OLEPS

OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS

Eleventh Oversight Report October 2016

July 1, 2014 – December 31, 2014
2014 Annual Training Review

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Executive Summary

In its oversight reports, as mandated by 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) evaluates State Police adherence to its established policies and procedures. To assess State Police compliance, OLEPS reviews motor vehicle stops and related records and documentation, internal disciplinary matters, State Police databases, and other relevant materials.

In this 11th Oversight Report, which covers the time period of July 1, 2014 to December 31, 2014, OLEPS reviewed and analyzed data from 300 motor vehicle stops, including records associated with the stops. As part of its sample, OLEPS reviewed all critical stops and a random sample of stops where the primary trooper on the stop was identified as a graduate from the 151st through 154th Academy classes. OLEPS further reviewed records and documentation from Field Operations, MAPPS, the Training Bureau and the Office of Professional Standards (OPS). While there are issues noted in this report, overall, OLEPS determined that State Police acted in conformity with its established performance standards. The major findings of this report include:

- There was no definitive evidence that State Police engaged in any race/ethnicity-based decision making processes in this reporting period. Differences in enforcement activities are more likely the result of chance rather than purposeful behavior.

    o Analysis in the current reporting period indicates that there are no statistically significant differences in the racial/ethnic distributions in the number of stops, including those involving consent to search requests, canine deployments, or uses of force. Significant differences were found for the racial/ethnic distribution of stops with arrests; Black and White drivers were involved in the largest proportion of stops with arrests.

- Instances where State Police deviates from its policy and procedures during a motor vehicle stop are referred to as "errors." State Police has the ability to review the stops and note the errors. OLEPS reviewed stops that underwent State Police review and those that did not undergo State Police review. While the State Police did not review 143 of OLEPS' selected stops, OLEPS noted that of the stops State Police did review 16% contained an error not caught. The total number of errors that the State Police did not catch in the current reporting period is less than previous reporting periods, but still remains larger than expected.

- In the current reporting period, OLEPS noted instances where troopers did not meet the appropriate legal standards for the conducted post-stop activities. Specifically, there were five instances where the legal standard of RAS was not met to request consent to search and one instance where the legal standard of PC was not met. State Police noted five of these errors and issued an intervention as a result. There was one stop where passenger 1 was asked to exit in the absence of heightened suspicion. State Police also noted this error which resulted in an intervention. There were eleven frisks that did not meet the standard of RAS. Ten of these errors were noted by State Police and eight resulted in an intervention. OLEPS noted 12 stops with errors in non-consensual vehicle searches, ten of which were also noted by State Police, resulting in six interventions. OLEPS noted seven searches of a driver and seven of a passenger that were not conducted incident to arrest. State police noted thirteen of these errors, six of which resulted in an intervention. Despite these instances, the majority of post-stop activities reviewed were performed in accordance with State Police

policies, procedures, and legal standards. Likewise, in the majority of post-stop activities OLEPS reviewed, State Police performed in accordance with its policies, procedures, and legal standards.

- o When an error occurs and is noted during a motor vehicle stop, State Police is required to issue an intervention, which acts to notify the trooper and his/her supervisor of the error so that such conduct can be corrected. Historically, interventions have not been used consistently. In the current period, however, there was a continued improvement in State Police's use of interventions. About 54% of all errors caught by the State Police resulted in interventions, most frequently for errors caught pertaining to frisks and arrests.

- o In addition to reviewing stops, supervisors are required to be present during motor vehicle stops on a routine basis to ensure that troopers conduct stops in accordance with State Police policy. To promote an increase of supervisory presence on the roadway, in July 2011, State Police modified its motor vehicle stop review schedule. Despite this, the proportion of stops with supervisors on scene decreased from 37% in the previous reporting period to 33%. OLEPS, however, anticipates that future reporting periods will reveal an increase in supervisor presence.

- The audio and video recording of motor vehicle stops remains an issue in the current reporting period. Portions of stops were missing from the DIVR database. In some instances, the first clip of the stop was catalogued with that trooper's previous stop. In other instances, the clip could not be located. The State Police should continue to ensure that all clips are uploaded and catalogued appropriately for each motor vehicle stop. Additionally, during the current reporting period OLEPS lacked direct access to recordings on upgraded equipment and software. OLEPS was provided direct access to these recordings during the writing of this report in April 2016.

- The average length of all motor vehicle stops in this reporting period was shorter than the previous reporting period. This decreased length was noted among critical stops and the secondary sample of stops which were not required to include any particular enforcement activity. The secondary sample of stops may be lengthy due to the specific activity in the stop. The RAS stops (critical) are required to be "brief." There was no evidence, however, that the length of stops resulted in a violation of individuals' rights.

- Although some areas of concerns have been identified as follows, documentation of 2014 training activities indicates that, generally, the State Police continue to adhere to policies and procedures regarding requisite training. Though issues are noted related to Training Bureau standards, they are often the result of circumstances outside of the Training Bureau's control.

- o Issues were noted regarding the selection process for coaches assigned to probationary troopers. As a result of human and technological errors, there were a few individuals serving as coaches who were not approved to coach at the time. State Police appropriately corrected these issues and has implemented safeguards to prevent future concerns. Though the Training Bureau coordinates the Trooper Coach Program, the selection process and trooper coach assignments are implemented by another section.

o   Issues were also noted regarding the unavailability of Executive Phase leadership training to 21 members of the rank of Captain or above during this reporting period. 2014 generated an unusually high number of promotions due to attrition, promotional freezes, etc. While there were only two promotions in 2013, the Training Bureau was required to accommodate 647 promotions in the 2014 reporting period. As a result of facility and resource limitations, the Training Bureau prioritized the delivery of leadership courses for those with the least supervisory experience. State Police standards requiring all troopers advancing in rank to attend leadership training within seven months of promotion were only met for those promoted to Lieutenant or below.

o   The importance of Training Committee meetings has been noted for several reporting periods. In 2014, the Training Bureau held all requisite Training Committee meetings. Although the Division continues to improve, OLEPS again expressed concerns regarding consistent attendance by Division members from all relevant sections outside of the Training Bureau at these meetings.

o   OLEPS' review again noted insufficient documentation regarding non-State Police training. OLEPS noted that, when provided to the Training Bureau, records for outside training were properly recorded. However, OLEPS noted that a small number of troopers attended non-State Police training for which they were not approved. Although there has been some improvement from previous reporting periods, OLEPS recommends State Police continue efforts to ensure adherence to all policies and procedures regarding this process.

Overall, in this eleventh reporting period, the State Police adhered to its policies and procedures. However, OLEPS continues to note recurring issues in each reporting period. OLEPS commends the State Police on the progress made to date, but recommends that the Division continue improvements in the areas discussed in this report.

OLEPS' ELEVENTH OVERSIGHT REPORT OF THE NEW JERSEY STATE POLICE
JULY 1, 2014 TO DECEMBER 31, 2014
TRAINING ACTIVITIES: JANUARY 1, 2014 TO DECEMBER 31, 2014

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 biannual reports assessing New Jersey State Police (State Police) compliance with relevant performance standards and procedures. Dissolved in September 2009, the federal Consent Decree (the Decree) outlined procedures and policies for State Police to implement. Many of the reforms accomplished under the Decree have been codified in rules, regulations, policies, procedures, operating instructions, or the operating procedures of the organization. The monitoring reports, which formerly assessed compliance with the Decree, now reflect State Police adherence to these reforms. For a more detailed history concerning the Decree, see previous reports at www.nj.gov/oag/oleps.

OLEPS publishes two oversight reports[1] a year covering two six-month reporting periods, from January 1 to June 30 and from July 1 to December 31. The second report includes a review of the State Police training responsibilities (see Performance Standards 14 to 21) for the entire calendar year.

Since State Police's rules, regulations, standing operating procedures, or operating instructions will naturally change to account for developments in constitutional law, the advent of new technologies, and the development of new best practices, the Performance Standards listed in the Oversight Report will evolve accordingly. The Oversight Report is a living document that will evaluate the State Police in accordance with the policies and procedures as they exist during the relevant reporting period.

In this Eleventh Oversight Report, which covers July 1, 2014 to December 31, 2014, OLEPS substantively reviewed the procedures and implementation relating to State Police motor vehicle stops and post-stop enforcement actions. Further, it reviewed supervision of patrol activites, training provided to State Police members assigned to patrol duties and the conduct of investigations of alleged misconduct and other internal affairs matters. The Eleventh Oversight Report covers a six-month reporting period July 1, 2014 to December 31, 2014, and reviews State Police training for the entire 2014 calendar year.

The methodology employed by OLEPS in developing this report and operational definitions of compliance are described in Part I of the report. Part II of the report describes the data and sample utilized for this reporting period. Part III, Assessment, includes the findings of OLEPS' oversight process. Specific examples of behavior observed during the oversight process are also noted. Within Part III, several chapters detail standards based on overall relevance to Field Operations, Supervisory Review, Management Awareness Personnel Performance System (MAPPS), Training, the Office of Professional Standards (OPS), and Oversight and Public Information requirements.

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[1] OLEPS' Monitoring Reports are now known as OLEPS' Oversight Reports. This change reflects OLEPS' role as auditors rather than independent monitors as defined by the Decree. This report represents the eighth full reporting period after the dissolution of the Decree.

The methodology used to assess performance standards is outlined at the beginning of each section. The summary provides an overall assessment of State Police policies and any recommendations. Appendix One is a list of all previous monitoring/oversight reports published by OLEPS and the independent monitors, their dates of publication, and the reporting periods covered. Appendix Two summarizes the types of errors made by each station during the current reporting period. Appendix Three presents additional analyses relevant to Part III. Appendix Four lists definitions for commonly used abbreviations in this report. Finally, Appendix Five contains a map of State Police troops and stations.

PART I
METHODOLOGY & PROCESS

Part I details the methodology used to assess the State Police. This methodology applies to all standards within this report (supplemental methodologies may also be listed for each standard). The bulk of the data utilized in this report relate to Field Operations and activities occurring during motor vehicle stops.

All assessments of the State Police are based on review of State Police data and policies, formed by a review of records and documents prepared in the normal course of business. No special reports prepared by the State Police were accepted as evidence of adherence to performance standards. Instead, OLEPS reviewed records created during the delivery or performance of tasks/activities.

Standards for Assessment

OLEPS assesses the State Police according to its rules, regulations, operating instructions, and the procedures of the organization, which are set forth in this report as "Performance Standards."

In reviewing State Police compliance with its policies and procedures in motor vehicle stop activities, OLEPS includes a discussion of how many "errors" occurred during the stop. An "error" is a trooper action or inaction during a motor vehicle stop that fails to comport with established procedures. OLEPS notes all errors during a stop, but also notes those caught by the trooper's supervisors in their review of the recording and records of the motor vehicle stop. The report also comments on whether the stop underwent supervisory review, as not all stops do. The expectation is that if the stop underwent supervisory review, the supervisor should catch all errors. Those not caught during a supervisory review are deemed "uncaught errors." Historically, State Police were held to a 10% error rate. That is, of the stops reviewed (all stops and any sub-set of stops analyzed), no more than 10% could contain an error not caught by State Police.

OLEPS notes how many errors caught during a supervisory review result in the trooper receiving an intervention - that is, the trooper is notified of the error. For the trooper to learn that he/she may not be following part of a required policy, the trooper should be informed of the error so that he/she can correct the behavior. Supervisory review of a trooper's motor vehicle stop activities and recording of errors is essential to the State Police recognizing and correcting conduct before patterns develop that may be contrary to its policies or procedures. Supervisory review further encourages the evolution of policies and procedures to promote best practices.

Furthermore, OLEPS discusses motor vehicle stop activity in the current reporting period and compares it to past reports to determine changes in overall trooper activity. OLEPS continues to issue recommendations to the State Police based on observed events, especially where a pattern or practice generating concern is noted. This review allows OLEPS to assess the State Police's ability to continue to promote and support vigorous, lawful, and non-discriminatory implementation of law enforcement practices and procedures.

PART II
DATA & SAMPLE DESCRIPTION

To assess State Police performance, OLEPS examines State Police activity in a number of ways. Field Operations is monitored through a detailed review of a sample of motor vehicle stops. OLEPS also accesses State Police databases and records systems to find evidence of requirements and adherence to policies. OLEPS reviews State Police's policies and procedures, as outlined in the Act, prior to their implementation to ensure that they are appropriate and adequately address any developments in constitutional law.

Field Operations

The State Police provided data to OLEPS pursuant to specific data requests. Under no circumstances were the data selected by OLEPS based on provision of records of preference by personnel from the State Police. In every instance of the selection of samples, State Police personnel were provided lists requesting specific data or the data were collected directly by members of OLEPS.

The motor vehicle stop data for this period, as with those for the previous report, were drawn exclusively from the universe of incidents that have post-stop activity. The data requested are based on requirements originally formed by the independent monitors.[2] Updates have been made to the request to reflect any changes in State Police policies and procedures.

Data Requests

Each motor vehicle stop review includes the examination of several pieces of information, which were either provided by the State Police or obtained from State Police databases by OLEPS. For the stops selected for review, this information included:

- All reports, records checks, and videos of stops.

- Logs for all trooper-initiated motor vehicle stop communication center call-ins for the stops selected, including time of completion of the stop and results of the stop.

- Copies of documentation, including supplemental reports created for consent search requests, canine deployments, and incidents involving use of force that took place during a motor vehicle stop.

OLEPS was provided with all requested information, unless otherwise noted.

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[2] For more information about the independent monitors, their standards, and reports, please visit: http://www.nj.gov/oag/decreehome.htm

Types of Reviews

Report

A report review involves examination of all available hard-copy and electronic documentation of an event. For example, a review could consist of reviewing the motor vehicle stop report (MVSR), associated records in the patrol log, a supporting consent to search form, and associated summonses or arrest records. Each post-stop event consisting of law enforcement procedures of interest to the Decree[3] was subjected to a structured analysis using a form initially developed by the independent monitors and revised by OLEPS. Problems with the motor vehicle stop were noted and tallied using this form. These data were shared with the State Police. Clarifications were requested and received in instances in which there was doubt about the status of an event or supporting documentation.

Recording

A recording review consists of examining the associated audio and video of a given motor vehicle stop. OLEPS compared the actions noted on the recording with the elements reported in the official documents related to the event. These data were collected and were shared with the State Police. Clarifications were requested and received in instances in which there was doubt about the status of an event or supporting documentation. Members of OLEPS reviewed available audio and video recordings and associated documentation (stop reports, patrol charts, citations, arrest reports, DUI reports, etc.) for *all* of the stops selected for review, to the extent these recordings were available.

Sample

A sample of motor vehicle stops reviewed for this reporting period was selected from all motor vehicle stops made by the State Police from July 1, 2014 to December 31, 2014. Stops made by all troops and stations were eligible for selection. The sample is best described in two parts:

I.   All stops deemed critical by the Decree
- o   All Reasonable Articulable Suspicion (RAS)[4] based consent searches
- o   All canine deployments
- o   All uses of force

II.   Select stops made by troopers
- o   As noted in OLEPS 9th Oversight Report, issues were noted with the selection of qualified coaches for the Trooper Coach program. This program provides on-the-job training for troopers who have recently graduated from the Academy. To ensure that the issues in the selection process did not result in incongruous techniques or procedures on the road, OLEPS chose to review a sample of stops completed by troopers who had graduated from the Academy in the 151st, 152nd, 153rd, or 154th Classes.[5] Hereafter, referred to as newly enlisted troopers.

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[3] Examples include: request for permission to search; conduct of a search; ordering occupants out of a vehicle; frisks of vehicle occupants; canine deployment; seizure of contraband; arrest of the occupants of the vehicle; or use of force.
[4] RAS is defined as: a suspicion (more than a hunch, but less than probable cause to believe) based on identifiable, specific, and particularized objective facts that, under the totality of the circumstances known to the member at the time, would cause a person of reasonable caution to suspect that a person is violating, is about to violate, or has violated the law.
[5] The 151st Class graduated from the Academy on January 27, 2012. The 152nd Class graduated from the Academy on October 4, 2013. The 153rd Class graduated from the Academy on December 6, 2013. The 154th Class graduated from the Academy on August 29, 2014.

A total of 300 motor vehicle stops were reviewed for this reporting period. Table One lists the activities involved in these motor vehicle stops. For this reporting period, OLEPS attempted to conduct recording & report reviews on all motor vehicle stops selected for review. Report only reviews occurred in the instances where a tape was not available for review. There were a total of 26 motor vehicle stops that received a report only review, while 274 received a review that included both reports and recordings.

Table One: Incidents Reviewed
11th OLEPS Reporting Period

	Report Only Reviews	Recording & Report Reviews[6]
Total Stops	26[7]	274
Consent Search Requests (PC & RAS)	12	122
Canine Deployments	4	19
Use of Force	2	21
Probable Cause Searches of Vehicles	2	30

Table Two lists the number of incidents reviewed by station and the type of review received. In January 2011, the State Police combined Troops D and E to form Troop D Parkway and Troop D Turnpike. Technically then, Bass River, Bloomfield, and Holmdel[8] stations are part of Troop D. Because of this merger, Troop D generally has the highest number of motor vehicle stops in the sample. However, in the current reporting period, OLEPS only reviewed 38 stops conducted by Troop D. Sixty-one stops reviewed were conducted by Troop A, 81 by Troop B, and 85 by Troop C. The lower number of stops by Troop D is likely the result of sample selection. OLEPS specifically chose to review stops with newly enlisted troopers. Upon graduation, new troopers are not assigned to Troop D; they are transferred after establishing themselves in other troops.

In the previous reporting period, it was noted that half of all stops that received a report only review were conducted by Troop C. In the current reporting period, Troop A conducted the highest number of stops that received a report only review, eight stops.

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[6] Recording and report reviews for each type of activity total more than 300 because most stops involved more than a single category of law enforcement activity.
[7] In 26 stops, OLEPS was initially unable to locate recordings for the stop. In a subsequent review, OLEPS did find recordings for 13 of these stops. However, these recordings were not appropriately catalogued by the incident or sequence number of the stop.
[8] Despite this merger, the State Police retained the "E" station codes for Bass River, Bloomfield, and Holmdel stations, as seen in Table Two.

Table Two: Distribution of Events by Station
11th OLEPS Reporting Period

	Recording & Report Reviews	Report Only Reviews	Total Reviews
A040- Bridgeton	12	1	**13**
A050- Woodbine	2	--	**2**
A090- Buena Vista	7	--	**7**
A100- Port Norris	4	--	**4**
A140- Woodstown	4	3	**7**
A160- Atlantic City	9	2	**11**
A310- Bellmawr	15	2	**17**
B020- Hope	9	--	**9**
B050- Sussex	8	--	**8**
B060- Totowa	17	--	**17**
B080- Netcong	12	1	**13**
B110- Perryville	16	--	**16**
B130- Somerville	13	2	**15**
B150- Washington	3	--	**3**
C020- Bordentown	20	1	**21**
C040- Kingwood	5	1	**6**
C060- Hamilton	31	3	**34**
C080- Red Lion	14	--	**14**
C120- Tuckerton	10	--	**10**
D010- Cranbury	7	1	**8**
D020- Moorestown	14	1	**15**
D030- Newark	6	3	**9**
E040- Bloomfield	3	--	**3**
E050- Holmdel	3	--	**3**
Other[9]	30	5	**35**
Total	**274**	**26**	**300**

Trends

For several reporting periods, OLEPS has tracked trends in the motor vehicle stops reviewed. Since OLEPS reviews all motor vehicle stops with RAS consent to search requests, canine deployments, or uses of force, these numbers represent the actual volume of motor vehicle stops with these events.[10] Figure One depicts the trends in these events from January 2008-December 2014. RAS consent requests and canine deployments increased while uses of force decreased slightly in the current

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[9] Other are stops conducted by non-road stations. Included in this category are tactical patrols, criminal investigation offices, and field operations units.

[10] OLEPS only reviews these events when they occur during a motor vehicle stop (i.e., time on the road only) prior to returning to the station. There are additional RAS consent to search requests, canine deployments and uses of force conducted by the State Police, but these occur outside of motor vehicle stops.

reporting period. Since 2008, the number of RAS consent requests is higher in the first half of the year, just as the number of motor vehicle stops, generally, is higher in the first half of the year. However, the current and previous reporting periods do not follow that trend. There are more RAS consent requests in the current reporting period (second half of the year) than in the previous reporting period (first half of the year).

In the second half of 2012, a decline in the number of canine deployments was noted after several reporting periods of higher numbers of stops with these activities. The number of canine deployments in the previous reporting period was the lowest number since 2008. The number reported in the current period, 23, is an increase from the previous period, but still lower than the number reported for several years.

The number of stops where force was used has been fairly consistent since 2008, roughly 20 stops in a reporting period. The highest number of stops with a use of force, 26 stops, occurred in the first half of 2011. In the current reporting period, there were 23 stops with a use of force, only slightly less than the previous reporting period.

Figure One: Annual Trends of RAS Consent Requests, Uses of Force, and Canine Deployments
January 2008- December 2014
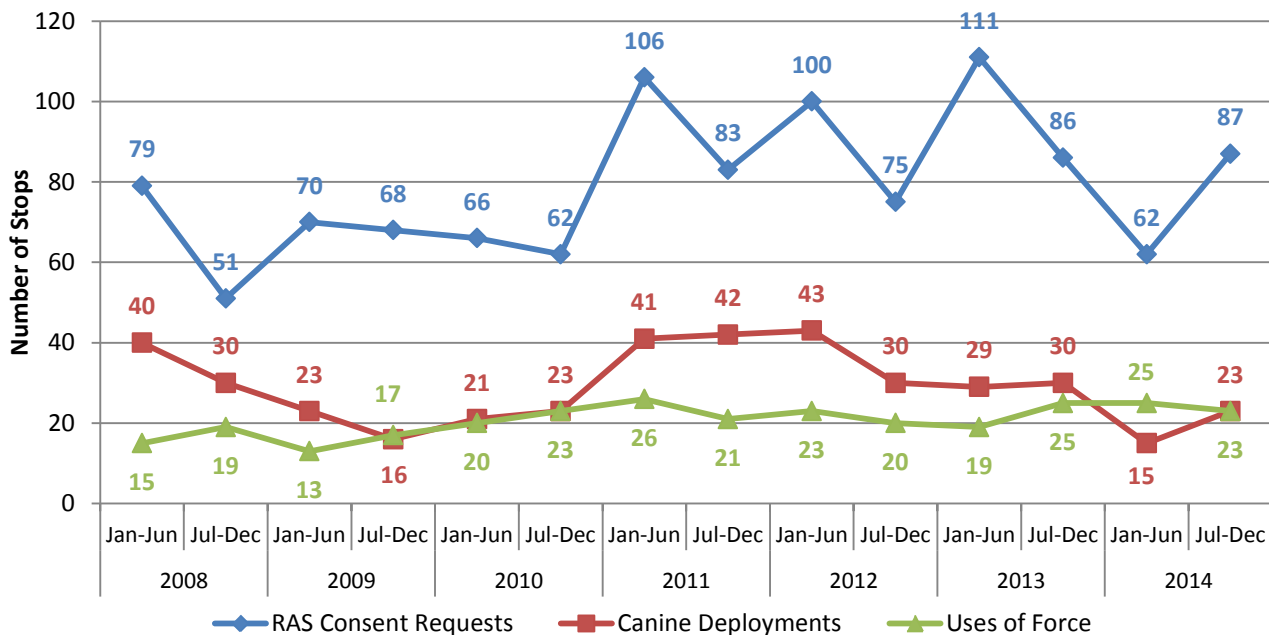
OLEPS has noted the number of incidents occurring in the second half of the year is lower than the number occurring in the first half of the year. As such, examination of monthly trends is important. Figure Two presents the number of RAS consent requests, uses of force, canine deployments, probable cause consent requests, and arrests for January 2008 through December 2014. These monthly trends allow OLEPS to determine changes in the volume of incidents in the time period

following key events (e.g., State v. Peña-Flores, 198 N.J. 6 (2009)).[11] As seen in the graph, these enforcement activities are relatively infrequent, especially when compared to the volume of arrests and probable cause consent requests. Figure Two highlights the monthly variation in each activity.

The annual totals suggest that RAS consent requests increased in the first half of 2013 and have declined since then, while canine deployments and uses of force remained consistent. However, the trends are not as linear as suggested by Figure One and vary in each month of the year, and across years. The number of RAS consent to search requests is inconsistent from month to month. While these numbers do fluctuate each month, beginning in January 2012, there is a discernable increase in these events in each month in 2012 and 2013, a decrease in the first half of 2014, and an increase in the second half of 2014. The number of stops with RAS consent requests in each month appears lower in the first half of 2014, but noticeably higher in each month in the second half of the year. The number reported in October 2014, 19 stops with deployments, is the highest number of stops with deployments in nearly a year.

**Figure Two: Motor Vehicle Stops with RAS Consent Requests,
Canine Deployments, and Uses of Force**
January 2008 – December 2014
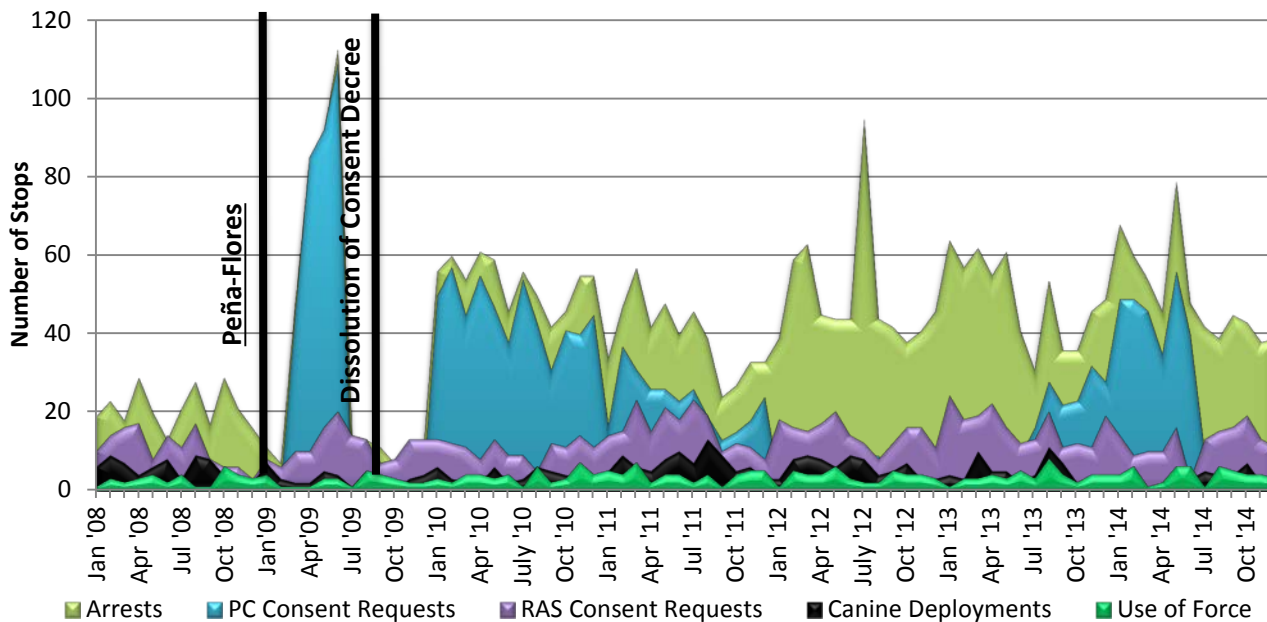
For canine deployments and uses of force, no consistent trend appears other than inconsistency. The number of canine deployments and uses of force fluctuate each month. However, canine deployments

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[11] State v. Peña-Flores, 198 N.J. 6 (2009), hereafter referred to as Peña-Flores, served to further define the exigent circumstances under which a search of a vehicle could be conducted without securing a search warrant under the automobile exception when there was probable cause to believe that a crime had been (or will be) committed. Peña-Flores was recently overturned by the New Jersey State Supreme Court in State v. Witt 2015 N.J. LEXIS 890 (2015). Decided in September 2015, the Court in Witt held that the exigent circumstances test set forth in Peña-Flores no longer applied. Accordingly, the standard set in State v. Alston 88 N.J. 211(1981) for warrantless searches of automobiles based on PC has been reinstated as law.

do show small spikes in March and August 2013. There were nearly twice as many canine deployments in these months as all other months since August 2011. Noticeably, there was a spike in the number of use of force incidents in August 2013, matching the spike in canine deployments and RAS consent requests. In four months in 2014, February, May, June, and August, there were six uses of force in each month, the second highest in all months in Figure Two. In October 2014, there were seven stops with a canine deployment, the highest number of stops with canine deployments in any month since August 2013.

Two other enforcement activities appear frequently in the stops selected for OLEPS review: PC consent to search requests and arrests. The total number of stops with PC consent to search requests increased dramatically following Peña-Flores. Figure Two also depicts trends in the reviewed motor vehicle stops with PC consent requests and/or arrests. The numbers do not represent the total volume of PC consent requests and arrests, but rather, only those stops selected for review in which these events occurred. In actuality, there were over 1,100 PC consent searches in motor vehicle stops in the second half of 2014. The 47 stops with PC consent requests represented in Figure Three for July-December 2014 only represent a very small fraction of the total number of stops with PC consent search requests. An annual graph, similar to Figure One, is not presented for stops with PC consent searches and arrests because the variation seen in these events is the result of the stops selected rather than variation in the actual use of such enforcement activities.

In February 2009, the New Jersey Supreme Court issued the Peña-Flores decision. This decision restricted the ability of law enforcement to conduct searches covered under the automobile exception. This decision resulted in the State Police developing the practice of PC consent requests. Because the decision led to a change in the type of enforcement activities engaged in by the State Police, OLEPS altered its sample selection to include PC consent requests, beginning in OLEPS' Second Monitoring Report. Due to time constraints, such a sample was not selected for OLEPS' Third Monitoring Report. Thus, the number of PC consent requests reflected in Figure Two for this period is much lower. OLEPS resumed review of PC consent requests in the fourth and fifth reporting period, as indicated by the increase in the number of PC consent requests. OLEPS' sixth through eighth reporting periods used a sample selected based on whether an arrest occurred rather than a PC consent request. As shown, the number of stops with arrests in these reporting periods is high while the number of PC consent requests is much lower. In the ninth reporting period, OLEPS shifted its focus back to PC consent requests after two reporting periods of focusing on stops with arrests. The number of PC consent requests in the current reporting period is much smaller than the previous reporting period. This is likely due to sample selection; OLEPS sampled stops based on the primary trooper involved in the stop rather than activities that occurred in the stop.

OPS & Investigations

Evidence of OPS' adherence to State Police policies and procedures is assessed in an audit of OPS investigations. These audits are conducted twice a year. OLEPS reviews a sample of misconduct cases and determines whether the cases were handled in accordance with State Police's policies and procedures. Because the details of these cases represent privileged and confidential information, this report includes only a general summary of the audit, rather than specifics of the cases in the audit. OLEPS also publishes aggregate analysis on OPS' misconduct investigations in the Public Aggregate Misconduct Report, available at http://www.nj.gov/oag/oleps/aggregate-misconduct.html.

Training

Functions performed by the Training Bureau are assessed on an annual basis. It is the responsibility of the Training Bureau to ensure that all troopers continue to receive quality training, including those troopers becoming supervisors. It is also the Training Bureau's responsibility to identify training goals, identify measures to assess goal performance, collect data, and determine where data fall on those measures. OLEPS reviews this process and presents an assessment of training for the 2014 calendar year in this report.

Management Awareness & Personnel Performance System

For tasks relating to MAPPS, OLEPS directly accesses MAPPS to ensure functionality. At various times during the review period, OLEPS checks to ensure that all relevant information is entered into the system. OLEPS also examines any risk management steps State Police took based on the information contained in MAPPS.

Oversight and Public Information

These standards generally refer to OLEPS' interaction with the State Police. OLEPS provides discussion of these standards based on interactions with the State Police throughout the oversight period.

PART III

ASSESSMENT OF NEW JERSEY STATE POLICE

Part III of this oversight report assesses State Police on Performance Standards created from State Police practices and operating procedures. These standards are broken out according to the following subgroups:

- Field Operations
- Supervisory Review
- OPS and Investigations
- Training
- MAPPS
- Oversight and Public Information

Part III

Field Operations

The standards in this section refer to the day-to-day operations and procedures to which State Police must adhere. Each standard is presented, followed by a description of the analysis and/or research conducted to assess State Police.

Assessment Process

OLEPS assesses Field Operations by reviewing a sample of motor vehicle stops. This review includes an examination of all reports and documentation of the stop. Audio and video recordings of stops are reviewed for all stops where recordings are available. OLEPS' staff examines the facts and circumstances of the stop to determine whether State Police performed within standards governed by State Police policy during motor vehicle stops. For those stops that received a State Police supervisory review, instances where troopers deviate from policy are noted and checked to ensure that their review also noted these errors. All information is recorded in OLEPS' Motor Vehicle Stop Assessment database. This assessment is revised by OLEPS according to the development of the law, State Police policies and procedures, and any observed patterns of performance each reporting period.

Performance Standard 1:
Race may not be considered except in B.O.L.O.

Standard

The requirements for this performance standard are taken directly from the language of the Decree, though several State Police policies and procedures reference the prohibition of race/ethnicity-based decision making.

> Except in the suspect-specific B.O.L.O. ("be on the lookout") situations, state troopers are strictly prohibited from considering the race or national or ethnic origin of civilian drivers or passengers in any fashion and to any degree 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.

This standard will also examine the potential effect of trooper discretion on racial/ethnic differences in stops and enforcement activities.

Racial/Ethnic Differences

All Motor Vehicle Stops

All 300 of the stops sampled for this reporting period involved some form of a post-stop interaction (e.g., a consent to search request, canine deployment, use of force, or arrest), but not all stops contained all post-stop activities. Figure Three presents the racial/ethnic breakdown of all stops in the current sample. These numbers do not reflect the racial and ethnic distribution of all drivers stopped by the State Police.[12] Rather, they reflect the racial and ethnic distribution of drivers who were involved in the stops selected for review.

Figure Three: Race/Ethnicity of Drivers
11th OLEPS Reporting Period

Total Drivers: **300**
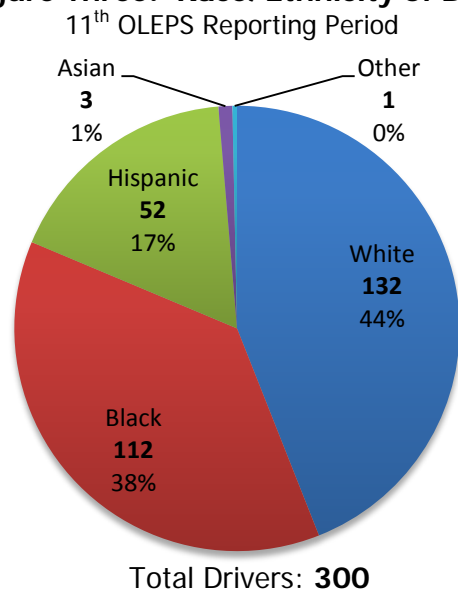
In the current reporting period, there were more stops with White drivers than any other racial/ethnic group. There were 132 (44%) drivers in this sample who were White, 112 (38%) who were Black, 52 (17%) who were Hispanic, three (1%) who were Asian, and one who was identified as Other.[13] The majority of trooper-citizen interactions in this reporting period appeared to involve White or Black drivers. Unlike the distributions noted in the previous two reporting periods, the stops reviewed in the current reporting period involved a larger proportion of White than Black drivers. Though there are more White drivers than Black drivers, the stops reviewed still involve a disproportionate number of Black drivers, as compared to their proportion of all stops conducted by State Police in the current reporting period.

Unlike the previous reporting period, this distribution will be compared to the racial/ethnic distribution of other activities. OLEPS does not review every stop conducted by State Police. Therefore, the potential does remain that the racial/ethnic distribution is skewed because the racial/ethnic distribution of all stops differs from that of stops with post-stop activities (i.e., any exit, frisk, search, use of force, or arrest).

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[12] For the total number of stops conducted involving drivers of each racial/ethnic group, see OLEPS' Aggregate Reports available at: http://www.nj.gov/oag/oleps/aggregate-data.html

[13]The State Police abide by two racial/ethnic group categorizations depending on the intended recipient of data. For example, data intended for publication in the Uniform Crime Report or data utilizing these categorizations use White, Black, Hispanic, Asian, American Indian, and Other categorizations. However, data compiled for non-UCR purposes utilize the categories of White, Black, Hispanic, Asian Indian, Other Asian, American Indian, and Other. Because the categories of Asian Indian and Other Asian are not uniformly utilized by the State Police, and because the data utilized in this report come from multiple sources, OLEPS uses the category of Asian rather than separate categories for Asian Indian and Other Asian.

Consent Requests

Figure Four: Consent Requests by Race/Ethnicity of Driver
11th OLEPS Reporting Period

Total Drivers: **134**
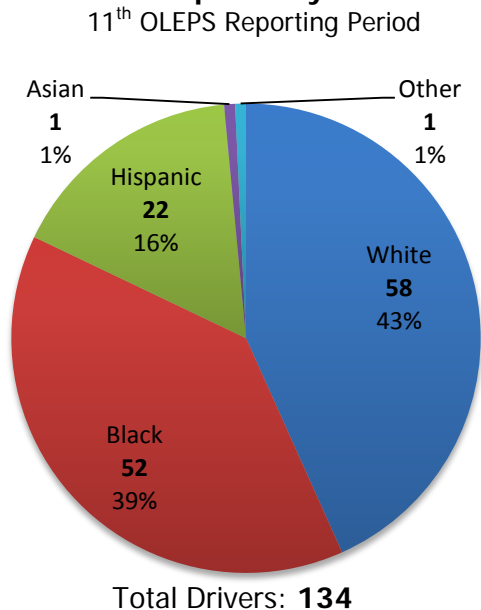
Figure Four depicts the number of stops, by race of driver, where consent to search was requested. In 134 motor vehicle stops, 45% of the sample, consent to search was requested. This Figure represents all consent requests: PC-based; RAS-based; those that were granted; and those that were denied. Unlike the previous reporting period, White drivers made up the highest number and percentage of stops with consent requests, 58 or 43% of all requests made. Black drivers made up the second highest portion, 52 stops with requests or 39%. Hispanic drivers were asked for consent to search in 22 stops or 16% of stops with requests. Finally, Asian and Other drivers were each asked for consent to search in one stop.

The majority of all stops reviewed in the previous reporting period contained a consent to search request, 337 of 366. As such, the distribution of all stops and those with consent requests were nearly identical. In the current reporting period, fewer than half of all stops reviewed involved a consent to search request. Despite this, the distribution of all stops reviewed and those with consent to search requests are very similar. In this reporting period, OLEPS reviewed all stops with an RAS consent and a sample of stops based on the graduating class of the trooper conducting these stops. Though not selected based on the activity in these stops, PC consent requests did occur in some of the selected stops.

Chi-square analysis (Appendix Three, Table One) was conducted to determine whether there were significant differences in the racial/ethnic distribution of consent to search requests. Due to low frequencies, the analysis was conducted using stops with only White, Black, and Hispanic drivers. The analysis yielded a chi-square (x^2) value of .285 with a *p*- value of .867. The difference in the number of consent to search requests asked of White, Black, or Hispanic drivers is not statistically significant.[14]

Canine Deployments

OLEPS reviewed all stops with a canine deployment in the current reporting period. There were 23 stops with a canine deployment, a 53% increase since the previous reporting period. Figure Five

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[14] Determinations of statistical significance are based on a *p*-value of .05, commonly used in Criminal Justice research. When obtained, this level indicates that there is only a 5% chance that the distribution is due to chance. When a significance level of .05 is reached in chi-square analysis, we state that there is a significant difference in the number of stops with the activity across racial/ethnic groups.

depicts the number and percentage of canine deployments by race and ethnicity of the driver. Black drivers made up the largest portion of motor vehicle stops with canine deployments. In total, nine deployments (39%) occurred in motor vehicle stops with Black drivers. Seven canine deployments (31%) occurred in stops with White drivers. Hispanic drivers were involved in six stops (26%) where a canine was deployed. Asian drivers were involved in one stop where a canine was deployed.

Figure Five: Canine Deployments by Race/Ethnicity of Driver
11th OLEPS Reporting Period

Total Drivers: **23**
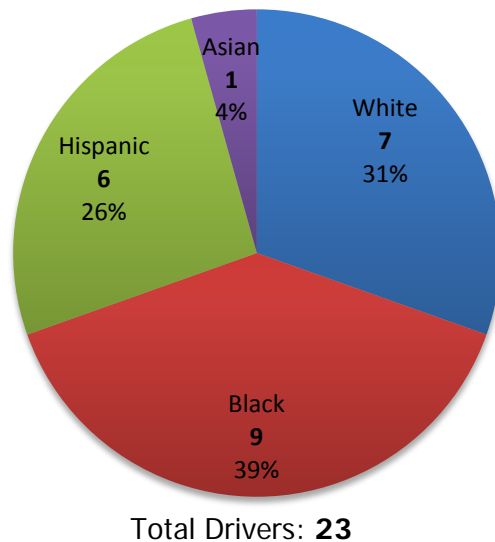
This overall pattern is consistent with historic trends in stops with canine deployments, but not the most recent reporting period. In the current reporting period, Black drivers make up a larger proportion of canine deployments than the previous reporting period. Black drivers were involved in 39% of stops with canine deployments this period, while in the previous period they were involved in 33% of all stops with canine deployments. White drivers are involved in a smaller proportion of stops this reporting period, 31%, compared to the previous reporting period, 40%.

In the current reporting period, there was a 53% increase in the number of stops with canine deployments. The racial/ethnic distribution indicates that this increase primarily involved stops with Black drivers. This disparity is not likely related to the sample selection noted previously in this report; OLEPS reviews **all** stops with canine deployments each reporting period. However, the small number of stops with canine deployments leaves the racial/ethnic distribution of stops with such deployments easily susceptible to fluctuations.

