

OLEPS

OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS

Sixth Public Aggregate Misconduct Report June 2018



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Introduction

Pursuant to the Law Enforcement Professional Standards Act of 2009 (N.J.S.A. 52:17B-222, et. seq.) (the Act), the Office of Law Enforcement Professional Standards (OLEPS) is required to publish aggregate reports regarding misconduct investigations conducted by the New Jersey State Police (State Police). These reports are required to include the number of external, internal, and total complaints received and the disposition of these complaints.

This Aggregate Misconduct Report discusses the volume of misconduct investigations opened between January 1, 2016 and December 31, 2016 and trends in misconduct cases from 2011 to 2016. The report provides an overview of the State Police misconduct process and details aggregated misconduct data for the reporting period. This report details the following: total number of cases opened within a given time period; the total number of misconduct cases closed within a given time period; the disposition for each closed case; and several other measures designed to more fully illustrate the State Police's internal disciplinary process.

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

Misconduct Process

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

While OPS' primary responsibility is the investigation of allegations of misconduct, the office also handles a variety of other cases for the State Police. These include: monitoring the progress of alleged violations of Equal Employment Opportunity (EEO), Compliance incidents, Shooting Reviews, tracking uses of force, management of reviews generated when a member is involved in two uses of force in one year (2-in-1s), management of reviews generated when a member is involved in three misconduct cases in two years (3-in-2s), and the coordination of Open Public Records Act (OPRA) requests for the State Police. However, the receipt and investigation of allegations of misconduct remain the focus of the Office of Professional Standards.

Figure One outlines the processing of complaints received by OPS, from the receipt of a complaint to the outcome of the case.

Figure One: Process of Allegations of Misconduct



How are complaints received?

- Complaints or allegations of misconduct are received in a number of ways: a call may be received on the NJSP complaint line, a citizen may contact OPS or OLEPS to file a complaint, a citizen may fill out a complaint form and provide it to any trooper, another trooper may file a complaint/misconduct allegation against another trooper, or a trooper may self-report an action or inaction of misconduct.

What happens to complaints?

- OPS Intake staff review and assess all complaints, regardless of the method received. The Intake Unit reviews the complaint and can then make several determinations: to administratively close the case, label it as a criminal incident, a performance issue, a non-reportable incident, or a misconduct case.
- A case is administratively closed when it is determined that there is no indication a trooper violated criminal laws, NJSP rules and regulations, or written orders. Administratively closed cases do not proceed any further.
- If OPS receives notification of misconduct after a trooper has been arrested, the misconduct proceedings will be suspended until the completion of the criminal proceedings. If a misconduct case is determined to include potentially criminal activity, the Division of

Criminal Justice or a local prosecutor's office may pursue or decline to pursue criminal charges. Again, the misconduct proceedings will be suspended until the criminal proceedings conclude.

- Performance issues are determined to be issues of job performance, best addressed by a trooper's supervisor within the chain of command.
- Non-reportable incidents are those involving any issue in performance or non-performance that does not violate NJSP rules and regulations, criminal or civil laws, or the state or national constitution, but is documented and recorded for administrative purposes.
- OPS internally investigates all allegations classified as misconduct cases.

Brief overview of the misconduct investigation process

- The misconduct investigation process is an attempt to determine whether the allegations of misconduct are true. These cases typically involve multiple allegations and may involve one or more troopers. Because allegations can be very specific (*i.e.*, disparate treatment *v.* racial profiling), the allegations are classified according to a classification system outlined in Appendix One.
- The investigation process may involve speaking with the individual who filed the complaint or any witnesses to the event that led to the complaint. Investigations may also require reviews of reports and documentation of the incident (*i.e.*, motor vehicle stop reports, investigation reports, arrest reports, recordings etc.). Once an investigation is complete, OPS will apply one of the following dispositions based on a preponderance of evidence: substantiated, unfounded, exonerated, or insufficient evidence.¹ Substantiated cases are forwarded to the adjudication office within OPS to determine appropriate consequences of the misconduct.

Brief overview of adjudication process

- After a disposition has been assigned to a case following an investigation, the adjudication process begins. For a given case, a trooper may receive disciplinary or non-disciplinary interventions. These interventions are reviewed for legal sufficiency and must be based on the facts and circumstances of the case and the trooper's past misconduct history.²

Report Methodology

This report details the volume of activity handled by OPS for 2016. This report provides aggregate analysis on misconduct investigations opened in 2016. This report also provides an overview of misconduct, performance, and administrative cases closed in 2016, regardless of the date opened.

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

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

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

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

² During this review, OLEPS has full access to the involved trooper's disciplinary history. This is evaluated in conjunction with the evidence developed by the investigation before disciplinary charges are filed and a penalty recommended.

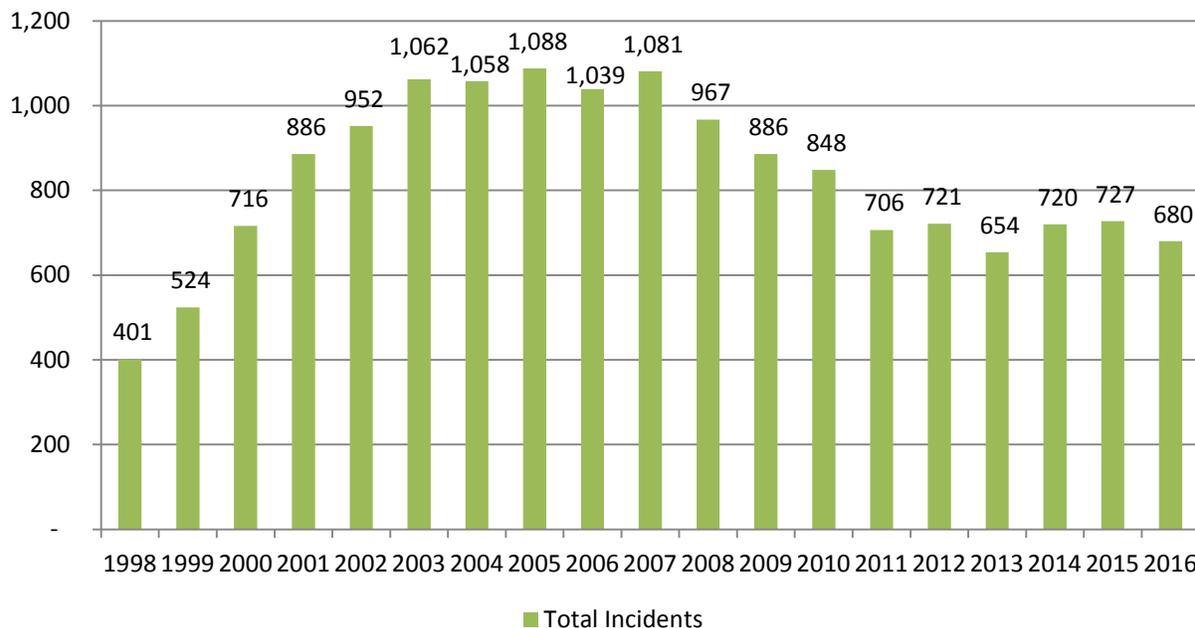
Data

OLEPS collected data on all complaints received from January 1, 2016 to December 31, 2016. This data includes all misconduct cases opened and closed, all administrative cases opened and closed, all performance investigations opened and closed, and all non-reportable incidents opened and closed. Specifically the following information was examined for each case: the dates the incidents occurred; were received; were opened; principals; allegations; allegation classifications; allegation outcomes; dates investigations were completed (if applicable); and were closed.

As noted in Figure One, complaints made to OPS are labeled and investigated in a variety of ways. Though a complaint may be filed with OPS, the complaint may not ultimately receive the label of a misconduct investigation and, as such, may undergo a different process. As noted previously, the focus of this report is the volume of misconduct cases, that is, those cases truly identified as involving some form of misconduct. To understand this volume, it is necessary to know the true volume of incidents received by OPS.

Figure Two depicts this volume from 1998 through 2016. As shown, the volume of incidents received by OPS peaked in the early to mid-2000's and has generally declined since. In 2016, there were 680 incidents handled by OPS, a 6.5% decrease from the 727 incidents reported to OPS in 2015. The 680 incidents reviewed by OPS in 2016 reflect all cases that could potentially develop into a misconduct case but do not reflect the total workload of OPS, as OPRA requests, uses of force and accompanying reviews, or other incidents are not included.

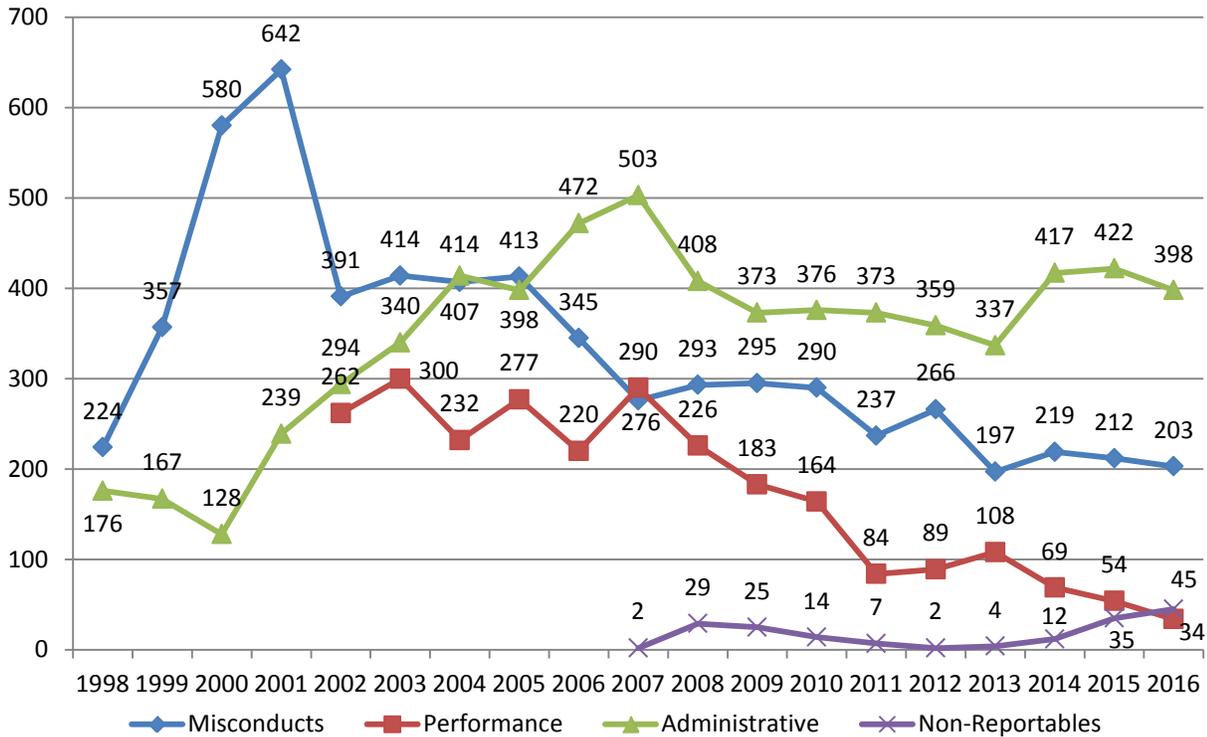
Figure Two: Annual Incident Volume
1998-2016



Since OPS began publicly reporting the volume of complaints pursuant to the Consent Decree, the office has endeavored to accurately categorize complaints. Due to the nature of the complaint, that some involve actual allegations of prohibited behavior, that others involve violations of administrative rules, and that other cases involve events that are required to be reported but do not reflect misconduct on the part of the trooper, OPS has created multiple categorizations of complaints

received. These categories- Misconducts, Performance, Administrative, and Non-Reportable incidents- are depicted in Figure One and defined above. Figure Three details the volume of these incidents from 1998 to 2016.

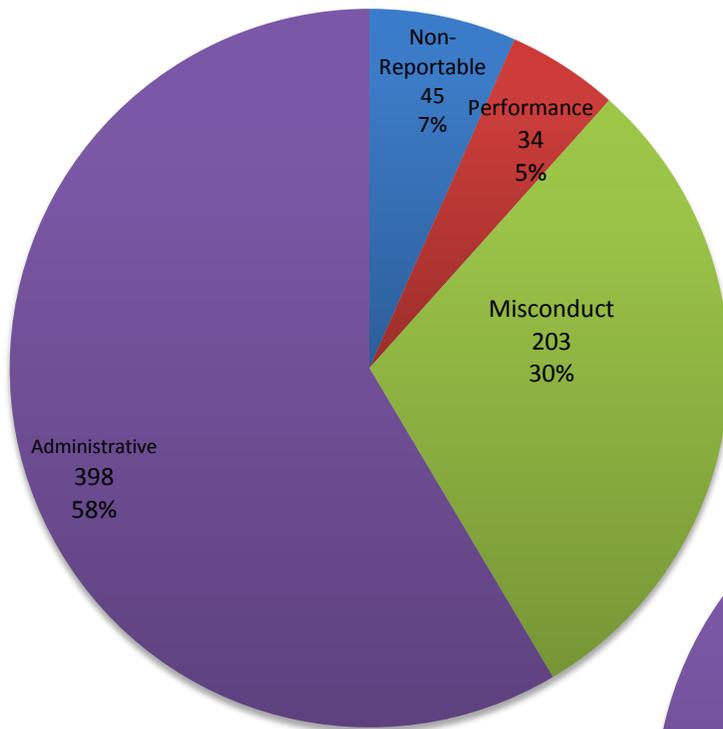
Figure Three: Annual Complaint Volume by Type
 1998-2016



This report focuses on those incidents that have the potential to be a misconduct case. Thus, the most relevant categories of cases are misconduct cases, performance cases, administrative cases, and non-reportable incidents. As noted in Figure Two, the volume of incidents reported to OPS declined in 2016. However, the change in each incident type varies in direction and magnitude over time. As seen in Figure Three, there has been a relatively steady decline in the volume of cases defined as misconduct cases since the peak in 2001. Part of this may be the result of further specification of cases; that is, a case defined as a misconduct case in 2000, could be categorized as a performance case once that category began being used in 2002. Further, an incident defined as misconduct case in 2002 could be categorized as a non-reportable incident, which was first used in 2007 but has been utilized more frequently since 2014. Thus, some of the decline noted in misconduct cases over the years may have been the result of the further specification and categorization of cases.

