

NEW JERSEY STATE POLICE  
OFFICE OF PROFESSIONAL  
STANDARDS  
INTERNAL INVESTIGATION AND  
DISCIPLINARY PROCESS  
ANNUAL REPORT  
2008



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, *2008 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 2008.

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 *2008 Annual Report* will support the conclusion that the New Jersey State Police maintains that level of vigilance.

This introduction will not restate all of the facts, figures and analysis articulated in this report, other than to remind the reader that troopers of the New Jersey State Police engaged in more than 1.2 million police/citizen contacts during the calendar year 2008. 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 State Police Affairs (OSPA), Office of the Attorney General. Twice annually, the OSPA conducts a comprehensive audit of the OPS functions, including a thorough critique of all misconduct cases closed during the period under review. To date, these audits support the conclusion that the OPS continues to operate at a high 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 *2008 Office of Professional Standards Annual Report*.

Honor, Duty, and Fidelity



Joseph R. Fuentes  
Colonel  
Superintendent

## EXECUTIVE SUMMARY

This report is intended to provide the Governor, State Legislature, the citizens of the State of New Jersey, and all other interested parties a brief history of the State Police internal affairs process and a comprehensive look at the disciplinary system employed by the Division. Included in the report are explanations of how the Division receives complaints, classifies the allegations, assigns cases for investigation, and adjudicates substantiated charges against enlisted members. The report also provides overviews of major and minor discipline imposed in 2008 as the result of substantiated allegations and other actions taken by the Division to address aberrant behavior.

## OFFICE OF PROFESSIONAL STANDARDS

In 1999, the Attorney General's Office conducted a review of the Division's disciplinary system. As a result of this review, the Internal Affairs Bureau was reorganized and the Office of Professional Standards was established. The investigative and adjudication functions were transferred from the Division Staff Section and placed under the control of a major reporting directly to the superintendent. During 2001, the Division Standing Operating Procedure that governs the Office of Professional Standards was completely revised, and the new policy was adopted in January 2002. This revision ultimately resulted in the formation of two distinct bureaus within the office. On December 31, 2008, the Office of Professional Standards consisted of 61 persons. This includes 9 professional support personnel and 52 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 north, central and south Jersey.

## INTAKE AND ADJUDICATION BUREAU

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

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

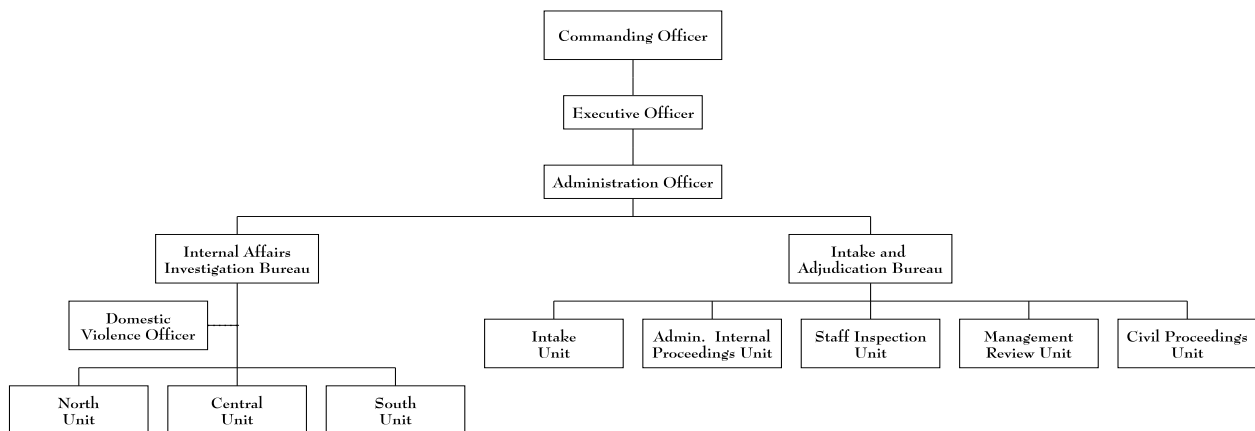
**The Administrative Internal Proceedings Unit:** Responsible for the adjudication of substantiated allegations, convening disciplinary hearings, and acts as a liaison between the Office of Professional Standards and the Office of the Attorney General, the Office of State Police Affairs, and the Office 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 2008 Organizational Chart



## OFFICE OF STATE POLICE AFFAIRS

The Office of State Police Affairs, within the Office of the Attorney General, was established by the Attorney General in 1999 as an external entity to the State Police that continues to work jointly with the Division reviewing all complaints, investigations and adjudications handled by the Office of Professional Standards. The Office of State Police Affairs also has the authority and staff to conduct its own investigations as well as to handle matters at the request of the State Police.

