

NEW JERSEY STATE POLICE  
OFFICE OF  
PROFESSIONAL STANDARDS

INTERNAL INVESTIGATION AND  
DISCIPLINARY PROCESS

ANNUAL REPORT  
2015



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, *2015 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 2015.

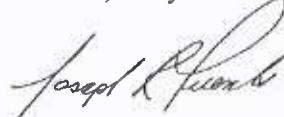
A law enforcement entity in a democratic society can tie its effectiveness directly to the level of trust it enjoys within the community it serves. A significant factor in gaining and maintaining that trust is ensuring that there is a strict allegiance to a highly professional and transparent internal 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 *2015 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 1,621,000 police/citizen contacts during the calendar year 2015. Any single complaint reported to the OPS that was generated within that vast number of contacts was, without exception, assigned a number, classified, and addressed in accordance with established highly-reputable best practices.

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

My personal commitment to the mission of the Office of Professional Standards is unwavering. I want to express my sincere appreciation for the hard work and dedication of the men and women of that office as, once again, I present to you the *2015 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 2015 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, 2015, the Office of Professional Standards consisted of fifty-seven (57) persons. This includes seven (7) professional support personnel and fifty (50) enlisted persons. This figure represents an overall increase of one (1) additional member over the previous year.

## **INTERNAL AFFAIRS INVESTIGATION BUREAU**

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

## **INTAKE AND ADJUDICATION BUREAU**

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

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

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

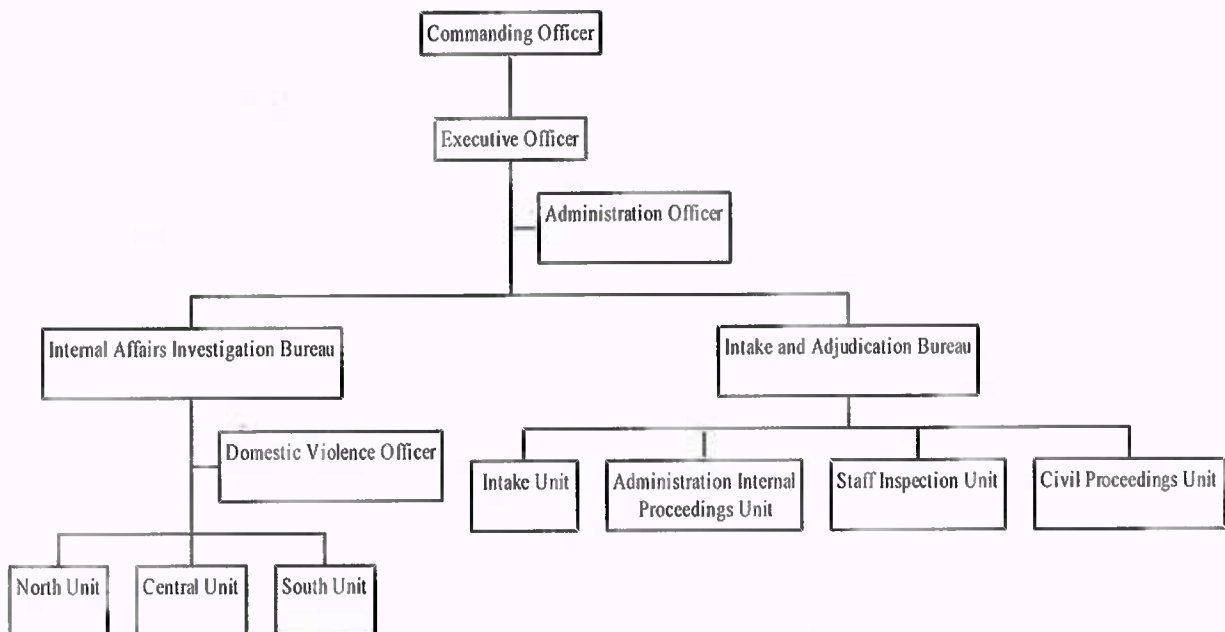


**Staff Inspection Unit:** This unit is responsible for instructing field officers in proper inspection techniques, reviewing inspection reports submitted by field supervisors, conducting evidence and administration inspections of stations and field units, and examining supervisory mobile video recording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

