



# OLEPS

OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS

## Eighth Oversight Report October 2014



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## Executive Summary

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OLEPS Eighth Oversight Report utilizes revised standards developed in the fourth reporting period to assess the New Jersey State Police (State Police). OLEPS 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, and OPS were also reviewed.

During this eighth reporting period, OLEPS reviewed and analyzed data from 363 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, the analysis in the current reporting period indicates that there are no significant differences in the racial/ethnic distributions of the number of stops or those involving consent to search requests, canine deployments, uses of force, or arrests. Nonetheless, White drivers were involved in the largest proportion of all stops and these enforcement activities. However, Black drivers were involved in a disproportionate number of stops with canine deployments when compared to their proportion of all stops in the current reporting period.
- 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 178 of the selected stops for OLEPS' review, OLEPS noted that 20% 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.
  - In the current reporting period OLEPS did note several instances where troopers did not meet the appropriate legal standards for the post-stop activities used. Specifically, there were five stops where the legal standard was not met to request consent to search (four RAS and one PC). Additionally, there were two stops where the length of the stop and the fact that individuals were not permitted to leave, turned into defacto arrests despite not officially being placed under arrest. OLEPS reminds State Police of the importance of supervisory reviews and the need to reinforce State Police policies and procedures when a trooper violates them.

- When an error is made during a motor vehicle stop, However, 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 33% 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.
- OLEPS recommends that State Police supervisors reiterate policies and procedures regarding stops. Specifically, the independent monitors had expressed concerns regarding the length of stops while State Police were under the Consent Decree. OLEPS reminds State Police of this history and cautions supervisors to be on the lookout for instances where stops are unnecessarily lengthened, essentially creating defacto arrests.
- Though this report did not discuss training activities, every report does discuss whether MAPPS contains the requisite data and information. Included in the required information is documentation of any required training. For this period, OLEPS determined whether all troopers involved in the motor vehicle stops reviewed had evidence of firearms training in MAPPS. Two troopers did not have evidence of this training. One trooper was on administrative absence until January 2014, and qualified upon his return to duty. However, MAPPS contained no information regarding why the other trooper failed to attend the Spring Firearms training. Further, State Police (at present) remains unable to produce any documentation that the trooper's supervisor was notified of the missed training or that the trooper's weapon was removed, as required. Since the review period, this trooper attended other required firearms training. However, for the time period between Spring and Fall 2013, State Police is unable to provide evidence of attendance at Spring Firearms or the required discipline following missed attendance.
- 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. The staffing issues in

these areas has begun to affect OLEPS' progress in overseeing State Police activity, a violation of the Act and Consent Decree. State Police should consider additional staff for these units in order to maintain their post-Decree progress.

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.

# OLEPS' EIGHTH OVERSIGHT REPORT OF THE NEW JERSEY STATE POLICE JANUARY 1, 2013 TO JUNE 30, 2013

## Introduction

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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](http://www.nj.gov/oag/oleps).

This Eighth Oversight Report<sup>1</sup> reviews activities undertaken by the State Police between January 1, 2013 and June 30, 2013. This report represents the fifth 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.

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<sup>1</sup> 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

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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 Eighth Oversight Report covers a sixth month reporting period from January 1, 2013 to June 30, 2013.

### Standards for Assessment

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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.<sup>2</sup> OLEPS discusses motor vehicle stop activity in the current reporting period and situates 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

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<sup>2</sup> The majority of errors do not generate a formal intervention. This issue was addressed with the State Police. This is the third 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

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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

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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

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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

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### *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<sup>3</sup> was subjected to a structured analysis using a form initially developed by the 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 363 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*<sup>4</sup> of the stops selected for review.

## Sample

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A sample of motor vehicle stops reviewed for this reporting period was selected from all motor vehicle stops made by the State Police from January 1, 2013 to June 30, 2013. 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
  - o All RAS-based consent searches
  - o All canine deployments
  - o All uses of force
  
- II. Select stops where arrests were made
  - o OLEPS reviewed a sample of stops with arrests from each Troop proportionate to the total number of stops with arrests in that Troop. For example, there were 6,864 stops where an arrest was made, that also did not involve any critical elements (RAS consent, K9 deployment, Use of Force). Of these stops, 27.9% were conducted by Troop A. A sample was selected whereby 27.9% of the stops in the sample were Troop A. In the final sample, 19.5% of the stops were from Troop B, 22.62% were from Troop C, 24.03% were from Troop D, and 5.75% were made by troopers not assigned to a road station in one of these troopers, they were classified as "Other."

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<sup>3</sup> *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.

<sup>4</sup> To the extent these recordings were available.

A total of 363 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 27 motor vehicle stops that received a report only review, while 336 received a review that included both reports and tape.

**Table One: Incidents Reviewed**  
8<sup>th</sup> OLEPS Reporting Period

	<b>Report Only Reviews</b>	<b>Tape &amp; Report Reviews<sup>5</sup></b>
Total Stops	27	336
Consent Search Requests (PC & RAS)	8	178
Canine Deployments	0	30
Use of Force	1	18
Probable Cause Searches of Vehicles	2	38

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<sup>6</sup> 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 94 stops reviewed from Troop A and 93 reviewed from Troop B while only 79 from Troop D and 70 from Troop C. Netcong station conducted the highest number of stops selected for review for this period, 30 stops. This is likely the result of the overall high volume of activity conducted by Netcong station.

<sup>5</sup> Tape and report reviews for each type of activity total more than 363 due to the fact that most stops involved more than a single category of law enforcement activity.

<sup>6</sup> 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**  
8<sup>th</sup> OLEPS Reporting Period

Station	Tape & Report Reviews	Report Only Reviews	Total Reviews
A010- Metro North	0	1	1
A040- Bridgeton	13	3	16
A050- Woodbine	7	0	7
A090- Buena Vista	9	0	9
A100- Port Norris	11	2	13
A140- Woodstown	13	2	15
A160- Atlantic City	11	0	11
A310- Bellmawr	21	1	22
B020- Hope	9	0	9
B050- Sussex	6	0	6
B060- Totowa	23	0	23
B080- Netcong	28	2	30
B110- Perryville	11	0	11
B130- Somerville	11	1	12
B150- Washington	2	0	2
C020- Bordentown	15	4	19
C040- Kingwood	3	0	3
C060- Hamilton	21	1	22
C080- Red Lion	16	0	16
C120- Tuckerton	10	0	10
D010- Cranbury	16	0	16
D020- Moorestown	12	2	14
D030- Newark	2	4	6
E030- Bass River	10	0	10
E040- Bloomfield	15	3	18
E050- Holmdel	15	0	15
Other	26	1	27
<b>Total</b>	<b>336</b>	<b>27</b>	<b>363</b>

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

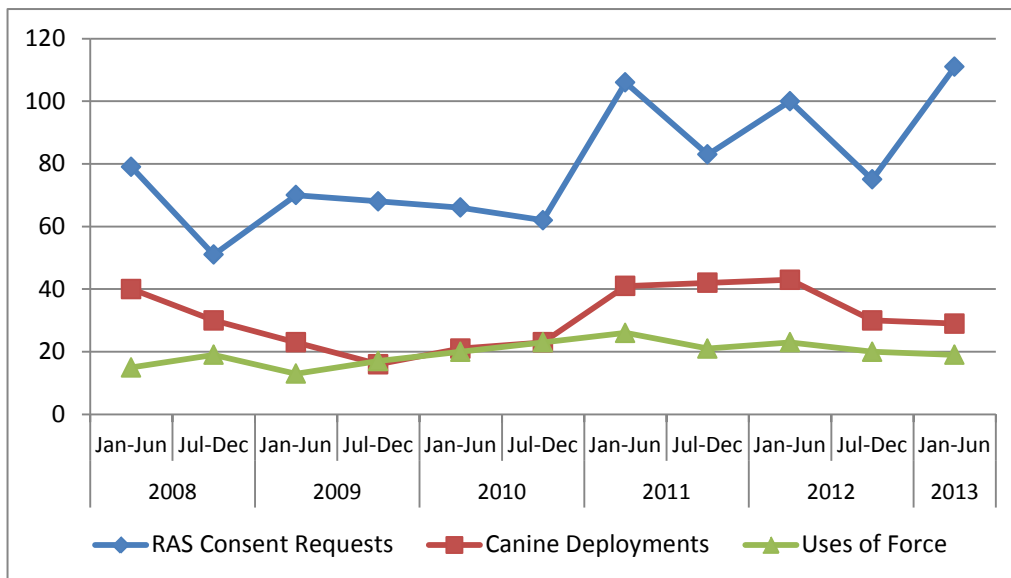
For several reporting periods, OLEPS has tracked trends in the motor vehicle stops reviewed. Since OLEPS reviews all motor vehicle stops with RAS-based consent to search requests, canine deployments, or uses of force, these numbers represent the actual volume of motor vehicle stops with these events.<sup>7</sup> Figure One depicts the trends in these events from January 2008 – June 2013. RAS consent requests increased while canine deployments and uses of force decreased in the current reporting period. For the past two years, the number of RAS consent requests is higher in the first half of a year, just as the number of motor vehicle stops, generally, is higher in the first half of the year. However, the number of RAS consent requests in the current reporting period, 111, is the highest since 2008.

The previous reporting period was the first where a decline in the number of canine deployments was noted after several reporting periods of higher numbers of stops with these activities. In the current reporting period, there were 30 canine deployments, similar to the number in the previous reporting period. The number of deployments remains higher than the lows noted in 2009 and 2010; the State Police continues to utilize canine deployments with relative frequency.

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 19 stops with a use of force, roughly the same as the previous reporting period.

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

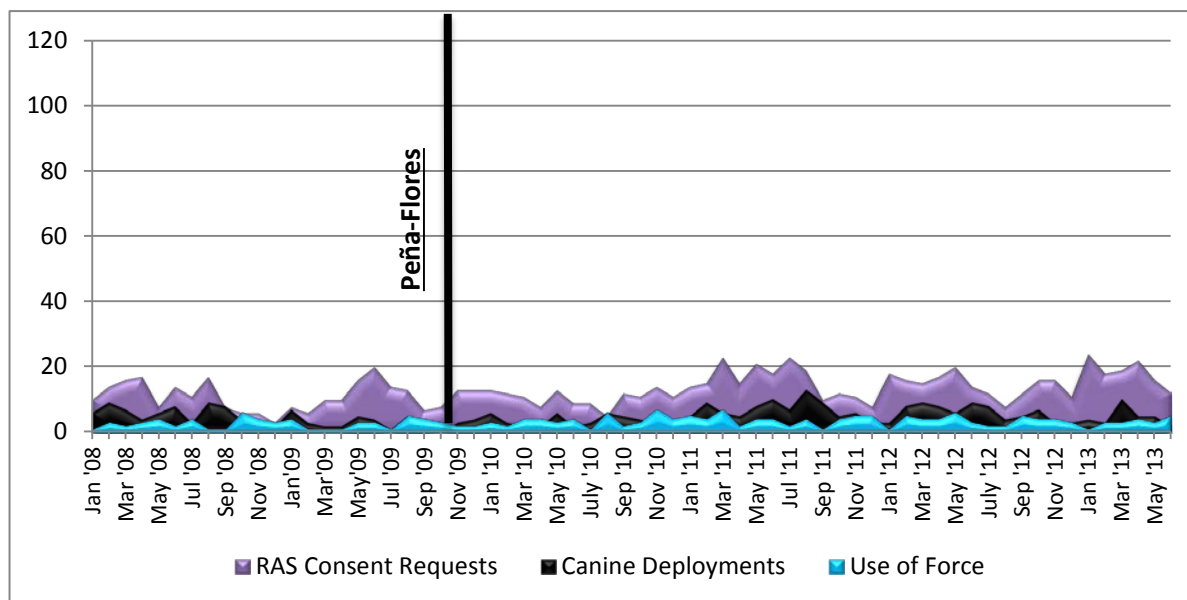
January 2008- June 2013



<sup>7</sup> 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.

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 June 2013. 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)<sup>8</sup>). 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 RAS consent requests increased in 2013 while canine deployments and uses of force remained consistent. 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 2012, there is a discernable increase in these events from the number of activities in each month in 2012 and 2013.

**Figure Two: Motor Vehicle Stops with RAS Consent Requests, Canine Deployments, and Uses of Force**  
January 2008 – June 2013



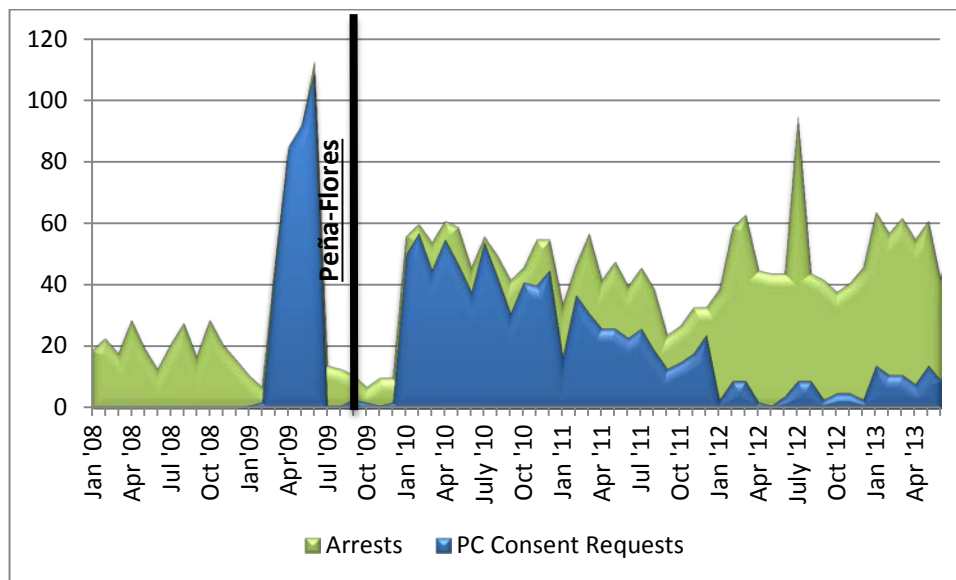
For canine deployments and uses of force, no consistent trend appears other than inconsistency. The number of canine deployments and uses of force fluctuate each month. However, canine deployments do show a small spike beginning in March 2013. There were nearly twice as many canine deployments in this month as all other months since August 2011.

<sup>8</sup> *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.

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 over 1,100 PC consent searches in motor vehicle stops in the first half of 2013. The 67 PC consent requests represented in Figure Three for January- June 2013 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 – June 2013



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

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## **OPS & Investigations**

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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.

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## **Training**

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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 2013 in the Ninth Oversight Report.

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## **Management Awareness & Personnel Performance System**

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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.

