



**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)

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

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PROCEDURAL HISTORY

The State of New Jersey and the United States of America agreed upon the terms of a Consent Decree in Civil No. 99-5970 (MLC) (“Consent Decree” or “Decree”). This Consent Decree reflected many of the recommendations previously made by the State Police Review Team in reports submitted to the Attorney General of the State of New Jersey in April and July of 1999. The Honorable Mary L. Cooper, United States District Judge, District of New Jersey, signed the Consent Decree and Order Appointing the Independent Monitoring Team (“IMT”) on December 30, 1999 and May 12, 2000, respectively. Pursuant to ¶121 of the Decree, the IMT has filed ten reports, assessing the levels of State compliance with the requirements of the Decree, on October 6, 2000; January 10, 2001; April 12, 2001; July 17, 2001; January 18, 2002; July 19, 2002; January 17, 2003; August 21, 2003; January 23, 2004; and July 16, 2004, respectively.

Pursuant to ¶110 of the Consent Decree, the Office of State Police Affairs (“OSPA”) was created and established within the Office of the New Jersey Attorney General. The general purpose of OSPA is to ensure implementation of the terms of the Consent Decree and to provide coordination with the IMT and the United States concerning matters of the New Jersey State Police (“NJSP”). Pursuant to ¶122 of the Consent Decree, OSPA, on behalf of the State, submits this periodic status report delineating steps taken to comply with the Consent Decree.

The State submitted its First Status Report on April 27, 2000; its Second Status Report on October 27, 2000; its Third Status Report on April 27, 2001; its Fourth Status Report on October 29, 2001; its Fifth Status Report on May 9, 2002; its Sixth Status Report on October 23, 2002; its Seventh Status Report on April 28, 2003; its Eighth Status Report on November 7, 2003; and its Ninth Status Report on May 7, 2004. Pursuant to Decree ¶122, this is the Tenth Status Report seeking to summarize the status of the State’s implementation of the Decree during the six-month period of April 1, 2004 through September 31, 2004.

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

FIELD OPERATIONS Consent Decree ¶¶26-39

During this period, the Field Operations Section has experienced substantial progress in making the supervisory ranks more accountable, which in turn has resulted in a higher compliance with the proper application of law enforcement actions and procedures by road troopers. Specifically, there are more supervisors available to assist and oversee trooper enforcement activity. Though the Consent Decree requires supervisory review only for limited access highways, NJSP has expanded this to include the patrolling of rural areas as well. This

expansion is yet another method to have the reform initiatives of the Consent Decree become permanently affixed to “best policing” practices within NJSP.

Additionally, each troop now has its own contingent of dedicated MVR (mobile video recorder) reviewers, which has resulted in more timely and thorough reviews, as each review team is not shifted from venue to venue to conduct reviews. The Staff Sergeant maintains the responsibility for the initial review, but the dedicated reviewers can assist by re-reviewing difficult motor vehicle stops or by conducting primary reviews when an inordinate number of required motor vehicle stops would result in a backlog. As a result of funding reimbursement by the New Jersey Turnpike Authority, four administrative sergeant positions have been authorized, three on the Garden State Parkway and one on the New Jersey Turnpike, which will enhance the supervision of the MVR reviews and other administrative tasks.

OSPA, through the NJSP component assigned to that office, and its own legal staff, will continue to review all critical incidents and to provide the relevant training concerning search and seizure issues and the proper procedures for conducting motor vehicle stop reviews. Since OSPA acts as intermediaries with the IMT and NJSP, NJSP members assigned to OSPA are well-versed and prepared in the expectations of the IMT for MVR reviews and are in an optimal position to export that knowledge to NJSP reviewers.

MAPPS
Consent Decree ¶¶40-54

This reporting period is the first full period since MAPPS (Management Awareness and Personnel Performance System) was fully implemented on January 1, 2004. As a result of the NJSP MAPPS Unit’s audits of MAPPS feeder systems during the period, there have been substantial system improvements and improved data integrity. The improvements are most evident in the motor vehicle stop data as a result of changes to the CAD (computer aided dispatch) system and of re-enforcement of appropriate trooper call-in procedures. The MAPPS Unit also conducted supervisor refresher training this spring in conjunction with the completion of the first formal reviews of quarterly motor vehicle stop data for individual troopers. OSPA in its advisory and review role continues to meet regularly with the MAPPS Unit and troop coordinators to discuss ways to improve policies and training.

Most significant during the period was the IMT Phase I approval of the race/ethnicity benchmark comparison analyses required for ¶50 and the submission for IMT approval of the NJSP risk management proposal, required for ¶51 (the only remaining MAPPS task without Phase I compliance). The proposal

formalized protocols to identify systematically those areas that threaten, impede, or prevent the NJSP from accomplishing its mission. A centrally located analytical group (Risk Analyses Core Group) is proposed to perform the trend analyses required by the Consent Decree. The information developed by this group will be used to identify exemplary and problematic behavior, drive policy reforms, and improve performance. NJSP has selected another civilian analyst for the MAPPS Unit in its continuing efforts to provide sufficient resources to meet the demands of the Decree. In the next reporting period, the MAPPS vendor and NJSP will complete work to have the annual employee evaluations placed into the MAPPS system, with the intent of using the system to perform the 2004 annual evaluations. This system enhancement automates the existing evaluation process, providing ready access to evaluations for appropriate supervisors and for use in risk management.

