

Monitors' Thirteenth Report

Long-term Compliance Audit
Civil Number 99-5970(MLC)

In the
United States District Court,
for the District of New Jersey

United States Department of Justice
Civil Rights Division

State of New Jersey

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Independent Monitors' Thirteenth Report Period Ending September 30, 2005

1 Introduction

This document represents the thirteenth "Independent Monitors' Report" (IMR) assessing the levels of compliance of the State of New Jersey (the State) with the requirements of a consent decree (decree) entered into between the State and the United States Department of Justice on December 30, 1999. This document reflects the findings of the monitoring team regarding compliance monitoring for the period April 1, 2005 through September 30, 2005. In order to complete the report in a timely fashion, monitoring activities were accomplished during the period October 19 through November 2, 2005.

The report is organized into three sections, identified below:

- Introduction;
- Compliance Assessment; and
- Summary.

The methodology employed by the monitors in developing the report, definitions used by the monitors, key dates for the monitoring process, and operational definitions of "compliance" are described in Section One of the report. Section Two of the report, "Compliance Assessment," includes the findings of the monitoring process implemented by the monitors and specific examples of compliance and non-compliance observed during the monitoring process. Section Three of the report, "Summary," provides an overall assessment of the State's performance for this reporting period.

1.1 Overall Status Assessment

Two specific dates accrue to deliverables for the decree: the date of entry of the decree (December 30, 1999), which times deliverables of the State, and the date of appointments of the independent monitors (March 30, 2000), which times deliverables for the compliance monitoring process.

1.2 Format for Compliance Assessment

The IMR is organized to be congruent with the structure of the consent decree. It reports on the State's compliance using the individual requirements of the decree. For example, the first section, the compliance assessment, deals with the requirements, in paragraph 26 of the decree, relating to a specific prohibition against using "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" (Decree at para 26). The following components of the decree are treated similarly. Compliance is classified as "Phase I," and "Phase II," with the definitions specified in Section 1.4, below.

1.3 Compliance Assessment Processes

1.3.1 Structure of the Task Assessment Process

Members of the monitoring team have collected data on-site and have been provided data, pursuant to specific requests, by the New Jersey State Police and the Office of State Police Affairs. All data collected were of one of two types. They were either collected by:

- Selection of a random or stratified random sample;
- Selection of all available records of that type.

Under no circumstances were the data selected by the monitoring team based on provision of records of preference by personnel from the New Jersey State Police or the Office of State Police Affairs. In every instance of selection of random samples, personnel or Office of State Police Affairs personnel were provided lists requesting specific data, or the samples were drawn directly by the monitors or by the monitoring team while on-site.

The performance of the New Jersey State Police on each task outlined in the consent decree was assessed by the monitoring team during the period ending March 31, 2004. The thirteenth independent monitors' report was submitted to the court during the month of December, 2004.







All determinations of status for the New Jersey State Police are data based, and were formed by a review of the following types of documents:

- Official New Jersey State Police documents prepared in the normal course of business¹; and/or
- Electronic documents prepared by the State or components of state government during the normal course of business.

1.3.2 Operational Definition of Compliance

¹ For example, members of the monitoring team would not accept for review as documentation of compliance "special reports" prepared by state personnel describing their activities relating to a specific task. Instead, the monitoring team would review records created during the delivery or performance of that task.

For the purposes of this monitoring process, "compliance" consists of two components: Phase I compliance and Phase II compliance. Phase I compliance is viewed as the administrative piece of compliance. It entails the creation of policy, procedure, rule, regulation, directive or command to "comply" as required by the text of the decree. Phase II compliance deals with the implementation of a specific policy and requires that the policy must, by matter of evidence, be followed in day-to-day operations of the New Jersey State Police. It may entail the provision of training, supervision, audit, inspection, and discipline to achieve the implementation of a specific policy as designed. In commenting on the State's progress (or lack thereof) in achieving Phase II compliance for a specific task, the monitoring team may comment upon the efficacy of training, supervision, audit, inspection and discipline as applicable to that task.

Compliance levels for this monitoring process are reported both through a narrative description and a graphic description. The narrative describes the nature of the task requirement being assessed, a description of the methodology used to assess the task, and a statement of compliance status. It is critical to note, however, that a finding of non-compliance does not mean the State is engaging in inappropriate behavior. It simply means the State has not yet completed its efforts toward compliance. The graphic description depicts compliance status using a standard bar graph to indicate status in each compliance area. Each graphic consists of four segments, depicted below. The first segment depicts each reporting period (four quarterly reports for the first year and two reports for each following year). The second segment depicts the time allowed by the consent decree to complete the particular task. This time period is represented by the solid, dark blue bar . The third and fourth segments represent the time required to complete the task, and to achieve Phase I or Phase II compliance. A vertically patterned light blue bar  indicates that compliance was achieved in the time allotted. A diagonally patterned yellow bar  indicates that compliance was achieved at a later date than originally allocated in the decree, but that the delay, in the opinion of the monitors, does not seriously affect the State's eventual compliance with the decree. A horizontally patterned orange bar  indicates that compliance was achieved at a later date than originally allocated in the decree, and the delay *may* seriously affect the State's eventual compliance with the decree. A solid red bar  indicates expired time which is more than that allowed by the decree, and which, in the judgment of the monitors *does* seriously threaten the State's successful compliance with the decree. A task that was not, or could not be monitored is represented by a hollow bar .

1.3.3 Standards for "Compliance"

The parties have agreed to a quantitative standard for "compliance" to be used for assessing compliance for all critical, constitutionally relevant tasks stipulated by the decree which can be quantified. On tasks for which quantitative data can be collected, e.g., the number of Motor Vehicle Stop Reports (MVSRs) that conform to the

requirements of the decree, a standard of greater than 94 percent compliance is used. This means that at least 95 percent of the reports reviewed conformed to the requirements of the decree. This standard is widely used in social science, and is adapted by mutual agreement for this project. For tasks not directly related to constitutional issues, e.g., recording of specific motor vehicle stop events, the parties and the monitors have agreed to hold the state to a 90 percent standard. This change to compliance standards is discussed in more detail in section 2.3, below.

1.3.4 Compliance with a Hypothetical Task

<i>Task nn</i>	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

This graphic is a hypothetical depiction of a task in which the State has been assessed to be in Phase I compliance in the first reporting period, and in which Phase II compliance has not been attained (but which does not affect the State's eventual compliance).

1.4 Flow of the Monitoring Process

Compliance audits and monitoring processes typically consist of two phases. The first phase focuses on issues of “policy compliance:” the development of policies, rules, regulations and directives to comply. In many cases, the processes required of the agency are new enough to preclude an early evaluation of Phase II compliance processes designed to ensure day-to-day implementation of the requirements. The second phase, represented by this report and future reports, focuses on issues of operational compliance—institutionalizing change into the day-to-day operations of the agency.

1.5 Progress toward Compliance

During the last reporting period, the State has continued to make remarkable progress in all areas of compliance. These new compliance levels are, in the monitors’ opinions, directly attributable to a focused and clear leadership mandate, emanating from the Office of the Superintendent, placing compliance efforts among the top goals of the agency, and an aggressive, continuing push to ensure that field operations activities related to the consent decree are 100 percent compliant. Continued cooperation with, and support from the Office of State Police Affairs has focused the State’s compliance efforts, with remarkable effects observed this reporting period in training, supervision, MAPPs, and inspections and audit processes. Each of these areas is discussed briefly below.

1.5.1 Training

Last reporting period, the monitors noted a continued improvement in training function implementation. This improvement was due, in part, to substantial increases in staffing levels noted in the ninth reporting period. During the thirteenth reporting period, the Academy continues to reap the benefit of specific planning, organization and development functions implemented during the tenth reporting period. Improvements in virtually *all areas* of the training function were noted again this period, with one exception. Evaluation of the impact of training in the field, which was listed as in compliance by the monitors during the twelfth reporting period appears to have progressed little in the six months since that report. While it is unrealistic to expect comprehensive impact evaluations each reporting period, the monitors continue to be focused on impact evaluations related to training, and anticipate their availability for the fourteenth reporting period. Specific and tangible impact evaluations related to training will be expected for the fourteenth reporting period to maintain compliance with this task. Executive training was addressed during the twelfth reporting period, and substantial improvement has been noted in these areas as well, although issues related to budget may begin to affect the exceptional quality of executive and mid-level training in the future. Again, the monitors find the focus, attention to detail, commitment of resources and results achieved by the Academy this period to be exceptional. They reflect a strong commitment to, and interest in, the training function by the Superintendent of the New Jersey State Police.

1.5.2 Supervision

As dramatic as the positive changes have been at the Training Academy this period, the changes made in the *process* and *outcome* of supervision of troopers within the New Jersey State Police continues to be even more remarkable. For the fifth consecutive reporting period, evidence exists that New Jersey State Police supervisors are fully engaged in the consent decree compliance process, reviewing 313 of the 313 motor vehicle stop events reviewed by the monitors. This 100 percent supervisory review rate yielded 55 instances in which New Jersey State Police supervisory personnel noted violations of New Jersey State Police SOPs and counseled, retrained or otherwise responded to those violations. Command staff in field operations continued to be committed to a supervisory review of all incidents involving a law enforcement procedure of interest to the decree. The agency has achieved that goal.

New Jersey State Police personnel now subject each motor vehicle stop to at least three levels of review. Immediate supervisors (the real key to compliance) reviewed motor vehicle stop reports and supporting documentation and video tapes for 100 percent of all motor vehicle stops of interest to the decree selected by the monitors. New Jersey State Police quality assurance reviews subject the supervisory reviews to quality

assurance assessments. The Office of State Police Affairs also reviews stop activities. These new supervisory initiatives, again, are reflective of a strong commitment to, and interest in, the supervisory function by the New Jersey State Police, to a level heretofore not observed by the monitoring team. In addition, the monitors have noted evidence that the supervisory process continues to self-correct. One potentially serious lapse in the supervisory process was observed this reporting period that was caught and corrected by the second tier of management review. This involved a sergeant who counseled troopers under his command for failing to frisk passengers in a vehicle based on the arrest of the driver. No statutory empowerment for such frisks exists, and this error on the part of a field supervisor was noted and corrected by management review, lending still more credence to the monitors' belief that the New Jersey State Police supervisory and management review processes are effective, engaged and supportive of improved policing processes.

New Jersey State Police motor vehicle stops reviewed by the monitoring team this period proved remarkably trouble free—only 57 consent-decree-related mistakes from a potential universe of 25,584. Supervisory personnel, upon review of the incidents selected by them for review, caught 55 of errors made by road personnel, an efficiency rate of 95 percent for the supervisory review process. All of these errors were considered by the monitoring team to be “technical” in nature, i.e., errors in reporting or process, not Constitutional and not substantially related to compliance.

This reporting period reflects a major milestone for Field Operations aspects of the consent decree. The monitors noted only two consent-decree related errors this reporting period that were not first caught and corrected (prior to the monitors identifying cases to be reviewed this period) by supervisory personnel. Field Operations personnel have been within the 95 percent compliance requirement for four reporting periods (24 months) and 100 percent effective (including supervisory corrective actions) relative to consent decree activities for 12 months. It is clear that the day-to-day activities of field operations personnel are in compliance with the consent decree, and have been for more than a year.

Performance of supervisory activities within field operations is also exceptional, reducing error rates for some of the most complex human interactions, e.g., consent searches, arrests, detentions, frisks and searches of persons and vehicles, to near or **at** zero. The errors the monitors are noting at this stage of the monitoring process are truly minor, akin to “box checking errors,” rather than related to constitutional protections. And even those error rates are miniscule (two from a potential universe of 25,584 this period, or 0.0000078 percent!). This is a truly remarkable figure considering the complexity of the law enforcement processes under scrutiny. Again this reporting period, the monitors found all New Jersey State Police to be professionally conducted, and to be free of indicators of race- or ethnicity-based decision making.

As a result of this continued high level of performance, the monitors recommend that the parties consider modification of the monitoring process to focus more of the monitors' efforts on the supervisory functions involved within the New Jersey State Police Field Operations processes. The monitors believe there is little to be gained in direct monitoring of field operations activities via review of video tapes, etc, and more to be gained by increased focus on field-level supervision and management review processes, and the training and MAPPS processes that support this supervisory process.

1.5.3 MAPPS Development

Full compliance has been continued regarding the MAPPS information system. The system can be used to review trooper and supervisory performance, compare trooper performance to other members of the trooper's workgroup, and to compare performance across work groups. Work has been completed, allowing establishment of appropriate benchmark processes for the MAPPS system, and the second of the New Jersey State Police's five field operations troops received its written benchmarking and data analytic reports this reporting period. Supporting SOPs and training for operation of MAPPS have been developed and approved by the monitors, and forwarded to the field personnel using the system. MAPPS is currently being used in performance evaluations and positive disciplinary processes, such as verbal counselings, performance notices, and retraining. High-level risk analysis processes, using MAPPS data, were commenced this reporting period. The monitors reviewed the operational MAPPS database, and found it to contain active data from January 1, 2004. No errors or violations of approved MAPPS policies were noted.