In addition to its direct monitoring work, the Office of State Police Affairs functions as the liaison between the State Police, the Independent Monitoring Team, and the Department of Justice's Civil Rights Division.

The commitment by the State of New Jersey, the Attorney General, and the Superintendent to the most thorough, fair, and efficient system possible is demonstrated by the dedication to the investigative and support personnel assigned to the Office of Professional Standards and the development and acquisition of a state of the art information technology case tracking system.

## 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, five hundred and eighty-one (4,581) employees including three thousand and twenty-eight (3,028) sworn members, and one thousand, five hundred and fifty-three (1,553) 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 2008, troopers were involved in excess of 1.2 million police/citizen contacts. Many of these interactions were routine; many involved stressful and critical situations.

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

Unlike the comparably routine issues of discipline that might arise in connection with employees in other departments of state government, the discipline of state troopers implicates not only the proper conduct of those engaged in the most significant aspects of law enforcement, involving the public safety and the apprehension of dangerous criminals, but

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<sup>1</sup> As of December 2008

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 State Police Affairs, 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 or violations of State Police Rules and Regulations. This includes complaints made by citizens, as well as employment-related disciplinary matters.

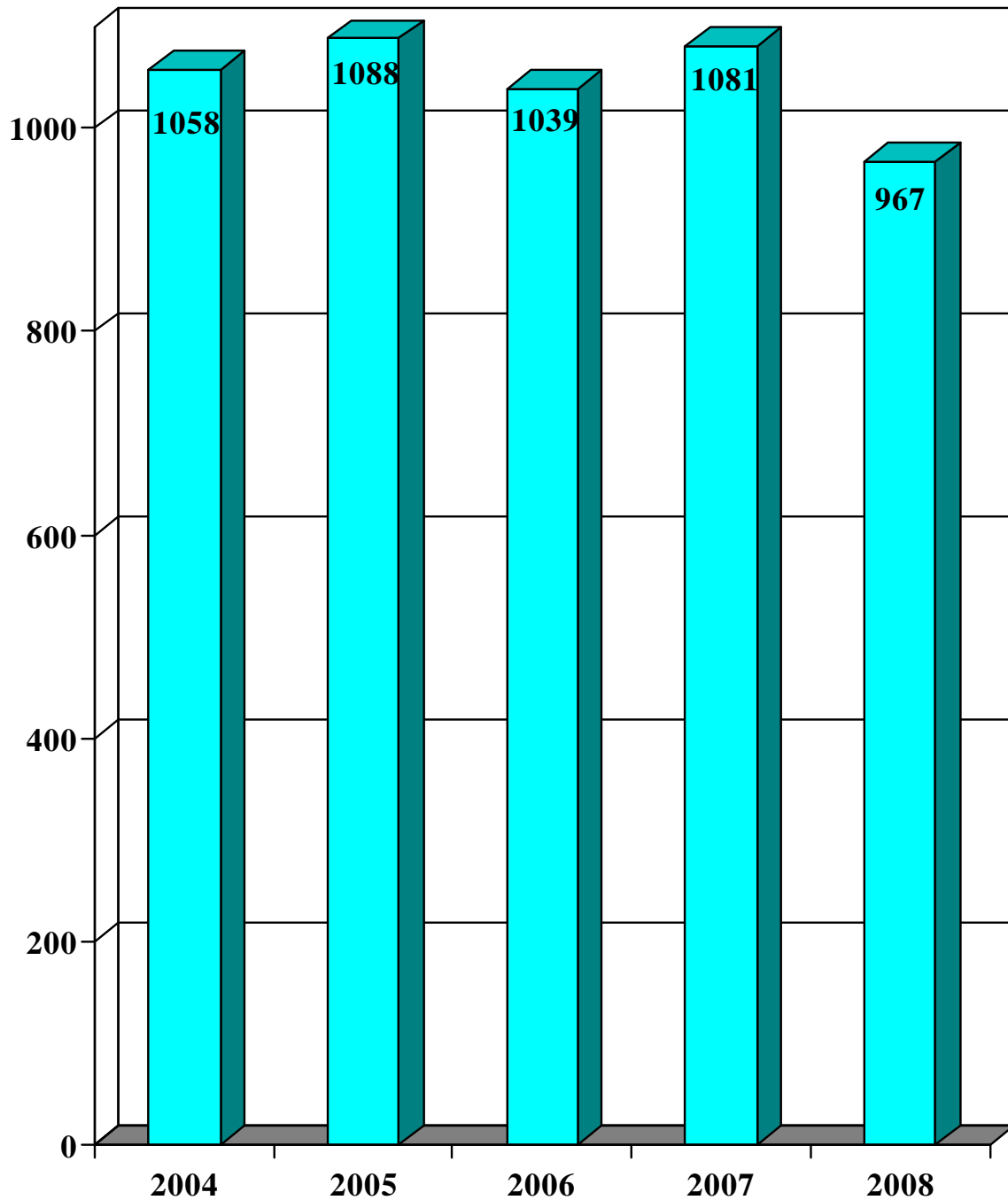
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<sup>2</sup>State of New Jersey v. State Troopers Fraternal Association, 134 N.J. 393, 416 (1993)

