

OLEPS

OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS

Ninth Oversight Report July 2015

July 1, 2013 – December 31, 2013
2013 Annual Training Review

New Jersey Office of the Attorney General • John J. Hoffman, *Acting Attorney General*

Office of Law Enforcement Professional Standards • Christina M. Glogoff, *Director*



Table of Contents

	Page
Executive Summary	iii
Introduction	1
Part I: Oversight Methodology & Process	3
Part II: Data & Sample Description	4
Part III: Assessment of New Jersey State Police	12
Field Operations	13
Performance Standard 1: Race may not be Considered Except in B.O.L.O.	13
Performance Standard 2: Consent Search Requests	30
Performance Standard 3: Deployment of Drug Detection Canines	35
Performance Standard 4: Use of Force	37
Performance Standard 5: Recording & Reporting of Motor Vehicle Stops	39
Performance Standard 6: Exits & Frisks	45
Performance Standard 7: Non-Consensual Searches	48
Performance Standard 8: Length of Stops	50
Supervisory Review	55
Performance Standard 9: Supervisory Review of Motor Vehicle Stops	55
Performance Standard 10: Supervisory Referral to OPS	64
Performance Standard 11: Supervisory Presence in the Field	66
Office of Professional Standards & Investigations	68
Performance Standard 12: Appropriate & Timely Investigations	69
Performance Standard 13: Internal Audits of Citizen Complaint Processes	71
Training	72
Performance Standard 14: Development and Evaluation of Training	73
Performance Standard 15: Cultural Diversity, Ethics, Fourth Amendment, and Leadership Training	77
Performance Standard 16: Training Committee	79
Performance Standard 17: Recruitment of Instructors and Instructor Eligibility Requirements	82
Performance Standard 18: Trooper Coach Program	85
Performance Standard 19: Training for Troopers Advancing in Rank	90
Performance Standard 20: Training Provided by Non-Division Entities	92
Performance Standard 21: Central Repository for Training Records/Documentation of Training	94
Performance Standard 22: OLEPS/State Comptroller	96
MAPPS	97
Performance Standard 23: Maintenance of MAPPS	98
Performance Standard 24: MAPPS Reports	103

Oversight & Public Information	105
Performance Standard 25: Maintenance of the Office of Law Enforcement Professional Standards	105
Performance Standard 26: Approval of Revisions to Protocols, Forms, Reports, and Logs	106
Summary	107
Appendix One: Previously Published Monitoring/Oversight Reports	110
Appendix Two: Types of Errors Caught and Not Caught by Station	112
Appendix Three: Supplemental Data Analysis Results	114
Appendix Four: Definitions of Acronyms and Abbreviations	124
Appendix Five: New Jersey State Police Troop Area Responsibilities	125

Executive Summary

OLEPS assesses and evaluates State Police adherence to policies and procedures and those mandates outlined in the Law Enforcement Professional Standards Act of 2009 (N.J.S.A. 52:17B-222, et seq.) (the Act). This assessment includes a detailed review of motor vehicle stops, all related records and documentation, misconduct cases, databases, and training documentation.

During this ninth reporting period, OLEPS reviewed and analyzed data from 268 motor vehicle stops, and associated records of these stops, to determine whether State Police activity was consistent with performance standards developed from State Police policies and procedures. Further, records and documentation from Field Operations, the Training Bureau, MAPPS, and OPS were also reviewed. The major findings of this report include:

- There was no definitive evidence that State Police engaged in any race/ethnicity based decision making processes in this reporting period. Differences in enforcement activities are more likely the result of chance rather than purposeful behavior.
 - Unlike previous reporting periods, where multiple racial/ethnic distributions were found to be significant, the analysis in the current reporting period indicates that there are no significant differences in the racial/ethnic distributions of the number of stops or those involving consent to search requests, canine deployments, uses of force, or arrests. Black drivers were involved in the largest proportion of all stops and these enforcement activities, likely resulting from sample selection.
- During the review of stops, instances where the State Police deviate from policy and procedures are referred to as errors. The total number of errors noted in the current reporting period remains high. State Police did not review 97 of stops analyzed in this reporting period. Of the 171 stops State Police did review, 25% contained an error noted by State Police.
 - In the current reporting period OLEPS noted several instances where troopers did not meet the appropriate legal standards for the post-stop activities used. Specifically, there were five stops where the legal standard of RAS was not met to request consent to search. None of these errors were noted by State Police. There was also one instance of a canine deployment where the facts and circumstances did not meet the standard of RAS. This error was also not caught. There were nine frisks that did not meet RAS, five of which were noted by State Police review. There were also three inappropriate probable cause based searches not noted by State Police review. Despite these instances, the majority of post-stop activities reviewed were performed in accordance with State Police policies, procedures, and legal standards.
 - When an error is made during a motor vehicle stop, State Police are required to use an intervention to notify and correct the trooper's error. Historically, interventions have not been used consistently for errors caught during motor vehicle stops. In the current period, about 40% of all errors caught by the State Police resulted in interventions, most frequently for errors caught pertaining to searches of persons, vehicle exits, and frisks.

- In addition to reviewing stops, supervisors are required to be present during motor vehicle stops in an effort to ensure that troopers conduct stops in accordance with State Police policy. The revised stop review schedule, implemented in July 2011, was designed to allow supervisors more time to observe stops as they occur. The proportion of stops with supervisors on scene improved from 27% in the previous reporting period to 40%. OLEPS anticipates future reporting periods will reveal an increase in supervisor presence as sufficient time has passed to allow the implementation of the revised review schedule and as the State Police continues to increase its manpower.
- The recording of motor vehicle stops remains an issue in the current reporting period. Portions of stops were missing from the database that houses all DIVRs. In some instances, the first clip of the stop was catalogued with that trooper's previous stop, suggesting that s/he did not "clear" from the stop. In other instances, the clip could not be located. The State Police should continue to ensure that all clips are uploaded and catalogued appropriately for each motor vehicle stop.
- The average length of all motor vehicle stops in this reporting period was longer than the previous reporting period. This increased length was noted among critical stops and the sample of stops where the odor of marijuana was detected. While the latter may be lengthy due to consent requests or arrests, the former are required to be "brief." The independent monitors had expressed concerns regarding the length of stops while State Police were under the Consent Decree. OLEPS reminds State Police of this history and cautions supervisors to be cognizant of instances where stops are unnecessarily lengthened.
- Documentation of training activities indicates that State Police continue to adhere to policies and procedures regarding requisite training.
 - Issues were noted regarding the selection process for coaches assigned to probationary troopers. Issues included a lack of documentation for all elements of the process. There were a few individuals serving as coaches who were not approved to coach. State Police appropriately corrected these issues and endeavored to improve the selection process to prevent these issues from occurring in the future.
- The importance of Training Committee meetings has been noted for several reporting periods. OLPES again expressed concerns regarding consistent attendance by Division members at these meetings. However, this issue has since been remedied.
- OLEPS' review again noted insufficient documentation regarding non-division training. Although there has been some improvement from previous reporting periods, OLEPS recommends the Division continue efforts to ensure adherence to all policies and procedures regarding this process.
- For several reporting periods, OLEPS has commented on staffing levels in critical units of the State Police. Specifically, the MAPPs Unit, OPS, and the Training Bureau are understaffed compared to the workload required of these units. State Police should consider additional staff for these units in order to maintain its post-Decree progress.

While there were issues noted in this report, overall, the State Police adheres to its policies and procedures and the majority of troopers perform their duties as required.

OLEPS' NINTH OVERSIGHT REPORT OF THE NEW JERSEY STATE POLICE JULY 1, 2013 TO DECEMBER 31, 2013 TRAINING ACTIVITIES: JANUARY 1, 2013 TO DECEMBER 31, 2013

Introduction

Pursuant to the Law Enforcement Professional Standards Act of 2009 (N.J.S.A. 52:17B-222, *et seq.*) (the Act), the Office of Law Enforcement Professional Standards (OLEPS) is required to publish biannual reports assessing New Jersey State Police (State Police) compliance with relevant performance standards and procedures. Dissolved in September 2009, the federal Consent Decree (the Decree) outlined procedures and policies for State Police to implement. Many of the reforms accomplished under the Decree have been codified in rules, regulations, policies, procedures, operating instructions, or the operating procedures of the organization. The monitoring reports, which formerly assessed compliance with the Decree, now reflect State Police adherence to these reforms. For a more detailed history concerning the Decree, see previous reports at www.nj.gov/oag/oleps.

OLEPS publishes two oversight reports¹ a year covering two six-month reporting periods, from January 1 to June 30 and from July 1 to December 31. The second report, however, reviews the State Police training responsibilities (*see* Performance Standards 14 to 21) for the entire calendar year.

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

In this Ninth Oversight Report, OLEPS substantively reviews the procedures and implementation related to State Police policies concerning motor vehicle stops and post-stop enforcement actions. Further, it reviews supervision of patrol activities, training provided to State Police members, and the conduct of investigations of alleged misconduct and other internal affairs matters. The Ninth Oversight Report covers a reporting period from July 1, 2013 to December 31, 2013, and reviews State Police training for the entire 2013 calendar year.

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

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

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

PART I

METHODOLOGY & PROCESS

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

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

Standards for Assessment

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

In reviewing State Police compliance with its policies and procedures in motor vehicle stop activities, OLEPS includes a discussion of how many "errors" occurred during the stop. An "error" is a trooper action or inaction during a motor vehicle stop that fails to comport with established procedures. OLEPS notes all errors during a stop, but also notes those caught by the trooper's supervisors in their review of the recording and records of the motor vehicle stop. The report also comments on whether the stop underwent supervisory review, as not all stops do. The expectation is that if the stop underwent supervisory review, the supervisor should catch all errors. Those not caught during a supervisory review are deemed uncaught errors.

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

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

Part I

PART II

DATA & SAMPLE DESCRIPTION

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

Field Operations

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

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

Data Requests

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

- All reports, records checks, and videos of stops.
- Logs for all trooper-initiated motor vehicle stop communication center call-ins for the stops selected, including time of completion of the stop and results of the stop.
- Copies of documentation, including supplemental reports created for consent search requests, canine deployments, and incidents involving use of force that took place during a motor vehicle stop.

OLEPS was provided with all requested information (unless otherwise noted).

Types of Reviews

Report

A report review involves examination of all available hard-copy and electronic documentation of an event. For example, a review could consist of reviewing the MVSR, associated records in the patrol log, a supporting consent to search form, and associated summonses or arrest records. Each post-stop event consisting of law enforcement procedures of interest to the Decree² was subjected to a structured analysis using a form initially developed by the independent monitors and revised by OLEPS. Problems with the motor vehicle stop were noted and tallied using this form. These data were shared with the State Police. Clarifications were requested and received in instances in which there was doubt about the status of an event or supporting documentation.

Recording

A recording review consisted of examining the associated audio and video of a given motor vehicle stop. OLEPS compared the actions noted on the recording with the elements reported in the official documents related to the event. These data were collected and were shared with the State Police. Clarifications were requested and received in instances in which there was doubt about the status of an event or supporting documentation. Members of OLEPS reviewed available audio and video recordings and associated documentation (stop reports, patrol charts, citations, arrest reports, DUI reports, etc.) for *all*³ of the stops selected for review.

Sample

A sample of motor vehicle stops reviewed for this reporting period was selected from all motor vehicle stops made by the State Police from July 1, 2013 to December 31, 2013. Stops made by all troops and stations were eligible for selection. The sample is best described in two parts:

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

- II. Select stops where PC consent requests were made when the odor of marijuana was detected
 - o With the passage of the New Jersey Compassionate Use of Medical Marijuana Act of 2013 (CUMMA)(see [NJSA 24:6-1-1, et seq.](#)), OLEPS' focus in this reporting period were stops where the odor of marijuana was detected. During the reporting period, the odor of marijuana was an indication of probable cause (PC).⁵ This odor is often detected early in a motor vehicle stop. It is not present later in a stop. As such, OLEPS'

² *i.e.*, request for permission to search; conduct of a search; ordering occupants out of a vehicle; frisks of vehicle occupants; canine deployment; seizure of contraband; arrest of the occupants of the vehicle; or use of force.

³ To the extent these recordings were available.

⁴ RAS is defined as: a suspicion (more than a hunch, but less than probable cause to believe) based on identifiable, specific, and particularized objective facts that, under the totality of the circumstances known to the member at the time, would cause a person of reasonable caution to suspect that a person is violating, is about to violate, or has violated the law.

⁵ PC is defined as: a firm belief based on identifiable, specific and particularized objective facts that, under the totality of the circumstances known to the member at the time, would cause a person of reasonable caution to believe that a person is violating, is about to violate, or has violated the law, or that a motor vehicle contains contraband or evidence of a crime.

concern focused on those stops where the time to develop probable cause, the detection of the odor of marijuana, was 25 minutes or greater.

A total of 268 motor vehicle stops were reviewed for this reporting period. Table One lists the activities involved in these motor vehicle stops. For this reporting period, OLEPS attempted to conduct tape & report reviews on all motor vehicle stops. Report only reviews occurred in the instances where a tape was not available for review. There were a total of 23 motor vehicle stops that received a report only review, while 245 stops received a review that included both reports and tape.

Table One: Incidents Reviewed
9th OLEPS Reporting Period

	Report Reviews	Tape & Report Reviews⁶
Total Stops	23	245
Consent Search Requests (PC & RAS)	20	215
Canine Deployments	1	29
Use of Force	3	22
Probable Cause Searches of Vehicles	4	33

Table Two lists the number of incidents reviewed by station and the type of review received. In January 2011, the State Police combined Troops D and E to form Troop D Parkway and Troop D Turnpike. Technically then, Bass River, Bloomfield, and Holmdel⁷ stations are part of Troop D. Because of this merger, Troop D generally has the highest number of motor vehicle stops in the sample. However, in the current reporting period, Troop C actually makes up slightly more stops, 69, than Troop D, 67. Hamilton station conducted the highest number of stops reviewed in this report, 26. However, Bordentown and Cranbury station both conducted a high number of stops, 25, in the current period.

⁶ Tape and report reviews for each type of activity total more than 268 because most stops involved more than a single category of law enforcement activity.

⁷ Despite this merger, the State Police retained the "E" station codes for Bass River, Bloomfield, and Holmdel stations, as seen in Table Two.

Table Two: Distribution of Events by Station
9th OLEPS Reporting Period

Station	Tape & Report Reviews	Report Reviews	Total Reviews
A040- Bridgeton	10		10
A050- Woodbine	5		5
A090- Buena Vista	6	3	9
A100- Port Norris	3		3
A140- Woodstown	2		2
A160- Atlantic City	6		6
A310- Bellmawr	5		5
B020- Hope	11		11
B060- Totowa	10		10
B080- Netcong	18	1	19
B110- Perryville	9		9
B130- Somerville	10		10
B150- Washington	6		6
C020- Bordentown	16	9	25
C040- Kingwood	1		1
C060- Hamilton	25	1	26
C080- Red Lion	4	2	6
C120- Tuckerton	10	1	11
D010- Cranbury	25		25
D020- Moorestown	5	1	6
D030- Newark	7		7
E030- Bass River	5		5
E040- Bloomfield	8		8
E050- Holmdel	16		16
Other	22	5	27
Total	245	23	268

The sample of stops selected for the current reporting period differs from the previous two reporting periods. In addition to all critical stops, a sample of stops with a probable cause (PC) consent request based on the odor of marijuana was selected for review in the current reporting period. These stops may include other post-stop interactions, but those interactions were not a requirement of sample eligibility. This represents a return to a similar sample as previous Oversight Reports where stops were selected based on whether a PC consent request occurred.

Trends

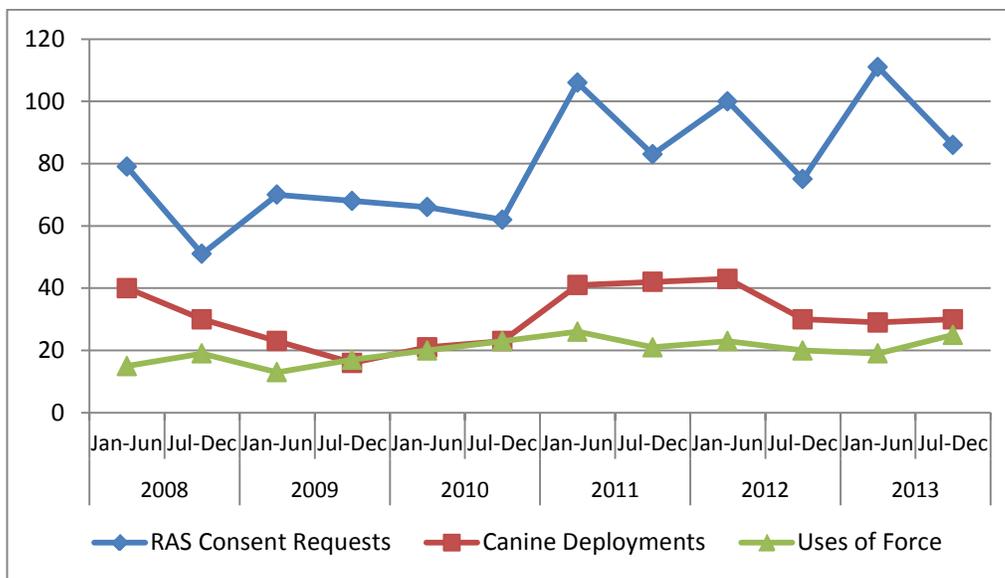
For several reporting periods, OLEPS has tracked trends in the motor vehicle stops reviewed. Since OLEPS reviews all motor vehicle stops with RAS consent to search requests, canine deployments, or uses of force, these numbers represent the actual volume of motor vehicle stops with these events.⁸ Figure One depicts the trends in these events from January 2008-December 2013. RAS consent requests decreased while canine deployments and uses of force increased slightly in the current reporting period. Since 2008, the number of RAS consent requests is higher in the first half of a year, just as the number of motor vehicle stops, generally, is higher in the first half of the year.

In the second half of 2012, a decline in the number of canine deployments was noted after several reporting periods of higher numbers of stops with these activities. The number of deployments in the current reporting period remains higher than in 2009 and 2010. In the current reporting period, there were 30 canine deployments, similar to the number in the previous two reporting periods.

The number of stops where force was used has been fairly consistent since 2008, roughly 20 stops in a reporting period. The highest number of stops with a use of force, 26 stops, occurred in the first half of 2011. In the current reporting period, there were 25 stops with a use of force, more than the previous reporting period.

Figure One: Annual Trends of RAS Consent Requests, Uses of Force, and Canine Deployments

January 2008- December 2013

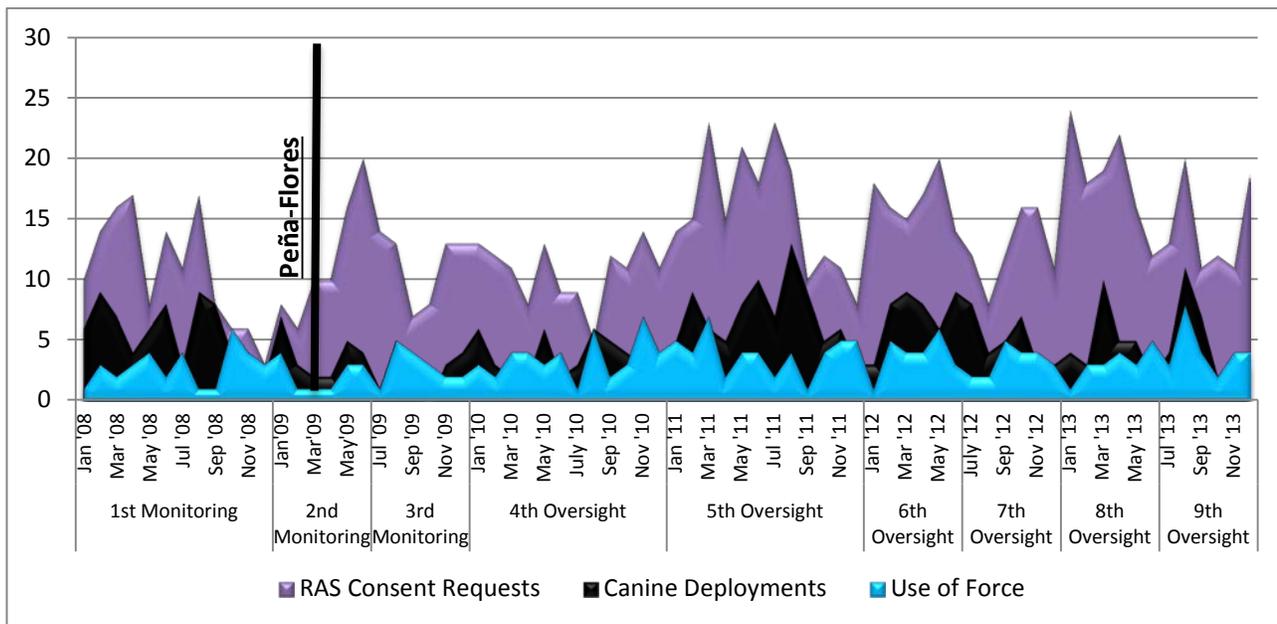


OLEPS has noted monthly and biannual trends for the State Police. Specifically, the number of incidents occurring in the second half of the year is lower than the number occurring in the first half of

⁸ OLEPS only reviews these events when they occur during a motor vehicle stop (i.e., time on the road only) prior to returning to the station. There are additional RAS consent to search requests, canine deployments and uses of force conducted by the State Police, but these occur outside of motor vehicle stops.

the year. As such, examination of monthly trends is important. Figure Two presents the number of RAS consent requests, uses of force, and canine deployments for January 2008 through December 2013. These monthly trends allow OLEPS to determine changes in the volume of incidents in the time period following key events (e.g., *State v. Peña-Flores*, 198 N.J. 6 (2009)).⁹ As seen in the graph, these enforcement activities are relatively infrequent in a given month and there is much variation from month to month. Figure One presented the annual totals for these activities which concealed these monthly fluctuations. The annual totals suggest that RAS consent requests increased in 2013 while canine deployments and uses of force remained consistent. However, in reality, the activities vary in each month of the year, and across years; the trends are not as linear as suggested by Figure One. The number of RAS consent to search requests is inconsistent from month to month. While these numbers do fluctuate each month, beginning in January 2012, there is a discernable increase in these events in each month in 2012 and 2013.

Figure Two: Motor Vehicle Stops with RAS Consent Requests, Canine Deployments, and Uses of Force
January 2008 – December 2013



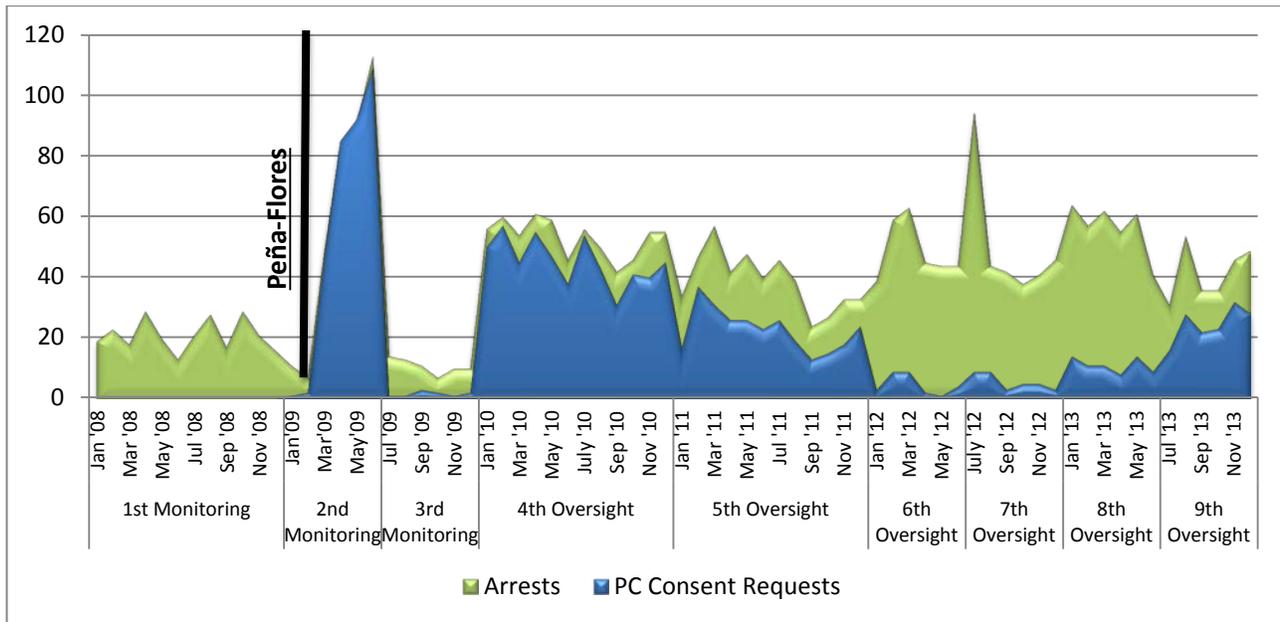
For canine deployments and uses of force, no consistent trend appears other than inconsistency. The number of canine deployments and uses of force fluctuate each month. However, canine deployments do show small spikes in March and August 2013. There were nearly twice as many canine deployments in these months as all other months since August 2011. Noticeably, there was a spike in the number of use of force incidents in August 2013, matching the spike in canine deployments and RAS consent requests. There were more motor vehicle stops in August 2013 than any other month from July-December 2013, which may explain the noted increases in these activities.

⁹ *State v. Peña-Flores*, 198 N.J. 6 (2009), hereafter referred to as *Peña-Flores*, served to further define the exigent circumstances under which a search of a vehicle could be conducted without securing a search warrant under the automobile exception when there was probable cause to believe that a crime had been (or will be) committed.

Two other enforcement activities appear frequently in the stops selected for OLEPS review: PC consent to search requests and arrests. The total number of PC consent to search requests has increased dramatically following Peña-Flores. Figure Three depicts trends in the reviewed motor vehicle stops with PC consent requests and/or arrests. The numbers do not represent the total volume of PC consent requests and arrests, but rather, only those stops selected for review in which these events occurred. In actuality, there were over 1,000 PC consent searches in motor vehicle stops in the second half of 2013. The 149 PC consent requests represented in Figure Three for July-December 2013 only represent a small fraction of the total number of PC consent searches. An annual graph, similar to Figure One, is not presented for PC consent searches and arrests because the variation seen in these events is the result of the stops selected rather than variation in the actual use of such enforcement activities.

Figure Three: Reviewed Motor Vehicle Stops with PC Consent Requests and/or Arrests

January 2008 – December 2013



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

to sample selection. In the current reporting period OLEPS shifted its focus back to PC consent searches after two reporting periods of focusing on stops with arrests.

