

NEW JERSEY STATE POLICE
OFFICE OF
PROFESSIONAL STANDARDS

INTERNAL INVESTIGATION AND
DISCIPLINARY PROCESS

ANNUAL REPORT
2017



HONOR ☆ DUTY ☆ FIDELITY

TABLE OF CONTENTS

From the Superintendent	i
Executive Summary	1
Office of Professional Standards	1
Internal Affairs Investigation Bureau	1
Intake and Adjudication Bureau	1
Intake Unit	1
Administrative Internal Proceedings Unit	1
Staff Inspection Unit	2
Civil Proceedings Unit	2
2017 Organizational Chart	2
Office of Law Enforcement Professional Standards	3
State Police Disciplinary Process	3
Complaint Process	4
Five Year Comparison of Number of Incidents Reported (Chart)	5
Classification of Reported Incidents	6
Misconduct	6
Performance	6
Administrative	6
EEO / AA Investigations and/or Compliance Investigations Forwarded to OPS	6
Referrals	6
Shooting Reviews	7
Five Year Breakdown of Incident Classifications (Table)	7
Origin of Complaints	7
Five Year Comparison of Complaint Sources (Chart)	8
Criminal Proceedings Involving Division Members	9
Line of Duty: Citizen Initiated Criminal Matters	9
On-duty Conduct: State Police or	
Other Law Enforcement Agency Initiated Proceedings	9
Off-duty Conduct	9
Assignment of Investigations	10
Allegations and Outcomes	11

Substantiated	11
Unfounded	11
Exonerated	11
Insufficient Evidence	11
Misconduct Investigations Opened	11
Summary of New Complaints	12
Classification / Principal (Table)	12
Completed Discipline	13
General Disciplinary	13
Summary Disciplinary	13
Minor Discipline	13
Synopsis of Major Discipline	13
Synopsis of Minor Discipline	17
Summary of Completed Cases (Table)	23
Prosecution for False Citizen Complaints	24
Compliments	24
Report Note	24

FROM THE COLONEL...

I am pleased to present the Governor, the Legislature and the citizens of New Jersey with the New Jersey State Police, *2017 Office of Professional Standards Annual Report* (“the report”). The State Police began producing this report in the year 2000 in response to legislation providing the public with an ability to examine the internal affairs function of the State Police and be reassured that it is truly operating in a trustworthy and acceptable manner. This year is no exception. Herein, the reader will find clearly presented topics, including descriptions of the current Office of Professional Standards (OPS) Table of Organization and related office functions, an explanation of the classification process for all reportable incidents, the system by which incidents are addressed and disposed of, and finally, a detailed analysis of the data compiled during 2017.

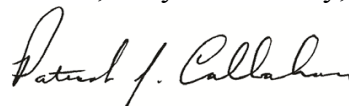
A law enforcement entity in a democratic society can tie its effectiveness directly to the level of trust it enjoys within the community it serves. A significant factor in gaining and maintaining that trust is ensuring that there is a strict allegiance to a highly professional and transparent internal affairs function. It follows that the execution of the internal affairs function within a professional law enforcement entity presents challenges that require constant and consistent vigilance. I believe that a fair review of the *2017 Annual Report* will support the conclusion that the New Jersey State Police maintains that level of vigilance.

This introduction will not restate all of the facts, figures and analysis articulated in this report, other than to remind the reader that troopers of the New Jersey State Police engaged in more than 1,688,000 police/citizen contacts during the calendar year 2017. Any single complaint reported to the OPS that was generated within that vast number of contacts was, without exception, assigned a number, classified, and addressed in accordance with established highly-reputable best practices.

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

My personal commitment to the mission of the Office of Professional Standards is unwavering. I want to express my sincere appreciation for the hard work and dedication of the men and women of that office as, once again, I present to you the *2017 Office of Professional Standards Annual Report*.

Honor, Duty and Fidelity,

A handwritten signature in black ink, reading "Patrick J. Callahan". The signature is fluid and cursive, with the first name "Patrick" and last name "Callahan" clearly legible.

Patrick J. Callahan
Colonel

EXECUTIVE SUMMARY

This report provides the Governor, State Legislature, the citizens of the State of New Jersey, and all other interested parties a brief history of the State Police internal affairs process and a comprehensive look at the disciplinary system employed by the Division. Included in the report are explanations of how the Division receives complaints, classifies the allegations, assigns cases for investigation, and adjudicates substantiated charges against enlisted members. The report also provides overviews of major and minor discipline imposed in 2017 as the result of substantiated allegations and other corrective actions taken by the Division to address aberrant behavior.

OFFICE OF PROFESSIONAL STANDARDS

In 1999, the Attorney General's Office conducted a review of the Division's disciplinary system. As a result of this review, the Internal Affairs Bureau was reorganized and the Office of Professional Standards was established. The investigative and adjudication functions were transferred from the Division Staff Section and placed under the control of a major, reporting directly to the Superintendent. During 2001, the Division Standing Operating Procedure that governs the Office of Professional Standards was completely revised, and the new policy was adopted in January 2002. This revision resulted in the formation of two distinct bureaus within the office. As of December 2017, the Office of Professional Standards consisted of sixty-two (62) persons. This included eight (8) professional support personnel and fifty-four (54) enlisted persons. This figure represents an overall increase of three (3) additional members over the previous year.

