

# OLEPS

OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS

# Fifteenth Oversight Report *May 2020*

*July 1, 2016 – December 31, 2016  
2016 Annual Training Review*

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## Table of Contents

<b>Executive Summary</b> .....	<b>ii</b>
<b>Introduction</b> .....	<b>1</b>
<b>Part I</b> .....	<b>3</b>
<b>Part II</b> .....	<b>4</b>
<b>Field Operations</b> .....	<b>4</b>
<b>OPS &amp; Investigations</b> .....	<b>11</b>
<b>Training</b> .....	<b>11</b>
<b>Management Awareness &amp; Personnel Performance System</b> .....	<b>11</b>
<b>Oversight and Public Information</b> .....	<b>11</b>
<b>Part III</b> .....	<b>12</b>
<b>Field Operations</b> .....	<b>13</b>
Performance Standard 1:.....	14
Performance Standard 2:.....	29
Performance Standard 3:.....	37
Performance Standard 4:.....	40
Performance Standard 5:.....	44
Performance Standard 6:.....	52
Performance Standard 7:.....	56
Performance Standard 8:.....	59
<b>Supervisory Review</b> .....	<b>71</b>
Performance Standard 9:.....	71
Performance Standard 10:.....	84
Performance Standard 11:.....	85
<b>Office of Professional</b> .....	<b>88</b>
Performance Standard 12:.....	89
Performance Standard 13:.....	91
<b>Training</b> .....	<b>92</b>
Performance Standard 14:.....	94
Performance Standard 15:.....	103
Performance Standard 16:.....	106
Performance Standard 17:.....	109
Performance Standard 18:.....	113
Performance Standard 19:.....	118
Performance Standard 20:.....	121
Performance Standard 21:.....	123
Performance Standard 22:.....	124
<b>MAPPS</b> .....	<b>125</b>
Performance Standard 23:.....	126
Performance Standard 24:.....	131
<b>Oversight &amp; Public Information</b> .....	<b>134</b>
Performance Standard 25:.....	134
Performance Standard 26:.....	135

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**Summary..... 136**

**Appendix One: Previously Published Monitoring/Oversight Reports.....139**

**Appendix Two: Types of Errors Caught, Not Caught, and Not Reviewed by Station.....141**

**Appendix Three: Supplemental Data Analysis.....144**

**Appendix Four: Definitions of Acronyms and Abbreviations .....153**

**Appendix Five: New Jersey State Police Troop Area Responsibilities .....155**

## Executive Summary

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In its Oversight Reports, as mandated by 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) evaluates State Police adherence to its established policies and procedures. To assess State Police compliance, OLEPS reviews motor vehicle stops and related records and documentation, internal disciplinary matters, training documentation, State Police databases, and other relevant materials.

In this 15<sup>th</sup> Oversight Report, which covers the period of July 1, 2016 to December 31, 2016, OLEPS reviewed and analyzed data from 298 motor vehicle stops, including records associated with these stops. As required, OLEPS reviewed all critical stops in the current reporting period. OLEPS also selected a random sample of stops from all stops containing post-stop activity. OLEPS further reviewed records and documentation from Field Operations, Training Bureau, the Management Awareness Personnel Performance System (MAPPS), and the Office of Professional Standards (OPS). While OLEPS noted issues in this report, overall, OLEPS determined that State Police acted in conformance with its established performance standards. The major findings of this report are as follows:

- 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.
  - Analysis in the current reporting period indicates that there are no statistically significant differences in the racial/ethnic distributions in the number of all stops, those involving canine deployments, uses of force, or arrests. There was, however, a statistically significant difference in the volume of arrest reasons (*i.e.*, warrant arrests, Probable Cause arrests, or warrant and Probable Cause arrests) and in the distribution of stops with consent requests across White, Black, and Hispanic drivers in the current reporting period.
  - For several reporting periods, OLEPS noted a continued increase in the number of motor vehicle stops with uses of force. The volume of stops with a use of force decreased in the current reporting period. The racial/ethnic distribution of the 40 stops with uses of force was not statistically significant. Despite this lack of a statistically significant difference, the majority of stops with a use of force involved Black drivers. In 23 stops with a use of force (58%), the driver was Black. OLEPS did not find that any of the uses of force were in violation of State Police's use of force policy. Further, OLEPS' analysis indicated that, in all stops, the recipient physically resisted arrest, refused to follow trooper commands, threatened or attacked the trooper, and/or fled the scene of the stop. OLEPS continues to monitor the volume of stops with uses of force and examine the facts and situations that resulted in uses of force.
- OLEPS refers to instances where State Police deviates from its policy and procedures during a motor vehicle stop as "errors." State Police has the ability to review stops and note the errors. State Police review process entails the notation of errors in a selection of stops. OLEPS reviewed stops that underwent State Police review and those that did not undergo State Police review. State Police reviewed 124 of the 298 stops that OLEPS reviewed for this report. Of the stops State Police reviewed, 10.48% (13 of 124) contained an error not caught, less than the 13% noted in the previous reporting period. Of the stops that did not receive State Police review, 25.86% (45 of 174) stops contained at least one error, a decrease from 29% in the previous

reporting period. The total number of errors that State Police did not catch in the current reporting period (92 errors in 58 stops) is slightly less than the previous reporting period (104 errors in 63 stops).

- In the current reporting period, OLEPS noted instances where troopers did not meet the appropriate legal standards for post-stop activities. Specifically, OLEPS noted the following pertaining to consent requests, canine deployments, frisks, and non-consensual vehicle searches.
  - There were two stops in which the legal standard of Reasonable Articulate Suspicion (RAS) to request consent to search was not met. State Police reviewed both of these stops but caught only one of the errors. State Police issued an intervention for this error.
  - OLEPS noted one stop with a canine deployment in which the facts and circumstances surrounding the deployment did not meet the legal standard of RAS. State Police supervisory review caught this error and issued an intervention for this error.
  - In two stops, a frisk of passenger 1 failed to meet the legal standard of RAS. State Police caught both of these errors, but none resulted in an intervention.
  - One stop with a frisk of passenger 2 failed to meet the appropriate legal standard of RAS. State Police caught this error and issued an intervention for it.
  - OLEPS noted one frisk of passenger 2 that extended beyond a pat down. State Police failed to catch this error.
  - OLEPS noted vehicle search errors in three stops in the current reporting period. State Police caught two of these errors and issued an intervention for each. State Police did not review the remaining stop with a vehicle search error.
- Despite the above instances, OLEPS noted that State Police performed the majority of post-stop activities reviewed in accordance with State Police policies, procedures, and legal standards.
  - When an error occurs during a motor vehicle stop and is noted during a motor vehicle stop review, State Police is required to issue an intervention, which acts to notify the trooper and his/her supervisor of the error so that such conduct can be corrected. Historically, State Police has not issued interventions consistently. The current reporting period is a dramatic increase in State Police's use of interventions. In the previous reporting period, 20.30% of all errors State Police caught resulted in an intervention, while in the current reporting period 40.91% of all errors State Police caught resulted in an intervention. In the current reporting period, State Police issued interventions most often for errors caught pertaining to the Compassionate Use of Medical Marijuana Act (CUMMA), canine deployments, and non-consensual vehicle searches.
  - In addition to reviewing stops, supervisors are required to be present during motor vehicle stops on a routine basis to ensure that troopers conduct stops in accordance with State Police policy. To promote an increase of supervisory presence on the roadway, in July 2011, State Police modified its motor vehicle stop review schedule. Despite an increase in the previous reporting period, the proportion of stops with supervisors on scene decreased from 28.52% in the previous reporting period to 22.48% in the current. This proportion was 36.59% for critical stops, and 17.13% for non-critical stops.

- The audio and video recording of motor vehicle stops remains an issue in the current reporting period. OLEPS noted a number of issues pertaining to the availability of video recording and continues to note audio activation and completion issues in motor vehicle stops, which result in incomplete recordings of motor vehicle stops.
- The average length of all motor vehicle stops in this reporting period was slightly shorter than the previous reporting period. The average length of stops with RAS and Probable Cause consent requests were longer in the current compared to the previous reporting period. The RAS stops (critical) are required to be "brief." There was no evidence, however, that the length of stops resulted in a violation of individuals' rights.
- Documentation of 2016 training activities indicates that, generally, the State Police continue to adhere to policies and procedures regarding requisite training. OLEPS however, noted some issues in this reporting period, including some issues that continued from previous reporting periods.
  - The Training Bureau conducted its annual trainings, i.e., C-20 Physical Fitness Exam and online training.
  - The Training Bureau completed the semi-annual firearms requirement. However, Troops B and D did not provide Step Four after action reports to the Training Bureau. For the Training Bureau to have accurate information, Step Four after action reports are needed.
  - During the annual in-service training, the Training Bureau presented on the following mandated topics: leadership and ethics, cultural diversity, and search and seizure. After several months of in-service training, the Training Bureau conducts a follow-up questionnaire of troopers to determine whether the in-service training had a direct impact on troopers' work. However, the Training Bureau did not complete the follow-up questionnaire.
  - For several reporting periods, OLEPS stressed the importance of Training Committee meetings. Although the Training Bureau conducted all requisite meetings in 2016, OLEPS again noted inconsistent attendance of necessary trooper representatives at these meetings.
  - OLEPS has been concerned about the Training Bureau's staffing level for several reporting periods. As in the past, the Training Bureau did not meet the staffing level on which State Police and the independent monitors agreed.
  - Due to an anticipated shortage of trooper coaches for the 156<sup>th</sup> State Police Recruit Class, State Police temporarily allowed troopers with less than three years of service to serve as coaches. OLEPS notes that the three-year service requirement exception was permitted only for the 156<sup>th</sup> State Police Recruit Class.
  - State Police policy requires that all troopers advancing in rank attend appropriate leadership training within seven months of their promotion. In previous reporting periods, the Training Bureau prioritized leadership-training courses for these troopers with less supervisory experience due to facility and resource limitations. Thus, the

Training Bureau did not conduct Executive Phase leadership training for members of the rank of Captain and above. However, in this reporting period, State Police conducted Executive Phase leadership courses.

While OLEPS continues to note recurring issues in each reporting period, overall, in this fifteenth reporting period, State Police adhered to its policies and procedures. OLEPS commends State Police on the progress made to date, but recommends that the Division continue improvements in the areas discussed in this report.

# **OLEPS' FIFTEENTH OVERSIGHT REPORT OF THE NEW JERSEY STATE POLICE JULY 1, 2016 TO DECEMBER 31, 2016 TRAINING ACTIVITIES: JANUARY 1, 2016 TO DECEMBER 31, 2016**

## **Introduction**

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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 bi-annual 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. State Police codified many of the reforms accomplished under the Decree in rules, regulations, policies, procedures, operating instructions, or the operating procedures of the organization. The monitoring reports formerly assessed compliance with the Decree. Now oversight reports reflect State Police adherence to these reforms. For a more detailed history concerning the Decree, see previous reports at [www.nj.gov/oag/oleps](http://www.nj.gov/oag/oleps).

OLEPS publishes two oversight reports a year covering two six-month reporting periods, from January 1 to June 30 and from July 1 to December 31. The second report includes a review of State Police training responsibilities (see Performance Standards 14 to 22) 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, the Performance Standards listed in the oversight report evolve accordingly. The oversight report evaluates State Police in accordance with the policies and procedures, as they exist during the relevant reporting period.

In this Fifteenth Oversight Report, which covers July 1, 2016 to December 31, 2016, OLEPS substantively reviewed the implementation of procedures relating to State Police motor vehicle stops and post-stop enforcement actions. Further, it reviewed supervision of patrol activities, the conduct of investigations of alleged misconduct and other internal affairs matters, and training activities conducted throughout 2016. The Fifteenth Oversight Report covers a six-month reporting period, July 1, 2016 to December 31, 2016, and reviews State Police training for the entire 2016 calendar year.

The methodology OLEPS employed 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, Training, Management Awareness Personnel Performance System (MAPPS), the Office of Professional Standards (OPS), and Oversight and Public Information requirements. The Academy Performance Standards for the entire 2016 calendar year appear in this report.

The beginning of each section includes an outline of the methodology used to assess performance. The summary provides an overall assessment of adherence to State Police policies and any applicable recommendations. Appendix One is a list of all previous monitoring/oversight reports OLEPS and the independent monitors published, their dates of publication, and the reporting periods covered. Appendix

Two summarizes the types of errors each station made 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.

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# PART I

## METHODOLOGY & PROCESS

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Part I details the methodology used to assess State Police. This methodology applies to all standards within this report. Each standard details any supplemental methodologies specified as applicable. The bulk of the data utilized in this report relate to field operations and activities occurring during motor vehicle stops.

A review of State Police data and policies formed by an examination of records and documents prepared in the normal course of business are the bases of all of OLEPS' assessments of State Police. OLEPS accepted no special reports prepared as evidence of adherence to performance standards. Instead, OLEPS reviewed records created during the delivery or performance of tasks/activities.

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### Standards for Assessment

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OLEPS assesses State Police according to its rules, regulations, operating instructions, and the procedures of the organization, set forth in this report as "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 policies and 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 errors occurred in a stop that 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 "uncaught errors." Under the Consent Decree, the monitors established a 10% allowable error rate for State Police. That is, of the stops reviewed (all stops and any sub-set of stops analyzed), no more than 10% could contain an error not caught by State Police. This percentage was not exclusive to stops State Police reviewed.

OLEPS notes the errors caught during supervisory reviews that result in the trooper receiving an intervention - that is, the trooper receiving formal notification of the error. In order to correct actions or inactions, a supervisor should notify the trooper of the error. Supervisory review of a trooper's motor vehicle stop activities and recording of errors are essential to 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 State Police based on observed events, especially when we note a pattern or practice that may generate concern. This review allows OLEPS to assess State Police's ability to continue to promote and support vigorous, lawful, and non-discriminatory implementation of law enforcement practices and procedures.

Part I

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## PART II

# DATA & SAMPLE DESCRIPTION

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OLEPS established specific parameters for the data reviewed in this report. Under no circumstances did OLEPS select data based on State Police's preferred selection of records. In every instance of the selection of samples, OLEPS either provided State Police personnel lists requesting specific data or collected data directly from State Police databases. OLEPS reviews State Police's policies and procedures, as outlined in the Act, prior to their implementation to ensure that they are appropriate and that they adequately incorporate developments in constitutional law.

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## Field Operations

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OLEPS drew the motor vehicle stop data for this period, as it has for previous reports, exclusively from all incidents that have post-stop activity. OLEPS' data requests are substantively similar to those that the independent monitors originally formulated.<sup>1</sup> OLEPS updates these requests to reflect changes in State Police policies and procedures.

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### Data Requests

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Each motor vehicle stop review includes the examination of several pieces of information, which OLEPS obtains from State Police databases. For the stops selected for review, this information included:

- All reports, records checks, and recordings (audio and video) of stops.
- Logs of 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 uses of force that occurred during a motor vehicle stop.

State Police provided OLEPS with all requested information, unless otherwise noted.

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### Types of Reviews

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Each post-stop event consisting of law enforcement procedures of interest as set forth in the Decree,<sup>2</sup> and those selected for review, received a structured analysis using a form. The form, the Motor Vehicle Stop Assessment Form, tracks instances where troopers deviate from policy and whether State Police

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<sup>1</sup> For more information about the independent monitors, their standards, and reports, please visit: <http://www.nj.gov/oag/decreehome.htm>

<sup>2</sup> *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.

supervisory review noted these deviations. OLEPS revises this form as needed to address changes to State Police policies, procedures, and operations instructions. OLEPS shares these data and results with State Police. OLEPS requests and receives clarification from State Police in instances in which there is doubt about the status of an event or supporting documentation. Each stop receives at least one, but most frequently, two types of reviews: report and/or recording.

### *Report*

A report review involves examination of all available hard copy and electronic documentation of an event. For example, a review could consist of examining the motor vehicle stop report (MVSR), associated records in the patrol log, a supporting consent to search form, and associated summonses or arrest records. At a minimum, all stops receive a report review to the extent these documents are available.

### *Recording*

A recording review consists of examining the associated audio and video recordings of a given motor vehicle stop in addition to the above-mentioned documentation. OLEPS compares the actions noted on the recording with the elements reported in the official documents related to the event. OLEPS attempts to review available audio and video recordings in addition to the abovementioned report documentation (stop reports, patrol charts, citations, arrest reports, DUI reports, etc.) for the stops selected for review, to the extent these recordings are available. In the event that recordings are unavailable, OLEPS conducts a report only review of the stop.

## **Sample**

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As specified in the Consent Decree and codified in the Act, OLEPS shall review appropriate samples of "consent to search" forms and reports, "non-consensual search" reports, drug-detection canine reports, motor vehicle stop reports and logs, and MVR recordings prepared in connection with a motor vehicle stop.

Accordingly, for the Fifteenth Oversight Report, OLEPS selected a sample of incidents to review for this reporting period from all motor vehicle stops with post-stop activity State Police made from July 1, 2016 to December 31, 2016. Stops made by all troops and stations were eligible for selection. OLEPS initially selected 300 stops for review based on the following:

- I. All stops identified in State Police databases as involving activity potentially deemed critical (94)
  - o All Reasonable Articulate Suspicion (RAS)<sup>3</sup> based consent searches
  - o All canine deployments for drug detection purposes
  - o All uses of force
  
- II. A random sample of stops identified in State Police databases as involving post-stop activity (206 stops)
  - o OLEPS selected a random sample of stops with post-stop activity for review.

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<sup>3</sup> 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. Terry v. Ohio 392 U.S. 1 (1968).

During review, OLEPS identified two incidents that were not motor vehicle stops. As a result, OLEPS removed these incidents from the sample, resulting in a total volume of 298 motor vehicle stops. Further, though State Police databases indicated that certain activities occurred in a stop, OLEPS did not observe all of these activities during the stop.<sup>4</sup> OLEPS' final sample of 298 stops involved 82 stops deemed critical and 216 stops that involved at least one post-stop interaction. Of these 216 stops, 11 were stops originally selected for OLEPS' critical sample but determined to only involve post-stop activity at the scene of the motor vehicle stop.

Table One lists the activities involved in the 298 motor vehicle stops reviewed for this reporting period. OLEPS attempted to conduct recording and report reviews on all motor vehicle stops. Report-only reviews occurred in instances where a recording was not available for review. OLEPS conducted a report-only review on four motor vehicle stops, while 294 stops received a review that included both reports and recordings.

**Table One: Incidents Reviewed**  
 15<sup>th</sup> OLEPS Reporting Period

	<b>Report-Only Reviews</b>	<b>Recording &amp; Report Reviews<sup>5</sup></b>
<b>Total Stops</b>	4	294
<b>Consent Search Requests (Probable Cause &amp; RAS)</b>	0	40
<b>Canine Deployments</b>	0	9
<b>Use of Force</b>	0	40
<b>Probable Cause Searches of Vehicles</b>	3	159
<b>Probable Cause Searches of Persons</b>	3	274

Table Two lists the number of incidents reviewed by the station conducting the stop and the type of review received.<sup>6</sup> In the current reporting period, OLEPS reviewed 82 stops conducted by Troop A, 90 stops conduct by Troop B, 80 stops conducted by Troop C, and 46 stops conducted by Troop D.

<sup>4</sup> OLEPS reviews activity that occurs only at the scene of the stop, not back at the station. It is possible that the activity indicated in State Police databases occurred back at the station. However, this is outside the scope of OLEPS' review.

<sup>5</sup> Recording and report reviews for each type of activity total more than 298 because most stops involved more than a single category of law enforcement activity.

<sup>6</sup> In January 2011, State Police combined Troops D and E to form Troop D Parkway and Troop D Turnpike. Galloway, Bloomfield, and Holmdel stations are part of Troop D.

**Table Two: Distribution of Events by Station**  
 15<sup>th</sup> OLEPS Reporting Period

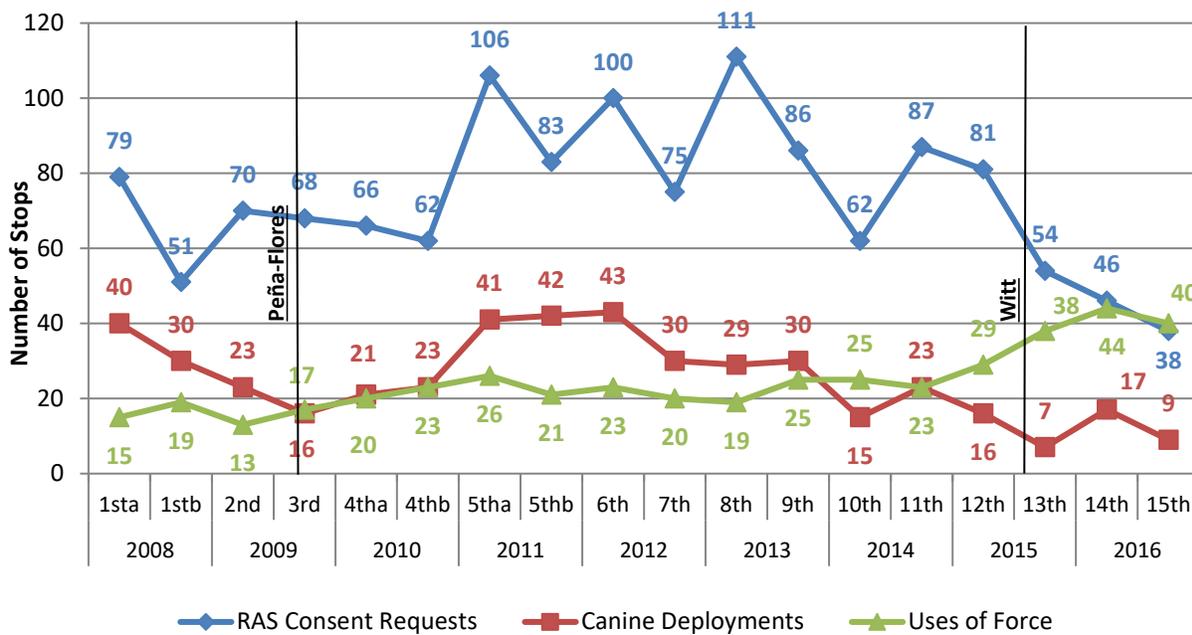
	<b>Recording &amp; Report Reviews</b>	<b>Report Only Reviews</b>	<b>Total Reviews</b>
<b>A010- Metro South</b>	1	0	<b>1</b>
<b>A040- Bridgeton</b>	13	0	<b>13</b>
<b>A050- Woodbine</b>	3	1	<b>4</b>
<b>A090- Buena Vista</b>	10	0	<b>10</b>
<b>A100- Port Norris</b>	7	1	<b>8</b>
<b>A140- Woodstown</b>	8	0	<b>8</b>
<b>A160- Atlantic City</b>	10	0	<b>10</b>
<b>A310- Bellmawr</b>	7	1	<b>8</b>
<b>Troop A Other</b>	20	0	<b>20</b>
<b>B020- Hope</b>	6	0	<b>6</b>
<b>B050- Sussex</b>	6	0	<b>6</b>
<b>B060- Totowa</b>	9	0	<b>9</b>
<b>B080- Netcong</b>	17	0	<b>17</b>
<b>B110- Perryville</b>	19	0	<b>19</b>
<b>B130- Somerville</b>	25	0	<b>25</b>
<b>B150- Washington</b>	5	0	<b>5</b>
<b>Troop B Other</b>	3	0	<b>3</b>
<b>C020- Bordentown</b>	19	0	<b>19</b>
<b>C040- Kingwood</b>	10	0	<b>10</b>
<b>C060- Hamilton</b>	21	0	<b>21</b>
<b>C080- Red Lion</b>	11	1	<b>12</b>
<b>C120- Tuckerton</b>	8	0	<b>8</b>
<b>Troop C Other</b>	10	0	<b>10</b>
<b>D010- Cranbury</b>	8	0	<b>8</b>
<b>D020- Moorestown</b>	3	0	<b>3</b>
<b>D030- Newark</b>	7	0	<b>7</b>
<b>E030- Galloway</b>	4	0	<b>4</b>
<b>E040- Bloomfield</b>	7	0	<b>7</b>
<b>E050- Holmdel</b>	11	0	<b>11</b>
<b>Troop D Other</b>	6	0	<b>6</b>
<b>Total</b>	<b>294</b>	<b>4</b>	<b>298</b>

Historically, OLEPS has noted patterns in unavailable recordings. In some reporting periods, recordings have been unavailable for specific troops or stations more than other stations or troops. In the current reporting period, there were four stops subject to a report-only review because of complete unavailability of the recording. Because the total volume of stops receiving report-only review is so low, a systematic recording issue is unlikely the cause. However, OLEPS noted a number of stops where portions of the recording were unavailable or not able to be played (See Performance Standard 5).

**Trends**

OLEPS tracks trends of activity in the motor vehicle stops reviewed.<sup>7</sup> Since OLEPS reviews all motor vehicle stops with RAS consent to search requests, drug detecting canine deployments, and/or uses of force, these numbers represent the actual volume of motor vehicle stops with these events.<sup>8</sup> Figure One depicts the trends in these events from January 2008 to December 2016. Since 2008, the number of stops with RAS consent requests has been typically larger in the first half of the year (with some exceptions), just as the number of motor vehicle stops, generally, has been larger in the first half of the year. In the current reporting period, the number of stops with RAS consent requests decreased since the first half of 2016. The decrease in RAS consent requests is a reflection of changes to State Police activity following the Supreme Court's decision in *State v. Witt*, 223 N.J. 409 (2015).<sup>9</sup>

**Figure One: Bi-Annual Trends of Stops with RAS Consent Requests, Uses of Force, and Canine Deployments**  
 OLEPS 1<sup>st</sup> – 15<sup>th</sup> Reporting Periods



In the second half of 2012, OLEPS noted a decrease in the number of stops with canine deployments after several reporting periods of larger volumes of stops with this activity. Since that reporting period, the volume of stops with a canine deployment has fluctuated, but remains considerably less than the high volumes noted from 2011 to 2013. In the current period, the volume of stops with a drug detecting

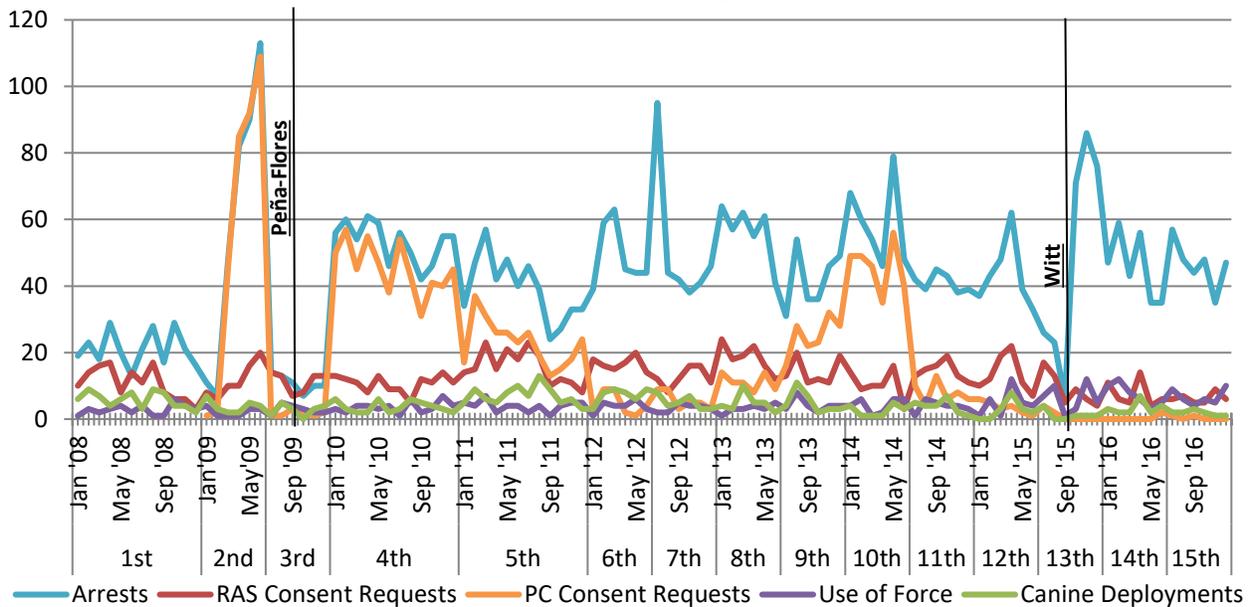
<sup>7</sup> Stops in this section are categorized based on the activity noted in stops after OLEPS' reviews.  
<sup>8</sup> OLEPS only reviews these events when they occur during a motor vehicle stop (i.e., time on the road only) prior to returning to the station. State Police conducts additional RAS consent to search requests, canine deployments, and uses of force, but these occur outside of motor vehicle stops or away from the initial scene of the stop.  
<sup>9</sup> *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. *Peña-Flores* was overturned by the New Jersey Supreme Court in *State v. Witt*, 223 N.J. 409 (2015), hereafter referred to as *Witt*. Decided in September 2015, the Supreme Court in *Witt* held that the exigent circumstances test set forth in *Peña-Flores* no longer applied. Accordingly, the standard set in *State v. Alston*, 88 N.J. 211 (1981), hereafter referred to as *Alston*, for warrantless searches of automobiles based on Probable Cause has been reinstated as controlling law in New Jersey.

canine deployment decreased to nine stops. This volume is the second lowest volume of stops with canine deployments across all reporting periods.

The number of stops with a use of force remained consistent from 2008 to the end of 2014, with about 20 stops in each reporting period. Since then, however, the number of stops with uses of force increased to the largest volume noted, 44 stops, in the previous reporting period. The number of stops with uses of force in the current reporting period, 40 stops, is the second largest number since OLEPS began tracking these events in 2008. Performance Standard 4 sets forth further discussion of stops with uses of force.

The number of motor vehicle incidents occurring in the second half of the year is generally less than the number occurring in the first half of the year. As such, examination of monthly trends is important. Figure Two presents the number of stops with RAS consent requests, uses of force, canine deployments, Probable Cause consent requests, and arrests for January 2008 through December 2016 by month. These monthly trends allow OLEPS to determine changes in the volume of incidents in the period following key events (e.g., Peña-Flores, Witt). As seen in the graph, stops with RAS consent requests, uses of force, and canine deployments are relatively infrequent, especially when compared to the volume of stops with arrests and Probable Cause consent requests. Figure Two highlights the monthly variation in each activity.

**Figure Two: Monthly Variation in Stops with Arrests, Probable Cause Consent Request, and Critical Activities**  
 OLEPS 1<sup>st</sup> – 15<sup>th</sup> Reporting Periods



The bi-annual totals in Figure One shows that RAS consent requests most recently peaked in the first half of 2013 but decreased since then. However, the trends are not as linear as Figure One suggests; the volume varies each month of the year (See Figure Two). The number of stops with RAS consent to search requests is inconsistent from month to month. Beginning in January 2012, there are discernable changes in these events in each month in 2012 and 2013, a decrease in the first half of 2014, and an increase in the second half of 2014, followed by notable fluctuation since. The largest volume of stops with RAS consent requests per month occurred in January 2013, when there were 24 stops with an RAS consent request. The number reported in April 2015, 22 stops with RAS consent requests, is the largest volume of stops with RAS consent requests in any month since January 2015. The largest volumes of

stops with RAS consent requests in 2016 occurred in April (14 stops) and January (11 stops). In all other months of 2016, there were fewer than 10 stops with RAS consent requests. In the second half of 2016, the smallest volume of RAS consent requests occurred in September and October, when there were only five stops with RAS consent requests, each.

For stops with canine deployments, no consistent trend appears, likely due to the small volume of stops with canine deployments. The number of stops with canine deployments fluctuates each month. Stops with canine deployments increased until the first half of 2012 but generally decreased since then. However, there were small spikes in March and August 2013 and April 2015. There were nearly twice as many stops with canine deployments in these months compared to all other months since the beginning of 2012. In the current reporting period, the largest volume of stops with official canine deployments for drug detection purposes occurred in September 2016, when there were three stops with such deployments.

The volume of stops with uses of force in the previous reporting period was historically the largest volume since OLEPS began tracking these events in 2008. This volume in the current reporting period is slightly smaller, but is the second largest volume OLEPS noted. The monthly volume of stops with uses of force reached a high of 12 stops in April 2015. Since then, these stops matched this high in November 2015 and February 2016. From January 2008 through December 2014, there was an average of less than four stops with uses of force each month. Since January 2015, the average is more than six stops per month with a use of force. In the previous period, there was an average of 7.3 stops with uses of force per month, while in the current period the average decreased slightly to 6.7 stops with uses of force per month. In December 2016, there were 10 stops with a use of force, the largest volume in the current reporting period.

Two other enforcement activities historically appear frequently in the stops selected for OLEPS review: Probable Cause consent to search requests and arrests. Figure Two also depicts these trends. The numbers do not represent the total volume of stops with Probable Cause consent requests and arrests, but rather, only those stops selected for review in which these events occurred. The total number of stops with Probable Cause consent to search requests increased dramatically following Peña-Flores, decided in February 2009. After Witt, decided in September 2015, the volume of Probable Cause consent requests decreased considerably (See Footnote 9). Identical to the previous reporting period, OLEPS reviewed only two stops with Probable Cause consent searches in motor vehicle stops in the second half of 2016. A bi-annual graph, similar to Figure One, is not presented for stops with Probable Cause 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.

As previously noted, 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 State Police developing the practice of Probable Cause consent requests. Because the decision led to a change in the type of enforcement activities State Police engaged in, OLEPS altered its sample selection to include Probable Cause consent requests, beginning in OLEPS' Second Monitoring Report, which covered January 1, 2009 to June 30, 2009. The volume of Probable Cause consent requests depicted in Figure Two for each reporting period results from the sample selected for review each reporting period. OLEPS specifically sampled stops with Probable Cause consent requests in the fourth, fifth, ninth, and tenth reporting periods. In all other reporting periods, other criteria formed the basis of stops selected for review. Compared to these previous reporting periods, the number of stops with Probable Cause consent requests (two) reviewed in the current reporting period is much smaller. The Court's decision in Witt resulted in a dramatic reduction in the volume of Probable Cause

consent requests (See Footnote 9 for further explanation). OLEPS selected a sample of stops with post-stop activity for review in this report.

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## OPS & Investigations

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An audit of the Office of Professional Standards' (OPS) investigations assesses OPS' adherence to State Police policies and procedures. In these bi-annual audits, OLEPS reviews a sample of misconduct cases and determines whether OPS handled cases in accordance with State Police's policies and procedures. Because the details of these cases represent privileged and confidential information, this report includes a summary of the audit, rather than specifics of the cases in the audit. OLEPS also publishes aggregate analyses of OPS' misconduct investigations in the Public Aggregate Misconduct Report, available at <http://www.nj.gov/oag/oleps/aggregate-misconduct.html>.

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## Training

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OLEPS assesses the performance of the Training Bureau on an annual basis. It is the Training Bureau's responsibility to ensure that all troopers, including supervisors, continue to receive quality training. 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 the 2016 calendar year in this report.

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## Management Awareness & Personnel Performance System

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For tasks relating to Management Awareness and Personnel Performance System (MAPPS), OLEPS directly accesses MAPPS to ensure functionality. At various times during the review period, OLEPS checks to ensure that MAPPS contains all information State Police is required to collect and maintain. OLEPS also examines any risk management steps State Police took based on the information contained in MAPPS.

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## Oversight and Public Information

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

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# PART III

## ASSESSMENT OF NEW JERSEY STATE POLICE

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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
- Office of Professional Standards (OPS) and Investigations
- Training
- Management Awareness and Personnel Performance System (MAPPS )
- Oversight and Public Information

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# Field Operations

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The standards in this section refer to the day-to-day operations and procedures State Police must follow. After each standard is a description of the analysis and/or research conducted to assess State Police.

## Assessment Process

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OLEPS assesses Field Operations by reviewing a sample of motor vehicle stops. This review includes an examination of all reports and documentation of each stop. When available, OLEPS reviews audio and video recordings of stops. OLEPS' staff examines the facts and circumstances of the stop to determine whether State Police conformed to its policies and procedures during motor vehicle stops. For those stops that received a State Police supervisory review, OLEPS notes instances where troopers deviate from policy and whether State Police supervisory review noted these deviations in its review. OLEPS records all information in OLEPS' Motor Vehicle Stop Assessment database. OLEPS reviews and revises this assessment, as needed, to account for developments of the law and changes to State Police policies and procedures.

## 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.*

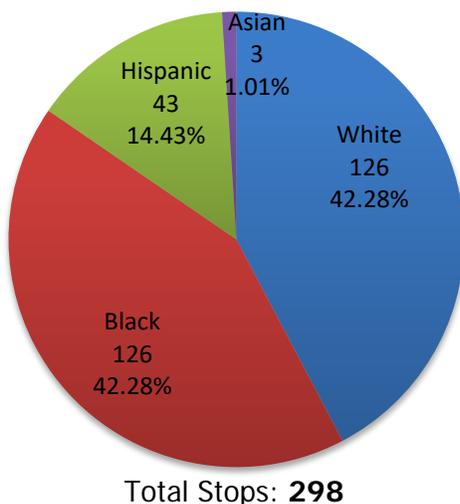
This standard will also examine the potential effect of trooper discretion on racial/ethnic differences in stops and enforcement activities.

### Racial/Ethnic Differences

#### All Motor Vehicle Stops

**Figure Three: Race/Ethnicity of Drivers**

15<sup>th</sup> OLEPS Reporting Period



All 298 of the stops reviewed for this reporting period involved some form of a post-stop interaction (e.g., a frisk, a consent to search request, canine deployment, use of force, or arrest), but not all stops contained all post-stop activities. Figure Three 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 State Police.<sup>10</sup> Rather, they reflect the racial and ethnic distribution of drivers involved in the stops selected for review.

In the stops selected for the current reporting period, there were equal proportions of White and Black drivers. There were 126 drivers in this sample identified as White (42%), 126 drivers identified as Black (42%), 43 drivers identified

Performance Standard 1

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

as Hispanic (14%), and three drivers identified as Asian (1%). The majority of trooper-citizen interactions in stops reviewed this reporting period involved White or Black drivers. The distribution in the current reporting period is slightly different from the distribution in the previous reporting period. Unlike the previous reporting period, White drivers did not make up the largest proportion of motor vehicle stops in the current reporting period. Further, there were no stops involving drivers who were American Indian or of a race/ethnicity identified as Other.<sup>11</sup> In the stops reviewed in the previous reporting period, 42% of drivers were White, 37% were Black, and 19% were Hispanic, compared to 42% who were White, 42% who were Black, and 14% who were Hispanic in the current reporting period, respectively.

OLEPS compares this distribution to the racial/ethnic distribution of all other activities to determine each racial/ethnic group's potential of over or under representation among each activity. OLEPS does not conduct an in-depth review of every stop State Police conducted. Therefore, the potential for a skewed racial/ethnic distribution remains if the racial/ethnic distribution of all stops differs from that of stops with post-stop activities (e.g., any exit, frisk, search, use of force, or arrest). The distribution in the current reporting period is not similar to the racial/ethnic distribution of all stops. However, it is similar to the distribution of stops with post-stop activity. For the same reporting period, 60% of all of State Police's stops involved White drivers, 19% involved Black drivers, and 14% involved Hispanic drivers. Compared to the distribution of stops with post-stop activity, the stops reviewed in this report are more similar. For July 1, 2016 to December 31, 2016, 41% of all stops with post-stop activity involved White drivers, 37% involved Black drivers, and 18% involved Hispanic drivers. Thus, the racial/ethnic distribution of the sample of stops reviewed for this oversight report is somewhat consistent with that of all stops with post-stop activity during the current reporting period but does indicate an overrepresentation of Black drivers.

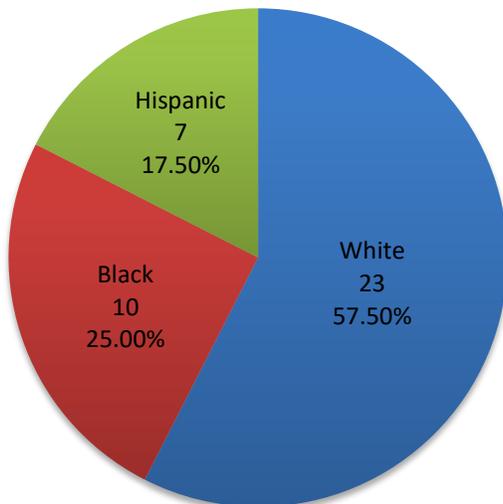
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<sup>11</sup>State Police abide by two racial/ethnic group categorizations depending on the intended recipient of data. For example, data intended for publication in the Uniform Crime Report or data utilizing these categorizations use White, Black, 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 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.

## Consent Requests

**Figure Four: Consent Requests by Race/Ethnicity of Driver**

15<sup>th</sup> OLEPS Reporting Period



Total Drivers: **40**

Figure Four depicts the number of stops reviewed where State Police requested consent to search by race/ethnicity of driver. This Figure represents all selected stops with a consent request—Probable Cause-based, RAS-based, those that a motorist granted, and those that a motorist denied. In 40 motor vehicle stops, 13% of the sample, State Police requested consent to search. In 23 stops, 58%, with a consent request, the driver was White. In 10 stops with consent requests, 25%, the driver was Black. State Police asked Hispanic drivers for consent to search in seven stops, 18%, of stops with requests. There were no stops of Asian drivers involving consent requests in the current reporting period.

The volume of consent requests in the current reporting period, 40 stops, is smaller than the volume in the previous reporting period, 48 stops, and considerably smaller than the volume of consent requests reviewed typically. This change is the result of the Supreme Court's ruling in Witt in September 2015, which reversed the previous holding in Peña-Flores. Because of this decision, law enforcement officers are permitted to search a vehicle based on the standards set forth in Witt. (See Footnote 9). The impact of this decision, discussed in OLEPS' Thirteenth and Fourteenth Oversight Reports and in detail later in this report, had the practical effect of eliminating the need for a Probable Cause consent request. As such, the overall volume of consent requests decreased. Despite this decrease, the racial/ethnic distribution of stops with consent requests remains consistent with the distribution noted in previous reporting periods.

