

Monitors' Fifth Report

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

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

United States Department of Justice
Civil Rights Division

State of New Jersey

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Executive Summary

Observations of the monitoring team appeared to be divided into two categories this reporting period: excellence and problematic. Observations of state police operational methods, achieved through a review of 175 motor vehicle stops conducted by the agency, indicated a palpable difference in the manner in which the agency conducts its day-to-day business. Unlike the last reporting period, all of the motor vehicle stops observed by the monitoring team this reporting period were professionally conducted. Stops were, almost universally, conducted for reasons that reflected a focus on the New Jersey State Police core mission: public safety. Members of the monitoring team noted that virtually all motor vehicle stops were made for serious violations of the criminal or motor vehicle law. Gone were the stops that bordered on pretextual. Members of the monitoring team did not observe a single consent search conducted after a non-related violation. While some of the consent searches were cited for a lack of supporting narrative, it appears that the vast majority of the 58 consent searches conducted this quarter were based on reasonable suspicion that evidence would be located upon search. In the one instance in which consent was denied, the driver was promptly released.

Also remedied this quarter were virtually all of the problems with overt failures to properly video-tape motor vehicle stops—evident in only a few of the stops reviewed by the monitoring team last quarter. During the review this quarter, problems encountered in videotaping motor vehicle stops were, mostly, attributable to equipment failures, exigent circumstances, or an almost inexplicable—and never before observed by the monitoring team in any law enforcement agency—habit of target motorists pulling to the side of the road and waiting for the trooper to turn around and make a traffic stop. Members of the monitoring team were, again, impressed with the professional quality of the vast majority of interactions reviewed this reporting period. Many of the problems with vehicle stop procedures noted during the fourth monitors' report were not evident during this reporting period's review. All non-consensual searches reviewed this period were found to be professionally conducted and well documented. The monitoring team found consent searches to be, for the most part, reasonably requested and professionally executed.

The monitors attribute the change observed in the field operations of the New Jersey State Police to two factors: implementation of revised and updated supervisory practices and completion of agency-wide training regarding Fourth Amendment practices in law enforcement and. Numerous changes in New Jersey State Police policies regarding motor vehicle stops were made in the last reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to

better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured “checklist” a larger number of “routine” MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of “road sergeant” has been implemented, thus increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

Training provided to state police personnel during this period has been of exceptionally high quality. The agency’s Fourth Amendment training can serve as a model for all law enforcement, and training of supervisors regarding revised monitoring and review procedures also was classified by the monitors as excellent. In addition, trooper coach processes implemented this reporting period have produced excellent results, as reflected in very painstaking reviews and evaluations conducted on a “360 degree” format—one of the very few such processes in American policing.

The results of these changes are tangible. The number of consent searches requested by the New Jersey State Police is down 69 percent over the previous six months. Perhaps more importantly, “find rates” for those searches have also improved—indicating that consent requests are being made more frequently of those who possess contraband or evidence, and less often of those who do not. The “find rates” for whites, during the last six months was 28 percent. The rate for blacks was 30 percent, and the rate for Hispanics was 50 percent. Improved training and supervision, it appears, have produced important results for the New Jersey State Police this reporting period.

Juxtaposed with substantial accomplishments in supervision and training are two issues the monitoring team found problematic this reporting period. First, the state has made no progress in clearing the internal affairs backlog with which it is faced. In fact, an additional 116 cases were added to the existing backlog, with the state clearing 199 cases and receiving 315 new cases requiring IA investigation. While the *quality* of cases completed this reporting period were good, and the state has added substantial amounts of manpower to the IA bureau, the press of incoming cases continues to outpace those cleared by the bureau.

A second and more pressing issue has surfaced in the training process. While the *product* delivered by the training academy is exceptionally good, the state has fallen short in many of the processes that support the training function: needs assessment, evaluation and documentation of the training process were all found to be problematic this reporting period. Members of the monitoring team are concerned that continued problems in this area may begin to affect the quality of training delivered by the agency, which, in the opinion of the monitors, is a remarkably valuable asset to be guarded jealously.

Independent Monitors' Fifth Report Period Ending December 31, 2001

1 Introduction

This document represents the fifth of an anticipated twelve "Independent Monitors' Reports" (IMRs) assessing the levels of compliance of the State of New Jersey (the state) with the requirements of a consent decree (decree) entered into between the state and the United States Department of Justice on December 30, 1999. The monitors acknowledge the fact that the state may complete substantial compliance with the requirements of the decree prior to the anticipated five-year period, in which case, the monitors would file fewer reports. This document reflects the findings of the monitoring team regarding compliance monitoring for the period May 30, 2001 through December 15, 2001. In order to complete the report in a timely fashion, monitoring activities were accomplished during the weeks of November 19th through December 6th.

The report is organized into three sections, identified below:

- Introduction;
- Compliance Assessment; and
- Summary.

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

1.1 Overall Status Assessment

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

1.2 Format for Compliance Assessment

The IMR is organized to be congruent with the structure of the consent decree. It reports on the state's compliance using the individual requirements of the decree. For example, the first section, the compliance assessment, deals with the

requirements, in paragraph 26 of the decree, relating to a specific prohibition against using “to any degree the race or national or ethnic origin of civilian drivers or passengers in deciding which vehicles to subject to any motor vehicle stop” (Decree at para 26). The following components of the decree are treated similarly. Compliance is classified as “Phase I,” and “Phase II,” with the definitions specified in Section 1.4, below.

1.3 Compliance Assessment Processes

1.3.1 Structure of the Task Assessment Process

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

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

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

The performance of the New Jersey State Police on each task outlined in the consent decree was assessed by the independent monitoring team during the period ending December 31, 2001. The fifth independent monitors’ report was submitted to the court on January 14, 2002.

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

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

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

1.3.2 Operational Definition of Compliance

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

Compliance levels for this monitoring process are reported both through a narrative description and a graphic description. The narrative describes the nature of the task requirement being assessed, a description of the methodology used to assess the task, and a statement of compliance status. It is critical to note, however, that a finding of non-compliance does not mean the state is engaging in inappropriate behavior. It simply means the state has not yet completed its efforts toward compliance. The graphic description depicts compliance status using a standard bar graph to indicate status in each compliance area. Each graphic consists of four segments, depicted below. The first segment depicts each of the anticipated 12 reporting periods (four quarterly reports for the first year and two reports for each following year). The second segment depicts the time allowed by the consent decree to complete the particular task. This time period is represented by the solid, dark blue bar . The third and fourth segments represent the time required to complete the task, and to achieve Phase I or Phase II compliance. A vertically patterned light blue bar  indicates that compliance was achieved in the time allotted. A diagonally patterned yellow bar  indicates that compliance was achieved at a later date than originally allocated in the decree, but that the delay, in the opinion of the monitors, does not seriously affect the state's eventual compliance with the decree. A horizontally patterned orange bar  indicates that compliance was achieved at a later date than originally allocated in the decree, and the delay *may* seriously affect the state's eventual compliance with the decree. A solid red bar  indicates expired time which is more than that allowed by the decree, and which, in the judgment of the monitors *does* seriously threaten the state's successful compliance with the decree. A task that was not, or could not be monitored is represented by a hollow bar .

1.3.3 Standards for “Compliance”

The parties have agreed to a quantitative standard for “compliance” to be used for assessing compliance for all critical tasks stipulated by the decree which can be quantified. On tasks for which quantitative data can be collected, e.g., the number of Motor Vehicle Stop Reports (MVSRs) that conform to the requirements of the decree, a standard of greater than 94 percent compliance is used. This means that at least 95 percent of the reports reviewed conformed to the requirements of the decree. This standard is widely used in social science, and is adapted by mutual agreement for this project.

1.3.4 Compliance with a Hypothetical Task

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

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

1.4 Flow of the Monitoring Process

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

2 Assessment of Compliance

2.1 Methodology

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

The following sections of the Second Monitors' Report contain a detailed assessment of the degree to which the state has complied with the 97 tasks to which it agreed on December 30, 1999. The reporting period for this report deals with actions of the state to comply with the decree between April 1, 2001 and December 31, 2001.

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

Task 26	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 26 stipulates that:

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

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the last reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring

through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

During the fifth site visit, members of the independent monitoring team conducted structured on-site reviews of the operations of ten New Jersey State Police Road Stations. These reviews were conducted of operations reported during the dates of April 1, 2001 to August 31, 2001, inclusive (the last month for which electronic data were available). The team conducted these reviews of the Cranbury, Moorestown, Newark, Allenwood, Bordentown, Red Lion, Fort Dix, Hightstown, Kingwood, and Wilburtha stations. As part of this review, members of the independent monitoring team collected and or reviewed course-of-business data on 175 New Jersey State Police motor vehicle stop incidents. In addition, the team reviewed video recordings of 279 motor vehicle stop incidents involving 291 law enforcement procedures. The monitors also reviewed a number of other activities (motorist aids, traffic accidents, etc) conducted by New Jersey State Police personnel. Supporting documentation was reviewed for each of the motor vehicle stops assessed by the monitoring team. The following paragraphs describe the monitoring team's methodology for data collection and analysis of the structured site visits. These descriptions apply to the assessment of compliance of various tasks required by the decree, and are critically important in the assessment of tasks 26 through 36.

Data Requests

Prior to its site visits in November and December, the monitoring team requested of the state electronic and hard-copy data regarding state police operations. These data requests included the following electronic-format data, in addition to other non-electronic data requests:

- Electronic data for all motor vehicle stop activity for the stations selected relating to an incident in which state police personnel engaged in one of the eight articulated post-stop law enforcement procedures of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force.

- Electronic data for all trooper-initiated motor vehicle stop “communications center call-ins” for the stations selected, including time of completion of the stop and results of the stop.
- The monitoring team also requested copies of documentation created for all consent search requests, canine deployments, and incidents involving use or force by New Jersey State Police personnel.

Based on these data requests, the monitoring team was provided with 175 motor vehicle stop records (taken from the state’s motor vehicle stop report entry system) for which dates and times of stops were recorded electronically, referred to by the state as motor vehicle stop “event” records. Computer Assisted Dispatch System (CADS) records were also requested by the monitors for all motor vehicle stop activity for the selected stations for the active dates of the fifth site visit.

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

Table One: Incidents Reviewed by Monitoring Team
For Fifth Site Visit²

Type of Activity	Report Reviews	Tape Reviews
Selected MVS Incidents	175	279
MVS Involving Consent Search	59	2
MVS Involving Canine Deployment	18	8
MVS Involving Use of Force	28	3
Non MVS ³	0	82
Total	280 ²	372 ²

Members of the monitoring team are working on procedures that will allow the team to review a larger percentage of the video tapes involving consent requests and use of force.

² The reader should note that Table One tallies *incidents* while table two tallies law enforcement procedures. A single incident could involve multiple procedures, i.e., a consent search, a use of force, and a canine deployment involved in one motor vehicle stop, thus these numbers do not add to a total.

³ Motorist’s aids, vehicle accidents, etc.

Motor Vehicle Stops

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

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

- Events which were reviewed using reported data, i.e., motor vehicle stops which resulted in post-stop activities of interest to the decree, which were reviewed by comparing the electronic data to data included in motor vehicle stop reports and supporting documents (patrol logs, summonses, consent to search reports, etc.), referred to as Type I data;
- Events, which were reviewed using both reported data **and** by reviewing recordings of the motor vehicle stop in question, referred to as Type II data; and
- Events which were reviewed simply by viewing video recordings of the six events following a selected motor vehicle stop incident, using a procedure developed to ensure that all events which should be reported by MVSR are actually reported, referred to as Type III data.

These records indicated 11 events from among the stations selected, which resulted in a consent search, and 47 events from other stations resulting in consent searches, for a total of 58 consent searches.⁴ All consent searches were assessed by reviewing New Jersey State Police reports documenting the consent and execution of the search. Similarly, the New Jersey State Police deployed canine units 18 times during the reporting period. Reports from all 18 of these events were reviewed by the monitoring team, and videos from eight of those events were also reviewed by the monitoring team. Force was used by New Jersey State Police personnel in 21 incidents during the reporting period, and reports from each of these incidents were reviewed by the monitoring team.

⁴ One consent request was declined by drivers during the reporting period.

Video tapes of three of the use of force events were reviewed by members of the monitoring team during the fifth site visit.

The reader should note that members of the monitoring team reviewed all Motor Vehicle Stop Reports, and associated documentation (patrol charts, citations, arrest reports, DUI reports, etc.) for the following New Jersey State Police activities:

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

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

Type I Event Reviews

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

Type II Event Review

A Type II event review consisted of reviewing the associated video tape for a given motor vehicle stop event, and comparing the actions noted on the tape with the elements reported in the official documents related to the event. These data were collected using a form developed by the monitoring team. These data were shared with the New Jersey State Police, and clarifications were requested

and received in instances in which there was doubt about the status of an event or supporting documentation.

Type III Event Review

In order to provide a probability that the monitors would note any events, which **should** have been reported, based on the requirements of the decree, but were not reported as required, the independent monitoring team also developed a protocol that sampled the six events after a selected event at a road station. For example, if a motor vehicle stop incident, which occurred at 3am, were selected for review, the six events recorded after that were also eligible for review.⁵ All events selected for a Type III (video-based) review were subjected to a structured review using a form developed by the independent monitoring team. These data were shared with the New Jersey State Police, and clarifications were requested and received in instances in which there was doubt about the status of an event or supporting documentation.

Table Two: Distribution of Monitoring Events

Station	Type I Reviews	Type II Reviews	Type III Reviews
Cranbury	13	13	41
Moorestown	15	15	61
Newark	12	12	31
Allenwood	9	9	24
Bordentown	7	7	16
Ft. Dix	9	9	36
Hightstown	4	4	13
Kingwood	10	10	38
Red Lion	8	8	3
Wilburtha	9	9	38
Other	79	0	0
	175	96	301

⁵ Not every law enforcement procedure reviewed by the independent monitoring team was subjected to this protocol during this quarter's site visit, as many of the events selected were found to have occurred at the end of the video tape being reviewed.

Status

The monitoring team's review of New Jersey State Police SOPs indicates that the agency is in Phase I compliance with Task 26: effective policies have been promulgated and distributed to state police personnel, as reflected in paragraphs III.B.1, IV.C.1, F55, "Traffic Stop Procedures: Motor Vehicle Searches and Seizures, Inventory and Impoundment." The topic is also covered in SOP F3, "State Police Patrol Procedures," at page two, III.A.5 and at page four, III.D.2 and 3. In addition, SOP F31, "Consent Searches," at page two, II.C, also covers specific prohibitions from using race or ethnicity in deciding to effect motor vehicle stops.

In-service training was provided to all members of the state police on revisions to the specific provisions of the SOPs and this provision of consent decree between April through August, 2001. Training for supervisors on the policy was completed during this reporting period. Training for supervisors regarding how to monitor potential race-ethnicity based motor vehicle stop decisions was completed by the state in November, 2001. Members of the monitoring team monitored this training, and found it to be of excellent quality, consistent with the quality of other training programs produced by the New Jersey State Police. Development of an automated support system for supervisors, designed to assist in the process of supervision of this task, is pending.

None of the law enforcement actions monitored by the independent monitoring team included any indication that the law enforcement actions undertaken were undertaken based on a consideration of race or ethnicity. More comprehensive mechanisms to monitor this task will not be available until the proposed MAPPS system is completed. A detailed discussion of the elements of the monitoring team's assessment of this task is included in the sections that follow.

Further, members of the monitoring team have noted a clear and positive change in the operational focus of the New Jersey State Police during this reporting period. With a few exceptions, the motor vehicle stops conducted by the state police and reviewed by the monitoring team have been focused on the "core mission" of the agency: public safety on the roadways. The vast majority of all traffic stops reviewed by the monitoring team this period were stops for high rates of speed, DUI, or other serious offenses. Only a handful of stops were for "lower" rates of speeding (10-14 mile per hour over the posted limit). The monitoring team noted fewer minor equipment violations which were the only reason for a traffic stop. In fact, at one station which was noted for numerous problematic stops last reporting period, *every stop* reviewed by the monitoring team was for a serious infraction: DUI, speeding at 15 mph or more over the posted limit, evading the police, etc. Moreover, members of the monitoring team noted no instances of troopers protracting stops to obtain consent to search.

Members of OSPA and the New Jersey State Police suggest that this is due to two factors: improved training and increased supervision. The monitors agree, and commend the state for improving the quality and tenor of the "average" traffic stop observed by the monitoring team during this reporting period.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

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

Task 27 stipulates that:

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

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the last reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely

monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

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

Status

A review of the policies developed, the training provided to date and the pending MAPPS process indicates that the agency is in Phase I compliance with the requirements of this task. The state has conducted a review of several hundred Motor Vehicle Stop Reports (MVSRs), and has noted several deficiencies in operationalization of the training provided. Retraining to address these deficiencies has been delivered. Training in use of the MAPPS is pending and the program itself is scheduled for the spring of 2002. Full compliance with this task cannot be monitored until the MAPPS is brought on-line. However, use of the Motor Vehicle Stop Report was monitored for 175 incidents involving a post-stop law enforcement activity of interest to the decree. Of the 175 MVSRs monitored, members of the monitoring team found problems with eleven incidents that appeared to not be noted by supervisory personnel during the normal course of MVR reviews. These included:

1. A stop in which the trooper produced a marginal narrative description of the events leading to a request for a consent search which led members of the monitoring team to believe that "reasonable suspicion" did not exist at the time of the request;
2. A stop in which the trooper produced a marginal narrative description of the events leading to a request for a consent search which led members of the monitoring team to believe that "reasonable suspicion" did not exist at the time of the request;
3. A stop in which the trooper conducted a stop for an equipment violation and produced narrative with insufficient information to gauge reasonable suspicion;

4. A stop in which the trooper conducted a stop for a moving violation, and “after the completion of the motor vehicle stop, where the driver’s credentials were returned and a warning was issued,” the driver was asked for a consent to search based on information—available from the narrative—that fell short of establishing reasonable suspicion;
5. A stop in which the trooper, investigating a property dispute, produces a narrative that does not allow the reader to determine why, when, or where a consent search was requested, and which produces no indication of reasonable suspicion to expect the trooper would find evidence of a crime;
6. An incident in which a trooper made a motor vehicle stop for running a stop sign and requested a consent to search, apparently for the simple reason that the driver was nervous and did not know his location.
7. An incident in which a trooper making a stop for failure to wear a seatbelt requested consent because “driver and passenger gave conflicting statements as to travel plans for the day;”
8. A stop in which a trooper requests consent because the driver first told him he was on his way to class, and later told him he was on his way to *register* for class;
9. A stop in which a trooper requested a consent search of a suspect arrested for outstanding warrants, and the request was denied, but the request was not supported by a narrative which would support a consent request;
10. A stop in which the presence of apparent censored language was noted by the monitoring team; and
11. A stop which provides a narrative supporting a consent search that falls short of the standard of articulable reason to suspect the presence of contraband.

All of these errors are substantial, constituting a failure in a key component of the reasons for reporting MVS activity. Further, each could have been noted by a review of paper documentation only. The state provided documentation suggesting that five of these errors had been caught by supervisory review; however, three of these supervisory reviews were conducted 67 days *after* the monitoring team had notified the state of the incidents that would be assessed for the reporting period. The *reviews* in question took place eight, seven, and five months after the events occurred. Two of these supervisory reviews were conducted two months after the monitoring team notified the state of the

incidents to be reviewed. These supervisory reviews were conducted seven months and three months *after* the incidents occurred.

