



**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)

**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**

**JOHN J. FARMER, JR.
Attorney General of New Jersey
Attorney for Defendants
BY: MARTIN CRONIN
Assistant Attorney General
Director, State Police Affairs
R.J. Hughes Justice Complex
P.O. Box 080
Trenton, New Jersey 08625**

**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"). 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. On December 30, 1999, the Honorable Mary L. Cooper, United States District Judge, District of New Jersey, signed the Consent Decree. The Consent Decree references revised State Police practices and procedures which the parties agreed were in compliance with the Consent Decree. (See, e.g., paragraph 29). Pursuant to decree paragraph 122, this report seeks to summarize the status of the States's implementation of the decree. This report further seeks to summarize the progress which State has made in this implementation for the initial four month period commencing on the date the decree was entered through April 26, 2000.

Significant progress has been made during this initial four month period, particularly in the areas of revising policies and procedures and training. These revised policies apply to patrol practices, supervisory activities, investigation and disposition of misconduct investigations, and training. These revisions of procedures referenced in the Decree are primarily the result of Working Groups consisting of Division of State Police ("Division") members from various ranks including Troopers, Sergeants, Lieutenants, Captains and Majors. These revisions seek to ensure that the procedures are practical, effective, and protective the safety of both State Police members and the public which they serve. Training provided during this period has addressed the Consent Decree and patrol practices. Ongoing efforts were made during this period to revise training currently provided concerning all issues to be addressed in the revised protocols. Additionally, revised training is also being designed to address fourth amendment, cultural diversity, integrity and ethics.

Although there has been significant progress, the date on which the State is obligated to implement the Consent Decree has not yet arrived. The decree became effective on the date it was executed (December 30, 1999) and generally requires implementation "as soon as practicable," but no later than June 27, 2000. (See Decree ¶130). Since significant changes to existing State Police practices and procedures are required under the decree, and the ability of troopers to effectively comply with these new procedures affects the safety of the troopers and the public they serve, the State maintains that it is not practicable to implement these procedures until after sufficient training has been provided. Regarding patrol practices, it is anticipated that these new procedures will be implemented by June 27, 2000. It is noteworthy that significant logistical problems are presented in personally training approximately 2700 members while simultaneously maintaining adequate staffing to protect the public.

In addition to training, full implementation of the Decree's provisions awaits the installation of several technological facilities. More specifically, the input of motor vehicle stop data, communication of motor vehicle stop data, creation of the Management Awareness Program, and installation of a computerized tracking system for misconduct investigations, all await the design and/or installation of communication facilities and/or computer systems that are presently being installed or designed by outside consultants.

Thus, while much has been accomplished, there is much left to do. 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.”

PROGRESS/STATUS SUMMARY

During the 1999 in-service training, members were instructed in the nondiscrimination policy set forth in the Attorney General’s “Interim Report regarding allegations of Racial Profiling” which is later reflected in Decree paragraph 26. As a matter of State policy, this prohibition is now being implemented. On December 14, 1999, Division adopted protocols (S.O.P. F3, State Police Patrol Procedures; F31, Consent to Search; F55, Traffic Stop Procedures, Motor Vehicle Searches and Seizures, Inventory and Impoundment) containing this prohibition of Decree paragraph 26. On January 14, 2000, a copy of the Decree, including this prohibition, was posted on the State Police Website. By March 23, 2000, each trooper received a written copy of the Decree containing this prohibition. Presently, troopers are receiving in-service training on the Decree requirements, including this prohibition. All troopers in the Field Operations Section are scheduled to receive this training by May 10, 2000, and all troopers are scheduled to receive this training by June 27, 2000.

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

Task Number: 27

Task: Written Protocol for Motor Vehicle Stop Criteria.

Decree ¶27

Decree Language:

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

PROGRESS/STATUS SUMMARY

During the 1999 in-service training, members were instructed that they shall enforce the law, including motor vehicle and drug laws, and that they were instructed in the nondiscrimination policy set forth in the Attorney General’s “Interim Report Regarding Allegations of Racial Profiling” which is later reflected in Task 26. On December 14, 1999, the Division adopted the protocol (S.O.P. F55, Traffic Stop Procedures, Motor Vehicle Searches and Seizures, Inventory and Impoundment) identified above. Presently, troopers are receiving in-service training on the Decree requirements, including this protocol. All troopers in the Field Operations Section are scheduled to receive this training by May 10, 2000, and all troopers are scheduled to receive this training by June 27, 2000.

Upon completion of this training, approval of revised protocols by the United States and the Independent Monitors (see Task 29E), modifications to existing communications systems (such as the Computer Aided Dispatch System) and installation data input equipment (for Motor Vehicle Stop Report Data), the Division will commence with implementation. The communication system modifications has involved negotiations with a vendor having proprietary rights to this system. It is estimated that implementation will commence before June 27, 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).”

PROGRESS/STATUS SUMMARY

Existing State Police procedures contain all of the requirements outlined in Task 28 except those expressly referring to the right of the consenting person to be present during the search. On December 14, 1999, the Division adopted the protocols (S.O.P. F31, Consent to Search; F55, Traffic Stop Procedures, Motor Vehicle Searches and Seizures, Inventory and Impoundment) containing all of the requirements set forth in Task 28. Presently, troopers are receiving in-service training on the Decree requirements, including these protocols. All troopers in the Field Operations Section are scheduled to receive this training by May 10, 2000, and all troopers are scheduled to receive this training by June 27, 2000.

Upon completion of this training, approval of revised protocols by the United States and the Independent Monitors (see Task 29E), modifications to existing communications systems (such as the Computer Aided Dispatch System) and installation data input equipment (for Motor Vehicle Stop Report Data), the Division will commence with implementation. The communication system modifications has involved negotiations with a vendor having proprietary rights to this system. It is estimated that implementation will commence before June 27, 2000.

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

Task Number: 29

Task: Written Protocols for Documenting Motor Vehicle Stop Activity.

Decree ¶ 29(a,b)

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."

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

PROGRESS/STATUS SUMMARY

Existing State Police procedures and directives require members to record information for all motor vehicle stops, including the race/ethnicity and gender of the driver and any occupants; the date, time and location of the stop; and whether a warning or summons was issued or an arrest occurred. These protocols and directives further required that, if an arrest, consensual search or seizure occurred, the circumstances supporting such law enforcement activities or procedures, as now reflected in Task 29, must be recorded. These protocols and directives are currently in effect. On December 14, 1999, Division adopted protocols (S.O.P. C22, Activity Reporting System; F3, State Police Patrol Procedures; F7, Radio Procedures; F19, Mobile Video/Audio Recording (MVR) Equipment; F31, Consent to Search; F55, Traffic Stop Procedures, Motor Vehicle Searches and Seizures, Inventory and Impoundment; and a Motor Vehicle Stop Report dated December 21, 1999) containing all of the requirements set forth in Task 29. By March 23, 2000, each trooper received a written copy of the Decree containing these requirements. Presently, troopers are receiving in-service training on these Decree requirements. All troopers in the Field Operations Section are scheduled to receive this training by May 10, 2000, and all troopers are scheduled to receive this training by June 27, 2000.