1.5.4 Inspections, Audit and Quality Control

Inspections and Audit personnel from Field Operations and the Office of State Police Affairs continue to review MVSR and MVR elements for conformance to the requirements of the consent decree. As noted above, the quality control process has yielded remarkable improvements for three consecutive periods.

2 Assessment of Compliance

2.1 Methodology

The monitors assessed the State's compliance using practices agreed upon between the parties and the monitors. "Compliance" was assessed as Phase I or Phase II (see section 1.3.2, above).

The following sections of the thirteenth Monitors' Report contain a detailed assessment of the degree to which the State has complied with the tasks to which it agreed on December 30, 1999. The reporting period for this report deals with actions of the State to comply with the decree between May 1, 2004 and September 30, 2004.

2.2 Compliance with Task 26: Prohibition from Using Race-Ethnicity in Decision Making

Task 26	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Phase I]											
Phase II	[Phase II]	[Phase II]										

Task 26 stipulates that:

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.

Methodology

During the thirteenth site visit, members of the monitoring team conducted structured on-site reviews of the operations of nine New Jersey State Police Road Stations. These reviews were conducted of operations reported during the dates of April 1, 2005 through July 31, 2005, inclusive (the last month for which electronic data were available). The team conducted these reviews of Troops B and D. As part of this review, members of the monitoring team collected and or reviewed course-of-business data on 313 New Jersey State Police motor vehicle stop incidents. In addition, the team reviewed video recordings of 276 motor vehicle stop incidents involving law enforcement procedures stipulated in the decree. Supporting documentation was reviewed for each of the motor vehicle stops assessed by the monitoring team. The following paragraphs describe the monitoring team's methodology for data collection and analysis of the structured site

visits. These descriptions apply to the assessment of compliance of various tasks required by the decree, and are critically important in the assessment of tasks 26 through 36.

Data Requests

Prior to its site visits in October, 2004, the monitoring team requested of the State electronic and hard-copy data regarding State Police operations. These data requests included the following electronic-format data, in addition to other non-electronic data requests:

- Electronic data for all motor vehicle stop activity for the stations selected relating to an incident in which personnel engaged in one of the eight articulated post-stop law enforcement procedures of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force.
- Electronic data for all trooper-initiated motor vehicle stop "communications center call-ins" for the stations selected, including time of completion of the stop and results of the stop.
- The monitoring team also requested copies of documentation created for all consent search requests, canine deployments, and incidents involving use or force by New Jersey State Police personnel statewide, where such events took place in conjunction with a motor vehicle stop, as defined by the decree.

Based on these data requests, the monitoring team was provided with all motor vehicle stop records for Troops B and D (taken from the State's motor vehicle stop report entry system) referred to by the State as motor vehicle stop "event" records. Computer Assisted Dispatch System (CADS) records were also requested by the monitors for all motor vehicle stop activity for the selected stations for the active dates of the thirteenth site visit.

Data reviewed by the monitoring team for the thirteenth site visit included the types of incidents noted in Table One, below.

Motor Vehicle Stops

Based on the data provided by the State, the monitoring team selected specific law enforcement activities for further assessment and analysis. The methodology for selecting these law enforcement activities consisted of identifying all post-stop law

enforcement procedures of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force, for each road station assessed. These events were identified using the CAD records provided by the State.

Incidents selected for review by the monitoring team were subjected to three types of assessment.

Table One: Incidents Reviewed by Monitoring Team
For Thirteenth Site Visit

Type of Activity	Report Reviews	Tape Reviews
Selected MVS Incidents	313	276
MVS Involving Consent Search Requests	23	23
MVS Involving Canine Deployment	11	8
MVS Involving Use of Force	6	6
Probable Cause Searches of Vehicles	35	30
Probable Cause Searches of Persons	36	31

- Events that were reviewed using reported data, i.e., motor vehicle stops which resulted in post-stop activities of interest to the decree, and that were reviewed by comparing the electronic data to data included in motor vehicle stop reports and supporting documents (patrol logs, summonses, consent to search reports etc.), referred to as Type I data;
- Events that were reviewed using both reported data **and** by reviewing recordings of the motor vehicle stop in question, referred to as Type II data; and
- Events that were reviewed simply by viewing video recordings events following a selected motor vehicle stop incident, using a procedure developed to ensure that all events, which should be reported by MVS, are actually reported, referred to as Type III data.

These records indicated 19 events that resulted in consent search requests from the stations selected for review this reporting period, and four events from other stations resulting in consent search requests, for a total of 23 consent search requests.² All incidents involving consent search requests were assessed by reviewing New Jersey State Police reports documenting the consent and execution of the search, and by reviewing the available video tape records for those consent requests.

All consent searches conducted were subjected to both documentation and video recording review by the monitoring team. Similarly, the New Jersey State Police deployed drug detection canine units 11 times during the reporting period. Reports from all 11 of these events were reviewed by the monitoring team, and videos from eight of those events were also reviewed by the monitoring team. Force reportedly was used by New Jersey State Police personnel in six motor vehicle stop incidents during the reporting period, and reports from all of these incidents were reviewed by the monitoring team. Video tapes of all six of the use of force events were reviewed by members of the monitoring team during the thirteenth site visit. The reader should note that members of the monitoring team reviewed all Motor Vehicle Stop Reports and associated documentation (patrol charts, citations, arrest reports, DUI reports, etc.) for the following New Jersey State Police activities:

- All known consent search requests;
- All known uses of force; and
- All known deployments of canine units.

Selected motor vehicle stop incidents and procedures were subjected to one (or more) of three types of reviews performed by the monitoring team. The types of reviews used by the monitoring team are described below, and a summation of the types of review performed by station, are depicted in Table Two, below.

Type I Event Reviews

A Type I event review consisted of reviewing all available hard-copy and electronic documentation of an event. For example, an event review could consist of reviewing the motor vehicle stop report, associated records in the patrol log, a supporting consent to search report, and associated summonses or arrest records. Each post-stop event consisting of law enforcement procedure of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force was subjected to a structured analysis using a form developed by the monitoring team. Problems with the reporting process were

² Two consent requests were declined by drivers during the reporting period.

noted and tallied using this form. These data were shared with the New Jersey State Police, and clarifications were requested and received in instances in which there was doubt about the status of an event or supporting documentation. A total of 313 Type I reviews were conducted this period.

Table Two: Distribution of Monitoring Events

Station	Type I Reviews	Type II Reviews	Type III Reviews
(B20) Hope	23	22	0
(B50) Sussex	24	21	0
(B60) Totawa	34	27	0
(B80) Netcong	37	33	0
(B110) Perryville	32	31	0
(B130) Sommerville	36	33	0
(B150) Washington	9	9	0
(D10) Cranbury	26	22	0
(D20) Moorestown	39	29	0
(D30) Newark	34	31	0
Other Stations	19	18	0
	313	276	0

Type II Event Review

A Type II event review consisted of reviewing the associated video tape for a given motor vehicle stop event, and comparing the actions noted on the tape with the elements reported in the official documents related to the event. These data were collected using a form developed by the monitoring team. These data were shared with the New Jersey State Police, and clarifications were requested and received in instances in which there was doubt about the status of an event or supporting documentation. A total of 276 Type II reviews were conducted this period.

Type III Event Review

In order to provide a probability that the monitors would note any events, which **should** have been reported, based on the requirements of the decree, but were not reported as required, the monitoring team in the past had developed a protocol that sampled events after a selected event at a road station. For example, if a motor vehicle stop incident, which occurred at 3am, were selected for review, six events recorded occurring immediately after that were also eligible for review. All events selected for a Type III (video-based) review in the past, had been subjected to a structured review

using a form developed by the monitoring team. Based on the State's past performance, ten consecutive quarters in which no unreported events were discovered, no Type III reviews were conducted this reporting period.

Status

The monitoring team's review of New Jersey State Police SOPs indicates that the agency remains in Phase I and Phase II compliance with Task 26. The monitors continue to review State Police activity for processes that indicate that relatively minor infractions serve as the only precursory violation resulting in requests for consent searches, requests to exit the vehicle, frisks, or other law enforcement procedures. The vast majority of all searches of persons and vehicles conducted by members of the State Police are "non-discretionary," e.g., searches incidental to arrest, with a total of 231 of the 269 searches of vehicles being conducted "incidental to arrest." Of the 266 searches of persons reviewed this reporting period, 229 were "non-discretionary" searches incidental to arrest. The monitors continue to see a professional quality and tenor of the "average" traffic stop observed by the monitoring team during the past six reporting periods. The monitors have noted no indications of racial profiling in the data reviewed this reporting period.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.3 Compliance with Task 27: Monitor and Evaluate Implementation of the Motor Vehicle Stop Criteria

Task 27	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Bar]											
Phase II	[Bar]											

Task 27 stipulates that:

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.

Methodology

Compliance with this task was assessed using the Motor Vehicle Stop Report and video review outlined in section 2.2 above. The monitors have noted a remarkable change in the quality, frequency, and tone of supervisory review during the thirteenth monitoring period. Supervisory reviews of motor vehicle stops resulting in a law enforcement procedure were effected in 313 of 313 motor vehicle stops selected by the monitors this period, constituting a supervisory review rate of 100 percent³. More importantly, the New Jersey State Police have continued to implement a much different type of supervisory review process, attempting to meet the goal of having first-line (station-level) supervisors review *all* motor vehicle stops which result in a law enforcement procedure (vehicle exit, frisk, arrest, search, canine deployment, consent request, or use of force). The majority of the supervisory reviews conducted in the ninth reporting period were conducted by secondary supervisory sources—quality assurance reviews, OSPA reviews or other non-station sources. The vast majority of initial reviews conducted during the tenth through thirteenth reporting period were conducted by station-level supervisors.

Members of the monitoring team have noted that field supervisors were present in 26.5 percent of monitored activity this reporting period. Video tapes were reviewed by first- and second-line supervisors in 100 percent of all incidents reviewed by the monitors this period. This supervisory review rate yielded 57 instances in which New Jersey State Police personnel committed errors related to the consent decree. In all but two of these 57 instances, New Jersey State Police supervisory personnel noted these violations of New Jersey State Police SOPs and counseled, retrained or otherwise responded to those violations⁴.

It is clear that the New Jersey State Police have engaged supervisory personnel in their attempts to ensure compliance with the decree. As a result of this newly implemented supervisory process, the New Jersey State Police have noted and corrected 55 decree-related errors that the monitoring team would have noted after the fact. With this new system, these 55 decree-related errors were noted and corrected in “real time,” before the monitors called them to the attention of the State. The two remaining errors were

³ All MVSRs reviewed by the monitoring team had been reviewed by either first line supervisors or subjected to “management review.” The majority had received both.

⁴ Both of these errors were considered too minor to affect compliance rates.

all classified by the monitors as “box checking errors,” e.g., inaccurate reporting of a driver’s gender, reporting a vehicle search that *was not*.

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

A review of the polices developed, the training provided to date and the implemented MAPPs process indicates that the agency is compliance with the requirements of this task. The State continues to review, independently of the monitors, Motor Vehicle Stop Reports (MVSs) submitted by Division personnel, and continues to note deficiencies in operationalization of the training provided. Retraining to address these deficiencies has been delivered. No incidents, from among the 313 reviewed, included an operational error not caught and remedied by field supervisors prior to the monitoring team selecting cases for review this reporting period.

This constitutes an error rate of zero of 313 motor vehicle stop incidents, or 0.000 percent, well within the allowable margin of error of five percent. Compliance for this task is defined as “greater than 94 percent.” The State’s compliance rate for these processes stands at 100 percent.

The reader should note a continued quantitative and a *qualitative difference* in the supervisory review process. Since late in the sixth reporting period, supervisory personnel have been required to review *all* consent search, uses of force, and canine deployment reports. Errors in those activities continue to drop this period. In fact, the monitoring team has noted a continuation of last reporting period’s remarkable and laudable increase in supervisory review processes, and resulting performance notices—both positive and negative—based on those reviews. Several of these reviews indicated to the monitoring team that the New Jersey State Police are identifying procedural errors prior to the monitoring team’s noting them. A total of 313 MVS incidents reviewed by the monitoring team were also reviewed by supervisory personnel. Within those 313 events, the monitoring team noted 57 various errors by law enforcement personnel. New Jersey State Police supervisory personnel noted 55 of those errors prior to the monitors’ review process, and corrected all of these procedural errors prior to the monitors’ site visit through performance notices, interventions or verbal counseling. The remaining four errors were considered too minor to affect compliance rates (see p. 14, above).

Compliance

Phase I: In Compliance

Phase II: In Compliance

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2.4 Compliance with Task 28: Request for Consent to Search only upon Reasonable Suspicion

Task 28	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 28 stipulates:

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).

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

The monitoring team reviewed a total of 23 law enforcement actions involving consent requests conducted during the thirteenth report's operational dates. Two of these involved consent search requests that were declined. A description of consent request events, by race of driver, is presented in Table Three below. Tables Three through Five depict data from the 313 incidents reviewed this reporting period by the monitoring team. "Number of Drivers" depicts the number of drivers, by race, in the 313 incidents.

