



*State of New Jersey*  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
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RICHARD J. CODEY  
*Acting Governor*

PETER C. HARVEY  
*Attorney General*

THOMAS J. O'REILLY  
*Administrator*

**MEMORANDUM**

**TO:** All Division Directors & Agency Heads  
Department of Law and Public Safety

**FROM:** Thomas J. O'Reilly   
Administrator

**DATE:** January 17, 2006

**SUBJECT:** Attorney General Administrative Directive No. 2006-1  
Establishing the Office of State Police Affairs within  
the Department of Law and Public Safety

The attached Directive issued by Attorney General Peter C. Harvey is provided for your information.

TJO/pk  
attch.

cc: Attorney General Executive Staff  
All Chief Administrative Officers  
OAG Library  
Principal Staff



**ATTORNEY GENERAL ADMINISTRATIVE DIRECTIVE 2006-1**

**OFFICE OF STATE POLICE AFFAIRS**

**WHEREAS**, the Attorney General and employees of the Department of Law and Public Safety are committed to ensuring that the people of the State of New Jersey are served by law enforcement professionals who conduct themselves in accordance with the highest standards of integrity, proficiency and accountability; and

**WHEREAS**, the Attorney General, with the responsibility for coordinating all of the law enforcement activities of the Department of Law and Public Safety pursuant to N.J.S.A. 52:17B-4 and N.J.S.A. 52:17B-27, is empowered to supervise the organization of the Department and to implement administrative strategies which coordinate the law enforcement activities of the Department to enhance and assure integrity in the performance of government functions; and

**WHEREAS**, the Final Report of the State Police Review Team (July 2, 1999) recommended the creation of a special unit within the Office of the Attorney General, to be headed by an Assistant Attorney General who reports to the Attorney General, with the responsibility for oversight of certain aspects of the operations of the Division of State Police; and

**WHEREAS**, in December 1999, in order to promote law enforcement integrity, deter misconduct, foster community support for the New Jersey Division of State Police and its troopers, and achieve and maintain good practices and procedures for trooper supervision and management, the State of New Jersey entered into a Consent Decree with the United States Department of Justice, Civil

No. 99-5970 (MLC) (“Consent Decree”); and

**WHEREAS**, the Consent Decree provides for the creation by the Attorney General of an office that is responsible for ensuring implementation of the terms of the Consent Decree, auditing the manner in which the State receives, investigates and adjudicates misconduct allegations involving State troopers, and coordinating with the United States Department of Justice and the Independent Monitoring Team (IMT) appointed pursuant to the Consent Decree; and

**WHEREAS**, the Office of State Police Affairs (OSPA) was established in the Office of the Attorney General in the Department of Law and Public Safety, with the responsibility for ensuring the implementation of the terms of the Consent Decree as well as the remedial steps and actions described in the Interim and Final Reports of the State Police Review Team; and

**WHEREAS**, the OSPA has since its inception ably fulfilled its mission by assisting in the implementation of reform recommendations made by the State Police Review Team and, acting in concert with the Attorney General, State Police leadership and enlisted members, the IMT and the United States Department of Justice, has functioned to ensure full compliance with the terms of the Consent Decree; and

**WHEREAS**, the OSPA and its assigned personnel have developed a heightened level of proficiency and unique insight into the operations of the State Police through the performance of various training and oversight functions, such as overseeing the training of troopers and trooper candidates on cultural

awareness, law enforcement ethics and leadership, constitutional law pertaining to search and seizure and equal protection, and other key issues, monitoring State Police internal investigative processes, prosecuting non-criminal discipline cases brought against troopers accused of misconduct, and conducting internal affairs investigations where the State Police's own internal affairs unit has a conflict of interest; and

