

NEW JERSEY STATE POLICE  
OFFICE OF PROFESSIONAL  
STANDARDS  
INTERNAL INVESTIGATION AND  
DISCIPLINARY PROCESS  
ANNUAL REPORT  
2004



HONOR ☆ DUTY ☆ FIDELITY

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## FROM THE SUPERINTENDENT. . .

The public justifiably expects all members of this Division to act with integrity, reliability, and trustworthiness. In addition, we hold ourselves to an extremely high standard. Therefore, it is most important our members acknowledge, uphold, and revere our core values; Honor, Duty, and Fidelity in order to maintain the public trust.

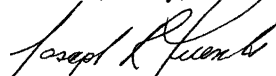
The Division's impartial internal investigative system has shown the vast majority of troopers conduct themselves in an exemplary manner, and I would like to congratulate them on a job well done. However, we are all human. When mistakes are made or Rules and Regulations are violated, all members of this Division are expected to candidly acknowledge such mistakes or violations when brought to the member's attention. The Office of Professional Standards is charged with ensuring all internal investigations are impartial, fair, thorough, and include examinations of all pertinent circumstances. Investigations also analyze the conduct of all applicable members involved including the actions of supervising members in order to provide proper accountability.

The Office of Professional Standards is also responsible for the adjudication of substantiated allegations. The mission of the Office of Professional Standards, accomplished through a fair procedure, enhances the reputation, integrity, and independence of this organization. All personnel are called on to assist the Division in this critical endeavor.

The Office of Professional Standards reached a milestone in 2004. In the Ninth Independent Monitors' Report, submitted on January 23, 2004, the monitors wrote, "The Office of Professional Standards (OPS) continues to be a shining star in the State's efforts to attain compliance. This component of the State's change management strategy continues to be proven to be effective." The monitors determined the Office of Professional Standards demonstrated more than two years of substantial compliance with the tasks related to internal affairs reform. As a result of the monitors' findings, the United States Justice Department joined with the State in a joint motion to excuse the Office of Professional Standards from further monitoring with regards to paragraphs 57 through 92 (excluding paragraphs 87 - 90) entitled, "Misconduct Investigation, Analysis, and Resolutions." On April 6, 2004, United States District Court Judge Mary L. Cooper granted the motion to dissolve paragraphs 57 through 92 (excluding 87 - 90) of the 1999 Consent Decree.

The Division is committed to the institutional changes that have occurred over the past several years. The reform initiatives of the consent decree have become the "best policing" practices employed by the State Police. Relief from the elements of the consent decree related to the Office of Professional Standards has not diminished our desire to permanently embody these initiatives in our policies and procedures.

Honor, Duty, and Fidelity



Joseph R. Fuentes

Colonel

Superintendent

FROM THE COMMANDING OFFICER, OFFICE OF PROFESSIONAL STANDARDS. . .

Through the leadership of Attorney General Peter Harvey and State Police Superintendent Joseph Rick Fuentes, and through the efforts of the men and women of the New Jersey State Police, the Office of Professional Standards has demonstrated that the positive changes within the State Police with regard to being responsive to citizen's complaints, have been embedded not only in the policies and procedures, but also in the hearts and minds of every state trooper.

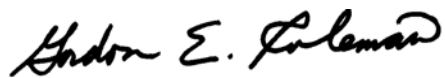
United States District Judge Mary L. Cooper granted the joint motion to excuse the Office of Professional Standards (OPS) from further monitoring with regards to paragraphs 57 through 92 (excluding 87-90) based on OPS meeting or exceeding the very high standards agreed to in the Consent Decree and maintaining them for a two-year period. Assistant Attorney General Daniel Giaquinto, Director of State Police Affairs, wrote in a memorandum, "The granting of this motion is a recognition of the progress and achievements made by the Office of Professional Standards...and is significant in restoring the public confidence...to the entire organization."

The effectiveness of the Office of Professional Standards has come from committed leadership, hard work by state troopers and supervisors at all levels, cooperation with and support from the Office of State Police Affairs and Civil Rights Leaders.

Although statistics are a very visible part of this publication, they are not the most important part. The most important part of the Office of Professional Standards Annual Report is its representation of the Division's desire to be transparent and accountable. The Division by virtue of this document, which goes further than required by the Consent Decree, demonstrates the willingness to fairly report information related to complaints made against state troopers, the internal investigative process, and the disciplinary process. This information permits proper evaluation of progress in accepting and investigating complaints against state troopers and meting out appropriate discipline.

The Office of Professional Standards is committed to maintaining the highest standards of integrity within the ranks of the state police and will continue to work diligently to enhance the trust of the citizens we serve.

This report would not have been realized without the input and direction of Captain Edward G. Donovan, Executive Officer, Office of Professional Standards, and the staff of the Office of Professional Standards.



Gordon E. Coleman, Major  
Commanding Officer  
Office of Professional Standards

## EXECUTIVE SUMMARY

This report is intended to provide the Governor, State Legislature, the citizens of the State of New Jersey, and all other interested parties a brief history of the State Police internal affairs process and a comprehensive look at the disciplinary system employed by the Division. Included in the report are explanations of how the Division receives complaints, classifies the allegations, assigns cases for investigation, and adjudicates substantiated charges against enlisted members. The report also provides overviews of major and minor discipline imposed in 2004 as the result of substantiated allegations and other actions taken by the Division to address aberrant behavior.

## OFFICE OF PROFESSIONAL STANDARDS

Prior to 1999, the former Internal Affairs Bureau was charged with investigating and adjudicating complaints against enlisted members of the Division. The Bureau was commanded by a captain who reported to a major supervising the Division Staff Section. The Bureau consisted of a total nineteen persons, sworn and civilian, and was divided into three units. Three employees, two enlisted persons and one civilian support person, were assigned at the bureau level.

The Investigation Unit was responsible for receiving complaints, classifying allegations, conducting internal investigations, and tracking cases. This unit consisted of ten employees, nine enlisted persons and one civilian support person. This included seven detective sergeants assigned as full time investigators.

The Administrative Internal Proceedings Unit was responsible for the adjudication of substantiated allegations, convening advisory boards and disciplinary hearings, tracking civil complaints against the Division and its members, and acted as a liaison between the Internal Affairs Bureau Chief and the Attorney General's Office. This office was composed of three enlisted persons and one civilian support person.