Upon completion of this training, approval of revised protocols by the United States and the Independent Monitors (see Task 29E), modifications to existing communications systems (such as the Computer Aided Dispatch System) and installation data input equipment (for Motor Vehicle Stop Report Data), the Division will commence with implementation. The communication system modifications has involved negotiations with a vendor having proprietary rights to this system. It is estimated that implementation will commence before June 27, 2000.

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

Task Number: 29E

Task: Obtain Approval of Revised Protocols.

Decree ¶ 29(e)

Decree Language:

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

PROGRESS/STATUS SUMMARY

The Division recently (March 15, 2000) provided the United States with proposed revisions to the protocols referenced in Task 29. On April 14, 2000, the United States approved virtually all of the revised protocols. Upon entry of the order of appointment by the Court (see Task 115), the Independent Monitors shall receive these protocols as revised by the State and approved by the United States. Upon Independent Monitor approval, the State shall commence the second phase of formal training to all Division members regarding matters including the revised protocols.

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

Task Number: 30

Task: Communication Center Call-In's for Motor Vehicle Stop.

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.”

“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.

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.

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.

d. The communications center shall inform the trooper of an incident number assigned to each motor vehicle stop that involved a motor vehicle procedure (i.e., occupant requested to exit vehicle, occupant frisked, request for consent search, search, drug dog deployed, seizure, arrest or use of force), and troopers shall utilize that incident number to cross

reference other documents prepared regarding that stop. Likewise, all motor vehicle stop information recorded by the communication center about a particular motor vehicle stop shall be identified by the unique incident number assigned to that motor vehicle stop.”

PROGRESS/STATUS SUMMARY

Existing State Police procedures and directives require members to call in to the communications center information for all motor vehicle stops, including the race/ethnicity and gender of the driver and any occupants; the date, time and location of the stop; and whether a warning or summons was issued or an arrest occurred. These protocols are currently in effect. On December 14, 1999, Division adopted protocol F7, Radio Procedures, which contains all of the requirements set forth in Task 30. By March 23, 2000, each trooper received a written copy of the Decree containing these requirements. Presently, troopers are receiving in-service training on these Decree requirements. All troopers in the Field Operations Section are scheduled to receive this training by May 10, 2000, and all troopers are scheduled to receive this training by June 27, 2000.

Upon completion of this training, approval of revised protocols by the United States and the Independent Monitors (see Task 29E), modifications to existing communications systems (such as the Computer Aided Dispatch System) and installation data input equipment (for Motor Vehicle Stop Report Data), the Division will commence with implementation. The communication system modifications has involved negotiations with a vendor having proprietary rights to this system. It is estimated that implementation will commence before June 27, 2000.

**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.

- a. The State Police shall require that all “consent to search” forms include the following information:
 - . the date and location of the stop;
 - . the name and identification number of the trooper making the request for consent to search;
 - . the names and identification numbers of any additional troopers who actively participate in the discussion with the driver or passenger(s) concerning the request for consent to search;
 - . a statement informing the driver or other person authorized to give consent of the right to refuse to grant consent to search, and that if the driver or other person authorized to give consent grants consent, the driver or other person authorized to give consent at any time for any reason may withdraw consent to search;
 - . a statement informing the driver or other person authorized to give consent of the right to be present during the search at a location consistent with the safety of both the state trooper and the motor vehicle occupant(s) which right may be knowingly waived;
 - . check-off boxes to indicate whether consent has been granted, and if consent is granted, the driver or other person authorized to give consent shall check the appropriate box and sign and date the form; and

- . if the driver or other person authorized to give consent refuses consent, the trooper or the driver or other person authorized to give consent shall so note on the form and the driver or other person authorized to give consent shall not be required to sign the form.”
- b. A state trooper who requests permission to conduct a consent search shall document in a written report the following information regardless of whether the request for permission to conduct a search was granted or denied:
 - . the name of the driver or other person authorized to give consent to whom the request for consent is directed, and that person's gender, race/ethnicity, and, if known, date of birth;
 - . the names and identification numbers of all troopers who actively participate in the search;
 - . the circumstances which constituted the reasonable suspicion giving rise to the request for consent;
 - . if consent initially is granted and then is withdrawn, the fact that this occurred, and whether the search continued based on probable cause or other non-consensual ground, or was terminated as a result of the withdrawal of consent;
 - . a description of the type and quantity of any contraband or other property seized; and,
 - . whether the discussion concerning the request for consent to search and/or any ensuing consent search were recorded using MVR equipment.
- c. The trooper shall sign and date the form and the report after each is fully completed.”

PROGRESS/STATUS SUMMARY

Existing State Police procedures require the completion of a “consent to search” report whenever a member conducts a consensual search. These procedures, which are currently in effect, contain the requirements outlined in Task 31 except for the completion of a “consent to search” report whenever a member requests consent to search (even though no search is actually conducted), and the express reference to the right of consenting persons to be present during the search. On December 14, 1999, the Division adopted new protocols which contain all of the requirements set forth in Task 31. By March 23, 2000, each trooper received a written copy of the Decree containing these requirements. Presently, troopers are receiving in-service training on these Decree requirements. All troopers in the Field Operations Section are scheduled to receive this

training by May 10, 2000, and all troopers are scheduled to receive this training by June 27, 2000.

Upon completion of this training, approval of revised protocols by the United States and the Independent Monitors (see Task 29E), modifications to existing communications systems (such as the Computer Aided Dispatch System) and installation data input equipment (for Motor Vehicle Stop Report Data), the Division will commence with implementation. The communication system modifications has involved negotiations with a vendor having proprietary rights to this system. It is estimated that implementation will commence before June 27, 2000.

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

Task Number: 32

Task: Non-Consensual Search Report.

Decree ¶32

Decree Language:

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

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

PROGRESS/STATUS SUMMARY

Existing State Police procedures and directives require members to complete a report whenever, during any motor vehicle stop, a member conducts a non-consensual search of a 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 recording and the names of all additional members who actively participated in the incident. On December 21, 1999, the Division adopted new protocols to record this additional information. By March 23, 2000, each trooper received a written copy of the Decree containing these requirements. Presently, troopers are receiving in-service training on these Decree requirements. All troopers in the Field Operations Section are scheduled to receive this training by May 10, 2000, and all troopers are scheduled to receive this training by June 27, 2000.