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## **Oversight and Public Information**

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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**

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Part III of this oversight report assesses 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 State Police is to adhere. Each standard is presented followed by a description of the analysis and/or research conducted to assess 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 all stops where recordings are available. OLEPS' staff examines the facts and circumstances of the stop to determine whether 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.*

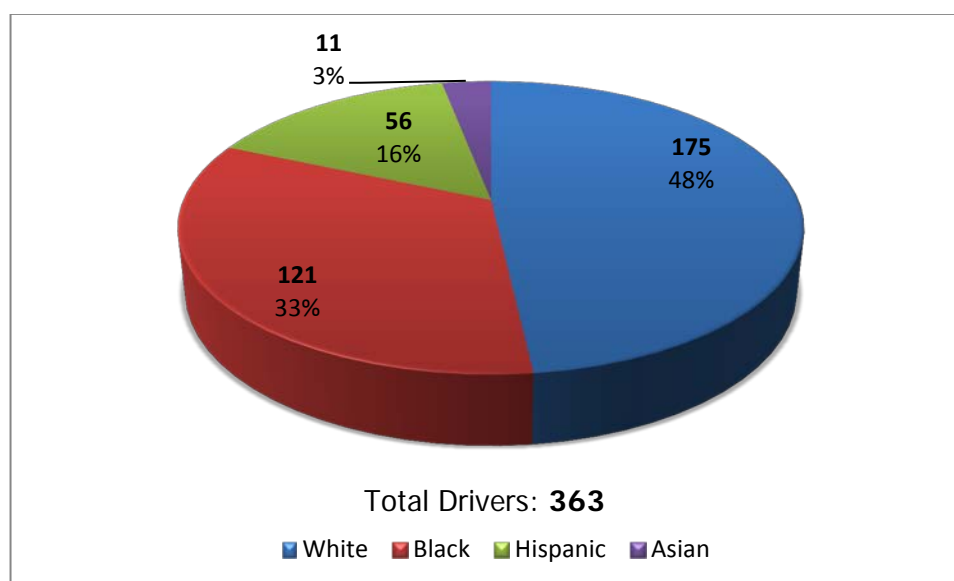
This standard will also examine the potential effect of trooper discretion on racial/ethnic differences in stops and enforcement activities.

## Racial/Ethnic Differences

### *All Motor Vehicle Stops*

All 363 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.<sup>9</sup> 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**  
8<sup>th</sup> OLEPS Reporting Period



In the current reporting period, there were more stops with White drivers than any other racial/ethnic group. There were 175 (48%) drivers in this sample who were White, 121 (33%) who were Black, 56 (16%) who were Hispanic, and 11 (3%) who were Asian.<sup>10</sup> The majority of trooper-citizen interactions in this reporting period appeared to involve White or Black drivers. The racial/ethnic distribution of stops in the previous reporting period indicated that a higher proportion of stops involving Hispanic drivers. The current reporting period, however, indicates a much smaller proportion of Hispanic drivers than the previous, but still slightly more than is the norm. Typically, Hispanic drivers make up roughly

<sup>9</sup> 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>

<sup>10</sup>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.

12-14% of all stops while in the previous reporting period Hispanic drivers made up 24% of all stops. This decline in the current reporting period is likely the result of sample selection. The previous reporting period selected stops with arrests from specific stations which serviced areas with large Hispanic populations. As noted previously, the current reporting period selected stops with arrests from all Troops, and thus, is likely more representative of all stops made by the State Police. 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*

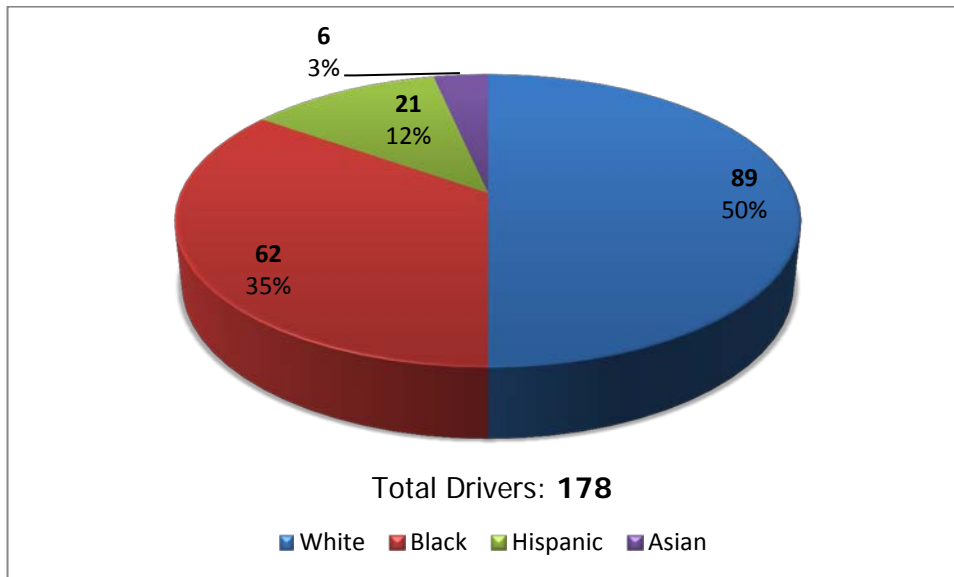
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Figure Five depicts the total number of stops, 178, by race of driver, where consent to search was requested in the overall sample of 363 motor vehicle stops. This Figure represents all consent requests: PC-based; RAS-based; those that were granted; and those that were denied. White drivers made up the highest number and percentage of stops with consent requests with 89 or 50% of all requests made. Black drivers made up the second highest portion, 62 stops with requests or 35%. Hispanic drivers were asked for consent to search in 21 stops or 12% of stops with requests. Finally, Asian drivers were each asked for consent to search in 6 stops or 3%.

The proportion of consent requests by race and ethnicity is consistent with the racial/ethnic proportion of all motor vehicle stops. White drivers still make up the largest proportion of stops, roughly 50%. Black drivers do make up a slightly higher proportion of stops with consent requests, 35%, compared to their overall proportion of stops, 33%, but this difference is small. Hispanic drivers make up a slightly smaller proportion of stops with consent requests, 12%, than overall stops, 16%. Despite these small differences, the racial/ethnic distribution of stops with consent requests is consistent with that of all stops.

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 ( $\chi^2$ ) value of 3.583 with a  $p$ -value of .31. The difference in the number of consent to search requests asked of White, Black, Hispanic, or Asian drivers is not statistically significant.

**Figure Five: Consent Requests by Race/Ethnicity of Driver**  
8<sup>th</sup> OLEPS Reporting Period

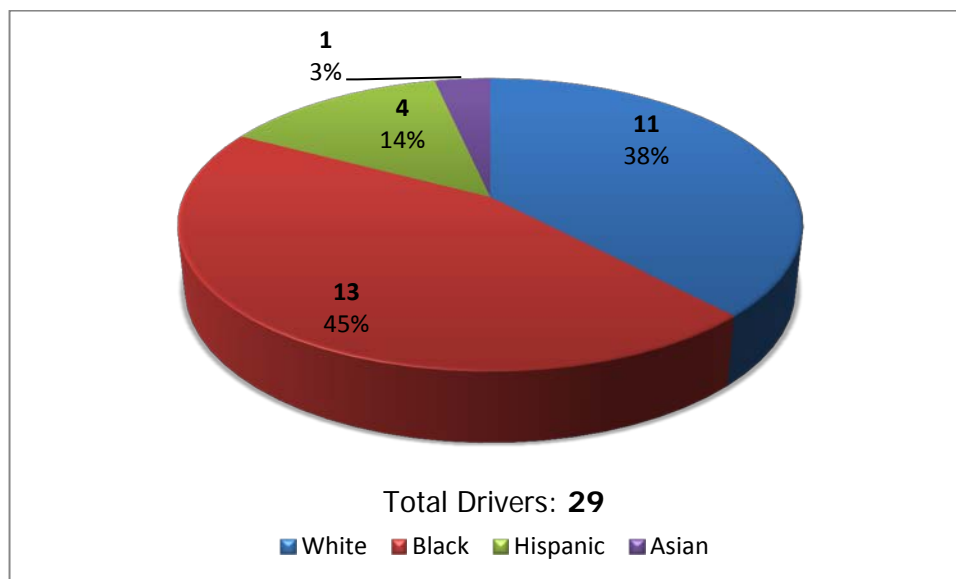


Previous reporting periods had noted that Black drivers were most likely to receive a consent to search request. However, the same finding cannot be stated for the current reporting period. While there are more consent requests made of White drivers, a function of the fact that there are more White drivers in the sample, the proportion of all White drivers who are asked for consent is similar to Black drivers. Fifty-one percent of all Black drivers compared to 50% of all White drivers were asked for consent to search. In contrast, only 37% 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 all Black drivers were involved in stops with consent requests.

Canine Deployments

In the current reporting period there were 29 canine deployments, similar to 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, 13 deployments (45%) occurred in motor vehicle stops with Black drivers. In contrast, only 11 (38%) 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 and Asian drivers were involved in one stop with a canine deployment.

**Figure Six: Canine Deployments by Race/Ethnicity of Driver**  
8<sup>th</sup> OLEPS Reporting Period



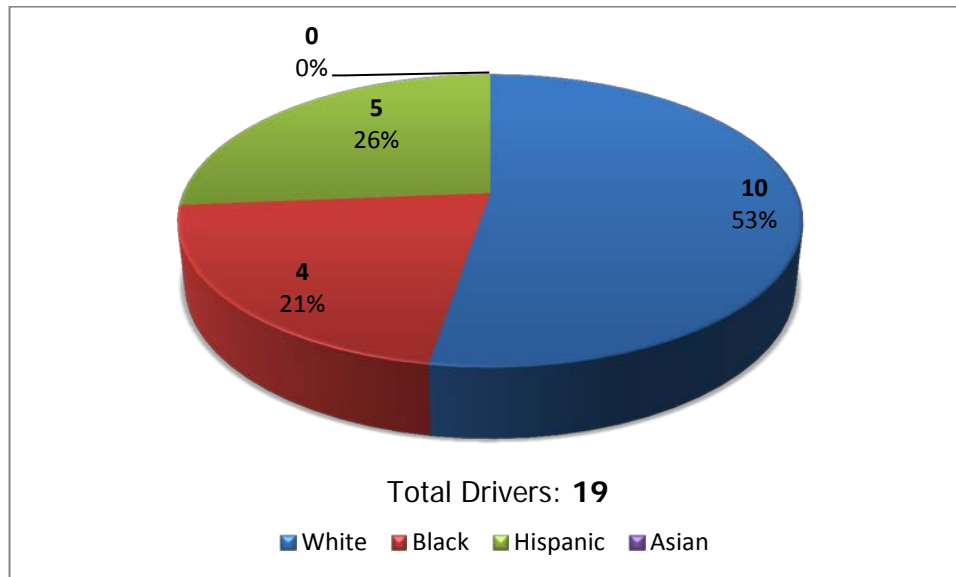
This overall pattern is consistent with the previous reporting period; however, the disparity for Black drivers is much smaller. Black drivers still make up the highest number and percentage of deployments, while White and Hispanic drivers made up a much smaller portion of these events. In comparison to the overall racial/ethnic distribution, White drivers made up 48% of all stops, yet only 38% of motor vehicle stops with canine deployments. Black drivers made up 33% of all stops and 45% 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 10.7% of all Black drivers are involved in canine deployments. Thus, the disparity only affects a small portion 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  $\chi^2$  value of 1.334 and was conducted comparing White and non-White drivers. The analysis revealed that the racial/ethnic distribution of canine deployments is not statistically significant. While the previous reporting period indicated that the distribution approached significance, that is not the case in the current reporting period. It cannot be said that any racial/ethnic group is involved in a significantly higher number of stops with canine deployments than any other racial/ethnic group; the pattern observed is possibly the result of chance.

### *Uses of Force*

Figure Seven presents the racial/ethnic distribution of uses of force in the first half of 2013. In total, there were 19 uses of force, roughly the same number as in the previous reporting period. Of the uses of force in the first half of 2013, 10 (53%) were in stops with White drivers, four (21%) involved Black drivers, and five (26%) involved Hispanic drivers. There were no uses of force in stops with Asian drivers. The majority of stops with uses of force (more than 50%) do involve White drivers in the current reporting period.

**Figure Seven: Uses of Force by Race/Ethnicity of Driver**  
8<sup>th</sup> 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 53% of all uses of force but only 48% of all motor vehicle stops. Hispanic drivers make up a larger proportion, about 26% of all uses of force and only 16% of all motor vehicle stops. Black drivers make up a slightly smaller percentage, 21%, of uses of force than they do all motor vehicle stops, 33%. 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  $\chi^2$  value of .157 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.

In the previous reporting period, OLEPS noted that Hispanic drivers were involved in a larger proportion of stops with uses of force than their proportion of all stops. The same pattern is noted here; Hispanic drivers are roughly ¼ of stops with uses of force but a smaller proportion of all stops. OLEPS does assess the appropriateness of use of force incidents and did note that all five instances involving Hispanic drivers were appropriate. OLEPS will continue to monitor uses of force involving Hispanic drivers in future reporting periods.

For several reporting periods, OLEPS noted increases in the number of stops with uses of force. The number of stops involving force in this and the previous reporting period is smaller than the number in the previous few reporting periods, but still slightly larger than the number of use of force incidents in stops reported in 2009, as the State Police were getting out of the Consent Decree. OLEPS is cognizant of the fact that the number of uses of force will fluctuate as the number of motor vehicle stops fluctuates. 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,

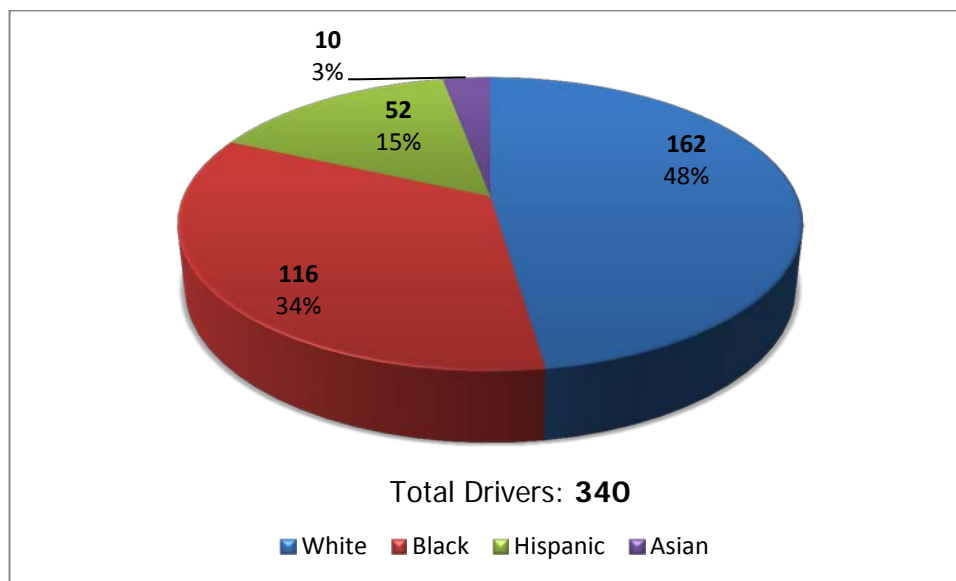
OLEPS recommends continued examination of the racial/ethnic distribution of uses of force, as this distribution does change each reporting period.

