



**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

UNITED STATES OF AMERICA

v.

**STATE OF NEW JERSEY and
DIVISION OF STATE POLICE OF
THE NEW JERSEY DEPARTMENT
OF LAW AND PUBLIC SAFETY**

CIVIL ACTION NO. 99-5970 (MLC)

**EIGHTH PROGRESS/STATUS SUMMARY OF THE CONSENT DECREE
ENTERED INTO BY THE UNITED STATES OF AMERICA
AND THE STATE OF NEW JERSEY REGARDING
THE NEW JERSEY DIVISION OF STATE POLICE**

**PETER C. HARVEY
Attorney General of New Jersey
Attorney for Defendants
BY: DANIEL G. GIAQUINTO
Assistant Attorney General
Director, Office of State Police Affairs
R.J. Hughes Justice Complex
P.O. Box 080
Trenton, New Jersey 08625**

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

EXECUTIVE SUMMARY

The State of New Jersey and the United States of America agreed upon the terms of a Consent Decree in Civil No. 99-5970 (MLC) ("Consent Decree" or "Decree"). This Consent Decree reflected many of the recommendations previously made by the State Police Review Team in reports submitted to the Attorney General of the State of New Jersey in April and July of 1999. The Honorable Mary L. Cooper, United States District Judge, District of New Jersey, signed the Consent Decree and Order Appointing the Independent Monitoring Team ("IMT") on December 30, 1999 and May 12, 2000, respectively. Pursuant to ¶121 of the Decree, the IMT has filed eight reports, assessing the levels of State compliance with the requirements of the Decree, on October 6, 2000; January 10, 2001; April 12, 2001; July 17, 2001; January 18, 2002; July 19, 2002; January 17, 2003, and August 21, 2003, respectively.

Decree ¶122 requires the State to submit periodic status reports delineating steps taken to comply with the Consent Decree. The State submitted its First Status Report on April 27, 2000; its Second Status Report on October 27, 2000; its Third Status Report on April 27, 2001; its Fourth Status Report on October 29, 2001; its Fifth Status Report on May 9, 2002; its Sixth Status Report on October 23, 2002; and its Seventh Status Report on April 28, 2003. Pursuant to Decree ¶122, this is the Eighth Status Report seeking to summarize the status of the State's implementation of the Decree during the six-month period of April 1, 2003 through September 30, 2003.

Significant progress has been made during this six-month period. Essentially, this progress has occurred in the following areas:

- (1) continued implementation of existing motor vehicle stop data collection systems (see Tasks 29 and 30);
- (2) delivery of updated training to supervisors that reinforced compliance with the prohibition of Task 26 specific to stop and approach procedures. This training also included a review of procedures and systems designed to further facilitate supervisory review of member performance (Tasks 26 and 30);
- (3) significant development and implementation of the Management Awareness and Personnel Performance System ("MAPPS") (see Tasks 40-51);
- (4) delivery of training on MAPPS to Field Operations using draft MAPPS protocols;
- (5) continued implementation of enhanced supervision of consent searches through methods including supervisory approval prior to any request for consent to search and supervisory review of MVRs for all consent searches (see Task 28);

- (6) supervisory review of MVRs for all canine deployment and use of force (Task 28);
- (7) changes to existing protocols that will require enhanced supervision during non-consensual searches (Tasks 27, 28, 30B and 32);
- (8) enhancement of community outreach through efforts including strategies to promote both public safety and the equal enforcement of the law (Task 60);
- (9) continued community outreach through the Community Affairs Bureau, which establishes and perpetuates working relationships between the citizens of New Jersey and the Division of State Police;
- (10) continued performance of misconduct investigations in a more expeditious manner, eliminating the backlog (see Task 87);
- (11) expansion of the State Police Urban Initiative in Camden, New Jersey to include Irvington, New Jersey;
- (12) continued performance of misconduct investigations in a thorough and fair manner and in accordance with substantive requirements of the Decree including:
 - (a) prohibition of any member who has a conflict of interest from participating in a misconduct investigation (Task 75);
 - (b) written or recorded interviews are maintained as part of the investigative file (Task 76);
 - (c) no group interviews are conducted during misconduct investigations (Task 76);
 - (d) civilian interviews are conducted at a convenient time and place (Task 77);
 - (e) propriety of all trooper conduct, in addition to that specifically alleged, is assessed during a misconduct investigation (Task 78);
 - (f) findings are made based upon a preponderance of evidence standard (Task 81);
 - (g) MVR tapes are reviewed as part of the misconduct investigation as appropriate (Task 82);
 - (h) circumstantial evidence is considered during misconduct investigations as appropriate (Task 83);
 - (i) no automatic preference is accorded to a trooper's statement over a civilian's statement (Task 83); and

- (j) no automatic judgment that there is insufficient evidence to make a determination where the only or principal information of that incident is the conflicting statements of the accused trooper and civilian (Task 83);
- (13) continued utilization of a computerized tracking system for misconduct investigations (see Task 91);
- (14) continued implementation of an enhanced trooper coach program for probationary troopers (see Task 102);
- (15) continued annual delivery of training to members on search and seizure and updated case law;
- (16) continued annual delivery of training on cultural diversity and communication to recruits (see Tasks 100, 102);
- (17) continued annual training on ethics to recruits (see Tasks 100 and 102);
- (18) delivery of training for search and seizure requirements and the anti-discrimination requirements of the Decree to recruits (see Tasks 101 and 26);
- (19) continued audits of persons subjected to motor vehicle stops (Task 111);
- (20) continued audits of the receipt, investigation and adjudication of misconduct allegations (Task 112); and
- (21) publication of the State's Seventh Semiannual Public Report of Aggregate Data (Task 114).

In its prior status reports, the State acknowledged that additional progress must be accomplished, particularly in the areas of the timeliness of misconduct investigations and MAPPS implementation, before the State is in substantial compliance with the Consent Decree. As noted in this report, the State has indeed progressed substantially in these two areas. The misconduct cases continue to be concluded in a timely manner. In September of 2003, there were only 69 active misconduct cases pending. The backlog has been eliminated; that is, there is no case being handled by the Office of Professional Standards that is more than 120 days old.

During this review period, the MAPPS Unit of the Division of State Police, received comments on the draft MAPPS protocols and lesson plans from the IMT and the Department of Justice ("DOJ"). Guided by these comments and the experience of the beta stations using the MAPPS system, the policies and related materials were revised. Additional software was developed to facilitate the use of the system with the planned revisions. Training was provided to all Field Operations supervisors in anticipation of full implementation by January 1, 2004.

The State continues to be committed to implementing the provisions of the Consent Decree in a time frame that is consistent with the safety of the public and the members of the New Jersey State Police.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 26

Task: Prohibit consideration of race, nationality, ethnicity.

Decree ¶26

Decree Language:

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

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted protocols containing the prohibition in Task 26. The prohibition became effective on the date that the Decree was entered (December 30, 1999). During 2000, members received two phases of in-service training addressing topics including the nondiscrimination requirements of Task 26.

During the Summer of 2000, the motor vehicle stop protocols containing the prohibition became fully effective and remained in full effect during this review period. These protocols require members to file certain reports (e.g., motor vehicle stop report) whenever the member performs a law enforcement procedure during the course of a motor vehicle stop. These protocols further require supervisors to review these reports and to randomly review Mobile Video Recordings (“MVRs”) of motor vehicle stops.

During this review period, post academy training was provided to the 131st - 132nd State Police Classes that reinforced compliance with the prohibition of Task 26 specific to stop and approach procedures. This training included a review of procedures and systems designed to further facilitate supervisory review of member performance (Task 36). The MVR/MVSR Advanced Supervisory Review Training (T-T-T) program that initially trained over 100 Field Operations Section supervisory personnel, on procedures to qualitatively review personnel performance relative to Task 26, and to document their findings through the use of previously developed and

implemented systems (Task 36) has been transferred to the Troop Training Officer who is now monitoring the program and forwarding issues to OSPA.

During this review period, the State continued to make progress in the development of MAPPS. A system for data analysis of law enforcement actions and procedures was developed. Training for the Field Operation Section has been completed and full implementation is anticipated as of January 1, 2004.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
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Task Number: 27

Task: Written Protocol for Motor Vehicle Stop Criteria.

Decree ¶27

Decree Language:

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

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted the protocol identified above.

During previous review periods, all members received Phase V training on S.O.P. F55, motor vehicle stop, search and seizure. This training emphasized the S.O.P. revision requiring that post-stop questioning be reasonably related to the stop. Phase V training was completed on July 13, 2001. Additionally, the State commenced Phase VII supervisory training which reemphasized all of the protocols for motor vehicle stop criteria. Phase VII also included training on the standardized form and instructions for supervisory review of MVR tapes and the standardized documentation of members' compliance or non-compliance with the protocols governing motor vehicle stop criteria. Phase VII training began on August 21, 2001, and was scheduled to be completed on September 21, 2001. However, the Phase VII training schedule was interrupted on September 11, 2001, due to operational exigencies relating to national security. Phase VII training was completed in November 2001.

During this review period, the State's proposed modifications to S.O.P. F-55, “Traffic Stop Procedures; Motor Vehicle Search and Seizures; Inventory and Impoundment,” which had previously been approved by the IMT and DOJ were signed and implemented.

The MVR/MVSR Advanced Supervisory Review Training (T-T-T) program, that initially trained over 100 Field Operations Section supervisory personnel, on procedures to qualitatively review personnel performance relative to Task 26, and to document their findings through the use of previously developed and implemented systems (Task 36) has been transferred to the Troop Training Officer who is monitoring the program and forwarding issues to OSPA.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
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Task Number: 28

Task: Continue Consensual Search Requirements

Decree ¶28

Decree Language:

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

PROGRESS/STATUS SUMMARY

Division of State Police procedures which were in effect before the Consent Decree was entered (on December 30, 1999) required consensual motor vehicle searches to be conducted in accordance with the requirements of Task 28, except those expressly referring to the right of the consenting person to be present during the search. On December 14, 1999, the Division of State Police adopted protocols containing all of the requirements set forth in Task 28. During 2000, members received two phases of in-service training addressing topics including the requirements of Task 28.

Protocols and written orders were developed implementing Task 28 in the following manner: (1) requiring supervisory approval prior to any request for consent search; and (2) requiring supervisory review of all MVRs depicting a request for a consent to search remained in effect during this review period. This supervisory

approval process includes an independent factual analysis of whether reasonable suspicion exists as to the request for consent to search.

During previous review periods, the State recommended that the following modification to the S.O.P. F-7:

NOTE: Members shall notify the communications center, and patrol supervisor, prior to conducting a non-consensual search of a motor vehicle, unless circumstances make prior notice unsafe or impractical. After being advised of the member's intent to conduct a non-consensual search, a supervisor shall proceed to the scene whenever operationally feasible.

NOTE: Members shall notify a supervisor, using the State Police radio, prior to requesting a consent to search a motor vehicle and shall not request consent to search unless approval has been granted by the supervisor, in accordance with S.O.P. F31, "Consent Searches." The supervisor shall inform the communications center whether they have granted or denied the member's request to conduct a consent search. After being advised of the member's intent to conduct a non-consensual search, a supervisor shall proceed to the scene whenever operationally feasible.

During this review period, the State's proposed modifications to S.O.P. F-55, "Traffic Stop Procedures; Motor Vehicle Search and Seizures; Inventory and Impoundment," and S.O.P. F-19, Mobile Video/Audio Recording (MVR) Equipment, and S.O.P. F-7, Radio Procedures, which had previously been approved by the IMT and DOJ were signed and implemented.

Attorneys from the OSPA continue to be assigned as legal advisors to each of the Troops to assist on search and seizure issues as well as the applicability of the Decree. Also, Assistant Prosecutors from the County Prosecutors' Offices continue to be available to provide advice on a 24/7 basis to the Troops.

DEPARTMENT OF LAW AND PUBLIC SAFETY
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Task Number: 29A

Task: Written Protocols for Documenting Motor Vehicle Stop Activity.

Decree ¶29(a)

Decree Language:

“29(a) The State has adopted protocols (captioned F-55 (Motor Vehicle Stops) dated 12/14/99; C-22 (Activity Reporting System), F-3 (Patrol Procedures), F-7 (Radio Procedures), F-19 (MVR equipment), F-31 (Consent Searches), and a Motor Vehicle Stop Search Report dated 12/21/99; and a Property Report (S.P. 131 (Rev. 1/91)) that require state troopers utilizing vehicles, both marked and unmarked, for patrols on roadways to accurately record in written reports, logs, radio communications, radio recordings and/or video recordings, the following information concerning all motor vehicle stops:

1. name and identification number of trooper(s) who initiated the stop;
2. name and identification number of trooper(s) who actively participated in the stop;
3. date, time, and location of the stop;
4. time at which the stop commenced and at which it ended;
5. license number/state of stopped vehicle;
- 5A. description of stopped vehicle;
6. the gender and race/ethnicity of the driver, and the driver's date of birth if known;
7. the gender and race/ethnicity of any passenger who was requested to exit the vehicle, frisked, searched, requested to consent to a vehicle search, or arrested;
8. whether the driver was issued a summons or warning and the category of violation (i.e., moving violation or non-moving violation);
- 8A. specific violations cited or warned;
9. the reason for the stop (i.e., moving violation or non-moving violation, other [probable cause/BOLO]);
10. whether the vehicle occupant(s) were requested to exit the vehicle;
11. whether the vehicle occupant(s) were frisked;
12. whether consent to search the vehicle was requested and whether consent was granted;
- 12A. the basis for requesting consent to search the vehicle;
13. whether a drug-detection canine was deployed and whether an alert occurred;
- 13A. a description of the circumstances that prompted the deployment of a drug-detection canine;
14. whether a non-consensual search of the vehicle was conducted;

- 14A. the circumstances that prompted a non-consensual search of the vehicle;
15. whether any contraband or other property was seized;
- 15A. a description of the type and quantity of any contraband or other property seized;
16. whether the vehicle occupant(s) were arrested, and if so, the specific charges;
17. whether the vehicle occupant(s) were subjected to deadly, physical, mechanical or chemical force;
- 17A. a description of the circumstances that prompted the use of force; and a description of any injuries to state troopers and vehicle occupants as a result of the use of force;
18. the trooper's race and gender; and
19. the trooper's specific assignment at the time of the stop (on duty only) including squad.

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted protocols containing all of the requirements set forth in Task 29A. During 2000, members received two phases of in-service training addressing topics including the requirements of Task 29A, and the Division of State Police modified equipment to capture the information listed in Task 29A as required by implementing protocols. Members were trained to use this data collection equipment during October 2000. The protocols for documenting motor vehicle stop activity required by Task 29A are fully effective and have remained in full effect during this review period.

During this review period, the State continued to evaluate the collection of information required by Task 29A and improve its efficiency and accuracy through methods including: (1) continued supervisory review of the reports containing this information; (2) modifications to equipment utilized to record and process this information; (3) revisions to training regarding recording this information; and (4) revising protocols to improve the audit process by requiring that the call-in of the stop be captured on the patrol's mobile video recorder (MVR).