During 2008, nine hundred sixty-seven (967) total incidents were reported and classified, as compared to one thousand, eighty-one (1,081\*) in 2007. This represents a 10.5% decrease in the number of reportable incidents received in the year 2008 over those received in the year 2007, while the total number of the Division's enlisted personnel increased by 37 enlisted members, representing a 1.2% increase for the same period.

\* 2007 incidents adjusted to reflect inclusion of referrals.

Five Year Comparison of Number of Incidents Reported



## CLASSIFICATION OF REPORTED INCIDENTS

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

### MISCONDUCT

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

### PERFORMANCE

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

### ADMINISTRATIVE

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

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

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

### REFERRALS

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

## SHOOTING REVIEWS

When a Division member is involved in a shooting, it is documented as an investigation and investigated by the Attorney General's Shooting Response Team and the State Police Major Crimes Unit. When the Major Crimes 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

	2004	2005	2006	2007	2008
MISCONDUCT	407	413	345	276	293
PERFORMANCE	232	277	220	290	226
ADMINISTRATIVE ISSUES	414	398	472	503	408
COMPLIANCE	4	0	0	0	0
EEO / AA INVESTIGATIONS	1	0	2	9	9
NON- REPORTABLE INCIDENTS / REFERRALS				2	29
SHOOTING REVIEWS				1	2
TOTALS	1,058	1,088	1,039	*1,081	967

\* 2007 incidents adjusted to reflect inclusion of fourteen (14) referrals. Inclusion of referrals in 2007 ensures consistent comparability with prior years 2004 through 2006.

## ORIGIN OF COMPLAINTS

In 2008, of the two hundred and ninety-three (293) total misconduct complaints, two hundred and eighteen (218) (74%) were initiated by members of the public, and seventy-five (75) (26%) were initiated internally. Of the misconduct complaints initiated by the public, eighty-five (85) (29%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received two hundred and twenty-six (226) reportable incidents which were classified as Performance Issues; two hundred and thirteen (213) (94%) of these complaints were initiated by members of the public and thirteen (13) (6%) were initiated internally.

