



**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)**

**SECOND 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 paragraph 121 of the Decree, the Independent Monitoring Team filed their First Report, assessing the levels of State compliance with the requirements of the Decree on October 6, 2000.

Pursuant to Decree paragraph 122, this is the Second Status Report<sup>1</sup> seeking to summarize status of the State's implementation of the Decree. On April 27, 2000, the State submitted its First Status Report which summarized the progress which the State made during the initial four-month period commencing from the date the Decree was entered (December 30, 1999) through April 26, 2000. This Second Status Report seeks to summarize the progress which the State has made in the implementation of the Decree during the six-month period of April 27, 2000 through October 26, 2000.

Significant progress has been made during this six-month period. Essentially, this progress has occurred in three areas -- technology, training, and development of policies and procedures.

During the review period, technological progress has been made in developing an infrastructure to comply with the data collection and analysis requirements of the Decree. More specifically, the Computer Aided Dispatch ("CAD") system has become fully operational throughout the Division, thereby enabling the call-in of motor vehicle stop information as required by the Decree and implementing protocols. (See Task 30). Moreover, during the review period, the Division made equipment modifications to facilitate collection of other motor vehicle stop information on the Motor Vehicle Stop Report (as opposed to the CAD system), as required by the Decree and implementing protocols. Protocols for the Management Awareness and Personnel Performance System ("MAPPS") have been approved, a contractor has been retained which is presently facilitating implementation of these protocols, and partial implementation is anticipated to begin in the Spring of 2001. (See Task 40). Also during the review period, a plan for designing a computerized tracking system for misconduct investigations has been approved, a contractor has been retained which is presently facilitating implementation of this plan, and actual operation is anticipated to begin in the Spring of 2000. (See Task 91).

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<sup>1</sup> In this Second Status Report, the State shall adopt the task numbering system utilized by the Independent Monitoring Team in its First Report, rather than the numbering system which the State utilized in its First Status Report.

Progress in the design and provision of training was also accomplished during the review period. Two phases of in-service training were provided during this period. Phase I training focused upon the requirements of the Decree and revised motor vehicle stop procedures required by the Decree. Phase II training reinforced the revised motor vehicle stop procedures and provided detailed instruction on search and seizure requirements and the anti-discrimination requirements of the Decree. (See Tasks 26 and 101). Moreover, during the review period lesson plans were developed for instruction on cultural diversity, integrity and ethics. (See Task 100).

Furthermore, progress was made in the design of policies and procedures required to implement the Decree. As previously noted, protocols for the design of MAPPS and the computerized tracking system for misconduct investigations were developed during the review period. Additionally, procedures were developed to comply with Decree requirements concerning misconduct investigations and internal State auditing. (See Tasks 84, 86, 111 and 112).

Although progress was made during the review period, much remains to be done before the State is in compliance with the Decree requirements. Independent law enforcement authorities have observed that it requires twelve to eighteen months to develop automated systems, such as the MAPPS, designed to support effective supervision and trooper development. Thus, the fact that the State has not yet implemented the MAPPS or begun supervisory reviews dependent upon MAPPS implementation is to be expected. Nevertheless, the State remains committed to implementing the provisions of the Consent Decree within the time periods set by the Decree to the extent that such implementation 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.”

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**PROGRESS/STATUS SUMMARY**

On December 14, 1999, the Division adopted protocols containing this prohibition in Task 26. On January 14, 2000, a copy of the Decree, including this prohibition, was posted on the State Police Website. By February 29, 2000, each member received a written copy of the Decree containing this prohibition.

During the review period, members received two phases of in-service training on the Decree requirements, including this prohibition. Phase I training addressed the requirements of the Decree, including the prohibition in Task 26, and the recording and reporting of motor vehicle stop data. Phase II training reemphasized the prohibition of Task 26 as it relates to motor vehicle stops and law enforcement actions (issuing a summons or warning) and procedures (post-stop interaction including searches and arrests).

**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.”

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**PROGRESS/STATUS SUMMARY**

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

During the review period, members received two phases of in-service training addressing topics including the requirements of the protocol identified above. Additionally, during the review period, the Division began modifying equipment to facilitate collection of motor vehicle stop data required by the protocol outlined above and other protocols identified in Task 29. These modifications and the testing of this data collection in various formats is ongoing. Upon completion of these modifications and associated testing, together with the provision of any appropriate supplemental instruction or training for members, the Division will commence with implementation. It is anticipated that implementation will commence during the fourth quarter of 2000.

**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).”

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**PROGRESS/STATUS SUMMARY**

Existing State Police procedures require 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. These procedures are currently in effect. On December 14, 1999, the Division adopted protocols containing all of the requirements set forth in Task 28. During the review period, members received two phases of in-service training addressing topics including the requirements of Task 28.

**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.

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**PROGRESS/STATUS SUMMARY**

On December 14, 1999, the Division adopted protocols containing all of the requirements set forth in Task 29A.

During the review period, members received two phases of in-service training addressing topics including the requirements of Task 29A.

Also during the review period, the CAD system has been installed throughout the Division and modified to capture the information listed in Task 29A as required by implementing protocols (e.g., reason for stop, revised race/ethnicity codes, outcome of stop). Presently, members are utilizing the revised call-in procedures to record the information listed in Task 29A as required by these implementing protocols.

Additionally, during the review period, the Division began modifying equipment to facilitate collection of motor vehicle stop data on the Motor Vehicle Stop Report (as opposed to the CAD system) as required by the protocols identified in Task 29A. These modifications and the testing of this data collection in various formats is ongoing. Upon completion of these modifications and associated testing, together with the provision of any appropriate supplemental instruction or training for members, the Division will commence with implementation. It is anticipated that implementation will commence during the fourth quarter of 2000.