A total of twelve errors out of 175 reports constitutes an error rate of only 6.3 percent. This compliance rate falls outside the >94 percent agreed to among the parties as the standard for critical tasks in this consent decree. Based on the agreement of the parties, once compliance has been attained, non-performance for two consecutive quarters is necessary for compliance to be withdrawn. Continued problems with this area will result in withdrawal of compliance for this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

Task 28	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 28 stipulates:

28. In order to help ensure that state troopers use their authority to conduct consensual motor vehicle searches in a nondiscriminatory manner, the State Police shall continue to require: that state troopers may request consent to search a motor vehicle only where troopers can articulate a reasonable suspicion that a search would reveal evidence of a crime; that every consent search of a vehicle be based on written consent of the driver or other person authorized to give consent which precedes the search; that the scope of a consent search be limited to the scope of the consent that is given by the driver or other person authorized to give consent; that the driver or other person authorized to give consent has the right to be present during a consent search at a location consistent with the safety of both the state trooper and the motor vehicle occupants, which right can only be waived after the driver or other person authorized to give consent is advised of such right; that the driver or other person authorized to give consent who has granted written consent may orally withdraw that consent at any time during the search without

giving a reason; and that state troopers immediately must stop a consent search of a vehicle if and when consent is withdrawn (except that a search may continue if permitted on some non-consensual basis).

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the last reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

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

Status

The independent monitoring team reviewed a total of 59 law enforcement actions involving consent requests conducted during the fifth report's operational dates. One of these 59 involved a consent search request which was declined, and which resulted in a discontinued process upon the driver's declination. A description of consent request events, by race of driver, is presented in Table Three below. Tables Three through Five depict data from the 175 incidents reviewed this reporting period by the monitoring team. "Number of Drivers" depicts the number of drivers, by race, in the 175 incidents. The number in parentheses in this column depicts the *percentage* of drivers in the total sample, by race. Thus, for Tables Three through Five, there were 91 white drivers of the total of 175 drivers involved in motor vehicle stops reviewed by the monitoring team this period, constituting 52 percent of all drivers in the sample. The next column, "Number" depicts the number of law enforcement procedures observed in the

motor vehicle stops reviewed. For example, Table Three depicts 28 consent requests of white drivers, 20 requests of black drivers, 11 requests of Hispanic drivers, and no requests of drivers of "other" race/ethnicity. The last column, "Percent" depicts the percent of drivers of a given race or ethnicity which were subjected to a given law enforcement procedures. This column will not total to 100 percent. The reviews depicted in this table constituted documentation and/or video tape reviews.

Table Three—Consent Request Activity

Race/Ethnicity	Number of Drivers	Number of Requests for Search	Percent Consent Request by Race/Ethnicity
White	91(52%)	28	30.7
Black	56(32%)	20	35.7
Hispanic	27(15%)	11	40.7
Other	1	0	0
Total	175	59	na

All but three of these consent searches were completed in conformance with the requirements of the consent decree. These included:

1. A stop in which the trooper conducted a stop for a moving violation, and "after the completion of the motor vehicle stop, where the driver's credentials were returned and a warning was issued," the driver was asked for a consent to search based on information—available from the narrative—that fell short of establishing reasonable suspicion;
2. A stop in which the trooper, investigating a property dispute, produces a narrative that does not allow the reader to determine why, when, or where a consent search was requested, and which produces no indication of reasonable suspicion to expect the trooper would find evidence of a crime;
3. A stop in which the trooper's narrative supporting reasonable suspicion appeared to contain "canned language" for which fell short of the requirement for "reasonable suspicion."

Members of the monitoring team noted an additional eight stops which, based on a review of the written documentation, appeared problematic. However, each of these eight was also supported by written documentation of performance notices,

counseling or other supervisory interventions that made it clear that the troopers' actions were appropriate, but poorly documented.

An error rate of three of 58 consent searches constitutes 5.0 percent, falling just within the >94 percent compliance rate agreed to by the parties as the standard for critical tasks outlined by the consent decree.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

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

Task 29a stipulates that:

29. Motor Vehicle Stop Data

- a. The State has adopted protocols (captioned F-55 (Motor Vehicle Stops) dated 12/14/99; C-22 (Activity Reporting System), F-3 (Patrol Procedures), F-7 (Radio Procedures), F-19 (MVR equipment), F-31 (Consent Searches), and a Motor Vehicle Stop Search Report dated 12/21/99; and a Property Report (S.P. 131 (Rev. 1/91)) that require state troopers utilizing vehicles, both marked and unmarked, for patrols on roadways to accurately record in written reports, logs, radio communications, radio recordings and/or video recordings, the following information concerning all motor vehicle stops:
1. name and identification number of trooper(s) who initiated the stop;
 2. name and identification number of trooper(s) who actively participated in the stop;
 3. date, time, and location of the stop;
 4. time at which the stop commenced and at which it ended;
 5. license number/state of stopped vehicle;
 - 5A. description of stopped vehicle;
 6. the gender and race/ethnicity of the driver, and the driver's date of birth if known;

7. the gender and race/ethnicity of any passenger who was requested to exit the vehicle, frisked, searched, requested to consent to a vehicle search, or arrested;
8. whether the driver was issued a summons or warning and the category of violation (i.e., moving violation or non-moving violation);
- 8A. specific violations cited or warned;
9. the reason for the stop (i.e., moving violation or non-moving violation, other [probable cause/BOLO]);
10. whether the vehicle occupant(s) were requested to exit the vehicle;
11. whether the vehicle occupant(s) were frisked;
12. whether consent to search the vehicle was requested and whether consent was granted;
- 12A. the basis for requesting consent to search the vehicle;
13. whether a drug-detection canine was deployed and whether an alert occurred;
- 13A. a description of the circumstances that prompted the deployment of a drug-detection canine;
14. whether a non-consensual search of the vehicle was conducted;
- 14A. the circumstances that prompted a non-consensual search of the vehicle;
15. whether any contraband or other property was seized;
- 15A. a description of the type and quantity of any contraband or other property seized;
16. whether the vehicle occupant(s) were arrested, and if so, the specific charges;
17. whether the vehicle occupant(s) were subjected to deadly, physical, mechanical or chemical force;
- 17A. a description of the circumstances that prompted the use of force; and a description of any injuries to state troopers and vehicle occupants as a result of the use of force;
18. the trooper's race and gender; and
19. the trooper's specific assignment at the time of the stop (on duty only) including squad.

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the last reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops

involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

Status

The review of state police policies, forms, training, data entry systems, and CADS processes indicates that the New Jersey State Police are in Phase I compliance with the requirements of Task 29a. Effective policies and forms requiring compliance with the reporting requirements of the task have been written, disseminated and implemented into the state police training process. Development of training for supervisors in the process of scrutinizing motor vehicle stop reports, and systems to facilitate that review are pending.

Use of the Motor Vehicle Stop Report was monitored for 175 incidents involving a post-stop law enforcement activity of interest to the decree. Use of force, non-consensual searches and deployment of canines received special attention from the monitoring team. The results of these reviews are depicted in Tables Four, Five and Six, below.

Use of Force

New Jersey State Police personnel reported using force 28 times during the reporting period. The use of force rate for white drivers was 18.6 percent. For black drivers, the use of force rate was 14.2 percent, and for Hispanic drivers, 11.1 percent. Members of the monitoring team reviewed reports of all use of force by personnel from the New Jersey State Police. All of the reports were included as part of the narrative of MVSRs. Members of the monitoring team found only one problem with the reporting process. All use of force narratives outlined specific reasons why force was necessary and identified the nature of the force used. Members of the monitoring team also reviewed video tapes of a selected sample of use of force reports, and found one use of force event which was not accurately reflected in the use of force narrative. This incident reflected an event in which the trooper verbally escalated an arrest to the point that force could be used. Further, the take-down occurred differently than was depicted in

the narrative supporting the use of force. An error rate of one of 28 events constitutes a 3.7 percent rate of error, inside the allowable >95 percent. More importantly, however, findings of the video tape review indicate that the New Jersey State Police may want to consider implementing requirements that supervisory personnel review all use of force events captured on video tape. Time costs for such reviews would be minimal (30 or so reviews per six months), but would avoid potential problems in the future. Members of the monitoring team will implement methods to expand significantly the percentage of use of force tapes reviewed for the sixth reporting period.

Table Four depicts data from the 175 incidents reviewed this reporting period by the monitoring team. "Number of Drivers" depicts the number of drivers, by race, in the 175 incidents. The number in parentheses in this column depicts the *percentage* of drivers in the total sample, by race. Thus, for Tables Three through Five, there were 91 white drivers of the total of 175 drivers involved in motor vehicle stops reviewed by the monitoring team this period, constituting 52 percent of all drivers in the sample. The next column, "Number" depicts the number of law enforcement procedures observed in the motor vehicle stops reviewed. For example, Table Four depicts 17 uses of force against white drivers, eight uses of force against black drivers, three uses of force against Hispanic drivers, and no uses against force of drivers of "other" race/ethnicity. The last column, "Percent" depicts the percent of drivers of a given race or ethnicity which were subjected to a given law enforcement procedure. This column will not total to 100 percent. The reviews depicted in this table constituted documentation and/or video tape reviews.

Table Four: Use of Force Activity

Race/Ethnicity of Drivers	Number of Drivers	Incidents of Use of Force	Percent by Race/Ethnicity
White	91 (52%)	17	18.6
Black	56 (32%)	8	14.2
Hispanic	27 (15%)	3	11.1
Other	1	0	0
Total	175	28	na

Canine Deployments

The New Jersey State Police deployed canine units 18 times during the reporting period. Members of the monitoring team reviewed all available documentation for each canine deployment, and reviewed video tapes of eight canine deployments. No reporting problems were noted in any of the 18 deployments, and the eight video taped incidents reviewed indicated that the written reports accurately

reflected actual events. All canine deployments were professionally executed and were executed for legitimate cause.

Table Five depicts data from the 175 incidents reviewed this reporting period by the monitoring team. "Number of Drivers" depicts the number of drivers, by race, in the 175 incidents. The number in parentheses in this column depicts the *percentage* of drivers in the total sample, by race. Thus, for Tables Three through Five, there were 91 white drivers of the total of 175 drivers involved in motor vehicle stops reviewed by the monitoring team this period, constituting 52 percent of all drivers in the sample. The next column, "Number" depicts the number of law enforcement procedures observed in the motor vehicle stops reviewed. For example, Table Five depicts eight canine deployments for white drivers, nine canine deployments for black drivers, one canine deployment for Hispanic drivers, and no canine deployments for drivers of "other" race/ethnicity. The last column, "Percent" depicts the percent of drivers of a given race or ethnicity which were subjected to a given law enforcement procedure. This column will not total to 100 percent. The reviews depicted in this table constituted documentation and/or video tape reviews.

Table Five: Canine Deployments

Race/Ethnicity of Drivers	Number of Drivers	Canine Deployments	Percent by Race/Ethnicity
White	91(52%)	8	8.8
Black	56(32%)	9	16.1
Hispanic	27(15%)	1	3.7
Other	1	0	0
	175	18	na

Non-Consensual Searches

Members of the New Jersey State Police conducted 94 non-consensual searches among the 175 reports reviewed by the monitoring team during the reporting period. Whites constituted 50 percent of the "searched population," while blacks constituted 35.1 percent, and Hispanics constituted 13.8 percent of the searched population. Members of the monitoring team reviewed all 94 of these non-consensual searches. No problems were noted in these searches. All searches listed as "probable cause" met the standard for probable cause searches. No problematic searches were noted among the 94 incidents reviewed.

Table Six depicts the results, by race/ethnicity and type of non-consensual search for the sample of 175 incidents reviewed by the monitoring team this reporting period. Table Six depicts the types of non-consensual searches, by race/ethnicity

of the 94 incidents involving a non-consensual search. For example, 47 white drivers were subjected to non-consensual searches during this reporting period, with 36 whites were searched incidental to arrest, two were subjected to a search for “proof of ownership,” seven were subjected to probable cause searches, etc. Numbers in parentheses reflect the percentage of type of search, by race. For example, the 36 searches incidental to arrest constitute 76.6 percent of all searches of white drivers. The reviews depicted in this table constituted documentation and/or video tape reviews.

Table Six: Reasons for Non-Consensual Searches

Reason for Consent Search	White # (%)	Black # (%)	Hispanic # (%)	Other # (%)	
Incidental to Arrest	36(76.6)	27(81.8)	9(69.2)	0(0)	72
Proof of Ownership	2(4.3)	0(0)	0(0)	0(0)	2
Probable Cause	7(14.9)	4(12.1)	3(23.1)	0(0)	14
Plain View	2(4.3)	2(6.1)	1(7.7)	0(0)	5
Warrant	0(0)	0(0)	0(0)	1(100)	1
	47(100)	33(100)	13(100)	1(100)	

Of the 175 MVSRs monitored, members of the monitoring team found problems with 15. These included:

1. A stop in which the trooper produced a marginal narrative description of the events leading to a request for a consent search which led members of the monitoring team to believe that “reasonable suspicion” did not exist at the time of the request;
2. A stop in which the trooper conducted a stop for an equipment violation and produced narrative with insufficient information to gauge reasonable suspicion;
3. A stop in which the trooper conducted a stop for a moving violation, and “after the completion of the motor vehicle stop, where the driver’s credentials were returned and a warning was issued,” the driver was asked

- for a consent to search based on information—available from the narrative—that fell short of establishing reasonable suspicion;
4. A stop in which the trooper, investigating a property dispute, produces a narrative that does not allow the reader to determine why, when, or where a consent search was requested, and which produces no indication of reasonable suspicion to expect the trooper would find evidence of a crime;
 5. An incident in which a trooper made a motor vehicle stop for running a stop sign and requested a consent to search, apparently for the simple reason that the driver was nervous and did not know his location.
 6. An incident in which a trooper making a stop for failure to wear a seatbelt requested consent because “driver and passenger gave conflicting statements as to travel plans for the day;”
 7. A stop in which a trooper requests consent because the driver first told him he was on his way to class, and later told him he was on his way to *register* for class;
 8. A stop in which a trooper requested a consent search of a suspect arrested for outstanding warrants, and the request was denied, but the request was not supported by a narrative which would support a consent request;
 9. A stop in which the presence of apparent canned language was noted by the monitoring team;
 10. A stop which provides a narrative supporting a consent search that falls short of the standard of articulable reason to suspect the presence of contraband;
 11. A stop in which the driver is arrested and ordered from the vehicle, but these actions are not reported on MVSr;
 12. A stop in which the occupant is frisked but this action is not noted on the MVSr;
 13. A stop in which the trooper conducts a “transport” frisk, but this action is not noted on the MVSr;
 14. A stop in which five occupants of a vehicle are asked out of the vehicle and frisked, but these actions are not indicated on the MVSr; and

15. A stop in which a driver is frisked without the presence of articulable suspicion to believe he may be armed or a threat to the trooper.

Many of these errors are substantial, constituting a failure in a key component of the reasons for reporting MVS activity. The reader should also note that all of these errors were made prior to completion of the training processes on new supervisory and reporting processes regarding motor vehicle stops.

A total of 15 errors out of 175 reports constitutes an error rate of 8.6 percent. This compliance rate falls outside the >94 percent agreed to among the parties as the standard for critical tasks in this consent decree. The parties have been advised by the monitors that, once compliance is attained on a given task, two consecutive monitoring reports of non-compliance would be required to withdraw compliance on that task. This is the second of those two periods. As a result, the State has lost compliance with the monitoring and evaluation processes required in Task 27.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

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

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

Task 29b stipulates that:

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

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the last reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational

practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

Status

The review of state police policies, forms, training, records systems, data entry systems, and CADS processes indicates that the New Jersey State Police are in Phase I compliance with the requirements of Task 30. Effective policies and forms requiring compliance with the reporting requirements of the task have been written, disseminated and implemented into the state police training process. Development of training for supervisors in the process of scrutinizing motor vehicle stop reports and associated documentation, and systems to facilitate that review are pending.

Of the 175 records reviewed by the monitors, all included the names of individuals subjected to post-stop law enforcement procedures of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force. All of these records included the race of the individual subjected to a post-stop law enforcement procedure of interest to the decree. All of the records included a CADS incident number. In addition, all had the date of the stop, time of the stop, time the stop cleared, and reason for the stop. All records included the gender and race of the individuals occupying the vehicle, whether a summons or warning was issued (and the category of the violation), and the reason for the motor vehicle stop.

The reader should also note that the data collected in the traffic stop reporting process is among the most robust in the nation. The data analyzed for this reporting period included only those data generated by the electronic reporting

process. Accuracy rates for these data, overall, exceeded 99 percent, well within the acceptable margin for error for this task. The earliest available electronic data in the state’s database, provided to the monitors, was September 2, 2000. In the opinion of the monitors, this qualifies as “expeditious” implementation.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

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

Task 29c stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last reporting period. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Status

Forms to support execution of tasks 31-33 have been developed and disseminated. The state is currently finalizing automated data entry, analysis, and supervisory review processes for these forms. While conformance to the policies supporting these forms is spotty at this point in the project (note the loss of compliance with Task 29a, above), the forms have been developed and disseminated and are being used by agency personnel.

Compliance

Phase I: In Compliance
Phase II: In Compliance

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

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

Task 29e stipulates that:

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

Methodology

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

Status

Implementation of revisions to protocols and/or forms has been held by the state, pending the approval of the monitors and the United States.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.6 Compliance with Task 30: Communications Center Call-Ins

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

Task 30 stipulates that:

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

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the last reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been

provided to all supervisory personnel and troopers involved in law enforcement activities.

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

Status

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

A sample of 13,067 CAD records, reviewed electronically, reflecting motor vehicle stops conducted by New Jersey State Police personnel, was reviewed by the monitoring team. These records reflected a 100 percent conformance to requirements for call-ins to the communications center established by the decree.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

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

Task 30a stipulates that:

- a. The initial call shall be made at the beginning of the stop before the trooper approaches the stopped vehicle, unless the circumstances make prior notice unsafe or impractical, in which event the state trooper shall notify the communications center as soon as practicable. The State Police shall continue to require that, in calling in or otherwise notifying the communications center of a motor vehicle stop, state troopers shall provide the communications center with a description of the stopped

vehicle and its occupants (including the number of occupants, their apparent race/ethnicity, and their apparent gender). Troopers also shall inform the communications center of the reason for the stop, namely, moving violation, non-moving violation, or other.

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the last reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

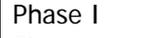
See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

A sample of 13,067 electronic CAD records was assessed for existence of a "stop time." All records had the time of stop recorded as part of the CAD record. In addition, members of the monitoring team also reviewed 175 video tapes of motor vehicle stops to assess the time of the call in.

Phase I: In Compliance
Phase II: In Compliance

2.6.2 Compliance with Task 30b: Notice Prior to Search

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

Task 30b stipulates that:

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

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the last reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

Status

New Jersey State Police SOPs relating to the call-in of consensual or non-consensual searches meet the requirements of the consent decree. In addition, training regarding all searches is reasonably designed to affect the necessary behavior on the part of troopers conducting traffic stops. Effective November 15,

2001, the New Jersey State Police have implemented effective global supervisory processes designed to assess the quality of motor vehicle stops. This process has not yet been reflected in the data reviewed by the monitoring team; however, data selected for monitoring for the next report will be reflective of these new supervisory practices.

Of the 24 search events reported (and reviewed by video tape), eight were called in to New Jersey State Police communications prior to the initiation of the search. This constitutes an error rate of 67 percent, beyond the >94 percent established as the criterion for this task.

Compliance

Phase I: In Compliance
 Phase II: Not in Compliance

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

Task 30c	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Pattern]											
Phase II	[Pattern]											

Task 30c stipulates that:

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

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the last reporting period. New Jersey State Police policies F-19 (MVR

Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRS) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRS. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRS on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

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

Status

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

Computer Assisted Dispatch (CADS) were also requested by the monitors for all motor vehicle stop activity for the selected stations. A sample of 13,067 CAD records were reviewed electronically, and all were found to have "clearance codes" indicating a call in notifying the communications center of the trooper's actions and time of clearance.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.6.4 Compliance with Task 30d: CADS Incident Number Notification

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

Task 30d stipulates that:

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

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the last reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

Status

Policies related to 30d reasonably cover the issue of CADS incident numbers and appropriate reporting methods. Training in this area is also reasonably designed to achieve compliance with this task. All of the automated records reviewed by

the members of the independent monitoring team included a unique CADS incident number. Events were trackable using this CADS incident number.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.7 Compliance with Task 31: Reporting Consent to Search Requests

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

Task 31 stipulates that:

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

Methodology

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

increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

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

Status

New Jersey State Police SOPs F31, "Consent Searches," F55, "Traffic Stop Procedures: Motor Vehicle Searches and Seizures, Inventory and Impoundment," F55 "Traffic Stop Procedures; Motor Vehicle Searches and Seizures, Inventory and Impoundment," F7, "Radio Procedures," C22, "Activity Reporting System," and State Police Form 614, "Consent to Search," reasonably address the processes of requesting and recording consent searches, and training provided to road personnel reasonably prepares them to complete these processes in conformance to the requirements of this task. Supervisory systems necessary to effectively review, assess and remand consent search reports and to evaluate consent search processes of road personnel are projected to be on-line in the spring of 2001.