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

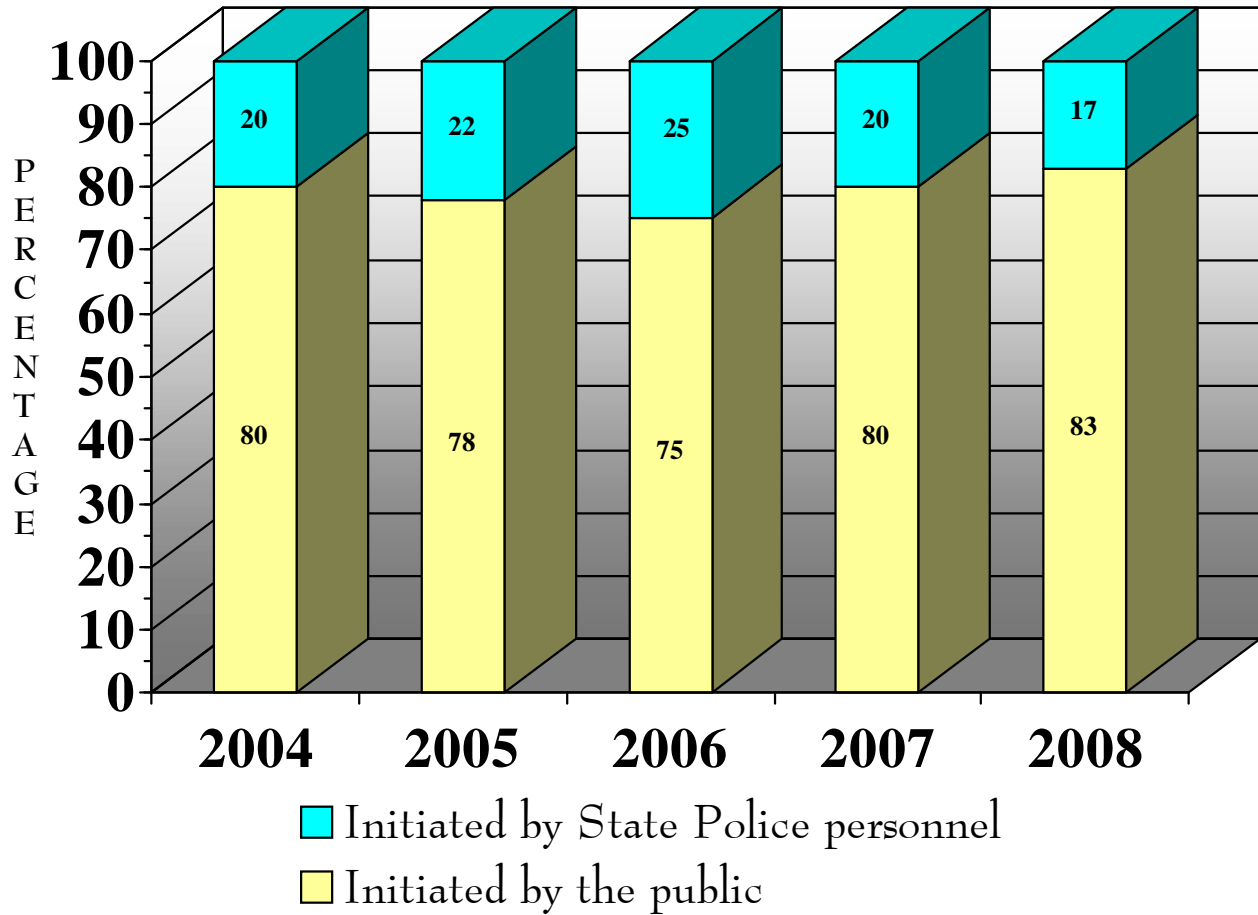
In 2006, of the three hundred and forty-five (345) total misconduct complaints, two hundred and twenty-six (226) (66%) were initiated by members of the public and one hundred and nineteen (119) (34%) were initiated internally. Of the misconduct complaints initiated by the public, one hundred and thirty-one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

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

In 2004, of the four hundred and seven (407) total misconduct complaints, three hundred and one (301) (74%) were initiated by members of the public and one hundred and six (106) (26%) were initiated internally. Of the misconduct complaints initiated by the public, one hundred and fifty-six (156) (52%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received two hundred and thirty-two (232) reportable incidents which were classified as Performance Issues; two hundred and thirteen (213) (92%) of these complaints were initiated by members of the public and nineteen (19) (8%) were initiated internally.

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

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



## 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, 2008, and December 31, 2008. 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 2008, no criminal charges were brought against Division members by citizens for on-duty conduct.

### 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 2008, no criminal charges were brought against Division members by the State Police or other law enforcement agencies for on-duty conduct.

### 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 2008, the following off-duty incidents were investigated:

Member pleaded guilty to acting to his personal discredit and to the discredit of the Division by engaging in questionable conduct off duty. The member was arrested for disorderly conduct while under the influence of alcoholic beverages. The member subsequently pleaded guilty in Municipal Court. The member was suspended for 57 days.

Member acted to his personal discredit and to the discredit of the Division by engaging in questionable conduct off-duty. The member was arrested for aggravated assault as result of choking, punching and kicking the victim, causing serious bodily injury. The member failed to be reenlisted by the Division.