INTERNAL AFFAIRS INVESTIGATION BUREAU

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

INTAKE AND ADJUDICATION BUREAU

The Intake and Adjudication Bureau is commanded by a captain, as bureau chief, and a lieutenant, as assistant bureau chief. The bureau is divided into four (4) units with varying responsibilities:

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

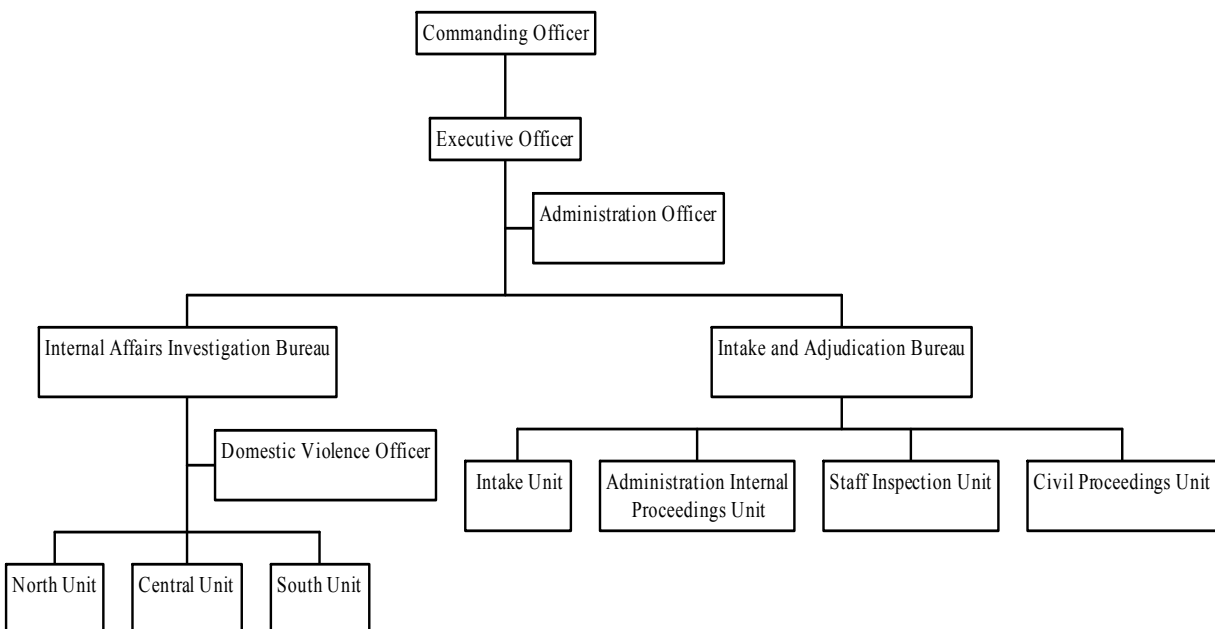
Administrative Internal Proceedings Unit: This unit is responsible for the adjudication of substantiated allegations, convening disciplinary hearings and serving as a liaison between the Office of Professional Standards, the Office of the Attorney General, the Office of Law Enforcement Professional Standards, and the Office of Administrative Law.

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

Civil Proceedings Unit: This unit is responsible for recording, classifying, and tracking all civil actions filed against the Division or its individual members. The unit reviews and forwards all requests for legal representation to the proper agency, whether criminal or civil. Further, the unit acts as liaison between the Superintendent's Office, the Chief of Staff and the Office of Professional Standards Commanding Officer to the appropriate personnel within the Attorney General's Office regarding civil litigation matters. In addition, the unit compiles and provides, in a timely and thorough manner, all requested discovery related to civil litigation to the Attorney General's Office. The unit is also charged with researching policies, procedures, training and disciplinary issues in relation to legal matters concerning the Division.

Office of Professional Standards

2017 Organizational Chart



OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS

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

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

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

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

STATE POLICE DISCIPLINARY PROCESS

The New Jersey State Police is a statewide police organization that provides a full range of police services. The Division is comprised of three thousand, nine hundred ninety-four (3,994) employees, of which two thousand, seven hundred forty-three (2,743) are sworn members, and one thousand, two hundred fifty-one (1,251) are civilian members.¹

Due to the unique mission of the New Jersey State Police, the Office of Professional Standards is tasked with handling complaints from the public regarding troopers' conduct, as well as allegations of criminal conduct by members.

In 2017, troopers were involved in excess of one million, six hundred eighty-eight thousand, seven

¹ As of December 2017

hundred forty-nine (1,688,749) police/citizen contacts. Though most of these interactions were routine, many involved stressful and critical situations.

