



***OVERVIEW, HIGHLIGHTS
AND ACTION STEPS
OF THE FINAL REPORT
OF THE
STATE POLICE REVIEW TEAM***

**John J. Farmer, Jr.
Attorney General**

**Paul H. Zoubek
First Assistant Attorney General**

July 2, 1999

OVERVIEW

Shortly before writing the Declaration of Independence, Thomas Jefferson wrote to a friend and observed that the morals of society, the foundation of government and the confidence of the people are dependent on the skillful administration of justice.

Jefferson's words in that letter serve as an important instruction as we approach the last Independence Day of this century, 223 years later. For in 1999, it is the law enforcement officer who is the most visible representative of our criminal justice system, with awesome power to do good by protecting the rights of citizens and by upholding our laws fairly and justly, or to do harm by violating the very rights of citizens that the officer is sworn to uphold.

We are fortunate in New Jersey that the overwhelming majority of police officers pay undying loyalty to their oaths to uphold the law and to faithfully, impartially, and justly perform their duties. These officers put their lives on the line each day and serve the public with honor, dignity, and integrity.

The Review Team has been guided by these fundamental principles of our democracy — fairness, integrity, and the importance of the rule of law — as we examined allegations of injustice involving the New Jersey State Police. We have attempted to be fair, objective, and constructive.

We made a number of recommendations for reform in our *Interim Report* that focused on the subject of racial profiling and we now submit this Final Report which focuses on recommendations concerning the issues of hiring, promotions, internal affairs, and discipline.

It is the overall assessment of the State Police Review Team, based upon the matters to be discussed in this Report, together with the matters discussed in its earlier report on racial profiling, that the Division of State Police is in need of significant change. It is our strong belief, however, that implementation of our recommendations will help restore public confidence in the New Jersey State Police, and we call on all citizens to assist and support the New Jersey State Police during this reform process.

While it is evident that the Division generally performs admirably in pursuing its law enforcement mandates, it appears to have done so in a manner that has severely undermined its support in significant portions of the State's law-abiding citizenry and that does not pay sufficient attention to the workplace conditions of its members and employees. This has undermined the morale of its members and employees and diverted Division energy, goodwill and resources to litigation. It is the Review Team's belief that this current state of affairs may be in large part attributed to a lack of forward-looking and imaginative leadership

coupled with an absence of an effective management/supervision apparatus that assures that Department and Division policies are implemented in the ways they are intended. The fine staff of the Division require and deserve better.

We are convinced that the troopers and the civilian staff of the State Police can accomplish virtually any task assigned to them provided they are given a clear message of what is expected of them by management and provided that they have appropriate assistance, support and continuing guidance from management and supervisory staff.

We urge the Attorney General to consider mandating change at the State Police in a way that melds some of its old traditions with the new requirements of a state' expressed by the first Superintendent of the State Police that:

The force individually and collectively, should cultivate and maintain the good opinion of the people of the State by prompt obedience to all lawful commands, by a steady and impartial line of conduct in the discharge of its duties and by clean, sober and orderly habits and by a respectful bearing to all classes.

[General Order, Number 1, December 5, 1921.]

It is imperative that as the representatives of the State Police go about their duties they do so mindful that they unlike other police agencies are an extension of the Executive Branch of State Government which places upon them high expectations from the law-abiding citizens of this State. This is particularly important given that the average citizen's exposure to government does not usually involve contact with high officials in government, but rather with law enforcement officials. A citizen's good or poor opinion of government may largely be formed by the impression the citizen has of those fleeting contacts with these officials, including the State Police. No other state officials have the discretionary power, sometimes exercised within seconds, to consider and apply the law to a citizen, to restrain a citizen's liberty by temporary detention, to invade a citizen's privacy by search, or even to injure or kill a citizen in self defense or in protection of others. These are awesome powers and require the confident support of the people that the powers will be exercised vigorously but with unbending adherence to fairness and law.

In addition to this rededication to these standing mandates, the Division must dedicate itself to vigorous implementation of the Department of Law and Public Safety Policy Against Discrimination, Harassment and Hostile Environment in the Workplace. This should be integrated within a comprehensive program to develop, implement, review and adjust its management and supervision

mechanisms so that there will be confidence that the policies, goals and objectives of the Attorney General are fully understood and carried out by all representatives of the State Police consistent with their duties and level of responsibility. Decades have passed since the beginning of the integration of the State Police workforce. Yet, accomplishing the goal of a diverse and respectful workplace still remains elusive. The people of the state and the State Police itself should not have to wait for the organization to continue to evolve slowly and make slow progress on these vital issues. The State Police must act decisively and immediately to get its internal house in order.

