

OLEPS

OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS

Third Public Aggregate Misconduct Report February 2015



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Introduction

Pursuant to the Law Enforcement Professional Standards Act of 2009 (N.J.S.A. 52:17B-222, et. seq.) (the Act), the Office of Law Enforcement Professional Standards (OLEPS) is required to publish semi-annual reports on the New Jersey State Police's (State Police) misconduct investigations. These reports are required to include the number of external, internal, and total complaints received and the disposition of these complaints. Previously, this information was published as Exhibit H in OLEPS Aggregate Reports of Traffic Enforcement Activities. In order to allow for more discussion of trends in misconduct investigations, OLEPS chose to publish this information separately.

This Aggregate Misconduct Report discusses aggregate trends in misconduct investigations for January 1 to December 31, 2013. Because this is the third reporting period for which data were collected, there will be discussion of trends in misconducts from 2011 to 2013.

This report will provide an overview of the misconduct process as conducted by the State Police and details aggregated misconduct data for the reporting period. This presentation will include the total number of cases opened within a given time period, the total number of misconduct cases closed within a given time period, the disposition for each closed case, and several other measures designed to more fully illustrate the volume of the misconduct process.

The information presented in this report is meant to provide an overview of misconduct cases in the State Police. This report does not provide specifics on any particular misconduct investigation or case. The aim is a general education rather than a detailed summary. For this reason, this report will not discuss by name any trooper involved, the length of the cases, or any details that would be determined privileged by the State Police.

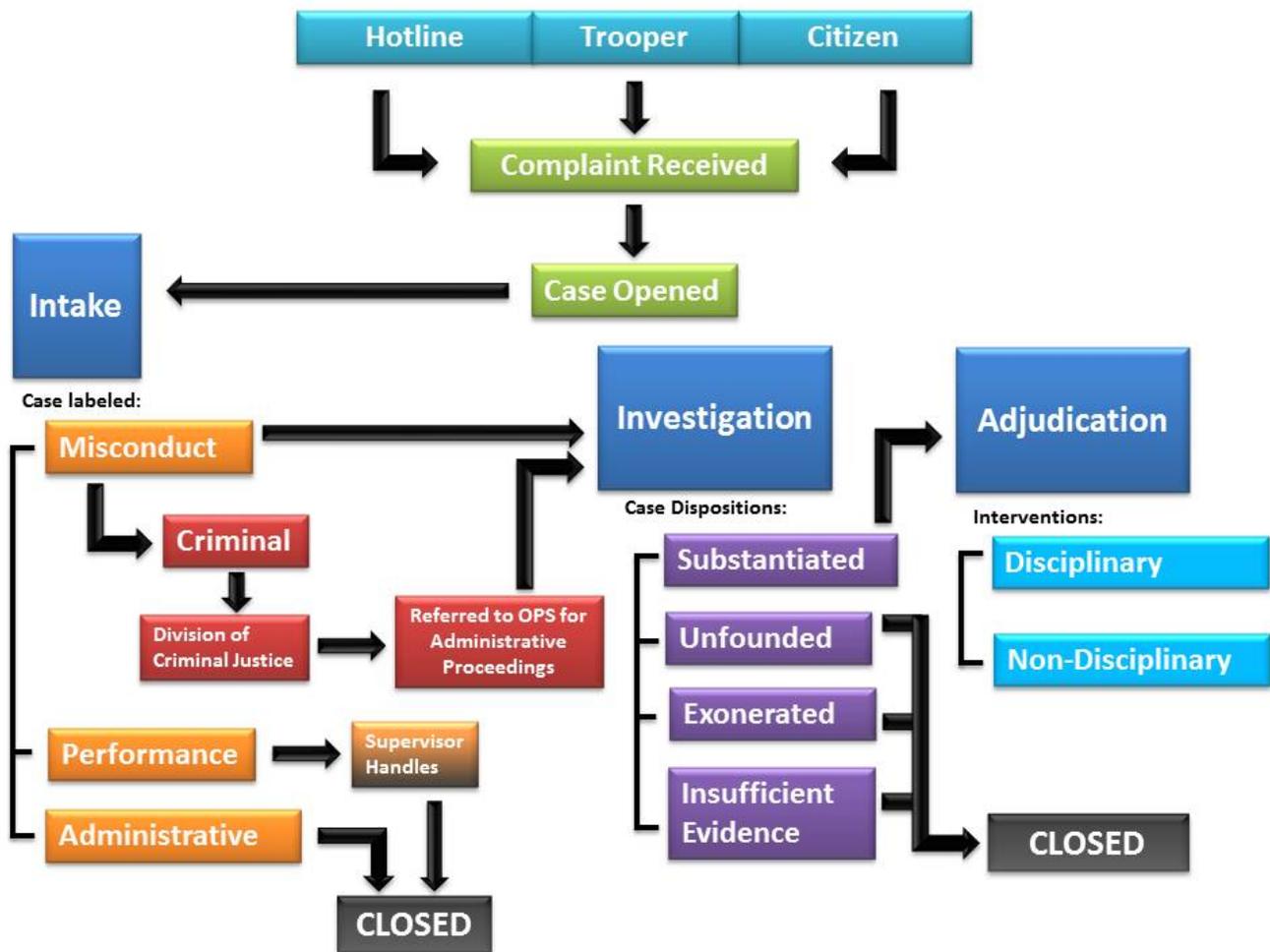
Publication of this report continues fulfillment of the requirements of the Act and OLEPS' goals of improving transparency, integrity, and awareness in law enforcement and the State Police.

Misconduct Process

The Office of Professional Standards (OPS) is the Division Unit tasked with investigating alleged misconduct of enlisted members of the State Police. The process of receiving a complaint to the closing of a misconduct case can be lengthy and is dependent upon a number of factors inherent in the complaint. Generally, when a complaint is received, OPS makes a determination of whether the complaint warrants an investigation. Once the investigation has begun, the specifics of the complaint and case dictate the process of the investigation and ultimately, the disposition.

Figure One outlines the process for complaints received by OPS, detailing the process from receipt of complaint to final outcomes of cases.

Figure One: Workflow of the Office of Professional Standards



How are complaints received?

- Complaints or allegations of misconduct are received in a number of ways: a call may come in on the NJSP complaint line, a citizen may contact OPS or OLEPS to file a complaint, or another trooper may file a complaint/misconduct allegation against another trooper.

What happens to complaints?

- Regardless of the method received, all complaints are reviewed by OPS intake staff and assessed. The intake office reviews the complaint and can then make several determinations: to administratively close the misconduct case, label it as a criminal incident, a performance issue, or a misconduct. A case is administratively closed when it is determined that there is no indication a trooper violated criminal laws, NJSP rules and regulations, or written orders. Administratively closed cases do not proceed any further. Performance issues are determined to be issues of job performance, best addressed by a trooper’s supervisor within the chain of command. Criminal incidents are handled by the Division of Criminal Justice or local prosecutors’ offices prior to OPS taking action on them. Misconduct cases are investigated internally by OPS.

Brief overview of investigation process

- The investigation process is an attempt to determine whether the allegations of misconduct are in fact true. These cases typically involve multiple allegations and may involve one or more troopers. Because allegations can be very specific (*i.e.*, disparate treatment *v.* racial profiling), the allegations are classified according to a classification system outlined in Appendix One.
- The investigation process may involve speaking with the individual who filed the complaint or any witnesses to the event that led to the complaint. Investigations may also require reviews of reports and documentation of the incident (*i.e.*, motor vehicle stop reports, investigation reports, arrest reports, DIVRs etc.). Once an investigation is deemed complete, the investigator will apply one of the following dispositions based on a preponderance of evidence: substantiated¹, unfounded², exonerated³, or insufficient evidence⁴. Substantiated cases are passed to the adjudication office within OPS to determine appropriate consequences of the misconduct.

Brief overview of adjudication process

- After a disposition has been assigned to a case following an investigation, the adjudication process begins. For a given case, a trooper may receive disciplinary or non-disciplinary interventions. These interventions are reviewed for legal sufficiency⁵ and must be based on the facts and circumstances of the case and the trooper's past.

Data

For this third report, OLEPS requested data on all misconduct cases received from January 1, 2013 to December 31, 2013. The requested information included the dates the cases occurred, were received, were opened, investigations were completed, and were closed. Also included in this data request was information about the allegations, allegation outcomes, classifications, and the number of troopers involved. For 2013, OPS received 197 misconduct cases. In addition, OLEPS was able to obtain information on cases that were closed in 2013, but not necessarily opened in 2013.

¹ Substantiated - a preponderance of the evidence shows that a member violated State Police rules, regulations, protocols, standard operating procedures, directives, or training.

² Unfounded - a preponderance of the evidence shows that the alleged misconduct did not occur.

³ Exonerated - where a preponderance of the evidence shows that the alleged conduct did occur, but did not violate state police rules, regulations, operating procedures, directives, or training.

⁴ Insufficient evidence (formerly unsubstantiated) - where there is insufficient evidence to decide whether the alleged misconduct occurred.