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

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

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

COMPLAINT PROCESS

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

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

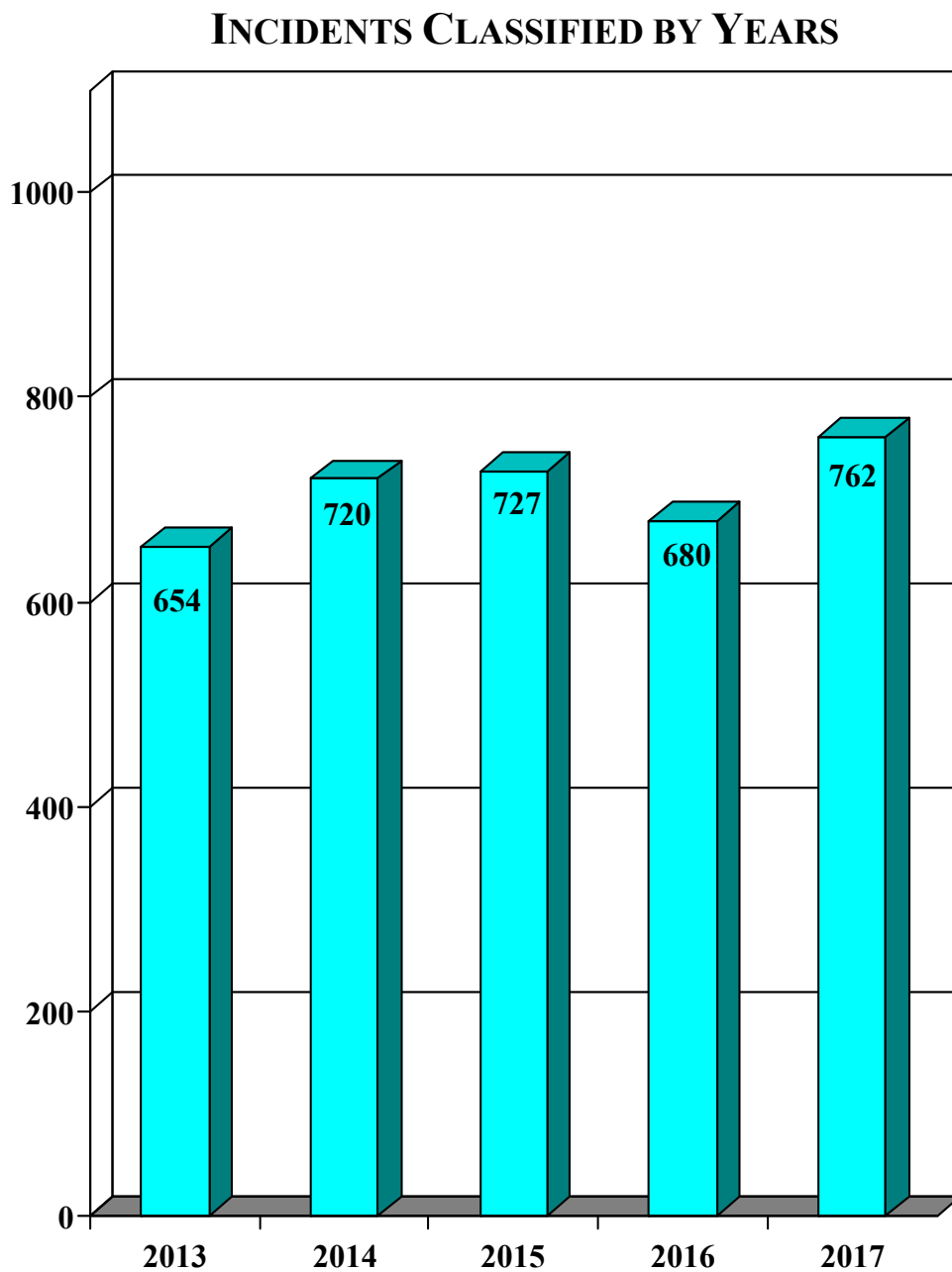
The Division continues its commitment to ensuring that members of the public have ease of access to the compliment/complaint system. In 1999, the State Police instituted and advertised a toll free hotline available twenty-four hours a day that goes directly to the Office of Professional Standards. In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

Further, Citizens may request OLEPS to review an OPS investigation if they are not satisfied with the outcome. Each of these initiatives has continued to provide citizens significantly more opportunities to provide feedback, compliments or complaints about the operation of the Division and its personnel.

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

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

During 2017, seven hundred sixty-two (762) total incidents were reported and classified, as compared to six hundred eighty (680) in 2016. This represents a 12% increase in the number of reportable incidents received in the year 2017, than those received in the year 2016, while the total number of the Division's enlisted personnel increased by ninety (90) enlisted members, representing a 3.4% increase for the same period.



CLASSIFICATION OF REPORTED INCIDENTS

When incidents are reported to the Office of Professional Standards, they are reviewed by the Intake Unit and classified in one of four categories after being reviewed by the Office of Professional Standards Command Staff members.

MISCONDUCT

If the Division receives a complaint that alleged a trooper has committed a violation of the Division's Rules and Regulations, Standing Operating Procedures, or any applicable federal or state statute, the matter may be classified as Misconduct, and an Internal Investigation is then initiated.

PERFORMANCE

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

ADMINISTRATIVE

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

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

When the Division's Office of Equal Employment Opportunity conducts an investigation in which allegations are substantiated against an enlisted member, the case is forwarded to the Office of Professional Standards for adjudication and disciplinary action. The Compliance Unit, which falls under the Personnel Bureau, refers violations of the Medical Leave Policy to OPS, as they are classified as misconduct investigations.

REFERRALS

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

SHOOTING REVIEWS

When a Division member is involved in a shooting, it is investigated by the Attorney General's Shooting Response Team (SRT) of which the NJSP Homicide Unit is the primary investigative component. When the SRT completes their investigation, the case is reviewed by the Internal Affairs Investigation Bureau for any violation of the New Jersey State Police Rules and Regulations or Standing Operating Procedures.

FIVE YEAR BREAKDOWN OF INCIDENT CLASSIFICATIONS

	2013	2014	2015	2016	2017
MISCONDUCT	197	219	212	203	248
PERFORMANCE	108	69	54	34	7
ADMINISTRATIVE ISSUES	337	417	422	398	439
COMPLIANCE	0	0	0	0	0
EEO/AA INVESTIGATIONS	3	2	4	0	4
NON-REPORTABLE INCIDENTS/REFERRALS	4	12	35	45	59
SHOOTING REVIEWS	5	1	0	0	5
TOTALS	654	720	727	680	762

ORIGIN OF COMPLAINTS

In 2017, of the two hundred forty-eight (248) total misconduct complaints, one hundred fifty-four (154) (62%) were initiated by members of the public, and ninety-four (94) (38%) were initiated internally. Of the misconduct complaints initiated by the public, ninety-five (95) (62%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received seven (7) reportable incidents that were classified as Performance issues; four (4) (57%) of these complaints were initiated by members of the public, and three (3) (43%) were initiated internally.