*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, 340 stops or about 94%, involved an arrest. The number and proportion of stops with arrests is similar to the previous reporting period, where an arrest was made in 94% of 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, 162 stops (48%). Black drivers were involved in 116 stops (34%) with an arrest. Hispanic drivers were involved in 52 stops (15%) with arrests. Asian drivers were only involved in 10 stops (3%) 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 those with arrests.

**Figure Eight: Arrests by Race/Ethnicity of Driver**  
8<sup>th</sup> 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 .41; there is no significant difference between the number of stops with arrests of White versus non-White drivers.

## The Role of Discretion

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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 over half of all the stops in the reporting period.

Until the previous 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, seat belts, and failure to signal are still among the top reasons for motor vehicle stops in the current period.

**Table Three: Top Reasons for Trooper Initiated Motor Vehicle Stops**  
3<sup>rd</sup>- 8<sup>th</sup> Reporting Periods

	3 <sup>rd</sup> Reporting Period	4 <sup>th</sup> Reporting Period	5 <sup>th</sup> Reporting Period	6 <sup>th</sup> Reporting Period	7 <sup>th</sup> Reporting Period	8 <sup>th</sup> Reporting Period
Equipment Violations	7.3%	11.4%	12.3%	9.8%	12%	8%
Failure to Maintain Lane	15.7%	20%	22%	19%	21.5%	18%
Failure to Signal/ Improper Lane Change	9.4%	6.1%	9.3%	--	--	7%
Rate of Speed	16.8%	25.2%	22.4%	19%	16%	16%
Safety Violations	16.8%	8.1%	12%	10.2%	10.1%	--
Seat Belt	--	--	--	7.9%	4%	8%
<b>Total</b>	<b>66.0%</b>	<b>70.8%</b>	<b>78.0%</b>	<b>65.9%</b>	<b>63.6%</b>	<b>57.0%</b>

Motorist Aids/Motorist Accidents are actually a common occurrence, more so than some reasons listed in Table Three. Motorist Aids/Accidents were listed as the reason for the stop in 40 or 11% 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.<sup>11</sup> Generally, White drivers make up the largest number of each stop reason, followed by Black drivers, and then finally Hispanic drivers. The exceptions to this are the categories of rate of speed and equipment violations. White drivers were stopped in 19 stops for rate of speed and 12 stops for equipment violations while Black drivers were stopped in 27 and 17 stops, respectively. The most frequently cited stop reason for White drivers was failure to maintain lane, while rate of speed was the most frequently cited reason for both Hispanic and Black drivers.

<sup>11</sup> The top five reasons for stops were cited in 207 of 363 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 98, 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 175).

**Table Four: All Stops by Race/Ethnicity of Driver and Level of Discretion**  
8<sup>th</sup> OLEPS Reporting Period

	<b>White</b>	<b>Black</b>	<b>Hispanic</b>	<b>Asian</b>
	(% of Total Stops)	(% of Total Stops)	(% of Total Stops)	(% of Total Stops)
<b>Failure to Maintain Lane</b>	33	19	9	3
	33.67%	24.68%	34.62%	50.0%
<b>Rate of Speed</b>	19	27	10	2
	19.39%	35.06%	38.46%	33.33%
<b>Equipment Violations</b>	12	17	1	0
	12.24%	22.08%	3.85%	--
<b>Unsafe Lane Change</b>	19	5	1	1
	19.39%	6.49%	3.85%	16.67%
<b>Seat Belt</b>	15	9	5	0
	15.31%	11.69%	19.23%	--
<b>Total</b>	<b>98</b>	<b>77</b>	<b>26</b>	<b>6</b>

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 reveal a significant difference, ( $p < .01$ ) with a  $\chi^2$  value of 13.185. Differences in the distribution of stop reasons are unlikely due to chance.

### *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 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.

Tables Five and Six 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**  
8<sup>th</sup> OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulate Suspicion	Probable Cause	Mean
	(1)	(2)	
<b>White</b>	62	27	1.30
<b>Black</b>	35	27	1.43
<b>Hispanic</b>	10	11	1.52
<b>Asian</b>	4	2	1.33
<b>Total</b>	<b>111</b>	<b>67</b>	<b>1.38</b>

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 111 stops that involved an RAS consent while only 67 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 periods.

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 significant differences among White, Black, and Hispanic drivers and the legal standard used to request consent ( $p < .01$ ,  $\chi^2 = 81.308$ ). Thus, there are significantly more consent requests based on RAS than PC for all racial/ethnic groups.

The mean values in Table Five can be used to determine the direction of consent requests, either PC or RAS. For White drivers, the mean value is 1.30, 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 1.43, just about halfway between PC and RAS. Black drivers then are slightly more frequently receiving RAS searches rather than PC. The mean for Hispanic drivers is 1.52, closer to PC than RAS. Hispanic drivers are involved in a slightly higher proportion of stops with PC rather than RAS consent requests. Finally, the mean for Asian drivers is 1.33, again, closer to RAS than PC. White drivers have a slightly higher proportion of RAS consent searches than all other drivers while Hispanic drivers have the highest proportion of PC consent requests. 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 slightly more PC consent requests utilized for the current reporting period, especially for Hispanic 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 97 stops with RAS requests, there was at least one probative reason cited. There were two requests based solely on tangible reasons, and seven 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 highest mean value. However, in the current reporting period, they have the lowest value, 2.60.

**Table Six: Reason for RAS Consent Requests by Race/Ethnicity of Driver<sup>12</sup>**  
8<sup>th</sup> OLEPS Reporting Period

Race/Ethnicity	Intangible	Tangible	Probative	Mean
	(1)	(2)	(3)	
<b>White</b>	3	2	57	2.87
<b>Black</b>	2	0	29	2.87
<b>Hispanic</b>	2	0	8	2.60
<b>Asian</b>	0	0	3	3.00
<b>Total</b>	<b>7</b>	<b>2</b>	<b>97</b>	<b>2.85</b>

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 29 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,

<sup>12</sup> There were five 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 five stops were removed from Table Six. Four of these stops involved Black drivers and one involve and Asian driver.

RAS deployments are the most common type for each race/ethnicity, with Black drivers having the highest overall number 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**  
8<sup>th</sup> OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulable Suspicion	Probable Cause	Mean
	(1)	(2)	
<b>White</b>	9	2	1.18
<b>Black</b>	10	3	1.23
<b>Hispanic</b>	3	1	1.25
<b>Asian</b>	0	1	2.00
<b>Total</b>	<b>22</b>	<b>7</b>	<b>1.45</b>

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. The means for Black and Hispanic drivers are both closer to RAS than PC, 1.23 and 1.25, respectively. The mean for Asian drivers, 2, indicates deployments based on PC rather than RAS, but is actually only based on one canine deployment. Overall, all drivers involved in a canine deployment were more likely to be involved in deployments based on RAS than PC.

### *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 340 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): 180 stops had an arrest listed as probable cause, 110 were warrant based, and 50 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 no motor vehicle stops where at least one person was unarrested at the scene. Overall, these data suggest that in the first half of 2013, sampled drivers were more likely to be arrested on probable cause, not on warrants, and if arrested on probable cause, to have charges filed.

**Table Eight: Reason for Arrest by Race/Ethnicity of Driver**  
8<sup>th</sup> OLEPS Reporting Period

Race/Ethnicity	Stops with Arrests	Warrant Arrests	Probable Cause Arrests	Warrant & Probable Cause
		(% of arrests)	(% of arrests)	(% of arrests)
White	162	47	98	17
		(26.86)	(56.00)	(9.71)
Black	116	50	43	23
		(41.32)	(35.53)	(19.00)
Hispanic	52	12	32	8
		(21.42)	(57.14)	(14.28)
Asian	10	1	7	2
		(9.09)	(63.36)	(18.18)
<b>Total</b>	<b>340</b>	<b>110</b>	<b>180</b>	<b>50</b>

Of the arrests made in stops with White drivers, 47 (26.86%) were warrant based, 98 (56.00%) were PC based, and 17 (9.71%) 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 current reporting periods, where stops were selected based solely on whether an arrest was made rather than whether a PC consent request was made, as has been done historically.

Of the arrests made in stops with Black drivers, there were slightly more based on warrants alone than probable cause only. During this reporting period, there were 50 (41.32%) stops with a Black driver where an arrest was made based on a warrant and 43 stops (35.53%) where an arrest was based only on PC. Only 23 (19.00%) arrests in stops with Black drivers were made based on a combination of 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.

The same general pattern is observed for Hispanic drivers as the previous reporting period. Overall, 32 (57.14%) arrests in stops with Hispanic drivers were based on probable cause alone, 12 (21.42%) were based on warrants alone, and an additional eight (14.28%) were based on a combination of 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.

Asian drivers were also involved in a higher number of stops with arrests based on probable cause than other reasons. In seven stops (63.36%), Asian drivers were involved in stops with probable cause arrests, in only one stop (9.09%) they were involved in stops with warrant only arrests, and in two stops (18.18%) they were involved in stops with arrests based on a combination of warrant and probable cause.

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 no stops with an arrest made where no charges were filed and the subject was unarrested.

### *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 50 arrests made on the basis of probable cause and at least one outstanding warrant, similar to the number in the previous reporting period. However, this number is slightly larger than the previous reporting period and reflects a slightly smaller proportion of all arrests (15.35% in the previous period versus 13.77% 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, 17 drivers were White, 23 were Black, eight were Hispanic, and two were Asian. This pattern is consistent with the most recent reporting period.

The number of warrant only arrests made during the current reporting period is slightly larger than, but comparable to, the previous period. The proportion of stops with warrant only arrests were 30.30% of all stops with arrests in the current period, compared to 29.08% 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 is a statistically significant racial/ethnic difference in the legal standard used to arrest ( $\chi^2=8.807$  and  $p<.05$ ). This analysis was conducted on White v. non-White drivers as other racial/ethnic categorizations led to invalid cells. Based on these results, non-White drivers are more likely to be arrested than White drivers. Both White and non-White drivers are more likely to be arrested based on PC.

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*

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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, finding differences in the racial/ethnic distribution of day and night stops.

**Table Nine: Racial/Ethnic Distribution of Day & Night Stops**  
8<sup>th</sup> OLEPS Reporting Period

Race/Ethnicity	Day	Night	Total
<b>White</b>	99	76	175
<b>Black</b>	56	65	121
<b>Hispanic</b>	25	31	56
<b>Asian</b>	3	8	11
<b>Total</b>	<b>183</b>	<b>180</b>	<b>363</b>

Table Nine indicates that, consistent with previous reporting periods, there were more motor vehicle stops made during the day<sup>13</sup> (183) than at night (180). There were more stops during the day for White drivers and more at night for all other racial/ethnic groups. The largest difference between the numbers of day and night stops were for White drivers; there were 23 more daytime stops than nighttime stops for this racial/ethnic group.

Chi-Square analysis was used to determine whether the observed differences in Table Nine are significant. The results 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 ( $p=.086$ ). However, the distribution does approach statistical significance, meaning that if a slightly more relaxed standard of significance were used, the distribution would be significant.

## Summary of Standard 1

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In the current reporting period, analyses did not reveal any significant differences in the racial/ethnic distribution of events examined. Overall, White drivers are involved in the largest proportion of stops and all events examined. However, Black drivers are involved in the largest proportion, more than Whites, of stops with canine deployments. This pattern has been noted in previous reporting periods and no issues of inappropriate deployments have typically been noted. In Standard 3, OLEPS examines the appropriateness of all canine deployments. 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 the previous reporting period, there was a much higher proportion of stops involving Hispanic drivers than is typical. In the current reporting period, the proportion of stops involving Hispanic drivers was much closer to the proportion typically seen, albeit a little high. Thus, the higher proportion in the previous reporting period was likely due to the stops selected from specific stations that serve a larger Hispanic population.

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

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<sup>13</sup> 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.

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

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### Standards

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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

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In the current reporting period, OLEPS reviewed a total of 178 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, 111, were based on RAS and 67 were based on PC.

Table Ten depicts the number of RAS consent requests in each reporting period dating back to OLEPS' first reporting period. The current reporting period has the most RAS consent requests to date. 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 previous reporting period.

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 previous reporting periods, there was no selection of a sample of stops with a PC consent request. The 67 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).

A request for consent may be granted or denied by the motorist. In the current reporting period, the majority of consent requests were granted by motorists; 125 consent requests were granted and 53 were denied.

**Table Ten: Consent Requests for Previous Reporting Periods**  
January 2008- June 2013

Reporting Period	RAS Consent Requests	Total Consent Requests
OLEPS 1 <sup>st</sup> a	79	79
OLEPS 1 <sup>st</sup> b	51	51
OLEPS 2 <sup>nd</sup>	72	405
OLEPS 3 <sup>rd</sup>	68	78
OLEPS 4 <sup>th</sup> a	66	358
OLEPS 4 <sup>th</sup> b	62	316
OLEPS 5 <sup>th</sup> a	106	266
OLEPS 5 <sup>th</sup> b	83	198
OLEPS 6 <sup>th</sup>	100	128
OLEPS 7 <sup>th</sup>	75	109
OLEPS 8 <sup>th</sup>	111	178

### *RAS & PC*

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At a minimum, consent requests 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 were four stops with RAS consent requests where the facts and circumstances did not meet the standard of RAS. None of these errors were noted by the State Police in their review of the stop. Additionally, one stop with a PC consent request had facts and circumstances that did not meet the standard of PC. This error was not noted by the State Police because the stop was not reviewed by the State Police. 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. However, there were slightly more incidents where the legal standards of RAS and PC were not met in the current reporting period. OLEPS reminds the State Police to continue their vigilance on their improvement in both the appropriate use of legal standards and continued documentation of errors and interventions.

### *Consent Forms*

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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 178 stops with consent to search requests, a consent form was filled out appropriately in 140 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, 26 were caught by State Police review and four resulted in an intervention. The remaining 12 errors were noted by OLEPS and not the State Police. This represents a slight increase in the number of errors not noted by the State Police, 31%. In the previous reporting period, this percentage was only 23%, a continual decline from a high of 79% in the fifth reporting period. While the number of errors caught represents an improvement since earlier reporting periods, 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 be appropriately 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. In the current reporting period, three consent requests were not recorded, and so OLEPS could not determine whether these forms were completed at the scene. All of these errors were caught and one resulted in an intervention.

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*

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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 15 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, 14 were noted by State Police review of the stop and seven resulted in an intervention. There was only one error pertaining to the right to refuse that was not noted by the State Police.

It appears that the State Police maintain a high number 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*

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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, 145, the supervisor was advised of the facts via the radio. In 21 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 nine stops. There were two motor vehicle stops 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 was also one instance in this reporting period where a trooper did not notify a supervisor of facts and circumstances prior to requesting consent from the motorist. This error was caught and resulted in an intervention.