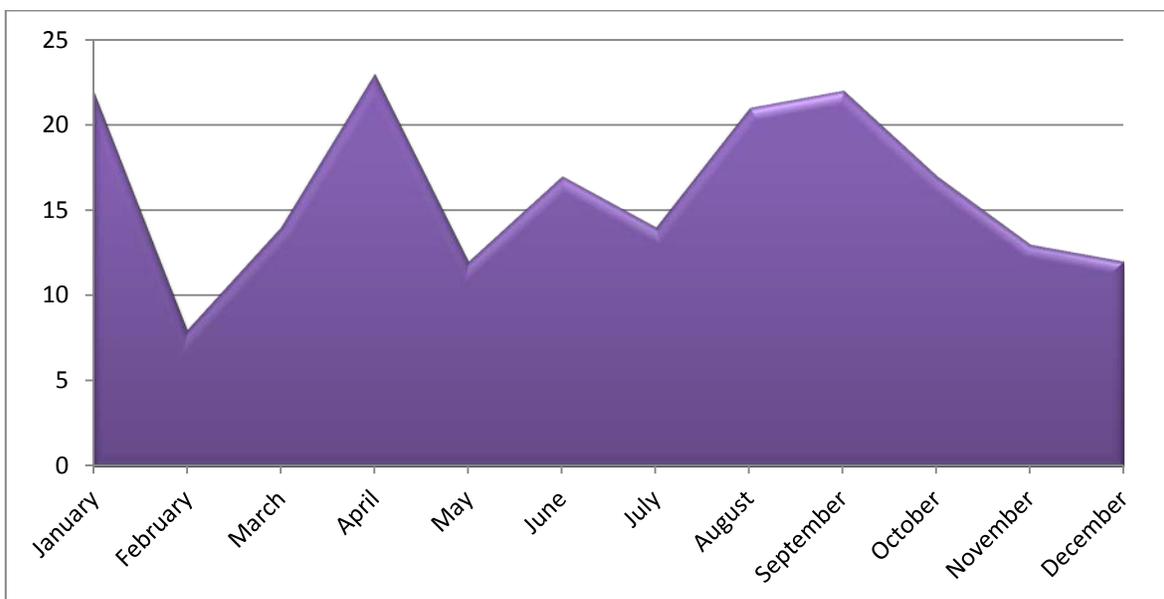
⁵ During this review, OLEPS has full access to the involved trooper's disciplinary history. This is evaluated in conjunction with the evidence developed by the investigation before disciplinary charges are filed and a penalty recommended.

Analysis

Cases Received in 2013

In 2013, there were a total of 197 misconduct cases received by OPS, which is a slight decrease from 266 misconduct cases in 2011. Figure Two depicts the number of cases OPS received by month, in 2013. The number of cases fluctuates each month with no discernable pattern. For example, OPS received 23 cases in April 2013 while only receiving eight cases in February 2013. Although OPS received a total of 197 cases in 2013, the office also handled any outstanding cases which may have been opened in a previous year, which will be discussed later in this report.

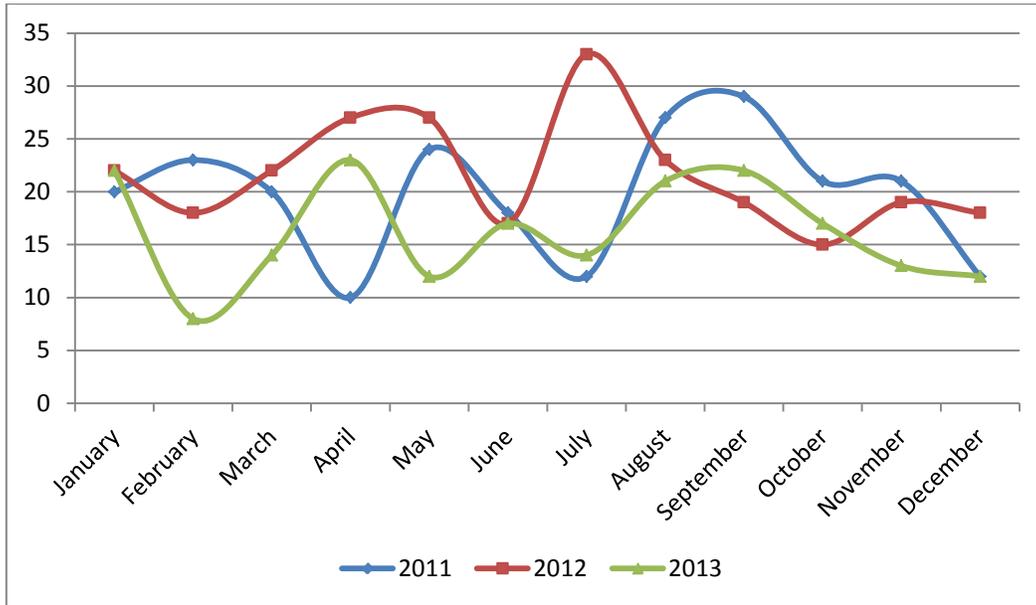
Figure Two: OPS Cases Received
2013



Misconduct cases are generated from complaints made from either external, internal, or anonymous sources to the State Police. The majority of misconduct cases stem from external complaints, those made by citizens. In 2013, 136 misconduct cases originated in external complaints, while 61 misconduct cases developed from internal complaints.

Figure Three compares the dates of cases received in 2011, 2012, and 2013. Based on this figure, there does not appear to be any pattern of when OPS receives cases. For example, the highest number of cases received in a month in each year differs. In 2011, the highest number of cases was received in September, in July for 2012, and in April for 2013. Generally in 2013, there were fewer cases received in each month than in any month in 2011 or 2012.

Figure Three: OPS Cases Received
2011- 2013



Case Status

The lifespan of misconduct cases varies depending on the circumstances of each case. Each case is unique in that investigators deal with various levels of complexity case by case while prioritizing certain cases over others. As a result, some misconduct cases may be opened and closed quickly, while older misconduct cases remain open. Of the total number of cases opened in 2013 that were not yet adjudicated, 51 had investigations that were completed. This means that a review of the findings and adjudication were the only remaining steps of the investigative process. Twenty-four cases opened in 2013 were under supervisory review in the investigation bureau. Of cases not forwarded for supervisory review or adjudication, eight were suspended cases. The remaining 114 cases opened in 2013 are the only cases that truly remain active.⁶

Table One: Status of Cases Opened
2013

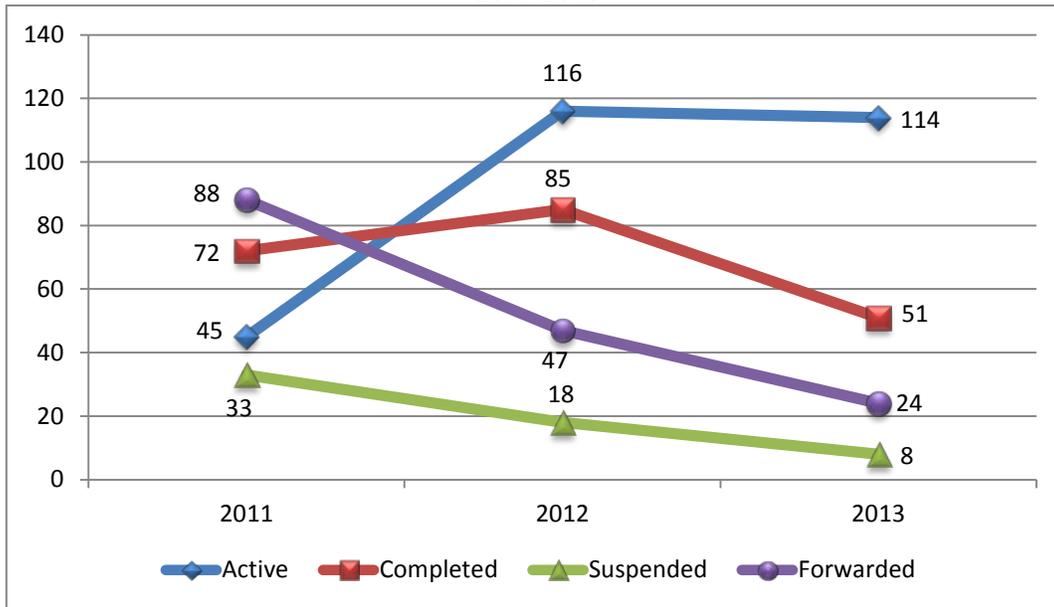
Status	Number of Cases	Number of Allegations
Active	114	307
Completed	51	110
Forwarded to IAIB	24	69
Suspended	8	31
Total	197	517

Figure Four depicts trends in case statuses in cases opened from 2011 to 2013. The total number of cases decreased 27% from 2012 to 2013. Not surprisingly, the total number of cases in each category also experienced a decrease. The number of active cases still remains the greatest with only a 1.7%

⁶ All determinations of case status were made in April 2014 when the data were obtained from OPS.

decrease. Despite this decrease, 58% of cases opened in 2013 remain active. Completed and forwarded cases both experienced a large decrease from 2012 to 2013. Completed cases decreased by 40% while forwarded cases decreased by 49%. Suspended and forwarded cases are the only case statuses that had a consistent decreasing trend for the past three reporting periods.