In 2016, of the two hundred three (203) total misconduct complaints, one hundred thirty-six (136) (67%) were initiated by members of the public, and sixty-seven (67) (33%) were initiated internally. Of the misconduct complaints initiated by the public, sixty-eight (68) (50%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received thirty-four (34) reportable incidents that were classified as Performance issues; thirty-two (32) (94%) of these complaints were initiated by members of the public, and two (2) (6%) were initiated internally.

In 2015, of the two hundred twelve (212) total misconduct complaints, one hundred forty-three (143) (67%) were initiated by members of the public and sixty-nine (69) (33%) were initiated internally. Of the misconduct complaints initiated by the public, forty-one (41) (29%) involved citizens who had

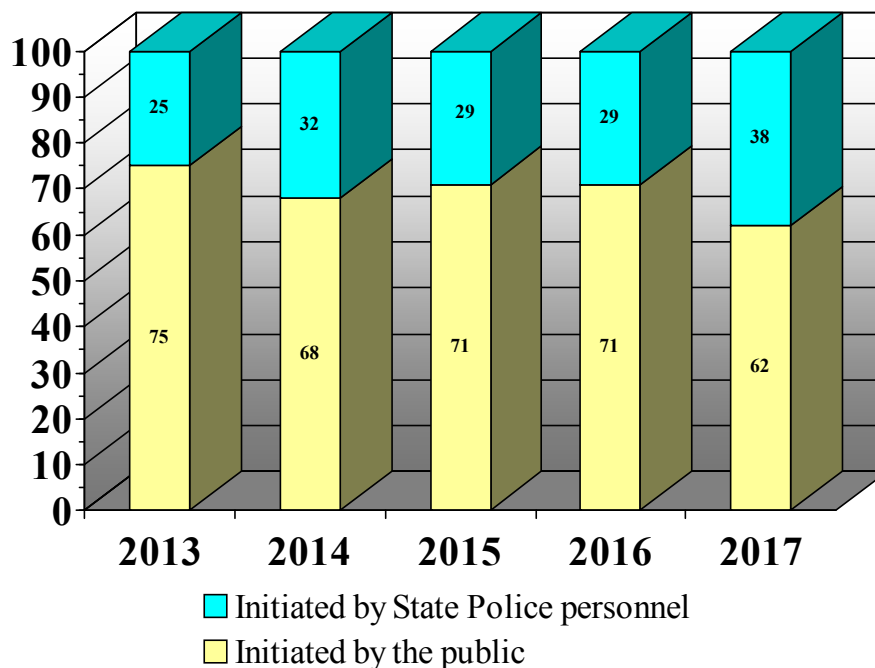
been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received fifty-four (54) reportable incidents that were classified as Performance issues; forty-five (45) (83%) of these complaints were initiated by members of the public, and nine (9) (17%) were initiated internally.

In 2014, of the two hundred nineteen (219) total misconduct complaints, one hundred thirty-two (132) (60%) were initiated by members of the public and eighty-seven (87) (40%) were initiated internally. Of the misconduct complaints initiated by the public, seventy (70) (53%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received sixty-nine (69) reportable incidents that were classified as Performance issues; sixty-three (63) (91%) of these complaints were initiated by members of the public, and six (6) (9%) were initiated internally.

In 2013, of the one hundred ninety-seven (197) total misconduct complaints, one hundred thirty-six (136) (69%) were initiated by members of the public and sixty-one (61) (31%) were initiated internally. Of the misconduct complaints initiated by the public, fifty-seven (57) (42%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received one hundred eight (108) reportable incidents that were classified as Performance issues; ninety-four (94) (87%) of these complaints were initiated by members of the public, and fourteen (14) (13%) were initiated internally.

FIVE YEAR COMPARISON OF COMPLAINT SOURCES FOR MISCONDUCT AND PERFORMANCE MATTERS

For the purposes of the chart displayed below, the cumulative number of Performance Issues and Misconduct Complaints is being used, and the results are presented as percentages.



CRIMINAL PROCEEDINGS INVOLVING DIVISION MEMBERS

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

LINE OF DUTY: CITIZEN INITIATED CRIMINAL MATTERS

On occasion, criminal charges are filed by citizens against members of the Division for incidents alleged to have occurred on-duty. Most are filed by individuals who were charged with motor vehicle and/or criminal offenses by a member. These complaints are assessed, evaluated, screened, and a determination is made as to whether the members' actions were within the scope of their official duties and therefore legally defensible. During 2017, criminal charges were filed against one (1) member as a result of an interaction while on-duty.

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

An examination of our records has found one (1) trooper was charged with a crime during 2017. The one (1) member was charged while on-duty.

These cases represent criminal or disorderly persons offenses filed against Division members acting in an official capacity while in the performance of their State Police duties. During 2017, the following charges were filed against a member as a result of interactions while on-duty:

Member was charged with Tampering with Public Records or Information and Falsifying or Tampering with Records. The criminal court proceedings are pending.

OFF-DUTY CONDUCT

An examination of our records has found three (3) troopers were charged with crimes during 2017. All three (3) members were charged while off-duty.

These cases represent criminal or disorderly persons offenses filed against Division members acting in an off-duty capacity and not related in any way to the performance of their State Police duties. During 2017, the following charges were filed against members as a result of off-duty conduct:

Member was charged with Domestic Violence Aggravated Assault. The criminal charge was dismissed in court. Member admitted to administrative charges.

Member was charged with Domestic Violence Criminal Mischief. The criminal charge was dismissed in court. The member is the subject of an ongoing Administrative Misconduct Investigation.

Member was charged with Domestic Violence Harassment. The criminal charge was dismissed in court. Member admitted to administrative charges.

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

ASSIGNMENT OF INVESTIGATIONS

Of the two hundred forty-eight (248) misconduct cases assigned in 2017, two hundred forty-seven (247) were assigned to Internal Affairs Investigation Bureau investigators, and one (1) was referred to the Attorney General's Office, Office of Law Enforcement Professional Standards, for investigation.