With these goals in mind the Review Team has made numerous recommendations for change within the State Police.

In summary, the recommendations include the creation of an oversight unit within the Office of the Attorney General (“OAG”) headed by an Assistant Attorney General/Director in Charge (“AAG/Director”), who reports directly to the Attorney General. The AAG/Director will be charged with assuring the implementation of all remedial actions approved by the Attorney General together with administering any necessary coordination and interaction with the United States Justice Department on matters related to the State Police. The recommendations also call for the restructuring of the State Police EEO/AA complaint investigation process with the assumption of direct supervision of that function by OAG. Additionally, there are recommendations related to recruitment, selection, promotion, performance evaluation, facilities review, provision of additional legal support and assistance, and the discipline process. Finally, the internal affairs process will be substantially reformed under the supervision of OAG in a manner consistent with the Attorney General’s Statewide Internal Affairs Policy.

In reforming the internal affairs process, we are recommending the creation of a State Police Professional Standards Bureau. In our *Interim Report on Racial Profiling*, one of our key recommendations was the development a comprehensive and computerized early warning system designed to identify individual troopers whose performance suggests a need for further review by supervisory personnel. With the proposed creation of the Professional Standards Bureau, we are making a direct link between our two reports. One of the functions of this proposed new bureau will be to take responsibility for analyzing the data constituting the early warning system.

Indeed, there are clear thematic links between the two reports around the interrelated issues of accountability, openness and professionalism.

The public’s confidence in a public law enforcement agency depends on the accountability of that agency. Accountability in turn depends on a public agency’s

being readily open to public scrutiny. Professionalism completes the triangle by ensuring that the behavior of the agency's members remains above reproach in the public arena.

The recent inclusion of in-car video cameras in State Police cars illustrates the intersection of these related issues. According to a number of sources, troopers have embraced this new technology to the extent that those of them assigned to the state's toll roads are now reluctant to go out on patrols in vehicles that are not yet equipped with this technology. We find this a very encouraging sign. With every highway stop subject to scrutiny, this says to us that troopers are demanding the opportunity to be accountable and prove their professionalism.

As a three-quarter-century-old paramilitary organization, State Police has developed traditions that at times seem characterized by an insular accretion of procedure. Taken as a whole, our discussion of the division's internal affairs functions points to this tendency.

Strong tradition, however, need not be insular. As with the use of in-car video cameras, we believe that new traditions can emerge. In fact, we believe that the measures outlined in this report, when implemented, will help State Police take the best of its tradition and meld it with a clearer vision of the future. We ultimately believe that our recommendations can only serve to further strengthen the New Jersey State Police so that it fulfills its mission to faithfully, impartially, and justly serve the citizens of this State.

**SELECTED HIGHLIGHTS
OF THE FINAL REPORT
OF THE STATE POLICE REVIEW TEAM**

- The Review Team was asked to examine matters related to recruitment, selection, promotion, internal affairs, discipline, training and allegations of differential treatment based on race, ethnicity and gender within the State Police.
- Since issuance of the report on racial profiling the State Police has organized working groups to implement the various recommendations of the *Interim Report*. Representatives of the staff of the Review Team have been working closely with these groups to ensure full and complete implementation. Training with respect to the *Interim Report* and the "zero tolerance policy" concerning racial profiling has been implemented in ongoing, in-service training for all troopers. Also related to implementation, a three-year information systems implementation plan has been approved, with an immediate appropriation of \$10 million to address information system deficiencies within the Division. This funding will facilitate the implementation of information systems critical to improving the quality of data available and compliance with the mandates of not only the *Interim Report*, but the comprehensive recommendations of this Report as well.
- It has been 38 years since the first minority male entered the ranks of the State Police. It has been 24 years since the first female entered the ranks of the State Police. After all of this time the State Police ranks remain insufficiently diverse. Efforts made to date to improve diversity have not accomplished the goal of a State Police organization fully reflective of the citizenry of this State. Moreover, it appears that the goal of a fully respectful workplace environment consistent with Department Policy may not yet have been uniformly accomplished across the Division. The Division must do better as the force prepares to enter the 21st Century.
- The Office of Attorney General should become more directly involved in the implementation and enforcement of the Department Policy Against Discrimination, Harassment and Hostile Environment in the Workplace in the Division of State Police. The Attorney General is the head of the Department and ultimately responsible for implementation of the policy.
- Even though there is a divergence of views concerning the existence of or level of alleged disparate treatment in the agency or at least allegedly exhibited by some individual troopers, there is a near consensus in the

perception that there are deficiencies in State Police practices and processes which reasonably could lead to what is interpreted by troopers as actual or perceived unfair or otherwise inappropriate results or treatment. There appear to be workplace issues of a degree sufficient to demand the high priority and immediate attention of State Police management. Leadership and management at the Division must necessarily play a strong and effective role in addressing these workplace issues.

