

OLEPS

OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS

Second Public Aggregate Misconduct Report *April 2014*



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Introduction

Pursuant to the Law Enforcement Professional Standards Act of 2009 (N.J.S.A. 52:17B-222, et. seq.) (the Act), the Office of Law Enforcement Professional Standards (OLEPS) is required to publish semi-annual reports on the New Jersey State Police's (State Police) misconduct investigations. These reports are required to include the number of external, internal, and total complaints received and the disposition of these complaints. Previously, this information was published as Exhibit H in OLEPS Aggregate Reports of Traffic Enforcement Activities. In order to allow for more discussion of trends in misconduct investigations, OLEPS chose to publish this information separately.

This Aggregate Misconduct Report discusses aggregate trends in misconduct investigations for January 1 to December 31, 2012. Because this is the second reporting period for which data were collected, there will be discussion of trends in misconducts from 2011 to 2012.

This report will provide an overview of the misconduct process as conducted by the State Police and details aggregated misconduct data for the reporting period. This presentation will include the total number of cases opened within a given time period, the total number of misconduct cases closed within a given time period, the disposition for each closed case, and several other measures designed to more fully illustrate the volume of the misconduct process.

The information presented in this report is meant to provide an overview of misconduct cases in the State Police. This report does not provide specifics on any particular misconduct investigation or case. The aim is a general education rather than a detailed summary. For this reason, this report will not discuss by name any trooper involved, the length of the cases, or any details that would be determined privileged by the State Police.

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

Misconduct Process

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

Figure One outlines the process for complaints received by OPS, detailing the process from receipt of complaint to final outcomes of cases.

Figure One: Workflow of the Office of Professional Standards

How are complaints received?

- Complaints or allegations of misconduct are received in a number of ways: a call may come in on the NJSP complaint line, a citizen may contact OPS or OLEPS to file a complaint, or another trooper may file a complaint/misconduct allegation against another trooper.

What happens to complaints?

- Regardless of the method received, all complaints are reviewed by OPS intake staff and assessed. The intake office reviews the complaint and can then make several determinations: to administratively close the misconduct case, label it as a criminal incident, a performance issue, or a misconduct. A case is administratively closed when it is determined that there is no indication a trooper violated criminal laws, NJSP rules and regulations, or written orders. Administratively closed cases do not proceed any further. Performance issues are determined to be issues of job performance, best addressed by a trooper's supervisor within the chain of command. Criminal incidents are handled by the Division of Criminal Justice or local prosecutors' offices prior to OPS taking action on them. Misconduct cases are investigated internally by OPS.

Brief overview of investigation process

- The investigation process is an attempt to determine whether the allegations of misconduct are in fact true. These cases typically involve multiple allegations and may involve one or more troopers. Because allegations can be very specific (i.e., disparate treatment v. racial profiling), the allegations are classified according to a classification system outlined in Appendix One.
- The investigation process may involve speaking with the individual who filed the complaint or any witnesses to the event that led to the complaint. Investigations may also require reviews of reports and documentation of the incident (i.e., motor vehicle stop reports, investigation reports, arrest reports, DIVRs etc.). Once an investigation is deemed complete, the investigator will apply one of the following dispositions based on a preponderance of evidence: substantiated¹, unfounded², exonerated³, or insufficient evidence⁴. Substantiated cases are passed to the adjudication office within OPS to determine appropriate consequences of the misconduct.

Brief overview of adjudication process

- After a disposition has been assigned to a case following an investigation, the adjudication process begins. For a given case, a trooper may receive disciplinary or non-disciplinary interventions. These interventions are reviewed for legal sufficiency⁵ and must be based on the facts and circumstances of the case and the trooper's past.

Data

For this second report, OLEPS requested data on all misconduct cases received from January 1, 2012 to December 31, 2012. The requested information included the dates the cases occurred, were received, were opened, investigations were completed, and were closed. Also included in this data request was information about the allegations, allegation outcomes, classifications, and the number of troopers involved. For 2012, OPS received 266 misconduct cases. In addition, OLEPS was able to obtain information on cases that were closed in 2012, but not necessarily opened in 2012.

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

² Unfounded - a preponderance of the evidence shows that the alleged misconduct did not occur.

³ Exonerated - where a preponderance of the evidence shows that the alleged conduct did occur, but did not violate state police rules, regulations, operating procedures, directives, or training.

⁴ Insufficient evidence (formerly unsubstantiated) - where there is insufficient evidence to decide whether the alleged misconduct occurred.

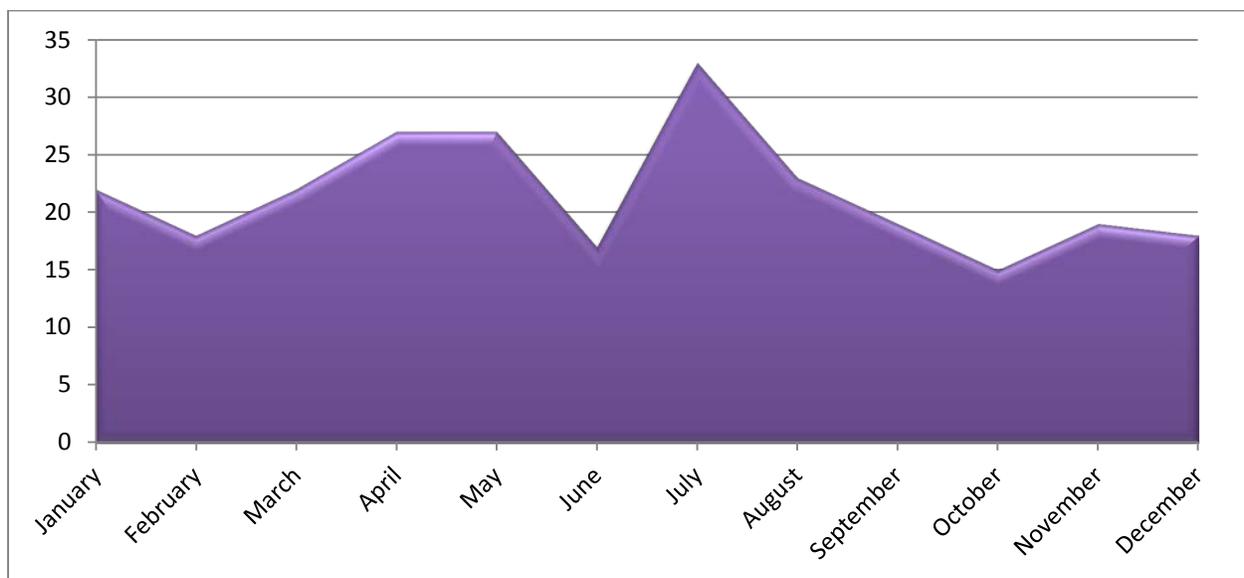
⁵ During this review, OLEPS has full access to the involved trooper's disciplinary history. This is evaluated in conjunction with the evidence developed by the investigation before disciplinary charges are filed and a penalty recommended.

Analysis

Cases Received in 2012

In 2012, there were a total of 266 misconduct cases received by OPS, which is a slight increase from 238 misconduct cases in 2011. Figure Two depicts the number of cases OPS received by month, in 2012. The number of cases fluctuates each month with no discernable pattern. For example, OPS received 33 cases in July 2012 while only receiving 15 cases in October 2012. While OPS received a total of 266 cases in 2012, the office also handled any outstanding cases which may have been opened in a previous year, which will be discussed later in this report.

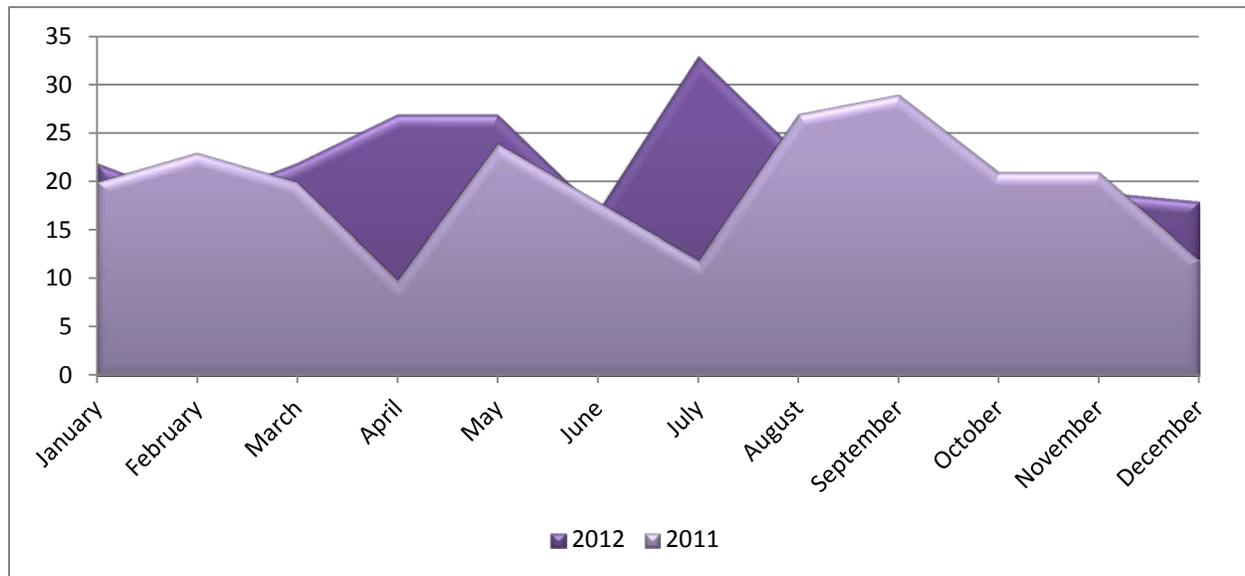
Figure Two: OPS Cases Received
2012



Misconduct cases may originate from complaints made external, internal, or anonymous to the State Police. The majority of misconduct cases stem from external complaints, those made by citizens. In 2012, 173 misconduct cases originated in external complaints, while 93 misconduct cases developed from internal complaints.