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 117 motor vehicle stops. There were four stops where a trooper failed to notify communication that the search was beginning. These errors were noted in State Police review of the stops and two resulted in interventions. In the remaining two instances, 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 166 stops, consent was requested while the MVR was recording, while in three stops the consent request was not recorded. All of these errors were caught by State Police and one resulted in an intervention. Additionally, there were nine 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 113 stops, the consent search was properly recorded. Consent searches were not recorded in nine motor vehicle

stops, all of these errors were noted by supervisory review, but only three 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 most 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, one in the sixth reporting period, and one in the previous reporting period. In this reporting period, consent was withdrawn in one motor vehicle stop. Troopers did not appropriately terminate this search upon withdrawal and this error was not caught.

## **Summary of Standard 2**

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Overall, the State Police adhered to policies and procedures governing consent search requests. OLEPS did note more instances in the current than previous reporting period where the facts and circumstances surrounding a consent to search request did not meet the minimum standard of PC. 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

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### Standards

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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

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All canine deployments must be authorized by a supervisor not involved in the stop. 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 30 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. Therefore, there were 29 motor vehicle stops where a canine was deployed officially and one where the canine was deployed unofficially.

Of the 29 deployments at the scene, there were two 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 30 other stops. However, these dogs were dispatched to the station rather than the scene. Unlike the pattern noted in previous reporting periods, the State Police appeared to dispatch a slightly smaller number of canines to the scene of a stop than the station in the current reporting period.

Of the official deployments, 22 were based on RAS and 7 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, 24 (of the total 29) 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 requested and responded to the scene, were not recorded because the dog was not asked to perform while at the scene and the other canine was used to track a fleeing subject rather than search a vehicle.

### **Summary of Standard 3**

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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 earlier reporting periods but is consistent with the most recent reporting period. 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, 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

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### Standards

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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

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In the current reporting period, there were 19 uses of force, one less than 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 15 instances where physical force was used, two involved chemical force, one was a combination of chemical and physical force, and another one was a combination of mechanical and physical force. There were no instances involving the sole use of mechanical force in the current reporting period.

**Table Eleven: Uses of Force by Type of Force**<sup>14</sup>  
8<sup>th</sup> OLEPS Reporting Period

Type of Force	Number of Stops
<b>Physical</b>	15
<b>Chemical</b>	2
<b>Chemical &amp; Physical</b>	1
<b>Mechanical &amp; Physical</b>	1
<b>Total</b>	<b>19</b>

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

<sup>14</sup> 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.

appropriate, based on the requirements above. In this reporting period, there were five uses of force instances where OLEPS was unable to determine whether force was appropriate because the incident occurred outside the view of the DIVR camera.

The 19 motor vehicle stops involved uses of force against the driver, passenger 1, or a combination of the two. In total, there were 16 motor vehicle stops where the driver was a recipient of force and five stops where passenger 1 was a recipient of force. There were two instances where both the driver and passenger 1 were recipients of force.

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

### **Summary of Standard 4**

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OLEPS concluded that the uses of force in the current reporting period were conducted in accordance with State Police requirements. 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

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### Standards

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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

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#### *Recording*

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In the current reporting period, a total of 363 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 (i.e., 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.

Of the 363 stops reviewed by OLEPS, 304 motor vehicle stops (83.75%) had appropriately activated MVR videos. There were 19 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 31 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 nine stops (2.48%) where the video was not activated appropriately when the trooper signaled the stop, fewer than in the previous reporting period. Six of these were noted by supervisory review and only one resulted in an intervention. Thus, there were five video activation errors noted by the State Police that did not result in an intervention.

Audio recording activation occurred at the beginning of 273 motor vehicle stops (75.21%) this reporting period. There were 20 stops where OLEPS was unable to determine whether the audio was activated at the beginning of the motor vehicle stop. Similar to video activation, there were 31 stops where it was not applicable for audio activation to occur at the beginning of the stop.

OLEPS found that in 39 motor vehicle stops, the audio did not activate at the beginning of the stop. Of these errors, slightly less than half, or 19 stops, were noted by State Police supervisory review and six resulted in interventions. There were 13 stops identified as having errors by supervisors that resulted in no intervention. Thus, there were 20 stops where the audio did not activate at the beginning of the stop and the State Police did not note.

As with the activation of audio and video, OLEPS also assesses whether audio and video recordings continue to the completion of a stop, separately. There were 323 stops (88.98%) where the video recording continued to the completion of the stop. There were 18 stops where OLEPS was unable to determine whether video recording continued to the completion of the stop. Additionally, there were five 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 17 stops where the video recording did not continue to the completion of the stop. In 11 of these instances, supervisory review noted these errors but only two of which resulted in interventions.

In 267 motor vehicle stops, the audio recording continued to the completion of the stop. There were 18 stops where OLEPS was unable to determine whether the audio recording continued to completion. As was the case for video recordings, there were five stops where it was not deemed applicable for the audio to continue to the completion of the stop. In all, there were 73 stops where the audio recording did not continue to the completion of the stop. Of these audio errors, the State Police caught 43 in their reviews and 13 resulted in interventions. In total, there were 29 instances where errors were caught by supervisors, but no further action was taken.

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 the previous reporting period had many more instances where OLEPS was unable to determine the status of audio and video activation or continuation because of missing clips, the current period follows the general trend of having more issues with recording the entirety of a stop. In the previous reporting period, there were 20 stops where the video recording did not continue and 87 stops where audio did not continue to the end, while in the current reporting period, there were 19 where the video did not continue and 73 where the audio did not continue. However, in the current reporting period, there were 19 stops where OLEPS could not determine whether video was activated, 20 stops where OLEPS could not determine whether audio was activated, 18 stops where OLEPS could not determine whether video continued to the end of the stop, and 18 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. Similar to the previous reporting period, the current reporting period had 54 stops (14.88%) 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 31 stops (8.54%) where there was a malfunction in the audio, less than the previous reporting period. Malfunctions may result from microphones dying or fading in and out throughout the stop.

Video difficulties were noted in 24 stops (6.61%) 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.). While not ideal for review purposes, the direction of a camera may be less of a concern for a trooper during a motor vehicle stop given the general concern of the safety of both the trooper and the motorist who has been stopped. In addition to video difficulty, there were 13 stops (3.58%) where OLEPS noted a video malfunction.

In the previous reporting period, roughly 24.53% of all stops reviewed had either an audio difficulty or malfunction and about 4.90% had a video malfunction or difficulty. In the current reporting period, the rate of audio issues has decreased, while video issues have increased. About 23.42% of stops had an audio difficulty or malfunction while 10.19% of stops had a video malfunction or difficulty. Thus, while the rate of recording difficulties fluctuates from each reporting period, 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. Generally there has been improvement for both activation of video/audio during a stop as well as the continuation of both until the completion of the stop. During reviews, OLEPS noted that there is still a large portion of stops with 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*

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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 eight stops with several missing communication call-ins. All eight stops had troopers who failed to notify communication of his/her location prior to approach, give vehicle description, the number of occupants, and report the race/ethnicity of occupants. Of these stops, six were caught by supervisory review for failure of calling in location prior to approach and vehicle description, two resulting in interventions. State Police supervisors noted five stops in their review where troopers failed to call-in the number of occupants and their race/ethnicity, with only two resulting in interventions. Finally, the reason for the stop was not called in for nine stops prior to approach; seven were noted in a review and three led to interventions.

In previous reporting periods, a higher proportion of stops were not called in than in the current and previous period. In the current reporting period, there was an increase in the number of errors supervisors noted in call-ins. Also, compared to no interventions in the previous reporting period, there were a couple interventions this reporting period. Despite a few errors in communication, 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 two motor vehicle stops where troopers failed to notify communication of the completion of a stop, both of which were noted by supervisory review, and one resulted in an intervention. Additionally, there were four stops where the actions taken during the stop were not called in. All of these errors were caught by a supervisory review and only one resulted in an intervention.

There were approximately 32 stops where it was unknown whether communication call-ins were conducted due to missing recordings of the stop and audio difficulties/malfunctions. OLEPS continues to recommend 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 and not reviewed by State Police, included the appropriate communication call-ins.

## *Reporting*

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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 363 stops reviewed, there were 74 stops (20.39%) with stop reports containing errors, a decrease from the previous two reporting period. Of these errors, 33 were caught by supervisory review, and seven resulted in an intervention. There were 41 stops where an error was made on a motor vehicle stop report that was not caught by supervisory review.

Investigation reports are required to be completed by troopers only for stops involving investigative activities. In the current reporting period, there were 174 stops that required investigation reports. Of these stops, 162 or 93.1% were completed without errors. In the previous reporting period, 97% of all investigation reports were completed properly. Investigation reports were not completed properly in 12 stops, an increase from the last reporting period. Of these errors, four were caught by supervisory review and two resulted in interventions. Although there was a slight increase in errors in investigation report for the current period, overall 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**

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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.

Although there has been improvement, 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 continue to place emphasis on appropriate reporting by troopers and/or detailed supervisory reviews of these reports.

## Performance Standard 6: Exits & Frisks

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### Standards

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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, pursuant to New Jersey law,<sup>15</sup> a driver may be asked to exit a vehicle for any reason.

### Assessment

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#### *Exits*

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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 340 stops where a driver or occupant(s) was asked to exit the vehicle. Of these stops, 313 involved at least a driver exit, 97 of which were for sobriety reasons.

There were 158 stops where the passenger, labeled "passenger 1," was asked to exit a vehicle. Of these stops, 132 were based on heightened suspicion and 26 were asked to exit as duty to transport. There were 51 stops where "passenger 2" was asked to exit the vehicle, 46 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*

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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).

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<sup>15</sup> *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 involving the driver and/or passengers in 72 motor vehicle stops. Forty of these frisks were based on RAS and 31 were DTT. There were five frisks that did not meet the requirement of RAS, three of which were noted by State Police review, and only one 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 72 stops in which a frisk occurred, 22 were appropriate and followed the requirements. OLEPS was unable to determine whether frisks were appropriate in 44 instances. During the current and previous 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 four frisks that extended beyond a cursory pat-down. Three were noted by State Police supervisory review and resulted in an intervention.

In total, 42 drivers received a frisk. Thirty-two of these frisks were based on RAS and nine were based on DTT. There were four instances where a frisk of the driver did not meet the RAS standard and two were noted by supervisory review. Of these instances, one led to an intervention while the other had no further action. Additionally, there was one frisk of a driver that extended beyond the pat down circle, which was not caught by State Police review and therefore did not result in any intervention.

In 46 motor vehicle stops, at least one passenger was frisked. Forty-one stops involved passenger 1 getting frisked. Of these frisks, 26 were DTT and 15 were based on RAS. Of the RAS frisks, three did not meet the standard of RAS. Two of these errors were caught by supervisory review, and only one resulted in an intervention. There were two frisks of passenger 1 that extended beyond the pat down circle. Only one of these errors was noted by State Police supervisory review and resulted in an intervention. In this reporting period, there were 26 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 six were based on DTT. Of the five RAS frisks of passenger 2, two did not meet the standard of RAS. One of these errors was caught by supervisory review, but did not result in an intervention. There was one frisk of passenger 2 that extended beyond the pat down circle, but only one of these errors was noted by supervisory review and led to an intervention. Also, there were four 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.

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## Summary of Standard 6

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OLEPS' review found the majority of exits and frisks occur in accordance with State Police policies and procedures. The State Police noted most instances where a frisk did not meet the legal standard of RAS and only failed to implement two interventions 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 was unable to observe a number of frisks because they occurred out of view of the camera. While this does not necessarily contradict State Police policies and procedures, it makes it difficult to determine the appropriateness of a frisk.

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## Performance Standard 7: Non-Consensual Searches/Seizures

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### Standards

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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

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#### *Non-Consensual Searches/Seizures: Vehicles*

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There were 40 non-consensual vehicle searches/seizures in the current reporting period, more than in the previous reporting period. Of these searches/seizures, 34 were identifiable as plain view searches/seizures,<sup>16</sup> five were credential or ownership searches, eight were vehicle frisks, and three were identified as "other." Most of these "other" searches were done because troopers broke the plain of the vehicle.

OLEPS noted that errors were made on the searches in six stops. Three of the errors were noted by State Police, but did not result in an intervention. Specifically, in three motor vehicle stops, Troopers broke the plain of the vehicle involved in the motor vehicle stop. In one incident, the trooper did not have valid expectation to the constitutional search and in one other incident the trooper entered the vehicle to search for evidence without a search warrant.

#### *Non-Consensual Searches/Seizures: Persons*

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In the current reporting period, there were 338 stops involving a search of a person. Per State Police policy, these searches should be incident to arrest. There were 295 searches of drivers incident to arrest and four searches that were not incident to arrest. All four of these errors were noted by State Police supervisory review and interventions were issued for three stops. There were 120 stops with searches of passenger 1 incident to arrest and two that were not incident to arrest. The two search errors were noted by the State Police and one led to an intervention. Finally, in 37 stops there was a search of passenger 2 incident to arrest and one that was not. The State Police did catch this error and had an intervention.

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<sup>16</sup> 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

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OLEPS' review of non-consensual searches/seizures found them to be in accordance with State Police policies and procedures. There was an increase in non-consensual searches in this reporting period but still only had a few number of errors. 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 continues to show 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

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### Standards

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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

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The average length of motor vehicle stops reviewed during this reporting period is 44.69 minutes and the standard deviation of this distribution is 31.09 minutes. Thus, all stops greater than 75.78 minutes or less than 13.6 minutes are more than one standard deviation from the mean. There are 54 stops greater than one standard deviation above the mean, 47 of which had consent requests and 20 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 29 stops that are one standard deviation below the mean stop length. None of these stops involved a consent to search request. However, one did involve uses of force. The only post stop interaction in the majority of these stops was an arrest.

The average length of motor vehicle stops in this reporting period is slightly longer than the previous reporting period, 44.69 minutes here and 42.03 minutes in the previous reporting period. The standard deviation in the current period, 31.09 minutes, is slightly less than that of the previous period, 33.03. This indicates that not only are the stops slightly longer 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.

### *Duration of Stops*

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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, 44.69 minutes. This number is an increase from the average from the previous period, which was 42.03 minutes. While

this reporting period included another sample of stops where the activity of interest was an arrest, and not a search, this average stop length in the current sample is longer than the previous reporting period. Because the circumstances that may surround an arrest, whether it is based on an outstanding warrant or probable cause, some stops with arrests may be lengthier than others.

**Table Twelve: Average Length (minutes) of Motor Vehicle Stops**  
8<sup>th</sup> OLEPS Reporting Period

	Average Stop Length
<b>All Stops</b>	44.69
<b>All Stops with Consent Requests</b>	61.91
<b>RAS Consent Requests</b>	72.60
<b>PC Consent Requests</b>	44.19
<b>Consent Granted</b>	64.45
<b>Consent Denied</b>	55.92
<b>Canine Deployment</b>	101.72
<b>Consent Requests &amp; Canine Deployments</b>	99.22
<b>Consent Granted &amp; Canine Deployed</b>	92.93
<b>Consent Denied &amp; Canine Deployed</b>	106.00

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 61.91 minutes, much longer than the 44.69 minute average for all stops. However, this average is shorter than the average length of stops with consent requests in the previous reporting period, which averaged 72.50 minutes. 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 44.19 minutes, while the average for RAS consents was 72.60 minutes. The average length of stops with PC consent requests in the current reporting period is shorter than the previous few reporting periods, which averaged around 50-60 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 a statistically reliable difference between the mean length of stops with PC consent requests ( $M=44.19$ ,  $s=18.259$ ) and those with RAS consent requests ( $M=72.60$ ,  $s=30.738$ ),  $t(175.972)=7.736$ ,  $p=.000$ ,  $\alpha=.01$  (two-tailed). This means that there is a statistically significant difference between the length of stops with RAS and PC consent requests; stops with RAS consent requests are, on average, significantly longer than those with PC consent requests.