**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.”

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**PROGRESS/STATUS SUMMARY**

On December 14, 1999, the Division adopted the protocols listed above.

During this review period, members received two phases of in-service training addressing topics including the requirements of the protocols identified above.

As noted in the Status Summary for Task 29A, the implementation of some, but not all, of the protocols listed above has been practicable during the review period. More specifically, during the review period, the CAD system has been installed throughout the Division and modified to capture the information listed in Decree ¶¶29 and 30 as required by implementing protocols (e.g., reason for stop, revised race/ethnicity codes, outcome of stop). Presently, members are utilizing the revised call-in procedures to record this information as required by these implementing protocols.

Additionally, during the review period, the Division began modifying equipment to facilitate collection of motor vehicle stop data on the Motor Vehicle Stop Report (as opposed to the CAD System) as required by the protocol outlined above. These modifications and the testing of this data collection in various formats is ongoing. Upon completion of these modifications and associated testing, together with the provision of any appropriate supplemental instruction or training for members, the Division will commence with implementation. It is anticipated that implementation will commence during the fourth quarter of 2000.

**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.”

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**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 the review period, the Division has prepared and received approval for forms implementing Task 29C which were revised to reduce duplication and paperwork. Presently, the Division is testing the use of forms, including the Motor Vehicle Stop Report (SP 338), in various formats. After completion of this testing, and prior to full implementation, the State may further revise these forms to reduce duplication and paperwork as required by Task 29C.

**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.”

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**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. Prior to implementation, any revisions of these protocols have been approved by the Independent Monitoring Team and the United States. In addition to the revisions designed to reduce duplication and paperwork as referenced in the Status Summary for Task 29C, these revisions have also pertained to issues of member safety. Approval of such proposed revisions has enhanced member safety.

**DEPARTMENT OF LAW AND PUBLIC SAFETY  
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**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.”

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**PROGRESS/STATUS SUMMARY**

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

**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.”

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**PROGRESS/STATUS SUMMARY**

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

**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.”

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**PROGRESS/STATUS SUMMARY**

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

**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.”

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**PROGRESS/STATUS SUMMARY**

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

**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.”

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**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 the review period, members received two phases of in-service training addressing topics including the requirements of Task 30D. Also, during the review period, the CAD system has been installed throughout the Division and CAD communications operators have been instructed to provide the incident number, utilized as a cross reference to other documents, upon the member's request. Additionally, the CAD system has been modified to record such requests. Presently, members are utilizing the revised call-in procedures to obtain and record this information as required by Task 30D.



**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.”

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**PROGRESS/STATUS SUMMARY**

Existing State Police procedures require the completion of a “consent to search” report and a motor vehicle stop report whenever a member conducts a consensual search. These procedures, which are currently in effect, contain the requirements outlined in Task 31. On December 14, 1999, the Division adopted the protocol identified above.

During the review period, members received two phases of in-service training addressing topics including the requirements of Task 31. Additionally, during the review period, the Division began modifying 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. These modifications and the testing of this data collection in various formats is ongoing. Upon completion of these modifications and associated testing, together with the provision of any appropriate supplemental instruction or training for members, the Division will commence with implementation. It is anticipated that implementation will commence during the fourth quarter of 2000.

**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."

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**PROGRESS/STATUS SUMMARY**

Existing State Police procedures require the completion of a "consent to search" report and a motor vehicle stop report whenever a member conducts a consensual search. These procedures, which are currently in effect, contain the requirements outlined in Task 31(a) 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 set forth in Task 31.

During the review period, members received two phases of in-service training addressing topics including the requirements of Task 31. Additionally, during the review period, the Division began modifying 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. These modifications and the testing of

this data collection in various formats is ongoing. Upon completion of these modifications and associated testing, together with the provision of any appropriate supplemental instruction or training for members, the Division will commence with implementation. It is anticipated that implementation will commence during the fourth quarter of 2000.

**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.”

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**PROGRESS/STATUS SUMMARY**

Existing State Police procedures and directives require members to complete a report whenever, during a motor vehicle stop, a member conducts a non-consensual search of the motor vehicle. These procedures and directives, which are currently in effect, contain 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 the review period, members received two phases of in-service training addressing topics including the requirements of Task 32. Additionally, during the review period, the Division began modifying 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. These modifications and the testing of this data collection in various formats is ongoing. Upon completion of these modifications and associated testing, together with the provision of any appropriate supplemental instruction or training for members, the Division will commence with implementation. It is anticipated that implementation will commence during the fourth quarter of 2000.

**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.”

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**PROGRESS/STATUS SUMMARY**

Under existing practice, the State Police Canine Unit has completed a report whenever, during the course of a member’s motor vehicle stop, a State Police canine is deployed. This report contains 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. This reporting requirement is currently in effect.

On December 14, 1999, the Division adopted a protocol which requires the collection of all data set forth in Task 33. During the review period, members received two phases of in-service training addressing topics including the requirements of Task 33. Additionally, during the review period, the Division began modifying 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. These modifications and the testing of this data collection in various formats is ongoing. Upon completion of these modifications and associated testing, together with the provision of any appropriate supplemental instruction or training for members, the Division will commence with implementation. It is anticipated that implementation will commence during the fourth quarter of 2000.



**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.”

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**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. The State also purchased an additional 794 mobile video recording systems for use in patrol vehicles throughout the State. Presently, mobile video recording systems have been installed in over 85% of State Police vehicles that patrol these other highways throughout the State. It is anticipated that MVR equipment will be installed on all patrol vehicles operating on limited access highways by December 31, 2000.