- There is little linkage between the annual evaluation process and the promotion process. The Division does not employ a standard, division-wide form, requiring narrative documentation for every extremely high or low sub-score or past deduction of points for disciplinary actions. There were no benchmarks and sample work behaviors that depict levels of performance in every position and assignment, to be measured consistently and uniformly by all performance raters. Historically, supervisors were not trained in evaluating the performance of a candidate for promotion.
- Anecdotal information was received that suggests that there are still instances where minority and female troopers feel that the workplace is hostile rather than accepting and respectful of their presence. For example, with regard to female troopers there is the opinion expressed by some that State Police facilities are not uniformly at an appropriate standard to address female trooper needs. There were divergent opinions expressed to members of the Review Team concerning the degree of this problem. Some expressed the view that there has been significant progress over time. Others, in frustration, suggest that little has changed in over 30 years and that the discrimination continues in less obvious forms as well as overt forms.
- Past and ongoing work conducted by the Police Executive Research Foundation (“PERF”) at the request of the State Police and the Office of the Attorney General indicates that the sworn membership of the State Police does not closely represent the diversity of New Jersey’s population. Moreover, this disparity appears to be growing larger. The Division’s total minority representation of 14.2% is less than half of the estimated 29.6% reported by the Census Bureau as the estimated minority population of the State in 1996.
- In the area of recruitment of female troopers, there is also a need for progress. New Jersey ranks near the bottom of the listing of the fourteen largest State Police agencies in the nation with a female sworn member proportion of 3%. This compares against 12% representation in Michigan and 10% in Massachusetts.

- At the time of the PERF assessment in November 1998, the State Police did not have identifiable recruiting goals, including but not limited to female and minority representation. There were no specific and regular recruiting activities, no time lines, no fixed staff responsibility, no annual or long-range budget, no official tracking instruments and assessment procedures at any level of the application and selection process and no regular reporting requirements.
- Overall, it appears that the failure to make substantial progress in the diversity of the sworn membership of the State Police may be attributed in some part to the lack of specific and effective recruiting strategies aimed at attracting qualified minority and female college graduates, who are in high demand by government agencies and the private sector. At the same time, although not necessarily directly implicating diversity, elements of the selection process appear to be seriously flawed. There is a clear need for revision of the process to ensure a diverse applicant pool while still surfacing highly qualified applicants for consideration for entry into the academy.
- The review did not reveal any formal or informal policy routinely to provide advantage to candidates who were related to current or former members of the State Police. Family relationship does not appear to guarantee entrance into the State Police Academy. Anecdotal information suggests that just as there are those with family ties who make it into the State Police, there are also examples of those who did not. Family members do contact persons in the recruitment/selection process apparently to keep up to date on the progress of the candidate. Of course, even if direct and affirmative influence is not intended to be brought to bear, the contact could easily raise the appearance of impropriety, particularly if the family member is of superior rank.
- The promotion process has stagnated and frustrated both the Division and its members as a method to advance qualified candidates to supervisory and management positions. This promotion process, combined with a pronounced lack of diversity among the ranks, has had a constrictive effect on the promotional experience of females and minorities.
- The Trooper I prerequisite results in the earliest eligibility for promotion to sergeant to those with 9-1/2 years on the job. In practice, the average time for the first promotion is more than 12 years. The average age of the members of the 118th Class was 28 years. The past practice of waiting twelve years for the first opportunity for promotion translates into the

members of the 118th Class being at least 40 years of age before being considered for promotion.