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 64.45 minutes while those with consent searches that were denied have an average stop length of 55.92 minutes. In the previous reporting period, the length of stops with denied consent requests was lengthier than the length of those with granted consent requests. However, in the current reporting

period, the pattern has returned to the expected; stops with granted consent requests are longer than those with denied consent requests. 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 ( $M=64.45$ ,  $s=27.826$ ) and where a consent request was denied ( $M=55.92$ ,  $s=34.233$ ),  $t(176)=1.741$ ,  $p=.083$ ,  $\alpha=.05$  (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 101.72 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 ( $M=101.72$ ,  $s=34.547$ ) and without a canine deployment ( $M=39.74$ ,  $s=25.343$ ),  $t(30.672)=9.44$ ,  $p=.000$ ,  $\alpha=.05$  (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 99.22 minutes. 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 92.93 minutes while those stops with a denied request and a canine deployment had an average length of 106 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 ( $M=92.93$ ,  $s=35.378$ ) and those with a canine deployment and denied consent request ( $M=106$ ,  $s=29.905$ ),  $t(25)=-1.033$ ,  $p=.312$ ,  $\alpha=.05$  (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 44.01 minutes, while Black drivers have an average of 48.95 minutes, and Hispanic drivers have an average of 38.86 minutes. Asian drivers have an average of 38.36 minutes.

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

8<sup>th</sup> OLEPS Reporting Period

#### Part A

	All Stops	Consents	RAS Consents	PC Consents
<b>White</b>	44.01	60.54	70.32	38.07
<b>Black</b>	48.95	65.66	78.06	49.59
<b>Hispanic</b>	38.86	58.86	77.90	41.55
<b>Asian</b>	38.36	54.17	47.00	68.50

7<sup>th</sup> OLEPS Reporting Period**Part B**

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

*All Stops*

Significant differences between the average length of stop for all stops were found between Black (M=48.95, s=31.130) and Hispanic drivers (M=38.86, s=34.447),  $t(175)=2.139$ ,  $p=.03$ ,  $\alpha=.05$  (two-tailed). A one-tailed test would conclude that the length of stops for Black drivers is significantly longer than the length of stops for Hispanic drivers. These results indicate that Black drivers have significantly longer stops than Hispanic drivers. The difference in length of stop for all other racial/groups was not statistically significant. Thus, we cannot rank the results.

The average stop lengths for the current reporting period are longer than those for the previous reporting period for each racial/ethnic group. This difference may be due to the specific stops selected for review in this reporting period.

*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<sup>17</sup> decreased for White, Black, and Hispanic drivers. The average length of motor vehicle stops with consent to search requests decreased for White drivers from 71.04 minutes to 60.54 minutes, for Black drivers from 75.44 minutes to 65.66 minutes, and for Hispanic drivers from 71.00 minutes to 58.86 minutes. For Asian drivers, the average length of stop with a consent to search request increased from 23 minutes to 54.17 minutes. Because there are typically a small number of drivers who are Asian in each reporting period, the average is likely to be susceptible to influence from a few stops that may be anomalous.

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 to the sixth reporting periods, they have declined since. This is likely due to the fact that the majority of consent requests in the current and previous reporting periods 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 current reporting period, Black drivers have the longest

<sup>17</sup> This assessment includes both denied and granted consent to search requests.

average length of stops with RAS consent requests, 78.06 minutes. Hispanic drivers have the second longest average length of stop, 77.90 minutes, followed by White drivers with 70.32 minutes, and Asian drivers with a 47 minute average. Overall, the average length of stops for each racial/ethnic group are shorter this reporting period than the previous, with the exception of Asian drivers.

An independent samples *t*-test did find a statistically significant difference between the length of stops with RAS consent requests for Hispanic ( $M=77.90$ ,  $s=18.448$ ) and Asian ( $M=47.00$ ,  $s=23.636$ ),  $t(12)=2.628$ ,  $p=.02$ ,  $\alpha=.05$  drivers only. The average length of a stop with an RAS consent request involving a Hispanic driver is significantly longer than the average length of a stop with an RAS consent request involving an Asian driver. The differences noted between average lengths for all other racial/ethnic groups are not statistically significant.

### *PC Consent Requests*

Stops with PC consent requests are shorter in the current reporting period compared to the previous reporting period for all racial/ethnic groups. The average length of stops with PC consent requests for White drivers is 38.07 minutes here and was 59.77 minutes in the previous period. Black drivers decreased from 68.53 to 49.59 minutes while Hispanic drivers experienced a decrease from 57.33 minutes in the previous period to 41.55 minutes in the current period.

A word of caution is needed regarding the length of stops with PC consent to search requests. In the previous reporting period, there were only 34 stops with a PC consent request and there are only 67 in the current reporting period. Due to the small number of stops with PC consent requests, the average may be easily susceptible to influence from outliers and not truly indicative of the average length of stops with probable cause consent searches. 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 find a statistically significant difference between the average length of stops with PC consent requests for White ( $M=38.07$ ,  $s=12.102$ ) and Black ( $M=49.59$ ,  $s=22.368$ ),  $t(52)=-2.353$ ,  $p=.02$ ,  $\alpha=.05$  drivers. The average length of stops with a PC consent request are longer for Black than White drivers. Additionally, the difference between White ( $M=38.07$ ,  $s=12.102$ ) and Asian ( $M=68.50$ ,  $s=26.163$ ),  $t(27)=-3.219$ ,  $p=.003$ ,  $\alpha=.05$  drivers was also significant, suggesting that Asian drivers have lengthier stops than White drivers. Finally, the difference noted for Black ( $M=49.59$ ,  $s=22.368$ ) and Asian ( $M=68.50$ ,  $s=26.163$ ),  $t(11)=-2.519$ ,  $p=.029$ ,  $\alpha=.05$  drivers was also significant; Black drivers have shorter stops with PC consent requests than Asian drivers. Despite these significant differences, we cannot rank the length of stops due to non-significant differences between the remaining racial/ethnic groups.

### *Noted Issue: Defacto Arrests*

In the current reporting period, OLEPS noted issues of length regarding two stops. These stops were determined to be overly lengthy due to defacto arrests. In both of these instances, individuals involved in the stop were not placed under arrest but they were also not permitted to leave the scene of the stop.

In one of these instances, the trooper gathered information for 55 minutes and then requested a canine to be deployed to the scene of the stop. The canine arrived 34 minutes after the request was

made. At this point, the individual had been stopped for 109 minutes on the side of the road. OLEPS review indicated that this was an inappropriate length of time to be stopped on the side of the road while an individual was not placed under arrest. OLEPS shared this concern with the State Police, who agreed that the length of time was egregious. In another stop, it was noted that a subject was brought back to the station for further investigation, but not placed under arrest. This individual was not free to leave the scene of the stop or to not return to the station but was not technically arrested. Again, because of the individual's inability to leave, this incident was labeled a defacto arrest.

OLEPS continues to remind the State Police that RAS interactions should be brief. The purpose of RAS is not to hold an individual until such a time that enough evidence of criminal activity manifests. Troopers are required to release an individual in instances where they do not have probable cause to place them under arrest. Unnecessarily lengthening a motor vehicle stop in order to obtain more information about a criminal activity violates the spirit of this standard.

### **Summary of Standard 8**

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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. OLEPS recommends that State Police supervisors examine stops in detail to ensure that troopers are not unnecessarily lengthening stops to obtain further information.

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# Supervisory Review

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## Performance Standard 9: Supervisory Review of Motor Vehicle Stops

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### Standards

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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

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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.

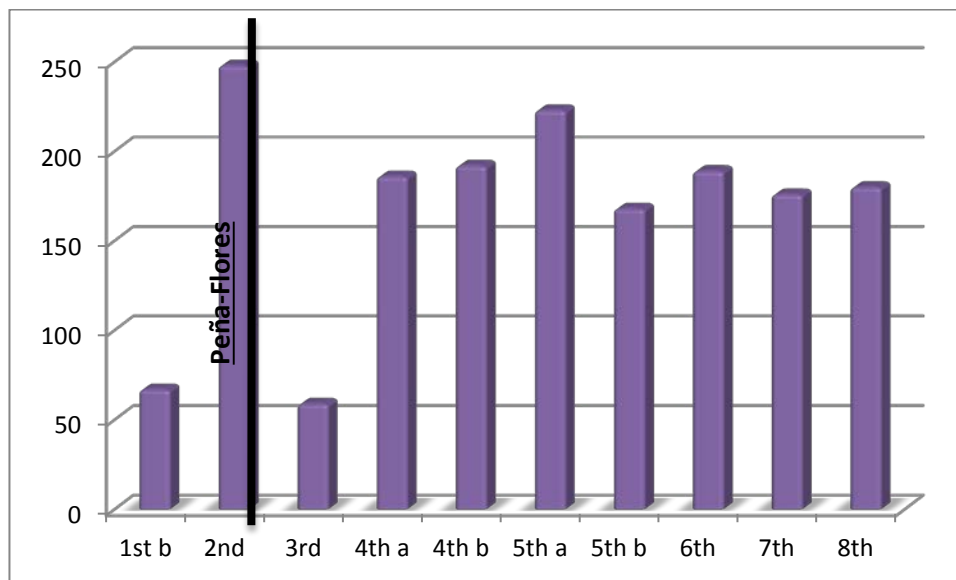
The State Police have specific guidelines that detail the requirements, trooper responsibilities, and appropriate actions required in motor vehicle stops. To ensure adherence to these procedures, supervisory personnel in the State Police review motor vehicle stops to determine whether all requirements were followed and to ensure 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 August 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 nine stops that were reviewed after OLEPS pulled motor vehicle stops records for this reporting period.

*All Errors*

In the current reporting period, 180 stops contained errors, slightly more than the number of stops with errors found in the previous reporting period but less than the first half of 2012, 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 1<sup>st</sup> 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 declined slightly but remained relatively steady. In total, there were 183 motor vehicle stops conducted by the State Police that did not contain any errors in the current reporting period.

**Figure Nine: Total Stops with Errors, by Reporting Period**<sup>18</sup>  
1<sup>st</sup> through 8<sup>th</sup> OLEPS Reporting Periods



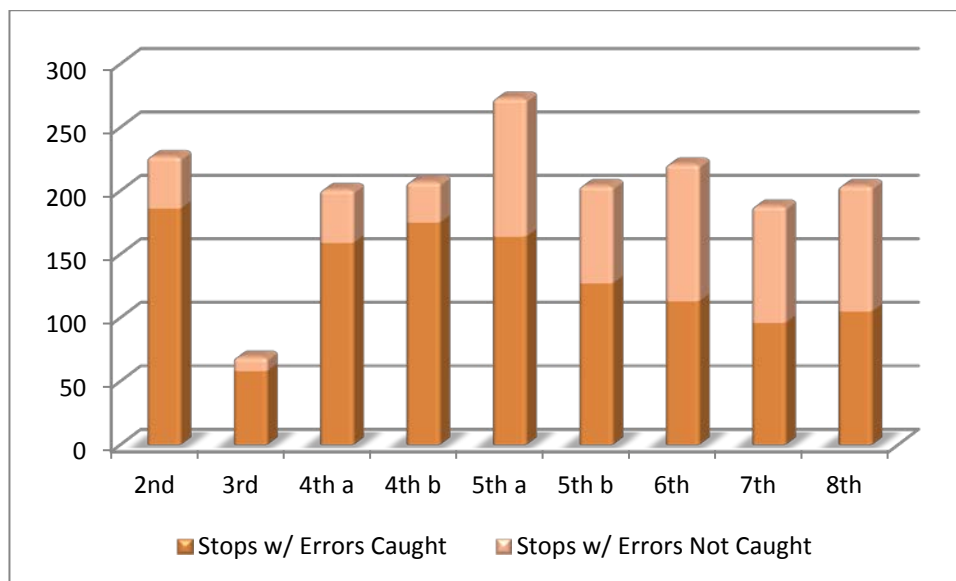
Of the 180 stops with errors, 105 contained errors caught by the State Police and 99 contained errors not caught by supervisory review.<sup>19</sup> That is, 27.27% of all motor vehicle stops contained an error not caught by supervisory review. This is less than the percentage of stops with errors not caught in the previous reporting period, 28.22%. 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 62 stops with uncaught errors that had not undergone review by the State Police. Thus, only 37 stops contained errors not caught by the State Police despite supervisory reviews.

<sup>18</sup> The high number of errors noted in the 2<sup>nd</sup> reporting period are generally procedural in nature and stem from changes pursuant to Peña-Flores.

<sup>19</sup> Only 37 of these 99 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.

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 105 stops and failed to catch errors in 99 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 more likely due to sample selection than a decline in the quality of reviews. 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**  
2<sup>nd</sup> through 8<sup>th</sup> OLEPS Reporting Periods

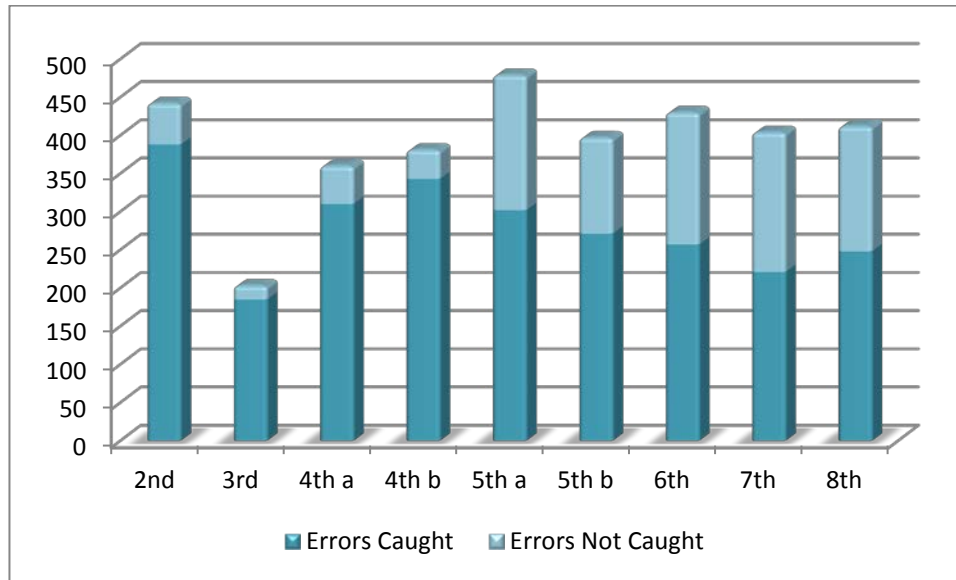


Because each stop may include both errors caught and errors not caught, Figure Eleven presents the total number of errors that were caught and the total number of errors that were not caught. In the current reporting period, while there were only 180 motor vehicle stops with errors, there were 412 errors in those 180 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. The proportion of errors not caught has declined in current reporting period after increasing in the previous two reporting periods. In the current reporting period, OLEPS noted 164 errors while the State Police noted 248 errors. This increase may result from sample selection.