The number in parentheses in this column depicts the *percentage* of drivers in the total sample, by race. Thus, for Tables Three through Five, there were 132 white drivers of the total of 313 drivers involved in motor vehicle stops reviewed by the monitoring team this period, constituting 42.5 percent of all drivers in the sample. The next column, "Number" depicts the number of law enforcement procedures observed in the motor vehicle stops reviewed. For example, Table Three depicts two consent requests of white drivers, 10 requests of black drivers, eight requests of Hispanic drivers, and three requests of drivers of "other" race/ethnicity. The last column, "Percent" depicts the percent of drivers of a given race or ethnicity, who were subjected to a given law enforcement procedures. This column will not total to 100 percent. The reviews depicted in this table constituted documentation and/or video tape reviews.

The reader should note that the State has reduced substantially the number of consent search requests, from a high of 59 the fifth reporting period to only twelve during the eleventh period. The twelfth reporting period saw 34 consent requests, and there were 23 consent requests this reporting period . As such, the numbers reported in Table Three are not statistically meaningful when reported *viz a viz* race and ethnicity.

All of the 21 consent searches were completed in conformance with the requirements of the consent decree⁵. Obviously, this represents continued strong performance levels over the last five reporting periods.

An error rate of none of 21 consent searches constitutes zero percent, falling well within the >94 percent compliance rate agreed to by the parties as the standard for critical tasks outlined by the consent decree. These numbers are so small that they are not statistically significant.

Table Three—Consent Request Activity

Race/Ethnicity	Number of Drivers	Number of Requests for Search⁶	Percent Consent Request by Race/Ethnicity
White	132 (42.5)	2	1.5
Black	108 (34.5)	10	9.3
Hispanic	61 (19.5)	8	13.1
Other	11 (3.5)	3	27.3
Total	313 (100)	23	--

⁵ Two drivers refused consent requests.

⁶ Two consent search requests were refused.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.5 Compliance with Task 29a: Recording Requirements for Motor Vehicle Stops

Task 29a	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[]											
Phase II	[]											

Task 29a stipulates that:

29. Motor Vehicle Stop Data

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.

Methodology

See section 2.2 above for a description of the methodology used to assess the State's compliance with this task.

Status

The review of State Police policies, forms, training, data entry systems, and CADS processes indicates that the New Jersey State Police are in Phase I compliance with the requirements of Task 29a. Effective policies and forms requiring compliance with the reporting requirements of the task have been written, disseminated and implemented into the State Police training process.

Use of the Motor Vehicle Stop Report was monitored for 313 incidents involving a post-stop law enforcement activity of interest to the decree. Use of force, non-consensual searches and deployment of canines received special attention from the monitoring team. The results of these reviews are depicted in Tables Four, Five and Six, below.

Use of Force

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New Jersey State Police personnel reported using force six times during the reporting period. The use of force rate for white drivers in the sample was 3.0 percent. For black drivers in the sample, the use of force rate was 1.9 percent, and for Hispanic drivers in the sample, zero percent. Members of the monitoring team reviewed reports of all use of force by personnel from the New Jersey State Police. All of the reports were included as part of the MVSR reporting process. Members of the monitoring team found no problems with the reporting process.⁷ None of the use of force practices were found to be problematic.

Table Four depicts data from the 313 incidents reviewed this reporting period by the monitoring team. "Number of Drivers" depicts the number of drivers, by race, in the 313 incidents. The number in parentheses in this column depicts the *percentage* of drivers in the total sample, by race. Thus, for Tables Three through Five, there were 132 white drivers of the total of 313 drivers involved in motor vehicle stops reviewed by the monitoring team this period, constituting 42.5 percent of all drivers in the sample. The next column, "Number" depicts the number of law enforcement procedures observed in the motor vehicle stops reviewed. For example, Table Four depicts four incidents of use of force against white drivers (or occupants), two incidents of use of force against black drivers (or occupants), no incident of use of force against Hispanic drivers, and no uses against force of drivers of "other" race/ethnicity. The last column, "Percent" depicts the percent of drivers of a given race or ethnicity which were subjected to a given law enforcement procedure. This column will not total to 100 percent. The reviews depicted in this table constituted documentation and/or video tape reviews.

Table Four: Use of Force Activity

Race/Ethnicity of Drivers	Number of Drivers	Incidents of Use of Force	Percent by Race/Ethnicity
White	132 (42.5)	4	3.0
Black	108 (34.5)	2	1.9
Hispanic	61 (19.5)	0	--
Other	11 (3.5)	0	--
Total	313 (100)	0	--

Canine Deployments

⁷ Members of the monitoring team assessed use of force reports and incidents for reasonable application of force and compliance with elements 17 and 17a of this requirement of the decree.

The New Jersey State Police deployed drug detection canine units eleven times during the reporting period. Members of the monitoring team reviewed all available documentation for each canine deployment, and reviewed video tapes of all canine deployments. No reporting problems were noted in any of the 11 deployments, and the video taped incidents reviewed indicated that the written reports accurately reflected actual events. All canine deployments were professionally executed and were executed for legitimate cause. The numbers of canine deployments were so small as to be statistically insignificant regarding the race of the drivers.

Table Five depicts data from the 313 incidents reviewed this reporting period by the monitoring team. "Number of Drivers" depicts the number of drivers, by race, in the 313 incidents. The number in parentheses in this column depicts the *percentage* of drivers in the total sample, by race. Thus, for Tables Three through Five, there were 132 white drivers of the total of 313 drivers involved in motor vehicle stops reviewed by the monitoring team this period, constituting 42.5 percent of all drivers in the sample. The next column, "Number" depicts the number of law enforcement procedures observed in the motor vehicle stops reviewed. For example, Table Five depicts four canine deployment for white drivers, four canine deployments for black drivers, three canine deployment for Hispanic drivers, and no canine deployments for drivers of "other" race/ethnicity. The last column, "Percent" depicts the percent of drivers of a given race or ethnicity which were subjected to a given law enforcement procedure. This column will not total to 100 percent. The reviews depicted in this table constituted documentation and/or video tape reviews.

Table Five: Canine Deployments

Race/Ethnicity of Drivers	Number of Drivers	Canine Deployments	Percent by Race/Ethnicity
White	132 (42.5)	4	3.0
Black	108 (34.5)	4	3.7
Hispanic	61 (19.5)	3	--
Other	11 (3.5)	0	--
	313 (100)	11	--

Non-Consensual Searches

Members of the New Jersey State Police conducted 269 non-consensual searches of vehicles among the 313 reports reviewed by the monitoring team during the reporting period. White drivers' vehicles constituted 42.5 percent of the "searched population," while black drivers' vehicles constituted 34.5 percent, and Hispanics drivers' vehicles constituted 19.5 percent of the searched vehicle population. Members of the

monitoring team reviewed all 185 of these non-consensual searches of vehicles. None of these non-consensual searches were problematic.

Table Six depicts the results, by race/ethnicity and type of non-consensual vehicle search for the sample of 313 incidents reviewed by the monitoring team this reporting period. Table Six depicts the types of non-consensual searches, by race/ethnicity of the 269 incidents involving a non-consensual vehicle search. For example, 122 white drivers were subjected to non-consensual searches during this reporting period, with 104 white drivers searched incidental to arrest, 15 subjected to probable cause searches, etc. Numbers in parentheses reflect the percentage of type of search, by race. For example, the 104 searches incidental to arrest constitute 85.2 percent of all searches of white drivers. The reviews depicted in this table constituted documentation and/or video tape reviews.

Of the 269 MVSRs reviewed which entailed non-consensual searches of vehicles, members of the monitoring team found problems with none that were not first caught and remedied by New Jersey State Police supervisory personnel.

Table Six: Reasons for Non-Consensual Searches of Drivers' Vehicles, By Race of Driver

Reason for Search	White #(%)	Black #(%)	Hispanic #(%)	Other #(%)
Incidental to Arrest	104(85.2)	76(83.5)	40(85.1)	9(100)
Probable Cause	15 (12.3)	13(91.7)	7(14.8)	0
Plain View	3(2.5)	1(1.1)	0	0
Proof of Ownership	0	1(1.1)	0	0
Total	122	91	47	9

Table Seven depicts probable cause non-consensual search-of-person activity by race, for probable cause searches, and Table Eight depicts "incidental to arrest" searches by race.

In all, members of the monitoring team noted 57 separate incidents in which procedural, reporting, or review issues were evident (see section 2.3, above, for a

Table Seven: Probable Cause Searches, by Race/Ethnicity

Race/Ethnicity of Drivers	Number of Drivers	Probable Cause Searches	Percent by Race/Ethnicity
White	132 (42.5)	15	11.4
Black	108 (34.5)	13	12.0
Hispanic	61 (19.5)	7	11.5
Other	11 (3.5)	0	0
	313 (100)	35	--

Table Eight: Incidental to Arrest Searches, by Race/Ethnicity

Race/Ethnicity of Drivers	Number of Drivers	Searches Incidental to Arrest	Percent by Race/Ethnicity
White	132 (42.5)	106	80.3
Black	108 (34.5)	76	70.4
Hispanic	61 (19.5)	40	-- ⁸
Other	11 (3.5)	9	81.8
	313 (100)	231	--

complete listing of these motor vehicle stop incidents). A total of 55 of these problematic incidents were noted and corrected by retraining or other form of intervention prior to the monitor's noting the behavior. Both of the remaining errors were considered too minor to report, e.g., failing to check an appropriate box in a motor vehicle stop report. These errors were deemed not to be intentional, akin to a simple failure to check the appropriate box. An error of zero from among 313 yields an error rate of 0.00 percent, within the allowable margin of error agreed to by the parties. The State's performance this period represents continued superior performance in this. The monitors continue to attribute this improvement to the State's enhanced field supervision processes.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

⁸ Nine searches incidental to arrest were the result of the arrest of Hispanic passengers.

2.5.1 Compliance with Task 29b: Expeditious Implementation of Motor Vehicle Stop Criteria

Task 29b	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 29b stipulates that:

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.

Methodology

See Section 2.2, above for a discussion of the methodology for assessing compliance with this task.

Status

The review of State Police policies, forms, training, records systems, data entry systems, and CADS processes indicates that the New Jersey State Police are in Phase I compliance with the requirements of Task 30. Effective policies and forms requiring compliance with the reporting requirements of the task have been written, disseminated and implemented into the training process. Development of training for supervisors in the process of scrutinizing motor vehicle stop reports and associated documentation, and systems to facilitate that review have been completed.

The electronic CADS records reviewed by the monitors all included the names of individuals subjected to post-stop law enforcement procedures of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force. All of these records included the race of the individual subjected to a post-stop law enforcement procedure of interest to the decree. All of the records included a CADS incident number. In addition, all had the date of the stop, time of the stop, time the stop cleared, and reason for the stop. All records included the gender and race of the individuals occupying the vehicle, whether a summons or warning was issued (and the category of the violation), and the reason for the motor vehicle stop.

The data analyzed for this reporting period included only those data generated by the electronic reporting process. Accuracy rates for these data, overall, exceeded 99 percent, well within the acceptable margin for error for this task. The earliest available electronic data in the State’s database, provided to the monitors, was September 2, 2000. In the opinion of the monitors, this qualifies as “expeditious” implementation.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.5.2 Compliance with Task 29c: Forms to Support Execution of Tasks 31, 32 and 33

Task 29c	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 29c stipulates that:

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.

Methodology

The State continues to revise forms and policies related to this task, and to provide multiple levels of review and quality control practices related to tasks 31-33.

Status

Forms to support execution of tasks 31-33 have been developed and disseminated. The State has finalized automated data entry at road stations. Conformance to the policies supporting these forms is improving. The forms have been developed and disseminated and are being used by agency personnel, and appear to have improved substantially the level of reporting and compliance with stipulated procedures. None of the compliance problems noted above are attributable to forms, reports or logs created in response to this task.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.5.3 Compliance with Task 29e: Approval of Revisions to Protocols, Forms, Reports and Logs

Task 29e	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 29e stipulates that:

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.

Methodology

Members of the monitoring team have reviewed and approved all protocols and forms provided by the State, and have been notified in advance of planned changes to those protocols and forms. All changes to protocols and forms have also been approved by the United States.

Status

Implementation of revisions to protocols and/or forms has been held by the State, pending the approval of the monitors and the United States. No issues were noted relevant to this task for this reporting period.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.6 Compliance with Task 30: Communications Center Call-Ins

Task 30	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 30 stipulates that:

30. Communication Center Call-In's for Motor Vehicle Stops. The primary purpose of the communications center is to monitor officer safety. 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.

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task. Compliance with these tasks is measured under a new standard this reporting period, based on an agreement of the parties and the monitors. The compliance standard for data reporting and recording of traffic stop processes was established at 90 percent.

Status

New Jersey State Police SOPs relating to the call-in of motor vehicle stops meet the requirements of the consent decree. In addition, training regarding motor vehicle stops is reasonably designed to affect the necessary behavior on the part of troopers conducting traffic stops. The recent revisions to New Jersey State Police SOPs noted above have formed the backbone for supervisory review and control of these processes, and when fully implemented, should further improve agency performance in these areas.