The Staff Inspection Unit was responsible for instructing field officers in proper inspection techniques, reviewing inspection reports submitted by field supervisors, conducting evidence and administration inspections of stations and field units, and counseling members found to be deficient in work product or to have exhibited unacceptable attitudes towards other members or the public. This unit consisted of two enlisted persons.

In 1999, the Attorney General's Office conducted a review of the Division's disciplinary system. As a result of this review, the Internal Affairs Bureau was reorganized and the

Office of Professional Standards was established. The investigative and adjudication functions were transferred from the Division Staff Section and placed under the control of a major reporting directly to the superintendent. During 2001, the Division Standing Operating Procedure that governs the Office of Professional Standards was completely revised, and the new policy was adopted in January 2002. This revision ultimately resulted in the formation of two distinct bureaus within the office.

#### INTERNAL AFFAIRS INVESTIGATION BUREAU

The Internal Affairs Investigation Bureau is responsible for investigating all misconduct complaints made against enlisted members of the State Police. This bureau is commanded by a captain holding the position of bureau chief. The bureau also has an assistant bureau chief holding the rank of lieutenant. In addition to the command staff, there are three regional investigative units. There are currently thirty-three persons assigned to this bureau, twenty-nine enlisted and four civilian support persons. This includes twenty-four full time investigators holding at least the rank of detective sergeant.

#### INTAKE AND ADJUDICATION BUREAU

The Intake and Adjudication Bureau is also commanded by a captain and lieutenant. The bureau is divided into four units with varying responsibilities:

**The Intake Unit:** Accepts , classifies, and assigns or refers all complaints received by the Office of Professional Standards. This unit is also responsible for notifying complainants and members of the division's response to the complaints.

**The Administrative Internal Proceedings Unit:** Responsible for the adjudication of substantiated allegations, convening disciplinary hearings, tracking civil complaints against the Division and its members, and acting as a liaison between the Office of Professional Standards and the Office of the Attorney General, Office of State Police Affairs, Division of Law, and the Office of Administrative Law.

**The Management Review Unit:** Formerly assigned to the Executive Office, became part of the Office of Professional Standards as part of our reorganization. This unit is responsible for the design, implementation, documentation, evaluation, and improvement of the division's internal controls. It also assists sections and bureaus in developing systems of review for the cost effective use of resources, reviews all procedures concerning division financial accounts. The unit assures that the "Ethical Standards Conflict of Interest Law," N.J.S.A. 52:13D-12 et seq., is reviewed annually by all Division personnel. The unit acts as liaison

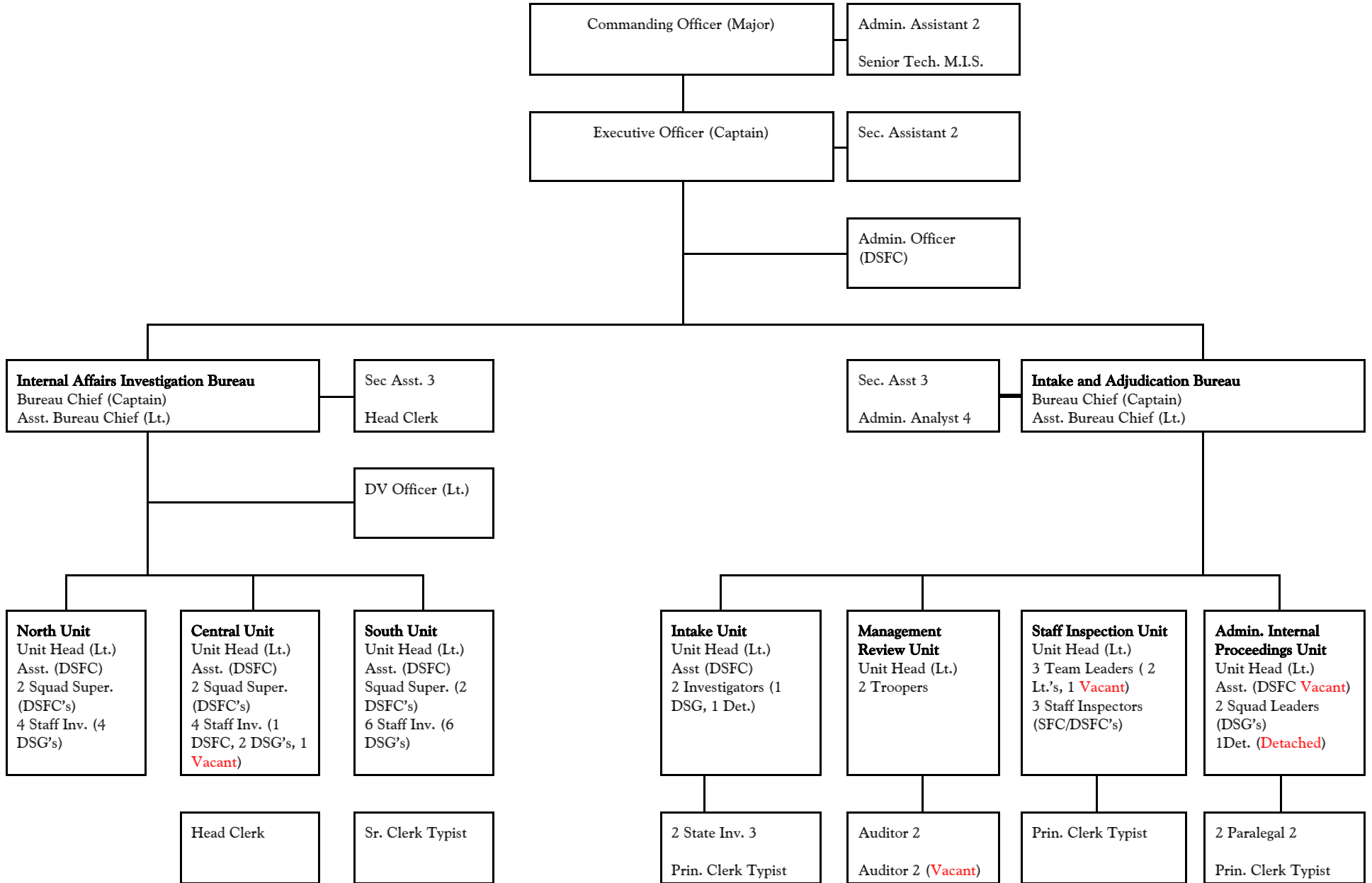


between the Division of State Police and Department of Law and Public Safety and all other authorized audit groups.