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 and ninety-three (293) misconduct cases assigned in 2008, two hundred and ninety (290) were assigned to Internal Affairs Bureau investigators, and three (3) were referred to the Office of State Police Affairs 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 State Police rules, regulations, protocols, standing operating procedures, directives, or training.
- UNFOUNDED** : an allegation is determined to be “unfounded” if a preponderance of the evidence shows that the alleged misconduct did not occur.
- EXONERATED** : an allegation is determined to be “exonerated” if a preponderance of the evidence shows the alleged conduct did occur but did not violate State Police rules, regulations, standing operating procedures, directives or training.
- INSUFFICIENT EVIDENCE** : an allegation is determined to be “insufficient evidence” when there is insufficient evidence to decide whether the alleged act occurred.

## MISCONDUCT INVESTIGATIONS OPENED IN 2008

There were two hundred and ninety-three (293) misconduct investigations opened in 2008. The following paragraphs report the status of these cases. Of these cases, two hundred and eighteen (218) were initiated as the result of citizen complaints and seventy-five (75) cases were opened because of complaints made by State Police supervisors or other members.

Of the two hundred and eighteen (218) citizen initiated investigations, fifty-three (53) (24%) remain active, fifty (50) (23%) are in the review process or pending discipline, one hundred and two (102) (47%) have been completed, and thirteen (13) (6%) have been suspended pending court action or other administrative action. Of the one hundred and two (102) completed, fifteen (15) (15%) resulted in substantiated primary or secondary allegations.

Of the seventy-five (75) complaints initiated by State Police supervisors or members twenty-one (21) (28%) remain active, eighteen (18) (24%) are in the review process or pending discipline, thirty-four (34) (45%) have been completed, and two (2) (3%) have been suspended pending court action or other administrative action. Of the thirty-four (34) completed, twenty (20) (59%) 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 2008 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.

2008 Cases Received by Category for Internal Investigation			
Complaint Classification*	Origin		Principals (Involved Members)
	Public	SP	
Improper Search	3	1	7
Theft	5	1	7
Assault	2	1	5
Excessive Force	36	1	78
Differential Treatment	73	0	100
Other Harassment	4	1	8
Domestic Violence	9	6	16
Drug Violation	0	0	0
Alcohol Violation	1	5	6
Failure to Perform Duty	5	8	15
Driving Violation	2	2	5
Attitude and Demeanor	11	0	11
Admin. Violations	2	20	24
Other	65	29	138
<b>TOTALS</b>	<b>218</b>	<b>75</b>	<b>420</b>

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

## COMPLETED DISCIPLINE

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

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

## SYNOPSIS OF MAJOR DISCIPLINE

The following is a synopsis of discipline imposed as a result of General Disciplinary Hearings convened during the calendar year 2008:

Member pleaded guilty to acting to his personal discredit and to the discredit of the Division by engaging in questionable conduct while off-duty. Specifically, the member was found to be in possession of CDS and subsequently pleaded guilty to possession of CDS (3<sup>rd</sup> Degree) in Superior Court. The member forfeited his right to public employment as part of a plea arrangement and was terminated from the NJSP.

Member pleaded guilty to acting to his personal discredit and to the discredit of the Division by engaging in questionable conduct off-duty specifically by failing to report possible misconduct and criminal activity of another member of the Division. The member was suspended for 538 days.

Member pleaded guilty to acting to his personal discredit and to the discredit of the Division by engaging in questionable conduct off-duty. The member was arrested for driving his personal vehicle while under the influence of alcoholic beverages and subsequently pleaded guilty in Municipal Court. The member was suspended for 195 days.

Member resigned from the State Police prior to the imposition of discipline for acting to his personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty. On more than one occasion, the member was found to be accessing inappropriate web sites from a Division computer.

Member pleaded guilty to acting to his personal discredit and to the discredit of the Division by engaging in questionable conduct off-duty. The member was arrested for disorderly conduct while under the influence of alcoholic beverages. The member subsequently pleaded guilty in Municipal Court. The member was suspended for 57 days.

Member acted to his personal discredit and to the discredit of the Division by engaging in questionable conduct off-duty. The member was arrested for aggravated assault as result of choking, punching and kicking the victim, causing serious bodily injury. The member failed to be reenlisted by the Division.

