

Monitors' Second Report

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

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

United States Department of Justice
Civil Rights Division

State of New Jersey

Submitted by:

Public Management Resources
San Antonio, Texas
and
Lite, Greenberg, DePalma and Rivas
Newark, New Jersey

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Independent Monitors' Second Report Quarter Ending December 30, 2000

1 Introduction

This document represents the second of an anticipated twelve "Independent Monitors' Reports" (IMRs) assessing the levels of compliance of the State of New Jersey (the state) with the requirements of a consent decree (decree) entered into between the state and the United States Department of Justice on December 30, 1999. The monitors acknowledge the fact that the state may complete substantial compliance with the requirements of the decree prior to the anticipated five-year period, in which case, the monitors would file fewer reports. This document reflects the findings of the monitoring team regarding compliance monitoring for the period September 30, 1999 through December 15, 2000. In order to complete the report in a timely fashion, monitoring activities were accomplished during the weeks of December 4th through 15th.

The report is organized into three sections, identified below:

- Introduction;
- Compliance Assessment; and
- Summary.

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

1.1 Overall Status Assessment

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

1.2 Format for Compliance Assessment

The IMR is organized to be congruent with the structure of the consent decree. It reports on the state's compliance using the individual requirements of the decree. For example, the first section, the compliance assessment, deals with the

requirements, in paragraph 26 of the decree, relating to a specific prohibition against using "to any degree the race or national or ethnic origin of civilian drivers or passengers in deciding which vehicles to subject to any motor vehicle stop" (Decree at para 26). The following components of the decree are treated similarly. Compliance is classified as "Phase I," and "Phase II," with the definitions specified in Section 1.4, below.

1.3 Compliance Assessment Processes

1.3.1 Structure of the Task Assessment Process

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

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

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

The performance of the New Jersey State Police on each task outlined in the consent decree was assessed by the independent monitoring team during the quarter ending December 30, 2000. The second independent monitors' report was submitted to the court on January 10, 2001.

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






- Official New Jersey State Police documents prepared in the normal course of business¹; and/or


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

- Electronic documents prepared by the state or components of state government during the normal course of business.

1.3.2 Operational Definition of Compliance

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



Compliance levels for this monitoring process are reported both through a narrative description and a graphic description. The narrative describes the nature of the task requirement being assessed, a description of the methodology used to assess the task, and a statement of compliance status. It is critical to note, however, that a finding of non-compliance does not mean the state is engaging in inappropriate behavior. It simply means the state has not yet completed its efforts toward compliance. The graphic description depicts compliance status using a standard bar graph to indicate status in each compliance area. Each graphic consists of four segments, depicted below. The first segment depicts each of the anticipated 12 reporting periods (four quarters for the first year and two quarters for each following year). The second segment depicts the time allowed by the consent decree to complete the particular task. This time period is represented by the solid, dark blue bar . The third and fourth segments represent the time required to complete the task, and to achieve Phase I or Phase II compliance. A vertically patterned light blue bar  indicates that compliance was achieved in the time allotted. A diagonally patterned yellow bar  indicates that compliance was achieved at a later date than originally allocated in the decree, but that the delay, in the opinion of the monitors, does not seriously affect the state's eventual compliance with the decree. A horizontally patterned orange bar  indicates that compliance was achieved at a later date than originally allocated in the decree, and the delay may seriously affect the state's eventual compliance with the decree. A solid red bar  indicates expired time which is more than that allowed by the decree, and which, in the judgment of the monitors does seriously threaten the

state’s successful compliance with the decree. A task that was not, or could not be monitored is represented by a hollow bar  .

1.3.3 Standards for “Compliance”

The parties have agreed to a quantitative standard for “compliance” to be used for assessing compliance for all critical tasks stipulated by the decree which can be quantified. On tasks for which quantitative data can be collected, e.g., the number of Motor Vehicle Stop Reports (MVSRs) which conform to the requirements of the decree, a standard of greater than 94 percent compliance is used. This means that at least 95 percent of the reports reviewed conformed to the decree. This standard is widely used in social science, and is adapted by mutual agreement for this project.

1.3.4 Compliance with a Hypothetical Task

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

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

1.4 Flow of the Monitoring Process

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

2 Assessment of Compliance

2.1 Methodology

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

The following sections of the Second Monitors' Report contain a detailed assessment of the degree to which the state has complied with the 97 tasks to which it agreed on December 30, 1999. The reporting period for this quarterly report deals with actions of the state to comply with the decree between September 16 and December 30, 2000.

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

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

Task 26 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team

reviewed relevant policies and approved implementation of these policies as written.

During the weeks of December 4th through December 15th, 2000, members of the independent monitoring team conducted structured on-site reviews of the operations of four New Jersey State Police Road Stations. These reviews were conducted of operations reported during the dates of September 16, 2000 to November 15, 2000, inclusive. The team conducted these reviews of the Cranbury, Woodstown, Bordentown and Bellmawr stations. As part of this review, members of the independent monitoring team collected and or reviewed course-of-business data on 164 New Jersey State Police motor vehicle stops. In addition, the team reviewed video recordings of 25 motor vehicle stops conducted by New Jersey State Police personnel. Supporting documentation was reviewed for each of the stops assessed by the monitoring team. The following paragraphs describe the monitoring team's methodology for data collection and analysis of the structured site visits. These descriptions apply to the assessment of compliance of various tasks required by the decree, and are critically important in the assessment of tasks 26 through 36.

Data Requests

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

- Electronic data for all motor vehicle stop activity for the stations selected relating to an incident in which state police personnel engaged in one of the eight articulated post-stop law enforcement procedures of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force.
- Electronic data for all trooper-initiated motor vehicle stop "communications center call-ins" for the stations selected, including time of completion of the stop and results of the stop.

Based on these data requests, the monitoring team was provided with 113 motor vehicle stop records (taken from the state's motor vehicle stop report entry system) for which dates and times of stops were recorded electronically, referred to by the state as motor vehicle stop "event" records. In addition, the monitoring

team was provided with 139 records (taken from the state's motor vehicle stop report entry system) for which the citizen's race, the date and time of the stop, and other data were available, referred to by the state database as motor vehicle stop "person" records. The 113 motor vehicle stop records for which dates and times of the stop were available were a subset of the 139 records for which race was available.² Thus, the electronic data set for the second quarter analysis consisted of 139 records. Computer Assisted Dispatch System (CADS) records were also requested by the monitors for all motor vehicle stop activity for the selected stations. These data were provided by the state, as requested; however data format problems precluded analysis for this quarter. These problems will be resolved during or prior to the next site visit. Such difficulties are normal with newly established data collection systems.

Several difficulties militated against collection of complete data sets for electronic data analysis for the second quarter. First, the data collection process implemented for this quarterly visit was new. Neither the state nor the monitoring team had used the forms or processes prior to December 2000. The forms and process have been custom-designed for use in monitoring this consent decree. The reader should view data collection efforts during the second site visit as a "field test" of the data collection methodology. This field test allows the members of the monitoring team to understand the methods the state uses to collect, analyze and report data, allows resolution of file compatibility issues, and allows refinement of data collection processes. Second, the state, during the time of the monitoring team's site visit, was completing its field test of electronic reporting systems for motor vehicle stop activities. Complete and accurate data sets are anticipated for all future site visits.

Incident Selection

Based on the data provided by the state, the monitoring team selected specific law enforcement activities for further assessment and analysis. The methodology for selecting these law enforcement activities consisted of identifying all post-stop law enforcement procedures of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force, for each road station assessed. These events were identified using the 139 "person" records and the 113 "event" records provided by the state. These 113 records indicated eight events from among the stations selected, which resulted in a consent search. Each of the eight law enforcement procedures was

² Records included in the 139 "person" records reflected law enforcement post-stop procedures with 26 passengers, as well as 113 drivers.

treated similarly, yielding a universe of 113 post-stop events of interest to the decree, as depicted in Table One, below. These 113 events generated a total of 187 post-stop activities of interest to the decree (excluding frisks and seizures, which were not assessed this quarter).

Table One: Nature of Events Identified Electronically, by Type of Action

Post-Stop Law Enforcement Procedure³	Total Number of Events
Consent Request	7 ⁴
Consent Search	8
Out of Vehicle	128
Drug Canine	0
Non-Consent Search	44
Use of Force	0
Total	187

These 187 activities constituted the “universe” from which the monitors selected events for review.⁵ The events selected consisted of two types:

- Events which were reviewed using reported data, i.e., motor vehicle stops which resulted in post-stop activities of interest to the decree, which were reviewed by comparing the electronic data to data included in motor vehicle stop reports and supporting documents (patrol logs, summonses, consent to search reports, etc.), referred to as Type I data; and
- Events, which were reviewed using both reported data **and** by reviewing recordings of the motor vehicle stop in question, referred to as Type II data.

A total of 33 events were selected (from the 113 events reported electronically) for review via Type I data (records-based). A total of 25 events were selected

³ Frisks and Seizures were not assessed this quarter, but will be included in data analyses in following quarters.

⁴ Seven consent search requests were reported in the electronic database, while eight consent searches were conducted.

⁵ Some incidents could, of course, result in multiple activities of interest to the decree, e.g., the driver could have been ordered out of the car, searched, **and** arrested, resulting in three separate “records” of activities for a single event.

for review via recordings of motor vehicle stop.⁶ These 25 events were selected from activities reported in the 113 stop event records, and from additional events not reported in the 113 stop event records.

In order to ensure accurate review and assessment, some of the Type I events were reviewed using video tapes recorded by in-car recording equipment. A total of 51 events were reviewed by members of the monitoring team. The distribution of events selected is depicted in Table Two, below.

Table Two: Distribution of Monitoring Events

Station	Type I Event	Type II Event	Total
Bellmawr	9	9	16 ⁷
Bordentown	10	5	14 ⁸
Cranbury	7	7	13 ⁹
Woodstown	7	4	8 ¹⁰
	33	25	51

All of the events selected for Type I review were selected from among the “universe” of 113 events reported electronically by the state. Seven of the Type II event reviews were selected from among the “universe” of 113 events reported electronically by the state. A total of 51 distinct law enforcement events were reviewed manually. Some of these events resulted in multiple law enforcement procedures, e.g., ordering the driver from the vehicle, and a consent search.

Type I Event Reviews

⁶ In order to ensure that the monitors screened for events that should have been reported, but which were not, the records review protocol called for a review of three incidents before and three incidents after each of the recordings of motor vehicle stops selected for review. This allowed a probability of the monitors reviewing any event which, based on the requirements of the decree, should have resulted in a state police report, but which went unreported. Not all of the three-prior/three-post events were reviewed by members of the monitoring team. Some were not reviewed due to time constraints, others due to technical difficulties with tapes or equipment. The three-pre/three-post selection will be enhanced for the third site visit to ensure better coverage of this aspect of the data collection protocol.

⁷ Two events were selected for both Type I and Type II review.

⁸ One event was selected for both Type I and Type II review.

⁹ One event was selected for both Type I and Type II review.

¹⁰ Three events were selected for both Type I and Type II review.

A Type I event review consisted of reviewing all available hard-copy and electronic documentation of an event. For example, an event review could consist of reviewing the motor vehicle stop report, associated records in the patrol log, a supporting consent to search report, and associated summonses or arrest records. Each post-stop event consisting of law enforcement procedure of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force was subjected to a structured analysis using a form developed by the independent monitoring team (NJSPIMF-7-00 in Appendix A of this report). Problems with the reporting process were noted and tallied using this form. These data were shared with the New Jersey State Police, and clarifications were requested and received in instances in which there was doubt about the status of an event or supporting documentation.

Type II Event Review

A Type II event review consisted of reviewing the associated video tape for a given motor vehicle stop event, and comparing the actions noted on the tape with the elements reported in the official documents related to the event. At least one event subjected to a Type II review at each road station assessed this quarter was also subjected to a Type I review, as described above. In order to provide a probability that the monitors would note any events, which **should** have been reported, based on the requirements of the decree, but were not reported as required, the independent monitoring team also developed a protocol that sampled the three events before and after a selected event at a road station. For example, if a motor vehicle stop incident, which occurred at 3am, were selected for review, the three events recorded prior to that, and the three events recorded after that were also eligible for review.¹¹ All events selected for a Type II (video-based) review were subjected to a structured review using a form developed by the independent monitoring team (NJSPIMF-7-00, included in Appendix A of this report).

Generalizability of Measures

As the reader will note, only 164 individual events were reviewed by the monitoring team this quarter (51 events subjected to the structured review described above, and 113 events subjected to electronic review). Assessments of the quality of the documents and processes reviewed this quarter should be viewed with care. On the surface, the independent monitoring team reviewed

¹¹ Not every law enforcement procedure reviewed by the independent monitoring team was subjected to this protocol during this quarter's site visit.

only 164 of thousands of law enforcement events completed by the agency during the monitoring period. On the surface, the ability to “generalize” to the entire agency, which has conducted thousands of interactions during this quarter, from 164 events selected by the monitoring team, appears to be problematic. However, the review of these events allows one to draw direct conclusions about the organization’s performance in these 164 events. Further, the monitoring team reviewed large samples of critical events. For example, the team reviewed the documentation on all eight consent searches conducted by the agency in the four road stations selected for site visits this quarter, and reviewed the video tapes of six of the eight consent searches. Thus, the team can speak with some authority regarding the quality of consent searches, and the reporting of same, for personnel assigned to the four road stations, which were subjected to review this quarter. In addition, the team reviewed **all available** electronic data regarding other consent-decree related activity of the personnel assigned to the four stations selected for review this quarter. Assessments of the agency’s performance are based on the performance of those four stations. As monitoring progresses, obviously, additional road stations will be added to the listing of those reviewed by the monitoring team.

As the monitoring process progresses, larger samples of data will be drawn, and critical tasks will continue to be monitored on a station-by-station basis. A critical assumption is that the managerial and administrative functions of the agency produce similar performance in all road stations. To the extent that this is not the case, members of the monitoring team will identify these differences. Thus, assessing the agency’s performance on critical tasks based on analysis of various stations is a reliable process.

Status

The monitoring team’s review of New Jersey State Police SOPs indicates that the agency is in Phase I compliance with Task 26: effective policies have been promulgated and distributed to state police personnel, as reflected in paragraphs III.B.1, IV.C.1, F55, “Traffic Stop Procedures: Motor Vehicle Searches and Seizures, Inventory and Impoundment.” The topic is also covered in SOP F3, “State Police Patrol Procedures,” at page two, III.A.5 and at page four, III.D.2 and 3. In addition, SOP F31, “Consent Searches,” at page two, II.C, also covers specific prohibitions from using race or ethnicity in deciding to effect motor vehicle stops.