**DEPARTMENT OF LAW AND PUBLIC SAFETY
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Task Number: 29B

Task: Implementation of Motor Vehicle Stop Protocols as Soon as Practicable

Decree ¶29(b)

Decree Language:

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

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted the protocols identified above. During 2000, members received two phases of in-service training addressing topics including the requirements of the protocols identified above, and the Division of State Police modified equipment to facilitate collection of motor vehicle stop data required by these protocols. The protocols for documenting motor vehicle stop activity required by Task 29b are fully effective and have remained in full effect during this review period.

During this review period, the OSPA provided post academy training to the 131st - 132nd State Police Classes. The training reemphasized the data collection requirements of Task 29 and included an MVR standardized review form and process.

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Task Number: 29C

Task: Forms to Implement Tasks 31, 32 and 33

Decree ¶29(c)

Decree Language:

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

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted protocols requiring the preparation of forms, reports, and logs required to implement Decree paragraphs identified in Task 29C. During 2000, the Division of State Police received approval for forms, including the Motor Vehicle Stop Report (SP 338), implementing Task 29C which were revised to reduce duplication and paperwork. The protocols for implementing Task 29C are fully effective and have remained in full effect during this review period.

Revised protocols: (1) requiring members to activate the audio components of a Mobile Video Recorder (“MVR”) before the stop is called in to the communications center; (2) requiring at least one random supervisory review of a MVR include a law enforcement procedure; and (3) requiring that all supervisory MVR reviews be completed on a standardized form according to standardized instructions remained in effect during this review period. These protocol revisions were approved by the IMT and the DOJ and became fully effective during November 2001. The State commenced Phase VII training, which included these new requirements on August 21, 2001. Phase VII training was completed in November 2001.

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Task Number: 29E

Task: Approval of Revisions to Protocols, Forms, Reports and Logs

Decree ¶29(e)

Decree Language:

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

PROGRESS/STATUS SUMMARY

During this review period, the IMT and the DOJ were notified in advance of proposed changes to Decree related protocols.

During this review period, the DOJ and IMT have been forwarded several proposed changes to Decree related protocols for MAPPs.

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Task Number: 30

Task: Communication Center Call-Ins

Decree ¶30

Decree Language:

“30.State troopers utilizing vehicles, both marked and unmarked, for patrols on roadways shall continue to document all motor vehicle stops, inter alia, by calling in or otherwise notifying the communications center of each motor vehicle stop. All motor vehicle stop information enumerated in ¶29(a) that is transmitted to the communications center by state troopers pursuant to protocols listed in ¶29(a), and as revised pursuant to ¶¶29(d) and (e), shall be recorded by the center by means of the center’s Computer Aided Dispatch system or other appropriate means.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted protocols containing all of the requirements set forth in Task 30. During 2000, members received two phases of in-service training addressing topics including the requirements of Task 30, the Division of State Police installed and modified the Computer Aided Dispatch (“CAD”) equipment to capture the information listed in Tasks 29 and 30 as required by implementing protocols (e.g., reason for stop, revised race/ethnicity codes), and members began utilizing the revised call-in procedures to record this information as required by Task 30.

During this review period, Division of State Police members continued to utilize the call-in procedures as required by Task 30.

Also during this review period, the State continued to evaluate the collection of information required by Tasks 30 through 30D, and improve its efficiency and accuracy through methods which may include modifications to equipment utilized to record and process this information, and revisions to training regarding the recordation of this information.

In this review period, the State’s proposed modifications to S.O.P. F-55, “Traffic Stop Procedures; Motor Vehicle Search and Seizures; Inventory and Impoundment,” and S.O.P. F-19, Mobile Video/Audio Recording (MVR) Equipment, and S.O.P. F-7, Radio Procedures, which had previously been approved by the IMT and DOJ were signed and implemented.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
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Task Number: 30A

Task: Notice of Call-In at Beginning of Stop

Decree ¶30(a)

Decree Language:

“30(a) The initial call shall be made at the beginning of the stop before the trooper approaches the stopped vehicle, unless the circumstances make prior notice unsafe or impractical, in which event the state trooper shall notify the communications center as soon as practicable. The State Police shall continue to require that, in calling in or otherwise notifying the communications center of a motor vehicle stop, state troopers shall provide the communications center with a description of the stopped vehicle and its occupants (including the number of occupants, their apparent race/ethnicity, and their apparent gender). Troopers also shall inform the communications center of the reason for the stop, namely, moving violation, non-moving violation, or other.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted protocols containing all of the requirements set forth in Task 30A. During 2000, members received two phases of in-service training addressing topics including the requirements of Task 30A, the Division of State Police installed and modified the CAD equipment to capture the information listed in Tasks 29 and 30A as required by implementing protocols (e.g., reason for stop, revised race/ethnicity codes), and members began utilizing the revised call-in procedures to record this information as required by Task 30A.

During this review period, Division of State Police members continued to utilize the call-in procedures as required by Task 30A. Additionally, to facilitate the auditing of call-in procedures, the State revised Mobile Video Recorder protocols to require members to activate the audio and video components of the MVR before the stop is called in to the communications center. These proposed revisions were approved by the IMT and the DOJ prior to their implementation in November 2001.

During this review period, the Division of State Police continued to utilize the call-in procedure as required by Task 30A.

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Task Number: 30B

Task: Notice Prior to Consent Search

Decree ¶30(b)

Decree Language:

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

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted protocols containing all of the requirements set forth in Task 30B. During 2000, members received two phases of in-service training addressing topics including the requirements of Task 30B, the Division of State Police installed and modified the CAD equipment to capture the information listed in Tasks 29 and 30B as required by implementing protocols (e.g., reason for stop, revised race/ethnicity codes), and members began utilizing the revised call-in procedures to record this information as required by Task 30B.

During this review period, Division of State Police members continued to utilize the call-in procedures as required by Task 30B. Additionally, as set forth in the status summary for Task 31A-C, the State revised Consent Search protocols to require supervisory notice and approval prior to any request for consent to search. These proposed revisions were approved by the IMT and the DOJ prior to their implementation in November 2001.

During the previous review period, the State recommended modified requirements of S.O.P. F7 specific to this protocol in the following manner:

It was recommended that the following language be inserted into S.O.P. F7,

NOTE: Members shall notify the communications center, and patrol supervisor, prior to conducting a non-consensual search of a motor vehicle, unless circumstances make prior notice unsafe or impractical. After being advised of the member's intent to conduct a non-consensual search, a supervisor shall proceed to the scene whenever operationally feasible.

NOTE: Members shall notify a supervisor, using the State Police radio, prior to requesting consent to search a motor vehicle and shall not

request consent to search unless approval has been granted by the supervisor, in accordance with S.O.P. F31, "Consent Searches." The supervisor shall inform the communications center whether they have granted or denied the member's request to conduct a consent search. After being advised of the member's intent to conduct a non-consensual search, a supervisor shall proceed to the scene whenever operationally feasible.

During this review period, the State's proposed modifications to S.O.P. F-55, "Traffic Stop Procedures; Motor Vehicle Search and Seizures; Inventory and Impoundment," and S.O.P. F-19, Mobile Video/Audio Recording (MVR) Equipment, and S.O.P. F-7, Radio Procedures, which had previously been approved by the IMT and DOJ were signed and implemented.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
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Task Number: 30C

Task: Call-Ins Upon Completion of Stop

Decree ¶30(c)

Decree Language:

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

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted protocols containing all of the requirements set forth in Task 30C. During 2000, members received two phases of in-service training addressing topics including the requirements of Task 30C, the Division of State Police installed and modified the CAD equipment to capture the information listed in Tasks 29 and 30C as required by implementing protocols (e.g., outcome of stop as moving or nonmoving, summons or warning), and members began utilizing the revised call-in procedures to record this information as required by Task 30C. During previous review periods, the State completed Phase VII training which included the elements required by Task 30(c).

To improve the audit of call-in requirements, the Division of State Police modified its MVR protocols to include a requirement for MVR recordation of the clearing of the stop, including the required disposition codes. These modifications were approved by the IMT and the DOJ prior to their implementation in November 2001. During this review period, Division of State Police members continued to utilize the call-in procedures as required by Task 30C.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
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Task Number: 30D

Task: CADS Incident Number Notification

Decree ¶30(d)

Decree Language:

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

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted protocols containing all of the requirements set forth in Task 30D. These protocols established that a Motor Vehicle Stop Report, indexed by CAD incident number, shall be completed whenever a member performs any of the motor vehicle procedures enumerated in Task 30D. During 2000, members received two phases of in-service training addressing topics including the requirements of Task 30D, the CAD system was installed throughout the Division of State Police, and CAD communications operators were instructed to provide the incident number (utilized as a cross reference to other documents) upon the member's request, the CAD system was modified to record such requests, and members began utilizing the revised call-in procedures to obtain and record this information as required by Task 30D. During previous review periods, the State completed Phase VII training which included call-in procedures required by Task 30(d).

During this review period, Division of State Police members continued to utilize the call-in procedures as required by Task 30D. The State sought to increase compliance with this call-in requirement through increased random supervisory reviews and audit mechanisms.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
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Task Number: 31

Task: Continue Consent to Search Form

Decree ¶31

Decree Language:

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

PROGRESS/STATUS SUMMARY

Division of State Police procedures which were in effect before the Consent Decree was entered (on December 30, 1999) required the completion of a “consent to search” form and a report whenever a member conducted a consensual search. On December 14, 1999, the Division of State Police adopted protocols which also contained the requirements of Task 31.

During 2000, members received two phases of in-service training addressing topics including the requirements of Task 31 and the Division of State Police modified equipment to facilitate collection of motor vehicle stop data, including whether a consent to search the vehicle was requested and whether consent was granted, and whether any contraband or other property was seized, as referenced in Task 31 and required in Task 29. Members were trained to use this data collection equipment during 2000.

As set forth in the status summary for Task 31A-C, the State revised Consent Search protocols to require supervisory notice and approval prior to any request for consent to search. This modification was approved by the IMT and the DOJ prior to implementation in November 2001. During this review period, Division of State Police members continued implementation of the protocols outlined above.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 31A-C

Task: Recording Consent to Search Requests

Decree ¶31(a-c)

Decree Language:

“31a. The State Police shall require that all consent to search forms include the following information:

- . the date and location of the stop;
 - . the name and identification number of the trooper making the request for consent to search;
 - . the names and identification numbers of any additional troopers who actively participate in the discussion with the driver or passenger(s) concerning the request for consent to search;
 - . a statement informing the driver or other person authorized to give consent of the right to refuse to grant consent to search, and that if the driver or other person authorized to give consent grants consent, the driver or other person authorized to give consent at any time for any reason may withdraw consent to search;
 - . a statement informing the driver or other person authorized to give consent of the right to be present during the search at a location consistent with the safety of both the state trooper and the motor vehicle occupant(s) which right may be knowingly waived;
 - . check-off boxes to indicate whether consent has been granted, and if consent is granted, the driver or other person authorized to give consent shall check the appropriate box and sign and date the form; and
 - . if the driver or other person authorized to give consent refuses consent, the trooper or the driver or other person authorized to give consent shall so note on the form and the driver or other person authorized to give consent shall not be required to sign the form.
- b. A state trooper who requests permission to conduct a consent search shall document in a written report the following

information regardless of whether the request for permission to conduct a search was granted or denied:

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

PROGRESS/STATUS SUMMARY

Division of State Police procedures which were in effect before the Consent Decree was entered (on December 30, 1999) required the completion of a "consent to search" form and a report whenever a member conducted a consensual search. These procedures contained the requirements outlined in Task 31A-C, except for the express reference to the right of consenting persons to be present during the search and the completion of a "consent to search" report whenever a member requests consent to search (even though no search is actually conducted). On December 14, 1999, the Division of State Police adopted the protocols which contain all the requirements (in revised consent to search forms and Motor Vehicle Stop Reports (SP 338)) as set forth in Task 31A-C.

During 2000, members received two phases of in-service training addressing topics including the requirements of Task 31A-C, and the Division of State Police modified equipment to facilitate collection of motor vehicle stop data, as referenced in Task 31A-C and required in Task 29. Members were trained to use this data collection equipment during 2000.

In the Summer of 2001, members received Phase V training, which addressed the requirements of Task 31A-C. Division of State Police members have continued to utilize the consent to search procedures as required by Task 31A-C. Moreover, the State revised the Consent Search protocols to require supervisory notice and approval prior to any request for consent to search. This process includes an independent supervisory analysis of the facts supporting reasonable suspicion before supervisory approval to request consent. These modifications were approved by the IMT and the DOJ prior to their implementation in November 2001.

Phase VII training, which emphasized these requirements, commenced on August 21, 2001, and was completed in November 2001. During this review period, annual Search and Seizure training was completed for all members utilizing an on-line delivery platform.

During the previous review period, the State proposed the following modifications to S.O.P. F7 in the following manner:

The supervisor shall inform the communications center whether they have granted or denied the member's request to conduct a consent search. After being advised of the member's intent to conduct a non-consensual search, a supervisor shall proceed to the scene whenever operationally feasible.

Final approval from the DOJ and IMT was received in November 2002. During this review period, the State's proposed modifications to S.O.P. F-55, "Traffic Stop Procedures; Motor Vehicle Search and Seizures; Inventory and Impoundment," and S.O.P. F-19, Mobile Video/Audio Recording (MVR) Equipment, and S.O.P. F-7, Radio Procedures, were signed and implemented.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 32

Task: Recording and Reporting of Non-Consensual Searches

Decree ¶32

Decree Language:

“32. A state trooper shall complete a report whenever, during any motor vehicle stop, the trooper conducts a non-consensual search of a motor vehicle (excluding vehicle searches begun as a consent search). The report shall include the following information:

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

PROGRESS/STATUS SUMMARY

Division of State Police procedures and directives which were in effect before the Consent Decree was entered (on December 30, 1999) required members to complete a report whenever, during a motor vehicle stop, a member conducted a non-consensual search of the motor vehicle. These procedures and directives contained all of the requirements set forth in Task 32, except for written documentation of MVR reporting and the names of all additional members who actively participated in the incident. On December 14, 1999, the Division of State Police adopted the protocols which contain all the requirements set forth in Task 32.

During 2000, members received two phases of in-service training addressing topics including the requirements of Task 32, and the Division of State Police modified equipment to facilitate collection of motor vehicle stop data, including whether a non-consensual search of the vehicle was conducted and whether any contraband or other

property was seized, as referenced in Task 32 and required in Task 29. Members were trained to use this data collection equipment during October of 2000. During this review period, these protocols remained in full effect.

In the Summer of 2001, members completed Phase V training on the requirements of Task 32. Additionally, Phase VII supervisory training on the requirement to properly document the supervisory review of the substantive requirements of Task 32 commenced on August 21, 2001, and was completed in November 2001. During this review period, additional Search and Seizure training was provided to all members utilizing an on-line delivery platform.

During the previous review period, the State proposed the following modifications to S.O.P. F7 in the following manner:

NOTE: Members shall notify a supervisor, using the State Police radio, prior to requesting consent to search a motor vehicle and shall not request consent to search unless approval has been granted by the supervisor, in accordance with S.O.P. F31, "Consent Searches." The supervisor shall inform the communications center whether they have granted or denied the member's request to conduct a consent search. After being advised of the member's intent to conduct a non-consensual search, a supervisor shall proceed to the scene whenever operationally feasible.