**The Staff Inspection Unit:** Responsible for instructing field officers in proper inspection techniques, reviewing inspection reports submitted by field supervisors, conducting evidence and administration inspections of stations and field units, and examining supervisory mobile video recording reviews.

On December 31, 2004, the Office of Professional Standards consisted of 64 persons. This includes 17 professional support personnel and 49 enlisted persons.

## Office of Professional Standards 2004 Organizational Chart



## OFFICE OF STATE POLICE AFFAIRS

The Office of State Police Affairs within the Office of the Attorney General was established by the Attorney General in 1999 as an external entity to the State Police that continues to work jointly with the Division reviewing all complaints, investigations and adjudications handled by the Office of Professional Standards. The Office of State Police Affairs also has the authority and staff to conduct its own investigations as well as to handle matters at the request of the State Police. In addition to the Deputy Attorneys General and State Investigators assigned to the Office of State Police Affairs by the Attorney General, three enlisted members of the Division are currently assigned to that office.

Under the consent decree entered into between the United States and the State of New Jersey on December 30, 1999, independent monitors had access to and the ability to review and request additional work on all internal investigations. The Office of State Police Affairs, the Office of Professional Standards, and the independent monitors continued to work together during 2004 reviewing internal investigations and the disciplinary process. They have endeavored to improve the system even further.

In the Monitors' Ninth Report, dated January 23, 2004, the independent monitors reported, "The Office of Professional Standards (OPS) continues to be a shining star in the State's efforts to attain compliance. This component of the State's change management strategy continues to be proven to be effective."

In fact, the independent monitors found the Office of Professional Standards demonstrated substantial compliance with those portions of the consent decree pertaining to internal affairs reform for more than two years. Based on the monitors' findings, the United States Department of Justice joined with the State in a motion to effectuate dissolution of paragraphs 57 through 92, "Misconduct Investigation, Analysis, and Resolutions" (excluding paragraphs 87 through 90). The motion was granted on April 6, 2004, by the Honorable Mary L. Cooper, U.S.D.J., United States District Court, dissolving the 1999 Consent Decree, paragraphs 57 through 92 (excluding paragraphs 87 and 90).

The commitment by the State of New Jersey, the Attorney General, and the Superintendent to the most thorough, fair, and efficient system possible is demonstrated by the increase in investigative and support personnel assigned to the Office of Professional Standards and the development and acquisition of a state of the art information technology case tracking system.

## STATE POLICE DISCIPLINARY PROCESS

The New Jersey Division of State Police is a statewide police organization that provides a full range of police services. During 2004, the sworn complement was 2,742 at its highpoint. The civilian complement peaked at 1,671. In 2004, troopers were involved in an excess of two million police/citizen contacts. Many of these interactions were routine. Many involved stressful and critical situations.

The disciplinary system of the New Jersey State Police is unique within the state. The New Jersey Supreme Court has recognized:

Unlike the comparably routine issues of discipline that might arise in connection with employees in other departments of state government, the discipline of state troopers implicates not only the proper conduct of those engaged in the most significant aspects of law enforcement, involving the public safety and the apprehension of dangerous criminals, but also the overall effectiveness, performance standards, and morale of the State Police. As such, discipline of state troopers involves the most profound and fundamental exercise of managerial prerogative and policy.<sup>1</sup>

The State Police, as an employer, is made up of over 4,400 employees including the aforementioned sworn members and the Division's civilian professional and support personnel. Due to the unique mission of the State Police, the Office of Professional Standards handles complaints from the public about troopers' conduct and allegations of criminal conduct by members.

The statistics and cases embodied in this report represent all disciplinary matters involving troopers. It would be inaccurate to attribute the sum of these statistics and cases to allegations arising from citizen complaints alleging line of duty misconduct on the part of a trooper since the statistics also include internally generated allegations of violations of the Division's Rules and Regulations.

## COMPLAINT PROCESS

The New Jersey State Police accepts, reviews, and responds to all complaints received from the public. Complaints may be made in person at any State Police facility, by telephone or fax, or through the mail. The Office of Professional Standards does not accept direct e-mail complaints, but other state agencies, such as the Office of the

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<sup>1</sup>State of New Jersey v. State Troopers Fraternal Association, 134 N.J. 393, 416 (1993)

Attorney General, Citizen Services, sometimes forward complaints of this nature that they receive. These include anonymous complaints, complaints from third party witnesses, and complaints from parties not directly involved in the incident from which an allegation arises. Notwithstanding the occurrence of citizens requesting to withdraw a previously made complaint, the investigation is continued with or without the assistance of the citizen making the complaint. The investigative process assesses the propriety of all conduct during the incident in which the alleged misconduct occurred. If during the course of an investigation there is an indication that misconduct occurred other than that alleged, the Division also investigates the additional potential misconduct to its logical conclusion.

