



**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)

**SIXTEENTH 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 entered into a Consent Decree in Civil No. 99-5970 (MLC). The Consent Decree (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 Decree on December 30, 1999. An order appointing the Independent Monitoring Team (IMT) was signed by Judge Cooper May 12, 2000. Pursuant to ¶121 of the Decree, the IMT has filed 16 reports assessing the levels of State compliance with the requirements of the Decree.¹

Pursuant to ¶110 of the Decree, the Office of State Police Affairs (OSPA) was created and placed in the Office of the New Jersey Attorney General. OSPA is tasked with the responsibility to ensure implementation of the terms of the Decree and to coordinate the efforts of the Attorney General with the IMT and the United States concerning matters of the New Jersey State Police (NJSP). Pursuant to ¶122 of the Decree, OSPA, on behalf of the State, submits this periodic status report delineating steps taken to comply with the Decree.

The State submitted its First Status Report on April 27, 2000. Subsequent reports have followed on a semi-annual basis.² This document, which represents the Sixteenth Status Report, summarizes the status of the State's implementation of the Decree during the six-month period of April 1, 2007, through September 30, 2007.

Progress concerning the implementation of the Decree continued during this six-month period and is summarized in subsequent sections of this report.

¹ The IMT has filed reports with the Court on October 6, 2000; January 10, April 12 and July 17, 2001; January 18 and July 19, 2002; January 17 and August 21, 2003; January 23, July 16, and December 20, 2004; July 12 and December 21, 2005; June 27, 2006; January 19, 2007; and August 31, 2007.

² Following its first report, subsequent reports have been filed on October 27, 2000; April 27 and October 29, 2001; May 9 and October 23, 2002; April 28 and November 7, 2003; May 7 and November 8, 2004; April 29 and November 2, 2005; May 3 and October 27, 2006 and April 30, 2007.

FIELD OPERATIONS
Consent Decree ¶¶26-39

During the Sixteenth reporting period, the NJSP, including the Field Operations Section, continues to implement previously established processes and systems that provide for the continuous availability of timely information for all supervisors within the NJSP. As a result, the IMT has determined the NJSP has achieved a “watershed moment” with respect to the Consent Decree. During the reporting period, a training program which failed to meet standards set by the NJSP was offered to its members. Not only did the established systems and processes identify the issues related to the unapproved training but also communicated those issues to appropriate Command personnel who initiated remedial steps with the assistance of attorneys in the Office of State Police Affairs and Office of the Attorney General. The foregoing analysis and subsequent remediation of issues led the IMT to state the following:

“The New Jersey State Police response to the unapproved training depicts an agency that has become self-monitoring and adaptive, able to note, analyze and correct problems with the delivery of field services in real time. The essential characteristic designed into the current crop of consent decrees strived for just that type of self-awareness and adaptivity on the part of American law enforcement agencies. It appears the ultimate goal has been achieved”. [16th IMT Report, Executive Summary, p. iv].

As stated by the IMT in this reporting period, the NJSP has achieved the goals of the Consent Decree. The NJSP can collect information about its activities and analyze and assess that information to determine whether the agency is acting in a manner which reflects the best practices of law enforcement in the United States. In addition, the NJSP can analyze and assess the same information to determine whether its members recognize and protect the constitutional rights of the public with whom it interacts. Finally, the NJSP has demonstrated the ability to adapt its procedures to the dynamic environment within which every law enforcement agency operates.

MAPPS
Consent Decree ¶¶40-54

The Management Awareness and Personnel Performance System (MAPPS) will complete its fourth year of full implementation on December 31, 2007. OSPA continues to monitor the implementation of MAPPS, including audits of management systems that provide data to MAPPS and MAPPS policy

implementation. In addition, OSPA offers technical assistance to NJSP with respect to training on MAPPS review policies and for risk analysis.