In-service training was provided to all members of the state police on the specific provisions of the SOPs and this provision of consent decree between May 26 and July 28, 2000 at the State Police Academy. Training for supervisors on the policy was completed in September, 2000. Training for supervisors regarding how to

monitor potential race-ethnicity based motor vehicle stop decisions is pending. Development of an automated support system for supervisors, designed to assist in the process of supervision of this task, is projected for spring, 2001.

None of the law enforcement actions monitored by the independent monitoring team included any indication that the law enforcement actions undertaken were undertaken based on a consideration of race or ethnicity. More comprehensive mechanisms to monitor this task will not be available until the spring of 2001, according to current plans. The monitoring team is aware that the review of these 164 law enforcement actions constitutes but a small portion of the total interactions the New Jersey State Police have with the public. Based on the structured review of these interactions, however, and pending more comprehensive reviews using alternative methodologies, the agency is judged to be in compliance with this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

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

Task 27 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

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

Status

A review of the policies developed, the training provided to date and the pending MAPPS process indicates that the agency is in Phase I compliance with the requirements of this task. The state has conducted a review of several hundred Motor Vehicle Stop Reports (MVSRS), and has noted several deficiencies in operationalization of the training provided. Retraining to address these deficiencies is planned. Training in use of the MAPPS is pending and the program itself is scheduled for the spring of 2001. Full compliance with this task cannot be monitored until the MAPPS is brought on-line. However, use of the Motor Vehicle Stop Report was monitored for 33 incidents involving a post-stop law enforcement activity of interest to the decree. Errors noted were discussed with the New Jersey State Police, and the agency was given the opportunity to clarify—by providing additional existing documentation—any concerns. Of the 33 events monitored, members of the monitoring team found problems with one, a consent search that was not conducted in conformance with the requirements of the decree (see section 2.4, below for a complete discussion of this event). This compliance rate falls within the >94 percent agreed to among the parties as the standard for critical tasks in this consent decree.

Compliance

Phase I: In Compliance
Phase II: In Compliance

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

Task 28	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	Blue											
Phase II	Yellow/Black Stripes											

Task 28 stipulates:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

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

Status

The independent monitoring team reviewed a total of 33 law enforcement actions conducted during the second quarter's operational dates. Of these, eight involved consent searches. All but one of these consent searches were completed in conformance with the requirements of the consent decree. One of these eight involved a consent search, which did not meet the standards of the decree.¹² A

¹² While the trooper conducting this consent search had, in the opinion of the monitoring team, probable cause to conduct a search, his "request" for consent to search the vehicle did not involve a full and understandable explanation of the

second involved a consent search that was not supported by a signed consent-to-search form present in New Jersey State Police files. Evidence that the trooper completed the form was available on the MVR tape reviewed by the monitoring team. An error rate of one of eight consent searches constitutes nine percent, falling outside the >94 percent compliance rate agreed to by the parties as the standard for critical tasks outlined by the consent decree.

Compliance

Phase I: In Compliance
 Phase II: Not in Compliance

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

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

Task 29a stipulates that:

29. Motor Vehicle Stop Data

- a. The State has adopted protocols (captioned F-55 (Motor Vehicle Stops) dated 12/14/99; C-22 (Activity Reporting System), F-3 (Patrol Procedures), F-7 (Radio Procedures), F-19 (MVR equipment), F-31 (Consent Searches), and a Motor Vehicle Stop Search Report dated 12/21/99; and a Property Report (S.P. 131 (Rev. 1/91)) that require state troopers utilizing vehicles, both marked and unmarked, for patrols on roadways to accurately record in written reports, logs, radio communications, radio recordings and/or video recordings, the following information concerning all motor vehicle stops:**
- 1. name and identification number of trooper(s) who initiated the stop;**
 - 2. name and identification number of trooper(s) who actively participated in the stop;**
 - 3. date, time, and location of the stop;**
 - 4. time at which the stop commenced and at which it ended;**
 - 5. license number/state of stopped vehicle;**
 - 5A. description of stopped vehicle;**

driver’s rights to refuse, to withdraw permission, and to be present during the search.

- 6. the gender and race/ethnicity of the driver, and the driver's date of birth if known;**
- 7. the gender and race/ethnicity of any passenger who was requested to exit the vehicle, frisked, searched, requested to consent to a vehicle search, or arrested;**
- 8. whether the driver was issued a summons or warning and the category of violation (i.e., moving violation or non-moving violation);**
- 8A. specific violations cited or warned;**
- 9. the reason for the stop (i.e., moving violation or non-moving violation, other [probable cause/BOLO]);**
- 10. whether the vehicle occupant(s) were requested to exit the vehicle;**
- 11. whether the vehicle occupant(s) were frisked;**
- 12. whether consent to search the vehicle was requested and whether consent was granted;**
- 12A. the basis for requesting consent to search the vehicle;**
- 13. whether a drug-detection canine was deployed and whether an alert occurred;**
- 13A. a description of the circumstances that prompted the deployment of a drug-detection canine;**
- 14. whether a non-consensual search of the vehicle was conducted;**
- 14A. the circumstances that prompted a non-consensual search of the vehicle;**
- 15. whether any contraband or other property was seized;**
- 15A. a description of the type and quantity of any contraband or other property seized;**
- 16. whether the vehicle occupant(s) were arrested, and if so, the specific charges;**
- 17. whether the vehicle occupant(s) were subjected to deadly, physical, mechanical or chemical force;**
- 17A. a description of the circumstances that prompted the use of force; and a description of any injuries to state troopers and vehicle occupants as a result of the use of force;**
- 18. the trooper's race and gender; and**
- 19. the trooper's specific assignment at the time of the stop (on duty only) including squad.**

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written. See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

The review of state police policies, forms, training, data entry systems, and CADS processes indicates that the New Jersey State Police are in Phase I compliance with the requirements of Task 29a. Effective policies and forms requiring compliance with the reporting requirements of the task have been written, disseminated and implemented into the state police training process. Development of training for supervisors in the process of scrutinizing motor vehicle stop reports, and systems to facilitate that review are pending

Of the 139 "person" event records reviewed by the monitors, all but two included the names of individuals subjected to post-stop law enforcement procedures of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force. All of these 139 records included the race of the individual subjected to a post-stop law enforcement procedure of interest to the decree. All of the 139 records included a CADS incident number. Codes indicating whether force was used or not were not entered into the database provided to the monitoring team.¹³ All other required fields contained valid data.


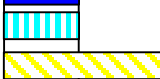
The reader should also note that the data collected in the traffic stop reporting process is among the most robust in the nation. The data analyzed for this quarter included only those data generated by the electronic reporting process. Accuracy rates for these data, overall, exceeded 99 percent, well within the acceptable margin for error for this task.

Compliance

Phase I: In Compliance

Phase II: In Compliance

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

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

¹³ These data appear to be missing due to a data transmission error, rather than a reporting error.

Task 29b stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

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

Status

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

Of the 139 “person” event records reviewed by the monitors, all but two included the names of individuals subjected to post-stop law enforcement procedures of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force. All of these 139 records included the race of the individual subjected to a post-stop law enforcement procedure of interest to the decree. All of the 139 records included a CADS incident number.

Of the 113 “stop” event records provided by the state for the second quarterly visit, all had CADS incident numbers, all had the date of the stop, time of the stop, time the stop cleared, and reason for the stop.

The reader should also note that the data collected in the traffic stop reporting process is among the most robust in the nation. The data analyzed for this quarter included only those data generated by the electronic reporting process. Accuracy rates for these data, overall, exceeded 99 percent, well within the acceptable margin for error for this task. The earliest available electronic data in the state’s database, provided to the monitors, was September 2, 2000. In the opinion of the monitors, this qualifies as “expeditious” implementation.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

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

Task 29c stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Status

Forms to support execution of tasks 31-33 have been developed and disseminated. The state is currently finalizing automated data entry, analysis, and supervisory review processes for these forms. While conformance to the policies supporting these forms is spotty at this point in the project, the forms have been developed and disseminated and are being used by agency personnel.

Compliance

Phase I: In Compliance
Phase II: In Compliance

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

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

Task 29e stipulates that:

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

Methodology

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

Status

Implementation of revisions to protocols and/or forms has been held by the state, pending the approval of the monitors and the United States.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.6 Compliance with Task 30: Communications Center Call-Ins

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

Task 30 stipulates that:

30. Communication Center Call-In's for Motor Vehicle Stops. The primary purpose of the communications center is to monitor officer safety. State troopers utilizing vehicles, both marked and unmarked, for patrols on roadways shall continue to document all motor vehicle stops, inter alia, by calling in or otherwise notifying the communications center of each motor vehicle stop. All motor vehicle stop information enumerated in ¶ 29(a) that is transmitted to the communications center by state troopers pursuant to protocols listed in ¶29(a), and as revised pursuant to ¶29(d) and (e), shall be recorded by the center by means of the center's Computer Aided Dispatch system or other appropriate means.

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

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

Status

New Jersey State Police SOPs relating to the call-in of motor vehicle stops meet the requirements of the consent decree. In addition, training regarding motor vehicle stops is reasonably designed to affect the necessary behavior on the part of troopers conducting traffic stops. To date, no global supervisory processes appear to have been implemented by the state police.

Data regarding CADS center "call-ins" were provided to the monitors for the second site visit; however, due to a file incompatibility problem, members of the monitoring team were unable to analyze the data contained in the files. Full

data documentation for this task will be developed for the third site visit. The state remains in compliance with this task based on field observations conducted at communications centers last quarter, and based upon reviews of video tapes conducted in the field this quarter. These video tapes clearly indicate troopers calling in stops to the communications centers, as specified by this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

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

Task 30a stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

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

Status

Data regarding CADS center “call-ins” were provided to the monitors for the second site visit; however due to a file incompatibility problem, these data could not be analyzed for this report. Full data documentation for this task will be developed for the third site visit.

Compliance

Phase I: In Compliance
Phase II: Unable to Monitor

2.6.2 Compliance with Task 30b: Notice Prior to Consent Search

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

Task 30b stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

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

Status

New Jersey State Police SOPs relating to the call-in of consensual or non-consensual searches meet the requirements of the consent decree. In addition, training regarding all searches is reasonably designed to affect the necessary behavior on the part of troopers conducting traffic stops. To date, no global supervisory processes designed to assess the quality of motor vehicle stops appear to have been implemented by the state police.

Of the eight consent search events reported (and reviewed), seven were called in to New Jersey State Police communications prior to the initiation of the search. The other was not called in prior to commencing the search. The three non-consensual searches observed by the monitoring team met all consent decree requirements. This constitutes an error rate of 9 percent, beyond the >94 percent established as the criterion for this task.

Compliance

Phase I: In Compliance
 Phase II: Not in Compliance

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

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

Task 30c stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

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

Status

New Jersey State Police SOPs relating to the call-in of motor vehicle stops meet the requirements of the consent decree. In addition, training regarding motor vehicle stops is reasonably designed to affect the necessary behavior on the part of troopers conducting traffic stops. To date, no global supervisory processes appear to have been implemented by the state police.

Computer Assisted Dispatch (CADS) were also requested by the monitors for all motor vehicle stop activity for the selected stations. These data were provided by the state; however, data format problems precluded analysis for this quarter. These problems will be resolved during or prior to the next site visit. Such difficulties are normal with newly established data collection systems.

Compliance

Phase I: In Compliance
 Phase II: Unable to Monitor

2.6.4 Compliance with Task 30d: CADS Incident Number Notification

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

Task 30d stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

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

Status

Policies related to 30d reasonably cover the issue of CADS incident numbers and appropriate reporting methods. Training in this area is also reasonably designed to achieve compliance with this task. All of the automated records reviewed by the members of the independent monitoring team included a unique CADS incident number. Events were trackable using this CADS incident number.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.7 Compliance with Task 31: Reporting Consent to Search Requests

Task 31	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	Blue											
Phase II	Striped	Striped										

Task 31 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

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

Status

New Jersey State Police SOPs F31, "Consent Searches," F55, "Traffic Stop Procedures: Motor Vehicle Searches and Seizures, Inventory and Impoundment," F55 "Traffic Stop Procedures; Motor Vehicle Searches and Seizures, Inventory and Impoundment," F7, "Radio Procedures," C22, "Activity Reporting System," and State Police Form 614, "Consent to Search," reasonably address the processes of requesting and recording consent searches, and training provided to road personnel reasonably prepares them to complete these processes in conformance to the requirements of this task. Supervisory systems necessary to effectively review, assess and remand consent search reports and to evaluate consent search processes of road personnel are projected to be on-line in the spring of 2001.




A consent search report form was completed accurately in seven of the eight events, that the monitoring team reviewed, that included a consent search. In one of these eight, the form was completed, but the consent search, that it reported, was not conducted in conformance with the decree.¹⁴ An error rate of one of eight consent search processes constitutes nine percent, below the required >94 compliance rate.

Compliance

Phase I: In Compliance
Phase II: Not in Compliance

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

¹⁴ The officer completing this consent search had ample probable cause to conduct a non-consensual search, but chose to supplement this action with a consent search, which was not fully explained to the consenting driver.