**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.”

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**PROGRESS/STATUS SUMMARY**

On December 14, 1999, Division adopted a protocol which contains these requirements. All troopers have been given training prior to utilizing mobile video recording equipment. This training includes an operational check-off list of procedures a trooper must make to properly operate the system. General duty road troopers are not 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 Computer Aided Dispatch (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 audit 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 basic nature of the failure and appropriate corrective measures are taken.

During the review period, the use of MVR equipment was addressed in Phase I and Phase II training.

**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.”

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**PROGRESS/STATUS SUMMARY**

In December of 1999, the Division adopted protocols and forms referenced 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 final review within 30 days of such incident. During the review period, members received two phases of in-service training addressing topics including these report filing requirements. Additionally, during the review period, the Division began modifying equipment to facilitate collection of motor vehicle stop data, including whether activities referenced in Tasks 31-33 occurred, as referenced in Task 35 and required in Task 29. These modifications and the testing of this data collection in various formats is ongoing. Upon completion of these modifications and associated testing, together with the provision of any appropriate supplemental instruction or training for members, the Division will commence with implementation. It is anticipated that implementation will commence during the fourth quarter of 2000.

**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.”

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**PROGRESS/STATUS SUMMARY**

Present State Police protocols require supervisors to review MVR tapes of motor vehicle stops on a random basis. These protocols, which are currently in effect, comply with the requirements of Task 36 except for specificity of report content. During the review period, the State developed and received approval of a protocol satisfying the requirements of Task 36. It is anticipated that the State will train supervisors to conduct random reviews of MVR tapes pursuant to the revised protocols during the first quarter of 2001. It is further anticipated that, upon completion of training, the Division will commence with implementation of the revised protocols in the Spring of 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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State developed and received approval of a protocol satisfying the requirements of Task 37. This protocol contained a supervisory referral mechanism to the Office of Professional Standards (“OPS”) after the completion of an incident specific, random, or special MVR review. This protocol also contains a mechanism for referral of possible violations of the Decree to OPS or OAG for investigation. This protocol also requires the supervisor to recommend an appropriate course of action, which may include a non disciplinary intervention, based on a review and an analysis of the conduct recorded on the MVR tapes. It is anticipated that the State will train supervisors concerning these requirements during the first quarter of 2001. It is further anticipated that, upon completion of training, the Division will commence with implementation in the Spring of 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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State developed and received approval of a protocol satisfying the requirements of Task 38. This protocol provides for State Police and the Office of the Attorney General periodic reviews of referral decisions based upon supervisory reviews of conduct depicted in MVR tapes. It is anticipated that the State will train supervisors concerning these requirements during the first quarter of 2001. It is further anticipated that, upon completion of training, the Division will commence with implementation in the Spring of 2001.

**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.”

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**PROGRESS/STATUS SUMMARY**

Presently, squad supervisors are limited in their ability to conduct routine field supervision. The Division expects that increased staffing, attributable to the graduation of a new Academy class and the implementation of civilian augmentation (with reassignment to the Field Operations Section) and increased familiarity with the documentation requirements of this Decree will enable supervisors to better satisfy the requirements of this paragraph within six months.



**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”).

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**PROGRESS/STATUS SUMMARY**

During the review period, the State developed and received approval of a MAPPS protocol satisfying the requirements of Task 40. Also during this review period, the State retained a contractor to facilitate the design and implementation of the computerized components of the MAPPS. Presently, this contractor is designing these computerized components, as set forth in the protocol, with input from State representatives. It is anticipated that some of these computerized components will become operational in the Spring of 2001.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State developed and received approval of a MAPPS protocol satisfying the requirements of Task 41. Task 41 data collection and management requirements are categorized in the areas of motor vehicle stop data, compliment and complaint data, and training and assignment data. Each category of data is addressed in the MAPPS protocol to meet both the requirements of the Consent Decree and the operational and managerial requirements of the State Police. Also during this review period, the State retained a contractor to facilitate the design and implementation of the computerized components of the MAPPS. Presently, this contractor is designing these computerized components, as set forth in the protocol, with

input from State representatives. It is anticipated that some of these computerized components, including the information referenced in Decree ¶41(a), will become operational in the Spring of 2001.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State developed and received approval of a MAPPS protocol satisfying the requirements of Task 42. This MAPPS protocol provides for trooper access, through supervisory channels, to certain MAPPS data attributable to that trooper. Also during this review period, the State retained a contractor to facilitate the design and implementation of the computerized components of the MAPPS. Presently, this contractor is designing these computerized components, as set forth in the protocol, with input from State representatives. It is anticipated that some of these computerized components will become operational in the Spring of 2001 and that trooper access to MAPPS data will occur during the third quarter of 2001.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State developed and received approval of a MAPPS protocol satisfying the data retrieval and reporting capabilities set forth in Task 43. Also during this review period, the State retained a contractor to facilitate the design and implementation of the computerized components of the MAPPS. Presently, this contractor is designing these computerized components, as set forth in the protocol, with input from State representatives. It is anticipated that MAPPS will support State Police management of motor vehicle stop activity in the Spring of 2001. It is further anticipated that State Police tracking of compliment and complaint data and training and assignment data in MAPPS should also become operational in the Spring of 2001.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State developed and received approval of a MAPPS protocol satisfying the requirements of Task 44. As indicated in the MAPPS protocol, MAPPS will have the capability to link all documents related to an incident through a common control number, known as an incident number, assigned to the incident from the CAD system. It is anticipated that MAPPS will be capable to perform this function in the Spring of 2001. Prior to MAPPS implementation in 2001, the State will design and deliver training to State Police members to perform the requirements of this task.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State developed and received approval of a MAPPS protocol satisfying the requirements of Task 45. Also during this review period, the State retained a contractor to facilitate the design and implementation of the computerized components of the MAPPS. Presently, this contractor is designing these computerized components, as set forth in the protocol, with input from State representatives. It is anticipated that some of these computerized components will become operational in the Spring of 2001. Prior to MAPPS implementation in 2001, the State will design and deliver training to State Police members that will ensure that data is entered into MAPPS accurately, timely, and securely.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State submitted a MAPPS implementation plan. Also during the review period, the State supplemented this plan with a MAPPS protocol satisfying the requirements of Task 46. Also during this review period, the State retained a contractor to facilitate the design and implementation of the computerized components of the MAPPS. Presently, this contractor is designing these computerized components, as set forth in the protocol, with input from State representatives. It is anticipated that some of these computerized components will become operational in the Spring of 2001. Prior to MAPPS implementation, the State will design and deliver training to State Police members authorized to conduct the reviews referenced in Task 46. It is anticipated that by the Spring of 2001, MAPPS will support the supervisory and management reviews required by Task 46.