**WHEREAS**, since March 2000, the Independent Monitoring Team (IMT) appointed by the court has, through its coordinated efforts with the OSPA, performed numerous functions under the Consent Decree, including monitoring and reporting on the State's compliance with the Consent Decree, which encompasses review and evaluation of the quality and timeliness of appropriate samples of misconduct investigations, disciplinary actions and interventions, supervisory actions, Management Awareness and Personnel Performance System (MAPPS) data and reports, samples of consent search forms and reports, non-consensual search and drug detection canine reports, motor vehicle stop reports and logs, mobile video recorder (MVR) tapes, and supervisory reviews; and

**WHEREAS**, the IMT has periodically collected data on the performance of tasks required under the Consent Decree and independently evaluated State Police compliance, and beginning in the year 2000 has biannually issued detailed reports which cover an approximate six months performance period; and

**WHEREAS**, in April 2004, in response to a joint motion by the State and the Department of Justice, the court terminated oversight by the IMT of the internal

affairs investigations conducted by the State Police Office of Professional Standards, which had previously been required under the Consent Decree, and the OSPA has independently assumed the performance of that critical monitoring function; and

**WHEREAS**, the State Police's steady progress toward and achievement of full compliance with all of the requirements of the Consent Decree, and the OSPA's role in assisting the State Police achieve these outstanding results, is objectively documented by the assessments set forth in the 13 progress reports filed periodically by the IMT; and

**WHEREAS**, by its express terms, the Consent Decree is subject to termination by motion, which may be made at any time after both five years have elapsed since entry of the Consent Decree and substantial compliance with the terms of the Consent Decree has been maintained for no less than two years or, prior to that time, on joint motion by the United States and the State if the IMT finds that the State has been in substantial compliance with the terms of the Consent Decree for a period of no less than two years; and

**WHEREAS**, once the threshold criteria for a joint motion to terminate the Consent Decree have been achieved, and upon termination of the Consent Decree, the IMT will cease to perform the oversight and monitoring functions it has performed in accordance with the terms of the Consent Decree; and

**WHEREAS**, the objective monitoring and independent oversight functions performed by the IMT have helped promote and support the vigorous, lawful, and

non-discriminatory implementation of law enforcement practices and procedures by the State Police, which has contributed to a system dedicated to protecting the safety and well-being of New Jersey's citizens while maintaining the public's confidence in the institutional integrity of the State Police; and

**WHEREAS**, in recognition of the strong public interest in perpetuating an appropriate oversight mechanism to serve the salutary purposes of helping maintain, if not exceed, the quality and standards for the equitable and effective provision of law enforcement services established under the Consent Decree, it is appropriate to utilize the OSPA, which has amassed a demonstrable record of experience, integrity and competence, as the successor entity responsible for assuming the oversight and monitoring functions performed by the Independent Monitoring Team (IMT) under the Consent Decree; and

**NOW, THEREFORE**, I, Peter C. Harvey, Attorney General of the State of New Jersey, do hereby **ORDER** and **DIRECT** the following:

1. For the purpose of providing a mechanism for the continued objective monitoring and independent oversight of the Division of State Police in contemplation of the dissolution of the Consent Decree between the State of New Jersey and the United States Department of Justice, there is hereby established in the Department of Law and Public Safety an Office of State Police Affairs.

2. The Office shall be under the immediate supervision of a director who shall be appointed by the Attorney General and shall be qualified by training,

education and experience in the fields of law enforcement, investigation, criminal practice and procedure and police administration to fulfill the duties and responsibilities prescribed herein. The Director shall operate under the authority and direct supervision of the Attorney General, and shall serve at the pleasure of the Attorney General.

3. Subject to the approval of the Attorney General, the Director shall organize the work of the Office in such bureaus or other organizational units as shall be necessary for its efficient and effective operation and shall assign to the Office such employees in the Department of Law and Public Safety as may be necessary to assist the Director in the performance of his or her duties. All employees of the Office of State Police Affairs, except for secretarial and clerical personnel, shall be deemed confidential employees for the purposes of the "New Jersey Employer-Employee Relations Act," P.L. 1941, c.100 (C.34:13A-1 et seq.), as revised and amended.