Member acted to his personal discredit and to the discredit of the Division by engaging in questionable conduct off-duty. The member was issued several motor vehicle summons for his careless operation of his personal vehicle while under the influence of alcoholic beverages and subsequent motor vehicle accident. The member failed to be reenlisted by the Division.

Member pleaded guilty to acting to his personal discredit and to the discredit of the Division by engaging in questionable conduct off-duty, specifically by engaging in improper conduct relating to gambling. The member was suspended for 933 days.

Member acted to his personal discredit and to the discredit of the Division by engaging in questionable conduct off-duty. The member was charged and subsequently found guilty of resisting arrest and simple assault in Municipal Court. These charges were related to a Domestic Violence incident. The member was suspended for 512 days and was separated from the Division.

Member acted to his personal discredit and to the discredit of the Division by engaging in questionable conduct off-duty. The member was involved in a two-car motor vehicle accident and subsequently departed the scene. The member failed to report his involvement in the accident as required and made false or misleading statements regarding the incident. The member was suspended for 368 days and was separated from the Division

Member acted to his personal discredit and to the discredit of the Division by engaging in questionable conduct off-duty. The member was criminally charged with Stalking and Harassment as a result of a Domestic Violence incident and subsequently found guilty of Obstruction of Justice in Municipal Court. The member was suspended for 775 days and was separated from the Division.

Member acted to his personal discredit and to the discredit of the Division by engaging in questionable conduct off-duty. The member during a domestic violence incident became physical and threatened the victim with his service weapon. The member was guilty in Superior Court of committing acts of Domestic Violence. The member was suspended for 1326 days and was separated from the Division.

The following is a synopsis of discipline imposed as a result of Summary Disciplinary Hearings convened during the calendar year 2008:

Member pleaded guilty to acting to his personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty specifically by accessing inappropriate web sites from a Division computer. The member was suspended for 20 days.

Member pleaded guilty to acting to his personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty specifically by utilizing improper level of force during an arrest. The member was suspended for 20 days.

Member was found guilty of acting to his personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty, specifically by engaging in loud and threatening behavior while at the troop physician's office. The member also made false statements to his supervisor's regarding his duty status. The member was suspended for 20 days.

Member pleaded guilty to acting to his personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty specifically by consuming an alcoholic beverage while in uniform and providing an alcoholic beverage to another uniformed member of the Division. The member was suspended for 10 days.

Member was found guilty of acting to his personal discredit and to the discredit of the Division by directing a subordinate to improperly dispose of evidence relative to an ongoing criminal investigation. The member was suspended for 10 days.

Member pleaded guilty to acting to his personal discredit and to the discredit of the Division by engaging in questionable conduct off-duty specifically for his unauthorized use of division transportation. Additionally, the member consumed alcoholic beverages while utilizing the vehicle. The member was suspended for 15 days.

Member pleaded guilty to acting to his personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty specifically by accessing inappropriate web sites from a Division computer. The member was suspended for 10 days.

Member pleaded guilty to acting to his personal discredit and to the discredit of the Division by engaging in questionable conduct off-duty specifically for engaging in a physical confrontation and for failing to take proper police action during an action which reasonably required such action. The member also failed to properly report through proper channels a matter which the Division takes cognizance. The member was suspended for 20 days.

Member pleaded guilty to acting to his personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty specifically by accessing inappropriate web sites from a Division computer. The member was suspended for 20 days.

Member pleaded guilty to acting to his personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty specifically by accessing inappropriate web sites from a Division computer. The member was suspended for 20 days.

Member pleaded guilty to acting to his personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty specifically by utilizing a NJSP Mobile Data Computer to improperly access the Criminal Justice System (CJIS). The full disclosure inquiry information was accessed without having a legitimate law enforcement purpose and was subsequently disseminated to a friend. The member was suspended for 10 days.

Member pleaded guilty to acting to his personal discredit and to the discredit of the Division by performing his supervisory duty in a culpably inefficient manner. Specifically the member failed to intervene after observing two (2) subordinate members of his squad consume alcoholic beverages while on duty and in uniform. The member was suspended for 15 days.

Member pleaded guilty to acting to his personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty specifically by uttering a racially derogatory remark while in the presence of enlisted members of the Division. The location of the incident was an extension of the workplace, and therefore, a violation of the State of New Jersey Anti-Discrimination Policy. The member was suspended for 10 days.