**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State developed and received approval of a MAPPS protocol satisfying the requirements of Task 47. Also during this review period, the State retained a contractor to facilitate the design and implementation of the computerized components of the MAPPS. Presently, this contractor is designing these computerized components, as set forth in the protocol, with input from State representatives. It is anticipated that some of these computerized components will become operational in the Spring of 2001. Prior to MAPPS implementation, the State will design and deliver training to State Police members authorized to conduct the reviews referenced in Task 47. It is anticipated that by the Spring of 2001, MAPPS will support the supervisory and management reviews required by Task 47.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State developed and received approval of a MAPPS protocol satisfying the requirements of Task 48. Also during this review period, the State retained a contractor to facilitate the design and implementation of the computerized components of the MAPPS. Presently, this contractor is designing these computerized components, as set forth in the protocol, with input from State representatives. It is anticipated that some of these computerized components will become operational in the Spring of 2001. Prior to MAPPS implementation, the State will design and deliver training to State Police members authorized to conduct the reviews referenced in Task 48. It is anticipated that by the Spring of 2001, MAPPS will support the supervisory and management reviews required by Task 48.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State developed and received approval of a MAPPS protocol with the capability to produce the reports described in this task. Also during this review period, the State retained a contractor to facilitate the design and implementation of the computerized components of the MAPPS. Presently, this contractor is designing these computerized components, as set forth in the protocol, with input from State representatives. It is anticipated that some of these computerized components will become operational in the Spring of 2001. Prior to MAPPS implementation, the State will design and deliver training to State Police members authorized to produce the reports referenced in Task 49. It is anticipated that by the Spring of 2001, MAPPS will produce the reports required by Task 49.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State developed and received approval of a MAPPS protocol with the capability to execute the data comparisons described in this task. Also during this review period, the State retained a contractor to facilitate the design and implementation of the computerized components of the MAPPS. Presently, this contractor is designing these computerized components, as set forth in the protocol, with input from State representatives. It is anticipated that some of these computerized components will become operational in the Spring of 2001. Prior to MAPPS implementation, the State will design and deliver training to State Police members authorized to conduct the data comparisons described in Task 50. It is anticipated that by the Spring of 2001, MAPPS will support the execution of data comparisons required by Task 50.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State developed and received approval of a MAPPS protocol satisfying the requirements of Task 51. Also during this review period, the State retained a contractor to facilitate the design and implementation of the computerized components of the MAPPS. Presently, this contractor is designing these computerized components, as set forth in the protocol, with input from State representatives. It is anticipated that some of these computerized components will become operational in the Spring of 2001. Prior to MAPPS implementation, the State will design and deliver training to State Police members authorized to conduct the reviews referenced in Task 51. It is anticipated that by the Spring of 2001, MAPPS will support the evaluation of trends based on the data referenced in paragraph 43 of the Decree.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State developed and received approval of a MAPPS protocol that describes the process for authorized State Police supervisors to recommend interventions for troopers whose activity is the focus of a management inquiry. Also during this review period, the State retained a contractor to facilitate the design and implementation of the computerized components of the MAPPS. Presently, this contractor is designing these computerized components, as set forth in the protocol, with input from State representatives. It is anticipated that some of these computerized components will become operational in the Spring of 2001. Prior to MAPPS implementation, the State will design and deliver training to State Police members authorized to take the appropriate action described by Task 52. It is anticipated that by the Spring of 2001, MAPPS will assist the State Police in implementing the appropriate remedial measures referenced in this task.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State developed and received approval of a MAPPS protocol that requires a supervisory review of any trooper who within a period of two years is a principal in three misconduct investigations based on the alleged conduct enumerated at paragraph 73 of the Consent Decree, thus satisfying the requirements of Task 53. Also during this review period, the State retained a contractor to facilitate the design and implementation of the computerized components of the MAPPS. Presently, this contractor is designing these computerized components, as set forth in the protocol, with input from State representatives. It is anticipated that some of these computerized components will become operational and that MAPPS will assist the State Police in making the reviews referenced in Task 53 in the Spring of 2001.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State developed and received approval of a protocol for conducting the survey referenced in Task 54. Additionally, the United States and the State jointly selected a consultant which conducted the survey. It is anticipated that this consultant shall submit a report of its findings during the fourth quarter of 2000.



**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.”

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**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.

