OLEPS

OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS

Sixteenth Oversight Report July 2021

January 1, 2017–June 30, 2017

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Executive Summary

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, State Police databases, and other relevant materials.

In this 16th Oversight Report, which covers the period of January 1, 2017 to June 30, 2017, OLEPS reviewed and analyzed data from 300 motor vehicle stops, including records associated with these stops. In the current period, as required, OLEPS reviewed all critical stops (i.e., stops involving a use of force, a canine deployment, or a consent search based on reasonable articulable suspicion (RAS)). OLEPS also selected a random sample of stops from all stops where an individual was arrested but not charged. OLEPS further reviewed records and documentation from Field Operations, 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[1] in this reporting period. Differences in enforcement activities are more likely the result of chance rather than purposeful behavior. Though the sample of stops reviewed involve a larger proportion of minority than White drivers, OLEPS' review indicates that State Police acted in accordance with policies and procedures, providing articulable reasons for the activities within each stop reviewed.
    - Analysis in the current reporting period indicated that there were no statistically significant differences in the racial/ethnic distributions in the number of all stops, those involving canine deployments, uses of force, arrests, or arrest reasons. There was, however, a statistically significant difference in the distribution of stops with consent requests among 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 increased one stop in the current reporting period. The racial/ethnic distribution of the 41 stops with uses of force was not statistically significant. Despite this lack of a statistically significant difference, the largest proportion of these stops involved Black drivers. In 18 stops with a use of force (43.90%), 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 subject of the force 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. The State Police's 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

[1] This Oversight Report only examines stops that were specifically selected for review for this report. Therefore, discussed trends and findings of statistical significance are impacted by the sample selected.

reviewed 116 of the 300 stops that OLEPS reviewed for this report. Of the stops State Police reviewed, 12.07% (14 of 116) contained an error not caught, more than the 10.48% noted in the previous reporting period. Of the stops that did not receive State Police review, 21.74% (40 of 184) of stops contained at least one error, a decrease from 25.86% in the previous reporting period. The total number of errors that State Police did not catch in the current reporting period (94 errors in 54 stops) was slightly more than the previous reporting period (92 errors in 58 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, frisks, non-consensual vehicle searches, and searches of persons.
    - There were two stops in which the legal standard of Reasonable Articulable Suspicion (RAS) to request consent to search was not met. State Police caught both of these errors but issued an intervention for only one of these errors.
    - In seven stops, a frisk of the driver failed to meet the legal standard of RAS. State Police caught all of these errors and issued an intervention for three of these errors.
    - In seven stops, a frisk of passenger 1 failed to meet the legal standard of RAS. State Police caught all of these errors and issued an intervention for four of these errors.
    - Fours stops with a frisk of passenger 2 failed to meet the appropriate legal standard of RAS. State Police caught all of these errors and issued an intervention for two of these errors.
    - OLEPS noted one frisk of the driver that extended beyond a pat down. State Police caught this error and issued an intervention for it.
    - OLEPS noted vehicle search errors in eight stops in the current reporting period. State Police caught four of these errors and issued an intervention for two of these errors.
    - OLEPS noted five stops with the search of a driver that was not incident to arrest. State Police caught all of these errors and issued an intervention for only three of these errors.
    - OLEPS noted three stops with a search of passenger 1 that was not incident to arrest. State Police caught all of these errors and issued an intervention for only two of these errors.
    - OLEPS noted one stop with a search of passenger 2 that was not incident to arrest. State Police caught this error and issued an intervention for it.
    - In most reporting periods, State Police performed the majority of post-stop activities in accordance with State Police policies, procedures, and legal standards. However, 41% of RAS frisks of the driver (7 of 17 total RAS frisks), 78% of RAS frisks of passenger 1 (7 of 9 total RAS frisks), and 80% of RAS frisks of passenger 2 (4 of 5 total RAS frisks) did not meet RAS. Though State Police caught all of these errors, the majority did not have an associated intervention. OLEPS recommends continued supervisory vigilance on frisks and improvement in notification of these errors via the intervention module.
- Despite the above instances, OLEPS typically finds that State Police perform the majority of post-stop activities in accordance with State Police policies, procedures, and legal standards. Unlike previous reporting periods, 58% of all RAS frisks (18 of 31 RAS frisks) OLEPS reviewed failed to meet the legal standard of RAS. While State Police caught all of these errors, most did not result in an intervention. OLEPS reminds State Police that interventions serve as the method by which supervisors can formally address any deficiencies and modify trooper conduct.

- When an error occurs and is noted during a motor vehicle stop, 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 marks a dramatic increase in State Police's use of interventions. In the previous reporting period, 40.91% of all errors State Police caught resulted in an intervention, while in the current reporting period, 51.12% 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 evidence seizures, medical marijuana, reporting requirements, searches of a person, and consent requests.
- 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. In the current reporting period, the proportion of stops with a supervisor present continued to increase, from 22.48% in the previous reporting period to 34.67% in the current period. This proportion was 40.79% for critical stops and 32.59% 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 results in incomplete recordings of motor vehicle stops.
- The average length of all motor vehicle stops in this reporting period was slightly longer than in the previous reporting period. The average length of stops with RAS consent requests was longer in the current period than in the previous reporting period. Stops that result in an RAS consent request are required to be "brief." There was no evidence, however, that the length of stops resulted in a violation of an individual's rights.

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

OLEPS' Sixteenth Oversight Report of the New Jersey State Police

January 1, 2017 to June 30, 2017

Introduction

Pursuant to the Law Enforcement Professional Standards Act of 2009 (N.J.S.A. 52:17B-222, et seq.) (the Act), the Office of Law Enforcement Professional Standards (OLEPS) is required to publish 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.

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 Sixteenth Oversight Report, which covers January 1, 2017 to June 30, 2017, 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 activites, and the conduct of investigations of alleged misconduct and other internal affairs matters.

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 review of the State Police Training Academy for the entire 2017 calendar year will appear in the Seventeenth Oversight Report.

The appendices provide further information on several topics discussed in the performance standards of the report. Appendix One is a list of all previous monitoring/oversight reports OLEPS published and those published under the Decree, their dates of publication, and the reporting periods covered. Appendix Two summarizes the types of errors and interventions supervisors at each State Police 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.

Part I: Methodology & Process

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 after examining State Police records and documents prepared in the normal course of business are the bases of all of OLEPS' assessments. 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.

Standards for Assessment

OLEPS assesses State Police according to applicable case law, and 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, including those caught by the trooper's supervisor(s) 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 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 a formal notification of the error, also known as an intervention. 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 a pattern or practice 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 II: Data & Sample Description

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 with 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.

Field Operations

OLEPS selected 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.[2] OLEPS updates these requests to reflect changes in State Police policies and procedures.

Data Requests

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.

Types of Reviews

OLEPS conducted a structured analysis using a form for all post-stop events consisting of law enforcement procedures of interest as set forth in the Decree,[3] and those selected for review. This form, the Motor Vehicle Stop Assessment Form, tracks instances where troopers deviate from policy and whether State Police 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

[2] For more information about the independent monitors, their standards, and reports, please visit: http://www.nj.gov/oag/decreehome.htm.

[3] That is, a 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.

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

As specified in the 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 recordings prepared in connection with a motor vehicle stop.

Accordingly, for the Sixteenth Oversight Report, OLEPS selected a sample of incidents to review for this reporting period from all State Police motor vehicle stops with post-stop activity occurring between January 1, 2017 and June 30, 2017. 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 (100 stops)

- All Reasonable Articulable Suspicion (RAS)[4]-based consent searches
- All canine deployments for drug detection purposes
- All uses of force

II. A random sample of stops identified in State Police databases as involving specific post-stop activity (200 stops)

- OLEPS selected a random sample of stops where a trooper arrested an individual but did not file any charges.

[4] RAS is defined as a suspicion (more than a hunch, but less than probable cause to believe) based on identifiable, specific, and particularized objective facts that, under the totality of the circumstances known to the member at the time, would cause a person of reasonable caution to suspect that a person is violating, is about to violate, or has violated the law. Terry v. Ohio, 392 U.S. 1 (1968).

Though State Police databases indicated that certain activities occurred in a stop, OLEPS did not observe all of these activities during the stop.[5] OLEPS' final sample of 300 stops involved 76 stops deemed critical and 224 stops deemed non-critical after review. [6]

Table One lists the activities involved in the 300 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 three motor vehicle stops, while 297 stops received a review that included both reports and recordings.

Table One: Incidents Reviewed

16th OLEPS Reporting Period

	Report-Only Reviews	**Recording & Report Reviews[7]**
Total Stops	3	297
Consent Search Requests (Probable Cause & RAS)	0	43
Canine Deployments	0	8
Use of Force	1	40
Probable Cause Searches of Vehicles	3	248
Probable Cause Searches of Persons	3	289

Table Two lists the number of incidents reviewed by the station conducting the stop and the type of review received.[8] In the current reporting period, OLEPS reviewed 81 Troop A stops, 60 Troop B stops, 113 Troop C stops, and 45 Troop D stops. OLEPS reviewed one stop conducted by a station categorized as "Other."

[5] OLEPS only reviews activity that occurs at the scene of the stop, not at the station. It is possible that the activity indicated in State Police databases occurred at the station. However, this is outside the scope of OLEPS' review.

[6] While State Police may designate a stop as "critical" in its database, an OLEPS review may reveal that a stop so designated does not meet OLEPS' definition of a critical stop. Accordingly, the stop will be retained in the secondary sample as a "non-critical" stop. In this instance, after reviewing the 100 stops originally labeled as critical stops in State Police databases, OLEPS determined that 24 of them did not meet its definition of "critical" for the report.

[7] Recording and report reviews for each type of activity total more than 300 because most stops involved more than a single category of law enforcement activity.

[8] 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 now part of Troop D.

Table Two: Distribution of Events by Station

16th OLEPS Reporting Period

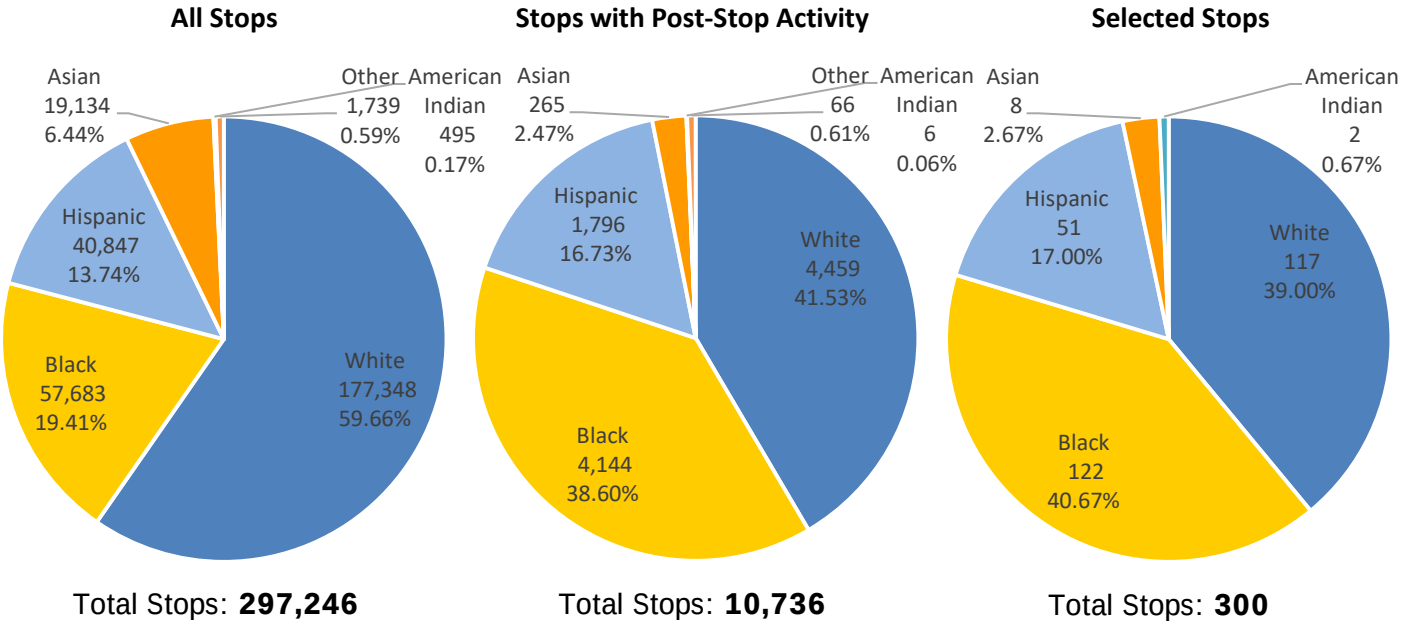
	Recording & Report Reviews	Report-Only Reviews	Total Reviews
A010- Metro South	0	0	**0**
A040- Bridgeton	20	0	**20**
A050- Woodbine	8	0	**8**
A090- Buena Vista	11	0	**11**
A100- Port Norris	6	0	**6**
A140- Woodstown	3	0	**3**
A160- Atlantic City	17	0	**17**
A310- Bellmawr	9	0	**9**
Troop A Other	7	0	**7**
B020- Hope	2	0	**2**
B050- Sussex	3	0	**3**
B060- Totowa	12	0	**12**
B080- Netcong	9	1	**10**
B110- Perryville	3	0	**3**
B130- Somerville	21	0	**21**
B150- Washington	4	1	**5**
Troop B Other	4	0	**4**
C020- Bordentown	16	0	**16**
C040- Kingwood	8	0	**8**
C060- Hamilton	38	0	**38**
C080- Red Lion	19	0	**19**
C120- Tuckerton	13	0	**13**
Troop C Other	18	1	**19**
D010- Cranbury	10	0	**10**
D020- Moorestown	12	0	**12**
D030- Newark	4	0	**4**
E030- Galloway	5	0	**5**
E040- Bloomfield	1	0	**1**
E050- Holmdel	6	0	**6**
Troop D Other	7	0	**7**
Other	1	0	**1**
Total	**297**	**3**	**300**

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 three stops subject to a report-only review because of unavailability of the recordings. 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).

In each oversight reporting period, OLEPS reviews approximately 300 motor vehicle stops. As noted supra., the stop sampled include: 1) all stops involving critical activity (76 in this reporting period); and 2) a specific set of stops based on a particular criteria (224 stops in this reporting period. In this reporting period, the selected sample of stops included stops in which an individual was arrested but not charged. Given the sample selection criteria, the racial/ethnic distribution of the stops that OLEPS reviewed does not match the overall distribution of all stops that the State Police conducted in the current reporting period. Specifically, for all stops conducted by State Police from January 1, 2017 to June 30, 2017, 19.41% of stops involved a Black driver and 13.74% involved a Hispanic driver. As noted in OLEPS Aggregate Reports of New Jersey State Police Traffic Enforcement Activities (INSERT LINK), the stops State Police conducted involving post-stop activity historically, involve a larger proportion of minority drivers. Indeed, for the period of January 1, 207 to June 30, 2017, in the total of 10,736 stops with post-stop activity conducted, 38.6% of drivers in stops with a post-stop activity were identified as Black and 16.73% were identified as Hispanic. OLEPS' sample of stops was selected from this group of 10,736 stops. The higher number of stops involving minority drivers creates a greater chance of selecting stops involving minority drivers.

Figure One: Distribution of All Motor Vehicle Stops

January 1, 2017 – June 30, 2017



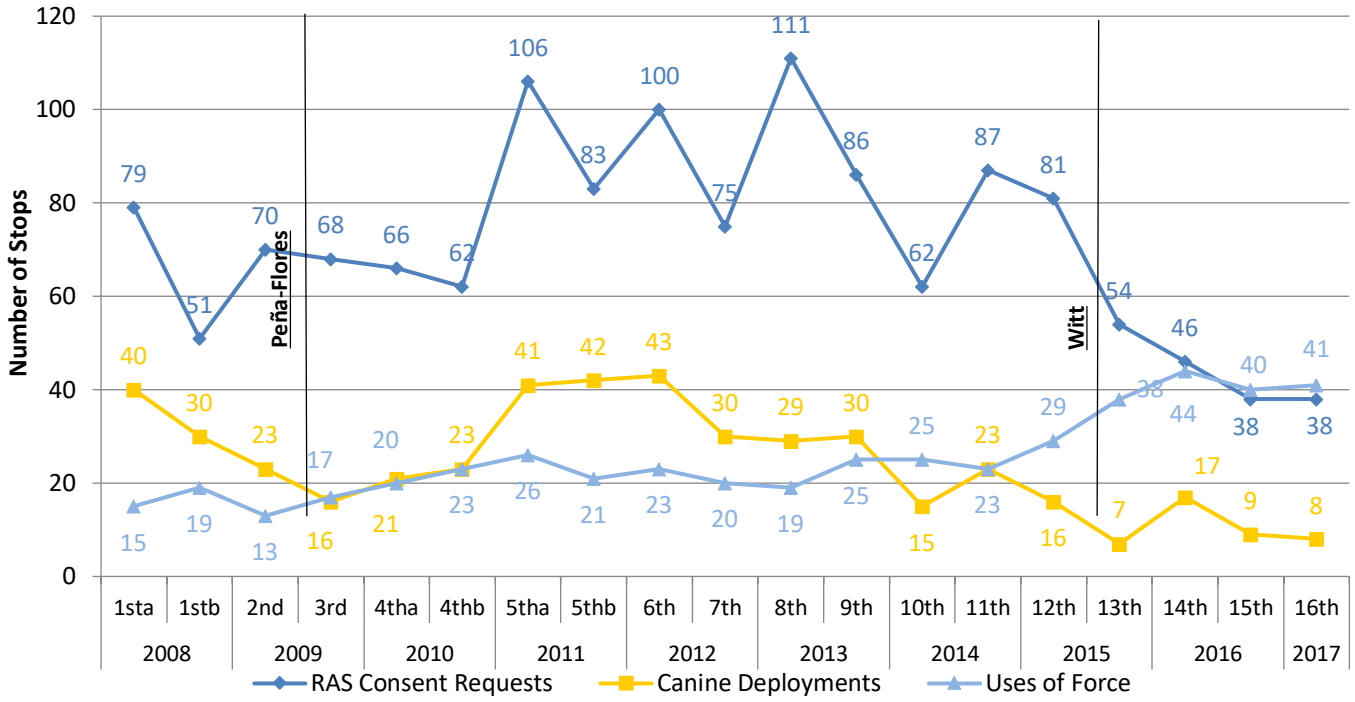
In the final sample of stops selected, 40.67% of all stops involve a driver identified as Black and 17% involve a driver identified as Hispanic. Overall, then, the racial/ethnic distribution of stops selected for review differs considerably from the overall distribution of motor vehicle stops during the current reporting period. However, the sample is consistent with the pattern among all stops with post-stop activity, albeit, involving a slightly larger proportion of Black drivers than the former.

Trends

OLEPS tracks trends of activity in the motor vehicle stops reviewed.[9] Since OLEPS reviews all motor vehicle stops with an RAS consent to search request, a drug detecting canine deployment, and/or a use of force, these numbers represent the actual volume of motor vehicle stops with these events. Figure Two depicts the trends in these events from January 2008 to June 2017. 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, 38, was identical to the previous reporting period, remaining at this lowest volume noted since 2008, likely a reflection of the Supreme Court's decision in State v. Witt, 223 N.J. 409 (2015).[10]

Figure Two: Bi-Annual Trends of Stops with RAS Consent Requests, Uses of Force, and Canine Deployments

OLEPS 1st – 16th 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

[9] Stops in this section are categorized based on the activity noted in stops after OLEPS' reviews. These reviews are limited to activity that occurred at the scene of the stop, 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 and thus, are not included in OLEPS' reviews.

[10] 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 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, has been reinstated as controlling law in New Jersey regarding warrantless searches of automobiles based on probable cause.

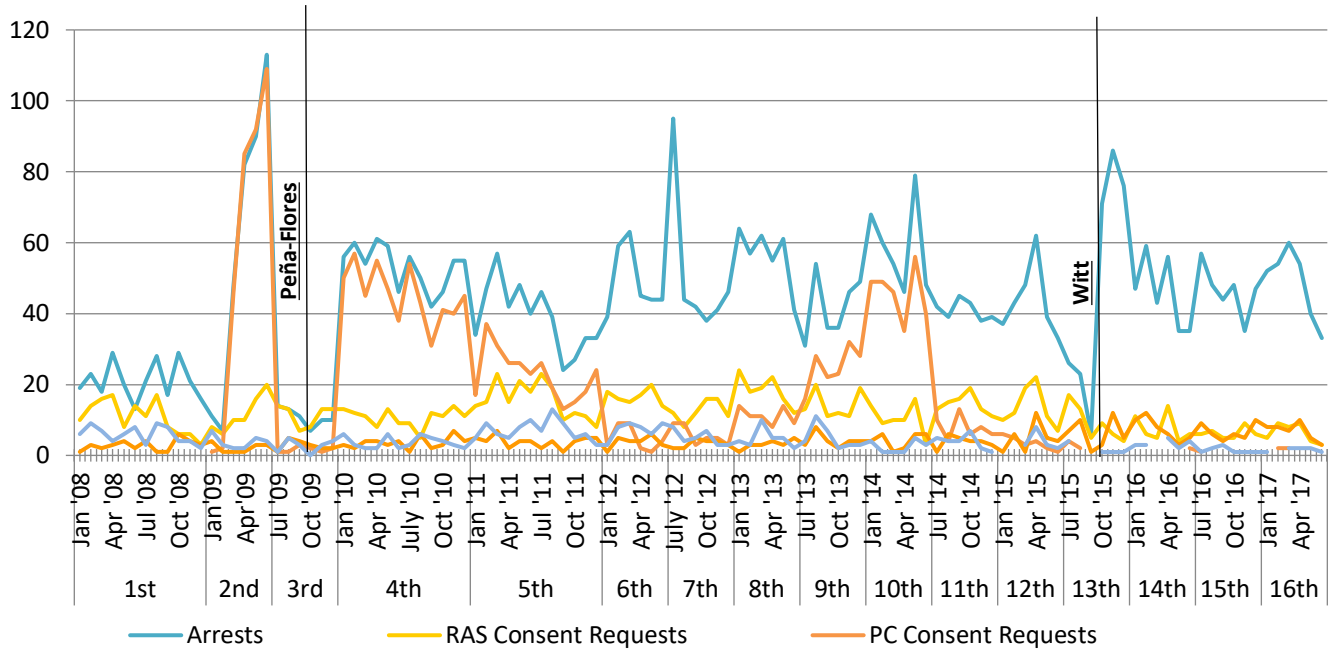
to 2013. In the current period, the volume of stops with a drug detecting canine deployment decreased to eight stops. This volume was the second lowest volume of stops with canine deployments across all reporting periods. Through further specification of policies and procedures following Witt, State Police restricted the definition of a critical canine deployment to only those stops where a canine was deployed based on RAS and used for drug detection purposes. Though OLEPS may review additional stops where a canine is present, unless they meet the specific parameters of a critical canine deployment, we will no longer discuss these stops in detail in this report.

The number of stops with a use of force remained consistent from 2008 to the end of 2014, about 20 stops in each reporting period. Since then, however, the number of stops with a use of force increased to the largest volume noted, 44 stops, in the 14th reporting period. The number of stops with uses of force in the current reporting period, 41 stops, was 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 June 2017 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). 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 in a given month. Figure Three highlights the monthly variation in each activity.

Figure Three: Monthly Variation in Stops with Arrests, Probable Cause Consent Request, and Critical Activities

OLEPS 1st – 16th Reporting Periods



The bi-annual totals in Figure Two show that RAS consent requests most recently peaked in the second half of 2014 but have decreased since then. However, the trends are not as linear as Figure Two suggests; the volume varies each month of the year (See Figure Three). 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 2014. 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, was the largest volume of stops with RAS consent requests in any month since January 2015. In 2016, the monthly volume of RAS consent requests peaked in April (14 stops), but was no more than 11 stops for all other months in 2016. In the first half of 2017, there were fewer than 10 stops with RAS consent requests each month.

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, there were no more than two stops with a canine deployment each month.

The volume of stops with uses of force in the 14th reporting period was historically the largest volume since OLEPS began tracking these events in 2008. This volume in the current reporting period was slightly smaller, but was the second largest volume OLEPS noted. The monthly volume of stops with uses of force reached a high of 12 stops in April 2015. The same volume of stops occurred 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 was more than six stops per month with a use of force. In the previous period, there was an average of 6.7 stops with uses of force per month, while in the current period the average increased slightly to 6.8 stops with uses of force per month. In April 2017, 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 Three 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). Unlike the previous two reporting periods, OLEPS reviewed five stops with probable cause consent searches in motor vehicle stops in the first half of 2017. A bi-annual graph, similar to Figure Two, 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. and resulted in State Police developing the practice of probable cause consent requests. Accordingly, 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 Three 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 (five) 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 involving arrests without formal charges filed for review in this report.[11]

OPS & Investigations

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 reviewed 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.

Training

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 will review this process and present an assessment of training for the 2017 calendar year in the Seventeenth Oversight Report.

Management Awareness & Personnel Performance System

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.

Oversight and Public Information

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.

[11] An example of an arrest where no formal charges are filed is when a trooper arrests a driver based on the odor of marijuana. The trooper then searches the vehicle based on probable cause, but does not find any contraband or other indicators that the driver is under the influence. The trooper then releases the driver from the scene without charging him/her.

Part III: Assessment of New Jersey State Police

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

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

Field Operations

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

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, called "errors," and whether State Police supervisory review noted these errors 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 in 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.*

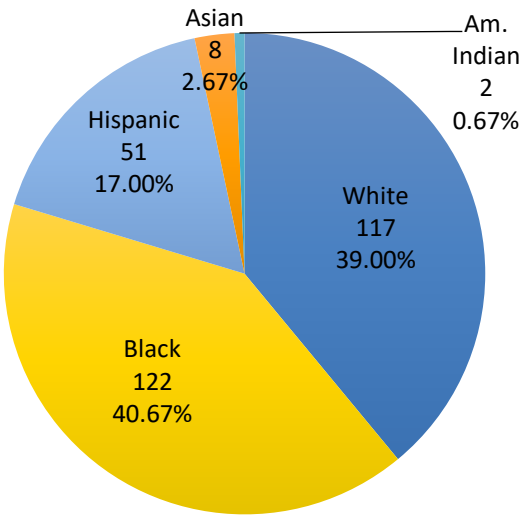
This standard will also examine the potential effect of trooper discretion on racial/ethnic differences in stops and enforcement activities.

Assessment: Racial/Ethnic Differences

All Motor Vehicle Stops

Figure Four: Race/Ethnicity of Drivers

16th OLEPS Reporting Period



Total Stops: **300**

All 300 of the stops reviewed for this reporting period involved some form of a post-stop interaction (e.g., a frisk, consent to search request, canine deployment, use of force, or arrest), but not all stops contained all post-stop activities. Figure Four presents the racial/ethnic breakdown of all stops in the current sample. These numbers do not reflect the racial/ethnic distribution of all drivers State Police stopped.[12] Rather, they reflect the racial/ethnic distribution of drivers involved in the stops selected for review.

