

NEW JERSEY STATE POLICE  
OFFICE OF PROFESSIONAL  
STANDARDS  
INTERNAL INVESTIGATION AND  
DISCIPLINARY PROCESS  
ANNUAL REPORT  
2011



HONOR ☆ DUTY ☆ FIDELITY

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## FROM THE SUPERINTENDENT...

I am pleased to present the Governor, the Legislature and the citizens of New Jersey with the New Jersey State Police, **2011 Office of Professional Standards Annual Report** (“the report”). The State Police began producing this report in the year 2000 in response to legislation providing the public with an ability to examine the internal affairs function of the State Police and be reassured that it is truly operating in a trustworthy and acceptable manner. This year is no exception. Herein, the reader will find clearly presented topics, including descriptions of the current Office of Professional Standards (OPS) Table of Organization and related office functions, an explanation of the classification process for all reportable incidents, the system by which incidents are addressed and disposed of, and finally, a detailed analysis of the data compiled during 2011.

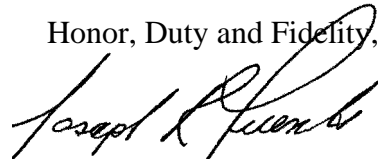
A law enforcement entity in a democratic society can tie its effectiveness directly to the level of trust it enjoys within the community it serves. A significant factor in gaining and maintaining that trust is ensuring that there is a strict allegiance to a highly professional and transparent internal affairs function. It follows that the execution of the internal affairs function within a professional law enforcement entity presents challenges that require constant and consistent vigilance. I believe that a fair review of the **2011 Annual Report** will support the conclusion that the New Jersey State Police maintains that level of vigilance.

This introduction will not restate all of the facts, figures and analysis articulated in this report, other than to remind the reader that troopers of the New Jersey State Police engaged in more than **one million, four-hundred thousand police/citizen contacts during the calendar year 2011**. Any single complaint reported to the OPS that was generated within that vast number of contacts was, without exception, assigned a number, classified, and addressed in accordance with established highly-reputable best practices.

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

My personal commitment to the mission of the Office of Professional Standards is unwavering. I want to express my sincere appreciation for the hard work and dedication of the men and women of that office as, once again, I present to you the **2011 Office of Professional Standards Annual Report**.

Honor, Duty and Fidelity,

A handwritten signature in black ink, appearing to read "Joseph R. Fuentes", written over a horizontal line.

Joseph R. Fuentes  
Colonel  
Superintendent

## **EXECUTIVE SUMMARY**

This report is intended to provide the Governor, State Legislature, the citizens of the State of New Jersey, and all other interested parties a brief history of the State Police internal affairs process and a comprehensive look at the disciplinary system employed by the Division. Included in the report are explanations of how the Division receives complaints, classifies the allegations, assigns cases for investigation, and adjudicates substantiated charges against enlisted members. The report also provides overviews of major and minor discipline imposed in 2011 as the result of substantiated allegations and other actions taken by the Division to address aberrant behavior.

## **OFFICE OF PROFESSIONAL STANDARDS**

In 1999, the Attorney General's Office conducted a review of the Division's disciplinary system. As a result of this review, the Internal Affairs Bureau was reorganized and the Office of Professional Standards was established. The investigative and adjudication functions were transferred from the Division Staff Section and placed under the control of a major, reporting directly to the Superintendent. During 2001, the Division Standing Operating Procedure that governs the Office of Professional Standards was completely revised, and the new policy was adopted in January 2002. This revision resulted in the formation of two distinct bureaus within the office. On December 31, 2011, the Office of Professional Standards consisted of sixty-seven (67) persons. This includes seven (7) professional support personnel and sixty (60) enlisted persons.

## **INTERNAL AFFAIRS INVESTIGATION BUREAU**

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

## **INTAKE AND ADJUDICATION BUREAU**

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

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

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

The Management Review Unit: Responsible for the design, implementation, documentation, evaluation, and improvement of the Division's internal controls. The unit also assists