For the past ten reporting periods, the State has been in compliance with this requirement, based on the monitors' review of electronic CAD data. In addition, 276 video recordings and documentation from 313 vehicle stops were reviewed this quarter, as were supporting documents, such as CAD abstracts, etc. Compliance with this task

was assessed using both the electronic, video, and paper documentation. All data required by paragraphs 29 a, are recorded within the CADS records for vehicle stops, or within associated MVSRs.

Of the 276 video recordings reviewed by the monitors, nine included an error in call-in or documentation of a motor vehicle stop. Supervisory personnel noted and corrected all of these failures. The monitors found no pattern that would indicate these were intentional acts on the part of enforcement personnel. An error rate of zero incidents of 276 constitutes 0.00 percent, within the newly established parameter of >90 percent, and interestingly, within the original requirement of 95 percent.⁹

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.6.1 Compliance with Task 30a: Notice of Call-In at Beginning of Stop

Task 30a	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 30a stipulates that:

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.

Methodology

⁹ These numbers reflect those recording failures not attributable to technical difficulties with audio or video recording devices.

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

Members of the monitoring team also reviewed 276 video tapes of motor vehicle stops to assess the time of the call in. Data indicate that 100 percent of all stops were assigned an incident number; 100 percent list the driver's race and gender; 99.9 percent list a reason for the stop and a final disposition. The State is in compliance with this task. Of the 276 stop records reviewed by the monitoring team, six indicated that the MVR began after the trooper approached the vehicle. Supervisory action was taken in all of these six incidents. The State is in compliance with this task.

Phase I: In Compliance
 Phase II: In Compliance

2.6.2 Compliance with Task 30b: Notice Prior to Search

Task 30b	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 30b stipulates that:

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.

Methodology

See Section 2.2, above, for a description of the methodology used to assess compliance with this task.

Status

The parties and the monitors have agreed that this section (regarding notice prior to search of a vehicle) applies only to probable cause searches, since state police policy

requires a search of all vehicles incidental to the effecting of an arrest. Of the 35 probable cause search events reported (and reviewed by video tape), 32 were called in to New Jersey State Police communications prior to the initiation of the search. Supervisory personnel caught and corrected, as part of the routine monitoring process, two of these errors prior to the monitoring team's notice of data pulls. The third event was a search based on exigent circumstances, thus this requirement did not apply to that incident. This constitutes an error rate of zero percent, within the >94 percent established as the criterion for this task.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.6.3 Compliance with Task 30c: Call-Ins Upon Completion of Stop

Task 30c	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 30c stipulates that:

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 paragraph 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.

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

New Jersey State Police SOPs relating to the call-in of motor vehicle stops meet the requirements of the consent decree. In addition, training regarding motor vehicle stops

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is reasonably designed to affect the necessary behavior on the part of troopers conducting traffic stops. Of the 276 stops reviewed by video tape, all were found to have clearance codes. The State is in compliance with this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.6.4 Compliance with Task 30d: CADS Incident Number Notification

Task 30d	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 30d stipulates that:

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.

Methodology

New Jersey State Police SOPs relating to the call-in of motor vehicle stops meet the requirements of the consent decree. In addition, training regarding motor vehicle stops is reasonably designed to affect the necessary behavior on the part of troopers conducting traffic stops.

Computer Assisted Dispatch (CADS) were also requested by the monitors for all motor vehicle stop activity for the selected stations. A sample of CAD records was reviewed electronically, and >99 percent were found to have "CAD Incident Numbers" indicating a CAD incident number. Of the 276 stops reviewed by video tape, CAD numbers were present in documentation for all video tapes reviewed, and in 100 percent of all hard copy documents reviewed by the monitoring team that required a CAD number.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.7 Compliance with Task 31: Reporting Consent to Search Requests

Task 31	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	Blue											
Phase II	Yellow/Black Diagonal											

Task 31 stipulates that:

31. Consent Searches of Motor Vehicles. 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.

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

A MVSr form was completed accurately in all motor vehicle stop reports that included a consent search request. Two of the incidents involved consent requests that were denied. Three consent search request *processes* proved to be problematic regarding completion of the consent request reporting form; however, these issues were corrected by supervisory review and intervention prior to the monitors notifying the State of their incident selections. This constitutes a 100 percent compliance rate. In addition, the information required to be presented to the driver was so presented in all cases.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.7.1 Compliance with Tasks 31a-c: Recording Consent to Search Requests

Task 31a-c	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Tasks 31a-c stipulate that:

- a. The State Police shall require that all "consent to search" forms include the following information :
 1. the date and location of the stop;
 2. the name and identification number of the trooper making the request for consent to search;
 3. 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;
 4. 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;
 5. 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;
 6. 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
 7. 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:

- 1. 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;**
 - 2. the names and identification numbers of all troopers who actively participate in the search;**
 - 3. the circumstances which constituted the reasonable suspicion giving rise to the request for consent;**
 - 4. 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;**
 - 5. a description of the type and quantity of any contraband or other property seized; and,**
 - 6. 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.**

Methodology

Members of the monitoring team reviewed report information for 23 consent requests and 21 consent searches¹⁰, and reviewed video tape recordings of all motor vehicle stops involving consent searches. Supporting documentation for all consent search requests was reviewed, and the events depicted on 20 video tapes reviewed (one was not taped; two declined) were assessed in light of the reports generated by the trooper concerning the event. See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

Members of the monitoring team noted seven reporting or process problems from among the 21 consent searches. All of these incidents were noted by supervisory review and corrected by retraining or intervention prior to announcement of the monitors' data pulls. The State is judged to be in compliance with this task.

Compliance

Phase I:	In Compliance
Phase II:	In Compliance

¹⁰ Two consent requests were refused.

2.8 Compliance with Task 32: Recording and Reporting of Non-Consensual Searches

Task 32	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

32. Non-consensual Searches of Motor Vehicles (Excluding Vehicle Searches Begun as a Consent Search). 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:

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

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

New Jersey State Police SOPs reasonably address the processes of making and recording non-consensual searches, and training provided to road personnel reasonably prepares them to complete these processes in conformance to the requirements of this task.

Of the 269 MVRs reviewed which entailed non-consensual searches of vehicles, members of the monitoring team found problems with none. The State remains in compliance with this task.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.9 Compliance with Task 33: Recording and Reporting Deployment of Drug Detection Canines

Task 33	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 33 stipulates that:

- 33. Drug-Detection Canines.** 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:
1. the date and location of the stop;
 2. the names and identification numbers of all troopers who participated in the incident;
 3. the driver's name, gender, race/ethnicity, and, if known, date of birth;
 4. a description of the circumstances that prompted the canine to be deployed;
 5. whether an alert occurred;
 6. a description of the type and quantity of any contraband or other property seized; and
 7. whether the incident was recorded using MVR equipment.

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

The policies, forms, training curricula and training processes relative to the deployment of drug detection canines and reporting of these deployments are reasonably designed to guide behavior responsive to Task 33.

Members of the monitoring team monitored, by document review, eleven reported drug detection canine deployments effected by the New Jersey State Police. Members of the monitoring team found all of the canine deployments to be accurately reported, and

canines to have been deployed in conformance with the requirements of procedures and the decree.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.10 Compliance with Task 34a: Use of Mobile Video Recording Equipment

Task 34a	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 34a stipulates that:

34. Use of Mobile Video/Audio (MVR) Equipment.

a. 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.

Methodology

Members of the monitoring team requested to view video tapes for 276 events known to have occurred during the current reporting period.

Status

Members of the monitoring team found evidence of video tape recordings, or documentation of in-field mechanical problems, for all events selected for review this period. The State remains in compliance with this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.11 Compliance with Task 34b-c: Training in MVR Operation and Procedures

Task 34b-c	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 34b-c stipulates that:

b. 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.

c. 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.

Methodology

In addition to verifying the existence of a video tape in each patrol vehicle for each day of this reporting period (see above), members of the monitoring team pulled for review a sample of 313 post-stop law enforcement actions of interest to the decree. These included 313 events selected from New Jersey State Police databases, and 276 events assessed by reviewing video tapes¹¹.

¹¹ All 276 events reviewed by video-tape were included in the 313 MVSRs reviewed.

Status

While policies have been implemented requiring video and audio recording of all consent-decree related traffic stops, not all stops are recorded in conformance with the decree.

Once stops that are not “pure” motor vehicle stops, e.g., motorist’s aids and motor vehicle accidents, are removed from the sample, compliance rates for this aspect of task 34c are all within the originally established 95 percent minimum.

A review of the 276 video tapes selected by the monitoring team indicates that the agency has resolved problems noted in earlier reports concerning “out of tape” issues and troopers patrolling with inoperative video units (only four of 276 incidents resulted in an “out of tape” finding). The agency has, it appears, achieved general compliance with the requirements of the decree. A problem, noted for the last few reporting periods, continues this period. This problem involves technical difficulties with audio recordings during motor vehicle stops. Of the 276 stops reviewed via video-tape this period, 41 exhibited some form of audio difficulty, and eight exhibited some form of video difficulty. Troopers have begun activating their microphones during traffic stops at a much higher rate, with the monitoring team noting only six events (of 276 reviewed) in which activation was delayed for a reason other than technical difficulties. This constitutes an error rate of 2.2 percent, within the newly established 90 percent requirement for this task, and interestingly, within the original 95 percent requirement. The State is in compliance with this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.12 Compliance with Task 35: Supervisory Review of Trooper Reports

Task 35	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	■											
Phase II	■											

Task 35 stipulates that:

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.

Methodology

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

A review of all electronic records of motor vehicle stops, completed during the reporting period indicated that 100 percent of these were reviewed by supervisory personnel. The monitors assessed all electronic records for MVSRS, and determined that greater than 99 percent of all MVSRS received initial supervisory review within 14 days of the event reported in the MVSRS.

A review of 313 hardcopy records of motor vehicle stop activity indicates all reports were reviewed by supervisory personnel. The monitoring team reviewed all completed MVSRS for the 313 selected stops reviewed this quarter for evidence of reporting or procedural errors that should have been noted by supervisory personnel. All tapes reviewed by the monitors were also reviewed by supervisory personnel prior to the monitors' review. From those 313 events, the monitors found two that exhibited some form of reporting problem that should have been noted by supervisory review, but were not. Both of the errors were classified by the monitors as "box checking errors," e.g., inaccurate reporting of a driver's gender, reporting a vehicle search that *was not* conducted.

This constitutes an error rate of zero of 276 events reviewed by supervisory personnel, or less than one percent, well within the allowable five percent error rate for this task. The monitors have noted a strong improvement in the process of supervisory review of video tapes. The quality of supervisory reviews, continues to improve markedly. The monitors commend the new focus on supervision generated by the New Jersey State Police during the last two reporting periods.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.13 Compliance with Task 36: Supervisory Review of MVR Tapes

Task 36	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 36 stipulates that:

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.

Methodology

See Section 2.2, above, for a description of the methodology used to assess compliance for this task.

Status

During electronic reviews of Supervisors Review of Motor Vehicle Contact Recordings, members of the monitoring team reviewed 276 supervisors' MVR review reports. The quality of these reports has improved substantially. All reviews assessed this reporting period were completed using the new MAPPS performance management system. This process is a vast improvement over earlier processes. Members of the monitoring team were able to compare 276 supervisors' reviews with actual video tapes (the same tapes reviewed by supervisors as part of their review process). Members of the monitoring team noted only two reporting or procedural issues in the 276 tapes they reviewed that were missed by the supervisory cadre at the New Jersey State Police. Both of these were inconsequential "box checking" errors. None of these were considered substantive errors. This constitutes an overall error rate for supervisory review of zero.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.14 Compliance with Task 37: Supervisory Referral to PSB of Observed Inappropriate Trooper Conduct

Task 37	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 37 stipulates that:

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.

Methodology

See Section 2.2, above, for a description of methodologies used to assess compliance for this task.

Status

During the monitors' site visits for the tenth reporting period, the monitors noted three incidents that should have been forwarded to OPS in response to the requirements of this task. This was appropriately forwarded to OPS for investigation and response. The State is judged to be in compliance with this task. No incidents were noted, during the thirteenth monitoring period that should have been referred to OPS. The State remains in compliance with this task based on past performance.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.15 Compliance with Task 38: Periodic Reviews of Referral Decisions

Task 38	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 38 stipulates that:

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.

Methodology

Personnel at the Office of the Attorney General (Office of State Police Affairs) and the New Jersey State Police are aware of the requirement to monitor referral decisions pursuant to paragraph 37 of this decree. Recently completed training for all supervisory personnel included a discussion of the requirement to “copy” to the Office of State Police Affairs any referrals to OPS by supervisory personnel.

Referrals have been made to the Office of Professional Standards. Personnel from the OAG are aware of the requirement for periodic audits, and have conducted audits of New Jersey State Police activities during the last reporting period (see section 2.83, below). OSPA has in place an extensive audit process designed to identify and remedy problematic supervisory processes, including problematic referral decisions. Staff from OSPA routinely audit field supervisory personnel’s review of field practice, their associated supervisory actions to remedy inappropriate action on the part of law enforcement personnel, and their decisions to (or not to) refer trooper behavior to OPS.