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

Tasks 31a-c stipulate that:

- a. The State Police shall require that all "consent to search" forms include the following information :**
- 1. the date and location of the stop;**
 - 2. the name and identification number of the trooper making the request for consent to search;**
 - 3. the names and identification numbers of any additional troopers who actively participate in the discussion with the driver or passenger(s) concerning the request for consent to search;**
 - 4. a statement informing the driver or other person authorized to give consent of the right to refuse to grant consent to search, and that if the driver or other person authorized to give consent grants consent, the driver or other person authorized to give consent at any time for any reason may withdraw consent to search;**
 - 5. a statement informing the driver or other person authorized to give consent of the right to be present during the search at a location consistent with the safety of both the state trooper and the motor vehicle occupant(s) which right may be knowingly waived;**
 - 6. check-off boxes to indicate whether consent has been granted, and if consent is granted, the driver or other person authorized to give consent shall check the appropriate box and sign and date the form; and**
 - 7. if the driver or other person authorized to give consent refuses consent, the trooper or the driver or other person authorized to give consent shall so note on the form and the driver or other person authorized to give consent shall not be required to sign the form.**
- b. A state trooper who requests permission to conduct a consent search shall document in a written report the following information regardless of whether the request for permission to conduct a search was granted or denied:**
- 1. the name of the driver or other person authorized to give consent to whom the request for consent is directed, and that person's gender, race/ethnicity, and, if known, date of birth;**
 - 2. the names and identification numbers of all troopers who actively participate in the search;**

- 3. the circumstances which constituted the reasonable suspicion giving rise to the request for consent;**
 - 4. if consent initially is granted and then is withdrawn, the fact that this occurred, and whether the search continued based on probable cause or other non-consensual ground, or was terminated as a result of the withdrawal of consent;**
 - 5. a description of the type and quantity of any contraband or other property seized; and,**
 - 6. whether the discussion concerning the request for consent to search and/or any ensuing consent search were recorded using MVR equipment.**
- c. The trooper shall sign and date the form and the report after each is fully completed.**

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the monitoring team reviewed report information for eight consent searches, and reviewed video tape recordings of six motor vehicle stops involving consent searches. Supporting documentation for all eight consent searches was reviewed, and the events depicted on the six video tapes reviewed were assessed in light of the reports generated by the trooper concerning the event. See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Status

New Jersey State Police SOPs F31, "Consent Searches," F55, "Traffic Stop Procedures: Motor Vehicle Searches and Seizures, Inventory and Impoundment," F7, "Radio Procedures," C22, "Activity Reporting System," and State Police Forms, 614, "Consent to Search," and 338, "Motor Vehicle Stop Report," reasonably address the processes of requesting and recording consent searches, and training provided to road personnel reasonably prepares them to complete these processes in conformance to the requirements of this task. Supervisory systems necessary to effectively review, assess and remand consent search processes by road personnel are projected to be on-line in the spring of 2001.

State police personnel reported accurately in seven of the eight consent search events reviewed. One consent search event, while it included a consent search report form, involved a consent search which was not completed in compliance

with the consent decree. An error rate of one of eight consent search events constitutes nine percent, below the agreed-upon >94 percent compliance rate.

Compliance

Phase I: In Compliance
 Phase II: Not in Compliance

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

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

Task 32 stipulates that:

- 32. Non-consensual Searches of Motor Vehicles (Excluding Vehicle Searches Begun as a Consent Search). A state trooper shall complete a report whenever, during any motor vehicle stop, the trooper conducts a non-consensual search of a motor vehicle (excluding vehicle searches begun as a consent search). The report shall include the following information:**
- 1. the date and location of the stop;**
 - 2. the names and identification numbers of all troopers who actively participated in the incident;**
 - 3. the driver's name, gender, race/ethnicity, and, if known, date of birth;**
 - 4. a description of the circumstances which provided probable cause to conduct the search, or otherwise justified the search;**
 - 5. a description of the type and quantity of any contraband or other property seized; and**
 - 6. whether the incident was recorded using MVR equipment.**

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Status

New Jersey State Police SOPs F31, "Consent Searches," F55, "Traffic Stop Procedures: Motor Vehicle Searches and Seizures, Inventory and Impoundment," F7, "Radio Procedures," C22, "Activity Reporting System," and State Police Form 338, "Motor Vehicle Stop Report," reasonably address the processes of making and recording non-consensual searches, and training provided to road personnel reasonably prepares them to complete these processes in conformance to the requirements of this task. Supervisory systems necessary to effectively review, assess and remand non-consensual search processes by road personnel are projected to be on-line in the spring of 2001.

Members of the monitoring team monitored three non-consent searches during site visits to four New Jersey State Police road stations. All three of these non-consent searches were completed and reported in compliance with the requirements of the consent decree. See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

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

Task 33 stipulates that:

- 33. Drug-Detection Canines. A state trooper shall complete a report whenever, during a motor vehicle stop, a drug-detection canine is deployed. The report shall include the following information:**
- 1. the date and location of the stop;**
 - 2. the names and identification numbers of all troopers who participated in the incident;**
 - 3. the driver's name, gender, race/ethnicity, and, if known, date of birth;**

Task 34a stipulates that:

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

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the monitoring team identified every patrol vehicle used for patrol purposes by the four road stations visited this quarter. An inventory was conducted to ensure that video tape recordings were in the possession of the road station commander (in all cases in a secured storage area) for each patrol vehicle for each day of the current quarter. In addition, members of the monitoring team requested to view video tapes for 25 events known to have occurred during the current quarter.

Status

Members of the monitoring team found evidence of video tape recordings for every patrol vehicle identified for every day of the current quarter, with two exceptions. These exceptions were for tapes that were out of the tape storage facilities as evidence or for other allowable activities. Inventory for all tapes allowed retrieval and review of video tapes by incident.

Compliance

Phase I: In Compliance

Phase II: In Compliance

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

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

Task 34b-c stipulates that:

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

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

Methodology

In addition to verifying the existence of a video tape in each patrol vehicle for each day of this quarter (see above), members of the monitoring team pulled for review a sample of 33 post-stop law enforcement actions of interest to the

decree. These included 25 events selected from New Jersey State Police databases, and eight events randomly selected by reviewing video tapes.

Status

While the video recording of motor vehicle stops appears to have been implemented according to the requirements of the decree, audio recording is another matter. Not all stops are recorded using the audio equipment provided. In the 25 events reviewed by the monitoring team this quarter, all were video-taped according to the requirements of the decree. However, only 18 of these events were audio-taped in conformance to the requirements of the decree. The monitoring team also noted that of the seven vehicle stops that were not accurately recorded, most of the troopers are not turning on the microphone when they make the initial call-in to the communications center, nor are they leaving it on when they return to their patrol vehicle to clear the stop.¹⁵ Some of these problems are apparently attributable to technical difficulties with the audio recording equipment.

At the present time, supervisors are required to review a minimum of two video incidents per trooper per quarter. The monitoring team found that supervisors are reviewing more than the minimum number required at each of the four stations, although the monitoring process is not well-reported, and does not, in all cases, appear to focus on clearly articulating the nature of the supervisory review. None of the supervisory MVR reviews reviewed by the monitoring team included a post-stop law enforcement procedure of interest to the decree¹⁶, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force. A supervisory system to ensure adequate review, assessment and response to MVR procedures is under consideration.

Because of the problems noted with audio-recordings, supervisors or monitors assessing the stop procedures on the video must pull the records from the stop to be certain that all information required by the consent decree is being reported to the communications center.

¹⁵ The state is currently working through issues related to activation of recording equipment to capture the CADS center call-ins of stop and "clear" data, although substantial officer-safety issues accrue to this issue.

¹⁶ According to estimates provided by the state, and unverified by the monitoring team, the eight law enforcement procedures of interest to the decree constitute only 3.2 percent of all trooper activity. It is conceivable that a random review of all trooper activity could fail to select any of the 164 of-interest procedures.

The New Jersey State Police, already having recognized how this practice is adding to the time required for supervisors to adequately review the tapes (because they also have to locate and pull the written reports) are assessing how to address the issue of recording traffic stops. While, currently, all required interactions are being recorded—and all 25 recordings indicated that New Jersey State Police personnel are treating those whom they have stopped professionally, not all requirements of the decree are being met at this time.¹⁷

Compliance

Phase I: In Compliance
 Phase II: Not in Compliance

2.12 Compliance with Task 35: Supervisory Review of Trooper Reports

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

Task 35 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task. A total of 113 of the state’s “stop” event records was assessed to determine if appropriate supervisory review was conducted within the required 14 day period.

Status

¹⁷ See note 16.

Only 87 of the 113 records reviewed by the monitoring team indicated a supervisory review within 14 days, as required by the decree.

Compliance

Phase I: In Compliance
 Phase II: Not in Compliance

2.13 Compliance with Task 36: Supervisory Review of MVR Tapes

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

Task 36 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Status

Training for supervisory personnel regarding MVR review and a supervisory-management system for using MVR reviews as part of the MAPPS process is expected to be on-line in spring of 2001. The state is currently developing a formal policy requirement regarding MVR review processes for supervisory personnel.

During on-site reviews at four New Jersey State Police road stations, members of the monitoring team reviewed more than two dozen supervisors' MVR review

reports. The quality of these reports varied widely. None of the supervisors' reports reviewed by the members of the monitoring team involved a motor vehicle stop during which a post-stop law enforcement procedure of interest to the decree. i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force, was used. Data developed by the New Jersey State Police indicate that these events are relatively rare, and data developed during the second quarterly visit also indicate this to be true (none of the three-pre/three-post MVR reviews noted in section 2.2, above, identified a post-stop law enforcement procedure of interest to the decree, i.e., request for permission to search; conduct of a consensual or non-consensual search; ordering occupants out of a vehicle; frisks of vehicle occupants; deployment of a drug-detection canine; seizure of contraband; arrest of the occupants of the vehicle; or use of deadly, physical, mechanical or chemical force).

Compliance

Phase I: Not In Compliance
 Phase II: Not In Compliance

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

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

Task 37 stipulates that:

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

incidents reviewed to determine the need to implement any intervention for the involved trooper.

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Status

Despite the existence of some policy issues regarding this task (see this section in the first quarterly report), no events were noted during supervisory review of MVR recordings which resulted in a referral to the Office of Professional Standards (OPS). One event, noted by the monitoring team during their on-site assessments at one of four state police road stations, resulted in an intervention once the event was brought to the attention of the state police.

Compliance

Phase I: In Compliance
Phase II: Unable to Monitor

2.15 Compliance with Task 38: Periodic Reviews of Referral Decisions

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

Task 38 stipulates that:

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

Methodology

Personnel at the Office of the Attorney General (Office of State Police Affairs) and the New Jersey State Police are aware of the requirement to monitor referral

decisions pursuant to paragraph 37 of this decree, although no specific policy has been developed requiring such reviews.

No referrals have been made to PSB (now the Office of Professional Standards), although at least one incident uncovered by the monitoring team could have led to such a referral¹⁸. Given the lack of referrals, neither state police nor Office of the Attorney General personnel could have made a periodic audit of referral decisions pursuant to this task. Personnel from the OAG are aware of the requirement for periodic audits, and have conducted audits of New Jersey State Police activities during the last quarter (see section 2.83, below).

Status

At this point, members of the monitoring team were unable to audit this task

Compliance

Phase I: Unable to Monitor
 Phase II: Unable to Monitor

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

Task 39	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 39 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

¹⁸ State police personnel did affect an intervention once this event was called to their attention by the monitoring team.

Status

Policy, training and support systems regarding "routine" supervisory activities in the field are pending.

Compliance

Phase I: Not In Compliance
Phase II: Not In Compliance

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

Task 40	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Yellow and black diagonal stripes]											

Task 40 stipulates that:

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

Methodology

While progress continues to be made in design and delivery of a Management Awareness and Personnel Performance System (MAPPS), documentation for the planned system currently does not exist. No direct progress has been made regarding documentation of the planned MAPPS system, although tangible progress in system development is being made. While the state's **plan** for MAPPS continues in draft form, no final system configuration and design was available as of the monitoring team's December site visit. Continued lack of a design and implementation document is seen by the monitoring team as problematic. The state submitted to the monitoring design documents for MAPPS in late December, 2000, too late for inclusion of an assessment of the documents for this report. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS continue to await system design by an outside contractor and approval of the United States and the

independent monitoring team. No evaluable components of MAPPS have been completed as of this site visit.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team. Continued lack of progress toward a documented system design and implementation plan could result in the loss of Phase I compliance for this task.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.18 Compliance with Task 41: Management Awareness and Personnel Performance System Information Components

Task 41	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 41 stipulates that:

41. The MAP shall consist of the following information:

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

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

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

Methodology

While progress continues to be made in design and delivery of a Management Awareness and Personnel Performance System (MAPPS), documentation for the planned system currently does not exist. No direct progress has been made regarding documentation of the planned MAPPS system, although tangible progress in system development is being made. While the state's **plan** for MAPPS continues in draft form, no final system configuration and design was available as of the monitoring team's December site visit. Continued lack of a design and implementation document is seen by the monitoring team as problematic. The state submitted to the monitoring design documents for MAPPS in late December, 2000, too late for inclusion of an assessment of the documents for this report. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS continue to await system design by an outside contractor and approval of the United States and the independent monitoring team. No evaluable components of MAPPS have been completed as of this site visit.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team. Continued lack of progress toward a documented system design and implementation plan could result in the loss of Phase I compliance for this task

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.19 Compliance with Task 42: Annual Trooper Access to MAPPS Data

Task 42	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 42 stipulates that:



Task 43 stipulates that:

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

Methodology

While progress continues to be made in design and delivery of a Management Awareness and Personnel Performance System (MAPPS), documentation for the planned system currently does not exist. No direct progress has been made regarding documentation of the planned MAPPS system, although tangible progress in system development is being made. While the state's **plan** for MAPPS continues in draft form, no final system configuration and design was available as of the monitoring team's December site visit. Continued lack of a design and implementation document is seen by the monitoring team as problematic. The state submitted to the monitoring design documents for MAPPS in late December, 2000, too late for inclusion of an assessment of the documents for this report. As individual components of the MAPPS process are

brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS continue to await system design by an outside contractor and approval of the United States and the independent monitoring team. No evaluable components of MAPPS have been completed as of this site visit.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team. Continued lack of progress toward a documented system design and implementation plan could result in the loss of Phase I compliance for this task.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.21 Compliance with Task 44: Development and Use of Common Control Numbers

Task 44	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 44 stipulates that:

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

Methodology

While progress continues to be made in design and delivery of a Management Awareness and Personnel Performance System (MAPPS), documentation for the planned system currently does not exist. No direct progress has been made regarding documentation of the planned MAPPS system, although tangible progress in system development is being made. While the state’s **plan** for MAPPS continues in draft form, no final system configuration and design was available as of the monitoring team’s December site visit. Continued lack of a

design and implementation document is seen by the monitoring team as problematic. The state submitted to the monitoring design documents for MAPPS in late December, 2000, too late for inclusion of an assessment of the documents for this report. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS continue to await system design by an outside contractor and approval of the United States and the independent monitoring team. No evaluable components of MAPPS have been completed as of this site visit.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team. Continued lack of progress toward a documented system design and implementation plan could result in the loss of Phase I compliance for this task.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.22 Compliance with Task 45: Map Data Quality

Task 45	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 45 stipulates that:

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

Methodology

While progress continues to be made in design and delivery of a Management Awareness and Personnel Performance System (MAPPS), documentation for the planned system currently does not exist. No direct progress has been made regarding documentation of the planned MAPPS system, although tangible progress in system development is being made. While the state’s **plan** for MAPPS continues in draft form, no final system configuration and design was available as of the monitoring team’s December site visit. Continued lack of a

design and implementation document is seen by the monitoring team as problematic. The state submitted to the monitoring design documents for MAPPS in late December, 2000, too late for inclusion of an assessment of the documents for this report. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS continue to await system design by an outside contractor and approval of the United States and the independent monitoring team. No evaluable components of MAPPS have been completed as of this site visit.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team. Continued lack of progress toward a documented system design and implementation plan could result in the loss of Phase I compliance for this task.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.23 Compliance with Task 46: Data Accuracy in MAPPS

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

Task 46 stipulates that:

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

Methodology

While progress continues to be made in design and delivery of a Management Awareness and Personnel Performance System (MAPPS), documentation for the planned system currently does not exist. No direct progress has been made regarding documentation of the planned MAPPS system, although tangible progress in system development is being made. While the state's **plan** for MAPPS continues in draft form, no final system configuration and design was available as of the monitoring team's December site visit. Continued lack of a design and implementation document is seen by the monitoring team as problematic. The state submitted to the monitoring design documents for MAPPS in late December, 2000, too late for inclusion of an assessment of the documents for this report. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS continue to await system design by an outside contractor and approval of the United States and the independent monitoring team. No evaluable components of MAPPS have been completed as of this site visit.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team. No management reviews have been conducted in accordance with this task, reflective of the requirements of tasks 48-53. Continued lack of progress toward a documented system design and implementation plan, and could result in the loss of Phase I compliance for this task.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.24 Compliance with Task 47: Approval of MAPPS Protocols

Task 47	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 47 stipulates that:

47. Consistent with the requirements of ¶¶48-53 infra, the State shall develop a protocol specifying the manner

in which supervisory and management reviews of individual state troopers, and State Police units and sub-units (e.g., troops, stations, and squads), shall be conducted, and the frequency of such reviews. Prior to implementation, the protocol shall be approved by the United States and the Independent Monitor.