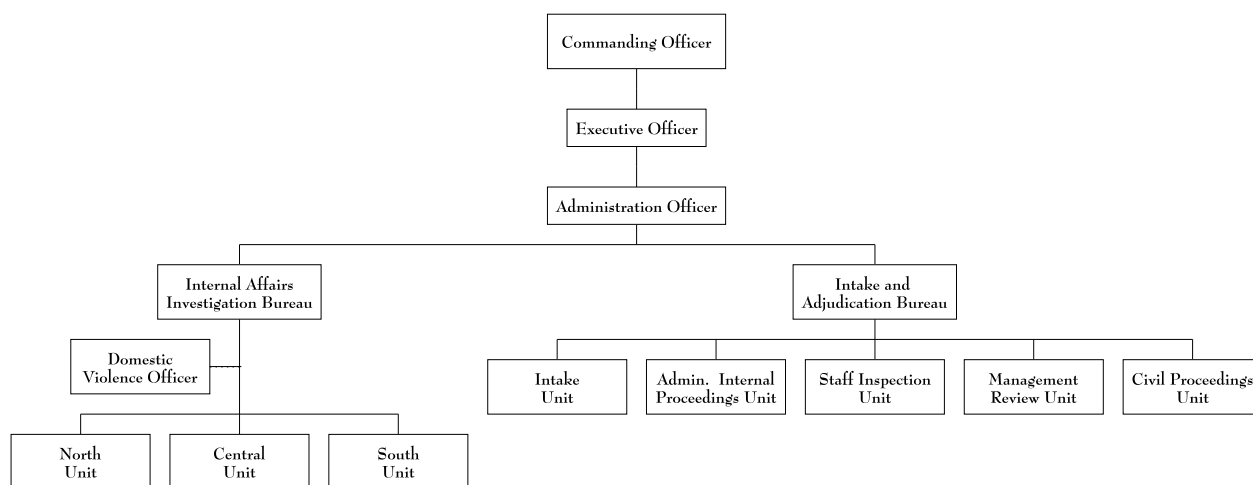
sections and bureaus in developing systems of review for the cost effective use of resources and reviews all procedures concerning division financial accounts.

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

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

## OFFICE OF PROFESSIONAL STANDARDS

### 2011 ORGANIZATIONAL CHART



## OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS

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

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

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

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

## STATE POLICE DISCIPLINARY PROCESS

The New Jersey State Police is a statewide police organization that provides a full range of police services. As an employer, the Division is comprised of four thousand fifty-one (4,051) employees including two thousand, six hundred ninety-six (2,696) sworn members, and one thousand, three hundred fifty-five (1,355) civilian members.<sup>1</sup>

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

In 2011, troopers were involved in excess of one million, four-hundred thousand (1,400,000) police/citizen contacts. Many of these interactions were routine; many involved stressful and critical situations.

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<sup>1</sup> As of December 2011

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

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

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

## COMPLAINT PROCESS

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

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

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

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

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

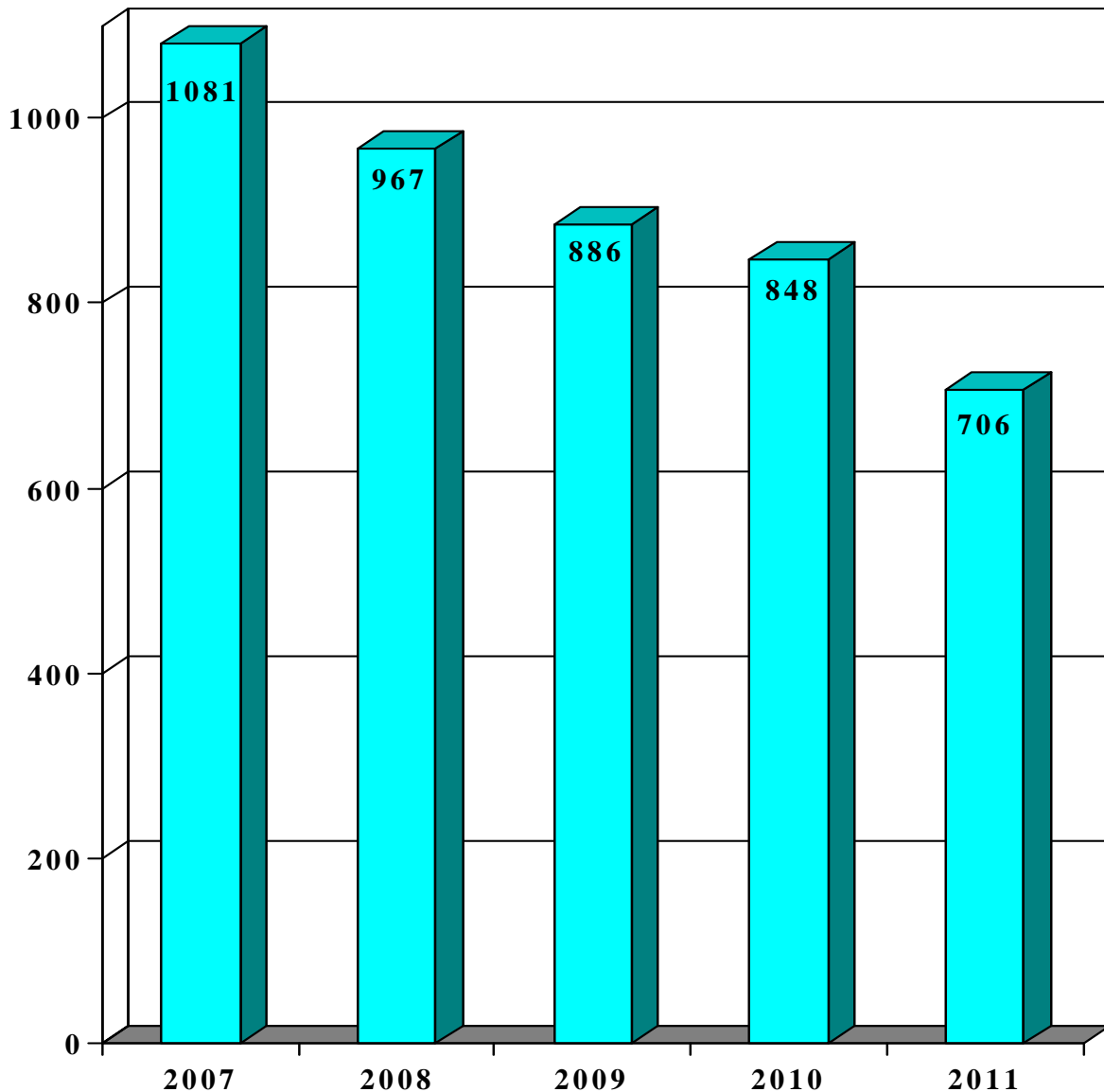
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<sup>2</sup> State of New Jersey v. State Troopers Fraternal Association, 134 N.J. 393, 416 (1993)