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

## Office of Professional Standards

### 2015 Organizational Chart



## **OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS**

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

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

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

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

## **STATE POLICE DISCIPLINARY PROCESS**

The New Jersey State Police is a statewide police organization that provides a full range of police services. The Division is comprised of three thousand, nine hundred sixty six (3,966) employees, of which two thousand, six hundred (2,600) are sworn members, and one thousand, three hundred sixty six (1,366) are civilian members.<sup>1</sup>

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

In 2015, troopers were involved in excess of one million, six hundred twenty-one thousand (1,621,000) police/citizen contacts. Though most of these interactions were routine, many involved stressful and critical situations.

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<sup>1</sup> As of December 2015

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 that goes directly to the Office of Professional Standards. In addition, every on-duty member interacting with the public is required to carry informational brochures and compliment/complaint forms that must be provided to anyone who objects to or compliments the trooper's conduct.

Further, 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.

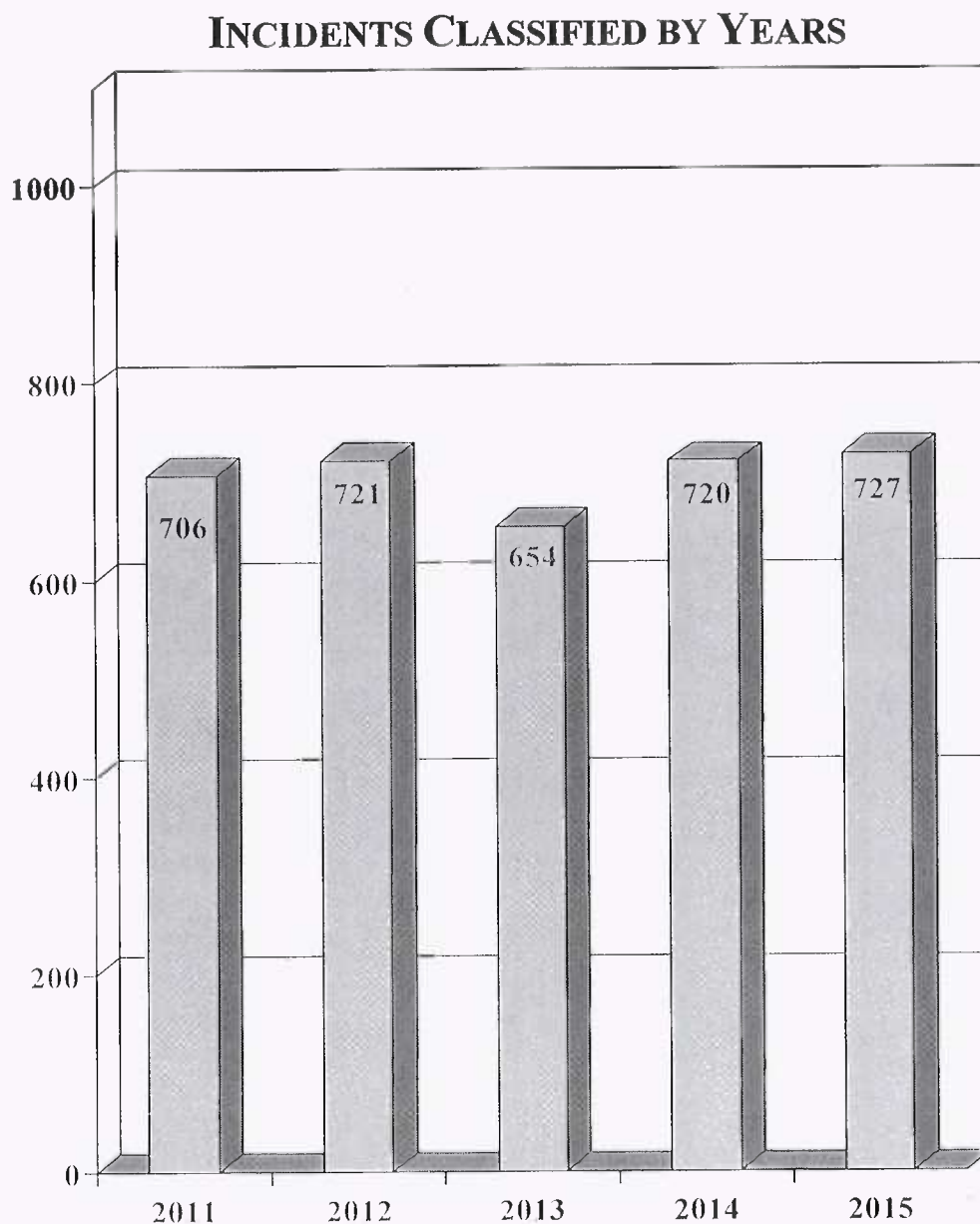
As stated previously, the Intake Unit of the Office of Professional Standards is responsible for receiving, documenting, processing, classifying, and disseminating all complaints against sworn members of the New Jersey State Police alleging misconduct by its members. This includes complaints made by 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 2015, seven hundred twenty-seven (727) total incidents were reported and classified, as compared to seven hundred twenty (720) in 2014. This represents a 1.0 % increase in the number of reportable incidents received in the year 2015, than those received in the year 2014, while the total number of the Division's enlisted personnel increased by sixteen (16) enlisted members, representing a 0.6% increase for the same period.