- The lack of clear standards and heavy emphasis on seniority make promotion process make it susceptible to allegations that the process operates ineffectively or unfairly. Indeed, information received by the Review Team from troopers irrespective of race or gender generally indicated little support for the current process and a general desire for its reform.
- The existing structure under which the internal affairs function now operates results in unreasonable delays in resolving complaints against New Jersey State Police personnel. At the same time the micro-managing of discipline, especially with respect to relatively minor transgressions, significantly reduces the potential effectiveness of a process clearly designed to promote the highest of professional standards. The current cumbersome process unnecessarily consumes a significant amount of time of those assigned to investigate minor administrative complaints and that of supervisors in the chain of command review process, all without any discernable benefit. In fact, the existing process removes key operational supervisors and commanders from any meaningful role in the discipline of their subordinates.
- The single most common allegation among all the allegations reviewed was improper attitude and demeanor. This is true in law enforcement nationwide. The Review Team observed in several cases a problem which, for lack of a better term, may be called "occupational arrogance." The discussion of this problem is by no means unique to the New Jersey State Police. In fact, internal affairs detectives at one municipal police department, noting its prevalence, termed this phenomenon "contempt of cop." Simply put, it is the tendency for certain police officers to approach the public with an attitude that they, the officer, are in no way to be challenged or questioned.
- Under current practice, most investigations assigned to the Field Operations troops are ultimately conducted by a line supervisor at the station level. This presents two problems for the line supervisor and the internal investigations system itself. First, the supervisor must investigate an immediate subordinate who works for him on a daily basis. The supervisor must motivate, manage, and mentor this trooper outside the scope of internal investigations. This investigation may impair the supervisor-trooper relationship, and reduce the independent role necessary for the supervisor to fairly investigate an internal affairs complaint. Secondly, there may be a disincentive for a supervisor to fairly and objectively weigh

the facts and circumstances involved in a subordinate's alleged misconduct, given the possibility that improper supervision or lack of training is a potential finding.

- The extent of guidance provided by S.O.P. B10 concerning the procedure to be followed for accepting complaints about members of the New Jersey State Police is indeed limited. There are no directions or instructions concerning the receipt and processing of complaints from juveniles, arrested persons, mentally incompetent persons, third party complainants and those who wish to remain anonymous. The strict interpretation of S.O.P. B10 arguably requires that any time a person contacts any State Police facility with a complaint about a trooper, a Form SP-251 must be completed. In practice, however, it is apparent from the relatively low number of annual formal complaints that the strict interpretation of the S.O.P. is not universally followed.
- The use of force by a law enforcement officer which results in death or serious injury requires a thorough, objective examination from the outset. This can only be accomplished if all relevant parties, including the appropriate prosecuting authority, are involved.
- We examined at length the process followed whenever an allegation is made against a trooper which may be criminal in nature, whenever a trooper has already been charged with an offense, and whenever a trooper has been involved in a shooting or other serious use of force incident. Throughout our interviews, it became clear that the practice in the New Jersey State Police is that a prosecuting authority is *not* notified or contacted until a significant portion of the investigation has been completed. The "prosecuting authority" for most cases involving criminal complaints against a member of the New Jersey State Police is the Division of Criminal Justice.
- There exists a perplexing dichotomy surrounding the role of the Superintendent in the critically important operation of internal affairs throughout the State Police. On one hand, the rigid and repetitive accountability structure within the State Police, and the assignment of most internal affairs investigations out to decentralized field personnel often places this function too far from the chief executive officer. On the other hand, the current procedure by which virtually all discipline, from the relatively trivial to the monumentally serious, must be imposed by the Superintendent makes him too involved in many incidents which could be handled more effectively at subordinate command levels.

- The primary purpose of discipline is not, as most suppose, to punish errant behavior on the part of employees. The primary purpose of discipline is to establish a framework in which management can reasonably anticipate and predict the behavior of its subordinates, even when they are not directly supervised.
- Management has the obligation to ensure its rules, policies and procedures are followed. Discipline is essential to building agency integrity and sustaining effective organizational performance. Appropriate administration of a well conceived, consistently applied disciplinary system helps officers meet expectations and stay within acceptable behavioral limits. Discipline is the foundation upon which the integrity of the individual officer is supported and the organization's culture of professionalism and public service is maintained.
- The current record keeping system in the Internal Affairs Bureau is simple in concept, but complicated and dysfunctional in implementation.

ACTION STEPS

Creation of State Police Unit Within the Office of the Attorney General

1. Within 60 days, the Attorney General should create a State Police Unit within the Office of the Attorney General that will be responsible for oversight of the Division of State Police. The new unit should be headed by an Assistant Attorney General in charge of State Police matters who reports to the Attorney General. More specifically, the Assistant Attorney General in charge of State Police matters, will be responsible, inter alia, for:
 - i) ensuring implementation of the recommendations of the State Police Review Team's *Interim Report on Racial Profiling*;
 - ii) ensuring implementation of the recommendations of the Final Report of the State Police Review Team concerning promotions, hiring, employment discrimination, internal affairs, and training;
 - iii) auditing compliance with the recommendations of the State Police Review Team;
 - iv) providing technical assistance and training to assist with the implementation of the recommendations;

- v) coordinating with the United States Justice Department's Division of Civil Rights on issues concerning the Division of State Police;
- vi) oversight over the investigation of EEO/AA complaints from the Division of State Police; and
- vii) oversight over the investigation of allegations of misconduct by members of the State Police.