Methodology

While progress continues to be made in design and delivery of a Management Awareness and Personnel Performance System (MAPPS), documentation for the planned system currently does not exist. No direct progress has been made regarding documentation of the planned MAPPS system, although tangible progress in system development is being made. While the state's **plan** for MAPPS continues in draft form, no final system configuration and design was available as of the monitoring team's December site visit. Continued lack of a design and implementation document is seen by the monitoring team as problematic. The state submitted to the monitoring design documents for MAPPS in late December, 2000, too late for inclusion of an assessment of the documents for this report. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS continue to await system design by an outside contractor and approval of the United States and the independent monitoring team. No evaluable components of MAPPS have been completed as of this site visit.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team. Continued lack of progress toward a documented system design and implementation plan, and could result in the loss of Phase I compliance for this task.

Compliance

Phase I:	In Compliance
Phase II:	Not In Compliance

2.25 Compliance with Task 48: Quarterly Reviews Using MAPPS

Task 48	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Blue and white striped bar]											
	[Yellow and black striped bar]											

Task 48 stipulates that:

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

Methodology

While progress continues to be made in design and delivery of a Management Awareness and Personnel Performance System (MAPPS), documentation for the planned system currently does not exist. Current plans call for the MAPPS to be on-line, supporting management and supervisory systems in spring, 2001. As the MAPPS plans exist at this time, based on a review by the monitoring team, the planned system conforms to all requirements stipulated in Tasks 40 through 53 of this decree. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS is pending system design by an outside contractor and approval of the United States and the independent monitoring team. No evaluable components of MAPPS have been completed as of this site visit. No substantive progress has been made regarding use of the MAPPS by supervisory or command personnel since the first quarter, as development of "human systems" for the support of MAPPS is highly dependent upon having an operational information system.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team. Continued lack of progress in development of a MAPPS design and implementation document could result in a loss of Phase I compliance for this task.

Compliance

Phase I: In Compliance

Phase II: Not In Compliance

2.26 Compliance with Task 49: Preparation of Routine MAPPS Reports

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

Task 49 stipulates that:

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

- a. the number of motor vehicle stops, by race/ethnicity, reason for the stop (i.e., moving violation, non moving violation, other), road, squad, and trooper station; and the number of enforcement actions and procedures taken in connection with or during the course of a motor vehicle stop, by race/ethnicity, reason for the stop (i.e., moving violation, non- moving violation, other), road, squad and trooper station;**
- b. data (including racial/ethnic data) on complaints, misconduct investigations (for each type of investigation, as delineated in ¶73), discipline, intervention, and uses of force associated with motor vehicle stops.**

Methodology

While progress continues to be made in design and delivery of a Management Awareness and Personnel Performance System (MAPPS), documentation for the planned system currently does not exist. Current plans call for the MAPPS to be on-line, supporting management and supervisory systems in spring, 2001. As the MAPPS plans exist at this time, based on a review by the monitoring team, the planned system conforms to all requirements stipulated in Tasks 40 through 53 of this decree. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS is pending system design by an outside contractor and approval of the United States and the independent monitoring team. No evaluable components of MAPPS have been completed as of this site visit.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team. Continued lack of progress in development of a MAPPS design and implementation document could result in a loss of Phase I compliance for this task. Systems to allow preparation of routine reports by supervisory personnel are pending.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.27 Compliance with Task 50: Data Comparisons

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

Task 50 stipulates that:

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

Methodology

While progress continues to be made in design and delivery of a Management Awareness and Personnel Performance System (MAPPS), documentation for the planned system currently does not exist. Current plans call for the MAPPS to be on-line, supporting management and supervisory systems in spring, 2001. As the MAPPS plans exist at this time, based on a review by the monitoring team, the planned system conforms to all requirements stipulated in Tasks 40 through 53 of this decree. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS is pending system design by an outside contractor and approval of the United States and the independent monitoring team. No evaluable components of MAPPS have been completed as of this site visit.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team. Continued lack of progress in development of a MAPPS design and implementation document could result in a loss of Phase I compliance for this task. Systems to allow data comparisons by supervisory personnel are pending.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.28 Compliance with Task 51: Evaluations of Trendlines and Comparisons Using MAPPS Data

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

Task 51 stipulates that:

51. To the extent reflected in ¶143, analyses of other data generated by the MAP shall include evaluations of trends and differences over time and evaluations of trends and differences between troopers, units, and subunits.

Methodology

While progress continues to be made in design and delivery of a Management Awareness and Personnel Performance System (MAPPS), documentation for the planned system currently does not exist. Current plans call for the MAPPS to be on-line, supporting management and supervisory systems in spring, 2001. As the MAPPS plans exist at this time, based on a review by the monitoring team, the planned system conforms to all requirements stipulated in Tasks 40 through 53 of this decree. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS is pending system design by an outside contractor and approval of the United States and the independent monitoring team. No evaluable components of MAPPS have been completed as of this site visit.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team. Continued lack of progress in development of a MAPPS design and implementation document could result in a loss of Phase I compliance for this task. Systems to allow quarterly trendline assessments by supervisory personnel are pending.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.29 Compliance with Task 52: Supervisors to Implement Necessary Changes

Task 52	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Blue bar]											
Phase II	[Yellow and black diagonal stripes]											

Task 52 stipulates that:

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

troopers; and/or make any appropriate recommendations.

Methodology

While progress continues to be made in design and delivery of a Management Awareness and Personnel Performance System (MAPPS), documentation for the planned system currently does not exist. Current plans call for the MAPPS to be on-line, supporting management and supervisory systems in spring, 2001. As the MAPPS plans exist at this time, based on a review by the monitoring team, the planned system conforms to all requirements stipulated in Tasks 40 through 53 of this decree. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS is pending system design by an outside contractor and approval of the United States and the independent monitoring team. No evaluable components of MAPPS have been completed as of this site visit.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team. Continued lack of progress in development of a MAPPS design and implementation document could result in a loss of Phase I compliance for this task. Systems to allow supervisory personnel to implement necessary changes in enforcement practices, training and/or supervisory practices are pending.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

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

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

Task 53 stipulates that:

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

Methodology

While progress continues to be made in design and delivery of a Management Awareness and Personnel Performance System (MAPPS), documentation for the planned system currently does not exist. Current plans call for the MAPPS to be on-line, supporting management and supervisory systems in spring, 2001. As the MAPPS plans exist at this time, based on a review by the monitoring team, the planned system conforms to all requirements stipulated in Tasks 40 through 53 of this decree. As individual components of the MAPPS process are brought on-line, these components will be reassessed by members of the monitoring team. Final capabilities of the MAPPS is pending system design by an outside contractor and approval of the United States and the independent monitoring team. No evaluable components of MAPPS have been completed as of this site visit.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team. Continued lack of progress in development of a MAPPS design and implementation document could result in a loss of Phase I compliance for this task. Systems supporting the quarterly supervisory review process for troopers who meet the minimums for misconduct investigations are pending.

Status

All Phase II MAPPS components are pending, as is final approval of MAPPS capabilities by the United States and the independent monitoring team.

Compliance

Phase I:	In Compliance
Phase II:	Not In Compliance

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

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

Task 54 stipulates that:

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

Methodology

The state has completed the required traffic survey, and plans release of the document in early January, 2001.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.32 Compliance with Task 57: Troopers to Provide Name and Badge Number

Task 57	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 57 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written. In addition, members of the monitoring team reviewed 25 video-taped interactions between state police personnel and citizens with whom state police personnel interacted. In each of these 25 incidents, state police personnel treated citizens professionally and with respect. See section 2.2, above, for a detailed description of the data collection and analysis processes used to determine compliance levels for this task.



Status

The state remains in compliance with this task, based on compliance assessed during the first quarter.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.33 Compliance with Task 58: State to Inform Civilians re Complaints/Compliments

Task 58	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 58 stipulates that:

58. The State Police shall develop and implement an effective program to inform civilians that they may make

complaints or provide other feedback regarding the performance of any state trooper. This program shall, at a minimum, include the development of informational materials (fact sheets and informational posters) describing the complaint process and the development and distribution of civilian complaint forms. The State Police shall make such materials available in English and Spanish.

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Status

The compliment/complaint forms developed by the state are reasonably designed to accomplish the purpose of Task 58, are available in English and Spanish, and have, apparently been printed in numbers large enough to have been distributed to road stations, carried in patrol vehicles and to have been made available at the entry vestibule to road stations. Informational materials were available at all road stations and headquarters buildings visited by the monitoring team during the second quarterly visit. A member of the team fluent in Spanish has reviewed the Spanish language forms and informational materials, and found them to be an effective translation, portraying virtually the same concepts as the English version.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.34 Compliance with Task 59: Availability of Complaint/Compliment Forms

Task 59	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	In Compliance											
Phase II	In Compliance											

Task 59 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Status

Compliment and complaint forms and informational materials were available at all state police facilities visited by the members of the monitoring team, and both English and Spanish forms were provided. Only one of three of the rest areas/service areas visited by the monitoring team, however, had the notice of compliment/complaint procedures posted. The state police web site conforms to the requirements of this task. While the state has developed policy/intent to conform with Task 59, a mechanism is necessary to continue to comply at state facilities, while placing--and keeping--the announcements at rest-service areas on limited access highways. Fact sheets and complaint forms were in all patrol vehicles inspected during the first quarter. No monitoring activities were directed toward trooper notice to civilians of rights to complain or toward the prohibition of troopers discouraging complaints.

Compliance

Phase I:	In Compliance
Phase II:	Not In Compliance

2.35 Compliance with Task 60: Community Outreach

Task 60	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 60 stipulates that:

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

Methodology

The state police have modified their outreach programs to include provision of information related to the decree in their public meetings and organized interactions with various groups within the state. These meetings are often held in conjunction with local law enforcement agencies, and discuss topics of interest to the communities in attendance, as well as topics specifically related to the consent decree. Members of the monitoring team were unable to attend any of these meetings during their December site visit. No agenda were available.

Status

Based on the updated community outreach practice, the state is deemed to be in Phase I compliance with the requirements of this task. Determination of Phase II compliance is pending team review of agendas or on-site observation of these community outreach meetings.

Compliance

Phase I: In Compliance
 Phase II: Unable to Monitor

2.36 Compliance with Task 61: Receipt of Citizens' Complaints

Task 61	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 61 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the independent monitoring team, during the December, 2000 visit noted that the documents reviewed in September, 2000 continue to be the policy guidelines to assure compliance with Task 61. The New Jersey State Police are currently revising policy B-10 and the Internal Affairs investigative manual to incorporate many of the changes made in Internal Affairs processes over the past months. During its examination of investigative files provided by OPS, the monitoring team verified the intake of one anonymous complaint.

Status

During future site visits, members of the independent monitoring team will assure that SOP B10 incorporates all of the memoranda, rules and regulations, and other material currently accepted by the monitoring team as a basis for Phase I compliance. Relevant to training, members of the monitoring team note that a cohesive training plan does not exist though records reviewed during the December 2000 visit do show that OPS personnel have attended different courses and seminars and are scheduled to do so in the future. Further, the independent monitoring team notes that a training session scheduled for OPS personnel one week before the December 2000 site visit was rescheduled for the week of December 15, 2000. In future site visits, the independent monitoring team will look for more substantive corroboration of a training plan and schedule

for OPS personnel. The New Jersey State Police continue to receive citizens' complaints by various methods, and to assign those complaints for investigation.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.37 Compliance with Task 62: Institution of a 24-hour Toll-Free Telephone Hotline

Task 62	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 62 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the monitoring team during the December, 2000 site visit observed the operation of the 24 hour toll-free telephone hotline and confirmed that Inter-Office Communications regarding activation of toll-free hotline, Inter-Office Communications establishing the New Jersey State Police hotline, and a memorandum outlining procedures for receiving hotline calls and conducting weekly reviews are still in place and serve as the basis for Phase I compliance. Members of the independent monitoring team reviewed the hot-line log, listened to excerpts of the hot-line recordings for the quarter, and reviewed existing training and management practices for the hot-line.

Status

The policy guidance established for the Citizens' Complaint Hotline continues to rely on inter-office communications, memoranda, and related material. It is anticipated that hotline procedures will be incorporated into the "Internal Investigation Manual." Specific formalized training for hotline operation will be undertaken upon the issuance of the "Internal Investigation Manual."

All log entries reviewed by the monitoring team included the requisite information for generating a citizen's complaint investigation. Hot-line calls appeared to be followed up in a reasonable amount of time. Personnel handling hot-line calls notify callers that the conversation is being recorded, and all callers whose calls were reviewed by the monitoring team were treated professionally. Additional monitoring of these tasks is discussed in sections 2.83 and 2.85, below.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.38 Compliance with Task 63: PSB to Receive All Citizens' Complaints

Task 63	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 63 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the monitoring team during the December 2000 site visit queried representatives of OPS to confirm if New Jersey State Police SOP B10 "Internal Investigations Procedures" dated March 15, 1996, and a memorandum outlining procedures for the assignment of control numbers, were still the guiding authorities for compliance with Task 63.