Chi-square analysis (Appendix Three, Table Two) resulted in a x^2 value of 1.86 and was conducted comparing White and non-White drivers. The analysis revealed that the racial/ethnic distribution of canine deployments is not statistically significant. It cannot be said that any racial/ethnic group is involved in a statistically significantly higher number of stops with canine deployments than any other racial/ethnic group; the pattern observed is possibly the result of chance. The lack of significance is a product of sample size; there are only 23 stops with canine deployments and it is difficult to achieve significance with small samples.

Uses of Force

Figure Six presents the racial/ethnic distribution of uses of force in the second half of 2014. In all stops conducted in the current reporting period, there were 23 uses of force, slightly fewer than the number in the previous reporting period. Of the uses of force in the second half of 2014, 12 (52%) were stops involving Black drivers, eight (35%) involved White drivers, and three (13%) involved Hispanic drivers. There were no uses of force in stops with Asian drivers. Unlike the previous reporting period, Black drivers were involved in the largest proportion of stops with force in the second half of 2014. As with

canine deployments, OLEPS reviews **all** stops with uses of force. This disproportionality is not the result of sample selection. However, only a small number of stops have uses of force in a given reporting period. This distribution is, therefore, easily skewed. There were only two more uses of force in stops with Black drivers and four fewer uses of force in stops with White drivers in the current period as compared to the previous period. Yet, the proportion of stops with force changed dramatically. This highlights the impact one or a few stops can have on the racial/ethnic distribution of a small number of stops.

Figure Six: Uses of Force by Race/Ethnicity of Driver

11th OLEPS Reporting Period

Total Drivers: **23**
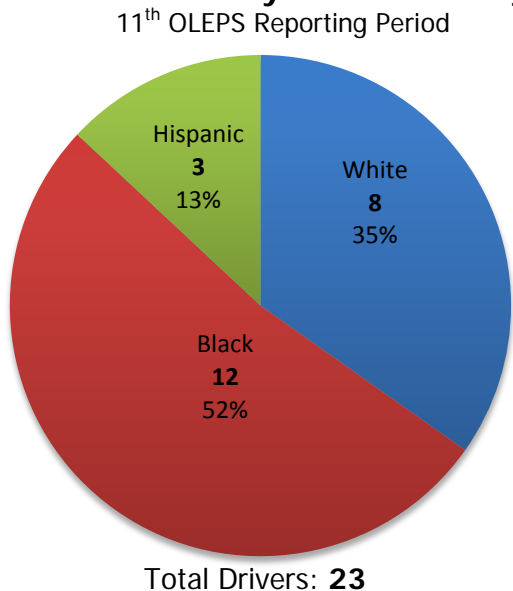
Chi-square analysis (Appendix Three, Table Three) indicates a x^2 value of .859 and that this distribution is not statistically significant, indicating that the differences are attributable to chance. The analysis compared White and non-White drivers as the use of each racial/ethnic category separately rendered the results invalid. Thus, it cannot be said that the number of force incidents in which White drivers were involved are significantly more than the number of incidents for other drivers. The lack of significance is a product of sample size; there are only 23 stops with uses of force and it is difficult to attain significance with small samples.

For several reporting periods, OLEPS noted increases in the number of stops with uses of force. The number of stops involving force in this reporting period is consistent with the previous reporting period. OLEPS is cognizant that the number of uses of force will fluctuate as the number of motor vehicle stops fluctuates. Overall though, the number of stops with uses of force are small and, as such, the racial/ethnic distribution shifts from reporting period to reporting period. As in the previous reports, OLEPS recommends continued examination of the racial/ethnic distribution of uses of force, as this distribution does change each reporting period.

Arrests

Figure Seven depicts the racial/ethnic distribution of motor vehicle stops in which an arrest was made. The sample selected for the current reporting period was largely based on the primary trooper involved in the stop, unlike previous reporting periods where the sample was based on activities that require an arrest. Despite this, the majority of stops, 246 stops or about 82%, involved an arrest. The number and proportion of stops with arrests is smaller than noted in the previous reporting period, where an arrest was made in 97% of stops.[15] Since an arrest was made in the majority of stops, the racial/ethnic distribution of stops with arrests is similar to the overall distribution of stops. However,

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[15] This proportion includes those stops where an individual was unarrested and released from the scene.

noticeable differences are evident. Black and White drivers were involved in the largest proportion of stops with arrests, 103 (42%) and 102 (42%) stops, respectively. Hispanic drivers were involved in 38 stops (15%) with arrests. Asian drivers were only involved in two stops (1%) with an arrest.

Figure Seven: Arrests by Race/Ethnicity of Driver
11th OLEPS Reporting Period

Total Drivers: **246**
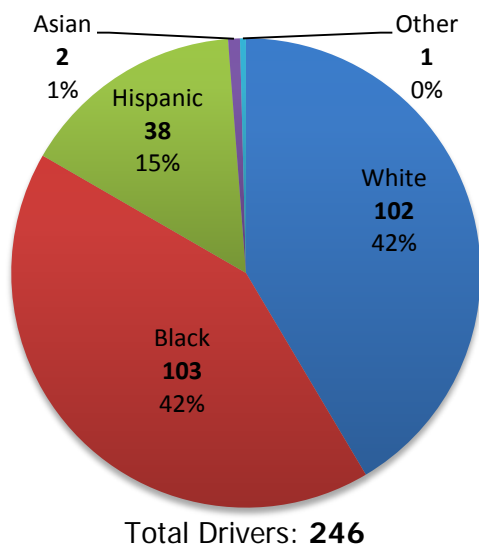
Chi-square analysis (Appendix Three, Table Four) was conducted to determine whether any significant differences exist in the racial/ethnic distribution of arrests. The analysis presents arrest versus no arrest for White, Black, and Hispanic drivers and yielded a x^2 value of 12.387, which is significant, p<.01. There is a significant difference between the number of stops with and without arrests of White, Black, and Hispanic drivers.

Despite being involved in a smaller proportion of all stops, Black drivers were involved in just as many stops with arrests as White drivers. This disparity will be explored in the discretion section of this standard to determine whether the circumstances surrounding the arrest (discretionary v. non-discretionary) explain this disparity.

The Role of Discretion

Discretion is vital to a police organization. It allows troopers to determine on which motor vehicle transgressions to focus their time and energy. Discretion is based, at least partly, on facts (i.e., what facts and circumstances make a transgression more egregious or less egregious) and trooper experiences (i.e., what transgressions they have previously found to be indicators of more substantial problems or issues).

OLEPS has historically examined how discretion impacts the racial/ethnic distribution of motor vehicle stops. This report will present a discussion of racial/ethnic differences in the most common stop reasons.

During OLEPS' assessment of motor vehicle stops, the reason for a motor vehicle stop is recorded by the primary trooper of the stop. These reasons are numerous and, as such, have been categorized to facilitate analysis. Any mention of "Speeding" is classified as "Rate of Speed." "Failure to Maintain Lane" is self-evident. The category of "Seat Belt" represents any mention of a seat belt violation. "Equipment Violations" is a catchall category of any violation referring to the vehicle itself rather than how the driver is operating the vehicle. These include non-functioning lights (head or break), cracked or broken glass, inappropriate window tint, failure to make repairs, or other issues with the vehicle. "Safety Violations" is another catchall category. It is comprised of violations that may impact the safety

of that individual motorist or other motorists and includes a violation of road laws such as: stop signs; impeding traffic; delaying traffic; running a red light; obstructed views; or aggressive, careless, or reckless driving. Finally, the category of "Failure to Signal/Improper Lane Change" includes any instance where a trooper cited a driver's failure to use a turn signal or an unsafe lane change.

Figure Eight presents the five most common reasons for motor vehicle stops in the current and past eight reporting periods. The most common reasons rarely change dramatically. The most common reasons are some combination of rates of speed, failure to maintain lane, equipment violations, and two other reasons. These other reasons typically include: safety violations, seat belts, or failure to signal/improper lane change. Generally, the top five reasons for motor vehicle stops account for over half of all the stops, 68.7% in the current reporting period.

As noted in the previous reporting period, rate of speed is the most commonly cited reason for a motor vehicle stop. Failure to maintain lane, equipment violations, safety violations, and failure to signal are among the top reasons for motor vehicle stops in the current period. Unlike earlier reporting periods, seat belt violations were not a top reason in this reporting period.

Figure Eight: Top Reasons for Trooper Initiated Motor Vehicle Stops
3rd- 11th Reporting Periods
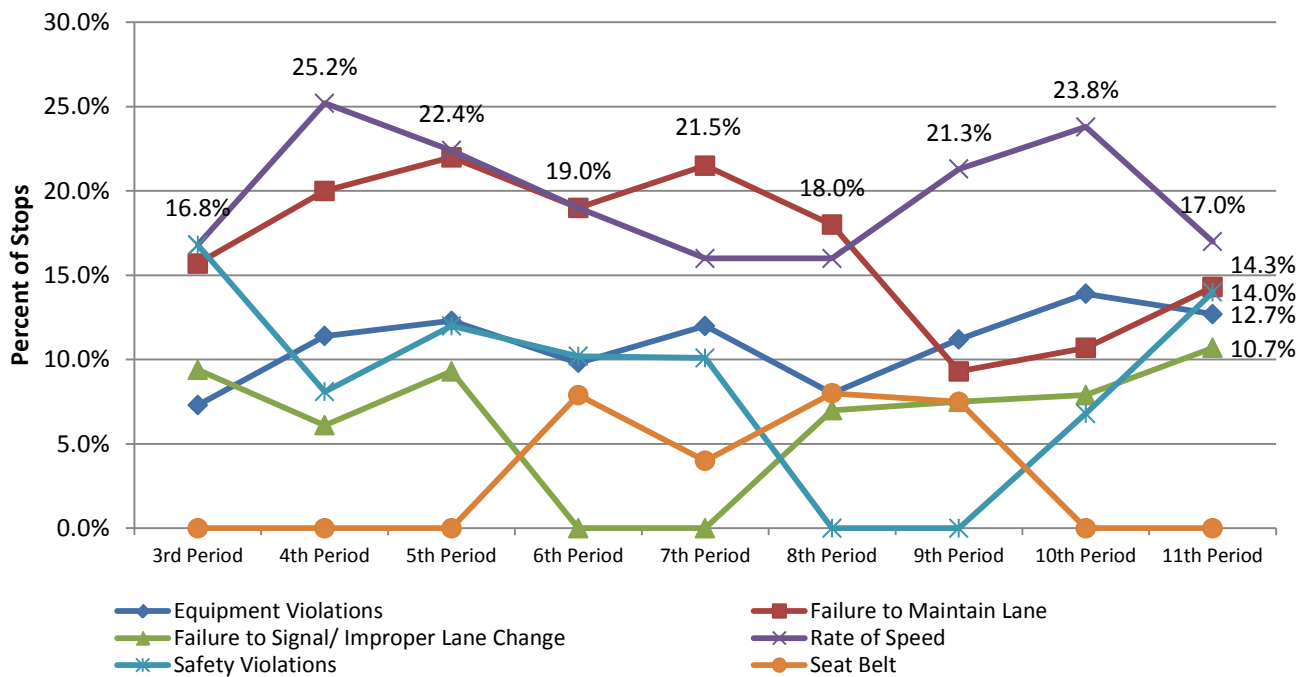
Generally, Motorist Aids/Motorist Accidents are a common occurrence, more so than some reasons listed in Figure Eight. In the current reporting period, Motorist Aids/Accidents were listed as the reason for the stop in 33 or 11%, of all stops in the current reporting period. These instances do not represent a trooper's decision to stop a vehicle, and as such, are not included in the Figure. Instead, aids and accidents represent a trooper's public service requirement to assist motorists.

All Motor Vehicle Stops

The most common stop reasons for the current reporting period are presented based on race/ethnicity in Table Three.[16] Unlike the previous two reporting periods, Black drivers make up the largest number for three stop reasons- rate of speed, equipment violations, and seat belt violations. The most frequently cited stop reason for White drivers is failure to maintain lane and for Black drivers is rate of speed. Seat belt violations are most frequently cited stop reason for Hispanic drivers and failure to maintain lane is the most frequently cited reason for Asian drivers.

Table Three: All Stops by Race/Ethnicity of Driver and Top Stop Reason
11th OLEPS Reporting Period

	White	Black	Hispanic	Asian
	(% of Total)	(% of Total)	(% of Total)	(% of Total)
Failure to Maintain Lane	25	11	5	2
	27.47%	13.58%	15.63%	100.00%
Rate of Speed	21	23	7	0
	23.08%	28.40%	21.88%	0.00%
Equipment Violations	13	21	4	0
	14.29%	25.93%	12.50%	0.00%
Unsafe Lane Change	18	9	5	0
	19.78%	11.11%	15.63%	0.00%
Seat Belt	14	17	11	0
	15.38%	20.99%	34.38%	0.00%
Total	91	81	32	2

While there do appear to be differences, albeit small, among the racial/ethnic distribution of motor vehicle stop reasons, additional analysis is needed to determine whether these reasons are significant.

Chi-square analysis (Appendix Three, Table Five) was conducted to determine whether there were any statistically significant racial/ethnic differences in the most common reasons for motor vehicle stops. The analysis revealed a chi-square value of 15.219. However, this value is not technically statistically significant $p=.055$, but it approaches significance. If a less strict significance test were used, these results would be significant. However, the significance level would indicate that there is a 5.5% likelihood that these results are due to chance rather than the standard 5%.

Consent Search Requests

Discretion can also be examined in post-stop activities. RAS, as a legal standard, is less strict than PC, which suggests that the potential for individual trooper discretion exists in RAS more than in PC. Since

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[16] The top five reasons for stops were cited in 216 of 300 motor vehicle stops. Table Three only presents the stops where the most common reasons were cited, not all stops. For example, the total listed for White drivers is 91, which represents the number of stops with White drivers where one of these reasons was cited, not the total number of stops with White drivers (which is 132).

post-stop enforcements arise out of the circumstances and facts occurring after a vehicle is stopped, it is inappropriate to examine how discretion in the reason for a stop relates to a post-stop enforcement. Instead, differences among the PC and RAS legal standards will be explored for consent requests and canine deployments.

Table Four presents the racial/ethnic distribution of types of consent to search requests- RAS or PC. The table presents the number of drivers of each race and ethnicity that received the outcome of interest and the legal standard that was used. The mean column indicates the arithmetic average of the stops for each racial/ethnic group. Since the standard involving a lower level of discretion, PC, is assigned a value of two, higher scores actually indicate the use of less discretion. RAS consents/deployments are assigned a value of one. A mean closer to one indicates that, on average, enforcements are based on a more discretionary standard for that racial/ethnic group. When this mean is used in conjunction with the chi-square statistics, which shows whether the differences are due to chance, the existence and direction of potential bias can be determined.

Table Four: Consent Requests by Race/Ethnicity of Driver and Legal Standard
11th OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulable Suspicion (1)	Probable Cause (2)	Mean
White	46	12	1.21
Black	23	29	1.56
Hispanic	16	6	1.27
Asian	1	0	1.00
Other	1	0	1.00
Total	**87**	**47**	**1.35**

Unlike the previous reporting period, where only 18% of all consent requests were based on RAS, the majority of consent requests reviewed in the current sample were based on RAS, as seen in Table Four. There were 87 stops that involved an RAS consent request while 47 stops contained a PC consent request. Because there are so many RAS consent requests, it would be expected that the majority of consent requests for each race/ethnicity are RAS based.

Chi-square analysis (Appendix Three, Table Six) was used to determine whether there were any significant differences in the racial/ethnic distribution of the legal standards used in consent requests. The analysis revealed significant differences among White, Black, and Hispanic drivers and the legal standard used to request consent ($p<.01$, $x^2=15.15$). Thus, there are significantly more consent requests based on RAS than PC for White and Hispanic drivers and significantly more based on PC than RAS for Black drivers.

The mean values in Table Four can be used to determine the direction of consent requests, either PC or RAS. For White drivers, the mean value is 1.21, closer to the value of one, which is assigned to RAS, than it is to the value for PC. This means that White drivers are more often receiving consent requests based on RAS than PC in the current reporting period. For Black drivers, the mean value is 1.56, closer to two, which indicates PC. Black drivers then are more frequently receiving PC searches rather than

RAS in this sample. The mean for Hispanic drivers is 1.27, again, closer to RAS than PC. Hispanic drivers are involved in a higher proportion of stops with RAS rather than PC consent requests. Finally, the mean for both Asian and Other drivers is 1, indicating RAS consent requests. In the previous reporting period, all drivers were involved in a higher proportion of stops with PC consent requests due to the sample selected for review. However, in the current reporting period, only Black drivers are involved in a higher proportion of stops with PC consent requests than RAS consent requests. Overall, as indicated by the individual group means and the overall mean, the direction of the distribution is toward RAS rather than PC consent requests; the majority of consent requests in the sample are based on RAS.

Variation Among RAS Consent Requests

While RAS may involve more discretion than PC consent requests, there is variation in discretion within categories of RAS. The reasons for an RAS consent request can be described as intangible, tangible, or probative. Intangible reasons are observations such as nervousness, failure to make eye contact, uncertainty in answers, and conflicting statements. Tangible reasons include the existence of air fresheners, modifications to vehicle interiors, "boost" cell phones, etc. Probative reasons include artifacts of gang membership (such as tattoos, admitted membership), odor of burnt or raw marijuana in the vehicle, admissions against self-interest, and criminal histories. In most incidents, there was more than one type of reason for requesting consent. However, probative reasons are recorded, if given, regardless of other reasons stated. If the table lists an intangible reason, those are instances in which only intangible reasons were given. If a stop had tangible reasons and probative reasons articulated, these are recorded as probative. Thus, the higher numbers for probative reasons may not reflect that *only* probative reasons were given but rather that all incidents with intangible or tangible reasons articulated also had probative reasons given and are displayed in the probative column only.

Table Five: Reason for RAS Consent Requests by Race/Ethnicity of Driver[17]
11th OLEPS Reporting Period

Race/Ethnicity	Intangible (1)	Tangible (2)	Probative (3)	Mean
White	2	2	39	2.86
Black	0	1	18	2.95
Hispanic	2	0	12	2.71
Asian	0	0	1	3.00
Other	1	0	0	1.00
Total	**5**	**3**	**70**	2.90

Consistent with previous reporting periods, the most common reasons for RAS consent requests are probative reasons. In 70 stops with RAS requests, there was at least one probative reason cited. There were three requests based solely on tangible reasons, and five requests based solely on intangible reasons. This pattern is consistent with previous reporting periods; the majority of RAS consent

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[17] There was one consent to search request based on RAS where the only reason listed was "Other." Because "other" cannot be clearly defined as intangible, tangible, or probative, this stop was removed from Table Six. This stop involved a White driver.

requests are based on probative reasons. The mean values are generally closer to a value of three, indicating probative reasons. Asian drivers technically have the highest mean, 3. However, this involves only one stop with an RAS consent request. Black drivers were involved in 19 stops with an RAS consent request and have a mean of 2.95, indicating probative reasons were more commonly used.

Due to extremely low expected counts, the results of chi-square analysis (Appendix Three, Table Seven) are invalid. Thus, while there are more probative reasons cited, it cannot be determined whether the distribution is the result of chance.

Canine Deployments

Racial/ethnic variation among the legal standard used to deploy canines was also examined. Table Six reveals that the majority of the 23 official canine deployments are based on RAS rather than PC. This is expected since State Police policy allows troopers to use the positive results of a canine deployment to further the investigation from RAS to PC which may result in an arrest or a request for a search warrant. Unlike previous reporting periods, RAS deployments are not the most common type of deployment for each race/ethnicity. For Black drivers, PC deployments are more common. Black drivers are also involved in the highest number of stops with canine deployments overall in the current reporting period.

Chi-square analysis (Appendix Three, Table Eight) results were invalid due to low expected counts. The majority of canine deployments are based on RAS rather than PC, but the statistical significance of the racial/ethnic distribution of these legal standards cannot be evaluated.

Table Six: Canine Deployments by Race/Ethnicity of Driver and Legal Standard
11th OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulable Suspicion (1)	Probable Cause (2)	Mean
White	6	1	1.14
Black	3	6	1.67
Hispanic	4	2	1.33
Asian	0	1	2.00
Total	**13**	**10**	1.42

The mean can be used to determine the direction (RAS vs. PC) of deployments for each racial/ethnic group. Means of one would indicate RAS and means of two would indicate PC. Overall, there are more RAS than PC canine deployments in the current reporting period. The means for all White and Hispanic drivers, 1.14 and 1.33, respectively, are closer to RAS than PC. The mean for Black drivers, 1.67, is closer to PC than RAS. However, it cannot be stated that these differences are statistically significant.

Arrests

There are instances where troopers have little discretion to arrest. For example, troopers are required to arrest when motorists have outstanding warrants. Other incidents may be rooted in probable cause, which involves more discretion than a warrant, but still limits the use of trooper discretion. The racial/ethnic distribution of arrests across these limited reasons is presented in this section. In the current reporting period, arrests occurred in 246 motor vehicle stops. Table Seven presents the racial/ethnic distribution of arrests and reasons for arrests.

The majority of arrests were based on probable cause alone (without a warrant): 130 stops had an arrest listed as probable cause; 69 were warrant based; and 47 were based on a combination of these two reasons. In instances where probable cause dissipates, an individual may be "unarrested." In this reporting period, there were nine motor vehicle stops where a person was unarrested. Overall, these data suggest that in the second half of 2014, sampled drivers were more likely to be arrested on probable cause, not on warrants, and if arrested on probable cause, to have charges filed.

Table Seven: Reason for Arrest by Race/Ethnicity of Driver
11th OLEPS Reporting Period

Race/Ethnicity	Stops with Arrests	Warrant Arrests (% of arrests)	Probable Cause Arrests (% of arrests)	Warrant & Probable Cause (% of arrests)
White	102	30 29.41%	56 54.90%	16 15.69%
Black	103	31 30.10%	47 45.63%	25 24.27%
Hispanic	38	7 18.42%	25 65.79%	6 15.79%
Asian	2	1 50%	1 50%	0 0%
Other	1	0 0%	1 100%	0 0%
Total	246	69	130	47

Of the arrests made in stops with White drivers, 30 (29.41%) were warrant based, 56 (54.90%) were probable cause based, and 16 (15.69%) were based on both warrant and PC. As noted in the previous reporting period, the majority of arrests in stops with White drivers were based on probable cause. However, this proportion is much lower in the current reporting period compared to the previous reporting period. This may be the result of the sampling characteristics for the current reporting period, where stops were selected based on the trooper who conducted the stop rather than the activities that occurred during the stop.

Of the arrests made in stops with Black drivers, the same holds; more arrests were based on probable cause than warrants alone or warrants and probable cause. During this reporting period, there were 31 (30.10%) stops with a Black driver where an arrest was made based on a warrant and 47 stops

(45.63%) where an arrest was based only on PC. There were 25 (24.27%) arrests in stops with Black drivers based on a combination of warrants and probable cause.

The same general pattern is observed for Hispanic drivers. Overall, seven (18.42%) arrests in stops with Hispanic drivers were based on warrants alone, 25 (65.79%) were based on probable cause alone, and six (15.79%) were based on a combination of warrants and probable cause. This is consistent with the previous reporting period where the majority of arrests in stops with Hispanic drivers were PC based.

Asian and Other drivers were involved in only three stops with arrests in the current reporting period. There was one arrest in a stop involving an Asian driver based on warrants alone and one based on probable cause alone. The arrest in the stop involving the Other driver was based on probable cause alone.

In incidents where a vehicle search was conducted, no evidence found, probable cause dissipated, and no charges were lodged, the vehicle occupants are able to leave the scene. Instances in which no charges were filed are those where an individual was released either at the scene of the stop or at the station. There were only nine stops where an individual, typically a passenger, was unarrested during a motor vehicle stop in the current reporting period. This number is much lower than the 73 stops with an unarrest reported in the previous reporting period. This difference is likely due to sample selection. The stops reviewed in the previous reporting period were selected because they included a consent to search request based on probable cause, the detection of the odor of marijuana. State Police policies developed following Peña-Flores[18] require immediate arrest when probable cause is established. Thus, in the previous reporting period, there were a high number of unarrests because the sample involved a higher number of stops where probable cause was present than the current reporting period.

Probable Cause Arrests
The change in State Police procedures following Peña-Flores required immediate arrest with probable cause. The trooper was then required to obtain a search warrant or consent to search the vehicle. There were no incidents during this period where search warrants were applied for at the scene of the stop.

Further examining incidents of probable cause arrests can indicate whether the potential for disparity exists. There were 47 arrests made on the basis of probable cause and at least one outstanding warrant, smaller than the number in the previous reporting period. Although probable cause was a reason for the arrest, the overarching reason was an outstanding warrant, which drastically limits a trooper's discretion. Of incidents with PC and a warrant, 16 drivers were White, 25 were Black, and six were Hispanic. This pattern is consistent with the most recent reporting period.

Warrant Arrests
The number of warrant only arrests made during the current reporting period is larger than the proportion noted in the previous reporting period. The proportion of stops with warrant only arrests in the current reporting period were 28% of all arrests compared to 2.5% of all stops with arrests in the previous reporting period. This is likely the result of sample selection rather indicative of a change in State Police arrest practices.

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[18] For more information regarding the effects of Peña-Flores on law enforcement see: http://www.nj.gov/oag/oleps/special-reports.html

Chi-square analysis (Appendix Three, Table Eight) was conducted to determine if the racial/ethnic differences in reasons for arrests were statistically different. The results indicate that there is not a significant difference in the racial/ethnic distribution of arrest reasons (p=.197).

Additional Analyses: Time of Day

In determining whether any racial/ethnic bias exists in trooper activity, it is important to consider the time of day when the stop and activities occurred. During the daytime, generally, there is more light which helps a trooper identify the race/ethnicity of the driver.

Table Eight: Racial/Ethnic Distribution of Day & Night Stops
11th OLEPS Reporting Period

Race/Ethnicity	Day	Night	Total
White	61	71	132
Black	54	58	112
Hispanic	17	35	52
Asian	2	1	3
Other	1	0	1
Total	135	165	300

Table Eight indicates that, like the previous reporting period, there were more motor vehicle stops made at night[19] (165) than during the day (135). There were more stops during the night for White, Black, and Hispanic drivers and more during the day for Asian and Other drivers. The largest difference between the numbers of day and night stops were for Hispanic drivers; there were twice as many nighttime stops than daytime stops for this racial/ethnic group.

Chi-square analysis (Appendix Three, Table Ten) was used to determine whether the observed differences in Table Eight are significant. The results did not reveal a significant difference among racial/ethnic groups in the distribution of day and night stops, suggesting that this distribution could likely result from chance (p=.156).

Summary of Standard 1

In the current reporting period, analyses revealed only a few significant distributions. There were significantly more White, Black, and Hispanic drivers arrested than were not arrested in the current reporting period. Additionally, there were more consent requests based on RAS than PC for White and Hispanic drivers and more consent requests based on PC than RAS for Black drivers. Unlike the pattern noted in the previous two reporting periods, White drivers were involved in the largest proportion of all stops and stops with consent requests. Black drivers are involved in the largest proportion of stops with

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[19] Day and night are defined according to sunrise and sunset. A stop occurring after the official time of sunset for the Eastern Time Zone (New York City) on that date will be listed as occurring at night.

canine deployments, uses of force, and arrests. As in all Oversight Reports, OLEPS examined the appropriateness of all actions taken during motor vehicle stops, reviewed in this Performance Standard.

OLEPS typically compares the racial/ethnic distribution of each enforcement activity with the overall racial/ethnic distribution for all stops. Generally, this benchmark represents the best currently available. However, if the racial/ethnic distribution of all stops is skewed, it would be an inappropriate benchmark, and could mask bias in enforcement activities. In the current reporting period, this distribution does not appear skewed, and as such, these comparisons are made. OLEPS continues to recommend the development of an appropriate internal or external benchmark to compare these enforcement activities.

Performance Standard 2:
Consent Search Requests

Standards

According to State Police policies and procedures, consent to search requests and consent searches must adhere to the following guidelines:

- Must be made with a minimum of RAS
- Must have supervisory approval
- Communication call-in must be made prior to requesting consent
- Troopers must notify consenter of their right to refuse
- Troopers must notify consenter of their right to be present
- The consent request must be limited in scope
- The consent search must be terminated upon withdrawal of consent
- A/V recording of request for approval, supervisors response, request to citizen, response, signing of form, and actual search
- Consent form should be completed properly

Assessment

In the current reporting period, OLEPS reviewed a total of 134 motor vehicle stops where a consent to search request was made. A request for consent (PC or RAS) may be granted or denied by the motorist. In the current reporting period, the majority of all consent requests were granted by motorists; 102 consent requests were granted and 32 were denied.

In this reporting period, OLEPS reviewed all stops with RAS consent requests and a random sample of stops based on the trooper who conducted the stops. There was no sample selected based on PC consent requests as has been examined in the past. The majority of stops with consent requests, 87, were based on RAS and 47 were based on PC.

Figure Nine depicts the number of RAS consent requests in each reporting period dating back to OLEPS' first reporting period. The number of RAS consent requests peaked in the eighth reporting period. Since the eighth reporting period, the number of RAS consent requests has steadily declined to 62 requests in the previous reporting period. The number of RAS consent requests in the current reporting period, 87, is a 40% increase from the previous period. OLEPS will continue to monitor the number of RAS consent requests to determine potential causes of these fluctuations.

The numbers in the total consent requests column only became relevant in 2009, as a result of the Peña-Flores decision. This ruling led to a policy of PC consent requests, dramatically increasing the numbers of all consent requests. As in the ninth reporting period, a sample of stops with a PC consent request was selected. There were 47 stops with PC consent requests reviewed in the current reporting period.

Performance Standard 2

Figure Nine: Consent Requests Reviewed
January 2008- December 2014
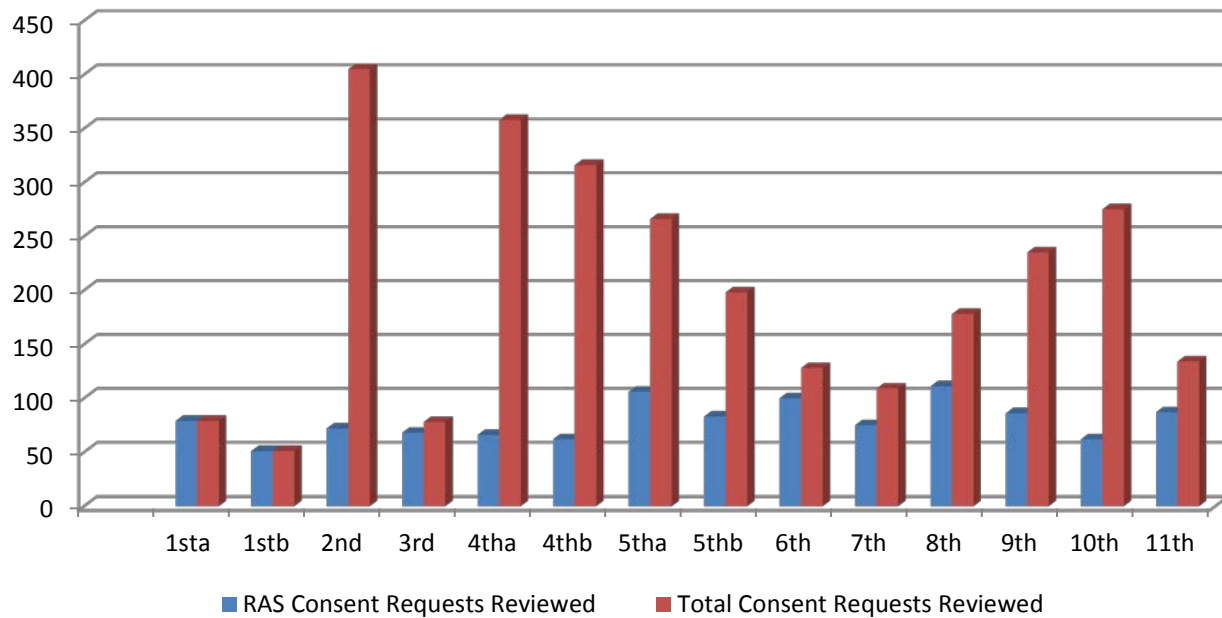
RAS & PC

At a minimum, consent requests must meet the standard of RAS. However, since the Peña-Flores decision in 2009, PC is also used as a reason justifying consent searches. As a legal standard, PC is stricter than RAS, requiring more specific facts and circumstances for troopers to ask for consent.

Table Nine: Errors on Legal Standard of Consent Requests
11th OLEPS Reporting Period

	All Consent Requests	RAS Consents Requests	PC Consent Requests
Met Legal Standard	127	81	46
Unknown	1	1	0
Did not meet Legal Standard	6	5	1
Errors Caught	5	4	1
Interventions	5	4	1
Errors Not Caught	1	1	0

Generally, the facts and circumstances surrounding the motor vehicle stop meet the respective standards for which they are requesting consent. Table Nine depicts these errors in each legal standard. Less than 5% of stops with a consent to search request did not meet the appropriate legal standard to request consent. In the current reporting period, there were five stops with an RAS consent request that did not meet the standard of RAS. State Police caught four of these errors and all resulted in an intervention. The remaining error was not caught despite receiving a State Police

review. There was an additional stop where it was unknown whether the standard of RAS was met (due to missing audio). There was one stop with a PC consent request that had facts and circumstances that did not meet the standard of PC. This error was caught by State Police and resulted in an intervention.

For the past few reporting periods, the State Police has consistently had a low number of stops where a legal standard was not met, evidence of their continued supervision and review of motor vehicle stops. The number of incidents where the legal standards were not met remains consistent with the previous reporting period. OLEPS reminds the State Police to continue its vigilance and improvement in both the appropriate use of legal standards and effective documentation of errors and interventions.

Though there were only six consent requests where the legal standard was not met, OLEPS noted the following additional seven instances where the trooper's request for consent were identified as warranting further examination by State Police:
- Two stops where the driver requested an attorney during the consent process after being arrested.
- Five stops where the language, wording, and repeated requests by the troopers pressured the driver for consent despite an initial denial of consent.

Six of these seven stops were reviewed by State Police prior to OLEPS' review. However, these reviews did not identify the circumstances of the request as warranting further examination.

Consent Forms

All troopers requesting consent to search from a motorist are required to complete a consent to search form. This form provides evidence that an individual did or did not give his/her consent for a trooper to search a vehicle (or other area). This form includes the location(s) to be searched, the individual(s) involved, the location of the stop, the rights of the individual(s) involved in the consent request, whether consent is granted or denied, and a log of any evidence recovered in the search. As such, it is important that these forms are completed properly.

Of the 134 stops with consent to search requests, OLEPS confirmed that a consent form was filled out appropriately in 73 instances. There were two stops where a consent to search form was missing. In 59 stops, consent forms were not completed appropriately. These errors most often relate to blank fields on the form. For example, many forms did not have a mark indicating whether consent was granted or denied, signatures were missing, or fields were not filled out entirely. Of these 59 errors, 53 were caught by State Police review and 25 resulted in an intervention. The remaining six errors were noted by OLEPS and not the State Police, even though four of these stops did receive State Police review. Ten percent of consent form errors were not noted by State Police, much smaller than the 36% from the previous reporting period. OLEPS continues to recommend that the State Police continue to review these forms in detail to ensure their accuracy and completeness.

Table Ten: Consent Form Errors
11th OLEPS Reporting Period

	Consents Requests	RAS	PC
Correct Form	73	41	32
Missing Form	2	0	2
Not Correct	59	46	13
Errors Caught	53	46	7
Interventions	25	21	4
Errors Not Caught	6	0	6

In previous reporting periods, OLEPS noted an issue regarding the proper completion of consent forms. Consent forms require a trooper to write the CAD incident number of the motor vehicle stop on the form. OLEPS noted that many consent to search forms were missing from the first data request because troopers completing the forms failed to list the CAD incident number. Accordingly, because these forms were initially missing a CAD incident number, they could not be appropriately filed within CAD or RMS and scanned into the records of a stop. The number of missing consent to search forms this reporting period is substantially smaller than any previous reporting period. There were only two forms that could not be located during this review. This may be attributable to State Police's continued improvement in record keeping. OLEPS continues to recommend that the State Police appropriately file, record, and store all paperwork.

Consent request forms were completed correctly in about 58% of all stops and form errors were caught in an additional 39.5% of all stops with consent requests. Thus, only about 6% of all stops with consent requests had errors on forms that were not caught by State Police. OLEPS commends the State Police on the improvements made regarding consent to search forms and its diligence in ensuring that forms are appropriately filed and stored in State Police databases. OLEPS continues to recommend that the State Police stress the importance of appropriately filed consent forms.

Rights

Troopers are instructed to read the consent to search form in its entirety to the individual whose vehicle is being searched so that s/he clearly understands his/her rights. Such rights are the right to refuse the search and the right to be present during the search. In one motor vehicle stop, a trooper did not appropriately notify the driver of either the right to refuse or the right to be present during the consent search. This error was not caught despite undergoing a supervisory review. There were an additional 22 stops where it was unknown whether the trooper read the consent form in its entirety due to recording issues.

Table Eleven: Reading Consent Form Errors
11th OLEPS Reporting Period

	Consents Requests	RAS	PC
Read Correctly	111	71	38
Unknown if Read	22	14	8
Not Read Correctly	1	0	1
Errors Caught	0	0	0
Interventions	0	0	0
Errors Not Caught	1	0	1

Unlike recent reporting periods, the number of errors pertaining to the right to refuse are low. The historical improvement in this error rate is likely the result of edits to the consent search form, which reinforced a trooper's obligations to read these rights. The State Police has also expressed that some troopers did not read the right to be present during the search because the motorist was not leaving the scene of the stop, or that they did not wish to give motorists the option of leaving. However, since the redesign of the consent search form and the reinforcement of the importance of these rights, the number of errors not caught pertaining to rights has decreased overall.

OLEPS recommends that troopers continue to appropriately notify citizens of their rights during consent to search requests. These rights are clearly written on the consent to search form, and as such, reading the form in its entirety results in the notification of these rights to the citizen.

Accountability & Safety

There are several requirements of troopers implementing a consent search. These requirements are designed to protect both the troopers and the individuals involved in the search. For example, troopers are required to obtain permission from a supervisor (not involved in the stop) to request consent of the motorist. This ensures that troopers are requesting consent searches based on facts and circumstances that meet the appropriate standards of RAS or PC. Troopers must request permission to search from a supervisor (not involved in the stop) to ensure objectivity in determining whether the search is appropriate. In the majority of stops with consent requests, 95, the supervisor was advised of the facts via the radio. In 35 stops, a supervisor was notified of the facts and circumstances at the scene of the stop. There were three motor vehicle stops where OLEPS was unable to determine whether a supervisor was notified of the facts and circumstances surrounding the request due to missing DIVR clips or audio malfunctions. There was one instance in this reporting period where a trooper did not notify a supervisor of facts and circumstances prior to requesting consent from the motorist. This error was caught and resulted in an intervention.

Table Twelve: Request for Supervisory Approval to Request Consent Errors
11th OLEPS Reporting Period

	Consents Requests	RAS	PC
Radio	95	60	35
Scene	35	25	10
Unknown	3	1	2
Not Notified	1	1	0
Errors Caught	1	1	0
Interventions	1	1	0
Errors Not Caught	0	0	0

Given State Police's history of missing consent forms, OLEPS also measured whether there was video recording of the form being completed. This allowed OLEPS to confirm whether the forms were filled out at the scene and whether they were filled out appropriately. Troopers are also required to read the consent form (including the rights to be present and to refuse) while recording. This provides supplemental evidence that troopers notified motorists of their rights. This question is only answered for those stops in which OLEPS reviewed recordings of the motor vehicle stop in addition to reports. In 115 stops, consent was requested while recording, while in six stops the consent request was not recorded. In the six where the consent request was not recorded, OLEPS noted recording issues, malfunctions, or missing DIVRs. All of these errors were caught by State Police and one resulted in an intervention. Additionally, there were 13 instances where it was unknown whether the consent to search form was read while recording because the recordings were missing.

Table Thirteen: Consent Request Recording Errors
11th OLEPS Reporting Period

	Consents Requests	RAS	PC
Recorded	115	76	39
Unknown	13	7	6
Not Recorded	6	4	2
Errors Caught	6	4	2
Interventions	1	1	0
Errors Not Caught	0	0	0

After a supervisor approves the request to ask for consent to search, and the motorist grants consent, troopers may begin the search after they notify State Police communication that the search is beginning. This was done in 91 motor vehicle stops. There were 14 stops where it was unknown whether a trooper notified communication that the search was beginning. There was one stop where a trooper failed to notify communication of the beginning of the consent search. This error was caught and an intervention was issued.

Table Fourteen: Consent Search Communication Errors
11th OLEPS Reporting Period

	Consents Requests	RAS	PC
Notified	91	62	29
Unknown	14	12	2
Not Notified	1	1	0
Errors Caught	1	1	0
Interventions	1	1	0
Errors Not Caught	0	0	0

According to State Police policy, troopers are also required to record the actual search. As noted previously, OLEPS can only confirm trooper adherence to this requirement for stops where recordings are available for review. In 80 stops, the consent search was properly recorded. Consent searches were not recorded in five motor vehicle stops, three of which were noted by supervisory review, and one of which resulted in an intervention. In six stops, only the audio portion of the consent search was recorded while the video portion was the only recording in nine stops. Additionally, in four stops it was unknown whether the consent search was recorded.

Table Fifteen: Consent Search Recording Errors
11th OLEPS Reporting Period

	Consents Requests	RAS	PC
All Recorded	80	58	22
Audio Only	6	3	3
Video Only	9	7	2
Unknown	4	3	1
Not Applicable	0	0	0
Not Recorded	5	3	2
Errors Caught	3	3	0
Interventions	1	1	0
Errors Not Caught	2	0	2

As noted above, the consent to search form specifically identifies the parts of a motor vehicle a trooper is allowed to search per supervisory approval and motorist consent. Troopers may not deviate from this scope. OLEPS noted that in most stops troopers appropriately heeded the scope requirements of the search. There were five motor vehicle stops with a consent search where troopers went beyond the scope requirements. All of these errors were caught by State Police supervisory review and interventions were issued for four of these errors. There were four stops where OLEPS could not determine whether the scope of the search was exceeded, likely due to recording issues.