**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.”

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**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 Standard Operating Procedure which remained in effect during this review period. The Office of Professional Standards has confirmed during this review period that the posters appear in approximately 55 State Police facilities that are accessible to the public. In addition, the OPS conducted inspections to service areas and made 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, which was confirmed during personal inspections during this review period, and 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.

**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.”

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**PROGRESS/STATUS SUMMARY**

The New Jersey State Police developed fact sheets and informational posters describing the complaint process. The Office of Professional Standards 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.

Representatives from the Office of Professional Standards have verified that the complaint/compliment forms, fact sheets, and informational posters are currently available at State Police headquarters and all State Police stations. 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.

Existing Standing Operating Procedures 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 which remained in effect during this review period.

**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.”

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**PROGRESS/STATUS SUMMARY**

During this review period all informational materials consistent with Task 58, including compliment/complaint forms, continue to be carried by individual troopers. In addition, posters and other informational material remain available in rest areas and State Police stations accessible to the public.

During this review period, seeking to inform the public about State Police functions and to recruit qualified applicants for its next academy class, the New Jersey State Police initiated an extensive public awareness campaign in October 2000. Included in this campaign was a press release that described the recruiting efforts, the results from the last recruitment cycle, the minimum qualifications required from a potential recruit, and all the sites visited by the State Police recruiters. In addition, the New Jersey State Police have initiated aggressive newspaper, radio and television campaign through the months of October and November to advise the public of the recruitment efforts.

In addition, during this review period, Division officials represent that they have routinely spoken to various community groups regarding State Police functions and procedures including motor vehicle stops as required by Task 60. Also during this review period, the Division has been in the process of developing a pamphlet designed to inform the public about motor vehicle stop procedures carried out by State Police. This pamphlet will be disseminated to the general public during the fourth quarter of 2000. Currently, the State is developing a program to further inform the community about State Police functions and procedures, including motor vehicle stops, searches and seizures, and the methods for reporting civilian complaints or compliments regarding officers as required by Task 60. It is anticipated that the Division will begin implementing this revised community outreach program during the first quarter of 2001.

**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.”

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**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. OAG has confirmed that OPS has received complaints and/or compliments through each of these mediums.

During the review period, the Superintendent advised all members in writing that Division of State Police will continue to accept complaints or other feedback regarding State Police performance either in person, by mail, by telephone (or TDD), or by facsimile transmission and that the State Police will not require that a complaint be submitted in writing.

In this written communication, the Superintendent further advised each member that the Division will accept anonymous complaints and complaints filed by the alleged victim of misconduct. During this review period, OAG has confirmed that the OPS currently accepts anonymous complaints and complaints filed by civilians other than the alleged victim of the misconduct.

**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.”

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**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. OPS representatives have verified that tape recordings from this hotline continue to be reviewed on a daily basis through this review period. In addition, during this review period 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. The hotline has both English and Spanish announcements.

**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.”

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**PROGRESS/STATUS SUMMARY**

During this review period, the OAG has confirmed that OPS is responsible for receiving, either directly or through the chain of command, all misconduct investigations. The OPS has implemented a case numbering system for each complaint, and the OAG has access to misconduct complaints received by OPS. Presently, the state is revising protocols to memorialize those practices that otherwise require complete compliance with Task 63. It is anticipated that these protocols will be revised during the fourth quarter of 2000.

**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.”

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**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 this review period, in the Freehold office there are 19 OPS investigators who most directly interact with the public. Remaining at Division headquarters in West Trenton are five OPS supervisors, two detectives assigned to the Adjudications Bureau and two intake detectives.

Presently, the State is revising its Internet Website to publicize the location of its Freehold office. It is anticipated that this revision will be completed during the fourth quarter of 2000.



**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.”

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**PROGRESS/STATUS SUMMARY**

Present New Jersey State Police Rules and Regulations require members to report to the Superintendent the filing of criminal charges for assault upon them and forbids the withdrawal of any such complaint without the Superintendent’s approval. Additionally, existing protocols require members who were assaulted to report the incident, through their chain of command, to the Superintendent.

During this review period, 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.

**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.”

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**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 member's duties. Under current practice, these notifications are forwarded from the Division of Law to the OAG.

During this review period, the State continued its consideration of proposed revisions to the NJSP regulations to require reports of civil claims alleging off duty misconduct, clarifying that these reports are forwarded to OPS, and requiring that OAG is notified of these claims. It is anticipated that these revised rules and regulations will be issued in the fourth quarter of 2000.

**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.”

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**PROGRESS/STATUS SUMMARY**

During this review period, 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 is presently considering 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.

**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.”

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**PROGRESS/STATUS SUMMARY**

During this review period, the Attorney General issued a Directive instructing prosecutorial authorities to report when a trooper is arrested or criminally charged. Additionally, during this review period the Superintendent advised all members in writing that New Jersey 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. Under existing practice, all misconduct allegations received by OPS are being forwarded to the Office of Attorney General. The State is continuing its consideration of proposed regulations to include clarification that reports of criminal allegations are forwarded to OPS and the OAG is notified of these reports. It is anticipated that these revised rules and regulations will be issued in the fourth quarter of 2000.

**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.”

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**PROGRESS/STATUS SUMMARY**

During this review period, 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, 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. The State is presently modifying these regulations to expressly require that these reports are forwarded to OPS and that the OAG is notified of these reports. It is anticipated that these revised rules and regulations will be issued in the fourth quarter of 2000.