Status

Based on a review of several citizen complaint forms and an examination of approximately one-third of the 18 cases completed between September 15, 2000 and November 15, 2000, there appears to be compliance with Task 63. However, reliance on Inter-Office Communications and memoranda needs to be replaced by specific mention of these requirements in the "Internal Investigation Manual" and SOP B10 currently under revision. None of the 18 citizens' complaints reviewed this quarter included a complaint filed at an "alternative location." The monitoring team will continue to monitor this aspect of task 63 on future site visits.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.39 Compliance with Task 64: Relocation of Office of Professional Standards Offices

Task 64	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 64 stipulates that:

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

Methodology

Members of the independent monitoring team visited the Freehold offices of the PSB during the September site visit, and verified compliance with this aspect of the decree. Members of the monitoring team during their December 2000 site visit reviewed the website for reference to advertisement of the location and function of the Freehold offices of the Office of Professional Standards.

Status

Members of the monitoring team during the December 2000 visit verified that appropriate mention of this facility is currently in the New Jersey State Police website.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.40 Compliance with Task 65: Referral to OAG of Specific Dismissed Charges

Task 65	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 65 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

During the December 2000 site visit, members of the monitoring team had lengthy discussions with representatives of OPS regarding New Jersey State Police compliance with Task 65.

Status

Representatives of the Office of Professional Standards indicated to members of the monitoring team during their December 2000 site visit that the New Jersey State Police have experienced difficulty in assuring that local prosecutors will forward information of this nature to the Division of Criminal Justice or directly to the New Jersey State Police. Members of the monitoring team during the September 2000 visit, reviewed Attorney General Law Enforcement Directive No. 2000-2 and OPS internal memorandum dated September 14, 2000 directing OPS personnel to comply with Task 65. The State indicates that it intends to pursue further discussions with the Courts and local prosecutors to assure that requisite processes are established which comport with both the Attorney General's directive and Task 65 of the Decree. While one case was cited by OPS personnel, the monitoring team was unable to reach any Phase II conclusion relevant to Task 65. During future site visits, the independent monitoring team will assess the State's progress in assuring that the requirements as stipulated in Task 65 are met.

Compliance

Phase I: In Compliance
Phase II: Unable to Monitor

2.41 Compliance with Task 66: Notice to Office of State Police Affairs of Pending Civil Actions

Task 66	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 66 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written

During the September 2000 site visit, the monitoring team reviewed a memorandum from the Office of State Police Affairs to the Division of Law, dated May 10, 2000, which addressed the requirements of Task 66. During the December 2000 site visit, members of the independent monitoring team were provided a list of pending civil cases. Additionally, the independent monitoring team reviewed an Internal Complaint Form 251, which was generated by OPS as a direct result of a notice of a "civil claim" sent to the OAG and forwarded to OPS.

Status

Members of the independent monitoring team find the state to be in Phase II compliance with this requirement. The state has identified all pending civil litigation related to state police activities, and has generated at least one internal investigation related to an event of civil litigation. The independent monitoring team notes, however, that an inter-agency understanding amongst those state agencies which bear relevance to Task 66 should continue to be addressed on an on-going basis to assure continued compliance.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.42 Compliance with task 67: Notice of Criminal Involvement of Members

Task 67	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Phase I]											
Phase II	[Phase II]											

Task 67 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the monitoring team during the December 2000 site visit confirmed that the memorandum of May 18, 2000 from the OAG to the DCJ was still the basis for Phase I compliance.

Status

During the site visit for the second quarter, no notices of constitutional violation or trooper violation were reviewed. In its report, the independent monitoring team advised "a full review of these notices will be conducted during the second quarterly review." During the course of the independent monitoring team's December 2000 site visit, representatives of OPS acknowledged that there were outstanding issues related to Task 67. OPS cited practical concerns raised by local prosecutors whom they believe to be essential to compliance. While the policy articulated in the memorandum of May 18, 2000 will stand until the issues related to this task are completely resolved, this document generates only Phase I compliance. The independent monitoring team believes Task 67 is a core element of this decree and during its next site visit will closely scrutinize the degree to which the State has attempted to rectify this matter.

Compliance

Phase I: In Compliance
Phase II: Not In Compliance

2.43 Compliance with Task 68: Notice of Adverse Involvement

Task 68	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 68 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

During its December 2000 site visit, members of the monitoring team determined that the IOC of 9/7/00, para. B was still the governing document that serves as the basis for Phase I compliance with this task.

Status

Members of the OPS staff advised the monitors that this requirement would be incorporated into SOP B10. OPS personnel cited one case that generated a citizen's complaint. In this case, a trooper's supervisor reported to OPS that a trooper had advised him that during the course of an appearance in a municipal court, the defendant advised the judge that he wished to file a complaint against the trooper for "harassment." OPS personnel cited this case as an example of a trooper who advised his commanding officer that a citizen was alleging harassment. The commanding officer, in turn, reported this to OPS. The nature of this complaint and the manner in which it occurred do not specifically comport

with the language used in Task 68. Members of the monitoring team were unable to locate any other indications of activity that fit the requirements of this task. The independent monitoring team, during its next site visit, will continue to monitor the characteristics outlined in this task.

Compliance

Phase I: In Compliance
 Phase II: Unable to Monitor

2.44 Compliance with Task 69: Duty to Report Misconduct

Task 69	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 69 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the monitoring team during the December 2000 visit requested examples of any cases which are consistent with the substance of this task.

Status

The status of this task essentially remains the same since the September 2000 site visit. No incidents of self-reported misconduct have been identified to date, and no incidents of misconduct, which should have been self-reported, but were not reported, were noted.

Compliance

Phase I: In Compliance
 Phase II: Unable to Monitor

2.45 Compliance with Task 70: Creation of the Office of Professional Standards

Task 70	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 70 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the monitoring team discussed compliance with Task 70 with representatives of the OPS. It was determined that the same documents reviewed during the September 2000 site visit were still in place and served as the basis for Phase I compliance.

Status

The New Jersey State Police, Office of Professional Standards, has the same duties and responsibilities as those identified in the decree for the "Professional Standards Bureau." Final revisions to the Internal Investigations Manual are still pending. Problems with compliance with this task are centered around the requirement that the state "encourage highly qualified candidates to become PSB investigators," and that the bureau be staffed and funded "sufficiently." While it appears that the state has assembled a cadre of highly qualified, committed investigators (all personnel assigned to OPS are new to the unit), there appears to be no formalized process institutionalized to ensure that the most qualified continue to be recruited for these positions. Documentation of the "selection process" consists of self-generated "resumes" for personnel selected.

Further, the performance evaluation process currently in place does not allow managers to evaluate OPS investigators on those characteristics, which make them "highly qualified." Further, adequate staffing can be measured simply: the number of incoming citizens' complaints should equal the number of resolved citizens' complaints, over an extended period of time, and the state should have adequate numbers of investigators to resolve the issue of backlogged cases, cases filed, in some cases years ago, which have not yet been resolved. No evidence exists to suggest that the output measures required to meet this task (completing as many investigations monthly as are received and clearing up the investigative backlog) are being produced.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.46 Compliance with Task 71: Formal Eligibility Requirements for PSB

Task 71	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 71 stipulates that:

71. The Superintendent of the State Police shall establish formal eligibility criteria for the head of the PSB and for staff who supervise or conduct internal investigations. These criteria shall apply to the incumbent PSB head and investigative staff, and all candidates for these positions,

and also shall be used to monitor the performance of persons serving in these positions. The criteria shall address, inter alia, prior investigative experience and training, analytic and writing skills, interpersonal and communication skills, cultural and community sensitivity, commitment to police integrity, and previous performance as a law enforcement officer.

Methodology

Members of the monitoring team have reviewed and approved the eligibility criteria for members of the Office of Professional Standards.

Members of the independent monitoring team during the December 2000 visit attempted to review the personnel folders or other types of files relative to the backgrounds of persons assigned to OPS. These files were not readily available at OPS, or in any other centralized location. The monitoring team reviewed a master training record for OPS personnel, which commenced in January 2000. In addition, members of the monitoring team reviewed the current performance evaluation system used by the state to assess investigator performance.



Status

OPS was unable to quickly ascertain personnel information as it is not maintained in a format consistent with the criteria stipulated in this task. Currently, OPS has in its files "resumes" generated by OPS personnel of their own backgrounds. The OPS does not have a formal, written selection process for investigative personnel, although the characteristics and skills required are clearly articulated. The standard New Jersey State Police performance evaluation does not reflect the categories or skill sets as outlined in this task. OPS personnel advised the independent monitoring team that a new performance evaluation report for the New Jersey State Police will be implemented in the latter part of the calendar year 2001, at which time some of these criteria **may be** included or appear in an appendix. Currently, OPS informally monitors its personnel but does not rely on an evaluation instrument that specifically lists the requisite criteria. During its next site visit, the monitoring team will conduct a full review of this task to assure that the documentation has been filed and catalogued in accessible repositories.

Compliance

Phase I: In Compliance
Phase II: Not in Compliance

2.47 Compliance with Task 72: Execution of Training for Office of Professional Standards Staff

Task 72	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 72 stipulates that:

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

Methodology

Members of the monitoring team during the December 2000 site visit reviewed various OPS internal documents regarding training for OPS personnel. The documents included a training roster which showed attendance dates, course titles and the names of OPS attendees. Additionally, members of the monitoring team reviewed an IOC and an "Operations Instruction," both of which directed OPS personnel to attend training in ethics. The dates in question were for the week of December 11, 2000.

Status

Members of the monitoring team were able to determine that OPS attempts to identify various courses offered through external agencies such as the FBI, the Southern Police Institute, the New York City Police Department and the Burlington County Prosecutor’s Office. OPS personnel advise that upon completion of the Internal Investigation Manual, there will be additional training on its contents and those of SOP B10. Techniques, report writing and administrative procedures will be more directly addressed in this training. Current in-service training meets other aspects of this task requirement.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.48 Compliance with Task 73: Initiation of Misconduct Investigations

Task 73	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 73 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

During the December 2000 site visit, members of the monitoring team confirmed that the Office of Professional Standards is still using the documents and IOC reviewed during the September site visit as the basis for the unit's procedures and its compliance with Phase I. During the September 2000 site visit, representatives of OPS, at the request of the monitoring team, presented a verbal flow chart with accompanying documents that sufficiently outlined the investigative process. The independent monitoring team strongly encourages the state to complete revisions to and documentation of internal investigative policies.

Status

The monitoring team had the opportunity to review approximately 59 case folders submitted by the state for the second quarter. In the final analysis, it

was determined that only 18 (31 percent) were, in fact, completed files. A review of the folders verifies that the New Jersey State Police are, in fact, initiating investigations for occurrences consistent with those enumerated in Task 73. Training for OPS personnel in processes related to this task is still pending the completion of revisions to the "Internal Investigations Manual."

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.49 Compliance with Task 74: Responsibility for Conducting Internal Investigations

Task 74	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 74 stipulates that:

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

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

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

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

Methodology

Members of the monitoring team during the December 2000 site visit determined that the same material reviewed during the September site visit governed the State's Phase I compliance with this task. A memorandum dated September 14, 2000 from the Office of Professional Standards to the Office of State Police Affairs memorialized a general understanding that OPS and OAG would continue to review complaints to jointly determine the appropriate venue for the initiation of an investigation. The monitoring team reviewed a letter to the monitors dated December 8, 2000 from the Director of State Police Affairs in which the allocation of misconduct investigations between the OSPA and OPS is addressed generally, not specifically. Further, the monitoring team reviewed cases which covered allegations of the types enumerated in Task 74.

Status

Available documentation relating to investigative responsibility stipulates a methodology by which decisions will be made regarding which investigations will be conducted by OPS or OAG.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.50 Compliance with Task 75: Prohibition of Conflict of Interest in Investigations

Task 75	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 75 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

During its December 2000 site visit members of the monitoring team revisited the "Conduct of Investigations" section of the Inter-Office Communications from the Superintendent, which specifically precludes investigators with a conflict of interest from participating in any way in the conduct or review of the investigation. The independent monitoring team reviewed three citizen complaint forms forwarded to OSPA from OPS due to an OPS determination that there were perceived conflicts of interest. Also reviewed was a memorandum from the IAB Chief Investigator to the Director, OSPA, relevant to a perceived conflict of interest on the part of an OPS supervisor.

Status

While the monitoring team during its September 2000 site visit gave Phase I compliance, based on memoranda and established practice, the state should note that the monitors will look for policies and accompanying documentation which will more formally allow the Quality Control and Adjudication Bureau to determine the existence of actual or perceived conflicts of interest relevant to OPS personnel and pending investigations. The state has achieved compliance with this task through audit and inspections at the Office of State Police Affairs level.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.51 Compliance with Task 76: Prohibition of Group Interviews

Task 76	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 76 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the monitoring team during the December 2000 site visit determined that the same documents reviewed during the September visit continue to serve as the basis for Phase I compliance. Members of the monitoring team reviewed investigative folders that were completed from the period of September 16, 2000 to November 15, 2000.

Status

Paragraph C.4 of the Inter-Office Communication regarding disciplinary procedures precludes the use of group interviews in an internal investigation. A review of six of 18 completed case files did not indicate the existence of either group interviews or written statements from any state trooper in lieu of an interview.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.52 Compliance with Task 77: Alternative Locations for Interviews

Task 77	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 77 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the monitoring team during the December 2000 site visit determined that the same documents reviewed during the September site visit are still serving as a basis for Phase I compliance. Additionally, members of the monitoring team were able to review completed case folders provided by representatives of OPS.

Status

Training for Office of Professional Standards personnel in processes related to this task are pending the completion of revisions to the "Internal Investigations Manual." A review of the investigative folders completed during the period September 16, 2000 to November 15, 2000 indicate compliance with the provisions articulated in Task 77.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.53 Compliance with Task 78: Investigation of Collateral Misconduct

Task 78	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 78 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the monitoring team during the December 2000 site visit confirmed that the documentation reviewed during the September site visit still serves as the basis for Phase I compliance. Members of the independent monitoring team reviewed six of the 18 case files completed from the period September 16, 2000 to November 15, 2000 and provided during the December site visit. Each of these cases was assessed for a collateral misconduct event.

Status

One completed case investigation was found which involved a case of collateral misconduct. This case involved a state police sergeant who failed to initiate a citizen's complaint form and forward to OPS a citizen's complaint received at the station level. The investigation of the sergeant's activities substantiated the existence of collateral misconduct. The state was in Phase II compliance with this task.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.54 Compliance with Task 80: Revision of the "Internal Investigations Manual"

Task 80	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 80 stipulates that:

80. The State shall update its manual for conducting misconduct investigations to assure that it is consistent with the recommendations contained in the Final Report and the requirements of this Decree. [B-10 revised & promulgated]

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the monitoring team during the December 2000 site visit queried representatives of OPS regarding progress relevant to the revision and promulgation of SOP B10 and the "Internal Investigations Manual."