Upon completion of this training, approval of revised protocols by the United States and the Independent Monitors (see Task 29E), modifications to existing communications systems (such as the Computer Aided Dispatch System) and installation

data input equipment (for Motor Vehicle Stop Report Data), the Division will commence with implementation. The communication system modifications has involved negotiations with a vendor having proprietary rights to this system. It is estimated that implementation will commence before June 27, 2000.

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

Task Number: 33

Task: Drug Detection Canine Report.

Decree ¶33

Decree Language:

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

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

PROGRESS/STATUS SUMMARY

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. Additionally, on December 21, 1999, the Division adopted new protocols and a Motor Vehicle Stop Report to require collection of all of the information set forth in Task 33. Presently, troopers are receiving in-service training on these Decree requirements. All troopers in the Field Operations Section are scheduled to receive this training by May 10, 2000, and all troopers are scheduled to receive this training by June 27, 2000.

Upon completion of this training, approval of revised protocols by the United States and the Independent Monitors (see Task 29E), modifications to existing communications systems (such as the Computer Aided Dispatch System) and installation data input equipment (for Motor Vehicle Stop Report Data), the Division will commence

with implementation. The communication system modifications has involved negotiations with a vendor having proprietary rights to this system. It is estimated that implementation will commence before June 27, 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.”

PROGRESS/STATUS SUMMARY

New Jersey State Police marked patrol vehicles on the New Jersey Turnpike and Atlantic City Expressway have been using mobile video recording devices since December 7, 1998 and March 26, 1999, respectively. The State Police has utilized the purchase of 329 mobile video recording systems to equip patrol vehicles on the New Jersey Turnpike, Garden State Parkway and Atlantic City Expressway. Of this total 50 systems were placed in marked vehicles in a single station in each troop which could assist these limited access roadways if exigent circumstances arose. A second purchase of 794 MVR systems has been made which will be utilized on all other highways patrol by the State Police. As of April 19, 2000, approximately 400 of these systems have been installed in patrol vehicles which are currently involved in patrol functions. The remainder of these systems will be installed as soon as the contract vendor can produce and deliver the agreed upon vehicles. Anticipation date for completing all installations is December 31, 2000.

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

Task Number: 34B

Task: MVR Training and Maintenance

Decree ¶34(b)

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.”

PROGRESS/STATUS SUMMARY

On December 14, 1999, Division adopted protocol F19, Mobile Video/Audio Recording (MVR) Equipment, which contains the Division’s policy. All troopers have been given training prior to utilizing mobile video recording equipment. This training includes on operational check off list of rudimentary 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 and a report is made so that proper repair may be made in a timely fashion.

A monthly inspection is made of the mobile video recording 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. The recent purchase of 794 MVR systems have a 1 year warranty. This warranty begins from the date of installation and extends for 365 days from that date.

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

Task Number: 34C

Task: Motor Vehicle Stops Recorded with MVR.

Decree ¶34(c)

Decree Language:

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

PROGRESS/STATUS SUMMARY

On December 14, 1999, Division adopted protocol F19, Mobile Video/Audio Recording (MVR) Equipment, which contains these requirements. As noted in the progress summary for Task 34B, all troopers have been given training prior to utilizing MVR equipment. Additionally, by March 23, 2000, each trooper received a written copy of the Decree containing these requirements. Presently, troopers are receiving in-service training on these Decree requirements. All troopers in the Field Operations Section are scheduled to receive this training by May 10, 2000, and all troopers are scheduled to receive this training by June 27, 2000.

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

Task Number: 35

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

Decree ¶35

Decree Language:

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

PROGRESS/STATUS SUMMARY

On December 14, 1999, Division adopted protocol F31, Consent to Search, and on December 21, 1999, adopted a Motor Vehicle Stop Report addressing this requirement. By March 23, 2000, each trooper received a written copy of the Decree containing these requirements. Presently, troopers are receiving in-service training on these Decree requirements. All troopers in the Field Operations Section are scheduled to receive this training by May 10, 2000, and all troopers are scheduled to receive this training by June 27, 2000.

Upon completion of this training, approval of revised protocols by the United States and the Independent Monitors (see Task 29E), modifications to existing communications systems (such as the Computer Aided Dispatch System) and installation data input equipment (for Motor Vehicle Stop Report Data), the Division will commence with implementation. The communication system modifications has involved negotiations with a vendor having proprietary rights to this system. It is estimated that implementation will commence before June 27, 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.”

PROGRESS/STATUS SUMMARY

Presently, the State is developing a protocol for supervisory review of MVR tapes of motor vehicle stops on a random basis. After this protocol is finalized and approved by the United States and the Independent Monitors, the State will provide training regarding MVR reviews. Upon completion of training, the Division will commence with implementation.

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

Task Number: 37

Task: Supervisory Referrals.

Decree ¶37

Decree Language:

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

PROGRESS/STATUS SUMMARY

Presently, the State is developing a protocol containing a supervisory referral mechanism to PSB 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 PSB or OAG for investigation. This protocol also requires the supervisor to select an appropriate course of action based on a review and an analysis of conduct captured on the MVR tapes. After this protocol is finalized and approved by the United States and the Independent Monitors, the State will provide training regarding supervisory referrals. Upon completion of training, the Division will commence with implementation.

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

Task Number: 38

Task: Review of Referral Decisions.

Decree ¶38

Decree Language:

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

PROGRESS/STATUS SUMMARY

Presently, the State is developing a protocol which 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. This protocol holds State Police personnel accountable for their referral decisions. After this protocol is finalized and approved by the United States and the Independent Monitors, the State will provide training regarding review of referral decisions. Upon completion of training, the Division will commence with implementation.

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

Task Number: 39

Task: Supervisory Activity on Limited Access Highways.

Decree ¶39

Decree Language:

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

PROGRESS/STATUS SUMMARY

Presently, supervisors of patrol squads that exclusively, or almost exclusively, engage in patrols on limited access highways are encouraged to conduct supervisory activities in the field on a routine basis. Decreased staffing levels (due to retirement) and increased administrative duties imposed formidable obstacles to present compliance with the requirements of this paragraph. 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 Division), 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: Develop Design Plan for Management Awareness Program (MAP).

Decree ¶¶40, 46

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’).”

* * *

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

PROGRESS/STATUS SUMMARY

Presently, the State is developing a Plan for designing and implementing the MAP, together with associated protocols. This plan is scheduled to be finalized within the time period set forth in Decree paragraph 46. Supervisory reviews are scheduled to commence at that time based upon data then available from the MAP. As part of this development phase, representatives from the State Police and OAG have conducted a literature search, consulted with representatives of the US Department of Justice, surveyed other law enforcement agencies, surveyed private vendors of computer services, and have attended demonstrations of various potential computer based components of MAP. The State has initiated the procurement process to secure these proprietary computer components.

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

Task Number: 41

Task: MAP Components.