In the stops selected for the current reporting period, there was a larger proportion of Black than White drivers. There were 117 drivers in this sample identified as White (39.00%), 122 drivers identified as Black (40.67%), 51 drivers identified as Hispanic (17.00%), eight drivers identified as Asian (2.67%), and two drivers identified as American Indian (0.67%). The majority of trooper-citizen interactions in stops reviewed this reporting period involved White or Black drivers. The distribution in the current reporting period differs from the distribution in the previous reporting period. Unlike the previous reporting period, Black drivers were involved in the largest proportion of motor vehicle stops reviewed in the current reporting period. Further, there were no stops involving drivers who were of a race/ethnicity

[12] 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

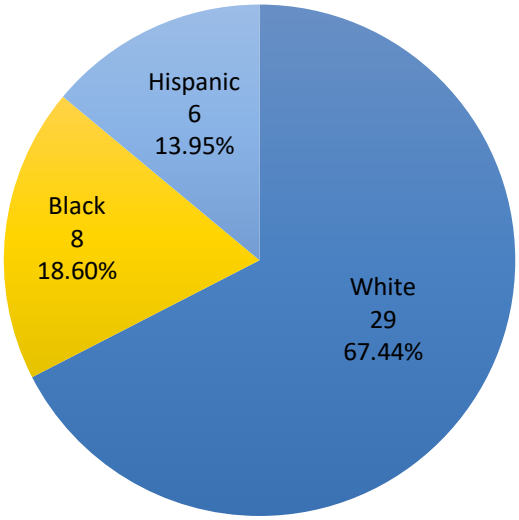
identified as Other.[13] In the stops reviewed in the previous reporting period, 42.28% of drivers were White, 42.28% were Black, and 14.43% were Hispanic, compared to 39.00% who were White, 40.67% who were Black, and 17.00% who were Hispanic in the current reporting period.

OLEPS compares this distribution to the racial/ethnic distribution of all other activities to determine each racial/ethnic group's potential of over or underrepresentation 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 was not similar to the racial/ethnic distribution of all stops. However, it was similar to the distribution of stops with post-stop activity. For the same reporting period, 59.67% of all of State Police's stops involved White drivers, 19.40% involved Black drivers, and 13.74% involved Hispanic drivers. Compared to the distribution of stops with post-stop activity, the stops reviewed in this report are more similar. From January 1, 2017 to June 30, 2017, 41.54% of all stops with post-stop activity involved White drivers, 38.59% involved Black drivers, and 16.73% involved Hispanic drivers. Thus, the racial/ethnic distribution of the sample of stops reviewed for this oversight report was somewhat consistent with that of all stops with post-stop activity during the current reporting period but indicates an overrepresentation of Black drivers.

Consent Requests

Figure Five: Consent Requests by Race/Ethnicity of Driver

16th OLEPS Reporting Period



Total Stops: **43**

Figure Five depicts the number of stops reviewed where State Police requested consent to search by race/ethnicity of the 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 43 motor vehicle stops, 14.33% of the sample, State Police requested consent to search. In 29 stops, 67.44%, with a consent request, the driver was White. In eight stops with a consent request, 18.60%, the driver was Black. State Police asked Hispanic drivers for consent to search in six stops, 13.95%, of stops with requests. There were no stops of Asian or American Indian drivers involving a consent request in the current reporting period.

The volume of stops with a consent request in the current reporting period, 43, was larger than the volume in the previous reporting period, 40, and considerably smaller than the volume of stops with a consent request reviewed

[13] 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.

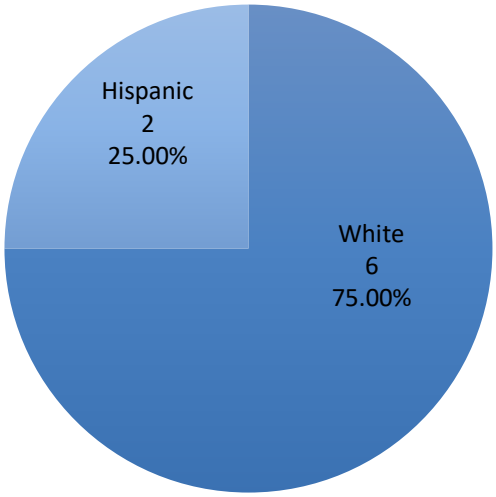
typically. This change was the result of the Supreme Court's ruling in Witt in September 2015, which reversed the previous holding in Peña-Flores. Because of this decision, law enforcement officers are permitted to search a vehicle based on the standards set forth in Witt. (See Footnote 9). The impact of this decision, discussed in OLEPS' Thirteenth through Fifteenth 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 (x^2) value of 16.174, $p<0.001$ (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.[14]

Canine Deployments

Figure Six: Canine Deployments by Race/Ethnicity of Driver

16th OLEPS Reporting Period



Total Stops: **8**

In the current reporting period, State Police conducted eight stops involving a canine deployment for drug detection purposes. The volume of stops with a canine deployment reviewed in this reporting period was a one-stop decrease from the previous reporting period. Figure Six depicts the number and percentage of stops with a canine deployment by race/ethnicity of the driver. The largest portion of motor vehicle stops with a canine deployment involved White drivers. In total, six deployments (75.00%) occurred in motor vehicle stops with White drivers. Two canine deployments (25.00%) occurred in stops with a Hispanic driver. Black, Asian, and American Indian drivers were not involved in any stops with a drug detecting canine deployment.

The racial/ethnic distribution of stops with a canine deployment was not consistent with the pattern noted in the previous reporting period. Due to trends of a 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 White

[14] 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 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.

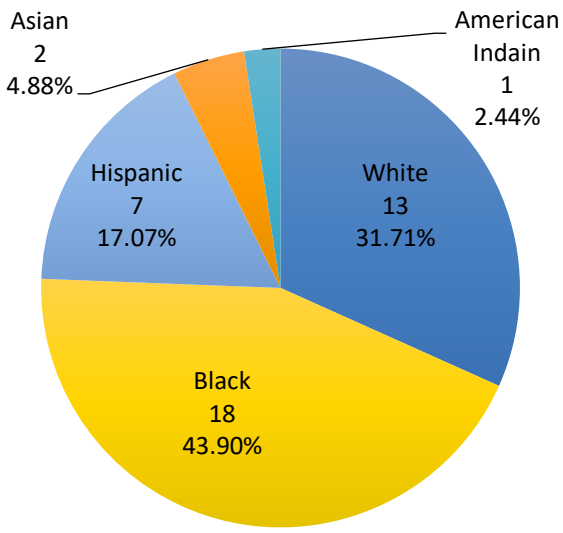
drivers, and decreased for both Hispanic and Black drivers. There was a four-stop decrease for Hispanic drivers, a four-stop increase for White drivers, and a one-stop decrease for Black drivers. Given these relatively minor changes in the context of an overall low-volume post-stop activity, the racial/ethnic distribution of stops with canine deployments was notably different from the previous reporting period. In the previous reporting period, 11.11% of stops with a canine deployment involved Black drivers, 22.22% involved White drivers, and 66.67% 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 Seven: Uses of Force by Race/Ethnicity of Driver

16th OLEPS Reporting Period



Total Stops with Force: **41**

Figure Seven presents the racial/ethnic distribution of stops with a use of force in the first half of 2017. In total, 41 stops involved a use of force, three 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, 18 (43.90%) involved Black drivers, 13 (31.71%) involved White drivers, seven (17.07%) involved Hispanic drivers, two involved Asian drivers (4.88%), and one involved an American Indian driver (2.44%). Like the previous reporting period, the largest proportion of stops with a use of force involved Black drivers, which was five stops more than the volume of stops with force involving White drivers in the current reporting period. As previously indicated, OLEPS reviews all stops with a use 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 was the second largest since OLEPS first began reporting. Compared to the previous reporting period, there were five fewer stops with a use of force involving Black drivers. Conversely, there were more stops with a use of force in the current period for drivers of all other racial/ethnic groups. Specifically, there were two more stops with a use of force involving White drivers, one more stop with a use of force involving a Hispanic driver, two more stops with a use of force involving Asian drivers, and one more stop with a use of force involving an American Indian driver in this period.

A chi-square test of independence indicates a x^2 value of 0.717, p=0.699; thus it cannot be said that the number of stops involving force for any racial/ethnic group was significantly different from other drivers. This 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 was 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 Eight: Arrests by Race/Ethnicity of Driver

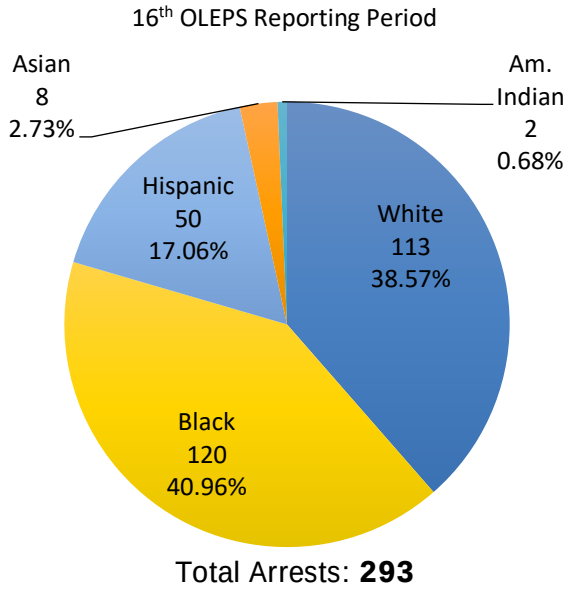


Figure Eight depicts the racial/ethnic distribution of motor vehicle stops with an arrest. As previously indicated, OLEPS selected the secondary sample for the current reporting period based on whether an individual was arrested without charges filed. The majority of stops, 293, 97.67%, involved an arrest.[15] The number and proportion of stops with arrests was similar to the previous reporting period, where an arrest occurred in 279 stops, 93.62% of the sample. Since an arrest occurred in the majority of stops, the racial/ethnic distribution of stops with an arrest was similar to the overall distribution of stops. Black drivers were involved in the largest proportion of stops with an arrest, 40.96% (120 stops). One hundred-thirteen stops with an arrest (38.57%) involved White drivers. Fifty stops with an arrest (17.06%) involved Hispanic drivers, eight stops with an arrest (2.73%) involved Asian drivers, and two stops with an arrest involved an American Indian driver (0.68%).

Overall, 97.67% of all stops resulted in an arrest, and this proportion was generally consistent across racial/ethnic groups. For White drivers, 96.58% of stops reviewed resulted in an arrest; for Black drivers, 98.36% of stops reviewed resulted in an arrest; for Hispanic drivers, 98.04% of stops reviewed resulted in an arrest; and for both Asian and American Indian drivers, 100% of stops reviewed resulted in an arrest. Thus, the likelihood of an arrest among the reviewed stops was largest for Asian and American Indian drivers, likely due to the 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. Due to the extremely low volume of stops without arrests in the current reporting period, 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 arrests across racial/ethnic groups.

[15] This proportion includes stops where an individual was unarrested and released from the scene.

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.

Unarrests

In the current reporting period, OLEPS selected a secondary sample of stops where an individual was unarrested. In incidents where a search resulted in no evidence to support a charge, probable cause dissipated, 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. In previous reporting periods, OLEPS noted that the volume of stops with an unarrest was typically low. However, in the current reporting period, 63.48% of all stops involved an unarrest. This large proportion was the result of OLEPS' sample selection, where stops with unarrests were intentionally selected for review.

OLEPS reviewed activity for the driver and up to two passengers involved in the stop. Each stop may have one or more arrests and/or unarrests. OLEPS noted 128 stops where only one person was arrested. In 51 of these stops, the arrestee was unarrested, 39.84% of these stops. OLEPS noted 101 stops where two individuals were arrested. In 77 of these stops, at least one person was also unarrested. Further, in 35 of the stops with two individuals arrested, both individuals were unarrested. Finally, in 64 stops, three individuals were arrested. In 58 of these stops, at least one individual was unarrested. Further, in 17 of these 58 stops, all three individuals were unarrested.

Figure Nine: Unarrests by Race/Ethnicity of Driver

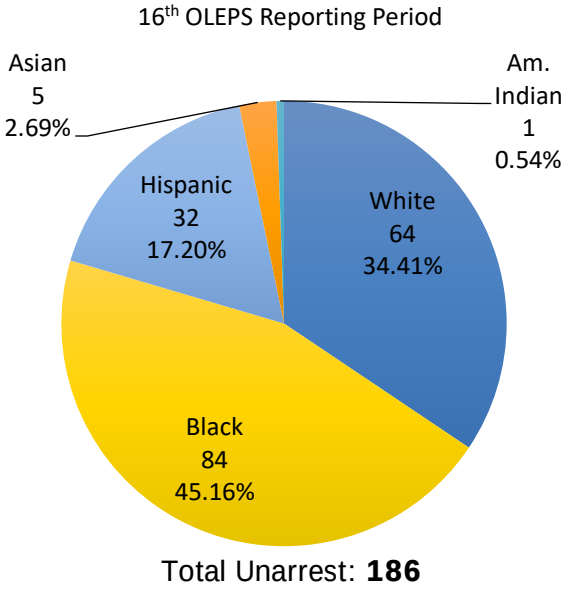


Figure Nine depicts the racial/ethnic distribution of motor vehicle stops with an unarrest. Black drivers were involved in the largest proportion of stops with an unarrest, 45.16% (84 stops). Sixty-four stops with an unarrest (34.41%) involved White drivers. Thirty-two stops with an unarrest (17.20%) involved Hispanic drivers, five stops with an unarrest (2.69%) involved Asian drivers, and one stop with an unarrest involved an American Indian driver (0.54%). Compared to the racial/ethnic distribution of stops with an arrest, Black drivers were a larger proportion and White drivers were a smaller proportion of stops with an unarrest than those with an arrest.

Assessment: The Role of Discretion

Discretion is vital to a police organization. It allows troopers to determine 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 troopers have previously found to be indicators of more substantial problems or issues).

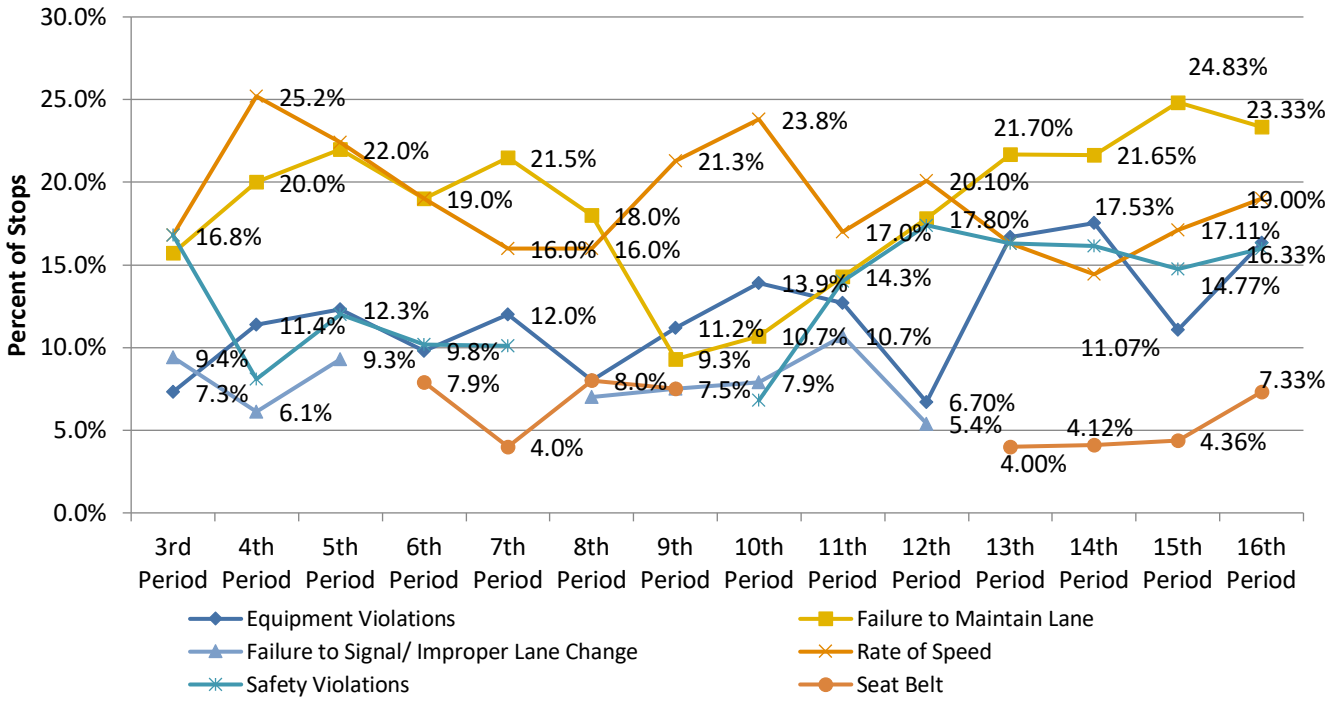
Historically, OLEPS examined how discretion affects the racial/ethnic distribution of motor vehicle stops. This section presents a discussion of racial/ethnic differences in the most common stop reasons.

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 Ten presents the five most common reasons for motor vehicle stops in the current and past 13 reporting periods. The most common reasons remain consistent. 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 more than half of all stops. In the current reporting period, these reasons accounted for 82.00% of stops examined.

Figure Ten: Top Reasons for Trooper Initiated Motor Vehicle Stops

3rd- 16th Reporting Periods[16]



[16] If a data point does not appear for a particular reporting period, it indicates that the particular stop reason was not among the most common for that reporting period.

Like the previous reporting period, failure to maintain lane was the most commonly cited reason for a motor vehicle stop. Rate of speed, safety violations, equipment violations, and seat belt violations were among the top reasons for motor vehicle stops. Like the previous reporting period, violations for improper lane change were not a top reason for motor vehicle stops in this reporting period.[17]

Generally, motorist aids and accidents are a common occurrence, more than seat belt violations in the current reporting period. In the current reporting period, 23 stops, 7.67%, began as motorist aids or 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.[18] Like the previous reporting period, Black drivers were involved in the largest volume of stops for failure to maintain lane, rate of speed, and equipment violations. Further, more than 29% of all stops of Black drivers cited failure to maintain lane as the stop reason. Similar to previous reporting periods, White drivers were the majority of stops for safety violations. Twenty-five percent of stops of White drivers cited a safety violation. Failure to maintain lane was the most frequently cited stop reason for White, Black, and Asian drivers in the current reporting period. This is understandable, as troopers cited this reason in 23.33% of all motor vehicle stops in the current sample. Rate of Speed was the most frequently cited stop reason for Hispanic drivers.

Table Three: Most Common Stop Reasons by Race/Ethnicity of Driver

16th OLEPS Reporting Period

	White	**Black**	**Hispanic**	**Asian**
	(% of Total)	(% of Total)	(% of Total)	(% of Total)
Failure to Maintain Lane	28 29.17%	30 29.41%	9 21.95%	3 50.00%
Rate of Speed	19 19.79%	24 23.53%	11 26.83%	2 33.33%
Safety Violations	24 25.00%	15 14.71%	9 21.95%	0 0.00%
Equipment Violations	15 15.63%	26 25.49%	7 17.07%	1 16.67%
Seat Belt Violations	10 10.42%	7 6.86%	5 12.20%	0 0.00%
Total	**96**	**102**	**41**	**6**

[17] 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 Ten.

[18] The top five reasons for stops were cited in 246 of 300 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 was 91, 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 was 117 stops). Further, because there was only one stop of an American Indian driver for the top reason of speeding, this stop is not depicted. Thus, Table Three depicts a total of 245 stops involving the top five stop reasons.

OLEPS conducted a 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, etc.) rendered the results invalid. This analysis yielded a x^2 value of 5.073, which was not significant. Thus, there was 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.[19] 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 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

16th OLEPS Reporting Period

Race/Ethnicity	**Reasonable Articulable Suspicion** (1)	**Probable Cause** (2)	**Mean**
White	25	4	1.14
Black	8	0	1.00
Hispanic	5	1	1.17
Asian	0	0	-
Total	**38**	**5**	**1.12**

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 five stops contained a probable cause consent

[19] During 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. Rather, 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.

request. Accordingly, because there were so many RAS consent requests, the majority of consent requests for each race/ethnicity are RAS-based.

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 was 1.14, closer to the value of one, indicating RAS. This means that White drivers received consent requests based on RAS more often than they did 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 1.17, which was larger 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 larger 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

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 seven. 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 27 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 an RAS consent request 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 plain view and the odor of burnt marijuana. White and Black drivers were involved in one stop each with an RAS consent request citing plain view. Hispanic drivers were involved in one stop with an RAS consent request citing the odor of burnt marijuana, while White and Black drivers were not involved in any stop with an RAS consent request citing this reason. Criminal history was the most frequently cited reason for an RAS consent request for White drivers. Criminal history and nervousness were the most frequently cited reasons for an RAS consent request for Black drivers. For Hispanic drivers, criminal history, 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

16th OLEPS Reporting Period

Race/Ethnicity	**White**	**Black**	**Hispanic**	**Asian**	**Total**
Criminal History	19	5	3	0	**27**
Nervousness	16	5	2	0	**23**
Other	12	2	1	0	**15**
Conflicting Statements	9	2	3	0	**14**
Itinerary	10	1	3	0	**14**
Admission	9	2	2	0	**13**
Failure to Make Eye Contact	7	2	1	0	**10**
Evasiveness	6	2	0	0	**8**
Paraphernalia	4	1	0	0	**5**
Furtive Movements	3	1	1	0	**5**
Sweating	2	1	1	0	**4**
No ID/Registration	2	1	1	0	**4**
Plain View	1	1	0	0	**2**
Crime Neighborhood	2	0	0	0	**2**
BOLO	2	0	0	0	**2**
Odor of Burnt Marijuana	0	0	1	0	**1**
Vehicle Modification	1	0	0	0	**1**
Boost Cell Phone	1	0	0	0	**1**
Air Fresheners	0	0	0	0	**0**
Threatening Gestures	0	0	0	0	**0**
Anonymous Tip	0	0	0	0	**0**
Gang Affiliation	0	0	0	0	**0**
Odor of Raw Marijuana	0	0	0	0	**0**
Odor of Narcotics	0	0	0	0	**0**
Vehicle Pursuit	0	0	0	0	**0**
Passing Objects	0	0	0	0	**0**
Total	**106**	**26**	**19**	**0**	**151**

Canine Deployments

OLEPS also examined the racial/ethnic variation among the legal standard used to deploy canines in motor vehicle stops. As previously indicated, there were only eight stops with canine deployments for drug detection purposes in the current reporting period, six involving White drivers and two involving Hispanic drivers. Table Six shows that all eight stops with canine deployments resulted from RAS, not probable cause.

As noted previously, State Police altered its definition of a critical incident to include only those canine deployments used to conduct a vehicle sniff based on RAS. In instances where OLEPS notes a canine deployment occurring for a different reason or based on probable cause, if the stop does not contain any other activity meeting our sample parameters, OLEPS removed it from the sample. Thus, the current reporting period was unique in that there was no variation in the legal standard used in canine deployments (i.e., the legal standard was constant, RAS only). Though OLEPS reviewed stops with a canine deployment based on a different standard, the stop did not meet the

sample parameters for this reporting period as it was neither a critical stop nor a stop with an arrest without a charge. Thus, these stops were removed from the sample.

Due to the lack of variation in the legal standard of stops with a canine deployment, OLEPS could not conduct a chi-square test of independence to examine the racial/ethnic differences in reasons for canine deployments.

Table Six: Canine Deployments by Race/Ethnicity of Driver and Legal Standard

16th OLEPS Reporting Period

Race/Ethnicity	**Reasonable Articulable Suspicion** (1)	**Probable Cause** (2)	**Mean**
White	6	0	**1.00**
Black	0	0	**-**
Hispanic	2	0	**1.00**
Total	**8**	**0**	**1.00**

Arrests

There are instances where troopers have little discretion to arrest. For example, troopers must arrest when individuals 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 293 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, 244 stops had an arrest listed as resulting solely from probable cause. Sixteen arrests were warrant-based and thirty-three stops had arrests that 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 186 motor vehicle stops. Overall, these data suggest that in the first half of 2017, arrests in sampled stops more frequently resulted from probable cause, not warrants. Unlike previous reporting periods, the sampled stops indicate that charges were not ultimately filed in the majority of stops with arrests. This was the result of sample selection as OLEPS intentionally selected a sample of stops where an arrest occurred without charges filed.

Of the 113 stops involving arrests of White drivers, eight (7.08%) were warrant-based, 92 (81.42%) were probable cause-based, and 13 (11.50%) 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 than in the previous reporting period (65.25%). Further, of the 113 stops of White drivers where an individual was arrested, 64 (56.64%) involved an individual who was unarrested. On average, 44.98% of arrestees were also unarrested in stops of White drivers.

Table Seven: Reason for Arrest by Race/Ethnicity of Driver[20]

16th OLEPS Reporting Period

Race/Ethnicity	**Stops with Arrests**	**Stops with Unarrests**	**Warrant Arrests** (% of arrests)	**Probable Cause Arrests** (% of arrests)	**Warrant & Probable Cause** (% of arrests)
White	113	64	8 7.08%	92 81.42%	13 11.50%
Black	120	84	4 3.33%	102 85.00%	14 11.67%
Hispanic	50	32	4 8.00%	40 80.00%	6 12.00%
Asian	8	5	0 0.00%	8 100.00%	0 0.00%
American Indian	2	1	0 0.00%	2 100.00%	0 0.00%
Total	**293**	**186**	**16**	**244**	**33**

Of the 120 stops involving arrests of Black drivers, more arrests resulted from probable cause alone than warrants alone or warrants and probable cause. During this reporting period, an arrest resulting from an outstanding warrant occurred in four (3.33%) stops with a Black driver, and an arrest resulting from probable cause occurred in 102 stops (85.00%) with a Black driver. There were 14 stops (11.67%) of Black drivers involving an arrest based on a combination of warrants and probable cause. Of the 120 stops of a Black driver, 70.00% also involved an unarrest.

As noted for both White and Black drivers, of the 50 stops with arrests of Hispanic drivers, most involved arrests based on probable cause alone than a warrant or both. Four stops (8.00%) of Hispanic drivers involved arrests resulting from warrants alone, 40 (80.00%) resulted from probable cause alone, and six (12.00%) resulted from a combination of warrants and probable cause. This was consistent with the previous reporting period where the majority of arrests in stops with Hispanic drivers were probable cause-based. Of the 120 stops with a Hispanic driver and an arrest, 64.00% also involved an unarrest.

Asian drivers were involved in eight stops with arrests in the current reporting period. All stops of Asian drivers reviewed in the current reporting period resulted in at least one arrest based on probable cause. Further, of these stops, five (62.50%) also involved an unarrest.

American Indian drivers were involved in two stops with arrests in the current reporting period. Both stops of American Indian drivers reviewed in the current reporting period resulted in at least one arrest based on probable cause. Further, of these stops, one (50.00%) also involved an unarrest.

