



**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

UNITED STATES OF AMERICA

v.

**STATE OF NEW JERSEY and
DIVISION OF STATE POLICE OF
THE NEW JERSEY DEPARTMENT
OF LAW AND PUBLIC SAFETY**

CIVIL ACTION NO. 99-5970 (MLC)

**FIFTH PROGRESS/STATUS SUMMARY OF THE CONSENT DECREE
ENTERED INTO BY THE UNITED STATES OF AMERICA
AND THE STATE OF NEW JERSEY REGARDING
THE NEW JERSEY DIVISION OF STATE POLICE**

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**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

EXECUTIVE SUMMARY

The State of New Jersey and the United States of America agreed upon the terms of a Consent Decree in Civil No. 99-5970 (MLC) (“Consent Decree” or “Decree”). This Consent Decree reflected many of the recommendations previously made by the State Police Review Team in reports submitted to the Attorney General of the State of New Jersey in April and July of 1999. The Honorable Mary L. Cooper, United States District Judge, District of New Jersey, signed the Consent Decree and Order Appointing the Independent Monitoring Team on December 30, 1999 and May 12, 2000, respectively. Pursuant to ¶121 of the Decree, the Independent Monitoring Team (“IMT”) filed five reports, assessing the levels of State compliance with the requirements of the Decree, on October 6, 2000, January 10, 2001, April 12, 2001, July 17, 2001, and January 18, 2002, respectively.

Decree ¶122 requires the State to submit periodic status reports delineating steps taken to comply with the Consent Decree. The State submitted its First Status Report on April 27, 2000, its Second Status Report on October 27, 2000, its Third Status Report on April 27, 2001, and its Fourth Status Report on October 29, 2001. Pursuant to Decree ¶122, this is the Fifth Status Report seeking to summarize the status of the State’s implementation of the Decree during the six-month period of October 30, 2001 through April 30, 2002.

Significant progress has been made during this six-month period. Essentially, this progress has occurred in the following areas:

- (1) continued implementation of existing motor vehicle stop data collection systems (see Tasks 29 and 30);
- (2) delivery of training and implementation of technological advancements in motor vehicle stop data collection systems, including installation of more than 600 Mobile Data Computers which are computers housed within patrol vehicles (see Tasks 27, 29 and 30);
- (3) full delivery of training and implementation of standardized procedures for supervisory review of Mobile Video Recordings (“MVRs”) (see Tasks 36 and 105);
- (4) continued development and implementation of the Management Awareness and Personnel Performance System (“MAPPS”) (see Tasks 40-51);
- (5) implementation of enhanced supervision of consent searches through methods including supervisory approval prior to any request for consent to

- search and supervisory review of MVRs for all consent searches (see Task 28);
- (6) enhancement of community outreach through efforts including strategies to promote both public safety and the equal enforcement of the law (Task 60);
 - (7) performance of misconduct investigations in a more expeditious manner (see Task 87);
 - (8) continued performance of misconduct investigations in a thorough and fair manner and in accordance with substantive requirements of the Decree including:
 - (a) prohibition of any member who has a conflict of interest from participating in a misconduct investigation (Task 75);
 - (b) written or recorded interviews are maintained as part of the investigative file (Task 76);
 - (c) no group interviews are conducted during misconduct investigations (Task 76);
 - (d) civilian interviews are conducted at a convenient time and place (Task 77);
 - (e) propriety of all trooper conduct, in addition to that specifically alleged, is assessed during a misconduct investigation (Task 78);
 - (f) findings are made based upon a preponderance of evidence standard (Task 81);
 - (g) MVR tapes are reviewed as part of the misconduct investigation as appropriate (Task 82);
 - (h) circumstantial evidence is considered during misconduct investigations as appropriate (Task 83);
 - (i) no automatic preference is accorded to a trooper's statement over a civilian's statement (Task 83); and
 - (j) no automatic judgment that there is insufficient evidence to make a determination where the only or principal information of that incident is the conflicting statements of the accused trooper and civilian (Task 83);
 - (9) delivery of training and Division-wide implementation and full utilization of a computerized tracking system for misconduct investigations (see Task 91);

- (10) implementation of an enhanced trooper coach program for probationary troopers who graduated from several recruit classes (see Task 102);
- (11) selection and training of trooper coaches for probationary troopers who have graduated from one recruit class and training of trooper coaches for potential probationary troopers who are scheduled to graduate from several other recruit classes (see Task 102);
- (12) delivery of training on cultural diversity and communication to recruits, trooper coaches, and members (see Tasks 100, 102);
- (13) delivery of training for motor vehicle stop procedures to recruits and trooper coaches (see Tasks 101, 102);
- (14) delivery of training for search and seizure requirements and the anti-discrimination requirements of the Decree to recruits and members, including trooper coaches (see Tasks 101 and 26);
- (15) performance of audits for samples of persons subjected to motor vehicle stops (Task 111);
- (16) performance of audits of the receipt, investigation and adjudication of misconduct allegations (Task 112); and
- (17) publication of the State's Fourth Semiannual Public Report of Aggregate Data (Task 114).

In its prior (fourth) status report, the State acknowledged that additional progress must be accomplished, particularly in the areas of the timeliness of misconduct investigations and MAPPS implementation, before the State is in substantial compliance with the Consent Decree. As noted in this report, the State has indeed progressed substantially in these two areas.

While this additional progress remains necessary, the State conducted misconduct investigations in a far more expeditious manner during this review period than in the past. Seeking to improve the timeliness of misconduct investigations, the State has significantly increased the resources allocated to perform these investigations during 2001 and 2002. As compared to 1998, the number of detectives performing misconduct investigations and assigned to the Office of Professional Standards ("OPS") has increased from 7 to 35. (See Task 87). During the review period, an additional 103 detectives were assigned on a part-time basis to assist OPS in expediting the investigation of misconduct investigations.

Due in large part to these increased resources, the number of misconduct investigations which were completed during this review period is almost twice the number closed during the prior six month review period. Moreover, the number of open

internal investigations at the end of the reporting period had been reduced by more than half, notwithstanding that 243 new investigations were opened during this period. In all, during the review period, 468 investigations were closed and 243 new investigations were opened, thereby reducing the backlog by 225 cases.

Similarly, significant progress occurred in MAPPS development, although at a rate slower than anticipated at the time the Fourth Status Report was filed in October 2001. During the review period, the MAPPS Motor Vehicle Stop module became fully operational. (See Tasks 29 and 41(a)). More specifically, the MAPPS Motor Vehicle Stop module which permits the analysis of motor vehicle stop data referenced in Tasks 29 and 41(a) is operational in several stations where field testing is ongoing. During the review period, other MAPPS modules were completed which (1) permit more sophisticated analysis of motor vehicle stop data as required in Tasks 49-51, (2) track the complaint data as required in Task 41(b), and (3) track the assignment and training data as required in Task 41(c).

The State is committed to implementing the provisions of the Consent Decree in a time frame that is consistent with the safety of the public and the members of the New Jersey State Police.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 26

Task: Prohibit consideration of race, nationality, ethnicity.

Decree ¶26

Decree Language:

“26. Except in the suspect-specific (“be on the lookout” or “BOLO”) situation described below, state troopers shall continue to be prohibited from considering in any fashion and to any degree the race or national or ethnic origin of civilian drivers or passengers 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.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division adopted protocols containing this prohibition in Task 26. This prohibition became effective on the date that the Decree was entered (December 30, 1999). During 2000, members received two phases of in-service training addressing topics including the nondiscrimination requirements of Task 26.

During the Summer of 2000, the motor vehicle stop protocols containing this prohibition became fully effective and remained in full effect during the review period. These protocols require members to file certain reports (e.g., motor vehicle stop report) whenever the member performs a law enforcement procedure during the course of a motor vehicle stop. These protocols further require supervisors to review these reports and to randomly review Mobile Video Recordings (“MVRs”) of motor vehicle stops.

During the review period, procedures and systems designed to further facilitate supervisory review of member performance, including compliance with the prohibition of Task 26, were developed. Standardized forms for supervisory review of MVRs, expressly requiring consideration of observed conduct indicative of prohibited racial or ethnic bias (as proscribed by Task 26), were developed and implemented. (Task 36). During this review period, the State completed Phase VII supervisory training, which

included scenario based training regarding the recognition and documentation of conduct indicative of prohibited racial or ethnic bias.

During the review period, significant progress occurred in the development of MAPPS. A system for data analysis of law enforcement actions and procedures was developed, and a draft standard for data interpretation has been forwarded to the Department of Justice and the Independent Monitoring Team for review.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 27

Task: Written Protocol for Motor Vehicle Stop Criteria.

Decree ¶27

Decree Language:

“27. The State Police has adopted a protocol captioned “F-55 (Motor Vehicle Stops)”, dated December 14, 1999, which establishes criteria to be followed by state troopers in selecting which vehicles to stop for violation of state motor vehicle laws. This protocol includes the nondiscrimination requirements set forth in ¶26 and has been approved by the United States in so far as the protocol identifies practices and procedures required by the Decree. The State shall implement this protocol as soon as practicable. The State shall monitor and evaluate the implementation of the motor vehicle stop criteria and shall revise the criteria as may be necessary or appropriate to ensure compliance with ¶¶26 and 129. Prior to the implementation of any revised criteria, the State shall obtain approval from the United States and the Independent Monitor.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division adopted the protocol identified above.

During the review period, the State modified requirements of this protocol in the following manner: (1) to more clearly require post-stop questioning to be reasonably related to the stop; and (2) to require that the Mobile Video Recorder is activated prior to calling in the stop. During the review period, these proposed revisions were approved by both the Independent Monitoring Team and the Department of Justice. During October 2001, these revisions became fully effective and remain in full effect.

During the previous review period, all members received Phase V training on S.O.P. F-55, motor vehicle stops, search and seizure. This training emphasized the S.O.P. revision requiring that post-stop questioning be reasonably related to the stop. Phase V training was completed on July 13, 2001. Additionally, the State commenced Phase VII supervisory training which reemphasized all of the protocols for motor vehicle stop criteria. Phase VII also includes training on the standardized form and instructions for supervisory review of MVR tapes and the standardized documentation of members' compliance or non-compliance with the protocols governing motor vehicle stop criteria.

Phase VII training began on August 21, 2001 and was scheduled to be completed on September 21, 2001. However, the Phase VII training schedule was interrupted on September 11, 2001 due to operational exigencies relating to national security. Phase VII training was completed in November 2001.

Over 2000 Division members completed in-service training on the operation of Mobile Data Computers ("MDCs"). MDCs are computers which have been installed in approximately 600 patrol vehicles and which presently permit members to input the Motor Vehicle Stop Report data required by Task 27. MDC training began on July 18, 2001 and is scheduled for completion in May 2002.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 28

Task: Continue Consensual Search Requirements

Decree ¶28

Decree Language:

“28. In order to help ensure that state troopers use their authority to conduct consensual motor vehicle searches in a nondiscriminatory manner, the State Police shall continue to require: that state troopers may request consent to search a motor vehicle only where troopers can articulate a reasonable suspicion that a search would reveal evidence of a crime; that every consent search of a vehicle be based on written consent of the driver or other person authorized to give consent which precedes the search; that the scope of a consent search be limited to the scope of the consent that is given by the driver or other person authorized to give consent; that the driver or other person authorized to give consent has the right to be present during a consent search at a location consistent with the safety of both the state trooper and the motor vehicle occupants, which right can only be waived after the driver or other person authorized to give consent is advised of such right; that the driver or other person authorized to give consent who has granted written consent may orally withdraw that consent at any time during the search without giving a reason; and that state troopers immediately must stop a consent search of a vehicle if and when consent is withdrawn (except that a search may continue if permitted on some non-consensual basis).”

PROGRESS/STATUS SUMMARY

State Police procedures which were in effect before the Consent Decree was entered (on December 30, 1999) required consensual motor vehicle searches to be conducted in accordance with the requirements of Task 28 except those expressly referring to the right of the consenting person to be present during the search. On December 14, 1999, the Division adopted protocols containing all of the requirements set forth in Task 28. During 2000, members received two phases of in-service training addressing topics including the requirements of Task 28.

During the review period, the State developed, trained and implemented protocols and written orders implementing Task 28 in the following manner: (1) requiring

supervisory approval prior to any request for consent to search; and (2) requiring supervisory review of all MVRs depicting a request for a consent to search. This supervisory approval process includes an independent factual analysis of whether reasonable suspicion exists as required to request consent to search. During the review period, these revisions, which were approved by both the Independent Monitoring Team and the Department of Justice, were implemented throughout the Division and remain in full effect.

During the review period, all members completed Phase VII training, which emphasized the reasonable suspicion standard and other requirements of Task 28 in conjunction with the nondiscrimination requirements of Task 26. The supervisory approval process for consensual searches was an integral part of the Phase VII training. This training began August 21, 2001 and was completed in November 2001.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 29A

Task: Written Protocols for Documenting Motor Vehicle Stop Activity.

Decree ¶29(a)

Decree Language:

“29(a) The State has adopted protocols (captioned F-55 (Motor Vehicle Stops) dated 12/14/99; C-22 (Activity Reporting System), F-3 (Patrol Procedures), F-7 (Radio Procedures), F-19 (MVR equipment), F-31 (Consent Searches), and a Motor Vehicle Stop Search Report dated 12/21/99; and a Property Report (S.P. 131 (Rev. 1/91)) that require state troopers utilizing vehicles, both marked and unmarked, for patrols on roadways to accurately record in written reports, logs, radio communications, radio recordings and/or video recordings, the following information concerning all motor vehicle stops:

1. name and identification number of trooper(s) who initiated the stop;
2. name and identification number of trooper(s) who actively participated in the stop;
3. date, time, and location of the stop;
4. time at which the stop commenced and at which it ended;
5. license number/state of stopped vehicle;
- 5A. description of stopped vehicle;
6. the gender and race/ethnicity of the driver, and the driver's date of birth if known;
7. the gender and race/ethnicity of any passenger who was requested to exit the vehicle, frisked, searched, requested to consent to a vehicle search, or arrested;
8. whether the driver was issued a summons or warning and the category of violation (i.e., moving violation or non-moving violation);
- 8A. specific violations cited or warned;
9. the reason for the stop (i.e., moving violation or non-moving violation, other [probable cause/BOLO]);
10. whether the vehicle occupant(s) were requested to exit the vehicle;
11. whether the vehicle occupant(s) were frisked;
12. whether consent to search the vehicle was requested and whether consent was granted;
- 12A. the basis for requesting consent to search the vehicle;
13. whether a drug-detection canine was deployed and whether an alert occurred;
- 13A. a description of the circumstances that prompted the deployment of a drug-detection canine;

14. whether a non-consensual search of the vehicle was conducted;
- 14A. the circumstances that prompted a non-consensual search of the vehicle;
15. whether any contraband or other property was seized;
- 15A. a description of the type and quantity of any contraband or other property seized;
16. whether the vehicle occupant(s) were arrested, and if so, the specific charges;
17. whether the vehicle occupant(s) were subjected to deadly, physical, mechanical or chemical force;
- 17A. a description of the circumstances that prompted the use of force; and a description of any injuries to state troopers and vehicle occupants as a result of the use of force;
18. the trooper's race and gender; and
19. the trooper's specific assignment at the time of the stop (on duty only) including squad.

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division adopted protocols containing all of the requirements set forth in Task 29A. During 2000, members received two phases of in-service training addressing topics including the requirements of Task 29A and the Division modified equipment to capture the information listed in Task 29A as required by implementing protocols. Members were trained to use this data collection equipment during October 2000. The protocols for documenting motor vehicle stop activity required by Task 29A are fully effective and have remained in full effect during the review period.

During the review period, the State continued to evaluate the collection of information required by Task 29A and improve its efficiency and accuracy through methods including (1) continued supervisory review of the reports containing this information; (2) modifications to equipment utilized to record and process this information; (3) revisions to training regarding recording this information; and (4) revising protocols to improve the audit process by requiring that the call-in of the stop be captured on the patrol's mobile video recorder (MVR).