A MVSR form was completed accurately in 58 of the 59 events, that the monitoring team reviewed, that included a consent search. The 59th incident involved a consent request that was denied. No narrative was provided from which the monitoring team could assess the efficacy of the request, and no consent form was completed and maintained with the file.

An error rate of one of 58 consent search processes constitutes 1.7 percent, within the required >94 compliance rate.

Compliance

Phase I:	In Compliance
Phase II:	In Compliance

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

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

Tasks 31a-c stipulate that:

- a. The State Police shall require that all "consent to search" forms include the following information :
 1. the date and location of the stop;
 2. the name and identification number of the trooper making the request for consent to search;
 3. the names and identification numbers of any additional troopers who actively participate in the discussion with the driver or passenger(s) concerning the request for consent to search;
 4. a statement informing the driver or other person authorized to give consent of the right to refuse to grant consent to search, and that if the driver or other person authorized to give consent grants consent, the driver or other person authorized to give consent at any time for any reason may withdraw consent to search;
 5. a statement informing the driver or other person authorized to give consent of the right to be present during the search at a location consistent with the safety of both the state trooper and the motor vehicle occupant(s) which right may be knowingly waived;
 6. check-off boxes to indicate whether consent has been granted, and if consent is granted, the driver or other person authorized to give consent shall check the appropriate box and sign and date the form; and
 7. if the driver or other person authorized to give consent refuses consent, the trooper or the driver or other person authorized to give consent shall so note on the form and the driver or other person authorized to give consent shall not be required to sign the form.
- b. A state trooper who requests permission to conduct a consent search shall document in a written report the following information regardless of whether the request for permission to conduct a search was granted or denied:
 1. the name of the driver or other person authorized to give consent to whom the request for consent is directed, and that person's gender, race/ethnicity, and, if known, date of birth;

2. the names and identification numbers of all troopers who actively participate in the search;
 3. the circumstances which constituted the reasonable suspicion giving rise to the request for consent;
 4. if consent initially is granted and then is withdrawn, the fact that this occurred, and whether the search continued based on probable cause or other non-consensual ground, or was terminated as a result of the withdrawal of consent;
 5. a description of the type and quantity of any contraband or other property seized; and,
 6. whether the discussion concerning the request for consent to search and/or any ensuing consent search were recorded using MVR equipment.
- c. The trooper shall sign and date the form and the report after each is fully completed.

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the last reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

Members of the monitoring team reviewed report information for 59 consent searches, and reviewed video tape recordings of two motor vehicle stops involving consent searches. Supporting documentation for all 59 consent searches was reviewed, and the events depicted on the two video tapes reviewed were assessed in light of the reports generated by the trooper concerning the event. See section 2.2, above, for a detailed description of the

data collection and analysis processes used to determine compliance levels for this task.

Status

New Jersey State Police SOPs F31, "Consent Searches," F55, "Traffic Stop Procedures: Motor Vehicle Searches and Seizures, Inventory and Impoundment," F7, "Radio Procedures," C22, "Activity Reporting System," and State Police Forms, 614, "Consent to Search," and 338, "Motor Vehicle Stop Report," reasonably address the processes of requesting and recording consent searches, and training provided to road personnel reasonably prepares them to complete these processes in conformance to the requirements of this task. Supervisory systems necessary to effectively review, assess and remand consent search processes by road personnel are projected to be on-line in the spring of 2001.

Members of the monitoring team noted problems with nine consent search reports. These included:

1. B20-4349, in which the trooper produced a marginal narrative description of the events leading to a request for a consent search which led members of the monitoring team to believe that "reasonable suspicion" did not exist at the time of the request;
2. A140-4614, in which the trooper conducted a stop for an equipment violation and produced narrative with insufficient information to gauge reasonable suspicion;
3. A120-4742, in which the trooper conducted a stop for a moving violation, and "after the completion of the motor vehicle stop, where the driver's credentials were returned and a warning was issued," the driver was asked for a consent to search based on information—available from the narrative—that fell short of establishing reasonable suspicion;
4. A40-7319, in which the trooper, investigating a property dispute, produces a narrative that does not allow the reader to determine why, when, or where a consent search was requested, and which produces no indication of reasonable suspicion to expect the trooper would find evidence of a crime;
5. A140-6066, in which a trooper made a motor vehicle stop for running a stop sign and requested a consent to search, apparently for the simple reason that the driver was nervous and did not know his location.

6. B20-12536, in which a trooper making a stop for failure to wear a seatbelt requested consent because "driver and passenger gave conflicting statements as to travel plans for the day;"
7. A140-10132, in which a trooper requests consent because the driver first told him he was on his way to class, and later told him he was on his way to *register* for class;
8. B130-11938, in which a trooper requested a consent search of a suspect arrested for outstanding warrants, and the request was denied, but the request was not supported by a narrative which would support a consent request; and
9. A100-4132, in which the trooper's narrative supporting reasonable suspicion appeared to contain "canned language" for which fell short of the requirement for "reasonable suspicion."

Members of the monitoring team were provided documentation that indicated that four of these nine errors were previously noted and remedied by New Jersey State Police supervisory personnel. Five problematic reports of a total of 58 constitutes an error rate of 8.6 percent, outside the allowable five percent. Continued problems with compliance in this area will result in withdrawal of compliance.

Compliance

Phase I: In Compliance

Phase II: In Compliance

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

Task 32	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Error]											
Phase II	[Error]	[Error]	[Error]									

32. Non-consensual Searches of Motor Vehicles (Excluding Vehicle Searches Begun as a Consent Search).
 A state trooper shall complete a report whenever, during any motor vehicle stop, the trooper conducts a non-consensual search of a motor vehicle (excluding vehicle searches begun as a consent search). The report shall include the following information:
 1. the date and location of the stop;

2. the names and identification numbers of all troopers who actively participated in the incident;
3. the driver's name, gender, race/ethnicity, and, if known, date of birth;
4. a description of the circumstances which provided probable cause to conduct the search, or otherwise justified the search;
5. a description of the type and quantity of any contraband or other property seized; and
6. whether the incident was recorded using MVR equipment.

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the last reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

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

Status

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

Members of the monitoring team monitored 94 non-consent searches using MVSRs and reviewed 65 of these non-consent searches during visits to ten New

Jersey State Police road stations. All non-consent searches appeared to be properly reported and conducted. This constitutes a substantial improvement over the last reporting period, again, the monitoring team believes, in response to improved training and supervision.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

Task 33	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 33 stipulates that:

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

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the last reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel

now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured “checklist” a larger number of “routine” MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of “road sergeant” has been implemented, thus increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

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

Status

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

Members of the monitoring team monitored, by reviewing all 18 reported canine deployments effected by the New Jersey State Police. In addition, members of the monitoring team reviewed eight canine deployments by reviewing video tapes of the deployments to ensure that the reports accurately reflected the events depicted on the official reports. Members of the monitoring team found all of the canine deployments to be accurately reported, and were deployed in conformance with the requirements of procedures and the decree.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

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

Task 34a stipulates that:

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

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

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the last reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

Members of the monitoring team identified every patrol vehicle used for patrol purposes by the ten road stations visited this reporting period. An inventory was conducted to ensure that video tape recordings were in the possession of the road station commander (in all cases in a secured storage area) for a random 25 percent sample of all patrol vehicle for each day of the current reporting period. In addition, members of the monitoring team requested to view video tapes for 84 events known to have occurred during the current reporting period.

Status

Members of the monitoring team found evidence of video tape recordings for every patrol vehicle identified for every day of the current reporting period.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

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

Task 34b-c stipulates that:

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

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

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the last reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

In addition to verifying the existence of a video tape in each patrol vehicle for each day of this reporting period (see above), members of the monitoring team pulled for review a sample of 175 post-stop law enforcement actions of interest to the decree. These included 84 events selected from New Jersey State Police databases, and 201 procedures selected by reviewing video tapes.

Status

While policies have been implemented requiring video and audio recording of all consent-decree related traffic stops, not all stops are recorded in conformance with the decree. For example, members of the monitoring team noted that only 87 percent of all video recordings were initiated "when first signaled to stop." Some of these difficulties, it seems, were created by at least several drivers pulling to the side of the road upon seeing the troop car pulling in behind them, not waiting for the overhead emergency lights to be activated. Other problems could have been created by a momentary delay between activation of the emergency lights and automatic activation of the video-tape system. In addition, twelve percent of the recordings were noted not to "continue until completion" as required by the decree. Notice of completion and notice of action taken was recorded in 90 percent of the cases, but was captured on CAD information systems in 100 percent of the cases.

A review of the 280 video tapes selected by the monitoring team indicates that the agency has resolved problems noted in the last report concerning “out of tape” issues and troopers patrolling with inoperative video units. The agency has, it appears, achieved general compliance with the requirements of the decree; however, some work remains to bring overall compliance rates up to the 95 percent level. While the vast majority of New Jersey State Police personnel are treating those whom they have stopped professionally, not all requirements of the decree regarding MVR operation are being met at this time. A substantial problem, noted for the last few reporting periods, involves activation of the audio portion of the motor vehicle stop process. The state is currently testing a new, high-frequency, duplexed audio system that may successfully address problems with audio recording, as this system integrates with patrol vehicle’s emergency lights, and activates the audio recording process when the emergency lights are activated.

Compliance

Phase I: In Compliance
 Phase II: Not in Compliance

2.12 Compliance with Task 35: Supervisory Review of Trooper Reports

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

Task 35 stipulates that:

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

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the last reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel

now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured “checklist” a larger number of “routine” MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of “road sergeant” has been implemented, thus increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

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

Status

A review of 1,733 records of motor vehicle stops, completed during the reporting period indicated that only 210 of these were reviewed within 14 days, as required by the decree. In addition, numerous instances were noted which constituted lapses in the quality of the supervisory review process (see sections 2.4 and 2.5, above). An analysis by the state of supervisory review indicates a compliance rate of 73 percent, much higher than the 12.1 percent calculated by the monitoring team. The cause for this difference is not known, but will be remedied by the next report.

Compliance

Phase I: In Compliance
 Phase II: Not in Compliance

2.13 Compliance with Task 36: Supervisory Review of MVR Tapes

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

Task 36 stipulates that:

36. The State shall adopt a protocol requiring that State Police supervisors review MVR tapes of motor vehicle

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

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the last reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities..

Status

Training for supervisory personnel regarding MVR review and a supervisory-management system for using MVR reviews as part of the MAPPS process is expected to be on-line in spring of 2002. Training for supervisory personnel regarding revisions to the procedures noted above was completed in November, 2001. The state has developed, and implemented in November, 2001, a formal policy requirement regarding MVR review processes for supervisory personnel, using a structured review process that, in the opinion of the monitoring team, will drastically improve the quality of supervisory personnel.

During on-site reviews at ten New Jersey State Police road stations, members of the monitoring team reviewed more than 1,000 supervisors' MVR review reports. The quality of these reports varied widely. Some of these reviews were perceptive, and were accompanied by documentation of performance notices or

other interventions designed to remedy observed performance deficiencies. Many of these reviews, however, were *pro forma* and did not document a careful review of the MVR. Newly revised SOPs are anticipated to improve the quality of these reviews, however, until supervisory reviews are conducted of events included in the monitoring period, the State remains out of Phase II compliance with this task.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

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

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

Task 37 stipulates that:

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

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the last reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational

practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

Status

At least two incidents were referred to OPS during the fourth reporting period, and the monitors have been advised that at least one additional incident (an excessive force incident mentioned in section 29a, above) will be referred to OPS. A fourth set of incidents was referred to OPS, based on information brought to New Jersey State Police attention during the fourth monitoring visit. All referral decisions appear appropriate. Members of the monitoring team are waiting for resolution of the investigations. To date, members of the monitoring team have noted no inappropriate behavior which should have been referred to OPS but were not so referred.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.15 Compliance with Task 38: Periodic Reviews of Referral Decisions

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

Task 38 stipulates that:

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

Methodology

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

At least two referrals have been made to the Office of Professional Standards, and others are anticipated based on reviews conducted during the fifth reporting period. Personnel from the OAG are aware of the requirement for periodic audits, and have conducted audits of New Jersey State Police activities during the last reporting period (see section 2.83, below). None of the referral decisions have received specific OAG audit attention to date.

Status

At this point, members of the monitoring team were unable to audit this task

Compliance

Phase I: Unable to Monitor
Phase II: Unable to Monitor

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

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

Task 39 stipulates that:

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

Methodology

Numerous changes in New Jersey State Police policies regarding this task were made in the last reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured "checklist" a larger number of "routine" MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of "road sergeant" has been implemented, thus increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

Status

The New Jersey State Police have recently appointed sufficient numbers of patrol sergeants to serve as "road supervisors;" however, these personnel were not deployed in time for the members of the monitoring team to assess their activities for this reporting period.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

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

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

Task 40 stipulates that:

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

Methodology

Progress continues to be made in design and delivery of a Management Awareness and Personnel Performance System (MAPPS). Documentation for the final planned system has been completed. No evaluable components of MAPPS have been completed as of this site visit. As all MAPPS components currently reflect the same status at this time, i.e., in compliance for Phase I and not in compliance for Phase II, the monitoring team will report only on Task 40 for this report. The state remains in Phase I compliance with tasks 41-51. The state has not yet attained Phase II compliance with tasks 41-51. Requirements for the state to develop a protocol for use of MAPPS (Task 47) are also under development, but not completed to a degree that would allow monitor or Department of Justice review.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.29 Compliance with Task 52: Supervisors to Implement Necessary Changes

Task 52	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Striped bar]		[Checkered bar]									

Task 52 stipulates that:

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

troopers; and/or make any appropriate recommendations.

Methodology

During the fifth reporting period, members of the monitoring team noted several instances of supervisory personnel issuing “performance notices” or other interventions for actions of division personnel inconsistent with policy or established practice. Ample evidence exists to support the fact that supervisory personnel are beginning to carefully review trooper activity and to issue performance notices or other “interventions” when inappropriate behavior occurs. During this reporting period, the monitoring team reviewed seven commendations, 14 counselings based on events not reviewed by the monitoring team, and ten counselings based on events which were brought to the attention of supervisory personnel by the monitoring team. Until an effective division-wide MAPPS process is implemented, and supported by appropriate training and usage protocols, however, complete compliance with this task is not feasible.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

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

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

Task 53 stipulates that:

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

supervisor shall document the nature, frequency, and duration of the intervention.

Methodology

The state has developed a system of OPS notification of more than two misconduct investigations in a two-year period, but additional work is pending regarding protocols for and assessment of supervisory response to this section.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

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

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

Task 54 stipulates that:

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

Methodology

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

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.32 Compliance with Task 57: Troopers to Provide Name and Badge Number

Task 57	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 57 stipulates that:

57. The State Police shall require all state troopers to provide their name and identification number to any civilian who requests it.

Methodology

During the fourth reporting period, the State Police received and appropriately investigated an allegation of failure to provide identification. The case was not sustained; however, the referral and investigation of the complaint indicates conformance to established policies regarding this task. During the fifth reporting period, no such allegations were received or investigated.

Status

The state remains in compliance with this task, based on compliance assessed during the first quarter.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.33 Compliance with Task 58: State to Inform Civilians re Complaints/Compliments

Task 58	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 58 stipulates that:

58. The State Police shall develop and implement an effective program to inform civilians that they may make complaints or provide other feedback regarding the performance of any state trooper. This program shall, at a minimum, include the development of informational materials (fact sheets and informational posters) describing the complaint process and the development and distribution of civilian complaint forms. The State Police shall make such materials available in English and Spanish.

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last reporting period. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Status

The compliment/complaint forms developed by the state are reasonably designed to accomplish the purpose of Task 58, are available in English and Spanish, and have, apparently been printed in numbers large enough to have been distributed to road stations, carried in patrol vehicles and to have been made available at the entry vestibule to road stations. Informational materials were available at all road stations and headquarters buildings visited by the monitoring team during the second quarterly visit. A member of the team fluent in Spanish has reviewed the Spanish language forms and informational materials, and found them to be an effective translation, portraying virtually the same concepts as the English version. In addition, two troopers were counseled this reporting period for failure to advise an arrestee of the complaint process after the arrestee complained about the treatment he had received during the arrest.

This event was among the use of force incidents reviewed by the monitoring team.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.34 Compliance with Task 59: Availability of Complaint/Compliment Forms

Task 59	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Solid Blue]											
Phase II	[Diagonal Stripes]											

Task 59 stipulates that:

59. The State shall make complaint forms and informational materials available at State Police headquarters, all State Police stations, and such other locations around New Jersey as it may determine from time to time. The State shall publicize the State Police mailing address, internet address, and toll-free telephone number at state-operated rest stops located on limited access highways. The State Police also shall provide information on the internet about the methods by which civilians may file a complaint. The State Police further shall require all state troopers to carry fact sheets and complaint forms in their vehicles at all times while on duty. The State Police shall require all troopers to inform civilians who object to a trooper's conduct that civilians have a right to make a complaint. The State Police shall prohibit state troopers from discouraging any civilian from making a complaint.

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last reporting period. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Status

Compliment and complaint forms and informational materials were available at all state police facilities visited by the members of the monitoring team, and both English and Spanish forms were provided. Members of the monitoring team checked the state's rest areas/service areas, and noted that all had notice of compliment/complaint procedures posted. The state police web site conforms to the requirements of this task. Fact sheets and complaint forms were in all patrol vehicles inspected during this reporting period.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.35 Compliance with Task 60: Community Outreach

Task 60	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Solid Blue]											
Phase II	[Vertical Stripes]											
	[Diagonal Stripes]											

Task 60 stipulates that:

60. The State Police shall develop a program of community outreach to inform the public about State Police functions and procedures, including motor vehicle stops, searches and seizures, and the methods for reporting civilian complaints or compliments regarding officers. This outreach program is not intended, and should not be construed, to require the State Police to disclose operational techniques to the public.

Methodology

The state police have modified their outreach programs to include provision of information related to the decree in their public meetings and organized interactions with various groups within the state. These meetings are often held in conjunction with local law enforcement agencies, and discuss topics of interest to the communities in attendance, as well as topics specifically related to the consent decree. Members of the monitoring team were unable to attend any of these meetings during their December site visit. No agenda were available.

Status

The community outreach process employed by the state police continues to include provision of information related to the decree and discuss topics of

interest to the communities in attendance. The schedule shows an active outreach on radio, through professional appearances and through community meetings. The state continues to be in compliance with this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.36 Compliance with Task 61: Receipt of Citizens' Complaints

Task 61	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Solid Blue]											
Phase II	[Diagonal Stripes]											

Task 61 stipulates that:

61. Civilians may initiate a complaint or otherwise provide feedback regarding State Police performance either in person, by mail, by telephone (or TDD), or by facsimile transmission. The State Police shall accept and investigate anonymous complaints and complaints filed by civilians other than the alleged victim of misconduct. The State shall not require that a complaint be submitted in writing to initiate a misconduct investigation.

Methodology

Members of the independent monitoring team, during the November 2001 visit, determined that the documents reviewed in previous visits continue to be the policy guidelines to assure compliance with this task. The New Jersey State Police implemented the revised B-10 procedure and a revised Internal Affairs manual in January, 2002. Members of the monitoring team requested and received one Internal Complaint Form that properly documented the state's commitment to act upon anonymous complaints.

