., an intentional failure to follow any of the documentation requirements of State Police policies, procedures or operating procedures, an intentional constitutional violation, an unreasonable use of force or a threat of force), a Reportable Incident Form is required to be filled out.

This standard will be assessed through OLEPS' review of stops and audit of OPS.

Assessment

OLEPS has reviewed records of referrals to OPS based on actions or omissions by road personnel. Such referrals are generally rare. During the current reporting period, OLEPS referred one incident to OPS for review, but the incident was already undergoing review.

Performance Standard 11: Supervisory Presence in the Field

Standard

This standard remains unchanged from the Consent Decree:

> *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.*

In light of motor vehicle stop review requirements that take up much of a supervisor's available road time, a specific numeric requirement of supervisory presence will not be given at this time. Since the State Police is exploring potential changes to their MVS Review plan, an official requirement will not be specified until that new system is in place. In the interim, the State Police should, at minimum, maintain, but ideally improve, their rate of supervisory presence in the field.

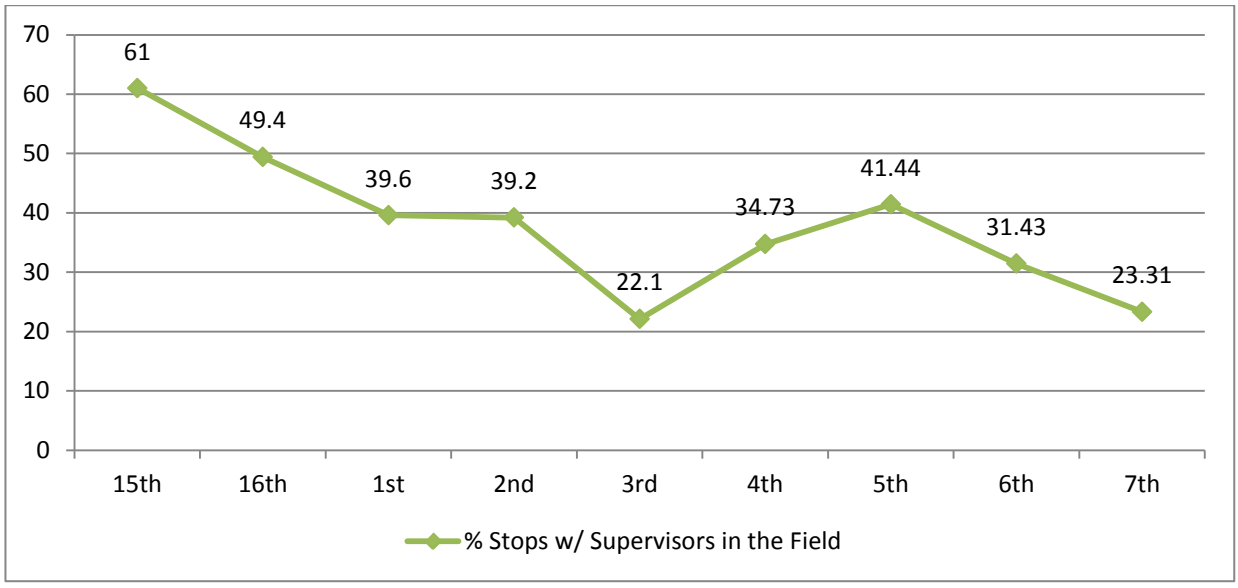
Overview

OLEPS has noted a recent trend of low supervisory presence for several reporting periods that began to increase in the fifth reporting period, but has since declined. Figure Sixteen presents this trend. In the current reporting period, supervisors were present in 76, 23.31%, stops. In the previous reporting period, a supervisor was present in about 31% of all stops. Since the 15th reporting period (under the independent monitors), the percent of stops where a supervisor was present has declined, reaching a low of 22.1% in the third reporting period. Since then, the percent has increased slightly, but declined again in the current period.

Supervisors were present in 46 stops or 42.02% of all stops with consent requests, 17 stops or 56.67% of all stops with official canine deployments, and 9 stops or 45% of stops with uses of force. Compared to the previous reporting period, there were fewer supervisors present in stops with consent requests in this period and more supervisors present in stops with canine deployments and those with uses of force.

OLEPS anticipates increases in supervisory presence in the field in the coming reporting periods, especially since the State Police has implemented a revised review schedule for motor vehicle stops in 2011, which should allow supervisors more time to perform supervisory duties other than motor vehicle stop reviews. While the decline of supervisors at the scene of the stop in the current reporting period is contrary to expectations and discussions with the State Police, it is not wholly unexpected as the State Police have continued to experience high rates of attrition in staffing levels due to retirements. Given the number of new troopers added recently and to be added in the next few years, these supervisory presence numbers should increase.

Figure Sixteen: Trend of Supervisory Field Presence
7th OLEPS Reporting Period



Office of Professional Standards & Investigations

OLEPS monitors the Office of Professional Standards (OPS) based on the timeliness of investigations, the appropriateness of investigations, and an audit of the citizen complaint process.

Methodology

Currently, OLEPS monitors the activities of OPS in two ways. First, OLEPS conducts a legal review of substantiated disciplinary investigations. The purpose of each legal review is to determine whether there is sufficient evidence to move forward with disciplinary action; that is, whether the findings are supported by a preponderance of the evidence. This is accomplished by examining the investigative activities undertaken by OPS and assessing the quality and admissibility of the evidence. OLEPS also reviews the proposed penalty for each substantiated investigation. In conducting its review, OLEPS has full access to MAPPS and IA-PRO information concerning the trooper's prior disciplinary history. This information is evaluated in conjunction with the evidence developed in the investigation before disciplinary charges are filed and a penalty recommended. OLEPS also reviews the proposed penalty for each substantiated investigation, providing guidance and advice on the level of discipline imposed to guarantee that it is appropriate and fair. In doing so, OLEPS may consider: the member's history of discipline; discipline imposed on other members with the same or similar substantiated charges; and any other factors deemed relevant to the recommendation of discipline.

Second, OLEPS conducts audits of OPS investigations on a biannual basis. The audits determine if the evidence in the case supports the findings of either "substantiated," "insufficient evidence," "exonerated," or "unfounded." The audits involve a review of all complaints regarding racial profiling, disparate treatment, excessive force, illegal or improper searches, false arrests, and domestic violence. In addition to a review of these complaints, a sample of all other complaints received by the State Police is selected for review. For each complaint, a complete review of the written investigative file is conducted. In some instances, those reviews lead to a review of all available investigative evidence, such as audio and video tapes assembled by OPS.

Performance Standard 12: Appropriate & Timely Investigations

Standards

OPS is required to attempt to complete misconduct investigations within 120 working days. In instances where an investigator believes the case will extend beyond 120 working days, an extension is required to be filed with the IAIB Bureau Chief.

Additionally, discipline should be appropriate to the case and must be proportionate to the facts, circumstances, nature, scope of the misconduct case, past disciplinary history of the trooper, and comparable substantively similar charges.

OLEPS may re-open any cases for further investigation.

Assessment

In the current reporting period, OLEPS performed one audit of investigations conducted by OPS, covering July 1, 2012- December 31, 2012.

This audit consisted of a review of 122 closed misconduct cases. Of this total, 68 consisted of complaints involving racial profiling, disparate treatment, excessive force, illegal or improper searches, and domestic violence. An additional 54 cases were randomly selected for review from all other misconduct investigations. Reviews of the written files for all 122 closed investigations were conducted. An additional review of audio and video evidence was conducted for 11 cases.

Investigation Length

During the OLEPS audit of OPS, OLEPS examined the length of misconduct investigations to determine if they were appropriate based on justifiable reasons. These reasons include:

- Pending criminal investigation/prosecution
- Concurrent investigation by another jurisdiction/plea
- Witness unavailability
- Evidence unavailability
- Investigator changes
- Changes to the investigation (addition or change to allegations/principals)
- Case complexity (i.e., number of principals, witnesses, allegations)
- Conflict of interest development
- Criminal conspiracy requiring isolation of principal
- Awaiting opinion from DAG/county prosecutor

For the audit covering the current reporting period, OLEPS noted that there were fewer than 23%, 28 cases, were not completed within the 120 working day requirement. During this audit, OLEPS did not

comment on the appropriateness of these delays. However, OLEPS did note that several cases had an extended period of time pass between receipt of a complaint and assignment to an investigator, thus delaying the beginning of the investigation.

Appropriate Interventions

In addition to evaluating the investigation length of all misconduct cases, OLEPS also reviews the proposed penalty for each substantiated investigation. During this review, OLEPS has full access to the involved trooper's disciplinary history. This is evaluated in conjunction with the evidence developed by the investigation before disciplinary charges are filed and a penalty recommended. Disciplinary matters cannot move forward unless OLEPS has performed a legal sufficiency and penalty review. In the second half of 2012, OLEPS performed roughly 58 legal sufficiency and penalty reviews.

Re-Open Cases

OLEPS has the authority to re-open cases for further investigation. In the current reporting period, OLEPS did not recommend that OPS re-open any cases.

Staffing Levels

Under the Decree, the State Police was required to maintain sufficient staffing levels in OPS. While OPS was released from the requirements of this specific task prior to the dissolution of the Decree, OLEPS has noted several reporting periods where the staffing levels of OPS have been declining which may have contributed to the current case backlog. Because of this issue, OLEPS has again chosen to comment on staffing levels in OPS.

Central to the proper handling and administration of misconduct cases is the issue of appropriate staffing to investigate cases. OLEPS has noted that investigators handle a high number of cases at a time, necessarily prioritizing certain cases over others. Given the inherent uncertainty of investigations and the high caseload of each investigator, investigations may require additional time to complete. While there may be delays in cases, the majority are justifiable (i.e., witness unavailability, criminal adjudication, and document collection), but the addition of more personnel may help alleviate some of the case backlog. As noted previously, OLEPS has expressed concerns regarding the time between when a case is opened and officially assigned to an investigator, which may delay an investigation. Additionally, OLEPS has noted many cases where delays result from investigator reassignment, often the result of troopers being transferred in a short time period. OLEPS recommends additional, long-term staff members be assigned to OPS, be they civilian or troopers. Misconduct cases cannot be handled in a timely manner without appropriate personnel to investigate each case thoroughly.

Performance Standard 13: Internal Audits of Citizen Complaint Processes

Standards

According to State Police policies and procedures, the following requirements govern the citizen complaint process:

- All calls must be recorded
- All complaints reviewed as to whether they constitute allegations of misconduct and whether the allegation is:
    - criminal
    - requires administrative investigation
    - non-disciplinary performance matter
    - administratively closed

Assessment

OLEPS is tasked with auditing the citizen complaint process. This is accomplished through an audit of the complaint hotline, checking for proper classification and reception of complaints. This audit covered the time period of July 1, 2012 – December 31, 2012. A total of 85 complaint calls were made to the hotline during the review period, and OLEPS reviewed a randomly selected portion of these calls. All 12 calls reviewed were assigned an OPS case number and handled appropriately.

Training

The New Jersey State Police Training Bureau (hereafter Training Bureau) shall continue its mandate to oversee and ensure the quality of training for state troopers, including the development and implementation of pre-service and post-service curriculum and the selection and training of both trooper coaches and instructors. OLEPS' primary focus is on curriculum/training pertaining to cultural awareness, ethics, leadership, arrest, and search and seizure.

Overview

The Training Bureau adheres to the tasks set forth in the training assessment portion of the former Decree, which has since been codified in the Act and incorporated in State Police policies and procedures. The Act requires that training be provided to State Police members relative to patrol duties, cultural awareness, ethics, leadership, and constitutional law pertaining to arrest, search and seizure. The Act also requires that the State Police monitor training received from non-State Police entities.

In addition to the requirements outlined in the Act, State Police policies and procedures requires that the Training Bureau evaluate and document training effectiveness, establish a Training Committee, create training orders, provide remedial training, ensure the appropriate instructor certifications, and to monitor training received by State Police personnel by non-Division entities.

The monitoring period as it relates to training in this report covers January 1, 2012 through December 31, 2012. During this monitoring period, the Training Bureau's role in the development of curriculum expanded beyond the needs of the Division. Members of the Training Bureau's Firearms Unit were part of a committee assembled by the Attorney General's Office that played a major role in the development of the CED course now used to train all law enforcement throughout the State. Furthermore, the Training Bureau enhanced their recruit "Capstone Training" with the inclusion of PowerCAD used during a simulated 12-hour shift where recruits must apply the appropriate State Police procedures taught during their 22 weeks of training as scenarios unfold. The training is labor intensive and requires the participation of numerous State Police personnel.

During the Fifteenth Monitoring Report, the federal monitors expressed concern that some enlisted members had attended training conducted by an outside agency that did not necessarily comport with New Jersey State regulations as they relate to consent to search practices by State Police during motor vehicle stops. During this monitoring period the Training Bureau received a request asking whether personnel assigned to Field Operations could attend a course similar to the one that previously raised concern with the federal monitors. The request was denied based on both institutional memory and the new outside training policy averting a potentially problematic set of circumstances. The fact that the request was scrutinized and subsequently denied is a testament to the Training Bureau's ability to sustain the reforms of the Consent Decree.

Methodology

OLEPS reviewed normal course of business records, conducted interviews with the Training Bureau staff and attended training presentations. Records reviewed included the documentation of needs

assessment, curriculum, analysis of training effectiveness, Training Committee minutes, instructor resumes, individual training records, disciplinary records, promotional histories, personnel orders, Field Operations memorandums, OPS memorandums, Trooper Coach Committee reports, course documentation, instructor evaluation records, and documentation relating to training provided by non-State Police entities. Databases accessed included MAPPS, ACTS, and I/A Pro.

Performance Standard 14: Development and Evaluation of Training

Standards

The Training Bureau employs a seven-step cycle in the training and evaluation process. The Bureau will be audited on whether the seven-step training cycle set forth below is being applied in the development, delivery, and evaluation of training:

1. **Diagnosis and Needs Assessment** – Assessing the needs within the agency for the purpose of creating or improving training; reviewing current standards and practices on related topics.
2. **Development of Training** – Developing training content and training aids according to needs assessment.
3. **Delivery of Training** – Utilizing current best practices in adult-based learning.
4. **Evaluation of Training** – Evaluating the effectiveness of the training content and training delivery.
5. **Revision of Training** - Revising training materials and delivery based upon the evaluation of each.
6. **Evaluation of Operational Implementation** – Determining implementation of the practices taught.
7. **Documentation of Process** – Documenting of all the above steps in the process.

The evaluation of operational implementation is reviewed as it relates to training in leadership, ethics, cultural diversity, and constitutional law pertaining to arrest and search and seizure as delivered during in-service.

All course curriculum relating to training topics delineated in the Act are reviewed to determine their suitability and for legal sufficiency. Any revisions or substantive changes must be so noted and forwarded for review.

Reports and analyses relating to the evaluation of training are reviewed to determine the Training Bureau's ability to measure transfer of knowledge.

Assessment

The Training Bureau demonstrated its ability to develop, deliver and document its training processes. Course curriculum is based on a Division-wide needs assessment. Data used in the development or

revision of training comes from information captured by the Office of Strategic Initiatives, Office of Professional Standards, Field Operations, OLEPS, and the Training Committee.

As the result of this process throughout this monitoring period, curriculum relating to domestic violence, firearms, use of force, conducted energy devices, cultural diversity, trooper coach, executive leadership, firearms, self-defense, ethics, discrimination, and search and seizure were presented to OLEPS for review and comment.