OPS & Investigations

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

Training

Functions performed by the Training Bureau are assessed on an annual basis as training occurs throughout an entire year. It is the responsibility of the Bureau to ensure that all troopers continue to receive quality training, including those troopers becoming supervisors. It is also the Training Bureau's responsibility to identify training goals, identify measures to assess goal performance, collect data, and determine where data fall on those measures. OLEPS reviews this process and presents an assessment of training for 2013 in this report.

Management Awareness & Personnel Performance System

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

Oversight and Public Information

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

PART III

ASSESSMENT OF NEW JERSEY STATE POLICE

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

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

Field Operations

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

Assessment Process

OLEPS assesses Field Operations by reviewing a sample of motor vehicle stops. This review includes an examination of all reports and documentation of the stop. Videos of stops are reviewed for all stops where recordings are available. OLEPS' staff examines the facts and circumstances of the stop to determine whether State Police acted appropriately and consistently with State Police requirements for motor vehicle stops. Instances where troopers behave in a manner inconsistent with these requirements are noted and checked to ensure that State Police supervisory review also noted these errors, for those stops that received such a review. All information is recorded in OLEPS' Motor Vehicle Stop Assessment database. This assessment is revised by OLEPS according to the development of the law, State Police policies and procedures, and any observed patterns of performance each reporting period.

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

Standard

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

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

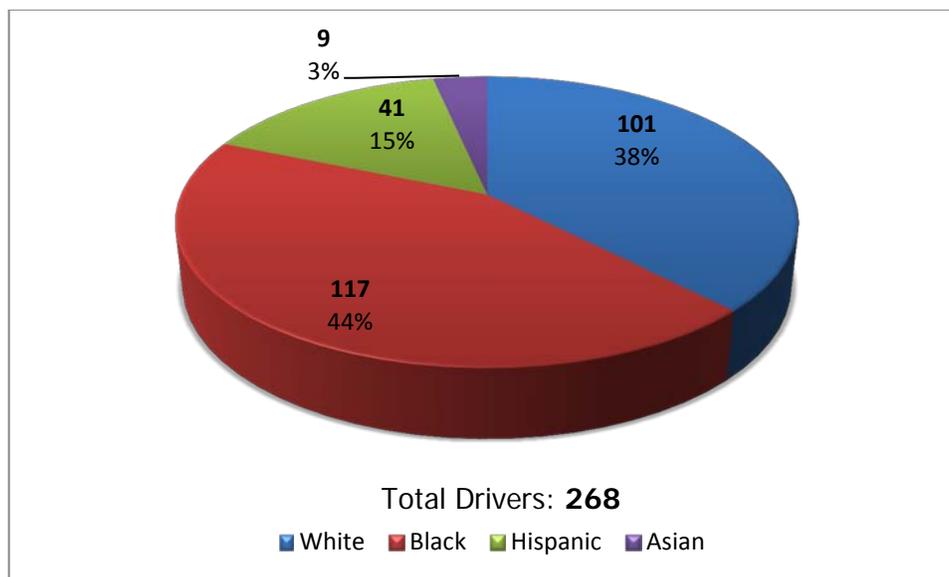
This standard will also examine the potential effect of trooper discretion on racial/ethnic differences in stops and enforcement activities.

Racial/Ethnic Differences

All Motor Vehicle Stops

All 268 of the stops sampled for this reporting period involved some form of a post-stop interaction (e.g., a consent to search request, canine deployment, use of force, or arrest), but not all stops contained all post-stop activities. Figure Four presents the racial/ethnic breakdown of all stops in the current sample. These numbers do not reflect the racial and ethnic distribution of all drivers stopped by the State Police.¹⁰ Rather, they reflect the racial and ethnic distribution of drivers who were involved in the stops selected for review.

Figure Four: Race/Ethnicity of Drivers
9th OLEPS Reporting Period



In the current reporting period, there were more stops with Black drivers than any other racial/ethnic group. There were 117 (44%) drivers in this sample who were Black, 101 (38%) who were White, 41 (15%) who were Hispanic, and 9 (3%) who were Asian.¹¹ The majority of trooper-citizen interactions in this reporting period appeared to involve White or Black drivers. Unlike previous reporting periods, the stops reviewed in the current reporting period involved a larger proportion of Black than White drivers. This difference is likely due to sample selection.

¹⁰ For the total number of stops conducted involving drivers of each racial/ethnic group, see OLEPS' Aggregate Reports available at: <http://www.nj.gov/oag/oleps/aggregate-data.html>

¹¹The State Police abide by two racial/ethnic group categorizations depending on the intended recipient of data. For example, data intended for publication in the Uniform Crime Report (UCR) or data utilizing these categorizations use White, Black, Hispanic, Asian, American Indian, and Other categorizations. However, data compiled for non-UCR purposes utilize the categories of White, Black, Hispanic, Asian Indian, Other Asian, American Indian, and Other. Because the categories of Asian Indian and Other Asian are not uniformly utilized by the State Police, and because the data utilized in this report come from multiple sources, OLEPS uses the category of Asian rather than separate categories for Asian Indian and Other Asian.

In the current reporting period, OLEPS chose to review a secondary sample of PC consent searches due to changes in state law related to the use of medical marijuana. This review allowed OLEPS to determine, what impact, if any, CUMMA had on PC consent searches. The larger proportion of stops involving Black drivers in this reporting period is the result of a larger proportion of Black drivers involved in all stops with PC based on the odor of marijuana than would be expected based on their proportion of all stops. In the second half of 2013, there were 1,049 stops with a PC consent search. Of these stops, 38% involved Black drivers and 47% involved White drivers. Of all stops with PC consent requests, 812 cited reasons for PC relating to the odor of marijuana. White drivers were involved in only 40% of these stops while Black drivers were involved in nearly 43%. PC was developed in less than 25 minutes for the majority of these stops. However, for 128 stops, the time to develop PC was 25 minutes or more. Of those stops, 50% involved Black drivers while only 24% involved White drivers. White drivers were involved in 43.5% and Black drivers in 41% of stops where PC took fewer than 25 minutes to develop. Thus, because Black drivers are disproportionately involved in stops with PC based on the odor of marijuana, they make up a larger proportion of stops reviewed in this reporting period than is typical. This disproportionality is one that has been noted by State Police by their own risk assessment analysis. This report will assess the appropriateness of actions taken in these stops.

OLEPS does not typically comment on whether evidence was seized in motor vehicle stops. However, this reporting period includes a disproportionate number of stops involving Black drivers due to the selection of PC consent requests based on the odor of marijuana. Consequently, in this reporting period, OLEPS examined whether evidence was found in each stop to ensure that this disproportionality does not reflect improper trooper conduct. OLEPS determined whether evidence was found during a consent search, execution of a warrant, or PC vehicle search. OLEPS also noted whether there was an admission of the use of marijuana during the motor vehicle stop. Black drivers were involved in 71 of the 133 (53%) stops reviewed where the odor of marijuana was detected. Despite this disproportionality, evidence or admission of use was noted in 62 (87%) of their stops where the odor was detected. Only nine stops of Black drivers with the odor of marijuana did not result in evidence or an admission of use. White drivers were involved in 31 of the 133 (23%) stops where the odor of marijuana was detected. In 26 of these stops (83%), there was evidence or an admission. Hispanic drivers were involved in 25 of the 133 stops (26%) where the odor of marijuana was detected. Evidence or admissions were noted in 22 of the 25 stops (88%) with Hispanic drivers. Thus, despite a disproportionate involvement in PC consent searches, State Police collected evidence or an admission to confirm the odor of marijuana in the majority of these stops. The find rates for Black and Hispanic are actually higher than those for White drivers. However, Black drivers continue to make up a slightly disproportionate number of drivers in those stops with odor where there was no evidence or admission- five stops involved White drivers, nine stops involved Black drivers, and three stops involved Hispanic drivers.

In previous reporting periods, the overall racial/ethnic distribution of the stops reviewed would be the basis of comparison for the racial/ethnic distribution of activities reviewed in that period. Because the overall distribution is skewed, this comparison will not be made. Instead, the distribution of activities will merely be discussed in terms of expectations based on overall racial/ethnic distribution of all stops.

Consent Requests

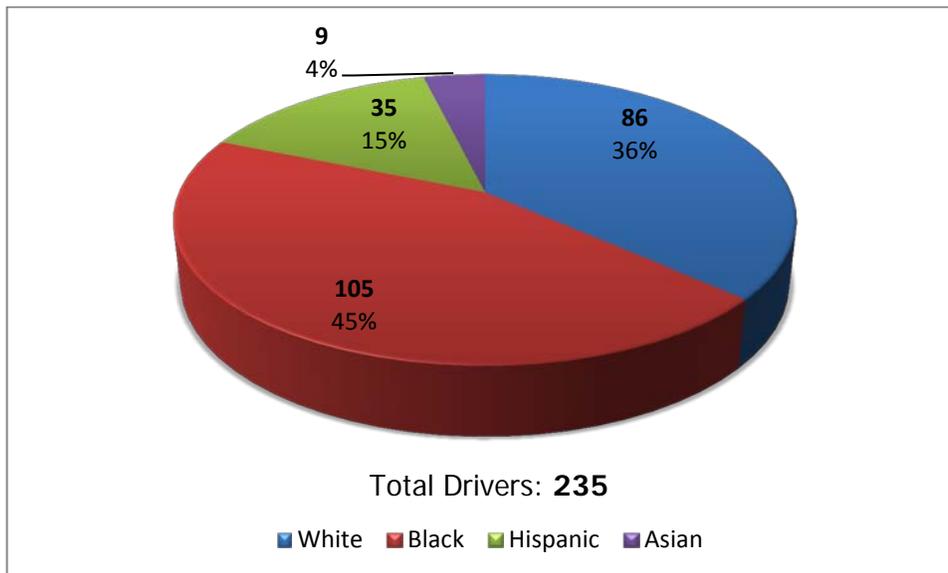
Figure Five depicts the number of stops, by race of driver, where consent to search was requested. In 235 motor vehicle stops, 88% of the sample, consent to search was requested. This Figure represents

all consent requests: PC based; RAS based; those that were granted; and those that were denied. Unlike previous reporting periods, Black drivers made up the highest number and percentage of stops with consent requests with 105 or 45% of all requests made. White drivers made up the second highest portion, 86 stops with requests or 36%. Hispanic drivers were asked for consent to search in 35 stops or 15% of stops with requests. Finally, Asian drivers were asked for consent to search in 9 stops or 4%.

Because the overwhelming majority of stops reviewed contain a consent request, the racial/ethnic distribution of stops with consent requests is nearly identical to the distribution of all stops reviewed.

Chi-square analysis (Appendix Three, Table One) was conducted to determine whether there were significant differences in the racial/ethnic distribution of consent to search requests. The analysis yielded a chi-square (χ^2) value of 1.186 with a p -value of .553. The difference in the number of consent to search requests asked of White, Black, or Hispanic drivers is not statistically significant.

Figure Five: Consent Requests by Race/Ethnicity of Driver
9th OLEPS Reporting Period



As mentioned previously, the stops reviewed in this reporting period contain a disproportionate number of Black drivers than is typically reviewed in OLEPS Oversight Reports. This disproportionality is the result of reviewing a large number of stops with consent requests based on PC and the odor of marijuana. To illustrate this difference, Figure Six depicts the racial/ethnic distribution of stops with PC consent to search requests and Figure Seven depicts the racial/ethnic distribution of stops with RAS consent to search requests.

Figure Six: PC Consent Requests by Race/Ethnicity of Driver
9th OLEPS Reporting Period

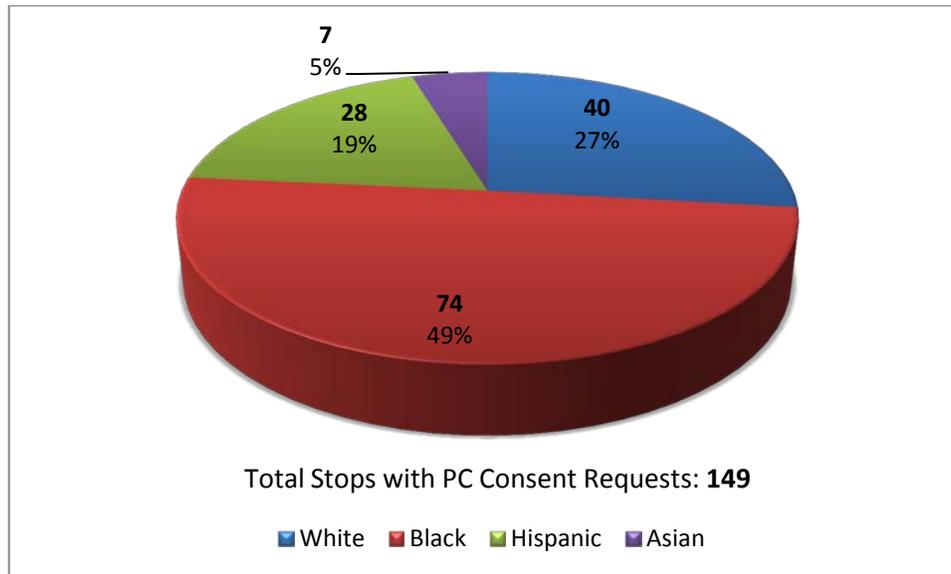
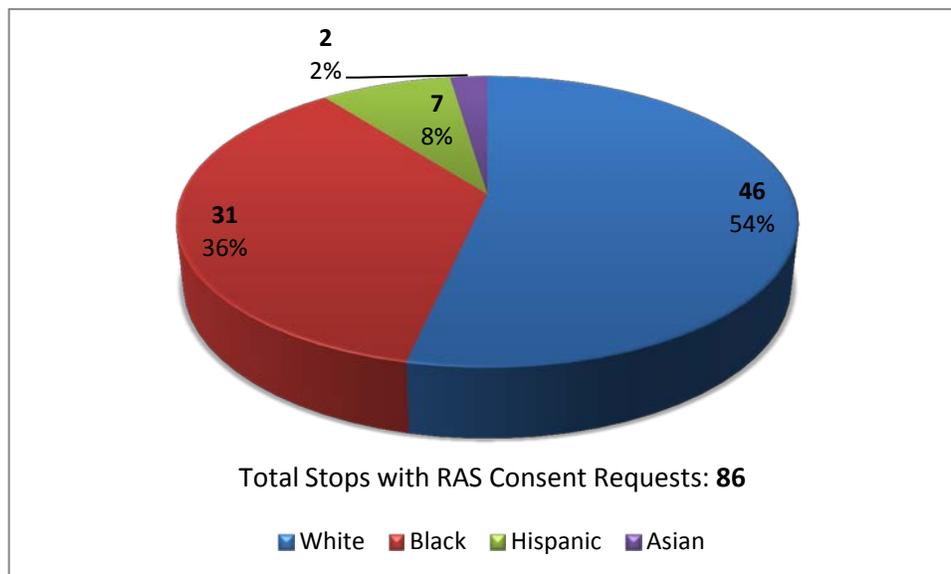


Figure Seven: RAS Consent Requests by Race/Ethnicity of Driver
9th OLEPS Reporting Period

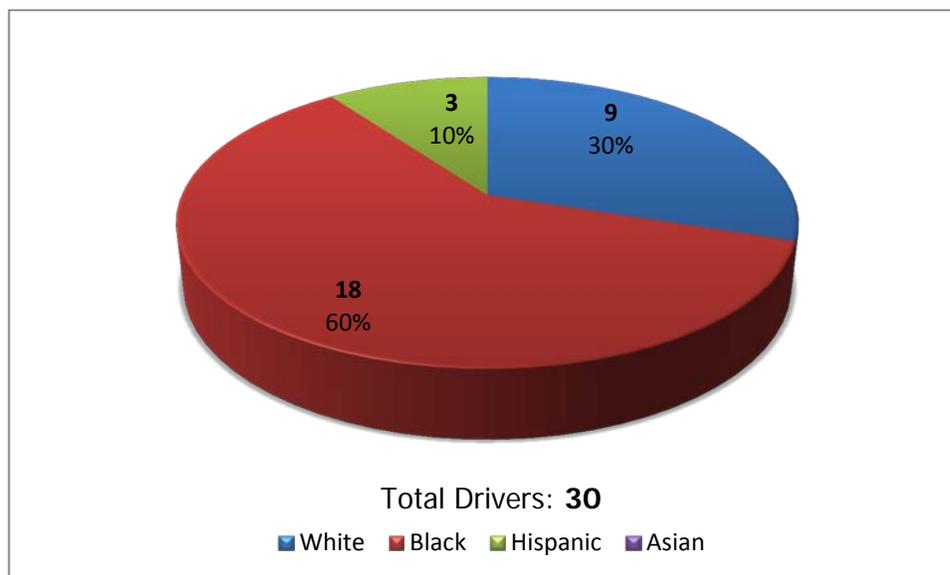


As shown in Figure Six, Black drivers were involved in 49% of all stops with PC consent requests in the current reporting period. Conversely, Black drivers were involved in only 36% of RAS consent requests (Figure Seven), which is similar to the racial/ethnic distributions noted in previous reporting periods. Additionally, Hispanic drivers also make up a large proportion of those involved in stops with PC consent to search requests, 19%, compared to their proportion of RAS consent requests, 8%. Because PC consent requests make up over half of all stops reviewed, the distribution of all stops is skewed.

Canine Deployments

In the current reporting period there were 30 stops with a canine deployment, similar to the number in the previous reporting period. Figure Eight depicts the number and percentage of canine deployments by race and ethnicity of the driver. Black drivers made up the largest portion of motor vehicle stops with canine deployments. In total, 18 deployments (60%) occurred in motor vehicle stops with Black drivers. In contrast, only nine canine deployments (30%) occurred in stops with White drivers. Hispanic drivers were involved in only three stops where a canine was deployed.

Figure Eight: Canine Deployments by Race/Ethnicity of Driver
9th OLEPS Reporting Period



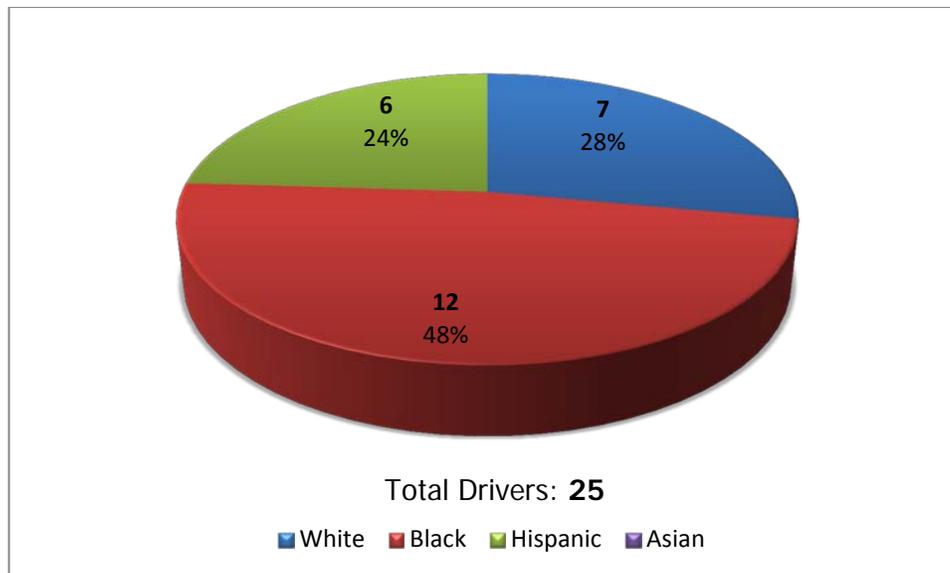
This overall pattern is consistent with the previous reporting period. However, Black drivers make up a larger proportion of canine deployments in the current reporting period than the previous. In the current reporting period, Black drivers were involved in the majority of stops with canine deployments, 60%, while in the previous they were only 45%. This disparity is not related to the sample selection noted previously; OLEPS reviews **all** stops with canine deployments each reporting period. While the difference in proportion of stops is sizeable, the difference between the current and previous reporting periods is only five stops with a canine deployment.

Chi-square analysis resulted in a χ^2 value of .85 and was conducted comparing White and non-White drivers. The analysis revealed that the racial/ethnic distribution of canine deployments is not statistically significant. It cannot be said that any racial/ethnic group is involved in a significantly higher number of stops with canine deployments than any other racial/ethnic group; the pattern observed is possibly the result of chance. These results are likely due to the small number of stops involving a canine deployment and the difficulty of achieving significance in small samples.

Uses of Force

Figure Nine presents the racial/ethnic distribution of uses of force in the second half of 2013. In total, there were 25 uses of force, six more than the previous reporting period. Of the uses of force in the second half of 2013, seven (28%) were in stops with White drivers, 12 (48%) involved Black drivers, and six (24%) involved Hispanic drivers. There were no uses of force in stops with Asian drivers. Unlike the previous reporting period, Black drivers were involved in the largest proportion of stops with force in the second half of 2013. As noted with canine deployments, OLEPS reviews **all** stops with uses of force, so this disproportionality is not the result of sample selection.

Figure Nine: Uses of Force by Race/Ethnicity of Driver
9th OLEPS Reporting Period



Chi-square analysis indicates a χ^2 value of .694 and that this distribution is not statistically significant, indicating that the differences are attributable to chance. The analysis compared White and non-White drivers as the use of each racial/ethnic category separately rendered the results invalid. Thus, it cannot be said that the number of force incidents in which Black drivers were involved are significantly more than the number of incidents for other drivers. The lack of significance is a product of sample size; there are only 25 stops with uses of force and it is difficult to attain significance with small samples.

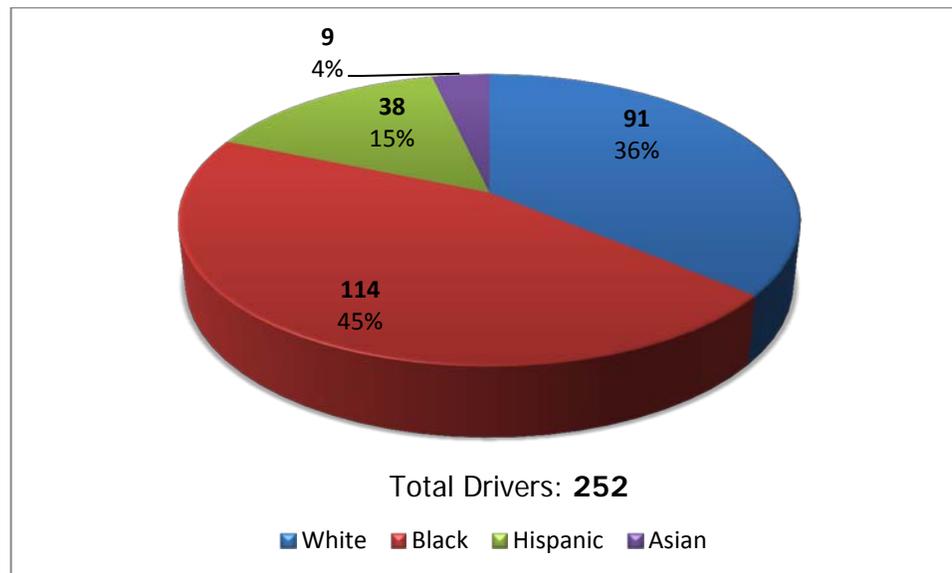
For several reporting periods, OLEPS noted increases in the number of stops with uses of force. The number of stops involving force in this reporting period is the highest since the first half of 2011. OLEPS is cognizant that the number of uses of force will fluctuate as the number of motor vehicle stops fluctuates. Overall though, the number of stops with a use of force are small and, as such, the racial/ethnic distribution shifts from reporting period to reporting period. As in previous reports, OLEPS recommends continued examination of the racial/ethnic distribution of uses of force, as this distribution does change each reporting period.

Arrests

Figure Ten depicts the racial/ethnic distribution of motor vehicle stops in which an arrest was made. The sample selected for the current reporting period was largely based on whether there was a consent search based on the odor of marijuana. According to State Police policy an applicable law, PC requires an arrest. Because of this, the majority of stops, 252 stops or about 94%, involved an arrest. The number and proportion of stops with arrests is similar to the previous reporting period, where an arrest was made in 94% of stops.¹² As the overall racial/ethnic distribution of stops changed in the current reporting period due to sample selection, so did the racial/ethnic distribution of stops with arrests. Since an arrest was made in the majority of stops, the racial/ethnic distribution of stops with arrests is nearly identical to the overall distribution. Black drivers were involved in the largest proportion of stops with arrests, 114 stops (45%). White drivers were involved in 91 stops (36%) with an arrest. Hispanic drivers were involved in 38 stops (15%) with arrests. Asian drivers were only involved in nine stops (4%) with an arrest.

Compared to the overall racial/ethnic distribution, the distribution of arrests presents no obvious issues of potential bias. The percentages for each racial/ethnic group are roughly the same for all stops and those with arrests.

Figure Ten: Arrests by Race/Ethnicity of Driver
9th OLEPS Reporting Period



Chi-square analysis was conducted to determine whether any significant differences exist in the racial/ethnic distribution of arrests. The analysis presents arrest versus no arrest for White and non-White drivers only and yielded a *p*-value of .035, which approached significance. Technically, there is no significant difference between the number of stops with arrests of White versus non-White drivers. However, had a slightly less stringent standard of significance been used, such as .05, the distribution

¹² This proportion includes those stops where an individual was unarrested and released from the scene.

would be significant with a chi-square value of 4.46; there are more arrests in stops with non-white than white drivers.¹³

The Role of Discretion

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

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

During OLEPS' assessment of motor vehicle stops, the reason for a motor vehicle stop is recorded by the primary trooper of the stop. These reasons are myriad and as such, have been categorized to facilitate analysis. Any mention of "Speeding" is classified as "Rate of Speed." "Failure to Maintain Lane" is self-evident. The category of "Seat Belt" represents any mention of a seat belt violation. "Equipment Violations" is a catchall category of any violation referring to the vehicle itself rather than what the driver is doing with the vehicle. These include non-functioning lights (head or break), cracked or broken glass, inappropriate window tint, failure to make repairs, or other issues pertaining to the vehicle. "Safety Violations" is another catchall category. It is comprised of violations that may impact the safety of that individual motorist or other motorists and includes: violation of road laws such as stop signs; impeding traffic; delaying traffic; running a red light; obstructed views; or aggressive; careless; or reckless driving. Finally, the category of "Failure to Signal/Improper Lane Change" includes any instance where a trooper cited a driver's failure to use a turn signal or an unsafe lane change.

Table Three presents the five most common reasons for motor vehicle stops in the current and past six reporting periods. The most common reasons rarely change dramatically. The most common reasons are some combination of rates of speed, failure to maintain lane, equipment violations, and two other reasons. These other reasons typically include: safety violations, seat belts, or failure to signal/improper lane change. The total percentage for each violation category is also included in the table. Generally, the top five reasons for motor vehicle stops account for over half of all the stops in the reporting period.