Decree ¶¶41, 108, 44, 45

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.”

* * *

“108. 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 location. The MAP will maintain current and historical training information.”

* * *

“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.”

* * *

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

PROGRESS/STATUS SUMMARY

The Plan for designing and implementing the MAP, together with associated protocols, referenced in the Status description of Task 40, shall outline the MAP's capability to access the information described in Task 41. As noted in the Status description of Task 40, this Plan is scheduled to be finalized within the time period set forth in Decree paragraph 46.

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

Task Number: 42

Task: Trooper Access to MAP.

Decree ¶42

Decree Language:

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

PROGRESS/STATUS SUMMARY

The Plan for designing and implementing the MAP, together with associated protocols, referenced in the Status description of Task 40, shall set forth the MAP's capability to access the information described in Task 42. As noted in the Status description of Task 40, this Plan is scheduled to be finalized within the time period set forth in Decree paragraph 46.

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

Task Number: 43

Task: MAP Retrieval Capabilities

Decree ¶43

Decree Language:

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

PROGRESS/STATUS SUMMARY

The Plan for designing and implementing the MAP, together with associated protocols, referenced in the Status description of Task 40, shall set forth the MAP’s capability to search, retrieve and/or access (through cross referenced paper documents or other method) the information described in Task 43. As noted in the Status description of Task 40, this Plan is scheduled to be finalized within the time period set forth in Decree paragraph 46.

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

Task Number: 47

Task: Written Protocol for Supervisory and Management Reviews.

Decree ¶47-53

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.”

“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.”

“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.”

“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.”

“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.”

“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.”

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

PROGRESS/STATUS SUMMARY

Presently, the State is developing a written protocol specifying the manner in which supervisory reviews shall be conducted and the frequency of such reviews. This protocol shall be consistent with the requirements of Decree paragraphs 48 through 53. Prior to implementation, this protocol shall be approved by the United States and the Independent Monitors. Moreover, prior to implementation, the State shall develop and provide training to State Police members authorized (by this protocol or otherwise) to conduct the supervisory reviews described in this Task.

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

Task Number: 54

Task: Survey - New Jersey Turnpike.

Decree ¶¶54, 56

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.”

* * *

“56. The parties agree that for purposes of developing appropriate benchmark racial/ethnic percentages, it will be sufficient for the surveys described by ¶¶ 54 and 55 to determine the racial/ethnic percentages of persons and vehicles traveling on the subject roadway. The provisions of ¶¶ 54 and 55 shall not apply to any traffic survey conducted by the State for purposes of advocating a position in any criminal case or any civil litigation other than in the instant case.”

PROGRESS/STATUS SUMMARY

On or about March 20, 2000, a consultant was jointly selected by the State and the United States to conduct a survey described in Decree paragraphs 54 and 56. Presently, this consultant is developing a protocol for conducting this survey. Prior to commencing this survey, this protocol shall be approved by the State, the United States and the Independent Monitors. The consultant is scheduled to complete data collection within the time period set forth in Decree paragraph 54. The New Jersey Turnpike Authority is cooperating with the consultant's efforts to conduct this survey.

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

Task Number: 55

Task: Survey -- Other Limited Access Highways

Decree ¶¶55,56

Decree Language:

“55. For purposes of implementing this Decree, the State may in its discretion conduct a survey of a sample of persons and vehicles traveling on any other limited access highway in New Jersey to determine the racial/ethnic percentage of drivers on that road. In deciding whether to conduct such a survey, the State shall give due consideration to any recommendations made by the United States and the Independent Monitor. The survey shall be conducted pursuant to a protocol developed by the State and approved by the Independent Monitor and the United States. The protocol shall be developed and implemented using a consultant jointly selected by the parties.”

“56. The parties agree that for purposes of developing appropriate benchmark racial/ethnic percentages, it will be sufficient for the surveys described by ¶¶54 and 55 to determine the racial/ethnic percentages of persons and vehicles traveling on the subject roadway. The provisions of ¶¶54 and 55 shall not apply to any traffic conducted by the State for purposes of advocating a position in any criminal case or any civil litigation other than in the instant case.”

PROGRESS/STATUS SUMMARY

The State has not yet exercised its discretion to conduct a survey described in Decree paragraphs 55 and 56. Accordingly, there is no activity to report during the time period addressed by this status report regarding Task 55.

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

Task Number: 57

Task: Identification to Civilians.

Decree ¶57

Decree Language:

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

PROGRESS/STATUS SUMMARY

Existing New Jersey State Police Rules and Regulations require members of the New Jersey State Police to provide this information.

**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, 59

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.”

“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....”

PROGRESS/STATUS SUMMARY

During this period, the New Jersey State Police developed fact sheets and informational posters describing the complaint process. The Professional Standards Bureau 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. As of February 24, 2000, these forms were made available to all Troop Commanders. These forms, fact sheets, and informational posters are in both the English and Spanish languages.

Representatives from the Professional Standards Bureau have verified that the complaint/compliment forms, fact sheets, and informational posters are currently available at State Police headquarters and all State Police stations. The State is currently designing the advertising medium to publicize its mailing address, Internet address, and toll free telephone number at State operated rest stops. 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.

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

Task Number: 59

Task: Advising of Complaint Rights

Decree ¶59

Decree Language:

“59.The State Police shall require troopers to inform civilians who object to a troopers's conduct that civilians have a right to make a complaint. The State Police shall prohibit state troopers from discouraging any civilian from making a complaint.”

PROGRESS/STATUS SUMMARY

Present State Police Standing Operating Procedures contain these requirements.

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

Task Number: 60

Task: Community Outreach Program.

Decree ¶60

Decree Language:

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

PROGRESS/STATUS SUMMARY

Seeking to inform the public about State Police functions and to recruit qualified applicants for its Academy class, the State initiated an extensive public awareness campaign in November 1999 which extended into the time period addressed by this status report. This public awareness campaign was launched by a press conference featuring Governor Whitman, Attorney General Farmer, Superintendent Dunbar and attended by Director Cronin. This campaign was continued with 60 second commercials in English and Spanish on radio stations serving listeners throughout New Jersey. Additionally, more than 160 New Jersey Transit buses traveling in all areas of the state bore 12 foot exterior panel placards and smaller interior signs. Print advertisements appeared in more than 30 daily, minority and college newspapers. Outdoor billboard signs appeared throughout the state and depicted the wide range of functions performed by the New Jersey State Police.

Seeking to inform the public about methods to report compliments or complaints regarding State Police members, Superintendent Dunbar held a media briefing on February 17, 2000. At that time, the Superintendent discussed the complaint/compliment process and the informational materials described in the status description of Task 58. Moreover, during March and April this year, the State Police aired a 10 second announcement on approximately 60 New Jersey radio stations. This advertisement announced the toll free compliment/complaint hotline and encouraged the public to utilize the hotline.