Figure Three compares the dates of cases received in 2011 to those in 2012. Based on this figure there does not appear to be a pattern of when OPS receives cases. For example, the highest number of cases received in 2011 occurred in September while the highest number of cases received in 2012 occurred in July. In 2012, there were several high-profile news stories about the State Police and alleged misconduct. In April 2012, a story came out about high speed unauthorized escorts on toll roads in New Jersey. The number of misconducts received in April and May were some of the highest numbers in 2012. However, the number dropped in June 2012 and rose again in July 2012, when the troopers were charged. The peak in July may have also been aided by news reports in June 2012 of an alleged unreasonable use of force on a young man with lingering mental issues stemming from an accident. OLEPS cannot definitively conclude that these news stories caused increases in the number of misconduct cases received in 2012, however, the timing of these events and the increases is deserving of continued focus in future reporting periods.

Figure Three: OPS Cases Received
2011- 2012



Case Status

The life of a misconduct case varies from case to case. Investigators assigned to cases must follow leads in the investigation while managing the prioritization of cases. As such, certain misconduct cases may open and close while older misconduct cases remain open. Of the cases opened in 2012 that were not yet adjudicated, 85 had investigations that were completed. This means that a review of the findings and adjudication were the only remaining steps of the investigative process. There were 47 cases opened in 2012 that were under supervisory review in the investigation bureau. Of the cases not forwarded for supervisory review or adjudication, 18 were suspended. Several of these cases were suspended pending a criminal review from the Division of Criminal Justice. Thus, there are only 116 cases opened in 2012 that truly remain active⁶.

Table One: Status of Cases Opened
2012

Status	Number of Cases	Number of Allegations
Active	116	318
Completed	85	195
Suspended	18	89
Investigation Bureau	47	133
Total	266	735

Figure Four depicts the trends in status of cases opened from 2011 to 2012. The number of active cases increased dramatically from 45 in 2011 to 116 in 2012. There was also a slight decrease in the

⁶ All determinations of case status were made in August 2013 when the data were obtained from OPS.

number of suspended cases in 2012. Compared to 2011, the number of cases forwarded and the number completed remain roughly the same. For forwarded cases, the number in 2012 was 47, less than the 67 in 2011 while the completed cases increased slightly from 72 to 85 in 2012.

Figure Four: Trends in Status of Cases Opened⁷
2011-2012

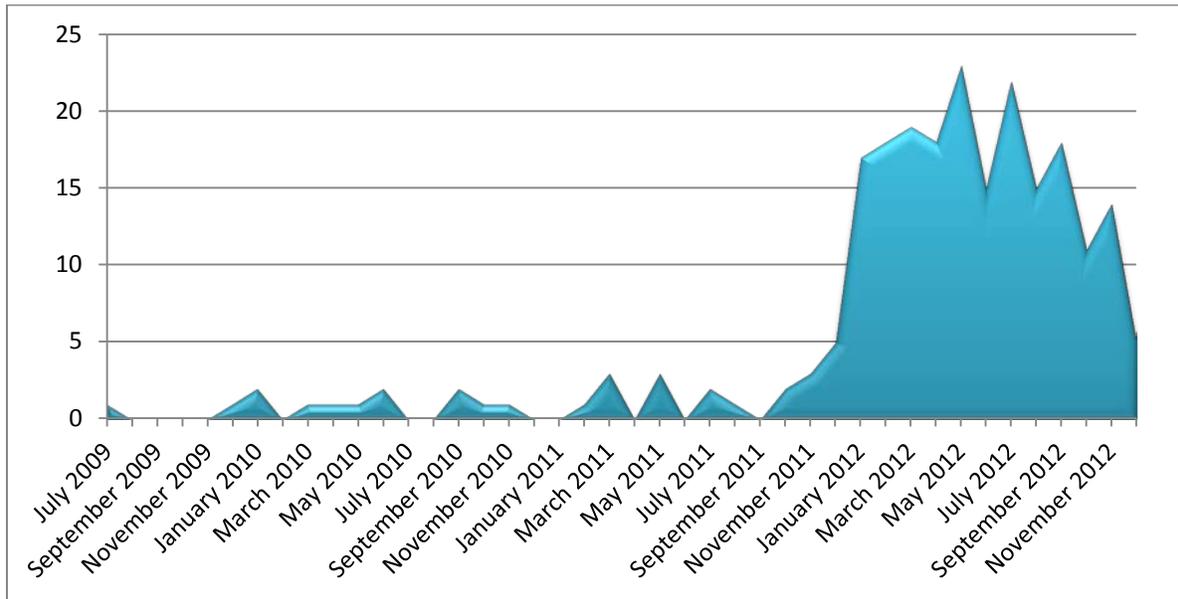
Age of Cases

Allegations of misconduct received by OPS in 2012 can include incidents that occurred prior to 2012. It is possible for a misconduct case to be opened for an incident that occurred on that day or any day prior to the opened date. The majority of the cases opened in 2012 occurred within the same year; 195 misconduct cases opened in 2012 occurred, at some point, in 2012. However, OPS also received several cases for incidents that occurred prior to 2012. Of the 266 cases received by OPS in 2012, 33 occurred prior to January 1, 2012. Of these 33 cases, a little less than half (13) occurred in the second half of 2011. There were two cases received by OPS in 2012 which occurred in 2009. Additionally, there were 38 cases opened in 2012 that did not list a date of incident.⁸

⁷ All determinations of status are made by OPS. Different terms have been used by OPS for 2011 and 2012.

⁸ No incident date may be because it is a complaint about several incidents or possibly about the outcome of a previous investigation. In some cases, the details of the case are kept confidential due to the sensitive nature of those specific incidents.

Figure Five: OPS Incident Dates- Cases Received
2012



Trooper Assignment

A trooper’s assignment can have an impact on the likelihood that misconduct will occur and will be reported. Troopers who have more interaction with citizens have an increased likelihood of a citizen reporting a complaint simply because there are more opportunities for a citizen to interact with a trooper. Stations where there are more motor vehicle stops or where there are a high number of interactions with citizens (*i.e.*, calls for service, investigations) are likely to have more misconducts reported than stations with less interaction.

Troopers are assigned to a variety of stations, units, and administrative positions. Necessarily, the job functions in assignments vary. In some assignments, troopers have more frequent and intimate contact with the public, while other assignments are removed from public contact. Troopers with higher levels of citizen contact may be more likely to receive misconduct complaints than others by virtue of this contact. As such, it is important to examine the number of complaints received for various trooper assignments.

Table Two: Trooper Assignments on Date Complaint Received⁹
2012

	Station	# of Cases	% of Cases	# of Troopers	% of Troopers
Troop A	Atlantic City	8	2.43%	14	3.02%
	Bellmawr	5	1.52%	5	1.08%
	Bridgeton	14	4.26%	24	5.17%
	Buena Vista	4	1.22%	4	0.86%
	Metro South	5	1.52%	9	1.94%
	Port Norris	6	1.82%	6	1.29%
	Woodbine	2	0.61%	3	0.65%
	Woodstown	5	1.52%	7	1.51%
	Troop A Other	9	2.74%	12	2.59%
Troop B	Hope	7	2.13%	11	2.37%
	Metro North	3	0.91%	5	1.08%
	Netcong	14	4.26%	28	6.03%
	Newark Bay Station	3	0.91%	6	1.29%
	Perryville	1	0.30%	1	0.22%
	Somerville	16	4.86%	19	4.09%
	Sussex	13	3.95%	19	4.09%
	Totowa	9	2.74%	13	2.80%
	Washington	2	0.61%	4	0.86%
Troop B Other	9	2.74%	11	2.37%	
Troop C	Bordentown	7	2.13%	10	2.16%
	Hamilton	13	3.95%	27	5.82%
	Kingwood	2	0.61%	4	0.86%
	Red Lion	9	2.74%	13	2.80%
	Tuckerton	4	1.22%	4	0.86%
	Troop C Other	7	2.13%	15	3.23%
Troop D	Bass River	4	1.22%	5	1.08%
	Bloomfield	8	2.43%	8	1.72%
	Cranbury	5	1.52%	5	1.08%
	Holmdel	7	2.13%	11	2.37%
	Moorestown	4	1.22%	4	0.86%
	Newark	7	2.13%	9	1.94%
	Troop D Other	9	2.74%	9	1.94%
	Other	78	23.71%	107	23.06%
	Unknown	30	9.12%	32	6.90%
	Total	329		464	

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

⁹ Assignment on the date a complaint was received was used instead of assignment on date of incident for several reasons. First, for the troopers for whom assignment data was available for both the date of the incident and date of complaint, only 35 had a different assignment on these dates. Thus, for the troopers cited in misconduct cases in 2012, the majority were assigned to the same station on the date the incident occurred and the date the complaint was received. Second, in the misconduct data received, there were a number of cases where the date of the incident or trooper involved was unknown or missing. Thus, for many troopers (80) it was impossible to determine assignment on the date of incident simply because the date of incident or trooper involved was not known. Since each complaint is logged by the State Police, the date of complaint was generally not missing, and so the assignment on date of complaint was more easily discoverable.