For the past three reporting periods, failure to maintain lane was the most commonly cited violation. In this reporting period, rate of speed is the most commonly cited reason for a motor vehicle stop. Failure to maintain lane, equipment violations, seat belts, and failure to signal are still among the top reasons for motor vehicle stops in the current period.

¹³ A significance level of .01 is standard across the fields of Criminology and Criminal Justice. However, .05 is also an acceptable level. The difference between the two levels merely indicates the likelihood that the same results would be received by chance alone. At .01, that chance is 1% while at .05 that chance is 5%. Thus, using a significance level of .01 provides more confidence that the results are not likely due to chance.

Table Three: Top Reasons for Trooper Initiated Motor Vehicle Stops
3rd- 9th Reporting Periods

	3 rd Reporting Period	4 th Reporting Period	5 th Reporting Period	6 th Reporting Period	7 th Reporting Period	8 th Reporting Period	9 th Reporting Period
Equipment Violations	7.3%	11.4%	12.3%	9.8%	12%	8%	11.2%
Failure to Maintain Lane	15.7%	20%	22%	19%	21.5%	18%	9.3%
Failure to Signal/ Improper Lane Change	9.4%	6.1%	9.3%	--	--	7%	7.5%
Rate of Speed	16.8%	25.2%	22.4%	19%	16%	16%	21.3%
Safety Violations	16.8%	8.1%	12%	10.2%	10.1%	--	--
Seat Belt	--	--	--	7.9%	4%	8%	7.5%
Total	66.0%	70.8%	78.0%	65.9%	63.6%	57.0%	56.8%

Generally, Motorist Aids/Motorist Accidents are a common occurrence, more so than some reasons listed in Table Three. However, in the current reporting period, Motorist Aids/Accidents were listed as the reason for the stop in 13 or 4.8% of all stops in the current reporting period. These instances do not represent a trooper’s decision to stop a vehicle and as such, are not included in the table. Instead, aids and accidents represent a trooper’s public service requirement to assist motorists.

All Motor Vehicle Stops

The most common stop reasons for the current reporting period are presented based on race/ethnicity in Table Four.¹⁴ Unlike previous reporting periods, Black drivers make up the largest number of each stop reason, followed by White drivers, and then finally Hispanic drivers. The exceptions to this are unsafe lane change where White drivers were involved in 11 stops, Black drivers only four stops, and Hispanic drivers five stops. The most frequently cited stop reason for each racial/ethnic group is rate of speed.

¹⁴ The top five reasons for stops were cited in 151 of 268 motor vehicle stops. Table Four only presents the stops where the most common reasons were cited, not all stops. For example, the total listed for White drivers is 53, which represents the number of stops with White drivers where one of these reasons was cited, not the total number of stops with White drivers (which is 101).

Table Four: All Stops by Race/Ethnicity of Driver and Reason for Stop
9th OLEPS Reporting Period

	White	Black	Hispanic	Asian
	(% of Total Stops)			
Failure to Maintain Lane	10	11	3	1
	18.87%	16.42%	12.00%	16.67%
Rate of Speed	16	26	11	4
	30.19%	38.81%	44.00%	66.67%
Equipment Violations	11	12	6	1
	20.75%	17.91%	24.00%	16.67%
Unsafe Lane Change	11	4	5	0
	20.75%	5.97%	20.00%	--
Seat Belt	5	14	0	0
	9.43%	20.90%	--	--
Total	53	67	25	6

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

Chi-square analysis was conducted to determine whether there were any statistically significant racial/ethnic differences in the most common reasons for motor vehicle stops. Due to invalid cells, the analysis was conducted based on White versus non-White drivers. The analysis did not reveal a significant difference ($p=.263$) in stop reasons by race/ethnicity.

Consent Search Requests

Discretion can also be examined in post-stop activities. RAS, as a legal standard, is less strict than PC, which suggests that the potential for individual trooper discretion exists in RAS more than in PC. Since post-stop enforcements arise out of the circumstances and facts occurring after a vehicle is stopped, it is inappropriate to examine how discretion in the reason for a stop relates to a post-stop enforcement. Instead, differences among the PC and RAS legal standards will be explored for consent requests and canine deployments.

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

Table Five: Consent Requests by Race/Ethnicity of Driver and Legal Standard
9th OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulable Suspicion	Probable Cause	Mean
	(1)	(2)	
White	46	40	1.46
Black	31	74	1.74
Hispanic	7	28	1.80
Asian	2	7	1.77
Total	86	149	1.63

Unlike previous reporting periods, the majority of consent requests reviewed in the current sample were based on PC, as seen in Table Five. There were 86 stops that involved an RAS consent request while 149 stops contained a PC consent request. Because there are so many PC consent requests, it would be expected that the majority of consent requests for each race/ethnicity are PC based. This is untrue for White drivers, who experienced more RAS than PC based consent to search requests.

Chi-square analysis was used to determine whether there were any significant differences in the racial/ethnic distribution of the legal standards used in consent requests. The analysis revealed significant differences among White, Black, and Hispanic drivers and the legal standard used to request consent ($p < .01$, $\chi^2 = 16.853$). Thus, there are significantly more consent requests based on PC than RAS for Black and Hispanic drivers and more consent requests based on RAS than PC for White drivers.

The mean values in Table Five can be used to determine the direction of consent requests, either PC or RAS. For White drivers, the mean value is 1.46, closer to the value of one, which is assigned to RAS, than it is to the value for PC. This means that White drivers are more often receiving consent requests based on RAS than PC. For Black drivers, the mean value is 1.74, closer to two, which indicates PC. Black drivers then are more frequently receiving PC searches rather than RAS in this sample. The mean for Hispanic drivers is 1.80, closer to PC than RAS. Hispanic drivers are involved in a higher proportion of stops with PC rather than RAS consent requests. Finally, the mean for Asian drivers is 1.77, again, closer to PC than RAS. White drivers have a slightly higher proportion of RAS consent searches than all other drivers while Hispanic drivers have the highest proportion of PC consent requests. Overall, as indicated by the individual group means and the overall mean, the direction of the distribution is toward PC rather than RAS consent requests; the majority of consent requests in the sample are based on PC. However, compared to the means for the previous reporting period, it appears that there are slightly more PC consent requests utilized for the current reporting period, especially for Hispanic drivers.

Variation Among RAS Consent Requests

While RAS may involve more discretion than PC consent requests, there is variation in discretion within categories of RAS. The reasons for an RAS consent request can be described as intangible, tangible, or probative. Intangible reasons are observations such as nervousness, failure to make eye contact, uncertainty in answers, and conflicting statements. Tangible reasons include the existence of air

fresheners, modifications to vehicle interiors, “boost” cell phones, etc. Probative reasons include artifacts of gang membership (such as tattoos, admitted membership), odor of burnt or raw marijuana in the vehicle, admissions against self-interest, and criminal histories. In most incidents, there was more than one type of reason for requesting consent. However, probative reasons are recorded, if given, regardless of other reasons stated. If the table lists an intangible reason, those are instances in which only intangible reasons were given. If a stop had tangible reasons and probative reasons articulated, these are recorded as probative. Thus, the higher numbers for probative reasons do not reflect that *only* probative reasons were given but rather that all incidents with intangible or tangible reasons articulated also had probative reasons given and are displayed in the probative column only.

Consistent with previous reporting periods, the most common reasons for RAS consent requests are probative reasons. In 77 stops with RAS requests, there was at least one probative reason cited. There was one request based solely on tangible reasons, and four requests based solely on intangible reasons. This pattern is consistent with previous reporting periods; the majority of RAS consent requests are based on probative reasons. The mean values are generally closer to a value of three, indicating probative reasons. In the previous reporting period, Hispanic drivers had the lowest mean value. However, in the current reporting period, they have the highest value, 3.00.

Table Six: Reason for RAS Consent Requests by Race/Ethnicity of Driver¹⁵
9th OLEPS Reporting Period

Race/Ethnicity	Intangible	Tangible	Probative	Mean
	(1)	(2)	(3)	
White	2	0	43	2.91
Black	2	1	25	2.82
Hispanic	0	0	7	3.00
Asian	0	0	2	3.00
Total	4	1	77	2.89

Chi-square analysis could not be conducted to determine if the racial/ethnic differences in reasons for RAS requests are statistically significant due to extremely low expected counts. Thus, while there are more probative reasons cited, it cannot be determined whether the distribution is the result of chance.

Canine Deployments

Racial/ethnic variation among the legal standard used to deploy canines was also examined. Table Seven reveals that the majority of the 30 official canine deployments are based on RAS rather than PC. This is expected since State Police policy allows troopers to use the results of a canine deployment to bolster facts and circumstances, strengthening RAS and PC reasons needed to request consent from a driver, arrest a driver, or to obtain a search warrant. Consistent with the previous reporting period, RAS deployments are the most common type for each race/ethnicity, with Black drivers having the highest overall number of RAS based deployments and the most overall canine deployments.

¹⁵ There were four consent to search requests based on RAS where the only reasons listed were “Other.” Because “other” cannot be clearly defined as intangible, tangible, or probative, these four stops were removed from Table Six. Three of these stops involved Black drivers and one involved a White driver.

Chi-square analysis could not be conducted to determine if the racial/ethnic differences in reasons for canine deployments were statistically significant due to low expected counts. The majority of canine deployments are based on RAS rather than PC, but the statistical significance of this distribution cannot be evaluated.

Table Seven: Canine Deployments by Race/Ethnicity of Driver and Legal Standard
9th OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulate Suspicion	Probable Cause	Mean
	(1)	(2)	
White	7	2	1.22
Black	11	7	1.39
Hispanic	2	1	1.33
Asian	0	0	--
Total	20	10	1.33

The mean can be used to determine the direction (RAS vs. PC) of deployments for each racial/ethnic group. Means of one would indicate RAS and means of two would indicate PC. The mean for White drivers is 1.22, close to RAS. This suggests that more canine deployments for White drivers are based on RAS rather than PC. The means for Black and Hispanic drivers are both closer to RAS than PC, 1.39 and 1.33, respectively. Overall, all drivers involved in a canine deployment were more likely to be involved in deployments based on RAS than PC.

Arrests

There are instances where troopers have little discretion to arrest. For example, troopers are required to arrest when motorists have outstanding warrants. Other incidents may be rooted in probable cause, which involves more discretion than a warrant, but still limits the use of trooper discretion. The racial/ethnic distribution of arrests across these limited discretion reasons is presented in this section. In the current reporting period, arrests occurred in 252 motor vehicle stops. Table Eight presents the racial/ethnic distribution of arrests and reasons for arrests.

The majority of arrests were based on probable cause (without a warrant): 176 stops had an arrest listed as probable cause, 24 were warrant based, and 52 were based on a combination of these two reasons. In instances where probable cause dissipates, an individual may be "unarrested." In this reporting period, there were 35 motor vehicle stops where a person was unarrested at the scene. Overall, these data suggest that in the second half of 2013, sampled drivers were more likely to be arrested on probable cause, not on warrants, and if arrested on probable cause, to have charges filed.

Table Eight: Reason for Arrest by Race/Ethnicity of Driver
9th OLEPS Reporting Period

Race/Ethnicity	Stops with Arrests	Warrant Arrests	Probable Cause Arrests	Warrant & Probable Cause
		(% of arrests)	(% of arrests)	(% of arrests)
White	91	8	64	19
		(8.79)	(70.33)	(20.88)
Black	114	15	73	26
		(13.16)	(64.04)	(22.81)
Hispanic	38	1	30	7
		(2.63)	(78.95)	(18.42)
Asian	9	0	9	0
		--	(100)	--
Total	252	24	176	52

Of the arrests made in stops with White drivers, eight (8.79%) were warrant based, 64 (70.33%) were probable cause based, and 19 (20.88%) were based on both warrant and PC. Unlike the previous reporting period, a small proportion of arrests were based on warrants; the majority of arrests in stops with White drivers were based on probable cause. This may be the result of the sampling characteristics for the current reporting period, where stops were selected based on whether they included a PC consent search based on the odor of marijuana.

Of the arrests made in stops with Black drivers, the same holds; more arrests were based on probable cause than warrants alone or warrants and probable cause. During this reporting period, there were 15 (13.16%) stops with a Black driver where an arrest was made based on a warrant and 73 stops (64.04%) where an arrest was based only on PC. There were 26 (22.81%) arrests in stops with Black drivers made based on a combination of warrants and probable cause.

The same general pattern is observed for Hispanic drivers as the previous reporting period. Overall, 30 (78.95%) arrests in stops with Hispanic drivers were based on probable cause alone, one (2.63%) was based on warrants alone, and an additional seven (18.42%) were based on a combination of warrants and probable cause. This is consistent with the previous reporting period where the majority of arrests in stops with Hispanic drivers were PC based.

Asian drivers were only involved in stops with arrests based on probable cause. In all nine stops with arrests involving Asian drivers, the arrest was based on probable cause alone.

In incidents where a vehicle search was conducted, no evidence found, probable cause dissipated, and no charges were lodged, the vehicle occupants are able to leave the scene. Instances in which no charges were filed are those where an individual was released either at the scene of the stop or at the station. Overall, these instances are rare occurrences. There were only 35 stops where an individual was unarrested during a motor vehicle stop.

Probable Cause Arrests

The change in State Police procedures following Peña-Flores¹⁶ requires immediate arrest with probable cause. The trooper is then required to obtain a search warrant or consent to search the vehicle. There were no incidents during this period where search warrants were applied for at the scene of the stop.

Further examining incidents of probable cause arrests can indicate whether the potential for disparity exists. There were 52 arrests made on the basis of probable cause and at least one outstanding warrant, similar to the number in the previous reporting period. These instances mean that although probable cause was a reason for the arrest, the overarching reason was an outstanding warrant, which drastically limits a trooper's discretion. Of incidents with PC and a warrant, 19 drivers were White, 26 were Black, and seven were Hispanic. This pattern is consistent with the most recent reporting period.

The number of warrant only arrests made during the current reporting period is much smaller than the proportion noted in previous reporting periods. The proportion of stops with warrant only arrests were 9.5% of all stops with arrests in the current period, compared to 32.35% in the previous reporting period.

Chi-square analysis was employed to determine whether the observed differences in reasons for arrest were statistically significant. Due to invalid cells, the analysis was conducted based on White versus non-White drivers. The analysis did not reveal a significant difference ($p=.956$) in the legal standard used to arrest by race/ethnicity.

Additional Analyses: Time of Day

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

Table Nine: Racial/Ethnic Distribution of Day & Night Stops
9th OLEPS Reporting Period

Race/Ethnicity	Day	Night	Total
White	53	48	101
Black	48	69	117
Hispanic	18	23	41
Asian	3	6	9
Total	122	146	268

Table Nine indicates that, unlike previous reporting periods, there were more motor vehicle stops made at night¹⁷ (146) than during the day (122). There were more stops during the day for White drivers and more at night for all other racial/ethnic groups. The largest difference between the numbers of day

¹⁶ For more information regarding the effects of Peña-Flores on law enforcement see: <http://www.nj.gov/oag/oleps/special-reports.html>

¹⁷ Day and night are defined according to sunrise and sunset. A stop occurring after the official time of sunset for the Eastern Time Zone (New York City) on that date will be listed as occurring at night.

and night stops were for Black drivers; there were 21 more nighttime stops than daytime stops for this racial/ethnic group.

Chi-square analysis was used to determine whether the observed differences in Table Nine are significant. The results did not reveal a significant difference among racial/ethnic groups in the distribution of day and night stops, suggesting that this distribution could likely result from random sampling of the events reviewed ($p=.23$).

Summary of Standard 1

In the current reporting period, analyses did not reveal any significant differences in the racial/ethnic distribution of events examined. Unlike previous reporting periods, Black drivers are involved in the largest proportion of all stops, and subsequently, all activities examined. This is not necessarily the result of changes in State Police patrol practices. Rather, this likely stems from the sample selected for review in the current reporting period. Black drivers are involved in a larger proportion of stops with PC based on the odor of marijuana than would be expected based on their proportion of all stops. As in all Oversight Reports, OLEPS examined the appropriateness of all actions taken during motor vehicle stops in the standards throughout this report.

Despite the disproportionately high number of stops involving Black drivers, OLEPS did not note any significant differences in the racial/ethnic distribution of all stops. The racial/ethnic distribution of stops with arrests approached statistical significance. Indicating that, if a less strict statistical standard was used, Black drivers would be more likely than White drivers to be arrested in the current reporting period.¹⁸ This significance is likely due to sample selection, whereby a larger proportion of stops with arrests were sampled due to the selection of stops with PC consent searches based on the odor of marijuana. As noted previously, Black drivers were involved in a disproportionate number of these stops and their arrests are predominantly based on probable cause. OLEPS assesses whether the legal standards for arrests are met in Performance Standard 9, where the errors caught and not caught by supervisors are discussed.

Additionally, White drivers were significantly more likely to be involved in RAS based consent to search requests while Black, Hispanic, and Asian drivers were more likely to be involved in stops with consent to search requests based on PC.

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

¹⁸ As noted elsewhere, the level of significance used in this report is .01. This level indicates that there is a less than 99% chance that the results are due to chance. A less strict standard for significance would indicate a larger possibility that the results could stem from random chance.

Performance Standard 2: Consent Search Requests

Standards

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

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

Assessment

In the current reporting period, OLEPS reviewed a total of 235 motor vehicle stops where a consent to search request was made. A request for consent (PC or RAS) may be granted or denied by the motorist. In the current reporting period, the majority of all consent requests were granted by motorists; 177 consent requests were granted and 58 were denied.

In this reporting period, OLEPS reviewed all stops with RAS consent requests and a sample of stops with PC based consent requests based on the odor of marijuana. The majority of stops with consent requests, 149, were based on PC and 86 were based on RAS.

Table Ten depicts the number of RAS consent requests in each reporting period dating back to OLEPS' first reporting period. The previous reporting period had the most RAS consent requests to date. As suggested in previous reports, this may be the beginning of a new trend in the volume of RAS consent requests. Until the first half of the fifth reporting period, there were only about 60 RAS consent requests for each six month period. However, beginning in the first half of the fifth reporting period, these numbers are higher. In the current reporting period, there are only 86 RAS consent requests while there were 111 in the previous reporting period. The lower number of RAS consent requests in the current period likely reflects the lower number of stops conducted in the second half of the year.

The numbers in the total consent requests column only became relevant in 2009, as a result of the Peña-Flores decision. This ruling led to the creation of PC consent requests, dramatically increasing the numbers of all consent requests. Unlike the previous reporting periods, in the current reporting period there was a selection of a sample of stops with a PC consent request. There were 149 stops with PC consent requests reviewed in the current reporting period.

Table Ten: Consent Requests for Previous Reporting Periods
January 2008- December 2013

Reporting Period	RAS Consent Requests	Total Consent Requests
OLEPS 1 st a	79	79
OLEPS 1 st b	51	51
OLEPS 2 nd	72	405
OLEPS 3 rd	68	78
OLEPS 4 th a	66	358
OLEPS 4 th b	62	316
OLEPS 5 th a	106	266
OLEPS 5 th b	83	198
OLEPS 6 th	100	128
OLEPS 7 th	75	109
OLEPS 8 th	111	178
OLEPS 9 th	86	235

RAS & PC

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

Generally, the facts and circumstances surrounding the motor vehicle stop meet the respective standards for which they are requesting consent. In the current reporting period, there were five stops with RAS consent requests where the facts and circumstances did not meet the standard of RAS. None of these errors were noted by the State Police in their review of the stop. There were no stops with a PC consent request that had facts and circumstances that did not meet the standard of PC. For the past few reporting periods, the State Police has consistently had fewer stops where a legal standard was not met, evidence of their continued supervision and review of motor vehicle stops. The number of incidents where the legal standards were not met remains consistent with the previous reporting period. OLEPS reminds the State Police to continue their vigilance and improvement in both the appropriate use of legal standards and effective documentation of errors and interventions.

Consent Forms

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

Of the 235 stops with consent to search requests, a consent form was filled out appropriately in 164 instances. Unlike previous reporting periods, there was only one missing consent form. There were 67 stops where consent forms were not completed appropriately. These errors most often relate to blank fields on the form. For example, many forms did not have a mark indicating whether consent was granted or denied. Of these 67 errors, 41 were caught by State Police review and 12 resulted in an intervention. The remaining 26 errors were noted by OLEPS and not the State Police, even though 11 of these stops did receive State Police review. This represents a slight increase in the number of errors not noted by the State Police, 38%. In the previous reporting period, this percentage was only 31%, a continual decline from a high of 79% in the fifth reporting period. While the number of consent form errors caught represents an improvement since earlier reporting periods, OLEPS recommends that the State Police continue to review these forms in detail.

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

Given State Police's history of missing consent forms, OLEPS also measured whether there was video recording of the form being completed. This allowed OLEPS to confirm whether the forms were filled out at the scene and whether they were filled appropriately. In the current reporting period, fifteen consent requests were not recorded, and so OLEPS could not determine whether these forms were completed at the scene. Eight of these errors were caught and three resulted in an intervention.

OLEPS commends the State Police on the improvements made regarding consent to search forms and its diligence in ensuring that forms are appropriately filed and stored in State Police databases. OLEPS continues to recommend that the State Police stress the importance of appropriately filed consent forms. An incomplete or missing form could lead to potential problems should an individual challenge the legality of a search performed by the State Police.

Rights

Troopers are instructed to read the consent to search form in its entirety to the individual whose vehicle is being searched so that s/he clearly understands his/her rights. Such rights are the right to refuse the search and the right to be present during the search. In 16 motor vehicle stops, a trooper did not appropriately notify the driver of either the right to refuse or the right to be present during the consent search. Of these instances, 13 were noted by State Police review of the stop and nine resulted in an intervention. There were three errors pertaining to the right to refuse that were not noted by the State Police in its supervisory review of the stops.

It appears that the State Police continue to have a number of stops with errors pertaining to the right to refuse. However, the State Police noted the vast majority of these errors in their reviews. The improvement in this error rate is likely the result of edits to the consent search form, which reinforced

a trooper's obligations to read these rights. The State Police has also expressed that some troopers did not read the right to be present during the search because the motorist was not leaving the scene of the stop, or that they did not wish to give motorists the option of leaving. However, since the redesign of the consent search form and the reinforcement of the importance of these rights, the number of errors not caught pertaining to rights has decreased.

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

Accountability & Safety

There are several requirements of troopers implementing a consent search. These requirements are designed to protect both the troopers and the individuals involved in the search. For example, troopers are required to obtain permission from a supervisor (not involved in the stop) to request consent of the motorist. This ensures that troopers are requesting consent searches based on facts and circumstances that meet the appropriate standards of RAS or PC. Troopers must request permission to search from a supervisor not involved in the stop to ensure objectivity in determining whether the search is appropriate. In the majority of stops with consent requests, 167, the supervisor was advised of the facts via the radio. In 49 stops, a supervisor was notified of the facts and circumstances at the scene of the stop. Additionally, a supervisor was notified via cell phone in six stops. There were 13 motor vehicle stops where OLEPS was unable to determine whether a supervisor was notified of the facts and circumstances surrounding the request due to missing DIVR clips or audio malfunctions. There were no instances in this reporting period where a trooper did not notify a supervisor of facts and circumstances prior to requesting consent from the motorist.

After a supervisor approves the request to ask for consent to search, and the motorist grants consent, troopers may begin the search after they notify State Police communication that the search is beginning. This was done in 150 motor vehicle stops. There were 26 stops where it was unknown whether a trooper notified communication that the search was beginning.

Troopers are also required to read the consent form (including the rights to be present and to refuse) while recording. This provides supplemental evidence that troopers notified motorists of their rights. This question is only answered for those stops in which OLEPS reviewed recordings of the motor vehicle stop in addition to reports. In 198 stops, consent was requested while recording, while in 15 stops the consent request was not recorded. Eight of these errors were caught by State Police and three resulted in an intervention. Additionally, there were 22 instances where it was unknown whether the consent to search form was read while recording.

According to State Police policy, troopers are also required to record the actual search. As noted previously, OLEPS can only confirm trooper adherence to this requirement for stops where recordings are available for review. In 142 stops, the consent search was properly recorded. Consent searches were not recorded in six motor vehicle stops, none of which were noted by supervisory review. In eight stops, only the audio portion of the consent search was recorded while the video portion was the only recording in 11 stops. Additionally, in 10 stops it was unknown whether the consent search was recorded.

As noted above, the consent to search form specifically identifies the parts of a motor vehicle a trooper is allowed to search per supervisory approval and motorist consent. Troopers may not deviate from this scope. OLEPS noted that in most stops troopers appropriately heeded the scope requirements of the search. There were three motor vehicle stops with a consent search where troopers went beyond the scope requirements. Two of these errors were caught by State Police supervisory review and an intervention was issued for both errors. There were 16 stops where OLEPS could not determine whether the scope of the search was exceeded, likely due to missing recordings.

A motorist retains the right to withdraw their consent to the search at any time during the search. Troopers must immediately terminate a search upon withdrawal of consent. Generally, withdrawal of consent is rare; there were no withdrawals in the third reporting period, there were five in the fourth reporting period, two in the fifth reporting period, one in the sixth reporting period, one in the seventh reporting period, and one in the previous reporting period. In this reporting period, consent was not withdrawn in any motor vehicle stops.

Summary of Standard 2

Overall, the State Police adhered to policies and procedures governing consent search requests. OLEPS noted several instances in the current reporting period where the facts and circumstances surrounding a consent to search request did not meet the minimum standard of RAS. While there was only one consent form missing or unavailable in the current period, errors on the forms persist. OLEPS continues to recommend that the State Police stress the importance of filling out these forms completely and correctly, and appropriately cataloging these forms. OLEPS has also noted more interventions for caught consent search errors and commends the State Police on this improvement. Because the current reporting period included a higher number of consent requests than previous reporting periods, the number of errors pertaining to consent requests may appear artificially inflated. Additionally, a number of these stops did not receive a supervisor review, which may inflate the number of uncaught errors pertaining to consent to search requests, especially compared to the previous reporting period.

Performance Standard 3: Deployment of Drug Detection Canines

Standards

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

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

Assessment

All canine deployments must be authorized by a supervisor not involved in the stop. OLEPS has noted several instances, in the past, where a canine was deployed without proper supervisory approval. Usually, these unofficial deployments have occurred because the canine handler was serving as a “back-up” to the primary trooper. There were 30 motor vehicle stops where a canine was on the scene of a stop in the current period. In one of these instances, it was not known whether the canine was officially requested by State Police. However, this stop will be counted as an official deployment in the current reporting period.

Of the 30 deployments at the scene, there were two where the canine was not actually utilized at the scene despite the official request. In addition to these official deployments, the State Police requested a canine in 39 other stops. However, these dogs were dispatched to the station rather than the scene. Unlike the pattern noted in previous reporting periods, the State Police appeared to dispatch a slightly smaller number of canines to the scene of a stop than the station in the current reporting period.