Figures Nine through Eleven highlight the 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 State Police have not reviewed. OLEPS recommends that the State Police increase their level of detail during motor vehicle stop reviews to ensure that all errors in reviewed stops are noted. OLEPS hopes that future reporting periods will have much higher numbers of errors caught by State Police than by OLEPS.

**Figure Eleven: Errors Caught v. Errors not Caught**  
2<sup>nd</sup> through 8<sup>th</sup> 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 185 of the total 363 stops received a review by State Police. The first two bars present the total number of stops with errors in the current reporting period. For the stops that State Police reviewed, there were 117 stops with errors compared to 180 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 should be the same for both State Police and OLEPS reviews, but they differ by two stops in the current reporting period.<sup>20</sup> The number of stops with errors not caught also differs between OLEPS and State Police reviews. In the stops State Police reviewed, OLEPS noted 37 stops with an error that was not caught by State Police. Overall, OLEPS caught errors in 99 stops, those with and without a State Police review. The fact that OLEPS was able to note 37 stops with an error not caught out of the stops that State Police did review, is of concern. While this number had been improving in previous reporting periods, the 37 stops in the current reporting period are slightly

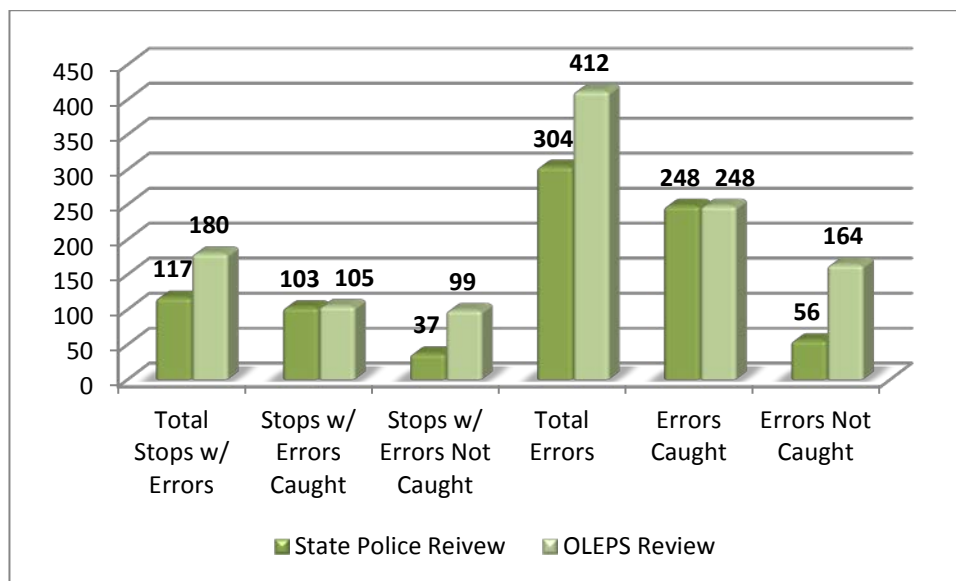
<sup>20</sup> There were two stops with communication call-in errors that are technically caught because the trooper later radioed these issues through CAD, despite no official review occurring in these stops.

higher than the 24 in the previous reporting period. OLEPS again reminds the State Police of the quality and detail necessary for motor vehicle stop reviews.

Additionally, among the stops with State Police reviews, there were only 304 errors made, while there were 412 made in the stops OLEPS reviewed. In total, OLEPS noted 56 errors that the State Police failed to note in the stops that they reviewed. OLEPS noted a total of 164 errors in stops reviewed.

The fact that State Police failed to note 56 errors in 37 motor vehicle stops that they did review, is a concern. The State Police only reviewed 185 stops in the current sample. The 37 stops with uncaught errors represent about 20% of the total number of stops that it reviewed. While this proportion is an improvement from earlier years, it is slightly higher than the proportion noted in the previous reporting period. OLEPS commends State Police on the improvement of this error rate, but cautions State Police to continue conducting thorough, detailed reviews of stops. OLEPS recommends that 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**  
8<sup>th</sup> OLEPS Reporting Period

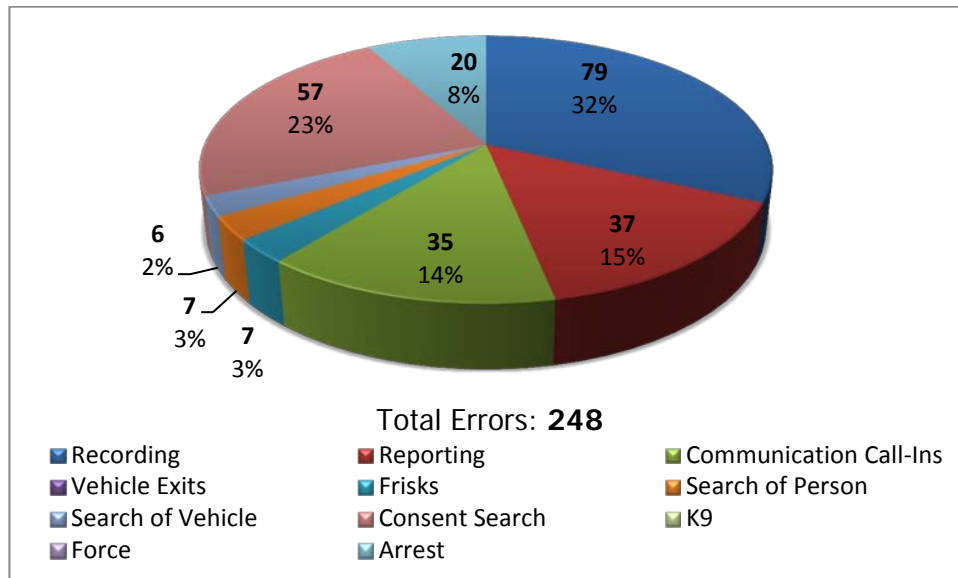


*Types of Errors*

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**  
8<sup>th</sup> OLEPS Reporting Period

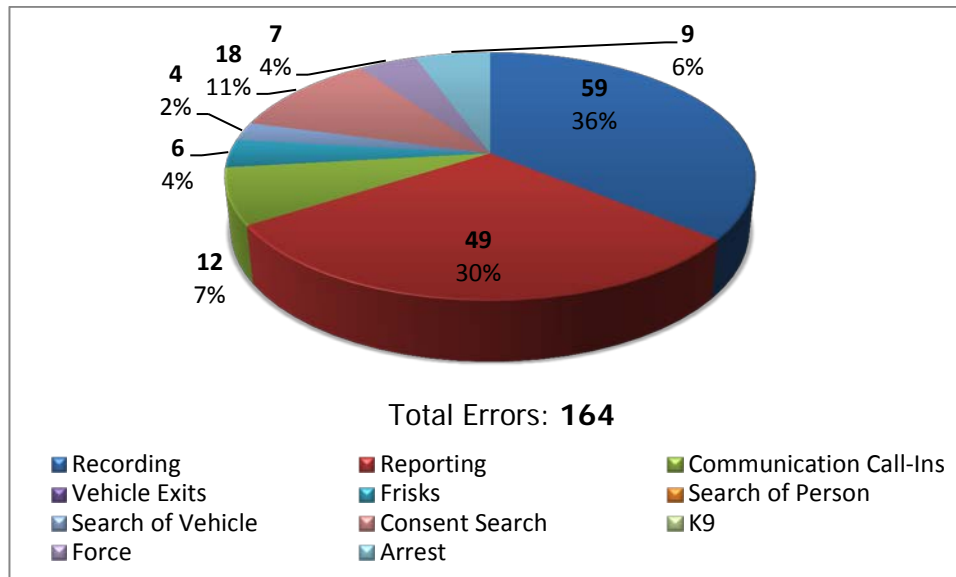


The most common errors caught by the State Police for this reporting period are recording errors. State Police supervisory review noted 79 errors pertaining to the recording of motor vehicle stops. The second most common type of error caught were those pertaining to consent searches. State Police supervisory review noted 57 errors relating to consent searches. In total, these two categories of errors account for slightly more than half, 53%, of the errors caught. Of the 248 errors caught by the State Police, 136 were errors caught pertaining to recording and consent searches. For the second reporting period in a row, there has been a decline in the proportion of errors caught pertaining to reporting, 15% here compared to 18% in the previous reporting period. In the previous reporting period, there was a very small proportion of errors caught pertaining to arrests, 3%. This proportion has increased in the current reporting period, to 8%. The proportion of errors caught regarding communication call-ins has increased fairly dramatically in the current reporting period, from 5% in the previous to 14% in the current. 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

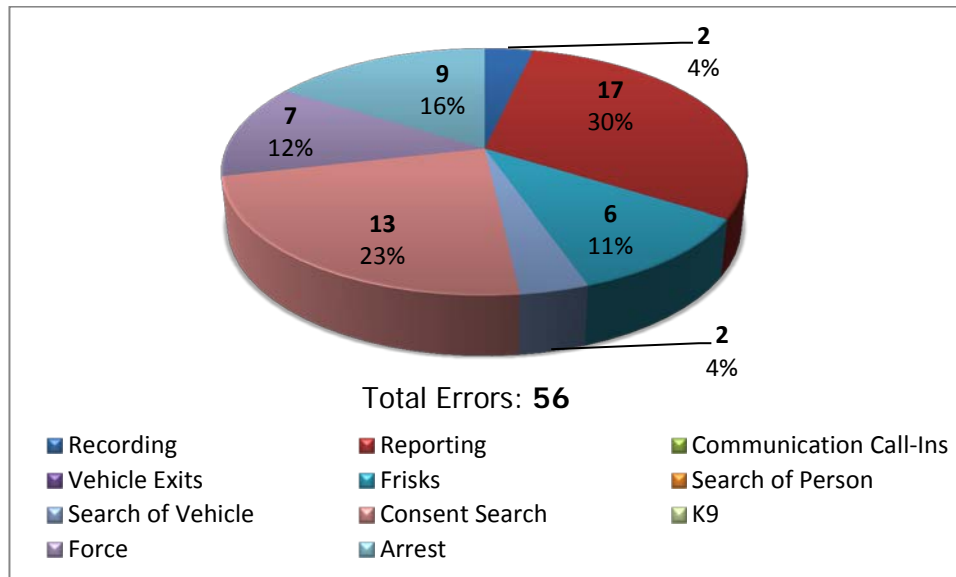
reporting period, as shown in Figure Fourteen. The majority of errors not caught, 77%, pertained to recording, reporting, or consent to search requests. Thirty-six percent of all errors not caught pertained to recording, 30% pertained to reporting, and 11% pertained to consent requests. There were also 12 uncaught errors in communication call-ins, nine pertaining to arrests, seven uncaught errors pertaining to force, six pertaining to frisks, and four related to the search of a vehicle.

**Figure Fourteen: Type of Errors Not Caught**  
8<sup>th</sup> 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 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 State Police did review, there were only 56 errors not caught, nearly double the number from the previous reporting period. The most common type of error not caught by State Police were those pertaining to consent searches and reporting; 23% of errors not caught, 13 errors, pertained to consent to search requests and 30%, 17 errors, pertained to reporting. There were only nine (16%) arrest errors, six (11%) frisk errors, seven (12%) use of force errors not caught and 2 (3%) search of vehicle and recording errors. Compared to errors caught, State Police caught a higher number of errors in each category type except for use of force than they failed to catch. State Police did have the opportunity to catch these errors but failed to do so. Additionally, compared to the previous reporting period, the State Police failed to note a much larger proportion of errors pertaining to consent searches in the current reporting period.

**Figure Fifteen: Type of Errors Not Caught in Stops with State Police Reviews**  
8<sup>th</sup> OLEPS Reporting Period



As noted in the previous reporting period, OLEPS has paid close attention to the reviews of stops in 2012 and the first half of 2013 as a way to assess the appropriateness of the new motor vehicle stop review schedule. OLEPS' approval of a revised review schedule, which allowed State Police to review a smaller number of stops, was contingent upon continued detail in these reviews. While 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 State Police for the improvement.

### *Interventions*

Interventions are a tool used by 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 State Police did catch 248 errors, there were only 82 interventions issued. Thus, only about 33.06% 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.

Unlike the previous reporting period, there was only one category of errors where the rate of intervention was above 70%; errors pertaining to search of a person resulted in an intervention in 71.43% of instances. However, 57.14% of errors pertaining to frisks and 55% of errors pertaining to arrests did result in interventions. The proportion of errors pertaining to arrests is a large increase from the previous reporting period, where only 16.67% of errors caught pertaining to arrests resulted in interventions. Thus, not only did State Police improve in the notation of arrest errors, but they also improved in the rate of interventions. Improvements were also noted for communication call-ins which increased from 16.67% to 37.14%, recording errors which increased from 25% to 27.85%, and reporting errors which increased from 17.5% to 37.14%. However, a number of decreases in the proportions of interventions were also noted. The largest were for errors pertaining to search of a vehicle. While these errors are relatively rare, only seven were caught in the current period and five in the previous, State Police typically issued interventions for the overwhelming majority of these errors. In the current period, State Police issued interventions for none of these errors caught. Additionally, consent request errors resulted in interventions in only 31.58% of all errors caught in the current period while the previous period the rate of interventions was 56.36%. Overall, only 33.06% of all errors caught resulted in an intervention in the current reporting period, slightly less than the proportion in the previous reporting period, but not a drastic change.

**Table Fourteen: Proportion and Type of Caught Errors Resulting in an Intervention**  
8<sup>th</sup> OLEPS Reporting Period

	Number of Interventions	Number of Errors Caught	% of Errors Caught
<b>Recording</b>	22	79	27.85%
<b>Reporting</b>	9	37	24.62%
<b>Communication Call-Ins</b>	13	35	37.14%
<b>Vehicle Exits</b>	0	0	
<b>Frisks</b>	4	7	57.14%
<b>Search of Person</b>	5	7	71.43%
<b>Search of Vehicle</b>	0	6	0.00%
<b>Consent Requests</b>	18	57	31.58%
<b>K9</b>	0	0	
<b>Use of Force</b>	0	0	
<b>Arrest</b>	11	20	55.00%
<b>Total</b>	82	248	33.06%

In the previous reporting period, it appeared that State Police were increasing the use of interventions when an error was caught. However, the current reporting period does not appear to follow the same pattern. A slightly smaller proportion of errors caught resulted in interventions in the current reporting period, roughly 1/3 of all errors caught. OLEPS continues to recommend the use of interventions

following and error to ensure that troopers are aware of mistakes made, that they have the opportunity to learn from those mistakes, and to potentially prevent future mistakes.

