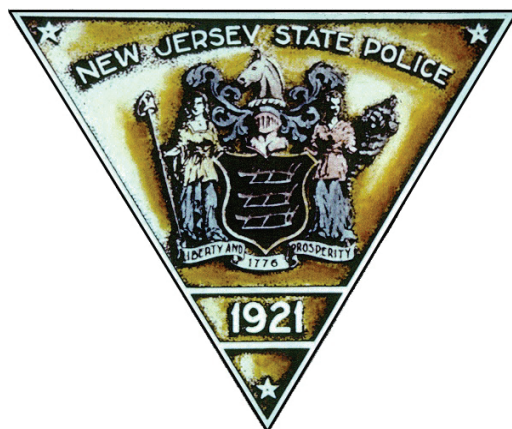


**NEW JERSEY STATE POLICE**  
**OFFICE OF PROFESSIONAL**  
**STANDARDS**  
**INTERNAL INVESTIGATION AND**  
**DISCIPLINARY PROCESS**  
**ANNUAL REPORT**  
**2009**



**MAJOR PATRICK S. CAUGHEY**  
*COMMANDING OFFICER*

HONOR ☆ DUTY ☆ FIDELITY

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## FROM THE SUPERINTENDENT...

I am pleased to present the Governor, the Legislature and the citizens of New Jersey with the New Jersey State Police, **2009 Office of Professional Standards Annual Report** (“the report”). The State Police began producing this report in the year 2000 in response to legislation providing the public with an ability to examine the internal affairs function of the State Police and be reassured that it is truly operating in a trustworthy and acceptable manner. This year is no exception. Herein, the reader will find clearly presented topics, including descriptions of the current Office of Professional Standards (OPS) Table of Organization and related office functions, an explanation of the classification process for all reportable incidents, the system by which incidents are addressed and disposed of, and finally, a detailed analysis of the data compiled during 2009.

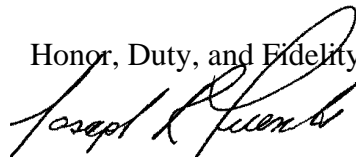
A law enforcement entity in a democratic society can tie its effectiveness directly to the level of trust it enjoys within the community it serves. A significant factor in gaining and maintaining that trust is ensuring that there is a strict allegiance to a highly professional and transparent internal affairs function. It follows that the execution of the internal affairs function within a professional law enforcement entity presents challenges that require constant and consistent vigilance. I believe that a fair review of the **2009 Annual Report** will support the conclusion that the New Jersey State Police maintains that level of vigilance.

This introduction will not restate all of the facts, figures and analysis articulated in this report, other than to remind the reader that troopers of the New Jersey State Police engaged in more than 1.3 million police/citizen contacts during the calendar year 2009. Any single complaint reported to the OPS that was generated within that vast number of contacts was, without exception, assigned a number, classified, and addressed in accordance with established highly-reputable best practices.

In addition to adhering to best practices, we conduct further system checks and balances through an auditing process conducted by the Office of Law Enforcement Professional Standards (OLEPS), Office of the Attorney General. Twice annually, the OLEPS conducts a comprehensive audit of the OPS functions, including a thorough critique of all misconduct cases closed during the period under review. To date, these audits support the conclusion that the OPS continues to operate at a high level of proficiency and police accountability.

My personal commitment to the mission of the Office of Professional Standards is unwavering. I want to express my sincere appreciation for the hard work and dedication of the men and women of that office as, once again, I present to you the **2009 Office of Professional Standards Annual Report**.

Honor, Duty, and Fidelity



Joseph R. Fuentes  
Colonel  
Superintendent

## **EXECUTIVE SUMMARY**

This report is intended to provide the Governor, State Legislature, the citizens of the State of New Jersey and all other interested parties a brief history of the State Police internal affairs process and a comprehensive look at the disciplinary system employed by the Division. Included in the report are explanations of how the Division receives complaints, classifies the allegations, assigns cases for investigation and adjudicates substantiated charges against enlisted members. The report also provides overviews of major and minor discipline imposed in 2009 as the result of substantiated allegations and other actions taken by the Division to address aberrant behavior.

## **OFFICE OF PROFESSIONAL STANDARDS**

In 1999, the Attorney General's Office conducted a review of the Division's disciplinary system. As a result of this review, the Internal Affairs Bureau was reorganized and the Office of Professional Standards was established. The investigative and adjudication functions were transferred from the Division Staff Section and placed under the control of a major, reporting directly to the Superintendent. During 2001, the Division Standing Operating Procedure that governs the Office of Professional Standards was completely revised, and the new policy was adopted in January 2002. This revision ultimately resulted in the formation of two distinct bureaus within the office. On December 31, 2009, the Office of Professional Standards consisted of sixty (60) persons. This includes nine (9) professional support personnel and fifty-one (51) enlisted persons.

## **INTERNAL AFFAIRS INVESTIGATION BUREAU**

The Internal Affairs Investigation Bureau is responsible for investigating all misconduct complaints made against enlisted members of the State Police. This bureau is commanded by a captain, holding the position of bureau chief. The bureau also has an assistant bureau chief, holding the rank of lieutenant. In addition, there are regional field units staffed with investigators which are located in northern, central and southern regions of New Jersey.

## **INTAKE AND ADJUDICATION BUREAU**

The Intake and Adjudication Bureau is commanded by a captain, as bureau chief, and a lieutenant, as assistant bureau chief. The bureau is divided into five (5) units with varying responsibilities:

**The Intake Unit:** Accepts, classifies, and assigns or refers all reportable incidents received by the Office of Professional Standards. This unit is also responsible for notifying complainants of the Division's response to the complaints.