Of the official deployments, 20 were based on RAS and 10 were based on PC. There was one instance where the facts and circumstances surrounding the deployment did not meet the legal standard of RAS. This error was not caught by State Police review.

Canine deployments must be recorded according to State Police policy. In the current reporting period, 23 (of the total 30) deployments were recorded appropriately and there was one deployment where OLEPS was unable to determine whether they were recorded. Two of the official deployments, that is, instances where the dog was requested and responded to the scene, were not recorded because the dog was not asked to perform while at the scene and the two other canines were used to track a fleeing subject rather than search a vehicle.

Summary of Standard 3

As noted in previous reports, the number of canine deployments at the scene of the stop increased dramatically from 2010-2011. However, the number of deployments in the current reporting period is

much smaller than the numbers noted for the earlier reporting periods but is consistent with the most recent reporting period. The majority of official canine deployments in this reporting period were appropriate and met the legal standards of either RAS or PC. Despite these increases in canine deployments, State Police follow the canine deployment procedures.

Performance Standard 4: Use of Force

Standards

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

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

Assessment

In the current reporting period, there were 25 uses of force, six more than the previous reporting period. Table Eleven presents the types of force used in the current reporting period. As is generally the case, physical force is the most frequently used type of force. There were 18 instances where physical force was used, three involved mechanical force, and another four were a combination of mechanical and physical force. There were no instances involving the sole use of mechanical force in the current reporting period.

Table Eleven: Uses of Force by Type of Force¹⁹
9th OLEPS Reporting Period

Type of Force	Number of Stops
Physical	18
Mechanical	3
Mechanical & Physical	4
Total	25

OLEPS reviews all uses of force in connection with motor vehicle stops and assesses whether these uses of force were appropriate and necessary. In 18 stops, the force was deemed necessary and appropriate, based on the requirements above. In this reporting period, there were seven use of force instances where OLEPS was unable to determine whether force was appropriate. In four stops, the

¹⁹ Physical force: Bodily contact with a subject, not otherwise submitting or cooperating, to effect an arrest or other law enforcement objective.

Mechanical Force: The use of some device, which employs less than deadly force, such as a baton (PR24, expandable baton, etc.), police canine, chemical or natural irritating agent, etc.

incidents occurred outside the view of the DIVR camera. This may be due to fleeing subjects, who departed from the initial scene of the stop. There were recording issues for three stops.

The 25 motor vehicle stops involved uses of force against the driver, passenger 1, or passenger 2. In total, there were 22 motor vehicle stops where the driver was a recipient of force, two stops where passenger 1 was a recipient of force, and one stop where passenger 2 was a recipient of force. There were no instances where the driver and passengers were recipients of force.

Use of force reports are required to be filed in all instances of force, for each citizen involved. For one stop where the driver was the recipient of force, the trooper involved did not submit a use of force report and one report was missing. These errors were not noted by State Police. Of the use of force reports submitted for force against a driver, three were not completed properly. Two of these errors were noted and one resulted in an intervention. When passenger 1 was the recipient of force, a use of force report was not filed in one stop. This error was not noted by State Police. The use of force report was filed in the stop involving passenger 2. However, this report was not completed properly. The error was noted by the State Police and resulted in an intervention.

Summary of Standard 4

OLEPS concluded that the uses of force in the current reporting period were conducted in accordance with State Police requirements. The few issues pertaining to missing or incomplete use of force reports reiterate OLEPS' recommendations for appropriate documentation and cataloging of State Police enforcement activities. Additionally, OLEPS is mandated to review all critical stops, which include uses of force. In 12% of stops with a use of force, OLEPS was unable to review the stops due to recording and/or electronic storage issues. OLEPS reiterates concerns regarding complete recording and appropriate storage management of recordings of motor vehicle stops.

Performance Standard 5: Recording & Reporting of Motor Vehicle Stops

Standards

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

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

- Trooper badge number & activity (i.e., motorist aid or vehicle stop)
- Location, direction of travel, municipality
- Vehicle description
- Occupant description- race, gender
- Stop statute
- Status update
- Race and gender update
- Driver DOB
- Vehicle registration, make, model
- Checks on licenses/identity, wanted persons status, criminal history
- Requesting backup
- Final disposition
- Stop cleared

State Police policies and procedures require that motor vehicle stop reports be filed for all stops that involve post-stop enforcement activity. Investigation reports are also required when a stop involves investigative functions (e.g., search warrants). These reports are expected to be filled out completely and without errors.

Assessment

Recording

In the current reporting period, a total of 268 motor vehicle stops were reviewed. According to State Police policy, all motor vehicle stops should be recorded, beginning when a trooper signals a car to stop (i.e., turns on lights and sirens). The State Police use a system that integrates audio and video recordings, however, the microphone and video camera are separate mechanisms that can and do function independently. In the past few reporting periods, OLEPS has noted many instances where the audio and video did not record simultaneously. For example, in some cases there may be a video recording, but no audio or vice versa. Because of this, OLEPS now assesses video and audio activations separately.

Of the 268 stops reviewed by OLEPS, 200 motor vehicle stops (74.62%) had appropriately activated videos. There were 16 stops where OLEPS was unable to determine whether the video was activated due to missing or unavailable DIVRs. For several reporting periods, OLEPS has noted instances where the first clip of a motor vehicle stop was unavailable on the State Police DIVR system. For some of these stops, the remaining clips were available for review on recordings from other troop cars involved

in the stop. OLEPS noted that the missing first clips are either deleted or attached to the trooper's previous motor vehicle stop CAD incident number. OLEPS recommends that the State Police examine the issue of missing first clips of motor vehicle stops and whether the issue results from not properly clearing from a stop (i.e., not turning off the DIVR or closing the stop on the in-car computer).

In 41 stops, video activation was not applicable, likely because the stop began as a rest area check or accident and not as a trooper initiated stop or because the DIVR was not available for review at all. In total, there were 11 stops (4.10%) where the video was not activated appropriately when the trooper signaled the stop, fewer than in the previous reporting period. Eight of these were noted by supervisory review and four resulted in an intervention.

Audio recording activation occurred at the beginning of 174 motor vehicle stops (64.92%) this reporting period. There were 17 stops where OLEPS was unable to determine whether the audio was activated at the beginning of the motor vehicle stop. Similar to video activation, there were 42 stops where it was not applicable for audio activation to occur at the beginning of the stop.

OLEPS found that in 35 motor vehicle stops, the audio did not activate at the beginning of the stop. Of these errors, more than half, 22 stops, were noted by State Police supervisory review and six resulted in interventions. There were 16 stops identified as having errors by supervisors that resulted in no intervention. State Police reviewed only one of the remaining 13 stops where the audio did not activate at the beginning of the stop; there were 12 stops where audio activation was delayed that were not reviewed by State Police.

As with the activation of audio and video, OLEPS also assesses whether audio and video recordings continue to the completion of a stop, separately. There were 228 stops (85.07%) where the video recording continued to the completion of the stop. There were nine stops where OLEPS was unable to determine whether video recording continued to the completion of the stop. Additionally, there were 13 stops where OLEPS could not determine if it was applicable for the recording to continue to the completion of the stop because the DIVR could not be located. In total, there were 18 stops where the video recording did not continue to the completion of the stop. In 15 of these instances, supervisory review noted these errors and five resulted in interventions.

In 189 motor vehicle stops, the audio recording continued to the completion of the stop. There were nine stops where OLEPS was unable to determine whether the audio recording continued to completion. As with video recordings, there were 13 stops where it was not deemed applicable for the audio to continue to the completion of the stop. In all, there were 57 stops where the audio recording did not continue to the completion of the stop. Of these audio errors, the State Police caught 41 in their reviews and 10 resulted in interventions. In total, there were 31 instances where errors were caught by supervisors, but no further action was taken.

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

OLEPS generally notes that there are more issues pertaining to recording the entirety of a stop than activation of recording at the beginning of a stop. The current period continues the general trend of issues recording the entirety of a stop. In the previous reporting period, there were 19 stops where OLEPS could not determine whether video was activated, 20 stops where OLEPS could not determine whether audio was activated, 18 stops where OLEPS could not determine whether video continued to the end of the stop, and 18 stops where OLEPS could not determine whether audio continued. However, in the current reporting period, there were 16 stops where OLEPS could not determine whether video was activated, 17 stops where OLEPS could not determine whether audio was activated, nine stops where OLEPS could not determine whether video continued to the end of the stop, and nine stops where OLEPS could not determine whether audio continued.

For several reporting periods, OLEPS has assessed the quality of audio and video recordings. While a DIVR may be recording, the audio may be unintelligible or the camera may not be aimed at the stopped vehicle. In these instances, OLEPS noted whether there were any audio or video interferences that made it difficult to determine trooper actions. Similar to the previous reporting period, the current reporting period had 62 stops (23.13%) where some sort of audio interference made it challenging to determine trooper actions. These interferences often result from the noise of traffic passing or other external factors. In addition, there were 36 stops (13.4%) where there was a malfunction in the audio, less than the previous reporting period. Malfunctions may result from microphones dying or fading in and out throughout the stop.

Issues with the video recording were noted in 45 stops (16.79%), making it difficult to determine trooper actions. The video interferences may result from the camera being positioned away from the stopped vehicle or because of environmental conditions (dark, rainy, etc.). While not ideal for review purposes, the direction of a camera may be less of a concern for a trooper during a motor vehicle stop because a trooper's priorities are trooper and motorist safety. In addition to video difficulty, there were nine stops (3.35%) where OLEPS noted a video malfunction.

In the previous reporting period, roughly 23.42% of all stops reviewed had either issues with audio recordings or a malfunction and about 10.19% had a video malfunction or issues with the recording. In the current reporting period, the rate of both audio and video issues has increased after decreasing in the previous reporting period. About 36.56% of stops had issues with audio recordings or a malfunction while 20.14% of stops had a video malfunction or recording issues. Thus, while the rate of recording difficulties fluctuates from each reporting period, a large portion of stops are still plagued by these technological issues.

For several reporting periods, OLEPS has noted mechanical issues which impacted the recording of motor vehicle stops. OLEPS anticipated that these issues would be resolved once the migration to DIVR was complete. Generally, there has been improvement for both activation of video/audio during a stop as well as the continuation of both until the completion of the stop. During reviews, OLEPS noted that there is still a large portion of stops with some sort of audio malfunction or difficulty. Issues with video tend to result from a misdirected camera or unavailable clips of a stop. Additionally, as noted previously, OLEPS noted a larger number of stops where the recording was unavailable or not found when accessed. OLEPS continues to recommend that the State Police ensure that troopers properly record motor vehicle stops, keep recording equipment in working order, and ensure proper storage of all recordings.

Communication Call-Ins

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

Upon stopping a vehicle and prior to approaching the vehicle, troopers are required to call in: the location of the stop; a vehicle description; the number of occupants; the race/ethnicity of the occupants; and the reason for the stop. In the majority of stops, troopers called in the appropriate information to communication. In the current reporting period, there were two stops with several missing communication call-ins. The troopers in these stops failed to notify communication of their location prior to approach, give a vehicle description, identify the number of occupants, report the race/ethnicity of occupants, and the reason for the stop. All of these errors were noted by State Police review and resulted in an intervention for one stop but not the other stop. Additionally, there was one other stop where the trooper failed to notify communication of the description of the vehicle, race/ethnicity of the driver, and the reason for the stop. These errors were also caught and resulted in an intervention.

In previous reporting periods, a higher proportion of stops were not called in than in the current and previous period. Despite a few errors in communication, the State Police still performed the majority of the call-ins for motor vehicle stops and continue to improve the number of stops that had all call-ins prior to approach.

Upon completion of the stop, troopers are required to notify communication that the stop has been completed and what actions were taken during the stop (e.g., summons, warning, towing the vehicle). There was one motor vehicle stop where troopers failed to notify communication of the completion of a stop, which was noted by supervisory review, and resulted in an intervention. Additionally, there were two stops where the actions taken during the stop were not called in. All of these errors were caught by a supervisory review and one resulted in an intervention.

There were approximately 65 stops where it was unknown whether communication call-ins were conducted due to missing recordings of the stop and audio difficulties/malfunctions. OLEPS continues to recommend that the State Police improve their recording quality, effectiveness, and storage management.

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

Reporting

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

In the 268 stops reviewed, there were 63 stops (23.51%) with stop reports containing errors, an increase in the proportion of stops with these errors from the previous two reporting period. Of these errors, 44 (69.84%) were caught by supervisory review and 14 (22.22%) resulted in an intervention. There were 19 (30.15%) stops where an error was made on a motor vehicle stop report that was not caught by supervisory review, considerably fewer than the previous reporting period.

Investigation reports are required to be completed by troopers only for stops involving investigative activities. In the current reporting period, there were 214 stops that required investigation reports. Of these stops, 194 or 90.6% were completed without error. In the previous reporting period, 93% of all investigation reports were completed properly. Investigation reports were not completed properly in 16 stops, an increase from the last reporting period. Of these errors, seven were caught by supervisory review and five resulted in interventions.

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

Summary of Standard 5

In the current reporting period, issues continue regarding the quality of audio recordings for motor vehicle stops. In stops with audio issues, microphones continue to cut in and out, record only static, or record nothing at all. OLEPS recommends the State Police investigate this issue to determine whether these issues are equipment failures, dead batteries, or trooper oversights.

Additionally, OLEPS noted a number of issues pertaining to the availability of video recordings. The State Police should examine methods to improve recordings and determine why the first clips of motor vehicle stops are not saved appropriately in the recordings database or why entire recordings are unavailable.

Although there has been improvement, OLEPS continues to note issues and errors that have not been caught by supervisory review. State Police are missing errors in many of the video and audio recordings of motor vehicle stops because they are not reviewing these stops. Of all the stops with recording errors not caught, 90% occurred in stops that did not receive a State Police review. Also, a large number of errors in the completion of motor vehicle stop reports and investigation reports have not been caught by State Police supervisors. Fifty-seven percent of all reporting errors not caught occurred in stops with a State Police review. While these errors may be viewed as merely "procedural" in nature, it is essential for any law enforcement agency to ensure accuracy in reporting. The State

Police should continue to place emphasis on appropriate reporting by troopers and detailed supervisory reviews of these reports.

Performance Standard 6: Exits & Frisks

Standards

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

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

In addition, pursuant to New Jersey law,²⁰ a driver may be asked to exit a vehicle for any reason.

Assessment

Exits

A trooper may request that a driver or passenger exit a vehicle for a number of reasons. Drivers may be asked out for any reason. Passengers may be asked to exit based on a heightened suspicion of criminal activity or they may be asked to exit as duty to transport (DTT).

In the current reporting period, there were 248 (of the 268 total stops) stops where a driver or occupant(s) was asked to exit the vehicle. In three stops, it was unknown whether anyone was asked to exit due to recording issues. In 17 stops, individuals may not have been asked out of the vehicle because the incident began as an accident and they were already out of the car by the time a trooper arrived on scene or they fled the scene upon being stopped. Of the stops with exits, 246 involved a driver exit. Fifty-four of these exits were for sobriety reasons, much lower than the number of sobriety exits in the previous reporting period but likely due to sample selection.

There were 166 stops where the passenger, labeled "passenger 1," was asked to exit a vehicle. Of these stops, 159 were based on heightened suspicion and six were asked to exit as DTT. In one stop, passenger 1 was asked to exit in the absence of heightened suspicion and not for transport purposes. This error was noted by State Police and resulted in an intervention. There were 87 stops where "passenger 2" was asked to exit the vehicle, 84 of which were based in heightened suspicion and three were based on DTT. Overall, State Police conduct vehicle exits appropriately and according to policy.

²⁰ *State v. Smith*, 134 N.J. 599, 611 (1994); see *State v. Peña-Flores*, 198 N.J. 6, 31 n.7 (2009)- describes the right of an officer to remove a driver from a lawfully stopped vehicle as "established precedent."

Frisks

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

In the current reporting period, there were frisks involving the driver and/or passengers in 54 motor vehicle stops. Thirty-nine of these stops with frisks were based on RAS and 12 were DTT. There were nine frisks that did not meet the requirement of RAS, five errors were noted by State Police review and resulted in interventions.

OLEPS also reviews the mechanics of a frisk to ensure that it is not extending beyond appropriate boundaries, converting the frisk into an illegal search. Of the 54 stops in which a frisk occurred, 15 were appropriate and followed the requirements. OLEPS was unable to determine whether frisks were conducted appropriately in 31 instances. During the current and previous reporting period, OLEPS noted many instances where frisks were not conducted in view of the camera. While this does not necessarily violate State Police policies, it does make it increasingly difficult to assess the mechanics of the frisk. Additionally, there were nine frisks that extended beyond a cursory pat down. Four were noted by State Police supervisory review and three resulted in an intervention.

In total, 37 drivers received a frisk. Twenty-nine of these frisks were based on RAS and five were based on DTT. There were six instances where a frisk of the driver did not meet the RAS standard and four were noted by supervisory review and led to an intervention. Additionally, there were four frisks of a driver that extended beyond a pat down. Two of these errors were caught by State Police review and one resulted in an intervention.

In 34 motor vehicle stops, at least one passenger was frisked. Thirty-one stops involved a frisk of passenger 1. Of these frisks, 11 were DTT and 19 were based on RAS. Of the RAS frisks, five did not meet the standard of RAS. Two of these errors were caught by supervisory review and resulted in interventions. There were six frisks of passenger 1 that extended beyond a pat down. Three of these errors were noted by State Police supervisory review and resulted in interventions. In this reporting period, there were 15 frisks of passenger 1 where it was unknown whether the mechanics of the frisk were appropriate because the frisk was not captured on camera or because the recording was unavailable.

There were 12 motor vehicle stops where passenger 2 was frisked. Of these, five were based on DTT and seven were based on RAS. All of the seven RAS frisks of passenger 2 met the standard of RAS. There was one frisk of passenger 2 that extended beyond a pat down; this error was not noted by supervisory review. Also, there were seven frisks where it was unknown whether the mechanics of the frisk were appropriate because the frisk was not captured on camera or because the recording was unavailable.

Summary of Standard 6

OLEPS' review found the majority of the observed exits and frisks occur in accordance with State Police policies and procedures. The State Police noted about half of the instances where a frisk did not meet the legal standard of RAS and only failed to implement three interventions when this error was noted. Also, the State Police only failed to note instances in five stops where a frisk extended beyond a pat down.

As noted previously, OLEPS was unable to observe a number of frisks because they occurred out of view of the camera. While this does not necessarily contradict State Police policies and procedures, it makes it difficult to determine the appropriateness of a frisk.

Performance Standard 7: Non-Consensual Searches/Seizures

Standards

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

Assessment

Non-Consensual Searches/Seizures: Vehicles

There were 37 non-consensual vehicle searches/seizures in the current reporting period, slightly fewer than in the previous reporting period. Of these searches/seizures, 26 were identifiable as plain view searches/seizures, three were credential or ownership searches, three were vehicle frisks, three were identified as "other," one was classified as exigency, and one search occurred as the result of a warrant. Most of these "other" searches are technicalities; they are classified as searches because troopers broke the plane of the vehicle.

OLEPS noted that errors were made in the searches conducted in six stops. Three of the errors were noted by State Police, and one resulted in an intervention. The errors made during the stops not noted by State Police review include the following: the trooper retrieving a wallet from the vehicle without the owner requesting such, another search was inappropriately classified as a vehicle frisk, though no weapons were suspected, and in the third instance the trooper listed the search as plain view, which requires the item to be recognizable as contraband, which the item was not.

Non-Consensual Searches/Seizures: Persons

In the current reporting period, there were 250 stops involving a search of a person. Per State Police policy, these searches should be incident to arrest. There were 233 searches of drivers incident to arrest and five searches that were not incident to arrest. Four of these errors were noted by State Police supervisory review and interventions were issued for three stops. There were 151 stops with searches of passenger 1 incident to arrest and three that were not incident to arrest. The three search errors were noted by the State Police and all led to an intervention. Finally, in 77 stops there were searches of passenger 2 incident to arrest and three that were not. The State Police noted two of these errors and issued two interventions.

Summary of Standard 7

OLEPS' review of non-consensual searches/seizures generally found them to be in accordance with State Police policies and procedures. The number of non-consensual searches in this reporting period is consistent with the previous period and only a few had errors. Unlike previous reporting periods, there were fewer stops that had an error pertaining to a non-consensual search of a vehicle or person. Additionally, the majority of these errors were noted by State Police review. The State Police continues to show improvement in the number of interventions issued for such errors. OLEPS commends the State Police on the improved error rate for stops with non-consensual searches and recommends continued diligence in the review of non-consensual searches/seizures.

Performance Standard 8: Length of Stops

Standards

According to State Police procedures, RAS stops should be “brief.” Because the length of a stop may be indicative of inappropriate enforcement (*i.e.*, detaining a motorist until RAS has been established for a consent search), it is an important characteristic of stops. For OLEPS’ purposes, the length of stop is measured as duration of time on the road only.

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

Assessment

The average length of motor vehicle stops reviewed during this reporting period is 63.76 minutes and the standard deviation of this distribution is 27.25 minutes. Thus, all stops greater than 91.01 minutes or less than 36.51 minutes are more than one standard deviation from the mean. There are 30 stops greater than one standard deviation above the mean, 27 of which had consent requests and six of which had a canine deployment in addition to a consent request. These stops also contained additional enforcements such as non-consensual searches, vehicle exits, frisks, and arrests.

In contrast, there are 36 stops that are one standard deviation below the mean stop length. Eighteen of these stops involved a consent to search request, but only seven were granted. However, 13 stops did involve uses of force.

The average length of motor vehicle stops in this reporting period is longer than the previous reporting period, 63.76 minutes here and 44.69 minutes in the previous reporting period. The standard deviation in the current period, 27.25 minutes, is slightly less than that of the previous period, 31.09. This indicates that not only are the stops slightly longer in the current reporting period, but there is less dispersion in the stops; the length of stops are more similar to each other in the current period than the previous. The increased average stop length is the result of sample selection. The stops selected for review (non-critical stops) were chosen because they contained PC based consent requests based on the odor of marijuana, where the time to develop PC was 25 minutes or greater.

Duration of Stops

Table Twelve displays the average length of the motor vehicle stops sampled in this reporting period. The first row in the table presents the average length of all stops in the sample, 63.76 minutes. This number is an increase from the average from the previous period, which was 44.69 minutes. As noted previously, the lengthier average in the current reporting period is the result of sample selection.

Table Twelve: Average Length (minutes) of Motor Vehicle Stops
9th OLEPS Reporting Period

	Average Stop Length
All Stops	63.76
All Stops with Consent Requests	66.72
RAS Consent Requests	73.22
PC Consent Requests	62.97
Consent Granted	67.14
Consent Denied	65.46
Canine Deployment	78.67
Consent Requests & Canine Deployments	76.33
Consent Granted & Canine Deployed	70.73
Consent Denied & Canine Deployed	83.33

Because the majority of stops contain a consent request, the average length of stops with consent requests is not much longer than the average of all stops. The average length of all stops with consent requests is 66.72 minutes, close to the 63.76 minute average for all stops. However, this average is slightly longer than the average length of stops with consent requests in the previous reporting period, which averaged 61.91 minutes. There is also a noticeable difference between the length of RAS consent request stops and PC consent request stops. This is likely due to the time it may take to accumulate RAS whereas PC is either present or not. The average stop length for stops with a PC consent request was 62.97 minutes, while the average for RAS consents was 73.22 minutes. The average length of stops with PC consent requests in the current reporting period is much longer than the previous reporting period, which averaged 44.19 minutes. This difference is likely due to the purposeful sampling of PC consent requests based on the odor of marijuana where the time to develop PC was longer than 25 minutes.

An independent samples *t*-test was used to determine whether the difference in the length of stops with PC consent requests and length of stops with RAS consent requests is statistically significant. The *t*-test revealed that there is a statistically reliable difference between the mean length of stops with PC consent requests ($M=62.97, s=18.955$) and those with RAS consent requests ($M=73.22, s=29.199$), $t(233)=3.261, p=.001, \alpha=.01$ (two-tailed). This means that there is a statistically significant difference between the length of stops with RAS and PC consent requests; stops with RAS consent requests are, on average, significantly longer than those with PC consent requests because RAS may develop over the course of a stop whereas PC is either present or not.

There is also a difference in the length of stops where consent was granted compared to those where consent was denied. Stops with consent searches that were granted have an average stop length of 67.14 minutes while those with consent searches that were denied have an average stop length of 65.46 minutes. An independent samples *t*-test was used to determine whether this difference between the length of stops with granted or denied consent requests was indeed statistically significant. The results indicate that there is not a significant difference between the length of stops where a consent request was granted ($M=67.14$, $s=20.415$) and where a consent request was denied ($M=65.46$, $s=31.710$), $t(233)=.472$, $p=.638$, $\alpha=.05$ (two-tailed). The test results mean that we cannot state that the length of stops with granted consent to search requests is significantly different or shorter than the length of stops with denied consent to search requests.

The average length of a motor vehicle stop with a canine deployment is 78.67 minutes, longer than the average length for all other stops. An independent samples *t*-test revealed a significant difference in stop length for those with a canine deployment ($M=78.67$, $s=31.806$) and without a canine deployment ($M=61.89$, $s=26.108$), $t(34.105)=-2.774$, $p=.009$, $\alpha=.05$ (two-tailed). Due to the high *p*-value, a one-tailed test would also be significant indicating that stops with canine deployments are significantly longer than those without canine deployments, $\alpha=.01$.

As motor vehicle stops involve more enforcement activities, the length of the stop increases. Thus, it is expected that a stop with a consent request and a canine deployment would be longer than a stop with only a consent request. Motor vehicle stops with consent requests and canine deployments have an average stop length of 76.33 minutes, less than the average length for stops with canine deployments alone. Breaking this down by granted and denied consent requests indicates that stops with a granted consent search and a canine deployment had an average length of 70.73 minutes while those stops with a denied request and a canine deployment had an average length of 83.33 minutes. Results of an independent samples *t*-test did not find a statistically significant difference between stops with a canine deployment and a granted consent request ($M=70.73$, $s=26.388$) and those with a canine deployment and denied consent request ($M=83.33$, $s=35.464$), $t(19.844)=-1.025$, $p=.318$, $\alpha=.05$ (two-tailed). The difference in the average length of stops with a canine deployment and a granted consent request and a canine deployment and a denied consent request is not statistically significant.

Racial/Ethnic Differences in Stop Length

Racial and ethnic differences in the length of motor vehicle stops are also explored. The first column in Table Thirteen presents the average length of all motor vehicle stops reviewed in this reporting period based on race and ethnicity. White drivers have an average stop length of 64.47 minutes, while Black drivers have an average of 62.04 minutes, and Hispanic drivers have an average of 64.93 minutes. Asian drivers have an average of 73 minutes.

All Stops

There were no statistically significant differences between the average length of all stops between any racial/ethnic groups. While the stops do differ in length, it cannot be said that one is longer than the other.