During the review period, over 2000 Division members received in-service training on the operation of Mobile Data Computers ("MDCs"). MDCs are computers which have been installed in approximately 600 patrol vehicles and which presently permit members to input the MVS data required by Task 29A. MDC training began on July 18, 2001. MDC training is scheduled to be completed in May 2002.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 29B

Task: Implementation of Motor Vehicle Stop Protocols as Soon as Practicable

Decree ¶29(b)

Decree Language:

“(b.) The protocols listed in ¶29(a) include, inter alia, the procedures set forth in ¶¶30, 31, 32, and 33 and have been approved by the United States insofar as the protocols identify practices and procedures required by this Decree. The State shall implement these protocols as soon as practicable.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division adopted the protocols identified above. During 2000, members received two phases of in-service training addressing topics including the requirements of the protocols identified above and the Division modified equipment to facilitate collection of motor vehicle stop data required by these protocols. The protocols for documenting motor vehicle stop activity required by Task 29b are fully effective and have remained in full effect during the review period.

During the review period, the State completed Phase VII Supervisory Training which reemphasized the data collection requirements of Task 29 and included an MVR standardized review form and process. This training began August 21, 2001 and was completed in December 2001.

During the review period, over 2000 Division members received in-service training on the operation of MDCs. MDCs are computer terminals which have been installed in approximately 600 patrol vehicles and which presently permit members to input MVSR data required by Task 29B. MDC training began on July 18, 2001 and is scheduled for completion in May 2002.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 29C

Task: Forms to Implement Tasks 31, 32 and 33

Decree ¶29(c)

Decree Language:

“c. The State shall prepare or revise such forms, reports, and logs as may be required to implement this paragraph and ¶¶31, 32, and 33 (and any related forms, reports, and logs, including arrest reports) to eliminate duplication and reduce paperwork.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division adopted protocols requiring the preparation of forms, reports and logs required to implement Decree paragraphs identified in Task 29C. During 2000, the Division received approval for forms, including the Motor Vehicle Stop Report (SP 338), implementing Task 29C which were revised to reduce duplication and paperwork. The protocols for implementing Task 29C are fully effective and have remained in full effect during the review period.

During the review period, the Division implemented its revised protocols in the following ways: (1) requiring members to activate the audio components of a Mobile Video Recorder (“MVR”) before the stop is called in to the communications center, (2) requiring at least one random supervisory review of a MVR include a law enforcement procedure, and (3) requiring that all supervisory MVR reviews be completed on a standardized form according to standardized instructions. These protocol revisions were approved by the Independent Monitoring Team and the Department of Justice. During November 2001, these revisions became fully effective. The State commenced Phase VII training, which included these new requirements, on August 21, 2001. Phase VII training was completed in November 2001.

During the review period, all Division members received in-service training on the operation of Mobile Data Computer (“MDCs”). MDCs are computers which have been installed in approximately 600 patrol vehicles and which presently permit members to input the Motor Vehicle Stop Report data required by Task 29C. MDC training began on July 18, 2001 and is scheduled for completion in May 2002.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 29E

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

Decree ¶29(e)

Decree Language:

“29(e). Prior to implementation, of any revised protocols and forms, reports, and logs adopted pursuant to subparagraph (d) of this paragraph, the State shall obtain approval of the United States and the Independent Monitor. The United States and the Independent Monitor shall be deemed to have provided such approval unless they advise the State of any objection to a revised protocol within 30 days of receiving same. The approval requirement of this subparagraph extends to protocols, forms, reports, and logs only insofar as they implement practices and procedures required by this Decree.”

PROGRESS/STATUS SUMMARY

During the review period, the Independent Monitoring Team and the United States Department of Justice have been notified in advance of proposed changes to Decree related protocols.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 30

Task: Communication Center Call-Ins

Decree ¶30

Decree Language:

“30.State troopers utilizing vehicles, both marked and unmarked, for patrols on roadways shall continue to document all motor vehicle stops, inter alia, by calling in or otherwise notifying the communications center of each motor vehicle stop. All motor vehicle stop information enumerated in ¶29(a) that is transmitted to the communications center by state troopers pursuant to protocols listed in ¶29(a), and as revised pursuant to ¶¶29(d) and (e), shall be recorded by the center by means of the center’s Computer Aided Dispatch system or other appropriate means.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division adopted protocols containing all of the requirements set forth in Task 30. During 2000, members received two phases of in-service training addressing topics including the requirements of Task 30, the Division installed and modified the Computer Aided Dispatch (“CAD”) equipment to capture the information listed in Tasks 29 and 30 as required by implementing protocols (e.g., reason for stop, revised race/ethnicity codes), and members began utilizing the revised call-in procedures to record this information as required by Task 30.

During the review period, Division members continued to utilize the call-in procedures as required by Task 30.

Also during the review period, the State continues to evaluate the collection of information required by Tasks 30 through 30D and improve its efficiency and accuracy through methods which may include modifications to equipment utilized to record and process this information and revisions to training regarding the recordation of this information.

Also during the review period, to facilitate the auditing of call-in procedures the State revised Mobile Video Recorder protocols to require members to activate the audio and video components of the MVR before the stop is called in to the communications center. These proposals were approved by the Independent

Monitoring Team and the Department of Justice prior to their implementation in November 2001.

During the review period, 2000 Division members received in-service training on the operation of Mobile Data Computer ("MDCs"). MDCs are computers which have been installed in approximately 600 patrol vehicles and which presently permit members to input the Motor Vehicle Stop data required by Task 30. MDC training began on July 18, 2001 and is scheduled to be completed in May 2002.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 30A

Task: Notice of Call-In at Beginning of Stop

Decree ¶30(a)

Decree Language:

“30a. The initial call shall be made at the beginning of the stop before the trooper approaches the stopped vehicle, unless the circumstances make prior notice unsafe or impractical, in which event the state trooper shall notify the communications center as soon as practicable. The State Police shall continue to require that, in calling in or otherwise notifying the communications center of a motor vehicle stop, state troopers shall provide the communications center with a description of the stopped vehicle and its occupants (including the number of occupants, their apparent race/ethnicity, and their apparent gender). Troopers also shall inform the communications center of the reason for the stop, namely, moving violation, non-moving violation, or other.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division adopted protocols containing all of the requirements set forth in Task 30A. During 2000, members received two phases of in-service training addressing topics including the requirements of Task 30A, the Division installed and modified the CAD equipment to capture the information listed in Tasks 29 and 30A as required by implementing protocols (e.g., reason for stop, revised race/ethnicity codes), and members began utilizing the revised call-in procedures to record this information as required by Task 30A.

During the review period, Division members continued to utilize the call-in procedures as required by Task 30A. Additionally, to facilitate the auditing of call-in procedures the State revised Mobile Video Recorder protocols to require members to activate the audio and video components of the MVR before the stop is called in to the communications center. These proposals were approved by the Independent Monitoring Team and the Department of Justice prior to their implementation in November 2001.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 30B

Task: Notice Prior to Consent Search

Decree ¶30(b)

Decree Language:

“b. State troopers shall notify the communications center prior to conducting a consent search or nonconsensual search of a motor vehicle, unless the circumstances make prior notice unsafe or impractical.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division adopted protocols containing all of the requirements set forth in Task 30B. During 2000, members received two phases of in-service training addressing topics including the requirements of Task 30B, the Division installed and modified the CAD equipment to capture the information listed in Tasks 29 and 30B as required by implementing protocols, and members began utilizing the revised call-in procedures to record this information as required by Task 30B.

During the review period, Division members continued to utilize the call-in procedures as required by Task 30B. Additionally, as set forth in the status summary for Task 31A-C, the State revised Consent Search protocols to require supervisory notice and approval prior to any request for consent to search. These proposals were approved by the Independent Monitoring Team and the Department of Justice prior to their implementation in November 2001.

During the review period, the State also completed Phase VII training, which emphasized the requirement of interim call-ins concerning searches as required by Task 30B and the supervisory approval requirement. Phase VII training commenced on August 21, 2001 and was completed in November 2001.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 30C

Task: Call-Ins Upon Completion of Stop

Decree ¶30(c)

Decree Language:

“c. At the conclusion of the stop, before the trooper leaves the scene, the trooper shall notify the communications center that the stop has been concluded, notify the center whether any summons or written warning was issued or custodial arrest was made, communicate any information that is required to be provided by the protocols listed in ¶29(a) that was not previously provided, and correct any information previously provided that was inaccurate. If circumstances make it unsafe or impractical to notify the communications center of this information immediately at the conclusion of the stop, the information shall be provided to the communications center as soon as practicable.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division adopted protocols containing all of the requirements set forth in Task 30C. During 2000, members received two phases of in-service training addressing topics including the requirements of Task 30C, the Division installed and modified the CAD equipment to capture the information listed in Tasks 29 and 30C as required by implementing protocols (e.g., outcome of stop as moving or nonmoving, summons or warning), and members began utilizing the revised call-in procedures to record this information as required by Task 30C.

During the review period, Division members continued to utilize the call-in procedures as required by Task 30C. Additionally, to improve the audit of call-in requirements, the Division modified its MVR protocols to include a requirement for MVR recordation of the clearing of the stop including the required disposition codes. These modifications were approved by the Independent Monitoring Team and the Department of Justice prior to their implementation in November 2001.

The Division commenced Phase VII training on these new requirements on August 21, 2001. Phase VII training was completed in December 2001.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 30D

Task: CADS Incident Number Notification

Decree ¶30(d)

Decree Language:

“d. The communications center shall inform the trooper of an incident number assigned to each motor vehicle stop that involved a motor vehicle procedure (i.e., occupant requested to exit vehicle, occupant frisked, request for consent search, search, drug dog deployed, seizure, arrest or use of force), and troopers shall utilize that incident number to cross reference other documents prepared regarding that stop. Likewise, all motor vehicle stop information recorded by the communication center about a particular motor vehicle stop shall be identified by the unique incident number assigned to that motor vehicle stop.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division adopted protocols containing all of the requirements set forth in Task 30D. These protocols established that a Motor Vehicle Stop Report, indexed by CAD incident number, shall be completed whenever a member performs any of the motor vehicle procedures enumerated in Task 30D. During 2000, members received two phases of in-service training addressing topics including the requirements of Task 30D, the CAD system was installed throughout the Division, and CAD communications operators were instructed to provide the incident number (utilized as a cross reference to other documents) upon the member's request, the CAD system was modified to record such requests, and members began utilizing the revised call-in procedures to obtain and record this information as required by Task 30D.

During the review period, while some Division members continued to utilize the call-in procedures as required by Task 30D, the State sought to increase compliance with this call-in requirement through Phase VII training which emphasized this interim call-in requirement. Phase VII training commenced on August 24, 2001 and was completed in November 2001.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 31

Task: Continue Consent to Search Form

Decree ¶31

Decree Language:

“31. The State Police shall continue to require that whenever a state trooper wishes to conduct or conducts a consensual search of a motor vehicle in connection with a motor vehicle stop, the trooper must complete a “consent to search” form and report. The “consent to search” form shall contain information which must be presented to the driver or other person authorized to give consent before a consent search may be commenced. This form shall be prepared in English and Spanish. The “consent to search” report shall contain additional information which must be documented for State Police records.”

PROGRESS/STATUS SUMMARY

State Police procedures which were in effect before the Consent Decree was entered (on December 30, 1999) required the completion of a “consent to search” form and a report whenever a member conducted a consensual search. On December 14, 1999, the Division adopted protocols which also contained the requirements of Task 31.

During 2000, members received two phases of in-service training addressing topics including the requirements of Task 31 and the Division modified equipment to facilitate collection of motor vehicle stop data, including whether a consent to search the vehicle was requested and whether consent was granted, and whether any contraband or other property was seized, as referenced in Task 31 and required in Task 29. Members were trained to use this data collection equipment during 2000.

During the review period, Division members continued implementation of the protocols outlined above. Moreover, as set forth in the status summary for Task 31A-C, the State revised Consent Search protocols to require supervisory notice and approval prior to any request for consent to search. This revision was approved by the Independent Monitoring Team and the Department of Justice prior to implementation in November 2001. Phase VII training, emphasizing supervisory approval and review of all consent searches arising out of a motor vehicle stop, was completed in November 2001.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 31A-C

Task: Recording Consent to Search Requests

Decree ¶31(a-c)

Decree Language:

“31a. The State Police shall require that all consent to search forms include the following information:

- . the date and location of the stop;
- . the name and identification number of the trooper making the request for consent to search;
- . the names and identification numbers of any additional troopers who actively participate in the discussion with the driver or passenger(s) concerning the request for consent to search;
- . a statement informing the driver or other person authorized to give consent of the right to refuse to grant consent to search, and that if the driver or other person authorized to give consent grants consent, the driver or other person authorized to give consent at any time for any reason may withdraw consent to search;
- . a statement informing the driver or other person authorized to give consent of the right to be present during the search at a location consistent with the safety of both the state trooper and the motor vehicle occupant(s) which right may be knowingly waived;
- . check-off boxes to indicate whether consent has been granted, and if consent is granted, the driver or other person authorized to give consent shall check the appropriate box and sign and date the form; and
- . if the driver or other person authorized to give consent refuses consent, the trooper or the driver or other person authorized to give consent shall so note on the form and the driver or other person authorized to give consent shall not be required to sign the form.

- b. A state trooper who requests permission to conduct a consent search shall document in a written report the following information regardless of whether the request for permission to conduct a search was granted or denied:
- . the name of the driver or other person authorized to give consent to whom the request for consent is directed, and that person's gender, race/ethnicity, and, if known, date of birth;
 - . the names and identification numbers of all troopers who actively participate in the search;
 - . the circumstances which constituted the reasonable suspicion giving rise to the request for consent;
 - . if consent initially is granted and then is withdrawn, the fact that this occurred, and whether the search continued based on probable cause or other non-consensual ground, or was terminated as a result of the withdrawal of consent;
 - . a description of the type and quantity of any contraband or other property seized; and,
 - . whether the discussion concerning the request for consent to search and/or any ensuing consent search were recorded using MVR equipment.
- c. The trooper shall sign and date the form and the report after each is fully completed."

PROGRESS/STATUS SUMMARY

State Police procedures which were in effect before the Consent Decree was entered (on December 30, 1999) required the completion of a "consent to search" form and a report whenever a member conducted a consensual search. These procedures contained the requirements outlined in Task 31A-C except for the express reference to the right of consenting persons to be present during the search and the completion of a "consent to search" report whenever a member requests consent to search (even though no search is actually conducted). On December 14, 1999, the Division adopted the protocols which contain all the requirements (in revised consent to search forms and Motor Vehicle Stop Reports (SP 338)) as set forth in Task 31A-C.

During 2000, members received two phases of in-service training addressing topics including the requirements of Task 31A-C and the Division modified equipment to facilitate collection of motor vehicle stop data, as referenced in Task 31A-C and required in Task 29. Members were trained to use this data collection equipment during 2000.

In the Summer of 2001, members received Phase V training, which addressed the requirements of Task 31A-C. Division members have continued to utilize the consent to search procedures as required by Task 31A-C. Moreover, the State revised the Consent Search protocols to require supervisory notice and approval prior to any request for consent to search. This process includes an independent supervisory analysis of the facts supporting reasonable suspicion before supervisory approval to request consent. These revisions were approved by the Independent Monitoring Team and the Department of Justice prior to their implementation in November 2001.

Phase VII training, which emphasized these requirements, commenced on August 21, 2001. Phase VII training was completed in November 2001.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 32

Task: Recording and Reporting of Non-Consensual Searches

Decree ¶32

Decree Language:

“32. A state trooper shall complete a report whenever, during any motor vehicle stop, the trooper conducts a non-consensual search of a motor vehicle (excluding vehicle searches begun as a consent search). The report shall include the following information:

- . the date and location of the stop;
- . the names and identification numbers of all troopers who actively participated in the incident;
- . the driver’s name, gender, race/ethnicity, and, if known, date of birth;
- . a description of the circumstances which provided probable cause to conduct the search, or otherwise justified the search;
- . a description of the type and quantity of any contraband or other property seized; and
- . whether the incident was recorded using MVR equipment.”

PROGRESS/STATUS SUMMARY

State Police procedures and directives which were in effect before the Consent Decree was entered (on December 30, 1999) required members to complete a report whenever, during a motor vehicle stop, a member conducted a non-consensual search of the motor vehicle. These procedures and directives contained all of the requirements set forth in Task 32 except for written documentation of MVR reporting and the names of all additional members who actively participated in the incident. On December 14, 1999, the Division adopted the protocols which contain all the requirements set forth in Task 32.

During 2000, members received two phases of in-service training addressing topics including the requirements of Task 32 and the Division modified equipment to facilitate collection of motor vehicle stop data, including whether a non-consensual search of the vehicle was conducted and whether any contraband or other property was seized, as referenced in Task 32 and required in Task 29. Members were trained to use this data collection equipment during October of 2000. During the review period, these protocols remained in full effect.