[20] There were three cases in the current reporting period in which the reason for the arrest was indicated as "unknown;" two of the three cases involved Black drivers and one of the stops involved 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.

Further examination of probable cause arrests indicates whether the potential for disparity exists. Of the 293 total stops with arrests, 33 stops involved arrests made on the basis of probable cause and at least one outstanding warrant, smaller than the number in the previous reporting period (40). 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, 13 drivers were White, 14 drivers were Black, and six drivers were Hispanic. This pattern was consistent with the previous reporting period, in which Black 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 smaller than the proportion noted in the previous reporting period. The proportion of stops with warrant-only arrests in the current reporting period was 5.46% (16 of 293 stops), compared to 29.39% in the previous reporting period (82 of 279 stops). In total, more than 83% of stops with arrests (244) resulted from probable cause alone, while nearly 17% (49) resulted from an outstanding warrant (either alone or in conjunction with probable cause). This was likely due to the sample selected for review in the current period, wherein OLEPS selected a sample of stops where an individual was arrested but for whom there were no charges ultimately filed. These arrests are more likely based on probable cause, for example, an arrest based on the odor of marijuana, but a search failed to result in a find of evidence.

OLEPS conducted a chi-square test of independence to determine if the racial/ethnic differences in reasons for arrests were statistically different. The analysis tested for significant differences between White and non-White drivers, as the use of each racial/ethnic group individually rendered the results invalid. This analysis revealed no significant differences among White and non-White drivers (x^2=0.969, p=0.616). Thus, it cannot be stated that there were significant racial/ethnic differences in reasons for arrests in the current period.

Additional Analyses: Time of Day

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

16th OLEPS Reporting Period

Race/Ethnicity	**Day**	**Night**	**Total**
White	68	49	**117**
Black	66	56	**122**
Hispanic	25	26	**51**
Asian	1	7	**8**
American Indian	1	1	**2**
Total	**161**	**139**	**300**

Table Eight indicates that, unlike the previous reporting period, there were more motor vehicle stops made during the day (161) than at night (139). [21] There were more stops during the day for White and Black drivers and more at

[21] 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.

night for Hispanic and Asian drivers. The largest difference between the numbers of day and night stops was for White drivers; there were 19 more stops during the daytime than nighttime for this racial/ethnic group.

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 all racial/ethnic groups rendered results invalid. The test revealed a x^2 value of 1.233 and was not significant. Though there are more stops made during the day than at night, this difference across racial/ethnic groups was not statistically significant.

Summary of Standard 1

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 differences for the racial/ethnic distribution of stops with consent to search requests. Additional statistical tests yielded non-significant differences in racial/ethnic distributions for force, stop reasons, types of arrests, and time of day. White drivers were involved in the largest proportion of stops with consent requests and canine deployments, whereas Black drivers were involved in the largest proportion of stops with uses of force, arrests, and unarrests. Further, minority drivers remain overrepresented among the stops selected for review in this report, and, uniquely, Black drivers were the majority of all stops in the current sample. Stops with consent requests typically resulted from RAS rather than probable cause, and in this reporting period, stops with canine deployments resulted solely from RAS rather than probable cause. The reasons for stops were fairly consistent across racial/ethnic groups. Failure to Maintain Lane was the most frequently cited reason for White, Black, and Asian drivers, whereas Rate of Speed was the most frequently cited reason for Hispanic drivers. OLEPS noted that a larger proportion of stops of White and Black drivers occurred during the day, while more stops of Hispanic and Asian drivers occurred 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 Black drivers were the majority of all stops in the current reporting period, 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.[22]

[22] Given the considerable resources needed to develop an external benchmark and the often-limited period of applicability of such a benchmark, OLEPS recommends that State Police explore an internal benchmark.

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 consenter, concenter's response, signing of form, and actual search
- Consent form must be completed properly

Assessment

In the current reporting period, OLEPS reviewed 43 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 in stops, 33, and denied consent to search requests in 10 stops.

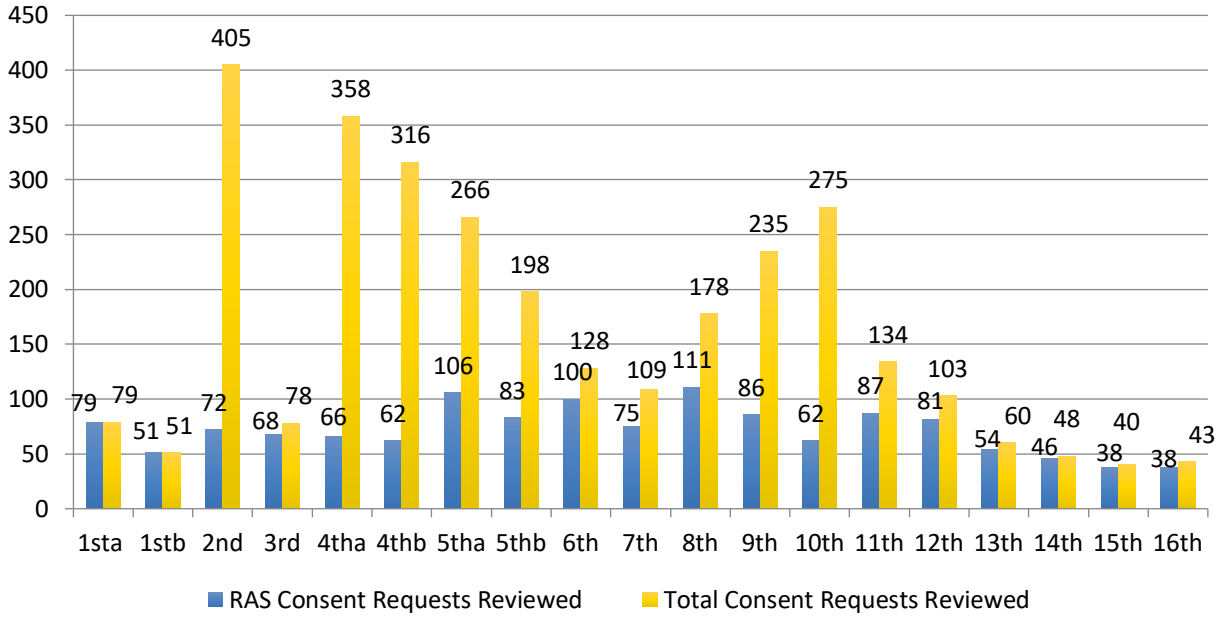
In this reporting period, OLEPS reviewed all stops with RAS consent requests and a random sample of stops with an arrest without formal charges. Unlike past reporting periods, OLEPS did not intentionally select a sample of stops with probable cause consent requests in the current reporting period. The majority of stops selected with consent requests, 35, resulted from RAS, five resulted from probable cause alone, and three resulted from both RAS and probable cause. In analysis throughout this section, the three stops with consent requests resulting from both RAS and probable cause will be discussed as RAS consent requests. Thus, the total number of RAS consent requests examined was 38 in the current reporting period.

Figure Eleven 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 fluctuated and began decreasing in the eleventh reporting period. The number of stops with RAS consent requests in the current reporting period, 38, was identical to the number noted in the previous reporting period.

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 five stops with a probable cause consent request reviewed in the current reporting period. (See Footnote 9).

Figure Eleven: Stops with Consent Requests Reviewed

January 2008- June 2017



RAS & Probable Cause

As previously indicated, 35 of the 43 stops with a consent to search requests resulted from RAS, five resulted from probable cause alone, and three resulted from both RAS and probable cause. The total volume of stops examined as resulting from RAS totals 38 in the current reporting period.

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 both of these errors and issued an intervention in one of these instances.

Table Nine: Errors on Legal Standard of Consent Requests[23]

16th OLEPS Reporting Period

	All Consent Requests	RAS Consents Requests	Probable Cause Consent Requests
Met Legal Standard	41	36	5
Unknown	0	0	0
Did not meet Legal Standard	2	2	0
Errors Caught	2	2	0
Interventions	1	1	0
Errors Not Caught	0	0	0
Errors Non-Reviewed	0	0	0

[23] In analysis throughout this section, the three stops with consent requests resulting from both RAS and probable cause will be discussed as RAS consent requests.

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 in complying with consent request legal standards and encourages this continued vigilance.

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 considerably factored into the driver's decision to grant consent to search the vehicle. State Police reviewed all of these stops, caught all three errors, and issued interventions in all three 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 was granted or denied, and a log of any evidence recovered in the search. As such, it is important that troopers complete these forms properly.

Of the 43 stops with consent to search requests, OLEPS confirmed a correct consent form in 19 stops. In four stops with a consent to search request, OLEPS noted the consent to search form was not completed (i.e., two not completed at the scene of the stop and two missing entirely). In 20 stops, the consent form contained errors. Of the 24 stops with form errors (e.g., not correct, not completed/missing), State Police supervisory review caught 20 errors, but only issued an intervention in 11 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. State Police did not catch two consent form errors, despite reviewing the stops. The remaining two errors were not caught, as State Police did not review these stops.

Table Ten: Consent Form Errors

16th OLEPS Reporting Period

	Consents Requests	RAS	Probable Cause
Completed Form	19	17	2
Not Completed	4	3	1
Not Correct	20	19	2
Errors Caught	17	16	1
Interventions	11	10	1
Errors Not Caught	2	2	0
Errors Non-Reviewed	1	0	1

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 Computer Aided Dispatch (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 them into the records of the stop. In recent reporting periods, the volume of missing consent to search forms remained low. There were two missing forms in the current reporting period. The smaller 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 44.19% of all stops with consent requests, State Police completed the consent to search form without error. State Police caught 83.33% of all errors related to the completion of the consent form. 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 six motor vehicle stops, a trooper did not appropriately notify the individual of either the right to refuse or the right to be present during the consent search. State Police caught four of these errors and issued an intervention in all four instances. State Police did not catch the remaining two errors as these occurred in stops that did not receive State Police supervisory review. In an additional four stops, recording issues prevented OLEPS from determining whether the trooper read the consent form in its entirety.

Table Eleven: Reading Consent Form Errors

16th OLEPS Reporting Period

	Consents Requests	RAS	Probable Cause
Read Correctly	33	30	3
Unknown if Read	4	4	0
Not Read Correctly	6	4	2
Errors Caught	4	4	0
Interventions	4	4	0
Errors Not Caught	0	0	0
Errors Non-Reviewed	2	0	2

The volume of errors pertaining to the right to refuse was small, likely the result of edits to the consent search form, which reinforced a trooper's obligation to read these rights. Previously, State Police noted 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 it was not practical for the motorist to leave during the search. Since the revision of the consent search form and the reinforcement of the importance of these rights, the number of errors pertaining to rights has decreased overall.

Accountability & Safety

Troopers must meet several requirements during a consent search request. These requirements protect both the troopers and the motorists involved in the search. For example, a supervisor (not involved in the stop) must

provide permission for a trooper to request consent to search 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 one stop 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 probable cause prior to requesting consent to search from the motorist. State Police supervisory review did not catch this error, as it did not review this stop. In the majority of stops with consent requests, 22, notification of the facts and circumstances to the supervisor occurred via radio. In 14 stops, supervisory notification occurred at the scene of the stop. In three stops, supervisory notification occurred via phone. OLEPS was unable to determine the method of supervisory notification due to recording issues in three stops.

Table Twelve: Request for Supervisory Approval to Request Consent Errors

16th OLEPS Reporting Period

	Consents Requests	RAS	Probable Cause
Radio	22	21	1
Scene	14	13	1
Phone	3	1	2
Unknown	3	3	0
Not Notified	1	0	1
Errors Caught	0	0	0
Interventions	0	0	0
Errors Not Caught	0	0	0
Errors Non-Reviewed	1	0	1

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 39 stops and did not record the request in two stops. State Police caught both errors but did not issue an intervention in either instance. In two stops, it was unknown whether the trooper recorded the consent request due to recording issues in the stops.

Table Thirteen: Consent Request Recording Errors

16th OLEPS Reporting Period

	Consents Requests	RAS	Probable Cause
Recorded	39	34	5
Unknown	2	2	0
Not Recorded	2	2	0
Errors Caught	2	2	0
Interventions	0	0	0
Errors Not Caught	0	0	0
Errors Non-Reviewed	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 28 of the 33 stops with granted consent requests, troopers made the requisite notification to communication prior to conducting the consent search. In three stops, a trooper failed to notify communication of the beginning of the consent search. State Police caught all three errors and issued an intervention in all three instances. It was

unknown whether the trooper made the requisite notification to communication due to recording issues in two stops.

Table Fourteen: Consent Search Communication Errors

16th OLEPS Reporting Period

	Consents Requests	RAS	Probable Cause
Notified	28	25	3
Unknown	2	2	0
Not Notified	3	3	0
Errors Caught	3	3	0
Interventions	3	3	0
Errors Not Caught	0	0	0
Errors Non-Reviewed	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 27 stops, State Police properly recorded the execution of the consent search. In two stops, only an audio recording was available for review. In another two stops, only a video recording was available for review. There was one stop where it was unknown whether the trooper recorded the consent search due to recording issues in this stop. OLEPS noted one stop in which the consent search was not recorded, as required. State Police caught this error but did not issue an intervention for this error.

Table Fifteen: Consent Search Recording Errors

16th OLEPS Reporting Period

	Consents Requests	RAS	Probable Cause
All Recorded	27	24	3
Audio Only	2	2	0
Video Only	2	2	0
Unknown	1	1	0
Not Applicable	0	0	0
Not Recorded	1	1	0
Errors Caught	1	1	0
Interventions	0	0	0
Errors Not Caught	0	0	0
Errors Non-Reviewed	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, 30, troopers appropriately heeded the scope requirements of the search. In one stop, OLEPS was unable to determine if the trooper heeded the scope requirements due to recording issues in the stop. There were two motor vehicle stops with consent searches where troopers went beyond the scope parameters. State Police caught both errors but did not issue an intervention in either instance.

Table Sixteen: Consent Search Scope Errors
16th OLEPS Reporting Period

	Consents Requests	RAS	Probable Cause
Followed Scope	30	27	3
Unknown	1	1	0
Did not Follow Scope	2	2	0
Errors Caught	2	2	0
Interventions	0	0	0
Errors Not Caught	0	0	0
Errors Non-Reviewed	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

In September 2014, after the passage of the Compassionate Use Medical Marijuana Act (CUMMA), State Police issued policies detailing how troopers should proceed in encounters where they 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. If an individual is not covered under CUMMA, and an arrest is made based on probable cause, the trooper may conduct a search of the vehicle.

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 168 stops. In nine stops, it was unknown whether a trooper made a CUMMA inquiry due to recording issues in these stops. In 152 stops, State Police asked whether the driver was covered under CUMMA. There were seven stops where the trooper failed to inquire about CUMMA. State Police caught four of these errors and issued an intervention in all four instances. State Police did not catch the remaining three errors as there was no supervisory review these stops.

Troopers are not only required to inquire about a driver's medical marijuana status, they are also required to do so prior to taking any law enforcement action. While a trooper may appropriately inquire about CUMMA status when detecting the odor of marijuana, he or she must do so prior to arresting the individual or searching the vehicle based on the odor. In 148 stops, troopers determined CUMMA status as instructed. In three 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 applied to the individual. State Police caught one of these errors but did not issue an intervention in this instance. The remaining two errors not caught occurred in stops that did not receive a State Police supervisory review.

Summary of Standard 2

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 both errors and issued an intervention in one of these instances. Overall, 26 out of 43 stops with a consent request contained an error relating to the consent request and/or search. State Police caught errors in 22 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 were three stops with an RAS consent request, critical incidents requiring supervisory review, which did not receive the requisite reviews. 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)

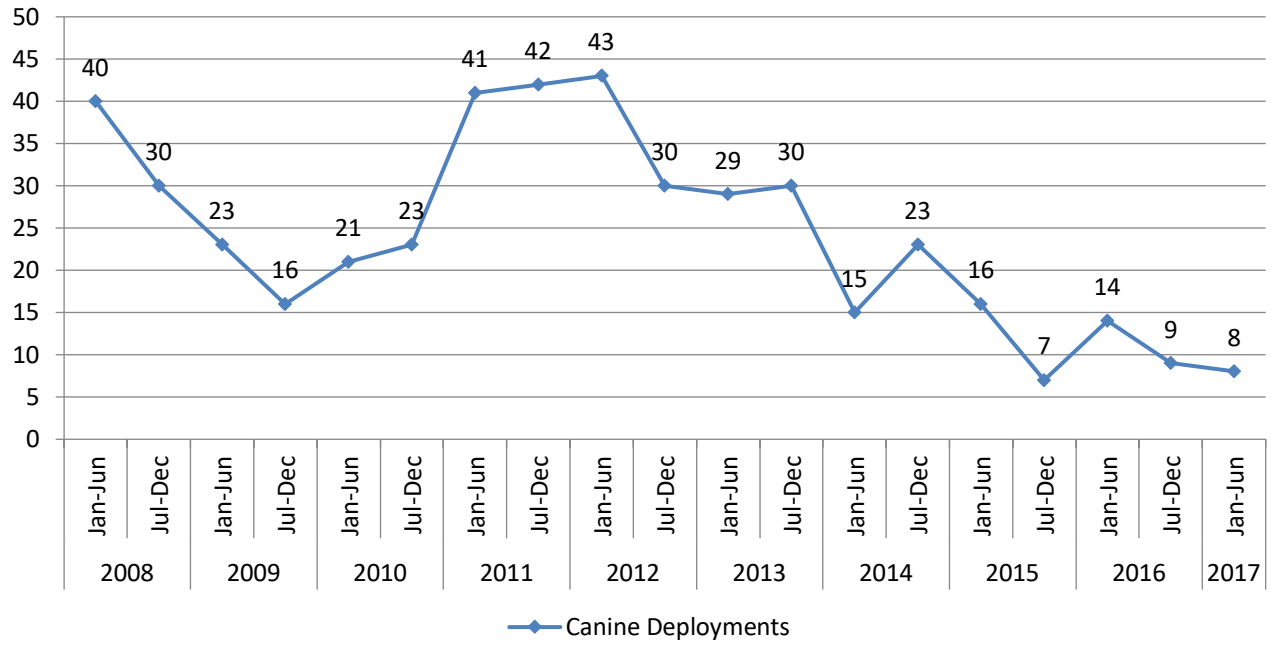
Assessment

OLEPS' review of motor vehicle stops indicated the use of a canine in 16 motor vehicle stops. However, to be considered a critical stop, the canine deployment must occur at the scene of the stop (and not the station) and must be made for drug detecting purposes rather than, for example, to track a fleeing suspect. In total then, there were eight stops with canine deployments occurring at the scene, following an official request, and for drug detecting purposes. This standard discusses only these eight deployments.

Figure Twelve 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 by one stop since the previous reporting period. The current volume of stops with canine deployments was the second smallest noted since 2008.

Figure Twelve: Stops with Canine Deployments

January 2008- June 2017



All eight stops with canine deployments resulted from RAS in the current period. The facts and circumstances surrounding all eight RAS canine deployments met the legal standard of RAS in the current reporting period.

Table Seventeen: Canine Deployment Legal Standard Errors[24]

16th OLEPS Reporting Period

	Canine Deployments	RAS Deployments	Probable Cause Deployments
Met Legal Standard	8	8	-
Did not meet Legal Standard	0	0	-
Errors Caught	0	0	-
Interventions	0	0	-
Errors Not Caught	0	0	-
Errors Non-Reviewed	0	0	-

State Police policies and procedures require the recording of canine deployments. In the current reporting period, State Police appropriately recorded six canine deployments. In one stop, it was unknown if the canine deployment was appropriately recorded due to recording issues throughout the stop. In another stop, the recording was not applicable, as the canine was requested to the scene but not used. There were no canine deployment recording errors in the current reporting period.

Table Eighteen: Canine Deployment Recording Errors

16th OLEPS Reporting Period

	Canine Deployments	RAS Deployments	Probable Cause Deployments
Recorded	6	6	-
Unknown	1	1	-
Not Utilized	1	1	-
Not Recorded	0	0	-
Errors Caught	0	0	-
Interventions	0	0	-
Errors Not Caught	0	0	-
Errors Non-Reviewed	0	0	-

[24] Unlike previous reporting periods, there were no stops with probable cause canine deployments to evaluate in the current reporting period, and thus, the probable cause columns in Tables Seventeen and Eighteen are left blank.

Summary of Standard 3

The number of motor vehicle stops involving canine deployments in the current reporting period was the second smallest noted since 2008. In the current reporting period, all stops with canine deployments based on RAS met the legal standard of RAS. There were no stops with deployments based on probable cause. OLEPS noted no recording errors in stops with footage to review. Further, OLEPS noted that all eight stops with canine deployments received State Police supervisory review, as required. Despite the smaller volume of canine deployments in recent reporting periods, State Police continues to follow the required canine deployment procedures.

Performance Standard 4: Use of Force

Standards

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

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

Assessment

There were 41 stops involving use of force in the current reporting period, a 2.5% increase since the previous reporting period and the second largest volume of stops involving uses of force since 2008. Table Nineteen presents the types of force used in the current reporting period. As in previous reporting periods, physical force was the most frequently used type of force. Physical force was used in 33 stops, mechanical force was used in one stop, and a combination of physical and mechanical force was used in seven stops.

Table Nineteen: Uses of Force by Type of Force[25]

16th OLEPS Reporting Period

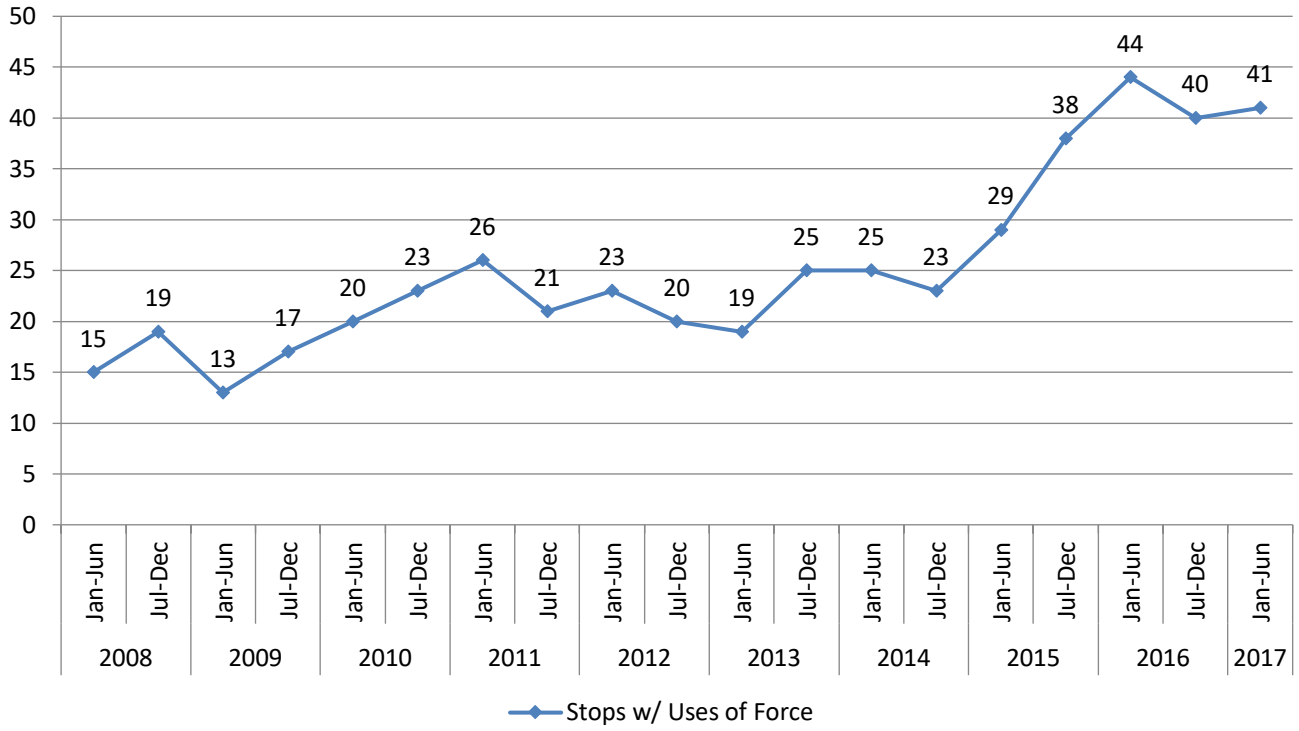
Type of Force	**Number of Stops**
Physical	33
Mechanical	1
Enhanced Mechanical	0
Physical & Mechanical	7
Physical & Enhanced Mechanical	0
Total	**41**

OLEPS reviews all uses of force in connection with motor vehicle stops. In the current reporting period, there was a slight increase in the number of stops with uses of force. Figure Thirteen depicts the trend in the number of stops with uses of force from 2008 to the current reporting period. As previously indicated, there were 41 stops

[25] 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).

with a use of force in the current period. This was the second largest volume of stops involving force since 2008. The largest number of stops with uses of force, 44, occurred in the fourteenth reporting period.

Figure Thirteen: Stops with Use of Force
January 2008-June 2017



In 33 stops, troopers used force against the driver. In two of these stops, troopers used force against the driver and passenger 1. In total, troopers used force against passenger 1 in nine stops. In one stop, troopers used force against passenger 2 only.[26]

OLEPS assesses whether uses of force occurring in motor vehicle stops were appropriate and necessary. In 39 instances (29 uses of force involving the driver, 9 involving passenger 1, and one involving passenger 2), OLEPS deemed the use of force necessary and appropriate. In this reporting period, OLEPS was unable to determine whether the force was appropriate in four instances. All of these instances involved the driver only. In these four 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.

[26] OLEPS labels passengers as "passenger 1" or "passenger 2." 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
16th OLEPS Reporting Period

	Driver	P1	P2
Necessary	29	9	1
Unknown	4	0	0
Not necessary	0	0	0
Errors Caught	0	0	0
Interventions	0	0	0
Errors Not Caught	0	0	0
Errors Non-Reviewed	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:[27]

- In 38 stops with a use of force, an individual refused to follow the trooper's commands.
- In 37 stops with a use of force, an individual physically resisted when the trooper placed handcuffs on them.
- In 16 stops, an individual exhibited erratic behavior.
- In 14 stops, an individual refused to exit the vehicle.
- In six stops, individuals fled the scene of the stop on foot, and in two stops, citizens fled in their vehicles.
- In five stops, an individual physically attacked a trooper.
- In two stops, an individual verbally threatened troopers.
- In two stops, an individual fled in a vehicle, leading to a vehicle pursuit.

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
16th OLEPS Reporting Period

	Driver	P1	P2
Report Filed	33	9	1
Missing	0	0	0
Errors Caught	0	0	0
Interventions	0	0	0
Errors Not Caught	0	0	0
Errors Non-Reviewed	0	0	0

Additionally, OLEPS reviews use of force reports for completion and correctness. In four 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 mechanical force (i.e., OC

[27] 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.

spray). Of these four stops with use of force report errors, State Police caught all four errors. However, State Police did not issue an intervention in any of these instances. In one stop involving use of force against passenger 1, the trooper did not complete the use of force report properly. State Police caught this error and issued an intervention. In the one stop with force used against passenger 2, the trooper completed the use of force report properly.