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

ALLEGATIONS AND OUTCOMES

All complaints are categorized based on the alleged conduct. As of September 1, 2000, each allegation, upon review by the Superintendent, is determined to have one of the following four dispositions:

- SUBSTANTIATED** : An allegation is determined to be “substantiated” if a preponderance of the evidence shows a member violated any law, State Police rule, regulation, protocol, standing operating procedure, directive, or training.
- UNFOUNDED** : An allegation is determined to be “unfounded” if a preponderance of the evidence shows that the alleged misconduct did not occur.
- EXONERATED** : An allegation is determined to be “exonerated” if a preponderance of the evidence shows the alleged conduct did occur, but did not violate State Police rule, regulation, protocol, standing operating procedure, directive or training.
- INSUFFICIENT EVIDENCE** : An allegation is determined to be “insufficient evidence” when there is insufficient evidence to decide whether the alleged act occurred.

It is important to note that the disposition of any allegation is determined after a complete and thorough investigation utilizing the “preponderance of the evidence” standard.³ To substantiate an allegation, the investigative results must lead to the conclusion that the alleged misconduct was more likely to have occurred, than not.

MISCONDUCT INVESTIGATIONS OPENED IN 2017

There were two hundred forty-eight (248) misconduct investigations opened in 2017. The following paragraphs report the status of these cases as of March 28, 2018. Of these cases, one hundred fifty-four (154) (62%) were initiated as the result of citizen complaints and ninety-four (94) (38%) cases were opened because of complaints made by State Police supervisors or other members.

Of the one hundred fifty-four (154) citizen-initiated investigations, sixty-three (63) (41%) remain active, twenty (20) (13%) are in the review process, sixty-nine (69) (45%) have been completed, and two (2) (1%) have been suspended pending court action or other administrative action. Of the sixty-nine (69) completed, twenty-five (25) (36%) resulted in substantiated primary or secondary allegations.

Of the ninety-four (94) complaints initiated by State Police supervisors and members, twenty-three (23) (25%) remain active, fifteen (15) (16%) are in the review process, fifty-three (53) (56%) have been completed and three (3) (3%) have been suspended pending court action or other administrative action. Of the fifty-three (53) completed, forty-two (42) (79%) resulted in substantiated primary or secondary allegations.

³ In Re Polk, 90 N.J. 550, 560-562 (1982); Atkinson v. Parsekian, 37 N.J. 143, 149 (1962).

SUMMARY OF NEW COMPLAINTS:

The following table summarizes the total number of complaints received by the Office of Professional Standards during the year 2017 that resulted in Internal Investigations, the origin of the complaints, the total number of Principals (members of the Division who have been identified as the subjects of the investigations), and the general categories of the allegations.

2017 NUMBER OF PRINCIPALS BY CATEGORY FOR INTERNAL INVESTIGATION			
COMPLAINT CLASSIFICATION	ORIGIN		PRINCIPALS (INVOLVED MEMBERS)
	PUBLIC	SP	
ADMIN. VIOLATIONS	21	68	89
ALCOHOL VIOLATION	5	8	13
ASSAULT	1	0	1
ATTITUDE AND DEMEANOR	14	1	15
DIFFERENTIAL TREATMENT	80	11	91
DOMESTIC VIOLENCE	8	4	12
DRIVING VIOLATION	3	3	6
DRUG VIOLATION	0	2	2
EXCESSIVE FORCE	59	0	59
FAILURE TO PERFORM DUTY	8	8	16
FALSE ARREST	8	6	14
IMPROPER SEARCH	16	2	18
OTHER	72	21	93
OTHER HARASSMENT	9	3	12
THEFT	5	0	5
TOTALS	309	137	446

Note: The complaints are broken down by the primary complaint classification, and segregated by the origin of the complaint.

COMPLETED DISCIPLINE

The State Police disciplinary hearing system provides for three formal classifications of disciplinary proceedings for substantiated violations of the NJSP Rules and Regulations. They are:

GENERAL DISCIPLINARY HEARING : may result in a suspension of 30 days and up to termination, and/or a reduction in rank and/or grade

SUMMARY DISCIPLINARY HEARING : may result in a suspension of up to 30 days

MINOR DISCIPLINE : may result in a suspension of up to 5 days

**Note: The New Jersey State Police utilize a progressive discipline model. Some cases may appear to have similar allegations or circumstances and result in a different penalty; however, an officer's disciplinary history and a repetitive occurrence of offenses would result in increased discipline. Some matters involve the same trooper and/or multiple discipline.*

SYNOPSIS OF MAJOR DISCIPLINE

The following is a synopsis of General Disciplinary Matters completed during the calendar year 2017:

Member admitted to acting in an official capacity to the discredit of the Division while on-duty for entering false information into the e-Daily system, displaying improper attitude and demeanor during a motor vehicle stop, operating troop transportation in an unsafe manner, and disobeying written and verbal orders by unauthorized changes to their schedule and improperly editing an e-Daily system entry. In addition the member used profanity during both a crash investigation and the processing of arrested subjects, and made improper entries into an evidence ledger. The member received a 60 day suspension.

Member admitted to acting in an unofficial capacity to the discredit of the Division while off-duty by operating assigned troop transportation after consuming alcohol, failing to notify the Division of involvement in a motor vehicle incident and failing to take appropriate police action regarding the incident. The member received a 302 day suspension.

Member admitted to acting in an official capacity to the discredit of the Division while on-duty by consuming alcohol and operating troop transportation and for failing to report the misconduct of another enlisted member. The member received a 90 day suspension.