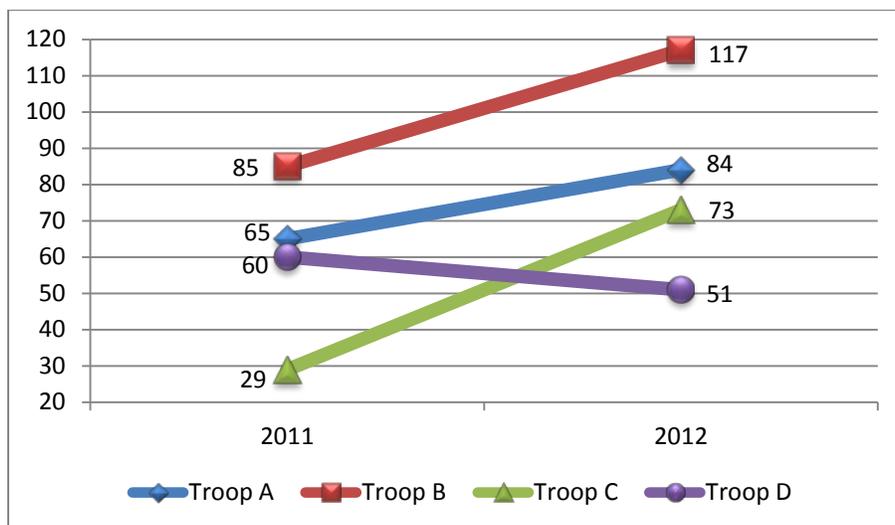
involved in the case. For this same reason, the total number of troopers is also higher than the number of cases.

The complaints are distributed fairly evenly across each Troop and station; no single station accounted for more than 5% of the total number of misconduct cases received in 2012. Somerville station had the highest number of cases involving one of their troopers, with 16 cases or 4.86% of all cases opened. Netcong station had the highest number of individual troopers cited in misconduct cases; 28 troopers were cited in 14 misconduct cases opened in 2012. This is a change from 2011, where both the highest number of cases involving one trooper and highest number of individual troopers cited in misconduct cases all involved Cranbury station.

Additionally in 2012, there were a few stations that had a high number of cases and troopers involved in misconduct cases. Bridgeton had 14 cases with 24 troopers involved. Sussex station was cited in 13 misconduct cases involving 19 troopers. Hamilton station also had 13 misconduct cases, however had 27 troopers involved. Most of these stations had a high ratio of troopers involved to number of cases. This may speak to the policing methods used at these stations. At these stations, troopers may patrol in pairs resulting in multiple troopers being cited.

Figure Six depicts the trends in the number of individual troopers cited in cases for all troops. All troops experienced an increase in troopers except Troop D, which had a decrease of nine troopers involved in misconduct cases. In contrast, Troop C experienced the largest increase, 44 troopers, from 2011 to 2012.

Figure Six: Trends in the Number of Troopers Involved Per Troop
2011-2012



Overall, Troop B continued to have the highest number of troopers involved in misconduct cases in 2012; 117 troopers or 25.6% of all troopers involved in a misconduct case opened in 2012. In contrast, there were only 84 Troop A troopers involved in cases, 51 Troop D troopers, and 73 Troop C troopers. Historically, Troop B makes a high number of motor vehicle stops, while Troop C makes fewer stops. Additionally, Troop B's patrol area encompasses an area with a larger population overall

and population density. Thus, the higher number of troopers involved in misconduct cases may be reflective of both staff and activity levels.

A chi-square test was conducted to determine whether there were significant differences in the number of troopers involved in misconduct cases. Significant differences were found only between Troops A and D, B and D, and C and D. Differences in the volume between these troops then are significant. Troop A had more cases involving multiple troopers compared to Troop D. Troop B also had a great number of cases involving multiple troopers than Troop D. The same is true for Troop C compared to Troop D. This may be due to the fact that Troop D had so few cases involving multiple troopers. All other Troops did not significantly differ from each other in terms of the number of troopers involved in misconduct cases ($p=.01$).

Case Complexity

The age of an investigation, from opening to closing is dependent upon a number of factors (mentioned above as justifications). However, the complexity of a case is the most important and relevant feature of a case that impacts the investigation. The term "case complexity" in this report refers to the number of troopers (principles cited in a case), the number of allegations levied against each principle, and the total number of allegations in a case. Each case may involve any combination of number of troopers and number of allegations. In one case, there may be one allegation against multiple troopers or several allegations against each trooper involved.

Figure Seven: Number of Cases, Troopers, and Allegations
2012

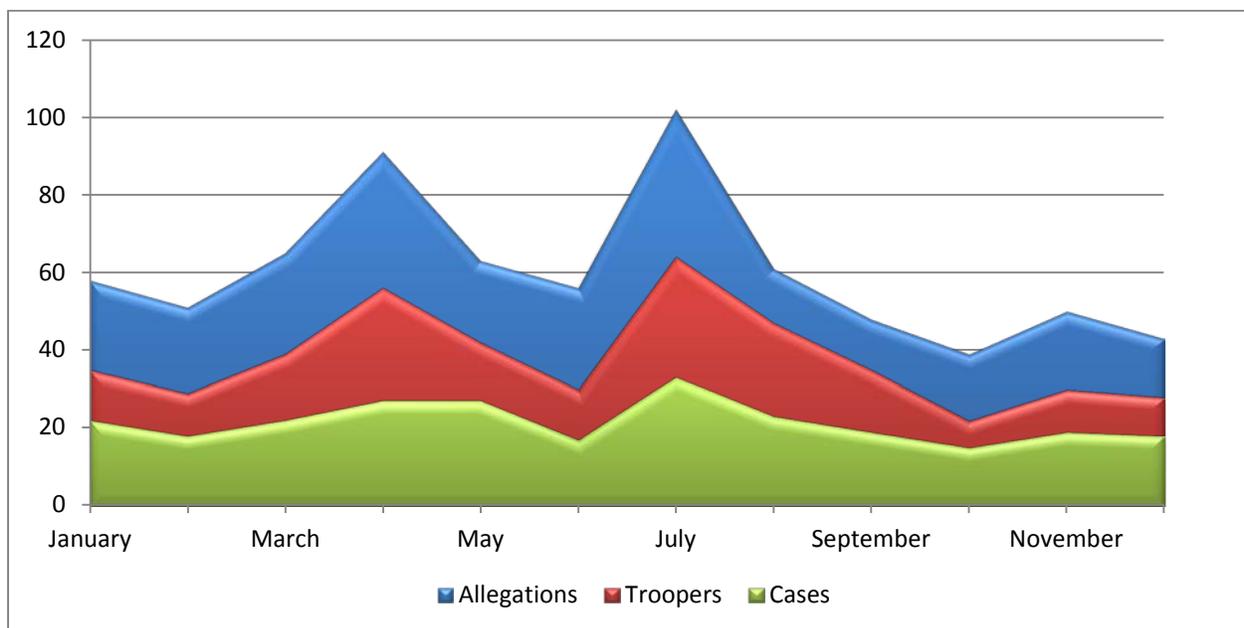


Figure Seven presents the number of cases, troopers involved, and allegations for each month in 2012. Since there can be multiple troopers and/or allegations in a given case, there are fewer cases than there are both troopers and allegations. Each trooper involved in a misconduct case can have

one or more allegations against them. For example in May 2012, OPS handled 27 cases which involved 42 troopers and 63 allegations. Therefore, the complexity of a case is dependent upon the number of troopers and allegations within each case, since each individual trooper and every allegation require an appropriate investigation.