Table Twenty-Two: Uses of Force Report Errors

16th OLEPS Reporting Period

	Driver	P1	P2
Report Correct	29	8	1
Missing	0	0	0
Report Not Correct	4	1	0
Errors Caught	4	1	0
Interventions	0	1	0
Errors Not Caught	0	0	0
Errors Non-Reviewed	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 underscore the importance of OLEPS' recommendations for appropriate documentation and cataloging of State Police enforcement activities. The Act mandates that State Police and 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 one stop 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.

Performance Standard 5: Recording & Reporting of Motor Vehicle Stops

Standards

State Police policies and procedures require that troopers record the entirety of their motor vehicle stop and require several reporting elements before, during, and after the motor vehicle stop. There must be audio and video recording of ALL motor vehicle stops, beginning just prior to the first communication center call-in and ending when the stop is cleared.

The records of the stop must contain several pieces of information, which are typically radioed to communication dispatch. However, troopers may enter this information into the mobile computer in the troop car. 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 date of birth
- Vehicle registration, make, model
- Checks on licenses/identity, wanted persons status, criminal history
- Requesting backup
- Final disposition
- Stop cleared

Troopers must complete a motor vehicle stop report for all stops that involve post-stop enforcement activity, excluding those stops that involved only a field sobriety test without an arrest. 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 the supervisory review to determine whether State Police recorded the stop.

Assessment

Recording

In the current reporting period, OLEPS reviewed 300 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 an audio recording, but no video. 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
16th OLEPS Reporting Period

	Video Activated	Audio Activated	Video Completed	Audio Completed
Yes	278	248	281	259
Unknown	14	20	11	15
Not Applicable	5	12	4	14
No	3	20	4	12
Errors Caught	2	14	4	10
Interventions	0	4	0	2
Errors Not Caught	0	1	0	0
Errors Non-Reviewed	1	5	0	2

Video Activation

Of the 300 motor vehicle stops OLEPS reviewed, troopers appropriately activated video recordings in 278 stops (92.66%). In 14 stops (4.67%), OLEPS was unable to determine whether the trooper activated the video. For nine of these stops, all recordings of the primary vehicle were unavailable for review. In three stops, the first clip or multiple clips of the stop were unavailable for review. Recording difficulties and/or malfunctions were noted in the remaining two stops. For several previous reporting periods, OLEPS noted instances where the first clip of a motor vehicle stop was unavailable on 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 14 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.[28] 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 five stops (1.67%), video activation was not applicable, because of the circumstances of the stop, e.g., lack of camera in the car. In total, there were three stops (1.00%) where the video was not activated appropriately when the trooper signaled the stop. State Police caught two of these errors but did not issue an intervention in either instance. State Police did not catch the remaining error because it did not review the stop.

Audio Activation

Audio recording activation occurred at the beginning of 248 motor vehicle stops (82.67%) this reporting period. There were 12 stops (4.00%) where it was not applicable for audio activation to occur at the beginning of the stop because of equipment malfunction or because of the circumstances of the stop (i.e., the incident began as something other than a motor vehicle stop not requiring recording). In the current reporting period, OLEPS was unable to determine whether audio was activated at the beginning of 20 motor vehicle stops (6.67%).[29] In six of these stops, OLEPS reviewed backup car recordings only.

[28] All troopers reporting to the scene of a motor vehicle stop, criminal enforcement stop, motorist aid, motor vehicle accident, or pedestrian contacts are required to record the incident in their entirety.

[29] The number of instances where the video and audio activation were unknown are not identical in this reporting period. In the six stops in which the video activated properly, but it was unknown if the audio activated, OLEPS noted either no audio or audio difficulties or malfunctions.

In total, there were 20 stops (6.67%), in which the audio was not activated appropriately at the beginning of the stop. State Police caught 14 of these errors and issued interventions for four. State Police did not catch one error, despite reviewing the stop. State Police did not review the remaining five stops with an audio activation error, and thus, did not catch these errors.

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 281 stops (93.67%) in the current reporting period where the video recording continued to the completion of the stop. There were 11 stops (3.67%) where OLEPS was unable to determine whether the video recording continued to the completion of the stop. For the majority of these stops, OLEPS had no indication that the primary recordings continued to the end of the stop because the recordings were unavailable. Of these 11 stops, OLEPS based six reviews on recordings from backup cars involved in the stop. Additionally, there were four stops (1.33%) where it was not applicable for the video recording to continue to the completion of the stop. In total, there were four stops (1.33%) where the video recording did not continue to the completion of the stop. State Police caught all four errors but did not issue an intervention for any of these errors.

Audio Completion

In 259 stops (86.33%), the audio recording continued to the completion of the stop. There were 15 stops (5.00%) where OLEPS was unable to determine whether the audio recording continued to completion.[30] In six of these stops, OLEPS reviewed back up car recordings only. There were 12 stops (4.00%) where the audio recording did not continue to the completion of the stop. Of these audio completion errors, State Police caught 10 in its reviews and issued interventions in two of these instances. The remaining two 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 28 stops (9.33%) where audio interference made it challenging to determine trooper actions, less than the proportion noted in the previous reporting period (15.44%). These interferences often resulted from the noise of traffic passing or other external factors. There were 23 stops (7.67%) where there was a malfunction in the audio, more than the proportion noted in the previous reporting period (4.70%). Malfunctions may result from microphones dying or fading in and out throughout the stop.

[30] 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 the four stops in which the video continued to the completion of the stop but it was unknown if the audio completed properly, OLEPS noted no audio for the duration of two stops and audio malfunctions throughout the other two stops.

Table Twenty-Four: Recording Difficulties
16th OLEPS Reporting Period

	Audio Difficulties	Video Difficulties
None	245	273
Difficulties	28	9
Malfunction	23	14
Unknown	4	4

Video recording issues were noted in nine stops (3.00%), making it difficult to determine trooper actions in those stops. This was notably less than the proportion noted in the previous reporting period (17.79%). 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 understandably be less of a concern for a trooper during a motor vehicle stop because the trooper prioritizes trooper and motorist safety. In addition to video difficulty, OLEPS noted 14 stops (4.67%) with a video malfunction, greater than the proportion noted in the previous reporting period (1.34%).

In the previous reporting period, approximately 20.13% of all stops reviewed either had issues with audio recordings or a malfunction, while approximately 19.13% had a video malfunction or issues with the recording. In the current reporting period, 17.00% of stops had issues with audio recordings or a malfunction, and 7.67% had a video malfunction or recording issue. In each reporting period, larger volumes of stops continue to have technological issues impacting the ability to review stops. However, it is important to note that the current reporting period marks a decrease in these proportions.

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. In the current reporting period, OLEPS conducted three paper reviews due to unavailable or missing recordings, a decrease from four stops 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 transitioned to DIVR. However, the issues persist. While overall, there has been improvement in the quality of recordings, approximately 17% of all 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

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. 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.

While the consent decree stipulated communication call-ins over the radio, with the advent of new technologies, namely mobile data terminal computers (MDTs) in troop cars, most communication call-ins may also be made directly into CAD by the trooper. As such, OLEPS' standard has evolved to count information noted in CAD but not necessarily heard on the recording as appropriately made communication call-ins.

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.[31]

Table Twenty-Six: Communication Call-in Errors

16th OLEPS Reporting Period

	Location	# of Occup.	Descript. of Vehicle	Descript. of Occup.	Reason	Complet.	Action
Called In	265	260	262	260	263	289	289
Unknown	28	34	30	32	30	9	9
Not Applicable	2	2	3	3	2	0	0
Not Called In	5	4	5	5	5	2	2
Errors Caught	1	0	0	1	1	1	1
Interventions	0	0	0	1	1	0	0
Errors Not Caught	1	1	2	1	1	1	1
Errors Non-Reviewed	3	3	3	3	3	0	0

In the majority of stops, troopers called in the appropriate information to communication. In the current reporting period, OLEPS noted five stops in which a trooper failed to notify communication of the location of the motor vehicle stop. State Police caught one of these errors but did not issue an intervention in this instance. State Police did not catch errors in four stops. State Police reviewed one of these stops; the other three stops were not subject to State Police review and were therefore not reviewed by State Police. In four stops, OLEPS noted the trooper failed to notify communication of the number of occupants in the vehicle. State Police caught all of these errors, except for one, 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 five stops. State Police did not catch two errors, despite reviewing the stops, while three errors occurred in stops not subject to State Police review. In five stops, OLEPS noted that troopers did not notify communication of the description of the occupants in the vehicle. State Police caught one of these errors and issued an intervention for it. State Police did not catch one error, despite reviewing the stop. The remaining three errors were not caught, as they occurred in stops State Police did not review. In five stops, OLEPS noted the trooper failed to notify communication of the reason for the stop. State Police caught one of these errors

[31] 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 during these events.

and issued an intervention in this instance. State Police did not catch one error, despite reviewing the stop. The remaining three errors occurred in stops not subject to State Police review.

Upon completion of the stop, troopers must notify communication of the completion of the stop and the actions taken during the stop (e.g., summons, warning, towing the vehicle). OLEPS noted two stops where the trooper did not notify communication of the completion of the stop. State Police caught one error, but did not issue an intervention in this instance. State Police did not catch the other error, despite reviewing the stop. In two stops, troopers did not notify communication of actions taken during the stop. State Police caught one error, but did not issue an intervention in this instance. State Police did not catch the remaining error, despite the stop receiving State Police supervisory review. 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.

As depicted in Table Twenty-Six, in approximately 30 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 nine stops, OLEPS could not determine whether State Police completed call-ins pertaining to the completion of the stop and action(s) taken during the stop. In the current reporting period, State Police issued one intervention for communication errors pertaining to the description of occupants and one pertaining to the reason for the 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

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 reviews these reports to ensure consistency with the events of the stop depicted on recordings.

In the 300 stops reviewed, there were 45 stops (15.00%) with stop reports containing at least one error, the same proportion of stop reports with errors noted in the previous reporting period. 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 22 (48.89%) and issued an intervention for 11 (50.00%) of these instances. There were six stops (13.33%) with errors on stop reports State Police did not catch, despite supervisory review, and 17 stops (37.78%) with errors that occurred in stops State Police did not review. In one stop, the motor vehicle stop report was missing, thus it is unknown whether the report was completed correctly.

Table Twenty-Seven: Report Errors
16th OLEPS Reporting Period

	Stop Report	Investigation Report
Correct	254	140
Unknown	1	1
Not Applicable	0	139
Not Correct	45	20
Errors Caught	22	13
Interventions	11	11
Errors Not Caught	6	4
Errors Non-Reviewed	17	3

State Police must complete investigation reports only for stops involving investigative activities. In the current reporting period, 161 stops required investigation reports. Of these stops, 140 (86.9%) contained no errors, a slight increase from the proportion noted in the previous reporting period (85%). There were 20 investigation reports (12.42%) that contained at least one error. Of these errors, State Police caught 13 (65.00%) errors. Of these caught errors, State Police issued 11 (84.62%) interventions. In four stops, State Police did not catch the investigation report error, despite reviewing the stop. State Police did not catch the remaining three errors, as these errors occurred in stops State Police did not review. In one stop, 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, in addition to an improved intervention rate for both motor vehicle stop and investigation 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.

Though the issue has improved over the past several years, OLEPS continues to note 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 high number of stops where audio recordings do not activate or continue to the end of the stop. Though the video is recording, there is not a full audio recording in a number of stops.

In the current reporting period, State Police caught a larger number of recording and reporting errors than it failed to catch. As in the previous reporting period, State Police reviewed less than half of all stops, 42% in the previous reporting period, and 39% in the current. However, the reviews in the current period are detailed and thorough. Despite the detail in State Police reviews, interventions remained a less frequent response to errors 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

Standards

State Police policies and procedures limit the circumstances under which a trooper may request an individual to exit a vehicle or perform a frisk 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,[32] a driver may be asked to exit a vehicle for any reason.

Assessment

Exits

A trooper may request that a driver or passenger exit a vehicle for a number of reasons. The law permits that a trooper ask a driver to exit for any reason. However, troopers may ask a passenger to exit the vehicle based on an articulable heightened caution, suspected criminal activity, Title 39 violation, to perform a 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 283 stops (of the 300 total stops). Of the stops with exits, 273 involved a driver exit. Ninety-two of these driver exit requests were for sobriety. In 16 stops, the driver was already out of the car when the trooper arrived.

Table Twenty-Eight: Vehicle Exit Errors

16th OLEPS Reporting Period

	P1	P2
DTT or Determine Driving Eligibility	6	4
Heightened Caution	178	72
Unknown	0	0
Did not meet heightened caution	0	0
Errors Caught	0	0
Interventions	0	0
Errors Not Caught	0	0
Errors Non-Reviewed	0	0

In 184 stops, State Police asked passenger 1 to exit the vehicle. In 178 of these stops, the exit resulted from heightened caution, and in six stops, the reason for the passenger's exit was DTT or to determine driving eligibility. In five stops, passenger 1 was already out of the car when the trooper arrived. Like the previous

[32] State v. Smith, 134 N.J. 599, 611, 618 (1994) (describes the right of an officer to remove a driver from a lawfully stopped vehicle as "established precedent." Officers must be able to point to specific and articulable facts that would warrant heightened caution to justify ordering the occupant out of the vehicle for a detained motor vehicle violation.

reporting period, all instances in which the trooper requested passenger 1 to exit met the standard of heightened caution.

In 76 stops, State Police asked passenger 2 to exit the vehicle. In 72 of these stops, the trooper asked the passenger to exit based on heightened caution, and in four stops, the trooper asked the passenger to exit based on DTT or to determine driving eligibility. Like the previous reporting period, all instances in which the trooper requested passenger 2 to exit met the standard of heightened caution. There were no stops in which passenger 2 was already out of the car when the trooper arrived.

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-Nine: Frisk Legal Standard Errors

16th OLEPS Reporting Period

	Driver	P1	P2
Met Legal Standard of RAS	10	2	1
Unknown	0	0	0
Did Not Meet Legal Standard	7	7	4
Errors Caught	7	7	4
Interventions	3	4	2
Errors Not Caught	0	0	0
Errors Non-Reviewed	0	0	0

In the current reporting period, 31 stops involved a frisk(s) of the driver and/or passengers. In total, State Police frisked 20 drivers. Three frisks of the driver resulted from DTT, and 17 resulted from RAS. In the current reporting period, seven frisks of the driver did not meet the legal standard of RAS in the current reporting period. State Police caught all seven errors and issued an intervention in three of these instances.

In 18 motor vehicle stops, State Police frisked at least one passenger. Seventeen stops involved a frisk of passenger 1. Of these frisks, eight resulted from DTT, and nine resulted from RAS. There were seven stops in which the frisk of passenger 1 failed to meet the standard of RAS. State Police caught all seven errors and issued an intervention in four of these instances.

Eight motor vehicle stops involved a frisk of passenger 2. Of these, three were based on DTT, and five were based on RAS. In four stops, the frisk of passenger 2 did not meet the legal standard of RAS. State Police caught all four errors and issued an intervention in two of these instances.

Table Thirty: Frisk Mechanics Errors
16th OLEPS Reporting Period

	Driver	P1	P2
Correct	6	6	1
Unknown	13	11	7
Incorrect	1	0	0
Errors Caught	1	0	0
Interventions	1	0	0
Errors Not Caught	0	0	0
Errors Non-Reviewed	0	0	0

OLEPS also reviews the mechanics of the frisk to ensure that it does not extend beyond appropriate boundaries, making the frisk 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 13 stops because the frisk occurred outside the view of the camera or because portions of the recording were missing. OLEPS noted one frisk of the driver that extended beyond a pat down. State Police caught this error and issued an intervention in this instance.

OLEPS determined that the mechanics of six frisks of passenger 1 were appropriate in the current reporting period. In an additional 11 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 one frisk of passenger 2 was appropriate in the current reporting period. In seven 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 no frisks of passenger 2 that extended beyond a pat down.

It is important to note that of the 45 instances of driver and passenger frisks, OLEPS was unable to note the mechanics of the frisk in 31 instances (69%), less than the proportion noted in the previous reporting period (73%).

Summary of Standard 6

State Police policies and procedures specify the circumstances in which troopers may request 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 68.89% 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 was unable to conduct a full assessment of some frisks selected for review. Despite this, OLEPS' review found that all exits and the majority of frisks observed occurred in accordance with appropriate legal standards as delineated in State Police policies and procedures.

Performance Standard 7: Non-Consensual Searches/Seizures

Standards

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

Assessment

Non-Consensual Searches/Seizures: Vehicles

OLEPS reviewed 251 stops with non-consensual vehicle searches/seizures in the current reporting period, more than the 162 examined in the previous reporting period. In the previous reporting period, OLEPS selected a random sample of stops with post-stop activity, including non-consensual searches, for its secondary sample. However, in the current reporting period, OLEPS selected a random sample of all stops where there was an arrest but no charges filed for its secondary sample. The increase in stops involving non-consensual vehicle searches/seizures was likely the result of the secondary sample selection.

Of the 251 stops with vehicle searches/seizures, 241 involved probable cause searches/seizures, 17 were identified as plain view searches/seizures, four were identified as "other," three were credential or ownership searches, one was a vehicle frisk, and one was identified as exigent circumstances.[33] The stops involving searches categorized as "other" referenced additional types of searches, e.g., an additional RAS consent search of the trunk of a vehicle, or trooper errors, such as 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 eight stops. State Police caught four of these errors and issued interventions in two instances. State Police did not catch one error, despite reviewing the stop. Three errors were not caught, as State Police did not review these stops.

Table Thirty-One: Search of Vehicle Errors

16th OLEPS Reporting Period

	Vehicle Search
Correct Vehicle Search	243
Unknown	0
Vehicle Search Error	8
Errors Caught	4
Interventions	2
Errors Not Caught	1
Errors Non-Reviewed	3

Non-Consensual Searches/Seizures: Persons

In the current reporting period, there were 292 stops involving a search of a person. Per State Police policy, these searches should be incident to arrest. There were 269 stops with a search of the driver incident to arrest (ITA)

[33] For some searches, multiple reasons were identified.

and five stops with a search of a driver that was not incident to arrest. State Police caught all five of these errors and issued an intervention in three of these instances. There was one stop with a search of the driver in which it was unknown if the search was ITA due to recording issues in the stop. There were no stops with searches of a driver based on a warrant in the current reporting period.

There were 173 stops with a search of passenger 1 incident to arrest. There were three stops with a search of passenger 1 that was not incident to arrest. State Police caught these three errors and issued an intervention in two of these instances. There was one stop with a search of passenger 1 in which it was unknown if the search was ITA due to recording issues in the stop. There were no stops with searches of passenger 1 based on a warrant in the current reporting period.

There were 66 stops with a search of passenger 2 incident to arrest, and one that was not incident to arrest. State Police caught this error and issued an intervention for it. There were no stops with a search of passenger 2 in which it was unknown if the search was ITA and no stops with a search of passenger 2 based on a warrant in the current reporting period.

Table Thirty-Two: Search of Person Errors

16th OLEPS Reporting Period

	Driver	**P1**	**P2**
ITA	269	173	66
Warrant	0	0	0
Unknown	1	1	0
Not ITA	5	3	1
Errors Caught	5	3	1
Interventions	3	2	1
Errors Not Caught	0	0	0
Errors Non-Reviewed	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 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. The number of stops with non-consensual vehicle searches/seizures increased from the previous reporting period, as did the number of stops with vehicle search errors (i.e., from three stops with errors in the previous reporting period to eight stops with errors in the current reporting period). Whereas in the previous reporting period, there were no instances of search of person errors, OLEPS noted nine errors in the current reporting period. The rate of interventions issued for search errors in the current reporting period was comparable to the rate in previous reporting periods. OLEPS recommends that State Police continue its use of interventions so that troopers making such errors have the ability to modify future behavior, as needed.

Performance Standard 8: Length of Stops

Standards

According to State Police procedures, RAS stops should be "brief." Because the length of a stop may be indicative of inappropriate enforcement (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. Legitimate explanations for a lengthier duration include stop complexity (several enforcements such as searches, a search warrant request, etc.), waiting for reinforcements (i.e., back up), waiting for responses from communication regarding criminal history/warrants, or questions regarding ownership.

Assessment

The average length of all motor vehicle stops reviewed during this reporting period was 41.10 minutes and the standard deviation of this distribution was 27.34 minutes. Thus, stops greater than 68.44 minutes or less than 13.76 minutes are more than one standard deviation from the mean. There were 35 stops that were one standard deviation or greater above the mean and 10 stops that were one standard deviation or more below the mean.

The average length of motor vehicle stops in this reporting period was longer than in the previous reporting period. The average stop length was 41.10 minutes in the current period and 38.77 minutes in the previous reporting period. The standard deviation in the current period, 27.34 minutes, was smaller than in the previous period, 34.65 minutes. Stops were slightly longer in the current reporting period but there was less dispersion in the stops made in this reporting period. That is, the lengths of stops were more similar to each other in the current period than in the previous period.

The parameters used to select the secondary sample for the current reporting period differ from the previous period. In the previous reporting period, OLEPS selected stops with any post-stop activity for review. In the current reporting period, the sample was of stops involving arrests with no charges filed, which could impact the average length of stops. In the previous reporting period, OLEPS identified 351 individuals (i.e., driver, passenger 1, and/or passenger 2) arrested in 279 stops (94% of the sample). In the current reporting period, there were 522 individuals (i.e., driver, passenger 1, and/or passenger 2) arrested in 293 stops (98% of the sample). Given this change in sample specifications and the greater number of individuals arrested in the current sample, the difference in average stop length in the current reporting period may be related to sample selection.

Duration of Stops

Table Thirty-Three 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, 41.10 minutes.

Table Thirty-Three: Average Length of Motor Vehicle Stops

16th OLEPS Reporting Period

	Average Stop Length (in Minutes)
All Stops	41.10
All Stops with Consent Requests	79.49
RAS Consent Requests	82.68
Probable Cause Consent Requests	55.20
Consent Granted	74.61
Consent Denied	95.60
Canine Deployments[34]	120.00
Consent Requests & Canine Deployed	120.00
Consent Granted & Canine Deployed	103.00
Consent Denied & Canine Deployed	130.20

The average length of stops with consent requests was 79.49 minutes, similar to the average noted in the previous reporting period, 79.70 minutes. Only a small proportion of stops, 14%, 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 was likely due to the time necessary to accumulate RAS, whereas probable cause is either present or not. This pattern holds true in the current reporting period: stops with RAS consent to search requests averaged 82.68 minutes while probable cause stops averaged 55.20 minutes.

The average length of stops with RAS consent requests were longer in the current period than in the previous period, whereas the average length of stops with probable cause consent requests are shorter in the current compared to the previous reporting period. In the previous reporting period, the average for stops with RAS consent requests was 78.68 minutes, and the average for stops with probable cause consent requests was 99.00 minutes, an anomalous pattern likely the result of the small volume of stops involving probable cause in the previous reporting period (two stops).

An independent samples *t*-test was used to determine whether the difference between the lengths of stops with RAS and probable cause consent requests was statistically significant. The results indicate that there was a statistically significant difference between the length of stops in which troopers conducted RAS consent to search requests (M=82.68, s=34.17) and probable cause consent to search requests (M=55.20, s=9.26), $t(23.148)=3.973$, $p=0.001$, $\alpha=.05$ (two-tailed). Due to the large significance (*p*-value), a one-tailed test would also be significant,

[34] All stops with canine deployments examined within this standard involve critical canine deployments, i.e., stops in which a canine was requested and deployed to the scene of the stop specifically for drug detection purposes. As indicated in Standard Three, there were eight such stops in the current reporting period.

indicating that stops involving RAS consent requests are significantly longer than those with probable cause consent requests, α=.01.

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 74.61 minutes, while those with denied consent searches had an average stop length of 95.60 minutes.

An independent samples *t*-test was used to determine whether the difference between the lengths of stops with a granted consent request and those with a denied consent requests was also statistically significant. The results indicate that there was not a significant difference between the length of stops where a motorist granted a consent request (M=74.61, s=29.64) and where a motorist denied a consent request (M=95.60, s=41.35), $t(41)=-1.786$, $p=0.082$, α=.05 (two-tailed). These results ($p<0.10$) indicate that the average length of stops with granted consent to search requests was not significantly different or longer than the average length of stops with denied consent to search requests, however, this difference approaches statistical significance.[35]

The average length of a motor vehicle stop with a canine deployment was 120.00 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=120.00, s=26.45) and without a canine deployment (M=38.94, s=23.99), $t(298)=9.406$, $p<.001$ α=.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, α=.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 120.00 minutes,[36] 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 130.20 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=103.00, s=30.20) and those with a canine deployment and denied consent request (M=130.20, s=20.54), $t(6)=-1.540$, $p=0.175$, α=.05 (two-tailed). With these results 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, only certain differences were statistically significant. Significant results were found for stops with RAS versus probable cause consent requests and stops with canine deployments versus stops without canine deployments. Stops with an RAS consent to search request were significantly lengthier than stops with a probable cause consent to search

[35]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.

[36] This average is the same as that of all stops with canine deployments, as all eight stops with deployments also involved RAS consent to search requests.

request, and stops with canine deployments were significantly lengthier than stops without canine deployments. There was no significant difference in the length of stops with granted versus denied consent to search requests. However, this difference approached statistical significance.

Variation in Stop Length by RAS Reasons

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, admissions, and failure to make eye contact–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=90.37, s=30.87) and not cited (M=63.82, s=35.93), $t(36)=2.294$, $p=0.028$. These results ($p<.05$) indicate a statistically significant difference in the average stop length of stops where a trooper indicated criminal history was present and those where a trooper did not indicate a criminal history was present.

OLEPS conducted an independent samples *t*-test to examine if there was a statistically significant difference between the average stop length in stops where inconsistent itinerary was cited (M=98.00, s=32.45) and not cited (M=73.75, s=32.51), $t(36)=2.220$, $p=0.033$. These results ($p<0.05$) indicated a statistically significant difference in the average length of stops where a trooper indicated inconsistent itinerary was present and those stops where a trooper did not indicate that it was present.

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=95.43, s=34.59) and not cited (M=75.25, s=32.33), $t(36)=1.809$, $p=0.079$. These results ($p<0.10$) did not indicate a statistically significant difference between the average length of stops where a trooper indicated conflicting statements was present and those stops where a trooper did not indicate that it was present. However, this difference approaches statistical significance.

The presence of any other RAS factor was not significantly associated with lengthier stops. OLEPS conducted a one-way analysis of variance (ANOVA)[37] 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 seven categories of RAS reasons cited by troopers, ranging from one to seven. ANOVA results indicate that there was not a statistically significant difference in the average length of stops across RAS categories examined ($F(6,31)=1.232$), $p=0.317$. 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 indicated a lack of statistically significant relationships between stop length and specific RAS reasons except for stops citing criminal history and inconsistent itinerary. As detailed previously, stops citing criminal history and inconsistent itinerary were significantly different in average length from stops with an RAS

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

consent request not citing these reasons. Further, stops citing conflicting statements were not significantly different in average length from those stops without this RAS factor cited, but this difference approached statistical significance.