OFFICE OF PROFESSIONAL STANDARDS
Consent Decree ¶¶57-92 (Except ¶¶87 and 90)¹

In the last period, the State reported that it was successful in its motion to dissolve the portion of the Consent Decree relating to the Office of Professional Standards (“OPS”) because it had met its responsibilities regarding misconduct investigations, analysis, and resolutions. Relief from these elements of the Consent Decree however, has not terminated NJSP’s desire to permanently inculcate the reform initiatives relating to the entire internal affairs process. Specifically, OSPA will continue to audit and oversee OPS and its internal affairs process. OSPA will continue to review, for investigative sufficiency and adherence to outstanding Standard Operating Procedures that have codified the elements of the Decree, all misconduct investigations relating to disparate treatment, excessive use of force, illegal search and seizure, and domestic violence. The review will use the same measuring instrument previously approved by the IMT to assess compliance with the Decree. Similarly, OSPA will audit other reportable incidents to ensure proper classification, investigative sufficiency and proper disposition.

OPS continues to exemplify the high standards of process and outcomes that permitted it to be relieved of the independent monitoring of the Consent Decree. For two continuous years, no investigation has exceeded the 120-day time limit and there continues to be no backlog in misconduct investigations.

¹ Paragraphs 57-92 (excluding ¶¶87 and 90) were terminated from the Consent Decree by Order of the Honorable Mary L. Cooper, U.S.D.J., dated April 6, 2004.

This continues as an extraordinary accomplishment considering that for the past two years OPS has averaged almost 100 reportable incidents per month.

TRAINING
Consent Decree ¶¶93-109

During the relevant period, the Academy assumed control of all training that NJSP conducts or authorizes through its external training process. Accordingly, each training segment mandated by or related to the Consent Decree meets the requirements of the 7-Step Training Process that is required by the IMT: Diagnosis and Needs Assessment, Development of Training, Delivery of Training, Evaluation of Training, Revision of Training, Evaluation of Operational Implementation, and Documentation of Process. Adherence to this process ensures that NJSP has assessed the need for particularized training, that the training was appropriately delivered, that it has been implemented in the field, and that the desired effects of the training are being realized. This oversight has made training more accountable by the Academy. The Academy ensures, through a Master Instructor's List, that all Academy educators receive training in conducting and implementing the 7-Step Training Process.

A new Research and Innovation Unit, in conjunction with the Executive Development Training Unit, the Pre-Service and Advanced Training Unit, and the In-Service Training Unit, designs specific instruments to measure the implementation of training. This method is supplemented by field interviews of key personnel and programs that are impacted by the new training, as well as statistically analyzing the data provided by the measuring instruments.

The Academy has also administered the first phase of the Executive Level Training program for Captains, Majors, and Lieutenant Colonels. The new training has and will introduce these ranks to issues and trends that involve labor relations, conflict resolutions, budgeting considerations, and management leadership development, as well as a planning model to guide executives. The previous "stand alone" training of ethics, leadership, and cultural awareness has now been integrated in these new programs to demonstrate that the understanding of these two key components impacts on all aspects of a properly functioning organization.

During this period four new recruit classes attended the Academy consisting of approximately 260 candidates. In addition to the basic training provided all recruits, a new recruit practicum consisting of calls for police service during regular guard duty on the Academy grounds was instituted. This exercise has recruits engaging in police scenarios to effectively use what they learned during classroom instruction in nighttime police situations.

Staffing at the Academy has been augmented during the period, and instructor-to-student ratios are adequate to meet the continual evolving demands of state-of-the-art training. Consistent with the advances in technology, a web-based application process for new trooper coaches was implemented to identify qualified coaches and shorten the selection process. Similarly, teleconferencing training meetings has enhanced the ability of NJSP to get vital information and training methods to the appropriate consumers in the State Police. Resource-25 ("R-25") is a new management software acquired by the Academy to facilitate training by organizing space allocation, curricula, and classroom instructors.

OSPA
Consent Decree ¶¶110-114

OSPA has been in operation since September 1999. It continues to audit NJSP stations. OSPA samples motorists who were subject to enforcement actions and procedures. It mails questionnaires to all sampled. From the questionnaires and interviews with some of the sampled motorists, OSPA monitors the professionalism of NJSP during the stop and verifies information collected during the stop. Any improper conduct identified through these audits is forwarded to OPS for investigation. OSPA continues its auditing of OPS complaint intake procedures and of completed investigations, including interviews with a sample of persons after their complaints are finally adjudicated. OSPA has full and unrestricted access to all NJSP staff, facilities and documents necessary to carry out its functions. Pursuant to ¶114, OSPA released the Ninth Semiannual Public Report of aggregate statistics on NJSP traffic enforcement activities and procedures on June 25, 2004.

The State continues to be committed to implementing the provisions of the Consent Decree in a time frame that is consistent with the safety of the public and the members of NJSP.

CONCLUSION

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

Respectfully submitted,

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Dated: November 8, 2004