In the Summer of 2001, members completed Phase V training on the requirements of Task 32. Additionally, Phase VII supervisory training on the requirement to properly document the supervisory review of the substantive requirements of Task 32 commenced on August 21, 2001. Phase VII training was completed in November 2001.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 33

Task: Recording and Reporting Deployment of Drug Detection Canines

Decree ¶33

Decree Language:

“33. A state trooper shall complete a report whenever, during a motor vehicle stop, a drug-detection canine is deployed. The report shall include the following information:

- . the date and location of the stop;
- . the names and identification numbers of all troopers who participated in the incident;
- . the driver’s name, gender, race/ethnicity, and, if known, date of birth;
- . a description of the circumstances that prompted the canine to be deployed;
- . whether an alert occurred;
- . a description of the type and quantity of any contraband or other property seized; and
- . whether the incident was recorded using MVR equipment.”

PROGRESS/STATUS SUMMARY

State Police Canine Unit practices which were in effect before the Consent Decree was entered (on December 30, 1999) included the completion of a report whenever, during the course of a member’s motor vehicle stop, a State Police canine is deployed. This report contained the information outlined in Task 33 except for written documentation of MVR recording and the names of all additional members who participated in the deployment. On December 14, 1999, the Division adopted a protocol which requires the collection of all data set forth in Task 33.

During 2000, members received two phases of in-service training addressing topics including the requirements of Task 33 and the Division modified equipment to

facilitate collection of motor vehicle stop data, including whether a drug-detection canine was deployed, whether an alert occurred and whether any contraband or other property was seized, as referenced in Task 33 and required in Task 29. Members were trained to use this data collection equipment during October of 2000. During the review period, these protocols remained in full effect.

In the Summer of 2001, members completed Phase V training on the requirements of Task 33. Additionally, Phase VII supervisory training on the requirement to properly document the supervisory review of the substantive requirements of Task 33 commenced on August 21, 2001. Phase VII training was completed in November 2001.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 34A

Task: Use and Installation of Mobile Video Recorder (MVR).

Decree ¶34(a)

Decree Language:

“34a. The State Police shall continue to operate all patrol vehicles engaged in law enforcement activities on the New Jersey Turnpike and the Atlantic City Expressway with MVR equipment. The State shall continue with its plans to install MVR equipment in all vehicles, both marked and unmarked, used for patrols on all other limited access highways in New Jersey (including interstate highways and the Garden State Parkway), and shall complete this installation within 12 months.”

PROGRESS/STATUS SUMMARY

New Jersey State Police marked patrol vehicles on the New Jersey Turnpike and the Atlantic City Expressway have been using mobile video recording devices since December 7, 1998 and March 26, 1999, respectively.

Currently, marked and unmarked patrol vehicles operating on limited access highways are equipped with MVR units with the exception of several units utilized by members of the Marine Stations whose duty is policing in a marine environment.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 34B-C

Task: MVR Training, Maintenance, and Use

Decree ¶34(b-c)

Decree Language:

“34b. The State shall continue to implement procedures that provide that all state troopers operating a vehicle with MVR equipment may operate that vehicle only if they first are trained on the manner in which the MVR equipment shall be tested, maintained, and used. The State shall ensure that all MVR equipment is regularly inspected, maintained, and repaired.

34c. Except when MVR equipment unforeseeably does not function, all motor vehicle stops conducted by State Police vehicles with MVR equipment shall be recorded by these vehicles, using both the video and audio MVR functions. The recording shall begin no later than when a trooper first signals the vehicle to stop or arrives at the scene of an ongoing motor vehicle stop begun by another law enforcement trooper; and the recording shall continue until the motor vehicle stop is completed and the stopped vehicle departs, or until the trooper’s participation in the motor vehicle stop ends (the recording shall include requests for consent to search a vehicle, deployments of drug-detection canines, and vehicle searches). If a trooper operating a vehicle with MVR equipment actively participates in a motor vehicle stop and is aware that the motor vehicle stop was not recorded using the MVR equipment, the trooper shall notify the communications center of the reason the stop was not recorded, which the center shall record in a computerized information system.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division adopted protocols which contain the requirements of Task 34B-C. All troopers were trained in proper operation of MVR equipment prior to utilizing the equipment. This training includes an operational check-off list of procedures a trooper must perform to properly operate the system. General duty road troopers are now trained to maintain the systems which are in use. They are trained to adhere to the operational check-off list prior to using this equipment each day. If a system is identified as having a malfunction, it is so identified in the trooper patrol chart and a report is made, and the malfunction is reported and stored in the CAD System so that proper repair may be made in a timely fashion. A periodic (monthly)

inspection is made of the MVR systems being utilized at each station. The purpose of this inspection is to systematically test each system to ensure that it is functioning properly. If a system has a failure or mechanical problem, a report is generated to list the nature of the failure and appropriate corrective measures are taken.

Division members are using MVR equipment in accordance with the requirements of the task.

During 2000, the use of MVR equipment was addressed in Phase I and Phase II training and the protocols outlined above were implemented.

During the review period, the State modified, implemented and trained all personnel on the MVR protocols as to the following: (1) requiring members to activate the audio and video component of the MVR before the stop is called-in, (2) requiring that at least one random supervisory review of a MVR include a law enforcement procedure, and (3) requiring that all supervisory MVR reviews be completed on a standardized form according to standardized instructions. These revisions were approved by the Independent Monitoring Team and the Department of Justice. In November 2001, these revisions became fully effective.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 35

Task: Supervisory Review of Search and Drug Detection Canine Reports.

Decree ¶35

Decree Language:

“35. The reporting trooper’s supervisor shall review each report prepared pursuant to ¶¶31-33 within 14 days of the precipitating incident and, as appropriate, in conjunction with that review, may view any associated MVR tape.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division adopted protocols containing all of the requirements set forth in Task 35. These protocols and subsequent directives require supervisors to provide initial review of these reports within 14 days of a precipitating incident and a final review within 30 days of such incident.

During 2000, members received two phases of in-service training addressing topics including these report filing requirements and the Division modified equipment to facilitate collection of motor vehicle stop data, including whether the activities referenced in Tasks 31-33 and 35 occurred, as required in Task 29. Members were trained to use this data collection equipment during October of 2000.

During the review period, Division supervisors continued conducting the reviews as required by the protocols above as described and as required by Task 35.

During the review period, as noted in Task 34B-C, the Division revised its protocols to require that at least one random supervisory review of an MVR include a law enforcement procedure (frisk, search (consensual or non-consensual), arrest, seizure, drug dog deployment, requesting an occupant to exit the vehicle, and use of force). Further, all supervisory MVR reviews are now completed on a standardized form according to standardized instructions. These protocol revisions were approved by the Independent Monitoring Team and the Department of Justice.

During November 2001, these revisions became fully effective. The State commenced Phase VII training, which included these new requirements, on August 21, 2001. Phase VII training was completed in November 2001.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 36

Task: Written Protocol for Random Review of MVR Tapes.

Decree ¶36

Decree Language:

“36. The State shall adopt a protocol requiring that State Police supervisors review MVR tapes of motor vehicle stops on a random basis. The protocol shall establish the schedule for conducting random reviews and shall specify whether and in what manner the personnel conducting the review shall prepare a written report on each randomized review of an MVR tape. Prior to implementation, the protocol shall be approved by the United States and the Independent Monitor.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, the Division adopted a protocol requiring supervisors to review MVR tapes of motor vehicle stops on a random basis. These protocols complied with the requirements of Task 36 except for specificity and standardization of report content. During 2000, supervisors were directed to review MVR tapes in accordance with the December 14, 1999 protocol and supervisors commenced these reviews.

During a preceding review period, the Division revised its protocols (1) to require members to activate the audio components of a Mobile Video Recorder (“MVR”) before the stop is called in to the communications center, (2) to require at least one random supervisory review of a MVR include a law enforcement procedure, and (3) to require that all supervisory MVR reviews be completed on a standardized form according to standardized instructions. More specifically, pursuant to this Supervisory MVR Review Procedure, each quarter a supervisor must review, at a minimum, two randomly selected incidents in order to complete the quarterly performance appraisal. One of the incidents for random selection must be an enumerated law enforcement procedure (frisk, search (consensual or non-consensual), arrest, seizure, drug dog deployment, requesting an occupant to exit the vehicle, and use of force). An automated selection system enables a supervisor to obtain randomly selected incidents based on a unique number assigned to all interactions between a trooper and a motorist. All members with the responsibility to conduct MVR reviews are now utilizing this system, which requires a supervisor to review the incident that was produced by the automated selection system.

This Supervisory MVR Review Procedure also mandates that supervisors reviewing incidents for troopers under their command utilize a standardized form requiring them to assess conduct of enumerated law enforcement procedures for compliance with applicable legal standards. In addition, a supervisor must assess conduct for compliance with the procedures for trooper safety; radio usage; use of Mobile Video Recorder equipment; and reception and processing of civilian complaints.

These protocol revisions were approved by the Independent Monitoring Team and the Department of Justice. During November 2001, these revisions became fully effective Division-wide. The State commenced Phase VII training, which included these new requirements, on August 21, 2001. Phase VII training was completed in November 2001.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 37

Task: Supervisory Referral

Decree ¶37

Decree Language:

“37. After conducting a review pursuant to ¶35, ¶36, or a special MVR review schedule, the personnel conducting the review shall refer for investigation by the Professional Standards Bureau (“PSB”) any incident where this review reasonably indicates a possible violation of the provisions of this Decree and the protocols listed in ¶29 concerning search or seizure procedures, nondiscrimination requirements, and MVR use requirements, or the provisions of the Decree concerning civilian complaint procedures. Subsequent investigation shall be conducted by either the PSB or the Office of the Attorney General (“OAG”) as determined by the State. Appropriate personnel shall evaluate all incidents reviewed to determine the need to implement any intervention for the involved trooper.”

PROGRESS/STATUS SUMMARY

During the review period, as noted in Task 36, the State developed, trained and implemented a standard procedure for supervisory review of MVR tapes and associated reports in accordance with the requirements of Task 37. This procedure contains a provision for referral of possible violations of the Decree to the Office of Professional Standards (“OPS”) after the completion of an MVR review. The procedure also requires a supervisor to recommend an appropriate course of action when a potential performance or misconduct problem is found, which may include an OPS referral or a non disciplinary intervention, based on a review and an analysis of the conduct recorded on MVR tapes.

During the review period, these protocol revisions were approved by the Independent Monitoring Team and the Department of Justice. During November 2001, these revisions became fully effective. The State commenced Phase VII training, which included these new requirements, on August 21, 2001. Phase VII training was completed in November 2001.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 38

Task: Periodic Reviews of Referral Decisions

Decree ¶38

Decree Language:

“38. The State Police and the OAG shall conduct periodic reviews of referral decisions pursuant to ¶37 to ensure appropriate referrals are being made. State Police personnel shall be held accountable for their referral decisions.”

PROGRESS/STATUS SUMMARY

During the review period, the State developed a supervisory MVR Review Procedure satisfying the requirements of Task 38. This procedure contains a provision for referral of possible violations of the Decree to the Office of Professional Standards (“OPS”) after the completion of an MVR review. The procedure also requires a supervisor to recommend an appropriate course of action when a potential performance or misconduct problem is found, which may include an OPS referral or a non disciplinary intervention, based on a review and an analysis of the conduct recorded on MVR tapes.

During the review period, these protocol revisions were approved by the Independent Monitoring Team and the Department of Justice. During November 2001, these revisions became fully effective. The State commenced Phase VII training, which included these new requirements, on August 21, 2001. Phase VII training was completed in November 2001.

During the review period, OPS and OAG have reviewed referral decisions made pursuant to Task 37, as required by Task 38.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 39

Task: Supervisory Activity on Limited Access Highways.

Decree ¶39

Decree Language:

“39. 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.”

PROGRESS/STATUS SUMMARY

During the review period, increased supervisory activity in the field doubled the number of sergeants assigned to road duty stations. A staff sergeant is now assigned to administrative responsibilities, including the standardized review of MVR tapes. A patrol sergeant is now assigned to responsibilities including: (1) supervising the station area and the troopers assigned to the station; (2) providing backup to any trooper requiring assistance; (3) responding to and supervising major incidents, traffic jams, and serious accidents; (4) approving/denying all trooper requests for consent to search vehicles; and (5) when operationally feasible, responding to the location of a motor vehicle stop to supervise and provide guidance to the trooper in the event that the supervisor, after discussing with the trooper the factors in support of or against a consensual search of a motor vehicle, determines that a consensual search is warranted.

The State commenced Phase VII training, which included the duties of these sergeants, on August 21, 2001. Phase VII training was completed in November 2001. Since November 2001, each squad is supervised by a patrol sergeant in the field.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 40

Task: Development of a Management Awareness and Personnel Performance System

Decree ¶40

Decree Language:

“40. The State shall develop and implement computerized systems for maintaining and retrieving information necessary for the supervision and management of the State Police to promote professionalism and civil rights integrity, to identify and modify potentially problematic behavior, and to promote best practices (hereinafter, the “Management Awareness Program” or “MAP”).¹

PROGRESS/STATUS SUMMARY

During the review period, the State and its contractor continued making substantial progress in the design, development and implementation of MAPPS. This progress is reflected in the fully operational status of the Motor Vehicle Stop Module. This MAPPS module facilitates standardized analysis of the motor vehicle stop data referenced in Tasks 29 and 41(a), (b) and (c) and is operational in several stations where field testing is ongoing. This progress is further reflected by the fully operational status of other MAPPS modules which (1) permit more sophisticated analysis of motor vehicle stop data as required in Tasks 43, 49-51, (2) track the complaint data as required in Task 41(b), and (3) track the assignment and training data as required in Task 41(c). The requirements and specifications documents for these MAPPS modules were provided to the Independent Monitoring Team and the Department of Justice to ensure that the design, operation and implementation of MAPPS complies with all Consent Decree requirements.

It is anticipated that MAPPS will be fully operational during the third quarter of 2002. It is further anticipated that MAPPS supervisory training and implementation will take place during the third and fourth quarters of 2002.

¹ This system is now called MAPPS, an acronym for the Management Awareness and Personnel Performance System.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 41

Task: Management Awareness and Personnel Performance System Information Components

Decree ¶41

Decree Language:

“41. The MAP shall consist of the following information:

a. all items of information in connection with all motor vehicle stops that are required to be recorded in a written report, form, or log, or reported to the communications center, pursuant to ¶29 and the protocols listed in ¶29 of this Decree, except that duplicate information need not be entered, and information as to whether the incident was recorded with MVR equipment need not be entered if all patrol cars are equipped with MVR unless a patrol car was equipped with MVR equipment that was not functioning;

b. information on civilian compliments and other indicia of positive performance; information on misconduct investigations; reports on use of force associated with motor vehicle stops; on-duty and off-duty criminal arrests and criminal charges; civil suits involving alleged misconduct by state troopers while on duty; civil suits in which a trooper is named as a party involving off-duty conduct that alleges racial bias, physical violence or threats of violence; and

c. implementation of interventions; and training information including the name of the course, date started, date completed and training location for each member receiving training.”

PROGRESS/STATUS SUMMARY

During the review period, the State and its contractors made significant progress in the design, development and implementation of MAPPS. This progress is reflected in the fully operational status of the Motor Vehicle Stop Module. This MAPPS module facilitates standardized analysis of the motor vehicle stop data referenced in Tasks 29 and 41(a), (b) and (c) and is operational in several stations where field testing is ongoing. This progress is further reflected by the fully operational status of other MAPPS modules which (1) permit more sophisticated analysis of motor vehicle stop data as required in Tasks 43, 49-51, (2) track the complaint data as required in Task

41(b), and (3) track the assignment and training data as required in Task 41(c). The requirements and specifications documents for these MAPPS modules were provided to the Independent Monitoring Team and the Department of Justice to ensure that the design, operation and implementation of MAPPS complies with all Consent Decree requirements. It is anticipated that MAPPS will be fully operational in the third quarter of 2002. It is further anticipated that MAPPS supervisory training and implementation will take place during the third and fourth quarters of 2002.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 42

Task: Trooper Access to MAPPS Data

Decree ¶42

Decree Language:

“42. All information in MAP on substantiated misconduct investigations, civilian compliments, and other indicia of positive performance which can be attributed to a specific trooper shall be made available to that trooper on an annual basis upon written request. Nothing in this paragraph shall be construed as granting that trooper access to confidential documents other than those identified in this paragraph, or to any information which cannot be attributed to the trooper requesting the information.”