Figure Eight: Trends of Allegations, Troopers, and Cases
2011-2012

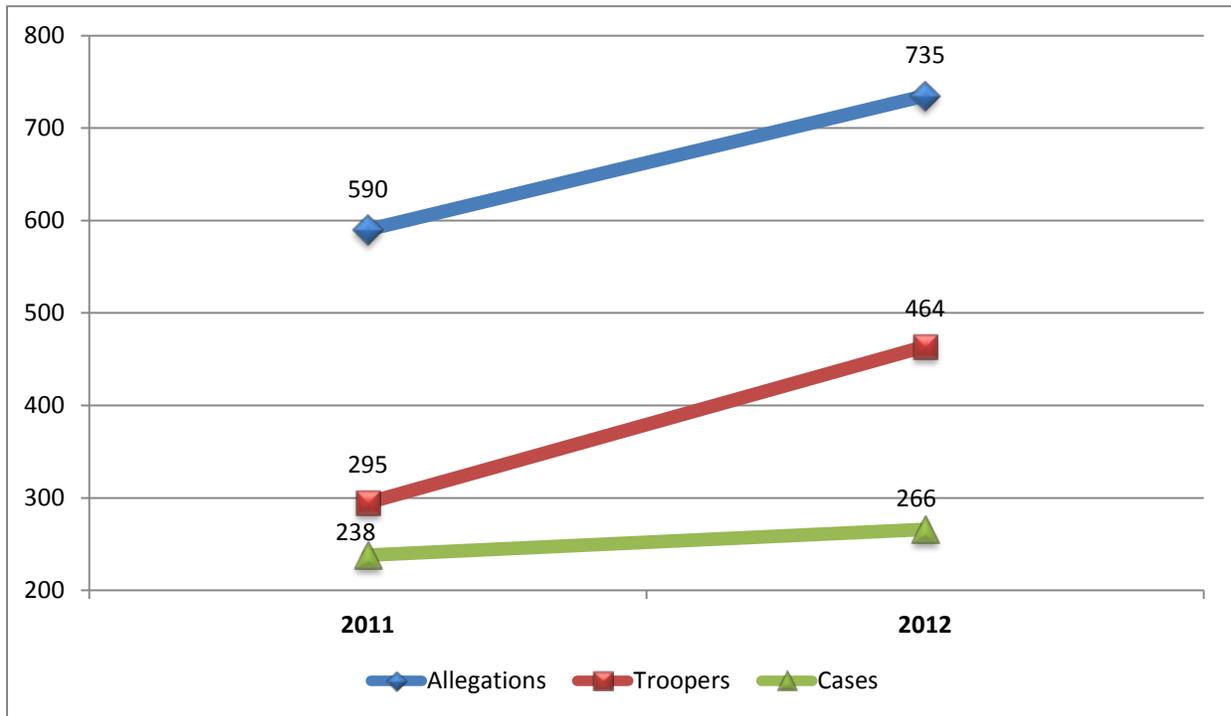


Figure Eight depicts the trends in number of allegations, troopers, and cases from 2011 to 2012. All three variables increased in 2012. The number of cases had the smallest change, increasing only 12%, while the number of troopers had the greatest increase with 57%. The number of allegations had an increase of 25% from 2011 to 2012. Since the number of misconduct cases increased from 2011 to 2012, it is expected that the number of allegations and troopers involved would also increase.

Allegations

In 2012, there were a total of 735 allegations of misconduct made in the 266 misconduct cases received by OPS. In every month of 2012, the number of allegations received always outnumbered the number of cases received and the number of troopers involved in each case. For example, in November 2012, OPS received 19 misconduct cases which involved 30 troopers and had 50 allegations of misconduct. On average, there were 2.8 allegations of misconduct per case in 2012. This is a slight increase from an average of 2.5 misconduct allegations per case in 2011.

Figure Nine: Allegations per Case
2012

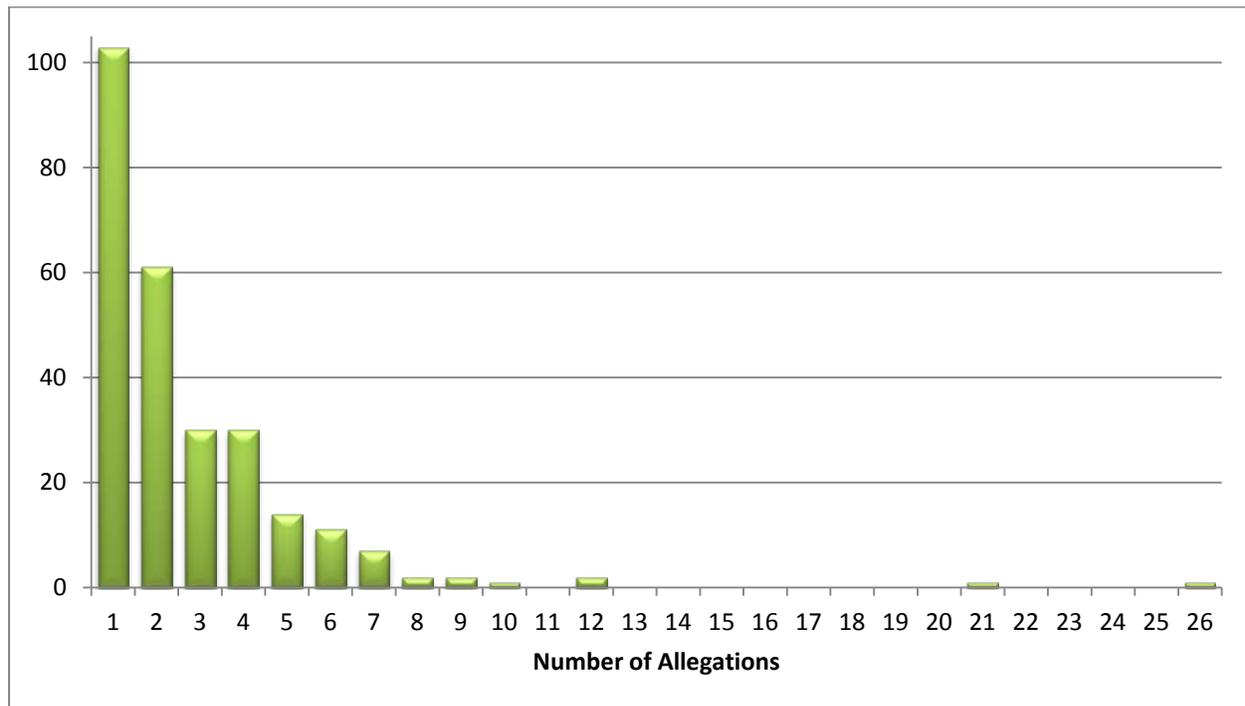


Figure Nine depicts the total number of allegations per case. The majority of cases involve multiple allegations; only 103 cases had one allegation of misconduct. There were 41 cases that involved at least five allegations and five cases that involved ten or more allegations. The greatest number of allegations in a case for 2012 was 26. Each case then is fairly complex, involving multiple allegations that each requires an investigation.

In some instances, the types of allegations levied against troopers in a case are similar. For example, a case may involve three allegations of excessive use of force. In this instance, the investigator reviewing the incident is looking for evidence of one type of misconduct. However, other cases may involve completely unrelated allegations. A different case may involve an attitude and demeanor allegation, a theft allegation, and a racial profiling allegation. In such an instance, there are several different facets of an incident that need to be scrutinized prior to reaching a reasonable conclusion. Additionally, because one of these allegations may be criminal in nature, the case will require, at minimum, a review by the Division of Criminal Justice to determine whether criminal charges should be filed.

Troopers

In 2012, there were a total of 464 troopers involved in the misconduct cases received. Of these troopers, 51 were involved in more than one misconduct case. There were eight troopers that were involved in three misconduct cases in 2012. In 2011, there were fewer troopers (38) involved in multiple misconduct cases. However, in 2011, four cases involved a single trooper while in 2012 only three cases involved a single trooper.

Figure Ten illustrates the trends in misconduct cases involving one trooper or multiple troopers. The number of cases involving one trooper decreased slightly, while the number of cases involving multiple troopers increased from 2011 to 2012.

Figure Ten: Trends in Number of Troopers per Case
2011-2012

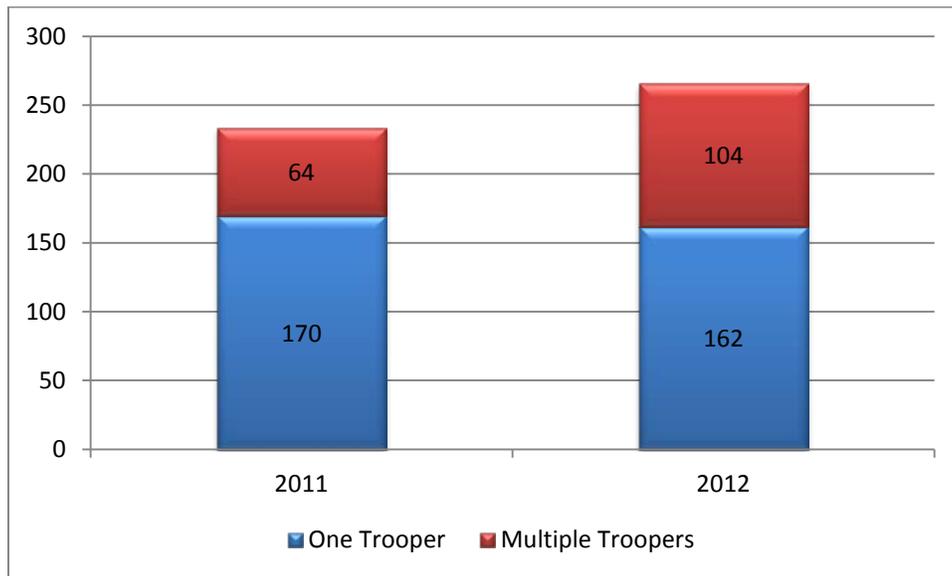
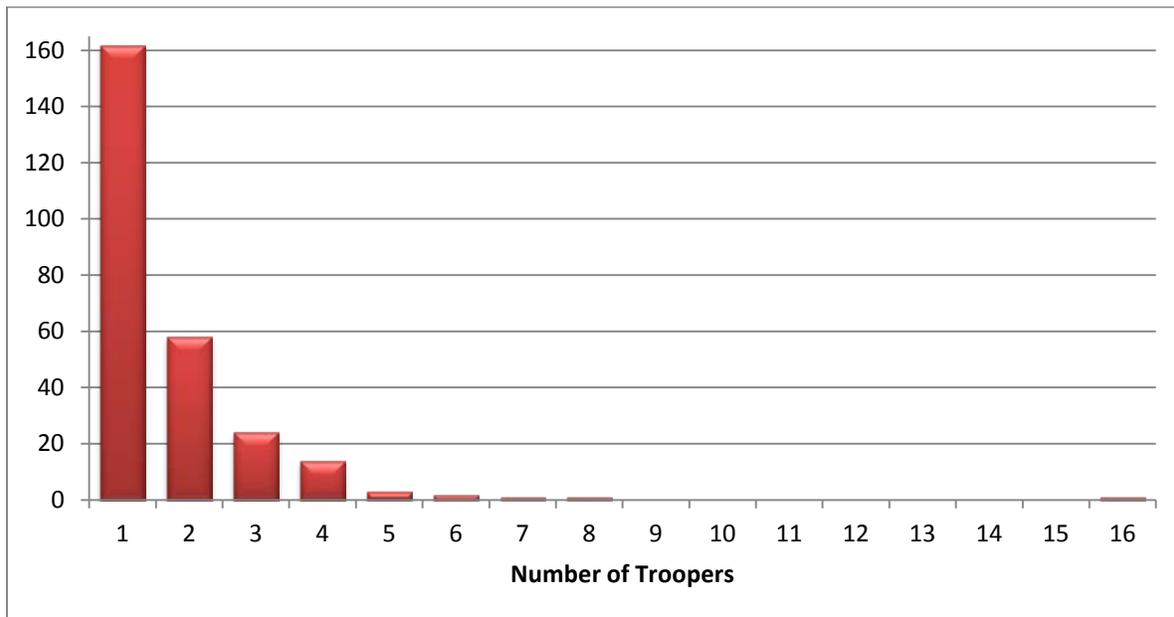