Members of OLEPS' staff audited the delivery and evaluation of the 2012 in-service training (see Performance Standard 15). Prior to the delivery of the training, a needs assessment, data collection plan, curriculum (including training aids), and memorandums relating to the in-service were submitted to OLEPS for review and comment. The in-service topics included ethics, use of force, narcotics awareness, cultural diversity, leadership, patrol practices, health and wellness, and search and seizure. Based on last year's comments, 2012 in-service was structured in a way that troopers were given the opportunity to attend two afternoon sessions of their choosing from the following five topics: PowerCAD, Street Level Awareness (Narcotics), Travel/Training Request Guidelines, Threat Identification Exercises, and Health and Wellness.

Pre-tests and post-tests were administered as part of the evaluative process. A Likert scale[23] was used that assigned a numerical value depending on the degree to which the participant agreed with the statement presented in the post-training surveys. In all cases, the Training Bureau achieved their targeted goal upon measuring the transfer of knowledge. Approximately 45 to 60 days following training, a follow-up survey was distributed designed to determine if the participants perceived that they had applied (or had the opportunity to apply) what was taught and whether the training improved their job performance. In addition, information gathered from other units throughout the Division during the first and second quarters of 2013 are used in this evaluative process. The results will be recorded in a Step 6 report during the third quarter of 2013.

During this review period OLEPS noted that the operational assessment, or the Step 6 report, was not complete for the 2011 in-service. This was due in part to staffing issues that occurred between June through September of 2012. During this period, ten members of the Training Bureau were detached to Field Operations to fill in for troopers who were on assignment elsewhere (further discussion can be found under Standard 17). There were also transfers between unit heads. However, it may also suggest that the staff is relying more on the Step 4 assessment (transfer of knowledge through tests and surveys) because the results are immediate as compared to the Step 6 assessment (operational implementation), which is a more protracted process and sometimes not available during the period information is being gathered for the next in-service.

If the Division would assign a permanent civilian analyst for the express purpose of lending technical support by collecting and analyzing data, it would help to provide continuity and unit stability, especially during times of flux. It would also help to ensure the completion of all tasks. The use of civilian analysts tasked with these responsibilities has proven to be successful in the MAPPS unit. Although it is the Division's prerogative to transfer or detach troopers, when this occurs with instructors, it impacts the overall training and evaluative process. This would be somewhat mitigated with an analyst who would serve as a constant.

[23] A scale used to measure the degree to which people agree or disagree with a statement. It is used to assign quantitative value to qualitative data for use in statistical analysis.

Furthermore, members of the In-Service Unit and the Training Support Unit need to re-evaluate the way operational implementation is assessed when drafting the data collection plan for the 2013 in-service. The instructors would benefit from the awareness an analyst can bring to the process. The staff recognizes that it needs to concentrate on identifying other approaches to determine those goals that can be measured (objectively) and directly attributed to training.

This issue was previously addressed in the Seventeenth Monitoring Report and again in OLEPS' First Monitoring Report. At that time, OLEPS was advised that the Division could not support the idea due to budgetary constraints. It is *strongly* suggested that the Division revisit this proposal in order to continue to maintain the reforms accomplished under the Consent Decree. During these difficult economic times, consideration could be given to transfer a civilian within the Division who possesses this skill set.

Remedial Training

The Training Bureau is also tasked with providing remedial training for troopers experiencing difficulties in their job functions. Those troopers are identified and referred by several sources including supervisors, OPS and the Division's Risk Analysis Core Management Group (RACG). The Training Bureau tailors a course of instruction specific to the individual trooper based on the trooper's deficiency. In 2012, ten troopers received remedial training in the following areas:

- Communication Skills
- Use of Force
- Attitude and Demeanor
- Traffic Stop Procedures
- High Risks Stops
- Tactics

Two of the ten troopers required further training beyond that offered during the initial remedial training. After working extensively with one of the two, it was determined that the trooper's deficiency went beyond that of training and it was recommended that additional support be provided through the Employee Assistance Program. This is an example of the Division taking proactive measures relative to performance-based issues and the Training Bureau's ability to determine if the deficiency is one of training or an issue that can best be addressed through other measures.

Recruit Training

On January 27, 2012, 85 members of the 151st Class graduated from the State Police Academy. As noted in OLEPS' Fifth Monitoring Report, the Training Bureau enhanced the "mock station" used as a tool during the final phase of recruit training to help in the transition from being a recruit to a probationary trooper. The "mock station" included a PowerCAD used during a simulated 12-hour shift where the recruits were dispatched to several events under a controlled environment. The Training Bureau referred to this as their "Capstone" training.

The recruits are expected to draw from approximately 22 weeks of training and apply the proper action(s) to scenarios presented. These scenarios include motor vehicles stops, motor vehicle accidents, motorist aid, neighbor disputes, suspicious persons, assaults, alarms, and well-being

checks. In each instances, the recruit must follow the appropriate State Police procedures as the scenario unfolds. If an arrest is made or if any evidence is seized, the recruit is expected to follow the requisite processes.

The training exposes the recruits to State Police operational procedures and gives them access to applications and databases such as the Records Management System (RMS), Laboratory Management System (LIMS), Alcotest 7110 MKIII-C, NJ Courts Electronic Processing System and Automated Fingerprint Identification System (AFIS).

The Training Bureau has since received feedback from station commanders that this program has put the probationary trooper at a significant advantage over those graduating from previous classes. The commanders have noted that the probationary troopers arrived at their first assignment better prepared. As one instructor stated, "It helps to take a lot of the guess work away from the recruit making the transition to probationary trooper easier." Comments gathered from the 151st class course critiques indicate a desire for the presentation of more scenario based training and for extended "Capstone" training, which they found to be one of the most useful training platforms.

A detailed after-action report was drafted subsequent to the graduation of the 151st Class that revealed information regarding the responsibilities of the instructional staff, attrition factors, and changes to curriculum and schedule. Course materials were evaluated through critiques and transfer of knowledge was measured by both test scores and by the assessment of practical exercise/scenarios. A myriad of recommendations regarding future classes were submitted to the Commandant for consideration.

It has been forecasted that the Training Bureau will be tasked with providing at least two recruit classes in 2013 and 2014 after a period where recruit classes were sporadically held due to funding issues and in response to a recent increase in retirements. The majority of those retiring are enlisted personnel who were part of the State Police cadre known as the "1,000 troopers in 1,000 days." One thousand troopers graduated from the Academy in one thousand days as a consequence of funding received by the State for recruit classes during the enactment of the Anti-Drug Abuse Act of 1986. Although it achieved the goal of putting more "boots on the ground," these troopers are now eligible to retire and have done so in droves taking with them a wealth of experience thereby leaving a void at the various supervisory levels throughout the Division.

The Division would be better served to make a commitment of holding annual recruit training; at least one class per year. It would assist the Division in its efforts to produce quality troopers and, over time, help maintain adequate staffing levels throughout the organization.

Conducted Energy Devices/Firearms

During this monitoring period, the Training Bureau's role in the development of curriculum expanded beyond the needs of the Division. In an effort to promote officer safety and afford law enforcement an alternative to the use of deadly force, the Attorney General issued guidelines approving the use of conducted energy devices (CEDs) in 2011. This process began in 2009 with the appointment of a committee directed to develop training that would comport to New Jersey law and sanctioned by the New Jersey Police Training Commission. Members of the Training Bureau's Firearms and Self Defense

Unit were part of this committee and played a major role in the development of the CED course now used to train all law enforcement throughout the State.

Members of the Firearms and Self Defense Training Unit conducted the first CED operator's course in October of 2012. All participants successfully completed the course.

During this monitoring period, the Firearms Unit successfully delivered the following training:

- Post-Service Semi-Annual Firearms Qualification
- Pre-Service Firearms Training and Qualification
- Service Rifle Operator and Instructor Training
- Self-Defense Tactics
- Vehicular Pursuit
- Use of Force
- Monadnock Expandable Baton Training

C20

The 2012 annual physical fitness test, known as C20, was conducted in September and October. The test is comprised of a battery of physical exercises and is administered by the Training Bureau. Those troopers unable to pass the test are subject to sanctions. Those who are unable to participate, or did not pass, are given an opportunity to retest.

MVR Infractions

During the last reporting period, OLEPS commented on the high percentage of MVR infractions that were noted by State Police supervisors. OLEPS was of the opinion that the continued rise in MVR infractions was not likely a reflection of ineffective or lack of training because the use of the MVR has been repeatedly addressed during pre-service, by trooper coaches and during in-service. Nevertheless, OLEPS recommended that this issue continue to be monitored during the transition by State Police from MVRs to DIVRs.

During the previous monitoring period, it was determined that of the 12,202 supervisory reviews of motor vehicle stops that were conducted in 2011, 11.86%, or in approximately 1,447 instances, the MVR/DIVR was not activated prior to citizen contact and 22.11%, or in approximately 2,698 instances, the MVR/DIVR did not remain activated throughout the contact. The numbers of these types of infractions had been on the rise since 2008; however, the data reviewed for 2012 indicates a decline. While this decline is positive, it could be attributable to a change in the State Police motor vehicle stop review policy. Of the 10,966 supervisory reviews of motor vehicle stops that were conducted in 2012, 8.85%, or in approximately 970 instances, the MVR/DIVR was not activated prior to citizen contact and 15.07%, or in approximately 1,652 instances, the MVR/DIVR did not remain activated throughout the contact.

Table Fifteen: Percent of Stops with MVR/DIVR Infractions
2008-2012

MVR Infraction	2008	2009	2010	2011	2012
Not activated prior to contact	5.73%	6.31%	7.06%	11.86%	8.85%
Did not remain activated throughout contact	8.92%	10.42%	13.13%	22.11%	15.07%
Total Stops Reviewed	12,844	13,105	13,284	12,202	10,966

Based on OLEPS' recommendation, the Training Bureau continued to follow-up on this issue. It was learned through communications with the MAPPS Unit that the spike in infractions between 2010 and 2011 was seen across the board in all troops. Coincidentally, it occurred during the period when the majority of State Police vehicles had been outfitted with DIVRs. Given the circumstances, the MAPPS Unit determined that the spike was more likely equipment related rather than one of training. It appeared that some equipment peculiarities affected the audio and video portions of the recordings. Problems with the synchronization of the microphones caused one microphone to cancel out the other. Additionally, the DIVRs have to reach a certain internal temperature when the outside temperature falls below 32 degrees in order to function correctly. Because of these issues, it had been difficult to discern if the malfunction was due to technical error or trooper error. In order to make that determination in the future, a supervisor conducting a taped review may want to look at the stops before and after a stop that is in question to determine if the problem appears to be equipment related or trooper error. However, a technical error cannot be attributed to not activating one's DIVR. The above issues have been addressed by Field Operations.

Summary of Standard 14

The Training Bureau continues to demonstrate its ability to develop, deliver and document its training processes as prescribed by the seven-step training cycle. The staff remains committed to staying relevant with best police practices in the development of curriculum. The Bureau will need to re-evaluate the way operational implementation is assessed when drafting future data collection plans. Furthermore, the Division should strongly consider assigning a civilian analyst to lend technical support for the collection and analysis of data, as well as to help provide continuity due to chronic staffing issues.

Performance Standard 15: Cultural Diversity, Ethics, Fourth Amendment, and Leadership Training

Standards

- The Training Bureau will provide recruit and annual in-service training on Fourth Amendment requirements and on the non-discrimination requirements set forth in the Act as part of patrol-related training, including training on conducting motor vehicle stops and searches and seizures.

- The Training Bureau will train all recruits and provide annual in-service training as set forth in the Act and established in State Police policies in cultural diversity, ethics, and leadership.

Assessment

The 2012 in-service was conducted from October 2012, through January 2013, with a make-up day in February. A total of 2,445 troopers were trained. In-service was extended into 2013, as a consequence of Hurricane Sandy. Members of the In-Service Unit drafted a needs assessment after meeting with the staff members of various bureaus and units throughout the Division.

The morning session included presentations on how to execute "influential leadership" through communication, motivation and leading by example. Also presented were the topics on cultural diversity, ethics, search and seizure, and consequential decision making. Many of the instructional blocks were illustrated through the use of current events. This year's ethics training included a program by the New Jersey Ethics Commission for state officers.

This year's in-service presentations included:

- Illustrations of several case studies used to demonstrate how styles of communication and motivational techniques used by those in leadership positions can influence both desirable and undesirable outcomes. Those case studies included:
    - US Airways Flight 1549 – Captain Chesley "Sully" Sullenberger vs. Costa Concordia Captain Francesco Schettio
    - Warren Buffet vs. Bernard Madoff
    - Manassas High School Coach Bill Courtney vs. University of Arkansas Coach Bobby Petrino

- Discussion of the Muslim community outreach program established by the Attorney General in response to surveillance of Muslim businesses, mosques and groups in New Jersey by the New York City Police Department, which caused concern and consternation within the Muslim community.

- Examination of the overall impact that the New York City Police Department's controversial "Stop and Frisk" policy has had on other law enforcement communities resulting in modification to a particular department's program or, in some cases, an end to the practice altogether.

- Narrative of the circumstances leading up to the death of Trayvon Martin by community watch volunteer George Zimmerman, how it was handled in the media, and how it renewed conversation of race relations in this country and in the law enforcement community.

- Examination of how intelligence-led policing is most effective in determining time and resource allocation with an expectation of greater return in the successful prevention or prosecution of criminal activity.

- Explanation of the purpose and activities of the State Police's Risk Analysis Core Group (RACG). The RACG, comprised of the Division's command staff and representatives from the Attorney General's Office, is tasked with the responsibility to review data and identify trends that serve to "protect the public and trooper from risk through early intervention." Discussion included the review of motor vehicle stops by race; post stop interactions; driver exit with frisk; search and/or arrest by type, and use of force.

- Discussion of emerging use of force issues revealed during the International Association of Chiefs of Police symposium, including the public's perception of the use of force by officers and how that perception can be influenced by what is reported in the media. Remarked on the importance of communicating to the public what is deemed as a reasonable use of force by law enforcement verses unreasonable.

- Review of the State Police's Use of Force Policy as well as a discussion of the physiological symptoms experienced by individuals with elevated stress levels was conducted.

- Presentation on the topic of search and seizure highlighting the use of Miranda and consent to search requests, including a subject's right to be present during a motor vehicle search. There was also discussion of the New Jersey Supreme Court decision State v Minitee, 44A.3d 1100-2012 (June 14, 2012) regarding the issue (definition) of exigent circumstances as it relates to the motor vehicle exception to the State's search warrant requirements.

- Instruction on the use and side-effects of synthetic marijuana and bath salts. New Jersey laws governing the use of these substances were examined and direction was given as to how to charge for these offenses.

After the morning presentation, State Police personnel attended two break-out sessions of their choosing from the following five topics – PowerCad, Street Level Awareness (Narcotics), Travel/Training Request Guidelines, Threat Identification Exercises and Health and Wellness:

- ❖ PowerCAD - The PowerCAD (Computer Aided Dispatch) system, along with the various modules, was explained in detail. The system is used by State Police dispatchers and the sergeant at a station that captures all of a trooper's patrol activities. The troopers were given the opportunity to engage in hands-on training to better understand how the system operates.