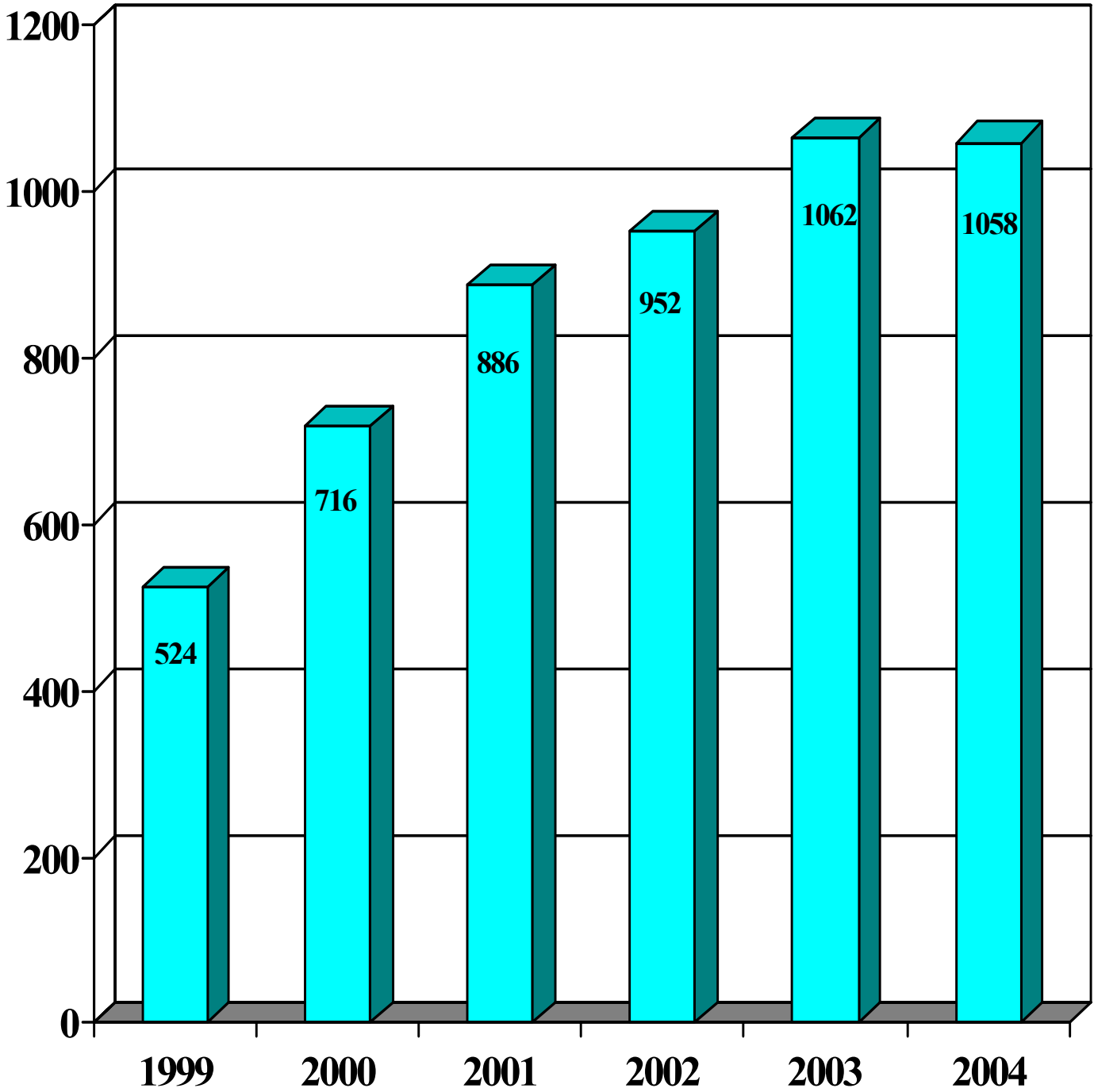
The Intake Unit of the Office of Professional Standards is responsible for receiving, documenting, processing, classifying, and disseminating all complaints against sworn members of the New Jersey State Police alleging misconduct or violations of State Police Rules and Regulations. This includes complaints made by citizens as well as employment-related disciplinary matters.

During 2004, 1,058 total incidents were reported and classified compared to 1,062 in 2003, 952 in 2002, 886 incidents in 2001 and 716 incidents in 2000. This represents a 0.4% decrease in the number of reportable incidents received in the year 2004 over those received in the year 2003.

The number of reportable incidents decreased in 2004 despite the Division's continued aggressive outreach campaign initiated in late 1999 educating the public as to how to make a complaint against or submit a compliment for a member of the Division. Posters and signs describing the complaint process can be found in every State Police facility and state operated highway service area. In addition, every on-duty member interacting with the public carries informational brochures and compliment / complaint forms which must be provided to anyone who objects to the trooper's conduct. Also, during 1999, the State Police instituted and advertised a toll free hot line available twenty-four hours which goes directly to the Office of Professional Standards.

Finally, the Office of State Police Affairs within the Office of the Attorney General, external to the State Police, accepts and investigates complaints while providing an alternative to citizens concerned about complaining directly to the State Police. Each of these initiatives has provided citizens significantly more opportunities to provide feedback, compliments or complaints about the operation of the Division and its personnel. These efforts continued throughout 2004.

Six Year Comparison of Number of Incidents Reported



## CLASSIFICATION OF REPORTED INCIDENTS

Before January 2002, complaints that were received by the former Internal Affairs Bureau and the current Office of Professional Standards were reviewed and classified as Misconduct, Administrative, or EEO/AA Matters referred to the office for disciplinary action. In January 2002, the revised Standing Operating Procedure governing the classification of complaints was adopted. A fourth classification, Performance, was added. Since the adoption of the revised S.O.P., minor infractions and inadvertent procedural violations that were previously considered Misconduct are now classified as Performance Issues. In 2003, a fifth category, Compliance, was added. This classification is used when the Administrative Absence Unit in the Human Resource Management Bureau detects and substantiates a violation of the Division's sick leave policy and forwards the case to the Office of Professional Standards for adjudication.

### MISCONDUCT

When incidents are reported to the Office of Professional Standards, they are placed in one of four categories after being reviewed by the Commanding Officer. If the Division receives a complaint that a trooper has committed a serious, willful, or wanton violation of the Division's Rules and Regulations, Standing Operating Procedures, or any applicable federal or state statutes, the matter is classified as Administrative Misconduct, and an Internal Investigation is initiated.

### PERFORMANCE

Performance is a category introduced in January 2002 with the adoption of the revised Standing Operating Procedure governing incident classification. When a complaint is reviewed and it is determined that an enlisted member of the Division committed a minor infraction, the matter is classified as a Performance Issue. These matters are returned to the members command for resolution. The command is required to assign a supervisor not in the member's direct chain of command to handle the complaint. The supervisor is required to submit a Performance Incident Disposition Report to the Office of Professional Standards through his/her chain of command detailing the corrective actions taken to resolve the issue.

### ADMINISTRATIVE

When the reported incident does not infer a trooper has violated any of the Division's Rules and Regulations, Standing Operating Procedures, or applicable federal or state laws, the incident is classified as an Administrative matter.

### EEO / AA INVESTIGATION FORWARDED TO O.P.S. FOR DISCIPLINARY ACTION

When the Division's Equal Employment Opportunity / Affirmative Action Bureau conducts an investigation and allegations are substantiated against enlisted members of the Division, those cases are forwarded to the Office of Professional Standards for adjudication and disciplinary action.

### COMPLIANCE INVESTIGATIONS FORWARDED TO O.P.S. FOR DISCIPLINARY ACTION

When the Administrative Absence Unit in the Human Resource Management Bureau detects and substantiates a violation of the Division's sick leave policy and forwards the case to the Office of Professional Standards for adjudication and disciplinary action.