*During 2011, seven hundred six (706) total incidents were reported and classified, as compared to eight hundred forty-eight (848) in 2010. This represents a 16.7% decrease in the number of reportable incidents received in the year 2011 less than those received in the year 2010, while the total number of the Division's enlisted personnel decreased by 172 enlisted members, representing a 16% decrease for the same period.*

### Five Year Comparison of Number of Incidents Reported



## **CLASSIFICATION OF REPORTED INCIDENTS**

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

### **MISCONDUCT**

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

### **PERFORMANCE**

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

### **ADMINISTRATIVE**

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

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

When the Division's Office of Equal Employment Opportunity conduct an investigation in which allegations are substantiated against an enlisted member the case is forwarded to the Office of Professional Standards for adjudication and disciplinary action. The Compliance Unit/HRMB refer allegations of violations of the Medical Leave Policy which are classified as misconduct investigations.

### **REFERRALS**

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

## SHOOTING REVIEWS

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

## FIVE YEAR BREAKDOWN OF INCIDENT CLASSIFICATIONS

	2007	2008	2009	2010	2011
<b>MISCONDUCT</b>	276	293	294	290	237
<b>PERFORMANCE</b>	290	226	183	164	84
<b>ADMINISTRATIVE ISSUES</b>	503	408	373	376	373
<b>COMPLIANCE</b>	0	0	0	0	0
<b>EEO / AA INVESTIGATIONS</b>	9	9	8	3	2
<b>NON-REPORTABLE INCIDENTS / REFERRALS</b>	2	29	25	14	7
<b>SHOOTING REVIEWS</b>	1	2	3	1	3
<b>TOTALS</b>	<b>1,081</b>	<b>967</b>	<b>886</b>	<b>848</b>	<b>706</b>

## ORIGIN OF COMPLAINTS

In 2011, of the two hundred thirty-seven (237) total misconduct complaints, one hundred eight-three (183) (77%) were initiated by members of the public, and fifty-four (54) (23%) were initiated internally. Of the misconduct complaints initiated by the public, eighty-six (86) (47%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received eighty-four (84) reportable incidents which were classified as Performance Issues; seventy (70) (83%) of these complaints were initiated by members of the public and fourteen (14) (17%) were initiated internally.

In 2010, of the two hundred ninety (290) total misconduct complaints, two hundred eight (208) (72%) were initiated by members of the public, and eighty-two (82) (28%) were initiated internally. Of the misconduct complaints initiated by the public, one hundred twenty-nine (129) (62%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received one hundred and sixty-four (164) reportable incidents which were classified as Performance Issues; one hundred and forty-seven (147) (90%) of these complaints were initiated by members of the public and seventeen (17) (10%) were initiated internally.

