



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

UNITED STATES OF AMERICA

v.

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

CIVIL ACTION NO. 99-5970 (MLC)

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

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PROCEDURAL HISTORY

The State of New Jersey and the United States of America agreed upon the terms of a Consent Decree in Civil No. 99-5970 (MLC) (“Consent Decree” or “Decree”). This Consent Decree reflected many of the recommendations previously made by the State Police Review Team in reports submitted to the Attorney General of the State of New Jersey in April and July of 1999. The Honorable Mary L. Cooper, United States District Judge, District of New Jersey, signed the Consent Decree and Order Appointing the Independent Monitoring Team (“IMT”) on December 30, 1999 and May 12, 2000, respectively. Pursuant to ¶121 of the Decree, the IMT has filed 11 reports, assessing the levels of State compliance with the requirements of the Decree, on October 6, 2000; January 10, 2001; April 12, 2001; July 17, 2001; January 18, 2002; July 19, 2002; January 17, 2003; August 21, 2003; January 23, 2004; July 16, 2004; and December 20, 2004, respectively.

Pursuant to ¶110 of the Consent Decree, the Office of State Police Affairs (“OSPA”) was created and established within the Office of the New Jersey Attorney General. The general purpose of OSPA is to ensure implementation of the terms of the Consent Decree and to provide coordination with the IMT and the United States concerning matters of the New Jersey State Police (“NJSP”). Pursuant to ¶122 of the Consent Decree, OSPA, on behalf of the State, submits this periodic status report delineating steps taken to comply with the Consent Decree.

The State submitted its First Status Report on April 27, 2000; its Second Status Report on October 27, 2000; its Third Status Report on April 27, 2001; its Fourth Status Report on October 29, 2001; its Fifth Status Report on May 9, 2002; its Sixth Status Report on October 23, 2002; its Seventh Status Report on April 28, 2003; its Eighth Status Report on November 7, 2003; its Ninth Status Report on May 7, 2004; and its Tenth Status Report on November 8, 2004. Pursuant to Decree ¶122, this is the Eleventh Status Report seeking to summarize the status of the State’s implementation of the Decree during the six-month period of October 1, 2004 through March 31, 2005.

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

FIELD OPERATIONS Consent Decree ¶¶26-39

During this period, the Field Operations Section benefitted from sustained efforts to make supervisory ranks more available and accountable. The increased opportunity to have supervisors on scene and accountable for first line oversight resulted in a higher compliance with the proper application of law enforcement actions and procedures by road troopers. Identification of errors by supervisors has begun to “exhibit a fair and impartial review of activity in the field” (11th

Monitors Report, Executive Summary, Field Operations). This increased oversight is not confined to limited access highways as is mandated by the Consent Decree, but is in place at all general duty road stations. This illustrates the commitment of the NJSP to utilize “best policing” practices to serve the citizenry.

The Field Operations Section continues to benefit from the addition of Field Training Officers (FTOs) and the enhancement of adding assistant FTOs to each troop. These personnel are well versed in Mobile Video Recorder (MVR) reviews and provide quantitative and qualitative oversight and assistance to all supervisors within their respective troops. First line supervisors still bare responsibility for initial reviews but utilize this cadre of personnel for their expertise. This system personifies the efforts of the NJSP to provide quality assistance to its members with regard to best practices in supervision.

OSPA, through the NJSP component assigned to that office along with its own legal staff, will continue to review all critical incidents and to provide the relevant training concerning search and seizure and the proper procedures for conducting motor vehicle stop reviews. Since OSPA acts as an intermediary with the IMT and NJSP, OSPA members are well-versed in the expectations of the IMT for MVR reviews and are in an optimal position to export that knowledge to NJSP reviewers.

MAPPS
Consent Decree ¶¶40-54

The Management Awareness and Personnel Performance System (MAPPS) completed its first year of full implementation on December 31, 2004. OSPA continues to monitor system developments, MAPPS Unit audits of feeder systems, and MAPPS policy implementation, as well as offering technical assistance for on-going training on MAPPS review policies. Several technical improvements to the system during the reporting period enhance a supervisor’s ability to record interventions for a particular performance issue and then to track performance issues over time. The enhanced capability to track performance issues allows supervisors to assess more readily the commonality among issues, the success of interventions taken in correcting performance, and the need for any additional intervention. Correspondingly, updates to MAPPS policies with the advent of the second year of operation guide supervisors through and help insure that the enhanced intervention tracking results in improved trooper performance. As part of these enhancements, the MAPPS system now contains annual trooper evaluations (formerly only paper documents), beginning with the evaluations for 2004.