## **CLASSIFICATION OF REPORTED INCIDENTS**

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

### **MISCONDUCT**

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

### **PERFORMANCE**

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

### **ADMINISTRATIVE**

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

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

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

### **REFERRALS**

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

## SHOOTING REVIEWS

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

## FIVE YEAR BREAKDOWN OF INCIDENT CLASSIFICATIONS

|                                           | 2011       | 2012       | 2013       | 2014       | 2015       |
|-------------------------------------------|------------|------------|------------|------------|------------|
| <b>MISCONDUCT</b>                         | 237        | 266        | 197        | 219        | 212        |
| <b>PERFORMANCE</b>                        | 84         | 89         | 108        | 69         | 54         |
| <b>ADMINISTRATIVE ISSUES</b>              | 373        | 359        | 337        | 417        | 422        |
| <b>COMPLIANCE</b>                         | 0          | 0          | 0          | 0          | 0          |
| <b>EEO/AA INVESTIGATIONS</b>              | 2          | 2          | 3          | 2          | 4          |
| <b>NON-REPORTABLE INCIDENTS/REFERRALS</b> | 7          | 2          | 4          | 12         | 35         |
| <b>SHOOTING REVIEWS</b>                   | 3          | 3          | 5          | 1          | 0          |
| <b>TOTALS</b>                             | <b>706</b> | <b>721</b> | <b>654</b> | <b>720</b> | <b>727</b> |

## ORIGIN OF COMPLAINTS

In 2015, of the two hundred twelve (212) total misconduct complaints, one hundred forty-three (143) (67%) were initiated by members of the public and sixty-nine (69) (33%) were initiated internally. Of the misconduct complaints initiated by the public, forty-one (41) (29%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received fifty-four (54) reportable incidents that were classified as Performance issues; forty-five (45) (83%) of these complaints were initiated by members of the public, and nine (9) (20%) were initiated internally.

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

In 2013, of the one hundred ninety-seven (197) total misconduct complaints, one hundred thirty-six (136) (69%) were initiated by members of the public and sixty-one (61) (31%) were initiated internally. Of the misconduct complaints initiated by the public, fifty-seven (57) (42%) involved