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

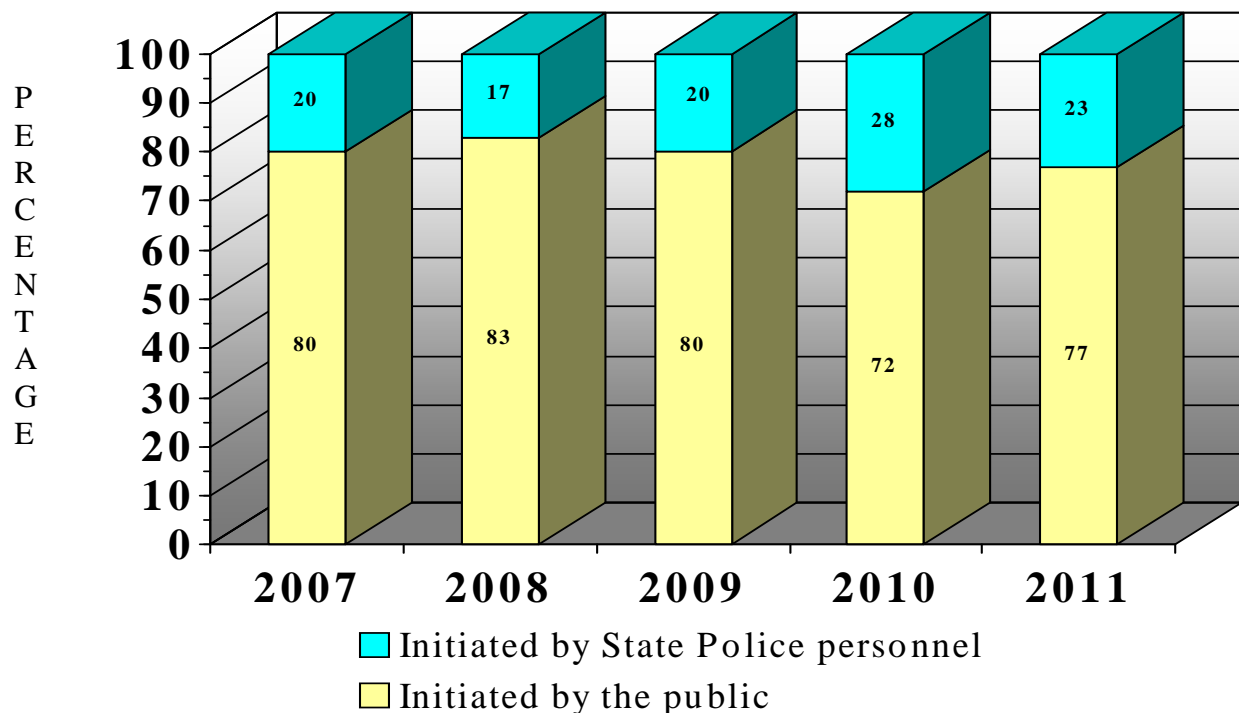
incidents which were classified as Performance Issues; one hundred sixty-six (166) (91%) of these complaints were initiated by members of the public and seventeen (17) (9%) were initiated internally.

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

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

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

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



## **CRIMINAL PROCEEDINGS INVOLVING DIVISION MEMBERS**

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

The following paragraphs outline the criminal matters pending against members of the Division between January 1, 2011, and December 31, 2011. Each matter is also the subject of a pending internal investigation.

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

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

*During 2011, there were no criminal charges filed by citizens against members who were performing their official duties.*

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

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

*During 2011, there were no criminal charges brought against members by the State Police or other law enforcement agency.*

### **OFF-DUTY CONDUCT**

These cases represent criminal or disorderly persons offenses filed against Division members acting in an off-duty capacity and not related in any way to the performance of their State Police duties. During 2011, the following off-duty incidents were filed against members:

Member was charged with Harassment (Stalking) and Contempt of Court. These charges are pending a judicial hearing.

Member was charged with Aggravated Assault. This charge is pending a judicial hearing.

Member was charged with Disorderly Conduct and Obstruction of Justice. This charge is pending a judicial hearing.

Member was charged with Aggravated Assault. The criminal charge was dismissed and the member is the subject of an Administrative Misconduct Investigation.

Member was charged with Harassment and Terroristic Threats. The criminal charge was dismissed and the member is the subject of an Administrative Misconduct Investigation.

Member was charged with Harassment. The criminal charge was dismissed and the member is the subject of an Administrative Misconduct Investigation.

Member was charged with Disorderly Conduct. The criminal charge was dismissed and the member is the subject of an Administrative Misconduct Investigation.

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

## **ASSIGNMENT OF INVESTIGATIONS**

Of the two hundred thirty-seven (237) misconduct cases assigned in 2011, two hundred thirty (230) were assigned to Internal Affairs Bureau investigators, and seven (7) were referred to the Attorney General's Office, Office of Law Enforcement Professional Standards for investigation.

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

## ALLEGATIONS AND OUTCOMES

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

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

It is important to define that the standard of evidence or burden of proof in administrative investigations are by a preponderance standard. That standard being the determination of substantiation or not is based on a belief by the preponderance of the evidence that the alleged conduct either occurred or did not occur.

## MISCONDUCT INVESTIGATIONS OPENED IN 2011

There were two hundred thirty-seven (237) misconduct investigations opened in 2011. The following paragraphs report the status of these cases as of December 31, 2011. Of these cases, one hundred eighty-three (183) were initiated as the result of citizen complaints and fifty-four (54) cases were opened because of complaints made by State Police supervisors or other members.

Of the one hundred eighty-three (183) citizen initiated investigations, seventy (70) (38%) remain active, twenty (20) (11%) are in the review process, thirty-four (34) (19%) have been completed, and fifty-nine (59) (32%) have been suspended pending court action or other administrative action. Of the thirty-four (34) completed, seventeen (17) (50%) resulted in substantiated primary or secondary allegations.