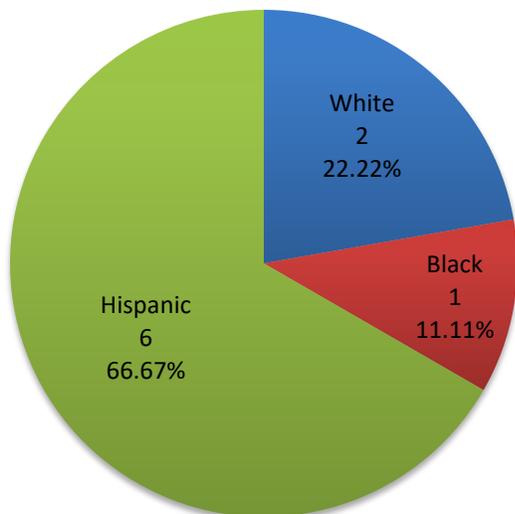
OLEPS conducted a chi-square test of independence (Appendix Three, Table One) to determine whether there were significant differences in the racial/ethnic distribution of stops with consent to search requests. This analysis yielded a chi-square ( $\chi^2$ ) value of 6.039,  $p < 0.05$  (two-tailed). Thus, the difference in the number of stops with consent to search requests asked of White, Black, or Hispanic drivers was statistically significant in the current reporting period.<sup>12</sup>

<sup>12</sup> Throughout statistics and especially in Criminal Justice research,  $p < .05$  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 5% probability that the distribution of the data happened by chance, and therefore any differences across groups seen in the distribution are considered statistically significant. Researchers often reference a less strict standard in relation to significance, that is,  $p < .10$ . In terms of statistical significance,  $p$ -values greater than .05 but less than .10 are discussed as approaching, but ultimately, failing to meet statistical significance.

## Canine Deployments

**Figure Five: Canine Deployments by Race/Ethnicity of Driver**

15<sup>th</sup> OLEPS Reporting Period



Total Deployments: **9**

In the current reporting period, State Police conducted nine stops involving canine deployments for drug detection purposes. The volume of stops with canine deployments reviewed in this reporting period is an eight-stop decrease from the previous reporting period. Figure Five depicts the number and percentage of stops with canine deployments by race/ethnicity of the driver. The largest portion of motor vehicle stops with canine deployments involved Hispanic drivers. In total, six deployments (67%) occurred in motor vehicle stops with Hispanic drivers. Two canine deployments (22%) occurred in stops with a White driver, and one canine deployment (11%) occurred in a stop with a Black driver. Asian drivers were not involved in any stops with a drug detecting canine deployment.

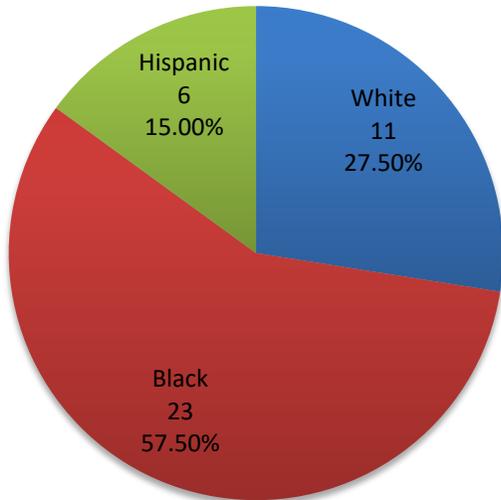
The racial/ethnic distribution of stops with a canine deployment is not consistent with the pattern noted in the previous reporting period. Due to the low volume of stops with a canine deployment, the distribution is highly susceptible to change. The addition of even one stop with a canine deployment for any racial/ethnic group could change the distribution considerably. The volume of stops with a canine deployment increased for Hispanic drivers, yet decreased for both White and Black drivers. There was a two-stop increase for Hispanic drivers, a four-stop decrease for White drivers, and a six-stop decrease for Black drivers. Given these relatively minor changes in the context of an overall low-volume post-stop activity, the racial/ethnic distribution of stops with canine deployments is notably different from the previous reporting period. In the previous reporting period, 41% of stops with a canine deployment involved Black drivers, 35% involved White drivers, and 24% involved Hispanic drivers. Performance Standard 3 further discusses the volume of stops with canine deployments.

OLEPS performed a chi-square test of independence (Appendix Three, Table Two) to determine whether there were statistically significant differences in the racial/ethnic distribution of stops with canine deployments. Due to the extremely low volume of stops with canine deployments, the analysis resulted in low expected frequencies, rendering results invalid. OLEPS cannot make a statement regarding whether there were significant differences in the volume of stops with canine deployments across racial/ethnic groups.

*Uses of Force*

**Figure Six: Uses of Force by Race/Ethnicity of Driver**

15<sup>th</sup> OLEPS Reporting Period



Total Uses of Force: **40**

Figure Six presents the racial/ethnic distribution of stops with a use of force in the second half of 2016. In total, 40 stops involved a use of force, four stops less than the historic high noted in the first half of 2016. Of the stops with a use of force in the current reporting period, 23 (58%) involved Black drivers, 11 (28%) involved White drivers, and six (15%) involved Hispanic drivers. Unlike the previous reporting period, the largest proportion of stops with force involved Black drivers, which was 12 stops more than the volume of stops with force involving White drivers in the current reporting period. In the first half of 2016 (the previous reporting period), the largest proportion of these stops involved White drivers, and there was a one-stop difference between the volumes of stops with force involving White and Black drivers. As previously indicated, OLEPS reviews all stops with uses of force. Thus, any disproportionality revealed is not attributable to sample selection.

Since only a small number of stops involve a use of force in a given reporting period, the potential for skewness in the distribution exists. However, as noted previously, the volume of stops with a use of force in the current reporting period is the second largest since OLEPS first began reporting. Compared to the previous reporting period, there were six more stops with a use of force involving Black drivers, seven fewer stops with a use of force involving White drivers, and three fewer stops with a use of force involving Hispanic drivers in this period.

A chi-square test of independence indicates a  $\chi^2$  value of 4.882,  $p=0.087$ ; thus it cannot be said that the number of stops involving force for any racial/ethnic group is significantly different from other drivers. However, this difference approaches statistical significance. The analysis compared the volume of stops with uses of force involving White, Black, and Hispanic drivers, as the use of each racial/ethnic category separately rendered the results invalid.

For several reporting periods, OLEPS noted increases in the number of stops with a use of force. The number of stops involving force in this reporting period is the second largest OLEPS noted since 2008. OLEPS is cognizant that the number of stops with post-stop activity may fluctuate as the number of overall motor vehicle stops changes. However, this explanation does not seem likely in this instance. Performance Standard 4 discusses the larger volumes of stops with uses of force noted since the second half of 2014. As in previous reports, OLEPS recommends continued examination of the racial/ethnic distribution of uses of force, as this distribution changes each reporting period.

## Arrests

**Figure Seven: Arrests by Race/Ethnicity of Driver**

15<sup>th</sup> OLEPS Reporting Period

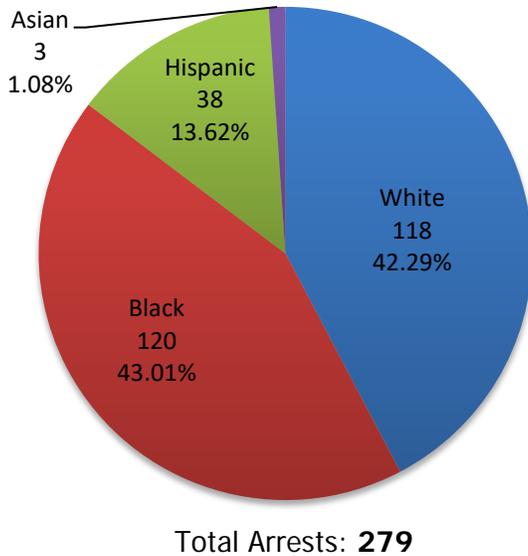


Figure Seven depicts the racial/ethnic distribution of motor vehicle stops with an arrest. As previously indicated, OLEPS selected the secondary sample for the current reporting period based on whether any post-stop activity occurred in the motor vehicle stop. The majority of stops, 279 stops, 94%, involved an arrest.<sup>13</sup> The number and proportion of stops with arrests is highly similar to the previous reporting period, where an arrest occurred in 278 stops, 96% of the sample. Since an arrest occurred in the majority of stops, the racial/ethnic distribution of stops with an arrest is similar to the overall distribution of stops. Black drivers were involved in the largest proportion of stops with arrests, 43% (120 stops). One hundred-eighteen stops with arrests (42%) involved White drivers. Thirty-eight stops with arrests (14%) involved Hispanic drivers, and three stops (1%) involved Asian drivers.

While 94% of all stops resulted in an arrest, this proportion was generally consistent across racial/ethnic groups. For White drivers, 94% of stops resulted in an arrest; for Black drivers, 95% of stops resulted in an arrest; for Asian drivers, 100% of stops resulted in an arrest; and for Hispanic drivers, 88% of stops resulted in an arrest. Thus, the likelihood of an arrest is highest for Asian drivers, likely due to the very small number of stops of drivers of this racial/ethnic group.

OLEPS conducted a chi-square test of independence 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 and yielded a  $\chi^2$  value of 0.000, which is not significant.

The discretion section of this standard explores this racial/ethnic distribution to determine whether the circumstances surrounding the arrest (discretionary versus non-discretionary) vary across racial/ethnic groups.

## 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. The basis of discretion is, at least in part, a combination of the facts of a situation (*i.e.*, what facts and circumstances make a transgression more egregious or less egregious) and trooper experiences (*i.e.*, what transgressions they have previously found to be indicators of more substantial problems or issues).

Historically, OLEPS examined how discretion affects the racial/ethnic distribution of motor vehicle stops. This section presents a discussion of racial/ethnic differences in the most common stop reasons.

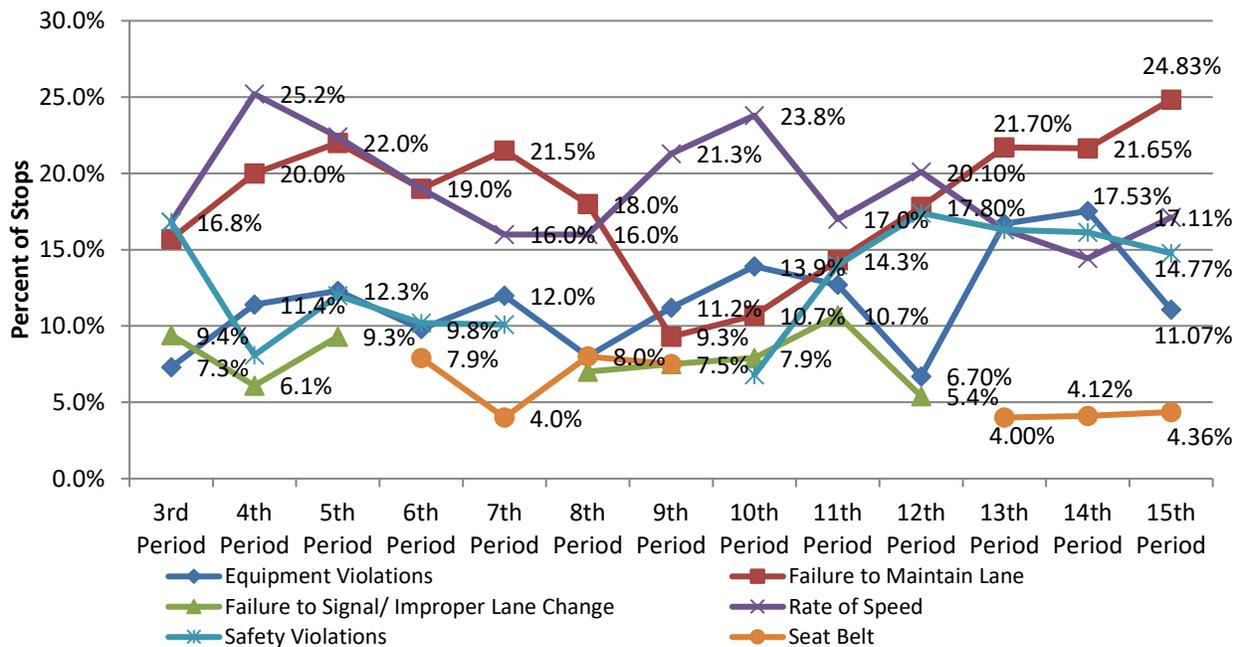
<sup>13</sup> This proportion includes stops where an individual was unarrested and released from the scene.

The primary trooper records the reason for a motor vehicle stop. These reasons are numerous and, as such, OLEPS categorized them to facilitate analysis. OLEPS classified any mention of "Speeding" 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, not how the driver is operating the vehicle. These include non-functioning lights (head or brake), cracked or broken glass, inappropriate window tint, failure to make repairs, or other issues with the vehicle. "Safety Violations" is another catchall category. It is comprised of violations with potential impact on the safety of that individual motorist or other motorists and includes a violation of road laws such as disobeying 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.

Figure Eight presents the five most common reasons for motor vehicle stops in the current and past twelve reporting periods. The most common reasons rarely change dramatically. The most common reasons are some combination of rate 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. Generally, the top five reasons for motor vehicle stops account for over half of all the stops. In the current reporting period these reasons account for 72% of stops examined.

**Figure Eight: Top Reasons for Trooper Initiated Motor Vehicle Stops**

3<sup>rd</sup>- 15<sup>th</sup> Reporting Periods<sup>14</sup>



Like the previous reporting period, failure to maintain lane is the most commonly cited reason for a motor vehicle stop. Rate of speed, safety violations, equipment violations, and seat belt violations were among

<sup>14</sup> If a data point does not appear for a particular reporting period, it indicates that that particular stop reason was not among the most common for that reporting period.

the top reasons for motor vehicle stops. Like the previous reporting period, violations for improper lane change were not a top reason in this reporting period.<sup>15</sup>

Generally, Motorist Aids/Motorist Accidents are a common occurrence, more than seat belt violations in the current reporting period. In the current reporting period, 28 stops, 9.4%, began as Motorist Aids/Accidents. These instances do not represent a trooper’s decision to stop a vehicle, and as such, are not included in the Figure. Instead, aids and accidents represent a trooper’s public service requirement to assist motorists.

*All Motor Vehicle Stops*

Table Three depicts the most common stop reasons by driver race/ethnicity for the current reporting period.<sup>16</sup> Like the previous reporting period, Black drivers were the largest proportion of stops for rate of speed and equipment violations. Unlike the previous reporting period, Black drivers were also the largest proportion of stops for failure to maintain lane and seat belt violations. Similar to previous reporting periods, White drivers were the majority of stops for safety violations. Failure to maintain lane was the most frequently cited stop reason for all racial/ethnic groups in the current reporting period. This is understandable, as troopers cited this reason in 25% of all motor vehicle stops in the current sample.

**Table Three: Most Common Stop Reasons by Race/Ethnicity of Driver**  
 15<sup>th</sup> OLEPS Reporting Period

	<b>White</b> (% of Total)	<b>Black</b> (% of Total)	<b>Hispanic</b> (% of Total)	<b>Asian</b> (% of Total)
<b>Failure to Maintain Lane</b>	25 30.12%	33 34.38%	14 42.42%	2 66.67%
<b>Rate of Speed</b>	21 25.30%	23 23.96%	6 18.18%	1 33.33%
<b>Safety Violations</b>	20 24.10%	17 17.71%	7 21.21%	0 0.00%
<b>Equipment Violations</b>	14 16.87%	16 16.67%	3 9.09%	0 0.00%
<b>Seat Belt Violations</b>	3 3.61%	7 7.29%	3 9.09%	0 0.00%
<b>Total</b>	<b>83</b>	<b>96</b>	<b>33</b>	<b>3</b>

OLEPS conducted chi-square test of independence to determine whether any significant differences exist in the racial/ethnic distribution of the most common stop reasons. The analysis tested for significant differences in the top five stop reasons for White and non-White drivers. The use of each racial/ethnic group individually (i.e., White, Black, Hispanic, and Asian) rendered the results invalid. This analysis

<sup>15</sup> In the thirteenth reporting period, OLEPS revised its stop assessment form. Historically, OLEPS chose from a series of pre-populated violation names. Beginning in the thirteenth reporting period, OLEPS entered the specific statute recorded by the trooper. This mirrors the specific statute documented by State Police. It is possible that this change impacted the frequency of stop reasons reported in Figure Eight.

<sup>16</sup> The top five reasons for stops were cited in 215 of 298 motor vehicle stops. Table Three only presents the stops where the most common reasons were cited, not all stops. For example, the total listed for White drivers is 83, 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 126 stops).

yielded a  $\chi^2$  value of 3.265, which was not significant. Thus, there is not a statistically significant difference in these top five stop reasons between White and non-White drivers.

### *Consent Search Requests*

OLEPS also examined discretion in post-stop activities. RAS is a legal standard that is less than Probable Cause but more than an unparticularized suspicion or a hunch. It must be based on “specific and articulable facts,” taken together with rational inference from those facts (See *Terry v. Ohio*, 392 U.S. 1 (1968)). Since post-stop enforcements arise out of the circumstances and facts that occur after stopping a vehicle, it is inappropriate to examine how discretion in the reason for a stop relates to a post-stop enforcement. Instead, OLEPS explores differences among the Probable Cause and RAS legal standards for consent requests and canine deployments.

Table Four presents the racial/ethnic distribution of types of consent to search requests in motor vehicle stops—RAS or Probable Cause.<sup>17</sup> The table presents the number of drivers of each race/ethnicity that received the outcome of interest based on the legal standard 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, Probable Cause, has a value of two, larger scores indicate the use of less discretion. RAS consents/deployments have a value of one. A mean closer to one indicates that, on average, enforcements result from a more discretionary standard for that racial/ethnic group. Together the mean and chi-square values, which shows whether the differences are due to chance, can identify the existence and direction of potential bias.

**Table Four: Consent Requests by Race/Ethnicity of Driver and Legal Standard**  
 15<sup>th</sup> OLEPS Reporting Period

<b>Race/Ethnicity</b>	<b>Reasonable Articulable Suspicion (1)</b>	<b>Probable Cause (2)</b>	<b>Mean</b>
<b>White</b>	22	1	1.04
<b>Black</b>	10	0	1.00
<b>Hispanic</b>	6	1	1.14
<b>Asian</b>	0	0	-
<b>Total</b>	<b>38</b>	<b>2</b>	<b>1.05</b>

The majority of stops with consent requests reviewed in the current sample were based on RAS, as seen in Table Four. Thirty-eight stops involved an RAS consent request, while only two stops contained a Probable Cause consent request. Accordingly, because there were so many RAS consent requests, the majority of consent requests for each race/ethnicity are RAS-based.

<sup>17</sup> In the thirteenth reporting period, the Supreme Court in *Witt* overturned its prior holding in *Peña-Flores*. *Witt* reverted the legal standard governing vehicle searches back to the standard set forth in *Alston* (See Footnote 9). As a result, consent is no longer required to search a vehicle when Probable Cause is established. Troopers may search the vehicle based on the automobile exception. Accordingly, the volume of Probable Cause based consent searches declined considerably within the current reporting period.

OLEPS conducted a chi-square test of independence to determine whether there were any significant differences in the racial/ethnic distribution of the legal standards used in consent requests. Due to the extremely low volume of stops with a Probable Cause consent request, the chi-square test of independence resulted in low expected frequencies, rendering results invalid. OLEPS cannot make a statement regarding whether the differences in the reason for consent requests across racial/ethnic groups were significant.

The mean values in Table Four can be used to determine the direction of consent requests, either Probable Cause or RAS. For White drivers, the mean value is 1.04, closer to the value of one, indicating RAS, than it is to the value for Probable Cause. This means that White drivers received consent requests based on RAS more often than they are for Probable Cause in the current reporting period. For Black drivers, the mean value was 1.00. Black drivers were only involved in stops with consent requests based on RAS in the current reporting period. The mean for Hispanic drivers was 1.14, which was higher than the mean for White and Black drivers, but again closer to RAS than Probable Cause. All drivers in the current reporting period were involved in a higher proportion of stops with RAS than Probable Cause, likely due to the changes resulting from the Supreme Court's decision in Witt. Overall, as indicated by the individual group means and the overall mean, the direction of the distribution was toward RAS rather than Probable Cause consent requests. The majority of consent requests in the sample were based on RAS.

### *Variation among RAS Consent Requests*

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During stop reviews, OLEPS notes the specific RAS factors a trooper articulated to develop RAS. OLEPS then examines these factors across racial/ethnic groups.

In the current reporting period, there were 38 stops with an RAS consent request. The number of RAS factors cited in each consent request varied from one to eight. On average, the 38 stops with an RAS consent request utilized four RAS factors. Table Five depicts the frequency of each RAS factor cited in the current reporting period by race/ethnicity of driver.

The most frequently cited reason was criminal history, cited in 28 RAS consent requests. Nervousness, conflicting statements, itinerary, admission, and any other factor the trooper notes ("other") were the remaining reasons in the top six RAS factors. Across racial/ethnic groups, the distributions of reasons were fairly consistent. White drivers were involved in the largest number of stops with RAS consent requests in this reporting period. Accordingly, OLEPS expected that White drivers would be the largest proportion of each RAS factor. This is accurate for all reasons except "other," sweating, no ID/registration, crime neighborhood, BOLO, air fresheners, threatening gestures, anonymous tip, artifacts of gang membership, odor of raw marijuana, and odor of narcotics. Though Black and Hispanic drivers were involved in a larger proportion of these reasons (or the same as White drivers), these reasons were relatively rare in the current reporting period, cited in 10 or fewer RAS consent requests. Criminal history was the most frequently cited reason for White and Black drivers. For Hispanic drivers, criminal history, nervousness, conflicting statements, and itinerary were the most frequently cited reasons.

Performance Standard 8 used this distribution of RAS factors to examine whether stops involving certain reasons were lengthier than stops with other reasons to identify whether evidence exists that troopers unnecessarily lengthened stops to bolster RAS.

**Table Five: Reason for RAS Consent Requests by Race/Ethnicity of Driver**  
 15<sup>th</sup> OLEPS Reporting Period

<b>Race/Ethnicity</b>	<b>White</b>	<b>Black</b>	<b>Hispanic</b>	<b>Asian</b>	<b>Total</b>
<b>Criminal History</b>	16	8	4	0	28
<b>Nervousness</b>	15	5	4	0	24
<b>Conflicting Statements</b>	14	5	4	0	23
<b>Itinerary</b>	14	2	4	0	20
<b>Other</b>	4	6	0	0	10
<b>Admission</b>	7	1	1	0	9
<b>Evasiveness</b>	6	1	2	0	9
<b>Failure to Make Contact</b>	4	2	2	0	8
<b>Sweating</b>	2	3	2	0	7
<b>Paraphernalia</b>	6	0	0	0	6
<b>Plain View</b>	4	1	1	0	6
<b>Furtive Movements</b>	3	2	0	0	5
<b>No ID/Registration</b>	0	2	1	0	3
<b>Crime Neighborhood</b>	1	1	1	0	3
<b>BOLO</b>	1	0	2	0	3
<b>Air Fresheners</b>	0	1	1	0	2
<b>Threatening Gestures</b>	0	1	0	0	1
<b>Anonymous Tip</b>	0	1	0	0	1
<b>Gang</b>	0	1	0	0	1
<b>Odor Raw</b>	0	1	0	0	1
<b>Odor of Narcotics</b>	0	1	0	0	1
<b>Pursuit</b>	0	0	0	0	0
<b>Odor of Burnt Marijuana</b>	0	0	0	0	0
<b>Modification</b>	0	0	0	0	0
<b>Passing Objects</b>	0	0	0	0	0
<b>Boost</b>	0	0	0	0	0
<b>Total</b>	<b>97</b>	<b>45</b>	<b>29</b>	<b>0</b>	<b>171</b>

*Canine Deployments*

OLEPS also examined the racial/ethnic variation among the legal standard used to deploy canines in motor vehicle stops. Table Six reveals that the majority of the nine stops with drug detecting canine deployments resulted from RAS rather than Probable Cause. Given the Court's decision in Witt on Probable Cause searches, OLEPS expected this distribution. Hispanic drivers were involved in the largest volume of stops with canine deployments in the current reporting period, six stops. For Hispanic drivers, four canine deployments resulted from RAS and two resulted from Probable Cause.

OLEPS could not conduct a chi-square test of independence 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 resulted from RAS rather than Probable Cause, but the statistical significance of the racial/ethnic distribution of these legal standards cannot be evaluated.

**Table Six: Canine Deployments by Race/Ethnicity of Driver and Legal Standard**  
 15<sup>th</sup> OLEPS Reporting Period

Race/Ethnicity	Reasonable	Probable Cause	Mean
	Articulate Suspicion (1)	(2)	
<b>White</b>	2	0	<b>1.00</b>
<b>Black</b>	1	0	-
<b>Hispanic</b>	4	2	<b>1.33</b>
<b>Total</b>	<b>7</b>	<b>2</b>	<b>1.22</b>

OLEPS used the mean to determine the direction (RAS versus Probable Cause) of deployments for each racial/ethnic group. Means of one would indicate RAS and means of two would indicate Probable Cause. Overall, there were more RAS than Probable Cause canine deployments in the current reporting period. The mean for White drivers, 1.00, indicated RAS rather than Probable Cause. The mean for all Hispanic drivers, 1.33, was closer to RAS rather than Probable Cause. Black drivers were involved in only one stop with a canine deployment, which resulted from RAS in the current reporting period, thus a mean for this racial/ethnic group could not be calculated. Though there were observable differences in the racial/ethnic distribution of canine deployments by legal standard, OLEPS cannot state that these differences were statistically significant given the low volume of these activities in general and per racial/ethnic group.

*Arrests*

There are instances where troopers have little discretion to arrest. For example, troopers must arrest when motorists have outstanding warrants. Other incidents rooted in Probable Cause, such as a plain view observance of contraband, involve more discretion than a warrant, but still limit the use of trooper discretion. The racial/ethnic distribution of arrests across these limited reasons appears in this section. In the current reporting period, arrests occurred in 279 motor vehicle stops. Table Seven presents the racial/ethnic distribution of stops with arrests and reasons for arrests.

The majority of stops with arrests resulted from Probable Cause alone (without a warrant). Specifically, 154 stops had an arrest listed as resulting from Probable Cause. Eighty-two arrests were warrant-based and 40 resulted from a combination of Probable Cause and warrants. In instances where Probable Cause dissipates, an individual may be “unarrested.” In this reporting period, State Police unarrested an individual in 28 motor vehicle stops. Overall, these data suggest that in the second half of 2016, arrests in sampled stops more frequently resulted from Probable Cause, not warrants. Further, individuals arrested on Probable Cause were more likely to have charges filed.

Of the arrests made in stops with White drivers, 27 (22.88%) were warrant-based, 77 (65.25%) were Probable Cause-based, and 14 (11.86%) were based on both warrant(s) and Probable Cause. As noted in the previous reporting period, the majority of arrests in stops with White drivers were Probable Cause-based. However, this proportion was larger in the current reporting period compared to the previous reporting period (56.03%).

**Table Seven: Reason for Arrest by Race/Ethnicity of Driver<sup>18</sup>**  
 15<sup>th</sup> OLEPS Reporting Period

Race/Ethnicity	Stops with Arrests	Warrant Arrests	Probable Cause Arrests	Warrant & Probable Cause
		(% of arrests)	(% of arrests)	(% of arrests)
<b>White</b>	118	27 22.88%	77 65.25%	14 11.86%
<b>Black</b>	120	46 38.33%	51 42.50%	21 17.50%
<b>Hispanic</b>	38	8 21.05%	25 65.79%	4 10.53%
<b>Asian</b>	3	1 33.33%	1 33.33%	1 33.33%
<b>Total</b>	<b>279</b>	<b>82</b>	<b>154</b>	<b>40</b>

Of the arrests made in stops with Black drivers, more arrests resulted from Probable Cause than warrants alone or warrants and Probable Cause. During this reporting period, an arrest resulting from an outstanding warrant occurred in 46 (38.33%) stops with a Black driver, and an arrest resulting from Probable Cause occurred in 51 stops (42.50%) with a Black driver. There were 21 stops (17.50%) of Black drivers involving arrests based on a combination of warrants and Probable Cause. While Probable Cause arrests were still the most frequent type of arrest for Black drivers, the largest proportion of arrests based on warrants occurred in stops with Black drivers in the current reporting period. Further, the difference between the number of stops with warrant arrest(s) and those with Probable Cause arrest(s) was five stops for Black drivers. For White drivers, this difference was considerably larger, 50 stops with arrests.

The pattern noted for Hispanic drivers was similar to that of White drivers. Overall, eight stops (21.05%) of Hispanic drivers involved arrests resulting from warrants alone, 25 (65.79%) resulted from Probable Cause alone, and four (10.53%) resulted from 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 Probable Cause-based.

Asian drivers were involved in three stops with arrests in the current reporting period. All stops of Asian drivers reviewed in the current reporting period resulted in arrests. There was one stop of an Asian driver with an arrest resulting from a warrant alone, one from Probable Cause alone, and one from a combination of a warrant and Probable Cause in the current reporting period.

In incidents where a search resulted in no evidence to support a charge, Probable Cause dissipated, and the vehicle occupants were unarrested and 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. There were 28 stops where an individual was unarrested during a motor vehicle stop in the current reporting

<sup>18</sup> There were three cases in the current reporting period in which the reason for the arrest was indicated as “unknown;” these three cases involved two stops of Black drivers and one stop of a Hispanic driver. Thus, there are a total of 276 stops represented across the categories of warrant, Probable Cause, and warrant and Probable Cause arrests.

period. This number was larger than the 18 stops with an unarrest reported in the previous reporting period. The volume of stops with an unarrest has historically been low.

Further examination of Probable Cause arrests indicates whether the potential for disparity exists. There were 40 arrests made on the basis of Probable Cause and at least one outstanding warrant, smaller than the number in the previous reporting period (45). 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 Probable Cause and a warrant, 14 drivers were White, 21 were Black, four were Hispanic, and one was Asian. This pattern was not consistent with the previous reporting period, in which White drivers made up the largest proportion of arrests based on a combination of warrants and Probable Cause.

The number of stops with warrant-only arrests made during the current reporting period was also larger than the proportion noted in the previous reporting period. The proportion of stops with warrant-only arrests in the current reporting period was 29.39% of all arrests, compared to 27.34% of all stops with arrests in the previous reporting period. In total, nearly 55% of arrests resulted from Probable Cause alone, while 44% resulted from an outstanding warrant (either alone or in conjunction with Probable Cause).

OLEPS conducted a chi-square test of independence to determine if the racial/ethnic differences in reasons for arrests were statistically different. This analysis revealed significant differences among White, Black, and Hispanic drivers and the reason for arrest ( $\chi^2=14.03$ ,  $p=0.007$ ).

### *Additional Analyses: Time of Day*

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

**Table Eight: Racial/Ethnic Distribution of Day & Night Stops**  
15<sup>th</sup> OLEPS Reporting Period

<b>Race/Ethnicity</b>	<b>Day</b>	<b>Night</b>	<b>Total</b>
<b>White</b>	59	67	<b>126</b>
<b>Black</b>	52	74	<b>126</b>
<b>Hispanic</b>	15	28	<b>43</b>
<b>Asian</b>	2	1	<b>3</b>
<b>Total</b>	<b>128</b>	<b>170</b>	<b>298</b>

Table Eight indicates that, like the previous reporting period, there were more motor vehicle stops made at night<sup>19</sup> (170) than during the day (128). There were more stops during the night for White, Black, and Hispanic drivers and more during the day for Asian drivers. The largest difference between the numbers of day and night stops was for Black drivers; there were 22 more stops during the nighttime than daytime for this racial/ethnic group.

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<sup>19</sup> 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 is listed as occurring at night.

OLEPS used a chi-square test of independence to determine whether these observed racial/ethnic differences were significant. The analysis included White, Black, and Hispanic drivers only, as the inclusion of Asian drivers rendered results invalid. The test revealed a  $\chi^2$  value of 2.055 and was not significant. Though there are more stops made at night than during the day, this difference across racial/ethnic groups was not statistically significant.

## Summary of Standard 1

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As noted in State Police policies and procedures, troopers are prohibited from using an individual's race/ethnicity in decisions except in the specific circumstances of a BOLO. Overall, OLEPS' analyses did not reveal State Police used race/ethnicity in this manner.

In the current reporting period, analyses revealed statistically significant distributions for the racial/ethnic distributions of stops with consent to search requests and reasons for arrests. The racial/ethnic distribution in stops with uses of force failed to meet, but approached, statistical significance in the current reporting period. Unlike previous reporting periods, there were equal proportions of White and Black drivers in all stops reviewed in the current reporting period. White drivers were involved in the largest proportion of stops with consent requests, Black drivers were involved in the largest proportion of stops with uses of force and arrests, and Hispanic drivers were involved in the largest proportion of stops with canine deployments. Further, minority drivers remain overrepresented among the stops selected for review in this report. Stops with consent requests typically resulted from RAS rather than Probable Cause, and in this reporting period, canine deployments more frequently resulted from RAS than Probable Cause. The reasons for stops were consistent across racial/ethnic groups. Failure to maintain lane was the most frequently cited reason for all racial/ethnic groups in the current reporting period. OLEPS noted that a larger proportion of stops of White, Black, and Hispanic drivers occur at night, while more stops of Asian drivers occur during the day than at night. As in all oversight reports, OLEPS examined the appropriateness of all actions taken during motor vehicle stops reviewed.

OLEPS typically compares the racial/ethnic distribution of each enforcement activity with the overall racial/ethnic distribution for all stops reviewed. Generally, this benchmark represents the best currently available. However, if the racial/ethnic distribution of all stops reviewed is skewed, it would be an inappropriate benchmark, and could mask bias in enforcement activities. Because the same proportion of stops reviewed in the current reporting period involve Black and White drivers, this distribution appears skewed, and as such, OLEPS does not use it as a benchmark for comparison. Though Black drivers have a larger likelihood of involvement in stops with post-stop activity, the volume of these stops in the Division as a whole is not identical to the sample selected for review. Because of this, OLEPS continues to recommend the development of a more precise internal or external benchmark to compare these enforcement activities.

## Performance Standard 2: Consent Search Requests

### Standard

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
- There must be audio and visual (A/V) recording of request for approval, supervisors response, request to citizen, citizen's response, signing of form, and actual search
- Consent form must be completed properly

### Assessment

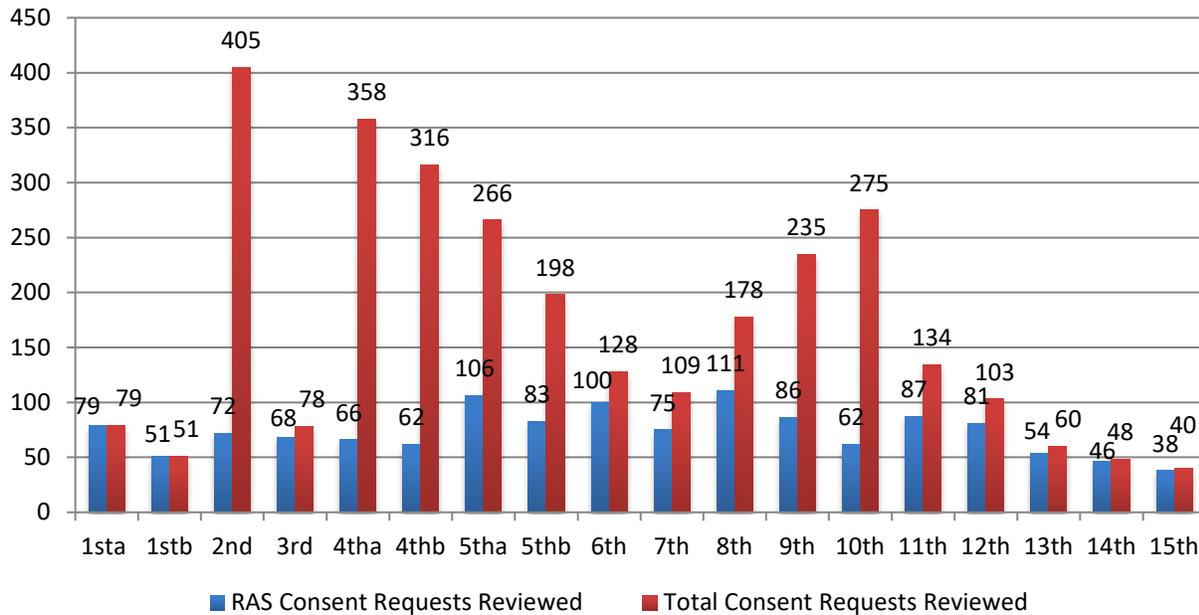
In the current reporting period, OLEPS reviewed 40 motor vehicle stops where a consent to search request (either RAS or Probable Cause) was made of a motorist. The motorist may grant or deny the request to search. In the stops reviewed in the current reporting period, motorists granted the majority of all consent requests, 30 consent requests, and denied 10 consent to search requests.

In this reporting period, OLEPS reviewed all stops with RAS consent requests and a random sample of stops with post-stop activity. Unlike past reporting periods, OLEPS did not intentionally select a sample of stops with Probable Cause consent requests in the current reporting period. Following the Supreme Court's decision in Witt, the volume of stops with Probable Cause consent to search requests decreased dramatically. As a result, the majority of stops selected with consent requests, 38, resulted from RAS, one resulted from Probable Cause alone, and one resulted from both RAS and Probable Cause.

Figure Nine depicts the number of stops with RAS consent requests in each reporting period. The number of stops with RAS consent requests peaked in the eighth reporting period. In subsequent reporting periods, stops with RAS consent requests decreased to 62 in the tenth reporting period. The volume of stops with RAS consent requests increased to 87 stops in the eleventh reporting period, and decreased since. The number of stops with RAS consent requests in the current reporting period, 38, is the lowest volume of all reporting periods depicted here.

The total consent requests column only became relevant in 2009 (second reporting period), as a result of the Supreme Court decision in Peña-Flores in February 2009. This ruling led to State Police's increased reliance on Probable Cause consent requests, dramatically increasing the volume of stops with consent requests. However, since the Court's decision in Witt in September 2015 (thirteenth reporting period), the volume of all consent requests, but especially Probable Cause consent requests, decreased considerably. There were only two stops with Probable Cause requests reviewed in the current reporting period.

**Figure Nine: Stops with Consent Requests Reviewed**  
 January 2008- December 2016



*RAS & Probable Cause*

As previously indicated, 38 stops with consent to search requests resulted from RAS, one resulted from Probable Cause alone, and one resulted from both RAS and Probable Cause.

**Table Nine: Errors on Legal Standard of Consent Requests**  
 15<sup>th</sup> OLEPS Reporting Period

	All Consent Requests	RAS Consents Requests	Probable Cause Consent Requests
<b>Met Legal Standard</b>	38	36	2
<b>Unknown</b>	0	0	0
<b>Did not meet Legal Standard</b>	2	2	0
<b>Errors Caught</b>	1	1	0
<b>Interventions</b>	1	1	0
<b>Errors Not Caught</b>	1	1	0
<b>Errors Non-Reviewed</b>	0	0	0

Generally, the facts and circumstances surrounding the consent request met the respective standards for consent in the current reporting period. Table Nine depicts the errors pertaining to each legal standard. In two stops, the facts and circumstances surrounding the RAS consent request failed to meet the appropriate legal standard to request consent. State Police caught one of these errors and issued an intervention. State Police did not catch the other error, despite reviewing the stop.

For the past few reporting periods, the number of stops where a legal standard was not met has been low, evidence of State Police’s continued supervision and review of motor vehicle stops. Likely due to the smaller overall volume of consent requests, the volume of incidents in which the trooper failed to meet

the legal standards was less than in previous reporting periods. OLEPS commends State Police in its vigilance on consent request legal standards and encourages this going forward.

Though there were two stops with consent requests where the legal standard was not met, OLEPS noted three additional instances where the trooper’s language, wording, inaccurate descriptions of the RAS consent process, and repeated requests may have pressured the driver for consent to search the vehicle. State Police reviewed all of these stops, caught all three errors, and issued interventions in two of these instances. State Police noted that such repeated questioning, language, and wording could compromise the voluntary nature of the individual’s granting of consent to search in all of these stops.

*Consent Forms*

State Police must complete a consent to search form for all requests for consent to search. This form provides documentation of the consent request and accompanying search including the location(s) searched (vehicle or personal belonging), 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 troopers complete these forms properly.

**Table Ten: Consent Form Errors**  
 15<sup>th</sup> OLEPS Reporting Period

	Consents Requests	RAS	Probable Cause
<b>Form Correct</b>	21	20	1
<b>Form Missing</b>	2	2	0
<b>Not Correct</b>	17	16	1
<b>Errors Caught</b>	17	17	0
<b>Interventions</b>	7	7	0
<b>Errors Not Caught</b>	2	1	1
<b>Errors Non-Reviewed</b>	0	0	0

Of the 40 stops with consent to search requests, OLEPS confirmed a correct consent form in 21 stops. In two stops with a consent to search request, OLEPS noted the consent to search form was missing. In 17 stops, the consent form contained errors. Of the 19 stops with form errors (not correct or missing), State Police supervisory review caught 17 errors, but only issued an intervention for seven of these instances. Historically, form errors most often relate to blank fields on the form resulting in an incomplete record of the consent request and/or accompanying search. For example, many forms lack a mark indicating whether the motorist granted or denied consent, lack requisite signatures, or lack complete responses to all fields.

In previous reporting periods, OLEPS noted a specific issue regarding the proper completion of consent forms that impacted OLEPS’ ability to locate forms. Consent forms require a trooper to write the CAD incident number on the form. OLEPS noted that consent to search forms were initially unable to be located. Once State Police provided the forms, OLEPS noted the missing CAD incident numbers. Accordingly, due to the missing CAD incident number, State Police could not appropriately file the forms within RMS and scan it into the records of the stop. In recent reporting periods, the volume of missing consent to search forms remained low. There were only two missing forms in the current reporting period. The lower volume of missing forms may be attributable to State Police’s continued improvement

in record keeping. OLEPS continues to recommend that State Police appropriately file, record, and store all paperwork.

In 53% of all stops with consent requests, State Police completed consent to search forms without error. State Police caught consent to search form errors in all but two stops, which is 90% of all stops with consent request errors. OLEPS commends 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 State Police stress the importance of appropriately filing consent forms and proper documentation of consent form errors via an intervention.

*Rights*

Consent to search forms must be read in their entirety to the individual whose vehicle, items, or person is being searched so that he/she clearly understands his/her rights. Such rights are the right to refuse the search and the right to be present during the search. In five 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. State Police caught all five errors but issued interventions in only three of these instances. OLEPS could not determine whether the trooper read the consent form in its entirety in an additional two stops due to language barriers and recording issues in these stops.

**Table Eleven: Reading Consent Form Errors**  
 15<sup>th</sup> OLEPS Reporting Period

	<b>Consents Requests</b>	<b>RAS</b>	<b>Probable Cause</b>
<b>Read Correctly</b>	33	32	1
<b>Unknown if Read</b>	2	1	1
<b>Not Read Correctly</b>	5	5	0
<b>Errors Caught</b>	5	5	0
<b>Interventions</b>	3	3	0
<b>Errors Not Caught</b>	0	0	0
<b>Errors Non-Reviewed</b>	0	0	0

The volume of errors pertaining to the right to refuse is small. The historical 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. State Police informed OLEPS 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 because the trooper did not wish to give motorists the option of leaving. However, since the revision 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 overall.