- ❖ Street Level Awareness (Narcotics) - With the acknowledgement that there has been an emerging health concern regarding the diversion of prescription drugs for illegal use as well as

the ingestion of synthetic drugs, the Training Bureau presented a narcotics refresher block of instruction. The instructor highlighted the development of sources, intelligence and strategies relative to narcotic investigations.

- Travel/Training Request Guidelines - As per Department of Law and Public Safety policy, State Police policies and procedures were issued stating that all members of the Division must request and receive travel/training authorization regardless of whether the training is held in-state and at no cost. In order to ensure that the Training Bureau can adequately monitor training that its members receive from non-Division agencies, the policies and procedures governing training were revised and now outline the responsibilities of the trooper attending the training along with that of field training coordinators and/or field training officers. The revised policies and procedures were reviewed with Division personnel.

- Threat Identification Exercises - Troopers wore protective gear and engaged in scenarios where they entered a room to face an unknown threat. The goal of the training was to ensure that the participants followed the State Police Use of Force Policy and adhered to firearms safety rules. The exercise also served as an opportunity for the instructor to evaluate the participant's ability to exercise sound judgment by asking the trooper to articulate the reasons for the actions or inactions the trooper took based on the scenario presented.

- Health and Wellness - State Police members are required to pass a physical fitness test, which was administered during the months of September and October 2012. A block of instruction regarding health and wellness served as a compliment to the test and was offered during this year's in-service. The instruction covered stress factors, longevity, fitness goals, diet, rest, myths of fitness and wellness, motivation, and organizational goals.

Summary of Standard 15

The Training Bureau continues to provide cultural diversity, ethics, leadership, and search and seizure as part of its integrated training curriculum. The staff remains current with local and nationwide events (including legal updates) to keep training relevant. The mandatory training conforms to the seven-step training cycle.

Performance Standard 16: Training Committee

Standards

According to State Police policies and procedures, the Training Bureau Chief will establish, maintain, and utilize a Training Committee.

- The Training Committee will be comprised of members of the Training Bureau, field training coordinators, field training officers, members of the OPS, members of the Office of Quality Assurance (formerly Office of State Police Affairs) and any other personnel as determined by the Bureau Chief who will serve as the Committee's chair. The Committee is to meet on a quarterly basis.

- The purpose of the Committee is to "serve as an integral system for state police units, squads and supervisors to provide information and refer particular incidents to the Training Bureau, to assist in evaluating the effectiveness of training and to detect the need for new or further training."

Assessment

Training Committee meetings were held in April, September, and December of 2012. In addition to Training Bureau staff, representatives from the Intelligence Section as well as Field Operations attended all three meetings. Representatives from Identification & Information Technology and Special Investigations attended the April session; representatives from OPS, Troop B Administration Office, and Emergency Management attended the September session; and representatives from Identification & Information Technology, Emergency Management, and Administration attended the December session.

Members of the Committee gave oral reports regarding current activities of their respective sections that impact training. In addition, training needs and/or areas in need of improvement were identified to help develop specific training programs. The following is a summary of topics covered during the 2012 meetings:

> 2012 In-Service Training - Training Bureau staff conducted a needs assessment for the 2012 in-service and thereby requested feedback from Committee members regarding any deficiencies that could be addressed through training. Training Bureau staff also met with several unit supervisors Division-wide as well as with OLEPS for input. Some suggestions included DIVR instruction and revisiting the State Police's policy as it relates to Peña-Flores. DIVR issues were addressed by the Field Training Officers who reinforced training that had been previously given by the Training Bureau staff. The topics relative to Search and Seizure and Peña-Flores were included in the 2012 in-service curriculum and presented.
>
> Supervision and Advanced Training Courses - Dates for the First Line Supervision, Mid-Level Supervision, and Executive Leadership were posted. The Instructor Certification course was

tentatively scheduled for May, but due to staffing issues had to be delayed until January of 2013. Staffing issues also prevented the scheduling of any advance training in Spanish for Law Enforcement. Non-attendance of troopers at mandatory training was a topic of discussion. Procedures are such that a list of State Police personnel who had not yet attended the requisite supervision course was generated by the Training Bureau. Those troopers were notified by Training Order when the next course was offered. There were discussions regarding possible ramifications to personnel for non-attendance.

P.A.T.R.I.O.T. Training – A request was put forth by Field Operations to expand P.A.T.R.I.O.T. training (ProActive Terrorist Recognition and Interdiction Operations and Tactics) for those assigned to the Super Bowl. P.A.T.R.I.O.T. is a system used to provide "pro-active threat mitigation training" to detect, deter, or minimize terrorist attacks. This particular request was advanced to OLEPS for approval. Based on course revisions, the request was approved with stipulations.

Agudath Israel Event/Cultural Awareness – In preparation of the Agudath Israel religious ceremony that was held at the MetLife Stadium on August 1, 2012, 600 troopers were given instruction in the customs of the Jewish Orthodox Community. This was done as a pro-active measure to bring cultural awareness to those troopers assigned to the event because they would be interacting with members of the Orthodox Community. The attendance was estimated to be at 90,000.

Urban Initiative – Upon direction from the RACG, the Training Bureau was tasked to put a course together for those troopers assigned to urban environments to augment the training that they had already received in the areas of search and seizure and use of force, with a focus on pedestrian contacts. Committee members decided that a focus group with representatives from the Training Bureau, Field Operations, and the Metro Units would work together to create a program.

Domestic Violence Training – An updated course was completed and released by the Division of Criminal Justice for use by all law enforcement throughout the State. The course was uploaded on web-based training platform known as NJ Learn and made available to State Police members. Members were advised that the training is mandatory and to be completed by December 2012. Make-up dates ran through April 2013.

Outside Training – Committee members were reminded that Outside Agency Training Appraisal Reports, along with any course materials received by Division members who attend training given by non-Division entities, must be forwarded to the Training Bureau for review. This measure assists the Division's efforts to monitor whether training conducted by an outside agency comports with State Police policy and New Jersey State regulations. The training is documented in the ACTS database and copies of course materials are archived.

Trooper Coach Program – Discussions relating to the submission and review of Trooper Coaches' Daily Observation Reports for the 151st State Police Class were held. These reports give supervisors the opportunity to monitor the progress of the probationary troopers. It is anticipated that approximately 225-250 Trooper Coaches will be needed upon graduation of the 152nd & 153rd State Police Classes. Field Operations was asked to assist the Training Bureau with the Trooper Coach process for the upcoming classes beginning in 2013.

152nd & 153rd State Police Classes – Preparation for the upcoming 152/153 recruit classes as discussed with focus on the two week Pre-Employment Preparation Program (PEPP) followed by the administering of the Physical Qualification Test (PQT). PEPP is a program design to assist prospective recruits to familiarize themselves with military drills and to help prepare for the level of physical fitness that will be required of them not only to pass the PQT for entry to the Academy, but to achieve the level of fitness that will be expected of them to maintain once at the Academy. The PQT was held in August and September 2012. Approximately 6,000 applicants participated and approximately 4,300 passed.

Trooper Youth Week – Resources had to be allocated to run three Trooper Youth Week programs, which occurred in-between the administering of PEPP and the PQT (July 16 through August 3). Trooper Youth Week is a career exploration program held during the summer months for teenagers who are in their junior or senior year of high school. A total of 298 students successfully graduated from the program.

C20 Physical Test – Discussions relative to the timing and logistics of administering the mandatory physical fitness test to all Division members (known as C20 compliance), including CPR training, were held. The C20 test had to be given after the PQT but just prior to In-Service training. Testing was completed within the allotted time frame.

Central Repository – Assistance continues to be sought from the Identification & Information Technology Unit to determine if ACTS and NJ Learn can interface in order to maintain a centralized record of training.

Firearms – Training Orders were posted for firearms qualifications and advance firearms courses. Conducted Energy Device (CED) qualifications were administered during firearms qualifications. Firearms maintenance was performed on issued weapons as well as training in same.

DNA Collection – The recent amendments to P.L.1994 c.136, require that all individuals arrested for aggravated assault, aggravated and criminal sexual contact, sexual contact which would impair the morals of a child (endangering), murder, manslaughter, aggravated assault (1st or 2nd degree), kidnapping, and luring are to surrender a DNA sample. The law requires training in all procedures associated with collecting DNA. The first portion of this training was presented via the NJ Learn platform.

Summary of Standard 16

The Training Bureau actively seeks input throughout the Division to help identify training needs in an effort to deliver meaningful training and works closely with Field Operations. Issues presented before the Committee have been incorporated into curriculum and presented in training. As noted in the last monitoring period, every effort should be made by the Training Bureau to comply with State Police policy by holding quarterly Committee meetings.

It is evident that the Training Bureau has many obligations beyond that of training recruits. Members of Field Operations and the Intelligence Section consistently supported the efforts of the Training Bureau and the Committee during this reporting period. Despite the Training Bureau's efforts, OPS representatives were in attendance at only one Committee meeting and the Office of Quality

Assurance sent no representatives to any of the scheduled meetings. In the past, these two offices offered tremendous insight into areas of concern through data and anecdotal comments. Section supervisors should ensure that a representative from their command attend Committee meetings. As noted in the last monitoring report, the lack of support undermines the rationale of having such a Committee and in the end, short-changes the Division as training effectively reduces organizational risks.

Performance Standard 17: Recruitment of Instructors and Instructor Eligibility Requirements

Standards

According to State Police policies and procedures:

- The New Jersey State Police will encourage superior troopers to apply for Academy and post-Academy training positions as set forth in the Act and established in State Police policies. In addition, the Training Bureau will retain qualified staff and maintain adequate staffing levels at the Academy to ensure continued compliance with the training cycle.

- Eligibility, selection criteria, and required training for instructors are outlined in State Police policies. All candidates must submit a resume, undergo a review of any and all disciplinary history, undergo a review of any complaints alleging discrimination in the workplace, successfully complete the Instructor Training Course, and have the ability to apply the seven-step training cycle. Any revisions to the policies relating to eligibility selection requirements or training must be submitted to OLEPS for review and comment prior to approval.

Assessment

In January of 2011, the organizational chart reflected a total of 52 sworn personnel (including three members detached out) and seven civilians assigned to the Training Bureau. In February of 2012, the organizational chart reflected a total of 51 sworn personnel (including one member on administrative leave; one member detached in) and nine civilian personnel.

Table Sixteen: Training Bureau Staffing
2011-2012

Rank	2011	2012
Captain	1	1
Lieutenant	7	7
Sergeant First Class	11	9
Sergeant	12	14
Trooper	23	20

Initially, there was very little change in staffing between 2011 and the beginning of 2012. However, there were several personnel changes, including a re-organization and numerous detachments, that kept the staffing levels in flux. Members of the Training Bureau who were assigned to the Regional

Intelligence Academy (RIA)[24] were moved from the Training Bureau and placed under the authority of the Regional Intelligence Operations Center (ROIC). This move did not have as much of an impact on the day-to day operation of the Training Bureau as the instructors assigned to that unit were "in but not of" the Training Bureau. During this same period, the Superintendent's office mandated ten members of the Training Bureau be detached to Field Operations from June 2, 2012, through September 21, 2012, to fill in for troopers who were detached from Field Operations to the Marine and Transportation Safety Bureaus. This move did have an impact on the day-to-day operations of the Bureau. By December of 2012, the organizational chart reflected a total of 44 sworn members (including three members detached out) and ten civilians assigned to the Training Bureau.

Table Seventeen: Training Bureau Staffing
December 2012

Rank	December 2012
Captain	1
Lieutenant	6
Sergeant First Class	8
Sergeant	12
Trooper	17

The concern of this office is that a recurring turnover in personnel is detrimental to the Training Bureau's ability to uphold their mission to provide quality instruction by certified instructors, and to deliver meaningful instruction consistently on a timely basis. This lack of continuity leads to the erosion of invaluable expertise. Additionally, stability within staff assignments ensures that the reforms that have been accomplished are sustained.

While the Superintendent has the authority to assign staff throughout the Division as he sees fit, it is understood that the day-to-day operation of the Division has been impacted by the increasing number of members who are retiring and the inability of the State Police to maintain its overall staffing levels due to economic constraints. Nevertheless, consideration should be given by the Superintendent that the Training Bureau's responsibilities go well beyond that of providing recruit and post-service training.

The Training Bureau continues to encourage qualified troopers to join its staff. In September of 2012, the Division of Human Resources posted a Specialist Selection Criteria Announcement stating that the Training Bureau was accepting resumes for enlisted personnel who wished to be considered for an instructor position. There were a total of six board members who conducted an assessment of the prospective candidates' qualifications by reviewing resumes, professional certifications, required submittals (i.e., writing samples), personnel files, and by conducting taped oral interviews. Of the six board members, five are selected from the Training Bureau staff while the sixth member is an "independent representative" from outside the Training Bureau and is typically from the Personnel Bureau.

[24] The New Jersey State Police joined the New Jersey Office of Homeland Security and Preparedness (OHSP) and the Urban Area Security Initiative (UASI) in a collaborative effort to develop intelligence curriculum used in the training of law enforcement personnel, emergency management personnel, analysts, corporate executives and policy/decision makers through Regional Intelligence Academy (RIA).

The Training Bureau was looking to increase its staff by eight to ten instructors. In November, 26 enlisted personnel were invited to interview, of which six were selected in January of 2013. Documentation relating to the most recent selection process was reviewed and those troopers selected met the eligibility requirements.

In-field evaluations of instructors were conducted by the Training Bureau staff. The instructors are evaluated on, amongst other things, lesson plans, knowledge of course materials, presentation, instructor demeanor, learning techniques (e.g., role playing, lecture, group discussions, etc.), audio-visual aids, and testing materials. During this monitoring period, in-field instructor evaluations were conducted of the Firearms Instructor Course, Camden Trap Initiative, Criminal Investigation Course, First Line Supervision Course, Firearms Qualification, Crash Reporting System (NJTR-1), Instructor Training Course, and Rapid Response Training. An in-field evaluation and needs assessment was conducted of Metro Training (Urban Policing) based on a request of the NJSP Risk Management Advisory Panel.

In March of 2012, OLEPS conducted an independent in-field evaluation of various instructors who presented the Front Line Supervision Course. Audio-visual aids, including PowerPoint, flip-chart, handouts and videos were used. The instructors' knowledge, demeanor and presentation of course materials were excellent. The learning techniques included lecture, group discussion, scenarios and individual interactive projects. Assessment of the transfer of knowledge was conducted through testing of participants and through course projects. Sign-in sheets were maintained and course critiques were collected. Further course assessment will be presented in Standard 19.

OLEPS also conducted an independent in-field evaluation of various instructors who presented the Executive Leadership Course for Lieutenants that was held at Princeton University in April of 2012. The instructors' knowledge, demeanor and presentation of course materials were exceptional. The learning techniques included lecture, break-out groups, scenarios, group discussion, and role playing. Assessment of the transfer of knowledge was conducted through the review of course projects. Sign-in sheets were maintained and course critiques were collected. Further course assessment will be presented in Standard 19.

Summary of Standard 17

The Training Bureau continues to go through the instructor recruiting process; however, the staffing levels remain in a state of flux. A cautionary note was issued during the past three monitoring periods by OLEPS regarding staffing levels. The Division of State Police must support the Academy in its efforts to maintain staffing levels in order to safeguard the progress made in the development of curriculum according to the seven-step training cycle and to sustain a level of training necessary to comply with the mandates of the Law Enforcement Professional Standards Act of 2009 (The Act). Staffing directly impacts the Training Bureau's ability to deliver meaningful instruction consistently and on a timely basis. Without suitable staffing levels with qualified instructors, State Police members, and in turn the public, are bound to be negatively affected.