Of the fifty-four (54) complaints initiated by State Police supervisors or members, eighteen (18) (33%) remain active, eight (8) (15%) are in the review process, twenty-three (23) (43%) have been completed, and five (5) (9%) have been suspended pending court action or other administrative action. Of the twenty-three (23) completed, eighteen (18) (78%) resulted in substantiated primary or secondary allegations.

## SUMMARY OF NEW COMPLAINTS:

The following table summarizes the total number of complaints received by the Office of Professional Standards during the year 2011 that resulted in Internal Investigations, the origin of the complaints, the total number of Principals (members of the Division who have been identified as the subjects of the investigations), and the general categories of the allegations.

<b>2011 CASES RECEIVED BY CATEGORY FOR INTERNAL INVESTIGATION</b>			
<b>COMPLAINT CLASSIFICATION</b>	<b>ORIGIN</b>		<b>PRINCIPALS (INVOLVED MEMBERS)</b>
	<b>PUBLIC</b>	<b>SP</b>	
<b>ADMIN. VIOLATIONS</b>	3	26	28
<b>ALCOHOL VIOLATION</b>	6	0	11
<b>ASSAULT</b>	1	1	2
<b>ATTITUDE AND DEMEANOR</b>	10	0	12
<b>DIFFERENTIAL TREATMENT</b>	48	0	75
<b>DOMESTIC VIOLENCE</b>	10	4	13
<b>DRIVING VIOLATION</b>	2	0	2
<b>DRUG VIOLATION</b>	0	0	0
<b>EXCESSIVE FORCE</b>	38	0	81
<b>FAILURE TO PERFORM DUTY</b>	3	4	17
<b>FALSE ARREST</b>	6	0	9
<b>IMPROPER SEARCH</b>	2	0	3
<b>OTHER</b>	48	18	93
<b>OTHER HARASSMENT</b>	5	0	5
<b>THEFT</b>	1	1	9
<b>TOTALS</b>	<b>183</b>	<b>54</b>	<b>360</b>



## COMPLETED DISCIPLINE

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

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

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

## SYNOPSIS OF MAJOR DISCIPLINE

The following is a synopsis of discipline imposed as a result of General Disciplinary Hearings completed during the calendar year 2011:

Member retired prior to the imposition of discipline with pending administrative charges alleging the member obtained outside employment without authorization and improperly engaged in outside employment while on-duty.

Member pled guilty to disobeying a direct order, acting in an unofficial or private capacity to the discredit of the Division, and improper use of Division owned equipment by failing to safeguard his duty weapon, storing and sending pornographic images via a State issued cellular telephone, and unauthorized use of troop transportation. The member was suspended for 60 days.

Member found guilty of acting to the detriment of good order and discipline of the Division and willfully disobeying a lawful verbal or written order by drawing with a sharpie pen on the faces of academy recruits while acting as an academy instructor, harassing a graduate of the training academy at a graduation celebration, and driving troop transportation after consuming alcoholic beverages. The member was suspended for 120 days.

Member pled guilty to acting to the detriment of good order and discipline of the Division by willfully disobeying a lawful verbal or written order, neglect of duty, obtaining outside employment without authorization and creating the appearance of a conflict of interest by failing to collect a glass vial containing a powdery residue as evidence, engaging in questionable associations, participating in a criminal investigation with a personal interest, and displaying a lack of candor upon being interviewed as the Principal of an Internal Investigation. The member was suspended for 365 days and required to separate from employment.

Member pled guilty to making false/misleading reports and acting in an official capacity to the personal discredit of himself by falsely documenting in a criminal investigation that he conducted an interview of a suspect and improperly instructed a member on the coach program to place false information on official reports. The member was suspended for 180 days.

Member pled guilty to acting in an unofficial or private capacity to the discredit of the Division, neglect of duty, and culpable inefficiency by leaving a message on another member's phone which was threatening in nature, failing to investigate and document a motor vehicle crash after being detailed to do so, and failing to comply with MVR procedures. The member was suspended for 188 days.

Member pled guilty to acting to the discredit of the Division while on and off duty, culpable inefficiency, and misuse of Division property by engaging in an inappropriate personal/sexual relationship with a member of the Division under his chain of command, failing to disclose a supervisor/subordinate relationship as required by the Public Safety Policy on Consensual Personal Relationships in the Workplace, operating troop transportation after consuming alcoholic beverages. The member was suspended for 491 days and required to separate from employment.

Member pled guilty to acting to the discredit of the Division while on duty by inappropriately discharging OC spray in the direction of another member. The discipline was merged with the penalty of another internal investigation. The member was suspended for 491 days and required to separate from employment.

Member found guilty of acting in an unofficial capacity to the personal discredit of the Division and neglect of duty by throwing a metal sign at a residence during a verbal dispute with a civilian after consuming alcoholic beverages. In addition, the member engaged in a physical altercation, fled the scene and failed to assist the local police who arrived at the scene. The member was suspended for 180 days.