Final approval from the DOJ and IMT was received in November 2002. During this review period, the State's proposed modifications to S.O.P. F-55, "Traffic Stop Procedures; Motor Vehicle Search and Seizures; Inventory and Impoundment," and S.O.P. F-19, Mobile Video/Audio Recording (MVR) Equipment, and S.O.P. F-7, Radio Procedures, were signed and implemented.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 33

Task: Recording and Reporting Deployment of Drug Detection Canines

Decree ¶33

Decree Language:

“33. A state trooper shall complete a report whenever, during a motor vehicle stop, a drug-detection canine is deployed. The report shall include the following information:

- . the date and location of the stop;
- . the names and identification numbers of all troopers who participated in the incident;
- . the driver’s name, gender, race/ethnicity, and, if known, date of birth;
- . a description of the circumstances that prompted the canine to be deployed;
- . whether an alert occurred;
- . a description of the type and quantity of any contraband or other property seized; and
- . whether the incident was recorded using MVR equipment.”

PROGRESS/STATUS SUMMARY

Division of State Police Canine Unit practices, which were in effect before the Consent Decree was entered (on December 30, 1999) included the completion of a report whenever, during the course of a member’s motor vehicle stop, a State Police canine is deployed. This report contained the information outlined in Task 33, except for written documentation of MVR recording and the names of all additional members who participated in the deployment. On December 14, 1999, the Division of State Police adopted a protocol which requires the collection of all data set forth in Task 33.

During 2000, members received two phases of in-service training addressing topics including the requirements of Task 33. The Division of State Police modified equipment to facilitate collection of motor vehicle stop data, including whether a drug-detection canine was deployed, whether an alert occurred and whether any contraband or other property was seized, as referenced in Task 33 and required in

Task 29. Members were trained to use this data collection equipment during October of 2000. During this review period, these protocols remained in full effect.

In the Summer of 2001, members completed Phase V training on the requirements of Task 33. Additionally, Phase VII supervisory training on the requirement to properly document the supervisory review of the substantive requirements of Task 33 commenced on August 21, 2001, and was completed in November 2001. During this review period, additional Search and Seizure training was provided to all members utilizing an on-line delivery platform.

All enlisted personnel were given additional annual in-service training on search and seizure, during this review period.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 34A

Task: Use and Installation of Mobile Video Recorder (MVR).

Decree ¶134(a)

Decree Language:

“34a. The State Police shall continue to operate all patrol vehicles engaged in law enforcement activities on the New Jersey Turnpike and the Atlantic City Expressway with MVR equipment. The State shall continue with its plans to install MVR equipment in all vehicles, both marked and unmarked, used for patrols on all other limited access highways in New Jersey (including interstate highways and the Garden State Parkway), and shall complete this installation within 12 months.”

PROGRESS/STATUS SUMMARY

The Division of State Police marked patrol vehicles on the New Jersey Turnpike and the Atlantic City Expressway have been using mobile video recording devices since December 7, 1998, and March 26, 1999, respectively.

Currently, marked and unmarked patrol vehicles operating on limited access highways are equipped with MVR units, with the exception of several units utilized by members of the Marine Stations whose duty is policing in a marine environment.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 34B-C

Task: MVR Training, Maintenance, and Use

Decree ¶34(b-c)

Decree Language:

“34b. The State shall continue to implement procedures that provide that all state troopers operating a vehicle with MVR equipment may operate that vehicle only if they first are trained on the manner in which the MVR equipment shall be tested, maintained, and used. The State shall ensure that all MVR equipment is regularly inspected, maintained, and repaired.

34c. Except when MVR equipment unforeseeably does not function, all motor vehicle stops conducted by State Police vehicles with MVR equipment shall be recorded by these vehicles, using both the video and audio MVR functions. The recording shall begin no later than when a trooper first signals the vehicle to stop or arrives at the scene of an ongoing motor vehicle stop begun by another law enforcement trooper; and the recording shall continue until the motor vehicle stop is completed and the stopped vehicle departs, or until the trooper’s participation in the motor vehicle stop ends (the recording shall include requests for consent to search a vehicle, deployments of drug-detection canines, and vehicle searches). If a trooper operating a vehicle with MVR equipment actively participates in a motor vehicle stop and is aware that the motor vehicle stop was not recorded using the MVR equipment, the trooper shall notify the communications center of the reason the stop was not recorded, which the center shall record in a computerized information system.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted protocols which contain the requirements of Task 34B-C. All members were trained in proper operation of MVR equipment prior to utilizing the equipment. This training included an operational check-off list of procedures a member must perform to properly operate the system. General duty road members are now trained to maintain the systems which are in use. They are trained to adhere to the operational check-off list prior to using this equipment each day. If a system is identified as having a malfunction, it is identified in the member’s patrol chart, a report is made, and the malfunction is reported and stored in the CAD System so that proper repair may be made in a timely fashion. A periodic (monthly) inspection is made of the MVR systems being utilized at each station. The purpose of this inspection is to systematically test each system to

ensure that it is functioning properly. If a system has a failure or mechanical problem, a report is generated to list the nature of the failure and appropriate corrective measures are taken.

Division of State Police members are using MVR equipment in accordance with the requirements of the task.

During 2000, the use of MVR equipment was addressed in Phase I and Phase II training and the protocols outlined above were implemented.

MVR protocols: (1) requiring members to activate the audio and video component of the MVR before the stop is called-in; (2) requiring that at least one random supervisory review of a MVR include a law enforcement procedure; and (3) requiring that all supervisory MVR reviews be completed on a standardized form according to standardized instructions remained in effect during the review period. These modifications were approved by the IMT and the DOJ and became fully effective in November 2001.

During this review period, the OSPA provided post academy training to the 131st- 132nd State Police Classes which reemphasized the data collection requirements of Task 34(b-c) and included an MVR standardized review form and process.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 35

Task: Supervisory Review of Search and Drug Detection Canine Reports.

Decree ¶35

Decree Language:

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

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted protocols containing all of the requirements set forth in Task 35. These protocols and subsequent directives require supervisors to provide initial review of these reports within 14 days of a precipitating incident, and a final review within 30 days of such incident.

During 2000, members received two phases of in-service training addressing topics including these report filing requirements and the Division of State Police modified equipment, to facilitate collection of motor vehicle stop data, including whether the activities referenced in Tasks 31-33 and 35 occurred, as required in Task 29. Members were trained to use this data collection equipment during October of 2000.

During this review period, Division of State Police supervisors continued conducting the reviews as required by the protocols above as described and as required by Task 35.

During this review period, as noted in Task 34B-C, the Division of State Police continue the use of protocols that require at least one random supervisory review of an MVR including a law enforcement procedure (frisk, search (consensual or non-consensual), arrest, seizure, drug dog deployment, requesting an occupant to exit the vehicle, and use of force). Further, all supervisory MVR reviews are now completed on a standardized form according to standardized instructions. These protocol modifications were approved by the IMT and the DOJ and became fully effective during November 2001.

The State commenced Phase VII training, which included these new requirements, on August 21, 2001, and was completed in November 2001.

The MVR/MVSR Advanced Supervisory Review Training (T-T-T) program, that initially trained over 100 Field Operations Section supervisory personnel, on procedures to qualitatively review personnel performance relative to Task 26, and to document their findings through the use of previously developed and implemented systems (Task 36) has been transferred to the Troop Training Officer who is monitoring the program and forwarding issues to OSPA.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 36

Task: Written Protocol for Random Review of MVR Tapes.

Decree ¶36

Decree Language:

“36. The State shall adopt a protocol requiring that State Police supervisors review MVR tapes of motor vehicle stops on a random basis. The protocol shall establish the schedule for conducting random reviews and shall specify whether and in what manner the personnel conducting the review shall prepare a written report on each randomized review of an MVR tape. Prior to implementation, the protocol shall be approved by the United States and the Independent Monitor.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division of State Police adopted a protocol requiring supervisors to review MVR tapes of motor vehicle stops on a random basis. These protocols complied with the requirements of Task 36 except for specificity and standardization of report content. During 2000, supervisors were directed to review MVR tapes in accordance with the December 14, 1999 protocol, and supervisors commenced these reviews.

During a prior review period, the Division of State Police revised its protocols: (1) to require members to activate the audio components of a Mobile Video Recorder (“MVR”) before the stop is called in to the communications center; (2) to require at least one random supervisory review of a MVR including a law enforcement procedure; and (3) to require that all supervisory MVR reviews be completed on a standardized form according to standardized instructions. More specifically, pursuant to this Supervisory MVR Review Procedure, each quarter a supervisor must review, at a minimum, two randomly selected incidents in order to complete the quarterly performance appraisal. One of the incidents for random selection must be an enumerated law enforcement procedure (frisk, search (consensual or non-consensual), arrest, seizure, drug dog deployment, requesting an occupant to exit the vehicle, and use of force). An automated selection system enables a supervisor to obtain randomly selected incidents based on a unique number assigned to all interactions between a member and a motorist. All members with the responsibility to conduct MVR reviews are now utilizing this system, which requires a supervisor to review the incident that was produced by the automated selection system.

This Supervisory MVR Review Procedure also mandates that supervisors reviewing incidents for members under their command utilize a standardized form requiring them to assess conduct of enumerated law enforcement procedures for

compliance with applicable legal standards. In addition, a supervisor must assess conduct for compliance with the procedures for member safety; radio usage; use of Mobile Video Recorder equipment; and reception and processing of civilian complaints.

These protocol modifications were approved by the IMT and the DOJ and became fully effective in November 2001. The State commenced Phase VII training on August 21, 2001, which included these new requirements, and which was completed in November 2001.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 37

Task: Supervisory Referral

Decree ¶37

Decree Language:

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

PROGRESS/STATUS SUMMARY

During a prior review period, as noted in Task 36, the State developed, trained, and implemented a standard procedure for supervisory review of MVR tapes, and associated reports in accordance with the requirements of Task 37. This procedure includes a provision for referral of possible violations of the Decree to the Office of Professional Standards (“OPS”) after the completion of an MVR review. The procedure also requires a supervisor to recommend an appropriate course of action when a potential performance or misconduct problem is found, which may include an OPS referral or a non-disciplinary intervention, based on a review and an analysis of the conduct recorded on MVR tapes.

During prior review periods, these protocol modifications were approved by the IMT and the DOJ and became effective during November 2001. The State commenced Phase VII training on August 21, 2001, which included these new requirements, and which was completed in November 2001.

OPS personnel indicate that they receive supervisory referrals of MVR Review, and OAG, through its auditing procedures, and confirm that supervisors are properly referring cases to OPS as required by Task 37.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 38

Task: Periodic Reviews of Referral Decisions

Decree ¶38

Decree Language:

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

PROGRESS/STATUS SUMMARY

During a prior review period, the State developed a supervisory MVR Review Procedure satisfying the requirements of Task 38. This procedure contains a provision for referral of possible violations of the Decree to the Office of Professional Standards (“OPS”) after the completion of an MVR review. The procedure also requires a supervisor to recommend an appropriate course of action when a potential performance or misconduct problem is found, which may include an OPS referral or a non-disciplinary intervention, based on a review and an analysis of the conduct recorded on MVR tapes.

During a prior review period, these protocol modifications were approved by the IMT and the DOJ and became effective November 2001. The State commenced Phase VII training on August 21, 2001, which included these new requirements, and was completed in November 2001.

During this review period, OPS and OAG have reviewed referral decisions made pursuant to Task 37, as required by Task 38.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 39

Task: Supervisory Activity on Limited Access Highways.

Decree ¶39

Decree Language:

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

PROGRESS/STATUS SUMMARY

During prior review periods, increased supervisory responsibility in the field resulted in an increase in the number of Sergeants assigned to road duty stations. A Staff Sergeant is now assigned to administrative responsibilities, including the standardized review of MVR tapes. A Patrol Sergeant is now assigned to responsibilities including: (1) supervising the station area and the members assigned to the station; (2) providing backup to any member requiring assistance; (3) responding to and supervising major incidents, traffic jams, and serious accidents; (4) approving/denying all member requests for consent to search vehicles; and (5) when operationally feasible, responding to the location of a motor vehicle stop to supervise and provide guidance to the member in the event that the supervisor, after discussing with the member the factors in support of or against a consensual search of a motor vehicle, determines that a consensual search is warranted.

The State commenced Phase VII training on August 21, 2001, which included the duties of these Sergeants, and was completed in November 2001. Ongoing supervision training continues to highlight the Sergeants' responsibilities as required by Task 39.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 40

Task: Development of a Management Awareness and Personnel Performance System

Decree ¶40

Decree Language:

“40. The State shall develop and implement computerized systems for maintaining and retrieving information necessary for the supervision and management of the State Police to promote professionalism and civil rights integrity, to identify and modify potentially problematic behavior, and to promote best practices (hereinafter, the “Management Awareness Program” or “MAP”).¹

PROGRESS/STATUS SUMMARY

During prior review periods, the State continued to make substantial progress in the design, development, and implementation of MAPPS. This progress was reflected in the fully operational status of the Complaints Module and Performance Module and also the Motor Vehicle Stop Module which facilitates standardized analysis of the motor vehicle stop data referenced in Tasks 29 and 41(a), (b) and (c). The other operational MAPPS modules warranted more sophisticated analysis of motor vehicle stop data as required in Task 43, 49-51, and analysis of tracking the compliment and complaint data as required in Task 41(b). Similarly, the module to track the assignment and training data as required in Task 41(c) required more testing before implementation. Finally, the module permitting enhanced, comparative analysis of motor vehicle stop data as required in Tasks 49-51 also required further testing before implementation. During this review period all of the above mentioned modules became fully operational.

During this review period, personnel changes in Division, including the confirmation of the new Superintendent, resulted in a reorganization of the MAPPS unit, which is now part of a bigger unit called the Quality Assurance Bureau. A vision statement was developed and posted on the newly developed MAPPS website. The statement envisions a broad application of MAPPS beyond Field Operations.

Also in this review period, a final implementation plan was completed pursuant to paragraph 46. *The Development and Implementation Plan of the New Jersey State Police’s Management Awareness and Personnel Performance System (MAPPS)* was sent for the IMT and DOJ review and approval on June 20, 2003. The plan was approved

¹ This system is now called MAPPS, an acronym for the Management Awareness and Personnel Performance System.

with minor reservations by the IMT. Although DOJ has not fully approved the plan they have not impeded the timetable for implementation. The State continues to address the issues raised by the IMT and DOJ's review of the document, but the final resolution of the issues has not impeded the timetable for implementation of MAPPS in Field Operations.

Training of Field Operations supervisory personnel began on August 18, 2003. MAPPS Awareness Training for all Division personnel began on the same date. As anticipated in the last report, training will be completed in October. Full implementation of MAPPS and its associated review policies for Field Operations is anticipated to be completed by January 1, 2004.

During July and August, prior to the initiation of training, IMT and DOJ received revised protocols for SOP C11 and the annexes covering policies for the completed MAPPS modules (cf. Task 43): Motor Vehicle Stop Module [Tasks 41 (a), (b) and 49 (a), (b)], Misconduct (formerly Complaints) Module [41 (b) and 49 (b)], Performance Module [41(b), (c), and 49 (b)], Compliments Module [41 (b)], Training Module [41 (c)], Assignments Module [41 (c)], and the Notifications and Alerts Module [46, 48, 53]. All were approved by the IMT. DOJ approved the SOP and the first three modules and has indicated they will rely on the review and recommendations of the IMT.