At the end of this reporting period, there were administrative enhancements to the MAPPS system, but these changes did not directly affect front-end users, nor necessitate revision to any MAPPS policies. MAPPS Unit personnel are involved in the development and implementation of a new Computer-Aided Dispatch (CAD) system that will eventually enhance the data on motor vehicle stops available for analysis in MAPPS. Beta testing of the new CAD began at one Troop A station during the reporting period. Once implemented Division-wide, data on the specific traffic violation leading to a stop will be available, as will be the violation associated with any traffic enforcement. It is anticipated that certain MAPPS protocols for stop data review will need to be adjusted during the transition period to the new CAD system because the implementation will be incremental across troops.

Another anticipated analytic enhancement in MAPPS will follow from the revision to the way search data are captured on the motor vehicle stop report in the Records Management System (RMS). (RMS provides MAPPS with data on post-stop interaction.) MAPPS Unit personnel worked with Field Operations and the Information Technology Bureau during the reporting period to refine the data collection for the stop report. Development work was possible through the services of a systems developer from the state's Office of Information Technology (OIT). The availability of the OIT systems developer mooted the contractual issues noted in the previous report that delayed hiring of programming consultants. Submission of final stop report modifications to OSPA and then to the monitors for approval is likely in the next reporting period.

During the calendar year, OSPA has reviewed and sent to the monitors for approval two versions of the proposed standing operating procedure (SOP) for the MAPPS system and the policies governing its use. Still under review is an enhancement to the MAPPS system that would change the policy governing the access to MAPPS for non-supervisory personnel. During this reporting period, OSPA also reviewed the most recent MAPPS lesson plans for inclusion in the first-line supervisors' course at the Academy.

Critical to continued Phase II compliance for all MAPPS tasks, especially ¶50 and ¶51, has been the approval by the IMT of the NJSP risk management proposal initially put forth in the fall of 2004 and the ongoing work of the Risk Analysis Core Group (RACG). The RACG is responsible for implementing the details of the previously noted risk management proposal within the MAPPS Unit. To examine the risk issues identified by the RACG and to make policy recommendations to the Superintendent, a Risk Management Advisory Panel (Panel) was created. The Panel, chosen on a rotating basis from the pool of majors and lieutenant colonels, returned to regularly scheduled quarterly meetings

during the reporting period. The absence of meetings of the Panel during the fourteenth progress-reporting period, together with the failure of the RACG to complete its fourth ¶50 report (for Troop D) resulted in the State being placed on "warning" for ¶50 and ¶51 in the 15th IMT report. Full compliance for these tasks was regained in the 16th IMT report as the process for completing the ¶50 reports and its discussion by the Panel was brought back on schedule by April 30, 2007, the deadline set by the monitors.

The Panel meetings on the Troop E and Troop A ¶50 reports were held in April and July, respectively. Similar to the Panel meetings on most other reports, the RACG worked with OSPA to include a presentation of additional, disaggregated data on vehicle searches for each troop, compiled by the RACG. These data permit better understanding of the reports' findings in terms of the amount and use of trooper discretion involved in these search incidents. The context provided by the analysis helped the Panel better understand the findings. The planned changes to the motor vehicle stop report noted above may allow much of this additional data compilation to be automated and incorporated into the ¶50 reports themselves. The completed Troop A report represents the second ¶50 report for this troop, so that additional trend analyses were done in its report. Similar trend analyses will now be incorporated into all subsequent ¶50 reports.

As noted in the last reporting period, the efforts of the MAPPS Unit to secure additional technical and personnel resources to address the expanding needs of the RACG took on more urgency as a result of the warning about the potential for losing MAPPS compliance issued in the 15th IMT report. As anticipated, the final selection and hiring of an additional civilian analyst occurred early in this reporting period. In August, another civilian analyst transferred into the MAPPS Unit from the Office of Professional Standards. The recent installation of a statistical analysis software package for MAPPS personnel about completes the anticipated purchasing of the equipment and software needed to facilitate the work of the RACG. Resources now permit on-time completion of mandated reports as well the collection and analysis of data applicable to other issues facing the Division. As a result, the 16th IMT report noted that the use of the MAPPS system has surpassed the requirements of the Consent Decree because of its use as a problem-solving tool (Executive Summary, p. vi).