4. The primary duties and responsibilities of the Office of State Police Affairs shall include, but shall not be limited to, the following:

a. Monitor, review, evaluate, audit and report on the conduct of disciplinary, misconduct and internal affairs investigations, actions and interventions, including but not limited to disciplinary, misconduct and internal affairs investigations, actions and interventions which involve allegations of racial profiling, excessive use of force, violations of constitutional rights, discriminatory treatment, and domestic violence perpetrated by troopers;

b. Monitor, review, evaluate, audit and report on the conduct of State Police field operations including, but not limited to, motor vehicle stops, consensual and non-consensual searches of motor vehicles, the deployment of drug-detection canines during motor vehicle stops, the utilization of and data recorded by mobile video and audio equipment in patrol vehicles, and supervisory and management review of any of the foregoing;

c. Monitor, review, evaluate, audit and report on training classes and curriculum for troopers and trooper recruits in the following disciplines: cultural awareness, including race and religious sensitivity, gender awareness, law enforcement ethics and leadership, constitutional law pertaining to search and seizure and equal protection, and other relevant law enforcement issues deemed necessary or appropriate by the Attorney General;

d. Conduct the administrative prosecution of disciplinary and misconduct actions filed against members of the State Police and supersede the State Police's Office of Professional Standards (OPS) in the investigation and disposition of internal affairs matters when, as determined by the Director, circumstances exist which would make investigation and disposition by OPS inappropriate;

e. Refer allegations of any criminal activity by any member of the State Police to the Division of Criminal Justice for investigation and prosecution or other disposition, as appropriate;

f. As specifically directed by the Attorney General, aid and assist the Division of Criminal Justice in conducting the investigation and criminal

prosecution of any member of the State Police alleged to have engaged in criminal activity;

g. Monitor, review, evaluate, audit and report on recruitment efforts and activities for prospective troopers, the conduct of background investigations of State Police academy applicants and matters pertaining to the promotions or proposed promotions of State Police members; and

h. Engage in any other activities, as directed by the Attorney General, which would serve to further the mission of the Office of State Police Affairs consistent with the provisions of this Administrative Directive.

5. To carry out its duties and responsibilities under this Directive, the Office of State Police Affairs shall have all of the powers conferred by law upon the Department of Law and Public Safety, subject to the approval of and as delegated by the Attorney General, and shall be empowered to:

a. Draw upon the expertise and assistance of every division, agency, office, bureau and unit within the Department of Law and Public Safety and any county or local law enforcement agency; and

b. Access information possessed or maintained by any division, agency, office, bureau and unit within the Department of Law and Public Safety related to the work of the Office of State Police Affairs.

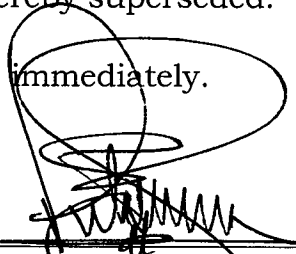
6. Every division, agency, office, bureau and unit within the Department of Law and Public Safety shall cooperate with the Director and the Office of State Police Affairs as is necessary to effectuate the purposes of this Directive and every

division, agency, office, bureau and unit within the Department shall make available such information to the Office of State Police Affairs as is necessary, as determined by the Director, to effectuate the purposes of this Directive.

7. The Director shall prepare and issue a report on an annual basis which provides for an objective and independent evaluation of the provision of law enforcement services and administrative operations of the Division of State Police as they relate to the subject matter of this Directive. Such reports shall utilize and be based upon data collected by the Office through its independent monitoring and review functions, duties and activities as set forth in this Directive. Such reports shall be submitted to the Attorney General and may, in the discretion of the Attorney General, be made available to the public.

8. Any provision of any Departmental administrative directive, order, policy or opinion adopted prior to the effective date of this Directive which is inconsistent with the provisions of this Directive is hereby superseded.

9. This Directive shall be effective immediately.



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PETER C. HARVEY  
ATTORNEY GENERAL

Attest:

  
B. Stephan Finkel, Assistant Attorney General

DATED: 1/13/06