Member pled guilty to performing duties in a culpable inefficient manner while acting as a senior squad sergeant assigned to conduct a thorough and factual investigation of a motor vehicle accident involving a troop car. The member failed to ascertain critical information from witnesses and submitted an accident report which failed to accurately document the circumstances surrounding the accident. In addition, the member failed to comply with radio procedures. The member was suspended for 30 days.

Member pled guilty to performing duties in a culpable inefficient manner upon arriving at the scene of a troop car accident. The member failed to relay critical information to the investigating Sergeant. In addition, the member failed to comply with MVR procedures. The member was suspended for 30 days.

Member pled guilty to violations of New Jersey Motor Vehicle Statutes and acting in an unofficial capacity to the discredit of the Division. The member pled guilty in municipal court to Driving While Intoxicated and Refusal to Submit to a Breath Sample. The member was suspended for 360 days.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division, neglect of duty, and willfully disobeying a lawful verbal or written order by dispensing OC spray without justification during a personal domestic dispute. In addition, the member carried his duty weapon into another state without authorization. The member was suspended for 508 days.

Member found guilty of acting to the detriment of good order of the Division and acting in an unofficial capacity to the discredit of the Division. The member was the subject of ten motor vehicle stops during a thirteen month period by members of a local police department. Sworn testimony from three local officers corroborate that the member appeared to be under the influence of alcohol on the last three traffic stops. On the last occasion, the member was taken into custody and the member's personal vehicle was towed from the scene. The member was suspended for 360 days.

Member pled guilty to violating out of state motor vehicle law and acting in an unofficial capacity to the discredit of the Division. The member appeared in court and pled guilty to Driving Under the Influence of Alcohol, Failure to Obey a Traffic Signal, Failure to Drive on Right Side of Roadway and Careless Driving. The member was suspended for 360 days.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division by sending text messages that were harassing and threatening in nature during a domestic dispute. The member was suspended for 90 days.

Member found guilty of violating New Jersey Motor Vehicle Statutes, neglect of duty, and acting in an unofficial capacity to the discredit of the Division. The member pled guilty in Municipal Court to Refusal to Submit to a Breath Test and Leaving the Scene of a Motor Vehicle Accident with minor injuries. The member was suspended for 589 days.

Member pled guilty to acting in an unofficial capacity to the personal discredit of the Division. The member was found to be legally impaired at the time of a motor vehicle accident while off-duty. The impairment was based upon the combined presence of prescribed medication and alcoholic beverages found as a result of blood and urine collected at the hospital. The member was suspended for 150 days.

Member pled guilty to performing his duties in a culpably inefficient manner by utilizing unreasonable and unjustifiable force after a high speed pursuit and motor vehicle traffic stop. The member was suspended for 180 days.

Member pled guilty to acting in an unofficial or private capacity to the discredit of the Division by testing positive for Cannabidiol resulting from a urine test ordered by the Division. The member received a 309 day suspension and was required to separate from the Division.

Member pled guilty to performing his duties in a culpably inefficient manner by failing to properly supervise members of his unit, review his subordinates use of credit card accounts, and properly document the daily activities and transfer of money to and from the unit. The member was suspended for 30 days and required to separate from service.

Member pled guilty to acting in an official capacity to the discredit of the Division and improper use of Division owned property. The member made several personal purchases with a Division owned confidential credit card without authorization which resulted in a personal financial gain. In addition, the member assisted with the mismanagement of unit documentation and record keeping in regard to the receipt and disbursement of funds. The member was required to forfeit all accrued vacation and compensatory time.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division. The member's blood alcohol concentration was found to be over the State legal limit after being involved in a one car motor vehicle accident. The member was suspended for 436 days.

Member pled guilty to acting to the detriment of good order and discipline of the Division by failing to exercise due care in the handling and use of his issued duty weapon. The member was suspended for 45 days.

Member pled guilty to acting in an unofficial capacity to the personal discredit of the Division and using Division property for purposes other than those for which it was intended. The member was involved in a physical altercation during a domestic dispute and utilized a Division owned computer to access NJMVC records to check the driving record of his spouse. The member was suspended for 30 days.

Member found guilty of willfully disobeying a written order, acting in an official capacity to the discredit of the Division, and knowingly make a false report. The member utilized excessive force during an arrest and submitted a New Jersey State Police Supplemental Investigation Report which contained false documentation. The member received a 180 day suspension.

Member pled guilty to acting in an unofficial capacity to the personal discredit of the Division. While consuming alcoholic beverages off-duty in a drinking establishment, the member initiated a physical altercation with a civilian patron. The member continued to engage in a physical altercation with the security staff of the establishment. The member was suspended for 45 days.

Member pled guilty to acting in an unofficial capacity to the personal discredit of the Division. The member placed numerous unwanted harassing and sexually explicit telephone calls and text messages. The member was suspended for 20 days.