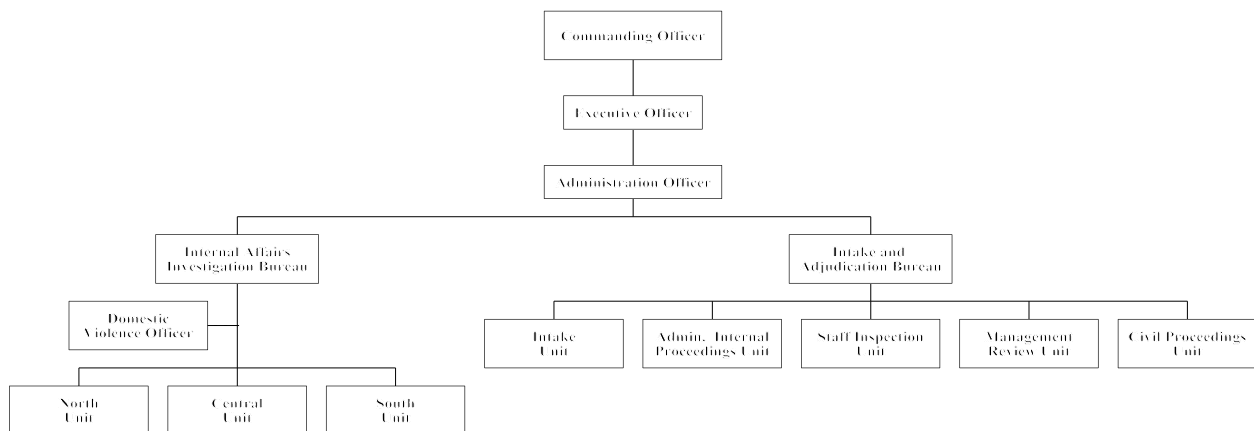
**The Administrative Internal Proceedings Unit:** Responsible for the adjudication of substantiated allegations, convening disciplinary hearings, and acts as a liaison between the Office of Professional Standards and the Office of the Attorney General, the Office of Law Enforcement Professional Standards and the Office of Administrative Law.

**The Management Review Unit:** Responsible for the design, implementation, documentation, evaluation, and improvement of the Division's internal controls. The unit also assists sections and bureaus in developing systems of review for the cost effective use of resources and reviews all procedures concerning division financial accounts.

**The Staff Inspection Unit:** Responsible for instructing field officers in proper inspection techniques, reviewing inspection reports submitted by field supervisors, conducting evidence and administration inspections of stations and field units, and examining supervisory mobile video recording reviews.

**The Civil Proceedings Unit:** Responsible for recording, classifying, and tracking all civil actions filed against the Division or its individual members. The unit reviews and forwards to the proper agency all requests for legal representation, whether criminal or civil. Further, the unit acts as a liaison between the Superintendent's Office, the Chief of Staff and the Office of Professional Standards Commanding Officer, to the appropriate entities of the Attorney General's Office regarding civil litigation matters. In addition, the unit compiles and provides, in a timely and thorough manner, all requests for discovery demands in civil litigation to the Attorney General's Office. The Unit is also charged with researching policies, procedures, training and disciplinary issues in relation to legal matters concerning the Division. Finally, the unit ensures all requests for public records are handled in accordance with the procedures set forth in S.O.P. D4, Open Public Records Act.

## Office of Professional Standards 2009 Organizational Chart



## **OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS**

In recognition of the strong public policy interest in perpetuating the quality and standards established under the 1999 Consent Decree, on August 27, 2009, the Legislature enacted the Law Enforcement Professional Standards Act of 2009, L. 2009, c. 52:17B-222 et seq. The Act established the Office of Law Enforcement Professional Standards within the OAG and assumed the functions that had been performed by the independent monitoring team under the consent decree.

As part of its statutory responsibilities, OLEPS reviews all Division rules, regulations, standard operating procedures and operations instructions relating to the consent decree. This ensures that the Division maintains or enhances its practices on matters pertaining to any applicable nondiscriminatory policy established by the Attorney General affecting, for example, the law of arrest and search and seizure, documentation of motor vehicle stops and other law enforcement activities occurring during the course of the motor vehicle stops.

The Act further authorizes OLEPS to conduct operations audits and independent analyses of data, as necessary, to identify any potential disparity in enforcement and systematic problems that may exist affecting the integrity of motor vehicle stops, post-stop enforcement actions, supervision of patrol activities, training provided to Division members assigned to patrol duties, investigations of alleged misconduct and any other matters affecting the integrity of the Division. Based on its audits, OLEPS is required to prepare a biannual report that evaluates the Division's compliance with relevant performance standards and procedures that include aggregate statistics on the Division's traffic enforcement activities and procedures, segregated by Division station and providing aggregate data on race and ethnicity of the civilians involved. The biannual report also provides aggregate data regarding misconduct investigations, and the number of external, internal and total complaints received and the disposition of those complaints.

The Attorney General and the Division are dedicated to serving the public and of providing the most vigorous, lawful, and nondiscriminatory implementation of law enforcement practices and procedures possible.

## **STATE POLICE DISCIPLINARY PROCESS**

The New Jersey State Police is a statewide police organization that provides a full range of police services. As an employer, the Division is comprised of four thousand, three hundred and seventy-eight (4,378) employees including three thousand and thirty-one (3,031) sworn members, and one thousand, three hundred and forty-seven (1,347) civilian members.<sup>1</sup>

Due to the unique mission of the State Police, the Office of Professional Standards is tasked with handling internal complaints as well as those from the public regarding troopers' conduct, as well as allegations of criminal conduct by members. In 2009, troopers were involved in excess of 1.3 million police/citizen contacts. Many of these interactions were routine; many involved stressful and critical situations.