Status

Members of the monitoring team noted that all personnel are trained to answer the telephone and are governed by written procedures promulgated by the OPS. The monitoring team examined an internal complaint form brought about by an anonymous complaint and noted from the "investigative control ledger" that an appropriate case number was assigned.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.37 Compliance with Task 62: Institution of a 24-hour Toll-Free Telephone Hotline

Task 62	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 62 stipulates that:

62. The State Police shall institute a 24-hour toll-free telephone hotline for civilians to call to make a complaint or compliment or otherwise provide feedback regarding State Police performance. The hotline shall be operated by the Professional Standards Bureau (hereinafter "PSB"). The State Police shall immediately connect or refer all civilians to this hotline who telephone a State Police station to file a complaint. The State Police shall publicize the hotline telephone number on informational materials, complaint forms, and "consent to search" forms. The State Police shall tape record all conversations on this hotline and shall notify all persons calling the hotline of the tape recording. The State Police shall develop a procedure to assure that callers are being treated with appropriate courtesy and respect, that complainants are not being discouraged from making complaints, and that all necessary information about each complaint is being obtained. This procedure shall include regular reviews of the tape recordings.

Methodology

The New Jersey State Police implemented the revised B-10 procedure and a revised Internal Affairs manual in January, 2002. Members of the monitoring team listened to recordings captured on the RACAL system. Noteworthy were several compliments received from members of the public. The monitoring team noted that the first page of the logbook outlines procedures for the intake of calls received on the hotline. Further, the monitoring team verified that calls received on the hotline culminated in the opening of cases via the "Internal Complaint Form." A review of the logbook determined that relevant information is memorialized by unit members as they receive calls on the hot line.

Status

A representative of the Office of State Police Affairs advised the monitoring team that OSPA conducts weekly reviews of incoming hotline calls to determine the Division's compliance with this requirement. The monitoring team reviewed the "Office of State Police Affairs" 800 hotline questionnaire for calls that had been received on April 3, 2001. The form appropriately captured the requirements of unit personnel in their compliance responsibilities.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.38 Compliance with Task 63: PSB to Receive All Citizens' Complaints

Task 63	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 63 stipulates that:

63. The PSB shall be responsible for receiving all misconduct complaints. All complaints made at locations other than the PSB shall be forwarded to the PSB within a reasonably prompt period as specified by the State Police. The State Police shall assign and record a case number for each complaint. The OAG shall have access to all misconduct complaints received by PSB.

Methodology

The New Jersey State Police implemented the revised B-10 procedure and a revised Internal Affairs manual in January, 2002. The monitoring team requested the Chief Investigator of OPS to produce evidence of use of the "Internal Complaint Form" to verify that the state does, in fact, forward all complaints to OPS. Members of the monitoring team reviewed the form and determined it to appropriately meet the requisite criteria essential for compliance with this requirement.

Status

OPS continues to meet the requirements of this task by receiving all citizen complaints.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.39 Compliance with Task 64: Relocation of Office of Professional Standards Offices

Task 64	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 64 stipulates that:

64. The State Police shall relocate PSB offices to buildings separate from any building occupied by other State Police personnel. The PSB shall publicize the locations of its offices.

Methodology

Members of the monitoring team during the November 2001 site visit questioned the state as to the use of the Freehold facility. A representative of the Office of State Police Affairs provided documentation to indicate that during the reporting period of April 1, 2001 through September 30, 2001, 124 persons were interviewed at the Freehold facility, 25 civilians and 99 members. The monitoring team requested and received a copy of the "New Jersey State Police Freehold Regional Office Sign-in Sheet" which verified this representation.

Status

The monitoring reviewed the sign-in form and determined that it properly memorializes the visitor's name, the identity of the investigator and the relevant case number. The monitoring team also examined the New Jersey State Police website with specific attention directed to the instructions on "Filing a Compliment or Complaint." The form properly enumerated the identity of the Freehold facility. When compared to the May 2001 site visit, it is apparent that the Freehold facility is now being used more often.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.40 Compliance with Task 65: Referral to OAG of Specific Dismissed Charges

Task 65	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 65 stipulates that:

65. The State Police shall refer to the OAG and/or PSB for investigation of state trooper performance all incidents in which a civilian is charged by a state trooper with obstruction of official business, resisting arrest, assault on a state trooper, or disorderly conduct, where the prosecutor's office or a judge dismisses the charge before or during trial and the dismissal is not part of the plea agreement.

Methodology

During the November 2001 site visit the monitoring team determined that no additional steps have been taken by the state since the Office of the Attorney General corresponded with all twenty-one prosecutors requesting their cooperation in complying with this requirement. Additionally, the monitoring team reviewed a document, dated November 12, 2001 from the Deputy Attorney General to the Director of the Office OSPA advising that during the relevant reporting period, there were no referrals of the type articulated in this requirement.

Status

Representatives of the Office of Professional Standards continue to indicate to members of the monitoring team that there remains some systemic difficulty in assuring that local prosecutors will be able to fulfill the requirements as outlined in this task. The monitoring team remains satisfied that the state has sincerely implemented an adequate process to assure notice of circumstances as articulated in this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.41 Compliance with Task 66: Notice to Office of State Police Affairs of Pending Civil Actions

Task 66	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 66 stipulates that:

66. The State shall notify the OAG whenever a person files a civil claim against the State alleging misconduct by a state trooper or other employee of the State Police. The OAG shall notify the PSB of such civil claims.

Methodology

No changes in New Jersey State Police policies regarding this task were made since the May 2001 visit. The monitoring team reviewed a memorandum from the Deputy Attorney General to the Director of the Office of State Police Affairs advising that during the current reporting period there were twelve civil cases received. The cases were properly tabbed with the names of the complainants, the OPS civil case numbers and the corresponding internal affairs number, where appropriate.

Status

Members of the independent monitoring team determined that the state remains in compliance with this task. The role of the Office of State Police Affairs in the review process helps to assure the state's compliance with this task

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.42 Compliance with task 67: Notice of Criminal Involvement of Members

Task 67	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Phase I]											
Phase II	[Phase II]											

Task 67 stipulates that:

67. The State shall make reasonable efforts to implement a method by which it will be notified of a finding in criminal proceeding of a constitutional violation or misconduct by a state trooper.

Methodology

During the November 2001 site visit the monitoring team queried representatives of the state regarding compliance with this requirement. The monitoring team noted that during the May 2001 site visit, the state put forth an incident in which a Municipal Court Judge asserted that a trooper might have engaged in race-based conduct during the course of a traffic stop. That case resulted in an open OPS investigation which is on-going at this time.

Status

While there have been no noteworthy changes in policies regarding this task, the state continues to demonstrate a commitment to meet this requirement. When asked to produce documentation relevant to the investigation of the incident brought to the monitoring team's attention in May 2001, the state produced an OSPA, "Memorandum of Investigation" which properly memorialized the state's continuing investigative effort relevant to this matter. The state is aware, through these efforts, of six criminal cases initiated against agency personnel during this reporting period.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.43 Compliance with Task 68: Notice of Adverse Involvement

Task 68	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 68 stipulates that:

68. The State Police shall require all state troopers promptly to notify the State Police of the following: the trooper is arrested or criminally charged for any conduct; the trooper is named as a party in any civil suit involving his or her conduct while on duty (or otherwise while acting in an official capacity); or the trooper is named as a party in any civil suit regarding off-duty conduct (while not acting in an official capacity) that alleges racial bias, physical violence, or threats of physical violence by the trooper. State troopers shall report this information either directly to the PSB or to a supervisor who shall report the information to the PSB. The PSB shall notify the OAG of PSB's receipt of this information.

Methodology

During the November 2001 site visit the monitoring team determined that there were no instances during this reporting period that were relevant to this requirement. The guidance for this requirement is still incorporated into SOP B-10, III.C.1, which has been promulgated by the state on January 1, 2002.

Status

While the independent monitoring team could not review any occurrence of the nature described in this requirement, it is clear that the state remains committed to assuring that the Division meets the requirements of this task. No new notices of adverse involvement were noted this reporting period. The state remains in compliance with this task based on past performance.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.44 Compliance with Task 69: Duty to Report Misconduct

Task 69	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 69 stipulates that:

69. The State Police shall require state troopers to report, based on personal knowledge, any conduct by other troopers, involving civilians, that reasonably appears to constitute: (a) prohibited discrimination; (b) an unreasonable use of force or a threat of force; (c) an intentional constitutional violation; (d) an intentional failure to follow any of the documentation requirements of this Decree, or (e) an intentional provision of false information in a misconduct investigation or in any report, log, or transmittal of information to the communications center. State troopers shall report such misconduct by fellow troopers either directly to the PSB or to a supervisor who shall report the allegation to the PSB. The PSB shall notify the OAG of PSB's receipt of this information.

Methodology

No changes in New Jersey State Police policies regarding this task were made since the last site visit. During previous site visits, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Status

The status of this task remains the same as in previous site visits. Requirements remain part of SOP B-10 III.C.2. which has now been promulgated. The monitoring team was advised by a member of the Office of State Police Affairs that of the 199 complaints reviewed by OSPA during this reporting period, there were no instances of internally generated allegations of the types of conducts described in this task. The state remains in compliance based on past performance.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.45 Compliance with Task 70: Creation of the Office of Professional Standards

Task 70	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												
												

Task 70 stipulates that:

70. The State Police shall provide for a Professional Standards Bureau, the purpose of which shall be to protect the professional integrity of the Division of State Police and to fully, fairly and expeditiously investigate and resolve complaints and other misconduct investigations. The State shall provide the PSB sufficient staff, funds, and resources to perform the functions required by this Decree. The State shall encourage highly qualified candidates to become PSB investigators.

Methodology

No changes in New Jersey State Police policies were made since the last site visit in May 2001. During previous visits, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Status

The New Jersey State Police, Office of Professional Standards, has the same duties and responsibilities as those identified in the decree for the "Professional Standards Bureau." During the last reporting period the monitoring team noted an absence of a formalized process that ensures the most qualified candidates are recruited for assignment to OPS. The monitoring team, during the November 2001 site visit found the state to be sensitive to their progress relevant to this requirement. The monitoring team requested organizational data relevant to the staffing of the OPS function. The state advised that as of September 30, 2001, there were seventy-five personnel assigned to OPS. Of these, nine enlisted and four civilian personnel are assigned to Staff Inspection and Management Review and are not actively engaged in the investigative process. The commanding officer of OPS has two civilian support staff. The remaining fifty-nine persons are assigned to the Investigative Bureau and the Intake and Adjudication Bureau: 45 enlisted, one sworn (The Chief Investigator), and 13 civilians.

During the May 2001 site visit, the monitoring team reviewed a March 26, 2001 roster that showed the OPS function populated by 43 enlisted and 12 civilian personnel. As of the November site visit days, the state has increased the size of the OPS investigative staff by 13%. Additionally, on June 14-15, 2001, the state trained 103 personnel to serve as temporary OPS investigators. Each of these personnel was assigned two cases. The monitoring team was able to clearly discern the state's progress and commitment to the requirements articulated in this task.

During this reporting period, the New Jersey State Police opened 315 complaint investigations and cleared 199. Thus, 116 cases were added to the internal investigation backlog. Members of the monitoring team are deeply concerned about the creation of additional backlogged cases, and are extremely cognizant of the need to clear existing backlogged cases. This is a critical task, and despite deliberate and focused effort on the part of the state police, no progress has been made during this reporting period. Failure to address adequately the issues of backlogged cases can effectively subvert the intent of the decree. The state is encouraged to take immediate and direct steps to address this issue.

Members of the monitoring team reviewed 99 of the 199 cases completed this reporting period, and found them to meet the requirements of the decree.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.46 Compliance with Task 71: Formal Eligibility Requirements for PSB

Task 71	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Phase I]											
Phase II	[Phase II]											

Task 71 stipulates that:

71. The Superintendent of the State Police shall establish formal eligibility criteria for the head of the PSB and for staff who supervise or conduct internal investigations. These criteria shall apply to the incumbent PSB head and investigative staff, and all candidates for these positions, and also shall be used to monitor the performance of persons serving in these positions. The criteria shall address, inter alia, prior investigative experience and

training, analytic and writing skills, interpersonal and communication skills, cultural and community sensitivity, commitment to police integrity, and previous performance as a law enforcement officer.

Methodology

Members of the monitoring team have reviewed and approved the eligibility criteria for members of the Office of Professional Standards. Members of the monitoring during the November 2001 site visit continued to review material relevant to both training and performance evaluation for personnel assigned to the OPS.

Status

During the November 2001 site visit the monitoring team determined that since the last site visit, the Commander of OPS has gained authority to veto referrals from the Superintendent to assignments in OPS. The state advises that the new performance appraisal instrument has been adopted fully and formally. The specific performance indicators for IAB personnel are still captured in the specially designed instruments that were created for IA/IB personnel. Based on an inter-office communication from the Commander of OPS to the Chief Investigator of IA/IB, the specially crafted performance addendum will now be incorporated and attached to the investigator's "Annual Performance Evaluation Form" (S.P.334). Members of the monitoring team requested and received two "Unit Evaluations" as completed by the IA/IB Chief Investigator and copies of the OPS template for personnel resumes. The template will replace the self-generated documents previously used in the OPS. The new document will be populated with data and information generated by the Information Technology Bureau which will be receiving input from various components from within the Division.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.47 Compliance with Task 72: Execution of Training for Office of Professional Standards Staff

Task 72	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 72 stipulates that:

72. The State shall ensure that the PSB head and staff that supervise or conduct internal investigations receive adequate training to enable them to carry out their duties. The training shall continue to include the following: misconduct investigation techniques; interviewing skills; observation skills; report writing; criminal law and procedure; court procedures; rules of evidence; and disciplinary and administrative procedures.

Methodology

During the November 2001 site visit the monitoring team reviewed a training roster for OPS personnel that spanned this reporting period. The roster contained curricula that are IA specific as well as general training requirements to be met by all enlisted personnel of the New Jersey State Police. Members of the monitoring team inspected a "Training Courses and Curricula Manual" which contains course titles, attendees, curricula and relevant SOP's. The location of the training courses were local, regional, and national.

Status

The monitoring team finds the state committed to the professional training of its OPS personnel and is able to discern a pattern of seeking continual improvement in the quality of investigators assigned to the OPS function.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.48 Compliance with Task 73: Initiation of Misconduct Investigations

Task 73	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 73 stipulates that:

73. A misconduct investigation shall be initiated pursuant to any of the following:
- a. the making of a complaint (as defined in ¶16);
 - b. a referral pursuant to ¶37 or ¶65;
 - c. the filing of a civil suit by a civilian alleging any misconduct by a state trooper while on duty (or acting in an official capacity);
 - d. the filing of a civil suit against a state trooper for off-duty conduct (while not acting in an official capacity) that alleges racial bias, physical violence, or threat of physical violence; and
 - e. a criminal arrest of or filing of a criminal charge against a state trooper.

Methodology

No changes in the New Jersey State Police policies regarding this task were made since the May 2001 site visit. Members of the monitoring team found that the Office of Professional Standards still uses documents and inter-office communications reviewed during previous site visits as the basis for compliance with this task.

Status

Members of the monitoring team during the November 2001 site determined that during the relevant period, the state had completed 199 investigations. A review of the "Investigative Control Ledger" determined that during this same period, the state opened 315 internal investigations. In compliance with subparagraphs "c" and "d" of this requirement, the state commenced twelve internal investigation initiated as a result of "civil filings." All of these cases were properly assigned case numbers. Members of the monitoring team also reviewed a November 2001 memorandum from the Deputy Attorney General to the Director of the Office of State Police Affairs citing the opening of six criminal cases, each appropriately assigned case numbers. This is consistent with subparagraph "e" of this requirement.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.49 Compliance with Task 74: Responsibility for Conducting Internal Investigations

Task 74	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 74 stipulates that:

74. All misconduct investigations shall be conducted by the PSB or the OAG except as delegated to the chain-of-command supervisors. Assignment of misconduct investigations will be made as follows:

- a. The PSB or the OAG shall conduct misconduct investigations in the following circumstances:**
- i. all complaints alleging a discriminatory motor vehicle stop; all complaints alleging an improper enforcement action or procedure in connection with or during the course of a motor vehicle stop; and all complaints alleging excessive force in connection with any motor vehicle stop;**
 - ii. all complaints relating to any motor vehicle stop where a State Police supervisor either was at the incident scene when the alleged misconduct occurred or was involved in planning the State Police action whose implementation led to the complaint;**
 - iii. any misconduct investigation undertaken pursuant to any event identified in subparagraphs (b) through (e) of ¶173; and**
 - iv. any other category of misconduct complaints or any individual misconduct complaint that the OAG and/or State Police determines should be investigated by PSB or OAG.**

The State Police may continue to assign misconduct investigations not undertaken by the OAG or PSB to the chain-of-command supervisors.

- b. The PSB and the OAG shall review all misconduct complaints as they are received to determine whether they meet the criteria (set forth in subparagraph (a) above) for being investigated by the PSB, the OAG or being delegated to a chain-of-command supervisor. Nothing in this decree is intended to affect the allocation of misconduct investigations between the PSB and the OAG.**

Methodology

During the November 2001 site visit the monitoring team determined that there were no material differences in governing documents since the site visit of May 2001. SOP B-10 and the "Investigative Manual" received final approval January 1, 2002 and include relevant policies and procedures to assure the state's compliance with this requirement.

Status

During the November 2001 site visit the monitoring team reviewed the OSPA form, "Tasks Requiring Review of SP-251" which audits the Division's compliance with the relevant requirements of the decree. Question 10, "Was the case assigned to OPS or OAG?" is specifically relevant to the heart of this requirement. Members of the monitoring team noted, through a review of case assignment logs, that there were no cases improperly assigned and the state is comporting with the assignment protocols as articulated in the decree.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.50 Compliance with Task 75: Prohibition of Conflict of Interest in Investigations

Task 75	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 75 stipulates that:

75. The State shall prohibit any state trooper who has a conflict of interest related to a pending misconduct investigation from participating in any way in the conduct or review of that investigation.

Methodology

During the November 2001 site visit the monitoring team determined that the same documents reviewed during the previous reporting period still serve as the guiding requirements for the Division's compliance with this task. Members of the monitoring team examined several documents, which clearly indicated the state's compliance with this requirement. These include memoranda in which

investigative personnel voluntarily acknowledged a conflict or a conflict was determined to have existed by a supervisor.

Status

The monitoring team concludes from this examination that investigative personnel and their superiors are mindful of the conflict issue and exercise proper care and caution to avoid appearances of inappropriate involvement in which they know the parties, the incident or other criteria which might be perceived as forming the basis of a conflict of interest.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.51 Compliance with Task 76: Prohibition of Group Interviews

Task 76	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Pattern]											
Phase II	[Pattern]											

Task 76 stipulates that:

76. All written or recorded interviews shall be maintained as part of the investigative file. The State shall not conduct group interviews and shall not accept a written statement from any state trooper in lieu of an interview.

Methodology

No changes in New Jersey State Police policies regarding this task were made since the last site visit. Members of the monitoring team determined that the state, through the OSPA, OAG, still completes and maintains the "Case Content Analysis Instrument" for every investigation. While the purpose of this form is for internal screening, members of the monitoring team are satisfied that the state continues to have sufficient safety nets to assure investigations are conducted in a manner consistent with this requirement.

Status

The monitoring team found that of the 64 issues addressed in this form, two of them, found in questions 34 and 35, were relevant to this task. A review of the "Case Content Analysis Instruments" determined that there were no cases of investigative processes violative of the provisions of this task. No group interviews or written statements in lieu of an interview were found in any of the 99 cases reviewed by the monitoring team.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.52 Compliance with Task 77: Alternative Locations for Interviews

Task 77	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 77 stipulates that:

77. The State shall arrange a convenient time and place, including by telephone (or TDD), to interview civilians for misconduct investigations. The State Police shall reasonably accommodate civilians' circumstances to facilitate the progress of an investigation. This may include holding an interview at a location other than a State office or at a time other than regular business hours.