IMT also received and approved the lesson plan for MAPPS Awareness Training and the lesson plans for the MAPPS modules. DOJ approved the MAPPS Awareness Lesson Plan. DOJ has indicated they will rely on the review and recommendations of the IMT. Division continues to evaluate training and is attempting to respond to comments of the IMT. It is anticipated that for the first quarterly reviews in 2004, supervisors will attend a additional formal interactive training in how best to apply MAPPS information.

The delivery and testing of the Intervention History Module [Task 41 (c), 49 (b)] and for on-line MVR Reviews in MAPPS [41 (a)] occurred during the first week of supervisory training, permitting training to begin on these modules as well. At the end of the reporting period, SOP C11 policy annexes for the Intervention History Module and for MVR review completion in MAPPS had been reviewed by OSPA. Final drafts of these annexes have been forwarded to the IMT and DOJ.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 41

Task: Management Awareness and Personnel Performance System Information Components

Decree ¶41

Decree Language:

“41. The MAP shall consist of the following information:

a. all items of information in connection with all motor vehicle stops that are required to be recorded in a written report, form, or log, or reported to the communications center, pursuant to ¶29 and the protocols listed in ¶29 of this Decree, except that duplicate information need not be entered, and information as to whether the incident was recorded with MVR equipment need not be entered if all patrol cars are equipped with MVR unless a patrol car was equipped with MVR equipment that was not functioning;

b. information on civilian compliments and other indicia of positive performance; information on misconduct investigations; reports on use of force associated with motor vehicle stops; on-duty and off-duty criminal arrests and criminal charges; civil suits involving alleged misconduct by state troopers while on duty; civil suits in which a trooper is named as a party involving off-duty conduct that alleges racial bias, physical violence or threats of violence; and

c. implementation of interventions; and training information including the name of the course, date started, date completed and training location for each member receiving training.”

PROGRESS/STATUS SUMMARY

Within a week of the beginning of training of Field Operations supervisors on August 18, 2003, all MAPPS modules containing the information required by Task 41 were ready for training and have been implemented in Field Operations, full implementation, Division wide, is expected as of on January 1, 2004. The Motor Vehicle Stop Module and the MVR Review Module contain the information required by Task 41 (a); the Compliments Module, Misconduct Module, and the Performance Module contain the information to fulfill Task 41 (b), with the addition of information on uses of force from the Motor Vehicle Stop Module; and, the Misconduct Module, Performance Module, Intervention History Module, and the Training Module reflect the information needed to fulfill Task 41 (c). It is anticipated that at the time of full

implementation on January 1, 2004, the Printed Reports Module will be available to enhance the analysis by the MAPPS Unit of data required by Task 41 (a) and (b).

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 42

Task: Trooper Access to MAPPS Data

Decree ¶42

Decree Language:

“42. All information in MAP on substantiated misconduct investigations, civilian compliments, and other indicia of positive performance which can be attributed to a specific trooper shall be made available to that trooper on an annual basis upon written request. Nothing in this paragraph shall be construed as granting that trooper access to confidential documents other than those identified in this paragraph, or to any information which cannot be attributed to the trooper requesting the information.”

PROGRESS/STATUS SUMMARY

During this review period, the MAPPS complaint and performance modules, which contain the complaint and misconduct data referenced in Task 42, became fully operational in field operations.

The draft SOP covering MAPPS policy was reviewed and approved by the IMT and DOJ during the reporting period. The policy as drafted goes beyond that required in Task 42 and allows access upon request to a supervisor.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 43

Task: Data Reporting Capacities for MAPPS

Decree ¶43

Decree Language:

“43. Regarding the motor vehicle stop information identified in ¶29 (a)(1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19) and recorded in accordance with the protocols identified in ¶29(a), the MAP shall have the capability to search and retrieve numerical counts and percentages for any combination of the above-referenced information and to run reports for different time periods (e.g., monthly, quarterly, annually) and for individual troopers, squads, and stations. Regarding the motor vehicle stop information identified in ¶29(a)(5A, 8A, 12A, 13A, 14A, 15A, and 17A) and recorded in accordance with the protocols identified in ¶29(a), it will be sufficient that the MAP shall have the capability to access (through cross-referenced paper documents or other method) this descriptive information entered on specific incidents and matters. Regarding the information identified in ¶41(b and c), to the extent technologically feasible, the MAP shall be developed to have the capability to search and retrieve numerical counts and percentages for any combination of the information and to run reports for different time periods and for individual troopers, squads or stations. To the extent that the MAP shall require textual or narrative descriptions of misconduct allegations or other information identified in ¶41(b and c), it will be sufficient that the MAP only have the capability to retrieve this descriptive information.”

PROGRESS/STATUS SUMMARY

During prior review periods, the State continued to make substantial progress in the design, development, and implementation of MAPPS modules satisfying the data reporting capacities required by Task 43. During prior review periods the Motor Vehicle Stop Module, Complaints Module, Performance Module, and Notifications Module became fully operational in beta sites.

During this review period, the State continued making substantial progress in the design, development, and implementation of MAPPS modules satisfying the data reporting capacities required by Task 43. This progress is reflected in the fully operational status of all modules in time for Field Operations supervisory training on August 18th: Motor Vehicle Stop Module [Tasks 41 (a), (b) and 49 (a), (b)], Misconduct (formerly Complaints) Module [41 (b) and 49 (b)], Performance Module[41(b), (c), and 49 (b)], Compliments Module [41 (b)], Training Module [41 (c)], Assignments Module

[41 (c)], and the Notifications and Alerts Module [46, 48, 53]. All policies were approved by the IMT. DOJ has indicated they will rely on the review and recommendations of the IMT. The Motor Vehicle Stop Module facilitates standardized analysis of the motor vehicle stop data referenced in Tasks 29 and 41(a), (b) and (c). The other operational MAPPS modules permit more sophisticated analysis of motor vehicle stop data as required in Tasks 43, 49-51, and track the complaint data as required in Task 41(b). The Intervention History Module [Task 41 (c)] was delivered as training began, along with the module for on-line MVR Reviews.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 44

Task: Development and Use of Common Control Numbers

Decree ¶44

Decree Language:

“44. Where information about a single incident is included within the MAP from more than one document the State shall use a common control number or other means to link the information from different sources so that the user can cross-reference the information and perform analyses.”

PROGRESS/STATUS SUMMARY

MAPPS now utilizes the CAD incident number as a common control number as required by Task 44.

During this review period the IA Pro System in OPS was expanded to allow the CAD incident number to be entered.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 45

Task: MAPPS Data Quality

Decree ¶45

Decree Language:

“45. The State shall ensure that information is included within the MAP in an accurate and timely fashion and is maintained in a secure manner.”

PROGRESS/STATUS SUMMARY

OSPA and the Division of State Police continue to conduct, audits of the Motor Vehicle Stop module to ensure that the data feeder systems to MAPPS transfer data in an accurate and timely fashion.

MAPPS security is addressed through the use of a password for each MAPPS user. Access to data is governed by rank and role with MAPPS administrators having the ability to make a “badge-to-badge” exception to extend access. Viewing privileges will be monitored and adjusted to maintain the security of the information in MAPPS.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 46

Task: Develop Design Plan for MAPPS

Decree ¶46

Decree Language:

“46. Within one hundred and eighty (180) days following entry of this Decree, the State shall develop a plan for designing and implementing the MAP including the use of the MAP, a timetable for implementation, and a specification of the information contained in State records pre-dating the implementation of the MAP that can reasonably be incorporated in the MAP. Prior to effectuating the implementation plan, the plan shall be approved by the United States and the Independent Monitor. Within 180 days following the entry of this Decree, the State shall begin conducting the supervisory and management reviews required by ¶¶48-53.”

PROGRESS/STATUS SUMMARY

During prior review periods, based on the comments of the IMT and DOJ, and the experience in the beta stations, OSPA and the Division of State Police continued to revise a final plan for implementation.

During this review period, a final implementation plan was completed. *The Development and Implementation Plan of the New Jersey State Police's Management Awareness and Personnel Performance System (MAPPS)* was submitted to the IMT and DOJ for review and approval on June 20, 2003. The plan was approved with minor reservations by the IMT. Although DOJ has not fully approved the plan they have not impeded the timetable for implementation. The State continues to address issues raised by their review of the document, but the final resolution of the issues has not impeded the timetable for implementation of MAPPS in Field Operations.

Training of Field Operations supervisory personnel began on August 18, 2003. MAPPS Awareness Training for all Division personnel began on the same date. Full implementation of MAPPS and its associated review policies for Field Operations is anticipated to be completed by January 1, 2004.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 47

Task: Written Protocol for Supervisory and Management Reviews.

Decree ¶47

Decree Language:

“47. Consistent with the requirements of ¶¶48-53 infra, the State shall develop a protocol specifying the manner in which supervisory and management reviews of individual state troopers, and State Police units and sub-units (e.g., troops, stations, and squads), shall be conducted, and the frequency of such reviews. Prior to implementation, the protocol shall be approved by the United States and the Independent Monitor.”

PROGRESS/STATUS SUMMARY

During prior review periods, the IMT and the DOJ reviewed the State’s draft protocols addressing the requirements of Task 47. Supervisors in the first two beta sites received MAPPS training on these protocols during the third quarter of 2002. More recent beta site training used modified protocols. During prior review periods, based on the comments by the IMT and the DOJ, and on the experience with draft protocols in the beta sites, OSPA and the Division of State Police revised protocols to develop a policy based on computer-generated performance cues, which would trigger quarterly motor vehicle stop reviews by front line supervisors. Performance cues (not limited to motor vehicle stops) have been developed to trigger reviews at other management levels as well.

During this review period, prior to the initiation of training, IMT and DOJ received revised protocols for SOP C11 and the annexes covering review policies for the completed MAPPS modules (cf. Task 43): Motor Vehicle Stop Module [Tasks 41 (a), (b) and 49 (a), (b)], Misconduct (formerly Complaints) Module [41 (b) and 49 (b)], Performance Module [41(b), (c), and 49 (b)], Compliments Module [41 (b)], Training Module [41 (c)], Assignments Module [41 (c)], and the Notifications and Alerts Module [46, 48, 53]. All were approved by the IMT. DOJ approved the SOP and the first three modules, and has indicated they will rely on the review and recommendations of the IMT. Draft review policies for the Intervention Module have been submitted to the IMT and DOJ for review.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 48

Task: Quarterly Reviews Using MAPPS

Decree ¶48

Decree Language:

“48. At least quarterly, State Police supervisors shall conduct reviews and analyses of data obtained from the MAP and other appropriate sources to ensure that individual troopers and State Police units and subunits are performing their duties in accord with the provisions of this Decree and associated protocols.”

PROGRESS/STATUS SUMMARY

During prior review periods, the IMT and the DOJ reviewed the State’s draft protocols addressing the requirements of Task 47. Supervisors in the first two beta sites received MAPPS training on these protocols during the third quarter of 2002. More recent beta site training used modified protocols. Based on the comments by the IMT and the DOJ, and on the experience with draft protocols in the beta sites, review protocols have been revised to develop policy based on computer-generated performance cues, which would trigger quarterly motor vehicle stop reviews by front line supervisors. Performance cues (not limited to motor vehicle stops) have been developed to trigger reviews at other management levels as well.

During this review period, prior to the initiation of training, IMT and DOJ received revised protocols for SOP C11 and the annexes covering review policies for the completed MAPPS modules (cf. Task 43): Motor Vehicle Stop Module [Tasks 41 (a), (b) and 49 (a), (b)], Misconduct (formerly Complaints) Module [41 (b) and 49 (b)], Performance Module [41(b), (c), and 49 (b)], Compliments Module [41 (b)], Training Module [41 (c)], Assignments Module [41 (c)], and the Notifications and Alerts Module [46, 48, 53]. All were approved by the IMT. DOJ approved the SOP and the first three modules, and have indicated they will rely on the review and recommendations of the IMT. Draft review policies for the Intervention Module, which will also include a quarterly review, have been submitted to the IMT and DOJ for review.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 49

Task: Preparation of MAPPS Reports

Decree ¶49

Decree Language:

“49. To the extent reflected in ¶43, reports of MAP data shall regularly be prepared regarding individual troopers, stations and squads, for use in reviews as appropriate. The reports shall include the following information:

a. the number of motor vehicle stops, by race/ethnicity, reason for the stop (i.e., moving violation, non moving violation, other), road, squad, and trooper station; and the number of enforcement actions and procedures taken in connection with or during the course of a motor vehicle stop, by race/ethnicity, reason for the stop (i.e., moving violation, non- moving violation, other), road, squad and trooper station;

b. data (including racial/ethnic data) on complaints, misconduct investigations (for each type of investigation, as delineated in ¶73), discipline, intervention, and uses of force associated with motor vehicle stops.”

PROGRESS/STATUS SUMMARY

Currently, MAPPS facilitates the analysis described in Task 49(a) and Task 49(b). During this review period the State continues to finalize the organizational configuration in NJSP for handling the enhanced, comparative analysis of motor vehicle stop data as required in Tasks 49-51. OSPA staff began to work directly with NJSP to outline the requirements of these tasks, and formulate a preliminary strategy of analysis using the “Printed Reports Module,” in an effort to expedite compliance. Preliminary “risk” analyses is anticipated to begin in the first quarter of 2004.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 50

Task: MAPPS Motor Vehicle Stop Data Comparisons

Decree ¶50

Decree Language:

“50. To the extent reflected in ¶43, analyses of MAP data concerning motor vehicle stops shall include a comparison of racial/ethnic percentages of motor vehicle stops (by reason for the stop (i.e., moving violation, non moving violation, other)) and racial/ethnic percentages of enforcement actions and procedures taken in connection with or during the course of such stops, with a benchmark racial/ethnic percentage if available (see ¶¶54-55); a comparison of racial/ethnic percentages for such stops with the racial/ethnic percentages for enforcement actions taken in connection with or the during the course of such stops; a comparison of racial/ethnic percentages for consent searches of vehicles, and requests for consent to search vehicles, with “find” rates by race/ethnicity for motor vehicle consent searches; a comparison of racial/ethnic percentages for non-consensual searches of motor vehicles with “find” rates by race/ethnicity for motor vehicle non-consensual searches; evaluations of trends and differences over time; and evaluations of trends and differences between troopers, units, and subunits.”

PROGRESS/STATUS SUMMARY

The Motor Vehicle Stop Module currently facilitates some of the analysis described in Task 50. During this review period the State continues to finalize the organizational configuration in NJSP for handling the enhanced, comparative analysis of motor vehicle stop data as required in Tasks 49-51. OSPA staff began to work directly with NJSP to outline the requirements of this task, and formulate a preliminary strategy of analysis using the “Printed Reports Module,” in an effort to expedite compliance. The remaining planning for this component will be completed during the fourth quarter. Preliminary “risk” analyses is anticipated to begin in the first quarter of 2004.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 51

Task: Evaluations of Trends Using MAPPS Data

Decree ¶51

Decree Language:

“51. To the extent reflected in ¶43, analyses of other data generated by the MAP shall include evaluations of trends and differences over time and evaluations of trends and differences between troopers, units, and subunits.”