OLEPS recommends that troopers continue appropriate citizen notification of their rights during consent to search requests. Since these rights are clearly written on the consent to search form, reading the form in its entirety results in the notification of these rights to the citizen.

*Accountability & Safety*

Troopers must meet several requirements during a consent search request. These requirements protect both the troopers and the individuals involved in the search. For example, a supervisor (not involved in the stop) must provide permission for a trooper to request consent of the motorist. This ensures that the

trooper’s request for consent to search results from articulable facts and circumstances that meet the appropriate standards of RAS or Probable Cause. In two stops with a consent request in the current reporting period, the trooper failed to properly notify the supervisor of the facts and circumstances giving rise to RAS prior to requesting consent to search from the motorist. State Police caught both of these errors and issued interventions in both instances. In the majority of stops with consent requests, 28, notification of the facts and circumstances to the supervisor occurred via radio. In eight stops, supervisory notification occurred at the scene of the stop. In two stops, supervisory notification occurred via phone.

**Table Twelve: Request for Supervisory Approval to Request Consent Errors**  
 15<sup>th</sup> OLEPS Reporting Period

	Consents Requests	RAS	Probable Cause
<b>Radio</b>	28	27	1
<b>Scene</b>	8	8	0
<b>Phone</b>	2	1	1
<b>Unknown</b>	0	0	0
<b>Not Notified</b>	2	2	0
<b>Errors Caught</b>	2	2	0
<b>Interventions</b>	2	2	0
<b>Errors Not Caught</b>	0	0	0
<b>Errors Non-Reviewed</b>	0	0	0

Troopers must also read the consent form (including the rights to be present and to refuse) while recording the stop. This provides supplemental evidence that troopers notified motorists of their rights. Troopers recorded the request for consent to search in 38 stops and did not record the request in one stop. State Police caught this one error and issued an intervention in this instance. In one stop, it was unknown whether the trooper recorded the consent request, due to recording issues in the stop.

**Table Thirteen: Consent Request Recording Errors**  
 15<sup>th</sup> OLEPS Reporting Period

	Consents Requests	RAS	Probable Cause
<b>Recorded</b>	38	36	2
<b>Unknown</b>	1	1	0
<b>Not Recorded</b>	1	1	0
<b>Errors Caught</b>	1	1	0
<b>Interventions</b>	1	1	0
<b>Errors Not Caught</b>	0	0	0
<b>Errors Non-Reviewed</b>	0	0	0

After a supervisor approves the request to ask for consent to search and the motorist grants consent, troopers may commence the search after notification to State Police communication that the search is beginning. In 29 of the 30 stops with granted consent requests, troopers made the requisite notification to communication prior to conducting the consent search. In one stop, a trooper failed to notify communication of the beginning of the consent search. State Police caught this error and issued an intervention in this instance.

**Table Fourteen: Consent Search Communication Errors**  
 15<sup>th</sup> OLEPS Reporting Period

	Consents Requests	RAS	Probable Cause
<b>Notified</b>	29	27	2
<b>Unknown</b>	0	0	0
<b>Not Notified</b>	1	1	0
<b>Errors Caught</b>	1	1	0
<b>Interventions</b>	1	1	0
<b>Errors Not Caught</b>	0	0	0
<b>Errors Non-Reviewed</b>	0	0	0

According to State Police policy, troopers must also record the actual search. As noted previously, OLEPS can only confirm trooper adherence to this requirement for stops with available recordings. In 28 stops, State Police properly recorded the execution of the consent search. In one stop, only an audio recording was available for review. There was one stop where it was unknown whether the trooper recorded the consent search, as there were no recordings available for the primary car in this stop. OLEPS noted no stops with consent search recording errors.

**Table Fifteen: Consent Search Recording Errors**  
 15<sup>th</sup> OLEPS Reporting Period

	Consents Requests	RAS	Probable Cause
<b>All Recorded</b>	28	26	2
<b>Audio Only</b>	1	1	0
<b>Video Only</b>	0	0	0
<b>Unknown</b>	1	1	0
<b>Not Applicable</b>	0	0	0
<b>Not Recorded</b>	0	0	0
<b>Errors Caught</b>	0	0	0
<b>Interventions</b>	0	0	0
<b>Errors Not Caught</b>	0	0	0
<b>Errors Non-Reviewed</b>	0	0	0

As noted above, the consent to search form specifically identifies the parts of a motor vehicle a trooper may search per supervisory approval and motorist consent. Troopers may not deviate from this scope. OLEPS noted that in most stops, 29, troopers appropriately heeded the scope requirements of the search. There was one motor vehicle stop with a consent search where troopers went beyond the scope requirements. State Police caught this error and issued an intervention in this instance.

**Table Sixteen: Consent Search Scope Errors**  
 15<sup>th</sup> OLEPS Reporting Period

	Consents Requests	RAS	Probable Cause
<b>Followed Scope</b>	29	27	2
<b>Unknown</b>	0	0	0
<b>Did not Follow Scope</b>	1	1	0
<b>Errors Caught</b>	1	1	0
<b>Interventions</b>	1	1	0
<b>Errors Not Caught</b>	0	0	0
<b>Errors Non-Reviewed</b>	0	0	0

A motorist retains the right to withdraw his/her 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, typically occurring in fewer than five stops each reporting period. In this reporting period, OLEPS noted no instances in which the motorist withdrew consent.

*The Odor of Marijuana*

After the Supreme Court’s decision in Peña-Flores, which severely limited a trooper’s ability to search a vehicle based on exigency, if the trooper smelled the odor of marijuana, the trooper was required to arrest. In September 2014, after the passage of the Compassionate Use Medical Marijuana Act (CUMMA), State Police issued policies detailing how State Police should proceed in encounters where troopers detect the odor of marijuana. These guidelines require that troopers ensure that the driver and/or occupant are not CUMMA patients or caregivers prior to engaging in any law enforcement activity, including an arrest based on the odor of marijuana. Once arrested, the trooper could request consent to search the vehicle or request a search warrant to search the vehicle. After the Supreme Court overturned Peña-Flores in 2015, State Police issued new guidelines allowing troopers to conduct Probable Cause searches of the interior of the vehicle. However, troopers must still determine the CUMMA status of the driver and/or occupants prior to this search.

OLEPS ensures that, when applicable, State Police determine whether drivers and/or occupants are CUMMA patients or caregivers prior to engaging in law enforcement activity. In the current reporting period, it was applicable to inquire about a motorist’s CUMMA status in 52 stops. In two stops, it was unknown whether a trooper made a CUMMA inquiry due to recording issues in these stops. In 47 stops, State Police asked whether the driver was covered under CUMMA. There were three stops where the trooper failed to inquire about CUMMA. State Police caught two of these errors, and issued an intervention for one of these errors. State Police did not catch the remaining error, as State Police did not review the stop.

Troopers should inquire about a driver’s medical marijuana status prior to taking any law enforcement action. In 38 stops, troopers determined CUMMA status as instructed. In two stops, troopers failed to inquire about a driver’s potential CUMMA status prior to taking law enforcement action. These errors frequently occurred because the trooper arrested the driver prior to ascertaining whether CUMMA applies to the individual. State Police caught one of these errors and issued an intervention in this instance. The error not caught occurred in a stop State Police did not review.

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## Summary of Standard 2

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State Police policies and procedures indicate the use of limited scope consent to search requests only when facts and circumstances meet RAS and with prior supervisory approval to request consent to search. Further, State Police policies and procedures indicate that troopers must notify the consenter of the rights to refuse, be present, and terminate the request and that troopers must immediately cease the search upon the consenter's execution of these rights. Troopers must also document the request via both audio and visual recording, communication call-ins, and on a consent to search form.

Overall, State Police adhered to policies and procedures governing consent search requests. OLEPS noted two 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. State Police caught one of these errors and issued an intervention in this instance. State Police failed to catch the other error, despite reviewing the stop. Overall, 21 out of 40 stops with a consent request contained an error relating to the consent request and/or search. State Police caught errors in 19 of these stops. OLEPS commends State Police on the improvements made regarding consent to search forms and its diligence in ensuring that troopers appropriately complete and store consent to search forms in State Police databases. OLEPS continues to recommend that State Police stress the importance of filling out these forms completely and correctly, and appropriately cataloging these forms. In the current reporting period, there was one stop with an RAS consent request, a critical incident requiring supervisory review, which did not receive the requisite review. OLEPS reminds State Police of its requirement to review all stops with critical activities and to do so in an appropriate and timely manner. Detailed discussion of the stops without supervisory review appears in Performance Standard 9. Further discussion of the recording issues noted in this standard appear in Performance Standard 5.

## Performance Standard 3: Deployment of Drug Detection Canines

### Standard

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

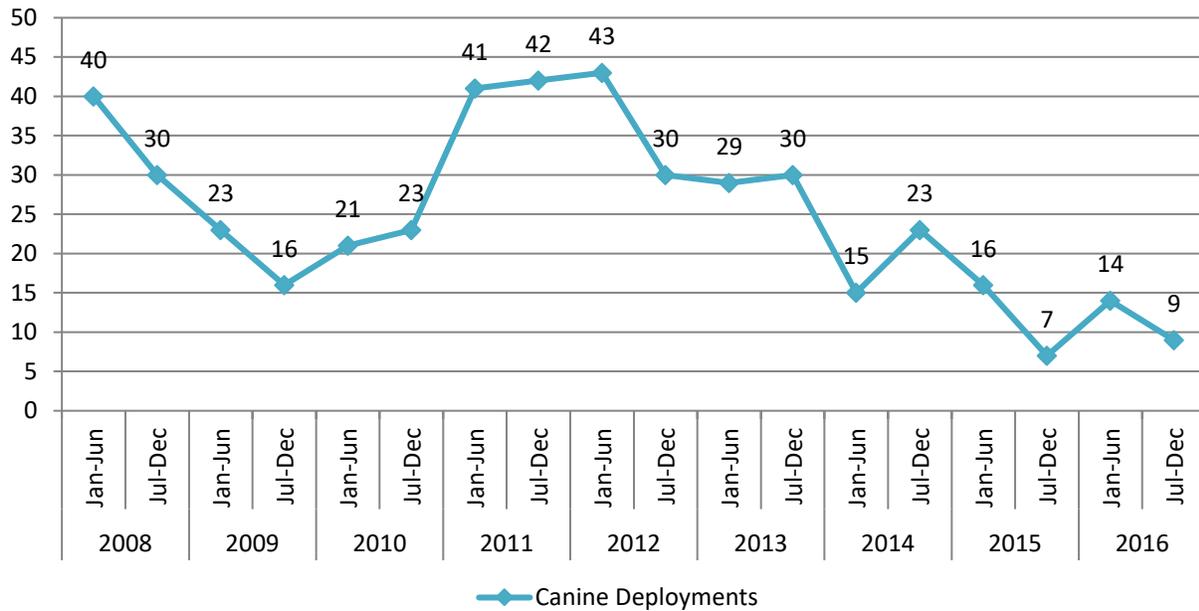
OLEPS' review of motor vehicle stops indicated the use of a canine in 15 motor vehicle stops, despite the number reported in State Police databases. However, the canine reported to the scene of the stop in only 12 motor vehicle stops.

As indicated in State Police policies and procedures, troopers must obtain supervisory approval for all canine deployments from a supervisor not involved in the requesting trooper's motor vehicle stop. OLEPS labels these deployments "official deployments." Deployments labeled "unofficial deployments" are those that occur when a canine handler serves as a "back-up" to the primary trooper and utilizes the canine without prior supervisory approval. In two stops with a canine deployment, the trooper did not officially request the canine.

To be considered a critical stop, the canine deployment must be made for drug detecting purposes rather than, for example, to track a fleeing suspect. In total then, there were nine stops with canine deployments occurring at the scene, following an official request, and for drug detecting purposes. This standard discusses only these nine deployments.

Figure Ten depicts the trend of canine deployments at the scene of motor vehicle stops from 2008 to the current reporting period. The volume of stops with official canine deployments decreased five stops since the previous reporting period.

**Figure Ten: Stops with Canine Deployments**  
 January 2008- December 2016



Of the nine stops with critical canine deployments, seven resulted from RAS and two resulted from Probable Cause. The facts and circumstances surrounding one of the RAS canine deployments failed to meet the legal standard of RAS. State Police caught this error and issued an intervention in this instance. For the two stops with a canine deployment based on Probable Cause, the facts and circumstances surrounding the deployment met the legal standard of Probable Cause.

**Table Seventeen: Canine Deployment Legal Standard Errors**  
 15<sup>th</sup> OLEPS Reporting Period

	Canine Deployments	RAS Deployments	Probable Cause Deployments
<b>Met Legal Standard</b>	8	6	2
<b>Did not meet Legal Standard</b>	1	1	0
<b>Errors Caught</b>	1	1	0
<b>Interventions</b>	1	1	0
<b>Errors Not Caught</b>	0	0	0
<b>Errors Non-Reviewed</b>	0	0	0

State Police policies and procedures require the recording of canine deployments. In the current reporting period, State Police appropriately recorded all nine canine deployments.

**Table Eighteen: Canine Deployment Recording Errors**  
 15<sup>th</sup> OLEPS Reporting Period

	Canine Deployments	RAS Deployments	Probable Cause Deployments
<b>Recorded</b>	9	7	2
<b>Not Recorded</b>	0	0	0
<b>Errors Caught</b>	0	0	0
<b>Interventions</b>	0	0	0
<b>Errors Not Caught</b>	0	0	0
<b>Errors Non-Reviewed</b>	0	0	0

**Summary of Standard 3**

The number of motor vehicle stops involving canine deployments in the current reporting period decreased since the previous reporting period. In the current reporting period, all stops with canine deployments based on Probable Cause met the legal standard of Probable Cause. However, one stop with a canine deployment based on RAS did not meet the legal standard of RAS. State Police caught this error and issued an intervention for this error. In total, OLEPS noted that one of the nine stops with a canine deployment in the current reporting period did not receive State Police supervisory review, despite the mandatory requirement for a supervisor to review these critical stops. OLEPS reminds State Police of the requirement to review all stops with canine deployments, ensuring that all deployments meet the appropriate legal standards, and that the activities within these stops are recorded appropriately.

## 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

There were 40 stops involving use of force in the current reporting period, a 9% decrease since the previous reporting period and the second largest volume of stops involving uses of force since 2008. The current reporting period marks the first downturn in stops involving force since 2014. Table Nineteen 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. In 34 stops, physical force was used, and in six stops, a combination of mechanical and physical force was used.

**Table Nineteen: Uses of Force by Type of Force**<sup>20</sup>  
15<sup>th</sup> OLEPS Reporting Period

Type of Force	Number of Stops
Physical	34
Mechanical	0
Enhanced Mechanical	0
Physical & Mechanical	6
Physical & Enhanced Mechanical	0
<b>Total</b>	<b>40</b>

OLEPS reviews all uses of force in connection with motor vehicle stops. In the current reporting period, there was a decrease in the number of stops with uses of force. Figure Eleven depicts the trend in the

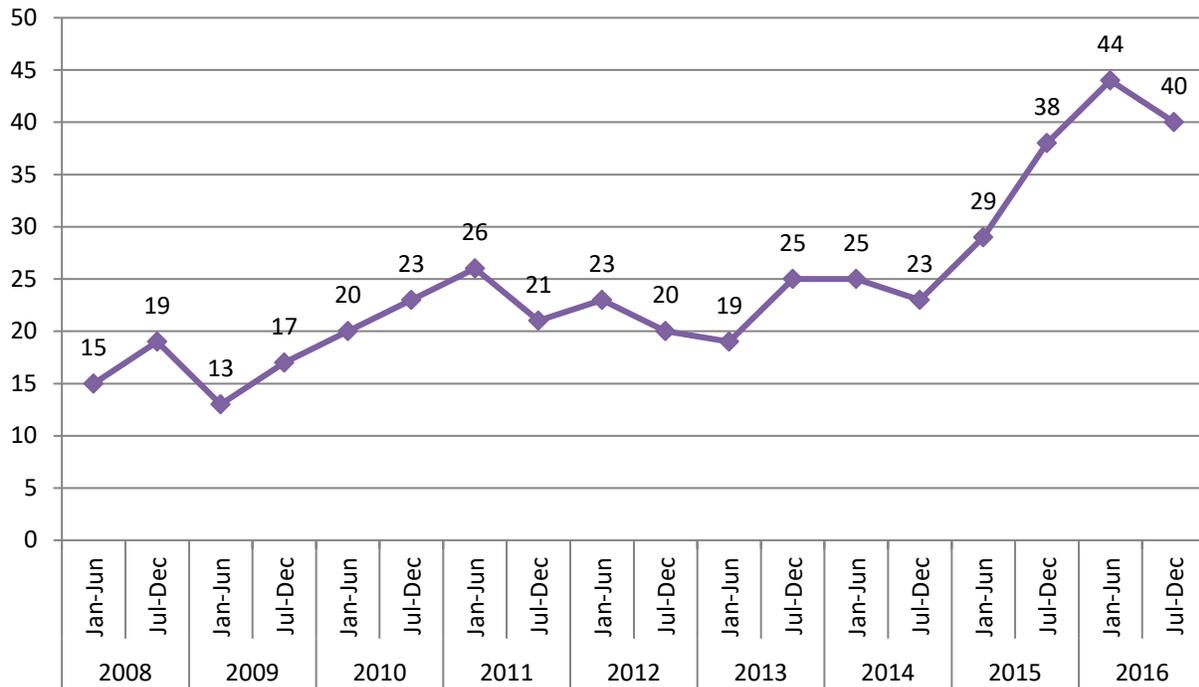
<sup>20</sup> Physical Force: Bodily contact with a subject, not otherwise submitting or cooperating, to effect an arrest or other law enforcement objective.

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.

Enhanced Mechanical Force: An intermediate force option between mechanical force and deadly force, requiring a greater level of justification than that pertaining to physical or mechanical force, but a lower level of justification than that required for the uses of deadly force (e.g., conducted energy devices and less-lethal ammunition).

number of stops with uses of force from 2008 to the current reporting period. As previously indicated, there were 40 stops with uses of force in the current period. This is the second largest volume of stops involving force since 2008. The largest number of stops with uses of force, 44, occurred in the previous reporting period.

**Figure Eleven: Stops with Use of Force**  
 January 2008-December 2016



In 34 stops, troopers used force against the driver. In five stops, troopers used force against passenger 1, and in one stop, troopers used force against passenger 2.<sup>21</sup>

OLEPS assesses whether uses of force occurring in motor vehicle stops were appropriate and necessary. In 30 instances, OLEPS deemed the use of force necessary and appropriate. In this reporting period, OLEPS was unable to determine whether the force was appropriate in 10 instances. Nine of these instances involved the driver and one involved passenger 2. In these 10 instances, recordings were unavailable or incomplete, or the use of force occurred partially or fully off camera. There were no stops where OLEPS observed a use of force that deviated from applicable standards.

<sup>21</sup> Passengers are labeled as “passenger 1” or “passenger 2” by OLEPS reviewers. In some instances this is consistent with labeling on State Police reports. However, because OLEPS’ reviews focus on deviations of policy and procedure, any passenger involved in such a deviation are more likely to be labeled as “passenger 1”, regardless of their label on State Police documentation.

**Table Twenty: Uses of Force Errors**  
 15<sup>th</sup> OLEPS Reporting Period

	<b>Driver</b>	<b>P1</b>	<b>P2</b>
<b>Necessary</b>	25	5	0
<b>Unknown</b>	9	0	1
<b>Not necessary</b>	0	0	0
<b>Errors Caught</b>	0	0	0
<b>Interventions</b>	0	0	0
<b>Errors Not Caught</b>	0	0	0
<b>Errors Non-Reviewed</b>	0	0	0

Given volume of stops with uses of force during this reporting period, OLEPS examined the specific circumstances in each stop to determine whether any patterns of behavior that elicited uses of force existed. OLEPS noted the actions a citizen did or did not take in a stop that led to the use of force. Most commonly, citizens refused to comply or resisted arrest. Specifically, the following precipitated a use of force:<sup>22</sup>

- In 35 stops with a use of force, a citizen refused to follow the trooper’s commands.
- In 33 stops with a use of force, a citizen physically resisted when the trooper placed handcuffs on them.
- In 15 stops, individuals exhibited erratic behavior.
- In 13 stops, a citizen refused to exit the vehicle.
- In four stops, citizens fled the scene of the stop in their vehicles, and in three stops, citizens fled on foot.
- In five stops, troopers engaged in a vehicle pursuit.
- In four stops, individuals verbally threatened troopers.
- In one stop, a motorist physically attacked a trooper.

Troopers must complete a use of force report in all instances of force for each citizen involved. In the current reporting period, troopers filed all use of force reports involving the driver, passenger 1, or passenger 2.

**Table Twenty-One: Uses of Force Reports**  
 15<sup>th</sup> OLEPS Reporting Period

	<b>Driver</b>	<b>P1</b>	<b>P2</b>
<b>Report Filed</b>	34	5	1
<b>Missing</b>	0	0	0
<b>Errors Caught</b>	0	0	0
<b>Interventions</b>	0	0	0
<b>Errors Not Caught</b>	0	0	0
<b>Errors Non-Reviewed</b>	0	0	0

Additionally, OLEPS reviews use of force reports for completion and correctness. In 13 stops involving uses of force against the driver, troopers did not complete the use of force report properly. For example, a use of force form indicated physical force only, whereas the incident involved both physical and

<sup>22</sup> Stops may be represented more than once since the totality of the circumstances is what leads to a use of force and because these actions may have occurred simultaneously.

mechanical force (i.e., OC spray). Of these 13 stops with use of force report errors in total, State Police caught all 13 errors. However, State Police issued an intervention in only one of these instances. Troopers completed all required use of force reports in the five stops with force used against passenger 1 and the one stop with force used against passenger 2.

**Table Twenty-Two: Uses of Force Report Errors**  
 15<sup>th</sup> OLEPS Reporting Period

	<b>Driver</b>	<b>P1</b>	<b>P2</b>
<b>Report Correct</b>	21	5	1
<b>Missing</b>	0	0	0
<b>Report Not Correct</b>	13	0	0
<b>Errors Caught</b>	13	0	0
<b>Interventions</b>	1	0	0
<b>Errors Not Caught</b>	0	0	0
<b>Errors Non-Reviewed</b>	0	0	0

### **Summary of Standard 4**

The policies governing State Police use of force limit the actions to specific circumstances including effecting an arrest, protection of self or others, and preventing a crime or escape. All troopers that used force must properly document the force in a use of force report. OLEPS concluded that, despite the large volume of incidents with uses of force in the current period, troopers conducted the observable uses of force in accordance with State Police requirements and the law. The issues pertaining to incomplete or incorrect use of force reports underscores the importance of OLEPS' recommendations for appropriate documentation and cataloging of State Police enforcement activities. The Act mandates that OLEPS review all critical stops, which includes uses of force. However, instances in the current reporting period with unavailable or incomplete recordings prevented OLEPS from reviewing the stops. OLEPS reiterates concerns regarding complete recording and appropriate storage management of motor vehicle stop recordings. Further, OLEPS noted two stops with force that did not receive State Police supervisory review, despite the requirement to review these stops. OLEPS recommends that State Police ensure that all stops involving force—and any critical activity—receive a supervisory review, as mandated.

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## Performance Standard 5: Recording & Reporting of Motor Vehicle Stops

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### Standards

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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 noted in the records of the incident. They include the following:

- Trooper badge number & activity (i.e., motorist aid or vehicle stop)
- Location, direction of travel, municipality
- Vehicle description
- Occupant description—perceived 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 troopers file motor vehicle stop reports 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.

OLEPS reviews all documentation of motor vehicle stops in addition to recordings. This includes all supervisory reviews of the motor vehicle stop. In instances where OLEPS cannot access or locate a recording of a motor vehicle stop, OLEPS examines these reviews to determine whether State Police recorded the stop.

### Assessment

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#### *Recording*

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In the current reporting period, OLEPS reviewed 298 motor vehicle stops. State Police policy requires the recording of all motor vehicle stops, beginning when a trooper signals a car to stop (i.e., turns on lights and sirens). State Police uses a system that integrates audio and video recordings. However, the microphone and video camera are separate mechanisms that function independently. In previous 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. Table Twenty-Three depicts the number of stops with recording errors: video did not activate, audio did not activate, video did not continue to completion, and audio did not continue to completion.

**Table Twenty-Three: Recording Errors**  
 15<sup>th</sup> OLEPS Reporting Period

	<b>Video Activated</b>	<b>Audio Activated</b>	<b>Video Completed</b>	<b>Audio Completed</b>
<b>Yes</b>	277	253	278	258
<b>Unknown</b>	9	12	8	10
<b>Not Applicable</b>	4	5	5	4
<b>No</b>	8	28	7	26
<b>Errors Caught</b>	4	8	5	13
<b>Interventions</b>	1	2	2	5
<b>Errors Not Caught</b>	0	1	0	0
<b>Errors Non-Reviewed</b>	4	19	2	13

**Video Activation**

Of the 298 motor vehicle stops OLEPS reviewed, troopers appropriately activated video recordings in 277 stops (93%). In nine stops (3%), OLEPS was unable to determine whether the trooper activated the video. For eight of these stops, all recordings of the primary vehicle were unavailable for review. In the remaining stop, the first clip of the recording was unavailable for review. In several previous reporting periods, OLEPS noted instances where the first clip of a motor vehicle stop was unavailable on the State Police DIVR system because it was not catalogued with the appropriate incident number. However, in the current reporting period, OLEPS noted fewer missing first clips of stops than unavailable recordings of the entire stop in the current reporting period. In the nine instances where OLEPS was unable to determine whether the video activated, OLEPS completed reviews using recordings from other troop cars involved in the stop, if available. OLEPS recommends that State Police examine the issue of missing clips of motor vehicle stops to ensure that all recordings are stored and catalogued appropriately.

In four stops (1%), video activation was not applicable, because of the circumstances of the stop, e.g., lack of camera in the car. In total, there were eight stops (3%) where the video was not activated appropriately when the trooper signaled the stop. In four stops, State Police caught this error, and in one stop, State Police issued an intervention for the error. State Police did not catch the remaining four errors because they did not review these stops.

**Audio Activation**

Audio recording activation occurred at the beginning of 253 motor vehicle stops (85%) this reporting period. There were five stops (2%) where it was not applicable for audio activation to occur at the beginning of the stop because of the circumstances of the stop. In the current reporting period, OLEPS was unable to determine whether audio was activated at the beginning of 12 motor vehicle stops (4%).<sup>23</sup> In five of these stops, OLEPS reviewed backup car recordings only.

In total, there were 28 stops (9%), in which the audio was not activated appropriately at the beginning of the stop. State Police caught eight of these errors and issued interventions for two. State Police did not catch one error, despite reviewing the stop. State Police did not review the remaining 19 stops with an audio activation error, and thus, did not catch these errors.

<sup>23</sup> The number of instances where the video and audio activation were unknown are not identical in this reporting period. In one stop, there was no audio for the duration of the stop. However, all pre-operational tests and signals on the recording indicate that the audio was functioning during the incident. In the other two incidents, OLEPS heard no audio for the beginning of the stop and OLEPS could not determine whether this was the result of a failure to activate or a technical problem.

### Video Completion

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 278 stops (93%) in the current reporting period where the video recording continued to the completion of the stop. There were eight stops (3%) where OLEPS was unable to determine whether the video recording continued to the completion of the stop. In these stops, OLEPS had no indication that the primary recordings continued to the end of the stop because the recordings were unavailable. OLEPS based the majority of these reviews (five) on recordings from backup cars involved in the stop. Additionally, there were five stops (2%) where it was not applicable for the video recording to continue to the completion of the stop. In total, there were seven stops (2%) where the video recording did not continue to the completion of the stop. State Police caught five of these errors and issued interventions for two. The two remaining errors occurred in stops that State Police did not review.

### Audio Completion

In 258 stops (87%), the audio recording continued to the completion of the stop. There were 10 stops (3%) where OLEPS was unable to determine whether the audio recording continued to completion.<sup>24</sup> In five of these stops, OLEPS reviewed back up car recordings only. There were 26 stops (9%) where the audio recording did not continue to the completion of the stop. Of these audio completion errors, State Police caught 13 in its reviews and issued interventions in five of these instances. The remaining 13 errors occurred in stops that State Police did not review.

### Recording Difficulties

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 any audio or video interference made it difficult to determine trooper actions. There were 46 stops (15%) where audio interference made it challenging to determine trooper actions, less than the proportion noted in the previous reporting period (17%). These interferences often resulted from the noise of traffic passing or other external factors. There were 14 stops (5%) where there was a malfunction in the audio, less than the proportion noted in the previous reporting period (8%). Malfunctions may result from microphones dying or fading in and out throughout the stop.

**Table Twenty-Four: Recording Difficulties**

15<sup>th</sup> OLEPS Reporting Period

	<b>Audio Difficulties</b>	<b>Video Difficulties</b>
<b>None</b>	238	241
<b>Difficulties</b>	46	53
<b>Malfunction</b>	14	4
<b>Unknown</b>	0	0

Issues with the video recording were noted in 53 stops (18%), making it difficult to determine trooper actions. This is greater than the proportion noted in the previous reporting period (13%). The video interferences often result from camera positioning or environmental conditions (e.g., darkness, precipitation, etc.). While not ideal for review purposes, the direction of a camera may be less of a

<sup>24</sup> The number of instances in which it was unknown whether the video and audio continued to completion are not identical in this reporting period. In one stop, there was no audio for the duration of the stop. However, all pre-operational tests and signals on the recording indicate that the audio was functioning during the incident. In the other stop, there were noted audio malfunctions throughout the stop.

concern for a trooper during a motor vehicle stop because the trooper prioritizes trooper and motorist safety. In addition to video difficulty, OLEPS noted four stops (1%) with a video malfunction, the same proportion as the previous reporting period.

In the previous reporting period, 25% of all stops reviewed either had issues with audio recordings or a malfunction, while 14% had a video malfunction or issues with the recording. In the current reporting period, 20% of stops had issues with audio recordings or a malfunction, and 19% had a video malfunction or recording issue. In each reporting period, large volumes of stops continue to have technological issues impacting the ability to review stops.

OLEPS continuously notes issues pertaining to the recording and cataloging of motor vehicle stop recordings. In this reporting period, a number of issues arose regarding the cataloging of stops. During the reviews, recordings were missing or were incomplete. In these instances, videos captured only a portion of the stop, may have captured another incident, or were missing in their entirety. In previous reporting periods, State Police informed OLEPS that recordings are available for all stops. However, due to a lack of appropriate cataloging of these recordings in databases, some recordings do not appear using traditional search tactics. OLEPS must browse these "unmatched" recordings individually to determine whether they capture the incidents under review. This process can be time consuming. Further, when a stop is not appropriately catalogued with an incident number, it may not be saved appropriately according to State Police's records retention schedule. In the current reporting period, OLEPS conducted four paper reviews due to unavailable or missing recordings, an increase from one stop in the previous reporting period. Given this inefficient, time-consuming process, OLEPS recommends that State Police work to improve the cataloging and storage of all video and audio recordings to ensure these records are easily accessible and obtainable.

OLEPS has historically noted issues pertaining to the recording of motor vehicle stops. OLEPS anticipated the remedy of these issues when State Police transition to DIVR. However, the issues persist. While overall, there has been improvement in the quality of recordings, approximately 20% of stops have malfunctions or recording difficulties. In addition, OLEPS continues to note missing or incomplete recordings of stops. OLEPS continues to recommend that 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*

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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 the trooper's location and status. 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. In instances of 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: 1) the location of the stop; 2) a vehicle description; 3) the number of occupants; 4) the perceived race/ethnicity of the occupants; and 5) the reason for the stop.<sup>25</sup>

**Table Twenty-Five: Communication Call-in Errors**  
 15<sup>th</sup> OLEPS Reporting Period

	Location	# of Occup.	Descript. of Vehicle	Descript. of Occup.	Reason	Complt.	Action
<b>Called In</b>	254	249	253	246	254	280	279
<b>Unknown</b>	40	43	41	45	39	17	17
<b>Not Applicable</b>	0	0	0	0	0	0	0
<b>Not Called In</b>	3	6	4	7	5	1	2
<b>Errors Caught</b>	2	2	2	2	3	1	2
<b>Interventions</b>	1	1	1	1	1	0	0
<b>Errors Not Caught</b>	0	1	0	2	0	0	0
<b>Errors Non-Reviewed</b>	1	3	2	3	2	0	0

In the majority of stops, troopers called in the appropriate information to communication. In the current reporting period, OLEPS noted three stops in which a trooper failed to notify communication of the location of the motor vehicle stop. State Police caught two of these errors and issued an intervention in one of these instances. State Police did not catch the remaining error, as it did not review the stop. In six stops, OLEPS noted the trooper failed to notify communication of the number of occupants in the vehicle. State Police caught two of these errors and issued an intervention in one of these stops. State Police did not catch one error, despite reviewing the stop. Three errors remained not caught, as they occurred in stops State Police did not review. OLEPS noted that the trooper failed to notify communication of the description of the vehicle in four stops. State Police caught two of these errors and issued an intervention in one of these stops. The remaining two errors occurred in stops State Police did not review. In seven stops, OLEPS noted that troopers did not notify communication of the description of the occupants in the vehicle. Again, State Police caught two of these errors and issued an intervention in one of these instances. State Police did not catch two errors, despite reviewing these stops. Three errors remained not caught, as State Police did not review these errors. In five stops, OLEPS noted the trooper failed to notify communication of the reason for the stop. State Police caught three of these errors and issued an intervention for one of these errors. The remaining two errors occurred in stops not subject to State Police review.

Upon completion of the stop, troopers must notify communication of completion of the stop and the actions taken during the stop (e.g., summons, warning, towing the vehicle). OLEPS noted one stop where the trooper did not notify communication of the completion of the stop. State Police caught this error, but did not issue an intervention in this instance. In two stops, troopers did not notify communication of actions taken during the stop. State Police caught both of these errors. However, State Police did not issue an intervention in either instance. Despite these communication errors, State Police performed the majority of the call-ins for motor vehicle stops as required. State Police continues to improve the number of stops with all requisite call-ins prior to approach and at the completion of the stop.

<sup>25</sup> The specifications for communication call-ins vary slightly for events that do not begin as a trooper-initiated motor vehicle stop, based on the specific circumstances and feasibility of call-ins in these events.

As depicted in Table Twenty-Five, in at approximately 40 stops OLEPS could not determine whether troopers completed the requisite communication call-ins at the beginning of a stop due to missing recordings and recording difficulties/malfunctions. In 17 stops, OLEPS could not determine whether State Police completed call-ins pertaining to the completion of the stop and action taken during the stop. In the current reporting period, State Police issued one intervention in each communication call-in category pertaining to errors in the beginning of the motor vehicle stop. State Police issued no interventions for communication errors pertaining to the completion of the motor vehicle stop.

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

### *Reporting*

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Motor vehicle stop reports detail the timeline of the stop, the individuals involved, and all enforcements/activities that occurred. State Police supervisors review and approve these reports. OLEPS then reviews these reports to ensure consistency with the events of the stop depicted on recordings.

In the 298 stops reviewed, there were 46 stops (15%) with stop reports containing at least one error, a decrease in the proportion of stops with these errors from the previous reporting period (22%). An error on a motor vehicle stop report consists of any incomplete, missing, or inaccurate information on the report (e.g., incorrect license plate number, missing notation of a frisk). Of these errors, State Police caught 28 (61%) and issued an intervention for seven (25%) of these instances. There were five stops (11%) with errors on stop reports that State Police did not catch, despite supervisory review, and 13 stops (28%) with errors that occurred in stops that State Police did not review. In two stops, the motor vehicle stop report was missing, thus it is unknown whether the report was completed correctly.

**Table Twenty-Six: Report Errors**  
 15<sup>th</sup> OLEPS Reporting Period

	<b>Stop Report</b>	<b>Investigation Report</b>
<b>Correct</b>	250	118
<b>Unknown</b>	2	3
<b>Not Applicable</b>	0	159
<b>Not Correct</b>	46	18
<b>Errors Caught</b>	28	12
<b>Interventions</b>	7	7
<b>Errors Not Caught</b>	5	1
<b>Errors Non-Reviewed</b>	13	5

State Police must complete investigation reports only for stops involving investigative activities. In the current reporting period, 139 stops required investigation reports. Of these stops, 118 (85%) contained no errors, a decrease from the proportion noted in the previous reporting period (89%). There were 18 investigation reports (13%) that contained at least one error. Of these errors, State Police caught 12 (67%) errors. Of these caught errors, State Police issued seven (58%) interventions. In one stop, State Police did not catch the investigation report error, despite reviewing the stop. State Police did not catch an additional five errors, as these errors occurred in stops State Police did not review. In three stops the investigation report was missing, thus OLEPS could not determine whether State Police completed the report correctly.

As in previous reporting periods, the majority of investigation reports appeared complete and accurate. Motor vehicle stop reports tend to contain more errors than investigation reports. These errors result from 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. OLEPS' review reveals an overall improvement in reporting, especially among motor vehicle stop reports.

### **Summary of Standard 5**

The recording and reporting requirements outlined in State Police policies and procedures facilitate documentation of trooper-citizen encounters to ensure trooper and citizen safety and to ensure the filing of an accurate and complete documentation of the encounter. In the current reporting period, issues continue regarding the availability, duration, and quality of 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 State Police investigate these issues.

Additionally, OLEPS noted a number of issues pertaining to the availability of video recordings. State Police should examine methods to improve recordings and determine why recordings do not appear as required in the recordings database. OLEPS continues to note audio activation and completion issues in motor vehicle stops. Though the video is recording, there is no audio in a number of stops. Further, OLEPS also noted a high number of stops where audio recordings do not continue to the end of the stop. Unlike previous reporting periods, throughout the entirety of the current reporting period, OLEPS had access to videos recorded on State Police's new software.

In the current reporting period, State Police caught a slightly larger number of recording and reporting errors than it failed to catch. Like the previous reporting period, State Police reviewed less than half of all stops, 44% in the previous reporting period, and 42% in the current. However, the reviews in the current period remain detailed and thorough. Despite the increased detail in State Police reviews, interventions remained an infrequent response to errors, especially those pertaining to recording and reporting of stops. OLEPS recognizes that in some instances, State Police do not issue an intervention because recording problems arise for reasons outside of a trooper's control. OLEPS explores this further in Performance Standard 9.

OLEPS commends State Police on the continued vigilance on communication call-ins. In this reporting period, OLEPS found consistent evidence that State Police conducted these call-ins as required. However, there was a large volume of stops where OLEPS was unable to determine whether troopers conducted communication call-ins due to missing, incomplete, or unavailable recordings.

## Performance Standard 6: Exits & Frisks

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### Standards

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

- Driver exit for any reason
- Passenger exit for articulable heightened caution, suspected criminal activity, 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,<sup>26</sup> a driver may be asked to exit a vehicle for any reason.

### Assessment

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#### *Exits*

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A trooper may request that a driver or passenger exit a vehicle for a number of reasons. The law permits a trooper to ask a driver to exit for any reason. However, troopers may ask a passenger out of the vehicle based on an articulable heightened caution, suspected criminal activity, Title 39 violation, to perform search of vehicle, or they may be asked to exit as duty to transport (DTT).

In the current reporting period, State Police asked the driver and/or occupant to exit in 274 stops (of the 298 total stops). Of the stops with exits, 260 involved a driver exit. Eighty-nine of these driver exit requests were for sobriety.

In 97 stops, State Police asked passenger 1 to exit the vehicle. In 85 of these stops, the exit resulted from heightened suspicion, and in 11 stops, the reason for the passenger's exit was DTT. There was one stop in which it was unknown if passenger 1 was asked to exit the vehicle based on heightened suspicion. In seven stops, passenger 1 was already out of the car when the trooper arrived. Like the previous reporting period, all instances in which the trooper requested passenger 1 to exit met the standard of heightened suspicion.

In 24 stops, State Police asked passenger 2 to exit the vehicle. In 18 of these stops, the trooper asked the passenger to exit based on heightened suspicion and in five, the trooper asked the passenger to exit based on DTT.<sup>27</sup> There were two stops in which passenger 2 was already out of the car when the trooper arrived. Like the previous reporting period, all instances in which the trooper requested passenger 2 to exit met the standard of heightened suspicion.

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<sup>26</sup> State v. Smith, 134 N.J. 599, 611 (1994) (describes the right of an officer to remove a driver from a lawfully stopped vehicle as "established precedent").

<sup>27</sup> In one stop of passenger 2, OLEPS determined heightened suspicion was not applicable because this passenger was an infant.

**Table Twenty-Seven: Vehicle Exit Errors**  
 15<sup>th</sup> OLEPS Reporting Period

	<b>P1</b>	<b>P2</b>
<b>DTT</b>	11	5
<b>Heightened Suspicion</b>	85	18
<b>Unknown</b>	1	0
<b>Did not meet heightened suspicion</b>	0	0
<b>Errors Caught</b>	0	0
<b>Interventions</b>	0	0
<b>Errors Not Caught</b>	0	0
<b>Errors Non-Reviewed</b>	0	0

*Frisks*

Troopers utilize frisks 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).

**Table Twenty-Eight: Frisk Legal Standard Errors**  
 15<sup>th</sup> OLEPS Reporting Period

	<b>Driver</b>	<b>P1</b>	<b>P2</b>
<b>Met Legal Standard</b>	13	5	2
<b>Unknown</b>	0	0	0
<b>Did Not Meet Legal Standard</b>	0	2	1
<b>Errors Caught</b>	0	2	1
<b>Interventions</b>	0	0	1
<b>Errors Not Caught</b>	0	0	0
<b>Errors Non-Reviewed</b>	0	0	0

In the current reporting period, 39 stops involved a frisk(s) of the driver and/or passengers. In total, State Police frisked 18 drivers. Five frisks of the driver resulted from DTT, and 13 resulted from RAS. Unlike in the previous reporting period, all frisks of the driver met the legal standard of RAS in the current reporting period. Further, there were no stops with frisks of the driver where the legal standard of the frisk was unknown.

In 27 motor vehicle stops, State Police frisked at least one passenger. Twenty-five stops involved a frisk of passenger 1. Of these frisks, 18 resulted from DTT, and seven resulted from RAS. There were two stops where the frisk of passenger 1 failed to meet the standard of RAS in the current reporting period. State Police caught both of these errors but did not issue an intervention in either of these instances. There were no stops with frisks of passenger 1 in which the legal standard of the frisk was unknown.

Nine motor vehicle stops involved a frisk of passenger 2. Of these, six were based on DTT, and three were based on RAS. In one stop, the frisk of passenger 2 did not meet the legal standard of RAS. State Police caught this error and issued an intervention for it. There were no stops with frisks of passenger 2 where the legal standard of the frisk was unknown.