Recommendations to Ensure Implementation of Policy Against Discrimination and Hostile Environment in the Workplace at the Division of State Police

2. Within 90 days, the Office of the Attorney General ("OAG") EEO/AA Unit should assume direct control of complaint, intake, mediation and investigation process of EEO/AA matters arising from the Division of State Police.
3. State Police staff selected by OAG in consultation with the Superintendent shall be reassigned to the OAG EEO/AA Office to perform such tasks as may be assigned from time to time by and under the direct supervision of OAG regarding complaint intake, mediation and investigation.
4. To assure confidentiality and assure clarity in supervision, State Police staff assigned to the OAG EEO/AA Office shall be relieved of all reporting obligations to staff and supervision within the Division of State Police for the duration of the reassignment. Reassignment to OAG shall be for a period not to exceed three years and shall not interfere with reassigned staff's consideration for advancement opportunities available in the Division of State Police.
5. The Superintendent, acting under the direct supervision and approval of OAG, shall take whatever actions are necessary with respect to rules, regulations and procedures to assure that OAG EEO/AA staff shall have full access to all State Police facilities, personnel and information and shall have the full cooperation of all State Police personnel when performing their official duties.
6. Within 60 days, the Superintendent, acting under the direct supervision and approval of OAG, shall review all State Police supervisor training regarding State Police supervisor roles and responsibilities related to

administration and enforcement of the Department Policy Against Discrimination.

7. Within 90 days, the Superintendent, acting under direct supervision and approval of OAG, shall revise, adapt or develop as may be necessary management/supervisor training programs to assure that all managers and supervisors within the State Police are well schooled about their roles and responsibilities under the Department Policy Against Discrimination.
8. Within 120 days, the Superintendent, management and supervisory personnel shall receive training concerning their roles and responsibilities and the Attorney General's expectations regarding the administration and enforcement of the Department Policy Against Discrimination. The Attorney General's policy is one of "zero tolerance" and a direction that all managers and supervisors shall be held accountable for the full and proper implementation of the Department's workplace policy. Such training shall be delivered by persons designated by OAG.
9. Within 180 days, the Superintendent, acting under the direct supervision of OAG and approval of OAG, shall review all management and supervisor training programs administered by the State Police and integrate EEO/AA roles and responsibilities into such programs where appropriate with the objective that such responsibilities are not to be regarded as separate and apart or as "add ons" to supervisor duties. Rather, this function and responsibility shall be a regular part of those matters for which managers and supervisors shall be held accountable.
10. Within 180 days, the Superintendent, acting under the direct supervision and approval of OAG, shall develop a regular schedule of manager/supervisor in-service training concerning matters related to administration and enforcement of the Department Policy Against Discrimination. Such training shall include periodic meetings for managers/supervisors to consult about and discuss the handling of EEO/AA and other workplace issues and experiences with the objective that there shall be reinforcement and mutual support in the administration and enforcement of the Department Policy Against Discrimination and the fostering of a respectful workplace environment.
11. Within 180 days, the Superintendent, acting under the direct supervision and approval of OAG, shall conduct a comprehensive review of all academy, in-service and coach training programs to assure consistency with the Department Policy Against Discrimination. Any inconsistencies shall be remedied immediately.

Performance Evaluations

12. Within 180 days, the Superintendent, acting under the direct supervision and approval of OAG, shall develop job descriptions for all positions of sergeant and above.
13. Within 180 days, the Superintendent, acting under the direct supervision of and approval of OAG, shall develop a comprehensive performance evaluation process for managers and supervisors in the ranks of sergeant and above geared towards professional development and promotional potential. In addition to other matters of concern regarding the professional development of managers and supervisors such as leadership, judgment, initiative, administrative ability and interpersonal skills, special attention shall be focused upon knowledge of workplace policies, understanding of the role of management/supervision in the implementation and enforcement of those policies, initiatives and actions taken to contribute to the fostering and maintenance of a professional and respectful work environment, participation in management/supervision training, evidence of the incorporation of skills and abilities acquired in training into the day-to-day supervisory regimen, evidence of knowledge of abilities, strengths and weaknesses of staff, evidence of activity designed to constructively address professional and workplace weaknesses in staff and contribute to their professional development, ability to provide individualized evaluations useful to the professional development of subordinates and for the provision of accurate personnel assessments to upper supervision, EEO/AA record of the evaluated supervisor and EEO/AA record of subordinates over which the evaluated supervisor has jurisdiction.
14. Within 180 days, the Superintendent, acting under the direct supervision and approval of OAG, shall make whatever organizational restructuring is necessary to assure that managers and supervisors shall have the ability to carry out the roles for which they will be held accountable and professionally evaluated.