Seeking to inform the public about State Police procedures, including motor vehicle stops, searches and seizures, Attorney General Farmer, First Assistant Attorney General Zoubek, Director of State Police Affairs Cronin and/or Superintendent Dunbar have attended numerous public forums regarding the issue of racial profiling and the State's response to it, including the following:

DOJ Conference on Racial Profiling, Washington, DC (2/17/00);
Black Ministers Council Law Enforcement Conference, Newark (4/14/00);

Rutgers Race and the Law Review Symposium, Newark (3/22/00);
Woodbury Ministers Conference Monthly Meeting;
NJ Human Relations Council Meeting;
Anti Defamation League Meeting;
Monmouth County Racial Profiling Forum, Asbury Park (4/5/00); and
DOT Police Leadership Conference, Atlantic City (2/29/00).

Several of these appearances received significant media attention, thereby increasing the effectiveness of this public outreach program.

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

Task Number: 61

Task: Civilian Compliment/Complaint Initiation/Receipt.

Decree ¶¶ 61, 63

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 shall not require that a complaint be submitted in writing to initiate a misconduct investigation.”

* * *

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

PROGRESS/STATUS SUMMARY

Present State Police Standing Operating Procedures provide for informational materials advising the public that complaints or compliments may be initiated in person, mail, or telephone. OAG has confirmed that PSB has received complaints/compliments through each of these mediums. Although these informational materials do not address facsimile transmissions, these materials will be revised. Presently, the OAG has confirmed that PSB is responsible for misconduct investigations, that the PSB has implemented a case numbering system for each complaint, and that the OAG has access to misconduct complaints received by PSB. The State is revising protocols to memorialize this practice and otherwise require compliance with Decree paragraphs 61 and 63.

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

Task Number: 61A

Task: Acceptance of Anonymous and Third Party Complaints/Compliments.

Decree ¶61

Decree Language:

“61.The State Police shall accept and investigate anonymous complaints and complaints filed by civilians other than the alleged victim of misconduct.”

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. The OAG has confirmed that the PSB currently accepts anonymous complaints and complaints filed by civilians other than the alleged victim of the misconduct. The State is revising protocols to memorialize this practice in compliance with Task 61A.

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

Task Number: 62

Task: Telephone Hotline for Complaints/Compliments.

Decree ¶ 62

Decree Language:

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

PROGRESS/STATUS SUMMARY

On September 9, 1999, the State Police installed a 24-hour toll-free hotline for civilians to call and make a complaint or compliment or otherwise provide feedback regarding State Police performance. This hotline is operated by the Professional Standards Bureau who have verified that all conversations are taped. Presently, the State Police is publicizing this hotline telephone on informational materials and complaint forms referenced in the status description for Task 58 and in radio announcements referenced in the status description for Task 60. This hotline number has been included on draft Consent to Search forms contained a protocol reference in Task 29. Existing PSB procedures, which require a PSB investigator to respond to complaints/compliments, are designed to elicit the necessary information about each complaint. Presently, the State is developing procedures referenced in Decree paragraph 62. PSB representatives verify that tape recordings from this hotline are reviewed on a daily basis by a PSB supervisory official. PSB officials represent, and a random review by OAG of recordings confirm, that callers are being treated with appropriate courtesy and respect and that callers are not being discouraged from making complaints.

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

Task Number: 64

Task: Relocation of Professional Standards Bureau ("PSB") Offices.

Decree ¶64

Decree Language:

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

PROGRESS/STATUS SUMMARY

As of October 6, 1999, the Professional Standards Bureau ("PSB") opened a field office in Freehold, New Jersey. This office is in a building separate from any other building occupied by State Police personnel. In the Freehold office are 20 PSB investigators who most directly interact with the public. Remaining at Division headquarters in West Trenton are five PSB supervisors and three detectives assigned to the Adjudications Bureau. Although the location of this Freehold office is not publicized in information materials referenced in the status description for Tasks 58 and 60, referrals are made to this office where PSB investigators either meet with members of the public or depart to meet with members of the public. Presently, the State Police is revising its internet website to publicize the location of its Freehold office.

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

Task Number: 65

Task: Referrals to PSB and/or OAG.

Decree ¶ 65

Decree Language:

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

PROGRESS/STATUS SUMMARY

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. Presently, the State is developing directives which (1) implements a reporting procedure to facilitate full compliance with the requirements of this Task and (2) refers all reported incidents to the OAG and/or PSB.

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

Task Number: 66

Task: Notification of Civil Misconduct Allegations.

Decree ¶¶ 66, 68

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.”

* * *

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

PROGRESS/STATUS SUMMARY

Civil claims alleging State Police misconduct while on duty are received by the Division of Law, a subdivision of the Department of Law and Public Safety ("DLPS"). The Attorney General is the head of the DLPS. Under current practice, the DLPS is notifying PSB or these civil claims. Currently, 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 relate to the performance of member's duties. Under current practice, these notifications are forwarded to PSB which, in turn, advises OAG.

Current regulations do not require State Police employees to report civil suits involving off duty conduct. Currently, the State is drafting revisions to these regulations to require reports of civil claims alleging off duty misconduct, clarifying that these reports are forwarded to PSB and requiring that OAG is notified of these claims.

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

Task Number: 67

Task: Notification of Criminal Misconduct Allegations and Findings in Criminal Proceedings.

Decree ¶ 67, 68

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.”

“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... State troopers shall report this information either directly to the PSB or to a supervisor who shall report the information to the PSB. The PSB shall notify the OAG of PSB’s receipt of this information.”

PROGRESS/STATUS SUMMARY

The Division of Criminal Justice (“DCJ”) instructed prosecutorial authorities to report the suppression of evidence obtained by State Troopers in criminal cases. In response, DCJ officials represent, and OAG has confirmed, that several suppression reports have been received by DCJ. All reported cases are, in turn, reviewed by DCJ. Presently, New Jersey State Police Rules and Regulations require troopers to promptly notify the State Police when a trooper is arrested or criminally charged for any conduct. Under existing practice, all misconduct allegations received by PSB are being forwarded to the Office of Attorney General. As noted in the status description to Task 66, the State is drafting revisions to the State Police rules and regulations. These revisions shall include clarification that reports of criminal allegations are forwarded to PSB and requiring that OAG is being notified of these reports.

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

Task Number: 69

Task: Trooper Misconduct Reports.

Decree ¶69

Decree Language:

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

PROGRESS/STATUS SUMMARY

Presently, New Jersey State Police Rules and Regulations require troopers to report to Division headquarters, through their chain of command, the misconduct of other troopers. This reporting requirement includes the misconduct described in Task 69. Under current practice, PSG 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 PSB which, in turn, has advised OAG. The State is presently modifying these regulations to expressly require that these reports are forwarded to PSB and that OAG is notified of these reports.