**Table Twenty-Nine: Frisk Mechanics Errors**  
 15<sup>th</sup> OLEPS Reporting Period

	<b>Driver</b>	<b>P1</b>	<b>P2</b>
<b>Correct</b>	6	5	2
<b>Unknown</b>	12	20	6
<b>Incorrect</b>	0	0	1
<b>Errors Caught</b>	0	0	0
<b>Interventions</b>	0	0	0
<b>Errors Not Caught</b>	0	0	1
<b>Errors Non-Reviewed</b>	0	0	0

OLEPS also reviews the mechanics of the frisk to ensure that it does not extend beyond appropriate boundaries, converting the frisk into an illegal search. In this reporting period, OLEPS deemed the mechanics of the frisk of the driver appropriate in six stops. OLEPS was unable to note the mechanics of a driver frisk in 12 stops because the frisk occurred outside the view of the camera or because portions of the recording were missing. OLEPS noted no frisks of the driver that extended beyond a pat down.

OLEPS determined that the mechanics of five frisks of passenger 1 were appropriate in the current reporting period. In an additional 20 frisks of passenger 1, it was unknown whether the mechanics of the frisk were appropriate because the frisk occurred off camera or because the recording was unavailable. OLEPS noted no frisks of passenger 1 that extended beyond a pat down.

OLEPS determined that the mechanics of two frisks of passenger 2 were appropriate in the current reporting period. In six frisks of passenger 2, OLEPS was unable to note the mechanics of the frisk because the frisk occurred outside the view of the camera and/or because portions of the recording were missing. OLEPS noted one frisk of passenger 2 that extended beyond a pat down. State Police did not catch this error, despite reviewing this stop.

It is important to note that of the 52 instances of driver and passenger frisks, OLEPS was unable to note the mechanics of the frisk in 38 instances (73%), more than the proportion noted in the previous reporting period (41%).

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## Summary of Standard 6

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State Police policies and procedures specify the circumstances under which troopers may request that an occupant exit from a vehicle. These policies and procedures also limit frisks to non-manipulating cursory pat-downs of a person for weapons or during instances when a trooper has a duty to transport the individual. OLEPS noted frisk legal standard and mechanics errors in the current reporting period. OLEPS was unable to observe 73% of all frisks because they occurred out of view of the camera or because recordings were not available. While troopers' safety is paramount, and out of view frisks do not contradict State Police policies and procedures, OLEPS is unable to conduct a full assessment of some frisks selected for review. Having noted this, OLEPS' review found that all exits and the majority of frisks observed occurred in accordance with State Police policies and procedures.

## Performance Standard 7: Non-Consensual Searches/Seizures

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### Standards

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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

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#### *Non-Consensual Searches/Seizures: Vehicles*

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There were 162 stops with non-consensual vehicle searches/seizures in the current reporting period, more than the 142 examined in the previous reporting period. In the previous reporting period, OLEPS specifically selected a random sample of stops with non-consensual searches for its secondary sample. However, in the current reporting period, OLEPS selected a random sample of all stops with post-stop activity, including non-consensual searches, for its secondary sample. Despite this change, the volume of stops with non-consensual vehicle searches/seizures increased, which is likely attributable to the overall increase in stops with non-consensual searches post-Witt. In the current reporting period, non-consensual searches/seizures made up a substantial proportion, 97%, of all stops with post-stop activity.<sup>28</sup> Although OLEPS did not specifically randomly sample all stops with non-consensual searches in the current reporting period, non-consensual searches remained a frequent procedure in the current sample.

Of the 162 stops with vehicle searches/seizures, 150 involved Probable Cause searches/seizures, 19 were identified as plain view searches/seizures, five were credential or ownership searches, four were identified as "other," three were vehicle frisks, and one was identified as exigent circumstances.<sup>29</sup> The stops involving searches categorized as "other" referenced trooper errors, e.g., a lack of Probable Cause to conduct the search or no documented reason for the search. No searches in the current reporting period were executed based on a search warrant.

OLEPS noted errors in vehicle searches in three stops. State Police caught two of these errors and issued interventions in both instances. State Police did not review one stop with a vehicle search error, thus the error remained not caught. In three stops, OLEPS was unable to determine whether there was an error in the search because of recording and/or documentation issues.

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<sup>28</sup> For additional information on all stops with post-stop activity and non-consensual searches, see OLEPS' Aggregate Reports: <http://www.nj.gov/oag/oleps/aggregate-data.html>.

<sup>29</sup> For some searches, several reasons were identified.

**Table Thirty: Search of Vehicle Errors**  
 15<sup>th</sup> OLEPS Reporting Period

	<b>Vehicle Search</b>
<b>Correct Vehicle Search</b>	156
<b>Unknown</b>	3
<b>Vehicle Search Error</b>	3
<b>Errors Caught</b>	2
<b>Interventions</b>	2
<b>Errors Not Caught</b>	0
<b>Errors Non-Reviewed</b>	1

*Non-Consensual Searches/Seizures: Persons*

In the current reporting period, there were 277 stops involving a search of a person. Per State Police policy, these searches should be incident to arrest. There were 255 searches of drivers incident to arrest and no stops with searches of a driver that were not incident to arrest. Further, there were no stops with searches of a driver based on a warrant in the current reporting period.

There were 77 stops with searches of passenger 1 incident to arrest. There were no stops with searches of passenger 1 that were not incident to arrest and no stops with searches of passenger 1 based on a warrant in the current reporting period.

Finally, all 15 searches of passenger 2 were conducted incident to arrest.

**Table Thirty-One: Search of Person Errors**  
 15<sup>th</sup> OLEPS Reporting Period

	<b>Driver</b>	<b>P1</b>	<b>P2</b>
<b>ITA</b>	255	77	15
<b>Warrant</b>	0	0	0
<b>Unknown</b>	0	0	0
<b>Not ITA</b>	0	0	0
<b>Errors Caught</b>	0	0	0
<b>Interventions</b>	0	0	0
<b>Errors Not Caught</b>	0	0	0
<b>Errors Non-Reviewed</b>	0	0	0

**Summary of Standard 7**

State Police policies and procedures require that searches of vehicles and persons be based on Probable Cause or occur incident to arrest. Troopers must radio the beginning of the searches/seizures into communication and searches/seizures must occur in accordance with the legal standard. OLEPS' review of non-consensual searches/seizures found the majority to be in accordance with State Police policies and procedures. Although the number of stops with non-consensual vehicle searches/seizures increased from the previous reporting period, OLEPS noted fewer errors in these stops in the current reporting period. There were no stops with search of person errors in the current reporting period, an improvement

from the previous reporting period, in which there were four instances of these errors. The rate of interventions issued for vehicle search errors is similar to the previous reporting period. OLEPS recommends that State Police continue its use of interventions so that troopers who make such errors have the ability to modify, as needed, future behavior.

## Performance Standard 8: Length of Stops

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### Standards

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According to State Police procedures, RAS stops should be “brief.” Because the length of a stop may be indicative of inappropriate enforcement (e.g., detaining a motorist until RAS has been established for a consent search), it is an important characteristic of stops to examine.

For the purposes of this report, “brief” will be defined relative to 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 RAS consent searches will only be compared with RAS consent searches) will be examined to identify potential reasons for the aberration in length. Appropriate explanations include stop complexity (several enforcements such as 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

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The average length of all motor vehicle stops reviewed during this reporting period was 38.77 minutes and the standard deviation of this distribution was 34.65 minutes. Thus, stops greater than 73.42 minutes or less than 4.12 minutes are more than one standard deviation from the mean. There were 36 stops that were one standard deviation or greater above the mean and no stops that were one standard deviation or more below the mean.

The average length of motor vehicle stops in this reporting period was shorter than in the previous reporting period. The average stop length was 38.77 minutes in the current reporting period and 41.01 minutes in the previous reporting period. The standard deviation in the current period, 34.65, is larger than that of the previous period, 31.16. This indicates that the stops were slightly shorter in the current reporting period, but that there was slightly more dispersion in the stops made in this reporting period. That is, the lengths of stops were more similar to each other in the previous than in the current period.

The parameters used to select the secondary sample for the current reporting period differs from the previous. In the previous reporting period, OLEPS selected stops with non-consensual searches for review. In the current reporting period, the sample was of stops with any post-stop activity. Thus, a stop may involve a non-consensual search or any other post-stop action. However, over half of all non-critical stops selected in the current period, approximately 56%, involved a non-consensual search, while in the previous period approximately 51% of non-critical stops selected involved a non-consensual search. Thus, although the sample parameters were different for the previous and current reporting periods, they resulted in a similar frequency of non-consensual searches. Given this, the difference in average stop length may not be related to sample selection and may be indicative of random fluctuation of stops.

*Duration of Stops*

Table Thirty-Two displays the average length of motor vehicle stops sampled in this reporting period. The first row in the table presents the average length of all stops in the sample, 38.77 minutes.

**Table Thirty-Two: Average Length (Minutes) of Motor Vehicle Stops**  
 15<sup>th</sup> OLEPS Reporting Period

	<b>Average Stop Length</b>
<b>All Stops</b>	38.77
<b>All Stops with Consent Requests</b>	79.70
<b>RAS Consent Requests</b>	78.68
<b>Probable Cause Consent Requests</b>	99.00
<b>Consent Granted</b>	78.53
<b>Consent Denied</b>	83.20
<b>Canine Deployment</b>	114.67
<b>Consent Requests &amp; Canine Deployments</b>	109.29
<b>Consent Granted &amp; Canine Deployed</b>	103.00
<b>Consent Denied &amp; Canine Deployed</b>	125.00

The average length of stops with consent requests was 79.70 minutes, slightly lengthier than the average noted in the previous reporting period, 78.17 minutes. Only a small proportion of stops, 13%, involved a consent to search request. Historically, stops with a Probable Cause consent request have been shorter than those with an RAS consent request. This is likely due to the time it takes to accumulate RAS, whereas Probable Cause is either present or not. However, OLEPS notes the opposite pattern in the current reporting period: stops with RAS consent to search requests averaged 78.68 minutes, whereas Probable Cause stops average 99.00 minutes. This anomalous pattern is likely the result of the small volume of stops involving Probable Cause. In the current reporting period, there were only two stops involving Probable Cause consent requests, one was 94.00 minutes and the other was 104.00 minutes. Previous reporting periods involved considerably more stops with Probable Cause consent to search requests, which may have normalized the average.

Overall, the average lengths of stops with RAS and Probable Cause consent requests are longer in the current reporting period than in the previous reporting period. In the previous reporting period, the average for stops with RAS consent requests was 77.83 minutes and the average for stops with Probable Cause consent requests was 86.00 minutes.

There was also a difference in the average length of stops where consent was granted compared to those where consent was denied. Stops with granted consent searches had an average stop length of 78.53 minutes, while those with denied consent searches have an average stop length of 83.20 minutes.

An independent samples *t*-test was used to determine whether this difference between the lengths of stops with granted or denied consent requests was indeed statistically significant. The results indicate that there was not a significant difference between the length of stops where a motorist granted consent request (M=78.53, s=27.70) and where a motorist denied a consent request (M=83.20, s=27.51),  $t(38)=-0.462$ ,  $p=0.647$ ,  $\alpha=.05$  (two-tailed). The test results indicate that there were no significant differences in these stop lengths. We cannot state that the average length of stops with granted consent

to search requests is significantly different or longer than the average length of stops with denied consent to search requests.

The average length of a motor vehicle stop with a canine deployment is 114.67 minutes, longer than the average length for all other stops. An independent samples  $t$ -test revealed a significant difference in stop length for stops with a canine deployment ( $M=114.67$ ,  $s=31.71$ ) and without a canine deployment ( $M=36.41$ ,  $s=32.01$ ),  $t(296)=7.225$ ,  $p<.001$   $\alpha=.05$  (two-tailed). Due to the large significance ( $p$ -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, there is an expectation 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 had an average stop length of 109.29 minutes, more than the average length for stops with consent requests alone. Stops with a granted consent request and a canine deployment had an average length of 103.00 minutes, while those stops with a denied consent request and a canine deployment had an average length of 125.00 minutes. Results of an independent samples  $t$ -test did not result in a statistically significant difference between stops with a canine deployment and a granted consent request ( $M=103$ ,  $s=13.82$ ) and those with a canine deployment and denied consent request ( $M=125$ ,  $s=24.04$ ),  $t(5)=-1.61$ ,  $p=0.169$ ,  $\alpha=.05$  (two-tailed). These results indicate that we cannot state that the length of stops with a canine deployment and a granted consent request was significantly different or longer than the length of stops with a canine deployment and a denied consent request.

While the results indicated variation in stop length based on the specific activities within each stop, these differences were not typically statistically significant. Significant results were found only for stops with canine deployments; stops with a canine deployment were significantly lengthier than stops without a canine deployment in the current reporting period.

### *Variation in Stop Length by RAS Reasons*

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To ensure that troopers meet the standard of RAS in accordance with the brevity requirement stated in State Police policies, OLEPS examined whether variation across specific RAS reasons exists. OLEPS examined the length of stops with the most frequently cited RAS reasons—criminal history, nervousness, conflicting statements, itinerary, criminal neighborhood, and admissions—to determine whether they were statistically significantly longer than RAS stops without those reasons.

OLEPS conducted significance testing to determine whether the presence of certain factors was associated with lengthier stops. OLEPS conducted an independent samples  $t$ -test to examine if there was a significant difference between the average stop length in stops where criminal history was cited ( $M=85.36$ ,  $s=26.89$ ) and not cited ( $M=60.0$ ,  $s=21.42$ ),  $t(36)=2.685$ ,  $p=0.011$ . These results ( $p<.05$ ) indicate that the average stop length where a trooper indicated criminal history was present and those where a trooper did not indicate a criminal history are statistically significant.

OLEPS conducted an independent samples  $t$ -test to examine if there is a statistically significant difference between the average stop length in stops where nervousness was cited ( $M=84.79$ ,  $s=28.93$ ) and not cited ( $M=68.21$ ,  $s=22.72$ ),  $t(36)=1.836$ ,  $p=0.075$ . These results ( $p<0.10$ ) indicate that the average length of stops where a trooper indicated nervousness was present and those where a trooper did not

indicate that it was present are not statistically significant, however, this difference approaches statistical significance.<sup>30</sup>

OLEPS conducted an independent samples *t*-test to examine if there was a significant difference between the average length in stops where conflicting statements were cited ( $M=91.0$ ,  $s=26.48$ ) and not cited ( $M= 59.8$ ,  $s=17.16$ ),  $t(36)=4.03$ ,  $p<.001$ . These results ( $p<.001$ ) indicate that the average stop length where a trooper indicated conflicting statements from individuals were present and those where a trooper did not indicate that conflicting statements were present are statistically significant. Due to the large significance ( $p$ -value), a one-tailed test would also be significant, indicating that stops with conflicting statements as an RAS factor are significantly longer than those without conflicting statements,  $\alpha=.01$ .

OLEPS conducted an independent samples *t*-test to examine if there was a significant difference between the average stop length in stops where criminal neighborhood was cited ( $M=46$ ,  $s=19.29$ ) and not cited ( $M= 81.49$ ,  $s=26.66$ ),  $t(36)=-2.242$ ,  $p=0.031$ . These results ( $p<.05$ ) indicate that the average stop length where a trooper indicated criminal neighborhood as an RAS factor and those where a trooper did not indicate that this was present are statistically significant.

The presence of any other RAS factor was not significantly associated with lengthier stops. OLEPS conducted a one-way analysis of variance (ANOVA)<sup>31</sup> to examine if there were statistically significant differences in the average stop length in stops grouped by the total number of reasons cited by troopers for RAS consent. For this analysis, there were nine categories of RAS reasons cited by troopers, ranging from zero to eight. ANOVA results indicate that there was not a statistically significant difference in the average length of stops across RAS categories examined ( $F(8,29)=0.869$ ),  $p=0.553$ . These results do not indicate a significant relationship between the average stop length and the number of RAS reasons cited in stops in the current reporting period.

Statistical tests indicted a lack of statistically significant relationships between stop length and specific RAS reasons except for stops citing criminal history, conflicting statements, and criminal neighborhood. As detailed previously, stops citing criminal history, conflicting statements, and criminal neighborhood were significantly different in average length from stops with an RAS consent request not citing these reasons. Further, stops citing nervousness were not significantly different in average length from those stops without this RAS factor cited, but this difference approached statistical significance.

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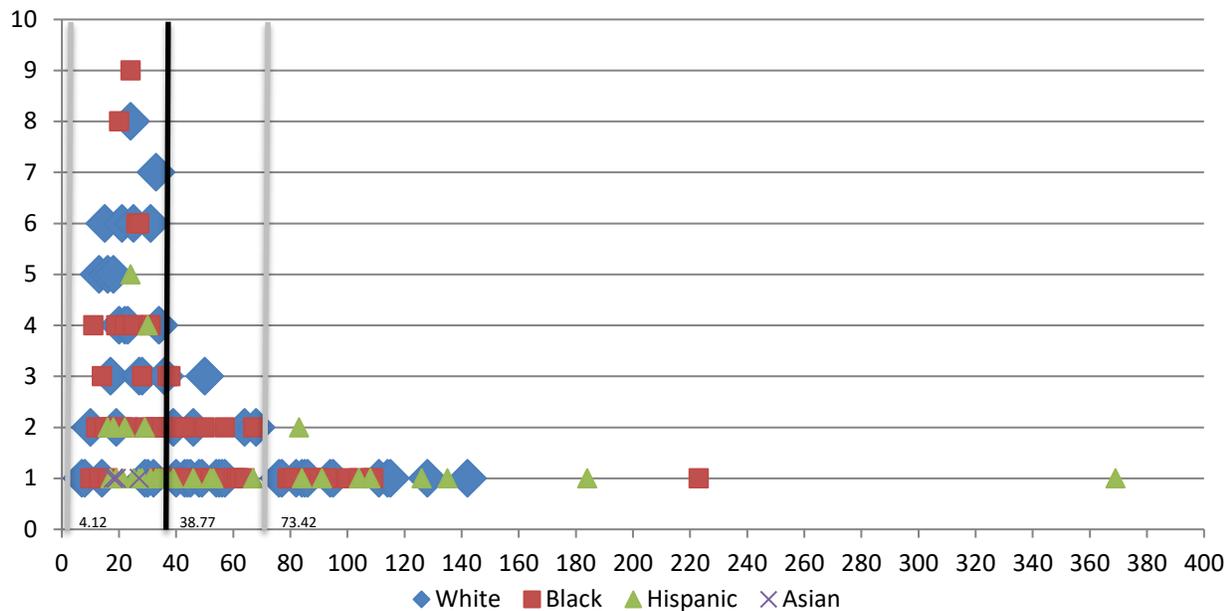
<sup>30</sup> Throughout statistics and especially in Criminal Justice research,  $p<.05$  is a common significance level. A " $p$ " level indicates the probability that a statistical relationship could reflect only chance. The smaller the size of " $p$ ," the smaller the probability the relationship happened by chance. If a reported chi-square statistic ( $t$ -statistic) reaches a " $p$ " level of 0.05 (or smaller), there is no more than a 5% probability that the distribution of the data in that table happened by chance, and therefore any differences across groups are considered statistically significant. Researchers often reference a less strict standard in relation to significance that is  $p<.10$ . In terms of statistical significance,  $p$ -values greater than .05 but less than .10 are discussed as approaching, but ultimately, failing to meet statistical significance.

<sup>31</sup> A *t*-test is incapable of testing for statistically significant differences in means across more than two groups. ANOVA, which can be viewed as an extension of the *t*-test, enables the researcher to test for significant mean differences across two or more groups. The ANOVA here tests for significant differences in average stop length across nine groups (zero RAS factors through eight RAS factors cited).

### Racial/Ethnic Differences in Stop Length

OLEPS also explored the racial/ethnic differences in the length of motor vehicle stops. As noted above, the average length of all stops was 38.77 minutes and the standard deviation was 34.65 minutes. Figure Twelve plots the length of stops for all drivers based on each racial/ethnic group. The mean of this distribution (38.77 minutes) appears as a black line, whereas one standard deviation below the mean (4.12 minutes) and one standard deviation above the mean (73.42 minutes) appear as gray lines. Overall, the distributions of stop lengths were consistent across racial/ethnic groups with the exception of a few outliers for Black and Hispanic drivers. Unlike previous reporting periods, there was greater uniformity in the dispersion of stops noted for each racial/ethnic group.

**Figure Twelve: Length of All Stops**  
15<sup>th</sup> OLEPS Reporting Period



**Figure Thirteen: Racial/Ethnic Distribution of Stop Length around the Mean**  
15<sup>th</sup> OLEPS Reporting Period

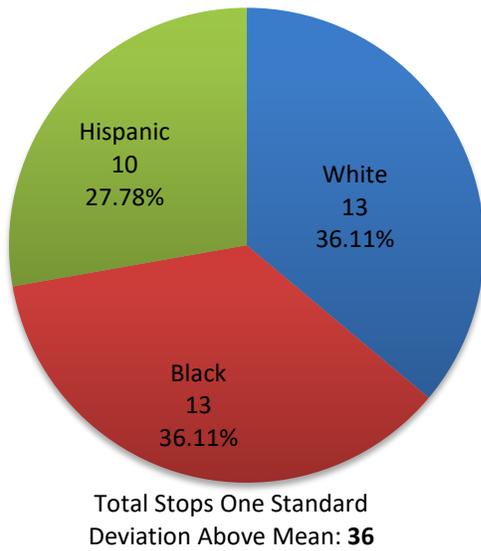


Figure Thirteen depicts the racial/ethnic distribution of stops one standard deviation or more above the mean. As previously indicated, there were 36 stops one standard deviation or more above the mean. Unlike previous reporting periods, White and Black drivers were involved in the same proportion of this distribution, 36% (13 stops each). Hispanic drivers were involved in 10 stops, 28% of stops one standard deviation or more above the mean. There were no stops of Asian drivers represented in this distribution in the current reporting period.

In the current reporting period, there were no stops one standard deviation or more below the mean stop length. Therefore, there is no figure depicted.

To explore variation in stop length across racial/ethnic groups, Table Thirty-Three identifies the average length of all motor vehicle stops reviewed in this and the previous reporting period based on race/ethnicity for all stops and those with consent requests, separated by legal standard used to request consent. Further illustrating the distributions, Figures Fourteen through Nineteen plot the length of stops for each racial/ethnic group. In each graph, the black line indicates the mean of all stops reviewed in the current period and the gray lines indicate one standard deviation above and below that mean. The dark blue line indicates the mean for that racial/ethnic group and the light blue lines indicate one standard deviation above and below the racial/ethnic group mean.

**Table Thirty-Three: Average Length (Minutes) of Motor Vehicle Stops  
 by Race/Ethnicity**  
 15<sup>th</sup> OLEPS Reporting Period

	All Stops	Consents	RAS Consents	Probable Cause Consents <sup>32</sup>
<b>White</b>	35.49	78.96	78.27	---
<b>Black</b>	37.12	79.00	79.00	---
<b>Hispanic</b>	54.44	83.14	79.67	---
<b>Asian</b>	21.33	---	---	---
<b>Other</b>	---	---	---	---

14<sup>th</sup> OLEPS Reporting Period

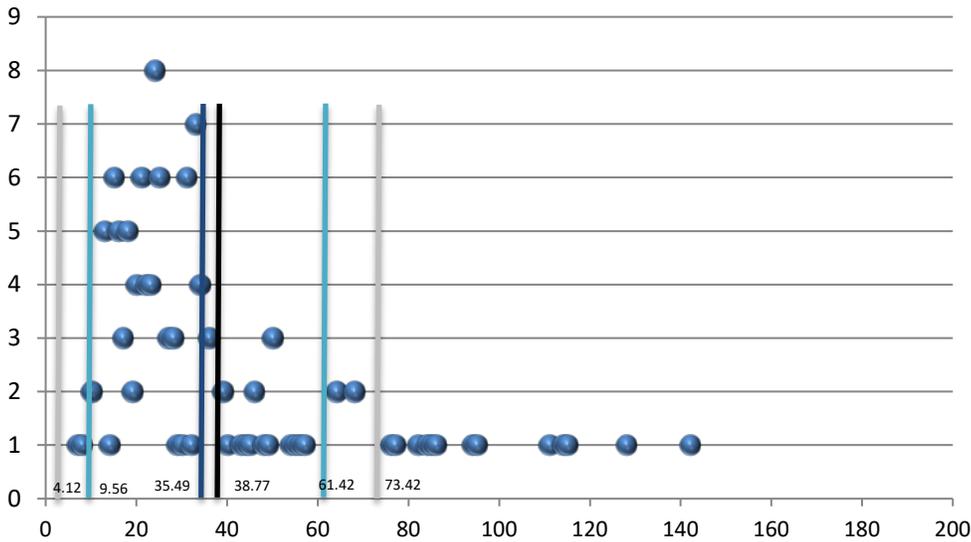
	All Stops	Consents	RAS Consents	Probable Cause Consents
<b>White</b>	43.25	74.76	75.54	---
<b>Black</b>	40.94	82.86	80.31	---
<b>Hispanic</b>	36.14	90.29	90.29	---
<b>Asian</b>	44.00	39.00	39.00	---
<b>Other</b>	---	---	---	---

*All Stops*

In the current reporting period, White drivers had an average stop length of 35.49 minutes, Black drivers had an average of 37.12 minutes, Hispanic drivers had an average of 54.44 minutes, and Asian drivers had an average of 21.33 minutes. OLEPS conducted a series of *t*-tests to test for significant differences in mean stop length between each racial/ethnic group (e.g., between White and Black drivers, Hispanic and Asian drivers, etc.). An independent samples *t*-test did not indicate a significant difference between the average stop length in stops of White (M=35.49, s=25.93) and Hispanic drivers (M=54.44, s=61.96),  $t(47.115)=-1.948$ ,  $p=0.057$ . However, this difference approaches statistical significance. An independent samples *t*-test did not indicate a significant difference between the average stop length in stops of Black (M=37.12, s=28.017) and Hispanic drivers (M=54.44, s=61.957),  $t(47.988)=-1.773$ ,  $p=0.083$ . However, this difference approaches statistical significance. There were no statistically significant differences for any other racial/ethnic groups.

<sup>32</sup> There were only two stops with Probable Cause consent requests in the current reporting period, one involving a White driver and the other involving a Hispanic driver. Given this low volume, averages could not be taken, and were thus not displayed for any racial/ethnic group.

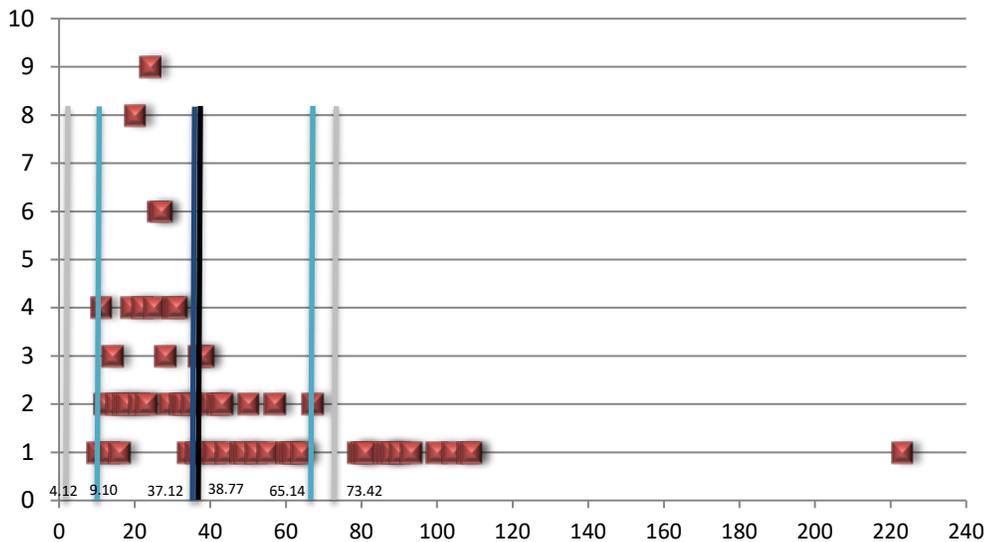
**Figure Fourteen: Length of All Stops of White Drivers**  
 15<sup>th</sup> OLEPS Reporting Period



As in previous reporting periods, the mean for White drivers was similar to the mean for all drivers in the current reporting period. For White drivers alone, the average stop length was 35.49 minutes, less than the mean for all drivers, and the standard deviation was 25.93 minutes, less than the standard deviation for all drivers. Similarity in

these numbers is largely a reflection of the number of stops of White drivers, as 42% of all stops involved White drivers in the current reporting period. Two stops (1.59%) of White drivers were more than one standard deviation below the mean for White drivers and 17 stops (13.49%) were more than one standard deviation above the mean for White drivers in the current reporting period.

**Figure Fifteen: Length of All Stops of Black Drivers**  
 15<sup>th</sup> OLEPS Reporting Period

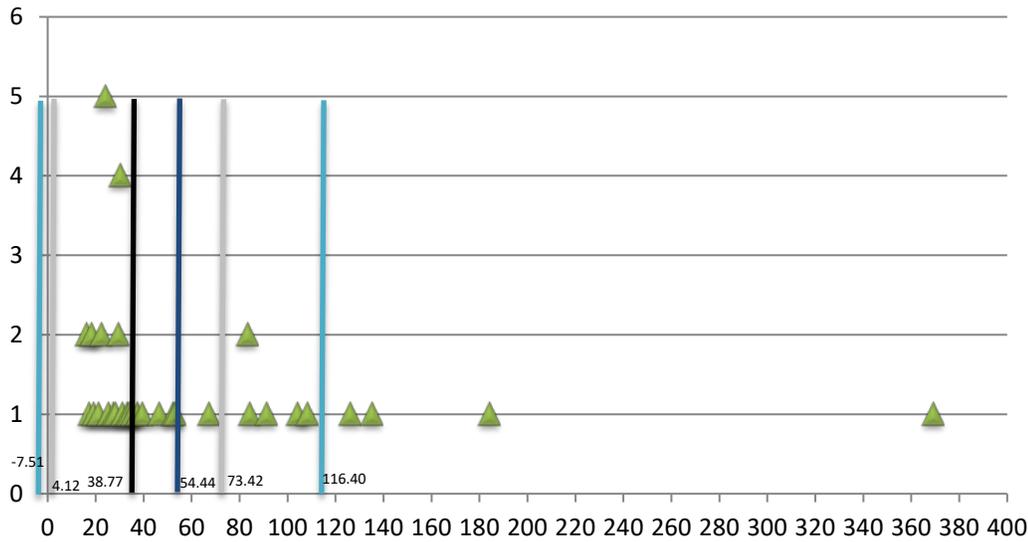


Stops of Black drivers were, on average, 37.12 minutes, less than the average of 40.94 minutes noted in the previous reporting period and slightly less than the average for all stops in this period. The standard deviation for stops of Black drivers was 28.02 minutes, smaller than the standard deviation noted for all stops. Of stops of Black drivers,

zero stops were more than one standard deviation below the mean, and 15 stops, 11.9%, were more than one standard deviation above the mean for Black drivers. One of the stops more than one standard deviation above the mean was considerably longer than any other stop conducted, 223 minutes. During the stop, the driver eluded troopers, lengthening the stop considerably.

### Figure Sixteen: Length of All Stops of Hispanic Drivers

15<sup>th</sup> OLEPS Reporting Period



Hispanic drivers were involved in a much smaller proportion of stops (14%) than White or Black drivers were. The average length of stops of Hispanic drivers was lengthier than that of all drivers, and the same is true for the standard deviation for Hispanic drivers. The mean stop

length for Hispanic drivers was 54.44 minutes, and the standard deviation was 61.96 minutes. This larger standard deviation indicates more dispersion in stops of Hispanic drivers than in stops of White, Black, and all drivers combined in the current reporting period. For Hispanic drivers, zero stops were more than one standard deviation below the mean for Hispanic drivers, and four stops (9.3%) were more than one standard deviation above the mean for Hispanic drivers. One stop of a Hispanic driver was notably longer than all other stops in the current reporting period, 369 minutes. This stop involved a search of person, arrest, and ultimately, evidence seizure.

Though these figures indicate that stops of Hispanic drivers were, on average, lengthier than those of White or Black drivers, these differences should be examined in the context of the activity of the stops.

#### Consent Requests

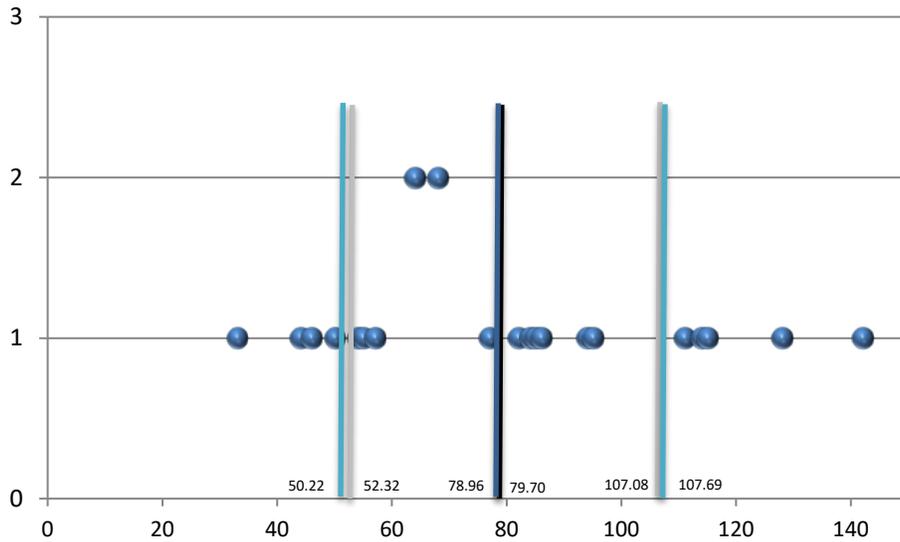
In the current reporting period, the average length of the 40 motor vehicle stops with a consent to search request<sup>33</sup> was 79.70 minutes. The average length of motor vehicle stops with consent to search requests increased for White drivers from 74.76 minutes to 78.96 minutes, decreased for Black drivers from 82.86 minutes to 79.00 minutes, and decreased for Hispanic drivers from 90.29 minutes to 83.14 minutes from the previous to the current reporting periods.

A series of independent samples t-tests was conducted to examine if there were statistically significant differences in the average stop length in stops with consent to search requests between any racial/ethnic group (e.g., between White and Black drivers, Hispanic and Asian drivers, etc.). In the current reporting period, t-tests revealed no statistically significant differences in the average length of stops with consent requests between any racial/ethnic groups.

<sup>33</sup> This assessment includes both denied and granted consent to search requests.

### Figure Seventeen: Length of Stops with Consent Requests of White Drivers

15<sup>th</sup> OLEPS Reporting Period



As noted above, the average length of stops with consent requests involving White drivers was 78.96 minutes and the standard deviation was 28.74 minutes. As shown in Figure Seventeen, the mean and standard deviation for White drivers was similar to the mean and standard deviation for all drivers. There were four stops with a consent request involving White drivers that were more than one

standard deviation below the mean for White drivers and five stops that were more than one standard deviation above the mean for White drivers.

### Figure Eighteen: Length of Stops with Consent Requests of Black Drivers

15<sup>th</sup> OLEPS Reporting Period

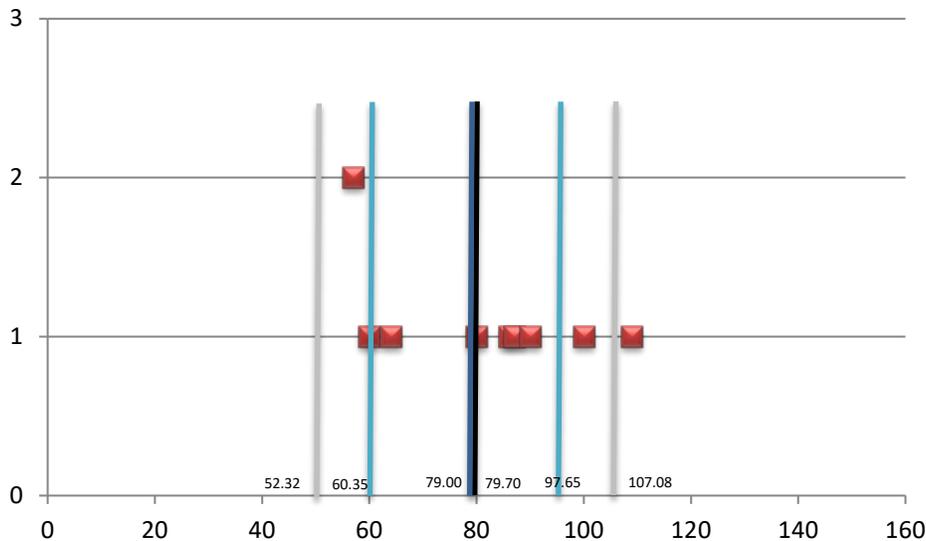


Figure Eighteen depicts the distribution of stops with a consent request involving Black drivers. As shown, the mean for Black drivers was also similar and slightly less than that of all drivers. On average, stops with consent requests involving Black drivers were 79.00 minutes, less than the 82.86 minutes noted in the previous reporting period. The standard deviation was 18.65 minutes, less than the 35.23 minutes

noted in the previous reporting period. Thus, stops of Black drivers with consent to search requests were, on average, shorter and had less dispersion in the current compared to the previous reporting period. Few stops of Black drivers with a consent request were outside of one standard deviation from the mean. Three stops of Black drivers were more than one standard deviation below the mean and two stops were more than one standard deviation above the mean for Black drivers.

### Figure Nineteen: Length of Stops with Consent Requests of Hispanic Drivers

15<sup>th</sup> OLEPS Reporting Period

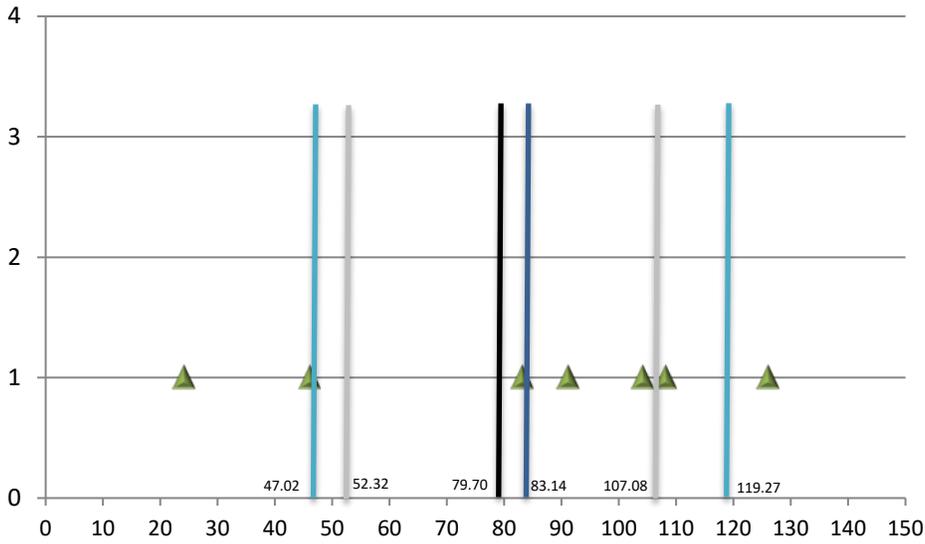


Figure Nineteen depicts the distribution of the length of stops with consent requests involving Hispanic drivers. As shown, the average length for Hispanic drivers, 83.14 minutes, was more than the average noted for all drivers with consent requests. The standard deviation was 36.12 minutes, more than that of all drivers with consent requests. There were two stops that were more than one standard deviation

below the mean for Hispanic drivers and one stop that was more than one standard deviation above the mean for Hispanic drivers.

#### *RAS Consent Requests*

The average length of stops with RAS consent requests (38 stops) was 78.68 minutes in the current reporting period, highly similar to that of all stops with consent to search requests, 79.70. This is likely because 38 of the 40 stops with consent to search requests were RAS-based, one was Probable Cause-based, and one was both RAS and Probable Cause-based in the current reporting period. Because nearly all consent requests were RAS-based, OLEPS did not make stop length comparisons to all stops with consent requests in the current reporting period separately for RAS and Probable Cause-based consent requests. However, compared to the previous reporting period, the average length of stops of White drivers with RAS consent requests was 78.27 minutes, slightly more than the 75.54 minutes noted for White drivers in the previous reporting period. This average for Black drivers was 79.00 minutes, less than the 80.31 minutes noted for Black drivers in the previous reporting period. The average length of stops of Hispanic drivers with RAS consent requests was 79.67 minutes, also less than the 90.29 minutes noted for Hispanic drivers in the previous reporting period. Thus, the average length of stops with RAS consent to search requests increased for White drivers but decreased for Black and Hispanic drivers in the current reporting period.

A series of independent samples *t*-tests revealed no significant differences between the average length of stops with RAS consent requests for any combination of racial/ethnic groups (e.g., between White and Black, Black and Hispanic, etc.) for the current reporting period. The average length of a stop with a consent request for White, Black, or Hispanic drivers was not significantly different from each other. The lack of significance may be due to the limited number of stops with RAS consent to search requests for each racial/ethnic group. There were only 38 stops with an RAS consent request: 22 stops of White drivers, 10 stops of Black drivers, and six stops of Hispanic drivers.

### *Probable Cause Consent Requests*

As previously indicated, there were only two stops in the current reporting period involving Probable Cause consent to search requests. One of these stops involved a White driver, and the other stop involved a Hispanic driver. The average of these two stops together was 99.00 minutes. Due to the small number of stops with a Probable Cause consent request, OLEPS did not calculate averages of these stops by racial/ethnic group. Accordingly, OLEPS does not include these numbers in Table Thirty-Three. Further, OLEPS did not make comparisons of averages by race/ethnicity to all stops, stops involving RAS consent to search requests, or to the previous reporting period.

## **Summary of Standard 8**

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Though State Police policies and procedures do not specify a stop length limit, they do prohibit troopers from unnecessarily lengthening stops in the absence of a legal sufficient reason to detain the individual. On average, stops were similar, but slightly shorter in length than in the previous reporting period. Further, the dispersion of the stop length distributions in the current reporting period remained small with few stops appearing as outliers in stop length. OLEPS continues to recommend that State Police supervisors review motor vehicle stop length.

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# Supervisory Review

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## Performance Standard 9: Supervisory Review of Motor Vehicle Stops

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### Standards

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According to State Police policies and procedures, State Police supervisory personnel must review motor vehicle stops. Specifically, review is required for all critical incidents (*i.e.*, any stop involving a drug-detection canine deployment, RAS consent to search request, and/or use of force). State Police policy does not require review of all non-critical stops. Rather, State Police only reviews a selection of non-critical stops. Additionally, supervisors may review motor vehicle activity in the course of assessing a trooper's performance relative to his/her peers or as part of an investigation of a complaint. These reviews are detailed, requiring the supervisor to assess adherence to policies, procedures, and applicable legal standards (RAS or Probable Cause).