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<sup>1</sup> As of December 2009

The disciplinary system of the New Jersey State Police is unique within the state. The New Jersey Supreme Court has recognized:

Unlike the comparably routine issues of discipline that might arise in connection with employees in other departments of state government, the discipline of state troopers implicates not only the proper conduct of those engaged in the most significant aspects of law enforcement, involving the public safety and the apprehension of dangerous criminals, but also the overall effectiveness, performance standards, and morale of the State Police. As such, discipline of state troopers involves the most profound and fundamental exercise of managerial prerogative and policy.<sup>2</sup>

The statistics and cases embodied in this report represent all disciplinary matters involving troopers. It would be inaccurate to attribute the sum of these statistics and cases to allegations solely arising from citizen complaints alleging line of duty misconduct on the part of a trooper. The statistics also include internally generated allegations of violations of the Division's Rules and Regulations, as well as complaints of misconduct while off-duty.

## **COMPLAINT PROCESS**

The New Jersey State Police accepts, reviews, and responds to all complaints received from the public, including anonymous complaints, complaints from third-party witnesses and complaints from parties not directly involved in the incident.

Complaints may be made in person at any State Police facility, by telephone, fax or through regular mail. The Office of Professional Standards does not accept direct e-mail complaints; however, other State Agencies do, such as Citizen Services of the Office of the Attorney General, who, in turn, will forward such complaints to the Division of State Police.

The Division continues its commitment to ensuring that members of the public have ease of access to the compliment/complaint system. In 1999, the State Police instituted and advertised a toll free hot line available twenty-four hours a day which goes directly to the Office of Professional Standards. In addition, every on-duty member interacting with the public is required to carry informational brochures and compliment/complaint forms which must be provided to anyone who objects to or compliments the troopers' conduct.

Further, the Office of Law Enforcement Professional Standards, within the Office of the Attorney General, which is external to the State Police, accepts and investigates complaints, providing an alternative to citizens concerned about complaining directly to the State Police. Each of these initiatives has continued to provide citizens significantly more opportunities to provide feedback, compliments or complaints about the operation of the Division and its personnel.

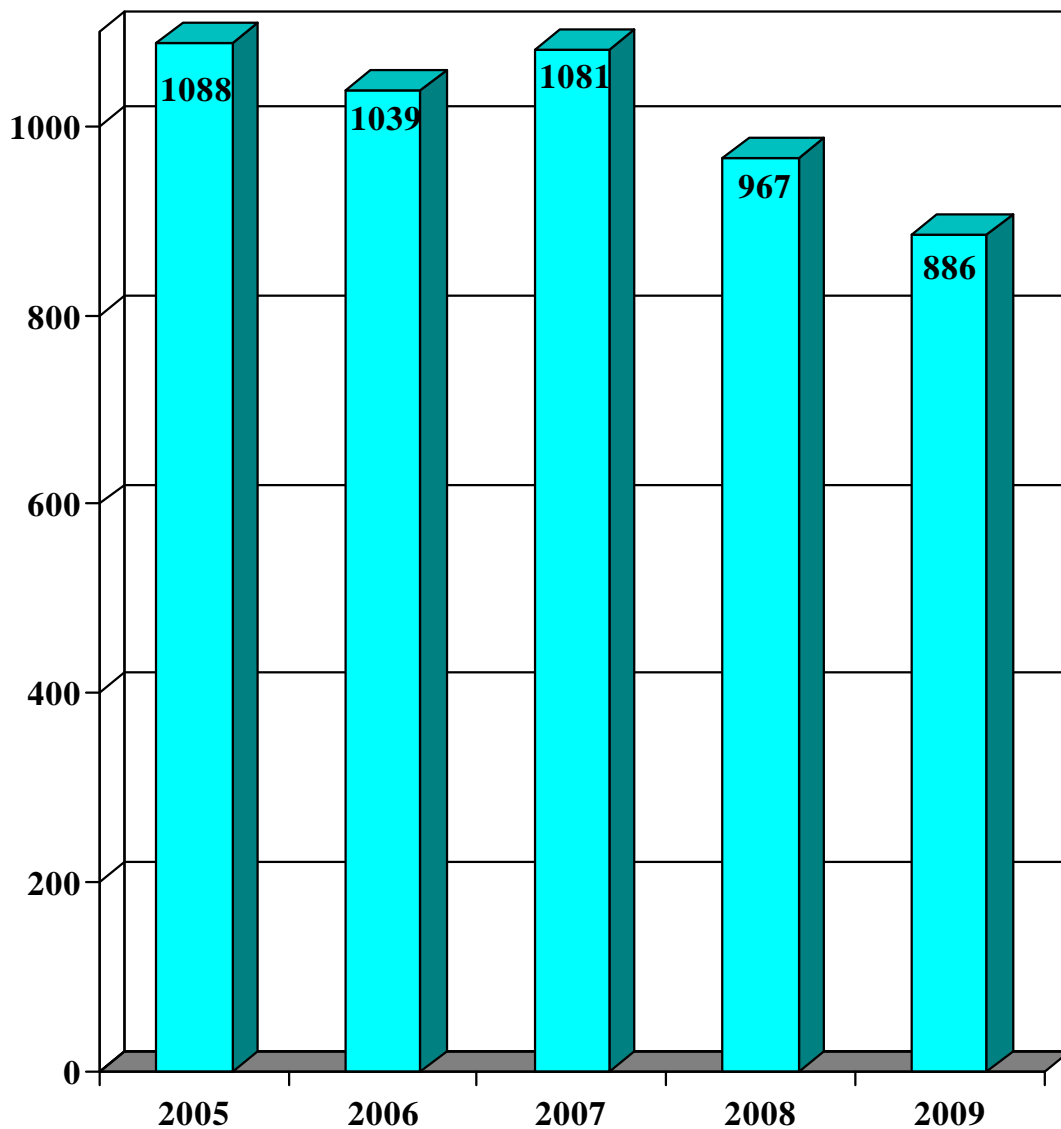
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<sup>2</sup>State of New Jersey v. State Troopers Fraternal Association, 134 N.J. 393, 416 (1993)