## **Summary of Standard 9**

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The current reporting period was the third to contain a large number of stops that did not receive a supervisory review by State Police. As such, the overall number of errors caught by OLEPS that were overlooked by State Police is high. However, the remaining issue is that 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 20% of all stops reviewed by State Police contained errors not noted in reviews. While this number is high, potentially more troubling is that roughly 35% 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 State Police. 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 State Police more appropriately and effectively utilize the intervention tool.

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## Performance Standard 10: Supervisory Referral to OPS

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### Standards

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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

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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 no incidents to OPS for review in the current reporting period.

## Performance Standard 11: Supervisory Presence in the Field

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### Standard

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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

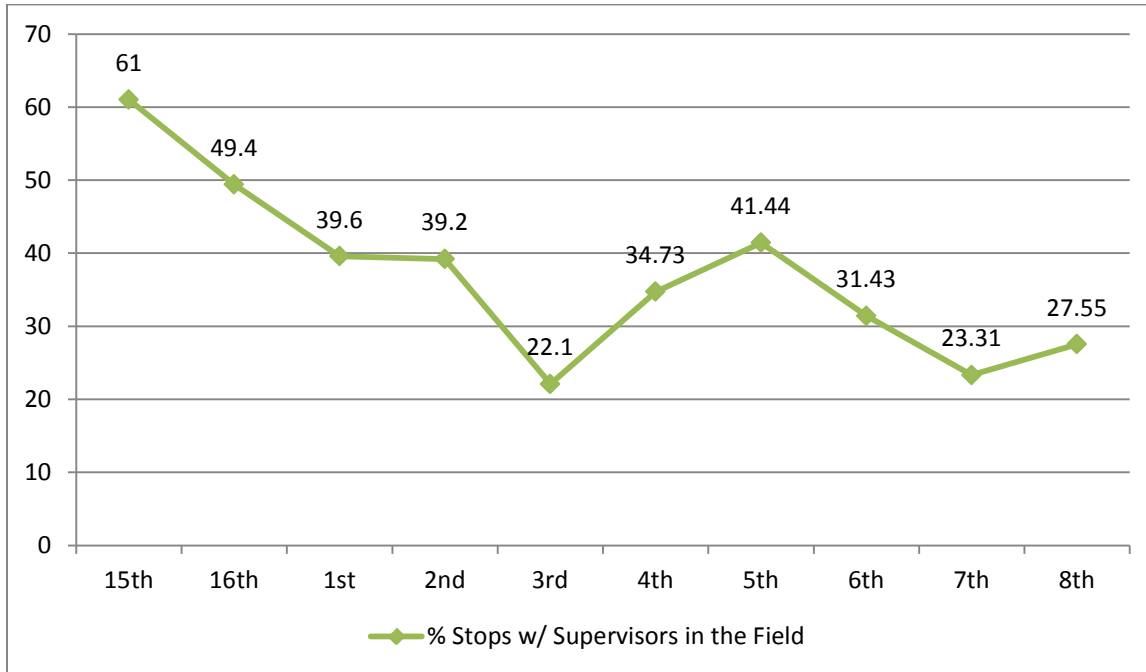
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For several reporting periods, OLEPS has noted a trend of low supervisory presence. Supervisory presence began increasing in the fifth reporting period, but has since declined. Figure Sixteen presents this trend. In the current reporting period, supervisors were present in 100, 27.55%, stops. Fifty stops were verified by video and 50 were only able to be verified through stop reports. In the previous reporting period, a supervisor was present in about 31% of all stops. Since the 15<sup>th</sup> 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 still remains low.

Supervisors were present in 21 stops or 16.8% of all stops with consent requests, 21 stops or 35.59% of all stops with official canine deployments, and 7 stops or 36.84% of stops with uses of force. Compared to the previous reporting period, there were fewer supervisors present in all these stops.

OLEPS anticipated increases in supervisory presence in the field in the coming reporting periods, especially since 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. However, this was not the case in the current reporting period, with decreases in all supervisory presence in stops involving consent requests, canine deployments, and uses of force. While the decline of supervisors at the scene of the stop in the current reporting period is contrary to expectations and discussions with State Police, it is not wholly unexpected as 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**  
8<sup>th</sup> OLEPS Reporting Period



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# Office of Professional Standards & Investigations

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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

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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

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### Standards

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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

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In the current reporting period, OLEPS performed one audit of investigations conducted by OPS, covering January 1, 2013- June 30, 2013.

This audit consisted of a review of 72 closed misconduct cases. Of this total, 37 consisted of complaints involving racial profiling, disparate treatment, excessive force, illegal or improper searches, and domestic violence. An additional 35 cases were randomly selected for review from all other misconduct investigations. Reviews of the written files for all 72 closed investigations were conducted. An additional review of audio and video evidence was conducted for four cases.

### *Investigation Length*

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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 30%, 21 cases, were not completed within the 120 working day requirement. During this audit, OLEPS did not

comment on the appropriateness of these delays but did note that in the delayed cases, no requests for an extension were filed. 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*

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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 2013, OLEPS performed roughly 49 legal sufficiency and penalty reviews.

### *Re-Open Cases*

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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*

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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.

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## Performance Standard 13: Internal Audits of Citizen Complaint Processes

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### Standards

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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

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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 January 1, 2013 – June 30, 2013. A total of 91 complaint calls were made to the hotline during the review period, and OLEPS reviewed a randomly selected portion of these calls. All 10 calls reviewed were assigned an OPS case number and handled appropriately.

# Training

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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.

OLEPS will be presenting its overall assessment of the training process (Training Performance Standards 14 through 22) for the calendar year 2013 in the Ninth Oversight Report.

Training

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# MAPPS

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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])<sup>21</sup> 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

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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

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<sup>21</sup> 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<sup>22</sup> 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

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### Standards

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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

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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 363 motor vehicle stops in the current period conducted by 241 troopers. All 241 troopers were selected for the MAPPs audit, increasing the proportion of the Division in the sample to about 9.6%. 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*

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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

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<sup>22</sup> 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 241 troopers for the current reporting period.

### *Performance Data*

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#### *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, 240 troopers received quarterly reviews. As of January 2014, one trooper had not received quarterly reviews for the first half of 2013.

Annual evaluations are categorized as Partial, Second Probationary, and Third Probationary evaluations. There were 16 partial evaluations conducted for the first half of 2013 and one annual evaluation. There were 13 Third Probationary evaluations conducted in the first half of 2013.

### *Assignments*

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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 241 troopers.

### *Training*

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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 will be discussed in depth in Performance Standards 14, 15, and 21 in OLEPS' Ninth Oversight Report

In the current reporting period, 239 troopers completed Spring Firearms training. One of the two troopers who did not fulfill the training was on administrative leave during this reporting period. The other trooper did not receive any interventions or journal entries regarding the missed training.

### *Compliments*

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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 53 of the troopers sampled received a compliment in the current reporting period.

## *MVR*

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Motor vehicle stops are required to undergo supervisory review as determined by Field Operations' review schedule. For this requirement, OLEPS examined whether the stops conducted by the sampled troopers were reviewed and stored in MAPPS. OLEPS found evidence that 240 sampled troopers had reviews of motor vehicle stops on record for the current reporting period. The trooper without any reviews was a detective during the current reporting period who does not routinely conducting motor vehicle stops.

## *Journals*

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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 13 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. 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*

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### *Interventions*

MAPPS contains an Interventions module wherein members may issue an intervention or task another member with administering an intervention directed toward improving a member's performance. OLEPS found that interventions were recorded for 195 of the 241 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, interventions stemming from motor vehicle stops were noted in only 33% of errors caught by State Police.

### *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 207 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 first half of 2013.

## *Misconduct*

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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, 19 of the 241 sampled troopers had at least one misconduct listed in MAPPS.

### *Use of Force Supervisory Reviews*

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The State Police have set a threshold of two uses of force per trooper within a one year period before an alert is triggered that begins a supervisory review process. In the current reporting period, eight of the 241 troopers had documented use of force supervisory reviews in MAPPS.

### *Meaningful Reviews/ 3 in 2 Reviews*

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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 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.

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 IA-Pro<sup>23</sup> 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.

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 IA-Pro. In total, there were 41 meaningful reviews conducted during this period. The increase in the number of meaningful reviews, from 13 in the previous reporting period to 41 in the current reporting period is a reflection of an issue noted in meaningful reviews. As noted in the previous Oversight Report, in late 2012, OLEPS noted that alerts were triggered for a large number of meaningful reviews that did not lead to actual reviews. As a result, OPS opened a number of these outstanding alerts in the beginning of 2013, thus, the dramatic increase in the number of meaningful reviews.

MAPPS contained interventions for 28 of the 41 meaningful reviews conducted during this reporting period. In 29 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.

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<sup>23</sup> IA-Pro is the program that houses data on State Police internal affairs cases.

### *Additional MAPPS Issues*

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Central to the development and maintenance of the MAPPS system is the issue of appropriate staffing to analyze the data. While earlier reporting periods (17<sup>th</sup>) 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**

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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. As discussed in the training section of the Seventh Oversight Report, OLEPS recommends a formal policy regarding discipline when a trooper misses requisite training. The trooper missing firearms training for the current reporting period received no formal documentation or interventions in MAPPS regarding this missed training, despite the mandate of bi-annual firearms training.

## Performance Standard 24: MAPPS Reports

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### Standards

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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

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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.

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# Oversight & Public Information

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

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### Standards

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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

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During the current reporting period, OLEPS was on schedule for the publication of the Oversight Report and slightly delayed on the publication of the Aggregate Report due to data issues and unforeseen circumstances (Hurricane Sandy and delays in the review of reports). OLEPS' 7<sup>th</sup> and 8<sup>th</sup> Aggregate Reports were published in December 2013. However, additional delays in the availability of data from State Police have delayed publication of OLEPS' 9<sup>th</sup> Aggregate Report, which covers the first half of 2013. OLEPS anticipates that this report will be published in early 2013. 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 Ninth Aggregate Report.

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**

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### **Standards**

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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**

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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.

**Performance Standard 26**

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# Summary

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## Overview

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The results of OLEPS' analysis of State Police from January 1, 2013 to June 30, 2013 indicate that, overall, the State Police follow the guidelines regulating trooper activity. The 363 motor vehicle stops, MAPPS data, and OPS cases reviewed indicate that 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 are no significant differences in the racial/ethnic distributions of the number of stops or those involving consent to search requests, canine deployments, uses of force, or arrests. Nonetheless, White drivers were involved in the largest proportion of all stops and these enforcement activities. However, Black drivers were involved in a disproportionate number of stops with canine deployments when compared to their proportion of all stops in the current reporting period.

In the current reporting period OLEPS did note several instances where troopers did not meet the appropriate legal standards for the post-stop activities used. Specifically, there were five stops where the legal standard was not met to request consent to search (four RAS and one PC). Additionally, there were two stops where the length of the stop and the fact that individuals were not permitted to leave, turned into defacto arrests despite not officially being placed under arrest. OLEPS reminds State Police of the importance of supervisory reviews and the need to reinforce State Police policies and procedures when a trooper violates them.

Overall, stops reviewed in the current reporting period were longer than in the previous reporting period, likely the result of sample selection. Significant differences were found between the length of all stops for Black drivers and Hispanic drivers; Black drivers had significantly lengthier stops, on average, than Hispanic drivers. The differences between all other racial/ethnic groups were not significant. The issue of defacto arrests, noted above, pertained specifically to the length of time that individuals were held during a stop. OLEPS recommends that State Police supervisors reiterate policies and procedures regarding stops. Specifically, the independent monitors had expressed concerns regarding the length of stops while State Police was under the Consent Decree. OLEPS reminds State Police of this history and encourages supervisors to note issues regarding the length of motor vehicle stops.

State Police continues to fail to note a number of errors made during motor vehicle stops. In the previous reporting period, 28% of all stops contained errors not caught while in the current reporting period 27% of stops reviewed contained errors not caught. The continued decline in errors not caught is commendable. However, since OLEPS did review a number of stops that State Police did not review, a high number of these errors were caught by OLEPS only. The majority of these errors pertained to record, consent to search requests, arrests, and uses of force. Due to the number of errors noted in the current reporting period, even among those reviewed by State Police, 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.

Related, the use of interventions following an error during a motor vehicle stop remains relatively rare. Again, only about a third of all stops with errors caught resulted in an intervention. In the current reporting period, interventions were used most frequently for errors pertaining to search of persons, frisks, and arrests. OLEPS continues to recommend State Police supervisors use interventions when errors are noted.

Recording issues persist in the current reporting period. Recordings of stops are still not ideal; many stops have missing recordings, malfunctions, or difficulties that make reviewing stops difficult. State Police should continue to ensure appropriate cataloging of motor vehicle stop recordings and to ensure that equipment remains up to date and in working order.

In the current reporting period, OLEPS has continued to experience delays in obtaining data necessary for OLEPS' Aggregate and Oversight Reports. Data requested to write the Aggregate Report covering this same reporting period were delayed and not available when requested in June 2013. At press, that data is still not available. OLEPS has been informed that subsequent data requests will be delayed indefinitely as well. The Bureau within State Police responsible for providing data to OLEPS experienced both enlisted and civilian staffing attrition in 2012. This Bureau is responsible for the upkeep and maintenance of several data management systems used by the State Police daily, including CAD and RMS. Without the staff to manage these systems, even the smallest technical issues may become larger problems. Hampered by budgetary constraints, State Police have not yet been given approval to replace the civilian staff and are still currently seeking troopers with the requisite computer skills for the positions. Reiterating concerns voiced in previous reports, OLEPS strongly encourages State Police to adequately staff offices responsible for functions relevant to the Consent Decree- the Information Technology Bureau, MAPPS Unit, Office of Professional Standards, and Training Bureau. Without the appropriate staffing and appropriate numbers of staff the functionality of these units, bureaus, and offices is in serious jeopardy.

## Recommendations

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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.
- Reinforce concerns regarding the length of stops. Refer to previous Monitoring Reports written by the Independent Monitor for more detail regarding the concerns surrounding defacto arrests.
- Increase supervisory presence in the field, especially in light of the reduced review workload.
- Appropriately document and discipline troopers who fail to meet training requirements.
- 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.