Racial/Ethnic Differences in Stop Length

OLEPS also explored racial/ethnic differences in the length of motor vehicle stops. As noted above, the average length of all stops was 41.10 minutes and the standard deviation was 27.34 minutes. Figure Fourteen plots the length of stops for all drivers based on each racial/ethnic group. The mean of this distribution (41.10 minutes) appears as a black line. One standard deviation below the mean (13.76 minutes) and one standard deviation above the mean (68.44 minutes) both appear as gray lines. Overall, the distributions of stop lengths were consistent across racial/ethnic groups with the exception of a few outliers for White, Black, and Hispanic drivers. In the current reporting period, there was less uniformity in the dispersion of stops noted for White and Hispanic drivers compared to Black and Asian drivers.

Figure Fourteen: Length of All Stops

16th OLEPS Reporting Period

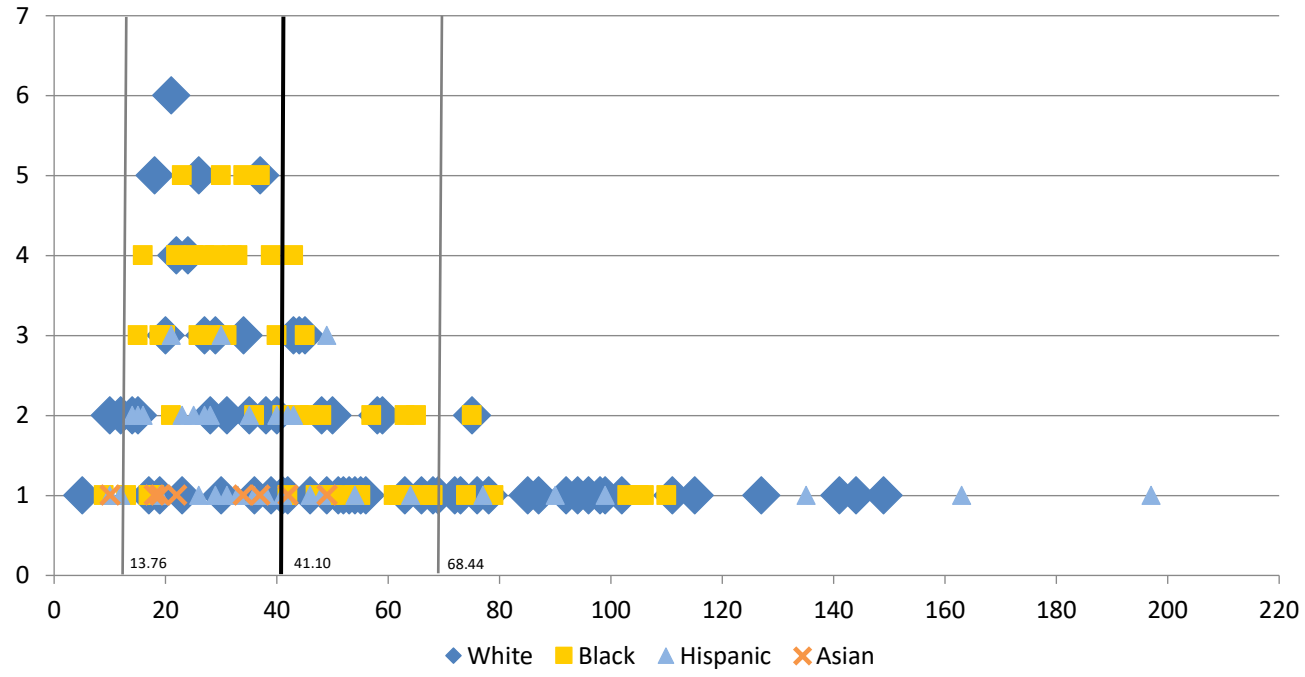
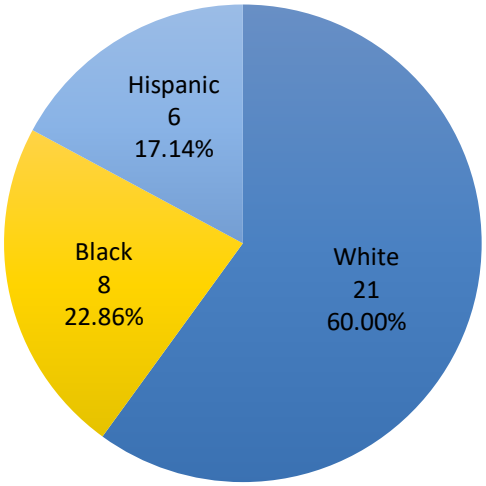


Figure Fifteen: Racial/Ethnic Distribution of Stops One Standard Deviation Above the Mean
16th OLEPS Reporting Period

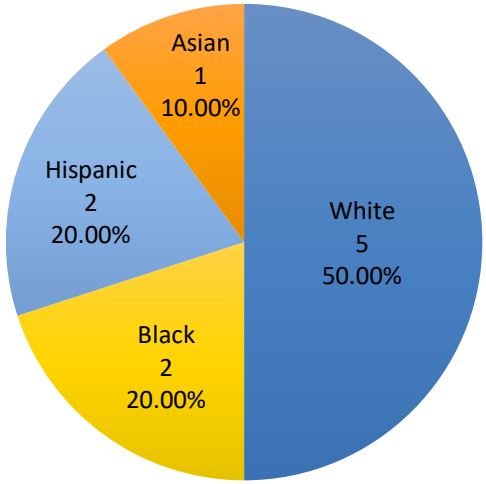


Total Stops One Standard Deviation Above Mean: **35**

Figure Fifteen depicts the racial/ethnic distribution of stops one standard deviation or more above the mean. As previously indicated (See page 56), there were 35 stops one standard deviation or more above the mean. Unlike previous reporting periods, White drivers were involved in the largest proportion of this distribution, 60% (21 stops). Black drivers were involved in 23% (eight stops) of these stops, and Hispanic drivers were involved in 17% (six stops) of this distribution. There were no stops of Asian or American Indian drivers represented in this distribution in the current reporting period.

Figure Sixteen: Racial/Ethnic Distribution of Stops One Standard Deviation Below the Mean
16th OLEPS Reporting Period

Figure Sixteen depicts the racial/ethnic distribution of stops one standard deviation or more below the mean. There were 10 stops one standard deviation or more below the mean. White drivers were also the largest proportion of this distribution, 50% (five stops). Black and Hispanic drivers were involved in 20% each (two stops each), and Asian drivers were involved in 10% (one stop) of this distribution. There were no stops of American Indian drivers represented in this distribution in the current reporting period.



Total Stops One Standard Deviation Below Mean: **10**

To explore variation in stop length across racial/ethnic groups, Table Thirty-Four 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 Seventeen through Twenty-Two 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-Four: Average Length (Minutes) of Motor Vehicle Stops by Race/Ethnicity

16th OLEPS Reporting Period

	All Stops	Consents	RAS Consents	Probable Cause Consents[38]
White	44.79	79.72	83.40	56.75
Black	38.13	71.13	71.13	---
Hispanic	42.43	89.50	97.60	---
Asian	28.88	---	---	---
American Indian	22.00	---	---	---

15th OLEPS Reporting Period

	All Stops	Consents	RAS Consents	Probable Cause Consents[39]
White	35.49	78.96	78.27	---
Black	37.12	79.00	79.00	---
Hispanic	54.44	83.14	79.67	---
Asian	21.33	---	---	---
Other	---	---	---	---

All Stops

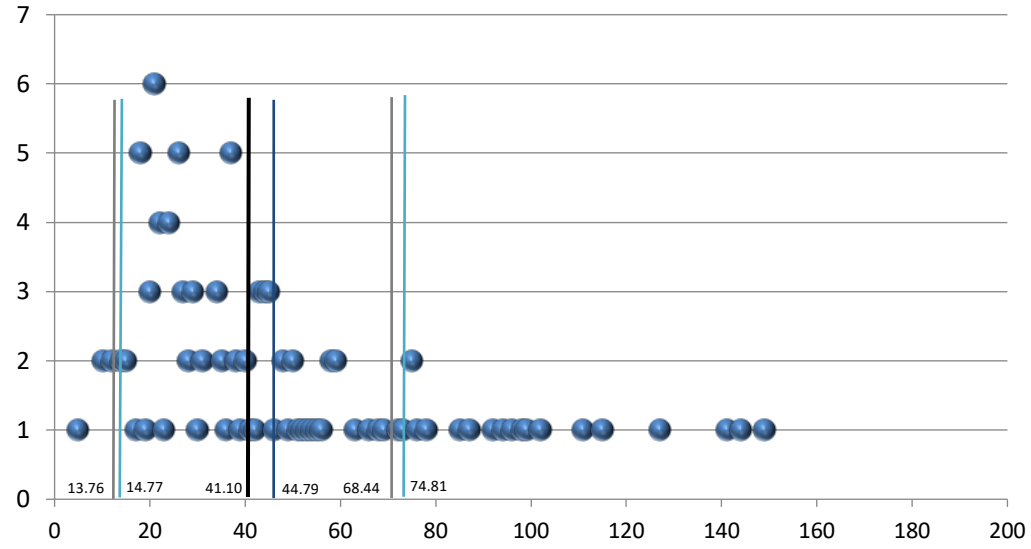
In the current reporting period, White drivers had an average stop length of 44.79 minutes, Black drivers had an average of 38.13 minutes, Hispanic drivers had an average stop length of 42.43 minutes, Asian drivers had an average stop length of 28.88 minutes, and American Indian drivers had an average stop length of 22.00 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 indicated a significant difference between the average stop length in stops of White (M=44.79, s=30.02) and Black drivers (M=38.13, s=19.61), $t(198.521)=2.020$, $p=0.045$. These results ($p<0.05$) indicate that the difference in average stop length between White and Black drivers was statistically significant, however, it cannot be stated that stop length of White drivers was significantly longer than that of Black drivers. There were no statistically significant differences for any other racial/ethnic groups.

[38] In the current reporting period, there were five stops with probable cause consent to search requests, four involving White drivers and one involving a Hispanic driver. Given the low volume for Hispanic drivers and the lack of stops involving Black, Asian, and American Indian drivers, averages could not be taken, and thus were not displayed for these racial/ethnic groups.

[39] There were only two stops with probable cause consent requests in the fifteenth 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 Seventeen: Length of All Stops of White Drivers

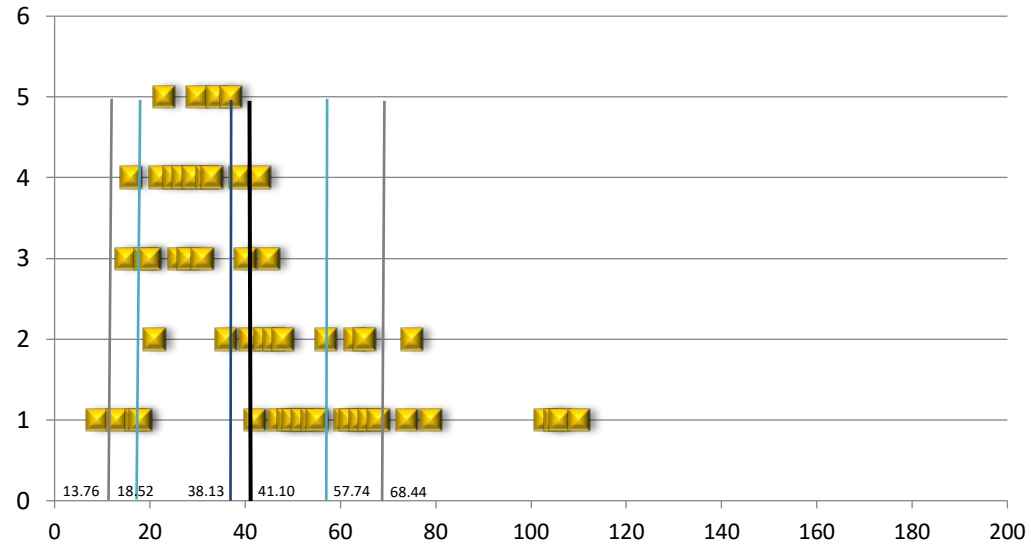
16th OLEPS Reporting Period



In the current reporting period, the mean for White drivers was larger than the mean for all drivers (41.10 minutes). For White drivers alone, the average stop length was 44.79 minutes, greater than the mean for all drivers, and the standard deviation was 30.02 minutes, greater than the standard deviation for all drivers. Differences in these averages are likely the result of the number of stops of White drivers, as only 39% of all stops involved White drivers in the current reporting period. As noted previously, Black drivers made up the majority of stops in the current reporting period, 41%. Seven stops (5.98%) of White drivers were more than one standard deviation below the mean for White drivers, and 18 stops (15.38%) were more than one standard deviation above the mean for White drivers in the current reporting period.

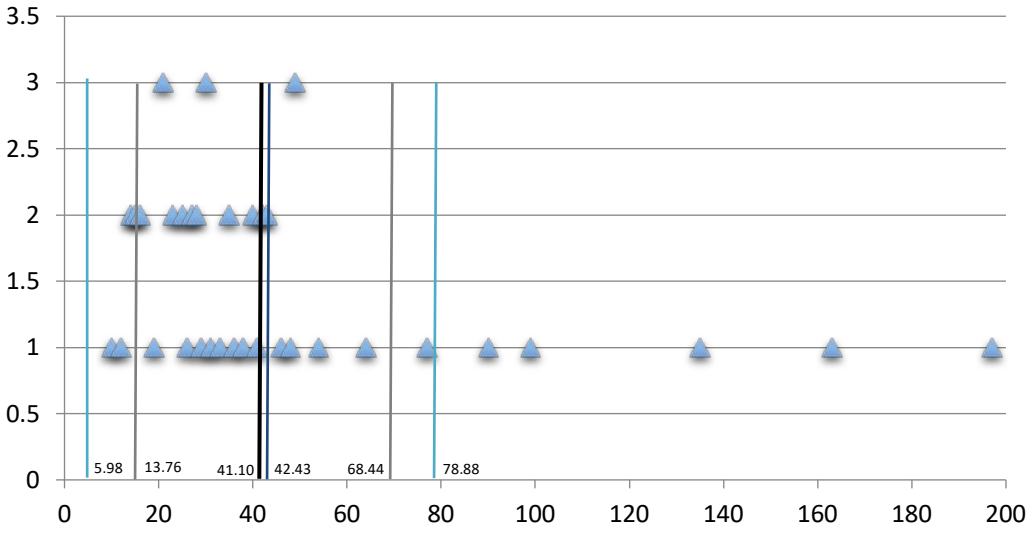
Figure Eighteen: Length of All Stops of Black Drivers

16th OLEPS Reporting Period



Stops of Black drivers were, on average, 38.13 minutes, greater than the average of 37.12 minutes noted in the previous reporting period but less than the average for all stops in this period. The standard deviation for stops of Black drivers was 19.61 minutes, smaller than the standard deviation noted for all stops. Eleven stops of Black drivers (9.02%) were more than one standard deviation below the mean, and 17 stops of Black drivers (13.93%) were more than one standard deviation above the mean.

Figure Nineteen: Length of All Stops of Hispanic Drivers
16th OLEPS Reporting Period



Hispanic drivers were involved in a much smaller proportion of stops (17%) than White or Black drivers. Despite the smaller number of stops, the average length of stops of Hispanic drivers, 42.43 minutes, was similar to that of all drivers. However, the standard deviation for Hispanic drivers, 36.45 minutes, was greater than any other racial/ethnic group and greater than all drivers combined. For Hispanic drivers, no stops were more than one standard deviation below the mean for Hispanic drivers, and five stops (9.80%) were more than one standard deviation above the mean for Hispanic drivers. Two stops of Hispanic drivers were notably longer than all other stops in the current reporting period. One stop lasted 163 minutes and involved exits and frisks of the driver and two passengers and a granted RAS consent search. The other stop lasted 197 minutes and involved a canine deployment, use of force, one arrest, and an evidence seizure.

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

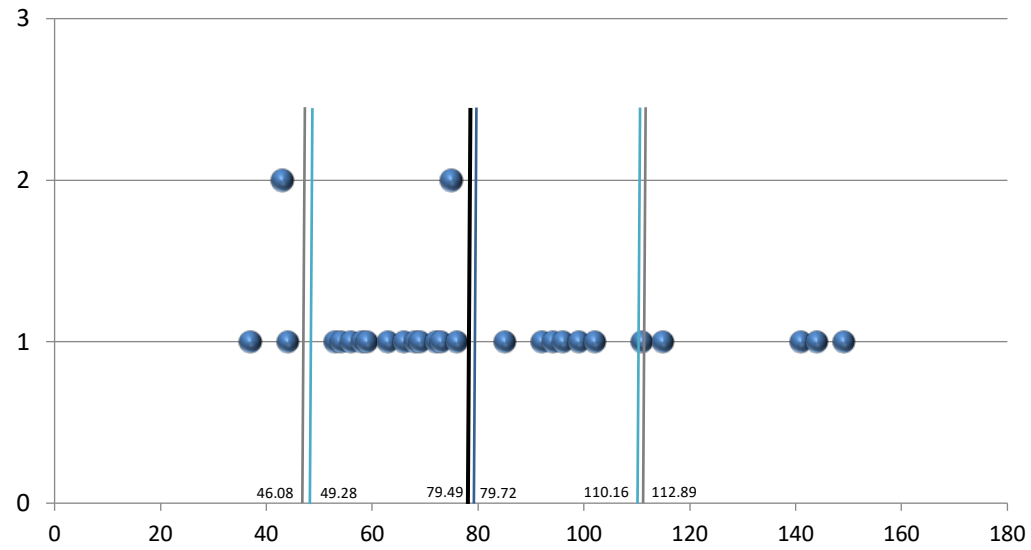
Consent Requests

In the current reporting period, the average length of the 43 motor vehicle stops with a consent to search request[40] was 79.49 minutes. From the previous to current reporting period, the average length of motor vehicle stops with consent to search requests increased for White drivers from 78.96 minutes to 79.72 minutes, decreased for Black drivers from 79.00 minutes to 71.13 minutes, and increased for Hispanic drivers from 83.14 minutes to 89.50 minutes.

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, Black and Hispanic 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.

[40] This assessment includes both denied and granted consent to search requests.

Figure Twenty: Length of Stops with Consent Requests of White Drivers
16th OLEPS Reporting Period



As noted above, the average length of stops with consent requests involving White drivers was 79.72 minutes and the standard deviation was 30.44 minutes. As shown in Figure Twenty, the mean and standard deviation for White drivers was similar to the mean and standard deviation for all drivers. Similarity in these numbers is largely a reflection of the proportion of stop with consent requests involving White drivers, 67%. 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 Twenty-One: Length of Stops with Consent Requests of Black Drivers
16th OLEPS Reporting Period

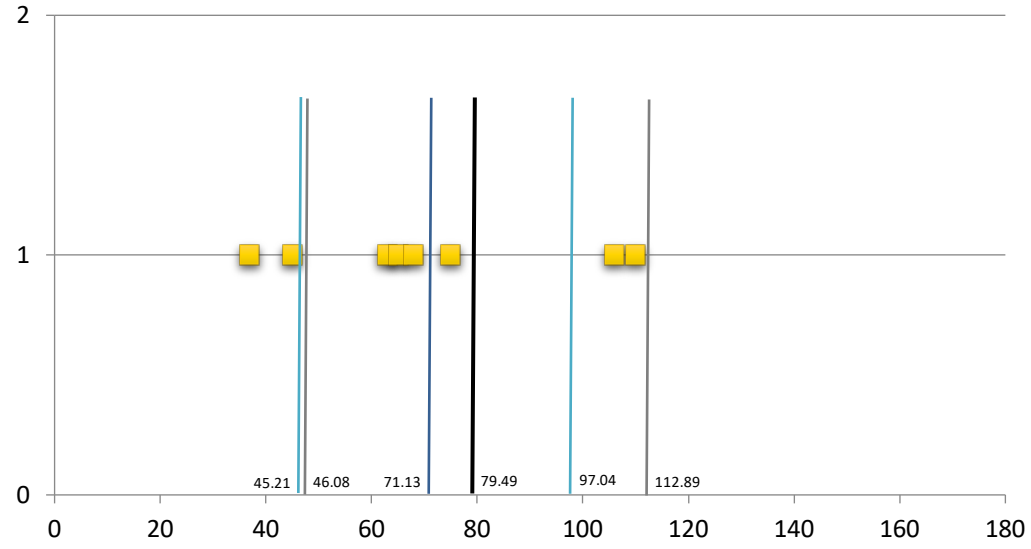


Figure Twenty-One depicts the distribution of stops with a consent request involving Black drivers. As shown, the mean for Black drivers was less than that of all drivers in the current reporting period. On average, stops with consent requests involving Black drivers were 71.13 minutes, less than the 79.00 minutes noted in the previous reporting period. The standard deviation was 25.92 minutes, greater than the 18.65 minutes noted in the previous reporting period. Thus, stops of Black drivers with consent to search requests were, on average, shorter and had greater dispersion in the current period compared

to the previous reporting period. Two stops of Black drivers were more than one standard deviation below the mean for Black drivers, and two stops were more than one standard deviation above the mean for Black drivers.

Figure Twenty-Two: Length of Stops with Consent Requests of Hispanic Drivers
16th OLEPS Reporting Period

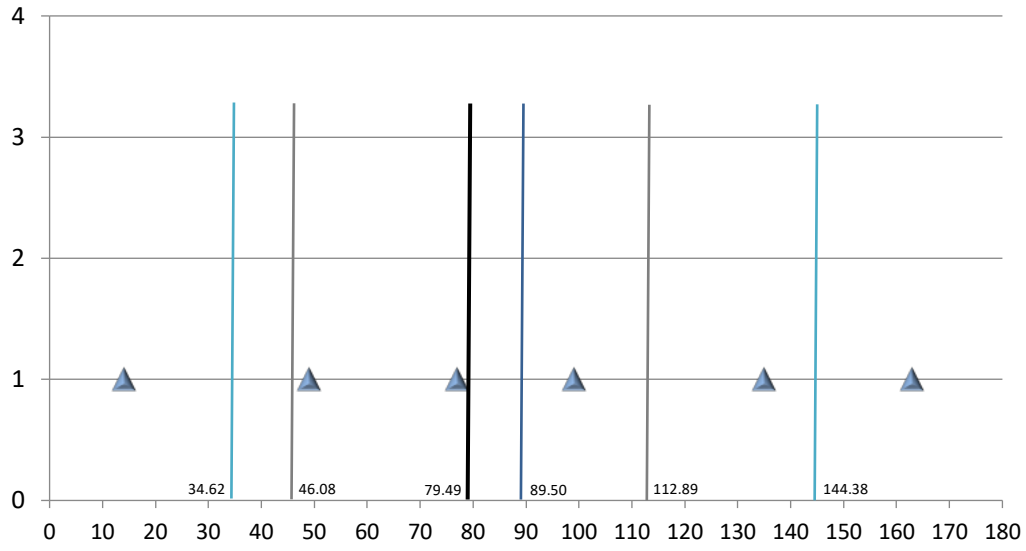


Figure Twenty-Two depicts the distribution of the length of stops with consent requests involving Hispanic drivers. As shown, the average length for Hispanic drivers, 89.50 minutes, was greater than the average noted for all drivers with consent requests. The standard deviation was 54.88 minutes, also greater than that of all drivers with consent requests. One stop of a Hispanic driver with a consent request was more than one standard deviation below the mean for Hispanic drivers and one stop with a consent request 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 82.68 minutes in the current reporting period, similar to that of all stops with consent to search requests, 79.49. This was likely because 35 of the 43 stops with consent to search requests were RAS-based, five were probable cause-based, and three were both RAS and probable cause-based in the current reporting period. Because the majority of consent requests were RAS-based, OLEPS did not make stop length comparisons 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 83.40 minutes, greater than the 78.27 minutes noted for White drivers in the previous reporting period. This average for Black drivers was 71.13 minutes in the current reporting period, less than the 79.00 minutes noted for Black drivers in the previous reporting period. The average length of stops of Hispanic drivers with RAS consent requests, was 97.60 minutes, was notably greater than the 79.67 minute average for Hispanic drivers in the previous reporting period.[41] Thus, the average length of stops with RAS consent to search requests increased for White and Hispanic drivers but decreased for Black drivers in the current reporting period.

[41] There were only five stops with RAS consent to search requests involving Hispanic drivers in the current reporting period. One stop was the second longest stop in the current reporting period, 163 minutes, and another stop was 135 minutes. The three other stops were markedly shorter, ranging from 14 to 99 minutes. Thus, there was a large degree of dispersion in these stops, and the two longer stops contributed to the larger average stop length for 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: 25 stops of White drivers, eight stops of Black drivers, and five stops of Hispanic drivers.

Probable Cause Consent Requests

As previously indicated, there were only five stops in the current reporting period involving probable cause consent to search requests. The average of these five stops was 55.20 minutes. Four of these stops involved White drivers, and one stop involved a Hispanic driver. The average stop length for White drivers was 56.75 minutes. Due to the low volume for Hispanic drivers and the lack of stops involving Black, Asian, and American Indian drivers, averages could not be taken, and thus were not displayed for these racial/ethnic groups in Table Thirty-Four. 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

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 legally sufficient reason to detain the individual. On average, stops in this reporting period were similar, but slightly longer in length than in the previous reporting period. Further, the dispersion of the stop length distributions in the current reporting period was consistent, meaning that only a few stops were outliers in stop length. OLEPS continues to recommend that State Police supervisors review motor vehicle stop length to ensure stop lengths are consistent with the activity in the stop and not lengthened unnecessarily.

Supervisory Review

Assessment Process

OLEPS assesses Supervisory Review by reviewing a sample of motor vehicle stops and noting any deviations from policy or procedure. OLEPS compares their observations to those of the supervisor who reviewed the stop, if applicable. OLEPS reviews supervisors' notes to determine if errors noted by OLEPS were noted by supervisors and, if they were, whether an intervention was issued in the MAPPS database. These interventions provide documentation that the supervisor notified the trooper

Performance Standard 9: Supervisory Review of Motor Vehicle Stops

Standards

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, an RAS consent to search request, and/or a 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. Motor vehicle stop 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 (or documentation) deviates from State Police policy, through either 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

State Police policies and procedures detail the requirements, trooper responsibilities, and appropriate actions required in motor vehicle stops. In reviewing motor vehicle stops, supervisory personnel in State Police are required 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 September 2017. At this time, OLEPS noted State Police supervisory reviews for 116 of the 300 stops selected for OLEPS' review. State Police did not review 184 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 one stop after OLEPS pulled motor vehicle stop records for this reporting period. Because this review was not completed prior to OLEPS' review, any errors noted by State Police are not considered caught for this report. However, this review allows State Police to address errors that may have been previously unknown, given its review schedule.