As stated previously, the Intake Unit of the Office of Professional Standards is responsible for receiving, documenting, processing, classifying, and disseminating all complaints against sworn members of the New Jersey State Police alleging misconduct or violations of State Police Rules and Regulations. This includes complaints made by citizens, as well as employment-related disciplinary matters.

During 2009, eight hundred eighty-six (886) total incidents were reported and classified, as compared to nine hundred sixty-seven (967) in 2008. This represents a 8.4% decrease in the number of reportable incidents received in the year 2009 over those received in the year 2008, while the total number of the Division's enlisted personnel increased by three (3) members.

**Five Year Comparison of Number of Incidents Reported**



## **CLASSIFICATION OF REPORTED INCIDENTS**

When incidents are reported to the Office of Professional Standards, they are placed in one of seven (7) categories, after being reviewed by the Office of Professional Standards Command Staff members.

### **MISCONDUCT**

When the Division receives a complaint that a trooper has committed a serious, willful, or wanton violation of the Division's Rules and Regulations, Standing Operating Procedures or any applicable federal or state statutes, the matter is classified as Administrative Misconduct and an Internal Investigation is initiated.

### **PERFORMANCE**

When a complaint is reviewed and it is determined that an enlisted member of the Division may have committed a minor infraction, the matter is classified as a Performance Issue. These matters are returned to the member's command for resolution. The command is required to assign a supervisor not in the member's direct chain of command to handle the complaint. The supervisor is required to submit a Performance Incident Disposition Report to the Office of Professional Standards through his/her chain of command, detailing the corrective actions taken to resolve the issue.

### **ADMINISTRATIVE**

When the Office of Professional Standards' review of the reported incident reveals that a trooper has not violated any of the Division's Rules and Regulations, Standing Operating Procedures or applicable federal or state laws, the incident is classified as an Administrative matter.

### **EQUAL EMPLOYMENT OPPORTUNITY/ AFFIRMATIVE ACTION INVESTIGATIONS AND/OR COMPLIANCE INVESTIGATIONS**

When the Division's Office of Equal Employment Opportunity conducts an investigation in which allegations are substantiated against an enlisted member, or when the Compliance Unit within the Human Resource Management Bureau detects and substantiates a violation of the Division's medical leave policy, the cases are forwarded to the Office of Professional Standards for adjudication and disciplinary action.

### **REFERRALS**

When the Division receives a complaint which does not involve a member of the New Jersey State Police, it refers the complaint to the proper authority and documents the transaction in the IA Pro database as a Non-Reportable Incident.

## SHOOTING REVIEWS

When a Division member is involved in a shooting, it is documented as an investigation and investigated by the Attorney General’s Shooting Response Team and the State Police Major Crime Unit. When the Major Crime Unit completes their investigation, the case is reviewed by the Intake Unit for any violation of New Jersey State Police Rules and Regulations or Standing Operating Procedures.

## Five Year Breakdown of Incident Classifications

	2005	2006	2007	2008	2009
<b>MISCONDUCT</b>	413	345	276	293	295
<b>PERFORMANCE</b>	277	220	290	226	183
<b>ADMINISTRATIVE ISSUES</b>	398	472	503	408	373
<b>COMPLIANCE</b>	0	0	0	0	0
<b>EEO / AA INVESTIGATIONS</b>	0	2	9	9	8
<b>NON- REPORTABLE INCIDENTS / REFERRALS</b>			2	29	25
<b>SHOOTING REVIEWS</b>			1	2	2
<b>TOTALS</b>	<b>1,088</b>	<b>1,039</b>	<b>1,081</b>	<b>967</b>	<b>886</b>

## ORIGIN OF COMPLAINTS

In 2009, of the two hundred and ninety-five (295) total misconduct complaints, two hundred and fourteen (214) (73%) were initiated by members of the public and eighty-one (81) (27%) were initiated internally. Of the misconduct complaints initiated by the public, eighty-six (86) (40%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received one hundred and eighty-three (183) reportable incidents which were classified as Performance Issues; one hundred and sixty-six (166) (91%) of these complaints were initiated by members of the public and seventeen (17) (9%) were initiated internally.

In 2008, of the two hundred and ninety-three (293) total misconduct complaints, two hundred and eighteen (218) (74%) were initiated by members of the public and seventy-five (75) (26%) were initiated internally. Of the misconduct complaints initiated by the public, eighty-five (85) (39%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received two hundred and twenty-six (226) reportable incidents which were classified as Performance Issues; two hundred and thirteen (213) (94%) of these complaints were initiated by members of the public and thirteen (13) (6%) were initiated internally.