PROGRESS/STATUS SUMMARY

During this review period, the MAPPS complaint module, which contains the complaint data referenced in Task 42, was completed. The compliment module is currently in the development stage. The requirements and specifications documents for the complaint module were provided to the IMT and DOJ and are awaiting their approval. It is anticipated that the MAPPS compliment module will be fully operational in the third quarter of 2002. Trooper access will also be operational during the third quarter of 2002.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 43

Task: Data Reporting Capacities for MAPPS

Decree ¶43

Decree Language:

“43. Regarding the motor vehicle stop information identified in ¶29 (a)(1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19) and recorded in accordance with the protocols identified in ¶29(a), the MAP shall have the capability to search and retrieve numerical counts and percentages for any combination of the above-referenced information and to run reports for different time periods (e.g., monthly, quarterly, annually) and for individual troopers, squads, and stations. Regarding the motor vehicle stop information identified in ¶29(a)(5A, 8A, 12A, 13A, 14A, 15A, and 17A) and recorded in accordance with the protocols identified in ¶29(a), it will be sufficient that the MAP shall have the capability to access (through cross-referenced paper documents or other method) this descriptive information entered on specific incidents and matters. Regarding the information identified in ¶41(b and c), to the extent technologically feasible, the MAP shall be developed to have the capability to search and retrieve numerical counts and percentages for any combination of the information and to run reports for different time periods and for individual troopers, squads or stations. To the extent that the MAP shall require textual or narrative descriptions of misconduct allegations or other information identified in ¶41(b and c), it will be sufficient that the MAP only have the capability to retrieve this descriptive information.”

PROGRESS/STATUS SUMMARY

During the review period, the State and its contractor continued making substantial progress in the design, development and implementation of MAPPS modules satisfying the data reporting capacities required by Task 43. More specifically, this progress is reflected in the fully operational status of the Motor Vehicle Stop Module. This MAPPS module facilitates standardized analysis of the motor vehicle stop data referenced in Tasks 29 and 41(a) and is operational in several stations where field testing is ongoing. This progress is further reflected by fully operational status of other MAPPS modules which (1) permit more sophisticated analysis of motor vehicle stop data as required in Tasks 43, 49-51, (2) track the complaint data as required in Task 41(b), and (3) track the assignment and training data as required in Task 41(c). The

requirements and specifications documents for these MAPPs modules were provided to the IMT and the DOJ to ensure that the design, operation and implementation of MAPPs complies with all Consent Decree requirements. It is anticipated that these modules will be implemented in the third quarter of 2002.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 44

Task: Development and Use of Common Control Numbers

Decree ¶44

Decree Language:

“44. Where information about a single incident is included within the MAP from more than one document the State shall use a common control number or other means to link the information from different sources so that the user can cross-reference the information and perform analyses.”

PROGRESS/STATUS SUMMARY

During this review period, the Motor Vehicle Stop module became fully operational in several stations where field testing is ongoing. In this MAPPS module, information about a single incident is linked through a common control number, known as an incident number, which is assigned by the CAD system. The computerized tracking for misconduct investigations also links data elements relating to an incident through an incident number assigned by the CAD system or through a control number assigned by the Office of Professional Standards. MAPPS now utilizes the CAD incident number as a common control number as required by Task 44.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 45

Task: MAPPS Data Quality

Decree ¶45

Decree Language:

“45. The State shall ensure that information is included within the MAP in an accurate and timely fashion and is maintained in a secure manner.”

PROGRESS/STATUS SUMMARY

During the review period, the State completed the Motor Vehicle Stop module, which receives motor vehicle stop data from the CAD system and the Motor Vehicle Stop Report data base. OAG and State Police have conducted and will continue to conduct audits of the Motor Vehicle Stop module to ensure that the data feeder systems to MAPPS transfer data in an accurate and timely fashion.

MAPPS security is addressed through the use of a password for each MAPPS user. The Motor Vehicle Stop module is operational for three test stations and for OAG and State Police personnel in the current review period, and utilizes password access for authorized MAPPS users.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 46

Task: Develop Design Plan for MAPPS

Decree ¶46

Decree Language:

“46. Within one hundred and eighty (180) days following entry of this Decree, the State shall develop a plan for designing and implementing the MAP including the use of the MAP, a timetable for implementation, and a specification of the information contained in State records pre-dating the implementation of the MAP that can reasonably be incorporated in the MAP. Prior to effectuating the implementation plan, the plan shall be approved by the United States and the Independent Monitor. Within 180 days following the entry of this Decree, the State shall begin conducting the supervisory and management reviews required by ¶¶48-53.”

PROGRESS/STATUS SUMMARY

Currently, MAPPS facilitates reviews of motor vehicle stop data, complaint data and assignment and training data. The United States and the Independent Monitor are currently engaged in the approval process for MAPPS.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 47

Task: Written Protocol for Supervisory and Management Reviews.

Decree ¶47

Decree Language:

“47. Consistent with the requirements of ¶¶48-53 infra, the State shall develop a protocol specifying the manner in which supervisory and management reviews of individual state troopers, and State Police units and sub-units (e.g., troops, stations, and squads), shall be conducted, and the frequency of such reviews. Prior to implementation, the protocol shall be approved by the United States and the Independent Monitor.”

PROGRESS/STATUS SUMMARY

During the review period, the State submitted to the IMT and the United States a review policy addressing the requirements of Task 47. This policy is a comprehensive, standardized supervisory guide for analyzing data in MAPPS. It is anticipated that all Division supervisors will receive MAPPS policy training during the third and fourth quarters of 2002.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 48

Task: Quarterly Reviews Using MAPPS

Decree ¶48

Decree Language:

“48. At least quarterly, State Police supervisors shall conduct reviews and analyses of data obtained from the MAP and other appropriate sources to ensure that individual troopers and State Police units and subunits are performing their duties in accord with the provisions of this Decree and associated protocols.”

PROGRESS/STATUS SUMMARY

During the review period, the State submitted to the IMT and the United States a MAPPS review policy addressing the requirements of Task 48. This policy is a comprehensive, standardized supervisory guide for analyzing data in MAPPS. It is anticipated that by the end of the fourth quarter of 2002, all State Police supervisors will utilize MAPPS to analyze data for troopers under their command.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 49

Task: Preparation of MAPPS Reports

Decree ¶49

Decree Language:

“49. To the extent reflected in ¶43, reports of MAP data shall regularly be prepared regarding individual troopers, stations and squads, for use in reviews as appropriate. The reports shall include the following information:

a. the number of motor vehicle stops, by race/ethnicity, reason for the stop (i.e., moving violation, non moving violation, other), road, squad, and trooper station; and the number of enforcement actions and procedures taken in connection with or during the course of a motor vehicle stop, by race/ethnicity, reason for the stop (i.e., moving violation, non- moving violation, other), road, squad and trooper station;

b. data (including racial/ethnic data) on complaints, misconduct investigations (for each type of investigation, as delineated in ¶73), discipline, intervention, and uses of force associated with motor vehicle stops.”

PROGRESS/STATUS SUMMARY

It is anticipated that the modules noted above will be implemented Division-wide by the end of the third quarter of 2002, and Division-wide training in MAPPS will occur during the fourth quarter of 2002. The MAPPS module that will facilitate the analysis described in Task 49(a) is currently in development. It is anticipated that this module will be completed in the third quarter of 2002. Currently, MAPPS facilitates the analysis described in Task 49(b).

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 50

Task: MAPPS Motor Vehicle Stop Data Comparisons

Decree ¶50

Decree Language:

“50. To the extent reflected in ¶43, analyses of MAP data concerning motor vehicle stops shall include a comparison of racial/ethnic percentages of motor vehicle stops (by reason for the stop (i.e., moving violation, non moving violation, other)) and racial/ethnic percentages of enforcement actions and procedures taken in connection with or during the course of such stops, with a benchmark racial/ethnic percentage if available (see ¶¶54-55); a comparison of racial/ethnic percentages for such stops with the racial/ethnic percentages for enforcement actions taken in connection with or the during the course of such stops; a comparison of racial/ethnic percentages for consent searches of vehicles, and requests for consent to search vehicles, with “find” rates by race/ethnicity for motor vehicle consent searches; a comparison of racial/ethnic percentages for non-consensual searches of motor vehicles with “find” rates by race/ethnicity for motor vehicle non-consensual searches; evaluations of trends and differences over time; and evaluations of trends and differences between troopers, units, and subunits.”

PROGRESS/STATUS SUMMARY

The Motor Vehicle Stop Module currently facilitates some of the analysis described in Task 50. The MAPPS module that will facilitate the complex comparisons of Task 50 is currently in development, and its completion should occur in the third quarter of 2002.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 51

Task: Evaluations of Trends Using MAPPS Data

Decree ¶51

Decree Language:

“51. To the extent reflected in ¶43, analyses of other data generated by the MAP shall include evaluations of trends and differences over time and evaluations of trends and differences between troopers, units, and subunits.”

PROGRESS/STATUS SUMMARY

MAPPS currently facilitates the trend analysis required by Task 51.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 52

Task: Supervisors to Implement Appropriate Remedial Measures

Decree ¶52

Decree Language:

“52. Each supervisor shall, consistent with his or her authority, implement any appropriate changes or remedial measures regarding traffic enforcement criteria, training, and enforcement practices for particular units or subunits or implement any appropriate intervention for particular troopers; conduct any necessary additional assessment or investigation regarding particular units or subunits or particular troopers; and/or make any appropriate recommendations.”

PROGRESS/STATUS SUMMARY

During the review period, the State submitted to the IMT and the United States a review policy addressing the requirements of Task 47. This policy is a comprehensive, standardized supervisory guide for analyzing data in MAPPS. It is anticipated that all Division supervisors will receive MAPPS policy training during the third and fourth quarters of 2002.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 53

Task: Supervisory Review of Troopers with More than two Misconduct Investigations in Two Years

Decree ¶53

Decree Language:

“53. A supervisory review shall be conducted regarding any state trooper who within a period of two years, is the subject of three misconduct investigations of any kind initiated pursuant to ¶73. Where appropriate, the review may result in intervention being taken. In the event the supervisory review results in intervention, the supervisor shall document the nature, frequency, and duration of the intervention.”

PROGRESS/STATUS SUMMARY

During the prior review period, the State completed the development of the MAPPS module that tracks misconduct allegations as required by Task 53. It is anticipated that this module will be operational and in use on a Division-wide basis by supervisors in the fourth quarter of 2002.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 54

Task: Survey - New Jersey Turnpike.

Decree ¶54

Decree Language:

“54. To assist in evaluating data reported from the MAP concerning State Police law enforcement on the New Jersey Turnpike, the State shall develop (for purposes of implementing this Decree) a protocol for conducting a survey of a sample of persons and vehicles traveling on the New Jersey Turnpike to determine the racial/ethnic percentage of drivers on the Turnpike. As appropriate, the survey may identify different benchmark figures for different portions of the Turnpike. Prior to implementation, the protocol shall be approved by the Independent Monitor and the United States. The protocol shall be developed and implemented using a consultant jointly selected by the parties. The survey shall be completed within one hundred fifty (150) days of the entry of this Decree. Both the United States and the State agree that the utility and fairness of the MAP described in this Consent Decree will depend to some degree on the development of accurate and reliable benchmarks that account for all appropriate variables and factors.”

PROGRESS/STATUS SUMMARY

In December 2000, the State completed and released the survey referenced in Task 54 to the public.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 57

Task: Troopers to Provide Name and Badge Number

Decree ¶57

Decree Language:

“57. The State Police shall require all state troopers to provide their name and identification number to any civilian who requests it.”

PROGRESS/STATUS SUMMARY

Existing New Jersey State Police Rules and Regulations require members of the New Jersey State Police to provide this information. These Rules and Regulations remained in effect during the review period.

During this review period, the OAG auditing procedures revealed that the OPS continues to investigate complaints that allege a member has not properly identified him/herself in accordance with the requirements of this paragraph.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 58

Task: Development and Availability of Informational Materials Describing the Complaint/Compliment Process.

Decree ¶58

Decree Language:

“58. The State Police shall develop and implement an effective program to inform civilians that they may make complaints or provide other feedback regarding the performance of any state trooper. This program shall, at a minimum, include the development of informational materials (fact sheets and informational posters) describing the complaint process and the development and distribution of civilian complaint forms. The State Police shall make such materials available in English and Spanish.”

PROGRESS/STATUS SUMMARY

The New Jersey State Police have developed fact sheets and informational posters describing the complaint process. This Task was memorialized in a State Police Standing Operating Procedure which has remained in effect during this review period. During this review period, the New Jersey State Police Staff Inspection Unit continues to inspect State Police facilities to ensure that the posters appear and are accessible to the public. In addition, during this review period, the Staff Inspection Unit continues to conduct inspections of rest/service areas and personal inspections of individual troopers to ensure compliance with this task. The State has also developed a form for civilian complaints or compliments regarding New Jersey State Trooper performance which are carried in patrol vehicles. Furthermore, during this review period, the Staff Inspection Unit continued inspections to ensure that individual members carry with them the forms and the fact sheets in their troop cars. In addition, the forms and fact sheets have been made available at the vestibule to road stations. These forms, fact sheets, and informational posters are in both the English and Spanish languages.

During a previous review period, the Division of State Police revised its forms, fact sheets and informational posters to more accurately reflect IAB as either the Office of Professional Standards or the Intake and Adjudication Bureau as appropriate. In addition, these informational materials also reflect the fax number for the Office of Professional Standards. During the last review period, State Police Affairs personnel were advised by State Police members that informational posters have been placed at

all State-operated rest stops on limited access highways including the Garden State Parkway and the New Jersey Turnpike. During this review period, State Police Affairs personnel have been advised that the individual Troops in Field Operations continue to inspect the rest/service areas to ensure that the posters remain in the rest/service stops.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 59

Task: Availability of Complaint/Compliment Forms

Decree ¶59

Decree Language:

“59. The State shall make complaint forms and informational materials available at State Police headquarters, all State Police stations, and such other locations around New Jersey as it may determine from time to time. The State shall publicize the State Police mailing address, Internet address, and toll-free telephone number at state-operated rest stops located on limited access highways. The State Police also shall provide information on the Internet about the methods by which civilians may file a complaint. The State Police further shall require all state troopers to carry fact sheets and complaint forms in their vehicles at all times while on duty. The State Police shall require troopers to inform civilians who object to a troopers’s conduct that civilians have a right to make a complaint. The State Police shall prohibit state troopers from discouraging any civilian from making a complaint.”

PROGRESS/STATUS SUMMARY

The New Jersey State Police have developed fact sheets and informational posters describing the complaint process. During this review period, the New Jersey State Police Staff Inspection Unit has confirmed that the posters appear in approximately 55 State Police facilities that are accessible to the public. The State has also developed a form for civilian complaints or compliments regarding New Jersey State Trooper performance. These forms, fact sheets, and informational posters are in both the English and Spanish languages.

During this review period the Staff Inspection Unit continues to conduct inspections and verify that the complaint/compliment forms, fact sheets, and informational posters are currently available at State Police headquarters and all State Police stations. Additionally, fact sheets and compliment/complaint forms are also carried in troop vehicles. The State has provided information on the Internet on methods by which civilians may file a complaint. This Internet website was posted on November 12, 1999.

Standing Operating Procedures which memorialize that all members are required to inform any person who objects to a trooper's conduct that they have the right to make a complaint and that troopers are prohibited from discouraging anyone from making a complaint remained in effect during this review period.

During the last review period, the Division revised its protocols to require that all supervisory MVR reviews be completed on a standardized form according to standardized instructions. This standardized form requires supervisors to assess matters including whether members inform persons who object to their conduct that those persons have a right to make a complaint. These protocol revisions were approved by the Independent Monitoring Team and the Department of Justice. During October of 2001, these revisions became fully effective but for the requirement that all supervisory MVR reviews be completed on a standardized form according to standardized instructions. These standardized forms became effective for those supervisors who received Phase VII training. Phase VII training was completed for all supervisors in November 2001.

During a previous review period, the Division of State Police revised its forms, fact sheets and informational posters to more accurately reflect IAB as either the Office of Professional Standards or the Intake and Adjudication Bureau as appropriate. In addition, these informational materials also reflect the fax number for the Office of Professional Standards. During this review period, State Police Affairs personnel were advised by State Police members that informational posters continue to be posted at all State-operated rest stops on limited access highways including the Garden State Parkway and the New Jersey Turnpike.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 60

Task: Community Outreach

Decree ¶60

Decree Language:

“60. The State Police shall develop a program of community outreach to inform the public about State Police functions and procedures, including motor vehicle stops, searches and seizures, and the methods for reporting civilian complaints or compliments regarding officers. This outreach program is not intended, and should not be construed, to require the State Police to disclose operational techniques to the public.”