OSPA audits the in-depth performance reviews supervisors completed quarterly on members whose motor vehicle stop data differ significantly from their station peers. The audits of the first two quarters of 2006 continued during this reporting period. Field Operations opened discussions with OSPA late in the reporting period concerning the possible revision of the MAPPS policy governing these reviews. These discussions will continue in the next reporting period. The OSPA auditing process will also be assessed in the next reporting period.

Finally, MAPPS continues to be used routinely by the Office of Professional Standards (OPS) to help determine appropriate interventions and discipline (§90). In addition, OPS continues to conduct a review of all members having three misconduct investigations in two years (§53). These reviews are documented in MAPPS.

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

Those paragraphs of the Consent Decree pertaining to the investigation and resolution of complaints of misconduct (Internal Affairs reforms), specifically §§ 57-92 (excluding §§87 and 90), were terminated by order of the Honorable Mary L. Cooper, U.S.D.J., in April of 2004. Notwithstanding the termination of §§ 57-92, NJSP has continued to implement the reform initiatives governing the internal affairs process. Furthermore, OSPA continues to audit OPS and its implementation of the internal affairs process. OSPA will also continue to examine the following incidents for compliance with requirements set forth by the Decree and standard operating procedures adopted by NJSP: 1) all misconduct investigations relating to disparate treatment; 2) all complaints of excessive force; 3) all complaints of illegal search and seizure; and 4) all reports of domestic violence, i.e. critical investigations. The review uses the same measuring instrument previously approved by the IMT to assess compliance with the Decree. Similarly, OSPA continues to audit other reportable incidents to ensure proper classification, investigative sufficiency and appropriate disposition.

The last audit that was conducted covered the time period between July 1, 2006 and December 31, 2006. An audit of OPS for the time period from January 1, 2007 to June 30, 2007 is underway and will be summarized in the next progress report.

TRAINING
Consent Decree §§93-109

During this reporting period, the Training Bureau achieved two years of full compliance with Consent Decree requirements, beginning with the issuance of the Twelfth IMT Report in July 2005. In addition, the Training Bureau assisted the NJSP in its achievement of accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA). As detailed more fully in the Fifteenth Progress Report, the Training Bureau played a pivotal role in the accreditation process since all changes in protocol and standard operating procedures implemented by the NJSP must pass through the Training Bureau and be incorporated into lesson plans and training.

The procedural overhaul necessary for CALEA also served as the impetus for the revision of S.O.P. C25. A fundamental component of the training function,

S.O.P. C25 was streamlined to specifically delineate responsibilities relative to training and to correspond with the new Training Bureau organizational matrix that was developed earlier in the year. The revised S.O.P. C25 also includes a Field Training Manual for personnel in key positions identified in the S.O.P., akin to a continuity binder for anyone who steps into that position. One of the more significant features of the document is its clarification of the training approval, routing and auditing process. Protocols for outside training oversight, while not explicit in the revised document, continue to be refined. That the revision was undertaken following issues identified by the IMT relative to outside training is a good example of oversight systems identifying a problem and taking measures to rectify them. Likewise, an oversight relative to Instructor Training Course certification, which resulted in six non-certified personnel teaching at the 2006 Integrated In-Service program, was corrected by the Training Bureau through the implementation of a checklist to ensure instructor credentials are thoroughly reviewed before instructors are assigned to instructional duties.

Relative to teaching, while quality instruction remains primary goal, the Training Bureau realizes that the quantity of instructors on staff impacts the efficiency and effectiveness of training, particularly with two active recruit classes in session. During the time period, Academy instructor numbers averaged 55 – a consistent and quite adequate figure – even with four personnel detached.