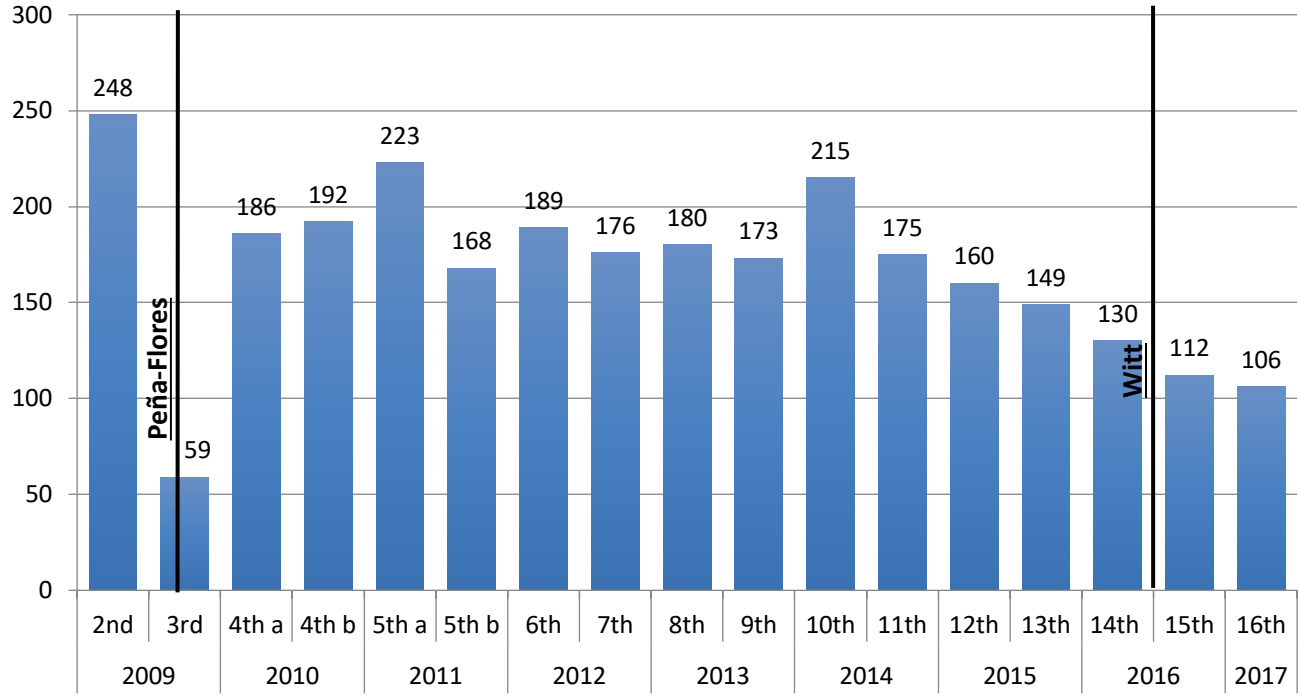
During this sixteenth review period, OLEPS noted inconsistencies in our determinations of an error pertaining to communication call-ins and recordings of stops for the current and previous two reporting periods. To remedy this, OLEPS re-reviewed these stops in 2018 to ensure all determinations were consistent. As a result, the volume of stops with errors, errors caught, errors not caught, and errors non-reviewed generally decreased in the current and previous two reporting periods. Discussion of trends will be limited, as this decrease was not a reflection of any change in State Police activity.

All Errors

In the current reporting period, 106 stops contained errors (35.33% of all stops selected), less than the number of stops with errors in the previous reporting period. Figure Twenty-Three depicts trends in the total number of stops with errors since the second reporting period. In the second half of 2009 (third reporting period), the 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. Beginning in the first half of 2014, the volume of errors decreased, continuing 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, resulting in a smaller volume of stops with errors. Thus, the decrease noted in the current and previous two reporting periods may not solely reflect changes in State Police activity.

Figure Twenty-Three: Total Stops with Errors, by Reporting Period[42]

2nd through 16th OLEPS Reporting Periods



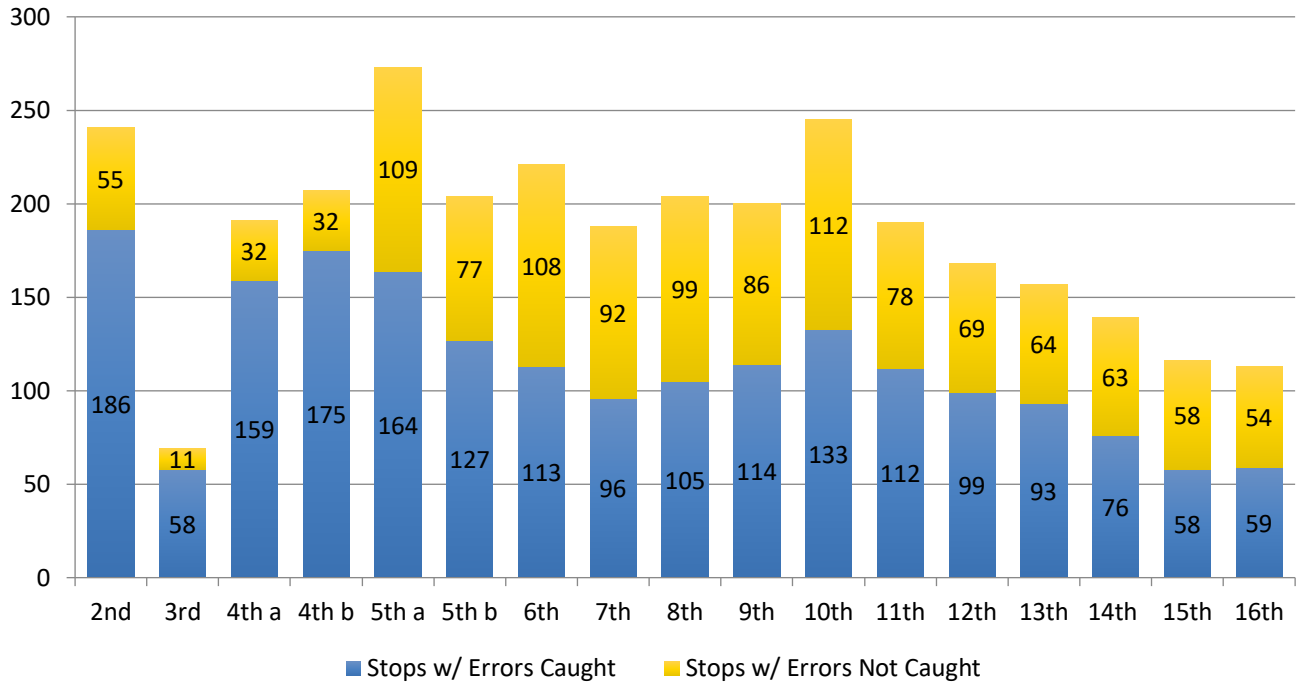
In total, OLEPS noted State Police conducted 194 motor vehicle stops (64.67%) without error in the current reporting period, larger than the number and proportion in the previous period (186 stops and 62.42%).

[42] 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.

Within the same stop, State Police may catch some but not all errors. 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-Four, 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. OLEPS noted the same pattern in the current reporting period, where of the 106 stops with errors, 59 stops contained errors caught by State Police[43] and 54 stops contained errors not caught by supervisory review. That is, 18.00% (54 of 300) of all motor vehicle stops contained an error State Police failed to catch. This was less than the percentage of stops with errors not caught in the previous reporting period, (19.46%).

Figure Twenty-Four: Stops with Errors Caught and Stops with Errors Not Caught

2nd through 16th OLEPS Reporting Periods

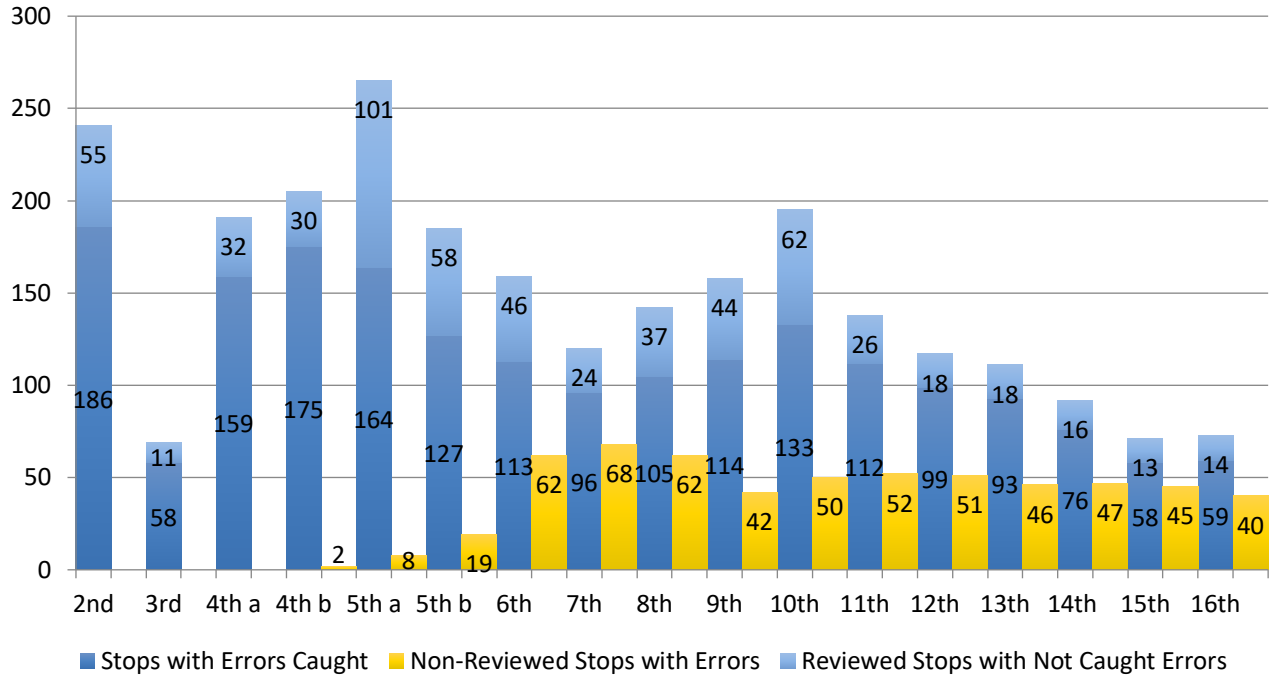


[43] In the current reporting period, four of the 59 stops with errors caught did not receive State Police supervisory review. In these four stops, troopers caught their own errors. These errors, known as "self-caught" or "trooper-caught," are categorized throughout this section as errors caught.

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-Five breaks down the volume of errors not caught by State Police. State Police did not review 40 of the 54 stops with an error not caught. Thus, 14 stops contained errors not caught by State Police despite undergoing supervisory review. State Police reviewed 25.93% (14 of 54 stops) of the stops where OLEPS noted an uncaught error. State Police did not review 74.07% (40 of 54 stops) of all stops identified with an uncaught error.

Figure Twenty-Five: Stops with Errors Caught, Not Caught, and Non-Reviewed

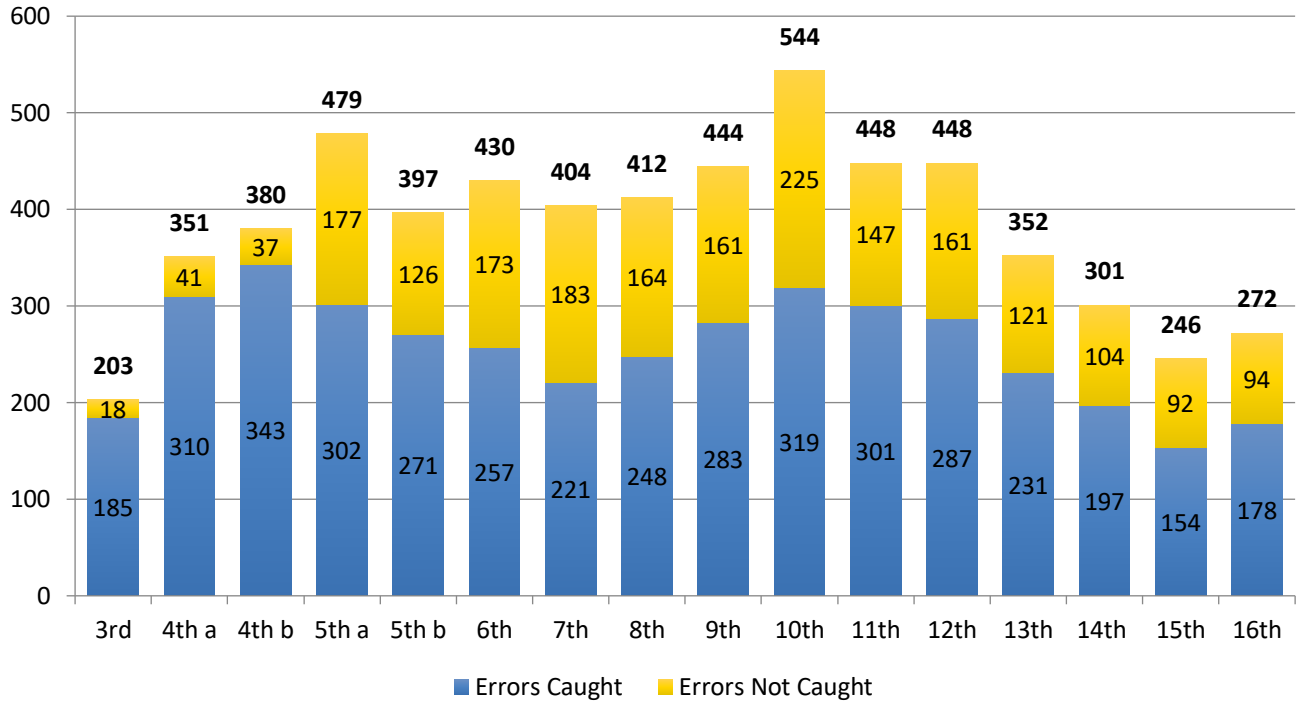
2nd through 16th OLEPS Reporting Periods



In the current reporting period, while OLEPS noted 106 motor vehicle stops with errors, there were 272 errors in those 106 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-Five 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-Six, 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 reporting period but increased in the current reporting period. In the current reporting period, State Police noted 178 errors in 59 stops, while OLEPS noted an additional 94 errors in 54 stops.

Figure Twenty-Six: Errors Caught and Errors Not Caught[44]

2nd through 16th OLEPS Reporting Periods



[44] Trooper-caught errors are included in the category of "Errors Caught." In the current reporting period, OLEPS noted four stops with six trooper-caught errors that State Police did not review. These six errors are included in the 178 errors caught in Figure Twenty-Six.

As noted above, State Police only reviewed 25.93% of stops with an error not caught. Figure Twenty-Seven identifies the 272 errors as caught, not caught, or non-reviewed by State Police. As shown, the majority of the errors are caught, 178 (65.44%). Of the 94 errors identified in Figure Twenty-Six as not caught, 25 (26.60%) errors occurred in a stop with State Police review. The majority of the not-caught errors from Figure Twenty-Six, 69 (73.40%), 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.

Figure Twenty-Seven: Errors Caught, Not Caught, and Non-Reviewed

2nd through 16th OLEPS Reporting Periods

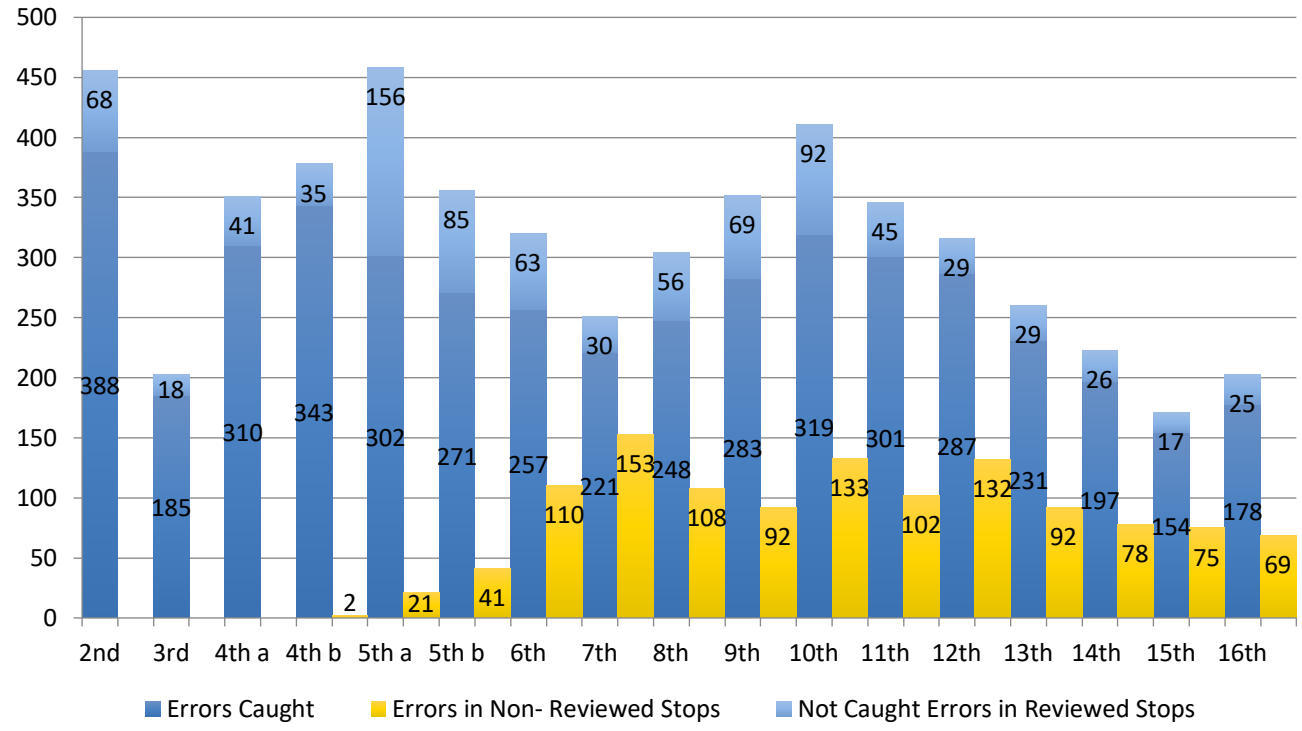
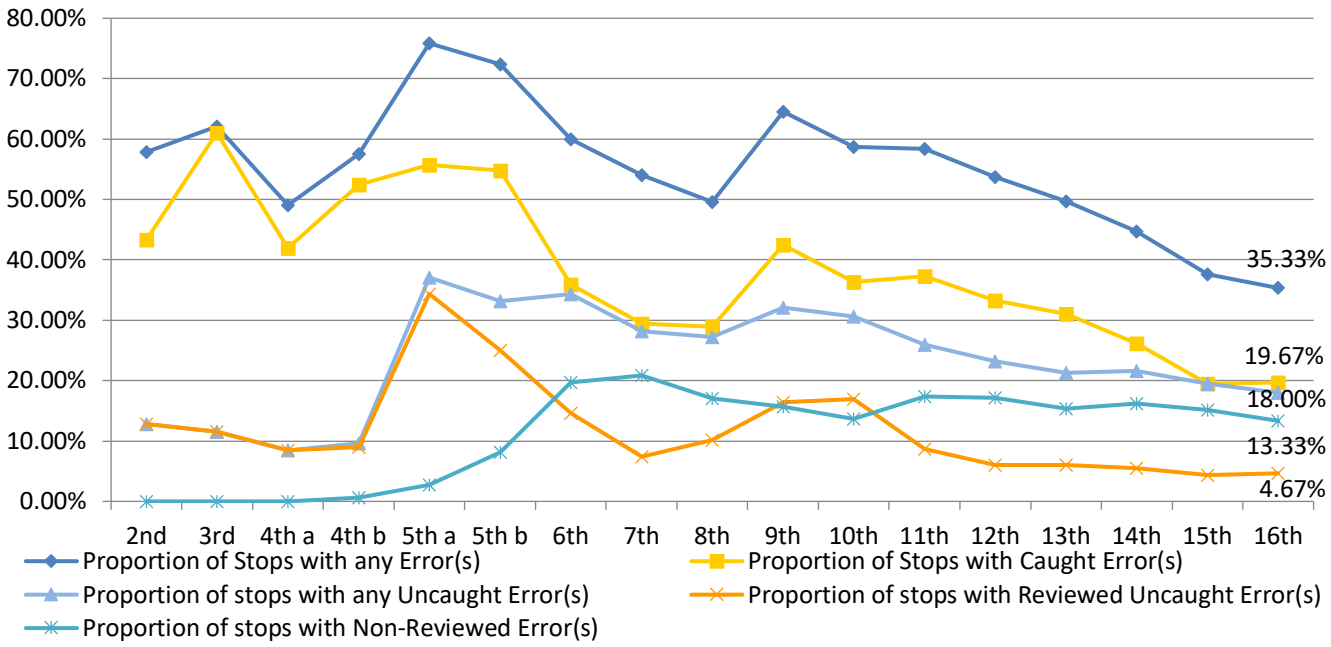


Figure Twenty-Eight depicts the proportion of stops with any error, any error(s) caught, any error(s) not caught, and any error in a non-reviewed stop from the second through current reporting periods. As shown, the largest proportion was for stops with any error for all reporting periods.[45] Approximately 35% of all stops OLEPS selected for review contained at least one error (caught or uncaught). This proportion was smaller than the 38% noted in the previous reporting period and less than the average proportion (57%) noted between the second and fifteenth periods. Approximately 20% of all stops contained an error caught in the current reporting period. This proportion was nearly identical to the proportion noted in the previous reporting period, and continued the trend of smaller proportions noted in recent reporting periods. The proportion of stops with any uncaught error(s) was 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, 18%, was smaller than that noted in the previous period and the proportion of stops with caught errors in the current period. The proportion of stops with non-reviewed errors was smaller in the current reporting period (approximately 13% in the current reporting period and 15% in the previous reporting period). The proportion of stops reviewed with uncaught errors was highly similar (approximately 4% in the previous and 5% in the current reporting period).

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

2nd to 16th OLEPS Reporting Periods



[45] 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 proportion of stops with any error(s).

Types of Errors

The errors noted during a motor vehicle stop may stem from a possible violation of an individual's rights or violations of State Police policy. 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

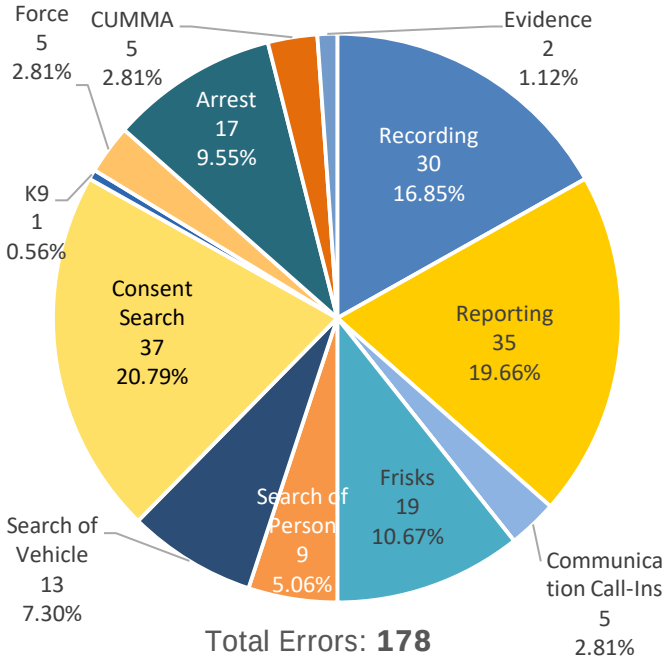
Errors made pertaining to the determination of whether a motorist is a medical marijuana patient prior to arrest or other law enforcement actions when the odor of marijuana is detected.

Evidence seized errors

Errors made during a seizure of evidence.

Figure Twenty-Nine: Type of Errors Caught

16th OLEPS Reporting Period

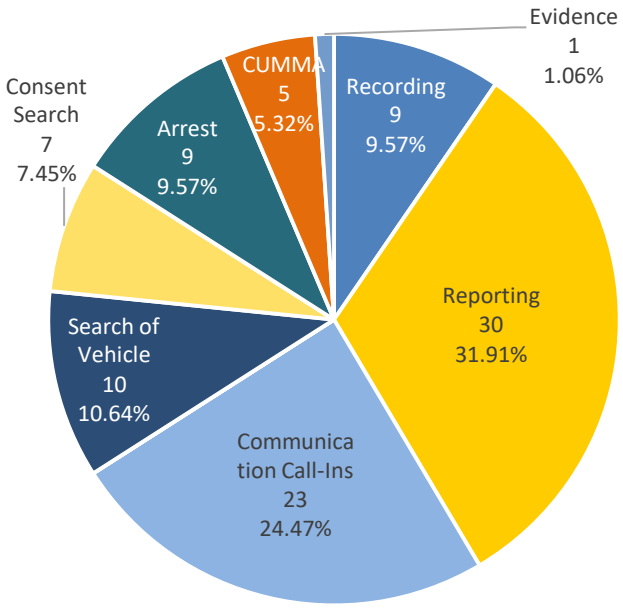


The most frequent errors State Police caught for this reporting period were errors related to recording, reporting, and consent to search requests. State Police supervisory review noted 30 errors pertaining to recording, 35 errors pertaining to reporting, and 37 errors pertaining to consent to search requests.[46] In total, these three categories of errors accounted for over half, 57%, of all errors caught. In the current period, the proportion of errors caught pertaining to recording decreased from 19.48% to 16.85%, and the proportion of errors caught pertaining to reporting decreased from 25.97% to 19.66%. The proportion of errors caught pertaining to consent to search requests remained nearly the same (20.13% in the previous and 20.79% in the current), while the proportion of errors caught pertaining to arrests increased from 5.19% in the previous period to 9.55% in the current period. The proportion of errors caught pertaining to uses of force[47] decreased from 8.44% in the previous period to 2.81% in the current period, and this proportion pertaining to communication call-ins decreased from 9.09% in the previous period to 2.81% in the current period. During this same time, the proportion of errors caught pertaining to frisks increased from 1.95% to 10.67%, and the proportion of errors caught pertaining to vehicle searches increased from 5.84% in the previous period to 7.30% in the current period. While there were no search of person errors noted in the previous reporting period, this proportion accounted for 5.06% of all errors caught in the current period. 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.

[46] As noted on page 76, this category of error covers all aspects of consent requests, from meeting the legal standard to documentation of the request and search in reports and recordings.

[47] As noted on page 76, this category of error covers all aspects of the use of force, from appropriateness to documentation of the force in reports.