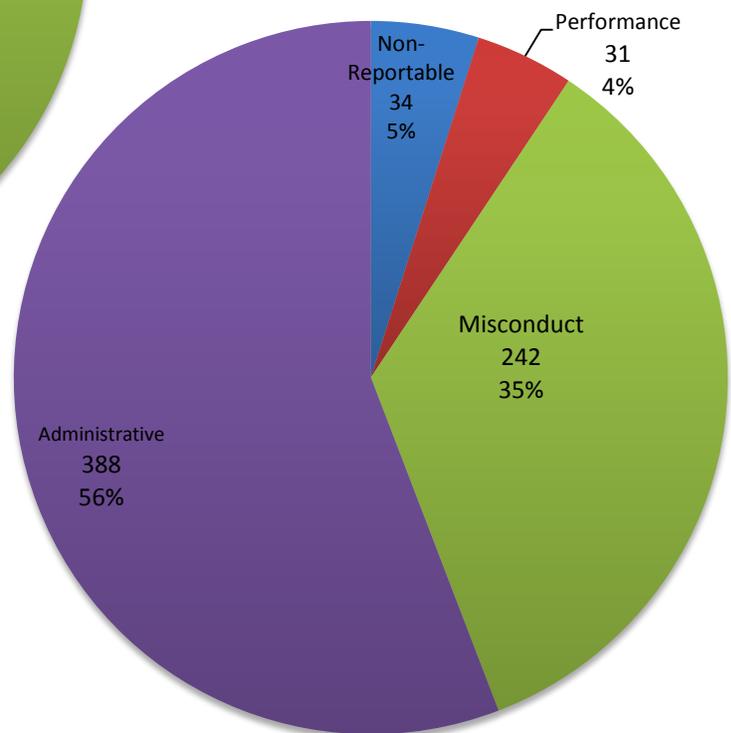
As seen in Figure Three, from 2014 to 2016, the volume of misconduct cases steadily decreased, while across the same period of time non-reportable incidents increased. From 2013 to 2014, incidents categorized as administrative increased, however, this volume decreased slightly in the current reporting period. Similar to misconduct cases, performance incidents have steadily decreased in recent years. Nonetheless, as noted in Figure Two, the total volume of incidents handled by OPS has declined in recent years.

Figure Four: Cases Opened in 2016



As previously indicated, OPS assessed 680 cases in 2016. Figure Four depicts these cases. Of the 680 cases assessed, 398 (58%) were administrative cases, 203 (30%) were misconduct cases, 45 (7%) were non-reportable incidents, and 34 (5%) were performance cases. As indicated in Figure Four, administrative and misconduct cases were the majority of cases opened in 2016.

Figure Five: Cases Closed in 2016



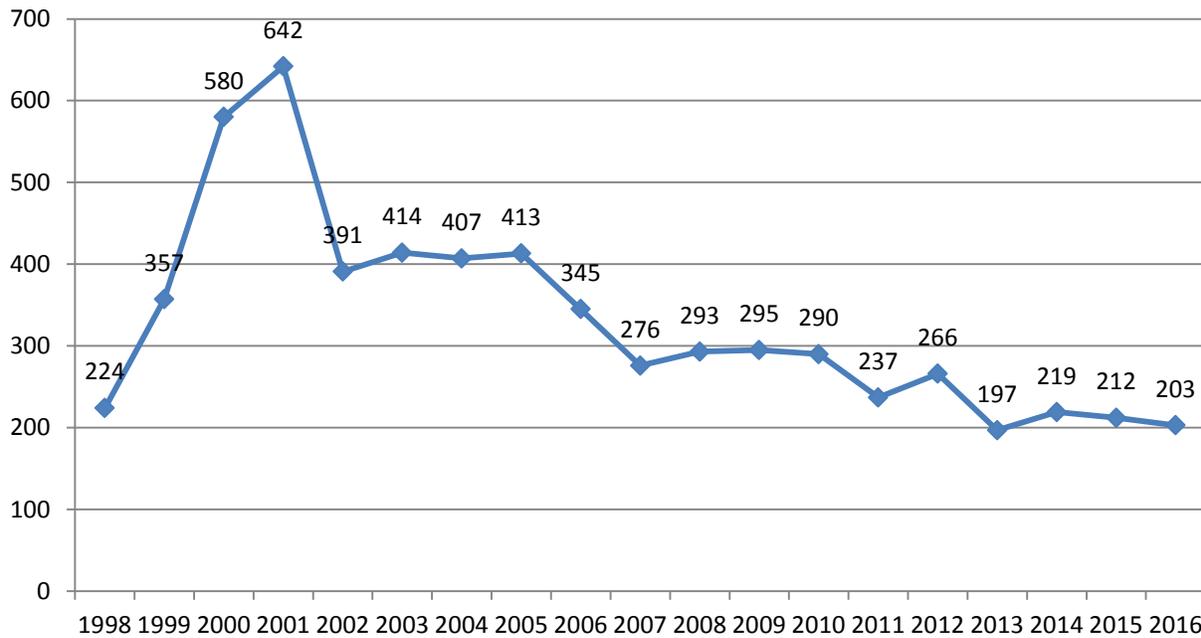
A case may be opened in a given year and closed in any subsequent year, depending upon the investigation, allegations, and principals. Consequently, the cases opened in 2016 were not necessarily the same cases closed in 2016. In 2016, OPS closed a total of 695 cases/complaints. Similar to the volume of cases opened, the majority of closed cases, 388 (56%), were administrative cases; 242 (35%) were misconduct cases, 34 (5%) were non-reportable incidents, and 31 (4%) were performance cases.

Analysis

Misconduct Cases Received in 2016

Figure Six depicts the trend of the number of misconduct investigations opened each year from 1998 to 2016. There were 203 misconduct cases opened in 2016, a 4.25% decrease from the 212 cases opened in 2015. This is the second lowest number of misconduct cases opened in all years examined here. However, as discussed previously, further specification and alternative categorizations of incidents may exaggerate the overall decrease in incidents.

Figure Six: Trends in the Number of Misconduct Cases Opened
1998-2016



Complaints made from either external, internal, or anonymous sources to the State Police can generate misconduct cases. Similar to the previous year, the majority of misconduct cases opened in 2016 stem from external complaints; 136 misconduct cases (67%) originated from external complaints, while 67 misconduct cases (33%) developed from internal complaints. The proportions of internally and externally generated complaints in 2016 are identical to proportions noted in 2015. Figure Seven depicts the proportion of cases internally or externally generated for each year since 1998. As shown across all years, the majority of cases, between 60% and 81%, originate from external complaints.

Figure Seven: Misconduct Cases Received By Source
 1998-2016

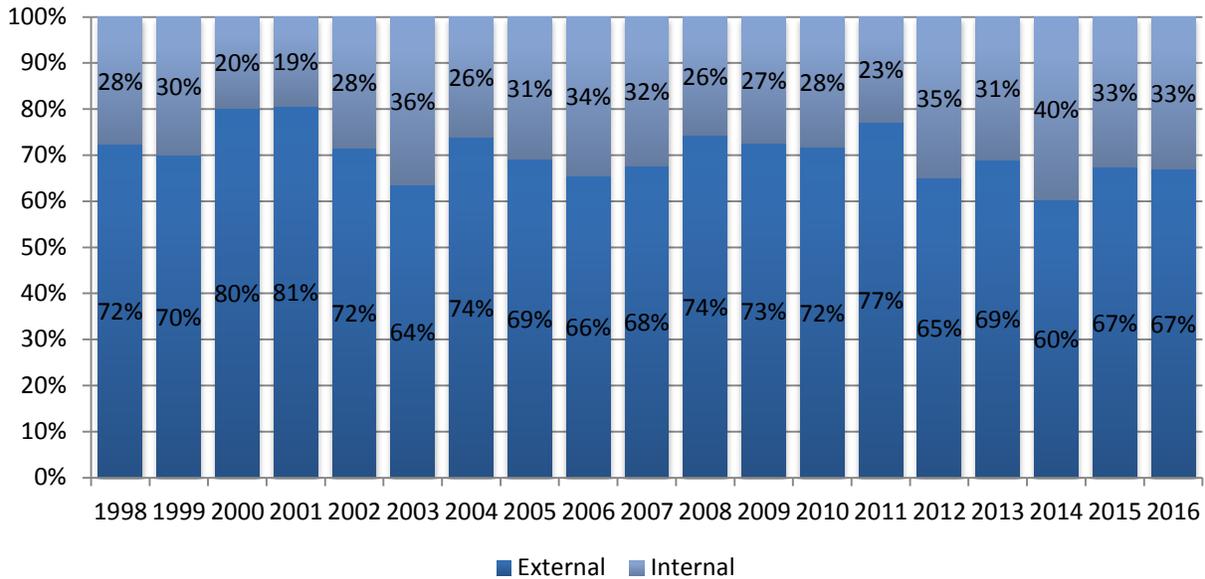


Figure Eight depicts the number of misconduct cases OPS received by month during 2016. The number of cases fluctuates each month with no discernable pattern. However, OPS received the largest volume of cases in November, followed by January and February. External complaints generated the majority of misconduct cases across all months, with the exception of October.

Figure Eight: Date Misconduct Cases Received
 2016

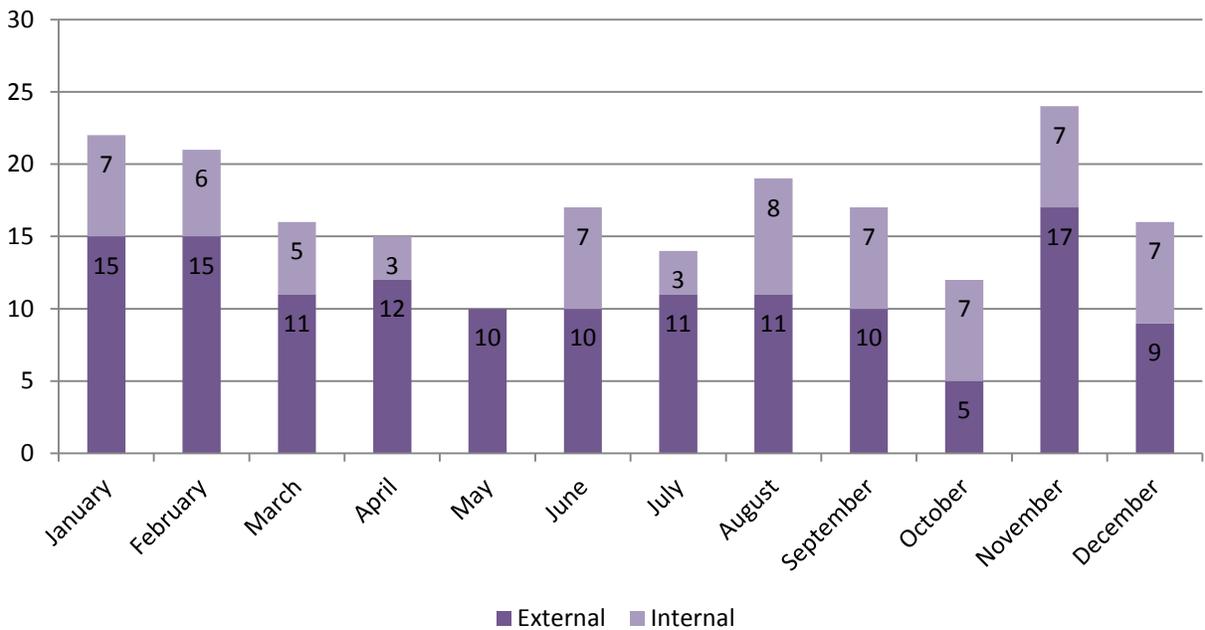
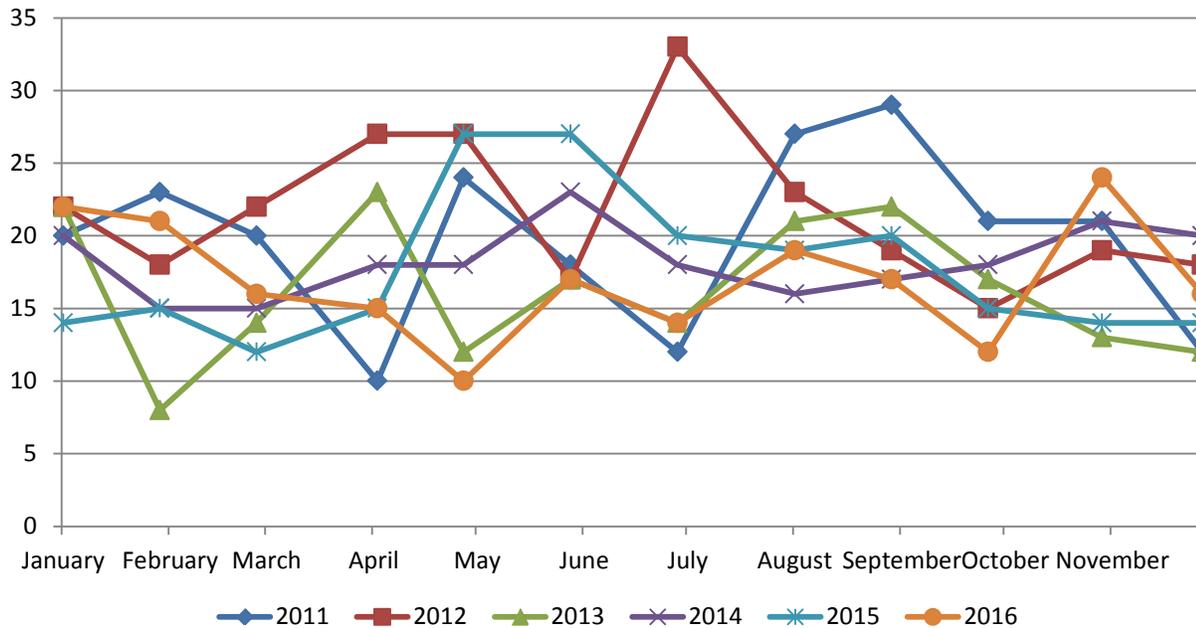