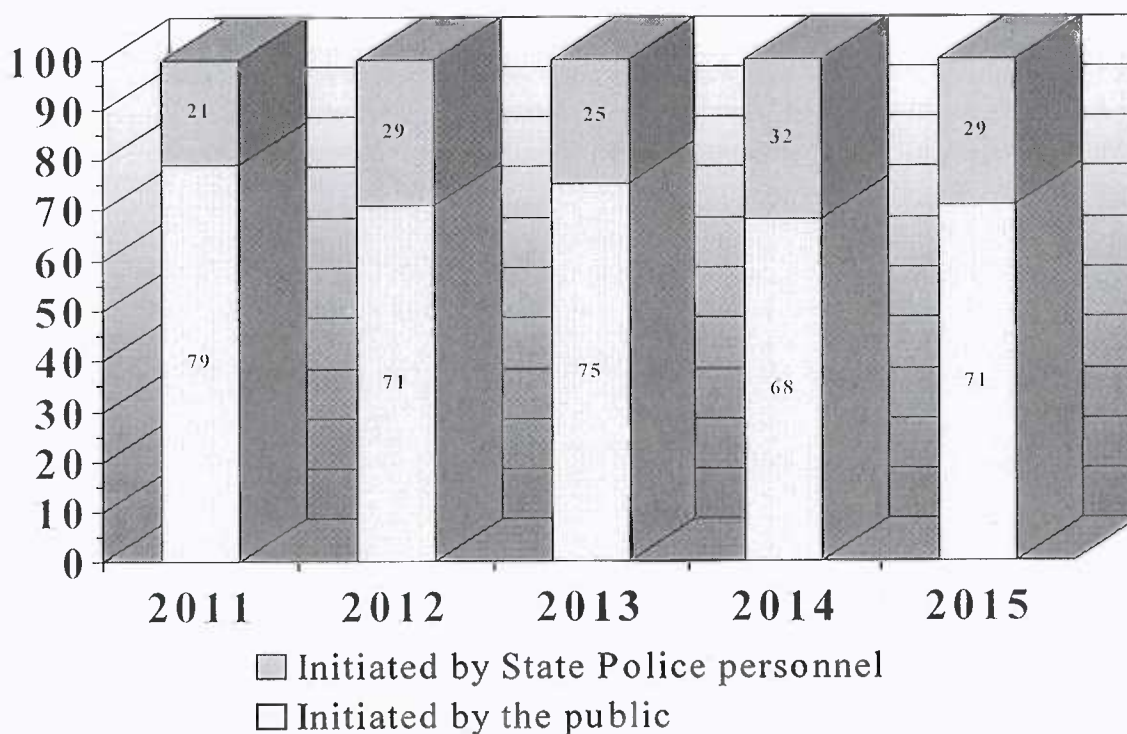
citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received one hundred eight (108) reportable incidents that were classified as Performance issues; ninety-four (94) (87%) of these complaints were initiated by members of the public, and fourteen (14) (13%) were initiated internally.

In 2012, of the two hundred sixty-six (266) total misconduct complaints, one hundred seventy-three (173) (65%) were initiated by members of the public, and ninety-three (93) (35%) were initiated internally. Of the misconduct complaints initiated by the public, one hundred-one (101) (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 eighty-nine (89) reportable incidents that were classified as Performance issues; eighty (80) (90%) of these complaints were initiated by members of the public, and nine (9) (10%) were initiated internally.

In 2011, of the two hundred thirty-seven (237) total misconduct complaints, one hundred eighty-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 that 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.

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

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





## **CRIMINAL PROCEEDINGS INVOLVING DIVISION MEMBERS**

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

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

On occasion, criminal charges are filed by citizens against members of the Division for incidents alleged to have occurred on-duty. Most are filed by individuals who were charged with motor vehicle and/or criminal offenses by a member. These 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 2015, one (1) charge was filed against a member as a result of interactions while on-duty.

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

**An examination of our records has found one (1) trooper was charged with a crime during 2015. The one (1) member was charged while on-duty.**

These cases represent criminal or disorderly persons offenses filed against Division members acting in an official capacity while in the performance of their State Police duties. During 2015, the following charges were filed against members as a result of interactions while on-duty:

Member was charged with Simple Assault. The member stood trial and was found not guilty. The member is the subject of an Administrative Misconduct Investigation.

### **OFF-DUTY CONDUCT**

**An examination of our records has found four (4) troopers were charged with crimes during 2015. All four (4) members were charged while off-duty.**

These cases represent criminal or disorderly persons offenses filed against Division members acting in an off-duty capacity and not related in any way to the performance of their State Police duties. During 2015, the following charges were filed against members as a result of off-duty conduct:

Member was charged with Aggravated Assault and Possession of a Weapon for Unlawful Purposes. These charges are pending a judicial hearing.

Member was charged with Domestic Violence Aggravated Assault. The criminal charge is pending completion of a pre-trial intervention program. The member is the subject of an Administrative Misconduct Investigation.