PROGRESS/STATUS SUMMARY

MAPPS currently facilitates the trend analysis required by Task 51. During this review period the State continued to finalize the organizational configuration in NJSP for handling the enhanced, comparative analysis of motor vehicle stop data as required in Tasks 49-51. OSPA staff began to work directly with NJSP to outline the requirements of these tasks, and formulate a preliminary strategy of analysis using the “Printed Reports Module,” in an effort to expedite compliance. Preliminary “risk” analyses is anticipated to begin in the first quarter of 2004.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 52

Task: Supervisors to Implement Appropriate Remedial Measures

Decree ¶52

Decree Language:

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

PROGRESS/STATUS SUMMARY

During prior review periods, the IMT and the DOJ reviewed the State’s draft protocols addressing the requirements of Task 47. Based on their comments and work in the Beta Sites revisions to the MAPPS protocols were developed.

During this review period, prior to the initiation of training, IMT and DOJ received revised protocols for SOP C11 and the annexes covering policies for the completed MAPPS modules (cf. Task 43): Motor Vehicle Stop Module [Tasks 41 (a), (b) and 49 (a), (b)], Misconduct (formerly Complaints) Module [41 (b) and 49 (b)], Performance Module [41(b), (c), and 49 (b)], Compliments Module [41 (b)], Training Module [41 (c)], Assignments Module [41 (c)], and the Notifications and Alerts Module [46, 48, 53]. All were approved by the IMT. DOJ approved the SOP and the first three modules, and has indicated they will rely on the review and recommendations of the IMT. The delivery and testing of the Intervention History Module [Task 41 (c), 49 (b)] and for on-line MVR Reviews in MAPPS [41 (a)] occurred during the first week of supervisory training, permitting training to begin on these modules as well. At the end of the reporting period, SOP C11 policy annexes for the Intervention History Module and for MVR review completion in MAPPS were reviewed by OSPA. Final drafts of these annexes have been forwarded to the IMT and DOJ for review.

These current draft MAPPS protocols articulate remedial measures. The protocols will be finalized and enacted prior to full implementation in Field Operations anticipated January 1st, 2004.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 53

Task: Supervisory Review of Troopers with More than two Misconduct Investigations in Two Years

Decree ¶53

Decree Language:

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

PROGRESS/STATUS SUMMARY

During a prior review period, the Division of State Police completed the development of the MAPPS module that tracks misconduct allegations as required by Task 53.

During this review period the, Division of State Police, OPS implemented an early warning procedure in which OPS will conduct a review of any member who within a period of two years, is the subject of three misconduct investigations of any kind initiated pursuant to ¶ 73 of this Decree and recommend intervention if warranted.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 54

Task: Survey - New Jersey Turnpike.

Decree ¶54

Decree Language:

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

PROGRESS/STATUS SUMMARY

In December 2000, the State completed and released the survey referenced in Task 54 to the public.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 57

Task: Troopers to Provide Name and Badge Number

Decree ¶57

Decree Language:

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

PROGRESS/STATUS SUMMARY

Existing Division of State Police Rules and Regulations require members of the Division of State Police to provide this information. These Rules and Regulations remained in effect during this review period.

During this review period, the OSPA auditing procedures revealed that the OPS continues to investigate complaints that allege a member has not properly identified him/herself as required by Task 57.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 58

Task: Development and Availability of Informational Materials Describing the Complaint/Compliment Process.

Decree ¶58

Decree Language:

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

PROGRESS/STATUS SUMMARY

The Division of State Police has developed fact sheets and informational posters describing the complaint process. This Task was memorialized in a State Police Standing Operating Procedure which has remained in effect during this review period. During this review period, the Division of State Police Staff Inspection Unit continues to inspect State Police facilities to ensure that the posters appear and are accessible to the public. In addition, during a prior review period, the responsibility to conduct inspections of res/service areas changed from the Staff Inspection Unit to the individual troops in field operations to ensure compliance with this task. The State, during prior review periods, developed a form for civilian complaints or compliments regarding New Jersey State Trooper performance, which are carried in patrol vehicles. During this review period, the Staff Inspection Unit continued inspections to ensure that individual members carry with them the forms and the fact sheets in their troop cars. In addition, the forms and fact sheets have been made available at the vestibule to road stations. These forms, fact sheets, and informational posters are in both English and Spanish.

During a prior review period, the Division of State Police revised its forms, fact sheets and informational posters to more accurately reflect IAB as either the Office of Professional Standards or the Intake and Adjudication Bureau as appropriate. In addition, these informational materials also reflect the fax number for the Office of Professional Standards. During this review period, Office of State Police Affairs personnel were advised by the Division of State Police members that informational posters continue to be posted at all State-operated rest stops on limited access highways, including the Garden State Parkway and the New Jersey Turnpike. During this review period, Office of State Police Affairs personnel were again advised that an

IOC was sent out to all Troop Commanders reminding them to continue to inspect the rest/service areas to ensure that the posters remain in the rest/service stops.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 59

Task: Availability of Complaint/Compliment Forms

Decree ¶59

Decree Language:

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

PROGRESS/STATUS SUMMARY

The Division of State Police has developed fact sheets and informational posters describing the complaint process. During this review period, the Division of State Police Staff Inspection Unit has confirmed that the posters appear in approximately 55 State Police facilities that are accessible to the public. The State has also developed a form for civilian complaints or compliments regarding New Jersey State Trooper performance. These forms, fact sheets, and informational posters are in both English and Spanish.

During this review period the Staff Inspection Unit continues to conduct inspections and verify that the complaint/compliment forms, fact sheets, and informational posters are currently available at State Police headquarters and all State Police stations. Additionally, fact sheets and compliment/complaint forms are also carried in troop vehicles. The State has provided information on the Internet to explain methods by which civilians may file a complaint. This Internet website was posted on November 12, 1999.

During a prior review period, the Division of State Police revised its protocols to require that all supervisory MVR reviews be completed on a standardized form and in accordance with standardized instructions. This standardized form requires supervisors to assess matters including whether members inform persons who object

to their conduct that those persons have a right to make a complaint. These protocol revisions were approved by the IMT and the DOJ. These modifications became fully effective as of the completion of the Phase VII training in November of 2001.

During a prior review period, the Division of State Police modified its forms, fact sheets, and informational posters to more accurately reflect IAB as either the Office of Professional Standards or the Intake and Adjudication Bureau as appropriate. In addition, these informational materials also reflect the fax number for the Office of Professional Standards. During this review period, Office of State Police Affairs personnel were advised by State Police members that informational posters continue to be posted at all State-operated rest stops on limited access highways including the Garden State Parkway and the New Jersey Turnpike. Standing Operating Procedures continue to remain in effect during this review period, which memorialize that all members are required to inform any person who objects to a member's conduct that they have the right to make a complaint, and that members are prohibited from discouraging anyone from making a complaint.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 60

Task: Community Outreach

Decree ¶60

Decree Language:

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

PROGRESS/STATUS SUMMARY

During this review period, it has been reported by the Staff Inspection Unit that members continue to carry in their vehicles, all informational materials consistent with Task 58, including compliment/complaint forms. In addition, posters and other informational material remain available in rest areas and Division of State Police stations accessible to the public.

In addition, during this review period, the Superintendent, continue to speak to various community groups regarding matters that include Division of State Police functions and procedures including motor vehicle stops, arrest search and seizure and methods for reporting compliments and complaints as required by Task 60. During the prior review period, the Division of State Police created a new Bureau called the Community Affairs Bureau, which reports directly to the Superintendent. During this review period the Bureau continued to:

1. Promote and foster positive working relationship among the divergent communities comprising our State and the Division of State Police;
2. Provide active liaison between various community/civic associations and the Division of State Police;
3. Provide the Superintendent with timely information and recommendations on developing community policing issues that may require Division of State Police action;
4. Respond to inquiries, through the Superintendent’s Office, on community/public affairs issues;

5. Represent the Division of State Police on behalf of the Superintendent, at various public assemblies and forums;
6. Coordinate the dissemination of information and media relations with the Public Information Unit as needed;
7. Coordinate all special projects involving community outreach to various communities throughout the State, as well as those required by Task 60.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 61

Task: Receipt of Citizens' Complaints and Compliments

Decree ¶61

Decree Language:

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

PROGRESS/STATUS SUMMARY

Division of State Police Standing Operating Procedures and informational materials which were developed during prior review periods remained in effect during this review period. They advise the public that anyone who wishes to file a complaint or compliment can do so in writing, by telephone, or by submitting a Complaint/Compliment form.

During a prior review period, OPS developed and conducted training to all enlisted members in accordance with the requirement of this paragraph, which was approved by both the IMT and the DOJ. This training continues to be provided to all new recruits as part of their OPS training and annually to all members.

During this review period, OAG, through its auditing procedure, has confirmed that the OPS has continued to receive anonymous complaints and/or compliments through all of the mediums and continues to properly investigate as required by Task 61.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 62

Task: Institution of a 24-Hour Toll-Free Telephone Hotline

Decree ¶62

Decree Language:

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

PROGRESS/STATUS SUMMARY

On September 9, 1999, the Division of State Police installed a 24-hour toll-free hotline for civilians to call and register a complaint or compliment, or otherwise provide feedback regarding member performance. This hotline is operated by the OPS who have verified that all conversations are taped. The telephone number has been publicized on informational materials and complaint forms, consent to search forms, and in radio announcements. The hotline is manned Monday through Friday during normal business hours, and a recorded message can be left during other times. OPS has verified that all calls coming in on this hotline are recorded and all persons calling the hotline are notified that they are being recorded. Existing OPS procedures require an OPS investigator to respond to compliments or complaints and are designed to elicit the necessary information about each compliment or complaint. During prior review periods, OPS developed a protocol by which tapes are randomly reviewed to ensure that callers are being treated with the appropriate courtesy and respect, and that callers are not being discouraged from making complaints. This protocol continued to be in effect during this review period. The hotline has both English and Spanish announcements.

During this review period, the OAG auditing procedures revealed that the State Police continue to accept complaints over the 24-hour toll-free hotline. In addition,

the audit further revealed that there were no instances in which a complainant was discouraged from filing a complaint, and all complainants were treated with the appropriate courtesy and respect.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 63

Task: OPS to Receive All Citizens Complaints

Decree ¶63

Decree Language:

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

PROGRESS/STATUS SUMMARY

During a prior review period, a Standard Operating Procedure was developed to ensure all misconduct complaints were forwarded to OPS. That Standing Operating Procedure remained in effect during this review period.

During this review period, the OAG auditing procedure revealed that the OPS continues to receive misconduct complaints as required by Task 63.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 64

Task: Relocation of Office of Professional Standards

Decree ¶64

Decree Language:

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

PROGRESS/STATUS SUMMARY

As of October 6, 1999, the Office of Professional Standards opened a field office in Freehold, New Jersey. The Freehold office is located in a professional mall, separate from any building occupied by any other Division of State Police offices.

During prior periods, the State revised its Internet Website to publicize the location of its Freehold office. This Website remained in effect during the review period.

As of May 28, 2002, OPS moved to a separate building on Bear Tavern Road, in West Trenton.

During this review period OPS continued to have offices in Freehold as well as Bear Tavern Road.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 65

Task: Referral of Specific Dismissed Charges

Decree ¶65

Decree Language:

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

PROGRESS/STATUS SUMMARY

Currently, the Division of State Police Rules and Regulations provide that no member shall file a complaint for an assault upon such member’s person without first reporting that intention to the Superintendent. The Rules and Regulations further provide that a member shall not withdraw any non-civil complaint without the prior consent of the Superintendent. Additionally, existing protocols require members who were assaulted to report the incident, through their chain of command, to the Superintendent.

During a prior review period, the Attorney General issued a Directive requiring prosecutorial authorities to report to the Division of Criminal Justice, any instance in which a judge dismisses a charge filed by a member for obstruction of official business, resisting arrest, assault on a member, or disorderly conduct, whenever such dismissal is not part of a plea agreement. During this review period, the Attorney General’s Directive continued to be in effect.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 66

Task: Notice to Office of State Police Affairs of Pending Civil Actions

Decree ¶66

Decree Language:

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

PROGRESS/STATUS SUMMARY

The Attorney General is the head of the Department of Law and Public Safety (DLPS). Civil claims alleging Division of State Police misconduct while on duty are received by the Division of Law, a subdivision of the DLPS. Under current practice, the DLPS is notifying OPS of these civil claims. In addition, under Division of State Police Rules and Regulations, members are required to notify Division of State Police headquarters, through the chain of command, whenever a member is named as a party in a civil suit related to the performance of the member’s duties. Under current practice, these notifications are forwarded from the Division of Law to the OAG.

During this review period, the OAG continued to receive notification of civil complaints from the Division of Law as required by Task 66.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 67

Task: Notice of Criminal Involvement of Members

Decree ¶67

Decree Language:

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

PROGRESS/STATUS SUMMARY

During prior review periods, the Attorney General issued a Directive instructing prosecutorial authorities to report the suppression of evidence obtained by members or other misconduct of a member in criminal cases. In response to practical concerns raised by prosecutorial authorities, the State continues to consider potential revisions to this directive. In addition, Division of State Police Rules and Regulations, as well as Standing Operating Procedures, require members to promptly notify the Division of State Police when a member is arrested or charged for any criminal conduct.

During this review period, the Division of State Police continue to have in place, Rules and Regulations and Standing Operating Procedures that require members to promptly notify the Division of State Police when a member is arrested or charged for any criminal conduct. In addition, during this review period, the Attorney General Directive continued to be in effect which advises the county prosecutors to notify the State when there has been a finding in a criminal proceeding of a constitutional violation or misconduct by a member.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 68

Task: Notice of Alleged Adverse Involvement

Decree ¶68

Decree Language:

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

PROGRESS/STATUS SUMMARY

The Attorney General has issued a Directive instructing prosecutorial authorities to report when a member is arrested or criminally charged. During the prior review periods, the Superintendent advised all members in writing that Division of State Police law enforcement personnel must report, through the chain of command, arrests, criminal charges, civil filings regarding off-duty conduct (while not acting in an official capacity) that alleges racial bias, physical violence, or threats of physical violence by the member. During a prior review period, all members of the Division of State Police were given training on the requirements of Task 68. Under existing practice, all misconduct allegations received by OPS are being forwarded to the OAG.

During this review period, the OAG auditing procedures revealed that OPS continues to receive notifications of adverse involvement as required by Task 68.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 69

Task: Duty to Report Misconduct

Decree ¶69

Decree Language:

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

PROGRESS/STATUS SUMMARY

During a prior review period, the Superintendent advised each Division of State Police member in writing to report, through his or her chain of command or directly to the Office of Professional Standards, when the member receives information that reasonably suggests that any other member may have engaged in misconduct described in Task 69. In addition, Division of State Police Rules and Regulations require members to report to Division of State Police headquarters, through their chain of command, the misconduct of other members. During a prior review period, all enlisted members of the Division of State Police were given training by OPS regarding the requirements of Task 69.

During the last review periods, the State modified its procedures to expressly require that these reports are forwarded to OPS and that the OAG is notified of these reports.