**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.”

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**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 investigate and resolving complaints of other misconduct investigations. Seeking to enhance the capability of OPS to perform these functions, the investigative staff has been increased fourfold. In March of 1999, there were five investigators assigned to the Internal Affairs Bureau, the predecessor of the OPS. Presently, there are nineteen investigators, five supervisors, two adjudications detectives, and two intake detectives assigned to 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.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, 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.

**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.”

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**PROGRESS/STATUS SUMMARY**

During this review period in October 2000, two OPS members attended the Division of Criminal Justice internal affairs training and one OPS member attended internal affairs training at Jacksonville, Florida sponsored by the Institute of Police Policy and Management. Presently, the State is revising rules, regulations and protocols to memorialize revised practices and procedures in compliance with Tasks 61, 62, 73, 75, 76, 77, 78, 81, 82, 83, 84, 85, 86, and 92. During the final quarter of 2000, the State will develop and deliver training to all OPS members. This training will include application of the revised practices and procedures in compliance with the previously mentioned tasks.



**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.”

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**PROGRESS/STATUS SUMMARY**

During this review period, 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. OPS officials represent, and OAG officials have confirmed that during this review period misconduct investigations have been initiated when OPS officials have received notifications of the complaints, filings of civil suits for on-duty conduct and arrests referenced in Decree paragraph 73. It is anticipated that Division protocols, rules and regulations will be revised to reflect the requirements of this task, and members will be trained to comply with these revised requirements, during the fourth quarter of 2000.

**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.”

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**PROGRESS/STATUS SUMMARY**

OPS officials represent, and OAG officials have confirmed as required by Decree ¶74(b), that misconduct investigations have been initiated when OPS officials have received notifications of the complaints, referrals, filings or arrests referenced in Decree paragraph 74(a). Currently, the State is developing criteria concerning the allocation of

investigations between OPS and OAG. It is anticipated that State Police protocols will be revised to reflect the requirements of this Task in the fourth quarter of 2000.

**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.”

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**PROGRESS/STATUS SUMMARY**

During this review period, 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 Decree paragraph 75, wherein that member has a conflict of interest. It is anticipated that State Police protocols will be revised to reflect this task in the fourth quarter of 2000.

**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.”

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**PROGRESS/STATUS SUMMARY**

During this review period, 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. It is anticipated that State Police protocols will be revised to reflect this task in the fourth quarter of 2000.

**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.”

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**PROGRESS/STATUS SUMMARY**

During this review period, 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. OPS officials represent, and OAG review of reports confirm, that OPS has interviewed civilians by telephone. During this period, the Office of Professional Standards officials represent, and OAG review of reports confirm, that OPS has repeatedly interviewed complainants and other witnesses at locations other than State Police facilities and at times which are other than regular hours. It is anticipated that State Police protocols will be revised to reflect this task in the fourth quarter of 2000.

**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.”

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**PROGRESS/STATUS SUMMARY**

During this review period, the Superintendent re-emphasized to all members in writing that collateral misconduct will be investigated in internal investigations. 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, a review of several existing OPS logs and files by OAG reveals that additional charges discovered during the investigation which are not part of the original complaint are also investigated. It is anticipated that State Police protocols will be revised to reflect this task in the fourth quarter of 2000.

**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.”

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**PROGRESS/STATUS SUMMARY**

Currently, the State is revising the internal investigations manual and or other appropriate documents (including rules, regulations, and protocols) to conform to existing practice and the requirements of the Decree. It is anticipated that these revisions will be completed in the fourth quarter of 2000.



**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.”

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**PROGRESS/STATUS SUMMARY**

During this review period, the Superintendent re-emphasized to all members in writing that the preponderance of the evidence standard shall be applied to all internal investigations. It is anticipated that State Police protocols will be revised to reflect this standard in the fourth quarter of 2000.

**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.”

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**PROGRESS/STATUS SUMMARY**

During this review period, 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. OPS officials represent, and OAG review of reports confirm, that if the incident that is the subject of misconduct investigation was recorded on an MVR tape, the tape is reviewed by OPS as part of the misconduct investigation. It is anticipated that State Police protocols will be revised to reflect this practice in the fourth quarter of 2000.

**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.”

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**PROGRESS/STATUS SUMMARY**

During this review period, the Superintendent re-emphasized to all members in writing 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. Similarly, OPS officials represent that the consideration of circumstantial evidence, determinations of credibility, and absence of credibility predeterminations, are investigative practices which they currently employ. A review of select OPS files by the OAG supports these representations. It is anticipated that State Police protocols will be revised to reflect these practices in the fourth quarter of 2000.

**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.”

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**PROGRESS/STATUS SUMMARY**

During this review period, the Superintendent advised all members in writing that the dispositions of internal investigations shall be revised to conform with the requirements of this task. Presently, OPS officials represent, and OAG representatives have confirmed, that these dispositions are presently being utilized. It is anticipated that State Police protocols will be revised to reflect these revised dispositions in the fourth quarter of 2000.

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

**Task Number:** 85

**Task:** No Closure upon Withdrawal of Complaint

**Decree** ¶85

**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.”

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**PROGRESS/STATUS SUMMARY**

During this review period, the Superintendent re-emphasized to all members in writing 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. OPS officials represent, and OAG review of reports support, 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 the 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. It is anticipated that State Police protocols will be revised to reflect these practices in the fourth quarter of 2000.

**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.”

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**PROGRESS/STATUS SUMMARY**

Present State Police procedures require the topics identified in this task to be included in the investigations file. Currently, the State is revising its protocols and investigations manual to require these topics to be included in a final report. It is anticipated that these revisions will be revised in the fourth quarter of 2000.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State received clarification 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. Presently, the State is designing procedures to track misconduct investigations to ensure these investigations are completed in a timely fashion.