Status

SOP B10 and the "Internal Investigations Manual" are in draft form. It is clear from the discussion with representatives of OPS and OSPA that they believe misconduct investigations are currently in compliance with the provisions of the decree but acknowledge that current practices cannot be evaluated until SOP B10 and the "Internal Investigations Manual" are completed.

Compliance

Phase I: Not In Compliance
Phase II: Not In Compliance

2.55 Compliance with Task 81: Preponderance of the Evidence Standard for Internal Investigations

Task 81	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												
												

Task 81 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the monitoring team during the December 2000 site visit examined six of the 18 completed investigations for the period September 16, 2000 to November 15, 2000.




Status

The independent monitoring team during its review of the six investigative folders, determined a discernable pattern of New Jersey State Police compliance with the provisions of Task 81.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.56 Compliance with Task 82: MVR Tape Review in Internal Investigations

Task 82	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												
												

Task 82 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the independent monitoring team during the December 2000 site visit determined that documents presented during the September site visit still serve as basis for Phase I compliance.

Status

During the December 2000 site visit members of the monitoring team reviewed six of the 18 investigative folders completed between September 16, 2000 and November 15, 2000. Only two of the six incidents reviewed had been video-taped (most events occurred prior to implementation of MVR systems). The investigations of these complaints included a review (via the MVR tape) of the event, which served as the basis for the complaint, as reflected by documentation in the investigative folder.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.57 Compliance with Task 83: State to Consider Circumstantial Evidence in Internal Investigations

Task 83	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 83 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the independent monitoring team during the December 2000 site visit determined that documents presented during the September site visit still serve as the basis for Phase I compliance. During this visit members of the monitoring team reviewed six of the 18 investigative folders completed between September 16, 2000 and November 15, 2000.



Status

Members of the monitoring team reviewed investigative case folders provided by representatives of OPS. A review of the content verified that the substance of Task 83 was met. Training for Office of Professional Standards personnel in processes related to this task are pending the completion of revisions to the "Internal Investigations Manual."

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.58 Compliance with Task 84: Required Case Dispositions in Internal Investigations

Task 84	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 84 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the independent monitoring team during the December 2000 site visit determined that documents presented during the September site visit still serve as the basis for Phase I compliance. During this visit members of the monitoring team reviewed six of the 18 investigative folders completed between September 16, 2000 and November 15, 2000.

Status

Paragraph F.1-4 of the Inter-Office Communication regarding disciplinary procedures requires the use of the stipulated dispositions in an internal investigation of a complaint. Representatives from OPS advised members of the monitoring team that OPS personnel, through both formal training and a unit meeting, were told that the new disposition terminologies, as articulated in this task, were to be used effective September 15, 2000. A review of the files provided by representatives of OPS to the monitoring team during the December 2000 site visit places the agency in Phase II compliance with this task.

Compliance

Phase I: In Compliance

Phase II: In Compliance

2.59 Compliance with Task 85: No Closure upon Withdrawal of Complaint

Task 85	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 85 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the independent monitoring team during the December 2000 site visit determined that documents presented during the September site visit still serve as the basis for Phase I compliance. During this visit members of the monitoring team reviewed six of the 18 investigative folders completed between September 16, 2000 and November 15, 2000.

Status

Paragraph E.8 of the Inter-Office Communication regarding disciplinary procedures requires the completion of an internal investigation of a complaint even if the complaint is withdrawn. During the December 2000 site visit, members of the independent monitoring team were told by the Chief Investigator of OPS that in excess of 15 percent of investigations include references to refusals by complainants to cooperate. The State is confident that the content of its investigations verifies adherence to the provisions of Task 85. A review of case files provided by representatives of OPS places the agency in Phase II compliance with this task. Training for Office of Professional Standards

personnel in processes related to this task are pending the completion of revisions to the "Internal Investigations Manual."

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.60 Compliance with Task 86: Development of a Final Investigative Report

Task 86	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 86 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the independent monitoring team during the December 2000 site visit determined that documents presented during the September site visit still serve as the basis for Phase I compliance. During this visit members of the monitoring team reviewed six of the 18 investigative folders completed between September 16, 2000 and November 15, 2000.

Status

The New Jersey State Police current "Internal Investigation Manual" outlines the formal format for completed internal investigations. In addition, the Superintendent's Inter-Office Communication, regarding disciplinary procedures,

updates the available dispositions for internal investigations. During its December 2000 site visit, members of the independent monitoring team were told by the Chief Investigator of OPS that all of the investigative folders that were provided to the monitors would confirm the State’s compliance with Task 86. A review of the sample examined by the independent monitoring team places the agency in Phase II compliance with this task. Training for Office of Professional Standards personnel in processes related to this task are pending the completion of revisions to the “Internal Investigations Manual.”

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.61 Compliance with Task 87: State to Attempt to Complete Investigations within 45 Days

Task 87	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 87 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the independent monitoring team during the December 2000 site visit determined that documents presented during the September site visit still serve as the basis for Phase I compliance. During this visit members of the monitoring team reviewed six of the 18 investigative folders completed between September 16, 2000 and November 15, 2000.

Status

While the independent monitoring team has placed the agency in Phase I compliance with this task, the parties have agreed that the State will continue to attempt completion of internal investigations within 45 days, but will be held to a monitoring standard of 120 days. Further, there is a provision that highly scrutinized exemptions may be allowed for cases which conform to a carefully crafted set of circumstances which may call for an additional 60 day time period¹⁹. During the December 2000 site visit, members of the monitoring team noted that of the 18 cases completed during the period September 16, 2000 and November 15, 2000, four cases were from 1998, thirteen cases were from 1999 and one case was from the year 2000. Several cases have more than one allegation. The monitors in formulating a content analysis of the 18 investigative folders, classified each investigation according to the most serious allegation in the folder or the allegation in the folder, which most closely approximated those specific conduct, articulated in the decree. The content analysis is as follows:

Racial Profiling	4
Attitude and Demeanor	2
Harassment	1
Shooting Review	1
Administrative/Procedural	4
Academy Irregularity	1
Personal Vehicle Inspection	1
Off-duty Bar Assault	1
Undeserved Summons	1
Questionable Conduct	<u>2</u>
Total	18

None of the files reviewed by the independent monitoring team were in compliance with the provision of Task 87. Part of the reason for the apparent delay in completing these investigations relates to nature of disciplinary decisions within the state police. The superintendent holds final authority for determining discipline upon a finding of "substantiated." For nearly nine months in 1999, the former superintendent failed to finalize any pending discipline within the New Jersey State Police. Many of those cases, obviously, had been initiated in 1998. Training for Office of Professional Standards personnel in processes related to this task are pending the completion of revisions to the "Internal Investigations Manual."

Compliance

Phase I: In Compliance
Phase II: Not In Compliance

¹⁹ The Department of Justice has not yet approved these exceptions.

2.62 Compliance with Task 88: Imposition of Appropriate Discipline upon Sustained Complaint

Task 88	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 88 stipulates that:

88. The State Police shall discipline any state trooper who is the subject of a substantiated misconduct adjudication or disposition regarding: (a) prohibited discrimination; (b) an unreasonable use of force or a threat of force; (c) an intentional constitutional violation; (d) an intentional failure to follow any of the documentation requirements of this Decree, (e) an intentional provision of false information in a misconduct investigation or in any report, log, or transmittal of information to the communications center; or (f) a failure to comply with the requirement of ¶169 to report misconduct by another trooper.

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the independent monitoring team during the December 2000 site visit determined that documents presented during the September site visit still serve as the basis for Phase I compliance. During this visit members of the monitoring team reviewed six of the 18 investigative folders completed between September 16, 2000 and November 15, 2000.

Status

New Jersey State Police disciplinary actions are covered in the agency's "Rules and Regulations, Article 2, Sections 1-10." During the December 2000 site visit, representatives of OPS presented members of the independent monitoring team with a copy of the "New Jersey State Police Office of Professional Standards Update," dated September 2000. This document is posted throughout the organization. The document lists a narrative and an issuance date of written

reprimands/suspensions for the period July 1, 2000 through September 30, 2000. An updated document, which covers the September 16, 2000 to November 15, 2000 period covered by the December site visit, has yet to be published. Of the investigative folders examined by the independent monitor, there was one substantiated charge. Discipline in that case appeared reasonable.

Compliance

Phase I: In Compliance
 Phase II: Unable to Monitor

2.63 Compliance with Task 89: Imposition of Appropriate Discipline upon Finding of Guilt or Liability

Task 89	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 89 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the independent monitoring team during the December 2000 site visit determined that documents presented during the September site visit still serve as the basis for Phase I compliance. During this visit members of the monitoring team reviewed six of the 18 investigative folders completed between September 16, 2000 and November 15, 2000.

Status

The independent monitoring team during its December 2000 site visit was unable to determine compliance with this task. This was determined by a review of the investigative folders provided to the independent monitoring team by OPS as well as verbal representations by OPS that there were no incidences of this type during the time period September 16, 2000 through November 15, 2000.

Compliance

Phase I: In Compliance
 Phase II: Unable to Monitor

2.64 Compliance with Task 90: Imposition of Appropriate Discipline in Consultation with MAPPS

Task 90	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Pattern]											
Phase II	[Pattern]											

Task 90 stipulates that:

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

Methodology

No changes in New Jersey State Police policies regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and approved implementation of these policies as written.

Members of the independent monitoring team during the December 2000 site visit determined that documents presented during the September site visit still serve as the basis for Phase I compliance. During this visit members of the monitoring team reviewed six of the 18 investigative folders completed between September 16, 2000 and November 15, 2000.

Status

New Jersey State Police disciplinary actions are covered in the agency's "Rules and Regulations," Article II, Sections 1-10. While these regulations leave discretionary decision authority to the superintendent, nothing in those regulations prohibit the agency from being responsive to this task. The MAPPS computer support program for disciplinary decisions is in the planning state, and is expected to come on-line in the spring of 2001. Members of the monitoring team have not approved the manner and process by which MAPPS data will be considered in imposing appropriate discipline, as the state's plans are not sufficiently specific to allow such an assessment. Discipline appeared appropriate for the one sustained complaint in the sample of cases reviewed by the independent monitoring team this quarter.

Compliance

Phase I: In Compliance
 Phase II: Not in Compliance

2.65 Compliance with Task 91: Tracking of Open Office of Professional Standards Cases

Task 91	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 91 stipulates that:

91. The PSB shall track all open misconduct investigations to ensure that investigations are completed in a timely fashion. Within one hundred

twenty (120) days following entry of this Decree, the State shall develop a plan for designing and implementing a computerized tracking system (including a timetable for implementation).

Methodology

No changes in New Jersey State Police documentation regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and documentation.

Status

During the December 2000 site visit members of the independent monitoring team were advised by representatives of OPS that the "IA Professional System," by CI Technologies has not been put in use as of the time of the site visit. The initial part of the system has been installed subject to further customization. The training occurred on December 19 and 20, 2000 for front-end users. Members of the independent monitoring team, during the next site visit, will assess the State's progress regarding implementation and requisite training essential for Phase II compliance.

Compliance

Phase I: In Compliance
 Phase II: Not In Compliance

2.66 Compliance with Task 92: Inform the Complainant upon Resolution of Investigations

Task 92	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 92 stipulates that:

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

Methodology

No changes in New Jersey State Police documentation regarding this task were made in the last quarter. During the first quarter, members of the monitoring team reviewed relevant policies and documentation.

Members of the independent monitoring team during the December 2000 site visit determined that documents presented during the September site visit still serve as the basis for Phase I compliance. During this visit members of the monitoring team reviewed six of the 18 investigative folders completed between September 16, 2000 and November 15, 2000.

Status

Members of the independent monitoring team reviewed files provided by representatives of the Office of Professional Standards. In reviewing letters sent to complainants it is noted that the correspondences fail to include significant dates. Members of the monitoring team during the next site visit will closely scrutinize all letters to complainants to determine compliance with the provisions of Task 92.

Compliance

Phase I:	In Compliance
Phase II:	Not In Compliance

2.67 Training Assessment

The following sections of this report deal with the process of training, as delineated in the consent decree, sections 93-109. Paragraph 130 establishes a 180-day timeline for conformance with all training requirements stipulated in the decree. Based on the experience of the independent monitoring team, development of substantive, well-planned training is a long-term process, often requiring 12-18 months for completion. A six-month assessment phase is essential for identifying needs, assessing alternative methods to meet those needs, and developing preliminary plans. Curriculum development (including in-house development and acquisition of consultant-based and externally provided training) generally requires at least six months. Moving 2,700 personnel through virtually any training process that requires the training of all personnel would generally require a minimum of six months, and often longer, depending on the existing workload of the agency and the level at which personnel can be diverted from their primary duties for assignment to the classroom for training.

The New Jersey State Police have responded with alacrity in developing the training processes which they currently have on-board. The methodology they have used in developing this training reflects state-of-the-art in the field, and

their commitment to “doing the job right” is exceptional. To do an excellent job often takes much longer than simply meeting the letter of requirements articulated for training. To its credit, the agency has decided upon a commitment to excellence in its training processes. In some cases, this has caused a delay in compliance, but will eventually, once compliance is attained, result in better-trained law enforcement personnel. While the reader will note a substantial number of “not in compliance” assessments in the training section of this report, this is due in no way to a resistance or reluctance on the part of the agency to comply. It is due to the painstaking, thorough and professional manner in which the academy is planning and implementing training which, as members of the academy staff note, will carry the agency into the next phase of its history.

Members of the independent monitoring team are supportive of the academy staff in their efforts to “do the right thing,” even as it may slow their attaining compliance with the decree. Based on the academy staff’s efforts and focus, when compliance does come, it is likely to far exceed the requirements of the decree, both in letter and spirit.

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

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

Task 93 stipulates that:

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

Methodology

A member of the monitoring team spoke with the director and staff at the New Jersey State Police Academy responsible for this task, and reviewed records reflective of activities for this task.

Status

Since the last monitoring report submitted in September 2000, the limited number of Academy staff have prioritized their responsibilities and focused their time and effort on accomplishing the following tasks:

- Delivering training to five recruit classes—119th through the 123rd. These classes began successively at three week intervals;
- Developing a trooper coach program and selecting coaches--see Task 98 for details;
- Working with consultants to develop and begin deliver the ethics and integrity training;
- Collecting data on in-service training needs;
- Identifying instructors for specialized training for recruits;
- Identifying systems for tracking on agency-wide training needs;
- Beginning to develop a new supervision course for first class sergeants.