Performance Standard 18: Trooper Coach Program

Standards

According to State Police policies and procedures:

- The New Jersey State Police will encourage superior troopers to apply for Trooper Coach and Reserve Trooper Coach training positions as set forth in the Act and established in State Police policies and procedures.

- Eligibility, selection criteria, and required training for Trooper Coaches can be found in State Police policies. A summary of the requirements includes: at least three years of continuous service, a resume, review of any and all disciplinary history, review of any complaints alleging discrimination in the workplace, review of performance evaluations and the successful completion of the Trooper Coach course. Any revisions to the policies and procedures relating to eligibility selection requirements or training must be submitted to OLEPS for review and comment prior to approval.

Compliance will be determined by the review of normal course of business records, to include a review of the Trooper Coach selection process, a review of any misconduct cases (including those pending) relative to a Trooper Coach candidate, a review of the Trooper Coach database and any documentation of Trooper Coach performance, as well as conducting staff interviews.

Evaluation of program's effectiveness will be conducted by review of the after action reports.

Assessment

Members of the Training Bureau's In-Service Unit have the responsibility of administering the Trooper Coach Training Program. The program is designed to reinforce Academy training by giving the probationary trooper the ability to apply what was taught at the Academy at their first general duty road station under the guidance of a trooper who has been qualified to serve as a coach.

In anticipation of the graduation of the 151st State Police Class in January of 2012, a Specialist Selection Notice was posted on June 28, 2011, to members of the Field Operations Section announcing openings for the position of Trooper Coach. In August and September of 2011, approximately 115 troopers began the process. Each candidate tendered a resume and was subjected to a meaningful review process (including a review of the MAPPS intervention and performance modules). Any allegations of misconduct (including those pending cases) or EEO violations were scrutinized. All candidates submitted to an oral board.[25]

[25] Each component of the process points – resume, interview, meaningful review process - is assigned a value totaling 100 points.

Once the above information was gathered, a Trooper Coach Committee convened and deliberated on potential Trooper Coaches. The Committee was composed of representatives from OPS, the Division of Human Resources, and Field Operations. A final report with the Committee's recommendations was submitted to the Deputy Superintendent of Operations (DSO). In those instances where the Committee did not recommend a particular candidate, or felt that a candidate was qualified based on the requirements set forth in the State Police policy but the Committee remained uncertain as to whether they should remain a viable candidate, a synopsis listing specific concerns was presented. The DSO made the final determination of who advanced in the process, taking into account information noted in the Committee's report.

As a result of this process, 99 troopers were advanced. Prior to assuming the responsibility of a Trooper Coach, those who were chosen had to successfully complete a training course on topics that include leadership skills, constitutional issues (search and seizure), motor vehicle stop scenarios, report writing, remedial strategies, Trooper Coach database, and the Trooper Coach evaluation process. Three courses were delivered in January of 2012 and all 99 troopers successfully passed the course.

A total of 85 recruits graduated from the Academy on January 27, 2012, and entered the Trooper Coach Program. The program is divided into four 120-hour training phases for a total of 480 hours. During Phases I-III, the probationary trooper becomes familiar with their role and responsibilities. By Phase IV, they are prepared to take an active role while on patrol with or without their coach. At this juncture, the coach will only intervene if there is an issue of officer safety or if the probationary trooper's actions would bring discredit to the Division. All but three troopers successfully completed the program.

There is a standard evaluation guideline listing 27 competencies that each probationary trooper is judged by and commented on in the Trooper Coaches' daily observation reports. The information gleaned from the observation reports is analyzed and serves as a step six measure of operational implementation; how recruit training is being applied in the field. Based on the assessment of the 151st State Police Class, it appears that the probationary troopers did not perform as well as the probationary troopers who graduated from the 150th class in eight of the 27 competencies. Deficiencies are noted and discussed with members of Pre-Service to determine what training modifications need to be addressed.

Summary of Standard 18

One of the most influential people in a trooper's career is their Trooper Coach. Typically, that relationship extends beyond a trooper's probationary period. Therefore the vetting process to ensure that those troopers given this responsibility are the best possible candidates is critical to the success of the program. The Training Bureau continues to encourage eligible troopers to apply for the Trooper Coach Program and provides the requisite instruction according to the seven-step training cycle.

Performance Standard 19: Training for Troopers Advancing in Rank

Standards

- The Training Bureau will require enlisted personnel to successfully complete training designed to enhance the management, supervisory, and leadership capabilities of all who are advancing in rank as set forth in the Act and in State Police policies.

- The training must be, to the extent practicable, delivered before the start of the promoted trooper's service in his or her new rank, and in no event later than within seven months of the promoted trooper's service in his or her new rank.

- After training for newly promoted enlisted personnel has been completed, a review will be conducted to determine:
    - if the training was conducted within seven months of the promoted trooper's service, and
    - if those who were promoted attended the training.

Assessment

Supervisory training is provided to those troopers who are promoted to the rank of Sergeant, Sergeant First Class, Lieutenant, Captain, Major, and Lieutenant Colonel. In addition, specialized training such as Instructor Training, Criminal Investigations, and Spanish for Law Enforcement are offered; however, the number of presentations, if at all, is contingent upon the Training Bureau's staffing levels. The Field Operations Supervision Course, geared specifically for Field Operations supervisors, does not impact the Training Bureau's staffing levels because it is presented by Field Training Officers. This course was offered once during this monitoring period.

In 2012, two First Line Supervision courses for Sergeants (total of 112 participants), two Mid-Level Management courses for Sergeants First Class (total of 77 participants), one Executive Leadership course for Lieutenants (total of 46 participants), and two Executive Phase training courses for Captains and above were delivered (23 and 21, respectively).[26] Upon review, it appears that the transfer of knowledge goal was met for all managerial courses. The responses for follow-up surveys ranged between 24% and 85%. There were mixed results as to whether the courses met those goals relating to job impact and learning effectiveness. The courses did not meet all goals relating to supervisor/subordinate efforts to set expectations and goals as they related to the subordinate's current job assignment or, in some cases, long term projects.

Quarterly trends collected in MAPPS were used in the Training Bureau's analysis. These trends were analyzed by the Training Support Unit to determine whether the managerial training had any impact on the number of complaints (misconduct and performance incidents) filed against the enlisted members. Although there has been an overall reduction of complaints from 1,088 complaints filed in

[26] Phase training is currently being revised by the Managerial Development Unit because of the restructuring of the Division's Bureaus.

2005 to 719 filed in 2012, the Training Bureau did not realize their goal of a 2% reduction in the number of misconduct and performance incidents this year (719) as compared to last year (699).

A Division-wide Leadership Assessment Survey was conducted to determine how leadership skills are perceived by both enlisted and civilian personnel and to assess the effectiveness of the executive leadership courses. The survey is separated into three categories – Self, Team, and Organization. Each section uses a series of questions where the subordinate ranks the supervisor (based on their interactions), with other teams members and the Division as a whole.

The majority of the 708 respondents were from Field Operations (40.80%). The remaining responses came from those assigned to Investigations (18.69%), Homeland Security (16.55%), Administration (12.27%) and other branch units (11.70%). The goal to determine the impact of supervisory training was set at 5.5 on a 7 point Likert scale. The Team category met the goal at 5.7. The remaining categories fell slightly below: Self at 5.44 and Organization at 5.32. The Training Bureau was able to put forth recommendations for future leadership courses based on responses garnered. A similar survey was taken by those who attended the First Line Supervision, Mid-Level and Executive Leadership Courses; however, it is more of a self-assessment of the individual's leadership style.

A block of instruction relative to police suicide awareness was introduced in the First Line Supervision course based on a recommendation by the Governor's Task Force for the prevention of police suicide, which was well received. The Training Bureau intends to include this block in future instruction.

In 2012, two Instructor Training courses (total of 50 participants) and one Criminal Investigation course[27] (total of 32 participants) were delivered.[28] Upon review, goals reflecting the transfer of knowledge, job impact and learning effectiveness were met. Post-event surveys were sent to the participants approximately 45 days from course completion. At the same time, the participants' supervisors received surveys and were requested to rate their subordinates on whether any skills learned from the course were being applied to their current assignment. A review of the course analysis reports indicate that the transfer of knowledge was successful and that the goals relating to job impact and learning effectiveness where also met. Forty percent of follow-up surveys were submitted by those attending the Instructor Certification course. Thirty percent of the supervisors whose subordinates attended the class submitted follow-up surveys. Of those attending the Criminal Investigation course, 40% submitted follow-up surveys. Twenty-five percent of the supervisors whose subordinates attended the class submitted follow-up surveys.

As noted in OLEPS' Fifth Monitoring Report, the analytic review of the 2011 Instructor Training Course (31 participants), Criminal Investigation Course (34 participants) and Spanish for Law Enforcement (17 participants) was conducted in 2012. By all indications, the transfer of knowledge was successful and goals relating to job impact/learning effectiveness where also met. In this case, 42% of Supervisors responded to the follow-up surveys for the Instructor Training Course; 12% for the Criminal Investigations course; and none for the Spanish for Law Enforcement.

[27] This course was delivered to both State Police personnel as well as to various members of law enforcement agencies from around the state.

[28] Spanish for Law Enforcement was not offered in 2012 due to staffing issues.

Training for Troopers Advancing in Rank

Promotional and training records were examined in order to determine if those enlisted personnel promoted in rank received the requisite training with seven months of being promoted, to the extent practicable. According to personnel orders, in October and December 2011, a total of 123 troopers were promoted to the rank of Sergeant, 94 troopers were promoted to the rank of Sergeant First Class, 56 troopers were promoted to the rank of Lieutenant, 35 troopers were promoted to the rank of Captain, and ten troopers were promoted to the rank of Major. Table Eighteen represents those troopers who attended training beyond the requisite seven month period and those who never attended the training.

Table Eighteen: Training Attendance for Promoted Troopers
2011

Rank	# Promoted	Attended Beyond 7 Months	Never Attended
Major	10	-	-
Captain	35	-	-
Lieutenant	56	-	4
Sergeant First Class	94	2	4
Sergeant	123	8	10

While conducting this review, consideration was given to those troopers who may have been on administrative leave or who may have retired prior to the scheduled training. Eight Sergeants attended training approximately nine months beyond the seven month designated timeframe due to possible scheduling issues; ten troopers never attended. One of the ten Sergeants who never attended training was detached during the time period that the training was offered; there was no indication why the remaining nine sergeants did not attend.

Both Sergeants First Class attended training approximately four months beyond the seven month designated timeframe. One of the two was on vacation and subsequently placed on special assignment when the course was initially offered. There was no indication why the remaining four sergeants did not attend.

According to personnel orders, in September of 2012, a total of 88 troopers were promoted to the rank of Sergeant, 72 troopers were promoted to the rank of Sergeant First Class, 43 troopers were promoted to the rank of Lieutenant, 23 troopers were promoted to the rank of Captain, and eight troopers were promoted to the rank of Major. Table Nineteen represents those troopers who attended training beyond the requisite seven month period and those who never attended the training.

Table Nineteen: Training Attendance for Promoted Troopers
2012

Rank	# Promoted	Attended Beyond 7 Months	Never Attended
Major	8	-	-
Captain	23	-	5
Lieutenant	43	-	7
Sergeant First Class	72	-	6
Sergeant	88	-	32

Of the 32 Sergeants who never attended training, one was on administrative leave and two were detached during the time period that the training was offered. Two of the six Sergeants First Class who never attended training were detached during the time period that the training was offered.[29] Of the seven Lieutenants who never attended training, one was on administrative leave and two retired a couple of months after training was offered. According to the Training Bureau staff, no documentation was submitted by either the trooper who did not attend or their immediate supervisor as to why the trooper was unable to attend.

During this review, it was noted that six troopers were promoted after sitting 11 months in rank. For example, a trooper who was promoted to the rank of Sergeant First Class during the October 2011 promotions was again promoted 11 months later in September 2012, to the rank of Lieutenant. Two of the six troopers have not yet attended the requisite course for their current rank; one trooper did attend the requisite course for his current rank; however, failed to attend the course designated for his previous rank. In each case, the courses were offered within seven months of the 2011 and 2012 promotions.

Staffing issues continue to impact the number of advanced courses that can be offered and may have also impacted the rise in the number of those troopers failing to attend due to the lack of opportunity. There was only one First Line Supervision course offered since the September 2012 promotions, which was in February 2013. Because of the persistent staffing issues, the Training Bureau was not able to offer this course again until November 2013, which will be at least one year from when the promotions took place. OLEPS must also acknowledge that training came to a standstill in the aftermath of Hurricane Sandy, which landed on the east coast October 29, 2012, shutting the Academy down for weeks. Members of the Training Bureau were deployed to the hardest hit areas of the State causing scheduled courses to be delayed or cancelled.

Although these are issues to consider, the increase in the number of troopers who did not attend the First Line Supervision course during this monitoring period is notable (8% in 2011; 36% in 2012). The promotion to sergeant is one of the first major milestones in a trooper's career. It bears a considerable amount of responsibility, especially those sergeants assigned to Field Operations tasked with making real-time decisions affecting both the troopers' welfare and that of the citizens they serve.

[29] Typically a detachment denotes a particular need in the Division thereby possibly impacting on a trooper's ability to attend scheduled training.

There have been recurring comments by Division members requesting supervisory training earlier in a trooper's career, prior to being promoted. The Training Bureau staff has noted that there have been instances where troopers are operating in an "acting" capacity (e.g., Acting Sergeant, Acting Lieutenant) up to one year or longer prior to being officially promoted without the benefit of rank-specific training. (Albeit not prevalent, there are also occasions where a member is elevated in rapid succession prior to taking the requisite leadership course for the lower rank.) Although there is nothing prohibiting a member from taking a supervision course when placed in an "acting" position and prior to promotion, the Training Bureau staff has indicated that "there is no S.O.P. that governs the criteria for attending." The Training Bureau continues to use the standard that was established by the Consent Decree:

> *The training must be, to the extent practicable, delivered before the start of the promoted trooper's service in his or her new rank, and in no event later than within seven months of the promoted trooper's service in his or her new rank.*

In support of the Training Bureau's position, the Law Enforcement Professional Standards Act (the Act) states that "the significant reforms accomplished during the term of the Consent Decree [will] be institutionalized."

Summary of Standard 19

The Training Bureau continues to provide training for those troopers who advance in rank in accordance to the seven-step training cycle. Non-attendance for First Line Supervision training was high during this monitoring cycle. According to the Training Bureau staff, no documentation was submitted by either the trooper or their immediate supervisor as to why the trooper was unable to attend. Despite the fact that staffing issues may impact how often training is offered, there does not seem to be any accountability placed on those who fail to attend or on their supervisors in general.

Performance Standard 20: Training Provided by Non-Division Entities

Standards

State Police policies set forth the guidelines and requirements for training provided by non-division entities. These guidelines are:

- The Training Bureau, through the respective filed training coordinators (FTCs) or field training officers (FTO's), will monitor and approve any training attended by enlisted personnel provided by non-New Jersey State Police entities.