Figure Four: Trends in Status of Cases Opened⁷
2011-2013



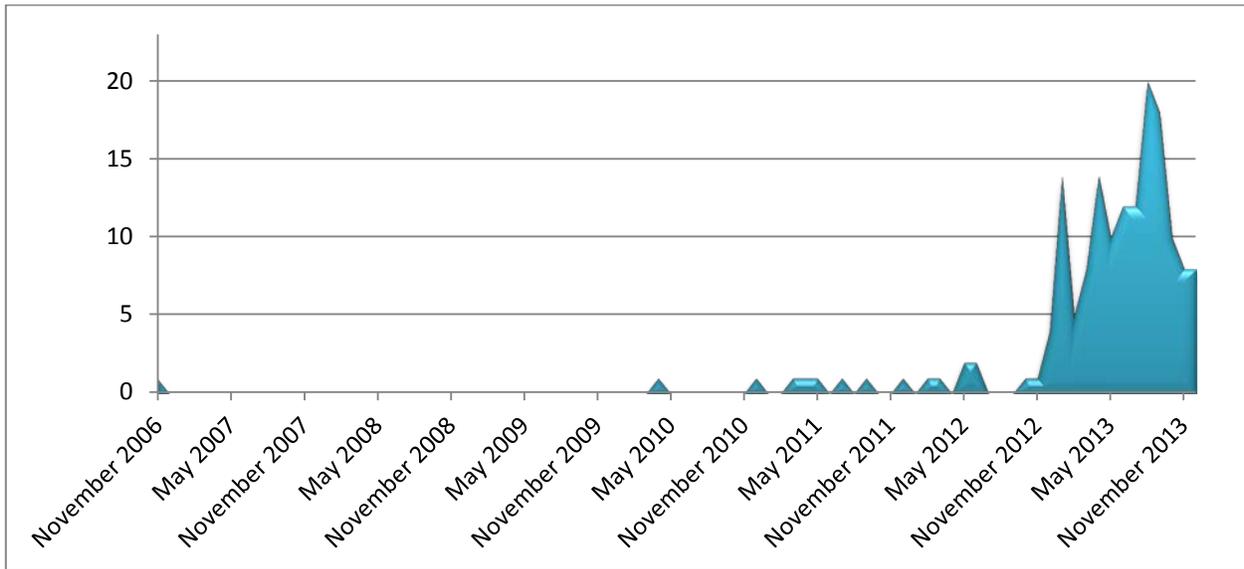
Age of Cases

In general, it is possible for a misconduct case to be opened for an incident that occurred on that day or any day prior to the opened date. Therefore, allegations of misconduct received in 2013 by OPS, can include incidents that occurred prior to 2013. Given that, the majority of cases opened in 2013 occurred within the same year; 139 misconduct cases opened in 2013, occurred at some point in 2013. Of the 197 misconduct cases opened in 2013, 21 cases occurred sometime prior to January 1, 2013. Of these 21 cases, more than half (12) occurred in the prior year. Additionally there were 37 cases opened in 2013 that did not list a date of incident.⁸

⁷ All determinations of status are made by OPS. Different terms have been used by OPS for 2011, 2012, and 2013.

⁸ No incident date may be because it is a complaint about several incidents or possibly about the outcome of a previous investigation. In some cases, the details of the case are kept confidential due to the sensitive nature of those specific incidents.

Figure Five: OPS Incident Dates- Cases Received
2013



Trooper Assignment

Troopers are assigned to a variety of stations, units, and administrative positions. Depending on the nature of the assignments, some troopers have more frequent and intimate contact with the public, while other assignments are removed from public contact. Troopers with higher levels of citizen contact may be more likely to receive misconduct complaints than others by virtue of this contact. As such, it is important to examine the number of complaints received for various trooper assignments.

Table Two: Trooper Assignments on Date Complaint Received⁹
2013

	Station	# of Cases	% of Cases	# of Troopers	% of Troopers
Troop A	Atlantic City	7	2.92%	7	2.46%
	Bridgeton	8	3.33%	9	3.17%
	Buena Vista	7	2.92%	7	2.46%
	Metro South	4	1.67%	5	1.76%
	Port Norris	2	0.83%	2	0.70%
	Woodbine	1	0.42%	2	0.70%
	Woodstown	2	0.83%	4	1.41%
	Troop A Other	8	3.33%	9	3.17%
Troop B	Hope	9	3.75%	10	3.52%
	Metro North	3	1.25%	3	1.06%
	Netcong	5	2.08%	6	2.11%
	Perryville	6	2.50%	8	2.82%
	Somerville	7	2.92%	7	2.46%
	Sussex	3	1.25%	3	1.06%
	Totowa	7	2.92%	12	4.23%
	Washington	6	2.50%	8	2.82%
Troop B Other	4	1.67%	5	1.76%	
Troop C	Bordentown	6	2.50%	7	2.46%
	Hamilton	11	4.58%	13	4.58%
	Kingwood	6	2.50%	6	2.11%
	Red Lion	1	0.42%	1	0.35%
	Tuckerton	3	1.25%	3	1.06%
	Troop C Other	9	3.75%	13	4.58%
Troop D	Bass River	5	2.08%	6	2.11%
	Bloomfield	7	2.92%	7	2.46%
	Cranbury	7	2.92%	7	2.46%
	Holmdel	2	0.83%	3	1.06%
	Moorestown	3	1.25%	3	1.06%
	Newark	8	3.33%	9	3.17%
	Troop D Other	7	2.92%	9	3.17%
	Other	58	24.17%	71	25.00%
	Unknown	18	7.50%	19	6.69%
	Total	240		284	

⁹ Assignment on the date a complaint was received was used instead of assignment on date of incident for several reasons. First, for the troopers for whom assignment data was available for both the date of the incident and date of complaint, 72 had a different assignment on these dates. Thus, for the troopers cited in misconduct cases in 2013, the majority were assigned to the same station on the date the incident occurred and the date the complaint was received. Second, in the misconduct data received, there were a number of cases where the date of the incident or trooper involved was unknown or missing. Thus, for many troopers (14) it was impossible to determine assignment on the date of incident simply because the date of incident or trooper involved was not known. Since each complaint is logged by the State Police, the date of complaint was generally not missing, and so the assignment on date of complaint was more easily discoverable.

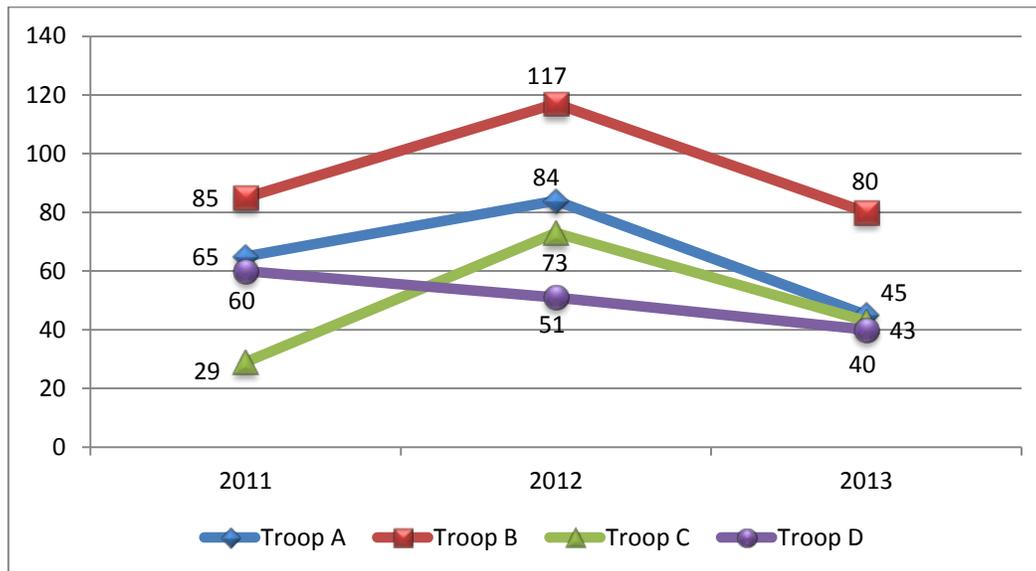
Table Two depicts the distribution of complaints across stations. The table indicates the number and percent of misconduct cases that named at least one trooper at each station as well as the number and percent of troopers named in a case. The total numbers in this table are greater than the number of cases opened because each case may involve multiple troopers, and thus multiple stations can be involved in the same case. For this reason, the total number of troopers is also higher than the total number of cases.

The complaints are distributed fairly evenly across each Troop and station; no single station accounted for more than 5% of the total number of misconduct cases received in 2013. Hamilton station had the highest number of cases involving one of their troopers, with 11 cases (4.58%) of all opened cases in 2013. In the previous reporting period, Somerville station had the highest. Hope station and Other stations in Troop C had the second highest number of cases with nine or 3.75% of all 2013 opened cases. Hamilton station also had the greatest number of individual troopers involved in misconduct cases with 13 troopers. The same was true for Other stations in Troop C, having 13 troopers involved in misconduct cases opened in 2013. Totowa had the next highest with 12 individual troopers being involved in misconduct cases. This is a change from 2012, where Somerville had the highest number of misconduct cases and Netcong had the greatest number of individual troopers involved in misconduct cases.

Generally, each station averaged about one trooper per case in cases received in 2013. However, some stations averaged a higher number of troopers per case. Troop C Other stations averaged 1.4 troopers per case, Holmdel station averaged 1.5 troopers per case, Totowa station averaged 1.7 troopers per case, and Woodstown station averaged two troopers per case. The troopers from Holmdel and Woodstown stations were involved in only two cases while Troop C Other and Totowa station troopers were involved in 13 and 12 cases, respectively. These higher average numbers of troopers per case may speak to the policing methods used in these stations or the time of day the incidents occurred; troopers in these cases may have been patrolling in pairs. Alternatively, these cases may have involved instances where a trooper needed backup.

Figure Six depicts the trends in the number of individual troopers cited in cases for all troops. All troops experienced a decrease in troopers involved in misconduct cases from the previous reporting period. In fact, most troops have the lowest number of troopers involved in misconduct cases since 2011, except for Troop C.

Figure Six: Trends in the Number of Troopers Involved Per Troop
2011-2013



As in previous reporting periods, Troop B continues to have the highest number of troopers involved in misconduct cases in 2013 with 80 troopers or 34% of all misconduct cases. In contrast, Troop D had the least number of troopers, 40, involved in misconduct cases in 2013. Historically, Troop B makes a high number of motor vehicle stops. Additionally, Troop B's patrol area encompasses an area with a larger and denser population. Thus, the higher number of troopers involved in misconduct cases may be reflective of staff, activity, and public interaction levels.

A chi-square test was conducted to determine whether there were significant differences in the number of troopers involved in misconduct cases across troops. There were no statistically significant differences between any of the troops during this reporting period ($p=.01$).

Case Complexity

The age of an investigation, from opening to closing is dependent upon a number of factors (mentioned above as justifications). However, the complexity of a case is the most important and relevant feature of a case that impacts the investigation. The term "case complexity" in this report refers to the principles cited in a case (number of troopers), the number of allegations levied against each principle, and the total number of allegations in a case. Each case may involve any combination of number of troopers and number of allegations. In one case, there may be one allegation against multiple troopers or several allegations against each trooper involved.