This performance standard refers to errors troopers made in connection with any aspect of a motor vehicle stop (from appropriate levels of RAS or Probable Cause to reporting and recording requirements). An error occurs when the stop deviates from State Police policy, either through trooper action or inaction or unintentional equipment failures. This section discusses whether supervisors reviewing the stop noted the error. If so, OLEPS notes the error as caught. If the supervisor failed to note the error, then OLEPS records it as an error not caught. If OLEPS noted an error in a stop that has not undergone supervisory review, OLEPS records it as a non-reviewed error.

### Assessment

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State Police policies and procedures detail the requirements, trooper responsibilities, and appropriate actions required in motor vehicle stops. Supervisory personnel in State Police review motor vehicle stops to determine adherence to all requirements and to ensure no violations of individual rights or deviations from policy occur. In addition, OLEPS reviews motor vehicle stops and notes instances in which supervisors did or did not identify deviations of State Police policies and procedures.

OLEPS determines whether State Police caught an error based on State Police supervisory review of the motor vehicle stop. For this report, OLEPS pulled all documentation of stops, including reviews of stops in March 2017. At this time, OLEPS noted State Police supervisory reviews for 124 stops of the 298 stops selected for OLEPS' review. State Police did not review 174 stops that OLEPS reviewed.

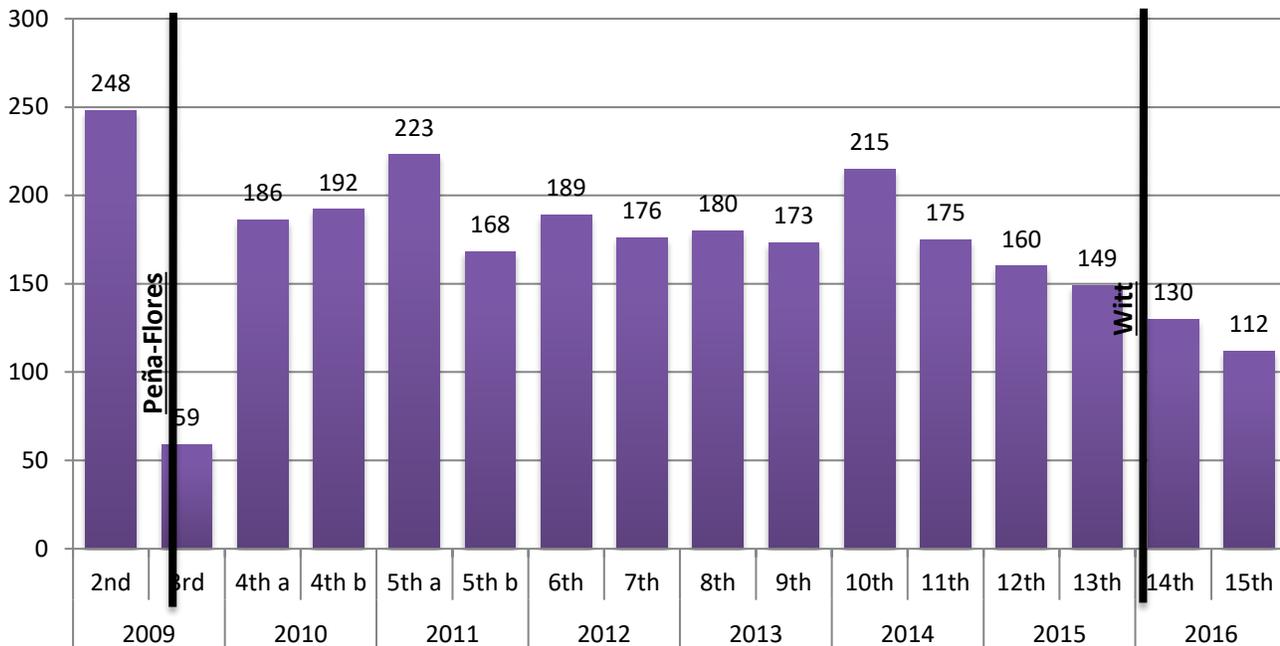
It is possible that State Police reviewed a stop after OLEPS pulled the records for the stop. In total, State Police reviewed four stops after OLEPS pulled motor vehicle stop records for this reporting period. Because these reviews were not completed prior to OLEPS' review, any errors noted by State Police are not considered caught for this report. However, these reviews allow State Police to address errors that may have been previously unknown, given its review schedule.

During the 16<sup>th</sup> review period, OLEPS noted inconsistencies in our determinations of an error pertaining to communication call-ins and recordings of stops for the previous and current reporting periods. To remedy this, OLEPS re-reviewed these stops in 2018 to ensure all determinations were consistent. As a result, the volume of stops with errors, errors caught, errors not caught, and errors non-reviewed decreased in the previous and current reporting periods. Discussion of trends will be limited, as this decrease is not a reflection of any change in State Police activity, but rather a reflection of a correction to auditing practices.

*All Errors*

In the current reporting period, 112 stops contained errors (37.58% of all stops selected), less than the number of stops with errors in the previous reporting period. Figure Twenty depicts trends in the total number of stops with errors since the second reporting period. In the second half of 2009 (third reporting period), there volume of stops with errors decreased considerably because OLEPS reviewed a much smaller number of stops. Since then, the volume of stops with errors has fluctuated, but remained higher than this low. Following a spike in the first half of 2011 (fifth-a reporting period) and until the spike in the first half of 2014 (tenth reporting period), the volume of errors remained small. Since the first half of 2014, the volume of errors decreased through the current reporting period. As noted previously, OLEPS noted inconsistency in determinations pertaining to communication and recording errors. OLEPS re-reviewed stops to ensure appropriate assessment of all stops. This resulted in a smaller volume of stops with errors. Thus, the decrease noted in the previous and current reporting periods is not solely a reflection of change in State Police activity.

**Figure Twenty: Total Stops with Errors, by Reporting Period<sup>34</sup>**  
 2<sup>nd</sup> through 15<sup>th</sup> OLEPS Reporting Periods



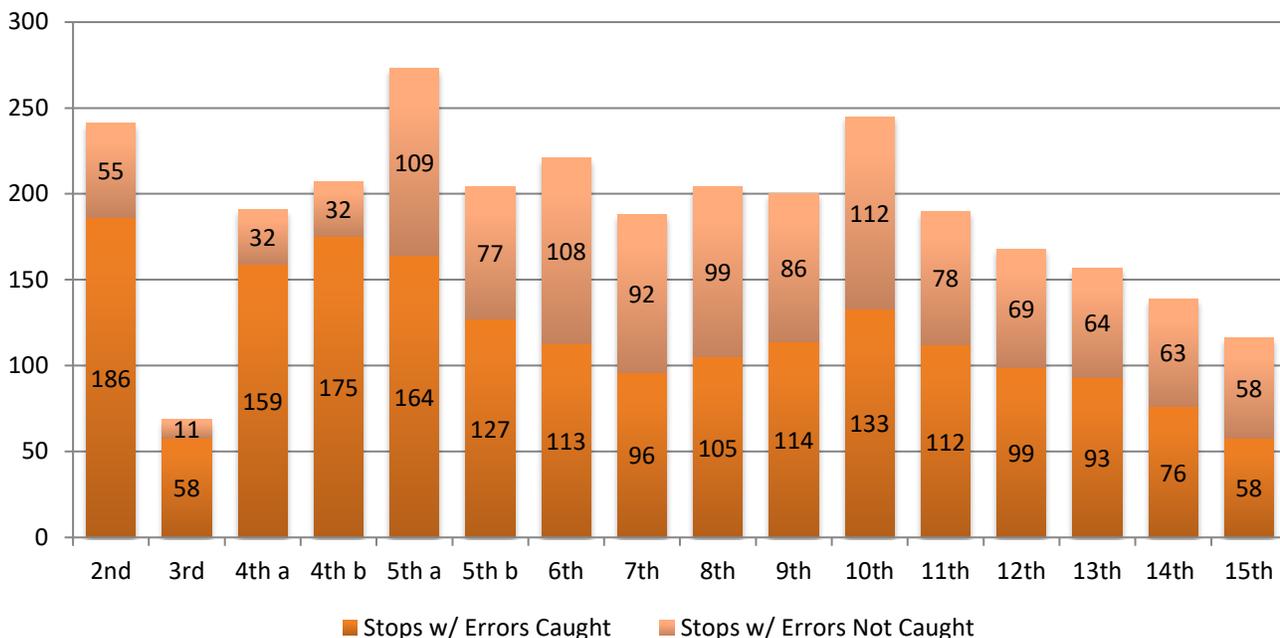
<sup>34</sup> The errors in the second reporting period were generally procedural in nature, and stemmed from policy changes the resulted following Peña-Flores. In the third reporting period OLEPS reviewed a small number of stops, only critical incidents, resulting in the small error volume depicted.

In total, there were 186 motor vehicle stops (62.42%) conducted without error in the current reporting period, larger than the number and proportion in the previous period (161 stops and 55.33%).

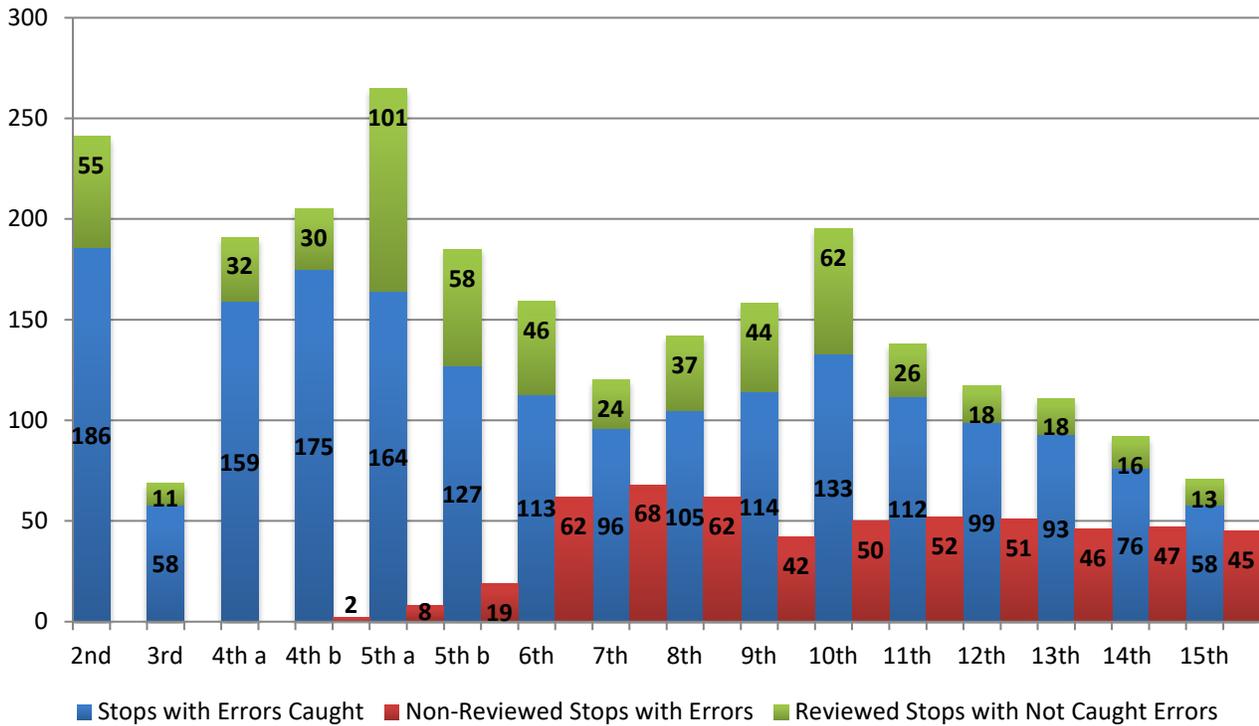
Each stop can appear as either a stop with errors caught, a stop with errors not caught, or both. Of the 112 stops with errors, 58 stops contained errors caught by State Police and 58 stops contained errors not caught by supervisory review. That is, 19.46% (58 of 298) of all motor vehicle stops contained an error State Police failed to catch. This is less than the percentage of stops with errors not caught in the previous reporting period, (21.64%). Beginning in July 2011, State Police revised its motor vehicle stop review policy. The current reporting period contains a portion of stops that would not typically be subject to the review process. In 45 stops that State Police did not review, OLEPS noted errors. Thus, only 13 stops contained errors not caught by State Police despite supervisory reviews.

For several reporting periods, OLEPS' reviews indicated that State Police caught the majority of errors made in stops. Figure Twenty-One compares the number of stops where State Police caught errors to the number of stops where State Police failed to catch errors. Within the same stop, State Police may catch some errors and not others. Thus, each stop can appear as either a stop with errors caught, a stop with errors not caught, or both. As shown in Figure Twenty-One, across reporting periods, the proportion of stops with errors caught compared to stops with errors not caught varied. However, the number of stops where State Police caught errors has historically been larger than the number of stops where State Police failed to catch errors. In the current reporting period, these numbers are identical, 58 stops with errors caught and 58 stops with errors not caught. Given that State Police's review schedule does not mandate a review of all stops, OLEPS' reviews included a sample of stops not routinely subject to State Police review. Accordingly, the fluctuation of the ratio of stops with errors caught and not caught may be the result of the review schedule and sample selection. Because of this, it is necessary to examine the number of errors not caught in stops with and without State Police reviews.

**Figure Twenty-One: Stops with Errors Caught and Stops with Errors Not Caught**  
 2<sup>nd</sup> through 15<sup>th</sup> OLEPS Reporting Periods

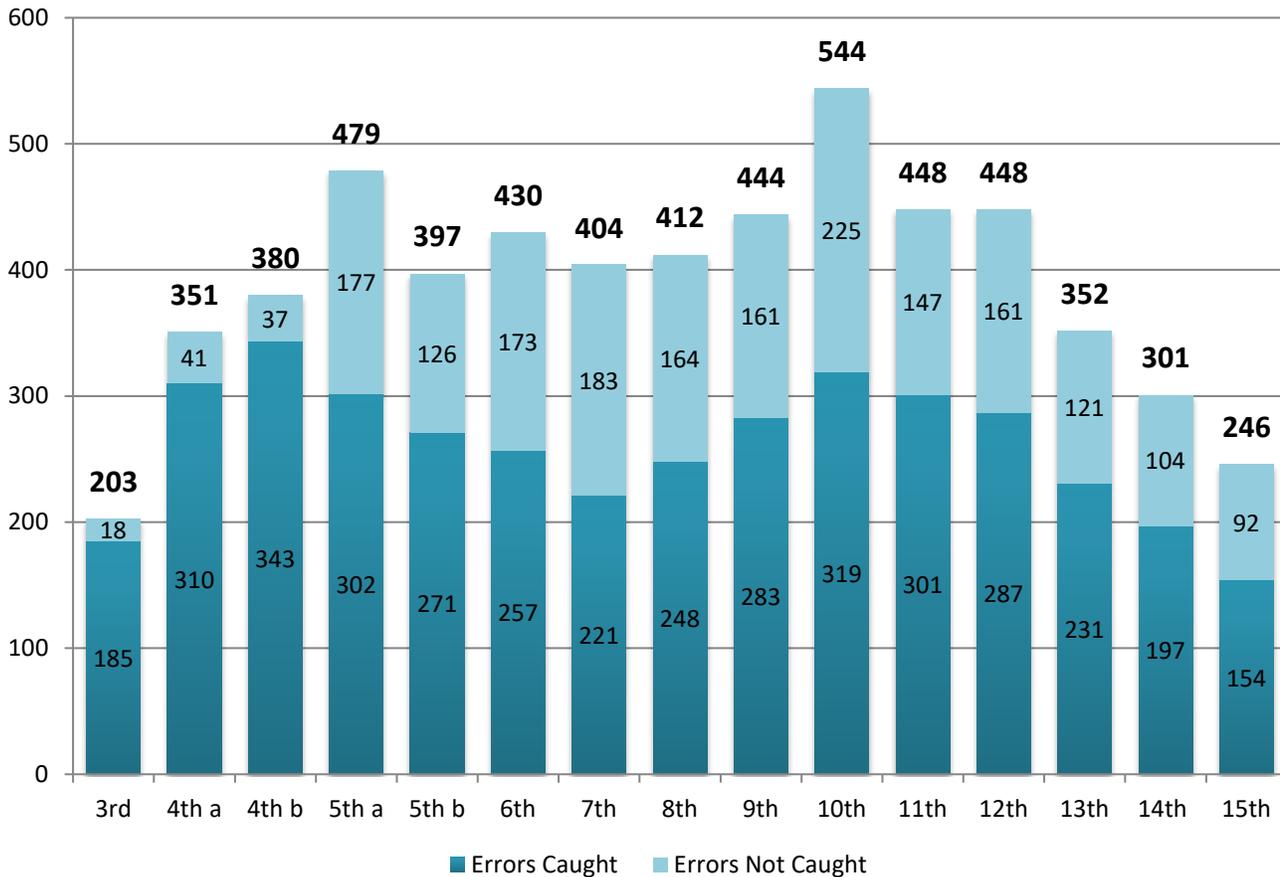


**Figure Twenty-Two: Stops with Errors Caught, Not Caught, and Non-Reviewed**  
 2<sup>nd</sup> through 15<sup>th</sup> OLEPS Reporting Periods



As noted, there were 58 stops with an error not caught in the current reporting period. However, State Police did not review the majority of these stops. As noted earlier, in 2011, 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 State Police has not reviewed. As such, OLEPS compared the number of stops with errors caught, not caught, and those with errors that State Police did not review as seen in Figure Twenty-Two. State Police reviewed 22.41% (13 of 58 stops) of the stops where OLEPS noted an uncaught error. Thus, State Police did not review 77.58% (45 of 58 stops) of all stops identified with an uncaught error.

**Figure Twenty-Three: Errors Caught and Errors Not Caught<sup>35</sup>**  
 2<sup>nd</sup> through 15<sup>th</sup> OLEPS Reporting Periods



In the current reporting period, while OLEPS noted 112 motor vehicle stops with errors, there were 246 errors in those 112 stops. The total number of errors has historically been much larger than the total number of stops with an error. Because each stop may include both errors caught and errors not caught, Figure Twenty-Three presents the total number of errors State Police caught and the total number of errors that State Police failed to catch. As shown in Figure Twenty-Three, of those stops State Police reviewed, State Police consistently caught more errors than it did not catch. The number of errors not caught decreased in the previous and current reporting periods. In the current reporting period, State Police noted 154 errors in 58 stops, while OLEPS noted an additional 92 errors in 58 stops. As noted previously, the volume of errors in the current period was not necessarily comparable to previous periods, as OLEPS noted inconsistencies in its own reviews, which resulted in a decrease of errors.

As noted above, State Police only reviewed 22.41% of stops with an error not caught. Figure Twenty-Four identifies the 246 errors as caught, not caught, or non-reviewed by State Police. As shown, the majority of the errors are caught, 154 (62.60%). Of the 92 errors identified in Figure Twenty-Four as not caught, 17 (18.47%) errors occurred in a stop with State Police review. The majority of the not-caught errors from Figure Twenty-Four, 75 (81.5%), occurred in stops that State Police did not review. That is, State Police was unaware that these errors occurred until OLEPS shared the results of this review with it.

<sup>35</sup> Trooper-caught errors are included in the category of "Errors Caught." In the current reporting period, OLEPS did not note any trooper caught errors.

**Figure Twenty-Four: Errors Caught, Not Caught, and Non-Reviewed**  
 2<sup>nd</sup> through 15<sup>th</sup> OLEPS Reporting Periods

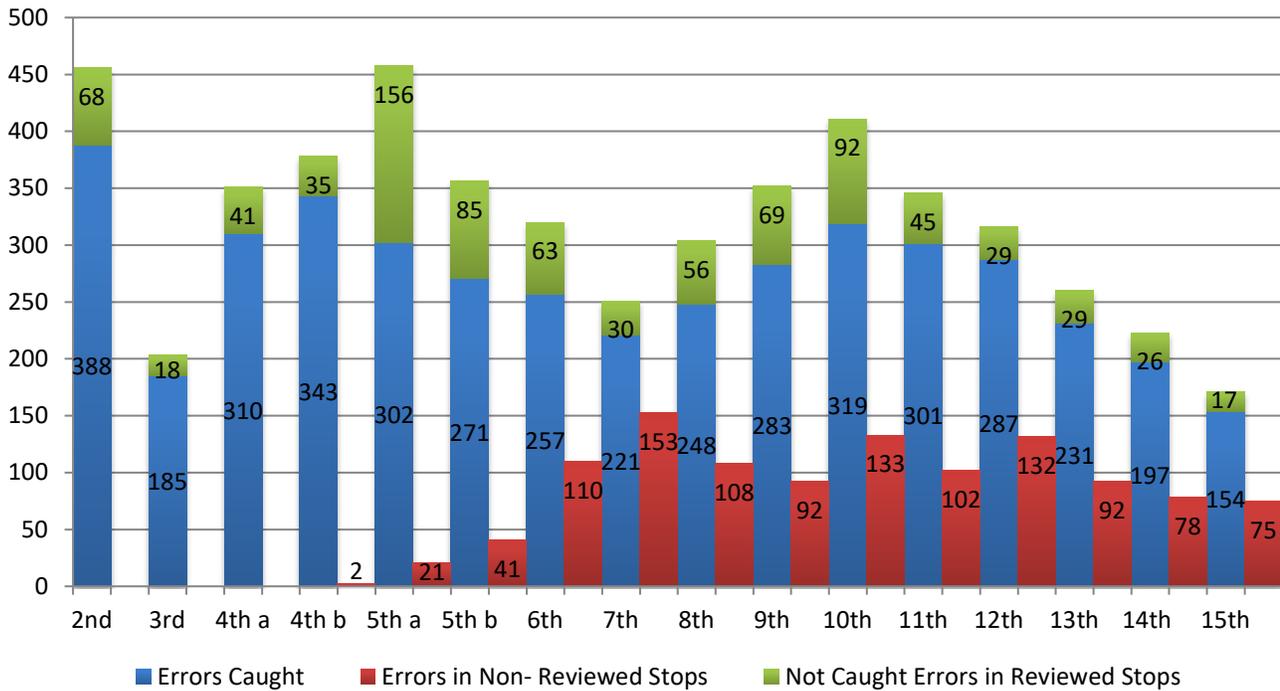
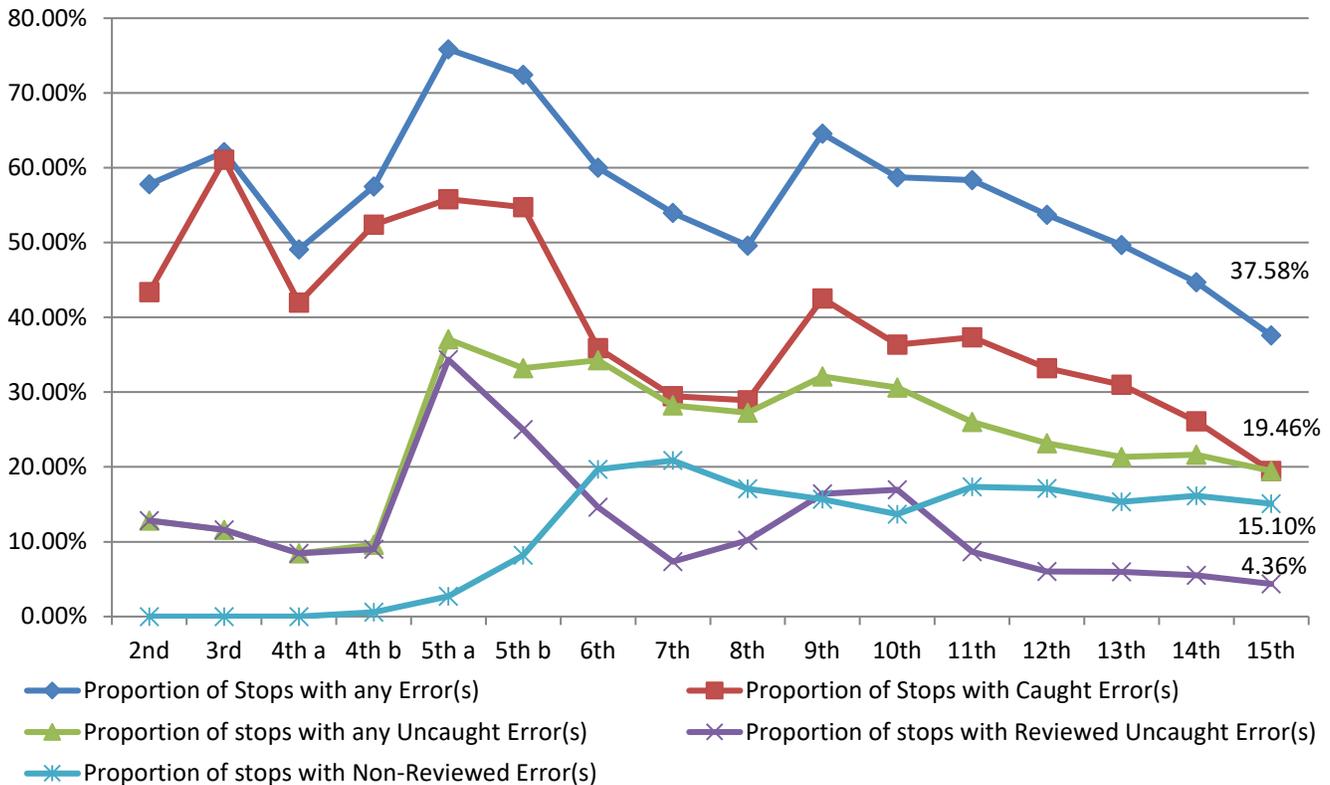


Figure Twenty-Five depicts the proportion of stops with any error, any error(s) caught, any error(s) not caught, and any error in a non-reviewed stop from the second through current reporting periods. As shown, the largest proportion is that of stops with any error for all reporting periods. The proportion of stops with an error caught is smaller than the proportion of all stops with any error.<sup>36</sup> Approximately 37% of all stops OLEPS selected for review contained at least one error (caught or uncaught). This proportion is smaller than the 45% noted in the previous reporting period and less than the average proportion (58%) noted between the second and fourteenth periods. Approximately 19% of all stops contained an error caught in the current reporting period. This proportion is smaller than that noted in the previous reporting period, 26%, and continues a decrease since the eleventh reporting period. The proportion of stops with any uncaught error(s) is consistently smaller than the proportions of stops with any errors and has historically been smaller than the proportions of stops with caught errors. The proportion in the current reporting period, 19%, is smaller than that noted in the previous period, but is identical to the proportion of stops with caught errors. The proportion of stops with non-reviewed errors is similar in the previous and current reporting periods (approximately 15% in the current reporting period and 16% in the previous reporting period). The same is true for the proportion of stops reviewed with uncaught errors (5.50% in the previous and 4.36% in the current reporting period).

<sup>36</sup> As noted earlier, a stop may contain multiple errors. Therefore, a single stop may be represented among stops with errors caught and among stops with errors not caught. As such, the proportions of stops with errors caught and errors not caught do not necessarily add up to the total number of stops with any error(s).

**Figure Twenty-Five: Proportion of Stops with any Error, Errors Caught, & Errors Not Caught**

2<sup>nd</sup> to 15<sup>th</sup> OLEPS Reporting Periods



*Types of Errors*

OLEPS classified errors into several categories based on the nature of the error.

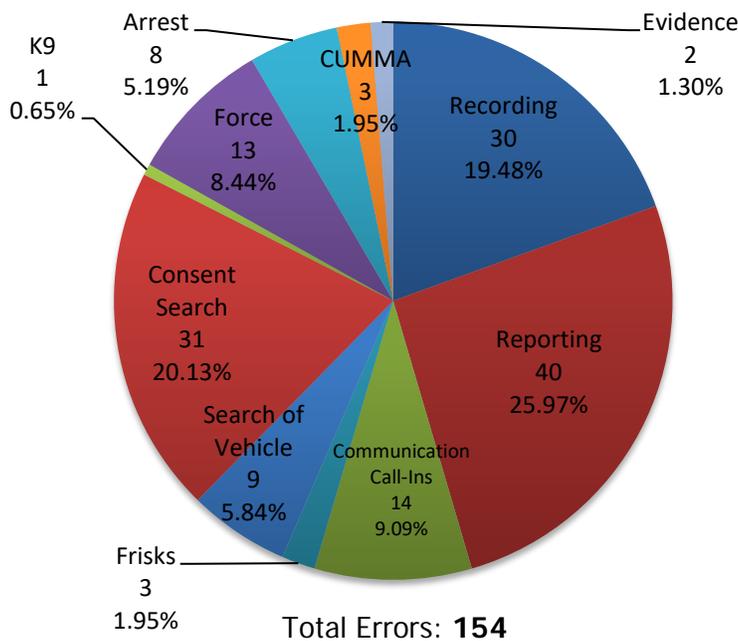
- Recording errors: Errors referring to whether the trooper activated the audio and video recordings at the beginning of the motor vehicle stop and whether the audio and video recording continued to the completion of the stop.
- Reporting errors: Errors made in completing the motor vehicle stop report or the investigation report (if applicable).
- Call-in errors: A trooper’s failure to call-in the appropriate information to the communication center at the beginning or completion of the stop.
- Vehicle exit errors: Errors made when an individual is asked to exit a vehicle.
- Frisk errors: Errors made during the course of a frisk.
- Search of a person errors: Errors made when searching a person without consent.
- Search of a vehicle errors: Errors made during a non-consensual vehicle search.
- Consent search errors: Errors made in connection with the rules governing consent to search requests, including all reporting and recording requirements.
- Canine deployment errors: Errors made when a canine is improperly deployed or the deployment is not properly documented.
- Use of force errors: Errors made during a use of force or in the documentation of a use of force.
- Arrest errors: Errors made during the course of an arrest or the documentation of the arrest.
- CUMMA errors: Errors made pertaining to the determination of whether a motorist is a medical marijuana patient prior to arrest or other law enforcement actions when the odor of marijuana is detected.

- Evidence seized errors: Errors made during a seizure of evidence.

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 Twenty-Six presents this categorization for all errors caught in the current reporting period.

**Figure Twenty-Six: Type of Errors Caught**

15<sup>th</sup> OLEPS Reporting Period

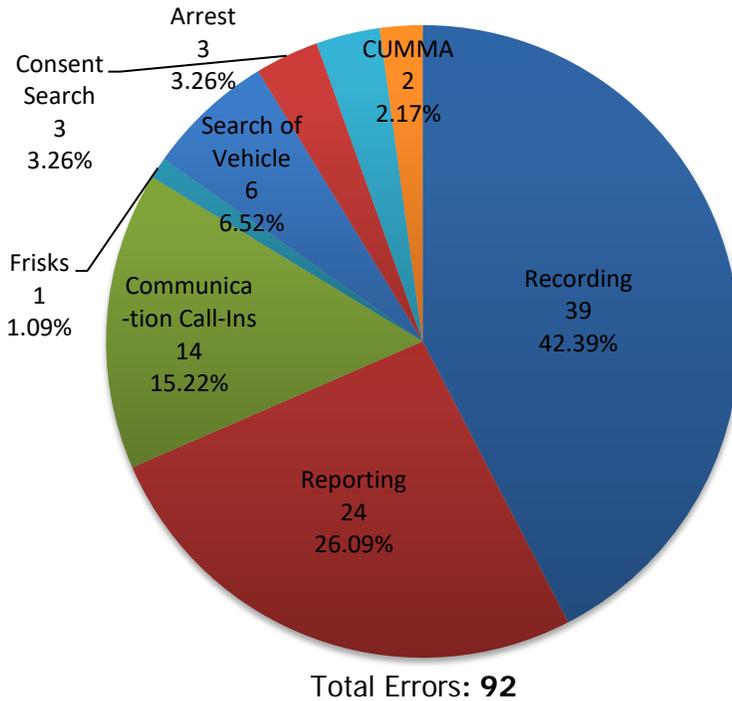


The most frequent errors State Police caught for this reporting period were errors related to reporting, recording, and consent to search requests. State Police supervisory review noted 40 errors pertaining to reporting, 30 errors pertaining to recording, and 31 errors pertaining to consent to search requests. In total, these three categories of errors accounted for over half, 66% of all errors caught. In the current period, the proportion of errors caught pertaining to recording increased from 18.27% to 19.48%, while errors caught pertaining to reporting increased from 23.35% to 25.97%. The proportion of errors caught pertaining to consent to search requests remained the same (20.13%), while the proportion of errors caught pertaining to

arrests decreased from 10.66% to 5.19%. The proportion of errors caught pertaining to uses of force increased from 4.57% to 8.44%. The proportions of other categories of errors remained consistent in the current reporting period. Changes in the proportion of each error type does not necessarily mean that State Police failed to catch these errors. Instead, it may mean that State Police made fewer errors of that type or may result from the sample of stops selected.

**Figure Twenty-Seven: Type of Total Errors Not Caught**

15<sup>th</sup> OLEPS Reporting Period



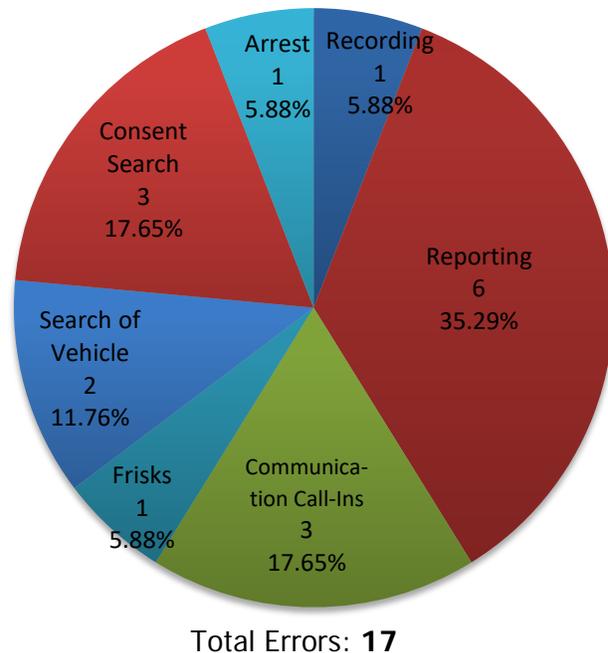
As shown in Figure Twenty-Seven, recording errors were the most frequent type of error not caught, making up 42.39% of all errors not caught in the current reporting period. Reporting and communication call-in errors were the second and third most frequent type of error not caught, 26.09% and 15.22%, respectively. The proportion of errors not caught pertaining to recording increased from 35.58% to 42.39%, while the proportion of errors not caught pertaining to reporting decreased from 31.73% to 26.09%. The proportion of errors not caught pertaining to communication call-ins increased, from 6.73% in the previous reporting period to 15.22% in the current reporting period. Unlike the previous reporting period, there were zero not caught errors pertaining to search of

persons, canine deployments, and force. All other categories of errors changed only slightly from the previous to the current reporting period.

**Figure Twenty-Eight: Type of Not Caught Errors in State Police Reviewed Stops**

15<sup>th</sup> OLEPS Reporting Period

As noted throughout this performance standard, during this reporting period, OLEPS examined a large number of stops without a State Police supervisory review (58%). As such, it is appropriate to discuss the errors State Police did not catch in those stops that underwent review. In total, there were 17 errors not caught in the stops State Police reviewed. The majority of these errors pertained to reporting (35.29%), consent searches (17.65%), and communication call-ins (17.65%). The proportion of uncaught errors in reviewed stops increased for consent searches, from 7.69% to 17.65%, and increased slightly for both reporting, from 34.62% to 35.29%, and communication call-ins, from 15.00% to 17.65%. Conversely, the proportion of uncaught errors in reviewed stops decreased for vehicle searches, from 23.08% to 11.76%. Unlike the previous

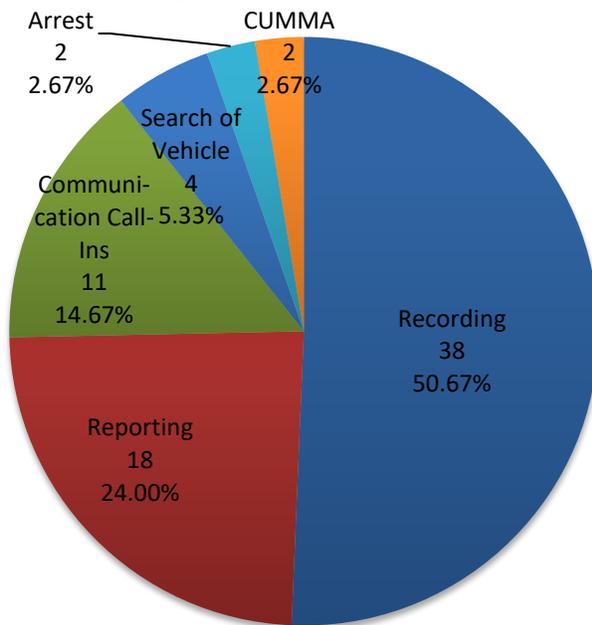


reporting period, there were no uncaught errors in reviewed stops pertaining to search of persons and canine deployments. However, there was one uncaught error pertaining to a frisk (5.88%).

As noted in previous reporting periods, State Police modified its review schedule in 2012. 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 noted State Police's improvement in errors caught over several reporting periods and commends State Police for the improvement. However, though the stops State Police reviewed had a small number of uncaught errors, OLEPS noted the same types of errors were in stops State Police did not review. Figure Twenty-Nine illustrates the overall universality of errors troopers made. OLEPS recommends that State Police increase its use of interventions so that documentation exists of a trooper's notification of errors made during a stop with the hope of modification of trooper behavior accordingly. OLEPS believes that an increase in the use of interventions would positively impact the error rate.

### Figure Twenty-Nine: Type of Non-Reviewed Errors

15<sup>th</sup> OLEPS Reporting Period



Total Errors: **75**

Seventy-five of the 92 errors not caught occurred in stops State Police did not review. The majority of these errors, 89.33%, pertained to recording, reporting, and communication call-ins. The remaining errors were much less common. There were four or fewer errors in every other category.

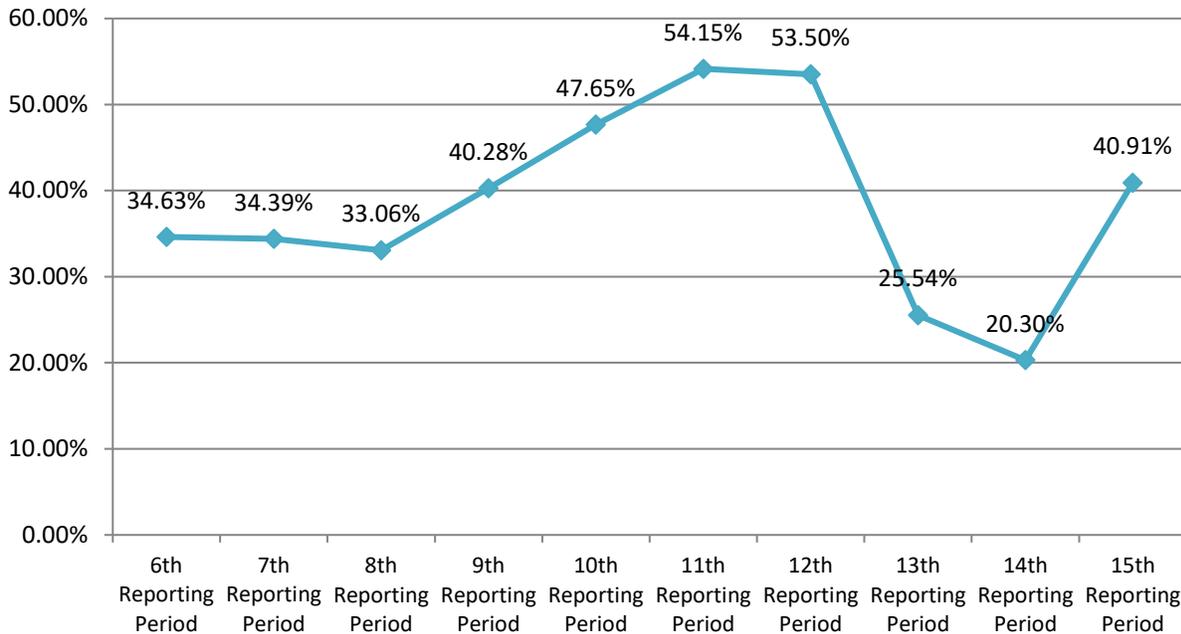
In this reporting period, while reporting and recording errors remained frequent among caught and not caught errors. The Court's decision in Witt makes it more efficient for troopers to search vehicles or persons based on Probable Cause without the need to request consent. Accordingly, the volume of stops with consent requests decreased considerably while the volume of stops with these non-consensual searches increased. Consent searches remained a frequent error among caught errors (see Figure Twenty-Six), because State Police are still required to

review all stops with an RAS consent request. However, because State Police used Probable Cause consent searches much less after Witt, the proportion of errors not caught pertaining to consent searches is extremely low. In the current period, State Police failed to catch three consent to search errors in stops State Police reviewed. Conversely, the volume of errors pertaining to vehicle searches was larger, especially among errors not caught and non-reviewed. These stops were not required to undergo supervisory review, and, as such, State Police may not have had the opportunity to catch these errors. Samples in previous reporting periods were based on the presence of other enforcement activities (e.g., non-consensual searches, frisks, or arrests), resulting in higher volumes of those errors. This highlights the importance of context when examining patterns in State Police errors. Policy and procedural changes and sampling changes can affect the patterns of errors noted.

*Interventions*

Interventions are a tool State Police uses to improve a trooper’s performance. Supervisors record interventions in MAPPs to, 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, supervisors may issue an intervention to note that a trooper routinely failed to activate video recordings in a motor vehicle stop. An intervention allows the trooper and future supervisors to review the supervisor’s 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, such as additional training.

**Figure Thirty: Proportion of Errors Caught with Interventions Issued**  
 15<sup>th</sup> OLEPS Reporting Period



OLEPS examined the extent to which supervisors noted 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. Figure Thirty depicts the trend of the proportion of errors caught that resulted in interventions. As shown, the proportion of interventions issued in each reporting period increased steadily until the 11th reporting period, but dropped off considerably in the 13<sup>th</sup> reporting period. After a historic low in the previous reporting period, the proportion of interventions issued increased in the current reporting period. While State Police supervisors caught 154 errors, they issued 63 interventions. Of all errors State Police caught, 40.91% resulted in an intervention.

Table Thirty-Four depicts the number and proportion of stops with interventions by category of error. Caught errors pertaining to vehicle searches resulted in an intervention in 77.78% of instances and caught CUMMA errors resulted in an intervention in 66.67% of instances. Caught errors pertaining to consent requests resulted in an intervention in 58.06% of instances. The one caught canine error

resulted in an intervention (100%), and one of the two caught evidence errors resulted in an intervention (50%). All remaining categories of errors caught resulted in an intervention less than 40% of the time.