Status

No incidents were noted, during the thirteenth monitoring period that should have been referred to OPS. The State remains in compliance with this task based on past performance

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.16 Compliance with Task 39: Regular Supervisory Activity in the Field

Thirteenth Independent Monitors’ Report

Task 39	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Yellow diagonal bar]											
	[Red bar]											

Task 39 stipulates that:

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.

Methodology

Members of the monitoring team reviewed 82 motor vehicle stop tapes that recorded and event at which a New Jersey State Police sergeant was present, constituting field activity in 26.2 percent of all stops selected this period.

Status

Based on the monitors’ review of 82 tapes recording incidents at which state police supervisors were present, the monitors noted no incidents in which procedural violations related to the consent decree were made that were not duly noted and corrected by field supervisory personnel on the scene or upon subsequent tape review.

Compliance:

Phase I: In Compliance
Phase II: In Compliance

2.17 Compliance with Task 40: Development of a Management Awareness and Personnel Performance System

Task 40	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Blue and white striped bar]											
	[Red bar]											

Task 40 stipulates that:

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").

Methodology

This reporting period, the monitors assessed the MAPPS information system to ensure that MAPPS is being used appropriately as a personnel management tool. In all, the monitors performed more than 1,000 separate tests of MAPPS system functionality. Each of these tests is reported below, in the analysis of tasks 41-51. In addition to the disaggregated systems tests, the monitors used MAPPS as it would be expected to be used by supervisory and management personnel in the day-to-day processes of managing the New Jersey State Police. The results of these process tests are discussed below, in the analysis of tasks 41-51.

MAPPS has been implemented as an operational system, and as implemented, has all of the individual system capabilities required by the decree. The live data in MAPPS, as of the monitors' thirteenth site visit, are the full spectrum of system data anticipated for MAPPS. The application of benchmarking criteria and implementation of the capacities for conducting long-term analyses continue to be observed for the second reporting period.

Phase I: In Compliance
 Phase II: In Compliance

2.18 Compliance with Task 41: Data Included in the MAPPS System

Task 41	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Red bar]											

Task 41 requires that:

- 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 ¶129 and the protocols listed

in ¶129 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.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

The monitors have identified 25 specific sets of data required by paragraph 41. Each of the 20 required primary elements, i.e., those not identified as being “narrative elements” which are allowed to be stored outside of MAPPS proper, was found to be functional in the MAPPS system reviewed by the monitors. In addition, the five non-primary requirements, identified as “narrative elements” were reasonably available through other systems. The monitors found the system to be capable of processing the required data in reasonable ways, and found the system to be reasonably user-friendly and usable. All items required by subparagraphs “b” and “c” of paragraph 41 were also included in the operational MAPPS in that the system contained sub-programs designed to handle these requirements. Data for these subsystems have been ported to the MAPPS system, and managers are able to use these systems on a daily basis.

Compliance:

Phase I: In Compliance
Phase II: In Compliance

2.19 Compliance with Task 42: Annual Access to Troopers’ Personal MAPPS Data

Thirteenth Independent Monitors’ Report

Task 42	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Red bar]											

Task 42 requires that:

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.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

Policies supporting this requirement have been completed. The monitors have reviewed these policies, and have approved them as written.

Compliance:

Phase I: In Compliance
Phase II: In Compliance

2.20 Compliance with Task 43: Production of “Counts” and Percentages for Stop Data

Task 43	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Red bar]											

Task 43 requires that:

43. Regarding the motor vehicle stop information identified in ¶129 (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.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

The primary data elements identified in paragraph 29 a (1-19) are manipulable by “count” and percentage, and can be reported by different time periods, as required by this paragraph. MAPPS contains the ability to access (in most cases through other available automated systems) the items identified in paragraph 29a (5a, 8a, 12a, 13a, 14a, 15a, and 17a). MAPPS has the capacity to retrieve and report information regarding misconduct investigations/allegations, civilian compliments, civil suits, uses of force, post-stop interactions, criminal arrests and charges and implementation of interventions. Access to these elements is reasonably effective and efficient, in the opinion of the monitors. Management personnel are accessing the system on a day-to-day basis.

Compliance:

Phase I: In Compliance
Phase II: In Compliance

2.21 Compliance with Task 44: Common Control Numbers

Task 44	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Light blue striped bar]											

Task 44 requires that:

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.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

The State has identified the “CAD incident number” as the common control number. Use of the CIN has been in effect since early in the consent decree process.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.22 Compliance with Task 45: Timely Access to MAPPS Data

Task 45	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Red bar]											

Task 45 requires that:

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.

Methodology

Thirteenth Independent Monitors' Report

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

Operational plans for inclusion of MAPPS information have been articulated in New Jersey State Police C-11 and supporting documentation. Implementation of these procedures has been accomplished, and the system works as designed relative to the requirements of this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.23 Compliance with Task 46: Development of a MAPPS Plan

Task 46	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Red bar]											

Task 46 requires that:

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.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

With implementation of the MAPPS components during the eleventh reporting period, the State has effectuated its MAPPS plan.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.24 Compliance with Task 47: Supervisory and Management Reviews

Task 47	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Red bar]											

Task 47 requires that:

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.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

Operational plans for use of MAPPS information by supervisory and management personnel have been articulated in New Jersey State Police C-11 and supporting documentation. Implementation of these functions began in January, 2004. The monitors executed 1,116 individual assessments of the functionality and rate of use of these functions, and found the State to be in compliance with this task.

For the past three reporting periods, the monitors have been carefully reviewing the use of supervisory review processes regarding instances in which supervisors have noted a problem with a motor vehicle stop, and had created narratives in MAPPS identifying a problem with trooper actions, noting in the MAPPS the action taken regarding the problems as "No Further Action." The monitors discussed this issue in

detail with the State, and reviewed MAPPS training documents regarding this process. The State contends—and the monitors are willing to accept—that this is an issue of supervisory discretion and leadership, e.g., the ability to treat minor or first-time infractions via truly verbal counseling, rather than creating a searchable “official record” in the intervention module of MAPPS of first-time or minor events. Records of these errors exist within MAPPS; however, they exist mainly in a narrative form, as opposed to a “searchable” database, requiring supervisors to deliberately check each trooper’s MAPPS record for similar problems each time an error in a motor vehicle stop is noted.

The process articulated above removes an important ability from the MAPPS system—the ability to generate quantitative reports regarding actions taken upon supervisory review, and requires supervisors to search and “take note” of MAPPS narratives to piece together a subordinate’s MAPPS record. The monitors agree with the State’s position regarding the importance of supervisory discretion in the leadership processes, and are willing to accept this diminution of MAPPS flexibility to support these processes; however, the monitors will continue to assess MAPPS records of “Action Taken” to ensure that the necessary steps are taken by supervisors to “piece together” interventions actually labeled as “no further action” in MAPPS.

During the thirteenth reporting period, the monitors noted no instances in which the “No Further Action” classification created problems with the effective and appropriate delivery of corrective action and progressive discipline.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.25 Compliance with Task 48: Quarterly Reviews of MAPPS Data

Task 48	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Red bar]											

Task 48 requires that:

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 sub-units are performing their duties in accord with the provisions of this Decree and associated protocols.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

Operational plans for use of MAPPS information by supervisory and management personnel have been articulated in New Jersey State Police C-11 and supporting documentation. Implementation of these procedures have been executed. The monitors executed 1,116 individual assessments of the functionality and rate of use of these functions, and found the State to be in compliance with this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.26 Compliance with Task 49: Reporting Capabilities of MAPPS

Task 49	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 49 requires that:

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.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

Operational plans for reporting of MAPPS information within the categories stipulated in this paragraph have been articulated in New Jersey State Police C-11 and supporting documentation. Implementation of these have been executed. The monitors executed 1,116 individual assessments of the functionality and rate of use of these functions, and found the State to be in compliance with this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.27 Compliance with Task 50: Comparisons Using Benchmarks

Task 50	1	2	3	4	5	6	7	8	9	10	11	12	13
Phase I													
Phase II													

Task 50 requires that:

50. To the extent reflected in ¶143, 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 sub-units.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

During the thirteenth site visit, MAPPS personnel presented to the monitors detailed documentation regarding benchmarking and trend analysis. Data analysis for the second of the State Police's five troops were completed this reporting period (with data for the second of the five road troops completed during last reporting period). The monitors also reviewed official documents regarding organizational use of benchmarking and trend analysis processes. It is clear that the requirements of the decree for comparison of stop data by race, ethnicity, and by activity are being met by the existing system, and that decisions are being made based on trend analysis and benchmarking issue analysis.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.28 Compliance with Task 51: Analysis of Trends

Task 51	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 51 requires that:

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.

Methodology

See 2.17, above for a description of the methodology used to assess the requirements of this paragraph of the decree.

Status

During the twelfth site visit, the monitors reviewed the trend analysis processes available in MAPPS and reviewed trend analysis capabilities. The monitors also reviewed official documents regarding organizational use of benchmarking and trend analysis processes. It is clear that the requirements of the decree for comparison of stop data by race, ethnicity, and by activity are being met by the existing system, and that decisions are being made based on trend analysis and benchmarking issue analysis.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.29 Compliance with Task 52: Supervisors to Implement Necessary Changes

Task 52	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 52 stipulates that:

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.

Methodology

During the thirteenth reporting period, members of the monitoring team noted several instances of supervisory personnel issuing “performance notices” or other interventions for actions by taken by division personnel inconsistent with policy or established practice. Evidence exists to support the fact that supervisory personnel are beginning to carefully review trooper activity and to issue performance notices or other “interventions” when inappropriate behavior occurs. In addition, the “knowable error rate” for supervisory review has begun to decline after a period of rising rates, from 11.2 percent during the seventh period to 13.3 percent for the eighth period, to 26.4 percent for the ninth reporting period. The tenth reporting period’s “knowable error rate” was 19.8. The eleventh period’s was less than one percent. The “knowable error rate” for the twelfth and thirteenth reporting periods was zero percent. The monitors

commend the State and the supervisory and management personnel at the New Jersey State Police for a marked and impressive improvement in the level and quality of supervisory review evidenced during this reporting period. See sections 2.13 and 2.16, above, for additional comments relative to supervisor review.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.30 Compliance with Task 53: Supervisory Review of Troopers with More than Two Misconduct Investigations in Two Years

Task 53	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 53 stipulates that:

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.

Status

The State has developed a system of OPS notification of more than two misconduct investigations in a two-year period, but additional work is pending regarding protocols for and assessment of supervisory response to this section. Development of protocols for implementation of this provision have been a primary focus of the State for several reporting periods. During the tenth reporting period, the State had assigned responsibility for this task to the Office of Professional Standards. Data indicate that these reviews are being conducted as required by the decree. Documentary evidence available in MAPPS indicates that supervisory personnel are meeting with troopers meeting the criteria of this task, and discussing any applicable patterns of complaints.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.31 Compliance with Task 54: Drivers Survey of the New Jersey Turnpike

Task 54	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 54 stipulates that:

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.

Methodology

The State has completed the required traffic survey, and has released the document to the public.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.32 Office of Professional Standards Requirements

Based on more than two years of successful performance regarding OPS-related decree requirements, and the agreement of the parties and the monitors, the Department of Justice joined with the State in a petition with the Court for release from most of the requirements of the consent decree related to OPS. This motion was granted by the Court, and, as such, the monitors will discontinue monitoring activities for OPS

requirements as of this reporting period, with the exception of specifically articulated continuing requirements remaining under monitoring activities (i.e., tasks 87 and 90).

Task 87, which requires the State, based on the agreement of the parties and the monitors, to complete investigations of citizens' complaints within 120 days, was evaluated by reviewing the "120-day Report," an OPS-generated, "normal course of business" report developed to monitor overdue cases and prevent an additional case backlog. Based on the 120-day Report, the State remains in compliance with this task.

Task 90, which requires imposition of appropriate discipline in Consultation with MAPPS, was evaluated by reviewing "course of business" documents related to the OPS review of sustained OPS investigations, executive-level decisions regarding discipline, and the existence in MAPPS of records reflecting discipline. The State is judged to be in Phase I and Phase II compliance with the requirements of Task 90.

2.33 Training Assessment

The Academy had attained compliance in all but two specific areas (executive training—task 106 and implementation measurement for training—task 93) at the end of the tenth monitoring team site visit. Those two areas have been addressed and are in the process of being executed (see the specific tasks for details). Based upon the analysis of the data related to these areas, which should be available for the fourteenth site visit in the spring, it is possible that all training tasks will reach full compliance at that time.

The return on the Division's investment in increased manpower, equipment, and automation at the Academy over the past twelve months is remarkable and is reflected in the findings in this report. The Superintendent and the command staff continue to demonstrate a strong commitment to, and interest in the training function provided by the New Jersey State Police Academy.

Actions noted during the monitors' thirteenth site visit are discussed in some detail in the paragraphs below.

2.34 Compliance with Task 93: Development and Evaluation of Quality of Training Programs

Task 93	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 93 stipulates that:

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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).

Methodology

Members of the monitoring team spoke with Academy staff responsible for this task and reviewed related documentation regarding the task.

Status

Task 93 enumerates the eight areas of responsibility assigned to the Academy through the consent decree. Each area will be reviewed with further details referenced in subsequent tasks that address each area of responsibility more specifically.