Academy staff and members of the New Jersey State Police designated as master performers in their area of expertise recently completed a ten-day workshop delivered by outside consultants that focused on organizational systems and competencies related to leadership, supervision, and promotions. The participants who worked in groups developed four work products, and these will be presented to the Superintendent by a spokesperson from each group within the next month. One of the groups developed ideas for regional training delivery as a means of delivering in-service training to the troops. The systems analysis and products from this workshop were part of the impetus for convening a committee to develop a three-year training plan for the New Jersey State Police.

There is no long-term training plan for the New Jersey State Police at this time.

Evaluation Plan:

Plans to evaluate the recruit training and the trooper coach training programs include bringing the recruit classes back to the Academy for a one-day debriefing to gather information necessary for evaluation.

A process to assess “the implementation by state troopers of the practices and procedures being taught” has yet to be devised.

Compliance

Phase I: Not in Compliance
 Phase II: Not in Compliance

2.69 Compliance with 97: Encourage Superior Troopers to Apply for Academy

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

Task 97 stipulates that:

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

Methodology

A member of the monitoring team spoke with Academy staff responsible for this task, and reviewed operational plans for training program development. This review included a review of the newly revised trooper coach program documentation.

Status

The state has developed a specific and formalized selection process for transfer and promotion of personnel to academy positions and to trooper coach training programs. Based on a review of the application and selection process and the quality of instruction delivered at the academy, it is clear that superior personnel are being selected for service at the academy.

Successful participation in the trooper coach program, according to the state, will be considered when trooper coaches apply for promotion. All of the state’s trooper coaches reportedly will be new to the program.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

2.70 Compliance with 98: Formal Eligibility Criteria for Training Personnel

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

Task 98 stipulates that:

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

Methodology

A member of the monitoring team reviewed materials related to the Trooper Coach training program and spoke with Academy staff responsible for implementing this task. This review also included an assessment of documents related to these processes. Members of the monitoring team also requested resumes/personnel files for academy staff.

Status:

Academy Trainers

Academy staff have developed criteria and have written a policy regarding selection of academy trainers. All candidates submit resumes and 250-word essays describing their educational philosophy and training methodologies. All candidates are interviewed by a selection committee and evaluated by using a collective scoring system. Internal background checks are conducted through the EEOC office and the Internal Affairs Office.

Ten new instructors drawn from other areas of the organization have been detached to the Academy to assist with the demanding training schedule for recruits and coaches. In addition, troopers with expertise in specialty areas such as crime scene investigations are providing instruction to the recruits on their area of expertise. These experts present their training to Academy instructors for evaluation of content and training methods prior to presenting to the troops. These content experts are teaming with Academy instructors to develop and provide scenario-based training to ensure the quality of the presentation style and materials. All New Jersey State Police personnel chosen as trainers have met the selection criteria requirements, and they will complete the 80-hour instructions training prior to providing training. No resumes or personnel files were available at a centralized location at the academy. Obviously, a review of resumes would apply to both incumbents and newly selected academy personnel. Resumes will be reviewed during the third site visit.

Trooper Coach Selection

180 troopers are being considered as coaches, based upon the completion of the following selection criteria:

- Resume;
- Letters of recommendation from three supervisors—immediate supervisor, the detective sergeant and the station commander. The letters must address the following areas:
 - Leadership
 - Ethics
 - Appearance
 - Integrity
 - Communication
 - Cultural Sensitivity
 - Report Writing
 - Enthusiasm
 - Patience
 - Integrity.
- Oral interview before a four person board.
 - The review board will include a coach coordinator, a trooper with previous coaching experience, a commissioned officer who will chair the group, and a trooper who is an ethnic minority and/or female. Five questions will constitute the oral interview

Compliance with this task is partially dependent upon trooper coach performance evaluations, which will not be available until the second quarter of 2001 as the 119th recruit class graduates on March 14, 2001. A member of the monitoring team will assess for compliance at that time.

Compliance

Academy Personnel
 Phase I: In Compliance
 Phase II: Unable to Monitor

Trooper Coach Personnel
 Phase I: In Compliance
 Phase II: Unable to Monitor

2.71 Compliance with Task 99: Training for Academy Instructors

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

Task 99 stipulates that:

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

Methodology

A member of the monitoring team reviewed materials related to the Trooper Coach training program and spoke with Academy staff responsible for implementing this task.

Status:

Academy/post-Academy Instructors

A two-hour leadership component is being added to the 80-hour instructor training to bring that training into compliance with the consent decree. None of these newly revised training components have been implemented as of December, 2000.

Trooper Coach

The training materials have been developed and are described in detail in the discussion of Task 102. The training will not begin until January of 2001, and trooper performance cannot be evaluated until the second quarter of 2001 after the recruits from the 119th class have completed the coaching program. This task cannot be monitored for Phase II compliance until that time.

Compliance:

Academy/Post-Academy

Instructors

Phase I: In Compliance

Phase II: Not in Compliance

Trooper Coaches

Phase I: In Compliance

Phase II: Unable to Monitor

2.72 Compliance with 100: Training in Cultural Diversity

Task 100	1	2	3	4	5	6	7	8	9	10	11	12
Phase I	[Solid Blue]											
Phase II	[Diagonal Stripes]											

Task 100 stipulates that:

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

Methodology:

A member of the monitoring team reviewed a memorandum from the Office of State Police Affairs enumerating the number of cultural diversity programs that staff members from that office and from the New Jersey State Police attended and reviewed preparatory to the development of a cultural diversity training component for the enlisted members of the New Jersey State Police.

Members of the monitoring team attended two days of a five-day program on integrity and ethics provided to staff from OPS and the New Jersey State Police by a private consultant. The monitoring team had approved existing curricula for cultural diversity training (which included a communications component) and integrity-ethics during the review of training conducted during the first quarterly site visit.

Status:

During the second quarter, the state began implementation of its integrity and ethics training, and began a process of reviewing and revising its cultural diversity training. According to a memo provided to the monitors from the OSP, cultural diversity lesson plans were reviewed from the following organizations: Pittsburgh Bureau of Police, Florida Highway Patrol, New York State Police, Delaware State Police Department, the Anti-Defamation League, and the New Jersey State Human Resource Development Institute.

The memorandum also states that staff attended classes on cultural diversity conducted by the New Jersey Regional Community Policing Institute (8 hours), the International Association of Chiefs of Police (24 hours), the Anti-Defamation League (40 hours), and the NJ Human Development Institute (8 hours). The memo also states that an estimated 240 staff hours have been expended by OPS staff in this effort of assessing and reviewing existing cultural diversity programs in order to develop training for the New Jersey State Police. Attendance at these training courses was a method of assessing what is available in the field, prior to final decisions regarding revisions to existing cultural diversity training.

Integrity Training

Members of the monitoring team attended two days of the five-day "train-the-trainers" program conducted for the New Jersey State Police by a nationally recognized consultant. The program developed by this consultant was of exceptional quality, and truly constitutes the "state of the art" in ethics training for police in the United States.

The trooper coaches will be receiving eight hours (over three days) of ethics training prior to supervising recruits. A one-day curriculum on this topic has been developed by the consultant and was presented to New Jersey State Police upper level managers (lieutenants, captains, majors, and lieutenant colonels) in December 2000. In addition, a similar program will be delivered to lieutenants. This training is tentatively scheduled for delivery during the first quarter of 2001.

A one-day program will also be presented to all sergeants and troopers by the Academy trainers. There are no tentative dates scheduled for this training. The

state has not completed its training in cultural diversity, ethics and communications.

Compliance:

Phase I: Not In Compliance
 Phase II: Not in Compliance

2.73 Compliance with 101: Recruit and In-Service Training on Fourth Amendment Requirements

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

Task 101 stipulates that:

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

Methodology:

A member of the independent monitoring team reviewed the recruit training lesson plan for Basic Police Practice (Stopping and Approaching Motor Vehicles).

Status

The recruit lesson plan now includes all the items required by the consent decree which include the following:

- Non-discrimination requirements
- Motor vehicle stops
- Searches and seizures
- Drug detection dogs
- Completion of the motor vehicle stop report

These components have been presented to all recruits graduating in the last three recruit classes.

Compliance: In-Service

Recruit

Phase I: In Compliance

In Compliance

Phase II: In Compliance

In Compliance

2.74 Compliance with 102: Training Protocols for the Trooper Coach Process

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

Task 102 stipulates that:

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

Methodology:

A member of the monitoring team spoke with Academy staff responsible for the development and implementation of the Trooper Coach program, and reviewed written forms for coach selection, training, evaluation of probationary troopers, and evaluation of the coaches. The final training plan is dependent upon the approval of the independent monitors and the Department of Justice.

Status:

180 troopers are being considered as coaches, based upon the completion of the following selection criteria:

- Resume;
- Letters of recommendation from three supervisors—immediate supervisor, the detective sergeant and the station commander. The letters must address the following areas:
 - Leadership
 - Ethics
 - Appearance
 - Integrity
 - Communication
 - Cultural Sensitivity
 - Report Writing
 - Enthusiasm
 - Patience
 - Integrity.
- Oral interview before a four person board.

The review board will include a coach coordinator, a trooper with previous coaching experience, a commissioned officer who will chair the group, and a trooper who is an ethnic minority and/or female. Five questions will constitute the oral interview

Coach Training

The coaches will complete 48 hours of training. The training includes the following:

1. Eight hours (over three days) of ethics training provided by the consultant hired to develop the integrity and ethics training.
2. Overview of the program— three phases, responsibilities, forms, documentation
3. Evaluation of recruits—4 hours
4. Leadership—2 hours
5. Remedial/retraining strategies which include adult learning principles— 2 hours
6. Cultural diversity training
7. Community oriented policing—I hour
8. Coach presentations related to a scenario-based remedial strategy.

The first coach training session will begin on or about January 15, 2001.

Coach Assignment to Recruits

Recruits and coaches will be assigned on a regional basis to troop stations within reasonable proximity to their homes.

Coaching Program

Two trooper coaches will supervise each recruit for a total of ten weeks in a three-phase program. Each phase will consist of three weeks for a total of nine weeks. During the 10th week of the program the recruit will spend one day observing dispatch, three days in community orienting policing to include a town meeting with citizens, and one day at division headquarters where section chiefs will brief the recruits on the many specialized units within the New Jersey State Police.

Phase 1

The primary trooper coach will supervise the recruit for three weeks completing daily, weekly, and phase completion performance reports and developing remedial strategies as necessary. The recruit will be observing the trooper coach and performing tasks as directed. The recruit will receive orientation to the station, to the patrol car, and to the CAD system during the first day. They will then ride along as observers watching how the coach handles calls and engaging in a debriefing after each call is complete. The coaches will receive priority for calls in order to provide the recruits with a variety of experiences.

Phase 2

The secondary coach will supervise the recruit for three weeks completing daily, weekly, and phase completion performance reports and developing remedial strategies as necessary. The recruit will continue to observe the coach and will perform tasks as directed, though the recruit will be participating to a greater degree than in phase 1.

Phase 3

The primary coach will supervise the recruit completing daily, weekly, and phase completion performance reports and developing remedial strategies as necessary.

During the last three weeks the coach will primarily be observing the recruit and intervening only when necessary. The recruit will be taking the lead in performing the duties required of a trooper.

The secondary coach from Phase 2 will become the primary coach for a recruit graduating in the next class, and will actually be supervising that recruit while the primary coach is completing Phase 3 with the previous recruit.

Recruit evaluation documentation and remedial strategy development occurs after the end of the shift, requiring the coaches to spend overtime completing the required daily and weekly reports.

Coach Evaluation

A 360-degree evaluation of coaches has been developed. The recruit and the troop coach coordinator will evaluate the coach using a weighted evaluation process and form developed for that purpose.

Recruit Training

Each recruit will receive a manual related to the coaching process and four hours of training about the program and what is expected from him or her and from the coaches. In addition, trooper coaches (will already have completed their coach training) will play roles in crisis management scenarios in the recruit training classes so the recruits and the coaches will have an opportunity to meet and interact prior to recruit graduation.

Implementation of the training for trooper coaches begins in January and the first recruit class will graduate in March 2001.

Compliance:

- Phase I: In Compliance
- Phase II: Unable to Monitor

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

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

Task 103 stipulates that:

103. The State Police shall as soon as practicable provide copies and explain the terms of this Decree to all state troopers and employees in order to ensure that they understand the requirements of this Decree and the necessity for strict compliance. After the State has adopted new policies and procedures in compliance with

this Decree, the State shall provide in-service training to every state trooper regarding the new policies and procedures and the relevant provisions of this Decree. The State shall incorporate training on these policies and procedures into recruit training at the State Police Academy.

Methodology:

This task was not monitored this quarter.

Status:

The New Jersey State Police achieved compliance in September 2000 and remains in compliance.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.76 Compliance with 104: Systems Improvement Processes for Police Training

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

Task 104 stipulates that:

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

Methodology:

A member of the Independent Monitor’s team spoke with staff from the Training Academy who described several new practices they are exploring to develop a process for coming into compliance with this task.

Status

The Director of the Training Academy and a number of his staff are attending troop commander meetings at the various stations in order to establish a communication channel for information sharing. Academy staff share with station staff what is happening at the Academy, and then elicit information regarding the needs and concerns that troopers and supervisors have about training.

An academy staff member is engaged in visiting the many New Jersey State Police stations to review MVR reports (to evaluate the success of previous training on consent decree tasks), to elicit feedback on the in-services provided, and to assess current training needs.

New Jersey State Police inspectional teams, now use a training feedback checklist form that was developed by Academy staff, on their inspection visits to gather data on training needs from the station staff. These forms are forwarded to the Academy.

Two enlisted members of the New Jersey State Police have reviewed 1000+ completed motor vehicle stop report forms to ascertain the effectiveness of the training component that was delivered concerning this task. Developing a training videotape and distributing it to each station for retraining on the identified items will address any patterns indicating a lack of understanding regarding proper use of the form.

Negative performance notices are given to troopers for various infractions, and these are being reviewed to determine if a pattern is emerging that could indicate a training need. When a supervisor issues a negative performance notice, it is passed up the line to the station commander, and then on to the troop commander. Every three months these notices are reviewed by the section supervisor who is a member of the In-service Training Committee chaired by Captain Leonardis, Academy Director. This committee meets quarterly to address in-service needs.