Figure Nine compares the month misconduct cases were received in each year from 2011 to 2016. Based on this figure, no consistent monthly pattern appears; the largest monthly volume of cases received differs across years. The number of misconduct cases received was largest in September

2011, followed by July 2012, April 2013, June 2014, May and June 2015, and November 2016. In 2014, the number of cases received each month was most consistent compared to all other years examined.

Figure Nine: Misconduct Cases Received
 2011- 2016



Case Status³

The lifespan of misconduct cases varies depending on the circumstances of each case. Each case is unique, resulting in varying numbers of principals and allegations. Additionally, some cases deemed priority may open and close quickly, while other misconduct cases may remain open. As of April 2017, 74 cases of the 203 cases opened in 2016 were completed. Forty-two cases opened in 2016 were under supervisory review in the Investigation Bureau. A review of the findings and adjudication were the only remaining steps of the investigative process. Of the cases not forwarded for supervisory review or adjudication, 21 were suspended.⁴ The remaining 66 cases opened in 2016 are cases that remain under active investigation, smaller than the number of active cases in 2015 (102 cases) at the writing of the Fifth Aggregate Misconduct Report.

³ All determinations of case status were made on April 3, 2017 when OPS and OLEPS retrieved the data used in this report and in OPS' Annual Report.

⁴ Cases may become suspended due to pending criminal investigations or for legal review. These cases must remain suspended until the completion of the criminal review or legal review process.

**Table One: Status of Misconduct Cases Opened
2016**

Status	Number of Cases	Number of Allegations
Active	66	220
Completed	74	186
Supervisory Review	42	133
Suspended	21	110
Total	203	649

Age of Cases

In general, it is possible for a misconduct case to be opened for an incident that occurred on that day or any day prior to the opened date. Therefore, allegations of misconduct received in 2016 by OPS can include incidents that occurred prior to 2016. The incidents precipitating the majority of cases opened in 2016 occurred within the same year; of the 203 misconduct cases opened in 2016, 123 were based on incidents that occurred at some point in 2016. Twenty-four cases resulted from an incident that occurred prior to January 1, 2016. Of these 24 cases, exactly half (12 cases) resulted from incidents that occurred in 2015. Additionally, there were 56 misconduct cases opened in 2016 that did not list a date of incident.⁵

Trooper Assignment

Trooper assignments involve a variety of stations, units, and administrative positions. Depending on the nature of the assignments, some troopers have more frequent and direct contact with the public, while other assignments involve minimal public contact. The majority of complaints are generated from external sources rather than within the State Police, thus troopers with higher levels of citizen contact may be more likely to receive misconduct complaints than others by virtue of their level of public contact. Accordingly, it is important to examine the number of complaints received by trooper assignment.

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

⁵ Dates of incidents may not be recorded because the complaint refers to multiple incidents, the case is borne out of the outcome of a previous investigation, or because the case is opened as a result of notification of a civil action.

Table Two: Trooper Assignments on Date Complaint Received⁶
 2016

	Station	# of Cases	% of Cases	# of Troopers	% of Troopers
Troop A	Atlantic City	6	2.96%	12	3.41%
	Bellmawr	6	2.96%	7	1.99%
	Bridgeton	4	1.97%	10	2.84%
	Buena Vista	5	2.46%	9	2.56%
	Metro South	1	0.49%	1	0.28%
	Port Norris	7	3.45%	12	3.41%
	Woodbine	2	0.99%	2	0.57%
	Woodstown	1	0.49%	1	0.28%
	Troop A Other	3	1.48%	10	2.84%
	Troop A Total	35		64	
Troop B	Hope	3	1.48%	4	1.14%
	Metro North	1	0.49%	2	0.57%
	Netcong	4	1.97%	14	3.98%
	Perryville	6	2.96%	9	2.56%
	Somerville	8	3.94%	16	4.55%
	Sussex	5	2.46%	15	4.26%
	Totowa	6	2.96%	7	1.99%
	Washington	5	2.46%	12	3.41%
	Troop B Other	1	0.49%	2	0.57%
	Troop B Total	39		81	
Troop C	Bordentown	3	1.48%	3	0.85%
	Hamilton	9	4.43%	21	5.97%
	Kingwood	3	1.48%	4	1.14%
	Red Lion	3	1.48%	7	1.99%
	Tuckerton	2	0.99%	4	1.14%
	Troop C Other	5	2.46%	5	1.42%
	Troop C Total	25		44	
Troop D	Bloomfield	2	0.99%	2	0.57%
	Cranbury	8	3.94%	20	5.68%
	Galloway	4	1.97%	4	1.14%
	Holmdel	8	3.94%	11	3.13%
	Moorestown	2	0.99%	2	0.57%
	Newark	7	3.45%	13	3.69%
	Troop D Other	3	1.48%	3	0.85%
	Troop D Total	34		55	
Other	70	34.48%	108	30.68%	
Total	203		352		

⁶ Assignment on the date a complaint was received was used because it was more easily ascertainable and more available than the date of the actual incident for all cases. Additionally, the majority of troopers had the same assignment on the date of the incident and the date OPS received the complaint.

The distribution of complaints across stations is generally even. In the past, no single station accounted for more than 5% of the total number of misconduct cases received or the total number of troopers named that year. However, in 2015, troopers assigned at Metro South station accounted for slightly more than 5% of the total number of troopers involved in misconduct cases opened in 2015. For 2016, this is no longer the case, as troopers at Metro South station accounted for only 0.28% of the total number of troopers involved in misconduct complaints received. However, in the current reporting period, troopers assigned at Hamilton and Cranbury stations had proportions larger than 5%, accounting for 5.97% and 5.68% of troopers involved in misconduct cases received in 2016, respectively.

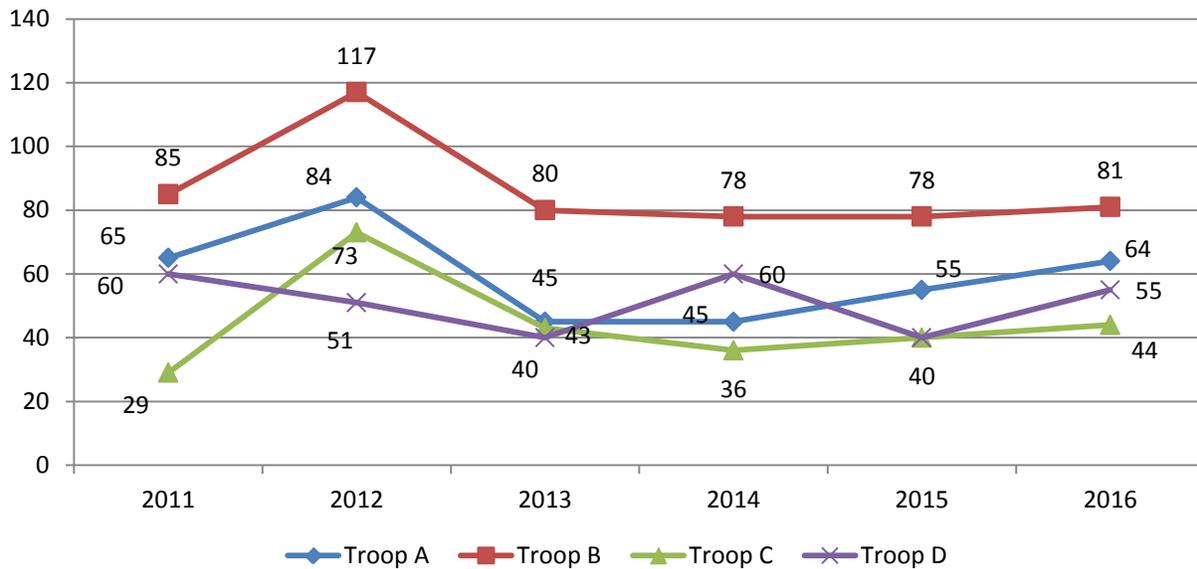
Hamilton had the largest volume of troopers involved in a misconduct case in 2016, with 21 troopers involved in nine cases. Cranbury had the second largest volume, with 20 troopers involved in eight cases. The number of unique cases in each station can help to explain, in part, these higher volumes. Hamilton station had one misconduct case involving nine troopers, and Cranbury had one misconduct case involving ten troopers. These cases involved the largest volume of troopers of all cases opened in 2016.

In 2014, Sussex station had the largest volume of troopers involved in misconduct cases. In 2015, the station had the second largest volume with 15 troopers involved in five cases. In 2016, Sussex had the fourth largest volume (*i.e.*, with 15 troopers in five cases). Thus, although not the largest volume, Sussex troopers were still involved in a large volume of misconduct cases in 2016.

Overall, misconduct cases in 2016 averaged 1.7 troopers per case. However, this average varied across stations. Netcong station averaged the most troopers per case, 3.5, followed by Troop A, Other, with 3.3. Sussex also had a high average, with 3.0 troopers per case opened in 2016. These higher average numbers of troopers per case may speak to the policing methods used in these stations, the time of day the incidents occurred, the use of dual patrols, or requests for backup. Further, it is unknown whether a trooper is actively working at their assigned station, on a temporary detachment assignment, or on overtime detail at the time of the incident. Therefore, the concentration of cases at any given station is only a rough estimate and may not necessarily be indicative of station behavior, but rather other assignments and factors.

Figure Ten depicts the trends in the number of individual troopers cited in opened misconduct cases for each troop. There are increases from 2015 to 2016 noted for all troops; however, the magnitude of change for each troop varies. There was a 16% increase in troopers involved in opened misconduct cases for Troop A, a 4% increase for Troop B, a 10% increase for Troop C, and a 38% increase for Troop D.

Figure Ten: Trends in the Number of Troopers Involved Per Troop
 2011-2016



As in previous reporting periods, Troop B continues to report the largest number of troopers involved in misconduct cases. In 2016, Troop B had 81 troopers involved in misconduct cases, 23% of all troopers involved in misconduct cases in this year. Historically, Troop B conducts a high number of motor vehicle stops. Additionally, Troop B's patrol area encompasses an area with a larger and denser population compared to the rest of New Jersey. Thus, the higher number of troopers involved in misconduct cases may be reflective of staffing, activity, and public interaction levels. In contrast, Troop C and D had the fewest troopers involved in misconduct cases in 2016, with 44 and 55, respectively.

A chi-square test was conducted to determine whether there were significant differences in the number of troopers involved in misconduct cases across troops. There were no statistically significant differences between any of the troops during this reporting period, likely due to the small numbers of troopers involved in cases.

Case Complexity

The age of an investigation, from opening to closing, is dependent upon a number of factors. However, the complexity of a case is the most important and relevant feature of a case that impacts the duration and course of an investigation. The term "case complexity" in this report refers to the principals cited in a case (number of troopers), the number of allegations against each principal, and the total number of allegations in a case. Each case may involve any combination of number of troopers and number of allegations. In one case, there may be one allegation against multiple troopers or several allegations against each trooper involved. The complexity of a case is dependent upon the number of troopers and allegations within each case, since each individual trooper and each allegation require investigation.