Despite adequate numbers, the Training Bureau undertook an extensive staffing study to forecast its needs for an even larger number of recruits – anticipated at 250 recruits – scheduled to commence early 2008. The staffing study focused on use of obligated time (instructional duties) and unobligated time (lesson plan review, mail and medical relays, scenario actors, meal, evening and night supervision). The study indicated that the Academy will need a minimum of 12 Troopers detached into the Training Bureau to meet the demands of the incoming classes without incurring excessive amounts of overtime and sacrificing instructor/recruit ratios. The integrated approach to training which was adopted during this reporting period requires increased instructional resources. In order to more effectively instruct the recruits and test their comprehension during arrest problem scenarios, the instructor ratio was increased to include both an instructor from the discipline being assessed and an instructor from the Basic Police Practice and Procedures squad, as well as scenario actors from various Academy units. The integration of disciplines results in more effective instruction, especially in scenario training where so many facets of recruit training interface in a “real-time” environment. The higher level of learning achieved by this collaborative approach will continue for the incoming class, requiring additional instructors. As a result, a specialist selection was conducted attracting 16 applications and six potential new instructors.

Curricula review is also ongoing and results in positive changes reflecting the needs and requirements of the Division. The Law Enforcement Science Unit

introduced an Emergency Vehicle Operations Course which was approved and deployed to relevant members of the Division, including the Governor's Executive Protection Unit. As a result of recruit critiques and ongoing feedback from the Field Operations Section, the Law Enforcement Science Unit made curriculum changes to the 146th and 147th recruit classes and some academic blocks of instruction were reduced to increase the amount of time dedicated to experiential scenario based training. This experiential scenario based training was also used by the Law Enforcement Science Unit and the In-Service Unit as the platform for the Search and Seizure portion of the 2007 Integrated In-Service, to be delivered in October 2007. The Managerial Development Unit also continues to refine its curriculum.

The Training Support Unit continues to implement a computer based administration of daily Academy business and in assisting the various units with their assessment needs. The Training Cycle Coordination Squad conducted impact evaluations, needs assessments and incorporated "Metrics that Matter" into all Division training for data collection, management and measurement. The Technical Support Squad created an updated lesson plan log database, and assisted the Firearms Training Unit with establishing a firearms training records application that will be tailored to that unit's needs.

Finally, 70 NJSP Troopers were graduated from the Academy on July 20, 2007 (146th Class – 40 Troopers) and August 24, 2007 (147th Class – 30 Troopers).

OFFICE OF STATE POLICE AFFAIRS

The Office of State Police Affairs (OSPA) was established in September of 1999 to assist with the implementation of the Consent Decree. In addition to the responsibilities noted elsewhere in this report, OSPA also engages in the activities set forth below.

OSPA undertakes a survey with a random sampling of motorists who were subject to enforcement action by a member of the NJSP. The survey is accomplished by means of a questionnaire that all sampled motorists receive by mail. From the responses to the questionnaires, OSPA evaluates the professionalism of the member or members who initiated the enforcement action. OSPA also utilizes the information contained in the responses to verify information collected by NJSP. Allegations of improper conduct that are identified from responses are forwarded to OPS for investigation.

OSPA continues to audit the complaint intake process utilized by OPS to ensure that complaints are properly docketed and referred for investigation. OSPA also audits completed investigations to determine whether complaints of misconduct are being properly resolved. In the event that OSPA is contacted by a complainant who is unhappy with the conclusion reached by OPS, OSPA will

conduct a specific review of that case. OSPA has full and unrestricted access to all NJSP staff, facilities and documents necessary to carry out these duties.

During the reporting period, OSPA provided an enhanced review of critical incidents brought to its attention. Critical incidents are defined as consent searches, canine deployments and use of force incidents. Enhanced review included a legal review of the incident at the earliest possible time by attorneys assigned to OSPA.

As stated in other areas of this report, OSPA has continued in its role as the auditor of OPS and in assisting Field Operations and the Training Bureau with guidance in the areas of the Decree regarding search and seizure and equal protection. OSPA also has continued in its role of administratively prosecuting the disciplinary hearings of troopers who are charged with violations of NJSP Rules and Regulations. OSPA further continued to assist NJSP in risk management matters concerning discipline.

The State continues to be committed to implementing the provisions of the Decree consistent with the safety of the public and the best interests 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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By: /s/ _____
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Dated: November 1, 2007