Methodology

No changes in New Jersey State Police policies regarding this task were made since the last site visit.

Status

During the November 2001 site visit the monitoring team determined that during this reporting period the state has continued to accommodate members of the public relevant to interviewing citizens at convenient times and places. The "Case Content Analysis Form" addresses this issue in question three. The monitors requested to review cases that were indicative of the state's compliance with this task. Nine such cases were provided. These cases demonstrated that

citizens were interviewed at homes or other locations that served the personal needs of the witnesses or complainants.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.53 Compliance with Task 78: Investigation of Collateral Misconduct

Task 78	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 78 stipulates that:

78. In conducting misconduct investigations, the State shall assess the propriety of all state trooper conduct during the incident in which the alleged misconduct occurred. If during the course of an investigation the investigator has reason to believe that misconduct occurred other than that alleged, and that potential misconduct is one of the types identified in ¶169, the investigator also shall investigate the additional potential misconduct to its logical conclusion.

Methodology

Members of the monitoring team noted that documentation previously accepted as supportive of Phase I compliance has been appropriately incorporated into SOP B-10, III.G.2. (a) and (b), "Conduct of Investigation."

Status

During the November 2001 site visit the monitoring team determined that the state, in its "Case Content Analysis" is checking if "satellite" matters are being identified and pursued. Members of the monitoring team determined that in at least five cases such matters were in fact identified and pursued for investigative follow-up. Members of the monitoring team find that the OSPA instrument adequately assures that the OPS complies with the provisions of this task. Members of the monitoring team found evidence of such compliance during their case file review for this reporting period.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.54 Compliance with Task 80: Revision of the "Internal Investigations Manual"

Task 80	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 80 stipulates that:

80. The State shall update its manual for conducting misconduct investigations to assure that it is consistent with the recommendations contained in the Final Report and the requirements of this Decree.

Methodology

The newly revised IA manual, and supporting SOP B-10 were reviewed by the monitoring team. The manual and SOP were previously approved by the monitoring team, and implemented as approved.

Status

During the November 2001 site visit the monitoring team discussed the state's progress with this requirement with a representative of the Director of the Office of State Police Affairs.. Shortly after completion of this reporting period, SOP B-10 was promulgated, including a provision to allow supervisors to read copies of "Internal Complaint Forms" where misconduct is alleged against a subordinate enlisted member. Further, the new provision in the SOP will instruct the supervisor to expeditiously review the relevant MVR tape of the incident, if such a tape is available. The intent of this procedure is to allow a supervisor to determine whether an intervention is appropriate prior to charges reaching final resolution through a misconduct investigation. This intervention process also allows the state to meet some of the requirements articulated in Tasks 54 and 90.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.55 Compliance with Task 81: Preponderance of the Evidence Standard for Internal Investigations

Task 81	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 81 stipulates that:

81. The State shall make findings based on a "preponderance of the evidence" standard.

Methodology

Revisions to SOP B-10 and the IA manual were made in January, 2002. Additionally, the "Case Content Analysis Form," question 46, captures this information and assures that the Office of State Police Affairs can verify the Division's compliance with this task.

Status

The independent monitoring team, based on reviews of 199 completed case investigation files made available during the November 2001 site visit, determined there to be a discernable pattern of compliance with the requirements of this task. All 199 cases reviewed this reporting period had findings developed in accordance with the preponderance of evidence standard.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.56 Compliance with Task 82: MVR Tape Review in Internal Investigations

Task 82	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 82 stipulates that:

82. If the incident that is the subject of the misconduct investigation was recorded on an MVR tape, that tape shall be reviewed as part of the misconduct investigation.

Methodology

No changes in New Jersey State Police policies regarding this task were made since the last site visit. During the previous site visits members of the monitoring reviewed relevant policies and approved implementation of these policies as written.

Status

During the November 2001 site visit the monitoring team determined that in all instances in which episodes were recorded, investigators reviewed the tapes as part of the investigative process. Additionally, members of the monitoring team reviewed the OSPA, OAG "Case Content Analysis Instrument" question 38, which continues to be effectively used by the state as a tool to determine OPS compliance with the provisions of this requirement. All case files reviewed in which an MVR tape existed, included narrative or other evidence that the investigator reviewed the MVR tape.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.57 Compliance with Task 83: State to Consider Circumstantial Evidence in Internal Investigations

Task 83	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 83 stipulates that:

83. In each misconduct investigation, the State shall consider circumstantial evidence, as appropriate, and

make credibility determinations, if feasible. There shall be no automatic preference for a state trooper's statement over a civilian's statement. Similarly, there shall be no automatic judgment that there is insufficient information to make a credibility determination where the only or principal information about an incident is the conflicting statements of the involved trooper and civilian.

Methodology

The state promulgated SOP B-10 in January, 2002. The monitoring team reviewed handouts and assessment instruments that had recently been used as part of the Division's training requirements for this task.

Status

Members of the monitoring team determined that the 99 case files reviewed for this site visit indicate that circumstantial evidence is being considered where appropriate. The state, through its "Case Content Analysis Instrument," also verifies this through questions 47-48. The state delivered training to OPS personnel on June 14-15, 2001. Issues relevant to the inclusion of circumstantial evidence as an integral part of the investigative process were covered in the curriculum and testing instrument.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.58 Compliance with Task 84: Required Case Dispositions in Internal Investigations

Task 84	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Pattern]											
Phase II	[Pattern]											

Task 84 stipulates that:

84. The State shall continue to resolve each allegation in a misconduct investigation by making one of the following dispositions:
- a. "Substantiated," where a preponderance of the evidence shows that a state trooper violated State Police rules, regulations, protocols, standard operating procedures, directives or training;

- b. "Unfounded," where a preponderance of the evidence shows that the alleged misconduct did not occur;
- c. "Exonerated," where a preponderance of the evidence shows that the alleged conduct did occur but did not violate State Police rules, regulations, operating procedures, directives or training; and
- d. "Insufficient evidence" (formerly "unsubstantiated"), where there is insufficient evidence to decide whether the alleged misconduct occurred.

Methodology

The state has promulgated SOP B-10 effective January 1, 2002. Additionally, members of the monitoring team reviewed 99 of the 199 cases completed in the period April 1, 2001 – September 30, 2001.

Status

During the November 2001 site visit the monitoring team confirmed that existing unit policy, memoranda, and interoffice communications continue to be the source of policy guidance for this task. Additionally, the OSPA, OAG "Case Content Analysis Instrument" question 45 accurately captures compliance with this requirement and sufficiently assures that OSPA, OAG, is effectively monitoring the Division's compliance with this task. The monitoring team's review of 99 completed IA investigations this reporting period verifies compliance with this task.

Compliance

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

2.59 Compliance with Task 85: No Closure upon Withdrawal of Complaint

Task 85	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	1											
Phase II	1											

Task 85 stipulates that:

85. The State shall not close any misconduct investigation without rendering one of the dispositions identified above. Withdrawal of a complaint or unavailability of the complainant or the victim of the alleged misconduct to make a statement shall not be a

basis for closing an investigation without further attempt at investigation. The State shall investigate such matters to the extent reasonably possible to determine whether or not the allegations can be corroborated.

Methodology

The state has promulgated SOP B-10, which informs this task, effective January 1, 2001. During the November 2001 site visit the monitoring team reviewed 99 of the 199 investigative folders completed between April 1, 2001 and September 30, 2001.

Status

The monitoring team’s review of completed IA cases noted five withdrawn complaints during this reporting period, the case numbers of which were provided to the monitors at their request. In each instance the state pursued the investigation to its conclusion.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.60 Compliance with Task 86: Development of a Final Investigative Report

Task 86	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 86 stipulates that:

86. At the conclusion of each misconduct investigation, the individual responsible for the investigation shall issue a report on the investigation, which shall be made a part of the investigation file. The report shall include a description of the alleged misconduct and any other misconduct issues identified during the course of the investigation; a summary and analysis of all relevant evidence gathered during the investigation; and findings and analysis supporting the findings.

Methodology

Unit policy memoranda and interoffice communications continue to serve as the only policy guidance for this task. All 99 cases reviewed this period had final reports responsive to this task. Additionally, the state, through the "Case Content Analysis Worksheet" determines OPS compliance through question 49.

Status

Training for OPS personnel in processes related to this task was conducted on June 14-15, 2001. Case files reviewed by the members of the monitoring team continue to exhibit compliance with this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.61 Compliance with Task 87: State to Attempt to Complete Investigations within 45 Days

Task 87	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 87 stipulates that:

87. The State Police shall continue to attempt to complete misconduct investigations within forty-five (45) days after assignment to an investigator.

Methodology

Members of the monitoring team reviewed the dates of receipt and completion of 199 cases completed by IAB this reporting period, calculating the length of investigations.

Status

The state continues to attempt to complete misconduct investigations within the revised 120- day maximum period, as agreed to by the parties. To assist in this undertaking, the Division has increased the staffing of full-time OPS personnel and as an addendum to this cadre has selected 103 investigators, each assigned two cases, to expedite the investigative process and clear the backlog. During

this reporting period 38 of the 199 completed cases met the 120- day criteria. The oldest case completed this period was in excess of 24 months.

Compliance:

Phase I: In Compliance
 Phase II: Not In Compliance

2.62 Compliance with Task 88: Imposition of Appropriate Discipline upon Sustained Complaint

Task 88	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 88 stipulates that:

88. The State Police shall discipline any state trooper who is the subject of a substantiated misconduct adjudication or disposition regarding: (a) prohibited discrimination; (b) an unreasonable use of force or a threat of force; (c) an intentional constitutional violation; (d) an intentional failure to follow any of the documentation requirements of this Decree, (e) an intentional provision of false information in a misconduct investigation or in any report, log, or transmittal of information to the communications center; or (f) a failure to comply with the requirement of ¶169 to report misconduct by another trooper.

Methodology

Members of the monitoring team reviewed completed cases for sustained complaints, and assessed the discipline applied in same.

Status

Members of the monitoring team during the November 2001 site visit reviewed tally sheets for all investigations that were completed from April 1, 2001 through September 30, 2001. The document lists the case number, the nature of the original allegation, the findings and the name of the principal. Additionally, the state continues to post the "New Jersey State Police Office of Professional Standards Update," which lists the issuance dates of written reprimands and suspensions for the reporting period. The state was requested to produce copies

of disciplinary actions for violations relevant to core issues as articulated in the decree. The monitoring team received and reviewed 20 reprimand disciplinary forms. Further, members of the monitoring team examined an IA PRO generated report, which documents the level of discipline imposed on troopers. Imposed discipline continues to appear appropriate, given the offenses and the troopers' previous disciplinary history.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.63 Compliance with Task 89: Imposition of Appropriate Discipline upon Finding of Guilt or Liability

Task 89	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 89 stipulates that:

89. The State Police shall initiate disciplinary proceedings against any state trooper who is found guilty or who enters a plea in a criminal case regarding on-duty conduct; any state trooper found civilly liable for misconduct of the type identified in ¶88 committed on duty or whose misconduct of the type identified in ¶88 is the basis for the State being found civilly liable; and any state trooper who is found by a judge in a criminal case to have committed an intentional constitutional violation. The State Police shall discipline any state trooper who is determined to have committed the misconduct set forth in this paragraph.

Methodology

No changes in New Jersey State Police policies regarding this task were made since the last site visit. Members of the monitoring team during the November 2001 site visit determined that documents previously accepted for Phase I compliance purposes continue to be the sole policy guidance for this task.

Status

During the November 2001 site visit the monitoring team queried representatives of the OPS and the OSPA as to the existence of any case, the substance of which touches upon the criteria as enumerated in this task. The monitoring team determined that there were no instances in which a trooper was disciplined during a relevant reporting period for violations as articulated in this requirement, as no violations were adjudicated during the reporting period. This is the fifth reporting period in which no adjudicated violations were noted. The monitoring team has determined that the state is actively monitoring for these events, and that policy requires responses in conformance with the decree when such occurrences are noted. The monitoring team finds the state in Phase II compliance with this task until such time, if any, that evidence to the contrary is noted.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.64 Compliance with Task 90: Imposition of Appropriate Discipline in Consultation with MAPPS

Task 90	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 90 stipulates that:

90. In deciding the appropriate discipline or intervention for each state trooper who is the subject of a "substantiated" adjudication or disposition in a misconduct investigation and each trooper who is to be disciplined pursuant to ¶189, the State shall consider the nature and scope of the misconduct and the information in the MAP. In all instances where the State substantiates a misconduct allegation regarding matters identified in ¶188 or disciplines a trooper pursuant to ¶189, it shall also require that intervention be instituted (except where the discipline is termination). Where a misconduct allegation is not substantiated, the State shall consider the information in the investigation file and in the MAP to determine whether intervention should be instituted.

Methodology

No changes in New Jersey State Police policies regarding this task were made since the last site visit. Documents reviewed during earlier site visits still serve as the basis for Phase I compliance. Members of the monitoring team reviewed 99 completed IA cases for indications of any sustained investigations responsive to tasks 88 and 89.

Status

The state, as part of its revision of SOP B-10 now requires supervisors in the chain of command to access "Internal Complaint Forms" (251's) and a limited number of written documents so, if appropriate, an intervention can be undertaken prior to the final disposition of a case. This procedure will become part of the MAPPS system and is an earnest attempt to meet the intervention requirements outlined in this task. Members of the monitoring team determined that the interface between the IA PRO and the MAPPS has been completed, thus allowing IA PRO the ability to report relevant data to the MAPPS program. There is still uncertainty as to the level and nature of material that MAPPS is going to report to field components throughout the Division. The OPS element of the MAPPS program cannot be fully operational until all elements of the Division's MAPPS program are tested and put into operation.

Of the 99 completed IA cases reviewed, 36 were found to apply to the offenses listed in paragraphs 88 or 89 of the decree. Ten of these were sustained. Of these, 10 resulted in some form of intervention.

Compliance

Phase I: In Compliance
 Phase II: Not in Compliance

2.65 Compliance with Task 91: Tracking of Open Office of Professional Standards Cases

Task 91	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 91 stipulates that:

91. The PSB shall track all open misconduct investigations to ensure that investigations are

completed in a timely fashion. Within one hundred twenty (120) days following entry of this Decree, the State shall develop a plan for designing and implementing a computerized tracking system (including a timetable for implementation).

Methodology

During the November 2001 site visit the members of the monitoring team were given a demonstration of the "IA Professional" case management software from CI Technologies.

Status

Representatives of OPS advise that the status of the IA PRO system is essentially the same as it was in May 2001. There is, however, greater confidence in the IA system. Case numbers are now generated by IA PRO and not the case ledger book. The state expects that by the time of the next site visit, OPS will be using an online version of the "Reportable Incident Form" which will take the place of the "Internal Complaint Form" (251). The electronic report is available through all field offices and through the intranet. IA PRO is capable of tracking open OPS cases.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.66 Compliance with Task 92: Inform the Complainant upon Resolution of Investigations

Task 92	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 92 stipulates that:

92. After a misconduct complaint is finally resolved by the State Police, the State Police shall inform the complainant of the resolution in writing, including the investigation's significant dates, general allegations, and disposition, including whether discipline was imposed.

Methodology

During the November 2001 site visit the monitoring team examined completed case files to determine if the state was in compliance with this requirement. The monitors reviewed 99 of the completed 199 files for the period April 1, 2001 through September 30, 2001.

Status

A review of the "Case Content Analysis Form," question 57 determined that according to the OSPA review, appropriate letters inclusive of the relevant information were sent to all identifiable citizen complaints. A review of 99 of the 199 cases completed during this reporting period also indicate that this is the case.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.67 Training Assessment

The following sections of this report deal with the process of training, as delineated in the consent decree, sections 93-109. The reader will note a number of "not in compliance" assessments in the training section of this report, and will also note that the state has been placed "under warning" in several other sections that continued lack of compliance—or continued inability to effectively document compliance—will result in loss of compliance. This is due in no way to a resistance or reluctance on the part of the academy to comply. It is due, the monitoring team believes, to significant levels of understaffing at the academy.

Given the new tasks assigned to the academy as part of the agency's movement toward compliance with the consent decree, workload at the academy has increased exponentially. More than a year ago, the monitoring team provided the state with a "blueprint" of effective training practices in response to the monitors' responsibility to assess training processes, as stipulated by the decree. At that time, it appeared that the monitors' assessment was met by a substantial level of resistance by the state, which felt the monitors were suggesting "state of the art" training requirements, rather than those which would simply achieve compliance with the decree. This resistance was focused on the components of evaluation and documentation, as outlined in the monitors' training evaluation. As the reader of previous monitoring reports will note, the state has embraced the development and delivery phases of the training whole-heartedly. The vast majority of all training delivered by the state has been of high quality.

The monitors, at the time they delivered their training evaluation expressed a concern that the academy was understaffed given the tasks expected of the training process as compliance with the decree was pursued. This sentiment was relayed to the Superintendent, the Attorney General, and members of the Office of State Police Affairs. The concerns of the monitoring team have now, it appears, come to fruition. Given the crush of development and delivery work, and an extremely limited staff with which to meet heightened demands, the management staff of the academy have chosen to develop and deliver at the expense of the remaining phases of the training process: needs assessment, evaluation and documentation. The academy's transitioning from a lecture-style of recruit training to an adult learning style, and OSPA's development and delivery of consent decree-related training have been exceptional, as noted in previous reports; however, levels of documentation and evaluation are problematic enough to have caused substantial issues during the monitoring process this reporting period. While the state has prioritized delivery of consent decree-related training, and has *delivered* this training with great skill and commitment, it has fallen short in the areas of evaluation and documentation. These issues are discussed in detail in the sections that follow.

The monitoring team strongly believes in the staff and management of the academy—and in the quality of the *training* provided by academy staff and OSPA staff. They are producing excellent product with extremely limited staff. Given the choices that confront them, they have chosen the right priorities. Unfortunately, lack of evaluation and documentation has resulted in a number of findings of non-compliance for training tasks during this reporting period.

The lack of staffing at the academy is not the fault of academy managers. Restructuring and restaffing plans have been developed by academy staff, but have not been acted on by the state. This is a critical need. The monitors understand that expenditure of state funds must be made with strong concern for the other needs of the state. An external review of academy workload and a staffing recommendation based on that review may be appropriate. The state has discussed the potential of hiring a full-time compliance manager for the academy, who would be charged with conducting needs assessments, evaluation and documentation processes. While the members of the monitoring team support this suggestion, it should be assessed from an understanding of the actual workload of the training function, and an analysis of gaps in needed capacity. From a monitoring standpoint, however, until the training development phases of needs assessment, documentation and evaluation are met, the academy will remain out of compliance with numerous key requirements of the decree.

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

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

Task 93 stipulates that:

93. The New Jersey State Police shall continue to: oversee and ensure the quality of all training of state troopers; continue to develop and implement the State Police Academy curriculum for training State Police recruits, and provide training for academy instructors; select and train state trooper coaches in coordination with and assistance from State Police supervisors; approve and supervise all post-Academy training for state troopers, and develop and implement all post-Academy training conducted by the State Police; provide training for State Police instructors who provide post-Academy training; and establish procedures for evaluating all training (which shall include an evaluation of instructional content, the quality of instruction, and the implementation by state troopers of the practices and procedures being taught).

Methodology

Members of the monitoring team spoke with Academy staff responsible for this task, and requested and reviewed staffing and manpower allocation data for the Academy.

Status

Academy staff have been, out of necessity, responding to training requirements, both consent decree related and on-going programs and courses, from a crisis intervention perspective. Much has been expected from them in a short amount of time and they have responded professionally and in a timely manner. The Academy staff continue to do their best to engage in the five essential stages of training development (assessment, development, delivery, implementation, and evaluation with each stage being documented) for the many courses they are developing and for those they currently provide. Because several consent decree tasks are being addressed simultaneously, and each task is at a different stage of development.

Oversight and the quality of training process provided to state troopers is being impacted by several factors. (See tasks 97, 104, 108 for details).