Table Sixteen: Consent Search Scope Errors
11th OLEPS Reporting Period

	Consents Requests	RAS	PC
Followed Scope	95	67	28
Unknown	4	2	2
Did not Follow Scope	5	5	0
Errors Caught	5	5	0
Interventions	4	4	0
Errors Not Caught	0	0	0

A motorist retains the right to withdraw his/her consent to the search at any time during the search. Troopers must immediately terminate a search upon withdrawal of consent. Generally, withdrawal of consent is rare, typically occurring in fewer than five stops. In this reporting period, consent was withdrawn in one motor vehicle stop. The consent search was not appropriately terminated upon withdrawal of consent and this error was not noted by State Police.

The Odor of Marijuana
In September 2014, the State Police issued operations instructions detailing how State Police should proceed in encounters where the odor of marijuana was detected after the passage of the Compassionate Use Medical Marijuana Act (CUMMA). State Police policies since Peña-Flores have instructed troopers to arrest drivers upon the detection of the odor of marijuana. Once arrested, the trooper could request consent to search the vehicle or request a search warrant to search the vehicle. However, CUMMA patients are permitted to smoke marijuana as set forth in the statute. The CUMMA guidelines prohibit operating a vehicle while under the influence of marijuana but do allow patients to use marijuana in their vehicles (while not in operation). Thus, the smell or presence of marijuana itself may not ultimately establish probable cause that a crime has been or is about to be committed. In accordance with their policies and procedures, troopers must inquire as to whether the driver is a medical marijuana patient. After an individual has indicated that s/he is not a medical marijuana patient, troopers continue with law enforcement activity- requesting consent to search based on probable cause or requesting a search warrant to search the vehicle. This new policy was enacted in September 2014, during the current reporting period.

To reflect these changes, OLEPS added questions regarding CUMMA to the review of motor vehicle stops. In the current reporting period, there were 39 stops where the odor of marijuana was detected and 12 stops where marijuana was found. Fourteen of these stops occurred prior to the implementation of State Police's CUMMA policy, thus, inquiring about the status of CUMMA was not applicable. In three additional stops, inquiry about CUMMA was also not applicable and in six stops it was unknown whether CUMMA status was determined. In 23 stops where marijuana was detected or found, the driver was asked whether they were a medical marijuana patient. Thus, there were three stops where the trooper failed to inquire about CUMMA. Two of these errors were caught and one resulted in an intervention.

Troopers are required to inquire into a driver's medical marijuana status prior to taking any law enforcement action. In 12 stops, troopers determined CUMMA status as instructed. In 13 stops, troopers failed to inquire about a driver's potential CUMMA status prior to taking law enforcement actions. This error was caught in 10 stops and resulted in an intervention in four stops. These errors

frequently occurred because the trooper arrested the driver prior to ascertaining whether they were a CUMMA patient.

Summary of Standard 2

Overall, the State Police adhered to policies and procedures governing consent search requests. OLEPS noted several instances in the current reporting period where the facts and circumstances surrounding a consent to search request did not meet the minimum standard of RAS or PC. While there were only two consent forms missing or unavailable in the current period, errors on the forms remain. OLEPS commends the State Police on the improvements made regarding consent to search forms and its diligence in ensuring that forms are appropriately filed and stored in State Police databases. OLEPS continues to recommend that the State Police stress the importance of filling out these forms completely and correctly, and appropriately cataloging these forms. Further discussion of the recording issues noted in this standard are discussed in Performance Standard 5.

Performance Standard 3:
Deployment of Drug Detection Canines

Standards

According to State Police policies and procedures, canine deployments must adhere to the following guidelines:

- Must be authorized by a supervisor not involved in the stop
- Must be radioed through dispatch
- Must have a minimum of RAS
- Must be recorded (since all stops must be)

Assessment

All canine deployments must be authorized by a supervisor not involved in the stop. OLEPS has noted several instances in the past where a canine was deployed without proper supervisory approval. OLEPS has noted that in the past, these unofficial deployments have occurred because the canine handler was serving as a "back-up" to the primary trooper. In the current reporting period, there were 23 motor vehicle stops where a canine was on the scene of a stop and officially requested. Figure Ten depicts the trend of the number of stops with canine deployments. The number of deployments in the current period is a 53% increase from the number of deployments in the previous reporting period. Though this is a large increase, the number of deployments in the current period remains lower than the volume noted from 2011-2013.

Figure Ten: Stops with Canine Deployments
January 2008- December 2014
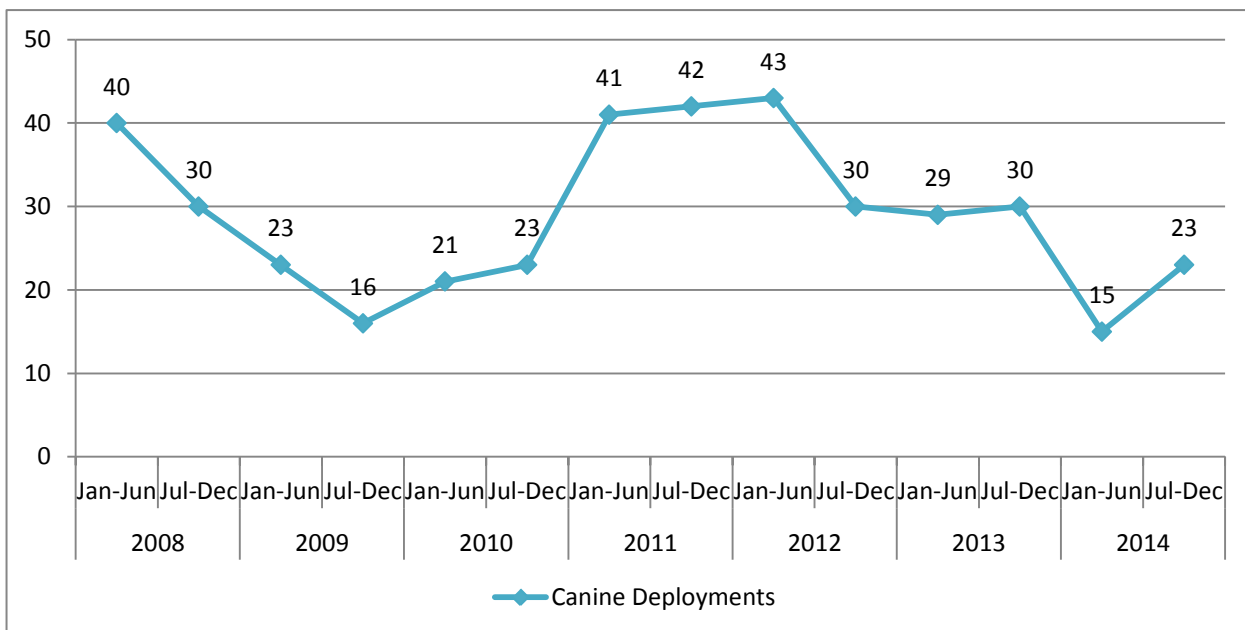
Performance Standard 3

Of the 23 deployments at the scene, there was one where it was unknown whether the canine was utilized at the scene due to missing recordings. In addition to these official deployments, the State Police requested a canine in 24 other stops. However, these dogs were dispatched to the station rather than the scene. Unlike the previous reporting period, where there were 17 dogs dispatched to the station and only 14 to the scene, the number of canines dispatched to the scene and the station are nearly identical in the current reporting period.

Of the official deployments, 14 were based on RAS and nine were based on PC. There were no instances where the facts and circumstances surrounding the deployment did not meet the legal standard used.

Table Seventeen: Canine Deployment Legal Standard Errors
11th OLEPS Reporting Period

	Canine Deployments	RAS Deployments	PC Deployments
Met Legal Standard	23	14	9
Did not meet Legal Standard	0	0	0
Errors Caught	0	0	0
Interventions	0	0	0
Errors Not Caught	0	0	0

Canine deployments must be recorded according to State Police policy. In the current reporting period, 17 (of the total 23) deployments were recorded appropriately and there were six deployments where OLEPS was unable to determine whether they were recorded. In these six stops there were noted issues with recordings: unavailable tapes, camera angles that prohibited view of the activity, or events that took place off camera.

Table Eighteen: Canine Deployment Recording Errors
11th OLEPS Reporting Period

	Canine Deployments	RAS	PC
Recorded	17	11	6
Unknown	6	3	3
Not Recorded	0	0	0
Errors Caught	0	0	0
Interventions	0	0	0
Errors Not Caught	0	0	0

Summary of Standard 3

As noted in previous reports, the number of canine deployments at the scene of the stop increased dramatically from 2010 to 2011. The number of deployments in the current reporting period is larger than the number noted for the previous reporting period. All of the official canine deployments in this reporting period were appropriate and met the legal standards of either RAS or PC. Despite changes in the frequency of canine deployments, State Police continue to follow the canine deployment procedures. While recording issues persist, OLEPS commends State Police on the continued appropriate use of legal standards in canine deployments.

Performance Standard 4:
Use of Force

Standards

Troopers must adhere to the following guidelines related to the use of force:

- Used for protection of self or others from unlawful force by another, suicide/bodily injury
- Used to prevent the commission of a crime involving potential injury, damage, loss of property, or breach of peace
- Used in self defense
- Used to prevent an escape
- Used to effect an arrest only if the purpose of the arrest is made reasonably known, if a warrant is reasonably believed to be valid, or when the arrest is lawful
- Use of force forms filed completely and properly

Assessment

OLEPS reviews all uses of force in connection with motor vehicle stops. There were 23 stops with a use of force in the current reporting period, slightly less than the previous reporting period. Table Nineteen presents the types of force used in the current reporting period. As is generally the case, physical force is the most frequently used type of force. There were 15 instances where physical force was used, four involved mechanical, three involved a combination of mechanical and physical force, and one involved a combination of mechanical, physical, & enhanced mechanical force.

Table Nineteen: Uses of Force by Type of Force[20]
11th OLEPS Reporting Period

Type of Force	Number of Stops
Physical	15
Mechanical	4
Mechanical & Physical	3
Mechanical, Physical, & Enhanced Mechanical	1
Total	23

[20] Physical force: Bodily contact with a subject, not otherwise submitting or cooperating, to effect an arrest or other law enforcement objective.
Mechanical Force: The use of some device, which employs less than deadly force, such as a baton (PR24, expandable baton, etc.), police canine, chemical or natural irritating agent, etc.
Enhanced Mechanical Force: An intermediate force option between mechanical force and deadly force, requiring a greater level of justification than that pertaining to physical or mechanical force, but a lower level of justification than that required for the uses of deadly force (e.g., conducted energy devices and less-lethal ammunition).

Performance Standard 4

In the current reporting period, there was a slight decrease in the number of stops with a use of force. Figure Eleven depicts the trend in the number of stops with uses of force in the current period. There were 23 stops with uses of force in the current period, slightly less than the 25 in the previous period. Since the first half of 2009, stops with uses of force have increased and remained relatively consistent, between 20 and 25 uses in each reporting period.

Figure Eleven: Stops with Use of Force
January 2008- December 2014
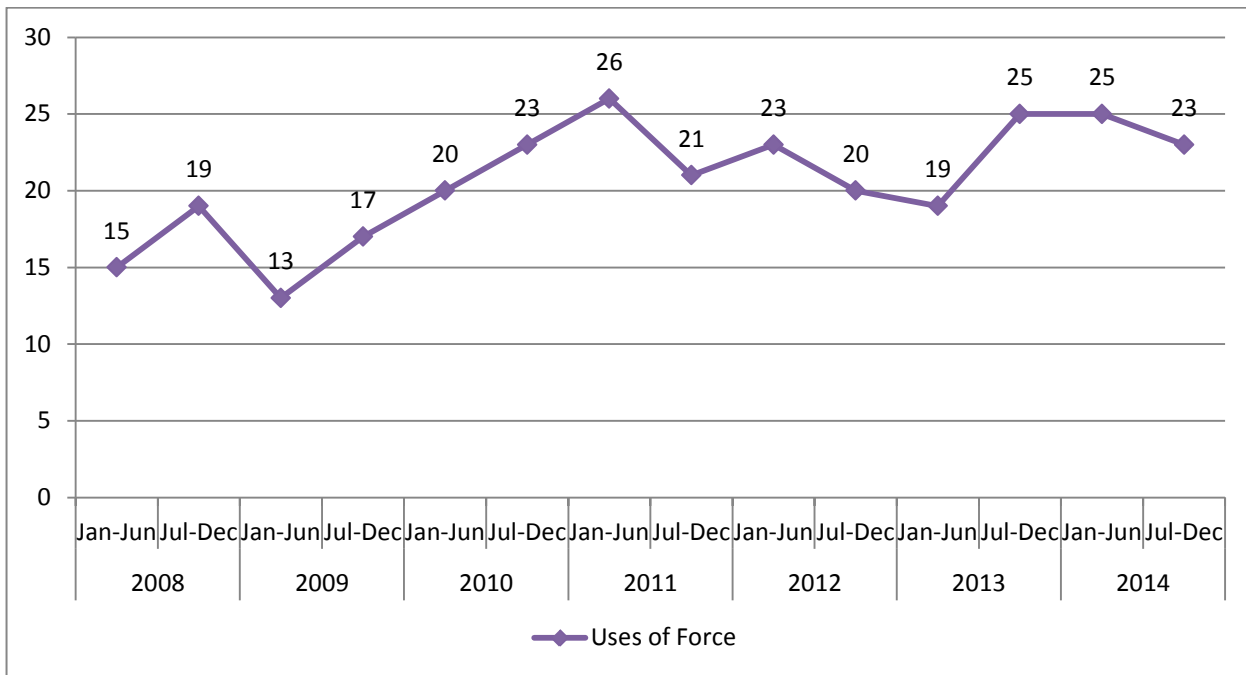
OLEPS assesses whether uses of force occurring in motor vehicle stops were appropriate and necessary. In 15 stops, the use of force was deemed necessary and appropriate, based on the requirements above. In this reporting period, there were eight stops where OLEPS was unable to determine whether force was appropriate. In six stops, the incidents occurred outside the view of the DIVR camera and in one stop there was not enough light to clearly see the use of force. In one stop there were no recordings available for review. There were no stops where OLEPS observed a use of force deviating from applicable standards.

Table Twenty: Uses of Force Errors
11th OLEPS Reporting Period

	Driver	P1	P2
Necessary	12	2	1
Unknown	8	0	0
Not necessary	0	0	0
Errors Caught	0	0	0
Interventions	0	0	0
Errors Not Caught	0	0	0

The 23 motor vehicle stops involved uses of force against the driver, passenger 1, or passenger 2. In total, there were 20 motor vehicle stops where the driver was a recipient of force, two stops where passenger 1 was a recipient of force, and one stop where passenger 2 was a recipient of force. There were no instances where the driver and passengers were both recipients of force.

Use of force reports are required to be filed in all instances of force for each citizen involved. In 18 use of force incidents involving the driver, use of force reports were filed. There were two missing use of force forms in incidents involving the driver. One of these errors was noted but did not result in an intervention. Reports detailing uses of force involving passenger 1 and passenger 2 were all available.

Table Twenty-One: Uses of Force Reports
11th OLEPS Reporting Period

	Driver	P1	P2
Report Filed	18	2	1
Missing	2	0	0
Errors Caught	1	0	0
Interventions	0	0	0
Errors Not Caught	1	0	0

Additionally, OLEPS ensures that use of force reports are filled out correctly. In two uses of force involving the driver, the use of force reports were not completed properly. These errors were noted by State Police and one of these errors resulted in an intervention. All use of force reports were completed correctly in uses of force involving passenger 1 and passenger 2.

Table Twenty-Two: Uses of Force Report Errors
11th OLEPS Reporting Period

	Driver	P1	P2
Report Correct	16	2	1
Missing	2	0	0
Report Not Correct	2	0	0
Errors Caught	2	0	0
Interventions	1	0	0
Errors Not Caught	0	0	0

Summary of Standard 4

OLEPS concluded that the observable uses of force in the current reporting period were conducted in accordance with State Police requirements. The issues pertaining to missing or incomplete use of force reports reiterate OLEPS' recommendations for appropriate documentation and cataloging of State Police enforcement activities. Additionally, OLEPS is mandated to review all critical stops, which include uses of force. There were a few instances where OLEPS was unable to review the stops due to recording and/or electronic storage issues. OLEPS reiterates concerns regarding complete recording and appropriate storage management of motor vehicle stop recordings.

Performance Standard 5:
Recording & Reporting of Motor Vehicle Stops

Standards

State Police policies and procedures require audio and video recording of <u>ALL</u> motor vehicle stops, from just prior to the first communication center call in until the stop is cleared.

State Police policies and procedures require that specific instances and information be radioed to the State Police Communication Center. They include the following:

- Trooper badge number & activity (<u>i.e.</u>, motorist aid or vehicle stop)
- Location, direction of travel, municipality
- Vehicle description
- Occupant description- race, gender
- Stop statute
- Status update
- Race and gender update

- Driver DOB
- Vehicle registration, make, model
- Checks on licenses/identity, wanted persons status, criminal history
- Requesting backup
- Final disposition
- Stop cleared

State Police policies and procedures require that motor vehicle stop reports be filed for all stops that involve post-stop enforcement activity. Investigation reports are also required when a stop involves investigative functions (<u>e.g.</u>, search warrants). These reports are expected to be accurately completed.

OLEPS reviews all documentation of motor vehicle stops in addition to recordings. This includes any and all supervisory reviews of the motor vehicle stop. In instances where OLEPS cannot access or locate a recording of a motor vehicle stop, OLEPS can examine these reviews to determine whether the stop was recorded at all.

Assessment

Recording

In the current reporting period, a total of 300 motor vehicle stops were reviewed. According to State Police policy, all motor vehicle stops should be recorded, beginning when a trooper signals a car to stop (<u>i.e.</u>, turns on lights and sirens). The State Police use a system that integrates audio and video recordings, however, the microphone and video camera are separate mechanisms that can and do function independently. In the past few reporting periods, OLEPS has noted many instances where the audio and video did not record simultaneously. For example, in some cases there may be a video recording, but no audio or vice versa. Because of this, OLEPS now assesses video and audio activations separately.

Shown in Table Twenty-Three, of the 300 motor vehicle stops reviewed by OLEPS, 237 stops (79%) had appropriately activated DIVRs. There were 26 stops where OLEPS was unable to determine whether the video was activated due to missing or unavailable DIVRs. For these stops OLEPS may have conducted the review using only paper reports or, if available, utilized recordings from any other troop cars at the scene. For several reporting periods, OLEPS has noted instances where the first clip of a motor vehicle stop was unavailable on the State Police DIVR system. For some of these stops, the remaining clips were available for review on recordings from other troop cars involved in the stop. OLEPS noted that the missing first clips were either deleted or attached to the trooper's previous motor vehicle stop CAD incident number. OLEPS recommends that the State Police examine the issue of missing first clips of motor vehicle stops.

In 31 stops, video activation was not applicable, likely because the stop began as a rest area check or accident and not as a trooper initiated stop or because the DIVR was not available for review at all. In total, there were six stops (2%) where the video was not activated appropriately when the trooper signaled the stop, slightly more than in the previous reporting period. Four of these errors were noted by supervisory review and three resulted in an intervention.

Table Twenty-Three: Recording Activation Errors
11th OLEPS Reporting Period

	Video Activation	Audio Activation
Activated	237	216
Unknown	26	29
Not Applicable	31	30
Not Activated	6	25
Errors Caught	4	18
Interventions	3	9
Errors Not Caught	2	11

Also shown in Table Twenty-Three, audio recording activation occurred at the beginning of 216 motor vehicle stops (72%) this reporting period. There were 29 stops where OLEPS was unable to determine whether the audio was activated at the beginning of the motor vehicle stop. There are three more stops where it was unknown whether the audio was activated than the number where it was unknown whether the video was activated. There was no audio for the duration of these stops. In these instances, OLEPS was unable to determine whether the audio was activated by the trooper and not stored in the database or whether the audio was not activated at all. There were 30 stops where it was not applicable for audio activation to occur at the beginning of the stop. There is a one stop difference in the number of not applicable activations for video and audio recordings. This interaction began as a check on stopped vehicle; recording is not required at this point. However, once the troopers began interaction with the driver, the incident morphed into a motor vehicle stop and the video was activated. The troopers involved in this incident were not wearing their microphones for five minutes after the video recording began though they should have been. This error included in Table Twenty-Three; it was noted by supervisory review and an intervention was issued.

OLEPS found that in 25 motor vehicle stops, the audio did not activate at the beginning of the stop. In these stops, 18 errors were noted by State Police supervisory review and nine resulted in interventions. There were nine stops identified as having errors by supervisors that resulted in no intervention. State Police did not review any of the remaining seven stops where the audio did not activate at the beginning of the stop.

As with the activation of audio and video, OLEPS also assesses whether audio and video recordings continue to the completion of a stop, separately. There were 251 stops (83.67%) where the video recording continued to the completion of the stop. There were 25 stops where OLEPS was unable to determine whether video recording continued to the completion of the stop. The majority of these reviews were based only on reports generated during the stops and no recordings of the stop. In these stops, OLEPS had no indication in this documentation that the recordings continued. Additionally, there was one stop where it was not applicable for the recording to continue to the completion of the stop. In total, there were 23 stops where the video recording did not continue to the completion of the stop. In 12 of these instances, supervisory review noted these errors and eight resulted in an intervention.

Table Twenty-Four: Recording Completion Errors
11th OLEPS Reporting Period

	Video Completion	Audio Completion
Completion Recorded	251	221
Unknown	25	25
Not Applicable	1	3
Completion Not Recorded	23	51
Errors Caught	12	30
Interventions	8	14
Errors Not Caught	11	26

In 221 motor vehicle stops, the audio recording continued to the completion of the stop. There were 25 stops where OLEPS was unable to determine whether the audio recording continued to completion. There were three stops where it was not deemed applicable for the audio to continue to the completion of the stop. There is a two stop difference in the number of stops where it was not applicable for the video and audio recordings to continue to completion. In two stops it was not applicable for the audio to continue to completion because there was an audio malfunction during the stop.

In all, there were 51 stops (17%) where the audio recording did not continue to the completion of the stop. Of these audio errors, the State Police caught 30 in their reviews and 14 resulted in interventions. In total, there were 16 instances where errors were caught by supervisors, but no further action was taken.

OLEPS has noted numerous instances where portions of recordings of stops were unavailable. A single stop may be broken down into several clips, some of which are not available. Further, recordings may be "non-matched"; that is, they are not properly cataloged in databases according to incident or sequence numbers. The instances where OLEPS was unable to determine whether the audio and video were activated or continue to the end of the stop is the result of this issue. In the current reporting period, a number of recordings were listed as "no record found" or "unavailable" when OLEPS attempted access. Because OLEPS cannot access portions of or the entirety of motor vehicle stops, a formal determination on the quality of recording cannot be made. These issues are likely the result of storage and database issues, but OLEPS continues to recommend that State Police ensure that motor vehicle stops are recorded and stored in their entirety.

In the previous reporting period, an increasing number of recording issues pertaining to activation rather than completion were noted. As noted in the previous reporting period (January 1, 2014 to June 30, 2014), there were 26 stops where OLEPS could not determine whether video was activated, 29 stops where OLEPS could not determine whether audio was activated, and 25 stops where OLEPS

could not determine whether video or audio continued to the end of the stop. Similarly, the current reporting period indicated more activation than completion issues as noted above. OLEPS strongly recommends that State Police continue to explore potential sources of these issues.

For several reporting periods, OLEPS has assessed the quality of audio and video recordings. While a DIVR may be recording, the audio may be unintelligible or the camera may not be aimed at the stopped vehicle. In these instances, OLEPS noted whether there were any audio or video interferences that made it difficult to determine trooper actions. There were 62 stops (20.66%) where some sort of audio interference made it challenging to determine trooper actions, slightly more than the proportion noted in the previous reporting period. These interferences often result from the noise of traffic passing or other external factors. In addition, there were 22 stops (7.33%) where there was a malfunction in the audio, less than the previous reporting period. Malfunctions may result from microphones dying or fading in and out throughout the stop. There were three stops where it was unknown whether there were any audio difficulties due to missing recordings.

Table Twenty-Five: Recording Difficulties
11th OLEPS Reporting Period

	Audio Difficulties	Video Difficulties
None	213	246
Difficulties	62	42
Malfunction	22	9
Unknown	3	3

Issues with the video recording were noted in 42 stops (14%), making it difficult to determine trooper actions. The video interferences may result from the camera being positioned away from the stopped vehicle or because of environmental conditions (dark, rainy, etc.). While not ideal for review purposes, the direction of a camera may be less of a concern for a trooper during a motor vehicle stop because a trooper's priorities are trooper and motorist safety. In addition to video difficulty, there were nine stops (3%) where OLEPS noted a video malfunction. There were three stops where it was unknown whether there were any video difficulties due to missing recordings.

In the previous reporting period, roughly 34.7% of all stops reviewed had either issues with audio recordings or a malfunction and about 17.8% had a video malfunction or issues with the recording. In the current reporting period, the rate of both audio and video issues has decreased after increasing in the previous reporting period. About 28% of stops had issues with audio recordings or a malfunction while 17% of stops had a video malfunction or recording issues. Thus, while the rate of recording difficulties fluctuates from each reporting period, a large portion of stops still have technological issues.

OLEPS has continuously noted issues pertaining to the recording and cataloging of motor vehicle stop recordings. In this reporting period, a number of issues arose regarding the cataloging of stops. Prior to beginning reviews, OLEPS ensures that there is a video associated with every stop to be reviewed by searching the database for the appropriate incident or sequence numbers. During the reviews, videos were found to be incomplete. In these instances, videos were from a backup vehicle not close to the incident, another incident was recorded, or the recording captured a small part of the stop. OLEPS was initially unable to find any recordings for 26 stops, 8.67%, in this reporting period. During subsequent meetings with the State Police, OLEPS learned of the existence of "non-matched" clips in the State Police database. OLEPS then returned to the recordings database to determine whether any recordings were available for these 26 stops that were not catalogued appropriately. During this second review,

OLEPS found recordings for 13 stops. OLEPS updated reviews to reflect the new availability of these recordings. OLEPS recommends that State Police work to improve the cataloging and storage of all video and audio recordings to ensure that these records are easily accessible and obtained.

In the previous reporting period, the State Police began migration to a new recording software and storage system. In this reporting period there were 13 stops that were recorded using this new software. OLEPS was ultimately able to review all of these recordings at a State Police station, but during this reporting period OLEPS lacked direct access to this system. OLEPS was provided with direct access to these recordings in April 2016.

OLEPS has historically noted issues pertaining to the recording of motor vehicle stops. It was anticipated that these issues would be remedied once State Police transitioned to DIVR. However the issues persist. While overall, there has been improvement in the quality of recordings, there are still a portion of stops with malfunctions or audio/video difficulties. In addition, completely missing or incomplete recordings of stops continue to be noted. OLEPS continues to recommend that the State Police ensure that troopers properly record motor vehicle stops, keep recording equipment in working order, and ensure proper storage of all recordings.

Communication Call-Ins

State Police policies and procedures contain a number of requirements relating to communication center call-ins during a motor vehicle stop. The purpose of these call-ins is two-fold. First, and most importantly, these communication call-ins monitor officer safety. By updating dispatch regularly on location, description of the vehicle stopped, and events occurring within the stop, there is a record of what that trooper is doing and where s/he is located. Should there be an issue during a stop, there is a recording of the trooper's whereabouts and actions. Second, communication call-ins serve as a record of the events of the stop. Should there be audio/video recording difficulties, communication call-ins represent an additional timeline or record of the stop.

Upon stopping a vehicle and prior to approaching the vehicle, troopers are required to call-in: 1) the location of the stop; 2) a vehicle description; 3) the number of occupants; 4) the race/ethnicity of the occupants; and 5) the reason for the stop. In the majority of stops, troopers called in the appropriate information to communication. In the current reporting period, there was one stop with several missing communication call-ins. The trooper failed to notify communication of their location prior to approach, provide a vehicle description, identify the number of vehicle occupants, report the race/ethnicity of occupants, and provide the reason for the stop. These errors were not noted by State Police because the stop was not reviewed. In another stop, the trooper failed to call in the location of the stop. This error was caught by State Police but no intervention was issued. In two other stops, a description of the occupants was not called in. Both of these errors were caught and one resulted in an intervention. Despite these communication errors, the State Police still performed the majority of the call-ins for motor vehicle stops and continue to improve the number of stops that had all call-ins prior to approach.

Upon completion of the stop, troopers are required to notify communication that the stop has been completed and what actions were taken during the stop (e.g., summons, warning, towing the vehicle). There were no stops where a trooper failed to notify communication of the completion of the stop or the actions taken during the stop.

Shown in Table Twenty-Six, there were approximately 65 stops where it was unknown whether communication call-ins were conducted due to missing recordings of the stop and audio difficulties/malfunctions. Additionally, there were roughly 25 stops where it was not applicable for call-ins to occur, likely because these stops were directed, began as aids/accidents, or rest area checks.

OLEPS commends the State Police on its continued improvement in the rate of communication call-ins. The majority of stops, including those reviewed and not reviewed by State Police, demonstrated the appropriate communication call-ins.

Table Twenty-Six: Communication Call-in Errors
11th OLEPS Reporting Period

	Location	# of Occup.	Descript. of Vehicle	Descript. of Occup.	Reason	Complt.	Action
Called In	210	209	209	207	206	259	259
Unknown	64	67	66	65	66	40	40
Not Applicable	24	23	24	25	27	1	1
Not Called In	2	1	1	3	1	0	0
Errors Caught	1	0	0	2	0	0	0
Interventions	0	0	0	1	0	0	0
Errors Not Caught	1	1	1	1	1	0	0

Reporting

Motor vehicle stop reports detail the timeline of the stop, the individuals involved, and all enforcements/activities that occurred. These reports are reviewed and approved by supervisors. OLEPS reviews these reports to ensure that they are consistent with the events of the stop.

Shown in Table Twenty-Seven, in the 300 stops reviewed, there were 110 stops (36.66%) with stop reports containing at least one error, an increase in the proportion of stops with these errors from the previous four reporting periods. An error on a motor vehicle stop report consists of any incomplete, missing, or inaccurate information on the report (e.g., incorrect license plate number, missing notation of a frisk). Of these errors, 61 (55.45%) were caught by supervisory review and 27 (44.62%) resulted in an intervention. There were 49 (44.54%) stops where an error was made on a motor vehicle stop report that was not caught by supervisory review, slightly less than the previous reporting period. There are three instances where it is unknown whether the stop reports are completed correctly because the reports were automatically generated from State Police's reporting software and not updated to reflect the incident under review.

Table Twenty-Seven: Report Errors
11th OLEPS Reporting Period

	Stop Report	Investigation Report
Correct	187	153
Unknown	3	1
Not Applicable	0	128
Not Correct	110	17
Errors Caught	61	12
Interventions	27	9
Errors Not Caught	49	5

Investigation reports are required to be completed by troopers only for stops involving investigative activities. In the current reporting period, there were 172 stops that required investigation reports. Of these stops, 153 or 88.9% were error free. In the previous reporting period, 88.6% of all investigation reports were completed properly. There were 17 investigation reports that contained at least one error, a decrease from the last reporting period. Of these errors, 12 were caught by supervisory review and nine resulted in interventions. There was one instance where it was unknown whether the investigation report was completed correctly because the investigation report was missing.

As in previous reporting periods, investigation reports appear to be completed appropriately. Motor vehicle stop reports tend to contain more errors than the investigation reports. These errors are usually based on missing or inaccurate information recorded in the report. For example, listing a different reason for the stop, or not indicating that an action occurred. These errors are generally minor and do not necessarily reflect any specific patterns requiring a tailored focus. OLEPS' review reveals a slight overall improvement in reporting.

Summary of Standard 5

In the current reporting period, issues continue regarding the availability, duration, and quality of recordings for motor vehicle stops. In stops with audio issues, microphones continue to cut in and out, record only static, or record nothing at all. OLEPS recommends the State Police investigate these issues.

Additionally, OLEPS noted a number of issues pertaining to the availability of video recordings. The State Police should examine methods to improve recordings and determine why the first clips of motor vehicle stops are not saved appropriately in the recordings database, and why, in some instances, entire recordings are unavailable. OLEPS continues to note audio activation and completion issues in motor vehicle stops. Though the video is recording, the audio is not in a number of stops. Further, OLEPS has also noted a high number of stops where audio and video recordings do not continue to the end of the stop. OLEPS recommends State Police examine these issues further. During the current reporting period, OLEPS continued to lack direct access to videos recorded on State Police's new software. While only a handful of stops were recorded using this new technology in the current reporting period, the State Police plans a complete migration to this software by 2017. OLEPS was provided with direct access to recordings made on upgraded equipment in April 2016.

The previous reporting period noted that State Police failed to catch a number of errors pertaining to recording and reporting. However, in the current reporting period, the State Police caught a higher number of recording and reporting errors than they failed to catch. Only 52% of stops in the current reporting period received a State Police review while 71% of stops in the previous reporting period received a review. Accordingly, the reviews in the current period are more detailed and thorough. Despite the increased detail in State Police reviews, interventions remain an infrequent response to errors noted, especially those pertaining to recording and reporting of stops. This will be further explored in Performance Standard 9.

OLEPS commends the State Police on the continued vigilance on communication call-ins. In this reporting period, OLEPS found consistent evidence that the State Police conducted these call-ins as required.

Performance Standard 6:
Exits & Frisks

Standards

State Police policies and procedures limit the circumstances under which a trooper may request an individual to exit a vehicle or perform a frisk of an individual. These circumstances include:

- Driver exit for any reason
- Passenger exit for articulable heightened caution, suspected criminal activity, Title 39 violation, or to perform search of vehicle
- Frisks conducted for weapons or duty to transport (DTT)

In addition, pursuant to New Jersey law,[21] a driver may be asked to exit a vehicle for any reason.

Assessment

Exits

A trooper may request that a driver or passenger exit a vehicle for a number of reasons. Drivers may be asked out for any reason. Passengers may be asked to exit based on an articulable heightened caution, suspected criminal activity, Title 39 violation, or to perform search of vehicle or they may be asked to exit as duty to transport (DTT).

In the current reporting period, there were 268 (of the 300 total stops) stops where a driver or occupant(s) was asked to exit the vehicle. Of the stops with exits, 249 involved a driver exit. Ninety-one of these exits were for sobriety, larger than the number of sobriety exits in the previous reporting period (65). This difference is likely due to sample selection, as this reporting period included stops selected based on the trooper conducting the stop rather than the activities in the stop.

There were 109 stops where the passenger, labeled "passenger 1," was asked to exit a vehicle. Of these stops, 93 were based on heightened suspicion and 13 were asked to exit as DTT. In one stop, passenger 1 was not asked to exit for DTT or heightened suspicion. This error was caught and an intervention was issued by State Police. There were also two stops where it was unknown whether passenger 1 was asked out based on heightened suspicion. There were 29 stops where "passenger 2" was asked to exit the vehicle, 23 of which were based in heightened suspicion and six were based on DTT.

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[21] State v. Smith, 134 N.J. 599, 611 (1994); see State v. Peña-Flores, 198 N.J. 6, 31 n.7 (2009) (describes the right of an officer to remove a driver from a lawfully stopped vehicle as "established precedent").

Table Twenty-Eight: Vehicle Exit Errors
11th OLEPS Reporting Period

	P1	P2
DTT	13	6
Heightened Suspicion	93	23
Unknown	2	0
Did not meet heightened suspicion	1	0
Errors Caught	1	0
Interventions	1	0
Errors Not Caught	0	0

Frisks

Frisks are utilized by troopers to protect themselves and the individuals involved in the stop from physical harm. A frisk is an open-handed, non-manipulating, cursory, pat down for weapons of a person's outer clothing. To frisk a person, a trooper must have RAS that the person may be armed and dangerous. Troopers may also frisk individuals prior to putting them into a troop car for trooper safety (e.g., if a trooper was transporting a passenger of a vehicle whose driver was under the influence).

In the current reporting period, there were frisks involving the driver and/or passengers in 42 motor vehicle stops. In 28 stops, the frisk(s) was based on RAS, 12 were based on DTT, and the legal standard used was unknown in two stops.

In total, 33 drivers received a frisk. Twenty-four of these frisks were based on RAS and eight were based on DTT. In one frisk of a driver, the applicable legal standard used was unknown. There were seven instances where a frisk of the driver did not meet the RAS standard. Six of these errors were noted by supervisory review and four led to an intervention.

In 18 motor vehicle stops, at least one passenger was frisked. Fifteen stops involved a frisk of passenger 1. Of these frisks, four were DTT and 11 were based on RAS. Of the RAS frisks, four did not meet the standard of RAS. All of these errors were caught by supervisory review and all resulted in an intervention.

Table Twenty-Nine: Frisk Legal Standard Errors
11th OLEPS Reporting Period

	Driver	P1	P2
Met Legal Standard	14	11	2
Unknown	3	0	0
Did Not Meet Legal Standard	7	4	0
Errors Caught	6	4	0
Interventions	4	4	0
Errors Not Caught	1	0	0

There were six motor vehicle stops where passenger 2 was frisked. Of these, three were based on DTT and two were based on RAS. There was one stop where the legal standard of the frisk was unknown. The RAS frisks met the standard of RAS.

OLEPS also reviews the mechanics of the frisk to ensure that it does not extend beyond appropriate boundaries, converting the frisk into an illegal search. There were 11 frisks of the driver that were appropriate. There were two frisks of a driver that extended beyond a pat down. One of these errors was caught and an intervention was issued. OLEPS was unable to note the mechanics of a driver frisk in 20 stops because the frisk occurred outside the view of the camera and because portions of the recording were missing.

There were two frisks of passenger 1 that extended beyond a pat down. One of these errors was noted by State Police supervisory review and resulted in an intervention. In this reporting period, there were nine frisks of passenger 1 where it was unknown whether the mechanics of the frisk were appropriate because the frisk was not captured on camera or because the recording was unavailable.

In two frisks of passenger 2, the mechanics of the frisk were appropriate and it was unknown whether the mechanics were appropriate in four stops because the frisk was not captured on camera or because the recording was unavailable.

Table Thirty: Frisk Mechanics Errors
11th OLEPS Reporting Period

	Driver	P1	P2
Correct	11	4	2
Unknown	20	9	4
Incorrect	2	2	0
Errors Caught	1	1	0
Interventions	1	0	0
Errors Not Caught	1	1	0

Summary of Standard 6

As noted previously, OLEPS was unable to observe over half of all frisks because they occurred out of view of the camera or because recordings were not available. While this does not contradict State Police policies or procedures and recognizing that Trooper's safety is paramount, it does not allow full review of the frisks.

Having noted this, OLEPS' review found the majority of the observed exits and frisks occurred in accordance with State Police policies and procedures. The State Police noted the majority of the instances where a frisk did not meet the legal standard of RAS and only failed to implement two interventions when this error was noted. Also, the State Police noted and issued interventions in all instances where a frisk extended beyond a pat down.

Performance Standard 7:
Non-Consensual Searches/Seizures

Standards

State Police policies and procedures provide the circumstances under which non-consensual searches/seizures are permitted. All searches/seizures should be based on probable cause or incident to arrest and should be called into communication prior to execution.

Assessment

Non-Consensual Searches/Seizures: Vehicles

There were 32 non-consensual vehicle searches/seizures in the current reporting period, slightly less than in the previous reporting period. Of these searches/seizures, 10 were identifiable as plain view searches/seizures, seven were credential or ownership searches, four were vehicle frisks, two were executed based on a search warrant, and 10 were identified as "other." Most of these "other" searches are technicalities; they are classified as searches because troopers broke the plane of the vehicle or there were improper frisks.

OLEPS noted that errors were made in the searches conducted in 12 stops. Ten of these errors were noted by State Police, and six resulted in interventions.

Table Thirty-One: Search of Vehicle Errors
11th OLEPS Reporting Period

	Vehicle Search
Correct Vehicle Search	20
Vehicle Search Error	12
Errors Caught	10
Interventions	6
Errors Not Caught	2

Non-Consensual Searches/Seizures: Persons

In the current reporting period, there were 242 stops involving a search of a person. Per State Police policy, these searches should be incident to arrest. There were 203 searches of drivers incident to arrest and seven searches that were not incident to arrest. All of these errors were noted by State Police supervisory review and an intervention was issued for three of these errors. There were 87 stops with searches of passenger 1 incident to arrest and six that were not incident to arrest. Five of the six search errors were noted by the State Police and three led to an intervention. Finally, there

were 19 searches of passenger 2 incident to arrest and one that was not incident to arrest. This error was noted by State Police but did not result in an intervention.

Table Thirty-Two: Search of Person Errors
11th OLEPS Reporting Period

	Driver	P1	P2
ITA	203	87	19
Not ITA	7	6	1
Errors Caught	7	5	1
Interventions	3	3	0
Errors Not Caught	0	1	0

Summary of Standard 7

OLEPS' review of non-consensual searches/seizures generally found them to be in accordance with State Police policies and procedures. The number of non-consensual searches in this reporting period is less than the previous period and only a few had errors. Like the previous reporting period, there were few stops that had an error pertaining to a non-consensual search of a vehicle or person. With few exceptions, all of these errors were noted by State Police review. As discussed above, roughly half of all errors caught resulted in an intervention, consistent with the previous reporting period. OLEPS commends the State Police on the improved caught error rate for stops with non-consensual searches and recommends continued diligence in the review of non-consensual searches/seizures.

Performance Standard 8:
Length of Stops

Standards

According to State Police procedures, RAS stops should be "brief." Because the length of a stop may be indicative of inappropriate enforcement (i.e., detaining a motorist until RAS has been established for a consent search), it is an important characteristic of stops.