### Six Year Breakdown of Incident Classifications

	1999	2000	2001	2002	2003	2004
MISCONDUCT	357	580	642	391	414	407
PERFORMANCE				262	300	232
ADMINISTRATIVE ISSUES	167	128	239	294	340	414
COMPLIANCE					2	4
EEO / AA INVESTIGATIONS FORWARDED TO O.P.S. FOR DISCIPLINE	0	8	5	5	6	1
TOTALS	524	716	886	952	1,062	1,058

### ORIGIN OF COMPLAINTS

In 2004, of the 407 total misconduct complaints, 301 (74%) were initiated by members of the public and 106 (26%) were initiated internally. Of the misconduct complaints initiated by the public, 156 (51.8%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, the Office of Professional Standards received 232 reportable incidents which were classified as Performance Issues; 213 (92%) of these complaints were initiated by members of the public and 19 (8%) were initiated internally. For the purposes of the chart displayed below, the cumulative number of Performance Issues and Misconduct Complaints is being used.



In 2003, of the 414 misconduct complaints received, 263 (63.5%) were initiated by members of the public and 151 (36.5%) were initiated internally. Of the misconduct complaints initiated by the public, 131 (49.8%) involved citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. In addition, of the 300 reportable incidents classified as Performance Issues, 252 (84%) resulted from citizen complaints and 48 (16%) were initiated internally. For the purposes of the chart displayed below, the cumulative number of Performance Issues and Misconduct Complaints is being used.

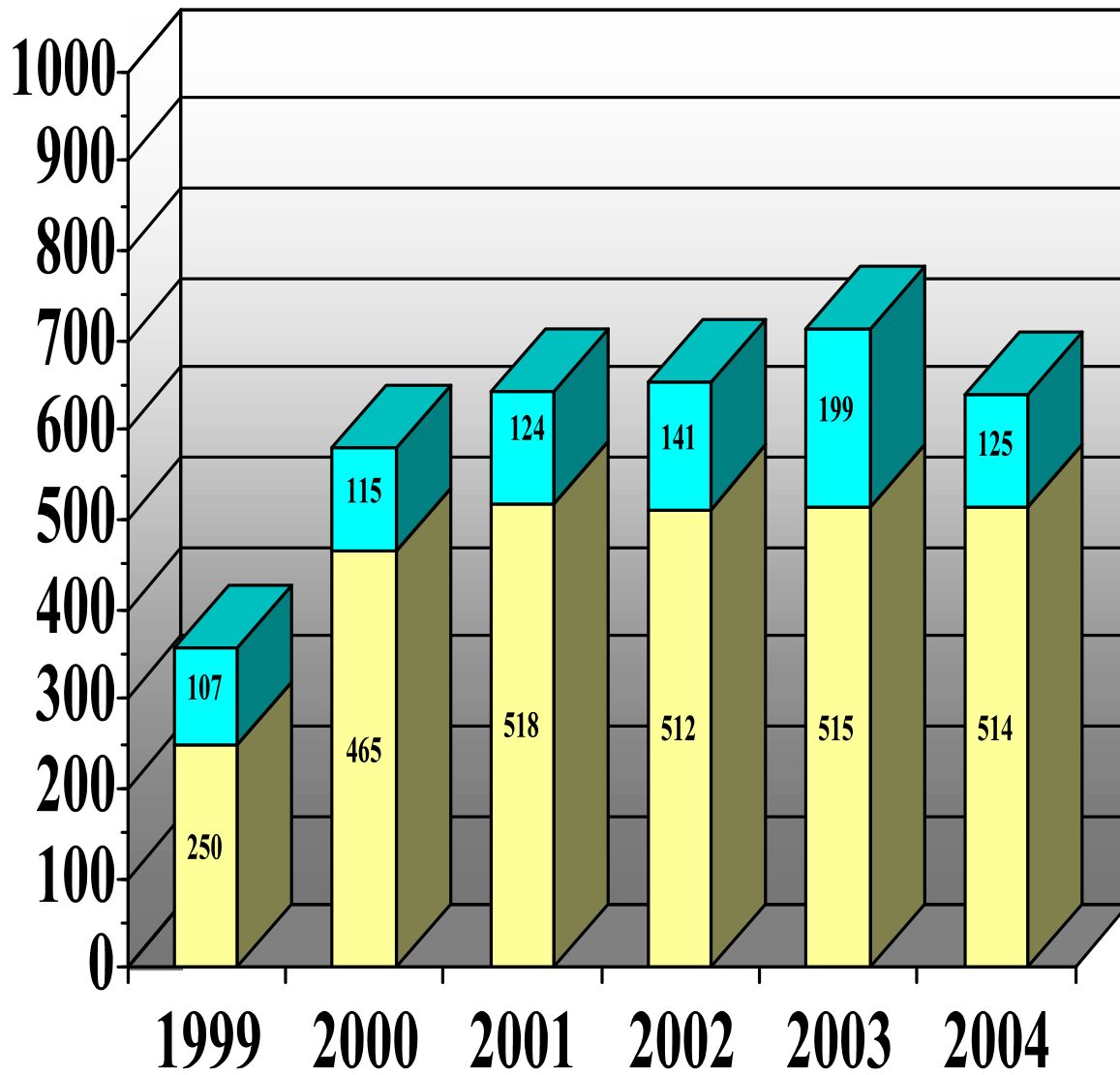
In 2002, 262 cases that would have previously been considered Misconduct were classified as Performance Issues. In addition, 391 matters were classified as Misconduct. The total of these two categories, 653 cases, required management intervention on the part of the Division. For the purposes of the chart displayed below, the cumulative number of Performance Issues and Misconduct Complaints is being used. Of the 653 combined cases, 512 (78%) were initiated by the public and 141 (22%) were internally generated.

Of the 642 misconduct complaints received and processed in 2001, 518 (81%) were initiated by members of the public and 124 (19%) were initiated internally. Of the complaints initiated by the public, 229 (44%) were initiated by citizens who had been arrested or issued a motor vehicle summons by a member of the State Police. Sixteen (3%) complaints were initiated as a result of an allegation of off-duty conduct relating to domestic violence. The remaining 273 (53%) of the externally initiated complaints were made by citizens who, based solely on their complaints, did not indicate that they were arrested nor received any type of motor vehicle summons.