Member pled guilty to a violation of motor vehicle law, neglected his duty, and acted in an unofficial capacity to the personal discredit of the Division. The member pled guilty in Municipal Court to failing to report a motor vehicle accident after striking another vehicle while off-duty. The member's driver's license was suspended at the time of the collision. The member was required to separate from employment.

The following is a synopsis of discipline imposed as a result of Summary Disciplinary Hearings completed during the calendar year 2011:

Member pled guilty to acting in an official capacity to the discredit of the Division and violating the State Anti-Discrimination Policy, by making inappropriate remarks to other Division members, one of which was gender based. The member was suspended for 20 days.

Member pled guilty to acting in an unofficial or private capacity to the personal discredit of the Division by engaging in tumultuous behavior after consuming alcoholic beverages off-duty and refusing to cooperate with private security guards. The member was subsequently escorted from a business establishment by local police officers. The member was suspended for 20 days.

Member found guilty of submitting false reports, failing to notify the Division of information to which it takes cognizance, and culpable inefficiency while a recruit in the Trooper Coach program. Member authored false investigation reports, failed to conduct thorough and complete investigations, and failed to report an unlawful order received from a Trooper Coach to document false information in investigation reports. The member was suspended for 30 days.

Member pled guilty to neglect of duty by failing to investigate and document a motor vehicle crash after being detailed to do so, and failing to comply with MVR procedures. The discipline was merged with the penalty of another internal investigation.

Member pled guilty to acting in an official capacity to the discredit of the Division and performing duties in a culpably inefficient manner by pursuing a personal relationship with a motorist during a motor vehicle stop and prematurely deactivating his assigned MVR. The member was suspended for 10 days.

Member was discharged from the Division as a result of the re-enlistment process with a pending administrative charge. The charge substantiated that the member acted in an unofficial capacity to the discredit of the Division by utilizing profanity upon confronting a local police officer in regard to the manner in which his personal vehicle was parked.

Member pled guilty to making false reports and acting in an official capacity to the discredit of the Division. The member falsely reported his work hour in the E-Daily time tracking system on multiple occasions. The false entries allowed the member to receive 60 hours of undeserved shift differential. The member was suspended for thirty days and required to reimburse the Division for monies obtained erroneously.

Member pled guilty to leaving the State of New Jersey with his issued duty weapon without authorization and failing to safeguard the duty weapon while he was traveling outside the state. The member was suspended for 20 days.

Member pled guilty to acting in an official capacity to the personal discredit of the Division. The member displayed an improper attitude and demeanor during a motor vehicle stop and violated MVR procedures. The member was suspended for 10 days.

Member pled guilty to acting in an official capacity to the personal discredit of the Division and performing his duties in a culpably inefficient manner. The member as a front line supervisor failed to conduct a thorough investigation of a high profile troop car accident and violated MVR procedures. The member was suspended for 30 days.

## **SYNOPSIS OF MINOR DISCIPLINE**

During the year 2011, in addition to disciplinary hearings, there were forty-four (44) Written Reprimands issued by the Superintendent for a variety of offenses. These include suspensions from zero (0) to five (5) days. The following is a synopsis of Written Reprimands\* issued by the Superintendent:

Failure to Safeguard off-duty weapon, failure to utilize trigger guard or apply handcuffs through the weapon prior to storage. (Written Reprimand)

Conduct unbecoming a member of the Division. (Written Reprimand)

Failure to Safeguard Issued Identification, Billfold and Handcuffs. (Written Reprimand)

Failure to Safeguard Issued Handcuffs. (Written Reprimand)

Failure to Safeguard Issued Identification and Billfold. (Written Reprimand)

Failure to Secure Prisoner, Escape from Custody. (Written Reprimand)

Failure to ensure MVR was activated at accident scene and subsequent DWI arrest. (Written Reprimand)

Failure to ensure MVR was activated at accident scene and subsequent DWI arrest. (Written Reprimand)

Failure to Activate MVR during MV Stop and Failure to call in Stop. (Written Reprimand)

Failure to report to the Medical Services Unit as ordered and for engaging in unprofessional and inappropriate manner while meeting with the Division Physician. (WR w/5 day suspension)

Failure to Safeguard Issued Handcuffs. (Written Reprimand)

For the Culpably Inefficient manner in which member approved his subordinate's time reporting which contained erroneous entries. (Written Reprimand)

Violation of New Jersey Boating Law. (Written Reprimand)

Failure to Safeguard Issued Identification and Billfold. (Written Reprimand)

Unauthorized use of troop transportation. (WR w/5 Day Suspension)

Questionable Conduct Off-Duty, Inappropriate and Unprofessional Conduct Toward Other Law Enforcement Members. (WR/5 Day Suspension)

Questionable Conduct Off-Duty, Failure to make payment for services received regarding outside employment. (Written Reprimand)

Failure to Obtain Authorization to Engage in Outside Employment. (WR/5 Day Suspension)