PROGRESS/STATUS SUMMARY

During this review period, it has been reported by the Staff Inspection Unit that troopers continue to carry all informational materials consistent with Task 58, including compliment/complaint forms. In addition, posters and other informational material remain available in rest areas and State Police stations accessible to the public.

During this review period, the EEO/AA Bureau, Recruitment Unit continued to recruit qualified applicants from diverse neighborhoods of New Jersey.

In addition, during this review period, the former Superintendent as well as the current Superintendent have spoken to approximately 10 community groups regarding matters including State Police functions and procedures including motor vehicle stops, arrest search and seizure and methods for reporting compliments and complaints as required by Task 60. In addition, during this review period, other State Police members (e.g., Community Policing Unit) have made approximately 70 appearances before community groups to discuss topics required by Task 60.

As a result of the September 11, 2001 attack on the World Trade Center, members from the Community Policing Unit had been deployed to supplement routine patrols for local police agencies and were only very recently assigned back. In addition, enlisted members have been assigned to patrol train stations, bridges, tunnels and grieving centers to address public concern.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 61

Task: Receipt of Citizens' Complaints and Compliments

Decree ¶61

Decree Language:

“61. Civilians may initiate a complaint or otherwise provide feedback regarding State Police performance either in person, by mail, by telephone (or TDD), or by facsimile transmission. The State Police shall accept and investigate anonymous complaints and complaints filed by civilians other than the alleged victim of misconduct. The State shall not require that a complaint be submitted in writing to initiate a misconduct investigation.”

PROGRESS/STATUS SUMMARY

Existing State Police Standing Operating Procedure provides for informational materials that advise the public that anyone may advise the State Police of a complaint or compliment in writing, by telephone, or by submitting a Complaint/Compliment form.

During the last review period, OPS developed training, in accordance with the requirement of this paragraph, which was approved by both the Independent Monitoring Team and the Department of Justice and was provided to all enlisted members.

During this review period, OAG through its auditing procedure has confirmed that the OPS has continued to receive anonymous complaints and/or compliments through all of the mediums required by Task 61.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 62

Task: Institution of a 24-Hour Toll-Free Telephone Hotline

Decree ¶62

Decree Language:

“62. The State Police shall institute a 24-hour toll-free telephone hotline for civilians to call to make a complaint or compliment or otherwise provide feedback regarding State Police performance. The hotline shall be operated by the Professional Standards Bureau (hereinafter “PSB”). The State Police shall immediately connect or refer all civilians to this hotline who telephone a State Police station to file a complaint. The State Police shall publicize the hotline telephone number on informational materials, complaint forms, and consent to search forms. The State Police shall tape record all conversations on this hotline and shall notify all persons calling the hotline of the tape recording. The State Police shall develop a procedure to assure that callers are being treated with appropriate courtesy and respect, that complainants are not being discouraged from making complaints, and that all necessary information about each complaint is being obtained. This procedure shall include regular reviews of the tape recordings.”

PROGRESS/STATUS SUMMARY

On September 9, 1999, the State Police installed a 24-hour toll-free hotline for civilians to call and make a complaint or compliment or otherwise provide feedback regarding State Police performance. This hotline is operated by the OPS who have verified that all conversations are taped. The telephone number has been publicized on informational materials and complaint forms, consent to search forms and in radio announcements. The hotline is manned Monday through Friday during normal business hours, and a recorded message can be left during other times. OPS has verified that all calls coming in on this hotline are recorded and all persons calling the hotline are notified that they are being recorded. Existing OPS procedures require an OPS investigator to respond to compliments or complaints and are designed to elicit the necessary information about each compliment or complaint. During this review period, OPS representatives have verified that tape recordings from this hotline continue to be reviewed on a daily basis. During past review periods, OPS developed a protocol by which tapes are randomly reviewed to ensure that callers are being treated with the appropriate courtesy and respect and that callers are not being discouraged from

making complaints. This protocol continued to be in effect during this review period. The hotline has both English and Spanish announcements.

During this review period, the OAG auditing procedures revealed that the State Police continue to accept complaints over the 24-hour toll-free hotline. In addition, the audit further revealed that there were no instances in which a complainant was discouraged from filing a complaint and all complainants were treated with the appropriate courtesy and respect.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 63

Task: OPS to Receive All Citizens Complaints

Decree ¶63

Decree Language:

“63. The PSB shall be responsible for receiving all misconduct complaints. All complaints made at locations other than the PSB shall be forwarded to the PSB within a reasonably prompt period as specified by the State Police. The State Police shall assign and record a case number for each complaint. The OAG shall have access to all misconduct complaints received by PSB.”

PROGRESS/STATUS SUMMARY

During this review period, the OAG auditing procedure revealed that the OPS continues to receive misconduct complaints in accordance with Task 63.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 64

Task: Relocation of Office of Professional Standards

Decree ¶64

Decree Language:

“64. The State Police shall relocate PSB offices to buildings separate from any building occupied by other State Police personnel. The PSB shall publicize the locations of its offices.”

PROGRESS/STATUS SUMMARY

As of October 6, 1999, the Office of Professional Standards opened a field office in Freehold, New Jersey. The Freehold offices of the New Jersey State Police Office of Professional Standards are located in a professional mall, separate from any building occupied by any other State Police offices.

During prior periods, the State revised its Internet Website to publicize the location of its Freehold office. This Website remained in effect during the review period.

During this review period there are 80 personnel assigned to OPS. OPS is commanded by a Major who is assisted by two civilians. Of the remaining 78 staff members, ten enlisted and four civilian personnel are assigned to Staff Inspection and Management Review. Sixty-three personnel are assigned to the Internal Affairs Investigation Bureau (IAIB), which has 49 enlisted, one sworn, and 13 civilian personnel. Additionally, during the last review period, approximately 103 additional members were assigned on a part-time basis to assist OPS in expediting the investigation of misconduct cases, six of whom had been assigned to the OPS Intake Unit. Due to other operational needs, of those 103 temporarily assigned, only 43 remain.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 65

Task: Referral of Specific Dismissed Charges

Decree ¶65

Decree Language:

“65. The State Police shall refer to the OAG and/or PSB for investigation of state trooper performance all incidents in which a civilian is charged by a state trooper with obstruction of official business, resisting arrest, assault on a state trooper, or disorderly conduct, where the prosecutor’s office or a judge dismisses the charge before or during trial and the dismissal is not part of the plea agreement.”

PROGRESS/STATUS SUMMARY

Currently the New Jersey State Police Rules and Regulations provide that no member shall file a complaint for an assault upon such member’s person without first reporting that intention to the Superintendent. The Rules and Regulations further provide that a member shall not withdraw any non-civil complaint without the prior consent of the Superintendent. Additionally, existing protocols require members who were assaulted to report the incident, through their chain of command, to the Superintendent.

During prior review periods, the Attorney General issued a Directive requiring prosecutorial authorities to report to the Division of Criminal Justice any instance in which a judge dismisses a charge filed by a state trooper for obstruction of official business, resisting arrest, assault on a state trooper, or disorderly conduct, whenever such dismissal is not part of a plea agreement. In response to practical concerns raised by prosecutorial authorities, the State presently is considering potential revisions to the Directive.

During the last review periods, the Division of State Police evaluated the feasibility of an in-house system to capture information required by this Task. During the last review period, personnel from the Division of State Police advised that they have the ability to capture the relevant information. The Division of State Police continues to work on a program that will capture all of the information in a manner consistent with the requirements of this paragraph. In the meantime, the previously issued Attorney General’s Directive continues to be in effect.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 66

Task: Notice to Office of State Police Affairs of Pending Civil Actions

Decree ¶66

Decree Language:

“66. The State shall notify the OAG whenever a person files a civil claim against the State alleging misconduct by a state trooper or other employee of the State Police. The OAG shall notify the PSB of such civil claims.”

PROGRESS/STATUS SUMMARY

The Attorney General is the head of the Department of Law and Public Safety (DLPS). Civil claims alleging State Police misconduct while on duty are received by the Division of Law, a subdivision of the DLPS. Under current practice, the DLPS is notifying OPS of these civil claims. In addition, under New Jersey State Police Rules and Regulations, troopers are required to notify Division headquarters, through the chain of command, whenever a member is named as a party in a civil suit related to the performance of the member's duties. Under current practice, these notifications are forwarded from the Division of Law to the OAG. During this review period, the OAG continued to receive notification of civil complaints from the Division of Law as required by Task 66.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 67

Task: Notice of Criminal Involvement of Members

Decree ¶67

Decree Language:

“67. The State shall make reasonable efforts to implement a method by which it will be notified of a finding in criminal proceeding of a constitutional violation or misconduct by a state trooper.”

PROGRESS/STATUS SUMMARY

During prior review periods, the Attorney General issued a Directive instructing prosecutorial authorities to report the suppression of evidence obtained by state troopers or other misconduct of a state trooper in criminal cases. In response to practical concerns raised by prosecutorial authorities, the State continues to consider potential revisions to this directive. In addition, New Jersey State Police Rules and Regulations require troopers to promptly notify the State Police when a trooper is arrested or charged for any criminal conduct.

During this review period, the Division of State Police continues to have in place Rules and Regulations that require troopers to promptly notify the State Police when a trooper is arrested or charged for any criminal conduct. In addition, during this review period, the Attorney General Directive continues to be in place which advises the county prosecutors to notify the State when there has been a finding in a criminal proceeding of a constitutional violation or misconduct by a state trooper.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 68

Task: Notice of Alleged Adverse Involvement

Decree ¶68

Decree Language:

“68. The State Police shall require all state troopers promptly to notify the State Police of the following: the trooper is arrested or criminally charged for any conduct; the trooper is named as a party in any civil suit involving his or her conduct while on duty (or otherwise while acting in an official capacity); or the trooper is named as a party in any civil suit regarding off-duty conduct (while not acting in an official capacity) that alleges racial bias, physical violence, or threats of physical violence by the trooper. State troopers shall report this information either directly to the PSB or to a supervisor who shall report the information to the PSB. The PSB shall notify the OAG of PSB’s receipt of this information.”

PROGRESS/STATUS SUMMARY

The Attorney General has issued a Directive instructing prosecutorial authorities to report when a trooper is arrested or criminally charged. During the prior review periods the Superintendent advised all members in writing that New Jersey State Police law enforcement personnel must report, through the chain of command, arrests, criminal charges, civil filings regarding off-duty conduct (while not acting in an official capacity) that alleges racial bias, physical violence, or threats of physical violence by the trooper. During this review period, all members were given training on the requirements of Task 68. Under existing practice, all misconduct allegations received by OPS are being forwarded to the Office of Attorney General.

During the review period, the OAG auditing procedures reveal that OPS has received notifications of adverse involvement responsive to this Task.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 69

Task: Duty to Report Misconduct

Decree ¶69

Decree Language:

“69. The State Police shall require state troopers to report, based on personal knowledge, any conduct by other troopers, involving civilians, that reasonably appears to constitute: (a) prohibited discrimination; (b) an unreasonable use of force or a threat of force; (c) an intentional constitutional violation; (d) an intentional failure to follow any of the documentation requirements of this Decree, or (e) an intentional provision of false information in a misconduct investigation or in any report, log, or transmittal of information to the communications center. State troopers shall report such misconduct by fellow troopers either directly to the PSB or to a supervisor who shall report the allegation to the PSB. The PSB shall notify the OAG of PSB’s receipt of this information.”

PROGRESS/STATUS SUMMARY

During prior review periods, the Superintendent advised each State Police member in writing to report, through his or her chain of command or directly to the Office of Professional Standards, when the member receives information that reasonably appears that any other member may have engaged in misconduct described in Task 69. In addition, New Jersey State Police Rules and Regulations require troopers to report to Division headquarters, through their chain of command, the misconduct of other troopers. During this review period, all enlisted members were given training by OPS regarding the requirements of Task 69.

During the last review periods the State modified its procedures to expressly require that these reports are forwarded to OPS and that the OAG is notified of these reports. During this review period, OPS has represented, and OAG has confirmed, that troopers have been sources of allegations of misconduct and that reports reflecting these allegations have been forwarded to OPS which, in turn, has advised OAG.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 70

Task: Creation of the Office of Professional Standards

Decree ¶70

Decree Language:

“70. The State Police shall provide for a Professional Standards Bureau, the purpose of which shall be to protect the professional integrity of the Division of State Police and to fully, fairly and expeditiously investigate and resolve complaints and other misconduct investigations. The State shall provide the PSB sufficient staff, funds, and resources to perform the functions required by this Decree. The State shall encourage highly qualified candidates to become PSB investigators.”

PROGRESS/STATUS SUMMARY

Presently, the Office of Professional Standards is in operation within the New Jersey Division of State Police and performs functions including those previously performed by the Internal Affairs Bureau. These functions include protecting the professional integrity of the Division of State Police and fully, fairly and expeditiously investigating and resolving complaints of other misconduct investigations. Seeking to enhance the capability of OPS to perform these functions, the investigative staff has been increased eightfold. In March of 1999, there were five investigators assigned to the Internal Affairs Bureau, the predecessor of the OPS. This dramatic increase in staffing reflects the State’s commitment to provide OPS with sufficient staff, funds, and resources to perform their functions required by the Decree.

During this review period there are 80 personnel assigned to OPS. OPS is commanded by a Major, who is assisted by two civilians. Of the remaining 78 personnel, ten enlisted and four civilian personnel are assigned to Staff Inspection and Management Review. Sixty-three personnel are assigned to the Internal Affairs Investigation Bureau (IAIB), which has 49 enlisted, one sworn, and 13 civilian personnel. Additionally, during the last review period, approximately 103 additional members were assigned on a part-time basis to assist OPS in expediting the investigation of misconduct cases, six of whom had been assigned to the OPS Intake Unit. During this review period, there are 49 enlisted members in Intake and IAIB and 13 civilians. Due to other operational needs, of those 103 temporarily assigned, only 43 remain.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 71

Task: Formal Eligibility Requirements for OPS

Decree ¶71

Decree Language:

“71. The Superintendent of the State Police shall establish formal eligibility criteria for the head of the PSB and for staff who supervise or conduct internal investigations. These criteria shall apply to the incumbent PSB head and investigative staff, and all candidates for these positions, and also shall be used to monitor the performance of persons serving in these positions. The criteria shall address, inter alia, prior investigative experience and training, analytic and writing skills, interpersonal and communication skills, cultural and community sensitivity, commitment to police integrity, and previous performance as a law enforcement officer.”

PROGRESS/STATUS SUMMARY

During prior review periods, the State developed and received approval of formal eligibility criteria for the OPS head and staff as required by Task 71. OPS officials represent that they were required to submit résumés reflecting criteria referenced in Task 71.

During prior review periods, OPS began utilizing forms which, when applied to incumbent personnel and candidates, reflect the evaluation of the criteria referenced in Task 71.

OPS representatives have advised that full-time investigative staff which have been assigned to OPS during this review period satisfy the eligibility criteria referenced in Task 71.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 72

Task: Training for Office of Professional Standards

Decree ¶72

Decree Language:

“72. The State shall ensure that the PSB head and staff that supervise or conduct internal investigations receive adequate training to enable them to carry out their duties. The training shall continue to include the following: misconduct investigation techniques; interviewing skills; observation skills; report writing; criminal law and procedure; court procedures; rules of evidence; and disciplinary and administrative procedures.”

PROGRESS/STATUS SUMMARY

During 2000, the State memorialized its revised practices and procedures in compliance with Tasks 61, 62, 73, 75, 76, 77, 78, 81, 82, 83, 84, 85, 86, and 92. These revised practices and procedures were approved by both the IMT and the DOJ. During the final quarter of 2000, the State developed and delivered training to all OPS members in these revised practices and procedures. During the last review period, this training was provided to over 100 State Police detectives who have been assigned on a part-time basis to assist OPS in expediting the investigation of misconduct cases.

During the last review period, all OPS personnel received training in criminal law and procedure; court procedures; rules of evidence; and disciplinary and administrative procedures. This training was also provided to over 100 State Police detectives who have been assigned on a part-time basis to assist OPS in expediting the investigation of misconduct cases.