Member admitted to acting in an official capacity to the discredit of the Division while on-duty by consuming alcohol and operating troop transportation, interfering in a misconduct investigation by contacting the complainant, and failing to report the misconduct of another enlisted member. The member received a 120 day suspension.

Member admitted to acting in an official capacity to the discredit of the Division while on-duty by failing to conduct interviews during a background investigation and entering false information into the report. The member received a 30 day suspension.

Member admitted to acting in an official capacity to the discredit of the Division while on-duty by physically assaulting an arrested suspect, operating troop transportation in an unsafe manner, and failing to follow MVR procedures during both a motor vehicle pursuit and crash investigation. In addition, the member failed to report the misconduct of another enlisted member and investigate an off-duty motor vehicle crash involving that member. The member received a 132 day suspension.

Member admitted to acting in an official capacity to the discredit of the Division while on-duty by failing to provide proper supervision, take appropriate investigative action, and make relevant notifications regarding the alleged misconduct of a subordinate member. The member received a 45 day suspension.

Member admitted to acting in an unofficial capacity to the discredit of the Division while off-duty by becoming publically intoxicated and improperly displaying an off-duty weapon resulting in a police response and detention. Additionally, the member failed to properly qualify with the weapon and secure it on their person. The member received a 30 day suspension.

Member admitted to acting in an unofficial capacity to the discredit of the Division while off-duty by engaging in Domestic Violence harassment and stalking and for disobeying a direct order to cease contact with an individual they once had a dating relationship with. The member received a 364 day suspension.

Member admitted to acting in an unofficial capacity to the discredit of the Division while off-duty by engaging in Domestic Violence aggravated assault of a household member. The member received a 178 day suspension.

Member admitted to acting in an official capacity to the discredit of the Division while off-duty by improperly discussing non-routine State Police business with members of the news media. The member received a 60 day suspension.

Member admitted to acting in an official capacity to the discredit of the Division while on-duty by abandoning the assigned patrol area without authorization and then utilizing troop transportation with an unauthorized person in the vehicle to patronize several drinking establishments, resulting in a delayed response to an active call. The member then failed to take appropriate police action, acted improperly in handling a trespassing complaint and engaged in the simple assault of a detained suspect. Additionally, the member submitted misleading reports, failed to report the suspect's complaint, disobeyed a direct order and provided false information during the internal investigation. The member received a 532 day suspension.

Member admitted to acting in an unofficial capacity to the discredit of the Division while off-duty by inappropriately entering a restricted area within a municipal court which resulted in police detention, providing false information to an investigating police agency and providing false testimony

during divorce court proceedings. Additionally, the member failed to notify the Division of off-duty motor vehicle crashes, alleged domestic violence and the use of prescription medication. The member received a 367 day suspension.

Member admitted to violating Vermont Motor Vehicle Statutes, acting in an unofficial capacity to the discredit of the Division while off-duty by driving while intoxicated, refusing to provide breath samples and engaging in inappropriate behavior toward arresting officers. The member pleaded guilty in District Court to Driving Under the Influence. The member received a 365 day suspension.

Member admitted to acting in an official capacity to the discredit of the Division while off-duty by improperly using their position as a member of the State Police and providing misleading information to a correctional officer in order to gain private access to an incarcerated prisoner with whom they had a personal relationship with. The member received a 45 day suspension.

Member admitted to acting in an unofficial capacity to the discredit of the Division while off-duty by failing to take appropriate police action after being physically assaulted at a university campus event and then failed to assist a campus law enforcement officer during the arrest of the suspect who actively resisted and attempted to disarm the officer. Additionally, the member failed to properly carry their duty weapon during the incident. The member received a 90 day suspension.

Member admitted to acting in an official capacity to the discredit of the Division while off-duty by improperly discussing non-routine State Police business with members of the news media. The member received a 60 day suspension.

Member admitted to disobeying a written order by departing their residence while on sick leave and utilizing assigned troop transportation without authorization. The member then became involved in a two-car motor vehicle crash and failed to promptly report the accident to the Division. The member received a 45 day suspension.

Member admitted to violating New Jersey Motor Vehicle Statutes and acting in an unofficial capacity to the discredit of the Division while off-duty. The member was involved in a motor vehicle crash after consuming alcoholic beverages and subsequently departed the scene of the crash and failed to report. The member pleaded guilty in Municipal Court to the amended charges of Failing to Report an Accident and Obstructing the Flow of Traffic. The member received a 180 day suspension.

Member admitted to acting in an unofficial capacity to the discredit of the Division while off-duty by consuming alcohol to the point of intoxication and then engaging in disorderly behavior. The member received a 45 day suspension.

Member admitted to acting in an unofficial capacity to the discredit of the Division while off-duty by engaging in Domestic Violence, Aggravated Assault, of their spouse. The member received a 90 day suspension.

Member admitted to acting in an unofficial capacity to the discredit of the Division while off-duty by engaging in Domestic Violence harassment of an estranged spouse. The member received a 30 day suspension.

Member admitted to acting in an official capacity to the discredit of the Division while knowingly falsifying records related to motor vehicle stops. Furthermore, the member violated motor vehicle stop procedures and MVR procedures. The member received a 365 day suspension.

Member admitted to acting in an unofficial capacity to the discredit of the Division while off-duty by making a disparaging statement while engaged in a verbal argument with their spouse. The member also interfered with an internal investigation, failed to report their involvement in two off duty motor vehicle crashes, and failed to report the use of prescription medication to the NJSP Medical Services Unit. The member received a 120 day suspension.

Member admitted to violating New Jersey Motor Vehicle Statute and acting in both an official and unofficial capacity to the discredit of the Division. While off-duty the member operated troop transportation after consuming alcoholic beverages, and became involved in a motor vehicle crash due to unsafe operation. The member then provided false or misleading statements during an internal investigation. The member pleaded guilty in Municipal Court to Unsafe Driving. Furthermore, the member engaged in outside employment without authorization, entered inaccurate and false information into the eDaily time tracking system, and violated the sick leave policy. The member received a 365 day suspension.