The only remaining MAPPS task without Phase I compliance in previous reporting periods, ¶51, achieved Phase I compliance in the 11th IMT report with IMT approval of the NJSP risk management proposal submitted in the last reporting period. Activities during the current reporting period were geared toward attaining Phase II compliance for all MAPPS tasks. The analytic group (Risk Analysis Core Group with the MAPPS Unit) developed and posted the Operations Instruction, implementing the processes outlined in the approved proposal. An additional civilian analyst was added to the group full time in March after several months of NJSP orientation and part-time assignment to the MAPPS Unit. More analysts are being pursued to address the diverse and extensive materials the analytic group needs to assess. In December, an orientation meeting was held for those in the pool of majors and lieutenant colonels who will meet quarterly as a panel to assess the risk issues examined by the analytic group and make policy recommendations accordingly to the Superintendent. The first quarterly meeting of this panel was held shortly after the end of this reporting period. The first report to implement the requirements of ¶50 will be completed in the next reporting period.

Finally, MAPPS is now routinely used by the Office of Professional Standards (OPS) to help determine appropriate interventions and discipline (¶90). In addition, OPS conducts a review of all members having three misconduct investigations in two years (¶53) and documents these reviews through the Interventions Module in MAPPS.

OFFICE OF PROFESSIONAL STANDARDS
Consent Decree ¶¶57-92 (Except ¶¶87 and 90)

The paragraphs pertaining to misconduct investigations, analyses, and resolutions (Internal Affairs reforms), specifically paragraphs 57-92 (excluding ¶¶87 and 90) were terminated from the Consent Decree by order of the Honorable Mary L. Cooper, U.S.D.J., dated April 6, 2004. Relief from these elements of the Consent Decree, however, has not terminated NJSP's desire to permanently inculcate the reform initiatives relating to the entire internal affairs process. Specifically, OSPA will continue to audit and oversee OPS and its internal affairs process. OSPA will continue to review, for investigative sufficiency and adherence to outstanding Standard Operating Procedures that have codified the elements of the Decree, all misconduct investigations relating to disparate treatment, excessive use of force, illegal search and seizure, and domestic violence (critical investigations). The review will use the same measuring instrument previously approved by the IMT to assess compliance with the Decree. Similarly, OSPA will audit other reportable incidents to ensure proper classification, investigative sufficiency and proper disposition.

During this period, OSPA conducted its first audit of OPS from January 12 through 14, 2005. The audit consisted of 100% review of files containing critical allegations and a random sampling of all other files. A review of all OPS classifications of complaints, to ensure that the complaints were properly classified as either performance matters or misconduct investigations, was also completed. The objectives of the investigations audit were to determine whether adequate documentation existed to support the conclusions reached in the OPS files, whether the complaint intake process was effective and impartial, whether the investigation was thorough, and whether there was sufficient supervisory review. Furthermore, the audit measured the effectiveness of the public complaint process by assessing the performance of OPS relative to the goals established by the 1999 Consent Decree and the NJSP Internal Affairs Investigative Manual.

The scope of this audit focused on files closed by OPS from July 1, 2004 through December 31, 2004. Closed files in the audit period totaled 184. Seventy-two (72) complaints, or 39%, of the closed files pertained to the aforementioned critical areas. The balances of the closed files, 112 complaints, or 61%, pertained to other alleged violations of SOPs and/or provisions of the Rules and Regulations.

OSPA findings of this audit reveal that OPS continues to be in compliance with the internal affairs reforms enunciated in the Consent Decree and incorporated in the operating guide and manual for conducting internal investigations, SOPs, and provisions of the Rules and Regulations. The investigations were conducted thoroughly within the prescribed timelines and were legally sufficient (findings were properly based on evidence or lack of evidence and use of preponderance of evidence standard). All public complaints reviewed as part of the audit were appropriately classified. The supervisors reviewing all the files ensured that the files were complete and complied with the appropriate investigative procedures. They also ensured that the preponderance of the evidence standard supported the final conclusions of the investigation.

OSPA's findings were consistent with prior findings of the IMT -- that OPS continues to function in an exemplary manner in accordance with the internal affairs practice.

Regarding ¶87, there is no current backlog of internal affairs investigations, and OPS continued to complete all investigations within the appropriate time period. Although ¶90 pertains to discipline and interventions, since it is dependent on MAPPS, it is discussed in the MAPPS section of this report.