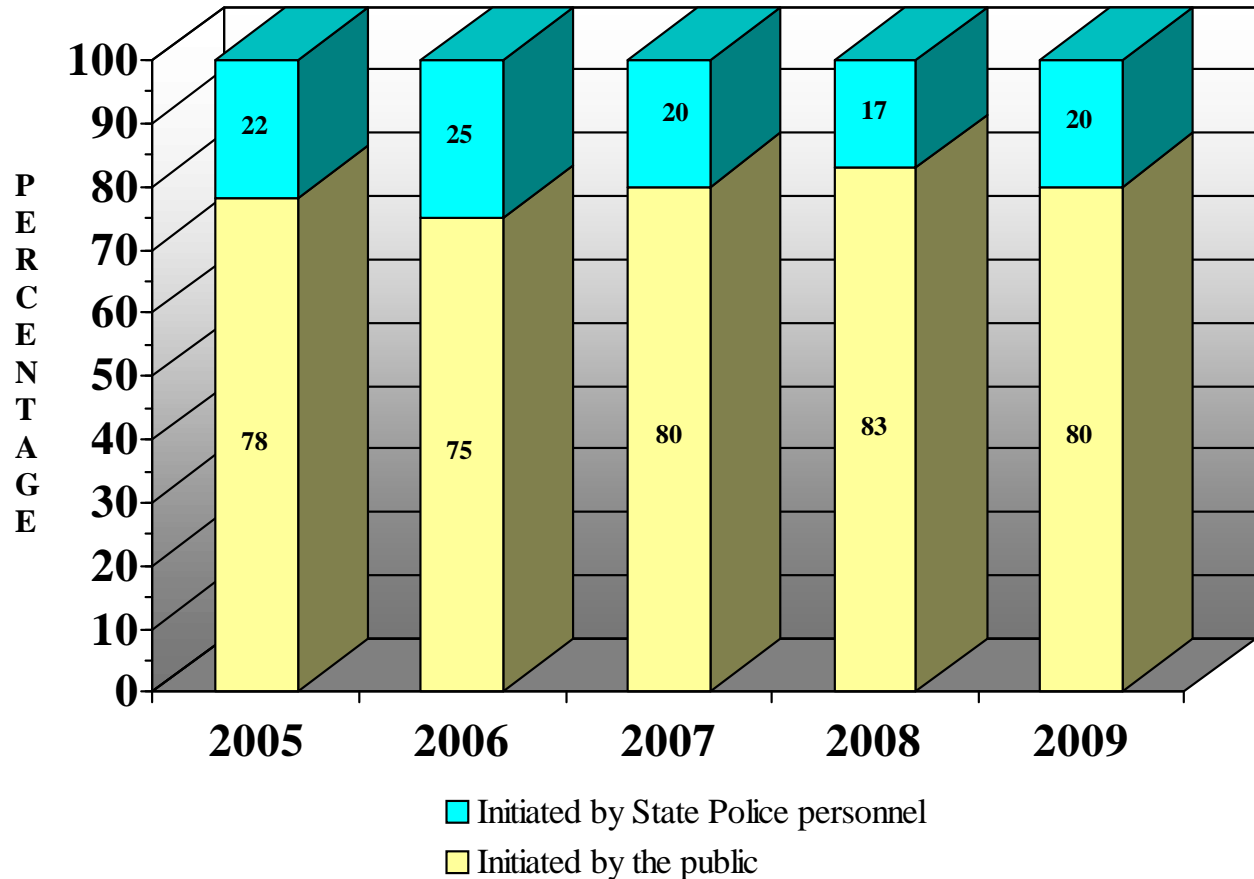
In 2007, of the two hundred and seventy-six (276) total misconduct complaints, one hundred and eighty-seven (187) (68%) were initiated by members of the public and eighty-nine (89) (32%) were initiated internally. Of the misconduct complaints initiated by the public, one hundred and twenty-nine (129) (69%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received two hundred and ninety (290) reportable incidents which were classified as Performance Issues; two hundred and sixty-eight (268) (92%) of these complaints were initiated by members of the public and twenty-two (22) (8%) were initiated internally.

In 2006, of the three hundred and forty-five (345) total misconduct complaints, two hundred and twenty-six (226) (66%) were initiated by members of the public and one hundred and nineteen (119) (34%) were initiated internally. Of the misconduct complaints initiated by the public, one hundred and thirty-one (131) (58%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received two hundred and twenty (220) reportable incidents which were classified as Performance Issues; one hundred and ninety-eight (198) (90%) of these complaints were initiated by members of the public and twenty-two (22) (10%) were initiated internally.

In 2005, of the four hundred and thirteen (413) total misconduct complaints, two hundred and eighty-six (286) (69%) were initiated by members of the public and one hundred and twenty-seven (127) (31%) were initiated internally. Of the misconduct complaints initiated by the public, one hundred and fifty-two (152) (53%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received two hundred and seventy-seven (277) reportable incidents which were classified as Performance Issues; two hundred and fifty-one (251) (91%) of these complaints were initiated by members of the public and twenty-six (26) (9%) were initiated internally.

## FIVE YEAR COMPARISON OF COMPLAINT SOURCES FOR MISCONDUCT AND PERFORMANCE MATTERS

For the purposes of the chart displayed below, the cumulative number of Misconduct Complaints and Performance Issues is being used.



### CRIMINAL PROCEEDINGS INVOLVING DIVISION MEMBERS

The Office of Professional Standards also investigates all matters in which a member of the State Police has become the subject of a criminal proceeding. Criminal proceedings arise in a variety of ways. They can be initiated as a result of an investigation by Office of Professional Standards personnel; they may be the result of state or federal criminal investigations; they may arise from off-duty matters; or they may be the result of counter-complaints filed against a trooper by a defendant, after the defendant has been arrested or charged by a trooper.

The following paragraphs outline the criminal matters pending against members of the Division between January 1, 2009, and December 31, 2009. Each matter is also the subject of a pending internal investigation.