Member admitted to acting in an unofficial capacity to the discredit of the Division while off-duty by engaging in Domestic Violence harassment of an individual with whom they had a dating relationship. The member received a 41 day suspension.

The following is a synopsis of Summary Disciplinary Matters completed during the calendar year 2017:

Member admitted to acting in an official capacity to the discredit of the Division for improperly searching a vacant property, seizing CDS evidence and then discarding it. The member received a 20 day suspension.

Member admitted to acting in an official capacity to the discredit of the Division while on-duty for improper supervision by sending an inappropriate email to subordinate enlisted members and allowing an inappropriate letter to be posted at a station. The member received a 20 day suspension.

Member admitted to acting in an official capacity to the discredit of the Division while on-duty and utilizing their official position to gain entry and private access to a prisoner being held at a correctional facility, with whom they had a personal relationship. Furthermore, the member also improperly utilized a Division computer to conduct a criminal inquiry for a personal matter in which they had no legitimate law enforcement involvement. The member received a 20 day suspension.

Member admitted to failing to safeguard NJSP issued property which led to the theft of a Division vehicle and its contents. The member received a 10 day suspension.

SYNOPSIS OF MINOR DISCIPLINE

The following information reflects a brief synopsis of the circumstances which led to the imposition of *Minor Discipline* during the calendar year 2017. Although circumstances involving disciplinary cases may appear similar within these brief summaries, each case is judged on its own merits based on a specific set of facts, and the Superintendent determines the final discipline imposed.

Failure to safeguard NJSP issued identification. (Written Reprimand)

Failure to follow MVR procedures. (Written Reprimand)

Unauthorized use of troop transportation. (Written Reprimand)

Failure to investigate motor vehicle crash, inappropriate threat of summonses and failure to follow MVR procedures. (WR w/5 day suspension)

Culpable inefficient supervision and failure to report subordinate misconduct.
(WR w/5 day suspension)

Motor vehicle violation while off duty. (Written Reprimand)

Failure to respond to service call with dual patrol partner. (Written Reprimand)

Failure to appear in court. (Written Reprimand)

Inappropriate conduct while off duty by sending harassing text communications.
(WR w/2 day suspension)

Culpable inefficient supervision and failure to accept civilian complaint.
(Written Reprimand)

Culpable inefficient supervision and culpable inefficiency during an investigation.
(Written Reprimand)

Questionable conduct on duty, unauthorized use of troop transportation and failure to obey a written order. (WR w/5 day suspension)

Failure to take appropriate police action, improper handling of evidence, improper arrest and failure to follow MVR procedures. (WR w/5 day suspension)

Inappropriate attitude and demeanor and failure to provide a complaint form during motor vehicle stop. (Written Reprimand)

Failure to follow MVR procedures. (Written Reprimand)

Unsafe operation of troop transportation and failure to follow MVR procedures during a motor vehicle pursuit. (Written Reprimand)

Unsafe operation of troop transportation and failure to follow MVR procedures during a motor vehicle pursuit. (Written Reprimand)

Unsafe operation of troop transportation during a motor vehicle pursuit.
(Written Reprimand)

Inappropriate actions by sending improper text images while on duty.
(WR w/5 day suspension)

Failure to report for duty and disobeying a verbal order. (WR w/5 day suspension)

Failure to report use of prescribed medication. (Written Reprimand)

Improper arrest and search of motorist. (Written Reprimand)

Failure to conduct a proper investigation, safeguard evidence and follow MVR procedures at a motor vehicle crash. (WR w/2 day suspension)

Failure to conduct a proper investigation and safeguard evidence at a motor vehicle crash.
(Written Reprimand)

Failure to conduct a proper investigation, safeguard evidence and follow MVR procedures at a motor vehicle crash. (Written Reprimand)

Failure to conduct a proper investigation and safeguard evidence at a motor vehicle crash.
(Written Reprimand)

Cursing and Inappropriate actions toward another member. (WR w/2 day suspension)

Culpable inefficient supervision. (Written Reprimand)

Culpable inefficient supervision. (Written Reprimand)

Inappropriate alcohol related behavior and failure to carry duty weapon while off duty.
(WR w/2 day suspension)

Unsafe operation of troop transportation resulting in a motor vehicle crash and failure to properly report and document the incident. (WR w/2 day suspension)

Illegal search and failure to notify the Division of personal knowledge of prohibited conduct by another trooper. (WR w/2 day suspension)

Failure to notify the Division of information to which the Division would take cognizance. (Written Reprimand)

Failure to safeguard NJSP hat badge. (Written Reprimand)

Failure to safeguard NJSP badge. (Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Disobey a direct order and failure to notify the Division of information to which the Division would take cognizance. (Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Failure to perform duty. (WR w/5 day suspension)

Disobey a written order and culpable inefficiency. (Written Reprimand)

Culpable inefficient supervision. (WR w/2 day suspension)

Culpable inefficiency. (Written Reprimand)

Disobey a direct and written order and violations of reporting requirements. (WR w/5 day suspension)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Failure to safeguard NJSP issued identification and badge. (Written Reprimand)

Failure to safeguard NJSP duty weapon, issued identification and Division property. (WR w/ 5 day suspension)

Failure to safeguard NJSP duty weapon. (WR w/5 day suspension)

Failure to notify the Division of information to which the Division would take cognizance. (Written Reprimand)

Failure to appear in court. (Written Reprimand)

Failure to appear in court. (Written Reprimand)

Questionable conduct off-duty. (WR w/5 day suspension)