**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.”

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**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.



**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.”

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**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.

**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.”

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**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. During the review period, the State developed and received approval of a MAPPS protocol which expressly requires consideration of MAPPS data when determining the appropriate discipline in a “substantiated” case. In addition, the State is also in the process of modifying State Police protocols 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 MAPPS protocol requires consideration of MAPPS data to determine if intervention is appropriate in an “unsubstantiated” case.

**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).”

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**PROGRESS/STATUS SUMMARY**

During the review period, 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 this review period, the State retained a contractor to facilitate the design and implementation of this computerized tracking system. It is anticipated that the State Police tracking system will become operational in the Spring of 2001.

**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.”

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**PROGRESS/STATUS SUMMARY**

Under current practice, after a misconduct complaint is fully resolved, the State Police have informed complainants of the resolution in writing. Presently, the Division is revising its practices to provide all of the information required by this Task. It is anticipated that State Police shall revise protocols to reflect these practices in the fourth quarter of 2000.

**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).”

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**PROGRESS/STATUS SUMMARY**

Presently, the New Jersey State Police provides all training for recruits, Academy instructors, and trooper coaches. The Training Bureau also functions to oversee and ensure the quality of all post-academy (in-service) training provided to all troopers.

During the review period, the State has developed and received approval of a trooper coach training program. Presently, the State is selecting trooper coaches whom it intends to train during the first quarter of 2001, prior to the next recruit class graduation in March of 2001.

Presently, the Training Bureau is developing procedures for evaluating the effectiveness of ongoing training as required by Task 93. It is anticipated that these procedures shall include a systematic referral system for recommendations of topics appropriate for additional or revised training and identification of members who would benefit from additional or revised training. It is further anticipated that this referral system shall be designed to receive recommendations from all members, including those responsible for supervisory review of member performance. It is further anticipated that this referral system shall become operational during the fourth quarter of 2000.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State developed formal eligibility criteria for Academy (recruit) and post-Academy (in-service) training positions. State Police Training Academy officials represent, and OAG officials have confirmed, that assignment to the Training Academy remains a desired assignment which attracts superior troopers as applicants. Also during the review period, the State developed a trooper coach program which contains eligibility criteria and provides certain incentives designed to encourage superior troopers to apply for such positions. Currently, the Division is evaluating revising existing protocols to further encourage superior troopers to apply and participate in the trooper coach program.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State developed formal eligibility criteria for Academy (recruit), post-Academy (in-service), and trooper coach training. These eligibility criteria require applicants (and incumbents) to possess qualifications including 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 as required by Task 98. Currently, the Division is evaluating these eligibility criteria to further encourage superior troopers to apply for 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.

**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.”

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**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.

During the review period, over two thirds of the Academy trainers received instruction from the Royal Canadian Mounted Police (“RCMP”) in topics including teaching methods in adult learning (scenario based training) and problem solving. This five day program was held at the New Jersey State Police Academy. As noted in the progress summary for Tasks 97 and 102, the State has revised its trooper coach program. This revision extends to training referenced in Task 99. Presently, the State is also revising the instruction provided to post-Academy instructors to comply with the requirements of Task 99.



**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, several members attended Diversity/Customer Service Training provided by the New Jersey Department of Personnel Human Resource Development Institute (HRDI). This HRDI training addressed 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 as required by Task 100. Presently, the State is revising the HRDI training curriculum to more directly address State Police interactions. It is anticipated that this revised training will be provided to all members during 2001. During the review period, the Division provided an 80-hour basic supervision course to all recently promoted Sergeants performing supervisory functions. This supervisory course provided instruction on Division policy mandating non discriminatory interactions with persons from different racial, ethnic, and religious groups and persons of the opposite sex as required by Task 100. In addition, the Sergeants were trained in communications skills, receiving and investigating civilian complaints, and domestic violence investigations.

During the review period, the State retained a consultant to assist in the design and delivery of integrity and ethics training. Utilizing the expertise of this consultant, the State has designed an in-service training program for integrity and ethics as required by Task 100. This program will utilize adult learning principles. It is anticipated that, during the fourth quarter of 2000, the consultant will assist the State in instructing in-service trainers, who will begin providing this instruction to all members, and to the Trooper Coach Committee, who will provide instruction to graduates of the 119<sup>th</sup> State Police recruit class.

Commencing with the current 119<sup>th</sup> State Police Recruit Class, all recruits will receive training on all topics required by Task 100. All members of the State Police are scheduled to receive this training no later than January 31, 2001.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, virtually all members on active duty status received two phases of in-service training addressing topics including fourth amendment requirements as mandated by Task 101. Commencing with the current 119<sup>th</sup> State Police recruit class, all recruits will receive this fourth amendment training as required by Task 100. As stated in the status summary for Task 93, the State Police Training Academy is responsible for ensuring that all in-service patrol-related and drug-interdiction-related training complies with fourth amendment requirements and the non discrimination requirements of the Decree.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State Police developed and received approval of a written protocol for the trooper coach program. Trooper coaches are currently in the process of selection. Training of those members selected to be trooper coaches will occur before the current recruit class graduates from the State Police Academy in March of 2001.

**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.”

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**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. Beginning on March 23, 2000 and extending into the review period, 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. Topics addressed during Phase I training included the requirements of the Decree. Members were provided an opportunity to ask questions about the Decree and its impact upon State Police operations. Before the end of the review period, virtually all members on active duty status attended Phase I training. Additionally, during the review period, virtually all members on active duty status attended Phase II training which addressed topics including Decree requirements and revised protocols implementing the Decree.