Figure Eleven: Number of Cases, Troopers, and Allegations
2016

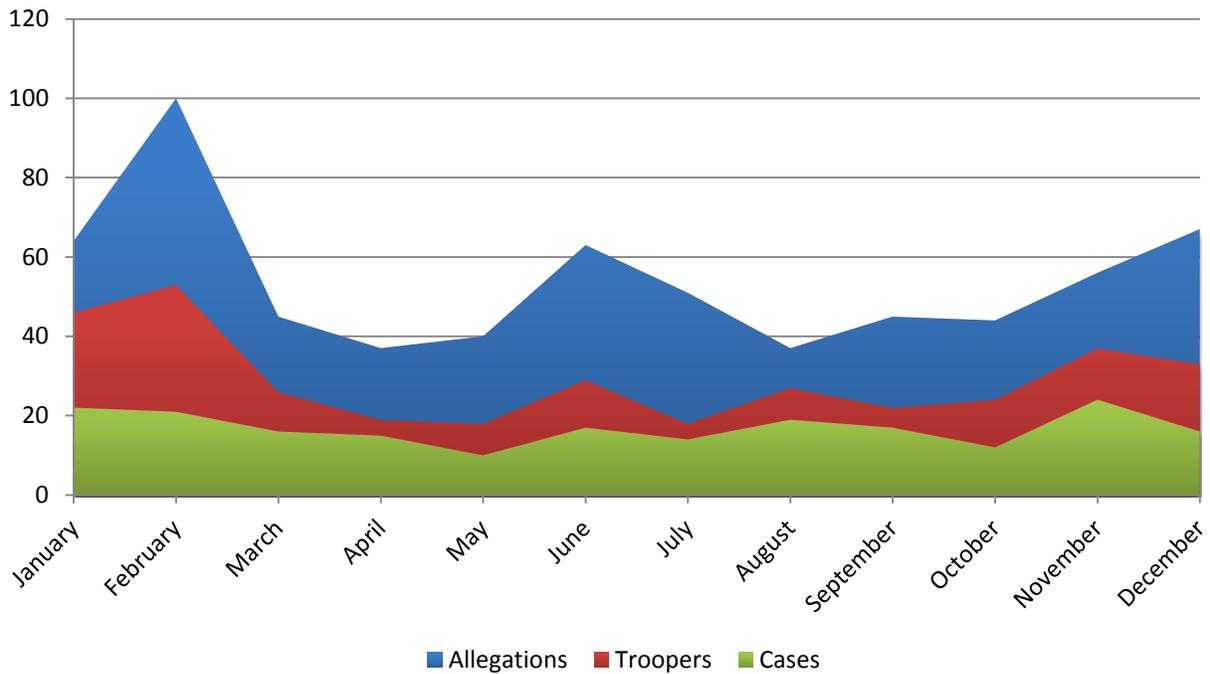


Figure Eleven presents the number of cases, troopers involved, and allegations for cases opened in each month in 2016. Since there can be multiple troopers and/or allegations in a given case, there are fewer cases than there are both troopers and allegations. Each individual trooper involved in a misconduct case can have one or more allegations against him/her. For example, in February 2016, OPS opened 21 cases involving 53 troopers with 100 allegations.

Figure Twelve: Trends of Allegations, Troopers, and Cases
 2011-2016

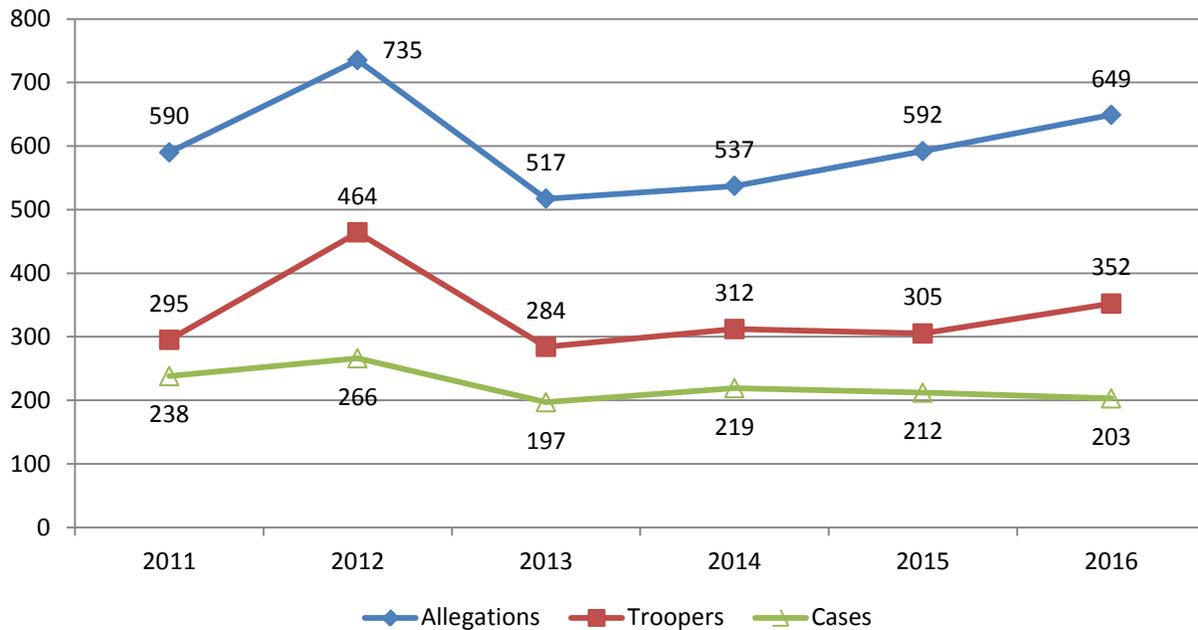


Figure Twelve depicts the trends in the number of allegations, troopers, and cases from 2011 to 2016. Although the number of misconduct cases decreased 4.25% since the previous reporting period, the number of both allegations and troopers involved increased. The number of allegations in misconduct cases increased by 57 allegations, 9.63%, and the number of troopers involved in misconduct cases increased by 47 troopers, 15.41%. This suggests that although there were slightly fewer misconduct cases in 2016, they involved, on average, a higher number of allegations and troopers than in 2015.

Allegations

There were 649 total allegations of misconduct made in the 203 misconduct cases received by OPS in 2016. On average, there were 3.2 allegations of misconduct per case in 2016, slightly more than the average of 2.8 misconduct allegations per case in 2015 and 2.5 misconduct allegations per case in 2014.

**Figure Thirteen: Allegations per Case
 2016**

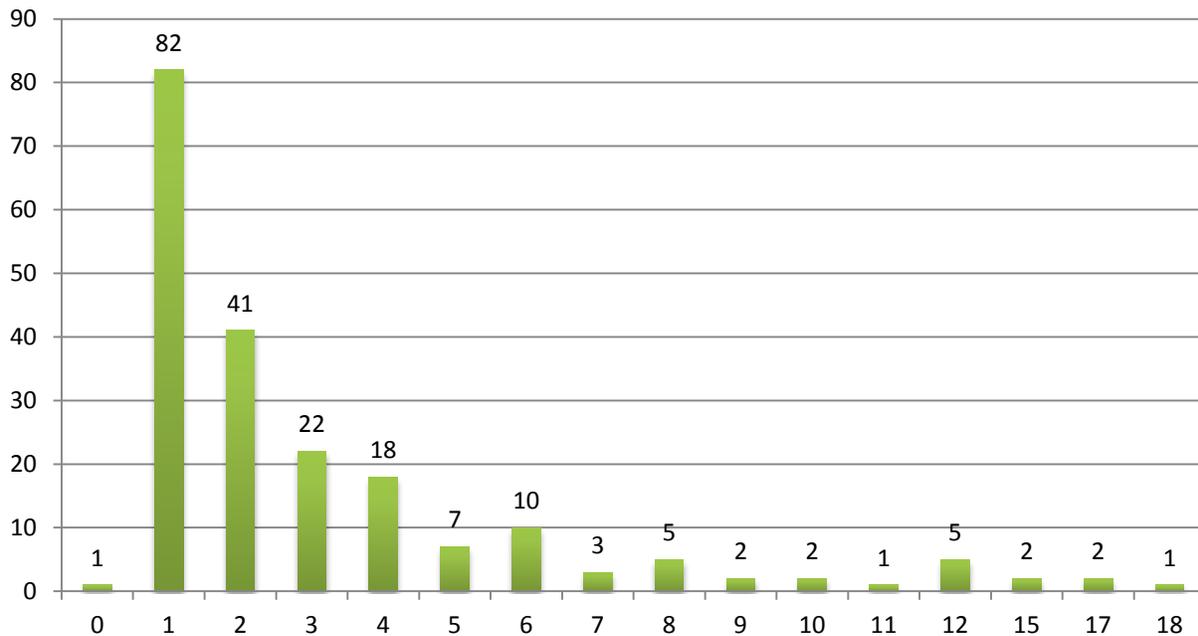


Figure Thirteen depicts the total number of allegations per misconduct case received in 2016. The majority of cases involve multiple allegations. There were 82 misconduct cases that involved one allegation, 41 cases that involved two allegations, 22 cases that involved three allegations, and 58 cases that involved four or more allegations. Five cases involved eight allegations, another five cases involved twelve allegations, and one case involved 18 allegations. There was one case with no allegation listed.⁷ Throughout the life of a case, allegations may be added based on the facts and circumstances surrounding the incident. Thus, the total number of allegations in a case is not only reflective of the allegations levied by the complainant, but also those that may be added during the course of an investigation.

Troopers

There were a total of 352 troopers involved in the 203 misconduct cases received in 2016. Figure Fourteen illustrates the trends in misconduct cases involving one trooper or multiple troopers. There were 137 cases involving only one trooper, and 66 cases involving multiple troopers. The proportion of cases involving multiple troopers has generally remained constant, about 27%. However, in 2016, this proportion was 33%. In 2016, 68% of all misconduct cases opened involved only one trooper.

⁷ As of April 3, 2017, the date OLEPS pulled data for this report, State Police had not yet identified the specific allegations in this case. As of this date, this case also had no specific trooper identified; however, the case was classified as “Excessive Use of Force”.

Figure Fourteen: Trends in Number of Troopers per Case
2011-2016

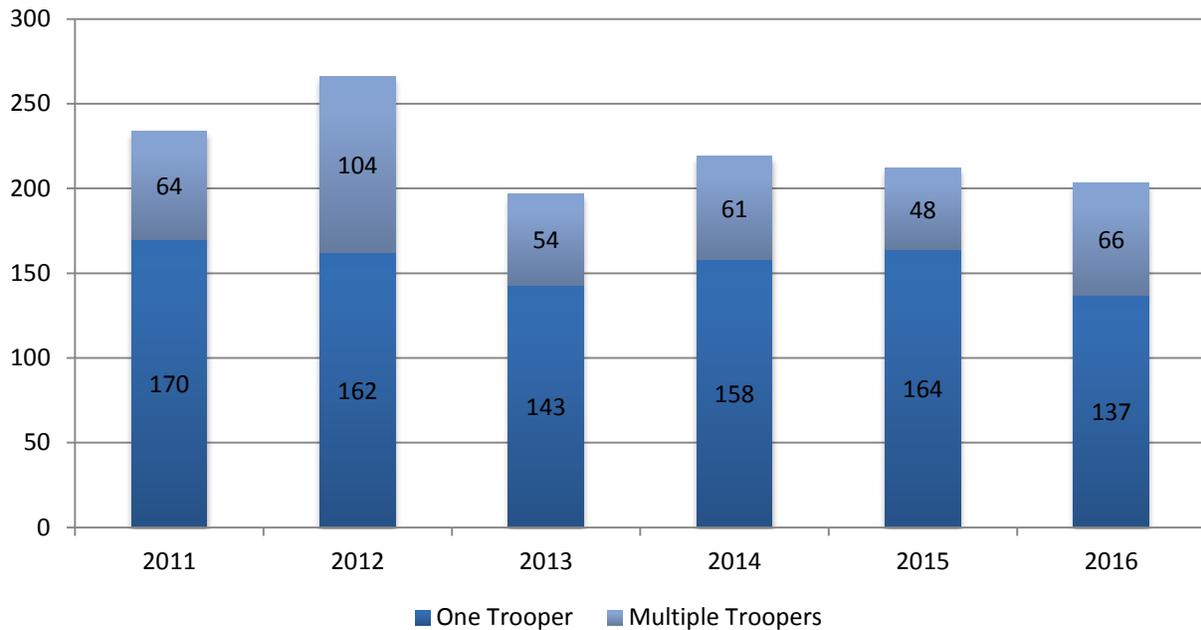
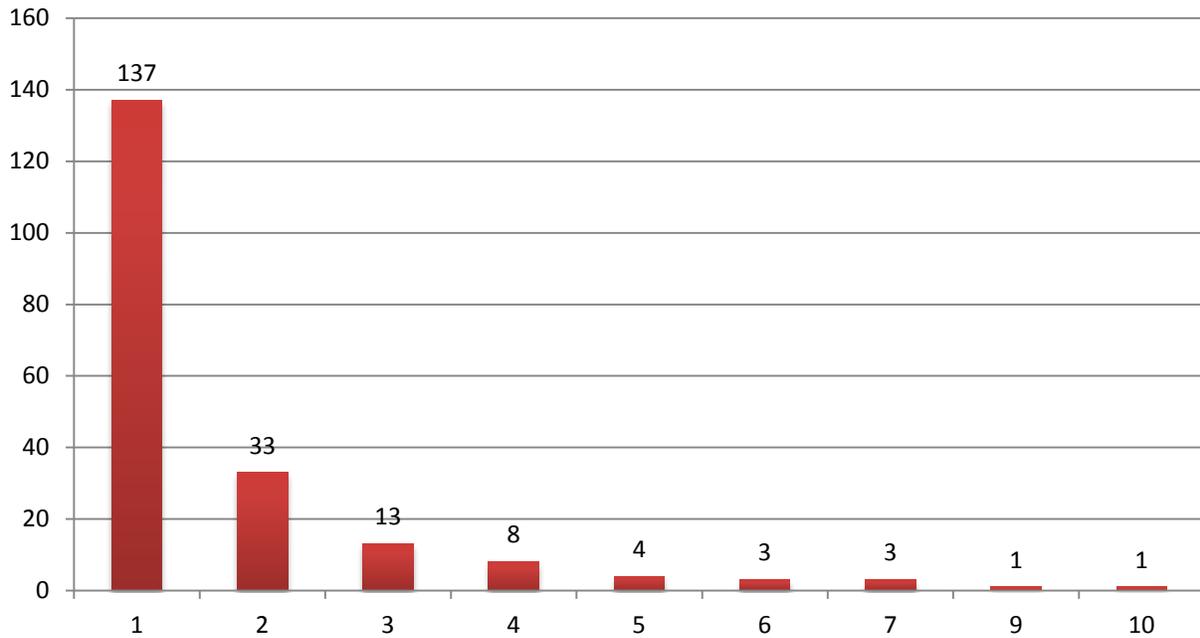