Member pleaded guilty to acting to his personal discredit and to the discredit of the Division by engaging in questionable conduct off-duty specifically by violating a retail store policy in regard to handling store merchandise. The member's friend was subsequently arrested for theft. The member was suspended for 29 days.

Member pleaded guilty to acting to his personal discredit and to the discredit of the Division by engaging in questionable conduct off-duty specifically by associating with persons known to the member to be involved in criminal activity. The member was suspended for six (6) days.

Member pleaded guilty to acting to his personal discredit and to the discredit of the Division by engaging in questionable conduct on-duty specifically by improperly disposing of drug paraphernalia. The member was suspended for seven (7) days.

## SYNOPSIS OF MINOR DISCIPLINE

During the year 2008, in addition to disciplinary hearings, there were forty-seven (47) 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<sup>3</sup> issued by the Superintendent:

For Failure to Safeguard Equipment (Body Armor).

For Failure to Safeguard Equipment (SP Identification and Billfold).

For Failure to Safeguard Equipment (Off-duty Badge).

For the Culpably Inefficient Manner in Which He Completed a Pursuit Incident Report.

For Failing to Properly Weigh the Need to Apprehend a Suspect Against the Risk to Public Safety During a Motor Vehicle Pursuit.

For Failure to Safeguard Equipment (SP Identification and Billfold).

For Failure to Safeguard Equipment (SP Identification and Billfold).

For Failure to Safeguard Equipment (SP Identification and Billfold).

For Failure to Render Aid in a Timely Fashion.

For Failure to Maintain a Court Subpoena Log.

For Failure to Safeguard Equipment (SP Laser Unit).

Failure to Obtain Authorization for Outside Employment.

For Failure to Safeguard Issued Duty Weapon.  
(Written Reprimand W/5 Day Suspension).

For Culpable Inefficiency and Failure to Comply with Overtime Detail Procedures.  
(Written Reprimand W/5 Day Suspension).

For Failure to Comply with Station Pass List Procedures.

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<sup>3</sup>Some issued Written Reprimands encompass multiple violations.

For Inappropriate Actions Toward Another Member.  
(Written Reprimand W/5 Day Suspension).

For Consuming Alcohol While On-duty and in Uniform.  
(Written Reprimand W/5 Day Suspension).

For Violation of MVR Procedures, Motor Vehicle Stop Procedures, and Failure to Document Patrol Chart. (Written Reprimand W/5 Day Suspension).

For Submitting a False Daily Activity Patrol Log and Failing to Obtain Authorization for Outside Employment.

For Failure to Properly Secure Prisoner Resulting with an Escape from Custody.

For an Unauthorized Use of Division Transportation.

For Questionable Conduct Off-duty (Domestic Dispute).

For Violation of the Pursuit Policy. The Member Engaged in Questionable Pursuit Tactics and Failed to Recognize the Need to Terminate the Pursuit. (Written Reprimand W/5 Day Suspension).

For Unsafe Operation of Personal Vehicle and Engaging in a Verbal Altercation with Another Enlisted Member.

For Unsafe Operation of Personal Vehicle and Engaging in a Verbal Altercation with Another Enlisted Member.

For Failure to Call in MV Stop, Failure to Document Patrol Chart, and Failure to Activate Assigned MVR.

For Failure to Call in a Motor Vehicle Stop. (Written Reprimand W/3 Day Suspension).

For Failure to Notify the Division of Prescribed Medications.

For Failure to Safeguard Off-duty Badge and Holder.

For Unauthorized Use of Assigned Troop Transportation, Involving a Motor Vehicle Accident. (Written Reprimand W/5 Day Suspension).

For Failure to Comply with MVR Procedures.

For Failure to Safeguard Non-photo Portion of Issued Identification.

Disobey a Direct Order and Absent Without Leave.

For Failure to Renew Registration on Personal Vehicle. (Written Reprimand W/3 Day Suspension).

For Violation of State Anti-discrimination Policy, Inappropriate Age-based Remarks. (Written Reprimand W/5 Day Suspension).

For Committing a Motor Vehicle Violation (Speeding) in the State of Virginia.

For Failure to Safeguard Issued State Police Identification Cards and Off-duty Badge.

For Failure to Call-in a Motor Vehicle Stop and for Failing to Document the Stop on the Daily Activity Patrol Log. (Written Reprimand W/2 Day Suspension).