Culpable inefficiency and improper uniform and grooming standards. (Written Reprimand)

Escape from custody. (Written Reprimand)

Escape from custody. (Written Reprimand)

Disobey a written order. (Written Reprimand)

Culpable inefficient supervision. (Written Reprimand)

Inappropriate actions by sending personal text messages to a previously arrested subject.
(Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Failure to call in a MV stop, failure to follow MVR procedures, inappropriate behavior during MV stop. (WR w/5 day suspension)

Member issued undeserved summonses to a motorist as a retaliatory act.
(WR w/2 day suspension)

Failure to safeguard NJSP portable radio. (Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Failure to safeguard NJSP property. (Written Reprimand)

Failure to report a troop car crash with property damage. (WR w/5 day suspension)

Failure to follow MVR procedures. (Written Reprimand)

Failure to follow MVR procedures and inappropriate actions while conducting a MV stop.
(Written Reprimand)

Unprofessional actions towards other law enforcement officers and culpable inefficient supervision. (WR w/2 day suspension)

Member acted inappropriately while on duty. (WR w/5 day suspension)

Unauthorized use of troop transportation and unauthorized person in a troop car.
(WR w/5 day suspension)

Failure to report involvement in a domestic violence incident.
(WR w/2 day suspension)

Failure to report a subordinate member's involvement in a domestic violence incident.
(Written Reprimand)

Member made inappropriate comments regarding another law enforcement officer.
(Written Reprimand)

Member failed to adequately prepare for a court appearance. (Written Reprimand)

Failure to safeguard NJSP badge. (Written Reprimand)

Member failed to address subordinates violation of the overtime six hour rule.
(Written Reprimand)

Member failed to follow overtime procedures. (Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Unauthorized use of troop transportation involving a crash. (WR w/5 day suspension)

Member failed to carry duty weapon while off duty. (Written Reprimand)

Member failed to follow pursuit policy and MVR procedures. (Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Member failed to obtain authorization for outside employment and failed to submit a vacation itinerary. (WR w/2 day suspension)

Member failed to obtain authorization for outside employment and failed to submit a vacation itinerary. (WR w/2 day suspension)

Member disobeyed a written order. (WR w/3 day suspension)

Member improperly handled a firearm. (Written Reprimand)

Member disseminated an inappropriate photograph of another member.
(Written Reprimand)

Failure to safeguard NJSP portable radio. (Written Reprimand)

Failure to safeguard NJSP portable radio. (Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Member used profanity, made inappropriate comments and failed to get authorization before conducting a strip search. (Written Reprimand)

Failure to safeguard NJSP property. (Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Member acted inappropriately off duty and failed to safeguard NJSP property.
(Written Reprimand)

Failure to safeguard NJSP property. (Written Reprimand)

Failure to safeguard NJSP property. (Written Reprimand)

Member improperly used a Division computer for a non-law enforcement related purpose.
(WR w/5 day suspension)

Member unsafely operated troop transportation causing damage.
(WR w/2 day suspension)

SUMMARY OF COMPLETED CASES RESULTING IN DISCIPLINE
REPORTING PERIOD: JANUARY 1, 2017, THROUGH DECEMBER 31, 2017

Actions Taken for Cases by Category⁴ in Year 2017				
Complaint Classification	Counseling/ Performance Notice Issued	Minor Discipline/ Including Written Reprimands Issued	Summary Discipline	General Discipline
Improper Search	0	0	0	0
Theft	0	0	0	1
Assault	0	0	0	2
Excessive Force	0	0	0	0
Differential Treatment	0	0	0	0
Other Harassment	0	1	0	0
Domestic Violence	0	0	0	7
Drug Violation	0	0	0	0
Alcohol Violation	0	1	0	7
False Arrest	2	1	0	0
Failure to perform duty	8	17	0	1
Driving violation	0	5	0	0
Attitude and Demeanor	4	3	0	0
Admin. Violation	88	46	2	2
Other	23	21	2	8
Totals	125	95	4	28

***NOTE :** This chart contains all disciplinary actions imposed in misconduct cases completed during the calendar year, regardless of the year the case was initiated.

In some cases, a reportable incident may contain multiple allegations and principals. In cases with multiple substantiated allegations, the resulting discipline against a member is listed next to the Complaint Classification category considered the most severe.

Summary does not include members who retired or were terminated prior to the imposition of the discipline.

⁴ In prior annual reports, the OPS included the following five discipline categories: counseling/performance notice issued; written reprimand issued; minor discipline; summary discipline; and general discipline. "Minor discipline" was defined as any discipline that included a written reprimand with up to five days of suspension, while "written reprimand" was defined as a written reprimand with no days of suspension. In consideration of the current report, the OPS made the decision to combine "written reprimand" and "minor discipline" into one category to avoid any potential confusion, since both of these categories are technically considered to be minor discipline. Therefore, for the 2017 annual report, the two categories are combined into one classification of "minor discipline."

PROSECUTION FOR FALSE CITIZEN COMPLAINTS

As can be seen from this report, the Division of State Police takes citizen complaints seriously and fully investigates them. However, if a complaint is found to be fabricated and maliciously pursued, the complainant may be subject to criminal prosecution.

During 2017, no charges were filed for filing a false complaint against Division members.

COMPLIMENTS

In addition to monitoring troopers' conduct to ensure conformance to the highest standards, the Division of State Police also accepts and appreciates all compliments submitted by the public regarding troopers' conduct. During 2017, the Division received nine hundred thirty-one (931) citizen compliments regarding actions by enlisted members. These citizen compliments were received in one of the following manners: citizen generated letters of appreciation, the New Jersey State Police Citizen Compliment/Complaint Form, the Office of Professional Standards Toll-free Compliment/Complaint Hotline, and e-mails.

REPORT NOTE

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