During this review period, OPS has represented, and OAG auditing procedures confirm, that members have been sources of allegations of misconduct and that reports reflecting these allegations have been forwarded to OPS which, in turn, have been forwarded to OAG, as required by Task 69.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 70

Task: Creation of the Office of Professional Standards

Decree ¶70

Decree Language:

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

PROGRESS/STATUS SUMMARY

Presently, the Office of Professional Standards is in operation within the Division of Division of State Police and performs functions including those previously performed by the Internal Affairs Bureau. These functions include protecting the professional integrity of the Division of State Police, fully, fairly, and expeditiously investigating and resolving complaints of other misconduct investigations. Seeking to enhance the capability of OPS to perform these functions, the investigative staff has been significantly increased. In March of 1999, there were five investigators located at Division Headquarters in West Trenton, assigned to the Internal Affairs Bureau, the predecessor of the OPS. During this review period, there are a total of 72 personnel assigned to OPS. There are 49 enlisted personnel and 12 civilian personnel assigned to two offices. The staffing continues to reflect the State's commitment to provide OPS with sufficient staff, funds, and resources to perform their functions required by the Decree.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 71

Task: Formal Eligibility Requirements for OPS

Decree ¶71

Decree Language:

“71. The Superintendent of the State Police shall establish formal eligibility criteria for the head of the PSB and for staff who supervise or conduct internal investigations. These criteria shall apply to the incumbent PSB head and investigative staff, and all candidates for these positions, and also shall be used to monitor the performance of persons serving in these positions. The criteria shall address, *inter alia*, prior investigative experience and training, analytic and writing skills, interpersonal and communication skills, cultural and community sensitivity, commitment to police integrity, and previous performance as a law enforcement officer.”

PROGRESS/STATUS SUMMARY

During prior review periods, the State developed and received approval of formal eligibility criteria for the OPS head and staff as required by Task 71. OPS officials represent that they were required to submit résumés reflecting criteria referenced in Task 71.

During prior review periods, OPS began utilizing forms which, when applied to incumbent personnel and candidates, reflect the evaluation of the criteria referenced in Task 71.

OPS representatives have advised that full-time investigative staff, which have been assigned to OPS during this review period, satisfy the eligibility criteria referenced in Task 71.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 72

Task: Training for Office of Professional Standards

Decree ¶72

Decree Language:

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

PROGRESS/STATUS SUMMARY

During 2000, the State memorialized its revised practices and procedures in compliance with Tasks 61, 62, 73, 75, 76, 77, 78, 81, 82, 83, 84, 85, 86, and 92. These revised practices and procedures were approved by both the IMT and the DOJ. During the final quarter of 2000, the State developed and delivered training to all OPS members in these revised practices and procedures.

During a prior review period, all OPS personnel received training in criminal law and procedure; court procedures; rules of evidence; and disciplinary and administrative procedures. All current and new OPS members, as well as any member who maybe detached to OPS to conduct internal investigations, receive annual updates on the training required by Task 72.

All members of the OPS receive training as required by Tasks 100 and 101 on an annual basis. Additionally, during this review period, OPS members have received additional training in Leadership and Supervision, Advanced Domestic Violence Investigations, Internal Affairs Policy and Procedures Training sponsored by the Division of Criminal Justice. Terrorism Training, Advanced Homicide Investigation and Management Awareness Personnel Performance System (MAPPS) Training.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 73

Task: Initiation of Misconduct Investigations

Decree ¶73(a-e)

Decree Language:

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

PROGRESS/STATUS SUMMARY

During 2000, the Superintendent advised all members in writing that misconduct investigations will be initiated pursuant to the receipt of a complaint, referral, filing of a civil action or criminal arrest.

During the last review periods, all OPS members were trained to comply with the requirements of Task 73. All current and new OPS members, as well as any member who maybe detached to OPS to conduct internal investigations, receives annual updates on training required by Task 73.

During this review period, OPS officials represent, and OAG officials confirm through their auditing procedure, that misconduct investigations continue to be initiated as required by Task 73.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 74

Task: Responsibility for Conducting Internal Investigations

Decree ¶74(a-b)

Decree Language:

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

- a. The PSB or the OAG shall conduct misconduct investigations in the following circumstances:
 - i. all complaints alleging a discriminatory motor vehicle stop; all complaints alleging an improper enforcement action or procedure in connection with or during the course of a motor vehicle stop; and all complaints alleging excessive force in connection with any motor vehicle stop;
 - ii. all complaints relating to any motor vehicle stop where a State Police supervisor either was at the incident scene when the alleged misconduct occurred or was involved in planning the State Police action whose implementation led to the complaint;
 - iii. any misconduct investigation undertaken pursuant to any event identified in subparagraphs (b) through (e) of ¶73; and
 - iv. any other category of misconduct complaints or any individual misconduct complaint that the OAG and/or State Police determines should be investigated by PSB or OAG.

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

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

PROGRESS/STATUS SUMMARY

During this review period, OPS officials represent, and OAG officials have confirmed through their auditing procedure, that misconduct investigations continue to be initiated when OPS officials have received notifications of the complaints, referrals, filings or arrests as required by Task 74.

During 2000, the State developed criteria concerning the allocation of investigations between OPS and OAG.

During this review period, OAG auditing procedures revealed that investigations initiated during the review period were assigned to either OPS or OAG as required by Task 74.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 75

Task: Prohibition of Conflict of Interest in Investigations

Decree ¶75

Decree Language:

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

PROGRESS/STATUS SUMMARY

During 2000, the Superintendent re-emphasized in writing to all members that investigators are specifically precluded from participating in any way, in the conduct or review of an investigation in which they have a conflict of interest. In addition, current Division of State Police Rules and Regulations prohibit a member from acting in an official capacity in any matter, including a misconduct investigation referenced in Task 75, wherein that member has a conflict of interest. During the last review period, all enlisted members were given training by OPS regarding the requirements of this paragraph. All current and new members of OPS receive an annual refresher training which includes the training regarding the requirements of Task 75.

During this review period, OAG auditing procedures revealed that in those cases in which a conflict was reported or discovered, the investigation was reassigned to another investigator in OPS or was transferred to OAG to conduct the investigation as required by Task 75.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 76

Task: Prohibition of Group Interviews

Decree ¶76

Decree Language:

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

PROGRESS/STATUS SUMMARY

During 2000, the Superintendent re-emphasized to all members in writing that they are precluded from the use of group interviews in an internal investigation. In addition, under current practice, OPS officials represent and OAG has confirmed, that written or recorded interviews are maintained as part of the investigative file and OPS members do not conduct group interviews. All current and new OPS members, as well as any member who maybe detached to OPS to conduct internal investigations, receive an annual refresher training regarding the requirement of Task 76.

During this review period, OAG auditing procedures did not reveal any completed OPS investigation in which group interviews were conducted, written statements were accepted from members in lieu of an interview, or recorded interviews were omitted from the investigative file, which is consistent with the requirements of Task 76.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 77

Task: Alternative Locations for Interviews

Decree ¶77

Decree Language:

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

PROGRESS/STATUS SUMMARY

During 2000, the Superintendent re-emphasized to all members in writing that they are required to arrange for a convenient time and place, including by telephone or TDD, to conduct civilian interviews in an internal investigation. In addition, seeking to arrange a convenient time and place to interview civilians for misconduct investigations, the State has opened the Freehold Office for the OPS. During prior review periods all enlisted members were given training by OPS regarding the requirements of this paragraph. All current and new members of OPS receive an annual refresher training which includes the training regarding the requirements of Task 77.

During this period, the OPS officials represent, and OAG officials confirm through their auditing procedure, that OPS has continued to interview complainants and other witnesses at locations other than Division of State Police facilities, or at times by telephone and at times which are other than regular hours, as required by Task 77.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 78

Task: Investigation of Collateral Misconduct

Decree ¶78

Decree Language:

“78. In conducting misconduct investigations, the State shall assess the propriety of all state trooper conduct during the incident in which the alleged misconduct occurred. If during the course of an investigation the investigator has reason to believe that misconduct occurred other than that alleged, and that potential misconduct is one of the types identified in ¶69, the investigator also shall investigate the additional potential misconduct to its logical conclusion.”

PROGRESS/STATUS SUMMARY

During 2000, the Superintendent re-emphasized to all members in writing that collateral misconduct will be investigated in internal investigations. During this review period, all enlisted members were given training by OPS regarding the requirements of this paragraph. In addition, under Division of State Police Rules and Regulations, the State shall assess the propriety of all member conduct during the incident in which the alleged misconduct occurred. Under this current regulation, additional member conduct is investigated. All current and new OPS members, as well as any member who maybe detached to OPS to conduct internal investigations, receive an annual refresher training regarding the requirement of Task 78.

During this review period, OAG auditing procedures revealed that OPS continues to investigate additional charges discovered during the investigation that were not part of the original complaint consistent with the requirement of Task 78.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 80

Task: Revision of the Internal Investigations Manual

Decree ¶80

Decree Language:

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

PROGRESS/STATUS SUMMARY

During prior review periods, the State updated and received IMT approval of the “Operational Manual and Guide for Conducting Internal Investigations.” This manual memorializes many of the practices and procedures that the State is applying to misconduct investigations as required by Tasks 61, 62, 73, 75, 76, 77, 78, 81, 82, 83, 84, 85, 86, and 92.

All current and new members of OPS receive an annual refresher training which includes the training regarding the requirements of Task 80. The Division of State Police trained all the OPS members and all the part-time investigators, assigned to assist OPS in expediting the investigation of misconduct cases, with the requirements of the updated manual. During a prior review period, an updated OPS Manual inclusive of the relevant portions of the revised S.O.P. B-10 was published on February 20, 2002.

OAG auditing procedures revealed the investigations are being conducted in accordance with the updated manual as required by Task 80.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 81

Task: Preponderance of the Evidence Standard for Internal Investigations

Decree ¶81

Decree Language:

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

PROGRESS/STATUS SUMMARY

During 2000, the Superintendent re-emphasized to all members in writing that the preponderance of the evidence standard shall be applied to all internal investigations. During the last review period, all enlisted members received training regarding the requirements of Task 81. All current and new members of OPS receive an annual refresher training which includes the training regarding the requirements of Task 81.

During this review period, OAG auditing procedures revealed that OPS continued to analyze the investigations under the preponderance of the evidence standard pursuant to the requirement of Task 81.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 82

Task: MVR Tape Review in Internal Investigations

Decree ¶82

Decree Language:

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

PROGRESS/STATUS SUMMARY

During 2000, the Superintendent advised all members in writing that MVR tapes shall be reviewed as part of the misconduct investigation, if the actions which serve as the basis of the complaint were recorded. All enlisted members were given training by OPS regarding the requirements of Task 82. All current and new members of OPS receive an annual refresher training which includes the training regarding the requirements of Task 82.

During this review period, OAG auditing procedures revealed that if the incident that is the subject of a misconduct investigation was recorded on an MVR tape, then OPS reviewed that MVR tape as part of the misconduct investigation pursuant to Task 82.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 83

Task: Evaluation of Misconduct Investigation

Decree ¶83

Decree Language:

“83. In each misconduct investigation, the State shall consider circumstantial evidence, as appropriate, and make credibility determinations, if feasible. There shall be no automatic preference for a state trooper’s statement over a civilian’s statement. Similarly, there shall be no automatic judgment that there is insufficient information to make a credibility determination where the only or principal information about an incident is the conflicting statements of the involved trooper and civilian.”

PROGRESS/STATUS SUMMARY

During 2000, the Superintendent has re-emphasized by way of an Inter-Office Communication to all members that circumstantial evidence will be considered in an internal investigation of a complaint. In addition, all members were advised that, during the course of an internal investigation, there shall be no automatic preference for a member’s statement over a civilian’s statement. The Superintendent further advised all members that there shall be no automatic judgment that there is insufficient information to make a credibility determination where the only or principal information about an incident is the conflicting statements of the involved member and civilian. Additionally, during the last review period, all enlisted members were given training by OPS regarding the requirements of Task 83. All current and new members of OPS receive an annual refresher training, which includes the training regarding the requirements of Task 83.

During this review period, OAG auditing of closed OPS investigations revealed that these investigations were conducted as required by Task 83.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 84

Task: Required Case Dispositions in Internal Investigations

Decree ¶184(a-d)

Decree Language:

84. The State shall continue to resolve each allegation in a misconduct investigation by making one of the following dispositions:
- a. Substantiated, where a preponderance of the evidence shows that a state trooper violated State Police rules, regulations, protocols, standard operating procedures, directives or training;
 - b. Unfounded, where a preponderance of the evidence shows that the alleged misconduct did not occur;
 - c. Exonerated, where a preponderance of the evidence shows that the alleged conduct did occur but did not violate State Police rules, regulations, operating procedures, directives or training; and
 - d. Insufficient evidence (formerly unsubstantiated), where there is insufficient evidence to decide whether the alleged misconduct occurred.”

PROGRESS/STATUS SUMMARY

During 2000, the Superintendent advised all members in writing that the dispositions of internal investigations shall be revised to conform with the requirements of Task 84.

All enlisted members were given training by OPS regarding the requirements of this paragraph. All current and new members of OPS receive an annual refresher training which includes the training regarding the requirements of Task 84.

During this review period, OAG auditing of closed OPS investigations and adjudicated cases revealed that the dispositions listed in Task 84 are presently being utilized as required by Task 84.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 85

Task: No Closure upon Withdrawal of Complaint

Decree ¶85

Decree Language:

“85.Withdrawal of a complaint or unavailability of the complainant or the victim of the alleged misconduct to make a statement shall not be a basis for closing an investigation without further attempt at investigation. The State shall investigate such matters to the extent reasonably possible to determine whether or not the allegations can be corroborated.”

PROGRESS/STATUS SUMMARY

During 2000, the Superintendent re-emphasized to all members that the withdrawal of a complaint or unavailability of the complainant or the victim of the alleged misconduct to make a statement, shall not be a basis for closing an investigation without further attempt at investigation. The Superintendent further advised all members that the State shall investigate such matters to the extent reasonably possible to determine whether or not the allegations can be corroborated. During prior review periods, all enlisted members were given training by OPS regarding the requirements of Task 85. All current and new members of OPS receive an annual refresher training which includes the training regarding the requirements of Task 85.

During this review period, OAG auditing procedures revealed that the withdrawal of a complaint or unavailability of the complainant or the victim of the alleged misconduct to make a statement, is not a basis for closing an investigation. Furthermore, OPS officials represent, and OAG review of reports through it's auditing procedure, support that under current practice, OPS continues its investigation to determine whether or not the allegations can be corroborated as required by Task 85.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 86

Task: Development of a Final Investigative Report

Decree ¶86

Decree Language:

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

PROGRESS/STATUS SUMMARY

Present Division of State Police procedures require the topics identified in this Task to be included in the investigations file. All current and new OPS members, as well as any member who maybe detached to OPS to conduct internal investigations, receive an annual refresher training regarding the requirement of Task 86.

During this review period, OAG auditing procedures revealed that OPS investigation files contain report(s) that included all the elements as required by Task 86.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 87

Task: State to Attempt to Complete Investigations within 45 Days

Decree ¶187

Decree Language:

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

PROGRESS/STATUS SUMMARY

During 2000, the State received clarification from the IMT and the DOJ that the 45 day goal shall be interpreted to require completion of a misconduct investigation within 120 days, with a provision for 60 day extensions under certain circumstances. Also, during prior review periods, the State designed procedures to track misconduct investigations in an attempt to ensure that investigations are completed in a timely fashion.