Figure Seven: Number of Cases, Troopers, and Allegations
2013

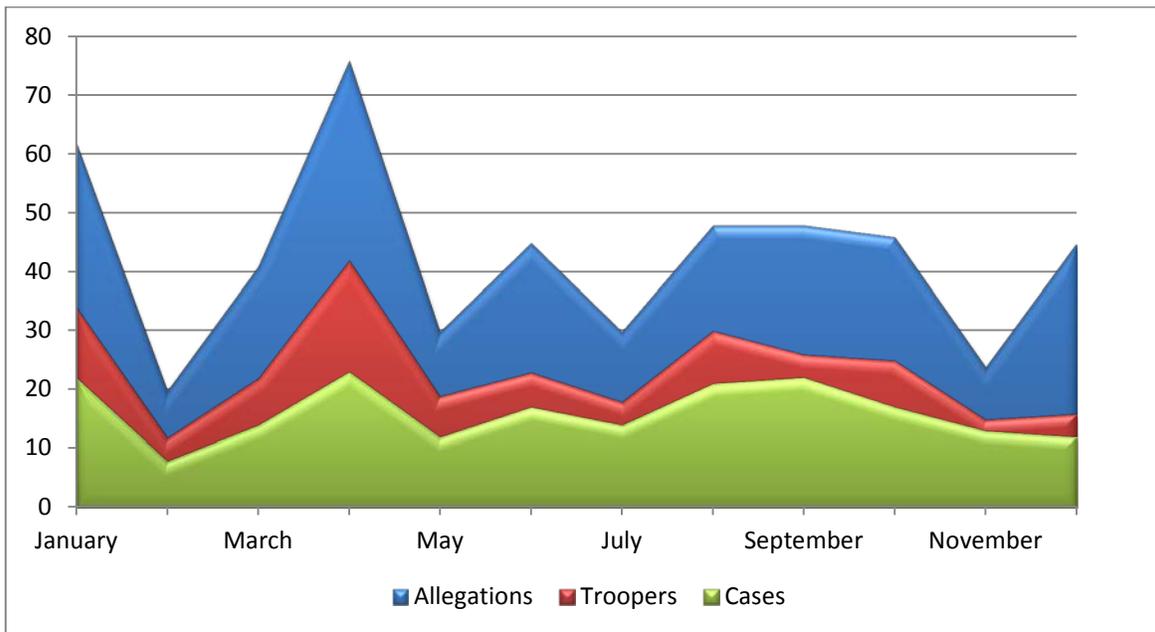


Figure Seven presents the number of cases, troopers involved, and allegations for each month in 2013. Since there can be multiple troopers and/or allegations in a given case, there are fewer cases than there are both troopers and allegations. Each individual trooper involved in a misconduct case can have one or more allegations against them. For example in May 2013, OPS handled 12 cases involving 19 troopers with 30 allegations. The complexity of a case is dependent upon the number of troopers and allegations within each case, since each individual trooper and each allegation require an appropriate investigation.

Figure Eight: Trends of Allegations, Troopers, and Cases
2011-2013

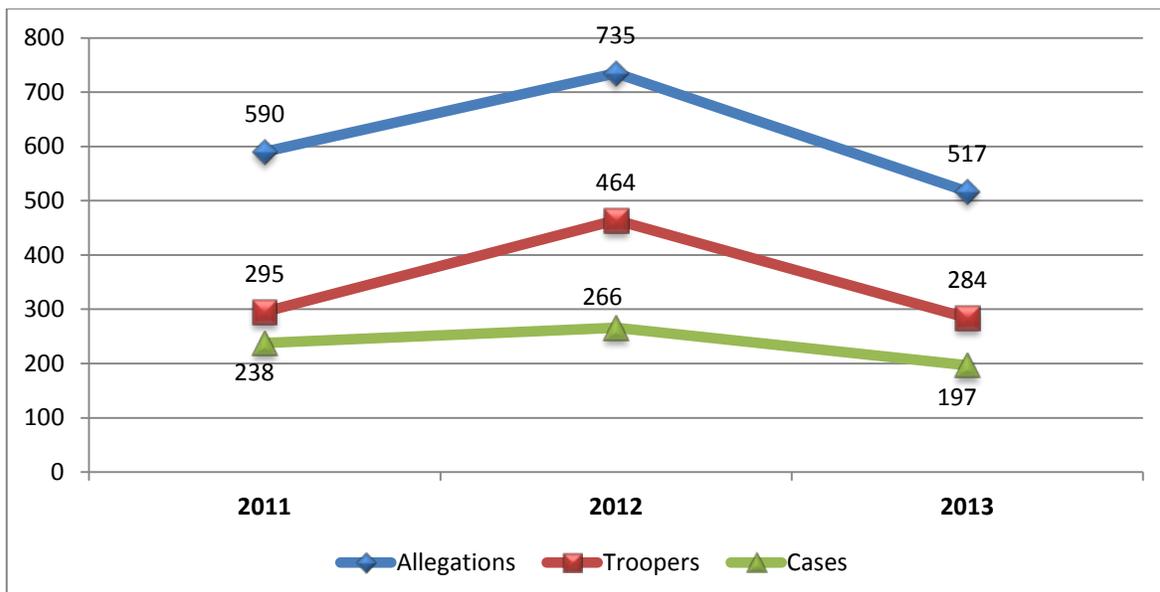


Figure Eight depicts the trends in number of allegations, troopers, and cases from 2011 to 2013. All three variables decreased from 2012 to 2013 as the number of cases declined. The number of troopers involved in misconduct cases had the greatest decrease of 39%, while the smallest change was for the number of cases, a 26% decrease. The number of allegations decreased 30% from 2012 to 2013. Since the number of misconduct cases decreased for the current reporting period, it is expected that the number of allegations and troopers involved would also decrease.

Allegations

In 2013, there were 517 total allegations of misconduct made in the 197 misconduct cases received by OPS. The number of allegations received by OPS always outnumbered the number of cases received and the number of troopers involved in each case. For example, in September 2013, OPS received 22 misconduct cases which involved 26 troopers and had 48 allegations of misconduct. On average, there were 2.6 allegations of misconduct per case in 2013. This is a slight decrease from the average of 2.8 misconduct allegations per case in 2012.

Figure Nine: Allegations per Case
2013

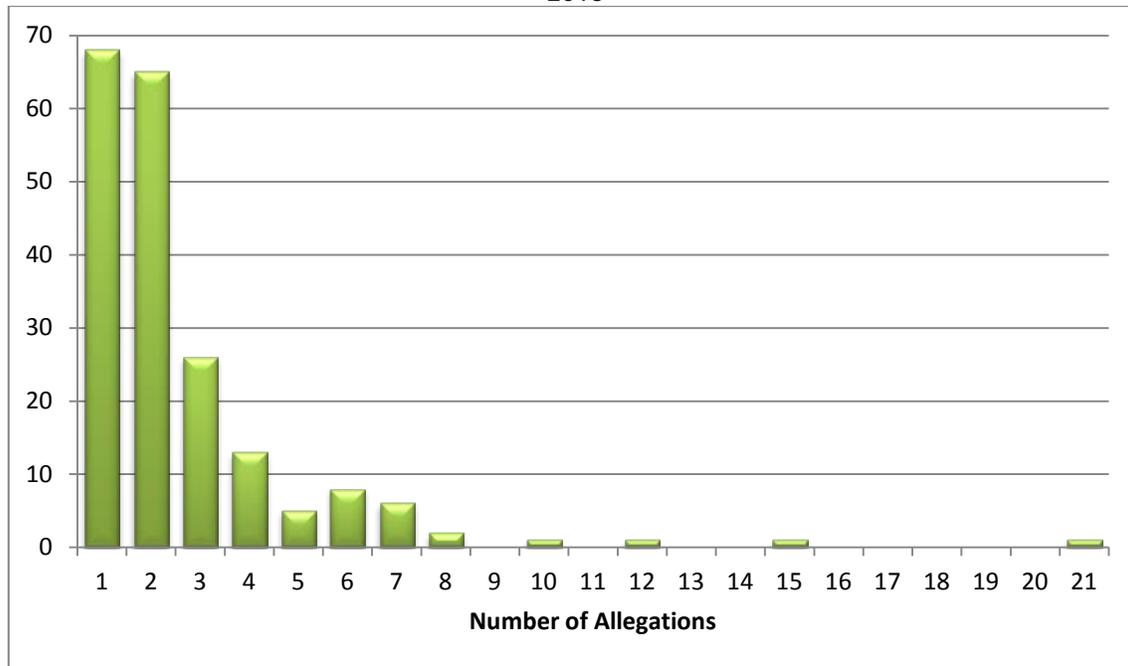


Figure Nine depicts the total number of allegations per misconduct case. The majority of cases involve multiple allegations. Misconduct cases involving only one allegation totaled to 68 cases. There were 109 cases that involved at least five allegations and four cases that involved ten or more allegations. The greatest number of allegations in a case for 2013 was 21. Each case then is fairly complex, involving multiple allegations, each requiring an investigation. Throughout the life of a case, allegations may be added based on the facts and circumstances surrounding the incident. Thus, the total number of allegations in a case is not only reflective of the allegations levied by the complainant, but also those that may be added during the course of an investigation.

In some instances, the types of allegations levied against troopers in a case are similar. For example, a case may involve three allegations of excessive use of force. In this instance, the investigator reviewing the incident is looking for evidence of one type of misconduct. However, other cases may involve completely unrelated allegations. Therefore, a different case may involve an attitude and demeanor allegation, a theft allegation, and a racial profiling allegation. In such an instance, there are multiple facets of an incident that need to be investigated prior to reaching a reasonable conclusion. Additionally, because one of these allegations may be criminal in nature, the case will require, at minimum, a review by the Division of Criminal Justice to determine whether criminal charges should be filed.