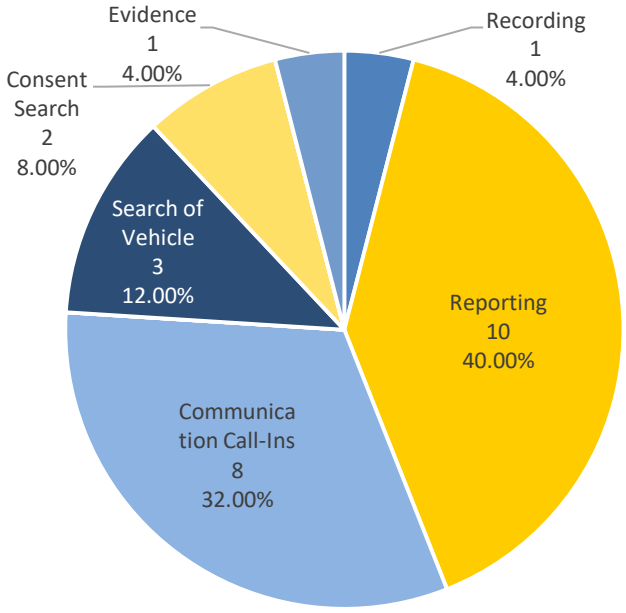
Figure Thirty: Type of Total Errors Not Caught
16th OLEPS Reporting Period



Total Errors: **94**

Among errors not caught, reporting errors were the most frequent type, making up 31.91% of all errors not caught in the current reporting period. Communication call-in and vehicle search errors were the second and third most frequent type of error not caught, 24.47% and 10.64%, respectively. The proportion of errors not caught pertaining to recording decreased from 42.39% to 9.57%, while the proportion of errors not caught pertaining to reporting increased from 26.09% to 31.91%. The proportion of errors not caught pertaining to communication call-ins also increased, from 15.22% in the previous reporting period to 24.47% in the current reporting period. These proportions also increased errors not caught pertaining to vehicle searches (from 6.52% in the previous period to 10.64% in the current period), consent searches (from 3.26% to 7.45%), arrests (from 3.26% to 9.57%), and CUMMA (from 2.17% to 5.32%). There were no errors pertaining to evidence seizures not caught in the previous reporting period, but this proportion was small in the current, 1.06%. Unlike the previous reporting period, there were no errors not caught for frisks.

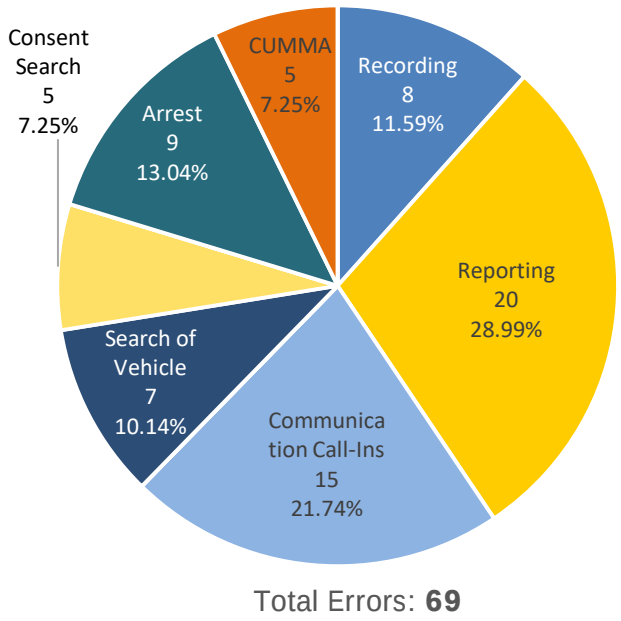
Figure Thirty-One: Type of Not Caught Errors in State Police Reviewed Stops
16th OLEPS Reporting Period



Total Errors: **25**

As noted throughout this performance standard, during this reporting period, OLEPS examined a large number of stops without a State Police supervisory review (61.33%). Of the 94 not caught errors, there were 25 errors not caught in the stops State Police reviewed. The majority of these errors pertained to reporting (40.00%), communication call-ins (32.00%), and vehicle searches (12.00%). The proportion of uncaught errors in reviewed stops increased for reporting (from 35.29% to 40.00%), communication call-ins (from 17.65% to 32.00%), and vehicle searches (from 11.76% to 12.00%). Conversely, the proportion of uncaught errors in reviewed stops decreased for consent searches (from 17.65% to 8.00%) and recording (from 5.88% to 4.00%). Unlike the previous reporting period, there were no uncaught errors in reviewed stops pertaining to arrests and frisks. However, there was one uncaught error pertaining to evidence seizure (4.00%).

Figure Thirty-Two: Type of Non-Reviewed Errors
16th OLEPS Reporting Period



Sixty-nine of the 94 errors not caught occurred in stops State Police did not review. The majority of these errors, 50.72%, pertained to reporting and communication call-ins. Non-reviewed errors pertaining to arrests (13.04%), recording (11.59%), and vehicle searches (10.14%) were less frequent. Non-reviewed errors pertaining to consent searches and CUMMA were least frequent (7.25% each).

In this reporting period, reporting and recording errors remained frequent among caught and not caught errors. Following Witt, as expected, 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-Eight), because State Police are still required to review all stops with an RAS consent request. In the current period, State Police caught 37 consent to search errors and failed to catch two consent to search errors in stops State Police reviewed. In the current period, the volume of errors pertaining to arrests and vehicle searches was larger, especially among errors 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 or frisks), resulting in higher volumes of those errors. The larger volume of errors pertaining to arrests is likely related to sample selection in the current period (i.e., arrests without formal charges filed). This highlights the importance of context when examining patterns in State Police errors. Policy, procedural, and sampling changes can affect the patterns of errors noted.

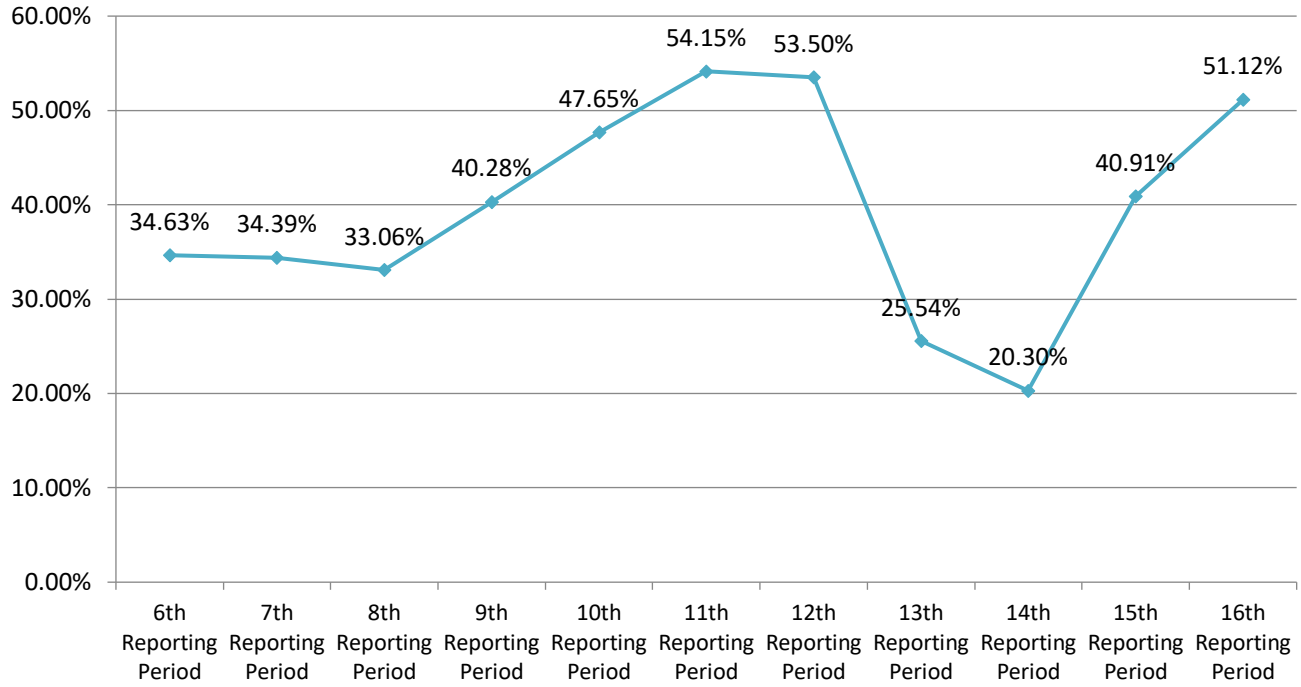
As noted in previous reporting periods, State Police modified its review schedule in 2012. OLEPS' approval of a revised review schedule, which allowed State Police to review a smaller number of stops, was contingent upon continued detail in these reviews. OLEPS noted State Police's improvement in errors caught over several reporting periods and commends State Police for this improvement. However, though the stops State Police reviewed had a small number of uncaught errors, OLEPS noted the same types of errors in stops State Police did not review. Given this, OLEPS turned its examination to State Police's use of interventions.

Interventions

Interventions are a tool intended to improve a trooper's performance.[48] 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 conduct. 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.[49] An intervention allows the trooper and future supervisors to review the supervisor's feedback. Without an intervention, a trooper may not be made aware of their deficiency. Likewise, 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-Three: Proportion of Errors Caught with Interventions Issued

16th 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-Three depicts the

[48] OLEPS notes State Police's position that State Police policy does not require an interventions for all performance deficiencies or errors. Rather, State Police interprets the policy as giving the reviewer discretion to implement an intervention for only certain performance deficiencies or errors. In the absence of a clear definition of which types, categories, or seriousness of errors should require an intervention, OLEPS recommends that all errors result in an intervention. OLEPS does not count the lack of an intervention as an error. Rather, the lack of an intervention merely indicates a lack of an official record of any feedback given to the trooper for a performance deficiency.

[49] OLEPS does not categorize all complications that arise during a motor vehicle stop as "errors." For example, given that a trooper has no control over recording equipment malfunctions (e.g., instances where the audio or video are garbled or fully of static), OLEPS does not categorize video malfunctions as errors.

trend of the proportion of errors caught that resulted in an intervention. As shown, the proportion of interventions issued in each reporting period increased steadily until the 11th reporting period, but decreased considerably in the 13th reporting period. After a historic low in the 14th reporting period, the proportion of interventions issued increased in the previous and current reporting periods. State Police supervisors caught 178 errors, and they issued an intervention for 51.12% of errors, issuing only 91 interventions. This proportion was slightly less than the high volumes noted in the 11th and 12th reporting periods.

Table Thirty-Five depicts the number and proportion of stops with interventions by category of error. All caught errors pertaining to evidence seizures resulted in an intervention, and 80% of caught CUMMA errors resulted in an intervention. Caught errors pertaining to search of persons resulted in an intervention in 66.67% of instances. The greatest volume of interventions pertained to consent requests, 24 interventions for 37 caught errors, (64.86% of instances). Caught errors pertaining to reporting resulted in interventions in 62.86% of instances. All remaining categories of errors caught resulted in an intervention less than 60% of the time.

Table Thirty-Five: Proportion and Type of Caught Errors Resulting in an Intervention

16th OLEPS Reporting Period

	Number of Interventions	Number of Errors Caught	% of Errors Caught
Recording	6	30	20.00%
Reporting	22	35	62.86%
Communication Call-Ins	2	5	40.00%
Vehicle Exits	0	0	-
Frisks	10	19	52.63%
Search of Person	6	9	66.67%
Search of Vehicle	7	13	53.85%
Consent Requests	24	37	64.86%
Canine Deployment	0	1	0.00%
Use of Force	1	5	20.00%
Arrest	7	17	41.18%
CUMMA	4	5	80.00%
Evidence	2	2	100.00%
Total	**91**	**178**	**51.12%**

The proportion of interventions issued in the current period was an increase from the previous reporting period (40.91%). The total number of errors caught in the current reporting period, 178, was 24 errors greater than the 154 caught in the previous reporting period, and the number of interventions in the current reporting period, 91, was 28 greater than the 63 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 and can 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 or, in the alternative, to commend the trooper's conduct. In the current reporting period, OLEPS reviewed a number of stops that did not receive a State Police supervisory review. As such, the overall number of errors OLEPS caught and State Police did not 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 reporting and communication call-in errors.

OLEPS reviews indicated that 12.07% of stops State Police reviewed contained errors not noted in reviews, an increase from 10.48% in the previous reporting period. Approximately 22% 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 its use of interventions. After a substantial decrease in the volume of interventions in the 13th and 14th reporting periods, OLEPS noted increases in the previous and current periods. In the current reporting period, 51.12% of errors resulted in an intervention, a 10 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 recognize and modify future behavior.

Performance Standard 10: Supervisory Referral to OPS

Standards

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

This standard is assessed through OLEPS' review of stops.

Assessment

During the current reporting period, OLEPS did not refer any incidents to OPS for review. OLEPS did not note any OPS referrals from State Police supervisory review.

Performance Standard 11: Supervisory Presence in the Field

Standard

This standard remains unchanged from the Consent Decree:

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

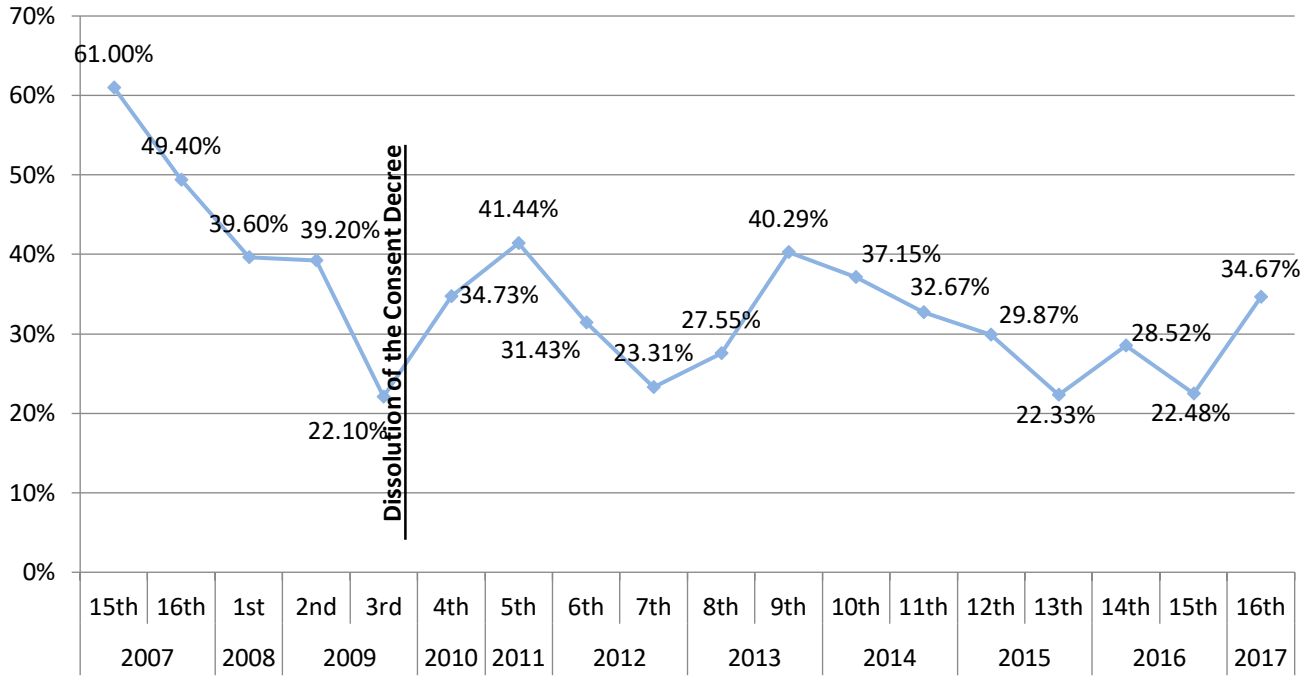
In light of motor vehicle stop review requirements that take up much of a supervisor's available road time, there is no set numeric requirement of supervisory presence. Recommended, however, is that State Police should, at minimum, maintain, but ideally improve, its rate of supervisory presence in the field.

Assessment

For several reporting periods, OLEPS has noted a trend of low supervisory presence in the field. Figure Thirty-Four presents this trend. In the current reporting period, supervisors were present in 104 stops, or 34.67% of all stops. OLEPS verified supervisory presence in 44 stops by video and in 60 stops through stop reports. In the previous reporting period, a supervisor was present in 22.48% 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, peaking in the fifth and ninth periods, but remaining below 38% since. The sample selection parameters in the current period, critical stops and a selection of stops with arrests without formal charges filed, may have an impact on supervisory presence rates.

Figure Thirty-FOur: Trend of Supervisory Field Presence

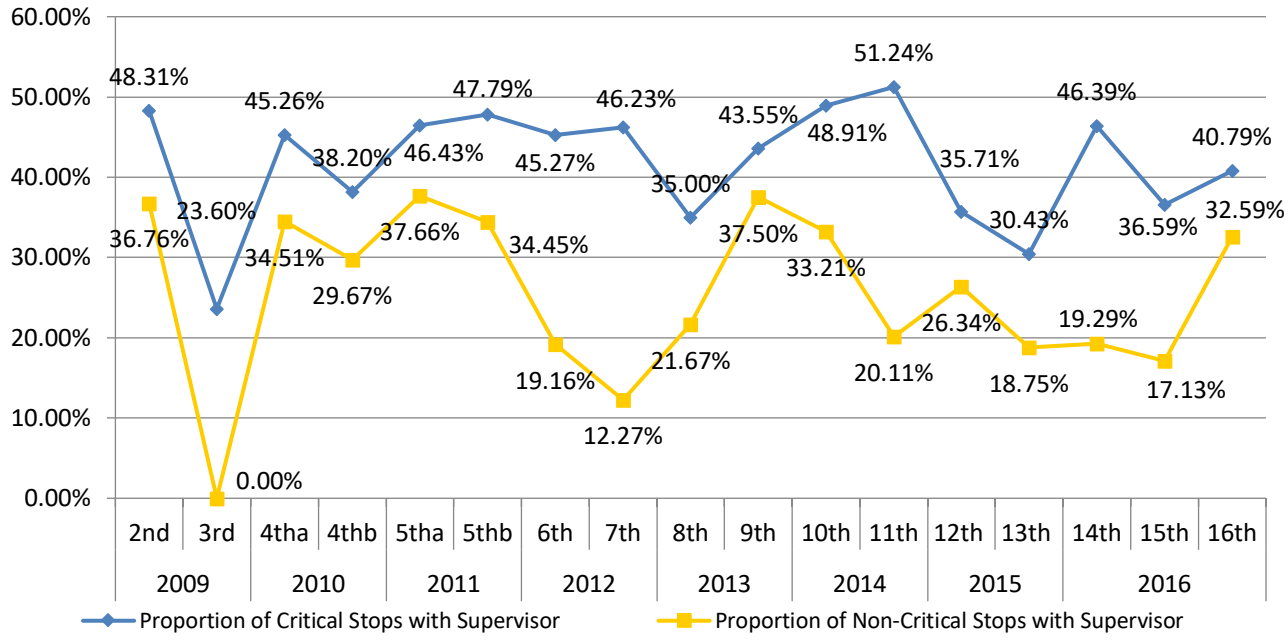
16th Reporting Period



OLEPS examines supervisory presences in all stops, stops with critical activities, and stops in its secondary sample (i.e., non-critical stops). 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 between the number of errors caught in stops with a supervisor present (M=0.76, s=2.01) and those without a supervisor present (M=0.51, s=1.46), $t(298)=-1.257$, $p=0.210$ $\alpha=.05$. There was not a significant difference between the number of errors not caught in stops with supervisory presence (M=0.20, s=0.76) and those without supervisory presence (M=0.37, s=0.87), $t(237.17)=1.763$, $p=0.079$. However, these results ($p<.10$) indicate that this difference approaches statistical significance. Further, analysis did not result in a significant difference in the total number of errors made between stops with (M=0.96, s=2.07) and without (M=0.88, s=1.67) supervisory presence, $t(298)=-0.381$, $p=0.704$ $\alpha=.05$. 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. However, the relationship between supervisory presence and the volume of errors not caught approached statistical significance.

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

16th OLEPS 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-Five depicts supervisory presence in critical stops compared to non-critical stops. In the current reporting period, supervisors were present in 16 stops (42.11%) with RAS consent requests, four stops (50.00%) with critical canine deployments, and 17 stops (41.46%) with uses of force. Compared to the previous reporting period, the number of critical stops with a supervisor present increased from 30 stops (36.59%) in the previous reporting period to 31 stops (40.79%) in the current reporting period, a four-percentage point increase. The number of non-critical stops with a supervisor present increased from 37 stops (17.13%) in the previous reporting period to 73 stops (32.59%) in the current reporting period, a 16-percentage point increase. Thus, although supervisory presence increased in critical and non-critical stops, it increased to a greater extent in OLEPS' secondary, non-critical

sample. As indicated previously, these non-critical stops involved arrests which may have impacted the number of stops with supervisory presence.

As depicted in Figure Thirty-Five, the proportion of non-critical stops with supervisory presence fluctuated across reporting periods. This is likely 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 and six which were non-critical stops. 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.

Summary of Standard 11

State Police policies and procedures require supervisory presence on the road because 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 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 reduced the volume of required supervisory reviews–OLEPS expected an increase in supervisory presence in the field. After a decrease in the previous reporting period, there was an increase in supervisory presence in the current reporting period. OLEPS noted this increase for all stops, but especially non-critical stops.

Office of Professional Standards & Investigations

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

During this reporting period, OLEPS monitored the activities of OPS in two ways. First, OLEPS conducted a legal review of substantiated disciplinary investigations.[50] 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 to ensure 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.

[50] 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

Standards

OPS is required to attempt to complete misconduct investigations within 120 working days. In instances where an investigator believes the case will extend beyond 120 working days, 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

In the current reporting period, OLEPS performed an audit of investigations OPS conducted from January 1, 2017 to June 30, 2017.

This audit consisted of a review of 120 closed cases alleging misconduct. Of this total, 103 consisted of complaints involving racial profiling, disparate treatment, excessive force, illegal or improper searches, and domestic violence. OLEPS selected an additional 17 cases for review from all other misconduct, performance, and administrative investigations. OLEPS conducted reviews of the written files for all 120 closed cases and an additional review of audio and video evidence for three cases.

Investigation Length

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 52.43% (54 of the 103 cases submitted for a misconduct investigation) took State Police longer than 120 working days to complete. During this audit, OLEPS noted that 47 of these cases included an appropriate request for extension while seven cases did not. OLEPS also noted 85 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 26 cases.

Appropriate Interventions

In addition to evaluating the investigation length of all misconduct cases, OLEPS 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 first half of 2017, OLEPS performed approximately 59 legal sufficiency and penalty reviews.

Performance Standard 13: Internal Audits of Citizen Complaint Processes

Standards

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

- All calls must be recorded
- All complaints 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

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 January 1, 2017 to June 30, 2017. State Police received 87 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

The Training Bureau was not reviewed in this report but will appear in OLEPS' 17th Oversight Report, which covers the Academy Performance Standards for the entire 2017 calendar year. Accordingly, Performance Standards 14 through 22 do not appear in this report.

MAPPS

Multiple units in 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 State Police. 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 State Police Academy's database known as the Academy Computerized Training System (ACTS).

MAPPS data are the responsibility of multiple State Police 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 must be entered in 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.[51] 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

This reporting period, OLEPS assessed MAPPS to ensure State Police used the system according to its 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[52] 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.

[51] Risk Analysis Core Croup (RACG) meetings are quarterly meetings of upper level command staff to review State Police data.

[52] State Police conducts meaningful reviews on troopers who receive three misconduct allegations within two years, also known as 3-in-2 Reviews.

Performance Standard 23: Maintenance of MAPPS

Standards

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

For the MAPPS audit, OLEPS audited all 212 troopers who conducted the 300 motor vehicle stops OLEPS selected for this reporting period. These 212 troopers represent about 8.5% of the roughly 2,500 troopers in State Police and represent all troops in the Division.

Motor Vehicle Stop Data

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 212 troopers OLEPS selected for the current reporting period.

Performance Data

Trooper Reviews

For this reporting period, OLEPS accessed the MAPPS Performance Module for evidence of quarterly evaluations. Quarterly evaluations are conducted four times a year. The quarters consist of 90 day periods, where the 1st Quarter is January 1st to March 31st, the 2nd Quarter is April 1st to June 30th, the 3rd Quarter is July 1st to September 30th, and the 4th Quarter is October 1st to December 31st.[53]

Of the troopers sampled, 207 received at least one type of evaluation. As of May 2018, five troopers had not received any evaluation in the first half of 2017. Of these five troopers, one was on an administrative absence at some point during the reporting period. The remaining four troopers were assigned to the same stations and remained active during the six-month reporting period.

[53] State Police updated the policy governing this process in April 2017.

In the current reporting period, State Police modified the policy on evaluations, creating quarterly performance evaluations. Probationary troopers will also receive evaluations in 90-day increments labeled as First Probationary, Second Probationary, and Third Probationary evaluations. There were 410 completed evaluations of the 207 troopers from the current sample. Some troopers may receive more than one evaluation per quarter. Of the 207 sampled troopers with evaluations, 172 received a first quarter evaluation, 183 received at least one 2nd quarter evaluation, and one received a 3rd quarter evaluation. For troopers on probation, one received a 2nd probationary evaluation, and 26 received a 3rd probationary evaluation. Additionally, one trooper received a four-year re-enlistment evaluation, 21 troopers received an evaluation indicating that they had not been under that supervisor's command for the duration of the 2nd quarter.

Assignments

MAPPS provides information on trooper assignments, containing both current and historical assignments for each trooper. In the current reporting period, MAPPS listed current and past assignments for all 212 troopers.

Training

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

Of the 212 troopers reviewed in this reporting period, 210 troopers completed at least one off duty *or* one on duty Spring 2017 firearms training. Of these 210 troopers, 153 troopers completed both on duty and off duty firearms training for Spring 2017. There were 57 troopers who completed only on duty Spring 2017 firearms training. The two troopers who did not complete any firearms training in Spring 2017 were both on administrative absence at some point during the current reporting period.

As noted in previous reporting periods, NJ Learn and NJ.gov training do not appear in MAPPS as required.[54]

Compliments

The compliments module in MAPPS contains records of all compliments received by troopers for service performed. This module lists general information pertaining to each compliment. OLEPS found that 59 of the troopers sampled received at least one compliment in the current reporting period.

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 207 of the sampled troopers had reviews of motor vehicle stops on record for the current reporting period. Of the five troopers without stop reviews, one was serving as a supervisor who conducted motor vehicle stop reviews for his/her respective station and three were assigned to stations that do

[54] While NJ Learn and NJ.gov training do not appear in MAPPS to date, the MAPPS Unit has made multiple attempts to remedy this issue. However, the IT issues stem from two different source systems and are not yet synced to date.

not routinely conduct motor vehicle stops. The remaining trooper was assigned to a regular road station for the duration of the reporting period.

Journals

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

There were four journal entries in the current reporting period for four of the sampled troopers. All four pertained to meaningful reviews. As noted in previous reports, OLEPS recommends 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.

Interventions

Interventions

MAPPS contains an Interventions module wherein members may issue an intervention or task another member with administering an intervention directed toward improving a member's performance. OLEPS found that interventions were recorded for 160 of the 212 sampled troopers. These interventions resulted from a number of actions and behaviors, not necessarily from a motor vehicle stop. As noted in Performance Standard 9, interventions stemming from motor vehicle stops were noted in 51.12% of errors caught by State Police.