Facilities

15. Within 60 days, the Superintendent, acting under the direct supervision and approval of OAG, shall undertake a complete facilities inventory to identify all areas in need of improvement to properly address the needs of female troopers. Where possible the State Police shall immediately take steps to relieve any identified area of need to the extent reasonably feasible.

16. Within 180 days, the Superintendent acting under the direct supervision and approval of OAG, shall develop a comprehensive facilities plan to address the renovation, reconstruction or new construction of facilities to assure that female troopers will be professionally accommodated in any State Police facility. Such plan shall be prioritized listing the most egregious needs first. The State Police facilities budget shall be prioritized similarly to implement the entire plan as soon as possible and no later than two years.

Leadership and Training

17. Within 180 days, the Superintendent under the direct supervision and with the approval of OAG shall develop a comprehensive plan for the identification of troopers and officers who exhibit superior potential for higher responsibility. The plan shall provide for the development of an appropriate program of training, mentoring etc., to contribute to the professional development of such individuals. Successful participation in the program shall be a factor in future promotional consideration along with worksite evaluations.
18. Within 180 days, the Superintendent under the direct supervision and with the approval of the Attorney General shall conduct a comprehensive review of the entire training process and programs of the State Police to ensure that it is consistent with the concerns and objectives described in "Training" (see Part III, § E) of this Report. The Superintendent's findings and recommendation shall be reported to the Attorney General within this time period.

(1) Pre-Service Training. The recommendations in this Report regarding the recruitment and selection of individuals to enter the State Police Academy are aimed at identifying a diverse group of well educated recruits with the abilities, personal character and potential for growth to become excellent troopers.

The academy, or pre-service, training must be carefully reviewed and revised where necessary to ensure that this critical training program is grounded on the needs of both the Division and the recruit. For example, course content and curriculum must recognize that there is little value in redundant college academic course work for recruits who are already college graduates. Recruits will have been drawn to the Division as a comprehensive 21st Century law enforcement agency. The pre-service curriculum must reflect that by including the development of skills

necessary for success within such an agency. The training regimen of the paramilitary organization should remain important but only to the extent that it supports the diversity of the members and the mission of the Division, and not as an end unto itself.

(2) In-Service Training. In-Service training programs must be reviewed and revised where necessary to insure that these programs provide and insure that all members at all ranks possess the skills and practices necessary to do their jobs effectively, and are prepared and qualified to pursue professional growth opportunities across the Division. As with Pre-Service training, these programs must be consistent with the Division role as a comprehensive 21st Century law enforcement agency and must reflect the diversity of the members and the mission of the Division.

(3) Management Training. Successful implementation of the recommendations contained in this Report rests largely upon the professionalism, ability and skills of the Division's management staff. In this context then, the design and implementation of a comprehensive management training model must be a primary focus of the Division's efforts together with the implementation of a new evaluation and promotion system. This model must include the identification of behavioral competencies related to management practices within the Division as the basis for the course content and curriculum design, and must insure that only those with proven skills and abilities, the best and the brightest, be eligible for promotion to management and supervisory positions within the ranks of the Division.

Recruitment/Hiring

19. In furtherance of the policy and goal of fostering and maintaining a State Police force with high quality personnel reflective of the diverse citizenry of this State, the State Police, acting under the supervision and approval of OAG, shall aggressively pursue implementation of the recently developed recruitment/selection process set forth in Part III, B., 2., b. of this Report with the admonition that the program be closely monitored. In the event the program does not produce diverse classes of high quality recruits reflective of the State's citizenry, the program shall be adjusted, modified and improved until it does operate in an effective manner consistent with this policy.
20. Within 60 days, the Superintendent, acting under the direct supervision of OAG and the approval of OAG, shall review the recruitment/selection

process for the purpose of establishing appropriate standards and procedures to assure that the process is not subject to improper influence. The procedure shall require that any modification of the recruitment/selection process shall, in addition to other review, be subject to review by the Department Ethics Officer.