Member was charged with Domestic Violence Simple Assault. The criminal charges were dismissed in court. The member is the subject of an Administrative Misconduct Investigation.

Member was charged with Harassment and Criminal Mischief. The criminal charges were dismissed in court. 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 twelve (212) misconduct cases assigned in 2015, two hundred eleven (211) were assigned to Internal Affairs Investigation Bureau investigators, and one (1) was referred to the Attorney General's Office, Office of Law Enforcement Professional Standards for investigation.

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

## **ALLEGATIONS AND OUTCOMES**

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

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

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

## **MISCONDUCT INVESTIGATIONS OPENED IN 2015**

There were two hundred twelve (212) misconduct investigations opened in 2015. The following paragraphs report the status of these cases as of March 1, 2016. Of these cases, one hundred forty-three (143) (67%) were initiated as the result of citizen complaints and sixty-nine (69) (33%) cases were opened because of complaints made by State Police supervisors or other members.

Of the one hundred and forty-three (143) citizen-initiated investigations, eighty-one (81) (56.6%) remain active, thirty (30) (21%) are in the review process, nineteen (19) (13.3%) have been completed, and thirteen (13) (9.1%) have been suspended pending court action or other administrative action. Of the nineteen (19) completed, eight (8) (42.1%) resulted in substantiated primary or secondary allegations.

Of the sixty-nine (69) complaints initiated by State Police supervisors and members, twenty-one (21) (30.4%) remain active, twenty-one (21) (30.4%) are in the review process, twenty-five (25) (36.2%) have been completed and two (2) (3%) have been suspended pending court action or other administrative action. Of the twenty-five (25) completed, twenty-two (22) (88%) 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 2015 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>2015 CASES RECEIVED BY CATEGORY FOR INTERNAL INVESTIGATION</b> |               |           |                                          |
|-------------------------------------------------------------------|---------------|-----------|------------------------------------------|
| <b>COMPLAINT<br/>CLASSIFICATION</b>                               | <b>ORIGIN</b> |           | <b>PRINCIPALS<br/>(INVOLVED MEMBERS)</b> |
|                                                                   | <b>PUBLIC</b> | <b>SP</b> |                                          |
| <b>ADMIN. VIOLATIONS</b>                                          | 13            | 38        | 51                                       |
| <b>ALCOHOL VIOLATION</b>                                          | 2             | 3         | 5                                        |
| <b>ASSAULT</b>                                                    | 2             | 0         | 2                                        |
| <b>ATTITUDE AND DEMEANOR</b>                                      | 21            | 0         | 21                                       |
| <b>DIFFERENTIAL TREATMENT</b>                                     | 45            | 3         | 48                                       |
| <b>DOMESTIC VIOLENCE</b>                                          | 8             | 3         | 11                                       |
| <b>DRIVING VIOLATION</b>                                          | 2             | 2         | 4                                        |
| <b>DRUG VIOLATION</b>                                             | 0             | 0         | 0                                        |
| <b>EXCESSIVE FORCE</b>                                            | 48            | 1         | 49                                       |
| <b>FAILURE TO PERFORM DUTY</b>                                    | 11            | 11        | 22                                       |
| <b>FALSE ARREST</b>                                               | 8             | 0         | 8                                        |
| <b>IMPROPER SEARCH</b>                                            | 6             | 0         | 6                                        |
| <b>OTHER</b>                                                      | 44            | 22        | 66                                       |
| <b>OTHER HARASSMENT</b>                                           | 7             | 1         | 8                                        |
| <b>THEFT</b>                                                      | 4             | 0         | 4                                        |
| <b>TOTALS</b>                                                     | <b>221</b>    | <b>84</b> | <b>305</b>                               |

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



## COMPLETED DISCIPLINE

The State Police disciplinary hearing system provides for three formal classifications of disciplinary proceedings for substantiated violations of 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 General Disciplinary Matters completed during the calendar year 2015:

Member pled guilty to violating New Jersey Motor Vehicle Statutes, acting in an unofficial capacity to the discredit of the Division while off-duty by utilizing troop transportation without authorization, consuming alcohol and operating troop transportation and failing to safeguard Division property. The member pled guilty in Municipal Court to Driving While Intoxicated. The member served a 720 day suspension.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division while off-duty by having questionable associations, engaging in racially offensive behavior and publicly discussing police patrol procedures. The member was required to forfeit all accrued time and separate from employment with the Division.