Commendation Performance Notices (PNs)

Commendation PNs are stored within the Intervention module and are used by supervisors to commend a trooper for a job well done. OLEPS found that 179 troopers had at least one commendation performance notice in the current period.

Counseling Performance Notices (PNs)

Counseling PNs are stored within the Intervention module and are used by supervisors to counsel a trooper. OLEPS found that four troopers had at least one counseling performance notice in the first half of 2017.

Misconduct

OLEPS checked to ensure that all cases listed in IAPro (the database that houses misconduct information) were also in MAPPS for the selected troopers. Of the 212 troopers, OLEPS found 74 troopers with misconduct cases in IAPro, but only 73 in MAPPS. In total, there were 98 misconduct cases listed for the 74 troopers in IAPro compared to the 93 misconduct cases among 73 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 are

followed correctly.[55] Notably, there were fewer errors in the current reporting period compared to the previous. (See Fifteenth Oversight).

Use of Force Supervisory Reviews

State Police has set a threshold of two uses of force per trooper within a one-year period before an alert is triggered that begins a supervisory review process. In the current reporting period, 18 of the 212 troopers had documented use of force supervisory reviews in MAPPS, less than the number noted in the previous reporting period. As noted previously, the volume of stops with a use of force remains much larger than that noted historically. Further, a use of force supervisory review is completed after the second use of force in a one-year period has occurred. Thus, the completion of these reviews is delayed and may more appropriately reflect use of force activity in the previous reporting period than in the current reporting period.

Meaningful Reviews/ 3 in 2 Reviews

The procedure for evaluating meaningful reviews[56] differs slightly from the overall MAPPS review. Instead of utilizing a sample of all troopers involved in stops, a list of all troopers receiving a meaningful review in the first half of 2017 was obtained from IAPro. In total, there were 22 meaningful reviews conducted during this period.

Fifteen of the troopers triggered for meaningful reviews contained a journal entry in MAPPS documenting the trigger. Thus, there were seven meaningful reviews triggered in IAPro without documentation in MAPPS. Two of these troopers have separated from service and we cannot access their MAPPS records to verify a journal entry. For two other troopers, MAPPS contains a journal entry regarding a meaningful review, but lacks sufficient detail to determine whether it applies to the meaningful review in question. The remaining meaningful reviews had no documentation in MAPPS, however, IAPro lists them as complete.

Summary of Standard 23

OLEPS' audit of MAPPS indicated that MAPPS contains the requisite information and data, with the exception of misconduct and 3 in 2 reviews data. As noted in Performance Standard 9, OLEPS recommends 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 an official policy on meaningful reviews be adopted, especially in relation to the cataloging of such reviews. Additionally, meaningful reviews are not routinely conducted if a trooper is on leave when the alert is triggered. A formal policy that details the instructions for these reviews is needed. In this reporting period, OLEPS noted several misconduct cases that were not entered into a trooper's record in MAPPS, a violation of State Police policies and procedures. Without appearing in MAPPS, future supervisors may be unaware of the trooper's history and cannot make completely

[55] Since February 2017, the MAPPS Unit audits misconduct data appearing in MAPPS to ensure all data in IAPro appear, as required. However, delays in publishing data from IAPro to MAPPS remains, as an individual user must publish the data to MAPPS. Nonetheless, the MAPPS Unit audits the data to ensure that data are published as required.

[56] If a trooper has three misconduct cases opened against them in a two-year period, the trooper undergoes a supervisory review known as a meaningful review or a 3 in 2 review.

informed recommendations regarding assignments, promotions, future misconduct cases, or other issues regarding the trooper's performance.

Performance Standard 24: MAPPS Reports

Standards

This standard was Task 50 in previous reports and remains unchanged. The data held within MAPPS is used in the creation of reports that assist 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

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

For several reporting periods, State Police presented detailed documentation regarding benchmarking and trend analysis. State Police formed specific units and working groups 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 stop reasons and enforcement actions. The analysis specifically focuses on both PC and RAS consent searches and the find rates for these searches. Non-consensual searches are also examined. Each report and presentation includes data from the current year and the two previous years. The focus of these reports and presentations changes each quarter. One troop is selected for primary analysis each quarter, but analysis for the entire Division is also presented.

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 utilize a rough internal benchmark (the Division, Troop, and Station 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.

Each RACG report is also presented orally at quarterly RACG meetings. The results of the report are reviewed 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 invited by the Superintendent, typically the command staff for the Troop reviewed. Should a required member be unable to attend the meeting, s/he must send a designated replacement. Table Thirty-Six depicts attendance at these meetings. Members bolded are those designated as panel members by State Police policies and procedures. The director of OLEPS is a non-voting panel member. All other members noted in Table Thirty-Six are those whose attendance is required by Superintendent Memorandum. During the current reporting period, there were two RACG meetings- March 2017 and June 2017.

Table Thirty-Six: RACG Meeting Attendance

16th OLEPS Reporting Period

	March 2017		June 2017	
	Invited	**Attended**	**Invited**	**Attended**
Deputy Superintendent of Administration	*Y*	*Substitute*	*Y*	*N*
Deputy Superintendent of Operations	*Y*	*Substitute*	*Y*	*Substitute*
Deputy Superintendent of Investigations	*Y*	*N*	*Y*	*N*
Commanding Officer, Office of Professional Standards	*Y*	*Y*	*Y*	*Substitute*
Quality Assurance Officer, Office of Quality Assurance	*Y*	*Y*	*Y*	*Y*
OLEPS Director	*Y*	*Y*	*Y*	*Y*
Deputy Superintendent of Homeland Security	Y	Y	Y	N
Chief of Staff	Y	Substitute	Y	Substitute
Troop Commander	1	1	1	1
Deputy Troop Commander(s)	1	1	1	1
Regional Troop Commander (s)	2	2	1	1
Additional Troop Resource (s)	0	0	0	1

In the March meeting, there were four voting panel members and three non-voting panel members required to attend. All panel members (or substitutes) were in attendance. There were four members of Troop command staff invited and all attended.

In the June 2017 meeting, there were four voting panel members invited and three non-voting panel members required to attend. With the exception of the Superintendent of Investigations (a voting panel member), all panel members or substitutes were in attendance. 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.

Oversight & Public Information

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

Standards

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

OLEPS is required to complete the following reports:

- 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

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

- Fifth Public Aggregate Misconduct Report
- Twelfth 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

Standards

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

Assessment

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:

- No revised Operational Instructions
- Four revised Standing Operating Procedures
- Five Lesson Plans

Summary

Overview

The results of OLEPS' analysis of State Police from January 1, 2017 to June 30, 2017 indicates that, overall, State Police follows the guidelines regulating trooper activity. The 300 motor vehicle stops, MAPPS data, and OPS cases reviewed indicate that State Police adheres to its own policies and procedures.

Motor vehicle stops involving uses of force increased from the previous period from 40 stops to 41 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 indicated that there were no statistically significant differences in the racial/ethnic distributions in the number of all stops, those involving canine deployments, uses of force, arrests, or arrest reasons. There was, however, a statistically significant difference 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 consent requests, frisks, vehicle searches, and searches of persons.

- Specifically, there were two stops in which the legal standard of Reasonable Articulable Suspicion (RAS) to request consent to search was not met. State Police caught both of these errors but issued an intervention for only one of these errors.
- Seven frisks of the driver failed to meet the legal standard of RAS. State Police caught all of these errors but issued an intervention for only three of the errors.
- Seven frisks of passenger 1 failed to meet the legal standard of RAS. State Police caught all of these errors, but issued an intervention for only four of these errors.
- Four frisks of passenger 2 failed to meet the appropriate legal standard of RAS. State Police caught all of these errors but issued an intervention for only two errors.
- OLEPS noted one frisk of the driver that extended beyond a pat down. State Police caught this error and issued an intervention for it.
- OLEPS noted vehicle search errors in eight stops in the current reporting period. State Police caught four of these errors and issued an intervention for two errors.
- Five searches of the driver's person were not conducted incident to arrest. State Police caught all of these errors but issued an intervention for only three errors.
- Three searches of passenger 1 were not conducted incident to arrest. While State Police caught all of these errors, they issued an intervention for only two of these errors.
- One search of passenger 2 was not conducted incident to arrest. State Police caught this error and issued an intervention for it.

In most reporting periods, State Police performed the majority of post-stop activities reviewed in accordance with State Police policies, procedures, and legal standards. However, in the current reporting period, OLEPS found that 41% of RAS frisks of the driver, 77% of RAS frisks of passenger 1, and 80% of RAS frisks of passenger 2 did not meet RAS. Though State Police caught all of these errors, the majority did not have an associated intervention. OLEPS recommends continued supervisory vigilance on frisks and improvement in notification of these errors via the intervention module.

Overall, stops reviewed in the current reporting period were, on average, slightly longer in length than those reviewed in the previous reporting period. OLEPS found statistically significant differences between the average length of stops with RAS versus probable cause consent requests and between stops with canine deployments and stops without canine deployments. Stops with an RAS consent to search request were significantly lengthier than stops with a probable cause consent to search request, and stops with canine deployments were significantly lengthier than stops without canine deployments. OLEPS also found a significant difference between the average stop length for White and Black drivers. However, the significance was not large enough to state that the stops of White drivers were significantly lengthier than those of Black drivers. 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.

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, 116 (38.66%), received a State Police review. Among the stops State Police reviewed, supervisors failed to note errors in 12.07% (14 of 116) of stops. Further, 21.74% (40 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.

Related, the use of interventions following an error during a motor vehicle stop increased considerably in the previous reporting period and continued to increase in the current reporting period. In the current reporting period, 51.12% of all errors caught resulted in an intervention. State Police issued interventions most frequently for errors pertaining to evidence seizures, medical marijuana, reporting requirements, searches of a person, and consent requests. OLEPS continues to recommend State Police supervisors use interventions when errors are noted.

OLEPS noted an increase in the proportion of stops with supervisors present at the scene of the stop. Nearly 35% of all stops had a supervisor on scene, an increase from 22.48% 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. Despite recently installed recording equipment, recording errors remain high among errors caught and errors in stops State Police did not review.

Recommendations

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

- Examine potential causes for changes in the volume of certain post-stop activities such as uses of force.
- Conduct detailed and 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.
- Continue improvement on 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, especially frisks.
- 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.
- Continue increasing supervisory presence in the field, especially in light of the review workload that was further reduced following Witt.
- 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 information from 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
Monitors' First Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	October 6, 2000	December 31, 1999-September 15, 2000
Monitors' Second Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 10, 2001	September 30, 1999-December 15, 2000
Monitors' Third Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	April 12, 2001	December 16, 2000-March 15, 2001
Monitors' Fourth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	July 17, 2001	January 1, 2001-March 31, 2001
Monitors' Fifth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 14, 2002	May 30, 2001-December 15, 2001
Monitors' Sixth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	July 19, 2002	December 31, 2001-May 30, 2001
Monitors' Seventh Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 17, 2003	May 1, 2002-October 30, 2002
Monitors' Eighth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	August 21, 2003	October 1, 2002-March 31, 2003
Monitors' Ninth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 23, 2004	April 1, 2002-September 30, 2003
Monitors' Tenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	July 16, 2004	October 1, 2003-March 31, 2004
Monitors' Eleventh Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	December 20, 2004	April 1, 2004-September 30, 2004
Monitors' Twelfth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	July 12, 2005	October 1, 2004-March 31, 2005
Monitors' Thirteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	December 2005	April 1, 2005-September 30, 2005
Monitors' Fourteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	June 2006	October 1, 2005-March 31, 2006
Monitors' Fifteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	January 2007	April 1, 2006-September 30, 2006
Monitors' Sixteenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	August 2007	October 1, 2006-March 31, 2007
Monitors' Seventeenth Report: Long-term Compliance Audit Civil Number 99-5970(MLC)	April 16, 2009	January 1, 2007-December 31, 2007
First Monitoring Report Prepared by Office of Law Enforcement Professional Standards	April 29, 2010	January 1, 2008-December 31, 2008
Second Monitoring Report Prepared by Office of Law Enforcement Professional Standards	August 2011	January 1, 2009-June 30, 2009
Third Monitoring Report Prepared by Office of Law Enforcement Professional Standards	July 2012	July 1, 2009-December 31, 2009

Fourth Monitoring Report Prepared by Office of Law Enforcement Professional Standards	October 2012	January 1, 2010-December 31, 2010
Fifth Monitoring Report prepared by Office of Law Enforcement Professional Standards	May 2013	January 1, 2011-December 31, 2011
Sixth Oversight Report prepared by Office of Law Enforcement Professional Standards	July 2013	January 1, 2012-June 30, 2012
Seventh Oversight Report prepared by Office of Law Enforcement Professional Standards	March 2014	July 1, 2012-December 31, 2012
Eighth Oversight Report prepared by Office of Law Enforcement Professional Standards	October 2014	January 1, 2013-June 30, 2013
Ninth Oversight Report prepared by Office of Law Enforcement Professional Standards	July 2015	July 1, 2013-December 31, 2013
Tenth Oversight Report prepared by Office of Law Enforcement Professional Standards	September 2015	January 1, 2014-June 30, 2014
Eleventh Oversight Report prepared by Office of Law Enforcement Professional Standards	October 2016	July 1, 2014-December 31, 2014
Twelfth Oversight Report prepared by Office of Law Enforcement Professional Standards	March 2017	January 1, 2015-June 30, 2015
Thirteenth Oversight Report prepared by Office of Law Enforcement Professional Standards	June 2018	July 1, 2015 – December 31, 2015
Fourteenth Oversight Report prepared by Office of Law Enforcement Professional Standards	February 2019	January 1, 2016 – June 30, 2016
Fifteenth Oversight Report prepared by Office of Law Enforcement Professional Standards	TBD	July 1, 2016 – December 31, 2016

Appendix Two:

Table 2.1: Type of Errors Caught by Station

	Recording	Reporting	Communication	Exits	Frisks	Search of Person	Search of Vehicle	Consent Requests	Canine Deploy.	Use of Force	Arrests	CUMMA	Evidence	Total
Atlantic City	1	1	0	0	0	0	3	0	0	0	0	0	0	5
Bass River	2	0	2	0	0	0	0	0	0	1	0	0	0	5
Bellmawr	2	0	0	0	0	0	0	0	0	1	0	0	0	3
Bloomfield	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bordentown	1	2	0	0	0	0	0	0	0	0	0	0	0	3
Bridgeton	5	2	0	0	0	0	1	1	0	0	0	1	0	10
Buena Vista	1	0	1	0	0	0	0	0	0	0	2	1	0	5
Cranbury	0	2	0	0	0	0	0	0	0	0	0	0	0	2
Hamilton	4	4	2	0	3	2	0	5	0	0	1	1	0	22
Holmdel	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hope	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Kingwood	0	4	0	0	3	0	0	3	0	0	1	0	0	11
Moorestown	0	1	0	0	3	0	1	0	0	0	0	0	0	5
Netcong	3	0	0	0	5	2	1	3	0	0	5	0	0	19
Newark	0	0	0	0	0	0	0	3	0	0	0	0	0	3
Other	3	0	0	0	0	0	0	0	0	1	0	0	0	4
Perryville	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Port Norris	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Red Lion	2	4	0	0	2	1	4	7	0	0	1	0	0	21
Somerville	0	5	0	0	1	0	1	4	0	0	2	1	0	14
Sussex	0	2	0	0	1	1	0	1	0	0	2	0	1	8
Totowa	2	1	0	0	0	1	0	0	1	0	1	0	0	6
Tuckerton	4	5	0	0	1	2	2	6	0	0	2	1	0	23
Washington	0	1	0	0	0	0	0	4	0	0	0	0	1	6
Woodbine	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Woodstown	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	**30**	**35**	**5**	**0**	**19**	**9**	**13**	**37**	**1**	**5**	**17**	**5**	**2**	**178**

Table 2.2: Type of Errors Not Caught by Station

	Recording	Reporting	Communication	Exits	Frisks	Search of Person	Search of Vehicle	Consent Requests	Canine Deploy.	Use of Force	Arrests	CUMMA	Evidence	Total
Atlantic City	1	2	0	0	0	0	0	0	0	0	0	0	0	3
Bass River	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Bellmawr	0	5	0	0	0	0	0	0	0	0	0	0	0	5
Bloomfield	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bordentown	1	0	0	0	0	0	1	0	0	0	1	0	0	3
Bridgeton	3	1	10	0	0	0	5	0	0	0	2	2	0	23
Buena Vista	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cranbury	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hamilton	1	6	0	0	0	0	0	0	0	0	0	0	0	7
Holmdel	0	1	0	0	0	0	0	0	0	0	2	0	0	3
Hope	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Kingwood	0	0	0	0	0	0	0	1	0	0	3	0	0	4
Moorestown	0	2	0	0	0	0	0	0	0	0	1	0	0	3
Netcong	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Newark	0	0	0	0	0	0	0	0	0	0	0	1	0	1
Other	0	2	10	0	0	0	0	0	0	0	0	1	0	13
Perryville	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Port Norris	0	1	0	0	0	0	0	2	0	0	0	0	0	3
Red Lion	0	0	0	0	0	0	2	0	0	0	0	0	1	3
Somerville	0	4	3	0	0	0	1	1	0	0	0	0	0	9
Sussex	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totowa	0	1	0	0	0	0	1	0	0	0	0	1	0	3
Tuckerton	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Washington	0	2	0	0	0	0	0	0	0	0	0	0	0	2
Woodbine	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Woodstown	1	2	0	0	0	0	0	3	0	0	0	0	0	6
Total	**9**	**30**	**23**	**0**	**0**	**0**	**10**	**7**	**0**	**0**	**9**	**5**	**1**	**94**

Table 2.3: Type of Errors Non-Reviewed by Station

	Recording	Reporting	Communication	Exits	Frisks	Search of Person	Search of Vehicle	Consent Requests	Canine Deploy.	Use of Force	Arrests	CUMMA	Evidence	Total
Atlantic City	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Bass River	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Bellmawr	0	3	0	0	0	0	0	0	0	0	0	0	0	3
Bloomfield	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bordentown	1	0	0	0	0	0	1	0	0	0	1	0	0	3
Bridgeton	3	1	5	0	0	0	2	0	0	0	2	2	0	15
Buena Vista	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cranbury	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hamilton	1	6	0	0	0	0	0	0	0	0	0	0	0	7
Holmdel	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hope	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Kingwood	0	0	0	0	0	0	0	0	0	0	3	0	0	3
Moorestown	0	2	0	0	0	0	0	0	0	0	1	0	0	3
Netcong	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Newark	0	0	0	0	0	0	0	0	0	0	0	1	0	1
Other	0	2	10	0	0	0	0	0	0	0	0	1	0	13
Perryville	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Port Norris	0	1	0	0	0	0	0	2	0	0	0	0	0	3
Red Lion	0	0	0	0	0	0	2	0	0	0	0	0	0	2
Somerville	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Sussex	0	1	0	0	0	0	1	0	0	0	0	1	0	3
Totowa	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tuckerton	0	0	0	0	0	0	0	0	0	0	3	0	0	3
Washington	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Woodbine	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Woodstown	1	2	0	0	0	0	0	3	0	0	0	0	0	6
Total	**8**	**20**	**15**	**0**	**0**	**0**	**7**	**5**	**0**	**0**	**9**	**5**	**0**	**69**

Table 2.4: Type of Interventions Issued by Station

	Recording	Reporting	Communication	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
Bass River	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Bellmawr	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bloomfield	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bordentown	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bridgeton	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Buena Vista	0	0	0	0	0	0	0	0	0	0	1	1	0	2
Cranbury	0	2	0	0	0	0	0	0	0	0	0	0	0	2
Hamilton	4	4	2	0	3	2	0	5	0	0	1	1	0	22
Holmdel	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hope	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Kingwood	0	4	0	0	0	0	0	3	0	0	1	0	0	8
Moorestown	0	1	0	0	3	0	0	0	0	0	0	0	0	4
Netcong	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Newark	0	0	0	0	0	0	0	3	0	0	0	0	0	3
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Perryville	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Port Norris	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Red Lion	0	4	0	0	2	1	3	6	0	0	1	0	1	18
Somerville	0	0	0	0	0	0	0	0	0	0	0	1	0	1
Sussex	0	2	0	0	1	1	0	1	0	0	1	0	1	7
Totowa	2	0	0	0	0	0	0	0	0	0	0	0	0	2
Tuckerton	0	5	0	0	1	2	2	6	0	0	2	1	0	19
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	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	**6**	**22**	**2**	**0**	**10**	**6**	**7**	**24**	**0**	**1**	**7**	**4**	**2**	**91**

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 hypothsis. 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:

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

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

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

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

After calculating the chi-square statistic, the degrees of freedom, and establishing the significance level, you must consult a chi-square distribution table to determine whether the chi-square statistic allows you to reject

your null hypothesis or fail to reject it. If your chi-square value is less than the value under your level of significance, you cannot reject your null hypothesis that the likelihood of each enforcement activity is the same. If your value is more than the value reported on the Distribution table, you can reject the null hypothesis and conclude that the likelihood of enforcement is not the same for all racial/ethnic groups.

Example

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

Table one presents the observed frequencies for whether a consent request was made of 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

16th OLEPS Reporting Period

	No Consent Request	**Consent Request**	**Total**
White	88	29	**117**
Black	114	8	**122**
Hispanic	45	6	**51**
Total	**247**	**43**	**290**

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 117 and the column total is 247. The total n for the table is 290.

$$\frac{117*247}{290} = 99.65$$

Thus, the expected value of White drivers without a consent request is 99.65. 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

16th OLEPS Reporting Period

	No Consent Request	Consent Request	Total
White	88 *(99.65)*	29 *(17.35)*	**117**
Black	114 *(103.91)*	8 *(18.09)*	**122**
Hispanic	45 *(43.44)*	6 *(7.56)*	**51**
Total	**247**	**43**	**290**

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

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

$$X^2 = \frac{(88-99.65)^2}{99.65} + \frac{(29-17.35)^2}{17.35} + \frac{(114-103.91)^2}{103.91} + \frac{(8-18.09)^2}{18.09} + \frac{(45-43.44)^2}{43.44} + \frac{(6-7.56)^2}{7.56}$$

X^2=16.17

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

Next, calculate the degrees of freedom.

df= (# of columns-1) * (# 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 16.17, 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.

Chi-Square Tables

Table Three: Canine Deployments by Race/Ethnicity of Driver

16th OLEPS Reporting Period

	No Canine Deployment	Canine Deployment	Total
White	111	6	117
Non-White	181	2	183
Total	292	8	300

X^2=4.478, df=1

p=0.034

Two cells have expected counts less than 5.

Table Four: Uses of Force by Race/Ethnicity of Driver

16th OLEPS Reporting Period

	No Force	Use of Force	Total
White	104	13	117
Black	104	18	122
Hispanic	44	7	51
Total	252	38	290

X^2=0.717, df=2

p=0.699

Table Five: Arrest Data by Race/Ethnicity of Driver

16th OLEPS Reporting Period

	Arrest	No Arrest	Total
White	113	4	117
Non-White	180	3	183
Total	293	7	300

X^2=.992, df=1

p=0.319

Two cells have expected counts less than 5.

Table Six: Sampled Vehicle Stop Rates by Reason for Stop

16th OLEPS Reporting Period

	White	Non-White	Total
FTML	28	42	70
Rate of Speed	19	38	57
Safety Violation	24	24	48
Equipment Violation	15	34	49
Seat Belt Violation	10	12	22
Total	96	150	246

X^2=5.073, df=4

p=0.28

Table Seven: Consent Request Stop Rates by Reason for Consent

16th OLEPS Reporting Period

	Reasonable Articulable Suspicion	Probable Cause	Total
White	25	4	29
Non-White	13	1	14
Total	38	5	43

X^2=0.406, df=1

p=0.524

Two cells have an expected count of less than five.

Table Eight: Canine Deployment Rates by Reason for Deployment

16th OLEPS Reporting Period

	Reasonable Articulable Suspicion	Probable Cause	Total
White	6	0	6
Non-White	0	0	0
Total	**2**	**0**	2

No statistics are computed because the reason for the canine deployment is a constant (RAS only).

Table Nine: Arrest Reasons by Race/Ethnicity of Driver

16th OLEPS Reporting Period

	Warrant	Probable Cause	Warrant and Probable Cause	Total
White	8	92	13	113
Non-White	8	152	20	180
Total	16	244	33	293

X^2=.969, df=2

p=0.616

Table Ten: Stops by Time of Day

16th OLEPS Reporting Period

	Day	Night	Total
White	68	49	117
Black	66	56	122
Hispanic	25	26	51
Total	159	131	290

X^2=1.233, df=2

p=0.54

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:

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

X_1= mean of group 1

X_2= mean of group 2

μ_1= population 1

μ_2=population 2

S= estimated standard error

Example

Do White and Hispanic drivers differ in the length of their motor vehicle stops? The mean stop length for White drivers is 44.79, the standard deviation is 30.019, and n=117. The mean stop length for Hispanic drivers is 42.43, the standard deviation is 36.45, and n=51.

Hypothesis

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

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

Set criteria:

Significance level (α)= .05

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

$df = n_1 + n_2 - 2$

n_1=the number of observations in sample 1

n_2= the number of observations in sample 2

df= 117+51-2

df=166

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 44.79, the standard deviation is 30.019, and n=117. The mean stop length for Hispanic drivers is 42.43, the standard deviation is 36.45, and n=51.

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

$$t = \frac{(44.79-42.43) - (\mu_1 - \mu_2)}{S_{x1-x2}}$$

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

$$t = \frac{(44.79-42.43)}{S_{x1-x2}}$$

To calculate S, use this equation:

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

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

$$s^2_{pooled} = \frac{(df_1)s^2{}_1 + (df_2)s^2{}_2}{df_1 + df_2}$$

$df_1=n_1-1$ $df_1=117-1$ $df_1=116$

$df_2=n_2-1$ $df_2=51-1$ $df_2=50$

$$S^2_{pooled} = \frac{(116)30.019^2 + (50)36.45^2}{116+50}$$

$$S^2_{pooled} = \frac{(116)901.140361 + (50)1328.6025}{166}$$

$$S^2_{pooled} = \frac{104532.28188 + 66430.125}{166}$$

$$S^2_{pooled} = 1029.8940173$$

Second, plug this value back into S^2_{pooled} in the equation below:

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

$$S_{x1-x2} = \sqrt{\frac{1029.8940173}{116} + \frac{1029.8940173}{50}}$$

$$S_{x1-x2} = \sqrt{8.878397 + 20.597880}$$

$$S_{x1-x2} = \sqrt{29.476277}$$

$$S_{x1-x2} = 5.4292059$$

Third, plug this value back into the equation for *t*:

$$t = \frac{(44.79-42.43)}{5.4292059}$$

$$t = \frac{2.36}{5.4292059}$$

$$t = 0.43$$

Compare the *t* value calculated, 0.43, 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 Hispanic 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 Articulable 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