**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.”

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**PROGRESS/STATUS SUMMARY**

Currently, State Police protocols establish a Training Committee to assist the Training Bureau in evaluating the effectiveness of training rendered to identify the need, if any, for new or further training as required by Task 104. The Training Bureau is further developing existing systems for State Police units, sub-units and supervisors to provide information and refer particular incidents to the Training Bureau and to assist the Training Bureau in evaluating the effectiveness of training and detecting the need for new or further training. As noted in the status summary for Task 93, this revised referral system shall be designed to receive recommendations from all members, including those responsible for supervisory review of member performance. It is further anticipated that this referral system shall become operational during the fourth quarter of 2000.

**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.”

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**PROGRESS/STATUS SUMMARY**

Presently, State Police provides Sergeants and other members performing supervisory functions with an 80-hour supervision course, a 40-hour mid level management course, and or a 24-hour leadership dynamics course. Review of the course outlines reveal that instruction is provided regarding the promotion of police integrity and the prevention of police misconduct in each of these supervisory courses. Review of State Police attendance records reveals that virtually all members holding the rank Sergeant or above on active duty status have received this training.

During the review period, the State retained a consultant to assist in the design and delivery of integrity and ethics training. Utilizing the expertise of this consultant, the State has designed an in-service training program for integrity and ethics as required by Tasks 100 and 105. This program will utilize adult learning principles. It is anticipated that, during the fourth quarter of 2000, the consultant will assist the State in instructing in-service trainers who will begin providing this instruction to all members, including supervisory personnel.

During the review period, virtually all supervisors on active duty status received two phases of in-service training addressing topics including fourth amendment requirements as mandated by Tasks 101 and 105.

**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.”

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**PROGRESS/STATUS SUMMARY**

As noted in the status summary for Task 105, the State Police presently provides Sergeants and other members performing supervisory functions with an 80-hour supervision course, a 40-hour mid level management course, and or a 24-hour leadership dynamics course. Review of State Police attendance records reveals that virtually all members holding the rank Sergeant or above on active duty status have received this training.



**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.”

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**PROGRESS/STATUS SUMMARY**

Presently, the State is designing 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. It is anticipated that the development of this program will be facilitated by the MAPPS which is being designed to contain training information including the name of the course, date started, date completed and training location for each member receiving training. As noted in the status summary for Task 109, during this review period, the State retained a contractor to facilitate the design and implementation of the computerized components of the MAPPS. Presently, this contractor is designing these computerized components, as set forth in the protocol, with input from State representatives. It is anticipated that some of these computerized components will become operational in the Spring of 2001.

**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.”

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**PROGRESS/STATUS SUMMARY**

As more fully noted in the status summary for Task 109, the New Jersey State Police Training Academy continues to maintain records documenting member training. As noted in the status summary for Task 41, the State has developed and received approval for a MAPPS protocol during the review period. This protocol requires the MAPPS to contain training information including the name of the course, date started, date completed and training location for each member receiving training as required by Tasks 41 and 108. The State retained a contractor to facilitate the design and implementation of the computerized components of the MAPPS. Presently, this contractor is designing these computerized components, as set forth in the protocol, with input from State representatives. It is anticipated that some of these computerized components will become operational in the Spring of 2001.

**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.”

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**PROGRESS/STATUS SUMMARY**

Current Division protocols require the Training Bureau to retain records documenting all training provided by State Troopers. These procedures further require that any member attending outside training - training not provided by State Troopers - to submit a report to the Training Bureau confirming receipt of this training. During the review period, the State continued revising these procedures to require that members forward material received in outside training to the Training Bureau. These records are maintained at the Registrar of the State Police Academy. Moreover, the State Police now maintains a central repository of all Academy, post-Academy and trooper coach materials, curricula and lesson plans.

**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.”

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**PROGRESS/STATUS SUMMARY**

Since September 1999, the Office of State Police Affairs has been in operation. During the review period, this office’s functions have continued to include those set forth in paragraph 110.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State has developed and received approval of a protocol establishing an auditing system as required by Task 111. It is anticipated that the Office of State Police Affairs shall perform audits in accordance with this protocol during the final quarter of 2000.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the Office of State Police Affairs has continued to perform auditing functions required by Task 112. This office has continued to evaluate closed and other selected OPS files on misconduct investigations, including several investigations regarding patrol activities conducted by members of the State Police. Also during the review period, this office has developed protocols for auditing the toll-free hotline. Pursuant to this protocol, members of the investigative staff have listened to randomly selected tapes of complaints/compliments on the toll-free hotline to determine whether the complaint intake procedures were being followed. Additionally, the chief investigator has tracked these randomly selected tapes to see that appropriate procedures were implemented.

**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.”

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**PROGRESS/STATUS SUMMARY**

To date, the Office of State Police Affairs has been granted full and unrestricted access to the 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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State submitted its First Semiannual Public Report which included 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.”

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**PROGRESS/STATUS SUMMARY**

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

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State granted the Independent Monitoring Team full and unrestricted access to State 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.”

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**PROGRESS/STATUS SUMMARY**

To date, the Independent Monitoring Team have not yet requested to re-open a misconduct investigation pursuant to their 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.”

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**PROGRESS/STATUS SUMMARY**

On or about April 27, 2000, the State filed its first Status Report as required by Task 122. This report is also being submitted in compliance with Task 122.

**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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State continued to maintained 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.”

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**PROGRESS/STATUS SUMMARY**

During the review period, the State continued to grant the United States full and unrestricted access to State 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,

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By: \_\_\_\_\_  
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Dated: October 27, 2000