For Making Two (2) Separate Disparaging Remarks While On-duty. (Written Reprimand W/2 Day Suspension).

For Failure to Call-in a Motor Vehicle Stop in a Timely Manner.

For Failure to Activate MVR and Failure to Notify ODU of His Arrival at a Motor Vehicle Stop.

For Improperly Placing a Class "A" Hat on a Suspect in Custody and Memorializing the Act with a Division Owned Camera. (Written Reprimand W/2 Day Suspension).

For Improper and Excessive Use of State Owned Cellular Telephone. (Written Reprimand W/2 Day Suspension).

For Failure to Safeguard Issued State Police Identification and Billfold.

For Being Habitually Late for Scheduled Duty.

For Improper Use of a Division Owned Computer, specifically by Creating and Transmitting an Inappropriate Image as a Means of Humor.

For Improperly Critiquing the Performance of Higher Ranking NJSP Commissioned Officers via GroupWise E-mail.

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 State Police Affairs as well as the Office of the Attorney General. Due to the fluid nature of internal investigations and the directions taken during internal investigations, slight numerical differences may exist if compared historically.

The following chart contains a summary of all disciplinary actions undertaken in misconduct cases completed during the period from January 1, 2008, through December 31, 2008:

## SUMMARY OF COMPLETED CASES

### REPORTING PERIOD: JANUARY 1, 2008 THROUGH DECEMBER 31, 2008

CORRECTIVE ACTIONS TAKEN FOR CASES BY CATEGORY IN YEAR 2008 <sup>4</sup>					
COMPLAINT CLASSIFICATION	COUNSELING/ PERFORMANCE NOTICE ISSUED	WRITTEN REPRIMAND ISSUED	SUMMARY DISCIPLINARY HEARING HELD	GENERAL DISCIPLINARY HEARING HELD	NO FURTHER ACTION
IMPROPER SEARCH	0	0	0	0	2
THEFT	1	0	0	0	2
ASSAULT	0	0	0	0	1
EXCESSIVE FORCE	2	0	0	1	25
DIFFERENTIAL TREATMENT	7	0	0	0	49
OTHER HARASSMENT	0	0	0	0	1
DOMESTIC VIOLENCE	0	2	0	3 <sup>5</sup>	7
DRUG VIOLATION	0	0	0	0	0
ALCOHOL VIOLATION	0	0	1	1	0
FAILURE TO PERFORM DUTY	1	1	1	1 <sup>6</sup>	4
DRIVING VIOLATION	1	2	0	1 <sup>7</sup>	3
ATTITUDE AND Demeanor	2	2	0	0	10
ADMIN. VIOLATION	2	14	4	1 <sup>8</sup>	8
FALSE ARREST	0	0	0	0	0
NON-REPORTABLE INCIDENT	0	0	0	0	0
OTHER	8	11	10 <sup>9</sup>	9 <sup>10</sup>	57
<b>TOTALS</b>	<b>24</b>	<b>32</b>	<b>16</b>	<b>17</b>	<b>169</b>

<sup>4</sup> Number indicates the highest level of intervention per case; only one category per case.

<sup>5</sup> Two members resigned as part of criminal plea agreements and one member was terminated as a result of a General Disciplinary Hearing.

<sup>6</sup> One member was dropped as a result of the re-enlistment process, prior to the imposition of discipline.

<sup>7</sup> One member was dropped as a result of the re-enlistment process, prior to the imposition of discipline.

<sup>8</sup> One member was dropped as a result of the re-enlistment process, prior to the imposition of discipline.

<sup>9</sup> One member resigned and one member retired prior to the imposition of discipline.

<sup>10</sup> One member resigned, one member retired and two members were dropped as a result of the re-enlistment process, all of which occurred prior to the imposition of discipline.

## PROSECUTION FOR FALSE CITIZEN COMPLAINTS

As can be seen from this report, the Division of State Police takes citizen complaints seriously and fully investigates them. However, if a complaint is found to be fabricated and maliciously pursued, the complainant may be subject to criminal prosecution. During 2008, no criminal charges were filed against any individual for filing a false complaint against Division members.

## COMPLIMENTS

In addition to monitoring troopers' conduct to ensure conformance to the highest standards, the Division of State Police also accepts and appreciates all compliments submitted by the public regarding troopers' conduct. During 2008, the Division received one thousand, one hundred and twenty-five (1,125) 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.