All motor vehicle stops based on RAS should be "brief." For the purposes of this report, "brief" will be defined as deviations from the average (mean) stop length. Any motor vehicle stop found to be more than one standard deviation from the average length (of that type of stop—for example, length of stops with RAS consent searches will only be compared with RAS consent searches) will be examined to identify potential reasons for the additional length. Appropriate explanations include stop complexity (several enforcements such as searches, a search warrant request, etc.), waiting for appropriate reinforcements (i.e., back up), waiting for responses from communication regarding criminal history/warrants, or questions regarding ownership.

Assessment

The average length of all motor vehicle stops reviewed during this reporting period was 46.07 minutes and the standard deviation of this distribution is 30.16 minutes. Thus, stops greater than 76.23 minutes or less than 15.91 minutes are more than one standard deviation from the mean. There were 47 stops greater than one standard deviation above the mean, 40 of which had consent requests and 14 of which had a canine deployment in addition to a consent request. These stops also contained additional enforcements such as non-consensual searches, vehicle exits, frisks, and arrests.

In contrast, there were 37 stops that are one standard deviation below the mean stop length. One of these stops involved a consent to search request, but it was denied. There were five stops that involved a use of force and twenty stops that involved an arrest. There were also 14 stops where the only post-stop activity involved was a driver exit and administration of a sobriety test.

The average length of motor vehicle stops in this reporting period is shorter than the previous reporting period, 46.07 minutes here and 62.61 minutes in the previous reporting period. The standard deviation in the current period, 30.16 minutes, is slightly more than that of the previous period, 29.06. This indicates that the stops are shorter in the current reporting period, but there is more dispersion in the stops; the length of stops are less similar to each other in the current period than the previous. The parameters used to select the sample for the previous and current reporting period differ; the current reporting period stops were selected based on the troopers involved in the stops rather than the activity of the stop. As such, the change in the average stop length in the current reporting period is likely the result of sample selection.

Performance Standard 8

Duration of Stops

Table Three displays the average length of the motor vehicle stops sampled in this reporting period. The first row in the table presents the average length of all stops in the sample, 46.07 minutes. This number is a decrease from the average from the previous period, which was 62.61 minutes.

Table Thirty-Three: Average Length (minutes) of Motor Vehicle Stops
11th OLEPS Reporting Period

	Average Stop Length
All Stops	46.07
All Stops with Consent Requests	65.76
RAS Consent Requests	68.90
PC Consent Requests	59.96
Consent Granted	66.76
Consent Denied	62.56
Canine Deployment	90.52
Consent Requests & Canine Deployments	99.44
Consent Granted & Canine Deployed	103.4
Consent Denied & Canine Deployed	94.50

The average length of stops with consent requests is 65.76. This is lengthier than the average of all stops. Unlike the previous reporting period, only about half of all stops involved a consent to search request. This average is slightly longer than the average noted in the previous reporting period, 63.84 minutes. Historically, stops with a PC consent request are shorter than those with an RAS consent request. This is likely due to the time it may take to accumulate RAS, whereas PC is either present or not. The same pattern is noted in the current reporting period; RAS stops average 68.9 minutes and PC stops average 59.96 minutes. Compared to the previous reporting period, the average length of stops with RAS and PC consent requests is shorter in the current reporting period. Stops with RAS consent requests were 74.98 minutes and stops with PC consent requests were 61.38 minutes in the previous reporting period.

An independent samples *t*-test was used to determine whether the difference in the length of stops with PC consent requests and length of stops with RAS consent requests is statistically significant. The *t*-test revealed that there is not a statistically reliable difference between the mean length of stops with PC consent requests (M=59.96, s=30.795) and those with RAS consent requests (M=68.90, s=26.663), $t(132)=1.753$, $p=.082$, $\alpha=.05$ (two-tailed). This indicates that there is not a statistically significant difference between the length of stops with RAS and PC consent requests. We cannot state that the average for stops with RAS consent requests is longer than the average for stops with PC consent requests or that the average stop lengths are different.

There is also a difference in the length of stops where consent was granted compared to those where consent was denied. Stops with consent searches that were granted have an average stop length of 66.76 minutes while those with consent searches that were denied have an average stop length of 62.56 minutes. The average length of stops with granted and denied consent requests only differ by

four minutes. There were only 32 stops with denied consent requests. Among these stops four were over two hours long and also involved a canine deployment. In fact, there were eight stops with a denied consent to search request and canine deployments. Thus, stops with denied consent requests appear overly lengthy, but involve multiple activities that might lengthen the stop.

An independent samples t-test was used to determine whether this difference between the length of stops with granted or denied consent requests was indeed statistically significant. The results indicate that there is not a significant difference between the length of stops where a consent request was granted (M=66.76, s=25.885) and where a consent request was denied (M=62.56, s=35.515), $t(41.837)=.620$, $p=.539$, $\alpha=.05$ (two-tailed). The test results indicate that we cannot state that the length of stops with granted consent to search requests is significantly different or longer than the length of stops with denied consent to search requests.

The average length of a motor vehicle stop with a canine deployment is 90.52 minutes, longer than the average length for all other stops. An independent samples t-test revealed a significant difference in stop length for those with a canine deployment (M=90.52, s=39.109) and without a canine deployment (M=42.38, s=26.092), $t(23.587)=5.685$, $p=.000$ $\alpha=.05$ (two-tailed). Due to the high p-value, a one-tailed test would also be significant indicating that stops with canine deployments are significantly longer than those without canine deployments, $\alpha=.01$.

As motor vehicle stops involve more enforcement activities, the length of the stop increases. Thus, it is expected that a stop with a consent request and a canine deployment would be longer than a stop with only a consent request. Motor vehicle stops with consent requests and canine deployments have an average stop length of 99.44 minutes, more than the average length for stops with canine deployments or consent requests alone. Breaking this down by granted and denied consent requests indicates that stops with a granted consent search and a canine deployment had an average length of 103.40 minutes while those stops with a denied request and a canine deployment had an average length of 94.50 minutes. Results of an independent samples t-test did not find a statistically significant difference between stops with a canine deployment and a granted consent request (M=103.40, s=28.056) and those with a canine deployment and denied consent request (M=94.50, s=39.562), $t(16)=.559$, $p=.584$, $\alpha=.05$ (two-tailed). The difference in the average length of stops with a canine deployment and a granted consent request and a canine deployment and a denied consent request is not statistically significant, likely due to the small number of stops with a canine deployment and a consent request.

Racial/Ethnic Differences in Stop Length

Racial and ethnic differences in the length of motor vehicle stops are also explored. As noted above, the average length of all stops is 46.07 minutes and the standard deviation was 30.16 minutes. Figure Twelve compares the racial/ethnic distribution of stops one standard deviation above and one standard deviation below the mean. As shown, Black drivers are involved in the largest proportion of stops one standard deviation above the mean, 47%. Conversely, they are 24% of stops one standard deviation below the mean. White drivers are only 32% of all stops one standard deviation above the mean and 51% of those one standard deviation below the mean. Hispanic drivers are roughly the same proportion for both- 19% of stops one standard deviation above the mean and 22% of stops one standard deviation below the mean. Thus, it appears that stops of Black drivers may be lengthier than those of White drivers.

Figure Twelve: Racial/Ethnic Distribution of Stop Length around the Mean
11th OLEPS Reporting Period

Total Stops One Standard Deviation Above Mean: **47**

Total Stops One Standard Deviation Below Mean: **37**
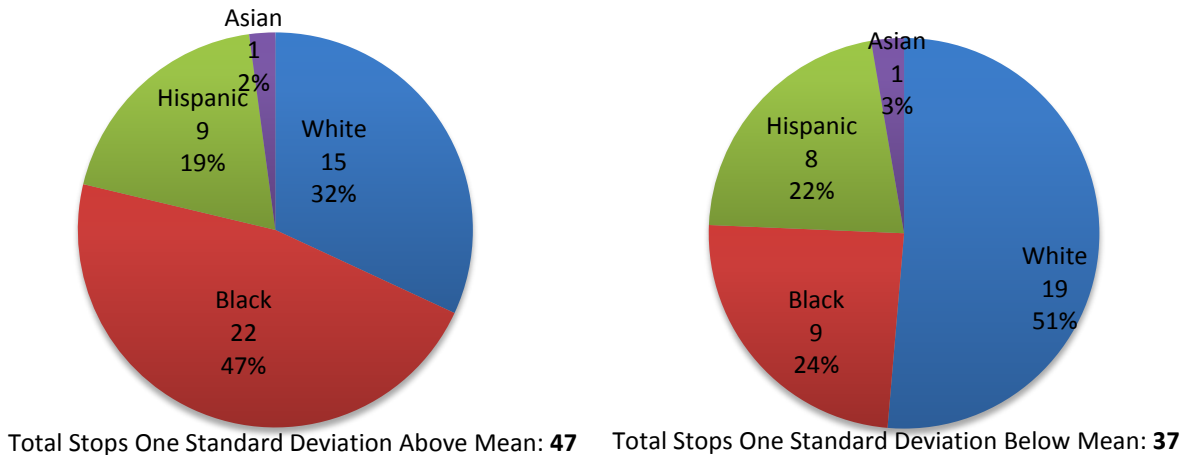
Further illustrating the distributions, Figures Thirteen through Twenty-Four plot the length of stops for each racial/ethnic group. In each graph, the dark black line indicates the mean of all stops reviewed in the current period and the grey lines indicate one standard deviation above and below that mean. The dark blue line indicates the mean for that racial/ethnic group and the light blue lines indicate one standard deviation above and below the racial/ethnic group mean.

Figure Thirteen: Length of All Stops of White Drivers
11th OLEPS Reporting Period
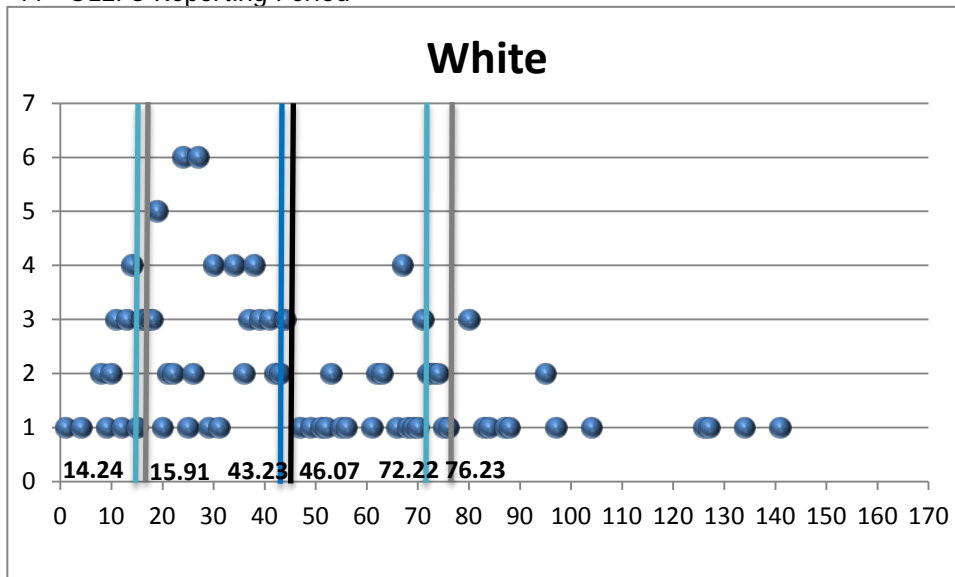
Examining the figures indicates that for White drivers, the racial/ethnic group mean is very similar to the overall mean. For White drivers alone, the average stop length is 43.23 minutes and the standard deviation is 28.993, similar to the numbers for all stops. The similarity is largely a reflection of the number of stops of White drivers; nearly half of all stops involved White drivers. Overall, 12% of stops of White drivers fell more than one standard deviation below the mean while 17% were more than one standard deviation above the mean.

Figure Fourteen: Length of All Stops of Black Drivers
11th OLEPS Reporting Period
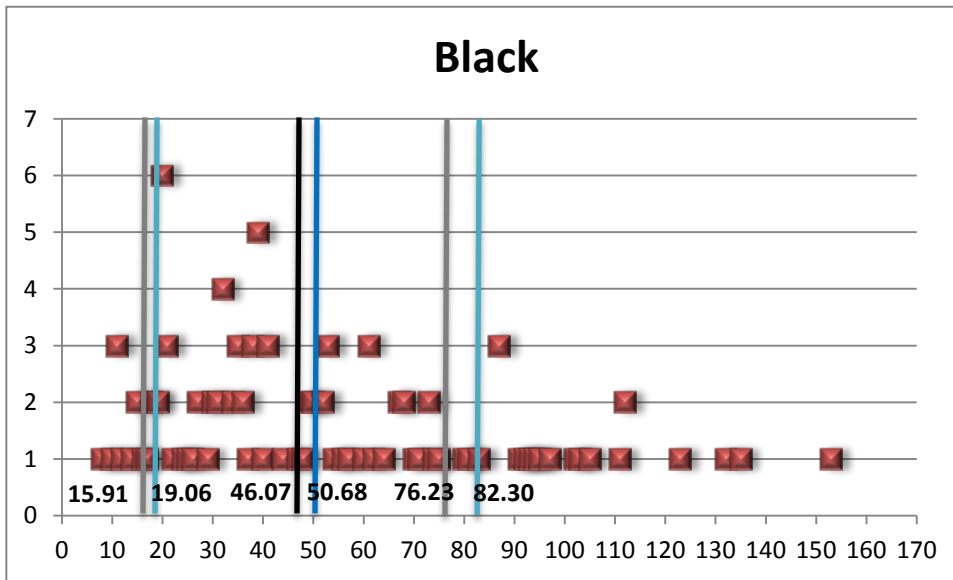
Black

For Black drivers, larger differences from all stops are apparent in the mean and standard deviation. Stops with Black drivers were on average, 50.68 minutes. The standard deviation for these stops was 31.622 minutes. The standard deviation and mean for stops of Black drivers were larger than those of all stops and of stops of White drivers. Thus, it appears that the length of stops for Black drivers were on average, longer, and vary more in length than the distribution of all stops and of White drivers. As noted previously, Black drivers were involved in a smaller proportion of stops reviewed in this reporting period than White drivers (38% compared to 44% for White drivers). Despite this, a similar proportion of stops of Black drivers fall one standard deviation below the mean, 13%, and one standard deviation above the mean, 18%, as compared to the proportions noted for White drivers.
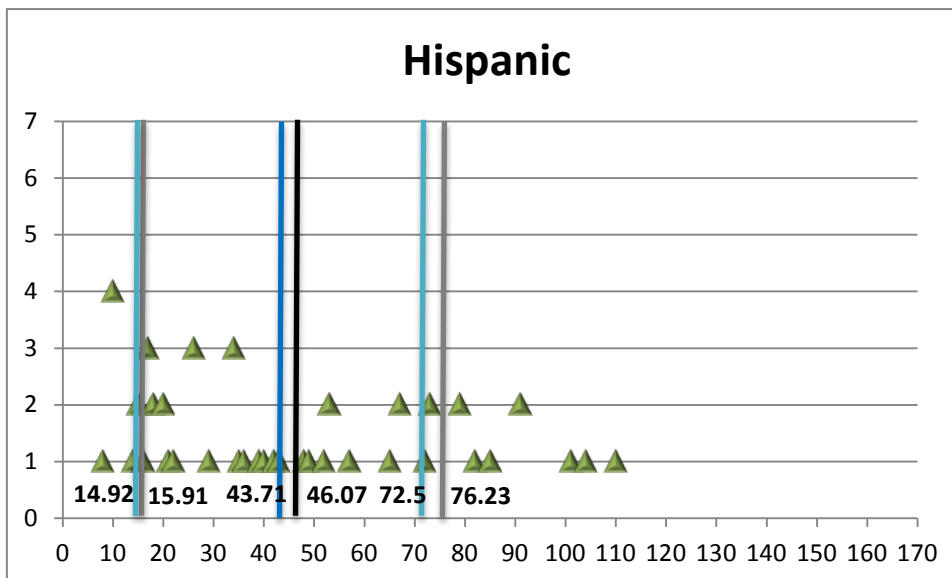
Figure Fifteen: Length of All Stops of Hispanic Drivers
11th OLEPS Reporting Period

Hispanic

Hispanic drivers were involved in a much smaller proportion of stops than White or Black drivers, less than half of the number of stops of either racial/ethnic group. Nonetheless, the distribution of the length of stops of Hispanic drivers is similar to that of White drivers. The mean for Hispanic drivers is 43.71 minutes and the standard deviation is 28.79 minutes. The mean and each standard deviation for Hispanic Drivers is shorter than the numbers noted for all stops. Additionally, for Hispanic drivers, a higher proportion of stops fell one standard deviation below, 15%, and one standard deviation above, 17%, the mean as compared to White and Black drivers.

Though these figures indicate that stops of Black drivers are, on average, lengthier than those of White or Hispanic drivers, these differences should be examined in the context of the activity of the stops.

All Stops
To explore this further, Table Eleven identifies the average length of all motor vehicle stops reviewed in this reporting period based on race and ethnicity. White drivers have an average stop length of 43.23 minutes, while Black drivers have an average of 50.68 minutes, Hispanic drivers have an average of 43.71 minutes, and Asian drivers have an average of 47.67 minutes. There is a marginally statistically significant difference between the average length of stop for White (M=43.23, s=28.993) and Black (M=50.68, s=31.622), t(227.672)=-1.905, p=.056, α=.05 drivers. The average length of all stops is significantly different between White drivers and Black drivers. A one-tailed significance test would conclude that the average length for White drivers is significantly shorter than that for Black drivers. There were no other statistically significant differences in the length of all stops between the remaining racial/ethnic groups.

Table Thirty-Four: Average Length (minutes) of Motor Vehicle Stops by Race/Ethnicity

11th OLEPS Reporting Period

Part A

	All Stops	Consents	RAS Consents	PC Consents
White	43.23	64.45	67.37	53.23
Black	50.68	69.88	76.74	64.45
Hispanic	43.71	59.86	62.94	51.67
Asian	47.67	99.00	99.00	---

10th OLEPS Reporting Period

Part B

	All Stops	Consents	RAS Consents	PC Consents
White	58.08	60.39	64.03	58.89
Black	64.58	66.16	94.94	62.47
Hispanic	68.26	66.10	84.56	62.78
Asian	62.00	61.80	--	61.80

Consent Requests
In the current reporting period, the average length of motor vehicle stops with a consent to search request[22] increased for White, Black, and Asian drivers while decreasing for Hispanic drivers. The average length of motor vehicle stops with consent to search requests increased for White drivers from 60.39 minutes to 64.45 minutes, increased for Black drivers from 66.16 minutes to 69.88 minutes, decreased for Hispanic drivers from 66.10 minutes to 59.86 minutes, and increased for Asian drivers from 61.80 minutes to 99 minutes. Because there are typically a small number of drivers who are Asian in each reporting period, the average may be susceptible to influence from a few anomalous stops.

An independent samples *t*-test revealed no significant differences between the length of stops with consent requests for any combination of racial/ethnic groups for the current reporting period. The

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[22] This assessment includes both denied and granted consent to search requests.

average length of a stop with a consent request for White, Black, Hispanic, or Asian drivers is not significantly different from each other. The lack of significance may be due to the limited number of stops with consent to search requests for each racial/ethnic group. There were only 134 stops with a consent request: 58 stops of White drivers, 52 of Black drivers, and 22 of Hispanic drivers.

Figure Sixteen: Length of Stops with Consent Requests of White Drivers
11th OLEPS Reporting Period
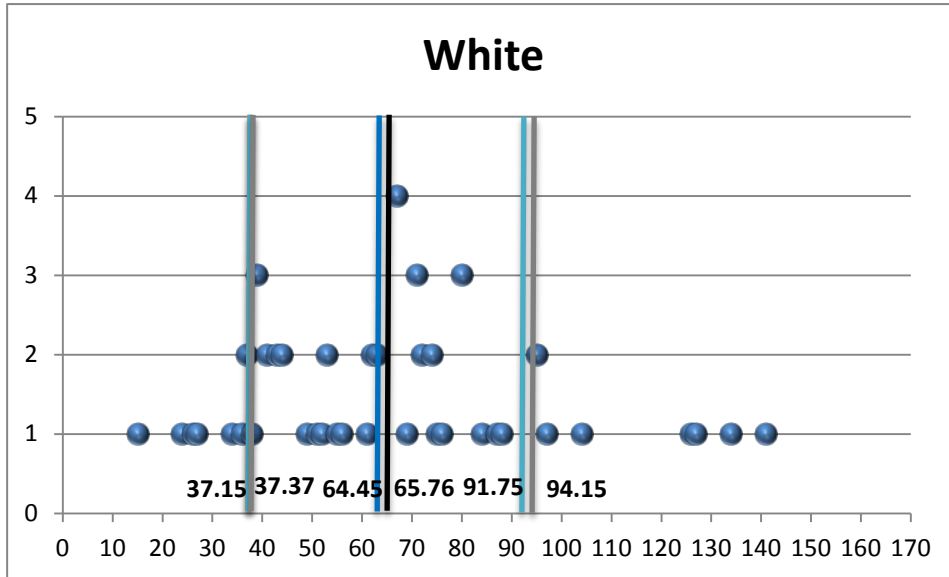
As noted above, the average length of stops with consent requests involving White drivers was 64.45 minutes and the standard deviation was 27.37. As shown in Figure Sixteen, the majority of stops fall within one standard deviation below or above the mean. Only 10% (six stops) of stops with a consent request involving White drivers were one standard deviation below the mean and nearly 14% (eight stops) were one standard deviation above the mean. As noted for all stops, the mean for White drivers (dark blue line) is less than that for all stops (black line), suggesting that stops with a consent request involving White drivers are slightly shorter than the average noted for all drivers.

Figure Seventeen: Length of Stops with Consent Requests of Black Drivers
11th OLEPS Reporting Period

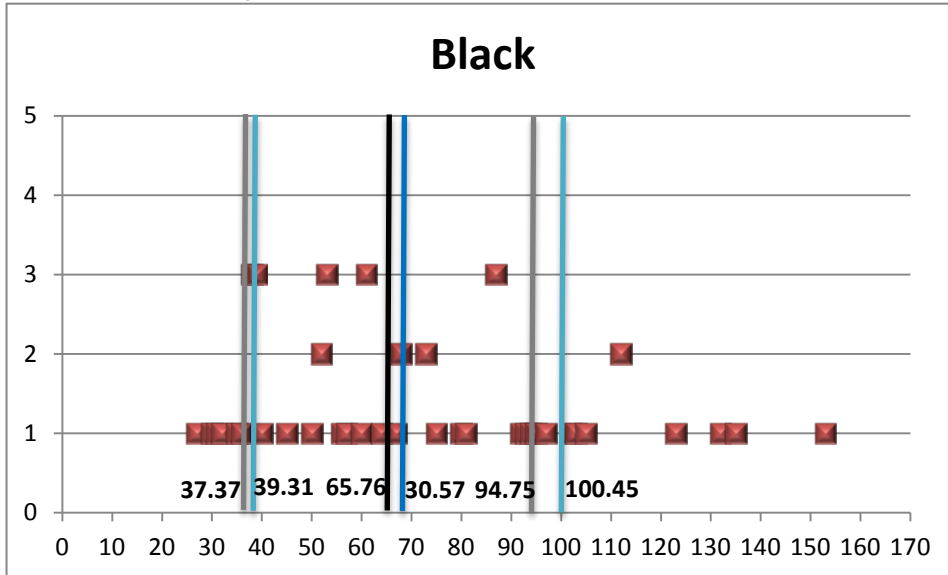**Black**

37.37   39.31   65.76   30.57   94.75   100.45

Figure Seventeen depicts the distribution of stops with a consent request involving Black drivers. As shown, the mean for Black drivers (dark blue line) is slightly more than that of all drivers (black line). On average, stops with consent requests involving Black drivers were 69.88 minutes and the standard deviation was 30.569 minutes. A larger portion of stops of Black drivers with a consent request were outside one standard deviation; 17% of stops (nine stops) were one standard deviation below the mean and 17% (nine stops) were one standard deviation above the mean. This indicates that the length of stops with a consent request involving Black drivers vary more than that of other groups of drivers.

Figure Eighteen: Length of Stops with Consent Requests of Hispanic Drivers
11th OLEPS Reporting Period

Hispanic

35.52   37.37   59.86   65.76   84.20   94.75
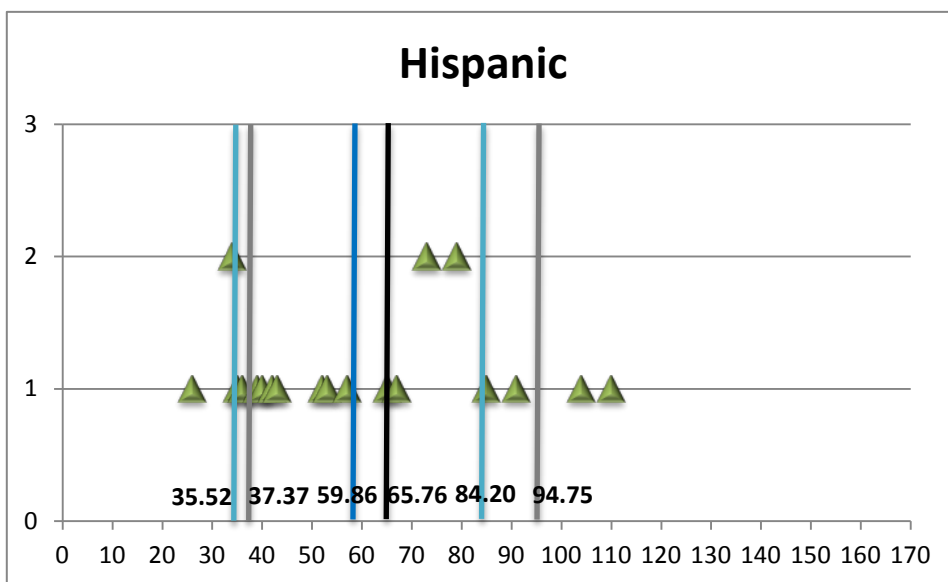
Figure Eighteen depicts the distribution of the length of stops with consent requests involving Hispanic drivers. As shown, the average length for Hispanic drivers, 59.86 minutes, is less than the average noted for all groups of drivers. Additionally, there is a smaller proportion of stops one standard deviation below the mean for Hispanic drivers. There were three stops (13.64%) one standard deviation below the mean and four stops (18.18%) one standard deviation above the mean for stops with a consent request involving Hispanic drivers.

RAS Consent Requests

The average length of all stops with RAS consent requests is higher than the average for stops with any consent requests. The same results are found when examined by race and ethnicity as shown in Table Thirteen. In the current reporting period, Asian drivers have the longest average length of stops with RAS consent requests, 99 minutes. However, this is the result of only one stop. Black drivers have the second longest average, 76.74 minutes, followed by White drivers with 67.37 minutes, and then Hispanic drivers with 62.94 minutes. Compared to the previous reporting period, the average for Black and Hispanic drivers is shorter while the average for White drivers is longer in the current reporting period.

Figure Nineteen: Length of Stops with RAS Consent Requests of White Drivers
11th OLEPS Reporting Period
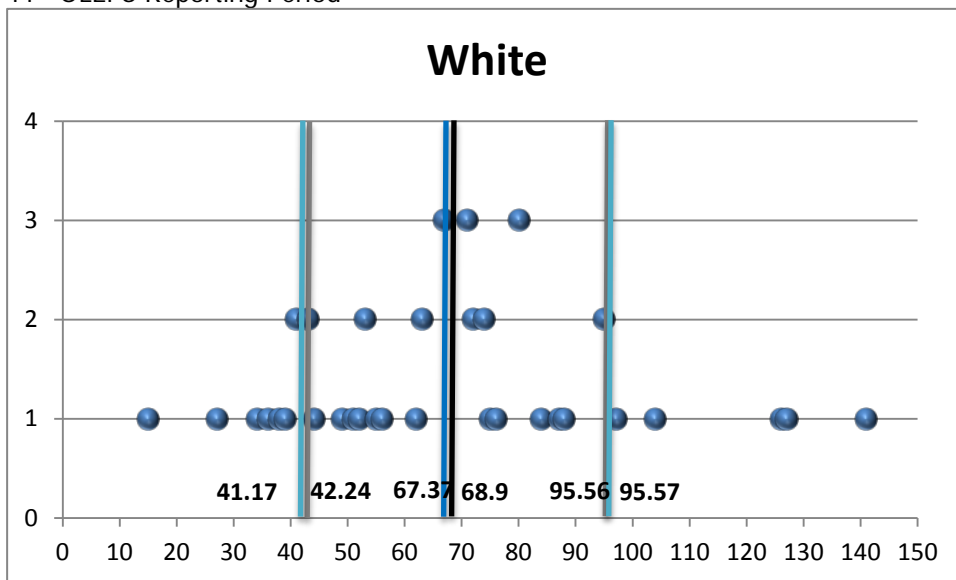
Figure Nineteen depicts the distribution of stops of White drivers where consent was requested based on RAS. The average length of these stops was 67.37 minutes and the standard deviation was 23.64 minutes. There were eight stops one standard deviation above the mean (15.22%) and seven cases one standard deviation below the mean (17.39%).

Figure Twenty: Length of Stops with RAS Consent Requests of Black Drivers
11th OLEPS Reporting Period
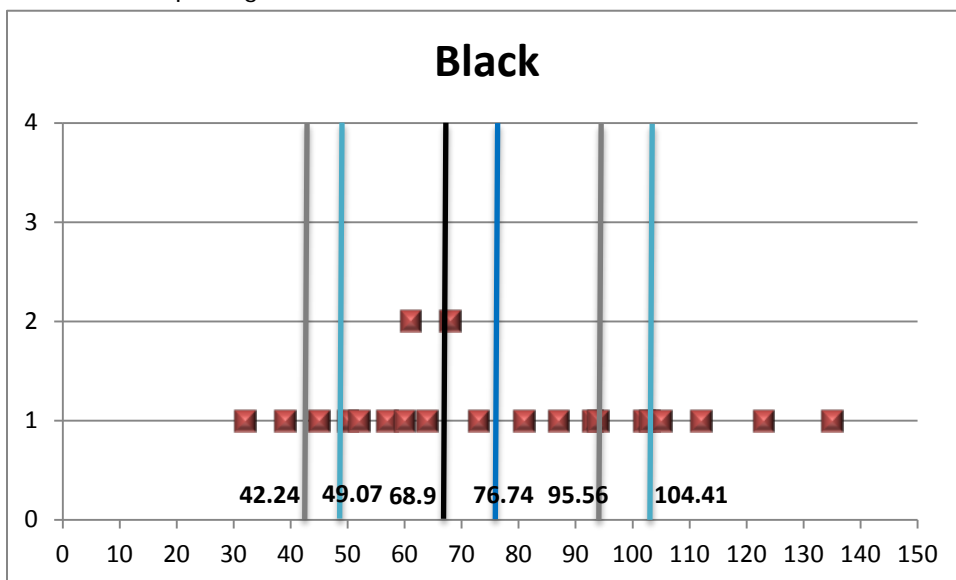
The distribution depicted in Figure Twenty indicates that for Black drivers who were requested consent to search based on RAS, the average length was 76.74 minutes and the standard deviation was 27.67 minutes. The mean is longer than that for White drivers. There were three cases one standard deviation below the mean (13.04%) and four cases one standard deviation above the mean (17.39%).

Figure Twenty-One: Length of Stops with RAS Consent Requests of Hispanic Drivers

11th OLEPS Reporting Period
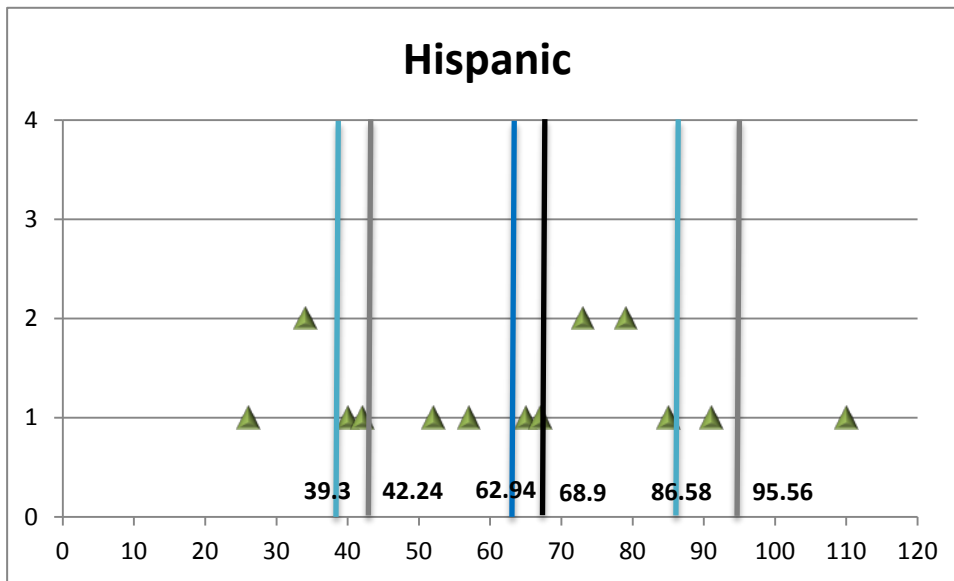
Hispanic

There were only 16 stops of Hispanic drivers where a consent to search request was requested based on RAS. As indicated in Figure Twenty-One, the average length was 62.94 minutes, shorter than that noted for all other drivers. The standard deviation was 23,64 minutes. There were three cases one standard deviation below the mean (18.75%) and two cases one standard deviation above the mean (12.50%).

An independent samples *t*-test revealed no significant differences between the length of stops with RAS consent requests for any combination of racial/ethnic groups for the current reporting period. The average length of a stop with a consent request for White, Black, Hispanic, or Asian drivers is not significantly different from each other. The lack of significance may be due to the limited number of stops with RAS consent to search requests for each racial/ethnic group. There were only 87 stops with a consent request: 46 stops of White drivers, 23 of Black drivers, and 16 of Hispanic drivers.

PC Consent Requests

Stops with PC consent requests are slightly longer in the current reporting period compared to the previous reporting period for Black drivers and shorter for White and Hispanic drivers. The average length of stops with PC consent requests for White drivers is 53.23 minutes here and was 58.89 minutes in the previous period. Black drivers increased from 62.47 to 64.45 minutes while Hispanic drivers experienced a decrease from 62.78 minutes in the previous period to 51.67 minutes in the current period. Asian drivers were not involved in any stops with a PC consent request in the current reporting period.

A word of caution is needed regarding the length of stops with PC consent to search requests. In the previous reporting period, motor vehicle stops were selected on the basis of whether they contained a PC consent search based on the odor of marijuana, where it took 25 minutes or more to develop PC. That sample was selected, partially, on the basis of length. Thus, the average length for all stops, but especially PC consent searches, may have been skewed due to the sample selected in the previous reporting period.

Figure Twenty-Two: Length of Stops with PC Consent Requests of White Drivers
11th OLEPS Reporting Period
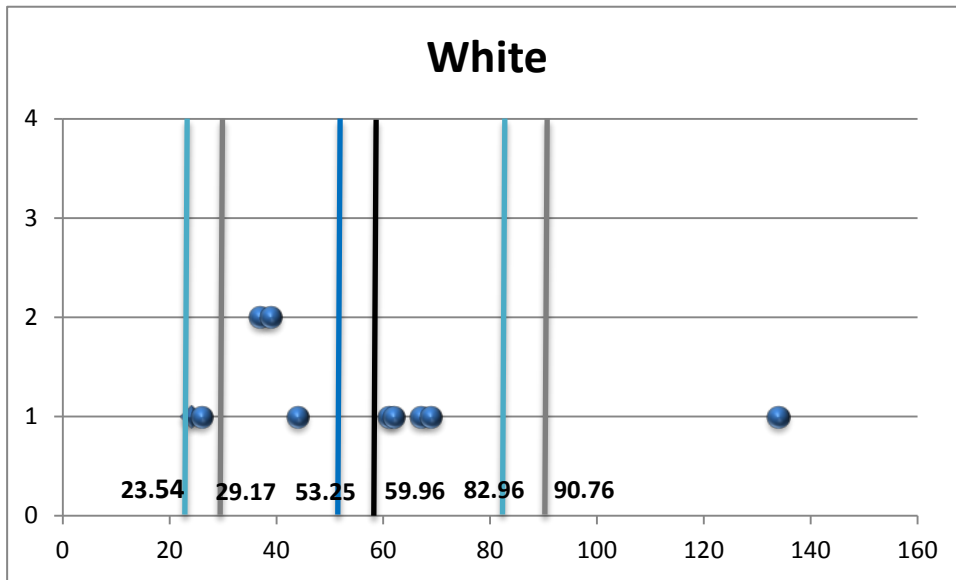
Figure Twenty-Two depicts the distribution of the length of stops with PC consent requests with White drivers. On average, these stops were 53.25 minutes, shorter than the 59.96 minutes noted for all stops with PC consent requests. The standard deviation was 29.71 minutes. There were no stops more than one standard deviation below the mean of this distribution and only one stop more than one standard deviation above the mean. This indicates that the lengths of stops with PC consent request involving White drivers are very similar. However, there is one stop that is substantially longer than other stops, nearly twice as long as the next longest stop. This stop has the potential to exert influence on the average length of stops with PC consent requests for White drivers. Without this stop in the distribution, the average stop length would be 45.91 minutes.

Figure Twenty-Three: Length of Stops with PC Consent Requests of Black Drivers
11th OLEPS Reporting Period
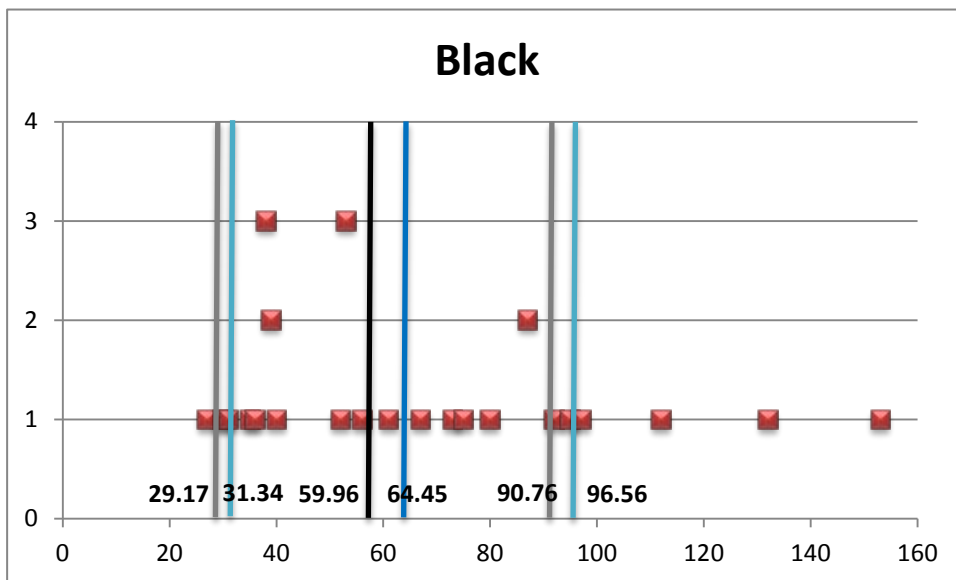
For stops of Black drivers where consent was requested based on PC, the average length was 64.45 minutes, longer than the average noted for all stops with PC consent requests. The standard deviation was 32.11 minutes. There were three stops one standard deviation below the mean and six stops one standard deviation above the mean. This indicates that there is more dispersion in these stops than noted for White drivers.

Figure Twenty-Four: Length of Stops with PC Consent Requests of Hispanic Drivers

11th OLEPS Reporting Period
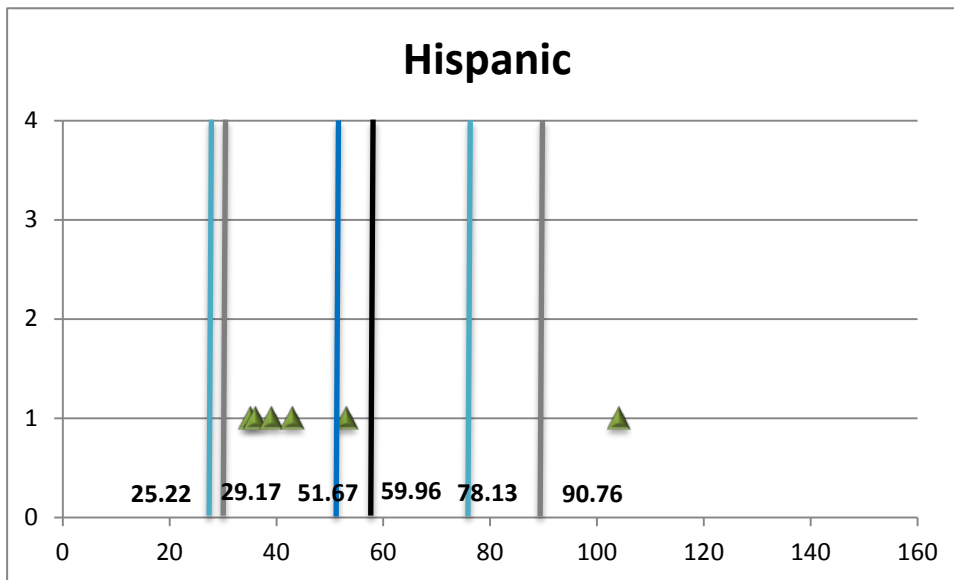
Finally, in stops of Hispanic drivers where consent was requested based on PC, the average length was 51.67 minutes. The standard deviation was 26.45 minutes. There were no stops more than one standard deviation below the mean and one stop was one standard deviation above the mean. Further, there were only six stops of Hispanic drivers where consent was requested based on PC. Due to the small number of stops, the one stop that is substantially longer than others, 90.76 minutes, exerts influence on the distribution. Without this stop, the average length of stops with a PC consent to search request would be 41.2 minutes.

An independent samples *t*-test revealed no significant differences between the lengths of stops with PC consent requests for any combination of racial/ethnic groups for the current reporting period. The average length of a stop with an PC consent request for White, Black, Hispanic, or Asian drivers is not significantly different from each other.