Failure to Properly Wear Issued Uniform While On-Duty. (Written Reprimand)

Failure to Wear Issued Uniform While On-Duty. (Written Reprimand)

Failure to Safeguard Issued Wallet Identification Card. (Written Reprimand)

Failure to Notify ODU of Motor Vehicle Stop Prior to Approaching Vehicle and Failure to Activate MVR prior to Approaching Vehicle. (Written Reprimand)

For Conduct Unbecoming a Member During Neighbor Dispute. (Written Reprimand)

For Displaying an Improper Attitude and Demeanor during a Motor Vehicle Stop. (Written Reprimand)

Failure to Safeguard Issued Body Armor. (Written Reprimand)

Failure to Activate MVR during accident investigation. (Written Reprimand)

For prematurely deactivating MVR during accident investigation. (Written Reprimand)

Failure to forward 525 received from subordinate to OPS. (Written Reprimand)

Improper Use of Division Computer. (Written Reprimand)

Failure to report observed misconduct of another member to Chain of Command or OPS. (Written Reprimand)

Failure to Safeguard Issued Identification and Billfold. (Written Reprimand)

Failure to ensure MVR was activated at accident scene. (Written Reprimand)

Failure to follow High Risk stop procedures and failure to follow MVR procedures. (Written Reprimand)

Failure to conduct MVR pre-operation check and failure to appear in court, resulting in lack of prosecution. (WR/2 Day Suspension)



Unauthorized use of troop transportation and improper conduct toward other law enforcement. (WR/5 Day Suspension)

Failure to call-in MV stop, failure to provide Compliment/Complaint form. (Written Reprimand)

Failure to safeguard issued duty weapon and failure to carry duty weapon while on-duty. (WR/5 Day Suspension)

For the culpably inefficient manner in which member searched a motorist's vehicle. (Written Reprimand)

For displaying an Improper Attitude and Demeanor during a Motor Vehicle stop. (Written Reprimand)

For displaying an Improper Attitude and Demeanor during a Motor Vehicle stop. (Written Reprimand)

Failure to safeguard issued handcuffs. (Written Reprimand)

Failure to call-in Motor Vehicle stop. (Written Reprimand)

For the culpably inefficient manner in which the member submitted an accident investigation report and for not initially activating the MVR at the accident scene. (Written Reprimand)

For the culpably inefficient manner in which a member supervised two subordinates who called in false radio transmissions while at the Station. (WR/5 Day Suspension)

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



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

*The following chart contains a summary of all disciplinary actions undertaken in misconduct cases completed during the period from January 1, 2011, through December 31, 2011:*

### SUMMARY OF COMPLETED CASES

#### REPORTING PERIOD: JANUARY 1, 2011, THROUGH DECEMBER 31, 2011

CORRECTIVE ACTIONS TAKEN FOR CASES BY CATEGORY IN YEAR 2011					
COMPLAINT CLASSIFICATION	COUNSELING/ PERFORMANCE NOTICE ISSUED	WRITTEN REPRIMAND ISSUED	SUMMARY DISCIPLINARY HEARING HELD	GENERAL DISCIPLINARY HEARING HELD	NO FURTHER ACTION
IMPROPER SEARCH	2	0	0	0	2
THEFT	0	1	0	0	3
ASSAULT	0	0	0	0	2
EXCESSIVE FORCE	6	2	0	2	67
DIFFERENTIAL TREATMENT	0	0	0	0	1
OTHER HARASSMENT	0	0	0	0	0
DOMESTIC VIOLENCE	0	2	0	4	6
DRUG VIOLATION	0	0	0	0	2
ALCOHOL VIOLATION	0	0	1	5	4
FALSE ARREST	0	0	0	0	4
FAILURE TO PERFORM DUTY	2	3	1	0	5
DRIVING VIOLATION	0	2	0	3	0
ATTITUDE AND DEMEANOR	0	7	1	0	10
ADMIN. VIOLATION	3	1	2	1	7
OTHER	3	20	3	15	38
TOTALS	16	38	8	30	151

\*Note: In some cases, reportable incidents contain multiple allegations and principals. The OPS Classification hierarchy policy classifies reportable incidents into one complaint classification category.

## **PROSECUTION FOR FALSE CITIZEN COMPLAINTS**

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

*During 2011, no charges were filed for filing a false complaint against Division members.*

## **COMPLIMENTS**

In addition to monitoring troopers' conduct to ensure conformance to the highest standards, the Division of State Police also accepts and appreciates all compliments submitted by the public regarding troopers' conduct. During 2011, the Division received one thousand, one hundred thirty-seven (1,137) citizen compliments regarding actions by enlisted members. These citizen compliments were received in one of the following manners: citizen generated letters of appreciation, the New Jersey State Police Citizen Compliment/Complaint Form, the Office of Professional Standards Toll-free Compliment/Complaint Hotline, and e-mails.