**Table Thirty-Four: Proportion and Type of Caught Errors Resulting in an Intervention**  
 15<sup>th</sup> OLEPS Reporting Period

	<b>Number of Interventions</b>	<b>Number of Errors Caught</b>	<b>% of Errors Caught</b>
<b>Recording</b>	10	30	33.33%
<b>Reporting</b>	14	40	35.00%
<b>Communication Call-Ins</b>	5	14	35.71%
<b>Vehicle Exits</b>	0	0	-
<b>Frisks</b>	1	3	33.33%
<b>Search of Person</b>	0	0	-
<b>Search of Vehicle</b>	7	9	77.78%
<b>Consent Requests</b>	18	31	58.06%
<b>Canine Deployment</b>	1	1	100.00%
<b>Use of Force</b>	1	13	7.69%
<b>Arrest</b>	3	8	37.50%
<b>CUMMA</b>	2	3	66.67%
<b>Evidence</b>	1	2	50.00%
<b>Total</b>	<b>63</b>	<b>154</b>	<b>40.91%</b>

The proportion of interventions issued in the current period is an increase from the historical low noted in the previous reporting period (20.30%). Though the total number of errors caught in the current reporting period, 154, is 43 errors fewer than the 197 caught in the previous reporting period, the number of interventions in the current reporting period, 63, is 23 greater than the 40 interventions noted in the previous reporting period. OLEPS continues to recommend the use of interventions to note a caught 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**

State Police’s policies and procedures specify a number of actions that troopers must complete, a number of actions that troopers may only use under specific circumstances, and prohibited actions. Further, State Police policies and procedures designate supervisors as those required to review motor vehicle stops to ensure that trooper’s perform in accordance with these policies and procedures. Supervisors should then detail the trooper’s performance in a motor vehicle stop review and issue interventions to encourage troopers to modify the noted conduct. The current reporting period included review of a number of stops that did not receive a State Police supervisory review. As such, the overall number of errors OLEPS caught that State Police did not identify remains high. State Police failed to note errors in the stops that State Police reviewed, especially pertaining to reporting. The errors OLEPS noted in non-reviewed stops were most frequently recording and reporting errors. State Police should

continue its improvement in detailed reviews and note all trooper errors during stops. Further, State Police should notify troopers of all errors to help minimize future errors.

OLEPS notes that 10.48% of all stops State Police reviewed contained errors not noted in reviews, a decrease from 13% in the previous reporting period. Approximately 26% of all stops State Police did not review contained errors. Accordingly, there were actions that deviated from State Police policies and procedures that State Police did not identify and could not correct.

OLEPS' re-reviews pertaining to communication call-ins and recording confirmed the patterns and trends noted for many reporting periods. Further, the total volume and proportions of errors were generally consistent with previous reporting periods.

As stated in previous reports, a trooper can only correct behavior if he/she knows there is an issue. Interventions are a vital tool for self-analysis, allowing both troopers and supervisors to record areas of both excellence and need for improvement. For multiple reporting periods, State Police had increased the use of interventions. However, OLEPS noted a substantial decrease in the volume of interventions in the previous two reporting periods. In the current reporting period, 40.91% of errors resulted in an intervention, a nearly 20 percentage-point increase from the previous reporting period. OLEPS recommends that State Police continue to increase its use of interventions so that troopers who made an error have the ability to modify future behavior.

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## Performance Standard 10: Supervisory Referral to OPS

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### Standards

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If in the review of a motor vehicle stop, State Police or OLEPS determine that the conduct recorded during the reasonably indicates misconduct, OLEPS must complete a Reportable Incident Form and submit the incident to OPS.

This standard is assessed through OLEPS' review of stops.

### Assessment

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During the current reporting period, OLEPS did not refer any incidents to OPS for review.

## Performance Standard 11: Supervisory Presence in the Field

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### Standard

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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. Recommended, however, is that State Police should, at minimum, maintain, but ideally improve, its rate of supervisory presence in the field.

### Assessment

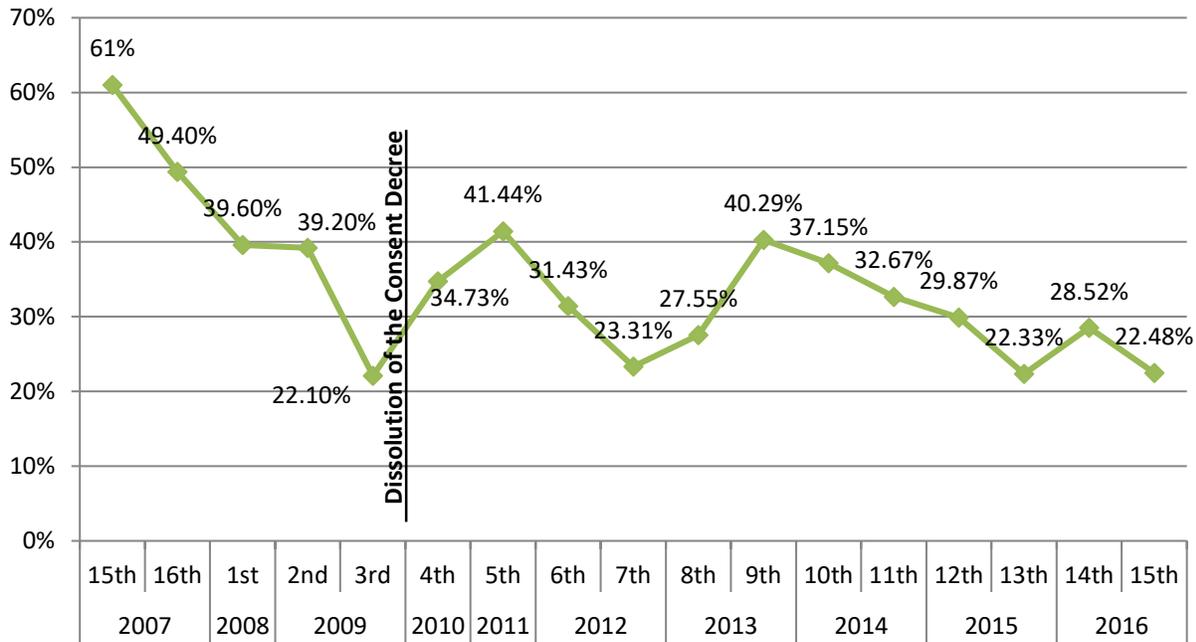
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For several reporting periods, OLEPS has noted a trend of low supervisory presence in the field. Figure Thirty-One presents this trend. In the current reporting period, supervisors were present in 67 stops, or 22.48% of all stops in the current sample. OLEPS verified supervisory presence in 44 stops by video and in 23 stops through stop reports. In the previous reporting period, a supervisor was present in nearly 29% of all stops. Since 2007, the percent of stops where a supervisor was present decreased, reaching a low of 22.10% in the second half of 2009. Since this time, OLEPS noted varying levels of supervisory presence during motor vehicle stops. The proportion of stops with a supervisor present in the current reporting period is a decrease from the previous reporting, and a nearly identical proportion to that noted in the 13<sup>th</sup> reporting period. The sample selection parameters in the current period, critical stops and a selection of stops from all stops with post-stop activity, may have an impact on supervisory presence rates. However, these parameters, though slightly different from the selection of stops with non-consensual searches in the previous reporting period, still resulted in similar proportions of each post-stop activity. Thus, the impact of sample selection would also have been noted in previous periods, which focused on non-consensual searches.

Supervisors were present in 13 stops (34.21%) with RAS consent requests, three stops (33.33%) with critical canine deployments, and 15 stops (37.5%) with uses of force. Compared to the previous reporting period, there was a smaller proportion of stops with supervisory presence in stops with critical activities. Since the dissolution of the Consent Decree, supervisory presence peaked in the fifth and ninth periods, but has since remained below 38%.

Performance Standard 11

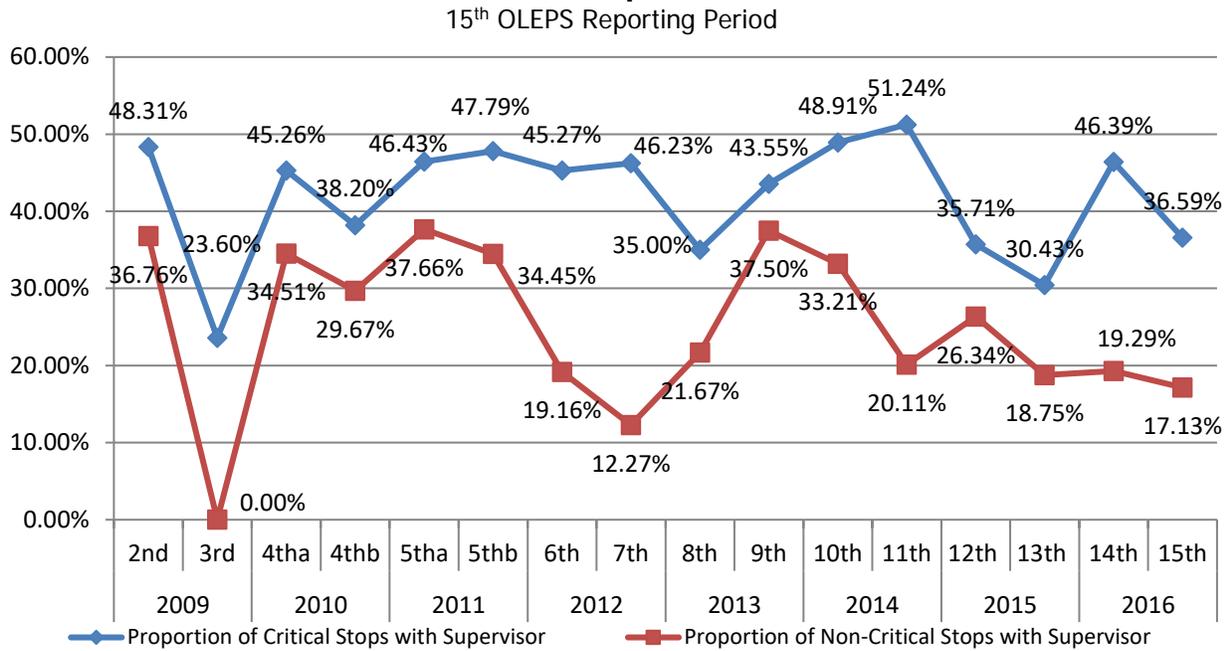
**Figure Thirty-One: Trend of Supervisory Field Presence**  
 16rting Period



OLEPS used statistical testing to determine whether there was a statistically significant difference in the volume of errors in stops with and without supervisory presence. An independent samples *t*-test indicated that there was not a significant difference in the number of errors caught in stops with a supervisor present ( $M=0.73$ ,  $s=1.60$ ) compared to those without a supervisor present ( $M=0.46$ ,  $s=1.44$ ),  $t(296)=-1.327$ ,  $p=0.186$   $\alpha=.05$ . There was not a significantly different number of errors not caught in stops with supervisory presence ( $M=0.34$ ,  $s=0.69$ ) and those without supervisory presence ( $M=0.30$ ,  $s=0.76$ ),  $t(296)=-0.432$ ,  $p=0.666$ . Further, analysis did not result in a significant difference in the total number of errors made between stops with ( $M=1.07$ ,  $s=1.61$ ) and without ( $M=0.76$ ,  $s=1.57$ ) supervisory presence,  $t(296)=-1.446$ ,  $p=0.149$   $\alpha=.05$ . Thus, the data indicate that there were no statistically significant relationships between supervisory presence and the volume of errors caught, the volume not caught, or the total volume of errors in the current reporting period.

Critical stops, those with RAS consent requests, drug-detecting canine deployments, and uses of force, undergo mandatory reviews and their activities require supervisory approval and additional reports. Figure Thirty-Two depicts supervisory presence in critical stops compared to non-critical stops. The proportion of stops with supervisors present is generally greater among critical stops than non-critical stops. In the current reporting period, there were 82 critical stops. A supervisor was present in 36.59% of these stops (30 stops). This proportion was a decrease from the previous reporting period, which was the largest since the 11<sup>th</sup> reporting period. While OLEPS reviewed a greater number of non-critical stops in the current reporting period, 216, only 17.13% of these stops (37) had a supervisor present on the scene. The proportion of non-critical stops with supervisory presence fluctuated across reporting periods in Figure Thirty-Two because of changes to the secondary sample of stops reviewed in each reporting period. In the third reporting period, OLEPS reviewed only 95 stops, 89 of which were critical stops; there were only six non-critical stops reviewed. In all other reporting periods, the majority of stops reviewed were non-critical stops. The activities occurring in these stops vary across reporting periods, which may impact the likelihood that a supervisor is on scene.

**Figure Thirty-Two: Trend of Supervisory Field Presence in Critical & Non-Critical Stops**



### Summary of Standard 11

State Police policies and procedures require supervisory presence on the road as it allows oversight of troopers during motor vehicle stops. While OLEPS anticipated an increase in supervisory presence in the field after State Police implemented a revised review schedule for motor vehicle stops in 2011, supervisory presence has generally decreased since the second half of 2013. Given that State Police recently graduated several Academy classes—and taking into account the recent policy changes following Witt, which reduce the volume of required supervisory reviews—OLEPS expected an increase in supervisory presence in the field. After an increase in the previous reporting period, there was a decrease in supervisory presence in the current reporting period. OLEPS noted this decrease for all stops, but especially critical stops.

# Office of Professional Standards & Investigations

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

## Methodology

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During this reporting period, OLEPS monitored the activities of OPS in two ways. First, OLEPS conducted a legal review of substantiated disciplinary investigations.<sup>37</sup> The purpose of each legal review was to determine whether there was sufficient evidence to move forward with disciplinary action; that is, whether the findings were supported by a preponderance of the evidence. OLEPS accomplished this by examining the investigative activities of OPS and assessing the quality and admissibility of the evidence. OLEPS also reviewed the proposed penalty for each substantiated investigation. In conducting its review, OLEPS had full access to MAPPs and IAPro information concerning the trooper's prior disciplinary history. OLEPS evaluated this information in conjunction with the evidence developed in the investigation before State Police files disciplinary charges and a penalty recommended. OLEPS also reviewed the proposed penalty for each substantiated investigation, providing guidance and advice on the level of discipline imposed so that it is appropriate and fair. In doing so, OLEPS considered: 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 include a determination of whether the evidence in the case supports the findings of "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, OLEPS also selects a sample of all other complaints State Police received for review. For each complaint, OLEPS conducts a complete review of the written investigative file including a review of all required investigative tasks. In some instances, those reviews lead to a review of all available investigative evidence, such as audio and video tapes OPS assembled. Additionally, OLEPS publishes aggregated analyses of misconduct cases available here: <http://www.nj.gov/oag/oleps/aggregate-misconduct.html>.

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<sup>37</sup> This function was transferred out of OLEPS in August 2017. However, during the reporting period of this report, OLEPS performed this function. OLEPS retains auditing requirements for OPS.

## Performance Standard 12: Appropriate & Timely Investigations

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### Standards

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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, the investigator must complete an extension with the Internal Affairs Investigation Bureau (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 substantively similar charges.

### Assessment

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In the current reporting period, OLEPS performed an audit of investigations OPS conducted from July 1, 2016 to December 31, 2016.

This audit consisted of a review of 98 closed cases alleging misconduct. Of this total, 67 consisted of complaints involving racial profiling, disparate treatment, excessive force, illegal or improper searches, and domestic violence. OLEPS selected an additional 31 cases for review from all other misconduct, performance, and administrative investigations. OLEPS conducted reviews of the written files for all 98 closed cases and an additional review of audio and video evidence for three cases.

### *Investigation Length*

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During OLEPS' audit of OPS, OLEPS examined the length of misconduct investigations to determine if they were appropriate based on justifiable reasons. These reasons included, but were not limited to:

- Investigator caseload
- Unavailability of principals, complainants, or witnesses
- Investigator re-assignment
- Pending criminal investigation

For the audit covering the current reporting period, OLEPS noted that State Police failed to meet the 120 working day requirement for 46.4% (39 of the 84 cases submitted for a misconduct investigation). During this audit, OLEPS noted that 36 of these cases included an appropriate request for extension while three cases did not. OLEPS also noted 65 cases where an extended period passed between receipt of a complaint and assignment to an investigator, thus delaying the beginning of the investigation. Additionally, OLEPS noted an extended period between investigator completion of a misconduct case and supervisory review of the case in 43 cases.

### *Appropriate Interventions*

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In addition to evaluating the investigation length of all misconduct cases, OLEPS also reviewed the proposed penalty for each substantiated investigation. During this review, OLEPS had full access to the involved trooper's disciplinary history. OLEPS evaluated this in conjunction with the evidence developed by the investigation before OPS filed disciplinary charges and recommended a penalty. Disciplinary matters cannot move forward until OLEPS has performed a legal sufficiency and penalty review. In the second half of 2016, OLEPS performed approximately 34 legal sufficiency and penalty reviews.

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## Performance Standard 13: Internal Audits of Citizen Complaint Processes

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### Standards

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

- All calls must be recorded
- All complaints must be reviewed to determine whether they constitute allegations of misconduct and whether the allegation is:
  - Criminal
  - Requires administrative investigation
  - Non-disciplinary performance matter
  - Administratively closed

### Assessment

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OLEPS audits the citizen complaint process through an audit of the complaint hotline, checking for proper classification and reception of complaints. This audit covered the period of July 1, 2016 to December 31, 2016. State Police received 69 complaint calls to the hotline during the review period and OLEPS reviewed a selected portion of these calls. OLEPS concluded that OPS assigned a case number and handled the complaint appropriately for all calls reviewed.

# Training

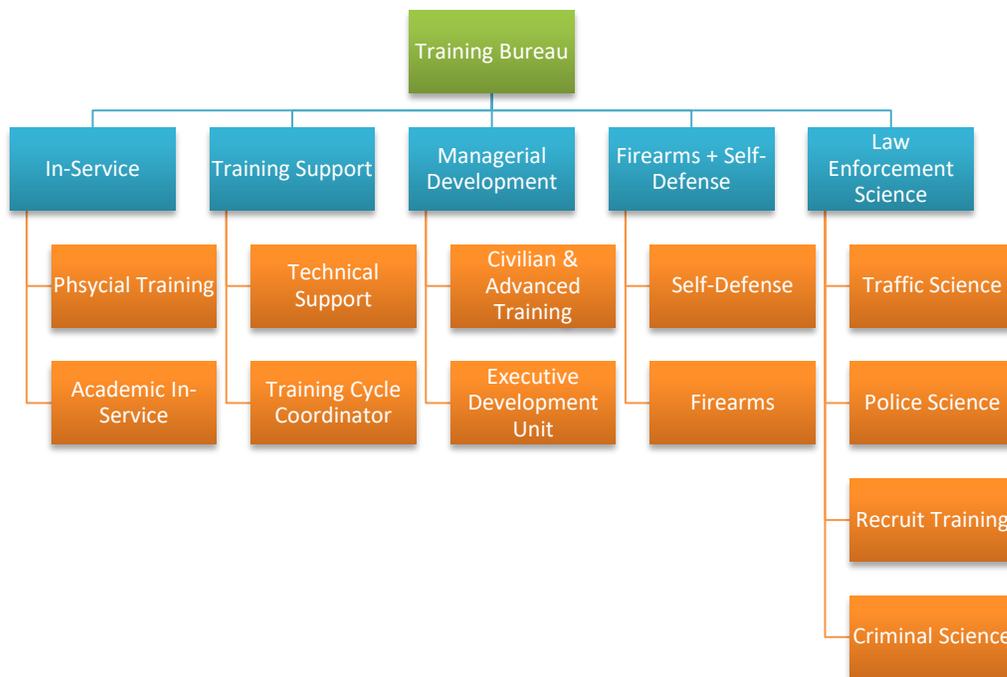
State Police Training Bureau (hereafter Training Bureau) shall continue its mandate to oversee and ensure the quality of training for troopers, including the development and implementation of pre-service<sup>38</sup> and post-service<sup>39</sup> curriculum, and the selection and training of both trooper coaches and instructors. OLEPS primarily focuses 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 into State Police policies and procedures. The Act requires State Police provide training to troopers relative to patrol duties, cultural awareness, ethics, leadership, and constitutional law pertaining to arrest and search and seizure. The Act also requires that State Police monitor training received from outside agencies.

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 outside agency training and those troopers who attended outside agency trainings.

**Figure Thirty-Three: Organizational Chart of the Training Bureau<sup>40</sup>**



<sup>38</sup> This includes any training delivered to State Police recruits, while at the Academy, prior to enlistment and swearing in as law enforcement officers.

<sup>39</sup> This includes any training given to troopers during active State Police service.

<sup>40</sup> The Armorer Unit is also designated within State Police Training Bureau. However, OLEPS does not perform oversight responsibilities relating to that unit, and it has been omitted from the above organizational chart, accordingly.

In this report, the reporting period as it relates to training covers January 1, 2016 through December 31, 2016. During this reporting period, the Training Bureau's responsibilities included providing In-Service training, mid-level management training, and other annual and semi-annual training to troopers and civilians. In addition, the Training Bureau trained 134 recruits in the 156<sup>th</sup> State Police Class. 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 again took an in-depth look at the trooper coach selection process and documentation relating to outside agency training.

## **Methodology**

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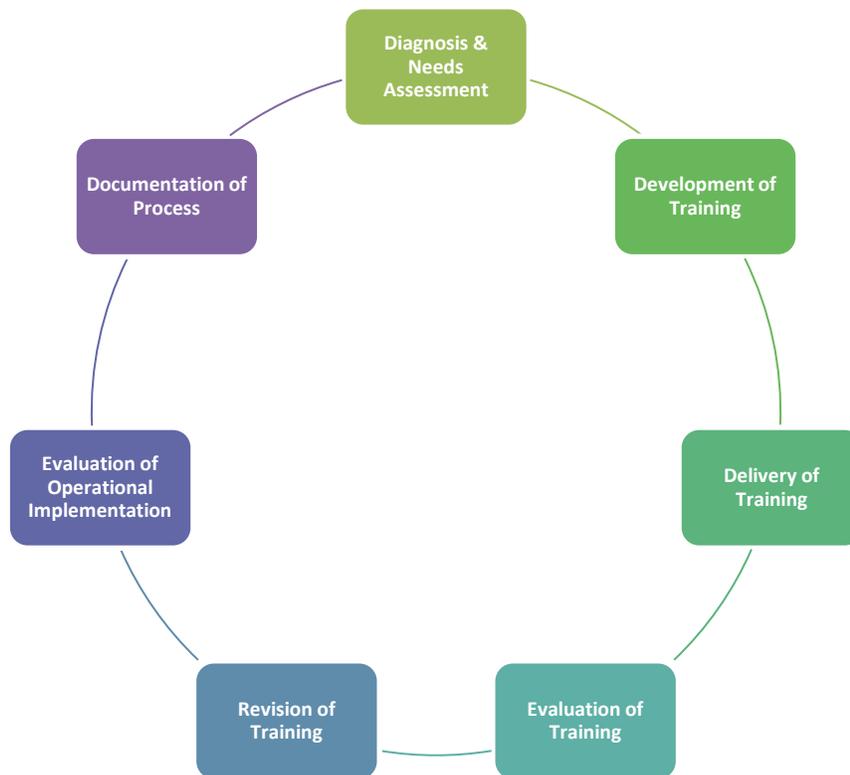
OLEPS reviewed normal course of business records, met with Training Bureau staff, and attended training presentations. OLEPS reviewed the following: the documentation of needs assessment, curriculum, analysis of training effectiveness, Training Committee minutes, individual training records, disciplinary records, promotional histories, personnel orders, Field Operations memorandums, OPS memorandums, course documentation, and documentation relating to training provided by outside agencies. To accomplish this, OLEPS accessed the following databases: 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. OLEPS audits the Training Bureau to determine if the Seven-Step Training Cycle set forth below is applied in the development, delivery, and evaluation of training, as applicable.

Figure Thirty-Four: Seven-Step Training Cycle<sup>41</sup>



The Seven-Step Training Cycle consists of the following, but is not necessarily always in this order:

**Step One: Diagnosis and Needs Assessment** – Assessing the needs within State Police for the purpose of creating or improving training, reviewing current standards and practices on related topics.

<sup>41</sup> The cycle is depicted in full. However, training topics and courses, some steps are not applicable. For example, courses not created or delivered by the Training Bureau will not undergo a Step Five revision of training or Step Six evaluation of operational implementation as these courses are developed and evaluated by an outside agency.

**Step Two: Development of Training** – Developing training content and training aids according to the needs assessments.

**Step Three: Delivery of Training** – Utilizing current best practices in adult-based learning.

**Step Four: Evaluation of Training** – Evaluating the effectiveness of the training content and training delivery.

**Step Five: Revision of Training** – Revising training materials and delivery based upon the evaluation of each training course.

**Step Six: Evaluation of Operational Implementation** – Determining implementation of the practices taught.

**Step Seven: Documentation of Process** – Documenting all of the above steps in the process.

OLEPS reviewed reports and analyses relating to the evaluation of training to determine the Training Bureau's ability to measure the transfer of knowledge as it relates to training in leadership, ethics, cultural awareness and diversity, and constitutional law pertaining to arrest and search and seizure.

OLEPS also reviewed all course curricula relating to training topics delineated in the Act to determine their suitability and legal sufficiency. The Training Bureau must note and forward any revisions or substantive changes to OLEPS for review.

## **Assessment**

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For this reporting period, the Training Bureau demonstrated its ability to develop, deliver, and document its training processes. The Training Bureau bases course curricula on State Police's needs assessments. The Office of Quality Assurance (OQA), OPS, Field Operations, OLEPS, and the Training Committee capture information and provide data to the Training Bureau to develop or revise a training.

As the result of this process in 2016, State Police presented its curriculum relating to firearms, leadership, search and seizure, cultural diversity, MAPPs, use of force, vehicular pursuits, and ethics to OLEPS for review and comment.

OLEPS evaluated the training State Police instructors conducted. The courses evaluated in 2016 included:

- various blocks of instruction for the 156<sup>th</sup> recruit class (Performance Standard 14)
- other courses including annual, semi-annual, remedial, and other training matters (Performance Standard 14)
- 2016 In-Service training (Performance Standard 15)
- Trooper coach program (Performance Standard 18)
- Mid-Level Management course (Performance Standard 19)

## *Annual Training*

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### *C-20: Physical Fitness Exam*

State Police conducted the 2016 annual physical fitness test, known as C-20, in the fall of 2016. The Training Bureau administered a standardized fitness test, comprised of a battery of physical exercises. Troopers who were unable to participate, or who did not pass, were given opportunities to re-test. In accordance with its policies and procedures, all active troopers are required to undergo this annual standardized fitness exam.

In addition to the C-20 physical fitness exam in 2016, the C-20 included a Cardio Pulmonary Resuscitation–Automatic External Defibrillator (CPR-AED) recertification that was delivered to all troopers. The CPR-AED conforms to the American Heart Association guidelines, and, as such, troopers are required to certify every two years.

The In-Service Training Unit properly posted training orders with the C-20 testing and re-testing dates, completed training, documented delivery of training, prepared after action reports that included notification to all supervisors of trooper non-attendance, and offered three retest sessions. Steps Five and Six of the Seven-Step Training Cycle do not apply to the C-20 standardized physical fitness exam and CPR-AED recertification.

### *Online Training*

Federal, state, and departmental policies and regulations mandate that State Police troopers receive training in a number of courses on an annual basis. As described below, these courses are delivered by online presentation.

#### NJLearn courses

- Bloodborne Pathogens
- Hazmat Awareness Refresher
- New Jersey State Police Work Zone Safety NJSP
- NJSP Handling of Mentally Ill Persons
- Domestic Violence for Law Enforcement on NJLearn
- NJLearn 2016: NJTR-1 Revisions 2017

#### NJ.gov courses

- According to the Training Bureau, there were no nj.gov courses required in 2016.

These online courses are developed and administered by state and departmental entities outside of State Police. However, the Training Bureau issues orders to troopers to ensure notification of their annual participation requirements and manages trooper enrollment of each course. During this reporting period, the Training Bureau issued non-compliance notifications for those troopers who did not participate in the NJLearn online courses except in “Domestic Violence for Law Enforcement on NJ Learn” and “NJLearn 2016: NJTR-1 Revisions 2017” courses. For these two courses, the Training Bureau posted the training orders, and the Victim Services Unit kept the participant records. Again, Steps Five and Six do not apply to these standardized state courses.

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## *Semi-Annual Training*

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### *Firearms Qualifications*

In accordance with New Jersey guidelines and directives, State Police is required to conduct rifle qualifications and training for all enlisted certified rifle operators. This includes rifle qualification and training. In 2016, all enlisted rifle operators were given opportunities for qualification and training. The Firearms and Self-Defense Unit properly posted training orders with scheduled qualification and training dates. The first and third quarters were designated for qualification, and the second and fourth quarters consisted of training.

In 2016, 1,100 troopers were certified rifle operators. The Training Bureau received after action reports for all sessions from Troops A and C. Troops B and D did not provide any after action reports. The Firearms and Self-Defense Unit stated that it will stress the importance of completing an after action report after every session to all Troops. In addition, the Firearms and Self-Defense Unit failed to submit a report listing all certified rifle operators to the Division of Criminal Justice as required. This Unit stated that it will provide this report in 2017.

In addition to rifle qualifications and training, State Police is required to conduct semi-annual firearms qualifications for all active duty enlisted troopers. Prior to delivery of the semi-annual training, the Training Bureau held a meeting with Troops A, B, C, and D range masters to review and assess current standards and firearms training needs for State Police. In 2016, all troopers were given the opportunity to qualify. The Firearms and Self-Defense Unit properly posted training orders with the scheduled qualification dates for handgun and shotgun trainings. The Training Bureau maintained qualification records for both the first and second qualification sessions. Twenty-seven troopers did not attend the first scheduled qualification in the spring, and the Compliance Unit was notified. For the second period firearms qualification, three troopers did not attend, and the Compliance Unit was notified.

The Training Bureau properly documented and maintained firearms trainings and qualification session records in the ACTS training database. Semi-annually, the Field Training Officers recorded any non-attendance, summaries of training sessions, instructors, inventory, and whether there were any other issues such as equipment malfunctions or injury. Steps Five and Six do not apply to these state standardized qualification exams.

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## *Recruit Training*

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On January 29, 2016, 134 recruits of the 156<sup>th</sup> State Police Class graduated from State Police Academy. The Law Enforcement Science Unit is responsible for delivery of an integrated curriculum, including physical training, self-defense, firearms, and defensive and tactical training to the recruits for 24 weeks at the Academy.

The 156<sup>th</sup> State Police graduating class was comprised of 123 males and 11 females. Out of the 123 males, 81 were White, 24 were Hispanic, nine were Black, three were Asian, two were two or more races, and four were unreported. Out of the 11 females, eight were White and three were Hispanic.

The Law Enforcement Science Unit completed the after action report for the 156<sup>th</sup> State Police Class, assessed the training of recruits, and provided recommendations to State Police for improvement. One of the recommendations included the addition of permanent instructors with proper training to the unit.

During the 24-week training period, the unit had 54 troopers assigned, which included 20 temporary detachments, and seven civilians. Detailed assessment of Training Bureau staff will be discussed in Performance Standard 17. To the extent that it is financially and operationally feasible, the Law Enforcement Science Unit's recommendations will be considered for the 157<sup>th</sup> recruit class courses. The Training Bureau will continue to provide training for recruit classes in 2017.

Assessment of the 156<sup>th</sup> State Police Class in the trooper coach program was completed in 2016. Details of the assessment will be discussed in Performance Standard 18.

In preparation for potential recruits for the 157<sup>th</sup> State Police Class, the members of the Law Enforcement Science Unit assisted the Recruiting and Employee Development Bureau with the Pre-Employment Preparation Program and Academy Awareness Weekend in November and December 2016. The Pre-Employment Preparation Program consisted of self-defense, physical training, and swimming to prepare potential recruits for the Academy. The Academy Awareness Weekend allowed potential recruits to experience academy lifestyle for a weekend.

### *Additional Training*

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#### *Law Enforcement Science Unit*

In addition to training the 156<sup>th</sup> State Police Class, the Law Enforcement Science Unit delivered the "Principles of Policing" course twice in May 2016. In total, there were 33 participants, and the participants were trained on Search and Seizure, Compassionate Use Medical Marijuana Act (CUMMA), motor vehicle stop reviews, defensive tactics, defense driving, and various motor vehicle stop scenarios. A Step Four after action report was completed.

In July, the traffic squad of the Law Enforcement Science Unit conducted two training initiatives. The first initiative was a regional training meeting for the Association of Law Enforcement Emergency Response Trainers with 27 participants. At the meeting, the following topics were discussed: vehicle dynamics, effectiveness and limitations of emergency sirens, synopsis of recent line of duty police driving fatalities, Electronic Stability Control, and Pennsylvania State Police and New Jersey State Police driving programs. The second initiative was a BELOW 100 instructor course with approximately 70 troopers and nine members of various outside agencies. Step Four after action reports were completed for each initiative.

#### *Firearms and Self-Defense*

During this reporting period, the Firearms and Self-Defense Unit delivered and/or participated in the following advanced training courses in response to State Police needs.

**Table Thirty-Five: Firearms and Self-Defense Training**  
 2016

<b>Course</b>	<b>Dates</b>	<b>Total Session(s)</b>	<b>Total Participants</b>
<b>Firearms Instructor Course</b>	March	1	26
<b>Force on Force Instructor Course</b>	April	1	21
<b>Combat Handgun Course</b>	April, May, June, August, and November	7	77
<b>Tactical Rifle Course</b>	May, June, and November	8	95
<b>Conducted Energy Device (CED) Annual Qualification Course</b>	March and April	5	29
<b>Defensive Tactics Refresher Course</b>	March, April, May, and June	18	178
<b>Jiu-Jitsu for Law Enforcement</b>	August and December	2	59
<b>Monadnock Expandable Baton Instructor Course</b>	March and April <sup>42</sup>	2	37
<b>PR-24 Instructor Course</b>	April <sup>43</sup>	1	12
<b>Police Service Rifle Operator Course</b>	April, May, June, July and September	7	149
<b>Total</b>		<b>52</b>	<b>683</b>

In total, the Firearms and Self-Defense Unit provided 52 sessions of advanced courses with 683 attendees. All these courses were delivered, reviewed, and documented with Step Four after action reporting. Steps Five and Six were inapplicable.

In addition to providing 52 courses, the Firearms and Self-Defense Unit was responsible for identifying a new duty weapon for troopers. The members of this unit identified a new duty weapon and provided additional training (i.e., Range Master/Primary Firearms Instructor Update course, Armorer Course/Instructor Workshop Course, etc.). The additional training prepared the range masters and firearms instructors to address any issues that arose during the transition to the new weapon during the second period of firearms qualification. OLEPS commends the Training Bureau, Range Masters, and Firearms Instructors for a smooth transition to the new duty weapon.

The Firearms and Self-Defense Unit consisted of four troopers, an increase from 2015, where there was only one permanent trooper. Due to the increase in staff, the unit was able to provide self-defense training courses. However, the Training Bureau has indicated that the ideal staffing would be 16 troopers

<sup>42</sup> This MEB Instructor Course was specifically for Juvenile Justice Commission and Division of Criminal Justice members, not for State Troopers.

<sup>43</sup> This PR-24 Instructor Course was only for Juvenile Justice Commission and Division of Criminal Justice members, not for State Troopers.

for the unit—eight troopers for the Firearms Section and eight troopers for the Self-Defense Section. While staffing was not ideal, the additional troopers in 2016, along with their commitment, strengthened the training provided to troopers. OLEPS commends the members of the Firearms and Self-Defense Unit for their hard work and dedication.

### *Remedial Training*

The Training Bureau provides remedial training to troopers requiring improvement in specified skill areas. Those troopers are identified and referred by several sources, including supervisors, OPS, and the Risk Analysis Core Group (RACG). The Training Bureau tailors a course of instruction specific to the individual trooper based on the trooper's deficiency. Remedial training consists both of classroom instruction and practical applications through scenarios. In 2016, five troopers received remedial training in one or more of the following areas:

- Professionalism
- State Police Rules and Regulations
- Defensive Driving
- Search and Seizure
- Use of Force
- DWI Enforcement

These five troopers attended remedial training for the first time in 2016, and Step Four after action reports indicate that the Training Bureau informed them of the basis for the remedial referral.

Approximately one year after delivery of the remedial training, the In-Service Unit is required to complete the Step Six evaluations. For Step Six evaluations, the In-Service Unit contacts the remedially trained troopers' supervisors or other referral sources that requested remedial intervention. The purpose of the one year follow-up is to determine training effectiveness in the field and whether further training is necessary. The Step Six evaluation for these five troopers attending remedial training in 2016 will be reviewed in the 17<sup>th</sup> reporting period, which will cover State Police training in the 2017 calendar year.

During 2016, the Step Six reporting requirements were completed with regard to the two troopers who received remedial training in 2015. According to the Step Six report, one of the troopers did not need any further remediation. The In-Service Unit was not able to evaluate the second trooper because this trooper was on limited duty status.

### *Supervisory Training*

During this reporting period, the Managerial Development Unit delivered the following supervisory courses:

- First Line Supervision
- Mid-Level Management
- Executive Leadership
- Leadership for Outside Agencies

Step Four after action reports were completed for all necessary supervisory courses. The Training Bureau completed the notification to supervisors of non-attendance in some, but not all, supervisory courses. Further details about the supervisory courses are discussed in Performance Standard 19.

### *Specialized Training*

The Managerial Development Unit provides specialized training to troopers, outside law enforcement officers, and civilians. In 2016, the unit eight specialized training courses: Instructor Training, Leadership for Outside Agencies, Criminal Investigations, Undercover, Interview and Interrogation, Team, Organization, and Self.

The Training Bureau conducted the Instructor Training course on four different occasions. This course focused on persuasive speaking, speaking delivery, lesson plan construction, classroom management, and effective communication. In February, 21 participants attended the course, including 20 troopers and one civilian. In June, 22 participants, including 21 troopers and one municipal police officer, attended the course. In August, 21 participants, including 20 troopers and one state employee attended the course. In December, 11 troopers attended the course. The Training Bureau completed a Step Four after action report for all four sessions of Instructor Training course.

In January, the Training Bureau delivered the Criminal Investigation School to 38 participants. The training discussed crime scene, case management, handling informants, computer crimes, electronic surveillance, and courtroom testimony. In September, 36 participants attended the second Criminal Investigation School. The Training Bureau completed a Step Four after action report for each session.

In September, the Training Bureau and the FBI offered a course on undercover work. In total, 20 participants, including 10 troopers and 10 outside law enforcement members, attended this course. This course focused on the fundamentals of undercover work and report writing. The Training Bureau completed a Step Four after action report.

The Management Development Unit also delivered courses to State Police civilian support staff. In October, the Training Bureau delivered a Self course to 32 support staff. This course discussed the Myers-Briggs test, wellness, situational leadership, and time management. In November, the Training Bureau delivered a Team course to 31 support staff. The course trained the participants on conflict resolution, effective communication, and team building. In December, the Training Bureau delivered an Organization course to 25 support staff, who were trained on servant leadership, equal employment opportunity, workplace issues, and visionary leadership. The Training Bureau completed an After Action report for each course.

In October, the Training Bureau delivered a Supervision and Leadership course to members of 10 agencies, including federal, state, and local agencies. In total, there were 32 participants. This course included blocks of instructions on incident command system, situational leadership, team building, personality assessment, crisis leadership, and effective communication. The Training Bureau completed a Step Four after action report.

In October, the Training Bureau delivered an interview and interrogation course to 46 participants, including 38 troopers and eight outside agency personnel. The participants learned interview and interrogation skills. The Training Bureau completed a Step Four after action report.

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## **Summary of Standard 14**

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The Training Bureau continues to demonstrate its ability to develop, deliver, and document its training processes as prescribed by the Seven-Step Training Cycle, where applicable. The Training Bureau staff remains committed to employing best police practices in the development of the curriculum. The Training Bureau continues to take proactive measures to improve evaluation of operational implementation for the annual In-Service training. The Firearms and Self-Defense Unit provided mandated training and qualification tests and selected a new duty weapon. The Law Enforcement Science Unit adequately trained the 156<sup>th</sup> Class. The Managerial Development Unit delivered specialize training courses. Lastly, the Training Bureau properly assisted in the delivery and administration of mandated training by national, state, and departmental entities, including online course requirements.

## Performance Standard 15: Annual In-Service Training

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### Standards

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According to State Police Policies and Procedures:

The Training Bureau shall provide annual In-Service training (“In-Service”) to all enlisted troopers on the following topics:

- Fourth Amendment requirements
- Non-discrimination requirements on conducting motor vehicle stops and searches and seizures
- Cultural diversity
- Ethics
- Leadership

### Assessment

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#### *In-Service*

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The Training Bureau delivered the 2016 In-Service from October 2016 through mid-December 2016 at the New Jersey State Police Training Academy in Sea Girt. A make-up session was offered in January 2017 for troopers who did not attend the training. The In-Service Unit properly posted training orders for the scheduled In-Service. The unit developed the Step One needs assessment after gathering data from OPS, OLEPS, MAPPS, RACG, Field Operations, and other State Police offices, as needed.

As a result of the needs assessment, the theme of the In-Service was “Shaping the Environment.”

In-Service included:

- Leadership and Ethics – This presentation’s purpose was to assist troopers in utilizing skills discussed during the presentation to form a better understanding of what is required to become an effective leader. The presentation consisted of videotaped interviews of several individuals from different career areas. The interviewees answered questions posed by a Training Bureau staff. The interviewees included Norman Julius Esiason, Lt. Gen. Robert Caslen, Jr., and Robert Wood Johnson, IV. Each video interview covered multiple topics related to effective leadership and qualities relevant to supervisory and ethical decision-making. For example, the first series of exchanges focused on trust as being critical for effective leadership and how it may be achieved. Another area of discussion was the relationship between communication and credibility.
- Cultural Diversity – This presentation’s purpose was to improve troopers’ knowledge and understanding of individuals with mental health disorders and intellectual and developmental disabilities. This block commenced with a refresher on the prohibition of biased-based policing.

Thereafter, the course examined mood, anxiety, and thought disorders. The training did not train troopers to diagnose a disorder. Rather, it was intended to educate troopers on more common signs/symptoms and intervention tips related to specific disorders. This block concluded with reiteration of law enforcement responsibilities related to screening processes and transportation to medical and/or screening centers.