Figure Fifteen depicts the number of troopers involved in each misconduct case received in 2016. As noted previously, the majority of misconduct cases involve one trooper; of the 203 misconduct cases received, 137 cases involved one trooper. The 66 cases with multiple troopers involved between two and ten troopers in each case. There were 33 cases involving two troopers, 13 cases involving three troopers, eight cases involving four troopers, one case involving nine troopers, and another case involving 10 troopers in the current reporting period. On average, there were 1.7 troopers involved per misconduct case in 2016, slightly greater than the 1.4 troopers involved per misconduct case noted from 2013 through 2015.

Figure Fifteen: Troopers per Case
2016



Types of Allegations

In each misconduct case, the allegation(s) levied against trooper(s) are unique to the circumstances of the incident. Despite the 4.25% decrease in the number of cases in 2016, the number of allegations increased by 9.63%. There was an increase of 57 allegations in 2016 as compared to 2015. While there were 649 allegations made, each type of allegation appeared multiple times in the 203 misconduct cases. There were only 106 unique allegations cited in 2016. However, the total number of unique allegations increased from 85 in the previous reporting period.

Figure Sixteen: Allegation Frequencies
 2016

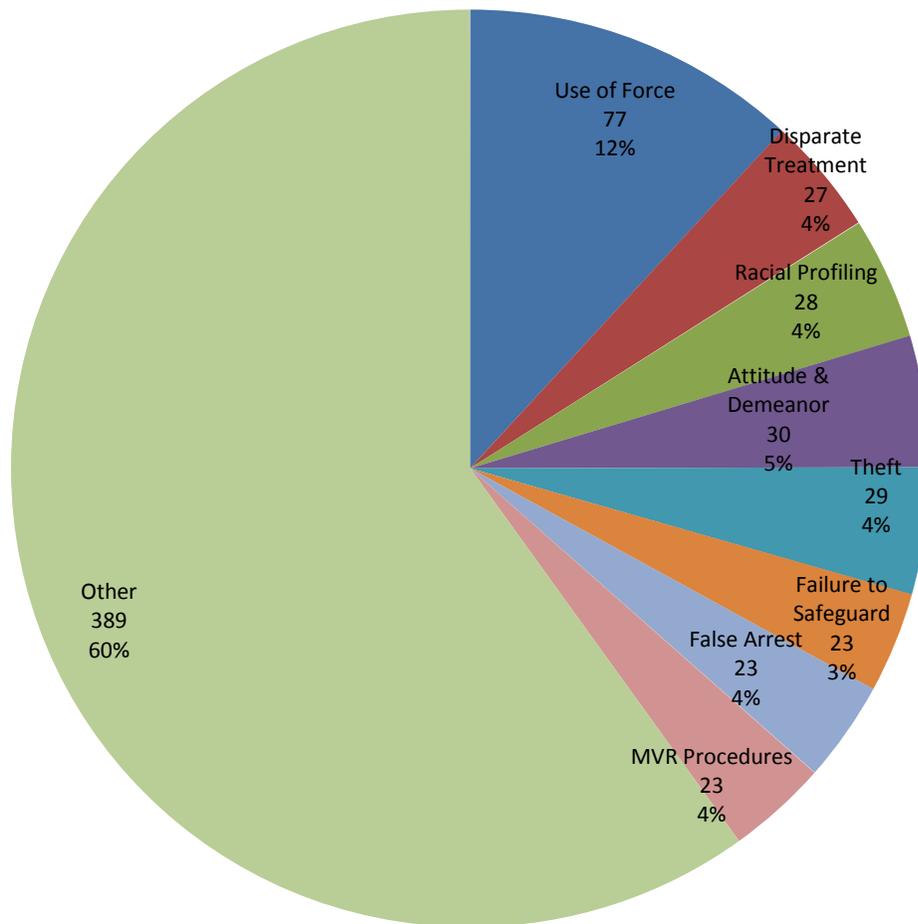


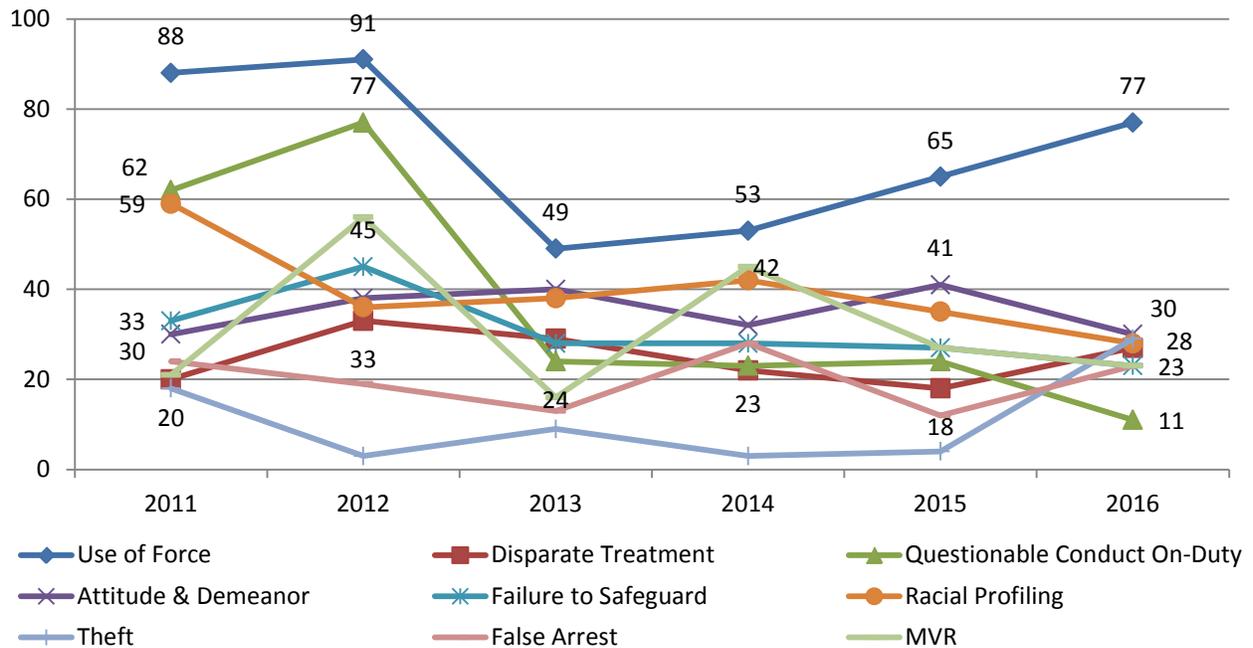
Figure Sixteen depicts the frequencies of each allegation made in misconduct cases opened in 2016. As previously indicated, there were 649 allegations made in the 203 misconduct cases received this year. The category labeled as “Other” is a catchall category that includes 389 miscellaneous allegations⁸ and is technically the most common allegation category. Aside from this catchall category, the most common allegations are those pertaining to the use of force (12%); disparate treatment and racial profiling, when combined (8.5%); and attitude and demeanor (5%). Allegations pertaining to theft (4%), false arrest (4%), MVR procedures (4%), and failure to safeguard (3%)

were less common.

Figure Seventeen depicts the trends for the most common allegations found in misconduct cases. Although there was an overall increase in the number of allegations from 2015 to 2016, the volume in certain allegation categories decreased. There was a 54% decrease in the number of allegations pertaining to questionable conduct on-duty, a 27% decrease in allegations involving attitude and demeanor, a 20% decrease in allegations pertaining to racial profiling, and a 15% decrease in allegations pertaining to MVR procedures. Conversely, there was a 92% increase in allegations of false arrest (11 additional allegations) and a 50% increase in allegations of disparate treatment (nine additional allegations). The largest change in the number of allegations noted since the previous reporting period pertained to theft; these allegations increased from four allegations in 2015 to 29 in 2016 (25 additional allegations). Allegations pertaining to use of force have steadily increased since 2013. In these four years, the volume of use of force allegations has increased 57%.

⁸ “Other” allegations can be found in Appendix One.

Figure Seventeen: Trends in Types of Allegations
 2011-2016



Figures Eighteen through Twenty-Two also depict trends for the most common allegations, by troop. For Troop A, excessive uses of force allegations increased from a low of eight allegations in 2014 to 18 in 2015, and 21 in the current reporting period. Allegations of racial profiling decreased from a high of 15 allegations in 2014 to four in 2016. Allegations of excessive use of force in Troop B are among the most frequent allegations each reporting period; these allegations increased by 10 since 2015 to 24 allegations in 2016. Allegations of disparate treatment in Troop B increased from nine allegations in 2015 to 16 in 2016. Allegations of racial profiling in Troop C decreased by three allegations in the current reporting period, however, allegations of disparate treatment increased from one allegation to eight in the current reporting period. Allegations of excessive use of force in Troop C increased slightly since the previous reporting period, from nine in 2015 to 10 in 2016. In Troop D, allegations of attitude and demeanor declined markedly, from 12 allegations in 2015 to four in 2016. Allegations of questionable conduct on-duty, failure to safeguard, and racial profiling increased slightly in Troop D since the previous reporting period.