- The FTCs or FTOs will debrief enlisted members upon their return from training and copies of all course materials will be submitted to the Training Bureau to be maintained in a central repository.

- Members may not teach or mentor other Division personnel in outside training without first obtaining Training Bureau approval.

Assessment

Upon termination of the Decree, the monitoring of outside training was codified in the Act as well as in State Police policies and procedures. Both measures helped to ease OLEPS' apprehension as to whether the Training Bureau had the ability to transfer historical knowledge from one Commandant to the next relative to parameters that had been set around certain training topics.

During the Fifteenth Monitoring Report, the federal monitors expressed concern that some enlisted members had attended training conducted by an outside agency that did not necessarily comport with New Jersey State regulations as they relate to consent to search practices by State Police during motor vehicle stops. Those concerns listed in the report included:

- The reappearance of "boilerplate" language in troopers' stop report narratives;
- An apparent marked increase in the length of time for consent request stops;
- A reappearance of aggressive and protracted questioning of drivers regarding itinerary, relationships among drivers and passengers, and other issues not related directly to the reason for stop;
- Reliance on intangible indicators to support requests for consent searches; and
- Lengthy questioning of drivers stopped for other than moving violations.

The federal monitors concluded that these issues may have come about "as a direct result" of training programs designed for commercial vehicle personnel, but attended by troopers assigned to field operations. This is an example of how misapplied training can have unintended consequences.

In order to ensure that State Police could adequately monitor training that its members receive from non-Division agencies, the policies and procedures governing training were revised in July of 2011, to

include an outline of responsibilities required of troopers attending the outside training along with that of field training coordinators and/or field training officers. As such, members must submit an "Outside Agency Training Appraisal Report (Form 935)" upon return along with any course-related training materials for review and subsequent entry into the Training Bureau's repository of records.

In addition, as per Department of Law and Public Safety policy, State Police policies and procedures were issued stating that all members of the Division must request and receive travel/training authorization regardless of whether the training is held in-state and at no cost. In addition, attendance at a conference or seminar is subject to review and approval by the Ethics Officer. This information was disseminated during the 2012 In-Service training.

In April of 2012, the Training Bureau received a request asking whether personnel assigned to Field Operations could attend a course similar to the one that previously raised concern with the federal monitors. The request was denied based on both institutional memory and the new outside training policy averting a potentially problematic set of circumstances. As we know, it can be difficult to "unlearn" training once applied. The fact that the request was scrutinized and subsequently denied is a testament to the Training Bureau's ability to sustain the reforms of the Consent Decree.

There were 79 training events sponsored by non-Division entities during 2012 that were attended by State Police personnel. OLEPS requested and reviewed all documentation submitted by the attendees for nine of those events, selected based on the subject matter. All attendees submitted Outside Agency Training Appraisal Reports; three submitted course descriptions and two submitted course materials. To ensure that the training oversight put in place is successful, supervisors need to encourage their subordinates to submit course materials along with the Outside Agency Training Appraisal Reports as there are no lesson plans on file for review due to the proprietary nature of the courses.

The policy addressing outside training requires that a quarterly memorandum be submitted from the Field Training Coordinators/Field Training Officers to the Training Bureau Commandant listing whether or not any Division personnel attended training by non-Division entities. Although it appears that the Field Training Officers maintain documentation of the type of training received and number of hours dedicated to training, there have been no such transmittals since the policy became effective in July of 2011. Nevertheless, the information is gleamed from the Outside Agency Training Appraisal Reports that are signed-off by the Field Training Coordinators/Field Training Officers and forwarded to the Training Bureau.

Summary of Standard 20

During the last monitoring period, OLEPS recognized that a period of adjustment by the membership was to be expected since the policies and procedures requiring members to submit an Outside Agency Training Appraisal Report, along with any course-related training materials, was a relatively new one. During this monitoring period, an improvement was noted in that all those attending outside courses submitted an Outside Agency Training Appraisal Report. However, continued efforts must be made to forward any course descriptions and course-related training materials to the Training Bureau. The fact that a training request that proved to be problematic in the past was scrutinized and subsequently denied is a testament to the Training Bureau's ability to sustain the reforms of the Consent Decree.

Performance Standard 21: Central Repository for Training Records/Documentation of Training

Standards

According to State Police policies and procedures:

- The Training Bureau will maintain, in a central repository, copies of all Academy, post-Academy and trooper coach training materials, curriculum, lesson plans, and any materials received by individual members while attending outside training.

- Documentation of training will be maintained as part of the MAPPS database as well as in ACTS.

Assessment

Course curriculum for all training conducted by the Training Bureau, including both Pre-Service and In-Service, continue to be maintained in a centralized database on the Academy's server. In addition, training records for each enlisted member can be found in both ACTS and MAPPS.

Training conducted by non-Division entities is also memorialized in ACT and MAPPS. Copies of training materials received by members who attend training given by non-Division entities as well as the Outside Agency Training Appraisal Reports (Form 935) are maintained by the Training Support Unit and are also scanned in the Training Bureau's centralized database.

During the last reporting period, it was noted that the training records of courses taken through the web-based training platform known as NJ Learn were being maintained in that system's database and manually accessed by the Training Bureau to monitor those enlisted personnel who successfully or unsuccessfully completed courses. It had been determined that the NJ Learn system, which is administered by the New Jersey Office of Homeland Security, does not interface with State Police databases; and therefore those records have been maintained separately. Since then, State Police continues to explore ways to import information stored in NJ Learn to ACTS.

This particular review of the training records in the database is two-fold: to determine if training is being captured in the database and to determine whether courses that are deemed mandatory are being attended. Using a sample of 178 badge numbers for this monitoring period, OLEPS reviewed the following training: In-Service, Firearms, Domestic Violence, and the Handling of Mentally Ill Persons. Training related documentation was found in the ACTS/MAPPS database, as well as that of NJ Learn. Of the 178 troopers, OLEPS determined that one member did not attend In-Service training; one member did not attend Firearms training; four members did not sit for Domestic Violence training and 35 did not take Handling of Mentally Ill Persons training.

The Training Bureau notified the command of those members who did not attend In-Service, Firearms and Domestic Violence training. It was reported that the trooper who did not attend firearms training was on administrative absence at the time. He subsequently attended training during the next round

of qualifications. The only other response came from the command staff of Field Operations. A list was generated showing those troopers who did not take Domestic Violence training based on an excused absence. The four members who did not attend were not on the excused absence list. As noted during the previous monitoring period, it is the Training Bureau's responsibility to prepare and deliver training, it is the individual trooper's responsibility to attend the training, and it is the trooper's supervisor's responsibility to ensure compliance.

OLEPS previously recommended that the State Police impose progressive discipline where there is no justification as to why a member fails to comply with Training Orders and to consider holding the supervisor equally accountable. A check of the MAPPS database indicated that there were no documented interventions or verbal counseling relative to non-attendance at mandatory training.

Summary of Standard 21

The Training Bureau continues to maintain training records and training materials in dedicated databases. There are interfacing issues between MAPPS and off-site computer databases that maintain records relative to web-based training platforms. Nevertheless, State Police is able to access the offsite databases in order to monitor an individual trooper's training records until this issue can be rectified. As for the issue of mandatory training, not only are troopers responsible to adhere to State Police policies, but supervisors have an obligation to see that they do so and should bear their responsibility of the rank and title.

Performance Standard 22: OLEPS/State Comptroller

Standards

All recruits will be informed of the enabling statute creating OLEPS, the mission of the office and the oversight function of the Office of the State Comptroller set forth in the Act. Recruits will continue to be given instruction relative to the former Consent Decree.

Assessment

Since September 2000, the Training Bureau has provided recruit classes with an explanation of the terms of the Consent Decree up to and including the 151st State Police Class. The 150th Class was the first to graduate post-Decree. Nevertheless, the Division decided that the Training Bureau will maintain as part of the curriculum a block of instruction relating to the Decree and present it to all future recruit classes.

The 152nd State Police Class began in April of 2013 and the 153rd State Police Class began in August 2013. For both classes, OLEPS was invited to make a presentation relative to its enabling statute - the Law Enforcement Professional Standards Act of 2009, (N.J.S.A. 52:17B-222 et seq), in addition to discussing the function and responsibilities of the State Comptroller as it relates to OLEPS and the State Police.

During recruit classes, the Training Bureau will continue to teach the concept and prohibition of bias-based policing. Furthermore, the Training Bureau will provide recruit training on the constitutional requirement of the Fourth Amendment (search and seizure), ethics, leadership, and cultural diversity.

Summary of Standard 22

The Training Bureau will continue to teach a block of instruction relative to the former Consent Decree and the oversight function of OLEPS. OLEPS will continue to be involved in assisting the Training Bureau with this presentation, to include information regarding the responsibilities of the State Comptroller.

MAPPS

The Management Awareness Personnel Performance System (MAPPS) went into effect January 1, 2004, during the tenth reporting period. Full compliance with all MAPPS tasks (40 through 53 [6])[30] was reached in the Twelfth Monitors' Report (July 2005), when State Police demonstrated their ability to analyze aggregate stop data and trends (see Appendix One). This reporting period is the fifth since the issuance of MAPPS policies and procedures on December 31, 2008. These policies codified MAPPS policies that previously existed in annual Operations Instructions and were refined since system implementation in 2004. The independent monitors approved the policy.

Responsibility for the data in the MAPPS system is spread across multiple units within the State Police. The system itself is maintained primarily by an outside vendor that implements upgrades and enhancements to the system. The vendor is responsive to needs of the MAPPS Unit (within the Office of the Chief of Staff and under the Office of Quality Assurance). The information contained in MAPPS is pulled from other information systems in the Division. Stop data stored in MAPPS come from the CAD system and RMS, which are managed by the Information Technology Bureau. Misconduct data and complaints that are handled as performance issues (e.g., Performance Investigation Disposition Reports or PIDRs) come from the IA-Pro database of the Office of Professional Standards. Information in MAPPS on assignments and promotions is fed from the Human Resources Bureau. Training information displayed in MAPPS is a live view of the Academy's database known as the Academy Computerized Training System (ACTS).

MAPPS data are the responsibility of multiple organizational entities. Many reviews are entered into MAPPS, creating additional available performance data about troopers. All supervisors, regardless of their unit assignment, are required to review MAPPS data and are required by MAPPS policy to note certain reviews in MAPPS. All evaluations and quarterly appraisals are to be entered into MAPPS, as are any interventions taken for members, regardless of unit assignment. Most stop data reviews of individuals and video reviews obviously fall primarily to supervisors in the Field Operations Section. Certain State Police policies further require that action be taken by supervisors to address performance issues. Unit and troop analyses of stop data and trends fall to the MAPPS Unit's Risk Analysis Core Group (RACG) that provides the synthesized data to a command-level panel for review. The RACG is also responsible for analyzing MAPPS data for specific units, such as for the Academy on trends that indicate training issues. Patterns of individual misconduct are primarily reviewed by OPS.

Methodology

This reporting period, OLEPS assessed MAPPS to ensure that the system is used according to State Police policy. MAPPS tasks, as originally outlined in the Decree, require a review that includes assessment of whether appropriate data are available in a timely manner and stored in a secure way. Additionally, whether the system is used as a management tool to inform supervisory and management decision making is assessed.

A formal audit of MAPPS is conducted in two parts. First, OLEPS accesses MAPPS to find evidence of specific information as required by State Police policy and procedures. Second, all troopers subject to

[30] Compliance with Tasks 54 and 55 was obtained by the end of 2001, and was noted in the first report. These tasks required a survey of drivers on the New Jersey Turnpike to obtain estimates of the racial compositions of drivers and permitted additional surveys of other roadways.

a meaningful review[31] in the current reporting period are queried in MAPPS to determine whether there was a resolution of the review. Finally, OLEPS audits the MAPPS system by selecting a sample of troopers and accessing all records in MAPPS to ensure that all requirements per State Police policies and procedures are appropriately recorded.

OLEPS also communicates with the State Police MAPPS Unit regularly. Any issues with MAPPS are noted and communicated to the Unit. Additionally, since this Unit handles the RACG report, discussions of trends and patterns in trooper behavior are also discussed.

Performance Standard 23: Maintenance of MAPPS

Standards

According to State Police policies and procedures MAPPS must include the following types of data:

- Motor Vehicle Stop Data
- Misconduct Data
- Performance Data
- Interventions
- Assignments
- Training
- Compliments
- Motor Vehicle Stop Reviews
- Journals

Assessment

Typically, a sample of troopers is randomly selected from the badge numbers of those involved in motor vehicle stops for the MAPPS audit. In an effort to increase the representativeness of the sample, OLEPS selected a larger sample in this reporting period. OLEPS reviewed 326 motor vehicle stops in the current period that were conducted by 178 troopers. All 178 troopers were selected for the MAPPS audit, increasing the proportion of the Division in the sample to about 7.1%. The troopers selected are representative of all troops. Each trooper's MAPPS records were accessed to determine whether the required information was recorded for the reporting period in question.

Motor Vehicle Stop Data

MAPPS must contain information on all motor vehicle stops performed by a given trooper. This module contains several analytic tools that allow a trooper's stop data to be examined in relation to both

[31] Meaningful reviews are conducted on troopers who receive 3 misconduct allegations within 2 years.

internal and external benchmarks. MAPPS contained motor vehicle stop data for all 178 troopers for the current reporting period.

Performance Data

Trooper Reviews

For this reporting period, OLEPS accessed the MAPPS Performance Module for evidence of at least one quarterly review and/or evaluation and one annual evaluation. Quarterly reviews are conducted three times a year, and an annual evaluation is conducted in December of each year.

Of the troopers sampled, 157 troopers received quarterly reviews. As of August 2013, 21 troopers had not received quarterly reviews for the second half of 2012. Of these troopers, 18 did receive the requisite annual evaluations.

Annual evaluations are categorized as Partial, Second Probationary, and Third Probationary evaluations. There were 14 partial evaluations conducted for the first half of 2012. OLEPS found that 22 troopers did not receive any annual evaluations for this reporting period, though the majority of these troopers, 19, did have at least one quarterly review.

Assignments

MAPPS provides information on trooper assignments, containing both current and historical assignments for each trooper. In the current reporting period, MAPPS listed current and past assignments for all 178 troopers.

Training

The Academy Computerized Training System (ACTS) feeds data into MAPPS regarding training completion. Annual in-service training, physical fitness, domestic violence, firearms, and handling of mentally ill persons are discussed in depth in Performance Standards 14, 15, and 21.

As noted in previous reports, training provided by NJ Learn does not appear in MAPPS. In the current reporting period, domestic violence training and the handling of mentally ill persons were provided by NJ Learn. As noted previously, MAPPS does not have the ability to interface with NJ Learn. The State Police was advised to determine whether this issue could be resolved. As of August 2013, this possibility is still being explored.

Compliments

The compliments module in MAPPS contains records of all compliments received for troopers for service performed. OLEPS found that the State Police is successfully implementing this module and lists general information pertaining to the compliment. In total, OLEPS found that 25 of the troopers sampled received a compliment in the current reporting period.

MVR

Motor vehicle stops are required to undergo supervisory review as determined by Field Operations' review schedule. For this requirement, OLEPS determined whether the stops conducted by the sampled troopers were reviewed and stored in MAPPS. OLEPS found evidence that 173 sampled troopers had reviews of motor vehicle stops on record for the current reporting period.