Ensure Quality Training for all State Troopers

To ensure quality oversight for training requires sufficient staff who are competent to perform the functions assigned to them and who have the resources necessary to perform those functions. At the present time, the table of organization indicates 53 sworn personnel with four detached and two vacancies at the time of the site visit¹²; 11 full-time civilian personnel with 2 vacancies, six temporary personnel with some vacancies pending, five acting positions, and 1 intern. Various units at the Academy are using interns to assist with manpower needs and this has proven to be a highly successful strategy. Several interns have been hired as temporary or full-time permanent staff, and some have been accepted as recruits.

At the last site visit, two positions had been transferred out of the Academy and this is still the case. Authorized sworn positions remains at 59.

¹² At the time of this writing, those vacancies have been filled.

The monitoring team has some concerns about the Academy's Technology/ Support Unit. The staff in this unit, through their initiative in obtaining and utilizing the Geo-Learning Software Program have created a strong foundation for managing the data generated by the Academy staff to fulfill the Academy's mission. In addition, they continue to create new applications that impact dramatically on the quality, efficiency, and effectiveness of all the programs that the Academy is responsible for providing.

Though the plan to civilianize this unit to insure long-term continuity of experienced staff was discussed as a priority on previous visits, no progress appears to have been made with this effort. The need to transfer troopers in order to foster their growth and chances for promotion appears to the monitors to be important to the success of this unit. The outstanding professional skills, both technical and interpersonal, displayed by the past and current supervisors of this unit are clearly evident in the accomplishments they were able to achieve in the two years since this unit was formed.

The stability provided by a qualified supervisor for this unit appears important to sustain and improve upon the support this unit provides to the other Academy units, and, ultimately, to the product those units are able to produce. In addition, this unit currently has one vacant staff position which is delaying data entry. Academy management are aware of the criticality of this position, due to the importance this unit plays in providing support, quality oversight data, security of files/records, and innovative solutions for programmatic challenges to every unit at the Academy. The performance level of this unit will be closely followed by the monitoring team on future site visits.

Curriculum for Training State Police Recruits;

The Division is focused upon attracting a diverse group of committed candidates who are prepared to complete the Academy training. A number of assessments addressing the many factors that impact on attracting and retaining men and women to the NJSP Academy are in progress. Since the last site visit the following has occurred:

- Graduation of the 140th and the 141st recruit classes;
- Graduation of the 142nd and the 143rd recruit classes is scheduled for November 18th;
- An Academy Instructor Certification Course has been proposed;
- A stringent dismissal process with specific documentation has been proposed; and
- 360 degree evaluations of instructors have been proposed.

These actions are consistent with effective curriculum development.

Provide Training for Academy Instructors

The Academy provides a comprehensive Instructor Training Course (ITC) to qualify troopers as instructors, and has quality oversight processes in place to insure that trainer records are audited annually. As new competencies are required of instructors, the ITC course will be revised to ensure that instructors remain current. Staff development is also a focus now and sending staff to external training venues for relevant training is being implemented.

Select and Train State Trooper Coaches

A new coordinator has been assigned to oversee the coach program and a complete review of the program is in progress. All files have been reviewed and the computerized data management system is operational. It is being refined with the assistance of the NJSP technology office and the Academy Technology/Support Unit to more completely support the services provided by this program. An Instructor Training Course has been customized to assist coaches in fulfilling their responsibilities is in progress.

Approve and Supervise all Post-Academy Training

A process is in place to identify all training that troopers receive in workshops, conferences, and other venues external to the New Jersey State Police. The next step will be to evaluate the worth of these courses.

Post-Academy training provided directly through the Academy is coordinated through the In-Service Unit and the Advanced Training Unit. Regional training staff is in place in each troop to provide quality oversight for training conducted by instructors outside the Academy. Quality oversight systems are in place to assure that all personnel attend mandated training or are held accountable if they have no legitimate excuse for not attending.

Post-Academy Training Instructors

The Academy has identified all troopers providing training outside the Academy but within the Division and developed a Master Trainers' List. All instructors are required to complete the MOI/ITC training, and any instructional personnel teaching a consent decree-related course must have a four-year college degree. Meaningful reviews are completed on trainers on a regular basis and documentation is maintained.

Procedures for Evaluating Training

This requirement includes an evaluation of instructional content, the quality of instruction, and the implementation by state troopers of the practices and procedures being taught.

The Academy successfully evaluates the content and the quality of instruction. Access oversight to all curricula is controlled by the Technology Unit at the Academy with varying levels of access for personnel. A thorough review process for any newly developed lesson plan is in place insuring that the content and delivery techniques meet the standards established by the Academy. The process for receiving evaluation forms at the completion of each training session requires that each participant hand in a completed evaluation prior to receiving the test required for completion of the training.

Each instructor is evaluated by the participants in the class taught and by the instructor's supervisors at the Academy

Processes for measuring implementation of training taught are in place and are being refined to insure that training development proceeds from objectives that are specific, measurable, attainable, relevant, and trackable over time.

Written information provided to the monitoring team demonstrates that the Academy staff continue to work on the process of writing objectives that include specific measurable components that can be tracked for compliance. The monitors anticipate the availability of detailed analyses of these impact evaluations for the fourteenth reporting period.

The objectives written for the lieutenants' course "Use of the Project Life Cycle when completing assigned projects within their command," measured by "A 20% increase in the use of the Project Life Cycle when coordinating projects," does include a measurable benchmark.

The monitoring team was not provided with any written information to demonstrate that field implementation of training provided to various ranks since the last site visit has occurred. In addition, when discussing newly proposed measures for some of the courses the monitoring team noted a lack of clarity regarding measurement benchmarks and measurement methodology.

Status

At the next site visit, written information related to implementation measurement will be expected by monitoring team, and will be reviewed for evidence demonstrating that data is being collected, analyzed, and a response to the analysis is instituted in order for this task and potentially related task 93 to remain in compliance.

Phase I: In Compliance
 Phase II: In Compliance

2.35 Compliance with Task 97: Encourage Superior Troopers to Apply for Academy

Task 97	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 97 stipulates that:

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

Methodology

A member of the monitoring team spoke with Academy staff responsible for this task, and reviewed related documentation.

Status

Academy Training Staff

At the present level of course development, training delivery, evaluation, and quality oversight, the staffing levels for the Academy appears to be adequate. Obviously, the level of staffing should be re-evaluated on a regular basis to be sure that it keeps pace with added training needs and responsibilities. The Academy environment is professional; a strong sense of teamwork is evident, and the staff has resources and manpower to successfully achieve their goals.

Members of the NJSP are recognizing the new level of professionalism and enthusiasm demonstrated by Academy staff related to their work environment and the projects they are developing. The quality of the products and services the Academy staff deliver are setting new benchmarks for the law enforcement profession, especially in the areas of research, integrating curricula and measuring implementation.

The Academy is having no difficulty in attracting highly qualified staff when the need arises. The Academy is also involved in career planning and advancement within the Academy environment. Staff members are indicating a desire to move between the

various units to more fully develop the skills required to fulfill all phases of the training cycle. Members of the command staff are voicing an understanding and recognition that specialized skills are now necessary for Academy staff to perform the duties and responsibilities of providing training based upon utilization of the training cycle.

The monitor's concern about the Technology and Support Unit's staffing issues and the possible destabilization to Academy operations that would impact on the quality of training was addressed in detail in Task 93.

Post-Academy Staff

Post-Academy trooper training staff falls into one of two categories:

- Trainers who are Academy staff and who provide instruction in courses that are not part of the recruit training, and are included in the data provided above under the heading "Academy Staff;" and
- Trainers who work in specialized units in the Division who are providing training. They are training because they are subject matter experts so they do not require special motivation to apply as trainers.

Trooper Coach Staff

The recruiting process demonstrates that adequate numbers of troopers are applying for coaching positions. Based upon their performance the Trooper Coaches receive extra points on their resumes, thus helping them when they apply for future positions within the Division. This incentive, and the recognized value of this program, are strong motivating factors in attracting qualified troopers to apply for this duty.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.36 Compliance with Task 98: Formal Eligibility Criteria for Training Personnel

Task 98	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Bar]											
Phase II	[Bar]	[Bar]	[Bar]	[Bar]	[Bar]	[Bar]						

Task 98 stipulates that:

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.

Methodology

A member of the monitoring team spoke with Academy staff responsible for this task, and reviewed related documentation.

Status

Academy Trainers

The selection criteria for Academy trainers are:

- Five years experience as a trooper;
- Bachelor's degree;
- Resume;
- ITC or MOI;
- Knowledge/expertise/background in the field of instruction; and
- Continuous meaningful review.

Documentation in the trainers' files demonstrates that the criteria are being met. Annual audits by Academy staff are in place to be sure that trainers' records are current and that annual meaningful reviews are conducted.

Post-Academy Trainers

All Post-Academy trooper trainers who are not full-time Academy staff have been identified since the ninth reporting period. Selection criteria for trooper trainers in operational or specialized units are as follows:

- Resume;
- ITC or MOI training;

- Knowledge/expertise/background in the field of instruction;
- Bi-annual meaningful review; and
- Bachelor's degree if teaching any consent decree mandated subjects.

The list of criteria noted in the last sentence of this consent task requires that documentation for each trainer be collected and that oversight management of the same be identified. These data are available as follows:

- The ACTS database lists all training that the trooper has received since joining the New Jersey State Police.
- A meaningful review is conducted prior to a trooper-trainer conducting training. The results of this review are kept on file in the Commandant's office.
- The Academy has compiled a Master Trainers' List that indicates whether the trooper-trainer has a degree or not.
- The Academy staff chooses trainers for the consent decree courses and reviews the list to be sure that the trainer has a four-year college degree.

Oversight processes are in place to address this issue and the Commandant continues to refine these processes to ensure a high level of quality oversight.

Trooper Coaches

Selection criteria for trooper coach are as follows:

- Two years of service as a trooper;
- Currently assigned to operations;
- Resume;
- Supervisory evaluations;
- Passing score on the oral boards;
- Meaningful review; and
- C20 compliance.

These criteria are being met and are supported by documentation maintained at the Academy. The files are audited at appropriate intervals by Academy staff.

Status

<u>Academy Personnel</u>	<u>Post Academy</u>	<u>Trooper Coach Personnel</u>
Phase I: In Compliance	In Compliance	In Compliance
Phase II: In Compliance	In Compliance	In Compliance

2.37 Compliance with Task 99: Training for Academy Instructors

Task 99	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 99 stipulates that:

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.

Methodology

A member of the monitoring team spoke with Academy staff responsible for implementing this task and reviewed related documentation.

Status

Academy Instructors

Training requirements for Academy instructors are as follows:

- Core competencies must be met;
- The 80-hour instructor training course must be completed;
- Performance evaluations must meet or exceed the standards;
- Annual meaningful reviews must meet the standard;
- Course evaluations must meet the standard; and
- Re-certification must be maintained.

Status

All Academy instructors meet the requirements. Documentation is on file, and was reviewed by members of the monitoring team. A recruiting effort was underway for several training positions.

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Post-Academy Instructors

Training requirements for Post-Academy instructors are as follows:

- Core competencies must be met;
- The 80-hour instructor training course must be completed;
- Performance evaluations must meet or exceed the standards;
- Bi-annual meaningful reviews must meet the standard;
- Course evaluations must meet the standard; and
- Re-certification must be maintained.

Status

All Post-Academy instructors meet the requirements. Documentation is on file.

Trooper Coach

Training requirements for Trooper Coaches are as follows:

- Core competencies must be met;
- Completion of the 3-day Trooper Coach Training and Evaluation Course;
- Performance evaluations must meet or exceed the standards; and
- Completion of a refresher course for an incumbent coach.

Status

All Trooper Coaches meet the requirements. Documentation is on file. A new ITC course, customized to better meet the needs of the coaches, is being developed.

Compliance:

	<u>Academy Instructors</u>	<u>Post-Academy</u>	<u>Trooper Coaches</u>
Phase I:	In Compliance	In Compliance	In Compliance
Phase II:	In Compliance	In Compliance	In Compliance

2.38 Compliance with 100: Training in Cultural Diversity

Task 100	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 100 stipulates that:

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.

Methodology

A member of the monitoring team spoke with Academy staff responsible for implementing this task, and reviewed related documentation.

2005 Annual In-Service

Assessment

Academy staff has continuously demonstrated a clear understanding of and ability to accurately perform this process.

Development

Academy staff continues to demonstrate that they are able to develop a quality product utilizing the training cycle.

Delivery

Training began in early October of 2005 and will continue through mid-December. This is a one-day training held at regional locations and integrates cultural awareness, leadership, ethics, and search and seizure.

Evaluation

The Academy staff has demonstrated that they understand and utilize many appropriate testing and evaluation methodologies and that the feedback is used to improve the training when necessary.

Implementation

Implementation data for this training will be available at the next site visit.

Documentation

The Academy staff provide thorough documentation presented in a very professional format.

Status

Academy staff was in the delivery phase for this task during this site visit. The State is judged to remain in compliance with this task based on past performance and current status in the planning process.