Promotions

21. The division shall issue a formal, written policy governing the promotion of all personnel to the ranks of sergeant, detective sergeant, sergeant first class, detective sergeant first class and lieutenant.

This policy will insure that:

- * all promotion positions will be open to any member who demonstrates superior supervisory and management talent and will not be limited to the present assignment unit.
- * all first sergeant and lieutenant vacancies will be first offered for lateral transfers.
- * every promotion will be based on a candidate's overall suitability for a new rank, reflected in the breadth of previous assignments.

Promotion to each rank will be based solely upon:

- * The candidate's performance against an objective qualifier such as written examinations, course completions, assessment centers, oral boards, and the like.
- * The last four semiannual performance evaluations by the candidate's immediate supervisor.
- * The promotional performance evaluation of the candidate.

Promotion lists will be set once annually and will reflect the findings of the above evaluative criteria. All promotions will come only from these lists. Promotional performance evaluations will be recorded on a standard, division-wide form, requiring narrative documentation for every extremely high or low sub-score or past deduction of points for disciplinary actions. All forms and supporting documentation will be retained until all timely-filed appeals, if any, are final.

All supervisors will be properly trained before evaluating the performance of any candidate for promotion.

Recommendations to Ensure Fair and Effective State Police Internal Affairs Process

Goals

22. The New Jersey State Police internal affairs function should be conducted in a manner consistent with the Attorney General's Statewide Internal Affairs Policy.
23. Within 120 days, the Superintendent under the supervision of OAG shall restructure the current Internal Affairs process as set forth below in order to enhance confidence in the fairness and effectiveness of the State Police internal affairs process.

Organizational Structure/Chain of Command

24. The Internal Affairs Bureau should be renamed the Professional Standards Bureau, consisting of the Internal Affairs Unit and the Quality Control Unit.
25. The Professional Standards Bureau should be relocated on the table of organization to a staff position reporting directly to the Superintendent of the New Jersey State Police.
26. The Internal Affairs Unit should be divided into three regional components with far greater responsibility for actively conducting investigations than is now the case. The offices chosen for these regional units should not be located in existing State Police facilities. The State should obtain space in office complexes, professional buildings, or similar properties.
27. The North, Central and South Internal Affairs Units should each be commanded by a lieutenant, and staffed by such number of detective sergeants, detective sergeants first class or other personnel necessary to accommodate their increased responsibilities.
28. The Quality Control Unit in the Professional Standards Bureau should conduct periodic, unannounced, operational inspections at the various New Jersey State Police facilities. The focus of the Quality Control teams should be on specific task performance, such as the conduct of motor vehicle stops,

interactions with members of the public, roll call briefings, etc. When problems are detected, they should be immediately identified and addressed. When the investigations identify exemplary performance, individual, unit, and supervisory commendations should be noted for use in evaluation and performance rating.

29. Troop Commanders should be given the authority and responsibility for the disposition of minor disciplinary matters.
30. A procedure should be established permitting State Police Personnel to contact the Internal Affairs Unit directly, regardless of their rank, assignment or position in the chain of command.

Accepting Complaints

31. The State Police should accept and document all reports of trooper misconduct 24 hours a day, 7 days a week.
32. The State Police should establish and advertise a statewide toll free telephone number to simplify the process by which citizens can contact the Professional Standards Bureau.
33. All reports of misconduct by State Police personnel, regardless of the source, should be uniformly documented on the Internal Affairs Incident Report Form.
34. Toward the goal of informed cooperation, all State Police personnel accepting reports of trooper misconduct will provide complainants with information regarding the internal affairs process in a uniform and consistent manner.
35. Anonymous reports of misconduct by State Police personnel will be accepted. All efforts will be made to encourage full cooperation by the complainant.
36. Supervisors should be authorized to informally resolve minor complaints, whenever possible, at the time the report is made. If the complainant is not satisfied with such a resolution, the complaint will be forwarded to the Professional Standards Bureau for further action as warranted.
37. Once an Internal Affairs Incident Report Form has been completed, one copy will be faxed or forwarded to the Professional Standards Bureau as

soon as practical independent of the regular review and distribution of other copies through the routine chain of command.