Three of the troopers who did not have MVR reviews were assigned to road stations during the current reporting period, and as such, should have had reviews of the motor vehicle stops conducted. One other trooper was a Detective during the current reporting period, not routinely conduct motor vehicle stops. The final trooper was a Patrol Supervisor for the current reporting period.

Journals

MAPPS' Journal module provides supervisory personnel with a method to formally document non-intervention information. Supervisors are required to notify their subordinates of journal entries in which the staff member is the subject.

There were six journal entries in the current reporting period for the sample of troopers. OLEPS is aware of the possibility that no events occurred that required journal entries for these troopers during the reporting period. However, OLEPS recommends that State Police more effectively use this module, especially given that the State Police does not regularly utilize interventions to record errors made in motor vehicle stops.

Interventions

Interventions

MAPPS contains an Interventions module wherein members may take an intervention action or task another member with administering an intervention directed toward improving a member's performance. OLEPS found that interventions were recorded for 146 of the 178 sampled troopers. These interventions resulted from a number of actions and behaviors, not necessarily from a motor vehicle stop. As noted in Performance Standard 9, only 34% of errors caught resulted in interventions.

Commendation Performance Notices

Commendation PN's are stored within the Intervention module and are used by supervisors to commend a trooper for a job well done. OLEPS found that 152 troopers had at least one commendation performance notice in the current period.

Counseling Performance Notices

Counseling PN's are stored within the Intervention module and are used by supervisors to counsel a trooper on a number of potential issues. OLEPS found that 12 troopers had at least one counseling commendation performance notice in the second half of 2012.

Misconduct

MAPPS contains information regarding trooper misconduct. This information is used by supervisors to remedy any deficiencies through a progressive system. In the current reporting period, 25 of the 178 sampled troopers had at least one misconduct listed in MAPPS.

Use of Force Supervisory Reviews

The State Police have set a threshold of uses of force within a one year period. When a trooper reaches this threshold, 2 instances, an alert is triggered that begins a supervisory review process. In the current reporting period, 14 of the 195 troopers had documented use of force supervisory reviews in MAPPS.

Meaningful Reviews/ 3 in 2 Reviews

The State Police has developed a notification system that triggers a detailed review when a third misconduct case occurs in a two-year period (3 in 2 reviews). Development of protocols for implementation of this provision has been a primary focus for several reporting periods. During the tenth reporting period, the State Police had assigned responsibility for this task to OPS. The data indicated that these reviews are being conducted by OPS. Evidence available in MAPPS indicates that supervisory personnel are meeting with troopers who are the subject of a meaningful review and, when necessary, discussing any applicable patterns of complaints.

The procedure for evaluating meaningful reviews differs slightly from the overall MAPPS review. Instead of utilizing a sample of all troopers involved in stops, a list of all troopers receiving a meaningful review in the first half of 2012 was obtained from State Police IA-PRO database. In total, there were 13 meaningful reviews conducted during this period.

Protocols for these reviews were redrawn as a result of issues raised in the Monitors' Seventeenth Report (See the Monitors' Seventeenth Report for details of these issues). OPS is required to document meaningful reviews in the Intervention Module in MAPPS. Supervisors are required to note the review with the member by documenting it in the Journal Module (if no further formal intervention is required). In addition, the MAPPS Unit undertook an examination of all data published in MAPPS from the IA-Pro system and set up new protocols for routine auditing of the IA-Pro data, implemented during previous reporting periods.

The OPS process for the 3 in 2 reviews for this reporting period allowed meaningful reviews to begin while individual misconducts were still pending investigation. In the second reporting period, meaningful reviews were not conducted until all misconduct investigations were completed.

MAPPS contained interventions for 10 of the 13 meaningful reviews conducted during this reporting period. In nine meaningful reviews, there was evidence of a journal entry documenting a supervisor's meeting with the trooper. Again in this time period, OPS reviews are geared toward determining if there are any training issues identified by the three (or sometimes more) cases reviewed.

There have already been documented lapses in the meaningful review process. In previous years, the procedures for meaningful reviews changed frequently. Additionally, during the current reporting

period, OLEPS noted that the number of meaningful reviews conducted by the State Police was extremely low in comparison to previous years. After several discussions with the State Police, it was determined that the State Police were not beginning these reviews when the alerts were generated. Because this issue was not noted until October, there were a number of meaningful reviews that were delayed from mid-June 2012 through October 2012. After OLEPS brought this issue to the attention of the State Police, the reviews were opened. As noted in previous reports, OLEPS recommends that the State Police formally document their procedures concerning meaningful reviews. To date, OLEPS has not received a formal written policy.

Additional MAPPS Issues

Central to the development and maintenance of the MAPPS system is the issue of appropriate staffing to analyze the data. While earlier reporting periods (17th) praised the number and quality of personnel resources in the MAPPS unit, since then the MAPPS unit has experienced a loss of personnel. Accordingly, the Unit's staff are burdened given their numerous responsibilities which require technical expertise. The MAPPS unit, primarily, analyzes data from motor vehicle stops, to identify potential risk in the Division. This analysis does require familiarity with both motor vehicle stops and State Police policies, but also a working knowledge of data analysis processes. A sufficient core civilian staff that would not be subject to transfer is necessary to fulfill the Division's growing analytic needs and is, therefore, a priority. In the continuing opinion of OLEPS, the addition of a senior analyst with strong technical report-writing skills would be an excellent addition to the civilian staff. MAPPS personnel need to perform an increasing array of new analytic tasks in an organization with escalating data needs to inform its decisions.

Because MAPPS is a warehouse system, drawing data from several sources, discrepancies are possible based on the sources used for information. During previous reporting periods, OLEPS noted issues in MAPPS pertaining to the display of data and apparent discrepancies in data. Clarification was requested from the State Police regarding these issues and the State Police have worked with their vendor to begin the process of correcting these discrepancies.

Summary of Standard 23

OLEPS' audit of MAPPS indicated that MAPPS contains the requisite information and data. As noted in Performance Standard 10, OLEPS recommends that the State Police utilize the intervention module in MAPPS to record communication to troopers who have made an error during a motor vehicle stop. Additionally, the audit continues to highlight the issue between the MAPPS, ACTS, and NJLearn databases, as discussed in previous reports. OLEPS also continues to recommend that an official policy on meaningful reviews be adopted, especially in relation to the cataloguing of such reviews. As noted above, there is a lack of consistency in the opening of these reviews and the way such reviews are recorded in MAPPS, which could be solved with a formal policy.

Performance Standard 24: MAPPS Reports

Standards

This standard was Task 50 in previous reports and remains unchanged. The data held within MAPPS is used in the creation of reports that assist the State Police in self-assessment and risk management. Pursuant to State Police policy, these reports will be used to identify both organizational and member/personnel risk issues and trends over time. As noted in the Decree, analyses of MAPPS data concerning motor vehicle stops shall include comparisons of:

- Racial/ethnic percentages of all motor vehicle stops
- Racial/ethnic percentages of all motor vehicle stops by reason for the stop (e.g., moving violation, non-moving violation, other)
- Racial/ethnic percentages of enforcement actions and procedures taken in connection with or during the course of stops
- Racial/ethnicity for motor vehicle consent searches
- Racial/ethnic percentages for non-consensual searches/seizures of motor vehicles
- Racial/ethnic percentages of requests for consent to search vehicles with "find" rates
- Evaluations of trends and differences over time
- Evaluations of trends and differences between troopers, units and subunits
- To the extent possible, a benchmark racial/ethnic percentage should be used

Assessment

The requirements of this standard are assessed through OLEPS review of the quarterly Risk Analysis Core Group (RACG) Reports. OLEPS reviewed reports published by MAPPS on the racial/ethnic distribution of stops and post-stop interactions. OLEPS also attended meetings in which these reports were reviewed. OLEPS ensured that trends found in trooper behavior continue to be reviewed.

For several reporting periods, the State Police has presented detailed documentation regarding benchmarking and trend analysis. The State Police has formed specific units and workgroups who are assigned to analyze motor vehicle stop data according to these requirements and to coordinate decision making regarding the results of this in-depth analysis.

These reports include the examination of racial/ethnic percentages for all stops based on reasons for the stop and enforcement actions. The analysis specifically focuses on both PC and RAS consent searches and the find rates for these searches. Non-consensual searches are also examined. Each report and presentation focuses not only on the current year, but also two previous years. The focus of these reports and presentations changes each quarter. One troop is selected for primary analysis each quarter, but analysis for the entire division is also presented.

The State Police created an external benchmark in 2000. However, the usefulness of this benchmark has expired. The population of the United States and New Jersey in particular has changed dramatically since 2000, rendering the benchmark an inappropriate comparison for current enforcement activities. Additionally, advancements and focuses in policing have shifted dramatically

since the measurement of the available benchmark. As such, the State Police utilize a rough internal benchmark (the Division-wide racial/ethnic percentages) to compare motor vehicle stops and associated activity.

OLEPS reviews the MAPPS RACG Report and provides commentary and suggestions for future analytic directions. The State Police has been very receptive to these suggestions, providing a response and a rationale regarding each of OLEPS' suggestions.

Overall, the MAPPS Reports exceed the requirements of this performance standard.

Oversight & Public Information

Performance Standard 25: Maintenance of the Office of Law Enforcement Professional Standards

Standards

The Law Enforcement Professional Standards Act of 2009 (N.J.S.A. 52:17B-222, et. seq.) (the Act), created the Office of Law Enforcement Professional Standards (OLEPS). OLEPS is tasked with auditing the State Police. Existence of and appropriate staffing of OLEPS will serve as evidence of maintenance of the office.

OLEPS is required to complete the following tasks:

- Timely publication of biannual reports assessing aggregate patterns and trends in motor vehicle stop data
- Timely publication of biannual monitoring/oversight reports assessing State Police compliance with all requirements put forth in the Act

Assessment

During the current reporting period, OLEPS was on schedule for the publication of the Monitoring (now Oversight) Reports and slightly delayed on the publication of the Aggregate Report due to data issues and unforeseen circumstances (Hurricane Sandy). This Aggregate Report and its successor are currently under review and it is anticipated that they will be published at the end of 2013. Thus, OLEPS is current on its oversight report responsibilities, partially fulfilling the requirements of this standard and will be current on its aggregate report responsibilities with the publication of the Seventh and Eighth Aggregate Reports.

All of OLEPS' reports and publications can be found on the OLEPS' website: http://www.nj.gov/oag/oleps

Just as OLEPS audits the State Police, the State Comptroller audits OLEPS' audits and publications. These audits can be found on the Comptroller's website: http://www.nj.gov/comptroller/index.shtml

Performance Standard 26: Approval of Revisions to Protocols, Forms, Reports, and Logs

Standards

This standard remains unchanged from the Consent Decree:

> *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 OLEPS and the Attorney General. Such approval shall be deemed provided 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.*

Assessment

The State Police continues to discuss changes/revisions to protocols, forms, reports, and logs with OLEPS. OLEPS reviews and comments on proposed changes to State Police policies and procedures and associated documentation.

Summary

Overview

The results of OLEPS' analysis of the State Police from July 1, 2012 to December 31, 2012 indicate that, overall, the State Police follow the guidelines regulating trooper activity. The 326 motor vehicle stops, MAPPS data, OPS cases, and Training documentation reviewed indicate that the State Police adheres to its own policies and procedures.

The review of motor vehicle stops indicated that there was no clear evidence of a significant racial/ethnic bias in stops or post-stop activities. The analysis in the current reporting period indicates that there is a significant difference in the number of stops with consent requests across racial/ethnic groups. Specifically, White drivers were involved in the largest proportion of these stops. The differences among stops with canine deployments were not statistically significant, unlike the previous reporting period where Black drivers were more likely to receive a canine deployment than other racial/ethnic groups. In the current period, Black drivers still make up the largest proportion of stops with canine deployments, but this is not a statistically significant difference. There were no statistically significant differences in the racial/ethnic distributions of stops with uses of force or arrests.

Overall, stops reviewed in the current reporting period were shorter than in the previous reporting period, likely the result of sample selection. Significant differences were found between the length of all stops for White drivers and Hispanic drivers and between the length of stops for Black drivers and Hispanic drivers. White drivers had significantly lengthier stops, on average, than Hispanic drivers while Black drivers also have significantly lengthier stops than Hispanic drivers. However, the difference between White and Black drivers was not significant, so it cannot be determined whether White drivers have lengthier stops than Black drivers.

After several reporting periods where OLEPS investigators continually noted a lack of Miranda during stops with arrests, OLEPS chose to review a sample of stops with arrests. This decision was based on a Miranda interpretation of State Police policy offered in 2012. This mandated that Miranda be given after all arrests regardless of whether the arrest was the result of a warrant, which, under state law, does not trigger Miranda requirements. For the stops reviewed during the current reporting period, State Police stated that they no longer considered non-issuance of Miranda a violation when the arrest was based on a warrant. Rather, Miranda is required to be issued only when an individual is placed under custody, when an interrogation occurs, and/or when the odor of marijuana is noted. This re-interpretation meant that arrests where Miranda was not issued, but no interrogation occurred, should no longer be considered errors. As a result of this different interpretation, there are fewer Miranda errors reported.

This re-interpretation highlighted an issue that OLEPS has discussed for several reporting period- staff turnover. The State Police have a high rate of staff turnover in many positions, especially those which require a working historical knowledge of decisions made (i.e. Office of Quality Assurance, Training Bureau, OPS, MAPPS). Because there was a staff turn-over in the Office of Quality Assurance, decisions made only months prior were overturned and delayed this report. Additionally, there was no record of any decisions made by previous staff left for the current staff. Thus, discussions quickly dissolved. As stated in many reports, the State Police would benefit from longer term employees in

certain positions. At the very least, the State Police should require new staff to train with outgoing staff for a period of time prior to assuming new functions. Without the historical understanding of why certain decisions are made and not made, the likelihood of miscommunication is increased. Staff turnover in these areas is problematic and can be a detriment to the progress made between OLEPS and the State Police. OLEPS continues to recommend that the State Police investigate the possibility of long term positions (for troopers or civilians) in areas which require a working understanding of historical decisions and issues.

Despite this change to the interpretation of Miranda, errors were found in roughly the same number of stops as the previous reporting period. However, OLEPS found errors in a much smaller proportion of stops than the previous reporting period. Only 28% of all stops reviewed by OLEPS contained errors not caught in the current period compared to 30% in the previous reporting period. This decrease in the proportion of errors not caught is commendable. However, since OLEPS did review a number of stops that the State Police did not review, there were a high number of errors caught by OLEPS only. The majority of these errors pertained to recording, reporting, and communication call-ins. In the stops reviewed by the State Police, the uncaught errors pertained to consent to search requests and reporting. The errors in stops not reviewed by the State Police represent the unknown for the State Police; because there are no reviews of these stops, the State Police do not know that there are errors being made. Due to the high number of errors in these stops, OLEPS continues to reinforce the need for detailed reviews with appropriate feedback to troopers in the stops that the State Police do review. Feedback on motor vehicle stops, especially any errors or deficiencies, ideally would influence a trooper's behavior in all stops, not just those that were reviewed.

Supervisory presence in the field continues to decline for the State Police. In fewer than 25% of the stops reviewed a supervisor was present. This decline in supervisory presence occurred despite a reduction in the number of required motor vehicle stop reviews that each supervisor is responsible for.