Figure Eleven depicts the number of troopers involved in each misconduct case received in 2012. Despite the decrease in misconduct cases involving one trooper, they still remained the majority of misconduct cases. There were 104 misconduct cases involving more than one trooper. One single case involved 16 troopers in 2012. On average, there were 1.7 troopers involved per misconduct case in 2012. This is a slight increase from an average of 1.5 troopers in 2011.

Figure Eleven: Troopers per Case
2012



In cases with multiple troopers, investigators must review and investigate the allegations against each trooper prior to closing the case. This means that even if an investigator has reached a conclusion on Trooper A in a given case, the case will remain open until a conclusion about Trooper B can be reached. In instances where the troopers implicated were at the same place at the same time during the incident, this may be easier to accomplish. However, a case might involve Trooper A reporting something inaccurately. Then, Trooper B attests later that the information provided was correct despite knowing that it is not. In that case, in order to complete a thorough investigation, the investigator may interview multiple witnesses relating to the different allegations against each trooper. Thus, as the number of troopers increase in a case, the more complex the case becomes.

Types of Allegations

In each misconduct case, the allegation(s) levied against trooper(s) are unique to the circumstances of the incident. While there were over 700 allegations made, there were only 115 unique allegations; each allegation appeared multiple times in the 266 cases. The number of allegations in 2012 is an increase from 2011, where there were a little less than 600 allegations total, 89 of which were unique.

Figure Twelve depicts the trends for some of the most common allegations found in misconduct cases. Most of the misconduct allegations had at least a slight increase from 2011 to 2012. This may be due to the fact that there was an overall increase in the number of misconduct cases received in 2012. However, one noticeable difference is the number of allegations involving racial profiling. This was the only allegation that decreased from 2011 to 2012, decreasing from 59 to 36 allegations.

Figure Twelve: Trends in Types of Allegations
2011-2012

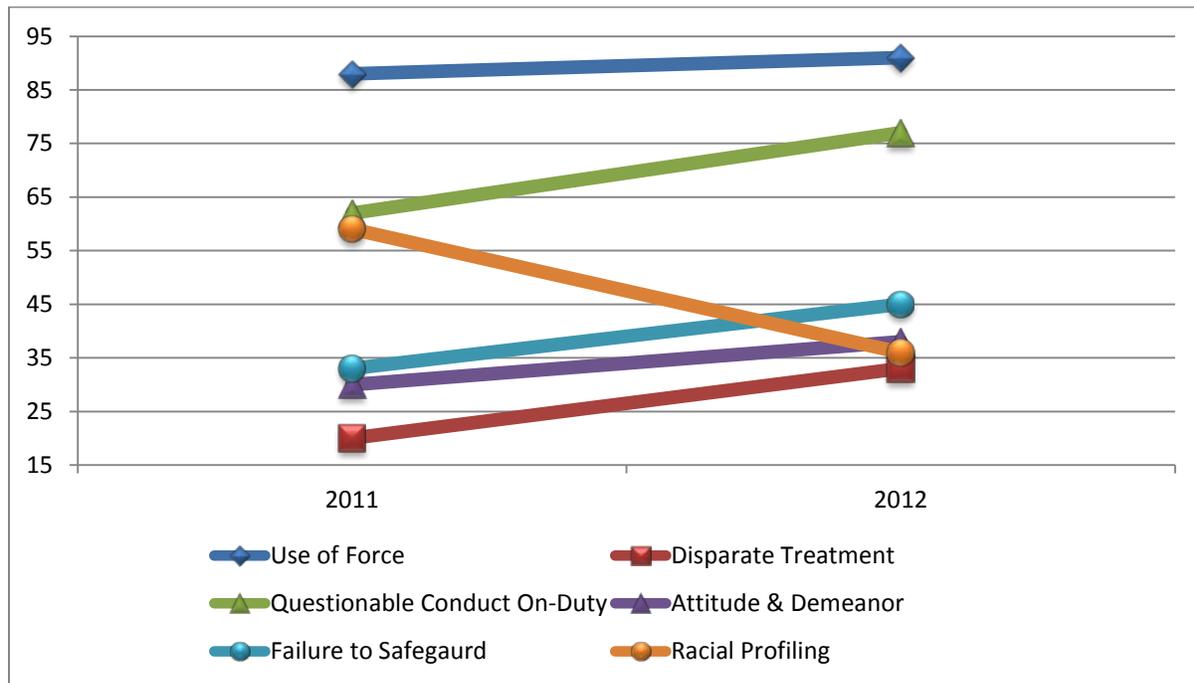
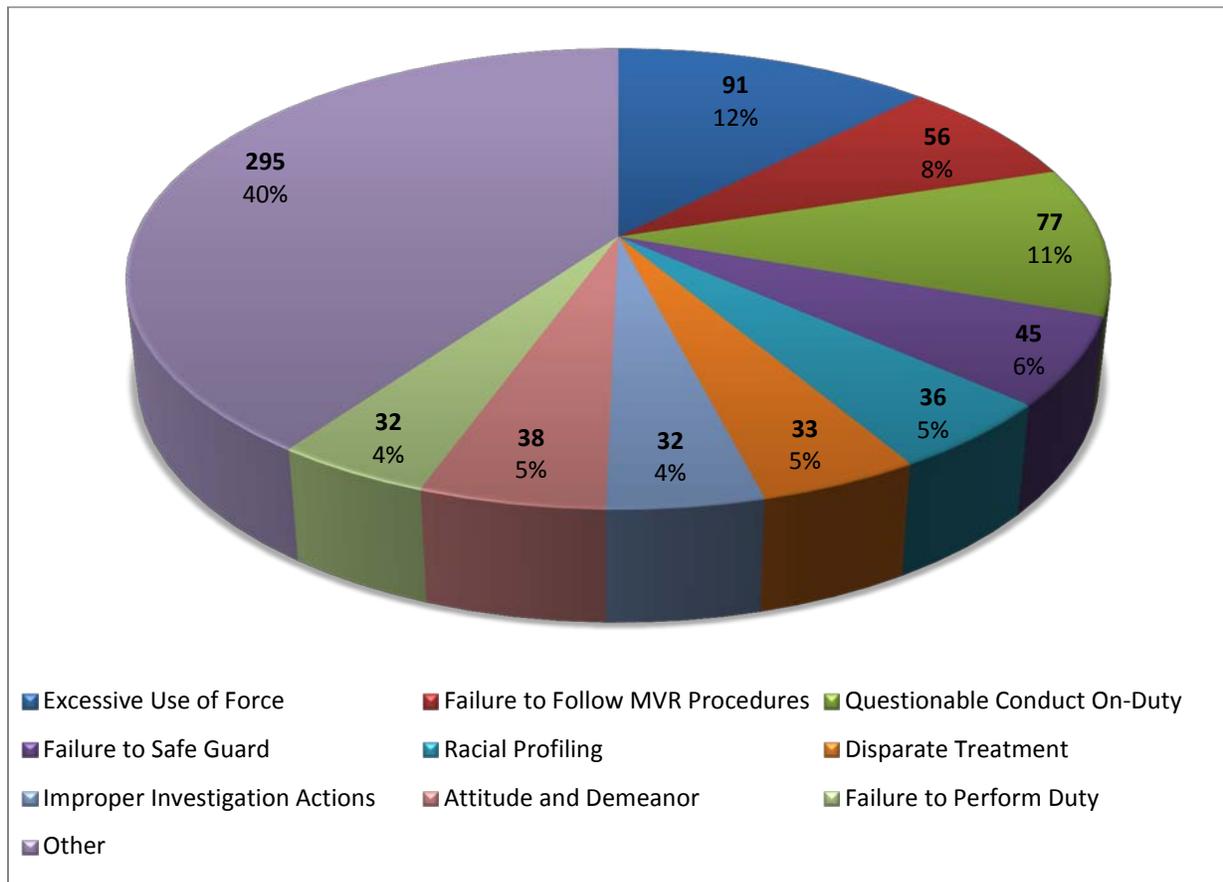


Figure Thirteen depicts the frequencies of the most common allegations for 2012. The category labeled as “Other” is a catch-all category that includes miscellaneous offenses¹⁰ and is technically the most common allegation. Aside from this catchall category, the most common allegations are those pertaining to the use of force (12%), disparate treatment and racial profiling (when combined: 10%), questionable conduct on-duty (11%), and failure to follow MVR procedures (8%). Allegations of attitude and demeanor (5%), failure to safeguard (6%), failure to perform duty (4%), and improper investigation actions (4%) are less common.