**Table Thirteen: Average Length (minutes) of Motor Vehicle Stops
by Race/Ethnicity**

9th OLEPS Reporting Period

Part A

	All Stops	Consents	RAS Consents	PC Consents
White	64.47	67.94	76.09	58.57
Black	62.04	63.54	68.81	61.34
Hispanic	64.93	71.63	76.43	70.43
Asian	73.00	73.00	64.50	75.43

8th OLEPS Reporting Period

Part B

	All Stops	Consents	RAS Consents	PC Consents
White	44.01	60.54	70.32	38.07
Black	48.95	65.66	78.06	49.59
Hispanic	38.86	58.86	77.90	41.55
Asian	38.36	54.17	47.00	68.50

Consent Requests

In the current reporting period, the average length of motor vehicle stops with a consent to search request²¹ increased for White, Hispanic, and Asian drivers while decreasing for Black drivers. The average length of motor vehicle stops with consent to search requests increased for White drivers from 60.54 minutes to 67.94 minutes, decreased for Black drivers from 65.66 minutes to 63.54 minutes, increased for Hispanic drivers from 58.86 minutes to 71.63 minutes, and increased for Asian drivers from 38.36 minutes to 73 minutes. Because there are typically a small number of drivers who are Asian in each reporting period, the average may be susceptible to influence from a few anomalous stops.

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

RAS Consent Requests

As discussed previously, the average length of all stops with RAS consent requests is higher than the average for stops with any consent requests. The same results are found when examined by race and ethnicity as shown in Table Thirteen. In the current reporting period, Hispanic drivers have the longest average length of stops with RAS consent requests, 76.43 minutes. White drivers have the second longest average, 76.09 minutes, followed by Black drivers with 68.81 minutes, and Asian drivers with a 64.5 minute average. Compared to the previous reporting period, the average for White and Asian drivers is longer while the average for Black and Hispanic drivers is shorter.

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

²¹ This assessment includes both denied and granted consent to search requests.

average length of a stop with an RAS consent request for White, Black, Hispanic, Asian, or Other drivers is not significantly different from each other.

PC Consent Requests

Stops with PC consent requests are longer in the current reporting period compared to the previous reporting period for all racial/ethnic groups. The average length of stops with PC consent requests for White drivers is 58.57 minutes here and was 38.07 minutes in the previous period. Black drivers increased from 49.59 to 61.34 minutes while Hispanic drivers experienced an increase from 41.55 minutes in the previous period to 70.43 minutes in the current period. Asian drivers experienced an increase from 68.50 minutes to 75.43 minutes in the current reporting period.

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

An independent samples *t*-test did find a statistically significant difference between the average length of stops with PC consent requests for White ($M=58.57$, $s=19.334$) and Hispanic ($M=70.43$, $s=21.605$), $t(54.006)=-2.324$, $p=.02$, $\alpha=.05$ drivers. The average length of stops with a PC consent request are longer for Hispanic than White drivers. Additionally, the difference between Black ($M=61.34$, $s=15.814$) and Hispanic ($M=70.43$, $s=21.605$), $t(38.472)=-2.030$, $p=.049$, $\alpha=.05$ drivers was also significant, suggesting that Hispanic drivers have lengthier stops than Black drivers. Finally, the difference noted for Black ($M=61.34$, $s=15.814$) and Asian ($M=75.43$, $s=26.22$), $t(79)=-2.117$, $p=.037$, $\alpha=.05$ drivers was also significant; Black drivers have shorter stops with PC consent requests than Asian drivers. Despite these significant differences, we cannot rank the length of stops due to non-significant differences between the remaining racial/ethnic groups.

Summary of Standard 8

OLEPS' review of the length of motor vehicle stops revealed an increase in the length of all stops and most categories of stops for the majority of racial/ethnic groups. However, this increase likely results from sample selection rather than longer stops overall for the State Police. While previous reporting periods had noted anomalies for certain racial/ethnic groups, no such anomalies were noted in the current reporting period. OLEPS recommends that State Police supervisors include analysis of motor vehicle stop length in reviews.

Supervisory Review

Performance Standard 9: Supervisory Review of Motor Vehicle Stops

Standards

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

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

Assessment

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

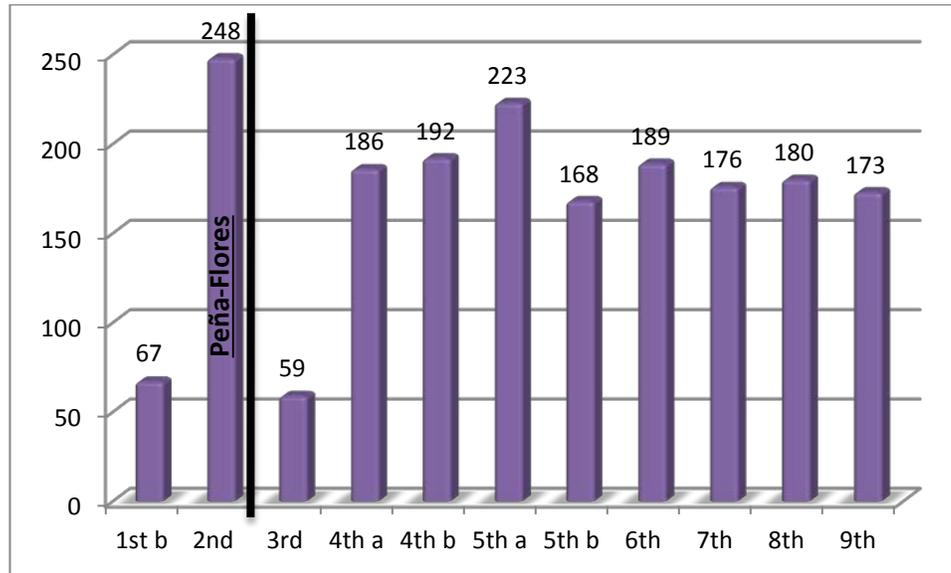
All determinations of whether an error is caught are based on the review completed of the motor vehicle stop by State Police reviewers. OLEPS pulled all documentation of stops, including reviews of stops in March 2014. It is possible that a stop was reviewed after OLEPS pulled the reviews, in such instances, these errors have been noted. In total, there were nine stops that were reviewed after OLEPS pulled motor vehicle stop records for this reporting period.

All Errors

In the current reporting period, 173 stops contained errors, slightly less than the number of stops with errors found in the previous reporting period. This number of errors is consistent with the number in the 7th reporting period, which corresponds to the months covered in the current reporting period. Figure Eleven depicts trends in the total number of stops with errors since the 1st reporting period. The figure indicates a large increase in the number of stops with errors since the first half of 2010

(4tha reporting period). Since the first half of 2011 (5tha reporting period) the number of errors has declined, remaining relatively steady since then. In total, there were 95 motor vehicle stops conducted by the State Police that did not contain any errors in the current reporting period.

Figure Eleven: Total Stops with Errors, by Reporting Period²²
1st through 9th OLEPS Reporting Periods



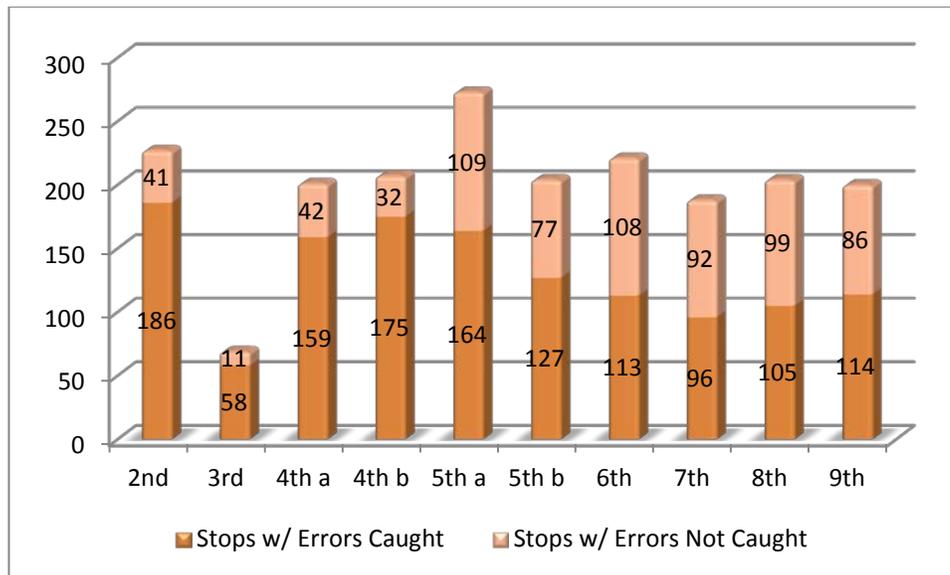
Of the 173 stops with errors, 114 stops contained errors caught by the State Police and 86 stops contained errors not caught by supervisory review. That is, 32.08% of all motor vehicle stops contained an error not caught by supervisory review. This is more than the percentage of stops with errors not caught in the previous reporting period, 27.27%. As noted in previous reports, beginning in July 2011, the State Police began a pilot program relating to motor vehicle stop reviews. This program retained the required reviews of critical stops, non-critical stops would undergo a selection process rather than a review of all stops. Additionally, the current reporting period contains a sample of stops that would not typically be subject to the review process- motor vehicle stops with PC consent requests. There were 42 stops with uncaught errors that had not undergone review by the State Police. Thus, only 44 stops contained errors not caught by the State Police despite supervisory reviews.

OLEPS has noted that for several reporting periods, the State Police do catch the majority of errors made in stops. Figure Twelve presents the number of stops where errors were caught and the number of stops where errors were not caught. In a single stop, some errors may be caught while other errors are not caught; each stop can appear as either a stop with errors caught, a stop with errors not caught, or both. As shown in Figure Twelve, the number of stops where errors are caught is generally higher than the number of stops where errors are not caught. In the previous two reporting periods, these numbers were nearly identical, while in the current reporting period State Police caught a higher number than they failed to catch. The State Police caught errors in 114 stops and failed to catch

²² The high number of stops with errors noted in the 2nd reporting period result from errors that are generally procedural in nature and stem from changes pursuant to Peña-Flores.

errors in 86 stops in the current reporting period. Comparing reporting periods, there appears to be an increasing number of stops with errors not caught until the current and previous reporting period where the number of stops with errors not caught is much smaller. This trend is more likely due to sample selection than a decline in the quality of reviews. Since OLEPS' samples contain a number of stops not reviewed by State Police, the proportion of stops with errors not caught is necessarily high. Because of this, OLEPS does continue to examine the number of errors not caught in stops with and in those without State Police reviews (Figure Fourteen).

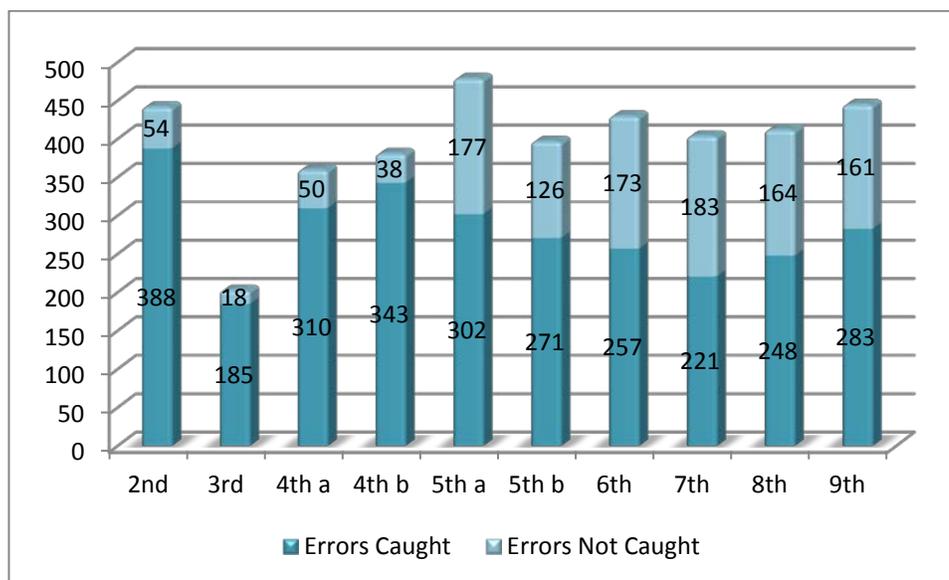
Figure Twelve: Stops with Errors Caught v. Stops with Errors not Caught
2nd through 9th OLEPS Reporting Periods



In the current reporting period, while there were only 173 motor vehicle stops with errors, there were 444 errors in those 173 stops. The total number of errors has historically been much higher than the total number of stops with an error. Because each stop may include both errors caught and errors not caught, Figure Thirteen presents the total number of errors that were caught and the total number of errors that were not caught. As can be seen in Figure Thirteen, the State Police generally catch more errors than OLEPS. The number of errors not caught has declined in the current and the previous two reporting periods. In the current reporting period, State Police noted 283 errors while OLEPS noted an additional 161 errors.

Figures Eleven through Thirteen highlight the trend of increasing numbers of errors made during motor vehicle stops. Previous reporting periods (i.e., third and first) noted much smaller numbers of errors. These issues are likely due to the selection of stops reviewed by OLEPS and changes to the State Police review schedule. As noted in the previous reporting period, the State Police has altered its motor vehicle stop review schedule; OLEPS now reviews more stops that State Police have not reviewed. OLEPS recommends that the State Police increase their level of detail during motor vehicle stop reviews to ensure that all errors in reviewed stops are noted. OLEPS hopes that future reporting periods will have much higher numbers of errors caught by State Police than by OLEPS, an emerging trend that has been noted in the current and previous two reporting periods.

Figure Thirteen: Errors Caught v. Errors not Caught
2nd through 9th OLEPS Reporting Periods



As noted earlier, in 2011, the State Police adopted a modified review schedule, reviewing all critical stops and a selection of non-critical stops. Because of this review schedule, there is an increased likelihood that OLEPS will review a stop that the State Police has not had the opportunity to review. As such, OLEPS compared the errors in all stops to only those that underwent supervisory review in Figure Fourteen.

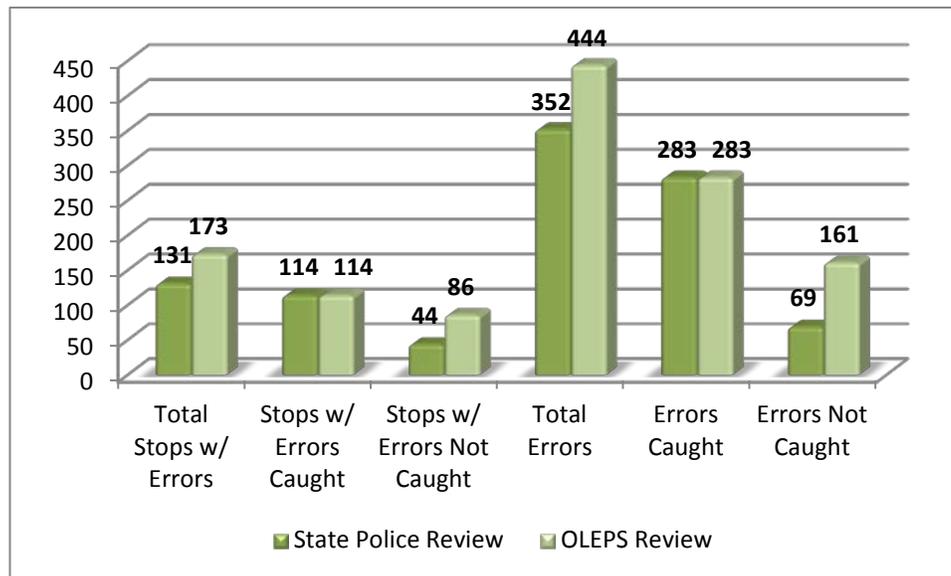
OLEPS reviewed a total of 268 motor vehicle stops. Of those, State Police also conducted a supervisory review in 171 (64%) stops. Of all the stops reviewed by OLEPS (including both those reviewed by State Police and not reviewed by State Police), 65% (173 of 268 stops) contained an error. This includes stops that did not receive a review by State Police. Of those stops that were reviewed by State Police, 77% (131 of 171) contained an error. OLEPS noted that State Police failed to note errors in 44 stops (25%) with a State Police review. The fact that OLEPS was able to note 44 stops with an error not caught, out of the stops that State Police did review, is of concern. While this number had been improving in previous reporting periods, the 44 stops in the current reporting period are slightly higher than the 37 in the previous reporting period. OLEPS again reminds the State Police that quality and detail are necessary for effective motor vehicle stop reviews.

Additionally, among the stops with State Police reviews, there were only 352 errors noted, while there were 444 noted in the stops OLEPS reviewed. In total, OLEPS noted a total of 161 errors not caught, only 69 of which were in stops reviewed by the State Police.

The fact that State Police failed to note 69 errors in 44 motor vehicle stops that they did review, is a concern. The State Police only reviewed 171 stops in the current sample. The 44 stops with uncaught errors represent about 25% of the total number of stops that State Police reviewed. While this proportion is an improvement from earlier years, it is slightly higher than the proportion noted in the previous reporting period. OLEPS commends State Police on the improvement of this error rate, but

cautions State Police to continue conducting thorough, detailed reviews of stops. OLEPS recommends that State Police conduct its reviews with as much detail as possible.

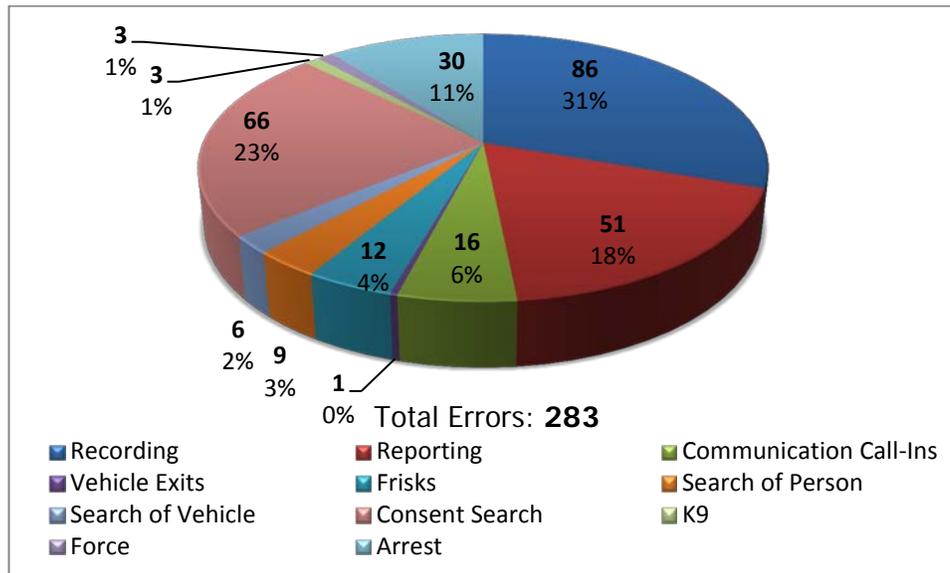
Figure Fourteen: Errors Caught v. Errors not Caught
9th OLEPS Reporting Period



Types of Errors

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

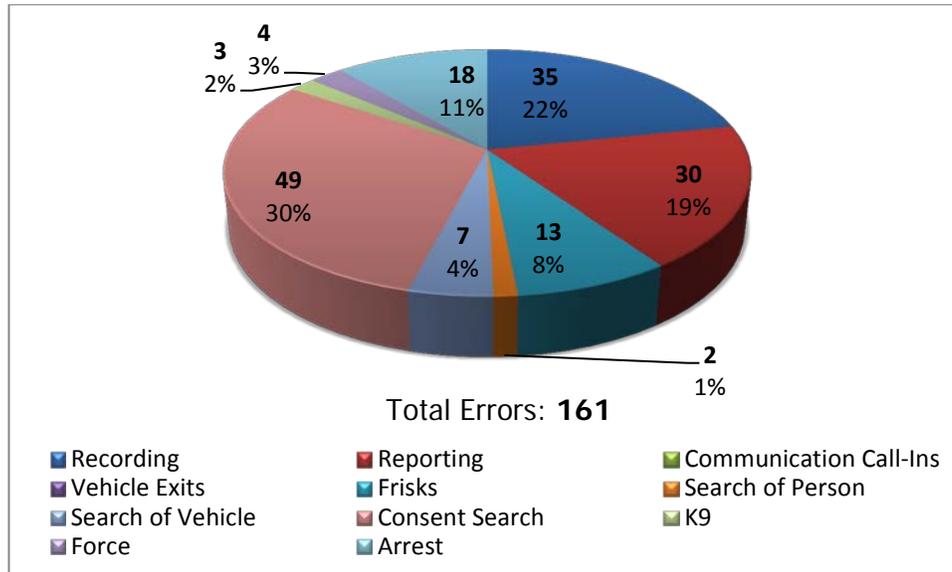
Figure Fifteen: Type of Errors Caught by State Police
9th OLEPS Reporting Period



The most common errors caught by the State Police for this reporting period are recording errors. State Police supervisory review noted 86 errors pertaining to the recording of motor vehicle stops. The second most common type of error caught were those pertaining to consent searches. State Police supervisory review noted 66 errors relating to consent searches. In total, these two categories of errors account for slightly more than half, 54%, of the errors caught. Of the 283 errors caught by the State Police, 152 were errors caught pertaining to recording and consent searches. Unlike the previous reporting period, there was an increase in the proportion of errors caught pertaining to reporting, 18% here compared to 15% in the previous reporting period. For the second reporting period in a row, the proportion of errors caught pertaining to arrests increased. Eleven percent of errors caught pertained to arrests in the current period compared to 8% in the previous period. The proportion of errors caught regarding communication call-ins decreased slightly in the current reporting period, from 14% in the previous to 6% in the current. The proportion of other categories of errors remained fairly consistent in the current reporting period; all other error categories each make up 5% or less of errors caught. Changes in the proportion of each error type do not necessarily mean that the State Police failed to catch these errors; it may mean that the State Police just made fewer errors of that type.

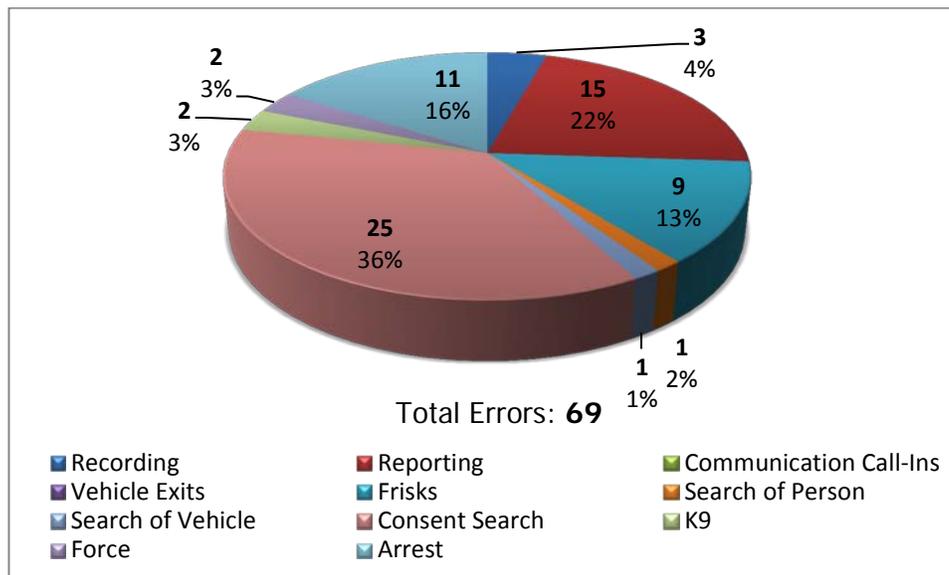
In previous reporting periods, the number of errors not caught in a particular category was generally low if the number of errors caught in that category were high. However, this is not necessarily the case in the current reporting period, as shown in Figure Sixteen. The majority of errors not caught, 74%, pertained to recording, reporting, or consent to search requests. Twenty-two percent of all errors not caught pertained to recording, 19% pertained to reporting, and 30% pertained to consent requests. There were also 18 uncaught errors pertaining to arrests, 13 pertaining to frisks, seven pertaining to search of a vehicle, four pertaining to force, three pertaining to canine deployments, and two related to the search of a person.

Figure Sixteen: Type of Errors Not Caught by State Police
9th OLEPS Reporting Period



As noted throughout this performance standard, there were a large number of stops examined during this reporting period that did not receive a State Police supervisory review. As such, it is appropriate to discuss the errors that State Police did not catch only in those stops that underwent review. Figure Seventeen presents these uncaught errors. In the stops that State Police did review, there were 69 errors not caught, more than the number from the previous reporting period. The most common type of error not caught by State Police were those pertaining to consent searches and reporting; 36% of errors not caught, 25 errors, pertained to consent to search requests and 21%, 15 errors, pertained to reporting. There were 11 (16%) arrest errors, nine (13%) frisk errors, three (4%) recording errors, two (3%) use of force errors, two (3%) communication errors, and one error each for search of person and search of vehicle. Compared to errors caught, State Police caught a higher number of errors in each category type than they failed to catch. Additionally, State Police failed to note a much larger proportion of errors, 36% compared to 23% in the previous period, pertaining to consent searches.

Figure Seventeen: Type of Errors Not Caught in Stops with State Police Reviews
9th OLEPS Reporting Period



As noted in previous reporting periods, OLEPS has paid close attention to the reviews of stops since 2012 as a way to assess the appropriateness of the new motor vehicle stop review schedule. OLEPS' approval of a revised review schedule, which allowed State Police to review a smaller number of stops, was contingent upon continued detail in these reviews. OLEPS encourages continued commitment on these patterns of errors for several reporting periods and commends State Police for the improvement.

Interventions

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

OLEPS examined the extent to which supervisors note that they informed the trooper of errors by reviewing MAPPS for evidence of interventions. According to State Police policy, interventions are required when a supervisor notes that a trooper has made an error during a motor vehicle stop. The current reporting period is the third where OLEPS recorded the number of interventions issued. While State Police did catch 283 errors, there were only 114 interventions issued. Thus, about 40.28% of all errors caught by State Police resulted in an intervention, slightly more than in the previous reporting period. Table Fourteen depicts the number and proportion of stops with interventions by category of error.

Unlike the previous reporting period, there are three categories of caught errors where the rate of intervention was above 70%. Caught errors pertaining to search of a person resulted in an intervention in 88.89% of instances, errors pertaining to frisks resulted in an intervention in 83.33% of instances, and errors pertaining to vehicle exits resulted in an intervention in 100% of instances (there was only one error). Additionally, 62.5% of errors pertaining to communication call-ins resulted in interventions while 66.67% of errors pertaining to uses of force resulted in interventions. The proportion of errors pertaining to communication call-ins is a large increase from the previous reporting period, where only 37.14% of errors caught resulted in interventions. Consent request errors resulted in interventions in a larger proportion of instances than the previous reporting period; 40.91% of instances in the current period compared to 31.58% in the previous reporting period. Reporting interventions also increased in the current reporting period from 24.62% to 37.25%. The proportion of errors caught pertaining to arrests decreased in the current period, from 55% to 33.33%. Overall, 40.28% of all errors caught resulted in an intervention in the current reporting period, more than the 33.06% in the previous reporting period.