Figure Eighteen: Troop A Trends in Types of Allegations
 2011-2016

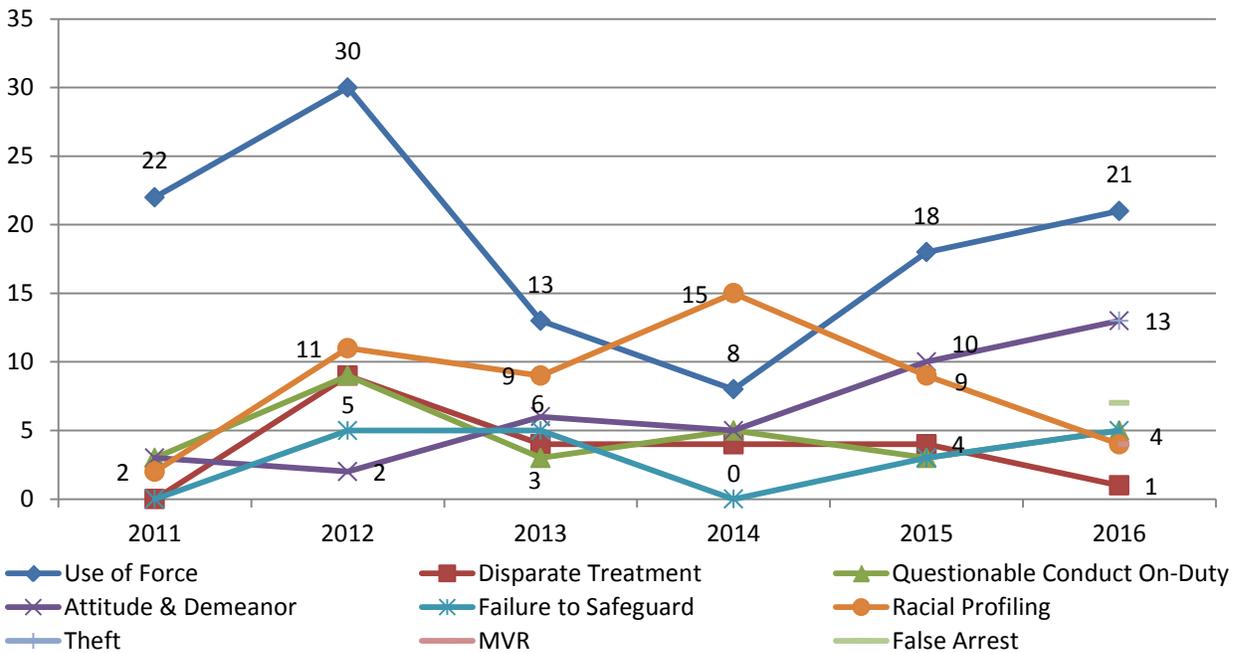


Figure Nineteen: Troop B Trends in Types of Allegations
 2011-2016

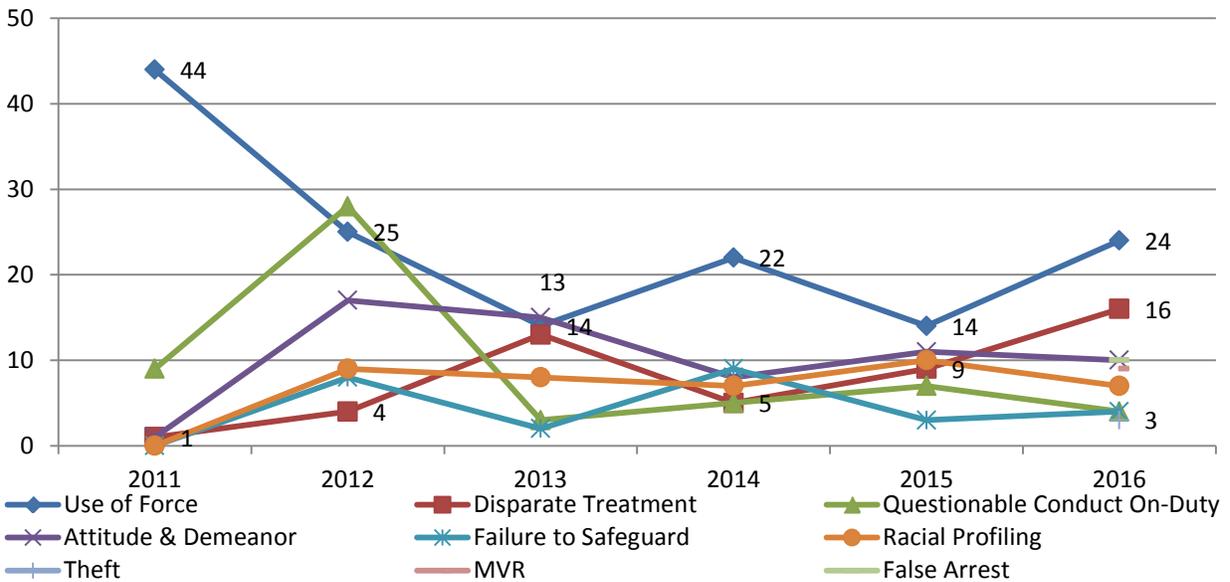


Figure Twenty: Troop C Trends in Types of Allegations
 2011-2016

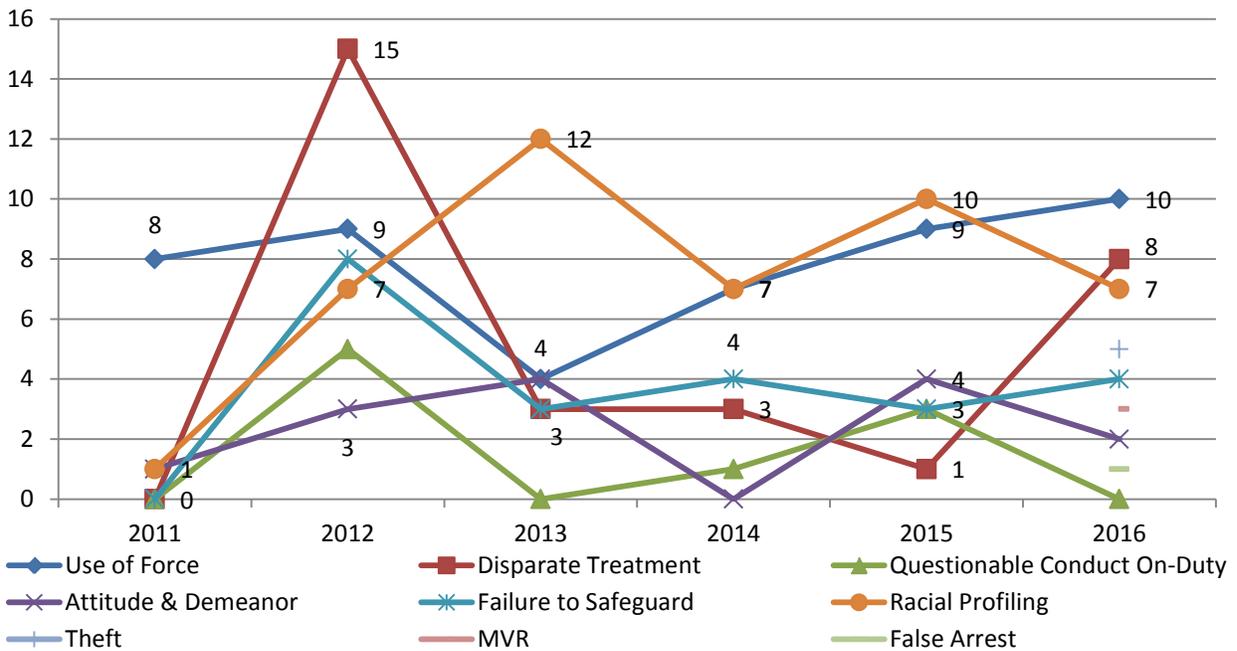


Figure Twenty-One: Troop D Trends in Types of Allegations
 2011-2016

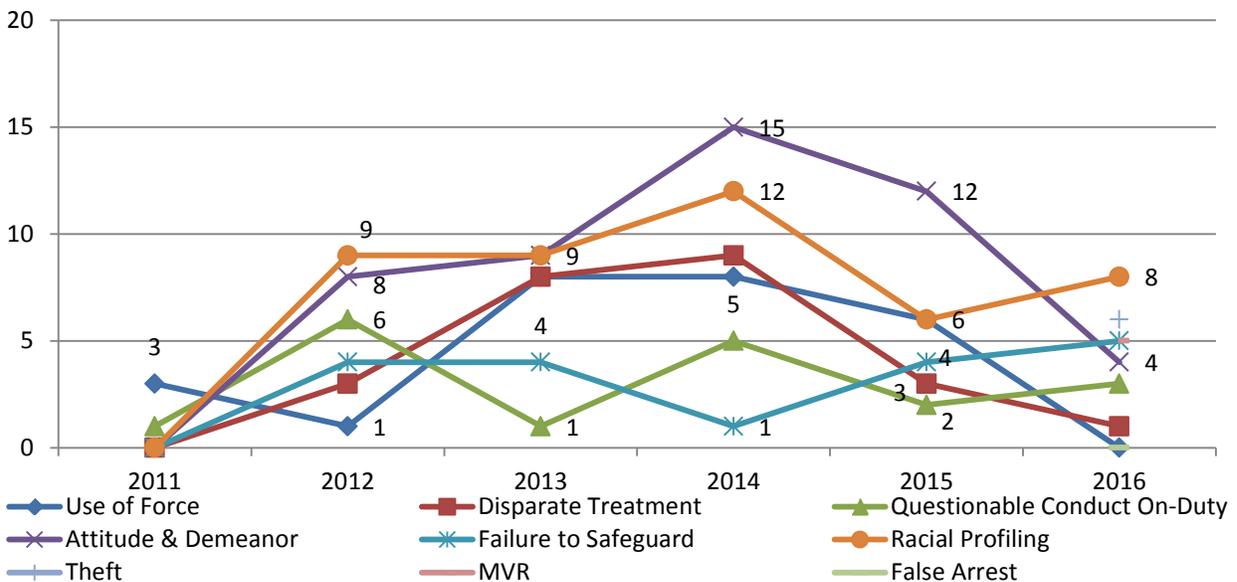
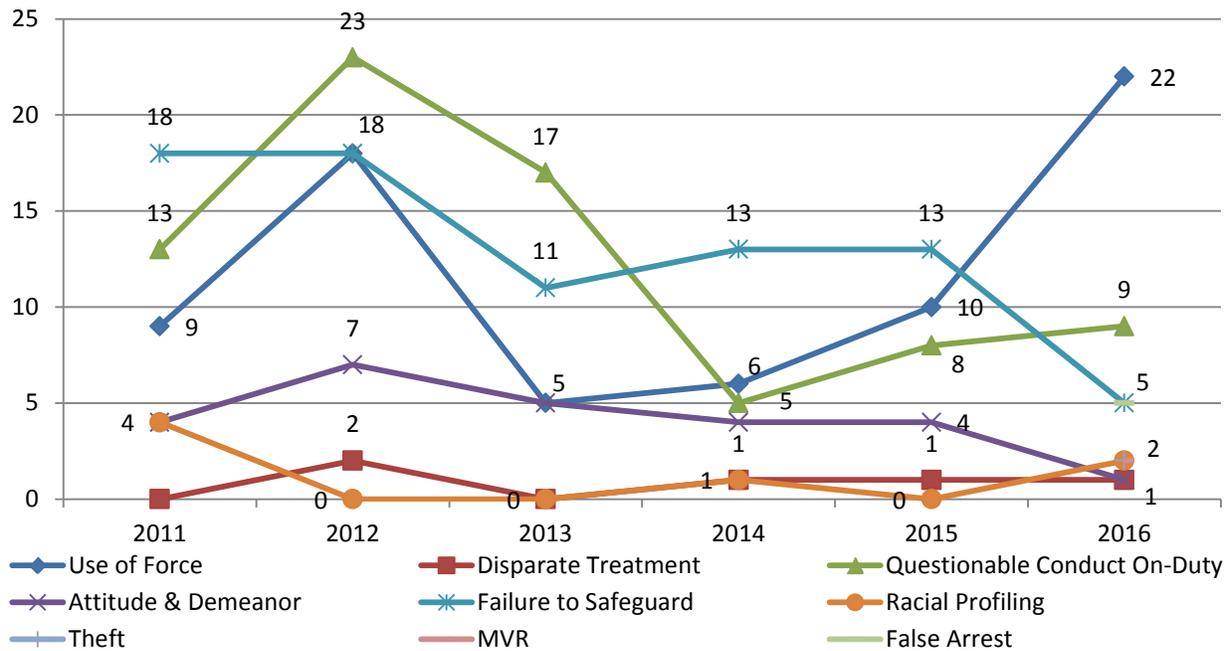


Figure Twenty-Two depicts trends in allegations from troopers assigned outside of Field Operations. Allegations pertaining to use of force were most common in 2016, increasing from 10 allegations in 2015 to 22 in 2016. Allegations of failure to safeguard decreased markedly, from 13 allegations in 2015 to five in the current reporting period. Allegations of attitude and demeanor declined, from four allegations in 2015 to one allegation in 2016.

Figure Twenty-Two: Other Assignments Trends in Types of Allegations
 2011-2016



Misconduct Cases Closed in 2016

Misconduct Case Status

A misconduct case is determined to be closed after the investigation has been completed; it has been reviewed; a decision has been made as to whether the findings warrant disciplinary proceedings; and if required, discipline has been administered. In 2016, OPS closed 242 misconduct cases, compared to 212 in 2015. The majority of these cases were opened prior to 2016, but there were 50 cases that were opened and closed in 2016.

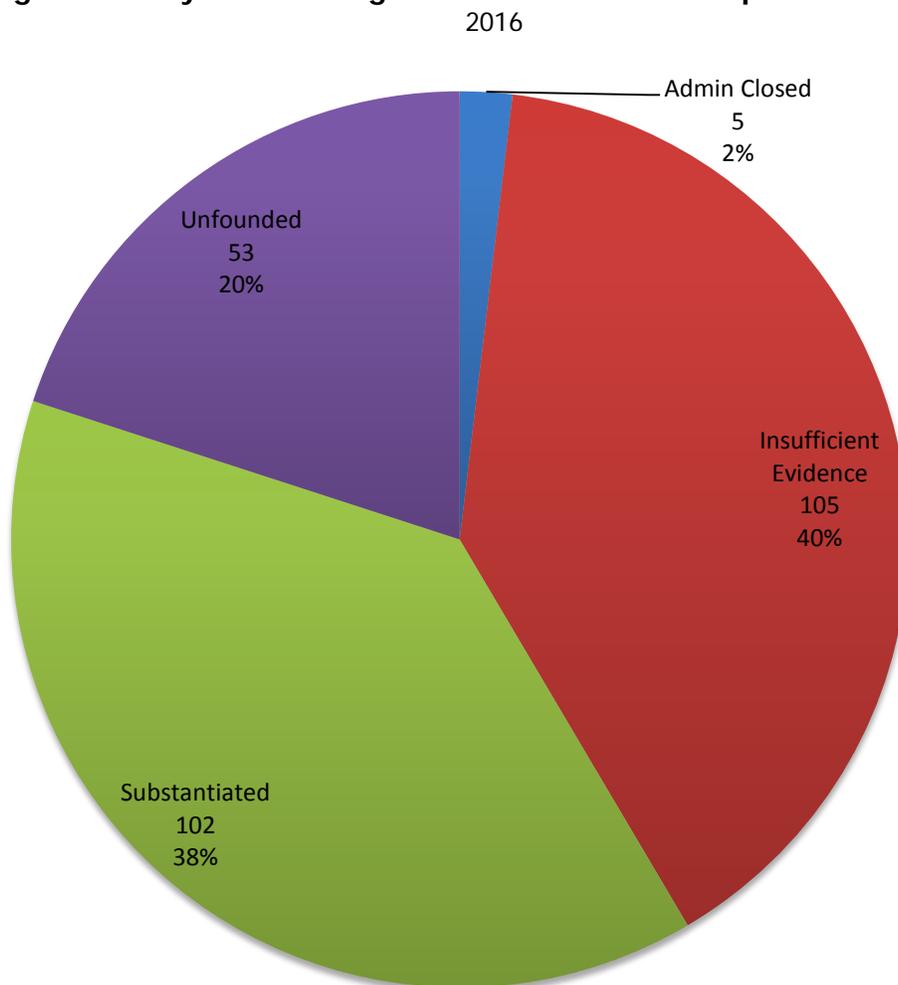
Table Three: Cases Closed
 2016

Year Opened	Number of Cases
2016	50
2015	103
2014	57
2013	12
2012	14
2011	4
2010	0
2009	2
Total	242

Allegation Outcomes for 2016 Misconduct Cases⁹

OPS investigates each allegation in a case to determine whether the allegation can be substantiated. For each allegation, OPS can reach one of several conclusions. Substantiated allegations are those where OPS has found that, “a preponderance of the evidence shows that a member violated State Police rules, regulations, protocols, standard operating procedures, directives, or training.” Unfounded allegations are those where, “a preponderance of the evidence shows that the alleged misconduct did not occur.” A conclusion of exonerated occurs when, “a preponderance of the evidence shows that the alleged conduct did occur but did not violate State Police rules, regulations, standard operating procedures, directives, or training.” Administrative closure occurs when, “there is no indication that a member’s behavior, performance, or nonperformance violated criminal laws or any Division rules, regulations, or policies.” Finally, OPS may conclude that there is insufficient evidence when, “there is insufficient evidence to determine whether the alleged misconduct occurred.”