Summary of Standard 8

Overall, stops are, on average, shorter in length than the previous reporting period. This difference is likely due to the sample selected in the previous reporting period, which was, in part, selected based on length of stop. Differences among each racial/ethnic group vary in degree of difference; some racial/ethnic groups experienced large changes and others experienced little or no change in average stop length. OLEPS recommends that State Police supervisors include examination of motor vehicle stop length in reviews. Further, analysis of the distribution of stop length for each racial/ethnic group indicates that minority drivers, in particular, Black drivers, experience a wider range of stop lengths than do White drivers. The standard deviations noted for stops of White drivers were smaller and a higher proportion of stops fell within the one standard deviation from the mean range than was noted for Black drivers.

Supervisory Review

Performance Standard 9:
Supervisory Review of Motor Vehicle Stops

Standards

According to State Police policies and procedures, motor vehicle stops must be reviewed by State Police supervisory personnel. Specifically, review is required for all critical incidents. These reviews are detailed, requiring the supervisor to assess adherence to policies and procedures and to assess adherence to applicable legal standards (RAS or PC).

This standard refers to errors made in connection with any aspect of a motor vehicle stop (from appropriate levels of RAS or PC to reporting and recording requirements). Because this standard assesses supervisory review, a violation of policy made by a trooper is an error when it is found by OLEPS and not noted by a previous State Police supervisory review. This standard refers to ALL errors not caught by supervisory review.

Assessment

The State Police has specific guidelines that detail the requirements, trooper responsibilities, and appropriate actions required in motor vehicle stops. To ensure adherence to these procedures, supervisory personnel in the State Police review motor vehicle stops to determine whether all requirements were followed and to ensure that there were no violations of individual rights or deviations from policy. In addition, OLEPS reviews these motor vehicle stops and notes instances in which supervisors did or did not identify violations of State Police policies and procedures.

All determinations of whether an error is caught are based on the review completed of the motor vehicle stop by State Police reviewers. OLEPS pulled all documentation of stops, including reviews of stops in March 2015. It is possible that a stop was reviewed after OLEPS pulled the records for the stop. In such instances, these errors have been noted. In total, there was one stop reviewed after OLEPS pulled motor vehicle stop records for this reporting period.

All Errors

In the current reporting period, 175 stops contained errors, less than the number of stops with errors found in the previous reporting period. Figure Twenty-Five depicts trends in the total number of stops with errors since the 1st reporting period. The figure indicates a large increase in the number of stops with errors since the first half of 2010 (4tha reporting period). Since the first half of 2011 (5tha reporting period) the number of errors has declined, remaining relatively steady since then. In total,

there were 125 motor vehicle stops (41.67%) conducted by the State Police that did not contain any errors in the current reporting period. Though the total number of stops without errors is smaller in the current period than in the previous period, the proportion of stops without errors is nearly identical to the 41% in the previous reporting period.

Figure Twenty-Five: Total Stops with Errors, by Reporting Period[23]
1st through 11th OLEPS Reporting Periods
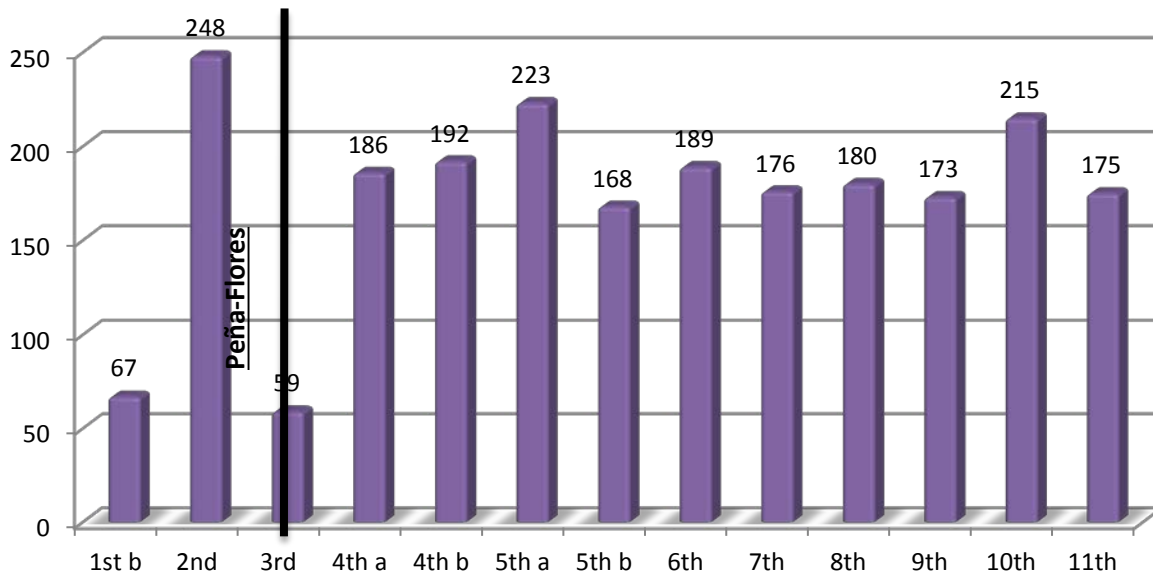
Of the 175 stops with errors, 112 stops contained errors caught by the State Police and 78 stops contained errors not caught by supervisory review. That is, 26% of all motor vehicle stops contained an error not caught by supervisory review. This is less than the percentage of stops with errors not caught in the previous reporting period, 30.60%. As noted in previous reports, beginning in July 2011, the State Police began a pilot program relating to motor vehicle stop reviews. This program retained the required reviews of critical stops, but non-critical stops would undergo a selection process rather than a review of all stops. The current reporting period contains a small portion of stops that would not typically be subject to the review process- motor vehicle stops with PC consent requests. There were 52 stops with uncaught errors that had not undergone review by the State Police. Thus, only 26 stops contained errors not caught by the State Police despite supervisory reviews.

OLEPS has noted for several reporting periods that the State Police catch the majority of errors made in stops. Figure Twenty-Six compares the number of stops where errors were caught and the number of stops where errors were not caught. In a single stop, some errors may be caught while other errors may not be caught; each stop can appear as either a stop with errors caught, a stop with errors not caught, or both. As shown in Figure Twenty-Six, the number of stops where errors were caught is generally higher than the number of stops where errors were not caught. In the previous reporting period State Police caught a higher number than they failed to catch. The State Police caught errors in 112 stops and failed to catch errors in 78 stops in the current reporting period. Across reporting periods, the proportion stops with errors caught compared to stops with errors not caught varies. Due

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[23] The high number of errors noted in the 2nd reporting period were generally procedural in nature and stem from changes pursuant to Peña-Flores.

to State Police's review schedule, OLEPS reviews a sample of stops not routinely subject to review by State Police in each reporting period. The fluctuation may be the result of the review schedule and sample selection. Because of this, OLEPS continues to examine the number of errors not caught in stops with and in those without State Police reviews (Figure Fourteen).

Figure Twenty-Six: Stops with Errors Caught v. Stops with Errors not Caught
2nd through 11th OLEPS Reporting Periods
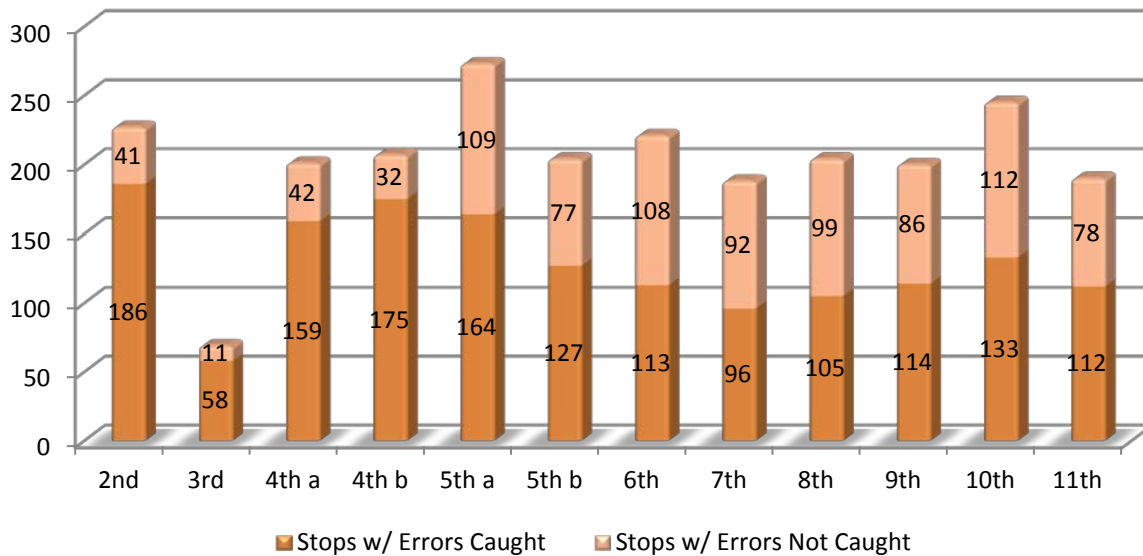
In the current reporting period, while there were only 175 motor vehicle stops with errors, there were 448 errors in those 175 stops. The total number of errors has historically been much higher than the total number of stops with an error. Because each stop may include both errors caught and errors not caught, Figure Twenty-Seven presents the total number of errors that were caught and the total number of errors that were not caught. As shown in Figure Twenty-Seven, the State Police generally catch more errors than it does not catch. The number of errors not caught increased in the previous reporting period, but decreased in the current reporting period. In the current reporting period, State Police noted 301 errors in 112 stops while OLEPS noted an additional 147 errors in 78 stops.

Figures Twenty-Five through Twenty-Seven depict and overall increase in the numbers of errors made during motor vehicle stops. Previous reporting periods (i.e., third and fourth) noted much smaller numbers of errors. These issues are likely due to the selection of stops reviewed by OLEPS and changes to the State Police review schedule. As a result, the State Police altered its motor vehicle stop review schedule and OLEPS now reviews more stops not reviewed by State Police. OLEPS recommends that the State Police increase the level of detail during motor vehicle stop reviews to ensure that all errors in reviewed stops are noted. OLEPS hopes that future reporting periods will have much higher numbers of errors caught by State Police than by OLEPS, as noted in previous reporting period.

Figure Twenty-Seven: Errors Caught v. Errors not Caught
2nd through 11th OLEPS Reporting Periods
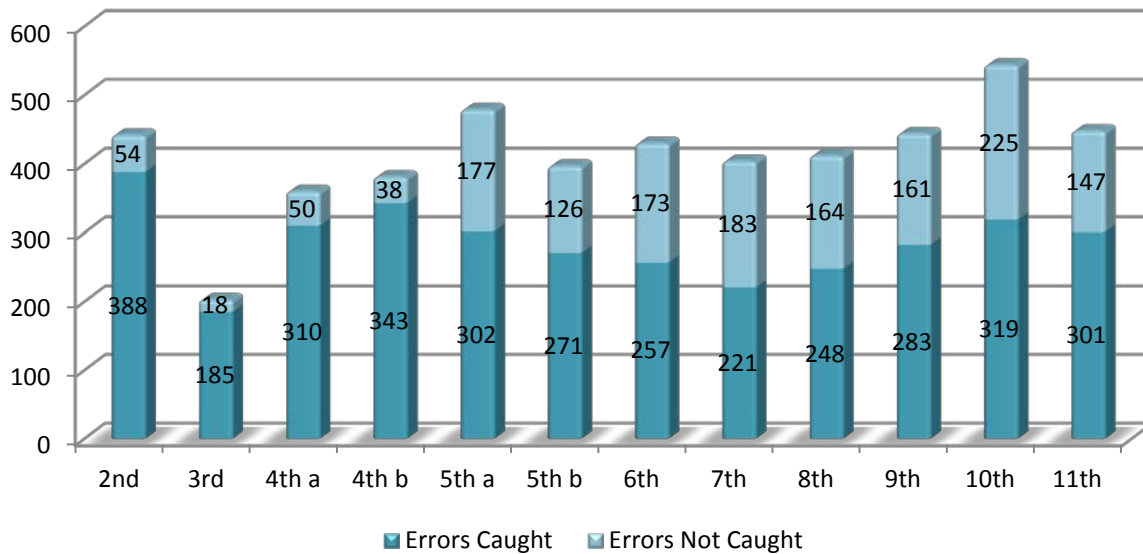
As noted earlier, in 2011, the State Police adopted a modified review schedule, reviewing all critical stops and a selection of non-critical stops. Because of this review schedule, there is an increased likelihood that OLEPS will review a stop that the State Police has not had the opportunity to review. As such, OLEPS compared the errors in all stops to only those that underwent supervisory review in Figure Twenty-Eight.

OLEPS reviewed a total of 300 motor vehicle stops. Of those, State Police also conducted a supervisory review in 157 (52.3%) stops. Of all the stops reviewed by OLEPS (including both those reviewed by State Police and not reviewed by State Police), 58.33% (175 of 300 stops) contained an error. This includes stops that did not receive a review by State Police. Of those stops that were reviewed by State Police, 78.34% (123 of 157) contained an error. OLEPS noted that State Police failed to note errors in 26 stops (16.56%) with a State Police review. In the current reporting period, OLEPS noted fewer errors that State Police did not identify in its reviews than in the previous reporting period, 45. OLEPS reminds the State Police that quality and detail are necessary for effective motor vehicle stop reviews.

Additionally, among the stops with State Police reviews, there were 346 errors noted, while there were 448 noted in the stops OLEPS reviewed. The State Police only reviewed 157 stops in the current sample. In total, OLEPS noted a total of 147 errors not caught, only 45 of which were in stops reviewed by the State Police. State Police failed to note 45 errors in 26 motor vehicle stops that State Police did review. The 26 stops with uncaught errors represent about 8.66% of the total number of stops that State Police reviewed. OLEPS recommends that State Police conduct its reviews with as much detail as possible.

Figure Twenty-Eight: Errors Caught v. Errors not Caught
11th OLEPS Reporting Period
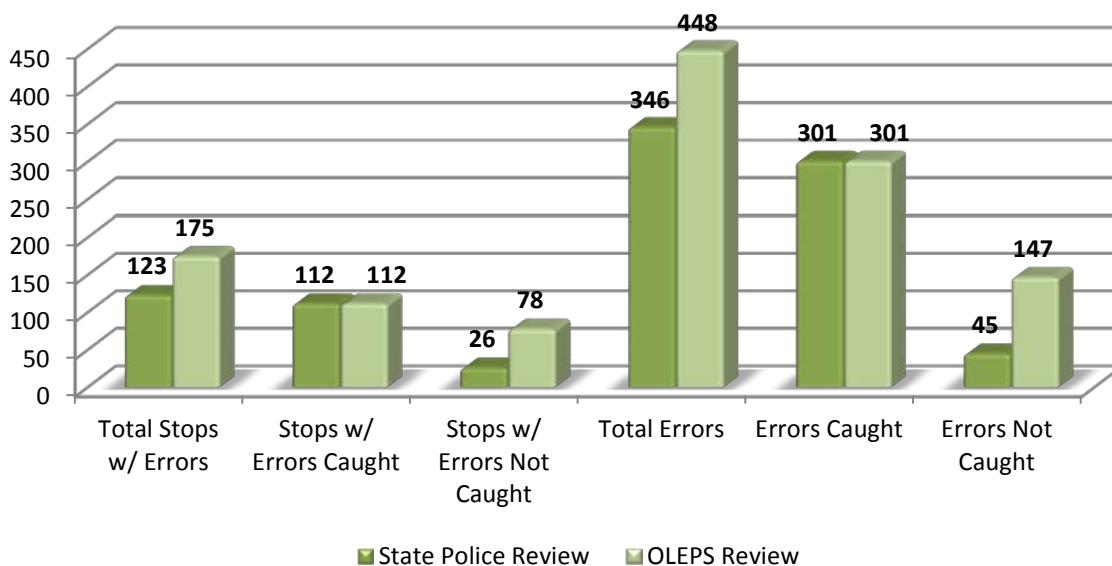
Figure Twenty-Nine depicts the proportion of stops with any error, any error(s) caught, and any error(s) caught for the 2nd through current reporting periods. As shown, the highest proportion is that of stops with any error for all reporting periods. The proportion of stops with an error caught is smaller than the proportion of all stops with any error, but is consistently higher than the proportion of stops with any error(s) not caught.[24] In the current reporting period, 58% of all stops were found to contain at least one error (caught or uncaught). This proportion is about the same as that noted in the previous reporting period, higher than the 7th and 8th reporting periods, and slightly lower than the 9th reporting period. The proportion in the current period is consistent with the average proportion (60%) between the 2nd and current reporting periods. Roughly 37% of all stops contained an error caught in the current reporting period. This proportion is slightly larger than that noted in the previous reporting period, 36%. The proportion of stops with uncaught errors is consistently smaller than the proportions of stops with any errors and stops with caught errors. The proportion in the current reporting period, roughly 26%, is smaller than that noted in the previous period. Further, this is the lowest since the 5th reporting period, when OLEPS resumed reviews of stops that may not have been also reviewed by State Police.

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[24] As noted earlier, a stop may contain multiple errors. Therefore, a single stop may be represented among stops with errors caught and among stops with errors not caught. As such, the proportions of stops with errors caught and proportion of stops with errors not caught do not necessarily add up to the total number of stops with any error(s).

Figure Twenty-Nine: Proportion of Stops with any Error, Errors Caught, & Errors not Caught

2nd to 11th OLEPS Reporting Periods
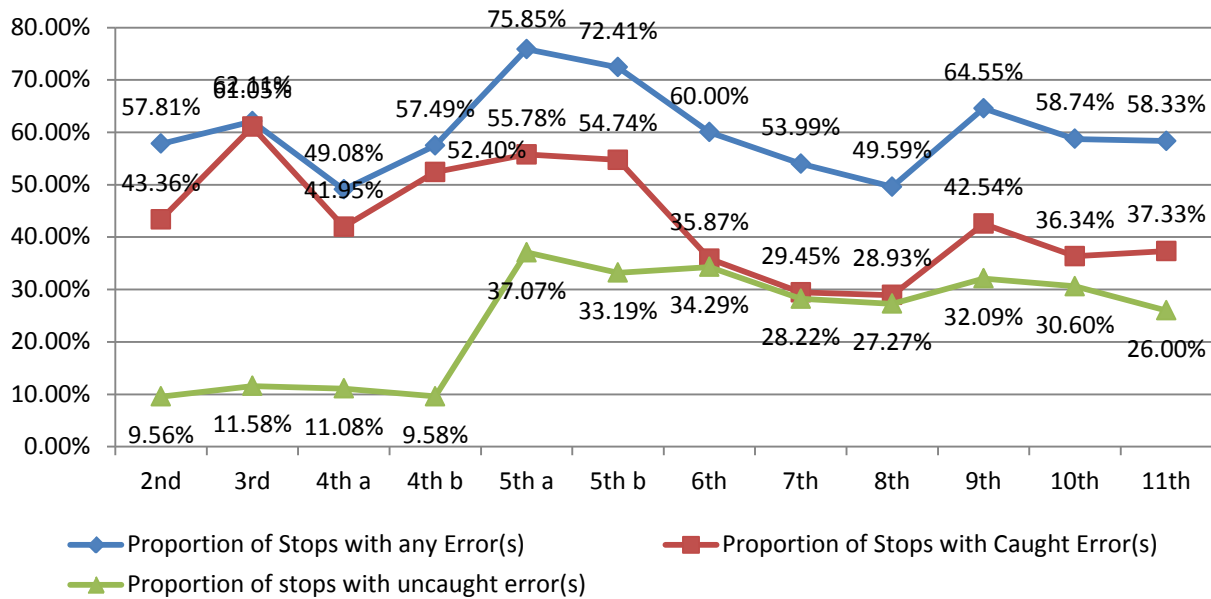
Types of Errors

Errors can further be classified based upon the type of error. Certain errors refer to actions that are procedural in nature, that is, they are governed only by State Police procedures. Other errors refer to actions that are constitutional in nature, in that they touch upon an individual's constitutional rights. OLEPS has classified errors into several categories based on the nature of the error. Recording errors are those referring to whether the recording was activated at the beginning of the motor vehicle stop and whether the audio and video continued to the completion of the stop. Reporting errors are errors made in completion of the motor vehicle stop report or the investigation report. When a trooper does not call-in the appropriate information to the communication center, these are communication call-in errors. Vehicle exit errors are those made when an individual is asked to exit a vehicle. Frisk errors are those made during the course of a frisk. Search of a person and search of a vehicle errors are made when searching a person or vehicle, respectively, without consent. Consent search errors are those made in connection with the rules governing consent to search requests, including all reporting and recording requirements. Canine deployment errors are made when a canine is deployed. Use of force errors are made during a use of force. Arrest errors are those made during the course of an arrest. CUMMA errors are those pertaining to the determination of whether a motorist is a medical marijuana patient prior to arrest when the odor of marijuana is detected. For all of the aforementioned categories, the errors may stem from a possible violation of an individual's rights or violations of State Police policy. Figure Thirty presents this categorization for all errors caught in the current reporting period.

Figure Thirty: Type of Errors Caught
11th OLEPS Reporting Period

Total Errors: **301**
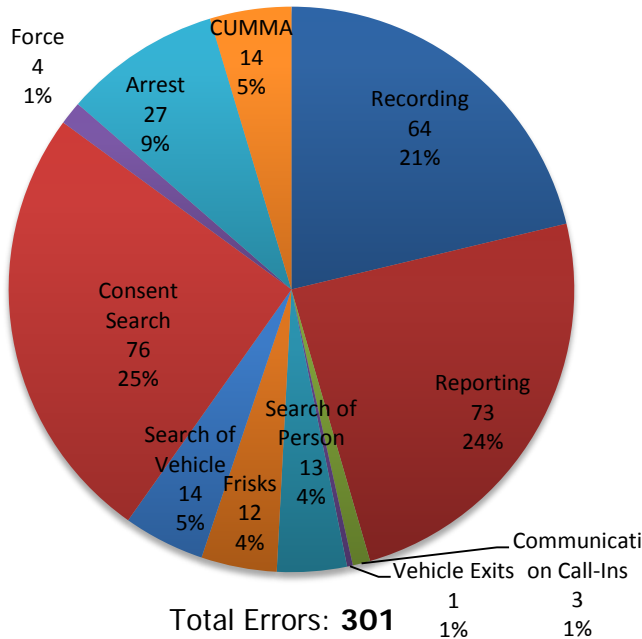
The most common errors caught by the State Police for this reporting period are all errors related to consent search requests. State Police supervisory review noted 76 errors pertaining to the consent to search requests. The second most common type of errors caught were those pertaining to the completion of reports of motor vehicle stops. State Police supervisory review noted 73 errors relating to recording motor vehicle stops. In total, these two categories of errors account for roughly half, 50%, of the errors caught. Of the 301 errors caught by the State Police, 149 were errors caught pertaining to reporting and consent searches. Twenty-one percent of all errors caught pertained to recording motor vehicle stops. For the previous three reporting periods an increase was noted among arrest errors. In the current period, the proportion of errors pertaining to arrests decreased from 14% to 9%. Errors pertaining to CUMMA were 5% of all errors made in the current reporting period. The proportion of errors caught regarding communication call-ins decreased in the current reporting period, from 4% in the previous to 1% in the current. Errors made pertaining to frisks decreased from 8% in the previous reporting period to 4% in the current reporting period. The proportion of other categories of errors remained fairly consistent in the current reporting period; all other error categories each make up 5% or less of errors caught. Changes in the proportion of each error type does not necessarily mean that the State Police failed to catch these errors, it may mean that the State Police just made fewer errors of that type.

In previous reporting periods, the number of errors not caught in a particular category were generally low if the number of errors caught in that category were high. However, this is not necessarily the case in the current reporting period, as shown in Figure Thirty-One. The majority of errors not caught, 87%, pertained to recording, reporting, arrests, or consent to search requests. Twenty-eight percent of all errors not caught pertained to recordings, 37% pertained to reporting, 12% pertained to arrests, and 10%

Figure Thirty-One: Type of Errors Not Caught
11th OLEPS Reporting Period

Total Errors: **147**

pertained to consent searches. There were also four uncaught errors pertaining to CUMMA, five pertaining to communication call-ins, and three pertaining to frisks and searches of vehicles.

Figure Thirty-Two: Type of Errors Not Caught in Stops with State Police Reviews
11th OLEPS Reporting Period
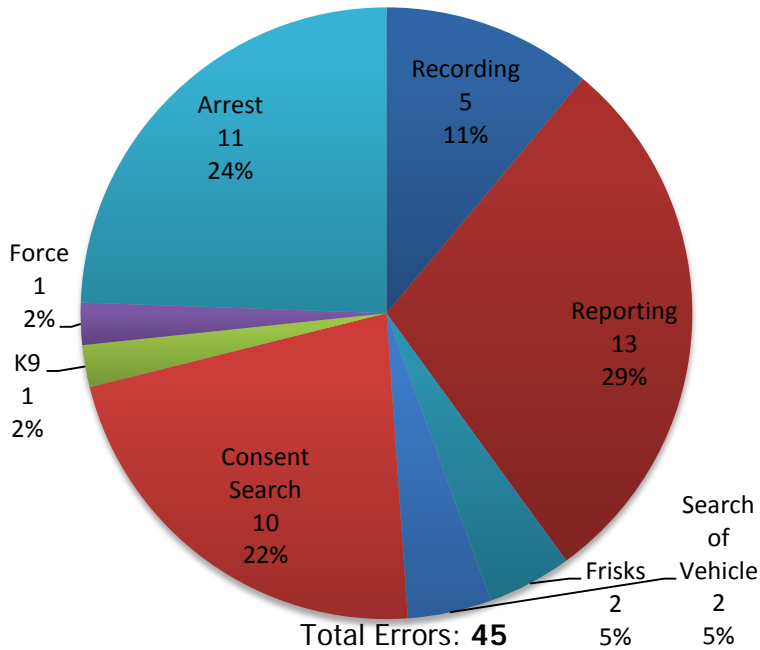
Total Errors: **45**

As noted throughout this performance standard, there were a large number of stops examined during this reporting period that did not receive a State Police supervisory review. As such, it is appropriate to discuss the errors that State Police did not catch only in those stops that underwent review. There were 13 reporting errors (29%), 11 arrest errors (24%), 10 (22%) consent search errors, five (11%) recording errors, two (5%) for frisks and searches of vehicles, and one error (2% each) for uses of force, and canine deployments. Compared to errors caught, State Police caught a higher number of errors in each category type than State Police failed to catch with the exception of canine errors.

As noted in previous reporting periods, OLEPS increased its attention of the reviews of stops since 2012 to assess the appropriateness of the new motor vehicle stop review schedule. OLEPS' approval of a revised review schedule, which allowed State Police to review a smaller number of stops, was contingent upon continued detail in these reviews. OLEPS has noted State Police's improvement in errors caught over several reporting periods and commends State Police for the improvement.

Interventions

Interventions are a tool used by State Police to improve a member's performance. Interventions are recorded in MAPPS and, generally, memorialize a supervisor's review of a trooper's activities. Interventions may be positive or negative; they may commend a trooper for a job well done or note a deficiency in a trooper's behavior. Interventions are vital to a trooper's improvement as they are likely the only searchable and accessible record of a supervisor's comments. For example, an intervention may be utilized to note that a trooper routinely failed to activate video recordings on motor vehicle stops. An intervention allows the trooper to review the supervisor's feedback and allows future supervisors to also review the feedback. Without an intervention, a future supervisor may be unaware of areas in which a trooper might need improvement. Thus, the supervisor would be unaware that the next level of remediation might be more effective.

OLEPS examined the extent to which supervisors note that they informed the trooper of errors by reviewing MAPPS for evidence of interventions. According to State Police policy, interventions are required when a supervisor notes that a trooper has made an error during a motor vehicle stop. The current reporting period is the sixth where OLEPS recorded the number of interventions issued. While

State Police caught 301 errors, only 163 interventions were issued. About 54% of all errors caught by State Police resulted in an intervention, more than in any previous reporting period. Figure Thirty-Three depicts the trend of the proportion of errors caught that resulted in interventions. As shown, the proportion of errors caught in each reporting period has increased steadily for the past four reporting periods. The current period is the first where over half of all errors noted by State Police resulted in an intervention.

Figure Thirty-Three: Proportion of Errors Caught with Interventions Issued
11th OLEPS Reporting Period
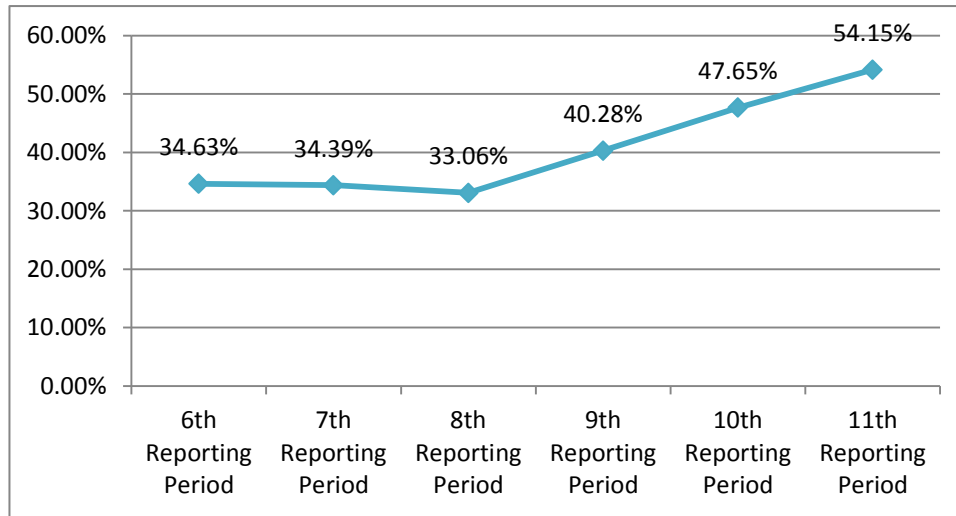
Table Thirty-Five depicts the number and proportion of stops with interventions by category of error.
In the current reporting period, there are three categories of caught errors where the rate of intervention was above 70%. Caught errors pertaining to frisks resulted in an intervention in 83.33% of instances, caught errors pertaining to arrests resulted in an intervention in 70.37% of instances, and caught errors pertaining to vehicle exits resulted in an intervention in 100% of instances (there was only one error). Additionally, 53.13% of caught errors pertaining to recording resulted in an intervention, 49.32% of errors pertaining to reporting resulted in an intervention, 57.14% of caught errors pertaining to search of a vehicle resulted in an intervention, 52.63% of consent request errors resulted in an intervention, and 50% of CUMMA errors resulted in an intervention. Increases were noted in the proportion of recording, communication, frisk, arrest, and CUMMA errors that resulted in an intervention. Overall, 54.15% of all errors caught resulted in an intervention in the current reporting period, more than the 47.65% in the previous reporting period.

Table Thirty-Five: Proportion and Type of Caught Errors Resulting in an Intervention

11th OLEPS Reporting Period

	Number of Interventions	Number of Errors Caught	% of Errors Caught
Recording	34	64	53.13%
Reporting	36	73	49.32%
Communication Call-Ins	1	3	33.33%
Vehicle Exits	1	1	100.00%
Frisks	10	12	83.33%
Search of Person	6	13	46.15%
Search of Vehicle	8	14	57.14%
Consent Requests	40	76	52.63%
K9	0	0	--
Use of Force	1	4	25.00%
Arrest	19	27	70.37%
CUMMA	7	14	50.00%
Total	**163**	**301**	**54.15%**

The current reporting period marks the third with a noticeable increase in the proportion of errors resulting in an intervention. This increase is commendable, but only slightly more than half of all errors noted by State Police resulted in an intervention. OLEPS continues to recommend the use of interventions following an error to ensure that troopers are aware of mistakes made and have the opportunity to remedy those errors in the future.

Errors by Recent Graduates
In the current reporting, OLEPS selected a sample of stops for review based on the graduating class of the primary trooper involved in the stop. Specifically, OLEPS chose a secondary sample of stops conducted by graduates from the 151st through 154th classes. OLEPS' focus on recent graduates is two-fold. The first is to ensure that troopers are implementing the concepts learned during the Academy and reinforced daily. The second is to ensure that, despite noted lapses in the selection process of the Trooper Coach program for the 152nd through 154th classes, troopers still received necessary training. Of the 300 stops reviewed, 216 stops, 72%, were conducted by primary troopers from these classes. Because troopers from these classes conducted roughly three-quarters of all stops, it would be expected that the proportion of errors would be similar.

Table Thirty-Seven depicts the total number of stops reviewed, stops with errors caught and not caught, and the total number of errors caught and not caught for stops conducted by troopers graduating from the recent classes compared to those who graduated from all other classes. Troopers in all other classes conducted 28% of all stops reviewed while recent graduates conducted 72% of the reviewed stops. Of the 175 stops with errors, roughly 35% were noted in stops conducted by graduates of all other classes while roughly 65% were noted in stops conducted by recent graduates. Similarly, 37% of the 448 total errors were noted in stops conducted by all other class graduates while 64% were noted in stops conducted by recent graduates. These proportions deviate slightly from the

expectation based on the proportion of stops conducted by recent graduates. This suggests that recent graduates may make fewer errors overall than graduates from all other classes.

Table Thirty-Six: Graduating Classes of Troopers who Conducted Reviewed Stops
11th OLEPS Reporting Period

	Total Stops	% of Total
122	1	0.33%
132	1	0.33%
136	1	0.33%
137	7	2.33%
138	2	0.67%
139	3	1.00%
140	1	0.33%
141	2	0.67%
142	4	1.33%
143	6	2.00%
144	10	3.33%
145	4	1.33%
146	6	2.00%
148	7	2.33%
149	7	2.33%
150	22	7.33%
151	54	18.00%
152	58	19.33%
153	56	18.67%
154	48	16.00%
Total	**300**	**100.00%**

Table Thirty-Seven: Errors Made by Graduation Class
11th OLEPS Reporting Period

	Stops Reviewed	Stops w/ Errors	Total Errors	Stops w/ Errors Caught	Errors Caught	Stops w/ Errors Not Caught	Errors Not Caught
All Other Classes	84	61	164	56	149	10	15
151st- 154th	216	114	284	56	152	78	147
	300	**175**	**448**	**112**	**301**	**78**	**147**

Though only conducting about 28% of all stops, troopers who graduated from all other classes are about 50% of all stops with errors caught. Similarly, all other graduates were responsible for 50% of all errors caught. Conversely, all other graduates conducted only 13% of the stops with an error not caught while recent graduates conducted about 87% of these stops. Only 10% of the errors not caught were attributable to all other graduates and 90% of errors not caught were attributable to

recent graduates. At first, this suggests that supervisors may fail to catch a higher proportion of errors when made by recent graduates. However, of the 143 stops that did not receive a State Police review, 93% were those made by recent graduates. Thus, the higher proportion of errors not caught is merely a reflection of their lack of reviews rather than a lack of detail in supervisory reviews.

In the current reporting period, troopers from the recent classes conducted about 41% of all stops made Division-wide and about 44% of all stops with post-stop activity. Though recent graduates conduct slightly less than half of all stops and stops with post-stop activity, in the sample reviewed, they conducted the majority of stops that were not subject to review based on the activities in the stops. Of the 300 stops reviewed, 120 were not subject to review because they contained no consent requests, no canine deployments, and no uses of force. Of these 120 stops, 118 were conducted by recent graduates. The high proportion of errors not caught involving recent graduates is the result of the activity occurring in these stops. These errors were not caught because these stops are not part of the population of stops targeted for review.

Figure Thirty-Three: Type of Errors Caught in Stops Conducted by Recent Graduates
11th OLEPS Reporting Period

Total Errors: **152**
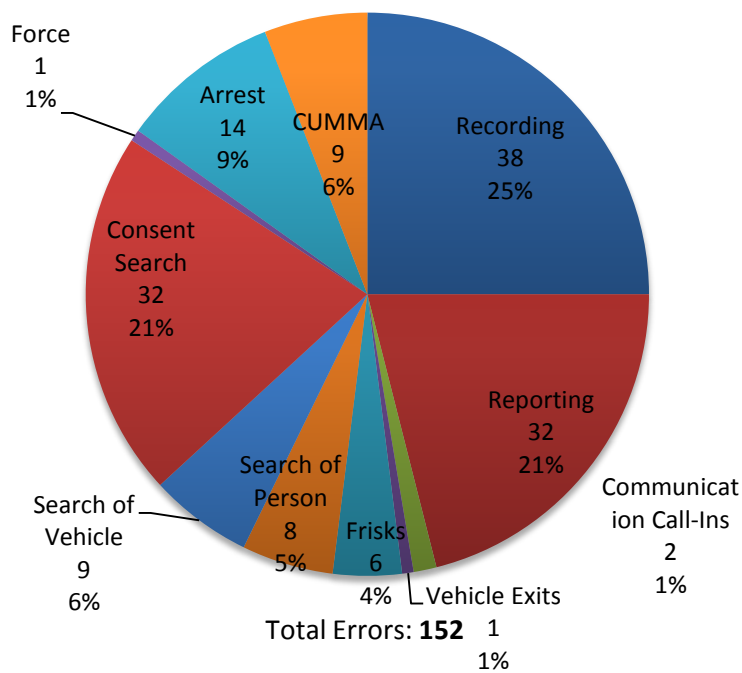
Figure Thirty-Three depicts the types of errors caught in stops conducted by recent graduates. Recording errors were most common, 25%, followed by consent search and reporting errors, 21% each. Arrest errors were 9% of all errors caught for recent graduates while CUMMA errors were 6%. Search of vehicle errors were also 6% and search of person errors were 5% of all errors caught. All other categories of errors were less than 5% of errors caught in stops conducted by recent graduates. Overall, this figure is similar to Figure Thirty, which depicted errors caught in all stops. However, a slightly larger proportion of errors pertaining to recording and smaller proportions of consent search and reporting errors were caught for recent graduates than compared to those caught in all stops.

Figure Thirty-Four: Type of Errors Not Caught in Stops Conducted by Recent Graduates

11th OLEPS Reporting Period

Total Errors: **147**
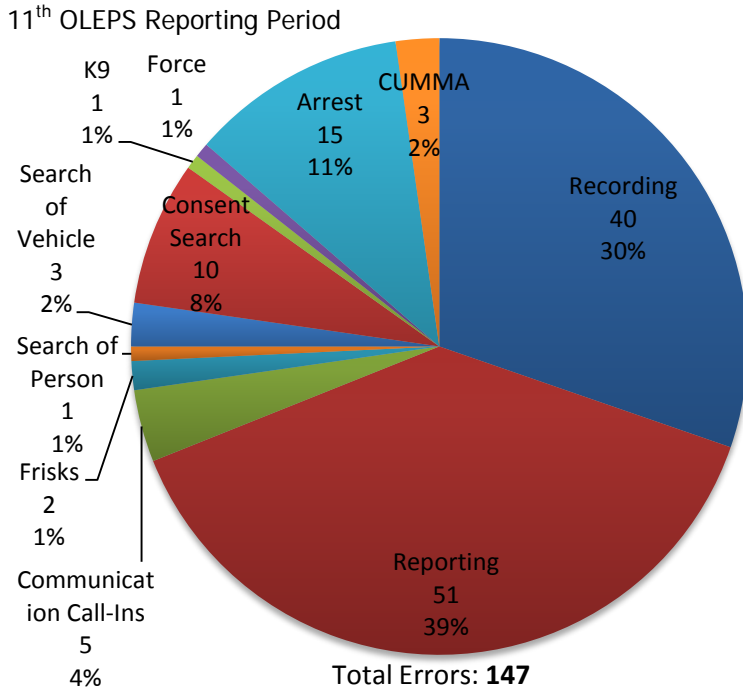
Figure Thirty-Four depicts the errors not caught in stops by recent graduates. The most frequently occurring types of errors that were not caught were recording errors, 30%, and reporting errors, 39%. Arrest errors were 11% of those not caught and consent search errors were 8% of those not caught. All other categories of errors were less than 5% of all errors not caught. Again, this pattern is similar to the types of errors not caught for all stops reviewed, Figure Thirty-One. The majority of all errors not caught, 132 of the total 147, were in stops conducted by recent graduates.

Figure Thirty-Five: Type of Errors Not Caught in Stops with State Police Reviews Conducted by Recent Graduates
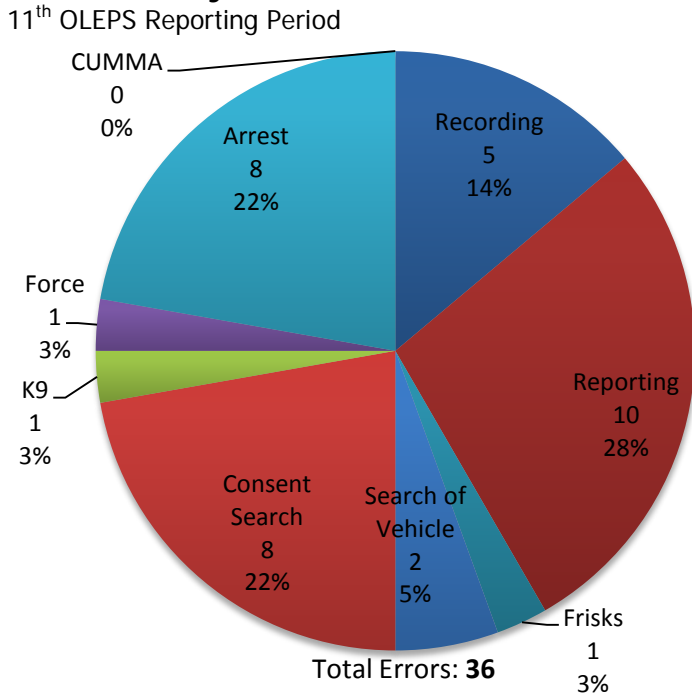
11th OLEPS Reporting Period

Total Errors: **36**

As noted throughout this performance standard, there were a large number of stops examined during this reporting period that did not receive a State Police supervisory review. The majority of these stops, 133 of the total 143, were conducted by recent graduates. As such, it is appropriate to discuss the errors that State Police did not catch only in those stops that underwent review. There were 10 reporting errors (28%), eight (22%) consent search errors, eight arrest errors (22%), five (14%) recording errors, two (5%) search of vehicle errors, and one error (3%) for frisks, uses of force, and canine deployments. Again, as the majority of these uncaught errors occurred in stops conducted by recent graduates, Figure Thirty-Four is nearly identical to Figure Thirty-Two.