The MAPPS audit demonstrated that the issues pertaining to training records remain. OLEPS anticipates that the State Police will resolve this issue in the near future and MAPPS will appropriately reflect all training a trooper has completed.

In the current reporting period, OLEPS did note one motor vehicle stop where there was an inappropriate use of force by the State Police. This instance was referred to the State Police, who had already begun an investigation into the stop.

While this is only the second reporting period to assess the use of interventions when an error is made during a motor vehicle stop, OLEPS did find some evidence that they are being used. Roughly 34% of errors caught by the State Police resulted in an intervention, consistent with the previous reporting period. Most frequently, interventions were issued for errors pertaining to searches of vehicles, persons, and consent to search requests.

As noted in previous reports, the State Police has had several instances where canines were deployed without official requests. In the current reporting period, there was only one such incident where the dog was brought to the scene without an official request and actually utilized. The State Police should continue to monitor its use of canine deployments to ensure that all instances are in accordance with policy.

Recording issues have been noted for several reporting periods and the current period is no different. There were a number of instances where recordings were not available to OLEPS. Since the update to

DIVRs, all recordings are warehoused on a server, accessible to OLEPS. However, portions of each stop or "clips" were missing from the database. In some instances, the first clip of the stop was catalogued with that trooper's previous stop, suggesting that s/he did not "clear" from the stop. In other instances, the clip was nowhere to be found, either because it was never uploaded to the server or may have been purged. OLEPS has been working with the State Police to ensure that all clips are catalogued appropriately and that such instances decrease in future reporting periods. The State Police should continue to ensure that all clips are uploaded and catalogued appropriately for each motor vehicle stop. Additionally, OLEPS noted instances where only part of the recording began at the start of a stop; the audio was not activated when the trooper began interaction with the motorist.

The Training Bureau continues to demonstrate its ability to develop, deliver, and document its training processes as prescribed by the seven-step training cycle. The Staff remains committed to staying relevant with best police practices in the development of curriculum.

The State Police must maintain Academy staffing levels in order to safeguard the progress made in the development of curriculum according to the seven-step training cycle and to sustain a level of training necessary to comply with the mandates of the Act. Staffing directly impacts the Training Bureau's ability to deliver meaningful instruction consistently and on a timely basis. Without suitable staffing levels with qualified instructors, State Police members, and in turn the public are bound to be negatively affected.

The increase in the number of troopers who did not attend the First Line Supervision course during this reporting period is notable (8% in 2011 and 36% in 2012). The promotion to sergeant is one of the first major milestones in a trooper's career. It bears a considerable amount of responsibility, especially those sergeants assigned to Field Operations tasked with making real-time decisions affecting both the troopers' welfare and that of the citizens they serve.

Despite the fact that staffing issues may impact how often training is offered, there does not seem to be any accountability placed on those who fail to attend or on their supervisors. OLEPS previously recommended that the State Police impose progressive discipline where there is no justification as to why a member fails to comply with Training Orders and to consider holding the supervisor equally accountable. MAPPS indicated that there were no documented interventions or verbal counseling relative to non-attendance at mandatory training. Not only are troopers responsible to adhere to State Police policies, but supervisors have an obligation to see that they do so and should bear the responsibility of their rank and title.

After a period where recruit classes were not held regularly due to funding issues and in response to a recent increase in retirements, the Training Bureau provided two recruit classes in 2013 and has been forecasted to provide an additional two recruit classes in 2014. The majority of those retiring are enlisted personnel who were part of the State Police cadre known as the "1,000 troopers in 1,000 days." One-thousand troopers graduated from the Academy in one-thousand days as a result of funding received by the State for recruit classes during the enactment of the Anti-Drug Abuse Act of 1986. Although it achieved the goal of putting more "boots on the ground," unintended consequences included an influx of inexperienced troopers and a lack of first line supervisors. These troopers are now eligible to retire and have done so in droves once again leaving a void at the various supervisory levels throughout the Division.

The Division would be better served to make a commitment of holding annual recruit training; at least one class per year. Class size should remain somewhat consistent to ensure that the Training Bureau

can deliver quality adult-based instruction and should also help to address the continuing staff issues as unforeseen training needs leave the staff in a state of flux. It would assist the Division in its efforts to produce quality troopers and, over time, help maintain adequate staffing levels throughout the organization. It would also allow the Training Bureau to establish a set training schedule not only for recruit training, but for all other mandated training, which will give members and their respective supervisors ample time to adjust work schedules accordingly.

In the current reporting period, OLEPS has begun to experience delays in obtaining data necessary for OLEPS' Aggregate and Oversight Reports. In the current reporting period, the delivery of data was delayed several months due to issues State Police had with obtaining the data and unforeseen circumstances (detachments due to Hurricane Sandy). Consequently, data that were to be received in August of 2012, were not received until February 2013, delaying the writing and ultimate publication of several reports. At press, OLEPS is again experiencing a similar delay. These delays, as relayed by the State Police, originate in a lack of staffing to support the Division's data needs, which include the provision of data to OLEPS. As noted several times, OLEPS strongly urges the State Police to adequately staff all units with personnel suited for the tasks at hand.

Recommendations

Given the issues noted in this report. OLEPS recommendations are as follows.

- Continue analysis on racial/ethnic distributions and differences of motorists involved in stops.
- Conduct detailed, focused supervisory reviews, especially in noted areas of concern.
- If necessary, reiterate the expectations of supervisory reviews by informing supervisors of OLEPS' concerns regarding these reviews.
- Increase the use of interventions as a record of supervisory comments.
- Reiterate the requirements for a canine deployment, especially in instances where canine handlers serve as back-up on a stop.
- Increase supervisory presence in the field, especially in light of the reduced review workload.
- Ensure that State Police units that handle a large portion of tasks related to the Decree (i.e., OPS, MAPPS, ITB, and Training Bureau) are prioritized in terms of staffing to meet their mission.
- Ensure continuity of staff in highlighted areas (i.e. OQA, OPS, MAPPS, ITB, and Training Bureau) to ensure the understanding of historical decisions, events, and issues. Consideration should be given to assign a civilian analyst to these units to lend technical support for the collection and analysis of data in addition to the provision of continuity during transfers and detachments of enlisted personnel.
- Clearly and formally detail the process for conducting 3 in 2, or meaningful, reviews.
- Continued vigilance in upgrades or repairs to aging audio and video equipment and ensure that troopers are appropriately activating this equipment.
- Impose progressive discipline where there is no justification as to why a member fails to comply with Training Orders and to consider holding the supervisor equally accountable.
- Make a commitment of holding at least one recruit class annually. Over time, this will help sustain stability in staffing levels, allow for appropriate supervisor/subordinate ratios without having to promote prematurely, and help to maintain a core of experienced enlisted personnel.

APPENDIX ONE

Previously Published Monitoring/Oversight Reports

Report	Publication Date	Reporting Period
Monitors' First Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	October 6, 2000	December 31, 1999-September 15, 2000
Monitors' Second Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 10, 2001	September 30, 1999-December 15, 2000
Monitors' Third Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	April 12, 2001	December 16, 2000-March 15, 2001
Monitors' Fourth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	July 17, 2001	January 1, 2001-March 31, 2001
Monitors' Fifth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 14, 2002	May 30, 2001-December 15, 2001
Monitors' Sixth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	July 19, 2002	December 31, 2001-May 30, 2001
Monitors' Seventh Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 17, 2003	May 1, 2002-October 30, 2002
Monitors' Eighth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	August 21, 2003	October 1, 2002-March 31, 2003
Monitors' Ninth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 23, 2004	April 1, 2002-September 30, 2003
Monitors' Tenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	July 16, 2004	October 1, 2003-March 31, 2004
Monitors' Eleventh Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	December 20, 2004	April 1, 2004-September 30, 2004
Monitors' Twelfth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	July 12, 2005	October 1, 2004-March 31, 2005
Monitors' Thirteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	December 2005	April 1, 2005-September 30, 2005
Monitors' Fourteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	June 2006	October 1, 2005-March 31, 2006
Monitors' Fifteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 2007	April 1, 2006-September 30, 2006

Report	Publication Date	Reporting Period
Monitors' Sixteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	August 2007	October 1, 2006-March 31, 2007
Monitors' Seventeenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	April 16, 2009	January 1, 2007-December 31, 2007
First Monitoring Report Prepared by Office of Law Enforcement Professional Standards	April 29, 2010	January 1, 2008-December 31, 2008
Second Monitoring Report Prepared by Office of Law Enforcement Professional Standards	August 2011	January 1, 2009-June 30, 2009
Third Monitoring Report Prepared by Office of Law Enforcement Professional Standards	July 2012	July 1, 2009-December 31, 2009
Fourth Monitoring Report Prepared by Office of Law Enforcement Professional Standards	October 2012	January 1, 2010-December 31, 2010
Fifth Monitoring Report prepared by Office of Law Enforcement Professional Standards	May 2013	January 1, 2011-December 31, 2011
Sixth Oversight Report prepared by Office of Law Enforcement Professional Standards	July 2013	January 1, 2012-June 30, 2012

APPENDIX TWO

Table 2.1: Type of Errors Caught by Station

	Recording	Reporting	Communication	Exits	Frisks	Search of Person	Search of Vehicle	Consent Requests	Canine Deploy.	Use of Force	Arrests	Total
Atlantic City	3	1	0	0	0	0	0	1	0	0	0	**5**
Bass River	0	1	0	0	0	1	0	1	0	0	0	**3**
Bellmawr	5	1	0	0	0	0	0	1	0	0	1	**8**
Bloomfield	0	0	0	0	0	0	0	0	0	0	0	**0**
Bordentown	3	4	0	0	0	0	0	3	0	0	0	**10**
Bridgeton	13	3	5	0	0	0	1	10	0	0	0	**32**
Cranbury	4	3	0	0	1	0	0	2	0	0	0	**10**
Hamilton	4	7	0	0	3	1	1	1	0	0	1	**18**
Holmdel	0	0	0	0	1	0	1	2	0	0	0	**4**
Hope	0	0	0	0	0	0	0	0	0	0	0	**0**
Kingwood	0	1	0	0	0	0	0	0	0	0	0	**1**
Moorestown	0	2	0	0	2	1	0	4	0	0	0	**9**
Netcong	1	0	0	0	0	0	0	1	0	0	0	**2**
Newark	1	1	0	0	0	0	0	2	0	0	2	**6**
Other	2	4	0	0	0	0	0	5	0	0	0	**11**
Perryville	11	1	0	0	0	0	0	1	0	0	0	**13**
Port Norris	4	1	2	0	0	0	0	7	0	0	0	**14**
Red Lion	2	4	0	0	0	0	0	3	0	0	2	**11**
Somerville	5	1	0	0	0	0	0	1	0	0	0	**7**
Sussex	0	0	0	0	0	0	0	0	0	0	0	**0**
Totowa	1	1	0	0	0	0	0	1	0	0	0	**3**
Tuckerton	20	3	0	0	0	1	2	5	0	0	0	**31**
Woodbine	8	0	5	0	0	0	0	3	0	0	0	**16**
Woodstown	5	1	0	0	0	0	0	1	0	0	0	**7**
Total	**92**	**40**	**12**	**0**	**7**	**4**	**5**	**55**	**0**	**0**	**6**	**221**

Table 2.2: Type of Errors Not Caught by Station

	Recording	Reporting	Communication	Exits	Frisks	Search of Person	Search of Vehicle	Consent Requests	Canine Deploy.	Use of Force	Arrest	Total
Atlantic City	0	0	0	0	0	0	0	0	0	0	0	**0**
Bass River	0	0	0	0	0	0	0	1	0	0	0	**1**
Bellmawr	0	0	0	0	0	0	0	0	0	0	0	**1**
Bloomfield	4	2	7	0	0	0	0	0	0	0	0	**15**
Bordentown	0	0	0	0	0	0	0	0	0	1	2	**2**
Bridgeton	34	11	22	0	0	0	0	0	0	2	0	**104**
Cranbury	2	1	0	0	0	0	0	1	0	0	0	**4**
Hamilton	2	0	0	0	0	0	0	0	0	0	0	**2**
Holmdel	0	0	0	0	0	0	0	0	0	0	0	**0**
Hope	0	0	0	0	0	0	0	1	0	0	0	**1**
Kingwood	0	0	0	0	0	0	0	0	0	0	0	**0**
Moorestown	1	0	0	0	0	0	0	0	0	0	0	**1**
Netcong	0	1	0	0	0	0	0	0	0	0	0	**1**
Newark	12	0	11	0	0	0	3	0	0	0	0	**26**
Other	0	3	0	0	0	2	0	1	0	0	0	**7**
Perryville	7	5	0	0	0	0	1	1	0	0	0	**21**
Port Norris	0	1	0	0	0	0	0	0	0	0	0	**4**
Red Lion	5	1	0	0	0	0	0	1	0	0	0	**9**
Somerville	0	0	0	0	0	0	0	2	0	0	0	**3**
Sussex	0	0	0	0	0	0	0	0	0	0	0	**1**
Totowa	0	1	0	0	1	0	0	2	0	2	0	**6**
Tuckerton	5	10	0	0	0	0	0	1	0	0	0	**24**
Woodbine	2	0	5	0	0	0	0	2	0	0	1	**9**
Woodstown	0	0	0	0	0	0	0	0	0	0	0	**1**
Total	**74**	**36**	**45**	**0**	**1**	**2**	**4**	**13**	**0**	**5**	**3**	**243**

APPENDIX THREE

Supplemental Data Analysis Results

Chi-Square Overview:

Chi-square analysis is often referred to as a "Goodness-of-Fit Test". This test is used to estimate how closely an observed distribution matches an expected distribution. The expected distribution is what would be expected assuming all events had an equal likelihood of occurring.

For each use of chi-Square in this report, the test is assessing a null and an alternative hypothsis. The null hypothesis is that the two variables- generally race/ethnicity and the enforcement activity- are independent. This means that the likelihood of each enforcement activity is the same for all racial/ethnic groups. The alternative hypothesis is that these two variables are not independent; that the likelihood of an enforcement activity is not the same for all racial/ethnic groups.

Using a statistical program, an estimate of the expected distribution of each enforcement is calculated. The expected distribution and the observed distribution are used in the chi-square formula:

$$X^2 = \sum \frac{(\text{observed*frequency} - \text{expected*frequency})^2}{(\text{expected*frequency})}$$

Once the chi-square statistic is calculated, assessment of significance can be done. First, to assess significance, a significance level must be aggreed upon. Throughout statistics, $p<.05$ is a common significance level. A "p" level indicates the probability that a statistical relationship could reflect only chance. The smaller the size of "p," the smaller the probability the relationship happened by chance. If a reported chi-square statistic reaches a "p" level of 0.05 (or smaller), there is no more than a five-percent probability that the distribution of the data in that table happened by chance, and therefore any differences across groups seen in the table are considered statistically significant.