Member found guilty of violating New Jersey Criminal Statutes and a Municipal Ordinance by violating a Temporary Restraining Order, engaging in Domestic Violence harassment and mishandling a firearm. The member was terminated from employment with the Division.

Member pled guilty to acting in an official capacity to the discredit of the Division for violating Division Medical Policy and Procedures by using a pattern of sick leave and duty time in an attempt to circumvent the medical policy reporting requirements and for habitually abusing sick leave time and providing false or misleading statements during an internal investigation. The member served a 180 day suspension and was required to separate from employment.

Member pled guilty to violating New Jersey Motor Vehicle Statutes, acting in an unofficial capacity to the discredit of the Division while off-duty by utilizing troop transportation without authorization, consuming alcohol while operating troop transportation. The member pled guilty in Municipal Court to Driving While Intoxicated. The member served a 540 day suspension.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division for becoming publically intoxicated and engaging in disorderly behavior which resulted in ejection from a private establishment which required law enforcement response, for failing to notify the Division of these incidents, for involvement in a domestic violence incident and for creating public alarm. The member served a 60 day suspension.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division for engaging in disorderly conduct and engaging in a verbal altercation with a law enforcement officer who was acting in an official capacity. The member served a 180 day suspension.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division while off-duty for publicly disorderly behavior after consuming alcohol which resulted in three separate law enforcement responses. The member served a 60 day suspension.

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

Member pled guilty to acting in an unofficial capacity to the discredit of the Division while off-duty for failure to safeguard off-duty weapon after consuming alcohol and for providing misleading statements to an investigating law enforcement agency. The member served a 45 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division while on-duty for entering command staff offices, accessing documents without authorization and disseminating an image of a document to another enlisted member. Member served a 60 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division while on-duty for utilizing excessive force on a suspect by applying OC spray and a foot strike on the suspect without justification. Member served a 120 day suspension.

Member pled guilty to violating New Jersey Motor Vehicle Statutes and acting in an official capacity to the discredit of the Division while on-duty. The member pled guilty in municipal court to Driving While Intoxicated after being involved in a two car accident while operating troop transportation. The member had departed an assigned post without authorization, purchased and consumed alcoholic beverages and then operated troop transportation prior to the accident. The member served a 56 day suspension, forfeited all accrued vacation and personal leave time and was required to separate from employment with the Division.

The following is a synopsis of Summary Disciplinary Matters completed during the calendar year 2015:

Member pled guilty to conducting a troop transportation motor vehicle accident investigation in a culpably inefficient manner and failing to follow proper mobile video recorder procedures. The member served a 20 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division for failing to properly document contact with a confidential source and for the culpably inefficient manner in which a confidential source was transported in troop transportation. The member served a 10 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division for failing to properly report a subordinate enlisted member's involvement in a domestic violence incident. The member served a 10 day suspension.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division while off-duty by consuming an alcoholic beverage prior to operating troop transportation and for damaging property during a verbal argument with their spouse. The member served a 20 day suspension.

Member found guilty of acting in an official capacity to the discredit of the Division for failing to properly handle and secure evidence. The member served a 15 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division for failing to provide the proper supervisory oversight for a troop transportation motor vehicle crash and criminal investigation and for failing to properly notify the Division of the incident. The member served a 30 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division for failing to properly supervise subordinate members during an alcohol related troop transportation crash investigation. The member served a 30 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division while on-duty for transporting juveniles in assigned troop transportation and for allowing the juveniles to remain in the vehicle unattended. The member served a 10 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division while on-duty for making race, gender and ethnic based derogatory comments while in the work place. The member served a 30 day suspension.

Member pled guilty to acting in both an official and unofficial capacity to the discredit of the Division. While on duty, the member displayed improper attitude and demeanor during a motor vehicle stop and failed to follow MVR procedures. Additionally, the member engaged in inappropriate conduct while off-duty by being involved in a domestic dispute and failing to report the incident to the Division. The member served a 10 day suspension.