During the last review period, all members of the OPS have received training as required by Tasks 100 and 101. Additionally, during this review period OPS members have received additional training referenced in Task 72 including Certified Public Management training, Criminal Procedure Update training, Mobile Data Computer training, Internal Affairs training, Violence Against Women training and New Jersey Management Development Program training sponsored by Northwestern.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 73

Task: Initiation of Misconduct Investigations

Decree ¶73(a-e)

Decree Language:

“73. A misconduct investigation shall be initiated pursuant to any of the following:

- a. the making of a complaint (as defined in ¶16);
- b. a referral pursuant to ¶37 or ¶65;
- c. the filing of a civil suit by a civilian alleging any misconduct by a state trooper while on duty (or acting in an official capacity);
- d. the filing of a civil suit against a state trooper for off-duty conduct (while not acting in an official capacity) that alleges racial bias, physical violence, or threat of physical violence; and
- e. a criminal arrest of or filing of a criminal charge against a state trooper.”

PROGRESS/STATUS SUMMARY

During 2000, the Superintendent advised all members in writing that misconduct investigations will be initiated pursuant to the receipt of a complaint, referral, filing of a civil action or criminal arrest.

During the last review periods, all OPS members were trained to comply with the requirements of Task 73.

During this review period, OPS officials represent, and OAG officials have confirmed, that misconduct investigations continue to be initiated pursuant to the requirement of Task 73.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 74

Task: Responsibility for Conducting Internal Investigations

Decree ¶74(a-b)

Decree Language:

“74. All misconduct investigations shall be conducted by the PSB or the OAG except as delegated to the chain-of-command supervisors. Assignment of misconduct investigations will be made as follows:

- a. The PSB or the OAG shall conduct misconduct investigations in the following circumstances:
 - i. all complaints alleging a discriminatory motor vehicle stop; all complaints alleging an improper enforcement action or procedure in connection with or during the course of a motor vehicle stop; and all complaints alleging excessive force in connection with any motor vehicle stop;
 - ii. all complaints relating to any motor vehicle stop where a State Police supervisor either was at the incident scene when the alleged misconduct occurred or was involved in planning the State Police action whose implementation led to the complaint;
 - iii. any misconduct investigation undertaken pursuant to any event identified in subparagraphs (b) through (e) of ¶73; and
 - iv. any other category of misconduct complaints or any individual misconduct complaint that the OAG and/or State Police determines should be investigated by PSB or OAG.

The State Police may continue to assign misconduct investigations not undertaken by the OAG or PSB to the chain-of-command supervisors.

- b. The PSB and the OAG shall review all misconduct complaints as they are received to determine whether they meet the criteria (set forth in subparagraph (a) above) for being investigated by the PSB, the OAG or being delegated to a chain-of-command supervisor. Nothing in this Decree is intended to affect the allocation of misconduct investigations between the PSB and the OAG.”

PROGRESS/STATUS SUMMARY

During this review period, OPS officials represent, and OAG officials have confirmed that misconduct investigations continue to be initiated when OPS officials

have received notifications of the complaints, referrals, filings or arrests as required by Task 74.

During 2000, the State developed criteria concerning the allocation of investigations between OPS and OAG. During this review period, OAG auditing procedures reveal that investigations initiated during the review period were assigned to either OPS or OAG as required by Task 74.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 75

Task: Prohibition of Conflict of Interest in Investigations

Decree ¶75

Decree Language:

“75. The State shall prohibit any state trooper who has a conflict of interest related to a pending misconduct investigation from participating in any way in the conduct or review of that investigation.”

PROGRESS/STATUS SUMMARY

During 2000, the Superintendent re-emphasized in writing to all members that investigators are specifically precluded from participating in any way in the conduct or review of an investigation in which they have a conflict of interest. In addition, current New Jersey State Police Rules and Regulations prohibit a member from acting in an official capacity in any matter, including a misconduct investigation referenced in Task 75, wherein that member has a conflict of interest. During the last review period, all enlisted members were given training by OPS regarding the requirements of this paragraph.

During this review period, OAG auditing procedures reveal that in those cases in which a conflict was reported or discovered, the investigation continued to be either reassigned to another investigator in OPS or was transferred to OAG to conduct the investigation pursuant to the requirements of Task 75.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 76

Task: Prohibition of Group Interviews

Decree ¶76

Decree Language:

“76. All written or recorded interviews shall be maintained as part of the investigative file. The State shall not conduct group interviews and shall not accept a written statement from any state trooper in lieu of an interview.”

PROGRESS/STATUS SUMMARY

During 2000, the Superintendent re-emphasized to all members in writing that they are precluded from the use of group interviews in an internal investigation. In addition, under current practice, OPS officials represent and OAG has confirmed, that written or recorded interviews are maintained as part of the investigative file and OPS members do not conduct group interviews.

During this review period, OAG auditing procedures did not reveal any completed OPS investigation in which group interviews were conducted, written statements were accepted from members in lieu of an interview, or recorded interviews were omitted from the investigative file, which is consistent with the requirements of Task 76.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 77

Task: Alternative Locations for Interviews

Decree ¶77

Decree Language:

“77. The State shall arrange a convenient time and place, including by telephone (or TDD), to interview civilians for misconduct investigations. The State Police shall reasonably accommodate civilians’ circumstances to facilitate the progress of an investigation. This may include holding an interview at a location other than a State office or at a time other than regular business hours.”

PROGRESS/STATUS SUMMARY

During 2000, the Superintendent re-emphasized to all members in writing that they are required to arrange for a convenient time and place, including by telephone or TDD, to conduct civilian interviews in an internal investigation. In addition, seeking to arrange a convenient time and place to interview civilians for misconduct investigations, the State has opened the Freehold office for the OPS. During the last review period, all enlisted members were given training by OPS regarding the requirements of this paragraph. During this review period, OPS officials represent, and OAG review of reports confirm, that OPS has interviewed civilians by telephone.

During this period, the OPS officials represent, and OAG review of reports through its auditing procedures confirm, that OPS has continued to repeatedly interview complainants and other witnesses at locations other than State Police facilities and at times which are other than regular hours pursuant to the requirement of Task 77.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 78

Task: Investigation of Collateral Misconduct

Decree ¶78

Decree Language:

“78. In conducting misconduct investigations, the State shall assess the propriety of all state trooper conduct during the incident in which the alleged misconduct occurred. If during the course of an investigation the investigator has reason to believe that misconduct occurred other than that alleged, and that potential misconduct is one of the types identified in ¶69, the investigator also shall investigate the additional potential misconduct to its logical conclusion.”

PROGRESS/STATUS SUMMARY

During 2000, the Superintendent re-emphasized to all members in writing that collateral misconduct will be investigated in internal investigations. During this review period, all enlisted members were given training by OPS regarding the requirements of this paragraph. In addition, under New Jersey State Police Rules and Regulations, the State shall assess the propriety of all state trooper conduct during the incident in which the alleged misconduct occurred. Under this current regulation, additional trooper conduct is investigated.

During this review period, OAG auditing procedures revealed that OPS continues to investigate additional charges discovered during the investigation that were not part of the original complaint consistent with the requirement of Task 78.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 80

Task: Revision of the Internal Investigations Manual

Decree ¶80

Decree Language:

“80. The State shall update its manual for conducting misconduct investigations to assure that it is consistent with the recommendations contained in the Final Report and the requirements of this Decree.”

PROGRESS/STATUS SUMMARY

During prior review periods, the State updated and received IMT approval of the “Operational Manual and Guide for Conducting Internal Investigations.” This manual memorializes many of the practices and procedures that the State is applying to misconduct investigations as required by Tasks 61, 62, 73, 75, 76, 77, 78, 81, 82, 83, 84, 85, 86, and 92.

During prior review periods, the Division of State Police trained all the OPS members and all the part-time investigators, assigned to assist OPS in expediting the investigation of misconduct cases, with the requirements of the updated manual. During this review period an updated OPS Manual inclusive of the relevant portions of the revised S.O.P. B-10 was published on February 20, 2002. SPA auditing procedures reveal the investigations are being conducted in accordance with the updated manual.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 81

Task: Preponderance of the Evidence Standard for Internal Investigations

Decree ¶81

Decree Language:

“81. The State shall make findings based on a preponderance of the evidence standard.”

PROGRESS/STATUS SUMMARY

During 2000, the Superintendent re-emphasized to all members in writing that the preponderance of the evidence standard shall be applied to all internal investigations. During the last review period, all enlisted members received training regarding the requirements of Task 81.

During this review period, OAG auditing procedures revealed that OPS continued to analyze the investigations under the preponderance of the evidence standard pursuant to the requirement of Task 81.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 82

Task: MVR Tape Review in Internal Investigations

Decree ¶82

Decree Language:

“82. If the incident that is the subject of the misconduct investigation was recorded on an MVR tape, that tape shall be reviewed as part of the misconduct investigation.”

PROGRESS/STATUS SUMMARY

During 2000, the Superintendent advised all members in writing that MVR tapes shall be reviewed as part of the misconduct investigation, if the actions which serve as the basis of the complaint were recorded. During the last review period, all enlisted members were given training by OPS regarding the requirements of Task 82.

During this review period, OAG auditing procedures revealed that if the incident that is the subject of a misconduct investigation was recorded on an MVR tape, then OPS continues to review that MVR tape as part of the misconduct investigation pursuant to Task 82.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 83

Task: Evaluation of Misconduct Investigation

Decree ¶83

Decree Language:

“83. In each misconduct investigation, the State shall consider circumstantial evidence, as appropriate, and make credibility determinations, if feasible. There shall be no automatic preference for a state trooper’s statement over a civilian’s statement. Similarly, there shall be no automatic judgment that there is insufficient information to make a credibility determination where the only or principal information about an incident is the conflicting statements of the involved trooper and civilian.”

PROGRESS/STATUS SUMMARY

During 2000, the Superintendent has re-emphasized by way of an Inter-Office Communication to all members that circumstantial evidence will be considered in an internal investigation of a complaint. In addition, all members were advised that, during the course of an internal investigation, there shall be no automatic preference for a state trooper’s statement over a civilian’s statement. The Superintendent further advised all members that there shall be no automatic judgment that there is insufficient information to make a credibility determination where the only or principal information about an incident is the conflicting statements of the involved trooper and civilian. Additionally, during the last review period, all enlisted members were given training by OPS regarding the requirements of Task 83.

During this review period, OAG auditing of closed OPS investigations reveals that these investigations were conducted in compliance with the requirements of Task 83.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 84

Task: Required Case Dispositions in Internal Investigations

Decree ¶84(a-d)

Decree Language:

84. The State shall continue to resolve each allegation in a misconduct investigation by making one of the following dispositions:
- a. Substantiated, where a preponderance of the evidence shows that a state trooper violated State Police rules, regulations, protocols, standard operating procedures, directives or training;
 - b. Unfounded, where a preponderance of the evidence shows that the alleged misconduct did not occur;
 - c. 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; and
 - d. Insufficient evidence (formerly unsubstantiated), where there is insufficient evidence to decide whether the alleged misconduct occurred.”

PROGRESS/STATUS SUMMARY

During 2000, the Superintendent advised all members in writing that the dispositions of internal investigations shall be revised to conform with the requirements of Task 84.

During the last review period, all enlisted members were given training by OPS regarding the requirements of this paragraph.

During this review period, OAG auditing of closed OPS investigations and adjudicated cases reveals that the dispositions listed in Task 84 are presently being utilized.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 85

Task: No Closure upon Withdrawal of Complaint

Decree ¶185

Decree Language:

“85.Withdrawal of a complaint or unavailability of the complainant or the victim of the alleged misconduct to make a statement shall not be a basis for closing an investigation without further attempt at investigation. The State shall investigate such matters to the extent reasonably possible to determine whether or not the allegations can be corroborated.”

PROGRESS/STATUS SUMMARY

During 2000, the Superintendent re-emphasized to all members that the withdrawal of a complaint or unavailability of the complainant or the victim of the alleged misconduct to make a statement shall not be a basis for closing an investigation without further attempt at investigation. The Superintendent further advised all members that the State shall investigate such matters to the extent reasonably possible to determine whether or not the allegations can be corroborated. During the last review period, all enlisted members were given training by OPS regarding the requirements of Task 85.

During this review period, OAG auditing procedures reveal that under current practice, the withdrawal of a complaint or unavailability of the complainant or the victim of the alleged misconduct to make a statement is not a basis for closing an investigation. Furthermore, OPS officials represent, and OAG review of reports support, that under current practice, OPS continues its investigation to determine whether or not the allegations can be corroborated as required by Task 85.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 86

Task: Development of a Final Investigative Report

Decree ¶86

Decree Language:

“86. At the conclusion of each misconduct investigation, the individual responsible for the investigation shall issue a report on the investigation, which shall be made a part of the investigation file. The report shall include a description of the alleged misconduct and any other misconduct issues identified during the course of the investigation; a summary and analysis of all relevant evidence gathered during the investigation; and findings and analysis supporting the findings.”

PROGRESS/STATUS SUMMARY

Present State Police procedures require the topics identified in this Task to be included in the investigations file.

During this review period, OAG auditing procedures reveal that OPS investigation files contain report(s) that included all the elements of Task 86.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 87

Task: State to Attempt to Complete Investigations within 45 Days

Decree ¶87

Decree Language:

“87. The State Police shall continue to attempt to complete misconduct investigations within forty-five (45) days after assignment to an investigator.”

PROGRESS/STATUS SUMMARY

During 2000, the State received clarification from the Independent Monitoring Team and the Department of Justice that the 45 day goal shall be interpreted to require completion of a misconduct investigation within 120 days, with a provision for 60 day extensions under certain circumstances. Also, during this review period, the State designed procedures to track misconduct investigations in an attempt to ensure that investigations are completed in a timely fashion.

During the last review period, approximately 100 enlisted members had been assigned on a part-time basis to assist OPS in expediting the investigation of misconduct cases. These investigations were conducted under the supervision of OPS and subject to the monitoring of both OAG and the IMT. Due to operational exigencies relating to national security, significant reassignments were made on or about September 11, 2001. More specifically, all 35 investigators from the Freehold Office were temporarily detailed to other assignments from September 11 through on or about September 18, 2001. Fifteen of these investigators remained on other details from September 18 to the present. Moreover, a substantial number of the part-time investigators were temporarily detailed to other assignments during this period. During this review period, only 43 investigators assigned to assist in decreasing the IAB backlog remain.

Nevertheless, as a result of the staffing increases, during the period from October 1, 2001 to March 31, 2002, 468 investigations were closed and 243 new investigations were opened. Thus the backlog was reduced by 225 cases.

In addition to staffing increases, during this review period the State implemented its procedures for classification of member conduct as either performance issues or mis-

conduct issues. These procedures have been approved by the Independent Monitoring Team and the Department of Justice.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 88

Task: Imposition of Appropriate Discipline upon Sustained Complaint

Decree ¶88

Decree Language:

“88. The State Police shall discipline any state trooper who is the subject of a substantiated misconduct adjudication or disposition regarding: (a) prohibited discrimination; (b) an unreasonable use of force or a threat of force; (c) an intentional constitutional violation; (d) an intentional failure to follow any of the documentation requirements of this Decree, (e) an intentional provision of false information in a misconduct investigation or in any report, log, or transmittal of information to the communications center; or (f) a failure to comply with the requirement of ¶69 to report misconduct by another trooper.”

PROGRESS/STATUS SUMMARY

Present State Police Rules and Regulations require all troopers to strictly adhere to all State Police rules and regulations and written and verbal orders and to conduct themselves in a professional manner. Presently, these rules and regulations and written and verbal orders proscribe members from engaging in the conduct described in Task 88. These rules and regulations further authorize the Superintendent to institute an investigation into allegations of misconduct and to institute disciplinary proceedings against any trooper who is the subject of any substantiated misconduct. These rules and regulations further provide for the discipline of a trooper who, after a fact-finding process, is determined to have violated State Police Rules and Regulations and written and verbal orders.

During the last review period, the State revised its procedures to require the imposition of discipline in the event of a substantiated misconduct adjudication or disposition for misconduct as identified in Task 88. During this review period, OAG auditing revealed that disciplinary action is being taken in substantiated cases for misconduct as identified in Task 88.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 89

Task: Imposition of Appropriate Discipline upon Finding of Guilt or Liability

Decree ¶89

Decree Language:

“89. The State Police shall initiate disciplinary proceedings against any state trooper who is found guilty or who enters a plea in a criminal case regarding on-duty conduct; any state trooper found civilly liable for misconduct of the type identified in ¶88 committed on duty or whose misconduct of the type identified in ¶88 is the basis for the State being found civilly liable; and any state trooper who is found by a judge in a criminal case to have committed an intentional constitutional violation. The State Police shall discipline any state trooper who is determined to have committed the misconduct set forth in this paragraph.”