Among the types of errors, the most common caught errors for each class were those errors pertaining to reporting, recording, or consent search. Among the types of errors not caught, the most

common type varied by class. For 10 classes, there were zero errors not caught. Recording, reporting, or consent searches were the most common type of errors not caught in all except for three of the remaining classes.

Among individual classes, there are no striking disproportionalities in the number of stops with errors or the total number of errors. The majority of troopers in each class were involved in the similar proportions of stops with errors and the total number of errors as their proportion of all stops reviewed. For the troopers who are identified as recent graduates: 18% of all troopers involved in the stops selected were from the 151st Class and accounted for about 19% of all errors noted; 19% of all troopers involved in the stops selected were from the 152nd Class and accounted for about 15% of all errors noted; 19% of all troopers involved in the stops selected were from the 153rd Class and accounted for 18% of all errors noted; 16% of all troopers involved in the stops selected were from the 154th Class and accounted for 12% of all errors noted.

Table Thirty-Eight: Total Errors by Class of Primary Trooper
11th OLEPS Reporting Period

Class	Stops	% of Total	Stops w/ Errors	% of Total	Errors	% of Total	Errors Caught	% of Total	Errors Not Caught	% of Total
122	1	0.3%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
132	1	0.3%	1	0.6%	3	0.7%	3	1.0%	0	1.0%
136	1	0.3%	1	0.6%	2	0.4%	2	0.7%	0	0.7%
137	7	2.3%	6	3.4%	24	5.4%	24	8.0%	0	8.0%
138	2	0.7%	1	0.6%	4	0.9%	3	1.0%	1	1.0%
139	3	1.0%	1	0.6%	3	0.7%	3	1.0%	0	1.0%
140	1	0.3%	1	0.6%	1	0.2%	1	0.3%	0	0.3%
141	2	0.7%	2	1.1%	6	1.3%	6	2.0%	0	2.0%
142	4	1.3%	2	1.1%	4	0.9%	4	1.3%	0	1.3%
143	6	2.0%	4	2.3%	8	1.8%	8	2.7%	0	2.7%
144	10	3.3%	8	4.6%	11	2.5%	11	3.7%	0	3.7%
145	4	1.3%	3	1.7%	8	1.8%	8	2.7%	0	2.7%
146	6	2.0%	4	2.3%	11	2.5%	5	1.7%	6	1.7%
148	7	2.3%	6	3.4%	17	3.8%	15	5.0%	2	5.0%
149	7	2.3%	5	2.9%	12	2.7%	11	3.7%	1	3.7%
150	22	7.3%	16	9.1%	50	11.2%	45	15.0%	5	15.0%
151	54	18.0%	31	17.7%	85	19.0%	41	13.6%	44	13.6%
152	58	19.3%	30	17.1%	67	15.0%	27	9.0%	40	9.0%
153	56	18.7%	29	16.6%	79	17.6%	51	16.9%	28	16.9%
154	48	16.0%	24	13.7%	53	11.8%	33	11.0%	20	11.0%
Total	**300**	**100%**	**175**	**100%**	**448**	**100%**	**301**	**100%**	**147**	**100%**

Interventions are a vital tool for all troopers, but especially for those troopers who have recently graduated. Interventions provide these troopers with feedback on their interactions and help promote best practices in policing. Among recent graduates, the rate of interventions was nearly 57%, higher than the rate for all stops reviewed in the current reporting period. Errors caught pertaining to frisks,

vehicle exits, and uses of force were those most likely to result in the issuance of an intervention. The lowest proportion of interventions was noted for recording errors. Only about 52% of recording errors resulted in an intervention. All other categories of errors resulted in an intervention at least 50% of the time for recent graduates.

Table Thirty-Nine: Interventions Issued for Recent Graduates
11th OLEPS Reporting Period

	Number of Errors Caught	Number of Interventions	% of Errors Caught
Recording	38	19	52.78%
Reporting	32	19	59.38%
Communication Call-Ins	2	0	0.00%
Vehicle Exits	1	1	100.00%
Frisks	6	5	83.33%
Search of Person	8	4	50.00%
Search of Vehicle	9	6	66.67%
Consent Search	32	16	50.00%
K9	0	0	--
Force	1	1	100.00%
Arrest	14	9	64.29%
CUMMA	9	6	66.67%
Total	**152**	**86**	**57.33%**

Summary of Standard 9

The current reporting period is the sixth with a number of stops that did not receive a supervisory review by State Police. As such, the overall number of errors caught by OLEPS that were not identified by State Police remains high. Further, State Police failed to note a number of errors in the stops that State Police did review, especially pertaining to consent to search requests, arrests, and reporting. The State Police needs to conduct more detailed reviews and note all trooper errors during stops.

OLEPS notes that about 17% of all stops reviewed by State Police contained errors not noted in reviews, an improvement from the previous reporting period. Roughly 36% of all stops not reviewed by State Police contained errors. These stops were primarily conducted by troopers who graduated in recent Academy classes. Accordingly, there were actions that violated State Police policies and procedures that were not identified and could not be corrected.

Overall, it does not appear that recent graduates account for a disproportionate number of errors compared to their proportion of stops reviewed. Further, the types of errors made by recent graduates are similar to those made by graduates of all other classes- recording, reporting, and consent request errors. While interventions are used for all troopers in roughly half of all errors caught, the proportion of interventions used for recent graduates is even higher. Though recent graduates account for a proportional number of errors, they appear to be slightly more likely to receive interventions for these errors when they are caught. It was also noted that recent graduates account for a higher proportion

of errors that were not caught. This does not indicate lax reviews of these troopers. Rather, this is the result of the stops selected for OLEPS' review; they did not involve activity required to be reviewed by State Police. However, that errors were noted in these stops suggests a possible need for reviews of these stops to truly discern patterns of errors.

As stated in previous reports, a trooper can only correct behavior if s/he knows there is an issue. Interventions are a vital tool for self-analysis, allowing both troopers and supervisors to record areas of both excellence and need for improvement. While acknowledging State Police's increase in the use of interventions in the current reporting period, OLEPS continues to recommend that State Police more frequently and effectively utilize the intervention tool.

Performance Standard 10:
Supervisory Referral to OPS

Standards

If it is determined that the conduct recorded during a motor vehicle stop reasonably indicates misconduct (i.e., a failure to follow any of the documentation requirements of State Police policies, procedures or operating procedures, an intentional constitutional violation, an unreasonable use of force or a threat of force), a Reportable Incident Form is required to be filled out.

This standard will be assessed through OLEPS' review of stops and audit of OPS.

Assessment

OLEPS has reviewed records of referrals to OPS based on actions or omissions by road personnel. Such referrals are generally rare. During the current reporting period, OLEPS did not refer any incidents to OPS for review.

Performance Standard 10

Performance Standard 11:
Supervisory Presence in the Field

Standard

This standard remains unchanged from the Consent Decree:

> *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.*

In light of motor vehicle stop review requirements that take up much of a supervisor's available road time, a specific numeric requirement of supervisory presence will not be given at this time. Since the State Police is exploring potential changes to their MVS Review plan, an official requirement will not be specified. The State Police should, at minimum, maintain, but ideally improve, their rate of supervisory presence in the field.

Overview

For several reporting periods, OLEPS has noted a trend of low supervisory presence in the field. Supervisory presence began increasing in the fifth reporting period, but has since declined. Figure Thirty-Six presents this trend. In the current reporting period, supervisors were present in 98, 32.67%, stops. Sixty-nine stops were verified by video and 29 were only verifiable through stop reports. In the previous reporting period, a supervisor was present in about 37% of all stops. Since the 15th reporting period (under the independent monitors), the percent of stops where a supervisor was present has declined, reaching a low of 22.1% in the third reporting period. The proportion of stops with a supervisor present in the current reporting period is lower than the previous reporting period. This is the second reporting period to indicate a decline in supervisory presence. However, this may be a reflection of the sample reviewed. Many of the stops in the current reporting period, as indicated earlier, did not involve any critical activities- consent requests, canine deployments, or uses of force.

Supervisors were present in 68 stops or 50.7% of all stops with consent requests, 13 stops or 56.53% of all stops with official canine deployments, and 10 stops or 43.47% of stops with uses of force. Compared to the previous reporting period, there was a higher proportion of supervisory presence in all of the above categories.

Figure Thirty-Six: Trend of Supervisory Field Presence
11th OLEPS Reporting Period
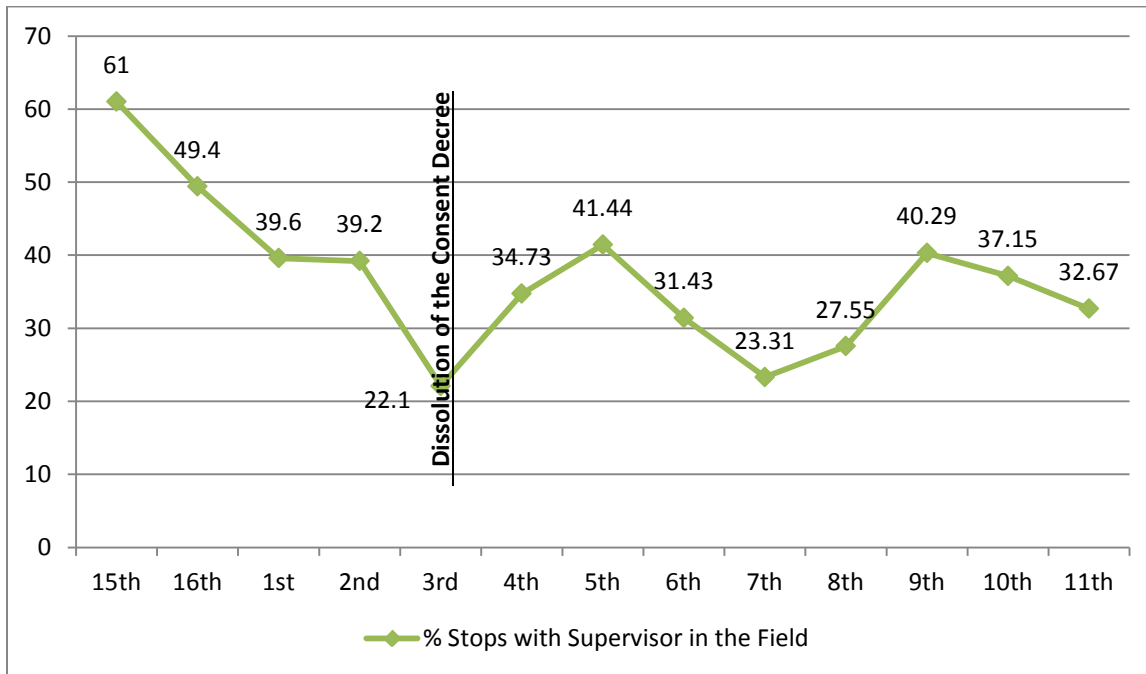
The number of errors caught in a stop is significantly related to whether the supervisor was present at the scene of a stop. There were significantly more errors caught in stops where the supervisor was at the scene of a stop (M=1.43, s=2.01) compared to stops where the supervisor was not at the scene of the stop (M=.812, s=1.58), t(298)=-2.894, p<.01, α=.05. Stops with supervisory presence have more caught errors than those without supervisory presence. There is not a significantly different number of errors not caught in stops with supervisory presence (M=.44, s=1.07) and those without supervisory presence (M=.61, s=1.18), t(208.36)=-1.28, p=.201. Analysis did not reveal a significant difference in the total number of errors made between stops with (M=1.544, s=1.825) and without (M=1.452, s=1.776) supervisory presence, t(364)=-.474, p=.636.

Critical stops, those with RAS consent requests, canine deployments, and uses of force, undergo mandatory reviews and their activities require supervisory approval and additional reports. Figure Thirty-Seven depicts supervisory presence in critical stops compared to non-critical stops. As can be seen, the proportion of stops with supervisors present is generally higher among critical stops than non-critical stops. In the current reporting period, there were 121 critical stops. A supervisor was present in 51.24% of these stops (62 stops). This proportion is the highest since the second reporting period. While there were roughly three times as many non-critical stops reviewed in the current reporting period, 179, only 20.11% of these stops (36) had a supervisor present on the scene. The proportion of non-critical stops with supervisory presence fluctuates across reporting periods in Figure Thirty-Seven because of changes to the secondary sample of stops reviewed in each reporting period. In the third reporting period, only 95 stops were reviewed, 89 of which were critical stops; there were only six non-critical stops reviewed. In all other reporting periods, the majority of stops reviewed were non-critical stops. The activities occurring in these stops vary across reporting periods, which may impact the likelihood that a supervisor might be on scene.

Figure Thirty-Seven: Trend of Supervisory Field Presence in Critical & Non-Critical Stops
11th OLEPS Reporting Period
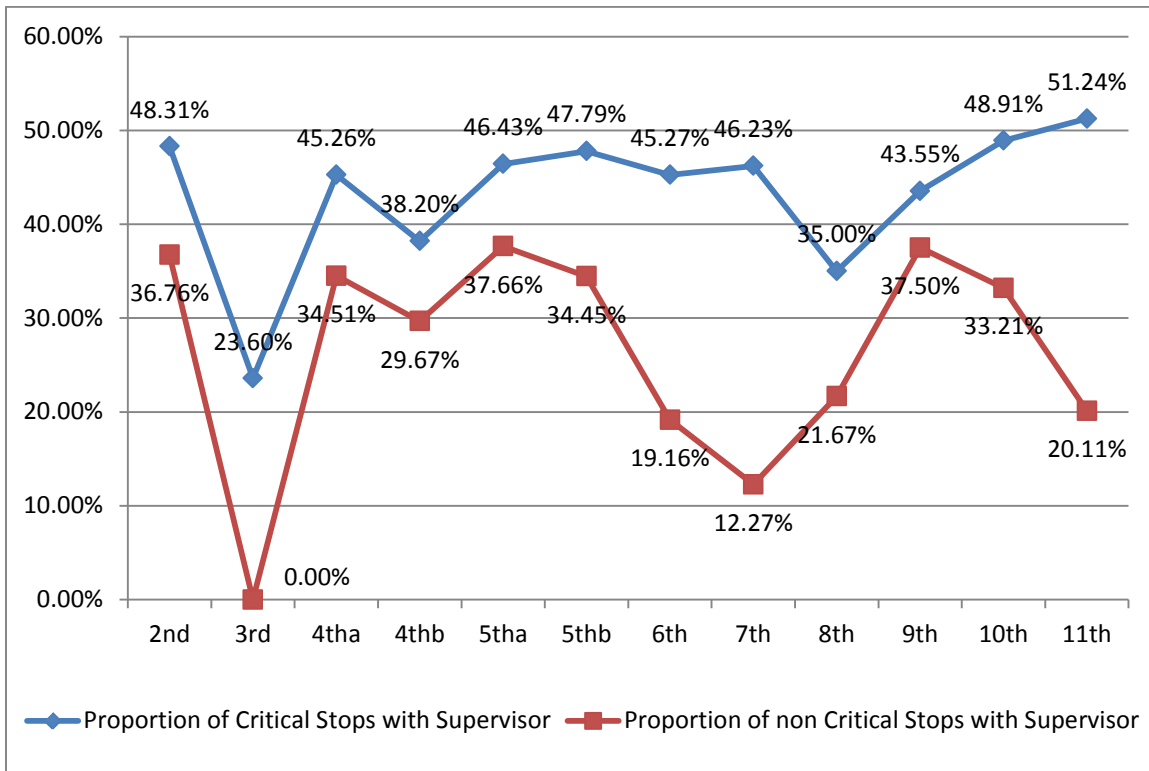
Summary of Standard 11

OLEPS anticipated increases in supervisory presence in the field in the coming reporting periods considering that State Police implemented a revised review schedule for motor vehicle stops in 2011, which should allow supervisors more time to perform supervisory duties other than motor vehicle stop reviews. Given that the State Police have recently graduated several Academy classes, an increase in supervisory presence in the field was expected due to an increase in staffing. In the current reporting period, an overall decrease in the proportion of stops with supervisors present was noted. A continuing increase among critical stops was noted while a continuing decline among non-critical stops was noted. OLEPS stresses the importance of supervisory presence and directs State Police to the Consent Decree for specifications on this requirement.

Office of Professional
Standards & Investigations

OLEPS monitors the Office of Professional Standards (OPS) based on the timeliness of investigations, the appropriateness of investigations, and an audit of the citizen complaint process.

Methodology

Currently, OLEPS monitors the activities of OPS in two ways. First, OLEPS conducts a legal review of substantiated disciplinary investigations. The purpose of each legal review is to determine whether there is sufficient evidence to move forward with disciplinary action; that is, whether the findings are supported by a preponderance of the evidence. This is accomplished by examining the investigative activities undertaken by OPS and assessing the quality and admissibility of the evidence. OLEPS also reviews the proposed penalty for each substantiated investigation. In conducting its review, OLEPS has full access to MAPPS and IAPro information concerning the trooper's prior disciplinary history. This information is evaluated in conjunction with the evidence developed in the investigation before disciplinary charges are filed and a penalty recommended. OLEPS also reviews the proposed penalty for each substantiated investigation, providing guidance and advice on the level of discipline imposed to guarantee that it is appropriate and fair. In doing so, OLEPS may consider: the member's history of discipline; discipline imposed on other members with the same or similar substantiated charges; and any other factors deemed relevant to the recommendation of discipline.

Second, OLEPS conducts audits of OPS investigations on a biannual basis. The audits determine if the evidence in the case supports the findings of either "substantiated," "insufficient evidence," "exonerated," or "unfounded." The audits involve a review of all complaints regarding racial profiling, disparate treatment, excessive force, illegal or improper searches, false arrests, and domestic violence. In addition to a review of these complaints, a sample of all other complaints received by the State Police is selected for review. For each complaint, a complete review of the written investigative file is conducted. In some instances, those reviews lead to a review of all available investigative evidence, such as audio and video tapes assembled by OPS. Additionally, OLEPS publishes aggregated analyses of misconduct cases available here: http://www.nj.gov/oag/oleps/aggregate-misconduct.html.

Office of Professional Standards & Investigations

Performance Standard 12:
Appropriate & Timely Investigations

Standards

OPS is required to attempt to complete misconduct investigations within 120 working days. In instances where an investigator believes the case will extend beyond 120 working days, an extension is required to be filed with the IAIB Bureau Chief.

Additionally, discipline should be appropriate to the case and must be proportionate to the facts, circumstances, nature, scope of the misconduct case, past disciplinary history of the trooper, and comparable substantively similar charges.

OLEPS may re-open any case for further investigation.

Assessment

In the current reporting period, OLEPS performed an audit of investigations conducted by OPS, covering July 1, 2014- December 31, 2014.

This audit consisted of a review of 75 closed misconduct cases. Of this total, 42 consisted of complaints involving racial profiling, disparate treatment, excessive force, illegal or improper searches, and domestic violence. An additional 35 cases were selected for review from all other misconduct and administrative investigations. Reviews of the written files for all 75 closed cases were conducted. An additional review of audio and video evidence was conducted for seven cases.

Investigation Length

During the OLEPS audit of OPS, OLEPS examined the length of misconduct investigations to determine if they were appropriate based on justifiable reasons. These reasons include:

- Pending criminal investigation/prosecution
- Concurrent investigation by another jurisdiction/plea
- Witness unavailability
- Evidence unavailability
- Investigator changes
- Changes to the investigation (addition or change to allegations/principals)
- Case complexity (i.e., number of principals, witnesses, allegations)
- Conflict of interest development
- Criminal conspiracy requiring isolation of principal
- Awaiting opinion from DAG/county prosecutor

For the audit covering the current reporting period, OLEPS noted that 43%, 32 cases, were not completed within the 120 working day requirement. During this audit, OLEPS did not comment on the appropriateness of these delays but did note that 26 of the delayed cases included a request for an extension. However, OLEPS noted in several cases, an extended period of time passed between

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receipt of a complaint and assignment to an investigator, thus delaying the beginning of the investigation. Additionally, OLEPS noted an extended period of time between investigator completion of a misconduct case and supervisory review of the case. In two cases, six and a half and sixteen and a half months passed between completion of the investigation and completion of the supervisory review.

Appropriate Interventions

In addition to evaluating the investigation length of all misconduct cases, OLEPS also reviews the proposed penalty for each substantiated investigation. 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. Disciplinary matters cannot move forward unless OLEPS has performed a legal sufficiency and penalty review. In the second half of 2014, OLEPS performed roughly 27 legal sufficiency and penalty reviews.

Re-Open Cases

In the current reporting period, OLEPS recommended that State Police re-open two cases.

Performance Standard 13:
Internal Audits of Citizen Complaint Processes

Standards

According to State Police policies and procedures, the following requirements govern the citizen complaint process:

- All calls must be recorded
- All complaints reviewed as to whether they constitute allegations of misconduct and whether the allegation is:
    - criminal
    - requires administrative investigation
    - non-disciplinary performance matter
    - administratively closed

Assessment

OLEPS is tasked with auditing the citizen complaint process. This is accomplished through an audit of the complaint hotline, checking for proper classification and reception of complaints. This audit covered the time period of July 1, 2014 to December 31, 2014. A total of 88 complaint calls were made to the hotline during the review period, and OLEPS reviewed a selected portion of these calls. All calls reviewed were assigned an OPS case number and handled appropriately.

Performance Standard 13

Training

The New Jersey State Police Training Bureau (hereafter Training Bureau) shall continue its mandate to oversee and ensure the quality of training for state troopers, including the development and implementation of pre-service[25] and post-service[26] curriculum, and the selection and training of both trooper coaches and instructors. OLEPS' primary focus is on curriculum/training pertaining to cultural awareness, ethics, leadership, arrest, and search and seizure.

Overview

The Training Bureau adheres to the tasks set forth in the training assessment portion of the Decree, which has since been codified in the Act and incorporated in State Police policies and procedures. The Act requires that training be provided to State Police members relative to patrol duties, cultural awareness, ethics, leadership, and constitutional law pertaining to arrest, search and seizure. The Act also requires that the State Police monitor training received from non-State Police entities.

In addition to the requirements outlined in the Act, State Police policies and procedures require that the Training Bureau evaluate and document training effectiveness, establish a Training Committee, create training orders, provide remedial training, ensure the appropriate instructor certifications, and monitor training received by State Police personnel by non-State Police entities.

Figure Thirty-Eight: Organizational Chart of the Training Bureau

Training

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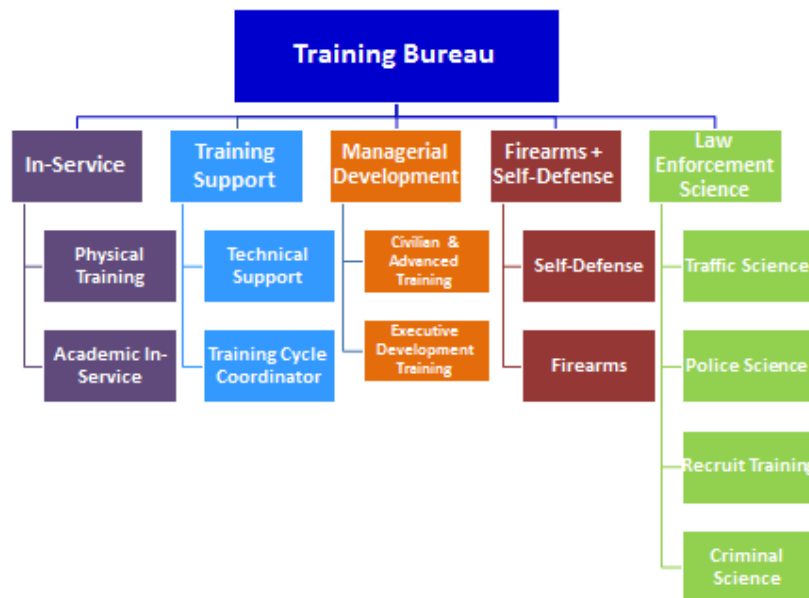
[25] This indicates any training given to State Police recruits, while at the Academy, prior to enlistment and being sworn in as law enforcement officers.
[26] This indicates any training given to Troopers, while they are actively serving in the State Police, from the time they are sworn in as law enforcement officers, until they retire.

The reporting period as it relates to training in this report covers January 1, 2014 through December 31, 2014. During this reporting period, the Training Bureau was responsible for providing in-service training, mid-level management training, as well as other annual and semi-annual training to State Police members. In addition, the Training Bureau successfully trained a total of 149 new troopers in the 154th New Jersey Class. In response to the addition of new troopers, the Academy staff trained trooper coaches and acted as the repository for the program. During the current reporting period, OLEPS again took an in-depth look at the trooper coach selection process.

Methodology

OLEPS reviewed normal course of business records, conducted interviews with the Training Bureau staff, and attended training presentations. Records reviewed included the documentation of needs assessments, curricula, analyses of training effectiveness, Training Committee minutes, individual training records, disciplinary records, promotional histories, personnel orders, Field Operations memorandums, OPS memorandums, course documentations, and documentations relating to training provided by non-State Police entities. Databases accessed included MAPPS, ACTS, IAPro, and the Trooper Coach System.

Every year, OLEPS focuses on a specific aspect of training and performs an in-depth audit of that topic. For 2014, the chosen topic is training provided by non-State Police entities. OLEPS audits the outside training based on State Police policies and procedures.

Performance Standard 14:
Development and Evaluation of Training

Standards

The Training Bureau employs a seven-step cycle in the training and evaluation process. The Bureau is audited on whether the seven-step training cycle set forth below is applied in the development, delivery, and evaluation of training:

1. **Diagnosis and Needs Assessment** – Assessing the needs within the agency for the purpose of creating or improving training; reviewing current standards and practices on related topics.
2. **Development of Training** – Developing training content and training aids according to needs assessments.
3. **Delivery of Training** – Utilizing current best practices in adult-based learning.
4. **Evaluation of Training** – Evaluating the effectiveness of the training content and training delivery.
5. **Revision of Training** – Revising training materials and delivery based upon the evaluation of each.
6. **Evaluation of Operational Implementation** – Determining implementation of the practices taught.
7. **Documentation of Process** – Documenting all of the above steps in the process.

Reports and analyses relating to the evaluation of training are reviewed to determine the Training Bureau's ability to measure transfer of knowledge as it relates to the following:
- Training in leadership
- Ethics
- Cultural awareness
- Constitutional law pertaining to arrest and search and seizure.

All course curriculum relating to training topics delineated in the Act are reviewed to determine their suitability and legal sufficiency. Any revisions or substantive changes must be so noted and forwarded for review.

Assessment

The Training Bureau demonstrated its ability to develop, deliver, and document its training processes. Course curricula are based on State Police-wide needs assessments. Data used in the development or revision of training comes from information captured by the Office of Quality Assurance (OQA), OPS, Field Operations, OLEPS, and the Training Committee.

As the result of this process, curriculum relating to firearms, leadership, search and seizure, Ebola, cultural diversity, MAPPS, use of force, vehicular pursuits, and ethics were presented to OLEPS for review and comment.

The Training Bureau evaluated training conducted by State Police instructors. Courses evaluated in 2014 included the 2014 in-service training (Performance Standard 15), mid-level management course (Performance Standard 19), trooper coach training (Performance Standard 18), and various blocks of instruction for the 154th recruit Class. Other courses reviewed in this section included annual, semi-annual, remedial, and other training matters.

Annual Training

C-20: Physical Fitness Exam
The 2014 annual physical fitness test, known as C-20, was conducted in the Fall of 2014. The test is comprised of a battery of physical exercises and is administered by the Training Bureau. Those who are unable to participate, or do not pass, are given an opportunity to retest. In accordance with their policies and procedures, this annual, standardized exam is required for all active duty troopers.

In addition to the C-20 physical fitness exam in 2014, this year's C-20 included a CPR-AED (Cardio Pulmonary Resuscitation – Automatic External Defibrillator) recertification that was delivered to all members. The CPR-AED is required bi-annually and is standardized in conformance with American Heart Association guidelines.

The Training Bureau successfully completed training, documented delivery of training, prepared after action reporting that included notification to all supervisors of member non-attendance, and offered three retest sessions. Steps Five and Six of the seven-step training cycle (See Standards section under Performance Standard 14) do not apply to the C-20 standardized physical fitness exam and CPR-AED recertification.

Online Training
Federal, state and departmental policies and regulations mandate that State Police members receive training in a number of courses on an annual basis. As described below, these courses are delivered by online presentation.

NJLearn courses
- Bloodborne Pathogens
- Hazmat Awareness Refresher
- New Jersey State Police Work Zone Safety NJSP
- NJSP Handling of Mentally Ill Persons
- Prevention of Domestic Violence Act 1991

NJ.gov courses
- Securing the Human (SANS)
- State of New Jersey's Workplace Violence: Act or React?
- Ethics Training 2014

These online courses are developed and administered by state and departmental entities outside of the State Police. However, the Training Bureau issues orders to its membership to ensure notification of their annual participation requirements and uploads membership information to assist in the efficient completion of each annual course. Technical programming issues made it infeasible for the Training Bureau to produce accurate non-attendance after action reports for the 2014 calendar year. Although, the online course liaisons are continuing to work towards a resolution and are optimistic

that the technical issues will resolve for the 2015 calendar year, the State Police is also exploring consideration of alternative methods of participation confirmation going forward. Again, Steps Five and Six do not apply to these standardized state courses.

Semi-Annual Training

Firearms Qualifications
In accordance with New Jersey guidelines and directives, the State Police is required to conduct semi-annual firearms qualifications for all active duty enlisted members. Prior to delivery of the semi-annual training, the Training Bureau held range master updates with Troop A, B, C and D range masters in order to review and assess current standards and firearms training needs for the State Police. In 2014, all troopers were given the opportunity to qualify. The Firearms and Self-Defense Unit properly posted training orders with the scheduled qualification dates for both handgun and rifle trainings and qualifications. The Training Bureau maintained handgun qualification records for both the Spring and Fall qualification sessions. Two hundred and twenty-four troopers did not attend the first scheduled qualification. The section commanders of these troopers were notified. After the Fall firearms qualifications, 74 troopers did not attend and their section commanders were notified.

The Training Bureau properly documented and maintained firearm trainings and qualification session records in the ACTS training database. Within each quarter, the FTO recorded any non-attendance, summaries of training sessions, instructors, inventory, and whether there were any other issues such as equipment malfunctions or injury. Steps Five and Six do not apply to these state standardized qualification exams.

Recruit Training

In this reporting period, the State Police Academy began training two Classes of recruits. On August 29, 2014, 149 members of the 154th Class graduated the State Police Academy. The State Police Academy also began training the 155th Class on September 8, 2014. However, since they did not graduate until February of 2015, the 155th Class will be discussed in the Thirteenth Oversight Report.

The Law Enforcement Science Unit completed the after action report for the 154th Class, assessed the training of recruits, and provided recommendations for improvement. To the extent financially and operationally feasible, the recommendations were considered for the 155th Class courses. The Training Bureau will continue to provide training for recruit Classes in 2015.

Assessment of the 153rd and 154th Classes in the Trooper Coach Program was completed in 2014. Details of the assessment will be discussed in Performance Standard 18.

Additional Trainings

Firearms and Self Defense
During this reporting period, the Firearms and Self Defense Unit successfully delivered and documented the following advanced training courses in response to State Police needs:

- Firearms Instructor course- Two (March and October)

- o 43 participants
- Force on Force Instructor Course- (October)
    - o 18 participants
- Combat Handgun Course- (November)
    - o 17 participants
- Monadnock Expandable Baton (MEB) Advanced Operator Course- (January)
    - o 29 participants
- Monadnock Defensive Tactics System Course (MDTS)- (February)
    - o 2 participants
- Monadnock Expandable Baton (MEB) Instructor Course- (March)
    - o 19 participants
- Krav Maga for Law Enforcement- (February)
    - o 11 participants
- Conducted Energy Device (CED) semi-annual qualification course- (May)
    - o 15 participants
- Police Service Rifle Operator Course- Four (March, April, and May)
    - o 85 participants
- New Jersey State Police of Gaming Enforcement (DGE) Self-Defense course- (January)
    - o 22 participants
- PR-24 Instructor course- (September)
    - o 7 participants

All firearms and self-defense courses were delivered, reviewed, and properly documented with Step Four after action reporting. Steps Five and Six were inapplicable.

Remedial Training
The Training Bureau is also tasked with providing remedial training to troopers requiring improvement in specified skill areas. Those troopers are identified and referred by several sources including supervisors, OPS, and the State Police's Risk Analysis Core Management Group (RACG). The Training Bureau tailors a course of instruction specific to the individual trooper based on the trooper's deficiency. Remedial training consists both of Classroom instruction and practical applications through scenarios. In 2014, two troopers received remedial training in one or more of the following areas:

- Professionalism
- Communication Skills
- Public Perception
- Attitude and Demeanor
- Motor Vehicle Law
- Criminal Law

Both troopers were attending remedial training for the first time. Step Four after action reports indicated that they were informed of the basis for the remedial referral. As part of the Step-Six evaluation of the remedial trainings for these troopers, the In-Service Unit did reach out in November 2015 to the supervisors who requested the trainings. The purpose of the follow-up is to determine training effectiveness in the field and whether further training is necessary. This Step-Six evaluation will be reviewed in the 13th reporting period, which covers State Police training in the 2015 calendar year.

Supervisory Training

During this reporting period, the Managerial Development Unit delivered the following supervisory courses:

- Modified Supervision
- Modified Leadership
- First Line Supervision
- Mid-Level Management
- Executive Leadership
- Basic Supervision for Outside Agencies

Step Four evaluation of training, documentation of attendance, notification to supervisors of non-attendance, as well as Step-Six evaluation of operational implementation were completed for all necessary supervisory courses. Further detail about the supervisory courses will be discussed in Performance Standard 19.

Summary of Standard 14

The Training Bureau continues to demonstrate its ability to develop, deliver, and document its training processes as prescribed by the seven-step training cycle where applicable. The staff remains committed to staying relevant with best police practices in the development of curriculum. The Training Bureau has continued to take proactive measures to improve evaluation of operational implementation for the annual in-service training. In addition, the staff is also re-evaluating assessment through data collection plans for other post-service training courses. Lastly, the Training Bureau assists in the delivery and administration of mandated training by national, state, and departmental entities, including online course requirements.

Performance Standard 15:
Annual In-Service Training

Standards

According to State Police Policies and Procedures:

- The Training Bureau shall provide annual in-service training to all enlisted members on the following topics:
    - Fourth Amendment requirements
    - Non-discrimination requirements on conducting motor vehicle stops and searches and seizures
    - Cultural diversity
    - Ethics
    - Leadership

Assessment

Integrated In-Service

The 2014 Integrated In-Service was delivered from November 2014 through mid-December 2014 at the New Jersey State Police Training Academy in Sea Girt, New Jersey. A make-up session was offered in January 2015 for any troopers that did not attend the training. The In-Service Unit developed the needs assessment after gathering data from OPS, OLEPS, MAPPS, RACG, Field Operations, as well as other State Police priorities.

As a result of the needs assessment, the in-service presentations were based on the theme of "Leadership Through Experience."

In-service topics included:

- Presentation on the theme, "Leadership Through Experience," was intended to assist members in identifying the principals of leadership and appreciate the benefits of transferring knowledge from one generation of troopers to another. The presentation included a review of the Marine Core principals of leadership as well as a case study of the Newark Riots. The case study discussed how members can use their own personal experiences to benefit the organization and its members through effective communication of their skills and expertise in certain circumstances.

- Presentation on cultural diversity within the State Police, was intended to assist members in forming an understanding of how the culture of the State Police has changed in accordance with the culture of the community it serves. The initial portion of this training block discussed Chief Ron Davis from the East Palo Alto Police Department and his strategies in improving cultural awareness within law enforcement membership. His strategies utilized social scenarios and motivated members to self-educate on cultural characteristics by observing those around

Performance Standard 15

them. The remainder of the session focused on the technological and personnel changes taking place in law enforcement over the last 29 years.

- Presentation of Search and Seizure as it relates to the Heroin epidemic was intended to increase member awareness of the strict liability death provisions in the Overdose Prevention Act.

- Presentation on the current issue regarding the Ebola disease was intended to provide members with an overview of the Ebola virus, situational awareness, and a summary of the disease. The majority of the presentation consisted of a video demonstration on how to properly don and doff protective equipment.

- Presentation titled, "Below 100," was intended to illustrate how the five tenets of "Below 100" may contribute to reducing annual nationwide line of duty deaths to below the number of 100. This block of instruction contained numerous illustrations and videos to supplement their five tenents.

- Overview and explanation of a newly implemented promotional policy. The presentation was a straightforward explanation of the new policy, as well as a lengthy question and answer portion.

Following the month-long in-service training, the Training Bureau completed the Step Four evaluation of training as well as notification to supervisors of troopers that did not attend training. The Training Bureau also successfully completed the Step-Six evaluation of operational implementation by reporting on and analyzing results of the in-service data collection plan. The In-Service Unit measured the outcome of reporting on overdose cases by State Police members prior to and post in-service to measure troopers' understanding of the drug monitoring initiative. The Training Bureau found this block of in-service training to be successful, with an increase in reported cases. The other Step-Six method was an evaluation of the number of troop car accidents. This evaluation was intended to assess the block of instruction on "Below 100," trooper safety. The Training Bureau specifically sought to reduce the number of troop car accidents by raising awareness at in-service. The Step-Six report analysis showed that there was a reduction in accidents after the delivery of in-service training.

Summary of Standard 15

The yearly in-service training presented to the whole State Police complies with all curriculum topics including cultural diversity, ethics, leadership, and search and seizure. The Training Bureau continues to conform to the seven-step training cycle with the mandatory topics of training and their documentation. All subject matter presented remains current and relevant to the State Police's needs.

Performance Standard 16:
Training Committee

Standards

According to State Police policies and procedures, the Training Bureau Chief coordinates, maintains, and utilizes a Training Committee.

- The Training Committee shall be comprised of:
  - Members of the Training Bureau
  - All Field Training Coordinators (FTCs)
  - All Field Training Officers (FTOs)
  - Representative of OPS
  - Representative of OQA
  - Any other personnel as determined by the Bureau Chief (Committee Chair)

- The Training Committee shall meet on a quarterly basis and record and distribute meeting minutes.

- The purpose of the Committee is to "serve as an integral system for State Police units, squads and supervisors to provide information and refer particular incidents to the Training Bureau, to assist in evaluating the effectiveness of training and to detect the need for new or further training."

Assessment

Training Committee meetings were held in March, June, September, and December of 2014. Training Bureau records including agendas and meeting minutes were reviewed.

Table Forty: Training Committee Attendance
2014

Training Committee Member	Required # of Members	March	June	September	December
Training Bureau	8	5	9	8	7
FTCs	11	1	1	4	4
FTOs	7	3	2	2	3
OPS	1	--	--	2	2
OQA	1	--	--	4	--

Shown in Table Forty, are the number of troopers in attendance during the quarterly Training Committee meetings. According to State Police policies and procedures, the Training Bureau should have at least eight members in attendance each meeting. In addition, 11 FTCs, seven FTOs, one member of OPS, and one member of OQA should also attend. The Training Bureau consistently had the greatest attendance at all four meetings. However, they were missing three members in March

and one in December. FTCs had the lowest level of attendance. Only one of 11 FTCs were present in March and June, while four were present in September and December. OPS members were at attendance in two of the four meetings and OQA was in attendance at only one meeting for 2014.

In addition to the required attendance of certain members, there were additional troopers from other sections of State Police in attendance. Intelligence and Identification & Information Technology had representatives in March. The Executive Protection Bureau sent a representative in June.

Members of the Training Committee met and delivered status reports regarding current activities of their respective sections that impact training. In addition, training needs and/or areas in need of improvement were identified to help develop specific training programs. The Training Bureau also delivered advance notice of Training Orders for upcoming courses. The following is a summary of topics covered during the 2014 meetings:

Trooper Coach Program- Status of the 152nd and 153rd Classes were given in regard to the completion of the program. In anticipation of the upcoming recruit Classes, another Trooper Coach selection process was conducted. Trooper Coach Training was also provided by the In-Service Unit. Further, special training was given to assistant station commanders to ensure all supervisors were aware of proper procedures. There was also discussion relating to the 154th Class's commencement of the Trooper Coach Program in 2014.

154th, 155th, and 156th Classes- The start and graduation dates for the 154th and 155th Classes were tentatively scheduled and reported on in the meetings. The 154th Class started in March 2014 and graduated August 2014. Academy Awareness Weekend (AAW)[27] for the 155th Class was scheduled for August. The 155th Class was scheduled to start September 2014. PEPP[28] sessions for the 156th Class started in May 2014. The Physical Qualification Test (PQT) for the 156th Class was tentatively scheduled for June 2014.

Top Physical Challenge- The In-Service Unit has been conducting the Top Physical Challenge program at various middle and high schools across the state. The program was well received, but the number of schools visited were limited due to the recruit Classes.

Trooper Youth Week[29]- Due to recruit Classes in session at the Academy, two condensed youth week Classes were held in July and August 2014. The sessions ran from Friday afternoon to Monday afternoon, when recruits were dismissed for the weekend. The Training Bureau graduated a total of 267 high school students in the 96th and 97th Classes of Trooper Youth Week.

C-20 Physical Training- C-20 testing was completed prior to in-service training and completed in the allotted time period. It was determined that C-20 physical testing

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[27] AAW is a mandatory weekend that provides a preview of Academy life for recruits.
[28] PEPP sessions offer an informational, educational, and interactive program detailing recruit training requirements for applicants seeking conditional employment with the New Jersey State Police.
[29] Trooper Youth Week is a career exploration program held during the summer months for teenagers who are in their junior or senior year of high school.

would be conducted the morning of In-Service from September 15th – October 17th. The afternoon session would be CPR recertification.