Member pled guilty to acting in an unofficial capacity to the discredit of the Division while off-duty for unauthorized use of troop transportation, failure to carry duty weapon and failure to safeguard the duty weapon and other Division equipment. Member served a 10 day suspension.

Member pled guilty to acting in an official capacity to the discredit of the Division while on-duty for departing his assigned post without authorization and conducting personal business. Member served a 20 day suspension.

Member pled guilty to acting in an unofficial capacity to the discredit of the Division while off-duty for inappropriate behavior by engaging in unwanted physical contact with another enlisted member and a civilian state employee while attending a work-related function. The member served a 30 day suspension.

## **SYNOPSIS OF MINOR DISCIPLINE**

The following information reflects a brief synopsis of the circumstances, which led to the imposition of *Minor Discipline* during the calendar year 2015. It is important that Division members are cognizant of the fact that although circumstances involving disciplinary cases may appear similar within these brief summaries, each case is judged on its own merits and the Superintendent determines the final discipline imposed.

Failure to safeguard NJSP issued computer. (Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Inappropriate attitude and demeanor. (Written Reprimand)

For unauthorized use of troop transportation while off duty. (WR w/5 day suspension)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Failure to follow MVR Procedures. (Written Reprimand)

Disobeying a written order and working supplemental overtime while on weapon restriction status. (Written Reprimand)

Culpable inefficiency in handling confidential internal documents. (Written Reprimand)

Failure to safeguard NJSP issued identification. (Written Reprimand)

Inappropriate attitude and demeanor and failure to follow DIVR procedures. (Written Reprimand)

Failure to inform another Division member of pertinent information during a motor vehicle stop. (WR w/5 day suspension)



For an off duty alcohol related incident and public intoxication. (WR w/5 day suspension)

Unauthorized release of information. (Written Reprimand)

Failure to follow MVR procedures. (Written Reprimand)

Attempting to use official position to gain favor and inappropriate behavior in court. (WR w/5 day suspension)

Failure to safeguard NJSP issued handcuffs. (Written Reprimand)

Insubordinate behavior toward direct supervisors. (WR w/2 day suspension)

Failure to appear in court. (Written Reprimand)

Failure to safeguard NJSP issued off-duty badge. (Written Reprimand)

Failure to accept a citizen complaint and complete a Reportable Incident Form. (Written Reprimand)

Disobeying a written order and failing to safeguard NJSP issued summons book. (Written Reprimand)

Transporting unauthorized persons in troop vehicle. (Written Reprimand)

Failure to safeguard NJSP issued wallet identification card. (Written Reprimand)

Questionable conduct on duty by authoring and disseminating a derogatory letter. (Written Reprimand)

Cursing at a motorist during a motor vehicle stop. (Written Reprimand)

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

Inappropriate behavior during a motor vehicle crash investigation and issuance of an undeserved summons. (WR w/2 day suspension)

Inappropriate behavior during a motor vehicle stop and issuance of an undeserved summons. (WR w/5 days suspension)

Inappropriate social media posting. (Written Reprimand)

Inappropriate actions toward another member. (Written Reprimand)

Inappropriate attitude and demeanor toward a motorist. (Written Reprimand)

Failure to accept a civilian complaint. (Written Reprimand)

Improper attitude and demeanor toward a motorist. (WR w/5 day suspension)

Inappropriate politically based activities within the Division workplace. (WR w/5 day suspension)

Culpably inefficient handling of a citizen complaint. (Written Reprimand)

Failure to follow DIVR procedures. (Written Reprimand)

Inappropriate attitude and demeanor, questionable conduct - on duty, improper MVR pre-op check, and culpable inefficiency. (Written Reprimand)

Failure to safeguard NJSP issued identification cards. (Written Reprimand)

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

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

Operating assigned troop transportation off duty without authorization with motor vehicle crash. (WR w/5 day suspension)

Failure to safeguard NJSP issued identification card. (Written Reprimand)

Improper search, improper investigative actions, and failure to follow MVR procedures. (Written Reprimand)

Inappropriate attitude and demeanor and insubordination. (WR w/2 day suspension)

Inappropriate social media posting while on duty. (Written Reprimand)

Unprofessional attitude and demeanor, use of profanity and improper investigative actions during a motor vehicle stop. (WR w/5 day suspension)