Lesson plans will be developed, and training provided as needed.

Compliance: In-Service

Phase I:	In Compliance
Phase II:	In Compliance

2.77 Compliance with 105: Provision of Training for Supervisors

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

Task 105 stipulates that:

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

Methodology:

A members of the monitor's team spoke with Academy staff responsible for this task, and reviewed supporting documentation.

Status:

Supervising sergeants will continue to receive the supervisory training that the Academy provides. Sergeants First Class will attend a new training program that has not yet been developed, so there are no curricula available to review at this time. Lieutenants will attend a leadership dynamics program that is already in place.

All of this training is scheduled for delivery regionally, but no schedule has been developed at this time.

An executive management course is still in the planning stages and would be available for captains, majors, and lieutenant colonels. Plans are to provide an eight-week course conducted over a one-year period.

Compliance:

Phase I: Not in Compliance
Phase II: Not in Compliance

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

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

Task 106 stipulates that:

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

Methodology:

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

Status

The appropriate training described in Task 105 will be provided to troopers as they advance in rank. The New Jersey State Police will be promoting a number of personnel within the next few months and plan to provide training before or within a short time after the promotions. Compliance is based on past performance on this task during last quarter.

No testing or evaluation of training has been conducted in past classes, and the monitoring team encourages the state to develop evaluation criteria for these future classes, as stipulated in the Monitor’s Training Evaluation Report.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.79 Compliance with Task 107: Provision of Specialized Training

Task 107 stipulates that:

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

Methodology:

Members of the monitoring team were unable to assess this task during this site visit, as the meaning of “where specialized training is necessary in order to perform the assigned duties” is not clear. Further refinement of the meaning of this task is necessary prior to implementation of a monitoring strategy.

Compliance

Phase I: Unable to Monitor
 Phase II: Unable to Monitor

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

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

Task 108 stipulates that:

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

Methodology:

Members of the monitoring team will not be able to assess compliance with this task until the final implementation plan and the contractor selected by the state develops the system design of the proposed MAPPS.

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

Status:

An interim computerized system for collecting and maintaining training records is in place at the Academy pending the completion of ERMS (Enterprise Resource Management System) that is being developed by the state. The ERMS request for proposal has not yet been released. Reviewing proposals, identifying a vendor, and development of the system could require two years before it is ready and implemented.

There is no comprehensive system in place to gather training data on all New Jersey State Police members who are attending training, especially training received outside the department. However, anyone attending training outside the department is now required to complete a registration card that is forwarded to the Academy for entry into the interim tracking system.

Compliance

Phase I: In Compliance
Phase II: Not in Compliance

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

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

Task 109 stipulates that:

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

Methodology:

A member of the monitoring team spoke with Academy staff responsible for maintaining current records in the central repository, and reviewed related documentation.

Status

Installation of technology to allow instructors to enter their curricula, lesson plans, and student progress data is 90 percent complete. Eight hubs have been developed, with one building left to be wired, allowing designated Academy staff to access the database. Each individual computer then becomes a gateway into the one master database. New curricula and records are entered into the computer as they become available, and are automatically updated as each scheduled class is delivered.

Individual training has been provided to staff on network concepts, file management, and file migration. During December the first formal training workshop will be provided via four one-day workshops on the basic operation of the network including storage, e-mail, and internet use.

New Jersey State Police personnel who are providing any training to outside agencies are now required to submit a copy of their curricula to the Academy for inclusion in the central repository.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

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

Task 110 stipulates that:

110. The Attorney General of New Jersey shall create an Office of State Police Affairs ("office"). The office shall have the responsibility to ensure implementation of the terms of this Consent Decree and provide coordination with the Independent Monitor and the United States concerning the State Police and matters related to the implementation of the Consent Decree. An Assistant Attorney General shall head the office. The office's responsibilities shall include auditing the manner in which the State receives, investigates, and adjudicates misconduct allegations; auditing the State Police's use of MAP data; and auditing state trooper performance of the

motor vehicle stop requirements discussed in the Consent Decree. The office also shall be responsible for providing technical assistance and training regarding these matters. The office shall have such additional responsibilities as may be assigned by the State Attorney General.

Methodology:

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

Status

Based on the monitoring team’s review of work product, and information obtained during the process of implementing the first site visit, it is clear to the members of the monitoring team that the state is in compliance with this task. Not all duties assigned to the Office of State Police Affairs have been completed as of the second site visit. For example, members of the Office of State Police Affairs cannot audit the use of the MAPPS program until the program is functioning. The mechanism and duty assignments, however, exist to complete the duties of the office as soon as practicable, given the implementation schedule of the state’s compliance efforts. Phase II compliance with this task is dependent upon implementation of the MAPPS.

Compliance

Phase I: In Compliance
 Phase II: Unable to Monitor

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

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

Task 111 stipulates that:

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

Methodology:

Members of the monitoring team have reviewed the Office of State Police Affairs procedure entitled "Procedure for Contacting Motorist Subjected to Motor Vehicle Stops" and have discussed the office's role in compliance with this task with office personnel.

Status

The office has developed and disseminated a procedure for compliance with this task, and has implemented its first audit of this process. Members of the monitoring team have reviewed the state's first report in response to this task. Although 93 motorists stopped by New Jersey State Police troopers were identified, 40 of those have not yet had their cases adjudicated, and, of course, could not be interviewed. Of the 53 remaining motorists, the state has selected a sample of 34 motorists. The state has, reportedly interviewed 17 of these motorists. Work continues to locate and interview a larger portion of the selected drivers sample. This work was not completed in time to produce results reviewable for this report.

Compliance

Phase I: In Compliance
 Phase II: Unable to Monitor

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

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

Task 112 stipulates that:

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

Methodology:

Members of the monitoring team have reviewed audit reports for Office of State Police Affairs personnel who have conducted internal audits of the compliment/complaint hotline. The criteria selected for audit of those tapes are included in the audit report. No policies or practice-related documentation exists for internal processes of using testers. Policies and practice related documentation for other components of this task were submitted by the state in late December, not in time for assessment and inclusion in this quarterly report.

Status

Phase I compliance on this task is pending the existence of policy or practice-related documentation regarding internal processes of using testers, audits of investigative audio or video tapes related to internal investigation interviews, and interviews with samples of persons who file misconduct complaints.

Compliance

Phase I: Not In Compliance
 Phase II: Not In Compliance

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

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

Task 113 stipulates that:

113. The office shall have full and unrestricted access to all State Police staff, facilities, and documents (including

databases) that the office deems necessary to carry out its functions.

Methodology:

Members of the monitoring team observed the personnel from the Office of State Police Affairs during the course of the site visit during the week of December 4th, 2000.

Status

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

Compliance

Phase I: In Compliance

Phase II: In Compliance

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

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

Task 114 stipulates that:

114. The State Police shall prepare semiannual public reports that include aggregate statistics on State Police traffic enforcement activities and procedures broken down by State Police station and the race/ethnicity of the civilians involved. These aggregate statistics shall include the number of motor vehicle stops (by reason for motor vehicle stop), enforcement actions (including summonses, warnings, and arrests) and procedures (including requests for consent to search, consent searches, non-consensual searches, and uses of force) taken in connection with or during the course of such stops. The information regarding misconduct investigations shall include, on a statewide basis, the number of external, internal, and total complaints received and sustained by category of violation. The information contained in the reports shall be consistent

with the status of State Police record keeping systems, including the status of the MAP computer systems. Other than expressly provided herein, this paragraph is not intended, and should not be interpreted, to confer any additional rights to information collected pursuant to this Decree.

Methodology:

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

Status

Members of the monitoring team have reviewed the report entitled "First Semi-Annual Public Report of Aggregate Data," prepared by the Office of State Police Affairs, and found it to be responsive to the requirements of the decree.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.87 Compliance with Task 115: Appointment of Independent Monitor

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

Task 115 stipulates that:

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

Methodology:

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

Status

The state is judged to be in compliance with this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

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

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

Task 118 stipulates that:

118. The State shall provide the Monitor with full and unrestricted access to all State staff, facilities, and non-privileged documents (including databases) necessary to carry out the duties assigned to the Monitor by this Decree. In the event of an objection, the Court shall make the final determination regarding access. In any instance in which the State objects to access, it must establish that the access sought is not relevant to monitoring the implementation of the Consent Decree, or that the information requested is privileged and the interest underlying the privilege cannot be adequately addressed through the entry of a protective order. In any instance in which the State asserts that a document is privileged, it must provide the United States and the Monitor a log describing the document and the privilege asserted. Notwithstanding any claim of privilege, the documents to which the Monitor shall be provided access include: (1) all State Police documents (or portions thereof) concerning compliance with the provisions of this Decree, other than a request for legal advice; and (2) all documents (or portions thereof) prepared by the

Office of the Attorney General which contain factual records, factual compilations, or factual analysis concerning compliance with the provisions of this Decree. Other than as expressly provided herein, with respect to the Independent Monitor, this paragraph is not intended, and should not be interpreted to reflect a waiver of any privilege, including those recognized at common law or created by State statute, rule or regulation, which the State may assert against any person or entity other than the Independent Monitor.

Methodology:

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

Status

The state is in compliance with this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

2.89 Compliance with Task 120: State Police to Reopen Internal Investigations Determined to be Incomplete

Task 120	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
Phase II												

Task 120 stipulates that:

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

has been officially communicated to the trooper who is the subject of the investigation.

Methodology:

Members of the monitoring team have reviewed a memorandum from the commander, Office Professional Standards to personnel within the office, requiring conformance with this task by members of the Office Professional Standards.

Status

The office is in Phase I compliance with this task. Six of 18 completed cases were reviewed this quarter. None were selected by the monitoring team to be reopened.

Compliance

Phase I: In Compliance
Phase II: Unable to Monitor

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

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

Task 122 stipulates that:

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

Methodology:

Members of the monitoring team have reviewed the state’s submission “Progress/Status Summary of the Consent Decree,” filed by the state in response to this task.

Status

The report submitted by the state, in the opinion of the monitor, complies with the requirements of this task.

Compliance

Phase I: In Compliance
 Phase II: In Compliance

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

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

Task 123 stipulates that:

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

Methodology:

Members of the monitoring team requested for review numerous documents, records, recordings and other information during the course of the team’s site visit during the week of December 4th, 2000.

Status

All records requested were provided by the state. In no case was the monitoring team advised that a requested record was not available.

Compliance

Phase I: In Compliance
Phase II: In Compliance

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

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

Task 124 stipulates that:

124. During all times while the Court maintains jurisdiction over this action, the United States shall have access to any State staff, facilities and non-privileged documents (including databases) the United States deems necessary to evaluate compliance with this Consent Decree and, within a reasonable time following a request made to the State attorney, shall, unless an objection is raised by the State, be granted such access and receive copies of documents and databases requested by the United States. In the event of an objection, the Court shall make a final determination regarding access. In any instance in which the State objects to access, it must establish that the access sought is not relevant to monitoring the implementation of the Consent Decree, or that the information requested is privileged and the interest underlying the privilege cannot be adequately addressed through the entry of a protective order. In any instance in which the State asserts that a document is privileged, it must provide the United States and the Monitor a log describing the

document and the privilege asserted. Notwithstanding any claim of privilege, the documents to which the United States shall be provided access include: (1) all State Police documents (or portions thereof) concerning compliance with the provisions of this Decree, other than a request for legal advice; and (2) all documents (or portions thereof) prepared by the Office of the Attorney General which contain factual records, factual compilations, or factual analysis concerning compliance with the provisions of this Decree. Other than as expressly provided herein with respect to the United States, this paragraph is not intended, and should not be interpreted to reflect a waiver of any privilege, including those recognized at common law or created by State statute, rule or regulation, which the State may assert against any person or entity other than the United States.

Methodology:

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

Status

The state is in compliance with this task.

Compliance

Phase I: In Compliance
Phase II: In Compliance

3.0 Summary

The consent decree entered into between the State of New Jersey and the United States articulates 97 tasks, which accrue to the state. The New Jersey State Police and the Office of State Police Affairs have moved expeditiously to implement these tasks, and, given the complexity of affecting change in complex organizations, have made significant strides in bringing the organization into compliance with the requirements of this decree. This monitoring report monitors only those tasks accruing to the state. For example, the report does not treat tasks 29d, 55, 56, 79, 94, 95, 116, 117, 119 or 121. These tasks either accrue to the monitors or are permissive tasks, allowing the state the latitude to make change, but not requiring it. For example, task 29d allows the state to adapt new technologies as they become available; task 55 allows the state to conduct driver surveys of other limited access highways; task 56 defines the criteria for appropriate benchmarks of persons traveling on the state's highways; and task 79 allows grouping of investigations of related misconduct investigations. Tasks 94 and 95 accrue to the independent monitors. Tasks 116, 117 and 121 define the responsibilities of the independent monitors.

Similarly, the reader should be careful to note that findings of non-compliance articulated in this report do not indicate that the state is engaging in proscribed behavior restricted by the decree. A finding of non-compliance simply means that the state has not finished, as of the date of this report, all of the steps necessary to come into compliance with the given task.

Two significant events have occurred during the second quarter of the implementation phase of the consent decree entered into between the State of New Jersey and the United States Department of Justice. First, the state has established the state of the art for ethics and integrity training for large law enforcement agencies. The scope and nature of the state's training for New Jersey State Police Personnel in the topics of ethics and integrity is notable for two reasons: First, the training is "real-world" based, and is delivered by one of the most respected names in the field. Second, the New Jersey State Police approach to this training is pervasive and extensive. All sworn ranks are being trained, with command staff and managers receiving experiential and cognitive training from a consultant who has "set the standard" for ethics training in law enforcement.

The second substantial event involves progress with the Management Awareness and Personnel Performance System (MAPPS). While the state continues to make progress with the operational end of systems development, the documentation and systems design and control processes have not matured as might be expected. The MAPPS is critical to successful implementation of many of the tasks identified by the decree, and the Department of Justice and the

independent monitoring team have not yet approved final system design, since the design phase has not been documented to the point that the system can be assessed. While the state has a draft policy for use of MAPPS in meeting the requirements of the decree, it is not clear that the system being designed will meet the requirements of the draft policy.

The state is in Phase I compliance with 88 of the 96 tasks which could be monitored for Phase I compliance during this reporting period. It is in Phase II compliance with 43 of the 82 tasks, which could be monitored for Phase II compliance during this reporting period. The state is in Phase I compliance with 92 percent of the tasks that the monitoring team could monitor for Phase I compliance during this reporting period, and is in Phase II compliance with 52 percent of the tasks that the monitoring team could monitor for Phase II compliance during this reporting period.