The recruit curriculum has moved through all the training stages and has been delivered to the eleven recruit classes graduated since the consent decree went into effect. A twelfth class is now in session and will be graduating in March, 2002. A new recruit class is scheduled to begin in late January, 2002. The recruits who have graduated completed the new adult-based learning curriculum. Evaluative data were collected from each class relating to content and to delivery. In addition, feedback from members of each class was gathered from each probationary trooper after they completed the trooper coach program to determine how well prepared they were to perform as state troopers.

Several Academy staff members have been working to create an integrated recruit curriculum in which the lessons will build even more logically and more comprehensively upon one another throughout the recruit training. This revised and integrated curriculum is almost complete, with the three remaining modules in final revision. The curriculum will then go through a final review and approval process to be ready for use with the next recruit class, the 130th, entering in late January.

The Instructor Training Program for Academy and post-Academy instructors has been revised to comply with consent decree requirements and is being offered at frequent intervals. (See task 99). The training program for trooper coaches has progressed through each of the training stages. During the implementation and evaluation phases with the 119th through the 123rd recruit graduates, it became evident that two coaches were available for only about 50% of the new probationary troopers. And, with the 124th through the 128th, it has been essentially a one-coach program. This has created some programmatic issues that require review by the monitors and the Department of Justice. (See task 102.)

A process for approving and supervising all post-Academy training for state troopers has been developed and partially implemented. (See task 104.) Procedures for evaluating all training and for evaluating trooper implementation of practices and procedures being taught has been a challenging task requiring new systems and oversight protocols that are still being implemented, evaluated and refined. (See tasks 98, 99, 100, 101, 102, 104, 105, 106, 108).

The state has submitted a ten-point plan for creation of a feedback mechanism to evaluate the degree to which state troopers implement the practices and procedures being taught. Six of the points directly relate to the Academy and are as follows:

- a. Academy Analysis of Course Critiques: The Academy does have participants who attend in-service and recruit trainings sessions complete course critiques and this data is analyzed and used for revisions and planning training activities.
- b. Academy Analysis of Frequently Missed Questions: The Academy does analyze the five most frequently missed questions on tests to determine if a pattern emerges related to content. Remedial training has been conducted, when indicated, on the basis of such analysis.
- c. Training Committee Meetings: The duties of this committee are enumerated in this report under task 104.
- d. Academy Staff Attendance at Troop Commander's Meetings: This procedure has been implemented and feedback and concerns shared at these meetings is incorporated into the needs assessment and the evaluation components of the training process.
- e. Station Visitations by Academy In-Service Unit: This procedure has been implemented and is also used to assess training needs and as part of a larger process to evaluate the degree of training implementation.
- f. Academy Participation in Division's "Ride-Along" Program: This procedure has been implemented and is providing direct feedback from troopers related to the need for and the value of various training efforts.

While this plan for feedback has been articulated by the state, and represents, as the monitors have informed the state, a reasonable approach to establishing feedback regarding training methods, members of the monitoring team, with the exception of tasks a and b, were not able to locate tangible evidence to indicate that the plan has been fully implemented and is producing results that are being used to improve all levels of training for state police personnel. The state has planned, developed and evaluated trooper coach training, which, the monitors believe, is documented as an excellent and effective training program (although the documentation and other factors have led to modification of the program to the extent that it is no longer being fielded as approved by the monitors and the Department of Justice). The same level of documentation is not available for other training provided by the state. It is true that the monitors have observed positive changes in the operational process of the New Jersey State Police during site visits and document review this reporting period. Those changes include dramatically reduced levels of requests for consent searches (based on the state's latest analysis, which covers May 2001 to October 2001), and an improvement in the quality of the typical consent request process. In addition, non-consensual searches are better supported (all 94 non-consensual searches conducted this reporting period were found to be appropriate). These changes were due in part to extremely effective training provided by the state.

Members of the monitoring team have repeatedly expressed concern about the workload and rhythm of development and delivery thrust upon the members of

the academy staff (for example, transitioning recruit training to an adult learning model and at the same time planning for and evaluating other consent decree-related training). These concerns have increased based on our review of the academy's performance during this reporting period. The monitoring team's review of academy performance, in the sections following, indicate a staff that is focused on the goal, and achieving notable results, but which is falling short in the attention required to the detail of documentation of the training process. Our review this reporting period also causes members of the monitoring team heightened concern regarding needs assessment, and evaluation of the training process. Members of the monitoring team have found the state not in compliance based on the academy's performance this reporting period, and have placed the state under the admonition that continued failure to plan, evaluate and document its training process will result in formal withdrawal of compliance on numerous training tasks related to the decree.

The monitoring team strongly believes that the academy is understaffed, given the requirements it is charged with meeting, and that lack of staff has been, for the last year, affecting the ability of the academy to meet its performance objectives established by the decree. At a minimum, the state may want to consider a detailed staffing analysis, assessing the actual workload of the academy and recommending adequate staffing levels. Delay in staffing will, in the opinion of the monitoring team, seriously affect the state's ability to remain in compliance with the requirements of the decree related to training.

The monitoring team strongly believes that the problems noted at the academy this reporting period are not attributable to a failing of the staff. The failure is attributable, in the opinion of the monitoring team, to an apparent failure to adequately staff. The monitoring team will redouble its audit and monitoring efforts at the academy in coming monitoring reports. Continued problems in this area will result in a loss of compliance with this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

Task 97	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Solid Blue]											
Phase II	[Vertical Stripes]	[Checkered]										

Task 97 stipulates that:

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

Methodology

A member of the monitoring team spoke with Academy staff responsible for this task, and reviewed selection processes for trooper coach and Academy training positions. The monitor also requested and reviewed documentation related to the number of training positions and the organizational structure of the Academy.

Status

Academy Training Staff

Documentation requested and provided to the monitoring team indicates that at the time that the consent decree was signed, there were 33 enlisted personnel working at the Academy. Currently there are 31 enlisted personnel and no new permanent training staff has been assigned to the Academy to meet the growing demands resulting from the consent decree.

Review of documentation dated August 17, 2000 indicates that Academy staff currently includes the following:

- 31 enlisted personnel
- 3 civilian personnel
- 3 civilian clerical positions (all designated provisional positions)
- 37 Total Permanent Staff

Ten vacant positions exist and two of these are unit supervisor positions-- one for the traffic science unit and one for the administrative support unit. In addition, the supervisor of the In-Service Unit is labeled as an acting position on organizational charts that date from October 1999 to August 2000, the most recent chart provided to the monitor's team. There were also nine enlisted staff assigned to the Academy during this reporting period, but they are on temporary duty and can be recalled at any time based upon need to other parts of the organization.

In reviewing the available past staffing documentation from 1989 through 2001, Academy staffing has ranged from a low of 30 enlisted personnel in June of 1996 to a high of 57 enlisted personnel in February of 1989 and 47 enlisted personnel in August of 1994.

All training tasks in the consent decree have required the following process:

1. Assessment of need and assessment of the current professional standards and practices related to the need;
2. Development of training content and training aids;
3. Delivery utilizing the current best practices in adult learning;
4. Evaluation of the effectiveness of the training content and the training delivery;
5. Remediation as needed based upon this evaluation process;
6. Revision of the training materials and delivery based upon the evaluation of each;
7. Documentation of all the above steps in the process.

Specific programs that this process was applied to include:

1. Recruit training program;
2. Trooper coach program;
3. Supervisory training program;
4. Leadership and management programs;
5. Academy and post-Academy instructor training;
6. Oversight for all in-service training;
7. Training files management system;
8. Cultural diversity;
9. Ethics and integrity;
10. Fourth Amendment rights.

These tasks are in addition to all the required specialty training and re-qualification training the Academy is responsible for delivering that were not included in the consent decree.

With the focus on meeting consent decree related training requirements and the increasing limitations of training staff and training space the following impact is noted:

1. The responsibility for some of the new consent decree related training that has been developed (e.g. Fourth Amendment rights, cultural awareness, ethics and integrity) and which are now required annual trainings are being assigned to an already overburdened In-Service Training Unit in addition to their usual workload, and without additional permanent training personnel (See task number 107 for details);
2. Oversight for and delivery of the recruit program were dramatically impacted with the second cohort of recruits (124th-127th classes). These four classes were started within a three-week timeframe rather than every three weeks as the first cohort (119th-123rd) was. This caused extreme time and energy demands upon Academy trainers who

act in multiple roles when managing recruits in a residential program over an extended length of time;

3. Evaluation of the implementation of the trooper coach training program required extensive time commitments of Academy staff in conducting interviews with probationary troopers, coaches, and coach coordinators on-site throughout the state. Analysis of the data gathered required the revision of some forms and processes to better facilitate the efforts of the coaching staff. Oversight for the implementation of training clearly falls upon Academy staff, however it has become increasingly clear that programmatic oversight for this critical program must reside at a high level within the operational structure of the organization to insure quality selection and consistent management.
4. Supervisory training is now under development and the urgency to implement this task soon, combined with the lack of staff time to address the effort comprehensively by taking it through each of the stages previously outlined is of growing concern to the monitoring team. (See task 105).
5. Management/leadership training for those newly promoted to management positions also requires a comprehensive effort and is difficult for all the reasons already cited above.
6. Insufficient training personnel to address the growing training responsibilities and workload is increasingly impacting in an adverse manner, the quality of the training in all areas including assessment, development, delivery, implementation, evaluation, documentation, supervision, planning, and management.

One request for applications for Academy instructor positions was issued throughout the organization, and one round of the selection process was completed in August 2001. A total of 13 applicants qualified in the satisfactory to outstanding categories, but no permanent positions were approved to bring staff to the Academy.

COACH TRAINERS

Approved and advertised incentives to attract qualified troopers to the coaching program included:

1. A \$500.00 stipend, which has reportedly been paid to all coaches serving for at least ten weeks as coaches;
2. The use of a laptop computer to complete the daily and weekly documentation, which, reportedly has been provided to some coaches, but not to others; and
3. The awarding of overtime for coach-related activities.

No other new incentives have been instituted to attract superior troopers to the coaching program. It was also reported to the monitoring team that station supervisory staff have requested superior troopers to apply for selection as a trooper coach when the required number of troopers do not apply of their own volition.

Despite these problems, the monitoring team is aware that the 360 degree evaluations of the trooper coach program were overwhelmingly positive. Although the lack of applicants for trooper coach positions caused the transition of the program from the planned “two-coach” process (providing each probationary trooper with a phased training process involving at least two separate coaches) to a “one-coach” process, the overall quality of the training appeared not to be adversely affected.

Considering the totality of the circumstances—understaffing at the academy and inconsistent organizational support of trooper coaches—the state is deemed not in compliance with the requirements of this task. This in no way reflects on the quality and commitment of individuals assigned to the academy staff or to trooper coach duties. Instead, it reflects the organizational commitment to encouraging superior personnel to apply to and serve as academy staff and trooper coaches. The “draw” of service to an understaffed and overworked team is often weak. Continued problems in this area will result in loss of compliance for this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

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

Task 98 stipulates that:

98. The State shall establish formal eligibility and selection criteria for all Academy, post-Academy, and trooper coach training positions. These criteria shall

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

Methodology:

A member of the monitoring team spoke with Academy staff responsible for this task; audited Academy trainers' records; audited trooper coach selection documentation; audited trooper coach evaluations; and interviewed several coach coordinators, coaches, and probationary troopers to assess the progress regarding this task.

Status:

Academy Trainers

The state is utilizing the following selection process for Academy trainer positions. The process requires the following:

1. A minimum of five years experience as a trooper;
2. Bachelor's degree;
3. Compliance with departmental physical examination requirements;
4. No pending EEO or IA investigations;
5. No history of discipline within the past year;
6. Completion of a writing assignment related to adult-based learning;
7. Completion of an oral interview.

An audit of 37 Academy trainer records on file at the Academy demonstrates that they each contain the following three items that are required at the present time:

1. Resume which documents items one and two of the selection criteria
2. Certification of completion of the 40-hour Instructor Training Course
3. PTC certification (Police Training Council Certification) if the instructor provides training to outside agencies

Members of the monitoring team could locate documentation of compliance, in any of the files reviewed by the monitoring team, with items three, five, six or seven of the selection criteria cited above.

The consent decree states that these criteria, "...also shall be used to monitor the performance of persons serving in these positions." The consent decree also enumerates specific areas related to performance that shall be monitored for personnel working in this position. It would follow that each trainer's record should then contain documentation regarding performance as it relates to these areas, or documentation noting where such information is available and a list of dates when such evaluations occurred.

Each trainer folder was complete based upon the presence of the three documents currently required by the agency, but none of the records reviewed by the monitoring team demonstrate complete compliance with the selection criteria delineated in the consent decree. Additional records were provided by the state in response to this task on January 8; however, these records were not provided in time to allow their analysis and inclusion in this report. These records will be assessed as part of the monitoring team's heightened review of the training academy's operations.

Trooper Coaches

Revision in the Trooper Coach Selection Process

One change in the selection process was identified in an interoffice memorandum from the Office of the Attorney General dated December 7, 2001, listing the subject as Trooper Coach Selection describes a new step in the coach selection process. This document formalized the selection process, and required a stronger, more methodical review of IA and EEOC investigations for troopers under consideration for trooper coach. While the monitoring team has no specific problems with the revisions to the protocol, they were implemented without notice to or approval of the monitoring team or the Department of Justice. When conducting reviews of trooper coach candidates with prior and/or pending internal investigation matters for the 124th through the 129th graduating classes the following process was utilized:

1. The Division of State Police submitted a list of potential trooper coaches for Troops A, B, and C including the name of the graduating recruit and the assigned station, and the specific coach assigned to the recruit.
2. The lists were submitted to the Office of Professional Standards and the Equal Employment and Affirmative Action Bureau to conduct a check for either a prior internal affairs or EEO/AA matters that were other than unfounded or exonerated, or any pending internal affairs or EEO/AA matters.

3. The Office of State Police Affairs then received the charge summaries of the prior or pending matters and met with supervisory personnel from the Office of Police Standards to discuss whether potential trooper coach candidates with prior or pending charges should be trooper coaches. Seven criteria were considered in making the determination and they are as follows:
 - a. The nature of the allegation(s), with particular attention to allegations which implicate provisions of the Consent Decree;
 - b. The disposition (or probable disposition) of the matter, with particular attention of substantiated allegations;
 - c. The status of the investigation(s), with particular attention to substantiated allegations (or allegations where substantiation is probable);
 - d. The recency of the allegation(s), with particular attention to allegations of misconduct occurring close in time to the application date;
 - e. The number of pending allegations, with particular attention to multiple pending allegations;
 - f. The similarity of pending allegations, with particular attention to allegations that are similar to other pending allegations and past allegations (that were other than unfounded or exonerated);
 - g. The disciplinary history of the applicant, with particular attention to prior substantiated allegations of the nature referenced in item a of this list, number referenced in e of this list, and similarity referenced in f of this list.
4. Following this review the final list of candidates is submitted to the Superintendent. Trooper coaches are then selected for the probationary troopers graduating from the 124th through the 129th classes. It is unclear from the documentation who makes the "final decision" regarding trooper coach selection.
5. Based upon these criteria, eight troopers were disqualified from being coaches.

Acting patrol sergeants have been trained in trooper coach processes, and will assume responsibility as coaches if for any reason the primary coach is not on duty. (Days off, illness, training requirement etc.) These coaches were not screened using the new criteria, but were selected based on their previous screening performance in the selection process for acting patrol sergeants.

Required selection documentation for a trooper coach includes the following:

1. Resume indicating a minimum of three years of experience in the agency;
2. Letters of recommendation from three supervisors—immediate supervisor, the detective sergeant and the station commander—addressing the following criteria:
 - a. Leadership
 - b. Ethics
 - c. Appearance
 - d. Integrity
 - e. Communication
 - f. Cultural Sensitivity
 - g. Report Writing
 - h. Enthusiasm
 - i. Patience
3. Oral interviews before a four-person board with scoring/comment sheets from each indicating a passing score;
4. A minimum passing score of 70 points;
5. Satisfactory review of EEO/AA and internal affairs history;
6. Satisfactory review of any previous history as a coach;
7. Successful completion of the trooper coach training.

Further, no documentation related to review of previous coaching experience was noted in the folders provided to the monitoring team this period. No documentation of attendance at a specific training session or the final examination score was uniformly present, though some of the trooper coach folders contained documentation satisfying criteria one through four, none of the folders contained documentation satisfying selection criteria six and seven. Additional records were provided by the state in response to this task on January 8; however, these records were not provided in time to allow their analysis and inclusion in this report. These records will be assessed as part of the monitoring team's heightened review of the training academy's operations.

Selection Process/Documentation Audit

1. A master list of all current coaches was unavailable and was requested for future reference.
2. Lists of current coaches by Troop (A, B, and C) were available, but did not reflect the newly chosen coaches.
3. Selection materials for the newly appointed coaches were not available.
4. Documentation presented to the monitoring team included copies of memos from Internal Affairs to the individual Troop Headquarters listing the names of trooper coach applicants who had no complaints and no open investigations within the past year. Applicants who were identified with such complaints or investigations were listed separately with the

- investigation case number(s) and a statement about the type of complaint filed.
5. The monitoring team encountered substantial difficulty in auditing the information presented below due to the lack of uniformity in reporting the data from troop to troop, and the need to reconcile the various numbers of lists from each troop, presented in a variety of rankings, with the internal affairs memos that separated data into categories of no open investigations and open investigations. Documentation provided to the monitoring team by the state often were accompanied by handwritten notes from the OSPA to "see" specific members of the state police for additional information. The data were not well organized, and often appeared incomplete or not responsive to the requests provided by the monitoring team two months in advance of the monitoring team's visit. Additional records were provided by the state in response to this task on January 8; however, these records were not provided in time to allow their analysis and inclusion in this report. These records will be assessed as part of the monitoring team's heightened review of the training academy's operations.

Following are the audit results on documentation submitted to the monitor relating to the selection of trooper coaches.

Troop A

Troop A submitted three lists of names.

1. The first list titled "List for Current Checks EEO/AA and C-20", dated August 10, 2001 contained 73 names listed numerically by badge number. An additional 11 names found by the auditor on the internal affairs documentation were not on this list.
2. The second list dated October 2, 2001 titled "List for Trooper Coaches Troop A" contained 68 names listed numerically by badge number with an "X" denoting previous coach and "A" denoting added coach applicants.
3. The third list dated October 15, 2001 titled "List for Trooper Coaches," contained 73 names listed in rank order by scores. The score was not identified, but was probably the total score from their selection process.
4. 36 out of 73 troopers on the third list were noted to have one or more open investigations due to various allegations.
5. 60 folders were submitted and all were audited. All folders contained documentation related to the first 4 selection criteria.

Troop B

Troop B submitted two lists of names totaling 63 troopers and 44 individual trooper folders containing selection documentation.

1. The first list dated August 2, 2001 titled "Troop B (O.P.S./E.E.O. Review)" listed the names of 63 troopers from Troop B being considered for selection. The names on this list were arranged according to rank.
2. The second list dated December 6, 2001 listed 54 names that matched the names on the first list and indicated that these troopers had completed the trooper coach training program and were selected as either primary or secondary coaches. This list was compiled by badge number and was in a matrix format and contained the following data elements:
 - a. Evaluation score
 - b. Resume score
 - c. Probationary trooper evaluation score
 - d. Coach coordinator evaluation score
 - e. Total score reflecting the total of the first four elements
3. A total of 23 out of the 54 troopers on list two were noted to have one or more open investigations due to various allegations.
4. Of the 44 individual trooper coach selection folders that were submitted and audited, 39 contained documentation satisfying selection criteria 1-4. There was no documentation to comply with selection criteria 5-7. The folders also contained the probationary trooper's evaluation of the coach and the station commander's evaluation of the coach, and the coach coordinator's evaluation of the coach. Five were missing the station coordinator's evaluation and two were missing the probationary trooper's evaluation. One trooper coach received an unsatisfactory evaluation; that trooper is no longer coaching.

Troop C

Troop C submitted two lists of names totaling 66 troopers and 50 individual trooper coach folders containing selection documentation.