Of the 580 misconduct complaints received and processed in 2000, 465 (80%) were initiated by members of the public, and 115 (20%) were initiated internally. Of the complaints initiated by the public, 266 (57%) were initiated by citizens who had been arrested or issued a motor vehicle summons by a member of the state police. Eleven (12%) complaints were initiated as a result of an allegation of off-duty conduct relating to domestic violence. The remaining 188 (41%) of the externally initiated complaints were by citizens who were not arrested nor had they received any type of motor vehicle summons.

In 1999, of the 357 total misconduct complaints, 250 were initiated by members of the public and 107 were initiated internally.

SIX YEAR COMPARISON OF COMPLAINT SOURCES



- Initiated by State Police personnel
- Initiated by the public

## CRIMINAL PROCEEDINGS INVOLVING DIVISION MEMBERS

The Office of Professional Standards investigates all matters where a member of the State Police has become the subject of a criminal proceeding. Criminal proceedings arise in a variety of ways. They can be initiated as a result of an investigation by Office of Professional Standards personnel; they may be the result of state or federal criminal investigations; they may arise from off-duty matters; or they may be the result of counter-complaints filed against a trooper by a defendant after the defendant has been arrested or charged by a trooper. Each matter represented below is the subject of a pending internal investigation.

Between January 1, 2004, and December 31, 2004, the following criminal complaints were signed or were pending against members of the Division:

### LINE OF DUTY: CITIZEN INITIATED CRIMINAL MATTERS

On occasion, criminal charges are filed against members of the Division for incidents alleged to have occurred on-duty. Most are filed by individuals, (not law enforcement agencies) who were charged with motor vehicle and/or criminal offenses by the member. These cases are reviewed and a determination is made that the members' actions were within the scope of their official duties and legally defensible.

During 2004, no criminal charges were filed by citizens against members while performing their official duties.

### ON-DUTY CONDUCT: STATE POLICE OR OTHER LAW ENFORCEMENT AGENCY INITIATED PROCEEDINGS

In some cases a member is criminally charged for on-duty conduct by the State Police or other law enforcement agency and/or there has not been a finding that the member's behavior was within the scope of the member's official duties.

During 2004, no criminal charges were brought against members by the State Police or other law enforcement agencies.

### OFF-DUTY CONDUCT

These cases represent criminal or disorderly persons offenses filed against Division members acting in an off-duty capacity and not related in any way to the performance of their State Police duties. During 2004, the following off-duty incidents were investigated:

Member was charged with Harassment (Domestic Violence) This charge was Administratively Dismissed.

Member was charged with Simple Assault (Domestic Violence). This charge was Administratively Dismissed.

Member was charged with Simple Assault and Harassment. These charges were Administratively Dismissed.

Member was charged with Interference with Custody. This charge was Administratively Dismissed.

Member was charged with Simple Assault (Domestic Violence) This charge was Administratively Dismissed.

Member was charged as Disorderly Person. This charge was Administratively Dismissed.

Member was charged with Simple Assault (Domestic Violence). The member was found Not Guilty.

Member was charged with Harassment. This charge is pending court hearing.

## ASSIGNMENT OF INVESTIGATIONS

Of the 407 misconduct cases assigned in 2004, 388 were assigned to Internal Affairs Bureau investigators, 9 were referred to the Office of State Police Affairs for investigation, and 10 were assigned to other State Police supervisory personnel for investigation.

## ALLEGATIONS AND OUTCOMES

All complaints are categorized based on the alleged offense. As of September 1, 2000, completed investigations, upon review by the Superintendent, are determined to have one of the following four dispositions:

SUBSTANTIATED : an allegation is determined to be “substantiated” if a preponderance of the evidence shows a member violated State Police rules, regulations, protocols, standard operating procedures, directives, or training

- UNFOUNDED : an allegation is determined to be “unfounded” if a preponderance of the evidence shows that the alleged misconduct did not occur.
- EXONERATED : an allegation is determined to be “exonerated” if a preponderance of the evidence shows the alleged conduct did occur but did not violate State Police rules, regulations, operating procedures, directives or training.
- INSUFFICIENT EVIDENCE : an allegation is determined to be “insufficient evidence” where there is insufficient evidence to decide whether the alleged act occurred.

## CASES COMPLETED IN 2004

One of the major initiatives of the Office of Professional Standards was to address the issue of timeliness with regard to the Division’s disciplinary process. On January 11, 2002, there were 707 active Internal Investigations. In addition, there were 132 case in the review process. In the Monitors’ Ninth Report, dated January 23, 2004, the monitors reported, “Staffing, training, and oversight of the OPS function remains strong. With the advent of removal of the backlog of OPS investigations, achieved during the eighth reporting period, OPS has moved toward holding a 120-day timeline for all completed OPS investigations.” Cases are considered completed when it has been determined that no further action is to be taken, or when disciplinary action has been imposed. This effort has been continued in 2004. The Office of Professional Standards strives to complete cases in timely manner.

Of the 394 investigations completed in 2004, 281 (71%) were the result of citizen complaints. Of these cases, 53 (18.8%) resulted in substantiated primary or secondary allegations.

Of the 394 internal investigations completed in 2004, 113 (29%) were the result of internally generated complaints. Of these cases, 56 (49.5%) resulted in substantiated primary or secondary allegations.

Of the 394 completed investigations in 2004, 109 (28%) resulted in a substantiated original allegation or secondary allegations.

The total of 394 completed investigations included 3 (1%) from 2000, 2 (.5%) from 2001, 16 (4%) from 2002, 111 (28%) from 2003, and 262 (66.5%) from 2004.

The table below represents case level findings and actions taken for the 394 cases closed in 2004. Cases were classified according to the most serious allegation in that case, and the disciplinary action reported is the result of that substantiated allegation. The number of disciplinary actions is commensurate with the number of cases where there were substantiated allegations. Secondary allegations and multiple principals are not addressed in this table.

**SUMMARY OF COMPLETED CASES**  
**REPORTING PERIOD: JANUARY 1, 2004 THROUGH DECEMBER 31, 2004**

Cases Completed by Category in Year 2004					
Complaint Classification	Counseling/ Written Warnings Issued	Written Reprimands Issued	Summary Disciplinary Hearings Held	General Disciplinary Hearings Held	No Further Action <sup>1</sup>
Improper Search		1			7
Theft					3
Assault				1 <sup>2</sup>	12
Excessive Force					28
Differential Treatment					95
Other Harassment					7
Domestic Violence			1	1	6
Drug Violation		1			1
Alcohol Violation	1			2	
Failure to Perform Duty	3	8 <sup>3</sup>	1		9
Driving Violation					6
Attitude and Demeanor	2	1			6
Admin. Violations	12	17 <sup>4</sup>	2		30
Other	14 <sup>5</sup>	12	3 <sup>6</sup>	5 <sup>7</sup>	96
<b>TOTALS</b>	<b>32</b>	<b>40</b>	<b>7</b>	<b>9</b>	<b>306</b>

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<sup>1</sup>Includes cases closed as Insufficient Evidence, Unsubstantiated, Unfounded, Exonerated and Administratively Closed.