Legal Review

38. The State Police should operate under guidelines identical to those applicable to all other police agencies in this state with respect to the conduct of internal investigations into possible crimes by its members. This includes the immediate notification of the Division of Criminal Justice when a preliminary investigation reveals possible criminal activity by State Police personnel. The Division of Criminal Justice should have the discretion to assume direct control over an ensuing investigation, refer that function back to the State Police Internal Affairs Unit or refer the matter to a County Prosecutor.
39. The Division of Criminal Justice should be immediately notified when the use of force by State Police personnel results in death or serious injury to any person. The Division of Criminal Justice should have the discretion to assume control of the ensuing investigation, refer the investigation back to the State Police, or refer the matter to a County Prosecutor.
40. Legal staff of the State Police Unit to be created within the Office of the Attorney General should conduct periodic reviews of selected ongoing investigations consistent with criteria to be established in operational protocols.
41. The Office of the Attorney General should establish a procedure for the provision of legal advice directly to Internal Affairs personnel on a 24-hour/on-call basis.
42. The Office of the Attorney General legal staff should conduct a complete file review prior to formal closure of all matters involving possible criminal activity, excessive force, differential treatment or such other types of complaints as determined by Attorney General protocol.
43. The State Police should notify the Division of Criminal Justice in any case where a complainant has fabricated or intentionally misrepresented material facts to initiate a complaint of trooper misconduct.

Investigating Complaints

44. The currently employed criteria under which too many serious misconduct investigations are referred to Troop Commands for investigation should be replaced by a procedure which vests more responsibility for such investigations with Internal Affairs personnel.
45. All allegations of possible criminal activity or other serious misconduct should be investigated by Internal Affairs Unit personnel.
46. Allegations of minor misconduct should be investigated and appropriately disposed at the troop level.
47. State Police internal investigations of Trooper-involved shootings should continue to be handled by the Major Crimes Unit. However, Internal Affairs Unit personnel should be notified at the time of the incident in order to properly execute their responsibilities in such matters.
48. The State Police report review procedure should be re-assessed for internal affairs incidents in light of the need to expedite the handling of such matters.
49. State Police personnel who are the subject of misconduct allegations should be notified that such an allegation has been reported as soon as practical, except when doing so would interfere with the proper investigation of the complaint.
50. Complainants and State Police personnel who are the subject of misconduct complaints should be advised in a uniform and consistent manner as to the outcome of completed investigations.
51. Internal Affairs Unit personnel must develop alternate procedures regarding the provision of allegation-related information to the subject officer. The current practice of providing the full complaint report, and in some cases other material, is unacceptable.
52. Internal Affairs Unit personnel should receive advanced and ongoing training in this specialized field. The New Jersey State Police Professional Standards Bureau should actively participate in outside organizations that relate to the field of internal affairs.

Disciplinary Procedures

53. The current system by which all allegations of misconduct are adjudicated by the Superintendent should be changed.
54. The Professional Standards Bureau should develop a schedule of progressive penalties for misconduct with input from the several employee representative associations. This schedule should be reviewed by and receive the approval of the Superintendent and the Attorney General.
55. In cases involving allegations of minor misconduct, adjudication should be the responsibility of the Troop Commander with notification to the Professional Standards Bureau. Upon a finding of guilt in minor misconduct incidents, discipline should be determined and imposed by the Troop Commander with notification to the Professional Standards Bureau.
56. In cases involving allegations of serious misconduct, adjudication should be under the direct authority of the Superintendent through a hearing process.
57. The current two-tiered court martial process should be replaced by a single hearing procedure as determined by the Superintendent.
58. The existing Advisory Boards should have no formal role in the adjudication of any allegations of misconduct.
59. Upon a finding of guilt in serious misconduct incidents, discipline should be determined and imposed under the direct authority of the Superintendent.

Record Keeping

60. The New Jersey State Police should establish a comprehensive and secure computerized system for the tracking of all internal affairs matters.
61. The Professional Standards Bureau should eliminate the redundant use of log books and multiple filing systems currently employed to document and record internal affairs workload.
62. The Professional Standards Bureau should report to the Attorney General, at least quarterly, a summary account of all Internal Affairs cases opened and disposed during that period. At a minimum, that report will include

the nature of all misconduct allegations received as well as the manner of disposition for those cases closed.

63. The Professional Standards Bureau should have sufficient personnel knowledgeable and proficient in its computer filing system.

Early Warning Indicators

64. The early warning system discussed in the *Interim Report* should be the responsibility of the Professional Standards Bureau.
65. This early warning system should be designed to identify any pattern or practice by any member of the New Jersey State Police which warrants intervention or remediation.
66. Intervention may include training, retraining and counseling. Internal disciplinary action and remedial training or counseling are not mutually exclusive, and both should be pursued if appropriate.