Table Fourteen: Proportion and Type of Caught Errors Resulting in an Intervention
9th OLEPS Reporting Period

	Number of Interventions	Number of Errors Caught	% of Errors Caught
Recording	25	86	29.07%
Reporting	19	51	37.25%
Communication Call-Ins	10	16	62.50%
Vehicle Exits	1	1	100.00%
Frisks	10	12	83.33%
Search of Person	8	9	88.89%
Search of Vehicle	1	6	16.67%
Consent Requests	27	66	40.91%
K9	1	3	33.33%
Use of Force	2	3	66.67%
Arrest	10	30	33.33%
Total	114	283	40.28%

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

Summary of Standard 9

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

OLEPS notes that 26% of all stops reviewed by State Police contained errors not noted in reviews. More troubling is that roughly 43% of all stops not reviewed by State Police contained errors. Thus, there are actions and behaviors that violate State Police policies and procedures that are not identified and cannot be corrected.

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

Performance Standard 10: Supervisory Referral to OPS

Standards

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

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

Assessment

OLEPS has reviewed records of referrals to OPS based on actions or omissions by road personnel. Such referrals are generally rare. In this sample, no State Police supervisory review resulted in a referral to OPS. In addition, OLEPS referred no incidents to OPS for review in the current reporting period.

Performance Standard 11: Supervisory Presence in the Field

Standard

This standard remains unchanged from the Consent Decree:

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

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

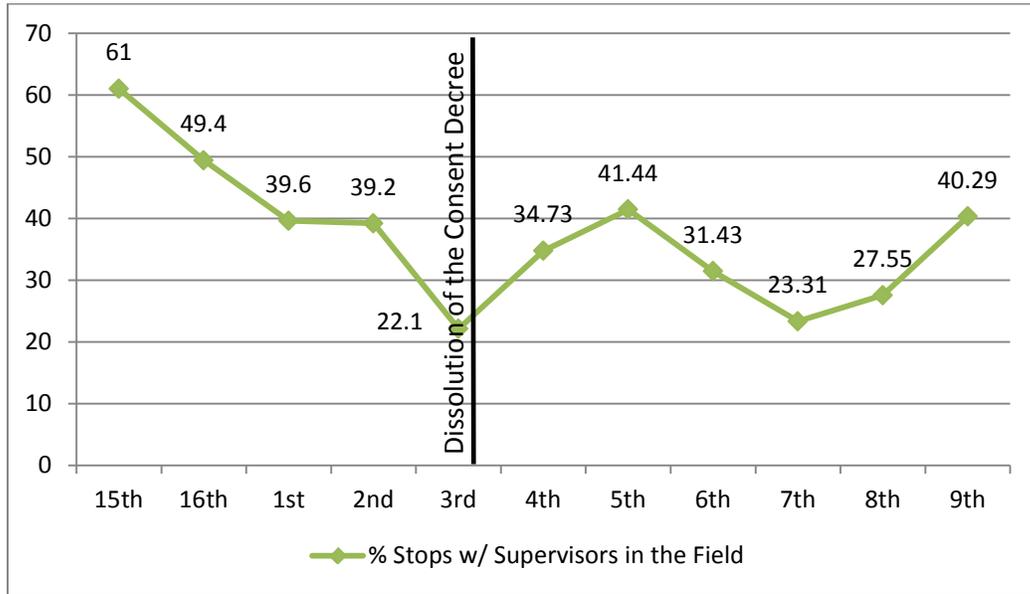
Overview

For several reporting periods, OLEPS has noted a trend of low supervisory presence. Supervisory presence began increasing in the fifth reporting period, but has since declined. Figure Eighteen presents this trend. In the current reporting period, supervisors were present in 108, 40.29%, stops. Forty stops were verified by video and 68 were only able to be verified through stop reports. In the previous reporting period, a supervisor was present in about 27% of all stops. Since the 15th reporting period (under the independent monitors), the percent of stops where a supervisor was present has declined, reaching a low of 22.1% in the third reporting period. Since then, the percent has increased. The proportion of supervisory presence in the current reporting period is the second largest since OLEPS assumed the role of reviewing State Police performance.

Supervisors were present in 94 stops or 40% of all stops with consent requests, 18 stops or 60% of all stops with official canine deployments, and eight stops or 32% of stops with uses of force. Compared to the previous reporting period, there were more supervisors present in all of these types of stops.

OLEPS anticipated increases in supervisory presence in the field in the coming reporting periods, especially since State Police implemented a revised review schedule for motor vehicle stops in 2011, which should allow supervisors more time to perform supervisory duties other than motor vehicle stop reviews. This is the first reporting period with a noticeable increase in supervisory presence. Given that the State Police have recently graduated several Academy classes, this increase in supervisory presence in the field may be attributable to the increase in staffing. Not only are there more troopers to conduct stops, allowing supervisors to return focus on supervisory duties, but there are also newer troopers who would benefit most from supervisory presence.

Figure Eighteen: Trend of Supervisory Field Presence
9th OLEPS Reporting Period



Office of Professional Standards & Investigations

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

Methodology

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

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

Performance Standard 12: Appropriate & Timely Investigations

Standards

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

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

OLEPS may re-open any case for further investigation.

Assessment

In the current reporting period, OLEPS performed an audit of investigations conducted by OPS, covering July 1, 2013- December 31, 2013.

This audit consisted of a review of 107 closed misconduct cases. Of this total, 77 consisted of complaints involving racial profiling, disparate treatment, excessive force, illegal or improper searches, and domestic violence. An additional 30 cases were randomly selected for review from all other misconduct investigations. Reviews of the written files for all 107 closed investigations were conducted. An additional review of audio and video evidence was conducted for 12 cases.

Investigation Length

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

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

For the audit covering the current reporting period, OLEPS noted that 44%, 48 cases, were not completed within the 120 working day requirement. During this audit, OLEPS did not comment on the

appropriateness of these delays but did note that in the delayed cases, no requests for an extension were filed. However, OLEPS did note that several cases had an extended period of time pass between receipt of a complaint and assignment to an investigator, thus delaying the beginning of the investigation.

Appropriate Interventions

In addition to evaluating the investigation length of all misconduct cases, OLEPS also reviews the proposed penalty for each substantiated investigation. During this review, OLEPS has full access to the involved trooper's disciplinary history. This is evaluated in conjunction with the evidence developed by the investigation before disciplinary charges are filed and a penalty recommended. Disciplinary matters cannot move forward unless OLEPS has performed a legal sufficiency and penalty review. In the second half of 2013, OLEPS performed roughly 27 legal sufficiency and penalty reviews.

Re-Open Cases

In the current reporting period, OLEPS did not recommend that OPS re-open any cases.

Performance Standard 13: Internal Audits of Citizen Complaint Processes

Standards

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

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

Assessment

OLEPS is tasked with auditing the citizen complaint process. This is accomplished through an audit of the complaint hotline, checking for proper classification and reception of complaints. This audit covered the time period of July 1, 2013- December 31, 2013. A total of 90 complaint calls were made to the hotline during the review period, and OLEPS reviewed a selected portion of these calls. All calls reviewed were assigned an OPS case number and handled appropriately.

Training

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

Overview

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

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

The reporting period as it relates to training in this report covers January 1, 2013 through December 31, 2013. During this reporting period, the Training Bureau was responsible for providing training to troopers assigned at Super Bowl XLVIII, which was hosted at MetLife Stadium in February 2014. In addition, the Training Bureau successfully trained a total of 209 new troopers in the 152nd and 153rd New Jersey State Police Classes. In response to the addition of new troopers, the Academy staff trained trooper coaches and acted as the repository for the program. During the current reporting period, OLEPS took an in-depth look at the trooper coach selection process.

Training

Methodology

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

Performance Standard 14: Development and Evaluation of Training

Standards

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

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

The evaluation of operational implementation is reviewed as it relates to training in leadership, ethics, cultural diversity, and constitutional law pertaining to arrest and search and seizure as delivered during in-service.

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

Reports and analyses relating to the evaluation of training are reviewed to determine the Training Bureau's ability to measure transfer of knowledge.

Assessment

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

As the result of this process, curriculum relating to firearms, leadership, search and seizure, human trafficking, New Jersey Compassionate Use of Medical Marijuana Act (CUMMA) and DNA collection, cultural diversity, use of force, vehicular pursuits, ethics, urban settings, and conducted energy devices were presented to OLEPS for review and comment.

The Training Bureau was able to perform evaluation of training conducted by State Police instructors. Courses evaluated in 2013 included the 2013 in-service training (Performance Standard 15), mid-level management course (Performance Standard 19), trooper coach training (Performance Standard 18), and various blocks of instruction for the 152nd and 153rd recruit classes.

Members of OLEPS' staff audited the delivery and evaluation of the 2013 in-service training (see Performance Standard 15). Prior to the delivery of the training, a needs assessment, data collection plan, curriculum (including training aids), and memorandums relating to the in-service were submitted to OLEPS for review and comment. This year the In-Service Unit, following the recommendation of OLEPS, re-evaluated the way operational implementation is assessed when drafting the data collection plan. With technical assistance provided by OLEPS, the In-Service Unit drafted a new format and means of measurement for the 2013 in-service data collection plan. This new data collection plan is a positive shift toward conducting a meaningful, targeted, and objective way of measuring implementation of training. The in-service topics included ethics, search and seizure, CUMMA, cultural diversity, leadership, and Super Bowl related training.

Pre-tests and post-tests were still administered as part of the evaluative process. A Likert scale²³ was used that assigned a numerical value depending on the degree to which the participant agreed with the statement presented in the post-training surveys. In all cases, the Training Bureau achieved their targeted goal upon measuring the transfer of knowledge. Approximately 45 to 60 days following training, a follow-up survey was distributed designed to determine if the participants perceived that they had applied (or had the opportunity to apply) what was taught and whether the training improved their job performance. The results were recorded in a Step 6 report during the fourth quarter of 2014.

As a follow up to the Seventh Oversight Report, the Training Bureau has now completed all Step 6 reports from 2011 and 2012.

Urban Settings Training

Concern regarding troopers in urban settings was noted during Field Operations and Risk Analysis Core Group (RACG) meetings. The Training Bureau was tasked with assessing the need for training specific to urban areas, focusing on trooper safety, preparation, and community policing.

Consequently, through the collaborative efforts of the Metro South Unit, the Training Bureau, and the Camden County Prosecutor's Office, a two-day course that included classroom instruction and practical scenarios was delivered. Particular attention was given to the topics of pedestrian contacts, exchanges between troopers and citizens, foot patrols/pursuits, as well as search and seizure related issues. The urban settings training course was successfully delivered in 2013.

Remedial Training

The Training Bureau is also tasked with providing remedial training for troopers experiencing difficulties in their job functions. Those troopers are identified and referred by several sources

²³ A scale used to measure the degree to which a respondent agrees or disagrees with a statement. It is used to assign quantitative values to qualitative data for use in statistical analysis.

including supervisors, OPS, and the Division's Risk Analysis Core Management Group (RACG). The Training Bureau tailors a course of instruction specific to the individual trooper based on the trooper's deficiency. In 2013, six troopers received remedial training in at least one of the following areas:

- Search and Seizure
- Attitude and Demeanor
- Motor Vehicle Stop Tactics
- Report Writing
- Professionalism
- Communication Skills
- Use of Force/Constructive Force

Reports indicated that all troopers were informed why they received remedial training. Troopers attending 2013 remedial training were attending for the first time.

Recruit Training

In this reporting period, the State Police Academy trained two classes of recruits. On October 4, 2013, 91 members of the 152nd State Police Class were sworn in. On December 6, 2013, 118 members of the 153rd State Police Class graduated the State Police Academy. There was an overlap between these two recruit classes. The classes were larger than in the past. Consequently, there were challenges associated with these factors.

A detailed after-action report was drafted subsequent to the graduation of both classes. The report revealed information regarding the responsibilities of the instructional staff, attrition factors, and changes to curriculum and schedule. Course materials were evaluated through critiques and transfer of knowledge was measured by both test scores and by the assessment of practical exercises/scenarios. Recommendations regarding future classes were submitted to the Commandant for consideration.

The Training Bureau will continue to provide training for recruit classes in 2014 and 2015.

Firearms

During this reporting period, the Firearms Unit successfully delivered the following training:

- Post-Service Semi-Annual Firearms Qualification
- Pre-Service Firearms Training and Qualification
- Service Rifle Operator and Instructor Training
- Self-Defense Tactics
- Conducted Energy Device(Taser) Qualification
- Use of Force
- Monadnock Expandable Baton Training

C-20

The 2013 annual physical fitness test, known as C-20, was conducted in September and October. The test is comprised of a battery of physical exercises and is administered by the Training Bureau. Those who are unable to participate, or did not pass, are given an opportunity to retest.

Field Training Officers

Also during this reporting period, members of OLEPS staff met with the Division's Field Training Officers (FTOs) and a representative of the Training Bureau with the goal of identifying and addressing areas of potential risk in real time. FTOs are involved with the day-to-day activity of the troops at the station level and are responsible for ensuring that troopers meet current training protocols and deadlines. FTOs are also tasked with ensuring that troopers are aware of any recent legal decisions that may affect the undertakings of Field Operations. Importantly, this meeting gave FTOs an opportunity to have a meaningful exchange with OLEPS.

OLEPS continues regular communications with FTOs. These meetings promote timely exchanges of information and further assist in promptly bringing any areas of concern or potential risk to the Division's attention.

Summary of Standard 14

The Training Bureau continues to demonstrate its ability to develop, deliver, and document its training processes as prescribed by the seven-step training cycle. The staff remains committed to staying relevant with best police practices in the development of curriculum. The Training Bureau has taken proactive measures to improve evaluation of operational implementation for the annual in-service training. In addition, the staff is also re-evaluating assessment through data collection plans for other post-service training courses.

Performance Standard 15: Cultural Diversity, Ethics, Fourth Amendment, and Leadership Training

Standards

- The Training Bureau provides recruit and annual in-service training on Fourth Amendment requirements and on the non-discrimination requirements set forth in the Act as part of patrol-related training, including training on conducting motor vehicle stops and searches and seizures.
- The Training Bureau delivers training to all recruits and provides annual in-service training in cultural diversity, ethics, and leadership as set forth in the Act and established in State Police policies.

Assessment

The 2013 Integrated In-Service was delivered from October 2013 through December 2013 at the IZOD Center in the Meadowlands Sports Complex. A two day make-up session was offered in January 2014. This year's in-service not only drew from the 2013 Needs Assessment, but also from the Super Bowl XLVIII centric topics. Since the Super Bowl was hosted at MetLife Stadium and the New Jersey State Police was the lead law enforcement agency, the 2013 in-service addressed both Division needs as well as training for the event. The In-Service Unit drafted a needs assessment after gathering data from OPS, OLEPS, MAPPS, RACG, Field Operations, as well as other agencies involved in planning the Super Bowl.

As a result of the needs assessment, the in-service presentations were based on the theme of "Leadership from the Ground Up."

In-service topics included:

- An outside lecture on cultural diversity, given by Dr. Ali Chaudry. This lecture on Islam and Muslim culture was a continuing initiative by the New Jersey Attorney General's Muslim Outreach Committee to enhance troopers' understanding of Islamic beliefs, practices, and the Muslim culture. Topics during this lecture included:
 - Basic definitions and concepts of Islam
 - Cultural taboos and sensitivities
 - Practical scenarios and applications for troopers when encountering Muslims
- Presentation of Search and Seizure as it relates to the new Compassionate Use of Medical Marijuana (CUMMA) Act and recent amendments dealing with DNA collection upon arrest. There was discussion on how CUMMA impacts search and seizure guidelines and policies. The

instructor also presented information on how DNA samples are to be collected when charging individuals with certain offenses.

- Presentation on "Leadership from the Ground Up," where several concepts of leadership were introduced. This portion of training presented three case studies along with concepts of leadership that apply to each. These case studies included:
 - Broken Windows theory by Dr. George Kelling, his experience with the New York City Transit Authority, and application of the theory to the State Police.
 - Sergeant Alvin C. York and the Meuse-Argonne Offensive as applied to the theme of "Leadership from the Ground Up."
 - Rob Hall and the Mount Everest climbing disaster as an example of poor leadership skills.
- Instruction on identifying suspicious activity and/or persons. General concepts on situational awareness along with a review of commonly used explosive devices were given.
- Review of search and seizure when dealing with suspicious activity or persons.
- Explanation of the security features in place for the Super Bowl was given. Overview of credential recognition and NFL policies.
- Awareness of increased human trafficking during special events such as the Super Bowl. In line with the Governor's initiative to combat human trafficking in New Jersey, this block of instruction was given to train troopers on indicators of human trafficking victims and how to respond.
- Briefing and tour relative to stadium layout and evacuation routes.

Summary of Standard 15

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

Performance Standard 16: Training Committee

Standards

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

- The Training Committee is comprised of members of the Training Bureau, Field Training Coordinators (FTCs), Field Training Officers (FTOs), members of OPS, members of OQA and any other personnel as determined by the Bureau Chief who will serve as the Committee's chair. The Committee is to meet on a quarterly basis.
- The purpose of the Committee is to "serve as an integral system for state police units, squads and supervisors to provide information and refer particular incidents to the Training Bureau, to assist in evaluating the effectiveness of training and to detect the need for new or further training."

Assessment

Training Committee meetings were held in April, June, October, and December of 2013. In addition to Training Bureau staff, representatives from Field Operations attended all four meetings. Representatives from Special Investigations and Intelligence attended two meetings in October and December. A representative from Identification and Information Technology attended the June meeting.

Members of the Committee met and delivered status reports regarding current activities of their respective sections that impact training. In addition, training needs and/or areas in need of improvement were identified to help develop specific training programs. The following is a summary of topics covered during the 2013 meetings:

152nd, 153rd, and 154th State Police Classes- There was discussion on Academy Awareness Weekend (AAW)²⁴ and the start days for the 152nd and 153rd classes. In April 2013, the 152nd class completed AAW and began training. In June 2013, the 153rd completed AAW and began the training. Graduation for both classes also took place in 2013. The 152nd class graduated October 4th and the 153rd on December 6th. The Training Bureau also began planning for the Pre-Employment Preparation Program (PEPP)²⁵ sessions for the 154th class set to commence January 2014.

Trooper Coach Program- The selection process for the coach program began in April with resume submissions. Interviews, meaningful reviews, and trooper coach training took place

²⁴ AAW is a mandatory weekend that provides preview of academy life for recruits.

²⁵ PEPP sessions offer an informational, educational, and interactive program detailing recruit training requirements for applicants seeking conditional employment with the New Jersey State Police.

prior to the graduation of the 152nd recruit class. The training for new coaches was conducted and a refresher course was offered. The Programming Unit developed a new system that offered coaches the ability to electronically complete all documentation of the process. This database also stored trooper coach resumes and evaluations of coaches from the selection process. Throughout several of the training committee meetings, serious concerns were raised about the shortage of trooper coaches due to the overlapping recruit classes. Specific station commanders were in contact with the Training Bureau regarding the potential shortage of trooper coaches. There was a secondary selection process due to the shortage of trooper coaches. Status updates were given on the progress of the probationary troopers and which phase of the four phase program they were currently in.

Armorer Unit- New weapons will be issued. No exact dates were known for the rollout of new guns.

Trooper Youth Week²⁶- Due to two concurrent recruit classes in session at the Academy, two condensed youth week classes were held in August 2013. The sessions ran from Friday afternoon to Monday afternoon, when recruits were dismissed for the weekend. The Training Bureau graduated a total of 268 high school students in the 94th and 95th classes of Trooper Youth Week.

C-20 Physical Training- C-20 testing was completed prior to in-service training and completed in the allotted time period. It was determined that C-20 physical testing would be conducted the morning of in-service from September 3rd to October 11th. Lectures on the topics of cultural diversity and CUMMA would be presented in the afternoon.

Supervision and Advanced Training Courses- The Executive Leadership course was scheduled for July 2013, while the Mid-level Supervision course was scheduled for August 2013. The Instructor Certification course was scheduled for January 2014.

2014 In-Service Training- In preparation for the Super Bowl in February 2014 at the MetLife Stadium, discussion relating to in-service included many Super Bowl centric topics. Field Operations received approval for a modified PATRIOT training of troopers with at least four years of experience and assigned to a Super Bowl detail. The Intelligence Section gave input on additional areas of training according to information gathered and other updates related to the Super Bowl.

Outside Training- Committee members were reminded that Field Training Officers must submit quarterly reports for outside training to the Commandant. This measure assists the Division's efforts to monitor whether training conducted by an outside agency comports with State Police policy and New Jersey laws. The training is documented in ACTS and copies of course materials are archived.

²⁶ Trooper Youth Week is a career exploration program held during the summer months for teenagers who are in their junior or senior year of high school.

Summary of Standard 16

The Training Committee meetings are an important component in assisting the Training Bureau as it seeks feedback from the Division to help identify areas of training needed. The Training Bureau works closely with Field Operations in addressing emergent training needs. Topics and issues that have been brought up by other units have been addressed and incorporated into curriculum and training. The Training Bureau met the standards in their policies this reporting period by holding all quarterly Committee meetings.

As seen from the topics of discussion in these Committee meetings, the Training Bureau is responsible for numerous topics beyond recruit training. As in the past, members of Field Operations and the Intelligence Section have consistently been present and provided helpful input to the Training Bureau. However, many other sections of the Division are consistently absent from these Committee meetings. Specifically in this reporting period, Division of Human Resources, OPS, Emergency Management Section, and the Administrative Branch/Section did not attend any meetings or provide any feedback to the Training Bureau. In the past, these sections offered tremendous insight into areas of concern through data and anecdotal comments. Section supervisors should ensure that a representative from their command attends Committee meetings. In addition, OLEPS recommends the Training Bureau notify specific Unit Heads as to when the meetings are scheduled. As noted in the Seventh Oversight Report, the lack of attendance undermines the rationale of having such a committee.

Performance Standard 17: Recruitment of Instructors and Instructor Eligibility Requirements

Standards

According to State Police policies and procedures:

- The New Jersey State Police encourages superior troopers to apply for Academy and post-Academy training positions as set forth in the Act and established in State Police policies. In addition, the Training Bureau retains qualified staff and maintains adequate staffing levels at the Academy to ensure continued compliance with the training cycle.
- Eligibility, selection criteria, and required training for instructors are outlined in State Police policies. All candidates must submit a resume, undergo a review of any and all disciplinary history, undergo a review of any complaints alleging discrimination in the workplace, successfully complete the Instructor Training Course, and have the ability to apply the seven-step training cycle. Any revisions to the policies relating to eligibility selection requirements or training must be submitted to OLEPS for review and comment prior to approval.

Assessment

In March of 2013, the Training Bureau's organizational chart reflected a total of 41 sworn personnel (including seven members detached out; one member on administrative leave) and ten civilians. In December of 2013 the number of sworn members decreased to 39 members and six civilians.

Table Fifteen: Training Bureau Staffing
2013

Rank	March	December
Lieutenant	7	8
Sergeant First Class	8	8
Sergeant	13	13
Trooper	13	10
Total	41	39

For the past several reporting periods, OLEPS has noted a steady decrease in the number of members assigned to the Training Bureau. In the past, the independent monitors and State Police agreed that the Academy staffing levels should never fall below 58 sworn members²⁷ in order to adequately train troopers. For several reporting periods, the Training Bureau has not met this agreed upon number.

In addition to the low levels of staffing at the Training Bureau, there is a frequent turnover in personnel. Table Fifteen reflects a decrease of three troopers; however it does not include troopers temporarily serving in other units of the State Police or on leave. In March of 2013, seven members of the Training Bureau were temporarily assigned to different units, while one member was on administrative leave. In December of 2013, one member was temporarily assigned to a different unit and one member was on administrative leave. Also not reflected in the figure are the frequent changes in staff. Even though staff decreased by three, there were seven new members to the Training Bureau in December of 2013. This lack of consistency in personnel impedes the Academy from carrying out its mission and all the reforms that have been accomplished since the Consent Decree's dissolution. In fact, because the Training Bureau is unable to retain seasoned instructors and staff, the quality of instruction and the transfer of knowledge of certain roles and responsibilities may diminish.

The Training Bureau staff has numerous responsibilities in addition to the training of recruits. The other responsibilities include:

- Overseeing the development, delivery, and evaluation of training.
- Determining the long-term impact of training based on measuring field implementation, which is essential to the success of any training program. (Mandated by the Act).
- Drafting and modifying lesson plans contemporaneously with changes in case law and ensuring compliance with all Training Bureau Orders. (Mandated by the Act).
- Providing remedial training for those troopers experiencing difficulties in their job functions. (Mandated by the Act).
- Providing all post-Academy training for all Division members based on an organizational needs assessment to include instruction in ethics, cultural diversity, leadership, and Fourth Amendment issues. (Mandated by the Act).
- Providing all in-service firearms (use of force), advanced firearms, and self-defense training for enlisted personnel as mandated by the Attorney General's Guidelines. This includes Semi-Annual Qualification, Quarterly Rifle Qualifications, Return to Duty Qualifications, Firearms Instructor Courses, Monadnock Expandable Baton, Conducted Energy Device, OC Spray, and Vehicular Pursuit training. (Mandated by the Act).
- Providing training for all troopers who advance in rank to "promote police integrity and prevent misconduct." This supervisory training includes the First Line Supervision Course (Sergeant),

²⁷ During the time period covered in the Monitors' Sixteenth Report, (October 1, 2006 – March 31, 2007), the academy staff consisted of 58 sworn personnel with four detachments, and nine civilians. At that time, the independent monitors deemed the Academy to be adequately staffed; however, the Regional Intelligence Academy had as of yet not materialized and the Armorer Unit was not under the Academy's Table of Organization. Therefore, the 58 count in 2006 and 2007 did not include members of those units.

Mid-Level Management (Sergeant First Class), Executive Leadership (Lieutenant) and Executive Leadership Series (Captains and above). (Mandated by the Act).

- Administering the Trooper Coach Program. (Mandated by the Act).
- Administering the Instructor Training School. (Mandated by the Act).
- Administering the Criminal Investigation School.
- Executing the Pre-Employment Preparation Program ("PEPP") and the Physical Qualification Test ("PQT") for prospective trooper applicants.
- Administering the Trooper Youth Week ("TYW") Program.
- Delivering the Top Physical Challenge for middle school and high school students statewide.

As a result of Division-wide attrition, there has been a higher demand for training more troopers. This constant influx of recruit classes only stresses the importance of fully staffing the Training Bureau with qualified members. The Division should seriously consider allocating more staff to ensure the Training Bureau meets all its responsibilities in addition to providing quality training for recruits.