	Cultural Diversity	Ethics	Leadership
Phase I:	In compliance	In compliance	In compliance
Phase II:	In compliance	In compliance	In compliance

2.39 Compliance with Task 101: Recruit and In-Service Training on Fourth Amendment and Non-Discrimination Requirements

Task 101	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 101 stipulates that:

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.

Methodology

A member of the monitoring team spoke with Academy staff responsible for this task and reviewed related documentation.

2005 Annual In-Service

Assessment Phase

Assessments for this annually mandated training are conducted using the following:

Fourth Amendment Rights:

- 2004 In-Service critique analysis;
- Field Operations requests submitted through the training officers and focus group members;
- Mobile Video Recorder reviews;
- Field Operations concerns;
- OPS concerns;
- Investigative concerns;
- Office of Professional Standards findings, requests, and recommendations;
- New case law.

Cultural Awareness, Ethics, Leadership

Written feedback on the action plans troopers completed at the end of the 2004 annual mandated in-service were provided. It was noted that of the 603 responses received and analyzed by Academy In-Service staff, 242 were directly related to mentoring. This need for mentoring and being able to mentor also emerged from the evaluations conducted in the coaching program and in trainings for sergeants, lieutenants, and trainers.

Academy staff has continuously demonstrated a clear understanding of and ability to accurately perform this process.

Development Phase

Academy staff continues to demonstrate that they are able to develop a quality product utilizing the training cycle. Staff from the Office of State Police Affairs are the content experts for Fourth Amendment rights training included in this annual mandated training day.

Delivery Phase

Training began in early October of 2005 and will continue through mid-December. This is a one-day training held at regional locations and integrates cultural awareness,

leadership, ethics, and search and seizure. The class is taught by an attorney from the Office of State Police Affairs and a state trooper.

1. Fourth Amendment Rights Training

The training addressed the following issues:

- A new handcuffing policy;
- A review of how to conduct a Belton search based upon new case law;
- Electronic recordation of confessions;
- Presentation of the new search and seizure guide.

2. Cultural Awareness, Leadership and Ethics Training

The focus of this portion of the training was on the organizational culture of the NJSP. Part of the presentation included a written review of the accomplishments of the seven sections in the division since the 2004 training.

Participants completed a self-assessment instrument to increase their awareness related to their individual perceptions of the work culture.

The data on the need for assistance with mentoring described above generated the development of an organized mentoring/career development program that is being developed through the new Office of Employee Assistance. This program was presented to the participants by a member of that office during this training.

Implementation Phase

Implementation objectives for the 2005 training were provided to the monitoring team, but no measurement data will be available for this course until the next site visit as the delivery phase will not be completed until mid-December 2005.

Documentation Phase

The Academy staff provides thorough documentation presented in a very professional format.

Evaluation Phase

The Academy staff has demonstrated that they understand and utilize many appropriate testing and evaluation methodologies and that the feedback is used to improve the training when necessary.

Status

At the next site visit, written information related to implementation measurement will be expected by the monitoring team demonstrating that data are being collected, analyzed, and a response to the analysis is instituted in order for this task to remain in compliance.

Fourth Amendment Recruit Training

Scenarios have been implemented within the Academy recruit training curriculum to provide increased experiential scenarios to recruits, and a number of the scenarios relate to search and seizure incidents.

Compliance: In-Service	Recruit	
Phase I:	In Compliance	In Compliance
Phase II:	In Compliance	In Compliance

2.40 Compliance with Task 102: Training Protocols for the Trooper Coach Process

Task 102	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 102 stipulates that:

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.

Methodology

A member of the monitoring team spoke with Academy staff responsible for implementing this task, and reviewed related documentation.

Status

The State has developed a strong response to all the responsibilities listed in the consent decree for this task, and the Academy personnel tasked with coordinating this program continue to revise and refine their oversight capabilities as new issues arise and new means of gaining oversight information are developed. Currently, the NJSP technology unit and the Academy technology unit completed the revised coach website and are continuing to refine the electronic data management system for this program.

Several classes have graduated since the last site visit and the coach program is functioning well in meeting the needs of the new probationary troopers. The monitors routinely observe young troopers in the performance of their duties during their review of video tapes of motor vehicle stops, and contest to the value of the Trooper Coach process.

Compliance:

Phase I: In Compliance
 Phase II: In Compliance

2.41 Compliance with 103: Provision of Copies of the Decree to all State Troopers

Task 103	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 103 stipulates that:

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.

Compliance

Phase I: In Compliance

Phase II: In Compliance

Methodology

The monitoring team spoke with the Academy staff responsible for this task and reviewed supporting documentation.

Status

The New Jersey State Police achieved compliance for this task in September 2000, and has maintained that compliance. Revisions to policy for consent decree-related tasks are handled by notification of specific Division personnel at the quarterly Training Committee meetings and through IOCs. This is a comprehensive oversight process. To be certain that the process is functioning as intended requires a regularly scheduled audit of the documentation at the section level to be sure that all "read and sign documentation" is complete.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.42 Compliance with 104: Systems Improvement Processes for Police Training

Task 104	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 104 stipulates that:

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.

Methodology

A member of the monitoring team spoke with Academy staff responsible for implementing this task and reviewed the documentation provided.

Status

The following systems insure that the Academy can identify training needs and evaluate the effectiveness of training provided:

- A Training Committee composed of key personnel representing the various sections and bureaus of the NJSP is a key conduit in obtaining the data required by this task. Oversight for much of the activity conducted by regional training staff is possible because of this committee.
- Mandatory quarterly Training Committee meetings are scheduled.
- Teleconferencing meetings have been utilized as needed to reduce the loss of manpower hours to travel to the Academy.
- Regional training staff are in place at each troop to help identify training needs as they arise, and to relay this information to the Academy.
- The Academy conducts surveys to identify training needs throughout the agency as needed.
- The New Jersey State Police intranet provides a means for any member of the organization to send suggestions for training to the Academy.

The Academy has developed a comprehensive process with many access points for identifying the training needs in the organization.

Compliance:

Phase I: In Compliance

Phase II: In Compliance

2.43 Compliance with 105: Provision of Training for Supervisors

Task 105	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 105 stipulates that:

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.

Methodology

A member of the monitoring team spoke with Academy staff responsible for this task, and reviewed related documentation provided.

Status

In May 2003, when the Academy's Executive Staff Development Unit (EDTU) was formed, oversight responsibility for this task was assigned to this unit, and one team member was assigned primary oversight responsibility for this task. Currently there is one 80-hour basic course for new sergeants, and one 40-hour course for those promoted to sergeant first class.

Sergeant's Basic Course

A review of the content, length, and methods of delivery was completed on this course since the previous site visit. An emphasis is being placed on team-building and the implementation of the situational leadership style of supervision by sergeants. Some minor changes were made to the content. All newly promoted personnel are attending within the six-month limit after promotion. Currently the focus is shifting to requiring attendance for those who are eligible for promotion and allowing attendance for troopers who demonstrate outstanding performance.

Assessment

Academy staff has continuously demonstrated a clear understanding of and ability to accurately perform this process.

Development

Academy staff has developed a quality product for the training the sergeants. After each training, the topics presented are re-assessed based upon class feedback

Delivery Phase

The Academy staff has demonstrated that they understand and utilize many appropriate training modalities in the delivery of training.

Implementation Phase

All newly promoted sergeants have completed the training within six months of promotion. Implementation objectives were provided to the monitoring team, but no measurement data was available.

Documentation Phase

The EDTU staff provides thorough documentation presented in a very professional format.

Evaluation Phase

The Academy staff has demonstrated that they understand and utilize many appropriate testing and evaluation methodologies and that the feedback is used to improve the training when necessary.

Status

During this visit no written data were provided to the monitoring team to allow evaluation of the extent of the implementation of the training for sergeants. At the next site visit, one year's worth of data will be available to the NJSP. At that time, written information will be expected by the monitoring team demonstrating that data is being collected, analyzed, and a response to the analysis is instituted in order for this task to remain in compliance.

Sergeant First Class Course

This course is titled the Mid-Level Manager's Course.

Assessment Phase

The EDTU staff plan to re-evaluate the content of this course in the coming months.

Development Phase

Modifications to the course are on-going based upon assessment and evaluation data.

Delivery Phase

The Academy staff has demonstrated that they understand and utilize many appropriate training modalities in the delivery of training.

Implementation Phase

All newly promoted sergeants have completed the training within six months of promotion. Implementation objectives were provided to the monitoring team, but no measurement data were available.

Documentation Phase

The EDTU staff provides thorough documentation presented in a very professional format.

Evaluation Phase

The Academy staff has demonstrated that they understand and utilize many appropriate testing and evaluation methodologies and that the feedback is used to improve the training when necessary.

Status

During this visit no written data were provided to the monitoring team to evaluate the extent of the implementation in the field of the training for sergeants. At the next site visit, one year's worth of data will be available to the NJSP. At that time, written information will be expected by the monitoring team demonstrating that data is being collected, analyzed, and a response to the analysis is instituted in order for this task to remain in compliance.

Annual Supervisory/Leadership Training

Status

The annual leadership training for supervisors has been integrated into the annual mandated training for all personnel (task 100). In addition, the supervisory courses provided to sergeants have comprehensive blocks of training on leadership and ethics.

Compliance:

Phase I: In Compliance

Thirteenth Independent Monitors' Report

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Phase II: In Compliance

2.44 Compliance with Task 106: Training for Newly Promoted State Troopers

Task 106	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 106 stipulates that:

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.

Methodology

A member of the monitoring team spoke with Academy staff responsible for this task and reviewed related documentation.

Lieutenants' Course

This course is held off-site and includes 3-days in class at Princeton University, and a two-day leadership-immersion experience conducted at sites on the Gettysburg Battleground.

Assessment Phase

Academy staff has continuously demonstrated a clear understanding of and ability to accurately perform this process.

Development Phase

Academy staff has developed a quality product for the training lieutenants. The topics presented are re-assessed after each training session based upon class feedback. Feedback from the sergeants regarding any unmet needs they are experiencing in being supervised by the lieutenants, and changes in the responsibilities assigned to lieutenants also impact on the modules taught.

Delivery Phase

The Academy staff has demonstrated that they understand and utilize many appropriate training modalities in the delivery of training.

It seems that the Gettysburg experience that is an integral part of this training may be deleted from the program because of budget constraints. If this occurs, careful evaluation of learning objectives and related measurements should be made to ensure that the quality of training provided continues to meet the needs of the agency.

Implementation Phase

All newly promoted lieutenants have completed the training within six months of promotion. Implementation objectives were provided to the monitoring team, but no measurement data was available.

Evaluation Phase

The Academy staff has demonstrated that they understand and utilize many appropriate testing and evaluation methodologies and that the feedback is used to improve the training when necessary.

Status

During this visit no written data were provided to the monitoring team to evaluate the extent of the implementation of the training for lieutenants. At the next site visit, one year's worth of data will be available to the NJSP. At that time, written information will be expected by monitoring team demonstrating that data is being collected, analyzed, and a response to the analysis is instituted in order for this task to remain in compliance.

Command Staff Training

The EDTU developed a course to address the training needs of those advancing to the ranks of captain, major, and lieutenant colonel.

Assessment Phase

Academy staff has continuously demonstrated a clear understanding of and ability to accurately perform this process.

Development Phase

Academy staff has developed a quality product for the training the command staff ranks. The topics presented are re-assessed after each training based upon class feedback

Delivery Phase

The Academy staff has demonstrated that they understand and utilize many appropriate training modalities in the delivery of training.

Documentation Phase

The EDTU staff provides thorough documentation presented in a very professional format.

Implementation Phase

The command staff who completed this training were required to develop and implement strategic plans. Plans were completed and a comprehensive oversight system to monitor the implementation of the plans was developed by the Office of Strategic Initiatives.

Evaluation Phase

The Academy staff has demonstrated that they understand and utilize many appropriate testing and evaluation methodologies and that the feedback is used to improve the training when necessary.

Status

During this visit written data were provided to the monitoring team that allowed evaluation the extent of submission of acceptable strategic plans. At the next site visit, one year's worth of data will be available to the NJSP. At that time, written information will be expected by the monitoring team demonstrating that data are being collected, analyzed, and a response to the analysis is instituted in order for this task to remain in compliance.

Captains and Above

Phase I: In Compliance
Phase II: In Compliance

Sergeants and Lieutenants

Phase I: In Compliance
Phase II: In Compliance

2.45 Compliance with Task 107: Provision of Specialized Training

Task 107	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 107 stipulates that:

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.

Methodology

The monitoring team spoke with Academy staff responsible for developing and delivering this training, and reviewed related documentation provided by Academy staff.

Status

The Academy has demonstrated a high degree of commitment and skill in providing the required quality oversight for all areas of training.

The Academy is conducting a needs assessment to identify all training previously being presented outside the oversight function of the Academy, to identify specialty areas/special training needs, and to identify and determine the qualifications of instructors providing specialized training. The Master Trainers' List has been analyzed and updated, and a re-certification program for all instructors is underway. MAPPS data are being used to identify any trends requiring specialized training. Processes are in place to identify and track on training that troopers receive outside of the Academy and the Division.