1. The first list titled "Trooper Coach Check List," undated, was in matrix format and contained 24 names ranked by the total number of points awarded. The matrix elements included the following:
 - a. Total points awarded for the resume
 - b. Total points awarded for the station evaluation
 - c. An X to indicate that the EEO/AA review was conducted
 - d. An X to indicate that the Internal Affairs review was conducted
 - e. An X to indicate that the C20 review was conducted
 - f. Total points awarded for the selection interview
 - g. Total points awarded for the selection process (this was the element that determined how the names were listed on this document)
 - h. The date of the trooper coach training class attended by each trooper

- i. The station assignment for the trooper
 - j. Six of the names were lacking data. Five were documented as having been transferred to assignments in Troop D or E or a specialist position, and one was deemed not qualified at this time due to never having served in a general policing station.
 - k. 9 out of the remaining 18 troopers on list were noted to have one or more open investigations due to various allegations.
 - l. There were selection folders available for 22 of the 23 troopers on the list, with one folder missing. All required documentation for selection criteria 1-4 were present in the folders.
2. List two titled "Current Trooper Coach Re-Assessment," dated December 5, 2001, contained 42 names ranked alphabetically.
- a. None of the names on this list matched the names on list one.
 - b. The list was in matrix format and contained the following elements:
 - i. Badge number
 - ii. Station
 - iii. Previous total score
 - iv. Oral score
 - v. PT evaluation
 - vi. SC evaluation
 - vii. New score
 - c. No documentation related to internal affairs allegations was available.

Audit Summary

There appears to be a lack of effective operational oversight for this program as evidenced by the following:

- a. There is a lack of uniformity in the selection process from troop to troop as noted when listening to tapes from the oral boards and the scoring of applicants.
- b. Documentation indicates that a high number of troopers chosen as coaches have open internal affairs investigations in progress. Some of the allegations relate to consent decree issues.⁶

⁶ While the monitoring team agrees that the mere presence of an open IA or EEOC complaint is not indicative of a poor candidate for trooper coach, and acknowledges that the state had in place a formal process to review applicants for complaints, the monitoring team believes that multiple IA complaints for similar actions *can* certainly be indicative of the applicant's "performance as a law enforcement trooper" (consent decree, para. 98). Further, the monitoring team notes that the revisions to the selection process for trooper coach were implemented extremely late in the training cycle (December 7, 2001) and were

- c. There is lack of uniformity in the content of documentation that is captured.
- d. There is lack of uniformity in how the data is collected.
- e. A master list of all current coaches was unavailable.
- f. There was no data available or provided for the 42 new coaches recently selected and trained.
- g. Trooper coach folders do not contain documentation verifying that all selection criteria have been met.
- h. There appears to be no operational auditing function in place.

The SOP F12 relating to this program, which has been approved by the monitoring team and the Department of Justice, is not being followed by the state police. Procedures for selection, documentation, evaluation, and auditing outlined in F12 are either not being followed by the state or are not being documented by the state.

Additional records were provided by the state in response to this task on January 8; however, these records were not provided in time to allow their analysis and inclusion in this report. These records will be assessed as part of the monitoring team's heightened review of the training academy's operations. While the state has developed formalized criteria for selection of training personnel, an audit of their processes indicates they are not following those processes, or, at a minimum, are not documenting their compliance. The monitoring team has noted that these issues appear not to have affected the *quality* of training and coaching provided by the state, which continues to be excellent. Continued problems in the area of documentation, however, will result in a loss of compliance for this task.

Compliance

Academy Personnel
 Phase I: In Compliance
 Phase II: In Compliance

Trooper Coach Personnel
 Phase I: In Compliance
 Phase II: In Compliance

2.71 Compliance with Task 99: Training for Academy Instructors

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

implemented without notice to or approval of the monitoring team or the Department of Justice.

Task 99 stipulates that:

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

Methodology:

A member of the monitoring team spoke with Academy staff responsible for implementing this task; observed presentations delivered by participants in the instructor training course; reviewed attendance lists for the instructor training courses delivered in April, November and December; and assessed available documentation.

A request for the following documents was sent to the Office of State Police Affairs by the monitor prior to this site visit. An audit to determine compliance was not possible because the following materials were either not available or not able to be located by the monitors:

1. The leadership lesson plan for the Instructor Training Course (ITC);
2. Test scores for participants in the ITC—See Task 108;
3. A master list of all trooper coaches;
4. A list of trooper coach assignments showing which probationary troopers were assigned—a list was available for the 119th through the 123rd classes, however no assignment lists were available for the 124th through the 128th classes.

Additional records were provided by the state in response to this task on January 8; however, these records were not provided in time to allow their analysis and inclusion in this report. These records will be assessed as part of the monitoring team's heightened review of the training academy's operations.

Status:

Academy/post-Academy Instructors

1. According to attendance records, 54 troopers attended the Instructor Training Courses conducted in April, November, and December 2001.
2. No documentation was provided to demonstrate compliance with the requirement to establish a methodology to assure that trainers, "...maintain, and demonstrate on a regular basis, a high level of competence."

Trooper Coach

Trooper Coach Evaluations

Trooper coaches were evaluated by probationary troopers using a 10 point scale and by their supervising sergeant /coach coordinator using a 40 point scale for a total possible score of 50 points. An audit of the evaluations was completed for each Troop (A, B, C) and the findings are as follows:

Troop A

1. 60 files were available and all were audited.
2. All were complete and all received evaluations in the satisfactory to exceptional range.

Troop B

1. 51 files were available and all were audited.
2. 44 contained complete documentation with 43 receiving satisfactory to exceptional ratings and one receiving an unsatisfactory evaluation. This trooper was removed from the coaching program.
3. 7 files contained only part of the required documentation with 5 containing probationary trooper evaluations and no supervisory evaluation, and 2 containing only supervisory evaluations and no probationary trooper evaluations.

Troop C

1. 50 files were available and all were audited.
2. All were complete and all received evaluations in the satisfactory to exceptional range.

As part of an evaluation of implementation of training, Academy staff gathered and analyzed data from a Trooper Coach Questionnaire administered to probationary troopers upon completion of the trooper coach program. The ratings for coach competency are as follows:

119th Recruit Class
Coach Competency
75% exceptional
13% above average

12% satisfactory
0% unsatisfactory

120th Recruit Class
81% exceptional
13% above average
4% satisfactory
2% unsatisfactory

Data from the 121st-123rd classes were not provided. A more complete audit will be possible during the next site visit when more evaluative data is available.

Compliance:

Documentation of training for academy and post academy instructors does not reflect attention to the requirement that instructors "...maintain, and demonstrate on a regular basis, a high level of competence." Members of the monitoring team were unable to monitor compliance with this task, based partly on the poor quality of the documentation of the training process engaged in by the state. Additional records were provided by the state in response to this task on January 8; however, these records were not provided in time to allow their analysis and inclusion in this report. These records will be assessed as part of the monitoring team's heightened review of the training academy's operations. Continued problems in this area will result in withdrawal of compliance.

Academy/Post-Academy

Instructors

Phase I: In Compliance

Phase II: In Compliance

Trooper Coaches

Phase I: In Compliance

Phase II: In Compliance

2.72 Compliance with 100: Training in Cultural Diversity

Task 100	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Bar]											
Phase II	[Checkered Bar]											

Task 100 stipulates that:

100. The State Police shall continue to train all recruits and troopers in cultural diversity, which shall include training on interactions with persons from different

racial, ethnic, and religious groups, persons of the opposite sex, persons having a different sexual orientation, and persons with disabilities; communication skills; and integrity and ethics, including the duties of truthfulness and reporting misconduct by fellow troopers, the importance of avoiding misconduct, professionalism, and the duty to follow civilian complaint procedures and to cooperate in misconduct investigations. This training shall be reinforced through mandatory annual in-service training covering these topics.

Methodology:

A member of the monitoring team spoke with Academy staff responsible for implementing this task.

Status:

Cultural Diversity

This Academy In-service Unit is now responsible for conducting this course as it has become an annual training requirement for all troopers.

Members of the New Jersey State Police completed a one-day training. This training was delivered in 24 sessions at four regional locations between June 24, 2001 and mid-August, 2001. The training was conducted by two trainers--one trainer from the Anti-Defamation League, and another from the New Jersey State Police.

Attendance records and test scores were requested by the monitor but were not reasonably accessible due to the present limitations of the Academy's computerized file management program. Details regarding these issues are provided in the narrative regarding Task 108.

Ethics/Integrity

Ethics and integrity training was completed in March 2001 and reported in a previous monitoring report. That report noted that the ethics and integrity training was of excellent quality, and could be used as a model for such training.

Summary

Data to clearly evaluate this task were not available, despite requests for same. Continued problems with the documentation process regarding this task will result in withdrawal of compliance

Compliance:

Phase I: In Compliance

Phase II: In Compliance

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

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

Task 101 stipulates that:

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

Methodology:

A member of the monitoring team spoke with Academy staff responsible for implementing this task, and reviewed partial attendance and testing documentation that was available.

Status:

This task also requires that the state provide this information as a mandatory annual in-service. Beginning on May 14th, 43 one-day in-service sessions were conducted by Academy staff and an attorney designated by the Attorney General's with completion in mid-July.

Half of the session was devoted to Fourth Amendment issues and the remaining half to training on the new Internal Affairs Bureau reporting system, forms, and procedures for reporting. The monitoring team believes, based on observed changes in the field, that the Fourth Amendment training provided by the state during this reporting period is responsible, to a great degree, for the positive changes in operational methods of New Jersey State Police personnel in the

areas of consent searches, non-consensual searches, and interpersonal interactions with drivers and passengers of stopped motor vehicles.

A partial attendance list was reviewed, but complete attendance lists and testing scores were not available (See task 108). It was reported to the monitoring team that 150 participants failed a portion of the Fourth Amendment Rights section of the training. This group received a three-hour remediation workshop and they were retested. No documentation was available for auditing. The original recruit curriculum is in use with the 124th through the 129th classes and it contains all the items required by this task.

As with many training tasks, only partial documentation was available to document in-service training regimens. Additional records were provided by the state in response to this task on January 8; however, these records were not provided in time to allow their analysis and inclusion in this report. These records will be assessed as part of the monitoring team's heightened review of the training academy's operations. Continued problems in this area will result in withdrawal of compliance.

Compliance: In-Service

Recruit

Phase I: In Compliance

In Compliance

Phase II: In Compliance

In Compliance

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

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

Task 102 stipulates that:

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

implementation, the protocol shall be approved by the Independent Monitor and the United States.

Methodology:

A member of the monitoring team spoke with Academy staff responsible for implementing this task and audited documentation of evaluations of probationary troopers by the trooper coaches.

Status:

Trooper Coach Protocol

The protocol for the trooper coach program relating to the selection process, the assignment of coaches, and the support offered to coaches when there is only one coach for the probationary trooper must be revised based upon evaluative data gathered by the Academy staff and the new review for allegations procedure introduced by the Office of State Police Affairs.

Data gathered by the Academy from 180 Troopers who completed the trooper coach selection and training process was analyzed by the academy, and a list of recommendations for changes to SOP F12 (trooper coach protocols) was compiled by the academy. The recommendations developed as part of an intensive interview process developed by the academy, and related to trooper coaching, are as follows:

1. Consideration should be given to having one central oral board that evaluates prospective trooper coaches to maintain consistency in the selection process.
2. The coach should be informed about the evaluation of their performance as a coach by their supervisor and be able to read and sign the evaluation. (Interviews with some of the sergeants who acted as the coach coordinator for this program indicated inconsistency in sharing these evaluations with the coaches.)
3. A definition of "successful participation" as a coach should be clearly defined since this criteria is used to determine if the coach receives points for special consideration for specialists positions.⁷
4. Question number one on the probationary trooper's critique of the trooper coach asks that they evaluate the coach's ability as a trooper. This

⁷ While this suggestion conflicts with established protocols, as noted by the state in information provided to the monitoring team on January 8, it was, nonetheless, a recommendation developed as part of the trooper coach review process.

- seemed to be too broad a statement as the probationary trooper would only have spent 9 weeks with the trooper.
5. The station coordinators would be required to complete a special report to their respective troop commanders if a supervisory conference is convened because the coach identifies a probationary trooper performance deficiency requiring supervisory input.

The following five suggestions were also developed by academy staff, relating to the trooper coach program and evaluation component of the program:

1. Utilize Trooper Coach Committee personnel that are available to conduct field inspections of the Trooper Coach Program in all three troops on a weekly basis. Designated committee personnel would speak with the station coordinator, coach, and probationary trooper, and review documentation to glean information to improve the program.
2. Troop coordinators would be requested to submit documentation to the Academy weekly for review for the purpose of solidifying consistency between the troops.
3. At the completion of the 123rd State Police Class two two-hour sessions (one a.m. and one p.m.) would be conducted at each troop headquarters to administer a survey to approximately 25 coaches at each station and to provide an open forum for oral discussion of the program for evaluation purposes.
4. Administer a survey to each State Police Class on the last day of the Trooper Coach Program when they are at Division Headquarters for their Division Awareness Day. An open forum to evaluate the program would also occur at that time.
5. Utilize the data gathered through the surveys, open forums, review of documentation, and field inspections to revise the Trooper Coach Program.

While most of these recommendations and suggestions have been implemented, the SOP has not been revised to reflect any changes at this time, nor have all of these revisions been approved by the Department of Justice or the monitoring team (some of the revisions were approved by the monitoring team in response to a letter from the state dated October 5, 2001, discussing changes to the trooper coach process).

Audit of Probationary Trooper Evaluation Documentation

Findings of an audit of trooper coach records grouped by recruit class and containing documentation for Troops A, B, and C indicate that:

1. These records reflect coaching and oversight provided by the trooper coaches to their probationary troopers during the 10-week program.
2. The reports were completed using computers and were well written and very professional in appearance.
3. Data is available from the 119th through the 123rd classes. Data for the 124th-129th classes will be audited on the next site visit. The 129th class was still in session at the time of this audit.

Each folder was required to contain the following completed forms:

1. Daily observation records for 9 weeks
2. 2 phase evaluations-the first occurring after week three and the second after week 6
3. 9 weekly training checklists
4. A completed recommendation for release

Data from the 119th Class

1. 38 names appeared on the master list for this class.
2. 36 files were available with one file missing because the probationary trooper resigned and the other file unaccounted for.
3. 7 files were audited and all forms were present and complete.

Data from the 120th Class

1. 36 names appeared on the master list for the class.
2. 35 files were available with one file missing because the probationary trooper resigned.
3. 6 files were audited and all forms were present and complete.
4. One file demonstrated excellent documentation of a remediation effort related to a difficulty the probationary trooper was having in completing a required task.

Data from the 121st Class

1. 31 names appeared on the master list for the class .
2. 31 files were available.
3. 7 files were audited and all forms were present with one exception. The second phase report was absent from one file.
4. One file reflected that the probationary trooper was in the 21st week of the trooper coach program with supporting documentation detailing the reasons and the remediation being provided.

Data from the 122nd Class

1. 29 names appeared on the master file for the class.
2. 29 files were available.
3. 6 files were audited and all forms were present with the following exception. Training checklists for weeks 5-9 were missing from one folder.

4. One file reflected that the probationary trooper was in the 12th week of coaching with documentation detailing the reasons and the remediation being provided.

Data from the 123rd Class

1. 31 names appeared on the master file for the class.
2. 31 files were available.
3. 7 files were audited and all forms were present and complete.

Audit Summary

1. The state appears to be providing training for trooper coach personnel that is in some ways in contradistinction to that approved by the monitoring team. Further, it appears that the trooper coach process is implemented in a way that does not specifically comply with SOPs approved by the monitoring team and the Department of Justice. The coach program, effectively, has become a "one-coach" program, with recruits spending the entire field training program with one coach. This is partially due to the fact that the state has found it difficult to recruit sufficient numbers of trooper coaches to staff a "two coach" program, i.e., placing the recruit with two separate coaches for different phases of the trooper coach training process. The SOP has not been revised to reflect changes being implemented to various components (selection, assignment) of the trooper coach program, and the revisions have not been approved by the monitors or the Department of Justice. While we have no evidence to indicate that these changes have adversely affected the quality of trooper coach training, in fact all available evidence indicates that the program is extremely effective and well received, changes to an approved process require the approval of the monitors and the Department of Justice.
2. The documentation completed by the trooper coaches on the performance of the probationary troopers that was audited by the monitoring team was very professional in its content and its presentation.
3. Remedial action plans in the folders that were audited were well documented.

De facto changes in training processes are understandable; however, documentation of these changes (and approval by command and executive personnel, the monitors and Justice is essential). Again, the academy is doing that which is necessary to "get the job done," but is falling short in documentation efforts. Continued problems in this area will result in loss of compliance with this task.

Compliance:

Phase I: In Compliance
 Phase II: In Compliance

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

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

Task 103 stipulates that:

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

Methodology:

This task was not monitored this reporting period.

Status:

The New Jersey State Police achieved compliance in September 2000 and maintains compliance.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.76 Compliance with 104: Systems Improvement Processes for Police Training

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

Task 104 stipulates that:

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

Methodology:

A member of the monitoring team spoke with Academy staff responsible for implementing this task and reviewed a proposed revisions to SOP F-21 that address this task.

Status:

1. The proposed revisions to SOP F-21, dated May 1, 2001, would rescind SOP F-21 dated 5/1/71.
2. The proposed revisions outline a process which is to some extent already operating and includes the following:
 - a. Establishment of a committee chaired by the training bureau chief, with representation from each section (section supervisor or section training coordinator, representation from each troop (troop commander or training coordinator from each troop), a post-Academy training officer, the In-Service Supervisor, and the training coordinators from seven specialized programs in the organization;
 - b. Hold quarterly meetings to discuss and assess the Division's needs for in-service training and to formulate plans for the training;
 - c. Be responsible for research, tracking, assessment, coordination, implementation, and the administration of in-service training programs;
 - d. Assure that in-service training mandates are met;
 - e. Provide oversight for in-service training.
3. SOP C-25, dated May 1, 2001 would rescind Administrative Order No. 76 dated April 17, 1967. This order establishes the procedure to be followed

for conducting in-service training. The order outlines in some detail the following:

- a. The designation of training personnel at the section and troop level;
- b. The process for tracking in-service training provided to New Jersey State Police personnel by the agency and by outside training sources;
- c. The responsibilities for various training personnel related to planning, development, delivery, and documentation of in-service training provided at the unit, bureau, or section level.

No mention is made in SOP C-25 of evaluating the training provided. No approval has been made at this time for revision of the SOP. Strong assessment, documentation and evaluation are not evident from the records provided to the monitoring team this period. Additional records were provided by the state in response to this task on January 8; however, these records were not provided in time to allow their analysis and inclusion in this report. These records will be assessed as part of the monitoring team's heightened review of the training academy's operations.

The process is in place and appears to be a viable process for identifying training needs; however, *de facto* revisions can easily be rescinded or inappropriately revised. It is essential for the state to document and receive approval for these changes prior to continued implementation. Continued problems with these issues will result in withdrawal of compliance for this task.

Compliance: In-Service

Phase I: In Compliance
Phase II: In Compliance

2.77 Compliance with 105: Provision of Training for Supervisors

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

Task 105 stipulates that:

105. The State Police shall provide all supervisors with mandatory supervisory and leadership training which (in addition to the subjects addressed in ¶¶100 and 101)

shall address effective supervisory techniques to promote police integrity and prevent misconduct. The State Police shall provide the initial training required by this paragraph within one year from entry of the Decree and thereafter shall provide supervisory training on an annual basis.

Methodology:

A member of the monitor's team spoke with Academy staff responsible for this task, and reviewed a proposed class schedule for the new basic supervision class. No lesson plans were available at this time.

Status:

New Jersey State Police sergeants act as patrol sergeants. They work in the field and have direct supervisory responsibility of a squad of patrol troopers. Each squad consists of approximately 10-12 troopers and there are usually 4 squads per station. Each squad also has one administrative staff sergeant directly supervising the patrol sergeant. This sergeant works primarily inside the station attending to the administrative duties of the squad. Each station has one assistant station commander who is a sergeant first class. This sergeant has direct supervisory responsibility for all the administrative staff sergeants (usually four/station), and reports directly to the station commander who is a lieutenant.