Troopers

There were a total of 284 troopers involved in misconduct cases received in 2013. Of these troopers, 54 were involved in more than one misconduct case. There were three troopers that were involved in three misconduct cases in 2013. In 2012, there were more troopers (eight) involved in multiple misconduct cases. In the current reporting period there are 19 troopers involved in two misconduct cases.

Figure Ten illustrates the trends in misconduct cases involving one trooper or multiple troopers. The percentage of cases involving one trooper decreased slightly, and the percentage of cases involving multiple troopers decreased from 2012 to 2013. The percentage of troopers involved in multiple misconduct cases decreased from 39% in 2012 to 27% in 2013.

Figure Ten: Trends in Number of Troopers per Case
2011-2013

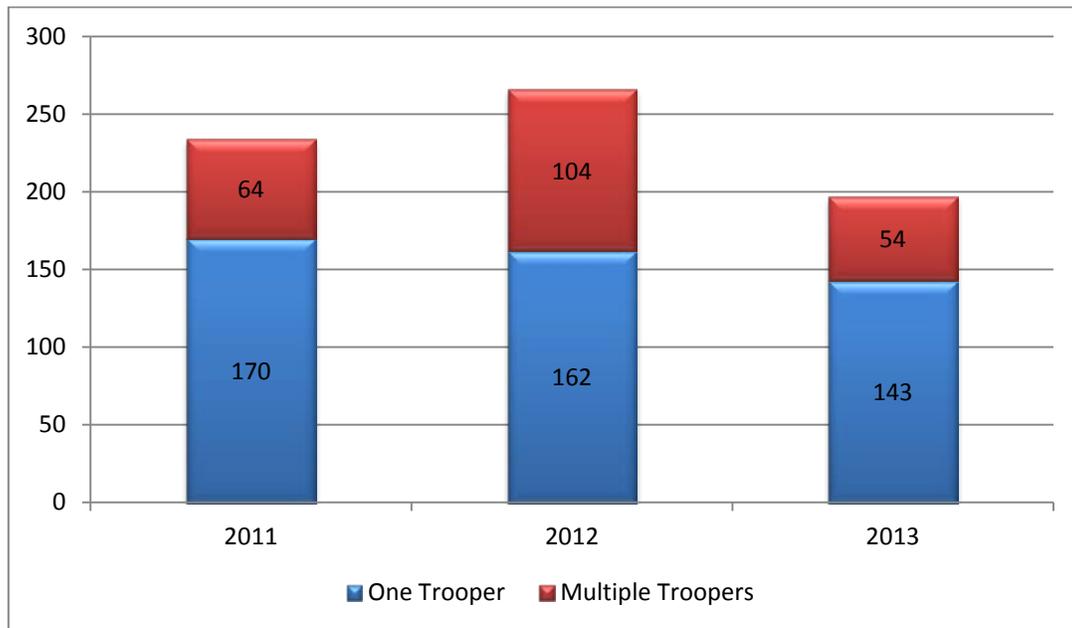
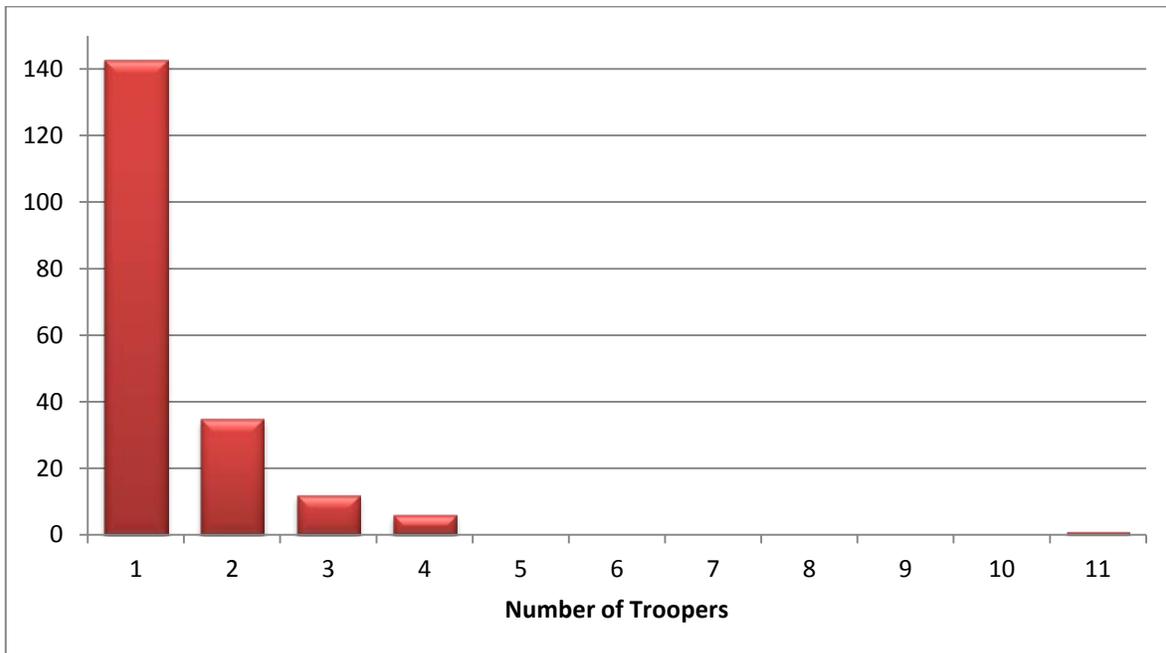


Figure Eleven depicts the number of troopers involved in each misconduct case received in 2013. The majority of misconduct cases still involve one trooper, as number of cases involving one trooper

increased in 2013. There were 143 misconduct cases involving one trooper while 54 cases involved more than one trooper. On average, there were 1.4 troopers involved per misconduct case in 2013. This is a slight decrease from an average of 1.7 troopers in 2012. However, there was one case in 2013 that involved 11 troopers.

Figure Eleven: Troopers per Case

2013



In cases with multiple troopers, investigators must review and investigate the allegations against each trooper prior to closing the case. This means that even if an investigator has reached a conclusion on Trooper A in a given case, the case will remain open until a conclusion about Trooper B can be reached. In instances where the troopers implicated were at the same place at the same time during the incident, this may be easier to accomplish. However, a case might involve Trooper A reporting something inaccurately. Then, Trooper B attests later that the information provided was correct despite knowing that it is not. In such a case, in order to complete a thorough investigation, the investigator may interview multiple witnesses relating to the different allegations against each trooper. Thus, as the number of troopers increase in a case, the more complex the case may become.

Types of Allegations

In each misconduct case, the allegation(s) levied against trooper(s) are unique to the circumstances of the incident. While there were over 500 allegations made, there were only 69 unique allegations; each allegation appeared multiple times in the 197 cases. Because the number of cases decreased, the number of allegations in 2013 is a decrease from 2012, where there were a little more than 700 allegations total, 115 of which were unique.

Figure Twelve depicts the trends for some of the most common allegations found in misconduct cases. Most of the misconduct allegations had a large decrease from 2012 to 2013. This may be due to the fact that there was an overall decrease in the number of misconduct cases received in 2013. The largest decreases were for allegations of excessive use of force (46%) and questionable conduct on-duty (69%). There were two types of allegations that did experience an increase: attitude and demeanor and racial profiling. However, both allegations only increased by two allegation.