PROGRESS/STATUS SUMMARY

Present State Police Rules and Regulations require all troopers to strictly adhere to all State Police rules and regulations and written and verbal orders and to conduct themselves in a professional manner. Presently, these rules and regulations and written and verbal orders proscribe members from engaging in the conduct described in Tasks 88 and 89. These rules and regulations further authorize the Superintendent to institute an investigation into allegations of misconduct and to institute disciplinary proceedings against any trooper who is the subject of any substantiated misconduct. These rules and regulations further provide for the discipline of a trooper who, after a fact-finding process, is determined to have violated State Police Rules and Regulations and written and verbal orders.

During previous review periods, the State revised its procedures to require the initiation of disciplinary proceedings for alleged misconduct as identified in Task 89.

During this review period, OAG auditing revealed that there were no new allegations of misconduct as identified in Task 89 and, therefore, no disciplinary proceedings were required by Task 89.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 90

Task: Imposition of Appropriate Discipline in consultation with MAPPS

Decree ¶90

Decree Language:

“90. In deciding the appropriate discipline or intervention for each state trooper who is the subject of a “substantiated” adjudication or disposition in a misconduct investigation and each trooper who is to be disciplined pursuant to ¶89, the State shall consider the nature and scope of the misconduct and the information in the MAP. In all instances where the State substantiates a misconduct allegation regarding matters identified in ¶88 or disciplines a trooper pursuant to ¶89, it shall also require that intervention be instituted (except where the discipline is termination). Where a misconduct allegation is not substantiated, the State shall consider the information in the investigation file and in the MAP to determine whether intervention should be instituted.”

PROGRESS/STATUS SUMMARY

As noted in the status summary for Tasks 88 and 89, present State Police Rules and Regulations provide for the discipline of a trooper who, after a fact-finding process, is determined to have violated State Police Rules and Regulations and written and verbal orders, including the conduct described in Tasks 88 and 89, as required by Task 90. The State developed and submitted to the IMT and the United States a revised MAPPS protocol which expressly requires consideration of MAPPS data when determining the appropriate discipline in a “substantiated” case. In addition, the State revised its procedures to require an appropriate intervention in all instances of substantiated misconduct as outlined in ¶88 or where the State disciplines a trooper pursuant to ¶89 of the Consent Decree. Furthermore, the revised MAPPS protocol requires consideration of MAPPS data to determine if intervention is appropriate in a case finding of “insufficient evidence.”

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 91

Task: Tracking of Open Office of Professional Standards Cases

Decree ¶91

Decree Language:

“91. The PSB shall track all open misconduct investigations to ensure that investigations are completed in a timely fashion. Within one hundred twenty (120) days following entry of this Decree, the State shall develop a plan for designing and implementing a computerized tracking system (including a timetable for implementation).”

PROGRESS/STATUS SUMMARY

During 2000, the State developed and received approval of a plan for designing and implementing a computerized tracking system for open misconduct investigations as required by Task 91. Also during 2000, the State retained a contractor to facilitate the design and implementation of this computerized tracking system.

During the last review period as well as this review period, the State has continued to work with the contractor in order to facilitate the implementation of the computerized IA tracking system. As of April 2001, the tracking system became operational and in full use within OPS.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 92

Task: Inform the Complainant upon Resolution of Investigations

Decree ¶92

Decree Language:

“92. After a misconduct complaint is finally resolved by the State Police, the State Police shall inform the complainant of the resolution in writing, including the investigation’s significant dates, general allegations, and disposition, including whether discipline was imposed.”

PROGRESS/STATUS SUMMARY

Under current practice, after a misconduct complaint is fully resolved, the State Police have informed complainants of the resolution in writing.

During this review period, OAG, through its auditing procedure of completed investigations, has determined that disposition letters continue to be sent to complainants consistent with the elements contained in Task 92.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 93

Task: Training Oversight and Evaluation.

Decree ¶93

Decree Language:

“93. The New Jersey State Police shall continue to: oversee and ensure the quality of all training of state troopers; continue to develop and implement the State Police Academy curriculum for training State Police recruits, and provide training for academy instructors; select and train state trooper coaches in coordination with and assistance from State Police supervisors; approve and supervise all post-Academy training for state troopers, and develop and implement all post-Academy training conducted by the State Police; provide training for State Police instructors who provide post-Academy training; and establish procedures for evaluating all training (which shall include an evaluation of instructional content, the quality of instruction, and the implementation by state troopers of the practices and procedures being taught).”

PROGRESS/STATUS SUMMARY

The New Jersey State Police Training Academy continues to oversee all training for the Division. The Training Bureau also continues to oversee and ensure the quality of all post-Academy (in-service) training provided to all troopers. The Academy has taken several steps to address the identified deficiencies in needs assessment, evaluation and documentation identified in the Monitors' fifth report. Starting on January 28, 2002, a sergeant and a trooper from the Academy conducted interviews and field audits of the trooper coach program for the purpose of evaluating modifications that were recently made to the program. Troopers who made suggestions to enhance the program were subsequently re-interviewed and the results of those interviews will be used to further improve the program and identify any shortcomings or problems.

The Academy is performing a similar function for its Consent Decree-related in-house service training sessions of ethics (Phase III); cultural awareness (Phase IV); search and seizure (Phase V); MDC (Mobile Data Computers) (Phase VI); and supervisory training (Phase VII). Specifically, two lieutenants from the Training Bureau visited road stations within the five troops in each of the nine sections to evaluate Phases III through VI of in-service training. These Academy staff members attempted to determine the effectiveness of the training received in regard to field and practical use and also sought recommendations to improve and further this training.

The Monitors further recommended that a staffing study take place at the Academy. The Police Executive Research Forum (hereinafter "PERF") is already familiar with the organization and staffing needs of the Division, having conducted a staffing study of the Division in 1996-97 and a study of the Division's training mission in 1999. PERF is presently revisiting its existing study of the Academy in light of the deficiencies in needs assessment, evaluation and documentation noted by the Monitors' Fifth Report. PERF's study is scheduled to conclude in or about September 2002.

Data processing for systems to track the attendance of personnel at training programs have been developed and implemented. This allows for an accurate accounting of those individuals requiring attendance at Division training programs. As a result, there has been a comprehensive accounting of instructors, attendance at training sessions, and the documentation of test scores.

During the review period, the State Police completed recruit training for the 124th through the 128th classes. Two additional classes, the 129th and 130th, began their training in September and January of 2002, respectively. The 130th class has begun utilizing the updated lesson plan curricula that has incorporated adult based learning components that are scenario driven. This classroom structure encourages a recruit to actively apply knowledge gained in academically controlled situations. Critical feedback components are continuing to be utilized to identify strengths and weaknesses of the newly implemented systems and to make an accurate assessment of a recruit's skills.

During this review period, the State implemented a link to the Training Academy through the State Police Intranet Services web page. This intranet link will constitute another method for State Police members to provide feedback regarding training received and recommendations for future training.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 97

Task: Encourage Superior Troopers to Apply for Academy

Decree ¶97

Decree Language:

“97. The State shall continue to encourage superior troopers to apply for Academy, post-Academy, and trooper coach training positions.”

PROGRESS/STATUS SUMMARY

The Monitors' Fifth Report expressed concern about the level of staffing at the Academy to meet the growing demands resulting from the Consent Decree. The State has taken steps to address these concerns. Specifically, the Police Executive Research Forum (hereinafter "PERF") is conducting a study of the staffing situation at the Academy in order to determine the actual workload of the training function and to provide an analysis of personnel requirements. In addition, the Academy increased the number of personnel assigned to the In-Service Unit in order to allow it the ability to conduct in-service training on a regionalized basis and to assess and evaluate in-service training in accordance with the suggestion of the IMT.

In response to the suggestion by the IMT that programmatic oversight for the trooper coach program reside at a high level within the organization to ensure quality selection and consistent management, the program will be managed at the Academy under the supervision of the head of the In-Service Unit. Also, in order to facilitate the centralized oversight over the program, the State has received permission from the IMT to amend the S.O.P. governing the program by adding the Director of Training or his designee to the trooper coach oral selection board and by adding a requirement that troop coordinators forward all phase evaluation reports to the Academy within one week of their receipt thereof.

The Academy has dedicated personnel to revamp and deliver supervisory training that exceeds the dictates of the Consent Decree. Not only does the Division of State Police intend to provide a refresher in patrol-related S.O.P.s and the supervisory review of Mobile Video Recorder ("MVR") videotapes to road duty supervisors, it is also providing a one-day seminar on leadership to all supervisors. The State has also developed a new 40-hour basic supervision course in compliance with paragraph 106 of the Consent Decree. The State is confident that the content of this training will not just meet but exceed the requirements of the Consent Decree as they relate to the provision of post-Academy training programs for all state troopers who are advancing in rank.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 98

Task: Formal Eligibility Criteria for Training Personnel

Decree ¶98

Decree Language:

“98. The State shall establish formal eligibility and selection criteria for all Academy, post-Academy, and trooper coach training positions. These criteria shall apply to all incumbent troopers in these training positions and to all candidates for these training positions, and also shall be used to monitor the performance of persons serving in these positions. The criteria shall address, inter alia, knowledge of State Police policies and procedures, interpersonal and communication skills, cultural and community sensitivity, teaching aptitude, performance as a law enforcement trooper, experience as a trainer, post-Academy training received, specialized knowledge, and commitment to police integrity.”

PROGRESS/STATUS SUMMARY

During the review period, the State continued to evaluate the former eligibility criteria for Academy (recruit), post-Academy (in-service) and trooper coach training to further encourage superior troopers to apply for such training positions, to further ensure that qualified instructors continue to provide training and to provide for increased flexibility in the selection and assignment of such instructors. The State has taken steps to address the documentation deficiencies noted by the Monitors' Fifth Report regarding the selection of Academy trainers and trooper coaches.

In addition to a reorganization of the trooper coach files, the State has changed the S.O.P. governing the trooper coach program in order to ensure uniformity in the selection process. Specifically, the State will add a fourth member on the trooper coach oral selection board -- the Director of Training or his or her designee -- and require that troop coordinators forward all phase evaluation reports to the Academy within one week of their receipt thereof, in order to facilitate the Academy's operational oversight over the trooper coach program and maintain consistency in the operation of the program. Moreover, the State Police modified the S.O.P. to require a fact-specific analysis of trooper coach candidates in the context of the candidate's overall performance history.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 99

Task: Training for Academy Instructors

Decree ¶99

Decree Language:

“99. The State Police shall ensure that all troopers serving as an Academy or post-Academy instructor, or as a trooper coach, receive adequate training to enable them to carry out their duties, including training in adult learning skills, leadership, teaching, and evaluation. All training instructors and trooper coaches shall be required to maintain, and demonstrate on a regular basis, a high level of competence. The State shall document all training instructors’ and trooper coaches’ proficiency and provide additional training to maintain proficiency.”

PROGRESS/STATUS SUMMARY

All Academy trainers are Police Training Commission instructor certified (see N.J.A.C. 13:1 et seq.) and have completed the Academy’s 80-hour Instructor Training Course. The latter course includes instruction on teaching techniques and communication skills. Most post-Academy instructors have also completed this course. Instructor training courses were taught from November 5 to November 16, 2001; December 3 to December 14, 2001; and January 7 to January 18, 2002.

In addition to the foregoing, the Academy requires that there be at least two classroom observations of instructor performance by instructor supervisors each quarter. These evaluations demonstrate and ensure that trainers maintain and regularly demonstrate a high level of competence, as required by the Consent Decree.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 100

Task: Training in Cultural Diversity, Communications Skills, Integrity and Ethics

Decree ¶100

Decree Language:

“100. The State Police shall continue to train all recruits and troopers in cultural diversity, which shall include training on interactions with persons from different racial, ethnic, and religious groups, persons of the opposite sex, persons having a different sexual orientation, and persons with disabilities; communication skills; and integrity and ethics, including the duties of truthfulness and reporting misconduct by fellow troopers, the importance of avoiding misconduct, professionalism, and the duty to follow civilian complaint procedures and to cooperate in misconduct investigations. This training shall be reinforced through mandatory annual in-service training covering these topics.”

PROGRESS/STATUS SUMMARY

The Academy is currently in the process of evaluating feedback received from the field concerning suggested improvements to previously provided training in cultural diversity, communications, integrity and ethics. Starting in February 2002, the Academy conducted station visits and interviews of troopers for the purpose of evaluating the effectiveness of training in these areas. Troopers who made suggestions to enhance the programs were re-interviewed at the Academy in a focus group setting and the results of those interviews will be used to further improve the programs and identify any shortcomings or problems therein. It is anticipated that the State will resume training in these areas starting in the Fall of 2002.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 101

Task: Recruit and In-Service Training on Fourth Amendment Requirements

Decree ¶101

Decree Language:

“101. The State Police shall continue to provide recruit and annual in-service training on Fourth Amendment requirements. In addition, the State shall provide training on the non-discrimination requirements of this Decree as part of all Academy and in-service patrol-related and drug-interdiction-related training, including training on conducting motor vehicle stops and searches and seizures. An attorney designated by the Attorney General’s Office shall participate in the development and implementation of this training.”

PROGRESS/STATUS SUMMARY

The State has developed an interactive training course to teach and reinforce the major legal and policy themes and principles that were taught in Phases V and VII of the In-Service Training Program. It is anticipated that this interactive training will be utilized later this year to deliver the training required by Task 101. Simply stated, the State Police are working to apply new state-of-the-art training delivery technology to the state-of-the-art content of their motor vehicle stop, arrest, search and seizure curricula.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 102

Task: Training Protocols for the Trooper Coach Program

Decree ¶102

Decree Language:

“102. Before the next recruit class graduates from the State Police Academy, the State Police shall adopt a protocol regarding its trooper coach program. The protocol shall address the criteria and method for selecting trooper coaches, the training provided to trooper coaches to perform their duties, the length of time that probationary troopers spend in the program, the assignment of probationary troopers to trooper coaches, the substance of the training provided by trooper coaches, and the evaluation of probationary trooper performance by trooper coaches. Prior to implementation, the protocol shall be approved by the Independent Monitor and the United States.”

PROGRESS/STATUS SUMMARY

During the review period, the State trained approximately 77 patrol and staff sergeants as potential trooper coach substitutes pursuant to protocols which had been approved by both the IMT and the United States. Also during the review period, the State began implementation of the trooper coach program for probationary troopers who recently graduated from two recruit classes. Moreover, the Academy conducted field audits in the form of 107 interviews of trooper coach participants at 12 different stations during October 2001 and in the form of 29 interviews of trooper coach participants at 11 different stations from January 28 to February 12, 2002; administered surveys to all probationary troopers and trooper coaches during the 119th through 128th classes; conducted an open forum for all probationary troopers at the end of the trooper coach training period at which they could express their opinions about the program; and then analyzed the data from the field audits, survey assessments and open forums to improve the program. Documentation shows that the Academy has carefully gathered, analyzed and applied feedback about the trooper coach program to improve its effectiveness and efficiency.

Moreover, S.O.P. F12 has been revised to allow for the assignment of one trooper coach per probationary trooper based on overall manpower needs. In addition, the S.O.P. has been revised to require troop coordinators to forward all phase evaluation reports to the Academy within one week of their receipt thereof for the purpose of ensuring consistency among the troops and facilitating the Academy's operational oversight over the trooper coach program.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 103

Task: Provision of Copies of the Decree to all State Troopers

Decree ¶103

Decree Language:

“103. The State Police shall as soon as practicable provide copies and explain the terms of this Decree to all state troopers and employees in order to ensure that they understand the requirements of this Decree and the necessity for strict compliance. After the State has adopted new policies and procedures in compliance with this Decree, the State shall provide in-service training to every state trooper regarding the new policies and procedures and the relevant provisions of this Decree. The State shall incorporate training on these policies and procedures into recruit training at the State Police Academy.”

PROGRESS/STATUS SUMMARY

On January 14, 2000, a copy of the Decree was posted on the State Police website. Each member of the New Jersey State Police personally received a copy of the Consent Decree on or about February 29, 2000. During 2000, members attended the first phase of Consent Decree related in-service training. A copy of the Consent Decree was available to each member attending this training.