In 2013, the Training Bureau did not offer a selection process to recruit new instructors. However, plans were made to commence a new instructor application process in the beginning of 2014. This selection process will be evaluated and commented on in the 11th Oversight Report.

Summary of Standard 17

As in previous reports, OLEPS continues to note concerns with low levels of staffing. Furthermore, concerns remain regarding the consistency in personnel. Adequate and consistent staffing allows the Training Bureau to sustain a level of training necessary to comply with the mandates of the Act. Since OLEPS' First Monitoring Report, OLEPS has made note of staffing issues and strongly recommends the Division make the needs of the Training Bureau one of its priorities to meet the standards set forth in their own policies and standards.

Performance Standard 18: Trooper Coach Program

Standards

According to State Police policies and procedures:

- The New Jersey State Police encourages superior troopers to apply for trooper coach and reserve trooper coach training positions as set forth in the Act and established in State Police policies and procedures.
- Eligibility, selection criteria, and required training for primary and secondary trooper coaches can be found in State Police policies. A summary of the requirements includes: at least three years of continuous service, a resume, review of any and all disciplinary history, review of any complaints alleging discrimination in the workplace, review of performance evaluations and the successful completion of the trooper coach course. Any revisions to the policies and procedures relating to eligibility selection requirements or training must be submitted to OLEPS for review and comment prior to approval.
- Eligibility, selection criteria, and required training for reserve trooper coaches can be found in State Police policies. A summary of requirements includes: seven years of continuous service, submission of a Special Report, review of any and all disciplinary history, review of any complaints alleging discrimination in the workplace, review of performance evaluations and the successful completion of the trooper coach refresher course.

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

Evaluation of program's effectiveness is conducted by reviewing after action reports.

Assessment

Trooper Coach Selection Process

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

coach will only intervene if there is an issue of officer safety or if the probationary trooper's actions would bring discredit to the Division.

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

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

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

In anticipation of the graduation of the 152nd and 153rd State Police Classes, a Specialist Selection Notice was posted on January 14, 2013 to members of the Field Operations Section to begin the selection and review process for members interested in becoming trooper coaches. Another posting was made on October 11, 2013 because there were not enough eligible trooper coaches to be assigned to all graduating recruits from both classes. As a result of the January 2013 selection process, 86 troopers were selected to serve as trooper coaches; 30 from Troop A, 35 from Troop B, and 21 from Troop C. In the October 2013 posting, an additional 31 troopers were selected to be trooper coaches; 3 from Troop A, 7 from Troop B, and 21 from Troop C.

OLEPS conducted a detailed audit of the trooper coach process in the current reporting period. As part of this review, members of OLEPS audited the training course for trooper coach applicants. Four sessions of this course, Trooper Coach Training and Evaluation School, were offered: September 16th-17th, September 18th-19th, October 2nd-3rd, and December 2nd-3rd 2013. There were a total of 127 troopers who attended. Five sessions of a Refresher Trooper Coach School were also offered to past trooper coaches as well as reserve coaches. A total of 197 members attended this refresher course.

The training course included topics on leadership skills, constitutional issues (search and seizure), report writing, remedial strategies, Trooper Coach Database, dismissal process, and the trooper coach evaluation process. Highlighted during this course was the Trooper Coach System (TCS), which is the new electronic repository of all documentation of the trooper coach process from selection of trooper coaches to evaluation of probationary troopers by Coaches. OLEPS reviewed the lesson plans and training documents and attended the first session. The Training Bureau's roll in this process is to train the trooper coaches, manage the database, and act as the central repository for all documentation generated.

OLEPS conducted an audit of the meaningful review process conducted by the Trooper Coach Committee. All documentation regarding the Committee's review and deliberation process was requested. In the past, instances where the Committee did not recommend a particular candidate, a synopsis listing specific concerns was presented. However, in the current reporting period, the Committee did not provide any formal documentation regarding deliberation of candidates. Instead several memos dated from September to December 2013, listing candidates as *Recommended*, *Qualified*, or *Not Recommended* were sent to the DSO. The Committee did not recommend 67 candidates after deliberation. This absence of documentation from the Committee compromises the transparency in the meaningful review process. In previous reporting periods, OLEPS noted concerns regarding documentation of the review process and the Committee did show improvements. Unfortunately in the current reporting period, the Trooper Coach Committee failed to provide appropriate documentation, thereby decreasing transparency.

At the end of the trooper coach selection process the DSO makes the final determination of which trooper coach candidates advance in the process. As all recruits enter Field Operations upon graduation, the responsibilities and proper execution of the Trooper Coach Program falls under Field Operations. From OLEPS' review of the documentation, DSO overturned the Trooper Coach Committee's decision of not recommended candidates without any written documentation explaining these changes. The DSO overturned 36 candidates who the Committee did not recommend as coaches. OLEPS did not receive any documentation explaining these overturned decisions. At the same time, these decisions were not delivered in a uniform or formal communication, but rather were announced sporadically through informal emails from September 2013 to January 2014. Although not specifically required, uniform and formal documentation explaining the basis for the DSO's choice in assigning troopers as coaches when the Committee does not recommend them, promotes transparency.

OLEPS conducted an in-depth review of the meaningful review process and found several issues of concern. The entire trooper coach selection process was in transition, lacked transparency, and deviated from policies. Of special concern was the assignment of trooper coaches that either had not been approved by both the Trooper Coach Committee and DSO, or did not go through the meaningful review process. There were a total of five troopers who served as coaches for the 152nd and 153rd classes that were not recommended. Independent of OLEPS' audit, at the end of the Trooper Coach Program, the FTO in Field Operations did identify one of the five troopers that was not recommended and immediately sought to address the issue. However, it was OLEPS that notified the Division that the remaining four trooper coaches were not recommended, but still served as coaches.

In addition, OLEPS found five more troopers that served as trooper coaches, for whom State Police could not produce documentation illustrating that underwent the necessary meaningful review process. Some of the five coaches do not appear on any final list of approved and/or available

coaches. Most of the probationary troopers affected by these issues did not receive a lengthy period of training by these coaches. However, there were three probationary troopers that were trained by more than one not recommended coach.

Not only did OLEPS' audit reveal that several individuals served as coaches without being recommended to serve as such, several of these coaches also failed to meet basic prerequisites of becoming a trooper coach, including passing the physical test and attendance at Trooper Coach Training.

There were additional factors that contributed to the issues found in this audit. A new TCS was created prior to the graduation of the 152nd and 153rd recruit classes. This new database included many advanced features, not previously available in the old database. Specifically, the new database allowed easier access and documentation of approvals required to becoming a trooper coach. However, coaches with access to the previous system were grandfathered into the new system, meaning that any coach with access in the past automatically had access to the new system. This compromises the confidence in the new system since only those troopers approved and recommended to serve as coaches in the most recent selection process, are supposed to have access to the system.

As a result of the 2013 selection process, there were troopers who served as coaches in the past who were not recommended to be coaches for 2013. The system failed to identify these changes and, therefore, coaches that are currently not recommended were still able to be assigned a probationary trooper on the TCS.

OLEPS noted other issues with the fail-safes in the new TCS. Troopers should not have been permitted to serve as a coach without the requisite approvals. Each coach should have received a meaningful review and evaluation as fitness to be coach. The results of this evaluation should have been documented in the TCS. However, OLEPS noted multiple coaches who were recently added to the TCS (in 2013) but never served as coaches and did not have meaningful reviews conducted.

In early 2014, OLEPS met with members of the State Police and outlined the findings above. The State Police began to address the issues and reformed the process to avoid recurrence. Specifically, the Training Bureau drafted an after action plan that identified all of the issues in the Trooper Coach Process as well as solutions to them. For example, the Training Bureau issued a proactive recommendation to provide training to all Troop FTOs as well as all Station Coordinators prior to the next recruit class graduation to help educate the members on the requirements of the Trooper Coach Program. Field Operations also suggested auditing the meaningful review process in real time to ensure all trooper coaches were reviewed and recommended, prior to assignment to a probationary trooper.

Probationary Trooper Performance

Once recruits graduate from the Academy, they enter the Trooper Coach Program as probationary troopers. As indicated, there are 27 competencies on which each probationary trooper is evaluated. Such evaluations are recorded in the trooper coaches' daily observation reports. The information gleaned from the observation reports is analyzed and serves as a step six measure of operational implementation; how recruit training is being applied in the field.

The Trooper Coach Coordinator assessed 90 probationary troopers' performance in the program. One probationary trooper was unable to complete the program due to a leave of absence. In addition, three other probationary troopers were given phase extensions during the Trooper Coach Program. The daily observation reports of these troopers were reviewed and assessment of the 27 competencies prior to the final training phase was undertaken by the Training Bureau. The assessment, conducted prior to the final phase of the program, noted that the 152nd recruit class scored slightly below satisfactory level in only one of the 27 competencies. Ultimately, all recruits in the 152nd class successfully responded to training, completed the Trooper Coach Program, and were deemed "qualified to ride alone."

An additional technical issue with the TCS was discovered by the Training Bureau. When calculating performance objectives for the 27 competencies probationary troopers are evaluated on, the TCS was including "Not Observed" and "Not Responding to Training" ratings as values of zero and negative one respectively. These values negatively skewed the averages for each class of probationary troopers. The Training Bureau identified this issue with the Bureau of Information Technology and has since recalculated the performance objectives.

Summary of Standard 18

The purpose of the specialist selection process for the Trooper Coach Program is to ensure that only the most qualified troopers are permitted to serve as on-the-job mentors for new recruits. As a consequence of lack of transparency, absence of formal documentation, and other extenuating factors, the trooper coach process was not conducted in accordance with State Police policies. However, the State Police is aware of all the issues identified by OLEPS and has since addressed them. OLEPS will continue to audit the trooper coach process in the Eleventh Oversight Report, to confirm that State Police continues to follow the policies and procedures in accordance with this standard.

Performance Standard 19: Training for Troopers Advancing in Rank

Standards

- The Training Bureau requires enlisted personnel to successfully complete training designed to enhance the management, supervisory, and leadership capabilities of all who are advancing in rank as set forth in the Act and in State Police policies.
- The training must be, to the extent practicable, delivered before the start of the promoted trooper's service in his or her new rank, and no later than seven months of the promoted trooper's service in his or her new rank.
- After training for newly promoted enlisted personnel has been completed, a review will be conducted to determine:
 - if the training was conducted within seven months of the promoted trooper's service, and
 - if those who were promoted attended the training.

Assessment

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

In 2013, two First Line Supervision courses for Sergeants (total of 126 participants), three Mid-Level Management courses for Sergeants First Class (total of 152 participants), two Executive Leadership courses for Lieutenants (total of 83 participants), and one Executive Phase training course for Captains and above (total of 11 participants) were delivered.²⁸ The response rates for course follow-up surveys ranged between 41% and 55%. In these survey responses, three objectives were captured to measure effectiveness; transfer of knowledge, job impact, and learning effectiveness. The goal set for the transfer of knowledge objective to troopers was met for all managerial courses given in 2013. However, not all the managerial courses met goals for job impact and learning effectiveness.

Quarterly trends relating to allegations of misconduct were used in the Training Bureau's analysis. These trends were analyzed by the Training Support Unit to determine whether the managerial training had any impact on the number of complaints (misconduct and performance incidents as documented in performance notices) filed against the enlisted members. The Training Bureau identified two goals: a 2% decrease in misconduct allegations and a 2% decrease in performance incidents compared to 2012. The Training Bureau did not achieve their goal of a 2% reduction in the number of performance incidents this year. Instead of a 2% decrease, there was a 20% increase in

²⁸ As of January 2013, phase training is being revised by the Managerial Development Unit because of the restructuring of the Division's Bureaus.

performance incidents from 2012 to 2013. However, there was a 30.6% decrease in the number of misconduct allegations from 2012 to 2013, exceeding the goal of a 2% decrease.

A Division-wide Leadership Assessment Survey (LAS) was conducted to determine how leadership skills are perceived by both enlisted and civilian personnel and to assess the effectiveness of the executive leadership courses. The survey is separated into three categories – Self, Team, and Organization. Each section contains a series of questions where subordinates rank their immediate supervisor's performance. The three categories assess how the supervisor interacts with the subordinate, the subordinate's team, and the supervisor's impact on the Division as a whole.

There were 312 responses to the LAS, a decrease compared to the 708 respondents from 2012. Similar to the seventh reporting period, most of the respondents were from Field Operations (41.35%). The remaining responses came from those assigned to Investigations (19.55%), Homeland Security (16.35%), Administration (9.62%) and other branch units (13.14%). The goal indicating effective supervisory training was set at 5.5 on a 7 point Likert scale. None of the categories met the goal of 5.5: Team was 5.42, Self was 5.32, and Organization was 5.2. The Training Bureau incorporated LAS responses in their development of future leadership courses. A similar survey was given to those who attended the First Line Supervision, Mid-Level, and Executive Leadership Courses. Attendees also submitted a similar survey that provided a self-assessment of the individual's leadership style.

In 2013, two Instructor Training courses (total of 28 participants) and one Criminal Investigation course (total of 35 participants) were delivered. Upon review, goals reflecting the transfer of knowledge, job impact, and learning effectiveness were met. Post-event surveys were sent to the participants approximately 45 days after course completion. At the same time, the participants' supervisors received surveys and were requested to rate their subordinates on whether their application of course skills were being applied in their current assignment. A review of the course analysis reports indicate that the transfer of knowledge was successful and that the goals relating to job impact and learning effectiveness where also met.

Training for Troopers Advancing in Rank

Promotional and training records were examined in order to determine if those enlisted personnel promoted in rank received the requisite training with seven months of being promoted, to the extent practicable. According to personnel orders in 2013, there were only three promotions, all of which were of troopers moving from the rank of Major to Lieutenant Colonel. All three Lieutenant Colonels completed all required training.

Summary of Standard 19

The Training Bureau continues to provide training for those troopers who advance in rank in accordance to the seven-step training cycle. The Training Bureau continues to document and notice supervisors of members who did not attend supervisory training. Since there were very few promotions in the current reporting period, a more in-depth analysis of troopers receiving training will be conducted in the next report.

Performance Standard 20: Training Provided by Non-Division Entities

Standards

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

- The Training Bureau, through the respective Field Training Coordinators (FTCs) or Field Training Officers (FTOs), monitors and approves any training attended by enlisted personnel provided by non-New Jersey State Police entities.
- The FTCs or FTOs debriefs enlisted members upon their return from training and copies of all course materials will be submitted to the Training Bureau to be maintained in a central repository.
- Members may not teach or mentor other Division personnel in outside training without first obtaining Training Bureau approval.

Assessment

The monitoring of outside training helps ensure certainty that the Training Bureau had the ability to transfer historical knowledge from one Commandant to the next, relative to parameters that had been set around certain training topics.

In the past, the independent monitors expressed concern that some enlisted members had attended training conducted by an outside agency that did not necessarily comport with New Jersey laws as they relate to consent to search practices by State Police during motor vehicle stops. Those concerns listed in the report included:

- The reappearance of “boilerplate” language in troopers’ stop report narratives;
- An apparent marked increase in the length of time for consent request stops;
- A reappearance of aggressive and protracted questioning of drivers regarding itinerary, relationships among drivers and passengers, and other issues not related directly to the reason for stop;
- Reliance on intangible indicators to support requests for consent searches; and
- Lengthy questioning of drivers stopped for other than moving violations.

The federal monitors concluded that these issues may have come about “as a direct result” of training programs designed for a different law enforcement function, but attended by troopers assigned to field operations.²⁹ This highlights the importance of oversight of outside training.

²⁹ Monitor’s Fifteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC) which can be accessed at <http://www.nj.gov/oag/monitors.htm>.

In order to ensure that State Police adequately monitors training that its members receive from non-Division agencies, the policies and procedures were revised in July of 2011, to include an outline of responsibilities required of troopers attending the outside training along with that of Field Training Coordinators and/or Field Training Officers. As such, members must submit an "Outside Agency Training Appraisal Report (Form 935)" along with a certificate of completion or graduation, and any course-related training materials for review and subsequent entry into the Training Bureau's repository of records.

There were 119 training events sponsored by non-Division entities in 2013 that were attended by State Police personnel. OLEPS requested and reviewed all documentation submitted by the attendees for a sample of 19 courses (selected by subject matter) and 62 troopers who attended those courses. When analyzing the sample of training events, 19 out of the 62 troopers were found to have attended events without submitting Outside Agency Training Appraisal Reports. There were two courses where troopers submitted the course summary description. For the remaining 17 courses, no materials were submitted to the Training Bureau. To ensure that the training oversight is successful, supervisors should encourage their subordinates to submit course materials along with the Outside Agency Training Appraisal Reports in accordance with policies.

The policy addressing outside training also requires that a quarterly memorandum be submitted from the Field Training Coordinators (FTCs)/Field Training Officers (FTOs) to the Training Bureau Commandant listing whether or not any Division personnel attended training by non-Division entities. Although it appears that the Field Training Officers maintain documentation of the type of training received and number of hours dedicated to training, only the FTO of Field Operations has complied with this requirement. The Field Operations FTO submitted a quarterly memorandum for the fourth quarter for 2013. After comparing the quarterly memorandum with other outside training documents, OLEPS found two troopers who had submitted Outside Agency Training Appraisal Reports, but were not listed in the FTO's quarterly memorandum. No FTC, besides Field Operations, has submitted quarterly memorandums to date for the current reporting period. Nevertheless, the attendance information is gleaned from the Outside Agency Training Appraisal Reports that are approved by the Field Training Coordinators/Field Training Officers and forwarded to the Training Bureau.

Summary of Standard 20

In the past, OLEPS recognized that a period of adjustment by the membership was to be expected since the policies and procedures requiring members to submit an Outside Agency Training Appraisal Report, along with any course-related training materials, was a relatively new policy. During this reporting period, an improvement was noted in that most of those attending the reviewed outside courses submitted an Outside Agency Training Appraisal Report and the FTO for Field Operations has begun to send quarterly memorandums to the Training Bureau. However, continued efforts, by the entire Division, must be made to complete Outside Agency Training Appraisal Reports and forward any course descriptions and course-related training materials to the Training Bureau. OLEPS will provide a more in-depth analysis of the Division's process and progress of training provided by non-Division entities in the Eleventh Oversight Report.

Performance Standard 21: Central Repository for Training Records/Documentation of Training

Standards

According to State Police policies and procedures:

- The Training Bureau maintains, in a central repository, copies of all Academy, post-Academy and trooper coach training materials, curriculum, lesson plans, and any materials received by individual members while attending outside training.
- Documentation of training will be maintained as part of the MAPPS database and ACTS.

Assessment

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

Training conducted by non-Division entities is also memorialized in ACTS and MAPPS. Copies of training materials received by members who attend training given by non-Division entities as well as the Outside Agency Training Appraisal Reports (Form 935) are maintained by the Training Support Unit and are also scanned into the Training Bureau's centralized database.

As in the previous reporting period, the training records of courses taken through the web-based training platform known as NJ Learn are maintained in that system's database and manually accessed by the Training Bureau to monitor those enlisted personnel who successfully or unsuccessfully completed courses. The NJ Learn system, which is administered by the New Jersey Office of Homeland Security, does not interface with State Police databases and therefore those records have been maintained separately. Due to fiscal constraints, centralization of data for both systems is not currently possible.

This particular review of the training records in ACTS/MAPPS is two-fold: to determine if training is being captured in the database and to determine whether courses that are deemed mandatory are being attended. Using a sample of 429 badge numbers for 2013, OLEPS reviewed the following training: In-Service, Firearms, and C-20 physical fitness test. Training related documentation was found in the ACTS/MAPPS database. In this reporting period, three troopers who were on administrative leave, were unable to complete the firearms and two of those troopers were unable to attend in-service training. There were 421 troopers that were compliant for the C-20 physical fitness test. Three out of the six troopers who were non-compliant for the C-20 were on administrative leave.

Performance Standard 21

While auditing the training, OLEPS was unable to access ACTS and was notified that the program was experiencing technical difficulties. While OLEPS received the requested information from State Police, OLEPS could not directly access ACTS, which would be the preferable method of oversight.

Summary of Standard 21

The Training Bureau continues to maintain training records and training materials in dedicated databases. There are interfacing issues between MAPPS and off-site computer databases that maintain records relative to web-based training platforms. Although OLEPS was not able to access ACTS, State Police is able to obtain training records from that system. OLEPS recommends the State Police resolve the technical issues of ACTS, as well as make updating all training databases a priority.

Performance Standard 22: OLEPS/State Comptroller

Standards

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

Assessment

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

The 152nd State Police Class began in April of 2013 and the 153rd State Police Class began in June of 2013. For both classes, OLEPS was invited to make a presentation relative to its enabling statute - the Law Enforcement Professional Standards Act of 2009, (N.J.S.A. 52:17B-222 et seq), in addition to discussing the function and responsibilities of the State Comptroller as it relates to OLEPS and the State Police.

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

Summary of Standard 22

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

MAPPS

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

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

Methodology

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

A formal audit of MAPPS is conducted in two parts. First, OLEPS accesses MAPPS to find evidence of specific information as required by State Police policy and procedures. Second, all troopers subject to a meaningful review³⁰ in the current reporting period are queried in MAPPS to determine whether there was a resolution of the review. Finally, OLEPS audits the MAPPS system by selecting a sample of troopers and accessing all records in MAPPS to ensure that all requirements per State Police policies and procedures are appropriately recorded.

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

³⁰ Meaningful reviews are conducted on troopers who receive 3 misconduct allegations within 2 years.

Performance Standard 23: Maintenance of MAPPS

Standards

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

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

Assessment

Typically, a sample of troopers is randomly selected from the badge numbers of those involved in motor vehicle stops for the MAPPS audit. OLEPS reviewed 268 motor vehicle stops in the current period conducted by 188 troopers. Of these troopers, 22 were probationary troopers who recently graduated from the Academy. All 188 troopers were selected for the MAPPS audit, representing about 7.5% of the Division. The troopers selected are representative of all troops. Each trooper's MAPPS records were accessed to determine whether the required information was recorded for the reporting period in question.

Motor Vehicle Stop Data

MAPPS must contain information on all motor vehicle stops performed by a given trooper. This module contains several analytic tools that allow a trooper's stop data to be examined in relation to both internal and external benchmarks. MAPPS contained motor vehicle stop data for all 188 troopers for the current reporting period.

Performance Data

Trooper Reviews

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

Of the troopers sampled, 155 troopers received quarterly reviews. As of June 2014, 33 troopers had not received quarterly reviews for the second half of 2013. Of these troopers, eight received the requisite annual evaluations.

Annual evaluations are categorized as Partial, Second Probationary, and Third Probationary evaluations. There were 123 annual evaluations and 45 partial evaluations conducted for the second half of 2013.

In total, there were 25 troopers who did not receive any quarterly or annual evaluations for this reporting period. Twenty-two of the troopers missing evaluations had recently graduated from the Academy. Eighteen graduated in October 2013 and four graduated in December 2013. One trooper was on administrative leave during the reporting period and the remaining two troopers were active members.

Assignments

MAPPS provides information on trooper assignments, containing both current and historical assignments for each trooper. In the current reporting period, MAPPS listed current and past assignments for all 188 troopers.

Training

The Academy Computerized Training System (ACTS) feeds data into MAPPS regarding training completion. Annual in-service training, physical fitness, and firearms training are discussed in depth in Performance Standards 14, 15, and 21.

Of the 188 troopers reviewed in this reporting period, 184 troopers completed the fall firearms training, and 182 troopers completed the annual in-service training. Two of the six troopers who did not fulfill either the firearms and/or the in-service training were on administrative leave during this reporting period; four were probationary troopers who had satisfied the requisites of the training while attending the Academy³¹. There were 182 troopers that passed the C-20 Fall Physical Fitness test. Two out of the six troopers who did not pass C-20 were on administrative leave.

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

Compliments

The compliments module in MAPPS contains records of all compliments received by troopers for service performed. OLEPS found that the State Police is successfully implementing this module and lists general information pertaining to the compliment. In total, OLEPS found that 40 of the troopers sampled received a compliment in the current reporting period.

³¹ These recent probationary troopers have fulfilled the requirements for firearm and in-service training for the second half of 2013 while attending the Academy.

Motor Vehicle Stop Reviews

Motor vehicle stops are required to undergo supervisory review as determined by Field Operations' review schedule. For this requirement, OLEPS examined whether the stops conducted by the sampled troopers were reviewed and stored in MAPPS. OLEPS found evidence that 177 of the sampled troopers had reviews of motor vehicle stops on record for the current reporting period. Three of the 11 troopers without any reviews did not routinely conduct motor vehicle stops- they were detectives and/or patrol supervisors during the current reporting period. MVR's were not required for the eight probationary troopers sampled.

Journals

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

There were seven journal entries in the current reporting period for the sample of troopers. Two of these entries related to career development and the remaining pertained to meaningful reviews. As noted in previous reports, OLEPS recommends that State Police more effectively use this module, especially given that the State Police does not regularly utilize interventions to record errors made in motor vehicle stops.

Interventions

Interventions

MAPPS contains an Interventions module wherein members may issue an intervention or task another member with administering an intervention directed toward improving a member's performance. OLEPS found that interventions were recorded for 136 of the 188 sampled troopers. These interventions resulted from a number of actions and behaviors, not necessarily from a motor vehicle stop. As noted in Performance Standard 9, interventions stemming from motor vehicle stops were noted in only 40% of errors caught by State Police.

Commendation Performance Notices (PNs)

Commendation PN's are stored within the Intervention module and are used by supervisors to commend a trooper for a job well done. OLEPS found that 144 troopers had at least one commendation performance notice in the current period.

Counseling Performance Notices (PNs)

Counseling PN's are stored within the Intervention module and are used by supervisors to counsel a trooper. OLEPS found that 12 troopers had at least one counseling performance notice in the second half of 2013.

Misconduct

MAPPS contains information regarding trooper misconduct. This information is intended to be used by supervisors to remedy any deficiencies through a progressive system of discipline. In the current reporting period, 18 of the 188 sampled troopers had at least one misconduct allegation listed in MAPPS.

Use of Force Supervisory Reviews

The State Police have set a threshold of two uses of force per trooper within a one year period before an alert is triggered that begins a supervisory review process. In the current reporting period, nine of the 188 troopers had documented use of force supervisory reviews in MAPPS.

Meaningful Reviews/ 3 in 2 Reviews

The procedure for evaluating meaningful reviews differs slightly from the overall MAPPS review. Instead of utilizing a sample of all troopers involved in stops, a list of all troopers receiving a meaningful review in the second half of 2014 was obtained from IAPro. In total, there were 12 meaningful reviews conducted during this period. This decrease is actually a return to normal levels of meaningful review activity after OLEPS noted meaningful reviews were not conducted when alerted in 2012.