Figure Twelve: Trends in Types of Allegations
2011-2013

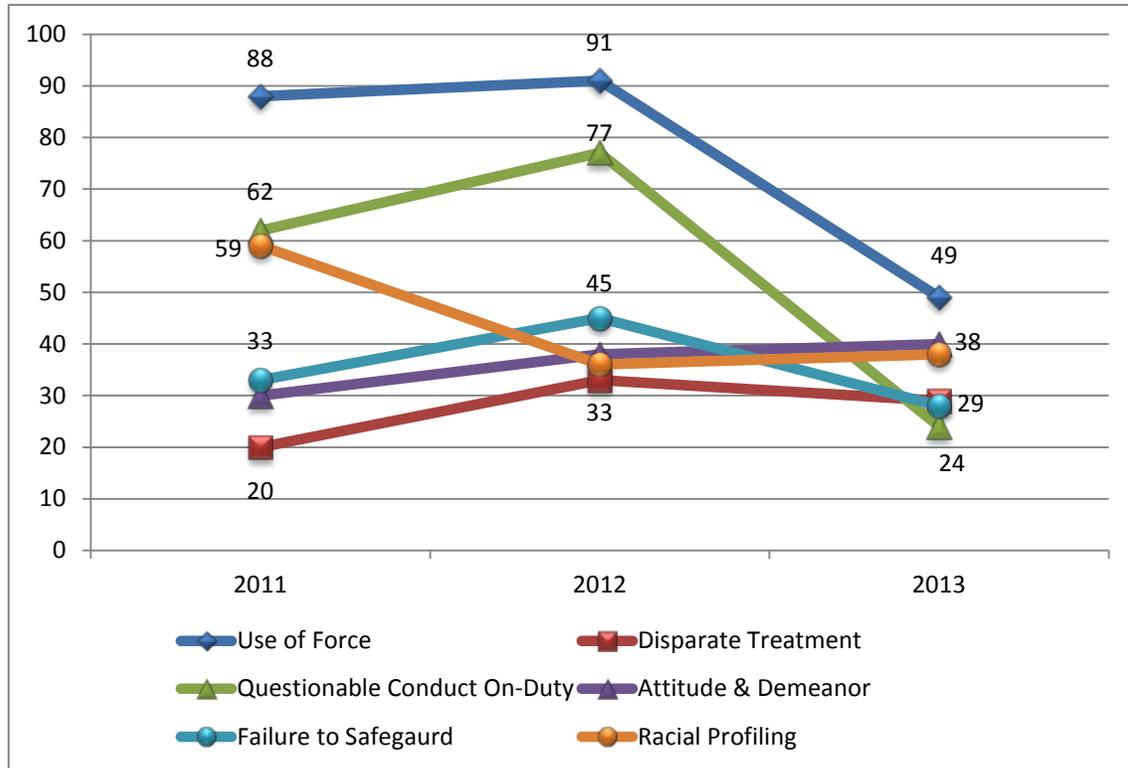
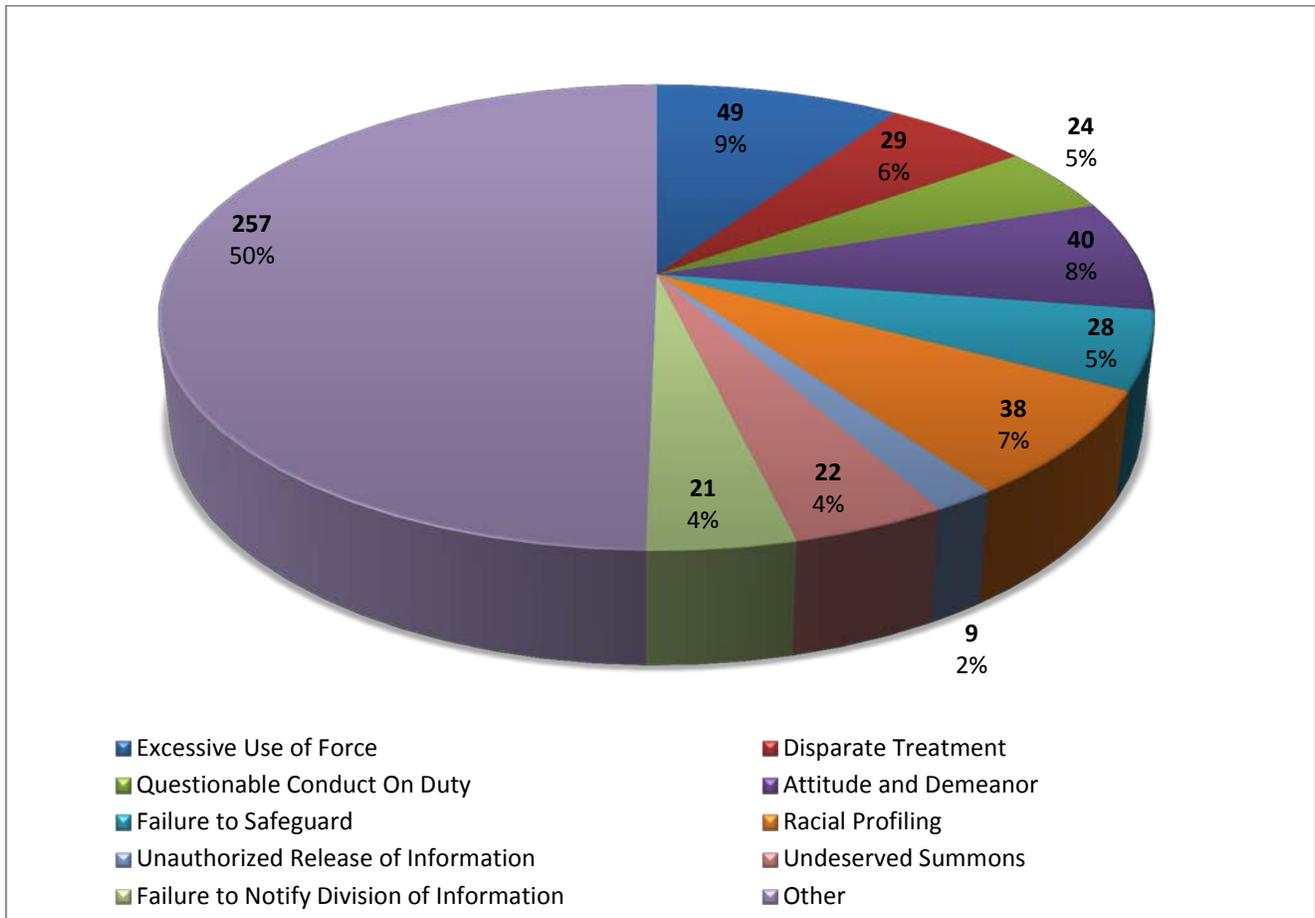


Figure Thirteen depicts the frequencies of the most common allegations for 2013. The category labeled as “Other” is a catch-all category that includes miscellaneous offenses¹⁰ and is technically the

¹⁰ Other allegations: abuse of sick leave, aggravated assault with physical force, conflict of interest, conspiring to engage in misconduct, criminal mischief, culpable inefficiency, disorderly conduct, domestic violence, drinking on duty, DUI, consuming alcoholic beverage(s) and operating a troop car, failure to accept civilian complaint, failure to notify citizen of right to file complaint, failure to appear in court, failure to call in motor vehicle stop, failure to follow MVR procedures, failure to follow radio procedures, failure to investigate motor vehicle accident and/or boat accident, failure to notify Division of personal knowledge of prohibited conduct by another trooper, failure to perform duty, failure to provide a compliment/complain form, failure to take appropriate police action, false arrest, falsification of reports and records, gambling, harassment/threats, improper arrest, improper conduct in court, improper handling of evidence/property, improper handling of firearm, improper investigative actions, improper search, improper supervision, improper/unauthorized use of Division computer, inappropriate actions on-duty, inappropriate action off-duty, inappropriate actions towards another member, insubordination, intentional false statements, interfering with an internal investigation, leaving the scene of a motor vehicle accident, off duty incident-alcohol related, offering alcoholic beverages to underage person, questionable associations, questionable conduct off-duty, reporting for duty with a detectable presence of alcohol consumption, reporting requirements, sale of CDS, sick time abuse, theft, unauthorized person in troop car, unauthorized release of information, unauthorized use of troop transportation,

most common allegation. Aside from this catchall category, the most common allegations are those pertaining to the use of force (9%), disparate treatment and racial profiling (when combined: 13%), and attitude and demeanor (8%). Allegations of questionable conduct on-duty (5%), failure to safeguard (5%), undeserved summons (4%), and failure to notify Division of information (4%) are less common.

Figure Thirteen: Allegation Frequencies
2013



OLEPS categorized allegations based on an "Incident Classification Guide" found in State Police policies and procedures. The categories are "administrative/fail to safeguard," "criminal," "employment obligations," "police procedure," and "weapons". Appendix One classifies each allegation according to this categorization. Table Seven identifies the frequency of each allegation category from 2011 to 2013. Because the total number of cases decreased from 2012 to 2013, there were decreases in all categories except for weapons and other, which remained the same.

undeserved warning, unsafe operation of trooper car, use of position to intimidate or gain favor, use of troop car off-duty with accident involved, violation of criminal law, violation of municipal ordinance, violation of state statute, and violation of traffic law .

Table Three: Allegation Categories
2011-2013

Category	2011	2012	2013
Administrative/Failure to Safeguard	32	47	32
Criminal	62	57	47
Employment Obligations	78	78	69
Police Procedure	410	547	364
Weapons	5	2	2
Other	3	3	3
Total	590	734	517

From 2011 to the current reporting period, 2013, the most frequently utilized allegation category consistently has been "Police Procedure". There were 364 allegations categorized as police procedures. Allegations in this category include uses of force, racial profiling, attitude and demeanor, and allegations referring to the requirements of policing (*i.e.*, MVR procedures, compliment-complaint forms, arrests, and searches). The second most common allegation category was "Employment Obligations". There were 69 allegations of misconduct in this category. This category includes allegations of misconduct that violate State Police employment guidelines. For example, disobeying a direct order, abusing sick leave, use of CDS¹¹, or filing misleading reports.

Cases Closed in 2013

Case Status

A misconduct case is determined to be closed after the investigation has been completed, it has been reviewed, a decision has been made as to whether the findings warrant disciplinary proceedings, and if required, discipline has been administered. In 2013, OPS closed 203 misconduct cases, compared to 212 in 2012. The majority of these cases were opened prior to 2013, but there were 34 cases that were opened and closed in 2013.

¹¹ CDS- Controlled dangerous substances.

Table Four: Cases Closed
2013

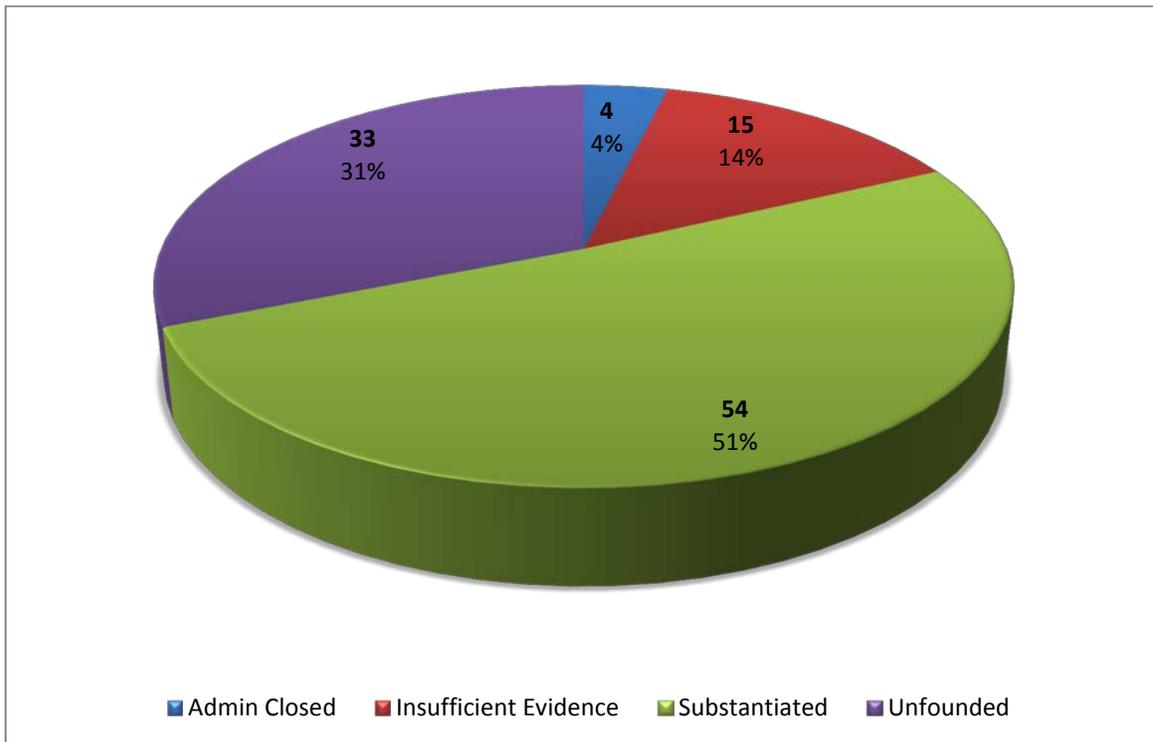
Year Opened	Number of Cases
2013	34
2012	95
2011	53
2010	15
2009	2
2008	3
2004	1
Total	203