- Search and Seizure - The presentation, "Back to Basics," examined current and existing search and seizure issues. Utilizing a case study method, this instruction contrasted federal and New Jersey law, emphasizing the more restrictive nature of New Jersey law and State Police policies as they relate to property searches. This course also reiterated the importance of report writing in criminal investigatory activities.
- Trooper Involved Shooting Investigations – This presentation familiarized troopers with the responsibilities of the Attorney General's Shooting Response Team and what to expect if they become involved in a deadly force investigation. The instructor reviewed the deadly force policy and discussed shooting incidents spanning from 1993 through 2016. The instructor also reviewed the potential impact of body cameras on future deadly force investigations and supervisory responsibilities related to trooper involved shootings.

In response to trooper feedback, the In-Service Unit developed elective courses for the 2016 In-Service. These courses were intended to ensure useful and relevant information was available for troopers working in various disciplines of State Police. The following were elective course presentations:

- "Promotional Systems" provided participants with instruction on revisions to the Personnel Performance Evaluation System, effective January 1, 2017.
- "Drones, The Proliferation of UAS (Unmanned Aircraft System) in New Jersey: Impacts on Law Enforcement and Response Incidents" improved troopers' understanding of technology and the capabilities and limitations of drones.
- "Motor Vehicle Crash Investigations" reiterated the applicable State Police policies and procedures on fatal and non-fatal accident investigations.
- "Terrorism Screening Center Notification Awareness" familiarized troopers with handling codes associated with a Terrorist Screening Center encounter.

Following the In-Service, the Training Bureau completed the Step Four evaluation of training and notification to supervisors of troopers who did not attend the training. As part of Step Four, the Training Bureau conducted a questionnaire of In-Service. According to the questionnaire, troopers indicated that the leadership presentation was the most useful, followed by the search and seizure presentation.

The Training Bureau also completed the Step Six evaluation of operational implementation by reporting and analyzing the results of the In-Service data collection plan: 2,584 troopers attended the In-Service, and 2,261 troopers responded to the Post Event Questionnaire, which was available online and at the end of each training day. The questionnaire measured the troopers' reactions to the course and whether they believed they could apply what they learned during In-Service. The questionnaire consisted of: Likert Items,<sup>44</sup> open ended learner comments, and percentage-based estimations.

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<sup>44</sup> A Likert item uses a rating system to determine the extent of respondent agrees or disagrees with a statement. Rating systems typically include strongly agree, agree, neutral, disagree, and strongly disagree.

As part of the Step Six report, the Training Bureau normally conducts a follow-up questionnaire of troopers several months after the In-Service to determine whether the troopers believed the training had a direct impact on their work. However, in 2016, the Training Bureau did not conduct the follow-up questionnaire because they were transitioning from one software system to another. The Training Bureau indicated that for the 2017 In-Service, the new software system would be available for the follow-up questionnaire.

## **Summary of Standard 15**

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The In-Service presented to State Police met the standard by providing cultural diversity, ethics, leadership, and search and seizure training. All subject matters presented were current and relevant to State Police needs. The Training Bureau mostly conformed to the Seven-Step Training Cycle with the mandatory topics of training and their documentation. As stated above, the follow-up questionnaire was not conducted, which is part of the Step Six report, and therefore, the Training Bureau failed to meet this requirement for 2016. However, the Training Bureau has assured OLEPS that it will conduct the follow-up questionnaire for the 2017 In-Service once the new software system is in place. OLEPS will assess whether the questionnaire was conducted in the 17<sup>th</sup> Oversight Report.

## Performance Standard 16: Training Committee

Performance Standard 16

### Standards

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

- The Training Committee shall be comprised of:
  - Members of the Training Bureau
  - All Field Training Coordinators (FTCs)
  - All Field Training Officers (FTOs)
  - A Representative of Office of Professional Standards
  - A Representative of Office of Quality Assurance
  - Any other personnel as determined by the Bureau Chief (Committee Chair)
- The Training Committee shall meet on a quarterly basis, record, and distribute meeting minutes.
- According to a State Police policy, 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

The Training Committee's purpose is to seek feedback from State Police to help identify areas of training needed. In 2016, the Training Committee meetings were held in March, June, September, and December. OLEPS reviewed the Training Bureau records, including agendas and meeting minutes.

**Table Thirty-Six: Training Committee Attendance**  
 2016

Training Committee Member	Required # of Members	March	June	September	December
<b>Training Bureau</b>	8	7	8	8	5
<b>FTCs</b>	9	7	6	9	0
<b>FTOs</b>	7	5	4	9	4
<b>OPS</b>	1	2	1	1	0
<b>OQA</b>	1	0	1	1	1

Table Thirty-Six shows the number of troopers in attendance during the quarterly Training Committee meetings. According to State Police policies and procedures, the Training Committee must be comprised of: eight Training Bureau members, nine FTCs, seven FTOs, one member of OPS, and one member of OQA. The Training Bureau had the most consistent attendance in the majority of meetings. At the September meeting, there were more FTCs and FTOs than Training Bureau members. In December,

only 10 members attended the meeting—five Training Bureau members, four FTOs, and one OQA member. No FTCs were present at the December meeting.

Overall, Training Bureau members were present at all four meetings in 2016. FTCs were present at three of the four meetings. FTOs were consistently present at all four meetings with the greatest number in September. OPS and OQA members were present at three of the four meetings. OLEPS commends the Troop A Risk Management Office member for attending all four meetings. In sum, September had the best representative attendance for 2016, and December had the least representative attendance.

During these meetings, the Training Committee members met and delivered status reports regarding current activities of their respective sections that impact training. In addition, the Training Committee members identified training needs and/or areas in need of improvement to help develop specific training programs. The following is a summary of some of the topics covered during the 2016 meetings:

156<sup>th</sup> State Police Class: The 156<sup>th</sup> State Police Class graduation date in January was reported. The 156<sup>th</sup> Class started the trooper coach program immediately after graduation and completed the program in June 2016.

157<sup>th</sup> State Police Class: At least 200 recruits were expected to be invited to enter the 157<sup>th</sup> State Police Class at the Academy in January 2017. Pre-Employment Preparation Program (PEPP)<sup>45</sup> sessions for the 157<sup>th</sup> class were scheduled to commence in October 2016. Approximately 200 candidates received invitations to Academy Awareness Weekend (AAW)<sup>46</sup> for the 157<sup>th</sup> class, which was scheduled for December 2016. The 157<sup>th</sup> State Police Class was tentatively scheduled for commencement in January 2017.

Top Physical Challenge:<sup>47</sup> The In-Service Unit scheduled the Top Physical Challenge program at eight middle and high schools across the state.

Trooper Youth Week:<sup>48</sup> The Training Bureau held three Trooper Youth Week sessions from July to August 2016. The Training Bureau graduated a total of 250 high school students in the 101<sup>st</sup>, 102<sup>nd</sup>, and 103<sup>rd</sup> classes of Trooper Youth Week.

C-20 Physical Training: C-20 testing was completed within the allotted time period and prior to In-Service. In 2016, the academic portion was CPR.

2016 In-Service: In preparation for the annual In-Service, the tentative schedule was presented and potential training topics were requested from the committee members. Training ran from October 31, 2016 to December 9, 2016. A makeup session was scheduled for January 2017.

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<sup>45</sup> PEPP sessions offer an informational, educational, and interactive program detailing recruit training requirements for applicants seeking conditional employment with State Police.

<sup>46</sup> AAW is a mandatory weekend that provides a preview of Academy life for recruits.

<sup>47</sup> NJSP Top Physical Challenge program educates athletes from grades 5-12 on the importance of physical fitness as it relates to law enforcement. Following the academic portion of the program, students are given a physical assessment and receive awards based on their performance.

<sup>48</sup> 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.

Outside Training - The procedures for submitting and receiving credit for outside training were discussed. It was also reiterated that no trooper may attend the Desert Snow course. (See Standard 20).

Identification and Information Technology: Upgrading of Criminal Justice Information System was discussed.

Office of Professional Standards - OPS noted that troopers should narrate searches outside of camera view and document Probable Cause for stops.

## **Summary of Standard 16**

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The Training Committee meetings are an important resource in the assessment of State Police training needs. The Committee assists the Training Bureau on developing and evaluating courses in a broad range of operational subject areas beyond recruit training. The Training Bureau met the standards in its policies this reporting period by holding all quarterly Committee meetings. The meetings in the current year reflected more consistent attendance rates than in 2015. The Training Bureau initiated different methods of improving attendance and participation, such as proactively requesting agenda materials from required attendees prior to each meeting and adding scheduling reminders to other regular State Police troop meeting agendas. Since attendance is critical to ensure the most effective utilization of this method of needs assessment, OLEPS continues to recommend that State Police prioritize representation at these quarterly meetings.

## Performance Standard 17: Recruitment of Instructors and Instructor Eligibility Requirements

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### Standards

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According to State Police policies and procedures:

- State Police shall encourage “superior” troopers<sup>49</sup> to apply for Academy and post-Academy training positions. The Training Bureau shall maintain adequate staffing levels at the Academy to ensure compliance with the training cycle.
- All candidates must undergo the Specialist Selection Process. Candidates must:
  - Complete the Instructor Training Course
  - Have a minimum of four years of service as a trooper
  - Have a Bachelor’s degree
  - Undergo a review of all disciplinary history
  - Undergo a review of all complaints alleging discrimination in the workplace
- Any revisions to the policies relating to eligibility selection requirements or training shall be submitted to OLEPS for review and comment prior to approval.

### Assessment

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In the past, OLEPS has commented on the need for consistent and adequate staffing at the Training Bureau so that the Training Bureau may conduct all requisite training for troopers and recruits. With consistent and adequate staffing, the Training Bureau should meet all the requirements established in State Police policies and procedures. In addition, to the extent possible, the Training Bureau members should remain at the Training Bureau so the institutional knowledge is not lost and training is not disrupted. Through the review of staffing level and the Specialist Selection Process, OLEPS determined whether the Training Bureau met their requirements in this Standard.

### *Staffing*

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The independent monitors and State Police agreed that 58 to 61 permanently assigned troopers, without detachments,<sup>50</sup> reflected an adequate Training Bureau staffing level. This number came from the independent monitors’ concern about the Training Bureau’s ability to adequately train troopers and meet the Consent Decree requirements with a low number of staff. For the past several reporting periods, OLEPS noted that the number of permanently assigned troopers at the Training Bureau has routinely fallen below 58.

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<sup>49</sup> This standard remains unchanged from the federal Consent Decree.

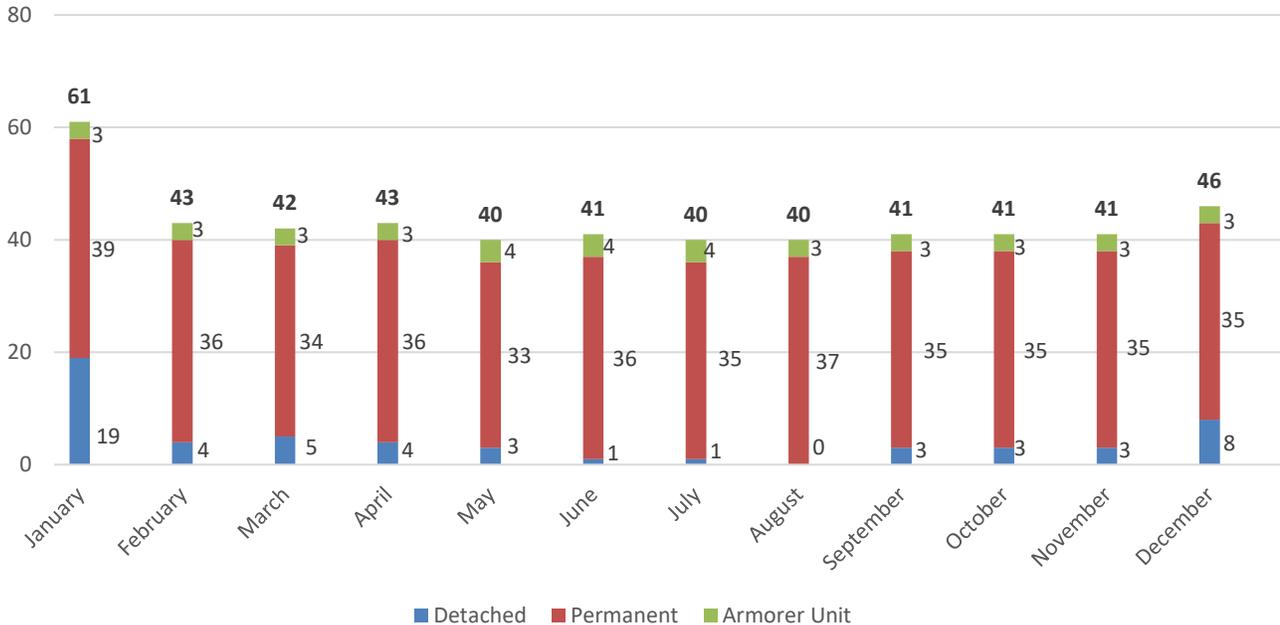
<sup>50</sup> A temporary detachment is when a trooper from one unit is temporarily assigned to another unit for a given time period. The detached troopers typically return to their previous assignment.

Historically, the Training Bureau’s staffing levels have been dependent on whether there was a recruit class in session. It has become common practice to temporarily detach troopers to the Training Bureau during recruit classes and then end the detachments when recruits graduate. This negatively impacts the retention of institutional knowledge and has the potential to disrupt other training the Training Bureau provides to troopers.

As depicted in Figure Thirty-Five, the number of troopers (permanent and detached) fluctuated throughout 2016. Even including the detachments, the Training Bureau did not meet the requirement of 58 permanently assigned troopers. In January of 2016, the Training Bureau had a total of 61 troopers, including 19 detachments and three troopers in the Armorer Unit.<sup>51</sup> Therefore, only 39 troopers were permanently assigned to the Training Bureau. Thirty-nine troopers fall below the agreed upon number of 58 troopers.

Once the 156<sup>th</sup> State Police Class graduated, in February 2016, the number of permanent assigned troopers considerably decreased. There were 43 troopers, including four detachments and three troopers in the Armorer Unit. Hence, the Training Bureau had 36 permanently assigned troopers. For the rest 2016, the Training Bureau had no more than 46 troopers, including detachments and troopers in the Armorer Unit. This means the Training Bureau had fewer than 40 troopers who were permanently assigned. Fewer than 40 permanently assigned troopers is lower than the number the independent monitors and State Police agreed on and is not an adequate level of staffing.

**Figure Thirty-Five: Training Bureau Staffing by Month**  
 2016



<sup>51</sup> Although the Armorer Unit is part of the Training Bureau, the Armorer Unit’s role is different. The Armorer Unit’s role is to maintain all firearms that belong to State Police. At times, the members of the Armorer Unit assist the Firearms and Self-Defense Training Unit, especially during bi-annual firearms qualifications and firearms related courses, and during a recruit class as supervisors and instructors when needed. The Armorer Unit does not have daily responsibilities for training.

While a portion of the Training Bureau staffing was permanent, these troopers were concentrated among the higher ranks in the Training Bureau. As shown in Table Thirty-Seven, the consistent staff were concentrated in the ranks of Sergeant and above. While there were some changes between January and December for Sergeants and above, there was a considerable difference at the rank of Trooper.

**Table Thirty-Seven: Training Bureau Staffing (Including Armorer Unit Members and Detachments)**

2016

<b>Rank</b>	<b># of Positions</b>	<b>January</b>	<b>December</b>
<b>Captain</b>	1	1	1
<b>Lieutenant</b>	7	6	7
<b>Sergeant First Class</b>	8	9	7
<b>Sergeant</b>	14	18	15
<b>Trooper</b>	19	27	16
<b>Total Enlisted</b>	<b>49</b>	<b>61</b>	<b>46</b>
<b>Civilian</b>	10	8	9

In 2016, there was one Captain, who is the Bureau Chief of the Training Bureau. In January and December, for the ranks of Lieutenant, Sergeant First Class, and Sergeant, there were consistent numbers of staff, six to seven, seven to nine, and 15 to 18, respectively. However, since most of the detachments in that period were the rank of Trooper, it had the biggest fluctuation-between 16 to 27 Troopers. Since these detached troopers gained knowledge of the Training Bureau during their time, the Training Bureau lost valuable assets when their detachments ended.

#### *Instructor Evaluations*

The Training Bureau performs in-field training evaluations of instructors assigned to the Academy, when possible. These evaluations consist of an assessment of the learning environment, instructors, learning techniques, administrative procedures, and adherence to the Seven-Step Training Cycle.

In 2016, two multi-day courses were evaluated—a field operations course related to patrolling techniques and a civilian leadership series. Both courses had adequate learning environments with enough seating and the proper audio and visual aids for teaching. All instructors received excellent scores from participants on their knowledge and presentation of course materials. The field operations course applied lecture, group discussion, breakout groups, and two days of scenarios as learning techniques. According to State Police documentation, this course properly followed administrative procedures and met all steps of the Seven-Step Training Cycle. The civilian leadership series also utilized lecture and group discussions as learning techniques. This course also properly followed administrative procedures and the Seven-Step Training Cycle according to State Police documents.

#### *Instructor Specialist Selection*

The Training Bureau began recruiting qualified instructors in mid-October 2016. A panel of four board members interviewed and reviewed resumes of 18 troopers. These troopers completed four years of service and had at least a Bachelor's degree. However, none of the 18 troopers underwent a meaningful

review process with OPS and the Equal Employment Opportunity Bureau in accordance with policy and procedure. Of the 18 troopers, 10 troopers were recommended, of which eight troopers were qualified. Since the selection process ended in mid-December 2016, all the recommended and qualified troopers from this list were not assigned to the Training Bureau until 2017. This will be assessed in the 17<sup>th</sup> Oversight Report.

From the 2015 selection process, 13 recommended and qualified troopers were detached to the Training Bureau in 2016. Out of the 13 detachments, two troopers were permanently assigned to the Training Bureau. All troopers assigned to the Training Bureau from the 2015 selection process completed the Instructor Training Course prior to instructing any courses at the Academy in 2016.

## **Summary of Standard 17**

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Although the Training Bureau met most its mandated responsibilities, OLEPS notes that the permanent staffing level remains an issue. 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. OLEPS notes staffing issues at the Training Bureau and has since OLEPS' First Monitoring Report. OLEPS continues to strongly recommend that State Police make the needs of the Training Bureau one of its priorities to meet the requirements set forth in its own policies and standards. OLEPS also strongly recommends, again, that State Police prioritize the staffing of a civilian analytic position to help assess all State Police training.

Further, as noted above, since meaningful reviews were not conducted during the instructor specialist selection process, the Training Bureau did not perform in accordance with State Police policies. However, all troopers permanently assigned or detached to the Training Bureau in 2016 received the requisite instructor certification prior to their delivery of any course materials. OLEPS stresses to the Training Bureau the importance of properly following the instructor specialist selection process.

## Performance Standard 18: Trooper Coach Program

### Standards

### Performance Standard 18

According to State Police policies and procedures:

- State Police shall encourage “superior” troopers to apply for trooper coach and reserve trooper coach training positions.
- 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:
  - Minimum of three years of continuous service
  - Submission of resume
  - Review of all disciplinary history and all complaints alleging discrimination in the workplace
  - Review of performance evaluations
  - Completion of the trooper coach course
  - Compliance with C20
  - Current assignment of Field Operations Section
  - Other professional skills
- Eligibility, selection criteria, and required training for **reserve** trooper coaches can be found in State Police policies. A summary of requirements includes:
  - Minimum of seven years of continuous service
  - Submission of a Special Report
  - Review of all disciplinary history and all complaints alleging discrimination in the workplace
  - Review of performance evaluations and the completion of the trooper coach refresher course
  - Compliance with C20
  - Current assignment of Field Operations Section
  - Other professional skills
- 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.

The assessment of performance includes a review of 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, including documentation of trooper coach performance, and discussions with the Training Bureau. After action reports evaluate program effectiveness. OLEPS conducts an independent audit of the selection process, probationary trooper performance scores, and trooper coach performance scores.

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## Assessment

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### *Overview of the Trooper Coach Program*

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Members of the Training Bureau's In-Service Unit administer the trooper coach program. The program is designed to reinforce Academy training by giving probationary troopers the opportunity to apply what was taught at the Academy at their first general duty road station under the guidance of a qualified trooper coach. The program is divided into four 120-hour training phases for a total of 480 hours. During Phases I, II, and III, the probationary troopers become 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. During Phase IV, the coach intervenes if there is an issue of officer safety or if the probationary trooper's actions would bring discredit to State Police.

There are three designations of trooper coaches: primary, secondary, and reserve. The primary trooper coach has the responsibility of training and evaluating the probationary trooper. The secondary trooper coach is involved 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 his/her obligation due to an illness or transfer in assignment. The reserve trooper coach assumes coaching responsibility 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 MAPPS interventions, disciplinary history, and discrimination in the workplace history. In addition, primary and secondary trooper coach candidates must submit their resumes and undergo an oral interview. All the trooper coach candidates' information is presented to the Trooper Coach Committee, which is comprised of a representative from OPS, the Division of Human Resources, and Field Operations. The committee 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.

All trooper coaches must be assigned to Field Operations, have a satisfactory performance rating on their most recent annual evaluation, possess a commitment to integrity, and demonstrate knowledge of State Police policies. All trooper coaches must pass the annual physical fitness test.

Some issues related to the Trooper Coach program were identified in prior oversight reports. Although those concerns were properly addressed and remediated in prior reporting periods, these procedures continue to be closely scrutinized.

### *Trooper Coach Selection Process*

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In the past, OLEPS' audit of the trooper coach selection process identified several issues with the selection process.<sup>52</sup> In 2016, OLEPS examined documentation of the selection process and implementation of the program to ensure compliance with requirements set forth in State Police policies

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<sup>52</sup> See OLEPS' Seventh, Ninth and Eleventh Oversight Reports.

and procedures. As part of the 2016 audit, OLEPS reviewed the process for the 156<sup>th</sup> State Police Class and noted that there were changes to the trooper coach selection process.

Prior to the start of the trooper coach selection process for the 156<sup>th</sup> Class, State Police temporarily modified the trooper coach program policy because of an anticipated shortage of eligible troopers as trooper coaches. As stated in the Standards section, to be eligible as a trooper coach, a trooper must have a minimum of three years continuous service, among other requirements. However, State Police shortened the minimum continuous service requirement so members of the 152<sup>nd</sup> and 153<sup>rd</sup> Classes could serve as trooper coaches for the 156<sup>th</sup> Class, but only when members who met all the requirements had been exhausted. This exception is to be limited to the 156<sup>th</sup> Class.

The members of the 152<sup>nd</sup> Class graduated from the Academy on October 4, 2013, and were probationary troopers until the end of January 2014. When the 156<sup>th</sup> Class graduated on January 29, 2016, the members of the 152<sup>nd</sup> Class only had two years and three months of experience as troopers and two years of experience after qualifying to ride alone, rather than the mandated three years.

The members of the 153<sup>rd</sup> Class graduated from the Academy on December 6, 2013, and were probationary troopers until end of March 2014. As of the 154<sup>th</sup> Class graduation date of January 29, 2016, the members of the 153<sup>rd</sup> Class had a little over two years of experience as troopers and less than two years of experience after qualifying to ride alone, rather than the mandated three years required.

Upon completion of the trooper coach selection process for the 156<sup>th</sup> Class, 300 troopers were reviewed and, ultimately, 239 troopers were recommended to coach, 53 were not recommended, and 12 did not complete the process. Table Thirty-Eight outlines these totals by outcome and troop. Troop B had the largest pool of recommended coaches while Troop C had the smallest pool of recommended coaches.<sup>53</sup>

**Table Thirty-Eight: Trooper Coach Candidates**  
 156<sup>th</sup> Class

<b>Troop</b>	<b>Recommended</b>	<b>Not Recommended</b>	<b>Did Not Complete the Process</b>	<b>Total</b>
<b>A</b>	71	26	2	99
<b>B</b>	84	15	2	97
<b>C</b>	70	9	7	86
<b>D</b>	14	3	1	18
<b>Total</b>	<b>239</b>	<b>53</b>	<b>12</b>	<b>300</b>

Out of the 239 trooper coach candidates, 140 troopers met all the requirements, including three years of service, and were eligible to be trooper coaches for the 156<sup>th</sup> Class. However, only 97 of those troopers were assigned to road stations-Troop A, B, or C.

Due to the expected size of the 156<sup>th</sup> Class, State Police anticipated a shortage of trooper coaches. Therefore, State Police proposed to shorten the three years of service requirement to two years so members of the 152<sup>nd</sup> and 153<sup>rd</sup> Class could serve as trooper coaches. OLEPS accepted this modification on the condition that all 97 eligible trooper coaches who met the three years of service requirement and

<sup>53</sup> A trooper coach cannot be assigned to Troop D because Troop D is not a road station.

road station requirement would be utilized before consideration was given to troopers from the 152<sup>nd</sup> and 153<sup>rd</sup> State Police Classes. Ultimately, only 81 of these 97 troopers were assigned as trooper coaches as shown in Table Thirty-Nine. Fifty-six troopers with less than three years of service served as trooper coaches. We found that 16 of the 97 troopers with three years of service and assigned to a road station were not utilized. According to State Police, these troopers were not utilized for various reasons.

**Table Thirty-Nine: Assigned Trooper Coaches and Probationary Troopers by Station and Troop**

Troop	Less than 3 years of service	
	3 years of service	Less than 3 years of service
<b>A</b>	25	18
<b>B</b>	35	17
<b>C</b>	19	21
<b>Total</b>	<b>84<sup>54</sup></b>	<b>56</b>

At the completion of the trooper coach program for the 156<sup>th</sup> Class, as shown in Table Forty, 157 troopers served as trooper coaches. One-hundred-twelve troopers served as primary trooper coaches, 23 troopers served as secondary trooper coaches, and 22 troopers served as both primary and secondary. Troop A had 45 trooper coaches, Troop B had 60 trooper coaches, and Troop C had 52 trooper coaches.

**Table Forty: Trooper Coaches by Role and Troop**  
 156<sup>th</sup> Class

Troop	Primary	Secondary	Primary and Secondary	Total
<b>A</b>	40	2	3	45
<b>B</b>	44	8	8	60
<b>C</b>	28	13	11	52
<b>Total</b>	<b>112</b>	<b>23</b>	<b>22</b>	<b>157</b>

Overall, there were 134 primary coaches. Out of the 134 primary coaches, 55 coaches had less than three years of service. The purpose of the trooper coach selection process is to ensure that only the most qualified troopers with at least three years of experience are permitted to serve as on-the-job mentors for probationary troopers. State Police deviated from the standard requirement by shortening the minimum continuous service requirement so members of the 152<sup>nd</sup> and 153<sup>rd</sup> Classes could serve as trooper coaches for the 156<sup>th</sup> Class. While OLEPS recognizes the need for less than three years of service requirement in this instance, OLEPS strongly encourages State Police to continue the three-year

<sup>54</sup> Three troopers served as trooper coaches though they were not assigned to road stations. Two of these troopers were assigned in Troop C and one was assigned in Troop A. All of these troopers met all other requirements to serve as a trooper coach, including the years of service requirement.

requirement. OLEPS also notes that the probationary troopers with trooper coaches with less than three years of experience completed the trooper coach program, as indicated below.

### *Probationary Trooper Performance*

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After recruits graduate from the Academy, they enter the trooper coach program as probationary troopers. Each probationary trooper is evaluated on 27 competencies recorded in the trooper coaches' daily observation reports (DORs). The Training Bureau assesses and summarizes all probationary troopers' scores in a Step Six report.

#### *156<sup>th</sup> Recruit Class*

The Training Bureau reviewed all 134 probationary troopers' performance from the 156<sup>th</sup> Class. The Training Bureau reviewed the DORs of these probationary troopers and found that the probationary troopers scored satisfactory levels in all 27 competencies. Thus, all 134 probationary troopers completed the program and were deemed fit to ride alone.

In this reporting period, OLEPS independently assessed the scoring of probationary troopers. OLEPS selected a random sample of probationary troopers from the 156<sup>th</sup> Class and averaged the DOR scores for five days. The average scores of OLEPS' sample were consistent with the Training Bureau averages.

### **Summary of Standard 18**

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As stated above, the purpose of the trooper coach selection process is to ensure that only the most qualified troopers serve as on-the-job mentors for probationary troopers. Since State Police anticipated a shortage of trooper coaches, the minimum continuous service requirement was shortened. Fifty-six troopers with than three years of continuous service served as trooper coaches for the 156<sup>th</sup> Class. OLEPS noted that the probationary troopers with trooper coaches with less than three years of service completed the trooper coach program and were deemed fit to ride alone. OLEPS will continue to audit the trooper coach process in the 17<sup>th</sup> 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

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### Standards

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According to State Police policies and procedures:

- The Training Bureau shall require enlisted personnel to complete training designed to enhance the management, supervisory, and leadership capabilities of all who are advancing in rank.
- 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 after the start 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 those who were promoted attended the training
  - if the training was completed within seven months of the promoted trooper's service
  - if not, were their supervisors notified

### Assessment

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The Managerial Development Unit is responsible for implementing supervisory training courses. Various supervisory training courses were provided to troopers promoted to the rank of Sergeant, Sergeant First Class, Lieutenant, and Captain and above.

#### *Supervisory Courses Offered in 2016*

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The First Line Supervision course for Sergeants was offered in April, and 39 troopers attended the course. The Training Bureau generated and maintained a list of troopers who failed to attend ("non-attendance list.") However, the Training Bureau did not distribute the non-attendance list to appropriate supervisors.

The Mid-Level Management course for Sergeant First Class (SFC) was offered twice. Combined, 66 troopers completed the Mid-Level Management course. The Training Bureau created the non-attendance list and properly notified the supervisors of those troopers who did not attend.

The Executive Leadership course for Lieutenants was also delivered twice with a total of 56 participants. The Training Bureau created the non-attendance list. However, the Training Bureau failed to notify supervisors of the troopers who did not attend as required. The Training Bureau is aware of the inconsistency in supervisory notification of troopers who failed to attend supervisory courses and the Training Bureau has initiated a plan to remedy the issue in 2017. This issue will be revisited in the 17<sup>th</sup> Oversight Report.

For the first time in two years, the Managerial Development Unit delivered leadership training to troopers of the rank of Captain and above. The following executive courses were delivered during this reporting period: one Phase I Self-Awareness and Leadership Development course, two Phase II Labor Relations and Dispute Mediation course, one Phase III Organizational Administration course, and two Phase IV Alcohol Awareness and Management course. For the Phase I, 23 troopers completed the course. Fifty-six troopers attended the Phase II course. For the Phase III, 32 troopers attended. For Phase IV, 58 troopers attended the course. For all the executive courses, the Training Bureau maintained the non-attendance list. The Training Bureau indicated that there is no supervisor notification requirement for those who did not attend the executive courses.

The Managerial Development Unit continues to revise the evaluation of operational implementation or Step Six reports of supervisory courses. However, in 2016, the Training Bureau failed to notify all the supervisors of troopers who did not attend supervisory courses.

*Training for Troopers Advancing in Rank*

OLEPS reviewed promotional and training records to determine if those enlisted personnel promoted in rank received the requisite training within seven months of being promoted, to the extent practicable. According to personnel orders in 2016, there were 290 promotions, eight of which included troopers who were promoted twice in the year. The number of promotions in this year was considerably smaller than the 481 promotions in 2015, resulting in less of a demand on the Training Bureau to offer enough supervisory courses in the required amount of time.

**Table Forty-One: Troopers Promoted in 2016 and Status of Supervisory Training**

Promoted Rank	Total Promoted	# Completed Training	# Incomplete Training	Admin Absence
Lieutenant Colonel	1	1	--	--
Major	9	9	--	--
Captain	21	20	1	--
Lieutenant	53	48	3	2
Sergeant First Class	85	75	8	2
Sergeant	121	105	16	--
<b>Total</b>	<b>290</b>	<b>258</b>	<b>28</b>	<b>4</b>

Table Forty-One indicates whether promoted troopers completed the requisite training by rank. In 2016, the majority of promotions were to the rank of Sergeant (121). Sergeant First Class and Lieutenant also constituted a large portion of the promotional pool, with 85 and 53 promotions, respectively. There were 28 (9.7% of all promotions) promoted troopers who did not complete requisite training, the majority involved the rank of Sergeant (16). There were two Lieutenants and two Sergeants First Class who were on administrative absence at some point within the seven-month period following their promotions. Courses for all other ranks were offered to promoted troopers in 2016. Unlike previous years, the Training Bureau offered all four Executive Leadership Phase courses in 2016.

State Police policies and procedures require promoted troopers to attend training within seven months of promotion date, except for Captains and above. Table Forty-Two shows the number of all troopers promoted, whether they completed training, and whether the completion occurred within seven months. The majority of troopers of every rank (86%) completed training within seven months. Eight Captains (40%), eight Lieutenants (17%), 11 SFCs (15%), and nine Sergeants (9%) were trained after the requisite seven month period. Seven Sergeants were overdue because training was not offered within seven months of their promotion. These seven Sergeants completed the training in the first month of 2017.

**Table Forty-Two: Promotion to Training Completion Time (within Seven Months)**

Promoted Rank	# On Time	% On Time	# Overdue	% Overdue	# Completed Training
Lieutenant Colonel	1	100%	--	--	1
Major	9	100%	--	--	9
Captain	12	60%	8	40%	20
Lieutenant	40	83%	8	17%	48
Sergeant First Class	64	85%	11	15%	75
Sergeant	96	91%	9	9%	105
<b>Total</b>	<b>222</b>	<b>86%</b>	<b>36</b>	<b>14%</b>	<b>258</b>

### Summary of Standard 19

The Training Bureau continues to provide training for troopers who advance in rank in accordance with the Seven-Step Training Cycle. The Training Bureau continues to prepare after action reports and compile non-attendance lists. However, the Training Bureau failed to notify all supervisors of troopers who did not attend supervisory training. Although the Training Bureau offered the supervisory courses, a number of troopers did not complete the mandatory supervisory training. OLEPS recommends that supervisors of troopers who did not undergo requisite training ensure that they complete the respective supervisory courses. OLEPS commends the Training Bureau for prioritizing and offering the Executive Phase courses for the rank of Captain and above in 2016.

## Performance Standard 20: Training Provided by Non-State Police Entities

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### Standards

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State Police policies set forth the guidelines and requirements for outside agency trainings. These guidelines are:

- The Training Bureau, through the respective Field Training Coordinators (FTCs) or Field Training Officers (FTOs), shall monitor and approve all training attended by enlisted personnel provided by non-State Police agencies.
- Troopers shall submit for written approval from the FTCs or FTOs when attending training provided by non-State Police agencies.
- The FTCs or FTOs shall debrief troopers upon their return from training and copies of all course materials shall be submitted to the Training Bureau to be maintained in a central repository.
- The FTCs shall provide the Training Bureau with quarterly memos identifying all enlisted personnel that attended non-State Police agency training.
- Troopers may not teach or mentor other State Police personnel in outside training without first obtaining Training Bureau approval.

### Assessment

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Every year, OLEPS focuses on a specific aspect of training and performs an in-depth audit of that topic. As we did in 2015, OLEPS again audited the non-State Police agency training based on State Police policies and procedures for 2016.

As noted in each reporting period, training provided by outside agencies has been a topic of review since the entry of the Consent Decree. In 2007, the Independent Monitors raised concerns regarding outside training. In the Monitors' Fifteenth Report, the Monitors detailed specific concerns<sup>55</sup> with two courses in particular: Drug Interdiction Awareness Program (DIAP) and Operation Desert Snow. In response to the Monitors' concerns, State Police met with all troopers who attended the courses of concern and established protocols for attending outside training, including the requirements set forth above.

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<sup>55</sup> 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 the stop; reliance on intangible indicators to support requests for consent searches; and lengthy questioning of drivers stopped for reasons other than moving violations.

Of the 397 outside agency training courses attended by troopers in 2016, OLEPS assessed a purposeful sample of 24 courses and noted some procedural issues.

OLEPS reviewed the documentation of 82 troopers who attended the 24 outside agency training courses. All 82 troopers completed an Outside Agency Training Appraisal Report and submitted a Certification of Completion. In addition, all attendance approvals were correctly submitted to assigned FTCs and FTOs. However, OLEPS noted errors on 21 of 82 Outside Agency Training Appraisal Report. For example, a trooper indicated that there were no consent decree related topics discussed at training on the Outside Agency Training Appraisal Report. However, the trooper identified consent decree related topics discussed at the training on the same report. Other troopers failed to indicate on the report whether additional documents were submitted to the Training Bureau.

With regard to other training documentation, four troopers failed to submit the course description or the course syllabus even though those troopers indicated on the Outside Agency Training Appraisal Report that the course description/course syllabus was submitted. Further, 11 troopers indicated on their Outside Agency Training Appraisal Report that they submitted training materials to the Training Bureau, but they failed to do so.

To guarantee that attendees of outside training courses submit the training materials, the Training Bureau has reiterated applicable outside agency training policies to attendees of the Training Committee meetings and will continue to incorporate this topic as an agenda item in future meetings.

In addition to the procedural items identified in reviewing the 24 sample courses, for 2016, no FTC/FTO provided the Training Bureau with the required quarterly memos identifying troopers that attended outside training. The Training Bureau indicated that State Police is discussing whether to dissolve the requirement of quarterly memos since submission of the Outside Agency Training Appraisal Reports is sufficient. OLEPS will follow up in future oversight reports.

This audit of outside agency courses revealed that no troopers submitted an Outside Agency Training Appraisal Report for attending either of the courses of particular concern in the past: PATRIOT and Desert Snow. The Training Bureau confirmed no trooper attending either course in 2016. OLEPS will continue to monitor whether troopers attend these two courses in the 17<sup>th</sup> Oversight Report.

## **Summary of Standard 20**

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In the 2016 training review, OLEPS noted that all troopers attending the reviewed outside courses submitted an Outside Agency Training Appraisal Report and submitted a Certification of Attendance. However, there were some appraisal reports that were not fully completed, not consistent, and other procedures were not followed (i.e., submitting training materials). OLEPS again recommends that State Police ensure all troopers are aware of and abide by policies and procedures for attendance at outside training. In response to OLEPS' recommendation, the Training Bureau acknowledged these concerns, undertook remedial steps to prevent future issues, and will explore additional methods of securing complete compliance moving forward. This will be assessed in the 17<sup>th</sup> Oversight Report.

## Performance Standard 21: Historical Documentation of Training

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### Standards

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According to State Police policies and procedures:

- The Training Bureau must maintain, in a central repository, copies of all Academy, post-Academy, and trooper coach training materials; curricula; lesson plans; and any materials received by individual troopers while attending outside training.
- Documentation of training will be maintained as part of the MAPPS database, ACTS, NJ Learn, and NJ.gov.

### Assessment

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The Training Bureau's course curricula, including both recruit and trooper training, continue to be maintained on the Academy's server. In addition, training records for each trooper can be found in ACTS, NJ Learn, NJ.gov, and MAPPS.

Training conducted by outside agencies also must be memorialized in ACTS and MAPPS. The Training Support Unit maintains copies of training materials received by troopers who attend training given by outside agencies and the Outside Agency Training Appraisal Reports. The reports are scanned into the Training Bureau's centralized database. However, both NJ Learn and NJ.gov are databases that do not directly interface with the ACTS database; therefore, these records have been maintained separately. Due to fiscal constraints, centralization of data for all systems is not currently possible.

This particular review of the training records in ACTS/MAPPS is two-fold: to determine whether training is captured in the database and to determine attendance at mandatory courses. Using a sample of 478 badge numbers for 2016, OLEPS reviewed MAPPS to ensure documentation of the following training: in-service, firearms qualifications, and C-20 physical fitness test. OLEPS reviewed 240 badge numbers for the period of January 1, 2016 to June 30, 2016 and an additional 240 troopers for July 1, 2016 to December 31, 2016. Of the 240 sampled troopers reviewed for the first half of 2016, 236 completed requisite spring firearms trainings. Of the 239 sampled troopers reviewed for the second half of 2016, 239 completed requisite fall firearms qualifications and In-Service. Out of the 239 troopers reviewed in the fall, 218 troopers were compliant for the C-20 physical fitness test while 21 troopers did not pass the C-20 physical fitness test in 2016.

### Summary of Standard 21

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The Training Bureau continues to maintain training records and training materials in dedicated databases. There are interface issues between MAPPS, ACTS, and off-site computer databases that maintain records relative to web-based training platforms. OLEPS recommends State Police resolve the technical issues preventing integration of web-based training platforms and updating all training databases a priority.

## Performance Standard 22: OLEPS/State Comptroller

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### Standards

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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

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Since September of 2000, the Training Bureau has provided recruit classes with a block of instruction explaining the history and terms of the Consent Decree, including to the 156<sup>th</sup> State Police Class.

For this reporting period, no new recruit classes were in attendance at the Academy. The 157<sup>th</sup> State Police Class will be admitted in 2017. Upon commencement of the next recruit class, OLEPS will continue to assist the Training Bureau with delivery of a presentation regarding the circumstances leading to the former Consent Decree, the codification of the former Consent Decree mandates in various State Police policies and procedures, the enactment of the Law Enforcement Professional Standards Act of 2009 (N.J.S.A. 52:17B-222, et seq.) following the dissolution of the Consent Decree, in addition to the functions and responsibilities of the State Comptroller as they relate to OLEPS and State Police.

It is also anticipated that during future 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 requirements of the Fourth Amendment (search and seizure), ethics, leadership, and cultural diversity.

### Summary of Standard 22

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For future recruit classes, 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 also continue to assist the Training Bureau with this presentation, including information regarding the responsibilities of the State Comptroller.

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# MAPPS

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Multiple units in the State Police share responsibility for data in the MAPPS system. An outside vendor maintains the system and implements upgrades and enhancements to the system as State Police requests. The vendor is responsive to the 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 pulls from other information systems in the Division. Stop data stored in MAPPS comes from the CAD system and RMS, which the Information Technology Bureau manages. Misconduct data and complaints 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 come 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. Supervisors in Field Operations primarily conduct stop data reviews of individuals and video reviews. The MAPPS Unit analyzes and presents unit and troop analyses of stop data and trends to a command-level panel for review during the Risk Analysis Core Group (RACG) meeting. 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. OPS reviews patterns of individual misconduct.

## Methodology

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This reporting period, OLEPS assessed MAPPS to ensure that State Police used the system according to State Police policy. MAPPS Performance Standards assessed whether appropriate data were available in a timely manner and stored in a secure way. Additionally, OLEPS assessed whether State Police used MAPPS as a management tool to inform supervisory and management decision making.

OLEPS' formal audit of MAPPS contained two parts. First, OLEPS accessed MAPPS to find evidence of specific information as required by State Police policy and procedures. Second, all troopers subject to a meaningful review<sup>56</sup> in the current reporting period were queried in MAPPS to determine whether there was a resolution of the review. OLEPS audited the MAPPS system by selecting a sample of troopers and accessing all records in MAPPS to ensure the availability of records of all requirements per State Police policies and procedures.