During prior review periods, approximately 100 enlisted members had been assigned on a part-time basis to assist OPS in expediting the investigation of misconduct cases. These investigations were conducted under the supervision of OPS and subject to the monitoring of both OAG and the IMT.

During prior review periods, the State implemented procedures for classification of members conduct as either performance issues or misconduct issues. These procedures have been approved by the IMT and the DOJ. Not only has this procedure assisted in the proper disposition of certain allegations, but has also assisted in the elimination of the backlog.

During this review period, there were 46 pending cases as of April 2003. There were 69 pending cases as of September 2003. During this review period OPS opened 208 cases and closed 211 cases. OPS continues to operate without a backlog.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 88

Task: Imposition of Appropriate Discipline upon Sustained Complaint

Decree ¶88

Decree Language:

“88. The State Police shall discipline any state trooper who is the subject of a substantiated misconduct adjudication or disposition regarding: (a) prohibited discrimination; (b) an unreasonable use of force or a threat of force; (c) an intentional constitutional violation; (d) an intentional failure to follow any of the documentation requirements of this Decree, (e) an intentional provision of false information in a misconduct investigation or in any report, log, or transmittal of information to the communications center; or (f) a failure to comply with the requirement of ¶69 to report misconduct by another trooper.”

PROGRESS/STATUS SUMMARY

Present Division of State Police Rules and Regulations require all members to strictly adhere to all Division of State Police Rules and Regulations, written and verbal orders and to conduct themselves in a professional manner. Presently, these rules and regulations, and written and verbal orders, proscribe members from engaging in the conduct described in Task 88. These rules and regulations further authorize the Superintendent to institute an investigation into allegations of misconduct and to institute disciplinary proceedings against any member who is the subject of any substantiated misconduct. These rules and regulations further provide for the discipline of a member who, after a fact-finding process, is determined to have violated Division of State Police Rules and Regulations and written and verbal orders.

During prior review periods, the State revised its procedures to require the imposition of discipline in the event of a substantiated misconduct, adjudication, or disposition for misconduct as identified in Task 88. During this review period, OAG auditing revealed that the State continues to take disciplinary action in substantiated cases for misconduct as identified in Task 88.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 89

Task: Imposition of Appropriate Discipline upon Finding of Guilt or Liability

Decree ¶89

Decree Language:

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

PROGRESS/STATUS SUMMARY

Present Division of State Police Rules and Regulations require all members to strictly adhere to all Division of State Police Rules and Regulations, written and verbal orders and to conduct themselves in a professional manner. Presently, these rules and regulations, and written and verbal orders, proscribe members from engaging in the conduct described in Tasks 88 and 89. These rules and regulations further authorize the Superintendent to institute an investigation into allegations of misconduct, and to institute disciplinary proceedings against any member who is the subject of any substantiated misconduct. These rules and regulations further provide for the discipline of a member who, after a fact-finding process, is determined to have violated Division of State Police Rules and Regulations and written and verbal orders.

During prior review periods, the State revised its procedures to require the initiation of disciplinary proceedings for alleged misconduct as identified in Task 89.

During this review period, OAG auditing revealed that there were no new allegations of misconduct as identified in Task 89 and, therefore, no disciplinary proceedings were conducted as required by Task 89.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 90

Task: Imposition of Appropriate Discipline in consultation with MAPPS

Decree ¶90

Decree Language:

“90. In deciding the appropriate discipline or intervention for each state trooper who is the subject of a “substantiated” adjudication or disposition in a misconduct investigation and each trooper who is to be disciplined pursuant to ¶89, the State shall consider the nature and scope of the misconduct and the information in the MAP. In all instances where the State substantiates a misconduct allegation regarding matters identified in ¶88 or disciplines a trooper pursuant to ¶89, it shall also require that intervention be instituted (except where the discipline is termination). Where a misconduct allegation is not substantiated, the State shall consider the information in the investigation file and in the MAP to determine whether intervention should be instituted.”

PROGRESS/STATUS SUMMARY

As noted in the status summary for Tasks 88 and 89, present Division of State Police Rules and Regulations provide for the discipline of a member who, after a fact-finding process, is determined to have violated Division of State Police Rules and Regulations and written and verbal orders, including the conduct described in Tasks 88 and 89, as required by Task 90. During this review period the State developed and submitted to the IMT and the DOJ, a revised MAPPS protocol which expressly requires consideration of MAPPS data when determining the appropriate discipline in a “substantiated” case. That protocol has been approved by the IMT and the DOJ. In addition, the State revised its procedures to require an appropriate intervention in all instances of substantiated misconduct as outlined in ¶88 or where the State disciplines a member pursuant to ¶89 of the Consent Decree. Furthermore, the revised MAPPS protocol requires consideration of MAPPS data to determine if intervention is appropriate in a case finding of “insufficient evidence.”

During this review period the Intervention Module was posted on the MAPPS. Thus far it appears that supervisors are reviewing MAPPS information when available and are taking appropriate intervention when necessary.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 91

Task: Tracking of Open Office of Professional Standards Cases

Decree ¶91

Decree Language:

“91. The PSB shall track all open misconduct investigations to ensure that investigations are completed in a timely fashion. Within one hundred twenty (120) days following entry of this Decree, the State shall develop a plan for designing and implementing a computerized tracking system (including a timetable for implementation).”

PROGRESS/STATUS SUMMARY

During 2000, the State developed and received approval of a plan to design and implement a computerized tracking system for open misconduct investigations as required by Task 91. Also during 2000, the State retained a contractor to facilitate the design and implementation of this computerized tracking system.

During this review period the system remained fully operational.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 92

Task: Inform the Complainant upon Resolution of Investigations

Decree ¶92

Decree Language:

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

PROGRESS/STATUS SUMMARY

Under current practice, after a misconduct complaint is fully resolved, the Division of State Police inform complainants of the resolution in writing.

During this review period, OAG, through its auditing procedure of completed investigations, has determined that disposition letters continue to be sent to complainants as required by Task 92.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 93

Task: Training Oversight and Evaluation.

Decree ¶93

Decree Language:

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

PROGRESS/STATUS SUMMARY

The Division of State Police Training Academy continues to oversee all training provided to enlisted members. In response to the IMT's concerns reflected in the Fifth Report, the Division of State Police revised S.O.P. C25. The draft S.O.P. was forwarded to the DOJ and IMT during this review period for final approval. S.O.P. C25 includes a provision for a Training Officer for each Troop who, under the auspices of the Academy, will be responsible for the entire training cycle for each troop. The Training Officer will serve as intermediaries to the Academy and will be tasked with approval of lesson plans, ensuring attendance at the Division of State Police training sessions, identifying training needs and whether they can be accomplished internally or via outside instructors, assist in the implementation and evaluation of division-wide training, and most importantly, they will be tasked with identifying problem areas and recommended training. S.O.P. C25 also sets forth duties and responsibilities of the In-Service Unit at the Academy to conduct, administer, update annual programs required under the Consent Decree (Cultural Awareness, Ethics, Fourth Amendment and Non-Discrimination Requirements, Leadership/Supervisory Training).

During this review period a training session was held at the academy the heads of the major units within State Police as well as the Field training officers and academy staff to explain the procedures under C-25.

During prior review periods, a data processing system to track the attendance of personnel at training programs was developed and implemented. This allows for an accurate accounting of those members required to attend Division of State Police

training programs. As a result, there has been a comprehensive accounting of members and instructors, attendance at training sessions, and the documentation of test scores.

During prior review periods, the State implemented a link to the Training Academy through the Division of State Police Intranet Service web page. This Intranet link will constitute another method for State Police members to provide feedback regarding training received and recommendations for future training.

As the IMT has noted, a computerized training tracking system is now operational that will permit an analysis of the evaluation data. The training courses for instructors comply with the Consent Decree requirements. The Division of State Police Academy continues to schedule in-service instruction for those course requirements under the Consent Decree.

During this reporting period a new Commandant of the academy was selected. The Captain had been previously detached to the Office of State Police Affairs and accordingly imports his knowledge and expertise in Consent Decree issues and interactions with the Independent Monitoring Team, to the academy. Additionally, the State Police completed a staffing needs survey for the Pre-Service and Executive Development Units; the In-Service Unit, the largest instructional component, is currently undergoing their survey. Preliminary data suggest that the staffing needs at the academy require expansion. The 131 & 132 recruit class graduated June 27, 2003, and the 133 & 134 will graduate October 24, 2003.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 97

Task: Encourage Superior Troopers to Apply for Academy

Decree ¶97

Decree Language:

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

PROGRESS/STATUS SUMMARY

The IMT's three most recent Reports expressed concern about the level of staffing at the Academy to meet the growing demands resulting from the Consent Decree. The State continues to take steps to address these concerns.

In response to the suggestion by the IMT that programmatic oversight for the Trooper Coach Program reside at a high level within the organization, S.O.P. F12 was modified during the last review period. These modifications ensure quality and uniform selection and consistent management of the Trooper Coach Program.

During this reporting period, there was a new solicitation for academy instructors; commensurate interviews were also completed. Additionally, the Academy's Assistant Director of Training conducted on-site visitations at various state police facilities to encourage superior troopers to apply for academy positions.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 98

Task: Formal Eligibility Criteria for Training Personnel

Decree ¶98

Decree Language:

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

PROGRESS/STATUS SUMMARY

During this review period, the State continues to evaluate the former eligibility criteria for Academy (recruit), post-Academy (in-service) and trooper coach training to further encourage superior members to apply for such training positions, to further ensure that qualified instructors continue to provide training and to provide for increased flexibility in the selection and assignment of such instructors.

The Division of State Police has required a bachelor's degree in order to be selected as an instructor at the Academy. Additionally, candidates must have no pending substantial EEO or misconduct investigations. The Training Bureau has established a protocol with EEO and OPS to review a decision to remove a trainer based on an EEO or misconduct case. A new protocol has been established with EEO and OPS to have an alert system to notify the Academy if an allegation is received on a practicing trooper coach.

During prior review periods, the Division of State Police revised S.O.P. F12, which governs the trooper coach program in order to select the best qualified trooper coaches and to ensure uniformity during the selection process. During this review period, there was an SOP change (F-12) regarding trooper coaches. Additionally, a protocol change now requires that the state police Executive Officer make the final determination on trooper coaches and academy personnel.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 99

Task: Training for Academy Instructors

Decree ¶99

Decree Language:

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

PROGRESS/STATUS SUMMARY

All Academy trainers are Police Training Commission instructor certified (see N.J.A.C. 13:1 et seq.) and have completed the Academy’s 80-hour Instructor Training Course. The latter course includes instruction on teaching techniques and communication skills. Most post-Academy instructors have also completed this course. Instructor training courses were taught from November 5 to November 16, 2001; December 3 to December 14, 2001; and January 7 to January 18, 2002; and September 23, 2002. Three additional Instructor Training Courses were provided during this reporting period on October 14, 2002, November 11, 2002, and December 2, 2002.

The Academy maintains instructor observation reports, quarterly appraisals, and annual evaluations to document that instructors maintain their pedagogical proficiency. This documentation, as well as documentation relating to trooper coaches, have been audited by the IMT during this reporting period, and the State was found to be in compliance.

The In-Service Unit provided instruction on “maintaining proficiency.” The training was held on October 1, 2002, and November 1, 2002, for trooper coaches, field training officers, and non-commissioned officers.

Instructors have attended various training courses during this reporting period, including training in High Intensity Drug Trafficking Area (HIDTA) in NYC; and training offered by the New York City Police Department and the Michigan State Police. Academy personnel have also attended a nationally known program, ‘verbal judo’ and have provided relating instruction to other state police personnel. All training has been documented in Academy Computerized Training System in accordance with Task 99.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 100

Task: Training in Cultural Diversity, Communications Skills, Integrity and Ethics

Decree ¶100

Decree Language:

“100. The State Police shall continue to train all recruits and troopers in cultural diversity, which shall include training on interactions with persons from different racial, ethnic, and religious groups, persons of the opposite sex, persons having a different sexual orientation, and persons with disabilities; communication skills; and integrity and ethics, including the duties of truthfulness and reporting misconduct by fellow troopers, the importance of avoiding misconduct, professionalism, and the duty to follow civilian complaint procedures and to cooperate in misconduct investigations. This training shall be reinforced through mandatory annual in-service training covering these topics.”

PROGRESS/STATUS SUMMARY

The Division of State Police continue to provide training on Cultural Awareness and Ethics on an annual basis. The annual Cultural Awareness and Ethics training is scheduled to begin last week of October and run through the first half of December.

The Cultural Awareness Program will be given by Rutgers University, Institute on Ethnicity, Culture, and the Modern Experience. The Ethics training will be given by enlisted members from OPS and the academy based on the areas of most concern to the members as well as the number of allegations received in the areas being discussed.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 101

Task: Recruit and In-Service Training on Fourth Amendment Requirements

Decree ¶101

Decree Language:

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

PROGRESS/STATUS SUMMARY

The Division of State Police continue to work to apply new state-of-the-art training delivery technology to the state-of-the-art content to their motor vehicle stop, arrest, search and seizure curricula. The State developed an interactive training course to teach and reinforce the major legal and policy themes and principals that were taught in Phases V and VII of the In-Service Training Program, which was delivered to all enlisted members during the last review period.

During the last review period, the Division of State Police was developing focus groups to assist in modifying Fourth Amendment Training in accordance with legal updates and member needs. An attorney from the Division of Criminal Justice assisted in the development of the training. During this review period, search and seizure training was provided to all enlisted members. The topics of discussion included discussing the relationship between the Constitution and the laws of New Jersey, review of reasonable suspicion and probable cause and the legal requirements for building the proofs necessary for each, a review of the difference between arrest and investigative detention, a review of applicable video scenario’s as well a review of recent case law.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 102

Task: Training Protocols for the Trooper Coach Program

Decree ¶102

Decree Language:

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

PROGRESS/STATUS SUMMARY

During prior review periods, the State trained an additional approximately 77 Patrol and Staff Sergeants as potential trooper coach substitutes pursuant to protocols which had been approved by both the IMT and the DOJ. Also during prior review periods, the State began implementation of the trooper coach program for probationary members who recently graduated from two recruit classes. Moreover, the Academy conducted field audits of 107 trooper coach participants at 12 different stations during October 2001, and 29 trooper coach participants at 11 different stations from January 28 to February 12, 2002; administered surveys to all probationary members and trooper coaches for the 119th through 128th classes; conducted an open forum for all probationary members at the end of the trooper coach training period at which they could express their opinions about the program; and then analyzed the data from the field audits, survey assessments, and open forums to improve the program. Documentation shows that the Academy has carefully gathered, analyzed, and applied feedback about the trooper coach program to improve its effectiveness and efficiency.

As a result of the feedback and the IMT's concerns, during the last review period, S.O.P. F12 had been revised to allow for the assignment of one trooper coach per probationary member based on overall manpower needs. This revised procedure promotes consistency among the troops and facilitate the Academy's operational oversight over the trooper coach program. In addition to the change described above, a field-training officer will work as the trooper coach coordinator for the In-Service Unit to closely monitor the recruit and coach program.