TRAINING
Consent Decree ¶¶93-109

The Academy's continued utilization of the 7 Step Training Process in all training ensures that NJSP has assessed the need for particularized training, that the training is appropriately delivered and implemented in the field, and that the benefits of training are realized. Application of the process has been particularly beneficial in the Academy's external training, producing consistency throughout the Division. In this regard, notable emphasis is due the Academy's efforts for 2004 integrated In-Service Training, delivered uniformly by Academy staff, Field Training Officers and Field Training Liaisons according to the 7 Step Training Process. The Academy continues to review and update Master Training Lists to ensure all Academy instructors receive training in the 7 Step Training Process, including the measurement of training impact (Return on Investment (ROI)), and adult based learning (360 members trained). Overall, the 7 Step Training Process has been embraced by the Training Bureau, with changes and revisions in curriculum the most apparent indicia of its effectiveness.

The Research and Innovation (R&I) Unit continues to live up to its name in designing specific instruments to evaluate and measure the implementation of training, including the online survey and testing program. R&I pursued the implementation of a Learning Management System that provides a robust interface pre and post assessment of training with an emphasis on ROI to gauge training conducted, and real time assessment of all training. R&I completed In-Service Evaluation with the exception of Executive Leadership Training. Pre-Service Training is still being evaluated.

During the relevant time period, the Academy developed Phases I through IV of the Executive Level Leadership course for captain, majors and lieutenant colonels. The new training introduces these senior officers to issues and trends that involve labor relations, conflict resolutions, budgeting considerations, and management leadership development, as well as a planning model to guide executives. Currently, the Academy is delivering Phase IV of the training for these ranks. Two sessions of Executive Development for Lieutenants were conducted during this time period, culminating in a Gettysburg field trip demonstrating the principles of leadership in a historical context. The Academy is pleased to report that it completed a training backlog of members advancing in rank, with the exception of captains and above (currently underway).

During this time period, three new recruit classes attended the Academy consisting of 236 candidates, with each candidate assigned to a recruit mentor to help ease the transition from civilian life to the NJSP. All Pre-Service lesson plans were revised to incorporate adult based learning. The new recruit practicum consisting of calls for police service during regular guard duty referenced in the Tenth Status Report was increased and enhanced, with the creation of a fully operational mock station. Recruits engage in police scenario exercises on a daily

basis, reinforcing their instruction and training. In turn, evaluation of the recruits' performance in these scenarios assists in making adjustments to the curriculum to benefit future classes, evidence of the 7 Step Training Process in action. Academy staffing remained adequate and consistent throughout the time period.

OSPA
Consent Decree ¶¶110-114

OSPA has been in operation since September 1999. It continues to audit NJSP stations. OSPA samples motorists who were subject to enforcement actions and procedures. It mails questionnaires to all sampled. From the questionnaires and interviews with some of the sampled motorists, OSPA monitors the professionalism of NJSP during the stop and verifies information collected during the stop. Any improper conduct identified through these audits is forwarded to OPS for investigation. OSPA continues its auditing of OPS complaint intake procedures and of completed investigations, including interviews with a sample of persons after their complaints are finally adjudicated. OSPA has full and unrestricted access to all NJSP staff, facilities and documents necessary to carry out its functions. Pursuant to ¶114, OSPA released the Tenth Semiannual Public Report of aggregate statistics on NJSP traffic enforcement activities and procedures on December 28, 2004.

In accordance with ¶110, OSPA took on "additional responsibilities as may be assigned by the Attorney General" by conducting follow-up exit interviews of those recruits who either resigned, received medical separations, or who were dismissed by NJSP Academy staff. This effort came about as a result of the NJSP's desire to enhance its voluntary assessment of the Academy's pre-service training and its continued interest in providing a program that yields successful NJSP candidates. The Superintendent similarly directed members of his staff to review various recruiting and training issues currently facing NJSP in order to explore best practices.

Members of OSPA conducted interviews of the former recruits of the 139th Class and continues to do so for the 140th and 141st Classes. A database is being created to capture background information of those individuals interviewed to include gender, race, age, marital status, children, former employment, education (including GPA) and income in an effort to identify trends that may correlate with attrition.

Areas of concern and recommendations expressed by former recruits of the 139th Class were forwarded to NJSP for any action deemed appropriate. As a result, NJSP is considering modifying the pre-academy program to include a

mentor program during the various applicant phases, as well as to extend Academy Awareness Day activities. The existing mentor program, administered by Academy staff for recruits, is being modified by utilizing upperclassmen as mentors and Academy staff instructors (who volunteer) to serve as advisors.

It should be noted that the overwhelming majority of those interviewed praised NJSP as an organization and viewed it as the premier law enforcement agency. OSPA will continue to conduct exit interviews and collaborate with NJSP in order to assist in their efforts to develop programs and training that will yield successful NJSP candidates.

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

CONCLUSION

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

Respectfully submitted,

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