## **LINE OF DUTY: CITIZEN INITIATED CRIMINAL MATTERS**

On occasion, criminal charges are filed by citizens against members of the Division for incidents alleged to have occurred on-duty. Some complaints are filed by individuals who were charged with motor vehicle and/or criminal offenses by a member. These cases are reviewed and a determination is made as to whether the members' actions were within the scope of their official duties and therefore legally defensible.

A criminal complaint was signed against a member for simple assault.

## **ON-DUTY CONDUCT: STATE POLICE OR OTHER LAW ENFORCEMENT AGENCY INITIATED PROCEEDINGS**

In some cases, a member is criminally charged for on-duty conduct by the State Police or other law enforcement agency and/or there has been a finding that the member's behavior fell outside the scope of the member's official duties.

A criminal complaint was signed against a member for official misconduct, sexual assault and criminal restraint, by another agency in 2009.

## **OFF-DUTY CONDUCT**

These cases represent criminal or disorderly persons offenses filed against Division members acting in an off-duty capacity and not related in any way to the performance of their State Police duties. During 2009, the following off-duty incidents were investigated:

A criminal complaint was signed against a member for simple assault and trespassing.

A criminal complaint was signed against a member for harassment.

A criminal complaint was signed against a member for possession of a defaced firearm.

A criminal complaint was signed against a member for possession of a controlled dangerous substance.

A criminal complaint was signed against a member for simple assault, leaving the scene of an motor vehicle accident with injuries, reckless endangerment and resisting arrest.

A criminal complaint was signed against a member for simple assault.

Five (5) motor vehicle complaints were signed against members for driving under the influence of alcohol and/or drugs.

Although some of the criminal charges listed above have been judicially dismissed, the troopers involved may still face Division administrative charges.

## **ASSIGNMENT OF INVESTIGATIONS**

Of the two hundred and ninety-five (295) misconduct cases assigned in 2009, two hundred and ninety-one (291) were assigned to Internal Affairs Investigation Bureau investigators, three (3) were referred to the Office of Law Enforcement Professional Standards for investigation and one (1) was investigated by EEO/AA.

The investigative process assesses the propriety of all conduct during the incident in which the alleged misconduct occurred. If, during the course of an investigation, there is an indication that misconduct occurred other than that alleged, the Office of Professional Standards will also investigate the additional potential misconduct to its logical conclusion. In addition, if a citizen requests to withdraw a previously made complaint, the investigation is continued with or without the assistance of the citizen to ensure proper trooper conduct.

## **ALLEGATIONS AND OUTCOMES**

All complaints are categorized based on the alleged offense. As of September 1, 2000, completed investigations, upon review by the Superintendent, are determined to have one of the following four dispositions:

- SUBSTANTIATED** : an allegation is determined to be “substantiated” if a preponderance of the evidence shows a member violated State Police rules, regulations, protocols, standing operating procedures, directives, or training.
- UNFOUNDED** : an allegation is determined to be “unfounded” if a preponderance of the evidence shows that the alleged misconduct did not occur.
- EXONERATED** : an allegation is determined to be “exonerated” if a preponderance of the evidence shows the alleged conduct did occur but did not violate State Police rules, regulations, standing operating procedures, directives or training.
- INSUFFICIENT EVIDENCE** : an allegation is determined to be “insufficient evidence” when there is insufficient evidence to decide whether the alleged act occurred.

## **MISCONDUCT INVESTIGATIONS OPENED IN 2009**

There were two hundred and ninety-five (295) misconduct investigations opened in 2009. The following paragraphs report the status of these cases. Of these cases, two hundred and fourteen (214) were initiated as the result of citizen complaints and eighty-one (81) cases were opened because of complaints made by State Police supervisors or other members.

Of the two hundred and fourteen (214) citizen initiated investigations, seventy-two (72) (34%) remain active, fifty-nine (59) (28%) are in the review process or pending discipline, sixty-three (63) (29%) have been completed, and twenty (20) (9%) have been suspended pending court action or other administrative action. Of the sixty-three (63) completed, fifteen (15) (24%) resulted in substantiated primary or secondary allegations.

Of the eighty-one (81) complaints initiated by State Police supervisors or members twenty-six (26) (32%) remain active, twenty (20) (25%) are in the review process or pending discipline, twenty-one (21) (26%) have been completed, and fourteen (14) (17%) have been suspended pending court action or other administrative action. Of the twenty-one (21) completed, ten (10) (48%) resulted in substantiated primary or secondary allegations.

### **SUMMARY OF NEW COMPLAINTS:**

The table on the following page summarizes the total number of complaints received by the Office of Professional Standards during the year 2009 that resulted in Internal Investigations, the origin of the complaints, the total number of Principals (members of the Division who have been identified as the subjects of the investigations), and the general categories of the allegations.

2009 Cases Received by Category for Internal Investigation			
Complaint Classification*	Origin		Principals (Involved Members)
	Public	SP	
Administrative Violation	5	15	17
Alcohol Violation	3	2	7
Assault	1	0	1
Attitude and Demeanor	22	1	28
Differential Treatment	51	6	86
Domestic Violence	8	7	14
Driving Violation	3	2	6
Drug Violation	0	0	0
Excessive Use of Force	43	7	97
Failure to Perform Duty	4	2	6
False Arrest	1	0	4
Improper Search	1	0	2
Other	68	37	126
Other Harassment	3	0	6
Theft	1	2	2
<b>Totals</b>	<b>214</b>	<b>81</b>	<b>402</b>

\* In 2008, OPS imposed a hierarchy matrix regarding classification of cases to provide consistency to the classification process. Each reportable incident report receives one classification. Some cases contain multiple allegations.