During the review period, each recruit in the 129th and 130th classes received a copy of the Consent Decree and received detailed instruction on Consent Decree requirements from the Office of State Police Affairs.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 104

Task: Training Referral System

Decree ¶104

Decree Language:

“104. The State shall establish systems for State Police units, sub-units, and supervisors to provide information and refer particular incidents to the Training Bureau to assist the Training Bureau in evaluating the effectiveness of training and to detect the need for new or further training.”

PROGRESS/STATUS SUMMARY

The State Police has implemented a training evaluation and needs assessment program. It is overseen by a compliance officer who is assigned to the In-Service Unit of the Academy. Currently, five members of the Division are being utilized to conduct the evaluation and needs assessment. Specifically, these members were tasked to:

- Select a cross-section of members already trained.
- Conduct an interview.
- Compile a comprehensive report on the facts associated with the audit.
- Submit the report and any recommendations that they may have to the compliance officer.
- Submit names to the compliance officer of individuals who would be good candidates for a focus group.
- Sit on the focus group for that in-service program.
- Submit a report and presentation to the training committee on the results of the audit and focus group recommendations.

The Academy has already performed an evaluation and needs assessment of the Consent Decree-related training by conducting surveys at the various stations of troopers who attended the training, inviting selected troopers to participate in focus groups at the Academy to further discuss how such training could be improved and presenting the findings of such survey and focus group results to the training committee. It is anticipated that suggestions offered by troopers through the surveys and focus groups for improving the training will be reflected in future training given by the Academy.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 105

Task: Provision of Training for Supervisors

Decree ¶105

Decree Language:

“105. The State Police shall provide all supervisors with mandatory supervisory and leadership training which (in addition to the subjects addressed in ¶¶100 and 101) shall address effective supervisory techniques to promote police integrity and prevent misconduct. The State Police shall provide the initial training required by this paragraph within one year from entry of the Decree and thereafter shall provide supervisory training on an annual basis.”

PROGRESS/STATUS SUMMARY

During this review period, the State completed Phase VII supervisory and leadership training, which addressed supervisory techniques to promote police integrity and prevent misconduct as required by Task 105. This Phase VII training explained procedures and systems designed to further facilitate effective supervisory review of member performance. Members were instructed on a new procedure for standardized review of MVR tapes. In November 2001, these revisions, including the standardized process for supervisory review of MVR tapes, became standard, Division-wide policy.

The State is also developing supervisory and leadership training to be delivered in 2002 in accordance with this task. Specifically, the State is in the process of providing a one-day course to all supervisors on the subject of leadership, which commenced on April 1, 2002. The training will be supplemented by a refresher in patrol-related S.O.P.s and in supervisory review of Mobile Video Recorder (MVR) videotapes given to road duty supervisors.

In addition to the foregoing, the State Police is developing a basic supervision course and plans to deliver same during the next reporting period. This will be a mandatory course for all newly promoted sergeants and detective sergeants. More information on this training is provided under the Progress/Status Summary for Task 106, below.

The State has developed interactive constitutional law training addressing motor vehicle stops and post-stop activity. It will be delivered to all State Police members in 2002 in accordance with this task.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 106

Task: Training for Newly Promoted State Troopers

Decree ¶106

Decree Language:

“106. The State shall design and implement post-Academy training programs for all state troopers who are advancing in rank. The State shall require troopers to successfully complete this training, to the extent practicable, before the start of the promoted trooper’s service in his or her new rank, and in no event later than within six months of the promoted trooper’s service in his or her new rank.”

PROGRESS/STATUS SUMMARY

During this review period, the State completed Phase VII supervisory and leadership training for all present and incipient supervisors as required by Task 106. The State is currently developing additional basic supervision training that will be delivered to members promoted to the rank of sergeant.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 107

Task: Provision of Specialized Training

Decree ¶107

Decree Language:

“107. The State shall design and implement post-Academy training programs for all state troopers who are newly assigned to a State Police troop, station, or assignment where specialized training is necessary in order to perform the assigned duties.”

PROGRESS/STATUS SUMMARY

During the review period, the State continued its design of programs to identify those troopers newly assigned to a troop or station requiring specialized training – training mandated by the Decree as identified in Tasks 34(b), 72, 99-102, 105-106 – all of which are necessary to perform their assigned duties.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 108

Task: Inclusion of Training Data in MAPPS Program

Decree ¶108

Decree Language:

“108. The State Police shall continue to maintain records documenting all training of state troopers. As part of the MAP, the State Police will track all training information, including name of the course, date started, date completed, and training location for each member receiving training. The MAP will maintain current and historical training information.”

PROGRESS/STATUS SUMMARY

MAPPS now contains the training information set forth in this task.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 109

Task: Documentation of Training Provided

Decree ¶109

Decree Language:

“109. The State Police shall maintain in a central repository copies of all Academy, post-Academy and trooper coach training materials, curricula, and lesson plans.”

PROGRESS/STATUS SUMMARY

During the review period, the Division Training Bureau automated its training records to facilitate training records management and to ensure that all current member training records are accurate and accessible.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 110

Task: Creation of the Office of State Police Affairs

Decree ¶110

Decree Language:

“110. The Attorney General of New Jersey shall create an Office of State Police Affairs (“office”). The office shall have the responsibility to ensure implementation of the terms of this Consent Decree and provide coordination with the Independent Monitor and the United States concerning the State Police and matters related to the implementation of the Consent Decree. An Assistant Attorney General shall head the office. The office’s responsibilities shall include auditing the manner in which the State receives, investigates, and adjudicates misconduct allegations; auditing the State Police’s use of MAP data; and auditing state trooper performance of the motor vehicle stop requirements discussed in the Consent Decree. The office also shall be responsible for providing technical assistance and training regarding these matters. The office shall have such additional responsibilities as may be assigned by the State Attorney General.”

PROGRESS/STATUS SUMMARY

Since September 1999, the Office of State Police Affairs has been in operation.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 111

Task: Office of State Police Affairs -- Motor Vehicle Stop Audits

Decree ¶111

Decree Language:

“111. The office shall implement an auditing system for contacting a sample of persons who were the subject of motor vehicle stops and enforcement actions and procedures connected to a motor vehicle stop, to evaluate whether state troopers conducted and documented the incidents in the manner prescribed by State Police rules, regulations, procedures, and directives, and the requirements of this Decree.”

PROGRESS/STATUS SUMMARY

During the last review period, the State has developed and received IMT approval of a protocol establishing an auditing system as required by Task 111.

During this review period, two separate State Police stations were audited by the Office of State Police Affairs and a statistical sampling of motorists who were subjected to enforcement actions and procedures were identified. From this population reasonable attempts were made to interview them using a survey instrument approved by the IMT. OAG asked motorists about the professionalism of the trooper during the stop, as well as verifying the information contained in the related state police documentation. Questionnaires were sent to all motorists identified as part of the sample. If required, follow-up telephonic inquiry will be initiated to provide for a larger sample response. To date, there have been no instances in which those interviewed indicated that their race was incorrectly recorded or that the officers were not professional in their interaction with the motorist.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 112

Task: Office of State Police Affairs -- Misconduct Investigation Audits

Decree ¶112

Decree Language:

“112. The office’s audits of the receipt, investigation, and adjudication of misconduct allegations shall include audits of the tapes of the complaint/comment toll-free telephone hotline established by ¶62; the use of testers to evaluate whether complaint intake procedures are being followed; audits of audio tape and videotape interviews produced during the course of misconduct investigations; and interviews of a sample of persons who file misconduct complaints, after their complaints are finally adjudicated.”

PROGRESS/STATUS SUMMARY

During the review period, the Office of State Police Affairs has continued to perform auditing functions required by Task 112.

During this review period, the OAG has reviewed all closed consent decree mandated investigations and ensured that all investigations were completed consistent with the requirements of the Consent Decree. OAG staff has listened to all complaints on the 24-hour toll-free hotline that resulted in the opening of internal investigations and a random sampling of those that did not result in the opening of investigations to ensure that callers are not being discouraged from making or following through with complaints, and to also confirm that allegations that are opened for investigation are properly recorded in a case control log and computerized database. In auditing closed investigations, OAG reviewed all audio or video tapes produced during the course of the investigation. OAG has developed an instrument to interview complainants whose misconduct complaints were finally adjudicated. During this period, reasonable attempts were made to contact all complainants. A stratified sampling of State Police stations were conducted by the OAG by conducting “test” calls during each shift (day, night). In all instances the individual responding to the test call provided the correct filing information and made no attempt to dissuade the caller from initiating the complaint.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 113

Task: Office of State Police Affairs -- Unrestricted Access

Decree ¶113

Decree Language:

“113. The office shall have full and unrestricted access to all State Police staff, facilities, and documents (including databases) that the office deems necessary to carry out its functions.”

PROGRESS/STATUS SUMMARY

To date, the Office of State Police Affairs has had full and unrestricted access to all State Police staff, facilities and documents that the office has deemed necessary to carry out its functions.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 114

Task: Public Disclosure of Aggregate Statistics

Decree ¶114

Decree Language:

“114. The State Police shall prepare semiannual public reports that include aggregate statistics on State Police traffic enforcement activities and procedures broken down by State Police station and the race/ethnicity of the civilians involved. These aggregate statistics shall include the number of motor vehicle stops (by reason for motor vehicle stop), enforcement actions (including summonses, warnings, and arrests) and procedures (including requests for consent to search, consent searches, non-consensual searches, and uses of force) taken in connection with or during the course of such stops. The information regarding misconduct investigations shall include, on a statewide basis, the number of external, internal, and total complaints received and sustained by category of violation. The information contained in the reports shall be consistent with the status of State Police recordkeeping systems, including the status of the MAP computer systems. Other than expressly provided herein, this paragraph is not intended, and should not be interpreted, to confer any additional rights to information collected pursuant to this Decree.”

PROGRESS/STATUS SUMMARY

During the review period, the State submitted its Fourth Semiannual Public Report, which included the aggregate statistics required by Task 114.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 115

Task: Appointment of Independent Monitoring Team

Decree ¶115

Decree Language:

“115. Within ninety (90) days after the entry of this Decree, the State and the United States shall together select an Independent Monitor who shall monitor and report on the State’s implementation of this Decree. The Monitor shall be acceptable to both parties. If the parties are unable to agree on an Independent Monitor, each party shall submit two names of persons who have experience as a law enforcement officer, as a law enforcement practices expert or monitor, or as a federal, state, or county prosecutor or judge along with resumes or curricula vitae and cost proposals to the Court, and the Court shall appoint the Monitor from among the names of qualified persons submitted. The State shall bear all costs of the Monitor, subject to approval by the Court.”

PROGRESS/STATUS SUMMARY

On March 29, 2000, the State and the United States jointly selected an Independent Monitoring Team. During a previous review period, United States District Court Judge Mary L. Cooper entered an Order appointing the Independent Monitoring Team.

During the review period, the Independent Monitoring Team continued to perform its duties as set forth in the Decree.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 118

Task: Independent Monitoring Team -- Unrestricted Access

Decree ¶118

Decree Language:

“118. The State shall provide the Monitor with full and unrestricted access to all State staff, facilities, and non-privileged documents (including databases) necessary to carry out the duties assigned to the Monitor by this Decree. In the event of an objection, the Court shall make the final determination regarding access. In any instance in which the State objects to access, it must establish that the access sought is not relevant to monitoring the implementation of the Consent Decree, or that the information requested is privileged and the interest underlying the privilege cannot be adequately addressed through the entry of a protective order. In any instance in which the State asserts that a document is privileged, it must provide the United States and the Monitor a log describing the document and the privilege asserted. Notwithstanding any claim of privilege, the documents to which the Monitor shall be provided access include: (1) all State Police documents (or portions thereof) concerning compliance with the provisions of this Decree, other than a request for legal advice; and (2) all documents (or portions thereof) prepared by the Office of the Attorney General which contain factual records, factual compilations, or factual analysis concerning compliance with the provisions of this Decree. Other than as expressly provided herein, with respect to the Independent Monitor, this paragraph is not intended, and should not be interpreted to reflect a waiver of any privilege, including those recognized at common law or created by State statute, rule or regulation, which the State may assert against any person or entity other than the Independent Monitor.”

PROGRESS/STATUS SUMMARY

During the review period, the State granted the Independent Monitoring Team full and unrestricted access to State and State Police staff, facilities and non-privileged documents as required by Task 118.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 120

Task: State Police to Reopen Internal Investigations Determined to be Incomplete

Decree ¶120

Decree Language:

“120. Subject to the limitations set forth in this paragraph, the State Police shall reopen for further investigation any misconduct investigation the Monitor determines to be incomplete. The Monitor shall provide written instructions for completing the investigation. The Monitor shall exercise this authority so that any directive to reopen an investigation is given within a reasonable period following the investigation’s conclusion. The Monitor may not exercise this authority concerning any misconduct investigation which has been adjudicated or otherwise disposed, and the disposition has been officially communicated to the trooper who is the subject of the investigation.”

PROGRESS/STATUS SUMMARY

During the review period, the Independent Monitoring Team has not requested to re-open a misconduct investigation pursuant to its authority as set forth in Task 120.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 122

Task: State to File Progress Reports

Decree ¶122

Decree Language:

“122. Between ninety (90) and one hundred twenty (120) days following entry of this Consent Decree and every six months thereafter until this Consent Decree is terminated, the State shall file with the Court and the Monitor, with a copy to the United States, a status report delineating all steps taken during the reporting period to comply with each provision of this Consent Decree.”

PROGRESS/STATUS SUMMARY

The State filed its first, second, third and fourth Status Reports as required by Task 122 on or about April 27, 2000, October 27, 2000, April 27, 2001 and October 29, 2001, respectively. The State filed this report, the Fifth Progress/Status Summary, on May 10, 2002.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 123

Task: State to Maintain Records Documenting Decree Compliance

Decree ¶123

Decree Language:

“123. During the term of this Consent Decree, the State shall maintain all records documenting its compliance with the terms of this Consent Decree and all documents required by or developed under this Consent Decree. The State shall maintain all misconduct investigation files for at least ten years from the date of the incident. The State Police shall maintain a trooper’s training records and all personally-identifiable information about a trooper included in the MAP, during the trooper's employment with the State Police. Information necessary for aggregate statistical analysis shall be maintained indefinitely in the MAP for statistical purposes. MVR tapes shall be maintained for 90 days after the incidents recorded on a tape, except as follows: any MVR tape that records an incident that is the subject of an pending misconduct investigation or a civil or criminal proceeding shall be maintained at least until the misconduct investigation or the civil or criminal proceeding is finally resolved. Any MVR tape that records an incident that is the subject of a substantiated misconduct investigation, or an incident that gave rise to any finding of criminal or civil liability, shall be maintained during the employment of the troopers whose conduct is recorded on the tape.”

PROGRESS/STATUS SUMMARY

During the review period, the State continued to maintain records in compliance with Task 123.

**DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

Task Number: 124

Task: United States - Unrestricted Access

Decree ¶124

Decree Language:

“124. During all times while the Court maintains jurisdiction over this action, the United States shall have access to any State staff, facilities and non-privileged documents (including databases) the United States deems necessary to evaluate compliance with this Consent Decree and, within a reasonable time following a request made to the State attorney, shall, unless an objection is raised by the State, be granted such access and receive copies of documents and databases requested by the United States. In the event of an objection, the Court shall make a final determination regarding access. In any instance in which the State objects to access, it must establish that the access sought is not relevant to monitoring the implementation of the Consent Decree, or that the information requested is privileged and the interest underlying the privilege cannot be adequately addressed through the entry of a protective order. In any instance in which the State asserts that a document is privileged, it must provide the United States and the Monitor a log describing the document and the privilege asserted. Notwithstanding any claim of privilege, the documents to which the United States shall be provided access include: (1) all State Police documents (or portions thereof) concerning compliance with the provisions of this Decree, other than a request for legal advice; and (2) all documents (or portions thereof) prepared by the Office of the Attorney General which contain factual records, factual compilations, or factual analysis concerning compliance with the provisions of this Decree. Other than as expressly provided herein with respect to the United States, this paragraph is not intended, and should not be interpreted to reflect a waiver of any privilege, including those recognized at common law or created by State statute, rule or regulation, which the State may assert against any person or entity other than the United States.”

PROGRESS/STATUS SUMMARY

During the review period, the State continued to grant the United States full and unrestricted access to State and State Police staff, facilities and non-privileged documents as required by Task 124.

CONCLUSION

The foregoing report has been submitted to summarize the status of the State's implementation of the Consent Decree.

Respectfully submitted,

DAVID SAMSON
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By: _____

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Dated: May 9, 2002