MAPPS contained no interventions for meaningful reviews conducted during this reporting period. In eight meaningful reviews, there was evidence of a journal entry documenting a supervisor's meeting with the trooper. Two of the remaining meaningful reviews involved troopers on administrative leave, which may explain the lack of documentation. However, the results of two meaningful reviews were not documented in MAPPS at all in the current reporting period.

Additional MAPPS Issues

Central to the development and maintenance of the MAPPS system is the issue of appropriate staffing to analyze the data. In earlier reporting periods, OLEPS has highlighted the staffing issues in MAPPS. More recently, the Unit added an additional civilian staff member. The State Police are commended for addressing this concern. However, given the workload of the MAPPS Unit, the staff remain burdened by their numerous responsibilities, which require technical expertise. The MAPPS unit, primarily, analyzes data from motor vehicle stops, to identify potential risk in the Division. This analysis requires familiarity with both motor vehicle stops and State Police policies, and a working knowledge of data analysis processes. In the continuing opinion of OLEPS, the addition of a senior analyst with strong technical report-writing skills would be an excellent addition to the civilian staff. MAPPS personnel need to perform an increasing array of new analytic tasks in an organization with escalating data needs to inform its decisions.

Because MAPPS is a warehouse system drawing data from several sources, discrepancies are possible based on the sources used for information. During previous reporting periods, OLEPS noted issues in MAPPS pertaining to the display of data and apparent discrepancies in data. Clarification was requested

from the State Police regarding these issues and the State Police continues to work with vendors to correct these discrepancies.

Summary of Standard 23

OLEPS' audit of MAPPS indicated that MAPPS contains the requisite information and data. As noted in Performance Standard 9, OLEPS recommends that the State Police utilize the Intervention module in MAPPS to record communication to troopers who have made an error during a motor vehicle stop. Additionally, the audit continues to highlight the issue between the MAPPS, ACTS, NJLearn, and NJ.gov databases, as discussed in previous reports. OLEPS also continues to recommend that an official policy on meaningful reviews be adopted, especially in relation to the cataloging of such reviews. As noted above, there is a lack of consistency in the opening of these reviews and the way such reviews are recorded in MAPPS, which could be solved with a formal policy. As discussed in the training section of the Seventh Oversight Report, OLEPS recommends a formal policy regarding discipline when a trooper misses requisite training.

Performance Standard 24: MAPPS Reports

Standards

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

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

Assessment

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

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

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

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

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

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

Overall, the MAPPS Reports exceed the requirements of this performance standard.

Oversight & Public Information

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

Standards

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

OLEPS is required to complete the following tasks:

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

Assessment

During the current reporting period, OLEPS published the following reports:

- Seventh Aggregate Report of the New Jersey State Police (January 1, 2012 to June 30, 2012)
- Supplement to the Seventh Aggregate Report of the New Jersey State Police (January 1, 2012 to June 30, 2012)
- Eighth Aggregate Report of the New Jersey State Police (July 1, 2012 to December 31, 2012)
- Supplement to the Eighth Aggregate Report of the New Jersey State Police (July 1, 2012 to December 31, 2012)
- Second Report of the Effects of Peña-Flores on Municipal Police Departments

All of OLEPS' reports and publications can be found on the OLEPS' website:

<http://www.nj.gov/oag/oleps>

Just as OLEPS audits the State Police, the State Comptroller audits OLEPS. Noted in the June 2014, Office of the Comptroller Report, which reviewed the same reporting period as this report; "Since OLEPS was created by statute in 2009, it has come to be a repository for institutional knowledge of NJSP issues and its staff has gained expertise in overseeing the NJSP process regarding motor vehicle stops and post-stop enforcement activity."³² These audits can be found on the Comptroller's website: <http://www.nj.gov/comptroller/index.shtml>

³² Third Periodic Report on Law Enforcement Professional Standards, Review of Motor Vehicle Stops and Post-Stop Enforcement Activities at the Division of the State Police and its monitoring by the Office of Law Enforcement Professional Standards," State Office of the State Comptroller, June 10, 2014, pg. 11.

Performance Standard 26:

Approval of Revisions to Protocols, Forms, Reports, and Logs

Standards

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

Assessment

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

Summary

Overview

The results of OLEPS' analysis of State Police from July 1, 2013 to December 31, 2013 indicate that, overall, the State Police follows the guidelines regulating trooper activity. The 268 motor vehicle stops, MAPPS data, OPS cases, and Training documentation reviewed indicate that State Police adheres to its own policies and procedures.

The review of motor vehicle stops indicated that there was no clear evidence of a significant racial/ethnic bias in stops or post-stop activities. The analysis in the current reporting period indicates that there are no significant differences in the racial/ethnic distributions of the number of stops or those involving consent to search requests, canine deployments, uses of force, or arrests. Unlike previous reporting periods, Black drivers were involved in the largest proportion of all activities reviewed. As noted previously, this is the result of the secondary sample selected, whereby stops with PC consent requests based on the odor of marijuana were reviewed.

In the current reporting period, OLEPS noted several instances where troopers did not meet the appropriate legal standards for the post-stop activities used. Specifically, there were five stops where the legal standard of RAS was not met to request consent to search. None of these errors were noted by State Police. There was also one instance of a canine deployment where the facts and circumstances did not meet the standard of RAS. This error was also not caught. There were nine frisks that did not meet RAS, five of which were noted by State Police review. There were also three inappropriate probable cause based searches not noted by State Police review. Despite these instances, the majority of post-stop activities reviewed were performed in accordance with State Police policies, procedures, and legal standards.

Overall, stops reviewed in the current reporting period were longer than in the previous reporting period, likely the result of sample selection. Significant differences were found between the length of stops with a PC consent request for White and Hispanic drivers, for Black and Hispanic drivers, and for Asian and Black drivers. The differences between all other racial/ethnic groups for all types of stops were not significant. The independent monitors had expressed concerns regarding the length of stops while State Police was under the Consent Decree. In previous reporting periods, OLEPS noted several instances of *de facto* arrests. OLEPS reminds State Police of this history and encourages supervisors to note issues regarding the length of motor vehicle stops.

State Police continues to fail to note a number of errors made during motor vehicle stops. In the previous reporting period, 27% of all stops contained errors not caught while in the current reporting period, 32% of all stops reviewed contained errors not caught. This proportion had been decreasing for several reporting periods. The increase noted in the current period may be the result of sample selection rather than the quality of reviews. As noted previously, OLEPS reviewed a high number of stops that did not receive a State Police review. Among the stops State Police did review, they failed to note errors in 25% of stops. Due to the number of errors noted in the current reporting period, even among those reviewed by State Police, OLEPS continues to reinforce the need for detailed reviews with appropriate feedback to troopers. Feedback on motor vehicle stops, especially any errors

or deficiencies, ideally would influence a trooper's behavior in all stops, not just those that were reviewed.

Related, the use of interventions following an error during a motor vehicle stop has been increasing over the past few reporting periods. In the current reporting period about 40% of all errors caught resulted in an intervention, an improvement from the previous reporting period where about a third of caught errors resulted in interventions. In the current reporting period, interventions were used most frequently for errors pertaining to vehicle exits, searches of a person, and frisks. OLEPS continues to recommend State Police supervisors use interventions when errors are noted.

Recording issues persist in the current reporting period. Recordings of stops are still not ideal; many stops have missing recordings, malfunctions, or difficulties that make reviewing stops difficult. State Police should continue to ensure appropriate cataloging of motor vehicle stop recordings and to ensure that equipment remains up to date and in working order.

The Training Bureau continues to demonstrate its ability to develop, deliver, and document its training processes as prescribed by the seven-step training cycle.

With numerous recruits graduating from the Academy, OLEPS conducted an audit of the Trooper Coach Process and found the State Police did not conduct this process in accordance with its policy. As with all State Police policies, OLEPS strongly recommends State Police adhere to the policies regarding the Trooper Coach Process.

The previous reporting period noted delays in obtaining necessary data for OLEPS' Aggregate and Oversight Reports. Data requested to write this report and the Tenth Aggregate Report were requested in February. The data were provided in a reasonable amount of time. Additionally, previously unavailable data were provided at the same time.

Recommendations

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

- Continue analysis on racial/ethnic distributions and differences of motorists involved in stops.
- Conduct detailed, focused supervisory reviews, especially in noted areas of concern.
- Reiterate the expectations of supervisory reviews by informing supervisors of OLEPS' concerns regarding these reviews.
- Increase the use of interventions as a record of supervisory comments.
- Reiterate the requirements for RAS and PC to ensure that troopers appropriately engage in post-stop activities.
- Reinforce concerns regarding the length of stops. Refer to previous Monitoring Reports written by the independent monitor for more detail regarding the concerns surrounding *de facto* arrests.
- Increase supervisory presence in the field.
- Ensure adherence to all policies especially those that govern interactions with probationary troopers, such as in the Trooper Coach process.
- Continue appropriate documentation of all outside training received by troopers.

- Ensure that all requisite training, especially training for troopers advancing in rank, is provided in a timely manner by ensuring adequate staffing of the Training Bureau.
- Document and discipline troopers who fail to meet training requirements.
- Ensure that State Police units that handle a large portion of tasks related to the Decree (i.e., OPS, MAPPS, ITB, and Training Bureau) remain appropriately staffed to meet their mission.
- Ensure continuity of staff in highlighted areas (i.e. OQA, OPS, MAPPS, ITB, and Training Bureau) to ensure the understanding of historical decisions, events, and issues. Consideration should be given to assign a civilian analyst to these units to lend technical support for the collection and analysis of data in addition to the provision of continuity during transfers and detachments of enlisted personnel.
- Clearly and formally detail the process for conducting meaningful reviews.
- Continued vigilance in upgrades or repairs to aging audio and video equipment and ensure that troopers are appropriately activating this equipment.

APPENDIX ONE
Previously Published Monitoring/Oversight Reports

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

Appendix One

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

APPENDIX TWO

Table 2.1: Type of Errors Caught by Station

	Recording	Reporting	Communication	Exits	Frisks	Search of Person	Search of Vehicle	Consent Requests	Canine Deploy.	Use of Force	Arrests	Total
Atlantic City	4	0	0	0	0	0	0	1	0	0	0	5
Bass River	2	0	0	0	0	0	2	0	0	0	1	5
Bellmawr	4	0	0	0	0	0	0	1	0	0	0	5
Bloomfield	2	3	0	0	0	1	0	2	0	0	0	8
Bordentown	0	6	0	0	5	3	0	9	0	0	4	27
Bridgeton	4	0	0	0	0	0	0	1	0	0	1	6
Buena Vista	8	1	2	0	0	0	0	1	1	0	0	13
Cranbury	4	8	5	0	2	0	1	2	0	1	14	37
Hamilton	5	4	1	1	0	3	1	11	0	0	0	26
Holmdel	4	2	0	0	0	0	0	1	0	0	2	9
Hope	2	1	0	0	0	0	0	0	0	0	1	4
Kingwood	0	0	0	0	0	0	0	0	0	0	0	0
Metro North	0	0	0	0	0	0	0	0	0	0	0	0
Moorestown	8	4	3	0	1	0	0	1	0	0	0	17
Netcong	1	3	0	0	2	0	0	0	0	1	1	8
Newark	4	1	0	0	0	0	0	2	0	0	0	7
Other	12	6	5	0	2	1	2	11	2	0	3	44
Perryville	3	1	0	0	0	0	0	2	0	0	1	7
Port Norris	5	0	0	0	0	0	0	0	0	1	0	6
Red Lion	3	2	0	0	0	1	0	5	0	0	0	11
Somerville	0	0	0	0	0	0	0	3	0	0	1	4
Sussex	0	0	0	0	0	0	0	0	0	0	0	0
Totowa	6	3	0	0	0	0	0	2	0	0	0	11
Tuckerton	1	3	0	0	0	0	0	7	0	0	1	12
Washington	4	3	0	0	0	0	0	3	0	0	0	10
Woodbine	0	0	0	0	0	0	0	1	0	0	0	1
Woodstown	0	0	0	0	0	0	0	0	0	0	0	0
Total	86	51	16	1	12	9	6	66	3	3	30	283

Table 2.2: Type of Errors Not Caught by Station

	Recording	Reporting	Communication	Exits	Frisks	Search of Person	Search of Vehicle	Consent Requests	Canine Deploy.	Use of Force	Arrest	Total
Atlantic City	0	0	0	0	0	0	0	0	1	0	2	3
Bass River	0	1	0	0	0	0	0	0	0	0	0	1
Bellmawr	1	1	0	0	0	0	0	1	0	0	0	3
Bloomfield	1	1	0	0	0	0	0	2	0	0	0	4
Bordentown	2	3	0	0	0	0	1	9	0	0	4	19
Bridgeton	0	1	0	0	0	0	0	3	1	0	1	6
Buena Vista	1	2	0	0	1	1	0	0	0	0	1	6
Cranbury	0	1	0	0	0	0	0	0	0	0	0	1
Hamilton	1	2	0	0	0	0	1	8	0	1	2	15
Holmdel	2	0	0	0	0	0	1	2	0	0	0	5
Hope	2	2	0	0	2	0	0	1	0	0	2	9
Kingwood	0	0	0	0	0	0	0	0	0	0	0	0
Metro North	0	0	0	0	0	0	0	0	0	0	0	0
Moorestown	0	0	0	0	0	0	0	2	0	0	0	2
Netcong	2	5	0	0	6	1	1	2	0	0	0	17
Newark	1	1	0	0	0	0	0	1	0	1	2	6
Other	16	2	0	0	0	0	1	7	1	0	2	29
Perryville	0	4	0	0	1	0	0	4	0	2	0	11
Port Norris	0	0	0	0	0	0	0	0	0	0	0	0
Red Lion	0	1	0	0	0	0	0	2	0	0	0	3
Somerville	4	0	0	0	0	0	0	1	0	0	0	5
Sussex	0	0	0	0	0	0	0	0	0	0	0	0
Totowa	2	1	0	0	1	0	0	0	0	0	0	5
Tuckerton	0	0	0	0	0	0	2	3	0	0	1	6
Washington	0	0	0	0	0	0	0	0	0	0	0	0
Woodbine	0	2	0	0	0	0	0	1	0	0	1	4
Woodstown	0	0	0	0	2	0	0	0	0	0	0	2
Total	35	30	0	0	13	2	7	49	3	4	18	161

APPENDIX THREE

Supplemental Data Analysis Results

Chi-Square Overview:

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

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

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

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

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

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

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

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

Example:

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

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

Table One: Consent Requests by Race/Ethnicity of Driver
9th OLEPS Reporting Period

	Black	White	Hispanic	Total
No Consent Request	12	15	6	33
Consent Request	105	86	35	226
Total	117	101	41	259

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

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

First, calculate the expected frequency for Black drivers with no consent request. The row total is 117 and the column total is 121. The total n for the table is 259.

$$\frac{117 * 33}{259} = 14.91$$

Thus, the expected value of Black drivers without a consent request is 14.91. The same formula is calculated for each racial/ethnic group for no consent request and for consent request. The table below presents the expected values for each cell in parentheses.

	Black	White	Hispanic	Total
No Consent Request	12 (14.91)	15 (12.87)	6 (5.22)	33
Consent Request	105 (102.09)	86 (88.13)	35 (35.77)	226
Total	117	101	41	259

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

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

$$\chi^2 = \frac{(12-14.91)^2}{14.91} + \frac{(15-12.87)^2}{12.87} + \frac{(6-5.22)^2}{5.22} + \frac{(105-102.09)^2}{102.09} + \frac{(86-88.13)^2}{88.13} + \frac{(35-35.77)^2}{35.77}$$

$$\chi^2 = 1.18$$

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

Next, calculate the degrees of freedom.

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

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

$$df = 2$$

Consulting the chi-square Distribution Table (available in most basic statistics books or online), indicates that in order to reject the null hypothesis at a significance level of .05, the chi-square statistic needs to be 5.991 or greater. Our value is 1.18, less than the required value. This means that we fail to reject the null hypothesis; there is not a significant difference between the racial/ethnic distribution of consent requests.

Table Two: Canine Deployments by Race/Ethnicity of Driver
9th OLEPS Reporting Period

	Non-White	White	Total
No Canine Deployment	146	92	238
Canine Deployment	21	9	30
Total	167	101	268

$\chi^2 = .850$, df=1
p=.357

Table Three: Uses of Force by Race/Ethnicity of Driver
9th OLEPS Reporting Period

	Non-White	White	Total
No Force	149	94	243
Use of Force	18	7	25
Total	167	101	268

$\chi^2 = 1.102$, df=1
p=.294

Table Four: Arrest Data by Race/Ethnicity of Driver
9th OLEPS Reporting Period

	Non-White	White	Total
No Arrest	6	10	16
Arrest	161	91	252
Total	167	101	268

$\chi^2 = 4.46$, df=1
p=.035

Table Five: Sampled Vehicle Stop Rates by Reason for Stop
9th OLEPS Reporting Period

	White	Non-White	Total
FTML	10	15	25
Equipment Violations	11	19	30
Seat Belt	5	14	19
Rate of Speed	16	41	57
Unsafe Lane Change	11	9	20
Total	101	167	268

$\chi^2=6.46$, df=5
 $p=.263$

Table Six: Consent Request Stop Rates by Reason for Consent
9th OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulable Suspicion	Probable Cause	Total
White	46	40	86
Black	31	74	105
Hispanic	7	28	35
Total	84	142	226

$\chi^2=16.853$, df=2
 $p=.00$

Table Seven: Type of RAS Consent Request by Race/Ethnicity of Driver
9th OLEPS Reporting Period

	White	Non-White	Total
Intangible	2	2	4
Tangible	0	1	1
Probative	43	34	77
Total	45	37	82

$\chi^2=1.659, df=2$

$p=.526$

Four cells have an expected count of less than 5

Table Eight: Canine Deployment Rates by Reason for Deployment
9th OLEPS Reporting Period

Race/Ethnicity	Reasonable Articulate Suspicion	Probable Cause	Total
White	7	2	9
Non-White	13	8	21
Total	20	10	30

$\chi^2=.714, df=1$

$p=.398$

One cell has an expected count of less than 5

Table Nine: Arrest Reasons by Race/Ethnicity of Driver
9th OLEPS Reporting Period

Race/Ethnicity	Probable Cause	Warrant	Warrant and PC	Total
White	64	8	19	91
Non-White	112	16	33	161
Total	176	24	52	252

$\chi^2 = .089$, $df = 2$
 $p = .956$

Table Ten: Day v. Night Stops
9th OLEPS Reporting Period

	Day	Night	Total
White	53	48	101
Black	48	69	117
Hispanic	18	23	41
Total	119	140	259

$\chi^2 = 2.943$, $df = 2$
 $p = .23$

Independent Samples *t*-test

Overview

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

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

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

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

\bar{x}_1 = mean of group 1

\bar{x}_2 = mean of group 2

μ_1 = population 1

μ_2 = population 2

S = estimated standard error

Example:

Hypothesis: Do White and Black drivers differ in the length of their motor vehicle stops? The mean stop length for White drivers is 64.47, the standard deviation is 31.73, and *n*=101. The mean stop length for Black drivers is 62.04, the standard deviation is 22.99, and *n*=117.

Hypothesis:

H_0 = the length of stops are equal for White and Black drivers

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

Set criteria:

Significance level (α) = .05

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

$$df = n_1 + n_2 - 2$$

n_1 = the number of observations in sample 1

n_2 = the number of observations in sample 2

$$df = 101 + 117 - 2$$

$$df=116$$

Critical value for the *t*-test:

This is determined by looking at a *t*-distribution and finding where the degrees of freedom for the sample and the desired significance level intersect. For this example, *t* critical is: 1.64

Calculate the mean and standard deviation. This information has been provided. The mean stop length for White drivers is 64.47, the standard deviation is 31.73, and n=101. The mean stop length for Black drivers is 62.04, the standard deviation is 22.99, and n=117.

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

$$t = \frac{(64.47 - 62.04) - (\mu_1 - \mu_2)}{S_{x_1 - x_2}}$$

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

$$t = \frac{(64.47 - 62.04)}{S_{x_1 - x_2}}$$

To calculate S, use this equation:

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

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

$$S_{pooled}^2 = \frac{(df_1)s_1^2 + (df_2)s_2^2}{df_1 + df_2}$$

$$df_1 = n_1 - 1 \quad df_1 = 101 - 1 \quad df_1 = 100$$

$$df_2 = n_2 - 1 \quad df_2 = 117 - 1 \quad df_2 = 116$$

$$S_{pooled}^2 = \frac{(100)31.73^2 + (116)22.99^2}{100 + 116}$$

$$S_{pooled}^2 = \frac{(100)1006.79 + (116)528.54}{216}$$

$$S_{pooled}^2 = \frac{100679 + 61310.65}{216}$$

$$S_{\bar{x}_1 - \bar{x}_2} = \sqrt{\frac{S_{pooled}^2}{n_1} + \frac{S_{pooled}^2}{n_2}}$$
$$S_{x1-x2} = \sqrt{\frac{749.952}{100} + \frac{749.952}{116}}$$
$$S_{x1-x2} = \sqrt{7.49 + 6.46}$$
$$S_{x1-x2} = \sqrt{13.95}$$
$$S_{x1-x2} = 3.73$$

Plug this value back into the equation for t :

$$t = \frac{(64.47 - 62.04)}{S_{x1-x2}}$$

$$t = \frac{(64.47 - 62.04)}{3.73}$$

$$t = \frac{2.43}{3.73}$$

$$t = .65$$

Compare the t value calculated, .651, to the critical t value from the table, 1.64.

Since the calculated t value is lower, we fail to reject the null hypothesis.

Therefore, there is not a significant difference in the length of motor vehicle stops for White drivers and Black drivers.

APPENDIX FOUR

Definitions of Acronyms and Abbreviations

BOLO: Be On the Look Out

CAD: Computer Aided Dispatch. The dispatch system employed by State Police.

DTT: Duty to Transport

FTML: Failure to Maintain Lane

IAIB: Internal Affairs Investigation Bureau

IAPro: Internal Affairs Professional. The database used by OPS.

Independent Monitors: The monitoring team put in place by the Department of Justice.

MAPPS: Management Awareness & Personnel Performance System. The database used to monitor all trooper activity. It is fed from CAD, RMS, and IAPro.

MDT: Mobile data terminal. The computer inside State Police vehicles.

MVR: Motor vehicle stop review

MVSR: Motor vehicle stop report

O.I.: Operations Instructions

OLEPS: Office of Law Enforcement Professional Standards, formerly OSPA.

OPS: Office of Professional Standards. The office handles the disciplinary process for the State Police.

OSPA: Office of State Police Affairs

PC: Probable Cause

RAS: Reasonable Articulate Suspicion

RMS: Records Management System

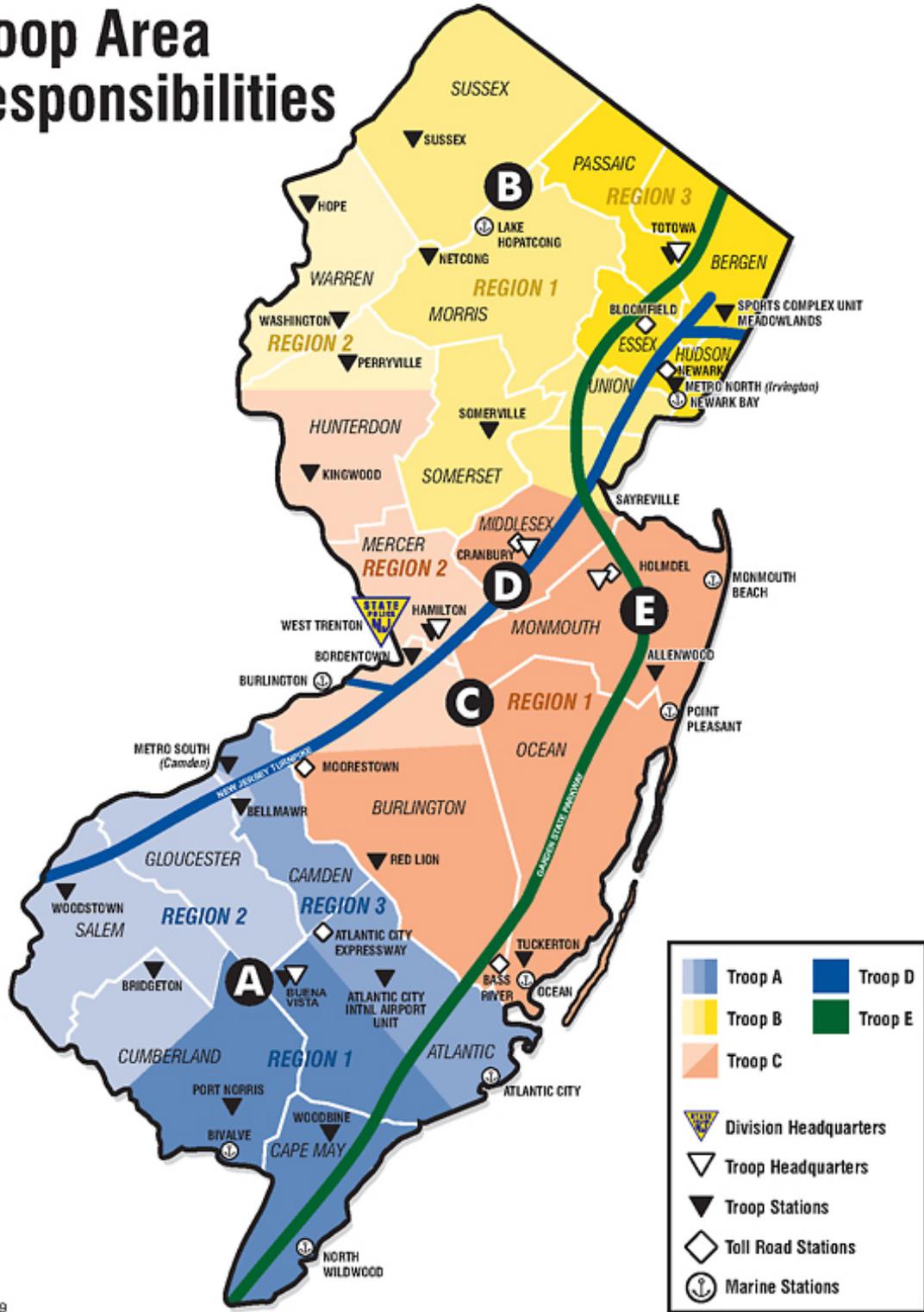
SOP: Standard Operating Procedure. Policies and procedures that govern all activity and behavior of the State Police.

The Act: Law Enforcement and Professional Standards Act (2009) (N.J.S.A. 52:17B-222, et seq.)

The Decree: The Consent Decree. State Police entered the Decree in 1999 to promote law enforcement integrity.

APPENDIX FIVE
New Jersey State Police Troop Area Responsibilities

Troop Area Responsibilities



Appendix Five

Rev. 12/09