## COMPLETED DISCIPLINE

The State Police disciplinary system provides for three formal dispositions of substantiated violations of Rules and Regulations. They are:

- GENERAL DISCIPLINARY HEARING : may result in termination, suspension of any duration imposed by the Superintendent, and/or a reduction in rank and/or grade
- SUMMARY DISCIPLINARY HEARING : may result in a suspension of up to thirty (30) days
- MINOR DISCIPLINE : may result in a suspension of up to five (5) days

## SYNOPSIS OF MAJOR DISCIPLINE:

The following is a synopsis of discipline imposed as a result of General Disciplinary Hearings convened during the calendar year 2009:

Member pled guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty, specifically, by failing to obey a direct order of a commissioned officer and failing to take appropriate police action after being instructed to do so. The member was suspended for thirty (30) days.

Member pled guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty, specifically, by failing to obey a written order. The member was suspended for thirty (30) days.

Member pled guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct off-duty, specifically by engaging in verbal dispute that escalated to a physical altercation. The member was suspended for twenty-nine (29) days.

Member pled guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty, specifically, by failing to provide full information in an internal investigation. The member was suspended for sixty (60) days.

Member pled guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty, specifically, by failing to provide full information in an internal investigation. The member was suspended for forty-five (45) days.

Member pled guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty, specifically, by inappropriately accessing personal property of a subject who was in State Police custody. The member subsequently failed to provide full information during the internal investigation. The member was suspended for one hundred twenty (120) days.

Member pled guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty, specifically, by reporting to their duty assignment while being unfit for duty. The member also failed to report an accident involving their assigned troop transportation. The member resigned from the Division prior to imposition of discipline.

Member pled guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty, specifically, by leaving the member's assigned area of responsibility and improperly parking in a handicapped parking space. Furthermore, the member engaged in a verbal dispute of a personal nature with the store's manager while in State Police uniform. The member was suspended for thirty (30) days.

Member pled guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct on and off-duty, specifically, by using their position as a New Jersey State Trooper to secure unwarranted privileges for himself. Further, the member knowingly returned damaged merchandise to a business establishment and was fully reimbursed by the owner. The member was suspended for four hundred forty-seven (447) days, paid restitution to the owner and separated from the Division.

Member pled guilty to acting to their personal discredit and to the discredit of the Division by willfully disobeying a written order. As a direct result of their behavior, the well being of other members was put at risk. The member was suspended for two hundred seventy (270) days.

Member pled guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct on and off-duty, specifically, by using their official position to secure unwarranted privileges. The member also maintained questionable associations which interfered with the proper performance of their duty. Further, the member knowingly made false statements when interviewed during the internal investigation. The member was suspended for one hundred eighty (180) days and separated from Division.

Member pled guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty, specifically, by performing their job in a culpably inefficient manner. The member failed to properly respond to a call for service and as a result evidence was mishandled. The member was suspended for thirty (30) days.

The following is a synopsis of discipline imposed as a result of Summary Disciplinary Hearings convened during the calendar year 2009:

Member pled guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct off-duty, specifically, by failing to comply with the direction of the local police after several requests. The member also failed to carry an authorized weapon while off-duty in violation of Division Rules and Regulations. The member was suspended for ten (10) days.

Member pled guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty, specifically, by improperly utilizing Division

transportation. Further the member instructed another member to author an erroneous activity report indicating the incident was an official State Police mission. The member was required to reimburse the Division for expenses incurred as a direct result of their actions and was also suspended for twenty (20) days and separated from the Division.

Member pled guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty, specifically, by improperly handling evidence. The member was suspended for ten (10) days.

Member pled guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct off-duty, specifically, by failing to exercise due care in the handling of a personally owned firearm, subsequently the member failed to report the incident in accordance to Standing Operating Procedures. The member was suspended for ten (10) days.

Member pled guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct on and off-duty, specifically, by making a series of questionable decisions in the process, performing in a culpably inefficient manner. The member was suspended for thirty (30) days.

Member pled guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty, specifically, by using their position to secure an unwarranted privileges for another member within the Division. The member was suspended for six (6) days.

Member pled guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty, specifically, by performing their job in a culpably inefficient manner. The member failed to appear in court and also has been involved in repeated MVR activation infractions. The conduct related to the incidents had occurred in the past. The member was suspended for thirty (30) days .

Member pled guilty to acting to their personal discredit and to the discredit of the Division by engaging in questionable conduct on and off-duty, specifically, by improperly engaging in questionable conduct with a victim of a prior police related incident. The member was suspended for thirty (30) days.

## **SYNOPSIS OF MINOR DISCIPLINE:**

Member failed to properly secure a subject in custody. (Written Reprimand)

Member failed to comply with MVR procedures. (Written Reprimand)

Member failed to renew vehicle registration and engaged in a dispute with a civilian while off-duty. (WR w/5 day suspension)

Member failed to document in CAD, failed to notify the Division of information to which it takes cognizance, and failed to examine the extent of damage on a Troop Car which was involved in an accident. (WR w/5 day suspension)

Member failed to safeguard issued equipment (Ballistics Vest). (Written Reprimand)

Member failed to safeguard issued equipment (Off-Duty Badge). (Written Reprimand)

Member failed to document a visitor in the Station in CAD. (Written Reprimand)

Member failed to activate MVR during MV Stop, failed to call-in MV Stop, and failed to document MV Stop on Daily Activity Patrol log. (Written Reprimand)

Member was unauthorized in use of assigned troop transportation.(Written Reprimand)

Member failed to safeguard issued State Police Identification. (Written Reprimand)

Member failed to safeguard confidential State Police reports that were consequently released without authorization and operated an uninspected personal vehicle on a public roadway. (WR w/5 day suspension)