Figure Twenty-Three: Allegation Outcomes for Completed Misconduct Cases



While each case may involve multiple allegations, substantiation of even one allegation may result in disciplinary action. Data selection for this report occurred in April 2017. As of April 3, 2017, there were 265 allegations that were part of the 50 cases opened and closed in 2016. Figure Twenty-Three depicts the number and percentage of outcomes of allegations for these misconduct cases. Of the cases with completed investigations, there were 105 allegations found to have insufficient evidence (40%), 102 allegations were substantiated (38%), 53 allegations were unfounded (20%), and 5 allegations were administratively closed (2%).

The pattern of allegation outcomes for categories of allegations was examined to determine whether certain types of allegations were more likely to result in certain outcomes. Table Four presents

⁹ The cases analyzed in this section are only those opened in 2016.

allegation categories¹⁰ and outcomes of allegations declared closed. Similar to past reporting periods, police procedure was the most common allegation category in 2016. Of allegations which were substantiated, 41.18% pertained to police procedure, 27.45% involved allegations categorized as employment obligations, and 19.61% were categorized as administrative/failure to safeguard. Of the allegations administratively closed (five allegations), 80% pertained to police procedure, and 20% pertained to employment obligations. Of the allegations resulting in insufficient evidence, 73.33% pertained to police procedure, 13.33% pertained to employment obligations, and 12.38% pertained to allegations categorized as criminal. Of unfounded allegations, 86.79% pertained to police procedure, and 5.66% pertained to employment obligations.

Table Four: Allegation Categories and Outcomes
 2016

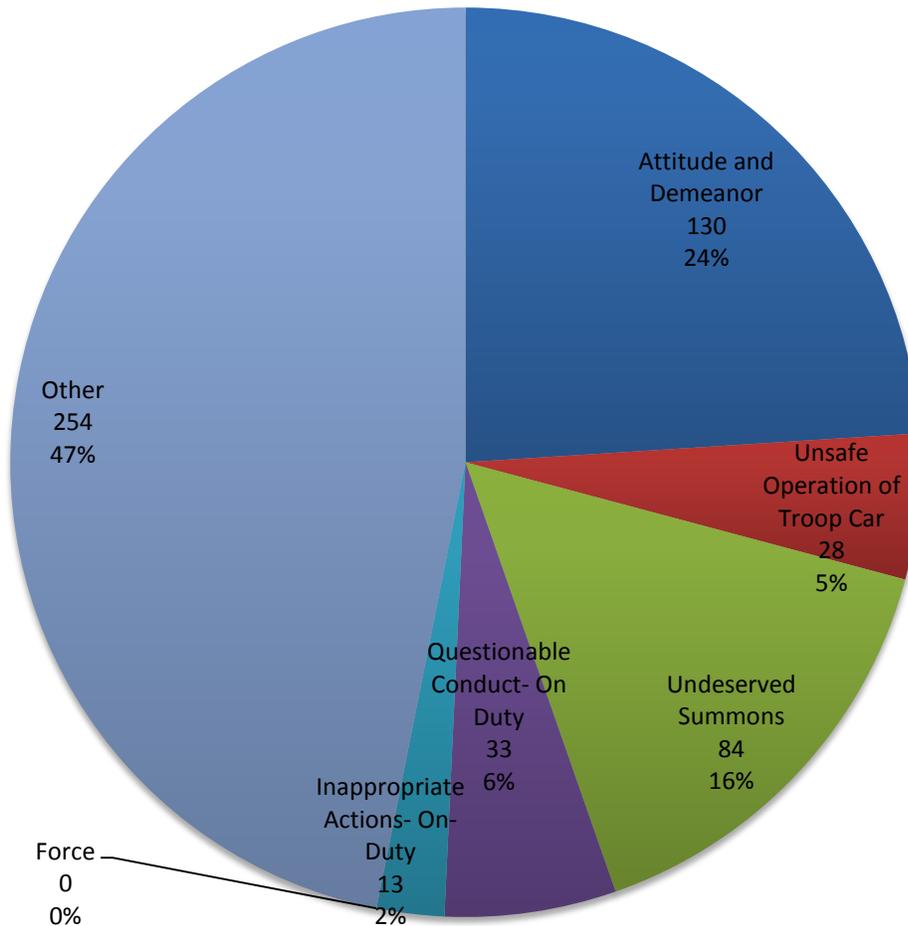
Category	Substantiated	Admin Closed	Insufficient Evidence	Unfounded	Total
Administrative/Fail to Safeguard	20	0	1	2	23
<i>% of cases</i>	<i>19.61%</i>	<i>0.00%</i>	<i>0.95%</i>	<i>3.77%</i>	<i>8.68%</i>
Criminal	8	0	13	2	23
<i>% of cases</i>	<i>7.84%</i>	<i>0.00%</i>	<i>12.38%</i>	<i>3.77%</i>	<i>8.68%</i>
Employment Obligations	28	1	14	3	46
<i>% of cases</i>	<i>27.45%</i>	<i>20.00%</i>	<i>13.33%</i>	<i>5.66%</i>	<i>17.36%</i>
Police Procedure	42	4	77	46	169
<i>% of cases</i>	<i>41.18%</i>	<i>80.00%</i>	<i>73.33%</i>	<i>86.79%</i>	<i>63.77%</i>
Weapons	4	--	--	--	4
<i>% of cases</i>	<i>3.92%</i>	--	--	--	<i>1.51%</i>
Total	102	5	105	53	265

¹⁰ Administrative/Failure to Safeguard- Allegations involving misuse of identification, equipment, Rules & Regulations, or computer not in their possession anymore, either from misplacing, or leaving unattended, etc.
 Criminal- Allegations involving violations of criminal law, statute, or regulation.
 Employment Obligations- Allegations of lateness, failure to report for duty, improper conduct, etc.
 Police Procedures- Allegations of improper arrest, failure to notify citizen of right to file a complaint, failure to appear in court, failure to perform duty, etc.

Administrative Cases Closed in 2016

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

Figure Twenty-Four: Allegations in Administrative Cases
 2016



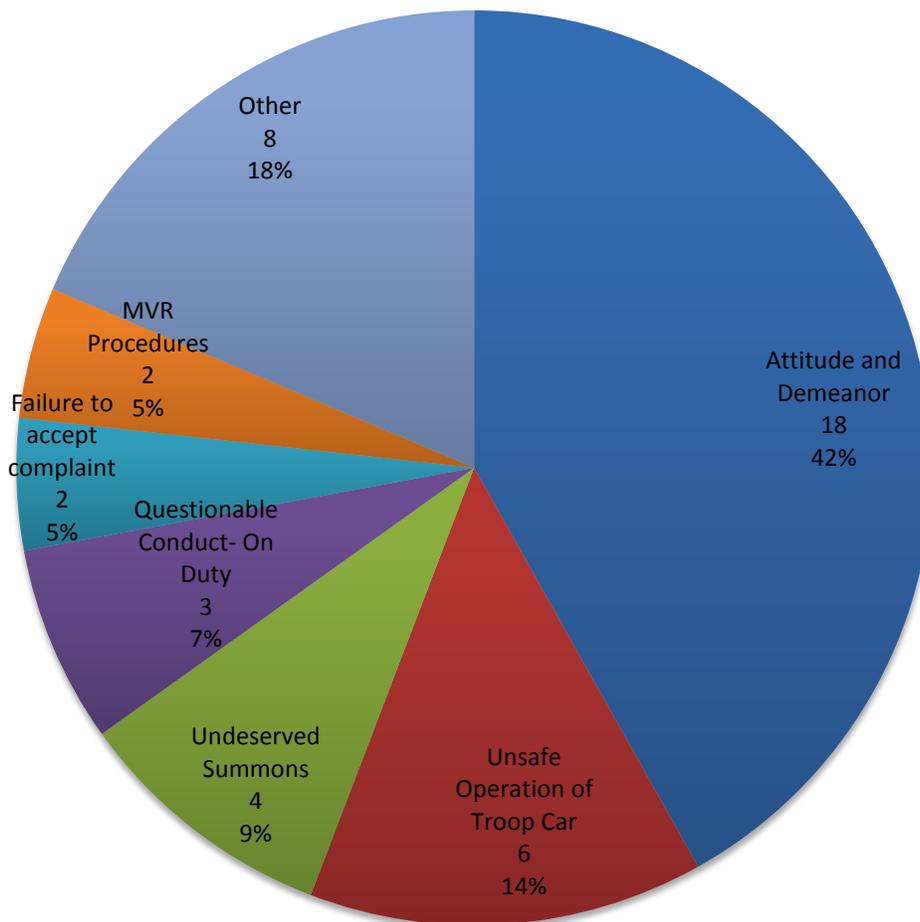
In 2016, there were 388 cases administratively closed. Of these 388 cases, 386 cases included administrative allegations, while two cases did not involve any allegations. There were 430 troopers involved in these administratively closed cases. However, only 426 troopers had allegations against them.¹¹ Figure Twenty-Four depicts the allegations in administrative cases closed in 2016. In total, there were 542 allegations in these cases. Excluding allegations categorized as "Other", the most common allegations in administratively closed cases were attitude and demeanor (24%), followed by undeserved summons (16%), and questionable conduct on duty (6%).

Performance Cases Closed in 2016

When OPS receives a complaint and determines that the complaint is a minor infraction, the allegations are categorized as performance issues. Performance issues are then returned to the supervisors of the troopers involved in the allegations. Supervisors are required to complete a Performance Incident Disposition Report (PIDR) on the allegations detailing any corrective actions, if needed, to resolve the minor infraction(s); the reports are then returned to OPS.

¹¹ There were two administrative cases for which no allegations were listed. One case involved three troopers and the other involved one trooper.

Figure Twenty-Five: Allegations in Performance Cases
2016



In 2016, OPS closed 31 complaints classified as performance cases. In these 31 performance cases, there were 43 allegations and 34 troopers involved.¹² Figure Twenty-Five depicts the allegations in performance cases closed in 2016. Excluding allegations categorized as “Other”, the most common allegations in these performance cases were attitude and demeanor (42%), unsafe operation of a troop car (14%), undeserved summons (9%), and questionable conduct on duty (7%).

Summary & Conclusions

This report illustrates the volume of activity handled by OPS. In 2016, OPS received a total of 680 complaints. These 680 cases involved 203 misconduct cases, 398 administrative cases, 34 performance cases, and 45 non-reportable incidents. This sixth report also includes discussion of misconduct trends from 2011 to 2016. Since the total number of misconduct cases did not change much, generally, all other categories of analysis indicated little change, as expected.

OPS opened 203 misconduct cases in 2016, slightly less than the 212 opened in 2015. Most commonly, misconduct cases involved allegations of violations of Police Procedures (see Appendix One for specific allegations). Of the misconduct cases with completed investigations, 40% of allegations resulted in a finding of insufficient evidence, 38% resulted in at least one substantiated allegation, while 20% of allegations were unfounded.

In addition, this report presented frequencies of allegations in closed administrative and performance cases. In 388 administratively closed cases, the most common allegations involved attitude and demeanor, followed by undeserved summons, and questionable conduct on duty. In the 31

¹² There was one performance case closed for which there was no allegation listed.

performance cases closed this year, the most common allegations involved attitude and demeanor, followed by unsafe operation of a troop car, and undeserved summons.

To gauge the productivity of OPS and timeliness of investigations, the State Police should close as many cases as it opened in a given calendar year. In 2016, OPS exceeded this goal, opening 203 and closing 242 misconduct cases.