**APPENDIX ONE**  
Previously Published Monitoring/Oversight Reports

<b>Report</b>	<b>Publication Date</b>	<b>Reporting Period</b>
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

**Appendix One**

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
Seventh Oversight Report prepared by Office of Law Enforcement Professional Standards	March 2013	July 1, 2012- December 31, 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	2	0	0	0	0	0	0	0	0	0	0	2
Bass River	2	0	3	0	0	0	0	0	0	0	0	5
Bellmawr	7	1	0	0	0	4	0	3	0	0	0	15
Bloomfield	4	2	5	0	0	0	0	1	0	0	2	14
Bordentown	3	1	0	0	0	1	0	4	0	0	1	10
Bridgeton	5	1	5	0	0	0	0	2	0	0	0	13
Buena Vista	2	0	0	0	0	0	0	1	0	0	0	3
Cranbury	0	5	0	0	0	1	1	1	0	0	0	8
Hamilton	5	4	9	0	0	1	0	6	0	0	2	27
Holmdel	2	0	0	0	2	0	0	0	0	0	0	4
Hope	4	1	0	0	1	0	0	2	0	0	0	8
Kingwood	0	0	0	0	0	0	0	0	0	0	1	1
Metro North	2	0	0	0	0	0	0	0	0	0	0	2
Moorestown	1	3	1	0	2	0	3	7	0	0	0	17
Netcong	3	2	2	0	0	0	0	2	0	0	0	9
Newark	0	0	0	0	0	0	0	3	0	0	0	3
Other	1	3	0	0	1	0	0	2	0	0	2	9
Perryville	2	0	10	0	0	0	0	4	0	0	1	17
Port Norris	3	0	0	0	0	0	0	1	0	0	2	6
Red Lion	6	2	0	0	0	0	0	2	0	0	0	10
Somerville	3	3	0	0	0	0	0	3	0	0	0	9
Sussex	3	1	0	0	1	0	0	6	0	0	5	16
Totowa	6	3	0	0	0	0	1	2	0	0	3	15
Tuckerton	1	2	0	0	0	0	0	4	0	0	0	7
Washington	0	0	0	0	0	0	0	0	0	0	1	1
Woodbine	4	0	0	0	0	0	1	0	0	0	0	5
Woodstown	8	3	0	0	0	0	0	1	0	0	0	12
<b>Total</b>	<b>79</b>	<b>37</b>	<b>35</b>	<b>0</b>	<b>7</b>	<b>7</b>	<b>6</b>	<b>57</b>	<b>0</b>	<b>0</b>	<b>20</b>	<b>248</b>

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	3	2	0	0	0	0	0	0	0	0	0	5
Bass River	3	1	2	0	0	0	0	0	0	0	0	6
Bellmawr	10	3	0	0	0	0	0	0	0	0	0	13
Bloomfield	3	2	0	0	0	0	0	1	0	0	0	6
Bordentown	3	0	0	0	0	0	0	1	0	0	0	4
Bridgeton	3	1	5	0	3	0	0	1	0	2	2	17
Buena Vista	0	0	0		0	0	0	0		0	0	0
Cranbury	0	5	0	0	1	0	0	1	0	1	0	8
Hamilton	0	4	0	0	0	0	0	1	0	1	0	6
Holmdel	0	3	0	0	0	0	2	0	0	0	0	5
Hope	0	2	0	0	0	0	0	1	0	0	0	3
Kingwood	0	1	0	0	0	0	0	1	0	0	0	2
Metro North	0	0	0		0	0	0	0		0	0	0
Moorestown	0	1	0	0	0	0	0	2	0	0	2	5
Netcong	0	1	0	0	0	0	1	2	0	2	0	6
Newark	0	0	0	0	0	0	0	0	0	0	0	0
Other	12	10	5	0	1	0	0	2	0	0	0	30
Perryville	0	1	0	0	0	0	0	0	0	0	0	1
Port Norris	5	2	0	0	0	0	0	1	0	0	1	9
Red Lion	3	5	0	0	0	0	0	1	0	0	2	11
Somerville	0	0	0	0	0	0	0	1	0	0	0	1
Sussex	0	0	0	0	0	0	0	0	0	0	1	1
Totowa	7	5	0	0	1	0	1	0	0	2	1	17
Tuckerton	0	0	0	0	0	0	0	1	0	0	0	1
Washington	0	0	0		0	0	0	0		0	0	0
Woodbine	4	0	0	0	0	0	0	1	0	0	0	5
Woodstown	3	0	0	0	0	0	0	0	0	0	0	3
<b>Total</b>	<b>59</b>	<b>49</b>	<b>12</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>4</b>	<b>18</b>	<b>0</b>	<b>8</b>	<b>9</b>	<b>165</b>

## 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 hypothesis. 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:

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

Once the chi-square statistic is calculated, assessment of significance can be done. First, to assess significance, a significance level must be agreed 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**  
8<sup>th</sup> OLEPS Reporting Period

	<b>Black</b>	<b>White</b>	<b>Hispanic</b>	<b>Asian</b>	<b>Total</b>
<b>No Consent Request</b>	59	86	35	5	185
<b>Consent Request</b>	89	62	21	6	178
<b>Total</b>	121	175	56	11	363

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 185 and the column total is 121. The total n for the table is 363.

$$\frac{185 * 121}{363} = 61.67$$

Thus, the expected value of Black drivers without a consent request is 61.67. 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.

	<b>Black</b>	<b>White</b>	<b>Hispanic</b>	<b>Asian</b>	<b>Total</b>
<b>No Consent Request</b>	59 (61.67)	86 (89.18)	35 (28.54)	5 (6.06)	185
<b>Consent Request</b>	89 (59.33)	62 (85.81)	21 (27.46)	6 (5.39)	178
<b>Total</b>	121	175	56	11	363

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

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

$$\chi^2 = \frac{(59-61.67)^2}{61.67} + \frac{(86-59.33)^2}{59.33} + \frac{(86-89.18)^2}{89.18} + \frac{(62-85.81)^2}{85.81} + \frac{(35-28.54)^2}{28.54} + \frac{(21-27.46)^2}{27.46} + \frac{(5-6.06)^2}{6.06} + \frac{(6-5.39)^2}{5.39}$$

$$\chi^2 = 3.583$$

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

Next, calculate the degrees of freedom.

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

$$df = (4-1) * (2-1)$$

$$df = 3$$

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 7.81 or greater. Our value is 3.583, less than the required value. This means that we fail to reject the null hypothesis; there is not a significant difference between the racial/ethnic distribution of consent requests.

**Table Two: Canine Deployments by Race/Ethnicity of Driver**  
8<sup>th</sup> OLEPS Reporting Period

	Non-White	White	Total
<b>No Canine Deployment</b>	170	164	334
<b>Canine Deployment</b>	18	11	29
<b>Total</b>	188	175	363

$\chi^2=1.334$ , df=1  
p=.248

**Table Three: Uses of Force by Race/Ethnicity of Driver**  
8<sup>th</sup> OLEPS Reporting Period

	Non-White	White	Total
<b>No Force</b>	179	165	344
<b>Use of Force</b>	9	10	19
<b>Total</b>	188	175	363

$\chi^2=.157$ , df=1  
p=.692

**Table Four: Arrest Data by Race/Ethnicity of Driver**  
8<sup>th</sup> OLEPS Reporting Period

	Non-White	White	Total
<b>No Arrest</b>	10	13	23
<b>Arrest</b>	178	162	340
<b>Total</b>	188	175	363

$\chi^2=.680$ , df=1  
p=.41

**Table Five: Sampled Vehicle Stop Rates by Reason for Stop**  
8<sup>th</sup> OLEPS Reporting Period

	White	Non-White	Total
<b>FTML</b>	33	31	64
<b>Equipment Violations</b>	12	18	30
<b>Seat Belt</b>	15	14	29
<b>Rate of Speed</b>	19	39	58
<b>Unsafe Lane Change</b>	19	7	26
<b>Total</b>	<b>98</b>	<b>109</b>	<b>207</b>

$\chi^2=13.185$ , df=4  
p=.01

**Table Six: Consent Request Stop Rates by Reason for Consent**  
8<sup>th</sup> OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulable Suspicion	Probable Cause	Total
<b>White</b>	62	27	89
<b>Black</b>	35	27	62
<b>Hispanic</b>	10	11	21
<b>Total</b>	107	65	172

$\chi^2=81.308$ , df=4  
p=.00

**Table Seven: Type of RAS Consent Request by Race/Ethnicity of Driver**  
8<sup>th</sup> OLEPS Reporting Period

	White	Non-White	Total
<b>Intangible</b>	3	4	7
<b>Tangible</b>	2	0	2
<b>Probative</b>	58	40	98
<b>Total</b>	63	44	107

$\chi^2=2.143$ , df=2

p=.343

4 cells have an expected count of less than 5

**Table Eight: Canine Deployment Rates by Reason for Deployment**  
8<sup>th</sup> OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulable Suspicion	Probable Cause	Total
<b>White</b>	9	2	11
<b>Non-White</b>	13	5	18
<b>Total</b>	22	7	29

$\chi^2=.343$ , df=1

p=.558

2 cells have an expected count of less than 5

**Table Nine: Arrest Reasons by Race/Ethnicity of Driver**  
8<sup>th</sup> OLEPS Reporting Period

Race/Ethnicity	Probable Cause	Warrant	Warrant and PC	Total
White	98	47	17	175
Non-White	82	63	33	188
<b>Total</b>	180	110	50	363

$\chi^2=8.807$ , df=3  
p=.032

**Table Ten: Day v. Night Stops**  
8<sup>th</sup> OLEPS Reporting Period

	Day	Night	Total
White	99	76	175
Black	56	65	121
Hispanic	25	31	56
Asian	3	8	11
<b>Total</b>	183	180	363

$\chi^2=6.584$ , df=3  
p=.086

## 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:

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

$\bar{X}_1$ = mean of group 1

$\bar{X}_2$ = mean of group 2

$\mu_1$ = population 1

$\mu_2$ =population 2

$S$ = estimated standard error<sup>24</sup>

### 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 ( $\alpha$ )= .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

<sup>24</sup> 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 44.01, the standard deviation is 33.00, and  $n=175$ . The mean stop length for Black drivers is 48.95, the standard deviation is 31.13, and  $n=121$ .

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

$$t = \frac{(44.01 - 48.95) - (\mu_1 - \mu_2)}{S_{x_1 - x_2}}$$

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

$$t = \frac{(44.01 - 48.95)}{S_{x_1 - x_2}}$$

To calculate  $S$ , use this equation:

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

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

$$S_{pooled}^2 = \frac{(df_1)s_1^2 + (df_2)s_2^2}{df_1 + df_2}$$

$$df_1 = n_1 - 1 \quad df_1 = 175 - 1 \quad df_1 = 174$$

$$df_2 = n_2 - 1 \quad df_2 = 121 - 1 \quad df_2 = 120$$

$$S_{pooled}^2 = \frac{(174)33^2 + (120)31.13^2}{174 + 120}$$

$$S_{pooled}^2 = \frac{(174)1089 + (120)969.07}{294}$$

$$S^2_{pooled} = \frac{189486 + 116288.4}{294}$$

$$S^2_{pooled} = 1040.05$$

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

$$S_{x1-x2} = \sqrt{\frac{1040.05}{175} + \frac{1040.05}{121}}$$

$$S_{x1-x2} = \sqrt{5.94 + 8.59}$$

$$S_{x1-x2} = \sqrt{14.53}$$

$$S_{x1-x2} = 3.51$$

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

$$t = \frac{(44.01 - 48.95)}{S_{x1-x2}}$$

$$t = \frac{(44.01 - 48.95)}{3.51}$$

$$t = \frac{-4.94}{3.51}$$

$$t = -1.407$$

Compare the  $t$  value calculated, -1.407, to the critical  $t$  value from the table, 1.64.

Since the calculated  $t$  value is lower, we fail to reject the null hypothesis.

Therefore, there is not 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

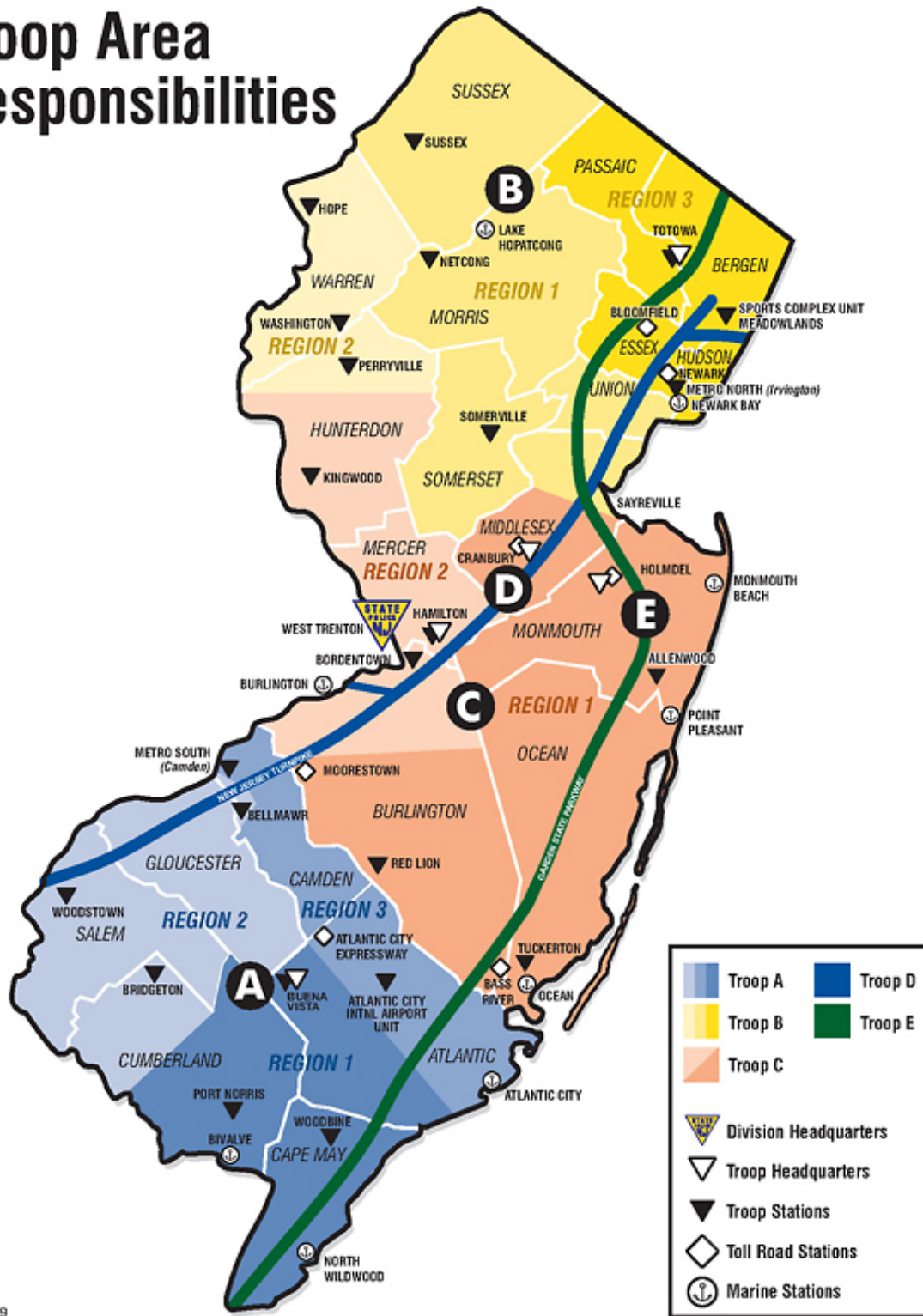
SOP: Standard Operating Procedure. Policies and procedures that govern all activity and behavior of the State Police.

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

# Troop Area Responsibilities



Appendix Five

Rev. 12/09