After obtaining the agreed upon significance level, the degrees of freedom need to be calculated. "Degrees of freedom" (df) refer to the how much about the observed data needs to be known (or can "be free" to vary) before all the observations would be determined. The size of a statistic needed to achieve a particular level of significance ("p") is determined by the degrees of freedom. For the chi-square statistic, the degrees of freedom translate into the number of cells in a table for which the data distribution needs to be known before all the cells are determined. To calculate the degrees of freedom, use the following formula:

$$df = (\#\text{ of columns}-1) * (\#\text{ of rows}-1)$$

After calculating the chi-square statistic, the degrees of freedom, and establishing the significance level, you must consult a chi-square distribution table to determine whether the chi-square statistic allows you to reject your null hypothesis or fail to reject it. If your chi-square value is less than the value under your level of significance, you cannot reject your null hypothesis that the likelihood of each enforcement activity is the same. If your value is more than the value reported on the Distribution table, you can reject the null hypothesis and conclude that the likelihood of enforcement is not the same for all racial/ethnic groups.

Example:

As an example, the calculation of the chi-square will be reviewed for Table One.

Table one presents the observed frequencies for whether a consent request was made of Black, White, and Hispanic drivers. The null hypothesis is that Black, White, and Hispanic drivers have an equal chance of receiving a consent request or not. The alternative hypothesis is that Black, White, and Hispanic drivers do not have an equal chance of receiving a consent request.

Table One: Consent Requests by Race/Ethnicity of Driver

7th OLEPS Reporting Period

	Black	White	Hispanic	Total
No Consent Request	61	90	62	213
Consent Request	36	56	15	107
Total	97	146	77	320

While a statistical program usually calculates the expected frequencies, they can also be calculated by hand. To do this we will use the following formula:

$$\frac{\text{Row total} * \text{Column Total}}{\text{Total n for the table}}$$

First, calculate the expected frequency for Black drivers with no consent request. The row total is 183 and the column total is 122. The total n for the table is 311.

$$\frac{213*97}{320} = 57.90$$

Thus, the expected value of Black drivers without a consent request is 71.79. The same formula is calculated for each racial/ethnic group for no consent request and for consent request. The table below presents the expected values for each cell in parentheses.

	Black	White	Hispanic	Total
No Consent Request	61 *(64.56)*	90 *(97.18)*	62 *(51.25)*	213
Consent Request	36 *(32.43)*	56 *(48.81)*	15 *(25.75)*	107
Total	97	146	77	320

Using the chi-square formula, the chi-square value is calculated.

$$\chi^2 = \sum \frac{(\text{observed*frequency} - \text{expected*frequency})}{(\text{expected*frequency})}$$

$$\chi^2 = \frac{(61-64.56)^2}{64.56} + \frac{(90-97.18)^2}{97.18} + \frac{(62-51.25)^2}{51.25} + \frac{(36-32.43)^2}{32.43} + \frac{(56-48.81)^2}{48.81} + \frac{(15-25.75)^2}{25.75}$$

$\chi^2 = 8.915$

We will use the standard significance level of $p<.05$.

Next, calculate the degrees of freedom.

$$df = (\#\text{ of columns}-1) * (\#\text{ of rows}-1)$$

$$df = (3-1) * (2-1)$$

$$df = 2$$

Consulting the chi-square Distribution Table (available in most basic statistics books or online), indicates that in order to reject the null hypothesis at a significance level of .05, the chi-square statistic needs to be 5.99 or greater. Our value is 8.915, greater than the required value. This means that we reject the null hypothesis; there is a significant difference between the racial/ethnic distribution of consent requests.

Table Two: Canine Deployments by Race/Ethnicity of Driver

7th OLEPS Reporting Period

	Black	White	Hispanic	Total
No Canine Deployment	81	130	68	279
Canine Deployment	14	11	4	29
Total	95	141	72	308

X^2=4.842, df=2
p=.089[32]

Table Three: Uses of Force by Race/Ethnicity of Driver

7th OLEPS Reporting Period

	Non-White	White	Total
No Force	154	138	152
Use of Force	9	14	163
Total	292	23	315

X^2=1.581, df=1
p=.209

Table Four: Arrest Data by Race/Ethnicity of Driver

7th OLEPS Reporting Period

	Non-White	White	Total
No Arrest	12	8	20
Arrest	168	138	306
Total	180	146	326

X^2=.197, df=1
p=.657

[32] The *p*-values reported here indicate the standard of significance required to conclude that the likelihood of these enforcement activities is not equal among groups, as reported by the statistical software used. The standard significance level used is p<.05. This means that if the *p*-value reported in any of these tables is .05 or less, then we can conclude that there is a significant difference in the likelihood of enforcement activities based on race/ethnicity. If the difference is not significant, the same results could have been achieved by chance rather than purposive behavior.

Table Five: Sampled Vehicle Stop Rates by Reason for Stop

7th OLEPS Reporting Period

	White	Non-White	Total
Rate of Speed	22	30	52
FTML	25	45	70
Equipment Violations	19	20	39
Safety Violations	20	13	33
Seat Belt	8	5	13
Total	**94**	**113**	**207**

X^2=7.467, df=4
p=.113

Table Six: Consent Request Stop Rates by Reason for Consent

7th OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulable Suspicion	Probable Cause	Total
White	49	9	58
Non-White	51	19	70
Total	100	28	128

X^2=2.508, df=1
p=.113

Table Seven: Type of RAS Consent Request by Race/Ethnicity of Driver

7th OLEPS Reporting Period

	White	Non-White	Total
Intangible	1	2	3
Tangible	7	0	7
Probative	32	31	63
Total	40	33	73

X^2=10.814, df=3
p=.013
4 cells have an expected count of less than 5

Table Eight: Canine Deployment Rates by Reason for Deployment

7th OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulable Suspicion	Probable Cause	Total
White	8	2	10
Non-White	9	11	20
Total	17	13	30

X^2=3.326, df=1
p=.068
1 cell has an expected count of less than 5

Table Nine: Arrest Reasons by Race/Ethnicity of Driver

7th OLEPS Reporting Period

Race/Ethnicity	Probable Cause	Warrant	Warrant and PC	Total
White	83	32	23	138
Non-White	87	57	24	168
Total	170	89	47	306

X^2=4.237, df=2
p=.12

Table Ten: Day v. Night Stops

7th OLEPS Reporting Period

	Day	Night	Total
White	62	83	145
Black	38	59	97
Hispanic	29	49	78
Total	129	191	320

X^2=.732, df=2
p=.694

Independent Samples *t*-test

Overview

This test can be used to determine whether two means are different from each other when the two samples are independent. For this report, the independent samples are the racial/ethnic categorizations of drivers involved in motor vehicle stops. These groups are independent, they have not been matched.

The first step in a *t*-test is to develop hypothesis. The null hypothesis is that the lengths of stops for each group are equal. The alternative is that the lengths of stops are not equal. Because these hypotheses only mention difference and not direction, a two-tailed test will be used. As with the *Chi-Square* test, the significance level to be used is .05.

SPSS was used to calculate the *t* value; however this can also be done by hand using the following formula:

$$t = \frac{(\bar{x}_1 - \bar{x}_2) - (\mu_1 - \mu_2)}{S_{\bar{x}_1 - \bar{x}_2}}$$

X_1= mean of group 1
X_2= mean of group 2
μ_1= population 1
μ_2=population 2
S= estimated standard error[33]

Example:
Hypothesis: Do White and Black drivers differ in the length of their motor vehicle stops? The mean stop length for White drivers is 45.62, the standard deviation is 23.86, and n=307. The mean stop length for Black drivers is 55.64, the standard deviation is 33.03, and n=283.

Hypothesis:
H_0= the length of stops are equal for White and Black drivers
H_1= the length of stops are not equal for White and Black drivers

Set criteria:
Significance level (α)= .05

For this test, the degrees of freedom are calculated using this formula:

$$df = n_1 + n_2 - 2$$

n_1=the number of observations in sample 1
n_2= the number of observations in sample 2

[33] There are several steps required to calculate the estimated standard error. Information on how to calculate this can be found in a statistics text book.

$$df= 307+283-2$$

$$df=588$$

Critical value for the *t*-test:

This is determined by looking at a t-distribution and finding where the degrees of freedom for the sample and the desired significance level intersect. For this example, *t* critical is: 1.64

Calculate the mean and standard deviation. This information has been provided. The mean stop length for White drivers is 45.62, the standard deviation is 23.86, and n=307. The mean stop length for Black drivers is 55.64, the standard deviation is 33.03, and n=283.

To calculate the *t*-statistic begin by plugging in values into the above equation.

$$t= \frac{(45.62-55.64) - (\mu_1 - \mu_2)}{S_{x1-x2}}$$

$(\mu_1 - \mu_2)$ defaults to 0

$$t= \frac{(45.62-55.64)}{S_{x1-x2}}$$

To calculate S, use this equation:

$$s_{\bar{x}_1-\bar{x}_2} = \sqrt{\frac{s^2_{pooled}}{n_1} + \frac{s^2_{pooled}}{n_2}}$$

First, the estimated standard error of the difference must be calculated:

$$s^2_{pooled} = \frac{(df_1)s^2{}_1 + (df_2)s^2{}_2}{df_1 + df_2}$$

$df_1=n_1-1$ $df_1=307-1$ $df_1=306$

$df_2=n_2-1$ $df_2=283-1$ $df_2=282$

$$S^2_{pooled}= \frac{(306)23.86^2+ (282)33.03^2}{306+282}$$

$$S^2_{pooled}= \frac{(306)569.29+ (282)1098.98}{588}$$

$$S^2_{pooled} = \frac{174203.74 + 309912.36}{588}$$

$$S^2_{pooled} = 823.32$$

$$s_{\bar{x}_1 - \bar{x}_2} = \sqrt{\frac{s^2_{pooled}}{n_1} + \frac{s^2_{pooled}}{n_2}}$$

$$S_{x1\text{-}x2} = \sqrt{\frac{823.32}{307} + \frac{823.32}{283}}$$

$$S_{x1\text{-}x2} = \sqrt{2.68 + 2.90}$$

$$S_{x1\text{-}x2} = \sqrt{5.58}$$

$$S_{x1\text{-}x2} = 2.36$$

Plug this value back into the equation for *t*:

$$t = \frac{(45.62 - 55.64)}{2.36}$$

$$t = \frac{(45.62 - 55.64)}{S_{x1\text{-}x2}}$$

$$t = \frac{10.02}{2.36}$$

$$t = 4.24$$

Compare the *t* value calculated, 4.24, to the critical *t* value from the table,1.64.

Since the calculated *t* value is higher, we can reject the null hypothesis and accept the alternative hypothesis.

Therefore, there is a significant difference in the length of motor vehicle stops for White drivers and Black drivers.

APPENDIX FOUR

Definitions of Acronyms and Abbreviations

BOLO: Be on the Look Out

CAD: Computer Aided Dispatch. The dispatch system employed by State Police.

DTT: Duty to Transport

FTML: Failure to Maintain Lane

IAIB: Internal Affairs Investigation Bureau

IA-Pro: Internal Affairs Professional. The database used by OPS.

Independent Monitors: The monitoring team put in place by the Department of Justice.

MAPPS: Management Awareness & Personnel Performance System. The database used to monitor all trooper activity. It is fed from CAD, RMS, and IA-Pro

MDT: Mobile data terminal. The computer inside State Police vehicles.

MVSR: Motor vehicle stop report

O.I.: Operations Instructions

OLEPS: Office of Law Enforcement Professional Standards. Formerly OSPA

OPS: Office of Professional Standards. The office handles the disciplinary process for the State Police.

OSPA: Office of State Police Affairs. Became OLEPS.

PC: Probable Cause

RAS: Reasonable articulable suspicion

RMS: Records Management system

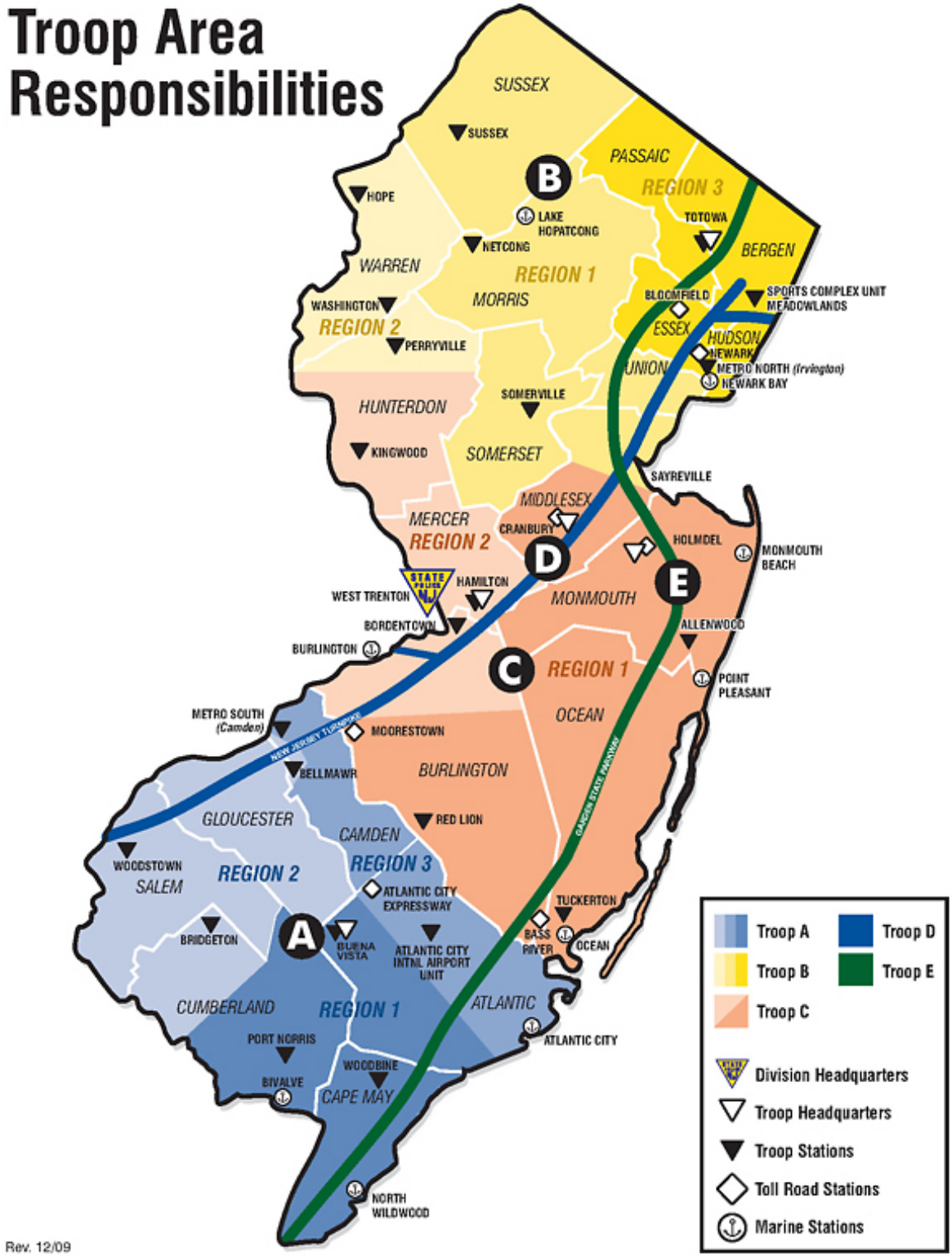
SOP: Standard Operating Procedure. Policies and procedures that govern all activity and behavior of the State Police.

The Act: Law Enforcement and Professional Standards Act (2009)

The Decree: The Consent Decree. The State Police entered into The Decree in 1999 to promote law enforcement integrity.

APPENDIX FIVE

New Jersey State Police Troop Area Responsibilities



Appendix Five