OLEPS also communicates with the MAPPS Unit regularly. OLEPS notes any issues with MAPPS and communicates them to the Unit. Additionally, since this Unit creates the RACG report, OLEPS also discusses troop trends and patterns in trooper behavior with the Unit.

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<sup>56</sup> State Police conducts meaningful reviews on troopers who receive three misconduct allegations within two years, also known as 3-in-2 Reviews.

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## Performance Standard 23: Maintenance of MAPPS

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### Standards

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

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

### Assessment

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OLEPS selected a sample of troopers involved in motor vehicle stops to audit MAPPS. OLEPS reviewed 298 motor vehicle stops in the current period that 239 troopers conducted. The selection included all 239 troopers for the MAPPS audit, representing 9.6% of the approximate 2,500 troopers in State Police. The troopers selected represent all troops.

#### *Motor Vehicle Stop Data*

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MAPPS must contain information on all motor vehicle stops a trooper performed. This module contains several analytic tools that allow State Police to examine a trooper's stop data in relation to both internal and external benchmarks. MAPPS contained motor vehicle stop data for the 239 troopers OLEPS selected for the current reporting period.

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## *Performance Data*

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### *Trooper Reviews*

For this reporting period, OLEPS accessed the MAPPS Performance Module for evidence of at least one quarterly review and one annual evaluation. State Police must conduct reviews three times a year and an annual evaluation in December of each year.

Of the troopers sampled, 213 troopers received quarterly reviews. As of November 2017, 26 troopers had not received quarterly reviews for the second half of 2016. Of these 26 troopers, 20 were probationary troopers during that period. Four of the remaining six troopers received an annual evaluation.

State Police categorizes annual evaluations as Partial, First Probationary, Second Probationary, and Third Probationary evaluations. Of the 239 sampled troopers, 189 received an annual evaluation in the second half of 2016. Further, State Police conducted 88 partial/probationary evaluations in the second half of 2016—25 Partial evaluations, 32 First Probationary evaluations, and 31 Second Probationary evaluations.

Thus, in total, MAPPS contained no quarterly or annual evaluations for one of the troopers in the sample for this reporting period. This trooper was active during the entire reporting period and assigned to road stations.

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## *Assignments*

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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 239 troopers.

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## *Training*

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The Academy Computerized Training System (ACTS) feeds data into MAPPS regarding training completion.

Of the 239 troopers reviewed in this reporting period, 169 troopers completed at least one off-duty and one on-duty Fall 2016 firearms training. There were 67 troopers who completed only on-duty Fall 2016 firearms training. All 239 troopers completed at least one firearms training in Fall 2016.

In Fall 2016, troopers also completed C-20 Physical Fitness Exam, Annual In-service Training, and CPR Training. MAPPS indicated that all 239 troopers completed their C-20 examination (only 218 passed the examination), in-service, and CPR trainings as required.

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

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## *Compliments*

The compliments module in MAPPS contains records of all compliments troopers received for service performed. OLEPS found that this module lists general information pertaining to each compliment. OLEPS found that 57 of the troopers sampled received a compliment in the current reporting period.

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## *Motor Vehicle Stop Reviews*

State Police supervisors must review motor vehicle stops as determined by Field Operations' review schedule. For this requirement, OLEPS ensured that MAPPS contained motor vehicle stop reviews for the sampled troopers. OLEPS found evidence that 232 of the sampled troopers had reviews of motor vehicle stops on record for the current reporting period. Of the seven troopers without stop reviews, three were serving as supervisors who conducted motor vehicle stop reviews for their respective stations, and four did not routinely conduct motor vehicle stops.

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## *Journals*

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

There were six journal entries in the current reporting period for five of the sampled troopers. One of these entries pertained to scatterplot comprehensive reports<sup>57</sup>, three pertained to meaningful reviews, and two pertained to risk management awareness. As noted in previous reports, OLEPS recommends that State Police more effectively use this module, especially given that State Police does not regularly utilize interventions to record errors made in motor vehicle stops.

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## *Interventions*

### *Interventions*

MAPPS contains an Interventions module wherein supervisors may issue an intervention or task another member with administering an intervention directed toward improving a member's performance. OLEPS found interventions recorded for 156 of the 239 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, OLEPS noted interventions stemming from motor vehicle stop errors in 40.91% of errors State Police caught.

### *Commendation Performance Notices (PNs)*

Commendation PNs, stored within the Intervention module, allow supervisors to commend a trooper for a job well done. OLEPS found that 187 troopers had at least one commendation performance notice in the current period.

### *Counseling Performance Notices (PNs)*

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<sup>57</sup> Scatterplot Comprehensive Reports occur for troopers who have fallen outside of pre-determined criteria based on motor vehicle stop activity. These reviews focus on the totality of a trooper's motor vehicle stop data, misconducts, uses of force, PIDRs, Interventions, and trainings.

Counseling PNs, stored within the Intervention module, allow supervisors to counsel a trooper. OLEPS found that 13 troopers had at least one counseling performance notice in the second half of 2016.

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### *Misconduct*

OLEPS also checked to ensure that all cases listed in IAPro (the database that houses misconduct information) were also in MAPPS for the troopers selected. Of the 239 troopers, OLEPS found that 64 troopers had misconduct cases in IAPro, but MAPPS contained misconduct cases for only 23 of these troopers. In total, there were 76 misconduct cases listed for the 64 troopers in IAPro compared to the 23 misconduct cases among 23 troopers in MAPPS. In all outstanding cases, IAPro contained information that the supervisor of the principal received notification of the allegation of misconduct. OLEPS has noted issues pertaining to missing misconduct data in MAPPS since the first half of 2015. State Police conducted an audit to determine the extent and source of this issue. The audit indicated errors in the integration of IAPro data into MAPPS regarding misconduct, use of force, and PIDR data resulting from human error. OPS and the MAPPS Unit met in February 2017 to correct all inaccurate data and to verify that all steps for publication into IAPro were followed correctly.

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### *Use of Force Supervisory Reviews*

State Police set a threshold of two uses of force per trooper within a one-year period. Reaching this threshold triggers a supervisory review. In the current reporting period, 25 of the 239 troopers had documented use of force supervisory reviews in MAPPS, more than the number noted in the previous reporting period. Though the volume of stops with uses of force decreased slightly in the current reporting period, the number of stops with uses of force remains much larger than that noted historically.

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### *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, OLEPS obtained a list of all troopers receiving a meaningful review in the second half of 2016 from IAPro. In total, State Police conducted 11 meaningful reviews during this period.

OLEPS noted documentation in MAPPS for five meaningful reviews and no documentation for six meaningful reviews. Of these six, OLEPS noted a trigger for one meaningful review for a trooper in the process of separating from service, explaining the lack of documentation. The remaining five meaningful reviews involved troopers who had no documentation of said reviews on MAPPS during the current reporting period. However, as of December 2017, IAPro lists these reviews as completed.

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## **Summary of Standard 23**

State Police policies and procedures outline numerous requirements for MAPPS to ensure the system functions appropriately as a management tool. These requirements include specifics on the type of information to be included in MAPPS including assignment history, motor vehicle stop activity, evaluations, misconduct information, training documentation, and various early warning tools including

meaningful reviews, scatterplots, and use of force supervisory reviews. OLEPS' audit of MAPPS indicated that MAPPS contains the requisite information and data, with the exception of certain misconduct data. As noted in Performance Standard 9, OLEPS recommends that State Police utilize the Intervention module in MAPPS to record communication with troopers who have made an error during a motor vehicle stop. Additionally, the audit continues to highlight the issue between the MAPPS, NJLearn, and NJ.gov databases, as discussed in previous reports. OLEPS also continues to recommend that State Police adopt an official policy on meaningful reviews, especially regarding the documentation of such reviews. Additionally, OLEPS continues to note that State Police does not routinely conduct meaningful reviews for troopers on leave when the alert triggers. State Police needs a formal policy that details the instructions for these reviews. In this reporting period, OLEPS noted several missing misconduct cases from a trooper's records in MAPPS. Without appearing in MAPPS, future supervisors may be unaware of the trooper's history and cannot make informed recommendations regarding assignments, promotions, future misconduct cases, or other management decisions regarding the trooper's performance.

## Performance Standard 24: MAPPS Reports

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### Standards

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This standard was Task 50 in previous reports and remains unchanged from the Consent Decree. The data held within MAPPS are used in the creation of reports that assist 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/ethnic percentages 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

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OLEPS assesses the requirements of this standard through review of the quarterly RACG Reports. OLEPS routinely reviews reports MAPPS publishes on the racial/ethnic distribution of stops and post-stop interactions. OLEPS regularly attends meetings reviewing these reports. OLEPS ensures continued review of trends found in trooper behavior.

For several reporting periods, State Police presented detailed documentation regarding benchmarking and trend analysis. State Police formed specific units and workgroups 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 Probable Cause and RAS consent searches and the find rates for these searches. The analysis also reviews non-consensual searches. Each report and presentation includes not only the current year, but also the two previous years. The focus of these reports and presentations changes each quarter. State Police focuses on one troop for primary analysis each quarter, but also presents additional risk analysis for the entire Division.

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, State Police utilizes a rough internal benchmark (the Troop-wide racial/ethnic percentages) to compare motor vehicle stops and associated activity.

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

State Police orally present each RACG Report at quarterly RACG meetings. The attendees review the results of the report during the presentation. The meeting serves as a forum for questions, comments, and requests for further analysis of the reviewed data. The meeting is mandatory for Risk Management Advisory Panel members and any member the Superintendent invites, typically the command staff for the Troop reviewed. Should a required member be unable to attend the meeting, she/he must send a designated replacement. Table Forty-Three depicts attendance at these meetings. Members italicized are those designated as panel members under State Police policy. The director of OLEPS is a non-voting panel member. Superintendent Memorandum requires the attendance of all other members noted in Table Forty-Three. During the current reporting period, there were two RACG meetings—September and December 2016.

**Table Forty-Three: RACG Meeting Attendance**  
 15<sup>th</sup> OLEPS Reporting Period

	September 2016		December 2016	
	Invited	Attended	Invited	Attended
<i>Deputy Superintendent of Administration</i>	Y	Y	Y	<i>Designee</i>
<i>Deputy Superintendent of Operations</i>	Y	<i>Designee</i>	Y	<i>Designee</i>
<i>Deputy Superintendent of Investigations</i>	Y	<i>Designee</i>	Y	N
<i>Commanding Officer, Office of Professional Standards</i>	Y	Y	Y	Y
<i>Quality Assurance Officer, Office of Quality Assurance</i>	Y	Y	Y	Y
<i>OLEPS Director</i>	Y	Y	Y	Y
<i>Deputy Superintendent of Homeland Security</i>	Y	N	Y	N
<i>Chief of Staff</i>	Y	<i>Designee</i>	Y	<i>Designee</i>
<b>Troop Commander</b>	1	1	1	1
<b>Deputy Troop Commander(s)</b>	1	1	1	1
<b>Regional Troop Commander (s)</b>	2	2	2	2
<b>Additional Troop Resource (s)</b>	0	1	0	1

At the September meeting, there were four voting panel members and three non-voting panel members required to attend. OLEPS noted that all panel members or designees attended. There were four members of Troop command staff invited and all attended, in addition to one additional member involved in the Troop’s risk management processes.

At the December 2016 meeting, there were four voting panel members and three non-voting panel members required to attend. With the exception of the Superintendent of Investigations (a voting panel member), OLEPS noted that all panel members or designees attended. There were four members of Troop command staff invited and all attended, in addition to one additional member involved in the Troop’s risk management processes.

These quarterly meetings provide State Police with information and analysis detailing potential risks. The panel members have the unique ability to provide insight and suggestions based on their experience and their Bureau's work. Without all requisite members, potential resolutions and remedies may lack necessary insights. Further, lack of attendance from command staff and panel members may send a message that such meetings are not a priority for State Police, and in turn, promulgate future non-attendance.

Overall, the MAPPS Reports meet the requirements of this performance standard. Attendance at RACG meetings in this reporting period was a considerable improvement from previous reporting periods. OLEPS will continue to examine attendance levels in future reporting periods. OLEPS commends State Police for continued compliance with its risk analysis obligations.

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# Oversight & Public Information

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

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### Standards

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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 State Police.

OLEPS is required to complete the following report:

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

### Assessment

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

- Twelfth Aggregate Report of Traffic Enforcement Activities of the New Jersey State Police
- Eleventh Oversight Report

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

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

## **Performance Standard 26:** **Approval of Revisions to Protocols, Forms, Reports, and Logs**

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### **Standards**

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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**

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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. During the current reporting period, OLEPS reviewed the following:

- Three revised Operational Instructions
- Six revised Standing Operating Procedures
- 10 Lesson Plans

# SUMMARY

## Overview

The results of OLEPS' analysis of State Police from July 1, 2016 to December 31, 2016 indicates that, overall, State Police follows the guidelines regulating trooper activity. The 298 motor vehicle stops, MAPPS data, training documentation, and OPS cases reviewed indicate that State Police adheres to its own policies and procedures.

Motor vehicle stops involving uses of force decreased from the previous period from 44 stops to 40 stops in the current reporting period. Although this volume remains among the largest in all of OLEPS reporting periods, OLEPS observed no stops with a use of force that deviated from applicable standards. OLEPS continues to examine precipitating factors and circumstances in all stops with uses of force.

The review of motor vehicle stops indicated that there was no clear evidence of a statistically significant racial/ethnic bias in stops or post-stop activities. Analysis in the current reporting period indicates that there are no statistically significant differences in the racial/ethnic distributions in the number of all stops, those involving canine deployments, uses of force, or arrests. There was, however, a statistically significant difference in the volume of arrest reasons (*i.e.*, warrant arrests, Probable Cause arrests, or warrant and Probable Cause arrests) and in the distribution of stops with consent requests among White, Black, and Hispanic drivers in the current reporting period. This significance does not indicate definitive evidence of race/ethnicity-based decision-making. However, it does suggest the need for more detailed analysis and examination. Further, a lack of significance does not preclude further examination into racial/ethnic differences in activities.

State Police performed the majority of post-stop activities reviewed in accordance with State Police policies, procedures, and legal standards. However, OLEPS noted several instances where troopers did not meet the appropriate legal standards for the post-stop activities used. In the current reporting period, OLEPS noted instances where troopers did not meet the appropriate legal standards for post-stop activities. Specifically, there were two stops in which the legal standard of Reasonable Articulate Suspicion (RAS) to request consent to search was not met. State Police reviewed both of these stops but caught only one of the errors. State Police issued an intervention for this error. OLEPS noted one stop with a canine deployment in which the facts and circumstances surrounding the deployment did not meet the legal standard of RAS. State Police supervisory review caught this error and issued an intervention for this error. In two stops, a frisk of passenger 1 failed to meet the legal standard of RAS. State Police caught both of these errors, but none resulted in an intervention. One stop with a frisk of passenger 2 failed to meet the appropriate legal standard of RAS. State Police caught this error and issued an intervention for it. OLEPS noted one frisk of passenger 2 that extended beyond a pat down. State Police failed to catch this error. OLEPS noted vehicle search errors in three stops in the current reporting period. State Police caught two of these errors and issued an intervention for each. State Police did not review the remaining stop with a vehicle search error. Despite these instances, State Police performed the majority of post-stop activities reviewed in accordance with State Police policies, procedures, and legal standards.

Overall, stops reviewed in the current reporting period were, on average, shorter in length than the previous reporting period. OLEPS found statistically significant differences between the average length

of stops with and without a canine deployment; stops with a deployment are significantly longer than those without a deployment. The differences between all other racial/ethnic groups for all types of stops were not significant. In previous reporting periods, OLEPS noted several instances of *de facto* arrests based on the length of stop. However, OLEPS noted no *de facto* arrests in the current reporting period. OLEPS reminds State Police of this history and encourages supervisors to note issues regarding the length of motor vehicle stops.

While State Police caught more errors in the current reporting period than in previous reporting periods, improvement is still warranted. Less than half of the stops OLEPS reviewed, 124 (41.61%), also received a State Police review. Among the stops State Police reviewed, supervisors failed to note errors in 10.48% (13 of 124) of stops. Further, 25.86% (45 of 174) of stops not reviewed by State Police contained an error. 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 reviewed.

Related, the use of interventions following an error during a motor vehicle stop increased considerably in the current reporting period. In the current reporting period, 40.91% of all errors caught resulted in an intervention. State Police issued interventions most frequently for errors pertaining to CUMMA, canine deployments, and non-consensual vehicle searches. OLEPS continues to recommend State Police supervisors use interventions when errors are noted.

OLEPS noted a slight decrease in the proportion of stops with supervisors present at the scene of the stop. Nearly 23% of all stops had a supervisor on scene, a decrease from 28.52% in the previous reporting period. OLEPS continues to examine the proportion of supervisors on the road to determine whether there is an inverse relationship between the quality of reviews and the use of interventions and supervisor presence during stops. OLEPS expects that both supervisory presence and the quality of supervisory reviews should increase as State Police recently added a number of new troopers to its ranks.

Recording issues persist in the current reporting period. Recordings of stops were 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 current and in good working order. Regardless of newly installed recording equipment, recording errors remain high among errors caught and errors in stops that State Police did not review.

In 2016, the Training Bureau generally adhered to policies and procedures in accomplishing training requirements. State Police graduated 134 members of the 156<sup>th</sup> Class. The Training Bureau provided annual in-service training along with other certification and advanced training courses to troopers. The Training Bureau delivered required supervisory training to troopers promoted in 2016, including Executive Phase training courses for Captains and above. OLEPS remains concerned about the attendance at Training Committee meetings. However, lack of attendance by non-Training Bureau members is primarily due to circumstances outside of the Training Bureau's control. Lastly, OLEPS, again, noted staffing issues at the Training Bureau. To preserve historical knowledge and to not interrupt training, State Police should make meeting the Training Bureau staffing level a priority.

## Recommendations

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

- Examine potential causes for dramatic changes in the volume of certain post-stop activities such as uses of force.
- Conduct detailed, focused, supervisory reviews, especially in all critical stops and noted areas of concern.
- If necessary, reiterate the expectations of supervisory reviews by informing supervisors of OLEPS' concerns regarding these reviews.
- Improve the use of interventions as a record of supervisory comments.
- Reiterate the requirements of RAS, Probable Cause, and all applicable legal standards 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 (see Appendix One) for more detail regarding the concerns surrounding *de facto* arrests.
- Increase supervisory presence in the field, especially in light of the reduced review workload that was further reduced following Witt.
- Complete the follow-up questionnaire of troopers as part of the Step Six report.
- Ensure all members of the Training Committee meeting are aware of the importance of attending and contributing and encourage attendance.
- Follow the Instructor Specialist Selection Process, including all requisite checks.
- Adhere to all the Trooper Coach Selection Process requirements, including years of service.
- Create, maintain, and distribute to appropriate supervisors the non-attendance list of mandatory training.
- 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 3 in 2, or meaningful reviews.
- Ensure that all information required to be stored in MAPPS is appropriately entered or transferred into the database, including NJLearn and NJ.gov.
- 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
<a href="#"><u>Monitors' First Report: Long-term Compliance Audit Civil Number 99-5970(MLC)</u></a>	October 6, 2000	December 31, 1999-September 15, 2000
<a href="#"><u>Monitors' Second Report: Long-term Compliance Audit Civil Number 99-5970(MLC)</u></a>	January 10, 2001	September 30, 1999-December 15, 2000
<a href="#"><u>Monitors' Third Report: Long-term Compliance Audit Civil Number 99-5970(MLC)</u></a>	April 12, 2001	December 16, 2000-March 15, 2001
<a href="#"><u>Monitors' Fourth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)</u></a>	July 17, 2001	January 1, 2001-March 31, 2001
<a href="#"><u>Monitors' Fifth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)</u></a>	January 14, 2002	May 30, 2001-December 15, 2001
<a href="#"><u>Monitors' Sixth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)</u></a>	July 19, 2002	December 31, 2001-May 30, 2001
<a href="#"><u>Monitors' Seventh Report: Long-term Compliance Audit Civil Number 99-5970(MLC)</u></a>	January 17, 2003	May 1, 2002-October 30, 2002
<a href="#"><u>Monitors' Eighth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)</u></a>	August 21, 2003	October 1, 2002-March 31, 2003
<a href="#"><u>Monitors' Ninth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)</u></a>	January 23, 2004	April 1, 2002-September 30, 2003
<a href="#"><u>Monitors' Tenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)</u></a>	July 16, 2004	October 1, 2003-March 31, 2004
<a href="#"><u>Monitors' Eleventh Report: Long-term Compliance Audit Civil Number 99-5970(MLC)</u></a>	December 20, 2004	April 1, 2004-September 30, 2004
<a href="#"><u>Monitors' Twelfth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)</u></a>	July 12, 2005	October 1, 2004-March 31, 2005
<a href="#"><u>Monitors' Thirteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)</u></a>	December 2005	April 1, 2005-September 30, 2005
<a href="#"><u>Monitors' Fourteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)</u></a>	June 2006	October 1, 2005-March 31, 2006
<a href="#"><u>Monitors' Fifteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)</u></a>	January 2007	April 1, 2006-September 30, 2006

**Appendix One**

Report	Publication Date	Reporting Period
<a href="#"><u>Monitors' Sixteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)</u></a>	August 2007	October 1, 2006- March 31, 2007
<a href="#"><u>Monitors' Seventeenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)</u></a>	April 16, 2009	January 1, 2007- December 31, 2007
<a href="#"><u>First Monitoring Report Prepared by Office of Law Enforcement Professional Standards</u></a>	April 29, 2010	January 1, 2008- December 31, 2008
<a href="#"><u>Second Monitoring Report Prepared by Office of Law Enforcement Professional Standards</u></a>	August 2011	January 1, 2009- June 30, 2009
<a href="#"><u>Third Monitoring Report Prepared by Office of Law Enforcement Professional Standards</u></a>	July 2012	July 1, 2009- December 31, 2009
<a href="#"><u>Fourth Monitoring Report Prepared by Office of Law Enforcement Professional Standards</u></a>	October 2012	January 1, 2010- December 31, 2010
<a href="#"><u>Fifth Monitoring Report prepared by Office of Law Enforcement Professional Standards</u></a>	May 2013	January 1, 2011- December 31, 2011
<a href="#"><u>Sixth Oversight Report prepared by Office of Law Enforcement Professional Standards</u></a>	July 2013	January 1, 2012- June 30, 2012
<a href="#"><u>Seventh Oversight Report prepared by Office of Law Enforcement Professional Standards</u></a>	March 2014	July 1, 2012- December 31, 2012
<a href="#"><u>Eighth Oversight Report prepared by Office of Law Enforcement Professional Standards</u></a>	October 2014	January 1, 2013- June 30, 2013
<a href="#"><u>Ninth Oversight Report prepared by Office of Law Enforcement Professional Standards</u></a>	July 2015	July 1, 2013- December 31, 2013
<a href="#"><u>Tenth Oversight Report prepared by Office of Law Enforcement Professional Standards</u></a>	September 2015	January 1, 2014- June 30, 2014
<a href="#"><u>Eleventh Oversight Report prepared by Office of Law Enforcement Professional Standards</u></a>	October 2016	July 1, 2014- December 31, 2014
<a href="#"><u>Twelfth Oversight Report prepared by Office of Law Enforcement Professional Standards</u></a>	March 2017	January 1, 2015- June 30, 2015
<a href="#"><u>Thirteenth Oversight Report prepared by Office of Law Enforcement Professional Standards</u></a>	June 2018	July 1, 2015 – December 31, 2015
<a href="#"><u>Fourteenth Oversight Report prepared by Office of Law Enforcement Professional Standards</u></a>	April 2019	January 1, 2016 –June 30, 2016

**Appendix Two**  
**Table 2.1: Type of Errors Caught by Station**

	Recording	Reporting	Comm.	Exits	Frisks	Search of Person	Search of Vehicle	Consent Requests	Canine Deploy.	Use of Force	Arrests	CUMMA	Evid-ence	Total
<b>Atlantic City</b>	0	0	5	0	0	0	0	0	0	0	0	0	0	<b>5</b>
<b>Bellmawr</b>	0	1	0	0	0	0	0	0	0	0	0	0	0	<b>1</b>
<b>Bloomfield</b>	0	4	0	0	0	0	0	3	0	1	0	0	0	<b>8</b>
<b>Bordentown</b>	2	4	0	0	0	0	0	0	0	1	2	0	0	<b>9</b>
<b>Bridgeton</b>	0	1	0	0	0	0	0	0	0	2	0	0	0	<b>3</b>
<b>Buena Vista</b>	4	1	5	0	0	0	0	5	0	1	1	0	0	<b>17</b>
<b>Cranbury</b>	1	1	0	0	0	0	0	1	0	0	0	0	0	<b>3</b>
<b>Galloway</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>Hamilton</b>	3	8	0	0	0	0	3	6	0	2	2	2	0	<b>26</b>
<b>Holmdel</b>	0	2	0	0	1	0	1	1	0	0	0	1	0	<b>6</b>
<b>Hope</b>	0	1	0	0	0	0	0	0	0	0	0	0	0	<b>1</b>
<b>Kingwood</b>	0	1	0	0	0	0	0	0	0	0	0	0	0	<b>1</b>
<b>Metro South</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>Moorestown</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>Netcong</b>	1	1	0	0	0	0	0	2	0	1	1	0	0	<b>6</b>
<b>Newark</b>	1	2	0	0	0	0	0	2	1	0	0	0	0	<b>6</b>
<b>Other</b>	0	2	0	0	0	0	1	0	0	2	0	0	0	<b>5</b>
<b>Perryville</b>	0	2	0	0	0	0	0	1	0	1	0	0	0	<b>4</b>
<b>Port Norris</b>	2	0	0	0	1	0	0	0	0	0	1	0	0	<b>4</b>
<b>Red Lion</b>	4	3	2	0	1	0	0	1	0	0	0	0	0	<b>11</b>
<b>Somerville</b>	6	1	0	0	0	0	1	2	0	2	1	0	0	<b>13</b>
<b>Sussex</b>	2	0	0	0	0	0	0	0	0	0	0	0	0	<b>2</b>
<b>Totowa</b>	0	2	2	0	0	0	0	2	0	0	0	0	0	<b>6</b>
<b>Tuckerton</b>	1	3	0	0	0	0	3	4	0	0	0	0	2	<b>13</b>
<b>Washington</b>	3	0	0	0	0	0	0	1	0	0	0	0	0	<b>4</b>
<b>Woodbine</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>Woodstown</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>Total</b>	<b>30</b>	<b>40</b>	<b>14</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>9</b>	<b>31</b>	<b>1</b>	<b>13</b>	<b>8</b>	<b>3</b>	<b>2</b>	<b>154</b>

Table 2.2: Type of Errors Not Caught by Station

	Recording	Reporting	Comm.	Exits	Frisks	Search of Person	Search of Vehicle	Consent Requests	Canine Deploy.	Use of Force	Arrests	CUMMA	Evidence	Total
Atlantic City	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bellmawr	0	2	0	0	0	0	0	0	0	0	0	0	0	2
Bloomfield	0	0	5	0	0	0	0	0	0	0	0	0	0	5
Bordentown	2	0	0	0	0	0	0	0	0	0	0	0	0	2
Bridgeton	0	3	0	0	0	0	0	0	0	0	1	0	0	4
Buena Vista	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cranbury	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Galloway	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Hamilton	3	2	0	0	0	0	0	0	0	0	0	0	0	5
Holmdel	0	3	0	0	0	0	1	0	0	0	0	0	0	4
Hope	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Kingwood	2	3	0	0	0	0	0	0	0	0	0	0	0	5
Metro South	0	0	4	0	0	0	0	0	0	0	0	0	0	4
Moorestown	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Netcong	7	2	0	0	0	0	0	0	0	0	1	1	0	11
Newark	2	0	0	0	0	0	0	1	0	0	0	0	0	3
Other	3	3	4	0	1	0	2	0	0	0	0	1	0	14
Perryville	2	3	0	0	0	0	0	0	0	0	0	0	0	5
Port Norris	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Red Lion	6	0	0	0	0	0	0	0	0	0	0	0	0	6
Somerville	3	0	0	0	0	0	2	0	0	0	0	0	0	5
Sussex	0	0	0	0	0	0	0	2	0	0	1	0	0	3
Totowa	0	2	0	0	0	0	0	0	0	0	0	0	0	2
Tuckerton	3	0	0	0	0	0	0	0	0	0	0	0	0	3
Washington	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Woodbine	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Woodstown	4	0	0	0	0	0	0	0	0	0	0	0	0	4
<b>Total</b>	<b>39</b>	<b>24</b>	<b>14</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>6</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>92</b>

Table 2.3: Type of Errors Non-Reviewed by Station

	Recording	Reporting	Comm.	Exits	Frisks	Search of Person	Search of Vehicle	Consent Requests	Canine Deploy.	Use of Force	Arrest	CUMMA	Evidence	Total
Atlantic City	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bellmawr	0	2	0	0	0	0	0	0	0	0	0	0	0	2
Bloomfield	0	0	5	0	0	0	0	0	0	0	0	0	0	5
Bordentown	2	0	0	0	0	0	0	0	0	0	0	0	0	2
Bridgeton	0	1	0	0	0	0	0	0	0	0	1	0	0	2
Buena Vista	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cranbury	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Galloway	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Hamilton	3	2	0	0	0	0	0	0	0	0	0	0	0	5
Holmdel	0	3	0	0	0	0	1	0	0	0	0	0	0	4
Hope	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Kingwood	2	3	0	0	0	0	0	0	0	0	0	0	0	5
Metro South	0	0	4	0	0	0	0	0	0	0	0	0	0	4
Moorestown	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Netcong	6	2	0	0	0	0	0	0	0	0	1	1	0	10
Newark	2	0	0	0	0	0	0	0	0	0	0	0	0	2
Other	3	2	2	0	0	0	2	0	0	0	0	1	0	10
Perryville	2	2	0	0	0	0	0	0	0	0	0	0	0	4
Port Norris	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Red Lion	6	0	0	0	0	0	0	0	0	0	0	0	0	6
Somerville	3	0	0	0	0	0	1	0	0	0	0	0	0	4
Sussex	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totowa	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Tuckerton	3	0	0	0	0	0	0	0	0	0	0	0	0	3
Washington	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Woodbine	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Woodstown	4	0	0	0	0	0	0	0	0	0	0	0	0	4
<b>Total</b>	<b>38</b>	<b>18</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>75</b>

## Appendix Three Supplemental Data Analysis Results

### Chi-Square Overview:

The chi-square test of independence 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 the 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 White, Black, or Hispanic drivers. The null hypothesis is that White, Black, and Hispanic drivers have an equal chance of receiving a consent request. The alternative hypothesis is that White, Black, and Hispanic drivers do not have an equal chance of receiving a consent request.

**Table One: Consent Requests by Race/Ethnicity of Driver**  
 15<sup>th</sup> OLEPS Reporting Period

	<b>No Consent Request</b>	<b>Consent Request</b>	<b>Total</b>
<b>White</b>	103	23	<b>126</b>
<b>Black</b>	116	10	<b>126</b>
<b>Hispanic</b>	36	7	<b>43</b>
<b>Total</b>	<b>255</b>	<b>40</b>	<b>295</b>

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:

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

First, calculate the expected frequency for White drivers with no consent request. The row total is 126 and the column total is 255. The total n for the table is 295.

$$\frac{126 * 255}{295} = 108.9$$

Thus, the expected value of White drivers without a consent request is 108.9. 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.

**Table Two: Expected Values for Consent Requests by Race/Ethnicity of Driver**  
 15<sup>th</sup> OLEPS Reporting Period

	<b>No Consent Request</b>	<b>Consent Request</b>	<b>Total</b>
<b>White</b>	103 (108.9)	23 (17.1)	<b>126</b>
<b>Black</b>	116 (108.9)	10 (17.1)	<b>126</b>
<b>Hispanic</b>	36 (37.2)	7 (5.8)	<b>43</b>
<b>Total</b>	<b>255</b>	<b>40</b>	<b>295</b>

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

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

$$\chi^2 = \frac{(103-108.9)^2}{108.9} + \frac{(23-17.1)^2}{17.1} + \frac{(116-108.9)^2}{108.9} + \frac{(10-17.1)^2}{17.1} + \frac{(36-37.2)^2}{37.2} + \frac{(7-5.8)^2}{5.8}$$

$$\chi^2 = 6.039$$

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

Next, calculate the degrees of freedom.

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

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

$$df = 2$$

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 5.99 or greater. Our value is 6.039, greater than the required value. This means that we can reject the null hypothesis; there is a significant difference between the racial/ethnic distribution of consent requests.

**Table Three: Canine Deployments by Race/Ethnicity of Driver**  
 15<sup>th</sup> OLEPS Reporting Period

	<b>No Canine Deployment</b>	<b>Canine Deployment</b>	<b>Total</b>
<b>White</b>	124	2	<b>126</b>
<b>Non-White</b>	165	7	<b>172</b>
<b>Total</b>	<b>289</b>	<b>9</b>	<b>298</b>

$\chi^2=1.530$ ,  $df=1$   
 $p=0.216$

**Table Four: Uses of Force by Race/Ethnicity of Driver**  
 15<sup>th</sup> OLEPS Reporting Period

	<b>No Force</b>	<b>Use of Force</b>	<b>Total</b>
<b>White</b>	115	11	<b>126</b>
<b>Black</b>	103	23	<b>126</b>
<b>Hispanic</b>	37	6	<b>43</b>
<b>Total</b>	<b>255</b>	<b>40</b>	<b>295</b>

$\chi^2=4.882$ ,  $df=2$   
 $p=0.087$

**Table Five: Arrest Data by Race/Ethnicity of Driver**  
 15<sup>th</sup> OLEPS Reporting Period

	<b>Arrest</b>	<b>No Arrest</b>	<b>Total</b>
<b>White</b>	118	8	<b>126</b>
<b>Non-White</b>	161	11	<b>172</b>
<b>Total</b>	<b>279</b>	<b>19</b>	<b>298</b>

$\chi^2=.000$ ,  $df=1$   
 $p=0.987$

**Table Six: Sampled Vehicle Stop Rates by Reason for Stop**  
 15<sup>th</sup> OLEPS Reporting Period

	White	Non-White	Total
<b>FTML</b>	25	49	<b>74</b>
<b>Rate of Speed</b>	21	30	<b>51</b>
<b>Safety Violation</b>	20	24	<b>44</b>
<b>Equipment Violation</b>	14	19	<b>33</b>
<b>Seat Belt Violation</b>	3	10	<b>13</b>
<b>Total</b>	<b>83</b>	<b>132</b>	<b>215</b>

$\chi^2=3.265$ , df=4  
 $p=0.515$

**Table Seven: Consent Request Stop Rates by Reason for Consent**  
 15<sup>th</sup> OLEPS Reporting Period

	Reasonable Articulate Suspicion	Probable Cause	Total
<b>White</b>	22	1	<b>23</b>
<b>Non-White</b>	16	1	<b>17</b>
<b>Total</b>	<b>38</b>	<b>2</b>	<b>40</b>

$\chi^2=0.048$ , df=1  
 $p=0.826$   
 Two cells have an expected count of less than five.

**Table Eight: Canine Deployment Rates by Reason for Deployment**  
 15<sup>th</sup> OLEPS Reporting Period

	Reasonable Articulable Suspicion	Probable Cause	Total
<b>White</b>	2	0	<b>2</b>
<b>Non-White</b>	5	2	<b>7</b>
<b>Total</b>	<b>7</b>	<b>2</b>	<b>9</b>

$\chi^2=0.735$ ,  $df=1$

$p=0.391$

Three cells have an expected count of less than five.

**Table Nine: Arrest Reasons by Race/Ethnicity of Driver**  
 15<sup>th</sup> OLEPS Reporting Period

	Probable Cause	Warrant	Warrant and Probable Cause	Total
<b>White</b>	77	27	14	<b>118</b>
<b>Black</b>	51	46	21	<b>118</b>
<b>Hispanic</b>	25	8	4	<b>37</b>
<b>Total</b>	<b>153</b>	<b>81</b>	<b>39</b>	<b>273</b>

$\chi^2=14.030$ ,  $df=4$

$p=0.007$

**Table Ten: Stops by Time of Day**  
 15<sup>th</sup> OLEPS Reporting Period

	Day	Night	Total
<b>White</b>	59	67	<b>126</b>
<b>Black</b>	52	74	<b>126</b>
<b>Hispanic</b>	15	28	<b>43</b>
<b>Total</b>	<b>126</b>	<b>169</b>	<b>295</b>

$\chi^2=2.055$ ,  $df=2$

$p=0.358$

## 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

$\mu_1$  = population 1

$\mu_2$  = 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 35.49, the standard deviation is 25.93, and *n*=126. The mean stop length for Black drivers is 37.12, the standard deviation is 28.02 and *n*=126.

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 ( $\alpha$ ) = .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

$$df = 126 + 126 - 2$$

$$df = 250$$

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: 1.98

Calculate the mean and standard deviation. This information has been provided. The mean stop length for White drivers is 35.49, the standard deviation is 25.93, and n=126. The mean stop length for Black drivers is 37.12, the standard deviation is 28.017, and n=126.

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

$$t = \frac{(35.49 - 37.12) - (\mu_1 - \mu_2)}{S_{x_1 - x_2}}$$

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

$$t = \frac{(35.49 - 37.12)}{S_{x_1 - x_2}}$$

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:

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

$$df_1 = n_1 - 1 \quad df_1 = 126 - 1 \quad df_1 = 125$$

$$df_2 = n_2 - 1 \quad df_2 = 126 - 1 \quad df_2 = 125$$

$$S_{pooled}^2 = \frac{(125)25.93^2 + (125)28.017^2}{125 + 125}$$

$$S_{pooled}^2 = \frac{(125)672.3649 + (125)784.952289}{250}$$

$$S^2_{pooled} = \frac{84045.6125 + 98119.036125}{250}$$

$$S^2_{pooled} = 728.6585945$$

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

$$S_{x1-x2} = \sqrt{\frac{728.6585945}{126} + \frac{728.6585945}{126}}$$

$$S_{x1-x2} = \sqrt{5.7830047183 + 5.7830047183}$$

$$S_{x1-x2} = \sqrt{11.56600943651}$$

$$S_{x1-x2} = 3.40088362584$$

Plug this value back into the equation for  $t$ :

$$t = \frac{(35.49 - 37.12)}{3.40088362584}$$

$$t = \frac{-1.63}{3.40088362584}$$

$$t = -0.479$$

Compare the  $t$  value calculated, -0.479, to the critical  $t$  value from the table, 1.98.

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

Therefore, there is not a statistically 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.

DOR: Daily Observation Report completed by Trooper Coaches for Troopers enrolled in the Trooper Coach Program.

DSO: Deputy Superintendent of Operations

DTT: Duty to Transport

EEO: Equal Employment Opportunity.

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 State Police.

OSPA: Office of State Police Affairs

PC: Probable Cause

RAS: Reasonable Articulate Suspicion

RMS: Records Management System

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

SPPAR: Section Patrol Practice Assessment Reviews.

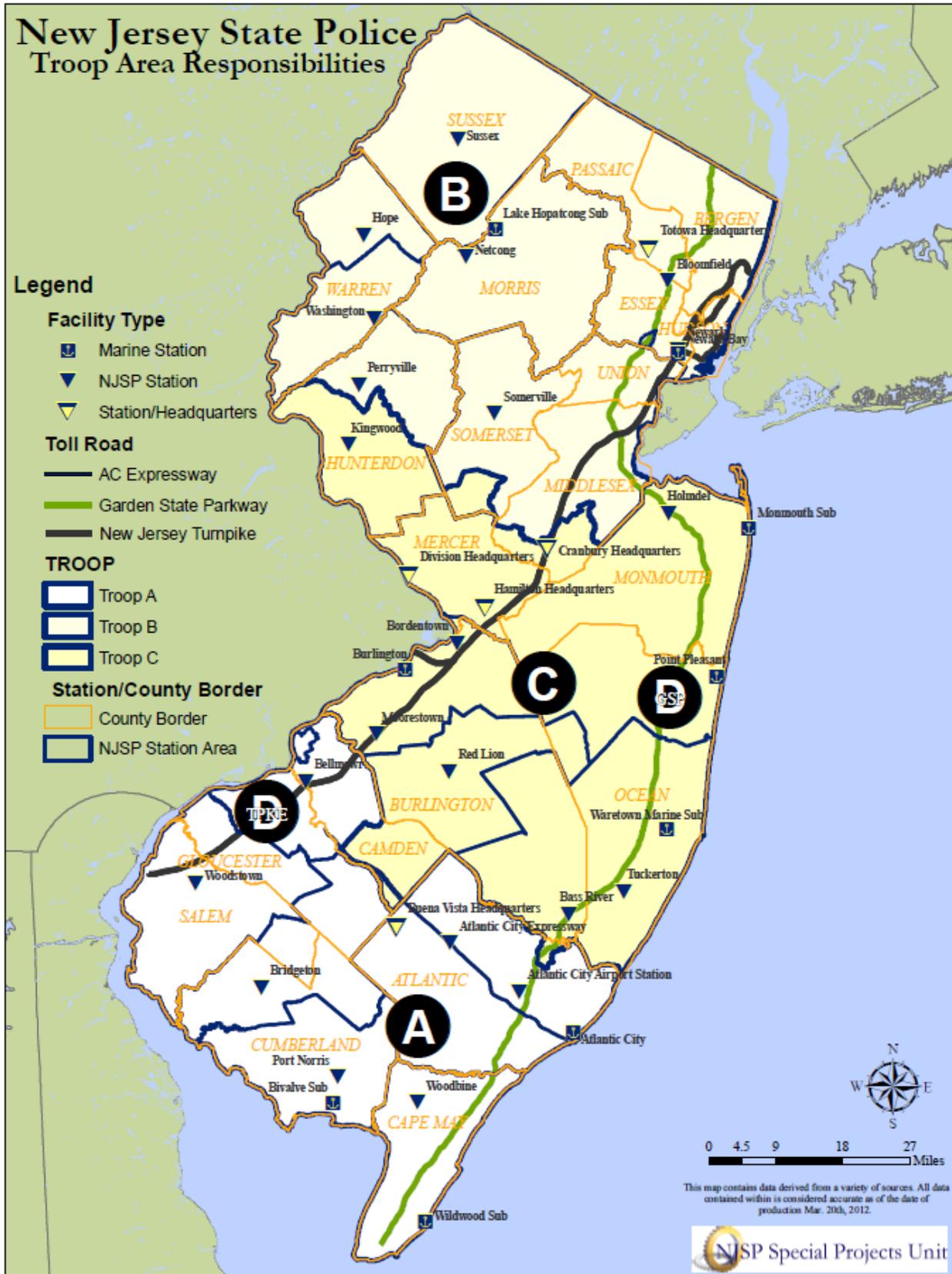
TCS: Trooper Coach System.

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



Appendix Five