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

Task Number: 70

Task: Professional Standards Bureau ("PSB") Creation and Staffing.

Decree ¶ 70

Decree Language:

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

PROGRESS/STATUS SUMMARY

Presently, the Professional Standards Bureau ("PSB") 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 PSB 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 PSB. As of April, 2000, there are 20 investigators assigned to PSB. This dramatic increase in staffing reflects the State's commitment to provide PSB 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: Eligibility Criteria for PSB Head and Supervisory Staff.

Decree ¶71

Decree Language:

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

PROGRESS/STATUS SUMMARY

PSB officials represent that they were required to submit resumes reflecting criteria referenced in Task 71. Presently, the State is drafting formal eligibility criteria for the head of the PSB and for staff that supervise or conduct internal investigations. It is contemplated that these criteria will include the requirements set forth in Task 71.

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

Task Number: 72

Task: PSB Training.

Decree ¶72

Decree Language:

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

PROGRESS/STATUS SUMMARY

The State has taken the following steps to ensure that the PSB head and staff that supervise or conduct internal investigations receive adequate training to enable them to carry out their duties. Review of lesson plans reveal that, during Academy training, each recruit received instruction in the interviewing skills, observation skills, report writing, criminal law and procedure, rules of evidence and administrative procedure. Moreover, during in-service supervisory training, these topics are readdressed and additional topics, including an overview of the misconduct investigation process. All PSB investigators receive both the aforementioned recruit and in-service training. Additionally, by the end of October, each investigator within the PSB is scheduled to complete the DLPS, Division of Criminal Justice one day training course “Internal Affairs Policy and Procedures.” A review of the curriculum content reveals that this course is designed to familiarize officers with internal affairs procedures. Additionally, in March of this year, four PSB investigators completed the three-day International Association of Chiefs of Police (“IACP”) course in internal investigations. One additional PSB investigator is scheduled to attend a training seminar in Fort Pierce, Florida, on May 1-5: “Trend in techniques in IAB Training”. Review of the curriculum content reveals that this course is designed familiarize officers with the internal investigative process as it relates to criminal and administrative interviews, interview and interrogation of employees, and legal aspects of police discipline. Moreover, newly assigned PSB investigators are teamed with more experienced investigators. Training concerning report writing, criminal law and procedure will be augmented during in-service training.

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

Task Number: 73

Task: Misconduct Investigations -- Initiation Method and Assignment.

Decree ¶¶73 - 75

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.”

“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.”

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

PROGRESS/STATUS SUMMARY

PSB officials represent, and OAG officials have confirmed, that misconduct investigations have been initiated when PSB officials have received notifications of the complaints, referrals, filings or arrests referenced in Decree paragraph 73. As previously noted in the status descriptions for Tasks 66 and 67, the State is presently drafting revisions to existing regulations and protocols to require reporting of these referrals, filings and arrests to the PSB and notification of these events to OAG. These revised regulations and protocols shall reflect the allocation of investigations as set forth in Decree paragraph 74. Presently, 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.

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

Task Number: 76

Task: Written or Recorded Interviews.

Decree ¶76

Decree Language:

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

PROGRESS/STATUS SUMMARY

Under current practice, PSB officials represent and OAG has confirmed, that written or recorded interviews are maintained as part of the investigative file and PSB members do not conduct group interviews. Presently, the State is drafting revised protocols which will convert these practices into requirements.

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

Task Number: 77

Task: Interview of Complainants.

Decree ¶77

Decree Language:

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

PROGRESS/STATUS SUMMARY

Seeking to arrange a convenient time and place to interview civilians for misconduct investigations, the State has opened the Freehold office for Professional Standards Bureau. PSB officials represent, and OAG review of reports confirm, that PSB has interviewed civilians by telephone. During this period, the Professional Standards Bureau officials represent, and OAG review of reports confirm, that PSB has repeatedly interviewed complainants and other witnesses at locations other than State Police facilities and at times which are other than regular hours.

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

Task Number: 78

Task: Requires Investigation Beyond “Four Corners” of Complaint.

Decree ¶78

Decree Language:

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

PROGRESS/STATUS SUMMARY

Currently, 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. Review of several existing PSB logs and files by OAG reveals that the approximately 20 % of these investigations reveal additional charges, discovered during the investigation, which are not part of the original complaint.

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

Task Number: 80

Task: Update Internal Investigations Manual

Decree ¶80

Decree Language:

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

PROGRESS/STATUS SUMMARY

Currently, the State is revising the internal investigations manual and or other appropriate documents (including rules, regulations, and protocols) to reflect changes required in Tasks 73, 76, 77, 78, 81, 82, 83, and 87.

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

Task Number: 81

Task: Preponderance of the Evidence Standard for Misconduct Investigations.

Decree ¶ 81

Decree Language:

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

PROGRESS/STATUS SUMMARY

Under applicable statutory provisions, findings are made based on a preponderance of the evidence standard. See N.J.S.A. 11A:2-21.

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

Task Number: 82

Task: Evaluation of Misconduct Investigation.

Decree ¶¶ 82, 83

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.”

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

PROGRESS/STATUS SUMMARY

PSB officials represent, and OAG review of reports confirm, that if the incident that is the subject of misconduct investigation was recorded on a MVR tape, the tape is reviewed by PSB as part of the misconduct investigation. Similarly, PSB 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 PSB files by the OAG supports these representations. Presently, the State is revising protocols to reflect these practices and require compliance with the provisions of Decree paragraphs 82 and 83.

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

Task Number: 84

Task: Change Disposition Categories

Decree ¶¶ 84, 85

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.”

“85. The State shall not close any misconduct investigation without rendering one of the dispositions identified above....”

PROGRESS/STATUS SUMMARY

Currently, the Division of State Police does not resolve misconduct investigations with the dispositions “exonerated” or “insufficient evidence,” but rather utilizes the disposition “unsubstantiated” for the latter category. The State is revising protocols to reflect the change in dispositions required by Task 84.

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

Task Number: 85

Task: Closure of Misconduct Investigations

Decree ¶¶85, 92

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.”

* * *

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

PROGRESS/STATUS SUMMARY

PSB 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, PSB officials represent, and OAG review of reports support, that under current practice, PSB continues its investigation to determine whether or not the allegations can be corroborated. PSB officials further represent, an OAG review of correspondence to civilian complainants support, that under current practice, after a misconduct complaint is fully resolved by the State Police, the State Police has informed complainants of the resolution in writing including the investigation’s significant dates, general allegations, and disposition, including whether discipline was imposed.

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

Task Number: 86

Task: Reports of Misconduct Investigation

Decree ¶86

Decree Language:

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

PROGRESS/STATUS SUMMARY

Present State Police procedures require the topics identified in Decree paragraph 86 to be included in the investigations file.