Appendix One

Misconduct Allegation Categorization

Misconduct Allegation	Allegation Category
Abuse of Sick Leave	Employment Obligations
Alcohol Violations	Employment Obligations
Attempting to Use Position to Intimidate and Gain Favor	Employment Obligations
Attitude and Demeanor	Police Procedure
Consume Alcoholic Beverage(s) and Operate Troop Car	Employment Obligations
Contempt of Court	Police Procedure
Culpable Inefficiency	Police Procedure
Culpable Inefficient Supervision	Police Procedure
Cursing	Police Procedure
Discouraging Civilian Complaint	Police Procedure
Disobey a Direct Order	Employment Obligations
Disobey a Written Order	Employment Obligations
Disorderly	Employment Obligations
Disparaging Statements	Police Procedure
Disparate Treatment	Police Procedure
Domestic Violence	Employment Obligations
Domestic Violence- Assault	Employment Obligations
Domestic Violence- Harassment	Employment Obligations
Domestic Violence- Terroristic Threats	Employment Obligations
Domestic Violence- Victim	Employment Obligations
Drinking on Duty	Employment Obligations
Erroneous Reports	Employment Obligations
Excessive Use of Force	Police Procedure
Failure to Accept Civilian Complaint	Police Procedure
Failure to Call in Motor Vehicle Stop	Police Procedure
Failure to Facilitate Medical Treatment	Police Procedure
Failure to Follow MVR Procedures	Police Procedure
Failure to Follow Radio Procedures	Police Procedure
Failure to Investigate Motor Vehicle Accident/Boat Accident	Police Procedure
Failure to Notify Citizen of Right to File Complaint	Police Procedure
Failure to Notify Division of Personal Knowledge of Prohibited Conduct by Another Trooper	Employment Obligations
Failure to Notify the Division of Information to Which the Division Would Take Cognizance	Police Procedure
Failure to Perform Duty	Police Procedure
Failure to Provide a Compliment/Complaint Form	Police Procedure
Failure to Provide Name and Identification Upon Civilian Request	Police Procedure
Failure to Report For Duty	Employment Obligations
Failure to Report Motor Vehicle Accident	Employment Obligations

Failure to Safeguard- Division Property	Administrative/Fail to Safeguard
Failure to Safeguard- Evidence	Police Procedure
Failure to Safeguard- Issued Handcuffs	Administrative/Fail to Safeguard
Failure to Safeguard- NJSP Badge	Administrative/Fail to Safeguard
Failure to Safeguard- NJSP Duty Weapon	Administrative/Fail to Safeguard
Failure to Safeguard- NJSP Flashlight	Administrative/Fail to Safeguard
Failure to Safeguard NJSP ID	Administrative/Fail to Safeguard
Failure to Safeguard- Off-Duty Weapon	Administrative/Fail to Safeguard
Failure to Take Appropriate Police Action	Police Procedure
False Arrest	Police Procedure
Falsification of Reports and Records	Employment Obligations
Gratuities, Rewards, Gifts	Employment Obligations
Harassment	Police Procedure
Hostile Work Environment	Employment Obligations
Improper Care and Handling of Prisoner	Police Procedure
Improper Handcuffing	Police Procedure
Improper Handling of Evidence/Property	Police Procedure
Improper Handling of Firearms	Police Procedure
Improper Handling of Prisoner	Police Procedure
Improper Investigative Actions	Employment Obligations
Improper Search	Police Procedure
Improper Supervision	Police Procedure
Inappropriate Actions- Off Duty	Police Procedure
Inappropriate Actions- On Duty	Police Procedure
Inappropriate Actions Towards Another Member	Police Procedure
Inappropriate Search Mechanics	Police Procedure
Insubordination	Employment Obligations
Intentional False Reports	Employment Obligations
Intentional False Statements	Employment Obligations
Intentionally Providing False Information During a Misconduct Investigation	Employment Obligations
Interfering with an Internal Investigation	Employment Obligations
Leaving the Scene of a Motor Vehicle Accident	Police Procedure
Misleading Statements	Employment Obligations
Motor Vehicle Violations	Employment Obligations
MVR Procedure/Audio	Police Procedure
MVR Procedure/Pre-Op Check	Police Procedure
Off-Duty Incident- Alcohol Related	Employment Obligations

Providing False Information on Any Log, Report, or Transmittal	Employment Obligations
Public Intoxication	Employment Obligations
Questionable Associations	Employment Obligations
Questionable Conduct- Off Duty	Police Procedure
Questionable Conduct- On Duty	Police Procedure
Racial Profiling	Police Procedure
Receiving Stolen Property	Employment Obligations
Reporting Requirements	Employment Obligations
Sexual Assault (Other)	Criminal
Sexual Harassment	Employment Obligations
Shoplifting	Employment Obligations
Simple Assault	Criminal
Simple Assault With Physical Force	Criminal
Sleeping on Duty	Employment Obligations
Theft	Criminal
Theft (Indictable)	Criminal
Threats	Employment Obligations
Unauthorized Person in Troop Car	Police Procedure
Unauthorized Release of Information	Employment Obligations
Unauthorized Use of Troop Transportation	Police Procedure
Unauthorized Use/Access of Law Enforcement Databases	Employment Obligations
Undeserved Summons	Police Procedure
Undeserved Warning	Police Procedure
Uniform and Grooming Standards	Employment Obligations
Unsafe Operation of Troop Car- Causing Damage	Police Procedure
Unsafe Operation of Trooper Car	Police Procedure
Use of Position to Intimidate or Gain Favor	Employment Obligations
Use of Troop Car Off Duty	Police Procedure
Use of Troop Car Off Duty with Accident Involved	Police Procedure
Violation of State Statute	Police Procedure
Violation of Traffic Law	Employment Obligations

Appendix Two

Misconduct Allegation Status by Station- 2016

Station	Total Substantiated	Total Unfounded	Total Insufficient Evidence	Total Exonerated	Total Open	Total Admin Closed
Atlantic City						
Expressway	1	0	5	0	14	0
Bellmawr	3	1	5	0	10	0
Bloomfield	1	0	0	0	6	0
Bordentown	0	0	0	0	6	3
Bridgeton	0	0	0	0	19	0
Buena Vista	5	0	0	0	19	0
Cranbury	6	0	5	0	22	0
Galloway	3	1	2	0	3	0
Hamilton	3	2	3	0	25	0
Holmdel	6	0	1	0	11	0
Hope	1	0	0	0	3	0
Kingwood	1	2	3	0	2	0
Metro North	0	0	4	0	0	0
Metro South	1	0	0	0	0	0
Moorestown	3	0	1	0	0	0
Netcong	5	12	7	0	6	0
Newark	1	0	3	0	18	0
Other	40	18	27	1	84	2
Perryville	8	7	9	0	2	0
Port Norris	1	1	0	0	17	0
Red Lion	1	0	0	0	9	0
Somerville	0	1	4	0	37	0
Sussex	1	2	8	0	23	0
Totowa	2	0	5	0	4	0
Troop A Other	1	4	4	0	17	0
Troop B Other	2	0		0	0	0
Troop C Other	4	0	3	0	0	0
Troop D Other	1	0	1	0	1	0
Tuckerton	1	1	2	0	6	0
Washington	0	1	3	0	16	0
Woodbine	0	0	0	0	2	0
Woodstown	0	0	0	0	1	0
Grand Total	102	53	105	1	383	5

Common Misconduct Allegations by Station- 2016

Station	Total Force	Total Questionable On-Duty	Total Racial Profiling	Total Disparate Treatment	Total Attitude & Demeanor	Total Failure to Safeguard	Total MVR Procedures	Total Improper Search	Total Undeserved Summons	Total Other
Atlantic City Expwy	5	0	1	0	2	1	2	0	0	9
Bellmawr	1	0	1	0	3	1	2	0	0	11
Bloomfield	0	0	0	0	0	1	0	0	0	6
Bordentown	1	0	0	0	0	0	1	1	0	6
Bridgeton	7	0	0	0	4	0	0	0	0	8
Buena Vista	4	0	1	0	0	0	0	0	2	17
Cranbury	0	0	0	0	1	0	2	0	1	29
Galloway	0	0	1	0	1	0	0	0	2	5
Hamilton	9	0	2	7	1	1	0	0	0	13
Holmdel	0	3	1	1	1	1	0	0	1	10
Hope	0	0	0	0	0	1	0	0	0	3
Kingwood	0	0	2	1	0	0	0	0	0	5
Metro North	2	0	0	0	0	0	0	0	0	2
Metro South	0	0	0	0	0	1	0	0	0	0
Moorestown	0	0	0	0	0	1	0	0	0	3
Netcong	9	0	0	0	2	0	0	0	0	19
Newark	0	0	4	0	1	1	3	0	1	12
Other	22	9	2	1	1	5	2	1	0	129
Perryville	0	0	3	5	1	0	0	0	2	15
Port Norris	0	0	0	1	1	0	0	0	2	15
Red Lion	0	0	0	0	1	1	2	0	1	5
Somerville	6	1	0	3	2	0	3	1	2	24
Sussex	5	0	1	8	4	0	3	0	0	13
Totowa	1	2	1	0	1	1	1	0	1	3
Troop A Other	4	5	0	0	3	1	0	0	0	13
Troop B Other	0	0	0	0	0	2	0	0	0	0
Troop C Other	0	0	0	0	0	2	0	0	0	5
Troop D Other	0	0	2	0	0	1	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0
Tuckerton	0	0	3	0	0	0	0	2	1	4
Washington	1	1	2	0	0	0	2	0	1	13
Woodbine	0	0	1	0	0	1	0	0	0	0
Woodstown	0	0	0	0	0	0	0	0	0	1
Grand Total	77	21	28	27	30	23	23	5	17	398

Misconduct Allegation Categories by Station- 2016

Station	Total Criminal	Total Police Procedure	Total Employment Obligation	Total Administrative/Fail to Safeguard	Total Weapons
Atlantic City					
Expressway	5	14	0	1	0
Bellmawr	2	14	2	1	0
Bloomfield	1	2	3	1	0
Bordentown	0	9	0	0	0
Bridgeton	2	17	0	0	0
Buena Vista	7	13	4	0	0
Cranbury	7	19	7	0	0
Galloway	1	6	1	0	1
Hamilton	9	21	2	1	0
Holmdel	2	12	3	1	0
Hope	2	0	0	1	1
Kingwood	0	5	3	0	0
Metro North	0	4	0	0	0
Metro South	0	0	0	1	0
Moorestown	1	0	1	1	1
Netcong	0	27	1	0	2
Newark	1	12	8	1	0
Other	19	89	52	10	1
Perryville	0	24	2	0	0
Port Norris	1	12	6	0	0
Red Lion	1	8	0	1	0
Somerville	0	36	6	0	0
Sussex	0	34	0	0	0
Totowa	1	7	1	2	0
Troop A Other	6	19	0	1	0
Troop B Other	0	0	0	2	0
Troop C Other	0	2	3	2	0
Troop D Other	0	2	0	1	0
Tuckerton	0	10	0	0	0
Unknown	0	0	0	0	0
Washington	1	17	2	0	0
Woodbine	0	1	0	1	0
Woodstown	0	0	1	0	0
Grand Total	69	439	108	29	6

Appendix Three

Allegations in Administrative Cases by Station- 2016

Station	Attitude and Demeanor	Disparate Treatment	Excessive Use of Force	Questionable Conduct On-Duty	Undeserved Summons	Unsafe Operation of Troop Car	All Other Allegations	Total
Troop A	22	1	1	11	12	6	36	89
Atlantic City	0	0	0	1	3	1	4	9
Bellmawr	4	0	0	1	1	0	2	8
Bridgeton	6	0	0	6	2	1	14	29
Buena Vista	2	0	1	0	0	0	4	7
Metro South	1	0	0	0	0	1	0	2
Port Norris	1	1	0	0	1	0	5	8
Woodbine	2	0	0	1	1	0	5	9
Woodstown	4	0	0	2	2	0	1	9
Troop A Other	2	0	0	0	2	3	1	8
Troop B	30	2	0	2	20	11	44	109
Hope	5	0	0	0	2	1	3	11
Metro North	0	0	0	0	0	0	0	0
Netcong	5	0	0	1	5	1	7	19
Perryville	2	0	0	1	2	4	3	12
Somerville	5	0	0	0	1	2	2	10
Sussex	4	2	0	0	2	0	6	14
Totowa	8	0	0	0	5	0	20	33
Washington	0	0	0	0	1	2	3	6
Troop B Other	1	0	0	0	2	1	0	4
Troop C	25	0	1	4	21	13	35	99
Bordentown	5	0	0	1	6	3	18	33
Hamilton	5	0	0	0	8	5	3	21
Kingwood	3	0	0	0	2	3	3	11
Red Lion	6	0	0	0	3	1	4	14
Tuckerton	4	0	1	2	2	1	5	15
Troop C Other	2	0	0	1	0	0	2	5
Troop D	35	0	0	2	30	16	33	116
Galloway	2	0	0	0	2	1	6	11
Bloomfield	6	0	0	0	6	5	4	21
Cranbury	6	0	0	0	4	3	5	18
Holmdel	5	0	0	0	4	3	5	17
Moorestown	1	0	0	0	1	1	3	6
Newark	6	0	0	2	2	2	6	18
Troop D Other	9	0	0	0	11	1	4	3
Other	18	0	2	15	1	33	64	133
Total	130	3	4	34	84	79	212	546