Allegation Outcomes for 2013 Cases¹²

Each allegation in a case is investigated to determine whether the allegation can be substantiated. For each allegation, an investigator can reach one of several conclusions. Substantiated allegations are those where the investigator has found that, "a preponderance of the evidence shows that a member violated state police rules, regulations, protocols, standard operating procedures, directives, or training." Unfounded allegations are those where, "a preponderance of the evidence shows that the alleged misconduct did not occur." A conclusion of exonerated occurs when, "a preponderance of the evidence shows that the alleged conduct did occur but did not violate state police rules, regulations, operating procedures, directives, or training." Finally, an investigator may rule that there is insufficient evidence when, "there is insufficient evidence to decide whether the alleged misconduct occurred."

¹² The cases analyzed in this section are only those that were opened in 2013. Data limitations preclude detailed analysis of cases opened in previous years and closed in 2013.

Figure Fourteen: Allegation Outcomes for Completed Cases
2013



While each case may involve multiple allegations, substantiation of even one allegation may result in disciplinary action. The data for this report were selected in April 2014. As of April, there were 242 allegations which were part of closed cases initially received in 2013. Figure Fourteen depicts the number and percentage of each outcome category for allegations in cases where the investigation has been completed. The majority of allegations against troopers were substantiated by evidence uncovered during investigations. Of the cases with completed investigations, 54 had at least one allegation substantiated, 33 unfounded, and 15 found to have insufficient evidence.

The pattern of allegation outcomes for categories of allegations was examined to determine whether certain types of allegations were more likely to result in certain outcomes. Table Five presents allegation categories and outcomes for allegations officially declared closed. As mentioned previously, police procedure was the most common allegation category. Of the police procedure allegations in 2013, 44.9% were substantiated. In 2013, most allegations categorized as administrative/fail to safeguard, criminal, and employment obligations were found to be substantiated as well.

Table Five: Allegation Categories and Outcomes
2013

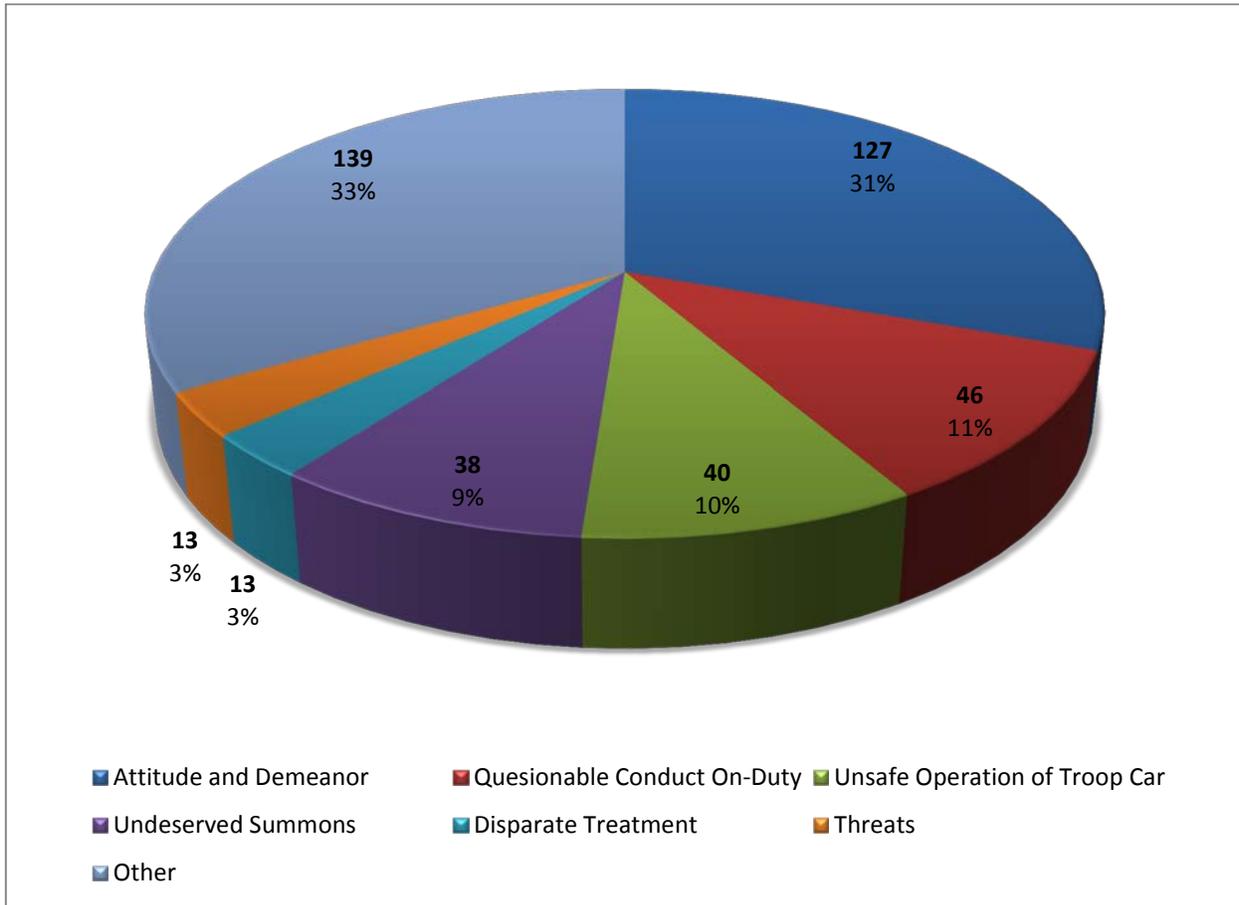
Category	Substantiated	Admin Closed	Insufficient Evidence	Unfounded	Total
Administrative/Fail to Safeguard	25	1	--	--	26
% of cases	96.15%	3.85%			
Criminal	31	2	6	5	44
% of cases	70.45%	4.55%	13.64%	11.36%	
Employment Obligations	44	2	5	8	59
% of cases	74.58%	3.39%	8.47%	13.56%	
Police Procedure	44	4	16	34	98
% of cases	44.90%	4.08%	16.33%	34.69%	
Weapons	14	--	1	--	15
% of cases	93.33%		6.67%		
Total	158	9	28	47	242

Administratively Closed Cases in 2013

When an allegation is received by OPS, the intake office processes and labels the cases either "Misconduct", "Performance", "Administrative", or "Criminal". If a case is labeled either a performance or administrative issue, it does not require a full investigation and becomes administratively closed.

In 2013, 337 cases were administratively closed. These administratively closed cases are separate cases from the 197 misconduct cases OPS received in 2013. There were 337 troopers involved and 416 allegations made in the administratively closed cases. As depicted in Figure Fifteen, the most common allegations in administratively closed cases were for attitude and demeanor, questionable conduct on-duty, unsafe use of a troop car, and undeserved summons. Allegations of disparate treatment and threats were also frequent allegations for cases that were administratively closed in 2013.

Figure Fifteen: Allegations in Administratively Closed Cases
2013



Summary & Conclusions

The purpose of this report was to illustrate the volume of activity handled by OPS. In 2013, OPS opened 197 misconduct cases, less than the 266 opened in 2012. The majority of these cases involved multiple allegations and multiple troopers. Most commonly, cases involved allegations of violations of Police Procedures (see Appendix One for specific allegations). The complaints were alleged against troopers from various stations and units across the State Police. Of the cases opened in 2013 that were closed by the date of data selection, about half of the cases resulted in substantiated allegations while about thirty percent resulted in unfounded allegations, similar to the proportions of substantiated and unfounded allegations from cases closed in 2012.

This third report includes discussion of trends from 2011 to 2013. Since the total number of misconduct cases decreased, generally, all other categories of analysis indicated a decrease as expected.

In 2013, most investigators were assigned more cases than their suggested maximum number of cases. OLEPS has spoken with the State Police regarding this issue and has made several recommendations to increase the staffing levels in OPS to accommodate the high number of misconduct investigations and have taken measure to resolve this issue. Additionally, it has been noted that OPS has high rates of staff turnover, which further complicates the caseload issue. Because troopers may move within and also out of OPS frequently, cases may be transferred before an investigator has begun work on the case, in the middle of an investigation, or even at the very end. This may lengthen investigations while the newly assigned investigator completes the cases s/he was already working on or while the investigator attempts to comprehend the work completed on an investigation to date.

For a number of years, OPS has had a backlog of cases which has been attributed to a general lack of, and lack of consistent, staffing. In 2001-2002, OPS cleared a large backlog of cases with temporary staffing. However, once these staff members left, OPS again built up a backlog. According to the independent monitors, the State Police are required to staff OPS with a sufficient staff, defined as the number needed to complete as many misconduct cases opened, 197, and closed 203. Using the independent monitor's standard, OPS has roughly completed as many cases as received in 2013. This is a hopeful sign that OPS will be able to complete investigations in a timely manner in the next reporting period with the planned increase in staffing in 2014.