Failure to safeguard NJSP billfold identification. (Written Reprimand)

Failure to accept a civilian complaint and for discouraging the complaint. (Written Reprimand)

Failure to document an interaction with a motorist in the CAD. (Written Reprimand)

Failure to follow MVR procedures. (Written Reprimand)

Directing profanity toward arrested subjects. (WR w/2 day suspension)

Cursing and failing to call in a motor vehicle stop. (Written Reprimand)

Failure to safeguard NJSP issued portable radio. (Written Reprimand)

Culpably inefficient supervision. (Written Reprimand)

Failure to safeguard NJSP hat badge. (Written Reprimand)

Failure to safeguard off duty weapon. (Written Reprimand w/5 day suspension)

Failure to safeguard NJSP hat and badge. (Written Reprimand)

For making a disparate statement to a citizen. (Written Reprimand)

Failure to follow MVR procedures. (Written Reprimand)

Failure to follow MVR procedures. (Written Reprimand)

Falsification of reports and records. (Written Reprimand)

Failure to report for duty. (Written Reprimand)

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

**SUMMARY OF COMPLETED CASES RESULTING IN DISCIPLINE**  
**REPORTING PERIOD: JANUARY 1, 2015, THROUGH DECEMBER 31, 2015**

| <b>Actions Taken for Cases by Category in Year 2015</b> |                                                      |                                         |                             |                               |                               |
|---------------------------------------------------------|------------------------------------------------------|-----------------------------------------|-----------------------------|-------------------------------|-------------------------------|
| <b>Complaint Classification</b>                         | <b>Counseling/<br/>Performance<br/>Notice Issued</b> | <b>Written<br/>Reprimand<br/>Issued</b> | <b>Minor<br/>Discipline</b> | <b>Summary<br/>Discipline</b> | <b>General<br/>Discipline</b> |
| <b>Improper Search</b>                                  | 2                                                    | 2                                       | 1                           | 0                             | 0                             |
| <b>Theft</b>                                            | 0                                                    | 0                                       | 0                           | 0                             | 0                             |
| <b>Assault</b>                                          | 0                                                    | 0                                       | 0                           | 0                             | 0                             |
| <b>Excessive Force</b>                                  | 0                                                    | 0                                       | 1                           | 0                             | 1                             |
| <b>Differential<br/>Treatment</b>                       | 0                                                    | 0                                       | 0                           | 0                             | 0                             |
| <b>Other<br/>Harassment</b>                             | 0                                                    | 0                                       | 0                           | 0                             | 0                             |
| <b>Domestic<br/>Violence</b>                            | 0                                                    | 1                                       | 0                           | 2                             | 2                             |
| <b>Drug Violation</b>                                   | 0                                                    | 0                                       | 0                           | 0                             | 0                             |
| <b>Alcohol<br/>Violation</b>                            | 0                                                    | 1                                       | 0                           | 2                             | 5                             |
| <b>False Arrest</b>                                     | 0                                                    | 0                                       | 0                           | 0                             | 0                             |
| <b>Failure to<br/>perform duty</b>                      | 3                                                    | 3                                       | 1                           | 0                             | 0                             |
| <b>Driving violation</b>                                | 0                                                    | 0                                       | 0                           | 0                             | 0                             |
| <b>Attitude and<br/>Demeanor</b>                        | 7                                                    | 9                                       | 7                           | 0                             | 0                             |
| <b>Admin.<br/>Violation</b>                             | 20                                                   | 23                                      | 5                           | 1                             | 3                             |
| <b>Other</b>                                            | 13                                                   | 19                                      | 4                           | 10                            | 5                             |
| <b>Totals</b>                                           | <b>45</b>                                            | <b>58</b>                               | <b>19</b>                   | <b>15</b>                     | <b>16</b>                     |

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

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

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



## **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 2015, 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 2015, the Division received one thousand eighty four (1,084) citizen compliments regarding actions by enlisted members. These citizen compliments were received in one of the following manners: citizen generated letters of appreciation, the New Jersey State Police Citizen Compliment/Complaint Form, the Office of Professional Standards Toll-free Compliment/Complaint Hotline, and e-mails.

## **REPORT NOTE**

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