¹⁰ Other allegations: DUI, domestic violence, harassment, improper search, assault, false arrest, culpably inefficient supervision, failure to record MV stop, improper handling of evidence, misleading/erroneous reports, leaving the scene of an accident, refusal to submit to a breath/blood test, unwarranted/undeserved summons, possession of CDS, improper/unauthorized use of division property, theft, weapons, failure to provide ID/complaint form, attempt to intimidate or use position to gain favor, abuse of sick leave, unauthorized employment, insubordination/disobedience of direct order, failure to follow radio procedures, failure to safeguard radio, threats, failure to call in MV stop, unauthorized use of troop car, intentionally false or misleading statements, disorderly, conflict of interest, malicious mischief, forgery, use of cell phone while driving, motor vehicle violations, inappropriate actions toward another member, escape from custody, false imprisonment, left assigned area/post without permission, unauthorized escort, misrepresentation of endorsements, official misconduct, unauthorized release of information, and unlawful consent to search request.

Figure Thirteen: Allegation Frequencies
2012



OLEPS categorized allegations based on an "Incident Classification Guide" found in State Police policies and procedures. The categories are "administrative/fail to safeguard," "criminal," "employment obligations," "police procedure," and "weapons". Appendix One classifies each allegation according to this categorization. Table Three identifies the frequency of each allegation category in 2011 and 2012. There were increases in number of allegations classified as administrative/failure to safeguard, and police procedures. From 2011 to 2012, there were decreases in criminal and weapons categories. Both employment obligations and other allegation categories remained the same for both years.

Table Three: Allegation Categories
2011-2012

Category	2011	2012
Administrative/Fail to Safeguard	32	47
Criminal	62	57
Employment Obligations	78	78
Police Procedure	410	547
Weapons	5	2
Other	3	3
Total	590	734

In 2012, the most frequently utilized allegation category was "Police Procedure" as in 2011. There were 547 allegations categorized as police procedures. Allegations in this category include uses of force, racial profiling, attitude and demeanor, and allegations referring to the requirements of policing (i.e., MVR procedures, compliment-complaint forms, arrests, and searches). The second most common allegation category was "Employment Obligations". There were 78 allegations of misconduct in this category. This category includes allegations of misconduct that violate State Police employment guidelines. For example, disobeying a direct order, abusing sick leave, use of CDS¹¹, or filing misleading reports.

Cases Closed in 2012

Case Status

A misconduct case is determined to be closed after the investigation has been completed, it has been reviewed, and a decision has been made as to whether the findings warrant disciplinary proceedings. In 2012, OPS closed 212 misconduct cases, compared to 218 in 2011. The majority of these cases were opened prior to 2012, but there were 45 cases that were opened and closed in 2012.

Table Four: Cases Closed
2012

Year Opened	Number of Cases
2012	45
2011	109
2010	45
2009	9
2008	2
2007	1
2006	1
Total	212

¹¹ CDS- Controlled dangerous substances.

Completion of cases by investigators

In 2012, 44 troopers completed 212 misconduct cases. These troopers ranged in rank from Sergeant/Detective to Captain. On average, each investigator completed 4.82 investigations in 2012. This average is a decrease from 5.19 investigations completed per investigator in 2011. The most cases closed by a single investigator in 2012 were 17.

The number of cases an investigator can complete in a year is a function of the number of cases that trooper is permitted to be assigned concurrently. Generally, investigators are permitted to carry the largest caseload, up to five concurrent investigations. In 2012, 19¹² investigators closed 56 cases. Squad supervisors and assistant unit heads are tasked with reviewing the investigations completed by the investigators in addition to conducting their own investigations. These supervisors, then, are limited to three concurrent investigations for squad supervisors and two for assistant unit heads. In 2012, these supervisors closed 54 misconduct investigations. According to OPS policies, unit heads should not be assigned misconduct investigations. However, in 2012, these troopers were assigned cases and completed 48 misconduct cases. Additionally, there were other higher ranking officers in OPS who completed 50 misconduct cases in 2012. In many instances, these misconduct cases were not reassigned upon promotion to a unit head or bureau chief position.

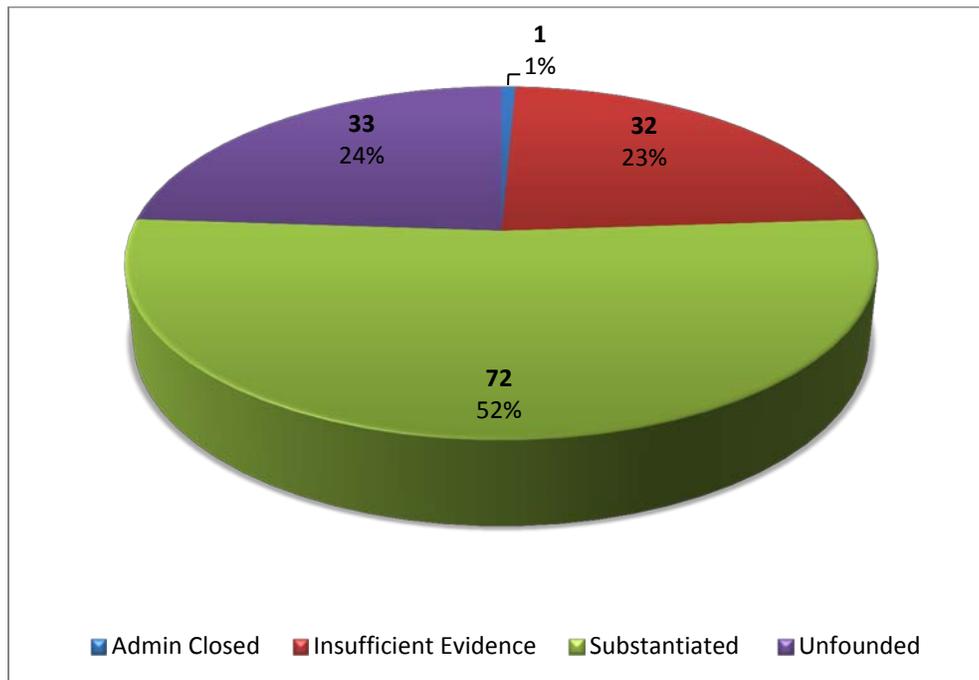
*Allegation Outcomes for 2012 Cases*¹³

Each allegation in a case is investigated to determine whether the allegation can be substantiated. For each allegation, an investigator can reach one of several conclusions. Substantiated allegations are those where the investigator has found that, "a preponderance of the evidence shows that a member violated state police rules, regulations, protocols, standard operating procedures, directives, or training." Unfounded allegations are those where, "a preponderance of the evidence shows that the alleged misconduct did not occur." A conclusion of exonerated occurs when, "a preponderance of the evidence shows that the alleged conduct did occur but did not violate state police rules, regulations, operating procedures, directives, or training." Finally, an investigator may rule that there is insufficient evidence when, "there is insufficient evidence to decide whether the alleged misconduct occurred."

¹² As identified by rank and title only. OLEPS is currently awaiting additional data on investigator caseloads.

¹³ The cases analyzed in this section are only those that were opened in 2012. Data limitations preclude detailed analysis of cases opened in previous years and closed in 2012.

Figure Fourteen: Allegation Outcomes for Completed Cases
2012



While each case may involve multiple allegations, substantiation of even one allegation may result in disciplinary action. The data for this report were selected in August 2013. As of August, there were 138 allegations which were part of closed cases initially received in 2012. Figure Fourteen depicts the number and percentage of each outcome category for allegations in cases where the investigation has been completed. The majority of allegations against troopers were substantiated by evidence uncovered during investigations. Of the cases with completed investigations, 72 allegations were substantiated, 33 were unfounded, and 32 were found to have insufficient evidence.

The pattern of allegation outcomes for categories of allegations was examined to determine whether certain types of allegations were more likely to result in certain outcomes. Table Five presents allegation categories and outcomes for allegations officially declared closed. As mentioned previously, police procedure was the most common allegation category. Of the police procedure allegations in 2012, the majority (63%) were substantiated, as opposed to 2011 where a little more than half were unfounded. In 2012, most allegations categorized as administrative/fail to safeguard, criminal, and employment obligations were found to be substantiated as well.