Member failed to conduct pre-operational check of MVR, failed to activate MVR during motor vehicle stop and failed to appear in court (lack of prosecution). (WR w/5 day suspension)

Member failed to safeguard Division property (Portable Radio). (Written Reprimand)

Member made an unprofessional and threatening comment while off-duty. (WR w/2 day suspension)

Member failed to document an interaction with a civilian at Station in CAD. (Written Reprimand)

Member improperly handled an issued firearm (Accidental Discharge). (Written Reprimand)

Member transported civilians in troop transportation without authorization. (Written Reprimand)

Member improperly accessed an outside agency by utilizing an electronic swipe card. This action allowed the member to gain access to a restricted area without authorization. (Written Reprimand)

Member displayed an improper attitude and demeanor to a motorist and unsafely operated assigned troop transportation. (WR w/5 day suspension)

Member displayed an improper attitude and demeanor to a motorist.  
(Written Reprimand)

Member failed to ensure the MVR was activated during a motor vehicle stop and failed to provide a compliment/complaint form to motorist. (Written Reprimand)

Member failed to complete a reportable incident form and failed to document CAD.  
(Written Reprimand)

Member improperly handled their issued firearm. (Written Reprimand)

Member left threatening comments on a civilian's voice mail. (WR w/3 day suspension)

Member failed to submit a reportable incident form which documented an alleged act of misconduct on a subordinate. (Written Reprimand)

Member improperly terminated a mobile video recording during a motor vehicle stop.  
(Written Reprimand)

Member displayed an improper attitude and demeanor during a motor vehicle stop and failed to properly perform pre-operational check of mobile video recorder. (Written Reprimand)

Member improperly discharged their issued firearm. (Written Reprimand)

Member failed to notify the Division of a minor troop car accident, failed to properly document on their patrol chart and failed to activate their assigned mobile video recorder. (Written Reprimand)

Member failed to safeguard their issued handcuffs. (Written Reprimand)

Member failed to properly submit a Reportable Incident Form.(Written Reprimand)

Member failed to safeguard issued Class "A" Hat and Badge. (Written Reprimand)

Member improperly operated their assigned troop transportation and transported civilian passengers without authorization. (WR w/5 day suspension)

**\*Note: Some issued Written Reprimands encompass multiple violations.**

## SUMMARY OF COMPLETED CASES

### REPORTING PERIOD: JANUARY 1, 2009 THROUGH DECEMBER 31, 2009

The intake and disposition of complaints is an ongoing process. During internal investigations, cases may be reclassified as a result of information obtained during the investigatory process. During the year, the Division consistently shares case data with the Office of Law Enforcement Professional Standards, as well as the Office of the Attorney General. Due to the fluid nature of internal investigations and the directions taken during internal investigations, slight numerical differences may exist if compared historically.

CORRECTIVE ACTIONS TAKEN FOR CASES BY CATEGORY IN YEAR 2009 <sup>1</sup>					
COMPLAINT CLASSIFICATION	COUNSELING/ PERFORMANCE NOTICE ISSUED	WRITTEN REPRIMAND ISSUED	SUMMARY DISCIPLINARY HEARING HELD	GENERAL DISCIPLINARY HEARING HELD	NO FURTHER ACTION
IMPROPER SEARCH	0	0	0	0	0
THEFT	0	0	0	1	6
ASSAULT	0	0	0	0	0
EXCESSIVE FORCE	5	1	1	0	40
DIFFERENTIAL TREATMENT	10	2	0	0	68
OTHER HARASSMENT	1	0	0	0	6
DOMESTIC VIOLENCE	0	0	0	1 <sup>2</sup>	7
DRUG VIOLATION	0	0	0	0	0
ALCOHOL VIOLATION	0	0	0	2 <sup>3</sup>	1
FAILURE TO PERFORM DUTY	2	0	0	2	10
DRIVING VIOLATION	2	2	0	0	1
ATTITUDE AND DEMEANOR	3	8 <sup>4</sup>	0	0	6
ADMIN. VIOLATION	4	13 <sup>5</sup>	2	0	5
FALSE ARREST	0	0	0	0	0
NON-REPORTABLE INCIDENT	0	0	0	0	0
OTHER	14	16	6	8 <sup>6</sup>	74
TOTALS	41	42	9	14	224

<sup>1</sup> Number indicates the highest level of intervention per case; only one classification per case, however, each case may have multiple allegations.

<sup>2</sup> One member retired prior to imposition of discipline.

<sup>3</sup> One member terminated prior to imposition of discipline.

<sup>4</sup> One member retired prior to imposition of discipline.

<sup>5</sup> One member retired prior to imposition of discipline.

<sup>6</sup> Two members resigned prior to imposition of discipline.

## **PROSECUTION FOR FALSE CITIZEN COMPLAINTS**

As can be seen from this report, the Division of State Police takes citizen complaints seriously and fully investigates them. However, if a complaint is found to be fabricated and maliciously pursued, the complainant may be subject to criminal prosecution. During 2009, no criminal charges were filed against any individual for filing a false complaint against Division members.

## **COMPLIMENTS**

In addition to monitoring troopers' conduct to ensure conformance to the highest standards, the Division of State Police also accepts and appreciates all compliments submitted by the public regarding troopers' conduct. During 2009, the Division received one thousand, three hundred and nine (1,309) citizen compliments regarding actions by enlisted members. These citizen compliments were received in one of the following manners: citizen generated letters of appreciation, the New Jersey State Police Citizen Compliment/Complaint Form, the Office of Professional Standards Toll-free Compliment/Complaint Hotline, and e-mails.