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

Task Number: 88

Task: Disciplinary Procedures

Decree ¶¶88 - 90

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.”

“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.”

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

PROGRESS/STATUS SUMMARY

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. 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 breached State Police Rules and Regulations.

The State is presently modifying the Rules and Regulations to expressly require that consideration of the information in MAP when determining the appropriate discipline in a “substantiated” case. In addition, the State is also in the process of modifying the Rules and Regulations to require intervention in all instances where the State has substantiated misconduct on behalf of the trooper as outlined in ¶88 or disciplines a trooper pursuant to ¶89 of the Consent Decree. The State is further modifying the Rules and Regulations to reflect the consideration in the investigative file and MAP 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: Develop/Plan Computerized Tracking System for Timeliness of Misconduct Investigations.

Decree ¶¶ 91, 87

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).”

* * *

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

PROGRESS/STATUS SUMMARY

Under present procedures, the State continues to attempt to complete misconduct investigations within 45 days after assignment to the investigator. As noted in the status description to Task 70, the State has increased the staffing of PSB fourfold. This staffing was increased, in part, to enhance the timeliness of misconduct investigations. Presently, the State is designing procedures to track misconduct investigations to ensure these investigations are completed in a timely fashion. On April 27, 2000, the State developed a plan for designing and implementing a computerized tracking system, including a timetable for implementation.

**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; approve and supervise all post-Academy training for state troopers, and develop and implement all post-Academy training conducted by the State Police; provide training for State Police instructors who provide post-Academy training; and establish procedures for evaluating all training (which shall include an evaluation of instructional content, the quality of instruction, and the implementation by state troopers of the practices and procedures being taught).”

PROGRESS/STATUS SUMMARY

Presently, the New Jersey State Police Training Bureau oversees and ensures the quality of State Police recruits and training for Academy instructors. Presently, the State is developing revised and enhanced procedures for selection of trooper coaches and training of trooper coaches. Additionally, the State is developing mechanisms through the Office of Superintendent and the Training Bureau to approve and supervise all post-Academy training for troopers. With the assistance of consultants, the State is evaluating current effectiveness of Academy training and, upon review of this evaluation, will develop procedures for evaluation of effectiveness of on-going training.

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

Task Number: 98

Task: Eligibility Criteria for Instructors

Decree ¶¶ 97, 98

Decree Language:

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

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

PROGRESS/STATUS SUMMARY

The State is drafting formal eligibility criteria for training positions. Presently, these eligibility criteria are being reviewed to ensure inclusion of 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. Similarly, the State is in the process of developing criteria for selection of post-Academy and trooper coach positions. (See Progress summary for Task 93).

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

Task Number: 99

Task: Training for Instructors

Decree ¶99

Decree Language:

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

PROGRESS/STATUS SUMMARY

All Academy trainers are Police Training Commission instructor certified (see N.J.A.C. 13:1 et. seq.) and have completed the Academy's 80 hour Instructor Training Course. The latter course includes instruction on teaching techniques and communication skills. Most post-Academy instructors have also completed this course. In June 2000, over two thirds of the Academy trainers are scheduled to receive 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 will be held at the New Jersey State Police Academy. As noted in the progress summary for Task 102, the state is revising its trooper coach program. This revision extends to training referenced in Task 99. 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: Provision of Training in Cultural Diversity

Decree ¶100

Decree Language:

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

PROGRESS/STATUS SUMMARY

All State Troopers received 8 hours of instruction in 1990 regarding police professionalism and cultural diversity. Review of course materials reveals that this instruction included interactions with persons from different racial, ethnic, religious groups, persons of the opposite sex, persons having a different sexual orientation and persons with disabilities. Instruction on police integrity and ethics, interpersonal communication, was also provided during this in-service training program. Recruit classes, including the most recent class, also receive instruction on these topics. Currently, the State is developing an in-service training module to fully comply with the requirements of Task 100 within the time period set forth in Task 100.

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

Task Number: 101

Task: Provision of Training in Search, Seizure and Nondiscriminatory Patrol Practices.

Decree ¶101

Decree Language:

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

PROGRESS/STATUS SUMMARY

During the 1999 in-service training, members were instructed that they shall adhere to the nondiscrimination policy set forth in the Attorney General’s “Interim Report regarding allegations of Racial Profiling” which is later reflected in Decree paragraph 26. During this training, members were further instructed Fourth Amendment requirements as applied to motor vehicle stops, searches, and seizures. Review of course outlines reflect that the most recent recruit class received approximately 26 hours of instruction in arrest, search, and seizure.

Moreover, selected Academy staff are scheduled to attend a 2 day seminar in May 2000 regarding recent development of the law of arrest, investigative detentions, search warrants and exceptions to the warrant requirement.

Currently, each division member is receiving instruction on the non-discrimination requirements of the Decree and patrol-related amendments to the protocols as required by the Decree. This training is scheduled to be completed in June, 2000.

Additionally, starting on May 23, 2000, all State Police members will receive in-service training on Fourth Amendment requirements and the anti-discrimination requirements of this Decree and on conducting motor vehicle stops and searches in conformance with the Decree. A Deputy Attorney General assigned to the Office of State Police Affairs shall participate in this training.

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

Task Number: 102

Task: Written Protocol for Trooper Coach Program

Decree ¶102, 93

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.”

* * *

“93. The New Jersey State Police shall continue to: . . . select and train State Trooper coaches in coordination with and assistance from State Police supervisors”

PROGRESS/STATUS SUMMARY

Currently, the State is developing a protocol for the trooper coach program and expects its completion prior to the time period set forth in the Decree, namely, the graduation of the next recruit class, which is anticipated to occur on December 20, 2000.

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

Task Number: 103

Task: Provided Copy of Decree and Explanation of Its Terms to All Troopers.

Decree ¶103

Decree Language:

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

PROGRESS/STATUS SUMMARY

Each member of the New Jersey State Police received a copy of the Consent Decree on or about February 29, 2000. Beginning on 23 March 2000 and concluding on or about June 27, 2000, each member of the New Jersey State Police shall attend in-service training regarding the requirements of the Decree. This training also includes instruction regarding compliance with these revised Standing Operating Procedures referenced in Task 29. Beginning on May 23, 2000, each member of the State Police will attend another in-service training session which includes instruction on compliance with the revised policies and procedures relevant to the Decree, more specifically, revised patrol activities, search, seizure, non-discrimination (See Task 101), use of force and associated reporting. Presently, lesson plans for the Academy are being revised to include these instruction blocks and recruit training.

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

Task Number: 104

Task: Establish Training Referral System

Decree ¶104

Decree Language:

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

PROGRESS/STATUS SUMMARY

Current State Police Standing Operating Procedures establish a Training Committee and a corresponding system for State Police units, sub-units and supervisors to provide information and refer particular training needs to the Training Committee, a referral committee 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 requirements as required by Task 104.