Table Five: Allegation Categories and Outcomes
2012

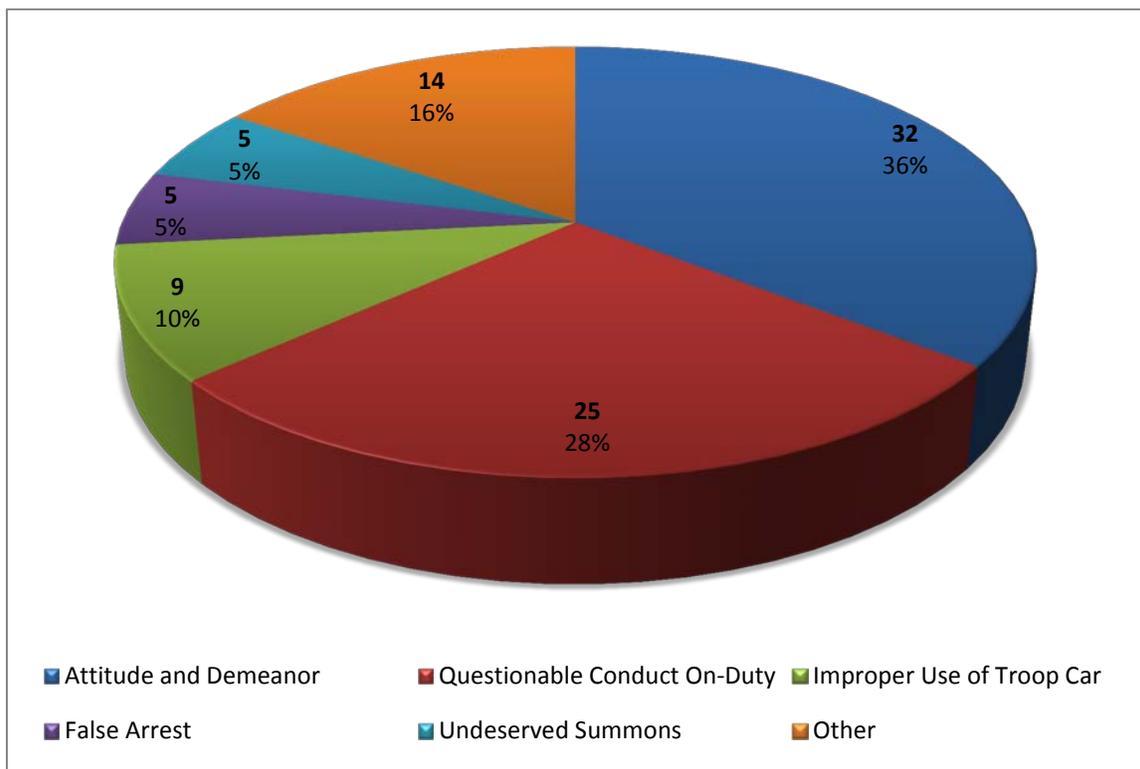
Category	Substantiated	Admin Closed	Insufficient Evidence	Exonerated	Unfounded	Total
Administrative/Fail to Safeguard	23	--	--	--	--	23
<i>% of cases</i>	<i>100.00%</i>					
Criminal	12	--	8	--	2	22
<i>% of cases</i>	<i>54.55%</i>		<i>36.36%</i>		<i>9.09%</i>	
Employment Obligations	18	--	8	1	2	29
<i>% of cases</i>	<i>62.07%</i>		<i>27.59%</i>	<i>3.45%</i>	<i>6.90%</i>	
Police Procedure	63	1	16		20	100
<i>% of cases</i>	<i>63.00%</i>	<i>1.00%</i>	<i>16.00%</i>		<i>20.00%</i>	
Weapons	2	--	--	--	--	2
<i>% of cases</i>	<i>100.00%</i>					
Other	--	--	--	--	1	1
<i>% of cases</i>					<i>100.00%</i>	
Total	118	1	32	1	25	177

Administratively Closed Cases in 2012

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

In 2012, 54 cases were administratively closed. These administratively closed cases are separate cases from the 266 misconduct cases OPS received in 2012. There were 78 troopers involved and 90 allegations made in the administratively closed cases. As depicted in Figure Fifteen, the most common allegations in administratively closed cases were for attitude and demeanor, questionable conduct on-duty, and improper use of a troop car.

**Figure Fifteen: Allegations in Administratively Closed Cases
2012**



Summary & Conclusions

The purpose of this report was to illustrate the volume of activity handled by the Office of Professional Standards. In 2012, the Office of Professional Standards opened 266 misconduct cases, more than the 238 opened in 2011. The majority of these cases involved multiple allegations and multiple troopers. Most commonly, cases involved allegations of violations of Police Procedures (see Appendix One for specific allegations). The complaints were alleged against troopers from various stations and units across the State Police. Of the cases opened in 2012 that were closed by the date of data selection, slightly less than half of the cases resulted in substantiated allegations while about a third resulted in unfounded allegations, similar to the proportions of substantiated and unfounded allegations from cases closed in 2011.

This second report includes discussion of trends from 2011 to 2012. Since the total number of misconduct cases increased, generally, all other categories of analysis indicated an increase as well.

In 2012, most investigators were assigned many more cases than their suggested maximum number of cases. OLEPS has spoken with the State Police regarding this issue and has made several recommendations to increase the staffing levels in OPS to accommodate the high number of misconduct investigations. Additionally, it has been noted that OPS has high rates of staff turnover, which further complicates the caseload issue. Because troopers may move within and also out of OPS frequently, cases may be transferred before an investigator has begun work on the case, in the middle of an investigation, or even at the very end. This may lengthen investigations while the newly assigned investigator completes the cases s/he was already working on or while the investigator attempts to comprehend the work completed on an investigation to date.

For a number of years, OPS has had a backlog of cases which has been attributed to a general lack of staff and a lack of consistent staff. In 2001-2002, OPS cleared a large backlog of cases with temporary staffing. However, once these staff members left, OPS again built up a backlog. According to the independent monitors, the State Police are required to staff OPS with a sufficient staff, defined as the number needed to complete as many misconduct cases opened, 266, and closed 212. Using the independent monitor's standard, OPS has not completed as many cases as received in 2012. As recommended in OLEPS' Oversight Reports, the State Police should strive to increase the staff levels of OPS in keeping with the spirit of the independent monitors' suggestion.

Open misconduct cases may not only impact the Office of Professional Standards, they also affect the trooper(s) involved and all individual(s) affected by the cases. A case that stretches over a long period of time can negatively impact the investigators' morale, the trooper(s) morale, and any other person involved. If a misconduct case involves some sort of unpleasant behavior, extended misconduct cases may prolong the complainants' right for resolution. Additionally, open misconduct cases may impact the trooper's eligibility for specialist positions or even promotions. The age of a case can also impact the logistics of conducting an investigation. The longer a case remains open, the more likely it is that key witnesses or individuals may forget the details of the event, be unwilling to discuss it, or be unavailable, making the investigator's tasks more difficult. It is in the State Police's best interest to attempt to resolve misconduct cases in a judicious and expeditious manner.

Appendix One**Allegation Categorization**

Allegation	Allegation Category
Failure to Safeguard	Administrative/Fail to Safeguard
Failure to Safeguard- Body Armor	Administrative/Fail to Safeguard
Failure to Safeguard- Division Property	Administrative/Fail to Safeguard
Failure to Safeguard- Division Property	Administrative/Fail to Safeguard
Failure to Safeguard- NJSP badge	Administrative/Fail to Safeguard
Failure to Safeguard- NJSP Duty Weapon	Administrative/Fail to Safeguard
Failure to Safeguard- NJSP ID	Administrative/Fail to Safeguard
Failure to Safeguard- Off Duty Weapon	Administrative/Fail to Safeguard
Failure to Safeguard- Portable Radio	Administrative/Fail to Safeguard
Failure to Safeguard Weapon	Administrative/Fail to Safeguard
Improper Use of Division Computer	Administrative/Fail to Safeguard
Unauthorized Use of Division Computer	Administrative/Fail to Safeguard
Improper Storage of Uniform Summons Copies	Administrative/Fail to Safeguard
Disorderly	Criminal
Disorderly Conduct	Criminal
Domestic Violence	Criminal
Driving Under the Influence	Criminal
Driving While Intoxicated	Criminal
Driving While Under the Influence	Criminal
Driving with Open Container of Alcohol	Criminal
Leaving the Scene of MV Accident	Criminal
Motor Vehicle Violations	Criminal
Refusal to Submit to Breath/Blood Test	Criminal
Simple Assault	Criminal
Simple Assault with Physical Force	Criminal
Theft	Criminal
Violation of Criminal Law	Criminal
Violation of State Statute	Criminal
Violation of Traffic Law	Criminal
Abuse of Sick Leave	Employment Obligation
Conflict of Interest	Employment Obligation
Culpable Inefficiency	Employment Obligation
Culpable Inefficient Supervision	Employment Obligation
Discouraging Another Member From Reporting Misconduct	Employment Obligation
Disobey A Direct Order	Employment Obligation
Drinking On Duty	Employment Obligation
Drug Abuse Violation	Employment Obligation
Erroneous Reports	Employment Obligation
Failure to Report for Duty	Employment Obligation
Falsification of Reports and Records	Employment Obligation