During this review period additional changes were made to S.O.P. F-12, Trooper Coach Training and Evaluation Program, which include the decision as to who is

selected is transferred from the Troops to The Division Staff Section and the duration of the trooper coach program was extended to twelve instead of ten weeks.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 103

Task: Provision of Copies of the Decree to all State Troopers

Decree ¶103

Decree Language:

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

PROGRESS/STATUS SUMMARY

On January 14, 2000, a copy of the Decree was posted on the Division of State Police website. Each member of the Division of State Police personally received a copy of the Consent Decree on or about February 29, 2000. During 2000, members attended the first phase of Consent Decree related in-service training. A copy of the Consent Decree was available to each member attending this training.

During this review period, each recruit in the 131st through the 134th class received a copy of the Consent Decree and received detailed instruction on Consent Decree requirements from the Office of State Police Affairs. There have been no additional classes during this review period.

During this review period, leadership training, transition training ,and supervision training classes continued to receive updated training on relevant Consent Decree related S.O.P.'s and the Seventh and Eights Monitor's Reports.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 104

Task: Training Referral System

Decree ¶104

Decree Language:

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

PROGRESS/STATUS SUMMARY

During prior review periods, the State Police implemented a training evaluation and needs assessment program. It is overseen by a compliance officer who is assigned to the In-Service Unit of the Academy.

The Academy continues to perform an evaluation and needs assessment of the Consent Decree-related training by conducting surveys at the various stations of members who attended the training, inviting selected members to participate in focus groups at the Academy to further discuss how such training could be improved, and presenting the findings of such survey and focus group results to the training committee. It is anticipated that suggestions offered by members through the surveys and focus groups for improving the training will be reflected in future training given by the Academy.

During this review period, the Division of State Police revised S.O.P. C-25. The draft S.O.P. was forwarded to the DOJ and IMT for final approval which was granted. S.O.P. is currently awaiting final approval by the Superintendent. The S.O.P. C-25 includes a provision for a Training Officer for each Troop who, under the auspices of the Academy, will be responsible for the entire training cycle for each troop. The Training Officer will serve as intermediaries to the Academy and will be tasked with approval of lesson plans, ensuring attendance at the Division of State Police training sessions, identifying training needs and whether they can be accomplished internally or via outside instructors, assist in the implementation and evaluation of Division-wide training, and most importantly, they will be tasked with identifying problem areas and recommended training. S.O.P. C25 also sets forth duties and responsibilities of the In-Service Unit at the Academy to conduct, administer, and update annual programs required under the Consent Decree (Cultural Awareness, Ethics, Fourth Amendment and Non-Discrimination Requirements, Leadership/Supervisory Training).

In addition, OPS is specifically tasked, on a quarterly basis, to forward to the Academy, a report documenting training issues identified during the review of litigation filed against the Division of State Police to assist in identifying field-based practices that may be problematic. Similarly, the Internal Affairs Bureau of OPS, on a quarterly basis, is responsible for reporting to the Academy, training issues identified during misconduct investigations and training recommendations made as interventions resulting from misconduct investigations.

As a result of the monitor's concerns expressed in post reports, a formal Training Committee has been created that meets semi-monthly that is attended by all the Field Training Officers and Field Training Liaisons. Issues from the field are discussed as well as training needs.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 105

Task: Provision of Training for Supervisors

Decree ¶105

Decree Language:

“105. The State Police shall provide all supervisors with mandatory supervisory and leadership training which (in addition to the subjects addressed in ¶¶100 and 101) shall address effective supervisory techniques to promote police integrity and prevent misconduct. The State Police shall provide the initial training required by this paragraph within one year from entry of the Decree and thereafter shall provide supervisory training on an annual basis.”

PROGRESS/STATUS SUMMARY

During a prior review period, the State completed Phase VII supervisory and leadership training, which addressed supervisory techniques to promote police integrity and prevent misconduct as required by Task 105. The Division of State Police provided a one-day “leadership” training course. The IMT expressed some reservations about the efficacy of a one-day training course. As a result, the Division of State Police developed all supervisory personnel with additional training, which includes patrol-related S.O.P.’s and MVR reviews.

During the prior review period, the Division of State Police provided a one-day train-the-trainer In-Service training session on “leadership/supervisory issues.” This was instituted for the Regional Trainers. The topics included supervisory issues involving pursuit driving, civil liability and decision-making motivational techniques for supervisors, and addressing the resolving poor performance. Currently, all supervisors are being trained as required by Task 105. Included in this year’s training are Personality Type Indicators, Managing Performance Problems, Civil Liability and Decision Making and Supervisory Issues for Pursuits.

During this review period, the state police continued its annual leadership training. Some of the topics covered included Leadership and Management Types, Intro to a Leader’s Bases of Power, Team Building, and Mentoring/Motivation-Active Listening.

In addition, the State has contracted with Rutgers University Police Institute to provide external leadership training for selected Lieutenants and all Captains. A central theme of the instruction will be the management of the relationships between police and diverse communities. Two such classes have been completed during this review period.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 106

Task: Training for Newly Promoted State Troopers

Decree ¶106

Decree Language:

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

PROGRESS/STATUS SUMMARY

During prior review periods, in response to IMT concerns, the basic supervisory training was revised from a 52-hour supervisory training to an expanded 80-hour supervisory training, which continues to be delivered to all newly promoted Sergeants and Sergeants First Class. During this review period the State continued training it’s newly promoted Sergeants with the modified training, which includes blocks of instruction on Community Policing, Computer Statistics, Situational Interaction, Patrol related S.O.P.’s, and MVR reviews. The content and its placement in the training agenda continue to be reviewed and revised based upon observation of classes, critiques, test analyses, and effectiveness of the class exercise and teaching aids being used.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 107

Task: Provision of Specialized Training

Decree ¶107

Decree Language:

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

PROGRESS/STATUS SUMMARY

During this review period, the State continued its design of programs to identify those members newly assigned to a troop or station requiring specialized training in accord with Tasks 34(b), 72, 99-102, 105-106. During this review period, the Division of State Police completed Terrorism Training.

During the last review period the parties agreed that task 107 applies to members who are returning to work from extended leave or patrol from special assignments. A 40 hour course has been developed entitled “Transitional Training,” which encompasses patrol-related topics as well as consent decree related topics and any other training which all members received during the time missed.

Though the responsibility remains with the Academy, some of these duties have been relegated to the Field Training Liaison who checks with the various speciality units within NJSP to determine specific training needs.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 108

Task: Inclusion of Training Data in MAPPS Program

Decree ¶108

Decree Language:

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

PROGRESS/STATUS SUMMARY

During prior review periods, the MAPPS Module containing the training information set forth in this task had been developed, but was being further tested before implementation.

Prior to the initiation of training in August, IMT and DOJ received revised protocols for SOP C11 and the annexes covering policies for the completed MAPPS modules (cf. Task 43), including the Training Module. All were approved by the IMT. DOJ approved the SOP and the first three modules, and have indicated they will rely on the review and recommendations of the IMT.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 109

Task: Documentation of Training Provided

Decree ¶109

Decree Language:

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

PROGRESS/STATUS SUMMARY

During the prior review period, the Division of State Police Training Bureau automated its training records to facilitate training records management, and to ensure that all current member training records are accurate and accessible.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 110

Task: Creation of the Office of State Police Affairs

Decree ¶110

Decree Language:

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

PROGRESS/STATUS SUMMARY

The Office of State Police Affairs has been in operation since September 1999.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 111

Task: Office of State Police Affairs -- Motor Vehicle Stop Audits

Decree ¶111

Decree Language:

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

PROGRESS/STATUS SUMMARY

During prior review periods, the State developed and received IMT approval of a protocol establishing an auditing system as required by Task 111.

During this review period, Division of State Police stations continue to be audited by the Office of State Police Affairs and a statistical sampling of motorists who were subjected to enforcement actions and procedures were identified. Reasonable attempts were made to interview individuals from this population, using a survey instrument previously approved by the IMT. OAG asked motorists about the professionalism of the member during the stop, and verified the information contained in the related Division of State Police documentation was accurate. Questionnaires were sent to all motorists identified as part of the sample. If required, follow-up telephonic inquiry will be initiated to provide for a larger sample response. Allegations of improper conduct, if found, are forwarded to OPS and are investigated appropriately.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 112

Task: Office of State Police Affairs -- Misconduct Investigation Audits

Decree ¶112

Decree Language:

“112. The office’s audits of the receipt, investigation, and adjudication of misconduct allegations shall include audits of the tapes of the complaint/comment toll-free telephone hotline established by ¶62; the use of testers to evaluate whether complaint intake procedures are being followed; audits of audio tape and videotape interviews produced during the course of misconduct investigations; and interviews of a sample of persons who file misconduct complaints, after their complaints are finally adjudicated.”

PROGRESS/STATUS SUMMARY

During this review period, the Office of State Police Affairs has continued to perform auditing functions required by Task 112.

OAG continued to reviewed all closed Consent Decree mandated investigations and ensured that all investigations were completed consistent with the requirements of the Consent Decree. OAG staff continue to audit all complaints on the 24-hour toll-free hotline that resulted in the opening of internal investigations and a random sampling of those that did not result in the opening of investigations to ensure that callers are not being discouraged from making or following through with complaints, and to also confirm that allegations that are opened for investigation are properly recorded in a case control log and computerized database. In auditing closed investigations, OAG reviewed all audio or video tapes produced during the course of the investigation. OAG has developed an instrument, which was previously approved by the IMT, to interview complainants whose misconduct complaints were finally adjudicated. During this review period, OAG continued to contact complainants in closed cases. A stratified sampling of Division of State Police stations was conducted by the OAG by conducting “test” calls during each shift (day, night). In all instances, the individual responding to the test call provided the correct filing information and indicated that the Division of State Police made no attempt to dissuade the caller from initiating the complaint.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 113

Task: Office of State Police Affairs -- Unrestricted Access

Decree ¶113

Decree Language:

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

PROGRESS/STATUS SUMMARY

To date, the Office of State Police Affairs has had full and unrestricted access to all Division of State Police staff, facilities, and documents that the office has deemed necessary to carry out its functions.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 114

Task: Public Disclosure of Aggregate Statistics

Decree ¶114

Decree Language:

“114. The State Police shall prepare semiannual public reports that include aggregate statistics on State Police traffic enforcement activities and procedures broken down by State Police station and the race/ethnicity of the civilians involved. These aggregate statistics shall include the number of motor vehicle stops (by reason for motor vehicle stop), enforcement actions (including summonses, warnings, and arrests) and procedures (including requests for consent to search, consent searches, non-consensual searches, and uses of force) taken in connection with or during the course of such stops. The information regarding misconduct investigations shall include, on a statewide basis, the number of external, internal, and total complaints received and sustained by category of violation. The information contained in the reports shall be consistent with the status of State Police recordkeeping systems, including the status of the MAP computer systems. Other than expressly provided herein, this paragraph is not intended, and should not be interpreted, to confer any additional rights to information collected pursuant to this Decree.”

PROGRESS/STATUS SUMMARY

On June 28, 2003, the State submitted its Seventh Semiannual Public Report, which included the aggregate statistics required by Task 114.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 115

Task: Appointment of Independent Monitor Team

Decree ¶115

Decree Language:

“115. Within ninety (90) days after the entry of this Decree, the State and the United States shall together select an Independent Monitor who shall monitor and report on the State’s implementation of this Decree. The Monitor shall be acceptable to both parties. If the parties are unable to agree on an Independent Monitor, each party shall submit two names of persons who have experience as a law enforcement officer, as a law enforcement practices expert or monitor, or as a federal, state, or county prosecutor or judge along with resumes or curricula vitae and cost proposals to the Court, and the Court shall appoint the Monitor from among the names of qualified persons submitted. The State shall bear all costs of the Monitor, subject to approval by the Court.”

PROGRESS/STATUS SUMMARY

On March 29, 2000, the State and the DOJ jointly selected an IMT. During a previous review period, DOJ District Court Judge Mary L. Cooper entered an Order appointing the IMT.

During this review period, the IMT continued to perform its duties as set forth in the Decree. On August 21, 2003, the IMT filed its Eighth Monitoring Report. The IMT visited the Division in anticipation of the Ninth Monitoring Report the week of October 13th, 2003 through the week of October 20th, 2003.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 118

Task: IMT -- Unrestricted Access

Decree ¶118

Decree Language:

“118. The State shall provide the Monitor with full and unrestricted access to all State staff, facilities, and non-privileged documents (including databases) necessary to carry out the duties assigned to the Monitor by this Decree. In the event of an objection, the Court shall make the final determination regarding access. In any instance in which the State objects to access, it must establish that the access sought is not relevant to monitoring the implementation of the Consent Decree, or that the information requested is privileged and the interest underlying the privilege cannot be adequately addressed through the entry of a protective order. In any instance in which the State asserts that a document is privileged, it must provide the United States and the Monitor a log describing the document and the privilege asserted. Notwithstanding any claim of privilege, the documents to which the Monitor shall be provided access include: (1) all State Police documents (or portions thereof) concerning compliance with the provisions of this Decree, other than a request for legal advice; and (2) all documents (or portions thereof) prepared by the Office of the Attorney General which contain factual records, factual compilations, or factual analysis concerning compliance with the provisions of this Decree. Other than as expressly provided herein, with respect to the Independent Monitor, this paragraph is not intended, and should not be interpreted to reflect a waiver of any privilege, including those recognized at common law or created by State statute, rule or regulation, which the State may assert against any person or entity other than the Independent Monitor.”

PROGRESS/STATUS SUMMARY

During this review period, the State continued to grant the IMT full and unrestricted access to State and Division of State Police staff, facilities, and non-privileged documents as required by Task 118.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 120

Task: State Police to Reopen Internal Investigations Determined to be Incomplete

Decree ¶120

Decree Language:

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

PROGRESS/STATUS SUMMARY

During this review period, the IMT selected only two cases for additional work of the 104 cases that were reviewed. The cases will be resolved to the IMT’s satisfaction.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 122

Task: State to File Progress Reports

Decree ¶122

Decree Language:

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

PROGRESS/STATUS SUMMARY

The State filed its First, Second, Third, Fourth, Fifth, Sixth and Seventh Status Reports as required by Task 122 on or about April 27, 2000, October 27, 2000, April 27, 2001, October 29, 2001, May 10, 2002, October 27, 2002, and April 27, 2003. Pursuant to the authorization of the Court, the State will file the Eighth Progress Report on November 7, 2003.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 123

Task: State to Maintain Records Documenting Decree Compliance

Decree ¶123

Decree Language:

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

PROGRESS/STATUS SUMMARY

During this review period, the State continued to maintain records in compliance with Task 123.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 124

Task: United States - Unrestricted Access

Decree ¶124

Decree Language:

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

PROGRESS/STATUS SUMMARY

During this review period, the State continued to grant the DOJ full and unrestricted access to State and Division of State Police staff, facilities, and non-privileged documents as required by Task 124.

CONCLUSION

The foregoing report has been submitted to summarize the status of the State's implementation of the Consent Decree.

Respectfully submitted,

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY

By: _____
Daniel G. Giaquinto
Assistant Attorney General
Director, Office of State Police Affairs

Dated: November 7, 2003