<sup>2</sup>One member resigned prior to the imposition of discipline.

<sup>3</sup>One member resigned prior to the imposition of discipline.

<sup>4</sup>One member resigned prior to the imposition of discipline.

<sup>5</sup>One member resigned prior to the imposition of discipline.

<sup>6</sup>Two members resigned prior to the imposition of discipline.

<sup>7</sup>One member, involved in four cases, resigned prior to the imposition of discipline.

## MISCONDUCT INVESTIGATIONS OPENED IN 2004

There were 407 misconduct investigations opened in 2004. The following paragraphs report the status of these cases as of December 31, 2004. Of these cases, 301 were initiated as the result of citizen complaints and 106 cases were opened because of complaints made by State Police supervisors or other members.

Of the 301 citizen initiated investigations, 31 (10.3%) remain active, 31 (10.3%) are in the review process or pending discipline, 211 (70.1%) have been completed, and 28 (9.3%) have been suspended pending court action or other administrative action. Of the 211 completed, 30 (14.2%) resulted in substantiated primary or secondary allegations.

Of the 106 complaints initiated by State Police supervisors or members, 19 (17.9%) remain active, 20 (18.9%) are in the review process or pending discipline, 59 (55.7%) have been completed, and 8 (7.5%) have been suspended pending court action or other administrative action. Of the 59 completed, 28 (47.5%) resulted in substantiated primary or secondary allegations.

## SUMMARY OF NEW COMPLAINTS

The following table summarizes the total number of complaints received by the Office of Professional Standards during the year 2004 that resulted in Internal Investigations, the origin of the complaints, the total number of Principals (members of the Division who have been identified as the subjects of the investigations), and the general categories of the allegations. The right side summarizes the adjudication of cases by category that occurred during the year 2004, which includes complaints from 2004 and earlier: Please refer to the tables on the following page.<sup>8</sup>

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<sup>8</sup>Note: The intake and disposition of complaints is an ongoing process. During investigations matters may be reclassified. During the year, the Division also reports case data to the federal monitors as well as to the Office of the Attorney General which each publish case data. Due to the fluid nature of the handling of these matters, slight numerical differences may exist if the reports are compared.



SUMMARY OF NEW COMPLAINTS  
REPORTING PERIOD: JANUARY 1, 2004 THROUGH DECEMBER 31, 2004

2004 Cases Received by Category for Internal Investigation			
Complaint Classification	Origin		Principals
	Public	SP	
Improper Search	6	3	17
Theft	4	1	7
Assault	7	2	15
Excessive Force	45	0	76
Differential Treatment	85	3	107
Other Harassment	10		12
Domestic Violence	7	12	18
Drug Violation	1	0	1
Alcohol Violation	1	0	2
Failure to Perform Duty	11	5	21
Driving Violation	7	1	8
Attitude and Demeanor	13	0	13
Admin. Violations	11	41	73
Other	89	42	192
<b>TOTALS</b>	<b>297</b>	<b>110</b>	<b>562</b>

## MAJOR CASE OVERVIEW

During 2004, a small number of the Division's enlisted personnel were involved with allegations of serious misconduct. These included administrative violations, violations of the public trust and, in some cases, criminal allegations. The Office of Professional Standards has initiated investigations into these violations which has resulted in the suspension of one Division member pending the completion of the investigation and disposition of the allegations.<sup>9</sup>

## MAJOR INVESTIGATION SYNOPSIS

An investigation was initiated when a supervisor discovered that a member falsified a paragraph in an internal document and forged another member's initials on twelve pages of an investigation report. Allegations of Providing False Info on any Report, and Failure to Perform Duty were substantiated. A General Disciplinary Hearing has been scheduled.

An investigation was initiated when a subject escaped from a member's custody during arrest after the member placed the subject in the Troop Car. Allegations of Failure to Perform Duty and Failure to Follow MVR Procedures were substantiated. A General Disciplinary Hearing has been scheduled.

The Division received information from a federal law enforcement agency that a member's relative had been indicted for organized criminal activity. It was alleged the member inappropriately requested information from the federal agency. An allegation of Questionable Conduct - Off Duty was substantiated. The member received a Written Reprimand and a Minor Disciplinary Hearing has been scheduled.

An investigation was initiated when a supervisor discovered a member forged the signature of another member on an internal document. Allegations of Providing False Info on any Report and Failure to Perform Duty were substantiated. A General Disciplinary Hearing has been scheduled.

An investigation was initiated when a citizen reported that two enlisted members threatened and assaulted him. The investigation is ongoing.

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<sup>9</sup>Please note that one case may appear in more than one category within this report.

## COMPLETED DISCIPLINE

The State Police disciplinary system provides for three formal dispositions of substantiated violations of Rules and Regulations. They are:

- GENERAL DISCIPLINARY HEARING : may result in termination, suspension of any duration imposed by the Superintendent, and/or a reduction in rank and/or grade
- SUMMARY DISCIPLINARY HEARING : may result in a suspension of up to 30 days
- WRITTEN REPRIMAND : may result in a suspension of up to 5 days

## SYNOPSIS OF MAJOR DISCIPLINE

The following is a synopsis of discipline imposed as a result of General Disciplinary Hearings convened during calendar year 2004<sup>10</sup>:

Member found guilty of making false and misleading statements regarding his knowledge of incidents of harassment against another member. Member also found guilty of creating and posting a demeaning and derogatory note against another member within the confines of a NJSP station. Member was suspended for forty-five (45) days.

Member pled guilty to making false and misleading statements regarding his culpability in creating and posting harassing and demeaning notes against another member. Member also pled guilty to acting to his personal discredit and the discredit of the division by creating "Lords of Discipline" t-shirts. Member also pled guilty to making false statements regarding his knowledge of the creation and design of the "Lords of Discipline" t-shirts. Member also plead guilty to engaging in outside employment without prior approval of the Superintendent. Member was suspended for ninety (90) days.