Though it will require some time to thoroughly evaluate the scope of this issue, the Academy demonstrates a clear understanding of the need, an ability to use a comprehensive process to address this issue, and has begun to gather the necessary data to maintain compliance with the broadest interpretation of this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.46 Compliance with 108: Inclusion of Training Data in MAPPS Program

Task 108	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 108 stipulates that:

108. The State Police shall continue to maintain records documenting all training of state troopers. As part of the MAPPS, 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 MAPPS will maintain current and historical training information.

Methodology

Members of the monitoring team spoke with Academy staff responsible for implementing this task and reviewed related documentation provided by Academy staff.

Status

The Technology and Administrative Support Unit staff continue to address the program automation needs for the various Academy units. Since the last site visit, the following changes have occurred.

The NJSP Academy's Technology Unit continues to implement new platforms included in the new Geo Learning Software. Included in the new applications are the following:

- Event scheduling for all classrooms
- All purchasing
- All lesson plans
- On-line registration and testing for six classes is complete
- On-line training for annually mandated domestic violence training that was being developed by this unit during the last visit is complete and the training is in progress. The development costs (not including staff time) were approximately \$100.00. Last year, an outside vendor developed the training at a cost of approximately \$250,000.
- Mandated consent decree training is now videotaped and placed on-line so those who miss the training can access it electronically and be tested electronically at their worksite.

- All Academy training records are being managed with this system.
- Homework assignments for recruits are monitored on-line

There are still platforms in this program that have not been initiated yet because each platform is being phased in sequentially. The NJSP Academy is leading the way in demonstrating how the program can assist personnel in managing their responsibilities at every level in the organization.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.47 Compliance with Task 109: Establishment of a Central Repository for Training Records

Task 109	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 109 stipulates that:

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.

Methodology

A member of the monitoring team spoke with Academy personnel responsible for this task and reviewed related documentation provided by Academy staff.

Status

The Geo Learning electronic program allows the Academy to provide oversight and management of all training records and trooper coach materials.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.48 Compliance with Task 110: Creation of the Office of State Police Affairs

Task 110	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Progress]											
Phase II	[Progress]											

Task 110 stipulates that:

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.

Methodology

Members of the monitoring team have interviewed the majority of personnel assigned to the Office of State Police Affairs and have discussed with them their assigned duties, have seen samples of the work product they have created in developing the State's responses to the requirements of the decree, and/or have queried them regarding their understanding of their roles in developing the State's response to the decree.

Status

Based on the monitoring team's review of work product, and information obtained during the process of implementing the twelfth site visit, it is clear to the members of the monitoring team that the State is in compliance with this task. All duties assigned to the Office of State Police Affairs have been completed as of the twelfth site visit, upon final implementation of the MAPPS processes for long-term trend analysis and benchmarking. The office provides coordination with the monitors and the Department of Justice, and the office is headed by an Assistant AG. The office routinely audits the process of managing misconduct investigations, and routinely audits performance on

MVSR processes. These audits consist of on-site reviews, basically replicating those engaged in by the monitoring team, with samples of MVSR and MVR recordings reviewed by OSPA personnel. Problems are noted and remedial measures are recommended. Technical assistance and training is provided routinely by the office regarding these matters. The mechanism and duty assignments exist to complete the duties of the office as soon as practicable.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.49 Compliance with Task 111: Audits of Motorists Subjected to Motor Vehicle Stops

Task 111	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 111 stipulates that:

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.

Methodology

The monitors have reviewed data provided by the State regarding this task, and find the State continues to be in compliance.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.50 Compliance with Task 112: Internal Audits of Citizen Complaint Processes

Task 112	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 112 stipulates that:

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.

Methodology

Data regarding task 112 indicate that the State continues to perform this task in a satisfactory manner.

Status

The State remains in compliance with this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.51 Compliance with Task 113: Full and Unrestricted Access for the Office of State Police Affairs

Task 113	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 113 stipulates that:

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.

Methodology

Members of the monitoring team observed the personnel from the Office of State Police Affairs during the course of the site visit during the week of May 19th, 2003.

Status

Based on the team's observations, members of the Office of State Police Affairs have full and unrestricted access to all State Police staff, facilities and documents.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.52 Compliance with Task 114: Publication of Semi-Annual Reports of Aggregate Traffic Stop Statistics

Task 114	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 114 stipulates that:

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 record keeping 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.

Methodology

The State has produced its latest "Semi-Annual Public Report of Aggregate Data," in response to this provision of the decree.

Status

Members of the monitoring team have reviewed the latest report prepared by the Office of State Police Affairs, and found it to be responsive to the requirements of the decree.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.53 Compliance with Task 115: Appointment of Independent Monitor

Task 115	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 115 stipulates that:

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 them Monitor from among the names of qualified persons submitted. The State shall bear all costs of the Monitor, subject to approval by the Court.

Methodology

Members of the monitoring team reviewed the order from United States District Court Judge Mary L. Cooper, appointing an independent monitoring team on March 30, 2000.

Status

The State is judged to remain in compliance with this task.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.54 Compliance with Task 118: Full and Unrestricted Access for Monitors

Task 118	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 118 stipulates that:

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.

Methodology

Members of the monitoring team were accorded full and unrestricted access while on-site with personnel from the New Jersey State Police and the Office of State Police Affairs.

Status

All documents requested by the monitoring team have been provided in a timely and well-organized manner. All data reviewed by the monitors have been kept in a fashion that allows retention, retrieval and assessment.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.55 Compliance with Task 122: State to File Routine Progress Reports

Task 122	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 122 stipulates that:

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.

Methodology

Members of the monitoring team have reviewed the State's submission filed by the State in response to this task. The report's format has been modified to a more readable and usable format for this reporting period.

Status

The report submitted by the State, in the opinion of the monitors, complies with the requirements of this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.56 Compliance with Task 123: State to Maintain all Necessary Records

Task 123	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 123 stipulates that:

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 troopers' 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 a 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.

Methodology

Members of the monitoring team requested for review numerous documents, records, recordings and other information during the course of the team's site visit during October, 2003.

Status

All documents requested by the monitoring team have been provided in a timely and well-organized manner. All data reviewed by the monitors has been kept in a fashion that allows retention, retrieval and assessment.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.57 Compliance with Task 124: Unrestricted Access for the Department of Justice

Task 124	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 124 stipulates that:

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.

Methodology

Members of the monitoring team discussed the level of access provided by the State with Department of Justice personnel assigned to this case.

Status

The State remains in compliance with this task.

Compliance

Phase I:	In Compliance
Phase II:	In Compliance

3.0 Summary

3.1 Progress toward Compliance

During the last reporting period, the State has continued to make remarkable progress in all areas of compliance. These new compliance levels are, in the monitors' opinions, directly attributable to a focused and clear leadership mandate, emanating from the Office of the Superintendent, placing compliance efforts among the top goals of the agency, and an aggressive, continuing push to ensure that field operations activities related to the consent decree are 100 percent compliant. Continued cooperation with, and support from the Office of State Police Affairs has focused the State's compliance efforts, with remarkable effects observed this reporting period in training, supervision, MAPPs, and inspections and audit processes. Each of these areas is discussed briefly below.

3.2 Training

Last reporting period, the monitors noted a continued improvement in training function implementation. This improvement was due, in part, to substantial increases in staffing levels noted in the ninth reporting period. During the thirteenth reporting period, the Academy continues to reap the benefit of specific planning, organization and development functions implemented during the tenth reporting period. Improvements in virtually *all areas* of the training function were noted again this period, with one exception. Evaluation of the impact of training in the field, which was listed as in compliance by the monitors during the twelfth reporting period appears to have progressed little in the six months since that report. While it is unrealistic to expect comprehensive impact evaluations each reporting period, the monitors continue to be focused on impact evaluations related to training, and anticipate their availability for the fourteenth reporting period. Specific and tangible impact evaluations related to training will be expected for the fourteenth reporting period to maintain compliance with this task. Executive training was addressed during the twelfth reporting period, and substantial improvement has been noted in these areas as well, although issues related to budget may begin to affect the exceptional quality of executive and mid-level training in the future. Again, the monitors find the focus, attention to detail, commitment of resources and results achieved by the Academy this period to be exceptional. They reflect a strong commitment to, and interest in, the training function by the Superintendent of the New Jersey State Police.

3.3 Supervision

As dramatic as the positive changes have been at the Training Academy this period, the changes made in the *process* and *outcome* of supervision of troopers within the New Jersey State Police continues to be even more remarkable. For the third consecutive

reporting period, evidence exists that New Jersey State Police supervisors are fully engaged in the consent decree compliance process, reviewing 313 of the 313 motor vehicle stop events reviewed by the monitors. This 100 percent supervisory review rate yielded 55 instances in which New Jersey State Police supervisory personnel noted violations of New Jersey State Police SOPs and counseled, retrained or otherwise responded to those violations. Command staff in field operations continued to be committed to a supervisory review of all incidents involving a law enforcement procedure of interest to the decree. The agency has achieved that goal.

New Jersey State Police personnel now subject each motor vehicle stop to at least three levels of review. Immediate supervisors (the real key to compliance) reviewed motor vehicle stop reports and supporting documentation and video tapes for 100 percent of all motor vehicle stops of interest to the decree selected by the monitors. New Jersey State Police quality assurance reviews subject the supervisory reviews to quality assurance assessments. The Office of State Police Affairs also reviews stop activities. These new supervisory initiatives, again, are reflective of a strong commitment to, and interest in, the supervisory function by the New Jersey State Police, to a level heretofore not observed by the monitoring team. In addition, the monitors have noted evidence that the supervisory process continues to self-correct. One potentially serious lapse in the supervisory process was observed this reporting period that was caught and corrected by the second tier of management review. This involved a sergeant who counseled troopers under his command for failing to frisk passengers in a vehicle based on the arrest of the driver. No case law empowerment for such frisks exists, and this error on the part of a field supervisor was noted and corrected by management review, lending still more credence to the monitors' belief that the New Jersey State Police supervisory and management review processes are effective, engaged and supportive of improved policing processes.¹³

New Jersey State Police motor vehicle stops reviewed by the monitoring team this period proved remarkably trouble free—only 57 consent-decree-related mistakes from a potential universe of 25,584. Supervisory personnel, upon review of the incidents selected by them for review, caught 55 of errors made by road personnel, an efficiency rate of 95 percent for the supervisory review process. All of these errors were considered by the monitoring team to be “technical” in nature, i.e., errors in reporting or process, not Constitutional and not substantially related to compliance.

This reporting period reflects a major milestone for Field Operations aspects of the consent decree. The monitors noted only two consent-decree related errors this reporting period that were not first caught and corrected (prior to the monitors identifying cases to be reviewed this period) by supervisory personnel. Field Operations

¹³ Under the facts of this incident, there was no right to frisk the passengers pursuant to the arrest of the driver.

personnel have been within the 95 percent compliance requirement for five reporting periods (15 months) and 100 percent effective (including supervisory corrective actions) relative to consent decree activities for 12 months. It is clear that the day-to-day activities of field operations personnel are in compliance with the consent decree, and have been for more than a year.

Performance of supervisory activities within field operations is also exceptional, reducing error rates for some of the most complex human interactions, e.g., consent searches, arrests, detentions, frisks and searches of persons and vehicles, to near or *at* zero. The errors the monitors are noting at this stage of the monitoring process are truly minor, akin to "box checking errors," rather than related to constitutional protections. And even those error rates are miniscule (two from a potential universe of 25,584 this period, or 0.0000078 percent!). This is a truly remarkable figure considering the complexity of the law enforcement processes under scrutiny. Again this reporting period, the monitors found all New Jersey State Police to be professionally conducted, and to be free of indicators of race- or ethnicity-based decision making.

As a result of this continued high level of performance, the monitors recommend that the parties consider modification of the monitoring process to focus more of the monitors' efforts on the supervisory functions involved within the New Jersey State Police Field Operations processes. The monitors believe there is little to be gained in direct monitoring of field operations activities via review of video tapes, etc, and more to be gained by increased focus on field-level supervision and management review processes, and the training and MAPPS processes that support this supervisory process.

3.4 MAPPS Development

Full compliance has been continued regarding the MAPPS information system. The system can be used to review trooper and supervisory performance, compare trooper performance to other members of the trooper's workgroup, and to compare performance across work groups. Work has been completed, allowing establishment of appropriate benchmark processes for the MAPPS system, and the second of the New Jersey State Police's five road troops received its written benchmarking and data analytic reports this reporting period. Supporting SOPs and training for operation of MAPPS have been developed and approved by the monitors, and forwarded to the field personnel using the system. MAPPS is currently being used in performance evaluations and positive disciplinary processes, such as verbal counselings, performance notices, and retraining. High-level risk analysis processes, using MAPPS data, were commenced this reporting period. The monitors reviewed the operational MAPPS database, and found it to contain active data from January 1, 2004. No errors or violations of approved MAPPS policies were noted.

3.5 Inspections, Audit and Quality Control

Inspections and Audit personnel from Field Operations and the Office of State Police Affairs continue to review MVSR and MVR elements for conformance to the requirements of the consent decree. As noted above, the quality control process has yielded remarkable improvements for three consecutive periods.