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

Task Number: 105

Task: Provisions of Supervisory Training.

Decree ¶105

Decree Language:

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

PROGRESS/STATUS SUMMARY

Presently, State Police provides Sergeants and other members performing supervisory functions with an 80-hour supervision course. Review of the course outline reveals that instruction is provided by the internal affairs officers regarding the promotion of police integrity and the prevention of police misconduct. Over the past several years, several Division members have received supervisory and leadership training provided by the Federal Bureau of Investigation (4 weeks), the Northwestern University School of Staff and Command (10 weeks) and the West Point Leadership Program (10 days). Presently, the State Police is revising these requirements to provide in-service training within the time requirements provided by Task 105.

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

Task Number: 106

Task: Provision of Post Academy Training

Decree ¶¶ 106, 107

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.”

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

PROGRESS/STATUS SUMMARY

In addition to the training referenced in the progress summary for Task 105, the State is revising post-Academy training to comply with the substantive requirements of Task 106 and the time requirements imposed by Task 106.

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

Task Number: 108

Task: Documentation of Training Provided.

Decree ¶¶ 108, 109

Decree Language:

“108. The State Police shall continue to maintain records documenting all training of state troopers....”

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

PROGRESS/STATUS SUMMARY

Current State Police Operating Procedures 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. Presently, the State is 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: Office of State Police Affairs -- Creation

Decree ¶110

Decree Language:

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

PROGRESS/STATUS SUMMARY

Since September 1999, the Office of State Police Affairs has been in operation. Presently, this office's functions include those set forth in paragraph 110. Presently, this office is staffed with a director, a deputy director, and two deputy attorneys general. One other deputy attorney general is scheduled to begin in May additional attorney staffing is anticipated. This office is also staffed with a chief investigator, one staff investigator and a trooper assigned or detailed to this unit. Additionally, one additional investigator is scheduled to begin in May and additional staffing is anticipated. During the four months addressed in this report, the Office of State Police Affairs has focused upon providing technical assistance to the State Police in the development of revised practices and procedures in compliance with the Consent Decree, providing training to State Police members concerning the requirements of the Consent Decree, participating in the selection of the Independent Monitors, coordinating Consent Decree related matters with the United States and the Court, and auditing misconduct investigations . The Office of State Police Affairs shall continue these functions and it is anticipated that the Office shall increase its auditing function as additional staff becomes available and the MAP and motor vehicle stop requirements become fully operational.

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

Task Number: 111

Task: Office of State Police Affairs -- Auditing

Decree ¶¶111, 112

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.”

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

PROGRESS/STATUS SUMMARY

The Office of State Police Affairs has begun performing the auditing functions required by this paragraph. This office has evaluated selected the PSB files on misconduct investigations, including several investigations regarding patrol activities conducted by members of the State Police. Additionally, 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 have been followed through. As noted in the Progress Summary to Task 111, it is anticipated that this Office shall increase its auditing function as additional staff becomes available and the MAP and motor vehicle stop requirements become fully operational.

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

Task Number: 113

Task: Office of State Police Affairs -- Unrestricted Access

Decree ¶113

Decree Language:

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

PROGRESS/STATUS SUMMARY

To date, the Office of State Police Affairs has 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.”

PROGRESS/STATUS SUMMARY

Presently, the State is compiling aggregate statistics to comply with the requirements of Task 114 within the time period set forth in Task 114.

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

Task Number: 115

Task: Selection of Independent Monitor(s)

Decree ¶¶ 115, 116, 117

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.”

“116. The Monitor shall be an agent of the Court and may testify in this case regarding any matter relating to the implementation, enforcement, or dissolution of this Decree. The Monitor shall not testify in any other litigation or issue statements or make findings with regard to any act or omission of the defendants, or their agents or representatives, except as required or expressly authorized by the terms of this Decree or by the Court. The Monitor shall not be retained by any current or future litigant or claimant in a claim or suit against the State or its troopers.”

“117. The Monitor shall offer the State technical assistance regarding compliance with this Decree.”

PROGRESS/STATUS SUMMARY

On March 29, 2000, the State and the United States jointly selected an Independent Monitoring Team. Entry of an order of appointment by United States District Court Judge Mary L. Cooper awaits submission of a joint proposal by the Monitoring Team as approved by the United States, the State and the Court.

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

Task Number: 118

Task: Independent Monitor(s) -- Unrestricted Access

Decree ¶118, 125

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.”

“125. Except to the extent expressly stated in ¶114 or otherwise publicly disclosed, all documents (including databases), records, data, logs, and recordings which are collected or maintained pursuant to this Decree and which are made accessible to the United States and the Independent Monitor, shall be deemed confidential and shall not be disclosed to any person or entity, other than the Court, the United States, and the Independent Monitor, absent written notice to the State and either written consent by the State or a Court order authorizing disclosure pursuant to otherwise applicable law.”

PROGRESS/STATUS SUMMARY

To date, the Independent Monitors have not yet requested access to any documents, however, the State fully intends to grant them unrestricted access to non-privileged documents.

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

Task Number: 122

Task: State to Prepare Quarterly Status Reports

Decree ¶122

Decree Language:

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

PROGRESS/STATUS SUMMARY

This report is 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 troopers’ training records and all personally-identifiable information about a trooper included in the MAP, during the trooper's employment with the State Police. Information necessary for aggregate statistical analysis shall be maintained indefinitely in the MAP for statistical purposes. MVR tapes shall be maintained for 90 days after the incidents recorded on a tape, except as follows: any MVR tape that records an incident that is the subject of an pending misconduct investigation or a civil or criminal proceeding shall be maintained at least until the misconduct investigation or the civil or criminal proceeding is finally resolved. Any MVR tape that records an incident that is the subject of a substantiated misconduct investigation, or an incident that gave rise to any finding of criminal or civil liability, shall be maintained during the employment of the troopers whose conduct is recorded on the tape.”

PROGRESS/STATUS SUMMARY

Presently the State is maintaining 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, 125

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.”

“125. Except to the extent expressly stated in ¶114 or otherwise publicly disclosed, all documents (including databases), records, data, logs, and recordings which are collected or maintained pursuant to this Decree and which are made accessible to the United States and the Independent Monitor, shall be deemed confidential and shall not be disclosed to any person or entity, other than the Court, the United States, and the Independent Monitor, absent written notice to the State and either written consent by the State or a Court order authorizing disclosure pursuant to otherwise applicable law.”

PROGRESS/STATUS SUMMARY

The United States has been granted 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,

JOHN J. FARMER, JR.
ATTORNEY GENERAL OF NEW JERSEY

By: _____
Martin Cronin, Assistant Attorney General
Director, State Police Affairs

Dated: April 27, 2000