Member pled guilty to unauthorized operation of his assigned unmarked troop car after the consumption of alcohol, which resulted in a one car motor vehicle accident causing extensive damage to public and private property. Member was ordered to participate in and successfully complete a one year outpatient

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<sup>10</sup>Seven (7) members resigned/retired from the Division prior to scheduled disciplinary hearings.

substance abuse after care program. Member was suspended for forty-five (45) days.

Member pled guilty to violating the Department of Law and Public Safety's Anti-discrimination Policy by making inappropriate and derogatory remarks while assigned as a station commander. Member retired prior to discipline as part of a plea agreement.

Member pled guilty to acting to his personal discredit and to the discredit of the Division by entering a private wedding uninvited while on authorized duty leave and becoming involved in physical confrontations with members of the wedding party and invited guests. Member was ordered to attend and successfully complete an alcohol abuse/anger management program. Member entered into a one year Pre-trial intervention program in the County of Ocean. Member must pass full psychological evaluation upon completion of suspension and prior to reinstatement in the Division. Member was suspended for one (1) year.

The following is a synopsis of discipline imposed as a result of Summary Disciplinary Hearings convened during calendar year 2004:

Member pled guilty to failing to call in motor vehicle stop. Member also plead guilty to failing to prepare consent to search form. Member was suspended for twenty (20) days.

Member pled guilty to improper supervision and culpable inefficiency during his assignment as a trooper coach. Member was suspended for ten (10) days.

Member pled guilty to acting in an official capacity to his personal discredit and to the discredit of the Division by taking another member's assigned gas mask and turning in as his own during inspection. Member also plead guilty to losing his assigned equipment and failing to properly report same as lost. Member was suspended for ten (10) days.

Member pled guilty to acting in an official capacity to his personal discredit and to the discredit of the Division by improperly accessing the New Jersey Division of Motor Vehicles files to obtain personal information of another. Member was suspended for three (3) days.

Member plead guilty to acting in an official capacity to his personal discredit and to the discredit of the Division by improperly accessing the New Jersey Criminal History Detailed Record and the New Jersey Motor Vehicle Services databases for another. Member also plead guilty to unauthorized use of troop transportation for personal business. Member was suspended for ten (10) days.

Member pled guilty to conducting a full search of a New Jersey vehicle registration in the Department of Motor Vehicle files utilizing his Mobile Data Terminal within his assigned troop transportation without proper authorization for a personal friend. Member also plead guilty to utilizing his official position to secure unwarranted privileges or advantages. Member was suspended for twenty (20) days.

Member pled guilty to culpable inefficiency and acting to his personal discredit and to the discredit of the Division for his actions displayed while assisting another trooper following a motor vehicle pursuit/accident. Member also pled guilty to failure to follow Mobile Video Recording procedures. Member was suspended for twenty (20) days.

Member pled guilty to acting to his personal discredit and to the discredit of the Division for his actions displayed in an unofficial capacity or private capacity by entering the residence of his ex-girlfriend uninvited which in turn led to the issuance of a Domestic Violence Temporary Restraining Order for Harassment. Member also pled guilty to unauthorized use of his assigned troop transportation while off-duty. Member was suspended for ten (10) days.

Member pled guilty to culpable inefficiency and failure to properly handle evidence by failing to properly document the chain of custody of all evidence recovered during ongoing criminal investigations. Member was suspended for five (5) days.

## SYNOPSIS OF MINOR DISCIPLINE

In addition to disciplinary hearings, during the year 2004, there were 47 Written Reprimands issued by the Superintendent for a variety of offenses. These include suspensions from 0 to 5 days. The following is a synopsis of Written Reprimands<sup>11</sup> issued by the Superintendent:

Failure to safeguard Equipment/Identification.

Installation of unauthorized software onto division computer.

Leaving assigned post without being properly relieved.

Unauthorized use of Division telephones.

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<sup>11</sup>Some issued Written Reprimands encompass multiple violations.

Questionable conduct displayed during motor vehicle stop.

Failure to notify CAD of a motor vehicle stop.

Failure to notify Division of information of which it would take cognizance.

Failure to document investigation of incident by member under direct command.

Unprofessional attitude and demeanor displayed during motor vehicle stop.

Failure to follow MVR/CAD/Radio procedures.

Failure to complete a patrol chart.

Absence from duty without proper authorization while assigned to limited duty status.

Failure to appear in court resulting in judge dismissing case based on LOP.

Failure to notify ODU/supervisor prior to requesting consent to search.

Improperly approving own e-daily involving overtime pay.

Disobeying a direct order of a supervisor.

Failure to adhere to Division sick leave policy.

Violation of use of force/reporting requirements.

Failure to log and properly secure evidence.

Misuse of assigned troop transportation.

Failure to document visitor into station.

Documenting wrong venue during a motor vehicle summons/accident investigation.

Improper supervision/culpable inefficiency.

Questionable conduct off-duty and on-duty.

Failure to take police action.

Failure to complete motor vehicle stop report.

Improper prisoner transport which resulted in the escape of prisoner.

Improper search of civilian employees during an administrative inspection.

Failure to properly document hours worked in the e-daily system.

Violation of the State motor vehicle laws and statutes.

Questionable conduct displayed during specialist selection review board process.

## OPEN CASES AS OF DECEMBER 31, 2004

Active Investigations at end of year:	<u>2003</u>	<u>2004</u>	<u>Total</u>		
	2	33	35		
Completed Investigations pending review:	<u>1998</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>Total</u>
	1	1	13	64	79
Cases stayed pending outcome of criminal proceedings or administrative reasons:					56
Substantiated cases pending formal hearing:					24
Substantiated cases pending minor discipline:					7

## PROSECUTIONS FOR FALSE CITIZEN COMPLAINTS

The Division of State Police takes citizen complaints seriously and fully investigates them. However, if a complaint is found to be fabricated and maliciously pursued, the complainant may be subject to criminal prosecution.

## COMPLIMENTS

During 2004, the Division of State Police received 1,095 citizen compliments regarding actions by enlisted members. The aforementioned citizen compliments were received in one of the following four manners; citizen generated letters of appreciation, the New Jersey State Police Citizen Compliment/Complaint Form, the Office of Professional Standards Toll-free Compliment/Complaint Hotline, and e-mails.