2014 In-Service Training- In preparation for the annual in-service training, the tentative schedule was presented and potential training topics were requested from FTOs. Training ran from November 2nd to December 12th. A makeup session was scheduled for January 2015.

Supervisory Courses- The Managerial Unit discussed the need for and planned on delivering numerous supervisory schools for recently promoted troopers. A first line supervision course for Sergeants was given in December 2014.

Firearms Unit- The Firearms Unit updated the committee on the new weapons transition.

Outside Training- The procedures for submitting and receiving credit for outside training were reviewed.

Field Operations Section- The Troop B FTO requested the Training Bureau focus on self-defense and fitness training events. Also, ongoing issues with DIVR repairs and vehicle issues were discussed. The Troop B FTO requested there be training offered for any new DIVR systems. This FTO advised the committee of upcoming courses that would be submitted for posting. The group discussions mentioned the ongoing issues with CUMMA and notified the committee it will be discussed in the next RACG meeting. The FTO also mentioned there would be updates to policies regarding the Trooper Coach Program, traffic stop procedures, and motor vehicle searches. It was reported that all Field Operations personnel have been trained on the use of Narcan.[30]

Identification and Information Technology- The Identification and Information Technology Section advised that there will be new fingerprinting machines coming to every station. There will be training on the new machine and several troopers will be trained as trainers. The section reminded the committee of administrative errors occurring with DWI report submissions.

Intelligence/Investigation Section- The Intelligence/Investigation Section identified an available course on social media use related to investigation tactics and strategies in March 2014. This section expressed interest in having personnel attend an Instructor Training Certification course (ITC).

Office of Professional Standards- OPS shared that the top two most reported complaints for 2014 were attitude and demeanor and driving violations.

Special Operations Section- The Special Operations Section advised the committee of lesson plans that were being updated.

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[30] Narcan, also known as Naloxone, is medication used to reverse the effects of opioids.

Summary of Standard 16

The Training Committee meetings are an important resource in the assessment of State Police training needs. They assist the Training Bureau in developing and evaluating courses in a broad range of operational subject areas beyond recruit training. The Committee's purpose is to seek feedback from the State Police to help identify areas of training needed. As in the past, members of Field Operations have provided helpful input to the Training Bureau. However, many other sections of the State Police are consistently absent from these Committee meetings. Specifically in this reporting period, the majority of FTCs did not attend any meetings or provide any feedback to the Training Bureau. In the past, these sections offered tremendous insight into areas of concern through data and anecdotal comments. In addition, one of the subject matter reviews in this reporting period detailed outside training procedural processes, which relates directly to the FTC assignment. Section supervisors should ensure that a representative from their command attends Committee meetings. In addition, OLEPS recommends the Training Bureau notify specific Section Heads as to when the quarterly meetings are scheduled.

Although the Training Bureau met the standards in their policies this reporting period by holding all quarterly Committee meetings, as noted in the Seventh and Ninth Oversight Reports, attendance is critical to ensuring the most effective utilization of this method of needs assessment.

Performance Standard 17:
Recruitment of Instructors and
Instructor Eligibility Requirements

Standards

According to State Police policies and procedures:

- The New Jersey State Police shall encourage "superior" troopers[31] to apply for Academy and post-Academy training positions. The Training Bureau shall maintain adequate staffing levels at the Academy to ensure compliance with the training cycle.

- All candidates must go through the specialist selection process. Candidates must:
    o Successfully complete the Instructor Training Course and have the ability to apply the seven-step training cycle,
    o Have four years of experience as a Trooper,
    o Have a Bachelor's Degree,
    o Undergo a review of any and all disciplinary history, and
    o Undergo a review of any complaints alleging discrimination in the workplace.

- Any revisions to the policies relating to eligibility selection requirements or training shall be submitted to OLEPS for review and comment prior to State Police approval.

Assessment

In this reporting period, the Training Bureau's organizational chart reflected that between 30 to 32 sworn personnel and five to six civilians were permanently assigned to the Academy. Although, these staffing figures do not meet the threshold identified as adequate in the past,[32] the Training Bureau completed minimum tasks in accordance with policy and procedural requirements for this reporting period. The Training Bureau's specialist selection process for this reporting period was properly conducted and documented. No revisions to policies of instructor eligibility and training requirements took place during this reporting period.

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[31] United States v. The State of New Jersey, Civ. No. 99-5970 (MLC), at
http://www.justice.gov/crt/us-v-new-jersey-joint-application-entry-consent-decree-and-consent-decree
[32] During the time period covered in the Monitors' Sixteenth Report, (October 1, 2006 – March 31, 2007), the Academy staff consisted of 58 sworn personnel with four detachments, and nine civilians. At that time, the independent monitors deemed the Academy to be adequately staffed; however, the Regional Intelligence Academy had as of yet not materialized and the Armorer Unit was not under the Academy's Table of Organization. Therefore, the 58 count in 2006 and 2007 did not include members of those units. However, now the Armorer Unit is under the Academy's Table of Organization.

Performance Standard 17

Staffing

As noted above, in January of 2014, the Training Bureau's organizational chart reflected a total of 30 sworn personnel and five civilians permanently assigned to the Academy. In October of 2014, the number of sworn members increased to 32 permanent members and six civilians.

For the past several reporting periods, OLEPS has noted a steady decrease in the number of members assigned to the Training Bureau. In the past, the independent monitors and State Police agreed that 58 permanently assigned, sworn members reflected an adequate Academy staffing level. For several reporting periods, the number of permanently assigned staff at the Training Bureau has fallen below these figures. Table Forty-One gives the breakdown of positions at the Training Bureau by rank and actual number of members in January and October of 2014. Table Forty-One reflects that there are numerous vacant positions at the Training Bureau. However, during this reporting period, State Police detached (a temporary reassignment) troopers to meet the staffing needs during recruit training. In January of 2014, there were two additional troopers detached to the Academy. In October of 2014, there were 21 additional members temporarily detached to the Training Bureau. With the additional temporary personnel, the Training Bureau was staffed with 55 enlisted personnel. However, when excluding members from the Armorer Unit, the Academy was staffed with only 53 troopers, just short of the 58 members recommended by the independent monitors.

Table Forty-One: Training Bureau Staffing
2014

Rank	# of Positions	January	October
Captain	1	-	1
Lieutenant	6	7	6
Sergeant First Class	8	5	7
Sergeant	13	12	11
Trooper	22	6	7
Total Enlisted	**50**	**30**	**32**
Civilian	*10*	*5*	*6*

Rather than permanently assign troopers to the Academy, during this reporting period, State Police relied on temporary detachments to assist with recruit training. Then, these detachments were rescinded upon the recruit Class graduation. The constant influx and decrease in staffing is disruptive to course development and does not promote the retention of institutional knowledge at the Training Bureau.[33] As mentioned in previous reporting periods, OLEPS has also recommended the State Police invest in civilian personnel at the Academy to retain institutional knowledge as well as help with analysis and assessment of training. As Table Forty-One shows there are 10 available civilian positions at the Training Bureau, however, only half the positions are filled.

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[33] See OLEPS' Ninth Oversight Report, Performance Standard 17, identifying numerous Training Bureau responsibilities beyond delivery of recruit Class courses.

Instructor Evaluations

Periodically, the Training Bureau performs in-field training evaluations of instructors assigned to the Academy, when possible. These evaluations consist of an assessment of the learning environment, instructors themselves, learning techniques utilized, administrative procedures, and comments on whether the seven-step cycle is being utilized.

In 2014, two courses, Force on Force Instructor and Mid-Level Management, were evaluated. A total of six instructors were evaluated, three from each course. Both courses had adequate learning environments with enough seating and the proper audio and visual aids for teaching. All instructors received excellent scores on their knowledge and presentation of course materials. The Force on Force Instructor course utilized both lecture and scenario based learning techniques and all administrative procedures for the course. According to State Police documentation, seven-step analysis of operational implementation was inapplicable to this course were completed. The Mid-Level Management course applied lecture, group discussion, and break-out groups as learning techniques. The Academy properly followed administrative procedures and met all seven-step requirements for this course.

Instructor Specialist Selection

The Training Bureau began its recruitment of qualified instructors mid-January 2014. Forty-six troopers submitted resumes and were interviewed by a panel of five board members. Interviews were conducted and candidates' resumes were reviewed. Forty-four troopers were scored and were submitted for meaningful reviews. All candidates completed four years of service as a New Jersey State Trooper and had at least the required Bachelor's Degree. Of the 44 troopers submitted for meaningful reviews by OPS and EEO, 24 troopers were recommended, 16 troopers were qualified, and four troopers were not recommended. In mid-March, 18 of the recommended or qualified candidates were temporarily detached to the Training Bureau. All troopers from the selection process successfully completed the Instructor Training Course prior to instructing any courses at the Academy. Ultimately, eight instructor candidates were permanently transferred to the Academy as a result of the specialist selection process. Two troopers were transferred in August 2014 and six troopers were transferred in February 2015.

Summary of Standard 17

The Training Bureau performed in accordance with State Police policies relating to specialist selection and only those members meeting the relevant qualifications were transferred to the Academy, permanently. In addition, all detachments received requisite instructor certification prior to their delivery of any course materials. However, as in previous reports, OLEPS continues to note concerns with low levels of permanent staffing. Furthermore, concerns remain regarding the consistency in personnel. Adequate and consistent staffing allows the Training Bureau to sustain a level of training necessary to comply with the mandates of the Act. Since OLEPS' First Monitoring Report, OLEPS made note of staffing issues and continues to strongly recommend that the State Police make the needs of the Training Bureau one of its priorities to meet the standards set forth in their own policies. OLEPS also recommends the State Police take priority to staff the civilian positions at the Training Bureau, especially analysts to help assess all State Police training.

Performance Standard 18:
Trooper Coach Program

Standards

According to State Police policies and procedures:

- The New Jersey State Police shall encourage superior troopers to apply for trooper coach and reserve trooper coach training positions.

- Eligibility, selection criteria, and required training for **primary** and **secondary** trooper coaches can be found in State Police policies. A summary of the requirements includes:
  o Minimum of three years of continuous service
  o Resume
  o Review of any and all disciplinary history and any complaints alleging discrimination in the workplace
  o Review of performance evaluations
  o Successful completion of the trooper coach course

- Eligibility, selection criteria, and required training for **reserve** trooper coaches can be found in State Police policies. A summary of requirements includes:
  o Minimum of seven years of continuous service
  o Submission of a Special Report
  o Review of any and all disciplinary history and any complaints alleging discrimination in the workplace
  o Review of performance evaluations and the successful completion of the trooper coach refresher course

- Any revisions to the policies and procedures relating to eligibility selection requirements or training must be submitted to OLEPS for review and comment prior to approval.

The assessment of performance includes a review of records maintained in the normal course of business, a review of the trooper coach selection process, a review of any misconduct cases (including those pending), a review of the Trooper Coach System, any documentation of trooper coach performance, and staff interviews.

Evaluation of program effectiveness is conducted by reviewing after action reports, as well as an independent analysis done by OLEPS.

Performance Standard 18

Assessment

Overview of Trooper Coach Program

Members of the Training Bureau's In-Service Unit have the responsibility of administering the Trooper Coach Training Program. The program is designed to reinforce Academy training. The probationary trooper is given the opportunity to apply what was taught at the Academy at their first general duty road station under the guidance of a trooper who has been qualified to serve as a coach. The program is divided into four 120-hour training phases for a total of 480 hours. During Phases I-III, the probationary trooper becomes familiar with their role and responsibilities. By Phase IV, they are prepared to take an active role while on patrol with or without their coach. At this juncture, the coach will only intervene if there is an issue of officer safety or if the probationary trooper's actions would bring discredit to the State Police.

There are three designations of trooper coaches: primary, secondary, and reserve trooper coach. The primary trooper coach has the responsibility of training and evaluating the probationary trooper. The secondary trooper coach is used during Phase II of a probationary trooper's training to give the probationary trooper "exposure to an equally qualified coach's perspective, training style, and job-related skill set" before returning to the primary trooper coach during Phase III. The secondary trooper coach is also prepared to assume the primary trooper coach's responsibility in the event that the primary trooper coach cannot fulfill their obligation due to an illness or transfer in assignment. The reserve trooper coach assumes coaching responsibility whenever the primary or secondary coaches are not available for duty on a limited basis, but is not to assume the full-time responsibility of either coach.

The selection process for trooper coach is a comprehensive one. The primary, secondary, and reserve trooper coach candidates must undergo a meaningful review process, including a review of the MAPPS intervention and performance modules and undergo a review of any misconduct cases (including those pending). This includes a review of any complaints alleging discrimination in the workplace (EEO) as well as a review of any disciplinary history. In addition, primary and secondary trooper coach candidates must submit resumes. Eligibility requirements for primary and secondary trooper coaches include three years of continuous service. Reserve coaches must have seven years of continuous service. All trooper coaches must be assigned to Field Operations, have a satisfactory performance rating on the most recent annual evaluation, possess a commitment to integrity, and demonstrate knowledge of State Police policy. The candidate must pass the annual physical fitness test. Primary and secondary trooper coach candidates must also submit to an oral interview before a panel.

Information gathered during the meaningful review is presented to the Trooper Coach Committee for examination. The Committee, composed of a representative from OPS, the State Police of Human Resources, and Field Operations, deliberates and renders a finding of "recommended" or "not recommended" for each candidate. These findings are forwarded to the Deputy Superintendent of Operations (DSO) for a second assessment. It is this deliberative process and subsequent actions of the DSO that have come under scrutiny during prior oversight reports,[34] and therefore, were closely monitored during this reporting period.

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[34] See OLEPS Seventh and Ninth Oversight Reports.

Trooper Coach Selection Process

In 2013, OLEPS' audit of the Trooper Coach Program identified several issues with the selection process. In 2014, OLEPS again examined documentation of the selection process and implementation of the program to ensure compliance with requirements set forth in State Police policies and procedures. As part of the 2014 audit, OLEPS reviewed the process for both the 154th and 155th Classes. Although no issues were noted with the 155th Class selection process, issues remained in the 154th Class process.

Prior to the publication of the Ninth Oversight Report, OLEPS notified State Police of issues found in the 2013 audit, which assessed the 152nd and 153rd Classes. For example, some members who served as coaches did not meet the requirements to do so. Upon completion of OLEPS' audit of the Trooper Coach Selection Process for the 154th Class, 239 troopers were reviewed and ultimately 222 troopers were approved to coach. Seventeen troopers were denied as coaches. Table Forty-Two outlines these outcomes by troop. Troop A had the largest pool of approved coaches, while Troop C had the smallest pool of approved coaches.

Table Forty-Two: Assignment of Trooper Coach Candidates by Selection Process Outcome
154th Class

	Approved	Denied	Total
Troop A	93	7	100
Troop B	80	5	85
Troop C	49	5	54
Total	**222**	**17**	**239**

At the completion of the Trooper Coach Program for the 154th Class, a total of 188 troopers served as Trooper Coaches. Table Forty-Three shows the types of Trooper Coaches by troop.

Table Forty-Three: Trooper Coach Assignment by Role
154th Class

	Primary	Substitute	Primary and Substitute	Total
Troop A	26	11	24	61
Troop B	33	17	31	81
Troop C	25	6	15	46
Total	**84**	**34**	**70**	**188**

OLEPS conducted further analysis to discover any assignment patterns within troops of the non-qualified troopers. Table Forty-Four indicates the number of troopers not qualified to serve as Trooper Coaches, by troop. Most of the coaches were assigned to Troop B (64%). However, upon graduation,

Troop B received the largest proportion of probationary troopers (42%). Thus, Troop B had the greatest number of coaches compared to all other Troops.

Table Forty-Four: Non-qualified Trooper Coaches by Troop
154th Class

	# of Issue Coaches	% of Issue Coaches
Troop A	3	12%
Troop B	16	64%
Troop C	6	24%
Total	**25**	

As of June 16, 2015, 25[35] of the 188 troopers served as coaches, despite not meeting one or more qualifications necessary to coach. These requirements included: C-20 compliance, recommendation following a meaningful review, OPS/EEO recommendation, approval by the DSO, attendance at Trooper Coach Training, and an overall recommendation from the Trooper Coach Coordinator. Of these 25 Trooper Coaches, 18 (72%) did not undergo a meaningful review entirely. Accordingly, the State Police was unable to determine whether these 18 troopers were qualified or not qualified to be Trooper Coaches. A large portion of these coaches (11) were assigned to Troop B stations. Seven troopers who served as coaches were not C-20 compliant and two troopers were not approved by OPS/EEO and DSO. However, 13 of these 25 Trooper Coaches were later reviewed, approved, and served as coaches for the 155th Class.

Table Forty-Five: Trooper Coach Assignment by Qualification Not Met
154th Class

	C-20 Non-Compliance	Not Approved	No Meaningful Review	Reviewed for 155th Class
Troop A	1	1	2	2
Troop B	5	1	11	6
Troop C	1	--	5	5
Total	**7**	**2**	**18**	**13**

OLEPS also reviewed the ranks of the 25 Trooper Coaches at the time of coaching. The majority (15) were Sergeants or Staff Sergeants when coaching. While Sergeants supervise troopers as part of their job responsibilities, to serve as a Trooper Coach, they must still undergo the Trooper Coach selection process. The mission of the program has always been to, "ensure that only those who are chosen as Trooper Coaches be among the best and the brightest of the State Police. They must stand as positive, competent, and motivated role models to the probationary troopers."[36] However, in the

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[35] Eleven of the 25 troopers listed (44%) served as coaches despite not being recommended by OPS/EEO and DSO or not having undergone a meaningful review by these units as of September 2015.

[36] September 8, 2000 Memorandum outlining efforts to create a Trooper Coach program to the Federal Court Monitor.

review, five of the 15 Sergeants had misconduct cases opened after they were promoted to Sergeant. The number of cases opened for any one Sergeant ranged from one to four. The types of allegations in these misconduct cases included, for example, Attitude and Demeanor, Questionable Conduct, Public Intoxication, and Culpable Inefficiency. The above demonstrates the importance that all members, regardless of rank, meet all requirements as set forth in State Police policies and procedures.

Table Forty-Six: Non-qualified Trooper Coach Assignments by Rank
154th Class

	Sgt.	SSgt.	Tpr.	Total
Troop A	1	--	2	3
Troop B	4	5	7	16
Troop C	5	--	1	6
Total	**10**	**5**	**10**	**25**

As noted in the Ninth Oversight Report, the Training Bureau implemented a new computer database to track and record the Trooper Coach Program, including information relating to Trooper Coach eligibility and probationary reporting. This Trooper Coach System (TCS) erroneously grandfathered former coaches, who were no longer recommended or not currently reviewed, into the Trooper Coach Process. This error may have contributed to the issues described above.

The purpose of the Trooper Coach Selection Process for the Trooper Coach Program is to ensure that only the most qualified troopers are permitted to serve as on-the-job mentors for new recruits. Although there were issues with the Trooper Coach Selection Process for the 154th Class, the State Police appears to have remedied all noted issues by the 155th Class.

Probationary Trooper Performance

Once recruits graduate from the Academy, they enter the Trooper Coach Program as probationary troopers. There are 27 competencies on which each probationary trooper is evaluated. Such evaluations are recorded in the trooper coaches' daily observation reports (DORs) and the Training Bureau assesses and summarizes all probationary troopers' scores in a Step-Six assessment. In this reporting period, the Trooper Coach Coordinator assessed the program for both the 153rd and 154th Classes.

153rd Class
The Training Bureau reviewed a total of 118 probationary troopers' performance from the 153rd recruit Class. The DORs of these probationary troopers were reviewed and an assessment of 27 operational competencies was undertaken by the Training Bureau prior to the final training phase. This assessment of the program revealed that the probationary troopers scored satisfactory levels in all 27 competencies. Furthermore, all 118 probationary troopers completed the program and were deemed fit to ride alone.

154th Class
For the 154th Class, the performance of 149 probationary troopers was reviewed by the Training Bureau. Again, the DORs for the probationary troopers were assessed and all were found to have

satisfactory scores for all 27 competencies. Of the 149 probationary troopers, 148 successfully completed the program and were deemed fit to ride alone. One trooper in the final phase of the program went on administrative absence. Upon their return to full duty, an assessment will take place to determine where in the Trooper Coach Program the trooper should resume post-Academy training.

In this reporting period, OLEPS independently assessed the scoring of probationary troopers for both Classes. OLEPS selected a random sample of probationary troopers for each Class and averaged the DOR scores for five days. Besides one competency, OLEPS found the average scores for the competencies were very similar, if not identical, to the scores calculated by the Training Bureau.

Summary of Standard 18

The purpose of the specialist selection process for the Trooper Coach Program is to ensure that only the most qualified troopers are permitted to serve as on-the-job mentors for new recruits. As a result of the issues stated above, the trooper coach process for the 154th Class was not conducted in accordance with State Police policies. However, the State Police is aware of all the issues OLEPS identified and has since addressed those issues. OLEPS will continue to audit the trooper coach process in the Thirteenth Oversight Report to confirm that State Police continues to follow the policies and procedures in accordance with this standard.

Performance Standard 19:
Training for Troopers Advancing in Rank

Standards

According to State Police policies and procedures:

- The Training Bureau shall require enlisted personnel to successfully complete training designed to enhance the management, supervisory, and leadership capabilities of all who are advancing in rank.

- The training must be, to the extent practicable, delivered before the start of the promoted trooper's service in his or her new rank, and no later than seven months of the promoted trooper's service in his or her new rank.

- After training for newly promoted enlisted personnel has been completed, a review will be conducted to determine:
    - if the training was conducted within seven months of the promoted trooper's service, and
    - if those who were promoted attended the training
    - and if not, were their supervisors notified

Assessment

Supervisory Courses Offered

Various supervisory training courses are provided to troopers who are promoted to the rank of Sergeant, Sergeant First Class, Lieutenant, Captain, and Major. In addition, specialized training such as Instructor Training and Criminal Investigations are offered; however, these presentations are contingent upon the Training Bureau's staffing levels.

In 2014, First Line Supervision for Sergeants was offered twice. In total, 117 troopers attended this course. After one of the courses, a list of 20 troopers who failed to attend the required training was distributed to appropriate supervisors. The Mid-Level Management course for SFCs was also offered twice in 2014. Combined, 95 troopers attended, while 48 troopers[37] did not attend. The Executive Leadership course for Lieutenants was delivered once in 2014 with 53 troopers participating. A non-attendance list of 17 troopers was sent out to supervisors of those troopers that did not attend the Lieutenants course. There were no Executive Leadership Phase courses for Captains and above offered in 2014.

The Managerial Development Unit is also in the process of revising evaluation of operational implementation or Step 6 reports of all supervisory courses. This is in an attempt to obtain more

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[37] The number of troopers that did not attend may contain duplicate troopers. For example, a trooper could have missed the first offering of the course as well as the second, therefore, appear in both non-attendance lists.

specific measurable information and feedback for the course content. At this time, the Training Bureau is completing Step-Six reporting and is in the process of improving methods of measurement.

Training for Troopers Advancing in Rank

Promotional and training records were examined in order to determine if those enlisted personnel promoted in rank received the requisite training within seven months of being promoted, to the extent practicable. According to personnel orders in 2014, there were 647 promotions, seven of which were troopers who were promoted twice. This is a dramatic increase in the number of promotions, as there were only two promotions in 2013. The large number of promotions created an increased demand on the Training Bureau to offer enough supervisory courses in the required amount of time.

Table Forty-Seven: Troopers Promoted in 2014 and Status of Supervisory Training

Promoted Rank	Total Promoted	# Completed Training	# Incomplete Training	# Unable to Train
Lieutenant Colonel	4	1	--	3
Major	2	1	--	1
Captain	20	--	1	20
Lieutenant	131	101	30	--
Sergeant First Class	184	173	11	--
Sergeant	306	299	7	--
Total	**647**	**575**	**49**	**24**

Figure Forty-Seven shows the breakdown of troopers promoted and whether they completed requisite training for their promoted rank. In 2014, the majority of troopers were promoted to the rank of Sergeant (306). Sergeant First Class and Lieutenant also constituted large portions of the promotional pool, with 184 and 131, respectively. Forty-nine promoted troopers did not complete training for their promoted rank: one Captain, 30 Lieutenants, 11 Sergeants First Class, and seven Sergeants. There were also 24 troopers who were unable to complete training for their promoted rank because the courses were not offered since their promotions in 2014; three LTCs, one Major, and 20 Captains. As of January 2016, 12 of the 20 Captains have since retired. The eight Captains that were promoted in 2014, did not take requisite supervisory training within seven months of their promotions. The Training Bureau was unable to offer any Executive Leadership Phase courses for Captains and above in 2014. However, courses for all other ranks were offered to promoted troopers in 2014. Given the unusually large number of promotions in 2014, the Training Bureau prioritized courses for troopers with little to no leadership training experience.

Table Forty-Eight: Promotion to Training Completion Time (Within seven months)

Promoted Rank	# On Time	% On Time	# Overdue	% Overdue	# Completed Training
Lieutenant Colonel	1	*100%*	--		1
Major	1	*100%*	--		1
Captain	--		--		--
Lieutenant	63	*62%*	38	*38%*	101
Sergeant First Class	149	*86%*	24	*14%*	173
Sergeant	151	*51%*	148	*49%*	299
Total	**365**	*63%*	**210**	*37%*	**575**

State Police policies and procedures also require promoted troopers to attend training within seven months of promotion date. Table Forty-Eight shows the number of all troopers promoted, whether they completed training, and whether the completion occurred within the seven month requirement. Most troopers completed training within the seven month period (63%). As of July 2015, all but 70 troopers eventually completed requisite supervisory training.

Summary of Standard 19

The Training Bureau continues to provide training for those troopers who advance in rank in accordance to the seven-step training cycle. The Training Bureau continues to prepare after action reporting and to document notice to supervisors of members who did not attend supervisory training. However, there are a number of troopers that have not completed the mandatory supervisory training, some of whom could not attend because the courses were not offered. OLEPS recommends that supervisors of these troopers who did not undergo requisite training ensure that they complete the respective supervisory courses. OLEPS notes that the Training Bureau did not offer Executive Phase courses for rankings of Captains and above in 2014 and strongly recommends it does so. The Training Bureau recognized the need for Executive Phase Training, but due to the unusually large number of promoted members during this reporting period, prioritized the supervisory training needs of those troopers with less or no leadership training experience. The Training Bureau has indicated that it will provide this level of supervisory training as soon as practicable.

Performance Standard 20:
Training Provided by Non-State Police Entities

Standards

State Police policies set forth the guidelines and requirements for training provided by non-State Police entities. These guidelines are:

- The Training Bureau, through the respective Field Training Coordinators (FTCs) or Field Training Officers (FTOs), shall monitor and approve all training attended by enlisted personnel provided by non-New Jersey State Police entities.

- Enlisted members shall submit for written approval from the FTCs or FTOs when attending training provided by non-New Jersey State Police entities.

- The FTCs or FTOs shall debrief enlisted members upon their return from training and copies of all course materials shall be submitted to the Training Bureau to be maintained in a central repository.

- The FTCs shall provide the Training Bureau with quarterly memorandums identifying all enlisted personnel that attended non-New Jersey State Police training.

- Members may not teach or mentor other State Police personnel in outside training without first obtaining Training Bureau approval.

Assessment

Every year, OLEPS focuses on a specific aspect of training and performs an in-depth audit of that topic. For 2014, the chosen topic is training provided by non-State Police entities. OLEPS audits the outside training based on State Police policies and procedures.

From the entry of the Consent Decree, training provided by non-State Police entities has been a topic of review. In 2007, the independent monitors raised concerns regarding outside training in the Monitors' Fifteenth Report. In this report, the Monitors detailed specific concerns[38] with two courses in particular: Drug Interdiction Awareness Program (DIAP) and Operation Desert Snow: Advanced Commercial Vehicle Criminal and Terrorist Interdiction Training. In response to the monitors' concerns, New Jersey State Police met with all members who attended the courses of concern and established protocols for attending outside training, including the requirements set forth above.

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[38] Reappearance of "boilerplate" language in troopers' stop report narratives; an apparent marked increase in the length of time for consent request stops; a reappearance of aggressive and protracted questioning of drivers regarding itinerary, relationships among drivers and passengers, and other issues not related directly to the reason for the stop; reliance on intangible indicators to support requests for consent searches; and lengthy questioning of drivers stopped for other than moving violations.

Performance Standard 20

Of the 83 Non-State Police training courses attended by troopers in 2014, a purposeful sample of 16 courses, relevant to the Act, were assessed. OLEPS reviewed these 16 courses and found all to have properly completed outside training reports with FTO approvals. However, only a few had any additional documentation. Ideally, troopers should be able to submit copies of all course materials from the training attended to ensure that the Training Bureau can review and maintain all outside training records.

In addition, this audit of non-State Police courses revealed State Police attendance at two courses of particular concern: PATRIOT and Desert Snow: Passenger and Vehicle Criminal & Terrorist Identification and Apprehension.

PATRIOT Training

PATRIOT (Pro Active Terrorist Recognition and Interdiction and Operations and Tactics System) training is a specialized training designed to improve security operations particular to critical infrastructures and particular homeland security threats. Although, attendance at PATRIOT has been approved for State Police members assigned to specific specialized units, in August of 2013, OLEPS temporarily expanded approval of PATRIOT training. This temporary approval was limited to more experienced troopers, troopers with more than four years of service. In addition to the years of service limitation, the PATRIOT courses were approved only for those members with assigned duties related to Super Bowl XLVIII. Specialized units that received prior approval were permitted to continue PATRIOT training.

OLEPS' most recent audit revealed that troopers not approved to attend PATRIOT training did so even after the Super Bowl took place (September and October 2014). Since these courses were conducted after the Super Bowl, OLEPS audited them against the conditions given prior to the Super Bowl exceptions. There were six troopers who attended PATRIOT training that had less than four years of service and were not assigned to any approved specialized unit at the time of training.

In July 2013, the State Police developed internal safeguards to analyze the impact of PATRIOT training. Specifically, State Police stated it would conduct standard MVR reviews, conduct SPPARs,[39] and increase supervisory accountability of the members who attend PATRIOT. OLEPS requested documentation that State Police actively monitored and documented the impact of PATRIOT in accordance with their July 2013 policy. A response was received and will be reviewed in the Thirteenth Oversight Report.

Desert Snow

Another outside vendor course taken by troopers in 2014 was Desert Snow: Passenger and Vehicle Criminal & Terrorist Identification and Apprehension. Approval of this course is limited to only those members assigned to a highly specialized State Police unit. In the audit of non-State Police courses, OLEPS found that two troopers attended this training without meeting the necessary assignment condition to do so. Upon notification, the Training Bureau took action to notify all Training Committee members of the need for prior approval for specific training and noted that certain training courses are restricted to specific members.

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[39] Section Patrol Practice Assessment Reviews (SPPARs)

As a result of communication between State Police and OLEPS, the concerns regarding outside training are being addressed. State Police will notify members of protocols regarding outside training including that certain outside training courses are limited to only designated troopers, such as PATRIOT and Desert Snow. The Training Bureau has already notified the Training Committee and has sent written documentation to all FTOs and FTCs regarding protocol for outside training. Specifically, the Training Bureau clarified the conditions for attending PATRIOT training and listed those sections and units whose members are cleared to attend. State Police indicated its intent to provide the documentation of active monitoring and analysis of those members who attended PATRIOT.

Unlike 2013, no FTC provided the Training Bureau with the required quarterly memorandums identifying members that attended outside training. OLEPS noted a large number of changes in all FTC and FTO positions in this reporting period. This may have impacted compliance with the non-State Police training requirements.

Summary of Standard 20

In the past, OLEPS recognized that a period of adjustment was to be expected since the policies and procedures requiring members to submit an Outside Agency Training Appraisal Report, along with any course-related training materials, were relatively new. However, during this reporting period, though most of those attending the reviewed outside courses submitted an Outside Agency Training Appraisal Report, the rest of the procedures regarding attendance at outside training courses were not followed. OLEPS recommends that the State Police ensure all members are aware of and abide by policies and procedures for attendance at outside training. In response to OLEPS' recommendation, the Training Bureau acknowledged these concerns and undertook remedial steps to prevent future issues.

Performance Standard 21:
Historical Documentation of Training

Standards

According to State Police policies and procedures:

- The Training Bureau maintains, in a central repository, copies of all Academy, post-Academy and trooper coach training materials, curriculum, lesson plans, and any materials received by individual members while attending outside training.

- Documentation of training will be maintained as part of the MAPPS database, ACTS, NJ Learn, and NJ.gov.

Assessment

Course curriculum for all training conducted by the Training Bureau, including both recruit training and in-service, continue to be maintained on the Academy's server. In addition, training records for each enlisted member can be found in ACTS, NJ Learn, NJ.gov, and MAPPS.

Training conducted by non-State Police entities is also memorialized in ACTS and MAPPS. Copies of training materials received by members who attend training given by non-State Police entities as well as the Outside Agency Training Appraisal Reports are maintained by the Training Support Unit and are also scanned into the Training Bureau's centralized database.

As in the previous reporting period, the training records of courses taken through the web-based training platform known as NJ Learn are maintained in that system's database. The database was designed for manual access by the Training Bureau in order to monitor those enlisted personnel who successfully or unsuccessfully completed courses. However, as discussed in Performance Standard 14, the NJ Learn system, which is administered by the New Jersey Office of Homeland Security, has encountered technical challenges in 2014 that are being addressed.

Both NJ Learn and NJ.gov are databases that do not directly interface with the ACTS database and therefore those records have been maintained separately. Due to fiscal constraints, centralization of data for all systems is not currently possible. However, previous technical issues have been resolved and unlike the previous reporting period, OLEPS is now capable of direct access to ACTS for oversight review.

This particular review of the training records in ACTS/MAPPS is two-fold: to determine if training is being captured in the database and to determine whether courses that are deemed mandatory are being attended. Using a sample of 234 badge numbers for 2014, OLEPS confirmed proof of attendance for the following training: In-Service, Firearms Qualifications, and C-20 physical fitness test (see Performance Standard 23). Training related documentation was found in the ACTS/MAPPS database. In 2014, all 234 troopers completed in-service training. There was only one trooper who did not complete the Fall 2014 firearms qualification. However, the member completed the firearms

Performance Standard 21

instructor course in November 2014. Out of the sample, 227 troopers were compliant for the C-20 physical fitness test. Seven troopers in the sample did not pass the C-20 physical fitness test in 2014.

Summary of Standard 21

The Training Bureau continues to maintain training records and training materials in dedicated databases. There are interfacing issues between MAPPS and off-site computer databases that maintain records relative to web-based training platforms. OLEPS recommends the State Police resolve the technical issues of web-based training platforms, as well as make updating all training databases a priority.

Performance Standard 22:
OLEPS/State Comptroller

Standards

All recruits will be informed of the enabling statute creating OLEPS, the mission of the office and the oversight function of the Office of the State Comptroller set forth in the Act. Recruits will continue to be given instruction relative to the former Consent Decree.

Assessment

Since September of 2000, the Training Bureau has provided recruit Classes with an explanation of the terms of the Consent Decree up to and including the 155th Class. The 150th Class was the first to graduate post-Decree. Nevertheless, the State Police decided that the Training Bureau will maintain as part of the curriculum a block of instruction relating to the Decree and present it to all future recruit Classes.

The 154th Class began in March of 2014 and the 155th Class began in September 2014. For both Classes, OLEPS presented the following:

- The circumstances leading to the former Consent Decree
- The codification of the former Consent Decree mandates in various State Police policies and procedures
- The enactment of the Law Enforcement Professional Standards Act of 2009, (N.J.S.A. 52:17B-222, et seq.) following the dissolution of the Consent Decree
- The function and responsibilities of OLEPS
- The function and responsibilities of the State Comptroller as it relates to OLEPS and the State Police.

During recruit Classes, the Training Bureau will continue to teach the concept and prohibition of bias-based policing. Furthermore, the Training Bureau will provide recruit training on the constitutional requirements of the Fourth Amendment (search and seizure), ethics, leadership, and cultural diversity.

Summary of Standard 22

The Training Bureau continues to teach a block of instruction relative to the former Consent Decree and the oversight function of OLEPS. OLEPS also continues to be involved in assisting the Training Bureau with this presentation, including information regarding the responsibilities of the State Comptroller.

Performance Standard 22

MAPPS

Responsibility for data in the MAPPS system is spread across multiple units within the State Police. The system itself is maintained primarily by an outside vendor that implements upgrades and enhancements to the system. The vendor is responsive to needs of the MAPPS Unit (within the Office of the Chief of Staff and under the Office of Quality Assurance). The information contained in MAPPS is pulled from other information systems in the Division. Stop data stored in MAPPS comes from the CAD system and RMS, which are managed by the Information Technology Bureau. Misconduct data and complaints that are handled as performance issues (i.e., Performance Investigation Disposition Reports or PIDRs) come from the IAPro database of the Office of Professional Standards. Information in MAPPS on assignments and promotions is fed from the Human Resources Bureau. Training information displayed in MAPPS is a live view of the Academy's database known as the Academy Computerized Training System (ACTS).

MAPPS data are the responsibility of multiple Divisional units. All supervisors, regardless of their assignment, are required to review MAPPS data and to note certain reviews in MAPPS. All evaluations and quarterly appraisals are to be entered into MAPPS, as are any interventions taken for members, regardless of assignment. Most stop data reviews of individuals and video reviews are primarily conducted by supervisors in Field Operations. Unit and troop analyses of stop data and trends are analyzed by the MAPPS Unit and presented to a command-level panel for review during the Risk Analysis Core Group (RACG). The RACG is also responsible for analyzing MAPPS data for specific units, such as for the Academy, to determine trends that indicate potential training issues. Patterns of individual misconduct are primarily reviewed by OPS.

Methodology

This reporting period, OLEPS assessed MAPPS to ensure that the system is used according to State Police policy. MAPPS tasks assess whether appropriate data are available in a timely manner and stored in a secure way. Additionally, whether the system is used as a management tool to inform supervisory and management decision making is assessed.

A formal audit of MAPPS is conducted in two parts. First, OLEPS accesses MAPPS to find evidence of specific information as required by State Police policy and procedures. Second, all troopers subject to a meaningful review[40] in the current reporting period are queried in MAPPS to determine whether there was a resolution of the review. OLEPS audits the MAPPS system by selecting a sample of troopers and accessing all records in MAPPS to ensure that all requirements per State Police policies and procedures are appropriately recorded.

OLEPS also communicates with the MAPPS Unit regularly. Any issues with MAPPS are noted and communicated to the Unit. Additionally, since this Unit creates the Risk Analysis Core Group (RACG) report, discussions of trends and patterns in trooper behavior are also discussed.

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[40] Meaningful reviews are conducted on troopers who receive 3 misconduct allegations within 2 years.

Performance Standard 23:
Maintenance of MAPPS

Standards

According to State Police policies and procedures, MAPPS must include the following data:

- Motor Vehicle Stop Data
- Misconduct Data
- Performance Data
- Interventions
- Assignments
- Training
- Compliments
- Motor Vehicle Stop Reviews (MVR)
- Journals

Assessment

A sample of troopers is randomly selected from troopers involved in motor vehicle stops. OLEPS reviewed 300 motor vehicle stops in the current period conducted by 234 troopers. Of these troopers, 34 were probationary troopers on the date of the motor vehicle stop reviewed in this reporting period. All 234 troopers were selected for the MAPPS audit, representing about 9.3% of the State Police. The troopers selected are representative of all troops. Each trooper's MAPPS records were accessed to determine whether the required information was recorded for the reporting period in question.

Motor Vehicle Stop Data

MAPPS must contain information on all motor vehicle stops performed by a given trooper. This module contains several analytic tools that allow a trooper's stop data to be examined in relation to both internal and external benchmarks. MAPPS contained motor vehicle stop data for all 234 troopers for the current reporting period.

Performance Data

Trooper Reviews
For this reporting period, OLEPS accessed the MAPPS Performance Module for evidence of at least one quarterly review and/or evaluation and one annual evaluation. Quarterly reviews are conducted three times a year, and an annual evaluation is conducted in December of each year.

Of the troopers sampled, 135 troopers received quarterly reviews. As of July 2015, 99 troopers had not received quarterly reviews for the second half of 2014. Of these troopers, 58 received the requisite annual evaluations.

Annual evaluations are categorized as Partial, First Probationary, Second Probationary, and Third Probationary evaluations. There were 267 evaluations conducted in the second half of 2014; 128 Annual evaluations, 29 Partial evaluations, 18 First Probationary evaluations, and 51 Second Probationary evaluations, 41 Third Probationary evaluations conducted.

In total, there were 41 troopers who did not receive any quarterly or annual evaluations for this reporting period. Thirty-two of the troopers missing evaluations had recently graduated from the Academy. Thus, there were only nine troopers who lacked the requisite reviews.

Assignments

MAPPS provides information on trooper assignments, containing both current and historical assignments for each trooper. In the current reporting period, MAPPS listed current and past assignments for all 234 troopers.

Training

The Academy Computerized Training System (ACTS) feeds data into MAPPS regarding training completion. Annual in-service training, physical fitness, and firearms training are discussed in Standards 14-22 in this report.

Of the 234 troopers reviewed in this reporting period, 233 troopers completed Fall 2014 firearms training and all 234 troopers completed annual In-Service training. The section commander for the trooper missing Fall 2014 firearms was notified but discipline was not noted in MAPPS. The trooper met firearms requirements for Spring 2015. There were 227 troopers who were compliant with the requisite C-20 Fall 2014 Physical Fitness test.

As noted in previous reporting periods, NJ Learn and NJ.gov training do not appear in MAPPS as required.

Compliments

The compliments module in MAPPS contains records of all compliments received by troopers for service performed. OLEPS found that the State Police is successfully implementing this module and lists general information pertaining to the compliment. In total, OLEPS found that 42 of the troopers sampled received a compliment in the current reporting period.