Open misconduct cases may not only impact the Office of Professional Standards, they also affect the trooper(s) involved and all individual(s) affected by the cases. A case that stretches over a long period of time can negatively impact the investigators' morale, the trooper(s) morale, and any other person involved. If a misconduct case involves some sort of unpleasant behavior, extended misconduct cases may prolong the complainants' right for resolution. Additionally, open misconduct cases may impact the trooper's eligibility for specialist positions or even promotions. The age of a case can also impact the logistics of conducting an investigation. The longer a case remains open, the more likely it is that key witnesses or individuals may forget the details of the event, be unwilling to discuss it, or be unavailable, making the investigator's tasks more difficult. It is in the State Police's best interest to continue to resolve misconduct cases in a judicious and expeditious manner.

Appendix One**Allegation Categorization**

Allegation	Allegation Category
Failure to Safeguard- Division Property	Administrative/Fail to Safeguard
Failure to Safeguard- Portable Radio	Administrative/Fail to Safeguard
Failure to Safeguard- Issued Handcuffs	Administrative/Fail to Safeguard
Failure to Safeguard- NJSP Badge	Administrative/Fail to Safeguard
Failure to Safeguard- NJSP Flashlight	Administrative/Fail to Safeguard
Failure to Safeguard- NJSP ID	Administrative/Fail to Safeguard
Failure to Safeguard-Division Property	Administrative/Fail to Safeguard
Failure to Safeguard-Evidence	Administrative/Fail to Safeguard
Failure to Safeguard-issued handcuffs	Administrative/Fail to Safeguard
Failure to safeguard-NJSP Duty weapon	Administrative/Fail to Safeguard
Failure to Safeguard-NJSP ID	Administrative/Fail to Safeguard
Aggravated Assault w/physical force	Criminal
Criminal Mischief	Criminal
Domestic Violence	Criminal
Domestic Violence- Assault	Criminal
Domestic Violence- Harassment	Criminal
Domestic Violence/Assault	Criminal
Domestic Violence/Harassment	Criminal
Domestic Violence/Terroristic Threats	Criminal
Domestic Violence/Victim	Criminal
Sale of CDS	Criminal
Simple Assault w/Physical Force	Criminal
Theft	Criminal
Abuse of sick leave	Employment Obligation
Culpable Inefficiency	Employment Obligation
Culpable Inefficient Supervision	Employment Obligation
Disobey a Direct Order	Employment Obligation
Drinking on Duty	Employment Obligation
Falsification of Reports & Records	Employment Obligation
Falsification of Reports and Records	Employment Obligation
Insubordination	Employment Obligation
Intentional False Statements	Employment Obligation
Off Duty Incident-Alcohol related	Employment Obligation
Providing false information on any log, report, or transmittal	Employment Obligation
Reporting Requirements	Employment Obligation
Sick Time Abuse	Employment Obligation
Unauthorized Release of Information	Employment Obligation
Attitude & Demeanor	Police Procedure
Cursing	Police Procedure
Disparate Treatment	Police Procedure
Excessive Use of Force	Police Procedure

Failure to Accept Civilian Complaint	Police Procedure
Failure to Appear in Court	Police Procedure
Failure to Call in MV Stop	Police Procedure
Failure to Follow MVR Procedures	Police Procedure
Failure to Follow Radio Procedures	Police Procedure
Failure to notify Division of information to which the Division would take cognizance	Police Procedure
Failure to Notify Division of Personal Knowledge of Prohibited Conduct By Another Trooper	Police Procedure
Failure to notify Division of personal knowledge of prohibited conduct by another trooper	Police Procedure
Failure to Notify the Division of Information to Which the Division Would Take Cognizance	Police Procedure
Failure to Perform Duty	Police Procedure
Failure to Take appropriate Police Action	Police Procedure
False Arrest	Police Procedure
Harassment	Police Procedure
Improper Arrest	Police Procedure
Improper Handling of Evidence/Property	Police Procedure
Improper Handling of Firearm	Police Procedure
Improper Search	Police Procedure
Improper Supervision	Police Procedure
Inappropriate Actions- Off Duty	Police Procedure
Inappropriate Actions- On Duty	Police Procedure
Inappropriate Actions Towards Another Member	Police Procedure
Inappropriate Actions-towards another member	Police Procedure
Inappropriate Actions-Off duty	Police Procedure
Inappropriate Actions-On duty	Police Procedure
Questionable Conduct- Off Duty	Police Procedure
Questionable Conduct- On Duty	Police Procedure
Racial Profiling	Police Procedure
Terroristic Threats	Police Procedure
Threats	Police Procedure
Unauthorized use of troop transportation	Police Procedure
Undeserved Summons	Police Procedure
Undeserved Warning	Police Procedure
Unsafe Operation of Troop Car	Police Procedure
Use of Position to Intimidate or Gain Favor	Police Procedure
Use of Troop Car Off Duty with Accident Involved	Police Procedure
Violation of muni ordinance	Police Procedure

Appendix Two

Case Status by Station- 2013

Station	Total Substantiated	Total Unfounded	Total Insufficient Evidence	Total Open	Total Admin Closed
Atlantic City	1	--	1	9	2
Bass River	1	--	--	13	--
Bloomfield	1	1	1	8	--
Bordentown	--	--	--	16	--
Bridgeton	3	3	1	15	--
Buena Vista	1	1	--	8	--
Cranbury	1	--	--	12	--
Hamilton	1	--	--	27	--
Holmdel	--	--	1	3	--
Hope	2	1	--	10	--
Kingwood	1	2	--	6	--
Metro North	1	1	--	--	--
Metro South	--	--	--	5	--
Moorestown	--	1	--	3	--
Netcong	2	3	1	6	--
Newark	1	--	--	12	--
Other	28	9	11	93	--
Perryville	2	4	--	8	--
Port Norris	1	--	--	2	--
Somerville	--	1	1	19	--
Sussex	--	2	--	3	--
Totowa-Sub	--	3	1	27	1
Troop A Other	3	--	--	7	--
Troop B Other	7	2	--	1	--
Troop C Other	1	--	--	13	--
Troop D Other	1	1	2	12	--
Tuckerton	4	--	--	4	--
Unknown	--	--	--	16	2
Washington	9	1	--	8	2
Woodbine	--	--	--	4	--
Woodstown	--	--	--	9	--
Grand Total	72	36	20	379	7

Common Allegations by Station- 2013

Station	Total Force Allegations	Total Questionable Conduct On-Duty	Total Racial Profiling	Total Disparate Treatment	Total Attitude & Demeanor	Total Failure to Safeguard	Total Other
Atlantic City	1	--	1	1	1	1	8
Bass River	2	--	2	1	1	1	7
Bloomfield	1	--	1	1	2	--	6
Bordentown	2	--	2	--	--	--	12
Bridgeton	3	2	3	1	4	--	9
Buena Vista	1	--	2	1	--	--	6
Cranbury	1	1	2	2	1	1	5
Hamilton-Sub	--	--	7	2	3	1	15
Holmdel	--	--	--	--	--	--	4
Hope	1	--	--	1	--	1	10
Kingwood	1	--	1	--	1	1	8
Metro North	--	--	1	--	--	--	1
Metro South	5	--	--	--	--	--	--
Moorestown	1	--	1	2	--	--	--
Netcong	2	--	1	2	2	--	5
Newark	3	--	1	--	4	1	4
Other	6	17	--	--	5	11	102
Perryville	3	--	--	3	5	--	3
Port Norris	--	--	1	--	--	1	1
Somerville	6	1	1	6	--	--	7
Sussex	2	--	--	--	2	--	1
Totowa-Sub	--	--	3	1	2	--	25
Troop A Other	--	--	2	1	1	3	3
Troop B Other	--	1	--	--	--	--	9
Troop C Other	1	--	2	1	--	1	9
Troop D Other	--	--	2	2	1	1	10
Tuckerton	--	--	--	--	--	--	8
Unknown	4	--	0	1	1	3	9
Washington	--	--	2	--	4	1	13
Woodbine	--	--	--	--	--	--	4
Woodstown	3	1	--	--	--	--	5
Grand Total	49	24	38	29	40	28	309

Allegation Categories by Station- 2013

Station	Total Criminal	Total Police Procedure	Total Employment Obligations	Total Administrative/Fail to Safeguard	Total Weapons	Total Other
Atlantic City	1	9	2	1	--	--
Bass River	--	13	--	1	--	--
Bloomfield	1	9	1	--	--	--
Bordentown	1	11	3	1	--	--
Bridgeton	2	20	--	--	--	--
Buena Vista	--	10	--	--	--	--
Cranbury	2	9	--	2	--	--
Hamilton-Sub	--	21	5	2	--	--
Holmdel	1	3	--	--	--	--
Hope	1	5	6	1	--	--
Kingwood	--	8	3	1	--	--
Metro North	--	2	--	--	--	--
Metro South	--	5	--	--	--	--
Moorestown	--	4	--	--	--	--
Netcong	--	8	4	--	--	--
Newark	1	11	--	1	--	--
Other	22	83	22	11	2	1
Perryville	--	12	2	--	--	--
Port Norris	--	2	--	1	--	--
Somerville	--	21	--	--	--	--
Sussex	1	4	--	--	--	--
Totowa-Sub	2	26	4	--	--	--
Troop A Other	1	4	2	3	--	--
Troop B Other	1	6	3	--	--	--
Troop C Other	--	6	7	1	--	--
Troop D Other	--	14	1	1	--	--
Tuckerton	2	4	1	1	--	--
Unknown	2	10	1	3	--	2
Washington	4	13	2	1	--	--
Woodbine	2	2	--	--	--	--
Woodstown	--	9	--	--	--	--
Grand Total	47	364	69	32	2	3