A revised 5-day/40-hour basic supervision course is in the development phase at this time. This will be a mandatory course for all sergeants and detective sergeants. It will address two major topic areas:

- a. Effective supervisory practices and techniques for evaluating, managing, and documenting employee performance;
- b. Administrative responsibilities.

A one-day supervisory in-service is also in the planning stages and will be conducted for all supervisors prior to their attendance at the one-week course. All sergeants will also be able to qualify for an advanced leadership course that is in the delivery phase for sergeants first class, lieutenants, and captains once they have completed the basic supervisory course.

Because sergeants have direct supervisory responsibility for managing the performance of the majority of agency personnel, compliance with this task requires the development and delivery of a very comprehensive course with a thorough evaluation process to assess how supervisory practices are being implemented and if those practices are impacting on performance in a positive

manner. (Task 93 speaks specifically to the need for "...an evaluation of instructional content, the quality of instruction, and the implementation by state troopers of the practices and procedures being taught.")

The supervisory training curriculum, still under development, has not been approved by the monitoring team. While the state *did* address issues of leadership in its "Phase VII" training, completed in November, 2001, this consisted of a three-hour block of introductory training that is not viewed by the monitoring team as sufficient to meet the standards of effective leadership training. While the "Phase VII" training was certainly well-suited for its task, introducing supervisory personnel to changes in state police SOPs regarding MVR review processes, courtesy, safety and the agency's non-discrimination requirements, in the opinion of the monitoring team, the training is not responsive to the requirements for "leadership training." That the state concurs with this perspective is evidenced by the fact that a 40-hour leadership course is planned and under development at this time.

Compliance:

Phase I: Not in Compliance
 Phase II: Not in Compliance

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

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

Task 106 stipulates that:

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

Methodology:

A member of the monitor’s team spoke with Academy staff responsible for this task, and reviewed documentation related to promotions made since the last site visit.

Status:

A memo from the Superintendent’s Office dated October 15, 2001 lists the names of 285 troopers who were promoted effective October 6, 2001. An additional memo dated October 29, 2001 lists one trooper who was promoted effective October 6, 2001.

All 286 newly promoted troopers will need to receive training within six months. This will be audited during the next site visit. While all 286 newly promoted troopers received the agency’s “Phase VII” training, which dealt with MVR review, the agency’s non-discrimination policy, and three hours of leadership training, the monitoring team does not view this training as adequate to meet the requirements of Task 106. Completion of the 40-hour basic supervision course (discussed at 105, above) is deemed appropriate for this requirement. The state remains in compliance with this task based on past performance. During the next reporting period, the monitoring team will assess progress in training the 286 recently promoted personnel.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.79 Compliance with Task 107: Provision of Specialized Training

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

Task 107 stipulates that:

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

Methodology:

Status:

The state and the Department of Justice have identified specialized positions subject to this task. No new assignments or promotions have been made to these positions, as of this site visit. This is the fifth consecutive reporting period in which the monitors have been unable to monitor this task. Based on the fact that no evidence exists to indicate that this task is not being complied with, and continued monitoring of same, the monitoring team assesses the state in compliance. The monitoring team will continue to assess this task each reporting period.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

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

Task 108 stipulates that:

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

Methodology:

Members of the monitoring team spoke with Academy staff responsible for implementing this task, and reviewed a sampling of the reports that are beginning to be generated by the current system to assess progress on this task since the team's last site visit.

Status:

The monitoring team will not be able to assess total compliance with this task until the MAPPS program is functional, and the computerized data collection

system that the Academy is developing to capture all training data is complete and able to feed training data into the MAPPS system.

The Academy data collection system is currently composed of an amalgamation of three complementary tracking systems. These include:

1. When the consent decree was enacted, training records consisted of hand written registration cards that had been collected for years and stored in various locations. Academy staff assigned to respond to task 108 began collecting these cards and scanning them into a very basic computer program while various computer file management systems were reviewed to determine which would most effectively serve the needs of the agency. This scanning process continues and it is the first of the three-part tracking system. When this historical database is completed, it will be transferred to the final computerized system.
2. The second system is a server-based file management system and has been used to store and manage lesson plans, attendance records, testing data, individual recruit progress records, class schedules and instructor schedules. An instructor must submit a lesson plan for every class that is taught thereby providing an historical record for the class.
3. The third system is a web-based system that, in addition to providing the capabilities now present in each of the first two systems allows for the development and utilization of computer-based training and direct on-line training.

The evolution of the Academy's computerized training management system is at a *critical* point. The consolidation of the three systems and the transition to a totally web-based management system that is capable of feeding the required training data to the MAPPS system requires an additional piece of software. Addressing this need in the most expedient manner is of growing importance for the following three reasons:

1. The backlog of paper documentation from the recruit training classes and from the coach training programs, along with training data from all the consent decree related tasks requiring data continues to grow beyond the capability of existing Academy staff to manage.
2. The Academy's computerized training management system will be feeding data to the MAPPS system that is required by the consent decree. The MAPPS system will not be fully compliant until the training data is captured and utilized by supervisors for performance management.

3. The lack of availability of auditing data for other tasks is preventing the monitoring team from determining if the State is in compliance on those tasks.

At the present time the state is judged to remain out of compliance with this task, and this lack of compliance negatively affects numerous other training tasks, as indicated in the discussion of documentation issues in the preceding paragraphs indicates. Lack of documentation, however, is not a mechanical or technical matter. Even the best information system will not overcome a lack of attention to the *process* of documentation, assessment and evaluation.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

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

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

Task 109 stipulates that:

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

Methodology:

A member of the monitoring team spoke with Academy personnel regarding this task.

Status:

No new curriculum has been completed at this time. It is anticipated that the new recruit curriculum, new in-service curriculum for consent decree training, revisions to the coach curriculum, the supervisory curriculum, and management curriculum will be available for review on the next site visit.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

Task 110	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Redacted]											
Phase II	[Redacted]											

Task 110 stipulates that:

110. The Attorney General of New Jersey shall create an Office of State Police Affairs ("office"). The office shall have the responsibility to ensure implementation of the terms of this Consent Decree and provide coordination with the Independent Monitor and the United States concerning the State Police and matters related to the implementation of the Consent Decree. An Assistant Attorney General shall head the office. The office's responsibilities shall include auditing the manner in which the State receives, investigates, and adjudicates misconduct allegations; auditing the State Police's use of MAP data; and auditing state trooper performance of the motor vehicle stop requirements discussed in the Consent Decree. The office also shall be responsible for providing technical assistance and training regarding these matters. The office shall have such additional responsibilities as may be assigned by the State Attorney General.

Methodology:

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

Status

Based on the monitoring team’s review of work product, and information obtained during the process of implementing the first site visit, it is clear to the members of the monitoring team that the state is in compliance with this task. Not all duties assigned to the Office of State Police Affairs have been completed as of the fifth site visit. For example, members of the Office of State Police Affairs cannot audit the use of the MAPPS program until the program is functioning. The office does, however, provide coordination with the monitors and the Department of Justice, and the office is headed by an Assistant AG. The office routinely audits the process of managing misconduct investigations, and routinely audits performance on MVS processes. Technical assistance and training is provided routinely by the office regarding these matters. The mechanism and duty assignments, however, exist to complete the duties of the office as soon as practicable, given the implementation schedule of the state’s compliance efforts. Phase II compliance with this task is dependent upon implementation of the MAPPS.

Compliance

Phase I: In Compliance
 Phase II: Unable to Monitor

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

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

Task 111 stipulates that:

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

Methodology:

Members of the monitoring team have reviewed the Office of State Police Affairs procedure entitled "Procedure for Contacting Motorist Subjected to Motor Vehicle Stops" and have discussed the office's role in compliance with this task with office personnel.

Status

The office has developed and disseminated a procedure for compliance with this task, and has implemented its first audit of this process. Members of the monitoring team have reviewed the state's report in response to this task. A total of 370 motorists stopped by New Jersey State Police troopers were identified, and letters were mailed to these individuals requesting that they contact the New Jersey State Police regarding their stops. The state has, reportedly interviewed 29 of these motorists, all of whom indicated that they had "been treated professionally," according to OSPA documents. Work continues to locate and interview a larger portion of the selected drivers sample. An "update" of the fifth reporting period's process was provided to the monitoring team in early January; however, no completed audits from the third through fifth audits have been provided. The state is reviewing the audit plans in regard to these processes.

This is the third reporting period in which the state has initiated survey responses to the requirements of this task. Each audit has been presented to the monitoring team as an incomplete and "pending" process, and has, as such, been listed as "unable to monitor." Until the monitoring team is presented with the finalized results of these processes, for reporting periods three through five, this task will be listed as "Not In Compliance" effective the sixth monitoring report.

Compliance

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

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

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

Task 112 stipulates that:

112. The office's audits of the receipt, investigation, and adjudication of misconduct allegations shall include audits of the tapes of the complaint/comment toll-free telephone hotline established by ¶162; the use of testers to evaluate whether complaint intake procedures are being followed; audits of audio tape and videotape interviews produced during the course of misconduct investigations; and interviews of a sample of persons who file misconduct complaints, after their complaints are finally adjudicated.

Methodology:

Members of the monitoring team have reviewed audit reports for Office of State Police Affairs personnel who have conducted internal audits of the compliment/complaint hotline and audits of the telephone hotline. Documents reflecting the use of "testers" were also reviewed.

Status

Documentation reviewed by members of the monitoring team reflect a proactive and effective internal audit by OSPA of the misconduct investigation process. No issues were noted by the OSPA audits requiring policy, training or operational changes in the internal investigations process. This audit was consistent with the findings of the monitoring team's findings of a review of 99 internal investigations.

Compliance

Phase I: In Compliance
Phase II: In Compliance

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

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

Task 113 stipulates that:

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

Methodology:

Members of the monitoring team observed the personnel from the Office of State Police Affairs during the course of the site visit during the week of December 4th, 2000.

Status

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

Compliance

Phase I: In Compliance
Phase II: In Compliance

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

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

Task 114 stipulates that:

114. The State Police shall prepare semiannual public reports that include aggregate statistics on State Police traffic enforcement activities and procedures broken down by State Police station and the race/ethnicity of the civilians involved. These aggregate statistics shall include the number of motor vehicle stops (by reason for motor vehicle stop), enforcement actions (including summonses, warnings, and arrests) and procedures (including requests for consent to search, consent searches, non-consensual searches, and uses of force)

taken in connection with or during the course of such stops. The information regarding misconduct investigations shall include, on a statewide basis, the number of external, internal, and total complaints received and sustained by category of violation. The information contained in the reports shall be consistent with the status of State Police record keeping systems, including the status of the MAP computer systems. Other than expressly provided herein, this paragraph is not intended, and should not be interpreted, to confer any additional rights to information collected pursuant to this Decree.

Methodology:

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

Status

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

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.87 Compliance with Task 115: Appointment of Independent Monitor

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

Task 115 stipulates that:

115. Within ninety (90) days after the entry of this Decree, the State and the United States shall together select an Independent Monitor who shall monitor and report on the State's implementation of this Decree. The Monitor shall be acceptable to both parties. If the parties are unable to agree on an Independent Monitor, each party shall submit two names of persons who have experience as a law enforcement officer, as a law enforcement practices expert or monitor, or as a federal,

state, or county prosecutor or judge along with resumes or curricula vitae and cost proposals to the Court, and the Court shall appoint them Monitor from among the names of qualified persons submitted. The State shall bear all costs of the Monitor, subject to approval by the Court.

Methodology:

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

Status

The state is judged to be in compliance with this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

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

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

Task 118 stipulates that:

118. The State shall provide the Monitor with full and unrestricted access to all State staff, facilities, and non-privileged documents (including databases) necessary to carry out the duties assigned to the Monitor by this Decree. In the event of an objection, the Court shall make the final determination regarding access. In any instance in which the State objects to access, it must establish that the access sought is not relevant to monitoring the implementation of the Consent Decree, or that the information requested is privileged and the interest underlying the privilege cannot be adequately addressed through the entry of a protective order. In any instance in which the State asserts that a document is privileged, it must provide the United States and the Monitor a log describing the document and the privilege

asserted. Notwithstanding any claim of privilege, the documents to which the Monitor shall be provided access include: (1) all State Police documents (or portions thereof) concerning compliance with the provisions of this Decree, other than a request for legal advice; and (2) all documents (or portions thereof) prepared by the Office of the Attorney General which contain factual records, factual compilations, or factual analysis concerning compliance with the provisions of this Decree. Other than as expressly provided herein, with respect to the Independent Monitor, this paragraph is not intended, and should not be interpreted to reflect a waiver of any privilege, including those recognized at common law or created by State statute, rule or regulation, which the State may assert against any person or entity other than the Independent Monitor.

Methodology:

Members of the monitoring team were accorded full and unrestricted access while on-site with personnel from the New Jersey State Police and the Office of State Police Affairs. Some data requested regarding training and evaluation of training processes was either not provided in a timely manner or was provided in a manner that made access and comprehension difficult, causing the monitoring team to find the state not in compliance with some of the consent decree's training requirements. Continued problems in this area will result in a loss of compliance with this task.

Status

Some data requested regarding training and evaluation of training processes was either not provided in a timely manner or was provided in a manner that made access and comprehension difficult, causing the monitoring team to find the state not in compliance with some of the consent decree's training requirements. Continued problems in this area will result in a loss of compliance with this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.89 Compliance with Task 120: State Police to Reopen Internal Investigations Determined to be Incomplete

Task 120	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 120 stipulates that:

120. Subject to the limitations set forth in this paragraph, the State Police shall reopen for further investigation any misconduct investigation the Monitor determines to be incomplete. The Monitor shall provide written instructions for completing the investigation. The Monitor shall exercise this authority so that any directive to reopen an investigation is given within a reasonable period following the investigation's conclusion. The Monitor may not exercise this authority concerning any misconduct investigation which has been adjudicated or otherwise disposed, and the disposition has been officially communicated to the trooper who is the subject of the investigation.

Methodology:

Members of the monitoring team have reviewed a memorandum from the commander, Office Professional Standards to personnel within the office, requiring conformance with this task by members of the Office Professional Standards.

Status

The office is in Phase I compliance with this task. A total of 99 of 199 completed cases were reviewed this reporting period. None were selected by the monitoring team to be reopened. This is the fifth reporting period in which the monitoring team has found all internal investigations to meet the standards of the decree, thus leaving nothing to "monitor" with regard to this task. The state, this reporting period, is thus found to be in compliance. The monitoring team will continue to monitor for this process; however, until an IA case is returned to be reopened, the state will remain in Phase II compliance with this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

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

Task 122 stipulates that:

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

Methodology:

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

Status

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

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

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

Task 123 stipulates that:

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

Methodology:

Members of the monitoring team requested for review numerous documents, records, recordings and other information during the course of the team's site visit during November and December, 2001.

Status

Not all records requested were provided by the state. Specific problems with records maintenance are noted in the training section, and resulted in loss of compliance with some aspects of the training requirements of the consent decree. Continued problems in this area will also result in loss of compliance with this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

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

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

Task 124 stipulates that:

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

Methodology:

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

Status

The state is in compliance with this task.

Compliance

Phase I:	In Compliance
Phase II:	In Compliance

3.0 Summary

Observations of the monitoring team appeared to be divided into two categories this reporting period: excellence and problematic. Observations of state police operational methods, achieved through a review of 175 motor vehicle stops conducted by the agency, indicated a palpable difference in the manner in which the agency conducts its day-to-day business. Unlike the last reporting period, all of the motor vehicle stops observed by the monitoring team this reporting period were professionally conducted. Stops were, almost universally, conducted for reasons that reflected a focus on the New Jersey State Police core mission: public safety. Members of the monitoring team noted that virtually all motor vehicle stops were made for serious violations of the criminal or motor vehicle law. Gone were the stops that bordered on pretextual. Members of the monitoring team did not observe a single consent search conducted after a non-related violation. While some of the consent searches were cited for a lack of supporting narrative, it appears that the vast majority of the 58 consent searches conducted this quarter were based on reasonable suspicion that evidence would be located upon search. In the one instance in which consent was denied, the driver was promptly released.

Also remedied this quarter were virtually all of the problems with overt failures to properly video-tape motor vehicle stops—evident in only a few of the stops reviewed by the monitoring team last quarter. During the review this quarter, problems encountered in videotaping motor vehicle stops were, mostly, attributable to equipment failures, exigent circumstances, or an almost inexplicable—and never before observed by the monitoring team in any law enforcement agency—habit of target motorists pulling to the side of the road and waiting for the trooper to turn around and make a traffic stop. Members of the monitoring team were, again, impressed with the professional quality of the vast majority of interactions reviewed this reporting period. Many of the problems with vehicle stop procedures noted during the fourth monitors' report were not evident during this reporting period's review. All non-consensual searches reviewed this period were found to be professionally conducted and well documented. The monitoring team found consent searches to be, for the most part, reasonably requested and professionally executed.

The monitors attribute the change observed in the field operations of the New Jersey State Police to two factors: implementation of revised and updated supervisory practices and completion of agency-wide training regarding Fourth Amendment practices in law enforcement and. Numerous changes in New Jersey State Police policies regarding motor vehicle stops were made in the last reporting period. New Jersey State Police policies F-19 (MVR Equipment), F-7 (Radio Procedures), F-31 (Consent to Search) and F-55 (Patrol Procedures) were revised in October, 2001 to reflect changes in operational practices designed to

better assess NJSP patrol actions relative to prohibiting race- or ethnicity-based decision making. For example, supervisory personnel now review motor vehicle stop recordings (MVSRs) of all motor vehicle stops involving consent search requests. Supervisors also are required to routinely monitor and review, using a new, highly structured “checklist” a larger number of “routine” MVSRs. In addition, law enforcement personnel who have exhibited problematic on-road behavior in the past are selected for enhanced monitoring through review of a larger number of MVSRs on a quarterly (and in some cases even daily) basis. The position of “road sergeant” has been implemented, thus increasing substantially the level of direct supervision of road activities. Members of the monitoring team had previously discussed these changes with OSPA staff and had reviewed and approved relevant policies and implementation of these policies as revised. Training in these new procedures and policies has also been provided to all supervisory personnel and troopers involved in law enforcement activities.

Training provided to state police personnel during this period has been of exceptionally high quality. The agency’s Fourth Amendment training can serve as a model for all law enforcement, and training of supervisors regarding revised monitoring and review procedures also was classified by the monitors as excellent. In addition, trooper coach processes implemented this reporting period have produced excellent results, as reflected in very painstaking reviews and evaluations conducted on a “360 degree” format—one of the very few such processes in American policing.

The results of these changes are tangible. The number of consent searches requested by the New Jersey State Police is down 69 percent over the previous six months. Perhaps more importantly, “find rates” for those searches have also improved—indicating that consent requests are being made more frequently of those who possess contraband or evidence, and less often of those who do not. The “find rates” for whites, during the last six months was 28 percent. The rate for blacks was 30 percent, and the rate for Hispanics was 50 percent. Improved training and supervision, it appears, have produced important results for the New Jersey State Police this reporting period.

Juxtaposed with substantial accomplishments in supervision and training are two issues the monitoring team found problematic this reporting period. First, the state has made no progress in clearing the internal affairs backlog with which it is faced. In fact, an additional 116 cases were added to the existing backlog, with the state clearing 199 cases and receiving 315 new cases requiring IA investigation. While the *quality* of cases completed this reporting period were good, and the state has added substantial amounts of manpower to the IA bureau, the press of incoming cases continues to outpace those cleared by the bureau.

A second and more pressing issue has surfaced in the training process. While the *product* delivered by the training academy is exceptionally good, the state has fallen short in many of the processes that support the training function: needs assessment, evaluation and documentation of the training process were all found to be problematic this reporting period. Members of the monitoring team are concerned that continued problems in this area may begin to affect the quality of training delivered by the agency, which, in the opinion of the monitors, is a remarkably valuable asset to be guarded jealously.