Improper Use of Division Property	Employment Obligation
Intentional False Reports	Employment Obligation
Intentionally Providing False Information During a Misconduct Investigation	Employment Obligation
Malicious Mischief	Employment Obligation
Misleading Reports	Employment Obligation
Misleading Statement	Employment Obligation
Misrepresentation and Endorsement	Employment Obligation
Profane Language at Superior Officer	Employment Obligation
Providing False Information on Any Log, Report, or Transmittal	Employment Obligation
Reporting for Duty with a Detectable Presence of Alcohol Consumption	Employment Obligation
Reporting Requirement	Employment Obligation
Unauthorized Release of Information	Employment Obligation
Use of CDS	Employment Obligation
Use of Troop Car Off Duty	Employment Obligation
Use of Troop Car Off Duty with Accident Involved	Employment Obligation
Attempting To Use Position to Intimidate or Gain Favor	Employment Obligations
Consume Alcoholic Beverages and Operate Troop Car	Employment Obligations
Off Duty Incident- Alcohol Related	Employment Obligations
Questionable Associations	Employment Obligations
Interfering with Internal Investigation	Other
Official Misconduct	Other
Attitude and Demeanor	Police Procedure
Cursing	Police Procedure
Disparaging Statements	Police Procedure
Disparate Treatment	Police Procedure
Escape From Custody	Police Procedure
Excessive Use of Force	Police Procedure
Failure to Accept Civilian Complaint	Police Procedure
Failure to Appear in Court	Police Procedure
Failure to Call in MV Stop	Police Procedure
Failure to Complete MV stop	Police Procedure
Failure to Document in Station Record and CAD	Police Procedure
Failure to Document Patrol Chart	Police Procedure
Failure to Follow MVR Procedures	Police Procedure
Failure to Follow Radio Procedures	Police Procedure
Failure to Investigate MV Accident	Police Procedure
Failure to Notify Citizen of Right to File Complaint	Police Procedure
Failure to Notify Division of Personal Knowledge of Prohibited Conduct by Another Trooper	Police Procedure
Failure to Notify the Division of Information to Which the Division Would take Cognizance	Police Procedure
Failure to Perform Duty	Police Procedure
Failure to Provide a Compliment/Complaint Form	Police Procedure
Failure to Provide Name and Identification Upon Civilian	Police Procedure

Request	
Failure to Report a Boat Accident	Police Procedure
Failure to Report MV Accident	Police Procedure
Failure to Safe Guard- Evidence	Police Procedure
Failure to Take Appropriate Police Action	Police Procedure
False Arrest	Police Procedure
False Imprisonment	Police Procedure
Harassment	Police Procedure
Improper Handling of Evidence or Property	Police Procedure
Improper Investigation Actions	Police Procedure
Improper Search	Police Procedure
Improper Supervision	Police Procedure
Impropriate Actions- On duty	Police Procedure
Inappropriate Action- Off Duty	Police Procedure
Inappropriate Action- On Duty	Police Procedure
Inappropriate Actions	Police Procedure
Inappropriate Actions Towards Another Member	Police Procedure
Left Assigned Area or Post Without Permission	Police Procedure
Questionable Conduct - On Duty	Police Procedure
Questionable Conduct -Off Duty	Police Procedure
Racial Profiling	Police Procedure
Threats	Police Procedure
Unauthorized Escort	Police Procedure
Unauthorized Person in Troop Car	Police Procedure
Unauthorized Use of Troop Transportation	Police Procedure
Undeserved Summons	Police Procedure
Unjustified Motor Vehicle Stop	Police Procedure
Unlawful Consent to Search Request	Police Procedure
Unreasonable Use of Force	Police Procedure
Unsafe Operation of Troop Car	Police Procedure
Unsafe Operation of Troop Car- Causing Damage	Police Procedure
Unsafe/Improper Stop Procedure	Police Procedure
Improper Handling of Firearm	Weapons
Weapon	Weapons

Appendix Two

Case Status by Station- 2012

Station	Total Substantiated	Total Unfounded	Total Insufficient Evidence	Total Open	Total Admin Closed
Atlantic City	1	2	2	23	--
Bass River	1	1	--	6	--
Bellmawr	3	--	1	6	--
Bloomfield	2	--	1	14	--
Bordentown	3	--	--	10	--
Bridgeton	3	--	--	29	--
Buena Vista	1	--	--	4	--
Cranbury	5	--	2	3	--
Hamilton	4	1	1	34	--
Holmdel	4	1	2	12	--
Hope	5	3	1	10	--
Kingwood	--	--	--	8	--
Metro North	--	--	--	6	--
Metro South	1	--	--	9	--
Moorestown	1	1	--	5	--
Netcong	5	4	7	26	--
Newark	3	1	1	7	--
Newark Bay Station	3	--	--	5	--
Other	28	11	10	125	
Perryville	--	--	--	1	--
Port Norris	1	--	--	9	--
Red Lion	6	1	1	11	--
Somerville	8	2	2	22	--
Sussex	3	--	1	28	--
Totowa	5	--	--	15	--
Troop A Other	3	--	1	14	--
Troop B Other	1	--	--	15	--
Troop C Other	--	4	--	19	--
Troop D Other	9	--	6	2	--
Tuckerton	2	--	--	7	--
Washington	--	--	--	6	--
Woodbine	--	--	--	6	--
Woodstown	1	1	1	6	--
(blank)	3	2	2	31	1
Grand Total	115	35	42	534	1

Common Allegations by Station- 2012

Station	Total Force Allegations	Total Questionable Conduct On Duty	Total Racial Profiling	Total Disparate Treatment	Total Attitude & Demeanor Allegations	Total Failure to Safeguard	Total Failure to Follow MVR Procedures	Total Other
Atlantic City	6	1	3	3	1	--	3	11
Bass River	1	--	--	1	1	--	--	5
Bellmawr	1	1	1	--	--	--	2	5
Bloomfield		1	2	--	2		1	11
Bordentown	2	1	3	--	--	2	--	4
Bridgeton	10	3	1	2	1	1		12
Buena Vista	2	--	--	--	--	2	--	1
Cranbury	--	1	2	--	1	1	1	4
Hamilton	1	1	4	9	1	5	7	12
Holmdel	1	3	2	--	--	1	3	9
Hope	3	3	2	2	3	2	--	4
Kingwood	2	--	--	--	--	--	3	3
Metro North	5	--	--	--	--	--	--	1
Metro South	5	--	--	1	--	1	--	5
Moorestown	--	--	1	--	--	--	--	6
Netcong	6	3	3	--	7	1	7	15
Newark	--	--	1	2	2	--	2	5
Newark Bay Station	--	--	--	--	--	1	--	7
Other	19	14	--	3	3	19	--	122
Perryville	--	1	--	--	--	--	--	--
Port Norris	--	--	1	2	--	1	--	6
Red Lion	2	2	--	--	--	--	3	12
Somerville	--	4	2	--	2	1	6	19
Sussex	6	3	--	--	1	1	4	17
Totowa	2	1	--	2	--	3	1	11
Troop A Other	1	2	--	--	--	--	2	13
Troop B Other	1	2	--	1	--	--	--	12
Troop C Other	1	1	--	4	--	--	4	13
Troop D Other	--	--	1	--	2	1	3	10
Tuckerton	--	--	--	1	1	--	--	7
Washington	1	1	1	--	1	--	--	2
Woodbine	2	--	--	--	--	--	1	3
Woodstown	--	2	5	--	--	--	1	1
(blank)	10	2	--	--	1	2	--	25
Grand Total	51	38	15	15	20	30	34	306

Allegation Categories by Station- 2012

Station	Total Criminal	Total Police Procedures	Total Employment Obligations	Total Administrative/Fail to Safeguard	Total Weapons	Total Other
Atlantic City	1	27	--	--	--	--
Bass River	--	6	2	--	--	--
Bellmawr	1	8	1	--	--	--
Bloomfield	2	12	2	--	--	1
Bordentown	1	10	--	2	--	--
Bridgeton	8	22	--	1	--	--
Buena Vista	--	2	1	2	--	--
Cranbury	--	8	1	1	--	--
Hamilton	--	30	4	5	1	--
Holmdel	1	16	2	--	--	--
Hope	--	15	2	2	--	--
Kingwood	--	7	2	--	--	--
Metro North	--	6	--	--	--	--
Metro South	2	8	1	1	--	--
Moorestown	2	5	--	--	--	--
Netcong	2	36	3	1	--	--
Newark	1	9	1	1	--	--
Newark Bay Station	1	4	1	1	--	--
Other	14	117	29	18	--	1
Perryville	--	1	--	--	--	--
Port Norris	1	8	--	1	--	--
Red Lion	4	10	5	--	--	--
Somerville	4	20	6	2	1	--
Sussex	--	30	1	1	--	--
Totowa	2	14	1	3	--	--
Troop A Other	2	14	2	--	--	--
Troop B Other	1	12	2	--	--	--
Troop C Other	--	21	2	--	--	--
Troop D Other	1	13	1	2	--	--
Tuckerton	2	6	1	--	--	--
Washington	--	6	--	--	--	--
Woodbine	1	5	--	--	--	--
Woodstown	1	8	--	--	--	--
(blank)	2	29	4	3	--	--
Grand Total	41	368	59	33	1	1