Motor Vehicle Stop Reviews

Motor vehicle stops are required to undergo supervisory review as determined by Field Operations' review schedule. For this requirement, OLEPS examined whether the stops conducted by the sampled troopers were reviewed and stored in MAPPS. OLEPS found evidence that 220 of the sampled troopers had reviews of motor vehicle stops on record for the current reporting period. Two of the 14 troopers

without any reviews did not routinely conduct motor vehicle stops. Additionally, MVRs were not required for the eight probationary troopers sampled.

Journals

MAPPS' Journal module provides supervisory personnel with a method to formally document non-intervention information. Supervisors are required to notify their subordinates of journal entries in which the staff member is the subject.

There were nine journal entries in the current reporting period for the sample of troopers. Three of these entries related to risk management awareness, three pertained to meaningful reviews, two were related to career development, and one was a scatter plot comprehensive review.[41] As noted in previous reports, OLEPS recommends that State Police more effectively use this module, especially given that the State Police does not regularly utilize interventions to record errors made in motor vehicle stops.

Interventions

Interventions
MAPPS contains an Interventions module wherein members may issue an intervention or task another member with administering an intervention directed toward improving a member's performance. OLEPS found that interventions were recorded for 155 of the 234 sampled troopers. These interventions resulted from a number of actions and behaviors, not necessarily from a motor vehicle stop. As noted in Performance Standard 9, interventions stemming from motor vehicle stops were noted in only 54% of errors caught by State Police.

Commendation Performance Notices (PNs)
Commendation PNs are stored within the Intervention module and are used by supervisors to commend a trooper for a job well done. OLEPS found that 116 troopers had at least one commendation performance notice in the current period.

Counseling Performance Notices (PNs)
Counseling PNs are stored within the Intervention module and are used by supervisors to counsel a trooper. OLEPS found that nine troopers had at least one counseling performance notice in the second half of 2014.

Misconduct

MAPPS contains information regarding trooper misconduct. This information is intended to be used by supervisors to remedy any deficiencies through a progressive system of discipline. In the current reporting period, 24 of the 234 sampled troopers had at least one misconduct allegation listed in MAPPS.

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[41] Scatterplot Comprehensive Reports are conducted for troopers who have fallen outside of pre-determined criteria based on motor vehicle stop activity. These reviews focus on the totality of a trooper's motor vehicle stop data, misconducts, uses of force, PIDRs, Interventions, and training.

OLEPS also checked to ensure that all cases listed in IAPro (the database that houses misconduct information) were also listed in MAPPS for the troopers selected. OLEPS found that all misconduct information displayed in IAPro was also in MAPPS for the selected troopers.

Use of Force Supervisory Reviews

The State Police has set a threshold of two uses of force per trooper within a one year period before an alert is triggered that begins a supervisory review process. In the current reporting period, ten of the 234 troopers had documented use of force supervisory reviews in MAPPS.

Meaningful Reviews/ 3 in 2 Reviews

The procedure for evaluating meaningful reviews differs slightly from the overall MAPPS review. Instead of utilizing a sample of all troopers involved in stops, a list of all troopers receiving a meaningful review in the first half of 2014 was obtained from IAPro. In total, there were 12 meaningful reviews conducted during this period.

MAPPS contained an intervention for eight of the 12 meaningful reviews conducted during this reporting period. One meaningful review involved a trooper on administrative leave when the alert was triggered, explaining the lack of documentation. There was no documentation for the three remaining meaningful reviews in MAPPS.

Summary of Standard 23

OLEPS' audit of MAPPS indicated that MAPPS contains the requisite information and data. As noted in Performance Standard 9, OLEPS recommends that the State Police utilize the Intervention module in MAPPS to record communication with troopers who have made an error during a motor vehicle stop. Additionally, the audit continues to highlight the issue between the MAPPS, NJLearn, and NJ.gov databases, as discussed in previous reports. OLEPS also continues to recommend that an official policy on meaningful reviews be adopted, especially in relation to the cataloging of such reviews. Additionally, meaningful reviews are not routinely conducted if a trooper is on leave when the alert is triggered. A formal policy that details the instructions for these reviews is needed.

Performance Standard 24:
MAPPS Reports

Standards

This standard was Task 50 in previous reports and remains unchanged. The data held within MAPPS is used in the creation of reports that assist the State Police in self-assessment and risk management. Pursuant to State Police policy, these reports are used to identify both organizational and member/personnel risk issues and trends over time. As noted in the Decree, analyses of MAPPS data concerning motor vehicle stops shall include comparisons of:

- Racial/ethnic percentages of all motor vehicle stops
- Racial/ethnic percentages of all motor vehicle stops by reason for the stop
      (e.g., moving violation, non-moving violation, other)
- Racial/ethnic percentages of enforcement actions and procedures taken in connection with or during the course of stops
- Racial/ethnicity for motor vehicle consent searches
- Racial/ethnic percentages for non-consensual searches/seizures of motor vehicles
- Racial/ethnic percentages of requests for consent to search vehicles with "find" rates
- Evaluations of trends and differences over time
- Evaluations of trends and differences between troopers, units and subunits
- To the extent possible, a benchmark racial/ethnic percentage should be used

Assessment

The requirements of this standard are assessed through OLEPS' review of the quarterly Risk Analysis Core Group (RACG) Reports. OLEPS reviewed reports published by MAPPS on the racial/ethnic distribution of stops and post-stop interactions. OLEPS also attended meetings in which these reports were reviewed. OLEPS ensured that trends found in trooper behavior continue to be reviewed.

For several reporting periods, the State Police presented detailed documentation regarding benchmarking and trend analysis. The State Police formed specific units and workgroups which are assigned to analyze motor vehicle stop data according to these requirements and to coordinate decision making regarding the results of this in-depth analysis.

These reports include the examination of racial/ethnic percentages for all stops based on reasons for the stop and enforcement actions. The analysis specifically focuses on both PC and RAS consent searches and the find rates for these searches. Non-consensual searches are also examined. Each report and presentation includes not only the current year, but also two previous years. The focus of these reports and presentations changes each quarter. One troop is selected for primary analysis each quarter, but analysis for the entire division is also presented.

The State Police created an external benchmark in 2000. However, the usefulness of this benchmark has expired. The population of the United States and New Jersey in particular has changed dramatically since 2000, rendering the benchmark an inappropriate comparison for current enforcement activities. Additionally, advancements and focuses in policing have shifted dramatically

since the measurement of the available benchmark. As such, the State Police utilize a rough internal benchmark (the Division-wide racial/ethnic percentages) to compare motor vehicle stops and associated activity.

OLEPS reviews the RACG Report and provides commentary and suggestions for future analytic directions.

Each RACG Report is also presented orally at quarterly RACG meetings. The results of the report are reviewed during the presentation. The meeting serves as a forum for questions, comments, and requests for further analysis of the reviewed data. The meeting is mandatory for Risk Management Advisory Panel members and the command staff for the Troop reviewed. Should a required member be unable to attend the meeting, s/he must send a designated replacement.

During the current reporting period, there were two RACG meetings- September and December 2014. In the September meeting, there were five panel members and four members of the Troop command staff invited. One of the panel members was unable to attend, but did send a designee to act on his/her behalf. All invited Troop command staff were in attendance. For the December 2014 meeting, there were again five panel members. Two of these panel members were in attendance and only one of the non-attendees sent a designee in his/her place. Additionally, according to the official attendance record, only one member from the designated Troop was in attendance. However, this member is not part of the command staff, s/he serves as the Risk Management Coordinator. These quarterly meetings provide the State Police with information and analysis detailing potential risks. The panel members have the unique ability to provide insight and suggestions based on their experience and their Bureau's work. Without all requisite members, potential resolutions and remedies may lack necessary insights. Further, lack of attendance from command staff and panel members may send a message that such meetings are not a priority for State Police, and in turn, promulgate future non-attendance.

Overall, the MAPPS Reports exceed the requirements of this performance standard. However, the attendance at RACG meetings is noted. OLEPS will continue to examine attendance levels in future reporting periods.

Oversight & Public Information

Performance Standard 25:
Maintenance of the Office of Law Enforcement
Professional Standards

Standards

The Law Enforcement Professional Standards Act of 2009 (N.J.S.A. 52:17B-222, et seq.) (the Act), created the Office of Law Enforcement Professional Standards (OLEPS). OLEPS is tasked with auditing the State Police.

OLEPS is required to complete the following tasks:

- Publication of biannual reports assessing aggregate patterns and trends in motor vehicle stop data
- Publication of biannual monitoring/oversight reports assessing State Police compliance with all requirements put forth in the Act
- Publication of biannual reports on aggregate trends in misconduct

Assessment

During the current reporting period, OLEPS published the following reports:
- Eighth Oversight Report
- Ninth Aggregate Report of the New Jersey State Police
- Supplement to the Ninth Aggregate Report: Troop B, Troop D, and Other Units

All of OLEPS' reports and publications can be found on the OLEPS' website:
http://www.nj.gov/oag/oleps

Performance Standard 26:
Approval of Revisions to Protocols, Forms, Reports, and Logs

Standards

The Act mandates that OLEPS review and approve, in writing, all changes to State Police rules, regulations, standing operating procedures, and operating instructions relating to any applicable non-discriminatory policy established by the Attorney General, and those relating to the law of arrest, search and seizure, and to the documentation of motor vehicle stops and law enforcement activities occurring during the course of motor vehicle stops.

Assessment

The State Police continues to discuss changes/revisions to protocols, forms, reports, and logs with OLEPS. OLEPS reviews and comments on proposed changes to State Police policies and procedures and associated documentation.

Performance Standard 26

Summary

Overview

The results of OLEPS' analysis of State Police from July 1, 2014 to December 31, 2014 indicates that, generally, the State Police follows the guidelines regulating trooper activity. The 300 motor vehicle stops, Training documentation, MAPPS data, and OPS cases reviewed indicate that State Police adheres to its own policies and procedures.

The review of motor vehicle stops indicated that there was no clear evidence of a significant racial/ethnic bias in stops or post-stop activities. The analysis in the current reporting period indicates that there are no significant differences in the racial/ethnic distributions of the number of stops or those involving consent to search requests, canine deployments, or uses of force. The racial/ethnic distribution of stops with arrests was significantly different than that which would be expected by chance. Black and White drivers are an equal proportion of stops with arrests. However, unlike the previous reporting period, stops involving Black drivers were not overrepresented in this sample, suggesting that the racial/ethnic distribution of stops with arrests is in need of further dissection.

The majority of post-stop activities reviewed were performed in accordance with State Police policies, procedures, and legal standards. However, OLEPS noted several instances where troopers did not meet the appropriate legal standards for the post-stop activities used. Specifically, there were five instances where the legal standard of RAS was not met to request consent to search and one instance where the legal standard of PC was not met. Four of these errors were noted by State Police and resulted in an intervention. There was one stop where passenger 1 was asked to exit in the absence of heightened suspicion. This error was caught and resulted in an intervention. There were eight frisks that did not meet the standard of RAS, seven of these errors were noted by State Police and five resulted in an intervention. OLEPS noted 12 stops with errors in non-consensual vehicle searches, ten were caught, and six resulted in interventions. OLEPS noted seven searches of a driver and seven of a passenger that were not conducted incident to arrest. Thirteen of these errors were caught and six resulted in an intervention.

Overall, stops reviewed in the current reporting period were, on average, shorter in length than the previous reporting period. Significant differences were found between the length of all stops for White and Black drivers and in the length of stops with and without a canine deployment. The differences between all other racial/ethnic groups for all types of stops were not significant. In previous reporting periods, OLEPS noted several instances of *de facto* arrests. OLEPS reminds State Police of this history and encourages supervisors to note issues regarding the length of motor vehicle stops.

State Police continues to fail to note a number of errors made during motor vehicle stops. In the previous reporting period, 28% of all stops contained errors not caught while in the current reporting period 26% of all stops reviewed contained errors not caught. This proportion had been decreasing for several reporting periods. Over half of the stops OLEPS reviewed also received a State Police review. Among the stops State Police did review, they failed to note errors in 16.5% of stops. Due to the number of errors noted in the current reporting period, even among those reviewed by State Police, OLEPS continues to reinforce the need for detailed reviews with appropriate feedback to troopers.

Feedback on motor vehicle stops, especially any errors or deficiencies, ideally would influence a trooper's behavior in all stops, not just those reviewed.

Related, the use of interventions following an error during a motor vehicle stop continues to increase. In the current reporting period, about 54% of all errors caught resulted in an intervention, a notable improvement from the previous reporting period where 47% of caught errors resulted in interventions. In the current reporting period, interventions were used most frequently for errors pertaining to frisks and arrests. OLEPS continues to recommend State Police supervisors use interventions when errors are noted.

While the State Police supervisors increased the use of interventions when an error was caught, there was further decrease in the proportion of stops in which supervisors were present at the scene of the stop. OLEPS will continue to examine the proportion of supervisors on the road to determine whether the quality of reviews and use of interventions are inversely related to supervisor presence during stops. OLEPS expects that both supervisory presence and the quality of supervisory reviews should increase as State Police have recently added a number of new troopers to the ranks.

Recording issues persist in the current reporting period. Recordings of stops are still not ideal; many stops have missing recordings, malfunctions, or difficulties that make reviewing stops difficult. State Police should continue to ensure appropriate cataloging of motor vehicle stop recordings and to ensure that equipment remains current and in good working order. In the current reporting period, State Police upgraded their recording hardware, software, and cataloging database. While the upgrade will help address some of the issues noted in these reviews, as of October 2015, OLEPS remains unable to view any stops recorded on this new equipment. Recordings of these stops must be provided to OLEPS, or OLEPS must review these stops at a State Police station. OLEPS is committed to remaining an impartial and separate entity from the State Police. Requiring OLEPS to conduct motor vehicle stop audits at a State Police location is potentially problematic. OLEPS recommends the State Police provide requisite access to these new recordings so that OLEPS may fulfill its auditing functions. The State Police is currently working on remedying this issue.

The current reporting period focused on determining any patterns in errors made in stops by recent graduates. Roughly 72% of the stops reviewed involved troopers who graduated from the 151st to 154th classes. Troopers from these classes conducted about 65% of all stops with errors and made about 63% of all errors. Thus, troopers in these classes were responsible for a smaller proportion of errors than expected. Additionally, the patterns of errors made by these graduates were similar to those made by all troopers in previous reporting periods- reporting, recording, and consent request related errors were most frequent. Further, the rate of interventions for these troopers is higher than that for all stops in the sample.

In 2014, the Training Bureau generally adhered to policies and procedures and in accomplishing training requirements. The State Police graduated 149 members of the 154th Class and began training 146 recruits of the 155th Class. In addition, the Training Bureau successfully provided annual in-service training along with various other certification and advance training courses to Division members. However, OLEPS did find some issues in the current reporting period. State Police continued to have issues in regard to the selection process for the Trooper Coach Program. State Police has since corrected these issues and implemented several safeguards to prevent future errors. OLEPS also noted the lack of Executive Phase Leadership courses for Captains and above. As a result, 21 members were unable to take the required supervisory training for their current supervisory positions. Although the Division is improving, there is still a lack of attendance at the quarterly Training

Committee meetings conducted by the Training Bureau. After review of a sample of non-Division training courses, OLEPS noted a small number of troopers that attended non-Division courses that were not approved. The State Police is aware of these issues and have since reiterated policies and procedures to the Division on the attendance of non-Division training.

Recommendations

Given the issues noted in this report. OLEPS recommendations are as follows.

- Continue analysis on racial/ethnic distributions and differences of motorists involved in stops.
- Conduct detailed, focused supervisory reviews, especially in noted areas of concern.
- If necessary, reiterate the expectations of supervisory reviews by informing supervisors of OLEPS' concerns regarding these reviews.
- Continue to increase the use of interventions as a record of supervisory comments.
- Reiterate the requirements for a RAS and PC to ensure that troopers appropriately engage in post-stop activities.
- Reinforce concerns regarding the length of stops. Refer to previous Monitoring Reports written by the Independent Monitor (see Appendix One) for more detail regarding the concerns surrounding *defacto* arrests.
- Increase supervisory presence in the field, especially in light of the reduced review workload.
- Prioritize and ensure all supervisory courses are offered to troopers advancing in rank.
- Ensure all members of the Training Committee meeting are aware of the importance of attending and contributing to meeting.
- Develop a clear process for documenting troopers' attendance of non-Division training courses and communicate to the Division this process.
- Ensuring that the Trooper Coach Selection process continues to operate as outlined in State Police policies and procedures.
- Ensure that State Police units that handle a large portion of tasks related to the Decree (i.e., OPS, MAPPS, ITB, and Training Bureau) remain appropriately staffed to meet their mission.
- Ensure continuity of staff in highlighted areas (i.e. OQA, OPS, MAPPS, ITB, and Training Bureau) to ensure the understanding of historical decisions, events, and issues. Consideration should be given to assign a civilian analyst to these units to lend technical support for the collection and analysis of data in addition to the provision of continuity during transfers and detachments of enlisted personnel.
- Clearly and formally detail the process for conducting 3 in 2, or meaningful reviews.
- Continued vigilance in upgrades or repairs to aging audio and video equipment and ensure that troopers are appropriately activating this equipment.
- Continue efforts to resolve technical issues with OLEPS' access to motor vehicle stops recorded on upgraded recording equipment.

APPENDIX ONE
Previously Published Monitoring/Oversight Reports

Report	Publication Date	Reporting Period
Monitors' First Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	October 6, 2000	December 31, 1999- September 15, 2000
Monitors' Second Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 10, 2001	September 30, 1999- December 15, 2000
Monitors' Third Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	April 12, 2001	December 16, 2000- March 15, 2001
Monitors' Fourth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	July 17, 2001	January 1, 2001- March 31, 2001
Monitors' Fifth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 14, 2002	May 30, 2001- December 15, 2001
Monitors' Sixth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	July 19, 2002	December 31, 2001- May 30, 2001
Monitors' Seventh Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 17, 2003	May 1, 2002- October 30, 2002
Monitors' Eighth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	August 21, 2003	October 1, 2002- March 31, 2003
Monitors' Ninth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 23, 2004	April 1, 2002- September 30, 2003
Monitors' Tenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	July 16, 2004	October 1, 2003- March 31, 2004
Monitors' Eleventh Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	December 20, 2004	April 1, 2004- September 30, 2004
Monitors' Twelfth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	July 12, 2005	October 1, 2004- March 31, 2005
Monitors' Thirteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	December 2005	April 1, 2005- September 30, 2005
Monitors' Fourteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	June 2006	October 1, 2005- March 31, 2006
Monitors' Fifteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 2007	April 1, 2006- September 30, 2006

Appendix One

Report	Publication Date	Reporting Period
Monitors' Sixteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	August 2007	October 1, 2006- March 31, 2007
Monitors' Seventeenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	April 16, 2009	January 1, 2007- December 31, 2007
First Monitoring Report Prepared by Office of Law Enforcement Professional Standards	April 29, 2010	January 1, 2008- December 31, 2008
Second Monitoring Report Prepared by Office of Law Enforcement Professional Standards	August 2011	January 1, 2009- June 30, 2009
Third Monitoring Report Prepared by Office of Law Enforcement Professional Standards	July 2012	July 1, 2009- December 31, 2009
Fourth Monitoring Report Prepared by Office of Law Enforcement Professional Standards	October 2012	January 1, 2010- December 31, 2010
Fifth Monitoring Report prepared by Office of Law Enforcement Professional Standards	May 2013	January 1, 2011- December 31, 2011
Sixth Oversight Report prepared by Office of Law Enforcement Professional Standards	July 2013	January 1, 2012- June 30, 2012
Seventh Oversight Report prepared by Office of Law Enforcement Professional Standards	March 2014	July 1, 2012- December 31, 2012
Eighth Oversight Report prepared by Office of Law Enforcement Professional Standards	October 2014	January 1, 2013- June 30, 2013
Ninth Oversight Report prepared by Office of Law Enforcement Professional Standards	July 2015	July 1, 2013- December 31, 2013
Tenth Oversight Report prepared by Office of Law Enforcement Professional Standards	September 2015	January 1, 2014- June 30, 2014

APPENDIX TWO
Table 2.1: Type of Errors Caught by Station

	Recording	Reporting	Communication	Exits	Frisks	Search of Person	Search of Vehicle	Consent Requests	Canine Deploy.	Use of Force	Arrests	CUMMA	Total
Atlantic City	5	4	0	0	0	0	0	4	0	1	0	0	**14**
Bass River	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Bellmawr	2	3	0	0	0	0	2	1	0	0	0	0	**8**
Bloomfield	0	1	0	0	2	0	0	3	0	0	3	0	**9**
Bordentown	1	4	0	0	0	1	0	6	0	0	4	1	**17**
Bridgeton	6	0	0	0	0	0	0	2	0	0	0	0	**8**
Buena Vista	7	1	0	0	0	0	0	0	0	0	1	2	**11**
Cranbury	4	4	0	0	0	1	2	3	0	0	1	1	**16**
Hamilton	5	10	0	0	3	4	4	11	0	0	5	5	**47**
Holmdel	0	2	0	0	0	0	0	1	0	0	0	0	**3**
Hope	0	2	0	0	0	0	1	0	0	0	1	0	**4**
Kingwood	0	2	0	0	0	0	0	1	0	0	4	0	**7**
Metro North	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Moorestown	1	5	0	0	2	2	0	5	0	0	2	1	**18**
Netcong	2	1	0	0	0	0	1	0	0	0	0	1	**5**
Newark	4	4	0	1	2	0	0	2	0	0	0	0	**13**
Other	6	13	1	0	1	2	1	15	0	1	2	1	**43**
Perryville	2	3	0	0	0	0	0	4	0	0	1	0	**10**
Port Norris	2	0	0	0	0	0	0	1	0	0	0	0	**3**
Red Lion	3	7	2	0	0	0	1	3	0	2	0	0	**18**
Somerville	1	0	0	0	0	0	0	1	0	0	2	1	**5**
Sussex	2	1	0	0	2	1	1	4	0	0	0	0	**11**
Totowa	2	1	0	0	0	1	0	1	0	0	0	0	**5**
Tuckerton	2	2	0	0	0	1	1	4	0	0	0	0	**10**
Washington	1	1	0	0	0	0	0	1	0	0	0	0	**3**
Woodbine	2	1	0	0	0	0	0	1	0	0	1	0	**5**
Woodstown	4	1	0	0	0	0	0	2	0	0	0	1	**8**
Total	**64**	**73**	**3**	**1**	**12**	**13**	**14**	**76**	**0**	**4**	**27**	**14**	**301**

Table 2.2: Type of Errors Not Caught by Station

	Recording	Reporting	Communication	Exits	Frisks	Search of Person	Search of Vehicle	Consent Requests	Canine Deploy.	Use of Force	Arrest	CUMMA	Total
Atlantic City	0	2	0	0	0	0	0	0	0	0	0	0	2
Bass River	0	0	0	0	0	0	0	0	0	0	0	0	0
Bellmawr	5	5	0	0	0	0	0	0	0	0	0	0	10
Bloomfield	0	0	0	0	0	0	0	0	0	0	0	0	0
Bordentown	1	7	0	0	0	0	0	1	0	0	2	0	11
Bridgeton	5	4	0	0	0	0	0	0	0	0	2	1	12
Buena Vista	0	0	0	0	0	0	1	0	0	0	0	0	1
Cranbury	0	0	0	0	0	0	0	2	0	0	0	0	2
Hamilton	5	5	0	0	0	0	0	1	0	0	4	0	15
Holmdel	0	0	0	0	0	0	0	0	0	0	0	0	0
Hope	6	0	0	0	0	0	1	3	0	0	0	0	10
Kingwood	2	3	0	0	0	0	0	0	0	0	0	0	5
Metro North	0	0	0	0	0	0	0	0	0	0	0	0	0
Moorestown	1	3	5	0	0	0	0	0	0	0	0	0	9
Netcong	0	0	0	0	0	0	0	0	0	0	0	0	0
Newark	0	2	0	0	0	0	0	0	0	0	0	0	2
Other	3	7	0	0	0	0	0	4	0	0	4	2	20
Perryville	0	2	0	0	2	1	0	0	0	0	0	0	5
Port Norris	6	1	0	0	0	0	0	0	0	0	0	0	7
Red Lion	0	1	0	0	0	0	0	0	0	0	0	0	1
Somerville	0	3	0	0	0	0	0	0	2	0	0	0	5
Sussex	4	3	0	0	0	0	0	0	0	0	4	1	12
Totowa	3	4	0	0	1	0	0	1	0	1	2	0	12
Tuckerton	0	1	0	0	0	0	1	1	0	0	0	0	3
Washington	0	0	0	0	0	0	0	0	0	0	0	0	0
Woodbine	0	0	0	0	0	0	0	2	0	0	0	0	2
Woodstown	0	1	0	0	0	0	0	0	0	0	0	0	1
Total	**41**	**54**	**5**	**0**	**3**	**1**	**3**	**15**	**2**	**1**	**18**	**4**	**147**

APPENDIX THREE
Supplemental Data Analysis Results

Chi-Square Overview:
Chi-square analysis is often referred to as a "Goodness-of-Fit Test". This test is used to estimate how closely an observed distribution matches an expected distribution. The expected distribution is what would be expected assuming all events had an equal likelihood of occurring.

For each use of chi-square in this report, the test is assessing a null and an alternative hypothsis. The null hypothesis is that the two variables- generally race/ethnicity and the enforcement activity- are independent. This means that the likelihood of each enforcement activity is the same for all racial/ethnic groups. The alternative hypothesis is that these two variables are not independent; that the likelihood of an enforcement activity is not the same for all racial/ethnic groups.

Using a statistical program, an estimate of the expected distribution of each enforcement is calculated. The expected distribution and the observed distribution are used in the chi-square formula:

$$X^2 = \sum \frac{(observed*frequency - expected*frequency)^2}{(expected*frequency)}$$

Once the chi-square statistic is calculated, assessment of significance can be done. First, to assess significance, a significance level must be agreed upon. Throughout statistics, $p<.05$ is a common significance level. A "p" level indicates the probability that a statistical relationship could reflect only chance. The smaller the size of "p," the smaller the probability the relationship happened by chance. If a reported chi-square statistic reaches a "p" level of 0.05 (or smaller), there is no more than a five-percent probability that the distribution of the data in that table happened by chance, and therefore any differences across groups seen in the table are considered statistically significant.

After obtaining the agreed upon significance level, the degrees of freedom need to be calculated. "Degrees of freedom" (df) refer to the how much about the observed data needs to be known (or can "be free" to vary) before all the observations would be determined. The size of a statistic needed to achieve a particular level of significance ("p") is determined by the degrees of freedom. For the chi-square statistic, the degrees of freedom translate into the number of cells in a table for which the data distribution needs to be known before all the cells are determined. To calculate the degrees of freedom, use the following formula:

df= (# of columns-1) * (# of rows-1)

After calculating the chi-square statistic, the degrees of freedom, and establishing the significance level, you must consult a chi-square distribution table to determine whether the chi-square statistic allows you to reject your null hypothesis or fail to reject it. If your chi-square value is less than the value under your level of significance, you cannot reject your null hypothesis that the likelihood of each enforcement activity is the same. If your value is more than the value reported on the

Appendix Three

Distribution table, you can reject the null hypothesis and conclude that the likelihood of enforcement is not the same for all racial/ethnic groups.

Example:

As an example, the calculation of the chi-square will be reviewed for Table One.

Table one presents the observed frequencies for whether a consent request was made of White, Black, or Hispanic drivers. The null hypothesis is that White, Black, and Hispanic drivers have an equal chance of receiving a consent request. The alternative hypothesis is that White, Black, and Hispanic drivers do not have an equal chance of receiving a consent request.

Table One: Consent Requests by Race/Ethnicity of Driver
11th OLEPS Reporting Period

	No Consent Request	Consent Request	Total
White	74	58	**132**
Black	60	52	**112**
Hispanic	30	22	**52**
Total	**164**	**132**	**296**

While a statistical program usually calculates the expected frequencies, they can also be calculated by hand. To do this we will use the following formula:

$$\frac{\text{Row total} * \text{Column Total}}{\text{Total n for the table}}$$

First, calculate the expected frequency for White drivers with no consent request. The row total is 132 and the column total is 164. The total n for the table is 296.

$$\frac{132*164}{296} = 73.14$$

Thus, the expected value of White drivers without a consent request is 73.14. The same formula is calculated for each racial/ethnic group for no consent request and for consent request. The table below presents the expected values for each cell in parentheses.

	No Consent Request	Consent Request	Total
White	74 *(73.14)*	58 *(58.86)*	**132**
Black	60 *(62.05)*	52 *(49.95)*	**112**
Hispanic	30 *(28.81)*	22 *(23.19)*	**52**
Total	**164**	**132**	**296**

Using the chi-square formula, the chi-square value is calculated.

$$X^2 = \sum \frac{(observed*frequency - expected*frequency)}{(expected*frequency)}$$

$$X^2 = \frac{(74-73.14)^2}{73.14} + \frac{(58-58.86)^2}{58.86} + \frac{(60-62.05)^2}{62.05} + \frac{(52-49.95)^2}{49.95} + \frac{(30-28.81)^2}{28.81} + \frac{(22-23.19)^2}{23.19}$$

$X^2 = .285$

We will use the standard significance level of $p < .05$.

Next, calculate the degrees of freedom.

$$df = (\# \text{ of columns-1}) * (\# \text{ of rows-1})$$

$$df = (2-1) * (3-1)$$

$$df = 2$$

Consulting the Chi-Square Distribution Table (available in most basic statistics books or online), indicates that in order to reject the null hypothesis at a significance level of .05, the chi-square statistic needs to be 5.99 or greater. Our value is .285, less than the required value. This means that we fail to reject the null hypothesis; there is not a significant difference between the racial/ethnic distribution of consent requests.

Table Two: Canine Deployments by Race/Ethnicity of Driver
11th OLEPS Reporting Period

	No Canine Deployment	Canine Deployment	Total
White	125	7	**132**
Non-White	152	16	**168**
Total	**277**	**23**	**300**

X^2=1.86, df=1
p=.173

Table Three: Uses of Force by Race/Ethnicity of Driver
1th OLEPS Reporting Period

	No Force	Use of Force	Total
White	124	8	**132**
Non-White	153	15	**168**
Total	**277**	**23**	**300**

X^2=.859, df=1
p=.354

Table Four: Arrest Data by Race/Ethnicity of Driver
11th OLEPS Reporting Period

	Arrest	No Arrest	Total
White	102	30	**132**
Black	103	9	**112**
Hispanic	38	14	**52**
Total	**243**	**53**	**296**

X^2=12.387, df=2
p=.002

Table Five: Sampled Vehicle Stop Rates by Reason for Stop
11th OLEPS Reporting Period

	White	Black	Hispanic	Total
FTML	25	11	5	**41**
Equipment Violations	13	21	4	**38**
Safety Violations	14	17	11	**42**
Rate of Speed	21	23	7	**51**
Unsafe Lane Change	18	9	5	**32**
Total	**91**	**81**	**32**	**204**

X^2=15.218, df=8
p=.055

Table Six: Consent Request Stop Rates by Reason for Consent
11th OLEPS Reporting Period

	Reasonable Articulable Suspicion	Probable Cause	Total
White	46	12	**58**
Black	23	29	**52**
Hispanic	16	6	**22**
Total	**85**	**47**	**132**

X^2=15.15, df=2
p=.00

Table Seven: Type of RAS Consent Request by Race/Ethnicity of Driver
11th OLEPS Reporting Period

	White	Non-White	Total
Intangible	2	3	**5**
Tangible	2	1	**3**
Probative	39	31	**70**
Total	**43**	**35**	**78**

X^2=.634, df=2
p=.728
Four cells have an expected count of less than five.

Table Eight: Canine Deployment Rates by Reason for Deployment
11th OLEPS Reporting Period

	Reasonable Articulable Suspicion	Probable Cause	Total
White	6	1	**7**
Non-White	8	8	**16**
Total	**14**	**9**	**23**

X^2=2.608, df=1
p=.106
Two cells have an expected count of less than five.

Table Nine: Arrest Reasons by Race/Ethnicity of Driver
11th OLEPS Reporting Period

	Probable Cause	Warrant	Warrant and PC	Total
White	56	30	16	**102**
Black	47	31	25	**103**
Hispanic	25	7	6	**38**
Total	**128**	**68**	**47**	**243**

X^2=6.034, df=4
p=.197

Table Ten: Day v. Night Stops
11th OLEPS Reporting Period

	Day	Night	Total
White	61	71	**132**
Black	54	58	**112**
Hispanic	17	35	**52**
Total	**132**	**164**	**296**

X^2=3.715, df=2
p=.156

Independent Samples *t*-test

Overview

This test can be used to determine whether two means are different from each other when the two samples are independent. For this report, the independent samples are the racial/ethnic categorizations of drivers involved in motor vehicle stops. These groups are independent; they have not been matched.

The first step in a *t*-test is to develop hypothesis. The null hypothesis is that the lengths of stops for each group are equal. The alternative is that the lengths of stops are not equal. Because these hypotheses only mention difference and not direction, a two-tailed test will be used. As with the Chi-square test, the significance level to be used is .05.

SPSS was used to calculate the *t* value; however this can also be done by hand using the following formula:

$$ t = \frac{(\bar{x}_1 - \bar{x}_2) - (\mu_1 - \mu_2)}{S_{\bar{x}_1 - \bar{x}_2}} $$

X_1 = mean of group 1
X_2 = mean of group 2
μ_1 = population 1
μ_2 = population 2
S = estimated standard error

Example:

Hypothesis: Do White and Black drivers differ in the length of their motor vehicle stops? The mean stop length for White drivers is 43.23, the standard deviation is 28.993, and n=132. The mean stop length for Black drivers is 50.68, the standard deviation is 31.52, and n=112.

Hypothesis:
H_0 = the length of stops are equal for White and Black drivers
H_1 = the length of stops are not equal for White and Black drivers

Set criteria:
Significance level (α)= .05

For this test, the degrees of freedom are calculated using this formula:

$$ df = n_1 + n_2 - 2 $$

n_1 = the number of observations in sample 1
n_2 = the number of observations in sample 2

$$ df = 132 + 112 - 2 $$

$$df=242$$

Critical value for the *t*-test:

    This is determined by looking at a t-distribution and finding where the degrees of freedom for the sample and the desired significance level intersect. For this example, *t* critical is: 1.65

Calculate the mean and standard deviation. This information has been provided. The mean stop length for White drivers is 43.23, the standard deviation is 28.993, and n=132. The mean stop length for Black drivers is 50.68, the standard deviation is 31.52, and n=112.

To calculate the *t*-statistic begin by plugging in values into the above equation.

$$t = \frac{(43.23-50.68) - (\mu_1 - \mu_2)}{S_{x1-x2}}$$

$(\mu_1 - \mu_2)$ defaults to 0

$$t = \frac{(43.23-50.68)}{S_{x1-x2}}$$

To calculate S, use this equation:

$$S_{\bar{x}_1 - \bar{x}_2} = \sqrt{\frac{S^2_{pooled}}{n_1} + \frac{S^2_{pooled}}{n_2}}$$

First, the estimated standard error of the difference must be calculated:

$$S^2_{pooled} = \frac{(df_1)s^2_1 + (df_2)s^2_2}{df_1 + df_2}$$

$df_1 = n_1 - 1$ $df_1 = 132-1$ $df_1 = 131$

$df_2 = n_2 - 1$ $df_2 = 112-1$ $df_2 = 111$

$$S^2_{pooled} = \frac{(131)28.993^2 + (111)31.52^2}{131+111}$$

$$S^2_{pooled} = \frac{(131)840.59 + (111)993.51}{242}$$

$$S^2_{pooled} = \frac{110117.29 + 110279.61}{242}$$

$$S^2_{pooled} = 910.731$$

$$S_{\bar{x}_1 - \bar{x}_2} = \sqrt{\frac{S^2_{pooled}}{n_1} + \frac{S^2_{pooled}}{n_2}}$$

$$S_{x1-x2} = \sqrt{\frac{910.731}{131} + \frac{910.731}{111}}$$

$$S_{x1-x2} = \sqrt{6.95 + 8.20}$$

$$S_{x1-x2} = \sqrt{15.15}$$

$$S_{x1-x2} = 3.89$$

Plug this value back into the equation for t:

$$t = \frac{(43.23 - 50.68)}{S_{x1-x2}}$$

$$t = \frac{(43.23 - 50.68)}{3.89}$$

$$t = \frac{-7.45}{3.89}$$

$$t = -1.915$$

Compare the t value calculated, -1.915, to the critical t value from the table, 1.65.

Since the calculated t value is lower, we reject the null hypothesis and accept the alternative hypothesis.

Therefore, there is a significant difference in the length of motor vehicle stops for White drivers and Black drivers.

APPENDIX FOUR
Definitions of Acronyms and Abbreviations

BOLO: Be On the Look Out

CAD: Computer Aided Dispatch. The dispatch system employed by State Police.

DOR: Daily Observation Report completed by Trooper Coaches for Troopers enrolled in the Trooper Coach Program.

DSO: Deputy Superintendent of Operations

DTT: Duty to Transport

EEO: Equal Employment Opportunity.

FTML: Failure to Maintain Lane

IAIB: Internal Affairs Investigation Bureau

IAPro: Internal Affairs Professional. The database used by OPS.

Independent Monitors: The monitoring team put in place by the Department of Justice.

MAPPS: Management Awareness & Personnel Performance System. The database used to monitor all trooper activity. It is fed from CAD, RMS, and IAPro.

MDT: Mobile data terminal. The computer inside State Police vehicles.

MVR: Motor vehicle stop review

MVSR: Motor vehicle stop report

O.I.: Operations Instructions

OLEPS: Office of Law Enforcement Professional Standards, formerly OSPA.

OPS: Office of Professional Standards. The office handles the disciplinary process for the State Police.

OSPA: Office of State Police Affairs

PC: Probable Cause

RAS: Reasonable Articulable Suspicion

RMS: Records Management System

Appendix Four

SOP: Standing Operating Procedure. Policies and procedures that govern all activity and behavior of the State Police.
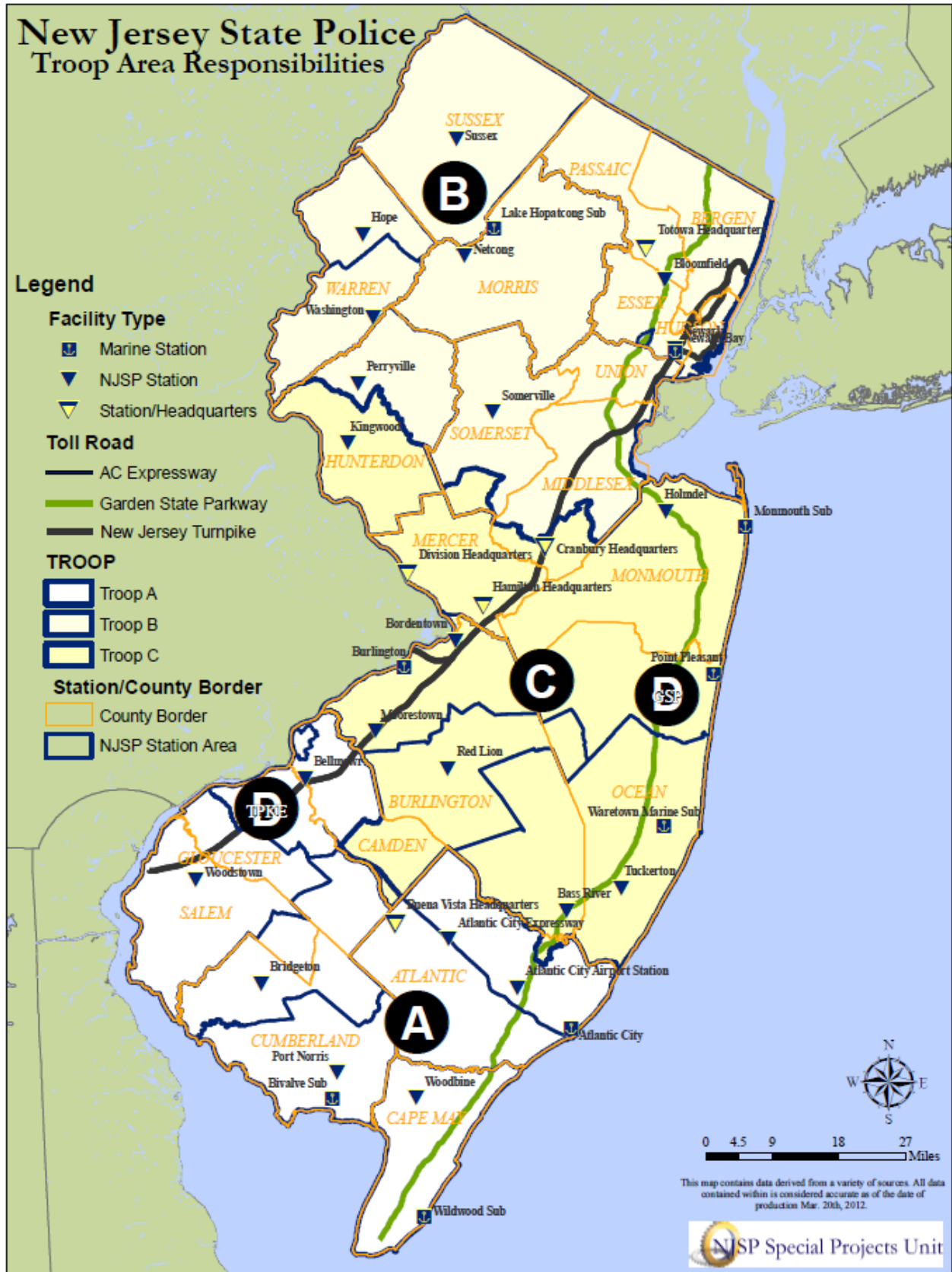
SPPAR: Section Patrol Practice Assessment Reviews.

TCS: Trooper Coach System.

The Act: Law Enforcement and Professional Standards Act (2009) (N.J.S.A. 52:17B-222, et seq.)

The Decree: The Consent Decree. State Police entered the Decree in 1999 to promote law enforcement integrity.

APPENDIX FIVE
New Jersey State Police Troop Area Responsibilities

Appendix Five